



MARINE SAFETY FORUM

GUARD VESSEL

BEST PRACTICE

Presenter's Name: Karl Fear

Work Group Members: John McPherson, Allistar Nicol

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1 INTRODUCTION

Due to the recent loss of a guard vessel whilst attending an offshore location, this document has been developed by the Marine Safety Forum to give clear guidance on the standards required for fishing vessels prior to being used for guard vessel duties within the UKCS.

The Scottish Fishing Federation (SFF) and National Federation of Fishermen's Organisation (NFFO) are referred to collectively as Fishing Federations (FF)

2. MANAGEMENT of SAFETY

Fishing vessels used for guard duties are generally under 500grt and there is no legal requirement to have a Safety Management System as required by the International Maritime Organisation or to hold a Safety Management Certificate. It is however essential that any vessel contracted to support the offshore industry is fit for the intended purpose, is being maintained to an adequate standard and is being operated under a robust management system.

Guard vessels generally do not have a Safety Management Systems (SMS) and are governed by legislation as a fishing vessel. It is therefore the responsibility of the Fishing Federations who supply these vessels to have a robust management system aligned to that of the offshore industry and ideally be accredited to a suitable and acceptable standard.

A copy of the relevant Fishing Federation SMS document (Guard Vessels Procedures & HSE Manual) must be placed on board each vessel and all crews made familiar with the content and requirements of the document by the federation.

3. GUARD VESSEL LISTING and SPECIFICATION

As a guide to offshore operators for the contracting of Guard Vessels, the FF is requested to develop and maintain a data base spread sheet of all fishing vessels that they consider suitable as guard vessels. This spread sheet shall be made available to the offshore industry and have all relevant information required for the initial selection of a suitable vessel.

Format for this spreadsheet is included within appendix A



4 OPERATIONAL AREAS

Each vessel selected by the FF as a guard vessel shall be categorised.

This will take into consideration: Season, length, design, construction and age for the Operational Area in which each vessel can be used.

Area Code	Geographical Location
A	Southern North Sea limiting latitude 55°North to UK sector boundary / Morecambe Bay
B	Central North Sea between latitudes 55°North and 60°North, and not west of Orkneys /Shetland islands.
C	Northern North Sea above 60° North, but not west of Shetland Islands.
D	West of Shetland to include Faeroes Basin.

Operational areas and seasons to be reflected in day rates.

Winter season is from October 01st. to March 31st.

5 VESSEL INSPECTION and SPECIFICATION DOCUMENT

The 'Vessel Inspection & Specification' document must be completed by FF for all vessels contained in their 'Guard Vessel Listing & Specification' document noted in 3 above.

The format for the Inspection & Specification document will be approved by Marine Safety Forum (MSF), and adopted as an industry standard for this type of vessel (seek IMCA approval). See appendix D

Document to be initially completed by FF representative and kept on a register of approved vessels by the federation and available to any prospective Client.

When vessel accepted for a proposed work scope the FF representative along with any Client representative / independent auditor will attend on board the vessel and complete an inspection to verify the content of the 'Vessel Inspection and Specification' document and ensure that the vessel is acceptable for the task including the area of operation and time of year.

A copy of all completed inspection/specification documents is to be held by FF.

An annual inspection is to be carried out with a +/- 3 month window.

6 COMPETENCY OF INSPECTOR / AUDITOR

Vessel inspection as described in section 3 to be completed by a competent person from the FF, who has at least completed a recognised auditors course.



7 PRE-SAILING INSPECTION & SCOPE OF WORK BRIEF

When a vessel has been engaged to complete offshore guard duties it shall be subject to a Pre-Sailing briefing ,and an inspection if reasonably practicable by a FF representative accompanied by a Client representative if considered necessary. At this time the FF representative will complete the Pre-Sailing check list to ensure the following –

- a. Spot checks on the vessel condition & safety equipment.
- b. Manning and crew certification is correct for the intended location.
- c. No Drugs or Alcohol on board
- d. Witness any pre-sailing safety emergency drills are completed
- e. Briefing on site specific instructions of offshore work scope.
- f. Emergency procedures for this work scope
- g. Stability checked and acceptable for the intended voyage.
- h. Crew made aware of any specific reporting and communicating procedures.
- i. Procedures and documentation for warning off approaching vessels.

