
STATUTORY INSTRUMENTS

1997 No. 348

**MERCHANT SHIPPING
MASTERS AND SEAMEN**

**The Merchant Shipping (Training
and Certification) Regulations 1997**

Made - - - - - *14th February 1997*
Laid before Parliament *20th February 1997*
Coming into force - - - *13th March 1997*

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 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 the said sections 47 and 85(1) (a)⁽⁴⁾ 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.

(4) Sections 85 and 86 are applied to hovercraft by S.I. 1989/1350.

PART I: PRELIMINARY

Citation, commencement, revocation and transitional provisions

1.—(1) These Regulations may be cited as the Merchant Shipping (Training and Certification) Regulations 1997, and shall come into force on 13th March 1997.

(2) The following Regulations are hereby revoked:

The Merchant Shipping (Tankers—Officers and Ratings) Regulations 1984(5);

The Merchant Shipping (Engine Room Watch Ratings) Regulations 1984(6);

The Merchant Shipping (Navigation Watch Ratings) Regulations 1984(7);

The Merchant Shipping (Certificates of Proficiency in Survival Craft) Regulations 1984(8);

The Merchant Shipping (Certification of Deck Officers) Regulations 1985(9);

The Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986(10);

The Merchant Shipping (Certification of Deck and Marine Engineer Officers and Licensing of Marine Engine Operators) (Amendment) Regulations 1987(11);

The Merchant Shipping (Certification of Deck Officers and Marine Engineer Officers) (Amendment) Regulations 1991(12);

The Merchant Shipping (Certification of Deck and Marine Engineer Officers) (Amendment) Regulations 1995(13).

(3) Notwithstanding the revocations of Regulations made by paragraph (2) above—

(a) certificates and licences granted, endorsements made and standards of competency and training already met, pursuant to such Regulations and as specified in Merchant Shipping Notice No. M 1692, shall be treated as equivalent to certificates, endorsements, appropriate certificates, standards of competency or training, referred to in these Regulations, as provided in that Notice, and shall accordingly remain of full validity, subject to regulation 6, until 1st February 2002;

(b) seamen who commence:

(i) seagoing service as part of an approved training programme; or

(ii) the shore-based phase of an approved training programme

before 1st August 1998 may be issued with certificates, or have certificates recognised or endorsed, pursuant to such revoked Regulations and the provisions of sub-paragraph (a) shall apply to such certificates.

Interpretation

2.—(1) In these Regulations:

-
- (5) S.I. 1984/94.
(6) S.I. 1984/95.
(7) S.I. 1984/96.
(8) S.I. 1984/97.
(9) S.I. 1985/1306.
(10) S.I. 1986/1935.
(11) S.I. 1987/884.
(12) S.I. 1991/1819.
(13) S.I. 1995/1429.

“the Act” means the Merchant Shipping Act 1995;

“appropriate certificate” means a certificate issued and endorsed in accordance with the provisions of these Regulations and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage or power and means of propulsion indicated by the endorsement while engaged on the particular voyage concerned;

“approved” (and “approved” in the STCW Convention so far as given effect by these Regulations) means approved by the Secretary of State;

“certificate of competency” means an appropriate certificate issued by the Secretary of State for the purposes of regulation 4 (other than a certificate of equivalent competency);

“chemical tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the IBC;

“constructed” means a craft the keel of which is laid or which is at a similar stage of construction; and “similar stage of construction” means a stage at which:

- (a) construction identifiable with a specific craft begins; and
- (b) assembly of that craft has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;

“certificate of equivalent competency” means a document entitled “certificate of equivalent competency” issued under regulation 5(3);

“GT” means gross tons; and the gross tonnage of a ship having alternative gross tonnages shall be the larger of those tonnages; for a ship having its tonnage determined both under Part II and regulation 16 of the Merchant Shipping (Tonnage) Regulations 1982⁽¹⁴⁾ its gross tonnage shall be that determined under regulation 16;

“high speed craft” has the same meaning as in the Merchant Shipping (High Speed Craft) Regulations 1996⁽¹⁵⁾;

“IBC Code” means the 1994 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization;

“IGC Code” means the 1993 Edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, published by the International Maritime Organization;

“liquefied gas tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the IGC Code;

“Merchant Shipping Notice” means a Notice described as such and issued by the Marine Safety Agency, an executive agency of the Department of Transport;

“near-coastal voyage” means a voyage during which the vessel is never more than 150 nautical miles from a safe haven in the United Kingdom, or never more than 30 nautical miles from a safe haven in the Republic of Ireland;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1996⁽¹⁶⁾;

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

⁽¹⁴⁾ S.I. 1982/841, to which there are amendments not relevant to these Regulations.

