
S T A T U T O R Y I N S T R U M E N T S

1986 No. 1935

MERCHANT SHIPPING

MASTERS AND SEAMEN

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

Made - - - - - 13th November 1986

Laid before Parliament 24th November 1986

Coming into Operation 15th December 1986

The Secretary of State for Transport, 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 engineer officers, and licensed marine engine operators, and after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(a) and the persons referred to in section 22(2) of the Merchant Shipping Act 1979(b), in exercise of powers conferred by sections 43 and 68 of the said Act of 1970 and now vested in him(c) and of section 21(1)(a) and (3) to (6) of the said Act of 1979 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART 1

GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986 and shall come into operation on 15th December 1986.

(2) The Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1980(d) are hereby revoked.

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

(4) Any certificate issued under or remaining in force pursuant to the Regulations revoked by these Regulations in force at the date of the coming

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

(b) 1979 c. 39.

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

(d) S.I. 1980/2025.

into operation of these Regulations shall, subject to its not being suspended or cancelled, remain in force and shall 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 (engineer officer)” means a certificate of service (engineer officer) issued by the Secretary of State by virtue of Regulations revoked by regulation 1(2) of these Regulations or by virtue of the Merchant Shipping (Certification and Watchkeeping) Regulations 1982(b);

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

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

“GRT” means gross register tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages; for a ship having its tonnage determined both under Part II and regulation 16 of the Merchant Shipping (Tonnage) Regulations 1982(c) the gross tonnage shall be that determined under regulation 16;

“length” in relation to a vessel has the same meaning as in the Merchant Shipping (Tonnage) Regulations 1982;

“licensed marine engine operator” means an officer or rating who is qualified in accordance with regulation 11(2) of these Regulations;

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

“liquefied gas” means any liquefied gas listed in Chapter XIX of the 1976 International Maritime Organisation “(IMO)” 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 IMO 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;

(a) 1894 c. 60.

(b) S.I. 1982/1699.

(c) S.I. 1982/841.

“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 Transport;

“offshore installation” means any offshore installation within the meaning of section 1(3) of the Mineral Workings (Offshore Installations) Act 1971(a) as amended by section 24 of the Oil and Gas (Enterprise) Act 1982(b) or any such other installation as is mentioned in section 44(1) of the Petroleum and Submarine Pipe-lines Act 1975(c);

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

“petroleum products” means the following substances produced directly or indirectly from crude oil, 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° C 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;

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

“registered power” means, in relation to a ship, the brake or shaft power specified in the ship’s certificate of registry, that is to say, the total continuous rated brake or shaft power of all the propulsion engines, irrespective of whether some of the power may be diverted from the propulsion shafts or whether not all of the power is normally used;

“sail training ship” means a ship of 80 GRT or over or of 24 metres or over in length which, though equipped to be propelled by sail, is also provided with a propulsion engine, and which carries to sea, in addition to the trained crew, persons under training or instruction;

“seismic and oceanographic survey vessel” means a vessel employed either in the production and measurement of pulses for the seismic survey of the sea bed and subsoil thereof or in the collection of oceanographic data;

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

“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;

(a) 1971 c. 61.

(b) 1982 c. 23.

(c) 1975 c. 74.

(d) S.I. 1977/252; relevant amending instruments are S.I. 1978/801 and 1984/955.

“specified by the Secretary of State” means specified in the Department of Transport Merchant Shipping publications entitled “Certificates of Competency and Licences in the Merchant Navy: Marine Engineer Officer and Licenced Marine Engine Operator Requirements” and “Examinations for Certificates of Competency and Licences in the Merchant Navy: Engineer Syllabuses and Specimen Papers”; 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;

“standby 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;

(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 5(1)(a) below;
- (b) references to a certificate with a service endorsement shall be construed in accordance with regulation 8 below;
- (c) references to a licence (marine engine operator) are references to a licence so described in regulation 12(1)(a) below.

Application

3.—(1) Subject to paragraphs (2) and (3) of this regulation, these Regulations apply to all ships having registered power of 350 kilowatts or more, and to sail training ships with a propulsion engine, which go to sea beyond the limits of smooth or partially smooth waters and which are:

- (a) United Kingdom ships; or
- (b) 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.

(2) These Regulations do not apply to fishing vessels, Government fishery research vessels or pleasure craft.

(3) 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.

(a) S.I. 1976/1542.

