

2015 No. 410

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015

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The Secretary of State for Transport is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the safety of ships and the health and safety of persons on them, to recognition of higher education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations and to navigation on inland waterways.

The Secretary of State, in exercise of the powers conferred by sections 47(1) and (3) to (4B), 85(1), (3) and (5) to (7), 86(1) and (2), 302(1) and 307(1) of the Merchant Shipping Act 1995(c) (“the Act”) and by section 2(2) of the European Communities Act 1972, makes the following Regulations.

The Secretary of State is satisfied, for the purposes of section 47(2) of the Act, that it is necessary or expedient in the interests of safety to make the Regulations in so far as they specify standards of competence to be attained and other conditions to be satisfied by officers and other seamen.

The Secretary of State, in so far as the Regulations are safety regulations(d), has consulted the persons referred to in section 86(4) of the Act and, in so far as the Regulations are made under section 47 of the Act, has consulted with the organisations referred to in section 306(4) of the Act(e).

The consent of the Treasury has been given, in so far as the Regulations are made under section 302(1) of the Act.

(a) S.I. 1993/595, S.I. 2002/248 and S.I. 2003/2901.

(b) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(c) 1995 c.21. Section 47 was amended by section 10 of the Marine Navigation Act 2013 (c.23). Section 85 was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 8 and Schedule 7, Part I, and by the British Overseas Territories Act 2002 (c. 8), section 2(3). Sections 85 and 86 were applied to hovercraft by virtue of article 4 of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(d) For the meaning of “safety regulations” see section 85(1) of the Act.

(e) Section 306(4) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 29(1) and Schedule 6, paragraph 18.

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015 and come into force on 4th April 2015.

Revocations

2. The following Regulations are revoked—

- (a) the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006(a); and
- (b) the Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006(b).

Amendments to the Merchant Shipping (Fees) Regulations 2006

3.—(1) The Merchant Shipping (Fees) Regulations 2006(c) are amended as follows.

(2) In Part 5 of Schedule 1 (Boatmasters' Licences and Certificates)—

- (a) omit paragraph (a);
- (b) in paragraph (b) substitute “the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015” for “the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006”; and
- (c) in the Table of Fees omit item 5(c) (a boatmaster's licence issued under the 1993 Regulations).

Interpretation: general

4.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“the 2006 Regulations” means the Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006;

“the Crew Regulations” means the Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006;

“bareboat charter terms” has the meaning given in section 17(11) of the Act;

“boatmaster” has the meaning given in regulation 7;

“boatmaster's certificate” means a certificate issued—

- (a) in the United Kingdom, by the Secretary of State under Part 2, or
- (b) in an EEA State other than the United Kingdom, by a competent authority of that state, in accordance with Directive 96/50/EC;

“boatmaster's licence” means a licence issued by the Secretary of State under Part 2;

“crew” includes every person, other than a master or a pilot, employed or engaged in any capacity on board a vessel;

(a) S.I. 2006/ 3223, as amended by S.I. 2012/1659.

(b) S.I. 2006/3224.

(c) S.I. 2006/2055, as amended by S.I. 2006/3225; there is another amending instrument, which is not relevant.

“Directive 96/50/EC” means Council Directive 96/50/EC of 23rd July 1996 on the harmonisation of the conditions for obtaining national boatmasters’ certificates for the carriage of goods and passengers by inland waterway in the Community(a);

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

“master” includes every person (except a pilot) having command or charge of a vessel;

“Merchant Shipping Notice” means a notice described as such and issued by the MCA, and a reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is stated to be considered by the Secretary of State to be relevant from time to time;

“mile” means a nautical mile of 1852 metres;

“passenger” means any person carried in a vessel other than—

- (a) the master, a member of the crew or other person employed or engaged in any capacity on board the vessel on the business of the vessel,
- (b) a person on board the vessel in pursuance of an obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the master nor the owner could have prevented or forestalled, and
- (c) a child under one year old;

“passenger ship” means a vessel carrying more than 12 passengers;

“pilot” means a person not belonging to a vessel who has the conduct of the vessel;

“pleasure vessel” means—

- (a) a vessel which at the time it is being used—
 - (i) is—
 - (aa) in the case of a vessel wholly owned, or operated on bareboat charter terms, by an individual or individuals, used only for the sport or pleasure of the owner or charterer or the immediate family or friends of the owner or charterer; or
 - (bb) in the case of a vessel owned, or operated on bareboat charter terms, by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) is on a voyage which is one for which the owner or charterer does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or, in the case of a vessel operated on bareboat charter terms, the charter fee payable; or
- (b) a vessel which is wholly owned or operated on bareboat charter terms by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied (other than, in the case of a vessel operated on bareboat charter terms, the charter fee payable) are paid into club funds and applied for the general use of the club;

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of the users of the vessel, other than by the owner or charterer; and in this definition “immediate family” means, in relation to an individual, the spouse or civil

(a) OJ L235, 17.9.96, p.31. The directive was applied to the European Economic Area by a Decision of the EEA Joint Committee of 1st May 1997 (OJ No. L424, 4.9.97, p.70) and amended by Regulation (EC) 1882/2003 of the EU Parliament and Council of 29th September 2003 (OJ No. L284, 31.10.03, p.1) and Regulation (EC) 1137/2008 of the European Parliament and Council of 22 October 2008 (OJ No. L311, 21.11.08, p.1).

partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“sea” does not include waters of category A, B, C or D (and “seagoing” is to be construed accordingly);

“specified by the Secretary of State” means specified by the Secretary of State in Merchant Shipping Notice MSN 1853;

“non-United Kingdom ship” has the meaning given in section 307 of the Act;

“United Kingdom ship” has the same meaning as “United Kingdom ship” in section 85(2) of the Act;

“voyage” includes an excursion.

(2) In these Regulations, a reference to waters of a specified category is a reference to—

- (a) waters of that category as specified under or by virtue of the Merchant Shipping (Categorisation of Waters) Regulations 1992(a), and
- (b) waters in the United Kingdom having the characteristics of waters of that category but not specified as such under or by virtue of those Regulations.

(3) (a) In these Regulations, vessels are classified in accordance with Table 1—

Table 1

Classification of vessels

<i>(1) Class of vessels</i>	<i>(2) Description of operations and waters</i>
Class IV	Vessels engaged only on voyages in waters of category A, B, C or D.
Class V	Vessels engaged only on voyages in waters of category A, B or C.
Class VI	Vessels carrying not more than 250 passengers engaged in voyages to sea or in waters of category A, B, C or D, in favourable weather and during restricted periods, in the course of which the vessels are at no time more than 15 miles (exclusive of waters of category A, B, C or D) from their point of departure or more than 3 miles from land.
Class VI(A)	Vessels carrying not more than 50 passengers engaged on voyages over a distance of not more than 6 miles to or from isolated communities on the islands or coasts of the United Kingdom and in the course of which they are never more than 3 miles from land.
Class IX(A)	Vessels other than passenger ships and tankers which do not proceed to sea.
Class IX(A)(T)	Tankers which do not proceed to sea.

(b) In Table 1—

“favourable weather” means fine, clear, settled weather with a sea state such as to cause only moderate rolling or pitching;

“restricted period” means a time during the period commencing on 1st April and ending on 31st October which—

(a) S.I. 1992/2356, in which category A, B, C and D waters are defined by reference to MSN 1827(M) (which superseded MSN M1504).

- (i) in the case of a vessel fitted with navigation lights conforming to the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996^(a), is between one hour before sunrise and one hour after sunset, and
- (ii) in the case of any other vessel, is between sunrise and sunset.

(4) A reference to—

- (a) a boatmaster’s licence of any class (with or without a reference to an endorsement), or
- (b) an endorsement of any class,

is a reference to a licence or endorsement of that class as specified in Table 2 in regulation 14.

(5) A reference to a boatmaster’s certificate of any group is a reference to a certificate of that group as specified in Table 3 in regulation 28.

Extension of provisions to non-United Kingdom ships

5.—(1) The following provisions extend to the vessels and persons specified in paragraph (2) while they are engaged on voyages of a kind mentioned in regulation 7(3)—

- (a) sections 47 to 50 and 52 of the Act (manning of vessels, production of certificates of qualification, etc), in so far as they have not already been so extended, and
- (b) Parts 2, 5 and 6 of these Regulations.

(2) The vessels and persons are—

- (a) non-United Kingdom ships of Classes IV, V, VI, VI(A), IX(A) and IX(A)(T), other than pleasure vessels, and
- (b) the masters employed in those vessels.

PART 2

BOATMASTERS’ QUALIFICATIONS

General

Part 2: Interpretation

6.—(1) In this Part—

“authorised pilot” means a person authorised in accordance with section 3 of the Pilotage Act 1987^(b);

“cargo” means all the things which are transported on a vessel, except fuel for the vessel, solid or liquid ballast, consumables to be used on board, the permanent outfit and equipment of the vessel, stores and spare gear for the vessel, the personal baggage and belongings of the crew and any passengers and the equipment necessary for or related to the activities being undertaken by the vessel;

“chemical tanker” means a vessel constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (2007 Edition) published by the International Maritime Organization ^(c);

“competent navigation authority” means a person in whom is vested, under any enactment, a power or duty to manage navigation in any part of United Kingdom waters;

(a) S.I. 1996/75, amended by S.I. 2004/302.

(b) 1987 c. 21. Section 3 was amended by S.I. 2001/2237, 2002/808, 2003/1230 and 2006/1031.

(c) ISBN 9789280142266.

“dangerous goods” means the substances, materials and articles covered by the International Maritime Dangerous Goods Code (2012 Edition incorporating Amendment 36-12)(a) published by the International Maritime Organization other than those which are oil, chemical and liquefied gas cargo;

“fast craft” means a vessel capable of a maximum speed when fully laden of at least 20 knots (where “maximum speed” means the speed achieved at the maximum continuous rating of the vessel’s propulsion machinery);

“general cargo” means any cargo other than oil, chemical and liquefied gas cargo but includes packaged dangerous goods;

“limited coastal area” means an area of sea where the vessel is—

(a) no more than either (exclusive of waters of category A, B, C or D)—

(i) 15 miles from its point of departure, or

(ii) 15 miles from its point of arrival; and

(b) never more than 5 miles from land;

“liquefied gas carrier” means a vessel constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (1993 Edition) (b), published by the International Maritime Organization;

“normal duties”, in relation to the holder of a boatmaster’s licence or boatmaster’s certificate or a Rhine navigation licence, means the duties normally performed by a person holding a boatmaster’s licence (with or without endorsement) or boatmaster’s certificate of the relevant class or a Rhine navigation licence, as the case may be;

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

“pilotage exemption certificate” has the meaning given in section 8(1) of the Pilotage Act 1987(c);

“Port of London area” means the River Thames from Putney Bridge to Margaretness;

“prescribed fee” means the fee prescribed by the Secretary of State under section 302 of the Act;

“qualifying service” means service which has been undertaken—

(a) in the United Kingdom or in another EEA State,

(b) in the appropriate deck capacity, and

(c) in the waters and on vessels of a type appropriate to the class of boatmaster’s licence or endorsement or boatmaster’s certificate applied for;

“qualifying service time” has the meaning given in regulation 19(1)(b);

“relevant local knowledge” means knowledge of local regulations and other navigation requirements and of the hazards, other features and situations specific to an area of water which affect safe navigation in that area;

“relevant local knowledge endorsement” means an endorsement authorising operations in specified waters (or in a specified part of the waters) for which relevant local knowledge is required;

(a) ISBN 9789280115611.

(b) ISBN 9789280112771.

(c) Section 8(1) was amended by the Marine Navigation Act 2013 (c. 23), sections 2 and 3.

“relevant medical condition” means a medical condition or disability which affects a person’s ability to perform normal duties;

“Rhine navigation licence” means a licence issued in accordance with the revised Convention for Rhine Navigation^(a);

“Ro-Ro vessel” means a vessel in which vehicles or cargo can be loaded or unloaded in a horizontal direction;

“specialist towing and pushing operations” means operations involving the towing or pushing of vessels, including ship towage with tugs (other than emergency towing assistance and rigid pushing operations on waters of category A or B or waters of category C if not linked to other waters);

“supplementary licence” means a licence issued under regulation 32; and

“UK certificate” means a boatmaster’s certificate issued by the Secretary of State under regulation 27.

Persons and vessels to which Part 2 applies

Application of Part 2

7.—(1) This Part applies to a person serving as master of a vessel of a kind mentioned in paragraph (2) engaged on a voyage of a kind mentioned in paragraph (3) (“a boatmaster”).

(2) The vessels are United Kingdom and non-United Kingdom ships of Classes IV, V, VI, VI(A), IX(A) and IX(A)(T), other than pleasure vessels.

(3) The voyages are—

- (a) a voyage in waters of category A, B, C or D, and
- (b) a voyage to sea within United Kingdom waters in the course of which the vessel does not operate outside the limited coastal area.

Exemptions from Part 2

8. This Part does not apply to a person serving as master of a vessel specified by the Secretary of State under section 48 of the Act as exempt from these Regulations.

Boatmasters’ qualifications: general

Qualifications which must be held by masters

9.—(1) Subject to regulations 10 to 12, for the purposes of sections 49 (prohibition of going to sea undermanned) and 52 (unqualified persons going to sea as qualified officers or seamen) of the Act, a boatmaster is not qualified to serve as master of a vessel unless that boatmaster holds—

- (a) a boatmaster’s licence of the Tier and level specified in column (1) of Table 2 in Regulation 14 which authorises that person to serve as master of the vessel being navigated in the category of waters in which it is being navigated, together with—
 - (i) the endorsements listed in that Table, or an equivalent qualification specified by the Secretary of State, which are required to authorise that person to serve as master on that vessel or engage in operations which the vessel is undertaking, and
 - (ii) unless regulation 12 applies, the relevant local knowledge endorsements which are required by regulation 17 to authorise the master to navigate the waters being navigated;
- (b) a boatmaster’s certificate of a class specified in column (1) of Table 3 in regulation 28 which authorises that person to serve as master of the vessel which is being navigated in the category of waters on which it is being navigated;

(a) Revised Convention for Rhine Navigation of 17 October 1868, as amended by the Strasbourg Convention of 20 November 1963 and Protocols of 25 October 1972, 17 October 1979 and 25 April 1989.

- (c) a Rhine navigation licence appropriate to the vessel which is being navigated; or
 - (d) such other qualification, in such circumstances and subject to such conditions, as may be specified by the Secretary of State.
- (2) A person does not contravene this regulation while that person —
- (a) is navigating a vessel as part of the qualifying service required under regulations 19, 20, 21, 22, 24 or 30 under the direction of a person who is qualified in accordance with this regulation,
 - (b) is undergoing a practical test of seamanship and vessel handling skill which is—
 - (i) conducted on board a vessel of a kind reasonably representative of the class of vessel the command of which the licence or endorsement would authorise, and
 - (ii) in waters appropriate to that class of licence or endorsement, or
 - (c) is authorised to serve as master of a vessel under regulation 50.

Vessels to which a pilotage direction applies

10.—(1) Where a pilotage direction applies to a vessel, a boatmaster is not qualified to serve as master unless—

- (a) the boatmaster—
 - (i) is an authorised pilot, or
 - (ii) holds a pilotage exemption certificate issued by the competent navigation authority; or
- (b) the vessel is carrying an authorised pilot.

(2) In this regulation “pilotage direction” has the meaning given in section 7(1) of the Pilotage Act 1987.

Restrictions on holders of a Rhine navigation licence

11. — A boatmaster holding a Rhine navigation licence is not qualified to serve as master of—

- (a) a vessel at sea, or
- (b) a vessel in waters where (if the boatmaster held a boatmaster’s licence) a relevant local knowledge endorsement would be required under regulations 9(1)(a)(ii) and 17, unless—
 - (i) authorised to do so by virtue of a supplementary licence,
 - (ii) the boatmaster—
 - (aa) is an authorised pilot, or
 - (bb) holds a pilotage exemption certificate issued by the competent navigation authority; or
 - (iii) the vessel is carrying an authorised pilot.

Relevant local knowledge endorsements and authorised pilots

12.—(1) This regulation applies to a boatmaster who—

- (a) is required by regulation 9(1)(a)(ii) to hold a relevant local knowledge endorsement;
- (b) is the holder of a boatmaster’s certificate who is required by regulation 28(2) to hold a certificate attesting knowledge of local navigation requirements;
- (c) is the holder of a Rhine navigation licence who, if that person held a boatmaster’s licence, would be required by regulation 9(1)(a)(ii) to hold a relevant local knowledge endorsement; or
- (d) in any other circumstances, would be required to hold a relevant local knowledge endorsement if that person held a boatmaster’s licence.

(2) A boatmaster to whom this regulation applies is qualified to serve as master of a vessel engaged on a voyage in waters where a relevant local knowledge endorsement is or would be required, where—

- (a) that person is an authorised pilot for all those waters,
- (b) that person holds a pilotage exemption certificate issued by the competent navigation authority in relation to all those waters, or
- (c) the vessel is carrying an authorised pilot for all those waters.

Boatmasters' qualifications: medical fitness

Boatmaster to be medically fit

13. A boatmaster must not serve as master of a vessel to which this Part applies unless medically fit to perform normal duties.

Boatmasters' licences

Boatmasters' licences: authorised operations

14. Subject to regulations 15 to 17, a class of boatmasters' licence or endorsement specified in column (1) of Table 2 authorises a person to serve as master—

- (a) of a vessel of a description,
- (b) for the purposes of operations of a type, and
- (c) in the waters,

specified in column (2).

Table 2

Boatmasters' licences: classes and endorsements

<i>(1) Class of licence and endorsement</i>	<i>(2) Vessel operations and waters for which licence and endorsement is valid</i>
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A. Tier 1 boatmasters' licences

A.1 Tier 1 boatmasters' licences without endorsements

Tier 1 (level 1) without endorsement	Vessel operations: (i) vessel operations for which an endorsement is not required (but including emergency towing assistance or rigid pushing operations). Waters: (i) waters of categories A and B and (ii) waters of category C if not linked to any other waters, except waters where a relevant local knowledge endorsement is required.
Tier 1 (Level 2) without endorsement	Vessel operations: (i) vessel operations for which an endorsement is not required (but including emergency towing assistance or rigid pushing operations in waters of category A or B or waters of category C if not linked to any other waters). Waters: all waters appropriate to the class of vessel except waters where a relevant local knowledge endorsement is required.

A.2 Endorsements required on Tier 1 boatmasters' licence

A passenger operations (general) endorsement	Vessel operations: operation of passenger ships carrying not more than 250 passengers.
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A large passenger vessel endorsement	Waters: waters otherwise authorised. Vessel operations: operation of passenger ships carrying more than 250 passengers.
A towing and pushing endorsement	Waters: waters of categories A, B, C and D. Vessel operations: vessels engaged in specialist towing and pushing operations. Waters: as otherwise authorised.
A cargo endorsement	Vessel operations: operations involving the carriage of general cargo and bulk cargo. Waters: as otherwise authorised.
An oil cargo endorsement	Vessel operations: operation of an oil tanker. Waters: as otherwise authorised.
A chemical cargo endorsement	Vessel operations: operation of a chemical tanker. Waters: as otherwise authorised.
A liquefied gas cargo endorsement	Vessel operations: operation of a liquefied gas carrier. Waters: as otherwise authorised.
A dredging endorsement	Vessel operations: vessels engaged in dredging operations. Waters: as otherwise authorised.
A radar endorsement	Vessel operations: operations which are otherwise authorised and the vessel is navigated using radar. Waters: as otherwise authorised.
A Ro-Ro endorsement	Vessel operations: operation of a Ro-Ro vessel. Waters: waters of categories C and D and the limited coastal area.
A fast craft endorsement	Vessel operations: operation of a fast craft. Waters: as otherwise authorised.
A relevant local knowledge endorsement	Vessel operations: as otherwise authorised. Waters: those local waters specified by the Secretary of State in accordance with regulation 17 to which the endorsement relates.
B Tier 2 boatmasters' licences	
Tier 2 (Level 1) (passenger-carrying operations)	Vessel operations: passenger-carrying operations on vessels on which the licence holder has completed the qualifying service. Waters: (a) category A canals, and (b) such (i) other waters of categories A and B, and (ii) category C waters, if not linked to any other waters, which (having regard to the nature and length of the licence holder's qualifying service) are specified in the licence.
Tier 2 (Level 1) (other operations)	Vessel operations: vessels and operations, other than passenger-carrying operations, on which the licence holder has completed the qualifying service. Waters: (a) category A canals, and (b) such (i) other waters of categories A and B, and

	(ii) category C waters, if not linked to any other waters which (having regard to the nature and length of the licence holder's qualifying service) are specified in the licence.
Tier 2 (Level 2) (passenger carrying operations)	Vessel operations: (i) passenger-carrying operations on vessels carrying not more than 250 passengers on which the licence holder has completed the qualifying service. Waters: such waters within the following categories of water as are specified in the licence— (i) category C and/or D waters (excluding the River Thames below Teddington Lock) (ii) the limited coastal area; and (iii) category A and/or B waters adjacent to the above waters.
Tier 2 (Level 2) (other operations)	Vessel operations: vessels and operations, other than passenger-carrying operations, on which the licence holder has completed the qualifying service. Waters: such waters within the following categories of water as are specified in the licence— (i) category C and/or D waters (excluding the River Thames below Teddington Lock) (ii) the limited coastal area; and (iii) category A and/or B waters adjacent to the above waters.

Cargo endorsements

15.—(1) This regulation applies to—

- (a) a cargo endorsement,
- (b) an oil cargo endorsement,
- (c) a chemical cargo endorsement, or
- (d) a liquefied gas cargo endorsement.

(2) An endorsement to which this regulation applies held by a person under the age of 21 does not authorise its holder to serve as master on a vessel if its overall length exceeds 40 metres (“overall length” being the maximum length of the vessel including all fixed installations such as parts of the steering system or power plant and mechanical or similar devices).

Fast craft endorsements

16. A fast craft endorsement may be limited—

- (a) to a specified description of vessel,
- (b) to navigation on voyages following a specified route, or
- (c) both to a specified description of vessel and to navigation on voyages following a specified route.

Relevant local knowledge endorsement

17. Unless regulation 12 applies, a relevant local knowledge endorsement is required for any operations (other than operations necessary to deal with an emergency) in the waters specified by the Secretary of State.

