

2022 No. 1342

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Standards of Training, Certification and
Watchkeeping) Regulations 2022**

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SCHEDULE 1

PART 1 — Amendments

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SCHEDULE 2 — Categories of certificates of competency and criteria for issue

The Secretary of State is satisfied, for the purposes of section 47(2) of the Merchant Shipping Act 1995(a), that it is necessary or expedient, in the interests of safety to make Regulations in so far as they require ships to carry qualified seamen.

The Secretary of State, after consulting the persons referred to in sections 86(4) and 306(4) of the Merchant Shipping Act 1995, and in exercise of the powers conferred by sections 47(1), (3), (4), (4A) and (4B), 85(1), (3), (5) to (7), 86(1)(a), (b), (c) and (d), 302(1), 306A and 307 of that Act,

(a) 1995 c. 21. Subsections (4A) and (4B) of section 47 were inserted by section 10 of the Marine Navigation Act 2013 (c. 23). Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments but none is relevant. Sections 47, 85 and 86 are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

and article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(a), and with the consent of the Treasury, makes the following Regulations.

In accordance with paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018(b), a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022 and come into force on the 22nd day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments and revocations

2.—(1) The amendments listed in Part 1 of Schedule 1 have effect.

(2) The regulations listed in the first column of the Table in Part 2 of Schedule 1 are revoked to the extent specified in the third column of that Table.

Interpretation

3. In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“appropriate certificate” means a certificate issued and endorsed in accordance with the provisions of Part 2 and entitling the lawful holder to act in the capacity and perform the functions involved—

(a) at the level of responsibility specified;

(b) on a ship of the type, tonnage or power and means of propulsion indicated; and

(c) while engaged on the particular type of voyage concerned;

“approved training provider” means a person approved by the Secretary of State under regulation 48 (approval of training providers);

“certificate of competency” means, except in regulation 36 (recognition of a certificate issued by an EEA State), 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention), an appropriate certificate issued by the Secretary of State for the purposes of regulation 7 (qualification as an officer) or 9 (radiocommunication and radio personnel on a GMDSS ship), other than a certificate of equivalent competency, and in regulations 36, 37 and 38 “certificate of competency” means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with the provisions of chapters II, III, IV or VII in the Annex to the STCW Convention;

(a) S.I. 1996/282. Article 2 was amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part 1, paragraph 3 and S.I. 2022/844. There is another amendment which is not relevant. Article 2 is applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(b) 2018 c. 16. Paragraph 13 of Schedule 8 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), Schedule 5, paragraph 54(8) and the European Union (Future Relationship) Act 2020 (c. 29) Schedule 6, paragraph 8. There are other amendments but none is relevant.

“certificate of equivalent competency” means an endorsement in the form of a separate document entitled “certificate of equivalent competency” issued by the Secretary of State in accordance with regulation 36, 37 or 38 to a master, officer or radio operator who holds a certificate of competency issued by or under the authority of another party to the STCW Convention, and for this purpose “certificate of competency” has the meaning given to it for the purposes of regulations 36, 37 and 38;

“certificate of proficiency” means a certificate, other than a certificate of competency or a certificate of equivalent competency, issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service under the STCW Convention have been met;

“certificate of proficiency in training for tanker cargo operations” means a certificate of proficiency issued in accordance with the provisions of STCW Regulations V/1-1 (mandatory minimum requirements for the training and qualifications of masters, officers and ratings on oil and chemical tankers) and V/1-2 (mandatory minimum requirements for the training and qualifications of masters, officers and ratings on liquefied gas tankers) in basic or advanced training for—

- (a) oil tanker cargo operations;
- (b) chemical tanker cargo operations; or
- (c) liquefied gas tanker cargo operations;

“chemical tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the IBC Code;

“chief engineer officer” means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;

“chief mate” means the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;

“company” means, in relation to a ship or hovercraft, the owner of the ship or hovercraft, or any other person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship or hovercraft from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by the STCW Convention;

“constructed” means, in relation to a ship or a hovercraft, when the keel of the ship is laid or that the ship or hovercraft is at a similar stage of construction;

“Directive” means Directive 2008/106/EC of the European Parliament and of the Council of 19th November 2008 on the minimum level of training of seafarers^(a);

“documentary evidence” means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention or the High Speed Craft Code have been met;

“EEA State” means a State, other than the United Kingdom, which was an EEA State immediately before IP completion day;

“electro-technical officer” means an officer designated as such and qualified in accordance with the provisions of STCW Regulation III/6 (mandatory minimum requirements for certification of electro-technical officers);

(a) OJ L 323, 3.12.2008, p. 33, amended by Directive 2012/35/EU of 21 November 2012 (OJ L 343, 14.12.2012, p. 78) and Directive (EU) 2019/1159 of 20 June 2019 (OJ L 188, 12.7.2019, p. 94).

“engineer officer” means an officer qualified in accordance with the provisions of STCW Regulations III/1, III/2 or III/3 (mandatory minimum requirements for certification of chief engineer officers and second engineer officers etc.);

“fast rescue boat” means a rescue boat complying with the requirements of Part 10 of Schedule 2 to Merchant Shipping Notice 1676 (M) Amendment 1(a);

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“flag administration” means, in relation to a ship or hovercraft, the administration of the State whose flag the ship or hovercraft is entitled to fly;

“GMDSS” means Global Maritime Distress and Safety System;

“GMDSS radio operator” means a person who is qualified in accordance with the provisions of STCW Regulations IV/1 and IV/2 (application and mandatory minimum requirements for certification of GMDSS radio operators);

“GT” means gross tonnage as determined in accordance with regulation 6 (gross tonnage) or 12(1) (continuing use of previous gross tonnage) of the Merchant Shipping (Tonnage) Regulations 1997(b);

“high speed craft” has the same meaning as in regulation 1.3 of Chapter X in the Annex to SOLAS(c);

“High Speed Craft Code” means the International Code of Safety for High Speed Craft 2000(d);

“IBC Code” means the International Bulk Chemical Code as defined in regulation 8.1 of Chapter VII in the Annex to SOLAS(e);

“IGC Code” means the International Gas Carrier Code as defined in regulation 11.1 of Chapter VII in the Annex to SOLAS(f);

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- (a) Merchant Shipping Notice 1676 (M) Amendment 1 can be found at <https://www.gov.uk/government/publications/msn-1676-amendment-1-merchant-shipping-life-saving-appliances-regulations> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.
- (b) S.I. 1997/1510, amended by S.I. 2020/362. There are other amending instruments but none is relevant.
- (c) Chapter X in the Annex to SOLAS (see the footnote to the definition of SOLAS in this regulation) was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) on 24th May 1994 and came into force on 1st January 1996. Chapter X has been amended by IMO Resolution MSC.99(73) (Cm 6001). The amendment to Chapter X is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).
- (d) The High Speed Craft Code, 2000 was adopted by International Maritime Organization (IMO) Resolution MSC.97(73) on 5th December 2000 and came into force on 1st July 2002. The Code was made mandatory by way of amendments to Chapter X of SOLAS (High-Speed Craft) made by Resolution MSC.99(73). The Code has been amended by IMO Resolutions MSC.175(79), MSC.222(82), MSC.260(84), MSC.271(85), MSC.326(90), MSC.352(92), MSC.424(98) and MSC.439(99). The amendments to the Code are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). See the footnote to the definition of “SOLAS” for further information on SOLAS.
- (e) The IBC Code was adopted by IMO Resolution MSC.4(48) on 17th June 1983 and in accordance with IMO Resolution 6(48) came into force on 1st July 1986. The Code was replaced in full by IMO Resolutions MSC.176(79) and MEPC.119(52), adopted on 10th December 2004 and 15th October 2004 respectively, and which came into force on 1st January 2007. The current version of the Code has been amended by IMO Resolutions MEPC.166(56), MSC.219(82), MEPC.225(64), MSC.340(91), MEPC.250(66), MSC.369(93), MEPC.302(72) and MSC.440(99). The Code and amendments to it are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).
- (f) The IGC Code was adopted by IMO Resolution MSC.5(48) on 17th June 1983 and in accordance with IMO Resolution 6(48) came into force on 1st July 1986. The Code was replaced in full by IMO Resolution MSC.370(93) which was adopted on 22nd May 2014 and came into force on 1st July 2016. The current version of the Code has been amended by IMO Resolutions MSC.93/22/Add.1/Corr.3 and MSC.93/22/Add.1/Corr.5. The Code and amendments to it are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

“IGF Code” has the same meaning as in regulation 2.28 of Chapter II-1 in the Annex to SOLAS(a);

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in an STCW Convention country, other than the United Kingdom, and a port in any other country or territory, whether an STCW Convention country or not, which is outside the United Kingdom,

and, for the purposes of paragraph (b), “STCW Convention country” means a country or territory which is either a country the government of which is a party to the STCW Convention or a territory to which the STCW Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the STCW Convention;

“ISPS Code” means the International Ship and Port Facility Security Code as defined in regulation 1.1.12 of Chapter XI-2 in the Annex to SOLAS(b);

“length” has the same meaning as in regulation 2(1) of the Merchant Shipping (Tonnage) Regulations 1997;

“liquefied gas tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the IGC Code;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018(c);

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk, and “combination carrier” means a ship designed to carry oil or alternatively solid bulk cargo;

“passenger” means a person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; or
- (b) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(a) The International Code of Safety for Ships Using Gases or Other Low-Flashpoint Fuels (IGF Code) was adopted by IMO Resolution MSC.391(95) on 11th June 2015 and made mandatory by MSC.392(95). It came into force on 1 January 2017. The Code was corrected by MSC 95/22/Add.1/Corr.1 and amended by IMO Resolution MSC.422(98). The Code and amendments to it are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

(b) The ISPS Code was adopted by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 on 12th December 2002 and amended by IMO Resolution 196(80). The Code and amendments to it can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR, or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

(c) S.I. 2018/68, amended by S.I. 2020/496 and S.I. 2021/818. There are other amending instruments but none is relevant.

- (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
- (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

"prescribed fee" means the fee prescribed by the Secretary of State under section 302 of the Act (fees)(a);

"propulsion power" means the total maximum continuous rated output power in kilowatts of all of a ship's main propulsion machinery which appears on the ship's certificate of registry or other official document;

"Radio Regulations" means the Radio Regulations(b) annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union, 1992(c);

"rating" means a member of a ship's crew other than the master or an officer;

"rescue boat" means a boat complying with the requirements of Schedule 2 or 3 of Merchant Shipping Notice 1676 (M) Amendment 1 and designed to rescue persons in distress and to marshal liferafts;

"safe manning document" means a document described as such and issued—

- (a) in the case of a ship or hovercraft registered in the United Kingdom, by the Secretary of State; or
- (b) in the case of any other ship or hovercraft, by or on behalf of the government of the State whose flag the ship or hovercraft is entitled to fly;

"seafarer" means any person, including a master, who—

- (a) is employed or engaged or works in any capacity on board a ship or hovercraft and whose normal place of work is on that ship or hovercraft; or
- (b) is a person to which sub-paragraph (a) does not apply but is responsible for the operation or navigation of a pleasure vessel, or is otherwise responsible for the safety of that vessel, and is on board the vessel;

(a) The prescribed fee relevant to each individual requirement is found in the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104).

