

[LEGAL NOTICE NO. 109]

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

Maritime (Safe Ship Management Systems) Regulations 2014

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

PART I—PRELIMINARY

Short title and commencement

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

Objectives

2. The objectives of these Regulations are to—
- (a) prescribe the requirements necessary for ships to be operated safely through safe on board work practices and the protection of the marine environment; and
 - (b) require ships to have in place a safe ship management system including a policy on environment protection.

PART 2—SHIPS ON INTERNATIONAL VOYAGE

Interpretation

3. In this Part, unless the context otherwise requires,—

“anniversary date” means, in relation to a document or certificate, the day and month of each year that corresponds to the date of expiry of the relevant document or certificate;

“Authorised Organisation” means an organisation that has entered into a memorandum of agreement with the Chief Executive Officer in compliance with the International Maritime Organization Assembly Resolution A.739 (18) and the annex as amended by Resolution MSC 208(81), entitled “Adoption of Amendments to the Guidelines for the Authorization of Organizations Acting on Behalf of the Administration” whereby that organisation may carry out surveys and audits and issue certificates on behalf of the Authority;

“authorised person” means a person employed by an authorised organisation and appointed under section 38(1) of the Decree to carry out such inspections and such audits as the Authority considers necessary for the purposes of these Regulations;

“Authority” means the Maritime Safety Authority of Fiji;

“cargo ship” means a ship that is constructed generally to carry cargo;

“cargo” means dry cargo and liquid cargo;

“Chief Executive Officer” means the Chief Executive Officer of the Authority;

“Document of Compliance” means—

- (a) in relation to an owner of a Fiji ship, the Document of Compliance issued in accordance with regulations 7(1) and (2); and
- (b) in relation to an owner of a foreign ship, the Document of Compliance or equivalent referred to under regulation 8(3);

“Decree” means the Maritime Transport Decree 2013;

“Interim Document of Compliance” means in relation to an owner of a ship, the interim document of compliance referred to in the ISM Code, the purpose of which is to facilitate initial implementation of the ISM Code or implementation where the owner’s operation is newly established or where new ship types are added to an existing Document of Compliance;

“Interim Safety Management Certificate” means the interim Safety Management Certificate or equivalent referred to in the ISM Code in relation to a ship;

“International Maritime Organization identification number” means the number issued to a ship by International Maritime Organization;

“International Safety Management Code” or “ISM Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention, adopted by the International Maritime Organization by Resolution A. 741(18) as amended by Resolution MSC. 104(73) in 2000;

“major non-conformity” means—

- (a) an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the marine environment, and requires immediate corrective action; and
- (b) includes a lack of effective and systematic implementation of a requirement of the ISM Code;

“mobile offshore drilling unit” means a ship capable of engaging in drilling operations for the exploration or exploitation of resources beneath the seabed including, but not limited to, liquid or gaseous hydrocarbons, sulphur or salt;

“non-SOLAS ship” means a ship that is not a SOLAS ship;

“owner” means an owner or operator and includes a company or any other organisation or person who has assumed the responsibility for the operation of the ship and who on assuming such responsibility, has agreed to take over all duties and responsibilities imposed on the owner and operator by these Regulations;

“offshore terminal” means an installation or device located offshore with facilities for loading and unloading of ships;

“passenger ship” means a ship carrying more than 12 passengers on international voyage;

“port state control duties” means the boarding of foreign ships for the purposes of verifying compliance with international maritime conventions including the reporting on any non-compliance by the ship and exercising any such powers as necessary under section 102 of the Decree;

“port state control officers” means an officer appointed by the Chief Executive Officer under section 101 of the Decree;

“Safety Management Certificate” means—

- (a) in relation to a Fiji ship, an approved document issued under regulation 7;
- (b) in relation to a foreign ship, the Safety Management Certificate or equivalent referred to in the ISM Code;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended by the Protocols of 1978 and 1988 and any amendments from time to time adopted by the International Maritime Organization and accepted by the Fiji Government;

“SOLAS ship” means a—

- (a) passenger ship on international voyage; or
- (b) cargo ship of more than 500 gross tonnage on international voyage;

“special purpose ship” includes mobile offshore drilling unit or installation, mobile offshore mining units, research ships, supply ships, offshore terminals and training ships;

“safety management system” means a structured and documented system enabling ships and shore based personnel to implement the owner’s safety and pollution prevention policy in accordance with the ISM Code; and

“verification” means investigation, inspection, audit, tests and operational checks carried out in accordance with these Regulations for the purposes of confirming whether or not an activity or operation is in accordance with safety management systems specified in the ISM Code.

Application of Part 2

4.—(1) The provisions of this Part apply to a Fiji ship that is a—

- (a) SOLAS ship;
- (b) cargo ship that is a Non-SOLAS ship; or
- (c) special purpose ship that is a Non-SOLAS ship.

(2) This Part also applies to a foreign ship that is a—

- (a) SOLAS ship which is within Fiji waters;
- (b) cargo ship that is a Non-SOLAS ship that is within Fiji waters; or
- (c) special purpose ship that is a Non-SOLAS ship and is within Fiji’s waters.

Compliance

5.—(1) For SOLAS ships calling to any port in Fiji, compliance with these Regulations is required immediately.

(2) For cargo ship that is a Non-SOLAS ship that is at a port or place in Fiji, compliance with these Regulations is required six months from the date of commencement of these Regulations.

