



# Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

## PART II

MASTERS AND SEAMEN

*Certificates of Competency*

### Modifications etc. (not altering text)

C1 Ss. 92—100, 102—104 extended by [South Africa Act 1962 \(c. 23\)](#), [Sch. 3 para. 6](#)

### [<sup>F1</sup>92 Certificates of competency to be held by officers of ships.

- (1) Every British foreign-going ship and every British home trade passenger ship, when going to sea from any place in the United Kingdom [<sup>F2</sup>every ship registered in the United Kingdom, being a foreign-going ship or a home trade passenger ship, when going to sea from a place outside the United Kingdom], and every foreign steamship carrying passengers between places in the United Kingdom, shall be provided with officers duly certificated under this Act according to the following scale:—
- (a) In any case with a duly certificated master:
    - [ If the ship is of one hundred tons burden or upwards, with at least one officer
    - <sup>F3</sup>(b) besides the master holding a certificate not lower than that of—
      - (i) mate in the case of a home trade passenger ship;
      - (ii) second mate in the case of a foreign-going sailing ship of not more than two hundred tons burden; and
      - (iii) only mate in the case of any other foreign-going ship:]
  - (c) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated:
  - (d) If the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated:

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- (e) If the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.

<sup>F4</sup>(1A) [ If, on an occasion on which a ship of a particular description registered in the United Kingdom, being a foreign-going ship or a home trade passenger ship, goes to sea from a place outside the United Kingdom, one, but only one, of the duly certificated officers with which a ship of that description is required to be provided by the foregoing provisions of this section is not provided, but all reasonable steps were taken to secure the provision on that occasion of a duly certificated person as that officer, so much of the foregoing subsection as requires a ship of that description to be provided with that officer when going to sea from a place outside the United Kingdom shall not apply to the ship during whichever is the shorter of the following periods beginning with the day on which the ship goes to sea from that place on that occasion, that is to say—

- (a) the period of twenty-eight days; and  
(b) the period ending with the day on which the ship is provided with a duly certificated person as that officer].

<sup>F5</sup>(2) [If the requirements of subsection (1) of this section are not complied with in a case in which they apply to a ship, the master or owner of the ship shall be liable to a fine not exceeding one hundred pounds].

- (3) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.]

#### Textual Amendments

- F1** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man
- F2** Words inserted by Merchant Shipping Act 1967 (c. 26) s. 1(1)(2)
- F3** S. 92(1)(b) substituted by Merchant Shipping Act 1906 (c. 48), s. 56
- F4** S. 92(1A) inserted by Merchant Shipping Act 1967 (c. 26), s. 1(1)(3)
- F5** S. 92(2) substituted by Merchant Shipping Act 1967 (c. 26), s. 1(1)(4)

#### <sup>F6</sup>93 Grades of certificates of competency.

- (1) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades; (that is to say,)

Master of a foreign-going ship:  
First mate of a foreign-going ship:  
Second mate of a foreign-going ship:  
Only mate of a foreign-going ship:  
Master of a home trade passenger ship:  
Mate of a home trade passenger ship:  
First-class engineer:  
Second-class engineer.

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- (2) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship; but a certificate for a home trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.]

#### Textual Amendments

- F6** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

94, 95. .... <sup>F7</sup>

#### Textual Amendments

- F7** Ss. 94, 95 repealed by Merchant Shipping (Certificates) Act 1914 (c. 42), s. 1(3)

<sup>F8</sup>96 .....

#### Textual Amendments

- F8** Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, Sch. 5 which repeal is brought partly into force by virtue of S.I. 1981/1186, Sch., Appendix; S.I. 1982/840, Sch., Appendix; S.I. 1986/2066, art. 2(2), Sch. 2, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, art. 2

[<sup>F22</sup>96 **Engineers certificates of competency. U.K.**

- (1) For the purpose of granting certificates of competency as engineers to person desirous of obtaining the same, examinations shall be held at such places as the Board of Trade direct.
- (2) The Board of Trade may appoint times for the examinations, and may appoint, remove, and re-appoint examiners to conduct the same, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as they think expedient for the purpose of the examinations.]

#### Textual Amendments

- F22** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840,

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**Sch.**, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

### [<sup>F9</sup>97] Fees on examination.

An applicant for examination, whether as master, mate, or engineer, shall pay such fees . . . <sup>F10</sup>, as the Board of Trade direct, and the fees shall be paid to such persons as the Board appoint and carried to the Mercantile Marine Fund.]