(b) The Radio Regulations are made at a World Radio-communication Conference in accordance with Article 13 of the Convention of the International Telecommunication Union; the existing Radio Regulations were published in 2016 and found on the International Telecommunications Union website at <https://www.itu.int/pub/R-REG-RR-2016>. Chapter IX of the Radio Regulations contains provision governing maritime services; Article 47 contains provision in relation to operators' certificates.

(c) Cm 3145. The Constitution and Convention and their amendments may be found on the International Telecommunications Union website at <https://www.itu.int/en/history/Pages/ConstitutionAndConvention.aspx> or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/#search/v=full,c=1,q=qs%3D%5BConstitution%20and%20Convention%20of%20the%20International%20Telecommunication%20Union%2C%201992%5D%2CqueryType%3D%5B64%5D,sm=s,l=library2_lib). The Constitution and Convention were amended in 1994 (Cm 3779) (<http://foto.archivalware.co.uk/data/Library2/pdf/1997-TS0065.pdf>), 1998 (Cm 9512), 2002 (Cm 9513), 2006 (Cm 9514) and 2010 (Cm 9515).

“seagoing” means going to sea beyond the limits of category A, B, C or D waters, as categorised in Merchant Shipping Notice 1837 (M) Amendment 2(a);

“seagoing service” means service on board a ship relevant to the issue or revalidation of a certificate of proficiency;

“second engineer officer” means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;

“similar stage of construction” means a stage at which—

- (a) construction identifiable with a specific ship or hovercraft begins; and
- (b) assembly of that ship or hovercraft has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974(b);

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code(c);

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978(d);

“STCW Regulation” means a regulation contained in the Annex to the STCW Convention and any reference to a requirement in an STCW Regulation also constitutes a reference to the corresponding section of Part A of the STCW Code;

“survival craft” means a ship or hovercraft capable of sustaining the lives of persons in distress from the time of abandoning the ship;

“tanker” means a chemical tanker, a liquefied gas tanker or an oil tanker;

“third party State” means a State, other than the United Kingdom, which is a party to the STCW Convention but is not an EEA State;

“valid” means in force and “validity” is to be construed accordingly.

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- (a) Merchant Shipping Notice 1837 (M) Amendment 2 is available at <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.
 - (b) Cmnd 7874. SOLAS may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to SOLAS are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).
 - (c) The STCW Code contains mandatory provisions in Part A of the Code and guidance in Part B. The Code was replaced in full in 2010 following a conference of the parties to the STCW Convention held in Manila, the Philippines (“the Manila Conference”). The Code has since been amended by IMO Resolutions MSC.374(93), MSC.397(95), MSC.417(97). The guidance in Part B of the Code has been amended by MSC.455(100) and MSC.478(102). The STCW Code and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW.
 - (d) Cmnd 7543. The Annex to the STCW Convention was replaced in full in 2010 following the Manila Conference. The Convention has since been amended by IMO Resolutions MSC.373(93), MSC.396(95) and MSC.416(97). The STCW Convention and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW.

Ambulatory reference

4.—(1) In these Regulations, any reference to the STCW Convention, the STCW Code, an STCW Regulation, SOLAS, the Radio Regulations or an instrument specified in paragraph (2) is to be construed—

- (a) as a reference to the STCW Convention, the STCW Code, an STCW Regulation, SOLAS, the Radio Regulations or an instrument specified in paragraph (2) as modified from time to time; and
- (b) as, if the STCW Convention, the STCW Code, an STCW Regulation, SOLAS, the Radio Regulations or an instrument specified in paragraph (2) is replaced, a reference to the replacement.

(2) The instruments are the—

- (a) High Speed Craft Code;
- (b) IBC Code;
- (c) IGC Code;
- (d) IGF Code; and
- (e) ISPS Code.

(3) For the purposes of paragraph (1)—

- (a) the STCW Convention, the STCW Code or an STCW Regulation is modified or replaced if the modification or replacement takes effect in accordance with Article XII of the STCW Convention;
- (b) SOLAS or an instrument specified in paragraph (2) is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of SOLAS;
- (c) the Radio Regulations are modified or replaced if the modification or replacement takes effect in accordance with Article 54 of the Constitution of the International Telecommunication Union.

(4) A modification or replacement of the STCW Convention, the STCW Code or an STCW Regulation has effect at the time such modification or replacement comes into force in accordance with Article XII of the STCW Convention.

(5) A modification or replacement of SOLAS or an instrument specified in paragraph (2) has effect at the time such modification or replacement comes into force in accordance with Article VIII of SOLAS.

(6) A modification or replacement of the Radio Regulations has effect at the time such modification or replacement comes into force in accordance with Article 54 of the Constitution of the International Telecommunication Union.

PART 2

Training and certification: ships

Application

5.—(1) Subject to paragraph (2), this Part applies to a seafarer on board a seagoing ship that is registered in the United Kingdom.

(2) This Part does not apply to a seafarer on board—

- (a) ships of war and naval auxiliary ships;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (c) fishing vessels;
- (d) pleasure vessels which are—

- (i) less than 80 GT; or
- (ii) under 24 metres in length; or
- (e) wooden ships of primitive build.

Requirement for seafarers to be qualified

6. A seafarer must meet the standards of competence specified by this Part in order to be qualified for the purposes of section 47 of the Act (manning).

Qualification as an officer

7.—(1) A seafarer must hold, in respect of the category and capacity in which that seafarer is on board listed in column 1 of the Table in Schedule 2 (categories of certificates of competency and criteria for issue)—

- (a) an appropriate certificate of competency; or
- (b) an appropriate certificate of equivalent competency.

(2) The Secretary of State may issue a certificate of competency or a certificate of equivalent competency to a seafarer only if the Secretary of State is satisfied that the seafarer complies with the criteria in the STCW Regulations listed in column (2) of the Table in Schedule 2 in relation to the category and capacity listed in column (1) of that Table.

(3) A certificate of competency required by this regulation—

- (a) must be issued and endorsed in accordance with this Part;
- (b) entitles the holder to act in the capacity specified in the certificate; and
- (c) entitles the holder to perform the functions required—
 - (i) at the level of responsibility specified in the certificate;
 - (ii) on a ship of the type, GT or power and means of propulsion indicated by the endorsement; and
 - (iii) while engaged on the particular voyage concerned.

(4) In the circumstances specified in paragraph (5), the Secretary of State may permit a seafarer who does not hold an appropriate certificate of competency, to act in a particular capacity on board a ship for a maximum period of three months.

(5) The circumstances referred to in paragraph (4) are—

- (a) the seafarer holds a valid certificate issued by a third party State;
- (b) that certificate is appropriate for the capacity in which the seafarer is to perform; and
- (c) the seafarer has submitted an application to the Secretary of State under regulation 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention) for a certificate of equivalent competency.

(6) Where a certificate of competency is required under this regulation, the Secretary of State may issue an alternative certificate if that certificate is in accordance with STCW Regulation VII (alternative certification).

Engine-room watch duties

8.—(1) This regulation applies to a seafarer performing watchkeeping duties in a manned or periodically unmanned engine room on a ship whose main propulsion machinery has a propulsion power of not less than 350 kilowatts, but less than 750 kilowatts.

(2) The seafarer must—

- (a) hold one of the engineering certificates of competency referred to in regulation 7 (qualification as an officer); or
- (b) be the holder of—

- (i) a marine engine operator's licence or a senior marine engineer operator's licence issued by the Secretary of State in compliance with the criteria specified in section 10 of Merchant Shipping Notice 1857 (M+F) Amendment 1; or
- (ii) a marine engine operator's licence issued by the Secretary of State in compliance with the criteria specified in section 3.3 of Merchant Shipping Notice 1859 (M+F) Amendment 1 or section 3 of Merchant Shipping Notice 1904 (M+F)(a).

Radiocommunication and radio personnel on a GMDSS ship

9.—(1) A seafarer in charge of, or performing radio duties on, a ship required to participate in the GMDSS must hold a certificate of competency related to the GMDSS.

(2) A certificate of competency under this regulation may not be issued to a seafarer by the Secretary of State unless the seafarer—

- (a) is at least 18 years of age; and
- (b) has completed the education and training and meets the standards of competence specified in section A-IV/2 of the STCW Code (mandatory minimum requirements for certification of GMDSS radio operators).

Seafarers on an oil or chemical tanker – basic training

10.—(1) A seafarer assigned specific duties and responsibilities related to cargo or cargo equipment on an oil or chemical tanker must hold a certificate of proficiency in basic training for oil and chemical tanker cargo operations.

(2) A certificate of proficiency required under paragraph (1) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 2 (mandatory minimum requirements for basic training and qualifications of masters, officers and ratings on oil and chemical tankers); or
- (b) an approved training provider, in the case of any person other than a master or an officer who meets the criteria specified in STCW Regulation V/1-1, paragraph 2.

(3) For the purpose of paragraph (1), the requirement for a certificate of proficiency with respect to a master or an officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

Seafarers on an oil tanker – advanced training

11.—(1) This regulation applies to the following seafarers on board an oil tanker—

- (a) the master;
- (b) a chief engineer officer;
- (c) a chief mate;
- (d) a second engineer officer; and
- (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for oil tanker cargo operations.

(3) A certificate of proficiency required under paragraph (2) may be issued by—

(a) Merchant Shipping Notice 1857 (M+F) Amendment 1, Merchant Shipping Notice 1859 (M+F) Amendment 1 and Merchant Shipping Notice 1904 (M+F) can be found at <https://www.gov.uk/government/collections/merchant-shipping-notice-1857-1859-1904> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 4 (mandatory minimum requirements for advanced training and qualifications on oil tankers); or
- (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-1, paragraph 4.

(4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

Seafarers on a chemical tanker – advanced training

12.—(1) This regulation applies to the following seafarers on board a chemical tanker—

- (a) the master;
- (b) a chief engineer officer;
- (c) a chief mate;
- (d) a second engineer officer; and
- (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for chemical tanker cargo operations.

(3) A certificate of proficiency required under paragraph (2) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 6 (mandatory minimum requirements for advanced training and qualifications on chemical tankers); or
- (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-1, paragraph 6.

(4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

Seafarers on a liquefied gas tanker – basic training

13.—(1) An officer or rating assigned specific duties and responsibilities related to cargo or cargo equipment on a liquefied gas tanker must hold a certificate of proficiency in basic training for liquefied gas tanker cargo operations.

(2) A certificate of proficiency required under paragraph (1) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-2, paragraph 2 (mandatory minimum requirements for basic training and qualifications on liquefied gas tankers); or
- (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-2, paragraph 2.

