

**§ 802. - Accommodation of Crews (Supplementary Provisions) Convention, 30 ottobre 1970 n. 133 (1).**

(1) Entrata in vigore il 27 Agosto 1991. Ratificata dall'Italia il 23 giugno 1981. Vediamo anche la Convenzione ILO n.93

PART I.

GENERAL PROVISIONS

**Art. 1.** 1. This Convention applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose, which is registered in a territory for which this Convention is in force, and of which the keel is laid, or which is at a similar stage of construction, on or after the date of coming into force of the Convention for that territory.

2. National laws or regulations shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention.

3. This Convention applies to tugs where reasonable and practicable.

4. This Convention does not apply to—

- (a) ships of less than 1,000 tons;
- (b) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;
- (c) ships engaged in fishing or in whaling or in similar pursuits;
- (d) hydrofoils and air-cushion craft.

5. Provided that the Convention shall be applied where reasonable and practicable to—

- (a) ships between 200 and 1,000 tons; and
- (b) the accommodation of persons engaged in usual sea-going routine in ships engaged in whaling or in similar pursuits.

6. Provided also that any of the requirements applicable by virtue of Article 3 of this Convention may be varied in the case of any ship if the competent authority is satisfied, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, that the variations to be made provide corresponding advantages as a result of which the overall conditions are not less favourable than those which would result from the full application of the provisions of the Convention; particulars of all such variations shall be communicated by the Member concerned to the Director-General of the International Labour Office.

7. Provided further that the competent authority shall, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, determine the extent to which it is appropriate, taking into consideration the need for off-duty accommodation, to make exceptions or to diverge from the provisions of this Convention in the case of—

- (a) sea-going ferries, feeder ships and similar ships which are not continuously manned with one permanent crew;
- (b) sea-going ships when repair personnel are carried temporarily in addition to the ship's crew;
- (c) sea-going ships engaged on short voyages which allow members of the crew to go home or to make use of comparable facilities for part of each day.

**Art. 2.** In this Convention—

- (a) the term *ship* means a vessel to which the Convention applies;
- (b) the term *tons* means gross register tons;
- (c) the term *passenger ship* means a ship in respect of which there is in force either (i) a passenger ship safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force, or (ii) a passenger certificate;
- (d) the term *officer* means a person other than a master ranked as an officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom;
- (e) the term *rating* means a member of the crew other than an officer;
- (f) the term *petty officer* means a rating serving in a supervisory position or position of special responsibility who is classed as petty officer by national laws or regulations, or, in the absence of any relevant laws or regulations, by collective agreement or custom;
- (g) the term *adult* means a person who is at least 18 years of age;
- (h) the term *crew accommodation* includes such sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation and recreation accommodation as are provided for the use of the crew;
- (i) the term *prescribed* means prescribed by national laws or regulations or by the competent authority;
- (j) the term *approved* means approved by the competent authority;
- (k) the term *re-registered* means re-registered on the occasion of a simultaneous change in the territory of registration and ownership of the ship.

**Art. 3.** Each Member for which this Convention is in force undertakes to comply, in respect of ships to which this Convention applies, with—

- (a) the provisions of Parts II and III of the Accommodation of Crews Convention (Revised), 1949; and
- (b) the provisions of Part II of this Convention.

**Art. 4.** 1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure its application.

2. The laws or regulations shall—

- (a) require the competent authority to bring them to the notice of all persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) prescribe adequate penalties for any violation thereof;
- (d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement;
- (e) require the competent authority to consult the organisations of shipowners and/or the shipowners and the bona fide trade unions of seafarers in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

PART II.  
CREW ACCOMMODATION REQUIREMENTS

**Art. 5. 1.** The floor area per person of sleeping rooms intended for ratings shall be not less than—

- (a) 3.75 square metres (40.36 square feet) in ships of 1,000 tons or over but less than 3,000 tons;
- (b) 4.25 square metres (45.75 square feet) in ships of 3,000 tons or over but less than 10,000 tons;
- (c) 4.75 square metres (51.13 square feet) in ships of 10,000 tons or over.

2. Provided that the floor area per person of sleeping rooms intended for two ratings shall be not less than—

- (a) 2.75 square metres (29.60 square feet) in ships of 1,000 tons or over but less than 3,000 tons;
- (b) 3.25 square metres (34.98 square feet) in ships of 3,000 tons or over but less than 10,000 tons;
- (c) 3.75 square metres (40.36 square feet) in ships of 10,000 tons or over.

