



STATUTORY INSTRUMENTS

S.I. No. 703 of 2007



MERCHANT SHIPPING (TRAINING AND CERTIFICATION)
REGULATIONS 2007

(Prn. A7/1818)

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I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 12 of the Merchant Shipping Act 1947 (No. 46 of 1947) and section 3(2) of the Merchant Shipping (Certification of Seamen) Act 1979 (No. 37 of 1979), and for the purposes of giving effect to Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001¹, as last amended by Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005², hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Merchant Shipping (Training and Certification) Regulations 2007.

(2) Notwithstanding the Regulations revoked by Regulation 3, any certificate, licence, endorsement or standards of competency and training already issued, granted or met under the Merchant Shipping (Training and Certification) Regulations 1998 (S.I. No. 553 of 1998) shall, subject to Regulation 10, and unless the contrary intention otherwise appears, continue in force as if issued, granted or met under these Regulations.

Interpretation

2. (1) In these Regulations—

“agency” means the European Maritime Safety Agency established by Regulation (EC) No. 1406/2002 of the European Parliament and of the Council of 27 June 2002³;

“appropriate certificate” means a certificate issued and endorsed in accordance with these Regulations and entitling the lawful holder to serve in the capacity and perform the functions involved at the level of responsibility specified in the said certificate on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;

“approved” means approved by the Minister;

“certificate” means a valid document, by whatever name it may be known, issued by or under the authority of the Minister, or recognized by the Minister, authorising the holder to serve as stated in the document or in accordance with these Regulations;

¹O.J. No. L 136, 18.05.2001, p. 17.

²O.J. No. L 255, 30.09.2005, p. 160.

³O.J. No. L 208, 05.08.2002, p. 1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 23rd October, 2007.*

“certificate of competency” means an appropriate certificate issued by the Minister for the purposes of Regulation 6, other than a certificate of equivalent competency;

“certificate of equivalent competency” means a document entitled “certificate of equivalent competency” issued under Regulation 11(3);

“Directive” means Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001¹, as last amended by Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005²;

“GT” means gross tonnage as defined in the International Convention on Tonnage Measurement of Ships 1969;

“Marine Notice” means a Notice described as such and issued by the Department of Transport and, where the context so permits or requires, a notice so issued before the making of these Regulations;

“Member State” means a state which is a member of the European Union;

“Minister” means Minister for Transport;

“specified by the Minister” means specified by or at the direction of the Minister in—

- (a) either of the publications entitled “Directions as to the Examination of Deck Officers under the Merchant Shipping Acts” or “Directions as to the Examination of Engineer Officers Marine Engine Operators and Engine Room Watch Ratings” under the Merchant Shipping Acts, or
- (b) a Marine Notice;

“Radio Regulations” means the revised radio regulations adopted by the World Administrative Radio Conference for Mobile Service, as amended from time to time;

“SOLAS Convention” means the International Convention for Safety of Life at Sea which was adopted by the International Conference on Safety of Life at Sea on 1 November 1974 and entered into force on 25 May 1980, as amended from time to time;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by resolution 2 of the 1995 Conference of Parties, as amended from time to time;

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

“third country” means any country which is not a Member State.

(2) A word or expression that is used in these Regulations and is also used in the Directive, has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

(3) In these Regulations, a reference to an Article is a reference to an Article of the Directive unless otherwise indicated.

Revocation

3. The Regulations set out in Schedule 2 are revoked.

Competent authority

4. For the purposes of Article 7(a) of the Directive the Minister is designated as the competent authority.

Application

5. These Regulations apply to all masters and seafarers serving on board sea-going ships, other than—

- (a) warships, naval auxiliaries or other ships owned or operated by a Member State and engaged only on government non-commercial service,
- (b) fishing vessels,
- (c) pleasure yachts not engaged in trade, or
- (d) wooden ships of primitive build.

Qualifications

6. (1) A person is qualified for the purposes of these Regulations if such a person holds a certificate of competency or a certificate of equivalent competency or a certificate to which Regulation 1(2) relates in one of the following capacities:

- (a) (i) master;
- (ii) chief mate; or
- (iii) officer in charge of a navigational watch;
- or
- (b) (i) chief engineer officer;
- (ii) second engineer officer; or
- (iii) officer in charge of an engineering watch;
- or
- (c) radio operator.

