
STATUTORY INSTRUMENTS

2015 No. 410

**The Merchant Shipping (Boatmasters' Qualifications,
Crew and Hours of Work) Regulations 2015**

PART 2

BOATMASTERS' QUALIFICATIONS

General

Part 2: Interpretation

6.—(1) In this Part—

“authorised pilot” means a person authorised in accordance with section 3 of the Pilotage Act 1987⁽¹⁾;

“cargo” means all the things which are transported on a vessel, except fuel for the vessel, solid or liquid ballast, consumables to be used on board, the permanent outfit and equipment of the vessel, stores and spare gear for the vessel, the personal baggage and belongings of the crew and any passengers and the equipment necessary for or related to the activities being undertaken by the vessel;

“chemical tanker” means a vessel constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (2007 Edition) published by the International Maritime Organization ⁽²⁾;

“competent navigation authority” means a person in whom is vested, under any enactment, a power or duty to manage navigation in any part of United Kingdom waters;

“dangerous goods” means the substances, materials and articles covered by the International Maritime Dangerous Goods Code (2012 Edition incorporating Amendment 36-12)⁽³⁾ published by the International Maritime Organization other than those which are oil, chemical and liquefied gas cargo;

“fast craft” means a vessel capable of a maximum speed when fully laden of at least 20 knots (where “maximum speed” means the speed achieved at the maximum continuous rating of the vessel’s propulsion machinery);

“general cargo” means any cargo other than oil, chemical and liquefied gas cargo but includes packaged dangerous goods;

“limited coastal area” means an area of sea where the vessel is—

- (a) no more than either (exclusive of waters of category A, B, C or D)—
 - (i) 15 miles from its point of departure, or

⁽¹⁾ 1987 c. 21. Section 3 was amended by S.I. 2001/2237, 2002/808, 2003/1230 and 2006/1031.

⁽²⁾ ISBN 9789280142266.

⁽³⁾ ISBN 9789280115611.

(ii) 15 miles from its point of arrival; and

(b) never more than 5 miles from land;

“liquefied gas carrier” means a vessel constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (1993 Edition) (4), published by the International Maritime Organization;

“normal duties”, in relation to the holder of a boatmaster’s licence or boatmaster’s certificate or a Rhine navigation licence, means the duties normally performed by a person holding a boatmaster’s licence (with or without endorsement) or boatmaster’s certificate of the relevant class or a Rhine navigation licence, as the case may be;

“oil tanker” means a vessel constructed and used for the carriage of petroleum and petroleum products in bulk;

“pilotage exemption certificate” has the meaning given in section 8(1) of the Pilotage Act 1987(5);

“Port of London area” means the River Thames from Putney Bridge to Margaretness;

“prescribed fee” means the fee prescribed by the Secretary of State under section 302 of the Act;

“qualifying service” means service which has been undertaken—

(a) in the United Kingdom or in another EEA State,

(b) in the appropriate deck capacity, and

(c) in the waters and on vessels of a type appropriate to the class of boatmaster’s licence or endorsement or boatmaster’s certificate applied for;

“qualifying service time” has the meaning given in regulation 19(1)(b);

“relevant local knowledge” means knowledge of local regulations and other navigation requirements and of the hazards, other features and situations specific to an area of water which affect safe navigation in that area;

“relevant local knowledge endorsement” means an endorsement authorising operations in specified waters (or in a specified part of the waters) for which relevant local knowledge is required; “relevant medical condition” means a medical condition or disability which affects a person’s ability to perform normal duties;

“Rhine navigation licence” means a licence issued in accordance with the revised Convention for Rhine Navigation(6);

“Ro-Ro vessel” means a vessel in which vehicles or cargo can be loaded or unloaded in a horizontal direction;

“specialist towing and pushing operations” means operations involving the towing or pushing of vessels, including ship towage with tugs (other than emergency towing assistance and rigid pushing operations on waters of category A or B or waters of category C if not linked to other waters);

“supplementary licence” means a licence issued under regulation 32; and

“UK certificate” means a boatmaster’s certificate issued by the Secretary of State under regulation 27.

(4) ISBN 9789280112771.

(5) Section 8(1) was amended by the Marine Navigation Act 2013 (c. 23), sections 2 and 3.

(6) Revised Convention for Rhine Navigation of 17 October 1868, as amended by the Strasbourg Convention of 20 November 1963 and Protocols of 25 October 1972, 17 October 1979 and 25 April 1989.

