

Dear Consultee

STATUTORY CONSULTATION – PROPOSED MERCHANT SHIPPING (STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING CONVENTION) REGULATIONS AND PROPOSED DRAFT SHIPPING (ALCOHOL) (PRESCRIBED LIMIT AMENDMENT) REGULATIONS WHICH IMPLEMENT THE STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW) MANILA AMENDMENTS 2010.

The international regulations governing seafarer training (STCW) have been updated to reflect recent developments in the maritime sector and are known as the Manila Amendments or STCW 2010. These updates have also been included in an amending EU Directive 2012/35/EC.

Background

The Manila Amendments include recognition of modern methods of navigation, broader security awareness training, greater awareness of environmental issues, safety requirements and align STCW with the changes to the Maritime Labour Convention 2006 (MLC). The changes are also intended to increase safety at sea through more regular refresher training of core skills throughout a seafarer's career.

The Manila Amendments came into force on 1 January 2012, with a 5 year transitional period ending on the 1 January 2017 by which time training requirements and legislation must be put in place by administrations who wish to remain compliant with the STCW Convention.

The International Maritime Organization (IMO) imposed an additional deadline of 1 July 2013 for all countries to make amendments to seafarer training courses ensuring that new seafarer trainees become fully qualified under the new requirements before the end of the transitional period.

The Maritime and Coastguard Agency (MCA) worked with the Merchant Navy Training Board (MNTB) to develop these changes to seafarer training and met the deadline. We now propose to make changes to UK legislation to enable seafarers to receive STCW compliant certification upon completion of their training.

EU Directive 2012/35/EC came into force on 4 July 2014.

If the UK does not implement the Manila Amendments in law by 1 January 2017 UK seafarer training and certification will not comply with the internationally agreed regulations governing seafarer training. . This would mean that UK seafarers could not work on board UK registered vessels trading internationally and could not seek work in other nations' merchant fleets.

Consultation Package

This consultation package details the proposal to implement these changes through two sets of regulations: the Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations and the Shipping (Alcohol) (Prescribed Limit Amendment) Regulations.

It is proposed that the Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations will replace, and revise where appropriate, the existing Merchant Shipping (Training and Certification) Regulations 1997, Statutory Instrument SI 1997/348, the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997, S.I. 1997/1320 and the Merchant Shipping (Certificates of Competency as AB) Regulations 1970, SI 1970/294.

The package includes a proposed new series of Merchant Shipping Notices which will replace the existing guidance notices and incorporate the Manila Amendments. The consultation package is available on-line (https://www.gov.uk/government/publications?publication_filter_option=consultations) and consists of:

Pre consultation Impact Assessment (IA) detailing the costs and benefits of implementing the changes to STCW;

Proposed draft Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations;

Proposed draft Shipping (Alcohol) (Prescribed Limit Amendment) Regulations; and

A series of 13 draft Merchant Shipping Notices and two published Marine Guidance Notices:

- “UK requirements for master and deck officers”
- “UK requirements for deck ratings”
- “UK requirements for radio operators”
- “UK requirements for engineer officers and engine operators”
- “UK requirements for engine room ratings”
- “UK requirements for electro-technical officers”
- “UK requirements for emergency, occupational safety, medical care survival and security functions”
- “UK requirements for specialised training for service in tankers and passenger ships”
- “UK requirements for recognition of non-UK certification”
- “UK requirements for Revalidation”
- “UK requirements for deck officers on large yachts (>24m)”
- “UK requirements for engineer officers on large yachts (>24m)”
- “UK requirements for Safe manning and Watchkeeping”
- MGN 495 “Certificate of Competency for Master and Officer of the Watch Tug less than 500GT and 3000GT near-coastal and Certificate of Proficiency for Tug Rating
- MGN 496 Certificate of Competency for Master Workboat 500GT unlimited”

The two published MGNs have been subject to previous consultation and are included to complete the series.

We welcome comments about any area of the consultation; however the IA includes 10 questions relating to the cost impacts of implementation and we would particularly welcome further evidence in these areas. The questions are listed separately in Annex 1 of this letter.

Comments to the consultation must be set out in writing and submitted by 31 October 2014 to:

Seafarer Training and Certification Branch
Maritime and Coastguard Agency
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Or via our email address exams@mcga.gov.uk

Next Steps

In the light of any comments received, the draft Statutory Instruments, guidance and IA will be reviewed with the aim of finalising them as soon as possible.

