



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-1/2004/2

05/2018

FOR: Ship Owners, Ship Managers, Ship Operators, Crewing Agencies, Ship Masters, P&I Clubs/Insurers

SUBJECT: P&I FOR FISHING VESSELS

DEFINITIONS:

The following abbreviation(s) stand for:

- "ILO" – International Labour Organisation
- "MLC2006" – Maritime Labour Convention, 2006

The following term(s) shall mean:

- "Administration" – the Tuvalu Ship Registry.
- "Fisher" – every person employed or engaged in any capacity or carrying out any occupation on board a fishing vessel, excluding pilots, naval personnel, government personnel, shore-based persons carrying out work aboard a fishing vessel, and fisheries observers.
- "Fishing Vessel" – any ship or boat used or intended to be used for the purpose of commercial fishing.
- "Fishing Vessel Owner" – the owner, manager, agent, bareboat charterer or any other organization or person who has assumed responsibility for the operation of the fishing vessel.
- "P&I Club / Insurer" – a recognized Protection and Indemnity Club, mutual association, fixed premium provider, insurer, workers' compensation provider, or other financial security provider.
- "Work-related Sickness, Injury or Death" – sickness, injury, occupational disease, accident or death arising out of or in connection with service on board a fishing vessel.

REFERENCES:

- (a) ILO Work in Fishing Convention, 2007 (No. 188)
- (b) Tuvalu Marine Circular MC-1/2004/1 – P&I Clubs Accepted by Tuvalu

PURPOSE:

The purpose of this marine circular is to advise relevant stakeholders of the crew liability cover required for Tuvalu-flagged fishing vessels.

APPLICATION:

This Marine Circular applies to all Tuvalu-flagged fishing vessels engaged in commercial fishing operations.

BACKGROUND:

The Administration notes that the MLC2006 does not apply to fishing vessels. Rather, fishing vessels and fishers are addressed under the ILO Convention, Work in Fishing Convention 2007, No. 188, which establishes standards for work in the fishing sector, including medical care, health protection, social security, and protection in the case of work-related sickness, injury or death.

Accordingly, the Administration requires evidence that all fishers serving on board Tuvalu-flagged fishing vessels are covered by suitable insurance which includes vessel and crew liability.

A general statement that MLC2006 does not apply to fishing vessels shall not be accepted as sufficient reason to exclude fishers from insurance protection required by this marine circular.

CONTENTS:

1. COMPULSORY INSURANCE FOR FISHERS

1.1. Every Tuvalu-flagged fishing vessel shall maintain valid P&I insurance covering all fishers working on board which shall include, as a minimum, the following:

- work-related sickness, injury, occupational accident or occupational disease;
- death arising out of or in connection with service on board, including contractual compensation where applicable;
- medical care and related expenses while the fisher is on board or ashore;
- hospitalization, treatment, material assistance and support until the fisher has recovered or been repatriated;
- payment of wages or compensation during periods of incapacity resulting from work-related injury or illness;
- repatriation costs; and
- liabilities arising from abandonment of fishers, including outstanding wages, repatriation, and basic maintenance and support.

1.2. Where local (State) compulsory insurance schemes are relied upon, the P&I Club/Insurer is required to confirm that:

- The P&I cover will respond in respect of all fishers, including those who may not fall within the scope of such State schemes; and
- In cases where a state scheme does not respond, or where compensation is limited or unavailable, the P&I cover will provide full protection without any uninsured gap.

2. CONFIRMATION BY P&I CLUB / INSURER

If the required insurance coverage stated in Section 1 of this circular is not clearly specified in the P&I Certificate of Entry, the Owner / Manager / Operator shall submit written confirmation from the P&I Club / Insurer stating clearly that fishers serving on board are covered to the extent required.

3. DOCUMENTS TO BE SUBMITTED TO THE ADMINISTRATION AS EVIDENCE OF COMPLIANCE

3.1. P&I Certificate of Entry for the vessel with policy wording or endorsement showing the scope of fisher / crew liability cover;

3.2. Where relied upon, evidence of any local (State) compulsory insurance scheme; and

3.3. Crew list.

4. RESPONSIBILITY OF OWNER

- 4.1. The fishing vessel owner remains fully responsible for ensuring that each fisher is protected. The use of a manning agency, crewing agent, local insurance scheme, P&I Club, or any other third party shall not remove the owner's responsibility to provide adequate protection for fishers.
- 4.2. If any fisher is not covered, the vessel shall be treated as non-compliant with this circular.

5. VERIFICATION BY THE ADMINISTRATION

- 5.1. The Administration may request further clarification from the fishing vessel owner, P&I Club, insurer, crewing agency or local insurance scheme provider where the submitted documents are unclear, incomplete, limited, or do not expressly include fishers.
- 5.2. The Administration may reject any insurance arrangement which does not provide adequate protection for fishers or which excludes work-related sickness, injury or death without acceptable alternative cover.

6. ENFORCEMENT

- 6.1. A fishing vessel that is not in compliance shall not be accepted for registration.
- 6.2. Where the Administration has identified lapses or non-compliance on existing Tuvalu-flagged fishing vessels, a grace period determined by the Administration will be given for such vessels to show compliance to the requirements of this circular.
- 6.3. Failure to comply will result in the non-renewal of existing Tuvalu-flagged fishing vessels and eventual de-registration.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry