
INTERNATIONAL LABOUR ORGANIZATION
Sectoral Activities Programme

**High-level Tripartite Working Group
on Maritime Labour Standards
(Second meeting)**

**Definitions and scope of application provisions in
existing ILO maritime instruments and related texts**

Geneva, 2002



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Background

1. At its first meeting in December 2001, the High-level Tripartite Working Group on Maritime Labour Standards noted that the “new instrument should set out standards that are clear, simple, easy to ratify and easy to implement”.¹ To this end, the Working Group recommended that the Subgroup should develop “the main elements of the instrument, including identifying where existing provisions overlap or conflict and making appropriate recommendations”.²
2. The Subgroup at its meeting in June 2002 considered a document prepared by the Office on duplicative or contradictory texts in the existing maritime instruments.³ In the course of the discussion, the spokesperson of the Seafarers’ group proposed that “the Office be tasked to prepare a separate paper on the issue of definitions and scope of application”,⁴ a proposal that was supported by the spokesperson of the Shipowners’ group. The spokesperson of the Seafarers’ group also commented that “a paper simply listing existing definitions might not be sufficient. It would be necessary to place the definitions in the context of the subject area concerned”,⁵ and suggested that “the Office consider definitions and relevant provision taken from other (non-maritime) existing Conventions, for comparison”.⁶ The Subgroup approved the proposal of the Seafarers’ group.
3. Taking into account the discussions that took place at the meeting of the Subgroup, this report attempts to compile definitions of “seafarer” and “shipowner” and provisions relating to scope of application – contained not only in ILO maritime instruments but in other relevant international instruments – and to group them according to relevant subject matter. Furthermore, this report analyses the structure of these definitions and provisions on scope of application with a view to identifying similarities and differences between them so that the work of drafting definitions and provisions for the new consolidated maritime Convention might be facilitated. This report is, therefore, a complement to the document submitted to the Subgroup in June 2002.⁷

¹ ILO: *Final report*, High-level Tripartite Working Group on Maritime Labour Standards, doc. TWGMLS/2001/10 (Geneva, 2001), p. 23.

² *ibid.*, p. 27.

³ ILO: *Duplicative or contradictory text in the existing maritime instruments*, Subgroup of the High-level Tripartite Working Group on Maritime Labour Standards, doc. STWGMLS/2002/4 (Geneva, 2002).

⁴ ILO: *Final report*, Subgroup of the High-level Tripartite Working Group on Maritime Labour Standards, doc. STWGMLS/2002/12 (Geneva, 2002), para. 147.

⁵ *ibid.*, para. 150.

⁶ *ibid.*, para. 165.

⁷ ILO: *Duplicative or contradictory text ...*, *op. cit.*

Definitions

Seafarer

4. Two types of terms have been used and defined in ILO maritime instruments, namely “seaman (seamen)” and “seafarer (seafarers)”. The term “seaman” is found in Conventions Nos. 8, 9, 22 and 23, which were adopted during the 1920s. The term “seafarer” was first used in Convention No. 70 adopted in 1946 and may be found in all Conventions thereafter. Sixteen Conventions and four Recommendations of ILO maritime instruments define “seafarer” (seaman), with three pairs of Conventions – Conventions Nos. 22 and 23, 70 and 71 and 164 and 166 – providing the same definition; in the case of four sets of Conventions supplemented by Recommendations – Convention No. 180 and its accompanying Recommendation No. 187, Convention No. 145 and its accompanying Recommendation No. 154, Convention No. 163 and its accompanying Recommendation No. 173 and Convention No. 134 and its accompanying Recommendation No. 142 – the definition of “seafarer” contained in the Conventions is the same as that found in their accompanying Recommendations (see Appendix I, 1.1). Therefore, there are 13 different definitions of “seafarer” in the maritime instruments of the ILO. The various definitions of “seafarer” may serve the different goals and scope of the individual Conventions and Recommendations, and vary widely. The variety of the definitions relates to capacity of persons on board, exclusion of certain category of persons, nature of vessels and the range of exclusion of vessels on board which persons are employed.
5. As regards other international instruments, only one Convention contains a relevant definition of “seafarer”. The Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention) provides a definition of “crew member” which may be considered to cover a similar category of persons as that covered by “seafarer” in ILO maritime instruments (see Appendix I, 1.2). However, the definitions of “seafarer” of ILO maritime instruments do differ from that of “crew member” in the FAL Convention; phrases such as “during a voyage” and “the crew list” contained in that definition particularly distinguish it from the definition of “seafarer” in ILO instruments.
6. Although there is a wide variety of definitions of “seafarer” in ILO maritime instruments, as stated above, these definitions have several basic structural components in common (see Appendix I, 1.3). Furthermore, each Convention contains words and phrases similar to those found in other Conventions. Given that the definitions in the Conventions in question share basic structural components and that terminology is similar, it may be possible to identify core components for the definition of “seafarer”. It could be considered that these core components are as follows:
 - subject;
 - capacity of persons on board;
 - exclusion of persons from the category of seafarer;
 - nature of vessels on board which seafarers are employed; and
 - exclusion of certain types of vessels.
7. Of these various components, “capacity of persons on board” and “nature of vessels on board which seafarers are employed” are vital. Concerning “capacity of persons”, the most common formulation is “employed in any capacity on board”. As regards the “nature of vessels”, the reference to “a seagoing vessel (ship)” is most frequently found; but some

Conventions require additional elements relating to registration, territorial scope, etc. A number of Conventions exclude from the coverage of the definition certain kinds of vessels on board which persons are employed – such as a ship of war, a ship engaged in fishing and a government ship. However, the majority of the definitions do not exclude any persons and vessels from their ambit.

8. In addition, there is some confusion about phrases concerning “capacity of persons onboard” and “nature of vessels” because these phrases are not only used for the definition of “seafarer” but also for provisions relating to scope of application. Moreover, the phrase concerning “nature of vessels” is used for the definition of “seafarer” and for scope of application provisions concerning both persons and vessels. Consequently, a definition of “seafarer” sometimes fulfils the role of a provision relating to scope of application – and vice versa. To the extent that the vessel is the actual “workplace” of seafarers, some overlap is inevitable.

Shipowner

9. Compared to the definition of “seafarer”, it is easier to find definitions of “shipowner” in other international instruments (see Appendix I, 2). Terms such as “owner”, “company” and “carrier” appear to have similar meanings as “shipowner” in ILO instruments. Two ILO Conventions – Conventions Nos. 179 and 180 – and one IMO Convention – the FAL Convention – define “shipowner”. Another IMO Convention – the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC) – defines “owner”. The United Nations Convention on Conditions for Registration of Ships, 1986, contains one definition for the terms “shipowner” and “owner”. Two IMO instruments – the International Safety Management Code (ISM Code) and the International Convention for the Safety of Life at Sea, 1974 (SOLAS) – define “company”. In addition, an IMO instrument – the Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, defines “carrier”.
10. Two ILO Conventions contain very similar definitions of “shipowner”, the difference being the reference to “agent”. Convention No. 179 includes “agent” in its definition of shipowner, whereas Convention No. 180 fails to do so. However, the definition of “shipowner” in the FAL Convention differs from that given in ILO Conventions – despite some broad similarities between these Conventions. For instance, the FAL Convention includes “legal entity” as a shipowner. The definitions of “company” contained in the ISM Code and SOLAS are similar – and their definition of “shipowner” closely resembles that in Conventions Nos. 179 and 180.
11. The CLC Convention, however, defines “owner” by reference to the person registered as owner of the ship. The United Nations Convention on Conditions for Registration of Ships, 1986, defines “shipowner” or “owner” in the same manner as the CLC Convention. In addition, the term “carrier” found in the Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, defines “carrier” as being “a person by or on behalf of whom a contract of carriage has been concluded”. The meaning of these terms is therefore significantly different from that of “shipowner” in ILO Conventions.

