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STATUTORY INSTRUMENTS

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**2022 No. 1342**

The Merchant Shipping (Standards of Training,  
Certification and Watchkeeping) Regulations 2022

PART 2

Training and certification: ships

**Application**

5.—(1) Subject to paragraph (2), this Part applies to a seafarer on board a seagoing ship that is registered in the United Kingdom.

(2) This Part does not apply to a seafarer on board—

- (a) ships of war and naval auxiliary ships;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (c) fishing vessels;
- (d) pleasure vessels which are—
  - (i) less than 80 GT; or
  - (ii) under 24 metres in length; or
- (e) wooden ships of primitive build.

**Requirement for seafarers to be qualified**

6. A seafarer must meet the standards of competence specified by this Part in order to be qualified for the purposes of section 47 of the Act (manning).

**Qualification as an officer**

7.—(1) A seafarer must hold, in respect of the category and capacity in which that seafarer is on board listed in column 1 of the Table in Schedule 2 (categories of certificates of competency and criteria for issue)—

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

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

(3) A certificate of competency required by this regulation—

- (a) must be issued and endorsed in accordance with this Part;
- (b) entitles the holder to act in the capacity specified in the certificate; and

- (c) entitles the holder to perform the functions required—
  - (i) at the level of responsibility specified in the certificate;
  - (ii) on a ship of the type, GT 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), the Secretary of State may permit a seafarer who does not hold an appropriate certificate of competency, to act in a particular capacity on board a ship for a maximum period of three months.

(5) The circumstances referred to in paragraph (4) are—

- (a) the seafarer holds a valid certificate issued by a third party State;
- (b) that certificate is appropriate for the capacity in which the seafarer is to perform; and
- (c) the seafarer has submitted an application to the Secretary of State under regulation 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention) for a certificate of equivalent competency.

(6) Where a certificate of competency is required under this regulation, the Secretary of State may issue an alternative certificate if that certificate is in accordance with STCW Regulation VII (alternative certification).

### **Engine-room watch duties**

**8.—**(1) This regulation applies to a seafarer performing watchkeeping duties in a manned or periodically unmanned engine room on a ship whose main propulsion machinery has a propulsion power of not less than 350 kilowatts, but less than 750 kilowatts.

(2) The seafarer must—

- (a) hold one of the engineering certificates of competency referred to in regulation 7 (qualification as an officer); or
- (b) be the holder of—
  - (i) a marine engine operator's licence or a senior marine engineer operator's licence issued by the Secretary of State in compliance with the criteria specified in section 10 of Merchant Shipping Notice 1857 (M+F) Amendment 1; or
  - (ii) a marine engine operator's licence issued by the Secretary of State in compliance with the criteria specified in section 3.3 of Merchant Shipping Notice 1859 (M+F) Amendment 1 or section 3 of Merchant Shipping Notice 1904 (M+F)(1).

### **Radiocommunication and radio personnel on a GMDSS ship**

**9.—**(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 seafarer by the Secretary of State unless the seafarer—

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

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(1) Merchant Shipping Notice 1857 (M+F) Amendment 1, Merchant Shipping Notice 1859 (M+F) Amendment 1 and Merchant Shipping Notice 1904 (M+F) can be found at <https://www.gov.uk/government/collections/merchant-shipping-notice-1857> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

- (b) has completed the education and training and meets the standards of competence specified in section A-IV/2 of the STCW Code (mandatory minimum requirements for certification of GMDSS radio operators).

**Seafarers on an oil or chemical tanker – basic training**

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

(2) A certificate of proficiency required under paragraph (1) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 2 (mandatory minimum requirements for basic training and qualifications of masters, officers and ratings on oil and chemical tankers); or
- (b) an approved training provider, in the case of any person other than a master or an officer who meets the criteria specified in STCW Regulation V/1-1, paragraph 2.

(3) For the purpose of paragraph (1), the requirement for a certificate of proficiency with respect to a master or an officer is satisfied if the Secretary of State endorses the master or officer’s certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

**Seafarers on an oil tanker – advanced training**

**11.**—(1) This regulation applies to the following seafarers on board 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) A certificate of proficiency required under paragraph (2) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 4 (mandatory minimum requirements for advanced training and qualifications on oil tankers); or
- (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-1, paragraph 4.

