ประกาศกรมเจ้าท่า

න් වස්/මස්වස්

เรื่อง กำหนดหน้าที่นายเรือของเรือไทยที่พึงปฏิบัติตามข้อกำหนดใน อนุสัญญาระหว่างประเทศ ว่าด้วยความปลอดภัยแห่งชีวิตในทะเล ค.ศ. ๑๙๗๔ และที่แก้ไขเพิ่มเติม

ด้วยอนุสัญญาระหว่างประเทศว่าด้วยความปลอดภัยแห่งชีวิตในทะเล ค.ศ. ๑๙๗๔ และที่แก้ไขเพิ่มเติม (International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS 1974)) ซึ่งประเทศไทยเป็นภาคี กำหนดพันธกรณีให้นายเรือต้องปฏิบัติหน้าที่ ตามข้อกำหนด

ดังนั้น เพื่อให้การกำหนดหน้าที่ของนายเรือ ซึ่งลงทำการในเรือจะต้องมีคุณสมบัติที่เหมาะสม มีความสามารถ ประพฤติสมควรแก่หน้าที่ ตลอดจนปฏิบัติตามกฎหมายหรือข้อบังคับเกี่ยวแก่ การเดินเรือหรือหน้าที่ที่พึงปฏิบัติของตน ให้เป็นไปด้วยความเรียบร้อยและสอดคล้องกับมาตรฐานสากล รวมถึงเพื่อเป็นการสร้างความเชื่อมั่นต่อมาตรฐานการปฏิบัติหน้าที่ของผู้ทำการในเรือและผู้ถือ ประกาศนียบัตรที่ออกโดยประเทศไทย อาศัยอำนาจตามความในมาตรา ๒๙๑ แห่งพระราชบัญญัติ การเดินเรือในน่านน้ำไทย พระพุทธศักราช ๒๔๕๖ อธิบดีกรมเจ้าท่า จึงออกประกาศไว้ ดังต่อไปนี้

- ข้อ ๑ ประกาศนี้ให้ใช้บังคับนับถัดจากวันที่ประกาศในราชกิจจานุเบกษาเป็นต้นไป
- ข้อ ๒ ให้นายเรือของเรือไทยทุกลำที่อยู่ภายใต้บังคับแห่งอนุสัญญาระหว่างประเทศว่าด้วย ความปลอดภัยแห่งชีวิตในทะเล ค.ศ. ๑๙๗๔ และที่แก้ไขเพิ่มเติม (SOLAS 1974) ปฏิบัติหน้าที่ ที่พึงปฏิบัติเพิ่มเติมจากข้อกำหนดของอนุสัญญาเพิ่มเติมจากหน้าที่ของผู้ทำการในเรือตามปกติ ดังนี้
- ๑) หน้าที่รักษาเรือให้อยู่ในสภาพปลอดภัย ภายหลังจากการตรวจสภาพเรือ (Maintenance of conditions after survey) (Chapter 1, part B, Regulation 11)
- ๒) หน้าที่เกี่ยวกับข้อมูลความทรงตัวของเรือ (Stability information to be supplied to the master) (Chapter II 1, part B 1, Regulation 5 1)
- ๓) หน้าที่เกี่ยวกับการตรวจสอบความทรงตัวของเรือบรรทุกคนโดยสารภายหลังจาก บรรทุกคนโดยสาร (Loading of passenger ships) (Chapter II - 1, part B - 4, Regulation 20)
- ๔) หน้าที่เกี่ยวกับการป้องกันและควบคุมน้ำเข้าเรือ (Prevention and control of water ingress, etc.) (Chapter II 1, part B 4, Regulation 22)
- ๕) หน้าที่เพิ่มเติมสำหรับเรือบรรทุกคนโดยสารและพาหนะล้อเลื่อน (Special requirements for ro-ro passenger ships) (Chapter II - 1, part B - 4, Regulation 23)
- ษ) หน้าที่เกี่ยวกับช่องระบายอากาศในระวางเรือ (Size of vent outlets) (Chapter II 2, Part C, Regulation 23)

