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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B-3/2013

MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the Minister of Ports and Shipping by virtue of the powers vested in him by sections 126 and 321 of the Merchant Shipping Act, No. 52 of 1971.

ARJUNA RANATUNGA,
Minister of Ports and Shipping.

Colombo,
October 04th, 2016

Regulations

1. These Regulations may be cited as the Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016.

PART I

Enforcement of International Convention and Applicability of these Regulations

2. These regulations shall give effect to the enforcement of International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended.

3. (1) These regulations shall apply to—

- (a) all seagoing ships other than fishing vessels and pleasure craft not engaged in trade, registered under the Sri Lanka flag;
- (b) all seafarers in possession of Continuous Discharge Certificate or Certificate of Competency or Endorsement or any other certificate or document issued by the Director General; and



- (c) ships of other flags and seafarers in possession of foreign Continuous Discharge Certificates, Certificates of Competency, Endorsements or any other certificates or documents under these regulations.

(2) There shall be standards of competency based on the functions and at the levels of responsibility as set out respectively in Part A and Part B of the Schedule I to these regulations.

(3) Notwithstanding the provisions of Merchant Shipping (Engagement and Conditions of Service of Seamen) Regulations 1980, these regulations shall apply in respect of an owner, company and agency having responsibility for safe ship operations required by section 139 read with section 333(d) of the Merchant Shipping Act, No. 52 of 1971.

PART II

Powers and Functions of the Director General

4. The Director General shall be responsible for the administration of these regulations and may issue the Certificates of Competency and Endorsements under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (hereinafter referred to as the "Convention").

5. (1) The Director General may, subject to the conditions hereinafter provided, issue the following classes of certificates and endorsements in the deck department:-

- (a) Certificate of Competency – Master;
- (b) Certificate of Competency – Chief Mate;
- (c) Certificate of Competency – Officer in charge of navigational watch;
- (d) Certificate of Competency – Master on ships of less than 3,000 GT engaged on near coastal voyages (NCV);
- (e) Certificate of Competency – Chief Mate on ships of less than 3,000 GT engaged on near coastal voyages (NCV);
- (f) Certificate of Competency- Officer in charge of navigational watch on ships of less than 3,000 GT engaged on near coastal voyages (NCV);
- (g) Certificate of Competency – Master on ships of less than 500 GT engaged in near coastal voyages (NCV);
- (h) Certificate of Competency – Officer in charge of navigational watch on ships less than 500 GT engaged in near coastal voyages (NCV);
- (i) Certificate of Proficiency – Rating forming part of a navigational watch on a seagoing ship of 500 GT or more;
- (j) Certificate of Proficiency – Able Seafarer Deck serving on a seagoing ship of 500 GT or more; and
- (k) Endorsement as Master on ships of less than 3000 GT engaged on near coastal voyages (NCV).

(2) In the case of deck officers, where the candidate complies with the additional criteria as may be specified from time to time by the Director General, the Director General shall, subject to the requirements hereinafter provided, make endorsement specified in paragraph (k) subsection (1) on the Certificates of Competency- Chief Mate referred in above regulation 5(1)(b):

Provided that a deck officer who holds an endorsement when qualified for the issue of a higher certificate, shall be entitled to have the same endorsement transferred to that Certificate.

(3) The Director General may, subject to the conditions hereinafter provided, issue the following classes of certificates for the radio operators-

- (a) Certificate of competency – GMDSS Radio Operator;
- (b) Certificate of competency – Restricted GMDSS Radio Operator.

(4) The Director General shall, subject to the conditions hereinafter provided, issue the following classes of certificates and endorsements in the engineering department:-

- (a) Certificate of Competency – Chief Engineer Officer;
- (b) Certificate of Competency – Second Engineer Officer;
- (c) Certificate of Competency – Officer in charge of an engineering watch;
- (d) Certificate of Competency – Chief Engineer Officer limited to ships of propulsion power of between 750 kW and 3000 kW engaged on near coastal voyages (NCV);
- (e) Certificate of Competency – Second Engineer Officer limited to ships of propulsion power between 750 kW and 3000 kW engaged on near coastal voyages (NCV);
- (f) Certificate of Competency – Officer in charge of an Engineering Watch limited to ships of propulsion power of between 750 kW and 3000 kW engaged on near coastal voyages (NCV);
- (g) Certificate of Proficiency – Rating forming part of an engine room watch;
- (h) Certificate of Competency- Electro Technical Officer serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more;
- (i) Certificate of Proficiency- Able Seafarer Engine serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more;
- (j) Certificate of Proficiency- Electro-technical rating serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more; and
- (k) Endorsement to sail as Chief Engineer Officer limited to ships of propulsion power between 750 kW and 3000 kW engaged on near coastal voyages (NCV);

(5) In the case of engineer officers, where the candidate complies with the additional criteria as specified from time to time by the Director General, the Director General shall, subject to the requirements hereinafter provided, make endorsement specified in paragraph (k) subsection (4) on the Certificates of Competency- Second Engineer Officer referred in above regulation 5(4)(b):

Provided that an Engineer Officer who holds an endorsement when qualified for the issue of a higher certificate shall be entitled to have the same endorsement transferred to that Certificate.

6. (a) The Director General shall issue Certificates of proficiencies in accordance with the provisions of chapters II, III, V/1-1 and V/1-2 of the Convention to masters, officers and ratings.

- (b) The Director General may delegate the power of issue of other certificates of proficiencies to any approved training institutes.

7. (a) The Director General shall not impose -

- (i) training, experience or certification requirements on the seafarers serving on board the ships entitled to fly the flag of another Party and engaged on such voyages in a manner resulting in more stringent requirements for such seafarers than for seafarers serving on board Sri Lankan flagged ships; and
 - (ii) requirements in respect of seafarers serving on board ships entitled to fly the flag of another Party in excess of those of the Convention in respect of ships not engaged on near-coastal voyages.
- (b) The Director General shall, for ships afford the benefits of the near-coastal voyage provisions of the Convention, which include voyages off the coast of other Parties within the limits of their near-coastal definition, enter into an undertaking with the Parties concerned specifying the details of both involved trading areas and other relevant conditions.
- (c) (i) The Director General shall prescribe training, experience and certification requirements for seafarers serving on Sri Lankan flagged ships, which are regularly engaged on near-coastal voyages, off the coast of another Party, at least equal to those of the Party off whose coast the ship is engaged:
- Provided that they do not exceed the requirements of the Convention in respect of ships not engaged on near-coastal voyages.
- (ii) The Seafarers serving on a ship which extends its voyage beyond what is defined as a near-coastal voyage by a Party and enters waters not covered by that definition shall fulfil the appropriate competency requirements of the Convention.
- (d) The Director General may afford a Sri Lankan flagged ship, the benefits of the near-coastal voyage provisions of the Convention when it is regularly engaged off the coast of a non-Party on near-coastal voyages provided, an undertaking is entered into with the country concerned specifying the details of involved trading areas and other relevant conditions as defined by the Director General.
- (e) The certificates of seafarers issued by the Director General for its defined near-coastal voyages limits may be accepted by other Parties for service in their defined near-coastal voyages limits or vice-versa, provided, that the other Parties concerned enter into an undertaking specifying the details of involved trading areas and other relevant conditions thereof.
- (f) The Director General defining near-coastal voyages, in accordance with the requirements of this regulation, shall:
- (i) ensure the principles governing near-coastal voyages specified in section A-1/3 of the STCW Code;
 - (ii) communicate to the Secretary-General, in conformity with the requirements of regulation I/7 of the STCW Convention, the details of the provisions adopted; and
 - (iii) incorporate the near-coastal voyages limits in the endorsements issued pursuant to regulation I/2, paragraphs 5, 6 or 7 of the STCW Convention.

PART III

Conditions of entry and Eligibility Requirements – Officers and Ratings

8. (1) Every candidate for a Certificate of Competency or an Endorsement shall produce:—

- (a) a birth certificate;
- (b) an eyesight standards test certificate relating to him in the capacity he holds, which test has been carried out by a medical practitioner approved by the Director General for conducting such a test. The test shall be conducted in accordance with the standards specified in Schedule II, Table A-1/9 to these regulations;
- (c) a medical and physical fitness test certificate relating to him in the capacity he holds, which test has been carried out by a medical practitioner approved by the Director General for conducting such a test. The test shall be conducted in accordance with the standards specified in the Schedule II, Table B-1/9 to these regulations; and
- (d) in the case of officers, testimonials relating to character, good conduct, sobriety, experience and ability on board ship obtained prior to the date of application. Such testimonials shall, except where the Chief Examiner permits otherwise, be under the signature of the Master or the Chief Engineer or authorised Company representative of the ship on which service has been performed.

(2) Where the qualifying service or training has been on non-trading ships such as dredgers, research vessels, salvage vessels and tugs, their certificates may be restricted to service on such vessels only.

(3) The masters, deck officers, engineer officers and ratings serving on ships which have a bulk cargo, specified in whole or in part as being dangerous cargo or ro-ro passenger ships or passenger ships shall, in addition to holding the qualifications required generally for the respective Certificates of Competency, satisfy additional requirements specified in regulation 13, 14 or 15 herein as the case may be.

PART IV

Mandatory Minimum Requirements for Training and Qualifications of Masters, Officers and Ratings in the Deck Department

9. (1) Every officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) not be less than eighteen years of age (18) on the date of commencement of the examination for the issue of the Certificate of Competency;
- (b) have approved seagoing service in the deck department on ships of 500 GT or more for a period of not less than 12 months as part of an approved training program which meets the requirements of Section A-II/1 of the STCW Code and in which on-board training is documented in an approved record book; or otherwise have approved seagoing service of not less than 36 months on ships of 500GT or more; or 12 months on approved seagoing service on ships of not less than 3000 GT, after obtaining Certificate of Competency as an officer in charge of a navigational watch on ships of less than 3000 GT engaged on near coastal voyages;
- (c) have performed, during the required seagoing service, bridge watch keeping duties under the supervision of the Master or a qualified officer for a period of not less than 06 months;

- (d) produce documentary evidence of having successfully completed the approved training in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Craft and Rescue Boats other than fast rescue boats (Table A-VI/2-1 in STCW Code), Advanced Fire Fighting (Table A-VI/3 in STCW Code), Medical First Aid (Table A-VI/4-1 in STCW Code) and Certificate of Competency as GMDSS Radio Operator and Ship Security Officer (Table A-VI/5 in STCW Code), for issue of a Certificate of Competency; and
- (e) have completed approved education, training, examination including relevant Simulator Training and assessment meeting the standard of competence specified in Section A-II/1 in STCW Code.

(2) Every Chief Mate on a seagoing ship of 500 gross tonnage or more shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) hold a Certificate of Competency as an Officer in charge of a navigational watch on ships of 500 GT or more;
- (b) have approved seagoing services as an officer in charge of navigational watch on ships of 500 GT or more for a period of not less than 12 months of which not less than 06 months consist of approved sea going service on ships of 3000 GT or more as officer in charge of a navigational watch;
- (c) produce documentary evidence of having successfully completed approved training for Proficiency in Medical Care as specified in Table A-VI/4-2 in STCW Code; and
- (d) have completed approved education, training, examination including relevant Simulator Training and assessment meeting the standard of competence set out in Section A-II/2 of the STCW Code for Chief Mates on ships of 3000 GT or more.

(3) Every Master on a seagoing ship of 500 gross tonnage or more shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) hold an appropriate Certificate of Competency as Chief Mate;
- (b) have approved seagoing service of not less than 24 months as an officer in charge of a navigational watch, while holding the Certificate of Competency as Chief Mate. However, this period may be reduced to not less than 12 months, or pro-rata, if such seagoing service has been performed as a Chief Mate on ships of 500 GT or more of which not less than 6 months consist of approved seagoing service on ships of 3000 GT or more;
- (c) have completed approved education, training, examination and assessment including relevant Simulator Training and assessment meeting the standard of competence set out in Section A-II/2 of the STCW Code for Master on ships of 3000 GT or more as appropriate.

(4) Every officer in charge of a navigational watch serving on a seagoing ship of less than 3000 gross tonnage, engaged on near coastal voyages shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) not be less than 18 years of age on the date of commencement of the examination for the issue of the Certificate of Competency;
- (b) (i) have completed approved seagoing service of not less than 18 months duration in the deck department on ships of 500 GT or more as part of an approved training program which includes on-board training as specified in an Approved Record Book that meets the standards of competence specified in Section A-II/1 of the STCW Code as appropriate to near coastal voyages, or otherwise have an approved seagoing service of not less than 36 months; and

- (ii) have performed during the required seagoing service not less than 6 months bridge watch keeping duties as specified in the Approved Training Record Book under the supervision of the Master or a qualified officer;
- (c) produce documentary evidence of having successfully completed the following approved training, for issue of certificate of competency, in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Craft and Rescue Boats other than fast rescue boats (Table A-VI/2-1 in STCW Code), Advanced Fire Fighting (Table A-VI/3 in STCW Code), Medical First Aid (Table A-VI/4-1 in STCW Code) Certificate of Competency as GMDSS Radio operator and Ship Security Officer (Table A-VI/5 in STCW Code); and
- (d) have completed approved education, training, examination including relevant Simulator Training and assessment meeting the standard of competence specified in Section A-II/1 of the STCW Code for officers in charge of navigational watch on ships of less than 3000 GT engaged on near coastal voyages:

Provided that two-thirds of the period of service on deck duties on seagoing ships of less than 500 GT may be treated as seagoing service for the purpose of this regulation and every candidate shall, in addition, have served at least 12 months performing deck duties on seagoing ships of 500 GT or more.