(4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer’s certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

**Seafarers on a chemical tanker – advanced training**

**12.**—(1) This regulation applies to the following seafarers on board 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) A certificate of proficiency required under paragraph (2) may be issued by—
  - (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 6 (mandatory minimum requirements for advanced training and qualifications on chemical tankers); or
  - (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-1, paragraph 6.
- (4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

#### **Seafarers on a liquefied gas tanker – basic training**

- 13.**—(1) An officer or rating assigned specific duties and responsibilities related to cargo or cargo equipment on a liquefied gas tanker must hold a certificate of proficiency in basic training for liquefied gas tanker cargo operations.
- (2) A certificate of proficiency required under paragraph (1) may be issued by—
    - (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-2, paragraph 2 (mandatory minimum requirements for basic training and qualifications on liquefied gas tankers); or
    - (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-2, paragraph 2.
  - (3) For the purpose of paragraph (1), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

#### **Seafarers on a liquefied gas tanker – advanced training**

- 14.**—(1) This regulation applies to the following seafarers on board a liquefied gas tanker—
- (a) the master;
  - (b) a chief engineer officer;
  - (c) a chief mate;
  - (d) a second engineer officer;
  - (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) A certificate of proficiency required by paragraph (2) may be issued by—
    - (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-2, paragraph 4 (mandatory minimum requirements for advanced training and qualifications on liquefied gas tankers); or
    - (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-2, paragraph 4.

(4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

#### **Seafarers on a ship subject to the IGF Code – basic training**

**15.**—(1) This regulation applies to seafarers responsible for designated safety duties associated with the care and use of, or response to emergency relating to, fuel on board ships.

(2) A person to whom this regulation applies must hold a certificate of proficiency in basic training for service on ships subject to the IGF Code.

(3) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/3, paragraph 5 (mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code).

(4) A person responsible for designated safety duties associated with the care and use of, or response to emergency relating to, fuel on board ships subject to the IGF Code who holds a valid certificate of proficiency issued under—

- (a) regulation 13(2) (basic training for liquefied gas tanker cargo operations); or
- (b) regulation 14(3) (advanced training for liquefied gas tanker cargo operations),

is to be considered as having met the requirements specified in paragraph (3) for basic training for service on ships subject to the IGF Code.

#### **Seafarers on a ship subject to the IGF Code – advanced training**

**16.**—(1) This regulation applies to the following seafarers on board a ship subject to the IGF Code—

- (a) the master;
- (b) an engineer officer; and
- (c) any other seafarer with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for service on ships subject to the IGF Code.

(3) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/3, paragraph 8 (mandatory minimum requirements for advanced training and qualifications on ships subject to the IGF Code).

(4) A person who—

- (a) holds a certificate issued under regulation 13(2) (basic training for liquefied gas tanker cargo operations); and
- (b) complies with the criteria in STCW Regulation V/3, paragraph 9 (alternative criteria for advanced training qualifications on a ship subject to the IGF Code),

is to be considered as having met the requirements specified in paragraph (3) for advanced training for service on ships subject to the IGF Code.

#### **Ratings forming part of a navigational watch**

**17.**—(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 or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation II/4, paragraph 2 (mandatory minimum requirements for certification of ratings forming part of a navigational watch).

(3) This regulation does not apply to—

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

#### **Ratings forming part of an engine-room watch**

**18.**—(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 kilowatts propulsion power or more must hold a certificate of proficiency to perform such duties.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation III/4, paragraph 2 (mandatory minimum requirements for certification of ratings forming part of a watch in an engine-room etc.).

(3) This regulation does not apply to—

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

#### **Ratings as able seafarer deck**

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

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation II/5, paragraph 2 or paragraph 6 (mandatory minimum requirements for certification of ratings as able seafarer deck).

#### **Ratings as able seafarer engine**

**20.**—(1) An able seafarer engine on board a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more must hold a certificate of proficiency.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation III/5, paragraph 2 or 4 (mandatory minimum requirements for certification of ratings as able seafarer engine).

#### **Electro-technical ratings**

**21.**—(1) An electro-technical rating on board a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more must hold a certificate of proficiency.

(2) The Secretary of State or an approved training provider 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 (mandatory minimum requirements for certification of electro-technical ratings).

**Seafarers designated to launch or take charge of a survival craft or rescue boat (other than a fast rescue boat)**

**22.**—(1) A seafarer 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) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation VI/2, paragraph 1 (mandatory minimum requirements for the issue of certificates of proficiency in survival craft and rescue boats).

**Seafarers designated to launch or take charge of a fast rescue boat**

**23.**—(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 or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation VI/2, paragraph 2 (mandatory minimum requirements for the issue of certificates of proficiency in fast rescue boats).

**Ship security officers**

**24.**—(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 or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation VI/5, paragraph 1 (mandatory minimum requirements for the issue of certificates of proficiency for ship security officers).

(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.