PART II

CERTIFICATION OF MARINE ENGINEER OFFICERS

Qualified engineer officers and classes of certificate

4.—(1) Every ship to which these Regulations apply shall carry such qualified marine engineer officers as are required by Part IV of these Regulations.

(2) For the purposes of these Regulations an engineer 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 6 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 engineer officer's capacity in the ship.

Certificates of competency

5.—(1)(a) Certificates of competency shall be issued in accordance with these Regulations of the following classes, that is to say:—

- Certificate of Competency (Marine Engineer Officer) Class 1
- Certificate of Competency (Marine Engineer Officer) Class 2
- Certificate of Competency (Marine Engineer Officer) Class 3
- Certificate of Competency (Marine Engineer Officer) Class 4.

(b) Certificates of competency of Class 1, 2 or 4 shall be issued for motor or steam machinery or for combined motor and steam machinery. Class 3 certificates shall be issued for motor machinery only.

(2) Service endorsements shall be issued in accordance with these Regulations in respect of certificates of competency of Class 2, 3 or 4 for the appropriate description of ship set out in column 2 of the Table in regulation 8 of these Regulations.

(3) For the purposes of these Regulations a certificate of competency of a class set out in the list in paragraph (1)(a) above, with or without a service endorsement (pursuant to regulation 8 of these Regulations), 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, with or without a service endorsement, if the higher class certificate is issued for the same type of machinery, whether motor or steam, as the lower class certificate.

Certificates equivalent to a certificate of competency

6.—(1)(a) An existing certificate of competency granted under section 93 of the Act of 1894 or an existing certificate of service granted under section 99 of that Act shall be deemed for the purposes of these Regulations and of sections 43 to 60, 75(2) and 92 of the Act of 1970 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

Column 1	Column 2
<i>Class of 1894 certificate</i>	<i>Equivalent class of certificate of competency issued under these Regulations</i>
First Class Engineer	Marine Engineer Officer Class 1
Second Class Engineer	Marine Engineer Officer Class 2 with a service endorsement

- (b) An existing certificate of service (engineer officer) granted under Regulations revoked by regulation 1(2) of these Regulations or granted under the Merchant Shipping (Certification and Watchkeeping) Regulations 1982 shall be deemed for the purposes of these Regulations and of sections 43 to 60, 75(2) and 92 of the Act of 1970 to be equivalent to a certificate of competency issued under these Regulations of the same class and of the same type of machinery subject to any limitations as to type of ship or trading area endorsed on the certificate of service (engineer officer).
- (c) Holders of Class 1 (Fishing Vessel) and Class 2 (Fishing Vessel) Engineer Officer certificates of competency or certificates of service, granted under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984(a) may act in the capacity of Chief and Second Engineer respectively in former fishing vessels converted to stand-by, seismic and oceanographic survey vessels.
- (d) A certificate of competency granted under these Regulations or under section 93 of the Act of 1894 to which has been added, by the Secretary of State, a certificate of service (engineer officer) issued under Regulations revoked by these Regulations or under the Merchant Shipping (Certification and Watchkeeping) Regulations 1982 shall be treated as equivalent to a certificate of competency of the appropriate class issued under these Regulations as Marine Engineer Officer in respect of the same type of machinery as that for which the certificate of service was issued subject to any limitation endorsed on the certificate of service (engineer officer).

(2) The Secretary of State may specify that the standard of competence to be attained by engineer 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. The Secretary of State may also specify that a certificate issued by any such authority may be recognised as having the same force as a certificate of a specified class issued under these Regulations:

Provided that any certificate issued by any such authority to any such engineer 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.

(a) S.I. 1984/1115.

Standards and conditions applicable with respect to the issue of certificates

7.—(1) Subject to paragraph (2) 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 a certificate of competency with a service 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 a service endorsement in general or to either of such certificates of a particular class as may be so specified.

(2) Notwithstanding that an applicant for a certificate of competency, or service endorsement, 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. If the Secretary of State intends to refuse the issue of a certificate to any such applicant on either of these grounds he shall give notice in writing to the applicant who shall have the right to make representations to the Secretary of State.

Service endorsements on certificates of competency

8. Where a person is the holder of a certificate of competency of a class specified in column 1 of the Table below, the Secretary of State may, if he is satisfied that that person is competent to be carried as Chief Engineer Officer in a ship of the description specified in column 2 of that Table in relation to that class, endorse the certificate to that effect with the service endorsement "Chief Engineer Officer".