#### Textual Amendments

- F9** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), **Sch. 5** :however, by virtue of S.I. 1981/1186, **Sch.**, Appendix and S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, **Sch.**, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man
- F10** Words repealed by Merchant Shipping (Safety Convention) Act 1949 (c. 43), **Sch. 3**

### [<sup>F11</sup>98] Grant of certificates on passing examination.

- (1) The Board of Trade shall, subject as herein-after mentioned, deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and, to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.
- (2) The Board of Trade may in any case in which a report appears to them to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further enquiry into his testimonials and character, before granting him a certificate.]

#### Textual Amendments

- F11** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), **Sch. 5** :however, by virtue of S.I. 1981/1186, **Sch.**, Appendix and S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, **Sch.**, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

### [<sup>F12</sup>99] Certificates of service for naval officers.

- (1) A person who has attained the rank of lieutenant, sub-lieutenant, navigating lieutenant, or navigating sub-lieutenant in Her Majesty's Navy, or of lieutenant in Her Majesty's [<sup>F13</sup>Indian Navy] shall be entitled to a certificate of service as master of a foreign-going ship without examination.
- (2) A person who has attained the rank of engineer or assistant engineer in Her Majesty's Navy or [<sup>F13</sup>Indian Navy] shall be entitled without examination, if an engineer, to a certificate of service as first-class engineer, and if an assistant engineer to a certificate of service as second-class engineer.

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- (3) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.
- (4) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home trade passenger ship shall not apply.]

#### Textual Amendments

- F12** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man
- F13** Words substituted by S.R. & O. 1937/230 (Rev. X, p. 545: 1937 p. 963), Sch. Pt. II

#### [<sup>F14</sup>100 Form and record of certificate.

- (1) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.
- (2) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept, in such manner as the Board of Trade direct, by the Registrar-General of Shipping and Seamen or by such other person as the Board of Trade direct.
- (3) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.]

#### Textual Amendments

- F14** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

#### [<sup>F15</sup>101 Loss of certificate.

If a master, mate, or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-

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General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.]

#### Textual Amendments

**F15** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

### [<sup>F16</sup>102 Colonial certificates of competency.

Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, Her Majesty may by Order in Council—

- (i) declare that the said certificates shall be of the same force as if they had been granted under this Act: and
- (ii) declare that all or any of the provisions of this Act, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the Order: and
- (iii) impose such conditions and make such regulations with respect to the certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as Her Majesty may think fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.]

#### Textual Amendments

**F16** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

### [<sup>F17</sup>103 Production of certificates of competency to superintendent.

- (1) The master of a foreign-going ship—
  - (a) on signing the agreement with the crew before a superintendent shall produce to him the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold: and
  - (b) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the superintendent the certificate of

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competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.

- (2) The master or owner of every home trade passenger ship of more than eighty tons burden shall produce to some superintendent within twenty-one days after the thirtieth of June and the thirty-first of December in every year the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold.
- (3) Upon the production of the certificates of competency, the superintendent shall, if the certificates are such as the master, mates, and engineers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced.
- (4) The master shall, before proceeding to sea, produce the superintendent's certificate to the chief officer of customs, and the ship may be detained until the certificate is produced.]

#### Textual Amendments

**F17** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

#### [<sup>F18</sup>104 Forgery, &c. of certificate of competency.

If any person—

- [<sup>F19</sup>(a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or]
- (b) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or
- (c) fraudulently uses a certificate or copy of a certificate of competency which has been [<sup>F20</sup>forged, altered], cancelled or suspended, or to which he is not entitled; or
- (d) fraudulently lends his certificate of competency or allows it to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanor.]

#### Textual Amendments

**F18** Ss. 92, 93, 96–104, and 209 repealed (*prosp.*) by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5 :however, by virtue of S.I. 1981/1186, Sch., Appendix and S.I. 1986/2066, art. 2(2), Sch. 2, Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective except to the extent that these sections apply in relation to British ships registered outside the United Kingdom and by S.I. 1982/840, Sch., Appendix the repeal of ss. 92, 93, 96-104, 209 is no longer prospective to the extent that these sections apply in relation to British ships registered in the Channel Islands or the Isle of Man

**F19** S. 104 para. (a) repealed (E.W.N.I.) by Forgery and Counterfeiting Act 1981 (c. 5, SIF 39:7), s. 30, Sch. Pt. I

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**F20** Words repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**

**Modifications etc. (not altering text)**

**C2** Power to apply s. 104 conferred by [Merchant Shipping Act 1948 \(c. 44\)](#), **s. 5**

**105–** ..... **F21**  
**109**

**Textual Amendments**

**F21** Ss. 105–109, 113–125, 127–144 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 100, **Sch. 5**



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