(2) Every rating forming part of a navigational watch on a ship of 500GT or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall hold a certificate to perform such duties.

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

(4) Any person designated to perform watchkeeping duties in a manned or periodically unmanned engine-room on a ship powered by main propulsion machinery of 350kW power or more but less than 750kW shall be the holder of an appropriate certificate of competency referred to in Regulation 9 or be the holder of a marine engine operator's licence issued in compliance with criteria specified by the Minister.

Training requirements

7. (1) A person wishing to be qualified in any capacity as outlined in Regulation 6 shall undertake the training required by these Regulations.

(2) The training required shall be approved and be in a form appropriate to the theoretical knowledge and practical skills required by the Regulations under the STCW Code, which, for ease of reference, are set out in Schedule 1, in particular the use of life saving and firefighting equipment.

Use of simulators

8. (1) The performance standards and other provisions set out in section A-I/12 of Part A 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 competence required by Part A of the STCW Code which is carried out by means of a simulator, and
- (c) any demonstration, by means of a simulator, of continued proficiency required by Part A of the STCW Code.

(2) The Minister may exempt simulators installed or brought into use before 1 February 2002 from full compliance with the performance standards referred to in paragraph (1).

Certificates and endorsements

9. (1) A certificate shall be issued in accordance with Regulation 1/2, paragraph 1 of the STCW Convention.

(2) The format of certificates and endorsements shall be in accordance with section A-1/2 of Part A of the STCW Code.

- (3) Certificates shall be endorsed by the Minister as prescribed by this Regulation.
- (4) In the case of radio operators, the Minister may—
- (a) include the additional knowledge required under Chapter 4 of Schedule 1 in the examination for the issue of a certificate complying with the Radio Regulations, or
 - (b) issue a separate certificate indicating that the holder has the additional knowledge required under that Part.
- (5) (a) The Minister may incorporate endorsements in the format of the certificates being issued as provided for in section A-1/2 of Part 1 of the STCW Code.
- (b) If so incorporated, the form used shall be that set out in paragraph 1 of section A-1/2 of Part A of the STCW Code.
 - (c) If issued otherwise, the form of any endorsement used shall be that set out in paragraph 2 of Section A-1/2 of Part A of the STCW Code.
- (6) The Minister may recognise a certificate under the procedure laid down in Regulation 11 and shall endorse that certificate to attest his or her recognition. The form of endorsement used shall be that set out in paragraph 3 of section A-1/2 of the STCW Code.
- (7) (a) The Minister—
- (i) may issue the endorsements referred to in paragraphs (4) and (5) as separate documents, and
 - (ii) shall assign a unique number to each such endorsement, except that endorsements attesting the issue of a certificate may be assigned the same number as the certificate concerned, provided that that number is unique.
- (b) Each such endorsement shall expire as soon as the certificate which has been endorsed expires or is withdrawn, suspended or cancelled by the Minister, member state or third country which issued it and, in any case within 5 years of the date of issue of the certificate concerned, whichever date is the earliest.
- (8) The Minister shall identify the capacity in which the holder of a certificate is authorised to serve in the form of an endorsement in terms identical to those used in the Safe Manning Document required under the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998 (S.I. No. 551 of 1998).
- (9) The Minister may use a format different from the format laid down in section A-1/2 of Part A the STCW Code, provided that at a minimum, the

required information is provided in Roman characters and Arabic figures, taking account of the variations permitted under the said section A-1/2.

(10) Subject to Regulation 11(4), any certificate required by these Regulations must be kept available in its original form on board the ship on which the holder is serving.

Revalidation of certificates

10. (1) Every person referred to in Regulation 6 holding a certificate issued or recognised by the Minister under any Part of Schedule 1 other than Chapter 6 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 5 years, to—

- (a) meet the standard of medical fitness prescribed by the Merchant Shipping (Medical Examinations) Regulations (S.I. No. 701 Of 2005), and
- (b) establish continued professional competence in accordance with section A-1/11 of the STCW Code.

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

Recognition of certificates

11. (1) The Minister shall recognise appropriate certificates or other certificates issued by another Member State in accordance with the requirements laid down in the Directive.