TABLE

Column 1	Column 2
<i>Class of Certificate of Competency</i>	<i>Description of Ship</i>
Class 2	In ships of 1,500 or more but under 3,000 kilowatt registered power going to, from or between any locations. In ships of 3,000 or more but under 6,000 kilowatt registered power going between locations in the Limited European trading area.
Class 3	In ships of 750 or more but under 1,500 kilowatt registered power going to, from or between any locations. In ships of 1,500 or more but under 3,000 kilowatt registered power going between locations in the Limited European trading area.
Class 4	In ships of 350 or more but under 750 kilowatt registered power going to, from or between any locations. In ships of 750 or more but under 1,500 kilowatt registered power going between locations in the Limited European trading area.

Form, validity, record and surrender of certificates

9.—(1) Certificates of competency and certificates of service (engineer officer) shall be issued in duplicate, on receipt of any fee payable, 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 (engineer officer) issued under these Regulations or under Regulations revoked by these Regulations or by virtue of the Merchant Shipping (Certification and Watchkeeping) Regulations 1982 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 a particular class issued under these Regulations or under Regulations revoked by these Regulations or by virtue of the Merchant Shipping (Certification and Watchkeeping) Regulations 1982 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.

(5) Where a person is convicted of an offence under section 43(5) of the Act of 1970, or where a certificate is issued and the conditions for its issue prescribed in these Regulations or specified by the Secretary of State have not been complied with, then the holder of the relevant certificate shall at the direction of the Secretary of State deliver it to the Secretary of State, or to such person as the Secretary of State directs, for cancellation.

Loss of certificate

10. If a person entitled to a certificate of competency, or a certificate of service (engineer 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, on receipt of any fee payable, 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

LICENSING OF MARINE ENGINE OPERATORS

Licensed marine engine operators and classes of licence

11.—(1) Every ship to which these Regulations apply shall carry such qualified marine engine operators as are required by Part IV of these Regulations.

(2) A marine engine operator shall be qualified if he is the holder for the time being of a licence issued under these Regulations or of a certificate which is to be treated as equivalent to such a licence by virtue of regulation 13 below and, at the material time, such licence or certificate is in force in relation to the person named on it and is of the class appropriate to the marine engine operator's capacity in the ship.

12.—(1)(a) Licences shall be issued in accordance with these Regulations of the following classes, that is to say:—

Licence (Senior Marine Engine Operator)
Licence (Marine Engine Operator)

(b) Licences shall be issued for motor machinery only.

(2) A certificate of competency of a class set out in paragraph 1(a) of regulation 5 for motor ships shall be treated as being of a higher class than the licences set out in paragraph 1(a) of this Regulation and the licence (senior marine engine operator) shall be treated as being of a higher class than the licence (marine engine operator).

13.—(1) For the purposes of these Regulations a certificate of competency granted under the Merchant Shipping (Certification of Deck Officers) Regulations 1985(a), or under sections 93 or 414 of the Act of 1894 to which has

(a) S.I. 1985/1306.

been added by the Secretary of State a licence (senior marine engine operator) or (marine engine operator) shall be treated as equivalent to the appropriate class of licence set out in regulation 12(1)(a) above.

(2) A licence (marine engine operator) shall be issued under these Regulations to a person who has fulfilled the conditions of regulation 14(2) of these Regulations and may, according to the person's service, be endorsed:

- (a) for the capacity of senior marine engine operator;
- (b) for voyages within a trading area or areas;
- (c) with another capacity for another trading area; or
- (d) with a description of the ships and the capacities in which the person may be carried.

Standards and conditions applicable with respect to the issue of licences

14.—(1) Subject to paragraphs (2) and (3) below:

- (a) the standards to be attained and the conditions to be satisfied by a person before he may be issued with a licence 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.

(2) Notwithstanding paragraph (1) above, but subject to paragraph (3) below, a person may be issued with a licence as a marine engine operator or a senior marine engine operator if he satisfies the following conditions:—

- (a) that he has been involved with the operation of the engines in sea-going ships above 200 kW registered power for a period of not less than three years falling in the ten year period immediately preceding 13th November 1986; and
- (b) that he has produced such evidence as the Secretary of State may require in the particular case;
 - (i) of his having served 12 months of such service in ships to which these Regulations apply and in the capacity for which a licence is claimed; and
 - (ii) of his satisfactory conduct during the 12 months mentioned in (i) above.