FF representative to complete the pre-sailing check list, and ensure that it is signed off. The completed form must be forwarded to the Client.

See appendix B – Pre Sailing Inspection check sheet.

8 FISHERMEN'S FEDERATION GUARD VESSEL PROCEDURES and HSE MANUAL TO INCLUDE :

- a. Introduction
- b. Objectives / work scope
- c. Safety Policy
- d. Drug and Alcohol policy
- e. Environmental policy
- f. Guard vessel specification
- g. Vessel inspection process
- h. Risk assessments
- i. Pre-sailing HSE meeting
- j. Pre-sailing works cope instructions
- k. Pre sailing emergency drills
- l. Transit time management
- m. Guard duties
- n. Adverse weather procedures
- o. Emergency procedures
- p. Emergency/incident reporting flow chart
- q. Other HSE requirements

8.1 DRUG & ALCHOL POLICY

No alcohol allowed on board guard vessels.

Any infringement of the policy will result in the vessel being removed from the register.

9. STABILITY REQUIREMENTS

Fishing vessels whilst fishing normally sail for the fishing grounds with full fuel oil tanks, potable water tanks and where applicable bulk ice, all of which are below decks and in the lower parts of the vessel. As the vessel starts fishing the weight of fish brought on board replaces the weight being removed by the consumption of fuel, water and melting of ice and these conditions will during a normal fishing trip, keep the vessel stable throughout the voyage.

Meeting the requirements of MGN 281(F) and MSN 1813(F).

For Guard duties where there is no fishing activity, the vessel will depart port generally full of fuel and water but with no ice. These consumables remove weights from the lower parts of the vessel and so it is essential that the vessel has stability information on board that will clearly show that the vessel's condition will remain acceptable for the intended period whilst completing the offshore work scope. For this the FF must ensure that each vessel proposed has comprehensive documentation on board to show stability information for the following conditions when going out on guard vessel duties:

- Port departure
- Mid voyage
- Return to port.

The length of voyage is the time span that the vessel can remain at sea whilst completing guard duties using maximum fuel, water and general consumables.

The following guide lines are to be followed for minimum stability information.

Statutory Requirements for the carriage of Stability Information on board UK Fishing Vessels

Length	Build/contract date	Regulation
12 m Registered Length to less than 24 m Registered Length	Any	2002 Merchant Shipping Notice 1770 (F) "The Code of Safe Working Practice for the Construction and Use of 15 Metre Length Overall to less than 24 metres Registered Length Fishing Vessels"
Registered length of 24m and Over	Before 1/1/99	Fishing Vessel (Safety Provisions) Rules 1975 (SI 1975 No:330)
Registered length of 24m and Over	On or after 1/1/99	Fishing Vessel (EC Directive on Harmonised Safety Regime) Regulations 1999 (SI 1999 No:2998) 1999 (as amended by SI 2003 No: 1112), which gives effect to EU Directive 97/70/EC which implements the Consolidated text of the Torremolinos International Convention for the Safety of Fishing Vessels, including the 1993 Torremolinos Protocol, with interpretations.

Stability to be calculated and available in an approved document to include any modifications or upgrades to the vessel where weights have been added or removed since the stability of the vessel was checked..

In addition to the general stability information it is required that there are vessel conditions showing stability for -

- With no fish boxes, no ice and minimum fuel/water.
- With fishing gear onboard (one trawling board removed) and when removed.

10. MANNING & MARINE QUALIFICATIONS

Minimum of four crew to allow for two man watches, with an experienced watch keeper on each watch.



See Appendix E for SI 1115 (1984) Fishing Vessels Certification of Deck/Engineering Officers for minimum manning requirements.