Comments on this Consultation, together with the MCA responses, will be made available on-line (https://www.gov.uk/government/publications?publication_filter_option=consultations) within three months of the closing date of this Consultation.

Freedom of Information Act

Please be aware that information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

Consultation Criteria

This consultation will be conducted in accordance with the Cabinet Office Consultation Principles Guidance, which is available from: www.gov.uk/government/publications/consultation-principles-guidance

This is a six week consultation running between 19 September and 31 October 2014.

Feedback

If you have any comments regarding the conduct of this consultation please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk. We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you could complete and return the feedback form. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

Yours sincerely

Louise Binks

Annex 1

Questions from the Impact Assessment

Q1 Do you have any additional evidence about the number of experienced seafarers who may be affected by this? (This question relates to Security Awareness and Designated Security Duties)

Q2 Do you agree with the assumption that seafarers are more likely to qualify for tanker endorsements by sea service than by completing the training course? If not provide relevant evidence to support your position.

Q3 Do you agree with the estimate that 45 seafarers a year are likely to need HELM operational level training as a stand alone course? If not please provide relevant supporting evidence.

Q4 Do you agree with the High Low Medium assumptions provided to estimate the costs of ECDIS training? If not please provide additional evidence.

Q5 Do you accept our estimate that High Voltage Training at management level affects engineers working on 45 ships on the UK ship register and that we have made a reasonable estimate of the number of seafarers who need this training? Please provide any additional evidence.

Q6 You are invited to submit additional evidence on seafarer wage information split by officers and ratings.

Q7 Consultees are invited to submit any additional evidence on start up costs of implementing the proposals.

Q8 Do you agree with our assessment of costs and benefits throughout this impact assessment?

Q9 Can you provide any further evidence to support or modify the costs and benefits shown in this impact assessment?

Q10 Do you agree with the assumption that ship owners will pay for training courses for their seafarers?

List of Consultees

Governments

Bahamas Maritime Authority
BIS - Aerospace, Marine and Defence
British Chambers of Commerce
Cabinet Office
Department for Environment, Food and Rural Affairs
Department for Transport Maritime Security
Department for Transport Press Office
Department for Transport Marine Commerce and Infrastructure
Department for Transport Maritime Safety and Environment
Domestic Passenger Ship Steering Group (DPSSG)
Environment Agency
Falkland Islands Government
Foreign and Commonwealth Office
Gibraltar Maritime Administration
Government of Bermuda
Health & Safety Executive (HSE)
HSE – Field Operations Directorate (FOD) Transport and FOD Offshore
Home Office
House of Commons Library
House of Lords
Marine Accident Investigation Branch (MAIB)
Marine Management Organisation
Maritime Authority of the Cayman Islands
Cayman Islands Government (London Office)
Ministry of Defence - Ship Safety and Management Office
Montserrat Customs & Excise Department
Northern Ireland Assembly - Air & Seaports Division
Northern Ireland Assembly
Office of Communications (OFCOM)
Royal Air Force Association
Royal Navy
Scottish Environment Protection Agency
Scottish Executive
Scottish Government
Scottish Transport Strategy Unit
States of Guernsey
Transport Select Committee
Transport Policy, Strategy and Legislation Division (Northern Ireland)
British Virgin Islands Shipping Registry
Welsh Assembly Government

Trade Union / Associations

Associated British ports
British Marine Federation (BMF)
British Ports Association
British Tugowners Association (BTA)
Fishing Industry Steering Group (FISG)
International Association of Maritime Institutions (IAMI)
International Christian Maritime Association
International Group of P&I Clubs
International Institute of Marine Surveying
International Jack-up Operators Association
International Marine Contractors Association
Lloyd's Register of Shipping
Local Government Association
Maritime London
Maritime Skills Alliance (MSA)
Marine Society & Sea Cadets (MSSC)
Merchant Navy Training Board (MNTB)
The Mission to seafarers
National Federation of Charter Skippers
National Oceanographic Centre
The National Union of Rail, Maritime and Transport (RMT)
National Workboat Association
Nautical Institute
Nautilus International
Port of London Authority (PLA)
Professional Boatmans Association
Professional Charter Association
Professional Yachting Association (PYA)
Registro Italiano Navale (RINA UK Ltd)
Royal Fleet Auxiliary (RFA)
Royal Institute of Navigation (RIN)
Royal Institution of Naval Architects (RINA)
Royal National Lifeboat Institution (RNLI)
Royal Yachting Association (RYA)
Scottish Fisherman's Federation (SFF)
Seafarers International Research Centre (SIRC)
Shipbuilders and Shiprepairers Association (SSA)
Society of Consulting Marine Engineers and Ship Surveyors (SCMS)
Solstad Offshore ASA (UK)
Trinity House
UK Chamber of Shipping
UK Dredging
UK Harbour Masters' Association (UKHMA)
UK Major Ports Group Ltd (UKMP)

