

1980 No. 2026

**MERCHANT SHIPPING****MASTERS AND SEAMEN****The Merchant Shipping (Certification of Deck Officers)  
Regulations 1980***Made* - - - - - 17th December 1980*Laid before Parliament* 12th January 1981*Coming into Operation* 1st September 1981

The Secretary of State, being satisfied that it is necessary or expedient in the interests of safety to make the following Regulations in so far as they require ships to carry qualified deck officers, and after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a), in exercise of powers conferred by sections 43 and 68 of that Act and now vested in him(b), and of section 21(1)(a), (3)(e) and (o), (4)(a), (5) and (6)(b) of the Merchant Shipping Act 1979(c) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

## PART I

## GENERAL

*Citation commencement and revocation*

1.—(1) These Regulations may be cited as the Merchant Shipping (Certification of Deck Officers) Regulations 1980 and shall come into operation on 1st September 1981.

(2) The Merchant Shipping (Certification of Deck Officers) Regulations 1977(d) and the Merchant Shipping (Certification of Deck Officers) (Amendment) Regulations 1978(e) are hereby revoked.

(3) These Regulations apply to or in relation to any certificate issued under any Regulations revoked by these Regulations, as they apply to or in relation to a certificate issued under these Regulations.

(4) Any certificate issued under any Regulations revoked by these Regulations in force at the date of the coming into operation of these Regulations shall, subject to its not being suspended or cancelled, remain in force and shall

(a) 1970 c. 36; section 43 was amended by the Merchant Shipping Act 1979 (c. 39), section 37(2) and (3).

(b) See S.I. 1970/1537.

(c) 1979 c. 39.

(d) S.I. 1977/1152.

(e) S.I. 1978/430.

have effect for the purposes of these Regulations as if it had been issued under the corresponding provisions thereof:

Provided that any such certificate which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiration of that period.

#### *Interpretation*

2.—(1) In these Regulations, except where the context otherwise requires:—

“the Act of 1894” means the Merchant Shipping Act 1894(a);

“the Act of 1970” means the Merchant Shipping Act 1970;

“certificate of competency” means a certificate of competency issued by the Secretary of State by virtue of these Regulations;

“certificate of service (deck officer)” means a certificate of service (deck officer) issued by the Secretary of State by virtue of these Regulations;

“command endorsement” means a command endorsement endorsed on a certificate of competency by the Secretary of State by virtue of these Regulations;

“fishing vessel” means a vessel for the time being employed in sea fishing or a Government fishery research vessel, but does not include a vessel used otherwise than for profit;

“GRT”, in relation to a ship, means its gross register tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages;

“liquefied gas” means any liquefied gas listed in Chapter XIX of the 1976 Inter-Governmental Maritime Consultative Organisation (“IMCO”) publication entitled “Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk” as amended by Supplements containing Amendments 1–3 and by any other Supplement thereto which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“liquid chemical” means any liquid chemical listed in Chapter VI of the 1980 IMCO publication entitled “Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk” and any Supplement thereto which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“location” includes any offshore installation, any other installation (whether floating or resting on the sea-bed or the subsoil thereof), or any location at sea defined by reference to its latitude and longitude;

“Merchant Shipping Notice” means a Notice described as such and issued by the Department of Trade;

“Middle Trade trading area” means the area specified as such in Schedule 2 to these Regulations;

“Near Continental trading area” means the area specified as such in Schedule 2 to these Regulations;

“offshore installation supply vessel” means a vessel which performs services, including the carriage of supplies or passengers, or supplies and passengers, in respect of an offshore installation; and “offshore installation” means any offshore installation within the meaning of section 1(3) of the

Mineral Workings (Offshore Installations) Act 1971(a) or any such other installation as is mentioned in section 44(1) of the Petroleum and Submarine Pipe-lines Act 1975(b);

“partially smooth waters” means, as respects any period specified in Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977(c), the waters of any of the areas specified in column 3 of that Schedule in relation to that period;

“passenger ship” means a ship carrying more than 12 passengers but does not include such a ship in respect of which there is or should be in force the following certificates:—

- (a) “Passenger Certificate Class IV” being a certificate for ships engaged only on voyages in partially smooth waters, or in smooth and partially smooth waters;
- (b) “Passenger Certificate Class V” being a certificate for ships engaged only on voyages in smooth waters;
- (c) “Passenger Certificate Class VI” being a certificate for ships engaged only on voyages with not more than 250 passengers on board, to sea, in smooth or in partially smooth waters, in all cases in fine weather and during restricted periods, in the course of which the ships are at no time more than 15 miles, exclusive of any smooth waters, from their point of departure nor more than 3 miles from land;
- (d) “Passenger Certificate Class VI(A)” being a certificate for ships carrying not more than 50 passengers for a distance of not more than 6 miles on voyages to or from isolated communities on the islands or coast of Scotland, and which do not proceed for a distance of more than 3 miles from land.

