



Jersey

## SHIPPING (STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING) (JERSEY) ORDER 2021

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Jersey

## SHIPPING (STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING) (JERSEY) ORDER 2021

*Made*

*11th October 2021*

*Coming into force*

*18th October 2021*

**THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE** makes this Order under Articles 29, 49 and 196 of the [Shipping \(Jersey\) Law 2002](#) and Regulation 1 of the [Shipping \(SOLAS\) \(Jersey\) Regulations 2004](#) –

### PART 1

#### INTRODUCTORY

#### 1 Interpretation

(1) In this Order –

“appropriate” in relation to a certificate, is to be construed in accordance with Article 3(2);

“certificate of competency” means an appropriate certificate of competency issued –

- (a) under the STCW Convention by the UKMCA; or
- (b) by an administration that is a signatory to the STCW Convention and that has been approved by the Minister;

“certificate of equivalent competency” means an appropriate certificate of equivalent competency issued by the UKMCA to a master, officer or radio operator who holds an appropriate certificate of competency other than one issued by the UKMCA;

“certificate of proficiency in training for tanker cargo operations” means a certificate of proficiency issued in accordance with the provisions of STCW Regulations V/1-1 and V/1-2 in basic or advanced training for –

- (a) oil tanker cargo operations;
- (b) chemical tanker cargo operations; or
- (c) liquefied gas tanker cargo operations;

“documentary evidence” means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention have been met;

“fast rescue boat” means a rescue boat complying with the requirements of section 5.1.4 of Chapter V of the International Maritime Organisation’s LSA-Code (International Life-Saving Appliance Code) (MSC.46 (66)), issued under the International Convention for the Safety of Life at Sea 1974;

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

“GT” means gross tonnage as determined under the [Shipping \(Tonnage\) \(Jersey\) Regulations 2004](#);

“High Speed Craft” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding:  $3.7 \nabla^{0.1667}$  where  $\nabla$  = volume of displacement corresponding to the design waterline (m<sup>3</sup>), excluding craft the hull of which is supported clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect;

“High Speed Craft Code” means the International Code of Safety for High Speed Craft 2000;

“Law” means the [Shipping \(Jersey\) Law 2002](#);

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State or the Minister;

“near-coastal voyage” means a voyage during which the vessel is within a 150 nautical mile range of safe haven in Jersey or within an area designated by the Minister for vessels to be treated as if they were within that range if they comply with conditions set by the Minister;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances that are subject to the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1996 of the United Kingdom;

“pleasure vessel” means a pleasure vessel as defined in Article 169(6) of the Law;

“prescribed fee” means the fee prescribed by the Minister under Article 193 of the Law;

“rescue boat” means a boat designed to rescue persons in distress and to marshal survival craft;

“safe manning document” means a document, described as such, issued –

- (a) in the case of a Jersey ship, by the Minister; and
- (b) in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;

“seafarer” means any person, including a master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on a ship;

“sea-going” means going to sea beyond the limits of category A, B, C or D waters (as categorised in Merchant Shipping Notice 1837 (M));

“small commercial ship” has the same meaning as in Regulation 1(1) of the [Shipping \(Safety Code – Yachts and Small Ships\) \(Jersey\) Regulations 2013](#);

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

“STCW Regulation” means a Regulation contained in Attachment 1 to the Final Act of the 2010 Manila Conference of Parties to the STCW Convention;

“survival craft” means a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship;

“tanker” means a chemical tanker, a liquefied gas tanker or an oil tanker;

“UKMCA” means the Maritime and Coastguard Agency of the United Kingdom.

- (2) Words or phrases defined in the STCW Regulation, unless the context otherwise requires, have the same respective meanings in this Order.
- (3) Any reference in this Order to any Regulation, Convention, Code or Notice is a reference to that Regulation, Convention, Code or Notice as it had effect on the day on which this Order was made.
- (4) Any reference in this Order to a requirement in an STCW Regulation also constitutes a reference to the corresponding section of Part A of the STCW Code.

## **PART 2**

### **TRAINING AND CERTIFICATION**

#### **DIVISION 1 – SCOPE**

#### **2 Application of Part 2**

This Part applies to a seafarer in a Jersey ship except –

- (a) a fishing vessel;
- (b) a pleasure vessel;
- (c) a small commercial ship;
- (d) a wooden ship of primitive build; or
- (e) any other vessel to which an equivalent applies and where that equivalent has been issued in accordance with Article IX of the STCW Convention and the seafarer holds a special certificate of competence issued under Article 35 of the Law.