(3) For the purpose of paragraph (1), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

Seafarers on a liquefied gas tanker – advanced training

14.—(1) This regulation applies to the following seafarers on board a liquefied gas tanker—

- (a) the master;
- (b) a chief engineer officer;
- (c) a chief mate;

- (d) a second engineer officer;
 - (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.
- (2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for liquefied gas tanker cargo operations.
- (3) A certificate of proficiency required by paragraph (2) may be issued by—
- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-2, paragraph 4 (mandatory minimum requirements for advanced training and qualifications on liquefied gas tankers); or
 - (b) an approved training provider, in the case of any person other than a master or officer who meets the criteria specified in STCW Regulation V/1-2, paragraph 4.
- (4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer's certificate of competency pursuant to regulation 34 (endorsements on a certificate of competency).

Seafarers on a ship subject to the IGF Code – basic training

15.—(1) This regulation applies to seafarers responsible for designated safety duties associated with the care and use of, or response to emergency relating to, fuel on board ships.

(2) A person to whom this regulation applies must hold a certificate of proficiency in basic training for service on ships subject to the IGF Code.

(3) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/3, paragraph 5 (mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code).

(4) A person responsible for designated safety duties associated with the care and use of, or response to emergency relating to, fuel on board ships subject to the IGF Code who holds a valid certificate of proficiency issued under—

- (a) regulation 13(2) (basic training for liquefied gas tanker cargo operations); or
- (b) regulation 14(3) (advanced training for liquefied gas tanker cargo operations),

is to be considered as having met the requirements specified in paragraph (3) for basic training for service on ships subject to the IGF Code.

Seafarers on a ship subject to the IGF Code – advanced training

16.—(1) This regulation applies to the following seafarers on board a ship subject to the IGF Code—

- (a) the master;
- (b) an engineer officer; and
- (c) any other seafarer with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for service on ships subject to the IGF Code.

(3) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/3, paragraph 8 (mandatory minimum requirements for advanced training and qualifications on ships subject to the IGF Code).

(4) A person who—

- (a) holds a certificate issued under regulation 13(2) (basic training for liquefied gas tanker cargo operations); and

- (b) complies with the criteria in STCW Regulation V/3, paragraph 9 (alternative criteria for advanced training qualifications on a ship subject to the IGF Code),

is to be considered as having met the requirements specified in paragraph (3) for advanced training for service on ships subject to the IGF Code.

Ratings forming part of a navigational watch

17.—(1) A rating forming part of a navigational watch on a ship of 500 GT or more must hold a certificate of proficiency to perform such duties.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation II/4, paragraph 2 (mandatory minimum requirements for certification of ratings forming part of a navigational watch).

(3) This regulation does not apply to—

- (a) a rating under training; or
- (b) a rating whose duties are of an unskilled nature.

Ratings forming part of an engine-room watch

18.—(1) A rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more must hold a certificate of proficiency to perform such duties.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation III/4, paragraph 2 (mandatory minimum requirements for certification of ratings forming part of a watch in an engine-room etc.).

(3) This regulation does not apply to—

- (a) a rating under training; or
- (b) a rating whose duties are of an unskilled nature.

Ratings as able seafarer deck

19.—(1) An able seafarer deck on board a ship of 500 GT or more must hold a certificate of proficiency.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation II/5, paragraph 2 or paragraph 6 (mandatory minimum requirements for certification of ratings as able seafarer deck).

Ratings as able seafarer engine

20.—(1) An able seafarer engine on board a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more must hold a certificate of proficiency.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation III/5, paragraph 2 or 4 (mandatory minimum requirements for certification of ratings as able seafarer engine).

Electro-technical ratings

21.—(1) An electro-technical rating on board a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more must hold a certificate of proficiency.

(2) The Secretary of State or an approved training provider may only issue a certificate of proficiency required by paragraph (1) to a person who meets the criteria specified in STCW Regulation III/7, paragraph 2 or 4 (mandatory minimum requirements for certification of electro-technical ratings).

Seafarers designated to launch or take charge of a survival craft or rescue boat (other than a fast rescue boat)

22.—(1) A seafarer designated to launch or take charge of a survival craft or a rescue boat, other than a fast rescue boat, must hold a certificate of proficiency in such craft.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation VI/2, paragraph 1 (mandatory minimum requirements for the issue of certificates of proficiency in survival craft and rescue boats).

Seafarers designated to launch or take charge of a fast rescue boat

23.—(1) A seafarer designated to launch or take charge of a fast rescue boat must hold a certificate of proficiency in such craft.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation VI/2, paragraph 2 (mandatory minimum requirements for the issue of certificates of proficiency in fast rescue boats).

Ship security officers

24.—(1) A ship security officer must hold a certificate of proficiency for the performance of the duties or functions of such a role.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation VI/5, paragraph 1 (mandatory minimum requirements for the issue of certificates of proficiency for ship security officers).

(3) In this regulation, “ship security officer” means the person on board a ship, accountable to the master, designated by the company as responsible for the security of the ship including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers.

Seafarers on a passenger ship engaged on international voyages (other than a high speed craft)

25.—(1) This regulation applies to seafarers on board a passenger ship engaged on international voyages, other than a high speed craft.

(2) Prior to being assigned shipboard duties on board a passenger ship, a seafarer must have completed the training required by paragraphs (3) to (7) in accordance with their capacity, duties and responsibilities.

(3) Training in crowd management as specified in section A-V/2, paragraph 3, of the STCW Code (passenger ship crowd management training) must be completed by the following—

- (a) the master;
- (b) each officer; and
- (c) any other seafarer designated on muster lists to assist passengers in emergency situations on board passenger ships.

(4) Safety training specified in section A-V/2, paragraph 2, of the STCW Code (safety training for personnel providing direct service to passengers in passenger spaces) must be completed by a seafarer providing direct service to passengers in passenger spaces on board a passenger ship.

(5) Approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 5, of the STCW Code (passenger safety, cargo safety and hull integrity training) must be completed by—

- (a) the master;
- (b) a chief engineer officer;
- (c) a chief mate;
- (d) a second engineer officer; and
- (e) any other seafarer assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board a ro-ro passenger ship.

(6) Approved training in crisis management and human behaviour specified in section A-V/2, paragraph 4, of the STCW Code (crisis management and human behaviour training) must be completed by—

- (a) the master;
- (b) a chief engineer officer;
- (c) a chief mate;
- (d) a second engineer officer; and
- (e) any other seafarer designated on muster lists as having responsibility for the safety of passengers in emergency situations.

(7) Seafarers on board passenger ships must complete passenger ship emergency familiarisation training appropriate to their capacity, duties and responsibilities as specified in section A-V/2, paragraph 1, of the STCW Code (passenger ship emergency familiarisation).

(8) In paragraph (5)(e), “ro-ro passenger ship” means a passenger ship having ro-ro cargo spaces or special category spaces as defined in regulation 3 of Chapter II-2 in the Annex to SOLAS.

Seafarers on a high speed craft

26.—(1) This regulation applies to a seafarer on board a high speed craft constructed on or after 1st January 1996.

(2) Before being assigned shipboard duties on board a high speed craft to which this regulation applies, a seafarer must complete the training specified in paragraph 18.3.3 of the High Speed Craft Code (type rating training).

(3) Where a seafarer successfully completes the training referred to in paragraph (2), the Secretary of State or an approved training provider must issue documentary evidence to every person successfully completing such training.

(4) In the case of masters and officers, where documentary evidence is to be issued, the Secretary of State, or an approved training provider, must issue a certificate in the form specified by the Secretary of State in Merchant Shipping Notice 1740 (M)(a) and the certificate must be endorsed in a manner so specified by the Secretary of State.

Safety familiarisation, basic training and instruction for all seafarers

27.—(1) Before being assigned to shipboard duties, a seafarer must—

- (a) receive safety familiarisation and basic training or instruction in accordance with section A-VI/1 of the STCW Code (mandatory minimum requirements for safety familiarisation, basic training and instruction for all seafarers);

(a) Merchant Shipping Notice 1740 (M) can be found at <https://www.gov.uk/government/publications/msn-1740-training-and-certification-of-officers-and-crew-on-high-speed-craft> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

- (b) meet the appropriate standard of competence specified in that section; and
- (c) hold a certificate of proficiency in safety familiarisation.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a seafarer who meets each of the requirements specified in subparagraphs (a) and (b) of that paragraph.

Seafarers designated as a fire-fighting controller

28.—(1) A seafarer designated to control fire-fighting operations must—

- (a) have successfully completed advanced training techniques for fighting fire in accordance with section A-VI/3 of the STCW Code (mandatory minimum training in advanced fire fighting);
- (b) meet the standard of competence specified in that section; and
- (c) hold a certificate of proficiency in advanced training techniques for fighting fire.

(2) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) only to a seafarer who meets each of the requirements specified in subparagraphs (a) and (b) of that paragraph.

Seafarers designated as a provider of medical first aid or to take charge of medical care

29.—(1) A seafarer designated to provide medical first aid on board a ship must—

- (a) meet the standard of competence specified in section A-VI/4, paragraphs 1 to 3, of the STCW Code (standard of competence for seafarers designated to provide medical first aid on board ship); and
- (b) hold a certificate of proficiency in medical first aid.

(2) A seafarer designated to take charge of medical care on board a ship must—

- (a) meet the standard of competence specified in section A-VI/4, paragraphs 4 to 6, of the STCW Code (standard of competence for seafarers designated to take charge of medical care on board ship); and
- (b) hold a certificate of proficiency in medical care.

(3) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (1) or (2) only to a seafarer who meets the standard of competence specified in paragraph (1)(a) or (2)(a) respectively.

Security-related familiarisation training for seafarers on an ISPS ship

30.—(1) This regulation applies to a seafarer on a seagoing ship which is required to comply with the provisions of the ISPS Code.

(2) Before being assigned to shipboard duties, a seafarer must—

- (a) receive security-awareness familiarisation and security-awareness training or instruction in accordance with section A-VI/6, paragraphs 1 to 4, of the STCW Code (standard of competence for security-related familiarisation training and security awareness training);
- (b) meet the appropriate standard of competence specified in that section; and
- (c) hold a certificate of proficiency in security-awareness.

(3) A seafarer with designated security duties must—

- (a) meet the standard of competence specified in section A-VI/6, paragraphs 6 to 8, of the STCW Code (standard of competence for seafarers with designated security duties); and
- (b) hold a certificate of competency in security duties.

(4) The Secretary of State or an approved training provider may issue a certificate of proficiency required by paragraph (2) or (3) only to a seafarer who meets the standard of competence specified in paragraph (2)(b) or (3)(a) respectively.

(5) In this regulation, “security duties” includes all security tasks and duties on board ships as prescribed by Chapter XI-2 in the Annex to SOLAS and the ISPS Code.

Application and issuing of certificates

Application for a certificate

31.—(1) An application for the issue of a certificate or a licence required by this Part, or an endorsement of a certificate of competency under regulation 34, must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and
- (c) accompanied by evidence of identity, age, relevant service, standards of competence and certificates or qualifications held.

(2) An application for any matter ancillary to the issue of a certificate under this Part must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and
- (c) in the case of an application for a certified copy of a certificate of proficiency that was issued by an approved training provider, accompanied by evidence of the issue of that certificate by the approved training provider.

Form of a certificate

32. A certificate of competency or a certificate of proficiency issued under this Part must be in the form specified in section A-I/2, paragraph 1, of the STCW Code (certificates and endorsements).