(5) Every Chief Mate on a seagoing ship of less than 3000 gross tonnage, engaged on near coastal voyages shall hold a valid certificate of competency and every candidate for certification shall-

- (a) hold a Certificate of Competency as an officer in charge of a navigational watch on ships of less than 3000 GT engaged on near coastal voyages;
- (b) have approved seagoing service as an officer in charge of a navigational watch on ships of 500 GT or more for not less than 12 months ;
- (c) produce documentary evidence of having successfully completed the approved training for Proficiency in Medical Care (Table A-VI/4-2 in STCW Code) on board ship, for issue of the certificate of competency; and
- (d) have completed approved education, training, examination including relevant Simulator Training and assessment meeting the standard of competence specified in Section A-II/2 in STCW Code for Masters and Chief Mates on ships of between 500 GT to 3000 GT engaged on near coastal voyages.

(6) Every Master on a seagoing ship of less than 3000 gross tonnage, engaged on near coastal voyages shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) hold a Certificate of Competency as Chief Mate on ships of less than 3000 GT engaged on near coastal voyages;
- (b) have approved seagoing service of not less than 24 months as an officer in charge of a navigational watch, on ships of 500 GT or more. However, this period may be reduced to not less than 18 months, or pro-rata, if not less than 12 months of such seagoing service has been served as chief mate on ships of 500 GT or more ;
- (c) have completed approved education, training, examination including relevant Simulator Training and assessment meeting the standard of competence specified in Section A-II/2 in STCW Code for Masters on ships of between 500 GT and 3000 GT engaged on near coastal voyages.

(7) Every officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage, engaged on near coastal voyages shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) not be less than eighteen (18) years of age on the date of commencement of the examination for the issue of the certificate of competency;
- (b) have completed —
 - (i) an approved training of not less than 24 months duration, either pre-sea or on board ship, which includes a period of seagoing service of not less than 12 months duration with at least 6 months out of the 12 months seagoing period performing duties associated with bridge watch keeping on ships of 80 GT or more; or
 - (ii) approved seagoing service in the deck department of not less than 36 months duration, on ships of 80 GT or more;
- (c) provide documentary evidence of having successfully completed the approved training in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Craft and rescue boats other than fast rescue boats (STCW Code, Table A-VI/2-1), Advanced fire fighting (Table A-VI/3 in STCW Code), Medical First Aid (Table A-VI/4-1 in STCW Code), Certificate of Competency as GMDSS Radio Operator and Ship Security Officer (Table A-VI/5 in STCW Code); and
- (d) have completed approved education, training, examination including relevant Simulator Training and assessment meeting the standard of competence specified in section A-II/3 of the STCW Code for officers in charge of navigational watch on ships of less than 500 GT engaged on near coastal voyages.

(8) Every Master on a seagoing ship of less than 500 gross tonnages, engaged on near coastal voyages shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) be not less than twenty (20) years of age;
- (b) have an approved seagoing service of not less than 12 months as an officer in charge of navigational watch on ships of more than 80 GT engaged on near coastal voyages;
- (c) produce documentary evidence of having successfully completed the approved training of Proficiency in Medical Care (Table A-VI/4-2 in STCW Code); and
- (d) have completed an approved education, training, examination, including relevant Simulator Training and assessment meeting the standard of competence specified in Section A-II/3 of the STCW Code for Masters on ships of less than 500 GT engaged on near coastal voyages.

(9) A candidate who applies for this certificate endorsed as subject to limitation, "Tug service only" shall have served at least half the qualifying seagoing period on seagoing tugs and the balance on seagoing ships other than tugs.

(10) Every Master and Chief Mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold a Certificate of Competency and every candidate for certification shall:

- (a) for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;
- (b) for certification as Master, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate; and

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

(11) The mandatory minimum requirements for certification of officers in charge of a navigational watch and of Masters on ships of less than 500 gross tonnages not engaged on near-coastal voyages shall be as follows-.

- (a) Every officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a Certificate of Competency for ships of 500 gross tonnage or more; and
- (b) Every Master serving on a seagoing ship of less than 500 gross tonnage not engaged on near-coastal voyages shall hold a Certificate of Competency for service as Master on ships of between 500 and 3,000 gross tonnage.

(12) Every rating forming part of a navigational watch on seagoing ships of 500 GT or more shall be duly certificated and every candidate for the issue of a Certificate as Rating forming part of a navigational watch on ships of 500 GT or more shall —

- (a) not be less than 18 years of age on the date of commencement of the examination for the issue of the certificate;
- (b) have completed —
- (i) at least 9 months training and experience relevant to bridge watch keeping as approved by the Chief Examiner on ships of 500 GT or more; or
- (ii) a period of approved training of not less than 3 months and a period of approved sea going service of not less than 6 months in the deck department on ships of 500 GT or more; or
- (iii) not less than 12 months approved seagoing service in a relevant capacity in the deck department on ships of 500 GT or more:

Provided that those ratings who do not possess 12 months of sea service during the preceding 5 years from the date of the examination shall follow a special refresher course approved by the Director General. Ratings who have completed initial training not relevant to deck department shall have at least 18 months of sea service in a relevant capacity in the deck department during preceding five years from the date of examination and shall follow a special upgrading course approved by the Director General;

- (c) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code), Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code) and Security Awareness (Table A-VI/6-1 in STCW Code); and
- (d) meet the standards of competence specified in section A-II/4 of the STCW Code.

(13) Every able seafarer deck serving on a seagoing ship of 500 GT or more shall be duly certificated and every candidate for the issue of a Certificate of Proficiency as Able Seafarer Deck on ships of 500 GT or more shall —

- (a) be not less than eighteen (18) years of age on the date of the examination for the issue of the certificate;
- (b) meet the requirements for certification as a rating forming part of a navigational watch;
- (c) while qualified to serve as a rating forming part of a navigational watch, have completed approved seagoing service in the deck department of-

- (i) not less than 18 months, or
- (ii) not less than 12 months and have completed approved training;
- (d) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code), Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code), Proficiency in Survival Craft and Rescue Boats other than fast Rescue Boats (Table A-VI/2-1 in STCW Code) and Seafarers with designated security duties (Section A-VI/6-2 in STCW Code); and
- (e) have completed an approved education, training, examination and assessment meeting the standard of competence specified in section A-II/5 of the STCW Code.

Chief Examiner may consider that seafarers have met the requirements of this sub-regulation if they have served in a relevant capacity in the deck department after obtaining certificate of proficiency as a Rating forming part of a Navigation watch for a period of not less than 12 months within the last 60 months preceding July 1st 2013.

PART V

Radio Communication and Radio Operators

10. (1) Every candidate requiring a Certificate of Competency as GMDSS Radio Operator in compliance with the provisions of Chapter IV of the Convention, shall—

- (a) be not less than eighteen (18) years of age on the date of the application for the issue of the certificate;
- (b) meet the standard of competence specified in section A-IV/2 of the STCW Code;
- (c) hold a GMDSS General Radio Operator's Certificate issued by the Telecommunications Regulatory Commission of Sri Lanka or any other authority approved by the Director General; and
- (d) produce documentary evidence of having successfully completed the following approved training in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Crafts and Rescue Boats other than fast Rescue Boats (Table A-VI/2-1 in STCW Code), Advanced Fire Fighting (Table A-VI/3 in STCW Code), Medical First Aid (Table A-VI/4-1 in STCW Code) and Security Awareness (Table A-VI/6-1 in STCW Code).

(2) Every candidate requiring a Certificate of Competency as GMDSS Restricted Radio Operator for compliance with the provisions of Chapter IV of the Convention, shall—

- (a) be not less than eighteen (18) years of age on the date of the application for the issue of the Certificate;
- (b) meet the standard of competence required for Restricted Operator's Certificate as specified in section A-IV/2 of the STCW Code;
- (c) hold a GMDSS Restricted Radio Operator's Certificate issued by the Telecommunications Regulatory Commission of Sri Lanka or any other authority approved by the Director General; and
- (d) produce documentary evidence of having successfully completed the following approved training in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Crafts and Rescue Boats

other than fast Rescue Boats (Table A-VI/2-1 in STCW Code), Advanced Fire Fighting (Table A-VI/3 in STCW Code), Medical First Aid (Table A-VI/4-1 in STCW Code) and Security Awareness (Table A-VI/6-1 in STCW Code).

PART VI

Mandatory Minimum Requirements for Training and Qualification of Marine Engineer Officers and Ratings in the Engine Department

11.(1) Every 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 seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) be not less than eighteen (18) years of age on the date of the commencement of the examination for the issue of the Certificate of Competency;
- (b)
 - (i) have completed combined workshop skills training and an approved seagoing service of not less than 12 months in the engine department on ships of propulsion power of 750kW or more including 6 months of engine room watch keeping under the supervision of the Chief Engineer or other certificated engineer as part of an approved education, training and assessment program of thirty six months duration, which meets the requirements set out in Section A-III/I in the STCW Code and in which on-board training is documented in an approved record book; or
 - (ii) have completed combined workshop skills training and an approved seagoing service of not less than 12 months in the engine department on ships of propulsion power 3000 kW or more including 6 months of engine room watch keeping under the supervision of the Chief Engineer or other certificated engineer after obtaining Certificate of Competency as officer in-charge of an engineering watch limited to ships of propulsion power of between 750 kW and 3000 kW on near coastal voyages; or
 - (iii) have completed combined workshop skills training and approved seagoing service of not less than 36 months including 6 months of engine room watch keeping on ships of propulsion power of 750 kW or more under the supervision of the Chief Engineer or other certified Engineer; and in which on-board training is documented in an approved record book.
- (c) produce documentary evidence of having successfully completed the approved training in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Craft and Rescue Boats other than fast Rescue Boats (Table A-VI/2-1 in the STCW Code), Advanced Fire Fighting (Table A-VI/3 in the STCW Code), Medical First Aid (Table A-VI/4-1 in the STCW Code) and Ship Security Officer (Table A-VI/5 in STCW Code); and
- (d) have completed approved education, training, examination and assessment including simulator training and assessment meeting the standard of competence set out in Section A-III/1 in STCW Code.

(2) The Engineer Officer who has not satisfied the standard of competence set out in Section A-III/1 in the STCW Code for the operation and maintenance of steam boilers shall be issued with a Certificate of Competency which may not be valid for service on ships in which steam boilers form part of the ship's machinery until such Engineer Officer meets the required standard of competence.

(3) The Certificate of Competency may be issued as applicable to motor ships or steam ships depending on whether the candidate has completed the approved seagoing service specified in sub-regulation (1) (b) above, on motor ships or steam ships, respectively.

(4) A Combined Certificate of Competency as applicable to motor and steam ships may be issued, if the candidate has completed the required seagoing service specified in sub-regulation (1) (b) above, in each of the motor ships and the steam ships.

(5) Every Second Engineer Officer on a seagoing ship powered by main propulsion machinery of 3000 kW propulsion power or more shall hold a valid certificate of competency and every candidate for certification shall-

- (a) hold a Certificate of Competency as Officer in-charge of an engineering watch, in a manned engine room or as designated duty Engineer in periodically unmanned engine room on ships of propulsion power of 750kW or more;
- (b) have approved seagoing service as an Officer in-charge of an engineering watch in a manned engine room or as designated duty Engineer in a periodically unmanned engine room on a ship of propulsion power of 750kW or more, for a period of not less than 18 months which includes not less than 06 months of approved seagoing service on ships of propulsion power of 3000 kW or more; and
- (c) have completed approved education, training, examination and assessment including relevant simulator training and assessment meeting the standard of competency set out in Section A-III/2 of the STCW Code for Certificate of Competency as Second Engineer Officer:

Provided that —

- (i) a Certificate of Competency may be issued as applicable to motor ships or steam ships depending on whether the candidate has completed the approved seagoing service specified in paragraph (b) above on motor ships or steam ships respectively; and
- (ii) a Combined Certificate of Competency as applicable to motor and steam ships may be issued, if the candidate has completed the required seagoing service specified in paragraph (b) above on each of the motor and steam ships.