Provided that, notwithstanding that the conditions set out 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 licence (senior marine engine operator) or (marine engine operator).

(3) Notwithstanding that an applicant for a licence 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 licence

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 licence and to act competently in the capacity to which it relates. If the Secretary of State intends to refuse the issue of a licence to any such applicant on either of these grounds he shall give notice in writing to the applicant who shall have the right to make representations to the Secretary of State.

Senior marine engine operator licences

15.—Where a person is the holder of a licence (marine engine operator) the Secretary of State may, if he is satisfied that the person is of a suitable standard to be carried as senior marine engine operator in ships of 350 kW or more but under 750 kW registered power going between locations in the combined Limited European and Extended European trading areas, issue that person with a licence (senior marine engine operator).

Form, validity, record and surrender of licences

16.—(1) Licences shall be issued in duplicate, on receipt of any fee payable, the original to be delivered to the person entitled to the licence and the duplicate to be retained by the Secretary of State.

(2) A licence 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 licences issued under these Regulations and of the suspension, cancellation or alteration of, and any other matters affecting any such licence 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 licence of a particular class issued under these Regulations is issued with such a licence of a higher class, or a certificate of competency issued under Part II of these Regulations, he shall surrender the first-mentioned licence to the Secretary of State or to such person as the Secretary of State directs, for cancellation.

(5) Where a person is convicted of an offence under section 43(5) of the Act of 1970, or where a licence is issued and the conditions for its issue prescribed in these Regulations or specified by the Secretary of State have not been complied with, then the holder of the relevant licence shall at the direction of the Secretary of State, deliver it to the Secretary of State or to such person as the Secretary of State directs, for cancellation.

Loss of licence

17. If a person entitled to a licence proves to the satisfaction of the Secretary of State that he has, without fault on his part, lost or been deprived of a licence already issued to him, the Secretary of State shall, and where he is not so satisfied may, on receipt of any fee payable, cause a copy of the licence 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 16(3) above.

PART IV

MARINE ENGINEER OFFICERS AND LICENCED MARINE ENGINE OPERATORS TO BE CARRIED

Qualified marine engineer officers and licenced marine engine operators to be carried on ships

18.—(1) Subject to paragraphs (2) and (3) of this regulation and to regulation 19 below, every ship of 350 kilowatt registered power or more to which these Regulations apply 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 and notes to the Table set out in Part I of Schedule 1 to these Regulations (“that Table”):—

- (a) shall carry a Chief Engineer holding an appropriate (steam or motor) certificate of competency, or certificate of service, or licence of the class specified in column 3 of that Table in relation to the description of ship set out in column 2 of that Table;
- (b) shall carry a Second Engineer holding an appropriate (steam or motor) certificate of competency, or certificate of service, or licence of the class specified in column 3 of that Table in relation to the description of ship set out in column 2 of that Table except where that Table indicates a second engineer need not be carried; and
- (c) in addition to the requirements of (a) and (b) above, every engineer in charge of an engineering watch in ships of 750 kilowatt registered power or more to which these Regulations apply shall hold an appropriate (steam or motor) Class 4 certificate of competency or certificate of service or licence.

(2) A sail training ship having a propulsion engine of less than 350 kilowatt registered power shall carry at least one person who is the holder of a licence (senior marine engine operator), provided that, in a particular case, the Secretary of State may exempt a sail training ship from the requirements of this regulation and permit a specified person or persons with appropriate qualifications and experience to act in that capacity.

(3) The provisions of column 3 of that Table have effect subject to the notes to that Table and 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.

Exceptional provisions when a ship may proceed to sea with one qualified marine engineer officer or licenced marine engine operator less than the number required by these Regulations

19.—(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 from a location beyond the United Kingdom one of the qualified marine engineer officers or licenced marine engine operators 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 replacement, so much of the provisions of these Regulations as require such a ship on such a voyage to carry that marine

engineer officer or licenced marine engine operator 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 replacement, or
- (b) a period determined as follows:
 - (i) in the case of a ship going to sea from a location beyond the Extended European trading area 28 days
 - (ii) in the case of a ship going to sea from a location beyond the Limited European trading area but within the Extended European trading area 14 days
 - (iii) in the case of a ship going to sea from a location beyond the United Kingdom but within the Limited European trading area 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 marine engineer officers or licenced marine engine operators 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 marine engineer officer or licenced marine engine operator; 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 in sub-paragraph (b) (i), (ii) or (iii) of that paragraph may only go to sea on such a voyage if, at the time, it is carrying at least one of the qualified marine engineer officers or licenced marine engine operators required by regulation 18 above.