Persons and vessels to which Part 2 applies

Application of Part 2

7.—(1) This Part applies to a person serving as master of a vessel of a kind mentioned in paragraph (2) engaged on a voyage of a kind mentioned in paragraph (3) (“a boatmaster”).

(2) The vessels are United Kingdom and non-United Kingdom ships of Classes IV, V, VI, VI(A), IX(A) and IX(A)(T), other than pleasure vessels.

(3) The voyages are—

- (a) a voyage in waters of category A, B, C or D, and
- (b) a voyage to sea within United Kingdom waters in the course of which the vessel does not operate outside the limited coastal area.

Exemptions from Part 2

8. This Part does not apply to a person serving as master of a vessel specified by the Secretary of State under section 48 of the Act as exempt from these Regulations.

Boatmasters’ qualifications: general

Qualifications which must be held by masters

9.—(1) Subject to regulations 10 to 12, for the purposes of sections 49 (prohibition of going to sea undermanned) and 52 (unqualified persons going to sea as qualified officers or seamen) of the Act, a boatmaster is not qualified to serve as master of a vessel unless that boatmaster holds—

- (a) a boatmaster’s licence of the Tier and level specified in column (1) of Table 2 in Regulation 14 which authorises that person to serve as master of the vessel being navigated in the category of waters in which it is being navigated, together with—
 - (i) the endorsements listed in that Table, or an equivalent qualification specified by the Secretary of State, which are required to authorise that person to serve as master on that vessel or engage in operations which the vessel is undertaking, and
 - (ii) unless regulation 12 applies, the relevant local knowledge endorsements which are required by regulation 17 to authorise the master to navigate the waters being navigated;
 - (b) a boatmaster’s certificate of a class specified in column (1) of Table 3 in regulation 28 which authorises that person to serve as master of the vessel which is being navigated in the category of waters on which it is being navigated;
 - (c) a Rhine navigation licence appropriate to the vessel which is being navigated; or
 - (d) such other qualification, in such circumstances and subject to such conditions, as may be specified by the Secretary of State.
- (2) A person does not contravene this regulation while that person —
- (a) is navigating a vessel as part of the qualifying service required under regulations 19, 20, 21, 22, 24 or 30 under the direction of a person who is qualified in accordance with this regulation,
 - (b) is undergoing a practical test of seamanship and vessel handling skill which is—
 - (i) conducted on board a vessel of a kind reasonably representative of the class of vessel the command of which the licence or endorsement would authorise, and
 - (ii) in waters appropriate to that class of licence or endorsement, or

- (c) is authorised to serve as master of a vessel under regulation 50.

Vessels to which a pilotage direction applies

10.—(1) Where a pilotage direction applies to a vessel, a boatmaster is not qualified to serve as master unless—

- (a) the boatmaster—
- (i) is an authorised pilot, or
 - (ii) holds a pilotage exemption certificate issued by the competent navigation authority;
- or
- (b) the vessel is carrying an authorised pilot.

(2) In this regulation “pilotage direction” has the meaning given in section 7(1) of the Pilotage Act 1987.

Restrictions on holders of a Rhine navigation licence

11. — A boatmaster holding a Rhine navigation licence is not qualified to serve as master of—

- (a) a vessel at sea, or
- (b) a vessel in waters where (if the boatmaster held a boatmaster’s licence) a relevant local knowledge endorsement would be required under regulations 9(1)(a)(ii) and 17, unless—
- (i) authorised to do so by virtue of a supplementary licence,
 - (ii) the boatmaster—
 - (aa) is an authorised pilot, or
 - (bb) holds a pilotage exemption certificate issued by the competent navigation authority; or
 - (iii) the vessel is carrying an authorised pilot.

Relevant local knowledge endorsements and authorised pilots

12.—(1) This regulation applies to a boatmaster who—

- (a) is required by regulation 9(1)(a)(ii) to hold a relevant local knowledge endorsement;
- (b) is the holder of a boatmaster’s certificate who is required by regulation 28(2) to hold a certificate attesting knowledge of local navigation requirements;
- (c) is the holder of a Rhine navigation licence who, if that person held a boatmaster’s licence, would be required by regulation 9(1)(a)(ii) to hold a relevant local knowledge endorsement; or
- (d) in any other circumstances, would be required to hold a relevant local knowledge endorsement if that person held a boatmaster’s licence.