(3) For special purpose ship that is a Non-SOLAS ship that is at a port or place in Fiji, compliance with these Regulations is required six months from the date of commencement of these Regulations.

Safety management requirements

6.—(1) The owner or master of a ship to which these Regulations apply shall implement and maintain a safety management system complying with the ISM Code.

(2) The owner or master of a ship to which these Regulations apply shall hold either—

- (a) a valid Interim Document of Compliance; or
- (b) a valid Document of Compliance.

(3) The owner or master of a ship to which these Regulations apply shall ensure that either—

- (a) a valid Interim Safety Management Certificate; or
- (b) a valid Safety Management Certificate,

is in force for the ship.

(4) The master of a ship to which these Regulations apply shall ensure that—

- (a) a copy of the valid Interim Document of Compliance or a copy of the valid Document of Compliance issued to the owner of the ship—
 - (i) is kept on board the ship at all times; and
 - (ii) is produced when requested by the Chief Executive Officer or a Port State Control Officer.
- (b) the original valid Interim Safety Management Certificate or the original valid Safety Management Certificate in respect of the ship—
 - (i) is kept on board the ship at all times; and
 - (ii) is produced when requested by the Chief Executive Officer or a Port State Control Officer.

Certification

7.—(1) Where the owner of a ship to which these Regulations apply, makes an application for a Document of Compliance, and the Chief Executive Officer or an Authorised Organisation is satisfied that the owner has implemented a safety management system complying with the requirements of the ISM Code, the Chief Executive Officer or an Authorised Organisation to whom the application is made, shall issue to that owner, a Document of Compliance.

(2) A Document of Compliance shall—

- (a) be in the form prescribed in Schedule 1;
- (b) indicate the type of ship for which it is valid;
- (c) be valid for the period not exceeding 5 years which shall be specified in it; and
- (d) be subject to annual verification to be carried out by the Chief Executive Officer or the authorised organisation within 3 months before or after the anniversary date of the Document of Compliance which confirms the continuing compliance of the safety management system with the requirements of the ISM Code.

(3) Where there is evidence of a major non-conformity with the ISM Code or of failure to undertake an annual verification, the Document of Compliance may be suspended or revoked.

(4) The Chief Executive Officer or an authorised organisation shall issue a Safety Management Certificate in respect of a ship, where the owner of the ship to which these Regulations apply makes an application for a Safety Management Certificate under the provisions of the ISM Code, and the Chief Executive Officer or the Authorised Organisation is satisfied that—

- (a) the owner holds a valid Document of Compliance in respect of that type of ship; and
- (b) the shipboard management is operating in accordance with the approved safety management system.

(5) A Safety Management Certificate shall be—

- (a) in the form prescribed in Schedule 2;
- (b) valid for the period specified in it, which period shall not exceed 5 years; and
- (c) subject to the condition that at least one intermediate verification by the Chief Executive Officer or an Authorised Organisation takes place between the second and third anniversary dates of the issue of the Safety Management Certificate, which confirms the effective functioning of the safe management system, and that any modifications carried out since the previous audit, comply with the requirements of the ISM Code.

(6) It shall be a condition of every Safety Management Certificate that a valid Document of Compliance shall be in force for that type of ship at all times.

(7) Where there is evidence of a major non-conformity with the ISM Code or there is a failure to undertake intermediate verifications, the Safety Management Certificate and the Document of Compliance shall be suspended or revoked.

(8) If the owner of a ship to which these Regulations apply, makes an application for an Interim Document of Compliance, and the Chief Executive Officer or an authorised organisation to whom the application is made, is satisfied that the owner has a safety management system that meets the objectives of section 1.2.3 of the ISM Code, the Chief Executive Officer or the Authorised Organisation shall issue to that owner, an Interim Document of Compliance.

(9) An Interim Document of Compliance shall be—

- (a) in the form prescribed in Schedule 3; and
- (b) valid for the period specified in it, which period shall not exceed 12 months.

(10) The owner, within the period of validity of an Interim Document of Compliance, shall provide the Chief Executive Officer as and when required by the Chief Executive Officer or the authorised organisation, plans to implement a safety management system meeting the full requirements of the ISM Code.

(11) The Chief Executive Officer or Authorised Organisation shall under sub-regulation (12), issue an Interim Safety Management Certificate in respect of the ship where the owner of a ship makes an application for an Interim Safety Management Certificate in respect of a new ship on delivery or where the owner is taking on responsibility for the management of a ship that is new to that owner and the Chief Executive Officer or an authorised organisation is satisfied that—

- (a) the owner holds a valid Interim Document of Compliance or a valid Document of Compliance in respect of that type of ship; and
- (b) the safe management system provided by the owner for the ship includes key elements of the ISM Code, and the master and senior officers of the ship are familiar with the safe ship management system and planned arrangements for its implementation.

(12) An Interim Safety Management Certificate—

- (a) shall be in the form prescribed in Schedule 4;
- (b) shall be valid for the period specified in it, which period shall not exceed 6 months; and
- (c) may be extended by the Chief Executive Officer for one further period not exceeding 6 months if the Chief Executive Officer or an Authorised Organisation considers that—
 - (i) the initial period of validity of up to 6 months is insufficient time to evaluate whether the requirements of sub-regulation (4) have been met; or
 - (ii) given the circumstances it is impracticable to assess the application for a Safety Management Certificate for that ship.

(13) The owner of a ship to which these Regulations apply, shall ensure all plans, manuals, and other documents required on board the ship are marked with the ships' International Maritime Organization identification number in a clearly legible manner.

