

Subsidiary Legislation made under s.118.

Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006

LN.2006/023

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Amending enactments	Relevant current provisions	Commencement date
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2014/112	rr. 2, 6(1), 9A-9C, 13(1)-(3), 13A-13B, 14(1)-(2), (e), 15(1)-(4), 16(1)-(5), 17(2), 18(1)-(2), 19(1)-(2), 19A, 20(1)-(2), 21(2), 21A-21C, 26A-26B, 27(1)-(2), (2A), (3), (5A), 38(1)(f)-(g), (8), 39, 42, 43(1), (8)-(9), 44(1)-(2), (2A), 44B, Schs.1-2	4.7.2014
“	r. 44A	4.1.2015 ¹
2018/225	rr. 2, 3(2), 5(3), 9C(5)-(7), 11(4)(a)-(b), (5), (6)(a)-(b), 11A, Sch.1	18.10.2018
2020/373	r. 42(1)-(2)	29.10.2020
2020/386	rr. 2, 3(1)(b)(ii), 6(1)(a), 13A(9), (12)(d), (16)(3)(d), (18)(b), 13B, 21B, 21C(5), 26B(3)(a), (6)(a), 27(5)(b), 28(2), (8)(c)(ii), 29, 30(1)-(5), (6)(a)-(b), (c)(i), (7)(11), 30B-30C, 31(1)-(5), 32(2), 34(1)-(4), (7), (9), 35(3), 42A(9)(b), (10), 44(2A)(f), 44A, Schs.1-2	1.1.2021
2022/139	r. 45	1.6.2022
2023/197	r. 3(1)(a)	20.7.2023

¹ Commencement date corrected by Notice of Corrigenda – LN. 2015/015

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Transposing:

Directive 2001/25/EC
Directive 2003/103/EC
Directive 2005/23/EC
Directive 2005/45/EC
Directive 2008/106/EC

Implementing:

International Convention for Safety of Life at Sea, 1974
International Convention on Standards of Training, Certification and Watchkeeping for
Seafarers, 1978
IMO Resolution MSC.396(95)
IMO Resolution MSC.416(97)
IMO Resolution MSC.417(97)
IMO Resolution A.1070(28)

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In exercise of the powers conferred on it by section 118 of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993, and all other enabling powers and for the purposes of giving effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended from time to time and the STCW Code, the Government has made the following Regulations:

PART 1

Preliminary

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 and comes into operation on a day to be appointed by the Minister for the Port and Shipping by notice in the Gazette.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“able seafarer deck” means a rating qualified in accordance with Chapter II of Schedule 1;

“able seafarer engine” means a rating qualified in accordance with Chapter III of the Schedule;

“Administration” means the Maritime Administrator in the case of Gibraltar, and in other cases the person in the relevant flag State holding equivalent responsibilities;

“Administrative Instructions” means the instructions issued in accordance with regulation 47;

“approved” means approved by the Administration;

“appropriate certificate” means a certificate issued and endorsed in accordance with the provisions of these Regulations, and entitling the lawful holder thereof to serve in a particular capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the type of voyage concerned;

“approved sea-going service” or “sea-service” means the period of service performed on a sea-going ship of at least 100 GT while being on the Articles of Agreement of the ship and the period of such service being duly recorded in the Discharge Book or a book

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containing a record of such sea-service provided the ship was not laid up in any port or harbour for more than 15 days and attendance on ships in the final stage of construction, conversion, repair or survey to an extent of 60 days may be counted if the seafarer concerned eventually sails on the same ship;

“ARPA” means an Automated Radar Plotting Aid;

“Assistant engineer officer” includes a cadet training to qualify as an engineer officer;

“basic training” means the training courses specified in regulation 8;

“BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;

“cadet” means a person under training in order to qualify as a deck or engineer officer;

“certificate of competency” means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with Chapters II, III, IV or VII of the Schedule, and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

“certificate of proficiency” means a certificate, other than a certificate of competency, issued to a seafarer stating that the relevant requirements of training, competencies or sea-going service in these Regulations have been met;

“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 International Bulk Chemical Code in its up-to-date version as in force at the time of reference;

“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 ships;

“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 the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation

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of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the ISM Code;

“deck officer” means an officer qualified in accordance with the provisions of Regulation II of the STCW Convention;

“Document of Compliance (DOC)” means a document issued to a company that complies with the requirements of the ISM Code;

“documentary evidence” means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements in these Regulations have been met;

“ECDIS” means the Electronic Chart Display and Information System;

“electro-technical officer” means an officer qualified in accordance with Chapter III of the Schedule;

“electro-technical rating” means a rating qualified in accordance with Chapter III of the Schedule;

“endorsement” means a valid document issued by the Administration in accordance with regulation 28;

“Engineer officer” means an officer qualified in accordance with the provision of Regulation III of the STCW Convention;

“function” means a group of tasks, duties and responsibilities necessary for ship operation, safety of life at sea and protection of the marine environment as specified in the STCW Code which include–

- (a) navigation,
- (b) cargo handling and stowage,
- (c) controlling the operation of the ship and care for persons on board,
- (d) marine engineering,
- (e) electrical, electronic and control engineering,

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(f) maintenance and repair, and

(g) radio communication;

“Gibraltar ship” means a ship registered in accordance with the provisions of the Gibraltar Merchant Shipping (Registration) Act, 1993;

“GMDSS” means the Global Maritime Distress and Safety System;

“GMDSS radio operator” means a person qualified in accordance with Chapter IV of the Schedule;

“IGF Code” means the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels, as defined in SOLAS Regulation II-1/2.29;

“IMO” means the International Maritime Organisation;

“Instructions” means—

(a) Administrative Instructions made and issued pursuant to section 3(5) of the Act; and

(b) the Administrative Instructions made and issued by the Maritime Administrator, from time to time, pursuant to regulation 47;

“international voyage” means any voyage which is not a near-coastal voyage;

“ISM Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by Resolution A.741(18) as amended by Resolution MSC. 104/73 in its up-to date version as in force at the time of reference;

“ISPS Code” means the International Ship and Port Facility Security Code adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the SOLAS Convention, in its up-to-date version;

“level” with reference to STCW endorsements means the level of responsibility as defined in the STCW Code which includes—

(a) management level for the capacity of Master, Chief Engineer officer, Chief mate and Second engineer officer;

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- (b) operational level for the capacity of watchkeeping officers (navigational and engineering) other than those in management level; and
- (c) support level for ratings forming part of a watch (navigational and engineering);

“liquefied-gas tanker” means a ship constructed or adopted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code, in its up-to-date version as in force at the time of reference ;

“master” means the person having command of a ship;

“near-coastal voyages” means voyages during which the ship shall not proceed more than 600 miles from Gibraltar and shall always remain within 200 miles of a safe haven;

“officer” means a member of the crew, other than the master, designated as follows–

- (a) Chief mate;
- (b) Chief engineer officer;
- (c) Second engineer officer;
- (d) Officer in charge of a navigational watch;
- (e) Officer in charge of an engineering watch; and
- (f) radio operator;

“officer in charge of an engineering watch” means an Engineer officer who, for the time being, is in charge of an engineering watch;

“officer in charge of a navigational watch” means a Deck officer who, for the time being, is in charge of a navigational watch;

“oil tanker” means a ship constructed and used for the carriage of petroleum or petroleum products in bulk;

“party State” means a State which is a party to the STCW Convention and which has brought the STCW Convention into force;

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“passenger ship” means a ship as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention), as amended;

“Polar Code” means the International Code for Ships Operating in Polar Waters, as defined in SOLAS Regulation XIV/1.1;

“Polar Waters” means Arctic waters or the Antarctic area or both, as defined in SOLAS Regulations XIV/1.2 to XIV/1.4;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all of a ship’s main propulsion machinery as given in the certificate of registry or other official document;

“Radio operator” means a person who holds an appropriate certificate issued or recognised by the Administration under the provisions of the Radio Regulations;

“radio duties” include, as appropriate, watch-keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for Safety of Life at Sea (1974), (SOLAS Convention) as amended by the Protocol of 1988, in its up-to-date version as in force at the time of reference and any recommendation of the IMO that the Administration considers relevant;

“Radio Regulations” means the radio regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention, as amended;

“rating” means a member of the ship’s crew other than the master, an officer or a cadet;

“recognition” means the acceptance by the Administration of a certificate or appropriate certificate issued by any party State;

“recognition of endorsement” means any recognition of endorsement issued under regulation 30 or 30B in accordance with the form set out in section A-I/2, paragraph 3 of the STCW Code;

“ro-ro passenger ship” means a passenger ship with ro-ro cargo spaces or special category spaces as defined in the SOLAS Convention;

“safe manning document” means a document referred to in regulation 4;

“seafarer” means a person who is trained and who is certificated by the Administration in accordance with the requirements laid down by Part 3 of these Regulations;

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

“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 falls in the event of the incapacity of the Chief engineer officer;

“security duties” include all security tasks and duties on board ships as defined by Chapter XI/2 of the SOLAS Convention, as amended, and by the ISPS Code;”;

“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;

“SMC” means the safety management certificate issued to a ship which signifies that the company and its shipboard management operates in accordance with the approved Safety Management System;

“SOLAS Convention” means the International Convention for Safety of Life at Sea, 1974, and including its Protocols of 1978 and 1988, in its up-to date version as in force at the time of reference;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2, in its up-to-date version;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watch keeping for Seafarers’, 1978 as it applies to the matters concerned taking into account the transitional provisions of Article VII and Regulation I/15 of the Convention and including, where appropriate, the applicable provisions of the STCW Code, all being applied in the up-to-date version as in force at the time of reference;

“third party State” means a State which is–

- (a) a party State immediately before exit day; and
- (b) not an EEA State;

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“UK–MCA” means the Maritime and Coastguard Agency of the United Kingdom.

Application and administration of these Regulations.

3.(1) These Regulations apply to–

- (a) ships registered in Gibraltar, with the exception of pleasure yachts not engaged in trade; and
- (b) any other ships when in Gibraltar waters with the exception of–
 - (i) war ships, naval auxiliaries;
 - (ii) a ship which is owned or operated by a party State;
 - (iii) fishing vessels;
 - (iv) pleasure yachts not engaged in trade; and
 - (v) wooden ships of primitive build.

(2) The STCW Convention, the STCW Code, the IGF Code and the Polar Code shall have effect in Gibraltar.

(3) The Maritime Administrator shall be responsible for the administration of these Regulations.

PART 2

Manning and training

Requirement for safe manning document.

4.(1) Every Gibraltar ship engaged in international voyages shall be required to be in possession of a safe manning document issued by the Administration in compliance with Regulation 14 of Chapter V of the SOLAS Convention.

(2) No ship shall be allowed to proceed to sea unless it–

- (a) has a safe manning document referred to in subregulation (1); and

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- (b) is manned in accordance with such document at least at the minimum acceptable manning standard.

(3) The master of any ship to which this regulation applies shall 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.

Procedure for safe manning document.

5.(1) Every company managing a Gibraltar ship and engaged in international voyages shall apply to the Maritime Administrator, in such form as may be prescribed by Administrative Instructions issued by the Maritime Administrator, for issue of a safe manning document.

(2) In an application for a safe manning document the company shall, in particular, provide detailed particulars of the ship, nature of trade, area of operation, and the minimum scale of manning with which the company wants to operate the ship.

(3) The Maritime Administrator shall consider each application under sub-regulation (1) in the light of IMO Resolution A-1047(27) adopted on 30 November 2011.

(4) Where the Maritime Administrator is satisfied that the manning suggested by the company meets the requirements for safe operation and protection of the marine environment, he shall issue a safe manning document for the ship in such form as may be prescribed by any Administrative Instructions.

(5) Notwithstanding anything contained in this regulation, the company may employ additional seafarers above the minimum standards specified in the safe manning document if the following conditions are satisfied—

- (a) appropriate accommodation is available for the additional seafarers;
- (b) sufficient life-saving appliances are available for the additional seafarers; and
- (c) safety familiarisation training is given to them.

Requirement for training.

6.(1) Every company managing a Gibraltar ship shall ensure that seafarers serving on the ship—

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- (a) are trained as a minimum in accordance with the requirements of the STCW Convention, as laid down in this Part and in the Schedule;
- (b) have received familiarization training set out in regulation 7 and basic training set out in regulation 8; and
- (c) meet the appropriate standards of competence specified in Section A-VI/1 of the STCW Code.

(2) This regulation shall apply to certificates issued to crew members in accordance with Regulation III/10.04 of the SOLAS Convention.

Familiarisation training.

7.(1) Every person employed or engaged on a seagoing ship, other than passengers, shall, before being assigned to shipboard duties, receive approved familiarisation training required by Section A-VI/1, paragraph 1, of the STCW Code.

(2) Every company managing a Gibraltar ship shall submit to the Administration and obtain its approval for its plan and arrangements for providing familiarisation training.

(3) The company shall ensure that documentary evidence is maintained on the ship that familiarisation training has been provided to all persons other than passengers.

Basic training.

8.(1) Every seafarer employed or engaged in any capacity on board a ship on the business of that ship as part of the ship's complement with designated safety or pollution-prevention duties and on duties in the operation of the ship shall, before being assigned to any shipboard duties receive appropriate approved basic training or instruction required by Section A-VI/2, paragraph 2, of the STCW Code.

(2) A seafarer may hold a separate certificate relating to each component of the training or may exchange them for a single "Certificate of basic training" to be issued by the Administration with specific reference to all of the four components of the approved training referred to in subregulation (1).

Mandatory training and qualification for masters, officers and ratings on tankers.

9.(1) No officer or rating shall be assigned any specific duties and responsibilities relating to cargo or cargo equipment on tankers unless he has completed—

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- (a) an approved shore-based fire-fighting course in addition to the training required by Regulation VI/1; and
 - (b) at least three months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or
 - (c) an approved tanker-familiarisation course covering at least the syllabus given for that course referred to in section A-V/1 of the STCW Code.
- (2) Notwithstanding subregulation (1), the Administration may accept a period of supervised seagoing service shorter than that prescribed by subregulation (1)(b) if—
- (a) the period so accepted is not less than one month;
 - (b) the tanker is of less than 3000 gross tonnage;
 - (c) the duration of each voyage on which the tanker is engaged during the period does not exceed 72 hours; and
 - (d) the operational characteristics of the tanker and the number of voyages and loading and discharging operations completed during the period allow the same level of knowledge and experience to be acquired.
- (3) Masters, Chief engineer officers, Chief mates, Second engineer officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo shall, in addition to meeting the requirements of subregulation (1)(b) or (c) have—
- (a) experience appropriate to their duties on the type of tanker on which they serve; and
 - (b) completed an approved specialised training programme which at least covers the subjects set out in section A-V/1 of the STCW Code that are appropriate to their duties on the oil tanker, chemical tanker or liquefied gas tanker on which they serve.

Mandatory minimum requirements for the training and qualifications of masters, officers and ratings on oil and chemical tankers.

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9A.(1) No officer or rating shall be assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tankers unless he holds a certificate in basic training for oil and chemical tanker cargo operations.

(2) Every candidate for a certificate in basic training for oil and chemical tanker cargo operations shall have completed basic training in accordance with provisions of Section A-VI/1 of the STCW Code and shall have completed—

- (a) at least three months of approved seagoing service on oil or chemical tankers and meet the standard of competence specified in Section A-V/1-1, paragraph 1 of the STCW Code; or
- (b) an approved basic training for oil and chemical tanker cargo operations and meet the standard of competence specified in Section A-V/1-1, paragraph 1 of the STCW Code.

(3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on oil tankers shall hold a certificate in advanced training for oil tanker cargo operations.

