

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 17 of 2012

**MERCHANT SHIPPING (TRAINING, CERTIFICATION, SAFE MANNING,
HOURS OF WORK AND WATCHKEEPING) REGULATIONS, 2012**

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No. 17 of 2012

**Merchant Shipping (Training, Certification, Safe Manning, Hours of Work and
Watchkeeping) Regulations, 2012**

In exercise of the power conferred under section 456 of the Merchant Shipping Act,
Cap. 7.05, the Minister responsible for Maritime Affairs makes these Regulation:

[Published 19th April 2012, Official Gazette No. 18 of 2012]

**PART I
PRELIMINARY**

1. Citation

These Regulations may be cited as the Merchant Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2012.

2. Interpretation

(1) In these Regulations unless the context otherwise requires

“Act” means the Merchant Shipping Act Cap 7.05;

“appropriate certificate” means

- (a) in relation to Saint Christopher and Nevis, a certificate or endorsement attesting to the recognition of a certificate issued in accordance with the provisions of these Regulations entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage or power and means of propulsion indicated by the endorsement while engaged on the particular voyage concerned; and
- (b) in relation to other ships, an appropriate certificate as defined in the STCW Convention;

“area A1”; “area A2”; “area A3” and “area A4”, have the meanings assigned to “Sea area A1, Sea area A2”, “Sea Area A3” and “Sea Area A4” in Regulation 2, Chapter IV of the SOLAS Convention;

“authorized person” means a person authorized by the Minister for the purposes of these Regulations;

“certificate of competence” means an appropriate certificate for the purposes of regulations 4 and 6;

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

“company” includes an individual, and in relation to a ship means the owner of the ship or any other organization or person such as the Manager or the demise

charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by the Regulations annexed to the STCW Convention and those of the International Safety Management (ISM) Code where such applies to the ship;

“constructed” in relation to a ship means the keel of which is laid or which is at a similar stage of construction; and “similar stage of construction” means a stage at which -

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is the less;

“Saint Christopher and Nevis ship” has the meaning given in section 2 of the Act;

“Director” has the meaning given in section 2 of the Act;

“GT” means gross tons as defined in the Merchant Shipping (Tonnage) Regulations 2007;

“HSC Code” means the International Code of Safety for High Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.36(63), as may be amended by the Organization;

“high speed craft” is a ship meeting the definition given in the IMO International Code of Safety for High Speed Craft (the HSC Code).

“IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, published by the IMO;

“IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, published by the IMO;

“IMO” has the meaning given in section 2 of the Act;

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

“length” has the meaning given in the Merchant Shipping (Tonnage) Regulations 2007;

“master” has the meaning given in section 2 of the Act;

“management level” means the level of responsibility associated with –

- (a) serving as master, chief mate, chief engineer or second engineer of a sea-going ship; and
- (b) ensuring that all functions within the designated area of responsibility are properly performed;

“near-coastal voyage” means

- (a) a voyage of 72 hours or less within the Unlimited Trading Area in the course of which the ship is at no time more than 150 miles from a safe port of refuge; or
- (b) a voyage within the Caribbean Trading Area in the course of which the ship is at no time more than 150 miles from a safe port of refuge.

“non-STCW ship” means a ship that is not a STCW ship;

“officer” means a person carried in a ship in the capacity of an officer under the terms of the minimum safe manning certificate issued in respect of that ship;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products other than oil-like substances, which are subject to Annex II of the International Convention for the Prevention of Pollution from Ships, 1973/78;

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

“pleasure vessel” has the meaning given in section 2 of the Act;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all the ship’s main propulsion power which appears on the ship’s certificate of registry or other official document;

“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;

“rating” means a member of the ship’s crew other than the master or an officer;

“Registrar” has the meaning given in section 2 of the Act;

“seafarer” has the same meaning as “seaman” under the Act;

“sea-going” means going to sea beyond the limits of the internal waters of Saint Christopher and Nevis;

“Secretary-General” means the Secretary-General of the IMO;

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974 and its Protocol of 1978 as amended by the International Maritime Organization;

“the STCW Code” means the Seafarer’s Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended;

“STCW country” means a country which is a party to the STCW Convention;

“STCW ship” means a ship entitled to fly the flag of a STCW country;

“tanker” means

- (a) a chemical tanker,
- (b) a liquefied gas tanker or
- (c) an oil tanker;

(2) Any reference to the IBC Code, the IGC Code, the ISM Code, the ISPS Code, the STCW Code, or the STCW Convention shall include reference to any document amending the Code or Convention.

3. Application

(1) Except as referred to in sub-regulation (2) and subject to regulation 28, these Regulations apply to –

- (a) sea-going Saint Christopher and Nevis ships wherever they may be and ships which are not Saint Christopher and Nevis ships when in Saint Christopher and Nevis waters; and
- (b) Masters and seafarers employed in sea-going Saint Christopher and Nevis ships.

(2) These Regulations shall not apply to -

- (a) warships and naval auxiliaries or other ships owned or operated by a State and engaged only on Government non-commercial service;
- (b) fishing vessels;
- (c) pleasure vessel (except when over 24metres in length or carrying twelve or more passengers or if being used for commercial purposes); or
- (d) wooden ships of primitive build;

or to seafarers employed in the ships referred to in paragraphs (a) to (d).

PART II CERTIFICATION AND RECOGNITION OF CERTIFICATES

4. Qualification as an officer

A person is qualified as an officer for the purposes of section 108 of the Act where he holds a certificate of competence issued under regulation 18 or a certificate of competence, which has been duly recognised and endorsed in accordance with regulation 6, in one of the following capacities -

- (a) master;
- (b) chief mate or chief officer – either description may be used;
- (c) officer in charge of a navigational watch;
- (d) chief engineer officer;
- (e) second engineer officer;
- (f) officer in charge of an engineering watch; or
- (g) radio operator.

5. Revalidation of certificates

(1) The certificate of a master or other officer issued with a certificate in compliance with regulation 4 shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(2) A certificate referred to in regulation 9 shall not be valid for sea-going service unless revalidated at intervals not exceeding 5 years, to establish continued professional competence in accordance with section A-I/11 of the STCW Code.

(3) The requirements of the First Schedule shall apply to all applicants for revalidation of a certificate.

6. Recognition of Certificates

(1) The Director may, for service on board Saint Christopher and Nevis ships, recognize an appropriate certificate issued by or under the authority of another STCW country to a master, officer or radio operator where he is satisfied -

- (a) that the requirements of the STCW Convention concerning standards of competence, the issue and endorsement of certificates and record keeping are fully complied with; and
- (b) that prompt notification will be given to the Director of any significant change in the arrangements for training and certification provided in compliance with the Convention

(2) For the purpose of satisfying himself under sub-regulation (1), the Director-

- (a) with respect to the issuing authority, shall take into account any IMO list of STCW countries which, according to the IMO, have given full and complete effect to the STCW Convention; and
- (b) with respect to verification of the authenticity and validity of a certificate presented for recognition, may-
 - (i) require from the authority which has issued the certificate, copies of its maritime legislation and details of its facilities and procedures concerning the training and certificate of seafarers; and
 - (ii) where deemed necessary, inspect such facilities and procedures.

(3) Every certificate presented for recognition under this regulation shall be in the original form or certified as a true copy, and where the original is in a language other than English, it shall be accompanied by an official translation in English.

(4) Where the Director recognizes a certificate pursuant to sub-regulations (1), (2) and (3), he shall endorse such a certificate to attest its recognition.

(5) The endorsement shall be issued as a separate document which shall be in the form set out in the Second Schedule, and the capacity in which the holder of a certificate is authorised to serve shall be provided in the form of endorsement in the manner provided therein.

(6) Each endorsement referred to in this regulation shall –

- (a) be assigned the same number as the certificate concerned, where that number is unique; and
- (b) 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 the date of issue.

(7) The Director may recognise a certificate other than a certificate referred to in sub-regulation (1), issued by or under the authority of another STCW country following successful completion by a seafarer of courses of training such as those referred to in regulations 9, 10, 11, 12, 13, 14, 15, 16 and 17, where he is satisfied that such certificate was issued in compliance with the relevant requirements of the STCW Convention.

(8) The Director shall ensure that every seafarer who presents for recognition a certificate of competence which has been issued as certification at the management level has appropriate knowledge of the maritime legislation of Saint Christopher and Nevis, and proficiency in the English language relative to the functions which he is permitted to perform.

(9) The information provided and the measures agreed upon under this regulation shall be communicated to the Secretary-General, within the time prescribed and in the format specified in Section A - I/7 paragraph 3.2 of the STCW Code.

(10) No certificate issued by or under the authority of a State that is not a STCW country shall be recognized.

(11) The Director may, where circumstances require, allow a seafarer to serve in a capacity other than radio operator, (except as provided in the Radio Regulations), for a period not exceeding three months on board a Saint Christopher and Nevis ship, while holding an appropriate and valid certificate issued and endorsed by the authority of another STCW country but which has not yet been endorsed so as to render it appropriate for service on board Saint Christopher and Nevis ships, provided the Director is satisfied that application for an endorsement has been duly submitted.

(12) An endorsement issued by or under the authority of an STCW country in recognition of, or attesting to, the recognition of a certificate by or under the authority of another STCW country shall not be used as the basis for recognition by the Director.

(13) Subject to sub-regulation (14), an endorsement granted under this regulation shall remain valid only as long as the certificate to which it attests remains valid.

(14) The Director may revoke or cancel at any time an endorsement granted under this regulation where he has clear grounds for believing that the holder of the certificate has -

- (a) committed a violation of any provision of the Act or any Regulations made thereunder;
- (b) committed an offence under the laws of Saint Christopher and Nevis;
- (c) demonstrated a lack of sobriety or good character and conduct; or
- (d) failed to maintain the required standard of medical fitness.

(15) The Director shall, under this regulation, recognise and endorse a certificate of service issued pursuant to any Regulations made under the Act and in force prior to these Regulations.

7. Appropriate Certificates

(1) The Table of Criteria shall be in the form set out in the Third Schedule and any officer serving in the capacity set out in column 1 of the Table of Criteria shall hold an appropriate certificate for the capacity.

(2) A person shall only be entitled to be issued with such an appropriate certificate where he complies with the criteria in Regulations annexed to the STCW Convention, set out in column 2 of the table in relation to that entry, and any other requirements specified by the Director, as provided in the Fourth Schedule.

8. Ratings and holders of other qualifications

(1) Every rating forming part of a navigational watch on a ship of 500 GT or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall hold a certificate referred to herein as a “Navigational Watch Rating Certificate” issued in accordance with Regulation II/4 in the Annex to the STCW Convention, by the Director or by or under the authority of another STCW country.

(2) Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a 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 hold a certificate referred to herein as an “Engine Room Watch Rating Certificate” issued in accordance with Regulation III/4 in the Annex to the STCW Convention by the Director or by or under the authority of another STCW country.

(3) Any person designated to perform watchkeeping duties in a manned or periodically unmanned engine-room on a ship powered by main propulsion machinery of 350 kW power, or more, but less than 750 kW shall be the holder of one of the engineering certificates of competency referred to in regulation 7 or be the holder of a Boat Engine Operator’s licence issued in compliance with any Small Vessel Operator Regulations.