(6) Every Chief Engineer Officer on a seagoing ship powered by main propulsion machinery of 3000 kW propulsion power or more shall hold a valid certificate of competency and every candidate for certification shall:

- (a) hold a Certificate of Competency as Second Engineer Officer, in a manned engine room or as designated duty Engineer in periodically unmanned engine room on ships of propulsion power of 3000kW or more;
- (b) have completed not less than 18 months seagoing service as an officer in charge of an engineering watch on ships of propulsion power of 3000kW or more while holding the Certificate of Competency as a Second Engineer Officer on ships of propulsion power of 3000kW or more. However, this period may be reduced to not less than 12 months, or pro-rata if such service has been performed as Second Engineer on ships of propulsion power 3000 kW or more; and
- (c) have completed approved education, training, examination and assessment including relevant simulator training and assessment meeting the standard of competency set out in Section A-III/2 of the STCW Code for Certificate of Competency as Chief Engineer Officer as appropriate:

Provided that, a Certificate of Competency as Chief Engineer Officer may be issued applicable to:

- (i) motor ships when not less than 9 months seagoing service specified in paragraph (b) above has been spent on the main propulsion machine of a motor ship and the remaining period may have been spent on the main propulsion machinery of a steam ship or motor ship or on suitable auxiliary machinery of any ship; or

- (ii) steam ships when not less than 9 months seagoing service specified in paragraph (b) above has been spent on boilers and main propulsion machinery of a steam ship and the remaining period may have been spent on the main propulsion machinery of a steam ship or motor ship or on suitable auxiliary machinery of any ship; or
- (iii) combined motor and steam ships, when not less than 9 months seagoing service has been spent on boilers and main propulsion machinery of a steam ship and not less than 09 months of seagoing service have been spent on the main propulsion machinery of a motor ship.

(7) Every 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 seagoing ship powered by main propulsion machinery of between 750 kW and 3000 kW propulsion power engaged on near coastal voyages shall hold a valid certificate of competency and every candidate for certification shall:

- (a) be not less than eighteen (18) years of age on the date of commencement of the examination for the issue of the certificate;
- (b) have completed:
 - (i) 30 months of approved sea going service which includes on-board training duly documented in an approved training record book;
 - (ii) not less than 12 months approved seagoing service in the engine department closely supervised and monitored by a certificated Engineer Officer on board the ship and is adequately documented in an approved training record book; and
 - (iii) produce documentary evidence of having successfully completed approved training in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Craft and Rescue Boats other than fast Rescue Boats (Table A-VI/2-1 in STCW Code), Advanced Fire Fighting (Table A-VI/3 in STCW Code) and Medical First Aid (Table A-VI/4-1 in STCW Code), Ship Security Officer (Table A-VI/5 in STCW Code);
- (c) have completed approved education, training, examination including relevant simulator training and assessment meeting the standard of competence specified in Section A-III/1 of the STCW Code as applicable to ships engaged on near coastal voyages:

Provided that, Engineer Officer who has not satisfied the standard of competence specified in Section A-III/1 of the STCW Code for the operation and maintenance of steam boilers may be issued with a Certificate of Competency which shall not be valid for service on ships in which steam boilers form part of the ship's machinery until the Engineer Officer meets the required standard of competence.

(8) Every Second Engineer Officer on a seagoing ship powered by main propulsion machinery of between 750 kW and 3000 kW propulsion power engaged on near coastal voyages shall hold a valid Certificate of Competency and every candidate for certification shall:

- (a) hold a Certificate of Competency as Officer-in-charge of an engineering watch limited to ships of propulsion power of between 750kW and 3000kW engaged on near coastal voyages;
- (b) have completed approved seagoing service as an Officer-in-charge of an engineering watch on ships of propulsion power of between 750kW and 3000kW for a period of not less than 12 months; and

- (c) have completed approved education, training, examination including simulator training and assessment meeting the standard of competence specified in Section A-III/3 in the STCW Code for Chief Engineer Officers and Second Engineer Officers on ships of propulsion power of between 750kW and 3000kW engaged on near coastal voyages.

(9) Every Chief Engineer Officer on a seagoing ship powered by main propulsion machinery of between 750 kW and 3000 kW propulsion power engaged on near coastal voyages shall hold a valid Certificate of Competency and every candidate for certification shall-

- (a) hold Certificates of Competency as Second Engineer Officer on ships of propulsion power of between 750kW and 3000kW engaged on near coastal voyages;
- (b) have completed approved seagoing service of not less than 18 months as an officer in charge of an engineering watch or 12 months as a Second Engineer Officer on ships of propulsion power of between 750kW and 3000kW engaged on near coastal voyages; and
- (c) have completed approved education, training, examination including simulator training and assessment meeting the standard of competence specified in Section A-III/3 in the STCW Code for Certificate of Competency – Chief Engineer Officer, limited to ships of propulsion power of between 750kW and 3000kW engaged on near coastal voyages.

(10) Every Chief Engineer Officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 kW and 3,000 kW propulsion power shall hold a Certificate of Competency and every candidate for certification shall:

- (a) meet the requirements for certification as an officer in charge of an engineering watch and-
 - (i) for certification as Second Engineer Officer, have not less than 12 months of approved seagoing service as Engineer Officer on ships of propulsion power 750kW or more, and
 - (ii) for certification as Chief Engineer Officer, have not less than 24 months of approved seagoing service of which not less than 12 months shall be served while qualified to serve as Second Engineer Officer; and
- (b) have completed approved education and training and meet the standard of competence specified in section A-III/3 of the STCW Code.

Every Engineer Officer who is qualified to serve as Second Engineer Officer on ships powered by main propulsion machinery of 3,000 kW propulsion power or more may serve as Chief Engineer Officer on ships powered by main propulsion machinery of less than 3,000 kW propulsion power, provided the certificate is so endorsed.

(11) Every rating forming part of an engine room watch or designated to perform duties in a periodically unmanned engine room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated and every candidate for the issue of Certificate as Rating forming part of an Engineering watch on ships of propulsion power 750kW or more, shall:

- (a) be not less than eighteen (18) years of age on the date of the commencement of the examination for the issue of the certificate;

(b) have completed:

- (i) at least 6 months training and experience relevant to engineering watch keeping as approved by the Chief Examiner on vessels of propulsion power 750kW or more; or
- (ii) a period of approved seagoing service of not less than 6 months on ships of propulsion power 750kW or more and a period of approved special training of not less than 3 months; or
- (iii) not less than 12 months seagoing service on ships of propulsion power 750kW or more in a relevant capacity in the engine department:

Provided that those ratings who do not possess 12 months of sea service during the preceding 5 years from the date of the examination shall follow a special Refresher Course as approved by the Director General. Ratings who have completed initial training not relevant to engine department shall have at least 18 months of sea service in a relevant capacity in the engine department during preceding 5 years from the date of examination and shall follow a special upgrading Course as approved by the Director General;

(c) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code) and Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code) and Security Awareness (Table A-VI/6-1 in STCW Code), for issue of the Certificate as Rating forming part of an engine room watch; and

(d) meet the standard of competence specified in Section A-III/4 of the STCW Code.

(12) Every able seafarer engine serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated. Every candidate for certification shall:

- (a) be not less than eighteen (18) years of age on the date of the examination for the issue of the certificate;
- (b) meet the requirements for certification as a rating forming part of an engine room watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room;
- (c) while qualified to serve as a rating forming part of an engine room watch, have completed approved seagoing service in the engine department of not less than 12 months as part of an approved training on a seagoing ship of propulsion power 750kW or more; or not less than 6 months and have completed an approved training;
- (d) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code), Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code) and security awareness (Section A-VI/6-1 in STCW Code), and
- (e) have completed approved education, training, examination and assessment meeting the standard of competence specified in section A-III/5 of the STCW Code.

The Chief Examiner may consider that a seafarer has met the requirements of this sub-regulation if that seafarer has served in a relevant capacity in the engine department after obtaining certificate of proficiency as a Rating forming part of an engine room watch for a period of not less than 12 months within the last 60 months preceding July 1st 2013.

12. (1) Every Electro-Technical Officer serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall hold a Certificate of Competency. Every candidate for such certification shall-

- (a) be not less than eighteen (18) years of age on the date of commencement of the examination.
- (b) have completed not less than 30 months of combined workshop skills training and approved seagoing service of which not less than 12 months shall be seagoing service as part of an approved training programme which meets the requirements of section A-III/6 of the STCW Code and is documented in an approved training record book; or otherwise not less than 36 months of combined workshop skills training and approved seagoing service of which not less than 30 months shall be sea going service as an Electro Technical Rating on ships of propulsion power 750kW or more;
- (c) have completed approved education, training, examination including simulator training and assessment and meet the standards of competence specified in section A-III/6 of the STCW Code; and
- (d) produce documentary evidence of having successfully completed the approved training in Basic Training as per STCW Code, Sec. A-VI/1 Paragraph 2, Proficiency in Survival Craft and Rescue Boats other than fast Rescue Boats (Table A-VI/2-1 in the STCW Code), Advanced Fire Fighting (Table A-VI/3 in the STCW Code), Medical First Aid (Table A-VI/4-1 in the STCW Code) and Ship Security Officer (Table A-VI/5 in STCW Code).

The Chief Examiner may consider a seafarer to have met the requirements of this sub-regulation if that seafarer has served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding July 1st 2013 and meet the standard of competence specified in section A-III/6 of the STCW Code provided that the seafarer demonstrate his competence at an evaluation after completing a mandatory updating programme.

(2) Every Electro-Technical Rating serving on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated. Every candidate for such certification shall:

- (a) be not less than eighteen (18) years of age on the date of commencement of the examination;
- (b) have completed not less than 15 months of combined workshop skills training and approved seagoing service on ships of propulsion power 750kW or more which not less than 9 months shall be seagoing service as part of an approved training programme which meets the requirements of section A-III/7 of the STCW Code; or
- (c) have qualifications that meet the technical competences in Table A-III/7 of the STCW Code and an approved period of seagoing service on ships of propulsion power 750kW or more, which shall not be less than 9 months; and
- (d) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code) and Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code) and security awareness (Table A-VI/6-1 in STCW Code); and
- (e) meet the standard of competence specified in section A-III/7 of the STCW Code.

The Chief Examiner may consider seafarers to have met the requirements of this sub-regulation if they have served in a relevant capacity on board a ship for a period of not less than 12 months within the last 60 months preceding July, 1st 2013 and meet the standard of competence specified in section A-III/7 of the STCW Code provided that each seafarer demonstrate his competence at an evaluation.

PART VII

Mandatory Minimum Requirements for the Training and Qualifications of Masters, Officers and Ratings on Oil and Chemical and Gas tankers

13. (1) The officers and Ratings assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tankers shall hold a certificate in basic training for oil and chemical tanker cargo operations.

(2) Every officer and Rating for a certificate in basic training for oil and chemical tanker cargo operations shall have completed basic training in accordance with the provisions of section A-VI/1 of the STCW Code and shall have completed-

- (a) at least 3 months of approved seagoing service on oil or chemical tankers and meet the standard of competence specified in section A-V/1-1, paragraph 1 of the STCW Code; or
- (b) an approved basic training for oil and chemical tanker cargo operations and meet the standard of competence specified in section A-V/1-1, paragraph 1 of the STCW Code.

(3) The Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on oil tankers shall hold a certificate in advanced training for oil tanker cargo operations.

(4) Every candidate for a certificate in advanced training for oil tanker cargo operations shall-

- (a) meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
- (b) while qualified for certification in basic training for oil and chemical tanker cargo operations, shall have:
 - (i) at least three months of approved seagoing service on oil tankers, or
 - (ii) at least one month of approved onboard training on oil tankers in a supernumerary capacity, which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in section B-V/1 of the STCW Code; and
- (c) have completed approved advanced training for oil tanker cargo operations and meet the standard of competence specified in section A-V/1-1, paragraph 2 of the STCW Code.

(5) The Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers shall hold a certificate in advanced training for chemical tanker cargo operations.

(6) Every candidate for a certificate in advanced training for chemical tanker cargo operations shall-

- (a) meet the requirements for certification in basic training for oil and chemical tanker cargo operations; and
- (b) while qualified for certification in basic training for oil and chemical tanker cargo operations, have:
 - (i) at least three months of approved seagoing service on chemical tankers, or
 - (ii) at least one month of approved onboard training on chemical tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in section B-V/1 of the STCW Code; and

- (c) have completed approved advanced training for chemical tanker cargo operations and meet the standard of competence specified in section A-V/1-1, paragraph 3 of the STCW Code.

(7) An existing certificates of proficiency in Oil and Chemical Tanker Training shall be revalidated according to the sea service obtained on respective types of tankers if the holders of the certificates have served in a relevant capacity on board a ship for a period of 3 months of sea service during the five years preceding the date of revalidation on respective tankers, or undergone relevant advanced tanker training.

14.(1)The officers and Ratings assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers shall hold a certificate in basic training for liquefied gas tanker cargo operations.

(2) Every candidate for a certificate in basic training for liquefied gas tanker cargo operations shall have completed basic training in accordance with the provisions of section A VI/1 of the STCW Code and shall have completed-

- (a) at least 3 months of approved seagoing service on liquefied gas tankers and meet the standard of competence specified in section A-V/1-2, paragraph 1 of the STCW Code; or
- (b) an approved basic training for liquefied gas tanker cargo operations and meet the standard of competence specified in section A-V/1-2, paragraph 1 of the STCW Code.

(3)The Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on liquefied gas tankers shall hold a certificate in advanced training for liquefied gas tanker cargo operations.

(4) Every candidate for a certificate in advanced training for liquefied gas tanker cargo operations shall-

- (a) meet the requirements for certification in basic training for liquefied gas tanker cargo operations; and
- (b) while qualified for certification in basic training for liquefied gas tanker cargo operations, have:
 - (i) at least three months of approved seagoing service on liquefied gas tankers, or
 - (ii) at least one month of approved onboard training on liquefied gas tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and is documented in an approved training record book taking into account guidance in section B-V/1 of the STCW Code; and
- (c) have completed approved advanced training for liquefied gas tanker cargo operations and meet the standard of competence specified in section A-V/1-2, paragraph 2 of the STCW Code.

(5) An existing certificate of proficiency in tanker training shall be revalidated if the seafarer has served in a relevant capacity on board a tanker for a period of not less than 3 months within the preceding 60 months on respective tankers or has undergone relevant advanced tanker training.

PART VIII

Mandatory Minimum Requirements for the Training and Qualifications of Masters, Officers, Ratings and Other Personnel on Passenger Ships

15. (1)Prior to being assigned shipboard duties on board passenger ships, seafarers serving on board passenger ships engaged on international voyages shall complete the training required by sub-regulations(3), (4), (5) and (6) below in accordance with their capacity, duties and responsibilities.

(2) The seafarers who are required to be trained in accordance with sub-regulations(3), (5) and (6) below shall, at intervals not exceeding 5 years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous 5 years.

(3) The Masters, officers and other 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/2, paragraph 1 of the STCW Code.

(4) The personnel providing direct service to passengers in passenger spaces on board passenger ships shall have completed the safety training specified in section A-V/2, paragraph 2 of the STCW Code.

(5) The Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and any person designated on muster lists as 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/2, paragraph 3 of the STCW Code.

(6) The Masters, Chief Engineer Officers, Chief Mates, 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.

(7) Documentary evidences of compliance with the provisions of this regulation shall be carried by the seafarers.

PART IX

Alternative Certification

16. (1) Notwithstanding the requirements for certification laid down in chapters II and III of the annex to the STCW Convention, the relevant Chief Examiner may issue certificates other than those mentioned in the regulations of those chapters, provided that-

- (a) the associated functions and levels of responsibility to be stated on the certificates and in the endorsements are selected from and identical to those appearing in sections A-II/1, A-II/2, A-II/3, A-II/4, A-II/5, A-III/1, A-III/2, A-III/3, A-III/4, A-III/5 and A-IV/2 of the STCW Code;
- (b) the candidates have completed approved education and training and meet the requirements for standards of competence, prescribed in the relevant sections of the STCW Code and as set forth in section A-VII/1 of the STCW Code, for the functions and levels that are to be stated in the certificates and in the endorsements;
- (c) the candidates have completed approved seagoing service appropriate to the performance of the functions and levels that are to be stated on the certificate. The minimum duration of seagoing service shall be equivalent to the duration of sea going service prescribed in chapters II and III of the annex to the STCW Convention. However, the minimum duration of sea going service shall be not less than that prescribed in section A-VII/2 of the STCW Code;
- (d) the candidates for certification who are to perform the functions of navigation at the operational level shall meet the applicable requirements of the regulations in chapter IV of the STCW Convention, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
- (e) the certificates are issued in accordance with the requirements of regulation I/2 and the provisions set forth in chapter VII of the SCTW Code.

(2) No certificate shall be issued under Chapter VII of STCW Convention unless the same has been communicated by the Director General to the IMO as required under Article IV and Reg.I/7 of STCW Convention.

(3) Every seafarer who performs any function or group of functions specified in Tables A-II/1, A-II/2, A-II/3, A-II/4, or A-II/5 of chapter II or in Tables A-III/1, A-III/2, A-III/3, A-III/4 or A-III/5 of chapter III or Table A-IV/2 of chapter IV of the STCW Code shall hold a certificate of competency or certificate of proficiency, as applicable.

17. (1) The Director General shall ensure that;

- (a) no alternative certification system is implemented unless it ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to that provided by the other chapters; and
- (b) any arrangement for alternative certification under chapter VII of the STCW Convention shall provide for the inter-changeability of certificates with those issued under other chapters.

(2) The principle of inter-changeability in sub-regulation (1) above shall ensure that:

- (a) seafarers certificated under the arrangements of chapters II and/or III of STCW Convention and those certificated under chapter VII of the STCW Convention are able to serve on ships which have either traditional or other forms of shipboard organization; and
- (b) seafarers are not trained for specific shipboard arrangements in such a way as would impair their ability to take their skills elsewhere.

(3) In issuing any certificate under the provisions of chapter VII of the STCW Convention, the following principles shall be taken into account:

- (a) the issue of alternative certificates shall not be used in itself:
 - (i) to reduce the number of crew on board,
 - (ii) to lower the integrity of the profession or “de-skill” seafarers, or
 - (iii) to justify the assignment of the combined duties of the engine and deck watchkeeping officers to a single certificate holder during any particular watch; and
- (b) the person in command shall be designated as the master; and the legal position and authority of the master and others shall not be adversely affected by the implementation of any arrangement for alternative certification.

18. (1) Every candidate for certification at the support level in navigation or marine engineering shall be required to complete relevant training and meet the standard of competence for the function prescribed in either Table A-II/4 or Table A-III/4 of the STCW Code. Functions specified in Table A-III/4 or A-II/4 of the STCW Code respectively may be added provided the candidate completes, as appropriate, additional relevant training and meets the standards of competence prescribed in those tables for the functions concerned.

(2) Every candidate for certification at the support level as able seafarer deck shall be required, in addition to compliance with the standard of competence specified in Table A-II/4, to complete relevant training and meet the standard of competence for all of the functions prescribed in Table A-II/5. Functions specified in Table A-III/4 or A-III/5 may be added provided the candidate completes, as appropriate, additional relevant training and meets the standard of competence prescribed in the relevant table or tables of the STCW Code for the functions concerned.

(3) Every candidate for certification at the support level as able seafarer engine shall be required, in addition to compliance with the standard of competence specified in Table A-III/4, to complete relevant training and meet the standard of competence for all of the functions prescribed in Table A-III/5. Functions specified in Table A-II/4 or A-II/5 may be added provided the candidate completes, as appropriate, additional relevant training and meets the standard of competence prescribed in the relevant table or tables of the STCW Code for the functions concerned.

(4) Every candidate for certification under the provisions of chapter VII of the STCW Convention at support level, in functions specified in Tables A-II/4 and A-III/4 of the STCW Code shall have completed-

- (a) approved seagoing service including not less than 15 months experience, made up of-
 - (i) not less than 9 months associated with navigational watchkeeping duties; and
 - (ii) not less than 6 months associated with engine room duties; or
- (b) a special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than 12 months , made up of-
 - (i) not less than 6 months associated with navigational watch keeping duties; and
 - (ii) not less than 6 months associated with engine room duties.

(5) The seagoing service, training and experience required by paragraph (a) or (b) above shall be carried out under the direct supervision of an appropriately qualified officer or Rating.

(6) Every candidate for certification under the provisions of chapter VII of the STCW Convention at support level in functions specified in Tables A-II/5 and A-III/5 shall while qualified to serve as a rating forming part of a navigational and engine room watch, meet the standards of competence specified in sections A-II/5 and A-III/5 of the STCW Code and have completed-

- (a) an approved seagoing service including not less than 30 months, made up of-
 - (i) not less than 18 months associated with able seafarer deck duties, and
 - (ii) not less than 12 months associated with able seafarer engine duties; or
- (b) an approved training programme and not less than 18 months of approved seagoing service, made up of-
 - (i) not less than 12 months associated with able seafarer deck duties; and
 - (ii) not less than 06 months associated with able seafarer engine duties; or
- (c) an approved special integrated deck and engine training programme, including not less than 12 months approved seagoing service in an integrated deck and engine department, made up of-
 - (i) not less than 06 months associated with able seafarer deck duties; and
 - (ii) not less than 06 months associated with able seafarer engine duties.

(7) Every candidate for certification under the provisions of chapter VII of the STCW Convention at operational level in functions specified in Tables A-II/1 and A-III/1 of the STCW Code shall-

- (a) have approved seagoing service of not less than 12 months, which service shall include a period of at least 06 months performing engine room duties under the supervision of a qualified engineer officer and, where the function of navigation is required, a period of at least 06 months performing bridge watchkeeping duties under the supervision of a qualified bridge watchkeeping officer; and
- (b) have completed, during this service, on board training programmes approved as meeting the relevant requirements of Section A-II/1 and A-III/1 of the STCW Code and documented in an approved training record book.

(8) Every candidate for certification under the provisions of Chapter VII of the STCW Convention at the management level in a combination of functions specified in Tables A-II/2 and A-III/2 of the STCW Code shall have approved seagoing service related to the functions to be shown in the endorsement to the certificate as follows :

- (a) for persons other than those having command or responsibility for the mechanical propulsion of a ship – 12 months performing duties at the operational level related to Regulation III/2 or III/3 of the STCW Code as appropriate and, where the function of navigation at the management level is required, at least 12 months performing bridge watchkeeping duties at the operational level;
- (b) for those having command or the responsibility for the mechanical propulsion of a ship – not less than 48 months, including the provisions in paragraph (a) above, performing, as a certificated officer, duties related to the functions to be shown in the endorsement to the certificate, of which 24 months shall be served performing functions set out in Table A-III/1 of the STCW Code and 24 months shall be served performing functions set out in Tables A-III/1 and A-III/2 of the STCW Code.

PART X

Computation of Sea Service

19. (1) The qualifying seagoing service specified for officers and Ratings for any particular Certificate of Competency or endorsement or Certificate of Proficiency shall be performed within a period of 10 years preceding the date of commencement of the assessment of competency and shall include a period of 12 months sea service within the five years preceding the date of commencement of the assessment of competency.

(2) The service on non trading vessels, tugs, dredgers, research vessels, salvage vessels, navigational aids tenders, Dynamical positioning vessels and other vessels engaged in similar activities may be counted in full, if the time actually spent at sea constitutes or exceeds two-thirds of the total period of service onboard ship. If the actual seagoing service falls below this proportion, one and a half times the actual seagoing service may be counted as “qualifying seagoing service”. Candidates shall be required to produce, in addition to the evidence of sea service required of all candidates, a statement or a certificate from the company and the Master of the ship, setting out the amount of time actually spent at sea, with particular reference to at least six months of watch keeping service under supervision.

(3) Where such service has been performed only on particular types of vessels specified in Sub-regulation (2), the certificates may be restricted to service on such vessels only.

(4) The officers of the Sri Lanka Navy of the marine engineering branch who intend to become holders of Certificates of Competency as Officer-in-Charge of an engineering watch in a manned engine room or as designated duty engineer in a periodically unmanned engine room on ships of propulsion power of 750KW or more complying with the requirements of the Convention shall be required to complete approved relevant education, training, examination and assessment. Such candidate's existing experience, qualifications and certificates if any, shall form the basis for determining qualifying merchant ship sea going service, training and assessment as determined by the Chief Examiner of Engineers. Sea service performed on board Sri Lanka Navy ships as determined by the Chief Examiner of Engineers shall be considered as approved sea service for examination of an Officer-in-Charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room on ships of propulsion power of 750KW or more.

(5) The Petty Officers and engine room artificers of the Sri Lanka Navy of the marine engineering branch who intend to become holders of Certificates of Competency for near coastal voyages complying with the requirements of the Convention shall be required to complete approved relevant education, training, examination and assessment. Such a candidate's existing experience, qualifications and certificates if any, shall form the basis for determining qualifying merchant ship sea going service, training and assessment as determined by the Chief Examiner of Engineers. Sea service performed on board Sri Lanka Navy ships as determined by the Chief Examiner of Engineers shall be considered as approved sea service for examination of an Officer-in-Charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room on ships of propulsion power of 750KW or more.

(6) The officers of the Sri Lanka Navy of the executive officer branch who intend to become holders of Certificates of Competency as Officer-in-Charge of a navigational watch on ships of 500 GT or more complying with the requirements of the Convention shall be required to complete approved relevant education, training, examination and assessment. Such a candidate's existing experience, qualifications and certificates if any, shall form the basis for determining qualifying merchant ship sea going service, training and assessment as determined by the concerned Chief Examiner of Masters and Mates. Propelling time performed on board Sri Lanka Navy ships of 500 GT or more as determined by the relevant chief examiner will be considered as approved sea service.

(7) The officers of the Sri Lanka Navy of the executive officer branch who intend to become holders of Certificates of Competency as Officer-in-Charge of a navigational watch on ships of less than 3000 GT on near coastal voyages complying with the requirements of the Convention shall be required to complete approved relevant education, training, examination and assessment. Such a candidate's existing experience, qualifications and certificates if any, shall form the basis for determining qualifying merchant ship sea going service, training and assessment as determined by the concerned Chief Examiner of Masters and Mates. Propelling time performed on board Sri Lanka Navy ships of between 500 GT and 3000 GT on near coastal voyages, as determined by the relevant Chief Examiner will be considered as approved sea service.

(8) The Petty Officers of the Sri Lanka Navy of the executive officer branch who intend to become holders of Certificates of Competency as Officer-in-Charge of a navigational watch on ships of less than 500 GT complying with the requirements of the Convention shall be required to complete approved relevant education, training, examination and assessment. Such a candidate's existing experience, qualifications and certificates if any, shall form the basis for determining qualifying merchant ship sea going service, training and assessment as determined by the concerned Chief Examiner of Masters and Mates. Propelling time performed on board Sri Lanka Navy ships of less than 500 GT, as determined by the relevant Chief Examiner shall be considered as approved sea service.

20. Qualifying seagoing service for deck officers and deck ratings means the time spent on board ships from the date of engagement to the date of discharge from a ship.

21.(1) Except where otherwise is stated, qualifying seagoing service for marine engineer officers and engine room ratings means the time spent on board ships from the date of engagement to the date of discharge on ships with propelling machinery and or auxiliary machinery in full use subject to Sub-regulation (2) below.

(2) When part or whole of the service has been performed on ships which, for considerable periods have not been underway, a statement from the Master of the ship shall be produced stating the time in days actually underway. In such circumstances, qualifying seagoing service may be counted as one and half times the actual number of days spent underway, and in no case can it exceed the actual time spent on board during the period concerned.

(3) Seagoing service performed by engineer officers employed in work practices on ships operated on other than the traditional watch keeping routine, may be accepted as qualifying seagoing service, if the Chief Examiner concerned is satisfied that such work practices provide equivalent experience.

PART XI

Examinations

22.(1) Every candidate for a Certificate of Competency or for an endorsement under these Regulations, shall satisfy the Chief Examiners at a written or oral, or both written and oral examination, that he or she has reached the required degree of competency for the award of such certificate or endorsement.

(2) All applications for examination for Certificates of Competency and endorsements together with supporting documentation shall be made to the Director General. Every candidate shall pay an examination fee specified by the Director General, which may be revised by the Director General from time to time, and in a manner determined by the Director General. If the applicant meets all the requirements for eligibility to the examination, a notice of eligibility shall be issued. The notice of eligibility shall authorise admission of the candidate to the said examination.

(3) The Director General shall notify each eligible candidate in writing of the date and place of the examination.

(4) The Chief Examiner may determine the subjects and the syllabuses for the examination and may change or amend them from time to time for the purpose of maintaining internationally accepted standards.

(5) The Director General shall carry out all such acts as are necessary or expedient for the proper conduct of the examinations.

(6) A candidate failing the assessment in respect of competency or endorsement may at the Chief Examiner's discretion be given a time penalty which may include a requirement to complete a period of seagoing service before becoming eligible for re-examination.

23.If the Director General considers that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of Regulations 9 (7) and 9 (8) are unreasonable or impracticable, may to that extent exempt the Master and the Officer-in-Charge of a navigational watch on such a ship or class of ships from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

24. (1) In circumstances of exceptional necessity the Director General may issue a dispensation in accordance with Article VIII of the Convention permitting a named seafarer to serve in a specified ship, for a specified period not exceeding 6 months, in a capacity for which he or she does not hold the appropriate certificate, if in the opinion of the Director General, this does not cause danger to persons, property or to the environment, provided that the person to whom the dispensation is to be issued shall be adequately qualified to satisfactorily fill the vacant post in a safe manner, to the satisfaction of the Director General. However, dispensations shall not be granted to a Master or Chief Engineer Officer except in circumstances of force majeure and then only for the shortest possible period.

(2) Any dispensation granted for a post shall be granted only to a person properly certificated to fill the post immediately below. Where certification of the post below is not required by the Convention, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Director General, of a clear equivalence to the requirements for the post to be filled, provided that, if such a person holds no appropriate certificate, he shall be required to pass a test accepted by the Director General as demonstrating that such a dispensation may safely be issued. In addition, Director General shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

25.(1) Every Master, officer and Radio Operator holding a certificate issued or recognized under any Chapter of the Convention other than regulation V/3 or Chapter VI of STCW convention, who is serving at sea or intends to return to sea after a period ashore, shall, in order to continue to qualify for seagoing service, be required, at intervals not exceeding five years, to:

(a) meet the standards of medical fitness prescribed in regulation 36;

(b) establish continued professional competence in accordance with regulation 26.

(2) Every Master, officer and Radio Operator shall, for continuing seagoing service on board ships for which special training requirements have been internationally agreed upon, successfully complete approved relevant training.

(3) Every Master and officer shall, for continuing seagoing service on board tankers, meet the requirements of sub-regulation (1), and be required, at intervals not exceeding 05 years, to establish continued professional competence for tankers in accordance with Sub-regulation (3) of Regulation 26.

(4) GMDSS Certificate of Competency shall be revalidated at 05 year intervals provided that the radio operator is having 12 months sea service in the relevant capacity within 05 years preceding the date of revalidating.

(5) All holders of Certificates of Competencies and Endorsements as Master, Officer, Radio Operator issued or revalidated under the Merchant Shipping Training, Certification and Watch Keeping Regulations 1998 published in *Gazette* No 1036/21 of July 17, 1998 shall be required to undergo appropriate refresher and updating course or assessment as may be determined by the Director General taking into consideration the circumstances of each case and thereby satisfy the Director General that they have reached a level of competency specified for the appropriate certificate as set out in these regulations and apply to revalidate Certificates or Endorsements on or before December 31, 2016, if the holder wishes to continue to be able to serve on board sea going ships in a certificated capacity.

(6) All Certificates of Competencies and Endorsements as Master, Officer or Radio Operator issued or revalidated under these regulations in accordance with the Convention shall be valid only for a period of 5 years, and should be submitted for revalidation if the holder continues serving on board seagoing ships. Certificates of Competency may be revalidated within 6 months prior to the expiry date and in such cases, the certificate may be revalidated until the fifth anniversary of the date of validity, or extension of validity, of the certificate.

(7) Holders of Certificates of Proficiencies issued under these regulations, shall be required, every 5 years, to undergo approved revalidation or refresher and upgrading training, as determined by the Director General, and meet the required standards of competence, to undertake the tasks, duties and responsibilities listed in column 1 of the respective tables of the STCW Code.

(8) The Certificates of Proficiencies issued under the provisions of Regulation 28 sub-regulation (6), (7), (11), (13) and (14) are exempted from the above sub-regulation (7).

(9) The seafarers who have not maintained professional competence through sub-regulation (1) (a) of Regulation 26, and wish to return to sea, shall revalidate all required certificates, issued under these Regulations.

(10) Until January 1, 2017, the Director General may continue to issue, recognize and endorse certificates in accordance with the provisions of the STCW Convention 1995 in respect of those seafarers who commenced approved sea going service, approved education and training programme or approved training course before July 1, 2013.

26. (1) A continued professional competence as required under regulation I/11 of the STCW Convention shall be established by-

(a) approved seagoing service, performing functions appropriate to the certificate held, for a period of at least-

(i) 12 months in total during the preceding 05 years, or

(ii) 3 months in total during the 06 months immediately prior to revalidating; or

- (b) having performed functions considered by the Director General to be equivalent to the seagoing service required in paragraph (a) (i); or
- (c) passing an approved test; or
- (d) successfully completing an approved training course or courses; or
- (e) having completed approved seagoing service, performing functions appropriate to the certificate held, for a period of not less than 3 months in a supernumerary capacity, or in a lower officer rank than that for which the certificate held is valid immediately prior to taking up the rank for which it is valid.

(2) The refresher and updating courses required by regulation I/11 of the STCW Convention shall be approved and include changes in relevant national and international regulations concerning the safety of life at sea, security and the protection of the marine environment and take account of any updating of the standard of competence concerned.

(3) A continued professional competence for tankers as required under regulation I/11, paragraph 3 of the STCW Convention, shall be established by-

- (a) approved seagoing service, performing duties appropriate to the tanker certificate or endorsement held, for a period of at least 3 months in total during the preceding 05 years; or
- (b) successfully completing an approved relevant training course or courses.

27. The performance standards and other provisions set forth in section A-I/12 of the STCW Code 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 competency 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, for continued proficiency required by part A of the STCW Code.

PART XII

Mandatory Minimum Requirements for Safety Familiarisation, Basic Training and Instruction for all Seafarers

28.(1) Before being assigned to ship board duties, all persons employed or engaged on a seagoing ship, other than passengers, shall receive approved familiarisation and basic safety training or instructions in accordance with Section A-VI/1 of the STCW Code and shall meet the appropriate standard of competence specified therein. A record of all persons who have reached the appropriate standard of familiarisation and basic safety training shall be maintained by the Master of the vessel and the Company.

(2) The seafarers employed or engaged in any capacity on board on the business of the ship as a part of the ship's complement with designated safety or pollution prevention duties in the operation of the ship shall undergo approved basic training in Personal Survival Techniques (Table A-VI/1-1 in the STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code) and Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code). The Director General shall issue a Certificate of Proficiency in basic training at the completion of above courses.

(3) The Seafarers qualified in accordance with sub-regulations (4) to (12) (excluding sub-regulations (6), (7) and (11)) below shall be required, every 5 years, to undergo approved revalidation or refresher and upgrading training, as determined by the Director General of Merchant Shipping, and meet the required standards of competence, to undertake the tasks, duties and responsibilities listed in column 1 of the respective Tables of the STCW Code.

(4) Every candidate for a certificate of proficiency in personal survival techniques shall:

- (a) attend an approved training course in personal survival techniques; and
- (b) meet the standard of competence set out in Table A-VI/1-1 of the STCW Code.

(5) Every candidate for a certificate of proficiency in fire prevention and fire fighting shall:

- (a) attend an approved training course in fire prevention and fire fighting; and
- (b) meet the standard of competence set out in Table A-VI/1-2 of the STCW Code.

(6) Every candidate for a certificate of proficiency in elementary first aid shall-

- (a) attend an approved training course in elementary first aid; and
- (b) meet the standard of competence set out in Table A-VI/1-3 of the STCW Code.

(7) Every candidate for a certificate of proficiency in personal safety and social responsibilities shall-

- (a) attend an approved training course in personal safety and social responsibilities; and
- (b) meet the standard of competence set out in Table A-VI/1-4 of the STCW Code.

(8) Every candidate for a certificate of proficiency in survival craft and rescue boats other than fast rescue boats shall-

- (a) be not less than eighteen (18) years of age on the date of completion of the course;
- (b) have approved sea going service of not less than 12 months or have attended an approved pre-sea training course and have approved sea-going service of not less than 6 months;
- (c) attend an approved training course on proficiency in survival craft and rescue boats other than fast rescue boats; and.
- (d) meet the standard of competency specified in section A-VI/2, paragraphs 1 to 4 of the STCW Code.

(9) Every candidate for a certificate of proficiency in fast rescue boats shall:

- (a) be a holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;
- (b) attend an approved training course of proficiency in fast rescue boats; and
- (c) meet the standard of competency for certificate of proficiency in fast rescue boats set out in section A-VI/2, paragraphs 7 to 10 of the STCW Code.

(10)(a) The seafarers designated to control fire fighting operations shall hold a certificate of proficiency in advanced fire fighting.

- (b) Every candidate for a certificate of proficiency in advanced fire fighting shall:
- (i) attend an approved training course in advanced fire fighting; and
 - (ii) meet the standard of competency specified in section A-VI/3, paragraphs 1 to 4 of the STCW Code.
- (11)(a) The seafarers designated to provide medical first aid on board ship shall hold a certificate of proficiency in medical first aid.
- (b) Every candidate for a certificate of proficiency in medical first aid shall-
- (i) attend an approved training course in medical first aid; and
 - (ii) meet the standard of competence specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.
- (12)(a) The seafarers designated to take charge of medical care on board ship shall hold a certificate of proficiency in medical care.
- (b) Every candidate for a certificate of proficiency in medical care shall-
- (i) attend an approved training course in medical care; and
 - (ii) meet the standard of competence specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.
- (13)(a) The Seafarers designated as ship security officers shall hold a certificate of proficiency for ship security officer.
- (b) Every candidate for a certificate of proficiency for ship security officer shall-
- (i) have approved seagoing service of not less than 12 months or appropriate seagoing service and knowledge of ship operations;
 - (ii) attend an approved training course in ship security; and
 - (iii) meet the standard of competence specified in section A-VI/5, paragraphs 1 to 4 of the STCW Code.
- (14)(a) Before being assigned to shipboard duties, all persons employed or engaged on a sea going ship which is required to comply with the provisions of the ISPS Code, other than passengers, shall receive approved security-related familiarization training, taking account of the guidance given in part B of the STCW Code, to be able to-
- (i) report a security incident, including a piracy or armed robbery threat or attack;
 - (ii) know the procedures to follow when they recognize a security threat; and
 - (iii) take part in security-related emergency and contingency procedures.
- (b) The seafarers with designated security duties engaged or employed on a seagoing ship shall, before being assigned such duties, receive security-related familiarization training in their assigned duties and responsibilities, taking into account the guidance given in part B of the STCW Code.
- (c) The security-related familiarization training shall be conducted by the ship security officer or an equally qualified person.

