
CONSULTATION DRAFT

STATUTORY INSTRUMENTS

20 No. 0000**

MERCHANT SHIPPING

The Merchant Shipping (Standards of Training, Certification and
Watchkeeping Convention) Regulations 20**

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	***

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CRITERIA FOR ISSUE

The Secretary of State for Transport is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to maritime transport and measures relating to recognition of higher education diplomas or formal qualifications required for the pursuit of professions or other occupations.

The Secretary of State is satisfied, for the purposes of section 47(2) of the Merchant Shipping Act 1995(b), that it is necessary or expedient, in the interests of safety to make the Regulations in so far as they require ships to carry qualified seamen.

(a) 1972 c.68.

(b) 1995 c. 21. Section 47 was amended by the Marine Navigation Act 2013 (c. 23), section 10.

The Secretary of State has, in so far as the Regulations are made in the exercise of powers conferred by section 47 of the Merchant Shipping Act 1995, in accordance with section 306(4) of that Act consulted the organisations referred to in that section.

And insofar as these regulations are made in exercise of powers conferred by section 85 of the Merchant Shipping Act 1995 the Secretary of State has in accordance with section 86(4) of that Act consulted the persons referred to in that section.

In exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and by sections 47(1), (4A) and (4B), 85(1), (3), (5) to (7), 86(1) and (2) and 307(1) of the Merchant Shipping Act 1995(b), the Secretary of State makes the following Regulations.

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations 20**, and come into force on [date].

Revocations and amendments

2.—(1) The Regulations specified in Schedule 1 are revoked.

(2) The Regulations specified in Schedule 2 are amended to the extent specified in that Schedule.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“the Medical Certification Regulations” means the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(c);

“appropriate certificate” means a certificate issued and endorsed in accordance with the provisions of these Regulations and entitling the lawful holder to serve in the capacity and perform the functions involved—

(a) at the level of responsibility specified,

(b) on a ship of the type, tonnage or power and means of propulsion indicated, and

(c) while engaged on the particular voyage concerned;

“approved” (and “approved” in the STCW Convention so far as given effect by these Regulations) means approved by the Secretary of State;

“certificate of competency” means an appropriate certificate issued by the Secretary of State for the purposes of regulation 6 (other than a certificate of equivalent competency);

“certificate of equivalent competency” means an endorsement in the form of a separate document entitled “certificate of equivalent competency” issued by the Secretary of State in accordance with regulations 31 or 32 to a master, officer or radio operator who holds an

(a) Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51).

(b) 1995 c.21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8 and Schedule 7, Part I and by the British Overseas Territories Act 2000 (c. 8), section 2(3). Sections 86 and 86 were applied to hovercraft by virtue of article 4 of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(c) S.I. 2010/737, as amended by S.I. 2014/1614.

appropriate certificate issued by or under the authority of another Party to the STCW Convention;

“certificate of proficiency” means a certificate, other than a certificate of competency or a certificate of equivalent competency, issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service under the STCW Convention have been met;

“a certificate of proficiency in training for tanker cargo operations” means a certificate of proficiency issued in accordance with the provisions of STCW Regulations V/1-1 and V/1-2 in basic or advanced training for—

- (a) oil tanker cargo operations,
- (b) chemical tanker cargo operations, or
- (c) liquefied gas tanker cargo operations;

“chemical tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the IBC Code;

“chief engineer officer” means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;

“chief mate” means the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;

“constructed” means a craft the keel of which is laid or which is at a similar stage of construction; and “similar stage of construction” means a stage at which:

- (a) construction identifiable with a specific craft begins; and
- (b) assembly of that craft has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;

“company” in relation to a ship, means the owner of the ship or any other person, such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by the Regulations annexed to the STCW Convention;

“the Directive” means Directive 2008/106/EC(a) of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast) as amended by Directive 2012/35/EU of 21 November 2012(b);

“documentary evidence” means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention have been met;

“electro technical officer” means an officer designated as such and qualified in accordance with the provisions of Regulation III/6 of the STCW Convention;

“electro technical rating” means a rating qualified in accordance with the provisions of Regulation III/7 of the STCW Convention;

“engineer officer” means an officer qualified in accordance with the provisions of Regulations III/1, III/2 or III/3 of the STCW Convention;

“GMDSS” means the Global Maritime Distress and Safety System;

“GMDSS radio operator” means a person who is qualified in accordance with the provisions of Regulations IV/1 and IV/2 of the STCW Convention;

“GT” means gross tonnage as determined under the Merchant Shipping (Tonnage) Regulations 1997(c);

(a) O.J. L 323, 3.12.2008, p33.

(b) O.J. L 343, 14.12.2012, p78.

(c) S.I. 1997/1510, as amended by S.I. 1998/1916, 1999/3206 and 2005/2114.

“high speed craft” has the same meaning as in the Merchant Shipping (High Speed Craft) Regulations 2004(a);

“High Speed Craft Code” means the International Code of Safety for High Speed Craft 2000(b);

“IBC Code” means the 1994 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization(c);

“IGC Code” means the 1993 Edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, published by the International Maritime Organization(d);

“ISPS Code” means the International Ship and Port Facility (ISPS) Code adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS)(e);

“length” has the same meaning as in the Merchant Shipping (Tonnage) Regulations 1997;

“liquefied gas tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the IGC Code;

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

“Merchant Shipping Notice” means a notice described as such and issued by the MCA;

“near-coastal voyage” means a voyage during which the vessel is never more than 150 nautical miles from a safe haven in the United Kingdom, or never more than 30 nautical miles from a safe haven in the Republic of Ireland;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1996(f);

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

“passenger ship” means a ship designed to carry more than 12 passengers;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all the ship’s main propulsion power which appears on the ship’s certificate of registry or other official document;

“prescribed fee” means the fee prescribed by the Secretary of State under section 302 of the Act;

“rating” means a member of a ship’s crew other than the master or an officer;

“safe manning document” means a document, described as such, issued—

- (a) in the case of a United Kingdom ship by the Secretary of State, and
- (b) in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;

“seafarer” means any person, including a master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on a ship;

“sea-going” means going to sea beyond the limits of category A, B, C or D waters (as categorised in Merchant Shipping Notice M 1827);

(a) S.I. 2004/302, to which there are amendments not relevant to these Regulations.