(2) The Minister may recognise a certificate issued to a seafarer by or under the authority of the government of another state where that state is a party to the STCW Convention and where the Minister is satisfied that—

- (a) the requirements of the STCW Convention concerning the standards of competence have been met,
- (b) the requirements relating to the issue and endorsement of certificates and record keeping have been fully complied with, and
- (c) prompt notification will be given to the Minister of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention.

(3) The endorsement referred to in paragraph (2) shall be in the form of a separate document, entitled “certificate of equivalent competency”.

(4) The Minister may, if circumstances require, allow a seafarer to serve in a capacity, other than radio officer or radio operator, except as provided for in the Radio Regulations, for a period not exceeding 3 months on board a ship flying the Irish flag, while he or she holds an appropriate and valid certificate issued and endorsed as required by a Party to the STCW Convention 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 a ship flying the Irish flag. Documentary proof shall be kept readily available on board the ship on which the seafarer is serving that application for an endorsement has been submitted to the Minister.

(5) In this Regulation "Party" means a state for which the STCW Convention has entered into force.

Refusal of certificates and appeals against refusal

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

(2) If the Minister intends to refuse the issue or revalidation of a certificate of competency or certificate of equivalent competency for any reason, he or she shall give notice in writing to the applicant who shall have the right, before a date to be specified in the notice, to require the application to be reviewed at an inquiry.

(3) If an applicant, before the date mentioned in paragraph (2), has, pursuant to that paragraph, required his or her application to be reviewed at an inquiry, the Minister shall cause such an inquiry to be held by one or more persons appointed by the Minister.

Loss of certificates

13. If a person entitled to a certificate loses or is deprived of a certificate already issued to him or her, the Minister—

(a) shall, if satisfied that the person has lost or been deprived of the certificate without fault on his or her part, and

(b) may, if not satisfied,

upon receipt of any fee payable, cause a certificated copy to which the person appears to be entitled to be issued to him or her.

Responsibilities of companies

14. (1) Companies shall assign seafarers in accordance with this Regulation, and shall ensure that-

(a) each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of these Regulations,

(b) its ships are manned in accordance with the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998,

- (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 competence in assigned duties,
- (d) on being assigned to any of its ships seafarers are familiar with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties, and
- (e) the ship's complement can effectively coordinate their activities in an emergency situation and in performing functions vital to safety and to the prevention or mitigation of pollution.

(2) Companies, masters and crew shall each ensure that the obligations set out in this Regulation are given full and complete effect and that such other measures as may be necessary are taken to ensure that each crew member can make a knowledgeable and informed contribution to the safe operation of the ship.

(3) Companies shall provide written instructions to the master of each ship to whom these Regulations apply, setting out the policies and procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties. Such policies and procedures shall include—

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

Dispensations

15. (1) (a) The Minister, in exceptional circumstances, if, in his or her opinion, this does not cause dangers to persons, property or the environment, may issue a dispensation permitting a specified seafarer to

serve on a specified ship for a specified period not exceeding 6 months in a capacity for which that person does not hold the appropriate certificate, provided that the Minister is satisfied that the person to whom the dispensation is issued is adequately qualified to fill the vacant post in a safe manner.

- (b) The Minister may not issue a dispensation to a radio operator except as provided for by the Radio Regulations.
 - (c) The Minister may not issue a dispensation to a master or chief engineer officer, except in circumstances of *force majeure*, and then only for the shortest possible period.
- (2) (a) The Minister may only issue a dispensation for a post to a person properly certificated for the post immediately below.
- (b) Where certification of the post immediately below is not required by the STCW Convention, the Minister may issue a dispensation to a person whose qualification and experience are, in his or her opinion, of a clear equivalence to the requirements of the post to be filled, provided that, if such a person holds no appropriate certificate, the person shall be required to pass a test accepted by the Minister as demonstrating that such a dispensation may safely be issued.
 - (c) The Minister shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

SCHEDULE 1**SEAFARERS' TRAINING, CERTIFICATION AND WATCHKEEPING
(STCW) CODE****Part A****Mandatory standards regarding provisions of the annex to the STCW
Convention****Chapter One**

1. The Regulations referred to in this Schedule are supplemented by the mandatory provisions contained in Part A of the STCW Code with the exception of Chapter VIII, Regulation VIII/2.

