STATUTORY INSTRUMENTS

2015 No. 782

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015

Made - - - -	*23rd March 2015*
Laid before Parliament	*26th March 2015*
Coming into force - -	*9th June 2015*

[F1][F2][F3][F4]The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to maritime transport , measures relating to the safety of ships and the health and safety of persons on them and measures relating to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations .

[F5]The Secretary of State is satisfied, for the purposes of section 47(2) of the Merchant Shipping Act 1995 , that it is necessary or expedient, in the interests of safety to make the Regulations in so far as they require ships to carry qualified seamen.

The Secretary of State has consulted such persons as are required to be consulted by sections 86(4) and 306(4) of the Merchant Shipping Act 1995.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F6] and by sections 47(1), (4A) and (4B), 85(1), (3), (5) to (7), 86(1) and (2) and 307(1) of the Merchant Shipping Act 1995 [F7].

F1 1972 c.68.
F2 S.I. 1994/757.
F3 S.I. 1993/595.
F4 S.I. 2002/248.
F5 1995 c. 21. Section 47 was amended by the Marine Navigation Act 2013 (c. 23), **section 10**.
F6 Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
F7 1995 c.21. Section 47 was amended by section 10 of the Marine Navigation Act 2013 (c.23). Sections 85 and 86 were amended by section 8 of, and Part 1 of Schedule 7 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28). Sections 85 and 86 are applied to hovercraft by article 4 of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) (sections 85 and 86 re-enact sections 21 and 22 of the Merchant Shipping Act 1979 (c.39) which are referred to in that article).

Modifications etc. (not altering text)

C1 Regulations excluded by S.I. 1998/1609 Sch. Table (as substituted by S.I. 2016/354 reg. 4 Sch. (6.4.2016) by The Merchant Shipping (Small Workboats and Pilot Boats) (Amendment) Regulations 2016 (S.I. 2016/354), **Sch.)**

C2 Regulations excluded by SI 1998/2771 Sch. 2 Table (as substituted (6.4.2016) by The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2016 (S.I. 2016/353), regs. 1(1), 3(2), **Sch. 2)**

C3 Regulations excluded by SI 1998/2771 Sch. 1 Table (as substituted (6.4.2016) by The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2016 (S.I. 2016/353), regs. 1(1), 3(1), **Sch. 1)**

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015, and come into force on 9th June 2015.

Revocations and amendments

2.—(1) Subject to regulation 56, the regulations specified in Schedule 1 are revoked.

(2) The regulations specified in Schedule 2 are amended to the extent specified in that Schedule.

Interpretation

3.—(1) In these Regulations—

"the Act" means the Merchant Shipping Act 1995;

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

(a) at the level of responsibility specified,

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

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

"approved" (and "approved" in the STCW Convention so far as given effect by these Regulations) means approved by the Secretary of State;

"certificate of competency" means**[**[F8], except in regulation 33A, **]** an appropriate certificate issued by the Secretary of State for the purposes of regulation 6 (other than a certificate of equivalent competency);

"certificate of equivalent competency" means an endorsement in the form of a separate document entitled "certificate of equivalent competency" issued by the Secretary of State in accordance with **[**[F9]regulation 32, 33 or 33A**]** to a master, officer or radio operator who holds an appropriate certificate issued by or under the authority of another Party to the STCW Convention;

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

"a certificate of proficiency in training for tanker cargo operations" means a certificate of proficiency issued in accordance with the provisions of STCW Regulations V/1-1 and V/1-2 in basic or advanced training for—

(a) oil tanker cargo operations,

(b) chemical tanker cargo operations, or

(c) liquefied gas tanker cargo operations;

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

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

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

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

"constructed" in relation to a craft means where the keel is laid or a similar stage of construction; and "similar stage of construction" means a stage at which—

(a) construction identifiable with a specific craft begins; and

(b) assembly of that craft has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;

"the Directive" means Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast) [F10];

"documentary evidence" means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention have been met;

"electro technical officer" means an officer designated as such and qualified in accordance with the provisions of Regulation III/6 of the STCW Convention;