(14) Plans, manuals, and other documents referred to in sub-regulation (13) shall be marked by the owner or operator before submission for approval to the Chief Executive Officer or Authorised Organisation.

Port State Control

8.—(1) The master of a foreign ship shall fully cooperate with the Port State Control Officers when they are carrying out port state control duties on board the ship.

(2) Any ship which is not in compliance with the ISM Code shall be liable for detention until such time when the ship is made compliant with the ISM Code.

(3) The owner and the master of a foreign ship to which these Regulations apply shall ensure that either—

- (a) a copy of the valid Interim Document of Compliance or valid Document of Compliance; and

- (b) a valid Interim Safety Management Certificate or valid Safety Management Certificate,

issued by or on behalf of the flag state in accordance with Chapter IX of the SOLAS Convention is carried on board the ship at all times.

PART 3—SHIPS NOT ON INTERNATIONAL VOYAGE

Application of Part 3

9.—(1) This Part applies to—

- (a) any ship registered in Fiji; and
 (b) any ship that is licenced to operate within Fiji waters.

(2) For the purpose of this Part, a ship that is normally carried on board a larger ship and operates within communication range of the larger ship—

- (a) may be considered to be part of the larger ship's equipment;
 (b) may have its safe operation covered by the larger ship's documented operating procedures; and
 (c) need not otherwise comply with this Part.

Interpretation

10. In this Part, unless the context otherwise requires,—

“accident” shall have the same meaning as under section 2 of the Decree;

“approved organisation” means a partnership, a corporation, a body of persons whether corporate or unincorporated, or any other entity that is managing a safe ship management system, and that represents any party and the ship owners belonging to that safe ship management system, or solely the ship owners belonging to that system, approved by the Chief Executive Officer;

“Approved Organisation Certificate” means a certificate issued under Regulation 12;

“approved safe ship management system” means a safe ship management system that is approved by the Chief Executive Officer in accordance with regulation 13(1);

“audit” means a systematic and independent examination to determine whether the safe ship management system activities and related results comply with the Fiji Safe Ship Management Code and whether these arrangements are implemented effectively and are suitable to achieve the safe ship management system's objectives;

“authorised officer” shall have the same meaning as under section 2 of the Decree;

“corrective action” means the action taken to correct an identified non-compliance;

- “discharge” includes any release, disposal, spilling, leaking, pumping, emitting, or emptying, but does not include release of harmful substances for the purposes of legitimate scientific research and “to discharge” and “discharged” shall have corresponding meanings;
- “Fiji Safe Ship Management Certificate” means the maritime document issued under these Regulations;
- “Fiji Safe Ship Management Code” means the Fiji Safe Ship Management Code as set out in Schedule 6;
- “Hazardous occurrence” means an occurrence other than an accident which could affect the safety of the ship or persons and includes a pollution “incident” as defined in regulation 2 of the Maritime (Pollution Prevention and Management) Regulations 2014;
- “inspection” means an examination of the ship and its equipment to ensure that it is being maintained in accordance with the approved maintenance plan required under regulation 14(6);
- “major alteration” and “major repair” mean the alteration or repair of a ship, or the replacement or removal or addition of any part of a ship, that is likely to—
- (a) significantly affect the structural integrity, tonnage, freeboard, cargo or passenger capacity, crew or passenger accommodation, conditions of assignment of load line, watertight subdivision, stability or structural fire protection, or safety equipment of the ship; or
 - (b) result in significant changes to the propulsion machinery, auxiliary machinery, or method of propulsion of the ship;
- “non-conformity” means an identifiable deviation from the stated practices and conditions of the organisation’s documented approved safe ship management system, which poses a risk to personnel or ship safety or to the marine environment, and requires corrective action and includes lack of effective and systematic implementation of a requirement of the Fiji Safe Ship Management Code;
- “operate on the Fiji coast” means to undertake a voyage as a commercial ship from a Fiji port or offshore terminal to another Fiji port or offshore terminal or back to the same Fiji port or offshore terminal;
- “operational area” means the area assigned to a ship as recorded on the ship’s Survey Certificate;
- “recognised accreditation body” means a quality system certification body recognised by the Chief Executive Officer;
- “safe ship management system” means a structured and documented system enabling ship and shore based personnel to implement the owner’s safety and pollution prevention policy in accordance with the Fiji Safe Ship Management Code;

“Safety Management Manual” means the document describing an organisation’s safe ship management system and serving as a permanent reference in the implementation and maintenance of that system;

“standard operating procedure” means a standard operating procedure referred to in regulation 10 to be approved by the Chief Executive Officer; and

“Survey Certificate” shall have the same meaning as under regulation 3 of the Maritime (Fiji Small Craft Code) Regulations 2014.

Compliance

11.—(1) Every ship of 500 gross tonnage or more to which this Part applies shall have an approved safe ship management system, within 6 months from the date of commencement of these Regulations.

(2) Every ship of less than 500 gross tonnage to which this Part applies shall ensure that the ship has an approved standard operating procedure in place within one year from the date of commencement of these Regulations and thereafter comply with this Part.

(3) The owner and master of a ship that is 15 meters or less in length shall ensure that the ship has an approved standard operating procedure in place and that it is carried on board at all times and is readily available for inspection by the Chief Executive Officer.

(4) The standard operating procedures shall cover safe working practices of all the operations on a ship of less than 15 meters in length including the protection of the marine environment.

