

TITLE 21

MARITIME LAW

THE LIBERIAN MARITIME REGULATIONS

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TITLE 21
MARITIME LAW
THE LIBERIAN MARITIME REGULATIONS

Regulations made by the Commissioner of Maritime Affairs in exercise of the powers conferred upon him by Section 11 of Chapter 1 of Title 21 of the Laws of The Republic of Liberia (the Maritime Law) and signed and approved as required by that Section and having effect from June 19, 2002.

CHAPTER I.

GENERAL REGULATIONS

1.10 Title and Effect. These Regulations may be cited as the Maritime Regulations and repeal and replace the Maritime Regulations in effect prior to June 19, 2002 and have effect on and from that date.

Eff. 19 June 2002.

1.12 Deputy Commissioners of Maritime Affairs. The Commissioner of Maritime Affairs shall be represented outside of Liberia by one or more duly appointed Deputy Commissioners of Maritime Affairs, who are authorized to act for and on behalf of the Commissioner and to perform such acts and services as would be performed by the Commissioner.

Prev. 1.2 eff. 28 Feb. 1949; amended 1 Mar. 1958; renumbered 9 Apr. 1960; amended eff. 19 June 2002.

1.13 Administration of Regulations.

(1) Agent for the Government. These Regulations shall be administered by the agent who is duly appointed by the Government of Liberia as its agent to aid the Commissioner in the effective administration of its maritime program.

(2) Maritime Rules. The Commissioner shall in exercise of the powers contained in Section 11 of Title 21 and the Deputy Commissioner duly appointed and designated for this purpose under Section 13, shall make such Rules not inconsistent with the provisions of that Title and Regulations made thereunder for the purpose of giving proper effect to the provisions of the Title and the Regulations as shall be deemed necessary or desirable to give effect to the provisions of Maritime Laws and Regulations.

(3) Combined Publications Folder (CPF)/RLM-300. RLM-300 is a Combined Publications Folder which contains the Maritime Law, Maritime Regulations, Maritime Rules, Investigation and Hearing Rules, Requirements for Vessel Registrations, Requirements for Personnel Certification, selected publications and Marine Notices. Marine Notices, when promulgated, shall have the force

and effect of Regulations. A copy of CPF/RLM-300 is required to be carried on board each vessel.

Prev. 1.1 eff. 28 Feb. 1949; amended 1 Mar. 1958; renumbered 9 Apr. 1960; amended eff. 1 Jan 2000, renumbered and amended eff. 19 June 2002.

1.14 Records.

(1) Recordable Instruments. The following may be submitted for recording at any office of a Deputy Commissioner or other locations approved by the Commissioner for this purpose under Section 14 of the Maritime Law and shall be recorded by the Deputy Commissioner in the relevant index when presented in proper form, duly executed:

- (a)** Bills of Sale, Builder's Certificates and other instruments of conveyance of vessels;
- (b)** Mortgages, hypothecations or similar charges upon vessels; and
- (c)** Assignments, assumptions, amendments, addenda, supplements, subordinations, coordination agreements, discharges, releases and satisfactions of mortgages, or any other instruments of similar effect, as specified in the Maritime Law.

(2) Number of Copies. All documents must be submitted in triplicate, except:

- (a)** Mortgages, which must be submitted in six executed counterparts;
- (b)** Mortgage amendments and assignments or coordination agreements, which must be submitted in six executed counterparts;
- (c)** Mortgage satisfactions or releases, which must be submitted in four executed counterparts.

(3) Filing of Duplicates. Upon recording, registering or filing of any document in the Office of Deputy Commissioner of Maritime Affairs at which the relevant index is held or upon the issuance of any Certificate of permanent or provisional Registry or of a License or Certificate for a ship's officer or a member of a ship's crew, copies shall promptly be forwarded for duplicate recordation, registration or filing in the Office of the Commissioner of Maritime Affairs.

(4) Electronic Transactions Law. The Electronic Transactions Law shall apply to the requirements of filing and execution in this Regulation.

Prev. 1.3 eff. 28 Feb. 1949; amended 1 Mar. 1958; renumbered 9 Apr. 1960; amended 11 July 1969; amended 28 Aug. 1986; amended eff. 19 June 2002.

1.17 Licenses and Certificates of Seafarers.

(1) Equivalents. A person holding a valid license or certificate issued by a State fully applying the provisions of the International Convention on Standards of Training and Watchkeeping currently

in force, as amended, and who is not otherwise disqualified in the opinion of the Commissioner or Deputy Commissioner to whom application is made shall be eligible for an equivalent Liberian License, Certificate or Endorsement, subject to proof of physical fitness.

(2) Master, Mate, Engineer. In addition, effective 1 January 2000, Masters and Chief Mates, Chief Engineers and First Assistant Engineers shall comply with the requirements of the International Convention on Standards of Training Certification and Watchkeeping, 1978, as amended for familiarization with national maritime legislation.

(3) Examinations. All others desiring a License or Certificate shall pass such written, oral and physical examinations as shall from time to time be required by the Commissioner or Deputy Commissioner to whom application is made. The Commissioner or Deputy Commissioner shall publish such requirements and a syllabus for competency examinations.

(4) Cause for Revocation. Any license or certificate may be suspended or revoked in accordance with published Rules upon proof of:

- (a) Incompetency;
- (b) Physical or mental disability;
- (c) Habitual drunkenness;
- (d) Willful failure to comply with the provisions of the Liberian Maritime Law or Regulations;
- (e) Criminal conduct; or
- (f) Other conduct incompatible with proper performance of duties and obligations in service on board a Liberian Flag vessel.

(5) Validity and Renewal. Officers Licenses of Competence shall be valid for a maximum period of five years and may be renewed subject to the published requirements. Renewal of a License cannot be granted more than one year after expiry date of the previous license, unless the applicant satisfies such special requirements as may be imposed by the Commissioner or Deputy Commissioner to whom application for renewal is made.

(6) Report of Officers Required. Prior to the issuance of any Provisional or Permanent Certificate of Registry the owner of each Liberian vessel shall produce for that vessel a Report of Ship's Officers in official form.

(7) Electronic Transactions Law. The Electronic Transactions Law shall apply to the requirements of filing and execution in this Regulation.

Prev. 1.5 eff. 1 Mar. 1958; renumbered and amended 9 Apr. 1960; amended 7 Dec. 1964; amended 11 July 1969; amended 8 July 1982; amended 28 Aug. 1986; renumbered and amended eff. 19 June 2002.

1.19 Fees.

(1) **Authorization.** The only fees chargeable in connection with the registration, certification and inspection of vessels, or the licensing and certification of seafarers, or for any other official maritime act or service, shall be as prescribed by the Maritime Law, specified in Regulations or in a Liberian Marine Notice. No fee shall be chargeable unless it appears in the consolidated list of fees published as a Liberian Marine Notice.

(2) **Collection and Disbursement.** All fees chargeable under the provisions of these Regulations shall be collected by the Office of Deputy Commissioner of Maritime Affairs, and shall be deposited in a special account to be jointly administered by the Agent and the Deputy Commissioner for Financial Affairs and disbursed only for the administrative expenses of that Office. Any balance remaining shall be credited to Treasury of the Republic of Liberia.

Prev. 1.6 eff. 1 Mar. 1958; renumbered 1.18 and amended 9 Apr. 1960; amended 28 Apr. 1961, 7 Dec. 1964; renumbered 1.19 and amended 11 July 1969; amended eff. 1 Mar. 1978; amended 8 July 1982; amended 28 Aug. 1986; amended eff 19 June 2002.

1.34 Appeal from Deputy Commissioner's Decision. Appeal from any decision of a Deputy Commissioner as provided in Section 34 of the Maritime Law, may be instituted by filing with the Commissioner of Maritime Affairs exceptions to the Deputy Commissioner's decision, with supporting memoranda, within 60 days from the date of publication of such decision. A copy of the exceptions and supporting memoranda shall be filed with the Deputy Commissioner directly or through the Agent. Filing may be made by Registered Mail, provided the same is postmarked not less than 5 days prior to the due date. The Electronic Transactions Law shall apply. Upon exhaustion of administrative remedies, appeal may be taken to the Circuit Courts of the Republic, sitting in Admiralty.

Eff. 11 July 1969; amended 28 Aug. 1986; amended eff 19 June 2002.

1.40 Control of Movement and Operation of Vessels.

(1) **Authority of Commissioner.** The Commissioner of Maritime Affairs may when necessary prohibit or place restrictions upon the movement or operation of vessels. The location of the area and/or nature of such prohibition or restrictions shall be officially notified in writing to all Masters, vessel owners and officers affected thereby, and effective upon the date specified in such notice of prohibition or restriction, it shall be unlawful to navigate or operate a Liberian vessel otherwise than as required by such notice. Where appropriate, conditions for compliance with this Regulation shall also be specified in such notice.

(2) **Penalty for Violation.** Any violation of this Regulation or of an official notice given pursuant thereto may result in revocation of any Liberian license, certificate or document issued by the administration, in addition to any penalty otherwise prescribed by law.

Prev. 1.51 eff. 23 Jul. 1951; amended 2 Nov. 1956; renumbered and amended 1 Mar. 1958; renumbered 9 Apr. 1960; amended 7 Dec. 1964; amended 11 July 1969; amended eff. 28 Dec. 1978.

1.41 Commitments.

(1) Approval Required. It shall be unlawful after 1 January 1960, without the approval in writing of the Commissioner of Maritime Affairs of Liberia, or any one of his authorized agents, to make, enter into or execute any commitment, agreement or arrangement whereby a Liberian Flag vessel is to be made available for the use of, to be chartered or sold to, or requisitioned by, another country. The granting of such approval shall also constitute approval for making the vessel available under the terms of the said commitment, agreement or arrangement.

(2) Copies to be Filed. Copies of any such proposed commitments, agreements or arrangements must be submitted, together with the application for approval, and, if approved, a true copy must be filed with the Commissioner or Deputy Commissioner within thirty days after the formal execution of said commitment, agreement or arrangement.

(3) Normal Commercial carriage excluded. This regulation shall not apply to day-to-day current commercial transactions providing for the carriage of cargo under booking contracts, contracts of affreightment, voyage charters and time charters.

(4) Penalty for Violation. Any violation of this Regulation shall subject the offending party to cancellation of the Certificate of Registry of his vessel, as well as such other penalty as in his acts may be involved, as provided by the Maritime Law of the Republic of Liberia and Regulations thereunder.

(5) Electronic Transactions Law. The Electronic Transactions Law shall apply to the requirements of filing and execution in this Regulation.

Eff. 9 Apr. 1960; amended eff 19 June 2002.

CHAPTER II.

SAFETY, DOCUMENTATION AND IDENTIFICATION OF VESSELS

2.35 Non-Compliance with International Conventions and Agreements; Penalty.

(1) **Responsibility.** It shall be the responsibility of owners and Masters to ensure that their vessels are in compliance with the requirements of all applicable International Conventions and Agreements.

(2) **Penalty.** In the event of failure to comply as above, the Commissioner or Deputy Commissioner of Maritime Affairs may suspend or cancel a vessel's Certificate of Registry and/or impose a monetary penalty not to exceed US\$500,000.00, and/or set such other conditions as may be necessary to bring about compliance with maritime or maritime-related Conventions and other International Agreements to which the Republic of Liberia is a Party, and which are in force, or the provisions of which are applied by Liberia in advance of entry into force.

(3) **List of Conventions.** The Commissioner or Deputy Commissioner of Maritime Affairs shall cause a list of such applicable Conventions and other International Agreements to be published periodically.

(4) **Lien of Penalty.** Any penalty assessed pursuant to paragraph (2) hereof shall constitute a maritime lien upon the vessel, and until such lien has been satisfied or executed the Certificate of Registry of the vessel shall be liable to suspension, and clearance of such vessel from a Liberian port shall be denied.

Prev. 2.8 eff. 1 Mar. 1958; renumbered 9 Apr. 1960; amended 7 Dec. 1964; amended 11 July 1969; amended 8 July 1982; renumbered and amended 28 Aug. 1986; amended eff. 1 Jan. 2002; amended eff 19 June 2002.