For the purposes of this definition:—

“restricted period” means a period falling wholly within the following limits, that is to say:—

- (a) from 1st April to 31st October, both dates inclusive, and
- (b)(i) in the case of ships fitted with navigation lights which conform to the collision regulations made under section 418 of the Act of 1894, between one hour before sunrise and one hour after sunset; and
- (ii) in the case of all other ships, between sunrise and sunset;

“petroleum products” means the following substances produced directly or indirectly from crude, that is to say, fuels, lubricants, bitumen, wax, industrial spirits and any wide range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50° higher than its initial boiling point) but excluding any product included in the definition of “liquefied gas” above;

“pleasure craft” means a vessel primarily used for sport or recreation;

“proper officer” has the same meaning as in section 97(1) of the Act of 1970;

“qualified deck officer” means an officer of the deck department who is qualified in accordance with regulation 4(2) of these Regulations;

“sail training ship” means a ship of 80 GRT or over which is equipped to be propelled by sail, whether or not provided with a propulsion engine, and

(a) 1971 c. 61.

(b) 1975 c. 74.

(c) S.I. 1977/252; relevant amending instrument is S.I. 1978/801.

which carries to sea (in addition to the trained crew) persons under training or instruction;

“smooth waters” means any waters not being the sea or partially smooth waters, and in particular means waters of any of the areas specified in column 2 of Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977;

“specified by the Secretary of State” means specified in the Department of Trade Merchant Shipping publications entitled “Certificates of Competency in the Merchant Navy—Deck Officer Requirements”, and “Examinations for Certificates of Competency in the Merchant Navy—Deck Syllabuses and Specimen Papers” both published by Her Majesty’s Stationery Office; any reference to those publications shall include a reference to any document amending those publications which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“stand-by vessel” has the same meaning as in the Offshore Installations (Emergency Procedures) Regulations 1976(a);

“trading area” means an area set out in Schedule 2 to these Regulations; and any reference in these Regulations to a voyage to, from or between locations in a trading area shall be construed as including a reference to a voyage to, from, or to and from, such a location or between such locations in the particular trading area or areas referred to;

“tug” means a vessel constructed solely for the purpose of, and normally used for, providing external motive power for floating objects or vessels;

“United Kingdom ship” has the same meaning as in section 21(2) of the Merchant Shipping Act 1979;

“Unlimited trading area” means the area specified as such in Schedule 2 to these Regulations.

(2) In these Regulations:

(a) references to a certificate of a numbered class are references to a certificate of the class which bears that number as indicated in regulation 4(3)(a) below;

(b) references to a certificate with a command endorsement shall be construed in accordance with regulations 7 and 8 below.

#### *Application*

3.—(1) Subject to paragraph (2) of this regulation, these Regulations apply to:—

(a) all United Kingdom ships, including passenger ships, tugs and sail training ships; and

(b) all other ships which carry passengers:—

(i) between places in the United Kingdom or between the United Kingdom and the Isle of Man or any of the Channel Islands; or

(ii) on a voyage which begins and ends at the same place in the United Kingdom and on which the ship calls at no place outside the United Kingdom,

being ships which go to sea beyond the limits of smooth or partially smooth waters, other than pleasure craft of less than 80 GRT and fishing vessels.

(2) Notwithstanding the provisions of paragraph (1) of this regulation, in respect of ships operating between locations in such areas as may be specified in a Merchant Shipping Notice, the Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

## PART II

### CERTIFICATION OF DECK OFFICERS

#### *Qualified Deck Officers and Classes of Certificates*

4.—(1) Every ship to which these Regulations apply shall carry such number of qualified deck officers as is required by Part III of these Regulations.

(2) For the purposes of these Regulations an officer shall be qualified if he is the holder for the time being of a certificate of competency issued under these Regulations, or of a certificate which is to be treated as equivalent to such a certificate by virtue of regulation 5 below and, at the material time, such certificate is in force in relation to the person named in it and is of a class appropriate to the deck officer's capacity in the ship.

(3) (a) Certificates of competency shall be issued, in accordance with these Regulations, of the following classes:

- Certificate of Competency (Deck Officer) Class 1 (Master Mariner)
- Certificate of Competency (Deck Officer) Class 2
- Certificate of Competency (Deck Officer) Class 3
- Certificate of Competency (Deck Officer) Class 4
- Certificate of Competency (Deck Officer) Class 5.

(b) Command endorsements shall be issued, in accordance with these Regulations, as follows:

- Master (Middle Trade) Endorsement
- Master (Near Continental) Endorsement
- Tugmaster Endorsement
- Tugmaster (Near Continental) Endorsement.

(4) For the purposes of these Regulations a certificate of competency of a class set out in the list in paragraph (3)(a) above shall be treated as being a certificate of a higher class than a certificate of any class which is set out after it in that list:

Provided that a certificate of competency without a command endorsement shall not be treated as being a certificate of a higher class than any class which is set out after it in that list if the lower class certificate is endorsed with a command endorsement; nor shall a certificate of competency endorsed with a command endorsement be treated as a certificate of a higher class than a certificate of competency set out before it in that list.