**Seafarers on a passenger ship engaged on international voyages (other than a high speed craft)**

**25.**—(1) This regulation applies to seafarers on board a passenger ship engaged on international voyages, other than a 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 (7) in accordance with their capacity, duties and responsibilities.

(3) Training in crowd management as specified in section A-V/2, paragraph 3, of the STCW Code (passenger ship crowd management training) 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 (safety training for personnel providing direct service to passengers in passenger spaces) must be completed by a seafarer providing direct service to passengers in passenger spaces on board a passenger ship.

(5) Approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 5, of the STCW Code (passenger safety, cargo safety and hull integrity training) 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, loading, discharging or securing cargo, or closing hull openings on board a ro-ro passenger ship.

(6) Approved training in crisis management and human behaviour specified in section A-V/2, paragraph 4, of the STCW Code (crisis management and human behaviour training) 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) Seafarers on board passenger ships must complete passenger ship emergency familiarisation training appropriate to their capacity, duties and responsibilities as specified in section A-V/2, paragraph 1, of the STCW Code (passenger ship emergency familiarisation).

(8) In paragraph (5)(e), “ro-ro passenger ship” means a passenger ship having ro-ro cargo spaces or special category spaces as defined in regulation 3 of Chapter II-2 in the Annex to SOLAS.

### **Seafarers on a high speed craft**

**26.**—(1) This regulation applies to a seafarer 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 paragraph 18.3.3 of the High Speed Craft Code (type rating training).

(3) Where a seafarer successfully completes the training referred to in paragraph (2), the Secretary of State or an approved training provider must issue documentary evidence to every person successfully completing such training.

(4) In the case of masters and officers, where documentary evidence is to be issued, the Secretary of State, or an approved training provider, must issue a certificate in the form specified by the Secretary of State in Merchant Shipping Notice 1740 (M)(2) and the certificate must be endorsed in a manner so specified by the Secretary of State.

### **Safety familiarisation, basic training and instruction for all seafarers**

**27.**—(1) Before being assigned to shipboard duties, a seafarer must—

(2) Merchant Shipping Notice 1740 (M) can be found at <https://www.gov.uk/government/publications/msn-1740-training-and-certification-of-officers-and-crew-on-high-speed-craft> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.



- (a) receive safety familiarisation and basic training or instruction in accordance with section A-VI/1 of the STCW Code (mandatory minimum requirements for safety familiarisation, basic training and instruction for all seafarers);
- (b) meet the appropriate standard of competence specified in that section; and
- (c) hold a certificate of proficiency in safety familiarisation.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a seafarer who meets each of the requirements specified in subparagraphs (a) and (b) of that paragraph.

#### **Seafarers designated as a fire-fighting controller**

**28.**—(1) A seafarer designated to control fire-fighting operations must—

- (a) have successfully completed advanced training techniques for fighting fire in accordance with section A-VI/3 of the STCW Code (mandatory minimum training in advanced fire fighting);
- (b) meet the standard of competence specified in that section; and
- (c) hold a certificate of proficiency in advanced training techniques for fighting fire.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a seafarer who meets each of the requirements specified in subparagraphs (a) and (b) of that paragraph.

#### **Seafarers designated as a provider of medical first aid or to take charge of medical care**

**29.**—(1) A seafarer designated to provide medical first aid on board a ship must—

- (a) meet the standard of competence specified in section A-VI/4, paragraphs 1 to 3, of the STCW Code (standard of competence for seafarers designated to provide medical first aid on board ship); and
- (b) hold a certificate of proficiency in medical first aid.

(2) A seafarer designated to take charge of medical care on board a ship must—

- (a) meet the standard of competence specified in section A-VI/4, paragraphs 4 to 6, of the STCW Code (standard of competence for seafarers designated to take charge of medical care on board ship); and
- (b) hold a certificate of proficiency in medical care.

(3) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) or (2) only to a seafarer who meets the standard of competence specified in paragraph (1)(a) or (2)(a) respectively.

#### **Security-related familiarisation training for seafarers on an ISPS ship**

**30.**—(1) This regulation applies to a seafarer 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 (standard of competence for security-related familiarisation training and security awareness training);
- (b) meet the appropriate standard of competence specified in that section; and
- (c) hold a certificate of proficiency in security-awareness.

- (3) A seafarer with designated security duties must—
- (a) meet the standard of competence specified in section A-VI/6, paragraphs 6 to 8, of the STCW Code (standard of competence for seafarers with designated security duties); and
  - (b) hold a certificate of competency in security duties.

(4) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (2) or (3) only to a seafarer who meets the standard of competence specified in paragraph (2)(b) or (3)(a) respectively.

(5) In this regulation, “security duties” includes all security tasks and duties on board ships as prescribed by Chapter XI-2 in the Annex to SOLAS and the ISPS Code.