2.36 Standards of Seaworthiness.

(1) **Classification.** Current classification of a vessel with any of the Classification Societies appointed in Regulation 2.58 as Agents for the Republic of Liberia in the issuance of documents required by the International Convention for the Safety of Life at Sea, the International Load Line Convention and the International Convention for the Prevention of Pollution from Ships to which the Republic of Liberia is a Party shall be accepted as evidence that she is in seaworthy condition.

(2) **Decision Maker.** The owner of each Liberian vessel shall name in writing a Decision Maker with complete authority to act for the owner with respect to the operation of the vessel. The owner of each Liberian vessel shall provide the Office of Deputy Commissioner with current information sufficient to enable direct and immediate contact between the Commissioner or Deputy Commissioner and the vessel's Decision Maker at any time with regard to matters relating to marine safety and protection of the marine environment.

Prev. 2.2(b) eff. 1 Mar. 1958; renumbered 9 Apr. 1960; amended 7 Dec. 1964; amended 11 July 1969; amended 14 Dec. 1984; renumbered 28 Aug. 1986.

2.37 Prevention of Pollution by Oil from Ships.

(1) **Discharges.** Except in cases of emergency, and then only under the circumstances and conditions set forth in Regulation 11 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973/78, and any amendments thereto in force, it shall be unlawful at any time for any Liberian vessel to discharge into the sea any oil or oily mixture otherwise than as permitted by that Convention. Unlawful discharge, as defined by MARPOL, 73/78, includes all Annexes to which Liberia is a Party, and any other national requirements from time to time, as specified in Marine Notices published for this purpose.

(2) **Oil Record Books.** It shall be unlawful for any Liberian oil tank vessel of 150 gross tons and upwards, or for any other Liberian vessel of 400 gross tons and upwards, to fail to have and maintain on board at all times the current oil record book required by Regulation 20 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973/78, and any amendments thereto in force.

Eff. 7 Dec. 1964; amended 8 July 1982; repealed and substituted 14 Dec. 1984; renumbered 28 Aug. 1986; amended eff. 19 June 2002.

2.37A Prevention of Pollution by Noxious Liquid Substances in Bulk.

(1) **Discharges.** Subject to the provisions of the applicable Regulations, 5 and 6, of Annex II of the International Convention for the Prevention of Pollution by Noxious Liquid Substances in Bulk from Ships, 1973/78, and any amendments thereto in force, it shall be unlawful for any Liberian vessel to discharge into the sea any Noxious Liquid Substances or mixtures containing such substances otherwise than as permitted by that Convention.

(2) **Cargo Record Books.** It shall be unlawful for any Liberian vessel to which Annex II applies, to fail to have and maintain on board at all times the current cargo record book required by Regulation 9 of Annex II of the International Convention for the Prevention of Pollution by Noxious Liquid Substances in Bulk from Ships, 1973/78, and any amendments thereto in force.

Eff. 19 June 2002

2.37B Reserved.

2.37C Prevention of Pollution by Garbage from Ships.

(1) **Discharges.** Subject to the provisions of the applicable Regulations, 3, 4, 5, of Annex V of the International Convention for the Prevention of Pollution by Garbage from Ships, 1973/78, and any amendments thereto in force, it shall be unlawful for any vessel to discharge into the sea any

garbage otherwise than as permitted by that Convention.

(2) **Placards.** Every ship of 12 metres or more in length overall shall display placards which notify the crew and passengers of the disposal requirements of Regulations 3 and 5 of Annex V of the International Convention for the Prevention of Pollution by Garbage from Ships, as applicable.

(3) **Equipment, Waste Management Plans.** As set forth in Regulation 9 of Annex V of the International Convention for the Prevention of Pollution by Garbage from Ships, 1973/78, and any amendments thereto in force, every Liberian vessel of 400 gross tonnage and above, or Liberian vessels which are certified to carry 15 or more or shall:

- (a) Be fitted with equipment for collecting, storing and disposing of garbage to meet the requirements of a waste management plan as set out in (b) below;
- (b) Develop and follow a shipboard waste management plan which:
 - (i) Ensures that the crew has a written plan to follow outlining the procedures for collecting, storing, processing and disposing of garbage, including the equipment on board the vessel which meets the requirements of Annex V; and
 - (ii) Designates the person who is in charge of carrying out the plan;
 - (iii) Is in accordance with International Maritime Organisation guidelines; and
 - (iv) Is written in the working language of the officers and of the crew of the vessel.

(4) **Record of Garbage Discharges.** Every Liberian vessel of 400 gross tonnage and above, or Liberian vessels which are certified to carry 15 persons or more and engaged in voyages to ports or offshore terminals under the jurisdiction of other parties to the International Convention for the Prevention of Pollution from Ships 1973/78 shall maintain a Garbage Record, whether as part of the vessel's official logbook or as a separate Garbage Record, or a Garbage Record Book as specified in the appendix to Annex V.

Eff. May. 1 2002.

2.38 Dumping or Burning of Wastes at Sea.

(1) **Activities Covered.** Dumping and incineration as defined in the London Dumping Convention (Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as Amended) shall be carried out by Liberian vessels only as permitted in paragraph (3) of this Regulation.

(2) **Matter Included and Excluded.** Matter covered by the London Dumping Convention and its Annexes or Addenda thereto shall be covered by this Regulation, and shall be included in or excluded from the scope of this Regulation in accordance with its status under the Convention.

(3) **Permit Required.** No matter included within the scope of this Regulation shall be loaded

aboard a Liberian vessel for dumping or incineration, nor shall any such matter be dumped or incinerated, without a permit for such operation first being issued by the Commissioner or a Deputy Commissioner. In determining whether such a permit shall issue and, if so, under what restrictions, the standards of the London Dumping Convention shall be applied as a minimum, and the Office of Deputy Commissioner may impose such additional conditions as it deems necessary.

(4) Non-Compliance; Penalty. Any failure to comply with the requirements of this Regulation shall constitute a marine offense and shall be treated as a violation in accordance with Maritime Regulation 2.35(2) and (4).

Eff. 28 Aug. 1986.

2.39 Load Lines.

(1) Required Log Entries. The Master shall enter into the vessel's deck log book prior to the vessel's departure from her loading port or place:

- (a)** A statement of the load line marks applicable to the voyage;
- (b)** A statement of the position of the load line mark, port and starboard, at the time of departure from such port or place; and
- (c)** The actual drafts of the vessel, forward and aft, as nearly as the same can be ascertained, at the time of departing from such port or place.

(2) Annual Inspection. Load Line Inspection of Liberian vessels must be conducted on an annual basis. The Commissioner or a Deputy Commissioner of Maritime Affairs duly appointed or designated for this purpose, shall be provided with the results or proof of said inspections.

Eff. 11 July 1969 (Sub-par. (2) Prev. Reg. 2.61 (4)); renumbered 28 Aug. 1986.

2.40 Costs of Marine Investigation, International Participation and Nautical Training.

(1) Annual Fees. The costs of marine investigation, nautical training and international participation shall be defrayed by the annual payment of a fee of the prescribed amount by the owner of each vessel registered under the provisions of the Maritime Law of the Republic of Liberia.

(2) How Applied. The fees collected under this Regulation shall be applied as follows:

- (a) Marine Investigation.** The costs covered shall relate only to investigations which culminate in formal proceedings or the imposition of a fine or penalty;
- (b) International Participation.** The costs covered shall relate to assessments and dues payable under the terms of international maritime conventions and maritime agreements to which Liberia is a Party, to attendance and support of delegations or representatives of the Republic of Liberia at international maritime meetings and conferences, and to

support of representatives of the Republic of Liberia engaged in maritime diplomatic negotiation;

- (c) **Nautical Training.** From the fees collected under this Regulation, an amount computed at the prescribed rate shall be placed in a trust fund administered by the Commissioner of Maritime Affairs and dedicated solely to covering the costs of nautical vocational training for seafaring personnel in support of the Liberian maritime program.

(3) **Credit for Liberian Crew.** Each vessel employing two or more Liberian nationals on board for an aggregate period of at least one year shall be entitled to a credit at the prescribed rate against payment of the fee established in paragraph (1) of this Regulation. Such credit shall be in lieu of the nautical training allocation in paragraph (2)(c). In order to receive such credit the shipowner must apply by letter to the Office of Deputy Commissioner, showing the names and Seafarer's Book numbers of such Liberian nationals, and attaching copies of such pages from the Liberian Articles of Agreement as will establish their employment on board for a total period of one year or more. Such information received by 15 October will result in a credit at the prescribed rate against the fee payable for the following calendar year. Re-application may be made in following years when further one year employment periods have accrued.

(4) **Exemptions.** Notwithstanding paragraph (1) of this Regulation, vessels of less than 500 net registered tons and engaged solely in either the Liberian fishery or the Liberian coastwise trade shall be exempted from payment.

Eff. 17 Jan 1972; amended 1 July 1974; amended 1 Jan. 1981; amended 8 July 1982; renumbered and amended 28 Aug. 1986; amended eff. 1 May.2002.

2.56 Conditions Precedent to Issuance of Permanent Certificates of Registry.

(1) **Proof of Consent.** Subject to the exceptions provided for in Section 51.7 of the Maritime Law, in case of the sale or transfer of a Liberian Flag vessel which previously had been documented under another registry and flag, where the buyer or transferee desires to re-register the vessel under Liberian Flag and such vessel is immediately entitled to a Permanent Certificate of Registry, the owner, in addition to filing the documents and papers required for registration, shall file an affidavit that no further consent is required from the Government of non-Liberian registry and flag or, if such consent is required, file copies of such official consent.

(2) **International Certificates.** The issuance by one of the Classification Societies referred to in Regulation 2.58 with respect to the vessel in question of valid and outstanding Liberian Certificates in respect of Cargo Ship Safety Equipment, Cargo Ship Safety Radiotelegraphy or Radiotelephony, Cargo Ship Safety Construction, Passenger Ship Safety, International Load Line and Measurement and also such other Certificates as may be required by any International Convention ratified or acceded to by the Republic of Liberia.

(3) **Filing.** Documents and papers required to be filed may be registered at the office of a Deputy Commissioner, or such other location, as approved by the Commissioner for this purpose and shall be forwarded from that office or location to the Deputy Commissioner in the office in which the relevant index is held.

(4) Electronic Transfer. The provisions of Section 20 of the Maritime Law shall apply.

Prev. 2.1 and 2.2 eff. 1 Mar. 1958; renumbered and amended 9 Apr. 1960; amended 11 July 1969; amended eff. 19 June 2002.

2.58 Authorized Agents for Measurement and Survey of Vessels.

To be authorized as an agent to act on behalf of the administration of the Republic of Liberia to measure vessels in accordance with the provision of Regulation 2.60 and to survey vessels for the issuance of Liberian Certificates referred to in Regulation 2.56, an organization shall be a member of the International Association of Classification Societies (IACS) and shall comply with such other requirements as the Deputy Commissioner may specify from time to time for the purpose of ensuring compliance with the requirements of the Maritime Law, international obligation and good practice.

Eff. 11 July 1969; amended 1 Jan. 1973; amended 13 Jan. 1987; amended eff. May 1, 1990; amended eff. 19 June 2002.

2.59 Organizations recognized to act on behalf of the Liberia.

Organizations, including but not limited to members of IACS, that comply with the provisions of the International Convention for Safety of Life at Sea, (SOLAS) 1974, as amended, regarding authorization of recognized organizations to act on behalf of Liberia and that comply with requirements established by the Deputy Commissioner duly appointed or designated for this purpose, are eligible to be authorized agents to carry out certain functions (other than measurement and survey as mentioned in regulation 2.58), as determined by the Deputy Commissioner on or in respect of Liberian registered vessels. A list of organizations authorized to act as agents for the Republic of Liberia as provided for in this regulation shall be published annually as a Marine Notice.

Eff. June 19, 2002

2.60 Measurement and Alteration of Vessels.

(1) Application of Convention. Measurement of vessels shall be in accordance with the International Convention on Tonnage Measurement of Ships currently in force, as amended.

(2) Certificate. All measurements must be verified by a Certificate of Measurement, in official form.