Scope of application

12. There is a wide variety of provisions concerning “scope of application” in ILO maritime Conventions and Recommendations (see Appendix II, 1). It is natural that the provisions on scope of application of these instruments should vary so widely as their targets differ considerably. Thirty maritime Conventions and six maritime Recommendations contain

such provisions. Four pairs of the Conventions – Nos. 22 and 23, 72 and 91, 75 and 92 and 76 and 93 – have the same scope of application provisions. However, Convention No. 92 contains a proviso which is absent in Convention No. 75. Furthermore, certain parts of the scope of application provisions of some Conventions are similar to those of other Conventions. These can be grouped as follows: Conventions Nos. 70, 71, 72, 73, 75, 76, 91, 92, 93, 109 and 133; and Conventions Nos. 164, 166 and 180. In addition, three sets of Conventions supplemented by Recommendations – Convention No. 154 and its accompanying Recommendation No. 154, Convention No. 147 and its accompanying Recommendation No. 155 and Convention No. 180 and its accompanying Recommendation No. 187 – have the same scope of application provisions because the scope of application in the Recommendations mirror the scope of application in the Conventions to which they relate. Nonetheless, the scope of application provisions of Convention No. 109⁸ and its accompanying Recommendation No. 109, are different from each other, although they deal with the same subject matter and were adopted at the same time.

13. Of the abovementioned instruments, ten Conventions and three Recommendations only apply to specified persons, including seafarers, and 11 Conventions and two Recommendations only apply to specified vessels (see Appendix II, 2). A total of nine Conventions apply to both persons and vessels. Consequently, 19 Conventions and three Recommendations apply to persons and 20 Conventions apply to vessels. In addition, only one ILO maritime instrument – Recommendation No. 137 – contains a provision applying to training programmes. The variety of the scope of application provisions of the Conventions relates to differences of persons covered by instruments and those persons excluded, the exclusion of certain types of vessels on which seafarers are employed and the nature of the vessels themselves.

Details of scope of application provisions relating to persons

14. Three basic components may be identified from the analysis of the structure of the scope of application provisions relating to persons in ILO maritime instruments (see Appendix II, 3.1): the persons to whom the instrument applies; those excluded from the scope of the instrument; and the nature of vessels on board which the persons covered are employed. As regards “persons covered”, this encompasses two groups: those who are identified by reference to the vessels on board which they are employed; and the others not identified with such vessels. ILO maritime instruments apply to a wide variety of categories of persons. A number of Conventions apply to seafarers, others apply to seafarers and owners. Some Conventions apply only to seafarers, others apply to masters and officers. In addition, seafarers’ dependants and their survivors are included in the scope of application of Convention No. 165.⁹ The “nature of vessels” will not be analysed in this context because it overlaps with the scope of application relating to vessels (see paragraph 17).
15. Thirty-six categories of persons are mentioned as persons excluded from the scope of application of ILO maritime instruments (see Appendix II, 3.2). Some Conventions – such as Conventions Nos. 68 and 166 – do not exclude any person from the application of the Conventions, whereas Convention No. 71 mentions 17 categories of persons excluded

⁸ This Convention did not receive sufficient ratification for entry into force.

⁹ It is understandable as this Convention deals with social security issues.

from application. These may be broken down into five groups (shaded in the table of Appendix II, 3.2). These groups are as follows:

- capacity on board: master, pilot, officer, cadet, etc.;
- types of vessels on board which the persons are employed: ships of war, government vessel, fishing vessel, primitive vessel, small vessel, etc.;
- persons not normally employed at sea: travelling dockers, persons employed in ports, doctor, chaplain, musician, etc.;
- source of earnings: shipowner’s family, persons working exclusively on their own account, persons who are not paid a money wage, etc.; and
- others: persons not nationals of the Member, persons not resident in the territory of the Member, etc.

16. The provisions containing definitions exclude certain persons from the scope of application of the instruments. Fourteen instruments – Conventions Nos. 9, 22, 23, 70, 71, 134, 145, 146, 163, 165 and 179 and Recommendations Nos. 142, 154 and 173 – contain such definitions and these cases are written in italics in Appendix II, 3.1 and 3.2. Four Conventions – Conventions Nos. 55, 56, 70 and 71 – leave some room for national laws or regulations or collective agreements to make some exceptions of application as deemed necessary and these Conventions are underscored in Appendix II, 3.1 and 3.2.

Details of scope of application provisions relating to vessels

17. Scope of application provisions relating to vessels also share a number of common components (see Appendix II, 4.1). Furthermore, each Convention contains words and phrases similar to those of another Convention. Given that there are common basic structural components, it may be possible to identify core components from amongst the scope of application provisions; basic components relating to vessels are as follows:

- subject;
- place of registration;
- ownership;
- area or purpose of engagement;
- type of voyage;
- extension of application;
- exclusion of vessels; and
- others.

18. Of the basic components listed above, “the place of registration”, “ownership”, and “area of engagement” are core components. Concerning the “subject” of the scope of application provisions, the most commonly used term is “sea-going vessel (ship)”; some instruments preface the term with “mechanically propelled”. Concerning “place of registration”, the most widely used phrase is: “registered in a territory for which this Convention is in

force”. However, provisions of more recent instruments contain slightly different formulations. Four Conventions adopted relatively recently – Conventions Nos. 164, 165, 178 and 180 – use the phrase: “registered in the territory of any Member (a Member) for which the Convention (for this Convention) is in force”. In addition, Conventions Nos. 178 and 180 contain an additional precision, namely “for the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies”.

19. Concerning the expression “ownership”, only one phrase – “whether publicly or privately owned” – is used in all ILO maritime instruments with the exception of Conventions Nos. 22, 23 and 53. Most of the instruments contain the phrase “engaged in the transport of cargo or passengers for the purpose of trade”, whereas more recent instruments such as Conventions Nos. 164, 166 and 180 and Recommendation No. 187 have a slightly different formulation: “ordinarily engaged in commercial maritime navigation”. Some instruments extend their scope of application to small vessels, fishing vessels and tugs. In addition, most instruments exclude certain types of vessels from their scope. Four Conventions – Conventions Nos. 69, 163, 164 and 166 – do not contain an exclusion clause for vessels.
20. Fourteen categories of vessels are presented as “vessels excluded from the scope of application of ILO maritime instruments” (see Appendix II, 4.2). These vessels are for instance: ships of war; vessels of primitive build; vessels of less than 200 or 500 tons; fishing vessels; estuarial craft, etc. Some types of ships are excluded in the definition of “vessel” of relevant Conventions, for instance, Conventions Nos. 7, 8, 15, 16 and 58 (see italics in Appendix II, 4.2). Conventions Nos. 53, 72 and 91 leave some room for national laws or regulations to make some exceptions from the scope of application; these Conventions are highlighted in Appendix II, 3.1 and 3.2.