(b) ISBN 9789280113267

(c) ISBN 9789280142266.

(d) ISBN 9789280110425.

(e) ISBN 9789280151497.

(f) S.I. 1996/3010, as amended by S.I. 1998/1153 and S.I. 2004/930.

“second engineer officer” means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;

“the STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by the 2010 Manila Conference of Parties to the STCW Convention(a);

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended(b);

“STCW Regulation” means a Regulation contained in Attachment 1 to the Final Act of the 2010 STCW Manila Conference of Parties to the STCW Convention;

“tanker” means a chemical tanker, a liquefied gas tanker or an oil tanker; and

“third Party” means a Party to the STCW Convention which is not an EEA State.

(2) Any reference to the IBC Code, the IGC Code, the ISPS Code, the STCW Code, the STCW Convention, a STCW Regulation or a particular Merchant Shipping Notice includes reference to any document amending the Code, Convention or Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(3) Any reference to a requirement in an STCW Regulation also constitutes a reference to the corresponding section of Part A of the STCW Code.

PART 2

TRAINING AND CERTIFICATION: SHIPS

Application of Part 2

4.—(1) This Part applies to a seafarer employed in a sea-going ship registered in the United Kingdom, except in—

- (a) a fishing vessel, or
- (b) a pleasure vessel as defined in regulation 1 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(c) and which is—
 - (i) less than 80 GT, or
 - (ii) under 24 metres in length.

Requirement for seafarers to be qualified

5. For the purposes of section 52 of the Act (Unqualified persons going to sea as qualified officers or seamen) a seafarer is not qualified unless that seafarer meets the requirements of this Part.

Certificates of competency or equivalent competency

Qualification as an officer

6.—(1) A person must hold, in respect of the category and capacity in which that person is serving listed in column 1 of the Table in Schedule 2—

- (a) an appropriate certificate of competency, or
- (b) an appropriate certificate of equivalent competency.

(a) ISBN 9789280115284.

(b) ISBN 9789280115284.

(c) S.I. 1998/2771, as amended by S.I. 2005/2114.

(2) The Secretary of State may only issue a certificate of competency or a certificate of equivalent competency to a person if that person complies with the criteria in the STCW Regulations listed in column (2) of that Table in relation to the category of service listed in column (1).

- (3) A certificate of competency required by this regulation—
- (a) must be issued and endorsed in accordance with these Regulations;
 - (b) entitles the holder to serve in the specified capacity; and
 - (c) entitles the holder to perform the functions involved—
 - (i) at the specified level of responsibility,
 - (ii) on a ship of the type, tonnage or power and means of propulsion indicated by the endorsement, and
 - (iii) while engaged on the particular voyage concerned.
- (4) In the circumstances specified in paragraph (5), where a person does not hold an appropriate certificate of competency the Secretary of State may permit that person to serve in an appropriate capacity on board a ship for a maximum period of three months.
- (5) The circumstances referred to in paragraph (4) are that—
- (a) the person holds a valid certificate issued by a third Party;
 - (b) that certificate is appropriate for the capacity in which the person is to serve; and
 - (c) the person has submitted an application to the Secretary of State under regulation 32 for a certificate of equivalent competency.

Engine-room watch duties

7. A seafarer designated to perform watchkeeping duties in a manned or periodically unmanned engine room on a ship powered by main propulsion machinery of 350 kW power or more, but less than 750 kW, must—

- (a) hold one of the engineering certificates of competency referred to in regulation 6; or
- (b) be the holder of a marine engine operator's licence issued in compliance with the criteria specified in MSN *** [Training Certification Guidance: UK Requirements for Engineer Officers and Engineer Operators, section 10].

Radiocommunication and radio personnel on GMDSS ships

8.—(1) A seafarer in charge of or performing radio duties on a ship required to participate in the GMDSS must hold a certificate of competency related to the GMDSS.

(2) A certificate of competency under this regulation may not be issued to a person (“the applicant”) by the Secretary of State unless the applicant —

- (a) is at least 18; and
- (b) has completed the education and training and meets the standards of competence specified in section A-IV/2 of the STCW Code.

Training and qualifications of officers and ratings on oil and chemical tankers- certificate of proficiency in basic training

9.—(1) A seafarer assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tankers must hold a certificate of proficiency in basic training for oil and chemical tanker cargo operations.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation V/1-1, paragraph 2.

Training and qualifications of seafarers on oil tankers- certificate of proficiency in advanced training

10.—(1) This regulation applies to the following seafarers serving on an oil tanker—

- (a) the master,
- (b) a chief engineer officer,
- (c) a chief mate,
- (d) a second engineer officer, and
- (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for oil tanker cargo operations.

(3) The Secretary of State may only issue a certificate of proficiency required by paragraph (2) to a person who meets the criteria specified in STCW Regulation V/1-1, paragraph 4.

Training and qualifications of seafarers on chemical tankers- certificate of proficiency in advanced training

11.—(1) This regulation applies to the following seafarers serving on a chemical tanker—

- (a) the master,
- (b) a chief engineer officer,
- (c) a chief mate,
- (d) a second engineer officer, and
- (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for chemical tanker cargo operations.

(3) The Secretary of State may only issue a certificate of proficiency required by paragraph (2) to a person who meets the criteria specified in STCW Regulation V/1-1, paragraph 6.

Training and qualifications of officers and ratings on liquefied gas tankers- certificate of proficiency in basic training

12.—(1) An officer or rating assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers must hold a certificate of proficiency in basic training for liquefied gas tanker cargo operations.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation V/1-2, paragraph 2.