To include mandatory MCA Requirements For Basic Safety Training For Fishermen

- 1 day Basic Sea Survival
- 1 day Basic Fire Fighting & Prevention
- 1 day Basic First Aid
- 1 day Basic Health & Safety
- 1 day Safety Awareness

Recommended Additional Training

- Stability Awareness training for all fishermen
- Bridge Watchkeeping training for all serving fishermen
- Engine Room Watchkeeping training for all serving fishermen

DRAFT



Appendix - A Guard Vessel – Data Base

Vessel Name	Fishing Number	Areas of Operation	Date Built	Speed	Endurance Days	Last Inspection Date	Load Line Expires	AIS Fitted	Meets Stability Requirements.	Length	



Appendix - B

PRE – SAILING CHECK LIST

To be completed by the Fishing Federation representative at time of vessel sailing.

	Comments
Vessel	
Port	
Date	
Vessel as per “Vessel Specification Document”	
Vessel general condition acceptable	
Machinery and control systems fully operational	
Regular Skipper or Mate on board.	
Four (4) crew on board.	
One crew member experienced with vessels machinery.	
Crew List completed	
Emergency drills completed as per Federation requirements.	
Stability meets current voyage requirements	
Fuel and pot water ROB’s	
Crew not under the influence of drugs or alcohol.	
No Drugs or Alcohol on board	
Briefing on Scope of Work completed.	

Signature of FF Representative	
Signature of Skipper	



Appendix - C

SAILING CREW LIST

Guard Vessel _____ Date _____

	Crew 1	Crew 2	Crew 3	Crew 4	Crew 5
Name					
Position					
Date of Birth					
Next of Kin					
Next of Kin Contact Details					
Deck Officer Fishing Certificate					
Engineering Officer Certificate					
Medically Fit					
Basic Sea Survival					
Basic Fire Fire Fighting					
Basic First Aid					
Safety Awareness					



Appendix - D

INSPECTION DOCUMENT -- GUARD VESSEL

Page 1 General

Vessel Name:	Reg No:
Client/Project:	Audit Time and Date:
Inspector	Port of Audit:

No		Yes	No	Remarks
1	Vessel Spec. (see attached) completed			
2	SFF Guard Vessel Operational Procedures Manual on board			
3	Guard Vessel Contract and Project Papers on board			
4	Company Policy on Substance Abuse - (Flyer on display)			

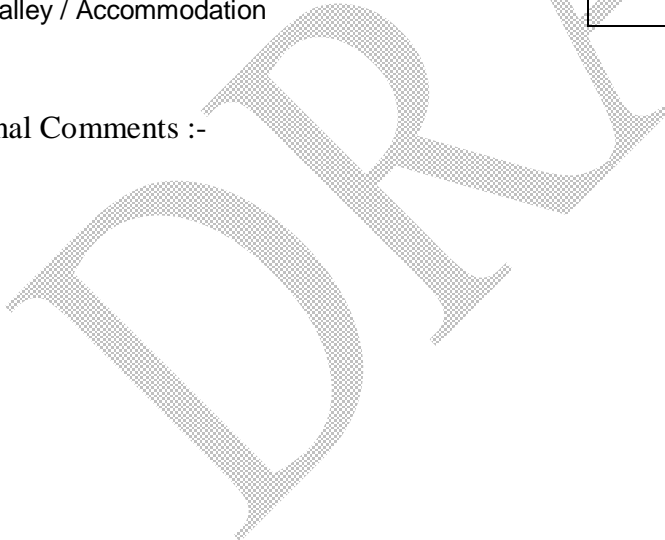
5	Vessel Certification	Issue Date	Expiry Date	Remarks
	Valid Loadline Certificate			
	Certificate of Registry			
	Fishing Vessel Certificate			
	Radio License Certificate			
	Stability Book			
	Stability	Sailing	Mid Voyage	Return
	Risk Assessment Folder			