- (d) The seafarers employed or engaged in any capacity on board a ship which is required to comply with the provisions of the ISPS Code on the business of that ship as part of the ship's complement without designated security duties shall, before being assigned to any shipboard duties-
- (i) receive appropriate approved training or instruction in security awareness as set out in Table A-VI/6-1 of the STCW Code;
 - (ii) be required to provide evidence of having achieved the required standard of competence to undertake the tasks, duties and responsibilities listed in column 1 of Table A-VI/6-1 of the STCW Code-
 - (A) by demonstration of competence, in accordance with the methods and the criteria for evaluating competence tabulated in columns 3 and 4 of Table A-VI/6-1 of the STCW Code; and
 - (B) by examination or continuous assessment as part of an approved training programme in the subjects listed in column 2 of Table A-VI/6-1 of the STCW Code.
- (e) Every seafarer who is designated to perform security duties, including anti-piracy and anti-armed-robbery related activities, shall be required to demonstrate competence to undertake the tasks, duties and responsibilities listed in column 1 of Table A-VI/6-2 of the STCW Code.
- (f) The level of knowledge of the subjects in column 2 of Table A-VI/6-2 of the STCW Code shall be sufficient to enable every candidate to perform on board designated security duties, including anti-piracy and anti-armed-robbery related activities.
- (g) Every candidate for certification shall be required to provide evidence of having achieved the required standard of competence through-
- (i) demonstration of competence to undertake the tasks, duties and responsibilities listed in column 1 of Table A-VI/6-2 of the STCW Code, in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of that Table; and
 - (ii) examination or continuous assessment as part of an approved training programme covering the material set out in column 2 of Table A-VI/6-2 of the STCW Code.
- (h) In circumstances of exceptional necessity, when the shipboard security-related duties are required to be undertaken by a person qualified to perform designated security-related duties and such a person is temporarily unavailable, the Director General may permit a seafarer without designated security duties to perform such duties provided such a person has an understanding of the ship security plan, until the next port of call or for a period of not exceeding 30 days, whichever is greater.

PART XIII

Recognition of Certificates Issued by Other Countries

29. (1) Director General shall ensure that the provisions of this regulation are complied with, in order to recognize, by endorsement in accordance with regulation I/2, paragraph 7 of STCW Convention, a certificate issued by or under the authority of another Party to a master, officer or radio operator and that:

- (a) The Director General has confirmed, through an evaluation of that Party, which may include inspection of facilities and procedures, that the requirements of the Convention regarding standards of competence, training and certification and quality standards are fully complied with; and

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

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

(3) The information provided and measures agreed upon under this regulation shall be communicated to the Secretary-General of IMO by the Director General in conformity with the requirements of regulation I/7 of the STCW Convention.

(4) The certificates issued by or under the authority of a non-Party shall not be recognized.

(5) Notwithstanding the requirement of regulation I/2, paragraph 7 of the STCW Convention, the Director General may, if circumstances require, subject to the provisions of paragraph 1, allow a seafarer to serve for a period not exceeding three months on board a ship entitled to fly its flag, while holding an appropriate and valid certificate issued and endorsed as required by another Party for use on board that Party's ships but which has not yet been endorsed so as to render it appropriate for service on board ships entitled to fly the flag of Sri Lanka, provided that documentary proof shall be readily available that application for an endorsement has been submitted to the Director General.

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

PART XIV

Miscellaneous

30. (1) The Director General shall ensure that-

- (a) the training and assessment of seafarers, as required under the STCW Convention, are administered, supervised and monitored in accordance with the provisions of section A-I/6 of the STCW Code; and
- (b) those responsible for the training and assessment of competence of seafarers, as required under the STCW Convention, are appropriately qualified in accordance with the provisions of section A-I/6 of the STCW Code for the type and level of training or assessment involved; and
- (c) training and assessment of seafarers, as required under the STCW Convention, are only accepted, if the training and assessment had been conducted by an Approved Maritime Training Institute (AMTI).

(2) Director General shall have the right to suspend or withdraw the approval granted to any maritime training institute or any training programme if he finds objective evidence that does not fulfil the requirements specified by the Director General.

(3) The Approved Maritime Training Institutes shall-

- (a) follow the procedures and guidelines prescribed in Code of Practice for examination and obtain approval prior to conducting training programmes;
- (b) maintain standards set out in relevant IMO Model course as the minimum standards for a training programme unless expressly permitted by the Director General of Merchant Shipping;

(c) maintain the minimum standards set out in Code of Practice for examination for the qualification of instructor, supervisor and assessors; and

(d) have a facility for on line verification of certificates issued by the institute with the status of the certificate.

(4) All training institutes shall comply with the requirements relating to equipment and facilities as determined by the Director General.

(5) All approved training institutes shall obtain an annual licence in order to function as an approved training institute. However training institutes providing free education shall be exempted from payment of licence fees.

(6) Training institutes shall be audited annually by a team of auditors appointed by the Director General, for verification of compliance with the Convention, applicable regulations and standards.

31.(1) The Director General shall, in accordance with the provisions of section A-1/14 of the STCW Code, hold every company which is operating ships registered in Sri Lanka, or is responsible for the assignment of seafarers for service on ships in accordance with these Regulations, responsible for ensuring that-

(a) each seafarer assigned to its ships hold an appropriate certificate in accordance with the provisions of these Regulations, issued or endorsed by the Director General;

(b) its ships are manned in compliance with the manning requirements specified in the Merchant Shipping (Minimum Safe Manning) Regulations, 2016;

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

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

(e) allocation of a reasonable period of time during which each newly employed seafarer is given an opportunity to become acquainted with-

(i) the specific equipment the seafarer will be using or operating;

(ii) ship specific watch keeping, safety, environmental protection, security and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly;

(f) radio operators are familiarized with the ship's radio equipment prior to taking over duties as a radio operator;

(g) the ship's complement can effectively coordinate their activities in an emergency situation and in performing functions vital to safety, security or to the prevention or mitigation of pollution;

(h) the master confirms availability on board at all times of all original certificates and related documents issued pursuant to the Convention indicating the qualifications of any member of the crew to perform designated functions;

(i) texts of the Merchant Shipping Act, No. 52 of 1971 as amended, International instruments and enabling regulations are placed on board;

(j) effective oral communication is maintained at all times on board its ships in accordance with relevant regulation of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended;

(k) Masters, officers and other personnel assigned specific duties and responsibilities onboard their ro-ro passenger ships shall have completed familiarization training to attain the abilities that are appropriate to the capacity to be filled and duties and responsibilities to be taken up, taking into account the guidance given in section B-I/14 of the Code.

(2) The Company shall ensure that seafarers are provided updating or refresher training in order to update their knowledge in accordance with the changes to STCW Code and other relevant instruments including industry updates and developments.

32. (1) The Company shall, for the prevention of fatigue, ensure that all persons who are assigned duty as an officer in charge of a watch or as a rating forming part of a watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of not less than:

(a) a minimum of 10 hours of rest in any 24-hour period; and

(b) 77 hours in any 7-day period,

in accordance with this regulation.

(2) The hours of rest in any 24 hour period may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.

(3) The requirements for rest periods specified in sub-regulations (1) and (2) need not be maintained in the case of an emergency or in other overriding operational conditions. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments, shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.

(4) The Companies and Masters shall ensure that watch schedules are posted where they are easily accessible. The schedules shall be established in a standardised format in the working language or languages of the ship and in English.

(5) When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call outs to work.

(6) The records of daily hours of rest of seafarers shall be maintained in a standardised format, in the working language or languages of the ship and in English, to allow monitoring and verification of compliance with this regulation. The seafarers shall receive a copy of the records pertaining to them, which shall be endorsed by the master or by a person authorised by the master and by the seafarers.

(7) Nothing in this regulation shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the Master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

(8) The exceptions from the required hours of rest specified in sub-regulations(1) (b) and (2) above shall be allowed provided that the rest period is not less than 70 hours in any 7 day period. Exceptions from the weekly rest period provided for in sub-regulation(1) (b) shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception.

The hours of rest provided for in sub-regulation(1) (a) may be divided into no more than three periods, one of which shall be at least 6 hours in length and neither of the other two periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any 7-day period.

Exceptions shall, as far as possible, take into account the guidance regarding prevention of fatigue in section B-VIII/1 of the STCW Code.

(9) The companies and Masters shall ensure, for the purpose of preventing alcohol abuse, a limit of not greater than 0.05% blood alcohol level (BAC) or 0.25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration for masters, officers and other seafarers while performing designated safety, security and marine environmental duties. Use of narcotic drugs is prohibited.

33. (1) Where there is any accident or casualty such as grounding, fire, loss of life or cargo thereof or any other unusual happening on board any Sri Lankan registered ship or any foreign flag ship in Sri Lankan territorial waters, the event shall be reported to the Director General within twenty four hours of such occurrence by the Master, owner or local agent.

(2) The Director General shall-

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

(b) take and enforce appropriate measures to prevent fraud and other unlawful practices involving certificates and endorsements issued.

(3) The Director General may order an inquiry to be held into any such occurrence depending on the gravity of the occurrence or the public interest in the matter.

(4) The officer or officers appointed by the Director General to hold such inquiry may require witnesses to be present in person and, to give evidence at the inquiry.

(5) On the basis of the report of the inquiring officer or officers, the Director General may suspend or withdraw any Certificate of Competence or Endorsement or document issued by the Director General. However, no such action shall be taken without giving the relevant person a fair chance to defend his or her position.

(6) Where the inquiry report suggests incompetence or misconduct on the part of a seafarer to whom the Director General has not issued any certificate or endorsement the person may be prohibited from entering Sri Lankan territorial waters and the State that issued any such document to such person shall be informed to take appropriate action.

(7) Where such an inquiry reveals lack of administrative, legislative and procedural control, the Director General shall take appropriate action to remedy the matter together with the relevant authorities.

(8) Any person who is in possession of a certificate as required by these regulations, which is found to be a forgery with a view to impersonation, or to have been obtained by fraudulent means, shall be guilty of an offence and on conviction by a court of law shall be liable to a fine not exceeding rupees one hundred thousand or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment. The Director General may suspend such person from performing sea duties for a period not exceeding five years.

(9) Any person holding a certificate issued under these regulations found guilty by a court of law of misconduct with regard to the management or operation or safe navigation of a ship shall be liable on conviction to a fine not exceeding rupees one hundred thousand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(10) Any Master engaging a crew member not holding a certificate required by these Regulations or any person aiding and abetting such a Master shall be guilty of an offence and on conviction by a court of law shall be liable to a fine not exceeding rupees one hundred thousand or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(11) A Master who has allowed any function or service in any capacity required by these Regulations to be performed by a person holding a prescribed certificate, to be performed by a person not holding such a certificate or a valid dispensation or documentary proof as required by these Regulations except for training under supervision or in cases of force majeure, or any person who aids and abets such a Master in this regard shall be guilty of an offence and on conviction by a court of law shall be liable to a fine not exceeding rupees one hundred thousand or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(12) If a person holding a certificate under these Regulations appears to the Director General to be incompetent with regard to the management or operation or safe navigation of a ship, the Director General may suspend or cancel or revoke such certificate.

(13) If a person holding a certificate under these regulations fails to perform the duties appropriate to such certificate, the Director General may suspend or cancel or revoke such certificate.

(14) For the purpose of updating the knowledge of masters, officers and radio operators, the Director General shall ensure that the texts of recent changes in national and international regulations concerning the safety of life at sea, security and the protection of the marine environment are made available to ships entitled to fly the Sri Lankan flag.

34.(1) The Port State control exercised by a duly authorised control officer as set out under Article X of the Convention shall be limited to the following-

- (a) verification in accordance with Article X(1) of the Convention that all seafarers serving on board who are required to be certificated in accordance with the Convention hold an appropriate certificate or a valid dispensation, or possess documentary proof that an application for an endorsement has been submitted to the Director General in accordance with regulation I/10 paragraph 5 of the Convention;
- (b) verification that the numbers and certificates of seafarers serving on board are in conformity with the applicable safe manning requirements of the Administration of the Flag State; and
- (c) assessment, in accordance with Section A-I/4 of the Code, of the ability of the seafarers of the ship to maintain watch keeping and security standards, as appropriate, as required by the Convention if there are clear grounds for believing that such standards are not being maintained because any of the following have occurred-
 - (i) the ship had been involved in a collision, grounding or stranding; or
 - (ii) there had been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under any international convention; or
 - (iii) the ship had been manoeuvred in an erratic or unsafe manner whereby routine measures adopted by the International Maritime Organisation or safe navigating practices and procedures have not been followed; or
 - (iv) the ship is otherwise being operated in such a manner as to pose a danger to persons, property or environment, or a compromise to security.

(2) A duly authorised control officer may detain a ship under Article X of the Convention when it is determined that failure to correct any of the following deficiencies pose a danger to persons, property or the environment-

- (a) failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Flag State Administration in accordance with regulation I/10, paragraph 5 of the Convention;
- (b) failure to comply with the applicable Minimum safe manning requirement of the Flag State Administration;
- (c) failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Flag State Administration;
- (d) absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communication or the prevention of marine pollution; and
- (e) inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches, persons who are sufficiently rested and fit for duty.

