

1980 No. 2025

MERCHANT SHIPPING**MASTERS AND SEAMEN****The Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1980***Made - - - - 23rd December 1980**Laid before Parliament 12th January 1981**Coming into Operation 1st September 1981*

The Secretary of State, being satisfied that it is necessary or expedient in the interests of safety to make the following Regulations in so far as they require ships to carry qualified engineer officers, and after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a), in exercise of powers conferred by sections 43 and 68 of that Act and now vested in him(b) and of section 21(1)(a), (3)(e) and (o), (4)(a), (5) and (6)(b) of the Merchant Shipping Act 1979(c) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**PART I
GENERAL***Citation, commencement and revocation*

1.—(1) These Regulations may be cited as the Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1980 and shall come into operation on 1st September 1981.

(2) The Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1977(d) and the Merchant Shipping (Certification of Marine Engineer Officers) (Amendment) Regulations 1979(e) are hereby revoked.

(3) These Regulations apply to or in relation to any certificate issued under any Regulations revoked by these Regulations, as they apply to or in relation to a certificate issued under these Regulations.

(4) Any certificate issued under any Regulations revoked by these Regulations in force at the date of the coming into operation of these Regulations shall, subject to its not being suspended or cancelled, remain in force and shall have effect for the purposes of these Regulations as if it had been issued under the corresponding provisions thereof:

Provided that any such certificate which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiration of that period.

(a) 1970 c. 36; section 43 was amended by the Merchant Shipping Act 1979 (c. 39), section 37(2) and (3).

(b) See S.I. 1970/1537.

(c) 1979 c. 39.

(d) S.I. 1977/2072.

(e) S.I. 1979/599.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires:

“the Act of 1894” means the Merchant Shipping Act 1894(a);

“the Act of 1970” means the Merchant Shipping Act 1970;

“certificate of competency” means a certificate of competency issued by the Secretary of State by virtue of these Regulations;

“certificate of service (engineer officer)” means a certificate of service (engineer officer) issued by the Secretary of State by virtue of these Regulations;

“fishing vessel” means a vessel for the time being employed in sea fishing or a Government fishery research vessel, but does not include a vessel used otherwise than for a profit;

“GRT,” in relation to a ship, means its register tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages;

“liquefied gas” means any liquefied gas listed in Chapter XIX of the 1976 Inter-Governmental Maritime Consultative Organisation “(IMCO)” publication entitled “Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk” as amended by Supplements containing Amendments 1-3 and by any other Supplement thereto which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“liquid chemical” means any liquid chemical listed in Chapter VI of the 1980 IMCO publication entitled “Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk” and any Supplement thereto which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“location” includes any offshore installation, any other installation (whether floating or resting on the sea-bed or the subsoil thereof), or any location at sea defined by reference to its latitude and longitude;

“Merchant Shipping Notice” means a Notice described as such and issued by the Department of Trade;

“Middle Trade trading area” means the area specified as such in Schedule 2 to these Regulations;

“Near Continental trading area” means the area specified as such in Schedule 2 to these Regulations;

“offshore installation” means any offshore installation within the meaning of section 1(3) of the Mineral Workings (Offshore Installations) Act 1971(b) or any such other installation as is mentioned in section 44(1) of the Petroleum and Submarine Pipe-lines Act 1975(c);

“partially smooth waters” means, as respects any period specified in Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977(d), the waters of any of the areas specified in column 3 of that Schedule in relation to that period;

“petroleum products” means the following substances produced directly or indirectly from crude, that is to say, fuels, lubricants, bitumen, wax, industrial spirits and any wide range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50° higher

(a) 1894 c. 60.

(b) 1971 c. 61.

(c) 1975 c. 74.

(d) S.I. 1977/252; relevant amending instrument is S.I. 1978/801.

than its initial boiling point) but excluding any product included in the definition of "liquefied gas" above;

"pleasure craft" means a vessel primarily used for sport or recreation;

"proper officer" has the same meaning as in section 97(1) of the Act of 1970;

"qualified marine engineer officer" means an engineer officer of the engineering department who is qualified in accordance with regulation 4(2) of these Regulations;

"registered power" means, in relation to a ship, the brake or shaft power specified in the ship's certificate of registry, that is to say, the total continuous rated brake or shaft power of all the propulsion engines, irrespective of whether some of the power may be diverted from the propulsion shafts or whether not all the power is normally used;

"sail training ship" means a ship of 80 GRT or over which, though equipped to be propelled by sail, is also provided with a propulsion engine, and which carries to sea, in addition to the trained crew, persons under training or instruction;

"service endorsement" means a service endorsement endorsed on a certificate of competency by the Secretary of State by virtue of these Regulations;

"smooth waters" means any waters not being the sea or partially smooth waters, and in particular means waters of any of the areas specified in column 2 of Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977;

"specified by the Secretary of State" means specified in the Department of Trade Merchant Shipping publications entitled "Certificates of Competency in the Merchant Navy: Marine Engineer Officer Requirements" and "Examinations for Certificates of Competency in the Merchant Navy: Engineer Syllabuses and Specimen Papers" both published by Her Majesty's Stationery Office; any reference to those publications shall include a reference to any document amending those publications which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

"trading area" means an area set out in Schedule 2 to these Regulations; and any reference in these Regulations to a voyage to, from or between locations in a trading area shall be construed as including a reference to a voyage to, from, or to and from, such a location or between such locations in the particular trading area or areas referred to;

"United Kingdom ship" has the same meaning as in section 21(2) of the Merchant Shipping Act 1979;

"Unlimited trading area" means the area specified as such in Schedule 2 of these Regulations.

(2) In these Regulations:

(a) references to a certificate of a numbered class are references to a certificate of the class which bears that number as indicated in regulation 5(1)(a) below;

(b) references to a certificate with a service endorsement shall be construed in accordance with regulation 8 below.

Application

3.—(1) Subject to paragraph (2) of this regulation, these Regulations apply to all ships, other than fishing vessels and pleasure craft, having registered

power of 350 kilowatts or more and to sail training ships with a propulsion engine, which go to sea beyond the limits of smooth or partially smooth waters and which are:

- (a) United Kingdom ships; or
- (b) other ships which carry passengers:—
 - (i) between places in the United Kingdom or between the United Kingdom and the Isle of Man or any of the Channel Islands; or
 - (ii) on a voyage which begins and ends at the same place in the United Kingdom and on which the ship calls at no place outside the United Kingdom.

(2) Notwithstanding the provisions of paragraph (1) of this regulation, in respect of ships operating between locations in such areas as may be specified in a Merchant Shipping Notice, the Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

PART II

CERTIFICATION OF MARINE ENGINEER OFFICERS

Qualified engineer officers and classes of certificate

4.—(1) Every ship to which these Regulations apply shall carry such qualified marine engineer officers as are required by Part III of these Regulations.

(2) For the purposes of these Regulations an engineer officer shall be qualified if he is the holder for the time being of a certificate of competency issued under these Regulations, or of a certificate which is to be treated as equivalent to such a certificate by virtue of regulation 6 below and, at the material time, such certificate is in force in relation to the person named in it and is of a class appropriate to the engineer officer's capacity in the ship.

Certificates of competency

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

- Certificate of Competency (Marine Engineer Officer) Class 1
- Certificate of Competency (Marine Engineer Officer) Class 2
- Certificate of Competency (Marine Engineer Officer) Class 3
- Certificate of Competency (Marine Engineer Officer) Class 4.

(b) Certificates of competency of Class 1, 2 or 4 shall be issued for motor or steam machinery or for combined motor and steam machinery. Class 3 certificates shall be issued for motor machinery only.

(2) Service endorsements shall be issued in accordance with these Regulations in respect of certificates of competency of Class 2, 3 or 4 for the appropriate description of ship set out in column 3 of the Table in regulation 8 of these Regulations.

(3) For the purposes of these Regulations a certificate of competency of a class set out in the list in paragraph (1)(a) above, with or without a service endorsement (pursuant to regulation 8 of these Regulations), 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, with or without a service endorsement, if the higher class

certificate is issued for the same type of machinery, whether motor or steam, as the lower class certificate.

Certificates equivalent to a certificate of competency

6.—(1)(a) Subject to sub-paragraph (b) below, a certificate of competency as engineer granted under section 93 of the Act of 1894 or a certificate of service as engineer granted under section 99 of that Act shall be treated as equivalent to a certificate of competency issued under these Regulations.

(b) Such a certificate of competency or certificate of service of a class set out in column 1 of the Table set out below shall be treated as equivalent to a certificate of competency issued under these Regulations of the class set out opposite thereto in column 2 of that Table:

Column 1	Column 2
<i>Class of 1894 certificate</i>	<i>Equivalent class of certificate of competency issued under these Regulations</i>
First Class Engineer	Marine Engineer Officer Class 1
Second Class Engineer	Marine Engineer Officer Class 2 with a service endorsement

(c) A certificate of competency granted under these Regulations or under section 93 of the Act of 1894 to which has been added, by the Secretary of State, a certificate of service (engineer officer) under paragraph (2) of this regulation, shall be treated as equivalent to a certificate of competency of the appropriate class issued under these Regulations as Marine Engineer Officer in respect of the same type of machinery as that for which the certificate of service was issued subject to any limitation endorsed in accordance with paragraph 2(c) below.

(2)(a) A certificate of service (engineer officer) shall be issued under these Regulations to an engineer officer who has fulfilled the conditions of regulation 7(2) of these Regulations and has satisfied the Secretary of State that he has served as engineer officer in charge of a watch at sea in ships to which these Regulations apply:

(i) in a capacity not required to be served by an officer duly certificated under section 92 of the Act of 1894; and

(ii) for not less than 12 months in the capacity claimed;

(b) A certificate of service issued under these Regulations shall be for the type of machinery, steam or motor, with which the engineer officer was concerned during the 12 months in the capacity claimed:

Provided that:

(i) a certificate of service in Classes 1, 2 or 3 for more than one type of machinery, shall not be issued unless the engineer officer has had experience for not less than 12 months with each type of machinery in the capacity claimed or in a higher capacity;

(ii) a certificate of service in Class 4 for more than one type of machinery shall not be issued unless the engineer officer has had experience for not less than 12 months in the capacity claimed, or in any

higher capacity, including not less than 4 months experience with each type of machinery;

- (c) A certificate of service issued under these Regulations may, according to the engineer officer's service, be endorsed:
- (i) for voyages within a trading area or areas;
 - (ii) with another capacity or capacities either for the same trading area or another trading area;
 - (iii) for the same or another type of machinery:
 - (aa) in the same capacity or in another capacity;
 - (bb) in the same trading area or in another trading area; or
 - (iv) with a description of the ships and capacities in which the engineer officer may be carried.

(3) The Secretary of State may specify that the standard of competence to be attained by engineer officers of any description may be the standard of competence required for the issue of a certificate of competency by an authority empowered in that behalf by the laws of a country outside the United Kingdom, and that a certificate issued by any such authority shall be treated as evidence of the attainment of a standard of competence equivalent to the standard required for the issue of a specified class of certificate under these Regulations:

Provided that any certificate issued by any such authority to any such engineer officer which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiration of that period.

Standards and conditions applicable with respect to the issue of certificates

7.—(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 or a certificate of competency with a service endorsement 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 to them

shall be such as may be specified by the Secretary of State either in relation to certificates of competency or certificates of competency with a service endorsement in general or to either of such certificates of a particular class as may be so specified.

(2) Subject to the proviso to this paragraph and to paragraph (3) below, the conditions to be satisfied by an engineer officer who applies to be issued with a certificate of service (engineer officer) shall be:

- (a) that he has served as watchkeeping engineer officer in a sea-going ship to which these Regulations apply prior to 13th December 1977; and
- (b) that he has served as an engineer officer in a sea-going ship for a period of not less than 3 years falling:
 - (i) in the period of 6 years immediately preceding 13th December 1977; or
 - (ii) in any period of 6 years ending after 13th December 1977 but before 1st September 1981; and

- (c) that he has produced such evidence as the Secretary of State may require in the particular case:
- (i) of his having served for 12 months of such service in ships to which these Regulations apply in the capacity for which a certificate of service is claimed; and
 - (ii) of his satisfactory conduct: during that 12 months and during his last 12 months of sea service as an engineer officer, if this is not the same period;

Provided that, notwithstanding that the conditions set out in subparagraphs (a), (b) and (c) 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 (engineer officer) subject to any limitation endorsed in accordance with regulation 6(2)(c) above.

(3) Notwithstanding that an applicant for a certificate of competency, a service endorsement, or a certificate of service (engineer officer) 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.

Service endorsements on certificates of competency

8. Where a person is the holder of a certificate of competency of a class specified in column 1 of the Table below, the Secretary of State may, if he is satisfied that that person is competent to be carried as Chief Engineer Officer in a ship of the description specified in column 2 of that Table in relation to that class, endorse the certificate to that effect with the service endorsement "Chief Engineer Officer".

TABLE

Column 1	Column 2
<i>Class of Certificate of Competency</i>	<i>Description of Ship</i>
Class 2	In ships of 750 or more but under 3000 kilowatt registered power going to, from or between any locations. In ships of 3000 or more but under 6000 kilowatt registered power going between locations in the Near Continental trading area.
Class 3	In ships of 350 or more but under 750 kilowatt registered power going to, from or between any locations. In ships of 750 or more but under 3000 kilowatt registered power going between locations in the Near Continental trading area.
Class 4	In ships of 350 or more but under 750 kilowatt registered power going between locations in the Near Continental trading area. In sail training ships of less than 350 kilowatt registered power going to, from or between any locations.

Form, validity record, and surrender of certificates

9.—(1) Certificates of competency and certificates of service (engineer officer) shall be issued in duplicate, on payment of the appropriate fee (if any), 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 (engineer officer) 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 competency 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.

Loss of certificate

10. If a person entitled to a certificate of competency, or a certificate of service (engineer officer) 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 payment of such fee (if any) as he may require, 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.

PART III

MARINE ENGINEER OFFICERS TO BE CARRIED

Qualified marine engineer officers to be carried in ships

11.—(1) Subject to paragraphs (2) and (3) of this regulation and to regulation 12 below, every ship of 350 kilowatt registered power or more to which these Regulations apply when engaged on a voyage to or from a location or between locations in the trading area set out in relation to that description of ship in column 1 of the Table set out in Part I of Schedule 1 to these Regulations (“that Table”):—

- (a) shall carry a Chief Engineer Officer holding an appropriate (steam or motor) certificate of competency, or certificate of service, of the class specified in column 3 of that Table in relation to the description of ship set out in column 2 of that Table;
- (b) shall carry (if not a ship of less than 3000 kilowatt registered power operating within the Near Continental area) a Second Engineer Officer holding an appropriate (steam or motor) certificate of competency, or certificate of service, of the class specified in column 3 of that Table in relation to the description of ship set out in column 2 of that Table, and
- (c) in addition to the requirements of (a) and (b) above, every engineer officer in charge of an engineering watch in ships of 750 kilowatt registered power or more to which these Regulations apply shall hold an appropriate (steam or motor) Class 4 certificate of competency or certificate of service.

(2) A sail training ship having a propulsion engine of less than 350 kilowatt registered power shall carry at least one engineer officer who is the holder of a certificate of competency Class 4 (motor) endorsed with the Chief Engineer Officer service endorsement as provided for in regulation 8 above; provided that, in a particular case, the Secretary of State may exempt a sail training ship from the requirements of this regulation and permit a specified person or persons with appropriate qualifications and experience to act in the capacity of engineer officer.

(3) The provisions of column 3 of that Table have effect subject to the special provisions set out in Part II of the said Schedule 1 and paragraph (1) above, as read with the provisions of the said column 3, shall apply accordingly.

Exceptional provisions when a ship may proceed to sea with one qualified marine engineer officer less than the number required by these Regulations

12.—(1) Subject to paragraph (3) below, if on an occasion on which a ship, in respect of which the requirements of these Regulations have otherwise been fully complied with, goes to sea, one of the qualified marine engineer officers is not carried because of illness, incapacity, or other unforeseen circumstance, but all reasonable steps were taken to secure the carriage on that occasion of a

duly qualified marine engineer officer, so much of the provisions of these Regulations as require such a ship on such a voyage to carry that marine engineer officer shall not, subject to compliance with the conditions of paragraph (2) below, apply to the ship during whichever is the shorter of the following periods, beginning with the day on which the ship goes to sea from that location on that occasion, that is to say:

- (a) a period ending with the day on which the ship does carry a qualified marine engineer officer as that marine engineer officer, or
- (b) a period determined as follows:
 - (i) in the case of a ship going to sea from a location beyond the Middle Trade trading area 28 days
 - (ii) in the case of a ship going to sea from a location beyond the Near Continental trading area but within the Middle Trade trading area 14 days
 - (iii) in the case of a ship going to sea from a location beyond the United Kingdom but within the Near Continental trading area 7 days

Provided that one such period of 28, 14 or 7 days, as the case may be, shall not be followed immediately by any further period at sea during which the ship carries one less than the number of duly qualified marine engineer officers required by these Regulations.

(2) The conditions referred to in paragraph (1) above are that the Master, when going to sea from that location, shall:

- (a) notify a proper officer of his intention not to carry that qualified marine engineer officer, and
- (b) make an entry of that notification in the ship's official logbook.

