

**Merchant Shipping (Fishing Vessel  
Personnel Training, Certification  
and Watchkeeping) Regulations**

**Legislation Drafting Project  
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MERCHANT SHIPPING (FISHING VESSEL PERSONNEL TRAINING,  
CERTIFICATION AND WATCHKEEPING) REGULATIONS

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**Implementation of the International Convention for the Standards of  
Training, Certification and Watchkeeping for Fishing Vessel Personnel  
(STCW-F)**

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**Implementation of the International Convention for the Standards of Training,  
Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F)**

**1. THE FISHING INDUSTRY.**

The sea is an important source of food and other resources, providing vital supplies for both developed and developing countries. It provides a variety of living and non-living resources which are used in everyday life for the benefit of mankind. The sea has since time immemorial been used as a source of food, where able fishermen often risked their lives in order to earn their living.

Fishing at sea is one of the most dangerous occupations in the world. The data gathered from countries that keep accurate records show that occupational fatalities in those countries' fishing industries far exceed the overall national averages. In the United States the fatality rate among fishermen is 25 to 30 times the national average; in Italy it is more than 21 times the national average; and in Australia it is 143 per 100,000, compared with the average of 8.1 per 100,000.

Very few countries however are able to supply this data, and it seems plausible that the fatality rate in countries for which information is not available might be higher than it is in those that do keep records. Thus, the International Labour Organization's (ILO) estimate of 24,000 yearly fishing related fatalities worldwide, may be considerably lower than the real figure.

Of the 36 million people engaged in fishing and fish farming worldwide, the Food and Agriculture Organisation (FAO) estimates that roughly 15 million fishermen are employed aboard decked or un-decked fishing vessels operating in marine capture fisheries, and that more than 90 percent of these fishermen are working on vessels that are less than 24 meters in length.

Of particular concern are the reports from fishing administrations and fishermen organizations indicating that fatality rates are increasing in the artisanal sector of developing countries. In most cases, the increase in fatalities can be traced back to changes in the basic nature of fishing operations: over-exploitation of coastal resources; advances in vessel and fishing technologies, including motorization and new types of fishing gear; lack of training, experience and skills; commercial pressure; and new fisheries management regimes.

Where inshore resources have been over-exploited, fishermen often choose to work farther away from shore, sometimes for extended periods, in fishing craft that are based on designs for inshore fishing, which is limited to daily operations. Furthermore, older generations have no experience of offshore fishing, so there is a lack of traditional knowledge for today's crews about such essential issues as navigation, weather forecasting, communications, living habits during extended periods at sea and the vital culture of safety at sea.

International voluntary guidelines do not have much effect on artisanal fisheries, largely because standards are directed towards decked vessels of more than 12 meters. In the absence of an international instrument, fishermen must often rely on national

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legislation to ensure the safety of their craft, particularly when the vessel owner does not participate as a crewmember. While most countries have regulations concerning the design, construction and equipment of vessels, in developing countries these are sometimes outdated, inappropriate and inadequately enforced. In developed countries, the application of more stringent regulations has not always led to any significant decrease in fatalities; it seems that, as vessels are made safer, operators take greater risks in their ever-increasing search for good catches.

There are a number of areas where improvements can be made for the safety of fishermen and their vessels, including: provision and analysis of data that identify the causes of accidents; training of crews and trainers; and formulation of regulations that are enforced through increased collaboration among fishermen, fishermen organizations and the authorities.

Enforcement of safety regulations is essential and requires collaboration within administrations and, particularly, between fisheries and the marine authorities. The training of fishermen is clearly one means of channelling the results of lessons learned from the analysis of casualty data. Historically, the training of fishermen has been limited to skippers, mates and engineers in developed countries. The IMO Protocol to the Standards of Training, Certification and Watchkeeping for Seafarers (1978) provided standards for countries to follow, but it was never ratified and was superseded by the International Convention for the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) (STCW-F). These provisions referred only to vessels over 24 meters or powered by more than 750 kW propulsion power. For smaller vessels, the IMO/FAO/ILO Document for Guidance on the Training and Certification of Fishing Vessel Personnel gave further information on courses and syllabuses.