Approval of seagoing service

33.—(1) Where these Regulations require a person to meet a requirement of the STCW Convention and that requirement includes a requirement for seagoing service, the Secretary of State must approve that seagoing service in accordance with section A-I/2, paragraph 5, of the STCW Code (approval of seagoing service).

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.

(3) An approval given under paragraph (1), or an alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that an approval given under paragraph (1), or an alteration or cancellation under paragraph (2), must be in writing is satisfied where the text of the approval, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Endorsements on a certificate of competency

34.—(1) The Secretary of State must endorse—

- (a) a certificate of competency issued under regulation 7 (qualification as an officer) and regulation 9 (radiocommunication and radio personnel on a GMDSS ship); and

(b) a certificate of proficiency issued under regulation 10, 11, 12, 13 or 14 (training requirements for seafarers on oil, chemical or liquefied gas tankers).

(2) An endorsement required by paragraph (1) must be in the form prescribed by STCW Regulation I/2 (certificates and endorsements).

Exemptions

35.—(1) Except where paragraph (5), (6) or (7) applies, the Secretary of State may exempt a seafarer from the requirements of this Part provided that the Secretary of State is satisfied that—

(a) in the case of a master or chief engineer officer—

- (i) circumstances of force majeure exist; and
- (ii) the conditions specified in paragraph (2) are met;

(b) in the case of a radio operator—

- (i) the conditions specified in paragraph (2) are met; and
- (ii) the relevant requirements of the Radio Regulations are met;

(c) in the case of any other category of seafarer, the conditions in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are—

(a) an exemption is necessary and does not pose a danger to persons, property or the marine environment;

(b) the seafarer is adequately qualified to fill the vacant post in a safe manner; and

(c) the seafarer is—

- (i) properly certificated to fill the post immediately below that which the seafarer now performs; or
- (ii) where certification of the post immediately below is not required by these Regulations, the qualification and experience of the seafarer are of clear equivalence to the requirements for the post to be filled and the seafarer passes a test accepted by the Secretary of State as demonstrating that an exemption may safely be issued.

(3) The Secretary of State must specify the duration of an exemption and the duration must be—

(a) in the case of a master or chief engineer officer, the shortest possible period; and

(b) in the case of another category of seafarer, a period not exceeding six months.

(4) In exercising the function specified in paragraph (3), the Secretary of State must ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

(5) The Secretary of State may exempt the master and the officer in charge of a navigational watch from the requirements of STCW Regulation II/3 (mandatory minimum requirements for certification of officers in charge of a navigational watch and of masters on ships of less than 500 GT) if satisfied that—

(a) the ship's size and conditions of the ship's voyage are such as to render the application of the full requirements of STCW Regulation II/3 unreasonable or impracticable; and

(b) the exemption does not pose a danger to other ships operating in the same waters.

(6) Subject to the conditions in paragraph (8), the Secretary of State may exempt seafarers on board ships of less than 500 GT which are not passenger ships from the requirements of regulations 15 or 16 (training requirements for seafarers on a ship subject to the IGF Code).

(7) Subject to the conditions in paragraph (8), the Secretary of State may exempt seafarers on board—

(a) passenger ships engaged on voyages that are not international voyages;

(b) passenger ships of less than 500 GT engaged on international voyages; and

(c) ships which are not passenger ships, except tankers,

from the requirements of regulation 27 (safety familiarisation, basic training and instruction for all seafarers).

(8) The conditions referred to in paragraphs (6) and (7) are that—

- (a) the Secretary of State is satisfied that the ship's size and length or character of the ship's voyage are such as to render the application of the full requirements of regulation 15, 16 or 27 unreasonable or impracticable; and
- (b) the Secretary of State is satisfied that the exemption does not pose a danger to persons on board, the ship and property, or the marine environment.

(9) An exemption under this regulation may be granted subject to such additional terms as the Secretary of State may consider appropriate.

(10) The Secretary of State may alter or cancel any exemption granted under this regulation.

(11) An exemption granted under paragraph (1), (5), (6) or (7), or an alteration or cancellation under paragraph (10), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(12) The requirement that an exemption granted under paragraph (1), (5), (6) or (7), or an alteration or cancellation under paragraph (10), must be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Recognition of certificates

Recognition of a certificate issued by an EEA State

36.—(1) The Secretary of State may recognise—

- (a) a certificate of competency issued in accordance with the requirements of the Directive by or on the authority of an EEA State which is a party to the STCW Convention to a master, officer or GMDSS radio operator;
- (b) a certificate of proficiency in training for tanker cargo operations issued in accordance with the requirements of the Directive by or on the authority of an EEA State which is a party to the STCW Convention; and
- (c) any other certificate of proficiency issued in accordance with the requirements of the Directive by or on the authority of an EEA State which is a party to the STCW Convention.

(2) Subject to regulation 39(1) (additional requirements for a certificate of equivalent competency), where the Secretary of State recognises a certificate described in paragraph (1)(a) or (b), the Secretary of State may, on the application of a holder of such certificate, issue a certificate of equivalent competency attesting to its recognition.

(3) The Secretary of State may, before issuing a certificate of equivalent competency to an applicant performing management level functions, require the applicant to demonstrate sufficient knowledge of such United Kingdom maritime legislation as is relevant to the applicant's management level functions.

(4) An applicant may, instead of demonstrating knowledge of United Kingdom maritime legislation in accordance with paragraph (3), choose to undergo an adaptation period of a duration specified by the Secretary of State, which must not exceed three years.

(5) If an applicant chooses to undergo an adaptation period in accordance with paragraph (4), the Secretary of State may, for the duration of that period, issue to the applicant a certificate of

equivalent competency of such next lower capacity as does not require a knowledge of United Kingdom maritime legislation.

(6) In this regulation—

“management level functions” means functions of the level of responsibility associated with—

- (a) undertaking the role of a master, chief mate, chief engineer or second engineer officer on board a seagoing ship;
- (b) ensuring that all functions within the designated area of responsibility are properly performed; and

“functions within the designated area of responsibility” means the seven functions listed in paragraph 2 of the Introduction to the STCW Code.

Recognition of a certificate issued by a third party State

37.—(1) The Secretary of State may recognise a certificate described in paragraph (2) issued by or under the authority of a third party State recognised immediately before IP completion day in accordance with paragraph (3).

(2) The certificates referred to in paragraph (1) are—

- (a) a certificate of competency issued to a master, officer or GMDSS radio operator;
- (b) a certificate of proficiency in training for tanker cargo operations issued to a master or an officer; or
- (c) any other certificate of proficiency.

(3) The Secretary of State may recognise such a certificate if—

- (a) it is issued by or under the authority of a third party State which was recognised by an EEA State as at 14th June 2005 and such recognition had not, before IP completion day, been withdrawn in accordance with Article 20 of the Directive; or
- (b) it is issued by or under the authority of a third party State recognised by the European Commission before IP completion day in accordance with Article 19 of the Directive and such recognition had not, before IP completion day, been withdrawn in accordance with Article 20 of the Directive.

(4) Subject to regulation 39(1) (additional requirements for a certificate of equivalent competency), where the Secretary of State recognises a certificate pursuant to paragraph (3), the Secretary of State may, on the application of a holder of such certificate, issue a certificate of equivalent competency attesting to its recognition.

(5) Where the Secretary of State recognises the standard of competence or proficiency required for the issue of a certificate by a third party State as satisfying only in part the standard required for officers qualified for the purpose of this Part, the Secretary of State may specify—

- (a) additional standards which are to be attained; and
- (b) the means by which such standards may be demonstrated,

for the issue of a certificate of equivalent competency.

Recognition of a party to the STCW Convention

38.—(1) This regulation applies where the Secretary of State proposes to make a decision to recognise a party to the STCW Convention to which regulation 36 (recognition of a certificate issued by an EEA State) or 37 (recognition of a certificate issued by a third party State) does not apply in order to facilitate the recognition of the certificates described in paragraph (5) issued by or under the authority of that party.

(2) Before making a decision described in paragraph (1), the Secretary of State must—

- (a) collect all relevant information in order to carry out an assessment of the training and certification systems of the party to which the decision would apply in order to verify whether that party—

- (i) meets all the requirements of the STCW Convention regarding standards of competence, training and certification and quality standards; and
 - (ii) has taken appropriate measures to prevent fraud involving certificates; and
- (b) obtain an undertaking from the party to which the decision would apply that prompt notification will be given to the Secretary of State of any significant change in the arrangements for training and certification provided in accordance with the STCW Convention.
- (3) The assessment described in paragraph (2)(a) may include an inspection of facilities and procedures.
- (4) Where the Secretary of State is satisfied that the requirements of paragraph (2) have been met, the Secretary of State may—
- (a) make a decision to recognise that party; and
 - (b) recognise the certificates described in paragraph (5) issued by or under the authority of that party.
- (5) The certificates referred to in paragraphs (1) and (4) are—
- (a) a certificate of competency issued to a master, officer or GMDSS radio operator;
 - (b) a certificate of proficiency in training for tanker cargo operations issued to a master or an officer; or
 - (c) any other certificate of proficiency.
- (6) Subject to regulation 39(1) (additional requirements for a certificate of equivalent competency), where the Secretary of State recognises a certificate described in paragraph (5)(a) or (b), the Secretary of State may, on the application of a holder of such certificate, issue a certificate of equivalent competency attesting to its recognition.
- (7) Where the Secretary of State recognises the standard of competence or proficiency required for the issue of a certificate by a party to the STCW Convention as satisfying only in part the standard required for officers qualified for the purpose of this Part, the Secretary of State may specify—
- (a) additional standards which are to be attained; and
 - (b) the means by which such standards may be demonstrated,
- for the issue of a certificate of equivalent competency.

Additional requirements for a certificate of equivalent competency

39.—(1) The Secretary of State must not issue a certificate of equivalent competency to an applicant under regulation 36 (recognition of a certificate issued by an EEA State), 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention) unless that applicant can demonstrate adequate knowledge of the English language as required by sections A-II/1, A-II/4, A-III/1 and A-IV/2 of the STCW Code (adequate knowledge of the English language).

(2) A certificate of equivalent competency issued under regulation 36, 37 or 38 must be in the form specified in section A-I/2, paragraph 3, of the STCW Code (form of certificate).

Withdrawal of recognition

40.—(1) The Secretary of State may, in the circumstances described in paragraph (2) and subject to paragraph (3), withdraw recognition of a party to the STCW Convention which issued a certificate described in regulation 36 (recognition of a certificate issued by an EEA State), 37 (recognition of a certificate issued by a third party State) or 38 (recognition of a party to the STCW Convention).

(2) The circumstances are that, following an evaluation of the party which issued the certificate, which may include an inspection of facilities and procedures of that party, the Secretary of State is

no longer satisfied that the requirements of the STCW Convention regarding standards of competence, training and certification and quality standards are fully complied with.

(3) Where there are indications that a party may no longer comply with the requirements described in paragraph (2), the Secretary of State must notify the party that recognition of that party's certificates will be withdrawn six months after such notification is given unless adequate measures are taken to ensure compliance with all relevant requirements of the STCW Convention.