Other issues

21. One of the important issues related to scope of application concerns fishing vessels. Only Convention No. 56 includes fishing vessels in its scope of application (see Appendix II, 5.1), whereas a majority of instruments – Conventions Nos. 22, 23, 57, 72, 73, 75, 76, 91, 92, 93, 109, 133 and 147 and Recommendation No. 155 – specifically exclude fishing vessels from their scope of application. However, 13 instruments extend their scope of application to fishing vessels to the extent deemed practicable. These provisions may be found more frequently in recently adopted instruments.
22. Some Conventions – Conventions Nos. 164, 166, 178 and 180 – contain provisions leaving it to the competent authority, in consultation with the social partners, to determine whether ships are to be regarded as seagoing ships or vessels engaged in commercial maritime operations or in commercial maritime fishing. Conventions Nos. 108 and 134 also contain similar provisions concerning determination as to whether particular categories of persons are to be regarded as seafarers.

Conclusion

23. The above analysis has sought to identify commonalities and differences in the definitions and scope of application provisions of existing instruments. The High-level Tripartite Working Group may wish to take these into account when considering and drafting relevant provisions for the new consolidated Convention. In particular, a clear distinction would need to be made between the provisions concerning relevant definitions and those concerning scope of application in order to avoid overlap.

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Explanatory notes

A. Meaning of the symbols or indications used

Symbols or indications	Meaning
C.XX*	Conventions which did not receive the requisite number of ratifications for entry into force
C.XX+	Conventions which are closed to ratification
<u>C.XX</u>	Conventions which contain exceptions or exemptions of application which may be granted by national laws or regulations (3-2, 4-2)
C.XX	Conventions or Recommendations which contain exclusion of application in the definition of a seafarer or vessel (3-2, 4-2)

B. Revised and revising Conventions

Subject matter	Revised Conventions	Revising Conventions	Subject matter	Revised Conventions	Revising Conventions
Minimum age	C.7, C.58	C.138	Repatriation of seafarers	C.23	C.166
Paid leave	C.54*, C.72*+, C.91+	C.146	Accommodation	C.75*+	C.92, C.133
Wages, hours of work and manning	C.57*, C.76*, C.93*, C.109*	C.180	Recruitment and placement of seafarers	C.9	C.179
Social security	C.56+, C.70*	C.165			

C. The following Conventions and Recommendations have been considered to be outdated by the ILO Governing Body

Subject matter	Conventions and Recommendations	Subject matter	Conventions and Recommendations
Training and entry into employment	C.9, R.77	Safety, health and welfare	C.75*+, R.48, R.105, R.138
General conditions of employment	C.23, R.27, C.54*, C.72*+, C.91+, C.57*, R.49, C.76*, C.93*, C.109*, R.109	Conditions for admission to employment	C.7, C.15
Social security	C.56+, C.70*	Labour inspection	R.28

I. Definition

1. Seafarer

1.1. Definitions of seafarer in the ILO maritime Conventions and Recommendations

Subject matter		Con./Rec.	Definition of seafarer
I	Unemployment indemnity	C.8	All persons employed on any vessel engaged in maritime navigation
	Recruitment and placement	C.9	All persons, except officers, employed as members of crew on vessels engaged in maritime navigation
		C.179	Any person who fulfils the conditions to be employed or engaged in any capacity on board a seagoing ship other than a government ship used for military or non-commercial purposes
II	Articles of agreement	C.22	Every person employed or engaged in any capacity on board any vessel and entered on the ship's articles. It excludes masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a government
	Wages, hours of work and manning	C.180 R.187	Any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Convention (Recommendation) applies
	Annual leave	C.146	A person who is employed in any capacity on board a sea-going ship registered in a territory for which the Convention is in force, other than (a) a ship of war; (b) a ship engaged in fishing or in operations directly connected therewith or in whaling or similar pursuits
	Continuity of employment	C.145 R.154	Persons defined as such by national law or practice or by collective agreement who are normally employed as crew members on board a sea-going ship other than – <i>same as (a) and (b) of C.146</i>
	Repatriation	C.23	<i>Same as C.22.</i>
C.166		Any person who is employed in any capacity on board a seagoing ship to which this Convention applies	
III	Welfare	C.163 R.173	Any person who is employed in any capacity onboard a seagoing ship, whether publicly or privately owned, other than a ship of war
	Health protection and medical care	C.164	<i>Same as C.166</i>
	Prevention of accident	C.134	All persons who are employed in any capacity on board a ship, other than a ship of war, registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation
R.142		All persons who are employed in any capacity on board a ship, other than a ship of war, ordinarily engaged in maritime navigation	

Subject matter		Con./Rec.	Definition of seafarer
IV	Social security	C.70*	Every person employed on board or in the service of any sea-going vessel, other than a ship of war, which is registered in a territory for which this Convention is in force
		C.165	Persons employed in any capacity on board a seagoing ship which is engaged in the transport of cargo or passengers for the purpose of trade, is utilised for any other commercial purpose or is a seagoing tug, with the exception of persons employed on (i) small vessels including those primarily propelled by sail, whether or not they are fitted with auxiliary engines; (ii) vessels such as oil rigs and drilling platforms when not engaged in navigation
	Seafarers' pensions	C.71	<i>Same as C.70</i>
V	Inspection	C.178	Persons who are employed in any capacity on board a seagoing ship to which the Convention applies
<p>* I: subject matter concerning prerequisites for going to sea. II: subject matter concerning conditions of employment and manning. III: subject matter concerning working and living conditions. IV: subject matter concerning social security. V: subject matter concerning enforcement.</p>			

1.2. Definitions of seafarer in other international Conventions

Term	Convention	Definition
Crew member	FAL Convention	Any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list
FAL Convention: Convention on Facilitation of International Maritime Traffic, 1965.		

1.3. Structure of definitions of seafarer in ILO maritime Conventions and Recommendations

Term	Subject	Capacity of persons on board	Exclusion of persons	Nature of vessels	Exclusion of vessels
Seafarer (C.70*, C.71, C.134, C.146, C.163, C.164, C.166, C.179, C.180, R.142, R.173, R.187)	A person (C.146) Any person (C.163, C.164, C.166, C.179, C.180, R.173, R.187)	Employed on (C.8) Employed as members of crew on (C.9) Employed in any capacity on board (C.134, C.146, C.163, C.164, C.165, C.166, C.178, R.142, R.173) Who fulfils the conditions to be employed or engaged in any capacity on board (C.179)	No exclusion (C.8, C.70*, C.71, C.134, C.145, C.146, C.163, C.164, C.165, C.166, C.178, C.179, C.180, R.142, R.154, R.173, R.187) Officers (C.9) Masters, pilots, cadets and pupils on training ships and duly indentured apprentices, naval ratings, and other persons in the permanent service of a government (C.22, C.23)	Any vessel (C.22, C.23) Any vessel (vessels) engaged in maritime navigation (C.8, C.9) A ship ordinarily engaged in maritime navigation (R.142) A seagoing ship (C.145, C.179, R.154) A seagoing ship, whether publicly or privately owned (C.163, R.173) A seagoing ship to which this Convention applies (C.164, C.166, C.178, C.180, R.187) Any (a) seagoing vessel which is registered in a territory for which this (the) Convention is in force (C.70, C.71, C.146)	No exclusion (C.8, C.9, C.22, C.23, C.164, C.166, C.178, C.180, R.187) A ship of war (C.70*, C.71, C.134, C.163, R.142, R.173) (a) a ship of war; (b) a ship engaged in fishing or in operations directly connected therewith or in whaling or in similar pursuits (C.145, C.146, R.154) A government ship used for military or non-commercial purpose (C.179)
Seafarers (C.145, C.165, C.178, R.154)	Every person (C.22, C.23, C.70*, C.71)	Employed or engaged in any capacity on board and entered on the ship's articles (C.22, C.23) Employed on board or in the service of (C.70*, C.71)			
Seaman (C.22, C.23)	Persons (C.145, C.165, C.178, R.154)	Defined as such by national law or practice or by collective agreement who are normally employed as crew members on board (C.145, R.154)		A ship registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation (C.134)	(i) small vessels including those primarily propelled by sail, whether or not they are fitted with auxiliary engines;
Seamen (C.8, C.9)	All persons (C.8, C.9, C.134, R.142)	Defined as such by national law or practice or by collective agreement who is employed or engaged in any capacity on board (C.180, R.187)		A seagoing ship which is engaged in the transport of cargo or passengers for the purpose of trade, is utilized for any other commercial purpose or is a seagoing tug (C.165)	(ii) vessels such as oil rigs and drilling platforms when not engaged in navigation (C.165)

