



[L.S.]

I Assent.

James B. Carlisle
Governor-General.

27th April, 2001

ANTIGUA AND BARBUDA

No. 7 of 2001

AN ACT to amend the Antigua and Barbuda Merchant Shipping Act

[27th April, 2001]

ENACTED by the Parliament of Antigua and Barbuda as follows:—

1. This Act may be cited as the Antigua and Barbuda Merchant Shipping (Amendment) (No. 2) Act, 2001 Shorttitle.

2. The Antigua and Barbuda Merchant Shipping Act, Cap. 28, in this Act referred to as the principal Act is amended as follows — Section 63 of the principal Act is repealed and substituted by the following — Repeal and Substitution of section 63.

"Dispensation⁶³ (1) The Minister may, in circumstances of exceptional to a seafarer who is adequately qualified, to serve in a specified ship for a period not exceeding six months in a capacity for which he does not hold appropriate certificate, but holds a recognised certificate to enable him to serve competently in the post

immediately below the post in respect of which the grant of the dispensation permits him so serve.

(2) No dispensation shall be granted to a seafarer to serve in the capacity of —

- (a) a radio officer or a radio telephone operator, except as provided by the relevant Radio Regulations;
- (b) a master or chief engineer officer, except in circumstances of force majeure and for the shortest period only.

(3) Where the Convention does not require a certification of the post immediately below the post in respect of which the grant of dispensation permits service, a dispensation may be granted to a person who, in the opinion of Antigua and Barbuda Administration and the company, possesses the qualification and experience equivalent to the required qualification and experience of the vacant post.

(4) Where such a person as is mentioned in subsection (3) does not hold the appropriate certificate, he shall be required to pass a test which the Antigua and Barbuda Administration recognises as satisfying the qualification for the grant of dispensation.

(5) The Antigua and Barbuda Administration shall endeavour to fill such vacant post as is mentioned in sub-section (4) without delay.

(6) The Antigua and Barbuda Administration shall, after the 1st of January of each year, submit to the Secretary General a report of —

- (a) the total number of dispensations granted for that year to seagoing ships in respect of each capacity for which a certificate is required; and
- (b) the number of such seagoing ships above and below 3000 GT respectively."

3. Section 72 of the principal Act is repealed and substituted by the following —

Repeal and
Substitution of
section 72.

"Examination and
assessment of
seafarers.

72 (1) The Minister shall, on the coming into force in Antigua and Barbuda of the provisions of the Convention affecting the implementation of examination and assessment of seafarers, make regulations in accordance with Article VI and Regulation I/6 of the Convention as amended from time to time respecting —

- (a) the appropriate level for granting certificates;
- (b) the qualifications required of persons desirous of obtaining competency for the different grades;
- (b) the appointment of persons for the purpose of conducting in-service assessment or examination of competence of a seafarer who —
 - (i) has the appropriate knowledge;
 - (ii) is qualified in the task for which the assessment or examination is being made;
 - (iii) has received appropriate guidance in assessment or examination methods and practice; and

- (iv) in case of using a simulator, has the appropriate experience in the type of simulator used;
- (v) The appointment of examiners and determine the dates and place of assessment or examination and other matters connected with the conduct of assessment or examination of competency;
- (vi) the provision for the delivery of certificates to successful candidates by duly authorised persons;
- (vii) the re-assessment or examination of candidates in accordance with the standards provided by the Convention where the Minister has reason to believe that the report of the examiner or assessor has been duly made;
- (viii) the fees to be paid by candidates appearing for examination or assessment.

(2) Antigua and Barbuda shall not accept seafarers for service on Antigua and Barbuda registered vessels, unless the Administration is satisfied that —

- (a) the parties which conduct national training and assessment of seafarers conduct such training and assessment in full compliance with provisions of the Convention;
- (b) the training and assessment of seafarers, as required under the Convention, are administered, super-

vised and monitored in accordance with the provisions of Section A — I/6 of the Code;

- (c) the persons responsible for the training and assessment of competence of seafarers as required under the Convention are appropriately qualified in accordance with the provisions of Section A — I/6 of the Code for the type and level of training or assessment involved."

4. Section 331 of the principal Act is repealed.

Repeal of section 331.

Passed the House of Representatives
this 11th day of April, 2001

Passed the Senate this 26th
day of April, 2001.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.