The application of instruments on training, despite the lack of ratification, has been very good in some regions and virtually absent in others. Countries in Europe, the Commonwealth of Independent States (CIS) and South America, along with Canada, Japan and Australasia, have now adopted standards that are in excess of the STCW-F's requirements and in line with the recommendations laid out in the Document for Guidance. The United States has recently started to issue certificates of competency and implement other fishing vessel safety legislation. In Central America, Africa and Asia, many fisheries schools were established in the 1970s and 1980s, and safety training is a major component of their curricula.

Recent developments have seen a shift in the formal training of fishermen from academic to functional training, and assessment is carried out on the basis of what trainees can do rather than what they know. Such training means that lecturers and examiners must have mastered the skills required in order to teach and examine the candidates. Increasingly, administrations require that entrants into the fishing industry should complete a pre-sea training course in basic safety training, first aid, survival at sea and fire-fighting. Owners and skippers are being encouraged to "think safety" by compiling safety management reports in which they list the main hazards on board their particular vessel and identifying precautions and procedures to minimize the potential effect of such hazards.

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The fishing industry has changed considerably in the past forty years, as a result of new management regimes, technology advances and overcapacity, resulting in fishing operations and employment arrangements that create an incentive to work long hours and minimize the number of crewmembers. This, in turn, results in more frequent accidents. International standards and training related to safety and health in fishing may therefore not be reaching the majority of the world's fishermen.

IMO, ILO and FAO are the three specialized agencies of the United Nations that play an active role in fishermen safety at sea. IMO is responsible for improving maritime safety and preventing pollution from ships; and the adoption of maritime legislation is still IMO's primary responsibility. ILO formulates international labour standards in the form of conventions and recommendations, which set minimum standards for basic labour rights. It also promotes the development of independent employers' and workers' organizations, providing training and advisory services to these organizations. However, the working methods and measures of ILO and IMO tend to have little impact on the safety of artisanal and small-scale fishermen.

A safe working environment cannot simply be imposed from above. Measures to improve safety can only be truly effective where there is the motivation to apply them. The establishment and maintenance of a culture of safety is a continuous task that demands the participation of fishermen and their families, boat owners, legislators and the community at large. There are many examples of individuals interested in safety at sea who have formed fishermen self-help groups or other NGOs and established successful cooperation with the authorities to promote safety in their communities.

In the countries where appropriate regulations, enforcement procedures and training are in place, there has been a measurable reduction in the annual number of fatalities over the last 15 years. Although these countries account for less than 5 percent of the world's fishermen, they demonstrate that results can be achieved. Recognition of safety at sea as a major and continuing problem is the first step towards its mitigation. It is considered that the responsibility for safety at sea should be borne by both administrators and fishermen, and similarly that effort and assistance should be shared between those two groups to ensure an effective partnership and hence enable a safer profession.

### **2. STCW-F CONVENTION.**

The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, was adopted by the IMO on the 7<sup>th</sup> of July 1995 following an International Conference which met at the IMO headquarters in London.

Because of the nature of the fishing industry it was found to be extremely difficult to develop regulations for other sections of the shipping industry, which could be also applied without modification to fishing vessels.

The Convention applies to crews of seagoing fishing vessels generally of 24 metres in length and above. It was originally intended that requirements for crews on fishing vessels should be developed as a Protocol to the main STCW Convention, but after careful consideration it was agreed that it would be better to adopt a completely

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separate Convention. The Convention is the first attempt to make standards of safety for crews of fishing vessels mandatory internationally.

The Convention deals with the training requirements which need to be fulfilled by fishing vessel personnel, regulates the process of certification of fishing vessel personnel following their training, and sets watchkeeping standards to be achieved on fishing vessels.