(3) Notwithstanding the provisions of paragraph (1) above, a ship such as is mentioned in sub-paragraph (b)(i), (ii) or (iii) of that paragraph may only go to sea on such a voyage if, at the time, it is carrying at least one qualified marine engineer officer.

Additional conditions in respect of ships carrying dangerous cargoes

13. A ship to which these Regulations apply which has a bulk cargo consisting in whole or in part of:

- (a) crude liquid petroleum or petroleum products; or
- (b) liquid chemicals; or
- (c) liquefied gases;

shall carry as Chief Engineer Officer and Second Engineer Officer respectively, engineer officers qualified under these Regulations whose certificates of competency or of service have been endorsed to show that they have satisfied conditions as to training and service as may be specified by the Secretary of State. If an engineer officer other than the Chief Engineer Officer and Second Engineer Officer is acting as cargo officer and has immediate responsibility for loading, discharging and care in transit or handling of cargo, that officer shall hold a similarly endorsed certificate.

PART IV

WATCHKEEPING REQUIREMENTS

Requirement to act in capacity for which certificated

14.—(1) No engineer officer shall act in the capacity of Chief Engineer Officer or Second Engineer Officer unless he holds an appropriate certificate of competency or certificate of service:

Provided that in the event of

- (a) the death or incapacity of the Chief Engineer Officer or Second Engineer Officer while the ship is at sea, or
- (b) a ship going to sea without a duly certificated Chief Engineer Officer or Second Engineer Officer in the circumstances specified in regulation 12 of these Regulations

an engineer officer may act in the capacity of Chief Engineer Officer or Second Engineer Officer until the ship reaches the next intended port of call or during the period allowed by Regulation 12(1)(b).

(2) Neither the Master nor the Chief Engineer Officer shall permit any engineer officer to be in charge of an engineering watch in a ship of 750 kilowatt registered power or more to which these Regulations apply unless he holds a certificate of competency or a certificate of service of a class required by regulation 11 of these Regulations, read with Schedule 1 thereto, to be held by an engineer officer required to be carried in that ship at that time.

(3) An owner shall not appoint any engineer officer to act in a capacity for which he is not duly certificated in accordance with these Regulations.

Offences and Penalties

15.—(1) Any engineer officer who contravenes regulation 14(1) of these Regulations and any Master or Chief Engineer Officer who contravenes regulation 14(2) of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years and fine.

(2) Any owner who contravenes regulation 14(3) of these Regulations shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine.

23rd December 1980.

Norman Tebbit,
Parliamentary Under Secretary of State,
Department of Trade.

Regulations 11 and 14

SCHEDULE 1

PART I

MINIMUM CERTIFICATION REQUIREMENTS OF ENGINEER OFFICERS

TABLE

Column 1	Column 2	Column 3	
Area	Registered power (kilowatts) of ships including sail training ships	Required classes of certification	
		Chief Engineer Officer	Second Engineer Officer
Unlimited or Middle Trade	3,000 and over	1	2
	750 or more but under 3,000	2(e)	3
	350 or more but under 750	3(e)	4
Near Continental	6,000 and over	1	2
	3,000 or more but under 6,000	2(e)	3
	750 or more but under 3,000	3(e)	—
	350 or more but under 750	4(e)	—

- NOTE: (1) Column 3 is to be read subject to, and the meaning of (e) is to be found in paragraph 2 of, the special provisions set out in Part II of this Schedule.
- (2) In addition to the officers specified in column 3 above, ships of 750 kilowatt registered power or more may be required to carry other certificated engineer officers in order to comply with regulation 11(1)(c).
- (3) Column 3 is to be read subject to the provisions of regulation 6(2)(c) in respect of certificates of service which may be endorsed with particular limitations.

PART II

Regulation 11(3)

SPECIAL PROVISIONS APPLICABLE TO PART I
OF THIS SCHEDULE

- The provisions of column 3 of the Table set out in Part I above, in so far as they impose a requirement with respect to the carrying in a ship of a qualified marine engineer officer who is the holder of a certificate of competency issued under these Regulations of a particular class, shall be treated as complied with if the engineer officer who is carried in pursuance of that requirement is the holder of a certificate of competency issued under these Regulations of a higher class and in respect of the same type of machinery as that installed in the ship.
- Where a number set out in column 3 of the Table set out in Part I above in relation to a certificate of competency issued under these Regulations of a particular class is followed by the indication (e), that provision of the said column 3 to which the number relates shall be construed as requiring the certificate in question to be endorsed with the Chief Engineer Officer service endorsement.

