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Maritime Circular to Maritime Registrars, Shipowners, Masters, Managers & Operators of St. Kitts & Nevis Ships, Classification Societies, Recognised Organisations, Recognised Security Organisations, Surveyors of Ships & Flag State Inspectors to this Administration, Seafarers & IMO Member States

Maritime Circular No. MC/54/13

DATE: July 2013

**TRANSFER OF MARITIME LABOUR CONVENTION CERTIFICATION
AT THE TIME OF A CHANGE OF CLASS**

(With acknowledgement to the International Association of Classification Societies (IACS) for reproduction of Procedural Requirement No. 36 of 2013)

This Maritime Circular is to advise the procedures and requirements pertaining to the transfer of Maritime Labour Convention, 2006 (MLC 2006) certification when a request is received from a shipowner for transfer from one Classification Society to another and is applicable irrespective whether the certification is mandatory or voluntary. This Maritime Circular is applicable to all cases of transfer of MLC 2006 certification between Classification Societies after 20th August 2013, except as noted.

The procedures to be followed are those in IACS Procedural Requirement No. 36 of 2013 – attached to this Maritime Circular - for all Classification Societies/Recognised Organisations which have an agreement for the delegation of statutory services with the St. Kitts & Nevis Government, irrespective of whether they are members of IACS or not.

If you have any questions about this Maritime Circular please contact us.

Yours sincerely,

Nigel E Smith
International Registrar of Shipping & Seamen

No. 36 **Transfer of Maritime Labour Convention, 2006 Certification**

(Mar
2013)

Application

This Procedural Requirement contains procedures and requirements pertaining to the transfer of Maritime Labour Convention, 2006 (MLC) certification when a request is received from a shipowner for such transfer from one Classification Society (the losing Society) to another Classification Society (the gaining Society), and is applicable irrespective whether the certification is mandatory or voluntary.

The obligations of this Procedural Requirement apply to Classification Societies which are subject to verification of compliance with QSCS.

This PR is applicable to all cases of transfer of MLC certification between Classification Societies, except as noted in section 2.0 below.

- Annex 1 Process Flow Chart for transfer of certification
- Annex 2 Link to Contact Points
- Annex 3 Transfer of Certification (Form TC MLC)
- Annex 4 Notification of Invalidation of Maritime Labour Certificate

Note:

1. This Procedural Requirement applies to requests for transfers of MLC certification received from 20 August 2013.

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(cont)**1.0 Definitions**

1.1 "Gaining Society (GS)" means a Society that receives a request for a transfer of MLC certification for a ship.

1.2 "Losing Society (LS)" means a Society from which MLC certification is being transferred.

2.0 General

2.1 This procedure shall not apply in the following cases:

2.1.1 Where there is a change of shipowner.

2.1.2 Where the certificate that is to be the subject of the transfer is an Interim certificate.

3.0 Gaining Society's Obligations and Reporting

3.1 On receiving a request from a shipowner to take over its MLC certification from another Society, the GS must inform the shipowner, in writing, that an application for such certification can only be accepted by the GS after it has received confirmation (with supporting documentation) that:

- (i) The existing certificate has not been withdrawn or otherwise invalidated by the LS or the Flag;
- (ii) All inspections initiated by the LS have been satisfactorily completed by the LS, unless otherwise agreed between the gaining and losing Societies; and
- (iii) Any serious deficiencies have been closed out or downgraded by the LS.

3.2 Where a written request for transfer of certification has been received from the shipowner, the GS shall notify the LS of the shipowner's request by using Step 1 of Form TC MLC.

3.3 If evidence of the certification status listed in Step 2 of Form TC MLC is not received from the LS within three (3) working days from notification, the GS may utilize the evidence and certification information provided by the shipowner. In such cases, the shipowner shall be reminded that the conditions of 3.1 are still applicable when the GS requests this information from the shipowner.

3.4 If the DMLC Part II was reviewed and certified previously by the LS, the GS shall re-review the DMLC Part II before the onboard inspection, mentioned in item 3.5 below. If the DMLC Part II was reviewed by the flag Administration, the GS will act in accordance with flag Administration's instructions relative to approval of the DMLC Part II.

3.5 An inspection is required for the issue of a new certificate.

3.6 The inspection by the GS shall address all required elements of the MLC, to the extent that the Society is authorized by the Administration, any flag Administration requirements and any matters arising out of the last inspection carried out by the LS. Where the transfer of

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certification occurs within the intermediate or renewal due date window, the corresponding inspection may serve as the inspection required in 3.5.

3.7 If the inspection is successful and a new certificate is issued by the GS, the GS must inform the LS, within one (1) month of the date of issue, by completing Step 3 of the Form TC MLC.

3.8 When the inspection is not successful and, as a result, the transfer of certification is not accepted, the GS shall inform the LS, within two (2) working days of the date of the inspection, by completing Step 3 of the Form TC MLC and attaching the inspection report in which the reason for the rejection should be fully explained.

4.0 Losing Society's Obligations and Reporting

4.1 The LS shall co-operate by providing the information specified in Step 2 of the Form TC MLC within three (3) working days of the receipt of the completed Step 1. The documentation to be attached to the form by the LS includes:

- (i) The last Maritime Labour Certificate issued;
- (ii) The last inspection report, including any deficiencies identified, the corrective action plan and the time period(s) proposed for implementation;
- (iii) Any other information that may be relevant to the decision to accept or reject the transfer of certification.

4.2 Upon receipt of information that a new certificate has been issued by the GS, the LS shall issue a "Notification of Invalidation of Certification" in accordance with the Annex 4, as applicable, ensuring that the GS is notified.