"electro technical rating" means a rating qualified in accordance with the provisions of Regulation III/7 of the STCW Convention;

"engineer officer" means an officer qualified in accordance with the provisions of Regulations III/1, III/2 or III/3 of the STCW Convention;

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

"fishing vessel" means a vessel used for catching fish or other living resources of the sea;

"GMDSS" means the Global Maritime Distress and Safety System;

"GMDSS radio operator" means a person who is qualified in accordance with the provisions of Regulations IV/1 and IV/2 of the STCW Convention;

"GT" means gross tonnage as determined under the Merchant Shipping (Tonnage) Regulations 1997 [F11];

"high speed craft" has the same meaning as in the Merchant Shipping (High Speed Craft) Regulations 2004 [F12];

"High Speed Craft Code" means the International Code of Safety for High Speed Craft 2000 [F13];

"IBC Code" means the 2007 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization [F14];

"IGC Code" means the 1993 Edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, published by the International Maritime Organization [F15];

"ISPS Code" means the International Ship and Port Facility (ISPS) Code adopted on 12th December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS) [F16];

"length" has the same meaning as in the Merchant Shipping (Tonnage) Regulations 1997;

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

"the Medical Certification Regulations" means the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010 [F17];

"Merchant Shipping Notice" means a notice described as such and issued by the Secretary of State and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

"near-coastal voyage" means a voyage during which the vessel is not more than 150 nautical miles from a safe haven in the United Kingdom, or not more than 30 nautical miles from a safe haven in the Republic of Ireland, except where the vessel is located within a specified trading area in accordance with conditions set by the Secretary of State;

"oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the **[**[F18]Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018**]**;

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

"passenger ship" means a ship which carries more than 12 passengers;

"pleasure vessel" means a pleasure vessel as defined in regulation 2(1) of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 [F19];

"prescribed fee" means the fee prescribed by the Secretary of State under section 302 of the Act;

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

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

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

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

(a) in the case of a United Kingdom ship by the Secretary of State, and

(b) in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;

"seafarer" means any person, including a master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on a ship;

"sea-going" means going to sea beyond the limits of category A, B, C or D waters (as categorised in Merchant Shipping Notice 1827(M));

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

"the STCW Code" means the Seafarers' Training, Certification and Watchkeeping Code adopted by the 2010 Manila Conference of Parties to the STCW Convention [F20];

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended [F21];

"STCW Regulation" means a Regulation contained in Attachment 1 to the Final Act of the 2010 Manila Conference of Parties to the STCW Convention;

"tanker" means a chemical tanker, a liquefied gas tanker or an oil tanker; and

"third party State" means a State contracting to the STCW Convention which is not an EEA State.

(2) Any reference to the IBC Code, the IGC Code, the ISPS Code, the STCW Code, the STCW Convention or a STCW Regulation includes reference to any document amending the Code or Convention which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

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

F8 Words in reg. 3 inserted (31.12.2020) by The Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/630), regs. 1, **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F9 Words in reg. 3 substituted (31.12.2020) by The Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/630), regs. 1, **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F10 O.J. L 323, 3.12.2008, p33; amended by Directive 2012/35/EU of 21 November 2012 (O.J. L343, 14.12.2012, p78).

F11 S.I. 1997/1510, to which there are amendments not relevant to these Regulations.

F12 S.I. 2004/302, to which there are amendments not relevant to these Regulations.

F13 ISBN 9789280113267.

F14 ISBN 9789280142266.

F15 ISBN 9789280112771.

F16 ISBN 9789280151497.

F17 S.I. 2010/737, as amended by S.I. 2014/1614.

F18 Words in reg. 3(1) substituted (12.3.2018) by The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (S.I. 2018/68), reg. 1(1), **Sch. Pt. 1 para. 5** (with reg. 5)

F19 S.I. 1998/2771; as amended by S.I. 2005/2114. The other amendments to S.I. 1998/2771 are not relevant to these regulations.

F20 ISBN 9789280115284.