(3) Existing Vessels. In cases of existing vessels previously documented in a foreign country, or never before documented but which have been measured by a representative of a foreign country, an Admeasurer, without physically measuring the vessel, may accept the figures contained in her latest marine document or Certificate of Measurement (making all such adjustments as may be required to make the same conform to one of the standards of measurement referred to in paragraph (1) hereof) in determining her principal measurements and gross and net tonnages; provided said Admeasurer is furnished with a sworn statement by the owner or some authorized person on behalf of the owner that no alterations or modifications affecting measurement or tonnage have been made

in the vessel since the issuance of said marine document or Certificate of Measurement. In the event such sworn statement shall disclose that changes affecting measurement of tonnage have been made prior to 18 July 1982, the Admeasurer may limit his physical measurement to such spaces as are affected by such changes. But if any such alterations or modifications have been made after 18 July 1982, the vessel shall be fully re-measured in accordance with the Tonnage Measurement Convention currently in force, as amended.

(4) Alterations. The owner or Master of a Liberian vessel or person authorized to act on his behalf shall advise the Office of the Commissioner or a Deputy Commissioner of Maritime Affairs duly appointer or designated for this purpose, of any alteration or modification of the vessel which could affect her classification, measurement, tonnage or load line within 30 days from the completion of such alteration or modification, and shall provide complete details thereof.

Prev. 2.4 eff. 28 Feb. 1949; amended 13 Mar. 1953; renumbered and amended 9 Apr. 1960; renumbered and amended 11 July 1969; amended 8 July 1982; amended 28 Aug. 1986: amended and renumbered eff. 19 June 2002.

2.62 Tonnage Statements in Registry Certificate.

(1) Alternate Use Vessel. In cases where the vessel may be used alternately in one category or another (i.e. ore carrier or tanker), the Certificate of Registry shall describe the vessel in the category which produces the highest gross and net tonnages. The Commissioner or Deputy Commissioner may attach to the Certificate of Registry an Appendix stating separately the description of the vessel, including measurements, that would be applicable if the vessel were trading in the other category.

(2) Dual Tonnage Vessel. In the case of a vessel fitted with a tonnage mark and assigned dual gross and net tonnages, the length, depth and breadth stated in the Certificate of Registry shall be the dimensions for the condition with the tonnage mark submerged.

Eff. 1 Mar. 1958; amended 11 July 1969.

2.63 Certificates of Registry.

(1) Content of Permanent Certificate of Registry. The Permanent Certificate of Registry of each ship shall state the name of the vessel, her official number, call sign, service, and home port of Monrovia; the name of the person making the required Oath; the names, residences, citizenships and proportions of the owners of the vessel; the month, year and place of purchase of the vessel; the former name or designation of the vessel; the year and place of the build of the vessel; the name of the builder; the number of masts and decks; the material of the hull; the type of her stem and stern; the kind of her propulsion; her length, depth, breadth and height of the uppermost deck to the hull above the tonnage deck; her gross and net tonnage or tonnages; the name of the person or agent who measured the vessel and the number and date of the Certificate of Measurement issued by said person or agent; and the name of the person who, as or on behalf of the owner, countersigned the said Certificate of Measurement and agreed to the description and measurements therein stated.

(2) Content of Provisional Certificates of Registry. The Provisional Certificate of Registry

of each ship shall state the name of the vessel, her official number, call sign, service, and home port of Monrovia; the name of the person making the required Oath; the names, residences, citizenships and proportions of the owners of the vessel; the month, year and place of purchase; the former name or designation of the vessel; the year and place of build of the vessel; the name of the builder; and the best particulars with respect to her tonnage or tonnages, build, description, dimensions and motive power which the issuing officer is able to obtain.

(3) Issuance of a New Certificate of Registry in Certain Cases. In cases where there has been a change of name or ownership of a vessel, a new Registry Certificate, Permanent or Provisional, must be issued and in no event shall such change or changes be accomplished by means of endorsement of the existing ship's documents.

Eff. 9 Apr. 1960; amended 11 July 1969.

2.64 Numbers of Registry Certificates and Licenses.

(1) Registry Certificates. The Deputy Commissioner responsible for the relevant index in respect of Certificates of Provisional and Permanent Registry, upon the issuance of such a Certificate, shall assign to such Certificate a number progressively and shall as soon as possible notify the Commissioner and all Deputy Commissioners of that number as well as complying with Section 14 of the Maritime Law and Regulation 1.14(3).

(2) Licenses. The Deputy Commissioner responsible for the relevant index in respect of any License, upon the issuance of such a License, shall assign to such License a number progressively, and shall as soon as possible notify the Commissioner and all Deputy Commissioners, as well as complying with Section 14 of the Maritime Law.

Eff. 1 Mar. 1958; amended and renumbered eff. 19 June 2002.

2.66 Conditions Precedent to Issuance of Provisional Certificates of Registry.

(1) Proof of Consent. In cases where a vessel is acceptable in the first instance for documentation under the Laws of the Republic of Liberia or for re-registration under the Laws of the Republic of Liberia, and is eligible for a Provisional Certificate of Registry, the owner, in addition to filing the documents for the issuance of a Provisional Certificate of Registry, shall, subject to Section 51.7 of the Maritime Law, file an affidavit that no further consent is required from the Government of former non-Liberian registry and flag or, if such consent is required, file copies of such official consent.

(2) Proof of Liability Insurance. Except in the case of the registration of a ship under construction, in no case shall a vessel be issued any Certificate of Registry unless there is on file proof of satisfactory third party liability insurance. Such proof must show either:

- (a)** Protection and indemnity cover in force with respect to the vessel and issued by a Member Club of the International Group of P & I Clubs, or

- (b) In the case of a self insurer, the nature, amount and security of the liability reserve.

In either case the proof must show cover in default of the shipowner's repatriation obligations under Section 342 of the Maritime Law.

(3) Payment of All Outstandings. In no case shall a vessel previously registered under the Laws of the Republic of Liberia be issued any new Certificate of Registry before any and all taxes, fees and charges of whatever nature outstanding to the Republic of Liberia in respect of that vessel under her previous registration have first been paid or satisfied.

(4) Filing. Documents and papers required to be filed may be registered at the office of a Deputy Commissioner, or such other location, as is designated by the agent for this purpose and shall be forwarded from that office or location to the Deputy Commissioner in the office in which the relevant index is held.

(5) Electronic Transfer. The provisions of Section 20 of the Maritime Law shall apply.

Prev. 2.7 eff. 1 Mar. 1958; renumbered and amended 9 Apr. 1960; amended 28 Aug. 1986; amended eff. 19 June 2002.

2.69A Transfer Foreign; Cancellation.

(1) Statement Required. The owner of a Liberian vessel, in order to transfer the vessel to a foreign registry, or to leave Liberian Registry for any other reason, shall file a written statement setting forth the information specified in Section 70 of the Maritime Law.

(2) Documents Required. A Certificate of Cancellation from Liberian Registry may be issued upon filing with the Commissioner or a Deputy Commissioner or with a Special Agent, or upon delivery to a Consul of the Republic of Liberia acting under specific instructions from the Commissioner or a Deputy Commissioner, of:

- (a) The vessel's Certificate of Registry and all other documents issued to the vessel, as listed in the published requirements;
- (b) A Certificate of Good Standing of the shipowner; and
- (c) The Bill of Sale (in triplicate), in the event title has been transferred.

(3) Other Requirements. In no case shall a Certificate of Cancellation issue before:

- (a) All taxes, fees, penalties and charges of whatever nature outstanding to the Republic of Liberia have first been paid in full; and
- (b) Any recorded mortgage has been duly satisfied or discharged or the consent of the mortgagee has been obtained as required by Section 102(2) of the Maritime Law.

Eff. 7 Dec. 1964; amended 28 Aug. 1986; amended eff. 19 June 2002.

2.77 Change of Name of Vessel.

The Commissioner or Deputy Commissioner shall not approve the application of an owner for the change of name of a Liberian vessel if the vessel is subject to a Liberian Preferred Ship Mortgage unless the mortgagee has consented to, or given approval for, such change of name.

Prev. 2.9 eff. 1 Mar. 1958; renumbered 9 Apr. 1960; amended eff. 19 June 2002.

2.88 Liquidated Damages.

The penalty specified in Section 88 of the Maritime Law shall be construed as liquidated damages, and the Commissioner or Deputy Commissioner may impose such conditions upon the grant of a Provisional Certificate of Registry under either Sections 87 or 94 of the Maritime Law as he deems appropriate to secure payment of such damages if incurred.

Eff. 28 Aug. 1986.

2.89 Foreign Ship Mortgage.

(1) **Noting.** A foreign ship mortgage, hypothecation or similar charge or any other instrument related thereto which is entitled to be noted under Section 89 of the Maritime Law shall be noted in the relevant index in accordance with that Section to show:

- (a) The name of the vessel;
- (b) The names of the parties;
- (c) The time and date of reception of the instrument;
- (d) The interest in the vessel transferred or affected;
- (e) The amount and, where specified, the date of maturity of any mortgage, hypothecation or similar charge; and
- (f) The name of the foreign State of registration of the vessel and the date, book and page or other identification of the registration of the instrument in such foreign State.

(2) **Other Provisions.** The provisions of Regulations 3.103 and 3.105 shall apply, *mutatis mutandis*, to foreign mortgages noted under Section 89 of the Maritime Law.

Eff. 28 Aug. 1986; amended eff. 19 June 2002.

2.90 Required Agreement by Liberian Shipowner and Foreign Bareboat Charterer.

Before any Certificate of Permission for foreign bareboat charter registration shall issue, the owner of the vessel and the bareboat charterer shall submit for filing a written undertaking to ensure that:

- (a) The vessel is manned, equipped, maintained and navigated to Liberian standards;
- (b) They will cooperate in any Liberian investigation arising out of a casualty occurring during the period of the bareboat charter; and
- (c) The right to fly the Liberian Flag is waived while the vessel is subject to the bareboat charter.

Such agreement shall be signed by both parties and acknowledged in accordance with Regulation 3.103.

Eff. 28 Aug. 1986; amended and renumbered eff. 19 June 2002.

2.91 Foreign Bareboat Charter: Required Filings.

(1) **Charterparty.** The bareboat charterparty upon which foreign bareboat charter registration is to be based shall be submitted for filing, but shall not form a part of the public record of registration, with proof of due execution, prior to the issuance of a Certificate of Permission. Any subsequent amendments thereto and any demise sub-charterparties shall also be submitted for filing in similar manner within 30 days of execution and with proof of due execution.

(2) **Amendment of Charterparty.** Each amendment or sub-charterparty submitted for filing under paragraph (1) must be accompanied by proof of consent of the mortgagee or mortgagees of the vessel.

(3) **Consent of Mortgagee.** In the event that a new mortgage is made or an existing mortgage is assigned with respect to a vessel under foreign bareboat charter registration, no such new mortgage or assignment shall be recorded unless the written consent of all preferred mortgagees of the vessel is also presented for filing.

Eff. 28 Aug. 1986; amended eff. 19 June 2002.

CHAPTER III.

**PREFERRED SHIP MORTGAGES AND MARITIME
LIENS ON LIBERIAN VESSELS**

3.103 Recordation.

(1) Form of Required Acknowledgment. Every acknowledgment required shall be in form substantially as follows, shall be a part of or permanently attached to the executed document, and shall be subscribed by an official named in Section 15 of the Liberian Maritime Law or by a Liberian Consul or by a notary public or other officer authorized to administer oaths by the law of the place where the acknowledgment is made.

(a) [if corporate seal is affixed]:

CITY OF:.....) SS.:

PROVINCE OF:.....)

On this.....day of....., **20**...., before me personally appeared to me known, who being by me duly sworn, deposes and says that he resides at; that he is President (or Attorney-in-Fact, Attorney-in-Law etc.) for (name of shipyard or corporation), the corporation (or company) described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; and that it was so affixed by order of the Board of Directors (or whatever group has corporate authority) of said corporation and that he signed his name thereto by like order.

.....
(Name and Title of Officer taking Acknowledgment)

(b) [if corporate seal is not affixed]:

CITY OF:.....) SS.:

COUNTY OF:.....)

On this.....day of....., **20**...., before me personally appeared to me known, who being by me duly sworn, deposes and says that he resides at that he is President (or Attorney-in-Fact, Attorney-in-Law etc.) for (name of corporation), the corporation (or company) described in and which executed the foregoing instrument; and that he signed his name thereto pursuant to authority granted to him by the Board of Directors of said corporation.