**DIVISION 2 – CERTIFICATION REQUIREMENTS****3 Qualification as an officer**

- (1) A person must, in respect of the category and capacity in which that person is serving –
  - (a) hold an appropriate certificate of competency or an appropriate certificate of equivalent competency; and
  - (b) comply with the criteria in the STCW Regulations listed in column 2 of the Table in the Schedule to this Order in relation to the category and capacity in which that person is to serve, as listed in column 1 of the Table.
- (2) A certificate mentioned in paragraph (1) is appropriate if it is a certificate issued and endorsed in accordance with this Part that entitles the lawful holder to serve in the capacity and perform the functions involved –
  - (a) at the level of responsibility specified;
  - (b) on a ship of the type, tonnage or power and means of propulsion indicated; and
  - (c) while engaged on the particular type of voyage concerned.
- (3) The Minister may permit a person who does not hold an appropriate certificate of competency to serve in an appropriate capacity on board a ship for a maximum period of 3 months if –
  - (a) the person holds a valid certificate of competency issued by an administration that is a signatory to the STCW Convention other than the UK, Jersey or a relevant British possession;
  - (b) that certificate is appropriate for the capacity in which the person is to serve; and
  - (c) the person has provided evidence of submitting an application to the UKMCA for the issue of a certificate of equivalent competency.

**4 Radiocommunications and radio personnel on a GMDSS ship**

- (1) A seafarer in charge of or performing radio duties on a ship required to participate in the GMDSS must –
  - (a) be at least 18 years of age;
  - (b) hold a certificate of competency related to the GMDSS that is appropriate to the area of operation and the equipment fitted on the ship; and
  - (c) have completed the education and training and meets the standards of competence specified in section A-IV/2 of the STCW Code.
- (2) In this Article “GMDSS” means the Global Maritime Distress and Safety System.

**5 Seafarers on an oil or chemical tanker – basic training**

A seafarer assigned specific duties and responsibilities related to cargo or cargo equipment on an oil or chemical tanker must –

- (a) hold a certificate of proficiency in basic training for oil and chemical tanker cargo operations issued by an administration that is a signatory to the STCW Convention and that has been approved by the Minister; and
- (b) meet the criteria specified in STCW Regulation V/1-1, paragraph 2.

## **6 Seafarers on an oil tanker – advanced training**

- (1) The following seafarers serving on board an oil tanker must comply with the requirements of paragraph (2) –
  - (a) the master;
  - (b) a chief engineer officer;
  - (c) a chief mate;
  - (d) a second engineer officer; and
  - (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.
- (2) The requirements are that the seafarer must –
  - (a) hold a certificate of proficiency in advanced training for oil tanker cargo operations issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
  - (b) meet the criteria specified in STCW Regulation V/1-1, paragraph 4.

## **7 Seafarers on a chemical tanker – advanced training**

- (1) The following seafarers serving on board a chemical tanker must comply with the requirements of paragraph (2) –
  - (a) the master;
  - (b) a chief engineer officer;
  - (c) a chief mate;
  - (d) a second engineer officer; and
  - (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.
- (2) The requirements are that the seafarer must –
  - (a) hold a certificate of proficiency in advanced training for chemical tanker cargo operations issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
  - (b) meet the criteria specified in STCW Regulation V/1-1, paragraph 6.

## **8 Seafarers on a liquefied gas tanker – basic training**

An officer or rating assigned specific duties and responsibilities related to cargo or cargo equipment on a liquefied gas tanker must –

- (a) hold a certificate of proficiency in basic training for liquefied gas tanker cargo operations issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
- (b) meet the criteria specified in STCW Regulation V/1-2, paragraph 2.

## **9 Seafarers on a liquefied gas tanker – advanced training**

- (1) The following seafarers serving on board a liquefied gas tanker must comply with the requirements of paragraph (2) –
  - (a) the master;
  - (b) a chief engineer officer;
  - (c) a chief mate;
  - (d) a second engineer officer; and
  - (e) any other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.
- (2) The requirements are that the seafarer must –
  - (a) hold a certificate of proficiency in advanced training for liquefied gas tanker cargo operations issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
  - (b) meet the criteria specified in STCW Regulation V/1-2, paragraph 4.

## **10 Ratings forming part of a navigational watch**

- (1) A rating forming part of a navigational watch on a ship of 500 GT or more must –
  - (a) hold a certificate of proficiency to perform such duties; and
  - (b) meet the criteria specified in STCW Regulation II/4, paragraph 2.
- (2) This Article does not apply to –
  - (a) a rating under training; or
  - (b) a rating whose duties are of an unskilled nature.

