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MERCHANT SHIPPING (TRAINING AND CERTIFICATION OF FISHING VESSEL PERSONNEL) REGULATIONS, 2015

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1.0 Introduction

The International Maritime Organisation (IMO) is a specialised agency of the United Nations which has as its main objectives maritime safety and security and the prevention of marine pollution.¹ Seychelles became part of the IMO in 1978, two years after its independence. In addition to that, Seychelles has also ratified the main safety conventions of the Organisation which includes the International Convention for the Safety of Life at Sea 1974 (SOLAS), the International Convention on Load Lines 1966 (Load Lines), the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL), the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers 1978 (STCW) and the Cape Town Agreement on Safety of Fishing Vessels 2012 (2012 Cape Town Agreement).

The safety of fishing vessels has been on the agenda of IMO since the Organisation came into existence, but the great differences in design and operation between fishing vessels and other types of ships has always proved a major obstacle to their inclusion in the the conventions such as the SOLAS and the Load Lines. The difference between fishing vessels and other cargo vessels is while other vessels load their cargo in port, fishing vessels must sail empty and load their cargo which is fish, at sea.² Furthermore, other arguments such as regional differences in practice and cultural aspects of fishing, poor performance and reputation not just in safety but also in illegal, unregulated and unreported (IUU) fishing, crew conditions and illegal activities have also been put forward as contributory factors for its exclusion in the main safety conventions.³

¹ Frequently Asked Questions, IMO, <http://www.imo.org/About/Pages/FAQs.aspx>.

² The Torremolinos International Convention for the Safety of Fishing Vessels, IMO, <http://www.imo.org/About/Conventions/ListOfConventions/Pages/The-Torremolinos-International-Convention-for-the-Safety-of-Fishing-Vessels.aspx>.

³ The Cape Town Agreement on Fishing Vessel Safety should be ratified, Business & Government-Oceans, Rivers & Freshwater, March 2014, <http://blogs.wwf.org.uk/blog/business-government/the-cape-town-agreement-is-an-important-fishing-vessel-safety-measure-that-should-be-ratified/>

Because of the increasing number of fatalities per year in the fishing sector, the IMO is placing increased emphasis on fishing vessel safety, as evidenced by the IMO's Assembly Resolution A.971(24), High Level Action plan of the Organisation and Priorities for the 2006-2007 Biennium at its 24th session (November 2005) which has been prepared on the basis of the IMO's Strategic Plan taking into account the inputs from the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee.⁴

1.1 Background

It is well-known that fishing is one of the most dangerous occupations in the world. The following statistics from the International Labour Organisation (ILO), the IMO and the Food and Agriculture Organisation of the United Nations (FAO) clearly demonstrate the extent of the safety problem in the global fishing industry:⁵

- Each year there is an average of 24,000 fatalities and 24 million non-fatal accidents (non-fatal injuries are grossly under-reported according to the ILO).⁶
- While fishing represents less than 1% of occupations worldwide, 7% of all worker fatalities occur in the fishing industry.⁷
- The fishing fatality rate is estimated at 80 deaths/100,000 individuals per annum, which is 79 times higher than the overall occupational fatality rate.⁸

⁴ IMO And the Safety of Fishing Vessels: Past, Present and the Future, Plaza Montero, Fernando; pg 4, http://canal.etsin.upm.es/publicaciones/articulos/PLAZA_PULIDO_2006.pdf.

⁵ Tools For Improved Fishing Vessel Safety: The Torremolinos Protocol and the STCW-F Convention, Blanc, M; SPC Fisheries Newsletter #116, January/March 2006,pg 30, http://www.spc.int/digitallibrary/doc/fame/infobull/fishnews/116/fishnews116_30_blanc.pdf.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

IMO believes that 80% of accidents on vessels are caused by human error and that the majority of these errors can to a certain extent be attributed to either management deficiencies or fatigue.⁹ The main reason for fishing being so dangerous is the fact that humans are terrestrial species. People drown in swimming pools and even bathtubs.

Onboard a vessel, work is conducted under strenuous conditions on a moving, exposed and slippery platform where people often need to assume awkward work postures. These circumstances cause constant physical strain and contribute to long-term fatigue, which is further exacerbated by excessively long working hours. Fatigue in itself increases the danger of injuries.¹⁰ Vessels carrying shifting loads increase risk of injuries and loss of stability, with consequent dangers of capsizing or losing people overboard. For instance, during the South-East monsoon period in Seychelles, which is during June to September, the sea is considerably rougher due to strong winds that average around 20 to 35 knots, with gusts blowing up to 60 knots. This represents a serious constraint for fishing operations.

It is to be stressed that onboard personnel must also be effectively managed to ensure that they have appropriate training and that they work in accordance with the relevant labour laws and as per their agreed conditions. Management deficiencies in the way vessels are managed and operated often cause increased stress level amongst the crew. Long working hours, increased workload, strict rules and regulations eventually leads to demotivation and carelessness. Fishermen are also often obliged to perform multiple tasks for which they may have limited training.¹¹

Training has also been used as a method to promote safety in the fishing industry in developing countries in the last fifty years. The dangerous nature of the fishing industry has called for specialised training for crew members prior to going to sea. Most developed countries have

⁹ Ibid.

¹⁰ Guidance on Fatigue Mitigation and Management, IMO, pgs 5-6,
<http://www.imo.org/OurWork/HumanElement/VisionPrinciplesGoals/Documents/1014.pdf>.

¹¹ Ibid.

already adopted this course of action and have made such courses mandatory. These countries have also sought to tackle the problem of safety in the fishing industry by having mandatory qualifications for the senior positions onboard a fishing vessel. These are usually the skipper, mate and chief engineer. Depending on the size of vessel and/or area of operation, other crew members might also require mandatory training (e.g. radio officers, etc.).¹²

Although the majority of incidents are caused by human error, seaworthy vessel are still of critical importance. It is necessary to have standards for their design and construction, as well as for the vessel equipment and outfitting. Along with these standards there must also be standards for maintenance and inspection; in other words, a regulatory system designed to oversee the fundamentals of safe operations. The standards must be universally adopted and this requires some sort of international binding agreement.

Additionally, the procedures, methods and systems used on fishing vessels must be properly administered to guarantee that they work effectively and efficiently and produce the required outcomes. The mechanical components involved (hull, machinery, fishing gear, etc.) must also be managed to ensure that they are properly maintained and perform in accordance with their designed capacity. This is because certain gear types are inherently very dangerous, particularly when the weather is bad. As a result, both vessel and gear require good maintenance, which is very often not provided, in spite of the fact that the fleet is becoming older.¹³

With the above said, loss of life in most types of fishing is now very much less frequent than a few generations ago. Although it is believed that no level of technological advancement can completely eliminate the forces of the sea and other natural dangers which crew of fishing vessels have to face, nor is it possible to eliminate the human errors or to make the tools of the fishing activity - fishing vessels and fishing gear- completely accident proof, there are steps that can be taken to ensure that the lives of seafarers are protected and preserved while at sea.¹⁴

¹² Ibid.

¹³ Safety at Sea as an Integral Part of Fisheries Management, FAO,
http://www.fao.org/docrep/003/x9656e/X9656E.htm#P340_24004.

¹⁴ IMO And the Safety of Fishing Vessels: Past, Present and the Future, Plaza Montero, Fernando; pg 4,
http://canal.etsin.upm.es/publicaciones/articulos/PLAZA_PULIDO_2006.pdf.

Although the Members of IMO decided that the collection and analysis of statistical information on casualties of fishing vessels and fatalities of crew members should be prepared on an annual basis, they acknowledged in 1999 that there has been a very limited response. This lack of information is most likely to be caused by the informal employment arrangements in fishing, which may place many crew members outside traditional occupational accident reporting systems. Knowing where and how accidents occur can identify suitable measures for intervention. Human error has been named as the cause of many accidents, which can be attributed to inadequate training, lack of experience and skills, recklessness, undermanni[ng and fatigue. The Competent authority should ensure that investigation of accidents resulting in death of crew, and other incidents resulting in damage to the vessel or severe injury to the crew, should normally be the subject of a formal investigation.¹⁵

Some competent authorities have estimated that half of the fatalities in the fishing industry are caused by accidents to the fishing vessel itself. Therefore, a very effective method to reduce crew fatalities is to ensure that the vessel is safe. The compulsory periodical inspection of a vessel and the validation of the same by a Safety Certificate will inevitably reduce accidents to the vessels and the crew. Such a position is taken in Seychelles whereby fishing vessels have to be surveyed by the Maritime Safety Administration before a fishing licence is issued. However, this process is circumvented by vessels which do not operate under a fishing licence notably those practicing artisanal fishery.

The skipper and crew of a vessel are those most conversant with the fishing vessel as well as the deck machinery and the fishing gear they are operating with.¹⁶ They are also aware of the hazards that can occur during fishing and know when, where and how they occur. By analysing these possible hazards, the crew can play a vital role in taking preventative action to reduce or eliminate these hazards. This procedure can be assisted by a formal procedure whereby the

¹⁵ Ibid.