(2) A boatmaster to whom this regulation applies is qualified to serve as master of a vessel engaged on a voyage in waters where a relevant local knowledge endorsement is or would be required, where—

- (a) that person is an authorised pilot for all those waters,
- (b) that person holds a pilotage exemption certificate issued by the competent navigation authority in relation to all those waters, or
- (c) the vessel is carrying an authorised pilot for all those waters.

*Boatmasters' qualifications: medical fitness***Boatmaster to be medically fit**

13. A boatmaster must not serve as master of a vessel to which this Part applies unless medically fit to perform normal duties.

*Boatmasters' licences***Boatmasters' licences: authorised operations**

14. Subject to regulations 15 to 17, a class of boatmasters' licence or endorsement specified in column (1) of Table 2 authorises a person to serve as master—

- (a) of a vessel of a description,
- (b) for the purposes of operations of a type, and
- (c) in the waters,

specified in column (2).

Table 2**Boatmasters' licences: classes and endorsements**

<i>(1) Class of licence and endorsement</i>	<i>(2) Vessel operations and waters for which licence and endorsement is valid</i>
A. Tier 1 boatmasters' licences	
A.1 Tier 1 boatmasters' licences without endorsements	
Tier 1 (level 1) without endorsement	Vessel operations: (i) vessel operations for which an endorsement is not required (but including emergency towing assistance or rigid pushing operations). Waters: (i) waters of categories A and B and (ii) waters of category C if not linked to any other waters, except waters where a relevant local knowledge endorsement is required.
Tier 1 (Level 2) without endorsement	Vessel operations: (i) vessel operations for which an endorsement is not required (but including emergency towing assistance or rigid pushing operations in waters of category A or B or waters of category C if not linked to any other waters). Waters: all waters appropriate to the class of vessel except waters where a relevant local knowledge endorsement is required.
A.2 Endorsements required on Tier 1 boatmasters' licence	

<i>(1) Class of licence and endorsement</i>	<i>(2) Vessel operations and waters for which licence and endorsement is valid</i>
A passenger operations (general) endorsement	Vessel operations: operation of passenger ships carrying not more than 250 passengers. Waters: waters otherwise authorised.
A large passenger vessel endorsement	Vessel operations: operation of passenger ships carrying more than 250 passengers. Waters: waters of categories A, B, C and D.
A towing and pushing endorsement	Vessel operations: vessels engaged in specialist towing and pushing operations. Waters: as otherwise authorised.
A cargo endorsement	Vessel operations: operations involving the carriage of general cargo and bulk cargo. Waters: as otherwise authorised.
An oil cargo endorsement	Vessel operations: operation of an oil tanker. Waters: as otherwise authorised.
A chemical cargo endorsement	Vessel operations: operation of a chemical tanker. Waters: as otherwise authorised.
A liquefied gas cargo endorsement	Vessel operations: operation of a liquefied gas carrier. Waters: as otherwise authorised.
A dredging endorsement	Vessel operations: vessels engaged in dredging operations. Waters: as otherwise authorised.
A radar endorsement	Vessel operations: operations which are otherwise authorised and the vessel is navigated using radar. Waters: as otherwise authorised.
A Ro-Ro endorsement	Vessel operations: operation of a Ro-Ro vessel. Waters: waters of categories C and D and the limited coastal area.
A fast craft endorsement	Vessel operations: operation of a fast craft. Waters: as otherwise authorised.
A relevant local knowledge endorsement	Vessel operations: as otherwise authorised. Waters: those local waters specified by the Secretary of State in accordance with regulation 17 to which the endorsement relates.

B Tier 2 boatmasters' licences

<i>(1) Class of licence and endorsement</i>	<i>(2) Vessel operations and waters for which licence and endorsement is valid</i>
Tier 2 (Level 1) (passenger-carrying operations)	Vessel operations: passenger-carrying operations on vessels on which the licence holder has completed the qualifying service. Waters: (a) category A canals, and (b) such (i) other waters of categories A and B, and (ii) category C waters, if not linked to any other waters, which (having regard to the nature and length of the licence holder's qualifying service) are specified in the licence.
Tier 2 (Level 1) (other operations)	Vessel operations: vessels and operations, other than passenger-carrying operations, on which the licence holder has completed the qualifying service. Waters: (a) category A canals, and (b) such (i) other waters of categories A and B, and (ii) category C waters, if not linked to any other waters which (having regard to the nature and length of the licence holder's qualifying service) are specified in the licence.
Tier 2 (Level 2) (passenger carrying operations)	Vessel operations: (i) passenger-carrying operations on vessels carrying not more than 250 passengers on which the licence holder has completed the qualifying service. Waters: such waters within the following categories of water as are specified in the licence— (i) category C and/or D waters (excluding the River Thames below Teddington Lock) (ii) the limited coastal area; and (iii) category A and/or B waters adjacent to the above waters.