6	Crew Certification							
	Name	Rank	Marine Certification	Medical	First Aid	Sea Survival	Fire Fight	Safety Awareness

7	Safety Items	Number	Expiry Date	Remarks
	Full Helicopter Survival Suits			
	Lifejackets			Lights Expiry.
	Liferafts 6 man (Make)* DSB			
	HRUs for Life Rafts (Makes)*			
	Life Buoys and Smoke Marker			
	Pyrotechnics (plus Solas Chart)			
	Fire Extinguishers			
	Fire Hoses			
	Fire Blanket in galley			
	Fire Pump and Hose			
	Fixed Fire Fighting System			

	Expiry Date	Remarks	
VHF radio-fixed and hand held			
Bilge Pump			
Bilge Alarm(s)			
Navigation Lights and Sound Signals			
Compass (Date last corrected - Deviation Card)			
EPIRB Battery			
EPIRB HRU (Make)*			
Waterproof Torch			
Medical Kit (Pharmacy Receipt Date + Class)			
Safety Drills - date last undertaken			
8 Miscellaneous		Yes	No
Publications/Charts - appropriate electronic and paper charts			Remarks
Almanac			
KIS UKCS and FishSAFE (current updates)			
Binoculars			
Search Light (hand held - properly charged)			
MARPOL Regulations - knowledge of			
9 General Condition of Vessel	Remarks/Observations/Recommendations		
Hull			
Decks			
Engine Room/Machinery Space/Steering Compartment			
Galley / Accommodation			

Additional Comments :-





Page 2 Vessel Specification

Vessel Details

Name	
Fishing Vessel Number	
Date Built	
Date of any Major Modifications	
Hull	
Length	
Breadth	
Depth	
Load Line (Exemption) Certificate Valid until	
UKFV Certificate Valid until	
Tonnage (Gross & Net)	
Main Engine Type	
Auxiliary Engine Type	
Cruising Speed	
Fuel Oil Capacity	
Freshwater Capacity	
Maximum Number of days on Location	
Call Sign	
Mobile No.	
Telex No.	
Satellite Phone No.	
Skipper	
Owner	

Electronics

<u>Navigation</u>	<u>Communications</u>
RADARS	MF/HF set
ARPA	VHF
ECHO SOUNDER	SATELLITE
GPS	TELEX
ELECTRONIC CHART	MOBILE
AIS	
FISH SAFE	
	<u>Accommodation</u>
	Number of Persons:



Page 3 Vessel Condition

Vessel Name:	Reg No:
Client/Project:	Audit Time and Date:
Auditor :	Port of Audit:

Hull :

Decks:

Engine Room/Machinery Space/Steering Compartment:

Galley / Accommodation:

Risk assessment:

Conclusion:

Auditor
Signature
Date

APPENDIX E

SI 1984 No. 1115 - The Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984

<i>Made</i>	23 rd July 1984
<i>Laid before Parliament</i>	10 th August 1984
<i>Coming into Operation</i>	
<i>(a) for the purposes of Parts I (except Regulation 1(3)) and III</i>	1 st September 1984
<i>(b) for all other purposes</i>	1 st January 1987

The Secretary of State for Transport, being satisfied that it is necessary or expedient in the interests of safety to make the following Regulations in so far as they require fishing vessels and government fishery research vessels to carry qualified deck officers and engineer officers, and after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970 (a) and the persons referred to in section 22(2) of the Merchant Shipping Act 1979 (b), in exercise of the powers conferred by section 43 of the said Act of 1970 (c) and now vested in him (d) and of section 21(1)(a), 3(e), (5) and 6(b) and (bb) and section 22(1) and 3(a) of the said Act of 1979 (e), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART I - GENERAL

Citation, commencement, interpretation and revocation

1.. -(1) These Regulations may be cited as the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984 and shall come into operation (a) for the purposes of Parts I (except regulation 1(3) and III, on 1st September 1984 and (b) for all other purposes, on 1st January 1987.