.....
(Name and Title of Officer taking Acknowledgment)

(2) Proof of Due Execution. Where proof of due execution is specified as an alternative to

acknowledgment under paragraph (1), such proof must:

- (a) In form and in substance, be a full legal acknowledgment that the document was duly executed in accordance with the laws of the place of execution of the document;
- (b) Be subscribed by and legibly bear the name and title of a notary public or other officer authorized by the laws of the place of execution of the document to take acknowledgments; and
- (c) Be a part of or permanently attached to the executed document.

(3) **Electronic Transmission.** The provisions of Section 20 of the Maritime Law shall apply.

Eff. 11 July 1969; amended 28 Aug. 1986; amended eff. 19 June 2002.

3.104 Bill of Sale Recording.

(1) **Existing Ships.** Where a Liberian vessel is sold or transferred and re-registered under The Liberian Maritime Law, a Bill of Sale issued in connection with such sale or transfer shall be recorded in the relevant index in accordance with Sections 14 and 104 of the Maritime Law and Regulations 1.14 and 3.103, as soon as practicable thereafter.

(2) **Newbuildings.** In cases of newbuildings, the Builder's Certificate, or, in cases of transfer from another Flag, the Bill of Sale shall be recorded in the relevant index in accordance with the provisions of Sections 14 and 104 of the Maritime Law and Regulations 1.14 and 3.103.

Prev. 3.1 eff. 28 Feb. 1949; amended 29 June 1949 and 1 Mar. 1958, renumbered 9 Apr. 1960; amended 7 Dec. 1964; amended eff. 19 June 2002.

3.105 Mortgage Recording.

(1) **Execution.** No mortgage shall be recorded unless it is submitted in the original and with five counterparts, all duly executed, and acknowledged or with proof of due execution. All mortgages shall be in the English language or if not in the English language shall be accompanied by a translation, duly attested to be a true translation, into the English language, which translation shall form a part of the document, and where a mortgage is in the English language there may a translation into another language, duly attested to be a true translation, attached to it and forming part of the document recorded, and, in the event of any discrepancy between the document in the English language and the document in another language, the document in the English language shall prevail.

(2) **Electronic Transmission.** The provisions of Section 20 of the Maritime Law shall apply.

Eff. 7 Dec. 1964; amended 28 Aug. 1986; amended and renumbered eff. 19 June 2002.

CHAPTER VI.

RADIO

6.180 General Requirements.

(1) **Radio Call and Signal Letters, Frequency Assignments.** The Commissioner or a Deputy Commissioner duly appointed or designated, is authorized to assign Radio Call and Signal Letters and also Frequencies to a vessel qualified for the issuance of a Certificate of Registry.

Prev. 1.4 eff. 1 Mar. 1958; renumbered 9 Apr. 1960 and 7 Dec. 1964.

(2) Ship Radio Station Licenses.

- (a) **License Required.** Mobile radio transmitting stations installed on Liberian vessels shall be licensed by the Commissioner or a Deputy Commissioner of Maritime Affairs duly authorized or designated for this purpose, who shall issue a license for each such station. No license so issued shall be assigned or otherwise transferred and shall be subject to the right of use or control by the Government of Liberia.
- (b) **Validity and Renewal.** All Ship Radio Station Licenses shall be valid for a period of four years and shall be subject to renewal. Any such license may be revoked by the Commissioner or a Deputy Commissioner of Maritime Affairs duly appointed or designated for this purpose, at any time for cause shown.
- (c) **Filing.** Applications for Ship Radio Station Licenses, or modifications or renewals thereof, shall be submitted to the Office of Deputy Commissioner as designated and approved by the Commissioner of Maritime Affairs.

Prev. 6.181 eff. 9 Apr. 1960; renumbered 7 Dec. 1964; amended eff. 19 June 2002.

(3) Radio Operators.

- (a) **Radiotelegraph.** The service of every Liberian ship radiotelegraph station shall be performed only by an operator holding a valid license, in the proper class or category, issued by the Commissioner or a Deputy Commissioner of Maritime Affairs.
- (b) **Radiotelephone.** The service of every Liberian ship radiotelephone station shall be controlled by an operator holding a valid license, in the proper class or category, issued by the Commissioner or a Deputy Commissioner of Maritime Affairs duly appointed or designated for this purpose. Provided the station is so controlled, other persons besides the operator may use the radiotelephone equipment.
- (c) **Satellite Relay.** The service of every Liberian ship earth station shall be controlled by an operator holding a valid license, in the proper class or category, issued by the

Commissioner or a Deputy Commissioner of Maritime Affairs duly appointed or designated for this purpose. Provided the station is so controlled, other persons besides the operator may use the equipment.

- (d) **Telex, etc.** The service of automatic communication devices installed in any Liberian ship station shall be controlled by an operator holding a valid license, in the proper class or category, issued by the Commissioner or a Deputy Commissioner of Maritime Affairs duly appointed or designated for this purpose. Provided the devices are so controlled, they may be used by persons other than the operator.
- (e) **Secrecy and Compliance.** As a condition of the issuance of a license to an operator, every applicant who is otherwise eligible shall submit to the Commissioner or Deputy Commissioner duly appointed or designated for this purpose, a written statement acknowledging his obligations to maintain the secrecy of any radio correspondence not intended for the general use of the public, and to fully comply with the International Radio Regulations currently in force.
- (f) **Global Maritime Distress Satellite System (GMDSS).** The service of every Liberian ship GMDSS installation shall be controlled by an operator holding a valid license, in the proper category, issued by the Commissioner or a Deputy Commissioner of Maritime Affairs duly appointed or designated for this purpose.

(4) **Service Contract Required.** Every Liberian Flag vessel shall be covered by a properly executed contract with a recognized and approved radio company, under which contract the radio company assumes all accounting obligations and also the obligation to secure the Ship Radio Station License.

Prev. 6.182 eff. 9 Apr. 1960; renumbered and amended 7 Dec. 1964; amended 11 July 1969; amended 8 July 1982; amended 28 Aug. 1986; amended eff. 19 June 2002.

CHAPTER VII.

MARINE INSPECTION

7.191 Marine Safety Inspections.

(1) **Nautical Inspectors.** The Commissioner or Deputy Commissioner may, at such times and in such places or areas as may be suitable, appoint Nautical Inspectors to board and examine or inspect vessels registered under the Liberian Maritime Law. Nautical Inspectors shall render a report with respect to each such boarding to the Commissioner as required and to the Deputy Commissioner in charge of Marine Safety.

(2) **Responsibilities of Owners and Operators of Liberian Vessels.** It is the responsibility of owners and operators of Liberian Flag vessels to present each such vessel for boarding when required, and to cooperate fully with the Commissioner, Deputy Commissioner and Nautical Inspectors, particularly in enabling them to board and examine or inspect each such vessel, including any documents and equipment and the use thereof. Failure to present a vessel for inspection prior to the due date, failure of cooperation as above, or the existence of a condition on board in violation of established requirements, may subject the vessel in question to immediate detention and suspension of registration, in addition to any penalty prescribed by law. Such detention and suspension shall be canceled upon satisfactory completion of the inspection or examination and any required rectification.

(3) **Duties of Licensed or Certificated Personnel.** It is the duty of all holders of licenses of competence or other certification issued to seafarers by the Republic of Liberia to cooperate fully with the Commissioner, Deputy Commissioner and/or Nautical Inspectors, particularly in enabling them to board and examine or inspect Liberian Flag vessels, including any documents and equipment and the use thereof. Failure of such cooperation on the part of any holder of a license or certificate may subject him to formal charges of a marine offense, leading to the possible suspension or revocation of such license or certificate, in addition to any other penalty prescribed by law.

Eff. 1 Sep. 1971; amended 1 Jan. 1978; amended 8 July 1982; amended 28 Aug. 1986; amended eff. 19 June 2002.

CHAPTER IX.

MARINE CASUALTIES AND OFFENSES

9.256 Definitions.

(1) **Marine Casualty.** The term “marine casualty” shall mean any casualty or accident involving any vessel if such casualty or accident occurs upon the navigable waters of the Republic of Liberia, or any casualty or accident wherever occurring, where such casualty or accident involves any vessel documented under the laws of the Republic of Liberia.

(2) **Marine Offense.** The term “marine offense” shall mean any act, failure to act, or offense contrary to the Maritime Law or any Regulations thereunder, including any Marine Notice or Rules made as provided by law and any International Convention or Agreement to which Liberia is a Party or which it has implemented.

Eff. 11 July 1969; amended 28 Aug. 1986; amended eff. 19 June 2002.

9.257 Reporting.

(1) **Reports of Marine Casualties.** The owner or Master of a Liberian vessel involved in a marine casualty shall immediately advise the Commissioner or Deputy Commissioner by the fastest means possible, including telephone or other means of electronic communication, and shall promptly thereafter forward a report thereon, signed by the Master or highest available officer or ship’s representative, to the Commissioner or a Deputy Commissioner of Maritime Affairs whenever the casualty results in any of the following:

- (a) Actual physical damage to property in excess of US\$100,000.00;
- (b) Material damage affecting the seaworthiness or efficiency of a vessel;
- (c) Stranding or grounding;
- (d) Loss of life; or
- (e) Injury causing any persons to remain incapacitated for a period in excess of 72 hours.

(2) **Form of Reports.** Such report shall set forth the name and Official Number of the vessel, the type of the vessel, the name and address of the owner, the date and time of the casualty, the exact locality of the casualty, the nature of the casualty and the circumstances under which it took place. If the casualty involves collision with another vessel, the name of such other vessel shall be provided. Where the casualty involves personal injury or loss of life, the names of all persons injured or whose lives are lost shall be provided and, where damage to property is involved, the nature of the property damaged and the then estimate of the extent of the damage shall be supplied. Such reports

may be upon forms obtained from the Commissioner or a Deputy Commissioner of Maritime Affairs.

(3) Retention of Voyage Records. The persons in charge of any vessel involved in a marine casualty referred to in Paragraph (1) above shall retain for two years or until otherwise instructed by the Commissioner or a Deputy Commissioner the complete records of the voyage upon which the casualty occurred, as well as any other material which might reasonably be of assistance in investigation and determination of the cause and scope of the casualty, and said persons shall make all such records and materials available, upon request, to the Commissioner, a Deputy Commissioner, the Chairman of a Marine Board of Investigation, or a designated Investigating Officer.

Prev 1.8 eff. 1 Mar. 1958; renumbered 9.Apr. 1960; amended 11 July 1969; amended eff. 19 June 2002.

9.258 Marine Investigations.

(1) Duties of Commissioner or Deputy Commissioner. The Commissioner or any Deputy Commissioner of Maritime Affairs, upon receipt of information of a marine casualty or offense, may institute such investigation as may be necessary to determine as closely as possible the cause or any contributing causes of the casualty or circumstances of the offense, and whether there has been any act of misconduct, inattention to duty, or negligence upon the part of any licensed or certificated person, or violation of law or regulation, so that appropriate action may be taken.

(2) Duties of Owners of Liberian Vessels

- (a)** It is the duty of all owners of Liberian vessels to cooperate with the Commissioner, Deputy Commissioner, or persons appointed by them, in the formal or informal investigation of marine casualties or offenses and to produce, when called upon, witnesses in their employ and relevant books, papers, documents and other records in their possession, and to permit the Commissioner, Deputy Commissioner or their appointees to board and examine vessels and their appurtenances.
- (b)** In the event of failure of owners or their representatives to cooperate fully in any marine investigation, any or all of the following consequences may result, with respect to the vessel directly involved or to any other vessel of the same ownership:
 - (i)** Cancellation from Liberian registry;
 - (ii)** Suspension or revocation of the Certificate of Registry;
 - (iii)** Refusal to issue a Certificate of Cancellation from Liberian Registry or otherwise to give the consent of the Republic of Liberia to a transfer of ownership or registry;
 - (iv)** Refusal to accept registration or re-Registration under the Liberian Flag;
 - (v)** Liability for a monetary penalty not to exceed US\$10,000.00.

(3) Duties of Licensed or Certificated Personnel.