(5) Any safety management system or standard operating procedure shall be audited by the Chief Executive Officer annually or whenever there is an accident or incident on board a ship that warrants the verification of the effectiveness of the safety management system or standard operating procedures.

Certification of approved organisations

12.—(1) No organisation shall exercise the functions of an approved organisation unless such an organisation holds an Approved Organisation Certificate issued by the Authority under sub-regulation (2).

(2) The Authority may issue an Approved Organisation Certificate to any organisation applying for such certificate if it is satisfied that such organisation fulfils the following requirements—

(a) the organisation has competent staff, having regard to their previous conduct and experience, required facility, relevant training, quality assurance system, safety management systems, or other arrangements to conduct services specified in the Approved Organisation Certificate; and

(b) the organisation is in compliance with any standards issued by the Authority.

(3) The Approved Organisation Certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the Approved Organisation Certificate.

(4) An authorised officer shall inspect an approved organisation—

(a) for the purpose of securing and monitoring the provisions of the Fiji Safe Ship Management Code; or

- (b) to satisfy the Authority that the holder of the Approved Organisation Certificate is competent to operate.
- (5) An inspection carried out on the nature of the work pursuant to sub-regulation (4) includes—
- (a) the examining and inspecting of the work of the approved organisation providing safe ship management service;
 - (b) the examining and inspecting of safe ship management equipment and its maintenance facilities; or
 - (c) such other examination and inspection as may be necessary for the purpose of monitoring the safety of the provision of the service and the objective of safe ship management operations.
- (6) The approved organisation shall comply with any recommendations imposed by the Authority as a result of an examination or inspection carried out under sub-regulations (4) and (5).
- (7) Any approved organisation that contravenes this regulation commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 and to an additional fine of \$500 per day for each day that the offence continues.

Safe Ship Management System

13.—(1) Where an owner or operator makes an application in writing to the Chief Executive Officer for approval of that organisation's safe ship management system and the Chief Executive Officer, after carrying out an initial audit of the organisation's safe ship management systems, is satisfied that the ship has a safe ship management system in accordance with the Fiji Safe Ship Management Code, the Chief Executive Officer shall grant approval in writing.

(2) An owner or operator's safe ship management system is subject to, two and a half yearly audits by the Authority or whenever there is an accident or incident on board a Fiji owned ship that warrants the verification of the effectiveness of the organisation's safe ship management system.

(3) If an organisation applies to the Chief Executive Officer for approval of that organisation's safe ship management system which meets all the requirements of the Fiji Safe Ship Management Code on the basis of a quality system certification issued by a recognised accreditation body, the Chief Executive Officer shall grant approval in writing.

(4) For the purposes of approving a safe ship management system, the Chief Executive Officer may allow an organisation to operate a safe ship management system and a maximum number of ships for a period of not more than five (5) years subject to intermediate verification audit by the Authority.

(5) An organisation operating an approved safe ship management system shall maintain a record of audits, inspections, accidents, incidents, mishaps, unlawful discharges, hazardous occurrences, major non-conformities and corrective actions for all ships within its safe ship management system.

(6) An organisation operating an approved safe ship management system shall provide the Chief Executive Officer with such information from the records maintained in accordance with the Fiji Safe Ship Management Code, as the Chief Executive Officer may from time to time reasonably require.

(7) An organisation operating an approved safe ship management system shall notify the Chief Executive Officer as soon as possible of—

- (a) the name and the owner of each new ship entering the organisation's approved safe ship management system;
- (b) any change of owner of any ship in the organisation's approved safe ship management system;
- (c) the suspension and reasons for suspension of the Fiji Safe ship Management Certificate of any ship in the organisation's approved safe ship management system; and
- (d) the details of any ship that leaves the organisation's approved safe ship management system.

(8) The Chief Executive Officer shall conduct an audit on the organisation's approved safe ship management system for the purpose of sub-regulation (7)(a) and (c).

(9) Where at any time after an organisation's safe ship management system has been approved by the Chief Executive Officer under sub-regulation (1) and,—

- (a) the organisation ceases to have a valid Fiji Safe ship Management Certificate issued by a recognised accreditation body;
- (b) the scope and field of application of the organisation's quality system ceases to be for the safe management of ships in accordance with the Fiji Safe Ship Management Code;
- (c) the organisation fails to meet the requirements of sub-regulation (2); or
- (d) an approved organisation fails to correct any non-conformity of an audit carried out by the Chief Executive Officer,

the Chief Executive Officer may, in writing, withdraw his or her approval of that organisation's safe ship management system, and that system shall cease to be an approved safe ship management system under this Part.

Conditions to be met in order for ship to remain in safe ship management system

14.—(1) The owner of a ship to which this regulation applies shall ensure that—

- (a) the ship is operated by an organisation that has an approved safe ship management system;
- (b) a Fiji Safe ship Management Certificate issued by the Chief Executive Officer is in force in respect of the ship; and
- (c) the ship complies with the conditions and limitations stated in the Survey Certificate and the Fiji Safe Ship Management Certificate.

(2) No ship to which this Part applies shall enter or remain in an organisation's approved safe ship management system unless—

- (a) the ship's Survey Certificate is valid at the date of the ship's entry into the approved safe ship management system; and
- (b) the ship has a valid Fiji Safe Ship Management Certificate.