(2) In these Regulations:

"the Act of 1894" means the Merchant Shipping Act 1894 (f):

"the Act of 1970" means the Merchant Shipping Act 1970;

"the Act of 1979" means the Merchant Shipping Act 1979;

"certificate of equivalent competency" means a certificate entitled "certificate of equivalent competency" issued under regulation 6A below;

"equivalent foreign certificate" means a certificate, issued by an authority of a specified country outside the United Kingdom, referred to in regulation 7A below;

"fishing vessel" means a vessel for the time being employed in sea fishing but does not include a vessel used otherwise than for profit;



"length" in relation to a fishing vessel, means the length shown on the vessel's certificate of registry;

"limited area" means any location within the area bounded by a line from a point on the Norwegian coast in latitude 62° N due west to a point 62° N 3° W; thence to a point 58° N 10° W; thence to a point 53° N 12° W; thence to a point 49° N 12° W; thence to a point 46° 30' N 6° W and thence due East to the French coast;

"Merchant shipping Notice" means a Notice described as such issued by the Secretary of State;

"propulsive power" means, in relation to a fishing vessel, the brake or shaft power specified in either the vessel's certificate of registry or the record of particulars of a United Kingdom fishing vessel required by Rule 125(2) of the Fishing Vessel (Safety Provisions) Rules 1975 (g); in either case the power so defined shall be the total continuous rated brake or shaft power of all the propulsion engines, irrespective of whether some of the power may be diverted from the propulsion shafts or whether or not all the power is normally used;

"specified by the Secretary of State" means specified in the Department of Transport Merchant Shipping Publications entitled "Examinations for Certificates of Competency for Fishing Vessels: Deck Officer Requirements Syllabuses and Specimen Papers" and "Examinations for Certificates of Competency for Fishing Vessels: Marine Engineer Officer Requirements Syllabuses and Specimen Papers" both to be published by Her Majesty's Stationery Office, or in any document amending or replacing those publications which is specified in a Merchant Shipping Notice and in relation to certificates of equivalent competency, means specified in Merchant Shipping Notice M. 1559 and any subsequent amendment to that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

"United Kingdom Ship" has the same meaning as in section 21(2) of the Act of 1979;

"unlimited area" means any location not within the limited area.

(3) The Merchant Shipping (Fishing Boats) Order 1948 (h), the Merchant Shipping (Fishing Boats) (Amendment) Order 1976 (i) and the Merchant Shipping (United Kingdom Fishing Vessels: Manning) Regulations 1980 (j) are hereby revoked.

Designated Authority

1A. The Secretary of State for Transport is the designated authority for the purposes of Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EC in respect of the following professions:

FISHING VESSEL OFFICER CLASS 1

FISHING VESSEL OFFICER CLASS 2

FISHING VESSEL OFFICER CLASS 3

Exemptions

2. The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any



such exemption.

PART II – MANNING REQUIREMENTS

Deck Officers

3. Every United Kingdom ship, being a sea-going fishing vessel or Government fishery research vessel which:

- (a) operates in the unlimited area; or
- (b) being 16.5 metres length or more, operates in the limited area,

of a description set out in column 2 of Table 1 when going to sea to the fishing area set out in relation to that description of vessel in column 1 of the said Table shall carry at least such number of qualified officers as are set out in column 3 of that Table.

Column 1	Column 2	Column 3		
Fishing Area	Length of Vessel	Minimum number of qualified Deck officers to be carried		
		Class 1 (Fishing Vessel) Certificate	Class 2 (Fishing Vessel) Certificate	Class 3 (Fishing Vessel) Certificate
Unlimited	40 metres and over	2	1	Not applicable
Unlimited	Under 40 Metres	1	1	Not applicable
Limited	30 metres and over	1	1	Not applicable
Limited	24 metres or more but under 30 metres	-	1	1
Limited	16.5 metres or more but under 24 metres	-	1	-



Engineer Officers

4. Every United Kingdom ship, being a sea-going fishing vessel or Government fishery research vessel which has a propulsive power of 750 kilowatt or more, when going to sea shall carry at least two qualified engineer officers, namely a chief engineer holding a Class 1 (Fishing Vessel) Certificate, and a second engineer holding a Class 2 (Fishing Vessel) Certificate.

Qualifications

5. –

(1)

(a) Subject to sub-paragraph (b) below, for the purposes of these Regulations an officer shall be qualified if he is the holder for the time being of:

(i) a certificate of competency issued under these Regulations; or

(ii) a certificate which is to be treated as equivalent to such a certificate of competency by virtue of regulation 7 below; or

(iii) an equivalent foreign certificate and a certificate of equivalent competency, and if also, at the material time, the certificate or certificates, are in force in relation to the person named in it and are of a type (whether deck or engineer) and class appropriate to the officer's capacity in the fishing vessel.

(b) 4

(i) Notwithstanding sub-paragraph (a)(iii) above, before 1st August 1997 an officer who is the holder of a certificate issued prior to 1st August 1995 by a relevant country shall be qualified for the purpose of these Regulations, provided that at any material time until 1st August 1997 such certificate held by him is in force in relation to the person named in it and is of a class appropriate to the officer's capacity in that fishing vessel.

(ii) In this sub-paragraph "relevant country" means a country specified by the Secretary of State as a country whose certificates were recognised immediately prior to 1st August 1995 as having the same force as certificates under these Regulations.

(2) The provisions of regulations 3 and 4, insofar as they impose a requirement with respect to the carrying in a vessel of a qualified officer who is the holder of a certificate of competency issued under these Regulations of a particular class, shall be treated as complied with if the officer who is carried in pursuance of that requirement is the holder of a certificate of competency issued under these Regulations of a higher class or of a certificate which is to be treated as equivalent to such a certificate of a higher class by virtue of these Regulations.

PART III – CERTIFICATION OF OFFICERS

Certificates of competency

6. – (1) Certificates of competency issued in accordance with these Regulations shall be of the



following classes, that is to say:

(a) Deck Officer Certificate of Competency (Fishing Vessel) Class 1

Deck Officer Certificate of Competency (Fishing Vessel) Class 2

Deck Officer Certificate of Competency (Fishing Vessel) Class 3;

(b) Engineer Officer Certificate of Competency (Fishing Vessel) Class 1

Engineer Officer Certificate of Competency (Fishing Vessel) Class 2

(2) For the purposes of these Regulations, a certificate of competency of a class set out in the list contained in either paragraph (a) or paragraph (b) above shall be treated as being a certificate of a higher class than a certificate of any class which is set out after it in that list.

Certificates of equivalent competency

6A. Subject to regulation 8 below, the Secretary of State may authorise any person already holding an equivalent foreign certificate to serve as an officer and shall accordingly issue to such person a certificate of equivalent competency under this regulation of equivalent class and with the same endorsements as the equivalent foreign certificate.

Certificates equivalent to a certificate of competency

7. – (1) An existing certificate of competency granted under section 414 of the Act of 1894 shall be deemed for the purposes of these Regulations and of sections 43 to 60, 75(2) and 92 of the Act of 1970 to be a certificate of competency issued under section 43 of the Act of 1970 and such a certificate of a class set out in column 1 of Table 2 shall be treated as equivalent to a certificate of competency issued under these Regulations of a class set out opposite thereto in column 2 of that Table.

TABLE 2

Column 1	Column 2
Class of 1894 Certificate	Equivalent Class of Certificate of competency (Deck Officer) issued under these Regulations
Skipper (Full)	Class 1
Second Hand (Full)	Class 1 restricted to use as second in command
Skipper (Limited)	Class 1 in the limited area; Class 2 in the unlimited area
Second Hand (Special)	Class 2 in the limited area only
Second Hand (Limited)	Class 2 in the limited area only, restricted to use as second in command



(2) Deck officer certificates of service of a description set out in column 1 of Table 3 may be issued in accordance with these Regulations and such a certificate shall be treated as equivalent to a deck officer certificate of competency issued under these Regulation of the class set out in column 2 of that Table opposite that description of certificate of service.