(4) Where the Secretary of State withdraws recognition of a party in accordance with paragraph (1)—

- (a) certificates of equivalent competency issued on the basis of that recognition before the date of the decision to withdraw recognition remain valid; and
- (b) an officer holding a certificate of equivalent competency may not be issued with a certificate of equivalent competency of a higher grade based on a certificate issued by that party except where an officer qualifies for a certificate solely on the basis of additional sea service.

Validity of Certificates

Validity of a certificate or endorsement

41.—(1) Subject to regulations 42 (revalidation of certain certificates and endorsements) and 43 (refresher training for certain seafarers), a certificate issued under this Part, except for a certificate issued under regulation 26 (seafarers on a high speed craft), remains valid for seagoing service provided the holder complies with the standards and conditions—

- (a) as to medical fitness prescribed by the Medical Certification Regulations; and
- (b) of professional competency to act in the appropriate capacity required by the STCW Convention and this Part.

(2) Subject to regulation 42, a certificate issued under regulation 26 remains valid for seagoing service provided the holder complies with the standards and conditions—

- (a) as to medical fitness prescribed by the Medical Certification Regulations; and
- (b) of professional competency required by paragraph 18.3.3 of the High Speed Craft Code and this Part.

(3) Subject to regulation 42, an endorsement under regulation 34 (endorsements on a certificate of competency) remains valid for seagoing service provided that the conditions specified in paragraph (4) are met.

(4) The conditions referred to in paragraph (3) are that—

- (a) the certificate which is endorsed has not expired or been withdrawn, suspended or cancelled; and
- (b) the holder complies with the standards and conditions—
 - (i) as to medical fitness prescribed by the Medical Certification Regulations; and
 - (ii) of professional competency to act in the appropriate capacity required by the STCW Convention and this Part.

(5) For the purposes of this regulation, “the Medical Certification Regulations” means the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(a).

Revalidation of certain certificates and endorsements

42.—(1) This regulation applies to—

- (a) a certificate of competency;
- (b) a certificate of equivalent competency;

(a) S.I. 2010/737, amended by S.I. 2014/1614 and S.I. 2018/242.

- (c) a certificate of proficiency in training for tanker operations issued to a master or an officer;
- (d) an endorsement under regulation 34 (endorsements on a certificate of competency); and
- (e) a certificate issued under regulation 26 (seafarers on a high speed craft).

(2) A certificate or endorsement referred to in paragraph (1)(a) to (d) is not valid for seagoing service unless, at intervals not exceeding five years, it is revalidated by the Secretary of State.

(3) The certificate referred to in paragraph (1)(e) is not valid for seagoing service unless, at intervals not exceeding two years, it is revalidated by the Secretary of State.

(4) Before revalidating a certificate or endorsement to which paragraph (1)(a) to (d) applies, the Secretary of State must be satisfied that the holder of the certificate has established continued professional competence in accordance with section A-I/11 of the STCW Code (revalidation of certificates) and Merchant Shipping Notice 1861 (M) Amendment 1(a).

(5) Before revalidating the certificate referred to in paragraph (1)(e), the Secretary of State must be satisfied that the holder of the certificate has established continued professional competence in accordance with the requirements of paragraph 18.3.3 of the High Speed Craft Code and Merchant Shipping Notice 1740 (M).

(6) An application for revalidation must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and
- (c) accompanied by evidence of identity, age, relevant service, standards of competence and certificates or qualifications held.

Refresher training for certain seafarers

43.—(1) Paragraph (2) applies to a seafarer who holds a certificate of proficiency in the following—

- (a) personal survival techniques;
- (b) survival craft and rescue boats;
- (c) advanced firefighting;
- (d) fire prevention and firefighting;
- (e) fast rescue boats;
- (f) basic training for service on ships subject to the IGF Code issued under regulation 15 (training requirements for seafarers on a ship subject to the IGF Code – basic training); and
- (g) advanced training for service on ships subject to the IGF Code issued under regulation 16 (training requirements for seafarers on a ship subject to the IGF Code – advanced training).

(2) A seafarer to whom this paragraph applies must at intervals not exceeding five years, successfully complete approved refresher training relating to the certificate held.

(3) A master and a seafarer designated to take charge of medical care on board ship must at intervals not exceeding five years successfully complete approved refresher training relating to that designation.

(4) Every seafarer must, for continuing seagoing service on ships referred to in regulations 25 (seafarers on a passenger ship engaged on international voyages (other than high speed craft)) and

(a) Merchant Shipping Notice 1861 (M) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

26 (seafarers on a high speed craft), successfully complete approved refresher training relating to the training and qualifications required under those sections at intervals not exceeding five years.

Suspension and cancellation of certificates and appeals

Suspension and cancellation of a certificate

44. The Secretary of State may suspend or cancel a certificate issued under this Part where—

- (a) the holder is convicted of an offence under section 47(5) of the Act (false statement etc.); or
- (b) a certificate has been issued or endorsed and the conditions for its issue or endorsement have not been complied with.

Appeal against refusal, suspension or cancellation of a certificate

45.—(1) If the Secretary of State intends to—

- (a) refuse the issue of;
- (b) refuse the revalidation of;
- (c) suspend; or
- (d) cancel,

a certificate issued under this Part for any reason, the Secretary of State must give notice in writing to the applicant or holder of the certificate.

(2) If an approved training provider intends to—

- (a) refuse the issue or revalidation of a certificate of proficiency; or
- (b) refuse the issue of documentary evidence as required by regulation 26 (seafarers on a high speed craft) or regulation 49(2) (issue of certificates of proficiency and documentary evidence by an approved training provider),

that approved training provider must give notice in writing to the applicant or holder of the certificate.

(3) The requirement that the notice given under paragraph (1) or (2) be in writing is satisfied where the text of the notice is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(4) The applicant may, before a date specified in the notice given under paragraph (1) or (2), require the refusal, suspension or cancellation to be reviewed at an inquiry.

(5) If the Secretary of State fails either to—

- (a) issue or revalidate a certificate of equivalent competency; or
- (b) give notice in writing pursuant to paragraph (1) to an applicant for a certificate of equivalent competency within 28 days of the application being made,

the Secretary of State is deemed to have refused the application and, before the expiry of a further 28 days, the applicant has the right to require in writing that the application be reviewed at an inquiry.

(6) If the applicant has required an inquiry in accordance with paragraph (4) or (5), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.

(7) For the purposes of paragraph (1), “certificate” includes an endorsement under regulation 34 (endorsements on a certificate of competency).

Loss of a certificate

46.—(1) Where a person who holds a certificate has lost or been deprived of it, the Secretary of State may, following receipt of an application in accordance with paragraph (2), issue a certified copy of the certificate to the holder.

(2) An application made to the Secretary of State for a certified copy of a certificate issued under these Regulations must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and
- (c) where the request relates to a certificate of proficiency issued by an approved training provider, accompanied by evidence of the issue of that certificate by the approved training provider.

Register of certificates and endorsements

47.—(1) The Registrar must keep a register of certificates and endorsements issued under this Part (“the register”) recording the items of information listed in section A-I/2, paragraph 9, of the STCW Code (database of certificate registration).

(2) Upon the request of—

- (a) an EEA State;
- (b) a third party State; or
- (c) a company which employs, or is considering employing, the seafarer to whom the information relates on board a ship,

the Registrar must provide from the register the information listed in paragraph (3) in so far as such information is necessary to verify the authenticity or validity of documents held by a seafarer.

(3) The information referred to in paragraph (2) is information on the status of—

- (a) a certificate of competency;
- (b) a certificate of proficiency in training for tanker cargo operations issued to a master or an officer;
- (c) an endorsement in respect of a certificate referred to in paragraph (a) or (b); or
- (d) any dispensation or exemption granted under sections 48 or 54 of the Act which relates to the seafarer to whom the request relates.

(4) In this regulation, “the Registrar” means the Registrar General of Shipping and Seamen or such other person appointed by the Secretary of State to perform the functions under this regulation.

Training providers

Approval of training providers

48.—(1) A person providing training or assessment of seafarers for certification under this Part must be approved by the Secretary of State as a provider of training or assessment of seafarers.

(2) The Secretary of State may approve a person as a provider of training or assessment of seafarers if satisfied that that person—

- (a) has the qualifications and experience required under Section A-I/6 of the STCW Code (training and assessment);
- (b) meets each of the requirements of the Merchant Shipping Notices described in paragraph (3) that applies to that person; and
- (c) has paid the prescribed fee.

(3) The requirements of the Merchant Shipping Notices referred to in paragraph (2)(b) are—

- (a) Annexes G, H, I, J and K to Merchant Shipping Notice 1856 (M+F) Amendment 1(a);
- (b) Annexes D, E, F, G and H to Merchant Shipping Notice 1857 (M+F) Amendment 1;
- (c) Annex G to Merchant Shipping Notice 1858 (M+F) Amendment 1(b);
- (d) Annex E to Merchant Shipping Notice 1859 (M+F) Amendment 1;
- (e) Annex B to Merchant Shipping Notice 1860 (M) Amendment 1(c);
- (f) paragraphs 11 and 12 in Merchant Shipping Notice 1862 (M) Amendment 1(d);
- (g) Annex F to Merchant Shipping Notice 1865 (M) Amendment 1(e);
- (h) Annex D to Merchant Shipping Notice 1866 (M) Amendment 1(f);
- (i) Annex D to Merchant Shipping Notice 1904 (M+F).

(4) An approval may be given under paragraph (2) for a maximum period of five years from the date specified in the approval letter.

(5) The Secretary of State may extend an approval given under paragraph (2) in maximum increments of five years if satisfied that—

- (a) the approved training provider continues to meet the requirements in sub-paragraphs (a) and (b) of paragraph (2); and
- (b) has paid the prescribed fee.

(6) An approval given under paragraph (2) or an extension under paragraph (5) may, on the giving of reasonable notice, be altered, suspended or cancelled.

(7) An approval given under paragraph (2), an extension under paragraph (5) or an alteration, suspension or cancellation under paragraph (6) must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(8) The requirement that an approval given under paragraph (2), an extension under paragraph (5) or an alteration, suspension or cancellation under paragraph (6), be in writing is satisfied where the text of the approval, extension, alteration, suspension or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(9) If the Secretary of State intends to refuse to—

- (a) approve a person under paragraph (2); or
- (b) extend a person's approval under paragraph (5),

the Secretary of State must give notice in writing to that person.

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- (a) Merchant Shipping Notice 1856 (M) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.
 - (b) Merchant Shipping Notice 1858 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.
 - (c) Merchant Shipping Notice 1860 (M) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.
 - (d) Merchant Shipping Notice 1862 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.
 - (e) Merchant Shipping Notice 1865 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.
 - (f) Merchant Shipping Notice 1866 (M+F) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns>. See the footnote to Merchant Shipping Notice 1856 (M) Amendment 1 for information on how to obtain a hard copy of this Merchant Shipping Notice.