- เล่ม ๑๓๙ ตอนพิเศษ ๑๐๐ ง ราชกิจจานุเบกษา
- ๗) หน้าที่เกี่ยวกับการจัดอัตรากำลังและกำกับดูแลเรือชูชีพ (Manning of survival craft and supervision) (Chapter III, Part B, Regulation 10)
- ๘) หน้าที่เกี่ยวกับการประจำสถานีรวมพลและการดำเนินการกรณีมีเหตุฉุกเฉิน (Muster list and emergency instructions) (Chapter III, Part B, Regulation 37)
- ส) หน้าที่เกี่ยวกับระบบการรายงานเรือ (Ship reporting systems) (Chapter V, Regulation 11)
- ๑๐) หน้าที่เกี่ยวกับการจัดอัตรากำลังที่มีความเหมาะสม (Ship's manning) (Chapter V, Regulation 14)
- ๑๑) หน้าที่เกี่ยวกับการบำรุงรักษาอุปกรณ์ (Maintenance of equipment) (Chapter V, Regulation 16)
- ๑๒) หน้าที่เกี่ยวกับระบบการจำแนกและติดตามเรือระยะไกล (Long range identification and tracking of ships) (Chapter V, Regulation 19 - 1)
- ๑๓) หน้าที่เกี่ยวกับการบันทึกและรายงานกิจกรรมการเดินเรือ (Records of navigational activities) (Chapter V, Regulation 28)
- ๑๔) หน้าที่แจ้งเตือนเมื่อประสบเหตุอันตราย (Danger messages) (Chapter V, Regulation 28)
- ๑๕) หน้าที่เพิ่มเติมสำหรับการแจ้งเตือนเมื่อประสบเหตุอันตราย (Information required in danger messages) (Chapter V, Regulation 32)
- ๑๖) หน้าที่และขั้นตอนการปฏิบัติเกี่ยวกับการประสบภัยทางทะเล (Distress situations: Obligations and procedures) (Chapter V, Regulation 33)
- ๑๗) หน้าที่เกี่ยวกับการเดินเรือด้วยความปลอดภัยและหลีกเลี่ยงสถานการณ์อันตราย (Safe navigation and avoidance of dangerous situations) (Chapter V, Regulation 34) ๑๘) หน้าที่เกี่ยวกับการยอมรับการขนส่งสินค้าเทกองที่เป็นของแข็ง (Acceptability for shipment for solid bulk cargoes) (Chapter VI, Regulation 6)
- ๑๙) หน้าที่เกี่ยวกับการขนถ่ายและจัดวางสินค้าเทกองที่เป็นของแข็ง (Loading, unloading and stowage of bulk cargoes) (Chapter VI, Regulation 7)
- ๒๐) หน้าที่เกี่ยวกับการรายงานเหตุการณ์ที่เกี่ยวกับสินค้าอันตราย (Reporting of incidents involving dangerous goods) (Chapter VII, Part A, Regulation 6, 7-4)
- ๒๑) หน้าที่เกี่ยวกับการรายงานเกี่ยวกับอุบัติเหตุทางทะเล (Casualties) (Chapter VIII, Regulation 12)
- ๒๒) หน้าที่เกี่ยวกับการตัดสินใจเพื่อความปลอดภัยและรักษาความมั่นคงปลอดภัยของเรือ (Master's discretion for ship safety and security) (Chapter XI - 2, Regulation 8)

๒๓) หน้าที่เกี่ยวกับการควบคุมและดำเนินการให้เป็นไปตามมาตรการ (Control and compliance measures) (Chapter XI - 2, Regulation 9)

๒๔) หน้าที่เกี่ยวกับหนังสือแสดงความทรงตัวของเรือในภาวะปกติ (Intact Stability Booklet) (Appendix, Certificates, Part B)

