

2015 No. 782

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Standards of Training, Certification and
Watchkeeping) Regulations 2015**

<i>Made</i> - - - -	<i>23rd March 2015</i>
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CONTENTS

PART 1

INTRODUCTORY PROVISIONS

1. Citation and commencement
2. Revocations and amendments
3. Interpretation

PART 2

TRAINING AND CERTIFICATION: SHIPS

4. Application of Part 2
5. Requirement for seafarers to be qualified
Certificates of competency, equivalent competency or proficiency
6. Qualification as an officer
7. Engine-room watch duties
8. Radiocommunication and radio personnel on a GMDSS ship
9. Seafarers on an oil or chemical tanker - basic training
10. Seafarers on an oil tanker - advanced training
11. Seafarers on a chemical tanker - advanced training
12. Seafarers on a liquefied gas tanker - basic training
13. Seafarers on a liquefied gas tanker - advanced training
14. Ratings forming part of a navigational watch
15. Ratings forming part of an engine-room watch
16. Ratings as able seafarer deck
17. Ratings as able seafarer engine
18. Electro-technical ratings

19. Seafarers designated to launch or take charge of a survival craft or rescue boat (other than a fast rescue boat)
20. Seafarers designated to launch or take charge of a fast rescue boat
21. Ship security officers
22. Seafarers on a passenger ship engaged on international voyages (other than a high speed craft)
23. Seafarers on a high speed craft
24. Safety familiarisation, basic training and instruction for all seafarers
25. Seafarers designated as a fire fighting controller
26. Seafarers designated as a provider of medical first aid or to take charge of medical care
27. Security-related familiarisation training for seafarers on an ISPS ship
Application and issuing of certificates
28. Application for a certificate
29. Form of a certificate and approval of seagoing service
30. Endorsements on a certificate
31. Exemptions
Recognition of certificates
32. Recognition of a certificate issued by an EEA State
33. Recognition of a certificate issued by another STCW State
Validity of certificates
34. Validity of a certificate or endorsement
35. Revalidation of certain certificates and endorsements
36. Refresher training for certain seafarers
Cancellation of certificates and appeals
37. Cancellation of a certificate
38. Appeal against refusal or cancellation of a certificate
Loss of certificates and record keeping
39. Loss of a certificate
40. Register of certificates and endorsements
Training
41. Provision and quality of training

PART 3

TRAINING AND CERTIFICATION: HOVERCRAFT

42. Hovercraft personnel
43. Certificates
44. Exemptions

PART 4

SAFE MANNING AND WATCH KEEPING

General

45. Application of Part 4
Safe manning
46. Safe manning document
Watchkeeping arrangements
47. Arrangements generally and at sea
48. Arrangements in port
49. Watchkeeping arrangements in port for ships carrying hazardous cargo

50. Exemptions

PART 5
GENERAL

51. Responsibilities of companies, masters and others
52. Carriage of documents
53. Inspection of non-United Kingdom ships
54. Power to detain
55. Penalties

PART 6
TRANSITIONAL PROVISIONS

56. Transitional provisions

PART 7
REVIEW

57. Review of the Regulations

-
- SCHEDULE 1 — REGULATIONS REVOKED
SCHEDULE 2 — CONSEQUENTIAL AMENDMENTS
SCHEDULE 3 — CATEGORIES OF CERTIFICATES OF COMPETENCY AND
CRITERIA FOR ISSUE

The Secretary of State 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(b), measures relating to the safety of ships and the health and safety of persons on them(c) and measures relating to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations(d).

The Secretary of State is satisfied, for the purposes of section 47(2) of the Merchant Shipping Act 1995(e), 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.

The Secretary of State has consulted such persons as are required to be consulted by sections 86(4) and 306(4) of the Merchant Shipping Act 1995.

(a) 1972 c.68.
(b) S.I. 1994/757.
(c) S.I. 1993/595.
(d) S.I. 2002/248.
(e) 1995 c. 21. Section 47 was amended by the Marine Navigation Act 2013 (c. 23), section 10.

The Secretary of State makes the following Regulations 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).

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015, and come into force on 9th June 2015.

