1997 No. 348

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Training and Certification) Regulations 1997

Made 14th February 1997

Laid before Parliament 20th February 1997

Coming into force 13th March 1997

Whereas the Secretary of State is a Minister designated[1] for the purpose of section 2(2) of the European Communities Act 1972[2] in relation to measures relating to recognition of higher education diplomas or formal qualifications required for the pursuit of professions or other occupations;

And whereas insofar as the following Regulations are made in exercise of the powers conferred by section 47(1)(a) of the Merchant Shipping Act 1995[3] the Secretary of State is satisfied that it is necessary or expedient, in the interests of safety to make them insofar as they require ships to carry qualified seamen;

And whereas insofar as the following Regulations are made in the exercise of powers conferred by section 47 of the Merchant Shipping Act 1995, the Secretary of State has in pursuance of subsection (4) of section 306 of that Act consulted with the organisations referred to in that subsection;

And whereas 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 pursuance of subsection (4) of section 86 of that Act consulted persons referred to in that subsection;

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by the said sections 47 and 85(1) (a)[4] of the Merchant Shipping Act 1995 and of all other powers enabling him in that behalf, hereby makes the following Regulations: -

PART I:

PRELIMINARY

Citation, commencement, revocation and transitional provisions

1. - (1) These Regulations may be cited as the Merchant Shipping (Training and Certification) Regulations 1997, and shall come into force on 13th March
1997.

(2) The following Regulations are hereby revoked:

The Merchant Shipping (Tankers - Officers and Ratings) Regulations 1984 [5];

The Merchant Shipping (Engine Room Watch Ratings) Regulations 1984 [6];

The Merchant Shipping (Navigation Watch Ratings) Regulations 1984[7];

The Merchant Shipping (Certificates of Proficiency in Survival Craft) Regulations 1984[8];

The Merchant Shipping (Certification of Deck Officers) Regulations 1985 [9];

The Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986[10];

The Merchant Shipping (Certification of Deck and Marine Engineer Officers and Licensing of Marine Engine Operators) (Amendment) Regulations 1987[11];

The Merchant Shipping (Certification of Deck Officers and Marine Engineer Officers) (Amendment) Regulations 1991[12];

The Merchant Shipping (Certification of Deck and Marine Engineer Officers) (Amendment) Regulations 1995[13].

(3) Notwithstanding the revocations of Regulations made by paragraph (2) above -

(a) certificates and licences granted, endorsements made and standards of competency and training already met, pursuant to such Regulations and as specified in Merchant Shipping Notice No. M 1692, shall be treated as equivalent to certificates, endorsements, appropriate certificates, standards of competency or training, referred to in these Regulations, as provided in that Notice, and shall accordingly remain of full validity, subject to regulation 6, until 1st February 2002;

(b) seamen who commence:

(i) seagoing service as part of an approved training programme; or

(ii) the shore-based phase of an approved training programme

before 1st August 1998 may be issued with certificates, or have certificates recognised or endorsed, pursuant to such revoked Regulations and the
provisions of sub-paragraph (a) shall apply to such certificates.

**Interpretation**

2. - (1) In these Regulations:

"the Act" means the Merchant Shipping Act 1995;

"appropriate certificate" means a certificate issued and endorsed in accordance with the provisions of these Regulations and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage or power and means of propulsion indicated by the endorsement 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 4 (other than a certificate of equivalent competency);

"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;

"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;

"certificate of equivalent competency" means a document entitled "certificate of equivalent competency" issued under regulation 5(3);

"GT" means gross tons; and the gross tonnage of a ship having alternative gross tonnage shall be the larger of those tonnages; for a ship having its tonnage determined both under Part II and regulation 16 of the Merchant Shipping (Tonnage) Regulations 1982[14] its gross tonnage shall be that determined under regulation 16;

"high speed craft" has the same meaning as in the Merchant Shipping (High Speed Craft) Regulations 1996[15];


"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;

"Merchant Shipping Notice" means a Notice described as such and issued by the Marine Safety Agency, an executive agency of the Department of Transport;

"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[16];

"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 carrying 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;

"ro-ro passenger ship" means a ro-ro passenger ship within the meaning of the Merchant Shipping (Passenger Ship Construction) Regulations 1984 [17];

"sea-going" means going to sea beyond the limits of category A, B, C or D waters (as categorised in Merchant Shipping Notices Nos. M 1504 and M 1569);

"specified by the Secretary of State" means specified by the Secretary of State in a Merchant Shipping Notice which is considered by him to be relevant from time to time;


"STCW Convention" means the International Convention on Standards of
Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7th July 1995;

"tanker" means a chemical tanker, a liquefied gas tanker or an oil tanker.

(2) Any reference to the IBC Code, the IGC Code, the STCW Code, or the STCW Convention or a particular Merchant Shipping Notice shall include 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) In these Regulations, unless the context otherwise requires -

(a) a reference to a numbered regulation is a reference to the regulation of that number in these Regulations; and

(b) a reference to a numbered paragraph is a reference to the paragraph of that number in that regulation.