- (a)** It is the duty of all holders of licenses of competence or other certification issued to seafarers by the Republic of Liberia to cooperate with the Commissioner, Deputy Commissioner, or persons appointed by them, in the formal or informal investigation of marine casualties or offenses, to attend any hearings to which they may be summoned, to testify orally or in writing or to produce, when called upon, relevant books, papers, documents and other records in their possession, and to permit the Commissioner, Deputy Commissioner or their appointees to board and examine vessels and their appurtenances.
- (b)** In the event of failure of holders of licenses or other certification to cooperate fully in any marine investigation, any or all of the following consequences may result:

 - (i)** Suspension or revocation of the licenses or other certification held;
 - (ii)** Refusal to renew or reissue any licenses or other certification held, before or after expiration.
 - (iii)** Liability for a monetary penalty not to exceed US\$5,000.00.

(4) Preliminary Investigation.

- (a)** The Commissioner or a Deputy Commissioner, or other persons appointed by them as Investigating Officers, shall where appropriate make a preliminary investigation under paragraph (1) of this Regulation, to determine the matters specified therein, or to determine whether there ought to be a formal investigation of the casualty or offense.
- (b)** In connection with any preliminary investigation, the Commissioner, Deputy Commissioner or Investigating Officers may collect evidence, interview witnesses, examine relevant papers, documents and records, board and examine vessels or equipment and visit the scene of the casualty or offense.

(5) Formal Investigation.

- (a)** A formal investigation of a marine casualty or offense may be made by the Commissioner or Deputy Commissioner or an Investigating Officer appointed by either; or, where the casualty or offense is deemed by the Commissioner to be of a major character, he shall order to be convened a Marine Board of Investigation, and he shall appoint three or more members thereof, designating one as Chairman.
- (b)** In any formal investigation, the Commissioner, Deputy Commissioner, Investigating Officer or Chairman of a Marine Board of Investigation shall have power to set hearings, administer oaths, require the attendance of witnesses, require persons having knowledge of the subject matter of the investigation to answer written interrogatories, require the production of relevant evidence including but not limited to books, papers, documents and records, rule upon the nature and admissibility of evidence, board and inspect

vessels and their appurtenances and visit the scene of a casualty or offense.

- (c) Prior notice of any formal hearing, specifying the date, time, place and subject matter, shall be given by public announcement or otherwise to all:
 - (i) Known parties directly affected;
 - (ii) Interested persons;
 - (iii) Interested States.
- (d) An Investigating Officer or Chairman of a Marine Board of Investigation may, in his discretion, admit the public, interested persons or their representatives, and interested States by official representatives or observers to attendance at any formal hearing; and he may equally, where matters of confidentiality or questions of public security arise, preclude such attendance temporarily or otherwise.
- (e) An Investigating Officer or Chairman of a Marine Board of Investigation may, in his discretion, put or permit to be put to witnesses such questions pertinent to the subject of the inquiry as may be offered by interested persons or States or their representatives; parties directly affected shall be permitted to put such questions to any witnesses.
- (f) An Investigating Officer or Chairman of a Marine Board of Investigation may, in his discretion, permit parties directly affected to produce and introduce relevant evidence or testimony of witnesses, and permit such parties or their counsel to argue any relevant contentions, either orally or by way of memorandum.
- (g) A record shall be made of the proceedings of any formal hearing.

(6) Investigative Reports.

- (a) When the proceedings of any investigation under this Chapter have been terminated, there shall be a preliminary report of the Deputy Commissioner to the Commissioner setting forth in writing his findings, conclusions, and any recommendations for appropriate action.
- (b) Where an investigation has been carried out by Investigating Officers or a Marine Board of Investigation appointed by the Commissioner or Deputy Commissioner, the report shall be forwarded to the Deputy Commissioner together with the investigative file.
- (c) Where an investigation has been carried out by an Investigating Officer appointed by a Deputy Commissioner, the report shall be submitted to that Deputy Commissioner, who shall render a decision as to the findings, conclusions and recommendations of the Investigating Officer. The decision of the Deputy Commissioner shall then be forwarded to the Commissioner together with the investigative file in a combined report to be referred to as the Deputy Commissioner's Decision.

- .(d) The parties shall have 60 days from the date of publication of such decision to appeal the Deputy Commissioner's Decision to the Commissioner pursuant to Section 1.34 of these regulations.

(7) Commissioner's Decision.

- (a) Upon receiving the Deputy Commissioner's Decision in the form of a report, the Commissioner may:
 - (i) Adopt the report and carry out its recommendations, if any; or
 - (ii) Remand for further investigation; or
 - (iii) Where a report suspends, revokes or cancels any license, certificate, permit or other document issued by the Republic of Liberia, review the evidence, adopt or modify all or part of the report and take any appropriate action.
- (b) In aid of his decision, the Commissioner may call for further written argument on any point in issue. A copy of the argument shall be forwarded to the Commissioner, and shall become a part of the investigative file.

(8) Investigative Files.

- (a) The Commissioner or Deputy Commissioner may, in his discretion, release upon written request and payment of costs copies of records, reports or evidentiary matter pertaining to a marine investigation, or any portions thereof, unless held confidential by the Republic of Liberia for any reason of public security.
- (b) The Commissioner or Deputy Commissioner may, in his discretion, release for public information or cause to be published any records, reports, documents, evidentiary matter or official statements pertaining to a marine investigation, or any portions thereof, unless held confidential by the Republic of Liberia for any reason of public security.

Eff. 11 July 1969; amended 8 July 1982; amended eff. 19 June 2002.

CHAPTER X.

SEAFARERS

10.291 Definitions.

- (1) **“Certificate of Competency”**. Wherever the word “License” of an officer is used or the words “License of Competency” are used in the Maritime Regulations they shall be construed to mean “Certificate of Competency”.
- (2) **“License(d)”**. Wherever the word “license” or “licensed” is used in the Maritime Regulations it shall be construed to mean “certificate” or “certificated”, as the case may be.
- (3) **“Seafarers”**. For the purpose of this Chapter, seafarers means any and all members of the crew and officers, other than the Master and pilots, employed or engaged in any capacity on board any vessel. Wherever in Maritime Law the word “seaman” or “seamen” is used it shall be construed to mean “seafarer” or “seafarer”, as the case may be.
- (4) **“Crew”**. The word “Crew” shall be construed to mean collectively the persons, other than the Master and officers, engaged in any capacity on Board a vessel.

Eff. 19 June 2002.

10.292 Manning Requirements.

- (1) **Required Minimum Number of Deck Officers.**
 - (a) No Liberian vessel registered under the provisions of the Maritime Law shall be navigated unless she has on board and in her service a duly licensed Master.
 - (b) The numbers of mates and bridge watch officers required, and the grades in which they shall be duly licensed, shall be prescribed for each Liberian vessel by the Commissioner or a Deputy Commissioner.
- (2) **Required Minimum Number of Engineers.**
 - (a) No Liberian vessel propelled by machinery of 375 kilowatts (500 horsepower) or greater shall be navigated unless she has on board and in her service a duly licensed chief engineer.
 - (b) The numbers of assistant engineers and engine room watch officers required, and the grades in which they shall be duly licensed, shall be prescribed for each Liberian vessel by the Commissioner or a Deputy Commissioner.

(3) Required Minimum Number and Ratings of Crew. The Commissioner or a Deputy Commissioner may prescribe for any Liberian vessel a required minimum number of crew for her safe navigation and operation, and may require a specified number of crew members to be rated and/or certificated, as he deems necessary.

(4) Required Minimum Number of Certificated Persons Proficient in Survival Craft. Every Liberian passenger vessel shall have on board for each lifeboat or other survival craft carried a number of certificated survival craft crew men in accordance with a Certificate issued for the vessel by the Commissioner or a Deputy Commissioner. Such Certificate shall be conspicuously posted.

(5) Manning Certificate. The Commissioner or a Deputy Commissioner shall issue to each Liberian vessel a Minimum Safe Manning Certificate setting forth the required minimum number of officers and crew, in specified grades and ratings, which has been prescribed for the safe navigation and operation of the vessel. Such certificate shall be conspicuously posted.

(6) Temporary Authorization as Officer. Where it has been established by the Commissioner of Maritime Affairs or a Deputy Commissioner that an emergency situation exists which reasonably precludes the engagement of the required complement of duly licensed mates or assistant engineers prescribed as in paragraphs (1) and (2) of this Regulation, the Commissioner or a Deputy Commissioner may authorize temporary service of qualified persons in mate and assistant engineer capacities on board any Liberian vessel, other than a passenger vessel, as follows:

- (a)** A duly licensed mate or assistant engineer, who has completed at least six months of service in the capacity for which he is licensed and while holding such license, may be authorized to serve temporarily in the capacity next highest to that for which he is presently licensed, but not as Master or Chief Engineer, for a period not to exceed six months, provided he is in all other respects eligible of examination for a license in such higher capacity, has submitted an application for such examination, and undertakes to complete said examination prior to the expiration of the six-month period.
- (b)** A person not duly licensed may be authorized to serve temporarily in capacities not higher than Third Mate, or Third Assistant Engineer, for a period not to exceed six months, provided he is in all other respects eligible for examination for a license in one of said capacities, has submitted an application for such examination and undertakes to complete said examination prior to the expiration of the six-month period; and further provided he has first successfully completed such preliminary examination as to his qualifications and competence as shall be required by the Commissioner or Deputy Commissioner to whom application is made.
- (c)** An authorization granted pursuant to this Regulation shall be in the form of a Temporary Permit issued by the Commissioner or a Deputy Commissioner, which Permit shall be valid only for service on board the specific vessel named therein.
- (d)** Not more than one mate and one assistant engineer shall be authorized to serve on board the same vessel at the same time under a Temporary Permit.
- (e)** Temporary Permits cannot be granted in the capacities of Radio Officer or

Radiotelephone Operator.

- (f) Temporary Permits may be revoked or suspended on the grounds set forth in Regulation 1.17(3), or at any time upon notice by the Commissioner or a Deputy Commissioner of Maritime Affairs when the Commissioner or Deputy Commissioner declares that the emergency situation referred to above no longer exists.

(7) Responsibilities of Companies –ISM Code. Shipowners and operators responsible for employing seafarers for service on board Liberian flagged vessels shall ensure that:

- (a) Seafarers assigned to any Liberian Flag vessel owned or managed by shipowner/operator hold appropriate certificates in accordance with the provisions of the STCW Convention, as amended, and the appropriate provisions of the Liberian Maritime Law and Regulations;
- (b) The Liberian Flag vessels which are owned or managed by them are manned in compliance with applicable Minimum Safe Manning Certificate issued for the particular vessel by the Commissioner or a Deputy Commissioner;
- (c) Documentation and data relevant to all seafarers employed on board the respective Liberian Flag vessels are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties;
- (d) Seafarers on being newly employed in service aboard the respective Liberian Flag vessel are provided with reasonable opportunity to become familiar with their specific duties and with all ship arrangements, installations, shipboard equipment, operating procedures and ship characteristics that are relevant to their routine or emergency duties before assignment to those duties;
- (e) A knowledgeable crewmember shall be designated who will be responsible for ensuring that an opportunity is provided to each newly employed seafarer to receive essential information in a language the seafarer understands; and
- (f) The ship's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention of pollution.

Prev 10.290 eff. 9 Apr. 1960; renumbered and amended 7 Dec. 1964; amended 11 July 1969; amended 8 July 1982; amended eff. 19 June 2002.

10.293 Display of License of Competence or Temporary Permit.

Every Master, mate, chief engineer, assistant engineer and radio officer shall cause his License of Competence or Temporary Permit to be displayed on board in conspicuous location. Said license or temporary permit shall be framed under glass or other suitable transparent covering and shall be so displayed as soon as practicable after reporting on board a vessel for duty and shall remain displayed during the service of the licensee or permit holder. Willful failure of any officer to comply with this

provision may be grounds for the suspension or revocation of his Liberian License or Temporary Permit.

Prev. 10.292 eff. 9 Apr. 1960; renumbered 7 Dec. 1964; sub-paragraph (1) amended 11 July 1969; amended 8 July 1982.