#### Application and issuing of certificates

##### **Application for a certificate**

**31.**—(1) An application for the issue of a certificate or a licence required by this Part, or an endorsement of a certificate of competency under regulation 34, must be—

- (a) made in a form specified by the Secretary of State;
  - (b) accompanied by the prescribed fee; and
  - (c) accompanied by evidence of identity, age, relevant service, standards of competence and certificates or qualifications held.
- (2) An application for any matter ancillary to the issue of a certificate under this Part must be—
- (a) made in a form specified by the Secretary of State;
  - (b) accompanied by the prescribed fee; and
  - (c) in the case of an application for a certified copy of a certificate of proficiency that was issued by an approved training provider, accompanied by evidence of the issue of that certificate by the approved training provider.

##### **Form of a certificate**

**32.** A certificate of competency or a certificate of proficiency issued under this Part must be in the form specified in section A-I/2, paragraph 1, of the STCW Code (certificates and endorsements).

##### **Approval of seagoing service**

**33.**—(1) Where these Regulations require a person to meet a requirement of the STCW Convention and that requirement includes a requirement for seagoing service, the Secretary of State must approve that seagoing service in accordance with section A-I/2, paragraph 5, of the STCW Code (approval of seagoing service).

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.

(3) An approval given under paragraph (1), or an alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that an approval given under paragraph (1), or an alteration or cancellation under paragraph (2), must be in writing is satisfied where the text of the approval, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

### **Endorsements on a certificate of competency**

**34.**—(1) The Secretary of State must endorse—

- (a) a certificate of competency issued under regulation 7 (qualification as an officer) and regulation 9 (radiocommunication and radio personnel on a GMDSS ship); and
- (b) a certificate of proficiency issued under regulation 10, 11, 12, 13 or 14 (training requirements for seafarers on oil, chemical or liquefied gas tankers).

(2) An endorsement required by paragraph (1) must be in the form prescribed by STCW Regulation I/2 (certificates and endorsements).

### **Exemptions**

**35.**—(1) Except where paragraph (5), (6) or (7) applies, the Secretary of State may exempt a seafarer from the requirements of this Part provided that the Secretary of State is satisfied that—

- (a) in the case of a master or chief engineer officer—
  - (i) circumstances of force majeure exist; and
  - (ii) the conditions specified in paragraph (2) are met;
- (b) in the case of a radio operator—
  - (i) the conditions specified in paragraph (2) are met; and
  - (ii) the relevant requirements of the Radio Regulations are met;
- (c) in the case of any other category of seafarer, the conditions in paragraph (2) are met.

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

- (a) an exemption is necessary and does not pose a danger to persons, property or the marine environment;
- (b) the seafarer is adequately qualified to fill the vacant post in a safe manner; and
- (c) the seafarer is—
  - (i) properly certificated to fill the post immediately below that which the seafarer now performs; or
  - (ii) where certification of the post immediately below is not required by these Regulations, the qualification and experience of the seafarer are of clear equivalence to the requirements for the post to be filled and the seafarer passes a test accepted by the Secretary of State as demonstrating that an exemption may safely be issued.

(3) The Secretary of State must specify the duration of an exemption and the duration must be—

- (a) in the case of a master or chief engineer officer, the shortest possible period; and
- (b) in the case of another category of seafarer, a period not exceeding six months.

(4) In exercising the function specified in paragraph (3), the Secretary of State must ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

(5) The Secretary of State may exempt the master and the officer in charge of a navigational watch from the requirements of STCW Regulation II/3 (mandatory minimum requirements for certification of officers in charge of a navigational watch and of masters on ships of less than 500 GT) if satisfied that—

