

Government Notice No. 68 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 (Certificate of Competency and Certificate of Proficiency) Regulations 2018.

2. In these regulations –

“Act” means the Merchant Shipping Act;

“applicant” means a person who makes an application under regulation 4(1);

“certificate of competency” means a certificate issued in respect of the following grades of seafarer –

- (a) Skipper;
- (b) Second Hand (Fishing Vessel);
- (c) Officer in Charge of Navigational Watch (Fishing Vessel);
- (d) Chief Engineer (Fishing Vessel) up to 1500 kW;
- (e) Chief Engineer (Fishing Vessel) up to 3000 kW;
- (f) Second Engineer (Fishing Vessel) up to 1500 kW;
- (g) Second Engineer (Fishing Vessel) up to 3000 kW;

“certificate of proficiency” means a certificate issued in respect of the following grades of seafarer –

- (a) Able Seafarer Deck (Fishing Vessel);
- (b) Able Seafarer Engine (Fishing Vessel);

(c) Rating Forming part of a Navigational Watch (Fishing Vessel);

(d) Rating Forming part of an Engineering Watch (Fishing Vessel);

“external examiner” means a person having a Master Mariner Class 1 or Marine Engineer Class 1, and appointed as such by the Director;

“fishing vessel” means a vessel –

(a) of not less than 24 metres in length, which is engaged in fishing and related fishing activities; and

(b) registered as such under the Act;

“medically fit” means being certified as being medically fit in accordance with the Merchant Shipping Notice (No. 2 of 2016) on Medical Examination of Seafarers issued by the Director.

3. These regulations shall apply to seafarers employed on fishing vessels.

4. (1) An application for a certificate of competency or certificate of proficiency shall be made to the Director in such form and manner as he may approve.

(2) On receipt of an application made under paragraph (1), the Director shall, subject to paragraph (3), cause an oral examination, and if need be, a practical examination, to be conducted on the applicant by a surveyor or an external examiner.

(3) No applicant shall undergo an oral examination or a practical examination, as the case may be, unless he is medically fit and has successfully completed the relevant course in the applicable grade of seafarer.

(4) The surveyor or external examiner, as the case may be, shall, after conducting the oral examination and/ or the practical examination –

- (a) inform the Director of the result of the examination; and
- (b) make recommendations to the Director on the certificate to be delivered to the applicant who has passed the examination.

5. (1) The Director shall, on the recommendation of the surveyor or external examiner, issue to the applicant a certificate of competency or a certificate of proficiency, as the case may be.

- (2) A certificate of competency or certificate of proficiency –
 - (a) shall be in such form as the Director may approve;
 - (b) shall be valid for a period of 5 years; and
 - (c) may be renewed subject to the holder of the certificate –
 - (lxix) being medically fit;
 - (lxx) establishing the appropriate level of professional competence for the certification held; and
 - (lxxi) complying with any other requirement as the Director may determine.

(3) Where the holder of a certificate is issued with an appropriate certificate at a higher level, he shall surrender the former certificate to the Director for cancellation.

6. Where a certificate of competency or certificate of proficiency is lost, the Director –

- (a) shall, if satisfied that the person has lost the certificate without fault on his part;

- (b) may, if he is not so satisfied, on receipt of any fee specified in the Merchant Shipping (Fees) Regulations 2009,

cause a certified copy of the certificate to be issued to him.

7. A record of all certificates which are issued under these regulations and which have been suspended, cancelled, or reported lost or destroyed, and of any alteration of or any other matters affecting any such certificates, shall be maintained by the Director.

8. These regulations shall come into operation on 1 June 2018.

Made by the Minister on 31 May 2018.