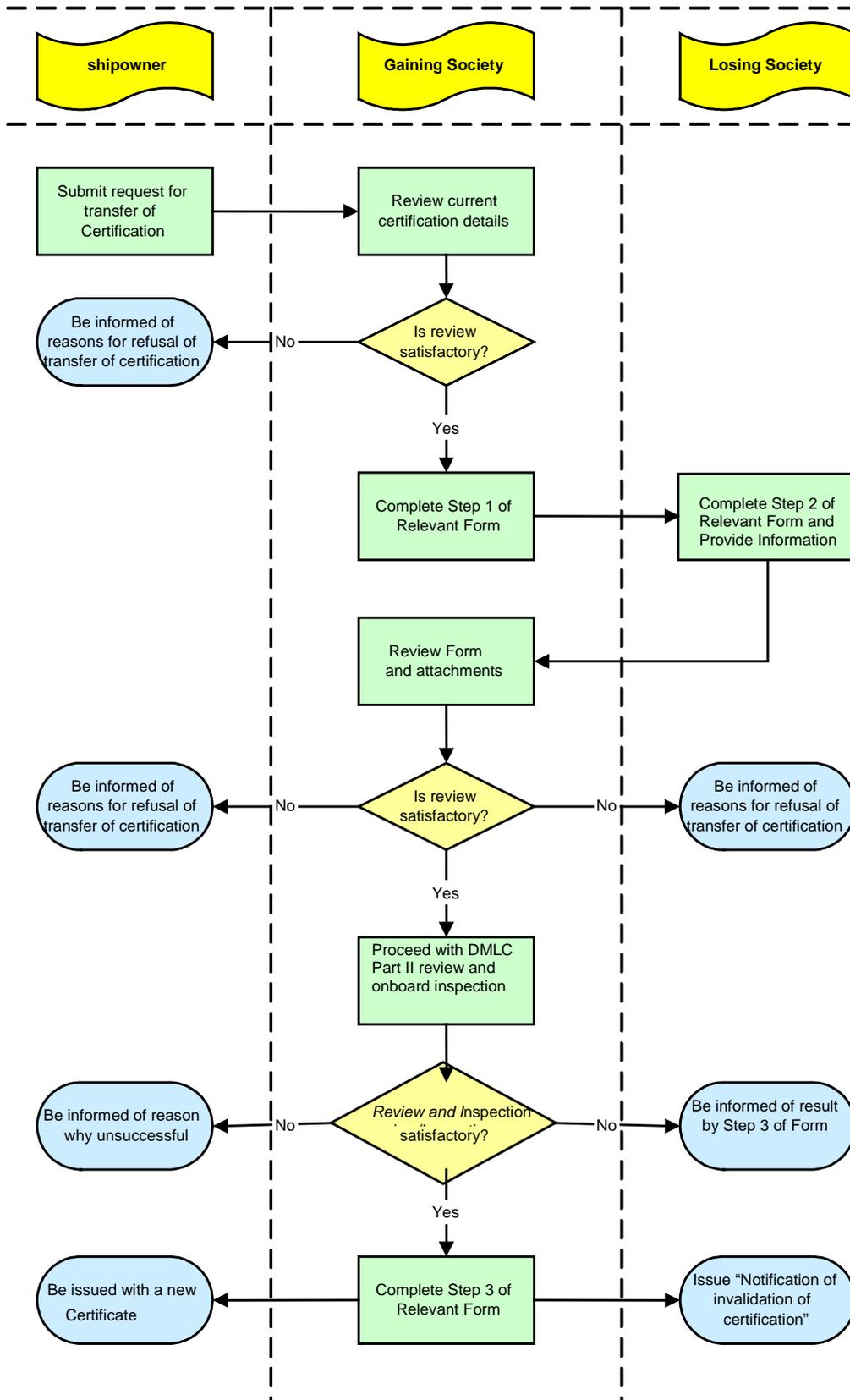
4.3 Upon receipt of information that the inspection is not successful because of an unresolved serious deficiency raised by the GS, the LS shall review the deficiency and take action as appropriate.

5.0 Other Requirements

Any administrative differences arising in relation to the implementation of this PR that cannot be settled bilaterally between the gaining and losing Societies are to be brought to the attention of the Permanent Secretariat for final resolution under the IACS Procedures Volume 3 Annex 4 "IACS Procedure for handling a complaint".

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Annex 1: Process Flow Chart for transfer of certification



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Annex 2: Link to Contact Points

The contact details can be found on the IACS website www.iacs.org.uk, located under Procedural requirements:

- IACS PR-36 Contact Details (for MLC matters)

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Annex 3: Transfer of MLC Certification (Form TC MLC)

COMMON PARTICULARS:

Losing Society e-mail _____

Gaining Society e-mail _____

Shipowner Name: _____ Name of Ship: _____

Shipowner Address: _____ Ship IMO Number: _____

PROCEDURE:

Step 1	To be completed by the GAINING SOCIETY and sent to the LOSING SOCIETY
Flag	
Ship type (PS, PHS, CHC, BC, OT, CT, GC, MODU, OCS)	
Responsible Person	
Position	
Date completed and sent	

Step 2	To be completed by the LOSING SOCIETY and sent to the GAINING SOCIETY
Attached documentation	
Last inspection report	<input type="checkbox"/>
Copy of Maritime Labour Certificate	<input type="checkbox"/>
Details of agreed corrective action plan and time frame	<input type="checkbox"/>
Any other information including any outstanding inspection to be completed by losing society (specify)	<input type="checkbox"/>
Responsible Person	
Position	
Date completed and sent	

Step 3	To be completed by the GAINING SOCIETY and sent to the LOSING SOCIETY
Inspection successful?	<input type="checkbox"/> Yes <input type="checkbox"/> No (attach inspection report)
Responsible Person	
Position	
Date completed and sent	

