ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

1996, No. 24

RESOLUTION RATIFYING the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

WHEREAS the Ratification of Treaties Act Cap. 364 provides in section 3 (1) that a Treaty to which Antigua and Barbuda becomes a party is one which affects or concerns the relationship of Antigua and Barbuda with any International Organization, agency or association or similar body, such Treaty shall not enter into force with respect to Antigua and Barbuda unless it has been ratified or its ratification has been authorized or approved in accordance with the provisions of this Act;

AND WHEREAS the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 is an international agreement to which Antigua and Barbuda is a signatory;

AND WHEREAS the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 is an agreement governed by international law and concerns the relationship of Antigua and Barbuda and the State Parties to the Convention;

NOW THEREFORE, BE IT RESOLVED by this Honourable House that the International Convention which was done at London on 7th July 1978 and which is attached hereto as a Schedule be ratified as a Treaty under section 3 (l) *(c)* of the Ratification of Treaties Act Cap. 364.

Passed by the House of Representatives this 12th day of August, 1996.

Bridget Harris,
Speaker.

Sylvia Walker,
Clerk of the House of representatives.

INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978

THE PARTIES TO THIS CONVENTION,

DESIRING to promote safety of life and property at sea and the protection of the marine environment by establishing in common agreement international standards of training, certification and watchkeeping for seafarers,

CONSIDERING that this end may best be achieved by the conclusion of an International Convention on Standards of Training, Certification and Watchkeeping for Seafarers,

HAVE AGREED as follows:

Article I

General obligations under the Convention

(1) The Parties undertake to give effect to the provisions of the Convention and the annex thereto, which shall constitute an integral part of the Convention. Every reference to the Convention constitutes at the same time a reference to the annex.

(2) The Parties undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the Convention full and complete effect, so as to ensure that, from the point of view of safety of life and property at sea and the protection of the marine environment, seafarers on board ships are qualified and fit for their duties.

Article II

Definitions

For the purpose of the Convention, unless expressly provided otherwise:

(a) *Party* means a State for which the Convention has entered into force;

(b) *Administration* means the Government of the Party whose flag the ship is entitled to fly;

(c) *Certificate* means a valid document, by whatever name it may be known, issued by or under the authority of the Administration or recognized by

the Administration authorizing the holder to serve as stated in this document or as authorized by national regulations;

(d) *certificated* means properly holding a certificate;

(e) Organization means the Inter-Governmental Man time Consultative Organization (IMCO);*

(f) *Secretary-General means* the Secretary-General of the Organization;

(g) *Seagoing ship* means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

(h) *Fishing vessel* means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;

(i) *Radio Regulations* means the Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention which may be in force at any time.

Article III

Application

The Convention shall apply to seafarers serving on board seagoing ships entitled to fly the flag of a Party except to those serving on board:

(a) warships, naval auxiliaries or other ships owned or operated by a State and engaged only on governmental non-commercial service; however, each Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that the persons serving on board such ships meet the requirements of the Convention so far as is reasonable and practicable;

(b) fishing vessels;

(c) pleasure yachts not engaged in trade; or

(d) wooden ships of primitive build.

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* The name of the Organization was changed to "International Maritime Organization (IMO)" by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

Article IV
Communication of information

(1) The Parties shall communicate as soon as practicable to the Secretary-General:

(a) the text of laws, decrees, orders, regulations and instruments promulgated on the various matters within the scope of the Convention;

(b) full details, where appropriate, of contents and duration of study courses, together with their national examination and other requirements for each certificate issued in compliance with the Convention;

(c) a sufficient number of specimen certificates issued in compliance with the Convention.

(2) The Secretary-General shall notify' all Parties of the receipt of any communication under paragraph (4) *(a)* and, *inter alia,* for the purposes of articles IX and X, shall, on request, provide them with any information communicated to him under paragraphs (1) *(b)* and *(c).*

Article V
Other treaties and interpretation

(1) All prior treaties, conventions and arrangements relating to standards of training, certification and watchkeeping for seafarers in force between the Parties shall continue to have full and complete effect during the terms thereof as regards:

(a) seafarers to whom this Convention does not apply;

(b) seafarers to whom this Convention applies, in respect of matters for which it has not expressly provided.

(2) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the Convention, the Parties shall review their commitments under such treaties, conventions and arrangements with a view to ensuring that there is no conflict between these commitments and their obligations under the Convention.

(3) All matters which are not expressly provided for in the Convention remain subject to the legislation of Parties.

(4) Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article VI
Certificates

(1) Certificates for masters, officers or ratings shall be issued to those candidates who, to the satisfaction of the Administration, meet the requirements for service, age, medical fitness, training, qualification and examinations in accordance with the appropriate provisions of the annex to the Convention.

(2) Certificates for masters and officers issued in compliance with this article shall be endorsed by the issuing Administration in the form as prescribed in regulation 1/ 2 of the annex. If the language used is not English, the endorsement shall include a translation into that language.

Article VII
Transitional provisions

(4) A certificate of competency or of service in a capacity for which the Convention requires a certificate and which before entry into force of the Convention for a Party is issued in accordance with the laws of that Party or the Radio Regulations shall be recognized as valid for service after entry into force of the Convention for that Party.

(2) After the entry into force of the Convention for a Party, its Administration may continue to issue certificates of competency in accordance with its previous practices for a period not exceeding five years. Such certificates shall be recognized as valid for the purpose of the Convention. During this transitional period such certificates shall be issued only to seafarers who had commenced their sea service before entry into force of the Convention for that Party within the specific ship department to which those certificates relate. The Administration shall ensure that all other candidates for certification shall be examined and certificated in accordance with the Convention.

(3) A Party may, within two years after entry into force of the Convention for that Party, issue a certificate of service to seafarers who hold neither an appropriate certificate under the Convention nor a certificate of competency issued under its laws before entry into force of the Convention for that Party but who have:

(a) served in the capacity for which they seek a certificate of service for not less than three years at sea within the last seven years preceding entry into force of the Convention for that Party;

(b) produced evidence that they have performed that service satisfactorily;

(c) satisfied the Administration as to medical fitness, including eyesight and hearing, taking into account their age at the time of application.

For the purpose of the Convention, a certificate of service issued under this paragraph shall be regarded as the equivalent of a certificate issued under the Convention.

Article VIII
Dispensation

(1) In circumstances of exceptional necessity, Administrations, if in their opinion this does not cause danger to persons, property or the environment, may issue a dispensation permitting a specified seafarer to serve in a specified ship for a specified period not exceeding six months in a capacity, other than that of the radio officer or radiotelephone operator, except as provided by the relevant Radio Regulations, for which he does not hold the appropriate certificate, provided that the person to whom the dispensation is issued shall be adequately qualified to fill the vacant post in a safe manner, to the satisfaction of the Administration. However, dispensations shall not be granted to a master or chief engineer officer except in circumstances of *force majeure* and then only for the shortest possible period.