ทั้งนี้ รายละเอียดของหน้าที่ที่พึงปฏิบัติ ให้เป็นไปตามภาคผนวกแนบท้ายประกาศนี้

ข้อ ๓ ผู้ใดฝ่าฝืน ละเลย หรือไม่ปฏิบัติหน้าที่ตามที่กำหนดในข้อ ๒ ให้สันนิษฐานไว้ก่อน ว่าเป็นการละเลยไม่ปฏิบัติตามกฎข้อบังคับเกี่ยวแก่การเดินเรือและหน้าที่ที่พึงปฏิบัติตามที่กำหนดใน กฎหมาย กฎ ระเบียบที่เกี่ยวข้องกับการพิจารณาความประพฤติของผู้ทำการในเรือ

ประกาศ ณ วันที่ ๑๕ มีนาคม พ.ศ. ๒๕๖๕ อานนท์ เหลืองบริบูรณ์ รองปลัดกระทรวงคมนาคม รักษาราชการแทน อธิบดีกรมเจ้าท่า

Clause 1. Maintenance of conditions after survey

Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, the master or owner of the ship shall report at the earliest opportunity to the Marine Department, the nominated surveyor or recognized International Maritime Organization (IMO) responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey, as required by regulations 7, 8, 9 or 10 of Chapter 1, Part B of SOLAS Convention, is necessary. If the ship is in a port of another Contracting Government, the master or owner shall also report immediately to the appropriate authorities of the port State and the nominated surveyor or recognized International Maritime Organization (IMO) shall ascertain that such a report has been made.

Clause 2. Stability information to be supplied to the master

- 2.1 The master shall be supplied with such information satisfactory to the Marine Department as is necessary to enable him by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service. A copy of the stability information shall be furnished to the Marine Department.
- 2.2 The information should include:
- 2.2.1 curves or tables of minimum operational metacentric height (GM) versus draught which assures compliance with the relevant intact and damage stability requirements, alternatively corresponding curves or tables of the maximum allowable vertical centre of gravity (KG) versus draught, or with the equivalents of either of these curves:
- 2.2.2 instructions concerning the operation of cross-flooding arrangements; and 2.2.3 all other data and aids which might be necessary to maintain the required intact stability and stability after damage.
- 2.3 The stability information shall show the influence of various trims in cases where the operational trim range exceeds +/- 0.5% of L_s .
- 2.4 For ships which have to fulfil the stability requirements of Chapter II-1, part B-1 of SOLAS Convention, information referred to in paragraph 2.2 are determined from considerations related to the subdivision index, in the following manner: Minimum required GM (or maximum permissible vertical position of centre of gravity KG) for the three draughts d_s , d_p and d_l are equal to the GM (or KG values) of corresponding loading cases used for the calculation of survival factor s_i . For intermediate draughts, values to be used shall be obtained by linear interpolation applied to the GM value only between the deepest subdivision draught and the partial subdivision draught and between the partial load line and the light service draught respectively. Intact stability criteria will also be taken into account by retaining for each draft the maximum among minimum required GM values or the minimum of maximum permissible KG values for both criteria. If the subdivision index is calculated for different trims, several required GM curves will be established in the same way.
- 2.5 When curves or tables of minimum operational metacentric height (GM) versus draught are not appropriate, the master ensure that the operating condition does not deviate from a studied loading condition, or verify by calculation that the stability criteria are satisfied for this loading condition.

Clause 3. Loading of passenger ships

On completion of loading of the ship and prior to its departure, the master shall determine the ship's trim and stability and also ascertain and record that the ship is in compliance with stability criteria in relevant regulations. The determination of the ship's stability shall always be made by calculation. The Marine Department may accept the use of an electronic loading and stability computer or equivalent means for this purpose.

Clause 4. Prevention and control of water ingress, etc.

- 4.1 The master shall ensure that an effective system of supervision and reporting of the closing and opening of the doors referred to in Regulation 22, paragraph 8 of Chapter II-1, Part B-4 of SOLAS Convention is implemented.
- 4.2 The master shall ensure, before the ship proceeds on any voyage, that an entry in the log-book is made of the time of the last closing of the doors specified in Regulation 22, paragraph 13 of Chapter II-1, Part B-4 of SOLAS Convention and the time of any opening of particular doors in accordance with Regulation 22, paragraph 14 of Chapter II-1, Part B-4 of SOLAS Convention.