## **11 Ratings forming part of an engine-room watch**

- (1) A rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more must –
  - (a) hold a certificate of proficiency to perform such duties issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
  - (b) meet the criteria specified in STCW Regulation III/4, paragraph 2.
- (2) However, paragraph (1) does not apply to a rating –
  - (a) who is under training; or
  - (b) whose duties are of an unskilled nature.



## **12 Ratings as able seafarer deck**

An able seafarer deck serving on board a ship of 500 GT or more must –

- (a) hold a certificate of proficiency issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
- (b) meet the criteria specified in paragraph 2 or paragraph 6 of STCW Regulation II/5.

## **13 Ratings as able seafarer engine**

An able seafarer engine serving on board a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more must –

- (a) hold a certificate of proficiency issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
- (b) meet the criteria specified in paragraph 2 or paragraph 4 of STCW Regulation III/5.

## **14 Electro-technical ratings**

An electro-technical rating serving on board a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more, must –

- (a) hold a certificate of proficiency issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
- (b) meet the criteria specified in paragraph 2 or paragraph 4 of STCW Regulation III/7.

## **15 Seafarers designated to launch or take charge of a survival craft or rescue boat (other than a fast rescue boat)**

A seafarer designated to launch or take charge of a survival craft or a rescue boat, other than a fast rescue boat, must –

- (a) hold a certificate of proficiency in such craft issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
- (b) meet the criteria specified in STCW Regulation VI/2, paragraph 1.

## **16 Seafarers designated to launch or take charge of a fast rescue boat**

A seafarer designated to launch or take charge of a fast rescue boat must –

- (a) hold a certificate of proficiency in such craft issued by the UKMCA or an administration that is a signatory to the STCW Convention; and
- (b) meet the criteria specified in STCW Regulation VI/2, paragraph 2.

## **17 Ship security officers**

A ship security officer must –

- (a) hold a certificate of proficiency for the performance of the duties or functions of such a role; and
- (b) meet the criteria specified in STCW Regulation VI/5, paragraph 1.

## **18 Seafarers on a passenger ship engaged on international voyages (other than a High Speed Craft)**

- (1) This Article applies to seafarers serving on board a passenger ship engaged on international voyages, other than a High Speed Craft.
- (2) Before being assigned shipboard duties on board a passenger ship, a seafarer must have completed the training required by paragraphs (3) to (6) in accordance with his or her capacity, duties and responsibilities.
- (3) Training in crowd management as specified in section A-V/2 of the STCW Code must be completed by the following –
  - (a) the master;
  - (b) each officer; and
  - (c) any other seafarer designated on muster lists to assist passengers in emergency situations on board passenger ships.
- (4) Safety training specified in section A-V/2 paragraph 2 of the STCW Code must be completed by a seafarer providing direct service to passengers in passenger spaces on board a passenger ship.
- (5) Approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code must be completed by –
  - (a) the master;
  - (b) a chief engineer officer;
  - (c) a chief mate;
  - (d) a second engineer officer; and
  - (e) any other seafarer assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board a ro-ro passenger ship.
- (6) Approved training in crisis management and human behaviour specified in section A-V/2, paragraph 3, of the STCW Code must be completed by –
  - (a) the master;
  - (b) a chief engineer officer;
  - (c) a chief mate;
  - (d) a second engineer officer; and
  - (e) any other seafarer designated on muster lists as having responsibility for the safety of passengers in emergency situations.
- (7) In paragraph (1) “international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a Party to the STCW Convention.

## **19 Seafarers on a High Speed Craft**

- (1) This Article applies to a seafarer serving on board a High Speed Craft constructed on or after 1st January 1996.
- (2) Before being assigned shipboard duties on board a High Speed Craft to which this Article applies, a seafarer must complete the training specified in section 18.3.3 of the High Speed Craft Code.
- (3) A person providing that training must issue documentary evidence to every person successfully completing the training.
- (4) In the case of masters and officers, the documentary evidence must be a certificate in the form, and endorsed in a manner, specified in the High Speed Craft Code or as approved by the Minister.
- (5) In this Article –  
“constructed”, in relation to a craft, means where the keel is laid or a similar stage of construction;  
“similar stage of construction” means a stage at which –
  - (a) construction identifiable with a specific craft begins; and
  - (b) assembly of that craft has reached 50 tonnes or one per cent of the estimated mass of all the structural material to be used, whichever is the less.

## **20 Safety familiarisation, basic training and instruction for all seafarers**

Before being assigned to shipboard duties, a seafarer must –

- (a) receive familiarisation and basic training or instruction in accordance with section A-VI/1 of the STCW Code; and
- (b) meet the appropriate standard of competence specified in that section.