(4) Every candidate for a certificate in advanced training for oil tanker cargo operations shall—

- (a) meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
- (b) while qualified for certification in basic training for oil and chemical tanker cargo operations have—
 - (i) at least three months of approved seagoing service on oil tankers; or
 - (ii) at least one month of approved onboard training on oil tankers in a supernumerary capacity which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in Section B-V/1 of the STCW Code; and
 - (iii) has completed approved advanced training for oil tanker cargo operations and meet the standard of competence specified in Section A-V/1-1, paragraph 2 of the STCW Code.

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(5) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers shall hold a certificate in advanced training for chemical tanker cargo operations.

(6) Every candidate for a certificate in advanced training for chemical tanker cargo operations shall—

- (a) meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
- (b) while qualified for certification in basic training for oil and chemical tanker cargo operations have—
 - (i) at least three months of approved seagoing service on chemical tankers; or
 - (ii) at least one month of approved onboard training on chemical tankers in a supernumerary capacity which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in Section B-V/1 of the STCW Code; and
 - (iii) have completed approved advanced training for chemical tanker cargo operations and meet the standard of competence specified in Section A-V/1-1, paragraph 3 of the STCW Code.

(7) The Administration shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with subregulation (2), (4) or (6) as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

Mandatory minimum requirements for the training and qualifications of masters, officers and ratings on liquefied gas tankers.

9B.(1) No officer or rating shall be assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers unless he holds a certificate in basic training for liquefied gas tanker cargo operations.

(2) Every candidate for a certificate in basic training for liquefied gas tanker cargo operations shall have completed basic training in accordance with provisions of Section A-VI/1 of the STCW Code and shall have completed—

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- (a) at least three months of approved seagoing service on liquefied gas tankers and meet the standard of competence specified in Section A-V/1-2, paragraph 1 of the STCW Code; or
 - (b) an approved basic training for liquefied gas tanker cargo operations and meet the standard of competence specified in Section A-V/1-2, paragraph 1 of the STCW Code.
- (3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on liquefied gas tankers shall hold a certificate in advanced training for liquefied gas tanker cargo operations.
- (4) Every candidate for a certificate in advanced training for liquefied gas tanker cargo operations shall—
- (a) meet the requirements for certification in basic training for liquefied gas tanker cargo operations; and
 - (b) while qualified for certification in basic training for liquefied gas tanker cargo operations have—
 - (i) at least three months of approved seagoing service on liquefied gas tankers; or
 - (ii) at least one month of approved onboard training on liquefied gas tankers in a supernumerary capacity which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in Section B-V/1 of the STCW Code; and
 - (iii) have completed approved advanced training for liquefied gas tanker cargo operations and meet the standard of competence specified in Section A-V/1-2, paragraph 2 of the STCW Code.
- (5) The Administration shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with subregulation (2) or (4) as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

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Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships engaged on international voyage.

9C.(1) This regulation applies to masters, officers, ratings and other personnel serving on board passenger ships engaged on international voyages.

(2) Prior to being assigned shipboard duties on board passenger ships, seafarers shall have completed the training required by subregulations (4) to (7) below in accordance with their capacities, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with subregulations (4), (6) and (7) shall at intervals not exceeding five years undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on board passenger ships shall have completed training in crowd management as specified in Section A-V/2, paragraph 1, of the STCW Code.

(5) Personnel providing direct service to passengers in passenger spaces on board passenger ships shall have completed the safety training specified in Section A-V/2, paragraph 3, of the STCW Code.

(6) Masters, chief engineer officers, chief mates, second engineer officers and any person designated on muster lists of having responsibility for the safety of passengers in emergency situations on board passenger ships shall have completed approved training in crisis management and human behaviour as specified in Section A-V/2, paragraph 4 of the STCW Code.

(7) Masters, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in Section A-V/2, paragraph 5, of the STCW Code.

(8) The Administration shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified under the provisions of this regulation.

Mandatory training and qualification for masters, officers, ratings and other personnel on passenger ships other than ro-ro passenger ships.

10.(1) This regulation applies to—

- (a) masters, officers, ratings and other personnel serving on board passenger ships, other than ro-ro passenger ships, engaged on international voyages; and
- (b) personnel serving on passenger ships engaged on domestic voyages.

(2) No seafarer shall be assigned shipboard duties on board passenger ships, unless that seafarer has completed the training required by subregulations (4) to (8) in accordance with his capacities, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with subregulation (4), (7) and (8) shall, at intervals not exceeding five years—

- (a) undertake appropriate refresher training; or
- (b) provide evidence of having achieved the required standard of competence within the previous five years.

(4) No person shall be designated on muster lists to assist passengers in emergency situations on board passenger ships unless that person has completed training in crowd management as specified in Section A-V/3, paragraph 1, of the STCW Code.

(5) Masters, officers and other personnel assigned specific duties and responsibilities on board passenger ships shall have completed the familiarisation training specified in section A-V/3, paragraph 2, of the STCW Code.

(6) No person shall be allowed to provide direct services to passengers on board passenger ships in passenger spaces unless that person has completed the safety training specified in Section A-V/3, paragraph 3, of the STCW Code.

(7) Masters, Chief mates and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed approved training in passenger safety as specified in Section A-V/3, paragraph 4, of the STCW Code.

(8) Masters, Chief mates, Chief engineer officers, Second engineer officers and any person having responsibility for the safety of passengers in emergency situations on board passenger ships shall have completed approved training in crisis management and human behaviour as specified in Section A-V/3, paragraph 5, of the STCW Code.

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(9) The Administration shall ensure that documentary evidence of the training which has been completed is issued for every person found qualified under the provisions of this regulation.

Mandatory training and qualification for masters, officers, ratings and other personnel on ro-ro passenger ships.

11.(1) This regulation applies to—

- (a) masters, officers, ratings and other personnel serving on board ro-ro passenger ships engaged on international voyages; and
- (b) personnel serving on ro-ro passenger ships engaged on domestic voyages.

(2) No seafarer shall be assigned shipboard duties on board ro-ro passenger ships, unless that seafarer has completed the training required by subregulations (4) to (6) in accordance with his capacities, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with subregulation (4)(a) and (6) shall, at intervals not exceeding five years—

- (a) undertake appropriate refresher training; or
- (b) provide evidence of having achieved the required standard of competence within the previous five years.

(4) Masters, officers and other personnel—

- (a) designated on muster lists to assist passengers in emergency situations on board ro-ro passenger ships shall have completed training in crowd management as specified in section A-V/2, paragraph 3, of the STCW Code; and
- (b) assigned specific duties and responsibilities on board ro-ro passenger ships shall have completed the familiarisation training specified in section A-V/2, paragraph 1, of the STCW Code.

(5) No person shall be allowed to provide direct service to passengers in passenger spaces on board ro-ro passenger ships unless that person has completed the safety training specified in section A-V/2, paragraph 2, of the STCW Code.

(6) Masters, Chief mates, Chief engineer officers, Second engineer officers and—

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- (a) every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 5, of the STCW Code; and
- (b) any person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 4, of the STCW Code.

(7) The Administration shall ensure that documentary evidence of the training which has been completed is issued for every person found qualified under the provisions of this regulation.

Mandatory minimum requirements for the training and qualifications of masters and deck officers on ships operating in polar waters.

11A.(1) Every candidate for certification in basic training for ships operating in polar waters shall be required to-

- (a) demonstrate the competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-V/4-1; and
- (b) provide evidence of having achieved-
 - (i) the minimum knowledge, understanding and proficiency listed in column 2 of table A-V/4-1; and
 - (ii) the required standard of competence in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-V/4-1.

(2) Every candidate for certification in advanced training for ships operating in polar waters shall be required to-

- (a) demonstrate the competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-V/4-2; and
- (b) provide evidence of having achieved-

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- (i) the minimum knowledge, understanding and proficiency listed in column 2 of table A-V/4-2; and
- (ii) the required standard of competence in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-V/4-2.

Mandatory training for seafarers in advanced fire-fighting.

12. No seafarer shall be designated or allowed to control fire-fighting operations unless that seafarer has—

- (a) completed advanced training in techniques for fighting fire with particular emphasis on organisation, tactics and command and in accordance with the provisions of Section A-VI/3 of the STCW Code and met the standard of competence specified therein; and
- (b) met the standard of competence to undertake the tasks, duties and responsibilities listed in column 1 of table A-VI-3 of the STCW Code.

Requirement of language proficiency for seafarers.

12A. The company and the master of a Gibraltar ship shall ensure that seafarers employed or engaged in any voyage possess adequate proficiency in English language as defined in Sections A-II/I, A-III/I, A-IV/2 and A-II/4 of the STCW Code so as to enable them to perform their specific duties on the ship.

PART 3

Certification for seafarers

Requirement for certificates for seafarers.

13.(1) Every company shall ensure that each seafarer serving on the ship holds a certificate of competency, certificate of proficiency and documentary evidence as defined in regulation 2.

(2) No company shall permit a person to perform any function or group of functions specified in Tables A-II/1, A-II/2, A-II/3 or A-II/4 of Chapter II or in Tables A-III/1, A-III/2 or A-III/4 of Chapter III or Table A-IV/2 of Chapter IV of the STCW Code unless that person holds a certificate of competency, certificate of proficiency and documentary evidence as defined in regulation 2.

(3) *Deleted*

Certificates of competency, certificates of proficiency and endorsements.

13A.(1) The Administration shall ensure that certificates of competency and certificates of proficiency are issued only to candidates who comply with the requirements of this regulation.

(2) Certificates for masters, officers and radio operators shall be endorsed by the Administration as prescribed in this regulation.

(3) Certificates of competency and certificates of proficiency shall be issued in accordance with Regulation I/2, paragraph 3 of the Annex to the STCW Convention.

(4) Certificates of competency shall be issued only by the Administration following verification of the authenticity and validity of any necessary documentary evidence and in accordance with the provisions of this regulation.

(5) In respect of radio operators, the Administration may—

(a) include the additional knowledge required by the relevant regulations in the examination for the issue of a certificate complying with the Radio Regulations; or

(b) issue a separate certificate indicating that the holder has the additional knowledge required by the relevant regulations.

(6) At the discretion of the Administration endorsements may be incorporated in the format of the certificates being issued as provided for in section A-I/2 of the STCW Code and if so incorporated the form used shall be that set out in section A-I/2, paragraph 1 of the STCW Code.

(7) If endorsements are issued otherwise than as subregulation (6), the form of endorsements used shall be that set out in paragraph 2 of section A-I/2 of the STCW Code.

(8) Endorsements shall be issued in accordance with Article VI, paragraph 2, of the STCW Convention.

(9) Endorsements attesting the issue of a certificate of competency and endorsements attesting a certificate of proficiency issued to masters and officers in accordance with the Regulations V/1-1 and V/1-2 of the Annex to the STCW Convention shall be issued only if all the requirements of the STCW Convention and these Regulations have been complied with.

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(10) If the Administration recognises a certificate of competency, or a certificate of proficiency, issued to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the Annex to the STCW Convention under the procedure laid down in regulation 30(2) it shall endorse that certificate to attest its recognition only after ensuring the authenticity and validity of the certificate.

(11) The form of the endorsement under subregulation (10) used shall be that set out in paragraph 3 of Section A-I/2 of the STCW Code.

(12) The endorsements referred to in subregulations (6) to (11)–

- (a) may be issued as separate documents;
- (b) shall be issued by the Administration only;
- (c) shall each be assigned a unique number, except for endorsements attesting the issue of a certificate of competency, which may be assigned the same number as the certificate of competency concerned, provided that that number is unique; and
- (d) shall each expire as soon as the endorsed certificate of competency or certificate of proficiency issued to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the Annex to the STCW Convention expires or is withdrawn, suspended or cancelled by the Administration or party State which issued it and, in any case, within five years of their date of issue.

(13) The capacity in which the holder of a certificate is authorised to serve shall be identified in the form of endorsement in terms identical to those used in the applicable safe-manning requirements of the Administration.

(14) The Administration may use a format different from the format laid down in section A-I/2 of the STCW Code, provided that, as a minimum, the required information is provided in Roman characters and Arabic figures, taking account of the variations permitted under section A-I/2.

(15) Subject to Article 19(7) any certificate required by these Regulations shall be kept available in its original form on board the ship on which the holder is serving.

(16) Candidates for certification shall provide satisfactory proof–

- (a) of their identity;

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- (b) that their age is not less than that prescribed in the Regulations listed in the Schedule relevant to the certificate of competency or certificate of proficiency applied for;
 - (c) that they meet the standards of medical fitness, specified in Section A-I/9 of the STCW Code;
 - (d) that they have completed the seagoing service and any related compulsory training prescribed in the Regulations listed in the Schedule for the certificate of competency or certificate of proficiency applied for; and
 - (e) that they meet the standards of competence prescribed in the Regulations listed in Schedule for the capacities, functions and levels that are to be identified in the endorsement of the certificate of competency.
- (17) Subregulation (16) shall not apply to recognition of endorsements under Regulation I/10 of the STCW Convention.
- (18) The Administration shall undertake—
- (a) to maintain a register or registers of all certificates of competency and certificates of proficiency and endorsements for masters and officers and, where applicable, ratings which are issued, have expired or have been revalidated, suspended, cancelled or reported as lost or destroyed, as well as of dispensations issued;
 - (b) to make available information on the status of certificates of competency, endorsements and dispensations to other party States and companies which request verification of the authenticity and validity of certificates of competency and certificates issued to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I produced to them by seafarers seeking recognition, under Regulation I/10 of the STCW Convention, or employment on board ship.
- (19) As of 1 January 2017, the information required to be available in accordance with subregulation (18)(b) shall be made available by electronic means.

13B. *Deleted*

Certificates for officers in charge of a navigational watch on ships of 500 gross tonnage or more.

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14.(1) Every officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold a certificate of competency.

(2) A person shall be eligible for a certificate of competency as required by subregulation (1) if that person—

- (a) is not less than 18 years of age;
- (b) has had approved seagoing service of not less than one year as part of an approved training programme which includes on-board training that meets the requirements of section A-II/1 of the STCW Code and is documented in an approved training record book, or otherwise has had approved seagoing service of not less than three years;
- (c) has performed, during the required seagoing service, bridge watchkeeping duties under the supervision of the master or a qualified officer for a period of not less than six months;
- (d) meets the applicable requirements of the Regulations in Chapter IV of the STCW Convention, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
- (e) has completed approved education and training and meets the standard of competence specified in section A-II/1 of the STCW Code;
- (f) meets the standard of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2 paragraphs 1 to 4, Section A-VI/3 paragraphs 1 to 4 and Section A-VI/4 paragraphs 1 to 3 of the STCW Code.

Certificates for masters and Chief mates on ships of 500 gross tonnage or more.

15.(1) Every master and Chief mate on a seagoing ship of 3,000 gross tonnage or more shall hold a certificate of competency.

(2) A person shall be eligible for a certificate of competency as required by subregulation (1) if that person—

- (a) meets the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more as specified in regulation 14;
- (b) has had approved seagoing service in that capacity—

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- (i) for certification as Chief mate, not less than 12 months; and
 - (ii) for certification as master, not less than 36 months (but this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as Chief mate); and
 - (c) has completed approved education and training and meets the standard of competence specified in section A-II/2 of the STCW Code for masters and Chief mates on ships of 3000 gross tonnage or more.
- (3) Every master and Chief mate on a seagoing ship of between 500 and 3000 gross tonnage shall hold a certificate of competency.
- (4) A person shall be eligible for a certificate of competency as required by subregulation (3) if that person—
- (a) for certification as Chief mate, meets the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more as specified in regulation 14;
 - (b) for certification as master, meets the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more as specified in regulation 14 and has had approved seagoing service of not less than 36 months in that capacity (but this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as Chief mate); and
 - (c) has completed approved training and meets the standard of competence specified in section A-II/2 of the STCW Code for masters and Chief mates on ships of between 500 and 3000 gross tonnage.

Certificates for officers in charge of a navigational watch and of masters on ships of less than 500 gross tonnage.