### 3. THE EUROPEAN UNION.

The European Union is a leader in maritime safety, mainly in the aftermath of the Erika and Prestige incidents off the coasts of France and Spain. It has therefore encouraged its members to ratify and implement into their laws most of the IMO conventions relating to maritime safety. The legal basis for this is found under Title VIII of the EC Treaty, dealing with Social policy, education, vocational training and youth, particularly under Articles 117, 118 and 118(a).

The European Parliament, through Resolution 2000/2028(INI) of the 5<sup>th</sup> of April 2001, has urged those Member States which had not yet done so to ratify the Torremolinos Protocol and the STCW-F Convention, so that their entry into force can help to increase safety in the fishing industry throughout the world. Parliament expressed its concern at the high risk to fishermen of being killed or injured while fishing and wished to see the safety rules strengthened.

It also called on the Commission to put forward proposals for directives with a view to drawing up a Community legislative framework to regulate and guarantee safety conditions for vessels not covered by Directives 93/103/EC and 97/70/EC. It also called for a common European system taking account of the differences between fishing fleets, to make it possible to carry out stricter and more systematic technical inspections of vessels and inspections relating to working conditions, so as to ensure compliance with rules on safety, compulsory annual inspections, the application of penalties and checks on communication equipment on board.

Parliament called for Community and national standards to introduce mandatory basic safety training for all crew members on EU fishing vessels. It also invited the Commission to devise strategies to raise the overall standard of fisheries training qualifications and to draw up a specific directive on health and safety at the workplace. Lastly, it urged the Commission to include the social aspects in the regulation on the reform of the common fisheries policy for 2002.

In the European Commission Green Paper on the Future of the Common Fisheries Policy, it is stated in Section 5.7.4 addressing the social issues, specifies that:

*Apart from providing sustainable employment in the fisheries sector and assisting in the conversion of fish workers to other sectors, where necessary, the Community still needs to address other social issues, such as improving the physical safety of fishing vessels and regulating working conditions in the sector, including working hours, in order to minimise safety risks. These considerations also apply to EU fishing vessels operating outside Community waters, where a significant proportion of the crew may not be*

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*EU citizens. Full compliance with Community legislation on working conditions should be ensured. The Community is also concerned to ensure that the substantial role played by women in the fisheries sector is recognised and enhanced.*

### 4. MALTA

While Malta has one of the largest merchant fleets by gross tonnage, it lacks a fishing fleet to match. This is mainly due to the small population which is adequately supplied with marine living resources by the available small fishing fleet. The industry is however developing, and a number of entrepreneurs are seeing business opportunities in the fishing industry.

While Malta does not have a significant amount of natural resources, the sea resources are being considered as having a good business potential, and fishing stocks are slowly being exploited not only for local consumption, but even more for export. There has been in recent years a proliferation in the application for fish-farming sites, and foreign fishing vessels are applying for licences to operate within the Maltese fishing waters.

According to Article 3 of Chapter 425 of the Laws of Malta (Fisheries Conservation and Management Act) the fishing waters of Malta are:

- the internal waters;
- the territorial waters declared under article 3(2) of Chapter 226 of the Laws of Malta (Territorial Waters and Contiguous Zone Act); and
- any other marine waters over which sovereign rights for the purpose of exploring and exploiting, conserving and managing the living resources therein are claimed by proclamation, law or convention for the time being in force, or having the force of law, in Malta.

By means of Article 3(2) of Chapter 226 of the Laws of Malta (Territorial Waters and Contiguous Zone Act), Malta claims territorial waters up to a distance of twenty-five nautical miles from the baselines from which the breadth of the territorial waters is measured, for the purposes of the exercise of sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and, or non-living natural resources therein.