9. Radiocommunication Personnel

(1) Every ship shall carry a person or persons -

- (a) qualified for distress and safety radio communication purposes as specified in sub-regulation (2); and
- (b) who are holders of certificates specified in the Radio Regulations as appropriate, and one such person shall be designated by the master to have primary responsibility for radio communications during distress incidents.

(2) On Area A1 ships the person qualified as mentioned in sub-regulation (1) shall hold at least a GMDSS restricted operator’s certificate issued in accordance with subsection D of section IIIA of Article 55 of the Radio Regulations.

(3) On ships operating in Areas A1/A2, A1/A2/A3 and A1/A2/A3/A4, the person qualified as mentioned in sub-regulation (1) shall hold a GMDSS general operator’s certificate issued in accordance with subsection C of section IIIA of Article 55 of the Radio Regulations.

(4) The Director shall not grant a certificate referred to in sub-regulations (2) and (3) to any person unless that person -

- (a) is at least 18 years of age;
- (b) has completed approved education and training and meets the standard of competence specified in section A-IV/2 of the STCW Code; and
- (c) any other requirements specified by the Director.

10. Training and qualification of masters and seafarers 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 advanced fire-fighting course as specified in section A-VI/3 of the STCW Code in addition to the training required by section A-VI/1 of the STCW Code and shall have completed –

- (a) at least three months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or
- (b) an approved tanker familiarization course covering at least the syllabus given for that course in section A-V/1 of the STCW Code.

(2) The period of seagoing service required under sub-regulation (1) (a) may be reduced to not less than one month where -

- (a) the tanker on which such service is performed is of less than 3,000 GT;
- (b) the duration of each voyage of the tanker on which such approved service is performed does not exceed 72 hours; and
- (c) the operational characteristics of the tanker on which such approved service is performed and the number of voyages and loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired as would have been acquired in approved service performed in accordance with sub-regulation (1)(a) on a tanker of a size, and performing voyages, not falling within paragraphs (a) and (b).

(3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo in tankers shall, in addition to meeting the requirements of sub-regulation (1), have -

- (a) experience appropriate to their duties on the type of tanker on which they serve; and
- (b) 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 tanker on which they serve

or provide evidence of having achieved the required standard of competence within the previous five years.

(4) An appropriate endorsement shall be issued on certificates of competency to officers and ratings who are qualified in accordance with sub-regulation (1) or (3) as appropriate, and every rating who is so qualified shall be certificated.

11. Training and qualification 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.

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

(3) Seafarers who are required to be trained in accordance with sub-regulations (4), (7) and (8) 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) Masters, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, 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 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) It shall be the duty of any person providing the training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

(10) Any documentary evidence issued by an STCW country to a seafarer who is trained and qualified in accordance with this regulation may be recognised in accordance with regulation 6, for service as referred to in this regulation on board ro-ro passenger ships.

12. Training and qualifications of masters and seafarers on passenger ships other than the ro-ro passenger ships

(1) This regulation applies to masters, officers, ratings and other personnel serving on-board passenger ships, other than ro-ro passenger ships.

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

(3) Seafarers who are required to be trained in accordance with sub-regulations (4), (7) and (8) shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

(4) Personnel designated on muster lists to assist passengers in emergency situations on board passenger ships shall have completed training in crowd management as specified in Section A-V/3, paragraph 1 of the STCW Code.

(5) Masters and seafarers assigned specific duties and responsibilities on board passenger ships shall have completed the familiarisation training specified in section A-V/3, paragraph 2 of the STCW Code.

(6) Seafarers providing direct service to passengers on board passenger ships in passenger spaces shall have completed the safety training specified in Section A-V/3, paragraph 3 of the STCW Code.

(7) Masters, chief mates, and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed approved training in passenger safety as specified in Section A-V/3, 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 passenger ships shall have completed approved training in crisis management and human behaviour as specified in Section A-V/3, paragraph 5 of the STCW Code.

(9) Any documentary evidence issued by an STCW country to a seafarer who is trained and qualified in accordance with this regulation may be recognised in accordance with regulation 5, for service as referred to in this regulation on board passenger ships other than ro-ro passenger ships.

13. Training and Qualification of masters and seafarers on high speed craft

(1) This regulation applies to masters, officers, and seafarers serving on board high-speed craft.

(2) Prior to being assigned shipboard duties on board high speed craft, masters, officers and seafarers shall have completed the training specified in the Fifth Schedule.

(3) It shall be the duty of any person providing the training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

(4) In the case of masters and of officers having an operational role on high speed craft, the documentary evidence shall be a certificate in a form specified in the Fifth Schedule and shall be endorsed in a manner specified in that Schedule.

(5) Any documentary evidence issued by an STCW country to a seafarer who is trained and qualified in accordance with this regulation may be recognised, in accordance with regulation 6, for service in high-speed craft.

14. Familiarization, basic safety training and instructions for all seafarers

All seafarers shall receive familiarization, 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.

15. Requirements for the holding of certificates of proficiency for survival craft and rescue boats

(1) Every person designated to launch or take charge of survival craft or rescue boats other than fast rescue boats shall hold a certificate of proficiency in such craft.

(2) No person shall be granted a certificate referred to in sub-regulation (1) unless he meets the criteria specified in Regulation VI/2.1 in the Annex to the STCW Convention.

(3) Every person designated to launch or take charge of a fast rescue boat shall hold a certificate of proficiency in such boats.

(4) No person shall be granted a certificate referred to in sub-regulation (3) unless he meets the criteria specified in Regulation VI/2.2 in the Annex to the STCW Convention.

(5) Any certificate of proficiency issued by an STCW country to a seafarer who is qualified in accordance with this regulation may be recognised, in accordance with regulation 6, for service in survival craft and rescue boats.

(6) In this regulation -

“fast rescue boat” means a rescue boat which is -

(a) not less than 6 metres in length and not more than 8.5 metres in length; and

(b) capable of manoeuvring, for at least 4 hours, at a speed of at least 20 knots in calm water with a suitably qualified crew of 3 persons and at least 8 knots with a full complement of persons and equipment.

16. 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 A-VI/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 be issued indicating that the holder has attended a course of training in advanced fire fighting referred to in sub-regulation (1).

(3) Any certificate or other appropriate documentary evidence issued by an STCW country to a seafarer who is qualified in accordance with this regulation may be recognised, in accordance with regulation 6, where such seafarer is designated to control the operations referred to in sub-regulation (1).

17. Requirements relating to medical first aid and medical care

(1) Seafarers designated to provide medical first aid on board ships shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.

(2) Seafarers designated to take charge of medical care on board ships shall meet the standard of competence in medical care on board ships specified in section A-VI/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.

(4) Any certificate or other appropriate documentary evidence issued by an STCW country to a seafarer who is qualified in accordance with this regulation may be recognised, in accordance with regulation 6, where such seafarer is designated to provide the medical first aid or medical care referred to in sub-regulation s (1) or (2).

18. Issue, form, validity, record and surrender of certificates

(1) A seafarer, on application and payment of the prescribed fee shall be entitled to be issued an appropriate certificate or endorsement provided he meets the requirements set out in the Fourth Schedule.

(2) Certificates and endorsements under these Regulations shall be issued by the Director and delivered to the person entitled to hold them.

(3) A certificate or endorsement shall remain valid for sea-going service only so long as the holder can comply with the standards and conditions as to medical fitness and professional competence to act in the appropriate capacity specified by the Director.

(4) A record of all certificates and endorsements which are issued under these Regulations, have expired or have been revalidated, suspended, cancelled, or reported lost or destroyed and any alteration of or any other matters affecting any such certificates or endorsements, shall be kept in such manner as the Director may require which shall include at least the details specified in the Sixth Schedule and any other details which may be specified by the IMO from time to time.

(5) Where the holder of a certificate is issued with an appropriate certificate at a higher level he shall surrender the first-mentioned certificate for cancellation to the Director, or to such person as the Director directs.

(6) Where a person is convicted of an offence under the Act, or where a certificate or endorsement is issued and the conditions for its issue prescribed in these Regulations or specified by the Director have not been complied with, then the holder of the relevant certificate shall, at the direction of the Director, deliver it for cancellation to the Director, or to such person as the Director directs.

(7) In this regulation "endorsement" means endorsement of the recognition of a certificate pursuant to regulation 6.

19. Refusal of certificates, and appeals against refusal

(1) Notwithstanding that an applicant for a certificate of competence or an endorsement complies with the standards or fulfils the conditions specified by, or by virtue of, the foregoing provisions of these Regulations, the Director shall not issue or revalidate the appropriate certificate applied for unless he is satisfied, having regard to all the relevant circumstances, that the applicant is a fit person to be the holder of the certificate and to act in the capacity to which it relates.

(2) Where the Director intends to refuse the issue or revalidation of a certificate of competence or certificate of equivalent competence for any reason, he shall give notice in

writing to the applicant who shall have the right, before a date specified in the notice, to require the application to be reviewed at an inquiry.

(3) Where an applicant, before the date mentioned in sub-regulation (2), has required his case to be reviewed at an inquiry, in pursuance of that sub-regulation the Minister shall cause such an inquiry to be held by one or more persons appointed by him.

20. Loss of Certificates

(1) Where a person entitled to a certificate or endorsement loses or is deprived of a certificate or endorsement already issued to him, the Director -

- (a) where satisfied that the person has lost or been deprived of the certificate or endorsement without fault on his part shall, and
- (b) where he is not so satisfied may,

upon receipt of any fee payable, cause to be issued to that person a certified copy of the certificate or endorsement to which the person appears to be entitled.

(2) A person aggrieved under sub-regulation (1)(b) may appeal the decision of the Director in accordance with the Act.

(3) In this regulation "endorsement" means endorsement of the recognition of a certificate pursuant to regulation 6.

21. Near Coastal Voyages

The principles governing near coastal voyages are set out in the Seventh Schedule.

PART III QUALITY STANDARDS

22. Training, assessment and maintenance of quality standards

(1) The training and assessment of seafarers shall be administered, supervised and monitored in accordance with the provisions of section A - I/6 of the STCW Code.

(2) The provisions of the Eighth Schedule shall apply in respect of the assessment of seafarers ashore for certification under regulation 4.

(3) Persons responsible for the training and assessment of seafarers shall be 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.

(4) 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 -

- (a) all mandatory simulator-based training;
- (b) any assessment of competence required by Part A of the STCW Code which is carried out by means of a simulator; and
- (c) any demonstration, by means of a simulator, of continued proficiency required by Part A of the STCW Code.

(5) Simulators installed or brought into use prior to 1 February 2002 shall be exempt from full compliance with the performance standards referred to in sub-regulation (4).

(6) Under the direction of the Director, and in accordance with section A - I/8 of the STCW Code, a quality standards system shall be established through which all activities relating to training, assessment of competence, certification, endorsement and revalidation shall be continuously monitored to ensure the achievement of defined objectives including those concerning the qualifications and experience of instructors and assessors.

(7) Education and training provided by maritime training institutions of an STCW country other than Saint Christopher and Nevis may be recognized by the Director for the purpose of examination and certification under these Regulations.

(8) An independent evaluation shall be undertaken in accordance with section A- I/8 of the STCW Code by suitably qualified persons appointed by the Director who are not themselves involved in the activities concerned and information relating to such evaluation shall be communicated to the Secretary-General.

