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STATUTORY INSTRUMENTS

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**2022 No. 1342**

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

**PART 1**

Preliminary

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022 and come into force on the 22nd day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Amendments and revocations**

2.—(1) The amendments listed in Part 1 of Schedule 1 have effect.

(2) The regulations listed in the first column of the Table in Part 2 of Schedule 1 are revoked to the extent specified in the third column of that Table.

**Interpretation**

3. 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 act 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 training provider” means a person approved by the Secretary of State under regulation 48 (approval of training providers);

“certificate of competency” means, except in regulation 36 (recognition of a certificate issued by an EEA State), 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention), an appropriate certificate issued by the Secretary of State for the purposes of regulation 7 (qualification as an officer) or 9 (radiocommunication and radio personnel on a GMDSS ship), other than a certificate of equivalent competency, and in regulations 36, 37 and 38 “certificate of competency” means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with the provisions of chapters II, III, IV or VII in the Annex to the STCW Convention;

“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 36, 37 or 38 to a master, officer or radio operator who holds a certificate of competency issued by or under the authority of another party to the STCW Convention, and for this purpose “certificate of competency” has the meaning given to it for the purposes of regulations 36, 37 and 38;

“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;

“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 (mandatory minimum requirements for the training and qualifications of masters, officers and ratings on oil and chemical tankers) and V/1-2 (mandatory minimum requirements for the training and qualifications of masters, officers and ratings on liquefied gas tankers) in basic or advanced training for—

- (a) oil tanker cargo operations;
- (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” means, in relation to a ship or hovercraft, the owner of the ship or hovercraft, or any other person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship or hovercraft 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 Convention;

“constructed” means, in relation to a ship or a hovercraft, when the keel of the ship is laid or that the ship or hovercraft is at a similar stage of construction;

“Directive” means [Directive 2008/106/EC](#) of the European Parliament and of the Council of 19th November 2008 on the minimum level of training of seafarers<sup>(1)</sup>;

“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 or the High Speed Craft Code have been met;

“EEA State” means a State, other than the United Kingdom, which was an EEA State immediately before IP completion day;

“electro-technical officer” means an officer designated as such and qualified in accordance with the provisions of STCW Regulation III/6 (mandatory minimum requirements for certification of electro-technical officers);

“engineer officer” means an officer qualified in accordance with the provisions of STCW Regulations III/1, III/2 or III/3 (mandatory minimum requirements for certification of chief engineer officers and second engineer officers etc.);

(1) OJ L 323, 3.12.2008, p. 33, amended by [Directive 2012/35/EU](#) of 21 November 2012 (OJ L 343, 14.12.2012, p. 78) and Directive (EU) 2019/1159 of 20 June 2019 (OJ L 188, 12.7.2019, p. 94).

“fast rescue boat” means a rescue boat complying with the requirements of Part 10 of Schedule 2 to Merchant Shipping Notice 1676 (M) Amendment 1(2);

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“flag administration” means, in relation to a ship or hovercraft, the administration of the State whose flag the ship or hovercraft is entitled to fly;

“GMDSS” means Global Maritime Distress and Safety System;

“GMDSS radio operator” means a person who is qualified in accordance with the provisions of STCW Regulations IV/1 and IV/2 (application and mandatory minimum requirements for certification of GMDSS radio operators);

“GT” means gross tonnage as determined in accordance with regulation 6 (gross tonnage) or 12(1) (continuing use of previous gross tonnage) of the Merchant Shipping (Tonnage) Regulations 1997(3);

“high speed craft” has the same meaning as in regulation 1.3 of Chapter X in the Annex to SOLAS(4);

“High Speed Craft Code” means the International Code of Safety for High Speed Craft 2000(5);

“IBC Code” means the International Bulk Chemical Code as defined in regulation 8.1 of Chapter VII in the Annex to SOLAS(6);

“IGC Code” means the International Gas Carrier Code as defined in regulation 11.1 of Chapter VII in the Annex to SOLAS(7);

“IGF Code” has the same meaning as in regulation 2.28 of Chapter II-1 in the Annex to SOLAS(8);