## **21 Seafarer designated as a fire fighting controller**

A seafarer designated to control fire-fighting operations must –

- (a) have successfully completed advanced training in techniques for fighting fire, with particular emphasis on organisation, tactics and command in accordance with section A-VI/3, paragraphs 1 to 4 of the STCW Code; and
- (b) meet the standard of competence specified in that section.

## **22 Seafarer designated as a provider of medical first aid or to take charge of medical care**

- (1) A seafarer designated to provide medical first aid on board a ship must meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.
- (2) A seafarer designated to take charge of medical care on board a ship must meet the standard of competence in medical care on board ships specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code unless paragraph (3) applies.

- (3) While a ship remains within 4 hours of a port where full medical facilities are available and if the Minister so approves, a seafarer mentioned in paragraph (2) need meet only the requirements of paragraph (1).

### **23 Security-related familiarisation training for seafarers on an ISPS ship**

- (1) This Article applies to a seafarer serving on a sea-going ship that is required to comply with the provisions of the ISPS Code.
- (2) Before being assigned to shipboard duties, a seafarer must –
  - (a) receive security-awareness familiarisation and security-awareness training or instruction in accordance with section A-VI/6, paragraphs 1 to 4 of the STCW Code; and
  - (b) meet the appropriate standard of competence specified in that section.
- (3) A seafarer with designated security duties must meet the standard of competence specified in section A-VI/6, paragraphs 6 to 8 of the STCW Code.

## **DIVISION 3 – CERTIFICATES**

### **24 Form and endorsement of certificates referred to in Division 2**

- (1) A certificate of competency or a certificate of proficiency must be in the form specified in section A-I/2, paragraph 1, of the STCW Code.
- (2) A certificate mentioned in any of Articles 3 to 9 must be endorsed in the form prescribed in STCW Regulation I/2.

### **25 Approval of sea-going service**

- (1) An application for a certificate for approval of sea-going service must –
  - (a) include evidence of identity, age, relevant service, standards of competence and certificates or qualifications held; and
  - (b) be presented for approval by the Minister along with the prescribed fee.
- (2) When approving sea-going service required by the Convention, the Minister must act in accordance with section A-I/2, paragraph 5, of the STCW Code and ensure that section 9 of Merchant Shipping Notice 1856 (M + F) is satisfied.

### **26 Dispensation**

- (1) The Minister may grant a dispensation from the requirements of this Part if satisfied that the conditions specified in paragraph (2) are met and –
  - (a) in the case of a master or chief engineer officer, circumstances of force majeure exist; or

- (b) in the case of a radio operator, the relevant requirements of the Regulations issued under the Constitution and Convention of the International Telecommunications Union are also met.
- (2) The conditions are that –
  - (a) a dispensation is necessary and does not pose a danger to persons, property or the environment;
  - (b) the seafarer is adequately qualified to fill the vacant post in a safe manner; and
  - (c) the seafarer is –
    - (i) properly certificated to fill the post immediately below that which the seafarer now performs, or
    - (ii) where certification of the post immediately below is not required, the qualification and experience of the seafarer are of clear equivalence to the requirements for the post to be filled.
- (3) The Minister must specify the duration of an exemption, which must be –
  - (a) in the case of a seafarer referred to in paragraph (1)(a), the shortest possible period; and
  - (b) in the case of another category of seafarer, a period not exceeding 6 months.
- (4) In exercising the function specified in paragraph (3) the Minister must try to ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.
- (5) The Minister may impose such additional terms on a dispensation under this Article as the Minister considers appropriate.
- (6) The Minister may amend or cancel any dispensation granted under this Article.

## **27 Recognition of a certificate issued by another party to STCW Convention**

- (1) The Minister may recognise –
  - (a) a certificate of competency issued in accordance with STCW Regulation I/2 paragraph 7 by or on the authority of another Party to the STCW Convention to a master, officer or radio operator;
  - (b) any certificate of proficiency in training for tanker cargo operations issued by or on the authority of another Party to the STCW Convention; and
  - (c) any other certificate of proficiency issued by or on the authority of another Party to the STCW Convention.
- (2) Where the Minister recognises a certificate under paragraph (1) and subject to paragraphs (3) and (4), on the application of a holder of a certificate described in paragraph (1)(a) or (b), the Minister may issue a document attesting to its recognition.
- (3) Subject to paragraphs (5) and (6), the Minister may, before issuing that document to an applicant performing management level functions, require the applicant –