PART IV HOVERCRAFT

23. Application of Schedule IV

This Part applies to every sea-going hovercraft registered in Saint Christopher and Nevis which was constructed on or after 1st January 1996.

24. Mandatory minimum requirements for the training of hovercraft personnel

(1) It shall be the duty of every owner of a hovercraft to which this Part applies to ensure that masters, seafarers and other personnel have completed the training specified by the Director.

(2) It shall be the duty of any person providing the training referred to in this regulation to issue documentary evidence to every person successfully completing such training. In the case of masters, and of officers having an operational role on high speed craft, the documentary evidence shall be a certificate in a form specified by the Director and shall be endorsed in a manner specified by the Director.

25. Certificates

Regulations 18, 19 and 20 apply to certificates issued under regulation 24 as they apply to other certificates or endorsements issued under these Regulations.

26. Exemption

The Director may exempt the owner of any hovercraft from any of the requirements of regulation 24 subject to such conditions as he may specify, and may alter or cancel any exemption so granted.

PART V SAFE MANNING

27. Responsibilities of companies, masters and others

(1) This regulation applies only to Saint Christopher and Nevis ships.

(2) Every company shall ensure that -

- (a) every seafarer assigned to any of its ships holds an appropriate certificate in respect of any function he is to perform on that ship;
- (b) every seafarer on any of its ships has had training specified in these Regulations in respect of any function that he is to perform on that ship; and
- (c) documentation and data relevant to all seafarers employed on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competence in assigned duties.

(3) Nothing in sub-regulation (2) shall prohibit the allocation of tasks for training under supervision or in case of *force majeure*.

(4) The company shall provide written instructions to the master of each of its ships setting out the policies and the procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.

(5) The policies and procedures referred to in sub-regulation (4) shall include-

- (a) allocation of a reasonable period of time during which each newly employed seafarer will have an opportunity to become acquainted with -
 - (i) the specific equipment the seafarer will be using or operating; and
 - (ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly; and
- (b) designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided to each newly employed seafarer to receive essential information in a language the seafarer understands.

(6) It shall be the duty of any master and any member of a crew designated with an obligation under sub-regulation (4) to carry out that obligation.

28. Minimum safe manning certificate

(1) It shall be the duty of the company to ensure that in relation to every ship, to which these Regulations apply, of 24 metres length and above and all passenger ships of any size plus any other ships to which these Regulations do not apply but for which there is a voluntary application by the company and for any ship which the Director may so determine;

- (a) a minimum safe manning certificate is in force in respect of the ship and the manning of the ship;
- (b) the minimum safe manning certificate is kept on board the ship at all times; and
- (c) the manning of the ship is maintained at all times to at least the levels specified in the minimum safe manning certificate.

(2) The master of any ship to which this regulation applies shall ensure that the ship does not proceed to sea unless there is on board a valid minimum safe manning certificate issued in respect of the ship and the manning of the ship complies with that document.

(3) It shall be the duty of the company applying for the minimum safe manning certificate in respect of any Saint Christopher and Nevis ship to submit to the Director proposals as to the numbers and grade of personnel it considers should be carried so that the ship would be safely manned if it proceeded to sea on any intended voyage and in preparing such proposals the company shall take into account the guidelines contained in the Ninth Schedule and any additional guidance issued by the Director.

(4) It shall be the duty of the company after the issue of a minimum safe manning certificate to inform the Director as soon as any of the circumstances which are pertinent to that minimum safe manning certificate change, for the purpose of enabling the Director to review the document's continuing validity or approve new proposals from the company.

29. Dispensations

(1) Subject to sub-regulation (2) the Director may, in circumstances of exceptional necessity and where in his opinion no danger to persons, property or to the environment will be caused, 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 a radio operator, except as provided by the relevant radio regulations, for which he does not hold the appropriate certificate, provided the person to whom the dispensation is issued is adequately qualified to fill the vacant post in a safe manner, in accordance with the applicable safe manning requirements.

(2) A dispensation shall not be granted to a person to act as a master or chief engineer except in circumstances of *force majeure*, and in any event, such dispensation, where granted, shall be granted only to an officer at the management level and for the shortest duration possible.

(3) In granting a dispensation under sub-regulation (2), the Director shall specify the particular voyage or part of a voyage for which the dispensation will be valid.

(4) A dispensation shall only be granted to a person properly certificated to fill the post immediately below; and where certification for such post is not required under these regulations, a dispensation may be issued to a person whose qualifications and experience are, in the opinion of the Director, of a clear equivalence to the requirements for the post to be filled, provided that, where such person does not hold an appropriate certificate, he shall be required to pass a test acceptable to the Director as demonstrating that such a dispensation may safely be issued.

(5) Where a dispensation is granted under this regulation, the Director shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

(6) The Director shall, as soon as possible after the first day of January of each year, submit to the Secretary-General, a report indicating the total number of dispensations granted for each capacity for which an appropriate certificate is required in respect of all sea-going Saint Christopher and Nevis ships, and the numbers of those ships above and below 3000 GT respectively.

(7) A dispensation shall be given in the form specified in the Tenth Schedule.

PART VI
HOURS OF WORK

30. Application of Part VI

This Part applies only to Saint Christopher and Nevis ships.

31. General duty of companies, employers and masters

(1) Subject to regulation 34, it shall be the duty of every company in respect of a ship, and of every employer, to ensure, so far as is reasonably practicable, that the master and seafarers do not work more hours than is safe in relation to the safety of the ship and the master's and the seafarers's performance of their duties.

(2) Subject to regulation 34, it shall be the duty of every master of a ship to ensure, so far as is reasonably practicable, that seafarers do not work more hours than is safe in relation to the safety of the ship and the master's and the seafarers's performance of their duties.

32. Duties of masters and seafarers

Every master and seafarer shall, so far as is reasonably practicable, ensure that he is properly rested when commencing duty on a ship and that he obtains adequate rest during periods when he is off duty.

33. Schedules of duties and need to maintain records

(1) It shall be the duty of the company to produce a schedule of duties complying with this regulation.

(2) Where the company is not also the employer of the master and all the seafarers, it shall consult any other person who is an employer of the master or of any of the seafarers before production of the schedule.

(3) The company may arrange with any such employer that the employer is to produce a schedule of duties in accordance with this regulation and in such a case that employer shall also be subject to the duties of the company under this regulation.

(4) Before producing a schedule the company shall seek the views of the master, and the master shall seek, and convey to the company, the views of –

- (a) the ships safety committee; or
- (b) the seafarers or their representatives.

(5) Subject to sub-regulation (6), a schedule complies with this regulation where –

- (a) it sets out the hours of work for -
 - (i) masters and seafarers whose work includes regular watchkeeping duties or ship handling; and
 - (ii) the ship's chief engineer, chief officer and second engineer officer,so as to provide that they do not work more hours than is safe in relation to the safety of the ship and the master's and seafarers's performance of their duties;
- (b) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and

- (c) it provides a minimum of ten hours of rest in any 24-hour period, which may be divided into no more than two periods, one of which shall be at least six hours in length.

(6) Notwithstanding sub-regulation (5)(c), the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than seventy hours of rest are provided in each seven day period.

(7) The company shall give consideration to the nature of the shipping operation and the voyages to be undertaken in arranging the hours of work at sea and in port.

(8) The schedule may be changed by the company, or by an employer who by virtue of sub-regulation (3) is subject to the duties of the company, on condition that -

- (a) other employers and where necessary the company have been consulted;
- (b) the company or the employer has sought the views of the master on the proposed changes and the master has sought and conveyed to the company the views of persons mentioned in sub-regulation (4)(a) or (b); and
- (c) the schedule as changed complies with sub-regulation (5).

(9) The company shall ensure that the schedule is displayed prominently in the crew accommodation for the information of all the seafarers.

(10) It shall be the duty of the master to ensure, as far as reasonably practicable, that the hours of work specified in the schedule are not exceeded.

(11) The following requirements apply with respect to the schedule produced in accordance with sub-regulation (1)

- (a) the company and the master shall maintain on the ship a copy of the schedule, and a record of all deviations from its requirements;
- (b) (i) the company for the time being shall ensure that a copy of the schedule and of the record of all deviations from its requirements are preserved for five years from the date the schedule was introduced, and that they are available for inspection by the Registrar, a proper officer, or a surveyor, or an inspector appointed under section 411 of the Act.
(ii) where during the five year period there ceases to be a company in relation to the ship, the duty to preserve the copies of the schedule and of the record shall remain with the last such company; and
- (c) the master shall give to every seafarer a copy of the schedule pertaining to that seafarer, which copy shall be signed by the master or a person authorised by the master, and by the seafarer.

(12) Musters, fire-fighting and lifeboat drills shall be conducted in a manner that minimises the disturbance of the rest periods and does not induce fatigue.

(13) Where a seafarer is on call, such as where a machinery space is unattended, an adequate compensatory rest period shall be given to such seafarer where the normal period of rest is disturbed by call-outs to work.

(14) In this regulation "schedule" means the schedule of duties referred to in sub-regulation (1).

34. Exemptions for emergencies

(1) The requirements for rest periods specified in regulation 33(5)(c) and (6) need not be maintained in case of any emergency, including giving assistance to other ships or persons in distress at sea, or drill or in other overriding operational conditions.

(2) Without prejudice to the generality of sub-regulation (1), a master of a ship or seafarer may participate in a navigational, engine room or machinery watch although he has not had the rest period provided by the schedule produced in pursuance of regulation 33, and the master may exceed, and a seafarer may be required to exceed, the schedule's work or duty periods, when in the opinion of the master it is necessary to meet an emergency threatening the safety of the ship or the life of any person or threatening damage to the environment, until the emergency is over.

(3) As soon as practicable after the emergency is over, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

(4) When in pursuance of sub-regulation (1) the master or a seafarer has worked within a rest period provided for by the schedule, his name shall be entered in the record required to be maintained by regulation 33(11), together with the reason why he so worked.

(5) In this regulation "schedule" means the schedule of duties referred to in regulation 33 (1).

35. Duty to carry copy of regulations

There shall be carried on board every Saint Christopher and Nevis ship to which these Regulations apply a copy of these Regulations.

36. Failure to comply with provisions relating to hours of work and rest

(1) Where the records or other evidence indicate a failure, on the part of any person concerned, to comply with the provisions of these Regulations relating to hours of work and rest, the Director shall take such measures as he may deem necessary to ensure that such failure to comply is not repeated.

(2) The measures referred to in this regulation may include a revision of the safe manning requirements.

PART VII WATCHKEEPING

37. Watchkeeping Arrangements

(1) The master of any ship shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches having regard to Chapter VIII of section A of the STCW Code.

(2) Without prejudice to the duties of the master provided by sub-regulation (1), the master shall give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with Part 3-1 of section A-VIII/2 of the STCW Code and any requirements specified in the Ninth Schedule.

(3) The chief engineer officer of any ship shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance

with Part 3 - 2 of section A-VIII/2 of the STCW Code, and when deciding the composition of the watch the chief engineer officer shall observe the principles set out in Part 3 - 2 of that section and the requirements specified in the Ninth Schedule.

38. Watchkeeping arrangements in ports

(1) The master of any ship which is safely moored or safely at anchor under normal circumstances in port shall arrange for an appropriate and effective watch to be maintained for the purposes of safety.

