



# MERCHANT SHIPPING (MANNING AND TRAINING) REGULATIONS 1996

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Statutory Document No. 1996/0723

*Merchant Shipping (Masters and Seamen) Act 1979*

## MERCHANT SHIPPING (MANNING AND TRAINING) REGULATIONS 1996<sup>1</sup>

*Approved by Tynwald:* 21 January 1997  
*Coming into Operation:* 1 February 1997

In exercise of the powers conferred on the Department of Transport by section 34A of the Merchant Shipping (Masters and Seamen) Act 1979<sup>1</sup>, and of all other enabling powers, the following Regulations are hereby made: —

### 1 Citation and Commencement

These Regulations may be cited as the Merchant Shipping (Manning and Training) Regulations 1996 and, subject to section 34A(4) of the Merchant Shipping (Masters and Seaman) Act 1979, shall come into operation on 1st February 1997.

### 2 Application

Except where provision is made to the contrary, these Regulations apply to all sea going Manx ships wherever they may be, except: —

- (a) ships of war and troopships;
- (b) pleasure vessels and vessels manned, operated and certificated in compliance with the Commercial Yacht Code;<sup>2</sup>
- (c) fishing vessels; and
- (d) ships not propelled by mechanical means.

### 3 Interpretation

In these Regulations —

“the 1987 regulations” [Revoked]<sup>3</sup>

“area A1, A2, A3 and A4” mean the areas defined for radiocommunication purposes in Chapter IV, Regulation 2 of the International Convention for the Safety of Life at Sea 1974 as amended;

<sup>1</sup> 1979 c.14. Section 34A was inserted by the Merchant Shipping (Miscellaneous Provisions) Act 1996 [1996 c.20]

“**chief engineer**” means an officer holding a certificate of competency which contains an endorsement issued by a party to the STCW Convention, stating: —

- (a) that it has been issued in compliance with the appropriate regulations of either Chapter III of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (b) the machinery power, type or any other limitations to the holder performing the function of Chief Engineer;

“**chief mate**” means an officer holding a certificate of competency which contains an endorsement issued by a party to the STCW Convention, stating: —

- (a) that it has been issued in compliance with the appropriate regulations of either Chapter II of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (b) the ship size or any other limitations to the holder performing the functions of the Chief Mate;

“**class notation**” means an appropriate notation issued by a classification society authorised by the Department;

“**Commercial Yacht Code**” means the Commercial Yacht Code adopted by the Department on the 23rd May 1994;

“**Department**” means the Department of Transport;

“**engine room watch rating**” means a person holding a certificate as engine room watch rating issued in compliance with either Part 5 of these regulations or with the Merchant Shipping (Engine Room Watch Ratings) Regulations 1984 as those Regulations have effect in the Island<sup>2</sup> or a certificate as Engine Room Watch Rating issued by a Party to the STCW Convention;

“**EPIRB**” means an emergency position indicating radio beacon required by regulation 7 of Chapter IV of the International Convention for the Safety of Life at Sea 1974, as amended;

“**fishing vessel**” has the meaning given to it by section 78 of the Merchant Shipping Registration Act 1991<sup>3</sup>;

“**GMDSS radio system**” means the global maritime distress and safety system as prescribed by the International Convention for the Safety of Life at Sea 1974, as amended.

“**gross tonnage**” means the gross tonnage stated on the ships international tonnage certificate issued in accordance with the International Tonnage Convention 1969;

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<sup>2</sup> S.I. 1984/95 as applied to the Island by GC 152/84

<sup>3</sup> 1991 c.15

“**high speed craft**” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding: —

$$3.7D^{0.1667}$$

where D = the craft’s displacement in cubic metres (m<sup>3</sup>) corresponding to the design waterline;

“**immediate responsibility**” in relation to an officer having responsibility for the loading, discharging, care in transit or handling of the cargo in a ship carrying a bulk cargo consisting in whole or in part of oil, liquid chemicals or liquefied gasses, means any officer who is required to be in sole charge of a deck watch when the ship is loading, discharging or handling cargo or cargo slops;

“**IMO Principles of Safe Manning**” means the principles set out in Annex 2 of Resolution A.481 (XII) of the International Maritime Organization;

“**Isle of Man Manager**” means the person appointed in accordance with section 3(3) of the Merchant Shipping Registration Act 1991;

“**limited operational area**” means a defined geographical area which is accepted by the Department and stated on the ships safe manning certificate;

“**liquefied gas**” means any liquefied gas listed in Chapter 19 of the 1993 International Maritime Organization publication entitled “International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk” as amended;

“**liquid chemical**” means any liquid chemical listed in Chapter 17 of the 1994 International Maritime Organization public entitled “International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk” and any supplements thereto amending that list;

“**Manx ship**” has the meaning given to it by section 1 of the Merchant Shipping Registration Act 1991;

“**master**” means the holder of a certificate of competency which contains an endorsement issued by a party to the STCW Convention stating: —

- (a) that it has been issued in compliance with the appropriate regulations of either Chapter II of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (b) the ship size or any other limitations to the holder performing the function of the master;

“**marine escape system**” means any arrangement of slides and platforms intended to facilitate the rapid evacuation of persons from a vessel;

“**navigational watch rating**” means the holder of a certificate as navigational watch rating issued in accordance with Part 4 of these regulations or in compliance with the Merchant Shipping (Navigational Watch Ratings)

Regulations 1984 as those Regulations have effect in the Island<sup>4</sup> or a navigational Watch Rating Certificate issued by a party to the STCW Convention;

“**oil**” means petroleum in any form as defined in regulation 1(1) of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973/1978, as amended;

“**officer in charge of a navigational watch**” means an officer holding a certificate of competency which contains an endorsement issued by a party to the STCW Convention stating: –

- (a) that it has been issued in compliance with the appropriate regulations of either Chapter II of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (b) the ship size or any other limitations to the holder performing the functions of an officer in charge of a navigational watch;

“**officer in charge of an engineering watch**” means an officer holding a certificate of competency which contains an endorsement issued by a party to the STCW Convention stating: –

- (a) that it has been issued in compliance with the appropriate regulations of either Chapter III of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (b) the machinery power, type or any other limitations to the holder performing the functions of an officer in charge of an engineering watch;

“**officer nominated for the control of fire fighting operations**” means the master and the chief engineer and any other officer with an emergency duty which involves the direction of fire fighting parties and damage control parties in an emergency;

“**operator**” in relation to a ship means the owner or any other organisation or person such as the manager or the bareboat charterer who has assumed responsibility for the operation of the ship from the owner. This also includes the managers of franchises who are responsible for the personnel working for the franchise and any other employer of a seafarer working on board the vessel;<sup>4</sup>

“**operational speed**” means the maximum continuous rated speed of the vessel;

“**passenger**” has the meaning given to it by section 25 of the Merchant Shipping (Passenger Ships’ Survey) Act 1979<sup>5</sup>;

“**Passenger ship**” means a ship carrying more than 12 passengers;

“**Pleasure Vessel**” means any vessel which at the time it is being used:

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<sup>4</sup> S.I. 1984/96 as applied to the Island by GC 152/84

<sup>5</sup> 1979 c.11



- (a) is wholly owned by an individual or individuals, and is used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
- (b) is owned by a body corporate, and is carrying only such persons as are the employees or officers of the body corporate, or their immediate family or friends; and
- (c) is on a voyage or excursion which is one for which the owner does not receive money or money's worth for or in connection with the operation of the vessel or the carrying of any person other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the owner; or
- (d) is owned by a body corporate but pursuant to a long term lease agreement, is used only for the sport or pleasure of the lessee, and the immediate friends or family of the lessee, if an individual, or the employees or officers and their immediate friends and family, if a corporate lessee.

Such lease agreement must specify that:

- (i) the vessel may only be used for private purposes and must not be used for commercial purposes; • (ii) the vessel must not be sub-leased or chartered, and
  - (iii) no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the lessee.
- (e) is wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure, and 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 any charges levied in respect of that use are paid into club funds and applied for the general use of the club, and no other payments are made by, on behalf of, or for the benefit of users of the vessel, other than by the club;<sup>5</sup>

**“qualified doctor”** means a doctor who is registered within the meaning of section 9 of the Medical Act 1985<sup>6</sup>;

**“qualified cook”** means a person who either: —

- (a) holds a certificate of competency as ships cook issued by the Government of the United Kingdom;
- (b) holds any certificate which is issued in the United Kingdom and which replaces that in sub-paragraph (a);
- (c) is over 20 years of age and holds a qualification recognised by the Department and granted after attendance at a training course for cooks; or

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<sup>6</sup> 1985 c.14

- (d) has more than 2 years service in the capacity of Cook or Assistant Cook in a seagoing ship or in a commercial catering environment;

**“Radio Regulations”** means the Radio Regulations annexed to, or regarded as being annexed to, the International Telecommunication Union Convention which is in force at any time;

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

**“rest”** means time when a person is not on duty and is not required to be available for duty but does include in the case of the Master, Chief Mate, Chief Engineer, and Second Engineer, time when the officer is required to be on board and is available for consultation and advice but is not actively engaged in any work related to the ship’s operations, and hours of rest shall be construed accordingly;

**“safe manning certificate”** means the certificate issued by the Department pursuant to Part 1 of these Regulations;

**“SART”** means the radar transponder required to be carried by Chapter III regulation 2.2 of the International Convention for the Safety of Life at Sea 1984, as amended;

**“second engineer”** means an officer holding a certificate of competency which contains an endorsement issued by a party to the STCW Convention stating: –

- (a) that it has been issued in compliance with the appropriate regulations of either Chapter III of the STCW Convention 1978 or the 1995 amendments to that Convention; and
- (b) the machinery power, type or any other limitations to the holder performing the functions of second engineer;

**“STCW Convention 1978”** means the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 in force prior to 1st February 1997;

**“STCW Convention”** means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 and includes the Seafarers Training Certification and Watchkeeping Code (STCW Code);

**“survival craft”** means any lifeboat, liferaft, free fall lifeboat, rescue boat or davit launched liferaft or other craft capable of sustaining the lives of persons in distress from the time of abandoning the ship.

## PART 1 – SAFE MANNING CERTIFICATES

### 4 Safe Manning

Every ship to which these Regulations applies shall, whenever it proceeds to sea, be manned in accordance with the IMO Principles of Safe Manning and shall carry either: –

- (a) a safe manning certificate issued to it under these regulations; or
- (b) a safe manning document issued to it under the Merchant Shipping (Safe Manning Document) Regulations 1992<sup>7</sup>.

### 5 Safe Manning Certificates

Upon receipt of any application for a Safe Manning Certificate made by the Master or an operator or an Isle of Man Manager of a Manx ship, and accompanied by such information as the Department may specify, the Department shall assess the safe manning requirements for the ship and shall issue to the ship a Safe Manning Certificate.

### 6 Validity of Safe Manning Certificates

- (1) A safe manning certificate issued under regulation 5 shall be valid until cancelled by the Department or until, with the exception of changes made by the direct replacement of existing equipment: –
  - (a) changes are made to the mooring equipment of the ship;
  - (b) changes are made to the number, disposition or type of life saving appliances on the ship;
  - (c) significant changes are made to the structure or layout of the ship; and
  - (d) change is made to the class notation of the machinery spaces.
- (2) Whenever changes take place which serve to invalidate the safe manning certificate in accordance with paragraph (1)(a) of this regulation the operator or the Isle of Man Manager of the ship shall inform the Department and shall make application for a new safe manning certificate.
- (3) In the case of a passenger ship there shall be carried a safe manning certificate for each mode of operation and the passenger numbers application to that mode.

### 7 Operational Areas

- (1) The Department may, on the application of an operator or an Isle of Man Manager, accept a defined geographical area as a limited operational area and may specify such an area on the Safe Manning Certificate in which

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<sup>7</sup> G.C. 299/92

case the manning requirements stated on the certificate shall be the manning appropriate only to that area.

- (2) In any case where a vessel is issued with a Safe Manning Certificate on which is indicated the manning requirements for a designated limited operational area, the vessel may also on the application of the operator or the Isle of Man Manager be issued with a further Safe Manning Certificate showing the manning requirements for unlimited trading.

## **8 Category 1 Deck Ratings**

In this Part a Category 1 deck rating or engine room rating specified in a ship's Safe Manning Certificate is a person who has: —

- (a) reached the age of 20 years;
- (b) acquired at least 24 months sea service in either the deck department or the engine department as appropriate;
- (c) undertaken the training as specified in regulation 48; and
- (d) been issued with a navigational watch rating certificate or an engine room watch rating certificate as appropriate.

## **9 Category 2 Deck Ratings**

In this Part a Category 2 deck rating or engine room rating specified in a ship's Safe Manning Certificate is a person who has: —

- (a) reached the age of 18 years;
- (b) acquired at least 12 months sea service in either the deck department or the engine department as appropriate;
- (c) undertaken the training as specified in regulation 48; and
- (d) been issued with a navigational watch rating certificate or an engine room watch rating certificate as appropriate.

## **10 General Purpose Ratings**

In this Part any General Purpose (GP) specified in a ship's Safe Manning Certificate is a person who has: —

- (a) reached the age of 18;
- (b) acquired at least 18 months sea service of which not less than 6 months shall have been in the deck department and not less than 6 months shall have been in the engine department;
- (c) undertaken the training as specified in regulation 48; and
- (d) been issued with both a Navigational Watch Rating certificate and an Engine Room Watch rating certificate; and
- (e) attended a General Purpose Ratings training course.

## 11 Trainee Ratings

A trainee rating specified in a Safe Manning Certificate shall be a person who is employed in either the Deck Department or the Engine Room Department and who has received the training specified in regulation 48 but who does not otherwise qualify as a Category 1, Category 2 or General Purpose rating.

## 12 Exceptional circumstances

In any case where a member of the crew who is required to be carried by the Safe Manning Certificate is incapacitated through accident or illness or is unable to sail in the ship due to disciplinary action or any other unforeseen circumstance, the ship may sail without that crew member for a maximum period of 21 days provided that: —

- (a) all reasonable efforts are made to provide a replacement before the ship sails and in any case at the earliest possible opportunity notwithstanding the provisions of this regulation;
- (b) no more than two crew members specified in the safe manning certificate are absent at any time when the ship sails;
- (c) not more than one of the deck officers specified on the safe manning certificate, and not more than one of the engineer officers specified on the safe manning certificate are absent at any time when the ship sails;
- (d) the minimum number of qualified deck officers in addition to a master when a ship sails in accordance with the provisions of this regulation with fewer than the number of officers specified in the safe manning certificate is never less than: —

in the case of Ships of less than 500 gross tonnage -	1 Officer in charge of a Navigational Watch
in the case of Ships of 500 gross tonnage or more (operating in a limited operational area which is defined in the ship's Safe Manning Certificate) -	1 Officer in charge of a navigational watch
in the case of Ships of 500 gross tonnage or more (unlimited trading) -	1 Chief mate 1 Officer in charge of a navigational watch

- (e) the minimum number of qualified engineer officers in addition to a Chief Engineer when a ship sails in accordance with the provisions of this regulation with fewer officers than the number specified in the Safe Manning Certificate is never less than: —

in the case of ships with main propulsion machinery of less than 750kW -	none
in the case of ships with main propulsion machinery of 705kW or more but less than 3,000 kW -	1 Officer in Charge of an Engineering Watch
in the case of ships with main propulsion machinery of 3,000 kW or more (unlimited trading -)	1 Second Engineer
in the case of ships with main propulsion machinery of 3,000 kW or more (operating in a limited operational area as defined in the ships Safe Manning Certificate) -	1 Officer in Charge of an Engineering Watch

- (f) no more than one of either the deck ratings or the engine room ratings or two members of a general purpose crew, are absent at any time when the ship sails;
- (g) the Department is informed at the first reasonable opportunity that the ship is required to sail with a number of crew less than that specified on the safe manning certificate and the reasons for the shortage; and
- (h) the Department is informed when the number of crew is restored to the number specified on the safe manning certificate.

### 13 Duty

- (1) It shall be the duty of the operator of every ship to which these Regulations apply to ensure that: —
  - (a) a safe manning certificate is in force in respect of the ship whenever the ship proceeds to sea;
  - (b) the manning of the ship, subject to the provisions of regulation 12, is maintained to at least the levels specified in the safe manning certificate; and
  - (c) whenever any person required to be on board by the safe manning certificate, is unable to sail in the ship through incapacity, disciplinary action or through any other unforeseen circumstance, all reasonable efforts are made to provide a qualified replacement before the ship sails.
- (2) It shall be the duty of the master of any ship to which these Regulations apply, subject to the provisions of regulation 12, to ensure that the ship does not proceed to sea unless: —
  - (a) there is on board a valid safe manning certificate for the ship; and

- (b) the manning of the ship is in compliance with the requirements specified in the safe manning certificate.

## **PART 2 – MASTERS AND OFFICERS**

### **14 Carriage of Masters and Officers**

Every ship to which these Regulations apply shall carry a qualified master and the qualified officers specified on the ship's safe manning certificate.

### **15 Qualifications of Masters and Officers**

- (1) A master is qualified and any officer is qualified if he holds a valid certificate of competency issued by the Government of the United Kingdom of an endorsement issued by the Department under these regulations and that endorsement or United Kingdom certificate is: —
  - (a) in date;
  - (b) valid for the function that he is to perform on the ship;
  - (c) valid for the ship size or registered power of the ship or ships in which he is to serve; and
  - (d) valid for the area in which the ship or ships in which he is to serve will operate.
- (2) A master or officer on whose behalf an operator of an Isle of Man Manager has made application for an endorsement shall be considered to be qualified during the first 30 days after joining a Manx ship if the application for an endorsement has been made to the Department but the endorsement has not yet been delivered to the ship.

### **16 Validity of Certificates**

A certificate of competency issued by the Government of the United Kingdom shall be considered to be valid if: —

- (a) between 1st February 1997 and 1st February 2002 it contains an endorsement by the Government of the United Kingdom confirming that it is issued or revalidated in compliance with either the STCW Convention 1978 or with the 1995 amendments to that Convention;
- (b) After 1st February 2002 it contains an endorsement by the Government of the United Kingdom confirming that it is issued or revalidated in accordance with the provisions of the STCW Convention; and
- (c) The certificate has been revalidated within the preceding five years.

**17 Endorsements to Certificates of Competency**

- (1) The Department may issue an endorsement to any certificate of competency which it considers to be acceptable for service in a Manx ship on application by the operator or the Isle of Man Manager for that ship and on the provision of such information about the seafarer as the Department may specify.
- (2) An endorsement shall be valid only for the service in the ships identified on it and shall show an expiry date which shall be a date not later than the next revalidation date of the master or officer's certificate of competency.

**18 Endorsement of certificates**

- (1) In the case of Masters, Chief Engineers, Chief Mates, and Second Engineers every candidate for an endorsement shall be competent in the matters specified in Schedule 1 as set out in that Schedule and the operator or Isle of Man Manager shall ensure that the officer is so competent and shall provide a declaration to that effect at the time of making the application.
- (2) An endorsement under this regulation may be issued for a maximum period of 5 years not exceeding the date of next revalidation of the Certificate of Competency.<sup>6</sup>

**19 Validity of Endorsements and letters of authorisation**

An endorsement issued under these Regulations shall be valid only when accompanied by the holders certificate of competency and shall be kept available for inspection at any time on the ship in which the holder is serving.<sup>7</sup>

**20 Withdrawal of endorsements**

An endorsement remains the property of, and may be withdrawn at any time by, the Department and if withdrawn it shall be returned to the Department at the earliest opportunity after notification of its withdrawal.

**21 Investigation of misconduct**

- (1) Should it come to the attention of the Department that an officer may be guilty of any misconduct or incompetence in relation to any of his duties on board a Manx ship the Department shall cause such an investigation as it deems necessary to be made.
- (2) Following any investigation conducted by virtue of paragraph (1)(a) of this regulation which concludes that the master or officer is guilty of the misconduct or incompetence alleged any endorsement that he holds may be withdrawn and may only be re-issued at the discretion of the Department.



- (3) In any case when an endorsement is withdrawn the Department shall inform the Administration of the country that issued the certificate of competency of the facts surrounding the withdrawal.
- (4) In any case where an investigation is conducted in relation to the holder of a certificate of competency issued by the Government of the United Kingdom and it is concluded that the master or officer is guilty of the misconduct or incompetence the Department shall inform the issuing authority immediately of all the facts of the case.

## **22 Dual qualified officers**

An officer who holds a certificate of competency or an endorsement which states that the officer is qualified under both Chapter II and Chapter III of the STCW Convention may serve on board a Manx ship in any capacity for which he is qualified but he may not serve in two positions on board at the same time except that in ships of less than 350kW main propulsion machinery power dual qualified officer may undertake the control and management of the machinery installation when the machinery arrangements are such that continuous machinery space watchkeeping is not required.

## **23 Qualifications of radio personnel**

Every crew member in charge of, or required to perform, radio duties in a ship operating with a GMDSS radio system shall hold either: —

- (a) On ships with a Cargo Ship Safety Radio certificate or a Passenger Ship Safety Certificate valid for operations in area A1 only, at least a GMDSS restricted operators' certificate issued in accordance with sub-section D of Section IIIA of Article 55 of the Radio Regulations;
- (b) On ships with a Cargo Ship Safety Radio certificate or a Passenger Ship Safety Certificate valid for operations in areas A1 + A2, A1 + A2 + A3, and A1 + A2 + A3 + A4, a GMDSS general operators' certificate issued in accordance with sub-section C of Section IIIA of Article 55 of the Radio Regulations;
- (c) An endorsement to a certificate of competency issued by the Department under this Part of these Regulations which states that the holder is qualified to perform the radio communication function at the operational level.

## **24 Radio personnel – minimum number to be carried**

- (1) Vessels to which these Regulations apply of over 300 Gross tonnage which operate with a GMDSS radio system shall carry not less than one person who is qualified in accordance with regulation 23 and when only one such person is carried that person shall not be the master.
- (2) Between the 1st February 1997 and the 1st February 1999 ships which do not operate with the GMDSS radio system shall comply fully with the

provisions of the Merchant Shipping (Radio Installations) Regulations 1986<sup>8</sup>.

## **25 Duty**

It shall be the duty of every master and operator of a ship to which this part applies to ensure that no officer serves in charge of a watch unless that person holds an appropriate certificate of competency or endorsement as provided by these Regulations except that in the event of the death or incapacity of any master or officer at sea, another officer with a certificate of competency or endorsement entitled him to serve in a lesser capacity may serve in the position of the person incapacitated for a maximum period of 21 days or until such time as the vessel reaches a safe port at which the incapacitated officer may be replaced whoever shall occur first.

## **PART 3 – OTHER PERSONNEL**

### **26 Application of Part 3**

This Part applies to all ships to which these Regulations apply and which are engaged on voyages of more than 3 days duration or on voyages during the course of which the ship is more than 36 hours steaming time at operational speed from a safe port.

### **27 Ships Doctors**

Every ship to which this Part applies and which carries 100 or more persons on board shall carry a qualified doctor.

### **28 Ship's Cooks**

Every ship to which this Part applies and which carries 6 or more persons in total shall carry a qualified cook.

### **29 Duty**

It shall be the duty of the operator of every ship to which this Part applies to ensure that qualified doctors and cooks are carried as required by this Part.

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<sup>8</sup> G.C. 235/86

## PART 4 – NAVIGATIONAL WATCH RATINGS

### 30 Application of Part 4

This Part applies to all ships to which these Regulations apply and which are of 500 Gross tonnage or more.

### 31 Carriage of Navigational Watch Ratings

Every ship to which this Part applies shall carry sufficient navigational watch ratings to enable the master to perform his duties in respect of navigational watch keeping.

