
STATUTORY INSTRUMENTS

2014 No. 1613

The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014

PART 8

Food and catering

Provision of food and drinking water

34.—(1) The shipowner and the master of a ship must ensure that food and drinking water are provided on board the ship which—

- (a) are suitable in respect of quantity, quality and, in relation to food, nutritional value and variety, taking account of—
 - (i) the number of seafarers on board and the character, nature and duration of the voyage; and
 - (ii) the different religious requirements and cultural practices in relation to food of the seafarers on board;
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any food or drinking water unpalatable; and
- (c) are otherwise fit for consumption.

(2) The shipowner and master of a ship must ensure that food and drinking water provided in accordance with paragraph (1) are provided free of charge to all seafarers while they are on board.

(3) A breach of paragraphs (1) or (2) is an offence by the shipowner and the master of the ship.

Organisation and equipment of the catering department

35.—(1) The shipowner and the master of a ship must ensure that—

- (a) food and drinking water which are provided for seafarers are stored and handled; and
- (b) the catering department is organised and equipped,

in accordance with the requirements set out in Merchant Shipping Notice 1845(M).

(2) A breach of paragraph (1) is an offence by the shipowner and the master of the ship.

Inspection of food and catering facilities

36.—(1) The master of a ship must ensure that, not less than once a week—

- (a) the supplies of food and drinking water on board are inspected to check compliance with regulation 34 and 35; and
- (b) the catering department and its equipment are inspected to check compliance with regulation 35.

- (2) An inspection under paragraph (1) must be carried out by—
 - (a) the master of the ship; or
 - (b) a person authorised by the master,together with a member of the catering staff.
- (3) A breach of paragraphs (1) or (2) is an offence by the master of the ship.
- (4) The master of the ship must ensure that the results of any inspection under paragraph (1) are recorded in the official logbook of the ship.
- (5) A breach of paragraph (4) is an offence by the master of the ship.

Requirement to carry a qualified ship's cook

- 37.**—(1) This regulation does not apply to—
- (a) a ship which ordinarily operates with fewer than 10 seafarers on board; or
 - (b) a ship which operates only within 60 miles of a safe haven and which does not operate to or from, or call at, a port in a country other than the United Kingdom,
- and in this paragraph “safe haven” means a harbour or shelter of any kind which affords entry and protection from the weather.
- (2) Subject to paragraph (3), a ship must not be operated unless a qualified ship's cook is on board.
 - (3) In circumstances of exceptional necessity the Secretary of State may grant an exemption from the requirement in paragraph (2)—
 - (a) until the next port of call, or
 - (b) for a period not exceeding one month,but only if there is a person on board the ship who is trained or instructed in areas including food and personal hygiene and safe handling and storage of food in accordance with the relevant requirements in Merchant Shipping Notice 1846(M).
 - (4) An exemption under this regulation—
 - (a) must be given in writing;
 - (b) may be granted on such terms as the Secretary of State may specify; and
 - (c) may be altered or cancelled by the Secretary of State giving written notice to the shipowner.
 - (5) The Secretary of State may approve as respects a particular ship, or as respects ships of a particular description, arrangements which, when taken together with the conditions to which the approval is subject, the Secretary of State considers are substantially equivalent to the requirement in paragraph (2).
 - (6) An approval under this regulation—
 - (a) must be given in writing; and
 - (b) must specify the date on which it takes effect and the conditions (if any) on which it is given.
 - (7) Such an approval may be cancelled and the terms of an approval may be altered, in both cases by the Secretary of State giving written notice to the shipowner.
 - (8) A breach of—
 - (a) paragraph (2);
 - (b) the terms of an exemption granted under paragraph (3); or
 - (c) a condition on which an approval is given under paragraph (5),is an offence by the shipowner and the master of the ship.

Certificate of competency as a ship's cook

38.—(1) On receipt of an application for a certificate of competency as a ship's cook and the appropriate fee (if any), the Secretary of State must, on being satisfied that the applicant is an eligible person, issue a certificate of competency to the applicant.

(2) Before the issue of any such certificate, the Secretary of State may require the applicant to produce such certificates of discharge and such other documentary evidence as may be necessary to establish to the satisfaction of the Secretary of State that the applicant is an eligible person.

(3) The provisions of sections 62 to 69 of the Act (disqualification of seamen and inquiries) apply in respect of a certificate of competency issued under paragraph (1) as if such a certificate were a certificate to which those sections apply.

(4) The provisions prescribed in the Merchant Shipping (Disqualification of Holder of Seaman's Certificates) Regulations 1997 ^{M1} apply in respect of a certificate of competency issued under paragraph (1) as if regulation 2 of those Regulations included a reference to such a certificate.

(5) For the purposes of any inquiry under section 63 of the Act and of any re-hearing of an inquiry under section 64 of the Act in relation to a certificate of competency issued under paragraph (1), the Merchant Shipping (Section 63 Inquiries) Rules 1997 ^{M2} apply as if the definition of “certificate holder” in rule 2(1) included a reference to the holder of a certificate of competency issued under paragraph (1).