Training and qualifications of seafarers on liquefied gas tankers- certificate of proficiency in advanced training

13.—(1) This regulation applies to the following seafarers serving on a liquefied gas tanker—

- (a) the master,
- (b) a chief engineer officer,
- (c) a chief mate,
- (d) a second engineer officer, and
- (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for liquefied gas tanker cargo operations.

(3) The Secretary of State may only issue a certificate of proficiency required by paragraph (2) to a person who meets the criteria specified in STCW Regulation V/1-2, paragraph 4.

Certification of ratings forming part of a navigational watch

14.—(1) A rating forming part of a navigational watch on a ship of 500 GT or more must hold a certificate of proficiency to perform such duties.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation II/4, paragraph 2.

(3) This regulation does not apply to—

- (a) a rating under training, or
- (b) a rating whose duties are of an unskilled nature.

Certification of ratings forming part of an engine-room watch

15.—(1) A rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a ship powered by main propulsion machinery of 750 kW propulsion power or more must hold a certificate of proficiency to perform such duties.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation III/4, paragraph 2.

(3) This regulation does not apply to—

- (a) a rating under training, or
- (b) a rating whose duties are of an unskilled nature.

Certification of ratings as able seafarer deck

16.—(1) An able seafarer deck serving on a ship of 500 GT or more must hold a certificate of proficiency.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation II/5, paragraph 2 or paragraph 6.

Certification of ratings as able seafarer engine

17.—(1) An able seafarer engine serving on a ship powered by main propulsion machinery of 750 kW propulsion power or more must hold a certificate of proficiency.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation III/5, paragraph 2 or 4.

Certification of electro-technical ratings

18.—(1) An electro-technical rating serving on a ship powered by main propulsion machinery of 750 kW propulsion power or more, must hold a certificate of proficiency.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation III/7, paragraph 2 or 4.

Certificates of proficiency in survival craft or rescue boats (other than fast rescue boats)

19.—(1) A person designated to launch or take charge of a survival craft or a rescue boat, other than a fast rescue boat, must hold a certificate of proficiency in such craft.

(2) Paragraph (1) does not apply to a person designated to take charge of a liferaft where that liferaft is part of a marine evacuation system.

(3) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation VI/2, paragraph 1.

(4) In this regulation—

“liferaft” means a liferaft complying with the requirements of either Schedule 4 of MSN 1676 (M) or Schedule 5 of MSN 1677 (M);

“marine evacuation system” means a system complying with the requirements of Schedule 5, Part 1 of MSN 1676 (M);

“survival craft” means a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship; and

“rescue boat” means a boat complying with the requirements of Schedule 2 or 3 of MSN 1676(M) and designed to rescue persons in distress and to marshal liferafts.

Certificates of proficiency in fast rescue boats

20.—(1) A seafarer designated to launch or take charge of a fast rescue boat must hold a certificate of proficiency in such craft.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation VI/2, paragraph 2.

(3) In this regulation, “fast rescue boat” means a rescue boat complying with the requirements of Schedule 2, Part 10 of Merchant Shipping Notice 1676(M).

Certificates of proficiency for ship security officers

21.—(1) A ship security officer must hold a certificate of proficiency for the performance of the duties or functions of such a role.

(2) The Secretary of State may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation VI/5, paragraph 1.

(3) In this regulation, “ship security officer” means the person on board a ship, accountable to the master, designated by the company as responsible for the security of the ship including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers.

Training and qualifications of seafarers on passenger ships engaged on international voyages, other than high speed craft

22.—(1) This regulation applies to seafarers serving on board passenger ships engaged on international voyages, other than high speed craft.

(2) Prior to being assigned shipboard duties on board a passenger ship, a seafarer must have completed the training required by paragraphs (3) to (6) in accordance with their capacity, duties and responsibilities.

(3) Training in crowd management as specified in section A-V/2 of the STCW Code must be completed by the following—

- (a) the master,
- (b) each officer, and
- (c) any other seafarer designated on muster lists to assist passengers in emergency situations on board passenger ships.

(4) Safety training specified in section A-V/2 paragraph 2 of the STCW Code must be completed by a seafarer providing direct service to passengers in passenger spaces on board passenger ships.

(5) Approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code must be completed by—

- (a) the master,
- (b) a chief engineer officer,

- (c) a chief mate,
- (d) a second engineer officer, and
- (e) any other seafarer assigned immediate responsibility for embarking and disembarking passengers.

(6) Approved training in crisis management and human behaviour specified in section A-V/2, paragraph 3 of the STCW Code must be completed by—

- (a) the master,
- (b) a chief engineer officer,
- (c) a chief mate,
- (d) a second engineer officer, and
- (e) any other seafarer designated on muster lists as having responsibility for the safety of passengers in emergency situations.

(7) In this regulation “international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a Party to the STCW Convention.

Training and qualification of masters, officers, ratings and other personnel on high speed craft

23.—(1) This regulation applies to a seafarer serving on board a high speed craft constructed on or after 1st January 1996.

(2) Before being assigned shipboard duties on board a high speed craft to which this regulation applies, a seafarer must complete the training specified in section 18.3.3 of the High Speed Craft Code.

(3) A person providing the training referred to in this regulation must issue documentary evidence to every person successfully completing such training.

(4) In the case of masters and officers, the documentary evidence must be a certificate in the form and must be endorsed in a manner specified by the Secretary of State in Merchant Shipping Notice MSN 1740.

Safety familiarisation, basic training and instruction for all seafarers

24. Before being assigned to shipboard duties, a seafarer must—

- (a) receive familiarisation and basic training or instruction in accordance with section A-VI/1 of the STCW Code, and
- (b) meet the appropriate standard of competence specified in that section.

Training in advanced fire fighting

25. A seafarer designated to control fire-fighting operations must—

- (a) have successfully completed advanced training in techniques for fighting fire, with particular emphasis on organisation, tactics and command in accordance with section A-VI/3, paragraphs 1 to 4 of the STCW Code of the STCW, and
- (b) meet the standard of competence specified in that section.