UK Marine Pilots Association (UPMPA)
Unite
Yacht Designers and Surveyors Association (YDSA)
Yachting Partners International) Group (YPI)

Training Providers

Banff and Buchan College of Further Education
Blackpool and Fylde College
Blue Water
City of Glasgow College
Flying Fish UK Ltd
International Yachtmaster Training Worldwide (IYT)
John Percival Maritime Associates (JPMA)
Lairdside Maritime Centre
Liverpool John Moore's University
Lowersoft College
Maritime Professional Training (MPT)
MARITAS (Marine Training & Assessment Services)
North Atlantic Fisheries College (NAFC Marine Centre)
Ocean Training Plymouth
Orkney College (UHI)
Plymouth University
Professional Yachtmaster Training (PYT)
Seafish
Southampton Solent University
South Tyneside College
North West Kent College
Warsash Maritime Academy
UK Sailing Academy (UKSA)

Shipping Companies

American Bureau of Shipping (ABS)
AB Crewing
Acomorin (Odessa) Ltd
Adams Offshore
ADPS Ltd
Agenzia De Felice
Alpha Navigation
AMPM Yacht Management
Anglo Eastern Shipping UK
Anglo-Eastern India
Anglo-Eastern Philippines
Aries Offshore Management
Armac Marine Management

ASP Ship Management
ASTO
Atlantic Offshore
Atlas Eurosailor (SIA)
Auriga Maritime
Baltic Group International (Latvia)
Baltic Group International (Estonia)
Baltic Group International (Lithuania)
Baltic Group International (Russia)
Barber Smith Bell Manning
Bernhard Schulte Shipmanagement (IOM) Ltd
Bernhard Schulte Shipmanagement (Cyprus) Ltd.
Bernhard Schulte Shipmanagement (UK)
Bernhard Schulte Shipmanagement (Poland)
Bibby Ship Management
BIMS Latvia
Blue Manila (crew for WLCM)
Blue Water Training
Bon Accord Employment Services Ltd
Boston Putford Offshore
BP Maritime Services (IOM)
Brave Shipping (Greece)
Braveheart Shipping
Brax Shipping
Briggs Marine
British Marine
British Small Boatbuilders Association
British Sub Aqua Club (BSAC)
Brostrom (Sweden)
Bureau Veritas
Burgess Yachts
Burness Corlett Three Quays Partners Ltd
Camper & Nicholson International
(Campbell Maritime)
C and W
Carnival UK
Carisbrooke Shipping Ltd
Caley Fisheries
CD Marine
Cemex UK Ltd
CF Sharp Europe
CF Sharp Philippines
Charles M Willie
CI Shipping
Classic Crewing
Clyde Marine

Cosco Maritime UK Ltd
Condor Ferries
Confiance Employment
Cooperative Producenten Organisatie Urk
CPO Tankers
Crewing Services, Aberdeen
D&B Services
Damen Shipyards
David McBrayne UK HR Ltd
Deeside Crewing
DFDS Logistics AS
D&H Freight Management
Doehle Danautic (India)
Dohle IOM
Dohle (Poland) Ltd
Dohle (Romania)
Ebony Ship management
Elmira Shipping
Entra Agentura
ETPM Ltd. Aberdeen
Euroceanica
Evergreen
Expromo Agency
Farnham Marine Agency
Faversham Ships
Fletcher Shipping Ltd
Foreland Shipping
Fred Olsen
Galfishing Ltd
Gardine Survey Ltd
Germanischer Lloyd
Genesis Personnel
Genoa Maritime
Globtik Express Agency
Green Management AS
GPS Marine
Golar Barber (Wilhelmsen)
Georgia Seafoods
Gulf Offshore
Hanson Aggregate Marine Ltd
Hays Ship Management
Hempel Shipping / Seacrew Management
Henty Oil
Hill Dickinson LLP
Holyhead Towing Co. Ltd.
Hon, Company of master Mariners