2. Shipowner

Term	Convention	Definition
Shipowner	C.179 of the ILO	The owner of the ship or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibilities has agreed to take over all the attendant duties and responsibilities
	C.180 of the ILO	The owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities
	FAL Convention	One who owns or operates a ship, whether person, a corporation or other legal entity, and any person acting on behalf of the owner or operator
Owner	CLC	The person or persons registered as the owner of the ship, or in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company.
Shipowner/ owner	The United Nations Convention on Conditions for Registration of Ships, 1986	Unless clearly indicated otherwise, any natural or juridical person recorded in the register of ships of the State of registration as an owner of a ship
Company	International Safety Management (ISM) Code, SOLAS	The owner of the ship or any other organization or person, such as the manager or (the) bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner (the owner of the ship) and who on assuming such responsibility (responsibilities), has agreed to take over all duties and responsibility (responsibilities) imposed by the Code (International Safety Management Code/these regulations)
Carrier	Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974	A person by or on behalf of whom a contract of carriage has been concluded, whether the carriage is actually performed by him or by a performing carrier
FAL Convention: Convention on Facilitation of International Maritime Traffic, 1965. CLC: International Convention on Civil Liability for Oil Pollution Damage, 1969. SOLAS: International Convention for the Safety of Life at Sea, 1974. Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974.		

II. Scope of application

1. Scope of application

Subject matter		Con./Rec.	Contents of scope of application	
I	Officers' competency certificates	C.53	Person	–
			Vessel	<ul style="list-style-type: none"> – All vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of: <ul style="list-style-type: none"> (a) ships of war; (b) government vessels, or vessels in the service of a public authority, which are not engaged in trade; (c) wooden ships of primitive build such as dhows and junks. – National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross register tonnage.
	Ship's cook	C.69	Person	–
			Vessel	Sea-going vessels, whether publicly or privately owned, which are engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force
	Medical examination	C.73	Person	Every person who is engaged in any capacity on board a vessel except: <ul style="list-style-type: none"> (a) a pilot; (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.
			Vessel	<ul style="list-style-type: none"> – 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. – This Convention does not apply to: <ul style="list-style-type: none"> (a) vessels of less than 200 tons gross register tonnage; (b) wooden vessels of primitive build such as dhows and junk; (c) fishing vessels; (d) estuarial craft.

Subject matter	Con./Rec.	Contents of scope of application	
Vocational training	R. 137	Training	<ul style="list-style-type: none"> – This Recommendation applies to all training designed to prepare persons for work on board a publicly or privately owned seagoing ship engaged in the transport of cargo or passengers for the purpose of trade, engaged in training or engaged in scientific exploration. – This Recommendation applies to training for the performance of the duties of persons in the deck, engine, radio or catering departments or of general purpose crews. It does not apply to fishermen.
	C.108	Person	Every seafarer who is engaged in any capacity on board a vessel, other than a ship of war, registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation
Vessel		–	
II Articles of agreement	C.22	Person	Owners, masters, seamen of such vessels
		Vessel	All seagoing vessels, registered in the country of any Member ratifying this Convention except: <ul style="list-style-type: none"> (a) ships of war; (b) government vessels not engaged in trade; (c) vessels engaged in the coasting trade; (d) pleasure yachts; (e) Indian country craft; (f) fishing vessels; (g) vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention.
Continuity of employment	C.145 R.154	Person	<i>(Subject to the provisions of Paragraph 11: R.154 only).</i> Persons who are regularly available for work as seafarers and who depend on their work as such for their main annual income
		Vessel	–
Repatriation	C.23	Person	<i>Same as C.22</i>
		Vessel	<i>Same as C.22</i>
	C.166	Person	The owners and seafarers of such ships
		Vessel	Every seagoing ship whether publicly or privately owned which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation

Subject matter	Con./Rec.	Contents of scope of application
Annual leave with pay	C.54*	<p>Person</p> <ul style="list-style-type: none"> - The master, officers and members of the crew, including wireless operators in the service of a wireless telegraphy company, of all sea-going vessels, whether publicly or privately owned, which are registered in a territory for which the Convention is in force and are engaged in the transport of cargo or passengers for the purpose of trade. - This Convention does not apply to: <ul style="list-style-type: none"> (a) persons employed in vessels engaged in fishing, whaling or similar pursuits or in operations directly connected with therewith; (b) persons employed in any vessel the crew of which consists entirely of members of the owner's family as defined by national laws or regulations; (c) persons not remunerated for their services, or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits; (d) persons working exclusively or mainly on their own account; (e) persons employed in wooden ships of primitive build such as dhows and junks; (f) persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master; (g) travelling dockers.
	-	<p>Vessel</p> <p>-</p>
	C.72*+ C.91+	<p>Person</p> <ul style="list-style-type: none"> - Every person who is engaged in any capacity on board a vessel except: <ul style="list-style-type: none"> (a) a pilot not a member of the crew; (b) a doctor not a member of the crew; (c) nursing staff engaged exclusively on nursing duties and hospital staff not members of the crew; (d) persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings; (e) persons not remunerated for their services or remunerated only by a nominal salary or wage; (f) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company; (g) travelling dockers (longshoremen) not members of the crew; (h) persons employed in whale-catching vessels, in floating factories, or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organization of seafarers; (i) persons employed in port who are not ordinarily employed at sea. - The competent authority may, after consultation with the organizations of shipowners and seafarers concerned, exempt from the application of the Convention masters, chief navigating officers and chief engineers who by virtue of national laws or regulations or collective agreements enjoy conditions of service which are not less favourable in respect of annual leave than those required by the Convention.