Clause 5. Special requirements for ro-ro passenger ships

- 5.1 The master shall ensure that an effective system of supervision and reporting of the closing and opening of such accesses referred to in Regulation 23, paragraph 3 of Chapter II-1, Part B-4 of SOLAS Convention is implemented.
- 5.2 The master shall ensure, before the ship leaves the berth on any voyage, that an entry in the log-book, as required by Regulation 22, paragraph 14 of Chapter II-1, Part B-4 of SOLAS Convention, is made of the time of the last closing of the accesses referred to in Regulation 23, paragraph 3 of Chapter II-1, Part B-4 of SOLAS Convention.
- 5.3 In all ro-ro passenger ships, the master or the designated officer shall ensure that, without the expressed consent of the master or the designated officer, no passengers are allowed access to an enclosed ro-ro deck when the ship is under way.

Clause 6. Size of vent outlets

Vent outlets for cargo loading, discharging and ballasting required by Regulation 11, paragraph 6.1.2 of Chapter II-2, Part C of SOLAS Convention shall be designed on the basis of the maximum designed loading rate multiplied by a factor of at least 1.25 to take account of gas evolution, in order to prevent the pressure in any cargo tank from exceeding the design pressure. The master shall be provided with information regarding the maximum permissible loading rate for each cargo tank and in the case of combined venting systems, for each group of cargo tanks.

Clause 7. Manning of survival craft and supervision

The master shall ensure the equitable distribution of persons referred in Regulation 10, paragraphs 2, 3 and 4 of Chapter III, Part B of SOLAS Convention among the ship's survival craft.

Clause 8. Muster list and emergency instructions

The muster list shall be prepared before the ship proceeds to sea. After the muster list has been prepared, if any change takes place in the crew which necessitates an alteration in the muster list, the master shall either revise the list or prepare a new list.

Clause 9. Ship reporting systems

The master of a ship shall comply with the requirements of adopted ship reporting systems and report to the appropriate authority all information required in accordance with the provisions of each such system.

Clause 10. Ships' manning

On all ships, to ensure effective crew performance in safety matters, a working language shall be established and recorded in the ship's log-book. The company, as defined in regulation IX/1 of the ANNEX of SOLAS Convention, or the master, as appropriate, shall determine the appropriate working language. Each seafarer shall be required to understand and, where appropriate, give orders and instructions and to report back in that language. If the working language is not an official language of the State whose flag the ship is entitled to fly, all plans and lists required to be posted shall include a translation into the working language.

Clause 11. Maintenance of equipment

Except as provided in regulations I/7(b)(ii), I/8 and I/9 of the ANNEX of SOLAS Convention, while all reasonable steps shall be taken to maintain the equipment required by this chapter in efficient working order, malfunctions of that equipment shall not be considered as making the ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available, provided suitable arrangements are made by the master to take the inoperative equipment or unavailable information into account in planning and executing a safe voyage to a port where repairs can take place.

Clause 12. Long-range identification and tracking of ships

Systems and equipment used to meet the requirements of this regulation shall be capable of being switched off on board or be capable of ceasing the distribution of long-range identification and tracking information:

- 12.1 where international agreements, rules or standards provide for the protection of navigational information; or
- 12.2 in exceptional circumstances and for the shortest duration possible where the operation is considered by the master to compromise the safety or security of the ship. In such a case, the master shall inform the Marine Department without undue delay and make an entry in the record of navigational activities and incidents maintained in accordance with regulation 28 of Chapter V of SOLAS Convention setting out the reasons for the decision and indicating the period during which the system or equipment was switched off.

Clause 13. Records of navigational activities

Each ship of 500 gross tonnage and above, engaged on international voyages exceeding 48 hours, shall submit a daily report to its company, as defined in regulation IX/1 of the ANNEX of SOLAS Convention, which shall retain it and all subsequent daily reports for the duration of the voyage. Daily reports may be transmitted by any means, provided that they are

transmitted to the company as soon as practicable after determination of the position named in the report. Automated reporting systems may be used, provided that they include a recording function of their transmission and that those functions and interfaces with position-fixing equipment are subjected to regular verification by the ship's master. The report shall contain the following:

- 13.1 ship's position;
- 13.2 ship's course and speed; and
- 13.3 details of any external or internal conditions that are affecting the ship's voyage or the normal safe operation of the ship.