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- (2) Merchant Shipping Notice 1676 (M) Amendment 1 can be found at <https://www.gov.uk/government/publications/msn-1676-amendment-1-merchant-shipping-life-saving-appliances-regulations> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.
  - (3) S.I. 1997/1510, amended by S.I. 2020/362. There are other amending instruments but none is relevant.
  - (4) Chapter X in the Annex to SOLAS (see the footnote to the definition of SOLAS in this regulation) was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) on 24th May 1994 and came into force on 1st January 1996. Chapter X has been amended by IMO Resolution MSC.99(73) (Cm 6001). The amendment to Chapter X is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).
  - (5) The High Speed Craft Code, 2000 was adopted by International Maritime Organization (IMO) Resolution MSC.97(73) on 5th December 2000 and came into force on 1st July 2002. The Code was made mandatory by way of amendments to Chapter X of SOLAS (High-Speed Craft) made by Resolution MSC.99(73). The Code has been amended by IMO Resolutions MSC.175(79), MSC.222(82), MSC.260(84), MSC.271(85), MSC.326(90), MSC.352(92), MSC.424(98) and MSC.439(99). The amendments to the Code are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). See the footnote to the definition of “SOLAS” for further information on SOLAS.
  - (6) The IBC Code was adopted by IMO Resolution MSC.4(48) on 17th June 1983 and in accordance with IMO Resolution 6(48) came into force on 1st July 1986. The Code was replaced in full by IMO Resolutions MSC.176(79) and MEPC.119(52), adopted on 10th December 2004 and 15th October 2004 respectively, and which came into force on 1st January 2007. The current version of the Code has been amended by IMO Resolutions MEPC.166(56), MSC.219(82), MEPC.225(64), MSC.340(91), MEPC.250(66), MSC.369(93), MEPC.302(72) and MSC.440(99). The Code and amendments to it are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).
  - (7) The IGC Code was adopted by IMO Resolution MSC.5(48) on 17th June 1983 and in accordance with IMO Resolution 6(48) came into force on 1st July 1986. The Code was replaced in full by IMO Resolution MSC.370(93) which was adopted on 22nd May 2014 and came into force on 1st July 2016. The current version of the Code has been amended by IMO Resolutions MSC.93/22/Add.1/Corr.3 and MSC.93/22/Add.1/Corr.5. The Code and amendments to it are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).
  - (8) The International Code of Safety for Ships Using Gases or Other Low-Flashpoint Fuels (IGF Code) was adopted by IMO Resolution MSC.391(95) on 11th June 2015 and made mandatory by MSC.392(95). It came into force on 1 January 2017. The Code was corrected by MSC 95/22/Add.1/Corr.1 and amended by IMO Resolution MSC.422(98). The Code and amendments

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in an STCW Convention country, other than the United Kingdom, and a port in any other country or territory, whether an STCW Convention country or not, which is outside the United Kingdom,

and, for the purposes of paragraph (b), “STCW Convention country” means a country or territory which is either a country the government of which is a party to the STCW Convention or a territory to which the STCW Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the STCW Convention;

“ISPS Code” means the International Ship and Port Facility Security Code as defined in regulation 1.1.12 of Chapter XI-2 in the Annex to SOLAS<sup>(9)</sup>;

“length” has the same meaning as in regulation 2(1) of 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;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing 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;

“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 (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018<sup>(10)</sup>;

“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, and “combination carrier” means a ship designed to carry oil or alternatively solid bulk cargo;

“passenger” means a person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; or
- (b) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
  - (i) in the case of a vessel wholly owned by—
    - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
    - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

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to it are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

(9) The ISPS Code was adopted by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on 12th December 2002 and amended by IMO Resolution 196(80). The Code and amendments to it can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR, or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

(10) S.I. 2018/68, amended by S.I. 2020/496 and S.I. 2021/818. There are other amending instruments but none is relevant.

- (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

"prescribed fee" means the fee prescribed by the Secretary of State under section 302 of the Act (fees)(11);

"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;

"Radio Regulations" means the Radio Regulations(12) annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union, 1992(13);

"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) Amendment 1 and designed to rescue persons in distress and to marshal liferafts;

"safe manning document" means a document described as such and issued—

- (a) in the case of a ship or hovercraft registered in the United Kingdom, by the Secretary of State; or
- (b) in the case of any other ship or hovercraft, by or on behalf of the government of the State whose flag the ship or hovercraft is entitled to fly;

"seafarer" means any person, including a master, who—

- (a) is employed or engaged or works in any capacity on board a ship or hovercraft and whose normal place of work is on that ship or hovercraft; or
- (b) is a person to which sub-paragraph (a) does not apply but is responsible for the operation or navigation of a pleasure vessel, or is otherwise responsible for the safety of that vessel, and is on board the vessel;

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(11) The prescribed fee relevant to each individual requirement is found in the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104).

(12) The Radio Regulations are made at a World Radio-communication Conference in accordance with Article 13 of the Convention of the International Telecommunication Union; the existing Radio Regulations were published in 2016 and found on the International Telecommunications Union website at <https://www.itu.int/pub/R-REG-RR-2016>. Chapter IX of the Radio Regulations contains provision governing maritime services; Article 47 contains provision in relation to operators' certificates.