This developing trade will therefore potentially lead to the enlargement of the Maltese fishing fleet, with bigger vessels and more work opportunities in the sector. The Maltese Government has therefore recognised the necessity for legislation in order to increase maritime safety in relation to the fishing industry, which is one of the most dangerous industries in the world. The Maltese Government feels that an early setup of regulations is necessary for a responsible and safe fishing industry. This will also bring Maltese law in line with European Union requirements in the field of maritime safety.

The STCW-F Convention provides generally accepted international standards for the training, certification and watch-keeping duties of fishing vessel personnel. The office of the Registrar-General setup under the Merchant Shipping Act (Chapter 234 of the Laws of Malta) has been assigned the responsibilities and enforcement powers under the STCW Convention by Regulation 234.17, which is fairly similar to the STCW-F Convention in many ways. It therefore seems opportune that a similar system be

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adopted in relation to the STCW-F Convention. It would therefore be desirable, for the purpose of harmonisation, that the Regulation implementing the STCW-F Convention be modelled on that implementing the STCW Convention.



# Merchant Shipping (Fishing Vessel Personnel Training, Certification and Watchkeeping) Regulations

## PART I PRELIMINARY

1. The short title of these Regulations is Merchant Shipping (Fishing Vessel Personnel Training, Certification and Watchkeeping) Regulations. Short title.
2. In these Regulations, unless the context otherwise requires – Interpretation.
  - “Act” means the Merchant Shipping Act; Cap. 234
  - “administration of the flag State” in the case of Maltese fishing vessels means the Registrar-General and in the case of other fishing vessels means the competent authority of the State whose flag a vessel is entitled to fly;
  - “applicant” means any person who has submitted an application to the Registrar-General requesting the issuing of a certificate;
  - “approved” means approved by the Registrar-General;
  - “certificate of competence” means an appropriate certificate issued by the Registrar-General under the provisions of these Regulations;
  - “chief engineer officer” means a person holding an appropriate certificate issued or recognised by the Registrar-General under the provisions of these Regulations ;
  - “engineer officer” means a person holding an appropriate certificate issued or recognised by the Registrar-General under the provisions of these Regulations;
  - “fishing vessel” or “vessel” means any seagoing vessel, whether Maltese or foreign, of not less than 24 meters in length and in whatever way propelled or which is powered by main propulsion machinery of 750 kW propulsion power or more, and which is for the time being employed in fishing operations or for the processing, storage or carriage of fish or of any operations (including transshipment of fish) ancillary thereto, but does not include any vessel used for the transport of fish or fish products as part of a general cargo;

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“fishing vessel personnel” or “personnel” shall include any person employed or conducting operations upon a fishing vessel, including the skipper, officer, officer in charge of a navigational watch, engineer officer, chief engineer officer, second engineer officer and radio operator;

“fishing waters” means the fishing waters of Malta as defined in article 3 of the Fisheries Conservation and Management Act;

“foreign fishing vessel” means a fishing vessel which is registered in a foreign registry and which is licensed by the Registrar-General to operate in Maltese fishing waters.

Cap. 425

“length” or “(L)” shall be taken as 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

“limited waters” means those waters in the vicinity of Malta as defined by the Minister within which a degree of safety is considered to exist which enables the standards of qualification and certification for skippers and officers of fishing vessels to be set at a lower level than for service outside the defined limits. In determining the extent of limited waters, the Authority shall take into consideration the guidelines developed by the International Maritime Organization;

“Malta” shall have the same meaning as that given in Article 124 (1) of the Constitution;

“Maltese fishing vessel” means a fishing vessel registered under the Act;

“moulded depth” is the vertical distance measured from the keel line to the top of the working deck beam at side;

“officer” means a member of the crew, other than the skipper, designated as such by national law or Regulations or, in the absence of such designation, by collective agreement or custom;

“officer in charge of navigational watch” means a person holding an appropriate certificate issued or recognised by the Registrar-General under the provisions of these Regulations;

“operate” or “operation” means catching or catching and processing fish or other living resources of the sea.