Any reference to a requirement in a Regulation also constitutes a reference to the corresponding section of Part A of the STCW Code.

1.1. The Minister shall ensure that seafarers possess adequate language proficiency, as defined in Sections A-II/I, A-III/I, A-IV/2 and A-II/4 of the STCW Code as to enable them to perform their specific duties on a vessel flying the flag of the State.

2. Part A of the STCW Code contains standards of competence required to be demonstrated by candidates for the issue, and revalidation of, certificates of competency under the provisions of the STCW Convention. To clarify the linkage between the alternative certification provisions of Chapter VII and the certification provisions of Chapters II, III and IV, the abilities specified in the standards of competence are grouped as appropriate under the following seven functions:

1. Navigation
2. Cargo handling and stowage
3. Controlling the operation of the ship and care for persons on board
4. Marine engineering
5. Electrical, electronic and control engineering
6. Maintenance and repair
7. Radio communications

at the following levels of responsibility:

1. Management level
2. Operational level

3. Support level.

Functions and levels of responsibility are identified by subtitle in the tables of standards of competence given specified in Chapters II, III and IV of the Part A of the STCW Code.

Chapter Two

MASTER AND DECK DEPARTMENT

Regulation II/I

Mandatory minimum requirements for certification of officers in charge of a navigational watch on ships of 500 gross tonnage or more.

1. Every officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold an appropriate certificate.
2. Every candidate for certification shall:
 - 2.1. be not less than 18 years of age
 - 2.2. have approved seagoing service of not less than one year as part of an approved training programme which includes on-board training which meets the requirements of section A-II/1 of the STCW Code and is documented in an approved training record book, or otherwise have approved seagoing service of not less than 3 years.
 - 2.3. have performed, during the required seagoing service, bridge watch-keeping duties under the supervision of the master or a qualified officer for a period of not less than 6 months.
 - 2.4. meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designed radio duties in accordance with the Radio Regulations.
 - 2.5. have completed approved education and training and meet the standard of competence specified in section A-II/1 of the STCW Code.

*Regulation II/2***Mandatory minimum requirements for certification of masters and chief mates on ships of 500 gross tonnage or more***Master and chief mate on ships of 3,000 gross tonnage or more*

1. Every master and chief mate on a seagoing ship of 3000 gross tonnage or more shall hold an appropriate certificate.
2. Every candidate for certification shall:
 - 2.1. meet the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service in that capacity:
 - 2.1.1. for certification as chief mate, not less than 12 months, and
 - 2.1.2. for certification as master, not less than 36 months; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate;
 - 2.2. have completed approved education and 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 3,000 gross tonnage or more.

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

3. Every master and chief mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold an appropriate certificate.
4. Every candidate for certification shall:
 - 4.1. for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;
 - 4.2. for certification as master, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity; however, this period may be reduced to not less than 24 months if not less than 12 months of such seagoing service has been served as chief mate;
 - 4.3. 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.

Regulation II/3**Mandatory minimum requirements for certification of officers in charge of a navigational watch and of masters on ships of less than 500 gross tonnage***Ships not engaged on near-coastal voyages*

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

*Ships engaged on near-coastal voyages**Officer in charge of a navigational watch*

3. Every officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall hold an appropriate certificate.
4. Every candidate for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall:
 - 4.1. be not less than 18 years of age;
 - 4.2. have completed:
 - 4.2.1. special training, including an adequate period of appropriate seagoing service as required by the Minister, or
 - 4.2.2. approved seagoing service in the deck department of not less than three years;
 - 4.3. meet the applicable requirements of the regulations in Chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations;
 - 4.4. have completed approved education and training and meet the standard of competence specified in section A-II/3 of the STCW Code for officers in charge of a navigational watch on ships of less than 500 gross tonnage engaged on near-coastal voyages.

Master

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

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

6.1. be not less than 20 years of age;

6.2. have approved seagoing service of not less than 12 months as an officer in charge of a navigational watch;

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

Exemptions

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

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

1. Every rating forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties.
2. Every candidate for certification shall:
 - 2.1. be not less than 16 years of age;
 - 2.2. have completed:
 - 2.2.1. approved seagoing service including not less than 6 months training and experience, or
 - 2.2.2. special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than 2 months;
 - 2.3. meet the standard of competence specified in section A-II/4 of the STCW Code.
3. The seagoing service, training and experience required by subparagraphs 2.2.1 and 2.2.2 shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating.
4. Seafarers may be considered by the Minister to have met the requirements of this regulation if they have served in a relevant capacity in the deck department for a period of not less than one year within the last five preceding the entry into force of the STCW Convention.