(2) Any dispensation granted for a post shall be granted only to a person properly certificated to fill the post immediately below. Where certification of the post below is riot required by the Convention, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Administration, of a clear equivalence to the requirements for the post to be filled, provided that, if such a person holds no appropriate certificate, he shall be required to pass a test accepted by the Administration as demonstrating that such a dispensation may safely be issued. In addition, Administrations shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

(3) Parties shall, as soon as possible after 1 January of each year, send a report to the Secretary-General giving information of the total number of dispensations in respect of each capacity for which a certificate is required that have been issued during the year to seagoing ships, together with information as to the numbers of those ships above and below 1,600 gross register tons respectively.

Article IX
Equivalents

(1) The Convention shall not prevent an Administration from retaining or adopting other educational and training arrangements, including those involving seagoing service and shipboard organization especially adapted to technical developments and to special types of ships and trades, provided that the level of seagoing service, knowledge and efficiency as regards navigational and technical handling of ship and cargo ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to the requirements of the Convention.

(2) Details of such arrangements shall be reported as early as practicable to the Secretary-General who shall circulate such particulars to all Parties.

Article X
Control

(1) Ships, except those excluded by article III, are subject, while in the ports of a Party, to control by officers duly authorized by that Party to verify that all seafarers serving on board who are required to be certificated by the Convention are so certificated or hold an appropriate dispensation. Such certificates shall be accepted unless there are clear grounds for believing that a certificate has been fraudulently obtained or that the holder of a certificate is not the person to whom that certificate was originally issued.

(2) In the event that any deficiencies are found under paragraph (4) or under the procedures specified in regulation 1/4, "Control procedures", the officer carrying out the control shall forthwith inform, in writing, the master of the ship and the Consul or, in his absence, the nearest diplomatic representative or the maritime authority of the State whose flag the ship is entitled to fly, so that appropriate action may be taken. Such notification shall specificy the details of the deficiencies found and the grounds on which the Party determines that these deficiencies pose a danger to persons, property or the environment.

(3) In exercising the control under paragraph (1), if, taking into account the size and type of the ship and the length and nature of the voyage, the deficiencies referred to in paragraph (3) of regulation 1/4 are not corrected and it is determined that this fact poses a danger to persons, property or the environment, the Party carrying out the control shall take steps to ensure that the ship will not sail unless and until these requirements are met to the extent that the danger has been removed. The facts concerning the action taken shall be reported promptly to the Secretary-General.

(4) When exercising control under this article, all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is so detained or delayed it shall be entitled to compensation for any loss or damage resulting therefrom.

(5) This article shall be applied as may be necessary to ensure that no more favourable treatment is given to ships entitled to fly the flag of a non-Party than is given to ships entitled to fly the flag of a Party.

Article XI
Promotion of technical co-operation

(1) Parties to the Convention shall promote, in consultation with, and with the assistance of the Organization, support for those Parties which request technical assistance for:

(a) training of administrative and technical personnel;

(b) establishment of institutions for the training of seafarers;

(c) supply of equipment and facilities for training institutions;

(d) development of adequate training programmes, including practical training on seagoing ships; and

(e) facilitation of other measures and arrangements to enhance the qualifications of seafarers;

preferably on a national, sub-regional or regional basis, to further the aims and purposes of the Convention, taking into account the special needs of developing countries in this regard

(2) On its part, the Organization shall pursue the aforesaid efforts, as appropriate, in consultation or association with other international organizations, particularly the International Labour Organisation.

Article XII
Amendments

(1) The Convention may be amended by either of the following procedures;

(a) amendments after consideration within the Organization:

(i) any amendment proposed by a Party shall be submitted to the Secretary-General, who shall then circulate it to all Members of the Organization, all Parties and the Director-General of the International Labour Office at least six months prior to its consideration;

(ii) any amendment so proposed and circulated shall be referred to the Maritime Safety Committee of the Organization for consideration;

(iii) Parties,, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for consideration and adoption of amendments;

(iv) amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee expanded as provided for in sub-paragraph (iii) (hereinafter referred to as the "expanded Maritime Safety Committee") on condition that at least one third of the Parties shall be present at the time of voting;

(v) amendments so adopted shall be communicated by the Secretary-General to all Parties for acceptance;

(vi) an amendment to an article shall be deemed to have been accepted on the date on which it is accepted by two thirds of the Parties;

(vii) an amendment to the annex shall be deemed to have been accepted:

1. at the end of two years from the date on which it is communicated to the Parties for acceptance; or

2. at the end of a different period, which shall be not less than one year, if so determined at the time of its adoption by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee;

however, the amendments shall be deemed not to have been accepted if, within the specified period, either more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more notify the Secretary-General that they object to the amendment;

(viii) an amendment to an article shall enter into force with respect to those Parties which have accepted it six months after the date on which it is deemed to have been accepted, and with respect to each Party which accepts it after that date, six months after the date of that Party's acceptance;

(ix) an amendment to the annex shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (vii) and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. Before the date determined for entry into force, any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment; or

(a) amendment by a conference:

(i) upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene, in association or consultation with the Director-General of the International Labour Office, a conference of Parties to consider amendments to the Convention;

(ii) every amendment adopted by such a conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance;

(iii) Unless the conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accor-

that references in these sub-paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the conference.

(2) Any declaration of acceptance of; or objection to, an amendment or any notice given under paragraph (l) (a) (ix) shall be submitted in wnting to the Secretary-General who shall inform all Parties of any such submission and the date of its receipt.

(3) The Secretary-General shall inform all Parties of any amendments which enter into force, together with the date on which each such amendment enters into force.

Article XIII
Signature, ratification, acceptance, approval and accession

(1) The Convention shall remain open for signature at the Headquarters of the Organization from 1 December 1978 until 30 November 1979 and shall thereafter remain
open for accession. Any State may become a Party by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(3) The Secretary-General shall inform all States that have signed the Convention or acceded to it and the Director-General of the International Labour Office of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article XIV
Entry into force

(1) The Convention shall enter into force 12 months after the date on which not less than 25 States, the combined merchant fleets of which constitute not less than 500/0 of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have either signed it without reservation as to ratification, acceptance or approval or deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article XIII.

(2) The Secretary-General shall inform all States that have signed the Convention or acceded to it of the date on which it enters into force.

(3) Any instrument of ratification, acceptance, approval or accession deposited during 12 months referred to in paragraph (1) shall take effect on the coming into force of the Convention or three months after the deposit of such instrument, whichever the later date.

