

SCHEDULE 5

Regulations 34 and 35

TRANSITIONAL PROVISIONS

PART 1

EXPERIENCED PERSONS HOLDING NO QUALIFICATIONS

Interpretation

1. In this Part—

“service” means service in a working capacity;

“short qualifying period”, in relation to a person having served as master of a vessel on any vessel operation specified in column (1) of the table below, means the period of service specified in relation to that vessel operation in column (2) of that table, and “full qualifying period”, in relation to such a person, means the period of service so specified in column (3) of the table.

Table: Qualifying periods

<i>(1) Vessel operations</i>	<i>(2) Short qualifying period</i>	<i>(3) Full qualifying period</i>
A. Vessels operating in category C and D waters:		
1. Where less than 24 metres load line length and not involved in carrying passengers, towing and pushing, dredging operations or operations with general cargo or oil and chemical cargo	Not less than 120 days’ service during a period of not less than 12 months	Not less than 240 days’ service during a period of not less than 24 months
2. Where 24 metres or more load line length and not involved in carrying passengers, towing and pushing, dredging operations or operations with general cargo or oil and chemical cargo	Not less than 180 days’ service during a period of not less than 18 months	Not less than 360 days’ service during a period of not less than 36 months
3. Where vessel is carrying no more than 12 passengers	Not less than 240 days’ service during a period of not less than 24 months	Not less than 300 days’ service during a period of not less than 36 months
4. Where less than 24 metres load line length and engaged in towing and pushing operations	Not less than 60 days’ service during a period of not less than 6 months	Not less than 120 days’ service as part of the full qualifying period specified in relation to vessel operation A1 above
5. Where 24 metres or more load line length and engaged in towing and pushing operations	Not less than 120 days’ service during a period of not less than 12 months	Not less than 180 days’ service as part of the full qualifying period specified in relation to vessel operation A2 above
6. Where less than 24 metres load line length and engaged in general cargo or dredging operations	Not less than 120 days’ service during a period of not less than 12 months	Not less than 180 working days’ service as part of the full qualifying period

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<i>(1) Vessel operations</i>	<i>(2) Short qualifying period</i>	<i>(3) Full qualifying period</i>
		specified in relation to vessel operation A1 above
7. Where 24 metres or more load line length and engaged in general cargo or dredging operations	Not less than 240 days' service during a period of not less than 24 months	Not less than 300 working days' service as part of the full qualifying period specified in relation to vessel operation A2 above
8. Where less than 24 metres load line length and engaged in operations with oil and chemical cargo	Not less than 120 days' service during a period of not less than 12 months	Not less than 240 working days' service as part of the full qualifying period specified in relation to vessel operation A1 above
9. Where 24 metres or more load line length and engaged in operations with oil and chemical cargo	Not less than 240 days' service during a period of not less than 24 months	Not less than 300 working days' service as part of the full qualifying period specified in relation to vessel operation A2 above
B. Vessels operating in category A and B waters:		
1. Where not involved in carrying passengers, towing and pushing, dredging operations or operations with general cargo or oil or chemical cargo	Not less than 60 days' service during a period of not less than 6 months	Not less than 120 days' service during a period of not less than 12 months
2. Where vessel is carrying no more than 12 passengers	Not less than 60 days' service during a period of not less than 6 months	Not less than 120 days' service during a period of not less than 12 months
3. Where engaged in towing and pushing operations	Not less than 30 days' service during a period of not less than 3 months	Not less than 90 days' service as part of the full qualifying period specified in relation to vessel operation B1 above
4. Where engaged in general cargo operations or dredging	Not less than 60 days' service during a period of not less than 6 months	Not less than 120 days' service as part of the full qualifying period specified in relation to vessel operation B1 above
5. Where engaged in operations with oil and chemical cargo	Not less than 60 days' service during a period of not less than 6 months	Not less than 90 days' service as part of the full qualifying period specified in relation to vessel operation B1 above

Applications for boatmasters' licences

2.—(1) An application under regulation 34 must—

- (a) be in such form and contain, or be accompanied by, such particulars and documents as the Secretary of State may reasonably require,

- (b) state the class of boatmaster's licence applied for, and
- (c) be accompanied by the prescribed fee.

(2) In particular, the Secretary of State may require a person making an application to produce a statement by an independent person attesting that he has completed (as the case may be) the short or full qualifying period of service in relation to the class of licence he is applying for.