Applications for boatmasters' licences and endorsements

18.—(1) An application for a boatmaster's licence or an endorsement of a licence—

- (a) must be in such form and contain, or be accompanied by, such particulars and documents as may be specified by the Secretary of State, and
- (b) must be accompanied by the prescribed fee.

(2) The Secretary of State may in particular specify, as a document required to support an application, the written record of the applicant's service and experience.

Boatmasters' licences and endorsements: minimum requirements

19.—(1) The Secretary of State must not issue a boatmaster's licence or an endorsement of a class specified by the Secretary of State unless satisfied that a boatmaster applying for the licence or endorsement ("the applicant")—

- (a) has attained the minimum age in relation to that class of licence or endorsement specified by the Secretary of State;
- (b) has completed in aggregate a period of qualifying service (the "qualifying service time") not less than that (if any) specified by the Secretary of State;
- (c) meets the conditions concerning qualifying service specified in regulation 20;
- (d) is medically fit to perform normal duties; and
- (e) has the practical skills and knowledge specified by the Secretary of State as being necessary for a holder of that class of licence or endorsement.

(2) In order to be satisfied that an applicant has the specified practical skills and knowledge, the Secretary of State may require an applicant to be assessed—

- (a) in accordance with arrangements specified by the Secretary of State; and
- (b) by a person ("an examiner") who is approved for that purpose by the Secretary of State.

(3) If required to undertake an assessment by an examiner, the applicant must—

- (a) provide such information and documents as may be specified by the Secretary of State; and
- (b) pay to the Secretary of State the prescribed fee.

Boatmasters' licences and endorsements: conditions concerning qualifying service

20.—(1) The conditions referred to in regulation 19(1)(c) are that—

- (a) the qualifying service has been undertaken during the period of 5 years ending on the date of the application,
- (b) in relation to the relevant class of licence or endorsement, a period not less than the period (if any) specified by the Secretary of State (the "minimum qualifying period") has elapsed between the first day of the qualifying service time and the date of the application, and
- (c) in relation to an endorsement, other than a relevant local knowledge endorsement, at least half the qualifying service time has been undertaken in waters for which the endorsement is to be valid.

(2) Except in the case of an endorsement to which paragraph (3) applies, in calculating the qualifying service time (but not the minimum qualifying period) for the purpose of an application

for an endorsement of a Tier 1 licence, the Secretary of State must disregard qualifying service undertaken for the purpose of an application for—

- (a) the licence itself, or
 - (b) another endorsement
- (3) (a) This paragraph applies to—
- (i) a Ro-Ro endorsement,
 - (ii) a fast craft endorsement, and
 - (iii) a relevant local knowledge endorsement, other than for the Port of London area.
- (b) In the case of an endorsement to which this paragraph applies, in calculating the qualifying service time for the purpose of an application for that endorsement, the Secretary of State may take account of the qualifying service undertaken for the purpose of an application for—
- (i) the licence itself, or
 - (ii) another endorsement.

Large passenger vessel endorsements: additional conditions

21. A large passenger vessel endorsement must not be issued unless, in addition to the qualifying service time prescribed for the large passenger vessel endorsement, the applicant has served such additional periods of service within such period on such vessels and subject to such conditions as specified by the Secretary of State.

Fast craft endorsements: additional conditions

- 22.** A fast craft endorsement must not be issued unless the applicant—
- (a) holds or at the same time is to be issued with—
 - (i) a cargo endorsement,
 - (ii) a passenger operations (general) endorsement, or
 - (iii) a large passenger vessel endorsement,appropriate to the nature of the vessel and operations being undertaken; and
 - (b) has completed a period of qualifying service specified by the Secretary of State as sufficient to justify the issue of the licence —
 - (i) on vessels of the same type as the vessel on which the applicant will normally serve as master, and
 - (ii) on voyages following a route on which that vessel will normally operate.

Ro-Ro endorsements: additional conditions

23. A Ro-Ro endorsement must not be issued unless the applicant holds or at the same time is to be issued with—

- (a) a cargo endorsement, or
 - (b) a passenger operations (general) endorsement, or
 - (c) a large passenger vessel endorsement,
- appropriate to the nature of the vessel and operations being undertaken.

Relevant local knowledge endorsements: additional conditions

24.—(1) A relevant local knowledge endorsement in respect of the waters specified by the Secretary of State must not be issued unless—

- (a) the applicant has completed the qualifying service specified by the Secretary of State in relation to those waters, and
- (b) in the case of an application for a relevant local knowledge endorsement for the Port of London area, the whole of that qualifying service has been undertaken after the expiration of the minimum qualifying period specified by the Secretary of State for the issue of a Tier 1 (Level 2) licence.

Boatmasters’ licences: disclosure of medical conditions

25.—(1) A holder of a boatmaster’s licence (“the licence holder”) who is suffering from a relevant medical condition which has not previously been disclosed must, upon becoming aware of the condition, forthwith notify the Secretary of State in writing of the fact.

(2) If the Secretary of State becomes aware that a licence holder may be suffering from a relevant medical condition, the Secretary of State may require the licence holder—

- (a) to undergo, at the licence holder’s own expense, an examination by a registered medical practitioner for the purpose of determining whether the licence holder is fit to perform normal duties, and
- (b) to authorise that medical practitioner to provide the Secretary of State with a report of the result of that examination.

(3) If satisfied (whether by virtue of a report received from a registered medical practitioner under paragraph (2) or otherwise) that a licence holder is suffering from a relevant medical condition, the Secretary of State may suspend or revoke the licence or endorsement.

(4) If satisfied that a licence holder whose licence or endorsement has been suspended or revoked under paragraph (3) is fit to perform the normal duties of a holder of a licence or endorsement of a different class than that suspended or revoked, the Secretary of State may issue a licence or endorsement of that different class.

(5) If a licence holder fails to comply with a requirement made under paragraph (2), the Secretary of State may suspend the licence until such time as the licence holder complies with the requirement.

Boatmasters’ licences: validity periods and re-validation

26.—(1) A boatmaster’s licence is valid for a period of 5 years commencing on the date it is issued.

(2) An endorsement of a boatmaster’s licence is valid for the same period as the licence on which it is endorsed.

(3) A holder of a boatmaster’s licence may before or within twelve months of the date on which the licence expires, apply to the Secretary of State for the licence and any endorsements to be re-validated.

(4) An application for re-validation of a boatmaster’s licence or an endorsement of a licence must—

- (a) be in such form and contain, or be accompanied by, such particulars and documents as may be specified by the Secretary of State, and
- (b) must be accompanied by the prescribed fee.

(5) The Secretary of State must not revalidate a licence or endorsement unless satisfied that the applicant—

- (a) has completed in an appropriate deck capacity during the period of 5 years ending on the date the applicant applies for revalidation the number of days service in respect of the category of licence and endorsements specified by the Secretary of State, and
- (b) in the case of a relevant local knowledge endorsement, has the practical skills and knowledge of the local navigational requirements necessary for the waters to which the endorsement applies specified by the Secretary of State.

(6) The Secretary of State may require the applicant to provide evidence of the practical skills and knowledge (or any part of those skills or that knowledge) required in respect of the relevant class of licence or endorsement.

(7) Where the Secretary of State revalidates a boatmaster’s licence, the revalidated licence is valid for a period of 5 years commencing on the date on which the revalidation is granted.

(8) An endorsement previously held, other than one specified by the Secretary of State, shall be revalidated automatically upon the Secretary of State revalidating the boatmaster’s licence on which it was previously endorsed.

Boatmasters’ certificates

Boatmasters’ certificates: classes of certificate

27. A boatmaster’s certificate issued by the Secretary of State (a “UK certificate”) must—

- (a) bear the title “Boatmaster’s Certificate”, and
- (b) be of a class specified in column (1) of Table 3 in regulation 28.