(2) The arrangements referred to in sub-regulation (1) shall be in accordance with Part 4 of section A-VIII/2 of the STCW Code and any operational guidance specified in the Ninth Schedule.

39. Watchkeeping arrangements in ports for ships carrying hazardous cargo

(1) The master of any ship which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor, shall in addition to any watchkeeping arrangements required under regulation 38, in the case of -

- (a) a ship carrying hazardous cargo in bulk ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer or officers, and where appropriate, ratings; and
- (b) a ship carrying hazardous cargo other than in bulk, ensure that in organising safe watchkeeping arrangements he takes account of the nature, quality, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

(3) Such watchkeeping arrangements shall take full account of the principles and requirements specified by the Director and as provided in the Ninth Schedule.

PART VIII MISCELLANEOUS

40. Prohibition on the employment of young persons

- (1) No person under the age of 16 shall be employed on a ship.
- (2) No person under the age of 18 shall be employed as a trimmer or stoker on a ship.
- (3) (a) No seafarers under the age of 18 shall work at night;
- (b) For the purposes of paragraph (a), "night" means a period of at least 9 consecutive hours, including the period from midnight to 0500 hours.

41. Carriage of STCW Certificates and documents

Without prejudice to regulation 27, the company and the master shall ensure that there are carried at all times on board ship all original certificates and other documents issued pursuant to the STCW Convention indicating the qualification of any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

42. Inspection of ships

(1) An authorised person may inspect any ship while in a Saint Christopher and Nevis port for the purposes of -

- (a) verifying that all seafarers serving on board who are required to be certificated hold valid appropriate certificates and endorsements or valid dispensations or have provided documentary proof required by regulation I/10, paragraph 5 of the STCW Convention, or where regulations 6(11) or 29 are applicable, the requirements of those provision have been met;
- (b) verifying that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements; and
- (c) assessing the ability of the seafarers in the ship to maintain the watchkeeping standards required by these Regulations where there are clear grounds for believing that such standards are not being maintained because, while in a port in Saint Christopher and Nevis or in the approaches to that port, any of the following has occurred-
 - (i) the ship has been involved in a collision, grounding or stranding;
 - (ii) there has been an unlawful discharge of substances from the ship when underway, at anchor or at a berth;
 - (iii) the ship has been manoeuvred in an erratic or unsafe manner, or navigational course markers or traffic separation schemes have not been followed; or
 - (iv) the ship has otherwise been operated in such a manner as to pose a danger to persons, property or the environment.

(2) Where an authorised person finds on inspection any deficiency of a kind specified in sub-regulation (3) he shall notify the master of the ship, in writing, and in the case of a ship which is not a Saint Christopher and Nevis ship, the nearest maritime consular or diplomatic representative of the flag state.

(3) Deficiencies referred to in sub-regulation (2) are -

- (a) a failure of any seafarer required to hold an appropriate certificate, to have a valid appropriate certificate, an endorsement, or a valid dispensation;
- (b) a failure of any seafarer to produce the documentary proof required by Regulation I/10, paragraph 5 of the STCW Convention, or where regulation 6(11) is applicable, the requirements of that provision have not been met;
- (c) a failure to comply with the applicable safe manning requirement;
- (d) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
- (e) an absence on a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;
- (f) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

(4) The certificates, endorsements and dispensations referred to in sub-regulation (1) shall be accepted by the authorized person carrying out the inspection 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.

(5) This regulation applies to a Saint Christopher and Nevis ship wherever it may be.

43. Power to detain

(1) In any case where it is found –

- (a) in relation to a Saint Christopher and Nevis ship, that there is any contravention of these Regulations; or
- (b) in relation to a ship which is not a Saint Christopher and Nevis ship, that there is –
 - (i) any contravention of regulation 28, 37, 38 or 39; or
 - (ii) a failure to correct a deficiency of a kind specified in regulation 42(3) after notification to the master pursuant to regulation 42(2), and there is in consequence a danger to persons, property or the environment,

the ship may be detained, and section 436 of the Act shall apply to such detention.

(2) The Director shall promptly report to the Secretary-General the facts concerning the detention of a ship pursuant to this regulation.

44. Parity of treatment of STCW ships and non STCW Ships

Regulations 42 and 43 shall be applied as may be necessary to ensure that no more favourable treatment is given to non-STCW ships than is given to STCW ships.

45. Provision of information on certificates

(1) The Director shall make available information on the status of such certificates, endorsements and dispensations as are referred to in regulation 18(4), to the authorities of other STCW countries and companies who request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates or for employment on board ship.

(2) The Director may request from the authorities of other STCW countries information on certificates, endorsements and dispensations issued by them, where such certificates, endorsements and dispensations are produced to the Director by seafarers seeking recognition of their certificates under regulation 6 or for seeking employment on board Saint Christopher and Nevis sea-going ships or by seafarers serving on board a ship which is not a Saint Christopher and Nevis ships operating in Saint Christopher and Nevis waters

46. Penalties

(1) Any owner who contravenes regulation 24(1) shall be guilty of an offence, and be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act..

(2) Any company which contravenes regulation 27(2) or (4), 28(1), (3) or (4), 33(1), (2), (9) or (11) or 41 shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act .

(3) Any master who contravenes regulation 27(6), 28(2), 34(3), 37(1) or (2), 38, 39 or 41 shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(4) Any member of the crew who contravenes regulation 27(6) shall be guilty of an offence and shall be liable to a fine not exceeding Level 1 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(5) Any chief engineer officer who contravenes regulation 37(3) shall be guilty of an offence shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(6) Any company which contravenes regulation 31(1) shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(7) Any employer who contravenes regulation 31(1) shall be guilty of an offence and shall be liable to a fine not exceeding Level 2 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(8) Any master who contravenes regulation 32, 33(10) or (11) shall be guilty of an offence and shall be liable to a fine not exceeding Level 1 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(9) Any seafarer who contravenes regulation 32 shall be guilty of an offence and shall be liable to a fine not exceeding Level 1 on the Standard Scale of Fines as set out under section 452 (4) of the Act.

(10) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to avoid commission of the offence.

(11) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

47. Exemptions

The Director may grant, on such terms, if any, as he may specify, exemptions from all or any provisions of these Regulations for classes of cases or individual cases.

48. Delegation

The Director may delegate in whole or in part any of the duties carried out by him according to these regulations, to the Registrar.

FIRST SCHEDULE

(Regulation 5)

REVALIDATION OF CERTIFICATES

Applicants for revalidation

1.1 Seafarers with 12 months seagoing service within the last 5 years shall -

- .1 meet the minimum prescribed standards of medical fitness;
- .2 establish continued professional competence in accordance with Section A-I/11 of the STCW 95 Convention by having performed, during their period of seagoing service, functions appropriate to the level of certification held; and
- .3 meet such other requirements as may be prescribed by the Department of Maritime Affairs pursuant to the issuing of certificates of competence.

1.2 Seafarers who have performed functions considered to be equivalent to the seagoing service of 12 months within the last 5 years, namely-

- .1 marine pilots;
- .2 masters, Deck Officers and Engineering Officers serving onboard tugs;
- .3 officers serving onboard auxiliary vessels such as navigational aids tenders; seismic, oceanographic and hydrographic survey vessels; marine research vessels and training vessels shall meet the following criteria -
 - (a) the minimum prescribed standards of medical fitness;
 - (b) establish continued professional competence in accordance with Section A-I/11 of the STCW 95 Convention, by having performed, during the period, functions appropriate to the level of certification held; and
 - (c) such other requirements as may be prescribed by the Department of Maritime Affairs pursuant to the issuing of certificates of competence;

1.3 Seafarers who have less than 12 months seagoing service within the last 5 years shall successfully complete any relevant examination approved by the Department of Maritime Affairs.

1.4 Seafarers who do not have any seagoing service within the last 5 years shall successfully complete a programme of study approved by the Department of Maritime Affairs.

1.5 Seafarers who are employed ashore within the maritime industry and have been performing functions appropriate or relevant to their certificates of competence namely:

- .1 maritime lecturers;
- .2 maritime surveyors;
- .3 maritime administrators;

who do not have 12 months seagoing service within the last 5 years shall meet the following criteria;

- (a) the minimum prescribed standards of medical fitness; and
- (b) complete a period of approved seagoing service of not less than 3 months in a super-numerary capacity, or in a lower Officer rank / capacity than that for which their certificate of competence is valid.

2 Special Training Requirements

Every Master, Officer and Radio Operator serving onboard seagoing ships and in capacities or functions for which special training requirements have been internationally agreed upon, including tankers and ro-ro ships, will only have their certificates, endorsements and recognition revalidated by the Department of Maritime Affairs provided that they have successfully completed the relevant training pertaining to-

- .1 emergency functions;
- .2 operational safety functions;
- ..3 medical care functions;
- .4 survival functions.

SECOND SCHEDULE

Regulation 6 (5)

FORM OF ENDORSEMENT
ST KITTS & NEVIS
INTERNATIONAL SHIP REGISTRY

Certificate of

Endorsement

The Saint Christopher & Nevis Merchant Shipping Act Cap 7.05
Department of Maritime Affairs

Photo of Seafarer covered by transparent hologram

Coat of arms

DMA logo

Endorsement attesting the recognition of a certificate under the provisions of the Merchant Shipping Act Cap 7.05, giving effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended in 1995

The Government of Saint Christopher (St. Kitts) & Nevis certifies that:

Certificate Number

Issued to

By or on behalf of the Government of

Is duly recognised in accordance with the provisions of Regulation I/10 of the above Convention, as amended, and the lawful holder is authorised to perform the following functions, at the levels specified, subject to any limitations indicated until the date of the expiry shown below or until the date of expiry of any extension of the validity of this Endorsement as may be shown overleaf.

<i>FUNCTION</i>	<i>LEVEL</i>	<i>LIMITATIONS (if any)</i>

..... <i>Signature of a duly authorised official</i>	
..... <i>Date of revalidation</i> <i>Name of duly authorised official</i>

The validity of this Endorsement is hereby extended until :	
Affix official stamp/seal here	
..... <i>Signature of a duly authorised official</i>	
..... <i>Date of revalidation</i> <i>Name of duly authorised official</i>

THIRD SCHEDULE

(Regulation 7)

TABLE OF CRITERIA FOR APPROPRIATE CERTIFICATES

Column 1 Master and Deck Departm	Column 2 Regulation Annexed to the STCW Convention
Officer in charge of a navigational watch on any ship on voyages not limited to near-coastal voyages.	Regulation II/1.2.
Master or chief mate (chief officer) on a ship of 3000 GT or more.	Regulation II/2.2.
Master or chief mate (chief officer) on a ship of less than 3000 GT.*	Regulation II/2.4.
Officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages.	Regulation II/3.4.
Master on a ship of less than 500 GT engaged on near-coastal voyages.	Regulation II/3.6.

Engine Department	Regulation Annexed to the STCW Convention
Officer in charge of an engineering watch in a manned engine room, or designated duty engineer officer in a periodically unmanned engine-room, on a ship powered by main propulsion machinery of 750 kW propulsion power or more.	Regulation III/1.2.
Chief Engineer officer or second engineer officer in a ship powered by main propulsion machinery of 300 kW propulsion power or more.	Regulation III/2.2.
Chief Engineer officer** and second engineer officer*** in a ship powered by main propulsion machinery of between 750 and 3000 kW propulsion power.	Regulation III/3.2.