### 32 Eligibility of Navigational Watch Ratings

A person is eligible to be issued with a navigational watch rating certificate if he is at least 16 years of age and: –

- (a) has attended a course in basic sea survival before 1st August 1998 or a course in personal survival techniques approved by a party to the STCW Convention in compliance with the competence standards set out in Section A/VI 1.1 of the Code to the STCW Convention;
- (b) has at least 6 months sea service associated with watch keeping duties or has attended a shore based course of special training recognised by the Department and has at least 2 months of sea going service; and
- (c) meets the requirements of knowledge and competence set out in Schedule 2.

### 33 Navigational Watch Rating Certificate

- (1) A person who meets the requirements of regulation 32 may be issued with a provisional navigational watch rating certificate valid for not more than 3 months by the master of the ship.
- (2) A Navigational Watch rating certificate may be issued by the Department on the submission of a valid provisional navigational watch rating certified to the Department accompanied by such additional information as the department may specify.

### 34 Duty of operator

It shall be the duty of the operator of any ship to which this Part applies to ensure that the ship carries sufficient navigational watch ratings to enable the master to perform his duties in respect of navigational watch keeping.

**35 Duty of master**

It shall be the duty of the master of any ship to which this Part applies to ensure that a person who is not a navigational watch rating shall not form part of a navigational watch or perform the duties of a navigational watch rating provided always that nothing in this regulation shall prohibit the participation of other persons in navigational watch keeping duties under supervision as part of their training.

**PART 5 - ENGINE ROOM WATCH RATINGS****36 Application of Part 5**

This Part applies to all ships to which these Regulations apply and which are of 750kW registered power or more.

**37 Carriage of Engine Room Watch Ratings**

Every ship to which this Part applies shall carry sufficient engine room watch ratings to enable the Chief Engineer to perform his duties in respect of engine room watch keeping.

**38 Eligibility of Engine Room Watch Ratings**

A person is eligible to be issued with an engine room watch rating certificate if he is at least 16 years of age and: —

- (a) has attended a course in basic sea survival before 1st August 1998 or a course in personal survival techniques approved by a party to the STCW Convention in compliance with the competency standards specified in Section A/VII 1.1 of the Code to the STCW Convention;
- (b) has not less than 6 months sea service on duties associated with engine room watch keeping; and
- (c) meets the requirements of knowledge and competence set out in Schedule 3.

**39 Engine Room Watch Rating Certificate**

- (1) A person who meets the requirements of regulation 38 may be issued with a provisional Engine Room Watch Rating valid for not more than 3 months by the Chief Engineer.
- (2) An Engine Room Watch Rating Certificate may be issued by the Department on the submission to it of a valid provisional engine room watch rating certificate accompanied by such additional information as the Department may specify.

**40 Duty of Operator**

It shall be the duty of the operator of any ship to which this Part applies to ensure that the ship carries sufficient engine room watch ratings to enable the chief engineer to perform his duties in respect of engine room watch keeping.

**41 Duty of Chief Engineer**

It shall be the duty of the chief engineer of any ship to which this Part applies to ensure that a person who is not an engine room watch rating shall not form part of an engine room watch or perform the duties of an engine room watch rating unless: —

- (a) that person is undertaking supervised training; or
- (b) that person is undertaking unskilled duties under supervision of a nature that does not require an engine room watch rating certificate.

**PART 6 – ADDITIONAL QUALIFICATIONS****42 Application of Part 6**

This Part applies to all ships of 500 gross tonnage or more.

**43 Familiarisation Training**

The master and every other person on board except a passenger in any ship which proceeds to sea and to which this Part applies shall receive training approved by the Department before taking up their duties on board sufficient to ensure that each person is competent to: —

- (a) communicate with other persons on board on elementary safety matters;
- (b) understand safety information symbols, signs and alarm signals;
- (c) understand the action to take in the event of a person falling overboard, fire or smoke being detected, a person being overcome in an enclosed space, or a fire or abandon ship alarm being sounded;
- (d) identify muster and embarkation stations and emergency escape routes;
- (e) locate and don lifejackets;
- (f) initiate alarms and use portable fire extinguishers;
- (g) understand the ship's arrangements for permits to work and other working systems designed to ensure safe working practices;
- (h) understand the rules applicable in that ship with regard to the entry into enclosed spaces;

- (i) take appropriate immediate action on encountering an accident or other medical emergency before seeking further medical assistance on board; and
- (j) operate any fire or watertight doors (other than hull openings) fitted in the particular ship.

#### **44 Provision of Familiarisation Training**

The familiarisation training required by regulation 43 shall: —

- (a) be provided on each occasion that a person joins the ship for the first time or after an absence from that ship of 6 months or more;
- (b) be provided either at a shore establishment before the person joins the ship or be provided on board the ship at the time that the person joins the ship and before the person takes up their duties on board;
- (c) if provided on board be recorded along with the date of the training and the personnel participating on each occasion that training is provided on board and the records of such training shall be retained on board for a period of not less than 12 months; and
- (d) if provided at a shore establishment each person shall be provided with documentary evidence of having received training and that documentary evidence shall be kept available on board the ship during all the time that the person is serving in that ship.

#### **45 Approval of system of familiarisation training**

Every operator shall provide details of the system of familiarisation training that is implement in each ship under his control and the training and the system of training provision shall not be considered to meet the requirements of regulation 43 unless it is approved by the Department and a certificate to that effect is provided to the ship by the Department.

#### **46 Additional Familiarisation Training for Personnel on Ro-Ro Passenger Ships**

In addition to the applicable elements of the familiarisation training specified in regulation 43 the master, the officers and any other crew member assigned specific duties related to the operation of closing appliances for hull openings, the maintenance of stability, the maintenance of special equipment including but not limited to hull doors, ramps and scupper arrangements, the control of loading and cargo securing, the control of areas designated for the stowage of dangerous cargoes, and the control of emergency parties with responsibilities for the control and removal of water from the ship in an emergency shall receive approved familiarisation training appropriate to their function on board. The familiarisation training required by this regulation shall include: —

- (a) the design and operational limitations of the ship such that each person on being trained has the ability to understand and observe any operational limitations imposed on the ship, and to understand and apply performance restrictions, including speed restrictions in adverse weather which are intended to maintain the safety of life, ship and cargo;
- (b) the procedures for opening, closing and securing hull openings such that each person on being trained has the ability to apply properly the procedures established for the ship regarding the opening, closing and securing of bow, stern and side doors and ramps and to operate correctly the related systems;
- (c) the legislation, codes and agreements affecting Ro-Ro passenger ships such that each person on being trained has the ability to understand and apply international and Isle of Man requirements for Ro-Ro passenger ships relevant to the ship on which they are serving and their duties on board;
- (d) the stability and stress requirements and limitations of the ship such that each person on being trained has the ability to take proper account of stress limitations for sensitive parts of the ship such as bow doors and other closing devices that maintain watertight integrity and of any special stability considerations which may affect the safety of the vessel on which they are serving;
- (e) the procedures for the maintenance of special equipment on Ro-Ro passenger ships such that each person on being trained has the ability to apply properly the shipboard procedures for maintenance of equipment particular to Ro-Ro passenger ships and fitted in the ship on which they are serving such as bow doors, stern doors, side doors and ramps, scuppers and associated systems;
- (f) the loading and cargo securing manuals and calculators such that each person on being trained has the ability to make proper use of the ship's loading and securing manuals in respect of all types of vehicles including rail vehicles where applicable, and to calculate and apply stress limitations for vehicle decks;
- (g) dangerous cargo areas such that each person on being trained has the ability to ensure proper observance of special precautions and limitations applying to designated dangerous cargo areas; and
- (h) emergency procedures such that each person on being trained has the ability to ensure proper application of any special procedures to prevent the ingress of water on to vehicle decks, remove water from vehicle decks, and minimise the effects of water on the vehicle decks.

#### 47 Approval of familiarisation training for Ro-Ro Passenger ships

In addition to the details of familiarisation training to be provided in compliance with regulation 43, every operator of a Ro-Ro passenger ship shall also provide details to the Department of the system of additional familiarisation training that is implemented in each Ro-Ro passenger ship and the system of training shall not be regarded as an approved system in accordance with Regulation 46 until such time as the Department confirms its approval in a certificate.