(3) The owner of a ship to which these Regulations apply shall retain the document required by sub-regulation (2)(a) as evidence of the ship's eligibility to enter and remain in the organisation's approved safe ship management system.

(4) Any ship to which sub-regulation (2)(a) is applicable shall maintain the operational area shown on its Survey Certificate at the time it enters an approved safe ship management system.

(5) The owner of any ship to which sub-regulation (2)(b) applies shall be in possession of a written statement from the Chief Executive Officer in relation to the permitted operational area assigned to that ship.

(6) The owner of a ship to which these Regulations apply shall ensure that the ship has in place a maintenance plan—

- (a) which includes any inspection and test requirements of section 12 of the Fiji Safe Ship Management Code; and
- (b) approved by the Authority or an approved organisation if the ship enters and remains in an approved safe ship management system operated by an organisation which is not the owner of the ship.

(7) Upon entry of a ship into an organisation's approved safe ship management system in compliance with sub-regulation (2), that organisation shall carry out an initial audit of the safety management of the ship to ensure compliance with the Fiji Safe Ship Management Code.

(8) The report of the audit carried out by the organisation under sub-regulation (7) shall be submitted to the Chief Executive Officer.

Audits and inspections

15.—(1) The approved organisation shall carry out subsequent audits of each ship in the organisation's approved safe ship management system to ensure compliance with the Fiji Safe Ship Management Code and these subsequent audits shall be undertaken when the ship is operational and in its normal service.

(2) Audits shall be carried out by persons nominated by the approved organisation and shall not be undertaken by the Master or crew of the ship undergoing the audit.

(3) The approved organisation shall carry out inspections of each ship from time to time to ensure that the ship and its equipment are being maintained in accordance with the approved maintenance plan and remain fit for their intended purpose.

(4) The inspections in sub-regulation (3) shall include the inspections required by regulation 14(6)(a) and such inspections shall be independent of any audit required by sub-regulation (1).

Fiji Safe Ship Management Certificate

16.—(1) If the owner or operator of a ship to which this regulation applies makes an application for an initial or subsequent Fiji Safe Ship Management Certificate in respect of the ship and the Chief Executive Officer is satisfied that—

- (a) the ship and its equipment—
 - (i) have been maintained in accordance with the approved maintenance plan required by regulation 14(6); and
 - (ii) remain fit for their intended purpose; and
- (b) that the audits and inspections of the safety management of the ship have been undertaken by the approved organisation or the Authority to the satisfaction of the Chief Executive officer,

the Chief Executive Officer shall issue a Fiji Safe Ship Management Certificate in respect of the ship stating that the safety management of the ship complies with the requirements of the Fiji Safe Ship Management Code.

(2) The Chief Executive shall not issue any Fiji Safe Ship Management Certificate for a period exceeding the maintenance plan period required by regulation 14(6) which should not be for a period exceeding five (5) years.

(3) Every Fiji Safe Ship Management Certificate and subsequent Fiji Safe Ship Management Certificate issued by the Chief Executive Officer shall be in the form prescribed in Schedule 5 and may be subject to the requirement of any additional information by the Authority or an approved organisation.

(4) The owner or operator of a ship to which a Fiji Safe Ship Management Certificate has been issued shall ensure that a copy of the certificate is displayed in a prominent position on the ship at all times or is readily available for inspection by the Chief Executive Officer or the approved organisation.

Suspension and revocation of Fiji Safe Ship Management Certificate

17.—(1) The Chief Executive Officer shall suspend or revoke the Fiji Safe Ship Management Certificate of a ship, issued under regulation 16 where—

- (a) following an audit of a ship in an approved safe ship management system, or for any other reason, a corrective action is not undertaken by the owner or operator of the ship in respect of a non-conformity;
- (b) following any inspection, or otherwise, the approved organisation considers that a ship belonging to that organisation's approved safe ship management system, or its equipment is not being maintained in accordance with the approved maintenance plan;
- (c) the approved organisation considers that a ship belonging to that organisation's approved safe ship management system is no longer fit for its intended purpose;
- (d) a ship is operated in breach of regulation 13 to 16; or
- (e) the owner or operator of a ship breaches any other conditions or requirements of the approved organisation's approved safe ship management system.

(2) Where any of the circumstances referred to in sub-regulation (1) occur or the owner or operator of a ship to which this regulation applies removes the ship from an organisation's approved safe ship management system, the Chief Executive Officer may suspend or revoke the Fiji Safe Ship Management Certificate of that ship.

(3) The owner of a ship to which these Regulations apply shall ensure that if the ship undergoes major modification, major repair, changes its operating limits temporarily or permanently, or increases its passenger carrying capacity, the ship shall not be operated until the owner has obtained a new—

- (a) Survey Certificate issued in accordance with the Decree; and
- (b) Fiji Safe Ship Management Certificate issued under these Regulations stating that the safety management of that ship complies with the requirements of the Fiji Safe Ship Management Code.

Penalty

18. Pursuant to section 40 of the Decree, the Chief Executive Officer shall detain any such ship which does not keep on board a valid Fiji Safe Ship Management Certificate until the ship meets the requirements under these Regulations and the ISM Code.

Fee and charges

19. All fees and charges related to the issuance of certificates, verifications and audits under these Regulations are prescribed under Schedule 7.

Made this 14th day of December 2014.