* This certificate may be endorsed for service in vessels of 3000 GT or more in the near-coastal area.

** This certificate may be endorsed, if required, for service in vessels up to 6000 kW in the near-coastal area for those with not less than 36 months sea service.

*** This certificate may be endorsed for service in vessels up to 6000 kW in the near-coastal area.

FOURTH SCHEDULE

(Regulations 7, 8 and 18)

ISSUE OF CERTIFICATES OF COMPETENCE

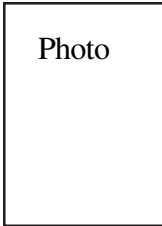
1. Candidates seeking to be certificated (in any capacity, function or level) shall -
 - .1 provide proof of their identity and nationality;
 - .2 provide proof of their age;
 - .3 hold a valid certificate of medical fitness (inclusive of sight and hearing tests) – such certificate to have been issued within the previous 12 months or have at least 6 months validity remaining.
 - .4 have completed the required period of watchkeeping or seagoing service;
 - .5 have successfully completed the required course of compulsory training. In this regard they should provide transcripts from an approved training institution attesting that they have successfully completed the course of study;
 - .6 meet the required standards of competence or have successfully completed the prescribed assessment, as appropriate;
 - .7 provide testimonials as to their character, including sobriety, and a record of suitable experience and satisfactory conduct during the period of seagoing service.

2. Candidates seeking initial certification as watchkeeping officers are required, in addition to the abovementioned requirements, to produce a training record book, attesting to the fact that they have completed a period of systematic, practical training and experience in the tasks, duties and responsibilities of an officer in charge of a watch.
3. The Department of Maritime Affairs will issue certificates of competence only to those candidates who meet the requirements appropriate to the capacity, function and level of responsibility for which they seek to be certificated.
4. Certificates of competence issued by the Department of Maritime Affairs shall be in the form specified in the Annex to this Schedule.
5. Any certificate of competence issued by the Department of Maritime Affairs shall be kept by the lawful holder in its original form onboard the ship on which they are serving.
6. The Director may delegate the issuing of Certificates of Competence as described above to the Registrar.

ANNEX

Form of Certificate of Competency

**ST KITTS & NEVIS
INTERNATIONAL SHIP REGISTRY**



*Coat
of
arms*

*Certificate of
Competency*

*DMA
logo*

***The Saint Christopher & Nevis Merchant Shipping Act Cap 7.05
Department of Maritime Affairs***

Certificate issued under the provisions of the Merchant Shipping Act Cap 7.05 giving effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended in 1995

The Government of Saint Christopher (St. Kitts) & Nevis certifies that:

Certificate Number

Issued to

By or on behalf of the Government of

Has been found duly qualified in accordance with the provisions of Regulation of the above Convention, as amended, and has been found competent to perform the following functions, at the levels specified, subject to any limitations indicated until the date shown below or until the date of expiry of any extension of the validity of his certificate as may be shown overleaf.

<i>FUNCTION</i>	<i>LEVEL</i>	<i>LIMITATIONS (if any)</i>

The lawful holder of this endorsement may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Department of Maritime Affairs:

<i>CAPACITY</i>	<i>LIMITATIONS (if any)</i>

The validity of this Certificate is hereby extended until :	
<p data-bbox="331 480 597 506">Affix official stamp/seal here</p> <p data-bbox="786 554 1133 579">..... <i>Signature of a duly authorised official</i></p> <p data-bbox="293 758 479 783">..... <i>Date of revalidation</i></p> <p data-bbox="786 758 1081 783">..... <i>Name of duly authorised official</i></p>	

The validity of this Certificate is hereby extended until :	
<p data-bbox="331 1073 597 1098">Affix official stamp/seal here</p> <p data-bbox="786 1146 1133 1171">..... <i>Signature of a duly authorised official</i></p> <p data-bbox="293 1350 479 1375">..... <i>Date of revalidation</i></p> <p data-bbox="786 1350 1162 1375">..... <i>Name of duly authorised official</i></p>	

**ST KITTS & NEVIS
INTERNATIONAL SHIP REGISTRY**



*Coat
of
Arms*

*DMA
logo*

Certificate

***The Saint Christopher & Nevis Merchant Shipping Act Cap 7.05
Department of Maritime Affairs***

Certificate issued under the provisions of the Merchant Shipping Act Cap 7.05 giving effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarer's 1978 as amended in 1995

The Government of Saint Christopher (St. Kitts) & Nevis certifies that:

Certificate Number
Issued to

Has been found duly qualified in accordance with the provisions of Regulation of the above Convention, as amended to be proficient in:

*[Familiarization, Basic Safety Training and Instruction] [Survival Craft and Rescue Boats/*other than fast rescue boats] [Advanced Fire Fighting] [Medical First Aid and Medical Care] [to serve on tankers] [to serve as navigation/* engine room watch rating] ***

**** Appropriate notation shall be made on the Certificate**

<i>Seafarers Number</i>	<i>Date of issue (for this certificate)</i>	<i>Place of Issue (for this certificate)</i>
SKN 800	DD/MM/YY	

.....
Authorised Official



Signature of the Holder of this Certificate
Please keep your signature within the box and sign without touching any of the box lines

.....
Date of Birth of the Holder of this Certificate

The original of this Endorsement shall be kept available in accordance with Regulation I/2, paragraph 9 of the Convention while serving on a ship

FIFTH SCHEDULE*(Regulation 13)***TRAINING AND CERTIFICATION OF OFFICERS
AND CREW ON HIGH SPEED CRAFT****Training Requirements**

- 1.1 Deck officers serving on High Speed Craft (HSC) are required to hold a Type Rating Certificate (TRC) in addition to a valid deck officer certificate of competency.
- 1.2 HSC operators are responsible for ensuring that appropriate training is given to deck officers so that they may qualify for the issue of a TRC. The training required by the HSC Code includes knowledge of the craft's propulsion and control systems, handling characteristics, communication and navigation procedures, intact stability and survivability of the craft.
- 1.3 Organizations providing TRC training are required to nominate a person responsible for the training. This person will be designated the Type Rating Instructor (TRI). TRIs may be appointed from within the HSC operating organization or from an outside source. Organizations should also nominate another person responsible for the assessment of training to serve as a Type Rating examiner (TRE). Both TRIs and TREs should be experienced in the operation of the craft on the route on which they will be instructing and examining, respectively, and be approved by the Director. Under no circumstances will the same person be allowed to work as both TRI and TRE.
- 1.4 Engineer officers on HSC are required to be appropriately certificated under the requirements of the regulations but do not require additional type rating certification.
- 1.5 On HSC with gas turbine propulsion, engineer officers may hold either: Motor, Steam or Combined certificates of competency. In addition, specified senior engineer officers are required to hold a certificate attesting to the completion of an approved gas turbine training programme for the machinery on their vessel.

Issue of Type Rating Certificates

- 2.1 After undergoing training with the approved TRI a candidate will be examined by the approved TRE. Where successful, the organization should issue a TRC in the form given in the Annex to this Schedule. The TRC, plus a duplicate copy, should be forwarded, together with a valid medical fitness certificate, to the Department of Maritime Affairs. The TRC shall specify the craft or class of craft (e.g. 65 metres wave piercing catamaran), and its operational area or routes.
- 2.2 Where the Director is satisfied that all the requirements have been met he will endorse the TRC for service use. This procedure is required in order to satisfy the requirements of paragraph 18.3.3 of the HSC Code. The Director will return the original and keep the duplicate copy for record purposes.
- 2.3 Further routes may be added to a TRC after a holder has undergone route familiarization training and performance assessment by the TRE. The organization may issue a new TRC or amend an existing one upon the recommendation of the TRE. In either case, the TRC shall be submitted to the Department of Maritime Affairs for endorsement of the amendments and recording purposes as above.

Revalidation

- 3.1 Revalidation of a TRC is required at intervals of not more than 2 years. For revalidation, candidates shall be able to show evidence of continuing fitness for service on HSC. They shall provide evidence of at least 6 months sea service on HSC in the preceding 2 years or a statement from a HSC operator or other TRC training organization to indicate that the candidate has successfully completed a training programme prior to seeking revalidation. When the issuing organization is satisfied that the revalidation requirements have been met, the TRC should be revalidated (see reverse side of specimen certificate format in the Annex) and submitted to the *Department of Maritime Affairs* for endorsement and recording purposes as in 2.1.

Ratings and Other Personnel

- 4.1 Ratings and other personnel employed on HSC shall undergo a training programme appropriate to their duties on board and may be trained solely for HSC service without seagoing experience on other types of ships. Ratings in this category may hold [*a certificate as a Deck Rating (EDH)*] limited for service on HSC as appropriate. This limitation will be removed where the holder completes at least 6 months service on a conventional ship. Application for removal of a limitation should be made to the *Department of Maritime Affairs*.

Non Sea-going HSC

- 3.2 Deck officers on non sea-going HSC should follow a training, assessment and certification system similar to that detailed above. In order to qualify for a TRC, the applicant shall be able to demonstrate the skills appropriate to navigational duties in the relevant operational area.

ANNEX**FORM OF TYPE RATING CERTIFICATE**



Photo

Coat
of
Arms

**ST KITTS & NEVIS
INTERNATIONAL SHIP REGISTRY**

DMA
logo

**Type Rating Certificate for
High Speed Craft**

*The Saint Christopher & Nevis Merchant Shipping Act Cap 7.05
Department of Maritime Affairs*

The Government of Saint Kitts and Nevis certifies that:

Name of Seafarer

Date of Birth

Discharge Book No/Other National ID

Certificate of Competency (if any) –Class/Regulation

Date of Issue Issuing Authority

Has completed a course of training as required by Chapter 18.3.3 of the International Code of Safety for High Speed Craft and has passed an examination, including practical tests, commensurate with operational tasks on board the craft and routes detailed below:

Name (or class) of Craft Type of Craft

Route

.....

.....

Issuing Authority Stamp
and Date

.....

.....
Name & Title of Authorised
Official

Capacity

AMENDMENTS Details of Additional Routes

.....

Issuing Authority Stamp
and Date

.....

.....
Name & Title of Authorised
Official

This certificate is subject to 2 yearly revalidation in accordance with Chapter 18.3.5 of the HSC Code. Confirmation that the certificate has been revalidated is to be confirmed by completion of the table below.

REVALIDATION

This is to certify that this certificate is valid for a period of two years from the date of issue or last revalidation date.