Revocations and amendments

- 2.—(1) Subject to regulation 56, 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;

“appropriate certificate” means a certificate issued and endorsed in accordance with the provisions of Part 2 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 type of 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 regulation 32 or 33 to a master, officer or radio operator who holds an 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,

(a) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(b) 1995 c.21. Section 47 was amended by section 10 of the Marine Navigation Act 2013 (c.23). Sections 85 and 86 were amended by section 8 of, and Part 1 of Schedule 7 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28). Sections 85 and 86 are applied to hovercraft by article 4 of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) (sections 85 and 86 re-enact sections 21 and 22 of the Merchant Shipping Act 1979 (c.39) which are referred to in that article).

(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;

“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 STCW Regulations;

“constructed” in relation to a craft means where the keel is laid or 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;

“the Directive” means Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast)(a);

“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;

“fast rescue boat” means a rescue boat complying with the requirements of Part 10 of Schedule 2 to Merchant Shipping Notice 1676(M);

“fishing vessel” means a vessel used for catching fish or other living resources of the sea;

“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(b);

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

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

“IBC Code” means the 2007 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization(e);

(a) O.J. L 323, 3.12.2008, p33; amended by Directive 2012/35/EU of 21 November 2012 (O.J. L343, 14.12.2012, p78).

(b) S.I. 1997/1510, to which there are amendments not relevant to these Regulations.

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

(d) ISBN 9789280113267.

(e) ISBN 9789280142266.

“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(a);

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

“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;

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

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

“near-coastal voyage” means a voyage during which the vessel is not more than 150 nautical miles from a safe haven in the United Kingdom, or not more than 30 nautical miles from a safe haven in the Republic of Ireland, except where the vessel is located within a specified trading area in accordance with conditions set by the Secretary of State;

“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(d);

“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 which carries more than 12 passengers;

“pleasure vessel” means a pleasure vessel as defined in regulation 2(1) of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(e);

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

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

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

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

“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 1827(M));

(a) ISBN 9789280112771.

(b) ISBN 9789280151497.

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

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

(e) S.I. 1998/2771; as amended by S.I. 2005/2114. The other amendments to S.I. 1998/2771 are not relevant to these regulations.

“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 Manila Conference of Parties to the STCW Convention;

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

“third party State” means a State contracting 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 or a STCW Regulation includes reference to any document amending the Code or Convention 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. This Part applies to a seafarer serving on board a sea-going ship registered in the United Kingdom, except on—

- (a) a fishing vessel,
- (b) a pleasure vessel which is—
 - (i) less than 80 GT; or
 - (ii) under 24 metres in length; or
- (c) a wooden ship of primitive build.

Requirement for seafarers to be qualified

5. This Part specifies standards of competence to be attained and other conditions to be satisfied by seafarers in order to be qualified for the purposes of section 47 of the Act (manning).

Certificates of competency, equivalent competency or proficiency

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 3—

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

(a) ISBN 9789280115284.

(b) Published with the STCW Code (in the same volume). Amendments were adopted by the Parties to the Convention in 1991, 1994, 1995, 1997, 1998, 2004 (on two occasions), 2006 and 2010.

(2) Subject to paragraph (6), the Secretary of State may issue a certificate of competency or a certificate of equivalent competency to a person only 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 this Part;
- (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, 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 person who does not hold an appropriate certificate of competency 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—

- (a) the person holds a valid certificate issued by a third party State;
- (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 33 for a certificate of equivalent competency.

(6) The Secretary of State may issue an alternative certificate in accordance with Chapter VII of Annex I of the Directive.

Engine-room watch duties

7.—(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 6; or
- (b) be the holder of a marine engine operator's licence issued in compliance with the criteria specified in section 10 of Merchant Shipping Notice 1857(M +F).

Radiocommunication and radio personnel on a GMDSS ship

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.

Seafarers on an oil or chemical tanker - basic training

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

Seafarers on an oil tanker - advanced training

10.—(1) This regulation applies to the following seafarers serving 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) The Secretary of State may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/1-1, paragraph 4.

Seafarers on a chemical tanker - advanced training

11.—(1) This regulation applies to the following seafarers serving 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) The Secretary of State may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/1-1, paragraph 6.

Seafarers on a liquefied gas tanker - basic training

12.—(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) 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.

Seafarers on a liquefied gas tanker - advanced training

13.—(1) This regulation applies to the following seafarers serving on board 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 issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/1-2, paragraph 4.