Boatmasters’ certificates: authorised operations

28.—(1) Subject to paragraphs (2) to (4), a class of UK certificate specified in column (1) of Table 3 confers on its holder authority to serve as master of a vessel which is equivalent to that conferred by the class of boatmasters’ licence specified in column (2) of that table.

(2) In waters for which relevant local knowledge is required, a UK certificate does not authorise its holder to undertake any operations (other than operations necessary to deal with an emergency) unless it is a certificate attesting to the holder’s knowledge of local navigation requirements in those waters.

(3) Subject to the limitations specified in paragraph (4), a class of boatmasters’ certificate issued in an EEA State other than the United Kingdom corresponding to a class of UK certificate confers on its holder authority to serve as master of a vessel equivalent to the authority conferred by that class of UK certificate

(4) The limitations referred to in paragraph (3) are that—

- (a) no certificate authorises its holder to serve as master of a vessel operating beyond the limited coastal area; and
- (b) a person under the age of 21 holding a boatmaster’s certificate issued in an EEA State other than the United Kingdom must not serve as the master of any vessel.

Table 3

Boatmasters’ certificates: classes of certificate

<i>(1) Class of certificate</i>	<i>(2) Equivalent class of boatmasters’ licence</i>
Group A certificates	
General certificate	Tier 1 (Level 2) with cargo and towing and pushing endorsements.
Certificate attesting competence in radar navigation	Tier 1 (Level 2) with cargo, towing and pushing and radar endorsements.
Certificate attesting competence in passenger transport	Tier 1 (Level 2) with cargo, towing and pushing, passenger operations (general) and large passenger vessel endorsements.
Certificate attesting knowledge of local navigation requirements	Tier 1 (Level 2) with cargo and towing and pushing endorsements and a relevant local knowledge endorsement for the waters specified in the certificate.
Group B certificates	
General certificate	Tier 1 (Level 1) with cargo and towing and pushing endorsements.

Certificate attesting competence in radar navigation	Tier 1 (Level 1) with cargo, towing and pushing and radar endorsements.
Certificate attesting competence in passenger transport	Tier 1 (Level 1) with cargo, towing and pushing, passenger operations (general) and large passenger vessel endorsements.
Certificate attesting knowledge of local navigation requirements	Tier 1 (Level 1) with cargo and towing and pushing endorsements and a relevant local knowledge endorsement for the waters specified in the certificate.

Boatmasters’ certificates: applications

29.—(1) An application for a UK certificate must—

- (a) be made to the Secretary of State,
- (b) be in such form and contain, or be accompanied by, such particulars and documents as may be specified by the Secretary of State, and
- (c) be accompanied by the prescribed fee.

(2) The Secretary of State may in particular specify, as a document required to support an application, a record of the applicant’s service and experience on an appropriate vessel in appropriate waters.

Boatmasters’ certificates: minimum requirements

30.—(1) The Secretary of State must not issue a UK certificate to any person unless satisfied that the person—

- (a) is the holder of —
 - (i) a Tier 1 boatmaster’s licence, or
 - (ii) a boatmaster’s certificate issued in an EEA State other than the United Kingdom;
- (b) is aged 21 or over;
- (c) is medically fit to perform normal duties;
- (d) has completed in aggregate a period of not less than 480 days’ qualifying service;
- (e) a period of not less than four years has elapsed between the first day of the period of qualifying service and the date of the application; and
- (f) has such practical skills and knowledge necessary for a holder of a certificate of the relevant group as may be specified by the Secretary of State.

(2) All qualifying service must be entered on a personal service record and produced to the Secretary of State with the application.

(3) In order to be satisfied that an applicant for a UK Certificate has the specified practical skills and knowledge, the Secretary of State may require an applicant to be assessed—

- (a) in accordance with arrangements specified by the Secretary of State; and
- (b) by a person (“an examiner”) who is approved for that purpose by the Secretary of State.

(4) If required to undertake an assessment by an examiner, the applicant must—

- (a) provide such information and documents as may be specified by the Secretary of State; and
- (b) pay to the Secretary of State the prescribed fee.

Boatmasters’ certificates: medical fitness

31.—(1) Where the holder of a UK certificate is aged 45 or over, the certificate does not authorise the holder to serve as master of any vessel unless a medical fitness certificate is held satisfying the conditions in paragraph (2).

- (2) The conditions are that the certificate—
- (a) states that the person is medically fit to perform normal duties, and
 - (b) was issued—
 - (i) in the case of a person aged 64 or under, not more than 5 years ago, or
 - (ii) in the case of a person aged 65 or over, not more than 1 year ago.
- (3) Where the holder of a certificate other than a UK certificate is aged 65 or over, the certificate does not authorise the holder to serve as master of any vessel unless a medical fitness certificate is held satisfying the conditions in paragraph (4).
- (4) The conditions are that the certificate—
- (a) states that the person is medically fit to perform normal duties, and
 - (b) was issued not more than 1 year ago.
- (5) The holder of a boatmaster’s certificate who is suffering from a relevant medical condition which has not previously been disclosed must, upon becoming aware of the condition, forthwith notify the Secretary of State in writing of the fact.
- (6) If the Secretary of State becomes aware that the holder of a boatmaster’s certificate may be suffering from a relevant medical condition, the Secretary of State may require that person—
- (a) to undergo, at their own expense, an examination by a registered medical practitioner for the purpose of determining whether the holder is fit to perform normal duties, and
 - (b) to authorise that medical practitioner to provide the Secretary of State with a report of the result of that examination.
- (7) If satisfied (whether by virtue of a report received from a registered medical practitioner under paragraph (6) or otherwise) that the holder of a boatmaster’s certificate is suffering from a relevant medical condition the Secretary of State may—
- (a) in the case of a UK certificate, suspend or revoke the certificate, or
 - (b) in the case of a certificate other than a UK certificate, suspend the certificate in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters.
- (8) Where the Secretary of State has suspended or revoked a boatmaster’s certificate under paragraph (7) but is satisfied that the person is fit to undertake the normal duties of a holder of a boatmaster’s licence (with or without an endorsement) of any class, the Secretary of State may issue a licence of that class.
- (9) If the holder of a boatmaster’s certificate fails to comply with a requirement made under paragraph (6), the Secretary of State may suspend the certificate in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters until such time as the holder complies with the requirement.
- (10) Where the Secretary of State suspends a boatmaster’s certificate other than a UK certificate under paragraph (7)(b), the Secretary of State must inform the competent authority of the EEA State which issued the certificate of—
- (a) the suspension,
 - (b) the reason for the suspension, and
 - (c) whether a boatmaster’s licence has been issued to the holder of the certificate under paragraph (8).
- (11) In this regulation “medical fitness certificate” means a certificate attesting to a person’s fitness to perform the duties which that person will carry out as master of a vessel and which is issued under regulation 8 or 14 of the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010^(a) (whether or not subject to restriction or conditions).

(a) S.I. 2010/737, as amended by S.I. 2014/1614.

Rhine navigation licences

Rhine navigation licence: supplementary licence

32.—(1) The holder of a Rhine navigation licence who wishes to obtain a supplementary licence authorising the holder to serve as master of a vessel in waters where (if that person were the holder of a boatmaster’s licence) a relevant local knowledge endorsement would be required must apply to the Secretary of State and such an application—

- (a) must be in such form and contain, or be accompanied by, such particulars and documents as may be specified by the Secretary of State, and
- (b) must be accompanied by the prescribed fee.

(2) The Secretary of State must not issue a supplementary licence to a person applying pursuant to paragraph (1) (“the applicant”) unless satisfied that the applicant has the practical skills and knowledge specified by the Secretary of State.