#### *Certificates equivalent to a Certificate of Competency*

5.—(1) The Secretary of State may specify that the standard of competence to be attained by deck officers of any description may be the standard of competence required for the issue of a certificate of competency by an authority empowered in that behalf by the laws of a country outside the United Kingdom, and that a certificate issued by any such authority shall be treated as evidence of the attainment of a standard of competence equivalent to the

standard required for the issue of a specified class of certificate under these Regulations:

Provided that any certificate issued by any such authority to any such deck officer which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiration of that period.

(2) A certificate of competency granted under these Regulations or under section 93 or 414 of the Act of 1894 to which has been added, by the Secretary of State, a certificate of service (deck officer) under regulation 6(2) of these Regulations of a description set out in column 1 of Table 2 below, shall be treated as equivalent to a certificate of competency issued under these Regulations of the class set out opposite thereto in column 2 of that Table, subject to any limitation as to trading area or type of ship endorsed on that certificate of service.

(3) A certificate of competency granted under section 93 of the Act of 1894 to which has been added, by the Secretary of State, a Middle Trade command endorsement under these Regulations, shall be treated as equivalent to a certificate of competency issued under these Regulations in respect of command of ships (other than passenger ships) not exceeding 10,000 GRT going between locations in the combined Near Continental and Middle Trade trading areas.

(4) A certificate of competency as Mate Home Trade granted under section 93 of the Act of 1894 to which has been added, by the Secretary of State, a Near Continental command endorsement under these Regulations shall, in addition to being treated as equivalent to the appropriate certificates set out in column 2 of Table 1 below, be treated as equivalent to a Class 4 certificate with a command endorsement or a Class 5 certificate with a command endorsement in any passenger ship not exceeding 1,000 GRT, or any other ship not exceeding 5,000 GRT, going between locations in the Near Continental trading area.

(5) An existing certificate of competency granted under section 93 of the Act of 1894 shall be deemed for the purposes of these Regulations to be a certificate of competency issued under section 43 of the Act of 1970 and to confer on the person to whom it was issued the qualifications specified in column 2 of Table 1 below which are equivalent to the certificate of competency set out opposite thereto in column 1 of that Table:

TABLE 1

Column 1	Column 2
<i>Class of 1894 certificate</i>	<i>Equivalent class of certificate of competency issued under these Regulations</i>
Master Foreign Going	Class 1 (Master Mariner)
First Mate Foreign Going	Class 2
Second Mate Foreign Going	Class 3
Master Home Trade	Class 1 (or any lower class with a command endorsement issued under these Regulations) in any passenger ship, and in any other ship not exceeding 10,000 GRT, going between locations in the Near Continental trading area; or Class 4 in any ship going to, from or between locations in the combined Middle Trade and Unlimited trading areas
Mate Home Trade	Class 2 in any passenger ship, and in any other ship not exceeding 10,000 GRT, going between locations in the Near Continental trading area; or Class 4 in any ship going to, from or between locations in the combined Middle Trade and Unlimited trading areas

(6) An existing certificate of service as master of a foreign-going ship granted under section 99 of the Act of 1894 shall be deemed to be equivalent to a certificate of competency Class 1 (Master Mariner) issued under these Regulations, except that the certificate holder shall not be entitled to act in the capacity of master or second in command of a passenger ship going between locations in the Near Continental trading area.

(7) A certificate of service (deck officer) of a description set out in column 1 of Table 2 below and granted by the Secretary of State shall be treated as equivalent to a certificate of competency issued under these Regulations of the class set out opposite thereto in column 2 of that Table:

TABLE 2

Column 1	Column 2
<i>Certificate of Service (deck officer)</i>	<i>Equivalent class of certificate of competency issued under these Regulations</i>
Master Middle Trade	Class 1 (or any lower class with command endorsement) in ships (other than passenger ships) not exceeding 10,000 GRT going between locations in the combined Near Continental and Middle Trade trading areas
Mate Middle Trade	Class 2 in ships (other than passenger ships) not exceeding 10,000 GRT going between locations in the combined Near Continental and Middle Trade trading areas
Third Mate Foreign Going	Class 4 endorsed not as First, Second or Third in command in ships going to or from or between any locations
Master Home Trade (other than passenger ships)	Class 1 (or any lower class with command endorsement) in ships (other than passenger ships) not exceeding 10,000 GRT going between locations in the Near Continental trading area
Mate Home Trade (other than passenger ships)	Class 3 in ships (other than passenger ships) not exceeding 10,000 GRT going between locations in the Near Continental trading area
Second Mate Home Trade	Class 4 endorsed not as First or Second in command in ships not exceeding 10,000 GRT going between locations in the Near Continental trading area
Mate Foreign Going (Tugs)	Class 2 endorsed For Tug Service Only
Second Mate Foreign Going (Tugs)	Class 3 endorsed not as First or Second in command and further endorsed For Tug Service Only
Master Home Trade (Tugs)	Class 5 endorsed For Tug Service Only with command endorsement in ships going between locations in the Near Continental trading area
Mate Home Trade (Tugs)	Class 5 endorsed For Tug Service Only in ships going between locations in the Near Continental trading area

*Standards and conditions applicable with respect to the issue of certificates*

6.—(1) Subject to paragraph (3) below:

- (a) the standards of competency to be attained and the conditions to be satisfied by a person before he may be issued with a certificate of competency or with a command endorsement under these Regulations, including any exceptions applicable with respect to any such standards or conditions;
- (b) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced; and
- (c) the conduct of any examination for that purpose and the conditions of admission to them



shall be such as may be specified by the Secretary of State either in relation to certificates of competency or certificates of competency with command endorsement in general or to either of such certificates of a particular class as may be so specified.