- (a) the ship's size and conditions of the ship's voyage are such as to render the application of the full requirements of STCW Regulation II/3 unreasonable or impracticable; and
  - (b) the exemption does not pose a danger to other ships operating in the same waters.
- (6) Subject to the conditions in paragraph (8), the Secretary of State may exempt seafarers on board ships of less than 500 GT which are not passenger ships from the requirements of regulations 15 or 16 (training requirements for seafarers on a ship subject to the IGF Code).
- (7) Subject to the conditions in paragraph (8), the Secretary of State may exempt seafarers on board—
- (a) passenger ships engaged on voyages that are not international voyages;
  - (b) passenger ships of less than 500 GT engaged on international voyages; and
  - (c) ships which are not passenger ships, except tankers,
- from the requirements of regulation 27 (safety familiarisation, basic training and instruction for all seafarers).
- (8) The conditions referred to in paragraphs (6) and (7) are that—
- (a) the Secretary of State is satisfied that the ship's size and length or character of the ship's voyage are such as to render the application of the full requirements of regulation 15, 16 or 27 unreasonable or impracticable; and
  - (b) the Secretary of State is satisfied that the exemption does not pose a danger to persons on board, the ship and property, or the marine environment.
- (9) An exemption under this regulation may be granted subject to such additional terms as the Secretary of State may consider appropriate.
- (10) The Secretary of State may alter or cancel any exemption granted under this regulation.
- (11) An exemption granted under paragraph (1), (5), (6) or (7), or an alteration or cancellation under paragraph (10), must—
- (a) be in writing;
  - (b) specify the date on which it takes effect; and
  - (c) specify the terms, if any, on which it is given.
- (12) The requirement that an exemption granted under paragraph (1), (5), (6) or (7), or an alteration or cancellation under paragraph (10), must be in writing is satisfied where the text of the exemption, alteration or cancellation is—
- (a) transmitted by electronic means;
  - (b) received in legible form; and
  - (c) capable of being used for subsequent reference.

#### Recognition of certificates

#### **Recognition of a certificate issued by an EEA State**

- 36.—**(1) The Secretary of State may 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 GMDSS 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 regulation 39(1) (additional requirements for a certificate of equivalent competency), where the Secretary of State recognises a certificate described in paragraph (1)(a) or (b), the Secretary of State may, on the application of a holder of such certificate, issue a certificate of equivalent competency attesting to its recognition.

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

(5) If an applicant chooses to undergo an adaptation period in accordance with paragraph (4), the Secretary of State may, 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 United Kingdom maritime legislation.

(6) In this regulation—

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

- (a) undertaking the role of a master, chief mate, chief engineer or second engineer officer on board a seagoing ship;
- (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 a certificate issued by a third party State**

**37.—**(1) The Secretary of State may recognise a certificate described in paragraph (2) issued by or under the authority of a third party State recognised immediately before IP completion day in accordance with paragraph (3).

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

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

(3) The Secretary of State may recognise such a certificate if—

- (a) it is issued by or under the authority of a third party State which was recognised by an EEA State as at 14th June 2005 and such recognition had not, before IP completion day, been withdrawn in accordance with Article 20 of the Directive; or
- (b) it is issued by or under the authority of a third party State recognised by the European Commission before IP completion day in accordance with Article 19 of the Directive and such recognition had not, before IP completion day, been withdrawn in accordance with Article 20 of the Directive.

(4) Subject to regulation 39(1) (additional requirements for a certificate of equivalent competency), where the Secretary of State recognises a certificate pursuant to paragraph (3), the

Secretary of State may, on the application of a holder of such certificate, issue a certificate of equivalent competency attesting to its recognition.

(5) Where the Secretary of State recognises the standard of competence or proficiency required for the issue of a certificate by a third party State as satisfying only in part the standard required for officers qualified for the purpose of this Part, the Secretary of State may specify—

- (a) additional standards which are to be attained; and
- (b) the means by which such standards may be demonstrated,

for the issue of a certificate of equivalent competency.

### **Recognition of a party to the STCW Convention**

**38.**—(1) This regulation applies where the Secretary of State proposes to make a decision to recognise a party to the STCW Convention to which regulation 36 (recognition of a certificate issued by an EEA State) or 37 (recognition of a certificate issued by a third party State) does not apply in order to facilitate the recognition of the certificates described in paragraph (5) issued by or under the authority of that party.

(2) Before making a decision described in paragraph (1), the Secretary of State must—

- (a) collect all relevant information in order to carry out an assessment of the training and certification systems of the party to which the decision would apply in order to verify whether that party—
  - (i) meets all the requirements of the STCW Convention regarding standards of competence, training and certification and quality standards; and
  - (ii) has taken appropriate measures to prevent fraud involving certificates; and
- (b) obtain an undertaking from the party to which the decision would apply that prompt notification will be given to the Secretary of State of any significant change in the arrangements for training and certification provided in accordance with the STCW Convention.

(3) The assessment described in paragraph (2)(a) may include an inspection of facilities and procedures.

(4) Where the Secretary of State is satisfied that the requirements of paragraph (2) have been met, the Secretary of State may—

- (a) make a decision to recognise that party; and
- (b) recognise the certificates described in paragraph (5) issued by or under the authority of that party.

(5) The certificates referred to in paragraphs (1) and (4) are—

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

(6) Subject to regulation 39(1) (additional requirements for a certificate of equivalent competency), where the Secretary of State recognises a certificate described in paragraph (5)(a) or (b), the Secretary of State may, on the application of a holder of such certificate, issue a certificate of equivalent competency attesting to its recognition.

