

Have cases of doubt as to whether any categories of persons are to be regarded as seafarers arisen?

If yes, please provide full information on the consultation process and its result (Article II, paragraph 3):

Yes. The MCA has considered whether Privately Contracted Armed Security Personnel (PCASP) should be counted as seafarers. The matter was discussed with Social Partners, listed in Part IV of this report above, and with representatives of the PCASP companies. Following representation by the PCASP industry, it was decided that the default position was that PCASPs should not count as seafarers, provided it could be evidenced that there was equivalent protection in place for them provided by the employer. One of the factors taken into account was the fact of their short-term presence onboard a ship was the norm, and it was noted that in cases of extended durations the result may be different.

Have cases of doubt arisen as to whether a ship or a particular category of ship, or a similar navigating means, is covered by the Convention?

If yes, please provide full information on the consultation process and its result (Article II, paragraph 5):

After tripartite consultation, while not specifically excluded from the legislation, it was agreed that it would not be enforced on Mobile Offshore Drilling Units (MODUs) when on station, and Accommodation ships when secured to the sea bed, for significant periods.