(2) Subject to the proviso to this paragraph and to paragraph (3) below, the conditions to be satisfied by an uncertificated officer or by the holder of a certificate of competency granted under these Regulations or under sections 93 or 414 of the Act of 1894 who applies to be issued with a certificate of service (deck officer) shall be:

- (a)(i) that he has served in an appropriate capacity of mate; or
- (ii) that he has served in the capacity of master in a sea-going ship to which these Regulations apply prior to 12th July 1977; and
- (b) that he has served as master or as a watchkeeping deck officer at sea for a period of not less than three years falling:
  - (i) in the period of six years immediately preceding 12th July 1977; or
  - (ii) in any period of six years ending after 12th July 1977, but before 1st September 1981; and
- (c) that he has produced such evidence as the Secretary of State may require in the particular case:
  - (i) of his having served for 12 months of such service in ships to which these Regulations apply in the capacity for which a certificate of service is claimed; and
  - (ii) of his satisfactory conduct during the 12 months mentioned in (i) above and during the last 12 months of sea service in a watchkeeping capacity if this is not the same period:

Provided that, notwithstanding that the conditions set out in sub-paragraphs (a), (b) and (c) above have not been complied with, the Secretary of State, taking into account the circumstances in a particular case, may, where he is satisfied that those conditions have been substantially complied with, issue a certificate of service (deck officer) subject to any limitation as to trading area or type of ship which may be endorsed on that certificate in the particular case.

(3) Notwithstanding that an applicant for a certificate of competency, a command endorsement or a certificate of service (deck officer) complies with the standards or fulfils the conditions specified by, or by virtue of, the foregoing provisions of this regulation, the Secretary of State shall not issue the 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 competently in the capacity to which it relates.

*Command endorsements on certificates of competency*

7. On the issue of a certificate of competency of any class set out in column 1 of Table 3 below, or subsequently, the Secretary of State may, if satisfied that the person to whom it is issued is competent to be in command of a ship of the description specified in column 3 of that Table, endorse the certificate to that effect as a certificate of competency with the command endorsement set out in column 2 of that Table:

TABLE 3

Column 1	Column 2	Column 3
<i>Certificate of Competency (Deck Officer)</i>	<i>Command Endorsement</i>	<i>Description of Ship</i>
Class 2 or Class 3	Master (Middle Trade)	Ships (other than passenger ships) of less than 5,000 GRT going between locations in the combined Near Continental and Middle Trade trading areas
Class 4	Master (Middle Trade)	Ships (other than passenger ships) of less than 1,600 GRT going between locations in the combined Near Continental and Middle Trade trading areas
Class 2, Class 3 or Class 4	Master (Near Continental)	Ships (other than passenger ships) of less than 5,000 GRT going between locations in the Near Continental trading area Passenger ships of less than 1,000 GRT going between locations in the Near Continental trading area
Class 5	Master (Near Continental)	Ships (other than passenger ships) of less than 1,600 GRT going between locations in the Near Continental trading area Passenger ships of less than 200 GRT going between locations in the Near Continental trading area

*Certificates of Competency and Command Endorsements for Tugs*

8.—(1) Where an applicant for a certificate of competency under these Regulations fails to satisfy the conditions specified by the Secretary of State under regulation 6(1) of these Regulations in respect of sea service in ships (other than passenger ships), but has performed sea service so specified in tugs, and if he fulfils the other standards of competency and conditions so specified, he may be issued with a certificate of competency Class 2, 3, 4 or 5 as appropriate endorsed For Tug Service Only.

(2) On the issue of a certificate of competency of any class set out in column 1 of Table 4 below, or subsequently, the Secretary of State may, if satisfied that the person to whom it is issued is competent to be in command of a tug of the description set out in column 3 of that Table, endorse the certificate to that effect as a certificate of competency with the command endorsement set out in column 2 of that Table:

TABLE 4

Column 1	Column 2	Column 3
<i>Certificate of Competency (Deck Officer)</i>	<i>Command endorsement</i>	<i>Description of tug</i>
Class 2 endorsed For Tug Service Only	Tugmaster	Tugs going to sea from any location
Class 3 endorsed For Tug Service Only	Tugmaster	Tugs going between locations in the combined Near Continental and Middle Trade trading areas
Class 4 or Class 5 endorsed in both cases For Tug Service Only	Tugmaster (Near Continental)	Tugs going between locations in the Near Continental trading area

(3) In the event that the holder of a Class 2, 3, 4 or 5 certificate of competency (deck officer) endorsed For Tug Service Only applies to have that endorsement removed, the Secretary of State may, subject to the holder having fulfilled any conditions required by the Secretary of State in the particular case, including sea service in ships other than tugs, from which the holder was previously exempted, delete the endorsement For Tug Service Only and that certificate shall then be treated in all respects as equivalent to a certificate of competency issued under these Regulations.