(3) In order to be satisfied that an applicant for a supplementary licence has the specified practical skills and knowledge, the Secretary of State may require an applicant to be assessed—

- (a) in accordance with arrangements specified by the Secretary of State; and
- (b) by a person (“an examiner”) who is approved for that purpose by the Secretary of State.

(4) If required to undertake an assessment by an examiner, the applicant must—

- (a) provide such information and documents as may be specified by the Secretary of State; and
- (b) pay to the Secretary of State the prescribed fee.

Rhine navigation licences: medical fitness

33.—(1) The holder of a Rhine navigation licence who is suffering from a relevant medical condition which has not previously been disclosed must, upon becoming aware of the condition, forthwith notify the Secretary of State in writing of the fact.

(2) If the Secretary of State becomes aware that the holder of a Rhine navigation licence may be suffering from a relevant medical condition, the Secretary of State may require that person—

- (a) to undergo, at their own expense, an examination by a registered medical practitioner for the purpose of determining whether the holder is fit to perform normal duties, and
- (b) to authorise that medical practitioner to provide the Secretary of State with a report of the result of that examination.

(3) If the Secretary of State is satisfied (whether by virtue of a report received from a registered medical practitioner under paragraph (2) or otherwise) that the holder of a Rhine navigation licence is suffering from a relevant medical condition the Secretary of State may suspend the licence in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters.

(4) Where the Secretary of State has suspended a licence under paragraph (3) but is satisfied that the person is fit to undertake the normal duties of a holder of a boatmaster’s licence (with or without an endorsement) of any class, the Secretary of State may issue a boatmaster’s licence of that class.

(5) If the holder of a Rhine navigation licence fails to comply with a requirement made under paragraph (2), the Secretary of State may suspend the licence in so far as it authorises its holder to serve as master of a vessel in United Kingdom waters until such time as the holder complies with the requirement.

Licensing requirements under local legislation

Licensing under local legislation

34.—(1) Subject to paragraph (2), a local enactment ceases to have effect to the extent that it—

- (a) requires a boatmaster to meet any conditions in order to qualify to serve as master,

- (b) authorises the issue of a licence, certificate or other document permitting a boatmaster to serve as master, or
- (c) confers power to do anything mentioned in paragraph (a) or (b).

(2) Nothing in paragraph (1) affects the operation of any local enactment which authorises the issue of a boatman’s licence, or makes provision in connection with the issue of any such licence, where the licence would enable a person to whom this Part applies to meet the condition in regulation 9(1)(d).

(3) In this regulation—

- (a) “boatman’s licence” means a licence or other document authorising a person to serve as master of a vessel (whether or not of a specified class) in waters to which the local enactment applies;
- (b) “local enactment” means an enactment contained in—
 - (i) any local Act (other than the Port of London Act 1968(a)),
 - (ii) any order, regulations, rules, scheme, bye laws or other instrument made under a local Act, or
 - (iii) any order made under section 14 of the Harbours Act 1964(b);
- (c) a reference to serving as master is a reference to serving as master of a vessel on a voyage of a kind mentioned in regulation 7(3).

Records and loss of documents

Records

35.—(1) Subject to paragraph (2), the Secretary of State must keep a record of—

- (a) every boatmaster’s licence (including endorsements) and boatmaster’s certificate issued pursuant to these Regulations and currently valid,
- (b) every licence, certificate or other qualification previously held by the holder of a boatmaster’s licence or certificate,
- (c) every suspension, revocation or alteration of those licences, certificates or other qualifications, and
- (d) all examination and assessment evidence, application forms, documents relating to applications (including medical evidence) and other matters affecting current and previous licences, certificates and other qualifications.

(2) The Secretary of State need not retain a record of any document—

- (a) mentioned in paragraph (1)(a) or (b) for a period of more than 10 years after the date when that document expired or otherwise ceased to be valid;
- (b) mentioned in paragraph 1(c) or (d) for a period of more than 10 years after the date when the boatmaster’s licence or boatmaster’s certificate to which the document relates has expired or otherwise ceased to be valid.

Loss of documents

36. If the holder of a boatmaster’s licence or boatmaster’s certificate loses it, the Secretary of State may—

- (a) if satisfied that the loss occurred through no fault of the holder, issue a replacement of the licence or certificate to the holder free of charge, or

(a) 1968 c. xxxii.
 (b) 1964 c. 40. Section 14 was amended by: the Transport Act 1981 (c. 56), section 18 and Schedule 6 paragraphs 2, 3, 12 and 14 and Schedule 12, Part II; the Criminal Justice Act 1982 (c. 48), sections 37 and 46; the Transport and Works Act 1992 (c. 42), section 63 and Schedule 3, paragraph 1; the Planning Act 2008 (c. 29), section 36 and Schedule 2, paragraphs 8 and 9; S.I. 2006/1177 and S.I. 2009/1941.

- (b) if not so satisfied, issue a replacement licence or certificate to the holder on payment of the prescribed fee.

PART 3

LOCAL PASSENGER VESSELS: QUALIFICATIONS OF CREW MEMBERS

Application of Part 3

37. This Part applies to a United Kingdom passenger ship of Class IV, V, VI and VI(A).

Owner's proposal

38. The owner of a vessel to which this Part applies must give notice in writing to the Secretary of State proposing either that it is appropriate or that it is not appropriate that, when the vessel is engaged on a voyage, a member of the crew should be a holder of—

- (a) a boatmaster's licence of any class,
- (b) a boatmaster's certificate of any class, or
- (c) any other qualification which it would be appropriate for the master of the vessel to hold and which is prescribed for those purposes in Part 2.

Secretary of State's approval

39. The Secretary of State may approve the vessel's owner's proposal that—

- (a) a member of the crew must hold a qualification specified in the notice given under regulation 38, or
- (b) that no crew member must hold any such qualification.

Form of approval

40.—(1) An approval made under regulation 39 may be made subject to conditions.

(2) An approval made under regulation 39 must—

- (a) be recorded in writing, and
- (b) specify—
 - (i) the date on which the approval takes effect, and
 - (ii) the conditions (if any) to which it is subject.

(3) A copy of an approval made under regulation 39 must be sent to the vessel's owner.

Prohibition on proceeding on voyage without approval

41. A vessel to which this Part applies must not proceed on a voyage unless—

- (a) notice has been given to the Secretary of State in accordance with regulation 38,
- (b) the Secretary of State has approved, in accordance with regulation 39, the proposal made in that notice as to which qualifications (if any) should be held by a member of the crew, and
- (c) the vessel is crewed in accordance with that approval.

PART 4

SELF-EMPLOYED MASTERS' HOURS OF WORK

Interpretation of Part 4

42.—(1) In this Part—

“hovercraft” has the meaning given in section 4(1) of the Hovercraft Act 1968(a);

“rest period” means any time when a master is not on duty;

“working day”, in relation to a master, means either—

- (a) where a period of duty is not followed by a rest period of at least 8 hours, the aggregate of—
 - (i) that and each successive period of duty, and
 - (ii) any intervals between those periods of duty, until there is a rest period of at least 8 hours; or
- (b) a period of duty which is followed by a rest period of at least 8 hours.

(2) In this Part, a master is on duty where the master —

- (a) has nautical responsibility for a vessel or hovercraft in circumstances where this Part applies, and
- (b) is otherwise engaged in work for the purposes of a trade or business carried on by the master, being work in connection with a vessel or hovercraft to which this Part applies or with any passenger carried by that vessel or hovercraft.