The validity of this Certificate is hereby extended until :	
<p data-bbox="423 720 691 745">Affix official stamp/seal here</p> <p data-bbox="880 785 1230 821">..... <i>Signature of a duly authorised official</i></p> <p data-bbox="388 995 574 1022">..... <i>Date of revalidation</i></p> <p data-bbox="880 995 1179 1022">..... <i>Name of duly authorised official</i></p>	

The validity of this Certificate is hereby extended until :	
<p data-bbox="423 1308 695 1333">Affix official stamp/seal here</p> <p data-bbox="880 1373 1230 1409">..... <i>Signature of a duly authorised official</i></p> <p data-bbox="388 1583 578 1610">..... <i>Date of revalidation</i></p> <p data-bbox="880 1583 1260 1610">..... <i>Name of duly authorised official</i></p>	

The validity of this Certificate is hereby extended until :	
<p data-bbox="332 478 597 506">Affix official stamp/seal here</p> <p data-bbox="787 554 1136 581" style="text-align: center;">..... <i>Signature of a duly authorised official</i></p> <p data-bbox="297 758 482 785">..... <i>Date of revalidation</i></p> <p data-bbox="863 758 1166 785" style="text-align: right;">..... <i>Name of duly authorised official</i></p>	

SIXTH SCHEDULE

(Regulation 18(4))

RECORD OF CERTIFICATES AND ENDORSEMENTS

1. In implementing the requirement in paragraph 4.1 of regulation I/9 of the revised STCW Convention for the maintenance of a register of certificates and endorsements a standard database is not necessary provided that all the relevant information is recorded and available.
2. The following items of information should be recorded and available either on paper or electronically in accordance with regulation I/9, as a minimum:
 - (1) Status of certificate:
 - (a) Valid;
 - (b) Suspended;
 - (c) Cancelled;
 - (d) Reported lost;
 - (e) Destroyed,

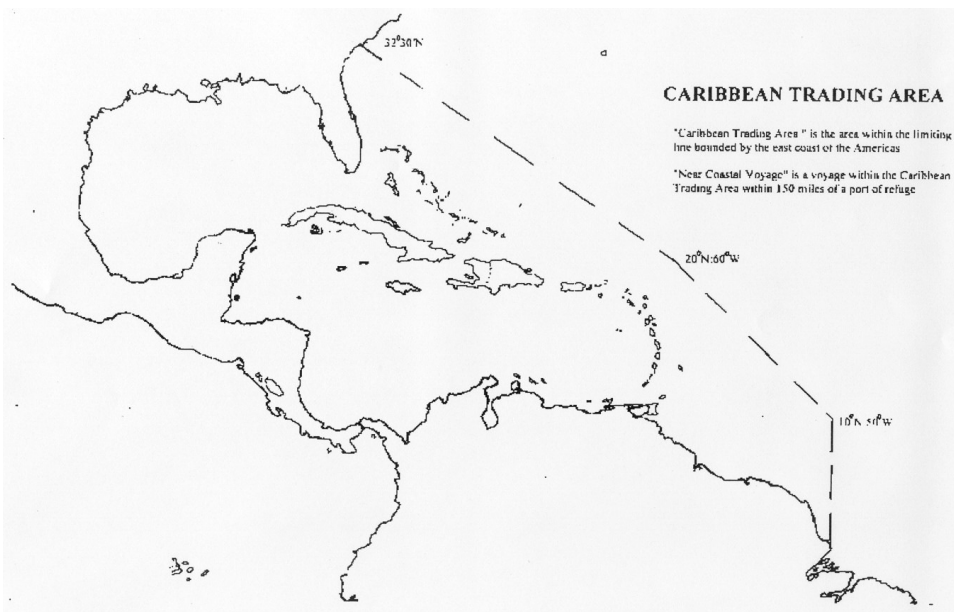
with a record of changes to status to be kept, including dates of changes.
 2. Certificate details:
 - (a) Seafarer's name;
 - (b) Date of birth;
 - (c) Nationality;
 - (d) Sex;
 - (e) Preferably a photograph;
 - (f) Relevant document number;

- (g) Date of issue;
 - (h) Date of expiry;
 - (i) Last revalidation date;
 - (j) Details of dispensations(s).
3. Competency details:
- (a) STCW competency standard (e.g. regulation II/1);
 - (b) Capacity;
 - (c) Function;
 - (d) Level of responsibility;
 - (e) Endorsements;
 - (f) Limitations.
4. Medical details

Date of issue of latest medical certificate relating to the issue or revalidation of the appropriate certificate.

SEVENTH SCHEDULE*(Regulation 21)***NEAR COASTAL VOYAGES**

1. The Department of Maritime Affairs recognizes, for the purpose of defining Near Coastal Voyages, the following Trade areas
 - (a) the Unlimited Trading Area; and
 - (b) the Caribbean Trading Area for ships engaged in near Coastal Trade.
2. The Unlimited Trading Area is any area in which voyages, which are not near coastal voyages, are undertaken.
3. The Caribbean Trading Area is the area bounded by the east coasts of North, Central and South America; and a line from the east coast of the United States in latitude 32° $30'N$ to a point $20^{\circ}N: 60^{\circ}W$, thence to a point $10^{\circ}N : 50^{\circ}W$, and thence south to the coast of South America, as illustrated in the map set out in this Schedule.
4. A “near coastal voyage” is as provided in regulation 2.
5. The Department of Maritime Affairs will issue Certificates of Competence specifically for Near Coastal Voyages.
6. The Department of Maritime Affairs may issue endorsements to suitably qualified seafarers who hold certificates of competence, allowing them to serve, subject to certain restrictions, in stated capacities or levels on near coastal voyages. Such endorsements shall not apply to seagoing service on tankers nor passenger ships.



EIGHTH SCHEDULE*(Regulation 22)***ASSESSMENTS****Responsibilities of the Department of Maritime Affairs**

- 1.1 The Department of Maritime Affairs will conduct assessments, in order to ascertain competence for certification, for all certificates of competence. Candidates wishing to be assessed shall submit a duly completed application form along with documentary proof that they have met the requirements listed under paragraphs 1.1 to 1.5 and 1.7 to 1.8 of the Fourth Schedule and the specific requirements for each certificate for which they are applying.
- 1.2 The Department of Maritime Affairs will nominate a pool of suitably qualified persons who will from time to time be appointed to Boards of Examiners. Such persons shall be holders of certificates of competence as Masters or Chief Engineers without restrictions or the professional equivalent, have completed the IMO model Course for Examiners, and had a period of on-the-job training or exposure to maritime examination methods and practices. In this part, “professional equivalent” means appropriate training in related subjects or disciplines at a tertiary level.
- 1.3 For each assessment, in each discipline, the Department of Maritime Affairs will appoint at least 3 persons to form a Board of Examiners. The Board will comprise of a President who will be from the Department of Maritime Affairs and 2 members who will be from the pool of suitably qualified persons.
- 1.4 Boards will be structured according to the discipline (deck, engine or radio department) in which the candidates are to be assessed. Such Boards may be appointed for assessments in different classes of certification, but will not be appointed for assessments in different disciplines.
- 1.5 The Department of Maritime Affairs will maintain a separate data bank of questions and model answers for each class of certification within each discipline.
- 1.6 The Department of Maritime Affairs will provide a selection of questions, and model answers, to each appointed Board of Examiners for their consideration in formulating assessment papers.
- 1.7 The Department of Maritime Affairs will, once it has been duly satisfied that the assessment has been properly administered, conducted and evaluated, according to the Board’s report, officially notify the candidates of their results and advise those candidates who were unsuccessful of the reasons why they were unsuccessful and any recommendations as to retraining or re-sitting the assessment.
- 1.8 The Department of Maritime Affairs will maintain a facility for investigating complaints, which may be preferred by candidates as to the format or content, conduct or evaluation of assessments. All such matters will be referred to the Board of Examiners for them to conduct an investigation and submit a report to the Department of Maritime Affairs. This report will then be evaluated and appropriate action taken by the Department of Maritime Affairs to address the matter.
- 1.9 The Department of Maritime Affairs will provide invigilators in sufficient numbers to adequately support each examination.

- 1.10 The Department of Maritime Affairs will promulgate the timetable detailing the schedule and conduct of examinations and ensure that this information is communicated to the candidates in a timely manner.

Responsibilities of Training Institutions

- 2.1 Training institutions will be required to provide to the Department of Maritime Affairs, at least one month before the scheduled dates of commencement of assessments, 3 complete assessment papers and model answers for each class of certification within each discipline to be assessed.
- 2.2 In the formulation of questions for these papers, the training institution shall ensure that all the required publications, charts, instruments and other material or equipment are serviceable and available in sufficient quantities to support the assessment. Such requirements are to be clearly stated along with the associated serviceability and availability.
- 2.3 Training institutions will be required to provide instructors who are versed in the particular subject discipline being assessed, to assist in the invigilation of examinations and to respond to and deal with queries regarding any aspect of the examination which may be raised by candidates.
- 2.4 Training institutions are to maintain records of the course-work, attendance, written and practical work etc., for each student undertaking an approved course of maritime study. Such records are to be made available to the Board of Examiners that may be assessing that particular individual as a candidate for certification, if and when required.
- 2.5 Training institutions are to submit to the Department of Maritime Affairs a draft timetable for the scheduling and conduct of examinations, at least three months before the tentative commencement of the first examination.

Terms of Reference of Boards of Examiners

- 3.1 The Board will be responsible for the formulation of assessment papers, and conduct of examinations, and the evaluation of individual papers. Upon completion of all these functions the Board will be required to submit a report to the Department of Maritime Affairs.
- 3.2 Prior to and during the examinations, the Board will be responsible for ensuring that
- .1 the required charts, publications, instruments and other material or equipment are serviceable and available in sufficient numbers to adequately support the examination;
 - .2 the listed candidates for each examination are present and properly accounted for according to the seating and numbering arrangements;
 - .3 written Examinations are conducted as follows
 - .3.1 the candidates are to be briefed on the general rules, requirements and duration of the examination;
 - .3.2 the examination papers are to administered and the examination conducted according to the prescribed rules for the examination;

- .3.3 the examination is to be started and completed on time and within the specified duration; allowances may be made for any unforeseen or unavoidable stoppages or disruptions;
- .3.4 the examination papers are to be collected and properly accounted for on completion of the examination;
- .3.5 the Board may disqualify any candidates who violate the rules of the examination;
- .3.6 the Board may suspend the examination where the members are not satisfied with the existing facilities, support equipment or material or conditions under which the examination is to be conducted and may subsequently make such other arrangements as may be deemed appropriate in order to ensure the proper conduct of the examination;
- .3.7 after the examination, the Board is to ensure that each examination paper is independently evaluated by at least two persons; the first evaluation is to be done by an instructor, versed in the subject or discipline concerned, from the training institution, with the second evaluation being done by a member of the Board. Evaluations will then be compared by the Board and final grades assigned to each paper. Borderline cases are to be reviewed by a member of the Board who hitherto was not involved in the evaluation of that particular paper;
- .3.8 in assigning final grades, the Board is to compare and average the grades of the two independent evaluations. The Board may also take into consideration –
 - .1 the candidate's course-work; or
 - .2 the candidate's training record book and testimonials of conduct and character during their period of seagoing training;
 - .3 any other relevant matter concerning the candidate's competence.

Delegation of Responsibilities from the Director to the Registrar

- 4. The Director may delegate any or all of the above responsibilities of himself or the Department of Maritime Affairs to the Registrar.

NINTH SCHEDULE

(Regulations 28, 37, 38 and 39)

SAFE MANNING, HOURS OF WORK AND WATCHKEEPING

1. SAFE MANNING

1.1 Introduction

- 1.1.1 These Regulations place clear responsibilities on companies owning or operating Saint Christopher and Nevis seagoing ships, and other ships whilst in Saint Christopher and Nevis waters, to ensure that their ships are manned with

personnel of appropriate grades who have been properly trained and certificated, and who are in possession of an appropriate certificate or endorsement or have applied for such an endorsement in accordance with Regulation 6.