#### 48 Basic Training

(1) Every member of the crew of a ship to which this Part applies and whose position on board the ship is required by the ship's safe manning certificate or who is a person forming a part of the Deck and Navigation Department or the Engine Room Department and who does not hold either: —

- (a) a certificate of competency endorsed as being in compliance with Regulations II/2, II/3 or II/4 of the STCW Convention 1978;
- (b) a certificate of competency endorsed as being in compliance with Regulations III/2 or III/3 of the STCW Convention 1978; or
- (c) a certificate of competency endorsed as being in compliance with Chapter II or Chapter III of the STCW Convention 1995;

shall, before taking up any seagoing employment in a ship to which this Part applies on or after 1st August 1998, have received the training specified in this regulation at a training centre approved by a party to the STCW Convention or other training approved by the Department as being equivalent.

(2) The training shall include: —

- (a) personal survival techniques in accordance with Section A-VI/1 2.1.1 of the STCW Code;
- (b) fire prevention and fire fighting in accordance with Section A-VI/1 2.1.2 of the STCW Code;
- (c) elementary first aid in accordance with Section A-VI/1 2.1.3 of the STCW Code;
- (d) personal safety and social responsibilities in accordance with Section A-VI/1 2.1.4 of the STCW Code.

(3) Every person, except those persons listed in sub-paragraphs (1)(a), (b) and (c), shall have available at all times documentary evidence of having undergone the training specified in paragraph (2).

(4) Every person who is required to be trained in accordance with this regulation and who commenced sea going employment before 1st August 1998 shall receive the training specified in this regulation before 1st February 2002.



- (5) The Department may specify the training which is the equivalent of the training specified in this regulation in the case of seafarers who commenced their sea going employment before 1st February 1997.

#### 49 Training in proficiency in survival craft

- (1) Every member of a ship's crew who is designated in the ship's muster list to commence or be second in commence of a survival craft or who is designated to be in charge of launching a survival craft or who is designated to be a member of the operating crew of a Marine Escape System shall hold a certificate of proficiency in survival craft and rescue boats (other than fast rescue boats) issued after training in accordance with Section A-VI/2 of the Code to the STCW Convention 1995 which is approved by a party to the STCW Convention or by the Department.
- (2) An officer or a crew member who holds any of the following qualifications shall be regarded as meeting the training requirements of this regulation: —
- (a) a certificate of competency endorsed as being in compliance with Regulations II/2, II/3 or II/4 of the STCW Convention 1978;
  - (b) a certificate of competency endorsed as being in compliance with Regulations III/2 or III/3 of the STCW Convention 1978; or
  - (c) a certificate of competency endorsed as being in compliance with the applicable regulations of the STCW Convention 1995; or
  - (d) a certificate of proficiency in survival craft issued after attendance at an approved course before 1st August 1998.

#### 50 Number of persons trained in survival craft to be carried in passenger ships

- (1) Notwithstanding the requirements of regulation 49 every Manx passenger ship shall carry at least the following number of personnel who are qualified in accordance with regulation 49(2): —

For every lifeboat boarded at the stowed position and capable of release and lowering from inside the boat -	2 qualified persons per boat.
For every lifeboat boarded at the stowed position and capable of being lowered from inside the boat after release externally -	2 qualified persons per boat plus 1 additional qualified person for every two boats.
For every lifeboat both released and lowered from the ship -	3 qualified persons per boat.
For each davit launched liferaft -	1 qualified person per raft plus 1 additional qualified person for each davit.
For each Marine Escape System -	4 qualified persons per system plus 1

	additional qualified person for each raft associated with the system.
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- (2) In any Manx passenger ship which has inflatable liferafts which are designated for the use of passengers and which are launched manually and boarded when afloat without the use of a marine escape system there shall be one person assigned to each raft who is a person who has not less than 2 months sea service and who has undergone such training in the use of liferafts as the Department may specify.

## 51 Advanced Fire Fighting Training

The master and any other member of the crew in any ship to which this Part applies and who is nominated on the ship's muster list to be in control of fire fighting operations shall hold either a certificate in Advanced Fire Fighting issued after training which is approved by a party to the STCW Convention in accordance with the standards specified in Section A.VI/3 of the Code to the STCW Convention or a certificate in Advanced Fire Fighting issued before 01 August 1998 by a training establishment accepted by the Department unless: —

- (a) the person holds a certificate of competency endorsed by a party to the STCW Convention as being in compliance with the requirements of the STCW Convention at the management or Operational level in the function of Controlling the Operations of the Ship and care for Persons on Board; or
- (b) between 1st February 1997 and 1st February 2002 the person holds a certificate of competency as master or chief engineer endorsed by a party to the STCW Convention 1978, as complying with the requirements of Chapter II, regulation II/2 or Chapter III, regulation III/2 as appropriate and issued before 1st August 1998.

## 52 Medical Training

Every member of the crew in any ship to which this Part applies and who is designated to provide medical first aid on board shall hold either a certificate in Medical Fire Aid issued after training in accordance with the standards specified in Section A. VI/4 of the Code to the STCW Convention and which is approved by a party to the STCW Convention or by the Department or a Certificate in First Aid issued before 1st August 1998 by a training establishment accepted by the Department unless that person is: —

- (a) the holder of a certificate of competency endorsed by a party to the STCW Convention as being in compliance with the requirements of the STCW Convention at the management or operational level in the function of controlling the operations of the ship and care for persons on board; or

- (b) between 1st February 1997 and 1st February 2002, the holder of a certificate of competency endorsed by a party to the STCW Convention 1978, as complying with the requirements of Chapter II, or Chapter III, as appropriate and issued before 1st August 1998.

### **53 Persons in charge of medical care**

Every ship to which this Part applies, except a ship required to carry a doctor by Part 3 of these Regulations shall carry after 1st August 1998 one person nominated to take charge of medical care on board and that person shall be either;

- (a) Any person who has received medical training and has been issued with a certificate after training which is approved by a party to the STCW Convention and which attests to the level of competence specified in Section A.VI/4(4) of the STCW Code; or
- (b) any other person who has received training before 1st August 1998 in medical care which is recognised by the Department as equivalent to the training specified in Section A.VI/4 of the STCW Code.

### **54 High Speed Craft – type rating certificates**

The master and every other officer having an operational role in the navigation and machinery management of a high speed craft which is a Manx ship and which is carrying passengers shall in addition to any certificate or competency hold a type rating certificate for that craft or class of craft which is valid for the route that the craft operates on. The type rating certificate shall be issued by the Department.

### **55 High Speed Craft – type rating certificates – training and validity**

- (1) The Department may specify the conditions training and any practical tests that it shall require to be met for the issue of a type rating certificate.
- (2) A type rating certificate issued by the Department shall have a validity of 2 years and on expiry may be revalidated for a further 2 years subject to meeting such conditions, training, and practical tests as the Department may specify.

### **56 Duty**

It shall be the duty of every operator of a Manx High Speed Craft to ensure that every person serving in that craft who is required to hold a type rating certificate holds such a certificate before they take up their duties on board a high speed craft which is carrying passengers.

## PART 7 – ADDITIONAL TRAINING FOR TANKERS

### 57 Application of Part 7

This Part applies to all ships to which these Regulations apply and which carry a bulk cargo consisting in whole or in part of oil, liquid chemicals or liquefied gases.

### 58 Officers – additional qualifications

Any person sailing in the capacity of master, chief mate, chief engineer, second engineer and any other officer with immediate responsibility for the loading, discharging, care in transit or handling of the cargo in a ship to which this part applies shall have either: —

- (a) a certificate to confirm that the holder has received approved training in accordance with the requirements of Section A.V/I paragraphs 2 to 7, 9 to 14, 16 to 21, or 23 to 34 of the Code to the STCW Convention as appropriate for the type of cargo that is carried in that ship;<sup>8</sup>
- (b) until 1st February 2002 an endorsement to a certificate of competency issued under the provisions of the STCW Convention 1978 confirming that the holder is competent to sail in oil, chemical or gas tankers as appropriate; or
- (c) a certificate of competency issued or endorsed by a party to the STCW Convention in accordance with the 1995 amendments to the STCW Convention stating that the holder is competent to serve on oil, chemical or gas tankers as appropriate.