Subject matter	Con./Rec.	Contents of scope of application	
		Vessel	<ul style="list-style-type: none"> - Every sea-going mechanically propelled 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. - This Convention does not apply to: <ul style="list-style-type: none"> (a) wooden vessels of primitive build such as dhows and junks; (b) vessels engaged in fishing or in operations directly connected therewith or in sealing or similar pursuits; (c) estuarial craft. - National laws or regulations or collective agreements may provide for the exemption from the provisions of this Convention of vessels of less than 200 gross register tons.
	C.146	Person	All persons who are employed as seafarers
		Vessel	-
Wages, hours of work and manning	C.57*	Person	-
		Vessel	<ul style="list-style-type: none"> - Every sea-going mechanically propelled vessel, whether publicly or privately owned, which: <ul style="list-style-type: none"> (a) is registered in a territory for which the Convention is in force; (b) is employed in the transport of cargo or passengers for the purpose of trade; and (c) is engaged on an international voyage, by which is meant any voyage from a port of one country to a port outside such country, every colony, overseas territory, protectorate or territory under suzerainty or mandate being regarded as a separate country. - This Convention does not apply to: <ul style="list-style-type: none"> (a) sailing vessels with auxiliary engines; or (b) vessels engaged in fishing, whaling or similar pursuits, or in operations directly connected therewith. - Any Member may exempt vessels registered in its territory from the application of this Convention while such vessels are exclusively engaged in voyages upon which they do not proceed further from the country from which they trade than the nearby ports of neighbouring countries within geographical limits which: <ul style="list-style-type: none"> (a) are clearly specified by national laws or regulations; (b) are uniform in respect of the application of all the provisions of this Convention; (c) have been notified by the Member when registering its ratification by a declaration annexed thereto; and (d) have been fixed after consultation with the other Members concerned.

Subject matter	Con./Rec.	Contents of scope of application
	C.76* C.93*	<p>Person</p> <p>Every person who is engaged in any capacity on board a vessel except:</p> <ul style="list-style-type: none"> (a) a master; (b) a pilot not a member of the crew; (c) a doctor; (d) nursing staff engaged exclusively on nursing duties and hospital staff not members of the crew; (e) persons whose duties are connected solely with the cargo on board; (f) persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings; (g) persons not remunerated for their services or remunerated only by a nominal salary or wage; (h) persons, excluding those in the service of a wireless telegraphy company, who are employed on board by an employer other than the shipowner; (i) travelling dockers (longshoremen) not members of the crew; (j) persons employed in whale-catching vessels, in floating factories, or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organization of seafarers; (k) persons who are not members of the crew (whether working on or off articles) but are employed while the vessel is in port on repairing, cleaning, loading the vessel or similar work or on port relief, maintenance, watch or caretaking duties.
	Vessel	<ul style="list-style-type: none"> - Every vessel, whether publicly or privately owned, which is mechanically propelled, registered in a territory for which this Convention is in force, engaged in the transport of cargo or passengers for the purpose of trade and engaged in a voyage by sea. - This Convention does not apply to: <ul style="list-style-type: none"> (a) vessels of less than 500 gross register tons; (b) wooden vessels of primitive build such as dhows and junks; (c) vessels engaged in fishing or in operations directly connected therewith or in sealing or similar pursuits; (d) estuarial craft.
	C.109*	<p>Person</p> <p><i>Same as C.76 and C.93 with some exceptions as follows:</i> (e) a chaplain; (f) persons engaged exclusively on educational duties; (g) a musician</p>
	R.109	<p>Person</p> <p>This Recommendation applies to seafarers, other than masters, employed in mechanically propelled seagoing ships engaged in trade but excluding estuarial craft, fishing vessels and primitive vessels</p>
	C.180 R.187	<p>Person</p> <p>-</p>
	Vessel	-

Subject matter		Con./Rec.	Contents of scope of application	
			Vessel	<ul style="list-style-type: none"> – Every seagoing ship whether publicly or privately owned which is registered in the territory of any Member (<i>for which the Convention is in force: C.180 only</i>) and which is ordinarily engaged in commercial maritime navigation (operation). (<i>For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies: C.180 only</i>). – This Convention/Recommendation does not apply to wooden vessels of traditional build such as dhows and junks.
	Protection of young seafarers	R.153	Person	This Recommendation does not apply to young persons in school or training vessels or pursuing an educational programme carried out in accordance with conditions approved by the competent authority after consultation with the organisations of employers and workers concerned
			Vessel	–
III	Health protection and medical care	C.164	Person	–
			Vessel	Every seagoing ship whether publicly or privately owned which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation
	Welfare	C.163	Person	–
			Vessel	Each Member undertakes to ensure that the welfare facilities and services on every seagoing ship, whether publicly or privately owned, which is registered in its territory, are provided for the benefit of all seafarers on board
	Accommodation	C.75*+ C.92	Person	–
			Vessel	<ul style="list-style-type: none"> – Every sea-going mechanically propelled 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. – This Convention does not apply to: <ul style="list-style-type: none"> (a) vessels of less than 500 tons; (b) vessels primarily propelled by sail but having auxiliary engines; (c) vessels engaged in fishing or in whaling or in similar pursuits; (d) tugs. – Provided that the Convention shall be applied where reasonable and practicable to: <ul style="list-style-type: none"> (a) vessels between 200 and 500 tons; and (b) the accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits.
C.133		Person	–	

Subject matter		Con./Rec.	Contents of scope of application	
			Vessel	<ul style="list-style-type: none"> - Every sea-going ship, 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, 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. - This Convention applies to tugs where reasonable and practicable. - This Convention does not apply to: <ul style="list-style-type: none"> (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. - Provided that the Convention shall be applied where reasonable and practicable to: <ul style="list-style-type: none"> (a) ships between 200 and 1,000 tons; and (b) the accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits. - Provided further that the competent authority shall, after consultation with the organizations 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: <ul style="list-style-type: none"> (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.
	Food and catering	C.68	Person	The crews of sea-going vessels, whether publicly or privately owned, which are engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force
			Vessel	-
IV	Shipowners' liability	C.55	Person	<ul style="list-style-type: none"> - All persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation. - Provided that any Member of the International Labour Organization may in its national law or regulations make such exceptions as it deems necessary in respect of: <ul style="list-style-type: none"> (a) persons employed on board: <ul style="list-style-type: none"> (i) vessels of public authorities when such vessels are not engaged in trade; (ii) coastwise fishing boats; (iii) boats of less than 25 tons gross tonnage; (iv) wooden ships of primitive build such as dhows and junks;

Subject matter	Con./Rec.	Contents of scope of application	
			<ul style="list-style-type: none"> (b) persons employed on board by an employer other than the shipowner; (c) persons employed solely in ports in repairing, cleaning, loading or unloading vessels; (d) members of the shipowner's family; (e) pilots.
		Vessel	–
Sickness insurance	C.56+	Person	<ul style="list-style-type: none"> – Every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing, shall be insured under a compulsory sickness insurance scheme. – Provided that any Member of the International Labour Organization may in its national laws or regulations make such exceptions as it deems necessary in respect of: <ul style="list-style-type: none"> (a) persons employed on board vessels of public authorities when such vessels are not engaged in trade; (b) persons whose wages or income exceed a prescribed amount; (c) persons who are not paid a money wage; (d) persons not resident in the territory of the Member; (e) persons below or above prescribed age-limits; (f) members of the employer's family; (g) pilots.
		Vessel	–
Social security	C.70*	Person	<p>Any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of:</p> <ul style="list-style-type: none"> (a) persons employed on board or in the service of: <ul style="list-style-type: none"> (i) vessels of public authorities when such vessels are not engaged in trade; (ii) coastwise fishing boats; (iii) boats of less than 25 tons gross register tonnage; (iv) wooden ships of primitive build such as dhows and junks; and (v) in so far as ships registered in India are concerned and for a period not exceeding five years from the date of registration of the ratification of this Convention by India, home trade vessels of a gross register tonnage not exceeding 300 tons; (b) members of the shipowner's family; (c) pilots not members of the crew; (d) persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff;