P. TIKODUADUA
Minister for Infrastructure and Transport

SCHEDULE 1
(Regulation 7(2))

DOCUMENT OF COMPLIANCE

(Official seal of MSAF or an authorised organisation)

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended under the authority of the Government of the Republic of Fiji by.....
(Chief Executive Officer or an authorised organisation)

Name and address of the Company.....
.....
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the Safety Management System of the Company has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) adopted by the International Maritime Organisation by Resolution A 741(18), as amended, for the types of ships listed below (delete as appropriate):

- Passenger ship
- Passenger high speed craft
- Cargo high speed craft
- Bulk carrier
- Oil tanker
- Chemical tanker
- Gas carrier
- Mobile offshore drilling unit
- Other cargo ship

This Document of Compliance is valid until, subject to periodical verification.

Issued at.....
(place of issue of the document)

Date of issue

.....
(Signature of the duly authorised official issuing the document)

ENDORSEMENT FOR ANNUAL VERIFICATION

THIS IS TO CERTIFY THAT at the periodical verification in accordance with regulation 6 of chapter IX of the Convention, the Safety Management System was found to comply with the requirements of the ISM Code.

1st ANNUAL VERIFICATION

Signed:
(Signature of authorised official)
Place:
Date:

2nd ANNUAL VERIFICATION

Signed:
(Signature of authorised official)
Place:
Date:

3rd ANNUAL VERIFICATION

Signed:
(Signature of authorised official)
Place:
Date:

4th ANNUAL VERIFICATION

Signed:
(Signature of authorised official)
Place:
Date:

SCHEDULE 2
(Regulation 7(5))

SAFETY MANAGEMENT CERTIFICATE

(Official seal of MSAF or an authorised organisation)

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended under the authority of the Government of Fiji by.....

.....
(Chief Executive Officer or an authorized organisation)

Name of ship:.....

Distinctive number or letters:.....

Port of registry:.....

Type of ship:

Gross tonnage:.....

IMO number:.....

Name and address of Company:

.....
.....

(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the Safety Management System of the ship has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), adopted by the International Maritime Organisation by Resolution A.741(18) as amended by that organisation, following verification that the Document of Compliance for the Company is applicable to this type of ship.

This Safety Management Certificate is valid until....., subject to periodical verification and the validity of the Document of Compliance.

Issued at.....
(place of issue of the certificate)

Date of issue.....

.....
(signature of the duly authorised official issuing the certificate)

ENDORSEMENT FOR PERIODICAL VERIFICATION AND ADDITIONAL VERIFICATION (IF REQUIRED)

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with regulation 6 of chapter IX of the Convention, the Safety Management System was found to comply with the requirements of the ISM Code.

INTERMEDIATE VERIFICATION

Signed:

(Signature of authorised official)

(to be completed between the second and the third anniversary date)

Place:

Date:

ADDITIONAL VERIFICATION*

Signed:

(Signature of authorised official)

Place:

Date:

ADDITIONAL VERIFICATION*

Signed:

(Signature of authorised official)

Place:

Date:

* If applicable

SCHEDULE 3
(Regulation 7(9))

INTERIM DOCUMENT OF COMPLIANCE

(Official seal of MSAF or an authorised organisation)

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended under the authority of the Government of Fiji by

.....
(Chief Executive Officer or an authorized organisation)

Name and address of the Company.....
.....
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the Safety Management System of the Company has been recognised as meeting the objectives of paragraph 1.2.3 of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) adopted by the International Maritime Organisation by Resolution A 741(18), as amended by that organisation, for the types of ship listed below (delete as appropriate):

- Passenger ship
- Passenger high speed craft
- Cargo high speed craft
- Bulk carrier
- Oil tanker
- Chemical tanker
- Gas carrier
- Mobile offshore drilling unit
- Other cargo ship

This Document of Compliance is valid until.....

Issued at
(place of issue of the document)

Date of issue:

.....
(Signature of the duly authorised official issuing the document)

SCHEDULE 4
(Regulation 7(12))

INTERIM SAFETY MANAGEMENT CERTIFICATE

(Official seal of MSAF or an authorized organization)

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended under the authority of the Government of Fiji by

.....
(Chief Executive Officer or an authorized organisation)

Name of ship:

Distinctive number or letters:

Port of registry:

Type of ship:

Gross tonnage:

IMO number:

Name and address of Company:

.....
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the Safety Management System of the ship complies with paragraphs 3.3.4 and 3.3.5 of the Guidelines on the Implementation of the ISM Code by Administrations, adopted by the International Maritime Organisation by Resolution A778(19) as amended by that organisation.

This Interim Safety Management Certificate is valid until

Issued at
(place of issue of the certificate)

Date of Issue

.....
(signature of the duly authorised official issuing the certificate)

The validity of the Interim Safety Management Certificate is extended to

Date of extension

.....
(signature of the duly authorised official issuing the certificate)

SCHEDULE 5
(Regulation 16(3))

FIJI SAFE SHIP MANAGEMENT CERTIFICATE

Issued under the provisions of regulation or regulation of Part of the Maritime (Safe Ship Management Systems) Regulations 2014.

(Chief Executive Officer or approved organisation managing an approved safe ship management system)

Name of ship:..... Port of registry:

Official Number: Gross tonnage:

Name and Address of Owner:

The above ship shall not proceed beyond the following operating limits:

.....
.....
.....

The above ship shall not carry more than the following number of passengers:

.....

Lifesaving appliances are provided for a total number of.....persons (passengers, crew and officers).

