

No. 9298

INTERNATIONAL LABOUR ORGANISATION

Convention (No. 126) concerning accommodation on board fishing vessels. Adopted by the General Conference of the International Labour Organisation at its fiftieth session, Geneva, 21 June 1966

Official texts: English and French.

Registered by the International Labour Organisation on 14 November 1968.

ORGANISATION INTERNATIONALE DU TRAVAIL

Convention (n° 126) concernant le logement à bord des bateaux de pêche. Adoptée par la Conférence générale de l'Organisation internationale du Travail à sa cinquantième session, Genève, 21 juin 1966

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 14 novembre 1968.

No. 9298. CONVENTION (No. 126)¹ CONCERNING ACCOMMODATION ON BOARD FISHING VESSELS. ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS FIFTIETH SESSION, GENEVA, 21 JUNE 1966

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fiftieth Session on 1 June 1966, and

Having decided upon the adoption of certain proposals with regard to accommodation on board fishing vessels, which is included in the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and sixty-six the following Convention, which may be cited as the Accommodation of Crews (Fishermen) Convention, 1966 :

PART I

GENERAL PROVISIONS

Article 1

1. This Convention applies to all sea-going mechanically propelled ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters and are registered in a territory for which this Convention is in force.

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

3. This Convention does not apply to ships and boats of less than 75 tons : Provided that the Convention shall be applied to ships and boats of between 25 and 75 tons where the competent authority determines, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, that this is reasonable and practicable.

¹ Came into force on 6 November 1968, i.e., twelve months after the date on which the ratification of two Members had been registered, as indicated hereafter, with the Director-General of the International Labour Organisation, in accordance with article 20 :

Norway	6 July 1967
Sierra Leone	6 November 1967

Subsequently, the ratification of the following Member was registered on the date indicated, to take effect twelve months after that date :

Spain	8 November 1968
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4. The competent authority may, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, use length instead of tonnage as a parameter for the purposes of this Convention, in which event the Convention does not apply to ships and boats of less than 80 feet (24.4 metres) in length : Provided that the Convention shall be applied to ships and boats of between 45 and 80 feet (13.7 and 24.4 metres) in length where the competent authority determines, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, that this is reasonable and practicable.

5. This Convention does not apply to—

- (a) ships and boats normally employed in fishing for sport or recreation;
- (b) ships and boats primarily propelled by sail but having auxiliary engines;
- (c) ships and boats engaged in whaling or similar pursuits;
- (d) fishery research and fishery protection vessels.

6. The following provisions of this Convention do not apply to vessels which normally remain away from their home ports for periods of less than 36 hours and in which the crew does not live permanently on board when in port :

- (a) Article 9, paragraph 4;
- (b) Article 10;
- (c) Article 11;
- (d) Article 12;
- (e) Article 13, paragraph 1;
- (f) Article 14;
- (g) Article 16.

Provided that in such vessels adequate sanitary installations as well as messing and cooking facilities and accomodation for resting shall be provided.

7. The provisions of Part III of this Convention may be varied in the case of any vessel if the competent authority is satisfied, after consultation with the fishing-vessel owners' and fishermen's organisations where such exist, that the variations to be made provide corresponding advantages as a result of which the over-all conditions are no less favourable than those that would result from the full application of the provisions of the Convention; particulars of all such variations shall be communicated by the Member to the Director-General of the International Labour Office, who shall notify the Members of the International Labour Organisation.

Article 2

In this Convention—

- (a) the term “fishing vessel” or “vessel ” means a ship or boat to which the Convention applies;
- (b) the term “tons” means gross registered tons;
- (c) the term “length” means the length measured from the fore part of the stem on the line of the forecastle deck to the after side of the head of the sternpost, or to the foreside of the rudderstock where no sternpost exists;
- (d) the term “officer” means a person other than a skipper ranked as an officer by national laws or regulations, 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 “crew accommodation” includes such sleeping rooms, mess rooms and sanitary accommodation as are provided for the use of the crew;
- (g) the term “prescribed” means prescribed by national laws or regulations, or by the competent authority;
- (h) the term “approved” means approved by the competent authority;
- (i) the term “re-registered” means re-registered on the occasion of a simultaneous change in the territory of registration and in the ownership of the vessel.

Article 3

1. Each Member for which this Convention is in force undertakes to maintain in force laws or regulations which ensure the application of the provisions of Parts II, III, and IV of this Convention.

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) provide for the maintenance of a system of inspection adequate to ensure effective enforcement;
- (d) prescribe adequate penalties for any violation thereof;
- (e) require the competent authority to consult periodically the fishing-vessel owners' and fishermen's organisations, where such exist, in regard to the framing of regulations, and to collaborate so far as practicable with such parties in the administration thereof.

PART II

PLANNING AND CONTROL OF CREW ACCOMMODATION

Article 4

Before the construction of a fishing vessel is begun, and before the crew accommodation of an existing vessel is substantially altered or reconstructed, detailed plans of, and information concerning, the accommodation shall be submitted to the competent authority for approval.

Article 5

1. On every occasion when—

- (a) a fishing vessel is registered or re-registered.
- (b) the crew accommodation of a vessel has been substantially altered or reconstructed, or
- (c) complaint that the crew accommodation is not in compliance with the terms of this Convention has been made to the competent authority, in the prescribed manner and in time to prevent any delay to the vessel, by a recognised fishermen's organisation representing all or part of the crew or by a prescribed number or proportion of the members of the crew of the vessel,

the competent authority shall inspect the vessel and satisfy itself that the crew accommodation complies with the requirements of the laws and regulations.

2. Periodical inspections may be held at the discretion of the competent authority.

PART III

CREW ACCOMMODATION REQUIREMENTS

Article 6

1. The location, means of access, structure and arrangement of crew accommodation in relation to other spaces shall be such as to ensure adequate security, protection against weather and sea and insulation from heat or cold, undue noise or effluvia from other spaces.

2. Emergency escapes shall be provided from all crew accommodation spaces as necessary.