Requirements for issue of licence

3. A person making an application under regulation 34 must satisfy the Secretary of State that—
- (a) he has, during the period of 5 years immediately preceding the date of his application, completed the short qualifying period of service as master of a vessel appropriate to the class of licence for which he has applied;
 - (b) he is medically fit to perform the duties normally performed by a person holding a licence (with or without that endorsement) of the relevant class, and
 - (c) he has the requisite practical skills and underpinning knowledge to hold a licence of the class for which he has applied;
 - (d) he has the requisite knowledge of the basic personal survival and fire fighting techniques appropriate to the class of licence applied for and of first aid.

4.—(1) The Secretary of State may, if requested to do so by the applicant, temporarily waive the requirement in paragraph 3(d).

(2) Such a waiver has effect for a period of one year from the date of issue of the licence and the applicant may make no more than two such requests.

(3) A second request must be made while the waiver is effective and if the Secretary of State agrees to the request the waiver is extended for a further period of one year.

(4) If the Secretary of State waives the requirement the applicant must comply with it before the expiry of the waiver and if he fails to do so the provisions of regulation 34 shall cease to apply to him.

5.—(1) In order to satisfy himself that the applicant complies with paragraph 3 the Secretary of State—

- (a) (subject to sub-paragraph (2)) must require him to undergo such an assessment of his practical skills and underpinning knowledge as the Secretary of State may think fit,
- (b) must require him to undertake such training in personal survival and fire fighting techniques or first aid as he may specify, and
- (c) may require him to provide a medical report or undergo a medical examination.

(2) The Secretary of State need not impose the requirement in sub-paragraph (1)(a) if the applicant has completed the full qualifying period of service and the Secretary of State is satisfied that an assessment is unnecessary.

Assessments of competence

6. Paragraph 10 of Part 1 of Schedule 4 applies to an assessment made pursuant to paragraph 3(c) as it applies to an assessment under that Schedule and the person appointed to make the assessment must as soon as practicable submit a report of his assessment to the Secretary of State.

7. In imposing on an applicant a requirement to undergo an assessment of practical skills and underpinning knowledge the Secretary of State may specify that—

- (a) all of the provisions of paragraphs 1 to 9 and 11 to 14 of Part 1 of Schedule 4, or

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- (b) such part of those provisions as the Secretary of State or a person appointed by him to make the assessment thinks fit,
- are to apply as they apply in respect of an application under regulation 10.

Representations by aggrieved applicants

8. Paragraphs 15 to 18 of Part 1 of Schedule 4 apply in respect of a grievance arising from an application made under regulation 34 as they apply in respect of a grievance arising from an application made under regulation 10.

PART 2

CONVERSION OF EXISTING QUALIFICATIONS

Applications

1. An application under regulation 35 must—
 - (a) be for a class of boatmaster’s licence which is the nearest equivalent to the qualification the applicant currently holds,
 - (b) be in such form and contain, or be accompanied by, such particulars and documents as the Secretary of State may specify, and
 - (c) be accompanied by the prescribed fee.

Requirements for conversion

2. Where a person makes an application under paragraph 1, he must satisfy the Secretary of State that—
 - (a) he has the practical skills and underpinning knowledge required by the holder of a licence of the class applied for,
 - (b) he is medically fit to perform the duties normally performed by the holder of a licence (with or without that endorsement) of that class, and
 - (c) (except in the case of a person who currently holds a boatmaster’s licence issued under the 1993 Regulations) he has the requisite knowledge of the basic personal survival and fire fighting techniques required by the holder of a licence of that class and a knowledge of first aid.
3. In order to satisfy himself that the applicant complies with paragraph 2 the Secretary of State may require him—
 - (a) to provide a medical report or undergo a medical examination,
 - (b) to undertake such training in personal survival and fire fighting techniques or first aid as he may specify and provide evidence of successful completion of the training course, or
 - (c) to undergo such an assessment of his practical skills and underpinning knowledge as the Secretary of State may think fit.

Assessments of competence

4. Paragraph 10 of Part 1 of Schedule 4 applies to an assessment made pursuant to paragraph 3(c) as it applies to an assessment under that Schedule and the person appointed to make the assessment must as soon as practicable submit a report of his assessment to the Secretary of State.

5. In imposing on an applicant a requirement to undergo an assessment of practical skills and underpinning knowledge the Secretary of State may specify that—

- (a) all of the provisions of paragraphs 1 to 9 and 11 to 14 of Part 1 of Schedule 4, or
- (b) such part of those provisions as the Secretary of State or a person appointed by him to make the assessment thinks fit,

are to apply as they apply in respect of an application under regulation 10.

Representations by aggrieved applicants

6. Paragraphs 15 to 18 of Part 1 of Schedule 4 apply in respect of a grievance arising from an application made under regulation 35 as they apply in respect of a grievance arising from an application made under regulation 10.