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 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.

(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

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

(2) The Secretary of State 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.

(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

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

(2) The Secretary of State 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.

Ratings as able seafarer engine

17.—(1) An able seafarer engine serving 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 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.

Electro-technical ratings

18.—(1) An electro-technical rating serving 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 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.

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

19.—(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 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.

(3) In this regulation—

“liferaft” means a liferaft complying with the requirements of either Schedule 4 to Merchant Shipping Notice 1676(M) or Schedule 5 to Merchant Shipping Notice 1677(M); and

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

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

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 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.

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 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.

(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)

22.—(1) This regulation applies to seafarers serving 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 (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 a passenger ship.

(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, 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 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 paragraph (1) “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.

Seafarers on a 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 1740(M).

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.

Seafarers designated as a fire fighting controller

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; and
- (b) meet the standard of competence specified in that section.

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

26.—(1) A seafarer designated to provide medical first aid on board a 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 a 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 familiarisation training for seafarers on an ISPS ship

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. An application for the issue of a certificate required by this Part must be made in a form specified by the Secretary of State and be accompanied by the prescribed fee and evidence of identity, age, relevant service, standards of competence and certificates or qualifications held.

Form of a certificate and approval of seagoing service

29.—(1) 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.

(2) When approving seagoing service required by the Convention, the Secretary of State must act in accordance with section A-I/2, paragraph 5, of the STCW Code and Section 9 of Merchant Shipping Notice 1856(M + F).

Endorsements on a certificate

30. Where the Secretary of State issues a certificate under regulation 6, 8, 9, 10, 11, 12 or 13, the certificate must be endorsed by the Secretary of State in the form prescribed in STCW Regulation I/2.

Exemptions

31.—(1) The Secretary of State may grant an exemption 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, the conditions specified in paragraphs (2) and (3) are met;
- (b) in the case of a radio operator, the conditions specified in paragraph (2) are met and the relevant requirements of the radio regulations annexed to, or regarded as being annexed to the International Telecommunication Convention, as amended^(a), are met; or
- (c) in the case of any other category of seafarer, the conditions specified in paragraph (2) are met.

(2) The conditions referred to in each subparagraph of paragraph (1) are that—

- (a) an exemption is necessary and does not pose a danger to persons, property or the 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, 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 conditions referred to in paragraph (1)(a) only is that circumstances of force majeure exist.

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

- (a) in the case of a seafarer referred to in paragraph (1)(a), the shortest possible period; and

(a) 2012 Edition of the radio regulations, ISBN 978-92-61-14021-2.

(b) in the case of another category of seafarer, a period not exceeding six months.

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

(6) The Secretary of State may impose such additional terms on an exemption under this regulation as the Secretary of State may consider appropriate.

(7) The Secretary of State may amend or cancel any exemptions granted under this regulation.

Recognition of certificates

Recognition of a certificate issued by an EEA State

32.—(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 three 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 a certificate issued by another STCW State

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

- (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—

- (a) the certificate issued by the third party State was recognised by an EEA State as at 14th June 2005 and such recognition has not been withdrawn by the Commission in accordance with Article 20 of the Directive;
- (b) the third party State 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 State 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 State and, following the expiry of three months from the time the request was made, no decision has been made by the Commission.

(3) 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.

(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) 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 State as satisfying only in part the standard required for officers qualified for the purpose of this Part, 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.

(6) Where—

- (a) the Secretary of State recognises a certificate in accordance with paragraph (2) on the basis that the condition referred to in paragraph (2)(c) applies; and
- (b) the Commission decides not to recognise that third party State,

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.

(7) Where the Commission withdraws recognition of a third party State 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 State except where an officer qualifies for a certificate solely on the basis of additional sea service.

(8) 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 a certificate or endorsement

34.—(1) Subject to regulations 35 and 36, 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; and
- (b) of professional competency to act in the appropriate capacity required by the STCW Convention and this Part.

(2) Subject to regulation 35, an endorsement issued under regulation 30 remains valid for sea-going service provided that the conditions specified in paragraphs (3) and (4) are met.

(3) The first condition referred to in paragraph (2) is that the certificate which is endorsed has not expired or been withdrawn, suspended or cancelled.

(4) The second condition referred to in paragraph (2) is that 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.