Chapter 3**ENGINE DEPARTMENT*****Regulation III/1*****Mandatory minimum requirements for certification of officers in charge of an engineering watch in a manned engine-room or designated duty engineers in a periodically unmanned engine-room**

1. Every officer in charge of an engineering watch in a manned engine-room or 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 an appropriate certificate.
2. Every candidate for certification shall:
 - 2.1. be not less than 18 years of age;
 - 2.2. have completed not less than 6 months seagoing service in the engine department in accordance with section A-III/1 of the STCW Code;
 - 2.3. have completed approved education and training of at least 30 months which includes on-board training documented in an approved training record book and meet the standards of competence specified in section A-III/1 of the STCW Code.

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

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more shall hold an appropriate certificate.
2. Every candidate for certification shall:
 - 2.1. meet the requirements for certification as an officer in charge of an engineering watch and:
 - 2.1.1. for certification as a second engineer officer, shall have not less than 12 months approved seagoing service as assistant engineer officer or engineer officer, and
 - 2.1.2. for certification as chief engineer officer, shall have not less than 36 months approved seagoing service of which not less than 12 months shall have been served as an engineer officer in a position of responsibility while qualified to serve as second engineer officer;
 - 2.2. have completed approved education and training and meet the standard of competence specified in section A-III/2 of the STCW Code.

Regulation III/3

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

1. Every chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 and 3,000 kW propulsion power shall hold an appropriate certificate.
2. Every candidate for certification shall:
 - 2.1. meet the requirements for certification as an officer in charge of an engineering watch and:
 - 2.1.1. for certification as second engineer officer, shall have not less than 12 months approved seagoing service as assistance engineer officer or engineer officer, and
 - 2.1.2. for certification as chief engineer officer, shall have not less than 24 months approved seagoing service of which not less than 12 months shall be served while qualified to serve as second engineer officer;
 - 2.2. have completed approved education and training and meet the standard of competence specified in section A-III/3 of the STCW Code.
3. Every engineer officer who is qualified to serve as second engineer officer on ships powered by main propulsion machinery of 3,000 kW propulsion power or more, may serve as chief engineer officer on ships powered by main propulsion machinery of less than 3,000 kW propulsion power, provided that not less than 12 months approved seagoing service shall have been served as an engineer officer in a position of responsibility and the certificate is so endorsed.

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

1. Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are of an unskilled nature, shall be duly certificated to perform such duties.
2. Every candidate for certification shall:
 - 2.1. be not less than 16 years of age;
 - 2.2. have completed:
 - 2.2.1. approved seagoing service including not less than six months training and experience, or
 - 2.2.2. special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than 2 months;
 - 2.3. meet the standard of competence specified in section A-III/4 of the STCW Code.
3. The seagoing service, training and experience required by subparagraphs 2.2.1 and 2.2.2 shall be associated with engine-room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating.
4. Seafarers may be considered by the Minister to have met the requirements of this regulation if they have served in a relevant capacity in the engine department for a period of not less than one year within the last five years preceding the entry into force of the STCW Convention.

Chapter 4**RADIOCOMMUNICATION AND RADIO PERSONNEL****Explanatory Note**

Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and in the SOLAS Convention, as amended. Provisions for radio maintenance are set forth in the SOLAS Convention, as amended, and the guidelines adopted by the International Maritime Organisation.

Regulation IV/1**Application**

1. Except as provided in paragraph 3, the provisions of this Chapter apply to radio personnel on ships operating in the global maritime distress and safety system (GMDSS) as prescribed by the SOLAS Convention, as amended.
2. Radio personnel on ships not required to comply with the provisions of the GMDSS in Chapter IV of the SOLAS Convention are not required to meet the provisions of this Chapter. Radio personnel on these ships are, nevertheless, required to comply with the Radio Regulations. The Minister shall ensure that the appropriate certificates as prescribed by the Radio Regulations are issued to or recognised in respect of such radio personnel.