<i>(1) Class of licence and endorsement</i>	<i>(2) Vessel operations and waters for which licence and endorsement is valid</i>
Tier 2 (Level 2) (other operations)	<p>Vessel operations: vessels and operations, other than passenger-carrying operations, on which the licence holder has completed the qualifying service.</p> <p>Waters: such waters within the following categories of water as are specified in the licence—</p> <ul style="list-style-type: none"> (i) category C and/or D waters (excluding the River Thames below Teddington Lock) (ii) the limited coastal area; and (iii) category A and/or B waters adjacent to the above waters.

Cargo endorsements

15.—(1) This regulation applies to—

- (a) a cargo endorsement,
- (b) an oil cargo endorsement,
- (c) a chemical cargo endorsement, or
- (d) a liquefied gas cargo endorsement.

(2) An endorsement to which this regulation applies held by a person under the age of 21 does not authorise its holder to serve as master on a vessel if its overall length exceeds 40 metres (“overall length” being the maximum length of the vessel including all fixed installations such as parts of the steering system or power plant and mechanical or similar devices).

Fast craft endorsements

16. A fast craft endorsement may be limited—

- (a) to a specified description of vessel,
- (b) to navigation on voyages following a specified route, or
- (c) both to a specified description of vessel and to navigation on voyages following a specified route.

Relevant local knowledge endorsement

17. Unless regulation 12 applies, a relevant local knowledge endorsement is required for any operations (other than operations necessary to deal with an emergency) in the waters specified by the Secretary of State.

Applications for boatmasters’ licences and endorsements

18.—(1) An application for a boatmaster’s licence or an endorsement of a licence—

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

(b) must be accompanied by the prescribed fee.

(2) The Secretary of State may in particular specify, as a document required to support an application, the written record of the applicant's service and experience.

Boatmasters' licences and endorsements: minimum requirements

19.—(1) The Secretary of State must not issue a boatmaster's licence or an endorsement of a class specified by the Secretary of State unless satisfied that a boatmaster applying for the licence or endorsement ("the applicant")—

- (a) has attained the minimum age in relation to that class of licence or endorsement specified by the Secretary of State;
- (b) has completed in aggregate a period of qualifying service (the "qualifying service time") not less than that (if any) specified by the Secretary of State;
- (c) meets the conditions concerning qualifying service specified in regulation 20;
- (d) is medically fit to perform normal duties; and
- (e) has the practical skills and knowledge specified by the Secretary of State as being necessary for a holder of that class of licence or endorsement.

(2) In order to be satisfied that an applicant has the specified practical skills and knowledge, the Secretary of State may require an applicant to be assessed—

- (a) in accordance with arrangements specified by the Secretary of State; and
- (b) by a person ("an examiner") who is approved for that purpose by the Secretary of State.

(3) If required to undertake an assessment by an examiner, the applicant must—

- (a) provide such information and documents as may be specified by the Secretary of State; and
- (b) pay to the Secretary of State the prescribed fee.

Boatmasters' licences and endorsements: conditions concerning qualifying service

20.—(1) The conditions referred to in regulation 19(1)(c) are that—

- (a) the qualifying service has been undertaken during the period of 5 years ending on the date of the application,
- (b) in relation to the relevant class of licence or endorsement, a period not less than the period (if any) specified by the Secretary of State (the "minimum qualifying period") has elapsed between the first day of the qualifying service time and the date of the application, and
- (c) in relation to an endorsement, other than a relevant local knowledge endorsement, at least half the qualifying service time has been undertaken in waters for which the endorsement is to be valid.

(2) Except in the case of an endorsement to which paragraph (3) applies, in calculating the qualifying service time (but not the minimum qualifying period) for the purpose of an application for an endorsement of a Tier 1 licence, the Secretary of State must disregard qualifying service undertaken for the purpose of an application for—

- (a) the licence itself, or
 - (b) another endorsement
- (3) (a) This paragraph applies to—
- (i) a Ro-Ro endorsement,
 - (ii) a fast craft endorsement, and
 - (iii) a relevant local knowledge endorsement, other than for the Port of London area.