(4) Any Instrument of ratification, acceptance, approval or accession deposited after the date on which the Convention enters into force shall take effect three months after the date of deposit.

(5) After the date on which an amendment is deemed to have been accepted under article XII, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

Article XV
Denunciation

(1) The Convention may be denounced by any Party at any time after five years from the date on which the Convention entered into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General who shall inform all other Parties and the Director-General of the International Labour Office of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect 12 months after receipt of the notification of denunciation by the Secretary-General or after any longer period which may be indicated in the notification.

Article XVI
Deposit and registration

(1) The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to all States that have signed the Convention or acceded to it.

(2) As soon as the Convention enters into force, the Secretary-General shall transmit the text to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article XVII
Languages

The Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic and German languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the Convention.

DONE AT LONDON this seventh day of July, one thousand nine hundred and seventy-eight.

Resolution 1
Adoption of amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

THE CONFERENCE.

RECALLING article XII (l) (b) of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. 1978 (hereinafter referred to as 'the Convention"). concerning the procedure for amending the Convention by a Conference of Parties.

HAVING CONSIDERED amendments to the annex to the Convention proposed and circulated to the Members of the Organization and to all Parties to the Convention, to replace the existing text of the annex to the Convention.

1. ADOPTS, in accordance with article XII (l) (b) (ii) of the Convention, amendments to the annex to the Convention, the text of which is set out in the annex to the present resolution;

2. DETERMINES, in accordance with article XII *(1) (a)* (vii) 2 of the Convention, that the amendments annexed hereto shall be deemed to have been accepted on 1 August 1996, unless, prior to that date, more than one third of Parties to the Convention or Parties, the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tons or more, have notified the Secretary-General that they object to the amendments;

3. INVITES Parties to note that in accordance with article XII (1) *(a) (ix)* of the Convention, the amendments annexed hereto shall enter into force on 1 February 1997 upon being deemed to have been accepted in accordance with paragraph 2 above.

ANNEX

Amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978

CHAPTER I
General provisions

Regulation I/1
Definitions and clarifications

For the purpose of the Convention, unless expressly provided otherwise:

1. *Regulations* means regulations contained in the annex to the Convention;

2. *Approved* means approved by the Party in accordance with these regulations;

3. *Master* means the person having Command of a ship;

4. *Officer* means a member of the crew, other than the master, designated as such by national law or regulations or, in the absence of such designation, by collective agreement or Custom;

5. *Deck officer* means an officer qualified in accordance with the provisions of chapter II of the Convention;

8. *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;

9. *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;

10. *Assistant engineer officer* means a person under training to become an engineer officer and designated as such by national law or regulations;

11. *Radio operator* means a person holding an appropriate certificate issued or recognized by the Administration under the provisions of the Radio Regulations;

12. *Rating* means a member of the ship's crew other than the master or an officer;

13. *Near-coastal voyages* means voyages in the vicinity of a Party as defined by that Party.

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

15. *Radio duties's* include, as appropriate watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations the International Convention for the safety of Life at Sea and, at the discretion of each Administration, the relevant recommendations of the Organization;

16. *Oil tanker* means a ship constructed and used for the carnage of petroleum and petroleum products in bulk;

17. *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 Inter-national Bulk Chemical Code;

18. *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 International Gas Carrier Code;

19. *Ro-ro passenger ship* means a passenger ship with ro-ro cargo spaces or special category\ spaces as defined in the International Convention for the Safety of Life at Sea, 1974, as amended;

20. *Month* means a calendar month or 30 days made up of periods of less than one month;

21. *STCW Code* means the Seafarers' Training, Certification and Watch-keeping (STCW) Code *as* adopted by the 1995

22. *Function* means group of tasks, duties and responsibilities a specified in the STCW Code, necessary for ship operation safety of life at sea or protection of the marine environment:

23. *Company* means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility has agreed to take over all the duties and responsibilities imposed on the company by these regulations;

24. *Appropriate Certificate* means a certificate issued and endorsed in accordance with the provisions of this annex and entitling the lawful holder there of to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage, power and mean of propulsion concerned while engaged on the particular voyage concerned;

25. *Seagoing service* means service on board a ship relevant to the issue of a certificate or other qualification.

2. These regulation are supplemented by the mandatory provisions contained in part A of the STCW Code and:

1. any reference to a requirement in a regulation also constitutes a reference to the corresponding section of part A of the STCW Code;

2. in applying these regulations, the related guidance and explanatory material contained in part B of the STCW Code should be taken into account to the greatest degree possible in order to achieve a more uniform implementation of the Convention provisions on a global basis;

3. amendments to part A of the STCW Code shall be adopted, brought into force and take effect in accordance with the provisions of article XII of the Convention concerning the amendment procedure applicable to the annex; and

4. part B of the STCW Code shall be amended by the Maritime Safety Committee in accordance with its rules of procedure.

3. The references made in article VI of the Convention to "the Administration" and "the issuing Administration" shall not be construed as preventing any Patty from issuing and endorsing certificates under the provisions of these regulations.

Regulation 1/2
Certificates and endorsements

1. Certificates shall be in the official language or languages of the issuing country. If the language used is not English, the text shall include a translation into that language.

2. In respect of radio operators, Parties may:

1. include the additional knowledge required by the relevant regulations in the examination for the issue of a certificate complying with the Radio Regulations; or

.2 issue a separate certificate indicating that the holder has the additional knowledge required by the relevant regulations.

3. The endorsement required by article VI of the Convention to attest the issue of a certificate shall only be issued if all the requirements of the Convention have been complied with.

4. At the discretion of a Party, endorsements may be incorporated in the format of the certificates being issued as provided for in section A-I/2 of the STCW Code. If so incorporated the form used shall be that set forth in section A-l2, paragraph I. If issued otherwise, the form of endorsements used shall be that set forth in paragraph 2 of that section.

5. An Administration which recognizes a certificate under regulation I/10 shall endorse such certificate to attest its recognition. The endorsement shall only be issued if all requirements of the Convention have been complied with. The form of the endorsement used shall be that set forth in paragraphs 3 of section A-I/2 of the STCW Code.

6. The endorsements referred to in paragraphs 3, 4 and 5:

1 may be issued as separate documents;

2 shall each be assigned a unique number, except that endorsements attesting the issue of a certificate may be assigned the same number as the certificate concerned, provided that number is unique; and

3 shall expire as soon as the certificate endorsed expires or is withdrawn, suspended or cancelled by the Party which issued it and, in any case, not more than five years after their date of issue.

7. The capacity in which the holder of a certificate is authorized to serve shall be identified in the form of endorsement in terms identical to those used in the applicable safe manning requirements of the Administration.

8. Administrations may use a format different from the format given in section A-1/2 of the STCW Code, provided that, as a minimum, the required information is provided in Roman characters and Arabic figures. taking into account the variations permitted under section A-1/2.