Medical first aid and medical care

26.—(1) A seafarer designated to provide medical first aid on board ship must meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.

(2) A seafarer designated to take charge of medical care on board ship must meet the standard of competence in medical care on board ships specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.

Security-related training and instruction for all seafarers

27.—(1) This regulation applies to a seafarer serving on a seagoing ship which is required to comply with the provisions of the ISPS Code.

- (2) Before being assigned to shipboard duties, a seafarer must—
- (a) receive security-awareness familiarisation and security-awareness training or instruction in accordance with section A-VI/6, paragraphs 1 to 4 of the STCW Code, and
 - (b) meet the appropriate standard of competence specified in that section.
- (3) A seafarer with designated security duties must meet the standard of competence specified in section A-VI/6, paragraphs 6 to 8 of the STCW Code.

Application and issuing of certificates

Application for a certificate

28.—(1) An application for the issue of a certificate required by these Regulations must be made in a form specified by the Secretary of State and be accompanied by—

- (a) evidence of identity, age, relevant service, standards of competence and certificates or qualifications held, and
- (b) the prescribed fee.

Issue of certificates

29.—(1) The Secretary of State may not issue a certificate of competency or a certificate of proficiency under these Regulations unless satisfied that—

- (a) the applicant complies with—
 - (i) the requirements of the STCW Convention and these Regulations in relation to the certificate applied for, and
 - (ii) the standards and conditions as to medical fitness prescribed by the Medical Certification Regulations; and
- (b) having regard to all relevant circumstances, the applicant is a fit person—
 - (i) to be the holder of the certificate, and
 - (ii) to act in the capacity to which it relates.

(2) A certificate of competency or a certificate of proficiency issued under this regulation must be in the form set out in section A-I/2, paragraph 1 of the STCW Code.

Endorsements on certificates

30. Where the Secretary of State issues a certificate under regulation 29, the certificate must be endorsed by the Secretary of State if satisfied that the holder of the certificate complies with the requirements of regulation 6, 8, 9, 10, 11, 12, or 13.

Recognition of certificates

Recognition of certificates issued by EEA States

- 31.**—(1) The Secretary of State must recognise—
- (a) a certificate of competency issued in accordance with the requirements of the Directive by or on the authority of an EEA State which is a Party to the STCW Convention to a master, officer or radio operator;
 - (b) a certificate of proficiency in training for tanker cargo operations issued in accordance with the requirements of the Directive by or on the authority of an EEA State which is a Party to the STCW Convention; and

- (c) any other certificate of proficiency issued in accordance with the requirements of the Directive by or on the authority of an EEA State which is a Party to the STCW Convention.

(2) Subject to paragraphs (3) and (4), on the application of a holder of a certificate described in paragraph (1) (a) or (b), the Secretary of State must issue a certificate of equivalent competency attesting to its recognition.

(3) Subject to paragraphs (5) and (6), the Secretary of State may, before issuing a certificate of equivalent competency to an applicant performing management level functions require the applicant to demonstrate sufficient knowledge of such United Kingdom maritime legislation as is relevant to the applicant's management level functions.

(4) The Secretary of State must not issue a certificate of equivalent competency to an applicant unless the applicant can demonstrate possession of adequate language proficiency, in accordance with the requirements in sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code.

(5) An applicant may, instead of demonstrating knowledge of United Kingdom maritime legislation in accordance with paragraph (3), choose to undergo an adaptation period of the duration specified by the Secretary of State (but which must not exceed 3 years).

(6) If an applicant chooses to undergo an adaptation period in accordance with paragraph (5) the Secretary of State must, for the duration of that period, issue to the applicant a certificate of equivalent competency of such next lower capacity as does not require a knowledge of UK maritime legislation.

(7) A certificate of equivalent competency issued under this regulation must be in the form set out in Section A-I/2, paragraph 3 of the STCW Code.

(8) In this regulation—

“management level functions” means functions of the level of responsibility associated with—

- (a) serving as master, chief mate, chief engineer or second engineer officer on board a seagoing ship, and
- (b) ensuring that all functions within the designated area of responsibility are properly performed; and

“functions within the designated area of responsibility” means the seven functions listed in paragraph 2 of the Introduction to the STCW Code.

Recognition of certificates issued by other states

32.—(1) This regulation applies to the following certificates issued by or under the authority of a third Party—

- (a) a certificate of competency issued to a master or an officer,
- (b) a certificate of competency issued to a GMDSS radio operator, or
- (c) a certificate of proficiency in training for tanker cargo operations issued to a master or an officer.

(2) The Secretary of State may recognise such a certificate if one of the conditions in paragraph (3) applies.

(3) The conditions referred to in paragraph (2) are—

- (a) the certificate issued by the third Party was recognised by an EEA State as at 14 June 2005 and such recognition has not been withdrawn by the Commission in accordance with Article 20 of the Directive;
- (b) the third Party is recognised by the Commission in accordance with Article 19 of the Directive and such recognition has not been withdrawn in accordance with Article 20 of the Directive; or
- (c) where the third Party has not been recognised, subject to paragraph (7), a request has been made to the Commission by the Secretary of State under Article 19(2) of the

Directive to recognise the third Party and, following the expiry of three months from the time the request was made, no decision has been made by the Commission.

(4) Subject to paragraphs (5) and (6), where the Secretary of State recognises a certificate pursuant to paragraph (2) the Secretary of State must, on application of the holder of a certificate, issue a certificate of equivalent competency attesting to its recognition.

(5) The Secretary of State must not issue a certificate of equivalent competency to an applicant unless the applicant can demonstrate possession of adequate language proficiency, in accordance with the requirements in sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code.

(6) Where, pursuant to paragraph (2), the Secretary of State recognises the standard of competence or proficiency required for the issue of a certificate by a third Party as satisfying only in part the standard required for officers qualified for the purpose of these Regulations, the Secretary of State may specify additional standards which are to be attained, and the means by which such standards may be demonstrated, for the issue of a certificate of equivalent competency.

