
STATUTORY INSTRUMENTS

1993 No. 1213

The Merchant Shipping (Local Passenger Vessels)(Masters' Licences and Hours, Manning and Training) Regulations 1993

PART II

MASTERS' LICENCES

Masters to be qualified

4.—(1) A vessel to which this Part applies shall carry in command of the vessel a person who is qualified for the purpose in accordance with paragraph (2) below.

(2) For the purposes of paragraph (1) above a person is qualified if—

- (a) he is the holder of a certificate (in these Regulations referred to as a “licence”) issued by the Secretary of State under this Part stating that he is qualified to have command of such a vessel;
- (b) the licence is in force and is of a grade appropriate in respect both of the waters in which the vessel is being navigated and the number of passengers carried; and
- (c) the vessel is in an area specified in the licence as one in which a vessel may be navigated under the command of the holder.

Licence applications, standards and conditions

5.—(1) An application for a licence under this Part shall be made in such form as the Secretary of State may from time to time specify.

(2) Subject to paragraphs (3) and (4) below—

- (a) the standards of competence to be attained and the conditions (including conditions as to medical fitness) to be satisfied by a person in order for a licence to be issued to him under this Part;
- (b) any exceptions applicable with respect to any such standards or conditions;
- (c) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced; and
- (d) the conduct of any examinations and the conditions of admission to them;

shall be such as may from time to time be specified by the Secretary of State in a Merchant Shipping Notice, either in relation to licences under this Part in general or to licences under this Part of a particular grade as may be so specified.

(3) Notwithstanding that an applicant for a licence under this Part complies with the standards and satisfies the conditions specified by the Secretary of State, the Secretary of State shall not issue such a licence to the applicant unless he is satisfied, having regard to all the relevant circumstances, that the applicant is a fit person to be the holder of such a licence.

(4) The standards of competence to be attained and the conditions to be satisfied by the holder of an existing boatman's licence in order for a licence to be issued to him under this Part shall be such standards and conditions as were to be satisfied by him in order for the existing boatman's licence to be issued to him.

Accordingly, the Secretary of State shall on the application of the holder of an existing boatman's licence issue to him a licence under this Part; and the licence shall—

- (a) be of the grade, or of the higher or highest of the grades, which is appropriate in respect of—
 - (i) a vessel when being navigated in waters in the area or areas stated in the existing boatman's licence as the area or areas of operation; and
 - (ii) the greatest number of passengers which in the period of 12 months before the coming into force of these Regulations was carried in a vessel navigated in that area or in each of those areas respectively (as the case may be) under the command of the holder of the existing boatman's licence; and
- (b) state as the area or areas in which a vessel may be navigated under the command of the holder the area or areas stated in the existing boatman's licence as the area or areas of operation.

Grades and area restrictions of licences

6.—(1) A licence under this Part shall bear the title "Boatmaster's Licence" and shall be of one of the following grades, that is to say—

Boatmaster's Licence, Grade 1

Boatmaster's Licence, Grade 2

Boatmaster's Licence, Grade 3;

and the grade of the licence shall be stated in the licence.

(2) The grade of licence appropriate in respect of a vessel when being navigated in waters specified in column (1) of the following Table and carrying a number of passengers specified in relation to those waters in column (2) of the Table shall be either that specified in relation to those waters and that number of passengers in column (3) of the Table or (where the grade so specified is 2 or 3) a higher grade than that so specified:

(1) Waters	(2) Number of passengers	(3) Minimum Grade of Licence
Category A	13 or more	3
Category B	13 to 100	3
	over 100	2
Category C	13 or more	2
Category D	13 to 100	2
	over 100	1
Sea	13 to 100	2
	over 100	1

(3) A licence of any grade issued under this Part shall be subject to such restriction as the Secretary of State shall determine as to the area or areas in which a vessel may be navigated under the command of the holder; and every such restriction shall be stated in the licence.

Continuing validity

7.—(1) Subject to paragraph (2) below, a licence under this Part shall remain valid only so long as the holder complies with the standards of competence and the conditions (including conditions as to medical fitness) specified as mentioned in regulation 5(2) above.

(2) A licence issued pursuant to regulation 5(4) above shall remain valid only so long as the holder complies with such standards and conditions as were to be satisfied by him in order for the existing boatman's licence to be issued to him and with conditions as to medical fitness specified as mentioned in regulation 5(2) above.

Record and surrender of licences

8.—(1) The Secretary of State shall make and, during the period of the licence, retain a copy of every licence issued under this Part.

(2) A record of—

- (a) every licence issued under this Part;
- (b) every existing boatman's licence treated as equivalent to a licence under this Part; and
- (c) every suspension, cancellation or alteration of and any other matter affecting such a licence or existing boatman's licence;

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.

(3) Where the Secretary of State issues to the holder of a licence under this Part a licence under this Part of a higher grade than that which he already holds, the holder shall surrender the first-mentioned licence to the Secretary of State, or to such person as the Secretary of State may direct, for cancellation.

Loss of licences

9.—(1) If the holder of a licence under this Part loses the licence, then—

- (a) if he satisfies the Secretary of State that the loss occurred without fault on his part, the Secretary of State shall cause a copy of the licence to be issued to him;
- (b) if he does not so satisfy the Secretary of State, the Secretary of State may on receipt of any fee payable cause a copy of the licence to be issued to him.

(2) Any copy issued under paragraph (1) above shall be certified as a copy by the Registrar General of Shipping and Seamen or, as the case may be, such other person as the Secretary of State may have directed pursuant to regulation 8(2) above.