

STATUTORY INSTRUMENTS

1984 No. 1115

The Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984

PART III

CERTIFICATION OF OFFICERS

Certificates of competency

6.—(1) Certificates of competency issued in accordance with these Regulations shall be of the following classes, that is to say:

- (a) Deck Officer Certificate of Competency (Fishing Vessel) Class 1
Deck Officer Certificate of Competency (Fishing Vessel) Class 2
Deck Officer Certificate of Competency (Fishing Vessel) Class 3;
- (b) Engineer Officer Certificate of Competency (Fishing Vessel) Class 1
Engineer Officer Certificate of Competency (Fishing Vessel) Class 2.

(2) For the purposes of these Regulations, a certificate of competency of a class set out in the list contained in either paragraph (a) or paragraph (b) above shall be treated as being a certificate of a higher class than a certificate of any class which is set out after it in that list.

Certificates equivalent to a certificate of competency

7.—(1) An existing certificate of competency granted under section 414 of the Act of 1894 shall be deemed for the purposes of these Regulations and of sections 43 to 60, 75(2) and 92 of the Act of 1970 to be a certificate of competency issued under section 43 of the Act of 1970 and such a certificate of a class set out in column 1 of Table 2 shall be treated as equivalent to a certificate of competency issued under these Regulations of a class set out opposite thereto in column 2 of that Table.

TABLE 2

<i>Column 1</i>	<i>Column 2</i>
<i>Class of 1894 Certificate</i>	<i>Equivalent Class of Certificate of competency (Deck Officer) issued under these Regulations</i>
Skipper (Full)	Class 1
Second Hand (Full)	Class 1 restricted to use as second in command
Skipper (Limited)	Class 1 in the limited area; Class 2 in the unlimited area
Second Hand (Special)	Class 2 in the limited area only

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<i>Column 1</i>	<i>Column 2</i>
<i>Class of 1894 Certificate</i>	<i>Equivalent Class of Certificate of competency (Deck Officer) issued under these Regulations</i>
Second Hand (Limited)	Class 2 in the limited area only, restricted to use as second in command

(2) Deck officer certificates of service of a description set out in column 1 of Table 3 may be issued in accordance with these Regulations and such a certificate shall be treated as equivalent to a deck officer certificate of competency issued under these Regulations of the class set out in column 2 of that Table opposite that description of certificate of service.

TABLE 3

<i>Column 1</i>	<i>Column 2</i>
<i>Certificate of Service</i>	<i>Equivalent class of certificate of competency (Deck Officer) under these Regulations</i>
Skipper in vessels of less than 25 tons but 16.5 metres or more in the limited area	Class 2 in the limited area
Third Hand in vessels of 40 metres or more	Class 2 in the unlimited area restricted to service as watchkeeping officer but not as first or second in command; Class 3 in the limited area
Second Hand in vessels of less than 50 tons but of 25 tons or more or of 16.5 metres or more	Class 3 in the limited area

(3) Engineer officer certificate of service class 1 and class 2 may be issued in accordance with these Regulations and any such certificate shall be treated as equivalent to an engineer officer certificate of competency issued under these Regulations of the corresponding numbered class.

Standards and conditions for the Issue of Certificate

8.—(1) Subject to paragraph (3) below:

- (a) the standards of competency to be attained and the conditions to be satisfied by a person before he may be issued with a certificate of competency under these Regulations, including any exceptions applicable with respect to any such standards or conditions;
- (b) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced; and
- (c) the conduct of any examination for that purpose and the conditions of admission thereto shall be such as may be specified by the Secretary of State either in relation to certificates of competency in general or to a particular class as may be so specified.

(2) Subject to the proviso to this paragraph and to paragraph (3) below;

- (a) a person applying to be issued with a deck officer's certificate of service shall produce such evidence as the Secretary of State may require that—
 - (i) he has served at sea as a skipper or officer in charge of a navigational watch in a vessel specified in regulation 3 of these Regulations prior to 23rd July 1984 and for a period of at least 3 years during the period of 10 years immediately preceding 1st January 1987;

- (ii) he has served for 12 months of such service in the capacity appropriate for the certificate for which application is made; and
 - (iii) his conduct during the said 12 months and during the last 12 months of sea service in a watchkeeping capacity if that was not the same period was satisfactory;
- (b) a person applying to be issued with an engineer officer certificate of service shall provide such evidence as the Secretary of State may require that—
- (i) he has served at sea in an engineering capacity in a vessel specified in regulation 4 for a period of at least 3 years during the period of 10 years immediately preceding 1st January 1987;
 - (ii) he has served for 12 months of such service in the capacity appropriate for the certificate for which application is made; and
 - (iii) his conduct during the said 12 months and during the last 12 months of sea service in a watchkeeping capacity if that was not the same period was satisfactory:

Provided that, notwithstanding that the conditions set out in sub-paragraphs (a) or (b) above have not been complied with, the Secretary of State, taking into account the circumstances in a particular case, may where he is satisfied that those conditions have been substantially complied with, issue a certificate of service subject to any limitation as to operating area which may be endorsed on that certificate in the particular case.

(3) Notwithstanding that an applicant for a certificate of competency or a certificate of service complies with the standards or fulfils the conditions specified by, or by virtue of, the foregoing provisions of this regulation, the Secretary of State shall not issue the certificate applied for unless he is satisfied, having regard to all the relevant circumstances, that the applicant is a fit person to be the holder of the certificate and to act competently in the capacity to which it relates. If the Secretary of State intends to refuse the issue of a certificate to any such applicant on either of these grounds he shall give notice in writing to the applicant who shall have the right to make representations to the Secretary of State.

Form, validity, record and surrender of certificates

9.—(1) Certificates of competency and certificates of service shall be issued in duplicate, on receipt of any fee payable, the original to be delivered to the person entitled to the certificate and the duplicate to be retained by the Secretary of State.

(2) A certificate shall remain valid for sea-going service only so long as the holder can comply with the standards and conditions as to medical fitness and competency to act in the appropriate capacity specified by the Secretary of State.

(3) A record of all certificates of competency and of all certificates of service issued under these Regulations and of the suspension, cancellation or alteration of, and any other matters affecting, any such certificate shall be kept, in such manner as the Secretary of State may require, by the Registrar General of Shipping and Seamen or by such other person as the Secretary of State may direct.

(4) Where the holder of a certificate of a particular class issued under these Regulations is issued with such a certificate of a higher class, he shall surrender the first-mentioned certificate to the Secretary of State, or to such person as the Secretary of State directs, for cancellation.

(5) Where a person is convicted of an offence under section 43(5) of the Act of 1970, or where a certificate is issued and the conditions for its issue specified by, or by virtue of, these Regulations have not been complied with, then the holder of the relevant certificate shall at the direction of the Secretary of State deliver it to the Secretary of State, or such person as the Secretary of State directs, for cancellation.

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Loss of certificates

10. If a person entitled to a certificate of competency or a certificate of service proves to the satisfaction of the Secretary of State that he has, without fault on his part, lost or been deprived of a certificate already issued to him, the Secretary of State shall, and where he is not so satisfied may, upon receipt of any fee payable, cause a copy of the certificate to which the said person appears to be entitled to be issued to him. Any such copy shall, before it is so issued, be certified as such by the Registrar General of Shipping and Seamen or, as the case may be, by such person as the Secretary of State may have directed to keep the record referred to in regulation 9(3) above.