SCHEDULE 2

Regulation 2(1)

DEFINITION OF "TRADING AREA"

"Trading area" means any of the following areas, that is to say:

Near Continental trading area: any location within the area bounded by a line from a point on the Norwegian coast in latitude 62° North to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 51° North 12° West; thence to Brest, but excluding all waters which lie to the eastward of a line drawn between Kristiansand, Norway, and Hanstholm lighthouse on the North Danish coast;

Middle Trade trading area: any location not within the Near Continental trading area but within an area (which includes places in the Baltic Sea) bounded by the northern shore of Vest Fjord (Norway) and a line joining Skomvaer lighthouse (Latitude 67° 25' N Longitude 11° 53' E) to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 51° North 12° West; thence to a point 41° 9' North 10° West; thence to Oporto;

Unlimited trading area: any location not within the Middle Trade or Near Continental trading areas.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and re-enact the provisions of the Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1977 as amended, except in the following respects:—

(1) Regulation 6(1) provides for certain existing certificates granted under the Merchant Shipping Act 1894 to be recognised as valid certificates under the 1970 Act, without the need for those certificates to be validated. Accordingly, the Regulations make no reference to certificates of validation.

(2) The application of these Regulations has been extended to include all United Kingdom ships (as defined in regulation 2(1)) of 350 kW registered power or more. In addition to ships registered in the United Kingdom, this definition includes ships not registered under the law of any country but which are wholly owned by persons each of whom is either a citizen of the United Kingdom and colonies or a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in a part of the United Kingdom (regulation 3(1)).

(3) Ships and classes of ships which confine their operations within certain areas, specified in a Merchant Shipping Notice, may be exempted from all or any of the requirements of these Regulations subject to such conditions as the Secretary of State may specify in making the exemption (regulation 3(2)).

(4) An applicant for a certificate of service (engineer officer) must have served in an engineering watchkeeping capacity, but not necessarily in charge of a watch, on ships to which the Regulations apply, prior to 13th December 1977 (regulation 7(2)(a)).

(5) The Secretary of State may at the time of issue, impose limitations as to trading area, type of ship or capacity on any certificate of service (proviso to regulation 7(2)).

(6) References to 746 kW registered power have been changed to 750 kW registered power (regulations 8 and 11 and Schedule 1 Part I).

(7) Certificates of competency and certificates of service will remain valid for sea-going service only if the holder continues to comply with standards and conditions as to medical fitness and competency to act in the appropriate capacity to be specified by the Secretary of State (regulation 9(2)).

(8) All ships to which the Regulations apply must now carry the duly certificated engineer officers required by the Table in Part I of Schedule 1 to the Regulations. Ships of 750 kW registered power or more can carry as engineer officers in charge of watches only men holding an appropriate (steam or motor) certificate of competency or service (regulation 11(1) and Schedule 1 Part I).

(9) The Secretary of State may permit uncertificated officers with appropriate qualifications and experience to act as Engineer Officers on sail training ships (regulation 11(2)).

(10) Petroleum and its products have been added to the specified dangerous cargoes in respect of which specially trained officers must be carried (regulation 13).

(11) Engineer officers are now required to be duly certificated for the capacities in which they act (regulation 14).

(12) It is an offence for an owner to employ officers in capacities for which they are not duly certificated (regulations 14(3) and 15(2)).

(13) The penalty for acting outside the capacity for which an officer is certificated is prescribed in regulation 15. Other relevant offences, the maximum penalties for which were increased by section 43 of the Merchant Shipping Act 1979 with effect from 1st January 1980 (S.I. 1979/807), are laid down in the Merchant Shipping Act 1970—

<i>Offence</i>	<i>Maximum fine</i>
S. 43(5): making a false statement to obtain a certificate or other document	£1,000 on summary conviction
S. 45: ship going to sea undermanned	£1,000 on summary conviction; no limit on conviction on indictment
S. 46: unqualified person going to sea as qualified	as under s. 45.

(14) The Department of Trade publications setting out requirements “specified by the Secretary of State”—see regulation 2(1)—may be amended from time to time. Such amendments will be published in Merchant Shipping Notices obtainable from the Department of Trade, Marine Library, Sunley House, 90 High Holborn, London WC1 and from any Department of Trade Mercantile Marine Office or Marine Survey Office. The Inter-Governmental Maritime Consultative Organisation publications referred to in regulation 2(1) are available from IMCO, Piccadilly, London W.1.

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