(10) A person approved under paragraph (2) or given an extension of an approval under paragraph (5) must continue to comply with the requirements in sub-paragraphs (a) and (b) of paragraph (2) for the duration of the validity of the approval.

(11) The Secretary of State may require an approval letter or approval certificate recording an approval given under paragraph (2) or an extension of an approval under paragraph (5), to be surrendered.

(12) The Secretary of State may monitor and periodically evaluate approved training providers in accordance with STCW Regulation I/8 (quality standards) and the monitoring and evaluation requirements contained in the Merchant Shipping Notices described in paragraph (3).

(13) No person must—

- (a) offer to provide, or provide, training or assessment of seafarers for certification under this Part without an approval given by the Secretary of State under this regulation;
- (b) with intent to deceive, use, lend, or allow to be used by another an approval given by the Secretary of State under this regulation;
- (c) advertise or otherwise display an approval given by the Secretary of State under this regulation, which has expired, or has not been given to that person under this regulation;
- (d) fail to surrender an approval letter or approval certificate required to be surrendered under paragraph (11).

(14) In this regulation, “approval letter” and “approval certificate” mean the documents so described in the provisions of the Merchant Shipping Notices described in paragraph (3).

Issue of certificates of proficiency and documentary evidence by an approved training provider

49.—(1) Except in respect of the training and assessment of masters and officers undertaken to meet the requirements of regulations 10 to 14 (training requirements for seafarers on oil, chemical or liquefied gas tankers), an approved training provider must issue a certificate of proficiency to every person who successfully completes the training or assessment undertaken to meet the requirements for such certificate in the form specified in Section A-I/2 of the STCW Code (certificates and endorsements).

(2) For the purposes of the training and assessment of masters and officers undertaken to meet the requirements of—

- (a) regulations 7 to 16 (training requirements for certificates of competency, alternative certification and seafarers on oil, chemical or liquefied gas tankers);
- (b) regulation 25 (seafarers on a passenger ship engaged on international voyages (other than high speed craft)); and
- (c) regulation 43 (refresher training for certain seafarers),

an approved training provider must issue documentary evidence to every person successfully completing such training or assessment.

Appeal against refusal, alteration, suspension or cancellation of an approval

50.—(1) A person—

- (a) who is refused an approval pursuant to regulation 48 (approval of training providers) or an extension of an approval under that regulation; or
- (b) whose approval under that regulation is subject to an alteration, suspension or cancellation of an approval under regulation 48(6) (alteration, suspension or cancellation of an approval),

may, within 21 days after receiving notice of such decision and before the date specified in the notice, request the Secretary of State to hold an inquiry.

(2) If an inquiry is requested by a person in accordance with paragraph (1), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.

PART 3

Training and certification: hovercraft

Hovercraft personnel

51.—(1) This Part applies to every seagoing hovercraft registered in the United Kingdom which was constructed on or after 1st January 1996.

(2) A seafarer on a hovercraft to which this Part applies must meet the standards of competence specified in paragraph (3) in order to be qualified for the purposes of section 47 of the Act (manning).

(3) The owner of a hovercraft to which this paragraph applies must ensure that a seafarer on board a hovercraft to which this regulation applies has completed the training specified in paragraph 18.3.3 of the High Speed Craft Code (type rating training).

(4) A person providing the training referred to in paragraph (3) must issue documentary evidence to every person successfully completing such training.

(5) In the case of a master or an officer, the documentary evidence must be a certificate in the form specified by the Secretary of State in Merchant Shipping Notice 1740 (M) and the certificate must be endorsed in a manner so specified.

Certificates and approved training providers

52.—(1) Regulations 31 to 34 (application and issuing of certificates and endorsements), 41 (validity of a certificate or endorsement), 42 (revalidation of certain certificates and endorsements), 44 (suspension and cancellation of a certificate), 45 (appeal against refusal, suspension or cancellation of a certificate) and 46 (loss of a certificate) apply to certificates issued under regulation 51 (hovercraft personnel) as they apply to certificates issued under Part 2.

(2) Regulations 48 to 50 (training providers) apply to a person providing the training referred to in regulation 51(3) (type rating training) as they apply to a person providing training or assessment of seafarers for certification under Part 2.

Exemptions

53.—(1) The Secretary of State may grant to the owner of a hovercraft an exemption from any of the requirements of regulation 51 (hovercraft personnel) for classes of case or individual cases if satisfied that compliance with such requirement is either impracticable or unreasonable.

(2) An exemption under paragraph (1) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the hovercraft.

(3) An exemption granted under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.

(4) Where an exemption is granted subject to safety requirements under paragraph (2), the exemption ceases to have effect if those requirements are not complied with.

(5) An exemption granted under paragraph (1), or an alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(6) The requirement that an exemption granted under paragraph (1), or an alteration or cancellation under paragraph (3), must be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

PART 4

Safe manning and Watchkeeping

General

Application

54.—(1) Subject to paragraph (2), this Part applies to—

- (a) seagoing ships registered in the United Kingdom, wherever they may be; and
- (b) other seagoing ships while in United Kingdom waters.

(2) This Part does not apply to—

- (a) ships of war and naval auxiliary ships;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (c) fishing vessels;
- (d) pleasure vessels; or
- (e) vessels referred to in regulation 5(3) of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(a) (small vessels).

(3) In this Part, “ship” includes hovercraft.

Safe manning

Safe manning document

55.—(1) This regulation applies to—

- (a) passenger ships engaged on international voyages;
- (b) passenger ships of 500 GT or more engaged on voyages that are not international voyages; and
- (c) ships of 500 GT or more that are not passenger ships.

(2) A company must ensure that—

- (a) a safe manning document is in force in respect of the ship and the manning of the ship;
- (b) the safe manning document is kept on board the ship at all times; and
- (c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.

(3) The master of a ship to which this regulation applies must ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.

(a) S.I. 1998/2771, amended by S.I. 2018/242. There are other amending instruments but none is relevant.

(4) A company applying for a safe manning document in respect of a ship that is registered in the United Kingdom must submit to the Secretary of State proposals as to the numbers and grade of seafarer it considers must be carried so that the ship is safely manned if it proceeded to sea on an intended voyage.

(5) An application for a safe manning document required by this regulation must be in a form specified by the Secretary of State.

(6) The Secretary of State may issue guidance to companies on safe manning to assist them in preparing proposals under paragraph (4).

(7) The Secretary of State may issue a safe manning document to a ship that is registered in the United Kingdom if satisfied that—

- (a) the proposals provided pursuant to paragraph (4) meet the requirements of IMO Resolution A.1047(27) (principles of safe manning)(a); and
- (b) the prescribed fee has been paid.

(8) A company must notify the Secretary of State as soon as there is any change in the circumstances which are pertinent to a safe manning document issued by the Secretary of State.

(9) Upon receipt of notification by a company under paragraph (8), the Secretary of State may review the document's continuing validity or approve fresh proposals from the company.

Watchkeeping arrangements

Watchkeeping arrangements generally and at sea

56.—(1) The master of a ship must ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational, engineering and radio watches—

- (a) in accordance with STCW Regulation VIII/2, paragraph 2 (watchkeeping arrangements and principles to be observed); and
- (b) taking into account—
 - (i) the prevailing circumstances and conditions; and
 - (ii) section A-VIII/2 of the STCW Code (watchkeeping arrangements and principles to be observed).

(2) Without prejudice to the duties of a master provided by paragraph (1), a master must give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with—

- (a) section A-VIII/2, Part 4-1, of the STCW Code (principles to be observed in keeping a navigational watch); and
- (b) any requirements specified in Merchant Shipping Notice 1868 (M) Amendment 1(b).

(3) The chief engineer officer of a ship must ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with—

- (a) section A-VIII/2, Part 4-2, of the STCW Code (principles to be observed in keeping an engineering watch); and
- (b) any requirements specified in Merchant Shipping Notice 1868 (M) Amendment 1.

(a) IMO Resolution A.1047(27) was adopted on 30th November 2011 and is available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

(b) Merchant Shipping Notice 1868 (M) Amendment 1 can be found at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

Watchkeeping arrangements in port

57.—(1) The master of a ship which is safely moored, or safely at anchor under normal circumstances in port, must arrange for an appropriate and effective watch to be maintained for the purposes of safety.

- (2) The arrangements required by paragraph (1) must be in accordance with—
- (a) section A-VIII/2, Part 5, of the STCW Code (watchkeeping in port); and
 - (b) any requirements specified in Merchant Shipping Notice 1868 (M) Amendment 1.

Watchkeeping arrangements in port for ships carrying hazardous cargo

58.—(1) The master of a ship which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor, must, in addition to any watchkeeping arrangements required under regulation 57 (watchkeeping arrangements in port), in the case of—

- (a) a ship carrying hazardous cargo in bulk, ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer or officers and, where appropriate, ratings; and
- (b) a ship carrying hazardous cargo other than in bulk, ensure that in organising safe watchkeeping arrangements account is taken of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

(2) Such watchkeeping arrangements must take account of the principles and requirements specified in Merchant Shipping Notice 1868 (M) Amendment 1.

(3) In this regulation, “hazardous cargo” means cargo which is or may be explosive, flammable, toxic, health-threatening or polluting to the marine environment.

Exemptions

59.—(1) The Secretary of State may exempt a ship or class of ships from any of the requirements of this Part if satisfied that compliance with such provision is either impracticable or unreasonable.

(2) An exemption under paragraph (1) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(3) An exemption granted under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.

(4) Where an exemption is granted subject to safety requirements under paragraph (2), the exemption ceases to have effect if those requirements are not complied with.

(5) An exemption granted under paragraph (1), or an alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(6) The requirement that an exemption granted under paragraph (1), or an alteration or cancellation under paragraph (3), must be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

PART 5

General

Application

60.—(1) Subject to paragraphs (2), (3) and (4), this Part applies to—

- (a) seagoing ships that are registered in the United Kingdom, wherever they may be;
- (b) other seagoing ships while in United Kingdom waters.

(2) This Part does not apply to—

- (a) ships of war and naval auxiliary ships;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (c) fishing vessels;
- (d) pleasure vessels which are—
 - (i) less than 80 GT; or
 - (ii) under 24 metres in length; or
- (e) wooden ships of primitive build.

(3) Regulation 61 (responsibilities of companies, masters and others) and regulation 63 (equivalents) do not apply to ships that are not registered in the United Kingdom.

(4) Regulation 64 (inspection of ships that are not registered in the United Kingdom) does not apply to ships that are registered in the United Kingdom.

(5) In this Part, “ship” includes hovercraft.

Responsibilities of companies, masters and others

61.—(1) A company must ensure that—

- (a) a seafarer assigned to any of its ships, other than a hovercraft, holds an appropriate certificate in respect of any function that person performs on that ship;
- (b) a seafarer on any of its ships has had training specified in Part 2 (training and certification: ships) or Part 3 (training and certification: hovercraft) in respect of any function that person performs on that ship; and
- (c) documentation and data relevant to a seafarer employed on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

(2) Nothing in paragraph (1) prohibits the allocation of tasks for training under supervision or in case of force majeure.