TABLE 3

Column 1	Column 2
Certificate of Service	Equivalent class of certificate of competency (Deck Officer) under these Regulations
Skipper in vessels of less than 25 Tons but 16.5 metres or more in the limited area	Class 2 in the limited area
Third Hand in vessels of 40 metres or more	Class 2 in the unlimited area restricted to service as watchkeeping officer but not as first or second in command; Class 3 in the limited area
Second Hand in vessels of less than 50 tons but of 25 tons or more or of 16.5 metres or more	Class 3 in the limited area

(3) Engineer officer certificates of service class 1 and class 2 may be issued in accordance with these Regulations and any such certificate shall be treated as equivalent to an engineer officer certificate of competency issued under these Regulations of the corresponding numbered class.

Equivalent foreign certificates

7A. The Secretary of State may specify that the standard of competence to be attained by officers of any description is, in whole or in part, the standard of competence required for the issue of a certificate of competence by an authority empowered in that behalf by the laws of a specified country outside the United Kingdom.

Standards and conditions for the Issue of Certificates

8. – (1) Subject to paragraph (3) below;

(a) The standards of competency to be attained and the conditions to be satisfied by a person before he may be issued with a certificate of competency or certificate of equivalent competency under these Regulations, including any exceptions applicable with respect to any such standards or conditions;

(b) The manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced; and

(c) The conduct of any examination for that purpose and the conditions of admission thereto

shall be such as may be specified by the Secretary of State either

(i) in relation to certificates of competency or certificates of equivalent competency in general; or

(ii) in relation to either of such certificates of a particular class as may be so specified.



(2) Subject to the proviso to this paragraph and to paragraph (3) below;

(a) A person applying to be issued with a deck officer's certificate of service shall produce such evidence as the Secretary of State may require that –

(i) He has served at sea as a skipper or officer in charge of a navigational watch in a vessel specified in regulation 3 of these Regulations prior to 23rd July 1984 and for a period of at least 3 years during the period of 10 years immediately preceding 1st January 1987;

(ii) He has served for 12 months of such service in the capacity appropriate for the certificate for which application is made; and

(iii) His conduct during the said 12 months and during the last 12 months of sea service in a watchkeeping capacity if that was not the same period was satisfactory;

(b) A person applying to be issued with an engineer officer certificate of service shall provide such evidence as the Secretary of State may require that –

(i) he has served at sea in an engineering capacity in a vessel specified in regulation 4 for a period of at least 3 years during the period of 10 years immediately preceding 1st January 1987;

(ii) he has served for 12 months of such service in the capacity appropriate for the certificate for which application is made; and

(iii) his conduct during the said 12 months and during the last 12 months of sea service in a watchkeeping capacity if that was not the same period was satisfactory;

Provided that, notwithstanding that the conditions set out in sub-paragraphs (a) or (b) above have not been complied with, the Secretary of State, taking into account the circumstances in a particular case, may where he is satisfied that those conditions have been substantially complied with, issue a certificate of service subject to any limitation as to operating area which may be endorsed on that certificate in the particular case.

(3) Notwithstanding that an applicant for a certificate of competency, a certificate of equivalent competency or a certificate of service complies with the standards or fulfils the conditions specified by, or by virtue of, the foregoing provisions of this regulation, the Secretary of State shall not issue the 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 competently in the capacity to which it relates. If the Secretary of State intends to refuse the issue of a certificate to any such applicant on either of these grounds he shall give notice in writing to the applicant who shall have the right to make representations to the Secretary of State.

(4)

(a) This paragraph applies when, pursuant to regulation 7A, the Secretary of State has recognised the standard of competence required for the issue of a certificate by an authority of some country outside the United Kingdom as being in part the standard to be obtained for officers qualified for the purposes of these Regulations.

