

	MLC 2018 Amendments: (Piracy and Armed Robbery) Directive 2020	Directive 001 - 2020
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The Director of the Antigua and Barbuda Department of Marine Services and Merchant Shipping (ADOMS), in exercise of the powers conferred by Section 7, sub-section (3) of the Antigua and Barbuda Merchant Shipping Act 2006 and of all other powers enabling him in that behalf, issues the following Directive:

1. Citation and Commencement

This Directive may be cited as the MLC 2018 Amendments Piracy and Armed Robbery Directive 2020 and shall come into force on the 26th December 2020.

2. Interpretation

In this Directive:

“piracy” shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;

“armed robbery against ships” means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

3. Application

This Directive applies to all Antigua and Barbuda registered vessels in class with one of the Recognized Organizations accepted by Antigua and Barbuda.

4. Regulatory Framework and Compliance

(1) This Directive is intended to give effect to the 2018 Amendments to the Maritime Labour Convention (2006) until such time as the schedule to the Merchant Shipping (Maritime Labour Convention, 2006) Regulations, Statutory Instrument No. 15 of 2012 has been amended. Vessels to which this Directive apply shall be certified in accordance with the requirements of the convention.

(2) All Antigua and Barbuda Recognized Organisations are empowered, under the existing agreements for the delegation of statutory authority, to conduct the necessary inspections and issue relevant certification.

(3) These amendments relate to Standard A2.1(7) (Seafarer’s Employment Agreement) and Standard A2.2(7) (Wages). The amendments include a new requirement that a Seafarer’s Employment Agreement (SEA) must remain in force while a seafarer is held captive because of an armed robbery, or piracy incident

This means that the seafarer’s wages and other entitlements under the SEA must be granted as normal and this applies irrespective of the date of termination of the SEA.

(4) The Title 2 (Conditions of Employment), Standard A2.1, Standard A2.2 and Guideline B2.5.1 are involved by such amendments. In particular:

- (a) *Standard A2.1 - Seafarers Employment Agreements (SEAs): has been amended to establish that SEAs will continue to have effect while seafarer is held captive on or off the ship as a result of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it.*

- *(b) Standard A2.2 – Wages: has been amended to ensure that SEAs of seafarers held captive as a result of piracy or armed robbery will continue to have effect, including for the payment of wages and other entitlements until the seafarer is released and duly repatriated or date of death is determined.*
- *(c) Guideline B2.5.1 – Repatriation: has been amended to ensure that entitlement of seafarers to repatriation does not lapse if they are captive as a result of piracy or armed robbery.*

5. Certification process

These amendments should not require a new DMLC Part I, however for DMLC Part II the Recognized Organizations (ROs) will confirm compliance with the new requirements, during their MLC 2006 inspections, after the 26th December 2020 in accordance with this Directive.

6. Mandatory compliance upon entry into force

(a) The 2018 amendments to the Code of the Maritime Labour Convention, 2006, will enter into force on 26 December 2020 and all vessels to which this Directive applies must be certified in accordance with the requirements of the Convention, as amended.

(b) Shipowners should review their policies and procedures to ensure compliance with the above.

(c) Shipowners should ensure that SEAs that are signed on and after 26th December 2020, cover the 2018 Amendments to the MLC, 2006.

7. Revocation of this Directive

This Directive shall apply until such time as it is revoked by publication of the necessary amendment to the Merchant Shipping (Maritime Labour Convention, 2006) Regulations 2012 Statutory Instrument No .15 of 2012.

DATED this 24th day of December 2020

Signed by the authority of the Director of the Department of Marine Services and Merchant Shipping

Ambassador Dwight C. R Gardiner
Director / Registrar General