

§ 794. - Medical Examination (Seafarers) Convention, 29 giugno 1946 n. 73 (1).

(1) Entrata in vigore il 14 luglio 1951. Ratificata dall'Italia il 23 giugno 1981.

Art. 1. 1. This Convention applies to every sea-going vessel, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade and is registered in a territory for which this Convention is in force.

2. National laws or regulations shall determine when vessels are to be regarded as sea-going.

3. This Convention does not apply to—

- (a) vessels of less than 200 tons gross register tonnage;
- (b) wooden vessels of primitive build such as dhows and junks;
- (c) fishing vessels;
- (d) estuarial craft.

Art. 2. Without prejudice to the steps which should be taken to ensure that the persons mentioned below are in good health and not likely to endanger the health of other persons on board, this Convention applies to every person who is engaged in any capacity on board a vessel except—

- (a) a pilot (not a member of the crew);
- (b) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company;
- (c) travelling dockers (longshoremen) not members of the crew;
- (d) persons employed in ports who are not ordinarily employed at sea.

Art. 3. 1. No person to whom this Convention applies shall be engaged to employment in a vessel to which this Convention applies unless he produces a certificate attesting to his fitness for the work for which he is to be employed at sea signed by a medical practitioner or, in the case of a certificate solely concerning his sight, by a person authorised by the competent authority to issue such a certificate.

2. Provided that, for a period of two years from the date of the entry into force of this Convention for the territory concerned, a person may be so engaged if he produces evidence that he has been employed in a sea-going vessel to which this Convention applies for a substantial period during the previous two years.

Art. 4. 1. The competent authority shall, after consultation with the shipowners' and seafarers' organisations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate.

2. When prescribing the nature of the examination, due regard shall be had to the age of the person to be examined and the nature of the duties to be performed.

3. In particular, the medical certificate shall attest—

- (a) that the hearing and sight of the person and, in the case of a person to be employed in the deck department (except for certain specialist personnel,

whose fitness for the work which they are to perform is not liable to be affected by defective colour vision), his colour vision, are all satisfactory; and

(b) that he is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

Art. 5. 1. The medical certificate shall remain in force for a period not exceeding two years from the date on which it was granted.

2. In so far as a medical certificate relates to colour vision it shall remain in force for a period not exceeding six years from the date on which it was granted.

3. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

Art. 6. 1. In urgent cases the competent authority may allow a person to be employed for a single voyage without having satisfied the requirements of the preceding Articles.

2. In such cases the terms and conditions of employment shall be the same as those of seafarers in the same category holding a medical certificate.

3. Employment in virtue of this Article shall not be deemed on any subsequent occasion to be previous employment for the purpose of Article 3.

Art. 7. The competent authority may provide for the acceptance in substitution for a medical certificate of evidence in a prescribed form that the required certificate has been given.

Art. 8. Arrangements shall be made to enable a person who, after examination, has been refused a certificate to apply for a further examination by a medical referee or referees who shall be independent of any shipowner or of any organisation of shipowners or seafarers.

Art. 9. Any of the functions of the competent authority under this Convention may, after consultation with the organisations of shipowners and seafarers, be discharged by delegating the work, or part of it, to an organisation or authority exercising similar functions in respect of seafarers generally.

Art. 10. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Art. 11. 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force six months after the date on which there have been registered ratifications by seven of the following countries: United States of America, Argentine Republic, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Finland, France, United Kingdom of Great Britain and Northern Ireland, Greece, India, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Sweden, Turkey and Yugoslavia, including at least four coun-

tries each of which has at least one million gross register tons of shipping. This provision is included for the purpose of facilitating and encouraging early ratification of the Convention by Member States.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Art. 12. 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an Act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Art. 13. 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the last of the ratifications required to bring the Convention into force, Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Art. 14. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Art. 15. At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Art. 16. 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides: *a)* the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force; *b)* as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Art. 17. The English and French versions of the text of this Convention are equally authoritative.