⁽¹⁵⁾ S.I. 1996/3188.

⁽¹⁶⁾ S.I. 1996/3010.

“passenger ship” means a ship carrying more than 12 passengers;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all the ship’s main propulsion power which appears on the ship’s certificate of registry or other official document;

“ro-ro passenger ship” means a ro-ro passenger ship within the meaning of the Merchant Shipping (Passenger Ship Construction) Regulations 1984⁽¹⁷⁾;

“sea-going” means going to sea beyond the limits of category A, B, C or D waters (as categorised in Merchant Shipping Notices Nos. M 1504 and M 1569);

“specified by the Secretary of State” means specified by the Secretary of State in a Merchant Shipping Notice which is considered by him to be relevant from time to time;

“the STCW Code” means the Seafarers' Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7th July 1995;

“tanker” means a chemical tanker, a liquefied gas tanker or an oil tanker.

(2) Any reference to the IBC Code, the IGC Code, the STCW Code, or the STCW Convention or a particular Merchant Shipping Notice shall include reference to any document amending the Code, Convention or Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(3) In these Regulations, unless the context otherwise requires—

- (a) a reference to a numbered regulation is a reference to the regulation of that number in these Regulations; and
- (b) a reference to a numbered paragraph is a reference to the paragraph of that number in that regulation.

PART II: SHIPS

Application

3. This Part of these Regulations applies to masters and seamen employed in sea-going ships registered in the United Kingdom, except in—

- (a) fishing vessels, or
- (b) pleasure craft as defined in regulation 3 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993⁽¹⁸⁾.

Qualification as an officer

4. A person is qualified as an officer for the purposes of section 47 of the Act if he holds a certificate of competency or certificate of equivalent competency, or a certificate treated as equivalent pursuant to regulation 1(3)(a), in one of the following capacities:

- (a) (i) master;

⁽¹⁷⁾ S.I. 1984/1216, to which there are amendments not relevant to these Regulations.

⁽¹⁸⁾ S.I. 1993/1072.

- (ii) chief mate; or
- (iii) officer in charge of a navigational watch; or
- (b) (i) chief engineer officer;
- (ii) second engineer officer; or
- (iii) officer in charge of an engineering watch; or
- (c) radio operator.

Recognition of certificates

5.—(1) The Secretary of State may recognise a certificate issued by or under the authority of another Party to the STCW Convention to a master, officer or radio operator if he is satisfied:

- (a) that the requirements of the STCW Convention concerning standards of competence, the issue and endorsement of certificates and record keeping are fully complied with; and
- (b) that prompt notification will be given to the Marine Safety Agency of any significant change in the arrangements for training and certification provided in compliance with the Convention.

(2) Where the Secretary of State recognises a certificate pursuant to paragraph (1) he shall endorse such a certificate to attest its recognition if he is satisfied that the requirements of the STCW Convention in paragraph (1)(a) and (b) have been complied with.

(3) The endorsement shall be in the form of a separate document, entitled ‘certificate of equivalent competency’.

(4) Where, pursuant to paragraph (1), the Secretary of State has recognised the standard of competence required for the issue of a certificate by an authority of a Party to the STCW Convention outside the United Kingdom as being in part the standard to be attained for officers qualified for the purposes of these Regulations, any conditions specified by the Secretary of State for the issue of a certificate of equivalent competency shall be limited to—

- (a) aptitude tests for the purpose of assessing the applicant’s ability to pursue the profession of officer on United Kingdom ships, in the light of subjects and training and related assessment procedures, which differ substantially from those covered by the applicant’s certificate issued by that State; or
- (b) in the case of applicants who are nationals of a member State of the European Economic Area (at the applicant’s option) an adaptation period, as specified by the Secretary of State.

Revalidation of certificates

6.—(1) The certificate of a master or other officer issued with a certificate under regulation 4 or 5 shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(2) A certificate of a category referred to in regulation 9 granted pursuant to the Merchant Shipping (Radio Installations) Regulations 1992⁽¹⁹⁾ shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years, to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(3) Every master and officer shall, for continuing sea-going service on ships referred to in regulations 10, 11 and 12, successfully complete approved refresher training at intervals specified by the Secretary of State.

⁽¹⁹⁾ S.I. 1992/3.

Appropriate certificates

7. Any officer serving in the capacity set out in column 1 of the table below shall hold an appropriate certificate for that capacity. A person shall only be entitled to be issued with such an appropriate certificate if he complies with the criteria in Regulations annexed to the STCW Convention, set out in column 2 of the table in relation to that entry, and any other requirements specified by the Secretary of State.

