

THE MARINE (MEDICAL EXAMINATION OF SEAFARERS)
REGULATIONS, 1989

IN exercise of the powers conferred upon me by section 143(u) of the Marine Act, 1986, I have made the following Regulations—

Short title

1. These Regulations may be cited as the Marine (Medical Examination of Seafarers) Regulations, 1989.

Interpretation

2. In these regulations—

“certificate of medical fitness” means a certificate issued under regulation 4 and includes a certificate recognised as equivalent to a certificate of medical fitness under regulation 7;

“seafarer” means a master, officer, or seaman who is required by any regulation or rule made under the Act to hold or produce a certificate of medical fitness issued under these regulations for the purpose of—

- (a) obtaining or renewing a certificate of competency or service; or
- (b) obtaining or renewing a sea-going licence; or
- (c) otherwise qualifying for engagement on board any ship.

Examination of seafarers for certificate of medical fitness

3.—(1) A medical examination for the issue of a certificate of medical fitness to a seafarer must be carried out by a registered medical practitioner nominated by the seafarer.

(2) The medical examination must be sufficient to enable the registered medical practitioner to determine whether or not the seafarer is fit to carry out the category of duties to which the seafarer's certificate or licence relates, or which the seafarer is to perform.

(3) In determining the matters referred to in subregulation 2(2), the registered medical practitioner must have regard to—

- (a) the matters specified in Schedule 1 as rendering a seafarer unfit for duty;
- (b) the vision, hearing, and speech standards required in a seafarer by Schedule 2;
- (c) the age of the seafarer;
- (d) the nature of the duties to which the seafarer's certificate or licence relates, or which the seafarer is to perform;
- (e) any information available on the seafarer's past medical record or record of performance of his or her duties.

(4) The fee for the medical examination is payable by the seafarer.

Issue of certificate of medical fitness

4.—(1) If on the completion of a medical examination for the issue of a certificate of medical fitness to a seafarer, the registered medical practitioner is satisfied that—

- (a) the seafarer is not debarred from obtaining a certificate of medical fitness by the provisions of Schedule 1; and
- (b) the seafarer satisfies the standards for vision, hearing, and speech prescribed in Schedule 2; and
- (c) the seafarer is fit to carry out the category of duties to which the seafarer's certificate or licence relates, or which the seafarer is to perform—

the registered medical practitioner must complete, sign, and hand to the seafarer a certificate of medical fitness in the form set out in Schedule 3.

(2) If a seafarer has a medical condition that, under Schedule 1, is not acceptable unless any need for medical supervision is met, the registered medical practitioner must specify on the certificate of medical fitness the nature of any medical supervision required by the seafarer.

Responsibilities of registered medical practitioner if not satisfied of seafarer's fitness

5.—(1) If, on the completion of a medical examination for the issue of a certificate of medical fitness to a seafarer, the registered medical practitioner is not satisfied of the matters specified in paragraph (a) to (c) of regulation 4(1), the registered medical practitioner must refuse to issue the certificate.

(2) If a certificate of medical fitness is refused, the registered medical practitioner—

- (a) must inform the seafarer of the seafarer's right to apply for a further examination under regulation 6; and
- (b) may issue to the seafarer a report relating to—
 - (i) any recommended period that should elapse before the seafarer applies for re-examination; or
 - (ii) the conditions which should be fulfilled before the seafarer applies for re-examination, including the provision of medical or other submissions to be provided in support of the application.

Seafarer may apply for further examination

6.—(1) If a registered medical practitioner has refused to issue a certificate of medical fitness, the seafarer may apply to a shipping officer for a further examination to be conducted by a registered medical practitioner nominated by the shipping officer on the recommendation of the Director of Marine and the shipping officer must arrange for the examination to be carried out.

(2) The provisions of regulations 3 to 5 apply to an examination conducted under this regulation.

(3) The fee for the medical examination is payable by the seafarer.

