
STATUTORY INSTRUMENTS

2022 No. 1342

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

PART 5

General

Application

- 60.**—(1) Subject to paragraphs (2), (3) and (4), this Part applies to—
- (a) seagoing ships that are registered in the United Kingdom, wherever they may be;
 - (b) other seagoing ships while in United Kingdom waters.
- (2) This Part does not apply to—
- (a) ships of war and naval auxiliary ships;
 - (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
 - (c) fishing vessels;
 - (d) pleasure vessels which are—
 - (i) less than 80 GT; or
 - (ii) under 24 metres in length; or
 - (e) wooden ships of primitive build.
- (3) Regulation 61 (responsibilities of companies, masters and others) and regulation 63 (equivalents) do not apply to ships that are not registered in the United Kingdom.
- (4)) Regulation 64 (inspection of ships that are not registered in the United Kingdom) does not apply to ships that are registered in the United Kingdom.
- (5) In this Part, “ship” includes hovercraft.

Responsibilities of companies, masters and others

- 61.**—(1) A company must ensure that—
- (a) a seafarer assigned to any of its ships, other than a hovercraft, 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 (training and certification: ships) or Part 3 (training and certification: hovercraft) 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.

(2) Nothing in paragraph (1) prohibits the allocation of tasks for training under supervision or in case of force majeure.

(3) 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.

(4) The policies and procedures referred to in paragraph (3) 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, marine 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.

(5) A master and a member of a crew designated with an obligation under paragraph (4)(b) must carry out that obligation.

Carriage of documents

62. A company and a master must ensure that there are carried at all times on board a ship all original certificates and other documents issued pursuant to—

(a) Part 2 (training and certification: ships) and Part 3 (training and certification: hovercraft), in the case of a ship that is registered in the United Kingdom; and

(b) the STCW Convention, in the case of a ship that is not registered in the United Kingdom,

indicating the qualification of any member of the crew to perform functions which they are required to perform on board a ship in the course of their designated duties.

Equivalents

63.—(1) The Secretary of State may approve alternative training arrangements to those required by these Regulations, including those involving seagoing service and shipboard organisation especially adapted to technical developments and to special types of ships and trades, if the Secretary of State is satisfied that the conditions in paragraph (2) are met.

(2) The conditions are that the level of seagoing service and knowledge and efficiency with regard to the navigational and technical handling of a ship and its cargo result in a degree of safety at sea and preventive effect with regard to pollution which is at least equivalent to the requirements of the STCW Convention.

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

(4) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (3), must—

(a) be in writing;

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

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

(5) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

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

Inspection of ships that are not registered in the United Kingdom

64.—(1) An authorised person may inspect any ship that is not a ship registered in the United Kingdom for the purposes of—

- (a) verifying that a seafarer on board the ship who is required to be certificated holds valid STCW certificates; and
- (b) assessing the ability of a seafarer on the ship to maintain the watchkeeping standards required by Part 4 (safe manning and watchkeeping) 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 marine environment.

(2) If an authorised person finds on inspection any deficiency of a kind specified in paragraph (4), the authorised person must notify in writing—

- (a) the master of the ship; and
- (b) the ship's flag administration,

that such a deficiency has been found.

(3) If it is not possible to inform the ship's flag administration in accordance with paragraph (2), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(4) The 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.

(5) 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 by the government of the State whose flag the ship is entitled to fly in accordance with the provisions of the STCW Convention entitling the lawful holder to act in the capacity and perform the functions involved—

- (a) at the level of responsibility specified in the certificate;
- (b) on a ship of the type, tonnage or power and means of propulsion on which the seafarer is engaged; and
- (c) while engaged on the particular voyage concerned.

Power to detain

65.—(1) Any ship which does not comply with the requirements of these Regulations may be detained in the United Kingdom.

(2) A ship that is not registered in the United Kingdom may be detained in the United Kingdom where there is—

- (a) a failure to correct a deficiency of a kind specified in regulation 64(4) (deficiencies on inspection of ships not registered in the United Kingdom) after notification to the master pursuant to regulation 64(2) (notification of deficiencies), and there is in consequence a danger to persons, property or the marine environment; or
- (b) a breach of a term of an exemption which has been granted to the ship.