(13) Cm 3145. The Constitution and Convention and their amendments may be found on the International Telecommunications Union website at <https://www.itu.int/en/history/Pages/ConstitutionAndConvention.aspx> or found on the Foreign, Commonwealth and Development Office treaties database ([https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/#search/v=full,c=1,q=qs%3D%5BConstitution%20and%20Convention%20of%20the%20International%20Telecommunication%20Union%2C%201992%5D%2CqueryType%3D%5B64%5D,sm=s,l=library2\\_lib](https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/#search/v=full,c=1,q=qs%3D%5BConstitution%20and%20Convention%20of%20the%20International%20Telecommunication%20Union%2C%201992%5D%2CqueryType%3D%5B64%5D,sm=s,l=library2_lib)). The Constitution and Convention were amended in 1994 (Cm 3779) (<http://foto.archivalware.co.uk/data/Library2/pdf/1997-TS0065.pdf>), 1998 (Cm 9512), 2002 (Cm 9513), 2006 (Cm 9514) and 2010 (Cm 9515).

“seagoing” means going to sea beyond the limits of category A, B, C or D waters, as categorised in Merchant Shipping Notice 1837 (M) Amendment 2(14);

“seagoing service” means service on board a ship relevant to the issue or revalidation of a certificate of proficiency;

“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;

“similar stage of construction” means a stage at which—

- (a) construction identifiable with a specific ship or hovercraft begins; and
- (b) assembly of that ship or hovercraft has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974(15);

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code(16);

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978(17);

“STCW Regulation” means a regulation contained in the Annex to the STCW Convention and any reference to a requirement in an STCW Regulation also constitutes a reference to the corresponding section of Part A of the STCW Code;

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

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

“third party State” means a State, other than the United Kingdom, which is a party to the STCW Convention but is not an EEA State;

“valid” means in force and “validity” is to be construed accordingly.

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- (14) Merchant Shipping Notice 1837 (M) Amendment 2 is available at <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.
  - (15) Cmnd 7874. SOLAS may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to SOLAS are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).
  - (16) The STCW Code contains mandatory provisions in Part A of the Code and guidance in Part B. The Code was replaced in full in 2010 following a conference of the parties to the STCW Convention held in Manila, the Philippines (“the Manila Conference”). The Code has since been amended by IMO Resolutions MSC.374(93), MSC.397(95), MSC.417(97). The guidance in Part B of the Code has been amended by MSC.455(100) and MSC.478(102). The STCW Code and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW.
  - (17) Cmnd 7543. The Annex to the STCW Convention was replaced in full in 2010 following the Manila Conference. The Convention has since been amended by IMO Resolutions MSC.373(93), MSC.396(95) and MSC.416(97). The STCW Convention and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW.

### **Ambulatory reference**

4.—(1) In these Regulations, any reference to the STCW Convention, the STCW Code, an STCW Regulation, SOLAS, the Radio Regulations or an instrument specified in paragraph (2) is to be construed—

- (a) as a reference to the STCW Convention, the STCW Code, an STCW Regulation, SOLAS, the Radio Regulations or an instrument specified in paragraph (2) as modified from time to time; and
- (b) as, if the STCW Convention, the STCW Code, an STCW Regulation, SOLAS, the Radio Regulations or an instrument specified in paragraph (2) is replaced, a reference to the replacement.

(2) The instruments are the—

- (a) High Speed Craft Code;
- (b) IBC Code;
- (c) IGC Code;
- (d) IGF Code; and
- (e) ISPS Code.

(3) For the purposes of paragraph (1)—

- (a) the STCW Convention, the STCW Code or an STCW Regulation is modified or replaced if the modification or replacement takes effect in accordance with Article XII of the STCW Convention;
- (b) SOLAS or an instrument specified in paragraph (2) is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of SOLAS;
- (c) the Radio Regulations are modified or replaced if the modification or replacement takes effect in accordance with Article 54 of the Constitution of the International Telecommunication Union.

(4) A modification or replacement of the STCW Convention, the STCW Code or an STCW Regulation has effect at the time such modification or replacement comes into force in accordance with Article XII of the STCW Convention.

(5) A modification or replacement of SOLAS or an instrument specified in paragraph (2) has effect at the time such modification or replacement comes into force in accordance with Article VIII of SOLAS.

(6) A modification or replacement of the Radio Regulations has effect at the time such modification or replacement comes into force in accordance with Article 54 of the Constitution of the International Telecommunication Union.