16.(1) Every officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a certificate of competency for ships of 500 gross tonnage or more.

(2) Every master serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a certificate of competency for service as master on ships of

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between 500 and 3000 gross tonnage.

(3) Every officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold a certificate of competency.

(4) A person shall be eligible for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage as required by subregulation (3) if that person—

- (a) is not less than 18 years of age;
- (b) has completed—
 - (i) special training, including an adequate period of appropriate seagoing service as required by the Administration, or
 - (ii) approved seagoing service in the deck department of not less than three years;
- (c) meets the applicable requirements of the regulations in Chapter IV of the STCW Convention, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
- (d) has completed approved education and training and meets the standard of competence specified in section A-II/3 of the STCW Code for officers in charge of a navigational watch on ships of less than 500 gross tonnage engaged on near-coastal voyages;
- (e) meets the standard of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2 paragraphs 1 to 4, Section A-VI/3 paragraphs 1 to 4 and Section A-VI/4 paragraphs 1 to 3 of the STCW Code.

(5) Every master serving on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold a certificate of competency.

(6) A person shall be eligible for certification as master on a seagoing ship of less than 500 gross tonnage as required by subregulation (5) if that person—

- (a) is not less than 20 years of age;
- (b) has had approved seagoing service of not less than 12 months as officer in charge of a navigational watch; and

- (c) has completed approved education and training and meets the standard of competence specified in section A-II/3 of the STCW Code for masters on ships of less than 500 gross tonnage engaged on near-coastal voyages.

(7) Where it appears to the Administration that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of this regulation and Section A-II/3 of the STCW Code unreasonable or impracticable, it may to that extent exempt the master and the officer in charge of a navigational watch on such a ship or class of ships from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

Certificates for ratings forming part of a navigational watch.

17.(1) No rating shall be allowed to form part of a navigational watch on a seagoing ship of 500 gross tonnage or more (other than ratings under training and ratings whose duties while on watch are of an unskilled nature) unless that rating is duly certificated to perform such duties.

(2) A person shall be eligible for a certificate of competency as a rating to perform duties as required by subregulation (1) if that person—

- (a) is not less than 16 years of age;
- (b) has completed—
 - (i) approved seagoing service including not less than six months training and experience, or
 - (ii) special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and
- (c) meets the standard of competence specified in section A-II/4 of the STCW Code.

(3) The seagoing service, training and experience required by subregulation (2)(b) shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating.

Certificates for Chief engineer officers and Second engineer officers on ships powered by main propulsion machinery of 3000 kW propulsion power or more.

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18.(1) Every Chief engineer officer and Second engineer officer on a seagoing ship powered by main propulsion machinery of 3000 kW propulsion power or more shall hold a certificate of competency.

(2) A person shall be eligible for a certificate of competency as required by subregulation (1) if that person—

- (a) meets the requirements for certification as an officer in charge of an engineering watch as specified in regulation 20 and—
 - (i) for certification as a Second engineer officer, has had not less than 12 months approved seagoing service as Assistant engineer officer or Engineer officer; and
 - (ii) for certification as Chief engineer officer, has had not less than 36 months approved seagoing service of which not less than 12 months shall have been served as an engineer officer in a position of responsibility while qualified to serve as Second engineer officer; and
- (b) has completed approved education and training and meets the standard of competence specified in section A-III/2 of the STCW Code.

Certificates for Chief engineer officers and Second engineer officers on ships powered by main propulsion machinery of between 750 kW and 3000 kW propulsion power.

19.(1) Every Chief engineer officer and Second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 and 3000 kW propulsion power shall hold a certificate of competency.

(2) A person shall be eligible for a certificate of competency as required by subregulation (1) if that person—

- (a) meets the requirements for certification as an officer in charge of an engineering watch as specified in regulation 20 and—
 - (i) for certification as Second engineer officer, has had not less than 12 months approved seagoing service as Assistant engineer officer or Engineer officer; and

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(ii) for certification as Chief engineer officer, has had not less than 24 months approved seagoing service of which not less than 12 months shall have been served while qualified to serve as Second engineer officer; and

(b) has completed approved education and training and meets the standard of competence specified in section A-III/3 of the STCW Code.

(3) The company may employ an Engineer officer who is qualified to serve as Second engineer officer on ships powered by main propulsion machinery of 3000 kW propulsion power or more, to serve as Chief engineer officer on ships powered by main propulsion machinery of less than 3000 kW propulsion power, if, not less than 12 months approved seagoing service shall have been served as an Engineer officer in a position of responsibility and the certificate is so endorsed.

Certificates for ratings as able seafarer deck.

19A.(1) Every able seafarer deck serving on a seagoing ship of 500 gross tonnage or more shall be duly certificated.

(2) A person shall be eligible for a certificate as required by subregulation (1) if that person—

(a) is not less than 18 years of age;

(b) meets the requirements for certification as a rating forming part of a navigational watch;

(c) while qualified to serve as a rating forming part of a navigational watch, have approved seagoing service in the deck department of—

(i) not less than 18 months; or

(ii) not less than 12 months and have completed approved training; and

(d) meets the standard of competence specified in Section A-II/5 of the STCW Code.

(3) The administration shall—

(a) compare the standards of competence which it required of Able Seamen for certificates issued before 1 January 2012 with those specified for the certificate in Section A-II/5 of the STCW Code; and

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- (b) determine the need, if any, for requiring these personnel to update their qualifications.

(4) Until 1 January 2017, in the event of extension of the International Labour Organisation Certification of Able Seamen Convention, 1946 (No 74) to Gibraltar, the Administration may continue to renew and revalidate certificates and endorsements in accordance with the provisions of that Convention.

(5) The Administration may consider the seafarers to have met the requirements of this regulation if they have served in a relevant capacity in the deck department for a period of not less than 12 months within the last 60 months preceding the coming into operation of this regulation.

Certificates for officers in charge of an engineering watch in a manned engine-room or designated duty engineers in a periodically unmanned engine-room.

20.(1) Every 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 seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall hold a certificate of competency.

(2) A person shall be eligible for a certificate of competency required by subregulation (1) if that person—

- (a) is not less than 18 years of age;
- (b) has completed combined workshop skill training and an approved seagoing service of not less than 12 months as part of an approved training programme which includes on board training which meets the requirements of Section A-III/1 of the STCW Code and is documented in an approved training record book, or otherwise has completed combined workshop skill training and an approved seagoing service of not less than 36 months of which not less than 30 months will be seagoing service in the engine department;
- (c) has performed, during the required seagoing service, engine-room watchkeeping duties under the supervision of the chief engineer officer or a qualified engineer officer for a period of not less than six months;
- (d) has completed approved education and training and meet the standards of competence specified in Section A-III/1 of the STCW Code; and

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- (e) meets the standards of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2, paragraphs 1 to 4, Section A-VI/3, paragraphs 1 to 4 and Section A-VI/4, paragraphs 1 to 3 of the STCW Code.

Certificates for ratings forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room.

21.(1) Every rating—

- (a) forming part of an engine-room watch; or
- (b) designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more (other than ratings under training and ratings whose duties are of an unskilled nature)

shall be duly certificated to perform such duties.

(2) A person shall be eligible for a certificate as required by subregulation (1) if that person—

- (a) is not less than 16 years of age;
- (b) has completed—
 - (i) approved seagoing service including not less than six months training and experience; or
 - (ii) special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months;
- (c) meets the standard of competence specified in Section A-III/4 of the STCW Code.

(3) The seagoing service, training and experience required by subregulation (2)(b) shall be associated with engine-room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified Engineer officer or a qualified rating.

Certification of ratings as able seafarer engine in a manned engine-room or designated to perform duties in a periodically unmanned engine-room.

21A.(1) Every able seafarer engine serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated.

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- (2) A person shall be eligible for certification required by subregulation (1) if that person—
- (a) is not less than 18 years of age;
 - (b) meets the requirements for certification as a rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room;
 - (c) while qualified to serve as a rating forming part of an engineering watch, have approved seagoing service in the engine department of—
 - (i) not less than 12 months; or
 - (ii) not less than six months and have completed approved training; and
 - (d) meets the standard of competence specified in Section A-III/5 of the STCW Code.
- (3) The Administration shall compare the standards of competence which it required of ratings in the engine department for certificates issued before 1 January 2012 with those specified for the certificate in Section A-III/5 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.
- (4) The Administration may consider the seafarers to have met the requirements of this regulation if they have served in a relevant capacity in the engine department for a period of not less than 12 months within the last 60 months preceding the entry into force of this regulation.

Certification for Electro-technical officer.

21B.(1). Every electro-technical officer serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more, shall hold a certificate of competency.

- (2) A person shall be eligible for a certificate required by subregulation (1) if that person—
- (a) is not less than 18 years of age;
 - (b) has completed not less than 12 months of combined workshop skills training and approved seagoing service of which not less than six months will be seagoing service as part of an approved training programme which meets the requirements

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of Section A-III/6 of the STCW Code and is documented in an approved training record book, or otherwise not less than 36 months of combined workshop skills training and approved seagoing service of which not less than 30 months will be seagoing service in the engine department;

- (c) has completed approved education and training and meet the standards of competence specified in Section A-III/6 of the STCW Code; and
 - (d) meets the standards of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2, paragraphs 1 to 4, Section A-VI/3 paragraphs 1 to 4 and Section A-VI/4 paragraphs 1 to 3 of the STCW Code.
- (3) The Administration shall–
- (a) compare the standards of competence which it required of electro-technical officers for certificates issued before 1 January 2012 with those specified for the certificate in Section A-III/6 of the STCW Code; and
 - (b) determine the need for requiring those personnel to update their qualifications.
- (4) The Administration may consider the seafarers to have met the requirements of this regulation if they–
- (a) have served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding the entry into force of this regulation; and
 - (b) meet the standard of competence specified in Section A-III/6 of the STCW Code.
- (5) Notwithstanding the requirements of subregulation (1) to (4) above, a suitably qualified person may be considered by the Administration able to perform certain functions of Section A-III/6.

Certification of electro-technical rating.

21C.(1) Every electro-technical rating serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated.

- (2) A person shall be eligible for a certificate required by subregulation (1) if that person–
 - (a) is not less than 18 years of age;

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- (b) has completed approved seagoing service including not less than 12 months training and experience; or
 - (c) has completed approved training, including an approved period of seagoing service which shall not be less than six months; or
 - (d) has qualifications that meet the technical competences in table A-III/7 of the STCW Code and an approved period of seagoing service, which shall not be less than three months; and
 - (e) meets the standard of competence specified in Section A-III/7 of the STCW Code.
- (3) The Administration shall—
- (a) compare the standards of competence which it required of electro-technical ratings for certificates issued before 1 January 2012 with those specified for the certificate in Section A-III/7 of the STCW Code; and
 - (b) determine the need, if any, for requiring these personnel to update their qualifications.
- (4) The Administration may consider the seafarers to have met the requirements of this regulation if they—
- (a) have served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding the entry into force of this regulation; and
 - (b) meet the standard of competence specified in Section A-III/7 of the STCW Code.
- (5) Notwithstanding the requirements of subregulation (1) to (4) above, a suitably qualified person may be considered by a party State able to perform certain functions of Section A-III/7.

Radio operator's certificate in Global Maritime Distress and Safety System.

22.(1) Every person who—

- (a) is required to be in charge of performing Radio-communication duties on a ship fitted with Global Maritime Distress and Safety System equipment; or

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- (b) intends to obtain an appropriate certificate as a deck officer

shall hold a Radio operator's certificate in Global Maritime Distress and Safety System.

(2) A person shall be eligible for a Radio operator's certificate in Global Maritime Distress and Safety System if that person—

- (a) is not less than 18 years of age;
- (b) has completed approved training; and
- (c) meets the standard of competence specified in Section A-IV/2 of the STCW Code.

(3) Radio personnel on ships not required to comply with the provisions of the GMDSS mentioned in Chapter IV of the SOLAS Convention are not required to meet the provisions of this regulation but radio personnel on these ships are, nevertheless, required to comply with the Radio Regulations and the Administration shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognised in respect of such radio personnel.

Certificate for seafarer of proficiency in survival craft, rescue boats and fast rescue boats.

23.(1) Every—

- (a) person designated to take charge of a survival craft; and
- (b) candidate for a certificate as a Deck officer or Engineer officer;

shall hold a certificate of proficiency in survival craft and rescue boats.

(2) A person shall be eligible for a certificate of proficiency in survival craft and rescue boats, other than fast rescue boats, if that person—

- (a) is not less than 18 years of age;
- (b) has had approved seagoing service of not less than 12 months or has attended an approved training course and has approved seagoing service of not less than six months; and

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- (c) meets the standard of competence for certificates of proficiency in survival craft and rescue boats set out in Section A-VI/2, paragraphs 1 to 4, of the STCW Code.
- (3) A person shall be eligible for a certificate of proficiency in fast rescue boats if that person—
- (a) is the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
 - (b) has attended an approved training course; and
 - (c) meets the standard of competence for certificates of proficiency in fast rescue boats set out in section A-VI/2, paragraphs 5 to 8, of the STCW Code.

Certificate in medical first aid for seafarers.

24.(1) Every—

- (a) person designated to provide medical first aid on a ship; and
- (b) every candidate for a certificate as a Deck officer or Engineer officer,

shall hold a certificate in medical first aid.

(2) A person shall be eligible for a certificate in medical first aid if that person—

- (a) has completed basic training;
- (b) has undertaken an approved training course; and
- (c) meets the standard of competence set out in Section A-VI/4, paragraphs 1 to 3 of the STCW Code.

(3) Where training in medical first aid is not included in the qualification for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid.

Certificate for seafarer of proficiency in medical care.

25.(1) Every person designated to take charge of medical care on board a ship shall hold a certificate of proficiency in medical care.

(2) A candidate for a certificate for the capacity of Chief mate or master as required by regulation 15(1) of these Regulations shall be required to be in possession of a certificate of proficiency in medical care.

(3) A person shall be eligible for a certificate of proficiency in medical care if that person—

- (a) has acquired a certificate in medical first aid;
- (b) has undertaken an approved training course; and
- (c) meets the standard of competence set out in Section A-VI/4, paragraphs 4 to 6 of the STCW Code.

(4) A seafarer serving on a Gibraltar ship in charge of medical care, shall undertake refresher training at intervals not exceeding 5 years commencing on or before the fifth anniversary of his original training in medical care.

(5) Where training in medical care is not included in the qualification for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical care.

Certificate for advanced fire-fighting.

26.(1) A seafarer designated to control fire-fighting operations shall hold a certificate in advanced fire fighting.

(2) A seafarer shall be eligible for a certificate in advanced fire fighting if that seafarer—

- (a) has completed basic training;
- (b) has performed at least 3 months sea-service;
- (c) has undertaken an approved training course; and
- (d) meets the training and assessment set out in Section A-VI/3, of the STCW Code.

Mandatory minimum requirements for the issue of certificates of proficiency for ship security officers.

26A.(1) Every candidate for a certificate of proficiency as ship security officer shall—

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- (a) have approved seagoing service of not less than 12 months or appropriate seagoing service and knowledge of ship operations; and
- (b) meet the standard of competence for certification of proficiency as ship security officer, set out in Section A-VI/5, paragraphs 1 to 4, of the STCW Code.

(2) The Administration shall ensure that every person found qualified under the provisions of this regulation is issued with a certificate of proficiency.

Mandatory minimum requirements for security related training and instruction for all seafarers.

26B.(1) Seafarers shall receive security-related familiarisation and security-awareness training or instruction in accordance with Section A-VI/6, paragraphs 1 to 4 of the STCW Code and shall meet the appropriate standard of competence specified therein.

(2) Where security awareness is not included in the qualification for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course in security awareness training.