*Form, validity, record and surrender of certificates*

9.—(1) Certificates of competency and certificates of service (deck officer) shall be issued in duplicate, on payment of the appropriate fee (if any), the original to be delivered to the person entitled to the certificate and the duplicate to be retained by the Secretary of State.

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

(3) A record of all certificates of competency and of all certificates of service (deck officer) issued under these Regulations and of the suspension, cancellation or alteration of, and any other matters affecting, any such certificate 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 of competency of a particular class issued under these Regulations is issued with such a certificate of a higher class, he shall surrender the first-mentioned certificate to the Secretary of State, or to such person as the Secretary of State directs, for cancellation.

*Loss of certificates*

10. If a person entitled to a certificate of competency or a certificate of service (deck officer) proves to the satisfaction of the Secretary of State that he has, without fault on his part, lost or been deprived of a certificate already issued to him, the Secretary of State shall, and where he is not so satisfied may,

upon payment of such fee (if any) as he may require, cause a copy of the certificate to which the said person appears to be entitled to be issued to him. Any such copy shall, before it is so issued, be certified as such by the Registrar General of Shipping and Seamen or, as the case may be, by such person as the Secretary of State may have directed to keep the record referred to in regulation 9(3) above.

### PART III

#### NUMBERS OF DECK OFFICERS TO BE CARRIED

##### *Minimum number of qualified deck officers to be carried in ships, other than passenger ships or tugs*

**11.**—(1) Subject to paragraph (2) of this regulation and to regulation 16 below, the minimum number of qualified deck officers of a particular class which ships (other than passenger ships or tugs) of a description set out in column 2 of Table A in Part I of Schedule 1 to these Regulations, when engaged on a voyage to or from a location or between locations in the trading area set out in relation to that description of ship in column 1 of the said Table, are required to carry shall be the number set out in column 3 of that Table.

(2) The provisions of column 3 of the said Table have effect subject to the special provisions set out in Part II of the said Schedule 1 and paragraph (1) above, as read with the provisions of the said column 3, shall apply accordingly.

##### *Minimum number of qualified deck officers to be carried in passenger ships*

**12.**—(1) Subject to paragraph (2) of this regulation and to regulation 16 below, the minimum number of qualified deck officers of a particular class which passenger ships, being ships of a description set out in column 2 of Table B in Part I of Schedule 1 to these Regulations, when engaged on a voyage to or from a location or between locations in the trading area set out in relation to that description of ship in column 1 of the said Table, are required to carry shall be the number set out in column 3 of that Table.

(2) The provisions of column 3 of the said Table have effect subject to the special provisions set out in Part II of the said Schedule 1, and paragraph (1) above, as read with the provisions of the said column 3, shall apply accordingly.

##### *Minimum number of qualified deck officers to be carried in tugs*

**13.**—(1) Subject to paragraph (2) of this regulation and to regulation 16 below, the minimum number of qualified deck officers of a particular class which tugs engaged on a voyage to or from a location or between locations in the trading area set out in column 1 of Table C in Part I of Schedule 1 to these Regulations, are required to carry shall be the number set out in column 3 of that Table.

(2) The provisions of column 3 of the said Table have effect subject to the special provisions set out in Part II of the said Schedule 1, and paragraph (1) above, as read with the provisions of the said column 3, shall apply accordingly.

##### *Minimum number of qualified deck officers to be carried in sail training ships*

**14.** Sail training ships shall carry a minimum number of two qualified deck officers of whom one shall be the holder of a certificate of competency Class 1 and one the holder of a certificate of competency Class 2:

Provided that, in a particular case, the Secretary of State may exempt a sail training ship from this requirement and permit particular officers, with qualifi-

cations appropriate to the command of sail training ships, to act in the capacity of master or second in command.

*Minimum number of qualified deck officers to be carried in offshore installation stand-by vessels*

15. Offshore installation stand-by vessels shall carry a minimum number of two deck officers holding certificates:

- (a) appropriate to a ship of that class as set out in column 3 of Table A in Part 1 of Schedule 1 to these Regulations; or
- (b) in the case of stand-by vessels operating in the Near Continental area, as Skipper (Full) issued under section 414 of the Act of 1894, provided that the officer in command shall have served for not less than 12 months in a capacity not lower than second in command in a stand-by vessel.

