
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (“the STCW Convention”) that were previously implemented by the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 (S.I. 2015/782) (“the 2015 Regulations”) and implement amendments to the STCW Convention. The 2015 Regulations are revoked and replaced by these Regulations. The amendments to the STCW Convention relate to seafarers on ships subject to the International Code of Safety for Ships Using Gases or Other Low-Flashpoint Fuels (“the IGF Code”) (regulations 15 and 16) and passenger ships (regulation 25) and are contained in IMO Resolutions MSC.396(95), MSC.397(95), MSC.416(97) and MSC.417(97).

The Regulations specify mandatory standards of competence, and training and certification requirements for seafarers on board merchant ships and make provision to ensure the safe manning of ships in UK waters.

Part 2 contains the training and certification requirements for seafarers on seagoing ships registered in the United Kingdom, except for fishing vessels, small pleasure vessels and wooden ships of primitive build.

Regulation 6 provides that no person is qualified for the purposes of section 47 of the Merchant Shipping Act 1995 (c. 21) 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 7 and Schedule 2 specify the type of certificate that must be held by an officer and refer to the applicable competency requirements.

Regulations 8 to 26, 28 and 29 impose competency and proficiency requirements in relation to seafarers performing specified roles on certain types of ship.

Regulation 27 imposes basic training requirements applying to all seafarers.

Regulation 30 requires minimum training and competency with regard to security in the case of a seafarer on board a ship that makes international voyages.

Regulations 31 to 34 relate to the method of application for, and the form of, a certificate or an endorsement. Regulation 35 describes the circumstances in which an exemption may be granted.

Regulations 36 to 40 concern recognition by the Secretary of State of certificates issued by EEA States and other States that are parties to the STCW Convention.

Regulations 41 to 43 relate to matters of validity of certificates, including revalidation and refresher training.

Regulations 44 to 47 relate to the suspension and cancellation of certificates, appeals and miscellaneous matters relating to certificates.

Regulations 48 to 50 make provision for the approval of providers of training required by the STCW Convention.

Part 3 applies to seafarers on hovercraft registered in the United Kingdom and imposes on owners training and certification requirements for seafarers 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 and, subject to limited exceptions (fishing vessels, pleasure vessels and vessels in commercial use for sport or

Changes to legislation: *There are currently no known outstanding effects for the The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022. (See end of Document for details)*

pleasure), applies to all seagoing ships registered in the United Kingdom and all other seagoing ships in United Kingdom waters, including hovercraft.

Part 5 makes general provision. Regulation 61 imposes duties on owners and others responsible for the operation of ships registered in the United Kingdom (which includes hovercraft) in relation to the certification and training of the seafarers working on their ships and regulation 62 requires all ships to carry the certificates indicating the applicable qualifications of seafarers on board. Regulation 63 makes provision for equivalence, regulations 64 to 66 make provision for enforcement and regulation 67 contains transitional and saving provisions.

Regulation 68 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before the end of the period of five years beginning with the date on which these Regulations come into force and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Future amendments to provisions of the STCW Convention, the Seafarers' Training, Certification and Watchkeeping Code ("the STCW Code"), the International Convention for the Safety of Life at Sea, 1974 ("SOLAS"), the Radio Regulations annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union, 1992 ("the Radio Regulations"), the International Code of Safety for High Speed Craft 2000 ("the High Speed Craft Code"), the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk ("the IBC Code"), the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk ("the IGC Code"), the IGF Code and the International Ship and Port Facility Code ("the ISPS Code") will be automatically incorporated into these Regulations by way of the ambulatory reference provision in regulation 4.

The STCW Convention, the STCW Code, SOLAS, the Radio Regulations, the High Speed Craft Code, the IBC Code, the IGC Code, the IGF Code and the ISPS Code may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, and all are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or can be found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to the STCW Convention, the STCW Code, SOLAS, the Radio Regulations, the High Speed Craft Code, the IBC Code, the IGC Code, the IGF Code and the ISPS Code which are automatically incorporated into these Regulations, may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). Until such publication is made on the FCDO treaties database, an amendment will be available from the Maritime and Coastguard Agency (MCA) and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Ministerial Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

All Merchant Shipping Notices referred to in these Regulations are available at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns> and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk).

A full impact assessment has not been produced for this instrument as the Regulations relate to the updating and maintenance of existing regulatory standards and no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022.