(7) Where the Secretary of State recognises the standard of competence or proficiency required for the issue of a certificate by a party to the STCW Convention as satisfying only in part the standard required for officers qualified for the purpose of this Part, the Secretary of State may specify—

- (a) additional standards which are to be attained; and
  - (b) the means by which such standards may be demonstrated,
- for the issue of a certificate of equivalent competency.

#### **Additional requirements for a certificate of equivalent competency**

**39.**—(1) The Secretary of State must not issue a certificate of equivalent competency to an applicant under regulation 36 (recognition of a certificate issued by an EEA State), 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention) unless that applicant can demonstrate adequate knowledge of the English language as required by sections A-II/1, A-II/4, A-III/1 and A-IV/2 of the STCW Code (adequate knowledge of the English language).

(2) A certificate of equivalent competency issued under regulation 36, 37 or 38 must be in the form specified in section A-I/2, paragraph 3, of the STCW Code (form of certificate).

#### **Withdrawal of recognition**

**40.**—(1) The Secretary of State may, in the circumstances described in paragraph (2) and subject to paragraph (3), withdraw recognition of a party to the STCW Convention which issued a certificate described in regulation 36 (recognition of a certificate issued by an EEA State), 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention).

(2) The circumstances are that, following an evaluation of the party which issued the certificate, which may include an inspection of facilities and procedures of that party, the Secretary of State is no longer satisfied that the requirements of the STCW Convention regarding standards of competence, training and certification and quality standards are fully complied with.

(3) Where there are indications that a party may no longer comply with the requirements described in paragraph (2), the Secretary of State must notify the party that recognition of that party's certificates will be withdrawn six months after such notification is given unless adequate measures are taken to ensure compliance with all relevant requirements of the STCW Convention.

(4) Where the Secretary of State withdraws recognition of a party in accordance with paragraph (1)—

- (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 party except where an officer qualifies for a certificate solely on the basis of additional sea service.

### **Validity of Certificates**

#### **Validity of a certificate or endorsement**

**41.**—(1) Subject to regulations 42 (revalidation of certain certificates and endorsements) and 43 (refresher training for certain seafarers), a certificate issued under this Part, except for a certificate issued under regulation 26 (seafarers on a high speed craft), remains valid for seagoing service provided the holder complies with the standards and conditions—

- (a) as to medical fitness prescribed by the Medical Certification Regulations; and
- (b) of professional competency to act in the appropriate capacity required by the STCW Convention and this Part.

(2) Subject to regulation 42, a certificate issued under regulation 26 remains valid for seagoing service provided the holder complies with the standards and conditions—

- (a) as to medical fitness prescribed by the Medical Certification Regulations; and
- (b) of professional competency required by paragraph 18.3.3 of the High Speed Craft Code and this Part.

(3) Subject to regulation 42, an endorsement under regulation 34 (endorsements on a certificate of competency) remains valid for seagoing service provided that the conditions specified in paragraph (4) are met.

(4) The conditions referred to in paragraph (3) are that—

- (a) the certificate which is endorsed has not expired or been withdrawn, suspended or cancelled; and
- (b) the holder complies with the standards and conditions—
  - (i) as to medical fitness prescribed by the Medical Certification Regulations; and
  - (ii) of professional competency to act in the appropriate capacity required by the STCW Convention and this Part.

(5) For the purposes of this regulation, “the Medical Certification Regulations” means the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010<sup>(3)</sup>.

#### **Revalidation of certain certificates and endorsements**

**42.**—(1) This regulation applies to—

- (a) a certificate of competency;
- (b) a certificate of equivalent competency;
- (c) a certificate of proficiency in training for tanker operations issued to a master or an officer;
- (d) an endorsement under regulation 34 (endorsements on a certificate of competency); and
- (e) a certificate issued under regulation 26 (seafarers on a high speed craft).

(2) A certificate or endorsement referred to in paragraph (1)(a) to (d) is not valid for seagoing service unless, at intervals not exceeding five years, it is revalidated by the Secretary of State.

(3) The certificate referred to in paragraph (1)(e) is not valid for seagoing service unless, at intervals not exceeding two years, it is revalidated by the Secretary of State.

(4) Before revalidating a certificate or endorsement to which paragraph (1)(a) to (d) 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 (revalidation of certificates) and Merchant Shipping Notice 1861 (M) Amendment 1<sup>(4)</sup>.

(5) Before revalidating the certificate referred to in paragraph (1)(e), the Secretary of State must be satisfied that the holder of the certificate has established continued professional competence in accordance with the requirements of paragraph 18.3.3 of the High Speed Craft Code and Merchant Shipping Notice 1740 (M).