Clause 14. Danger messages

The master of every ship which meets with dangerous ice, a dangerous derelict, or any other direct danger to navigation, or a tropical storm, or encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, is bound to communicate the information by all means at his disposal to ships in the vicinity, and also to the competent authorities. The form in which the information is sent is not obligatory. It may be transmitted either in plain language (preferably English) or by means of the International Code of Signals.

Clause 15. Information required in danger messages

When a master has reported a tropical cyclone or other dangerous storm, it is desirable but not obligatory, that further observations be made and transmitted hourly, if practicable, but in any case at intervals of not more than 3 hours, so long as the ship remains under the influence of the storm.

Clause 16. Distress situations: Obligations and procedures

- 16.1 The master of a ship at sea which is in a position to be able to provide assistance on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so. This obligation to provide assistance applies regardless of the nationality or status of such persons or the circumstances in which they are found. If the ship receiving the distress alert is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to proceed to their assistance, the master must enter in the log-book the reason for failing to proceed to the assistance of the persons in distress, taking into account the recommendation of the International Maritime Organization (IMO), to inform the appropriate search and rescue service accordingly.
- 16.2 The master of a ship in distress or the search and rescue service concerned, after consultation, so far as may be possible, with the masters of ships which answer the distress alert, has the right to requisition one or more of those ships as the master of the ship in distress or the search and rescue service considers best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of persons in distress.
- 16.3 Masters of ships shall be released from the obligation imposed by clause 16.1 on learning that their ships have not been requisitioned and that one or more other ships have been requisitioned and are complying with the requisition. This decision shall, if possible be communicated to the other requisitioned ships and to the search and rescue service.

- 16.4 The master of a ship shall be released from the obligation imposed by clause 16.1 and, if his ship has been requisitioned, from the obligation imposed by clause 16.2 on being informed by the persons in distress or by the search and rescue service or by the master of another ship which has reached such persons that assistance is no longer necessary.
- 16.5 Masters of ships who have embarked persons in distress at sea shall treat them with humanity, within the capabilities and limitations of the ship.

Clause 17. Safe navigation and avoidance of dangerous situations

Prior to proceeding to sea, the master shall ensure that the intended voyage has been planned using the appropriate nautical charts and nautical publications for the area concerned, taking into account the guidelines and recommendations developed by the International Maritime Organization (IMO)

Clause 18. Acceptability for shipment for solid bulk cargoes

Prior to loading a solid bulk cargo, the master shall be in possession of comprehensive information on the ship's stability and on the distribution of cargo for the standard loading conditions. The method of providing such information shall be to the satisfaction of the Marine Department

Clause 19. Loading, unloading and stowage of bulk cargoes

- 19.1 To enable the master to prevent excessive stresses in the ship's structure, the ship shall be provided with a booklet, which shall be written in a language with which the ship's officers responsible for cargo operations are familiar. If this language is not English, the ship shall be provided with a booklet written also in the English language. The booklet shall, as a minimum, include:
- 19.1.1 stability data, as required by regulation II-1/5-1 of the ANNEX of SOLAS Convention;
- 19.1.2 ballasting and deballasting rates and capacities;
- 19.1.3 maximum allowable load per unit surface area of the tank top plating;
- 19.1.4 maximum allowable load per hold;
- 19.1.5 general loading and unloading instructions with regard to the strength of the ship's structure including any limitations on the most adverse operating conditions during loading, unloading, ballasting operations and the voyage;
- 19.1.6 any special restrictions such as limitations on the most adverse operating conditions imposed by the Marine Department or International Maritime Organization (IMO) recognized by it, if applicable; and
- 19.1.7 where strength calculations are required, maximum permissible forces and moments on the ship's hull during loading, unloading and the voyage.
- 19.2 Before a solid bulk cargo is loaded or unloaded, the master and the terminal representative shall agree on a plan which shall ensure that the permissible forces and moments on the ship are not exceeded during loading or unloading, and shall include the sequence, quantity and rate of loading or unloading, taking into consideration the speed of loading or unloading, the number of pours and the deballasting or ballasting
- 19.3 The master and terminal representative shall ensure that loading and unloading operations are conducted in accordance with the agreed plan.

