
STATUTORY INSTRUMENTS

1987 No. 884

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Certification of Deck and Marine Engineer Officers and Licensing of Marine Engine Operators) (Amendment) Regulations 1987

<i>Made</i>	- - - -	<i>13th May 1987</i>
<i>Laid before Parliament</i>		<i>15th May 1987</i>
<i>Coming into force</i>	- -	<i>5th June 1987</i>

The Secretary of State for Transport, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(1) and the persons referred to in section 22(2) of the Merchant Shipping Act 1979(2), in exercise of powers conferred by sections 43 and 92 of the said Act of 1970 and now vested in him(3) 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. These Regulations may be cited as the Merchant Shipping (Certification of Deck and Marine Engineer Officers and Licensing of Marine Engine Operators) (Amendment) Regulations 1987 and shall come into force on 5th June 1987.

2. The Merchant Shipping (Certification of Deck Officers) Regulations 1985(4) shall be amended as follows:

(a) in regulation 2(1) there shall be inserted at the end the following definition:—

(1) 1970 c. 36; section 43 was amended by the Merchant Shipping Act 1979 (c. 39), section 37(2) and (3).

(2) 1979 c. 39; section 21(6) was amended by the Criminal Justice Act 1982 (c. 48), section 49(3).

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

(4) S.I. 1985/1306.

““United Kingdom ship” has the same meaning as in section 21(2) of the Merchant Shipping Act 1979(5)

(b) for regulation 3 there shall be substituted the following:—

“3.—(1) Subject to paragraph (3) below, Parts II and III of these Regulations apply to:—

- (a) United Kingdom ships; and
- (b) ships registered outside the United Kingdom 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) Subject to paragraph (3) below, Part IV of these Regulations applies to all United Kingdom ships.

(3) These Regulations do not apply to:—

- (a) ships which do not go to sea beyond the limits of smooth or partially smooth waters;
- (b) pleasure craft of less than 80 GRT or under 24 metres in length;
- (c) fishing vessels and Government fishery research vessels.

(4) The provisions of Parts II and III of these Regulations have effect subject to any exemption from the requirements thereof given under section 44 of the Merchant Shipping Act 1970.”;

- (c) in regulation 4(1) for “these Regulations apply” there shall be substituted “this Part of these Regulations applies”;
- (d) in regulation 4(3)(b) after “Master (Restricted) Endorsement” insert “Master (Restricted) (Limited European) Endorsement”;
- (e) in regulation 5(2) “under regulation 6(2) of these Regulations” shall be omitted;
- (f) in regulation 5(7), in Table 1, in respect of the entries for Class 4 in column 2 of the entries for “Master Home Trade” and “Mate Home Trade” respectively, for “locations in the Extended European area” there shall be substituted “any locations”;
- (g) in regulation 5(9) after “that Table” insert “subject to any limitation as to area of operation or description of ship endorsed thereon”;
- (h) regulation 6(2) shall be deleted;
- (i) in regulation 6(3) for “certificate of competency, a command endorsement” there shall be substituted “certificate of competency or a command endorsement”, and “or a certificate of service (deck officer)”, shall be deleted;
- (j) in regulation 8, in Table 4, in the entry “Class 3 or Class 4” in column 2 after “Tugmaster” there shall be inserted “(Extended European)”;
- (k) in regulation 9(1) for “Standy-by” substitute “Stand-by”;
- (l) in regulation 18 for “these Regulations apply” there shall be substituted “this Part of these Regulations applies”;

(5) As to the meaning of “Citizen of the United Kingdom and Colonies”, referred to in section 21(2) *see now* the British Nationality Act 1981 (c. 61), section 51(3).

- (m) in regulation 19 the following shall be substituted for paragraph (3):—
 - “(3) No person shall appoint any other person to act in a capacity for which he is not duly certificated in accordance with these Regulations.”;
- (n) in regulation 20
 - (i) in paragraph (1), “or (3)” shall be inserted after “19(1)”; and
 - (ii) paragraph (2) shall be omitted;
- (o) in Schedule 1, in Table A, in the entry “Limited European”, in the sub-entry “1000 GRT but under 1600 GRT” in column 3, after “3(B)” there shall be added “(C)”.

3. The Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986⁽⁶⁾ shall be amended as follows:—

- (a) in regulation 2(1) there shall be inserted at the end the following definition:— ““United Kingdom ship” has the same meaning as in section 21(2) of the Merchant Shipping Act 1979.”;
- (b) for regulation 3 there shall be substituted the following:—

“**3.**—(1) Subject to paragraph (4) below, Parts II to IV of these Regulations apply to ships described in paragraph (3) below which are:—

- (a) United Kingdom ships or
- (b) ships registered outside the United Kingdom 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) Subject to paragraph (4) below Part V of these Regulations applies to ships described in paragraph (3) below which are United Kingdom ships.

(3) The ships referred to in paragraphs (1) and (2) above are ships having registered power of 350 kilowatts or more, and sail training ships which in either case go to sea beyond the limits of smooth or partially smooth waters.

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

(5) The provisions of Parts II to IV of these Regulations have effect subject to any exemption from the requirements thereof given under section 44 of the Merchant Shipping Act 1970.”;

- (c) in regulations 4(1), 11(1), 18(1), 20(1), and 21(2) for “to which these Regulations apply” there shall in each case be substituted “to which this Part of these Regulations applies”;
- (d) in regulation 22
 - (i) “or (3)” shall be inserted after “21(1)”; and
 - (ii) paragraph (2) shall be omitted.

4. The Merchant Shipping (Unregistered Ships) Regulations 1972⁽⁷⁾ shall be amended by adding the following regulation 4:—

⁽⁶⁾ S.I. 1986/1935.
⁽⁷⁾ S.I. 1972/1876.

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“4. It is hereby directed that sections 43, 45 and 47 of the Merchant Shipping Act 1970 shall extend to British ships which are not registered under the law of any country but are United Kingdom ships within the meaning of section 21(2)(b) of the Merchant Shipping Act 1979 and to masters and seamen employed therein.”.

Signed by authority of the Secretary of State

13th May 1987

Michael Spicer
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations primarily amend the Merchant Shipping (Certification of Deck Officers) Regulations 1985.

Provisions relating to the issue of certificates of service are deleted. These provisions are no longer appropriate as the issue of certificates of service is now prevented by the requirements of Article VII(3) of the International Convention on Standards of Training and Certification for Seafarers 1978. The amendments also correct certain errors and omissions.

The Regulations also amend the Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986. The effect of the amendments to these 1986 Regulations, and of similar amendments made to the 1985 Regulations, is that the Watchkeeping Requirements in both Regulations are limited to United Kingdom ships. Other provisions of the two Regulations apply also to certain foreign registered, sea-going ships which carry passengers between ports in the United Kingdom.

The Merchant Shipping (Unregistered Ships) Regulations 1972 are also amended so that the provisions of sections 43, 45 and 47 of the Merchant Shipping Act 1970 apply also to unregistered United Kingdom ships.