PART II:

SHIPS

Application

3. This Part of these Regulations applies to masters and seamen employed in sea-going ships registered in the United Kingdom, except in -

(a) fishing vessels, or

(b) pleasure craft as defined in regulation 3 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993[18].

Qualification as an officer

4. A person is qualified as an officer for the purposes of section 47 of the Act if he holds a certificate of competency or certificate of equivalent competency, or a certificate treated as equivalent pursuant to regulation 1(3)(a), in one of the following capacities:

(a)

(i) master;

(ii) chief mate; or

(iii) officer in charge of a navigational watch; or

(b)
(i) chief engineer officer;
(ii) second engineer officer; or
(iii) officer in charge of an engineering watch; or
(c) radio operator.

Recognition of certificates
5.

(1) The Secretary of State may recognise a certificate issued by or under the authority of another Party to the STCW Convention to a master, officer or radio operator if he is satisfied:

(a) that the requirements of the STCW Convention concerning standards of competence, the issue and endorsement of certificates and record keeping are fully complied with; and

(b) that prompt notification will be given to the Marine Safety Agency of any significant change in the arrangements for training and certification provided in compliance with the Convention.

(2) Where the Secretary of State recognises a certificate pursuant to paragraph (1) he shall endorse such a certificate to attest its recognition if he is satisfied that the requirements of the STCW Convention in paragraph (1)(a) and (b) have been complied with.

(3) The endorsement shall be in the form of a separate document, entitled 'certificate of equivalent competency'.

(4) Where, pursuant to paragraph (1), the Secretary of State has recognised the standard of competence required for the issue of a certificate by an authority of a Party to the STCW Convention outside the United Kingdom as being in part the standard to be attained for officers qualified for the purposes of these Regulations, any conditions specified by the Secretary of State for the issue of a certificate of equivalent competency shall be limited to -

(a) aptitude tests for the purpose of assessing the applicant's ability to pursue the profession of officer on United Kingdom ships, in the light of subjects and training and related assessment procedures, which differ substantially from those covered by the applicant's certificate issued by that State; or

(b) in the case of applicants who are nationals of a member State of the European Economic Area (at the applicant's option) an adaptation period, as specified by the Secretary of State.

Revalidation of certificates
6. - (1) The certificate of a master or other officer issued with a certificate

http://www.opsi.gov.uk/si/si1997/19970348.htm
under regulation 4 or 5 shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(2) A certificate of a category referred to in regulation 9 granted pursuant to the Merchant Shipping (Radio Installations) Regulations 1992[19] shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years, to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(3) Every master and officer shall, for continuing sea-going service on ships referred to in regulations 10, 11 and 12, successfully complete approved refresher training at intervals specified by the Secretary of State.

**Appropriate certificates**

7. Any officer serving in the capacity set out in column 1 of the table below shall hold an appropriate certificate for that capacity. A person shall only be entitled to be issued with such an appropriate certificate if he complies with the criteria in Regulations annexed to the STCW Convention, set out in column 2 of the table in relation to that entry, and any other requirements specified by the Secretary of State.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master and Deck Department</td>
<td>Regulation Annexed to the STCW Convention</td>
</tr>
<tr>
<td>Officer in charge of a navigational watch on any ship on voyages not limited to near-coastal voyages.</td>
<td>Regulation II/1.2.</td>
</tr>
<tr>
<td>Master of chief mate on a ship of 3000 GT or more.</td>
<td>Regulation II/2.2.</td>
</tr>
<tr>
<td>Master or chief mate on a ship of less than 3000 GT.</td>
<td>Regulation II/2.4.</td>
</tr>
<tr>
<td>Officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages.</td>
<td>Regulation II/3.4.</td>
</tr>
<tr>
<td>Master on a ship of less than 500 GT engaged on near-coastal voyages.</td>
<td>Regulation II/3.6.</td>
</tr>
</tbody>
</table>
Rating and holders of other qualifications

8. -(1)

(a) Every rating forming part of a navigational watch on a ship of 500 GT or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall hold a certificate issued under this paragraph.

(b) No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in Regulation II/4.2 in the Annex to the STCW Convention.

(2)

(a) Every 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, other than ratings under training and ratings whose duties are of an unskilled nature, shall hold a certificate issued under this paragraph.

(b) No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in Regulation III/4.2 in the Annex to the STCW Convention.

(3) Any person 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 shall be the holder of one of the engineering certificates of competency referred to in regulation 7 or be the holder of a marine engine operator's licence issued in compliance with criteria specified by the Secretary of State.
Radiocommunication and Radio Personnel on GMDSS Ships

9. No person shall be granted a certificate under regulation 16 of the Merchant Shipping (Radio Installation) Regulations 1992 unless -

(a) he is at least 18 years of age; and

(b) he has completed approved education and training and meets the standard of competence specified in section A-IV/2 of the STCW Code.

Notes:

[2] 1972 c. 68. back
[4] Sections 85 and 86 are applied to hovercraft by S.I. 1989/1350. back
[14] S.I. 1982/841, to which there are amendments not relevant to these Regulations. back
[17] S.I. 1984/1216, to which there are amendments not relevant to these Regulations. back


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