TABLE OF CRITERIA FOR APPROPRIATE CERTIFICATES

<i>Column 1</i>	<i>Column 2</i>
<i>Master and Deck Department</i>	<i>Regulation Annexed to the STCW Convention</i>
Officer in charge of a navigational watch on any ship on voyages not limited to near-coastal voyages.	Regulation II/1.2.
Master or chief mate on a ship of 3000 GT or more.	Regulation II/2.2.
Master or chief mate on a ship of less than 3000 GT.	Regulation II/2.4.
Officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages.	Regulation II/3.4.
Master on a ship of less than 500 GT engaged on near-coastal voyages.	Regulation II/3.6.
<i>Engine Department</i>	<i>Regulation Annexed to the STCW Convention</i>
Officer in charge of an engineering watch in a manned engine room, or designated duty engineer officer in a periodically unmanned engine-room, on a ship powered by main propulsion machinery of 750 kW propulsion power or more.	Regulation III/1.2
Chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kW propulsion power or more.	Regulation III/2.2
Chief engineer officer and second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kW propulsion power.	Regulation III/3.2

Rating and holders of other qualifications

- (a) Every rating forming part of a navigational watch on a ship of 500 GT or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall hold a certificate issued under this paragraph.
- (b) No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in Regulation II/4.2 in the Annex to the STCW Convention.

- (a) Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a ship powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall hold a certificate issued under this paragraph.
 - (b) No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in Regulation III/4.2 in the Annex to the STCW Convention.
- (3) Any person designated to perform watchkeeping duties in a manned or periodically unmanned engine room on a ship powered by main propulsion machinery of 350 kW power, or more, but less than 750 kW shall be the holder of one of the engineering certificates of competency referred to in regulation 7 or be the holder of a marine engine operator's licence issued in compliance with criteria specified by the Secretary of State.

Radiocommunication and Radio Personnel on GMDSS Ships

- 9.** No person shall be granted a certificate under regulation 16 of the Merchant Shipping (Radio Installation) Regulations 1992 unless—
- (a) he is at least 18 years of age; and
 - (b) he has completed approved education and training and meets the standard of competence specified in section A-IV/2 of the STCW Code.

Mandatory minimum requirements for the training and qualification of masters, officers and ratings on tankers

- 10.—**(1) Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on tankers shall have completed an approved shore-based advanced fire-fighting course in addition to the training required by section A-VI/1 of the STCW Code and shall have completed:
- (a) at least three months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or
 - (b) an approved tanker familiarization course covering at least the syllabus given for that course in section A-V/1 of the STCW Code.
- (2) The period of three months referred to in sub-paragraph (a) of paragraph (1) may be reduced to not less than one month if:—
- (i) the tanker on which such service is performed is of less than 3,000 GT; and
 - (ii) the duration of each voyage of the tanker on which such approved service is performed does not exceed 72 hours, and
 - (iii) the operational characteristics of the tanker on which such approved service is performed and the number of voyages and loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired as would have been acquired in approved service performed in accordance with sub-paragraph (a) of paragraph (1) on a tanker of a size, and performing voyages, not falling within sub-paragraphs (i) and (ii) above.
- (3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo on tankers shall, in addition to meeting the requirements of paragraph (1), have:
- (a) experience appropriate to their duties on the type of tanker on which they serve; and
 - (b) completed an approved specialized training programme at which at least covers the subjects set out in section A-V/1 of the STCW Code that are appropriate to their duties on the tanker on which they serve.

(4) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with paragraph (1) or (3), or their existing certificate shall be endorsed, and every rating who is so qualified shall be certificated.

Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ro-ro passenger ships.

11.—(1) This regulation applies to masters, officers, ratings and other personnel serving on board ro-ro passenger ships.

(2) Prior to being assigned shipboard duties on board ro-ro passenger ships, seafarers shall have completed the training required by paragraphs (4) to (8) in accordance with their capacity, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with paragraphs (4), (7) and (8) shall, at intervals not exceeding five years, undertake appropriate refresher training.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on board ro-ro passenger ships shall have completed training in crowd management as specified in section A-V/2, paragraph 1 of the STCW Code.

(5) Masters, officers and other personnel assigned specific duties and responsibilities on board ro-ro passenger ships shall have completed the familiarization training specified in section A-V/2, paragraph 2 of the STCW Code.

(6) Personnel providing direct service to passengers in passenger spaces on board ro-ro passenger ships shall have completed the safety training specified in section A-V/2, paragraph 3 of the STCW Code.

(7) Masters, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.