(b) In such cases any conditions by the Secretary of State specified for the issue of a certificate of equivalent competency shall be limited to—

(i) an aptitude test for the purpose of assessing the applicant's ability to pursue the profession of



officer on United Kingdom fishing vessels, in the light of subjects, training and related assessment procedures which differ substantially from those covered by the applicant's equivalent certificate, necessary to pursue that profession; or

(ii) in the case of applicants who are EEA nationals, (at the applicant's option except as provided in Merchant Shipping Notice M. 1559), to an adaptation period, as specified by the Secretary of State.

Form, validity, record and surrender of certificates

9. – (1) Certificates of competency, certificates of equivalent competency and certificates of service shall be issued in duplicate, on receipt of any fee payable, the original to be delivered to the person entitled to the certificate and the duplicate to be retained by the Secretary of State.

(2)(a) A certificate 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 competency to act in the appropriate capacity specified by the Secretary of State.

(b)

(i) A certificate of equivalent competency shall remain valid only so long as the holder holds a valid equivalent foreign certificate.

(ii) A certificate of equivalent competency may be issued for a limited period where the equivalent foreign certificate does not require revalidation at intervals.

(3) A record of all certificates of competency and certificates of equivalent competency and of all certificates of service issued under these Regulations and of the suspension, cancellation or alteration of, and any other matters affecting, any such certificate shall be kept, in such manner as the Secretary of State may require, by the Registrar General of Shipping and Seamen or by such other person as the Secretary of State may direct.

(4) Where the holder of a certificate of a particular class issued under these Regulations is issued with such a certificate of a higher class, he shall surrender the first-mentioned certificate to the Secretary of State, or to such person as the Secretary of State directs, for cancellation.

(5) Where a person is convicted of an offence under section 43(5) of the Act of 1970, or where a certificate is issued and the conditions for its issue specified by, or by virtue of, these Regulations have not been complied with, then the holder of the relevant certificate shall at the direction of the Secretary of State deliver it to the Secretary of State, or such person as the Secretary of State directs, for cancellation.

Loss of certificates

10. If a person entitled to a certificate of competency or certificate of equivalent competency or a certificate of service proves to the satisfaction of the Secretary of State that he has, without fault on his part, lost or been deprived of a certificate already issued to him, the Secretary of State shall, and where he is not so satisfied may, upon receipt of any fee payable, cause a copy of the certificate to which the said person appears to be entitled to be issued to him. Any such copy shall, before it is so issued, be certified as such by the Registrar General of Shipping and Seamen or, as the case may be, by such person as the Secretary of State may have directed to keep the record referred to in



regulation 9 (3) above.

PART IV – WATCHKEEPING REQUIREMENTS

Officers to act only in a capacity for which certificated

11. – (1) No person shall act in a capacity which requires a certificate of competency or certificate of equivalent competency or certificate of service under the Regulations unless he holds an appropriate certificate:

Provided that in the event of the death or incapacity of any officer required to be certificated under these Regulations, a deck officer or engineer officer, as appropriate, who is not certificated to act in the capacity may act in the certificated capacity until the vessel reached the next intended port of call.

(2) Except in the case of vessels of less than 24 metres in length operating in the limited area, the skipper shall not permit any person to be in charge of a navigational watch unless that person holds a certificate of competency or certificate of equivalent competency or certificate of service of the class required by these Regulations to be held by a deck officer required to be carried in that vessel at that time.

(3) No person shall appoint any other person to act in a capacity for which he is not duly qualified in accordance with these Regulations.

Offences and penalties

12. Any contravention

- (a) by any person of regulation 11 (1) or (3) of these Regulations, or
- (b) by any skipper of regulation 11 (2) of these Regulations,

shall be an offence punishable on summary conviction by a fine not exceeding £2,000 and on conviction on indictment by imprisonment for a term not exceeding two years and a fine.

Nicholas Ridley

23rd July 1984.

Secretary of State for Transport