(3) The Administration shall—

- (a) compare the security-related training or instruction it requires of seafarers who hold or can document qualifications before the date of 3rd January 2013, with those specified in Section A-VI/6, paragraph 4 of the STCW Code; and
- (b) determine the need for requiring these seafarers to update their qualifications.

(4) Seafarers with designated security duties shall meet the standard of competence specified in Section A-VI/6, paragraphs 6 to 8 of the STCW Code.

(5) Where training in designated security duties is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training for designated security duties.

(6) The Administration shall—

- (a) compare the security training standards required of seafarers with designated security duties who hold or can document qualifications before the date of 3rd

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January 2013 with those specified in Section A-VI/6, paragraph 8 of the STCW Code; and

- (b) determine the need for requiring these seafarers to update their qualifications.

Issue and registration of certificates.

27.(1) Where the Administration is satisfied that a master, Deck officer, Engineer officer or a Radio operator meets the requirements for service, age, medical fitness that focuses on eyesight and hearing of the seafarer, and training and qualifications as required by these Regulations and in accordance with Section A-I/8 of the STCW Code, it shall issue an appropriate certificate to that master, Deck officer, Engineer officer or a Radio operator.

(2) A certificate for medical fitness issued pursuant to regulation 12 or 13 of the Gibraltar Merchant Shipping (Seafarers' Hours of Work and Medical Examination) Regulations, 2003 shall be considered an appropriate certificate for medical fitness for the purpose of subregulation (1) if the seafarer's eyesight and hearing has been tested and meets the required standard in accordance with Section A-I/8 of the STCW Code.

(2A) Every seafarer holding a certificate of competency or a certificate of proficiency, issued under the provisions of the STCW Convention, who is serving at sea shall also hold a valid medical certificate issued in accordance with this regulation and Section A-I/9 of the STCW Code.

(3) No certificate shall be issued by the Administration unless the candidate for medical certification provides satisfactory proof—

- (a) of his identity;
- (b) that his age is not less than 16 years of age;
- (c) that he meets the standards of medical fitness, particularly regarding eyesight and hearing, established by the Gibraltar Merchant Shipping (Seafarers' Hours of Work and Medical Examination) Regulations, 2003 and holds a valid document attesting to his medical fitness, issued by a duly qualified medical practitioner recognised by the Administration;
- (d) of having completed the seagoing service and any related compulsory training prescribed by Part 3 of these Regulations as relevant for the certificate applied for; and

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- (e) that he meets the standards of competence prescribed by Part 3 of these Regulations for the capacities, functions and levels that are to be identified in the endorsement to the certificate.
- (4) Every certificate for service in a Gibraltar ship shall be issued in English.
- (5) The Administration shall—
 - (a) maintain a register of all certificates and endorsements for masters and officers and, as appropriate, ratings, which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued; and
 - (b) make available information on the status of such certificates, endorsements and dispensations to other party States and companies which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates or employment on board ship.
- (5A) Medical certificates shall remain valid for a maximum period of two years unless the seafarer is under the age of 18, in which case the maximum period of validity shall be one year.
- (5B) If the period of validity of a medical certificate expires in the course of a voyage, Regulation I/9 of the Annex to the STCW Convention shall apply.
- (5C) In urgent cases, the Administration may permit a seafarer to work without a valid medical certificate and in such cases, Regulation I/9 of the Annex to the STCW Convention shall apply.
- (6) The master of the ship shall ensure that, subject to regulation 30(7), any certificate required under these Regulations is kept available in its original form on board the ship on which the holder is serving.

Endorsement of certificates.

28.(1) No person shall be employed on a Gibraltar ship in the capacity of an officer unless that person holds an endorsement issued by the Administration in recognition of an appropriate certificate for the relevant capacity.

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(2) An endorsement required by subregulation (1) shall not be necessary if the seafarer holds a certificate of competency or recognition of endorsement for the relevant capacity issued by the UK-MCA.

(3) Subject to subregulation (6), the certificates issued to a master, Deck officer, Engineer officer or a Radio operator shall be endorsed by the Administration in compliance with the STCW Convention in the manner prescribed by Regulation I/2 of the STCW Convention and Section A-I/2 of the STCW Code.

(4) Every endorsement issued by the Administration to a certificate for service in a Gibraltar ship shall be issued in English.

(5) A Radio operator's certificate issued pursuant to regulation 22 shall be endorsed by the Administration in compliance with Regulation I/2 of the STCW Convention.

(6) An endorsement required by subregulation (5) shall not be issued unless the person applying for the endorsement (not being a master or Deck officer) has completed basic training and at least 3 months supervised sea service in radio-communication duties.

(7) Where the Administration recognises a certificate issued under regulation 30(2) it shall endorse that certificate to attest its recognition in the form set out in paragraph 3 of Section A-I/2 of the STCW Code.

(8) Endorsements issued under this regulation—

- (a) may be issued as separate documents;
- (b) shall each be assigned a unique number, except that endorsements attesting the issue of a certificate may be assigned the same number as the certificate concerned, if that number is unique; and
- (c) shall each expire as soon as the certificate endorsed expires or is withdrawn, suspended or cancelled by the Administration or party State which issued it and, in any case, within five years of their date of issue.

(9) The capacity in which the holder of a certificate is authorised to serve shall be identified in the form of an endorsement in terms identical to those used in compliance with the safe-manning requirements under these Regulations.

(10) The Administration may use a format different from the format laid down in Section A-I/2 of the STCW code, if, as a minimum, the required information is provided in Roman

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characters and Arabic figures, taking account of the variations permitted under Section A-I/2 of the STCW Code.

(11) The Administration may, by taking into account the provisions of regulation 30(6)(c), endorse a certificate issued, with respect to a Gibraltar ship, by a party State recognised by the IMO.

Recognition of certificates of competency and certificates of proficiency issued by an EEA State.

29. A seafarer who does not possess the certificates of competency or the certificates of proficiency or both issued by an EEA State to masters and officers in accordance with Regulations V/1-1 and V/1-2 of the STCW Convention, may be allowed to serve on a Gibraltar ship if a decision on the recognition of his certificates of competency and certificates of proficiency has been adopted through the procedures set out in regulation 30 (2) to (5).

Recognition of certificates issued by a party State.

30.(1) A seafarer who is a national of a party State and does not possess certificates referred to in regulation 29 may be allowed to serve in a Gibraltar ship if his certificates of competency and the certificates of proficiency are recognised by the IMO in accordance with this regulation.

(2) Where the Administration intends to recognise, by endorsement, the certificates of competency or the certificates of proficiency or both as referred to in subregulation (1) issued by a party State to a master, officer or radio operator, for service on ships flying its flag, shall submit a request for recognition of that party State to the IMO, stating its reasons.

(3) Where the Administration has submitted the request under subregulation (2), it may decide to recognise certificates issued by the party State unilaterally until a decision is taken under this regulation.

(4) Where the IMO takes a decision granting the recognition of the party State within 18 months from the date of the request for recognition, that recognition shall be valid subject to regulation 31(2).

(5) Recognition of certificates issued by recognised party State and published in the Official Journal of the European Union, shall remain valid and such recognition may be used unless the such recognition had not, before exit day, been withdrawn by the European Commission.

- (6) For the purposes of this regulation a party State shall not be recognised unless—
- (a) the party State has been identified by the IMO as having demonstrated that full and complete effect is given by it to the provisions of the STCW Convention;
 - (b) the IMO has confirmed, through all necessary measures, which may include the inspection of facilities and procedures, that—
 - (i) the requirements concerning the standard of competence, the issue and endorsement of certificates and record keeping are fully complied with, and
 - (ii) a quality standards system has been established pursuant to Regulation I/8 of the STCW Convention;
 - (c) the Administration—
 - (i) is in the process of agreeing an undertaking with that party State that prompt notification will be given of any significant change in the arrangements for training and certification provided in accordance with the STCW Convention; and
 - (ii) has introduced measures to ensure that seafarers who present for recognition certificates for functions at management level have an appropriate knowledge of the maritime legislation of Gibraltar relevant to the functions they are permitted to perform.
- (7) Notwithstanding regulation 28(7), the Administration may, if circumstances require, allow a seafarer to serve in a capacity other than radio officer or radio operator, except as provided by the Radio Regulations, for a period not exceeding three months on board a Gibraltar ship, while holding an appropriate and valid certificate issued and endorsed as required by a party State, but not yet endorsed for recognition by the Administration so as to render it appropriate for service on board a Gibraltar ship and in that case, documentary proof shall be kept readily available that application for an endorsement has been submitted to the Administration.
- (8) Subject to sub-regulations (10) and (11), where the Administration recognises a certificate under this regulation, the Administration must, on application of the holder of a certificate, issue recognition of endorsement attesting to its recognition.

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(9) The Administration must not issue recognition of endorsement to an applicant unless the applicant can demonstrate possession of adequate language proficiency, in accordance with the requirements in sections A-II/1, A-III/1, A-IV/2 and A-II/4 of the STCW Code.

(10) Where the Administration 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 Parts 2 and 3 of these Regulations, the Administration may specify additional standards which are to be attained, and the means by which such standards may be demonstrated, for the issue of recognition of endorsement.

(11) Any recognition of endorsement issued under this regulation must be in the form set out in section A-I/2, paragraph 3 of the STCW Code.

Recognition of appropriate certificate.

30A.(1) The recognition of an appropriate certificate shall be limited to the capacities, functions and levels of competency prescribed in the certificate and it must be accompanied by an endorsement attesting that recognition.

(2) Notwithstanding subregulation (1), the Administration may impose further limitations on capacities, functions and levels of competence relating to near-coastal voyages as referred to in regulation 34, or alternative certificates issued under regulation 32.

(3) The Administration shall ensure that seafarers who present for recognition of certificates for functions at the management level have an appropriate knowledge of the maritime legislation of Gibraltar relevant to the functions they are permitted to perform.

Recognition of a party State on or after exit day.

30B.(1) This regulation applies where the Administration proposes, on or after exit day, to make a decision to recognise a party State to which regulation 29 or 30 does not apply in order to facilitate the recognition of certificates described in sub-regulation (5) issued by or under the authority of that party State.

(2) The Administration must, before making a decision described in sub-regulation (1) -

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

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- (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) set in process the agreement of an undertaking with the country to which the decision would apply to ensure that prompt notification is given to the Administration of any significant change in the arrangements for training and certification provided in accordance with the STCW Convention.
- (3) The assessment described in paragraph (a) of sub-regulation (2) may include an inspection of facilities and procedures.
- (4) Where the Administration is satisfied that the requirements of sub-regulation (2) have been met, the Administration may-
- (a) make a decision to recognise that party State; and
 - (b) recognise the certificates described in sub-regulation (5) issued by or under the authority of that party State.
- (5) The certificates are-
- (a) a certificate of competency issued to a master or an officer;
 - (b) a certificate of competency issued to a GMDSS radio operator; or
 - (c) a certificate of proficiency in training for tanker cargo operations issued to a master or an officer.
- (6) Subject to sub-regulation (7), where the Administration recognises a certificate described in sub-regulation (5), the Administration may, on application of the holder of the certificate, issue recognition of endorsement attesting to its recognition.
- (7) The Administration must not issue recognition of endorsement to an applicant unless the applicant can demonstrate possession of adequate language proficiency, in accordance with the requirements in sections A-II/1, A-III/1, A-IV/2 and A- II/4 of the STCW Code.
- (8) Where, pursuant to sub-regulation (4)(b), the Administration recognises the standard of competence or proficiency required for the issue of a certificate by a party State as satisfying only in part the standard required for officers qualified for the purpose of Part 2 and 3 of these Regulations, the Administration may specify additional standards which are to be attained, and

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the means by which such standards may be demonstrated, for the issue of recognition of endorsement.

(9) For the purposes of this regulation “certificate of competency” means a certificate issued and endorsed for masters, officers and GDMSS radio operators in accordance with the provisions of chapters II, III, IV or VII in Attachment I to the Final Act of the 2010 Manila Conference of Parties to the STCW Convention.

Withdrawal of recognition.

30C.(1) The Administration may, in the circumstances described in sub-regulation (2) and subject to sub-regulation (3), withdraw recognition of a party State which issued a certificate described in regulation 29, 30 or 30B.

(2) The circumstances are that, following an evaluation of the party State which issued the certificate that may include an inspection of facilities and procedures, the Administration 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 State may no longer comply with the requirements described in sub-regulation (2), the Administration must notify the party State that recognition of that party State’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 Administration withdraws recognition of a party State in accordance with sub-regulation (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 any recognition of endorsement may not be issued with recognition of endorsement of a higher grade based on a certificate issued by that party State except where an officer qualifies for a certificate solely on the basis of additional sea service.

Assessment of compliance and withdrawal of recognition through IMO.

31.(1) If the Administration wishes to supplement assessment of compliance of a party State by evaluating certain maritime training institutes, it shall proceed according to the provisions

of section A-I/6 of the STCW Code.

(2) Notwithstanding the criteria specified in regulation 30(6), when the Administration considers that a recognised party State no longer complies with the requirements of the STCW Convention, it shall notify the IMO immediately, giving substantiated reasons.

(3) When the Administration intends to withdraw the endorsements of all certificates issued by a party State it shall without delay inform the IMO and the other party State of its intention, giving substantiated reasons for it.

(4) Where the IMO takes a decision for the withdrawal of the recognition, the Administration shall take appropriate measures to implement that decision.

(5) Endorsements attesting recognition of certificates, issued in accordance with regulation 28(7) before the date on which the decision to withdraw recognition of the party State is taken, shall remain valid; seafarers holding such endorsements may not claim an endorsement recognising a higher qualification, however, unless that upgrading is based solely on additional seagoing service experience.

Alternative certificates.

32.(1) Notwithstanding the requirements for certification specified in Part 3, the Administration may issue or authorise the issue of alternative certificates subject to the following conditions—

- (a) the associated functions and levels of responsibility to be stated on the certificates and in the endorsements are selected from, and identical to those appearing in Sections A-II/1, A-II/2, A-II/3, A-II/4, A-III/1, A-III/2, A-III/3, A-III/4 and A-IV/2 of the STCW Code;
- (b) the candidates for certification—
 - (i) have completed approved education and training and meet the requirements for standards of competence, prescribed in the relevant sections of the STCW Code and as set forth in Section A-VII/1 of that Code, for the functions and levels that are to be stated on the certificates and in the endorsements;
 - (ii) have completed approved seagoing service appropriate to the performance of the functions and levels that are to be stated on the certificate and the minimum duration of seagoing service shall be equivalent to the duration

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of seagoing service prescribed in regulations 14 to 21 of these Regulations (but the minimum duration of seagoing service shall be not less than as prescribed in section A-VII/2 of the STCW Code);

(iii) who are to perform the function of navigation at the operational level shall meet the requirements of regulation 22 of these Regulations for performing designated radio duties in accordance with the Radio Regulations; and

(a) the certificates are issued in accordance with the requirements of regulation 33 of these Regulations and the provisions set forth in Chapter VII of the STCW Code.

(2) No certificate shall be issued under subregulation (1) unless the information required by the STCW Convention has been communicated to the IMO.

(3) Where the Administration decides to issue or authorise alternative certificates under this regulation, it shall ensure that the following principles are observed—

(a) no alternative certification system shall be implemented unless it ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to that provided by other provisions of the STCW Convention;

(b) any arrangement for alternative certification issued under this regulation shall provide for the interchangeability of certificates with those issued under other provisions of this Part;

(c) the principle of interchangeability referred to in paragraph (b) shall ensure that—

(i) seafarers certificated under the arrangements of any provision of regulations 14 to 21 and those certificated under this regulation are able to serve on ships which have either traditional or other forms of shipboard organisation; and

(ii) seafarers are not trained for specific shipboard arrangements in such a way as would impair their ability to take their skills elsewhere;

(d) the issue of alternative certificates shall not be used in itself—

(i) to reduce the number of crew on board,

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- (ii) to lower the integrity of the profession or undermine the skills of seafarers, or
- (iii) to justify the assignment of the combined duties of the engine and check watchkeeping officers to a single certificate holder during any particular watch;
- (e) the person in command shall be designated as the master and the legal position and authority of the master and others shall not be adversely affected by the implementation of any arrangement for alternative certification; and
- (f) the principles contained in paragraphs (a) to (c) of this regulation shall ensure that the competency of both deck and engineer officers is maintained.