(8) Masters, chief mates, chief engineer officers, second engineer officers and any person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 5 of the STCW Code.

(9) It shall be the duty of any person providing the training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

Mandatory minimum requirements for the training and qualification of masters, officers, ratings and other personnel on high-speed craft.

12.—(1) This regulation applies to masters and officers, ratings and other personnel serving on board high-speed craft which are ships constructed on or after 1st January 1996.

(2) Prior to being assigned shipboard duties on board high speed craft, masters, officers, ratings and other personnel shall have completed the training specified in Merchant Shipping Notice No.M1696.

(3) It shall be the duty of any person providing the training referred to in this regulation to issue documentary evidence to every person successfully completing such training. In the case of masters, and of officers having an operational role on high speed craft, the documentary evidence shall be a certificate in a form specified in Merchant Shipping Notice No. M1696 and shall be endorsed in a manner specified in that notice.

Mandatory minimum requirements for familiarization, basic safety training and instruction for all seafarers.

13. — All seamen shall receive familiarization and basic safety training or instruction in accordance with section A-VI/1 of the STCW Code and shall meet the appropriate standard of competence specified therein.

Mandatory minimum requirements for the issue of certificates of proficiency in survival craft, rescue boats and fast rescue boats.

- (a) Every person designated to launch or take charge of survival craft or rescue boats other than fast rescue boats shall have a certificate of proficiency in such craft.
 - (b) No person shall be granted such a certificate unless he meets the criteria specified in Regulation VI/2.1 in the Annex to the STCW Convention.
 - (a) Every person designated to launch or take charge of a fast rescue boat shall have a certificate of proficiency in such boats.
 - (b) No person shall be granted such a certificate unless he meets the criteria in Regulation VI/2.2 in the Annex to the STCW Convention.
- (3) In this regulation
- “fast rescue boat” means a rescue boat which is—
- (a) not less than 6 metres in length and not more than 8.5 metres in length; and
 - (b) capable of manoeuvring, for at least 4 hours, at a speed of at least 20 knots in calm water with a suitably qualified crew of 3 persons and at least 8 knots with a full complement of persons and equipment; and
- “survival craft” and “rescue boat” have the same meaning as in the Merchant Shipping (Life Saving Appliances) Regulations 1986(20)

Mandatory minimum requirements for training in advanced fire-fighting

15.—(1) Seamen designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organization, tactics and command in accordance with the provisions of section A-VI/3 of the STCW Code and shall meet the standard of competence specified therein.

(2) Where training in advanced fire fighting is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced fire fighting.

Mandatory requirements relating to medical first aid and medical care

16.—(1) Seamen designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.

(2) Seamen designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.

(3) Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

Form, validity, record and surrender of certificates

17.—(1) Certificates and endorsements under these Regulations shall be issued by the Secretary of State on receipt of any fee payable, and delivered to the person entitled to hold them.

(2) A certificate or endorsement 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 professional competency to act in the appropriate capacity specified by the Secretary of State.

(3) A record of all certificates and endorsements which are issued under this Part of these Regulations, have expired or have been revalidated, suspended, cancelled, or reported lost or destroyed and any alteration of or any other matters affecting any such certificates or endorsements, 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 is issued with an appropriate certificate at a higher level he shall surrender the 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 47(5) of the Act, or where a certificate or endorsement is issued and the conditions for its issue prescribed in this Part of these Regulations or specified by the Secretary of State 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 to such person as the Secretary of State directs, for cancellation.

Refusal of certificates, and appeals against refusal

18.—(1) Notwithstanding that an applicant for a certificate of competency or for a certificate of equivalent competency complies with the standards or fulfils the conditions specified by, or by virtue of, the foregoing provisions of this Part of these Regulations, the Secretary of State shall not issue or revalidate the appropriate 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 in the capacity to which it relates.

(2) If the Secretary of State intends to refuse the issue or revalidation of a certificate of competency or certificate of equivalent competency for any reason, he shall give notice in writing to the applicant who shall have the right, before a date specified in the notice, to require the application to be reviewed at an inquiry.

(3) If an applicant, before the date mentioned in paragraph (2) above, has required his case to be reviewed at an inquiry, in pursuance of that paragraph the Secretary of State shall cause such an inquiry to be held by one or more persons appointed by him.

Loss of certificates

19. If a person entitled to a certificate loses or is deprived of a certificate already issued to him, the Secretary of State—

- (a) if satisfied that the person has lost or been deprived of the certificate without fault on his part shall, and
- (b) if he is not so satisfied, may,

upon receipt of any fee payable, cause a certificated copy to which the person appears to be entitled to be issued to him.