9. Subject to the provisions of regulation 1/10 paragraph 5, any certificate required by the Convention must be kept available in its original form on board the ship on which the holder is serving.

Regulation 1/3
Principles governing near-coastal voyages

1. Any Party defining near-coastal voyages for the purpose of the Convention shall not impose training, experience or certification requirements on the seafarers seen on board the ships entitled to fly the flag of another Party and engaged on such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board ships entitled to fly its own flag. In no case shall any such Party impose requirements in respect of seafarers serving on board ships entitled to fly the flag of another Party in excess of those of the Convention in respect of ships not engaged on near-coastal voyages.

2. With respect to ships entitled to fly the flag of a Party regularly engaged on near-coastal voyages off the coast of another Party, the Party whose flag the ship is entitled to fly shall prescribe training, experience and certification requirements for seafarers serving on such ships at least equal to those of the Party off whose coast the ship is engaged, provided that they do not exceed the requirements of the Convention in respect of ships not engaged on near-coastal voyages. Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by a Part and enters waters not covered by that definition shall fulfill the appropriate competency requirements of the Convention.

3. A Party may afford a ship which is entitled to fly its flag the benefits of the near-coastal voyage provisions of the Convention when it is regularly engaged off the coast of a non-Party on near-coastal voyages as defined by the Party.

4. Parties defining near-coastal voyages, in accordance with the requirements of this regulation, shall communicate to the Secretary-General, in conformity with the requirements of regulation 1/7, the details of the provisions adopted.

5. Nothing in this regulation shall, in any way, limit the jurisdiction of any State, whether or not a Party to the Convention.

Regulation 1/4
Control procedures

1. Control exercised by a duly authorized control officer under article X shall be limited to the following:

1. in accordance with article X(1) that all seafarers serving on board who are required to be certificated in accordance with the Convention hold an appropriate certificate or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation 1/ 10. paragraph 5;

2. verification that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements of the Administration; and

3. assessment, in accordance with second A-I/4 of the STCW Code, of the ability of the seafarers of the ship to maintain watchkeeping standards as required by the Convention if there are clear grounds for believing that such standards are not being maintained because any of the following have occurred:

3.1 the ship has been involved in a collision, grounding or stranding, or

3.2 there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under any international convention, or

3.3 the ship has been maneuvered in an erratic or unsafe manner whereby routing measures adopted by the Organization or safe navigation practices and procedures have not been followed, or

3.4 the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment.

2. Deficiencies which may be deemed to pose a danger to persons, property or the environment include the following:

1. failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation 1/10, paragraph 5;

2. failure to comply with the applicable safe manning requirements of the Administration;

3. failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration;

4. absence in a watch of a person qualified to operate equipment essential to safe navigation safety radio communications or the prevention of marine pollution; and

5. inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

3. Failure to correct any of the deficiencies referred to in paragraph 2, in so far as it has been determined by the Party carrying out the control that they pose a danger to persons property or the environment shall be the only grounds under article X on which a Party may detain a ship.

Regulation 1/5

National provisions

1. Each Party shall establish processes and procedures for the impartial investigation of any reported incompetency act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by that Party in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the prevention of fraud.

2. Each Party shall prescribe penalties or disciplinary measures for cases in which the provisions of its national legislation giving effect to the Convention are not complied with in respect of ships entitled to fly its flag or of seafarers duly certificated by that Party.

3. In particular, such penalties or disciplinary measures shall be prescribed and enforced in cases in which:

1 a company or a master has engaged a person not holding a certificate as required by the Convention;

2. a master has allowed any function or service in any capacity required by these regulations to be performed by a person holding an appropriate certificate, to be performed by a person not holding the required certificate, a valid dispensation or having the documentary proof required by regulation 1/10, paragraph 5; or

3. a person has obtained by fraud or forged documents an engagement to perform any functional or serve in any capacity required by these regulations to be performed or filled by a person holding a certificate or dispensation.

4. A Party, within whose jurisdiction there is located any company which, or any person who, is believed on clear grounds to have been responsible for, or to have knowledge of, any apparent non-compliance with the Convention specified in paragraph 3, shall extend all co-operation possible to any Party which advise it of its intention to initiate proceedings under its jurisdiction.

Regulation 1/6
Training and assessment

Each Party shall ensure that:

1. the training and assessment of seafarers, as required under the Convention, are administered, supposed and monitored in accordance with the provisions of section A-1/6 of the STCW Code; and

2. those 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 STCW Code for the type and level of training or assessment involved

Regulation 1/7
Recognition of certificates

1. In addition to the information required to be communicated by article IV, each Party shall provide to the Secretary-General within the time periods prescribed and in the format specified in section A-I/7 of the STCW Code, such other information as may be required by the Code on other steps taken by the Party to give the Convention full and complete effect.

2. When complete information as prescribed in article IV and section A-I/7 of the STCW Code has been received and such information confirms that full and complete effect is given to the provisions of the Convention, the Secretary-General shall submit a report to this effect to the Maritime Safety Committee.

3. Following subsequent confirmation by the Maritime Safety Committee, in accordance with procedures adopted by the Committee, that the information which has been provided demonstrates that full and complete effect is given to the provisions of the Convention:

1. the Maritime Safety Committee shall identify the Parties so concerned; and

2 other Parties shall be entitled, subject to the provisions of regulations 1/4 and 1/ l0, to accept in principle, that certificates issued by or on behalf of the Parties identified in paragraph 3.1 are in compliance with the Convention.

Regulation 1/8
Quality standards

1. Each Party shall ensure that:

1. in accordance with the provisions of section A-1/8 of the STCW Code all training, assessment of competence certification, endorsement and revalidation activities carried out by non-governmental agencies or entities under its authority are continuously monitored through a quality standards system to ensure achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors; and

2. where governmental agencies or entities perform such activities, there shall be a quality standards system.

2. Each Party shall also ensure that an evaluation is periodically undertaken in accordance with the provisions of section A-I/8 of the STCW Code by qualified persons who are not themselves involved in the activities concerned.

3. Information relating to the evaluation required by communicated to the Secretary-General.

Regulation 1/9
Medical standards—Issue and registration of certificates

1. Each Party shall establish standards of medical fitness regarding eyesight and hearing.

2. Each party shall ensure that certificates are issued only to candidates who comply with the requirements of this regulation.

3. Candidates for certification shall provide satisfactory proof:

1. of their identity;

2. that their age is not less than that prescribed in the regulation relevant to the certificate applied for;

3. that they meet the standards of medical fitness, particularly regarding eyesight and hearing, established by the Party, and hold a valid document attesting to their medical fitness, issued by a duly qualified medical practitioner recognized by the Party';

4. of having completed the seagoing service and any related compulsory training required by these regulations for the certificate applied for; and

5. that they meet the standards of competence prescribed by these regulations for the capacities functions and levels that are to be identified in the endorsement to the certificate.