Regulation IV/2

Mandatory minimum requirements for certification of GMDSS radio personnel

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

2. In addition, every candidate for certification under this regulation for service on a ship which is required by the SOLAS Convention, as amended, to have a radio installation shall:

2.1. be not less than 18 years of age; and

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

Chapter 5**SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIPS***Regulation V/1***Mandatory minimum requirements for the training and qualification of masters, officers and ratings on tankers**

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

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

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

However the Minister may accept a period of supervised seagoing service shorter than that prescribed by subparagraph 1.1, provided:

1.3. the period so accepted is not less than one month;

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

1.5. the duration of each voyage on which the tanker is engaged during the period does not exceed 72 hours;

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

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

2.1. experience appropriate to their duties on the type of tanker on which they serve; and

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

3. Within 2 years after the entry into force of the STCW Convention, seafarers may be considered to have met the requirements of subparagraph 2.2 if they have served in a relevant capacity on board the type of tanker concerned for a period of not less than one year within the preceding five years.

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

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

1. This Regulation applies to masters, officers, ratings and other personnel serving on board ro-ro passenger ships engaged on international voyages. The Minister shall determine the applicability of these requirements to personnel serving on ro-ro passenger ships engaged on domestic voyages.
2. Prior to being assigned shipboard duties on board ro-ro passenger ships, seafarers shall have completed the training required by paragraphs 4 to 8 below in accordance with their capacities, duties and responsibilities.
3. Seafarers who are required to be trained in accordance with paragraphs 4, 7 and 8 below shall at intervals not exceeding five years undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.
4. Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on board ro-ro passenger ships shall have completed training in crowd management as specified in section A-V/2, paragraph 1, of the STCW Code.
5. Masters, officers and other personnel assigned specific duties and responsibilities on board ro-ro passenger ships shall have completed the familiarisation training specified in section A-V/2, paragraph 2, of the STCW Code.
6. Personnel providing direct service to passengers in passenger spaces on board ro-ro passenger ships shall have completed the safety training specified in section A-V/2, paragraph 3, of the STCW Code.
7. Masters, chief mates, chief engineer officers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4, of the STCW Code.
8. Masters, chief mates, chief engineer officers, second engineer officers and any person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 5, of the STCW Code.
9. The Minister shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified under the provisions of this Regulation.

*Regulation V/3***Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on passenger ships other than ro-ro passenger ships**

1. This Regulation applies to masters, officers, ratings and other personnel serving on board passenger ships, other than ro-ro passenger ships, engaged on international voyages. The Minister shall determine the applicability of these requirements to personnel serving on passenger ships engaged on domestic voyages.
2. Prior to being assigned shipboard duties on board passenger ships, seafarers shall have completed the training required by paragraphs 4 to 8 below in accordance with their capacity, duties and responsibilities.
3. Seafarers who are required to be trained in accordance with paragraphs 4, 7 and 8 below shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.
4. Personnel designated on muster lists to assist passengers in emergency situations on board passenger ships shall have completed training in crowd management as specified in section A-V/3, paragraph 1, of the STCW Code.
5. Masters, officers and other personnel assigned specific duties and responsibilities on board passenger ships shall have completed the familiarisation training specified in section A-V/3, paragraph 2, of the STCW Code.
6. Personnel providing direct service to passengers on board passenger ships in passenger spaces shall have completed the safety training specified in section A-V/3, paragraph 3, of the STCW Code.
7. Masters, chief mates and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed approved training in passenger safety as specified in section A-V/3, paragraph 4, of the STCW Code.
8. Master, chief mates, chief engineer officers, second engineer officers and any person having responsibility for the safety of passengers in emergency situations on board passenger ships shall have completed approved training in crisis management and human behaviour as specified in section A-V/3, paragraph 5, of the STCW Code.
9. The Minister shall ensure that documentary evidence of the training which has been completed is issued for every person found qualified under the provisions of this regulation.

Chapter 6**EMERGENCY, OCCUPATIONAL SAFETY, MEDICAL CARE AND SURVIVAL FUNCTIONS*****Regulation V1/1*****Mandatory minimum requirements for familiarisation, basic safety training and instruction for all seafarers**

Seafarers shall receive familiarisation and basic safety training or instruction in accordance with section A-V1/1 of the STCW Code and shall meet the appropriate standard of competence specified therein.