Endorsement of UK certificates

20. In the case of a certificate issued by the Secretary of State the certificate shall be endorsed by the Secretary of State in accordance with the STCW Convention if he is satisfied that the holder of the certificate complies with the requirements of regulation 7, 9 or 10.

Designated Authority

21.—(1) The Secretary of State for Transport is the designated authority for the purposes of Council Directive [89/48/EEC\(21\)](#) on a general system for the recognition of higher education diplomas awarded on the completion of professional education and training of at least three years duration in respect of the following professions:

Profession requiring qualification referred to in regulation 4.

Master.

Chief Engineer Officer.

Profession requiring qualification under Regulations referred to in regulation 1(3)(a).

Deck Officer Class 1.

Engineer Officer Class 1.

(2) The Secretary of State for Transport is the designated authority for the purpose of Council Directive [92/51/EEC\(22\)](#) on a second general system for the recognition of professional education and training to supplement Directive [89/48/EC](#) in respect of the following professions:

Profession requiring qualification referred to in regulation 4.

Chief mate.

Officer in charge of a navigational watch.

Second engineer officer.

Officer in charge of an engineering watch.

Profession requiring qualification under Regulations referred to in regulation 1(3) (a).

Deck Officer Class 2, 3, 4 and 5.

Engineer Officer Class 2, 3 and 4.

PART III: HOVERCRAFT

Mandatory minimum requirements for the training of hovercraft personnel.

22.—(1) This Part of the Regulations applies to every sea-going hovercraft registered in the United Kingdom which was constructed on or after 1st January 1996.

(2) It shall be the duty of every owner of a hovercraft to which this Part applies to ensure that masters and officers, ratings and other personnel have completed the training specified by the Secretary of State.

(21) O.J. No. L19, 24.1.89, p. 16.

(22) O.J. No. L209, 24.7.92, p. 25.

(3) It shall be the duty of any person providing the training referred to in this regulation to issue documentary evidence to every person successfully completing such training. In the case of masters, and of officers having an operational role on high speed craft, the documentary evidence shall be a certificate in a form specified by the Secretary of State and shall be endorsed in a manner specified by the Secretary of State.

(4) Any owner who contravenes paragraph (2) above shall be guilty of an offence, and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment, to a fine.

Certificates

23. Regulations 17, 18 and 19 apply to certificates issued under regulation 22 above as they apply to certificates issued under Part II.

Exemptions

24. The Secretary may exempt the owner of any hovercraft from any of the requirements of regulation 22 above subject to such conditions as he may specify, and may alter or cancel any exemption so granted.

Signed by authority of the Secretary of State for Transport

14th February 1997

Goschen
Parliamentary Under-Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in part to the International Convention on Standards of Training, Certification and Watchkeeping (STCW) for Seafarers', 1978, as amended on 7 July 1995.

The Regulations revoke the Merchant Shipping (Certification of Deck Officers) Regulations 1985 and the Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986 and other related Regulations. Provision is made for the continuing validity of certificates of competency issued under those Regulations (*regulation 1*).

The Regulations give effect in relation to qualified officers to Council Directive [89/48/EEC](#) (O.J. 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](#) (O.J. 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](#) (*regulations 5(4) and 21 in particular*).

The Regulations set out a new certification structure for merchant ship officers which reflects the requirements of the revised STCW Convention (*regulation 4*).

Provision is made for the Secretary of State to recognise certificates issued by the authorities of other countries which are Parties to the STCW Convention (*regulation 5*).

Persons wishing to hold certificates issued under the Regulations must satisfy the appropriate training and competency requirements specified in Part A of the STCW Code which is annexed to the revised STCW Convention. They must also satisfy any other requirements specified by the Secretary of State. The provisions include minimum training and qualification requirements for seamen working on tankers, or ro-ro passenger ships.

There are minimum requirements for the training of personnel on high-speed craft constructed after 1 January 1996 which are ships (*regulation 12*).

Part II of the Regulations (relating to masters and seamen on ships) is made under section 47 of the Merchant Shipping Act 1995. The power to make exemptions from Part II of these Regulations is contained in section 48 of the Merchant Shipping Act 1995, and there are offences provided in sections 47, 49 and 50.

Part III of the Regulations (made under section 85 of the Act) contains similar requirements for hovercraft as Part II does for high-speed craft which are ships.

The Merchant Shipping Notices setting out the matters specified by the Secretary of State under these Regulations are obtainable from the Eros Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN. (Telephone number: 0181-957 5028).

Copies of the revised STCW Convention and the STCW Code annexed to it and the other Codes referred to in the Regulations are obtainable from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.