
STATUTORY INSTRUMENTS

1995 No. 1429

The Merchant Shipping (Certification of Deck and Marine Engineer Officers) (Amendment) Regulations 1995

PART I

Amendment of the Merchant Shipping (Certification of Deck Officers) Regulations 1985

2. The Merchant Shipping (Certification of Deck Officers) Regulations 1985(1) shall be amended as follows in regulations 3 to 12 below.

3. In regulation 2:

(i) there shall be inserted after the definition of “certificate of competency” the following definition:

““certificate of equivalent competency” means a document entitled “certificate of equivalent competency” issued under regulation 4A below;”;

(ii) there shall be inserted after the definition of “command endorsement” the following definition:

““equivalent foreign certificate” means a certificate, issued by an authority of a specified country outside the United Kingdom, referred to in regulation 5(1) below;” and

(iii) there shall be added to the end of the definition of “specified by the Secretary of State”, the following:

“and in relation to certificates of equivalent competency means specified in Merchant Shipping Notice 1558 and any subsequent amendment to that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;”

4. After regulation 2 the following regulation shall be inserted:

“Designated Authority

2A.—(1) The Secretary of State for Transport is the designated authority for the purposes of Council Directive [89/48/EEC](#)(2) on a general system for the recognition of higher education diplomas awarded on the completion of professional education and training of at least three years duration in respect of the following profession:

DECK OFFICER CLASS 1 (Master Mariner)

(2) The Secretary of State for Transport is the designated authority for the purposes of Council Directive [92/51/EEC](#)(3) on a second general system for the recognition of professional education and training to supplement Directive [89/48/EC](#) in respect of the following professions:

(1) S.I. [1985/1306](#); the only relevant amending instrument is S.I. [1987/884](#).

(2) O.J. No. L19, 24.1.89, p.16.

(3) O.J. No. L209, 24.7.92, p.25.

*DECK OFFICER CLASS 2 DECK OFFICER CLASS 3
DECK OFFICER CLASS 4 DECK OFFICER CLASS 5.*”

5. For paragraph (2) of regulation 4 there shall be substituted the following:
- (a) “(2) Subject to sub-paragraph (b) below, for the purposes of these Regulations an officer shall be qualified if he is the holder for the time being of:
 - (i) a certificate of competency issued under these Regulations; or
 - (ii) a certificate which is to be treated as equivalent to such a certificate of competency by virtue of regulation 5(2) to (9) below; or
 - (iii) an equivalent foreign certificate, and a certificate of equivalent competency, and if also, at the material time, the certificate, or certificates, are in force in relation to the person named in it and are of a class appropriate to the officer’s capacity in the ship.
 - (b) (i) Notwithstanding sub-paragraph (a)(iii) above, before 1st August 1997 an officer who is the holder of a certificate issued prior to that date by a relevant country shall be qualified for the purpose of these Regulations, provided that at any material time prior to 1st August 1997 such certificate held by him is in force in relation to the person named in it and is of a class appropriate to the officer’s capacity in that ship.
 - (ii) In this sub-paragraph “relevant country” means a country specified by the Secretary of State as a country whose certificates were recognised immediately prior to 1st August 1995 as having the same force as certificates under the Regulations.”.

6. There shall be inserted after regulation 4 the following regulation:

“Certificates of equivalent competency

4A. Subject to regulation 6 below, the Secretary of State may authorise any person already holding an equivalent foreign certificate to serve as an officer and shall accordingly issue to such person a certificate of equivalent competency under this regulation of equivalent class and with the same endorsements as the equivalent foreign certificate.”.

7. For the heading to regulation 5 and paragraph (1) of that regulation there shall be substituted the following heading and paragraph:

“Equivalent foreign certificates, and certificates equivalent to a certificate of competency

5.—(1) The Secretary of State may specify that the standard of competence to be attained by deck officers of any description is, in whole or in part, the standard of competence required for the issue of a certificate of competence by an authority empowered in that behalf by the laws of a specified country outside the United Kingdom.”.

8. In regulation 6:
- (i) in paragraph (1) “paragraphs (3) and (4)” shall be substituted for “paragraph (3)”;
 - (ii) in paragraph (1)(a) there shall be inserted “or certificate of equivalent competency” after “certificate of competency”;
 - (iii) in the tailpiece to paragraph (1) all the words after “Secretary of State” shall be replaced by:
“either—

- (i) in relation to certificates of competency or certificates of equivalent competency, or either of such certificates with a command endorsement in general; or
- (ii) in relation to any of such certificates of a particular class as may be so specified.”;
- (iv) in paragraph (3) there shall be added “a certificate of equivalent competency” after “certificate of competency.”;
- (v) there shall be added the following paragraph—
 - (a) “(4) This paragraph applies where, pursuant to regulation 5(1), the Secretary of State has recognised the standard of competence required for the issue of a certificate by an authority of some country outside the United Kingdom as being in part the standard to be obtained for deck officers qualified for the purposes of these Regulations.
 - (b) In such cases any conditions specified by the Secretary of State for the issue of a certificate of equivalent competency shall be limited to—
 - (i) an aptitude test for the purpose of assessing the applicant’s ability to pursue the profession of deck 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 equivalent certificate, necessary to pursue that profession; or
 - (ii) in the case of applicants who are EEA nationals (at the applicant’s option except as provided in M Notice No. M 1558), an adaptation period, as specified by the Secretary of State.”.

9. In regulation 10:

- (i) in paragraph (1) there shall be inserted “, certificates of equivalent competency” after “certificates of competency”;
- (ii) paragraph (2) shall be renumbered as paragraph (2)(a), and a new sub-paragraph added as (b):
 - “(b) (i) A certificate of equivalent competency shall remain valid only so long as the holder holds a valid equivalent foreign certificate.
 - (ii) A certificate of equivalent competency may be issued for a limited period where the equivalent foreign certificate does not require revalidation at intervals.”;
- (iii) in paragraph (3) there shall be inserted “, all certificates of equivalent competency” after “certificates of competency”.

10. In regulation 11 there shall be inserted “or a certificate of equivalent competency” after “certificate of competency”.

11. In regulation 18, there shall be inserted after the first sentence the following sentence:

“If either of those officers is the holder of a certificate of equivalent competency, then either his equivalent foreign certificate or his certificate of equivalent competency shall have been appropriately endorsed by the issuing authority (in the case of an equivalent foreign certificate) or the Secretary of State (in the case of a certificate of equivalent competency).”

12. In regulation 19 there shall be inserted “, a certificate of equivalent competency” after “certificate of competency” in both paragraphs (1) and (2).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