- (a) to demonstrate sufficient knowledge of such Jersey maritime legislation as is relevant to the applicant's management level functions; or
  - (b) provide evidence of having served for at least 3 years on a Jersey ship to which this Part applies at the next lower capacity.
- (4) The Minister must not issue the document mentioned in paragraph (2) unless the applicant can demonstrate possession of adequate language proficiency, in accordance with the requirements in sections A-II/1, A-II/4, A-III/1 and A-IV/2 of the STCW Code.
- (5) If an applicant is required to provide the evidence mentioned in paragraph (3)(b) for the document there mentioned to be issued, the Minister may issue to the applicant a document permitting service in such next lower capacity as does not require a knowledge of Jersey maritime legislation for such period, not exceeding 3 years, as the Minister directs.
- (6) In this Article –
- “management level functions” means functions of the level of responsibility associated with –
- (a) serving as master, chief mate, chief engineer or second engineer officer on board a sea-going ship; and
  - (b) ensuring that all functions within the designated area of responsibility are properly performed;
- “functions within the designated area of responsibility” means the 7 functions listed in paragraph 2 of the Introduction to the STCW Code.

## 28 Validity of a certificate or endorsement

- (1) Subject to Articles 29 and 31, a certificate required under this Part remains valid for sea-going service provided that the holder –
- (a) possesses a STCW medical fitness certificate; and
  - (b) complies with the standards and conditions of professional competency to act in the appropriate capacity required by the STCW Convention and this Part.
- (2) Subject to Article 29, an endorsement issued under Article 24 remains valid for sea-going service provided that –
- (a) the certificate that is endorsed has not expired or been withdrawn, suspended or cancelled; and
  - (b) the holder of the certificate meets paragraph (1).
- (3) In this Article “STCW medical fitness certificate” means a certificate issued on behalf of an administration that is a signatory to the SCTW Convention attesting that the seafarer concerned meets the requirements of section A-1/9 of the STCW Code.

## 29 Revalidation of certain certificates and endorsements

Where a person is required to have established continued professional competence in accordance with section A-I/11 of the STCW Code, any certificate

or endorsement the person must hold under this Part is not valid for the purposes of this Order unless revalidated at intervals not exceeding 5 years.

#### DIVISION 4 – RECORD-KEEPING AND TRAINING

### 30 Register of endorsements

- (1) The Registrar must keep a register of endorsements issued under this Part (the “register”) recording the items of information listed in section A-I/2, paragraph 9, of the STCW Code.
- (2) Upon the request of –
  - (a) another State that is Party to the STCW Convention; or
  - (b) a company that employs, or is considering employing, the seafarer to whom the information relates on board a ship,the Registrar must provide from the register the information listed in paragraph (3) in so far as such information is necessary to verify the authenticity or validity of documents held by a seafarer.
- (3) The information is information on the status of –
  - (a) an endorsement issued in respect of a certificate of competency or a certificate of proficiency in training for tanker cargo operations; or
  - (b) any exemption or dispensation granted under Article 29(3) or 35 of the Law, with respect to the seafarer to whom the request relates.
- (4) The Registrar must report to the Secretary-General –
  - (a) dispensations on an annual basis in accordance with Article VIII(3) of the STCW Convention; and
  - (b) equivalent training arrangements as early as practicable, in accordance with Article IX of the STCW Convention.
- (5) In this Article “Registrar” means the Registrar appointed under Article 188 of the Law.

### 31 Refresher training for certain seafarers

- (1) A seafarer holding a certificate of proficiency in the activities mentioned in paragraph (2) must successfully complete approved refresher training relating to that certificate at intervals not exceeding 5 years.
- (2) The activities are –
  - (a) personal survival techniques;
  - (b) survival craft and rescue boats;
  - (c) advanced firefighting;
  - (d) fire prevention and firefighting; and
  - (e) fast rescue boats.
- (3) A master and a seafarer designated to take charge of medical care on board ship must successfully complete approved refresher training relating to that designation at intervals not exceeding 5 years.

- (4) For continuing sea-going service on ships referred to in Articles 18 and 19, every master and officer must successfully complete approved refresher training relating to the training and qualifications required under those Articles at intervals not exceeding 5 years.

### **32 Provision and quality of training**

- (1) A person providing the training or assessment of seafarers for certification under the STCW Convention or this Part must ensure that –
- (a) the training or assessment is administered, supervised and monitored in accordance with section A-I/6 of the STCW Code; and
  - (b) those responsible for the training are appropriately qualified in accordance with that section for the type and level of training involved.
- (2) If so required by the Minister, a person providing such training as is specified by the Minister must issue documentary evidence to every person successfully completing the training –
- (a) that complies with Merchant Shipping Notice 1740 (M) or is otherwise approved by the Minister;
  - (b) in the case of masters and officers having an operational role on High Speed Craft, that is certificated in a form specified in that Notice or in such other format approved by the Minister containing the necessary information to demonstrate compliance with the High Speed Craft Code; and
  - (c) that is endorsed in a manner specified by that Notice or in such other manner that is approved by the Minister.
- (3) The Minister must ensure that –
- (a) a quality standards system meeting the requirements of STCW Regulation I/8 is in place; and
  - (b) periodically an evaluation is undertaken in accordance with that Regulation and a report is communicated to the Secretary-General in the format specified in section A-I/7 of the STCW Code within 6 months of the date of the evaluation.

## **PART 3**

### **SAFE MANNING AND WATCHKEEPING**

### **33 Application of Part 3**

- (1) This Part applies to –
- (a) sea-going ships that are Jersey ships wherever they are; and
  - (b) other sea-going ships when in Jersey waters.
- (2) This Part does not apply to –
- (a) fishing vessels;
  - (b) pleasure vessels; or



- (c) small commercial ships.

### **34 Fitness for duty**

- (1) The master of a ship must ensure that all persons –
  - (a) who are assigned duty as officer in charge of a watch or as a rating forming part of a watch; and
  - (b) whose duties involve designated safety, prevention of pollution and security duties,are provided with a rest period in accordance with this Article.
- (2) The rest period must consist of at least –
  - (a) 10 hours of rest in any 24-hour period; and
  - (b) 77 hours in any 7-day period.
- (3) The hours of rest may be divided into no more than 2 periods in any period of 24 hours, one of which must be at least 6 hours in length, and the intervals between consecutive periods of rest must not exceed 14 hours.
- (4) Paragraphs (2)(b) and (3) need not be complied with if the rest period is not less than 70 hours in any 7-day period, but –
  - (a) in the case of the requirement set out in paragraph (2)(b), no exception from it is allowed for more than 2 consecutive weeks and the intervals between 2 periods of exception must be not be less than twice the duration of the exception;
  - (b) in the case of the requirement in paragraph (3) –
    - (i) the minimum hours of rest in any 24-hour period provided for in paragraph (2)(a) may be divided into no more than 3 periods of rest, one of which must be at least 6 hours in length and neither of the 2 other periods must be less than one hour in length,
    - (ii) the intervals between consecutive periods of rest must not exceed 14 hours, and
    - (iii) exceptions must not extend beyond 2 24-hour periods in any 7-day period.
- (5) The exceptions mentioned in paragraph (4) must as far as possible, take into account the guidance regarding prevention of fatigue laid down in section B-VIII/1 of the STCW Code.
- (6) The requirements for rest periods specified in paragraphs (1) to (3) need not be maintained in the case of an emergency or essential shipboard work that cannot be delayed for safety, security or environmental reasons or which could not reasonably have been anticipated at the start of the voyage.
- (7) Musters, fire-fighting and lifeboat drills, and drills prescribed by any other enactment or by an international convention that applies in Jersey, must be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.
- (8) The master must ensure that watch schedules –
  - (a) are posted where they are easily accessible;
  - (b) are in a consistent format; and

- (c) are in English.
- (9) A seafarer whose normal period of rest is disturbed by call-outs to work must have an adequate compensatory rest period.
- (10) The master must ensure that records of daily hours of rest of seafarers –
  - (a) are in a consistent format; and
  - (b) are in English.
- (11) The master must ensure that each seafarer receives a copy of his or her records endorsed by both the master (or a person authorised by the master) and by the seafarer.
- (12) The master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work if needed to secure the immediate safety of the ship, persons on board or cargo, or to give assistance to other ships or persons in distress at sea.
- (13) However, as soon as practicable after the need has passed the master must ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.
- (14) A master, officer or other seafarer must not perform designated safety, security and marine environmental duties whilst having a concentration of alcohol greater than 0.05% in the blood or 0.25 mg/l alcohol in the breath.

### **35 Safe-manning document**

- (1) In the case of a ship of 500 GT or more the company must, and in the case of any other ship the company may, be in possession of a safe manning document issued by the Minister that is in force in respect of any ship and the manning of that ship.
- (2) Where a safe manning document has been issued –
  - (a) the safe manning document must be kept on board the ship at all times;
  - (b) the manning of the ship must be maintained at all times to at least the levels specified in the safe manning document;
  - (c) the master of the ship must ensure that the ship does not proceed to sea unless sub-paragraphs (a) and (b) have been complied with.
- (3) A company applying for a safe manning document in respect of a Jersey ship must submit to the Minister proposals as to the numbers and grade of seafarer it considers must be carried so that the ship is safely manned if it proceeded to sea on an intended voyage.
- (4) The Minister may issue guidance to companies on safe manning to assist them in preparing proposals under paragraph (3).
- (5) After any approval by the Minister of proposals and the issue of a safe manning document, a company must inform the Minister as soon as there is any change in the circumstances that are relevant to the document.
- (6) Upon receipt of notification by a company under paragraph (5), the Minister may review the document's continuing validity or approve fresh proposals from the company.

### **36 Arrangements generally and at sea**

- (1) The master of a ship must ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational, engineering and radio watches –
  - (a) in accordance with STCW Regulation VIII/2, paragraph 2; and
  - (b) taking into account –
    - (i) the prevailing circumstances and conditions, and
    - (ii) section A-VIII/2 of the STCW Code.
- (2) Without limiting the duties of a master provided by paragraph (1), a master must give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with –
  - (a) section A-VIII/2, Part 4-1, of the STCW Code; and
  - (b) any additional principles and requirements imposed at the Minister's discretion or as specified in Merchant Shipping Notice 1868 (M).
- (3) The chief engineer officer of a ship must ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with –
  - (a) section A-VIII/2, Part 4-2, of the STCW Code; and
  - (b) any additional principles and requirements imposed at the Minister's discretion or as specified in Merchant Shipping Notice 1868 (M).

### **37 Arrangements in port**

- (1) The master of a ship that is safely moored or safely at anchor under normal circumstances in port must arrange for an appropriate and effective watch to be maintained for the purposes of safety.
- (2) The arrangements required by paragraph (1) must be in accordance with –
  - (a) section A-VIII/2, Part 5, of the STCW Code; and
  - (b) any additional principles and requirements imposed at the Minister's discretion or as specified in Merchant Shipping Notice 1868 (M).

### **38 Exemptions**

The Minister may grant, on such terms, if any, as may be specified, exemptions from all or any of the provisions of this Part for classes of case or individual cases and may amend or cancel any exemptions so granted.

## **PART 4**

### **GENERAL**

### **39 Responsibilities of companies, masters and others**

- (1) This Article applies to a sea-going ship registered in Jersey other than –
  - (a) a fishing vessel;

- (b) a small commercial ship;
  - (c) a pleasure vessel; or
  - (d) a wooden ship of primitive build.
- (2) A company must ensure that –
- (a) a seafarer assigned to any of its ships holds an appropriate certificate in respect of any function that person performs on that ship;
  - (b) a seafarer on any of its ships has had training specified in Part 2 in respect of any function that person performs on that ship; and
  - (c) documentation and data relevant to a seafarer employed on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.
- (3) Nothing in paragraph (2) prohibits the allocation of tasks for training under supervision or in case of force majeure.
- (4) A company must provide written instructions to the master of each of its ships setting out the policies and the procedures to be followed to ensure that all officers and ratings who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.
- (5) The policies and procedures referred to in paragraph (4) include –
- (a) allocation of a reasonable period of time during which each newly employed officer or rating will have an opportunity to become acquainted with –
    - (i) the specific equipment that the officer or rating will be using or operating, and
    - (ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements that the officer or rating needs to know to perform the assigned duties properly; and
  - (b) designation of a knowledgeable crew member responsible for ensuring that an opportunity is provided to each newly employed officer or rating to receive essential information in a language the officer or rating understands.
- (6) A master provided with written instructions under paragraph (4) and a member of a crew designated with an obligation under paragraph (5)(b) must carry out those instructions or that obligation, as the case may be.

#### **40 Carriage of documents**

A company and a master must ensure that there are carried at all times on board ship all original certificates and other documents issued under the STCW Convention and Part 2 of this Order indicating the qualification of any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

#### **41 Inspection of non-Jersey ships**

- (1) An authorised person may inspect any ship that is not a Jersey ship for the purposes of –
  - (a) verifying that a seafarer serving on board who is required to be certificated holds valid STCW certificates; and
  - (b) assessing the ability of a seafarer in the ship to maintain the watchkeeping standards required by Part 3 where there are grounds for believing that such standards are not being maintained because, while in a port in Jersey or in the approaches to that port, any of the following have occurred –
    - (i) the ship has been involved in a collision, grounding or stranding,
    - (ii) there has been an unlawful discharge of substances from the ship when underway, at anchor or at a berth,
    - (iii) the ship has been manoeuvred in an erratic or unsafe manner, or navigational course markers or traffic separation schemes have not been followed, or
    - (iv) the ship has otherwise been operated in such a manner as to pose a danger to persons, property or the environment.
- (2) If an authorised person finds on inspection any deficiency of a kind specified in paragraph (3), the authorised person must notify in writing –
  - (a) the master of the ship; and
  - (b) the nearest maritime, consular or diplomatic representative of the flag State,that such a deficiency has been found.
- (3) The deficiencies are –
  - (a) a failure of a seafarer to hold an STCW certificate, or a valid exemption from that requirement;
  - (b) a failure to comply with the safe manning document;
  - (c) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
  - (d) an absence on a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;
  - (e) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.
- (4) In this Article –

“authorised person” means a person authorised by the Minister for the purposes of this Order; and

“STCW Certificate” means a certificate issued and endorsed in accordance with the provisions of the STCW Convention entitling the lawful holder to serve in the capacity and perform the functions involved –

  - (a) at the level of responsibility specified;

- (b) on a ship of the type, tonnage or power and means of propulsion on which the seafarer is serving; and
- (c) while engaged on the particular voyage concerned.

#### **42 Power to detain**

- (1) Paragraph (2) applies in any case where there is found –
  - (a) in relation to a ship that is a Jersey ship, a contravention of this Order; or
  - (b) in relation to a ship which is not a Jersey ship –
    - (i) a contravention of Articles 36 and 37,
    - (ii) a breach of a term of an exemption granted under Article 38, or
    - (iii) a failure to correct a deficiency of a kind specified in Article 41(3) after notification to the master under Article 41(2), and there is in consequence a danger to persons, property or the environment.
- (2) Where this paragraph applies the ship may be detained and Article 177 of the Law applies for the purposes of enforcing that detention as if for the words “this Law”, whenever they appear, there were substituted the words “the Shipping (Standards of Training, Certification and Watchkeeping) (Jersey) Order 2021”.
- (3) Articles 162 and 163 of the Law apply to any notice of detention issued under Article 177 of the Law as applied by paragraph (2), as they apply to prohibition notices.

#### **43 Offences and penalties**

- (1) A company or a master who contravenes Articles 35(1), 39(2) or (4) or 40 commits an offence and liable to a fine and (in the case of an individual) imprisonment for 6 months.
- (2) A member of the crew who contravenes Article 39(6) commits an offence and liable to a fine of level 3 on the standard scale.
- (3) A chief engineer who contravenes Article 36(3) commits an offence and liable to a fine.
- (4) It is a defence for a person charged with an offence under this Order that the person took all reasonable steps to avoid commission of the offence.
- (5) In any proceedings for an offence under this Order consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it is for the person charged to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

#### **44 Repeal**

The [Shipping \(Training, Certification and Manning\) \(Jersey\) Order 2004](#) is repealed.

**45 Citation and commencement**

This Order may be cited as the Shipping (Standards of Training, Certification and Watchkeeping) (Jersey) Order 2021 and comes into force 7 days after it was made.

**SENATOR L.J. FARNHAM**

*Minister for Economic Development, Tourism, Sport and Culture*

**SCHEDULE**

(Article 3(1))

**CATEGORIES OF CERTIFICATES OF COMPETENCY AND CRITERIA REQUIRED**

<b>Category and capacity</b>	<b>Criteria required under stated STCW Regulation</b>
<p><b>Master and deck department</b></p> <p>Officer in charge of a navigational watch on any ship on voyages not limited to near-coastal voyages</p> <p>Master or chief mate on a ship of 3000 GT or more</p> <p>Master on a ship of between 500 GT and 2999 GT not engaged on near-coastal voyages</p> <p>Chief mate on a ship of between 500 GT and 2999 GT</p> <p>Officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages</p> <p>Master on a ship of less than 500 GT engaged on near-coastal voyages</p>	<p>Regulation II/1, paragraph 2</p> <p>Regulation II/2, paragraph 2</p> <p>Regulation II/2, paragraph 4</p> <p>Regulation II/2, paragraph 4</p> <p>Regulation II/3, paragraph 4</p> <p>Regulation II/3, paragraph 6</p>
<p><b>Engine department</b></p> <p>Officer in charge of an engineering watch in a manned engine-room, or designated duty engineer officer in a periodically unmanned engine-room, on a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more</p> <p>Chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kilowatts propulsion power or more</p>	<p>Regulation III/1, paragraph 2</p> <p>Regulation III/2, paragraph 2</p>



<b>Category and capacity</b>	<b>Criteria required under stated STCW Regulation</b>
Chief engineer officer and second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kilowatts propulsion power	Regulation III/3, paragraph 2
Electro-technical officer on a ship powered by main propulsion machinery of 750 kilowatts propulsion power or more	Regulation III/6, paragraph 2