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STATUTORY INSTRUMENTS

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**1997 No. 348**

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

**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**(1)**;

The Merchant Shipping (Engine Room Watch Ratings) Regulations 1984**(2)**;

The Merchant Shipping (Navigation Watch Ratings) Regulations 1984**(3)**;

The Merchant Shipping (Certificates of Proficiency in Survival Craft) Regulations 1984**(4)**;

The Merchant Shipping (Certification of Deck Officers) Regulations 1985**(5)**;

The Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986**(6)**;

The Merchant Shipping (Certification of Deck and Marine Engineer Officers and Licensing of Marine Engine Operators) (Amendment) Regulations 1987**(7)**;

The Merchant Shipping (Certification of Deck Officers and Marine Engineer Officers) (Amendment) Regulations 1991**(8)**;

The Merchant Shipping (Certification of Deck and Marine Engineer Officers) (Amendment) Regulations 1995**(9)**.

**(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;

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- (1)** S.I.1984/94.  
**(2)** S.I. 1984/95.  
**(3)** S.I. 1984/96.  
**(4)** S.I. 1984/97.  
**(5)** S.I. 1985/1306.  
**(6)** S.I. 1986/1935.  
**(7)** S.I. 1987/884.  
**(8)** S.I. 1991/1819.  
**(9)** S.I. 1995/1429.

(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:

“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<sup>(10)</sup> 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<sup>(11)</sup>;

“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;

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<sup>(10)</sup> S.I. 1982/841, to which there are amendments not relevant to these Regulations.

<sup>(11)</sup> S.I. 1996/3188.

“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<sup>(12)</sup>;

“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;

“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<sup>(13)</sup>;

“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.

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<sup>(12)</sup> S.I. 1996/3010.

<sup>(13)</sup> S.I. 1984/1216, to which there are amendments not relevant to these Regulations.