3. Provided also that the floor area of sleeping rooms intended for ratings in passenger ships shall be not less than—

- (a) 2.35 square metres (25.30 square feet) per person in ships of 1,000 tons or over but less than 3,000 tons;
- (b) in ships of 3,000 tons or over—
  - (i) 3.75 square metres (40.36 square feet) in rooms accommodating one person;
  - (ii) 6.00 square metres (64.58 square feet) in rooms accommodating two persons;
  - (iii) 9.00 square metres (96.88 square feet) in rooms accommodating three persons;
  - (iv) 12.00 square metres (129.17 square feet) in rooms accommodating four persons.

4. The number of ratings occupying sleeping rooms shall not exceed two persons per room, except in passenger ships where the maximum number permissible shall be four.

5. The number of petty officers occupying sleeping rooms shall not exceed one or two persons per room.

6. In sleeping rooms for officers, where no private sitting room or day room is provided, the floor area per person shall not be less than 6.50 square metres (69.96 square feet) in ships of less than 3,000 tons, and not less than 7.50 square metres (80.73 square feet) in ships of 3,000 tons or over.

7. In ships other than passenger ships an individual sleeping room shall be provided for each adult member of the crew, where the size of the ship, the activity in which it is to be engaged, and its layout make this reasonable and practicable.

8. Where practicable in ships of 3,000 tons or over, the chief engineer officer and the chief navigating officer shall have, in addition to their sleeping room, and adjoining sitting room or day room.

9. Space occupied by berths and lockers, chests of drawers and seats shall be included in the measurement of the floor area. Small or irregularly shaped spaces which do not add effectively to the space available for free movement and cannot be used for installing furniture shall be excluded.

10. The minimum inside dimensions of a berth shall be 198 centimetres by 80 centimetres (6 feet 6 inches by 2 feet 7.50 inches).

**Art. 6. 1.** The floor area of mess rooms for officers

and for ratings shall be not less than 1 square metre (10.76 square feet) per person of the planned sea-tight capacity.

2. Mess rooms shall be equipped with tables and approved seats, fixed or movable, sufficient to accommodate the greatest number of members of the crew likely to use them at any one time.

3. There shall be available at all times when members of the crew are on board—

- (a) a refrigerator, which shall be conveniently situated, of sufficient capacity for the number of persons using the mess room or mess rooms;
- (b) facilities for hot beverages; and
- (c) cool water facilities.

4. The competent authority may permit such exceptions to the provisions of paragraphs 1 and 2 of this Article concerning mess room accommodation as may be necessary to meet the special conditions in passenger ships.

**Art. 7. 1.** Recreation accommodation, conveniently situated and appropriately furnished, shall be provided for officers and for ratings. Where this is not provided separately from the mess rooms the latter shall be planned, furnished and equipped to give recreational facilities.

2. Furnishing for recreation accommodation shall as a minimum include a bookcase and facilities for reading, writing and, where practicable, for games.

3. In respect of ships of 8,000 tons or over, a smoking room or library room in which films or television may be shown and a hobby and games room shall be provided; consideration shall be given to the provision of a swimming pool.

4. In connection with the planning of recreation accommodation, the competent authority shall give consideration to the provision of a canteen.

**Art. 8. 1.** In all ships a minimum of one water closet and one tub and/or shower bath for every six persons or less who do not have facilities in pursuance of paragraphs 2 to 4 of this Article shall be provided at a convenient location for officers and for ratings. When women are employed in a ship, separate sanitary facilities shall be provided for them.

2. In ships of 5,000 tons or over but less than 15,000 tons, individual sleeping rooms for at least five officers shall have attached to them a separate private bathroom fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water; the wash basin may be situated in the sleeping room. In addition, in ships of 10,000 tons or over but less than 15,000 tons, the sleeping rooms of all other officers shall have private intercommunicating bathrooms similarly fitted.

3. In ships of 15,000 tons or over, individual sleeping rooms for officers shall have attached to them a separate private bathroom fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water; the wash basin may be situated in the sleeping room.

4. In ships of 25,000 tons or over, other than passenger ships, a bathroom for every two ratings

shall be provided, either in an intercommunicating compartment between adjoining sleeping rooms or opposite the entrance of such rooms, which shall be fitted with a water closet as well as a tub and/or shower bath and a wash basin having hot and cold running fresh water.

5. In ships of 5,000 tons or over, other than passenger ships, each sleeping room, whether for officers or ratings, shall be provided with a wash basin having hot and cold running fresh water, except where such wash basin is situated in a bathroom provided in conformity with paragraph 2, 3 or 4 of this Article.