Additional conditions in respect of ships carrying dangerous cargoes

20. 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;
 - (i) if 1500 kW registered power or more shall carry as Chief Engineer Officer and Second Engineer Officer respectively, engineer officers qualified under these Regulations whose certificates have been endorsed to show that they have satisfied conditions as to training and service as may be specified by the Secretary of State. If an engineer officer other than the Chief Engineer Officer and Second Engineer Officer 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.

- (ii) if 350 kW or more but under 1500 kW registered power shall carry engineer officers, or licenced marine engine operators who are not also carried as officers required under the Merchant Shipping (Certification of Deck Officers) Regulations 1985, and whose certificates or licences have been endorsed to show that they have satisfied conditions as to training and service as may be specified by the Secretary of State.

PART V

WATCHKEEPING REQUIREMENTS

Requirement to act in capacity for which certificated

21.—(1) No person shall act in the capacity of Chief Engineer or Second Engineer unless he holds an appropriate certificate of competency, certificate of service or engine operator's licence:

Provided that in the event of—

- (a) the death or incapacity of the Chief Engineer or Second Engineer while the ship is at sea, or
- (b) a ship going to sea without a duly certificated Chief Engineer or Second Engineer in the circumstances specified in regulation 19 of these Regulations,

a person may act in the capacity of Chief Engineer or Second Engineer until the ship reaches the next intended port of call or during the period allowed by regulation 19(1)(b).

(2) Neither the Master nor the Chief Engineer Officer shall permit any person to be in charge of an engineering watch in a ship of 750 kilowatt registered power or more to which these Regulations apply unless he holds a certificate of competency or a certificate of service or a licence of a class required by regulation 18 of these Regulations, read with Schedule 1 and the notes thereto, to be held by an engineer officer or engine operator required to be carried in that ship at that time.

(3) No person shall appoint any other person to act in a capacity for which he is not duly certificated or licenced in accordance with these Regulations.

Offences and penalties

22.—(1) Any person who contravenes regulation 21(1) of these Regulations and any Master or Chief Engineer Officer who contravenes regulation 21(2) of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine.

(2) Any person who contravenes regulation 21(3) of these Regulations shall be guilty of an offence and be liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine.

John Moore,
Secretary of State for Transport.

13th November 1986.

SCHEDULE 1 Regulations 18 and 21

PART I

Minimum Certification Requirements of Engineer Officers and/or Engine Operators

TABLE

Column 1	Column 2	Column 3	
Area	Registered Power (kilowatts) of ships including sail training ships	Required classes of certification or licence	
		Chief Engineer	Second Engineer
Unlimited or Extended European	3000 and over	1	2
	1500 or more but under 3000	2(e)	3
	750 or more but under 1500	3(e)	3
	350 or more but under 750	4(e)(a)	4(b)
Limited European	6000 and over	1	2
	3000 or more but under 6000	2(e)	3
	1500 or more but under 3000	3(e)	4(c)
	750 or more but under 1500	4(e)	4(b)(c)
	350 or more but under 750	4(e)(d)	—

NOTES

(1) Where a number set out in the Table above is followed by the indication (a), (b), (c), (d) or (e), that provision of column 3 to which the number relates shall be construed:

(a) in the case of indication (a), where the ship does not proceed beyond the limits of the Extended European area, the Chief Engineer may be the holder of a senior marine engine operators licence. He must be a dedicated engineer and must not serve in a dual deck and engineroom capacity;

- (b) in the case of indication (b), the engineer officer indicated may be replaced by a licenced marine engine operator and in ships which comply with paragraph 2 of Part II of this Schedule the licenced marine engine operator may serve in a dual capacity in the deck and engine room departments;
- (c) in the case of indication (c), the second engineer need not be carried on ships which confine their area of operations to an 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 54° North 14° West; thence to a point 51° North 14° West; thence to a point on the north coast of Spain as far West as the Meridian 5° West; including the whole of the Baltic Sea between the dates of 1st May and 30th November but excluding all waters which lie to the northward and eastward of a line between Kalmar on the East coast of Sweden and a point on the West coast of Oland in latitude 56° 40' North and from the southern tip of Oland to Gdansk between the dates of 1st December and 30th April;
- (d) in the case of indication (d), the engineer officer may be replaced by a senior marine engine operator who must be a dedicated engineer or, in ships which comply with paragraph 2 of Part II of this Schedule, by a marine engine operator who may serve in a dual purpose capacity in the deck and engine room departments;
- (e) in the case of indication (e), as requiring the certificate in question to be endorsed with the chief engineer officer service endorsement.