(4) For the purposes of this regulation, a rating who qualifies under regulation 17 or 21 of these Regulations shall be treated as having qualified for the purpose of alternative certificates for support level under this regulation and may be employed as a rating forming part of a navigational or engineering watch.

Revalidation of certificates of competency and certificates of proficiency.

33.(1) Every master, officer and radio operator holding a certificate issued or recognised under any chapter of Schedule 1 other than Chapter VI who is serving at sea or intends to return to sea after a period ashore shall, in order to continue to qualify for seagoing service, be required at intervals not exceeding five years—

- (a) to meet the standards of medical fitness prescribed by regulation 27; and
- (b) to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(2) Every master, officer and radio operator shall, for continuing seagoing service on board ships for which special training requirements have been internationally agreed upon, successfully complete approved relevant training.

(3) Every master and officer shall, for continuing seagoing service on board tankers, meet the requirements of subregulation (1) and be required, at intervals not exceeding five years, to establish continued professional competence for tankers in accordance with paragraph 3 of Section A-I/11 of the STCW Code.

(4) The Administration shall—

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- (a) compare the standards of competence which are required of candidates for certificates of competency issued until 1 January 2017 with those specified for the relevant certificate of competency in Part A of the STCW Code; and
 - (b) determine the need to require the holders of such certificates of competency to undergo appropriate refresher and updating training or assessment.
- (5) The Administration shall, in consultation with those concerned, formulate or promote the formulation of a structure of refresher and updating courses as provided for in section A-I/11 of the STCW Code.
- (6) For the purpose of updating the knowledge of masters, officers and radio operators, the Administration shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea, security and the protection of the marine environment are made available to Gibraltar ships, while respecting regulations 38(3)(b) and 40.

PART 4

Matters incidental to seafarers training, experience and certification

Principles governing near-coastal voyages.

34.(1) When defining near-coastal voyages the Administration shall not impose training, experience or certification requirements on seafarers serving on board ships entitled to fly the flag of another party State and engaged in such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board Gibraltar ships.

(2) In no case shall the Administration impose requirements in respect of seafarers serving on board ships flying the flag of another party State in excess of those of these Regulations in respect of ships not engaged in near-coastal voyages.

(3) The Government, for ships afforded the benefits of the near-coastal voyage provisions of the STCW Convention, which includes voyages off the coast of other party States within the limits of the near-coastal definition, shall enter into an undertaking with the party States concerned specifying both the details of the trading areas involved and other relevant provisions.

(4) Where a Gibraltar ship is regularly engaged in near-coastal voyages off the coast of another party State, the Administration shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of party State off the

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coast of which the ship is engaged, provided that they do not exceed the requirements of these Regulations in respect of ships not engaged in near-coastal voyages.

(5) Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by the Administration and enters waters not covered by that definition shall fulfil the appropriate requirements of these Regulations.

(6) The Administration may afford a Gibraltar ship the benefits of the near-coastal voyage provisions of these Regulations when it is regularly engaged off the coast of a non-Party to the STCW Convention on near-coastal voyages as defined by the Administration.

(7) The certificates of competency of seafarers issued by a party State for its defined near-coastal voyage limits may be accepted by the Administration for service within the defined near-coastal voyage limits, provided the party States concerned enter into an undertaking specifying the details of the trading areas involved and other relevant conditions thereof.

(8) The Administration shall, in the case of defining near-coastal voyages, in accordance with the requirements of this regulation—

- (a) meet the principles governing near-coastal voyages specified in Section A-I/3 of the STCW Code; and
- (b) incorporate the near-coastal voyage limits in the endorsements issued pursuant to regulation 28.

(9) Upon deciding on the definition of near-coastal voyages and the conditions of education and training required thereof in accordance with the requirements of subregulations (1) to (6), the Administration shall communicate to the IMO the details of the provisions it has adopted.

Quality standards.

35.(1) The Administration shall ensure that—

- (a) all training, assessment of competence, certification, endorsement and revalidation activities carried out by a nongovernmental agency or entity under its authority are continuously monitored through a quality standards system to ensure the achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors in accordance with Section A-I/8 of the STCW Code;

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- (b) where governmental agencies or entities perform such activities, there is a quality-standards system in accordance with Section A-I/8 of the STCW Code;
 - (c) education and training objectives and related quality standards of competence to be achieved are clearly defined and that the levels of knowledge, understanding and skills appropriate to the examinations and assessments required under the STCW Convention are identified;
 - (d) the fields of application of the quality standards cover the administration of the certification systems, all training courses and programmes, examinations and assessments carried out by or under the authority of the Administration and the qualifications and experience required of instructors and assessors, having regard to the policies, systems, controls and internal quality-assurance reviews established to ensure achievement of the defined objectives.
- (2) The Administration shall ensure that independent evaluations of the knowledge, understanding, skills and competence acquisition and assessment activities, and of the administration of the certification system, are conducted at intervals of not more than five years by qualified persons who are not themselves involved in the activities concerned in order to verify that—
- (a) all internal management control and monitoring measures and follow-up actions comply with planned arrangements and documental procedures, and they are effective in ensuring achievement of the defined objectives;
 - (b) the results of each independent evaluation are documented and brought to the attention of those responsible for the area evaluated; and
 - (c) timely action is taken to correct deficiencies;
 - (d) all applicable provisions of the STCW Convention and the STCW Code, including amendments are covered by the quality standards system and the Administration may also include within this system the other applicable provisions of these Regulations.
- (3) The Administration shall cause a report relating to each evaluation carried out pursuant to subregulation (2) to be communicated to the IMO within six months of the date of the evaluation in accordance with Section A-I/7 of the STCW Code.
- (4) In order to carry out the purposes of this regulation, the Minister shall, subject to regulation (6), appoint an audit team comprising of no more than three persons who are

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qualified, competent and conversant with the role of the Administration in respect of the STCW Convention but not themselves involved in the activities concerned, to conduct periodically an independent evaluation of the quality standard system developed, operated and maintained by the Administration.

(5) The team appointed under subregulation (4) shall report back to the Minister as to the compliance of Regulation I/8 of the STCW Convention.

(6) The Minister need not appoint an audit team to supervise and monitor the working of the Administration if he is satisfied that an audit team of the UK-MCA has undertaken such an audit.

(7) The Minister shall cause a report to be transmitted to the IMO at intervals not exceeding 5 years in respect of information relating to the evaluation required under this regulation to comply with the provisions of paragraph 3 of Regulation I/8 of the STCW Convention.

Use of simulators.

36.(1) The Administration shall ensure that the performance standards and other provisions set out in Section A-I/12 of the STCW code and such other requirements as are prescribed in Part A of the STCW Code for any certificate concerned are complied with in respect of—

- (a) all mandatory simulator-based training;
- (b) any assessment of competence required by Part A of the STCW Code which is carried out by means of a simulator; and
- (c) any demonstration, by means of a simulator, of continued proficiency required by Part A of the STCW Code.

(2) *Deleted*

Responsibility for training and assessment.

37.(1) The Administration is designated for the purpose of this regulation and it shall be responsible for—

- (a) providing the training required by regulation 6;
- (b) if necessary, organising or supervising the examinations;

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- (c) issuing the appropriate certificates referred to in regulation 13A; and
 - (d) granting the dispensations provided for in regulation 41.
- (2) The Administration shall ensure that–
- (a) all training and assessment of seafarer’s is–
 - (i) structured in accordance with the written programmes, including such methods and media of delivery, procedures and course material as are necessary to achieve the prescribed standard of competence; and
 - (ii) conducted, monitored, evaluated and supported by persons qualified in accordance with paragraphs (d), (e) and (f) of this subregulation;
 - (b) persons conducting in-service training or assessment on board ship do so only when such training or assessment does not adversely affect the normal operation of the ship and they can dedicate their time and attention to training or assessment;
 - (c) instructors, supervisors and assessors are appropriately qualified for the particular types and levels of training or assessment of competence of seafarers either on board or ashore;
 - (d) any person conducting in-service training of a seafarer, either on board or ashore, which is intended to be used in qualifying for certification under these Regulations–
 - (i) has an appreciation of the training programme and an understanding of the specific training objectives for the particular type of training being conducted;
 - (ii) is qualified in the task for which training is being conducted; and
 - (iii) if conducting training using a simulator–
 - (A) has received appropriate guidance in instructional techniques involving the use of simulators; and
 - (B) has gained practical operational experience on the particular type of simulator being used;

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- (e) any person responsible for the supervision of the in-service training of a seafarer intended to be used in qualifying for certification has a full understanding of the training programme and the specific objectives for each type of training being conducted;
- (f) any person conducting in-service assessment of the competence of a seafarer, either on board or ashore, which is intended to be used in qualifying for certification—
 - (i) has an appropriate level of knowledge and understanding of the competence to be assessed;
 - (ii) is qualified in the task for which the assessment is being made;
 - (iii) has received appropriate guidance in assessment methods and practice;
 - (iv) has gained practical assessment experience; and
 - (v) if conducting assessment involving the use of simulators, has gained practical assessment experience on the particular type of simulator under the supervision and to the satisfaction of an experienced assessor;
- (g) when it recognises a course of training, a training institution, or a qualification granted by a training institution, as part of its requirements for the issue of a certificate, the qualifications and experience of instructors and assessors are covered in the application of the quality standard provisions of regulation 35 and such qualification, experience and application of quality standards incorporate appropriate training in instructional techniques and training and assessment methods and practice and comply with all applicable requirements of paragraphs (d), (e) and (f) of this regulation.

Responsibilities of companies.

38.(1) A company managing a Gibraltar ship shall ensure that—

- (a) each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of these Regulations and as established by the Administration;
- (b) its ships are manned in accordance with the applicable safe-manning requirements of these Regulations;

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- (c) documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competence in assigned duties;
 - (d) on being assigned to any of its ships seafarers are familiarised with their specific duties and with all ship arrangements, installations, equipment, procedures, and ship characteristics that are relevant to their routine or emergency duties; and
 - (e) the ship's complement can effectively coordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution;
 - (f) seafarers assigned to any of its ships have received refresher and updating training as required by the STCW Convention;
 - (g) at all times on board its ships there shall be effective oral communication in accordance with paragraphs 3 and 4 of Chapter V of Regulation 14, of the SOLAS Convention, as amended.
- (2) The company shall provide written instructions to the master of each ship to which these Regulations apply, setting out the policies and the procedures to be followed to ensure that all seafarers 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.
- (3) The policies and procedures mentioned in subregulation (2) shall include—
- (a) the allocation of a reasonable period of time during which each newly employed seafarer will have an opportunity to become acquainted with—
 - (i) the specific equipment the seafarer will be using or operating; and
 - (ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly;
 - (b) the designation of a knowledgeable crew member who shall be responsible for ensuring that each newly employed seafarer is given an opportunity to receive essential information in a language the seafarer understands.

(4) The company shall make available on board in English an Emergency Muster List, SOPEP (Ship's Oil Pollution Plan), Operational manuals, ISM Code and SMC procedures and other publications of the Administration and the Organisation and administrative instructions affecting the safe operation of the ship and protection of the marine environment.

(5) For the purpose of updating the knowledge of masters, officers and Radio operators, the Administration shall ensure that the texts of changes in Gibraltar legislation concerning safety and the protection of the marine environment are made available to all Gibraltar ships.

(6) Where a company fails to comply with the provision of this regulation, the Administration may suspend the Document of Compliance (DOC) issued to that company under the ISM Code for such period until the deficiencies are rectified to the satisfaction of the Administration.

(7) The master and any member of a crew designated with an obligation under subregulation (2) shall carry out that obligation.

(8) Every company operating a Gibraltar Ship shall ensure that masters, officers and other personnel assigned specific duties and responsibilities on board its ro-ro passenger ships shall have completed familiarisation training to attain the abilities that are appropriate to the capacity to be filled and duties and responsibilities to be taken up, taking into account the guidance given in Section B-I/14 of the STCW Code.

Fitness for duty.

39.(1) For the purpose of preventing fatigue, a company operating a Gibraltar Ship shall ensure that—

- (a) the rest periods for watchkeeping personnel and those whose duties involve designated safety, security and prevention of pollution duties in accordance with subregulations (3) to (16);
- (b) watch systems are arranged in such a way that the efficiency of watchkeeping personnel is not impaired by fatigue; and
- (c) duties are organised in such a way that the first watch at the start of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

(2) Every company operating a Gibraltar Ship shall, for the purpose of preventing drug and alcohol abuse, ensure that adequate measures are established in accordance with the provisions laid down in this regulation.

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(3) Every company operating a Gibraltar Ship shall take account of the danger posed by fatigue of seafarers, especially those whose duties involve the safe and secure operation of a ship.

(4) All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch, and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of not less than—

- (a) a minimum of 10 hours of rest in any 24-hour period; and
- (b) 77 hours in any seven-day period.

(5) The hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.

(6) The requirements for rest periods laid down in subregulations (4) and (5) need not be maintained in the case of an emergency or in other overriding operational conditions and musters, firefighting and lifeboat drills, and drills shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.

(7) The master shall ensure that watch schedules are—

- (a) posted where they are easily accessible; and
- (b) established in a standardised format in the working language or languages of the ship and in English.

(8) The master shall ensure that when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

(9) The master shall ensure that records of daily hours of rest of seafarers are maintained in a standardised format, in the working language or languages of the ship and in English, to allow monitoring and verification of compliance with this regulation.

(10) The master shall provide each seafarer a copy of the records pertaining to him maintained under subregulation (9), which shall be endorsed by the master, or by a person authorised by the master, and by the seafarer.

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(11) Notwithstanding subregulations (3) to (10), the master of a ship shall be entitled to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

(12) Pursuant to subregulation (11), the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored and as soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

(13) With due regard for the general principles of the protection of the health and safety of workers and in line with the Gibraltar Merchant Shipping (Seafarers' Hours of Work and Medical Examination) Regulations, 2003, the Administration may authorise or register collective agreements permitting exceptions to the required hours of rest set out in subregulations (4)(b) and (5) if the rest period is no less than 70 hours in any seven-day period and respects the limits set out in subregulations (15) and (16).

(14) Exceptions referred to in subregulation (13) shall, as far as possible—

- (a) follow the standards set out but may take account of more frequent or longer leave periods, or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages; and
- (b) take into account the guidance regarding prevention of fatigue laid down in Section B-VIII/1 of the STCW Code,

but, exceptions to the minimum hours of rest provided for in subregulation (4)(b) shall not be allowed.

(15) Exceptions referred to in subregulation (13) to the weekly rest period provided for in subregulation (4)(b) shall not be allowed for more than two consecutive weeks and the intervals between two periods of exceptions on board shall not be less than twice the duration of the exception.

(16) In the framework of possible exceptions to subregulation (5) as referred to in subregulation (13), the minimum hours of rest in any 24-hour period provided for in subregulation (4)(b) may be divided into no more than three periods of rest, one of which shall be at least six hours in length and neither of the two other periods shall be less than one hour in length and the intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any seven-day period.

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(17) For the purpose of preventing alcohol abuse, the master, officers and other seafarers while performing designated safety, security and marine environmental duties shall maintain a limit of not greater than 0.05 % blood alcohol level (BAC) or 0,25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration.

Responsibilities of the company and the master with regard to on-board communication.