19.4 If during loading or unloading any of the limits of the ship referred to in clause 16.1 are exceeded or are likely to become so if the loading or unloading continues, the master has the right to suspend operation and the obligation to notify accordingly the appropriate authority of the port State with which the plan has been lodged. The master and the terminal representative shall ensure that corrective action is taken. When unloading cargo, the master and terminal representative shall ensure that the unloading method does not damage the ship's structure.

19.5 The master shall ensure that ship's personnel continuously monitor cargo operations. Where possible, the ship's draught shall be checked regularly during loading or unloading to confirm the tonnage figures supplied. Each draught and tonnage observation shall be recorded in a cargo log-book. If significant deviations from the agreed plan are detected, cargo or ballast operations or both shall be adjusted to ensure that the deviations are corrected.

Clause 20. Reporting of incidents involving dangerous goods

20.1 When an incident takes place involving the loss or likely loss overboard of dangerous goods in packaged forminto the sea, the master, or other person having charge of the ship, shall report the particulars of such an incident without delay and to the fullest extent possible to the nearest coastal State. The report shall be drawn up based on general principles and guidelines developed by the International Maritime Organization (IMO).

20.2 In the event of the ship referred to in clause 20.1 being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the company, as defined in regulation IX/1.2 of the ANNEX of SOLAS Convention, shall, to the fullest extent possible, assume the obligations placed upon the master by this regulation.

Clause 21. Casualties

In the event of any accident likely to lead to an environmental hazard the master of a nuclear ship shall immediately inform the Marine Department. The master shall also immediately inform the competent governmental authority of the country in whose waters the ship may be, or whose waters the ship approaches in a damaged condition.

Clause 22. Master's discretion for ship safety and security

22.1 The master shall not be constrained by the Company, the charterer or any other person from taking or executing any decision which, in the professional judgement of the master, is necessary to maintain the safety and security of the ship. This includes denial of access to persons (except those identified as duly authorized by a Contracting Government) or their effects and refusal to load cargo, including containers or other closed cargo transport units.

22.2 If, in the professional judgement of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give effect to those requirements necessary to maintain the safety of the ship. In such cases, the master may implement temporary security measures and shall forthwith inform the Marine Department and, if appropriate, the Contracting Government in whose port the ship is operating or intends to enter. Any such temporary security measures under this regulation shall, to the highest possible degree, be commensurate with the prevailing security level. When such cases are identified, the Marine Department shall ensure that such conflicts are resolved and that the possibility of recurrence is minimised.

Clause 23. Control and compliance measures

23.1 Every ship to which this chapter applies intending to enter the port of another Contracting Government shall provide the information described in Regulation 9, paragraph 2.1 of Chapter XI-2 of SOLAS Convention on the request of the officers duly authorized by that Government. The master may decline to provide such information on the understanding that failure to do so may result in denial of entry into port.

23.2 Such steps are as follows:

23.2.1 a requirement for the rectification of the non-compliance;

23.2.2 a requirement that the ship proceed to a location specified in the territorial sea or internal waters of that Contracting Government;

23.2.3 inspection of the ship, if the ship is in the territorial sea of the Contracting Government the port of which the ship intends to enter; or

23.2.4 denial of entry into port.

23.3 Prior to initiating any such steps, the ship shall be informed by the Contracting Government of its intentions. Upon this information the master may withdraw the intention to enter that port. In such cases, this regulation shall not apply.

Clause 24. Intact Stability Booklet

Every passenger ship regardless of size and every cargo ship of 24 m and over shall be inclined on completion and the elements of their stability determined. The master shall be supplied with a Stability Booklet containing such information as is necessary to enable him, by rapid and simple procedures, to obtain accurate guidance as to the ship under varying conditions of loading. For bulk carriers, the information required in a bulk carrier booklet may be contained in the stability booklet.