Application of Part 4

43. This Part applies to a person who—

- (a) is serving as master of either—
 - (i) a United Kingdom passenger ship of Class IV, V, VI or VI(A), or
 - (ii) a hovercraft carrying more than 12 passengers, and
- (b) is not a person to whom the following apply—
 - (i) the Working Time Regulations 1998(b),
 - (ii) the Merchant Shipping (Hours of Work) Regulations 2002(c), or
 - (iii) the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003(d).

Self-employed masters' hours of work

44.—(1) A master to whom this Part applies must, so far as is reasonably practicable, be properly rested when first going on duty on any working day.

(2) A master's working day must not exceed 16 hours.

(3) A master must not on any working day have command or charge of a vessel or hovercraft for periods amounting in aggregate to more than 10 hours.

(4) If on any working day a master has been on duty—

- (a) for a period of 6 hours, the end of which does not correspond to the end of the working day, or

(a) 1968 c. 59.

(b) S.I. 1998/1833; the relevant amending instruments are S.I. 2002/3128, 2003/1684, 2003/3049, 2004/1713, 2007/2079 and 2014/308.

(c) S.I. 2002/2125, amended by S.I. 2003/3049, 2004/1469, 2004/1713, 2005/2114, 2006/3223 and 2014/308.

(d) S.I. 2003/3049, amended by S.I. 2006/3223.

- (b) for periods amounting in aggregate to 6 hours without having enjoyed a rest period of at least 30 minutes and the end of the last of those periods does not correspond to the end of the working day,

the master must take a rest period of not less than 30 minutes at the end of that 6-hour period or (as the case may be) at the end of the last of those periods.

(5) The Secretary of State may grant an exemption from all or any of the provisions of this regulation in such circumstances and on such terms (if any) as the Secretary of State may require.

(6) An exemption—

- (a) may be granted in respect of one or more vessels or hovercraft or a class of vessel or hovercraft, and
- (b) may be restricted to specified voyages or operations.

(7) Subject to giving reasonable notice to the person affected, the Secretary of State may alter or cancel an exemption.

PART 5

ENFORCEMENT

Offence: serving while medically unfit

45.—(1) A person who contravenes regulation 13 is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The owner of a vessel who causes or permits it to begin a voyage when the person serving as its master is a person who contravenes regulation 13 is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) It is a defence to a charge under this regulation that the person charged took all reasonable steps to avoid commission of the offence.

Offence: failing to disclose a medical condition

46.—(1) A person who contravenes regulation 25(1), 31(5) or 33(1) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The owner of a vessel who causes or permits it to begin a voyage when the person serving as its master is a person who contravenes regulation 25(1), 31(5) or 33(1), is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) It is a defence to a charge under this regulation that the person charged took all reasonable steps to avoid commission of the offence.

Offence: proceeding on a voyage without approval

47.—(1) A person serving as master of a vessel to which Part 3 applies is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale if that vessel proceeds on a voyage in contravention of—

- (a) regulation 41, or
- (b) regulation 53(4).

(2) An owner of a vessel to which Part 3 applies is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale if that vessel proceeds on a voyage in contravention of—

- (a) regulation 41, or
- (b) regulation 53(4).

(3) It is a defence to a charge under this regulation that the person charged took all reasonable steps to avoid commission of the offence.

Offence: non-compliance with self-employed masters' hours of work requirements

48.—(1) A person who contravenes a requirement of Part 4 is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) It is a defence for a person charged with an offence under paragraph (1) to prove that there was an unavoidable delay in the completion of a voyage arising out of circumstances which that person could not reasonably have foreseen.

Detention of vessels

49.—(1) Where a person (a “relevant inspector”) mentioned in paragraph (a), (b) or (c) of section 258(1) of the Act (a) (powers to inspect ships and their equipment, etc) is satisfied that an offence under regulation 45, 46 or 47 is being committed in relation to any vessel, the vessel is liable to be detained.

(2) Where a vessel is liable to be detained under paragraph (1), the relevant inspector detaining it must serve on the master of the vessel a detention notice which—

- (a) states that the relevant inspector is of the opinion that an offence under regulation 45, 46 or 47 has been committed,
- (b) specifies the reasons for that opinion, and
- (c) prohibits the vessel from commencing a voyage until a relevant inspector is satisfied it can do so in circumstances where no such offence is committed.

(3) Sections 96(b) and 97 of the Act (arbitration and compensation in connection with detention notices) apply in relation to a detention notice under paragraph (2) as they apply in relation to a detention notice under section 95 (power to detain dangerously unsafe ship) but with the following words omitted from section 96—

- (a) in subsection (1), “in pursuance of section 95(3)(b)”,
- (b) in subsection (3), “to whether the ship was or was not a dangerously unsafe ship”,
- (c) in subsection (5), “as a dangerously unsafe ship”.

(4) Where a vessel is liable to be detained under this regulation, section 284(c) of the Act (enforcing detention of ship) has effect with the following modifications—

- (a) for subsection (1) there is substituted—

“(1) Where under the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015 a ship is liable to be detained a relevant inspector may detain the ship.”;
- (b) in subsection (4), for the words from “any of the following” to “any surveyor of ships” there is substituted “any relevant inspector”;
- (c) subsections (6) and (7) are omitted; and
- (d) at the end there is inserted—

“(9) In this section, “relevant inspector” means any person mentioned in paragraph (a), (b) or (c) of section 258(1).”

(a) Section 258(1) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 9 and Schedule 1, paragraph 4 and Schedule 7, part 1.

(b) Section 96 was amended by the Arbitration Act 1996 (c. 23), section 107(2) and Schedule 4; the Constitutional Reform Act 2005 (c. 4), section 59(5) and Schedule 11, Part 3, paragraph 5; and the Tribunals, Courts and Enforcement Act 2007 (c. 15), section 50 and Schedule 10, Part 1, paragraph 26.

(c) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997, section 9 and Schedule 1, paragraph 5.

PART 6

TRANSITIONAL PROVISIONS

Qualifications held under the 2006 Regulations

50.—(1) This regulation applies to a person who, immediately before these Regulations come into force, holds one or both of the following issued under the 2006 Regulations (“a qualification under the 2006 Regulations”)—

- (a) a boatmaster’s licence with or without an endorsement,
- (b) a boatmaster’s certificate.

(2) Notwithstanding the revocation of the 2006 Regulations, a person to whom this regulation applies is to be treated as qualified to serve as master of a vessel engaged on a voyage authorised by a qualification under the 2006 Regulations until whichever is the earlier of—

- (a) the issue of a new boatmaster’s licence to that person,
- (b) the revocation of the boatmaster’s licence under regulation 25(3), or
- (c) the expiry of the boatmaster’s licence in accordance with regulation 14(1) of the 2006 Regulations.

(3) This regulation does not entitle a person to serve as master of any vessel at a time when that person is not complying with the terms and conditions of the qualification under the 2006 Regulations.

Holders of an oil and chemical cargo endorsement

51.—(1) This regulation applies to a person who, immediately before these Regulations come into force, holds a Tier 1 boatmaster’s licence with an oil and chemical cargo endorsement issued under the 2006 Regulations.

(2) A person to whom this regulation applies is to be treated as authorised to engage in operations for which an endorsement listed in paragraph (3) is required until whichever is the earlier of—

- (a) the issue of a new boatmaster’s licence to that person,
- (b) the revocation of the boatmaster’s licence under regulation 25(3), or
- (c) the expiry of the boatmaster’s licence in accordance with regulation 14(1) of the 2006 Regulations.

(3) The endorsements are—

- (a) an oil cargo endorsement,
- (b) a chemical cargo endorsement, and
- (c) a liquefied gas cargo endorsement.