(3) A company must provide written instructions to the master of each of its ships setting out the policies and the procedures to be followed to ensure that all officers and ratings who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.

(4) The policies and procedures referred to in paragraph (3) include—

- (a) allocation of a reasonable period of time during which each newly employed officer or rating will have an opportunity to become acquainted with—
 - (i) the specific equipment the officer or rating will be using or operating; and
 - (ii) ship-specific watchkeeping, safety, marine environmental protection and emergency procedures and arrangements the officer or rating needs to know to perform the assigned duties properly; and

- (b) designation of a knowledgeable crew member responsible for ensuring that an opportunity is provided to each newly employed officer or rating to receive essential information in a language the officer or rating understands.

(5) A master and a member of a crew designated with an obligation under paragraph (4)(b) must carry out that obligation.

Carriage of documents

62. A company and a master must ensure that there are carried at all times on board a ship all original certificates and other documents issued pursuant to—

- (a) Part 2 (training and certification: ships) and Part 3 (training and certification: hovercraft), in the case of a ship that is registered in the United Kingdom; and
- (b) the STCW Convention, in the case of a ship that is not registered in the United Kingdom,

indicating the qualification of any member of the crew to perform functions which they are required to perform on board a ship in the course of their designated duties.

Equivalents

63.—(1) The Secretary of State may approve alternative training arrangements to those required by these Regulations, including those involving seagoing service and shipboard organisation especially adapted to technical developments and to special types of ships and trades, if the Secretary of State is satisfied that the conditions in paragraph (2) are met.

(2) The conditions are that the level of seagoing service and knowledge and efficiency with regard to the navigational and technical handling of a ship and its cargo result in a degree of safety at sea and preventive effect with regard to pollution which is at least equivalent to the requirements of the STCW Convention.

(3) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Inspection of ships that are not registered in the United Kingdom

64.—(1) An authorised person may inspect any ship that is not a ship registered in the United Kingdom for the purposes of—

- (a) verifying that a seafarer on board the ship who is required to be certificated holds valid STCW certificates; and
- (b) assessing the ability of a seafarer on the ship to maintain the watchkeeping standards required by Part 4 (safe manning and watchkeeping) where there are grounds for believing that such standards are not being maintained because, while in a port in the United Kingdom or in the approaches to that port, any of the following have occurred—
 - (i) the ship has been involved in a collision, grounding or stranding;

- (ii) there has been an unlawful discharge of substances from the ship when underway, at anchor or at a berth;
- (iii) the ship has been manoeuvred in an erratic or unsafe manner, or navigational course markers or traffic separation schemes have not been followed; or
- (iv) the ship has otherwise been operated in such a manner as to pose a danger to persons, property or the marine environment.

(2) If an authorised person finds on inspection any deficiency of a kind specified in paragraph (4), the authorised person must notify in writing—

- (a) the master of the ship; and
- (b) the ship’s flag administration,

that such a deficiency has been found.

(3) If it is not possible to inform the ship’s flag administration in accordance with paragraph (2), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(4) The deficiencies referred to in paragraph (2) are—

- (a) a failure of a seafarer to hold an STCW certificate, or a valid exemption from that requirement;
- (b) a failure to comply with the safe manning document;
- (c) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
- (d) an absence on a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;
- (e) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

(5) In this regulation—

“authorised person” means a person authorised by the Secretary of State for the purposes of these Regulations; and

“STCW Certificate” means a certificate issued and endorsed by the government of the State whose flag the ship is entitled to fly in accordance with the provisions of the STCW Convention entitling the lawful holder to act in the capacity and perform the functions involved—

- (a) at the level of responsibility specified in the certificate;
- (b) on a ship of the type, tonnage or power and means of propulsion on which the seafarer is engaged; and
- (c) while engaged on the particular voyage concerned.

Power to detain

65.—(1) Any ship which does not comply with the requirements of these Regulations may be detained in the United Kingdom.

(2) A ship that is not registered in the United Kingdom may be detained in the United Kingdom where there is—

- (a) a failure to correct a deficiency of a kind specified in regulation 64(4) (deficiencies on inspection of ships not registered in the United Kingdom) after notification to the master pursuant to regulation 64(2) (notification of deficiencies), and there is in consequence a danger to persons, property or the marine environment; or
- (b) a breach of a term of an exemption which has been granted to the ship.

(3) Section 284 of the Act (enforcing detention of ship)(a) applies where a ship is liable to be detained under this regulation as if—

- (a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and
- (b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)(b) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship)(c).

(6) For the purposes of paragraph (5)—

- (a) section 96 of the Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and
- (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(7) Subject to paragraph (8), where a ship other than a ship registered in the United Kingdom is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(8) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

Offences and penalties

66.—(1) A person who contravenes regulation 48(13)(a), (b), (c) or (d) (providing training without approval or holding out as an approved training provider etc.), is guilty of an offence, punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine.

(2) An owner who contravenes regulation 51(3) (duty of owner in relation to type rating training for hovercraft) is guilty of an offence, punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine.

(a) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

(b) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(c) Section 95 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 2.

(3) A company which contravenes regulation 55(2) (requirement for safe manning document), 61(1) or (3) (responsibilities of companies) or 62 (carriage of documents) is guilty of an offence, punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine or, in the case of an individual, by imprisonment not exceeding six months, or both.

(4) A master who contravenes regulation 55(3) (requirement for safe manning document), 56(1) or (2) (watchkeeping arrangements generally and at sea), 57 (watchkeeping arrangements in port), 58 (watchkeeping arrangements in port for ships carrying hazardous cargo), 61(5) (responsibilities of masters) or 62 (carriage of documents) is guilty of an offence, punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine or by imprisonment not exceeding six months, or both.

(5) A member of the crew who contravenes regulation 61(5) (responsibilities of other crew) is guilty of an offence, punishable on summary conviction—

- (a) in England and Wales by a fine; or
- (b) in Scotland or Northern Ireland by a fine not exceeding level 3 on the standard scale.

(6) A chief engineer who contravenes regulation 56(3) (watchkeeping arrangements generally and at sea) is guilty of an offence, punishable on summary conviction—

- (a) in England and Wales by a fine; or
- (b) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum.

(7) It is a defence for a person charged with an offence under these Regulations that the person took all reasonable steps to avoid commission of the offence.

(8) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it is for the person charged to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

Transitional and saving provisions

67.—(1) Any certificate referred to in paragraph (2) issued to a seafarer or any endorsement of a certificate of competency under the 2015 Regulations before the coming into force of these Regulations is to be treated as if issued or endorsed under these Regulations and is valid for such period as is specified in the certificate.

(2) The certificates referred to in paragraph (1) are—

- (a) a certificate of competency;
- (b) a certificate of equivalent competency;
- (c) a certificate of proficiency;
- (d) a marine engine operator's licence issued under regulation 7(2)(b) of the 2015 Regulations; or
- (e) a certificate issued pursuant to regulation 23(4) (seafarers on a high speed craft – type rating training) or regulation 42(4) (hovercraft personnel – type rating training) of the 2015 Regulations.

(3) Any certificate recognised by the Secretary of State under regulation 32 (recognition of a certificate issued by an EEA State) or regulation 33 (recognition of a certificate issued by a third

party State) of the 2015 Regulations, is to be treated as a recognition under regulation 36 (recognition of a certificate issued by an EEA State) or regulation 37 (recognition of a certificate issued by a third party State) of these Regulations.

(4) Any party recognised by the Secretary of State under regulation 33A of the 2015 Regulations (recognition of a party to the STCW Convention on or after IP completion day) is to be treated as a recognition under regulation 38 (recognition of a party to the STCW Convention) of these Regulations.

(5) Any approval of a person given under regulation 41 of the 2015 Regulations (provision and quality of training) is to be treated as an approval given under regulation 48 (approval of training providers) of these Regulations.

(6) Any documentary evidence provided to a person pursuant to regulation 41(2) (provision and quality of training) or 42(3) (training of hovercraft personnel) of the 2015 Regulations is to be treated as documentary evidence provided under regulation 26(3) (seafarers on a high speed craft), regulation 49(2) (issue of documentary evidence by an approved training provider) or regulation 51(4) (hovercraft personnel) of these Regulations.

(7) For the purposes of this regulation, “the 2015 Regulations” means the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015(a).

Review

68.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(b) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the STCW Convention are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

(a) S.I. 2015/782, amended by S.I. 2018/68 and S.I. 2019/630 and revoked by these Regulations.

(b) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16). There is another Act which amends section 28 but it is not relevant.

Signed by authority of the Secretary of State for Transport

19th December 2022

Vere
Parliamentary Under Secretary of State
Department for Transport

We consent to the making of these Regulations

14th December 2022

Steve Double
Nigel Huddleston
Two of the Lords Commissioners of His Majesty's Treasury

SCHEDULE 1

Regulation 2

PART 1

Amendments

Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998

1. The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998^(a) are amended as follows.

2. In the Schedule, in the table—

- (a) omit the entry for the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
 - (ii) in the second column, insert “2022/1342”; and
 - (iii) in the third column, insert “None”.

Merchant Shipping (Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998

3. The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998^(b) are amended as follows.

4. In Schedule 1 (large vessels), in the table—

- (a) omit the entry for the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
 - (ii) in the second column, insert “2022/1342”; and
 - (iii) in the third column, insert “None”.

5. In Schedule 2 (small vessels), in the table—

^(a) S.I. 1998/1609, amended by S.I. 2016/354 and S.I. 2020/673. There are other amending instruments but none is relevant.
^(b) S.I. 1998/2771, amended by S.I. 2016/353, S.I. 2020/673 and S.I. 2021/1316. There are other amending instruments but none is relevant.

- (a) omit the entry for the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
 - (ii) in the second column, insert “2022/1342”; and
 - (iii) in the third column, insert “None”.

Social Security (Contributions) Regulations 2001

6. The Social Security (Contributions) Regulations 2001(a) are amended as follows.

7. In regulation 114 (application to employment in connection with continental shelf etc.)—

- (a) in paragraph (5)(c), for “regulation 46(1)(c) of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015” substitute “regulation 55(2)(c) of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
- (b) in Table 1, in Column (B)—
 - (i) for “regulation 6”, in each place it occurs, substitute “regulation 7”;
 - (ii) for “regulation 14”, substitute “regulation 17”;
 - (iii) for “regulation 15”, substitute “regulation 18”;
- (c) in paragraph (6), for “the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015” substitute “the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”.

Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013

8. The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013(b) are amended as follows.

9. In the Schedule, in the table, for “The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015”, in both places, substitute “The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”.

Merchant Shipping (Fees) Regulations 2018

10. The Merchant Shipping (Fees) Regulations 2018(c) are amended as follows.

11. In Schedule 1 (fees under the Merchant Shipping Act 1995)—

- (a) in Part 1 (surveys, inspections and applications for exemption)—
 - (i) in paragraph 2(1), at the end of paragraph (g), insert—
 - “;
 - (h) an inspection for the purposes of an approval under regulation 48(2), or an extension of an approval under regulation 48(5), of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
 - (ii) in the table in paragraph 5, in Section K (manning and certification), for the entry for “The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015” substitute—

(a) S.I. 2001/1004, amended by S.I. 2014/572 and S.I. 2016/1067. There are other amending instruments but none is relevant.

