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Circular Letter No.4286
30 April 2020

To: All IMO Members
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **Communication from the Government of the Republic of Kenya**

The Government of the Republic of Kenya has sent the attached communication, dated 21 April 2020, with the request that it is circulated by the Organization.



"For safe and efficient water transport"

KENYA MARITIME AUTHORITY
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Mombasa, Kenya.

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KMA/SS/2/3/01

21st April, 2020

His Excellency Kitack Lim
Secretary General
International Maritime Organization
4 Albert Embankment
London SE1 7SR

Your Excellency,

**GOVERNMENT OF KENYA MEASURES IN RESPECT OF DISRUPTIONS
CAUSED BY COVID-19 FOR THE MARITIME INDUSTRY**

The Government of the Republic of Kenya presents its compliments to the Secretary General and applauds the Secretariat for support and advice to the international shipping industry during this unprecedented covid-19 pandemic period.

This is to inform you that the Republic of Kenya, through the Kenya Maritime Authority has caused the issuance of the attached marine circular providing guidance on surveys, inspections, audits or certifications required for ships and seafarers by the Kenya Merchant Shipping Act 2009, IMO and ILO Instruments.

It is requested that the Secretariat circulates the circular to all Member States and other interested parties.

The Republic of Kenya avails itself this opportunity to renew to your Excellency and the IMO the assurances of its highest consideration.

Yours faithfully,

Major (Rtd.) George N. Okong'o
DIRECTOR GENERAL



KENYA MARITIME AUTHORITY

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MARINE NOTICE

NO. 2 OF 2020

16th April 2020

IMPLEMENTATION OF THE MERCHANT SHIPPING ACT, 2009

DURING THE COVID-19 PANDEMIC PERIOD

TO: Ship Owners, Seafarers, Surveyors, Recognized Organizations (ROs), Boat Owners/Operators, Shipping Agents and Seafarer Recruitment and Placement Agents

1. SCOPE

This Notice sets out temporary measures in relation to vessel inspections/surveys, vessels certification and the validity of seafarers' documents affected by restrictions due to the COVID-19 pandemic.

2. APPLICABILITY

This Notice applies to all Kenyan ships and ships calling Kenyan ports, boats, boat operators and Kenyan seafarers.

3. INTRODUCTION

The COVID-19 outbreak has been declared a pandemic by the World Health Organization (WHO). The Ministry of Health and the International Maritime Organization have issued guidelines on prevention of further spread of the virus.

The Kenya Maritime Authority (the Authority) has noted the disruption caused by the outbreak and the difficulty encountered by ship owners and seafarers in continuing to be in compliance with the requirements of Merchant Shipping Act, 2009 and other IMO Instruments.

The Authority considers the COVID-19 pandemic to be a *force majeure* situation and is implementing these guidelines with immediate effect.

4. SURVEYS, INSPECTIONS AND AUDITS

4.1 Statutory Surveys, Inspections and Audits

Due to travel restrictions imposed by countries and within Kenya as part of measures to prevent further spread of the virus, it has become a challenge for surveyors to attend ships for statutory surveys either in port or at shipyards/dry docks. In view of these exceptional circumstances, in cases where surveyors, auditors and/or inspectors are not able to undertake scheduled surveys, audit, and inspections due to restrictions imposed by COVID-19 pandemic, the Authority will consider requests for extension/postponement under *force majeure*, on a case by case basis.

4.2 Fire Fighting and Lifesaving Appliances

The Authority advises Masters and Seafarers onboard to undertake routine on-board inspections of Fire Fighting and Life Saving Appliances including where the shore side inspection and servicing is due but cannot be undertaken due to the current restrictions in effect.

It is the Master's responsibility to ensure the appliances remain in the conditions as stated in the relevant certificate.

4.3 Port State Control Inspection

When a ship does not comply with the requirements of the surveys, inspections and audits contained in the relevant Conventions, the ship must provide evidence to the Port State that the Flag State has agreed to an exceptional delay specific to COVID-19 pandemic. There should also be evidence that the ship has a plan that covers how the ship will be brought back into the regular survey or audit cycle.

The Authority will take a pragmatic approach when conducting Port State Control Inspection during the period of the pandemic and will determine the application of the Port State Control measures on a case by case basis.

5. VALIDITY OF STATUTORY CERTIFICATES

All certificates that are to expire between 1st March 2020 and 31st August 2020 and whose scheduled survey, inspection or audit may not be possible are hereby extended for a period of three months or until a new survey, inspection or audit will be conducted.

Ship owners, seafarers and boat operators are however advised to maintain the ships/boats in the same condition as indicated in the Certificates during the extension period.

6. SEAFARERS' DOCUMENTS

6.1 Certificates Affected

In view of the challenges in updating seafarers' documents due to restriction of movement and social distancing measures, the Authority hereby grants an extension for the validity of the following certificates/documents which expire or are due to expire between 1st March 2020 and 31st August 2020:

- a) Certificates of Competency (CoCs);
- b) Certificates of Proficiency (CoPs); and
- c) Seafarer Medical Certificates.
- d) Seafarer Discharge books (CDCs)

6.2 Validity of Certificates

The validity of CoCs and CoPs, which are due to expire, will be granted an extended validity of six months (from date of expiry) or until 1st October 2020, whichever is earlier

The validity of STCW, Non- STCW and Medical Certificates, which are due to expire, is hereby extended for six months (from date of expiry) or until 1st October 2020, whichever is earlier.

Seafarers who are unable to renew a filled-up discharge book should request that all seafarer discharges or engagements are recorded on paper (paper discharge) or testimonials issued upon disengagement from the ship.

Seafarers who are currently onboard/working with expired documents that meet the expiry criteria as stated must carry the expired document with a copy of this Notice for inspection and presentation when requested to do so.

7. SEAFARERS' EMPLOYMENT AGREEMENTS (SEA) AND MINIMUM SAFE MANNING

Where a seafarer's employment agreement expires or is due to expire between 1st March 2020 and 31st August 2020, and/or there is a challenge in repatriating the seafarer due to current travel restrictions, the SEA may be extended by a further six months from the date of expiry by agreement between the ship owner and the seafarer. In this situation, the same terms and conditions as originally agreed will continue to apply with arrangement for repatriation at the earliest opportunity.

The ship owner /Manager should contact the Authority for issuance of dispensation or a revised Minimum Safe Manning Document as may be applicable, in case where a crew member needs to

disembark from the ship due to urgent circumstances and cannot be immediately replaced due to COVID-19 restrictions.

8. SHIP OWNERS LIABILITY

All ships/vessels must have valid insurance policy at all times

Deficiencies that may affect the capacity and performance standards of all firefighting appliances, marine pollution prevention equipment, and lifesaving appliances must be reported to the Authority at the earliest. The notice should be accompanied by a risk assessment report as appropriate and where necessary, dispensation may be sought.

9. VALIDITY OF THIS NOTICE

This Notice may be amended or canceled at any time taking into consideration any additional guidance and advice provided by the Ministry of Health, IMO and other Organizations.

Any further request for information or assistance should be made through the contacts provided above.



Maj. (Rtd) George N. Okong'o
DIRECTOR GENERAL