(6) An application for revalidation must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and

<sup>(3)</sup> S.I. 2010/737, amended by S.I. 2014/1614 and S.I. 2018/242.

<sup>(4)</sup> Merchant Shipping Notice 1861 (M) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notice-1861-m-amendment-1> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.



- (c) accompanied by evidence of identity, age, relevant service, standards of competence and certificates or qualifications held.

### **Refresher training for certain seafarers**

**43.**—(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;
- (e) fast rescue boats;
- (f) basic training for service on ships subject to the IGF Code issued under regulation 15 (training requirements for seafarers on a ship subject to the IGF Code – basic training); and
- (g) advanced training for service on ships subject to the IGF Code issued under regulation 16 (training requirements for seafarers on a ship subject to the IGF Code – advanced training).

(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 seafarer must, for continuing seagoing service on ships referred to in regulations 25 (seafarers on a passenger ship engaged on international voyages (other than high speed craft)) and 26 (seafarers on a high speed craft), successfully complete approved refresher training relating to the training and qualifications required under those sections at intervals not exceeding five years.

### Suspension and cancellation of certificates and appeals

#### **Suspension and cancellation of a certificate**

**44.** The Secretary of State may suspend or cancel a certificate issued under this Part where—

- (a) the holder is convicted of an offence under section 47(5) of the Act (false statement etc.); or
- (b) a certificate has been issued or endorsed and the conditions for its issue or endorsement have not been complied with.

#### **Appeal against refusal, suspension or cancellation of a certificate**

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

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

a certificate issued under this Part for any reason, the Secretary of State must give notice in writing to the applicant or holder of the certificate.

(2) If an approved training provider intends to—

- (a) refuse the issue or revalidation of a certificate of proficiency; or

- (b) refuse the issue of documentary evidence as required by regulation 26 (seafarers on a high speed craft) or regulation 49(2) (issue of certificates of proficiency and documentary evidence by an approved training provider),

that approved training provider must give notice in writing to the applicant or holder of the certificate.

(3) The requirement that the notice given under paragraph (1) or (2) be in writing is satisfied where the text of the notice is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(4) The applicant may, before a date specified in the notice given under paragraph (1) or (2), require the refusal, suspension or cancellation to be reviewed at an inquiry.

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

- (a) issue or revalidate a certificate of equivalent competency; or
- (b) give notice in writing pursuant to paragraph (1) to an applicant for a certificate of equivalent competency within 28 days of the application being made,

the Secretary of State is deemed to have refused the application and, before the expiry of a further 28 days, the applicant has the right to require in writing that the application be reviewed at an inquiry.

(6) If the applicant has required an inquiry in accordance with paragraph (4) or (5), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.

(7) For the purposes of paragraph (1), “certificate” includes an endorsement under regulation 34 (endorsements on a certificate of competency).

### **Loss of a certificate**

**46.**—(1) Where a person who holds a certificate has lost or been deprived of it, the Secretary of State may, following receipt of an application in accordance with paragraph (2), issue a certified copy of the certificate to the holder.

(2) An application made to the Secretary of State for a certified copy of a certificate issued under these Regulations must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and
- (c) where the request relates to a certificate of proficiency issued by an approved training provider, accompanied by evidence of the issue of that certificate by the approved training provider.

### **Register of certificates and endorsements**

**47.**—(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 (database of certificate registration).

(2) Upon the request of—

- (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,

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

- (3) The information referred to 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 in respect of a certificate referred to in paragraph (a) or (b); 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.

(4) 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.

### Training providers

#### Approval of training providers

**48.**—(1) A person providing training or assessment of seafarers for certification under this Part must be approved by the Secretary of State as a provider of training or assessment of seafarers.

(2) The Secretary of State may approve a person as a provider of training or assessment of seafarers if satisfied that that person—

- (a) has the qualifications and experience required under Section A-I/6 of the STCW Code (training and assessment);
- (b) meets each of the requirements of the Merchant Shipping Notices described in paragraph (3) that applies to that person; and
- (c) has paid the prescribed fee.

(3) The requirements of the Merchant Shipping Notices referred to in paragraph (2)(b) are—

- (a) Annexes G, H, I, J and K to Merchant Shipping Notice 1856 (M+F) Amendment 1(5);
- (b) Annexes D, E, F, G and H to Merchant Shipping Notice 1857 (M+F) Amendment 1;
- (c) Annex G to Merchant Shipping Notice 1858 (M+F) Amendment 1(6);
- (d) Annex E to Merchant Shipping Notice 1859 (M+F) Amendment 1;
- (e) Annex B to Merchant Shipping Notice 1860 (M) Amendment 1(7);
- (f) paragraphs 11 and 12 in Merchant Shipping Notice 1862 (M) Amendment 1(8);
- (g) Annex F to Merchant Shipping Notice 1865 (M) Amendment 1(9);

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(5) Merchant Shipping Notice 1856 (M) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mca.gov.uk](mailto:infoline@mca.gov.uk)) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

(6) Merchant Shipping Notice 1858 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.