THIS IS TO CERTIFY THAT the Safe Ship Management System of the ship has been audited and that it complies with the requirements of the Fiji Safe Ship Management Code and that the ship and its equipment remain fit for their intended purpose.

This certificate is valid until....., subject to periodical audit/inspection of the ship.

Date of issue.....

.....
(signature of Chief Executive Officer or approved organisation)

ENDORSEMENT FOR PERIODICAL VERIFICATION AND ADDITIONAL VERIFICATION (IF REQUIRED)

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with regulation 13, the Safety Management System was found to comply with the requirements of the ISM Code.

INTERMEDIATE VERIFICATION

Signed:

(Signature of authorised official)

(to be completed between the second and the third anniversary date)

Place:

Date:

ADDITIONAL VERIFICATION*

Signed:
 (Signature of authorised official)
 Place:
 Date:

ADDITIONAL VERIFICATION*

Signed:
 (Signature of authorised official)
 Place:
 Date:

* If applicable

SCHEDULE 6
(Regulation 11)

FJI SAFE SHIP MANAGEMENT CODE**CONTENTS**

1. Preamble
2. General
3. Functional requirements for a Safe Ship Management System
4. Safety and environmental protection policy
5. Owner responsibilities and authority
6. Designated person
7. Master's responsibility and authority
8. Resources and personnel
9. Development of plans for shipboard operations
10. Emergency response
11. Reports and analysis of non-conformities, accidents and hazardous occurrences
12. Maintenance of the ship and equipment
13. Documentation
14. Owner verification, review and evaluation
15. Certification, verification and control

1. Preamble

- (1) The purpose of this Code is to provide a standard for the safe management and safe operation of ships and pollution prevention in Fiji's domestic shipping.
- (2) Recognising that no two shipping companies or ship-owners are the same, and that ships provide a wide range of services under different conditions, the Code is based on general principles and objectives. These general principles and objectives are applicable to both a single small ship organisation and to a ship owner with a fleet of large ships.

- (3) The Code is expressed in broad terms so that it can have a widespread application. Clearly, different levels of management, whether shore based or at sea, will require varying levels of knowledge and awareness of the items outlined.
- (4) The cornerstone of good safety management is commitment from the top. In matters of safety and pollution prevention it is the commitment, competence, attitudes and motivation of all individuals at each level that determines the end result.

2. General

(1) Definitions

“Code” means the Fiji Safe Ship Management Code;

“Fiji waters” means—

- (a) the territorial seas;
- (b) the archipelagic waters;
- (c) the inland waters; and
- (d) the exclusive economic zone;

“Owner” means the legal owner and charterer of the ship.

(2) Objectives

The objectives of the Fiji Safe Ship Management Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment, and to property. Safety management objectives of the owner should, inter alia—

- (a) provide for safe practices in ship operation and a safe working environment;
- (b) establish safeguards against all identified risks; and
- (c) continuously improve safety management skills of personnel ashore and aboard ships, including preparing for emergencies related to both safety and environmental protection.

The safe ship management system should ensure—

- (a) compliance with these Regulations; and
- (b) compliance with applicable codes and standards prescribed in the Decree.

3. Functional requirements for a Safe Ship Management System

Every owner should develop, implement and maintain a Safe Ship Management System which includes the following functional requirements—

- (a) a safety and environmental protection policy;
- (b) instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant written laws of Fiji;

- (c) defined levels of authority and lines of communication between, and amongst, shore and shipboard personnel;
- (d) procedures for reporting accidents and non-conformities within the provisions of this Code;
- (e) procedures to prepare for and respond to emergency situations; and
- (f) procedures for internal audits and management reviews.

4. Safety and environmental protection policy

- (1) The owner should establish a safety and environmental protection policy which describes how the objectives given in paragraph 2(2) may be achieved.
- (2) The owner should ensure that the policy is implemented and maintained at all levels of the organisation, both ship based as well as shore based.

5. Owner's responsibility and authority

- (1) The owner should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.
- (2) The owner is responsible for ensuring that adequate resources and shore based support are provided to enable the designated person or persons onboard to carry out their functions.

6. Designated person

- (1) To ensure the safe operation of each ship and to provide a link between the owner and those on board, every owner, as appropriate, should designate a person ashore having direct access to the highest level of management.
- (2) The responsibility and authority of the designated person or persons should include monitoring the safety and pollution protection aspects of the operation of each ship and to ensure that adequate resources and shore based support are applied, as required.

7. Master's responsibility and authority

- (1) The owner should clearly define and document the master's responsibility having regard to—
 - (a) implementing the safety and environmental protection policy of the owner;
 - (b) motivating the crew in the observation of the policy;
 - (c) issuing appropriate orders and instructions in a clear and simple manner;
 - (d) verifying that specified requirements are observed; and
 - (e) reviewing the Safe Ship Management System and reporting its deficiencies to the shore based management.

- (2) The owner should ensure that the Safe Ship Management System operating on board the ship contains a clear statement emphasizing the master's authority. The owner should establish in the Safe Ship Management System that the master has the overriding authority and the responsibility to make decisions with respect to safety and pollution prevention and to request the owner's assistance as may be necessary.

