

SHIPPING (ENDORSEMENT) REGULATIONS, 2001

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SCHEDULE

TABLE OF CRITERIA FOR APPROPRIATE CERTIFICATES

S.I. 2001 No. 45

Shipping

CAP. 296

SHIPPING (ENDORSEMENT) REGULATIONS, 2001

Authority : These Regulations were made on 26th April, 2001 by the Minister under sections 86 and 349 of the *Shipping Act*.

Commencement: 26th April, 2001.

PART I

PRELIMINARY

Short title

1. These Regulations may be cited as the *Shipping (Endorsement) Regulations, 2001*.

Interpretation

2.(1) In these Regulations,

“approved” (and “approved” in the STCW Convention so far as given effect by these Regulations) means approved by the Minister;

“endorsement document” means a document entitled “endorsement” attesting the recognition of a certificate under the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended in 1995, issued under regulation 5(2);

“GT” means gross tons; and the gross tonnage of a ship having alternative gross tonnage shall be the larger of those tonnages. However, for a ship having its tonnage determined both under Part II and regulation 6 of the

Merchant Shipping (Tonnage) Regulations 1997 (S.I. 1997 No. 1510) , its gross tonnage shall be that determined under regulation 6;

“high-speed craft” has the same meaning as in the *Merchant Shipping (High Speed Craft) Regulations, 1996* (S.I. 1996 No. 3188) ;

“IBC Code” means the 1994 Edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organisation;

“IGC Code” means the 1993 Edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk published by the International Maritime Organisation;

“international voyage” means a voyage from a port in one country to a port in another country, either of the countries being party to the STCW Convention;

“kw” means kilowatts;

“Merchant Shipping Notice” means a Notice described as such and made by the Barbados Ships’ Registry on the approval of the Minister;

“near-coastal voyage” means a voyage during which the vessel is never more than 200 nautical miles from a safe haven in Barbados;

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

“seagoing” means going to sea beyond the limits of inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

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

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7th July, 1995;

“tanker” means a chemical tanker, a liquefied gas tanker or an oil tanker.

(2) For the purpose of these Regulations, definitions specified in Article II and regulation I/I of the STCW 95 Convention and section A-I/1 of the STCW Code shall form part of these Regulations.

(3) Any reference to the IBC Code, the IGC Code, the STCW Code, or the STCW Convention or a particular Merchant Shipping Notice shall include reference to any document amending the Code, Convention or Notice which is considered by the Minister to be relevant from time to time and is specified in a Merchant Shipping Notice.

PART II

SHIPS

Application

3. This Part of these Regulations applies to masters and seamen employed in seagoing ships registered in Barbados, except for fishing vessels and pleasure craft.

Qualification as an officer

4. A person is qualified as an officer for the purposes of section 90 of the Act if he holds an appropriate national certificate of competency and an endorsement document in one of the following capacities:

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

Recognition of certificates

5.(1) The Minister may recognise a certificate issued to a master, officer or radio operator if he is satisfied

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

(2) The certificate referred to in paragraph (1) shall be issued by or under the authority of another party to the STCW Convention where that party has been listed in the report issued by the Secretary General of the IMO to the Maritime Safety Committee under regulation I/7 of the STCW Convention.

(3) Where the Minister recognises a certificate pursuant to paragraph (1), he shall endorse such a certificate to attest its recognition if he is satisfied that the requirements of the STCW Convention in paragraph (1)(a) and (b) have been complied with.

(4) The endorsement shall be in the form of a separate document, entitled "endorsement document".

Revalidation of endorsements

6. The endorsement document of a master or other officer issued under regulation 4 or regulation 5 shall not be valid for seagoing service unless revalidated at intervals not exceeding 5 years to establish continued professional competence in accordance with section A-1/11 of the STCW Code.

Appropriate endorsements

7.(1) Any officer serving in the capacity set out in column 1 of the Table of Criteria for Appropriate Certificates as set out in the *Schedule* shall hold an appropriate endorsement document for that capacity.

(2) A person shall only be entitled to be issued with an endorsement document referred to in paragraph (1) if he complies with the criteria in the Regulations annexed to the STCW Convention set out in column 2 of the *Schedule* in relation to that entry.

(3) The Minister may exempt the master and the officer in charge of a navigational watch on 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, where he considers that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of this regulation and section A-II/3 of the STCW Code unreasonable or impracticable.

Ratings

8.(1) The Minister may recognise a rating certificate issued by or under the authority of another party to the STCW Convention where that party has been listed in the report issued by the Secretary General of the IMO to the Maritime Safety Committee under regulation I/7 of the STCW Convention.