Ro-Ro endorsements

52.—(1) This regulation applies to a person who, immediately before these Regulations come into force —

- (a) holds a Tier 1 Level 2 boatmaster’s licence issued under the 2006 Regulations, and
- (b) has not less than 30 days qualifying service time as master of a Ro-Ro vessel.

(2) A person to whom this regulation applies is to be treated as authorised to engage in operations for which a Ro-Ro endorsement is required until whichever is the earlier of—

- (a) the issue of a new boatmaster’s licence to that person,
- (b) the revocation of the boatmaster’s licence under regulation 25(3), or

- (c) the expiry of the boatmaster's licence in accordance with regulation 14(1) of the 2006 Regulations.

Approvals under the Crew Regulations

53.—(1) This regulation applies where an approval (a “crewing approval”) has been given by the Secretary of State under—

- (a) regulation 14(2)(b) of the Merchant Shipping (Local Passenger Vessels) (Masters' Licences and Hours, Manning and Training) Regulations 1993 and continues to have effect by virtue of regulation 5 of the Crew Regulations(a), or
- (b) regulation 4(2)(b) of the Crew Regulations.

(2) A crewing approval continues to have effect as if it were an approval given under regulation 39.

(3) Where a crewing approval was given subject to any conditions, those conditions continue to have effect.

(4) While a crewing approval has effect, the vessel to which the approval applies must not proceed on a voyage unless it is crewed in accordance with it.

PART 7 REVIEW

Review

54.—(1) The Secretary of State must from time to time —

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 96/50/ EC is applied in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

John Hayes
Minister of State
Department for Transport

(a) S.I. 1993/1213. The relevant provisions of the Merchant Shipping (Local Passenger Vessels) (Masters' Licences and Hours, Manning and Training) Regulations 1993 were revoked by the Crew Regulations, but by virtue of regulation 5 of the Crew Regulations approvals granted under the 1993 Regulations continued to have effect until a date on which an approval under the Crew Regulations took effect.

We consent to the making of these Regulations

Harriett Baldwin

Mark Lancaster

26th February 2015

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact the Merchant Shipping (Inland Waterway and Limited Coastal Operations)(Boatmasters' Qualifications and Hours of Work) Regulations 2006 ("the 2006 Regulations") and the Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006 ("the Crew Regulations") which concern—

- the qualifications required by masters of vessels, including non-United Kingdom ships, of Classes IV, V, VI, VI(A), IX(A) and IX(A)(T) engaged on voyages in waters of category A, B, C and D and on some limited coastal voyages;
- the qualifications required by members of the crew of local passenger vessels (that is, broadly, UK ships which carry more than 12 passengers and operate only in the above waters); and
- the regulation of the hours of work of self-employed masters of UK passenger vessels of Classes IV, V, VI and VI(A) and hovercraft operating in the same waters.

In addition to drafting amendments, they—

- introduce a new category of boatmaster's licence (a Tier 2 Level 2 licence) for tidal waters;
- make minor changes to the endorsements required to authorise a master of a vessel to carry out certain vessel operations;
- make minor changes to the qualifying service and qualifications required before a licence or endorsement can be issued or revalidated;
- impose a new duty requiring boatmasters to be medically fit to perform normal duties and create an offence where a boatmaster engages on a voyage when not so fit; and
- make provision for the Regulations to be reviewed.

Part 1 makes provision for general matters, including the revocation of the 2006 Regulations and the Crew Regulations and consequential amendments to the Merchant Shipping (Fees) Regulations 2006.

Part 2 provides that a master of a vessel engaged on a voyage to which this Part applies must hold appropriate qualifications according to the type of vessel and the waters on which the vessel is navigated. Regulations 7 and 8 set out when this Part applies.

Regulation 9 provides that a boatmaster is not qualified for the purposes of sections 49 (prohibition of going to sea undermanned) and 52 (unqualified persons going to sea as qualified officers or seamen) of the Act to serve as master unless the boatmaster holds a boatmaster's licence (with endorsements where appropriate), boatmaster's certificate, Rhine navigation licence or other qualifications specified by the Secretary of State in Merchant Shipping Notice (MSN 1853). Regulations 10 to 12 make further provision about the qualifications required.

Regulation 13 provides that a boatmaster must not engage on a voyage unless medically fit to perform normal duties.

Regulations 14 to 26 make provision in respect of boatmasters' licences.

Regulations 14 to 17 specify the class of licences and endorsements required to authorise a master to perform particular vessel operations on particular waters, including setting out port or harbour areas for which a local knowledge endorsement is required. Regulation 18 deals with the form of an application for a boatmaster's licence.

Regulations 19 to 24 set out the requirements that must be met in order for a boatmaster to be issued with a boatmaster's licence or endorsement, including the minimum age and qualifying service. The practical skills and knowledge required are specified in MSN 1853. Regulations 21, 22 and 23 make provision for the additional conditions required for endorsements for large passenger vessels, fast craft and Ro-Ro operations. Regulation 24 deals with the qualifying service required for relevant local knowledge endorsements.

Regulation 25 requires a holder of a boatmaster's licence to disclose relevant medical conditions to the Secretary of State. Regulation 26 provides that a boatmaster's licence is valid for five years but can be revalidated, provided that the master meets the conditions for revalidation specified in that regulation and MSN 1853.

Regulations 27 to 31 make provision for boatmasters' certificates. These are qualifications which, subject to local requirements and the terms of Council Directive 96/50 EC of 23 July 1996 on the harmonisation of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community, are valid throughout the EEA. Regulations 32 and 33 make provision enabling holders of Rhine navigation licences to apply for a supplementary licence authorising them to navigate on local waters for which special knowledge is required and imposing medical fitness requirements on licence holders.

Regulation 34 disapplies certain local legislation to the extent that it is inconsistent with these regulations. Regulations 35 and 36 make provision about records and the loss of licences and certificates.

Part 3 re-enacts the Crew Regulations and requires an owner of a local passenger vessel to which this Part applies to notify the Secretary of State whether an additional member of the crew needs to hold a qualification.

Part 4 re-enacts (with minor amendments) Part 3 of the 2006 Regulations which regulates the hours of work of self-employed masters. Regulation 42 provides for the interpretation of Part 4 and regulation 43 describes the masters to whom the Part applies. Regulation 44 requires that a master must, so far as is reasonably practicable, be properly rested before coming on duty and establishes the hours which a master is permitted to work on any working day.

Part 5 provides for the enforcement of these Regulations. Regulations 45 to 48 contain offences committed by masters or owners of vessels where: a vessel is operated by a master who is medically unfit (regulation 45); a relevant medical condition is not disclosed (regulation 46); a vessel sails without an approval under Part 3 (regulation 47); and there is a contravention of the hours of work requirements (regulation 48). Regulation 49 provides for the detention of vessels.

Part 6 makes transitional provisions for persons holding existing qualifications under the 2006 Regulations and for approvals granted under the Crew Regulations or under the Merchant Shipping (Local Passenger Vessels) (Masters' Licences and Hours, Manning and Training) Regulations 1993, which the Crew Regulations superseded.

Part 7 requires the Secretary of State to review the operation and effects of these Regulations and to publish a report within five years after the Regulations come into force.

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Copies of the International Code for the Constructions and Equipment of Ships Carrying Dangerous Chemicals in Bulk, the International Code for the Construction and Equipment of

Ships Carrying Liquefied Gases in Bulk and the International Maritime Dangerous Goods Code can be obtained from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR www.imo.org/publications. Copies of the Revised Convention for Rhine Navigation are available from the Central Commission for the Navigation of the Rhine at Palais du Rhin, 2, Place de la Republique, F-67082 Strasbourg, www.ccr-zkr.org.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

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