Subject matter	Con./Rec.	Contents of scope of application	
			(e) persons employed in port who are not ordinarily employed at sea; (f) salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention; (g) persons not remunerated for their services or remunerated only by a nominal salary or wage; (h) persons working exclusively on their own account.
		Vessel	-
	C.165	Person	All seafarers and, where applicable, their dependants and their survivors
		Vessel	-
Pensions	C.71	Person	Any Member may in its national laws or regulations make such exceptions as it deems necessary in respect of: (a) persons employed on board or in the service of: (i) vessels of public authorities when such vessels are not engaged in trade; (ii) vessels which are not engaged in the transport of cargo or passengers for the purpose of trade; (iii) fishing vessels; (iv) vessels engaged in hunting seals; (v) vessels of less than 200 gross register tons; (vi) wooden ships of primitive build such as dhows and junks; and (vii) in so far as ships registered in India are concerned and for a period not exceeding five years from the date of registration of the ratification of this Convention by India, home trade vessels of a gross register tonnage not exceeding 300 tons; (b) members of the shipowner's family; (c) pilots not members of the crew; (d) persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff; (e) persons employed in port who are not ordinarily employed at sea; (f) salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention; (g) persons not remunerated for their services or remunerated only by a nominal salary or wage; (h) persons working exclusively on their own account;

Subject matter		Con./Rec.	Contents of scope of application	
				(i) persons employed on board or in the service of whale-catching, floating factory or transport vessels or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organisation of seafarers concerned; (j) persons not resident in the territory of the Member; (k) persons not nationals of the Member.
			Vessel	–
V	Merchant shipping	C.147 R.155	Person	–
			Vessel	– 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. – This Convention applies to sea-going tugs. – This Convention does not apply to: (a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines; (b) ships engaged in fishing or in whaling or in similar pursuits; (c) small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation, the decision as to which vessels are covered by this subparagraph to be taken by the competent authority in each country in consultation with the most representative organizations of shipowners and seafarers.
	Labour inspection	C.178	Person	–
			Vessel	– Every seagoing ship, whether publicly or privately owned, which is registered in the territory of a Member for this Convention is in force and is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose. For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies. – This Convention applies to seagoing tugs. – This Convention does not apply to vessels less than 500 gross tonnage and, when not engaged in navigation, vessels such as oil rigs and drilling platforms. The decision as to which vessels are covered by this paragraph shall be taken by the central coordinating authority in consultation with the most representative organizations of shipowners and seafarers.
* I: subject matter concerning prerequisites for going to sea. II: subject matter concerning conditions of employment and manning. III: subject matter concerning working and living conditions. IV: subject matter concerning social security. V: subject matter concerning enforcement.				

2. *The subject of application*

Subject of application	Conventions and Recommendations
Persons	C.54*, C.55, C.56+, C.68, C.70*, C.71, C.108, C.145, C.146, C.165, R.109, R.153, R.154
Vessels	C.53, C.57*, C.69, C.75*+, C.92, C.133, C.147, C.163, C.164, C.178, C.180, R.155, R.187
Persons and vessels	C.22, C.23, C.72*+, C.73, C.76*, C.91+, C.93*, C.109*, C.166
Training programmes	R.137
No relevant provisions	C.7, C.8, C.9, C.15, C.16, C.58, C.68, C.74, C.134, C.179, P.147, R.9, R.10, R.27, R.48, R.49, R.75, R.76, R.77, R.78, R.105, R.106, R.107, R.108, R.138, R.139, R.140, R.141, R.142, R.173, R.174, R.185, R.186

3. Details of scope of application provisions relating to persons

3.1. Structure of scope of application provisions relating to persons

Persons	Nature of vessels	Excluded persons
The crews of (C.68)	A vessel (C.72*+, C.73, C.76*, C.91+, C.93*)	no exclusion (C.68, C.166)
Every person who is engaged in any capacity on board (C.72*+, C.73, C.76*, C.91+, C.93*)	All seagoing vessels, registered in the country of any Member ratifying this Convention (C.22, C.23)	some exclusions (see 3.2)
All persons employed on board (C.55)	Sea-going vessels, whether publicly or privately owned, which are engaged in the transport of cargo or passengers for the purpose of trade and registered in a territory for which this Convention is in force (C.68)	(C.22, C.23, C.54*, C55, C.56+, C.70*, C.71, C.72*+, C.73, C.76*, C.91+, C.93*, C.145, C.146, C.165, R.109, R.153, R.154)
Every seafarer who is engaged in any capacity on board (C.108)	Every seagoing ship whether publicly or privately owned which is registered in the territory of any Member for which the Convention is in force and which is ordinarily engaged in commercial maritime navigation (C.166)	
The owners, masters and seamen of (C.22, C.23)	All sea-going vessels, whether publicly or privately owned, which are registered in a territory for which the Convention is in force and are engaged in the transport of cargo or passengers for the purpose of trade (C.54*)	(C.9, C.22, C.23, C.70*, C.71, C.134, C.145, C.146, C.163, C.165, C.179, R.142, R.154, R.173)
The owners and seafarers of (C.166)	Mechanically propelled seagoing ships engaged in trade (R.109)	
The master, officers and members of the crew, including wireless operators in the service of a wireless telegraphy company, of (C.54*)	Any vessel registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation (C.55, C.108)	
Every person employed as master or member of the crew or otherwise in the service of (C.56+)	Any vessel registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing (C.56+)	
Seafarers employed in (R.109)		
All persons who are employed as seafarers (C.146)		
Persons who are regularly available for work as seafarers and who depend on their work as such for their main annual income (C.145, R.154)		
All seafarers and, where applicable, their dependants and their survivors (C.165)		

3.2. Details of exclusion of persons

Persons excluded from application	Conventions and Recommendations
A pilot (pilots)	<i>C.22, C.23, C.55, C.56+, C.73</i>
A pilot (pilots) not a member (members) of the crew	<i>C.70*, C.71, C.72*+, C.76*, C.91+, C.93*, C.109*</i>
Officers	<i>C.9</i>
Cadets	<i>C.22, C.23</i>
Duly indentured apprentices	<i>C.22, C.23</i>
A master (masters)	<i>C.22, C.23, C.76*, C.93*, C.109*, R.109</i>
Naval ratings	<i>C.22, C.23</i>
The owner, masters and seamen of pleasure yachts	<i>C.22, C.23</i>
The owner, masters and seamen of ships of war	<i>C.22, C.23</i>
Every seafarer (all persons) who is engaged on board a ship of war	<i>C.55, C.108</i>
Every person employed as master or member of the crew or otherwise in the service of ship, on board a ship of war	<i>C.56</i>
Seafarers (a seafarer) employed on board a ship of war	<i>C.145, C.146, R.154</i>
Seafarers (a seafarer) employed on board or in the service of a ship of war	<i>C.70, C.71, C.134, C.163, R.142, R.173</i>
The owner, masters and seamen of government vessels not engaged in trade (persons in the permanent service of a government)	<i>C.22, C.23 (C.22, C.23)</i>
Persons employed on board vessels of public authorities when such vessels are not engaged in trade	<i>C.55, C.56+,</i>
Persons employed on board or in the service of vessels of public authorities when such vessels are not engaged in trade	<i>C.70*, C.71</i>
A person on board a government ship used for military or non-commercial purpose	<i>C.179</i>
Persons employed on board or in the service of vessels which are not engaged in the transport of cargo or passengers for the purpose of trade	<i>C.71</i>
Seafarers employed in estuarial craft	<i>R.109</i>
The owner, masters and seamen of vessels engaged in the coasting trade	<i>C.22, C.23</i>
Persons employed on board (or in the service of) coastwise fishing boats	<i>C.55, C.70*</i>
Seafarers employed on board or in the service of (in) fishing vessels	<i>C.71, R.109</i>
Persons employed in vessels engaged in fishing, whaling or similar pursuits or in operations directly connected therewith	<i>C.54*</i>