*Exceptional provisions when a ship may proceed to sea with one qualified deck officer less than the number required by these Regulations*

16.—(1) Subject to paragraph (3) below, if on an occasion on which a ship in respect of which the requirements of these Regulations have otherwise been fully complied with goes to sea, one of the qualified deck officers is not carried because of illness, incapacity, or other unforeseen circumstance, but all reasonable steps were taken to secure the carriage on that occasion of a duly qualified deck officer, so much of the provisions of these Regulations as require such a ship on such a voyage to carry that deck officer shall not, subject to compliance with the conditions of paragraph (2) below, 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 location on that occasion, that is to say:

- (a) a period ending with the day on which the ship does carry a qualified deck officer as that deck officer, or
- (b) a period determined as follows:
  - (i) in the case of a ship going to sea from a location beyond the Middle Trade trading area ..... 28 days
  - (ii) in the case of a ship of 5,000 GRT and over going to sea from a location beyond the Near Continental trading area but within the Middle Trade trading area ..... 14 days
  - (iii) in the case of a ship under 5,000 GRT going to sea from a location beyond the Near Continental trading area but within the Middle Trade trading area ..... 14 days
  - (iv) in the case of a ship going to sea from a location beyond the United Kingdom but within the Near Continental trading area and which is required by these Regulations to carry not less than three qualified deck officers .. 7 days

Provided that one such period of 28, 14 or 7 days, as the case may be, shall not be followed immediately by any further period at sea during which the ship carries one less than the number of duly qualified deck officers required by these Regulations.

(2) The conditions referred to in paragraph (1) above are that the master, when going to sea from that location, shall:

- (a) notify a proper officer of his intention not to carry that qualified deck officer, and

(b) make an entry of that notification in the ship's official logbook.

(3) Notwithstanding the provisions of paragraph (1) above, a ship such as is mentioned:

(a) in sub-paragraph (b)(i) or (ii) of paragraph (1) above, may go to sea on such a voyage carrying one deck officer less than is required by these Regulations even if, at the time, the ship carries one qualified marine engineer officer less than is required by any regulations made under section 43 of the Act of 1970(a) relating to the carriage of qualified marine engineer officers;

(b) in sub-paragraph (b)(iii) or (iv) of paragraph (1) above, may only go to sea on such a voyage carrying one deck officer less than is required by these Regulations if, at the time, the ship carries the full number of qualified marine engineer officers required by any such regulations referred to in sub-paragraph (a) of this paragraph.

*Additional conditions in respect of ships carrying dangerous cargoes*

17. A ship to which these Regulations apply which has a bulk cargo consisting in whole or in part of:

(a) crude liquid petroleum or petroleum products; or

(b) liquid chemicals; or

(c) liquefied gases;

shall carry as officer in command and as second in command respectively, deck officers qualified under these Regulations whose certificates of competency or of service have been endorsed to show that they have satisfied such conditions as to training and service as may be specified by the Secretary of State. If a deck officer (other than the officers in command and second in command) is acting as cargo officer and has immediate responsibility for loading, discharging and care in transit or handling of cargo, that officer shall hold a similarly endorsed certificate.

#### PART IV

##### WATCHKEEPING REQUIREMENTS

*Deck officers to act only in a capacity for which certificated*

18.—(1) No deck officer shall act in the capacity of master or second in command unless he holds an appropriate certificate of competency or certificate of service:

Provided that in the event of:

(a) the death or incapacity of the master or second in command while the ship is at sea, or

(b) a ship going to sea without a duly certificated master or second in command in the circumstances specified in regulation 16 of these Regulations,

a deck officer may act in the capacity of master or second in command until the ship reaches the next intended port of call or during the period allowed by regulation 16(1)(b).

(2) The master of a ship shall not permit any deck officer to be in charge of a navigational watch unless he holds a certificate of competency or certificate of

(a) See S.I. 1980/2025.

service of a class required by regulations 11 to 15 of these Regulations, read with Schedule 1 thereto, to be held by a deck officer required to be carried in that ship at that time.

(3) An owner shall not appoint any deck officer to act in a capacity for which he is not duly certificated in accordance with these Regulations.

*Offences and Penalties*

19.—(1) Any deck officer who contravenes regulation 18(1) of these Regulations; or any master who contravenes regulation 18(2) of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine.

(2) Any owner who contravenes regulation 18(3) of these Regulations shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine.

*Norman Tebbit,*  
Parliamentary Under Secretary of State,  
Department of Trade.

17th December 1980.

## SCHEDULE 1

## Regulations 11 and 18

## PART I

## MINIMUM NUMBER OF DECK OFFICERS TO BE CARRIED

## TABLE A

(SHIPS OTHER THAN PASSENGER SHIPS AND TUGS)

Column 1	Column 2	Column 3				
Trading Area	Descriptions of ships	Minimum number of certificated Officers to be carried				
		Class 1 Cert	Class 2 Cert	Class 3 Cert	Class 4 Cert	Class 5 Cert
Unlimited	1600 GRT and over	1	1	1	1	–
	under 1600 GRT	1	1	1	–	–
Middle Trade	5,000 GRT and over	1	1	1	1	–
	1,600 GRT but under 5,000 GRT	–	–	1(A)	1(E)	1
	under 1,600 GRT	–	–	–	2(A)	1
Near Continental	10,000 GRT and over	1	1	1	–	–
	5,000 GRT but under 10,000 GRT	1	–	1(E)	1	–
	1,600 GRT but under 5,000 GRT	–	–	–	2(B)(E)	1
	800 GRT but under 1,600 GRT	–	–	–	–	3(B)
	200 GRT but under 800 GRT	–	–	–	–	2(B) (C)
	under 200 GRT	–	–	–	–	1(D)

Note: Column 3 is to be read subject to, and the meaning of (A) (B) (C) (D) and (E) is to be found in paragraph 2(1) of, the special provisions set out in Part II of this Schedule.