### 59 Crew members – additional qualifications

(1) Crew members (other than those to which regulation 58 applies) who have specific duties and responsibilities related to cargo or cargo equipment in tankers shall have a certificate of competency or an endorsement indicating that it is valid for service in tankers of the appropriate type or they do not hold such a certificate of competency shall have in lieu: —

- (a) completed a shore based fire fighting course;
- (b) either proof of not less than 3 months sea service acceptable to the Department or have attended a shore based tanker familiarisation course for tankers of the appropriate type within the 5 years preceding the date of joining the ship and which is approved by a party to the STCW Convention as meeting the requirements of either Charter V, Section A-V/1 paragraphs 2 to 7 of the Code or in the case of persons who commenced their sea going service before 1st August 1998, training which meets the requirements of Chapter V. Regulation V/1.1, V/2.1 or V/3.1 of the STCW Convention 1978; and

- (c) a certificate attesting to the training required by this regulation.
- (2) A crew member to whom Regulation 65 applies and who has received appropriate training before 1st August 1998 in tanker familiarisation in accordance with the provisions of the STCW Convention 1978 shall be regarded as continuing to meet the requirements of paragraph (1) if that person holds documentary evidence of not less than 1 years service in tankers of the same type within the preceding 5 years.

## 60 Duty

It shall be the duty of the operator of every ship to which this Part applies to ensure that all the crew members who require the training in this part are appropriately trained before taking up their duties on board.

## PART 8 – ADDITIONAL TRAINING FOR PASSENGER SHIPS

### 61 Application of Part 8

This Part applies to all ships to which these Regulations apply and which are Manx Ro-Ro passenger ships.

### 62 Training required

- (1) The master and every other person in a ship to which this Part applies and who is detailed in the muster list to assist passengers in any emergency shall have undertaken the training in crowd management specified in Section A-V/2 paragraph 1 of the Code to the STCW Convention.
- (2) The master chief mate, chief engineer, second engineer and every other crew member assigned immediate responsibility in a Ro-Ro passenger ship for embarking and disembarking passengers, loading discharging or securing cargo, or closing hull openings shall be trained in passenger safety, cargo safety, and hull integrity in accordance with the provisions of Section A-V/2 paragraph 4 of the Code to the STCW Convention.
- (3) The master, chief mate, chief engineer, second engineer and every other crew member included in the must list with duties giving them responsibility for the safety of passengers in emergencies shall have completed such training in crisis management and human behaviour as may be specified by the Department.
- (4) Crew members other than those to which paragraphs (1), (2) and (3) apply and who provide direct services to passenger spaces shall, before taking up their duties, receive training which is sufficient to ensure that each is able to communicate with passengers during any emergency taking into account the principal nationalities of passengers expected to travel in the ship, and demonstrate to passengers the correct use of personal life saving appliances.

- (5) The documents issued after training required by paragraphs (1), (2) and (3) shall have a validity of 5 years and may be revalidated at any time after refresher training approved by the Department in accordance with regulation 63 for a further period of 5 years.

### **63 Provision of Training**

- (1) The training required in this Part may be provided at a shore based training establishment if that training provision is: —
- (a) approved by the Department or by a party to the STCW Convention;
  - (b) in accordance with the requirements of Chapter V of the STCW Convention; and
  - (c) evidenced by the award of documentary evidence to all persons who successfully complete training.
- (2) The training required by this Part may be provided by the operator on board the ship but if so provided: —
- (a) the operator shall submit to the Department all details of the content, and methods of assessment of the training;
  - (b) the operator shall submit to the Department details of the persons nominated to conduct the training;
  - (c) the training provision shall be monitored through a quality standards system;
  - (d) all persons on the completion of satisfactory training shall be issued with a document attesting to that training; and
  - (e) the training content, methods of assessment, quality assurance system, and the persons to conduct the training shall be approved by the Department.

### **64 Duty of operator**

It shall be the duty of every operator of a ship to which this Part applies to ensure that crew members are trained in accordance with this Part.

### **65 Duty of Master**

It shall be the duty of the master of every ship to which this Part applies to ensure that no person fills a position on a ship which requires a trained person unless that person has received the appropriate training for that position as required by this Part.

## PART 9 – MEDICAL FITNESS CERTIFICATES

### 66 Medical Fitness Certificates

- (1) Every person employed in a Manx ship of more than 500 gross tonnage shall hold a valid medical certificate if that person: —
  - (a) is required to be on board by virtue of the ship's Safe Manning certificate;
  - (b) has any responsibilities on board relating to emergency procedures;
  - (c) has any watchkeeping responsibilities; or
  - (d) has any duties relating to the normal operation of the ship.
- (2) A seafarer holding a medical certificate which expires while he is employed in a ship and while he is in a location where a medical examination and the issue of a new certificate in accordance with these Regulations is impracticable may continue to be employed for a period not exceeding 3 months from the date of expiry of the medical certificate.

### 67 Validity of Certificate

- (1) Except as provided in paragraph (2), a medical fitness certificate shall be valid until the date of expiry stated on it if it is issued in accordance with the provisions of the Medical Examination (Seafarers) Convention 1946<sup>9</sup> (International Labour Organisation Convention 73 of 1946) or the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organisation Convention 147 of 1976)<sup>10</sup> by: —
  - (a) a medical practitioner approved for the purpose of issuing medical fitness certificates for seafarers by the Government of the UK; and
  - (b) a medical practitioner empowered in that behalf and approved for the purpose of issuing medical fitness certificates for seafarers by another state which is also a signatory to the said Convention of 1946 or 1976.
- (2) No seafarer required to have a medical fitness certificate by these Regulations shall be employed: —
  - (a) in a ship carrying liquid chemicals in bulk unless he is the holder of a medical fitness certificate which has been issued with the period of 12 months preceding his employment in the ship; or
  - (b) in a ship trading to a geographical area which is precluded by any restriction noted on the holder's medical fitness certificate.

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<sup>9</sup> cmd 7109

<sup>10</sup> cmd 7163

**68 Duty**

- (1) It shall be the duty of every operator of a ship to which this Part applies to ensure that all seafarers who require to have valid medical fitness certificates do hold such certificates.
- (2) It shall be the duty of the master of every ship to which this Part applies to ensure that no crew member is engaged on the ship unless that crew member holds a valid medical fitness certificate in accordance with this Part.

**PART 10 – HOURS OF REST<sup>9</sup>****6 Hours of rest**

- (1) It is the duty of an employer of a seafarer, the master and the operator who has assumed responsibility for the operation of the ship to ensure that as a minimum every seafarer is provided with not less than 10 hours rest in total in any 24 hour period, provided that:
  - (a) the 10 hour period may be divided into not more than two periods one of which shall be not less than 6 hours;
  - (b) the interval between consecutive periods of rest shall not exceed 14 hours; and
  - (c) the minimum hours of rest shall not be less than 77 hours in any 7 day period.
- (2) Situations when a seafarer is on call but is free to sleep may be counted as rest, but if at any time the normal period of rest is disturbed by call-outs to work the master or person authorised by the master shall ensure that the seafarer is provided with an adequate compensatory period of rest.<sup>10</sup>

**7 Night working**

- (1) Subject to paragraph (2) no seafarer under the age of 18 shall work at night.
- (2) A seafarer under 18 may work at night if the work forms part of an established programme of training the effectiveness of which would be impaired by the prohibition contained in paragraph (1).
- (3) In this regulation "night" means a period of least 9 consecutive hours which includes the period between midnight and 5.a.m.<sup>11</sup>

**8 Equivalent arrangements**

- (1) In the case of ships on short voyages or to take account of longer leave periods or compensatory leave for watchkeeping seafarers the Department may approve equivalent arrangements to those in Regulation



6 when those equivalent arrangements are set out in a collective agreement provided that:

