

	<p>The Merchant Shipping (Reporting of Accidents) Directive 2012</p>	<p>Directive 001 - 2012</p>
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The Director of the Department of Marine Services and Merchant Shipping, in exercise of the powers conferred by Section 7, sub-section (3) of the Merchant Shipping Act 2006, and of all other powers enabling him in that behalf, makes the following Directive.

1 Citation and commencement,

- (1) This Directive may be cited as the Merchant Shipping (Reporting of Accidents) Directive 2012 and shall come into force on 1st May 2012.

2 Interpretation,

- (1) In this Directive:

“Antigua and Barbuda ship” means a ship which is registered in accordance with the Antigua and Barbuda Merchant Shipping Act 2006.

“marine casualty” means an event which has occurred directly in connection with the operation of a ship which has resulted in:

- (i) The death or serious injury to a person,
- (ii) The loss of a person from a ship.
- (iii) The loss, presumed loss or abandonment of a ship,
- (iv) Material damage to a ship,
- (v) The stranding or disabling of a ship, or the involvement of a ship in a collision,
- (vi) Material damage to marine infrastructure external to a ship that could seriously endanger the safety of the ship, another ship, or an individual, or
- (vii) Severe damage to the environment, or the potential for severe damage to the environment brought about by the damage of a ship or ships.

“Occupational disease” means a disease contracted as a result of an exposure to risk factors arising from a work activity.

“Occupational accident” means any unexpected and unplanned occurrence, including acts of violence, arising out of or in connection with work which results in one or more workers incurring a personal injury, disease or death.

“Serious accident” means any occurrence on board a ship in which a seafarer suffers serious injury or death.

“Seafarer” means any person who is employed or engaged or works on board a ship.

“Serious injury” means an injury which is sustained by a person resulting in incapacitation where the person is unable to function normally for more than 72 hours, commencing within 7 days from the date when the injury was suffered.

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3 Purpose.

- (1) In accordance with the duty laid on flag states by the International Maritime Conventions the Antigua and Barbuda Maritime Administration is required to investigate casualties occurring on board Antigua and Barbuda ships and to maintain records of personnel accidents and occupational diseases. The purpose of investigation is not in any case to apportion blame or liability. The purpose is to provide information that will serve to prevent marine casualties, accidents and occupational diseases in the future.

4 Reporting requirements.

- (1) In every case where:

- (i) A seafarer has suffered serious injury from any cause whatsoever,
- (ii) A seafarer has contracted an occupational disease associated with work on board a ship,
- (iii) A ship has been involved in a marine casualty,
- (iv) A ship has been detained by a Port State Control officer,
- (v) There has been an incident of pollution associated with the ship, or
- (vi) There has been a serious breach of security on board the ship.

the shipowner and the master shall ensure that the facts surrounding the incident are reported without delay to ADOMS.

- (2) In any case where a reportable incident has resulted in serious injury to more than one seafarer the shipowner or master shall submit separate reports for each seafarer.
- (3) Reports shall be submitted as quickly as possible following an incident and by the fastest available means.

5 Provision of information.

- (1) Following receipt of any report in accordance with paragraph 4, ADOMS may request, and shall be entitled to receive, a copy of the company and ship investigation report into the incident.

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6 Confidentiality.

- (1) In any case of a report made to ADOMS in accordance with this Directive, ADOMS shall maintain the confidentiality of any persons involved in reporting an incident, involved in an incident, or associated with an occupational disease.

7 Publication.

- (1) Following the investigation of any marine casualty or accident ADOMS may, at the discretion of the Director, publish a copy of the investigation report in such format and in such a manner as the Director may choose.
- (2) Before publishing any investigation report the Director shall ensure that the parties concerned in the incident have an opportunity to comment on the draft report, and the Director shall ensure that such comments, where accepted are taken into account in the final report.

31 March 2012.

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