## Regulations 12 and 18

TABLE B  
(PASSENGER SHIPS)

Column 1 <i>Trading Area</i>	Column 2 <i>Description of passenger ships</i>	Column 3 <i>Minimum number of certificated Officers to be carried</i>				
		<i>Class 1 Cert</i>	<i>Class 2 Cert</i>	<i>Class 3 Cert</i>	<i>Class 4 Cert</i>	<i>Class 5 Cert</i>
Unlimited or Middle Trade	Any tonnage	1	1	1	1	–
Near Continental	2,000 GRT and over	1	1	–	1	–
	1,000 GRT but under 2,000 GRT	1	–	–	1(y)	–
	200 GRT but under 1,000 GRT	–	–	–	1(x)	1
	Under 200 GRT	–	–	–	–	1(x)

*Note:* Column 3 is to be read subject to, and the meaning of (x) and (y) is to be found in paragraph 2(2) of, the special provisions set out in Part II of this Schedule.

## Regulations 13 and 18

TABLE C  
(Tugs)

Column 1 <i>Trading Area</i>	Column 2 <i>Description of Tugs</i>	Column 3 <i>Minimum number of certificated Officers to be carried</i>				
		<i>Class 1 Cert</i>	<i>Class 2 Cert</i>	<i>Class 3 Cert</i>	<i>Class 4 Cert</i>	<i>Class 5 Cert</i>
Unlimited	Any tug	–	2(a)	1	–	–
Middle Trade	Any tug	–	–	2(a)(c)	1	–
Near Continental	Any tug	–	–	–	–	2(b)(c)

*Note:* Column 3 is to be read subject to, and the meaning of (a) (b) and (c) is to be found in paragraph 2(3) of, the special provisions set out in Part II of this Schedule.

PART II *Regulations 11(2), 12(2) and 13(2)*

## SPECIAL PROVISIONS APPLICABLE TO PART I OF THIS SCHEDULE

1. The provisions of column 3 of each of Tables A, B and C, in Part I above, in so far as they impose a requirement with respect to the carrying in a ship of a qualified deck officer who is the holder of a certificate of competency issued under these Regulations of a particular class, shall be treated as complied with (subject to the qualification in regulation 4(4) of these Regulations with regard to certificates with a command endorsement) if the officer who is carried in pursuance of that requirement is the holder of a certificate of competency issued under these Regulations of a higher class.

2.—(1) Where a number set out in column 3 in Table A in Part I above in relation to a certificate of competency issued under these Regulations of a particular class is followed by the indication (A), (B), (C), (D) or (E), that provision of the said column 3 to which the number relates shall be construed:

- (a) in the case of indication (A), as requiring the certificate or one of the certificates in question to be endorsed with the Master (Middle Trade) endorsement;
- (b) in the case of indication (B), as requiring one of the certificates in question to be endorsed with the Master (Near Continental) endorsement;
- (c) in the case of indication (C), as if the number so set out were 3, where the provisions of paragraph 3 below apply;
- (d) in the case of indication (D), as requiring the certificate in question to be endorsed with the Master (Near Continental) endorsement: provided that where the ship is engaged on a voyage of such duration that a change of watch will become necessary, the ship shall carry an additional deck officer who is the holder of a Class 5 certificate;
- (e) in the case of indication (E), as requiring the certificate holder in question serving as second-in-command (unless his certificate is endorsed with a command endorsement) to have previously served as an officer in charge of a navigational watch on a ship of 200 GRT or more for a period of not less than 18 months.

(2) Where a number set out in column 3 in Table B in Part I above in relation to a certificate of competency issued under these Regulations of a particular class is followed by the indication (x) or (y), that provision of the said column 3 to which the number relates shall be construed:

- (a) in the case of indication (x), as requiring the certificate in question to be endorsed with the Master (Near Continental) endorsement: provided that where a ship of under 200 GRT is engaged on a voyage of such duration that a change of watch will become necessary, the ship shall carry an additional deck officer who is the holder of a Class 5 certificate;
- (b) in the case of indication (y), as requiring the certificate holder in question if the ship is of 1,600 GRT or more, to have previously served as an officer in charge of a navigational watch on a ship of 200 GRT or more for a period of not less than 18 months.

(3) Where a number set out in column 3 of Table C in Part I above in relation to a certificate of competency issued under these Regulations of a particular class is followed by the indication (a), (b) or (c), that provision of the said column 3 to which the number relates shall be construed:

- (a) in the case of indication (a), as requiring one of the certificates in question to be endorsed with the Tugmaster's command endorsement;
- (b) in the case of indication (b), as requiring one of the certificates in question to be endorsed with the Tugmaster (Near Continental) command endorsement;
- (c) in the case of indication (c), as requiring the certificate holder in question serving as second-in-command, if the tug is of 1,600 GRT or more, (unless his certificate is endorsed with a command endorsement) to have previously served as an officer in charge of a navigational watch on a ship of 200 GRT or more for a period of not less than 18 months.

