

exceeding one year from the date of exemption. Each Contracting Government shall promptly notify the other of each exemption that is granted and of the significant terms thereof.

2. Since the water to which this Agreement applies are under the jurisdiction of Canada or the United States, the exemptions referred to in paragraph 1 of this Article may be granted only by the Contracting Governments, each for vessels of its own country and either for the vessels of other countries.

ARTICLE 7

Operators and Listening

1. While a vessel is subject to the requirements of this Agreement, as stated in Article 3 of this Agreement:

(a) There shall be on board, as an officer or member of the crew of vessel, at least one person whose qualifications for radiotelephone operation for safety purposes on the Great Lakes have been certified by the Contracting Governments, each for citizens of its own country for employment on vessels of that country, and either for persons for employment on vessels of other countries, as meeting the qualifications set forth in the Regulations.

(b) From among those certified persons, the master shall designate one or more who shall operate the radiotelephone installation. The duties of the persons so designated need not be restricted to duties in connection with the radiotelephone installation but may include any and all duties assigned them by the master.

(c) Except when the radiotelephone installation is being used to transmit or receive on frequencies authorized for the Maritime Mobile Service, there shall be continuous effective listening on the distress frequency by aural means by at least one officer or member of the crew of the vessel who has been designated by the master to perform such listening. The person so designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided that such other duties do not interfere with the effectiveness of the listening.

(d) If the vessel is deprived of the services of the certified persons referred to in subparagraph (a) of this Article without fault or collusion of the master, the vessel may, as a matter of temporary expediency, proceed on her voyage, provided:

(i) The master shall exercise due diligence in an effort to obtain a qualified replacement before sailing and failing that shall exercise due diligence to obtain a qualified replacement as soon as practicable,

(ii) The qualified replacement is made at the destination of the vessel before proceeding on another voyage, and

(iii) In addition to the foregoing, the master shall within 12 hours after the time of arrival of the vessel at her destination, explain, in writing, the full particulars in the matter to the Contracting Government of the country to which such vessel belongs. If the vessel does not belong to the country of either Contracting Government, the master's written explanation shall be made to the Contracting Government of the country where the vessel's destination is located or to the Contracting Government in which the vessel's last port of call on the Great Lakes is located.