10.295 Change of Command.

(1) **Appointment.** Whenever there occurs a change of Master of a Liberian vessel, the shipowner or his authorized agent shall designate and appoint the new Master in writing and the new Master shall enter the following statement in the vessel's log book:

“I, (name of new Master), a citizen of (country of citizenship), holder of Liberian License of Competence No. (number of certificate) in the grade of Master, assumed command of the vessel on (date on which officially took command) at the port of (port where change affected).”.

(2) **Official Notification.** In addition, the Master or shipowner within 48 hours after the change of command shall notify the Commissioner of Maritime Affairs or a Deputy Commissioner, by the most expeditious means of communication available, advising of the name and citizenship of the new Master, and the date and port on and at which the change of command was effected.

Eff. 11 July 1969; renumbered eff. 19 June 2002.

10.296 Master's Duties and Responsibilities.

(1) **Master's Authority.** The Master has overriding authority and discretion to take whatever action he/she considers to be in the best interests of passengers, officers, crew, cargo, ship and the marine environment.

(2) **Required Log Books.**

(a) **Bridge Navigation Log and Engine Room Log.** Every self-propelled Liberian vessel of 100 gross tons or over shall keep a bridge navigation and an engine room log book which shall be maintained in bound volumes aboard ship until the end of the voyage. All entries made in such log books shall be signed by the Master or officer designated by the Master who shall make such entries, and all such entries shall be made as soon as possible after the occurrence to which they relate.

(b) **Bell Log.** In addition to the keeping of bridge navigation and engineer room log books, every such Liberian vessel shall have a bridge and an engine room record wherein shall be contained the times and nature of all orders passed between the navigation bridge and the engine room.

(c) **GMDSS - Radio Log.** Every such Liberian vessel shall keep a GMDSS or radio log book (diary of the radio service) as applicable during the voyage. Every radio operator

shall enter in the log his name, the times at which he goes on and off watch, and all incidents occurring during his watch connected with the radio service of importance to safety of life at sea, and, where appropriate, the position of the vessel, at least once a day.

- (d) **Medical Log.** Every such Liberian vessel shall keep a medical log book wherein shall be entered every case of illness or injury happening to any member of the officers, crew or passengers, the nature thereof and the medical treatment.
- (e) **Official Log Book and Entries.** Every Master of such Liberian vessel shall make or cause to be made in the log book entries including, but not limited to, the following:
 - (i) Every offense and any penalty or fine imposed.
 - (ii) Every death occurring on board and every burial at sea, with all information required by Section 338 of the Liberian Maritime Law, as amended.
 - (iii) Every marriage taking place on board, with the names, citizenships and residences of the parties, and every birth occurring on board, with the sex of the infant and names of parents.
 - (iv) The name of every seafarer or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof.
 - (v) Wages due any seafarer or apprentice who dies during the voyage, and the gross amount of all deductions made therefrom.
 - (vi) A statement of any collisions immediately after the occurrence or as soon thereafter as practicable.
 - (vii) Before departing from any port, the load line and draft information.
 - (viii) Time of muster of crew at their boat and fire stations, followed by drills, respectively, either in port or at sea, or reason why not held.
 - (ix) The closing and opening of watertight doors and of all inspections and drills as required by Regulations of the International Convention for the Safety of Life at Sea in force, as amended.
 - (x) Drill of ship's crew in the use of the line-throwing gun at least once every three months; but the actual firing of the gun shall not be required.
 - (xi) Search of stowaways and contraband, which search shall be conducted prior to the vessel's departure from each port.
 - (xii) Upon each change of Master, the information required under Regulation 10.295(1).

(3) Medical Care of Officers and Crew.

- (a) Standard of competence for Medical First Aid/Medical Care.** Seafarers designated to provide medical first aid or designated to take charge of medical care shall meet the standard of competence respectively specified in the applicable sections of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended, and as established by the agent.
- (b) Medicine Chest.** Every Liberian Vessel shall carry and maintain an adequate medicine chest bearing in mind the number of persons aboard and the nature and duration of the voyage. In the determination of the contents of the chest consideration shall be given to the recommendations of the International Labour Organization.
- (c) Medical Guide.** All required medicine chests must contain a medical guide sufficiently detailed to assist persons other than a ship's doctor in administering to the ordinary needs of sick or injured persons on board and without supplementary medical advice by radio or radiotelephone.
- (d) Instruction of Personnel.** The Master, and such other officers as the Master may designate in his discretion, shall be instructed to make full use of all available medical advice by radio or radiotelephone or other appropriate and available means of communication and in the providing of information to assist a doctor in giving such advice.

(4) Manning of Survival Craft.

- (a) Person in Charge.** The Master shall place in charge of each lifeboat or other survival craft a deck officer (or certificated survival craft crewman if a passenger vessel) and shall also designate a second-in-command. The person so placed in charge shall have a list of the survival craft's crew, and shall assure himself that the men placed under his orders are acquainted with their duties. The Master shall also assign to each liferaft a member of the crew proficient in the handling and operation of liferafts.
- (b) Engine and Radio.** The Master shall assign to each motor lifeboat at least one member of the crew capable of working the motor. He shall similarly assign to each lifeboat equipped with radio and searchlight apparatus, at least one member of the crew capable of working such equipment.

(5) Muster List and Emergency Procedure. The Master of every vessel of 500 or more gross tons shall ensure that the ship's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention of pollution by allotting to each member of the crew special duties to be undertaken in the event of an emergency and shall cause to be drawn up and posted a muster list showing said assignments, which list shall further indicate the particular station to which each crew member must go. The Master shall assign such duties as the Master deems necessary for the safety of the vessel, its crew, cargo and pollution prevention. The Master shall further specify and publish definite signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals to all crew and passengers.

(6) Fire and Boat Drills.

- (a) Frequency.** The Master of every Liberian vessel other than a passenger vessel shall exercise the entire crew at least once a month as provided in SOLAS and shall conduct weekly safety training sessions as provided in the vessel training plan. The Master of every Liberian passenger vessel shall cause the crew to be exercised at fire and boat drill at least once in every week, and such drills shall be conducted as if an actual emergency existed. All fire pumps shall be started and sufficient outlets opened in order to determine that the system is in proper working order.
- (b) Proficiency.** Persons assigned to the use of rescue and safety equipment shall demonstrate their proficiency in the use of such equipment.
- (c) Watertight Doors.** All watertight doors in use while the vessel is underway shall be operated.
- (d) Lifeboats.** Weather permitting, lifeboat covers and strong backs shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended and the boats swung out to ascertain that the gear is in good working order. The motor and hand propelling gear of each lifeboat, where fitted, shall be operated sufficiently to ascertain that it is in proper operating condition.
- (e) Passengers.** Passengers shall report to their stations and shall be instructed in the use of life preservers.
- (f) Lifeboats in Water.** Each lifeboat shall be lowered to the water at least once in every three months, when in port, and the crew shall be exercised in the use of oars and other means of propulsion where fitted. Each freefall lifeboat shall be freefall launched with the assigned operating crew on board and maneuvered in the water once in every six months.

(7) Line-Throwing. On vessels fitted with a line-throwing appliance, the Master shall cause the crew to be exercised in the use of such appliance at least once in every three months, except that the actual firing of the appliance shall not be required. The service line shall not be used for drill purposes. In lieu thereof, any flexible line of proper size and length, suitably flaked or laid out, may be used.

Prev. 10.290(5) eff. 28 Apr. 1961; renumbered 7 Dec. 1964; amended 8 July 1982.

(8) On-Board Training and Instruction.

- (a) Initial Training.** On-board training in the use of the ship's life-saving appliances, including survival equipment, shall be given as soon as possible but no later than two weeks after a crew member joins the ship. However, if the crew member is on a regularly scheduled rotating assignment to the ship, such training shall be given not later than two weeks after the time he first joins the ship.

- (b) **Frequency and Extent.** Instructions in the use of the ship's life-saving appliances and in survival at sea shall be given at the same interval as the drills. Individual instructions may cover different parts of the ship's life-saving system, but all the ship's life-saving equipment and appliances shall be covered within any period of two months. Each member of the crew shall be given instructions as set forth in Chapter III, Regulation 18 of SOLAS.
- (c) **Liferafts.** On-board training in the use of davit-launched liferafts shall take place at intervals of not more than four months on every ship fitted with such appliances. Whenever practicable this shall include the inflation and lowering of a liferaft. This liferaft may be a special liferaft intended for training purposes only, which is not part of the ship's life-saving equipment; such special liferaft shall be conspicuously marked as such.

(9) **Accident Prevention.** The Master of each vessel shall appoint from amongst the crew a suitable person or a committee responsible for accident prevention, and such person or committee shall in addition to any other duties assigned by the Master ensure that any conditions aboard the vessel not in substantial compliance with the applicable provisions of the accident prevention code or codes currently approved by the Agent are brought to the prompt attention of the Master.

(10) **Ship's Port Arrival/Departure Check List.** Every Master shall employ the use of review his/her Ship's Port Arrival/Departure Safety Check List on arrival/departure and vessel loading/unloading procedures for the safe navigation and operation of the ship.

Paragraph (1): Prev. 10.318 eff. 9 Apr.1960; renumbered 7 Dec. 1964.

Paragraph (2):Prev. 10.317 eff. 9 Apr. 1960; renumbered and amended 7 Dec. 1964; amended 11 July 1969; amended 8 July 1982; amended and renumbered eff. 19 June 2002.

Paragraph (3): Renumbered and amended eff. 19 June 2002.

Paragraph (4) Prev. 10.290(2) eff. 9 Apr. 1960; renumbered and amended 7 Dec. 1964; amended 8 July 1982.

Paragraph (5): Amended eff. 19 June 2002.

Paragraph (6): Prev. 10.290(4) eff. 28 Apr. 1961; renumbered 7 Dec. 1964.

Paragraph (8): Eff. 19 June 2002.

Paragraph (9): Amended eff. 19 June 2002.

Paragraph (10): Eff. 8 July 1982; renumbered and amended eff. 19 June 2002.

10.297 Certificates to be Given by Master.

Each exercise of a special power granted to Masters under Section 297 of the Maritime Law shall be

evidenced by an appropriate certificate, referring to a log entry of the event, and shall be signed by the Master and executed upon a form to be supplied, on request and payment of fees, by the Commissioner or a Deputy Commissioner of Maritime Affairs.

Eff. 11 July 1969.

10.315 Food and Water.

There shall be maintained on board a sufficient supply of water, and of food of suitably nutritive quality and variety, and such shall be properly and hygienically prepared, dispensed and served. The Commissioner may, as and if necessary, prescribe scales of provisions appropriate to the customs and habits of the crew.

Eff. 8 July 1982.

10.318 Employment Conditions.

(1) **Information to the Crew.** Clear information shall be made available to the crew on board every Liberian vessel as to the conditions for employment thereon.

(2) **Validity of Conditions.** The conditions for employment and shipboard living arrangements on board every Liberian vessel shall be subject to examination and approval by the Commissioner or a Deputy Commissioner or his designee. Such conditions and arrangements shall be approved if they are not in conflict with the requirements of Liberian Law and:

- (a) Are embodied in a valid contract for seafaring labor; or
- (b) Are embodied in a valid labor contract concluded between a shipowner or shipowner's organization and a seafarers' organization constituted in accordance with the substantive provisions of the applicable International Conventions; or
- (c) Are ordered in accordance with Liberian law by a court having jurisdiction over both the shipowner and seafarers concerned; or
- (d) Are otherwise substantially equivalent to those specified in the applicable International Conventions.

Eff. 8 July 1982; amended eff. 19 June 2002.

10.320 Shipping Articles.

(1) **Official Form Required.** Shipping Articles, sometimes referred to as Articles of Agreement, shall be in the English language and shall be in a form prescribed by the Commissioner of Maritime Affairs, as set forth in paragraph (4) hereof. No other form shall be used in lieu of the official form except that a foreign language version may be appended thereto or otherwise made a part thereof; provided, however, that on any vessel the initial form of Shipping Articles prescribed herein shall be

required only upon expiration of the Articles currently in effect or within one year from the effective date of this Regulation, whichever is later.

(2) Time of Signing-on Articles. Every seafarer joining a vessel to commence employment on board shall sign the Shipping Articles prior to the vessel's departure from the port at which the seafarer so joined the vessel. The Master shall officiate at the signing-on of each seafarer and shall sign his name to the Shipping Articles in attestation of his having so acted.