6. In all ships, facilities for washing, drying and ironing clothes shall be provided for officers and ratings on a scale appropriate to the size of the crew and the normal duration of the voyage. These facilities shall, whenever possible, be located within easy access of their accommodation.

7. The facilities to be provided shall be—

- (a) washing machines;
- (b) drying machines or adequately heated and ventilated drying rooms; and
- (c) iron and ironing boards or their equivalent.

**Art. 9.** 1. In ships of 1,600 tons or over there shall be provided—

- (a) a separate compartment containing a water closet and a wash basin having hot and cold running fresh water, within easy access of the navigating bridge deck primarily for those on duty in the area; and
- (b) a water closet and a wash basin having hot and cold running fresh water, within easy access of the machinery space if not fitted near the engine room control centre.

2. In ships of 1,600 tons or over, other than ships in which private sleeping rooms and private or semi-private bathrooms are provided for all engine department personnel, facilities for changing clothes shall be provided which shall be—

- (a) located outside the machinery space but with easy access to it; and
- (b) fitted with individual clothes lockers as well as with tubs and/or shower baths and wash basin having hot and cold running fresh water.

**Art. 10.** The minimum headroom in all crew accommodation where full and free movement is necessary shall be not less than 198 centimetres (6 feet 6 inches): Provided that the competent authority may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that it is reasonable to do so and also that such reduction will not result in discomfort to the crew.

**Art. 11.** 1. Crew accommodation shall be properly lighted.

2. Subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be lighted by natural light and shall be provided with adequate artificial light.

3. In all ships electric light shall be provided in the crew accommodation. If there are not two independent sources of electricity for lighting, addi-

onal lighting shall be provided by properly constructed lamps or lighting apparatus for emergency use.

4. In sleeping rooms an electric reading lamp shall be installed at the head of each berth. 5. Suitable standards of natural and artificial lighting shall be fixed by the competent authority.

**Art. 12.** In the case of ships the manning of which has to take account, without discrimination, of the interests of crews having differing and distinctive religious and social practices, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of the seafarers concerned, and provided that these two sides are in agreement, permit variations in respect of the provisions of paragraphs 1 to 4 and paragraph 7 of Article 5 and paragraphs 1 and 4 of Article 8 of this Convention on condition that such variations do not result in over-all facilities less favourable than those which would result from the application of the provisions of the Convention. Particulars of all such variations shall be communicated by the Member concerned to the Director-General of the International Labour Office who shall notify the Members of the International Labour Organisation.

### PART III.

#### APPLICATION OF THE CONVENTION TO EXISTING SHIPS

**Art. 13.** 1. In the case of a ship which is fully complete on the date of the coming into force of this Convention for the territory of registration and which is below the standard set by this Convention, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems reasonable and practicable, having regard in particular to technical, economic and other problems involved in the application of Articles 5, 8 and 10, to be made when—

- (a) the ship is re-registered;
- (b) substantial structural alterations or major repairs are made to the ship as a result of long-range plans and not as a consequence of an accident or emergency.

2. In the case of a ship in the process of building and/or conversion on the date of coming into force of this Convention for the territory of registration, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems reasonable and practicable, having regard in particular to technical, economic and other problems involved in the application of Articles 5, 8 and 10; such alterations shall constitute final compliance with the terms of this Convention.

3. In the case of a ship, other than such a ship as is referred to in paragraphs 1 and 2 of this Article or a ship to which the provisions of this Convention were applicable while she was under construction, being re-registered in a territory after the date of the coming into force of this Convention for that territory, the competent authority may, after consultation with the organisations of shipowners and/or the shipowners and with the bona fide trade unions of seafarers, require such alterations for the purpose of bringing the ship into conformity with the requirements of the Convention as it deems reasonable and practicable, having regard in particular to technical, economic and other problems involved in the application of Articles 5, 8 and 10; such alterations shall constitute final compliance with the terms of this Convention.

PART IV.  
PROVISIONS

**Art. 14.** The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

**Art. 15.** 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 twelve months after the date on which there have been registered ratifications by twelve Members each of which has more than one million tons of shipping, including at least four Members each of which has at least two million tons of shipping.

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

**Art. 16.** 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. 17.** 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 second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

**Art. 18.** 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. 19.** At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Art. 20.** 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 16 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. 21.** The English and French versions of the text of this Convention are equally authoritative.