“propulsion power” means the total maximum continuous rated

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output power in kilowatts of all the vessel's main propulsion machinery which appears on the vessel's certificate of registry or other official document.

“radio operator” means a person holding an appropriate certificate issued or recognised by the Registrar-General under the provisions of these Regulations;

“Radio Regulations” means the radio rules under the Act;

“Rules” means the rules contained in the Second Schedule to these Regulations representing the annex to the STCW-F Convention;

“second engineer officer” means a person holding an appropriate certificate issued or recognised by the Registrar-General under the provisions of these Regulations ;

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

“STCW-F Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, signed in London on 7<sup>th</sup> July, 1995;

“skipper” means the person having command of the fishing vessel and holding an appropriate certificate issued or recognised by the Registrar-General under the provisions of these Regulations;

“the Authority” has the same meaning as is assigned to it in the Act;

“the Minister” has the same meaning as is assigned to it in the Act;

“unlimited waters” means waters beyond limited waters.

**3.** These Regulations apply to any Maltese fishing vessel wherever it may be, and to any foreign fishing vessel operating in the internal, territorial or fishing waters of Malta or landing its catch in Malta. Recreational craft engaged in non-commercial fishing are excluded from the scope of these Regulations.

Scope of application.

**4.** Every fishing vessel to which these Regulations apply shall be manned by qualified and duly certified personnel in accordance with the criteria prescribed in these Regulations.

**PART II  
TRAINING**

5. A person is qualified as an officer on board a fishing vessel for the purposes of article 90(1) of the Act if such person holds a certificate of competence issued or recognized and endorsed by the Registrar-General in terms of these Regulations in one of the following capacities –

Certificate of competence.

- (a) Skipper;
- (b) Officer In Charge of a Navigational Watch;
- (c) Chief Engineer Officer;
- (d) Second Engineer Officer;
- (e) Radio Operator.

6. A certificate of competence under these Regulations shall only be issued to a person if he or she complies with the criteria in the rules annexed to the STCW-F Convention specified in column 2 of the table below in relation to the competence in column 1 of the table and in accordance with the conditions set out in the First Schedule to these Regulations.

Compulsory training.

**TABLE OF CRITERIA FOR APPROPRIATE  
CERTIFICATES**

<b>Competence (Column 1)</b>	<b>STCW-F (Column 2)</b>
<i>Skipper</i> on board a fishing vessel operating in unlimited waters;	Chapters II/1 & II/7
<i>Officer In Charge Of A Navigational Watch</i> on board a fishing vessel operating in unlimited waters;	Chapters II/2 & II/7
<i>Skipper</i> on board a fishing vessel operating in limited waters;	Chapters II/3 & II/7
<i>Officer In Charge Of A Navigational Watch</i> on board a fishing vessel operating in limited waters;	Chapters II/4 & II/7
<i>Chief Engineer Officer</i> or <i>Second Engineer Officer</i> on board a fishing vessel powered by main propulsion machinery of 750 kW propulsion power or more;	Chapters II/5 & II/7
<i>Radio Operator.</i>	Chapters II/6 & II/8

7. Fishing vessel personnel shall, in addition to the criteria established in Regulation 6, and before being assigned to any shipboard duties, receive basic training approved by the Registrar-General in the areas specified in Chapter III of the annex to the STCW-F Convention, and no certificate in terms of Regulation 6 shall be issued prior to the completion of such

Compulsory basic training.

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basic training to the satisfaction of the Registrar-General;

Provided that the Minister may by regulation specify additional areas of basic training under this Regulation.

**8.** It shall be the duty of the owner, or of the person who has assumed the operation of the vessel and the skipper to ensure that all the crew members on board the fishing vessel are in compliance with the provisions and requirements of this Part.

Liability of owner, operator and skipper under this Part.