(2) In addition to the officers specified in column 3 above, ships of 750 kilowatt registered power or more may be required to carry other certificated engineer officers in order to comply with regulation 18(1)(c).

(3) Column 3 is to be read subject to the provisions of regulations 6(2) and 13(2) in respect of certificates of service or engine operators licences which may be endorsed with particular limitations.

PART II

Regulation 18(3)

Special Provisions Applicable to Part I of this Schedule

1. The provisions of column 3 of the Table set out in Part I above, in so far as they impose a requirement with respect to the carrying in a ship of a qualified marine engineer officer who is the holder of a certificate of competency or a marine engine operator with a licence issued under these regulations of a particular class, shall be treated as complied with if the engineer officer who is carried in pursuance of that requirement is the holder of a certificate of competency or licence issued under these Regulations of a higher class and in respect of the same type of machinery as that installed in the ship.

2. The conditions referred to in the note to the Table in Part I concerning indication (b), under which the holder of an engine operator licence may serve in a dual capacity in deck and engineer departments, are that:—

- (a) he shall not serve as Master;
- (b) the ship does not carry in bulk a cargo consisting in whole or in part of—
 - (i) crude liquid petroleum or petroleum products; or
 - (ii) liquid chemicals; or
 - (iii) liquefied gases;

- (c) the ship has either been assigned a classification society UMS notation for unmanned machinery space operation or fulfils the following criteria—
 - (i) it has full bridge control of main engine manoeuvring;
 - (ii) it is fitted with high level bilge alarms in the machinery spaces;
 - (iii) the engineroom alarm system, including the fire alarm if fitted, is relayed to the accommodation and/or the bridge; and
- (d) when the routine operation of the ship's machinery is the responsibility of a crew member serving in a dual purpose capacity then the ship's main and auxiliary systems essential for the safe navigation of the ship are subjected to regular shore maintenance to the satisfaction of a responsible representative of the owners taking into account the manufacturer's recommendations, and that comprehensive records are maintained and kept available for inspection by a person nominated by the Secretary of State for that purpose.

SCHEDULE 2

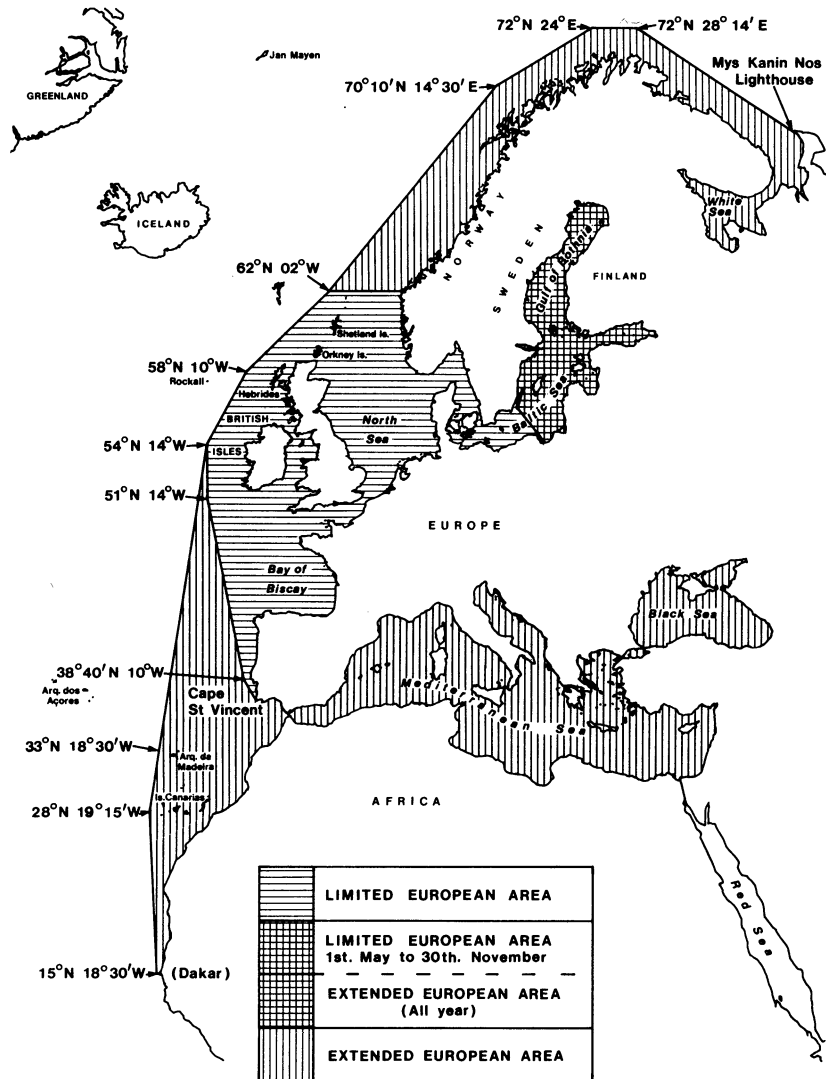
Regulation 2(1)

DEFINITIONS OF "LIMITED EUROPEAN TRADING AREA" AND "EXTENDED EUROPEAN TRADING AREA"

"Limited European trading area" an 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 54° North 14° West; thence to a point 51° North 14° West; thence to a point 38° 40' North 10° West; thence to Cape St. Vincent; but excluding all waters which lie to the northward and eastward of a line between Kalmar on the East coast of Sweden and a point on the West coast of Oland in latitude 56° 40' North and from the southern tip of Oland to Gdansk, except between the dates of 1st May and 30th November when the remaining waters of the Baltic Sea are included.

"Extended European trading area" an area bounded by a line from Mys Kanin Nos lighthouse on the eastern shore of the White Sea to a point 72° North 28° 14' East; thence to a point 72° North 24° East; thence to a point 70° 10' North 14° 30' East; thence to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 54° North 14° West; thence to a point 33° North 18° 30' West; thence to a point 28° North 19° 15' West; thence to a point 15° North 18° 30' West; thence to Dakar; including the Limited European trading area and the Baltic, Mediterranean and Black Seas.

Note: By way of illustration only, a map showing the Limited European and the Extended European trading areas is annexed hereto.



Note: Extended European Area includes Limited European Area

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1980, and re-enact them with amendments.

The major amendments are:

- (a) the Near Continental trading area is replaced by a larger Limited European trading area and the Middle trade area by a larger Extended European trading area. (Schedule 2). This brings the trading areas into line with those in the Merchant Shipping (Certification of Deck Officers) Regulations 1985;
- (b) the introduction of new grades of licenced engine operators who may serve in place of engineer officers on ships of less than 750 kilowatts registered power and who may, provided certain conditions are fulfilled, serve in a dual purpose capacity in deck and engine room departments (Part III and Schedule 1).

Other significant amendments are:

- (i) the power to issue certificates of service has not been retained since the issue of such certificates is now prevented by Article VII (3) of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (Cmnd. 9266);
- (ii) the holders of Engineer Officer (Fishing Vessel) certificates issued under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984 will be able to serve on former fishing vessels converted for use as standby vessels (Regulation 6(1)(c)).

The penalty for acting outside the capacity for which an officer is certificated is prescribed in regulation 22, as is the penalty for owners employing officers in capacities for which they are not duly certificated.

Other relevant offences are laid down in the Merchant Shipping Act 1970:

OFFENCE	FINE
S. 43(5): making a false statement to obtain a certificate or other document	Not exceeding the Statutory Maximum on summary conviction
S. 45: ship going to sea undermanned	Not exceeding the Statutory Maximum on summary conviction; no limit on conviction on indictment
S. 46: unqualified person going to sea as qualified	As under S. 45

Merchant Shipping Notices and other Department of Transport publications are obtainable from the Department of Transport Library, Sunley House, 90 High Holborn, London WC1V 6LP, and from any Department of Transport Marine Office.

IMO Publications are obtainable from IMO, 4 Albert Embankment, London SE1 7SR.

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MASTERS AND SEAMEN

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