

LEGAL NOTICE No. 81

REPUBLIC OF TRINIDAD AND TOBAGO

THE SHIPPING ACT, 1987

REGULATIONS

MADE BY THE MINISTER UNDER SECTIONS 87, 111 AND 406
OF THE SHIPPING ACT, 1987

THE SHIPPING (TRAINING, CERTIFICATION, SAFE MANNING,
HOURS OF WORK AND WATCHKEEPING REGULATIONS,
2002

1. These Regulations may be cited as the Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, 2002. Citation

PART I

PRELIMINARY

2. In these Regulations—

“Act” means the Shipping Act, 1987;

“appropriate certificate” means a certificate issued and endorsed by the government of an STCW country, in accordance with the provisions of the STCW Convention, entitling the holder of the certificate to serve in the capacity and perform the functions involved, at the level of responsibility specified therein, on a ship of the type, tonnage or power and means of propulsion concerned, while engaged on the particular voyage concerned;

“approved” means approved by the Minister in accordance with the STCW Convention;

“authorized person” means a person authorized by the Minister for the purposes of these Regulations;

“Caribbean Trading Area” has the meaning assigned to it in the First Schedule;

“certificate” means a valid document, by whatever name it may be known, issued or recognized by the government of Trinidad and Tobago or of an STCW country, authorizing the holder thereof to serve as stated in the document or as authorized by the government of Trinidad and Tobago or the STCW country;

Interpreta-
tion
Act No. 24 of
1987

First
Schedule

“chemical tanker” means a ship constructed or adapted and used for the carriage, in bulk, of any liquid product listed in the Table in Chapter 17 of the IBC Code;

“company” means the owner of a ship or any other organization or person who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on a company by these Regulations;

“constructed” means that the keel of a ship is laid or at a similar stage of construction and “similar stage of construction” means a stage at which—

(a) construction, identifiable with a specific ship, has commenced; and

(b) assembly of the ship has commenced, comprising at least fifty tonnes or one per cent of the estimated mass of all structural material, whichever is the less;

“GT” means gross tonnage as determined in accordance with regulation 6 of the Shipping (Tonnage) Regulations, 1988; ^{L.N. No. 147 of 1988}

“IBC Code” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“IMO” means the International Maritime Organization;

“liquefied gas tanker” means a ship constructed or adapted and used for the carriage, in bulk, of any liquefied gas or other product listed in the Table in Chapter 19 of the IGC Code;

“management level” means the level of responsibility associated with—

(a) serving as master, chief mate, chief engineer officer or second engineer officer on board a ship; and

(b) ensuring that all functions within the designated area of responsibility are properly performed;

“master” includes a seafarer having command or charge of a ship, other than a pilot;

“Minister” means the Minister to whom responsibility for shipping is assigned;

“month” means a period of thirty days;

“near-coastal voyage” means a voyage within the Caribbean Trading Area in the course of which a ship is at no time more than one hundred and fifty miles from a safe port of refuge;

“officer” means a seafarer, other than a master, engaged on board a ship in the capacity of officer under the terms of the safe manning document issued in respect of the ship;

“oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products other than oil-like substances which are subject to Annex II of the International Convention for the Prevention of Pollution from Ships, 1973/78;

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

“operational level” means the level of responsibility associated with—

(a) serving as officer in charge of a navigational watch or an engineering watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on board a ship; and

(b) maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of a seafarer serving in the management level for the area of responsibility;

“passenger ship” means a ship which is constructed or is habitually or on any particular occasion used, for carrying more than twelve passengers;

“propulsion power” means the total maximum continuous rated output power, in kilowatts, of a ship’s main propulsion machinery, as stated on the ship’s certificate of registry or other official document;

“Radio Regulations” means the Radio Regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention to which Trinidad and Tobago is a party;

“rating” means a member of the ship’s crew other than the master or an officer;

“ro-ro passenger ship” means a passenger ship with ro-ro cargo spaces or special category spaces as defined in the SOLAS Convention;

“Sea area A1”, “Sea area A2”, “Sea area A3” and “Sea area A4”, respectively, have the meanings to them in Regulation 2, Chapter IV of the SOLAS Convention;

“seafarer” includes a master, an officer and a rating;

“seagoing” means going to sea beyond the limits of the internal waters of Trinidad and Tobago as defined in the Archipelagic Waters and Exclusive Economic Zone Act, 1986;

“Secretary-General” means the Secretary-General of the IMO; Act No. 24 of 1986

“SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974 and its Protocol of 1978, as amended;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

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

“STCW country” means a country, other than Trinidad and Tobago, which is a party to the STCW Convention;

“STCW ship” means a ship entitled to fly the flag of an STCW country;

“tanker” means—

- (a) a chemical tanker;
- (b) a liquefied gas tanker; and
- (c) an oil tanker.

3. (1) Subject to subregulation (2), these Regulations apply to— Application
- (a) a seagoing Trinidad and Tobago; and
 - (b) a foreign ship when in Trinidad and Tobago waters, and a seafarer serving thereon.

(2) These Regulations do not apply to a seafarer serving on board—

- (a) warship, naval auxiliary or a ship owned or operated by a State and engaged only on governmental non-commercial service;
- (b) fishing vessel;
- (c) pleasure craft; or
- (d) wooden ship of primitive build.

PART II

APPROPRIATE CERTIFICATES

4. (1) A person shall be qualified as a master or an officer where he holds an appropriate certificate in one of the following capacities:

Masters
and officers
to hold
appropriate
certificates

- (a) master;
- (b) chief mate;
- (c) officer in charge of a navigational watch;
- (d) chief engineer officer;
- (e) second engineer officer;
- (f) officer in charge of an engineering watch; or
- (g) radio operator.

(2) A master or an officer shall hold an appropriate certificate for the capacity in which he serves as follows:

- (a) master or chief mate on a ship of 3000 GT or more;
- (b) master or chief mate on a ship of between 500 and 3000 GT;
- (c) master on a ship of less than 500 GT, engaged on near-coastal voyages;
- (d) officer in charge of a navigational watch on a ship of less than 500 GT, engaged on near-coastal voyages;
- (e) officer in charge of a navigational watch on a ship of 500 GT or more;
- (f) 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;

- (g) chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kilowatts propulsion power or more; and
 - (h) chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kilowatts propulsion power.
- (3) In respect of service on a ship of less than 500 GT, not engaged on near-coastal voyages—
- (a) an officer in charge of a navigational watch shall hold an appropriate certificate for the capacity of officer in charge of a navigational watch on a ship of 500 GT or more; and
 - (b) a master shall hold an appropriate certificate for the capacity of master on a ship between 500 and 3000 GT.
- (4) Notwithstanding subregulations (2) and (3), a master or an officer, who holds an appropriate certificate for a higher capacity may serve in any lower capacity.
- (5) Notwithstanding subregulation (2), an engineer officer who—
- (a) is qualified to serve as second engineer officer on a ship powered by main propulsion machinery of 3000 kilowatts propulsion power or more; and
 - (b) has served as an engineer officer in a position of responsibility for a period of approved seagoing service of not less than twelve months, may serve in the capacity of chief engineer officer on a ship powered by main propulsion machinery of less than 3000 kilowatts propulsion power, provided that his appropriate certificate is endorsed with a statement that he has served as engineer officer in a position of responsibility for a period of approved seagoing service of not less than twelve months.