(3) Signing-off of Articles not a Waiver. The signing-off of Shipping Articles by a seafarer at the time of his discharge from employment on board shall not constitute a waiver on his part of any claims he may have against the vessel or its Master at that time.

(4) Form of Shipping Articles to be Annexed to the Crew List.

ARTICLES OF AGREEMENT BETWEEN THE MASTER AND SEAFARERS IN THE MERCHANT SERVICE OF THE REPUBLIC OF LIBERIA

Name of Vessel/Official Number/Port of Registry/Gross Tonnage/ Propulsion Power.

It is agreed between the Master and the undersigned seafarers of the (Steam) (Motor) vessel.....(a).....of which(b)..... is at present Master, or whoever shall become Master, now bound from the port of(c)..... to(d)..... and such other Ports and places in any part of the world as the Master may direct, for a term (of) (not exceeding)(e)..... calendar months, that:

1. Seafarers shall conduct themselves in an orderly, faithful, honest and sober manner, and shall at all times be diligent in their respective duties and obedient to the lawful commands of the Master, or of any person who shall lawfully succeed him, and their superior officers, in everything relating to the vessel, its stores and cargo, whether on board, in boats or on shore. In consideration of this service, to be duly performed, the Master agrees to pay the undersigned seafarers the wages expressed herein and/or set forth in supplemental provisions and/or agreements.

2. Wages shall commence no later than on the day specified and agreed to in these Articles or at a time of presence on board for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge.

3. Seafarers are entitled to receive on request, in local currency, from the Master one half of the balance of base wages actually earned and payable at every intermediate port where the vessel shall load or discharge cargo before the end of the voyage, but not more than once in any ten-day period.

4. If the Master and a seafarer agree, a portion of such seafarer's earnings may be allotted to such seafarer's spouse, children, grandchildren, parents, grandparents, brothers or sisters, or to a bank account in the name of the seafarer.

5. Any seafarer who is put ashore at a port other than the one where he signed on these Articles and who is put ashore for reasons for which he is not responsible, shall be returned as a seafarer or otherwise, but without expense to him (a) at the shipowner's option, to the port in which he was engaged or where the voyage commenced or to a port in such seafarer's own country; or (b) to another port agreed upon between the seafarer and the shipowner or Master. However, in the event such seafarer's contract period of service has not expired, the shipowners shall have the right to transfer him to another of the shipowners' vessels, to serve thereon for the balance of the contract period of service, unless otherwise provided for herein.

6. Any seafarer whose period of employment is terminated by reason of completion of the voyage for which he was engaged or of expiration of his contract period of employment, shall be entitled to repatriation at no expense to him to the port at which he was engaged or to such other port as may be agreed upon.

7. If any person enters himself as qualified for duty which he is incompetent to perform, his rank or rating may be reduced in accordance with his incompetency or he may be discharged.

8. Any seafarer may request his immediate discharge on grounds of injury or illness, and such discharge may be granted in the Master's reasonable discretion at the next appropriate port.

9. The Master shall give to a seafarer discharged from his vessel either on his discharge or on payment of his wages, the Seafarer's Identification and Record Book as issued by the Commissioner or a Deputy Commissioner of Maritime Affairs, with an entry specifying the period of his service and the time and place of his discharge.

10. Every Master in service aboard a Liberian vessel shall ensure that watchkeeping arrangements are adequate for maintaining a safe continuous watch or watches, taking into account the prevailing circumstances and conditions and that, under the Master's general directions, all watchkeeping personnel shall observe the principles and guidance as set out in the International Convention on Standards in Training, Certification and Watchkeeping, 1978, as amended, and as established by the Commissioner or Deputy Commissioner.

- (a) All persons who are assigned as officers in charge of a watch or as a rating forming part of a watch shall be provided a minimum of ten hours of rest in every twenty-four hour period.
- (b) The hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length.
- (c) The requirements for rest periods set out in paragraphs (a) and (b) need not be maintained in an emergency or drill or in other overriding operational conditions – i.e. essential shipboard work which could not reasonably have been anticipated at the commencement of the voyage.
- (d) Notwithstanding the provisions of paragraphs (a) and (b) the minimum period of ten hours may be reduced to not less than six consecutive hours provided that any such reduction shall not extend beyond two days and not less than seventy hours of rest are

provided in each seven day period.

- (e) Watch schedules shall be posted where they are easily accessible on board the vessel.
- (f) The Master shall cause the recordation of the hours of work and/or rest periods of each seafarer, and such record shall be available for inspection by marine inspectors designated by the Commissioner or Deputy Commissioner.

11. In order to be alert and maintain proper fitness for the performance of watchkeeping duties, watchkeeping personnel shall have no more than 0.08% blood alcohol level during watchkeeping duties; watchkeeping personnel shall not consume alcohol within four hours prior to serving as a member of a watch.

12. Eight hours per day shall constitute a working day while in port and at sea.

13. Work performed over and above an eight hour period shall be considered overtime and be compensated for at overtime rates. Work performed in excess of eight hours per day shall not be compensated for when necessary for the safety of the vessel, its passengers, crew, cargo or for the saving of other vessels, lives or cargo, or for the performance of fire, lifeboat or other emergency drills.

14. Seafarers shall keep their respective quarters clean and in order.

15. No dangerous weapons, narcotics or contraband articles, and alcoholic beverages except as provided by the shipowner as part of the vessel's provisions, shall be brought on board the vessel nor allowed in the possession of the crew, and any crew member bringing the same on board or having the same in his possession on board, shall be subject to discharge and/or shall be liable for such fines as the Master may direct, and all such articles shall be confiscated. The amount of any fine levied against the vessel by the proper authority of the port wherein the vessel is then located, for possession of narcotics and/or contraband cargo, shall be made good to the shipowner out of the wages of the crew member or crew members guilty of such possession.

16. No seafarer shall go ashore in any foreign port except by permission of the Master. However, the Master shall not refuse the reasonable request of any seafarer for shore leave for the purpose of presenting a complaint against the vessel or Master to a Liberian Consul or other proper Liberian Official.

17. The shipowner and Master may issue such rules and regulations as may be necessary for the safe and proper operation of the vessel; providing nothing contained therein shall be contrary to law.

18. If any seafarer considers himself aggrieved by any breach of these Articles, he shall represent the same to the Master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such corrective action as the case may require.

19. All rights and obligations of the parties to these Articles shall be subject to the Laws and Regulations of the Republic of Liberia.

IT IS ALSO AGREED THAT:

(Additional provisions may be included or referenced herein or attached hereto)

IN WITNESS WHEREOF the said seafarers have subscribed their names herein on the days mentioned against their respective signatures.

Articles opened at on

Signature of Master

Note:

- (a) Enter name of vessel
- (b) Enter full name of Master
- (c) Enter name of first port of departure
- (d) Enter here a description of the voyage and the names of the places at which the ship is to touch, or if that cannot be done, the general nature and the probable length of the voyage and the port or country at which the voyage is to terminate. For ships engaged in world-wide trading without definite itineraries or schedules, insert "world-wide trading".
- (e) Strike out word or words not applicable.

Columnar Entries

- | | |
|--|--|
| (1) Full Name of Seafarer | (10) Base Wages per Month |
| (2) Date of Birth and Present Age | (11) Days of Annual Paid Leave |
| (3) Place of Birth | (12) Minimum Days of Paid Holidays per Year |
| (4) Citizenship | (13) Date and Place Signed on Articles |
| (5) Liberian Seafarer's Book Number | (14) Signature of Seafarer |
| (6) Home Address | (15) Signature of Master |
| (7) Name and Address of Beneficiary or Next-of-Kin | (16) Date and Place Signed off Articles |
| (8) Date and Place Wages Commence | (17) Signature of Seafarer |
| (9) Capacity in which Employed | (18) Signature of Master |

Prev. 10.1 eff. 1 Mar. 1958; renumbered 9 Apr. 1960; renumbered and amended 7 Dec. 1964; amended 8 July 1982; amended and renumbered 30 July 1996; amended eff. 19 June 2002.

10.325 Required Certification.

(1) Officer's Certificate of Competency.

- (a) **Appropriate Certification.** Shipowners and Operators responsible for employing seafarers for service on board Liberian vessels shall ensure that seafarers assigned to any Liberian vessel owned or managed by the shipowner/operator hold appropriate certificates in accordance with the provisions of the International Convention on Training, Certification and Watchkeeping, 1978, as amended, and as established by the Commissioner or Deputy Commissioner of Maritime Affairs.
- (b) **Penalty for Non-possession.** The penalty provision in section 17(4) of the Maritime Law shall also apply where a Master has allowed any function or service in any capacity, required to be performed by a person holding an appropriate certificate of competency, to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by Regulations of the International Convention on Training, Certification and Watchkeeping, 1978, as amended, and as established by the Commissioner or Deputy Commissioner of Maritime Affairs.

(2) Seafarer's Identification and Record Books.

- (a) **Requirements.** Each person employed on board a Liberian vessel, other than those persons such as certain hotel staff personnel on passenger vessels who are not assigned or required to perform ship safety or pollution related shipboard duties, shall have in his or her possession an official Liberian Seafarer's Identification and Record Book, issued by the Commissioner or Deputy Commissioner in accordance with the International Labour Organisation Convention N° 108, containing any certificates of special qualification issued to the holder by the Commissioner or a Deputy Commissioner, and in which all service at sea shall be entered and certified by the Master..
- (b) **Qualifications.** As a prerequisite, the applicant must have basic training in accordance with the requirements of the Regulations of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended, and requirements as established by the Commissioner or the Deputy Commissioner, promulgated in a Marine Notice or like publication.
- (c) **Validity and Renewal.** The initial and subsequent issues of Seafarer's Identification and Record Book shall be valid for a period of five years from the date of issue.
- (d) **Penalty for Non-possession.** The Master and/or owner of the vessel shall be liable to a penalty of US\$500.00 for each person employed on board the vessel who does not possess a current and valid official Liberian Identification and Record Book. Such penalty shall be remitted if an official Identification and Record Book is obtained by such person within 30 days of the inspection or other report which establishes the default. This penalty can only be imposed by the Commissioner or Deputy Commissioner.

(3) Medical Certificates. Each person employed on board a Liberian vessel shall be in possession of a physical examination certificate in the official form required by Liberia, or by another State Party to the International Convention Concerning the Medical Examination of Seafarers, and attesting the holder's medical fitness for duty. The certificate must be signed by a medical practitioner licensed in the place of examination and issued not more than two years previous to the date of signing of the Articles of Agreement in force. Any seafarer who, following examination, is refused such a certificate may apply to the Commissioner or a Deputy Commissioner for leave to undergo a further examination by a designated medical referee independent of any shipowner or organization of shipowners or seafarers.

In urgent circumstances a person may be employed for a single voyage only without holding a currently valid official medical certificate.

(4) Availability of Seafarer's documents. Shipowners and operators shall ensure that documentation and data relevant to each seafarer employed on board a Liberian vessel is maintained and readily accessible, and this shall include but not be limited to documentation and data in respect of the experience, training, medical fitness and competency in assigned duties of the seafarer.

(5) Certificates of Service. In the unavoidable absence of an official Liberian Identification and Record Book, the detailed sea service of each person employed on board a Liberian vessel must be certified in writing, separately for each capacity served in, and such certificate shall bear the signature of the Master and the seal or stamp of the vessel, and be in the following form:

- (i) Name of Seafarer
- (ii) Citizenship
- (iii) Rank or Rating
- (iv) License, Book or Certificate Number
- (v) Place of Engagement
- (vi) Date of Engagement
- (vii) Place of Discharge
- (viii) Date of Discharge
- (ix) Total Service (Months and Days)
- (x) Name of Vessel (indicate steam or motor)
- (xi) Official Number
- (xii) Port of Registry
- (xiii) Gross Tonnage
- (xiv) Propulsion Power
- (xv) Nature of Voyage
- (xvi) Remarks

I hereby confirm to the best of my knowledge that all entries herein were made by me and are correct. In witness whereof, I have this date affixed my signature and the seal or stamp of the vessel.

Date

Signature of Master

Eff. 7 Dec. 1964; amended 8 July 1982; amended 28 Aug. 1986; amended and renumbered eff. 19 June 2002.

