

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4514 of 18 October, 2018

LEGAL NOTICE NO. 225 OF 2018.

GIBRALTAR MERCHANT SHIPPING (SAFETY, ETC.) ACT, 1993

**GIBRALTAR MERCHANT SHIPPING (MANNING, TRAINING AND
CERTIFICATION FOR SEAFARERS) (AMENDMENT)
REGULATIONS 2018**

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 implementing into the laws of Gibraltar the amendments to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers (STCW), 1978 by IMO Resolution MSC.396(95) adopted on 11 June 2015, IMO Resolution MSC. 416(97) and IMO Resolution MSC. 417(97) both adopted on 25 November 2016, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) (Amendment) Regulations 2018 and shall come into operation on the day of publication.

Amendments to the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006.

2. The Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 (the principal Regulations) are amended in accordance with the provisions of regulations 3 to 9 below.

Amendments of regulation 2.

3. Regulation 2 of the principal Regulations is amended -

- (a) by inserting the following definition after the definition of “host Member State”-

““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;”;

- (b) by inserting the following definitions after the definition of “passenger ship”-

““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;”.

Amendment of regulation 3.

4. Regulation 3 of the principal Regulations is amended by substituting the following sub-regulation for sub-regulation (2)-

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

Amendment of regulation 5.

5. Regulation 5 of the principal Regulations is amended by substituting the following sub-regulation for sub-regulation (3)-

- “(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.”.

Amendments of regulation 9C.

6. Regulation 9C of the principal Regulations is amended –

- (a) by substituting “paragraph 3” for “paragraph 2” in sub-regulation (5);
- (b) by substituting “paragraph 4” for “paragraph 3” in sub-regulation (6);
- (c) by substituting “paragraph 5” for “paragraph 4” in sub-regulation (7).

Amendments of regulation 11.

7. Regulation 11 of the principal Regulations is amended –

- (a) by substituting “paragraph 3” for “paragraph 1” in sub-regulation (4)(a);
- (b) by substituting “paragraph 1” for “paragraph 2” in sub-regulation (4)(b);
- (c) by substituting “paragraph 2” for “paragraph 3” in sub-regulation (5);
- (d) by substituting “paragraph 5” for “paragraph 4” in sub-regulation (6)(a); and
- (e) by substituting “paragraph 4” for “paragraph 5” in sub-regulation (6)(b).

Insertion of regulation 11A.

8. The Principal Regulations are amended by inserting the following regulation after regulation 11-

“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-
 - (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.

Amendments of Schedule 1.

9. The principal Regulations are amended in Schedule 1-

- (a) by inserting, after paragraph 2, the following paragraphs of Regulation I/11 of CHAPTER I of the STCW Convention-

“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.....
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 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.";
- (b) by substituting the following Regulation for Regulations V/2 of CHAPTER V of the STCW Convention -

“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.
 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.”; and
- (c) by inserting the following Regulations after Regulation V/2 of CHAPTER V of the STCW Convention-

“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.
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:
 - 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;

- 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 waters¹ 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 the management level, for a period of at least two months in total during the preceding five years."

Dated 18th October, 2018.

G H LICUDI QC,
Minister for Maritime Services,
For the Government.

¹ Refer to section B-V/g of the STCW Code.

EXPLANATORY MEMORANDUM

These Regulations amend the Gibraltar Merchant Shipping (Manning, Training and Certification for Seafarers) Regulations 2006 in order to implement into the laws of Gibraltar the amendments to the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers (STCW), 1978 by IMO Resolution MSC.396(95) adopted on 11 June 2015 and IMO Resolution MSC. 416(97) adopted on 25 November 2016

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