35. The Director General shall-

(a) maintain a register or registers of all certificates and endorsements for masters, officers, and as applicable, ratings which are issued, have expired or have been revalidated, suspended, cancelled or reported lost or destroyed and of dispensation issued;

(b) make available information on the status of such certificates of competency, endorsements and dispensations to other Parties and companies which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates under regulation I/10 of the STCW Convention or employment onboard ship;

(c) ensure that the information on the status of information required to be available in accordance with the above paragraph (b) of this regulation shall be made available, in the English language, through electronic means. The Director General shall comply with section A-I/2, paragraphs 7 to 9 of the Code while developing electronic access to registers and databases for certificate registration;

(d) Director General shall ensure that-

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

(ii) where governmental agencies or entities perform such activities, there shall be a quality standards system;

(e) The Director General shall also ensure that an evaluation is periodically undertaken, in accordance with the provisions of section A-I/8 of the STCW Code, by qualified persons who are not themselves involved in the activities concerned. This evaluation shall include all changes to national regulations and procedures in compliance with the amendments to the Convention and STCW Code, with dates of entry into force later than the date information was communicated to the Secretary-General; and

(f) A report containing the results of the evaluation required by paragraph (e) shall be communicated to the Secretary-General of the International Maritime Organization in accordance with the format specified in section A-I/7 of the STCW Code.

36. (1) The Director General shall establish standards of medical fitness for seafarers and procedures for the issue of a medical certificate in accordance with the provisions of this regulation and of section A-1/9 of the STCW Code and schedule II of these regulations.

(2) The Director General shall ensure that those responsible for assessing the physical abilities for seafarers are medical practitioners recognized by the Director General for the purpose of seafarer medical examinations, in accordance with the provisions of this regulation and of section A-1/9 of the STCW Code and schedule II of these regulations.

(3) Every seafarer holding a certificate issued under the provisions of the Convention, who is serving at sea, shall also hold a valid medical certificate issued in accordance with the provisions of this regulation and of section A-1/9 of the STCW Code.

(4) Every candidate for certification shall-

(a) be not less than 18 years of age;

(b) provide satisfactory proof of his/her identity; and

(c) meet the applicable medical fitness standards established by Director General as provided in the schedule II of these regulation.

(5) The medical certificates shall remain valid for a maximum period of two years unless the seafarer is over the age of 55, in which case the maximum period of validity shall be one year.

(6) If the period of validity of a medical certificate expires in the course of a voyage, then the medical certificate shall continue in force until the next port of call where a medical practitioner recognized by the Director General is available, provided that the period shall not exceed three months.

(7) In urgent cases, the Director General may permit a seafarer to work without a valid medical certificate until the next port of call where a medical practitioner recognized by Director General is available, provided that:

(a) the period of such permission does not exceed three months; and

(b) the seafarer concerned is in possession of an expired medical certificate of recent date.

(8) The Medical Certificate provided for in this regulation, paragraph 3, shall include at least the minimum information mentioned in Section A-I/9 paragraph 7 of the STCW Code and shall be-

(a) in English Language; and

(b) in Director General approved format

37.(1) The companies, Masters, Chief Engineer Officers and all watch-keeping personnel shall adhere to the requirements, principles and guidance set out in the STCW Code, Section A-VIII/2 which shall be observed to ensure that a safe continuous watch or watches appropriate to the prevailing circumstances and conditions are maintained on all seagoing ships at all times.

(2) The Master of every ship shall ensure that watchkeeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and that, under the master's general direction-

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

- (b) radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty;
- (c) officers in charge of an engineering watch, as defined in the STCW Code, under the direction of the chief engineer officer, shall be immediately available and on call to attend the machinery spaces and, when required, shall be physically present in the machinery space during their periods of responsibility;
- (d) an appropriate and effective watch or watches are maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organization of such watch or watches takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing onboard, afloat or ashore; and
- (e) as applicable, an appropriate and effective watch or watches are maintained for the purpose of security.

38. (1) The Director General shall use the provisions of the Code for implementation and in the execution of his obligations and responsibilities contained in the Convention.

(2) The administration shall be subjected to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the Convention.

(3) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

(4) The Director General shall be responsible for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guide lines developed by the Organization.

(5) The audit shall be-

- (a) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
- (b) conducted at periodic intervals, taking into account the guidelines developed by the Organization.

39. The Director General shall specify the detail procedures for establishing provisions, recommendations and guidelines, contain in relevant IMO resolutions and amendments in the code of practice for examination.

40.(1) The Merchant Shipping Standards of Training, Certification and Watch Keeping for Seafarers Regulations 2013 published in *Gazette* No. 1818/37 of July 12, 2013 shall be rescinded with effect from October 04, 2016.

(2) Notwithstanding the above provisions, certificates may be issued, endorsed, revalidated or recognized in accordance with the Merchant Shipping Standards of Training, Certification and Watch Keeping Regulations 1998 published in *Gazette* No. 1036/21 of July 17 1998 until December 31, 2016.

41. In these regulations, unless the context otherwise requires —

“able seafarer deck” means a rating qualified in accordance with the provisions of regulation II/5 of the Convention;

“able seafarer engine” means a rating qualified in accordance with the provisions of regulation III/5 of the Convention;

“Act” means the Merchant Shipping Act, No. 52 of 1971;

“administration” means the Director General of Merchant Shipping who is responsible for the implementation of these Regulations;

“approved” means approved by the Director General or by a Chief Examiner;

“approved education, training, examination and assessment” means a programme of training and education of seafarers as approved by the Director General prescribing the total requirement of training and standards including examination and assessments for the purpose of issuance of certificates and/or endorsements under the Convention;

“approved medical practitioner” means a medical practitioner approved by the Director General to conduct medical examination of seafarers;

“audit” means a systematic, independent and documented process for obtaining audit evidence evaluating it objectively to determine the extent to which audit criteria are fulfilled;

“Audit Scheme” means the IMO Member State Audit Scheme established by the Organization and taking into account the guide lines developed by the Organization;

“Audit Standard” means the Code for Implementation;

“certificate of competency” means a certificate issued and endorsed for masters, officers and GMDSS radio operators in accordance with the provisions of chapters II, III, IV or VII of the Convention and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

“certificate of proficiency” means a certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the Convention have been met;

“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 International Bulk Chemical Code;

“Chief Engineer Officer” means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;

“Chief Examiner” means the Chief Examiner of Masters and Deck Department personnel or the Chief Examiner of Engine Department personnel, appointed by the Director General;

“Chief Mate” means the deck officer next in rank to the Master and upon whom the command, control or charge of the ship shall fall in the event of the incapacity of the Master;

“Code for Implementation” means the IMO Instruments Implementation Code (III Code) adopted by the Organization.

“Code of Practice for examination” means an approved guidance document or hand book containing maritime educational programmes, training, assessment and certification requirements of seafarers issued by the Director General which may be amended as necessary;

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

“Convention” means the International Convention on Standards of Training, Certification and Watch Keeping for Seafarers (STCW) 1978, as adopted by the International Conference on Training and Certification of Seafarers on 7th July 1978, which entered into force on 28th April 1984, and includes all subsequent amendments;

“dangerous cargo” includes a cargo of —

- (a) crude petroleum or any of its by-products in bulk;
- (b) any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code;
- (c) any liquid product listed in Chapter 17 of the International Bulk Chemical Code;

“deck Officer” means a navigating officer qualified in accordance with the provisions of Chapter II of the Convention as amended in 2010;

“deck Officer Cadet” means a person under training to become a Deck Officer;

“Director General” means the Director General of Merchant Shipping;

“documentary evidence” means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the Convention have been met;

“dredger” means a mechanically propelled ship equipped with excavating machinery employed in deepening channels and harbours and in removing underwater obstructions such as shoals and bars;

“electro-technical officer” means an officer qualified in accordance with the provisions of Regulation III/6 of the Convention;

“electro-technical rating” means a rating qualified in accordance with the provisions of Regulation III/7 of the Convention;

“endorsement” means attesting the issue of a certificate or the recognition of a certificate, granting authority to the holder to carry out the duties of master or an officer as the case may be, subject to the limitations specified in these Regulations;

“engineer officer” means an officer qualified in accordance with the provisions of regulation III/1, III/2 or III/3 of the Convention;

“engineer officer cadet” means a person under training to become an engineer officer;

“examiner” means examiner of masters and deck department personnel or engine department personnel, appointed by the Director General;

“fishing vessel” means a ship used for catching fish or other living resources of the sea;

“function” means a group of tasks, duties and responsibilities, specified in the STCW Code, necessary for ship operation, safety of life at sea, and protection of the marine environment;

“GMDSS” means Global Maritime Distress and Safety System;

“GMDSS radio operator” means a person who is qualified in accordance with the provisions of chapter IV of the Convention;

“GT” means gross tonnage;

“international instruments” means provisions enacted by Sri Lanka for the safety of life at sea and the prevention of marine pollution, as a party to international Conventions;

“international voyages” means voyages of ships other than near coastal voyages;

“ISPS Code” means the International Ship and Port Facility Security (ISPS) Code adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as may be amended by the International Maritime Organization;

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

“Master” means the person in command of a ship;

“month” means a calendar month or 30 days made up of periods of less than one month;

“near coastal voyages” (NCV) means voyages of ships engaged in the coastal trade from any port or place in Bangladesh, India, Maldives, Myanmar and Sri Lanka to any other port or place in the said nations subject to specific reference with regards to proximity of safe havens during such voyages as determined by the Administration;

“officer” means a member of the crew, other than the Master designated as such by national law or Regulations or, in the absence of such designation by collective agreement or custom;

“oil tanker” means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;

“Organization” means the International Maritime Organization;

“passenger ship” means a passenger ship as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended;

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

“radio duties” include, as appropriate, watch keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended, and, at the discretion of the Director General, the relevant recommendations of the International Maritime Organisation;

“radio operator” means a person holding an appropriate certificate issued or recognised by the Director General under the provisions of the Radio Regulations;

“Radio Regulations” means the radio regulations annexed to the International Telecommunications Convention;

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

“Regulations” means the Merchant Shipping Standards of Training, Certification and Watch Keeping for Seafarers Regulations, 2016;

“restricted GMDSS Radio Operator” means a person qualified to operate exclusively within the coastal waters of Sri Lanka;

“ro-ro passenger ship” means a passenger ship with ro-ro cargo spaces or special category spaces as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended;

“seafarers” includes every person employed or engaged in any capacity on board any vessel and entered on the ship’s articles;

“seagoing service” means service on board a seagoing ship relevant to the issue or revalidation of a certificate or other qualification;

“seagoing ship” means a trading ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

“Second Engineer Officer” means the engineer officer next in rank to the Chief Engineer Officer, upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the Chief Engineer Officer;

“security duties” include all security tasks and duties on board ships as defined by chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended, and the International Ship and Port Facility Security (ISPS) Code;

“ship security officer” means the person on board the ship, accountable to the Master, designated by the Company as responsible for the security of the ship including implementation and maintenance of the ship security plan and liaison with the Company security officer and port facility security officers;

“STCW Code” means the Seafarer’s Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference resolution 2, as it may be amended by the Organisation;

“Telecommunications Regulatory Commission” means the authority established under the Sri Lanka Telecommunications Act, No. 25 of 1991, as amended by the Act, Number 27 of 1996, responsible for the Radio Regulations;

“trading ship” means a seagoing ship used for transporting cargo, passengers, or livestock;

“tug” means a mechanically propelled ship with little or no cargo capacity, used for towing or assisting ships at sea, in and out of harbours, rivers and docks or for towing or pushing barges, lighters and other small craft; and

“Universities Act” means the University Act of Sri Lanka No. 16 of 1978.

SCHEDULE I

(regulation 3(2))

Part A

Functions

- (a) Navigation;
- (b) Cargo handling and stowage
- (c) Controlling the operation of the ship and care for persons on board
- (d) Marine engineering
- (e) Electrical, electronic and control engineering
- (f) Maintenance and repair
- (g) Radio communications

Part B

Levels Responsibility

- (a) Management Level (Master, Chief Mate, Chief Engineer Officer & Second Engineer Officer).
- (b) Operational Level (Navigational Watch Keeping Officer, Engineering Watch Keeping Officer, Electro-technical Officer & Radio Operator)
- (c) Support Level (Able Seafarer Deck, Able Seafarer Engine, Electro-technical Rating & Watch Keeping Rating).