3. In relation to any offshore installation supply vessel of under 1,600 GRT which goes to sea:

(a) to or from any location in the Near Continental trading area and an offshore installation in the same trading area; or

(b) between offshore installations in the Near Continental trading area

the provisions of Table A shall apply, subject to the modification that such offshore installation supply vessel shall be required to carry a minimum of three certificated deck officers: provided that where such a vessel operates in circumstances specified in Merchant Shipping Notice No. 781 of 1976 so that the work load of the crew does not require a third deck officer, such an officer need not be carried.

*Regulation 2(1)*

## SCHEDULE 2

### DEFINITION OF "TRADING AREA"

"Trading area" means any of the following areas, that is to say:

*Near Continental trading area:* any location within the area bounded by a line from a point on the Norwegian coast in latitude 62° North to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 51° North 12° West; thence to Brest, but excluding all waters which lie to the eastward of a line drawn between Kristiansand, Norway, and Hanstholm lighthouse on the North Danish coast;

*Middle Trade trading area:* any location not within the Near Continental trading area but within an area (which includes places in the Baltic Sea) bounded by the northern shore of Vest Fjord (Norway) and a line joining Skomvaer lighthouse (Latitude 67° 25' N Longitude 11° 53' E) to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 51° North 12° West; thence to a point 41° 9' North 10° West; thence to Oporto;

*Unlimited trading area:* any location not within the Middle Trade or Near Continental trading areas.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations revoke and re-enact the provisions of the Merchant Shipping (Certification of Deck Officers) Regulations 1977 as amended, except in the following respects:—

(1) Regulation 5(5) provides for certain existing certificates granted under the Merchant Shipping Act 1894 to be recognised as valid certificates under the 1970 Act, without the need for those certificates to be validated. Accordingly, the Regulations make no reference to certificates of validation.

(2) All United Kingdom ships (or other ships which carry passengers between the British Islands or between places in the United Kingdom) must now carry the prescribed number of deck officers; ships under 80 GRT (except pleasure craft) are no longer exempt (regulation 3).

(3) Ships and classes of ships which confine their operations within certain areas, specified in a Merchant Shipping Notice, may be exempted from all or any of the requirements of these Regulations subject to such conditions as the Secretary of State may specify in making the exemption (regulation 3(2)).

(4) The Secretary of State may, at the time of issue, impose limitations as to trading area or type of ship on any certificate of service (proviso to regulation 6(2)).

(5) Certificates of competency and certificates of service will remain valid for sea-going service only if the holder continues to comply with specified standards and conditions as to medical fitness and competency to act in the appropriate capacity (regulation 9(2)).

(6) The Secretary of State may permit officers with the appropriate equivalent qualifications to act as master or second in command of sail training ships (regulation 14).

(7) The Secretary of State may permit officers holding fishing boat certificates of competency as Skipper (Full) to act as officers in command or second in command of offshore installation standby vessels operating in the Near Continental Area (regulation 15).

(8) Petroleum and its products have been added to the specified dangerous cargoes in respect of which specially trained officers must be carried (regulation 17).

(9) Deck officers are now required to act in the capacity for which they are certificated (regulation 18).

(10) It is an offence for an owner to employ officers in capacities for which they are not duly certificated (regulations 18(3) and 19(2)).

(11) The penalty for acting outside the capacity for which an officer is certificated is prescribed in regulation 19. Other relevant offences, the maximum penalties for which were increased by section 43 of the Merchant Shipping Act 1979 with effect from 1st January 1980 (S.I. 1979/807), are laid down in the Merchant Shipping Act 1970:—

<i>Offence</i>	<i>Maximum fine</i>
S. 43(5): making a false statement to obtain a certificate or other document	£1,000 on summary conviction
S. 45: ship going to sea undermanned	£1,000 on summary conviction; no limit on conviction on indictment
S. 46: unqualified person going to sea as qualified	as under s. 45.

(12) Where ships under 200 GRT are on voyages in the Near Continental trading area which will necessitate a change of watch, an additional properly qualified deck officer must be carried (Schedule I Part II paragraph 2(1)(d) and (2)(a)).

(13) Where the second in command of a ship of 1,600 GRT and over holds only a Class 3, 4 or 5 Certificate, other than one with a command endorsement, he must have previously served for not less than 18 months as an officer in charge of a navigational watch on ships of 200 GRT and over. (Schedule 1 Part II paragraph 2(1)(e), (2)(b) and (3)(c)).

(14) The Department of Trade publications setting out requirements “specified by the Secretary of State”—see regulation 2(1)—may be amended from time to time. Such amendments will be published in Merchant Shipping Notices obtainable from the Department of Trade, Marine Library, Sunley House, 90 High Holborn, London WC1 and from any Department of Trade Mercantile Marine Office or Marine Survey Office. The Inter-Governmental Maritime Consultative Organisation publications referred to in regulation 2(1) are available from IMCO, Piccadilly, London W.1.

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