(3) Section 284 of the Act (enforcing detention of ship)(1) applies where a ship is liable to be detained under this regulation as if—

- (a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and
- (b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)(2) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship)(3).

(6) For the purposes of paragraph (5)—

- (a) section 96 of the Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and
- (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(1) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

(2) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(3) Section 95 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 2.

(7) Subject to paragraph (8), where a ship other than a ship registered in the United Kingdom is detained, the Secretary of State must immediately inform the ship's flag administration in writing.

(8) If it is not possible to inform the ship's flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

Offences and penalties

66.—(1) A person who contravenes regulation 48(13)(a), (b), (c) or (d) (providing training without approval or holding out as an approved training provider etc.), 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) An owner who contravenes regulation 51(3) (duty of owner in relation to type rating training for hovercraft) 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.

(3) A company which contravenes regulation 55(2) (requirement for safe manning document), 61(1) or (3) (responsibilities of companies) or 62 (carriage of documents) 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.

(4) A master who contravenes regulation 55(3) (requirement for safe manning document), 56(1) or (2) (watchkeeping arrangements generally and at sea), 57 (watchkeeping arrangements in port), 58 (watchkeeping arrangements in port for ships carrying hazardous cargo), 61(5) (responsibilities of masters) or 62 (carriage of documents) 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 by imprisonment not exceeding six months, or both.

(5) A member of the crew who contravenes regulation 61(5) (responsibilities of other crew) 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 3 on the standard scale.

(6) A chief engineer who contravenes regulation 56(3) (watchkeeping arrangements generally and at sea) 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 the statutory maximum.

(7) 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.

(8) 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.

Transitional and saving provisions

67.—(1) Any certificate referred to in paragraph (2) issued to a seafarer or any endorsement of a certificate of competency under the 2015 Regulations before the coming into force of these Regulations is to be treated as if issued or endorsed under these Regulations and is valid for such period as is specified in the certificate.

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

- (a) a certificate of competency;
- (b) a certificate of equivalent competency;
- (c) a certificate of proficiency;
- (d) a marine engine operator’s licence issued under regulation 7(2)(b) of the 2015 Regulations;
or
- (e) a certificate issued pursuant to regulation 23(4) (seafarers on a high speed craft – type rating training) or regulation 42(4) (hovercraft personnel – type rating training) of the 2015 Regulations.

(3) Any certificate recognised by the Secretary of State under regulation 32 (recognition of a certificate issued by an EEA State) or regulation 33 (recognition of a certificate issued by a third party State) of the 2015 Regulations, is to be treated as a recognition under regulation 36 (recognition of a certificate issued by an EEA State) or regulation 37 (recognition of a certificate issued by a third party State) of these Regulations.

(4) Any party recognised by the Secretary of State under regulation 33A of the 2015 Regulations (recognition of a party to the STCW Convention on or after IP completion day) is to be treated as a recognition under regulation 38 (recognition of a party to the STCW Convention) of these Regulations.

(5) Any approval of a person given under regulation 41 of the 2015 Regulations (provision and quality of training) is to be treated as an approval given under regulation 48 (approval of training providers) of these Regulations.

(6) Any documentary evidence provided to a person pursuant to regulation 41(2) (provision and quality of training) or 42(3) (training of hovercraft personnel) of the 2015 Regulations is to be treated as documentary evidence provided under regulation 26(3) (seafarers on a high speed craft), regulation 49(2) (issue of documentary evidence by an approved training provider) or regulation 51(4) (hovercraft personnel) of these Regulations.

(7) For the purposes of this regulation, “the 2015 Regulations” means the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015(4).

Review

68.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and

(4) [S.I. 2015/782](#), amended by [S.I. 2018/68](#) and [S.I. 2019/630](#) and revoked by these Regulations.

- (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015⁽⁵⁾ requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the STCW Convention are implemented in other countries which are subject to the obligations.
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
 - (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

(5) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16). There is another Act which amends section 28 but it is not relevant.