Revalidation of certain certificates and endorsements

35.—(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 five 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 for certain seafarers

36.—(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 a certificate

37. The Secretary of State may cancel a certificate issued under this Part 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.

Appeal against refusal or cancellation of a certificate

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

(4) 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 require in writing before the expiry of a further twenty eight days, that the application be reviewed at an inquiry.

(5) If the applicant has required an inquiry in accordance with paragraph (3) or (4), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.

Loss of certificates and record keeping

Loss of a certificate

39. 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.

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 State or company referred to 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) For the purposes of paragraph (2) a State or company is—

- (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.

Training

Provision and quality of training

41.—(1) A person providing the training or assessment of seafarers for certification under the STCW Convention or this Part 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 that section 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, must be a certificate in a form specified in Merchant Shipping Notice 1740(M) endorsed in a manner specified in that notice.

(3) The Secretary of State must ensure that—

- (a) a quality standards system meeting the requirements of STCW Regulation I/8 is in place; and
- (b) periodically an evaluation is undertaken in accordance with that Regulation and a report is communicated to the European Commission in the format specified in section A-I/7 of the STCW Code within six months of the date of the evaluation.

PART 3

TRAINING AND CERTIFICATION: HOVERCRAFT

Hovercraft personnel

42.—(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 paragraph (2) 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 the form specified by the Secretary of State in Merchant Shipping Notice 1740(M) and the certificate must be endorsed in a manner so specified.

Certificates

43. Regulations 28 to 30, 34 and 37 to 39 apply to certificates issued under regulation 42 as they apply to certificates issued under Part 2.

Exemptions

44. 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 42 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

45.—(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—

- (a) a fishing vessel;
- (b) a pleasure vessel; or
- (c) a vessel referred to in regulation 5(3) of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998.

(3) In this Part, “ship” includes hovercraft.

Safe manning

Safe manning document

46.—(1) In relation to a ship of 500 GT or more, a company must ensure that—

- (a) a safe manning document issued by the Secretary of State 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 Secretary of State 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) The Secretary of State may issue guidance to companies on safe manning to assist them in preparing proposals under paragraph (3).

(5) After any approval by the Secretary of State of proposals and the issue of a safe manning document, a company must inform the Secretary of State as soon as there is any change in the circumstances which are pertinent to that document.

(6) Upon receipt of notification by a company under paragraph (5), the Secretary of State may review the document's continuing validity or approve fresh proposals from the company.

Watchkeeping arrangements

Arrangements generally and at sea

47.—(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

(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) section A-VIII/2, Part 4-1, of the STCW Code; and

(b) any requirements specified in Merchant Shipping Notice 1868(M).

(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) section A-VIII/2, Part 4-2, of the STCW Code; and

(b) any requirements specified in Merchant Shipping Notice 1868(M).

Arrangements in port

48.—(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) section A-VIII/2, Part 5, of the STCW Code; and

(b) any requirements specified in Merchant Shipping Notice 1868(M).

Watchkeeping arrangements in port for ships carrying hazardous cargo

49.—(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 48, 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 1868(M).

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

Exemptions

50. 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

51.—(1) This regulation applies to a sea-going ship registered in the United Kingdom, except for—

- (a) a fishing vessel;
- (b) a pleasure vessel which is—
 - (i) less than 80 GT; or
 - (ii) under 24 metres in length; or
- (c) a wooden ship of primitive build.

(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 Part 2 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

52. 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 Part 2 of 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

53.—(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 Part 4 of 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 certificate issued and endorsed in accordance with the provisions of the STCW Convention 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 on which the seafarer is serving; and
- (c) while engaged on the particular voyage concerned.

Power to detain

54.—(1) Paragraph (2) applies 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 47, 48 or 49;
 - (ii) a breach of a term of an exemption granted under regulation 50; or
 - (iii) a failure to correct a deficiency of a kind specified in regulation 53(3) after notification to the master pursuant to regulation 53(2), and there is in consequence a danger to persons, property or the environment.

(2) Where this paragraph applies the ship may be detained, and section 284 of the Act (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) Regulations 2015”.

(3) 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

55.—(1) An owner who contravenes regulation 42(2) is guilty of an offence, punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine.

(2) A company which contravenes regulation 46(1), 51(2) or (4) or 52 is guilty of an offence punishable—

- (a) on summary conviction
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine or (in the case of an individual) by imprisonment not exceeding six months, or both.