- (a) the Department is satisfied those equivalent arrangements are sufficient to prevent fatigue; and
  - (b) the trade union which is party to the agreement is acceptable to the Department.
- (2) Whenever any equivalent arrangements are approved in accordance with paragraph (1) a copy of the relevant collective agreement shall be kept on board the ship in a prominent place easily accessible to all crew members.<sup>12</sup>

## 9 Emergencies and other situations

- (1) Nothing in these regulations shall impair the master of a ship or person authorised by the master from requiring a seafarer to perform any hours of work necessary arising from:
  - (a) emergencies;
  - (b) situations considered likely to become emergencies unless action is taken;
  - (c) giving assistance to other ships or persons in distress at sea;
  - (d) the immediate safety of the ship, persons on board, cargo and environmental protection;
  - (e) other overriding factors beyond the control of the master or the operator other than commercial considerations; and
  - (f) musters and drills.
- (2) Musters and Drills shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.
- (3) As soon as is practicable after the normal situation has been restored the master or person authorised by the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.<sup>13</sup>

## 10 Schedule of shipboard working arrangements

- (1) The operator shall consult with the master of the ship and draw up a schedule of shipboard working arrangements which as a minimum shall be compliant with the hours of rest in Regulation 6 and in any case not induce fatigue.
- (2) The schedule of shipboard working arrangements shall be in the format specified in Schedule 1 to these regulations<sup>11</sup> or in an alternative equivalent format containing the same information which includes for every working position at least:

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<sup>11</sup> See Schedule 1 as inserted by SD 757/02 annexed to this Part.

- (a) the daily schedule of service at sea and service in port; and
  - (b) minimum hours of rest required under these regulations.
- (3) The final decision and responsibility for the schedule rests with the operator.
- (4) The schedule shall not be changed except after consultation with the master.
- (5) The master of the ship or person authorised by the master shall ensure that the schedule of shipboard working arrangements is posted up in a prominent place easily accessible to all crew members in English and the working language or languages of the ship if that is not English.<sup>14</sup>

## 11 Recording of hours of rest

- (1) The master or person authorised by the master shall ensure a record of daily hours of rest is kept for every seafarer. The record shall be completed in arrears at least once during every calendar month in the format specified in Schedule 2 to these regulations<sup>12</sup> or in an alternative equivalent format containing the same information which shall be:
- (a) in English and the working language or languages of the ship if that is not English;
  - (b) endorsed by the master or person authorised by the master; and
  - (c) endorsed by the seafarer.
- (2) The master or person authorised by the master shall ensure that the seafarer is provided with a copy of the endorsed records.
- (3) The Department or person authorised by the Department shall examine and endorse at appropriate intervals records kept under paragraph (1).<sup>15</sup>

## 12 Retention of records

- (1) The master and the operator who has assumed responsibility for the operation of a ship shall ensure that the Schedule of Shipboard Working Arrangements required under Regulation 10 and the Records of Hours of Rest required under Regulation 11 are kept for 3 years and are available for inspection at any time by the Department or by any person authorised by the Department.
- (2) If during this period a operator ceases to operate the duty to retain the records remains with that operator.<sup>16</sup>

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<sup>12</sup> See Schedule 2 as inserted by SD 757/02 annexed to this Part.

### **13 Records of deviations from rest periods**

Whenever any seafarer cannot have the minimum rest required by these regulations the master or person authorised by the master shall record the fact and the reason that the seafarer has not received the minimum rest on the record of hours of rest kept in accordance with Regulation 11.<sup>17</sup>

### **14 Duty of the master**

- (1) It shall be the duty of the master of every ship to which these Regulations apply to ensure that:
  - (a) each officer in charge of a watch is sufficiently rested before taking up any watchkeeping duties;
  - (b) the watchkeeping arrangements are adequate for the maintenance of a safe watch at all times; and
  - (c) the ship does not sail from any port unless those persons who will be in charge of a watch immediately after sailing have received rest sufficient to allow them to maintain a safe watch.<sup>18</sup>

### **15 Duty of Operator**

- (1) It shall be the duty of the operator who has assumed responsibility for the operation of the ship to ensure that sufficient seafarers are provided on the ship so that as a minimum the rest periods required by these Regulations can be complied with.
- (2) Any operator who fails to ensure that sufficient seafarers are provided on the ship to meet the requirements of these regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.<sup>19</sup>

### **16 Inspection of Isle of Man Ships**

- (1) The Department may inspect any Isle of Man ship to which these regulations apply and if it believes that seafarers are unduly fatigued it will carry out a more detailed inspection to determine whether the provision of hours of rest comply with these regulations.
- (2) If the Department is satisfied there has been a failure to comply in relation to that ship with any of the requirements of regulations 6, 10, and 11 it will take such action as it determines necessary to prevent future infringements which may include the revision of the safe manning certificate.
- (3) The Department shall not in the exercise of powers under this Regulation detain or delay the ship unreasonably.<sup>20</sup>

**17 Complaints**

- (1) Whenever the Department has reasonable grounds, which may be a complaint from an identified seafarer, to believe that the requirements of Regulations 6, 10 or 11 are being contravened it shall take such action as it believes necessary which may include an inspection of the ship to investigate the matter.
- (2) Following an investigation in accordance with paragraph (1) if the Department is satisfied that there has been a failure to comply with the requirements of Regulations 6, 10 or 11 it will take such action as it deems necessary to prevent future infringements.
- (3) The identity of any person making a bona fide complaint shall remain confidential to the Department.<sup>21</sup>

## Schedule 1

**MODEL FORMAT FOR TABLE OF SHIPBOARD WORKING ARRANGEMENTS**

Name of Ship: \_\_\_\_\_ IMO number: \_\_\_\_\_

A copy of the Regulations on hours of rest in force for this ship can be found at: \_\_\_\_\_

Details of any equivalent arrangements set out in a collective agreement for the ship:  
\_\_\_\_\_  
\_\_\_\_\_A copy of any equivalent arrangements set out in a collective agreement in place on this ship can be found at:  
\_\_\_\_\_  
\_\_\_\_\_

Position / Rank	Scheduled daily work hours at sea		Scheduled daily work hours in port		Total hours of work at sea	Total hours of work at port
	Watchkeeping ( from - to )	Non - Watchkeeping duties ( from - to )	Watchkeeping ( from - to )	Non - Watchkeeping duties ( from - to )		

Signature of Master \_\_\_\_\_ Date \_\_\_\_\_

**SUMMARY OF ISLE OF MAN MERCHANT SHIPPING (MANNING AND TRAINING) (AMENDMENT) REGULATIONS 2002**

The Isle of Man Merchant Shipping (Manning and Training) (Amendment) Regulations 2002 require in accordance with ILO Convention 180 that the minimum hours of rest for all seafarers are :

- 10 hours in any 24 hour period; and
- 77 hours in any 7 day period.

Hours of rest may be divided into no more than 2 periods one of which shall be at least 6 hours in length. The interval between consecutive periods of rest shall not exceed 14 hours.

Nothing in this Schedule or the Regulations impair the right of the master to require a seafarer to perform any hours of work necessary in an emergency etc. As soon as practicable after the normal situation has been restored the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.



- (a) each seaman assigned to a ship operated by him holds a certificate recognised for the purposes of these Regulations;
- (b) a ship operated by him is manned in compliance with the safe manning requirements set out in regulations 4 and 5;
- (c) documentation and data relevant to all seamen employed on ships operated by him are maintained and readily accessible, and include, without being limited to, documentation and data on the experience, training, medical fitness and competency in assigned duties of those seamen;
- (d) seamen, on being assigned to any ship operated by him, are made 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 co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.<sup>23</sup>

#### **79 Onus of proving what is reasonably practicable**

In proceedings for an offence under any of these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.<sup>24</sup>

MADE 18 DECEMBER 1996





## SCHEDULE 1

## Regulation 18

**MINIMUM KNOWLEDGE OF ISLE OF MAN LEGISLATION FOR CANDIDATES  
FOR ENDORSEMENTS**

**Masters.**

<b>Competence</b>	<b>Knowledge; Understanding and Proficiency</b>	<b>Criteria for evaluating competence.</b>
Maintain statutory records.	Requirements for keeping the official log book.	Correctly open an official log book.
		Make correct entries in the official log book.
		Explain the importance of the official log book.
		Correctly close the official log book.
	Requirements for Crew Agreements.	Know the contents of M. Notices relating to Official Log Books.
		Correctly open a new crew agreement.
		Correctly maintain the crew lists and records relating to crew agreements.
		Know the requirements for display of crew agreements.
Correctly close a crew agreement.		
Reports to the Administration	Statutory reports to be made to the Administration	Correctly complete; Casualty reports, Accident reports, Pollution reports
Discipline	Disciplinary provisions applying to Manx ships.	Correctly deal with breaches of discipline.
		Record disciplinary measures.
Legal Sources.	Understand sources of law and guidance application to Manx ships.	Maintain and understand the Shipping Notice system
		Understand the use and status of Isle of Man Secondary legislation.
		Know the documents required to be carried by statute.