8. Resources and personnel

- (1) The owner should ensure that the master is—
 - (a) properly qualified for command;
 - (b) is fully conversant with the owner's Safe Ship Management System; and
 - (c) given the necessary support so that the master's duties can be safely performed.
- (2) The owner should ensure that the ship is crewed with properly qualified and medically fit seafarers in accordance with any relevant mandatory rules and regulations.
- (3) The owner should establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarization with their duties. Instructions which are essential to be provided prior to sailing should be identified, documented and provided.
- (4) The owner should ensure that all personnel involved in the owner's Safe Ship Management System have an adequate understanding of relevant mandatory rules and regulations.
- (5) The owner should establish and maintain procedures for identifying any training which may be required in support of the Safe Ship Management System and ensure that such training is provided for all personnel concerned.
- (6) The owner should establish procedures by which the ship's crew receive relevant and easily understood information on the Safe Ship Management System.

9. Development of plans for shipboard operations

The owner should establish procedures for the preparation of plans and instructions for key shipboard operations concerning the safety of the ship and pollution prevention. The various tasks involved should be defined and assigned to appropriately qualified personnel.

10. Emergency response

The owner should establish procedures to identify, describe, and respond to potential emergency shipboard situations. The owner should also establish programs for drills and exercises to prepare for emergency actions. The Safe Ship Management System should provide for measures ensuring that the owner can respond at any time to hazards, accidents and emergency situations involving the owner's ship.

11. Reports and analysis of non-conformities, accidents and hazardous occurrences

The safe ship management system should include procedures ensuring that nonconformities, accidents and hazardous occurrences are reported to the owner, investigated and are analysed with the objective of improving safety and pollution prevention. Procedures should be established for the implementation of corrective action.

12. Maintenance of the ship and its equipment

- (1) The owner should establish procedures to ensure that the ship is maintained in conformity with the provisions of this Code and with any additional requirements established by the owner.
- (2) In meeting these requirements the owner should ensure that—
 - (a) inspections are held at appropriate intervals;
 - (b) any non-conformity is reported with its possible cause, if known;
 - (c) appropriate corrective action is taken;
 - (d) records of these activities are maintained; and
 - (e) for each ship an appropriate maintenance plan is maintained.
- (3) The owner should establish procedures in the Safe Ship Management System to identify equipment and technical systems, the sudden operational failure of which may result in hazardous situations. The Safe Ship Management System should provide for specific measures aimed at promoting the reliability of such equipment or systems. These measures should include the regular testing of stand-by arrangements and equipment or technical systems that are not in continuous use.
- (4) The inspections mentioned in paragraph 12(2) as well as the measures referred to in paragraph 12(3) should be integrated in the ship's operational maintenance routine.

13. Documentation

- (1) The owner should establish and maintain procedures to control all documents and data which are relevant to the Safe Ship Management System.
- (2) The owner should ensure that—
 - (a) valid documents are available at all relevant locations;
 - (b) changes to documents are reviewed and approved by authorized personnel;
 - (c) obsolete documents are promptly removed; and
 - (d) for each ship an appropriate logbook is maintained.

- (3) The document used to describe and implement the Safe Ship Management System may be referred to as the "Safety Management Manual". Documentation should be kept in a form that the owner considers most effective. Each ship should carry on board all documentation relevant to that ship.

14. Owner verification, review and evaluation

- (1) The owner should carry out internal audits to verify whether safety and pollution prevention activities comply with the Safe Ship Management System.
- (2) The owner should periodically evaluate the efficiency and, when needed, review the Safe Ship Management System in accordance with procedures established by the owner.
- (3) The audits and possible corrective actions should be carried out in accordance with documented procedures.
- (4) Personnel carrying out audits should be independent of the areas being audited unless this is impracticable due to the size and nature of the owner's operation.
- (5) The results of the audits and reviews should be brought to the attention of all personnel having responsibility in the area involved.
- (6) The management personnel responsible for the area involved should take timely corrective action on deficiencies found.

15. Certification, verification and control

- (1) The owner should hold a Fiji Safe Ship Management Certificate. This certificate should be accepted as evidence that the owner is capable of complying with the requirements of the Code and that the owner and its shipboard management operate in accordance with the approved Safe Ship Management System.
- (2) The certificate should be issued and displayed in accordance with these Regulations and should be in the prescribed form.
- (3) The proper functioning of the Safe Ship Management System for the ship should be periodically verified in accordance with these Regulations.

SCHEDULE 7
(Regulation 19)

FEES AND CHARGES

<i>Item No.</i>	<i>Fees</i>	<i>Rate \$(VAT Exclusive)</i>
1	Application fees for the issuance of: Interim Document of Compliance	\$25.00
	Document of Compliance	\$25.00
	Interim Safe Ship Management Certificate	\$25.00
	Fiji Safe Ship Management Certificate	\$25.00
	Safe Ship Management Certificate	\$25.00
	Standard operating procedure certificate	\$15.00
2	Processing and issuance fee for: Interim Document of Compliance	\$45.00
	Document of Compliance	\$45.00
	Interim Safe Ship Management Certificate	\$45.00
	Safe Ship Management Certificate	\$45.00
	Fiji Safe Ship Management Certificate	\$45.00
	Standard operating procedure certificate	\$25.00
3	Audit and verification fees for: Initial audit of an approved organization	\$300.00
	Two and a half yearly verification audit of an approved organization	\$150.00
	Periodical audits of an approved organisation	\$75.00
	Initial audit of shipping company/ship owner	\$150.00
	Two and half yearly audits for a shipping company/ship owner	\$100.00
	Periodical audit for a shipping company/ship owner	\$75.00
	Initial verifications of Standard Operating Procedures	\$35.00
	Annual verifications of Standard Operating Procedures	\$25.00