Qualification of masters, chief mates and officers in charge of a navigational watch

5. (1) An officer in charge of a navigational watch on a ship of 500 GT or more shall have—
- (a) attained eighteen years of age;
 - (b) approved seagoing service of not less than—
 - (i) one year as part of an approved training programme which—
 - (A) includes on-board training which meets the requirements of section A-II/1 of the STCW Code; and

- (B) is documented in an approved training record book; or
 - (ii) three years;
 - (c) performed, during the approved seagoing service, bridge watch keeping duties under the supervision of the master or a qualified officer for a period of not less than six months;
 - (d) met any applicable requirements of regulation 11 for performing designated radio duties; and
 - (e) completed approved education and training referred to and met the standard of competence specified in section A-II/1 of the STCW Code.
- (2) A master or chief mate on a ship of 3000 GT or more shall have—
- (a) met the requirements for certification as an officer in charge of a navigational watch on a ship of 500 GT or more and had approved seagoing service as follows:
 - (i) for certification as chief mate, not less than twelve months as officer in charge of a navigational watch on a ship of 500 GT or more; or
 - (ii) for certification as master, not less than—
 - (A) thirty-six months as officer in charge of a navigational watch on a ship of 500 GT or more; or
 - (B) twenty-four months as officer in charge of a navigational watch on a ship of 500 GT or more and twelve months as chief mate; and
 - (b) completed approved education and training referred to and met the standard of competence specified in section A-II/2 of the STCW Code, for master or chief mate on a ship of 3000 GT or more, as the case may be.
- (3) A master or chief mate on a ship of between 500 and 3000 GT shall have—
- (a) met the requirements for certification as an officer in charge of a navigational watch on a ship of 500 GT or more;
 - (b) completed approved education and training referred to and met the standard of competence specified in section A-II/2 of the STCW Code, for a master or chief mate on ship of between 500 and 3000 GT, as the case may be; and

- (c) for certification as master, approved seagoing service of not less than—
- (i) thirty-six months as officer in charge of a navigational watch on a ship of 500 GT or more; or
 - (ii) twenty-four months as officer in charge of a navigational watch on a ship of 500 GT or more and twelve months as chief mate.
- (4) An officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages shall have—
- (a) attained eighteen years of age;
 - (b) completed—
 - (i) special training, including an adequate period of approved seagoing service; or
 - (ii) approved seagoing service of not less than three years in the deck department;
 - (c) met any applicable requirements of regulation 11 for performing designated radio duties; and
 - (d) completed approved education and training referred to and met the standard of competence specified in section A-II/3 of the STCW Code for an officer in charge of a navigational watch on a ship of less than 500 GT engaged on near-coastal voyages.
- (5) A master on a ship of less than 500 GT engaged on near-coastal voyages shall have—
- (a) attained twenty years of age;
 - (b) approved seagoing service of not less than twelve months as officer in charge of a navigational watch; and
 - (c) completed approved education and training referred to and met the standard of competence specified in section A-II/3 of the STCW Code for a master on a ship of less than 500 GT engaged on near-coastal voyages.

Qualification as chief engineer officers, second engineer officers and officers in charge of an engineering watch

6. (1) An officer in charge of an engineering watch in a manned engine room or a 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 shall have—
- (a) attained eighteen years of age;
 - (b) completed approved seagoing service of not less than six months in the engine department in accordance with section A-III/1 of the STCW Code; and

- (c) completed a period of approved education and training of not less than thirty months including on-board training documented in an approved training record book and met the standard of competence specified in section A-III/1 of the STCW Code.

(2) A chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of 3000 kilowatts propulsion power or more shall have—

- (a) met the requirements for certification as an officer in charge of an engineering watch;
- (b) for certification as second engineer officer, approved seagoing service of not less than twelve months as assistant engineer officer or engineer officer;
- (c) for certification as chief engineer officer, approved seagoing service of not less than thirty-six months of which not less than twelve months shall have been served as an engineer officer in a position of responsibility while qualified to serve as second engineer officer; and
- (d) completed approved education and training referred to and met the standard of competence specified in section A-III/2 of the STCW Code.

(3) A chief engineer officer or second engineer officer on a ship powered by main propulsion machinery of between 750 and 3000 kilowatts propulsion power shall have—

- (a) met the requirements for certification as an officer in charge of an engineering watch;
- (b) for certification as second engineer officer, approved seagoing service of not less than twelve months as assistant engineer officer or engineer officer;
- (c) for certification as chief engineer officer, approved seagoing service of not less than twenty-four months of which not less than twelve months shall have been served while qualified as second engineer officer; and
- (d) completed approved education and training referred to and met the standard of competence specified in section A-III/3 of the STCW Code.

7. (1) The Minister may, for service on board a Trinidad and Tobago ship, recognize an appropriate certificate where he is satisfied that—

- (a) the requirements of the STCW Convention, in respect of standards of competence, the issue and endorsement of certificates and record-keeping are fully complied with; and

Recognition
of
appropriate
certificates

(b) prompt notification will be given to him by the issuing STCW country, of any significant change in the arrangements for training and certification.

(2) For the purpose of satisfying himself under subregulation (1), the Minister—

(a) with respect to the issuing STCW country, shall take into account any list of the IMO, of STCW countries which, according to the IMO, have given full and complete effect to the STCW Convention; and

(b) with respect to verification of the authenticity and validity of an appropriate certificate presented for recognition, may—

(i) require from the issuing STCW country, copies of its maritime legislation and details of its facilities and procedures concerning the training and certification of seafarers; and

(ii) where he deems it necessary, inspect the facilities and procedures.

(3) An appropriate certificate to be recognized shall—

(a) be in its original form; and

(b) where it is in a language other than English, be accompanied by an official translation in the English language.

(4) Where the Minister recognizes an appropriate certificate, he shall endorse the appropriate certificate to attest to its recognition.

(5) An endorsement referred to in this regulation shall—

(a) be on the form set out in the Second Schedule;

(b) be assigned the same number as the appropriate certificate concerned, where that number is unique;

(c) state the capacity in which the holder of the appropriate certificate is authorized to serve; and

(d) expire as soon as the appropriate certificate endorsed, expires or is withdrawn, suspended or cancelled by the issuing STCW country and, in any case, not more than five years after the date of issue.

(6) A seafarer who presents for recognition, an appropriate certificate as certification at management level or operational level, shall satisfy the Minister that he has knowledge of the maritime legislation of Trinidad and Tobago and proficiency in the English language relevant to the functions which he is permitted to perform, in accordance with the requirements specified in the Third Schedule.

(7) The Minister may, where the circumstances require, authorize a seafarer to serve in a capacity other than radio operator, except as provided in the Radio Regulations, for a period not exceeding three months, on board a Trinidad and Tobago ship, where the seafarer holds an appropriate certificate which has not yet been endorsed to attest his recognition, where he is satisfied that the seafarer has applied for an endorsement.

(8) A seafarer authorized under subregulation (7) shall keep readily available on board the ship, documentary proof that he has applied for the endorsement.

(9) Notwithstanding regulation 4 and subregulation (5)(c), the Minister may issue to a suitably qualified seafarer who holds an appropriate certificate, an endorsement attesting to the recognition of the appropriate certificate and authorizing the seafarer to serve on a ship engaged on near-coastal voyages, in a capacity or at a level, other than that stated in his appropriate certificate, subject to such restrictions or conditions that the Minister may consider necessary, having regard to the safety of all seafarers and ships which may be operating in the same waters.

(10) Subregulation (9) shall not apply to service on a tanker or passenger ship.

(11) The Minister may revoke or cancel, at any time, an endorsement issued under this regulation, where he has reasonable grounds for believing that the holder of the appropriate certificate in respect of which the endorsement was issued has—

- (a) violated any provision of the Act or Regulations made thereunder;
- (b) committed an offence under the laws of Trinidad and Tobago;
- (c) demonstrated a lack of sobriety, good character or conduct;
or
- (d) failed to maintain the required standard of medical fitness.

PART III

CERTIFICATION AND TRAINING

8. A seafarer shall have completed familiarization and basic safety training and instruction in accordance with section A-VI/1 of the STCW Code and met the appropriate standard of competence specified therein.

Familiarization and basic safety training

Qualification
as rating
forming
part of a
navigational
watch

9. (1) A rating forming part of a navigational watch on a ship of 500 GT or more, other than a rating under training and a rating whose duties while on watch are of an unskilled nature, shall have—

- (a) attained sixteen years of age;
- (b) completed—
 - (i) approved seagoing service including not less than six months training and experience; or
 - (ii) special training, either before going to sea for the first time or on board ship, including approved seagoing service of not less than two months, associated with navigational watchkeeping functions and involving the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating; and
- (c) met the standard of competence specified in section A-II/4 of the STCW Code.

(2) A rating who is qualified under subregulation (1) shall hold a Certificate of Classification or a Certificate of Competency, issued pursuant to the Shipping (Certification of Seamen) (Deck Ratings) Regulations, 2001.

L.N. No. 254
of 2001

Qualification
as rating
forming
part of an
engine room
watch

10. (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 kW propulsion power or more, other than a rating under training and a rating whose duties are of an unskilled nature, shall have—

- (a) attained sixteen years of age;
- (b) completed—
 - (i) approved seagoing service including not less than six months training and experience; or
 - (ii) special training, either before going to sea or on board ship, including an approved period of seagoing service which shall not be less than two months, associated with engine room watchkeeping functions and involving the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating; and
- (c) met the standard of competence specified in section A-III/4 of the STCW Code.

(2) A rating who is qualified under subregulation (1) shall hold a Certificate of Classification or a Certificate of Competency issued pursuant to the Shipping (Certification of Seamen) (Engine Room Ratings) Regulations, 2001. L.N. No. 248 of 2001

11. (1) The crew of a ship shall include a seafarer who— Radio-communication and radio personnel on GMDSS ships
- (a) is qualified for the distress and safety radio communication purposes specified in subregulation (3); and
 - (b) holds a certificate specified in the Radio Regulations as appropriate, and who shall be designated by the master to have primary responsibility for radio communications during incidents of distress.

(2) Where the crew of a ship, includes more than one seafarer qualified as specified in subregulation (1), the master shall designate one seafarer so qualified to have primary responsibility for radio communications during incidents of distress.

(3) A seafarer qualified as specified in subregulation (1), serving on board a ship operating in Sea area A1, shall hold at least a Global Maritime Distress and Safety System (GMDSS) restricted operator's certificate issued in accordance with the Radio Regulations.

(4) A seafarer qualified as specified in subregulation (1), serving on board a ship operating in Sea areas A1/A2, A1/A2/A3 A1/A2/A3/A4 shall hold a Global Maritime Distress and Safety System (GMDS) general operator's certificate issued in accordance with the Radio Regulations.

(5) A candidate for certification under this regulation, for service on a ship which is required by the SOLAS Convention to have a radio installation shall have—

- (a) attained eighteen years of age; and
- (b) completed approved education and training referred to and met the standard of competence specified in section A-IV/2 of the STCW Code.

12. (1) An officer or a rating assigned specific duties and responsibilities related to cargo or cargo equipment on a tanker shall have— Training and qualification of seafarers on tankers

- (a) satisfied the requirements of regulation 8;
- (b) completed an approved shore-based advanced fire-fighting course specified in section A-VI/3 of the STCW Code and met the required standard of competence; and
- (c) completed—
 - (i) approved seagoing service of not less than three months on a tanker in order to acquire adequate knowledge of safe operational practices; or

- (ii) an approved tanker familiarization course which covers the syllabus given for the course in section A-V/1 of the STCW Code.

(2) Notwithstanding subregulation (1)(c)(i), a period of supervised seagoing service which is not less than one month may be approved where—

- (a) the tanker on which the service is performed is of less than 3000 GT;
- (b) the duration of any voyage of the tanker does not exceed seventy-two hours; and
- (c) the operational characteristics of the tanker and the number of voyages and loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired as would have been acquired in service performed in accordance with subregulation (1)(c)(i), on a tanker of a size and performing voyages, not falling within paragraphs (a) and (b) of this subregulation.

(3) A master, chief engineer officer, chief mate, second engineer officer or any seafarer assigned immediate responsibility for loading, discharging and care in transit or handling of cargo on a tanker shall, in addition to meeting the requirements of subregulation (1)(c)(i) or (ii), have—

- (a) experience appropriate to his duties on the type of tanker on which he serves; and
- (b) completed an approved specialized training programme which covers the subjects specified in section A-V/1 of the STCW Code that are appropriate to his duties on the tanker on which he serves.

(4) A rating who is qualified under this regulation shall hold a Certificate of Competency or a Certificate of Classification issued pursuant to the Shipping (Certification of Seamen) (Deck Ratings) Regulations, 2001 or the Shipping (Certification of Seamen) (Engine Room Ratings) Regulations, 2001 as the case may be.

(5) The Minister may issue to a master or an officer who is qualified under this regulation, a certificate on the form in the Fourth Schedule.

Fourth
Schedule

Training and
qualification
of seafarers
on ro-ro
passenger
ships

13. (1) Prior to being assigned shipboard duties on board a ro-ro passenger ship, a seafarer shall have completed the training required by subregulations (3) to (7) in accordance with his capacity, duties and responsibilities.

(2) A seafarer who is required to be trained in accordance with subregulations (3), (6) and (7), shall at intervals not exceeding five years—

- (a) undertake approved refresher training; or
- (b) provide evidence of having achieved the required standard of competence within the previous five years.

(3) A master, an officer or a seafarer designated on a muster list to assist passengers in emergency situations on board a ro-ro passenger ship shall have completed approved crowd management training referred to in section A-V/2, paragraph 1 of the STCW Code.

(4) A master, an officer or a seafarer assigned specific duties and responsibilities on board a ro-ro passenger ship shall have completed approved familiarization referred to in section A-V/2, paragraph 2 of the STCW Code.

(5) A seafarer who provides direct service to passengers in passenger spaces on board a ro-ro passenger ship shall have completed approved safety training specified in section A-V/2, paragraph 3 of the STCW Code.

(6) A master, chief mate, chief engineer officer, second engineer officer or any 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 shall have completed approved training in passenger safety, cargo safety and hull integrity specified in section A-V/2, paragraph 4 of the STCW Code.

(7) A master, chief mate, chief engineer officer, second engineer officer or any seafarer assigned responsibility for the safety of passengers in emergency situations on board a ro-ro passenger ship shall have—

- (a) completed approved crisis management and human behaviour training referred to in section A-V/2, paragraph 5 of the STCW Code; and
- (b) met the required standard of competence.

14. (1) This regulation applies to a seafarer serving on board a passenger ship, other than a ro-ro passenger ship.

(2) Prior to being assigned shipboard duties on board a passenger ship, a sea-farer shall have completed the training required by subregulations (4) to (8) in accordance with his capacity, duties and responsibilities.

Training and qualification of seafarers on passenger ships other than ro-ro passenger ships

(3) A seafarer who is required to be trained in accordance with subregulations (4), (7) and (8) shall, at intervals not exceeding five years—

- (a) undertake appropriate refresher training; or
- (b) provide evidence of having achieved the required standard of competence within the previous five years.

(4) A seafarer designated on a list muster to assist passengers in emergency situations on board a passenger ship shall have completed approved crowd management training specified in section A-V/3, paragraph 1 of the STCW Code.

(5) A master, an officer or a seafarer assigned specific duties and responsibilities on board a passenger ship shall have completed approved familiarization training specified in section A-V/3, paragraph 2 of the STCW Code.

(6) A seafarer who provides direct service to passengers on board a passenger ship in passenger spaces, shall have completed approved safety training specified in section A-V/3, paragraph 3 of the STCW Code.

(7) A master, chief mate or a seafarer assigned immediate responsibility for embarking and disembarking passengers shall have completed approved passenger safety training specified in section A-V/3, paragraph 4, of the STCW Code.

(8) A master, chief mate, chief engineer officer, second engineer officer and any seafarer assigned responsibility for the safety of passengers in emergency situations on board a passenger ship, shall have completed approved crisis management and human behaviour training specified in section A-V/3, paragraph 5 of the STCW Code.

Training and qualification of a seafarer on survival craft and rescue boats

15. (1) A seafarer designated to launch or take charge of a survival craft or a rescue boat other than a fast rescue boat, shall have—

- (a) attained eighteen years of age;
- (b) met the standard of competence specified in section A/VI/2 paragraphs 1 to 4 of the STCW Code; and
- (c) approved seagoing service of not less than twelve months; or
- (d) approved seagoing service of not less than six months and attended an approved training course.

(2) The Minister may issue to a person who satisfies the requirements of subregulation (1), a Certificate of Proficiency on the form in the Fifth Schedule.

Fifth Schedule

(3) An examination for a Certificate of Proficiency in survival craft and rescue boats other than fast rescue boats shall be conducted by an examiner appointed for the purpose by the Minister.

(4) In this regulation—
“fast rescue boat” means a rescue boat which is—

- (a) not less than six metres in length and not more than eight point five metres in length; and
- (b) capable of manoeuvring, for at least four hours, at a speed of at least twenty knots, in calm water, with a suitably qualified crew of three persons, and at least eight knots, with a full complement of persons and equipment.

16. (1) The Minister may approve seagoing service on a ship actively in commercial trading, except service on a— Service at sea engaged to be approved

- (a) fishing vessel;
- (b) ship or barge not fitted with approved survival craft; or
- (c) ship of less than twenty-four metres in length, for the purpose of certification of a seafarer.

(2) Notwithstanding any provision to the contrary in these Regulations, the Minister may approve fifty per cent of a seafarer’s service at sea on a ship trading primarily in the Gulf of Paria, for the purpose of certification of a seafarer.

(3) In calculating the length of the periods of actual service, a discharge book or a certificate of discharge shall be conclusive evidence of the period of time a seafarer has served at sea.

(4) Service at sea to be approved shall be performed within the period of five years preceding the date upon which certification is sought, subject to the discretion of the Minister.

17. (1) A seafarer designated to control fire-fighting operations shall have completed advanced training in techniques for fighting fire with particular emphasis on organization, tactics and command, in accordance with the provisions of section A-VI/3 of the STCW Code and shall have met the required standard of competence. Requirements for training in advanced fire-fighting

(2) Where training in advanced fire-fighting is not included in the qualifications for the issue of a certificate held by a seafarer designed to control fire-fighting operations he shall be in possession of a special certificate or documentary evidence, indicating that the holder has attended a course of training in advanced fire-fighting referred to in subregulation (1).

18. (1) A seafarer designated to provide medical first aid on board a ship shall have met the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code. Requirements relating to medical first aid and medical care

(2) A seafarer designated to take charge of medical care on board a ship shall have met the standard of competence in medical care specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.

(3) Where training in medical first aid or medical care is not included in the qualifications for the issue of a certificate held by a seafarer, he shall be in possession of a special certificate or documentary evidence, indicating that the holder has attended a course of training in medical first aid or in medical care, as the case may be.

Documentary evidence of training to be provided

19. An authorized person who provides training referred to in these Regulations shall give documentary evidence to a person who completes the training and meets the required standard of competence.

Recognition of documentary evidence, certificates other than appropriate certificates and training

20. The Minister may recognize documentary evidence or a certificate, issued to a seafarer by an STCW country, other than an appropriate certificate where—

- (a) the seafarer has completed courses of training as referred to in regulations 8 to 18; and
- (b) he is satisfied that the documentary evidence or certificate has been issued in accordance with the STCW Convention.

Restrictions on recognition

21. (1) The Minister shall not recognize documentary evidence or any certificate issued by a State, that is not an STCW country.

(2) An endorsement issued by an STCW country attesting to the recognition of an appropriate certificate or any document issued by an STCW Country in recognition of documentary evidence or a certificate other than an appropriate certificate shall not be used as the basis for recognition by the Minister.

(3) Notwithstanding subregulation (1), the Minister may, for the purpose of certification under these Regulations, approve seagoing service, education and training acquired by a seafarer under the authority of a state that is not an STCW country.

(4) The Minister may, for the purpose of certification under these Regulations, approve seagoing service performed on an STCW ship and education and training provided by a training institution of an STCW country.

Issue, form, validity, record and surrender of certificates

22. (1) A seafarer, on application and payment of the prescribed fee, shall be entitled to be issued a certificate or an endorsement where he satisfies the requirements of these Regulations.

- (2) An applicant who seeks to be certificated shall—
 - (a) provide proof of his identity and nationality;
 - (b) provide proof of the sufficiency of his age;

- (c) hold a valid certificate of medical fitness; and
- (d) provide testimonials as to his character, including sobriety, and a record of suitable experience and satisfactory conduct during the period of seagoing service.

(3) A certificate or an endorsement shall remain valid only so long as the holder complies with the standards and conditions as to medical fitness and professional competence.

(4) A holder of a certificate shall keep the certificate in its original form on board the ship on which he is serving.

(5) A record of certificates and endorsements issued under these Regulations and of any alteration of or any other matters affecting the certificates and endorsements, shall be kept in such manner as the Minister may require and include the information specified in the Sixth Schedule and any other information which may be specified by the IMO from time to time.

Sixth
Schedule

(6) Where a seafarer is convicted of an offence under section 93 of the Act or where a certificate or an endorsement is issued and the conditions for its issue specified in these Regulations or by the Minister, have not been complied with, the holder of the certificate or endorsement shall, at the direction of the Minister, deliver it for cancellation, to the Minister or to such person as the Minister may direct.

(7) The Minister shall make available information on the status of such certificates, endorsements and dispensations as are referred to in subregulation (1), to the authorities of other STCW countries and companies who request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates or for employment on board a ship.

(8) The Minister may request from the authorities of other STCW countries information on certificates, endorsements and dispensations issued by them, where such certificates, endorsements and dispensations are produced to the Minister by seafarers seeking recognition of their certificates under regulation 19 or for seeking employment on board a Trinidad and Tobago ship or by seafarers serving on board a foreign ship operating in Trinidad and Tobago waters.

23. (1) Notwithstanding that an applicant for a certificate or an endorsement has complied with the standards or fulfilled the conditions, under these Regulations, the Minister shall not issue or revalidate a certificate or an endorsement unless he is satisfied, having regard to all the relevant circumstances, that the applicant is a fit person to be the holder of the certificate an endorsement and to act in the capacity to which it relates.

Refusal of
certificates or
endorse-
ments and
reviews

(2) Where the Minister intends to refuse the issue or revalidation of a certificate or an endorsement for any reason, he shall give notice in writing to the applicant, who shall have the right, before a date specified in the notice, to require the application to be reviewed by a board of inquiry.

(3) Where the applicant, has required his case to be reviewed by a board of inquiry, the Minister shall cause an inquiry to be held in accordance with section 90 of the Act.

Loss or deprivation of certificates or endorsements

24. Where a person entitled to a certificate or an endorsement loses or is deprived of the certificate previously issued to him, the Minister—

- (a) where he is satisfied that the person has lost or been deprived of the certificate or endorsement without fault on his part, shall; or
- (b) where he is not so satisfied, may, upon receipt of any fee payable, cause to be issued to the person a certified copy of the certificate or endorsement to which the person appears to be entitled.

PART IV

QUALITY STANDARDS

Training and assessment

25. (1) The training and assessment of a seafarer shall be administered, supervised and monitored in accordance with the provisions of section A-I/6 of the STCW Code.

(2) A person responsible for the training and assessment of a seafarer shall be suitably qualified in accordance with the provisions of section A-I/6 of the STCW Code, for the type and level of training or assessment involved.

(3) Under the direction of the Minister and in accordance with section A-I/8 of the STCW Code, a quality standards system shall be established, through which all activities relating to training, assessment of competence, certification, endorsement and revalidation shall be continuously monitored to ensure the achievement of defined objectives including those concerning the qualifications and experience of an instructor or assessor.

(4) An independent evaluation shall be undertaken in accordance with section A-I/8 of the STCW Code by a suitably qualified person appointed by the Minister who is not himself involved in the activities concerned, and information relating to the evaluation shall be communicated to the Secretary-General.

PART V

SAFE MANNING AND HOURS OF WORK

26. (1) A company shall ensure that—

- (a) a seafarer on its ship has had training and holds a seafarers certificate in respect of a function he is required to perform on the ship, in accordance with these Regulations or the STCW Convention, as the case may be; and
- (b) documentation and data relevant to a seafarer employed on its ship are maintained and readily available for inspection and include, without being limited to, documentation and data on his experience, training, medical fitness and competence in respect of assigned duties.

Responsibilities of companies, masters and other regarding familiarization, training and certification

(2) Nothing in subregulation (1) shall prohibit the allocation of tasks for training under supervision or in case of *force majeure*.

(3) A company shall provide written instructions to the master of its ship, setting out the policies and procedures to be followed to ensure that a seafarer who is newly employed on board the ship is given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties, before being assigned to those duties.

(4) The policies and procedures referred to in subregulation (3) shall include—

- (a) allocation of a reasonable period of time for a newly employed seafarer to have an opportunity to become familiarized with—
 - (i) the specific equipment the seafarer will be using or operating; and
 - (iii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer is required to know to properly perform his assigned duties; and
- (b) designation of a knowledgeable crew member who shall be responsible for ensuring that an opportunity is provided to a newly employed seafarer to receive essential information in a language the seafarer understands.

(5) A master and any member of a crew designated with an obligation under subregulation (3), shall perform that obligation.

27. A ship shall be sufficiently and efficiently manned for its safe operation, having regard to the nature of its work and location.

Ships to be safely manned

Responsibilities of companies and masters regarding safe manning

28. (1) A company shall ensure that its ship is manned with personnel of appropriate grades who have been trained and certificated, in accordance with these Regulations or the STCW Convention, as the case may be.

(2) The company shall ensure that, in relation to a ship of 500 GT or more—

- (a) a safe manning document is in force in respect of the ship and the manning of the ship;
- (b) the safe manning document is kept on board the ship at all times; and
- (c) the manning of the ship is maintained at all times at least at the levels specified in the safe manning document.

(3) The master of a ship shall ensure that the ship does not proceed to sea unless there is on board, a safe manning document issued in respect of the ship and that the manning of the ship complies with the document.

Safe manning document

29. (1) An application for a safe manning document in respect of a Trinidad and Tobago ship shall be made by a company or a person authorized to act on its behalf.

(2) A fee shall be paid with respect to the application.

(3) A company which applies for a safe manning document shall submit to the Minister, proposals as to the numbers and grade of seafarer it considers should be carried, and hours of work so that the ship would be safely manned if it proceeded to sea on any intended voyage and in preparing such proposals, the company shall take into account the guidelines contained in the Seventh Schedule and any additional guidance issued by the Minister.

Seventh Schedule

(4) An application under subregulation (1) shall include, a clear and concise explanation of how the proposed manning level and the hours of work have been determined, to enable the Minister to make an assessment of the application.

(5) A company may consult with seafarers or their representatives and the Minister on its proposed manning levels and hours of work when new ships are at the design stage and in advance of registering existing ships in Trinidad and Tobago.

(6) Where there is a disagreement between the company and seafarers or their representatives, regarding proposed manning levels and hours of work, the Minister—

- (a) shall consider any views put forward and may require a revision of the manning levels, where he deems it necessary; and
- (b) may arrange for some form of practical demonstration of the ability of the crew to carry out the essential tasks in the context of the principles of safe manning.

(7) Where the Minister has agreed to proposals regarding the manning of a ship, a safe manning document shall be issued for the ship in a form which complies with the requirements of the SOLAS Convention.

(8) A company shall apply for the issue of a new safe manning document where there is a change in the equipment, construction or use of its ship which may affect its safe manning levels.

30. The Minister shall consider a ship to be safely manned where in accordance with IMO Resolution A.481(XII), the crew includes a sufficient number of officers and ratings, with appropriate skills and experience to—

Determina-
tion of safe
manning
levels

- (a) maintain a safe bridge watch at sea in accordance with Regulation VIII/2 of STCW Convention, which includes general surveillance of the vessel;
- (b) moor and unmoor a vessel effectively and safely;
- (c) operate and maintain effectively, all watertight, closing arrangements including mounting an effective damage control party;
- (d) operate and, where practicable, maintain efficiently, all fire equipment and life-saving appliances provided, including mustering and disembarking passengers and non-essential personnel;
- (e) manage the safety functions of a vessel at sea, where not under way;
- (f) maintain a safe engineering watch at sea in accordance with Regulation VIII/2 of the STCW Convention, and a general surveillance of spaces containing main propulsion and auxiliary machinery;
- (g) operate and maintain in a safe condition, the main propulsion and auxiliary machinery to enable the ship to overcome the foreseeable perils of a voyage;
- (h) maintain the safety arrangements and the cleanliness of machinery spaces to minimize the risk of fire;
- (i) provide for medical care on board the ship;
- (j) maintain a safe radio watch in accordance with the SOLAS Convention and International Telecommunications Union regulations, as amended;
- (k) maintain the precautions and safeguards necessary to protect the marine environment in accordance with the International Convention for the Prevention of Pollution from Ships, 1973/78; and
- (l) maintain safety in all operations of a ship whilst in port.

Company to
inform of
changes

31. A company which has obtained safe manning document, shall inform the Minister as soon as any circumstance which is pertinent to the safe manning document changes, for the purpose of enabling the Minister to review the document's continuing validity or approve new proposals from the company.

Circum-
stances of
exceptional
necessity

32. The Minister, may, in circumstances of exceptional necessity and where in his opinion no danger to persons, property or the environment shall be caused, permit a ship which is not manned in full compliance with the safe manning document, to proceed to sea for a specified period.

Dispensa-
tions

Eighth
Schedule

33. (1) Subject to subregulation (2), the Minister may, in circumstances of exceptional necessity and where in his opinion no danger to persons, property or to the environment shall be caused, issue a dispensation on the form set out in the Eighth Schedule, permitting a specified seafarer to serve in a specified ship for a specified period not exceeding six months, in a capacity other than as a radio operator, except as provided by the relevant radio regulations, for which the seafarer does not hold the appropriate certificate, provided the person to whom the dispensation is issued is adequately qualified to fill the vacant post in a safe manner, in accordance with the applicable safe manning requirements.

(2) A dispensation shall not be granted to a person to act as a master or chief engineer, except in circumstances of *force majeure*, and in any event, such dispensation, where granted, shall be granted only to an officer at the management level and for the shortest duration possible.

(3) In granting a dispensation under subregulation (2), the Minister shall specify the particular voyage or part of a voyage, for which the dispensation shall be valid.

(4) A dispensation shall only be granted to a person properly certificated to fill the post immediately below and where certification for the post is not required under these Regulations, a dispensation may be issued to a person whose qualifications and experience are, in the opinion of the Minister, of a clear equivalence to the requirements for the post to be filled, except where the person does not hold an appropriate certificate, he shall be required to pass an examination acceptable to the Minister as demonstrating that a dispensation may safely be issued.

(5) Where a dispensation is granted under this regulation, the Minister shall ensure that the post in respect of which the dispensation was issued is filled by the holder of an appropriate certificate as soon as possible.

(6) The Minister shall, as soon as practicable after the first day of January of each year, submit to the Secretary-General, a report indicating the total number of dispensations granted for each capacity for which an appropriate certificate is required in respect of all seagoing Trinidad and Tobago ships and the numbers of those ships above and below 3000 GT.

34. Regulations 35 to 40 apply to a Trinidad and Tobago ship.

Application of certain regulations
General duty of companies, employers and masters regarding hours of work

35. (1) Subject to regulation 38, a company and an employer shall, in respect of a ship, ensure so far as is reasonably practicable, that a seafarer does not work more hours than is safe in relation to the safety of the ship and the seafarer performance of his duties.

(2) Subject to regulation 39, a master of a ship shall ensure, so far as is reasonably practicable, that a seafarer does not work more hours than is safe in relation to the safety of the ship and the seafarer performance of his duties.

36. A seafarer shall, so far as is reasonably practicable, ensure that he is properly rested when commencing duty on board a ship and obtains adequate rest during periods when he is off duty.

Duties of seafarers

37. (1) A company shall produce a schedule of duties.

(2) Where a company is not the employer of the seafarers on its ship, it shall consult the employer of the seafarers before production of the schedule.

Schedule of duties and need to maintain records

(3) The company may arrange with the employer to produce a schedule of duties and in such a case, that employer shall also be subject to the duties of the company under this regulation.

(4) Before producing a schedule, the company shall seek the views of the master and the master shall seek, and convey to the company, the views of—

- (a) the ship's safety committee; or
- (b) the seafarer or their representatives.

(5) Subject to subregulation (6), a schedule shall—

(a) set out hours of work for—

- (i) a master and a seafarer whose work includes regular watchkeeping duties or ship handling; and
- (ii) the ship's chief engineer officer, chief officer and second engineer officer, so that they are not required to work more hours than is safe relation to the safety of the ship and the performance of their duties;

(b) specify the maximum period of continuous watchkeeping, minimum period of rest between watches and total daily, weekly and monthly hours of work; and

(c) provide for a minimum period of ten hours of rest in a period of twenty-four hours, which may be divided into no more than two periods, one of which shall be at least six hours in length.

(6) Notwithstanding subregulation (5)(c), the minimum period of ten hours may be reduced to not less than six consecutive hours, on the condition that the reduction shall not extend beyond two days and not less than seventy hours of rest are provided in a period of seven days.

(7) The company shall consider the nature of the shipping operation and the voyages to be undertaken, in arranging the hours of work at sea and in port.

(8) The schedule may be changed by the company or by an employer who, by virtue of subregulation (3), is subject to the duties of the company, on the condition that—

(a) other employers and where necessary, the company have been consulted;

(b) the company or the employer has sought the views of the master on the proposed changes and the master has sought and conveyed to the company, the views of persons specified in subregulation (4)(a) or (b); and

(c) the schedule as changed, complies with subregulation (5).

(9) The company shall ensure that the schedule is displayed prominently in the crew accommodation for the information of all seafarers and that it is in a standardised format, in the common language of the ship and in English.

(10) The master shall ensure, as far as is reasonably practicable, that the hours of work specified in the schedule are not exceeded.

(11) The following requirements apply with respect to the schedule produced in accordance with subregulation (1):

(a) the company and the master shall maintain on board the ship, a copy of the schedule and a record of all deviations from its requirements;

(b) the company shall ensure that a copy of the schedule and of the record of all deviations from its requirements are preserved for a period of five years from the date the schedule was introduced, and that they are available for inspection by the Registrar of Seamen, a proper officer, a surveyor or an inspector;

(c) where, during the period of five years specified in paragraph (b), there ceases to be a company in relation to the ship, the duty to preserve the copies of the schedule and of the record shall remain with the last such company; and

(d) the master shall give to a seafarer a copy of the schedule pertaining to the seafarer, which shall be signed by the master or a person authorized by the master, and by the seafarer.

(12) Musters, fire-fighting and lifeboat drills shall be conducted in a manner that minimises the disturbance of the periods of rest and does not induce fatigue.

(13) Where a seafarer is on call, such as where a machinery space is unattended, an adequate period of rest shall be given to the seafarer where the normal period of rest is disturbed by call-outs to work.

(14) In this regulation and in regulation 38, “schedule” means the schedule of duties referred to in subregulation (1).

38. (1) The requirements for periods of rest specified in regulation 37(5)(c) and (6) need not be maintained in the case of—

Exceptions for emergencies

- (a) an emergency, including giving assistance to a ship or a person in distress at sea;
- (b) a drill; or
- (c) any other overriding operational condition.

(2) Without prejudice to the generality of subregulation (1), a seafarer may participate in a navigational, engine room or machinery watch although he has not had the period of rest provided by the schedule and the master may exceed, and another seafarer may be required to exceed, the periods of work or duty specified in the schedule, where, in the opinion of the master, it is necessary to meet an emergency threatening the safety of the ship, the life of a person or damage to the environment, until the emergency is over.

(3) As soon as practicable after the emergency is over, the master shall ensure that a seafarer who has performed work in a scheduled period of rest is provided with an adequate period of rest.

(4) Where, in pursuance of subregulation (1) a master or another seafarer has worked within a scheduled period of rest, his name shall be entered in the record required to be maintained under regulation 37(11), together with the reason that he so worked.

39. (1) Where the records or other evidence indicate a failure, on the part of a person concerned, to comply with the provisions of these Regulations relating to hours of work and rest, the Minister shall take such measures as he may deem necessary to ensure that such failure to comply is not repeated.

Failure to comply with provisions relating to hours of work and rest

(2) The measures referred to in this regulation may include a revision of the safe manning requirements.

40. A copy of this Part and Part VI of these Regulations shall be kept on board a ship.

Duty to keep copy of Regulations

PART VI

WATCHKEEPING

Watch-
keeping
arrange-
ments

41. (1) The master of a ship shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches in accordance with Regulation VIII of the Annex to the STCW Convention and section A-VIII/1 of the STCW Code.

(2) Without prejudice to the duties of the master under subregulation (1), the master shall give directions to the deck watchkeeping officer responsible for navigating the ship safely during his period of duty, in accordance with Part 3-1 of section A-VIII/2 of the STCW Code and the guidelines specified in the Seventh Schedule.

(3) The chief engineer officer of a ship shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with Part 3-2 of section A-VIII/2 of the STCW Code and when deciding the composition of the watch the chief engineer officer shall observe the principles specified in Part 3-2 of that section and the guidelines specified in the Seventh Schedule.

Watch-
keeping
arrangements
in port

42. The master of a ship which is safely moored or safely at anchor under normal circumstances in port, shall arrange for an appropriate and effective watch to be maintained for the purposes of safety and the arrangements shall be in accordance with Part 4 of section A-VIII/2 of the STCW Code and the guidelines in the Seventh Schedule.

Watch-
keeping
arrange-
ments in port
for ships
carrying
hazardous
cargo

43. (1) The master of a ship which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor, shall, in addition to any watchkeeping arrangements required under regulation 42, in the case of—

- (a) a ship carrying hazardous cargo in bulk, ensure that a safe deck watch and safe engineering watch are maintained by the ready availability, on board the ship, of a duly qualified officer or officers, and where appropriate, ratings; and
- (b) a ship carrying hazardous cargo other than in bulk, ensure that in organizing safe watchkeeping arrangements, he takes account of the nature, quality, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

(2) In making watchkeeping arrangements under subregulation (1), a person shall take full account of the guidelines specified and in the Seventh Schedule and any additional guidance issued by the Minister.

PART VII

MISCELLANEOUS

44. (1) A person who has not attained sixteen years of age shall not be employed on a ship. Prohibition on the employment of young persons

(2) A person who has not attained eighteen years of age shall not be employed as a trimmer or stoker on a ship.

(3) A seafarer who has not attained eighteen years of age shall not work at night.

(4) For the purposes of subregulation (3), “night” means a period of at least nine consecutive hours, including the period from midnight to 0500 hours.

45. A common language, which need not be the English language, shall exist on board a Trinidad and Tobago ship to enable the effective communication among seafarers. Common language

46. (1) An authorized person may inspect a ship while in port in Trinidad and Tobago for the purposes of— Inspection of ships

(a) verifying that a seafarer serving on board who is required to be certificated, holds a certificate, an endorsement or a valid dispensation or has provided the documentary proof required by these Regulations or the STCW Convention, as the case may be;

(b) verifying that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements; and

(c) assessing the ability of the seafarers on board the ship, to maintain the watchkeeping standards required by these Regulations, where, while in a port in Trinidad and Tobago or in the approaches to the port—

(i) the ship has been in a collision, grounded or stranded;

(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) An authorized person who finds, on inspection, a deficiency of a kind specified in subregulation (3), shall notify in writing, the master of the ship and in the case of a foreign ship, the nearest maritime consular or diplomatic representative of the flag state.

(3) Deficiencies referred to in subregulation (2) are—

- (a) a failure of a seafarer required to hold a certificate and an endorsement or a valid dispensation;
- (b) a failure of a seafarer to produce the documentary proof required by these Regulations or the STCW Convention, as the case may be;
- (c) a failure to comply with the applicable safe manning requirements;
- (d) 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;
- (e) 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; and
- (f) 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) A certificate, endorsement or dispensation referred to in subregulation (1), shall be accepted by the authorized person carrying out the inspection unless there are reasonable grounds for believing that it has been fraudulently obtained or that it is not held by the person to whom it was originally issued.

Power to
detain

47. Where it is found—

- (a) in relation to a Trinidad and Tobago ship, that there is any contravention of these Regulations; or
- (b) in relation to a foreign ship, that there is—
 - (i) a contravention of regulation 28, 41, 42 or 43; or
 - (ii) a failure to correct a deficiency of a kind specified in regulation 46(3), after notification to the master pursuant to regulation 46(2), and there is in consequence, a danger to persons, property or the environment,

the ship may be detained and section 387 of the Act shall apply to the detention.

48. Regulations 46 and 47 shall be applied as may be necessary to ensure that no more favourable treatment is given to non-STCW ships than is given to STCW ships.

Parity of treatment of STCW ships and non-STCW ships

49. (1) A company which contravenes regulation 26(1) or (3), 28(2), 29(3), 37(1), (2), (8) or (11) or fails to ensure that original certificates and other documents issued pursuant to these Regulations or the STCW Convention, indicating the qualification of a seafarer to perform required functions on a ship, are kept on board the ship, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand dollars, to imprisonment not exceeding twelve months, or to both such fine and imprisonment.

Penalties

(2) A master who contravenes regulation 26(5), 28(3), 38(2), 41(1) or (2), 42, 43 or fails to ensure that original certificates and other documents issued pursuant to these Regulations or the STCW Convention, indicating the qualification of a seafarer to perform required functions on a ship, are kept on board the ship, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand dollars, to imprisonment not exceeding twelve months, or to both such fine and imprisonment.

(3) A member of the crew who contravenes regulation 26(5) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding eighteen thousand dollars.

(4) A chief engineer officer who contravenes regulation 41(3) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand dollars.

(5) A company which contravenes regulation 35(1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand dollars.

(6) An employer who contravenes regulation 35(1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand dollars.

(7) A master who contravenes regulation 36 or 37(10) or (11) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding six thousand dollars.

(8) A seafarer who contravenes regulation 36 shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding six thousand dollars.

(9) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to avoid commission of the offence.

(10) In proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

Exemptions 50. The Minister may grant, on such terms, if any, as he may specify, exemptions from all or any provisions of these Regulations for classes of cases or individual cases.

Fees
Ninth
Schedule 51. The fees prescribed in the Ninth Schedule shall be paid in respect of the examinations and documents specified in that Schedule.

L.N. Nos. 70
of 1992, 69 of
1992 and 36
of 1988
revoked 52. The Shipping (Certification of Merchant Navy Deck Officers) Regulations, 1992, the Shipping (Certification of Marine Engineer Officers) Regulations, 1992, and the Shipping (Certificates of Proficiency in Survival Craft) Regulations, 1988, are hereby revoked.

FIRST SCHEDULE

(Regulation 2)

CARIBBEAN TRADING AREA

In these Regulations “the Caribbean Trading Area” means the area bounded by the east coasts of North, Central and South America and a line from the east coast of the United States of America in latitude 32° 30'N to a point 20°N: 60°W, to a point 10°N : 50°W, and south to the coast of South America, illustrated on the map below.

**Place
Map
Here**

SECOND SCHEDULE



[Regulation 7(5)]

REPUBLIC OF TRINIDAD AND TOBAGO

FORM OF ENDORSEMENT ATTESTING THE RECOGNITION OF A CERTIFICATE

ENDORSEMENT ATTESTING THE RECOGNITION OF A CERTIFICATE UNDER THE PROVISIONS OF THE SHIPPING ACT, 1987, GIVING EFFECT TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978 AS AMENDED IN 1995

The Government of the Republic of Trinidad and Tobago certifies that Certificate No..... issued to by or on behalf of the Government of..... is duly recognized in accordance with the provisions of regulation I/10 of the above Convention, as amended and the holder is authorized to perform the following functions, at the levels specified, subject to any limitations indicated until or until the date of expiry of any extension of the validity of this endorsement:

Function	Level	Limitations (If any)

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

Capacity	Limitations (If any)

Endorsement No. issued on/...../.....
(Official Seal) *(dd / mm / yy)*

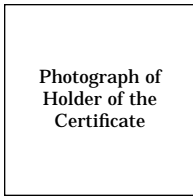
.....
Signature of duly authorized official

.....
Name of duly authorized official

The original of this endorsement must be kept available in accordance with Regulation I/2, paragraph 9 of the above Convention while the holder is serving on a ship.

Date of birth of the holder of the certificate/...../.....
(dd / mm / yy)

Signature of the holder of the certificate



The validity of this endorsement is hereby extended to

(Official Seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

The validity of this endorsement is hereby extended to

(Official Seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

The validity of this endorsement is hereby extended to

(Official Seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

The validity of this endorsement is hereby extended to

(Official Seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

THIRD SCHEDULE

[Regulation 7(6)]

KNOWLEDGE OF THE MARITIME LEGISLATION OF TRINIDAD AND TOBAGO
AND PROFICIENCY OF THE ENGLISH LANGUAGE

- | | |
|--|---|
| Seafarers at management level to have knowledge of the maritime legislation of Trinidad and Tobago | <p>1. (1) A seafarer at management level shall have sufficient knowledge of the legal and administrative procedures applicable to a Trinidad and Tobago ship to enable him to operate a ship safely and efficiently.</p> <p>(2) A seafarer who satisfies the Minister that he has sufficient knowledge of the legal and administrative procedures, referred to in subregulation (1) shall not be required to be assessed by a written examination.</p> <p>(3) A seafarer who fails to satisfy the Minister that he has sufficient knowledge of legal and administrative procedures, referred to in subregulation (1) shall be assessed by a written examination, which may include the examination of the English language skills referred to in clause 4(b).</p> |
| Seafarers at certain levels required to have an appropriate level of proficiency in English language | <p>2. A seafarer at management level or operational level, shall irrespective of the common language of the ship, have an appropriate level of proficiency in the English language, commensurate with the functions the seafarer is permitted to perform.</p> |
| Evidence of proficiency in English Language | <p>3. Where—</p> <p>(a) the Minister is satisfied based on the seafarer's certificate, that the seafarer was satisfactorily tested in oral and written English language skills; or</p> <p>(b) the seafarer provides other evidence of his proficiency in the English language, the seafarer shall not be required to be assessed under clause 4.</p> |
| Examination for proficiency in English language | <p>4. Where the Minister is not satisfied or the seafarer does not provide evidence, under clause 3, the seafarer shall undergo—</p> <p>(a) a standard, oral examination to assess the ability of the seafarer to speak and comprehend English; and</p> <p>(b) a standard, written examination to assess the ability of the seafarer to write English.</p> |
| Arrange-ments for examinations | <p>5. An examination referred to in clauses 1 and 4 may be taken by prior arrangement through the Maritime Services Division, or under other arrangements as may be approved by the Minister.</p> |

FOURTH SCHEDULE



[Regulation 12(5)]

REPUBLIC OF TRINIDAD AND TOBAGO

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE SHIPPING ACT, 1987, GIVING EFFECT TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED IN 1995

The Government of the Republic of Trinidad and Tobago certifies that..... has been found duly qualified in accordance with the provisions of Regulation of the above Convention, as amended, and has been found competent to perform the following functions, at the levels specified, subject to any limitations indicated:

Function	Level	Limitations (If any)

The holder of this certificate may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Maritime Services Division:

Capacity	Limitations (If any)

Certificate No.issued on/...../.....
(dd / mm / yy)

(Official Seal)

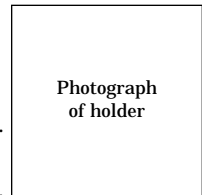
.....
Signature of duly authorized official

.....
Name of duly authorized official

The original of this certificate must be kept available in accordance with Regulation 1/2, paragraph 9 of the above Convention while serving on board ship.

Date of birth of the holder of the certificate/...../.....
(dd / mm / yy)

Signature of the holder of the certificate



FIFTH SCHEDULE



[Regulation 16(2)]

REPUBLIC OF TRINIDAD AND TOBAGO

CERTIFICATE OF PROFICIENCY

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE SHIPPING ACT, 1987, GIVING EFFECT TO THE
INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED IN 1995

The Government of the Republic of Trinidad and Tobago certifies
.....has been found duly qualified in accordance with the
provisions of Regulation of the above Convention, as
amended, to be proficient in survival craft and rescue boats other than fast rescue boats
until/...../.....
(*dd / mm / yy*)

Certificate No.issued on/...../.....
(*dd / mm / yy*)

(*Official Seal*)

.....
Signature of duly authorized official

.....
Name of duly authorized official

**The original of this certificate must be kept available in
accordance with Regulation I/2, paragraph 9 of the
Convention while serving on board ship.**

Date of birth of the holder of the certificate/...../.....
(*dd / mm / yy*)

Photograph
of holder

Signature of the holder of the certificate

SIXTH SCHEDULE

[Regulation 22(5)]

RECORD OF CERTIFICATES AND ENDORSEMENTS

1. The following information shall be recorded and available either on paper or electronically:

- (a) status of a certificate or an endorsement, including whether—
 - (i) it is valid;
 - (ii) has been suspended, cancelled, reported lost, or destroyed;
- (b) changes in status of a certificate or an endorsement and the dates of the changes;
- (c) details of a certificate or an endorsement including—
 - (i) a seafarer's name;
 - (ii) his date of birth;
 - (iii) his nationality;
 - (iv) his sex;
 - (v) a photograph of the seafarer;
 - (vi) a relevant document number;
 - (vii) the date of issue;
 - (viii) the date of expiry;
 - (ix) the last revalidation date, and if any; and
 - (x) details of dispensations issued, if any;
- (d) details of competency including—
 - (i) standards of competence referred to in these Regulations;
 - (ii) capacity;
 - (iii) function;
 - (iv) level of responsibility;
 - (v) endorsements;
 - (vi) limitations; and
- (e) the date of issue of the latest medical certificate relating to the issue or revalidation of a certificate.

SEVENTH SCHEDULE

PART A

(Regulation 29)

SAFE MANNING GUIDELINES

General
guidelines

1. (1) A minimum level of manning shall be determined, to ensure safe and efficient operation.

(2) The numbers of officers and certificated and non-certificated ratings shall be sufficient to ensure safe and efficient operation of the ship at all times.