40.(1) The company and the master of a Gibraltar ship shall ensure that–

- (a) without prejudice to paragraphs (b) and (c), there are, at all times on board the ship, means in place for effective oral communication relating to safety between all members of the ship’s crew, particularly with regard to the correct and timely reception and understanding of messages and instructions; and
- (b) on board passenger ships the personnel nominated on a muster list to assist passengers in an emergency situation are readily identifiable and have communication skills that are sufficient for that purpose;
- (c) on board oil tankers, chemical tankers and liquefied gas tankers, the master, officers and ratings on board are able to communicate with each other in English; and
- (d) there are adequate means for communication between the ship and the shore-based authorities, which shall be conducted in accordance with Chapter V, Regulation 14, paragraph 4, of the SOLAS Convention.

(2) In ensuring compliance with the requirement of subregulation (1)(b), an appropriate and adequate combination of any of the following factors shall be taken into account–

- (a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance whether or not the passenger and crew member share a common language;
- (c) the possible need to communicate during an emergency by some other means (e.g. by demonstration, hand signals, or calling attention to the location of instructions,

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muster stations, life-saving devices or evacuation routes) when verbal communication is impractical;

- (d) the extent to which complete safety instructions have been provided to passengers in their native language or languages;
- (e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

(3) In order to ensure effective crew performance in safety matters, the company of—

- (a) a Gibraltar ship shall ensure that each seafarer understands English and where appropriate, can give orders and instructions and report back in English, and where English is not the official language of the ship, it may establish another working language and all plans and lists that must be posted shall include translations into English; and
- (b) a passenger ship which is not registered in Gibraltar but starting or finishing a voyage in the port of Gibraltar shall establish a language to be the working language of the ship by which all seafarers can give orders and instructions and report back in that language and where English is not the official language of the ship, all plans and lists that must be posted shall include translations into English.

(4) Where a company, in the case of a Gibraltar ship, fails to comply with this regulation, the Administration may suspend the Document of Compliance (DOC) issued to that company under the ISM Code for such period until the deficiencies are rectified to the satisfaction of the Administration.

(5) Where a company, in the case of a passenger ship not registered in Gibraltar but starting or finishing a voyage in the port of Gibraltar, fails to comply with this regulation, the Administration shall carry out port state control checks pursuant to regulation 44 and shall take action in accordance with that regulation.

Dispensation.

41.(1) In circumstances of exceptional necessity when the services of a duly qualified officer are not available, the company may apply to the Administration for a dispensation giving particulars of the seafarer who is intended should fill the vacancy temporarily and the particulars of the ship and the intended voyages.

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- (2) Where the Administration is satisfied that—
- (a) the seafarer concerned is adequately qualified to fill the vacant post in a safe manner; and
 - (b) the dispensation shall not cause danger to persons, property or environment,

it may issue a dispensation permitting a specified seafarer to serve in a specified ship for a period not exceeding six months in a capacity other than that of master, Chief engineer officer or Radio operator.

(3) Any dispensation granted for a post shall be granted only to a person properly certificated to fill the post immediately below.

(4) Where certification of the post immediately below is not required by the STCW Convention, a dispensation may be issued to a person whose qualifications and experience are, in the opinion of the Administration, of a clear equivalence to the requirements for the post to be filled.

(5) Where the person in favour of whom a dispensation is issued under subregulation (4) holds no appropriate certificate, that person shall be required to pass a test accepted by the Administration as demonstrating that such a dispensation may safely be issued and in such a case, the company shall ensure that the holder of an appropriate certificate fills the post in question, as soon as possible.

(6) The Maritime Administrator shall, not later than 31 January each year, send a report to the IMO, giving information on the total number of dispensations in respect of each capacity for which a certificate is required that have been issued in the previous calendar year.

Inquiry, Investigation and disciplinary measures.

42.(1) The master or the company shall notify the Maritime Administrator regarding any incompetence, act, omission or compromise to security that may pose a direct threat to safety of life or property at sea or to the marine environment, on the part of the holder of any certificate of competency and certificate of proficiency or endorsement issued by the Administration in connection with the performance of duties relating to that certificate of competency and certificate of proficiency and shall also notify the Maritime Administrator of any incident where the competence of individuals holding certificates or endorsements issued by the Administration or a recognised organisation on behalf of the Administration, are questioned by a port state which is a Party to the STCW Convention.

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(2) On receipt of any notification under subregulation (1) the Maritime Administrator shall request the Minister to appoint a suitably qualified person to—

- (a) conduct an impartial inquiry into the notified matter; and
- (b) make a report to the Maritime Administrator within such time as may be determined by the Minister.

(3) Where the Maritime Administrator is satisfied that the inquiry report has established that the alleged incompetence, act, omission or compromise to security on the part of the seafarer holding the certificate of competency and certificate of proficiency has posed a direct threat to safety of life or property at sea or to the marine environment, he may withdraw or suspend (for such period as he deems fit) the certificate of competency and certificate of proficiency or the endorsement issued to the seafarer.

(4) Where an endorsement was issued against a certificate issued abroad, the relevant issuing authority shall be informed of the fact that an inquiry or investigation has been held under this regulation with details thereof.

(5) The Maritime Administrator shall forward a report including a summary of activities done under this regulation to the IMO.

(6) It shall be an offence where—

- (a) a company or a master has engaged a person not holding a certificate as required by these Regulations;
- (b) a master has allowed any function or service in any capacity which under these Regulations must be performed by a person holding an appropriate certificate to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by regulation 30(7); or
- (c) a person has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity which under these Regulations must be performed or fulfilled by a person holding a certificate or dispensation.

Prevention of fraud and other unlawful practices.

42A.(1) No application for recognition of certificates or endorsement shall be accepted by the Administration unless the copies of certificates are certified to be correct by a notary public, the crewing agents or an ISM Company.

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- (2) The Administration shall, on receipt of all the documents including the copies of the application whether by fax or email, check and compare the details and if necessary, ask for any other information or documents from the applicants.
- (3) In the process of application, the Administration may use the IMO verification webpage to contact other administrations direct and keep a log of all responses.
- (4) The Administration shall maintain the appropriate electronic databases accessible over its network for recognition endorsements.
- (5) The Gibraltar flag state endorsement shall—
 - (a) follow the STCW template;
 - (b) be signed and stamped in original; and
 - (c) scanned electronically and laminated to seal the interior.
- (6) The endorsement shall—
 - (a) be printed on paper which may or may not have a watermark or any unique identification print; and
 - (b) have contact details of the Administration on the second page.
- (7) No duplicates of certificates or replacements shall be issued without an application in writing to the Administration.
- (8) Every old or expired endorsement shall be returned to the Administration for destruction.
- (9) The Maritime Administrator shall be—
 - (a) the competent authority to detect and combat fraud and other unlawful practices concerning the certificates of seafarers; and
 - (b) responsible for exchange of information with the competent authorities of other party States.

(10) At the request of a competent authority of other party States, the Maritime Administrator, or an officer nominated by the Maritime Administrator shall provide written confirmation or denial of the authenticity of seafarers' certificates, corresponding endorsements or any other documentary evidence of training issued in Gibraltar.

Offences and penalties.

43.(1) A company which or an individual who contravenes regulation 4(1), 5, 6(1), 7(2) and (3), 9A, 9B, 9C, 13, 19A, 21A, 21B, 21C, 26A, 26B, 34 (5) 38 (1), (2), (4) or (8), 39, 42 is guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding level 5 on the standard scale;
- (b) on conviction on indictment (in the case of an individual) to imprisonment for a term not exceeding one year; or
- (c) by both.

(2) Any master who contravenes regulation 4(2) or 27(6) is guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding level 5 on the standard scale;
- (b) on conviction on indictment to imprisonment for a term not exceeding one year; or
- (c) by both.

(3) Any member of the crew who contravenes regulation 38(7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to avoid commission of the offence.

(5) 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 shall be for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

(6) The Maritime Administrator may cancel or withdraw a certificate or endorsement issued following the making of a false declaration or untrue statement or use of a forged document

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by any person to obtain the certificate or endorsement, in addition to further legal action the Administration may choose to take.

(7) Where a person uses or attempts to use a certificate or endorsement which has not been issued to him, such documents shall be confiscated and any national Administrations which appear to the Administration to have an interest in the matter will be notified and the Administration may, at its discretion, impose restrictions on employment of such seafarers on Gibraltar ships.

(8) A company and the master who fails to notify the Maritime Administrator as required by regulation 42(1) are guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) Where a person, a company or the master has committed an offence under regulation 42(6), shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Port State Control.

44.(1) The Maritime Administrator may arrange for a marine surveyor or inspector to board any ship to which these Regulations apply when that ship is in BGTW to verify, in accordance with the provisions of Merchant Shipping (Port State Control) Regulations 2011, that every seafarer serving on board the ship—

- (b) holds a certificate of competency, a certificate of proficiency or documentary evidence or all of them as required under the STCW Convention; and
- (c) holds such a certificate of competency or valid dispensation or certificate of proficiency or documentary evidence or all of them.

(2) Without prejudice to Merchant Shipping (Port State Control) Regulations 2011, port State control under subregulation (1) shall be limited to the following—

- (a) verification that every seafarer serving on board who is required to hold a certificate of competency or a certificate of proficiency or both in accordance with the STCW Convention holds such a certificate of competency or valid dispensation or certificate of proficiency, or provides documentary proof that an application for an endorsement attesting recognition of a certificate of competency has been submitted to the competent authority of the flag State; and

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- (b) verification that the numbers and certificates of the seafarers serving on board are in accordance with the safe-manning requirements of the competent authority of the flag State.

(2A) During port state control under this regulation, the ability of the ship's seafarers to maintain watchkeeping and security standards, as appropriate, as required by the STCW Convention shall also be assessed in accordance with Part A of the STCW Code if there are clear grounds for believing that such standards are not being maintained because any of the following has occurred—

- (a) the ship has been involved in a collision, grounding or stranding;
- (b) there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under an international convention;
- (c) the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the IMO, or safe navigation practices and procedures have not been followed;
- (d) the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment, or to compromise security;
- (e) a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;
- (f) the ship is flying the flag of a country which has not ratified the STCW Convention, or has a master, officer or rating holding a certificate issued by a party State which has not ratified the STCW Convention.

(3) If the control procedures laid down in subregulations (1) to (2A) reveal any serious deficiency specified in subregulation (4) which in the opinion of the Maritime Administrator may pose a danger to the ship, persons, property or the environment then the Maritime Administrator may prevent the vessel from proceeding to sea until such time as the deficiencies are corrected to an extent that it does not pose any danger to life, property or the environment.

(4) Deficiencies referred to in subregulation (3) are—

- (a) a failure of any seafarer, required to hold an appropriate certificate, to have a valid appropriate certificate or a valid exemption from that requirement;
- (b) a failure to comply with a requirement of a safe manning document;

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- (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) If the control procedures reveal use of documents by persons other than the genuine holder or forged or tampered documents then those illegal documents shall be immediately seized and the national Administration of the seafarer concerned shall be notified.
- (6) The position held by the person using the illegal documents referred to in subregulation (5) shall be considered vacant until a duly qualified seafarer is employed to meet the requirements of the safe manning document.
- (7) The Maritime Administrator shall ensure that all cases of detention following a port state control inspection are promptly notified to all agencies including the Port Authority and the Customs Department in addition to the Flag Administration or its diplomatic representative in the UK or Gibraltar.
- (8) When a ship is allowed to proceed to a nearby port for supplies or repairs to correct any deficiency, the Administration of the relevant state shall be informed accordingly.

44A. *Deleted*

Transitional provisions.

44B.(1) In respect of those seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1 July 2013, the Administration may continue to issue, recognise and endorse, until 1 January 2017, certificates of competency in accordance with the requirements of these Regulations as they were before 3 January 2013.

(2) Until 1 January 2017, the Administration may continue to renew and revalidate certificates of competency and endorsements in accordance with the requirements of these Regulations as they were before 3 January 2013.

Fees.

45. The rates of fees payable for the services rendered under these Regulations shall be those set out in Table 'B' of the Schedule to the Gibraltar Merchant Shipping (Fees, Charges and Taxes) Regulations 2009.

Appeals.

46.(1) In the case of any dispute or complaint with regard to any decision made by the Administration in carrying out its duties under these Regulations, the owner or operator of a ship or his representative in Gibraltar or the company may, within 7 days, make an appeal to the Minister and the Minister shall dispose of the appeal as soon as possible in writing giving reasons for his decision.

(2) On an appeal under subregulation (1), the Minister shall either—

- (a) confirm the decision made by the Administration or confirm it with such modifications as he thinks fit; or
- (b) cancel it.

(3) A second appeal may be made to the Supreme Court and only on a point of law.

(4) An appeal under subregulation (3) shall be made within 21 days from the decision made under subregulation (1) and the Court shall give an expedited hearing to that appeal.

(5) An appeal to the Minister or to the Supreme Court shall not suspend the operation of a notice of detention of a ship.

Powers to make Administrative Instructions.

47.(1) Subject to prior consultation with the Minister, the Maritime Administrator may make Administrative Instructions in respect of procedures and details relating to—

- (a) the issue of a safe manning document;
- (b) watchkeeping standards and arrangements;
- (c) the assessment, approval and monitoring of training institutes or training centres in order that the approved centres may conduct training, assess the competence and issue certificates to successful participants;

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- (d) the recognition of certificates issued by other parties and the issue of a Gibraltar endorsement to such certificates to enable the holder to serve as a master or officer on a Gibraltar ship;
- (e) the issue of appropriate certificates in Gibraltar;
- (f) the issue of certificates and endorsements for service on Tankers;
- (g) the issue of watch rating certificates;
- (h) the issue Able Seaman Certificate;
- (i) the issue of a Ship's Cook certificate;
- (j) cadet training programmes;
- (k) standards of medical fitness for seafarers, particularly regarding eyesight and hearing, and the issue of certificates of medical fitness;
- (l) the maintenance of registers of all certificates and endorsements for masters and officers and, as appropriate, ratings, which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued; and making available information on the status of such certificates, endorsements and dispensations to other parties and companies which request verification of the authenticity and validity of the documents produced to them;
- (m) the issue of a Discharge Book;
- (n) the issue of certificates for operation of Government vessels, pleasure vessels and other vessels operating within Gibraltar waters;
- (o) the format of an "Article of Agreement";
- (p) the conduct of inquiry into an accident and follow-up action;
- (q) any other matter considered relevant by the Maritime Administrator.

Revocation.

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48. The Gibraltar Merchant Shipping (Manning, Training, Certification and Related Seafarers' Matters) Regulations 2002 are revoked.

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SCHEDULE

Regulations 2, 6, 13A and 33

TRAINING REQUIREMENTS OF THE STCW CONVENTION, REFERRED TO IN REGULATION 6

CHAPTER I GENERAL PROVISIONS

1. The Regulations referred to in this Annex are supplemented by the mandatory provisions contained in Part A of the STCW Code with the exception of Chapter VIII, Regulation VIII/2.

Any reference to a requirement in a Regulation also constitutes a reference to the corresponding section of Part A of the STCW Code.

2. Part A of the STCW Code contains standards of competence required to be demonstrated by candidates for the issue, and revalidation of certificates of competency under the provisions of the STCW Convention. To clarify the linkage between the alternative certification provisions of Chapter VII and the certification provisions of Chapters II, III and IV, the abilities specified in the standards of competence are grouped as appropriate under the following seven functions:

- (1) Navigation;
- (2) Cargo handling and stowage;
- (3) Controlling the operation of the ship and care for persons on board;
- (4) Marine engineering;
- (5) Electrical, electronic and control engineering;
- (6) Maintenance and repair;
- (7) Radio communications, at the following levels of responsibility:
 - (1) Management level;
 - (2) Operational level;

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- (3) Support level.

Functions and levels of responsibility are identified by subtitle in the tables of standards of competence given specified in Chapters II, III and IV of the Part A of the STCW Code.

Regulation I/11

Revalidation of certificates.

