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STATUTORY INSTRUMENTS

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**2006 No. 3223**

The Merchant Shipping (Inland Waterway and  
Limited Coastal Operations) (Boatmasters'  
Qualifications and Hours of Work) Regulations 2006

PART 2

BOATMASTER'S LICENCES AND BOATMASTERS' CERTIFICATES

*Boatmaster's licences*

**Classes of licence and endorsement**

9.—(1) A boatmaster's licence must bear the title "Boatmaster's Licence" and must be of a class specified in column (1) of the table in Part 1 of Schedule 3.

(2) An endorsement of a boatmaster's licence must be of a class specified in column (1) of the table in Part 1 of Schedule 3.

(3) Parts 1 and 3 of Schedule 3 have effect to determine whether a class of boatmaster's licence (with or without endorsement) is appropriate to the vessel on which its holder is serving as master and to the waters in which the vessel is at any time being navigated.

**Applications for licences**

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

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

(2) The Secretary of State may in particular specify, as a document required to support an application, the written record of the applicant's service and experience kept in accordance with paragraph 7(b) of Part 1 of Schedule 4.

(3) Subject to regulation 11, a person may apply concurrently for both a Tier 1 licence and an endorsement of that licence.

**Minimum age and qualifying service for licences and endorsements**

11.—(1) A person may not apply for a boatmaster's licence, or an endorsement of a licence, of a class specified in column (1) of Table 1 at the end of this regulation ("Table 1") if he is under the age specified in column (2) of Table 1 in relation to that class of licence or endorsement.

(2) Save as provided in paragraphs (6) and (7), a person may not apply for a Tier 1 boatmaster's licence of any class, or an endorsement of a licence, unless he can satisfy the Secretary of State that—

- (a) he has completed in aggregate a period of qualifying service (the “qualifying service time”) not less than that (if any) specified in column (3) of Table 1 in relation to the relevant class of licence or endorsement , and
  - (b) the conditions in paragraph (3) are fulfilled.
- (3) The conditions are that—
- (a) the qualifying service has been undertaken during the period of 5 years ending on the date of the application, and
  - (b) in relation to the relevant class of licence or endorsement, a period not less than the period (if any) specified in column (4) of Table 1 (the “minimum qualifying period”) has elapsed between the first day of the qualifying service time and the date of the application.
- (4) In calculating the qualifying service time (but not, except in a case where paragraph (8)(b) applies, the minimum qualifying period) for the purpose of an application for an endorsement of a Tier 1 licence, qualifying service undertaken for the purpose of an application for—
- (a) the licence itself, or
  - (b) another endorsement,
- is to be disregarded.
- (5) A large passenger vessel endorsement may not be issued to a person unless—
- (a) he holds a passenger operations (general) endorsement,
  - (b) in addition to the qualifying service time prescribed for the large passenger vessel endorsement, he has served as master of a passenger ship carrying fewer than 250 passengers for an aggregate period of 120 days, and
  - (c) not less than one year has elapsed between the first and last days of the period of service mentioned in sub-paragraph (b).
- (6) A person may not apply for a fast craft endorsement unless, at the date of his application, he has completed a period of qualifying service—
- (a) on vessels of the same type as the vessel on which he will normally serve as master, and
  - (b) on voyages following a route on which that vessel will normally operate,
- which the Secretary of State considers sufficient to justify the issue of the licence.
- (7) A person applying for a radar endorsement is not required to complete a period of qualifying service.
- (8) A person may not apply for a relevant local knowledge endorsement in respect of the waters specified in column (1) of Table 2 at the end of this regulation unless—
- (a) he has completed the qualifying service specified in column (2) of that table in relation to those waters, and
  - (b) in the case of an application for a relevant local knowledge endorsement for the Port of London area, the whole of that qualifying service has been undertaken after the expiration of the minimum qualifying period for the issue of a Tier 1(Level 2) licence.
- (9) A person may not apply for a Tier 2 boatmaster’s licence unless he can satisfy the Secretary of State that, at the date of his application, he has completed a period of qualifying service sufficient to justify the issue of the licence.
- (10) In this regulation—
- “qualifying service” means service which has been undertaken—
- (a) in the United Kingdom or in another EEA State,
  - (b) in an appropriate deck capacity, and

- (c) (save in the case of qualifying service for a fast craft endorsement) in appropriate waters on vessels of a type appropriate to the class of licence or endorsement applied for; “Padstow Harbour”, “Portsmouth Harbour” and “Isles of Scilly” mean respectively the waters so described in paragraph 6 of Part 3 of Schedule 3.

**Table 1. Minimum ages and qualifying service time for boatmasters’ licences: general**

<i>(1) Class of licence or endorsement</i>	<i>(2) Minimum age</i>	<i>(3) Qualifying service time</i>	<i>(4) Minimum qualifying period</i>
Tier 1 (Level 1) without endorsement	18	120 days	12 months
Tier 1 (Level 2) without endorsement	18	240 days	24 months
A passenger operations (general) endorsement: for waters of category A and B only	21	60 days	6 months
A passenger operations (general) endorsement: for waters of category C and D and in a limited coastal area	21	120 days	12 months
A large passenger vessel endorsement	22	60 days	6 months
A towing and pushing endorsement: for waters of category A and B only	21	60 days	6 months
A towing and pushing endorsement: for waters of category C and D	21	120 days	12 months
A cargo endorsement	18	60 days	6 months
An oil and chemical cargo endorsement	18	60 days	6 months
A dredging endorsement	18	60 days	6 months
A fast craft endorsement	21	The period specified in paragraph (6)	N/a
A radar endorsement	18	N/a	N/a
A local knowledge endorsement	18	None, unless paragraph (8) applies	N/a
Tier 2 (passenger-carrying operations): vessels carrying not more than 100 passengers	18	The period specified in paragraph (9)	N/a
Tier 2 (passenger-carrying operations): vessels carrying not more than 250 passengers	20	The period specified in paragraph (9)	N/a
Tier 2 (passenger-carrying operations): any vessel	21	The period specified in paragraph (9)	N/a