Equivalent certificates

7. Any certificate of medical fitness issued to a seafarer in accordance with the provisions of the International Labour Organisation Convention Number 73 of 1946 (Medical Examinations (Seafarers) Convention) or Convention Number 147 of 1976 (Merchant Shipping (Minimum Standards) Convention 1976), by an authority empowered in that behalf by the laws of a country other than Fiji that has ratified that Convention, shall be treated as equivalent to a certificate of medical fitness issued pursuant to these regulations during any period for which the certificate is expressed to remain in force.

Dated this third day of May 1989.

A. V. TORA

Minister for Communications, Works and Transport

SCHEDULE 1

SPECIFIC CONDITIONS LIABLE TO RENDER A SEAFARER UNFIT FOR DUTY

Pulmonary tuberculosis

1. Pulmonary tuberculosis is not acceptable unless the seafarer is assessed fit for duty by a specialist physician.

Cardiac pacemakers

2. The presence of a cardiac pacemaker is not acceptable.

Diabetes

3.—(1) Diabetes requiring insulin therapy is not acceptable, unless the ship on which the seafarer is to serve carries a duly qualified medical practitioner as part of the complement of the ship.

(2) Diabetes requiring control other than by insulin may be acceptable provided that the need for regular medical supervision can be met; but a person who regularly requires any oral anti-diabetic drug shall not be a member of the deck or engineroom department.

Epilepsy

4.—(1) Unstable epilepsy (being diagnosed epilepsy where the most recent convulsion has been within the previous 5 years) and recurrent attacks of complete or partial loss of consciousness are not acceptable.

(2) On the recommendation of a consultant neurologist, a seafarer may be certified as having stable epilepsy if there has been no convulsion within the previous 2 years while the seafarer has been either off all drug treatment or taking a stable dose of drug treatment.

Artificial limbs

5. A person with an artificial limb may be considered fit having regard to the nature of the prosthesis and how this will affect the proposed duties.

Hernia

6. The presence of a hernia (including umbilical hernia) is not acceptable.

SCHEDULE 2

VISION, HEARING AND SPEECH STANDARDS

Vision

1.—(1) Monocular vision is not acceptable.

(2) Candidates for examination for certificates of competency as masters and mates, and applicants for sea-going licences as masters or deck officers, shall be sight-tested in accordance with the Marine (Certificates of Competency and Manning of Vessels) Regulations, 1989.

Hearing

2.—(1) A seafarer shall pass the required hearing standard if—

- (a) in the opinion of the medical examiner, the seafarer passes a whisper test; or
- (b) the seafarer meets the audiometric standard set out in subclause (2).

(2) The audiometric standard is met if, on standard audiometry, there is no hearing loss in the better ear exceeding 35 dB in more than one of the following frequencies: 500Hz, 1000Hz, 1500Hz and 2000Hz.

Speech

3. A seafarer must, in the opinion of the medical examiner, be able to speak clearly and without abnormal hesitation at a normal conversational level.

SCHEDULE 3

FORM OF CERTIFICATE OF MEDICAL FITNESS FOR SEAFARERS

CERTIFICATE OF MEDICAL FITNESS

This certificate is issued for the purposes of the Marine (Medical Examination of Seafarers) Regulations, 1989.

I certify that I have examined the seafarer named below:

NAME: _____

ADDRESS: _____

who has applied for certification in the capacity of.....*{Insert category}*.

As a result of this examination and/or of other medical information known to me and having due regard for the requirements of Schedules 1 and 2 to the Marine (Medical Examination of Seafarers) Regulations, 1989 in my opinion this person's fitness is:

GRADE *{Insert A or B*}*, subject to the availability of medical supervision as follows *{Delete, or specify nature of any supervision required}*:

{Signed} _____ *{Registered Medical Practitioner}*

{Date} _____

{Please print or stamp medical practitioner's name and address here:}

- * GRADE A—fit for International sea service in the capacity listed.
- * GRADE B—fit only for home-trade service in the capacity listed.