(2) Every rating forming part of a navigational watch on a ship of 500 GT or more, other than ratings whose duties while on watch are of an unskilled nature, shall hold a certificate issued by a party listed as mentioned in paragraph (1).

(3) Every rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a ship powered by main propulsion machinery of 750 kw propulsion power or more, other than ratings whose duties are of an unskilled nature, shall hold a certificate issued by a party listed in as mentioned in paragraph (1).

(4) Ratings holding a certificate under paragraph (2) or (3) are not required to hold an endorsement document to sail on board a Barbadian ship.

Mandatory minimum requirements for the training and qualification of masters, officers, ratings and other personnel on high speed craft

9.(1) This regulation applies to masters and officers, ratings and other personnel serving on board high-speed craft.

(2) Prior to being assigned shipboard duties on board high-speed craft, masters, officers, ratings and other personnel shall have completed the training specified in Merchant Shipping Notice No. M1696.

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

(4) In the case of masters, and of officers having an operational role on high-speed craft, the documentary evidence shall be a certificate in a form specified in Merchant Shipping Notice No. M1696 and shall be endorsed in a manner specified in that notice.

Mandatory requirements relating to medical first aid and medical care

10.(1) A seaman designated to provide medical first aid on board a ship shall meet the standard of competence in medical first aid specified in section A-V1/4, paragraphs 1 to 3 of the STCW Code.

(2) A seaman 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-V1/4, paragraphs 4 to 6 of the STCW Code.

(3) Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued by the national authority

indicating that the holder has attended a course of training in medical first aid or in medical care.

Form, validity, recording and surrender of endorsement documents

11.(1) Endorsement documents under these Regulations shall be issued by the Minister on receipt of any fee payable, and delivered to the person entitled to hold them.

(2) An endorsement document shall remain valid for sea going service only so long as the holder can comply with the standards and conditions as to medical fitness and professional competency to act in the appropriate capacity specified in the officer's national certificate of competency.

(3) The Minister shall require the Principal Registrar to keep a record of all endorsement documents which are issued under this Part.

(4) The record referred to in paragraph (3) shall include

(a) any alteration that affects an endorsement document; or

(b) any documents that have expired, been revalidated, suspended, cancelled, reported lost or destroyed.

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

(6) Where a person is convicted of an offence under section 296 of the Act, or where an endorsement document is issued and the conditions for its issue prescribed in this Part have not been complied with, the holder of the relevant endorsement document shall, at the direction of the Minister, deliver it to the Minister, or to such person as the Minister directs, for cancellation.

Refusal of endorsements and appeals against refusal

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

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

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

Loss of endorsement documents

13. Where a person entitled to an endorsement document loses or is deprived of the document already issued to him, the Minister,

- (a) if satisfied that the person has lost or been deprived of the document without fault on his part shall; or
- (b) if not so satisfied, may,

upon receipt of any fee payable, cause a certificated copy to be issued to that person.

Endorsement document of Barbados

14. In the case of an endorsement document issued by the Minister, the document shall be endorsed by the Minister in accordance with the STCW

Convention where the Minister is satisfied that the holder of the endorsement document complies with the requirements of the STCW Convention.

Revocation

15. *[The Merchant Shipping (Training and Certification) Regulations (S.I. 1997 No. 348) and the Merchant Shipping (Training, Certification and Safe Manning) (Amendment) Regulations 1997 (S.I. 1997 No. 1911) made under section 349(1)(c) of the Act are hereby revoked.]*

SCHEDULE*(Regulation 7)***TABLE OF CRITERIA FOR APPROPRIATE CERTIFICATES**

<i>Column 1</i>	<i>Column 2</i>
<i>Master and Deck Department</i>	<i>Regulation Annexed to the STCW Convention</i>
Certification of officers in charge of a navigational watch on ships of 500 GT or more.	Regulation II/1
Certification of masters and chief mates on ships of 500 GT or more.	Regulation II/2
Certification of masters and chief mates on ships of between 500 and 3000 GT.	Regulation II/2
Certification of officers in charge of a navigational watch and of masters on ships of less than 500 GT.	Regulation II/3

TABLE OF CRITERIA FOR APPROPRIATE CERTIFICATES

<i>Column 1</i>	<i>Column 2</i>
<i>Engine Department</i>	<i>Regulation Annexed to the STCW Convention</i>
Officer in charge of an engineering watch in a manned engine room, or designated duty engineer officer in a periodically unmanned engine-room, on a ship powered by main propulsion machinery of 750 kw propulsion power or more.	Regulation III/1
Chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kw propulsion power or more.	Regulation III/2

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Column 1	Column 2
Engine Department	Regulation Annexed to the STCW Convention
Chief engineer officer and second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kw propulsion power.	Regulation III/3