4. Each Party undertakes to:

1. maintain a register or registers of all certificates and endorsements for masters and officers and, as appropriate, ratings, which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensations issued; and

2. make available information on the status of such certificates, endorsements and dispensations to other Parties and companies which request verification of the authenticity', and validity', of certificates produced to them by seafarers seeking recognition of their certificates under regulation 1 10 or employment on board ship.

Regulation 1/10
Recognition of certificates

1. Each Administration shall ensure that the provisions of this regulation are complied with, in order to recognize, by endorsement in accordance with regulation 1/2, paragraph 5, a certificate issued by or under the authority of another Party to a master, officer or radio operator and that:

1 the Administration has confirmed, through all necessary measures, which may include inspection of facilities and procedures, that the requirements concerning standards of competence, the issue and endorsement of certificates and record keeping are fully complied with; and

2 an undertaking is agreed with the Party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the Convention.

compliance with the Convention.

2. Measures shall be established to ensure that seafarers who present, for recognition, certificates issued under the provisions of regulations II/2, III/2 or III/3, or issued under VII/1 at the management level, as defined in the STCW Code, have an appropriate knowledge of the maritime legislation of the Administration relevant to the functions they are permitted- to perform.

3. Information provided and measures agreed upon under this regulation shall be communicated to the Secretary-General in conformity with the requirements of regulation 1/7.

4. Certificates issued by or under the authority of a non-Party shall not be recognized.

5. Notwithstanding the requirement of regulation I 2, paragraph 5, an Administration may, if circumstances require allow a seafarer to serve in a capacity, other than radio officer or radio operator, except as provided by the Radio Regulations, for a period not exceeding three months on board a ship entitled to fly its flag, while holding an appropriate and valid certificate issued and endorsed as required by another Party for use on board that Party's ships but which has not yet been endorsed so as to render it appropriate for service on board ships entitled to fly the flag of the Administration. Documentary proof shall be readily available that application for an endorsement has been submitted to the Administration.

6. Certificates and endorsements issued by an Administration under the provisions of this regulation in recognition of, or attesting the recognition of, a certificate issued by another Party, shall not be used as the basis for further recognition by another Administration.

Regulation I/11
Revalidation of certificates

1. Every master, officer and radio operator holding a certificate issued or recognized under any chapter of the Convention other than chapter VI, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required at intervals not exceeding five years to:

1. meet the standards of medical fitness prescribed by regulation 1/9; and

2. establish continued professional competence in accordance with section A-I/II of the STCW Code.

2. Every master, officer and radio operator shall, for continuing seagoing service on board ships for which special training requirements have been internationally

3. Each Party shall compare the standards of competence which it required of candidates for certificates issued before 1 February 2002 with those specified for the appropriate certificate in part A of the STOW Code, and shall determine the need for requiring the holders of such certificates to undergo appropriate refresher and up-dating training or assessment.

4. The Party shall, in consultation with those concerned, formulate or promote the formulation of a structure of refresher and updating courses as provided for in section A-I/11 of the STCW Code.

5. For the purpose of updating the knowledge of masters, officers and radio operators, each Administration shall ensure that the texts of recent changes international and international regulation concerning the safety of life at sea and the protection of the marine environment are made available to ships entitled to fly its flag.

Regulation 1/12
Use of simulators

1. The performance standards and other provisions set forth in section A-I 12 and such other requirements as are prescribed in part A of the STCW Code for any certificate concerned shall be complied with in respect of:

1. all mandatory simulator-based training;

2. any assessment of competency required by part A of the STCW Code which is carried out by means of a simulator; and

3. any demonstration, by means of a simulator, of continued proficiency required by part A of the STCW Code.

2. Simulators installed or brought into use prior to 1 February 2002 may be exempted from full compliance with the performance standards referred to in paragraph 1, at the discretion of the Party concerned.

Regulation 1/13
Conduct of trials

1. These regulations shall not prevent an Administration from authorizing ships entitled to fly its flag to participate in trials.

2. For the purposes of this regulation, the term *trial* means an experiment or series of experiments, conducted over a limited period, which may involve the use of automated or integrated systems in order to evaluate alternative methods of performing specific duties or satisfying particular arrangements prescribed by the Convention, which would provide at least the same degree of safety and pollution prevention as provided by these regulations.

3. The Administration authorizing ships to participate in trial shall be satisfied that such trials are conducted in a manner that provides at least the same degree of safety and pollution prevention as provided by these regulations. Such trials shall be conducted in accordance with guidelines adopted by the Organization. *

4. Details of such trials shall be reported to the Organization as early as practicable but not less than six months before the date on which the trials are scheduled to commence. The Organization shall circulate such particulars to all Parties.

5. The results of trials authorized under paragraph 1, and any recommendations the Administration may have regarding those results, shall be reported to the Organization. which shall circulate such results and recommendations to all Parties.

6. Any Party having any objection to particular trials authorized in accordance \with this regulation should communicate such objection to the Organization as early as practicable. The Organization shall circulate details of the objection to all Parties.

7. An Administration which has authorized a trial, shall respect objections received from other Parties relating to such trial by directing ships entitled to fly its flag not to engage in a trial while navigating in the waters of a coastal State which has communicated its objection to the Organization.

8. An Administration which concludes, on the basis of a trial, that a particular system will provide at least the same degree of safety and pollution prevention as provided by these regulations may authorize ships entitled to fly its flag to continue to operate with such a system indefinitely, subject to the following requirements:

1. the Administration shall, after results of the trial have been submitted in accordance with paragraph 5, provide details of any such authorization, including identification of the specific ships which may be subject to the authorization, to the Organization, which will circulate this information to all Parties;

2. any operations authorized under this paragraph shall be conducted in accordance with any guidelines developed by the Organization, to the same extent as they apply during a trial;

3. such operations shall respect any objections received from other Parties in accordance with paragraph 7, to the extent such objections have not been withdrawn; and

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* Refer to the Provisional Guidelines on the conduct of trials in which the officer of the navigational watch acts as the sole look-out in periods of darkness (MSC/Circ. 566).

4. an operation authorized under this paragraph shall only be permitted pending a determination by the Maritime Safety Committee as to whether an amendment to the Convention whether the operation should be suspended or permitted to continue before the amendment enters into force.

9. At the request of any Party, the Maritime Safety Committee shall establish a date for the consideration of the trial results and for the appropriate determinations.