(7) Where—

(a) the Secretary of State recognises a certificate in accordance with paragraph (2) on the basis that the condition referred to in paragraph (3)(c) applies; and

(b) the Commission decides not to recognise that third Party,

the Secretary of State must withdraw recognition of that certificate and must cancel any certificates of equivalent competency issued on the basis of that certificate.

(8) Where the Commission withdraws recognition of a third Party in accordance with Article 20 of the Directive—

(a) certificates of equivalent competency issued on the basis of that recognition before the date of the decision to withdraw recognition remain valid; and

(b) an officer holding a certificate of equivalent competency may not be issued with a certificate of equivalent competency of a higher grade based on a certificate issued by that third Party except where an officer qualifies for a certificate solely on the basis of additional sea service.

(9) A certificate of equivalent competency issued under this regulation must be in the form set out in Section A-I/2, paragraph 3 of the STCW Code.

Validity of certificates

Validity of certificates and endorsements

33.—(1) A certificate issued under this Part remains valid for sea-going service provided the holder complies with the standards and conditions—

(a) as to medical fitness prescribed by the Medical Certification Regulations;

(b) of professional competency to act in the appropriate capacity required by the STCW Convention and these Regulations;

(c) in the case of a certificate of competency, certificate of equivalent competency or certificate of proficiency in training for tanker operations issued to a master or an officer which is required to be revalidated in accordance with regulation 34, that the certificate has been revalidated; and

(d) in the case of a certificate of proficiency for which refresher training is required in accordance with regulation 35, that the required refresher training has been completed.

(2) An endorsement issued under regulation 30, remains valid for sea-going service provided—

(a) the certificate on which it is endorsed has not expired nor has been withdrawn, suspended or cancelled;

(b) the holder complies with the standards and conditions—

(i) as to medical fitness prescribed by the Medical Certification Regulations,

- (ii) of professional competency to act in the appropriate capacity required by the STCW Convention and these Regulations; and
- (c) that the endorsement has been revalidated in accordance with regulation 34.

Revalidation of certificates of competency and proficiency and endorsements

34.—(1) This regulation applies to—

- (a) a certificate of competency issued to a master or an officer,
- (b) a certificate of equivalent competency issued to a master or an officer,
- (c) a certificate of proficiency in training for tanker operations issued to a master or an officer, and
- (d) an endorsement issued under regulation 30.

(2) A certificate or endorsement to which this regulation applies is not valid for seagoing service unless, at intervals not exceeding 5 years, it is revalidated by the Secretary of State.

(3) Before revalidating a certificate or endorsement to which this regulation applies, the Secretary of State must be satisfied that the holder of the certificate has established continued professional competence in accordance with section A-I/11 of the STCW Code.

(4) An application for revalidation must be made in a form specified by the Secretary of State and be accompanied by—

- (a) evidence of identity, age, relevant service, standards of competence and certificates or qualifications held, and
- (b) the prescribed fee.

Refresher training

35.—(1) Paragraph (2) applies to a seafarer who holds a certificate of proficiency in the following—

- (a) personal survival techniques,
- (b) survival craft and rescue boats,
- (c) advanced firefighting,
- (d) fire prevention and firefighting, and
- (e) fast rescue boats.

(2) A seafarer to whom this paragraph applies must at intervals not exceeding five years, successfully complete approved refresher training relating to the certificate held.

(3) A master and a seafarer designated to take charge of medical care on board ship must at intervals not exceeding five years successfully complete approved refresher training relating to that designation.

(4) Every master and officer must for continuing sea-going service on ships referred to in regulations 22 and 23 successfully complete approved refresher training relating to the training and qualifications required under those sections at intervals not exceeding five years.

Cancellation of certificates and appeals

Cancellation of certificates

36. The Secretary of State may cancel a certificate issued under these regulations where—

- (a) the holder is convicted of an offence under section 47(5) of the Act, or
- (b) a certificate or endorsement is issued and the conditions for its issue prescribed in these Regulations have not been complied with.

Appeals against refusals and cancellations of certificates

37.—(1) If the Secretary of State intends to—

- (a) refuse the issue of,
- (b) refuse the revalidation of, or
- (c) cancel

a document specified in paragraph (2) for any reason, the Secretary of State must give notice in writing to the applicant or holder of the certificate.

(2) The documents referred to in paragraph (1) are—

- (a) a certificate of competency,
- (b) a certificate of equivalent competency,
- (c) a certificate of proficiency, or
- (d) an endorsement issued under regulation 30.

(3) An applicant may, before a date specified in the notice, require the refusal or cancellation to be reviewed at an inquiry.

(4) If an applicant, before the date mentioned in paragraph (3) above, has required the refusal or cancellation to be reviewed at an inquiry, the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.

(5) If the Secretary of State fails either to—

- (a) issue or revalidate a certificate of equivalent competency, or
- (b) to give notice in writing pursuant to paragraph (1) to an applicant for a certificate of equivalent competency within twenty eight days of the application being made,

the Secretary of State is deemed to have refused the application and the applicant has the right, to request in writing before the expiry of a further twenty eight days, that the application be reviewed at an inquiry.

Loss of certificates and record keeping

Loss of certificates

38. Where a person who holds a certificate has lost or been deprived of it, the Secretary of State may, upon receipt of the prescribed fee, issue a certified copy of the certificate to the holder.

Training Providers

39.—(1) A person providing the training or assessment of seafarers for certification under the STCW Convention or these Regulations must ensure that—

- (a) such training or assessment is administered, supervised and monitored in accordance with section A-I/6 of the STCW Code; and
- (b) those responsible for such training are appropriately qualified in accordance with section A-I/6 of the STCW Code for the type and level of training involved.