(3) A master who contravenes regulation 46(2), 47(1) or (2), 48, 49, 51(6) or 52 is guilty of an offence punishable—

- (a) on summary conviction—

(a) S.I. 2011/2601.

- (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment by a fine or by imprisonment not exceeding six months, or both.
- (4) A member of the crew who contravenes regulation 51(6) is guilty of an offence, punishable on summary conviction by a fine not exceeding level 3 on the standard scale.
- (5) A chief engineer who contravenes regulation 47(3) is guilty of an offence punishable on summary conviction—
- (a) in England and Wales by a fine; or
 - (b) in Scotland or Northern Ireland by a fine not exceeding level 5 on the standard scale.
- (6) 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.
- (7) 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

56.—(1) Until 1st January 2017 a certificate granted, endorsement made or standard of competency or training already met, pursuant to the Merchant Shipping (Training and Certification) Regulations 1997(a) (“the Training and Certification Regulations”), is to be treated as equivalent to certificates, endorsements, standards of competency or training, referred to in these Regulations, and accordingly remains valid, subject to regulation 34.

(2) Paragraph (3) applies to a seafarer who before 1st July 2013 commenced—

- (a) approved seagoing service;
- (b) an approved education and training programme; or
- (c) an approved training programme.

(3) Until 1st January 2017, if a seafarer to whom this paragraph applies so requires, the Secretary of State must apply the requirements of the Training and Certification Regulations to an application for a certificate of competency or endorsement.

(4) Paragraph (1) applies to a certificate of competency or certificate of equivalent competency issued, recognised or endorsed under paragraph (3).

(5) Until 1st January 2017, regulation 35(3) applies to a certificate issued to a master or officer pursuant to regulation 4 or 5 of the Training and Certification Regulations as if that paragraph referred to the version of the STCW Code referred to in regulation 6 of those Regulations.

(6) Subject to regulation 45(6), a safe manning document issued in respect of a ship pursuant to the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997(b) remains valid.

(a) 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.

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

PART 7 REVIEW

Review of the Regulations

- 57.—(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 member States of the EU.
- (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.

Signed by authority of the Secretary of State for Transport

23rd March 2015

John Hayes
Minister of State
Department for Transport

SCHEDULE 1 Regulation 2(1) REGULATIONS REVOKED

The regulations revoked are—

- (a) the Merchant Shipping (Certificates of Competency as A.B.) Regulations 1970(a);
- (b) the Merchant Shipping (Training and Certification) Regulations 1997;
- (c) the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997;
- (d) the Merchant Shipping (Training, Certification and Safe Manning) (Amendment) Regulations 1997(b);
- (e) the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations 2000(c);
- (f) the Merchant Shipping (Training and Certification) (Amendment) Regulations 2000(d); and

(a) S.I. 1970/294, as amended by S.I. 1984/97 and S.I. 1996/3243.
(b) S.I. 1997/1911.
(c) S.I. 2000/484.
(d) S.I. 2000/836.

- (g) the Merchant Shipping (Training and Certification) (Amendment) Regulations 2008(a).

SCHEDULE 2

Regulation 2(2)

CONSEQUENTIAL AMENDMENTS

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

(2) In the Schedule (statutory instruments not applied)—

- (a) omit the entries for the Merchant Shipping (Training and Certification) Regulations 1997 and the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997 (including the reference to the amending instrument); and
- (b) at the end insert an entry for the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 with the S.I. number 2015/782.

2.—(1) The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(c) are amended as follows.

(2) In Schedule 1 (statutory instruments disappplied if vessels comply with the code of practice for safety of large commercial sailing and motor vessels)—

- (a) omit the entries for the Merchant Shipping (Training and Certification) Regulations 1997 and the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997 (including the reference to the amending instrument); and
- (b) at the end insert an entry for the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 with the S.I. number 2015/782.

3.—(1) The Merchant Shipping (Fees) Regulations 2006(d) are amended as follows.