(7) Merchant Shipping Notice 1860 (M) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.

(8) Merchant Shipping Notice 1862 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.

(9) Merchant Shipping Notice 1865 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.

(h) Annex D to Merchant Shipping Notice 1866 (M) Amendment 1(10);

(i) Annex D to Merchant Shipping Notice 1904 (M+F).

(4) An approval may be given under paragraph (2) for a maximum period of five years from the date specified in the approval letter.

(5) The Secretary of State may extend an approval given under paragraph (2) in maximum increments of five years if satisfied that—

(a) the approved training provider continues to meet the requirements in sub-paragraphs (a) and (b) of paragraph (2); and

(b) has paid the prescribed fee.

(6) An approval given under paragraph (2) or an extension under paragraph (5) may, on the giving of reasonable notice, be altered, suspended or cancelled.

(7) An approval given under paragraph (2), an extension under paragraph (5) or an alteration, suspension or cancellation under paragraph (6) must—

(a) be in writing;

(b) specify the date on which it takes effect; and

(c) specify the terms, if any, on which it is given.

(8) The requirement that an approval given under paragraph (2), an extension under paragraph (5) or an alteration, suspension or cancellation under paragraph (6), be in writing is satisfied where the text of the approval, extension, alteration, suspension or cancellation is—

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

(9) If the Secretary of State intends to refuse to—

(a) approve a person under paragraph (2); or

(b) extend a person's approval under paragraph (5),

the Secretary of State must give notice in writing to that person.

(10) A person approved under paragraph (2) or given an extension of an approval under paragraph (5) must continue to comply with the requirements in sub-paragraphs (a) and (b) of paragraph (2) for the duration of the validity of the approval.

(11) The Secretary of State may require an approval letter or approval certificate recording an approval given under paragraph (2) or an extension of an approval under paragraph (5), to be surrendered.

(12) The Secretary of State may monitor and periodically evaluate approved training providers in accordance with STCW Regulation I/8 (quality standards) and the monitoring and evaluation requirements contained in the Merchant Shipping Notices described in paragraph (3).

(13) No person must—

(a) offer to provide, or provide, training or assessment of seafarers for certification under this Part without an approval given by the Secretary of State under this regulation;

(b) with intent to deceive, use, lend, or allow to be used by another an approval given by the Secretary of State under this regulation;

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(10) Merchant Shipping Notice 1866 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.

- (c) advertise or otherwise display an approval given by the Secretary of State under this regulation, which has expired, or has not been given to that person under this regulation;
- (d) fail to surrender an approval letter or approval certificate required to be surrendered under paragraph (11).

(14) In this regulation, “approval letter” and “approval certificate” mean the documents so described in the provisions of the Merchant Shipping Notices described in paragraph (3).

#### **Issue of certificates of proficiency and documentary evidence by an approved training provider**

**49.**—(1) Except in respect of the training and assessment of masters and officers undertaken to meet the requirements of regulations 10 to 14 (training requirements for seafarers on oil, chemical or liquefied gas tankers), an approved training provider must issue a certificate of proficiency to every person who successfully completes the training or assessment undertaken to meet the requirements for such certificate in the form specified in Section A-I/2 of the STCW Code (certificates and endorsements).

(2) For the purposes of the training and assessment of masters and officers undertaken to meet the requirements of—

- (a) regulations 7 to 16 (training requirements for certificates of competency, alternative certification and seafarers on oil, chemical or liquefied gas tankers);
- (b) regulation 25 (seafarers on a passenger ship engaged on international voyages (other than high speed craft)); and
- (c) regulation 43 (refresher training for certain seafarers),

an approved training provider must issue documentary evidence to every person successfully completing such training or assessment.

#### **Appeal against refusal, alteration, suspension or cancellation of an approval**

**50.**—(1) A person—

- (a) who is refused an approval pursuant to regulation 48 (approval of training providers) or an extension of an approval under that regulation; or
- (b) whose approval under that regulation is subject to an alteration, suspension or cancellation of an approval under regulation 48(6) (alteration, suspension or cancellation of an approval),

may, within 21 days after receiving notice of such decision and before the date specified in the notice, request the Secretary of State to hold an inquiry.

(2) If an inquiry is requested by a person in accordance with paragraph (1), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.