- (b) In the case of an endorsement to which this paragraph applies, in calculating the qualifying service time for the purpose of an application for that endorsement, the Secretary of State may take account of the qualifying service undertaken for the purpose of an application for—
- (i) the licence itself, or
 - (ii) another endorsement.

Large passenger vessel endorsements: additional conditions

21. A large passenger vessel endorsement must not be issued unless, in addition to the qualifying service time prescribed for the large passenger vessel endorsement, the applicant has served such additional periods of service within such period on such vessels and subject to such conditions as specified by the Secretary of State.

Fast craft endorsements: additional conditions

- 22.** A fast craft endorsement must not be issued unless the applicant—
- (a) holds or at the same time is to be issued with—
 - (i) a cargo endorsement,
 - (ii) a passenger operations (general) endorsement, or
 - (iii) a large passenger vessel endorsement,appropriate to the nature of the vessel and operations being undertaken; and
 - (b) has completed a period of qualifying service specified by the Secretary of State as sufficient to justify the issue of the licence —
 - (i) on vessels of the same type as the vessel on which the applicant will normally serve as master, and
 - (ii) on voyages following a route on which that vessel will normally operate.

Ro-Ro endorsements: additional conditions

23. A Ro-Ro endorsement must not be issued unless the applicant holds or at the same time is to be issued with—

- (a) a cargo endorsement, or
- (b) a passenger operations (general) endorsement, or
- (c) a large passenger vessel endorsement,

appropriate to the nature of the vessel and operations being undertaken.**Relevant local knowledge endorsements: additional conditions**

24.—(1) A relevant local knowledge endorsement in respect of the waters specified by the Secretary of State must not be issued unless—

- (a) the applicant has completed the qualifying service specified by the Secretary of State in relation to those waters, and
- (b) in the case of an application for a relevant local knowledge endorsement for the Port of London area, the whole of that qualifying service has been undertaken after the expiration of the minimum qualifying period specified by the Secretary of State for the issue of a Tier 1(Level 2) licence.

Boatmasters' licences: disclosure of medical conditions

25.—(1) A holder of a boatmaster's licence ("the licence holder") who is suffering from a relevant medical condition which has not previously been disclosed must, upon becoming aware of the condition, forthwith notify the Secretary of State in writing of the fact.

(2) If the Secretary of State becomes aware that a licence holder may be suffering from a relevant medical condition, the Secretary of State may require the licence holder—

- (a) to undergo, at the licence holder's own expense, an examination by a registered medical practitioner for the purpose of determining whether the licence holder is fit to perform normal duties, and
- (b) to authorise that medical practitioner to provide the Secretary of State with a report of the result of that examination.

(3) If satisfied (whether by virtue of a report received from a registered medical practitioner under paragraph (2) or otherwise) that a licence holder is suffering from a relevant medical condition, the Secretary of State may suspend or revoke the licence or endorsement.

(4) If satisfied that a licence holder whose licence or endorsement has been suspended or revoked under paragraph (3) is fit to perform the normal duties of a holder of a licence or endorsement of a different class than that suspended or revoked, the Secretary of State may issue a licence or endorsement of that different class.

(5) If a licence holder fails to comply with a requirement made under paragraph (2), the Secretary of State may suspend the licence until such time as the licence holder complies with the requirement.

Boatmasters' licences: validity periods and re-validation

26.—(1) A boatmaster's licence is valid for a period of 5 years commencing on the date it is issued.

(2) An endorsement of a boatmaster's licence is valid for the same period as the licence on which it is endorsed.

(3) A holder of a boatmaster's licence may before or within twelve months of the date on which the licence expires, apply to the Secretary of State for the licence and any endorsements to be re-validated.

(4) An application for re-validation of a boatmaster's licence or an endorsement of a licence must—

- (a) be in such form and contain, or be accompanied by, such particulars and documents as may be specified by the Secretary of State, and
- (b) must be accompanied by the prescribed fee.

(5) The Secretary of State must not revalidate a licence or endorsement unless satisfied that the applicant—

- (a) has completed in an appropriate deck capacity during the period of 5 years ending on the date the applicant applies for revalidation the number of days service in respect of the category of licence and endorsements specified by the Secretary of State, and
- (b) in the case of a relevant local knowledge endorsement, has the practical skills and knowledge of the local navigational requirements necessary for the waters to which the endorsement applies specified by the Secretary of State.