(2) A person providing training specified by the Secretary of State must issue documentary evidence to every person successfully completing such training which complies and which, in the case of masters and officers having an operational role on high speed craft, the documentary evidence must be a certificate in a form specified in Merchant Shipping Notice No M1696 endorsed in a manner specified in that notice.

Register of certificates and endorsements

40.—(1) The Registrar must keep a register of certificates and endorsements issued under this Part (“the register”) recording the items of information listed in Section A-I/2, paragraph 9 of the STCW Code.

(2) Upon the request of a person listed in paragraph (3) the Registrar must provide from the register the information listed in paragraph (4) in so far as such information is necessary to verify the authenticity or validity of documents held by a seafarer.

(3) The persons referred to in paragraph (2) are—

- (a) an EEA State;
- (b) a third party State, or
- (c) a company which employs, or is considering employing, the seafarer to whom the information relates on board a ship.

(4) The information mentioned in paragraph (2) is information on the status of—

- (a) a certificate of competency,
- (b) a certificate of proficiency in training for tanker cargo operations issued to a master or an officer,
- (c) an endorsement issued in respect of a certificate within (i) or (ii), or
- (d) any dispensation or exemption granted under sections 48 or 54 of the Act which relates to the seafarer to whom the request relates.

(5) The Registrar must make available to the European Commission on a yearly basis the information listed in paragraph 1 of Annex V to the Directive.

(6) In this regulation “the Registrar” means the Registrar General of Shipping and Seamen or such other person appointed by the Secretary of State to perform the functions under this regulation.

PART 3

TRAINING AND CERTIFICATION: HOVERCRAFT

Mandatory minimum requirements for the training of hovercraft personnel

41.—(1) This Part applies to every sea-going hovercraft registered in the United Kingdom which was constructed on or after 1st January 1996.

(2) The owner of a hovercraft to which this Part applies must ensure that a seafarer serving on board a hovercraft to which this regulation applies has completed the training specified in section 18.3.3 of the High Speed Craft Code.

(3) A person providing the training referred to in this regulation must issue documentary evidence to every person successfully completing such training.

(4) In the case of a master or an officer, the documentary evidence must be a certificate in a form and must be endorsed in a manner specified by the Secretary of State in Merchant Shipping Notice MSN 1740. .

(5) An owner who contravenes paragraph (2) is guilty of an offence, and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment, to a fine.

Certificates

42. Regulations 28 to 30, 33 and 36 to 38 apply to certificates issued under regulation 41 as they apply to certificates issued under Part 2.

Exemptions

43. The Secretary of State may grant to the owner of a hovercraft, on such terms, if any, as may be specified, exemptions from any of the requirements of regulation 41 for classes of case or individual cases, and may amend or cancel any exemptions so granted.

PART 4
SAFE MANNING AND WATCH KEEPING
General

Application of Part 4

- 44.**—(1) This Part applies to sea-going ships which are—
- (a) United Kingdom ships wherever they are; and
 - (b) other ships when in United Kingdom waters.
- (2) This Part does not apply to—
- (i) fishing vessels;
 - (ii) pleasure vessels; and
 - (iii) vessels referred to in regulation 5(3) of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(a).
- (3) In this Part, “ship” includes hovercraft.

Safe manning

Safe manning document

- 45.**—(1) In relation to a ship of 500 GT or more, a company must ensure that—
- (a) a safe manning document is in force in respect of the ship and the manning of the ship;
 - (b) the safe manning document is kept on board the ship at all times; and
 - (c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.
- (2) The master of a ship to which this regulation applies must ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.
- (3) A company applying for a safe manning document in respect of a United Kingdom ship must submit to the MCA proposals as to the numbers and grade of seafarer it considers must be carried so that the ship is safely manned if it proceeded to sea on an intended voyage.
- (4) In preparing the proposals required by paragraph (3), a company must take into account any guidance issued by the MCA.
- (5) After the approval and issue of a safe manning document by the MCA, a company must inform the MCA as soon as any of the circumstances which are pertinent to that safe manning document change.
- (6) Upon receipt of notification by a company under paragraph (5), the MCA may review the document’s continuing validity or approve fresh proposals from the company.
- (7) Notwithstanding the revocation in regulation 2(1) of the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997, a safe manning document issued in respect of a ship pursuant to those Regulations remains in force (subject to paragraph (5)).

Watchkeeping

Watchkeeping arrangements

- 46.**—(1) The master of a ship must ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational, engineering and radio watches—
- (a) in accordance with STCW Regulation VIII/2, paragraph 2; and

(a) S.I. 1998/2771.

- (b) taking into account—
 - (i) the prevailing circumstances and conditions, and
 - (ii) Section A-VIII/2 of the STCW Code.

(2) Without prejudice to the duties of a master provided by paragraph (1), a master must give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with—

- (a) Part 4-1 of Section A-VIII/2 of the STCW Code, and
- (b) any requirements specified in a Merchant Shipping Notice.

(3) The chief engineer officer of a ship must ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with—

- (a) Part 4-2 of section A-VIII/2 of the STCW Code, and
- (b) any requirements specified in Merchant Shipping Notice MSN **** [Safemanning and Watchkeeping].

Watchkeeping arrangements in port

47.—(1) The master of a ship which is safely moored or safely at anchor under normal circumstances in port must arrange for an appropriate and effective watch to be maintained for the purposes of safety.

- (2) The arrangements required by paragraph (1) must be in accordance with —
 - (a) Part 5 of section A-VIII/2 of the STCW Code, and
 - (b) any requirements specified in Merchant Shipping Notice MSN **** [Safemanning and Watchkeeping].

Watchkeeping arrangements in port for ships carrying hazardous cargo

48.—(1) The master of a ship which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor must, in addition to any watchkeeping arrangements required under regulation 47, in the case of—

- (a) a ship carrying hazardous cargo in bulk, ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer or officers and, where appropriate, ratings; and
- (b) a ship carrying hazardous cargo other than in bulk, ensure that in organising safe watchkeeping arrangements account is taken of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

(2) Such watchkeeping arrangements must take account of the principles and requirements specified in Merchant Shipping Notice MSN ****[Safemanning and Watchkeeping].