Hooktone
ICOMIA
Ince Law
Interislander NZ
Inter Marine Poland
Interorient Navigation Co. Ltd
Intrada Ship Management
James Fisher
John Percival Marine Associates
JP Knight Crewing (Klyne Tugs)
JS Hamilton Management Co Ltd
Jubilee Sailing Trust
Jupiter Shipping
K&K Schiffahrts GmbH
Knutsen OAS (UK)
Knutsen OAS Norway
Kroneksas UAB
La Marine Solicitors
Lafonia Sea Foods Vigo Spain
Lapa Ltd
Lapa St Petersburg
Lerus Ltd Ukraine
LTSA Ltd
Lomar Shipping
London Ship Managers
Maaskant Shipping
Maersk
Marlow Navigation
Marine Capital Ltd
Maritime Craft Services (MCS)
Martracon
Marr Management Ltd
Massoel
MECAL
Merchant Navy Resources
Meridian Marine Management Ltd
Mercantile Marine
Miceli Vela SRL
Midocean
MMS
MST Philippines (for Thome)
Myton Systems
National Oceanography Centre, NMF-SS
Navigo Mangement Co
Nigel Burgess S.A.M
Norbulk Glasgow

Norbulk Glasgow
Norbulk Glasgow
Norbulk Sweden
Norbulk Latvia (Hanza Marine Management)
North Atlantic Fishing
North Star Shipping
Northern Marine (Glasgow)
Northern Marine India
Nova Services
Ocean Bulk Carriers Ltd, India
Oceanforce Management
Offshore Marine
Oil & Gas UK
Orca Group
OSM Norway
OSM Latvia
OSM Philippines
OSM Poland
OSM Russia
OSM Ship Management AS
Ostensjo Rederi AS
Padstow Harbour Commissioners
Pacific & Atlantic Ship Managers
P&O Ferries
P&O Ferries Rotterdam
Pentland Ferries
Peter Dohle
Pescapuerta
Princess Cruises UK
Princess Cruises (Navitrans)
Pritchard-Gordon Tankers
Redwise
Reederei AB Lillgaard
Reederei Karl Schluter GmbH & Co KG
Reederei Petra Heinrich
Rix Shipping
Ryanship
Safmarine Crewing
Saga Shipping Co. Ltd
Sartor Offshore
SBS Marine
Scanmar Maritime Services Inc.
CMA Ships
SEA Personnel
Sealion Shipping Ltd
Seamariner Recruitment

Sharp Shipping
Shell Ship Management Ltd
Ship Safe Training Group
Ship Crew Services Srl, Genoa
Smart Group
SMS Towage Ltd
Snav
Southern Crewing Services
Split Ship Management
Stan Shipping
Standard Shipping
Stena Drilling
Stena Line
Stolt Nielsen Transportation Group
Superyacht (UK)
Svitzer
SYBass
Teekay Marine Services, Australia
Thien & Heyenga Leer GmbH
Thome Ship Management
Thyssen Krupp
T.N. Trawlers Ltd
Torbulk
TOS (Transport Offshore Services)
Transeuropa, Slovenia
Trico Supply Uk Ltd
Unicorn Shipping
Uni-Tankers
Uniteam Marine Limited
United Oceans Ship Management
USC - Barnkrug
Venture Charters
Viking recruitment
Viking Supply
V. Navy SAS France
Vroon Offshore
V. Ships Glasgow
V. Ships Leisure (Miami)
V. Ships (IOM)
V. Ships Germany
V. Ships India
V Ships Ukraine
Wallem
WLCM
Wappen Reederi Latvia
Wappen Reederi Hamburg

WELL Co
Whitesea Shipping & Supply (LLC)
Wilhelmsen: Indian/Sri Lankan
Wilhelmsen : Norwegian
Wilhelmsen Philippines
Wilhelmsen Russia
Wilhelmsen (Golar Barber)
Zodiac Maritime
Zorovic