- 1.1.2 The numbers of certificated officers and certificated and non-certificated ratings shall be sufficient to ensure safe and efficient operation of the ship at all times.
- 1.1.3 All ships of 24 metres length and above and all Passenger Ships of any size and any other ships to which these Regulations do not apply but for which there is a voluntary application by the company or any other ships which the Director so determines, are required to hold a minimum safe manning certificate.
- 1.1.4 The owner or operator of a Saint Christopher and Nevis registered ship is required to make an assessment of the numbers and grades of personnel necessary for safe operation. These should be sufficient to ensure that -
 - .1 the required watchkeeping standard can be maintained and that personnel are able to obtain sufficient rest;
 - .2 personnel are not required to work more hours than is safe in relation to the safety of the ship;
 - .3 the master and seafarers can perform their duties in accordance with the framework of operational guidance in section A-VIII of the STCW Code;
 - .4 the master and seafarers are not required to work such hours or under such conditions which may be injurious to their health and safety.
- 1.1.5 Proposals based on the assessment should be submitted to the Director who, when satisfied that the proposed manning levels are adequate, will issue a minimum safe manning certificate.

1.2 Safe Manning

- 1.2.1 The responsibility to ensure that ships are safely, sufficiently and efficiently manned rests with the owners and managing operators. Guidance on determining appropriate manning levels is given in section 2 and Annex 2 to this Schedule.
- 1.2.2 In order to avoid possible problems at a later stage, owners and operators are recommended to consult with seafarers or their representatives and the Director on their proposed manning when new ships are at the design stage and in advance of registering existing ships in Saint Christopher and Nevis.
- 1.2.3 In the event of any disagreement between the owners and seafarers or their representatives regarding manning levels, the Director will consider any views put forward and may require a revision of the manning levels, where so justified. In such cases it may be necessary to arrange for some form of practical demonstration of the ability of the crew to carry out the essential tasks in the context of the principles of safe manning. Similarly, in the event of any change in the equipment, construction or use of the ship which may affect the safe manning level, the owner or operator should make an application for the issue of a new minimum safe manning certificate.

1.3 Specialist ship types

- 1.3.1 Offshore support vessels present special problems because of the diverse nature of their operations and the conditions under which they are required to operate. Owners are particularly reminded of the restrictions placed on working hours under the Regulations and should set manning levels accordingly.
- 1.3.2 Shipowners and operators shall ensure that the master, officers and ratings on tankers, and the master, officers, ratings and other personnel on passenger ships including ro-ro passenger ships have completed the training required by the Regulations which is specified in sections A-V/1 and A-V/2 of the STCW Code. All crew members on high speed craft shall have completed the training required under the HSC Code, and masters and officers having an operational role shall hold a Type Rating Certificate as required by the HSC Code. On passenger ships generally, the need to handle large numbers of passengers unfamiliar with the marine environment shall be taken into account in determining manning levels. Personnel should be appropriately trained and certificated and owners and operators shall give particularly careful attention to the requirements for minimum numbers of trained crew to take charge of survival craft.

1.4 Minimum safe manning certificate

When the Director has agreed to proposals regarding the manning of a particular ship, a minimum safe manning certificate shall be issued for that ship in a format which complies with the requirements of the SOLAS Convention. It should be retained on board and be available for inspection whenever required by an authorized person.

2. DETERMINATION OF SAFE MANNING LEVELS

2.1 Principles

- 2.1.1 The Director will consider a ship to be safely manned where the crew includes sufficient officers and ratings with appropriate skills and experience to ensure that the following capabilities are available; these reflect principles in IMO Resolution A 890 (21) and any subsequent amendments thereto, which should be consulted when determining safe manning levels -
- .1 maintain a safe bridge watch at sea in accordance with regulation VIII/2 of STCW 95, which includes general surveillance of the vessel;
 - .2 moor and unmoor a vessel effectively and safely;
 - .3 operate and maintain effectively all watertight closing arrangements including the ability to mount an effective damage control party;
 - .4 operate and, when practicable, maintain efficiently, all fire equipment and lifesaving appliances provided including the ability to muster and disembark passengers and non-essential personnel;
 - .5 manage the safety functions of a vessel at sea, when not under way;
 - .6 maintain a safe engineering watch at sea in accordance with regulation VIII/2 of STCW 95, and also maintain general surveillance of spaces containing main propulsion and auxiliary machinery;

- .7 operate and maintain in a safe condition the main propulsion and auxiliary machinery to enable the ship to overcome the foreseeable perils of the voyage;
- .8 maintain the safety arrangements and the cleanliness of machinery spaces to minimize the risk of fire;
- .9 provide for medical care on board ship;
- .10 maintain a safe radio watch in accordance with the SOLAS Convention and ITU; regulations, as amended;
- .11 maintain the precautions and safeguards necessary to protect the marine environment in accordance with MARPOL 73/78 as amended; and
- .12 maintain safety in all ship operations whilst in port.

2.2 Establishing safe manning requirements

2.2.1 The Department of Maritime Affairs requires all ships to be sufficiently and efficiently manned for their safe operation, having regard to the nature of their work and their location. To ensure safe and efficient operation, a minimum level of manning should be determined. To make that assessment, owners and operators should take account of the following factors -

- .1 the length and nature of voyage and trading area;
- .2 any special requirements of the trade involved;
- .3 number, size (kW) and type of main propulsion units and auxiliaries;
- .4 size of ship (GT);
- .5 construction and technical equipment of ship.

2.2.2 In conjunction with these factors, the IMO principles of safe manning (see paragraph 2.1) and the need to ensure that personnel do not work more hours than is safe, the owner or operator should -

- .1 identify all the functions to be undertaken on board during a representative voyage;
- .2 identify the skills and experience required to perform those functions;
- .3 identify those functions in normal operations which need to be undertaken concurrently;
- .4 determine the minimum numbers of personnel required to undertake concurrent operations safely;
- .5 establish working arrangements, including - in accordance with regulation 13 of Chapter V of the SOLAS Convention - the establishment of a working language on a passenger ship, to ensure the master and crew are capable of undertaking concurrent and continuing operations with respect to their skills and training;
- .6 ensure that the working arrangements allow for sufficient rest periods to avoid fatigue and draw up work schedules accordingly.

2.3 Guidance on appropriate manning levels

- 2.3.1 The Tables annexed hereto provide guidance on the numbers of certificated deck and engineer officers and ratings appropriate to different sizes of ships, tonnages and trading areas. These tables only provide guidance; owners and operators shall take all relevant factors into account before finalizing their manning proposals.
- 2.3.2 The number of ratings required will be determined by the factors summarized at paragraph 2.2. Owners and operators should additionally seek to obtain a good balance between skilled and less skilled and between experienced and less experienced ratings.

2.4 Watchkeeping

- 2.4.1 The Regulations require the master of any ship to be responsible for the overall safety of the ship. He shall also ensure that the watchkeeping arrangements are adequate for maintaining safe navigational watches at all times, including the provision of a lookout as required by the International Regulations for the Prevention of Collisions at Sea 1972, as amended. The chief engineer officer of any ship is required to ensure that the engineering watch arrangements for the ship are adequate at all times for maintaining a safe engineering watch.
- 2.4.2 The principles applying to the keeping of a safe watch are in section A-VIII/2 of the STCW Code and shall be followed in order to comply with these Regulations.

3. HOURS OF WORK

3.1 Working arrangements

- 3.1.1 Every operator of a ship and employer is obliged to ensure that the master, officers and ratings do not work more hours than is safe in relation to the performance of their duties and the safety of the vessel. The same responsibility is placed on the master in relation to the seafarers. Manning levels should be such as to ensure so far as possible that the time and place available for taking rest periods are appropriate for achieving a good quality of rest. Operators will also want to take into account section B-VIII/1 of the STCW Code which provides further guidance about fitness for duty.
- 3.1.2 Operators are required to ensure that a schedule of duties is produced setting out the hours of work and the rest periods. It should provide that the master, officers and all other seafarers do not work more hours than is safe in relation to the safety of the ship. In devising the schedule, operators should take account of factors such as -
- 1 trade and type of operation;
 - 2 type and size of ship;
 - 3 construction and technical equipment of ship;
 - .4 manning levels and changes in crew numbers due to crew changes and sickness;
 - .5 maximum period of continuous watchkeeping;
 - .6 minimum rest periods;
 - .7 total workload;

.8 the seriousness of irregular working hours and their contribution to fatigue causation and the importance of scheduling reasonably stable watchkeeping hours over a voyage.

3.1.3 Changes should not be made to the schedule unless they can be justified by substantially altered work patterns made necessary, for example, by a change in trading pattern or other significant factor. Where it is known that a vessel engages in an irregular trading pattern or that working hours are likely to be uniform this can be taken into account and recorded in the schedule. The consultation process referred to in paragraph 3.2 also applies to changes in the schedule.

3.2 Consultation

Operators of ships are required to seek the views of the master when first drawing up a schedule of duties for a ship or ships. The master of a ship should seek the views of his officers and shall seek and convey to the operator the views of the seafarers or their representatives or a trade union, as appropriate. The final decision on the schedule rests with the operator who will have the responsibility to ensure that the schedule is safe in relation to the safety of the ship and the performance of duties. The master shall ensure that, as far as reasonably practicable, the schedule is adhered to. Of course, in an emergency or when unforeseeable events occur, changes may well be unavoidable. Regulation 32(9) requires that, once a schedule has been completed by the operator, it shall be displayed prominently in the crew accommodation on board the vessel for the information of all the seafarers.

3.3 Records

3.3.1 A record of all deviations from the schedule's requirements is to be kept on the ship. Any suitable form of record is acceptable provided that the record is always accessible to those authorized to carry out inspections; the record shall be retained for a period of up to five years. There is no need to rewrite the schedule for each voyage so long as it is applicable to the voyage in question and the composition of the crew for whom it was originally intended has not changed.

3.3.2 The overriding aim is to ensure that a proper record of agreed work patterns exists on board for the benefit of crew members and inspecting authorities, and that the record may be matched to each individual crew member involved by means of other documents such as the crew list.

3.4 Exceptions for emergencies

The regulations recognize that situations may arise in which a master or seafarer may be required to exceed the schedule's duty periods. These include emergencies which threaten the safety of the ship or the environment or put life at risk. Where a master or other seafarer exceeds the scheduled hours of work in this manner, and has worked during his rest period, his name shall be entered in the record required to be maintained, together with the reason for the excess.

4. APPLICATION FOR A MINIMUM SAFE MANNING CERTIFICATE

4.1 Information to be provided

4.1.1 When applying to the Director for a minimum safe manning certificate, owners or operators should submit a clear and concise explanation of how the proposed manning

level has been determined and how it takes account of the guidance in paragraphs 2 and 3 and the hours of work provisions in the regulations. The Director will be able to make a quick assessment of the application where the owner or operator can demonstrate that all the factors and principles in those paragraphs have been taken into account.

- 4.1.2 Applications for a minimum safe manning certificate should be made by the owner or a person authorized to act on his behalf, on the prescribed form.

ANNEX 1

APPLICATION FOR A MINIMUM SAFE MANNING CERTIFICATE

ST KITTS & NEVIS
INTERNATIONAL SHIP REGISTRY

The Saint Christopher & Nevis Merchant Shipping Act Cap 7.05
Department of Maritime Affairs

APPLICATION FOR FIRST ISSUANCE, CHANGE OR RENEWAL
OF A MINIMUM SAFE MANNING CERTIFICATE

All ships registered in St Kitts & Nevis of 24m length and above and all passenger ships of any size are required to carry a minimum safe manning certificate.