1. Every master, officer and radio operator holding a certificate issued or recognized under any chapter of the Convention other than regulation V/3 or chapter VI, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required, at intervals not exceeding five years, to:

- 1. meet the standards of medical fitness prescribed by regulation I/9; and
- 2. establish continued professional competence in accordance with section A-1/11 of the STCW Code.

2. Every master, officer and radio operator shall, for continuing seagoing service on board ships for which special training requirements have been internationally agreed upon, successfully complete approved relevant training.

3.....
.....

4. Every master or officer shall, for continuing seagoing service on board ships operating in polar waters, meet the requirements of paragraph 1 of this regulation and be required, at intervals not exceeding five years, to establish continued professional competence for ships operating in polar waters in accordance with section A-1/11, paragraph 4 of the STCW Code.

**CHAPTER II
MASTER AND DECK DEPARTMENT**

Regulation II/1

Mandatory minimum requirements for certification of officers in charge of a navigational watch on ships of 500 gross tonnage or more.

1. Every officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold a certificate of competency.

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2. Every candidate for certification shall:
 - 2.1. be not less than 18 years of age;
 - 2.2. have approved seagoing service of not less than 12 months as part of an approved training programme which includes onboard training which meets the requirements of Section A-II/1 of the STCW Code and is documented in an approved training record book, or otherwise have approved seagoing service of not less than 36 months;
 - 2.3. have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of the master or a qualified officer for a period of not less than six months;
 - 2.4. meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designed radio duties in accordance with the Radio Regulations;
 - 2.5. have completed approved education and training and meet the standard of competence specified in Section A-II/1 of the STCW Code; and
 - 2.6. meet the standard of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2 paragraphs 1 to 4, Section A-VI/3 paragraphs 1 to 4 and Section A-VI/4 paragraphs 1 to 3 of the STCW Code.

Regulation II/2

Mandatory minimum requirements for certification of masters and chief mates on ships of 500 gross tonnage or more.

Master and chief mate on ships of 3,000 gross tonnage.

1. Every master and chief mate on a seagoing ship of 3 000 gross tonnage or more shall hold a certificate of competency.
2. Every candidate for certification shall:
 - 2.1. meet the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service in that capacity:

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- 2.1.1. for certification as chief mate, not less than 12 months; and
 - 2.1.2. for certification as master, not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and
 - 2.2. have completed approved education and training and meet the standard of competence specified in Section A-II/2 of the STCW Code for masters and chief mates on ships of 3 000 gross tonnage or more.
- Master and chief mate on ships of between 500 and 3,000 gross tonnage.
3. Every master and chief mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold a certificate of competency.
 4. Every candidate for certification shall:
 - 4.1. for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;
 - 4.2. for certification as master, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and
 - 4.3. have completed approved training and meet the standard of competence specified in Section A-II/2 of the STCW Code for masters and chief mates on ships of between 500 and 3,000 gross tonnage.

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 gross tonnage.

Ships not engaged on near-coastal voyages

1. Every officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a certificate of competency for ships of 500 gross tonnage or more.

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2. Every master serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a certificate of competency for service as master on ships of between 500 and 3 000 gross tonnage.

Ships engaged on near-coastal voyages.

Officer in charge of a navigational watch

3. Every officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold a certificate of competency.

4. Every candidate for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:

4.1. be not less than 18 years of age;

4.2. have completed:

4.2.1. special training, including an adequate period of appropriate seagoing service as required by the Administration; or

4.2.2. approved seagoing service in the deck department of not less than 36 months;

4.3. meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations;

4.4. have completed approved education and training and meet the standard of competence specified in Section A-II/3 of the STCW Code for officers in charge of a navigational watch on ships of less than 500 gross tonnage engaged on near-coastal voyages; and

4.5. meet the standard of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2 paragraphs 1 to 4, Section A-VI/3 paragraphs 1 to 4 and Section A-VI/4 paragraphs 1 to 3 of the STCW Code;

Master.

5. Every master serving on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold a certificate of competency.

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6. Every candidate for certification as master on a seagoing ship of less than 500 gross tonnage engaged on a near-coastal voyages shall:

- 6.1. be not less than 20 years of age;
- 6.2. have approved seagoing service of not less than 12 months as officer in charge of a navigational watch;
- 6.3. have completed approved education and training and meet the standard of competence specified in Section A-II/3 of the STCW Code for masters on ships of less than 500 gross tonnage engaged on near-coastal voyages; and
- 6.4. meet the standard of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2 paragraphs 1 to 4, Section A-VI/3 paragraphs 1 to 4 and Section A-VI/4 paragraphs 1 to 3 of the STCW Code.

Exemptions.

7. The Administration, if it considers that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of this regulation and Section A-II/3 of the STCW Code unreasonable or impracticable, may to that extent exempt the master and the officer in charge of a navigational watch on such a ship or class of ships from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

Regulation II/4

Mandatory minimum requirements for certification of ratings forming part of a navigational watch.

1. Every rating forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties.

2. Every candidate for certification shall:

- 2.1. be not less than 16 years of age;
- 2.2. have completed:

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- 2.2.1. approved seagoing service including not less than six months training and experience; or
 - 2.2.2. special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and
 - 2.3. meet the standard of competence specified in Section A-II/4 of the STCW Code.
3. The seagoing service, training and experience required by points 2.2.1 and 2.2.2 shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating.

Regulation II/5

Mandatory minimum requirements for certification of ratings as able seafarer deck.

- 1. Every able seafarer deck serving on a seagoing ship of 500 gross tonnage or more shall be duly certificated.
- 2. Every candidate for certification shall:
 - 2.1. be not less than 18 years of age;
 - 2.2. meet the requirements for certification as a rating forming part of a navigational watch;
 - 2.3. while qualified to serve as a rating forming part of a navigational watch, have approved seagoing service in the deck department of:
 - 2.3.1. not less than 18 months; or
 - 2.3.2. not less than 12 months and have completed approved training; and
 - 2.4. meet the standard of competence specified in Section A-II/5 of the STCW Code.
- 3. Every party State shall compare the standards of competence which it required of Able Seamen for certificates issued before 1 January 2012 with those specified for the certificate in Section A-II/5 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

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4. Until 1 January 2017, a party State which is also a party to the International Labour Organisation Certification of Able Seamen Convention, 1946 (No 74) may continue to renew and revalidate certificates and endorsements in accordance with the provisions of the aforesaid Convention.

5. Seafarers may be considered by the party State to have met the requirements of this regulation if they have served in a relevant capacity in the deck department for a period of not less than 12 months within the last 60 months preceding the date of 3rd January 2013.

CHAPTER III ENGINE DEPARTMENT

Regulation III/1

Mandatory minimum requirements for certification of officers in charge of an engineering watch in a manned engine-room or designated duty engineers in a periodically unmanned engine-room.

1. Every 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 seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall hold a certificate of competency.

2. Every candidate for certification shall:

- 2.1. be not less than 18 years of age;
- 2.2. have completed combined workshop skill training and an approved seagoing service of not less than 12 months as part of an approved training programme which includes onboard training which meets the requirements of Section A-III/1 of the STCW Code and is documented in an approved training record book, or otherwise have completed combined workshop skill training and an approved seagoing service of not less than 36 months of which not less than 30 months will be seagoing service in the engine department;
- 2.3. have performed, during the required seagoing service, engine-room watchkeeping duties under the supervision of the chief engineer officer or a qualified engineer officer for a period of not less than six months;
- 2.4. have completed approved education and training and meet the standards of competence specified in Section A-III/1 of the STCW Code; and

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- 2.5. meet the standards of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2, paragraphs 1 to 4, Section A-VI/3, paragraphs 1 to 4 and Section A-VI/4, paragraphs 1 to 3 of the STCW Code.

Regulation III/2

Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ships powered by main propulsion machinery of 3,000 kW propulsion power or more.

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more shall hold a certificate of competency.

2. Every candidate for certification shall:

- 2.1. meet the requirements for certification as an officer in charge of an engineering watch on seagoing ships powered by main propulsion machinery of 750 kW propulsion power or more and have approved seagoing service in that capacity:

2.1.1. for certification as a second engineer officer, not less than 12 months as qualified engineer officer; and

2.1.2. for certification as chief engineer officer, not less than 36 months, however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as second engineer officer; and

- 2.2. have completed approved education and training and meet the standard of competence specified in Section A-III/2 of the STCW Code.

Regulation III/3

Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ships powered by main propulsion machinery of between 750 kW and 3,000 kW propulsion power.

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 and 3,000 kW propulsion power shall hold a certificate of competency.

2. Every candidate for certification shall:

2.1. meet the requirements for certification as an officer in charge of an engineering watch and:

2.1.1. for certification as second engineer officer, shall have not less than 12 months approved seagoing service as assistant engineer officer or engineer officer; and

2.1.2. for certification as chief engineer officer, shall have not less than 24 months approved seagoing service of which not less than 12 months shall be served while qualified to serve as second engineer officer; and

2.2. have completed approved education and training and meet the standard of competence specified in Section A-III/3 of the STCW Code.

3. Every engineer officer who is qualified to serve as second engineer officer on ships powered by main propulsion machinery of 3,000 kW propulsion power or more, may serve as chief engineer officer on ships powered by main propulsion machinery of less than 3,000 kW propulsion power, provided that the certificate is so endorsed.

Regulation III/4

Mandatory minimum requirements for certification of ratings forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room.

1. Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certificated to perform such duties.

2. Every candidate for certification shall:

2.1. be not less than 16 years of age;

2.2. have completed:

2.2.1. approved seagoing service including not less than six months training and experience; or

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2.2.2. special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and

2.3. meet the standard of competence specified in Section A-III/4 of the STCW Code.

3. The seagoing service, training and experience required by points 2.2.1 and 2.2.2 shall be associated with engine-room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating.

Regulation III/5

Mandatory minimum requirements for certification of ratings as able seafarer engine in a manned engine-room or designated to perform duties in a periodically unmanned engine-room.

1. Every able seafarer engine serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated.

2. Every candidate for certification shall:

2.1. be not less than 18 years of age;

2.2. meet the requirements for certification as a rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room;

2.3. while qualified to serve as a rating forming part of an engineering watch, have approved seagoing service in the engine department of:

2.3.1. not less than 12 months; or

2.3.2. not less than six months and have completed approved training; and

2.4. meet the standard of competence specified in Section A-III/5 of the STCW Code.

3. Every party State shall compare the standards of competence which it required of ratings in the engine department for certificates issued before 1 January 2012 with those specified for the certificate in Section A-III/5 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

4. Seafarers may be considered by the party State to have met the requirements of this regulation if they have served in a relevant capacity in the engine department for a period of not less than 12 months within the last 60 months preceding the date of 3rd January 2013.

Regulation III/6

Mandatory minimum requirements for certification of electro-technical officers.

1. Every electro-technical officer serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more, shall hold a certificate of competency.

2. Every candidate for certification shall:

2.1. be not less than 18 years of age;

2.2. have completed not less than 12 months of combined workshop skills training and approved seagoing service of which not less than six months will be seagoing service as part of an approved training programme which meets the requirements of Section A-III/6 of the STCW Code and is documented in an approved training record book, or otherwise not less than 36 months of combined workshop skills training and approved seagoing service of which not less than 30 months will be seagoing service in the engine department;

2.3. have completed approved education and training and meet the standards of competence specified in Section A-III/6 of the STCW Code; and

2.4. meet the standards of competence specified in Section A-VI/1, paragraph 2, Section A-VI/2, paragraphs 1 to 4, Section A-VI/3 paragraphs 1 to 4 and Section A-VI/4 paragraphs 1 to 3 of the STCW Code.

3. Every party State shall compare the standards of competence which it required of electro-technical officers for certificates issued before 1 January 2012 with those specified for the certificate in Section A-III/6 of the STCW Code, and shall determine the need for requiring those personnel to update their qualifications.

4. Seafarers may be considered by the party State to have met the requirements of this regulation if they have served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding the date of 3rd January 2013 and meet the standard of competence specified in Section A-III/6 of the STCW Code.

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5. Notwithstanding the above requirements of paragraphs 1 to 4, a suitably qualified person may be considered by a party State able to perform certain functions of Section A-III/6.

Regulation III/7

Mandatory minimum requirements for certification of electro-technical rating.

1. Every electro-technical rating serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated.

2. Every candidate for certification shall:

2.1. be not less than 18 years of age;

2.2. have completed approved seagoing service including not less than 12 months training and experience; or

2.3. have completed approved training, including an approved period of seagoing service which shall not be less than six months; or

2.4. have qualifications that meet the technical competences in table A-III/7 of the STCW Code and an approved period of seagoing service, which shall not be less than three months; and

2.5. meet the standard of competence specified in Section A-III/7 of the STCW Code;

3. Every party State shall compare the standards of competence which it required of electro-technical ratings for certificates issued before 1 January 2012 with those specified for the certificate in Section A-III/7 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

4. Seafarers may be considered by the party State to have met the requirements of this regulation if they have served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding the date of 3rd January 2013 and meet the standard of competence specified in Section A-III/7 of the STCW Code.

5. Notwithstanding the above requirements of paragraphs 1 to 4, a suitably qualified person may be considered by a party State able to perform certain functions of Section A-III/7.

**CHAPTER IV
RADIO COMMUNICATION AND RADIO OPERATORS**

Explanatory note

Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and in SOLAS Convention, as amended. Provisions for radio maintenance are set forth in the SOLAS Convention, as amended, and the guidelines adopted by the International Maritime Organisation.

Regulation IV/1

Application.

1. Except as provided in point 2, the provisions of this chapter apply to radio operators on ships operating in the global maritime distress and safety system (GMDSS) as prescribed by the SOLAS Convention, as amended.

2. Radio operators on ships not required to comply with the provisions of the GMDSS in Chapter IV of the SOLAS Convention are not required to meet the provisions of this chapter. Radio operators on these ships are, nevertheless, required to comply with the Radio Regulations. party States shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognised in respect of such radio operators.

Regulation IV/2

Mandatory minimum requirements for certification of GMDSS radio operators.

1. Every person in charge of or performing radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to the GMDSS, issued or recognised by the party State under the provisions of the Radio Regulations.

2. In addition, every candidate for certification of competency under this regulation for service on a ship which is required by the SOLAS Convention, as amended, to have a radio installation shall:

2.1. be not less than 18 years of age; and

2.2. have completed approved education and training and meet the standard of competence specified in Section A-IV/2 of the STCW Code.

CHAPTER V

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SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIPS

Regulation V/1-1

Mandatory minimum requirements for the training and qualifications of masters, officers and ratings on oil and chemical tankers.

1. Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tankers shall hold a certificate in basic training for oil and chemical tanker cargo operations.
2. Every candidate for a certificate in basic training for oil and chemical tanker cargo operations shall have completed basic training in accordance with provisions of Section A-VI/1 of the STCW Code and shall have completed:
 - 2.1. at least three months of approved seagoing service on oil or chemical tankers and meet the standard of competence specified in Section A-V/1- 1, paragraph 1 of the STCW Code; or
 - 2.2. an approved basic training for oil and chemical tanker cargo operations and meet the standard of competence specified in Section A-V/1-1, paragraph 1 of the STCW Code.
3. Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on oil tankers shall hold a certificate in advanced training for oil tanker cargo operations.
4. Every candidate for a certificate in advanced training for oil tanker cargo operations shall:
 - 4.1. meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
 - 4.2. while qualified for certification in basic training for oil and chemical tanker cargo operations have:
 - 4.2.1. at least three months of approved seagoing service on oil tankers; or
 - 4.2.2. at least one month of approved onboard training on oil tankers in a supernumerary capacity which includes at least three loading and three

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unloading operations and is documented in an approved training record book taking into account guidance in Section B- V/1 of the STCW Code; and

- 4.3. have completed approved advanced training for oil tanker cargo operations and meet the standard of competence specified in Section A-V/1-1, paragraph 2 of the STCW Code.
5. Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers shall hold a certificate in advanced training for chemical tanker cargo operations.
6. Every candidate for a certificate in advanced training for chemical tanker cargo operations shall:
 - 6.1. meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
 - 6.2. while qualified for certification in basic training for oil and chemical tanker cargo operations have:
 - 6.2.1. at least three months of approved seagoing service on chemical tankers; or
 - 6.2.2. at least one month of approved onboard training on chemical tankers in a supernumerary capacity which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in Section B-V/1 of the STCW Code; and
 - 6.3. have completed approved advanced training for chemical tanker cargo operations and meet the standard of competence specified in Section A- V/1-1, paragraph 3 of the STCW Code.
7. Party States shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with paragraph 2, 4 or 6 as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

Regulation V/1-2

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Mandatory minimum requirements for the training and qualifications of masters, officers and ratings on liquefied gas tankers.

1. Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers shall hold a certificate in basic training for liquefied gas tanker cargo operations.

2. Every candidate for a certificate in basic training for liquefied gas tanker cargo operations shall have completed basic training in accordance with provisions of Section A-VI/1 of the STCW Code and shall have completed:

- 2.1. at least three months of approved seagoing service on liquefied gas tankers and meet the standard of competence specified in Section A-V/1-2, paragraph 1 of the STCW Code; or
- 2.2. an approved basic training for liquefied gas tanker cargo operations and meet the standard of competence specified in Section A-V/1-2, paragraph 1 of the STCW Code.

3. Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on liquefied gas tankers shall hold a certificate in advanced training for liquefied gas tanker cargo operations.

4. Every candidate for a certificate in advanced training for liquefied gas tanker cargo operations shall:

- 4.1. meet the requirements for certification in basic training for liquefied gas tanker cargo operations; and
- 4.2. while qualified for certification in basic training for liquefied gas tanker cargo operations have:
 - 4.2.1. at least three months of approved seagoing service on liquefied gas tankers; or
 - 4.2.2. at least one month of approved onboard training on liquefied gas tankers in a supernumerary capacity which includes at least three loading and three unloading operations and is documented in an approved training record

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book taking into account guidance in Section B-V/1 of the STCW Code;
and

- 4.3. have completed approved advanced training for liquefied gas tanker cargo operations and meet the standard of competence specified in Section A-V/1-2, paragraph 2 of the STCW Code.
5. Party States shall ensure that a certificate of proficiency is issued to seafarers, who are qualified in accordance with paragraph 2 or 4 as appropriate, or that an existing certificate of competency or certificate of proficiency is duly endorsed.

Regulation V/2

Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships.

1. This regulation applies to masters, officers, ratings and other personnel serving on board passenger ships engaged on international voyages. Administrations shall determine the applicability of these requirements to personnel serving on passenger ships engaged on domestic voyages.
2. Before being assigned shipboard duties, all persons serving on a passenger ship shall meet the requirements of section A-VI/1, paragraph 1 of the STCW Code.
3. Masters, officers, ratings and other personnel serving on board passenger ships shall complete the training and familiarization required by paragraphs 5 to 9 below, in accordance with their capacity, duties and responsibilities.
4. Masters, officers, ratings and other personnel, who are required to be trained in accordance with paragraphs 7 to 9 below shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.
5. Personnel serving on board passenger ships shall complete passenger ship emergency familiarization appropriate to their capacity, duties and responsibilities as specified in section A-V/2, paragraph 1 of the STCW Code.
6. Personnel providing direct service to passengers in passenger spaces on board passenger ships shall complete the safety training specified in section A-V/2, paragraph 2 of the STCW Code.

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7. Masters, officers, ratings qualified in accordance with chapters II, III and VII and other personnel designated on the muster list to assist passengers in emergency situations on board passenger ships, shall complete passenger ship crowd management training as specified in section A-V/2, paragraph 3 of the STCW Code.
8. Masters, chief engineer officers, chief mates, second engineer officers and any person designated on the muster list of having responsibility for the safety of passengers in emergency situations on board passenger ships shall complete approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 4 of the STCW Code.
9. Masters, chief engineer officers, chief mates, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, for loading, discharging or securing cargo, or for closing hull openings on board ro-ro passenger ships, shall complete approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 5 of the STCW Code.
10. Administrations shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified in accordance with paragraphs 6 to 9 of this regulation.

Regulation V/3

Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code.

1. This regulation applies to masters, officers and ratings and other personnel serving on board ships subject to the IGF Code.
2. Prior to being assigned shipboard duties on board ships subject to the IGF Code, seafarers shall have completed the training required by paragraphs 4 to 9 below in accordance with their capacity, duties and responsibilities.
3. All seafarers serving on board ships subject to the IGF Code shall, prior to being assigned shipboard duties, receive appropriate ship and equipment specific familiarization as specified in regulation I/14, paragraph 1.5.
4. Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code shall hold a certificate in basic training for service on ships subject to the IGF Code.

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5. Every candidate for a certificate in basic training for service on ships subject to the IGF Code shall have completed basic training in accordance with provisions of section A-V/3, paragraph 1 of the STCW Code.

6. Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code who have been qualified and certified according to regulation V/1-2, paragraphs 2 and 5, or regulation V/1-2, paragraphs 4 and 5 on liquefied gas tankers, are to be considered as having met the requirements specified in section A-V/3, paragraph 1 for basic training for service on ships subject to the IGF Code.

7. Masters, engineer officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced training for service on ships subject to the IGF Code.

8. Every candidate for a certificate in advanced training for service on ships subject to the IGF Code shall, while holding the Certificate of Proficiency described in paragraph 4, have:

- 1 completed approved advanced training for service on ships subject to the IGF Code and meet the standard of competence as specified in section A-V/3, paragraph 2 of the STCW Code; and
- 2 completed at least one month of approved seagoing service that includes a minimum of three bunkering operations on board ships subject to the IGF Code. Two of the three bunkering operations may be replaced by approved simulator training on bunkering operations as part of the training in paragraph 8.1 above.

9. Masters, engineer officers and any person with immediate responsibility for the care and use of fuels on ships subject to the IGF Code who have been qualified and certified according to the standards of competence specified in section A-V/1-2, paragraph 2 for service on liquefied gas tankers are to be considered as having met the requirements specified in section A-V/3, paragraph 2 for advanced training for ships subject to the IGF Code, provided they have also:

- 1 met the requirements of paragraph 6; and
- 2 met the bunkering requirements of paragraph 8.2 or have participated in conducting three cargo operations on board the liquefied gas tanker; and
- 3 have completed sea going service of three months in the previous five years on board:

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- 1 ships subject to the IGF Code;
- 2 tankers carrying as cargo, fuels covered by the IGF Code; or
- 3 ships using gases or low flashpoint fuel as fuel.

10. Every Party shall compare the standards of competence which it required of persons serving on gas-fuelled ships before 1 January 2017 with the standards of competence in Section A-V/3 of the STCW Code, and shall determine the need, if any, for requiring these personnel to update their qualifications.

11. Administrations shall ensure that a Certificate of Proficiency is issued to seafarers, who are qualified in accordance with paragraphs 4 or 7, as appropriate.

12. Seafarers holding Certificates of Proficiency in accordance with paragraph 4 or 7 above shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

Regulation V/4

Mandatory minimum requirements for the training and qualifications of masters and deck officers on ships operating in polar waters.

1. Masters, chief mates and officers in charge of a navigational watch on ships operating in polar waters shall hold a certificate in basic training for ships operating in polar waters, as required by the Polar Code.

2. Every candidate for a certificate in basic training for ships operating in polar waters shall have completed an approved basic training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 1, of the STCW Code.

3. Masters and chief mates on ships operating in polar waters, shall hold a certificate in advanced training for ships operating in polar waters, as required by the Polar Code.

4. Every candidate for a certificate in advanced training for ships operating in polar waters shall:

- 1 meet the requirements for certification in basic training for ships in polar waters;

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- 2 have at least two (2) months of approved seagoing service in the deck department, at management level or while performing watchkeeping duties at the operational level, within polar waters or other equivalent approved seagoing service; and
 - 3 have completed approved advanced training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 2 of the STCW Code.
5. Administrations shall ensure that a Certificate of Proficiency is issued to seafarers who are qualified in accordance with paragraphs 2 or 4, as appropriate.

Transitional provisions

6. Until 1 July 2020, seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall be able to establish that they meet the requirements of paragraph 2 by:
- 1 having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at the operational or management level, for a period of at least three months in total during the preceding five years; or
 - 2 having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters.*
7. Until 1 July 2020, seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall be able to establish that they meet the requirements of paragraph 4 by:
- 1 having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at management level, for a period of at least three months in total during the preceding five years; or
 - 2 having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters² and having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at

² Refer to section B-V/g of the STCW Code.

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the management level, for a period of at least two months in total during the preceding five years.

CHAPTER VI
EMERGENCY, OCCUPATIONAL SAFETY, SECURITY, MEDICAL CARE AND SURVIVAL FUNCTIONS

Regulation VI/1

Mandatory minimum requirements for safety familiarisation, basic training and instruction for all seafarers.

1. Seafarers shall receive familiarisation and basic training or instruction in accordance with Section A-VI/1 of the STCW Code and shall meet the appropriate standard of competence specified therein.
2. Where basic training is not included in the qualification for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended the course in basic training.

Regulation VI/2

Mandatory minimum requirements for the issue of certificates of proficiency in survival craft, rescue boats and fast rescue boats.

1. Every candidate for a certificate of proficiency in survival craft and rescue boats other than fast rescue boats shall:
 - 1.1. be not less than 18 years of age;
 - 1.2. have approved seagoing service of not less than 12 months or have attended an approved training course and have approved seagoing service of not less than six months; and
 - 1.3. meet the standard of competence for certificates of proficiency in survival craft and rescue boats set out in Section A-VI/2, paragraphs 1 to 4, of the STCW Code.
2. Every candidate for a certificate of proficiency in fast rescue boats shall:
 - 2.1. be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;

- 2.2. have attended an approved training course; and
- 2.3. meet the standard of competence for certificates of proficiency in fast rescue boats set out in Section A-VI/2, paragraphs 7 to 10, of the STCW Code.

Regulation VI/3

Mandatory minimum requirements for training in advanced firefighting.

1. Seafarers designated to control firefighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organisation, tactics and command in accordance with the provisions of Section A-VI/3 paragraphs 1 to 4 of the STCW Code and shall meet the standard of competence specified therein.
2. Where training in advanced firefighting is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training in advanced firefighting.

Regulation VI/4

Mandatory minimum requirements relating to medical first aid and medical care

1. Seafarers designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in Section A-VI/4, paragraphs 1, 2 and 3, of the STCW Code.
2. Seafarers designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in Section A-VI/4, paragraphs 4, 5 and 6, of the STCW Code.
3. Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

Regulation VI/5

Mandatory minimum requirements for the issue of certificates of proficiency for ship security officers.

1. Every candidate for a certificate of proficiency as ship security officer shall:

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- 1.1. have approved seagoing service of not less than 12 months or appropriate seagoing service and knowledge of ship operations; and
 - 1.2. meet the standard of competence for certification of proficiency as ship security officer, set out in Section A-VI/5, paragraphs 1 to 4, of the STCW Code.
2. Party States shall ensure that every person found qualified under the provisions of this regulation is issued with a certificate of proficiency.

Regulation VI/6

Mandatory minimum requirements for security related training and instruction for all seafarers.

1. Seafarers shall receive security-related familiarisation and security-awareness training or instruction in accordance with Section A-VI/6, paragraphs 1 to 4 of the STCW Code and shall meet the appropriate standard of competence specified therein.
2. Where security awareness is not included in the qualification for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended the a course in security awareness training.
3. Every party State shall compare the security-related training or instruction it requires of seafarers who hold or can document qualifications before the date of 3rd January 2013, with those specified in Section A-VI/6, paragraph 4 of the STCW Code, and shall determine the need for requiring these seafarers to update their qualifications.

Seafarers with designated security duties.

4. Seafarers with designated security duties shall meet the standard of competence specified in Section A-VI/6, paragraphs 6 to 8 of the STCW Code.
5. Where training in designated security duties is not included in the qualifications for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course of training for designated security duties.
6. Every party State shall compare the security training standards required of seafarers with designated security duties who hold or can document qualifications before the date of 3rd January 2013 with those specified in Section A-VI/6, paragraph 8 of the STCW Code, and shall determine the need for requiring these seafarers to update their qualifications.

**CHAPTER VII
ALTERNATIVE CERTIFICATION**

Regulation VII/1

Issue of alternative certificates.

1. Notwithstanding the requirements for certification laid down in Chapters II and III of this Annex, party States may elect to issue or authorise the issue of certificates other than those mentioned in the regulations of those chapters, provided that:

- 1.1. the associated functions and levels of responsibility to be stated on the certificates and in the endorsements are selected from and identical to those appearing in Sections A-II/1, A-II/2, A-II/3, A-II/4, A-II/5, A-III/1, A-III/2, A-III/3, A-III/4, A-III/5, and A-IV/2 of the STCW Code;
- 1.2. the candidates have completed approved education and training and meet the requirements for standards of competence, prescribed in the relevant sections of the STCW Code and as set forth in Section A-VII/1 of this Code, for the functions and levels that are to be stated on the certificates and in the endorsements;
- 1.3. the candidates have completed approved seagoing service appropriate to the performance of the functions and levels that are to be stated on the certificate. The minimum duration of seagoing service shall be equivalent to the duration of seagoing service prescribed in Chapters II and III of this Annex. However, the minimum duration of seagoing service shall be not less than as prescribed in Section A-VII/2 of the STCW Code;
- 1.4. the candidates for certification who are to perform the function of navigation at the operational level shall meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations;
- 1.5. the certificates are issued in accordance with the requirements of regulation 13A of these Regulations and the provisions set forth in Chapter VII of the STCW Code.

2. No certificate shall be issued under this chapter unless the party State has communicated the information required by the STCW Convention to the IMO.

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Regulation VII/2

Certification of seafarers.

Every seafarer who performs any function or group of functions specified in tables A-II/1, A-II/2, A-II/3, A-II/4 or A-II/5 of Chapter II or in tables A-III/1, A-III/2, A-III/3, or A-III/4 or A-III/5 of Chapter III or A-IV/2 of Chapter IV of the STCW Code shall hold a certificate of competency or certificate of proficiency, as applicable.

Regulation VII/3

Principles governing the issue of alternative certificates.

1. A party State which elects to issue or authorise the issue of alternative certificates shall ensure that the following principles are observed:

- 1.1. no alternative certification system shall be implemented unless it ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to that provided by the other chapters; and
- 1.2. any arrangement for alternative certification issued under this chapter shall provide for the interchangeability of certificates with those issued under the other chapters.

2. The principle of interchangeability in point 1 shall ensure that:

- 2.1. seafarers certificated under the arrangements of Chapters II and/or III and those certificated under Chapter VII are able to serve on ships which have either traditional or other forms of shipboard organisation; and
- 2.2. seafarers are not trained for specific shipboard arrangements in such a way as would impair their ability to take their skills elsewhere.

3. In issuing any certificate under the provisions of this chapter the following principles shall be taken into account:

- 3.1. the issue of alternative certificates shall not be used in itself:
 - 3.1.1. to reduce the number of crew on board;
 - 3.1.2. to lower the integrity of the profession or 'de-skill' seafarers; or

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- 3.1.3. to justify the assignment of the combined duties of the engine and deck watchkeeping officers to a single certificate holder during any particular watch; and
- 3.2. the person in command shall be designated as the master and the legal position and authority of the master and others shall not be adversely affected by the implementation of any arrangement for alternative certification.
4. The principles contained in points 1 and 2 shall ensure that the competency of both deck and engineer officers is maintained.