STATUTORY INSTRUMENTS

1977 No. 2072

MERCHANT SHIPPING

MASTERS AND SEAMEN

The Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1977

Made - - - -	13*th December* 1977
Laid before Parliament	16*th December* 1977
Coming into Operation	1*st September* 1981

The Secretary of State, being satisfied that it is necessary or expedient in the interests of safety to make the following Regulations so far as they require ships to carry qualified engineer officers, and after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(**a**), in exercise of powers conferred by sections 43 and 68 of that Act and now vested in him(**b**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1977 and shall come into operation on 1st September 1981.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires:

"the Act of 1894" means the Merchant Shipping Act 1894(**c**);

"the Act of 1970" means the Merchant Shipping Act 1970;

"certificate of competency" means a certificate of competency issued by the Secretary of State by virtue of these Regulations;

"certificate of validity" means a certificate of validity issued by the Secretary of State by virtue of these Regulations;

"certificate of service (engineer officer)" means a certificate of service (engineer officer) issued by the Secretary of State by virtue of these Regulations;

(**a**) 1970 c. 36.
(**b**) *See* S.I. 1970/1537 (1970 III, p. 5293).
(**c**) 1894 c. 60.

"fishing vessel" means either a vessel which is for the time being employed in sea fishing or is a Government fishery research vessel, but does not include a vessel used otherwise than for profit;

"GRT" in relation to a ship, means its gross register tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages;

"location" includes any offshore installation, any other installation (whether floating, or resting on the sea-bed or the subsoil thereof) or any location at sea defined by reference to its latitude and longitude;

"offshore installation" has the same meaning as in section 1(3) of the Mineral Workings (Offshore Installations) Act 1971(**a**) as extended by section 44 of the Petroleum and Submarine Pipe-lines Act 1975(**b**);

"smooth waters" means any waters not being the sea or partially smooth waters, and in particular means waters of any of the areas specified in column 2 of Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977(**c**), as amended(**d**);

"partially smooth waters" means, as respects any period specified in Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977, the waters of any of the areas specified in column 3 of that Schedule in relation to that period;

"pleasure craft" means a vessel primarily used for sport or recreation;

"proper officer" has the same meaning as in section 97(1) of the Act of 1970;

"qualified marine engineer officer" means an engineer officer of the engineering department who is qualified in accordance with Regulation 4(2) of these Regulations;

"registered power" means, in relation to a ship, the brake or shaft power specified in the ship's certificate of registry, that is to say, the total continuous rated brake or shaft power of all the propulsion engines, irrespective of whether some of the power may be diverted from the propulsion shafts or whether not all the power is normally used;

"sail training ship" means a ship of 80 GRT or over which, though equipped to be propelled by sail, is also provided with a propulsion engine, and which carries to sea, in addition to the trained crew, persons under training or instruction;

"service endorsement" means a service endorsement endorsed on a certificate of competency or on a certificate of validity by the Secretary of State by virtue of these Regulations;

"specified by the Secretary of State" means specified in the Department of Trade Merchant Shipping publications entitled "Certificates of Competency in the Merchant Navy: Marine Engineer Officer Requirements" and "Examinations for Certificates of Competency in the Merchant Navy: Engineer Syllabuses and Specimen Papers" both published by Her Majesty's Stationery Office;

"trading area" means an area set out in Schedule 2 to these Regulations; and any reference in these Regulations to a voyage to, from or between locations in a trading area shall be construed as including a reference to

(**a**) 1971 c. 61. (**b**) 1975 c. 74. (**c**) S.I. 1977/252 (1977 I, p. 661).
(**d**) The amendment is not relevant to the subject matter of these Regulations.

a voyage to, from, or to and from, such a location or between such locations in the particular trading area or areas referred to.

(2) In these Regulations:

(*a*) references to a certificate of a numbered class are references to a certificate of the class which bears that number as indicated in Regulation 5(1) (*a*) below;

(*b*) references to a certificate with a service endorsement shall be construed in accordance with Regulation 8 below.

(3) The Interpretation Act 1889(**a**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Application

3. These Regulations apply to all ships, other than fishing vessels and pleasure craft, having registered power of 350 kilowatts or more and to sail training ships with a propulsion engine, which go to sea beyond the limits of smooth or partially smooth waters and which are:

(i) ships registered in the United Kingdom; or

(ii) ships registered outside the United Kingdom which carry passengers;

(*a*) between places in the United Kingdom or between the United Kingdom and the Isle of Man or any of the Channel Islands; or

(*b*) on a voyage which begins and ends at the same place in the United Kingdom and on which the ship calls at no place outside the United Kingdom.

PART II

CERTIFICATION OF MARINE ENGINEER OFFICERS

Qualified engineer officers and classes of certificate

4.—(1) Every ship to which these Regulations apply shall carry such qualified marine engineer officers as required by Part III of these Regulations.

(2) For the purposes of these Regulations an engineer officer shall be qualified:

(*a*) if he is the holder for the time being of a certificate of competency issued under these Regulations, or of a certificate which is to be treated as equivalent to such a certificate by virtue of Regulation 6 below; or

(**a**) 1889 c. 63.

(*b*) being the holder for the time being of a certificate of competency under the Act of 1894, he is also the holder of a certificate of validity under these Regulations;

and, at the material time, such a certificate is in force in relation to the person named in it and is of a class appropriate to the engineer officer's capacity in the ship.

Certificates of competency

5.—(1) (*a*) Certificates of competency shall be issued in accordance with these Regulations of the following classes, that is to say: —

Certificate of Competency (Marine Engineer Officer) Class 1

Certificate of Competency (Marine Engineer Officer) Class 2

Certificate of Competency (Marine Engineer Officer) Class 3

Certificate of Competency (Marine Engineer Officer) Class 4

(*b*) Certificates of competency of Class 1, 2 or 4 shall be issued for motor or steam machinery or for combined motor and steam machinery. Class 3 certificates shall be issued for motor machinery only.

(2) Service endorsements shall be issued in accordance with these Regulations in respect of certificates of competency of Class 2, 3 or 4 for the appropriate description of ship set out in column 3 of the Table in Regulation 8 of these Regulations.

(3) For the purposes of these Regulations a certificate of competency of a class set out in the list in paragraph (1)(*a*) above, with or without a service endorsement (pursuant to Regulation 8 of these Regulations), shall be treated as being a certificate of a higher class than a certificate of any class which is set out after it in that list, with or without a service endorsement, if the higher class certificate is issued for the same type of machinery, whether motor or steam, as the lower class certificate.

Certificates equivalent to a certificate of competency

6.—(1) (*a*) Subject to sub-paragraph (*b*) below, a certificate of competency as engineer granted under section 93 of the Act of 1894 or a certificate of service as engineer granted under section 99 of that Act shall be treated as equivalent to a certificate of competency issued under these Regulations if the Secretary of State has issued to the person who holds it a certificate of validity declaring that it shall be so treated.

(*b*) Such a certificate of competency or a certificate of service of a class set out in column 1 of the Table set out below shall be

treated as equivalent to a certificate of competency issued under these Regulations of the class set out opposite thereto in column 2 of that Table:

TABLE

Column 1	Column 2
Class of 1894 certificate	Equivalent class of certificate of competency issued under these Regulations.
First Class Engineer	Marine Engineer Officer Class 1
Second Class Engineer	Marine Engineer Officer Class 2 with a service endorsement enabling the holder to be carried as Chief Engineer Officer in any ship with registered power of less than 3000 kilowatts operating to, from or between any locations, or in any ship with registered power of less than 6000 kilowatts operating within the Near Continental trading area.

(2) A certificate of service (engineer officer) shall be issued under these Regulations to an engineer officer who satisfies the Secretary of State that he has served as engineer officer in charge of a watch at sea, in a capacity not required to be served by an officer duly certificated under section 92 of the Act of 1894, and has otherwise fulfilled the conditions of Regulation 7(2) of these Regulations. Such a certificate of service (engineer officer) shall be issued in respect of the same type of machinery as that with which the engineer officer was concerned during one of the periods specified in Regulation 7(2) and shall be of a class appropriate to the highest post in such a capacity in which he served during that period. The certificate so issued shall be endorsed for voyages within a trading area, or areas, which most nearly corresponds with the engineer officer's previous service.

(3) The Secretary of State may specify that the standard of competence to be attained by engineer officers of any description, may be the standard of competence required for the issue of a certificate of competency by an authority empowered in that behalf by the laws of a country outside the United Kingdom, and that a certificate issued by any such authority shall be treated as evidence of the attainment of a standard of competence equivalent to the standard required for the issue of a specified class of certificate under these Regulations:

Provided that any certificate issued by any such authority to any such engineer officer which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiration of that period.

Standards and conditions applicable with respect to the issue of certificates

7.—(1) Subject to paragraph (3) below:

(*a*) the standards of competency to be attained and the conditions to be satisfied by a person before he may be issued with a certificate of competency or a certificate of competency with a service endorsement under these Regulations, including any exceptions applicable with respect to any such standards or conditions;

(*b*) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced; and

(*c*) the conduct of any examination for that purpose, the conditions of admission to them and the appointment and remuneration of examiners

shall be such as may be specified by the Secretary of State either in relation to certificates of competency or certificates of competency with a service endorsement in general or to either of such certificates of a particular class as may be so specified.

(2) Subject to the proviso to this paragraph and to paragraph (3) below, the conditions to be satisfied by an engineer officer who applies to be issued with a certificate of service (engineer officer) shall be:

(*a*) that he has served as engineer officer in charge of a watch in a sea-going ship to which these Regulations apply prior to the date on which these Regulations are made; and

(*b*) that he has served as an engineer officer in a sea-going ship for a period of not less than 3 years falling:

(i) in the period of 6 years immediately preceding the date on which these Regulations are made; or

(ii) in any period of 6 years ending after the date on which these Regulations are made, but before the date on which these Regulations come into operation; and

(*c*) that he had produced such evidence as the Secretary of State may require in the particular case of his having so served in the capacity claimed and of his satisfactory conduct in that respect:

Provided that, notwithstanding that the conditions set out in sub-paragraphs (*a*), (*b*) and (*c*) above have not been complied with, the Secretary of State, taking into account the circumstances in a particular case may, where he is satisfied that those conditions have been substantially complied with, issue a certificate of service (engineer officer).

(3) Notwithstanding that an applicant for a certificate of competency, a service endorsement, or a certificate of service (engineer officer) complies with the standards or fulfils the conditions specified by, or by virtue of, the foregoing provisions of this Regulation, the Secretary of State shall not issue the certificate 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 certificate and to act competently in the capacity to which it relates.

Service endorsements on certificates of competency, certificates of validity or on certificates of service

8. Where a person is the holder of:—

(*a*) a certificate of competency issued under these Regulations; or

(*b*) a certificate of validity relating to a certificate of competency issued under section 93 of the Act of 1894; or

(*c*) a certificate of validity relating to a certificate of service issued under section 99 of the Act of 1894,

and his certificate of competency or service is of a class specified in column 1 of the Table below, the Secretary of State may, if he is satisfied that that person is competent to be carried as Chief Engineer Officer in a ship of the description specified in column 3 of that Table in relation to that class, endorse the certificate to that effect with the service endorsement specified in column 2 of that Table:

TABLE

Column 1	Column 2	Column 3
Class of Certificate of Competency or Service	Service Endorsement	Description of Ship
Class 2	Chief Engineer Officer	In ships of 746 or more but under 3000 kilowatt registered power going to, from or between any locations. In ships of 3000 or more but under 6000 kilowatt registered power going between locations in the Near Continental trading area.
Class 3	Chief Engineer Officer	In ships of 350 or more but under 746 kilowatt registered power going to, from or between any locations. In ships of 746 or more but under 3000 kilowatt registered power going between locations in the Near Continental trading area.
Class 4	Chief Engineer Officer	In ships of 350 or more but under 746 kilowatt registered power going between locations in the Near Continental trading area. In sail training ships of less than 350 kilowatt registered power going to, from or between any locations.

Form, record and surrender of certificates

9.—(1) Certificates of competency, certificates of validity and certificates of of service (engineer officer) shall be issued in duplicate, on payment of the appropriate fee (if any), the original to be delivered to the person entitled to the certificate and the duplicate to be retained by the Secretary of State.

(2) A record of all certificates of competency, certificates of validity and of all certificates of service (engineer officer) issued under these Regulations and of the suspension, cancellation or alteration of, and any other matters affecting any such certificate shall be kept, in such manner as the Secretary of State may require, by the Registrar General of Shipping and Seamen or by such other person as the Secretary of State may direct.

(3) Where the holder of a certificate of competency of a particular class issued under these Regulations is issued with such a certificate of a higher class, he shall surrender the first-mentioned certificate to the Secretary of State or to such person as the Secretary of State directs, for cancellation.

Loss of certificate

10. If a person entitled to a certificate of competency, certificate of validity or a certificate of service (engineer officer) proves to the satisfaction of the Secretary of State that he has, without fault on his part, lost or been deprived of a certificate already issued to him, the Secretary of State shall, and where he is not so satisfied may, upon payment of such fee (if any) as he may require, cause a copy of the certificate to which the said person appears to be entitled, to be issued to him. Any such copy shall, before it is so issued, be certified as such by the Registrar General of Shipping and Seamen or, as the case may be, by such person as the Secretary of State may have directed to keep the record referred to in Regulation 9(2) above.

PART III

MARINE ENGINEER OFFICERS TO BE CARRIED

Qualified marine engineer officers to be carried in ships

11.—(1) Subject to paragraph (2) of this Regulation and to Regulation 12 below, the minimum number of qualified marine engineer officers of a particular class, which ships:

(*a*) of a registered power set out in column 2 of the Table set out in Part I of Schedule 1 to these Regulations or,

(*b*) in the case of sail training ships, having a propulsion engine of 350 kW registered power or more

when engaged on a voyage to or from a location or between locations in the trading area set out in relation to that description of ship in column 1 of the said Table, are required to carry shall be the number set out in column 3 of that Table:

Provided that a sail training ship having a propulsion engine of less than 350 kW registered power shall carry at least one engineer officer who is the holder of a certificate of competency Class 4 (motor) endorsed as Chief Engineer Officer in accordance with Regulation 8 of these Regulations.

(2) The provisions of column 3 of the said Table have effect subject to the special provisions set out in Part II of the said Schedule 1 and paragraph (1) above, as read with the provisions of the said column 3, shall apply accordingly.

Exceptional provisions when a ship may proceed to sea with one qualified marine engineer officer less than the number required by these Regulations

12.—(1) Subject to paragraph (3) below, if on an occasion on which a ship to which these Regulations apply goes to sea, one of the qualified marine engineer officers is not carried because of illness, incapacity, or other unforeseen circumstance, but all reasonable steps were taken to secure the carriage on that occasion of a duly qualified marine engineer officer, so much of the foregoing provisions of these Regulations as require such a ship on such a voyage to carry that marine engineer officer shall not, subject to compliance with the conditions of paragraph (2) below, apply to the ship during whichever is the shorter of the following periods, beginning with the day on which the ship goes to sea from that location on that occasion, that is to say:

(*a*) a period ending with the day on which the ship does carry a qualified marine engineer officer as that marine engineer officer or

(*b*) a period determined as follows:

(i) in the case of a ship going to sea from a location beyond the Middle Trade trading area	28 days
(ii) in the case of a ship going to sea from a location beyond the Near Continental trading area but within the Middle Trade trading area	14 days
(iii) in the case of a ship going to sea from a location beyond the UK but within the Near Continental trading area	7 days

Provided that one such period of 28, 14 or 7 days, as the case may be, shall not be followed immediately by any further period at sea during which the ship carries one less than the number of duly qualified marine engineer officers required by these Regulations.

(2) The conditions referred to in paragraph (1) above are that the master, when going to sea from that location, shall:

(*a*) notify a proper officer of his intention not to carry that qualified marine engineer officer, and

(*b*) make an entry of that notification in the ship's official log.

(3) Notwithstanding the provisions of paragraph (1) above, a ship such as is mentioned in sub-paragraph (*b*)(i) or (*b*)(ii) or (*b*)(iii) of that paragraph may only go to sea on such a voyage if, at the time, it is carrying at least one qualified marine engineer officer.

Additional conditions in respect of ships carrying dangerous cargoes

13. A ship to which these Regulations apply which has a bulk cargo consisting in whole or in part of:

(1) any liquid chemical listed in chapter VI of the Inter-governmental Maritime Consultative Organisation ("IMCO") publication entitled "Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk" and the Supplement thereto, both published in 1974 by IMCO; or

(2) any liquefied gas listed in Chapter XIX of the IMCO publication entitled "Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk" published in 1976 by IMCO;

shall carry as Chief Engineer and as Second Engineer respectively, engineer officers qualified under these Regulations, subject to the condition that both such officers shall satisfy such conditions as to training and service as may be specified by the Secretary of State.

13th December 1977.

Stanley Clinton Davis,

Parliamentary Under-Secretary of State,
Department of Trade.

SCHEDULE 1

Regulation 11

PART I

MINIMUM NUMBER OF MARINE ENGINEER OFFICERS TO BE CARRIED

TABLE

Column 1	Column 2	Column 3			
Area	Registered Power (Kilowatts) of ships including sail training ships	Minimum number of certificated marine engineer officers to be carried			
		Class 1 Cert	Class 2 Cert	Class 3 Cert	Class 4 Cert
Unlimited or Middle Trade	3000 and over	1	1	—	2
	746 or more but under 3000	—	1(*e*)	1	1
	350 or more but under 746	—	—	1(*e*)	1
Near Continental	6000 and over	1	1	—	1
	3000 or more but under 6000	—	1(*e*)	1	—
	746 or more but under 3000	—	—	1(*e*)	1
	350 or more but under 746	—	—	—	1(*e*) and 1

NOTE: Column 3 is to be read subject to, and the meaning of (*e*) is to be found in paragraph 2 of, the special provisions set out in Part II of this Schedule.

PART II

Regulations 11(2)

SPECIAL PROVISIONS APPLICABLE TO PART I OF THIS SCHEDULE

1. The provisions of column 3 of the Table set out in Part I above, in so far as they impose a requirement with respect to the carrying in a ship of a qualified marine engineer officer who is the holder of a certificate of competency issued under these Regulations of a particular class, shall be treated as complied with if the engineer officer who is carried in pursuance of that requirement is the holder of a certificate of competency issued under these Regulations of a higher class and in respect of the same type of machinery as that installed in the ship.

2. Where a number set out in column 3 of the Table set out in Part I above in relation to a certificate of competency issued under these Regulations of a particular class is followed by the indication (*e*), that provision of the said column 3 to which the number relates shall be construed as requiring the certificate in question to be endorsed with the Chief Engineer Officer service endorsement.

SCHEDULE 2

Regulation 2(1)

DEFINITION OF "TRADING AREA"

"trading area" means any of the following areas, that is to say:

Near Continental trading area: any location within the area bounded by a line from a point on the Norwegian coast in latitude 62° North to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 51° North 12° West; thence to Brest, but excluding all waters which lie to the eastward of a line drawn between Kristiansand, Norway, and Hanstholm lighthouse on the North Danish coast;

Middle Trade trading area: any location not within the Near Continental trading area but within an area (which includes places in the Baltic Sea) bounded by the northern shore of Vest Fjord (Norway) and a line joining Skomvaer lighthouse (Latitude 67° 25′ N Longitude 11° 53′ E) to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 51° North 12° West; thence to a point 41° 9′ North 10° West; thence to Oporto;

Unlimited trading area: any location not within the Middle Trade or Near Continental trading areas.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

(1) These Regulations prescribe requirements for UK registered ships having registered power of 350 kilowatts or more, including sail training ships with a propulsion engine, to carry a specified number of engineer officers determined according to the registered power of the ship and the voyage to, from or between locations in specified trading areas on which it will be engaged (Regulation 3). Similar requirements are prescribed for ships registered outside the UK which carry passengers between places in the UK or between the UK and the Channel Islands or Isle of Man or on voyages which begin and end at the same place in the UK and call at no place outside the UK (Regulation 3). Provision is made for the exceptional circumstance when one engineer officer cannot be carried because of illness or incapacity (Regulation 12). Special requirements are prescribed for sail training ships (Regulation 11(1)). Requirements are not prescribed for fishing vessels or pleasure craft (Regulation 3).

(2) Certificates of competency will be issued to engineer officers who satisfy the requisite standards of competency (Regulation 7(1)). Engineer officers holding valid certificates of competency or certificates of service under the Merchant Shipping Act 1894 may have them validated by the issue of a certificate of validity (Regulation 6(1)). Provision is made for the Secretary of State to specify that certificates issued by countries outside the UK may be treated as equivalent to certificates of competency under these Regulations (Regulation 6(3)). Certificates of competency and certificates of validity may be further endorsed with service endorsements enabling the holder to be carried as Chief Engineer Officer of a ship of a specified description (Regulation 8).

(3) Provision is made for certificates of service (engineer officer) to be issued to engineer officers serving in ships which do not at present have to carry certificated officers but will be required to do so under these Regulations (Regulation 6(2)). Certificates of service (engineer officer) will be treated as equivalent to certificates of competency and enable the holders to continue to be carried in their present capacity (Regulation 6(2)).

(4) The standards of competency which must be attained before an engineer officer will be issued with a certificate of competency under these Regulations are set out in the Department of Trade publications entitled "Certificates of Competency in the Merchant Navy: Engineer Officer Requirements" and "Examinations for Certificates of Competency in the Merchant Navy: Engineer Syllabuses and Specimen Papers" both published by Her Majesty's Stationery Office (Regulation 7(1)).

(5) Additional training is required for certain engineer officers in ships carrying bulk cargoes of specified dangerous chemicals or gases (Regulation 13). The Inter-governmental Maritime Consultative Organisation publications specifying the dangerous chemicals and gases are obtainable from the Publications Office of the Organisation, 101-104 Piccadilly, London.

SI 1977/2072
ISBN 0-11-072072-5