(3) In this regulation “hazardous cargo” means cargo which is or may be explosive, flammable, toxic, health-threatening or environment-polluting.

Exemptions

49. The Secretary of State may grant, on such terms, if any, as may be specified, exemptions from all or any of the provisions of this Part for classes of case or individual cases, and may amend or cancel any exemptions so granted.

PART 5

GENERAL

Responsibilities of companies, masters and others

- 50.**—(1) This regulation applies only to United Kingdom ships.
- (2) A company must ensure that—
- (a) a seafarer assigned to any of its ships holds an appropriate certificate in respect of any function that person performs on that ship;
 - (b) a seafarer on any of its ships has had training specified in these Regulations in respect of any function that person performs on that ship; and
 - (c) documentation and data relevant to a seafarer employed on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.
- (3) Nothing in paragraph (2) prohibits the allocation of tasks for training under supervision or in case of force majeure.
- (4) A company must provide written instructions to the master of each of its ships setting out the policies and the procedures to be followed to ensure that all officers and ratings who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.
- (5) The policies and procedures referred to in paragraph (4) include:
- (a) allocation of a reasonable period of time during which each newly employed officer or rating will have an opportunity to become acquainted with—
 - (i) the specific equipment the officer or rating will be using or operating; and
 - (ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the officer or rating needs to know to perform the assigned duties properly; and
 - (b) designation of a knowledgeable crew member responsible for ensuring that an opportunity is provided to each newly employed officer or rating to receive essential information in a language the officer or rating understands.
- (6) A master and a member of a crew designated with an obligation under paragraph (5)(b) must carry out that obligation.

Carriage of documents

51. A company and a master must ensure that there are carried at all times on board ship all original certificates and other documents issued pursuant to the STCW Convention and these Regulations indicating the qualification of any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

Inspection of non-United Kingdom ships

- 52.**—(1) An authorised person may inspect any ship which is not a United Kingdom ship for the purposes of—
- (a) verifying that a seafarer serving on board who is required to be certificated holds valid STCW certificates; and
 - (b) assessing the ability of a seafarer in the ship to maintain the watchkeeping standards required by these Regulations where there are grounds for believing that such standards are not being maintained because, while in a port in the United Kingdom or in the approaches to that port, any of the following have occurred—

- (i) the ship has been involved in a collision, grounding or stranding;
- (ii) there has been an unlawful discharge of substances from the ship when underway, at anchor or at a berth;
- (iii) the ship has been manoeuvred in an erratic or unsafe manner, or navigational course markers or traffic separation schemes have not been followed; or
- (iv) the ship has otherwise been operated in such a manner as to pose a danger to persons, property or the environment.

(2) If an authorised person finds on inspection any deficiency of a kind specified in paragraph (3), the authorised person must notify in writing—

- (a) the master of the ship, and
- (b) the nearest maritime, consular or diplomatic representative of the flag State,

that such a deficiency has been found.

(3) Deficiencies referred to in paragraph (2) are—

- (a) a failure of a seafarer to hold an STCW certificate, or a valid exemption from that requirement;
- (b) a failure to comply with the safe manning document;
- (c) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
- (d) an absence on a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;
- (e) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

(4) In this regulation—

“authorised person” means a person authorised by the Secretary of State for the purposes of these Regulations; and

“STCW Certificate” means—

- (a) an appropriate certificate issued and endorsed by the Secretary of State in accordance with these Regulations, or
- (b) a certificate issued and endorsed in accordance with the provisions of the STCW Convention by another Party to the STCW Convention entitling the lawful holder to serve in the capacity and perform the functions involved—
 - (i) at the level of responsibility specified,
 - (ii) on a ship of the type, tonnage or power and means of propulsion on which the seafarer is serving, and
 - (iii) while engaged on the particular voyage concerned.

Power to detain

53.—(1) In any case where it is found—

- (a) in relation to a ship which is a United Kingdom ship, that there is any contravention of these Regulations; or
- (b) in relation to a ship which is not a United Kingdom ship, that there is—
 - (i) a contravention of regulation 46, 47 or 48;
 - (ii) a breach of a term of an exemption granted under regulation 49; or
 - (iii) a failure to correct a deficiency of a kind specified in regulation 52(3) after notification to the master pursuant to regulation 52(2), and there is in consequence a danger to persons, property or the environment,

the ship may be detained, and section 284 of the Merchant Shipping Act 1995 (detention of a ship) applies as if for the words “the Act”, whenever they appear, there were substituted the words “The Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations 20**”.

(2) Regulations 14, 15 and 16 (rights of appeal and compensation, arbitration and compensation for unjustified detention) of the Merchant Shipping (Port State Control) Regulations 2011(a) apply in relation to a detention order under these Regulations as they apply to a detention order under those Regulations.

Penalties

54.—(1) A company which contravenes regulation 45(1) or (3), 50(3) or (5) or 51 is guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum, or on indictment by a fine, or (in the case of an individual) by imprisonment not exceeding 6 months, or both.

(2) A master who contravenes regulation 45(2), 46(1) or (2), 47, 48, 50(7) or 51 is guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum, or on indictment by a fine, or by imprisonment not exceeding 6 months, or both.

(3) A member of the crew who contravenes regulation 50(7) is guilty of an offence, punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(4) A chief engineer who contravenes regulation 46(3) is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

(5) It is a defence for a person charged with an offence under these Regulations that the person took all reasonable steps to avoid commission of the offence.

(6) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it is for the person charged to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

PART 6

TRANSITIONAL PROVISIONS

Transitional provisions

55.—(1) The provisions of this regulation apply notwithstanding the revocation of the Merchant Shipping (Training and Certification) Regulations 1997(b) (“the 1997 Regulations”) made by regulation 2(1).