Surveys.	Understand the arrangements for survey of Manx ships.	Know the bodies authorised to survey Manx ships.
		Understand the limitations to surveys carried out by authorised bodies.
		Know the procedure for arranging a survey.
Crew certification.	Understand the statutory certification requirements for officers on Manx ships.	Correctly interpret the ship's safe manning certificate.
		Understand the certificates that are valid on a Manx ship.
		Understand the system of endorsements.
		Understand the arrangements in the Merchant Shipping (Manning and Training) Regulations 1996 for sailing short handed.

**Chief Engineers.**

<b>Competence</b>	<b>Knowledge; Understanding and Proficiency</b>	<b>Criteria for evaluating Competence.</b>
Reports to the Administration	Statutory reports to be made to the Administration	Correctly complete; Casualty reports, Accident reports, Pollution reports
Discipline	Disciplinary provisions applying to Manx ships.	Correctly deal with breaches of discipline
		Record disciplinary measures
Legal Sources.	Understand sources of law and guidance applicable to Manx ships.	Maintain and understand the Shipping Notice system
		Understand the use and status of Isle of Man secondary legislation.
		Know the documents required to be carried by statute.
Surveys.	Understand the arrangements for survey of Manx ships.	Know the bodies authorised to survey Manx ships.
		Understand the limitations to surveys carried out by authorised bodies.
		Know the procedure for arranging a survey.
Crew certification.	Understand the statutory certification requirements for officers on Manx ships.	Correctly interpret the ship's safe manning certificate.
		Understand the certificates that are valid on a Manx ship.
		Understand the system of endorsements.
		Understand the arrangements in the Merchant Shipping (Manning and Training) Regulations 1996 for sailing short handed.

**Chief mates and Second Engineers.**

<b>Competence</b>	<b>Knowledge; Understanding and Proficiency</b>	<b>Criteria for evaluating competence.</b>
Discipline	Disciplinary provisions applying to Manx ships.	Correctly deal with breaches of discipline
		Record disciplinary measures
Legal Sources.	Understand sources of law and guidance applicable to Manx ships.	Maintain and understand the Shipping Notice system.
		Understand the use and status of Isle of Man secondary legislation.
		Know the documents required to be carried by statute.
Crew certification.	Understand watch ratings system.	Understand the requirements for certificated watch ratings.
		Assess candidates for watch rating certificates.

## SCHEDULE 2

## Regulation 32

**MINIMUM COMPETENCE FOR THE ISSUE OF NAVIGATIONAL WATCH  
RATING CERTIFICATE**

<b>Competence</b>	<b>Knowledge; Understanding and Proficiency</b>	<b>Criteria for evaluating Competence.</b>
Steer the ship and comply with helm orders in English.	Use of magnetic and Gyro Compasses.	A steady course is steered within acceptable limits having regard to the area of navigation and prevailing sea state.
	Helm Orders.	Alterations of course are smooth and controlled
	Change over from hand to auto steering and vice versa.	Communications are clear and concise at all times.
		Orders are acknowledged in a seamanlike manner.
Keep a proper look out by sound and hearing.	Responsibilities of a look out, including reporting the approximate bearing of a sound signal, light or other object in points or degrees.	Sound signals, lights and other objects and promptly detected and their approximate bearing in degrees or points is reported to the officer of the watch.
Contribute to monitoring and controlling a safe watch.	Shipboard terms and definitions.	Communications are clear and concise and advice/clarification is sought from the officer on watch where watch information or instructions are not clearly understood.
	Use of appropriate internal communications and alarm systems.	
	Ability to understand orders and communicate with the officer of the watch in matters relevant to watchkeeping duties.	
	Procedures for the relief maintenance and hand-over of a watch.	Maintenance, hand-over and relief of the watch is in conformity with accepted practices and procedures.
	Information required to maintain a safe watch.	
	Basic environmental protection procedures.	
Operate emergency equipment and apply emergency procedures.	Knowledge of emergency duties and alarm signals.	Initial actions on becoming aware of an emergency or abnormal situation is in conformity with established practices and procedures.

	Knowledge of pyrotechnic distress signals, EPIRBs and SARTs.	Communications are clear and concise at all times and orders are acknowledged in a seamanlike manner.
	Avoidance of false distress alerts and action to be taken in the event of accidental activation.	The integrity of emergency and distress alerting systems is maintained at all times.

## SCHEDULE 3

## Regulation 38

**MINIMUM COMPETENCE FOR THE ISSUE OF AN ENGINE ROOM WATCH  
RATING CERTIFICATE**

<b>Competence</b>	<b>Knowledge; Understanding and Proficiency</b>	<b>Criteria for evaluating Competence.</b>
Carry out a watch routine appropriate to the duties of a rating performing part of an engine room watch.	Terms used in machinery spaces and names of machinery and equipment.	Communications are clear and concise at all times and advice or clarification is sought from the officer of the watch where watch information or instructions are not clearly understood.
	Engine room watch keeping procedures.	
	Safe working practices as related to engine room operations.	Maintenance, hand-over and relief of the watch is in conformity with accepted principles and procedures.
Understand orders and be understood in matters relevant to watchkeeping duties.	Basic environmental protection procedures.	
	Use of appropriate internal communications systems.	
	Engine room alarm systems and the ability to distinguish between various alarms, with special reference to fire extinguishing gas alarms.	
For a boiler watch; Maintain the correct water levels and steam pressures.	Safe operation of boilers.	Assessment of boiler condition is accurate and based on relevant information available from local and remote indicators and physical inspection.
		The sequence of timing and adjustments maintains safety and optimum efficiency.
Operate emergency equipment and apply emergency procedures.	Knowledge of emergency duties.	Initial action on becoming aware of an emergency or abnormal situation conforms with established procedures.
	Escape routes from machinery spaces.	Communications are clear and concise at all times.
	Familiarity with the location and use of fire fighting equipment in the machinery space.	Orders are acknowledge in a seamanlike manner.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Subpara (b) amended by SD396/03.

<sup>3</sup> Definition of “the 1987 Regulations” revoked by SD260/03.

<sup>4</sup> Definition of “operator” substituted by SD757/02.

<sup>5</sup> Definition of “Pleasure Vessel” substituted by SD396/03.

<sup>6</sup> Reg 18 substituted by SD260/03.

<sup>7</sup> Reg 19 substituted by SD260/03.

<sup>8</sup> Subpara (a) amended by SD401/98.

<sup>9</sup> Part 10 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02. For application and interpretation provisions in relation to Part 10 see SD 757/02]

<sup>10</sup> Reg 6 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>11</sup> Reg 7 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>12</sup> Reg 8 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>13</sup> Reg 9 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>14</sup> Reg 10 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>15</sup> Reg 11 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>16</sup> Reg 12 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>17</sup> Reg 13 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>18</sup> Reg 14 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>19</sup> Reg 15 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>20</sup> Reg 16 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>21</sup> Reg 17 substituted by SD757/02. [Editorial Note: Substituted regulations 6 to 17 are numbered as set out in SD757/02.]

<sup>22</sup> Part 11 inserted by SD401/98.



<sup>23</sup> Reg 78 inserted by SD401/98.

<sup>24</sup> Reg 79 inserted by SD401/98.