Persons excluded from application	Conventions and Recommendations
Seafarers (a seafarer) employed on board a ship engaged in fishing or in operations directly connected therewith or in whaling or in similar pursuits	<i>C.145, C.146, R.154</i>
Persons employed in (on board or in the service of) whale-catching vessels, in floating factories, (or transport vessels) or otherwise for the purpose of whaling or similar operations under conditions regulated by the provisions of a special collective whaling or similar agreement determining the rates of pay, hours of work and other conditions of service concluded by an organization of seafarers	<u>C.71</u> , <i>C.72*+, C.76*, C.91+, C.93*, C.109*</i>
The owner, masters and seamen of fishing vessels	<i>C.22, C.23</i>
Persons employed on board or in the service of vessels engaged in hunting seals	<u>C.71</u>
Seafarers employed in primitive vessels	<i>R.109</i>
Persons employed in (on board) wooden ships of primitive build such as dhows and junks	<i>C.54*, <u>C.55</u></i>
Persons employed on board or in the service of wooden ships of primitive build such as dhows and junks	<u>C.70*</u> , <u>C.71</u>
The owner, masters and seamen of Indian country craft	<i>C.22, C.23</i>
Persons employed on board or in the service of in so far as ships registered in India are concerned and for a period not exceeding five years from the date of registration of the ratification of this Convention by India, home trade vessels of a gross register tonnage not exceeding 300 tons	<u>C.70*</u> , <u>C.71</u>
Seafarers employed on board small vessels including those primarily propelled by sail, whether or not they are fitted with auxiliary engines	<i>C.165</i>
Persons employed on board (or in the service of) boats of less than 25 tons gross (register) tonnage	<u>C.55</u> , <u>C.70*</u>
The owner, masters and seamen of vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention	<i>C.22, C.23</i>
Persons employed on board or in the service of vessels of less than 200 gross register tons	<u>C.71</u>
Seafarers employed on vessels such as oil rigs and drilling platforms when not engaged in navigation	<i>C.165</i>
Pupils on training ships	<i>C.22, C.23</i>
Young persons in school or training vessels or pursuing an educational programme	<i>R.153</i>
Persons employed on board by an employer other than the shipowner	<u>C.55</u> ,
Persons employed on board or in the service of the ship by an employer other than the shipowner, except radio officers or operators and catering staff	<u>C.70*</u> , <u>C.71</u>
Persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company	<i>C.72*+, C.73, C.91+</i>

Persons excluded from application	Conventions and Recommendations
Persons, excluding those in the service of a wireless telegraphy company, who are employed on board by an employer other than the shipowner	C.76*, C.93*, C.109*
Travelling dockers / travelling dockers (longshoremen) not members of the crew	C.54*/C.72*+, C.73, C.76*, C.91+, C.93*, C.109*
Persons employed in ports who are not ordinarily employed at sea	<u>C.70*</u> , <u>C.71</u> , C.72*+, C.73, C.91+
Persons who are not members of the crew (whether working on or off articles) but are employed while the vessel is in port on repairing, cleaning, loading the vessel or similar work or on port relief, maintenance, watch or caretaking duties	C.76*, C.93*, C.109*
Persons employed solely in ports in repairing, cleaning, loading or unloading vessels	<u>C.55</u>
Persons whose duties are connected solely with the cargo on board	C.76*, C.93*, C.109*
Persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master	C.54*
A doctor/a doctor not a member of the crew	C.76*, C.93*, C.109*/C.72*+, C.91+
Nursing staff engaged exclusively on nursing duties and hospital staff not members of the crew	C.72*+, C.76*, C.91+, C.93*, C.109*
A chaplain	C.109*
Persons engaged exclusively on educational duties	C.109*
A musician	C.109*
Persons employed in any vessel the crew of which consists entirely of members of the owner's family as defined by national laws or regulations	C.54*
Members of the shipowner's family	<u>C.55</u> , <u>C.56+</u> , <u>C.70*</u> , <u>C.71</u>
Persons working exclusively on their own account	<u>C.70*</u> , <u>C.71</u>
Persons working exclusively or mainly on their own account	C.54*
Persons working exclusively on their own account or remunerated exclusively by a share of profits or earnings	C.72*+, C.76*, C.91+, C.93*, C.109*
Persons not remunerated for their services, or remunerated only by a nominal salary or wage	<u>C.70*</u> , <u>C.71</u> , C.72*+, C.76*, C.91+, C.93*, C.109*
Persons not remunerated for their services, or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits	C.54*
Persons who are not paid a money wage	<u>C.56+</u>
Persons whose wages or income exceed a prescribed amount	<u>C.56+</u>
Persons not nationals of the Member	<u>C.71</u>

Persons excluded from application	Conventions and Recommendations
Persons not resident in the territory of the Member	<u>C.56+</u> , <u>C.71</u>
Persons below or above prescribed age-limits	<u>C.56+</u>
Salaried employees in the service of a national public authority who are entitled to benefits at least equivalent on the whole to those provided for in this Convention	<u>C.70*</u> , <u>C.71</u>

4. Details of scope of application provisions relating to vessels

4.1. Structure of scope of application provisions relating to vessels

Subject	Place of registration	Ownership	Engagement of vessels	Type of voyage	Extension of application	Other	Exclusions
<p>All vessels (C.53)</p> <p>Sea-going vessels (C.69)</p> <p>Every sea-going vessel/ship (C.73, C.133, C.147, C.163, C.164, C.166, C.178, C.180, R.155, R.187)</p> <p>All seagoing vessels (C.22, C.23)</p> <p>Every vessel which is mechanically propelled (C.76*, C.93*, C.109*)</p> <p>Every sea-going mechanically propelled vessel (C.57*, C.72*+, C.75*+, C.91+, C.92)</p>	<p>Registered in a territory for which this Convention is in force (C.53, C.57*, C.69, C.72*+, C.73, C.75*+, C.76*, C.91+, C.92, C.93*, C.109*, C.133)</p> <p>Registered in the territory of any Member for which the Convention is in force (C.164, C.166, C.180)</p> <p>Registered in the country of any Member ratifying this Convention (C.22, C.23)</p> <p>Registered in the territory of a Member for which this Convention is in force (C.178)</p> <p>Which is registered in the territory of the Member (R.187)</p> <p>Which is registered in its territory (C.163)</p> <p>* For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies (C.178, C.180)</p>	<p>Whether publicly or privately owned (C.57*, C.69, C.72*+, C.73, C.75*+, C.76*, C.91+, C.92, C.93*, C.109*, C.133, C.147, C.163, C.164, C.166, C.178, C.180, R.155, R.187)</p>	<p>Engaged in maritime navigation (C.53)</p> <p>Engaged/employed in the transport of cargo or passengers for the purpose of trade (C.57*, C.69, C.73, C.75*+, C.76*, C.92, C.93*, C.109*, C.133)</p> <p>Ordinarily engaged in commercial maritime navigation.(C.164, C.166, C.180, R.187)</p> <p>Which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose (C.147, R.155, C.178)</p>	<p>Engaged on an international voyage (C.57*)</p> <p>Engaged in a voyage by sea (C.76*, C.93*, C.109*)</p>	<p>Vessels between 200 and 500 tons and the accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits, where reasonable and practicable (C.75*+, C.92)</p> <p>Tugs where reasonable and practicable (C.133)</p> <p>Sea-going tugs (C.147, R.155, C.178)</p>	<p>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 (C.133)</p>	<p>No exclusion (C.69, C.163, C.164, C.166)</p> <p>Some exclusions (see 4.2) (C.22, C.23, C.53, C.57*, C.72*+, C.73, C.75*+, C.76*, C.91+, C.92, C.93*, C.109*, C.133, C.147, C.178, C.180, R.155, R.187)</p>