¹⁶ Ibid.

skipper is encouraged to perform this analysis. This concept has been readily adopted in the maritime sector.¹⁷

The high accident rates that continue to affect the fishing industry despite mandatory safety schemes and top-down approaches have encouraged safety practitioners to propose that a more holistic approach to safety and health culture in the fishing industry should be engendered. Developing safety and health awareness and promoting sensitisation of the fishing communities to take into account the cost of neglecting the safety and health issue is also advocated.¹⁸

The economical and social conditions under which the fishing industry operates is also recommended as a potential area for study in relation to accidents at sea. This encourages investigating issues that have not traditionally been taken into account in discussing safety in the fishing industry such as the method of remuneration of the crew which, in most cases, is based on a share of the catch. This has often been cited as a contributory factor in accidents. These should be investigated to see how mitigating measures could possibly reduce the accident rate. The methods of fisheries management have also been cited, as a contributory factor to accidents, and competent authorities should be working together to introduce safety at sea as a factor to be taken into account when introducing new fisheries management measures. On the other hand, the insurance of fishing vessels, or more specifically, the lack of it, has been identified as a factor that can influence the accident rate.¹⁹

The solutions for improving fishing vessel safety are thus straightforward: seaworthy vessels, well- trained and competent crews, and safety-oriented management.

1.2 Attempts at Limiting Occupational Hazards onboard Fishing Vessels at Sea by the International Community

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ IMO And the Safety of Fishing Vessels: Past, Present and the Future, Plaza Montero, Fernando; pg 5, http://canal.etsin.upm.es/publicaciones/articulos/PLAZA_PULIDO_2006.pdf.

Due to the fact that the main safety conventions already adopted did not cover fishing vessels, as a way to try and limit the hazards associated with such vessels while at sea, IMO in consultation with other agencies notably the FAO and ILO decided to devise international instruments to cater to this increasing need. The first instrument was the Torremolinos International Convention for the Safety of Fishing vessels, 1977.

1.2.1 The Torremolinos International Convention for the Safety of Fishing Vessels, 1977

The Torremolinos Convention adopted in 1977 at a conference held in Torremolinos, Spain, was the first-ever international Convention on the safety of fishing vessels. It establishes a safety regime for fishing vessels of 24 metres in length and above. The Convention contained detailed regulations and safety requirements concerning the standards of construction and equipment to be applied essentially to new, decked, seagoing fishing vessels of 24 metres in length and over, including those vessels also processing their catch. Existing vessels were covered only in respect of radio requirements.²⁰

The Convention also contained stability requirements for fishing vessels as well as Chapters concerning construction, watertight integrity and equipment; machinery and electrical installations and unattended machinery spaces; fire protection, detection, extinction, and fire fighting; protection of the crew; life-saving appliances; emergency procedures, musters and drills; radiotelegraphy and radiotelephony; and shipborne navigational equipment.²¹ In the ensuing years, the Convention did not receive sufficient ratifications to enter into force, as many States considered it to be too stringent. Then, the IMO decided to prepare a replacement in the form of a Protocol.

1.2.2 Torremolinos Protocol for the Safety of Fishing Vessels 1993, (SFV Protocol)

²⁰ The Torremolinos International Convention for the Safety of Fishing Vessels, IMO, <http://www.imo.org/About/Conventions/ListOfConventions/Pages/The-Torremolinos-International-Convention-for-the-Safety-of-Fishing-Vessels.aspx>,

²¹ Ibid.

Fifteen years after the adoption of the Convention, the lack of ratifications, technological developments and therefore the need for some technical changes, led to a Conference, also held in Torremolinos in 1993, which adopted a Protocol to the 1977 Convention. The Protocol includes provisions concerning construction, watertight integrity and equipment; stability and associated seaworthiness; machinery and electrical installations and periodically unattended machinery spaces; fire protection, fire detection, fire extinction and fire-fighting; protection for the crew; life-saving appliances and arrangements; emergency procedures, musters and drills; radio communications; and shipborne navigational equipment and arrangements. The requirements for protection of the crew concerning certain aspects of vessel construction which influence safety – lifelines, deck openings, bulwarks, rails, guards, stairways and ladders.²²

The Protocol restricts the obligatory provisions of the Convention to vessels of 45 metres and above. For vessels with a length between 24 and 45 metres, the application of the safety requirements is left to individual States.²³ It also updates, amends and absorbs the parent Convention, taking into account technological evolution in the intervening years and the need to take a pragmatic approach to encourage ratification of the instrument.²⁴

The Protocol applies to fishing vessels of 24 metres in length and over including those vessels also processing their catch. The Protocol takes into account the trend to exploit deep water fishing grounds on a large scale and to conduct fishing operations in distant waters, resulting in the building of a new generation of more sophisticated fishing vessels. To be successful in their operations, these vessels have to be fitted with advanced fish-finding and navigation equipment. Fishing vessels must also be equipped to carry out environment-friendly trawling, introduced to preserve fishing resources as well as the seabed.²⁵

²² Ibid.

²³ The Torremolinos International Convention for the Safety of Fishing Vessels, IMO, <http://www.imo.org/About/Conventions/ListOfConventions/Pages/The-Torremolinos-International-Convention-for-the-Safety-of-Fishing-Vessels.aspx>.

²⁴ Ibid.

²⁵ Ibid.

The general trend in modern designed fishing vessels, if they are to be economically profitable, must include improvements in machinery and fishing gear, improvements in safety features as a whole and better working conditions for fishermen. The safety provisions addressed by the Protocol, incorporating and amending the 1977 Convention, are included in an Annex consisting of ten Chapters. The provisions include automatically controlled machinery spaces, improved life-saving appliances, immersion suits and thermal protective aids, satellite communication systems and other components of the global maritime distress and safety system.

The Protocol was supposed to enter into force one year after 15 States with at least an aggregate fleet of 14,000 vessels (roughly 50 per cent of the world fishing fleet of vessels 24 metres in length and over) have ratified it. Due to a lack of ratification, it never entered into force. As the 1993 Protocol was having difficulty coming into force, IMO began reviewing the options available to tackle the lack of sufficient ratifications to the 1993 Torremolinos Protocol in order to bring this important treaty on fishing vessel safety into force.²⁶

²⁶ The Torremolinos International Convention for the Safety of Fishing Vessels, IMO, <http://www.imo.org/About/Conventions/ListOfConventions/Pages/The-Torremolinos-International-Convention-for-the-Safety-of-Fishing-Vessels.aspx>.

1.2.3 Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977

In 2012, a new agreement was adopted. The Cape Town Agreement is a basic set of safety measures for larger high seas fishing vessels that mirror SOLAS, covering:²⁷

- Stability
- Construction
- Watertight integrity and equipment, machinery and electrical installations
- Fire protection and fire-fighting
- Protection of the crew
- Lifesaving appliances;
- Emergency procedures, musters and drills
- Ship-borne communications and navigational equipment.

The Agreement has had a long and tortuous history extending over 35 years. The original Torremolinos International Convention for the Safety of Fishing Vessels – 1977 as mentioned above, was made more acceptable to many governments by a 1993 Protocol which raised the lower vessel length limit from 24m to 45m in many chapters, leaving it up to a regional decision for an application to vessels of 24 metres in length and over.²⁸ This never entered into force. Three regional IMO seminars followed and a binding text was finally adopted at the IMO Cape Town Conference in October 2012.

The Cape Town Agreement has significantly eased the entry into force threshold of the 1993 Torremolinos Protocol, in terms of the number of Member States that now have to ratify, being 22 and the aggregate number of their vessels authorised to operate on the high seas, being

²⁷The Cape Town Agreement on Fishing Vessel Safety should be ratified, Business & Government-Oceans, Rivers & Freshwater, March 2014, <http://blogs.wwf.org.uk/blog/business-government/the-cape-town-agreement-is-an-important-fishing-vessel-safety-measure-that-should-be-ratified/>.

²⁸ Ibid.

3,600.²⁹ It has also introduced more exemptions and flexibility into the time frame for implementation, to facilitate wider acceptance amongst states – China and Japan in particular. Entry into force is important as it would help raise safety standards around the world and also help stop safety being exploited as a source of competitive advantage. It also means that the new standards will apply not just to the registered fleets of states that have ratified the Convention, but also to vessels operating in the Exclusive Economic Zones (EEZ), or visiting the ports, of these states – under the principle of “no unfair treatment”.³⁰ It will also form a basic piece of legislation that can be improved and extended to incorporate the scope of other SOLAS measures, such as Safety Management (incorporating fishing operations), port state control, global monitoring and flag state audits.³¹

Two states (Iceland and Norway) have ratified the Agreement under a simplified procedure for states that had previously ratified the Torremolinos Protocol. Seychelles has signed the Agreement subject to future ratification. Regrettably the 14 states that had ratified Torremolinos did not use the simplified procedure to ratify the Cape Town Agreement whilst this was available for 12 months from when it was open. It is possible that the tighter survey and inspection regime introduced into the Agreement may be the reason for the delay by these states, as this would require amendment to their domestic legislation.³²

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

1.2.4 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F Convention)

On 7 July 1995, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel was adopted as a separate treaty as part of the comprehensive revisions to The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW). The STCW-F Convention complements the Torremolinos Protocol (which has been superseded by the 2012 Cape Town Agreement) by setting the regulatory framework for the training and certification of fishing vessel personnel. STCW-F is the “sister” Convention to the 1978 STCW Convention, as amended in 1995 and 2010, with similar provisions.³³

It addresses the training and certification standards for skippers and watchkeepers on fishing vessels of more than 24 m, for engineers on vessels producing more than 750kW, and for crew in charge of radio communications. It also requires basic (pre-sea) safety training for all fishing vessel personnel. The Convention embraces the concept of competency-based training. It does not deal with manning levels.³⁴

As mentioned, the STCW-F compliments the STCW which sets qualification standards for masters, officers and watch personnel on seagoing merchant ships. STCW was adopted in 1978 by conference at the IMO in London, and entered into force in 1984. The Convention was significantly amended in 1995 and later in 2010.³⁵

The 1978 STCW Convention was the first to establish basic requirements on training, certification and watchkeeping for seafarers on an international level. Previously the standards of training, certification and watchkeeping of officers and ratings were established by individual

³³ International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), IMO, 1995, <http://www.imo.org/OurWork/HumanElement/Pages/STCW-F-Convention.aspx>.

³⁴ Ibid.

³⁵ Ibid.

governments, usually without reference to practices in other countries. As a result standards and procedures varied widely, even though shipping is extremely international in nature.³⁶

The Convention prescribes minimum standards relating to training, certification and watchkeeping for seafarers which States are obliged to meet or exceed. The Convention did not deal with manning levels: IMO provisions in this area are covered by regulation 14 of Chapter V of SOLAS, whose requirements are backed up by resolution A.890(21) Principles of safe manning, adopted by the IMO Assembly in 1999, which replaced an earlier resolution A.481(XII) adopted in 1981.

One especially important feature of the Convention is that it applies to ships of non-party States when visiting ports of States which are Parties to the Convention. Article X requires Parties to apply the control measures to ships of all flags to the extent necessary to ensure that no more favourable treatment is given to ships entitled to fly the flag of a State which is not a Party than is given to ships entitled to fly the flag of a State that is a Party.³⁷

The Convention has received wide acceptance and by 2014, the STCW Convention had 158 Parties, representing 98.8 per cent of world shipping tonnage. It underwent a revision in 2010 in Manila, Philippines.³⁸

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

2.0 Why STCW-F?

The STCW-F 1995, entered into force on 29 September 2012, after the required 15 ratifications were reached on 29 September 2011, with ratification by the Republic of Palau.

The 1995 STCW-F Convention sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 metres in length and above. The Convention consists of 15 Articles and an annex containing technical regulations.³⁹

The STCW-F Convention is the first to establish basic requirements on training, certification and watchkeeping for Fishing Vessel Personnel on an international level. The Convention prescribes minimum standards relating to training, certification and watchkeeping for Fishing Vessel Personnel, which countries are obliged to meet or exceed.⁴⁰

Presently, it is estimated that annually more than 24,000 lives are lost world-wide during fishing operations which is a most deploring record indeed. The IMO recognises the need for a response to the safety crisis in the fishing industry and has a number of instruments addressing the issue, the STCW-F being one of them. Once parties accept it, it is expected to bring considerable benefits and advantages to the fishing industry i.e. improving the quality of education and training provided to personnel employed in fishing vessels; and enhancing the standard of training and safety in the fishing industry and fishing vessel fleets.⁴¹

The STCW-F Convention will contribute to the reduction of casualties, and will go a long way to improve the present poor safety record of the global fishing industry. The STCW-F Convention will apply to crew onboard seagoing fishing vessels of 24 metres in length and above. It also applies to Chief Engineers and Engineering officers on vessels of 750kw propulsion power or more. It sets the regulatory framework for the training and certification of

³⁹ International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), IMO, 1995, <http://www.imo.org/OurWork/HumanElement/Pages/STCW-F-Convention.aspx>, IMO.

⁴⁰ Ibid.

⁴¹ Ibid.

personnel employed onboard fishing vessels with a view to improve the safety of life and property at sea in the fishing industry.⁴²

The objective of the STCW-F Convention is to ensure that personnel onboard fishing vessels are qualified (as proven by an official certificate) and fit for the job (following medical examination), so that potential threats to safety of life and/or property at sea or to the marine environment are minimised during operations onboard sea-going vessels. The Convention requires that personnel possess a minimum knowledge in specific matters and have performed duties onboard a vessel during a minimum period of time.

Another aim of the Convention is also to achieve and maintain a level playing field in the fisheries sector by fostering vocational education. Fishing vessel personnel's professional competences shall be certified in accordance with the Convention.⁴³

This is the first attempt to establish international mandatory training standards for crew manning and operating fishing vessels and it is hoped that it will indeed have the desired impact and effect. However, it is important to note that the STCW-F Convention does not actually deal with manning issues as such, which is crucial and as such should make ratification and implementation easier for all concerned. The Convention came into force on 29 September 2012 and the following 17 countries have ratified the Convention:

Canada, Congo, Denmark, Iceland, Kiribati, Latvia, Lithuania, Mauritania, Morocco, Namibia, Norway, Palau, Russian Federation, Sierra Leone, Spain, Syrian Arab Republic and Ukraine.⁴⁴

The STCW-F Convention is comparatively short and consists of 15 Articles and an annex containing technical regulations in four chapters.

The provisions are mandatory only for vessels of 24 metres and over in length and of 750kw propulsion power or over and concerns skippers, officers, engineer officers and radio operators. Governments are however encouraged to establish training for deck-hands on vessels of 24

⁴² Ibid.

⁴³ International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), IMO, 1995, <http://www.imo.org/OurWork/HumanElement/Pages/STCW-F-Convention.aspx>.

⁴⁴ Ibid.

metres and over in length, while basic safety training is compulsory for all fishing vessel personnel.⁴⁵

⁴⁵ Ibid.

2.1 The Seychelles Perspective

The Republic of Seychelles is a Small Island Developing State comprising of 115 islands located in the South-Western part of the Indian Ocean lying between 4 to 10 degrees South of the equator. Although Seychelles is the smallest African nation with a total land area of only 452 square kilometres, it has the second largest EEZ in the continent spreading over 1.3 million square kilometres. Seychelles' vast EEZ is on one of the most productive fishing grounds in the South West Indian Ocean rich in pelagic resources. In addition to that, Seychelles unlike other island states in the region, has a large continental plateau rich in demersal resources.

Due to the rich living ocean resources, the Seychelles is heavily reliant on its surrounding waters and according to the Central Bank of Seychelles, fisheries was the number one earning activity in the year 2013, generating a total of 5.5 billion Seychelles Rupees, surpassing tourism which had been the main revenue generating activity in the country for the past few years.⁴⁶

As indicated, Seychelles is highly dependent on its EEZ particularly the fisheries sector, and as such, in 2013 the President together with his Cabinet initiated the Blue Economy concept. This aims at maximising the use of the country's marine resources while at the same time ensuring its conservation and management.⁴⁷

With that in mind, in the year 2013, fisheries accounted for 69.5 million Seychelles Rupees to the country's Gross Domestic Product.⁴⁸ Furthermore, according to the 2013 draft Annual Report of the Seychelles Fishing Authority, the competent fishing authority for the Seychelles, it was estimated that between 5,000 to 6,000 people during the same year were directly or indirectly employed in the fisheries sectors. This represented around 10% of the total employment in the

⁴⁶ Seychelles Fishing Authority Draft Annual Report for the Year 2013-2014, The Seychelles Fishing Authority, Yet to be published.

⁴⁷ Seychelles: The United Nations Supports the Blue Economy Concept and Sids in the Post 2015 Development Agenda, 23rd January 2015, <http://allafrica.com/stories/201501261724.html>.

⁴⁸ Seychelles Fishing Authority Draft Annual Report for the Year 2013-2014, The Seychelles Fishing Authority, Yet to be published.

country.⁴⁹ This clearly shows how important the fishing sector is to this small insular state, both in terms of revenue generated and employment created. Out of this figure, 45 seamen undertook sea trips on industrial European purse seiners within that year. Although this may be considered as a relatively small figure, the number has been forecasted to increase during the next 12 months. This will significantly be due to the local firm, Oceana Fisheries Ltd which has ordered 15 industrial longliner vessels measuring between 22 to 37 metres long and which will be operating, in addition to the Seychelles EEZ, in International Waters.⁵⁰ The firm received delivery of the first 2 vessels measuring 37m respectively, at the end of 2014 and each vessel has the capacity to take 22 crew members onboard. So with these figures, after the delivery of all 15 vessels, it has been forecasted that around 300 employments would be created onboard these industrial tuna fishing vessels. In light of this, because the vessels would be engaging in industrial tuna fishing and operating both within the Seychelles EEZ and the high seas, there is the need to ensure that the crew onboard meets an international standard of safety envisaged and promoted by the IMO.⁵¹ This would complement the level of safety already onboard the Seychelles flag purse seiners owned by some European Union members' states.

Seychelles is considered a leader in the conservation of its environment, both marine and terrestrial. It became the first country in the world to dedicate over 50% of its territory as natural parks.⁵² With that said and as a way to complement the preservation and conservation of the archipelago's rich marine environment, maritime safety is at the forefront of its agenda. Well trained fishing vessel personnels would not only contribute positively towards the development of the Blue Economy concept by maximising the value out of the ocean produce, but it would

⁴⁹ Ibid.

⁵⁰ Lablache, John; Venturing into industrial fishing - Seychelles-based fisheries company targeting fleet of 15 long liners by 2016 Seychelles News Agency, <http://www.seychellesnewsagency.com/articles/1499/Venturing+into+industrial+fishing+-+Seychelles-based+fisheries+company+targeting+fleet+of++long+liners+by+>.

⁵¹ Ibid.

⁵² Seychelles: First country in world to protect half of its territory, Article 27.07.11, <http://www.plant-talk.org/seychelles-first-country-protect-half-territory.htm>.

also promote a sustainable fishing industry, responsible and professional fishing practices while ensuring that damage to the natural environment such as pollution are kept to a minimum.

Seychelles also has the lead in the region for the safety of its mariners whilst at sea notably the safety of fishermen. As a condition of licence, all fishing vessels must be fitted with an active vessel monitoring system consisting of a distress alert button.⁵³ Distress alerts are received by the Marine Rescue and Coordination Centre at the Seychelles Coast Guard base which is the responsible agency for marine surveillance and search and rescue operations on a 24 hour basis. Since the end of 2013, the Authority also introduced random drug and alcohol testing by its officers onboard the local vessels as a way to minimise casualties at sea especially in the risky sea-cucumber diving fishery. In addition to that, regular trainings conducted in partnership with both local and international stakeholders are organised by the Authority, such as the use of satellite phones, vessel monitoring system devices, first aid exercises, and safe diving practices just to name a few, in order to try and improve the safety of fishermen.

Further to the above, Seychelles felt that the certification of its seafarers on the international level was also an important element and it acceded to the STCW and its amendments in August 1988 and incorporated it into the Merchant Shipping Act under a statutory instrument, the Merchant Shipping (Manning and Certification) Regulations of 1995. With the subsequent amendments to the Convention, notably the Manila Amendment, Seychelles brought out a new regulation which reflected the changes, the Merchant Shipping (Certification of Seafarers of International Ship) Regulations of 2014. To maintain our position and to complement the other safety provisions already in place, it is highly recommended that Seychelles accedes and domesticates the STCW-F Convention.

⁵³ Section 29(1) (d) Seychelles Fisheries Act 2014

3.0 **Incorporation**

According to the Constitution, being the supreme law of the land, any other law found to be inconsistent with it, is, to the extent of that inconsistency, void.⁵⁴ It provides for the separation and independence of the powers and functions of the Executive, the Legislature and the Judiciary. Seychelles legal system is a hybrid of both the common law system and the civil law system characterised by a dualist approach to the incorporation of international law.

Because Seychelles is not a party to the STCW-F, it needs to first accede to the Convention by depositing its instrument of accession to the Secretary-General at the IMO Headquarters in London. This would be one of the last steps taken by Seychelles to fully commit itself to the Convention on the international plane. This is because according to the Constitution and the various Statutory Instruments stemming from the Constitution, a series of requirements need to be fulfilled for the act to bind the Republic. According to article 64(3) of the Constitution, the President may execute or cause to be executed treaties, agreements or conventions in the name of the Republic. In accordance with this article and for the general purposes of speed and expertise, by virtue of Public Orders No 13 and 14, authority has been delegated to the Ministry of Foreign Affairs to implement all aspects of international relations.

The process of accession would usually start by introducing the bill, on the advice of the Attorney General who according to Article 76 of the Constitution is the principal legal adviser to the Government, to the National Assembly by way of a Motion for debate and a vote. This is a characteristic of the dualist approach and Article 64(4) of the Constitution says that a treaty, agreement or convention in respect of international relations which is to be or is executed by or under the authority of the President shall not bind the Republic unless it is ratified by- (a) an Act; or (b) a resolution passed by the votes of a majority of the National Assembly.

What this means is that if the majority of members are in favour, a Resolution is passed, and the Ministry of Foreign Affairs is given the go ahead to proceed with the accession. The Ministry

⁵⁴ Article 5, Constitution of the Republic of the Seychelles.

would then forward the document in sets of 3 originals to the President's office for his assent. After the Presidential assent, the document would be gazetted in the Official Gazette to notify the public of the Republic's intention, 2 of the originals forwarded to the Secretary General at the IMO Headquarters and the remaining one copy kept at the Ministry for record keeping.

As mentioned, the Republic follows the dualist approach. As such, for the Convention to have legal effect in Seychelles, it needs to be incorporated into the domestic law. This could be done by way of either a primary piece of legislation or secondary piece legislation such as a regulation. The better option is the regulation route.

Due to the nature of the Convention i.e its main components, there are three potential Ministries that could take responsibility for its development.

The first one could be the Ministry of Fisheries and Agriculture, since the issue at hand deals with fishermen, the second could be the Ministry of Labour and Human Resources Development since the Convention has an element of training and professional development and thus can be categorised as a labour issue and finally the Ministry of Foreign Affairs and Transport as maritime safety falls under the jurisdiction of the Transport Ministry and the STCW-F deals with the safety of fishermen at sea.

Once developed, there are two parent Acts under which the STCW-F could be incorporated under. It could be done either under the Fisheries Act 2014 or under the Merchant Shipping Act 2014. Under section 73(1) of the Fisheries Act, authority is given to the Minister to make regulations for carrying into effect the purposes and provisions of the Act. Subsection (2) paragraph (i) goes on to say that in consultation with the Seychelles Maritime Safety Administration (SMSA), the Minister may make regulations to ensure the safety and security of fishermen at sea. This shows that as the STCW-F deals with the safety of fishermen at sea, it could be incorporated under the Fisheries Act by way of a regulation. On the other hand, the Merchant Shipping Act goes on to say that by the powers given under section 132(1)(e) and 242 of the Merchant Shipping Act, the Minister responsible for Foreign Affairs and Transport can pass delegated legislations by way of regulations as he or she considers necessary or expedient to

provide for the manning requirements for Seychelles ships and the qualifications of officers and seamen of such ships and for matters connected therewith, and without prejudice to the generality of such powers, may make regulations, referred to in this Act as the Training, Certification and Safe Manning Regulations — requiring officers, seamen and other persons performing specified functions in relation to the operation and maintenance of Seychelles ships to be holders of certificates of competency appropriate to the capacity in which they serve.

Out of the two, the better option would be to incorporate the STCW-F under the Merchant Shipping Act by way of a regulation. This would give the jurisdiction of the STCW-F to the Seychelles Maritime Safety Administration (SMSA) who is the body responsible for the Merchant Shipping Act. Because the STCW is already under their jurisdiction and as the STCW-F is the sister act, it would be more feasible to follow the same route. Therefore, the Convention would be given force of law by inserting paragraph (c) into paragraph VII Manning and Certification in Section 132 (2) of the Merchant Shipping Act and it becomes Section 132 (2) (c) the International Convention on Standards of Training and Certificate and Watchkeeping for Fishing Vessel Personnel 1995 together with any amendments thereof. Further to that, 132 (2) (b) would have to be similarly amended by “and” at the end of the subsection to reflect the change so that it would now read “ any relevant Conventions of the International Labour Organisation, and.”

3.1 **Implementation**

Once under the jurisdiction of the SMSA, the training and certification under the STCW-F would be undertaken by the Maritime Training Centre (MTC). This is the technical institute in the Seychelles responsible for the training of students pursuing a career as a mariner. Taking such a route would be more economically viable and more expedient as MTC is already engaged in providing vocational training to a large proportion of the country's mariners. Furthermore, the institute has cemented a working relationship with the Colombo International Nautical and Engineering College (Cinec) which is currently providing assistance in the training and certification of Seychelles' seafarers joining the country's fleet of oil tankers according to the STCW standards in Sri Lanka.

It is worthy to add that provisions have been discussed for the Institute to undertake the training and certification of seafarers under the STCW locally in partnership with Cinec once Seychelles makes the IMO Whitelist for the STCW convention.

So, in the implementation phase of the STCW-F, arrangements could be made with the SMSA, being the responsible organ for maritime safety in Seychelles together with MTC to include in its training programmes, elements of the STCW-F once Seychelles has made it onto the IMO Whitelist and the STCW training is running locally. The elements of the Convention would supplement what the institute already has in its syllabus such as basic safety procedures and drills, first aid, amongst others.

3.2 Possible Challenges to the Implementation

The certification of seafarers in accordance with the STCW is catered under the Merchant Shipping Act 2014 which is administered by the Administration which is the competent authority falling under the Ministry of Foreign Affairs and Transport. Being responsible for marine transport and safety, they are the competent authority to certify and recognise such certificates. Because STCW-F can be seen as an extension of the STCW, it would be wise to make the STCW-F as another regulation under the Merchant Shipping Act. This could however be potentially rejected by the SMSA as additional certification under their jurisdiction imposes and involves obligations which must be administered by an authority. Administering involves expenses, planning and frameworks, time, supervision, manpower and other related challenges. The Seychelles Fishing Authority being the competent authority for fisheries of the country would be in a good position to advice and work in collaboration with the SMSA and other stakeholders to develop and fund the programme associated with the implementation of the Convention.

Another possible challenge would be the enforcement in Seychelles. The industrial tuna fishing in Seychelles is dominated by foreign owned vessels flying the Seychelles flag. These large purse seining vessels are mostly EU vessels. They are more likely to have relatively high safety standards onboard with regards to their skippers, engineers and radio operators. On the other hand, because Seychelles also has some South East Asian owned longliners under its flag, their level of safety is potentially much lower. On the other side of the coin are the local vessels. These vessels are usually operated for semi-industrial fishing with the recent addition of the industrial longliners by Oceana Fisheries Ltd. Some of these vessels do not only operate within Seychelles' EEZ but also operate beyond on the high seas. They are usually equipped with one skipper, one cook and the remaining personnel being fishermen. The reason for this structure is due to the way fishing has developed in the Seychelles, starting from the artisanal and traditional methods, moving up to the industrial method. Nonetheless, the tradition ways have been maintained whereby the skipper has a fused role onboard the vessel.

The application of the Convention to such local vessels could potentially be problematic as a result of this fusion of roles, whereby the skipper is the one who operates the whole vessel and also responsible for the engineering and radio operation onboard. The same could be for the newly launched industrial fishing vessels by Oceana Fisheries. The only personnel onboard which the Convention could potentially apply to would be the skipper since he is a jack of all trade onboard the vessel. However, with regard to the rest of the crew, basic security training would apply.

4.0 Explanation of the Merchant Shipping (Training and Certification of Fishing Vessel Personnel) Regulations, 2015

The Merchant Shipping (Training and Certification of Fishing Vessel Personnel) Regulations, 2015 follows the text of the Convention, as its backbone. For definition, structure and to some extent the content and overall guidance, the Merchant Shipping Act 2014, the Merchant Shipping (Certification of Seafarers of International Ship) Regulations, 2014 of Seychelles and the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 of South Africa have been used. The law has 21 sections, separated into 6 Parts with 5 Appendices annexed, applying to personnels working on vessels of length 24 metres and above and/or with a minimum propulsion power of 750 kw.

The first part is the Preliminary dealing with the general definition of terms and the scope of application of the regulation. The terms defined are mostly those used in the Convention with the addition or substitution of some from the Seychelles Merchant Shipping Act, for the purpose of consistency.

The second part is the Certification of Personnel. It is mandatory for all personnel onboard to have a minimum standard of safety training. The skills required are listed in appendix 5 at the end of the Regulation. In addition to this minimum level of safety, high ranking personnel such as the skipper, officer in charge of navigational watch, chief engineer, second engineer and radio operator must all have a certificate of endorsement or competency as issued by the Administration. It is to be noted that the skipper and the radio operator are also expected to have a certificate of proficiency in English. English is the official means of communication in the majority of countries in the world, and in Seychelles, it being one of the official languages, skippers and radio operators must be proficient in the language to facilitate communication and for the effective discharge of their respective duties.

The third part deals with Examination and Re-Validation of Certificates and Endorsements. This part has been heavily influenced by the Merchant Shipping (Certification of Seafarers of

International Ship) Regulations, 2014. Minor amendments have been made to the various sections to reflect the requirements of the STCW-F Convention.

The fourth part is about the Role of the Training Institute in regards to the regulations. Similarly to part 3, it reflects the position taken in the Merchant Shipping (Certification of Seafarers of International Ship) Regulations, 2014 and the reason for such step is due to the fact that there is already an established procedure. The Institute responsible for the training and certification of fishing vessel personnel will be the Maritime Training Centre, being the centre responsible for the vocational training of seafarers in Seychelles since its establishment in 2003. The Maritime Training Centre will conduct the course according to the guidance and in consultation with the Administration through the Director General.

Part five is titled Miscellaneous. Under this part, inquiry of accidents, casualties and penalties are covered. There is a duty imposed on the skipper, owner or agent of the vessel to report accidents or casualties within 24 hours of such happenings. It is then at the discretion of the Administration to order an inquiry of the incident through the Marine Investigation Board.

The final part of the regulations is the offence section. This deals with the consequences of failure to provide a valid certificate when requested, attempts at obtaining a certificate illegally and other procurements and attempts not in compliance with these Regulations. In this section, the fines are listed and instances of imprisonment, the duration also specified. The offences have been laid out in the Regulations because it is becoming increasingly common for such instruments to contain such provisions so as to avoid duplication of work, and delays in the implementation process. Because the offences are criminal in nature, the usual court jurisdiction is implied.

Attached to the Regulations are 5 appendices:

Appendix 1 is the form to be used for the certification of fishing vessel personnel.

Appendix 2 is the form to be used for the endorsement of a certificate.

Appendix 3 is the form to be used for the validation and extension of an endorsement certificate.

Appendix 4 is the recommendation on training of all prospective fishing vessel personnel.

Appendix 5 is the guidance for the training of all fishing vessel personnel in personal survival techniques.

The last page of the law requires the signature of the relevant Minister to give it legal effect. For the Merchant Shipping (Training and Certification of Fishing Vessel Personnel) Regulations, 2015 to come into force, it will have to be published in the Official Gazette and the date that the regulation will come into force stated.



INSTRUMENT OF ACCESSION
BY THE REPUBLIC OF SEYCHELLES
TO THE CONVENTION ON STANDARD OF TRAINING CERTIFICATION AND
WATCHKEEPING FOR FISHING VESSEL PERSONNELS 1995

I, JAMES ALEX MICHEL, PRESIDENT OF THE REPUBLIC OF SEYCHELLES, hereby declare that:

THE REPUBLIC OF SEYCHELLES, by virtue of this present document, accedes to the Convention on Standard of Training Certification and Watchkeeping for Fishing Vessel Personnel, on the day of 2015.

IN WITNESS WHEREOF, I have signed this instrument of accession and have affixed herewith the seal of the Republic of Seychelles.

DONE AT VICTORIA, MAHE, SEYCHELLES, THIS.....DAY OF2015

.....

JAMES ALIX MICHEL

PRESIDENT OF THE REPUBLIC OF SEYCHELLES

Amendments to the Merchant Shipping Act 2014

Section 132 (2) of Part VII would be amended by editing (a) and (b) and adding (c):

PART VII — MANNING AND CERTIFICATION

132(2) In making regulations under this section, the Minister shall have due regard to the provisions of —

(a) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, together with any amendments thereof,

(b) any relevant Conventions of the International Labour Organisation, and

(c) the International Convention on Standards of Training and Certificate and Watchkeeping for Fishing Vessel Personnel 1995 together with any amendments hereof.

**Merchant Shipping (Training and Certification of Fishing Vessel Personnel)
Regulations, 2015**

(Cap 127A)

In exercise of the Powers conferred by section 132 and 242 of the Merchant Shipping Act, 2014 (Cap 127A), the Minister responsible for Foreign Affairs and Transport hereby makes the following regulations-

PART I Preliminary

1. These regulations may be cited as the Merchant Shipping (Training and Certification of Fishing Vessel Personnels) Regulations 2015

citation

2. In these regulations, unless the context otherwise requires-

Interpretation

“Act” means the Merchant Shipping Act;

“Administration” means the Seychelles Maritime Safety Administration;

“Approved” means approved by the Director-General or by the Chief Examiner,
as the case may be;

“Appropriate certificate” means Certificate issued or endorsed in accordance with the provisions of these regulations which entitles the lawful holder to serve in the capacity and perform the functions involved at the level of responsibilities specified in the certificate on a fishing vessel of a type, tonnage and power and means of propulsion indicated by the endorsement while engaged in the particular fishing concerned;

Cap 127A

“Approved education, training, examination and assessment” means a programme of training and education of fishing vessel personnel approved by the Director-General prescribing the requirements of training and standards, including

examination and assessments for the purposes of issuance of certificates or endorsements under the Convention;

“Approved medical practitioner” means a medical practitioner approved by the Director-General to conduct medical examination of fishing vessel personnels;

“Certificate of Competency” means a certificate issued and endorsed for Skippers, officers and radio operators in accordance with the provisions of Parts 2 and 3 and Appendices 1, 2 and 3 of these regulations entitling the holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

“Certificate of Proficiency” means a certificate, other than a Certificate of Competency, issued to a fishing vessel personnel, stating that the relevant requirements of training, competency or seagoing service as per these regulations have been met;

“Chief Engineer Officer” means the senior Engineer Officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel;

“Chief Examiners” means means the Chief Examiner of Examinations, appointed by the Director-General;

“Convention” means the The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F) and includes its subsequent amendments;

“Director-General” means the Director-General of the Administration;

“Fishing vessel” means a vessel used for catching fish or other living resources of the sea;

“Fishing vessel personnel” means any person serving on a fishing vessel;

“Institute” means the Maritime Training Centre;

“Limited waters” means those coastal waters of Seychelles and includes the Seychelles exclusive economic zone;

“Marine Investigation Board” means the Board established under section 202 of the Merchant Shipping Act 2014;

“Minister” means the Minister responsible for transport and “Ministry” is construed accordingly;

“Officer” means a member of the crew, other than the skipper, designated as such in accordance with the provisions of the Act or regulations made thereunder;

“propulsion power” means the total maximum continuous rated 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 an Administration under the provisions of the Radio Regulations;

“Radio Regulations” means the Radio Regulations as per The Telecommunications (Ship’s Radio) Regulations 2012;

“Second engineer officer” means the engineer officer next in rank to the chief engineer officer and upon whom the responsibilities for the mechanical propulsion and the operation and maintenance and electrical installations of the vessel will fall in the event of the incapacity of the chief engineer officer;

“Seychelles vessel” means a vessel registered provisionally or otherwise under Part II of the Merchant Shipping Act 2014, the registry of which is not closed or deemed to be closed or suspended, under that Part;

“Skipper” means the person having command of a fishing vessel;

“Unlimited waters” means water beyond limited waters;

“Vessel” means a fishing vessel;

Applicatio

3 (1) These regulations shall apply to—

(a) all fishing vessels of minimum length 24 metres and/or minimum propulsion power of 750 kw engaged in limited and/or unlimited waters registered under the flag of Seychelles;

(b) skipper, chief engineer, second engineer, radio operator and any other persons as the Minister may deem necessary

4 (1) These regulations does not apply to —

(a) vessels belonging to the Seychelles armed forces; and

(b) vessels of any visiting foreign armed forced.

5 (1) The Director-General of the Administration shall be responsible for the administration and implementation of these regulations under the advice and in consultation with the Seychelles Fishing Authority.

(2) The Maritime Training Centre in consultation with the Administration shall be the competent establishment for conducting, training, examination and issuance of certificates, for the purposes of this regulation.

PART II CERTIFICATION OF MARINERS

6 (1) The Director-General shall, subject to the conditions provided in this regulation, issue the following classes of certificates and endorsements for persons operating in unlimited and/or limited water, namely —

(a) Certificates of Competency —

(i) Skipper

(ii) Officer in charge of navigational watch

(iii) Chief Engineer

(iv) Second Engineer

(v) Radio Operator

(2) Endorsements will only be made if the Administration is satisfied as to the level of competency of the candidate, authenticity of the documents and as per the prescribed form in appendix 1 and 2;

(3) The Administration subject to the requirements provided under these regulations, are to issue Certificates of Competency and Certificate of Proficiency to fishing vessel personnels as required;

(4) A Certificate of Competency and a Certificate of Proficiency under these regulations shall only be issued or endorsed by the Administration after verifying the authenticity of the documentary evidence submitted to it for issue of certificate.

7 (1) Every candidate for a Certificate of Competency or an endorsement shall produce —

(a) a birth certificate;

(b) an eyesight standards test (including colour vision test) certificate given by an

Documents
required for
Certificate of
Competency

approved medical practitioner after conducting the test in accordance with the standards specified by the Administration;

(c) a hearing standard test certification given by an approved medical practitioner after conducting the test in accordance with the standards specified by the Administration;

(d) a medical and physical fitness test certificate given by an approved medical practitioner after conducting such test in accordance with the standards specified by the Administration;

- 8 (1) All fishing vessel personnel on a fishing vessel of not less than 24m in length operating in unlimited and/or limited waters shall be trained in accordance with appendices 4 and 5.

9 (1) Every skipper on a fishing vessel of not less than 24 metres in length operating in unlimited and/or limited waters shall hold an appropriate certificate.

(2) Every candidate for the issue of a certification as a skipper onboard a fishing vessel of not less than 24m operating in unlimited and/or limited water shall—

(a) not be less than 20 years of age on the date of commencement of the examination for the issue of the Certificate of Competency;

(b) have approved seagoing service—

(i) by meeting the requirements for certification as an officer in charge of a navigational watch on fishing vessels of not less than 24 metres in length operating in unlimited waters, and have approved seagoing service of not less than 12 months as an officer in charge of a navigational watch or skipper on fishing vessels of not less than 12 metres in length. At the discretion of the Administration, a period not exceeding six months of approved seagoing service as an officer in charge of a navigational watch on seagoing ships covered by the 1978 STCW Convention can be used as substitution, and;

(ii) by having passed an appropriate examination or examinations for assessment of competence to the satisfaction of the Administration as specified in the regulations;

(c) at the discretion of the Administration, a candidate who holds a valid certificate of competency issued in accordance with the provision of the 1978 STCW Convention as implemented under the Merchant Shipping (Certification of Seafarers of International Ship) Regulations, 2014 may not be re-examined in those subjects listed in the appendix which passes at a high or equivalent level of issue of the Convention certificate;

(d) produce documentary evidence of having successfully completed the approved training in Personal Safety and Social Responsibility, Proficiency in Survival Craft

and Rescue Boats, Advanced Fire Fighting, Medical First Aid, Emergency Procedures for issue of a Certificate of Competency;

(e) shall hold a Certificate of Proficiency attesting his or her command of English required for the efficient discharge of his or her routine, emergency duties and responsibilities;

10 (1) Every officer in charge of a navigational watch on a fishing vessel of not less than 24 metres operating in unlimited and/or limited waters shall hold an appropriate certificate.

Mandatory
minimum
requirements for
certification of
Watchkeeper

(2) Every candidate for the issue of the Certificate of Competency as an officer in charge of Watchkeeping onboard a fishing vessel of not less than 24m in length operating in limited and/or unlimited water shall —

(a) not be less than 18 years old;

(b) have approved seagoing service of not less than two years in the deck department on fishing vessels of not less than 12 metres in length. However, the Administration may allow the substitution of the seagoing service by a period of special training not exceeding one year, provided that the period of the special training programme shall be at least equivalent in value to the period of the required seagoing service it substitutes or by a period of approved seagoing service evidenced by an approved record book covered by the 1978 STCW Convention;

(c) meet the applicable requirements of regulation 6, as appropriate for performing designated radio duties in accordance with the Radio Regulations.

11 (1) Every chief engineer officer onboard a fishing vessel of propulsion power not less than 750 kw operating in unlimited and/or limited waters shall hold an appropriate certificate.

Mandatory
minimum
requirements for
certification of
Chief Engineer

(2) Every candidate for the issue of the Certificate of Competency as a Chief Engineer officer onboard a fishing vessel of propulsion power of 750 kw or more operating in limited and/or unlimited water shall —

(a) not be less than 18 years of age on the date of commencement of the examination for the issue of the Certificate of Competency;

(b) have approved sea service of 24 months as an officer in charge of engineering watch on ships of 750kw or more propulsion power of which not less than 12 months shall be served while qualified as second engineer officer;

(c) produce documentary evidence of having successfully completed the approved training in Personal Safety and Social Responsibility, Proficiency in Survival Craft and Rescue Boats, Advanced Fire Fighting, Medical First Aid, Emergency Procedures for issue of a Certificate of Competency.

12 (1) Every second engineer officer onboard a fishing vessel of propulsion power not less than 750 kw operating in unlimited and/or limited waters shall hold an appropriate certificate.

Mandatory
minimum
requirements for
certification of
Second Engineer

(2) Every candidate for the issue of the Certificate of Competency as a second Engineer officer onboard a fishing vessel of propulsion power of 750 kw or more operating in limited and/or unlimited water shall —

(a) not be less than 18 years of age on the date of commencement of the examination for the issue of the Certificate of Competency;

(b) have passed an appropriate examination for the assessment of competency to the satisfaction of the Party;

(c) have not less than 12 months approved seagoing service in the engine-room;

(d) produce documentary evidence of having successfully completed the approved training in Personal Safety and Social Responsibility, Proficiency in Survival Craft

and Rescue Boats, Advanced Fire Fighting, Medical First Aid, Emergency Procedures for issue of a Certificate of Competency.

Mandatory
minimum
requirements for
certification of
Radio Operator

13 (1) Every radio operator onboard a fishing vessel not less than 24m in length operating in unlimited and/or limited waters shall hold an appropriate certificate.

(2) Every candidate for the issue of the Certificate of Competency as a radio operator onboard a fishing vessel of length not less than 24m operating in limited and/or unlimited water shall —

(a) not be less than 18 years of age on the date of the application for the issue of the endorsement;

(b) hold an appropriate certificate or certificates issued by the Administration under the provisions of the Radio Regulations;

(c) meet the requirements of the appendix to this regulation;

(d) shall hold a Certificate of Proficiency attesting his or her command of English required for the efficient discharge of his or her routine, emergency duties and responsibilities.

PART III EXAMINATION AND RE-VALIDATION OF CERTIFICATES AND ENDORSEMENT

Examinations

14 (1) Every candidate for a Certificate of Competency or for an endorsement under these regulations, shall satisfy the Chief Examiners at a written or, as the case may be, oral examination, that he or she has reached the required degree of competency for the award of such certificate or endorsement.

(2) Every candidate for a Certificate of Proficiency or for an endorsement under these regulations, shall satisfy the Chief Examiner at a written and oral examination, that he or she has reached the required degree of proficiency for the award of such certificate.

(3) Every application for examination for the Certificates of Competency and endorsements together with supporting documentation shall be made to the Director-General.

(4) If the applicant meets all the requirements for eligibility to the examination, a notice of eligibility shall be issued.

(5) The notice of eligibility shall authorise admission of the candidate to the said examination.

(6) The Director-General shall notify each eligible candidate in writing of the date, time and place of the examination.

(7) The Chief Examiner may determine the subjects and the syllabuses for the examination for the purpose of maintaining internationally accepted standards.

(8) The Director-General shall carry out all such acts as are necessary or expedient for the proper conduct of the examinations.

(9) A candidate failing the assessment in respect of competency or endorsement may at the Chief Examiner's discretion be given a time penalty which may include a requirement to complete a period of seagoing service before becoming eligible for re-examination.

(10) The Director General may require any training institute to conduct the examination and assessment under the supervision of the Examiner in accordance with these regulations.

(11) Every oral examination shall be conducted only by the Administration.

15 (1) Every skipper, Officer and Radio Operator holding a certificate of competency issued or recognised under these regulations, who is serving at sea or intends to return to sea after a period ashore, shall, be required, at intervals not exceeding 5 years, to —

(a) meet the standards of medical and physical fitness prescribed by section 6 (1)
(b), (c) and (d) of these Regulations;

(2) The radio operator endorsement shall be revalidated at 5 year intervals provided that the Radio Operator is having 12 months sea service in the relevant capacity within 5 years preceding the date of revalidating.

(3) All Certificates of Competency and endorsements as Skipper, Officer or Radio Operator issued or revalidated under these regulations in accordance with these regulations shall be valid only for a period of 5 years, and be submitted for revalidation if the holder continues serving onboard seagoing ships.

(4) Any Certificate of Competency may be revalidated within 6 months prior to the expiry date and the certificate may be revalidated until the fifth anniversary of the date of validity, or extension of validity, of the certificate.

Role of Training
Institute

PART IV ROLE OF THE TRAINING INSTITUTE

16 (1) The Training Institute shall ensure that —

(a) all training and assessment of fishing vessel personnel for certification are conducted in accordance with the provisions of these regulations and other requirements laid down by the Director-General;

(b) a degree of independence is maintained between training

(c) a record of the persons trained by the Institute is maintained and such information made available to the Director General, the Chief Examiner, when requested;

(d) model courses published by the Institute are used as guidance in preparation of approved training programmes; and

(e) course syllabi are updated in line with amendments to the STCW-F and other relevant instruments including industry updates and developments, in consultation with the Director-General.

- (2) The Director-General shall develop a quality standards system for monitoring of the Institute to ensure that the training, assessment of competence, certification, endorsement and revalidation activities carried out in accordance with the principles and standards laid down by the Convention and these regulations, including the qualifications and experience of trainers and assessors.
- (3) All training, assessment of competence, certification, endorsement and revalidation activities carried out by approved Institutions shall be evaluated at intervals of not more than 5 years, by an independent panel appointed by the Administration for that purpose.
- (4) The Director General shall communicate the report of evaluation made under subregulation (3) to the Director of the Institute.

Requireme
...

- 17 (1) The Training Institute shall comply with the requirements relating to equipment and facilities as determined by the Director-General.
- (2) The Training Institute shall obtain an annual approval in order to function as an approved training institute.
 - (3) The Training Institute shall prepare training record books for training programmes conducted by institute and submit to the Director-General for approval.

The programmes of a training institute shall include —

- (i) Timetables;
- (ii) Teaching plans;

- (iii) Qualifications, industrial experience, and teaching experience required of training instructors, supervisors and assessors as required by the Director General;
- (iv) Lecture notes;
- (v) Assessment procedures to be observed during examinations and practical assessments, including rules to prevent malpractices; and
- (vi) Any other documentation considered relevant by the Director General.

17 (1) Every Company which is operating ships registered in Seychelles, or is responsible for the assignment of fishing vessel personnels for service on vessels, shall in accordance with the these regulations, ensure that —

- (a) every fishing vessel personnel assigned to its vessels hold an appropriate certificate in accordance with the provisions of these regulations, issued or endorsed by the Director General;
- (b) its vessels are manned in compliance with the manning requirements specified in the Third Schedule appended to these regulations;
- (c) the documentation and data relevant to all fishing vessel personnels employed on its vessels are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties;
- (d) the fishing vessel personnel, on being assigned to any of its vessels, are familiarised with his or her duties and with all vessels arrangements, installations, equipment, procedures, security arrangements and ship characteristics that are relevant to their duties;

(e) allocation of a reasonable period of time during which each newly employed fishing vessel personnel is given an opportunity to become acquainted with —

(i) the specific equipment the fishing vessel personnel will be using or operating;

(ii) vessel specific watch keeping, safety, environmental protection, security and emergency procedures and arrangements the Seafarer needs to know to perform the assigned duties properly;

(f) the radio operators are familiarised with the vessel's radio equipment prior to taking over duties as a radio operator;

(g) the vessel's complement can effectively coordinate their activities in an emergency situation and in performing functions vital to safety, security or to the prevention or mitigation of pollution;

(h) the skipper confirms availability onboard at all times of all original certificates and related documents issued pursuant to the Convention indicating the qualifications of any member of the crew to perform designated functions;

(i) the provisions of the Act, regulations made thereunder and Convention are placed onboard; and

(j) effective oral communication is maintained at all times onboard it's ships in accordance with chapter V, Regulation 14, paragraphs 3 and 4, of the International Convention for the

(2) A record of the person who reached the appropriate standard of familiarisation and basic safety training shall be maintained by the skipper of the vessel and the Company.

(3) The Company shall ensure that the fishing vessel personnel are provided updating or refresher training in order to update their knowledge in accordance with the changes

to STCW-F and other relevant instruments including industry updates and developments.

PART V MISCELLANEOUS

19 (1) In case of any accident or casualty, such as, grounding, fire, loss of life or cargo or any other unusual happening including security incidents onboard any Seychelles registered vessel, the skipper owner of vessel or agent shall report the accident or casualty to the Director-General within 24 hours of such accident or casualty.

Inquiry of
accidents and
casualties

(2) The Director-General may order an inquiry to be held by the Marine Accident Investigation Board into any such occurrence depending on the gravity of the occurrence or the public interest in the matter.

(3) The Marine Accident Investigation Board shall —

(a) hold such inquiry as may be required; and

(b) require any witness to be present in person and give evidence at the inquiry.

(4) On the basis of the report of the inquiry by the Marine Accident Investigation Board, the Director-General may suspend any Certificate of Competence or endorsement or document issued by the Director-General, after giving the concerned person an opportunity to defend his or her position.

(5) Where the inquiry report suggests incompetence or misconduct on the part of a Seafarer to whom the Director General has not issued any

PART VI OFFENCES

20 (1) A person who —

Offences

(a) serves as a fishing vessel personnel onboard a Seychelles vessel without being a holder of a valid certificate appropriate to the capacity in which he or she is engaged to serve, or

(b) either on his or her own account or an agent engages any person as a fishing vessel personnel without taking all the necessary steps to ascertain whether such person is a holder of a valid certificate appropriate to the category in which he or she is engaged to serve,

commits an offence and is liable on conviction to a fine not exceeding 100,000 Seychelles Rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) For the purpose of subsection (1) (b), where it is established that a fishing vessel personnel is engaged to serve in such capacity without being a holder of a valid certificate appropriate to that capacity, the onus shall be on the person who engaged that fishing vessel personnel to prove that he or she has taken all necessary steps to ascertain that the fishing vessel personnel was at the time when he or she was engaged, the holder of a valid certificate appropriate to the capacity in which he or she was engaged to serve

(3) A person who —

(a) makes or procure or assists in making any false representation for the purpose of obtaining for himself or herself or for any other person any certificate or any certified copy thereof, or

(b) forges, assists in forging or procures for forging such certificates or copy,

(c) fraudulently alters or assists in the fraudulent alteration, such certificate or copy or procures it to be fraudulently altered,

(d) fraudulently makes use of any certificate or a copy that is forged, altered, cancelled or suspended or to which he or she is not entitled,

(e) fraudulently lends his or her certificate to, or allows it to be used by, any other persons, or,

(f) makes or has in his or her possession any document so closely resembling such certificate as to be calculated to deceive,

commits an offence and is liable on conviction to a fine not exceeding 250, 000 Seychelles Rupees or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(4) A person —

(a) not being a holder of a valid certificate, or

(b) during a period in which pursuant to section 136 or 137 of the Merchant Shipping Act 2014, his or her certificate is suspended or approval thereof is withdrawn as the case may be, takes or uses any title, addition or description implying or calculated to lead persons to believe that he or she is entitled to serve as a fishing vessel personnel on a Seychelles vessel,

commits an offence and is liable on conviction to a fine not exceeding 350,00 Seychelles Rupees or imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(5) A fishing vessel personnel who, without reasonable cause, fail to comply with a direction of the Administration under section 133 or 134 to surrender his or her certificate

commits an offence and is liable on conviction to a fine not exceeding 100,000 Seychelles Rupees or a term of imprisonment not exceeding 8 months.

21 The holders of certificates issued prior to the date of coming into operation of these regulations, by the Authority responsible for marine transport matters or any other body under any repealed Act shall represent such certificates to the Administration for re-evaluation and re-validation, as the case may be, to ensure compliance with the requirements of these regulations.

APPENDIX 1

The form used to attest the issue of a certificate shall be as shown hereunder, provided that the words "or until the date of expiry of any extension of the validity of this certificate as may be shown overleaf" appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the certificate is required to be replaced upon its expiry.

(Official Seal)

(Country)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995

The Government ofcertifies that the holder of this certificate has been found duly qualified in accordance with the provisions of regulation of the above Convention and has been found competent to serve as specified below, subject to any limitations indicated until or until the date of expiry of any extension of the validity of this certificate as may be shown overleaf:

The lawful holder of this certificate may serve in the following capacity or capacities:

CAPACITY

LIMITATIONS APPLYING (IF ANY)

Certificate No..... issued on (Official Seal)

Date of birth of the holder of the certificate Signature of the holder of the certificate
..... Photograph of the holder of the certificate

..... Signature of duly authorized official

..... Name of duly authorized official

The validity of this certificate is hereby extended until

..... (Official seal)

Date of revalidation

..... Signature of duly authorized official

..... Name of duly authorized official

The validity of this certificate is hereby extended until (Official seal)

Date of revalidation

..... Signature of duly authorized official

..... Name of duly authorized official

APPENDIX2

The form used to attest the issue of a certificate shall be as shown hereunder, provided that the words "or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf" appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the endorsement is required to be replaced upon its expiry.

(Official Seal)

(Country)

ENDORSEMENT ATTESTING THE ISSUE OF A CERTIFICATE UNDER THE PROVISIONS OF THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995

The Government of certifies that certificate No. has been issued to who has been found duly qualified in accordance with the provisions of regulation of the above Convention and has been found competent to serve as specified below, subject to any limitations indicated until or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf:

The lawful holder of this endorsement may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Administration:

CAPACITY

LIMITATIONS APPLYING (IF ANY)

Endorsement No. issued on (Official Seal)

..... Signature of duly authorized official

..... Name of duly authorized official

Date of birth of the holder of the certificate Signature of the holder of the certificate
..... Photograph of the holder of the certificate

The validity of this endorsement is hereby extended until

(Official seal)

Date of revalidation

..... Signature of duly authorized official

..... Name of duly authorized official

APPENDIX 3

CONTINUATION

The validity of this endorsement is hereby extended until (Official seal)

Date of revalidation

..... Signature of duly authorized official

..... Name of duly authorized official

The form used to attest the recognition of a certificate shall be as shown hereunder, except that the words "or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf" appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the endorsement is required to be replaced upon its expiry.

(Official Seal)

(Country)

ENDORSEMENT ATTESTING THE RECOGNITION OF A CERTIFICATE UNDER THE
PROVISIONS OF THE INTERNATIONAL CONVENTION ON STANDARDS OF
TRAINING, CERTIFICATION AND WATCHKEEPING

FOR FISHING VESSEL PERSONNEL, 1995

The Government of certifies that Certificate No..... issued to
by or on behalf of the Government ofis duly recognized in accordance with the
provisions of regulation I/7 of the above Convention, and the lawful holder is authorized to serve
as specified below, subject to any limitations indicated untilor until the date of expiry of
any extension of the validity of this endorsement as may be shown overleaf:

The lawful holder of this endorsement may serve in the following capacity or capacities specified in the safe manning requirements of the Administration:

CAPACITY

LIMITATIONS APPLYING (IF ANY)

Endorsement No. issued on (Official Seal)

..... Signature of duly authorized official

..... Name of duly authorized official

Date of birth of the holder of the certificate Signature of the holder of the certificate

..... Photograph of the holder of the certificate

The validity of this endorsement is hereby extended until

(Official seal)

Date of revalidation

..... Signature of duly authorized official

..... Name of duly authorized official

The validity of this endorsement is hereby extended until (Official seal)

Date of revalidation

..... Signature of duly authorized official

..... Name of duly authorized official

Appendix 4

Recommendation on training of all prospective fishing vessel personnel working on fishing vessels of 24 metres in length and over

Personnels should:

1. be familiar with marine terms and orders commonly used in fishing vessels; and
2. be familiar with the dangers associated with fishing operations such as shooting the fishing gear into the water, hauling the fishing gear and landing the catch on board.
3. Personnels should have:
 - a. an understanding of dangers caused by the vessel's motions and accelerations;
 - b. an understanding of dangers caused by slippery surfaces on board;
 - c. an understanding of good on-board conduct, particularly to minimize fire hazards; and
 - d. knowledge of the use of personal protection equipment.
4. Personnels should be familiar with the construction, application and purpose of each piece of deck equipment associated with a particular type of fishing gear. Such deck equipment includes, but should not be limited to:
 - a. trawl gallows;
 - b. gantries;
 - c. bollards;
 - d. power blocks;

- e. pursing blocks;
- f. winches and booms; .
- g. derricks;
- h. netdrums and side rollers; and
- i. line and trap haulers.

5. As far as the stability and associated seaworthiness of vessels is concerned, personnels should have:

- a. a general understanding of the watertight and weathertight integrity of common types of fishing vessels;
- b. an understanding of the operation of closing devices for doors and other openings relevant to the watertight and weathertight integrity of the fishing vessel;
- c. knowledge of stowage of the catch, fishing gear; and
- d. knowledge of the function of freeing ports.
- e. Personnels should also have:
- f. knowledge of the handling and maintenance of deck appliances and equipment such as winches, derricks, booms, stoppers, chains, wire ropes and ropes;
- g. knowledge of making splices and eye splices in wire ropes and ropes;
- h. general knowledge of mooring operations and the handling of mooring ropes, including springs, bow, stern and breast ropes; and
- i. knowledge of helm orders, commands for mooring, anchoring and towing.

Appendix 5

Guidance for the training of fishing vessel personnel in personal survival techniques

1. All prospective personnel on fishing vessels should be instructed in the following:
 - a. types of emergencies which may occur, such as collision, fire and foundering;
 - b. types of life-saving appliances normally carried on fishing vessels; .3 need to adhere to the principles of survival;
 - c. value of training and drills;
 - d. need to be ready for any emergency and to be constantly aware of:
 - i. the information in the muster list, in particular:
 1. their specific duties in any emergency;
 2. their own survival craft station; and
 3. the signals calling all crew to their survival craft or fire stations;
 - ii. location of their own and spare lifejackets;
 - iii. location of fire alarm controls
 - iv. means of escape;
 - v. consequences of panic;
 - vi. actions to be taken when called to survival craft stations, including:
 1. putting on suitable clothing;
 2. donning a lifejacket; and as appropriate, immersion suit; and
 3. collecting additional protection such as blankets, time permitting;
 - vii. actions to be taken when required to abandon a fishing vessel, such as:

1. how to board survival craft from fishing vessel and water; and
 2. how to jump into the sea from a height and reduce the risk of injury when entering the water;
- viii. actions to be taken under rescue operations by a helicopter;
- ix. actions to be taken when in the water, such as:
1. how to survive in circumstances of:
 - a) fire or oil on the water;
 - b) cold conditions; and
 - c) shark-infested waters;
 2. how to right a capsized liferaft;
- x. actions to be taken when aboard a survival craft, such as:
1. getting the survival craft quickly clear of the fishing vessel and fishing gear;
 2. protection against cold or extreme heat;
 3. using a drogue or sea-anchor;
 4. keeping a look-out;
 5. recovering and caring for survivors;
 6. facilitating detection by others;
 7. checking equipment available for use in the survival craft and using it correctly;
 8. remaining, so far as possible, in the vicinity;

9. main dangers to survivors and the general principles of survival, including:

- a. precautions to be taken in cold climates;
- b. precautions to be taken in tropical climates;
- c. exposure to sun, wind, rain and sea;
- d. importance of wearing suitable clothing;
- e. protective measures in survival craft;
- f. effects of immersion in water and of hypothermia;
- g. importance of preserving body fluids;
- h. protection against seasickness;
- i. proper use of fresh water and food;
- j. effects of drinking seawater;
- k. means available for facilitating detection by others; and
- l. importance of maintaining morale.

2. All prospective personnel on fishing vessels should be given practical instruction in at least the following:

- a. wearing a lifejacket or immersion suit or both correctly;
- b. entering the water from a height wearing a lifejacket or immersion suit or both;
- c. swimming while wearing a lifejacket or immersion suit or both;
- d. keeping afloat without a lifejacket or immersion suit;

- e. boarding life-rafts from a fishing vessel and water while wearing a lifejacket or immersion suit or both;
- f. assisting others to board survival craft;
- g. operation of survival craft equipment, including basic operation of portable radio equipment; and
- h. streaming a drogue or sea-anchor.

MADE thisday of,
2015.

JOEL MORGAN
MINISTER FOR FOREIGN AFFAIRS
AND TRANSPORT