

*Government Notice No. 112 of 2018***THE MERCHANT SHIPPING ACT****Regulations made by the Minister under section 228
of the Merchant Shipping Act**

1. These regulations may be cited as the Merchant Shipping (Maritime Training Provider) Regulations 2018.

2. In these regulations –

“Act” means the Merchant Shipping Act;

“approved instructor” means an instructor who has been approved by the Director to be qualified to dispense training as specified under the Code;

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

“Director” has the same meaning as under the Act;

“Guidelines” means the guidelines issued by the Ministry for the conduct of training as specified under the Code;

“Ministry” has the same meaning as under the Act;

“Training provider” means an individual or institution which conducts maritime training in accordance with the Code and the guidelines.

3. (1) No training as required under the Code shall be conducted unless the training provider has been approved by the Director.

(2) Such approval –

(a) shall be given in writing;

(b) shall not be valid for a period exceeding 2 years;

- (c) shall state the date on which it takes effect, the period for which it is given and the conditions under which it is given;
- (d) shall stipulate the minimum duration of the course and maximum number of candidates permitted for each course; and
- (e) may be altered, suspended or cancelled on good cause by the Director.

4. A maritime training provider who wishes to conduct approved training shall –

- (a) propose a training program which shall be structured in accordance with the relevant syllabi provided in the Code and the guidelines;
- (b) appoint approved instructors who –
 - (i) have the required knowledge of the training program and an understanding of the specific training objectives for the particular type of training to be conducted;
 - (ii) are qualified to conduct the training;
 - (iii) where the training is to be conducted using a simulator –
 - (A) have received appropriated guidance in instructional techniques involving the use of simulators; and
 - (B) have gained practical operational experience on the particular type of simulator to be used;

- (iv) have an appropriate level of knowledge and understanding of the competence to be assessed;
 - (v) have received appropriate guidance in assessment methods and practice;
 - (vi) have gained adequate practical assessment experience; and
 - (vii) where they are to conduct assessments involving the use of simulators, have gained practical assessment experience on the particular type of simulator to be used.
- (c) maintain a quality management system with procedures to –
- (i) maintain records of dates when courses are held;
 - (ii) record the outcome of the courses for all candidates;
 - (iii) keep the records for a period of 5 years; and
 - (iv) record the candidates' full name, date of birth, place of birth and identity document number or passport for a foreign candidate;
- (d) conduct internal audits at least annually and submit a copy of the audit report to the Director;
- (e) have adequate facilities and training equipment as specified in the Code and the guidelines; and
- (f) make available, at the beginning of each calendar year, a schedule of planned courses for the year ahead which shall

be updated each time a course is run outside the scheduled dates.

5. The quality management system and records referred to in regulation 4(c) shall be made accessible to the Director upon request for inspection and auditing.

6. (1) An application for approval as maritime training provider shall be made in the form and manner as approved by the Director and be accompanied by any documents the Director may specify.

(2) Where the Director is satisfied that the training provider meets the requirements of regulation 4, he may approve the training provider.

7. The Director may at any time –

- (a) for the purpose of approval or renewal of the approval of a maritime training provider; or
- (b) to ensure that the training is being properly delivered –
 - (i) inspect the facilities, training and assessment arrangements, methods and materials of the training provider; and
 - (ii) interview the students, administrative personnel, and instructors.

8. A training provider approved under regulation 6(2) shall –

- (a) make available to the Director any information the latter may require on the approved training offered by the provider;
- (b) make available to the Director, upon request, any examination scripts, assessment results, course

assignments, progress reports or other training related reports;

- (c) inform the Director, without delay, of any change in the personnel delivering the training or the methods or material for delivering it; and
- (d) for audit purposes, keep for at least 5 years the information referred to in paragraph (b).

9. Where an approved maritime training provider has been found to have contravened the conditions of approval under regulation 4 which the Director considers to be a fundamental breach, the Director shall cancel the approval given under regulation 6(2) and the maritime training provider shall be informed of the cancellation of the approval and the reasons thereof.

10. Any person who conducts maritime training without the approval of the Director shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to an imprisonment for a term not exceeding 2 years.

11. These regulations shall come into operation on 1 October 2018.

Made by the Minister on 13 September 2018.