<i>(1) Class of licence or endorsement</i>	<i>(2) Minimum age</i>	<i>(3) Qualifying service time</i>	<i>(4) Minimum qualifying period</i>
Tier 2 (other vessels)	18	The period specified in paragraph (9)	N/a

**Table 2. Qualifying service for relevant local knowledge endorsements**

<i>(1) Local area</i>	<i>(2) Qualifying service required</i>
Port of London area	Not less than 60 days' qualifying service, undertaken in varying conditions including trips in different directions and trips during the hours of darkness, with the last day of that service being undertaken not less than 6 months after the first day
Padstow Harbour	6 voyages outward from the harbour and 6 voyages inward to the harbour under the supervision of a person authorised by the Padstow Harbour Authority
Portsmouth Harbour	Not less than 60 days' qualifying service with the last day of that service being undertaken not less than 6 months after the first day
Isles of Scilly	Not less than 60 days' qualifying service with the last day of that service being undertaken not less than 6 months after the first day

**Medical fitness: boatmasters' licences**

12.—(1) The Secretary of State may not issue a boatmaster's licence or an endorsement of a licence to a person unless that person satisfies him that he is medically fit to perform normal duties.

(2) If the holder of a boatmaster's licence becomes aware that he is suffering from a relevant medical condition which he has not previously disclosed, he must forthwith notify the Secretary of State in writing of the fact.

(3) If the Secretary of State becomes aware that the holder of a boatmaster's licence may be suffering from a relevant medical condition he may require that person—

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

(4) If the Secretary of State is satisfied (whether by virtue of a report received from a registered medical practitioner under paragraph (3) or otherwise) that the holder of a boatmaster's licence is suffering from a relevant medical condition he may suspend or revoke the licence but if he is satisfied that the person is fit to perform the normal duties of a holder of a licence or endorsement of a different class he may issue him with a licence of that class.

(5) If the holder of a boatmaster's licence fails to comply with a requirement made under paragraph (3), the Secretary of State may suspend the licence until such time as the holder complies with the requirement.

### **Standards of competence for licences and endorsements**

**13.**—(1) The Secretary of State may not issue a boatmaster’s licence or an endorsement of a licence to a person who has not previously held one unless the applicant satisfies him that he has the practical skills and knowledge necessary for a holder of the relevant class of licence or endorsement.

(2) Part 1 of Schedule 4 to these Regulations specifies—

- (a) the practical skills and knowledge required in respect of each class of boatmaster’s licence and endorsement,
- (b) the means by which the attainment of the appropriate level of such skills and knowledge is to be evidenced, and
- (c) the grievance procedure.

### **Validity periods and re-validation of licences**

**14.**—(1) Except where paragraph (7) or (9) of regulation 33 or paragraph (6) of regulation 35 applies, both a Tier 1 and a Tier 2 boatmaster’s licence remain in force—

- (a) in the case of a licence issued to a person aged 59 or under, for a period of 5 years commencing on the date it is issued;
- (b) in the case of a licence issued to a person aged not less than 60 or more than 63, for a period ending on his 65th birthday;
- (c) in the case of a licence issued to a person aged 64 or over, for a period of 1 year commencing on the date it is issued.

(2) Except where regulation 33(8) applies, an endorsement of a Tier 1 boatmaster’s licence remains in force for the same period as the licence.

(3) The Secretary of State may not issue a Tier 1 boatmaster’s licence to commence on or after the expiry of a Tier 1 licence previously held by the applicant (“the previous licence”) unless the applicant satisfies him that he has completed (or will by the date of expiry of the previous licence have completed) 120 days’ service in a suitable deck capacity during the period of 5 years ending on the date of expiry of the previous licence.

(4) The Secretary of State may not issue a Tier 2 boatmaster’s licence to commence on or after the expiry of a Tier 2 licence previously held by the applicant (“the previous licence”) unless the applicant satisfies him that he has completed (or will by the date of expiry of the previous licence have completed) 50 days’ service in a suitable deck capacity during the period of 5 years ending on the date of expiry of the previous licence.

(5) Where the Secretary of State is not satisfied in accordance with paragraph (3) or (4), as the case may be—

- (a) he may require the applicant to satisfy him that he has the practical skills and knowledge (or any part of those skills or that knowledge) required in respect of the relevant class of licence, and
- (b) paragraphs 7 to 18 of Part 1 of Schedule 4 apply for the purpose of assessing those skills or that knowledge.

(6) The Secretary of State may not issue a relevant local knowledge endorsement for any waters within the Port of London area to commence on or after the expiry of a previous endorsement unless the applicant satisfies him that he has the practical skills and knowledge of the local navigational requirements necessary for the holder of that endorsement.