**PART III  
CERTIFICATION**

**9.** The Registrar-General shall have the authority to issue certificates of competence in accordance with the STCW-F Convention to any applicant who has, to his satisfaction, satisfied all the training requirements set out in Part II of this Act, in relation to the applicant's function upon the fishing vessel.

Authority of Registrar-General to issue certificates of competence.

**10.** The Registrar-General shall only issue a certificate under this Act if the applicant satisfies the requirements for service, age, medical fitness, training, qualification and examinations in accordance with Chapter II of the STCW-F Convention.

Conditions for the issuing of certificates of competence

**11.** The procedure and conditions for the issue of certificates provided for in these Regulations shall be as set out in the First Schedule to these Regulations.

Procedures and conditions.

**12.** (1) Certificates and endorsements under these Regulations shall be issued by the Registrar-General on payment of the prescribed fee.

Form, date, validity, record and surrender of certificates or endorsements.

(2) Certificates and endorsements shall be issued bearing the date when the applicant has satisfied all the requirements set out in these Regulations for the issue of such certificate or endorsement.

(3) Certificates of competence and endorsements shall be issued in the form prescribed in Appendix 1 and 2 of the Third Schedule to these Regulations.

(4) Certificates and endorsements shall remain valid for seagoing service only so long as the holder can comply with the standards and conditions as to medical fitness and professional competence as specified by the Registrar-General to act in the appropriate capacity.

(5) Where the holder of a certificate is issued with an

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appropriate certificate at a higher level, the first-mentioned certificate shall first be surrendered to the Registrar-General for cancellation.

(6) A record of all certificates and endorsements which are issued under these Regulations, have expired or have been revalidated, suspended, cancelled, or reported lost or destroyed and any alteration of or any other matter affecting any such certificates or endorsements, shall be kept by the Registrar-General.

(7) The Registrar-General shall make available information on the status of certificates or endorsements issued under these Regulations to other Parties to the STCW-F Convention and persons requesting information.

**13.** In the case of a certificate of competence issued by the Registrar-General, the certificate shall be endorsed by the Registrar-General in accordance with the STCW-F Convention if satisfied that the holder of the certificate complies with the requirements of regulation 5 and with the conditions set out in the First Schedule to these Regulations.

Endorsement of  
Certificates  
issued by the  
Registrar-  
General.

**14.** (1) The certificate or endorsement of any skipper, officer and engineer officer issued under Regulation 5 hereof shall not be valid for seagoing service unless revalidated at intervals not exceeding five years to establish continued professional competence in accordance with Chapter II/7 of the STCW-F Convention.

Revalidation of  
certificates and  
endorsements.

(2) The certificate or endorsement of any radio operator issued under Regulation 5 hereof shall not be valid for seagoing service unless his or her continued professional competence is established in accordance with Chapter II/8 of the STCW-F Convention.

**15.** (1) The Registrar-General shall recognise a certificate of competence issued by or under the authority of another Party to the STCW-F Convention to any officer referred to in Regulation 5 if satisfied that the requirements of the STCW-F Convention concerning standards of training, competence, the issue and endorsement of certificates and record keeping are fully complied with.

Recognition of  
foreign  
certificates.

(2) Where the Registrar-General recognises a certificate of competence pursuant to sub-regulation (1), the Registrar-General shall, on payment of the prescribed fee, endorse such certificate in the form prescribed in Appendix 3 of the Third Schedule to these Regulations.

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(3) The Registrar-General shall recognise any other certificate issued by or under the authority of another Party to the STCW-F Convention if satisfied that the requirements of the STCW-F Convention concerning standards of training, competence, the issue and endorsement of certificates and record keeping are fully complied with.

(4) Certificates issued by or under the authority of a non-Party to the STCW Convention shall not be recognised.

**16.** The Registrar-General may withdraw or suspend any certificate or endorsement effected in terms of these Regulations.

Withdrawal or suspension.

