

*This Statutory Instrument has been made in consequence of defects in S.I.s 1997/348 and 1997/1320
and is being issued free of charge to all known recipients of those Statutory Instruments.*

STATUTORY INSTRUMENTS

1997 No. 1911

MERCHANT SHIPPING

SAFETY

MASTERS AND SEAMEN

**The Merchant Shipping (Training, Certification and
Safe Manning) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>31st July 1997</i>
<i>Laid before Parliament</i>		<i>11th August 1997</i>
<i>Coming into force</i>	- -	<i>1st September 1997</i>

Whereas the Secretary of State is a Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to recognition of higher education diplomas or formal qualifications required for the pursuit of professions or other occupations;

And whereas insofar as the following Regulations are made in exercise of the powers conferred by section 47(1)(a) of the Merchant Shipping Act 1995⁽³⁾ the Secretary of State is satisfied that it is necessary or expedient, in the interests of safety to make them insofar as they require ships to carry qualified seamen;

And whereas insofar as the following Regulations are made in the exercise of powers conferred by section 47 of the Merchant Shipping Act 1995, the Secretary of State has in pursuance of subsection (4) of section 306 of that Act consulted with the organisations referred to in that subsection;

And whereas insofar as these Regulations are made in exercise of powers conferred by section 85 of the Merchant Shipping Act 1995, the Secretary of State has in pursuance of subsection (4) of section 86 of that Act consulted the persons referred to in that subsection;

Now, therefore, the Secretary of State for Transport, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 47 and 85(1)(a) and (b) and (3) and (5) of the Merchant Shipping Act 1995 and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

(1) S.I.1989/1327.

(2) 1972 c. 68.

(3) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28) section 8.

1. These Regulations may be cited as the Merchant Shipping (Training, Certification and Safe Manning) (Amendment) Regulations 1997 and shall come into force on 1st September 1997.

2. The Merchant Shipping (Training and Certification) Regulations 1997⁽¹⁾ shall be amended as follows—

(a) in regulation 2(1), after the definition of “IGC Code” the following definition shall be inserted:—

““length” has the same meaning as in the Merchant Shipping (Tonnage) Regulations 1997⁽²⁾

(b) at the end of regulation 3(b), there shall be added “and which are less than 80 GT or under 24 metres in length”; and

(c) in regulation 5(4)(b), after “adaptation period” there shall be inserted “not exceeding 3 years”.

3. The Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997⁽³⁾ shall be amended as follows—

(a) in regulation 2(1), after the definition of “hazardous cargo” the following definition shall be inserted:

““length” has the same meaning as in the Merchant Shipping (Tonnage) Regulations 1997”;

(b) at the end of regulation 3(b)(ii), there shall be added “and which are less than 80 GT or under 24 metres in length”;

(c) in regulation 16(1)(b)(ii), for the first reference to “15(2)” there shall be substituted “15(3)”;

(d) in regulation 17—

(i) in paragraph (1), for “9(1), (2), (8) or (10)” there shall be substituted “9”;

(ii) in paragraph (2), for “4(b)” there shall be substituted “4(6)”;

(iii) after paragraph (2), there shall be inserted the following paragraph:—

“(2A) Where an employer has pursuant to regulation 9(3) become subject to the duties of the company under that regulation, any contravention of regulation 9 by the employer shall be an offence, punishable on summary conviction by a fine not exceeding the statutory maximum, or on indictment by a fine, or (in the case of an individual) by imprisonment not exceeding six months, or both.”.

(1) S.I.1989/1327.

(2) 1972 c. 68.

(3) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28) section 8.

Signed by authority of the Secretary of State for Transport

31st July 1997

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and
the Regions

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations correct deficiencies in the Merchant Shipping (Training and Certification) Regulations 1997 and the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997, which implemented the International Convention on Standards of Training, Certification and Watchkeeping (STCW), 1978, as amended on 7th July 1995.

They apply those Regulations to pleasure vessels which are over 24 metres and 80 gross tons in size.

In the Merchant Shipping (Training and Certification) Regulations 1997 the maximum length of adaptation periods (for assessing the competency of applicants for certificates of equivalent competency who are nationals of member States of the European Economic Area) is specified as three years (pursuant to Council Directive [89/48/EEC](#) (OJ. No. L19, 24.1.89, p.16) on a general system of the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration; and to Council Directive [92/51/EEC](#) (OJ. No. L209, 24.7.92, p.25) on a second general system for the recognition of professional education and training to supplement Directive [89/48/EC](#)).

In the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997 certain other amendments are made. In particular an offence and penalty is prescribed for employers who become subject to the duty under regulation 9 to produce schedules of work, but contravene that duty.