(2) Certificates and licences granted, endorsements made and standards of competency and training already met, pursuant to the 1997 Regulations, are to be treated as equivalent to certificates, endorsements, appropriate certificates, standards of competency or training, referred to in these Regulations, and accordingly remain of full validity, subject to regulation 33.

(3) (a) This paragraph applies to a seafarer who before 1st July 2013 commenced—

- (i) approved seagoing service,
- (ii) an approved education and training programme, or
- (iii) an approved training programme.

(b) Until 1st January 2017, if a seafarer to whom this paragraph applies so requests, the Secretary of State must, subject to the seafarer complying with the requirements of the

(a) S.I. 2011/2601.

(b) S.I. 1997/348, as amended by S.I. 1997/1911, S.I. 2000/836, S.I. 2004/302, S.I. 2006/89 and S.I. 2008/2851.

1997 Regulations, issue the seafarer with a certificate of competency or recognise or endorse such a certificate pursuant to the 1997 Regulations.

- (c) The provisions of paragraph (2) apply to a certificate of competency or certificate of equivalent competency issued, recognised or endorsed under sub-paragraph (b).

(4) Until 1st January 2017, a certificate of competency or certificate of equivalent competency is to be revalidated in accordance with regulation 6 of the 1997 Regulations.

PART 7

REVIEW

Review

56.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive and the STCW Convention are implemented in other States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Date

Name
Minister of State
Department for Transport

SCHEDULE 1

Regulation 2(1)

REGULATIONS REVOKED

- (a) The Merchant Shipping (Certificates of Competency as A.B.) Regulations 1970(**a**)
- (b) The Merchant Shipping (Training and Certification) Regulations 1997(**b**)
- (c) The Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997(**c**)
- (d) The Merchant Shipping (Training, Certification and Safe Manning) (Amendment) Regulations 1997(**d**)

(a) S.I. 1970/294, as amended by S.I. 1984/97 and S.I. 1996/3243.

(b) S.I. 1997/348, as amended by S.I. 1997/1911, S.I. 2000/836, S.I. 2004/302, S.I. 2006/89 and S.I. 2008/2851.

(c) S.I. 1997/1320, as amended by S.I. 1997/1911, S.I. 1997/2971, S.I. 2000/484 and S.I. 2002/2125.

(d) S.I. 1997/1911.

- (e) The Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations 2000(a)
- (f) The Merchant Shipping (Training and Certification) (Amendment) Regulations 2000(b)
- (g) The Merchant Shipping (Training and Certification) (Amendment) Regulations 2008(c)

SCHEDULE 2

Regulation 2(2)

CONSEQUENTIAL AMENDMENTS

1.—(1) The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998(d) are amended as follows.

(2) In the Schedule (Statutory Instruments not applied)—

(a) omit—

“The Merchant Shipping (Training and Certification) Regulations 1997	1997/348	1997/1911
The Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997	1997/1320	1997/1911”

(b) at the end of the Schedule insert—

“The Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations	****/****”	
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2.—(1) The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(e) are amended as follows.

(2) In Schedule 1 (Large Vessels)—

(a) omit—

“The Merchant Shipping (Training and Certification) Regulations 1997	1997/348	1997/1911
The Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997	1997/1320	1997/1911”

(b) at the end of the Schedule insert—

“The Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations	****/****”	
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3.—(1) The Merchant Shipping (Fees) Regulations 2006(f) are amended as follows.

- (a) S.I. 2000/484.
- (b) S.I. 2000/836.
- (c) S.I. 2008/2851.
- (d) S.I. 1998/1609.
- (e) S.I. 1998/2771.
- (f) S.I. 2006/2055.

(2) In Schedule 1 (Fees under the Merchant Shipping Act 1995)—

(a) in Part 1—

(i) omit-

Merchant Shipping (Certificate of Competency as A.B.) Regulations 1970	1970/294	1984/97
The Merchant Shipping (Training and Certification) Regulations 1997	1997/348	1997/1911 1997/2971 2000/836 2006/89
The Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997	1997/1320	1997/1911 1997/2971 2000/484 2002/2125"

(ii) before "N Safety Management" insert—

"The Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations 20**	****/****"	
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(b) in Part 3, Table B omit—

"The issue of a certificate of competency under regulation 10 of the Merchant Shipping (Certificates of Competency as A. B.) Regulations 1970, except where the loss or destruction of the original is occasioned by the wreck or loss of a ship or a fire on board a ship	£15"
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(c) In Part 4, paragraph 1, substitute "the Merchant Shipping (Standards of Training, Certification and Watchkeeping Convention) Regulations 20**" for "the Merchant Shipping (Training and Certification) Regulations 1997".

SCHEDULE 3

Regulation 6

CATEGORIES OF CERTIFICATES OF COMPETENCY AND CRITERIA FOR ISSUE

<i>(1) Categories and capacity</i>	<i>(2) STCW Regulation in which the requirements for the issue of a certificate of competency are contained</i>
Master and deck department	
Officer in charge of a navigational watch on any ship on voyages not limited to near-coastal voyages	Regulation II/1, paragraph 2
Master or chief mate on a ship of 3000 GT or more	Regulation II/2, paragraph 2
Master on a ship of between 500GT and 2999	Regulation II/2, paragraph 4

GT not engaged on near-coastal voyages	
Chief mate on a ship of between 500 and 2999 GT	Regulation II/2, paragraph 4
Officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages	Regulation II/3, paragraph 4
Master on a ship of less than 500 GT engaged on near-coastal voyages	Regulation II/3, paragraph 6

Engine department

Officer in charge of an engineering watch in a manned engine-room, or designated duty engineer officer in a periodically unmanned engine-room, on a ship powered by main propulsion machinery of 750 kW propulsion power or more	Regulation III/1.2
Chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kW propulsion power or more	Regulation III/2.2
Chief engineer officer and second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kW propulsion power	Regulation III/3.2
Electro-technical officer on a ship powered by main propulsion machinery of 750 kW propulsion power or more	Regulation III/6.2

EXPLANATORY NOTE

(This note is not part of the Regulations)