**17.** If a certificate or endorsement issued under these Regulations is lost or destroyed, the holder thereof, shall as soon as practicable, make a sworn declaration to this effect to the Registrar-General who shall, if satisfied that the certificate has been so lost or destroyed, issue a copy of the certificate or endorsement, so marked, against payment of the prescribed fee, and such certificate shall have the same effect as the certificate originally issued.

Lost or destroyed certificates.

(2) Any certificate notified as aforesaid as lost or destroyed shall, if subsequently recovered, be delivered forthwith to the Registrar-General.

**18.** The provisions of article 98 of the Act shall apply in relation to certificates issued or recognised under these Regulations, and to any certificate or document referred to in these Regulations.

Forgery of certificates or documents.

**19.** Any matter relating to certificates and endorsements which is not provided for in these Regulations shall be governed by the provisions of the STCW-F Convention.

Matters not provided for in these Regulations.

**PART IV  
WATCHKEEPING**

**20.** The skipper of every fishing vessel shall at all times ensure that the watchkeeping arrangements onboard the vessel are adequate for maintaining safe navigational and engineering watches having regard to the rules contained in Chapter IV of the annex to the STCW-F Convention found in the Second Schedule to these Regulations, and any other watchkeeping standards which the Minister may by regulation specify.

Watchkeeping duties onboard fishing vessels.

**21.** Under the skipper's general direction, the officers of the watch are responsible for navigating the fishing vessel safely during their periods of duty, particularly for the prevention of collision or stranding.

Responsibility for watchkeeping duties.

**PART V  
GENERAL PROVISIONS**

**22.** In any case where any of the fishing vessel personnel on board the fishing vessel to which these Regulations apply, contravenes these Regulations, the Registrar-General shall detain such fishing vessel in terms of the Act until the Registrar-General is satisfied that the detained fishing vessel is fit to proceed to sea.

Detention of fishing vessels for non-compliance with Regulations.

**23.** The release of the fishing vessel being detained by virtue of the last preceding regulation shall only be authorised by the Registrar-General after any fine, charge or any other expense imposed by this Regulation or the Act has been fully paid.

Conditions for release of detained fishing vessels.

**24.** Any person or company who contravenes the provisions of these Regulations shall, for each offence, be liable to the penalties provided for in the Act, and if no such penalty is provided, such person shall for each offence be liable to a fine (*multa*) not exceeding 500 units.

Liability and penalties for offences under these Regulations.



## **FIRST SCHEDULE**

Procedure and conditions.

1. Certificates of competence shall only be issued by the Registrar-General following the assessment of the applicant, and on the applicant successfully passing a written, oral and where applicable a practical examination to the satisfaction of the Registrar-General.
2. (1) In order to be issued with a first certificate of competence, a candidate must:
  - a) demonstrate the required standard of physical fitness by passing an approved medical examination and eyesight test satisfying medical and eyesight examination standards for seafarers as may be, from time to time, prescribed by the Registrar-General;
  - b) have completed the compulsory basic training requirements in accordance with Regulation 7;
  - c) have completed the compulsory training requirements in accordance with Regulation 6;
  - d) have completed the appropriate watchkeeping and/or sea service;
  - e) have successfully completed the approved training programmes and assessments in an institution which has been approved by the Registrar-General in accordance with the provisions of Rule 3 of this Schedule, and the STCW-F Convention; and
  - f) have passed an oral examination.
- (2) The applicant shall be deemed to have successfully completed the approved training programs and assessments in accordance with paragraph (e) and (f) of Rule 2 of this Schedule and of Regulation 6 of these Regulations if he has been examined and has been found to satisfy the syllabus contained in the Appendices to the Regulations in Chapter II of the STCW-F Convention indicated in column 2 of the table below in relation to the competence in column 1 of the table for which he or she is undergoing the examination.

**TABLE OF SYLLABUS FOR APPROPRIATE  
CERTIFICATES**

<b>Competence (Column 1)</b>	<b>STCW-F (Column 2)</b>
<i>Skipper</i> on board a fishing vessel operating in unlimited waters;	Appendix to Chapters II/1
<i>Officer In Charge Of A Navigational Watch</i> on board a fishing vessel operating in unlimited waters;	Appendix to Chapters II/2
<i>Skipper</i> on board a fishing vessel operating in limited waters;	Appendix to Chapters II/3
<i>Officer In Charge Of A Navigational Watch</i> on board a fishing vessel operating in limited waters;	Appendix to Chapters II/4
<i>Chief Engineer Officer</i> or <i>Second Engineer Officer</i> on board a fishing vessel powered by main propulsion machinery of 750 kW propulsion power or more;	Appendix to Chapters II/5
<i>Radio Operator.</i>	Appendix to Chapters II/6

3. (1) No candidate shall be issued with a certificate of competence without a valid eyesight test certificate except as specified in paragraph (2) hereof.

(2) Candidates for certificates subsequent to their first, may produce a valid medical certificate in lieu of an eyesight test certificate.

4. (1) A candidate's eligibility for certification will depend, *inter alia*, upon the amount and type of sea service performed and the type and area of operation of vessel(s) in which employed. The minimum amount of sea service acceptable for each grade of certificate of competence shall be determined by the Registrar-General, which sea service shall in no case be less than 12 months and shall apply only to candidates who have followed an approved training programme.

(2) Unless applicants can prove the full amount of sea service claimed, they will not normally be considered for examination. In a case where an applicant completes assessment or passes an examination prior to having completed the required sea service, the certificate shall not be issued until the required sea service has been completed.

(3) Sea service shall be verified through scrutiny of proper entries in the relevant crew agreement, seaman's record book, certificates

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of discharge or other similar evidence relating to the service claimed.

(4) Sea service is to be reckoned by the calendar month, that is the time included between any given day in any month and the preceding day of the following month, both inclusive. The number of complete months from the commencement of the period, ascertained in this way, should be computed, after which the number of odd days should be counted. The day on which the crew agreement commenced, as well as that on which it terminated, should both be included, all leave of absence excluded and all odd days added together and reckoned as thirty days to the month.

**5.** Applicants for certificates for which service as a watchkeeping officer is required must produce certificates of watchkeeping service incorporating testimonial(s) signed by the skipper, officer in charge of a navigational watch or chief engineer of the vessel(s) in which they have served. In the case of service as skipper, the testimonial must be signed by a responsible official of the company concerned and in the case of a chief engineer by an engineer superintendent or some other responsible representative of the employer. These testimonials should cover character, standards of behavior including sobriety, experience and ability on board ship and good conduct at sea, for at least twelve months of sea service preceding the date of application.

**6.** Applicants for certificates who have followed an approved training program of on board training must produce a completed Training Record Book. Candidates not undertaking an approved training program should obtain an approved Training Record Book and record as fully as possible the work they have done on the ship. The master and/or other appropriate officers should verify all entries wherever possible.

**7.** If in the course of the oral examination the examiner finds that an applicant is afflicted with deafness, with an impediment in speech or with some other physical or mental infirmity, and upon further investigation is satisfied that the degree of infirmity is such as to render the applicant incapable of discharging adequately the ordinary seagoing duties of the holder of a certificate of competence, the examiner shall not allow the applicant to complete the examination and shall report every such case to the Registrar-General.

(2) If the applicant subsequently produces a medical certificate to the specific effect that his or her hearing, speech, or physical or mental condition has improved or is normal, the Registrar-General shall consider the applicant for re-examination.

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**8.** Applicants who, after having signed crew agreements have neglected to join their vessels, or who, after having joined have left their ship other than upon discharge, or who have committed misconduct on board, will be required to produce satisfactory proof of two years subsequent service with good conduct at sea, unless the Registrar-General, after investigation, should see fit to reduce this period.

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