(6) The Secretary of State may require the applicant to provide evidence of the practical skills and knowledge (or any part of those skills or that knowledge) required in respect of the relevant class of licence or endorsement.

(7) Where the Secretary of State revalidates a boatmaster's licence, the revalidated licence is valid for a period of 5 years commencing on the date on which the revalidation is granted.

(8) An endorsement previously held, other than one specified by the Secretary of State, shall be revalidated automatically upon the Secretary of State revalidating the boatmaster's licence on which it was previously endorsed.

Boatmasters' certificates

Boatmasters' certificates: classes of certificate

27. A boatmaster's certificate issued by the Secretary of State (a "UK certificate") must—
- (a) bear the title "Boatmaster's Certificate", and
 - (b) be of a class specified in column (1) of Table 3 in regulation 28.

Boatmasters' certificates: authorised operations

28.—(1) Subject to paragraphs (2) to (4), a class of UK certificate specified in column (1) of Table 3 confers on its holder authority to serve as master of a vessel which is equivalent to that conferred by the class of boatmasters' licence specified in column (2) of that table.

(2) In waters for which relevant local knowledge is required, a UK certificate does not authorise its holder to undertake any operations (other than operations necessary to deal with an emergency) unless it is a certificate attesting to the holder's knowledge of local navigation requirements in those waters.

(3) Subject to the limitations specified in paragraph (4), a class of boatmasters' certificate issued in an EEA State other than the United Kingdom corresponding to a class of UK certificate confers on its holder authority to serve as master of a vessel equivalent to the authority conferred by that class of UK certificate

- (4) The limitations referred to in paragraph (3) are that—
- (a) no certificate authorises its holder to serve as master of a vessel operating beyond the limited coastal area; and
 - (b) a person under the age of 21 holding a boatmaster's certificate issued in an EEA State other than the United Kingdom must not serve as the master of any vessel.

Table 3

Boatmasters' certificates: classes of certificate

<i>(1) Class of certificate</i>	<i>(2) Equivalent class of boatmasters' licence</i>
Group A certificates	
General certificate	Tier 1 (Level 2) with cargo and towing and pushing endorsements.
Certificate attesting competence in radar navigation	Tier 1 (Level 2) with cargo, towing and pushing and radar endorsements.
Certificate attesting competence in passenger transport	Tier 1 (Level 2) with cargo, towing and pushing, passenger operations (general) and large passenger vessel endorsements.
Certificate attesting knowledge of local navigation requirements	Tier 1 (Level 2) with cargo and towing and pushing endorsements and a relevant

<i>(1) Class of certificate</i>	<i>(2) Equivalent class of boatmasters' licence</i>
	local knowledge endorsement for the waters specified in the certificate.
Group B certificates	
General certificate	Tier 1 (Level 1) with cargo and towing and pushing endorsements.
Certificate attesting competence in radar navigation	Tier 1 (Level 1) with cargo, towing and pushing and radar endorsements.
Certificate attesting competence in passenger transport	Tier 1 (Level 1) with cargo, towing and pushing, passenger operations (general) and large passenger vessel endorsements.
Certificate attesting knowledge of local navigation requirements	Tier 1 (Level 1) with cargo and towing and pushing endorsements and a relevant local knowledge endorsement for the waters specified in the certificate.

Boatmasters' certificates: applications

29.—(1) An application for a UK certificate must—

- (a) be made to the Secretary of State,
- (b) be in such form and contain, or be accompanied by, such particulars and documents as may be specified by the Secretary of State, and
- (c) be accompanied by the prescribed fee.

(2) The Secretary of State may in particular specify, as a document required to support an application, a record of the applicant's service and experience on an appropriate vessel in appropriate waters.

Boatmasters' certificates: minimum requirements

30.—(1) The Secretary of State must not issue a UK certificate to any person unless satisfied that the person—

- (a) is the holder of—
 - (i) a Tier 1 boatmaster's licence, or
 - (ii) a boatmaster's certificate issued in an EEA State other than the United Kingdom;
- (b) is aged 21 or over;
- (c) is medically fit to perform normal duties;
- (d) has completed in aggregate a period of not less than 480 days' qualifying service;
- (e) a period of not less than four years has elapsed between the first day of the period of qualifying service and the date of the application; and
- (f) has such practical skills and knowledge necessary for a holder of a certificate of the relevant group as may be specified by the Secretary of State.

(2) All qualifying service must be entered on a personal service record and produced to the Secretary of State with the application.