(b) S.I. 2013/1785, amended by S.I. 2018/667. There are other amending instruments but none is relevant.

(c) S.I. 2018/1104, amended by S.I. 2021/1401. There are other amending instruments but none is relevant.

- (aa) in the first column, “The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
- (bb) in the second column, “2022/1342”;
- (cc) in the third column, “None”;
- (iii) in the table in paragraph 5, in Section L (survey and certification), for the entry for “the Merchant Shipping (Polar Code) (Safety) Regulations 2021”(a), in the third column insert “2022/1342”;
- (b) in Part 2 (certificates and examinations for officers)—
 - (i) in paragraph 1, for sub-paragraph (b), substitute—

“(b) the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
 - (ii) in paragraph 2, in the Table of fees, for items 8 and 9 substitute—

“8	An application for a Certificate of Proficiency, except under regulations 19 and 20 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022	£34
9	A revalidation of a Certificate of Proficiency, except under regulations 19 and 20 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022;	£54”
- (c) in Part 3 (certificates of equivalent competency)—
 - (i) in paragraph 3, for sub-paragraph (b) substitute—

“(b) the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”;
 - (ii) in paragraph 4, in the Table of fees, in item 9, for the words in the second column substitute “A revalidation of a Certificate of Equivalent Competency”;
- (d) in Part 4 (table of miscellaneous qualifications), in the table of fees—
 - (i) for item 1, substitute—

“1	An examination for a licence as marine engine operator or senior marine engine operator under regulation 8 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022;	£215”
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 - (ii) for item 3, substitute—

“3	An application for a certificate of proficiency as an able seafarer deck under regulation 19, or an able seafarer engine under regulation 20 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022;	£34”
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 - (iii) for item 7, substitute—

“7	An application for a Watch Rating Certificate under regulation 17 or 18 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022;	£57”
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- (e) for the heading to Part 6 (safe manning certificates), substitute “Safe Manning Documents”;
- (f) in Part 6—
 - (i) for the unnumbered paragraph, substitute—

“In this Part, references to “safe manning documents” are to the documents referred to in regulation 55 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022.”;
 - (ii) in the Table of fees—

(a) S.I. 2021/1401.

- (aa) for “safe manning certificate”, in each place it occurs, substitute “safe manning document”;
- (bb) in item 2, for “certificate” substitute “safe manning document”.

The Merchant Shipping (Polar Code) (Safety) Regulations 2021

12. The Merchant Shipping (Polar Code) (Safety) Regulations 2021 are amended as follows.

13. In regulation 2 (interpretation), for the definition of “the 2015 Regulations”, substitute—
“the 2022 Regulations” means the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022”.

14. In regulation 9 (approval of training providers)—

- (a) in paragraph (3), for “granted”, substitute “given”;
- (b) for paragraph (4), substitute—

“(4) The Secretary of State may extend an approval given under paragraph (2) in maximum increments of five years if satisfied that—

- (a) the approved training provider continues to meet the requirements in subparagraphs (a) and (b) of paragraph (2); and
- (b) has paid the prescribed fee.”;
- (c) in paragraph (5), before “suspended”, insert “altered,”;
- (d) in paragraph (6), for “a suspension”, substitute “an alteration, suspension”;
- (e) in paragraph (7)—
 - (i) for “a suspension”, substitute “an alteration, suspension”; and
 - (ii) for “approval, extension, suspension or cancellation”, substitute “approval, extension, alteration, suspension or cancellation”.

15. For regulation 10(1) (appeal against refusal, alteration, suspension or cancellation of an approval), substitute—

“Appeal against refusal, alteration, suspension or cancellation of an approval

10.—(1) A person—

- (a) who is refused an approval pursuant to regulation 9 (approval of training providers) or an extension of an approval under that regulation; or
- (b) whose approval under that regulation is subject to an alteration, suspension or cancellation of an approval under regulation 9(5) (alteration, suspension or cancellation of an approval),

may, within 21 days after receiving notice of such decision and before the date specified in the notice, request the Secretary of State to hold an inquiry.”.

16. In regulation 13 (seafarers on a ship operating in polar waters – basic training)—

- (a) in paragraph (6)(a), at the end insert “where that decision has been taken in accordance with the requirements of regulation 36 or 37 of the 2022 Regulations (recognition of certificates issued by other parties to the STCW Convention)”;
- (b) in paragraph (6)(b), for “regulation 33B of the 2015 Regulations” substitute “regulation 40 of the 2022 Regulations”.

17. In regulation 14 (seafarers on a ship operating in polar waters – advanced training)—

- (a) in paragraph (5)(a), at the end insert “where that decision has been taken in accordance with the requirements of regulation 36 or 37 of the 2022 Regulations (recognition of certificates issued by other parties to the STCW Convention)”;

(b) in paragraph (5)(b), for “regulation 33B of the 2015 Regulations” substitute “regulation 40 of the 2022 Regulations”.

PART 2

Revocations

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015	S.I. 2015/782	The whole Regulations
The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018	S.I. 2018/68	Paragraph 5 in Part 1 of the Schedule
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) (EU Exit) Regulations 2019	S.I. 2019/630	The whole Regulations

SCHEDULE 2

Regulation 7

Categories of certificates of competency and criteria for issue

(1) Categories and capacity	(2) STCW Regulation in which the requirements for the issue of a certificate of competency are contained
<hr/>	
Master and deck department	
Officer in charge of a navigational watch on any ship on voyages not limited to near-coastal voyages	Regulation II/1, paragraph 2
Master or chief mate on a ship of 3000 GT or more	Regulation II/2, paragraph 2
Master on a ship of between 500 GT and 2999 GT not engaged on near-coastal voyages	Regulation II/2, paragraph 4
Chief mate on a ship of between 500 GT and 2999 GT	Regulation II/2, paragraph 4
Officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages	Regulation II/3, paragraph 4
Master on a ship of less than 500 GT engaged on near-coastal voyages	Regulation II/3, paragraph 6
Engine department	
Officer in charge of an engineering watch in a manned engine-room, or designated duty engineer officer in a periodically unmanned engine-room, on a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more	Regulation III/1, paragraph 2
Chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kilowatts propulsion power or more	Regulation III/2, paragraph 2
Chief engineer officer and second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kilowatts propulsion power	Regulation III/3, paragraph 2

For the purposes of this Schedule, “near-coastal voyage” means a voyage during which the ship is not more than 150 nautical miles from a safe haven in the United Kingdom, or not more than 30 nautical miles from a safe haven in the Republic of Ireland.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (“the STCW Convention”) that were previously implemented by the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 (S.I. 2015/782) (“the 2015 Regulations”) and implement amendments to the STCW Convention. The 2015 Regulations are revoked and replaced by these Regulations. The amendments to the STCW Convention relate to seafarers on ships subject to the International Code of Safety for Ships Using Gases or Other Low-Flashpoint Fuels (“the IGF Code”) (regulations 15 and 16) and passenger ships (regulation 25) and are contained in IMO Resolutions MSC.396(95), MSC.397(95), MSC.416(97) and MSC.417(97).

The Regulations specify mandatory standards of competence, and training and certification requirements for seafarers on board merchant ships and make provision to ensure the safe manning of ships in UK waters.

Part 2 contains the training and certification requirements for seafarers on seagoing ships registered in the United Kingdom, except for fishing vessels, small pleasure vessels and wooden ships of primitive build.

Regulation 6 provides that no person is qualified for the purposes of section 47 of the Merchant Shipping Act 1995 (c. 21) unless that person meets the standards of competence provided for in Part 2. Section 52 of the Act makes it an offence for an unqualified person to go to sea.

Regulation 7 and Schedule 2 specify the type of certificate that must be held by an officer and refer to the applicable competency requirements.

Regulations 8 to 26, 28 and 29 impose competency and proficiency requirements in relation to seafarers performing specified roles on certain types of ship.

Regulation 27 imposes basic training requirements applying to all seafarers.

Regulation 30 requires minimum training and competency with regard to security in the case of a seafarer on board a ship that makes international voyages.

Regulations 31 to 34 relate to the method of application for, and the form of, a certificate or an endorsement. Regulation 35 describes the circumstances in which an exemption may be granted.

Regulations 36 to 40 concern recognition by the Secretary of State of certificates issued by EEA States and other States that are parties to the STCW Convention.

Regulations 41 to 43 relate to matters of validity of certificates, including revalidation and refresher training.

Regulations 44 to 47 relate to the suspension and cancellation of certificates, appeals and miscellaneous matters relating to certificates.

Regulations 48 to 50 make provision for the approval of providers of training required by the STCW Convention.

Part 3 applies to seafarers on hovercraft registered in the United Kingdom and imposes on owners training and certification requirements for seafarers which are similar to those that apply under Part 2 to owners and managers of high-speed ships.

Part 4 makes provision with regard to the safe manning of ships and watchkeeping and, subject to limited exceptions (fishing vessels, pleasure vessels and vessels in commercial use for sport or pleasure), applies to all seagoing ships registered in the United Kingdom and all other seagoing ships in United Kingdom waters, including hovercraft.

Part 5 makes general provision. Regulation 61 imposes duties on owners and others responsible for the operation of ships registered in the United Kingdom (which includes hovercraft) in relation to the certification and training of the seafarers working on their ships and regulation 62 requires all ships to carry the certificates indicating the applicable qualifications of seafarers on board. Regulation 63 makes provision for equivalence, regulations 64 to 66 make provision for enforcement and regulation 67 contains transitional and saving provisions.

Regulation 68 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before the end of the period of five years beginning with the date on which these Regulations come into force and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Future amendments to provisions of the STCW Convention, the Seafarers' Training, Certification and Watchkeeping Code ("the STCW Code"), the International Convention for the Safety of Life at Sea, 1974 ("SOLAS"), the Radio Regulations annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union, 1992 ("the Radio Regulations"), the International Code of Safety for High Speed Craft 2000 ("the High Speed Craft Code"), the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk ("the IBC Code"), the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk ("the IGC Code"), the IGF Code and the International Ship and Port Facility Code ("the ISPS Code") will be automatically incorporated into these Regulations by way of the ambulatory reference provision in regulation 4.

The STCW Convention, the STCW Code, SOLAS, the Radio Regulations, the High Speed Craft Code, the IBC Code, the IGC Code, the IGF Code and the ISPS Code may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, and all are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or can be found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to the STCW Convention, the STCW Code, SOLAS, the Radio Regulations, the High Speed Craft Code, the IBC Code, the IGC Code, the IGF Code and the ISPS Code which are automatically incorporated into these Regulations, may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). Until such publication is made on the FCDO treaties database, an amendment will be available from the Maritime and Coastguard Agency (MCA) and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Ministerial Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

All Merchant Shipping Notices referred to in these Regulations are available at <https://www.gov.uk/government/collections/merchant-shipping-notices-msns> and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

A full impact assessment has not been produced for this instrument as the Regulations relate to the updating and maintenance of existing regulatory standards and no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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