Regulation 1/14
Responsibility of companies

1. Each Administration shall, in accordance with the provisions of section A-I/14, hold companies responsible for the assignment of seafarers for service in their ships in accordance with the provisions of the present Convention, and shall require every such company to ensure that:

1. each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of the Convention and as established by the Administration;

2. its ships are manned in compliance with the applicable safe manning requirements of the Administration;

3. documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience. training, medical fitness and competency in assigned duties:

4. seafarers, on being assigned to any of its ships are familiarized with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties; and

5. the ship's complement can effectively co-ordinate their activities in an emergency situation and in performing function vital to safety or to the prevention or mitigation of pollution.

Regulation 1/15
Transitional provisions

1. Until l February 2002, a Party may continue to issue, recognize and endorse certificates in accordance "with the provisions of the Convention which applied immediately prior to 1 February 1997 in respect of those seafarers who commenced

approved seagoing service, an approved education and training programme or an approved training course before 1 August 1998.

2. Until 1 February 2002 a Party may continue to renew and revalidate certificates and endorsements in accordance with the provisions of the Convention which applied immediately prior to I February 1997

3. Where a Party, pursuant to regulation 1/II, reissues or extends the validity of certificates originally issued by that Party under the provisions of the Convention which applied immediately prior to 1 February 1997, the Party may, at its discretion. replace tonnage limitations appearing on the original certificates as follows:

1. "200 gross registered tons" may be replaced by "500 gross tonnage"; and

2. "1,600 gross registered tons" may be replaced by "3,000 gross tonnage"

CHAPTER 11
Master and deck department

Regulation 11/1
Mandatory minimum requirements for certification of officers in Charge of navigational watch on ships of 500 gross tonnage or more

1. Every officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold an appropriate certificate.

2. Every candidate for certification shall:

1 be not less than 18 years of age;

2 have approved seagoing service of not less than one year as part of an approved training programme which includes on-board training which meets the requirements of section A-II/ I of the STCW Code and is documented in an approved training record book, or otherwise have approved seagoing service of not less than three years;

3 have performed, during the required seagoing service, bridge watch-keeping duties under the supervision of the master or a qualified officer for a period of not less than six months;

4 meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and

5. have completed approved education and training and meet the standard of competence specified in section A-II/I of the STCW Code.

Regulation 11/2
Mandatory minimum requirements for certification of masters and chief mates on ships of 5 00 gross tonnage or more

Master and chief mate on ships of 3,000 gross tonnage or more

1. Every master and chief mate on a seagoing ship of 3,000 gross tonnage or more shall hold an appropriate certificate.

2. Every candidate for certification shall:

1. meet the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service in that *capacity:*

1.1 for certification as chief mate, not less than 12 months, and

1.2 for certification as master, not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and

2. have completed approved education and training and meet the standard of competence specified in section A-I 1/2 of the STCW Code for masters and chief mates on ships of 3,000 gross tonnage or more.

Master and chief mate on ships of between 500 and 3,000 gross tonnage

3. Every master and chief mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold an appropriate certificate.

4. Every candidate for certification shall:

1. for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;

2. for certification as master, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity; however, this period

may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and

3 have completed approved training and meet the standard of competence specified in section A-1I/2 of the STCW Code for masters and chief mates on ships of between 500 and 3,000 gross tonnage.

Regulation 11/3
Mandatory minimum requirements for certification of officers in charge of a navigational watch and of masters on ships of less than 500 gross tonnage

Ships not engaged on near-coastal voyages

1. Every officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold an appropriate certificate for ships of 500 gross tonnage or more.

2. Every master serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold an appropriate certificate for service as master on ships of between 500 and 3,000 gross tonnage.

Ships engaged on near-coastal voyages

Officer in charge of a navigational watch

3. Every officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold an appropriate certificate.

4. Every candidate for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:

1 be not less than 18 years of age;

2. have completed:

2.1 special training, including an adequate period of appropriate seagoing service as required by the Administration, or

2.2 approved seagoing service in the deck department of not less than three years

3. meet the applicable requirements of the regulations in chapter IV, as appropriate for performing designated radio duties in accordance with the radio regulations: and

4. have completed approved education and training and meet the standard of competence specified in section A-II/3 of the STCW Code for officers in charge of a navigational watch on ships of less than 500 gross tonnage engaged on near-coastal voyages.

Master

5. Every master serving on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold an appropriate certificate.

6. Every candidate for certification as master on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:

1. be not less than 20 years of age;

2. have approved seagoing service of not less than 12 months as officer in charge of a navigational watch, and
3. have completed approved education and training and meet the standard of competence specified in section A-II/3 of the STCW Code for masters on ships of less than 500 gross tonnage engaged on near-coastal voyages.

Exemptions

The Administration, if it considers that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of this regulation and section A-I 1/3 of the STCW Code unreasonable or impracticable may to that extent exempt the master and the officer in charge of a navigational watch on such a ship or class of ships from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

II Regulation 11/4
*Mandatory minimum requirements for certification of ratings forming part of a navigational watch**

1. Every rating forming part of a navigational watch on a seagoing ship of 300 gross tonnage or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties.

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* These requirements are not those for certification of Able Seamen as contained in the ILO Certification of Able Seamen Convention, 1946, or any subsequent convention.

2. Every candidate for certification shall:

1. be not less than 16 years of age;

2. have completed:

2.1 approved seagoing service including not less than six months training and experience or

2.2 special training. either pre-sea or on board ship. including an approved period of seagoing service which shall not be less than two months: and

.3 meet the standard of competence specified in section A-II/4 of the STCW Code.

3. The seagoing service, training and experience required by sub-paragraphs 2.2.1 and 2.2.2 shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating.

4. Seafarers may be considered by the Party to have met the requirements of this regulations if they have served in a relevant capacity in the deck department for period of not less than one year within the last five years preceding the entry into force of the Convention for that Party.

CHAPTER III
Engine department

Regulation III/1
Mandatory minimum requirements for certification of officers in charge of an engineering watch in manned engine-room or designated duty engineers in a periodically unmanned engine-room

1. Every officer in charge of an engineering watch in a manned engine-room or duty engineer officer in a periodically unmanned engine-room on a sea-powered by main propulsion machinery of 750 kW propulsion power or hold an appropriate certificate.

2. Every candidate for certification shall:

1 be not less than 18 years of age;

2 have completed not less than six months seagoing service in the engine department in accordance with section A-III/1of the STCW Code; and

3 have completed approved education and training of at least 30 months which includes on-board training documented in an approved training record book and meet the standards of competence specified in section AIII/1 of the STCW Code.

Regulation 111/2
Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ship powered by main propulsion machinery of 3,000 kW propulsion power or more

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more shall hold an appropriate certificate.