(6) If an eligible person—

- (a) satisfies the Secretary of State that a certificate already issued to that person has been lost, destroyed or stolen; and
- (b) pays the appropriate fee (if any),

the Secretary of State must issue a copy of the certificate to that person.

(7) Any such copy must, before it is so issued, be certified as such by the Registrar General of Shipping and Seamen or, as the case may be, by such person as the Secretary of State may have directed to keep the record referred to in paragraph (8).

(8) A record of all certificates of competency issued under this regulation and of the suspension, cancellation or alteration of, and any other matters affecting, any such certificate must be kept, in such manner as the Secretary of State may require, by the Registrar General of Shipping and Seamen or by such other person as the Secretary of State may direct.

Marginal Citations

- M1** [S.I. 1997/346](#), amended by [S.I. 1997/2971](#). The Marine Safety Agency is now the Maritime and Coastguard Agency.
- M2** [S.I. 1997/347](#).

Recognition of existing certificates of competency

39.—(1) A certificate of competency—

- (a) issued under the Merchant Shipping (Certification of Ships' Cooks) Regulations 1981 ^{M3};
- (b) treated as equivalent under regulation 8 of those Regulations; or
- (c) deemed under regulation 9 of those Regulations to be issued pursuant to section 43 of the Merchant Shipping Act 1970 ^{M4},

which is in force and not suspended on the date when these Regulations come into force, has effect as if it were a certificate of competency as a ship's cook issued under regulation 38 of these Regulations.

(2) A certificate to which paragraph (1) applies remains valid for a period of 5 years beginning on the date on which these Regulations come into force unless it is suspended or cancelled in accordance with section 62 of the Act.

Marginal Citations

M3 S.I. 1981/1076.

M4 1970 c.36. Section 43 was repealed by the Merchant Shipping Act 1995, section 314(1) and Schedule 12.

Training requirements for catering staff and other persons processing food in the galley

40.—(1) The shipowner must ensure that—

- (a) every member of catering staff is properly trained or instructed for their position in accordance with the relevant requirements set out in Merchant Shipping Notice 1846(M); and
- (b) any person processing food in the galley is properly trained or instructed in areas including food and personal hygiene and handling in accordance with the relevant requirements set out in Merchant Shipping Notice 1846(M).

(2) A breach of paragraph (1) is an offence by the shipowner.

Part 8 requirements for non-United Kingdom ships with MLC documentation

41.—(1) A ship must not be operated unless it complies with paragraphs 1 and 2 of Regulation 3.2 (food and catering) of the MLC.

(2) A breach of paragraph (1) is an offence by the shipowner and the master of the ship.

(3) The master of a ship must comply with the requirements in paragraph 7 of Standard A3.2 of the MLC with regard to –

- (a) frequent inspections; and
- (b) the documenting of such inspections,

whether or not the State whose flag the ship is entitled to fly has imposed those requirements in its national laws or otherwise.

(4) A breach of paragraph (3) is an offence by the master of the ship.

(5) A ship must not be operated unless it meets the minimum standards set out in—

- (a) sub-paragraph 2(b) of Standard A3.2 of the MLC; and
- (b) sub-paragraph 2(c) of that Standard.

(6) A breach of paragraph (5)(a) is an offence by the shipowner and the master of the ship.

(7) A breach of paragraph (5)(b) is an offence by the shipowner.

(8) Subject to any dispensation issued by the State whose flag the ship is entitled to fly in accordance with paragraph 6 of standard A3.2 of the MLC, a shipowner must comply with the requirements in paragraphs 3 and 4 of Standard A3.2 of the MLC.

(9) A breach of paragraph (8) is an offence by the shipowner.

Interpretation of Part 8

42. In this Part—

“catering department” means the galley, mess rooms and any other areas on board intended or used for the storage or preparation of food for seafarers or the service of meals to seafarers;

“catering staff” means seafarers whose normal duties include the preparation and storage of food, the service of meals to seafarers on board the ship or other work in the galley or in areas where food is stored or handled;

“eligible person” means a seafarer who—

- (a) is 18 years of age or over;
- (b) has completed training in accordance with the requirements in Merchant Shipping Notice 1846(M); and
- (c) has served for not less than one month at sea;

“qualified ship's cook” means a person who has been issued with a ship's cook certificate which has not expired or been cancelled and which is not suspended; and

“ship's cook certificate” means—

- (a) a certificate of competency as a ship's cook which has been issued under regulation 38;
- (b) a certificate which under regulation 39 has effect as if it were a certificate of competency as a ship's cook issued under regulation 38; or
- (c) a certificate which the Secretary of State has specified in Merchant Shipping Notice 1846(M) is equivalent to a certificate of competency as a ship's cook issued under regulation 38.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014, PART 8.