(2) In Schedule 1 (fees under the Act)—

- (a) in the Table in Part 1, paragraph 1 (surveys, inspections and applications for exemption - interpretation)—
 - (i) omit the entries for Merchant Shipping (Certificate of Competency as A.B.) Regulations 1970, the Merchant Shipping (Training and Certification) Regulations 1997 and the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997 (including the references to the amending instruments); and
 - (ii) before “N Safety Management” insert an entry for Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 with the SI number 2015/782;
- (b) in Part 3 (miscellaneous examinations and other certificates)—
 - (i) for the heading “Table A: Miscellaneous Qualifications” substitute “Table of miscellaneous qualifications”;
 - (ii) omit Table B (certificates of competency as A.B.); and
- (c) in Part 4, paragraph 1(a) (certificates of equivalent competency), for “the Merchant Shipping (Training and Certification) Regulations 1997” substitute “the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015”.

(a) S.I. 2008/2851.

(b) S.I. 1998/1609.

(c) S.I. 1998/2771.

(d) S.I. 2006/2055.

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 500 GT and 2999 GT not engaged on near-coastal voyages	Regulation II/2, paragraph 4
Chief mate on a ship of between 500 GT 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 kilowatts propulsion power or more	Regulation III/1, paragraph 2
Chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kilowatts propulsion power or more	Regulation III/2, paragraph 2
Chief engineer officer and second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kilowatts propulsion power	Regulation III/3, paragraph 2
Electro-technical officer on a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more	Regulation III/6, paragraph 2

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, most recently at Manila on 25th June 2010 (“the STCW Convention”). The Regulations implement in part

Directive 2012/35/EU (O.J. L343, 14.12.2012, p78), which amended Directive 2008/10/EC on the minimum level of training of seafarers (O.J. L323, 3.12.2008, p33).

The Regulations specify mandatory standards of competence and training and certification requirements for seafarers serving on board merchant ships. They impose duties on owners and others responsible for the operation of ships in relation to the certification and training of the seafarers working on their ships and also make provision to ensure the safe manning of vessels in UK waters.

Part 1 introduces the first two Schedules which revoke the statutory instruments that are consolidated by these Regulations and make consequential amendments. The revoked instruments are the Merchant Shipping (Certificates of Competency as AB) Regulations 1970, the Merchant Shipping (Training and Certification) Regulations 1997, the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997 and related (amending) regulations.

Part 2 and Schedule 3 make provision concerning the training and certification of seafarers serving on board sea-going ships registered in the United Kingdom, with certain exceptions principally fishing vessels and certain pleasure vessels. Regulation 5 provides that no person is qualified for the purposes of section 47 of the Merchant Shipping Act 1995 unless that person meets the standards of competence provided for in Part 2. Section 52 of the Act makes it an offence for an unqualified person to go to sea.

Regulation 6 and Schedule 3 specify the type of certificate that must be held by an officer and refer to the applicable competency requirements.

Regulations 7 to 23, 25 and 26 impose competency and proficiency requirements in relation to seafarers performing specified roles on certain types of ship.

Regulation 24 imposes basic training requirements applying to all seafarers.

Regulation 27 requires minimum training and competency with regard to safety in the case of a seafarer serving on board a ship that makes international voyages.

Regulations 28 to 30 relate to the method of application for, and the form of, a certificate or an endorsement. Regulation 31 describes the circumstances in which an exemption may be granted.

Regulations 32 and 33 concern recognition by the Secretary of State of certificates issued by EEA States and other States that are a party to the STCW Convention.

Regulations 34 to 41 relate to validity, cancellation, loss and registration of certificates and endorsements, to refresher training and quality of training.

Part 3 imposes on owners of hovercraft training and certification requirements which are similar to those that apply under Part 2 to owners and managers of high-speed ships.

Part 4 makes provision with regard to the safe manning of ships and watchkeeping.

Part 5 concerns enforcement matters.

Part 6 contains transitional provisions that apply to certificates and endorsements issued under the regulatory provisions that are being revoked and to training commenced before 1st July 2013.

Part 7 requires the Secretary of State to review the operation and effects of these Regulations.

Copies of the STCW Convention and its annexes and amendments, including the STCW Code, the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, the International Ship and Port Facility (ISPS) Code and the International Maritime Dangerous Goods Code can be obtained from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR, www.imo.org/publications.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency (an executive agency of the Department for Transport). Copies may be accessed via the MCA's website,

www.gov.uk/government/organisations/maritime-and-coastguard-agency, which also has details of any amendments or replacements.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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