2. Every candidate for certification shall:

1. meet the requirements for *certification* as an officer in charge of an engineering watch and:

1.1 for certification as second engineer officer, shall have not less than 12 months approved seagoing service as assistant engineer officer or engineer officer, and

1.2 for certification as chief engineer officer, shall have not less than 36 month's approved seagoing service of which not less than 12 months shall have been served as an engineer officer in a position of responsibility while qualified to serve as second engineer officer; and

2. have completed approved education and training and meet the standard of competence specified in section A-III 2 of the STCW Code.

Regulation 111/3
Mandatory minimum requirements for certification of chief engineer officers and second engineer officers on ships powered by main propulsion machinery of between 750 kW and 3,000 k W propulsion power

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 and 3,000 kW propulsion power shall hold an appropriate certificate.

2. Every candidate for certification shall:

1 meet the requirements for certification as an officer in charge of an engineering watch and:

1.1 for certification as second engineer officer, shall have not less than 12 months approved seagoing service as assistant engineer officer or engineer officer, and

1.2 for certification as chief engineer officer, shall have not less than 24 months' approved seagoing service of which not less than 12 months shall be served while qualified to serve as second engineer officer; and

2 have completed approved education and training and meet the standard of competence specified in section A-III/3 of the STCW Code.

3. Every engineer officer who is qualified to serve as second engineer officer on ships powered by main propulsion machinery of 3,000 kW propulsion power or more, may serve as chief engineer officer on ships powered by main propulsion machinery of less than 3,000 kW propulsion power, provided that not less than 12 months' approved seagoing service shall have been served as an engineer officer in a position of responsibility and the certificate is so endorsed.

Regulation III/4
Mandatory minimum requirements for certification of ratings forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room

1. Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certificated to perform such duties.

2. Every candidate for certification shall

1. be not less than 16 years of age..

2. have completed:

2.1 approved seagoing service including not less than six months training and experience or

2.2 special training either pre-sea or on board ship including an approved period of seagoing service which shall not be less than months: and

3. meet the standard of competence specified in section A-III 4 of the STCW Code.

3. The seagoing service, training and experience required by sub-paragraphs 2.2.1 and 2.2.2 shall be associated with engine-room watchkeeping function and involve the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating.

4. Seafarers may be considered by the Party to have met the requirement of this regulation if they have served in a relevant capacity in the engine department for a period of not less than one year within the last five years preceding the entry into force of the Convention for that Party.

CHAPTER IV
Radiocommunication and radio personnel

Explanatory note

Mandatory provisions relating to radio watch keeping are set forth in the Radio regulations and in the International Convention for the Safety of Life at Sea, 1974. as amended. Provisions for radio maintenance are set forth in the International Convention for the Safety of Life at Sea, 1974, as amended, and the guidelines adopted by the Organization.*

Regulation IV/1
Application

1. Except as provided in paragraph 3, the provisions of this chapter apply to radio personnel on ships operating in the global maritime distress and safety system (GMDSS) as prescribed by the international Convention for the Safety of Life at Sea. 1974, as amended.

2. Until 1 February 1999, radio personnel on ships complying with the provisions of the International Convention for the Safety of Life at Sea, 1974, in force immediately prior to 1 February 1992 shall comply with the provisions of the International Convention on Standards of Training., Certification and Watchkeeping for Seafarers. 1978. in force prior to December 1992.

3. Radio personnel on ships not required to comply with the provisions of the GMDSS in chapter IV of the SOLAS Convention are not required to meet the provisions of this chapter. Radio personnel on these ships are, nevertheless, required to comply

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*Refer to the Radio Maintenance Guidelines for the Global Maritime Distress and Safety System (GMDSS) Related to Sea Areas A3 and A4 adopted by the Organization by resolution A.702(17)

with the Radio regulations. The Administration shall ensure that the appropriate certificates as prescribed by the Radio regulations are issued to or recognized in respect of such radio personnel.

Regulation IV/2
Mandatory minimum requirements for certification of GMDSS radio personnel

1. Every person in charge of or performing radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to the GMDSS, issued or recognized by the Administration under the provisions of the Radio Regulations.

2. In addition, every candidate for certification under this regulation for service on a ship which is required by the International Convention for the Safety of Life at Sea, I 974, as amended, to have a radio installation shall:

1. be not less than 18 years of age: and

2. have completed approved education and training and meet the standard of competence specified in section A-IV 2 of the STCW Code.

CHAPTER V
Special training requirements for personnel on certain types of ships

Regulation V/1
Mandatory minimum requirements for the training and qualification of masters, officers and ratings on tankers

1. Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on tankers shall have completed an approved shore-based fire-fighting course in addition to the training required by regulation Vl/ 1 and shall have completed:

1. at least three months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices: or

2. an approved tanker familiarization course covering at least the syllabus given for that course in section A-V/1 of the STCW Code.

so however that, the Administration may accept a period of supervised seagoing service shorter than that prescribed by sub-paragraph .1, provide:

4. the tanker is of less than 3, 000 gross tonnage;

5. the duration of each voyage on which the tanker is engaged during the period does not exceed 7 hours and

6. the operational characteristics of the tanker and the number of voyage and loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired.

2. Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility, for loading, discharging and care in transition of handling of cargo shall, in addition to meeting the requirements of sub-paragraphs 1.1 or 1.2, have:

1. experience appropriate to their duties on the type of tanker on which they service; and

2. completed an approved specialized training programme which at least covers the subjects set out in section A-V/1 of the STCW Code that are appropriate to their duties on the oil tanker, chemical tanker or liquefied gas tanker on which they serve.

3. Within two years after the entry into force of the Convention for a Party, seafarers may be considered to have met the requirements of sub-paragraph 2.2 if they have served in a relevant capacity on board the type of tanker concerned for a period of not less than one year within the preceding five years.

4. Administrations shall ensure that an appropriate certificate is issued to masters and officers, who are qualified in accordance with paragraphs 1 or 2 as appropriate, or an existing certificate is duly endorsed. Every rating who is so qualified shall be duly certificated.

Regulation V/2
Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ro-ro passenger ships

1. This regulation applies to masters, officers, ratings and other personnel serving on board ro-ro passenger ships engaged on international voyages. Administration shall determine the applicability of these requirements to personnel serving on ro-ro passenger ships engaged on domestic voyages.

2. Prior to being assigned shipboard duties on board ro-ro passenger ships, seafarers shall have completed the training required by paragraphs 4 to 8 below in accordance with their capacity, duties and responsibilities.

3. Seafarers who are required to be trained in accordance with paragraphs 4, 7 and 8 below shall, at intervals not exceeding five years, undertake appropriate refresher training.

4. Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on board ro-ro passenger ships shall have completed training in crowd management as specified in section A-V/2, paragraph 1 of the STCW Code.

