

**CONVENTION (NO. 53) CONCERNING THE MINIMUM
REQUIREMENT OF PROFESSIONAL CAPACITY FOR MASTERS AND
OFFICERS ON BOARD MERCHANT SHIPS, AS MODIFIED BY THE
FINAL ARTICLES REVISION CONVENTION**

Note: The Convention amends -the Convention on the Minimum Requirement of Professional Capacity for Masters and Officers on Board Merchant Ships, signed at Geneva, October 24, 1936. As amended, it was concurred in by the Senate, S.R. No. 44, May 19, 1960. The Philippine instrument of ratification was signed by the President, September 16, 1960 and was deposited with the Director-General of the ILO, November 17, 1960. The original Convention entered into force March 29, 1939. The amended Convention entered into with respect to the Philippines, November 17, 1961.

Reference: This Convention is also published in 40 UNTS, p. 153. The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, which is the fourth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fourth day of October of the year one thousand nine hundred and thirty-six the following Convention, which may be cited as the Officers' Competency Certificates Convention, 1936:

ARTICLE 1

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

(a) ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(c) wooden ships of primitive build such as shows and junks.

2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

ARTICLE 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them:

(a) "master or skipper" means any person having command or charge of a vessel;

(b) "navigating officer in charge of a watch" means any person, other than a pilot, who is for the time being actually in charge of the navigation or manoeuvring of a vessel;

(c) "chief engineer" means any person permanently responsible for the mechanical propulsion of a vessel;

(d) "engineer officer in charge of a watch" means any person who is for the time being actually in charge of the running of a vessel's engines.

ARTICLE 3

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of force majeure.

ARTICLE 4

1. No person shall be granted a certificate of competency unless—

(a) he has reached the minimum age prescribed for the issue of the certificate in question;

(b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and

(c) he has passed the examinations organized and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall—

(a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;

(b) provide for the organization and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organization may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organized in virtue of paragraph 2(b) of this Article who—

(a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and

(b) have no record of any serious technical error against them.

ARTICLE 5

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

ARTICLE 6

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

(a) a shipowner, shipowner's agent, master or skipper has engaged a person not certificated as required by this Convention;

(b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate;

(c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

ARTICLE 7

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organization, each Member of the Organization which ratifies this Convention shall append to its ratification a declaration stating—

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision.