STATUTORY INSTRUMENTS

1984 No. 96

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Navigational Watch Ratings) Regulations 1984

Made - - - -	*31st January* 1984
Laid before Parliament	*10th February* 1984
Coming into Operation	*28th April* 1984

The Secretary of State for Transport, 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 navigational watch ratings, and after consultation with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970**(a)** and the persons referred to in section 22(2) of the Merchant Shipping Act 1979**(b)**, in exercise of powers conferred by section 43(1)(*b*), (3) and (4) of the said Act of 1970 **(c)** and now vested in him**(d)** and of section 21(1)(*a*), (3)(*e*), (4)(*a*), (5) and (6)(*b*) and (*bb*) of the said Act of 1979**(e)** and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Operation

1. These Regulations may be cited as the Merchant Shipping (Navigational Watch Ratings) Regulations 1984 and shall come into operation on 28th April 1984.

Interpretation

2. In these Regulations:

"approved document" means a document approved by the Secretary of State;

"employer" means the person for the time being employing the master;

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

(a) 1970 c. 36. **(b)** 1979 c. 39.

(c) Section 43 was amended by the Merchant Shipping Act 1979 section 37(2) and (3) and 43(1) and Schedule 6 Part IV.

(d) *See* S.I. 1970/1537.

(e) Section 21(6)(*b*) and (*bb*) were substituted by section 49(3) of the Criminal Justice Act 1982 (c. 48).

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

"Merchant Shipping Notice" means a Notice described as such, issued by the Secretary of State;

"partially smooth waters" means, as respects any period specified in Schedule 2 to the Merchant Shipping (Smooth and Partially Smooth Waters) Rules 1977**(a)**, 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;

"qualified navigational watch rating" means a rating who is qualified in accordance with regulation 5 of these Regulations;

"qualified officer" means an officer in the deck department who is qualified for the purposes of section 43 of the Merchant Shipping Act 1970;

"rating" means a member of the ship's crew other than the master or a qualified officer;

"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;

"specified by the Secretary of State" means specified in Merchant Shipping Notice No. 1096 and any document amending it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

"United Kingdom ship" has the same meaning as in section 21(2) of the Merchant Shipping Act 1979.

Application

3.—(1) Subject to paragraph (2) of this regulation, these Regulations apply to all United Kingdom ships of 200 GRT or over, being ships which go to sea beyond the limits of smooth or partially smooth waters, other than fishing vessels and pleasure craft.

(2) Notwithstanding the provisions of paragraph (1) of this regulation, in respect of ships operating between locations in such areas as may be specified in a Merchant Shipping Notice, the Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Obligation on employer and master

4.—(1) It shall be the duty of every employer to ensure that any ship carries sufficient ratings qualified in accordance with regulation 5 of these Regulations to enable the master to perform his duties in respect of navigational watch-keeping.

(a) S.I. 1977/252; the only relevant amending instrument is S.I. 1978/801.

(2) The master shall not permit a rating who is not qualified in accordance with regulation 5 of these Regulations to form part of a navigational watch or to perform particular duties for which he is not qualified as part of that watch:

Provided that nothing in this regulation shall prohibit the participation of ratings in navigational watchkeeping duties (in addition to those required for such duties) as part of their training under the supervision of a qualified officer or qualified navigational watch rating.

Qualification

5. In order to be qualified as a navigational watch rating for the purposes of these Regulations, a person shall be the holder of a valid approved document issued by a person specified by the Secretary of State certifying that the rating has complied with the requirements specified by the Secretary of State and any such document may carry an endorsement specified by the Secretary of State indicating particular duties for which the rating is not qualified.

Offences

6. Contravention of regulation 4(1) by any employer and of regulation 4(2) by any master shall be an offence punishable on summary conviction by a fine not exceeding £1,000 and on conviction on indictment by imprisonment for a term not exceeding two years and a fine.

Nicholas Ridley,
Secretary of State for Transport.

31st January 1984.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide that only ratings who are qualified in accordance with these Regulations may form part of a navigational watch on certain sea-going United Kingdom ships of 200 GRT or over, other than fishing vessels and pleasure craft. Other ratings may participate in navigational watchkeeping duties only as part of their training under the supervision of a qualified deck officer or navigational watch rating (regulations 3(1) and 4(2)).

The necessary qualification is to be the holder of a valid certificate certifying that the holder has complied with the specified requirements (regulation 5). The detailed requirements for the issue of such a certificate are specified by the Secretary of State in Merchant Shipping Notice No. 1096 which may be amended. Merchant Shipping Notices are obtainable from the Department of Transport Marine Library, Sunley House, 90 High Holborn, London WC1 and from any Department of Transport Marine Office.

It is an offence for an employer to fail to ensure that sufficient qualified ratings are carried to enable the master to perform his duties, including those set out in the Merchant Shipping (Certification and Watchkeeping) Regulations 1982 (S.I. 1982/1699), in respect of navigational watchkeeping (regulations 4(1) and 6). It is an offence for the master to permit an unqualified rating to form part of a navigational watch or to perform duties for which he is not qualified (regulations 4(2) and 6).

These Regulations give effect in part to Regulation II/6 of Chapter II of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978) (Cmnd. 7543) which was laid before Parliament in May 1979 and was ratified by the United Kingdom on 28th November 1980. The Convention will come into force internationally on 28th April 1984.

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