5. Masters, officers and other personnel assigned specific duties and responsibilities on board ro—ro passenger ships shall have completed the familiarization training specified in section A-V/2, paragraph 2 of the STCW Code.

6. Personnel providing direct service to passengers in passenger spaces on board ro-ro passenger ships shall have completed the safety training specified in section A-V/2, paragraph 3 of the STCW Code.

7. Master, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passenger loading discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.

8. Masters, chief mates, chief engineer officers, second engineer officers and any person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/ 2, paragraph 5 of the STCW Code.

9. Administrations shall ensure that document any evidence of the training which has been completed is issued to every person found qualified under the provisions of this regulation.

CHAPTER VI
Emergency, occupational safety, medical care and survival functions

Regulation VI/1
Mandatory minimum requirements for familiarization, basic safety training and instruction for all seafarers

Seafarers shall receive familiarization and basic safety training or instruction in accordance with section A-VI/1 of the STCW Code and shall meet the appropriate standard of competence specified therein.

Regulation VI/2
Mandatory minimum requirements for the issue of certificates of proficiency in survival craft, rescue boats and fast rescue boats

1. Every candidate for a certificate of proficiency' in survival craft and rescue boats other than fast rescue boats shall:

1. be not less than 18 years of age;

2. have approved seagoing service of not less than 12 months or have attended an approved training course and have approved seagoing service of not less than six months; and

3. meet the standard of competence for certificates of proficiency in survival craft and rescue boats set out in section A-VI/2, paragraphs 1 to 4 of the STCW Code.

2. Every candidate for a certificate of proficiency in fast rescue boats shall:

1. be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
2. have attended an approved training course; and

3. meet the standard of competence for certificates of proficiency in fast rescue boats set out in section A-VI/2, paragraphs 5 to 8 of the STCW Code.

Regulation VI/3
Mandatory minimum requirements for training in advanced fire fighting

1. Seafarers designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organization, tactics and command in accordance with the provisions of section AVI/3 of the STCW Code and shall meet the standard of competence specified therein.

2. Where training in advanced fire fighting is not included in the qualifications for the certificate to be issued a special certificate or documentary evidence, as appropriate, shall he issued indicating that the holder has attended a course of training in advanced fire fighting.

Regulation VI/4
Mandatory minimum requirements relating to medical first aid and medical care

1. Seafarers designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in section A-Vl 4, paragraphs I to 3 of the STCW Code.

2. Seafarers designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in section A-V1/ 4. paragraphs 4 to 6 of the STCW Code.

3. Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care

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CHAPTER VII

Alternative certification

Regulation VII/1
Issue of alternative certificates

1. Notwithstanding the requirements for certification laid down in chapters II and III of this annex, Parties may elect to issue or authorize the issue of certificates other than those mentioned in the regulations of those chapters, provided that:

1. the associated functions and levels of responsibility to be stated on the certificates and in the endorsements are selected from and identical to those appearing in sections A-II/1, A-II/2, A-II/3, A-II/4, A-III 1, A-III/2, A-III/3, A-III/4 and A-IV/2 of the STCW Code;

2. the candidates have completed approved education and training and meet the requirements for standards of competence prescribed in the relevant sections of the STCW Code and as set forth in section A-VII/ 1 of this Code, for the functions and levels that are to be stated on the certificates and in the endorsements;

3. the candidates have completed approved seagoing service appropriate to the performance of the functions and levels that are to be stated on the certificate. The minimum duration of seagoing service shall be equivalent to the duration of seagoing service prescribed in chapters II and III of this annex.

However, the minimum duration of seagoing service shall be not less than as prescribed in section A-VII/2 of the STCW Code;

4. the candidates for certification who are to perform the function of navigation at the operational level shall meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and

5. the certificates are issued in accordance with the requirements of regulation 1/9 and the provisions set forth in chapter VII of the STCW Code.

2. No certificate shall be issued under this chapter unless the Party has communicated information to the Organization in accordance with article IV and regulation 1/7.

Regulation VI/2
Certification of seafarers

1. Every seafarer who performs any functions or group of functions specified in tables A-II/I, AII/2 A-II/3 or A-Il/4 of chapter II or in tables A-III/1, A-III/2. A-III. 4 of chapter III or A-IV/2 of chapter IV of the STCW Code shall hold an appropriate certificate.

Regulation VI/3
Principles governing the issue of alternative certificates

1. Any Party which elects to issue or authorize the issue of alternative certificates ensure that the following principles are observed:

1. no alternative certification system shall be implemented unless it ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to that provided by the other chapters; and

2. any arrangement for alternative certification issued under this chapter shall provide for the interchangeability of certificates with those issued under the other chapters.

2. The principle of interchangeability in paragraph 1 shall ensure that:

1. seafarers certificated under the arrangements of chapters II and/or III and those certificated under chapter VII are able to serve on ships which have either traditional or other forms of shipboard organization; and

2. seafarers are not trained for specific shipboard arrangements in such a way as would impair their ability to take their skills elsewhere.

3. In issuing any certificate under the provisions of this chapter the following principles shall be taken into account:

1. the issue of alternative certificates shall not be used in itself

   1. to reduce the number of crew on board,

   2. to lower the integrity of the profession or "de-skill" seafarers, or

   3. to justify the assignment of the combined duties of the engine and deck watchkeeping officers to a single certificate holder during any particular watch; and

2. the person in command shall be designated as the master; and the legal position and authority of the master and others shall not be adversely affected by the implementation of any arrangement for alternative certification.

4. The principles contained in paragraphs 1 and 2 of this regulation shall ensure that the competency of both deck and engineer officers is maintained.

CHAPTER VIII
Watchkeeping

Regulation VIII/1
Fitness for duty

Each Administration shall, for the purpose of preventing fatigue:

1. establish and enforce rest period for watch keeping personnel; and

2. require that watch systems are so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

Regulation VIII/2
Watch keeping arrangements and principles to be observed

1. Administrations shall direct the attention of companies, masters, chief engineer officers and all watchkeeping personnel to the requirements, principles and guidance set out in the STCW Code which shall be observed to ensure that a safe continuous

watch or watches appropriate to the, prevailing circumstances and conditions are maintained in all seagoing ships at all times.

2. Administrations shall require the, master of ship to ensure that watch-keeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and that, under the master's general direction:

1. officers in charge of the navigational watch are responsible for navigating, the ship safely during that periods of duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chartroom or bridge control room at all times;

2. radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty;

3. officers in charge of an engineering watch, as defined in the STCW Code and under the direction of the chief engineer officer, shall be immediately available and on call to attend the machinery spaces and, when required shall be physically present in the machinery space during their periods of responsibility; and

4. an appropriate and effective watch or watches are maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organization of such watch or watches takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore.

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