(3) In order to be satisfied that an applicant for a UK Certificate has the specified practical skills and knowledge, the Secretary of State may require an applicant to be assessed—

- (a) in accordance with arrangements specified by the Secretary of State; and
- (b) by a person (“an examiner”) who is approved for that purpose by the Secretary of State.
- (4) If required to undertake an assessment by an examiner, the applicant must—
 - (a) provide such information and documents as may be specified by the Secretary of State; and
 - (b) pay to the Secretary of State the prescribed fee.

Boatmasters’ certificates: medical fitness

31.—(1) Where the holder of a UK certificate is aged 45 or over, the certificate does not authorise the holder to serve as master of any vessel unless a medical fitness certificate is held satisfying the conditions in paragraph (2).

- (2) The conditions are that the certificate—
 - (a) states that the person is medically fit to perform normal duties, and
 - (b) was issued—
 - (i) in the case of a person aged 64 or under, not more than 5 years ago, or
 - (ii) in the case of a person aged 65 or over, not more than 1 year ago.

(3) Where the holder of a certificate other than a UK certificate is aged 65 or over, the certificate does not authorise the holder to serve as master of any vessel unless a medical fitness certificate is held satisfying the conditions in paragraph (4).

- (4) The conditions are that the certificate—
 - (a) states that the person is medically fit to perform normal duties, and
 - (b) was issued not more than 1 year ago.

(5) The holder of a boatmaster’s certificate who is suffering from a relevant medical condition which has not previously been disclosed must, upon becoming aware of the condition, forthwith notify the Secretary of State in writing of the fact.

(6) If the Secretary of State becomes aware that the holder of a boatmaster’s certificate may be suffering from a relevant medical condition, the Secretary of State may require that person—

- (a) to undergo, at their own expense, an examination by a registered medical practitioner for the purpose of determining whether the holder is fit to perform normal duties, and
- (b) to authorise that medical practitioner to provide the Secretary of State with a report of the result of that examination.

(7) If satisfied (whether by virtue of a report received from a registered medical practitioner under paragraph (6) or otherwise) that the holder of a boatmaster’s certificate is suffering from a relevant medical condition the Secretary of State may—

- (a) in the case of a UK certificate, suspend or revoke the certificate, or
- (b) in the case of a certificate other than a UK certificate, suspend the certificate in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters.

(8) Where the Secretary of State has suspended or revoked a boatmaster’s certificate under paragraph (7) but is satisfied that the person is fit to undertake the normal duties of a holder of a boatmaster’s licence (with or without an endorsement) of any class, the Secretary of State may issue a licence of that class.

(9) If the holder of a boatmaster’s certificate fails to comply with a requirement made under paragraph (6), the Secretary of State may suspend the certificate in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters until such time as the holder complies with the requirement.

(10) Where the Secretary of State suspends a boatmaster's certificate other than a UK certificate under paragraph (7)(b), the Secretary of State must inform the competent authority of the EEA State which issued the certificate of—

- (a) the suspension,
- (b) the reason for the suspension, and
- (c) whether a boatmaster's licence has been issued to the holder of the certificate under paragraph (8).

(11) In this regulation “medical fitness certificate” means a certificate attesting to a person's fitness to perform the duties which that person will carry out as master of a vessel and which is issued under regulation 8 or 14 of the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(7) (whether or not subject to restriction or conditions).

Rhine navigation licences

Rhine navigation licence: supplementary licence

32.—(1) The holder of a Rhine navigation licence who wishes to obtain a supplementary licence authorising the holder to serve as master of a vessel in waters where (if that person were the holder of a boatmaster's licence) a relevant local knowledge endorsement would be required must apply to the Secretary of State and such an application—

- (a) must be in such form and contain, or be accompanied by, such particulars and documents as may be specified by the Secretary of State, and
- (b) must be accompanied by the prescribed fee.

(2) The Secretary of State must not issue a supplementary licence to a person applying pursuant to paragraph (1) (“the applicant”) unless satisfied that the applicant has the practical skills and knowledge specified by the Secretary of State.

(3) In order to be satisfied that an applicant for a supplementary licence has the specified practical skills and knowledge, the Secretary of State may require an applicant to be assessed—

- (a) in accordance with arrangements specified by the Secretary of State; and
- (b) by a person (“an examiner”) who is approved for that purpose by the Secretary of State.

(4) If required to undertake an assessment by an examiner, the applicant must—

- (a) provide such information and documents as may be specified by the Secretary of State; and
- (b) pay to the Secretary of State the prescribed fee.