4.2. Details of exclusion of vessels

Vessels excluded from application	Conventions and Recommendations
Ships of war	<i>C.7, C.8, C.15, C.16, C.22, C.23, C.53, C.58</i>
Government vessels not engaged in trade	C.22, C.23
Government vessels, or vessels in the service of a public authority, which are not engaged in trade	C.53
Wooden ships (vessels) of primitive (traditional) build such as dhows and junks	C.53, C.72*+, C.73, C.76*, C.91+, C.93*, C.109*, C.180, R.187
Indian country craft	C.22, C.23
Sailing vessels with auxiliary engines	C.57*
Vessels primarily propelled by sail but having auxiliary engines	C.75*+, C.92
Ships primarily propelled by sail, whether or not they are fitted with auxiliary engines	C.133, C.147, R.155
Vessels of less than 200 tons gross register tonnage	<u>C.53, C.72*+, C.73, C.91+</u>
Vessels of less than 500 (gross register) tons	C.75*+, C.76*, C.92, C.93*, C.109*, C.178
Ships of less than 1,000 tons	C.133
Vessels of less than 100 tons gross registered tonnage or 300 cubic metres, nor to vessels engaged in the home trade below the tonnage limit prescribed by national law for the special regulation of this trade at the date of the passing of this Convention	C.22, C.23
Small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation	C.147, R.155, C.178
Fishing vessels	C.22, C.23, C.73
Vessels (ships) engaged in fishing or in whaling or in similar pursuits	C.75*+, C.92, C.133, C.147, R.155
Vessels engaged in fishing or in operations directly connected therewith or in sealing or similar pursuits	C.72*+, C.76*, C.91+, C.93*, C.109*
Vessels engaged in fishing, whaling or similar pursuits, or in operations directly connected therewith	C.57*
Estuarial craft	C.72*+, C.73, C.76*, C.91+, C.93*, C.109*
Vessels engaged in the coasting trade	C.22, C.23
Pleasure yachts	C.22, C.23
Tugs	C.75*+, C.92
Hydrofoils and air-cushion craft	C.133

Vessels excluded from application	Conventions and Recommendations
<p>Any Member may exempt vessels registered in its territory from the application of this Convention while such vessels are exclusively engaged in voyages upon which they do not proceed further from the country from which they trade than the nearby ports of neighbouring countries within geographical limits which:</p> <ul style="list-style-type: none"> (a) are clearly specified by national laws or regulations; (b) are uniform in respect of the application of all the provisions of this Convention; (c) have been notified by the Member when registering its ratification by a declaration annexed thereto; and (d) have been fixed after consultation with the other Members concerned. 	<p>C.57*</p>
<p>The competent authority shall, after consultation with the organizations 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:</p> <ul style="list-style-type: none"> (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. 	<p>C.133</p>

5. Other issues

5.1. Application to fishing

Subject matter	Con./Rec.	Contents
Exclusion of application	C.22, C.23, C.73	Fishing vessels
	C.57*, C.75*+, C.92, C.133, C.147, R.155	Vessels (ships) engaged in fishing or in whaling or in similar pursuits, (or in operations directly connected therewith)
	C.72*+, C.76*, C.91+, C.93*, C.109*	Vessels engaged in fishing or in operations directly connected therewith or in sealing or similar pursuits
Inclusion of application	C.56+	Every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing, shall be insured under a compulsory sickness insurance scheme
Possible extension of application	C.75*+	The Convention shall be applied where reasonable and practicable to the accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits
	C.163, C.164, C.165, C.166, C.178, C.180, R.173, R.187	To the extent it deems practicable (<i>To the extent the central coordinating authority deems it practicable: C.178 only</i>), after consultation with (consulting) the representative organisations of fishing-vessel owners and fishermen, the competent authority shall (should) apply the provisions of this Convention (Recommendation) to commercial maritime fishing
	C.146	Each Member which ratifies this Convention may, after consultation with the organizations of employers and workers concerned, where such exist, extend its application, with the modifications rendered necessary by the conditions of the industry, to the persons excluded from the definition of seafarers by paragraph 2, subparagraph (b), of this Article (fishing, whaling or similar pursuits), or to certain categories thereof
	C.179	To the extent it deems practicable, after consultation with the representative organizations of fishing-vessel owners and fishermen or those of owners of maritime mobile offshore units and seafarers serving on such units, as the case may be, the competent authority may apply the provisions of the Convention to fishermen or to seafarers serving on maritime mobile offshore units
	C.75*+, C.92	Provided that the Convention shall be applied where reasonable and practicable to – the accommodation of persons engaged in usual sea-going routine in vessels engaged in whaling or in similar pursuits

5.2. Determination of sea-going vessels and other issues

Subject matter	Con./Rec.	Contents
Seagoing vessels (ships)	C.72*+, C.73, C.91+	National laws or regulations shall determine when vessels are to be regarded as sea-going (vessels)
	R.137	National laws or regulations, arbitration awards or collective agreements, as may be appropriate under national conditions, should determine when ships are to be regarded as seagoing ships
	C.54*, C.75*+, C.92, C.133, C.147, C.178, R.154, R.155	National laws or regulations shall (should) determine when vessels (ships) are to be regarded as sea-going vessels (ships) for the purpose of this Convention (Recommendation)
	C.68, C.69	National laws or regulations or, in the absence of such laws or regulations, collective agreements between employers and workers, shall determine the vessels or classes of vessels which are to be regarded as sea-going vessels for the purpose of this Convention
	C.146	National law or regulations shall determine, after consultation with the organizations of shipowners and seafarers concerned, where such exist, which ships are to be regard as sea-going ships for the purpose of this Convention
	R.153	National law or regulations shall determine, after consultation with the organizations of employers and workers concerned, when ships are to be regard as sea-going ships for the purpose of this Recommendation
	R.187	In the event of doubt as to whether or not any ships are to be regarded as seagoing ships or engaged in commercial maritime operations or commercial maritime fishing for the purposes of this Recommendation, the question should be determined by the competent authority after consulting the organizations of shipowners, seafarers and fishermen concerned
Commercial maritime navigation/Commercial maritime fishing	C.164, C.166, C.178, C.180	In the event of doubt as to whether or not any ships are to be regarded as (<i>seagoing ships: C.180 only</i>) or engaged in commercial maritime navigation or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the competent authority after consultation with the organisations of shipowners, seafarers and fishermen concerned
Categories of persons	C.108, C.134	In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each country after consultation with the shipowners' and seafarers' organisations concerned