Applicants should pay attention to the Minimum Safe Manning Guidelines for Certification (MMI) attached to this Form

Vessel Details		
<i>Name of Vessel</i>	<i>IMO or Carib Ship*Number (*where applicable)</i>	<i>Official Number (if assigned)</i>
<i>Type of Vessel</i>	<i>Total Main Engine Power (kW)</i>	<i>Intended GMDSS Sea Areas in which the ship will sail for ships over 300GT</i>
<i>Gross Tonnage</i>	<i>Length (as per Tonnage Certificate) (m)</i>	<i>Unattended Machinery Space (UMS)</i>
<i>ITC</i>		YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>National</i>		
<i>Trading Area:</i> <input type="checkbox"/> UNRESTRICTED <input type="checkbox"/> RESTRICTED (if restricted give details, including any conditions imposed by Class on the sailing area/sea conditions)		

Details of Company (as per ISM)* or where the ISM Code does not apply to this ship, the Managers if different to the Owners	
<i>Full Name of Company</i>	
<i>IMO Company Number</i>	

PROPOSED MINIMUM COMPLEMENT					
DECK			ENGINE		
Rank	STCW reg.	No.	Rank	STCW reg.	No.
MASTER			MASTER		
CHIEF OFFICER			SECOND ENGINEER		
OFFICER IN CHARGE OF WATCH (OOW)			OFFICER IN CHARGE OF WATCH (OOW)		
WATCHRATING			WATCHRATING		
ORDINARY SEAMAN					

The person signing this application confirms that he/she is either the Owner or in case of a Company, a duly authorised officer of that Company, or is the Owner's agent. In the case of an Owner's agent, such authority the Registrar may ask for a written testimony giving such authority. By signing, he/she declares that to the best of his/her knowledge the information contained herein is correct.

Signature of Applicant

Print Name

.....

.....

Date of Application

Title

.....

.....

Authority under which this document is signed i.e. Owner, Officer (Director) of Company or Company's Agent, DPA etc (written proof of such authority may be requested by the Registrar if not previously supplied)

ANNEX 2***Minimum safe manning guidelines as prescribed under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers - STCW 95***

The below tables are the guidelines for determining Minimum Safe Manning for Saint Christopher & Nevis vessels.

We have provided these guidelines for reference only. Final acceptance of the minimum safe manning level proposed by the Owner/Company is made by the Director, based on the ship specific type, trading area and other considerations, and may differ from the details outlined below.

It is the responsibility of the Owners and Master to ensure compliance with the provisions of the STCW 95 Convention, in particular Regulations VIII/1 and VIII/2 and Sections A-VIII/1 and A-VIII/2 regarding Fitness for Duty and Watchkeeping and Rest Periods arrangement and principles to be observed.

DECK DEPARTMENT: Vessels Greater Than 500 Gross Tonnage

	500 – 999 GT		1000 – 2999 GT		3000 – 9999 GT		Over 10000 GT		Over 250 passengers	
	Res tricted voyage s	Un restrict voyage s	Res tricted voyage s	Un restrict voyage s	Res tricted voyage s	Un restrict voyage s	Res tricted voyage s	Un restrict voyage s	Res tricted voyage s	Un restrict voyage s
	STCW Nbr	STCW Nbr	STCW Nbr	STCW Nbr	STCW Nbr	STCW Nbr	STCW Nbr	STCW Nbr	STCW Nbr	STCW Nbr
	radee	radee	radee	radee	radee	radee	radee	radee	radee	radee
Master	1	1	1	1	1	1	1	1	1	1
	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
Chief Mate	0	1	1	1	1	1	1	1	1	1
			1/2	1/2	1/2	1/2	1/2	1/2	1/2	1/2
OOW	1*	0*	0*	1	1	0*	1	1	1*	1
	1/1			1/1	1/1	1/1		1/1		1/1
Watch Rating	2	2	1	2	1	3	1	3	1	2
	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4
Ordinary Seaman	0	0	0	0	0	0	1	2	2	3
Total	4	4	4	6	5	7	7	9	9	10

* Flag Administration may review vessel's trade and traffic area and vessel type and may request one (1) OOW be added
oow–Officer in charge of Watch.

Watch Rating – Ratings forming part of a Navigational Watch certified under STCW reg. A-II/4

Restricted Voyages: These areas may be considered as Restricted Areas:

1. All voyages which do not exceed 48 hours between ports of call;
2. Voyages within 100 nm from the nearest shore;
3. Enclosed areas, which may include, but are not limited to:

- Mediterranean Sea
- Red Sea
- Black Sea
- North Sea
- Baltic Sea

- Caribbean (restricted areas I, II and/or III, as defined in CCSS Code)
- Caspian Sea
- Azov Sea
- Gulf of Aden
- Persian Gulf

NOTE: In the above cases the geographical limits of the above sea areas may be defined in more detail by **SKANReg**

4. The Administration will take into consideration additional restricted trade areas submitted by the owner/operator.

Unrestricted Voyages: Unrestricted International Voyages

GMDSS: ships over 300GT

Vessels equipped with **Radio Installations** for the following GMDSS sea areas shall carry the following number of certified Radio Personnel:

- Area A1 – at least one officer with Restricted Operator Certificate (ROC)*
- Area A2 – at least one officer with General Operator Certificate (GOC)* or one dedicated radio officer with GOC
- Areas A3 or A4 – at least two officers with GOC* or one dedicated radio officer with GOC

* may be the Master or other deck officer.

Passenger ships carrying up to 250 passengers shall follow the tables for cargo ships of the same size.

INTERNATIONAL SHIP & PORT SECURITY (ISPS) CODE – SHIP SECURITY OFFICERS

All ship security officers and deputy security officers on board St. Kitts and Nevis flagged vessels to which the ISPS Code applies shall have a certificate issued by an administration whose certificates are recognised by St Kitts and Nevis, in accordance with regulation VI/5 of STCW 78 as amended. Recognised administrations are those on the STCW whitelist.

DECK DEPARTMENT: Vessels Less Than 500 Gross Tonnage

	1 – 99 GT				100 – 499 GT			
	Up to 100 NM from nearest shore		More than 100 NM from nearest shore		Up to 100 NM from nearest shore		More than 100 NM from nearest shore	
	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade
Master	1**	II/3	1	II/3	1	II/3	1	II/3
Chief Mate	0		0		0		0	
OOW	0		1**	II/3	1	II/3	1	II/3
Watch Rating	1	I/4	0		1	I/4	2	I/4
Ordinary Seaman	0		0		0		0	
TOTAL	2		2		3		4	

** On ships below 24m in length trading in the Caribbean Trading Area this may be a holder of Boat Master Licence, Grade 1 under SCV Code reg. IX/3

Vessels less than 500GT but more than 300 GT equipped with GMDSS *Radio Installations* shall carry the number of certified Radio Personnel as indicated previously.

Vessels less than 300 GT operating in the following trading areas shall carry following number of certified Radio Personnel, who may be the Master or other deck officers:

- Up to 20 NM from shore – at least one Radiotelephone Restricted Operator (VHF)
- Over 20 NM from shore – at least one Radiotelephone General Operator (VHF/HF/MF)

ENGINE DEPARTMENT

	Less than 750 kW		750 – 2999 kW				3000 kW or more					
	Res tited voy ages	Unre sited voy ages	Res tited voy ages	Unre sited voy ages	Res tited voy ages	Unre sited voy ages	Res tited voy ages	Unre sited voy ages				
	N b r	S T C W G r a d e	N b r	S T C W G r a d e	N b r	S T C W G r a d e	N b r	S T C W G r a d e	N b r	S T C W G r a d e	N b r	S T C W G r a d e
Chief Engineer	1 * *	I I I /	1 * *	I I I /	1	I I I /	1	I I I /	1	I I I /	1	I I I /
Second Engineer	0		0		0 * * *		1 *	I I I /	1 *	I I I /	1	I I I /
OOW	1 *	I I I /	1 *	I I I /	1 *	I I I /	0 * * *		0 * * *		1 *	I I I /
Watch Rating	0 ^		0 ^		1 ^	I I I /	2 * ^	I I I /	2 * ^	I I I /	2 * ^	I I I /
TOTAL	2		2		3		4		4		5	

* Manning may be reduced by this rank if vessel is classed with UMS

** The Chief Engineer position required for vessels < 750 kW may be covered as a minimum by an OOW certified under STCW III/1

*** Flag Administration may review vessel's trade and traffic area and vessel type and may request one (1) additional Second Engineer or OOW ^ Tankers of 1000 GT or more shall add one additional Watch Rating

Watch Rating – Rating forming part of an Engine Room Watch or designated to perform duties in a periodically unmanned engine room and certified under STCW reg. A-III/4

ENGINE DEPARTMENT: Vessels less than 24 m length trading in the Caribbean Trading Area

	Protected Waters	Coastal Waters	Exposed Waters
Boat Engineer Grade 1	0	0	1
Boat Engineer Grade 2	0*	1	1
No licence	1*	1	0
TOTAL	1	2	2

* If engine power is 350 kW or more the Administration may require that Engineer holds a Boat Engineer Grade 2 licence under SCV reg. IX/3

Protected Waters – an area of sheltered waters presenting no special hazards such as most rivers, harbours and lakes, designated by the Administration for the operation of small vessels and where not so designated means an area not more than 3 miles from a safe haven.

Coastal Waters – an area designated as such by the Administration and where this is not so designated it means an area not more than 20 miles from a safe refuge.

**ST KITTS & NEVIS
INTERNATIONAL SHIP REGISTRY**

AFFIX
PHOTO
HERE

*Coat
of
arms*

*Certificate of
Dispensation*

*DMA
logo*

*The Saint Christopher & Nevis Merchant Shipping Act Cap 7.05
Department of Maritime Affairs*

Dispensation issued under the provisions of the Merchant Shipping Act Cap 7.05 giving effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarer's 1978 as amended in 1995

The Government of Saint Christopher (St. Kitts) & Nevis certifies that:

Dispensation Number

Name of Seafarer

Holder of Certificate Number

Issued by or on behalf of the Government of

Is duly recognised in accordance with the provisions of Regulation I/10 of the above Convention, as amended, and the lawful holder is authorised to perform the following functions, at the levels specified, subject to any limitations indicated, until the following date when on board the following ship:

Date:

Vessel Name

IMO Number

<i>FUNCTION</i>	<i>LEVEL</i>	<i>LIMITATIONS (if any)</i>

The lawful holder of this endorsement may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Department of Maritime Affairs:

CAPACITY	LIMITATIONS (if any)

<i>Seafarers Number</i>	<i>Date of issue (for this certificate)</i>	<i>Place of Issue (for this certificate)</i>	<i>Date of Expiry (for this certificate)</i>
	DD/MM/YY		DD/MM/YY

.....
Signature of the holder of this certificate

.....
Date of birth of the holder of this certificate

The original of this endorsement shall be kept available in accordance with Regulation I/2, paragraph 9 of the Convention while serving on a ship

Made this 13th day of April 2012.

RICHARD SKERRITT
Minister responsible for Civil Aviation