Rhine navigation licences: medical fitness

33.—(1) The holder of a Rhine navigation licence who is suffering from a relevant medical condition which has not previously been disclosed must, upon becoming aware of the condition, forthwith notify the Secretary of State in writing of the fact.

(2) If the Secretary of State becomes aware that the holder of a Rhine navigation licence may be suffering from a relevant medical condition, the Secretary of State may require that person—

- (a) to undergo, at their own expense, an examination by a registered medical practitioner for the purpose of determining whether the holder is fit to perform normal duties, and
- (b) to authorise that medical practitioner to provide the Secretary of State with a report of the result of that examination.

(3) If the Secretary of State is satisfied (whether by virtue of a report received from a registered medical practitioner under paragraph (2) or otherwise) that the holder of a Rhine navigation licence is suffering from a relevant medical condition the Secretary of State may suspend the licence in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters.

(4) Where the Secretary of State has suspended a licence under paragraph (3) but is satisfied that the person is fit to undertake the normal duties of a holder of a boatmaster's licence (with or without an endorsement) of any class, the Secretary of State may issue a boatmaster's licence of that class.

(5) If the holder of a Rhine navigation licence fails to comply with a requirement made under paragraph (2), the Secretary of State may suspend the licence in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters until such time as the holder complies with the requirement.

Licensing requirements under local legislation

Licensing under local legislation

34.—(1) Subject to paragraph (2), a local enactment ceases to have effect to the extent that it—

- (a) requires a boatmaster to meet any conditions in order to qualify to serve as master,
- (b) authorises the issue of a licence, certificate or other document permitting a boatmaster to serve as master, or
- (c) confers power to do anything mentioned in paragraph (a) or (b).

(2) Nothing in paragraph (1) affects the operation of any local enactment which authorises the issue of a boatman's licence, or makes provision in connection with the issue of any such licence, where the licence would enable a person to whom this Part applies to meet the condition in regulation 9(1)(d).

(3) In this regulation—

- (a) “boatman's licence” means a licence or other document authorising a person to serve as master of a vessel (whether or not of a specified class) in waters to which the local enactment applies;
- (b) “local enactment” means an enactment contained in—
 - (i) any local Act (other than the Port of London Act 1968⁽⁸⁾),
 - (ii) any order, regulations, rules, scheme, bye laws or other instrument made under a local Act, or
 - (iii) any order made under section 14 of the Harbours Act 1964⁽⁹⁾;
- (c) a reference to serving as master is a reference to serving as master of a vessel on a voyage of a kind mentioned in regulation 7(3).

Records and loss of documents

Records

35.—(1) Subject to paragraph (2), the Secretary of State must keep a record of—

⁽⁸⁾ 1968 c. xxxii.

⁽⁹⁾ 1964 c. 40. Section 14 was amended by: the Transport Act 1981 (c. 56), section 18 and Schedule 6 paragraphs 2, 3, 12 and 14 and Schedule 12, Part II; the Criminal Justice Act 1982 (c. 48), sections 37 and 46; the Transport and Works Act 1992 (c. 42), section 63 and Schedule 3, paragraph 1; the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9; S.I. 2006/1177 and S.I. 2009/1941.

- (a) every boatmaster's licence (including endorsements) and boatmaster's certificate issued pursuant to these Regulations and currently valid,
 - (b) every licence, certificate or other qualification previously held by the holder of a boatmaster's licence or certificate,
 - (c) every suspension, revocation or alteration of those licences, certificates or other qualifications, and
 - (d) all examination and assessment evidence, application forms, documents relating to applications (including medical evidence) and other matters affecting current and previous licences, certificates and other qualifications.
- (2) The Secretary of State need not retain a record of any document—
- (a) mentioned in paragraph (1)(a) or (b) for a period of more than 10 years after the date when that document expired or otherwise ceased to be valid;
 - (b) mentioned in paragraph 1(c) or (d) for a period of more than 10 years after the date when the boatmaster's licence or boatmaster's certificate to which the document relates has expired or otherwise ceased to be valid.

Loss of documents

36. If the holder of a boatmaster's licence or boatmaster's certificate loses it, the Secretary of State may—

- (a) if satisfied that the loss occurred through no fault of the holder, issue a replacement of the licence or certificate to the holder free of charge, or
- (b) if not so satisfied, issue a replacement licence or certificate to the holder on payment of the prescribed fee.