Regulation V1/2**Mandatory minimum requirements for the issue of certificates of proficiency in survival craft, rescue boats and fast rescue boats**

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

1.1. be not less than 18 years of age;

1.2. have approved seagoing service of not less than 12 months or have attended an approved training course and have approved seagoing service of not less than 6 months;

1.3. meet the standard of competence for certificates of proficiency in survival craft and rescue boats set out in section A-V1/2, paragraphs 1 to 4, of the STCW Code.

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

2.1. be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;

2.2. have attended an approved training course;

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

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

1. Seafarers designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organisation, tactics and command in accordance with the provisions of section A-VI/3 of the STCW Code and shall meet the standard of competence specified therein.
2. Where training in advanced fire-fighting is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced fire-fighting.

Regulation VI/4

Mandatory minimum requirements relating to medical first aid and medical care

1. Seafarers designated to provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1, 2 and 3, of the STCW Code.
2. Seafarers designated to take charge of medical care on board ship shall meet the standard of competence in medical care on board ships specified in section A-VI/4, paragraphs 4, 5 and 6, of the STCW Code.
3. Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

Chapter 7**ALTERNATIVE CERTIFICATION*****Regulation VII/1****Issue of alternative certificates*

1. Notwithstanding the requirements for certification laid down in Chapters II and III of this Schedule, the Minister may elect to issue or authorise the issue of certificates other than those mentioned in the regulations of those Chapters, provided that:

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

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

1.3. the candidates have completed approved seagoing service appropriate to the performance of the functions and levels that are to be stated on the certificate. The minimum duration of seagoing service shall be equivalent to the duration of seagoing service prescribed in Chapters II and III of this schedule. However, the minimum duration of seagoing service shall be not less than as prescribed in section A-VII/2 of the STCW Code;

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

1.5. the certificates are issued in accordance with the requirements of Article 11 of the Directive and the provisions set forth in Chapter VII of the STCW Code.

2. No certificate shall be issued under this Chapter unless the Minister has communicated the information required by the STCW Convention to the Commission.

Regulation VII/2**Certification of seafarers**

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

Regulation VII/3**Principles governing the issue of alternative certificates**

1. If the Minister elects to issue or authorise the issue of alternative certificates he or she shall ensure that the following principles are observed:

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

1.2. any arrangement for alternative certification issued under this Chapter shall provide for the interchangeability of certificates with those issued under the other Chapters.

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

2.1. seafarers certificated under the arrangements of Chapters II and/or III and those certificated under Chapter VII are able to serve on ships which have either traditional or other forms of shipboard organisation;

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

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

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

3.1.1. to reduce the number of crew on board,

3.1.2. to lower the integrity of the profession or 'de-skill' seafarers, or

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

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

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

SCHEDULE 2

REGULATIONS REVOKED

Merchant Shipping (Training and Certification) Regulations 1998 (S.I. No. 553 of 1998).

Merchant Shipping (Radio) (Amendment) Rules 1998 (S.I. No. 554 of 1998).

Merchant Shipping (Training and Certification) (STCW Convention States) Order 1998 (S.I. No. 555 of 1998).

Merchant Shipping (Training and Certification) (Amendment) Order 1999 (S.I. No. 404 of 1999).

Merchant Shipping (Training and Certification) (Amendment) Regulations 2000 (S.I. No. 382 of 2000).

European Communities (Merchant Shipping) (Training and Certification) (Amendment) Regulations 2004 (S.I. No. 126 of 2004).

Merchant Shipping (Training and Certification) (Amendment) Regulations 2001 (S.I. No. 629 of 2001).



GIVEN under my Official Seal,
18 October 2007

NOEL DEMPSEY.
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations give effect to Consolidating Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training for sea farers, as amended and also Directive 2005/45/EC of the European Parliament and of the Council of 7 September 2005 on the mutual recognition of seafarers certificates issued by Member States and amending Directive 2001/25/EC.

The introduction of these Regulations will ensure that Ireland is fully compliant with its obligations in relation to both the STCW Convention and related EU Directives in relation to training and certification of seafarers.

The Regulations listed in Schedule 2 are revoked and replaced by this statutory instrument.

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