10.326 Register of Children.

The Master of each vessel upon which only members of the same family are employed, or school ship or training ship, and upon which vessels children under the age of fifteen are employed shall maintain a register of all such persons and shall record therein, with respect to each such child, his name, date and place of birth, citizenship, residence, and address of next-of-kin or legal guardian, capacity in which employed, date and place of employment, and the date and place of discharge.

Eff. 7 Dec. 1964; amended 8 July 1982.

10.336 Benefit of Compensation for Loss of Life.

(1) Amount of Compensation. As of June 19, 2002, the amount of direct compensation for loss of life for each seafarer shall aggregate no less than Ten Thousand Dollars (or its equivalent in foreign currency), regardless of the seafarer's nationality, rank, seniority or other circumstances.

(2) Exceptions. The shipowner shall bear the costs of direct compensation for loss of life upon the death of a seafarer from any cause, except:

- (a)** If death resulted from the willful act of the seafarer;
- (b)** If death developed directly from a condition which was intentionally concealed from the employer at or prior to engagement under the Articles;
- (c)** If death was caused directly by war or an act of war, declared or undeclared. But this clause shall not apply if at the time of the act the vessel had entered a known zone of international hostility for the purpose of trade.

(3) Medical Examination. A seafarer shall not be entitled to the benefit of a direct compensation for loss of his life if he avoids or refuses a medical examination at the time of his employment.

(4) Presumption of Death. If the body of a missing seafarer has not been found within six months after:

- (a)** An incident of damage involving the vessel on which he sailed or the aircraft in which he was flying, or
- (b)** An incident which otherwise points to the reasonable conclusions that the seafarer is dead, he shall be presumed dead and the direct compensation for loss of life shall become due and payable. Such presumption shall be rebuttable in a court of competent jurisdiction, and where the presumption is rebutted any such compensation paid shall be recoverable by the shipowner.

(5) Shipowner's Obligation. The shipowner's obligation to provide the benefit of direct compensation for loss of life shall arise at the earlier of the times indicated below:

- (a) Upon signing on the Articles; or
 - (b) When the seafarer, at the request of the shipowner and prior to signing on the Articles, commences travel to join his assigned vessel. For the purpose of this Regulation the seafarer shall be deemed to be employed or engaged on board the assigned vessel from the commencement of his travel.
- (6) **Termination of Obligation.** The shipowner's obligation to provide the benefit of direct compensation for loss of life shall terminate at the later of the times indicated below:
 - (a) Upon signing off the Articles; or
 - (b) When the seafarer has returned from his assigned vessel to his then place of residence or declared destination. For the purpose of this Regulation the seafarer shall be deemed to be employed or engaged on board the assigned vessel until he has reached his then place of residence or declared destination.
- (7) **Suspension of Obligation.** This shipowner's obligation to provide the benefit of direct compensation for loss of life shall be suspended:
 - (a) Upon and during the period of a desertion as defined in the Maritime Law; or
 - (b) During any unauthorized and unreasonable delays by the seafarer when traveling to his assigned vessel or from his assigned vessel to his then residence or declared destination, or during any unauthorized and unreasonable deviations from the prescribed or customary travel routes.
- (8) **Seafarer's Residence.** Unless otherwise agreed in writing between the seafarer and the Master or the shipowner, the expression "residence" shall mean the seafarer's home address as shown in the Articles.
- (9) **Beneficiaries.**
 - (a) The compensation hereunder shall be paid to the seafarer's designated beneficiary or beneficiaries, or in the absence of such designated beneficiary or beneficiaries, to his estate or to his personal legal representative.
 - (b) The designated beneficiary or beneficiaries shall either be entered in an appropriate space in the columnar entries of the Articles of Agreement or on a separate form to be provided by the shipowner.
- (10) **Other Death Benefits.** The amount of the direct compensation payable under this Regulation shall be determined by aggregation and subtraction of any other lump-sum death benefits in favor of the seafarer, which are also provided or contributed to by the shipowner.

(11) Satisfaction of Obligation. The shipowner shall secure his obligation to provide a benefit of direct compensation for loss of life by any one or a combination of the following:

- (a)** A guarantee from a Protection & Indemnity Club approved by the Commissioner of Maritime Affairs, whereby the Club guarantees payment of the compensation hereunder; or
- (b)** A life insurance policy from an insurance company approved by the Commissioner of Maritime Affairs; or
- (c)** In lieu of the guarantee or life insurance, by depositing and maintaining at all times a payment bond from a bonding company approved by the Commissioner of Maritime Affairs, in an amount equal to Ten Thousand Dollars times the number of seafarers on the one vessel in his fleet with the largest number of seafarers; or
- (d)** Participation in an approved national scheme.

(12) Certification.

- (a) Participation in National Plan.** If the shipowner participates in a national plan approved by the Commissioner of Maritime Affairs, he shall annually file with the Office of Deputy Commissioner a certificate or other satisfactory evidence of both participation in and contribution to the approved plan.
- (b) Filing of Certificate, etc..** The shipowner or his Protection & Indemnity Club or his insurance company or his bonding company shall file with the Office of Deputy Commissioner of Maritime Affairs a certificate of insurance or guarantee or participation for every vessel, or a payment bond as required under paragraph 11(c). Such certificate or bond shall be renewed and refiled ten days before its expiration date. Such certificate or bond may be issued for a period from inception until canceled.
- (c) Form of Certificate of Insurance.** Certificates of Insurance shall be in substantially the following form:

**“REPUBLIC OF LIBERIA
BUREAU OF MARITIME AFFAIRS
CERTIFICATE OF INSURANCE PURSUANT TO
LIBERIAN MARITIME REGULATION 10.336**

NOT TRANSFERABLE

NAME OF VESSEL:
OFFICIAL NUMBER:
PORT OF REGISTRY: MONROVIA
NAME AND ADDRESS OF OWNER:

This is to certify that there is in force in respect of the above-named vessel while in the above ownership a policy of insurance satisfying the requirements of Liberian Maritime Regulation 10.336.

PERIOD OF INSURANCE: FROM TO

The insurer may cancel this Certificate only by giving 30 days written notice of cancellation to the Office of Deputy Commissioner of Maritime Affairs whereupon the liability of the insurer hereunder shall cease as from the date of the expiry of the said period of notice, but only as regards incidents arising thereafter.

DATE: _____

This Certificate has been issued for and on behalf of

(NAME OF INSURANCE COMPANY)

BY _____
(NAME AND TITLE OF OFFICER OR AUTHORIZED MANAGER OR AGENT)

(d) **Certificate of Guarantee of Payment.** The Certificate of Guarantee of Payment shall be substantially in the following form:

**REPUBLIC OF LIBERIA
BUREAU OF MARITIME AFFAIRS
GUARANTEE OF PAYMENT PURSUANT TO
LIBERIAN MARITIME REGULATION 10.336**

NAME OF VESSEL:
OFFICIAL NUMBER:
PORT OF REGISTRY: MONROVIA
NAME AND ADDRESS OF OWNER:

This is to certify that there is in force in respect of the above-named vessel while in the above ownership a guarantee of payment satisfying the requirements of Liberian Maritime Regulation 10.336.

PERIOD OF GUARANTEE: FROM TO

The guarantor warrants that it will pay the direct compensation for loss of life provided for under Regulation 10.336(a) of the Liberian Maritime Regulations directly to the beneficiaries and/or legal representatives of the deceased seafarer upon their demand, if for any reason the Owner does not pay the said compensation. The guarantor further warrants that it will not raise any other defenses against claims for such compensation except those available to the Owner under Liberian Maritime Regulation 10.336.

DATE: _____

This Guarantee has been issued for and on behalf of

(NAME OF GUARANTOR)

BY _____
(NAME AND TITLE OF OFFICER OR AUTHORIZED MANAGER OR AGENT)

Eff. 8 July 1982; amended 28 Aug. 1986; amended eff. 19 June 2002.

10.341 Working Hours; Overtime

(1) **Exceptions.** Work performed in excess of eight hours per day shall not be compensated for as overtime when necessary for the safety of the vessel, its passengers, crew, cargo or for the saving of other vessels, lives or cargo, or for the performance of fire, lifeboat, or other emergency drills.

(2) **Alternatives.** In the special circumstances of lightering, drilling, offshore supply or other specialized maritime operations not constituting an international voyage of more than 24 hours

duration, the shipowner may agree with the crew in writing that overtime is to be compensated by additional paid vacation or by additional tangible benefits other than money.

Eff. 7 Dec. 1964; amended 28 Aug. 1986.

10.342 Liability Insurance; Repatriation Costs.

(1) **Cover Required.** Each owner of a Liberian vessel is required to maintain at all times satisfactory third party liability insurance as described in Regulation 2.66(2) and covering, inter alia, any default in meeting the owner's repatriation obligations under Section 342 of the Maritime Law. Proof of such insurance shall be submitted annually to the Office of Deputy Commissioner.

(2) **Security for Costs.** In addition to the insurance cover required by paragraph (1), the Commissioner or a Deputy Commissioner may at any time require a shipowner to post a bond or provide other security to cover anticipated costs of repatriation of crew.

(3) **Forbidden Employment Condition.** It shall be a maritime offense for any shipowner to require a crew member to purchase in advance the crew member's own repatriation transportation as a condition of initial or continued employment.

Eff. 28 Aug. 1986.

10.359 Conciliation, Mediation and Arbitration.

(1) **Procedure.** The following procedure shall apply to conciliation, mediation and arbitration under Section 359 of the Maritime Law:

- (a) Crew members shall have five days from the date of the alleged occurrence of the labor grievance to bring the matter to the Master or his appointee, who shall have a further five days to bring about a solution of the matter.
- (b) If after five days the Master or officer in charge has been unable to resolve the matter, crew members shall have ten days thereafter to bring it through the Master or his appointee to the employer; or if the matter may be to the prejudice of the Master, then directly to the employer. The employer and the crew members shall have a period of twenty days therefrom to bring about a conciliation.
- (c) If after twenty days, the matter has not been conciliated, then either party shall have a further twenty days to bring the matter for mediation to the Commissioner or a Deputy Commissioner of Maritime Affairs or his appointed representative.
- (d) The conciliation and mediation procedures shall be informal.
- (e) If the Commissioner of Maritime Affairs or Deputy Commissioner or his appointed representative is unable to successfully mediate the matter, either party shall have thirty days to serve a notice of demand for arbitration and therein designate a proposed

arbitrator. In the event that an arbitrator cannot be mutually agreed upon and appointed within twenty days after service of said demand, each party shall appoint an arbitrator and those two shall choose the third arbitrator, who will act as the presiding arbitrator of the panel. Should one party fail to appoint an arbitrator, then the first moving party shall thereafter have ten days to bring the matter to the Commissioner of Maritime Affairs or Deputy Commissioner or his appointed representative, who shall in his discretion appoint an arbitrator on behalf of the party failing to respond, or alternatively, shall himself serve as sole arbitrator.

- (f) The arbitrator or arbitrators shall have thirty days from the receipt of a written request for arbitration to make a final determination in the matter.
- (g) The time periods above may be extended by the Commissioner of Maritime Affairs or the Deputy Commissioner or his appointed representative, and in the case of subparagraph (f) above may be extended by consent of the parties.

(2) **Arbitration Rules.** The parties to the arbitration may agree as to the place where the arbitration proceeding shall be held, the language in which the proceeding shall be conducted and, subject to the requirements of paragraph (3) hereof, the rules which will govern the arbitration proceeding. In default of agreement as to the place of the arbitration, the place shall be decided by the arbitrator(s). In default of agreement as to the rules, the proceeding shall be conducted in the English language under the UNCITRAL Arbitration Rules, insofar as consistent with the requirements of this Regulation.

(3) **Arbitration Proceeding.** The arbitration proceeding shall be informal, and testimony shall be given orally and in person to the extent possible. All oral testimony shall be recorded unless the parties agree in writing to waive recording. The arbitration award shall be in writing, in the English language, and shall briefly state the reason for the award. The costs of the arbitration, as determined by the arbitrator(s), shall be borne by both parties unless otherwise awarded by the arbitrator(s). A payment on account of costs shall be made by both parties at the commencement of the arbitration.

Eff. 8 July 1982; amended eff. 19 June 2002.

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