SCHEDULE II

(regulation 36)

Table A-1/9

Minimum in-service eyesight standards for seafarers

STCW Convention regulation	Category of seafarer	Distance vision Aided ¹		Near/immediate vision	Colour vision ³	Visual fields ⁴	Night blindness ⁴	Diplopia (double vision) ⁴
		One eye	Other	Both eyes together aided or unaided				
I/11 II/1 II/2 II/3 II/4 II/5 VII/2	Masters, deck officers and ratings required to undertake look-out duties	0.5 ²	0.5	Vision required for ship's navigation (e.g., chart and nautical publication reference, use of bridge instrumentation and equipment, and identification of aids to navigation)	See Note 6	Normal visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident
I/11 III/1 III/2 III/3 III/4 III/5 III/6 III/7 VII/2	All engineer officers, electro technical officers, and electro- technical ratings and ratings forming part of an engine- room watch	0.4 ⁵	0.4 (see note)	Vision required to read instruments in close proximity, to operate equipment, and to identify systems/components as necessary	See note 7	Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident

SCHEDULE II

(regulation 36)

Table A-1/9

Minimum in-service eyesight standards for seafarers

STCW Convention regulation	Category of seafarer	Distance vision Aided ¹		Near/immediate vision	Colour vision ³	Visual fields ⁴	Night blindness ⁴	Diplopia (double vision) ⁴
		One eye	Other	Both eyes together aided or unaided				
I/11 IV/2	GMDSS Radio operators	0.4	0.4	Vision required to read instruments in close proximity, to operate equipment, and to identify systems/ components as necessary	See note 7	Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident

Notes :

- 1 Values given in Snellen decimal notation.
- 2 A value of at least 0.7 in one eye is recommended to reduce the risk of undetected underlying eye disease.
- 3 As defined in the *International Recommendations for Colour Vision Requirements for Transport* by the Commission International de l'Eclairage (CIE-143-2001 including any subsequent versions)
- 4 Subject to assessment by a clinical vision specialist where indicated by initial examination findings.
- 5 Engine department personnel shall have a combined eye sight vision of at least 0.4
- 6 CIE colour vision standard 1 or 2
- 7 CIE colour vision standard 1, 2 or 3.

Until amendments to the table A-1/9 of the Code or agreed by the Organization, the Director General continue to use existing methods using Ishihara or equivalent plate test given in CIE 143-2001 for confirmatory colour vision testing as stated in IMO circular STCW.7/Circ.20 dated 25th October 2013 (INTERIM GUIDANCE ON COLOUR VISION TESTING).

Table B-1/9

(regulation 36)

Assessment of minimum in-service physical ability for seafarers ³

Shipboard task, function, event or condition ³	Related physical ability	A medical examiner should be satisfied that the candidate ⁴
Routine movement around vessel: - on moving deck - between levels - between compartments <i>Note 1 applies to this row</i>	- Maintain balance and move with agility. - Climb up and down vertical ladders and stairways. - Step over coamings (e.g., 600 mm high). - Open and close watertight doors.	Has no disturbance in sense of balance. Does not have any impairment or disease that prevents relevant movements and physical activities. Is, without assistance ⁵ , able to: - climb vertical ladders and stairways - step over high sills - manipulate door closing systems

Table B-1/9

(regulation 36)

Assessment of minimum in-service physical ability for seafarers ³

<i>Shipboard task, function, event or condition³</i>	<i>Related physical ability</i>	<i>A medical examiner should be satisfied that the candidate⁴</i>
<p>Routine tasks on board:</p> <ul style="list-style-type: none"> – Use of hand tools – Movement of ship's stores – Overhead work – Valve operation – Standing a four hour watch – Working in confined spaces – Responding to alarms, warnings and instructions – Verbal communication <p><i>Note 1 applies to this row</i></p>	<p>Strength, dexterity and stamina to manipulate mechanical devices. Lift, pull and carry a load (e.g., 18 kg). Reach upwards. Stand, walk and remain alert for an extended period.</p> <p>Work in constricted spaces and move through restricted openings (e.g., 600 mm × 600 mm). Visually distinguish objects, shapes and signals. Hear warnings and instructions. Give a clear spoken description.</p>	<p>Does not have a defined impairment or diagnosed medical condition that reduces ability to perform routine duties essential to the safe operation of the vessel</p> <p>Has ability to</p> <ul style="list-style-type: none"> – work with arms raised – stand and walk for an extended period – enter confined space – fulfil eyesight standards (table A-I/9) – fulfil hearing standards set by competent authority or take account of international guidelines – hold normal conversation
<p>Emergency duties⁶ on board:</p> <ul style="list-style-type: none"> – Escape – Fire-fighting – Evacuation <p><i>Note 2 applies to this row</i></p>	<p>Don a lifejacket or immersion suit. Escape from smoke-filled spaces.</p> <p>Take part in fire-fighting duties, including use of breathing apparatus. Take part in vessel evacuation procedures.</p>	<p>Does not have a defined impairment or diagnosed medical condition that reduces ability to perform emergency duties essential to the safe operation of the vessel</p> <p>Has ability to:</p> <ul style="list-style-type: none"> – don lifejacket or immersion suit – crawl – feel for differences in temperature – handle fire-fighting equipment – wear breathing apparatus (where required as part of duties)

Notes:

- 1 Rows 1 and 2 of the above table describe (a) ordinary shipboard tasks, functions, events and conditions, (b) the corresponding physical abilities which may be considered necessary for the safety of a seafarer, other crew members and the ship, and (c) high-level criteria for use by approved medical practitioners assessing medical fitness, bearing in mind the different duties of seafarers and the nature of shipboard work for which they will be employed.
- 2 Row 3 of the above table describes (a) ordinary shipboard tasks, functions, events and conditions, (b) the corresponding physical abilities which shall be considered necessary for the safety of a seafarer, other crew members and the ship, and (c) high-level criteria for use by approved medical practitioners assessing medical fitness, bearing in mind the different duties of seafarers and the nature of shipboard work for which they will be employed.

- 3 This table is not intended to address all possible shipboard conditions or potentially disqualifying medical conditions. Approved Medical practitioners should use their professional judgment on physical abilities applicable to the category of seafarers (such as “Deck officer” and “Engine rating”). The special circumstances of individuals and for those who have specialized or limited duties should receive due consideration.
- 4 If in doubt, the medical practitioner should quantify the degree or severity of any relevant impairment by means of objective tests, whenever appropriate tests are available, or by referring the candidate for further assessment.
- 5 The term “assistance” means the use of another person to accomplish the task.
- 6 The term “emergency duties” is used to cover all standard emergency response situations such as abandon ship or fire fighting as well as the procedures to be followed by each seafarer to secure personal survival.

10-1668/1

L.D.B-3/2013

MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the Minister of Ports and Shipping, by virtue of the powers vested in him, by sections 126 and 321 of the Merchant Shipping Act, No. 52 of 1971.

ARJUNA RANATUNGA,
Minister of Ports and Shipping.

Colombo,
October 04th 2016.

Regulations

1. These regulations may be cited as the Merchant Shipping (Minimum Safe Manning) Regulations, 2016 and shall come into force on October 04th, 2016.

2. These regulations shall apply to all seagoing ships registered under the Sri Lankan flag other than fishing vessels and pleasure crafts not engaged in trade.

3. It shall be the duty of the Company to ensure that-

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

4. (1) No person shall sail the ship to which these regulations apply except under a valid minimum safe manning document issued by the Director-General for that purpose.

(2) The Master of any ship to which these regulations apply shall ensure that the manning of the ship complies with such document.

5. (1) Every application for the issue of a minimum safe manning document under regulation 4 shall be made in the form determined by the Director General.

(2) Every application submitted under subsection (1) shall contain complete and accurate information of all required particulars including-

- (a) the manning scales set out in Schedules I and II to these regulations;
- (b) a statement for the compliance with the recommendations and guidelines contained in relevant International Maritime Organization (IMO) Resolutions including but not limited to trade and type of operation;
- (c) the nature of the operation;
- (d) technical characteristics inclusive of type and size of the ship; and
- (e) the extent of the crew work load and possible emergency situations.

(3) The Director General may, having considered the information and particulars contained in an application submitted under Sub section (1), and where the applicant has fulfilled the requirements as prescribed pertaining to suitability to be issued with a minimum safe manning document, issue such minimum safe manning document to the applicant.

(4) The Director General shall from time to time determine the procedures of approving minimum safe manning levels and issuing minimum safe manning documents in accordance with recommendations, guidelines contained in relevant International Maritime Organization (IMO) Resolutions and the code of practice for minimum safe manning.

6. (1) It shall be the duty of the applicant to inform the Director General of any changes in the approved manning scale after the issue of the minimum safe manning document.

(2) The Director General may, in the case of material changes, require submitting a fresh application for a minimum safe manning document.

7. The manning scales specified in a minimum safe manning document are the minimum manning level necessary to ensure that the required watch keeping standard is maintained and that personnel are able to obtain mandatory minimum hours of rest specified in the Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016 published in the *Gazette* No. 1987/19 of October 04th 2016.

8. The manning scales specified in a minimum safe manning document shall not be taken into account the commercial requirements of a Company or peak workloads.

9. The Companies shall ensure that-

- (a) ships are manned by duly certificated masters, officers and ratings as per applicable minimum safe manning document; and
- (b) ships are safely, sufficiently and efficiently manned.

10. The Director General may grant, on such terms as he may specify, exemptions from all or any provision of these regulations on a case by case basis.

11. (1) Any owner or manager of a ship to which these regulations apply who contravenes the provisions of these regulations shall be guilty of an offence, and shall on conviction after a summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding two years or to a fine not exceeding one hundred thousand rupees, or to both such fine and imprisonment.

(2) Any Master of a ship to which these regulations apply who contravenes the provisions of these regulations shall be guilty of an offence, and shall on conviction after a summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding one year or to a fine not exceeding one hundred thousand rupees, or to both such fine and imprisonment.

12. Where a Sri Lankan ship contravenes the provisions of these regulations, such ship may be detained under the provisions of Sections 207 and 208 of the Merchant Shipping Act, No.52 of 1971.

13. The Merchant Shipping (safe manning) Regulations 2013 published in *Gazette* No. 1818/37 of July 12, 2013 shall be rescinded with effect from the date on which these regulations come into operation.

14. In these regulations, unless the context otherwise requires-

‘Able seafarer deck’ means a rating qualified in accordance with the provisions of regulation 11/5 of the convention;

‘Able seafarer engine’ means a rating qualified in accordance with the provisions of regulation 11/5 of the convention;

‘Chief Engineer Officer’ means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of a ship;

‘Chief mate’ means the deck officer next in rank to Master and upon whom the command, control or charge of a ship shall fall in the event of the incapacity of the master;

‘Code of Practice for minimum safe manning’ means an approved guidance document or hand book containing procedures of approving minimum safe manning levels and issuing safe manning documents by the Director General which may be amended as necessary;

‘Company’ means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed responsibility for the operation of the ship from the ship owner and who, on assuming such responsibility, has agreed to take over all duties and responsibilities imposed on the Company by these Regulations;

‘Director General’ means the Director General of Merchant Shipping;

‘Engineer Officer’ means an officer qualified in accordance with the provision of Chapter III of STCW Code as amended ;

‘EWKO’ means Engineering watch keeping officer;

Electro-technical officer (ETO) means an officer qualified in accordance with the provisions of regulation 11/6 of the convention;

Electro-technical rating (ETR) means a rating qualified in accordance with the provisions of regulation 11/7 of the convention;

‘GT’ means gross tonnage;

‘Master’ means the person in command of a ship;

‘NWKO’ means Navigating watch keeping officer;

‘rating’ means a member of the crew of a ship other than the Master or an officer;

‘minimum safe manning document’ means a document, described as such, issued, in the case of a Sri Lankan ship, by the Director General and in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;

‘seagoing ship’ means a trading ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

‘Second Engineer Officer’ means the engineer officer next in rank to the Chief Engineer Officer, upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the Chief Engineer Officer.

SCHEDULE I

(regulation 5(2))

MINIMUM SAFE MANNING SCALES — DECK

TRADING AREA AND DESCRIPTION OF SHIPS

	<i>Unlimited* 3000 GT or more</i>	<i>Unlimited* 500 GT to 3000 GT</i>	<i>Unlimited* less than 500 GT</i>	<i>N.C.V. 3000 GT or more</i>	<i>N.C.V. 500 GT to 3000</i>	<i>N.C.V. less than 500 GT</i>
Master	1	1	1	1	1	1
Chief Mate	1	1	-	1	1	-
N.W.K.O	2	1	2	2	1	1
Able Seafarer Deck	3	2	1			
Rating forming part of Navigational Watch		1	2	3	3	2

*Unlimited means unlimited trading areas.

SCHEDULE II

(regulation 5(2))

MINIMUM SAFE MANNING SCALES—ENGINEER

TRADING AREA AND DESCRIPTION OF SHIPS

	<i>Unlimited* 3000 KW or more</i>		<i>Unlimited* 750 KW to 3000 KW</i>		<i>Unlimited* 250 KW to 750 KW</i>		<i>N.C.V. 3000 or more</i>		<i>N.C.V. 750 KW to 3000 KW</i>		<i>N.C.V. 250 KW to 750 KW</i>	
Chief Engineer Officer	1		1		-		1		-		-	
Second Engineer Officer	1		1		1		1		-		-	
E.W.K.O.	2**		1		1		1		-		-	
Chief Engineer Officer NCV	-		-		-		-		1		-	
Second Engineer Officer NCV	-		-		-		-		1		1	
E.W.K.O	-		-		-		-		1		1	
	UMS	N/UMS	UMS	N/UMS	UMS	N/UMS	UMS	N/UMS	UMS	N/UMS	UMS	N/UMS
Able Seafarer Engine	1	2	1	2	1	1						
Rating forming part of Engine Watch	1	1	1	1	1	2	2	3	2	3	2	2

*Unlimited means unlimited trading areas

**UMS Vessels may carry one EWKO

UMS - Unmanned Machinery Space;

N/UMS - A vessel equipped with a conventional (Non UMS) engine room;

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