(3) The company shall take into account the following factors, when determining the level of safe manning:

(a) the length and nature of voyage and trading area;

(b) any special requirements of the trade involved;

(c) number, size (kW) and type of main propulsion units and auxiliaries;

(d) size of ship (GT);

(e) construction and technical equipment of ship; and

(f) whether the time and place available for taking rest periods are appropriate for achieving a good quality of rest.

(4) In addition to the factors specified in subclause (3) and the need to ensure that personnel do not work more hours than is safe, the company shall—

(a) identify all the functions to be undertaken on board a ship during a representative voyage;

(b) identify the skills and experience required to perform the functions;

(c) identify the functions in normal operations which need to be undertaken concurrently;

(d) determine the minimum numbers of personnel required to undertake concurrent operations safely;

(e) establish working arrangements, including, in accordance with Regulation 13 of Chapter V of the SOLAS Convention, the establishment of a working language on a passenger ship, to ensure the master and crew are capable of undertaking concurrent and continuing operations with respect to their skills and training; and

(f) ensure that the working arrangements allow for sufficient rest periods to avoid fatigue and draw up work schedules accordingly.

Specialist
ship types

2. (1) In proposing manning levels, a company which owns—

(a) an offshore support vessel, shall take into consideration special problems which may arise because of the diverse nature of the vessel's operations and the conditions under which it is required to operate; and

(b) a passenger ship, shall take in consideration—

(i) the need to handle large numbers of passengers unfamiliar with the marine environment; and

(ii) the requirements for minimum numbers of trained crew to take charge of survival craft.

(2) A company shall ensure that a seafarer on a tanker or a passenger ship, including a ro-ro passenger ship has completed the training required by these Regulations.

3. (1) Guidance on the numbers of certificated deck and engineer officers appropriate to different sizes of ships, tonnages and trading areas is set out in Tables 1 and 2, respectively. Guidance on appropriate manning levels

(2) The company shall take all relevant factors into account before finalizing the manning proposal.

(3) The number of ratings required shall be determined by the factors specified in clause 1 and the company shall seek to obtain a good balance between skilled and less skilled and between experienced and less experienced ratings.

PART B

HOURS OF WORK

4. A company of a Trinidad and Tobago ship shall make an assessment of the numbers and grades of seafarer necessary for the safe operation of the ship and the proposal shall ensure that—

- (a) the required watchkeeping standard is maintained and that a seafarer is able to obtain sufficient rest;
- (b) a seafarer is not required to work more hours than is safe in relation to the safety of the ship;
- (c) the master or any other seafarer may perform his duties in accordance with the framework of operational guidance in Part A, Chapter VIII of the STCW Code; and
- (d) the master or any other seafarer is not required to work hours or under conditions which may be injurious to his health and safety.

5. (1) The company shall ensure that a schedule of duties (hereinafter called “the schedule”) is produced, setting out the hours of work and the rest periods and shall take into account the following factors: Working arrangements

- (a) trade and type of operation;
- (b) type and size of ship;
- (c) construction and technical equipment of ship;
- (d) manning levels and changes in crew numbers due to crew changes and sickness;
- (e) maximum period of continuous watchkeeping;
- (f) minimum rest periods;
- (g) total workload;
- (h) the seriousness of irregular working hours and their contribution to fatigue and the importance of scheduling reasonably stable watchkeeping hours over a voyage; and
- (i) section B-VIII/1 of the STCW Code.

(2) The schedule shall not be deviated from, unless the deviations can be justified by substantially altered work patterns made necessary, for example, by a change in trading pattern.

(3) Where it is known that a vessel engages in an irregular trading pattern or that working hours are likely to be uniform this shall be taken into account and recorded in the schedule.

(4) The master shall ensure that, as far as reasonably practicable the schedule is adhered to, but where there is an emergency or when unforeseeable events occur, deviations may be unavoidable.

Records of
changes to
schedule

6. (1) A record of all deviations from the schedule's requirements shall—
- (a) be kept on the ship;
 - (b) always be accessible to those authorized to carry out inspections; and
 - (c) be retained for a period of up to five years.

(2) The schedule need not be rewritten for each voyage, where the present voyage and the composition of the crew for whom it was originally intended, has not changed.

(3) A proper record of agreed work patterns shall exist on board for the benefit of crew members and inspecting authorities, and the record may be matched to each individual crew member involved by means of other documents, such as, the crew list.

TABLE 1

GUIDANCE ON MINIMUM MANNING LEVELS CERTIFICATED DECK OFFICERS

UNLIMITED TRADE					
Officer Rank (STCW)	Officer Gross Tonnage Parameters (STCW)	STCW Reference	Gross Tonnage of Ship and Minimum Deck Officer Manning		
			≥ 3000	≥ 500 but <3000	≥ 500
Master	≥ 3000	II/2	1	---	---
Master	≥ 500 but <3000	II/2	---	1	1
Chief Mate	>3000	II/2	1	---	---
Chief Mate	≥ 500 but <3000	II/2	---	1	---
OOW	≥ 500	II/2	2(a)	1(a)	2(a) (b)
CARIBBEAN TRADE (NEAR COASTAL)					
Master	≥ 3000	II/2	1	---	---
Master	≥ 500 but <3000	II/2	---	1	---
Master	<500	II/3	---	---	1
Chief Mate	≥ 3000	II/2	1	---	---
Chief Mate	≥ 500 but <3000	II/2	---	1	---
OOW	≥ 500	II/2	1(a)	1(a)	---
OOW	<500	II/3	---	---	1

OOW—Officer in charge of a navigational watch

- (1) This requirement may be reduced by 1 if the master keeps a watch or where the length of voyage is short enough and the level of port activity low enough to ensure adequate rest for the watchkeepers.
- (2) The Officer designated as Chief Mate must have at least 6 months experience whilst holding STCW II/1 certification.

Notes:

1. A Navigational Watch Rating shall be qualified in accordance with STCW II/4.
2. Actual levels will vary according to the type, size, age and trading pattern of the vessel.

TABLE 2

GUIDANCE ON MINIMUM MANNING LEVELS CERTIFICATED ENGINEER OFFICERS

UNLIMITED TRADE					
Officer Rank (STCW)	Officer Engine Power Parameters (STCW)	STCW Reference	Engine Power of Ships in Kilowatts (kW) and Minimum Engineer Officer Manning		
			≥ 3000	≥ 750 but < 3000	≥ 350 but < 750
Ch. Engineer	≥ 3000	III/2	1	---	---
Ch. Engineer	≥ 750 but < 3000	III/3	---	1	1(b)
2nd. Engineer	≥ 3000	III/2	1	---	---
2nd. Engineer	≥ 750 but < 3000	III/3	---	1	---
OOW	≥ 3000	III/1	2	2(a)	1(c)
CARIBBEAN TRADE (NEAR COASTAL)					
Ch. Engineer	≥ 3000	III/2	1	---	---
Ch. Engineer	≥ 750 but < 3000	III/3	---	1	1(b)
2nd. Engineer	≥ 3000	III/2	1	---	---
2nd. Engineer	≥ 750 but < 3000	III/3	---	1	---
OOW	≥ 750	III/1	2(a)	1(a)	1(c)

Notes:

1. An Engine Room Watch shall be qualified in accordance with STC III/4, except for vessels of <750 kW main engine power, in which case STCW III/4 certification is recommended.
2. The above levels, which are based on manned engine room arrangements, are for guidance only and actual levels will vary according to the type, size, age and trading pattern of the vessel. Manning of vessels having the UMS notation may carry a lower complement of Engineer Officers, but this will be assessed on an individual basis.

EIGHTH SCHEDULE



(Regulation 33)

REPUBLIC OF TRINIDAD AND TOBAGO

FORM OF DISPENSATION

DISPENSATION ISSUED UNDER THE PROVISIONS OF THE SHIPPING ACT, 1987 GIVING EFFECT TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978 AS AMENDED IN 1995

The Government of the Republic of Trinidad and Tobago certifies that..... who is the holder of Certificate No. issued by or on behalf of the Government of is duly dispensed in accordance with the provisions of Article of the above Convention, as amended, and the holder is authorized to perform the following functions, at the levels specified, subject to any limitations indicated until on board the SHIP IMO No.

Function	Level	Limitations (If any)

The holder of this endorsement may serve in the following capacity or capacities specified in the applicable safe manning requirements of the Maritime Services Division:

Capacity	Limitations (If any)

Endorsement No. issued on/...../.....
(dd / mm / yy)

(Official Seal)

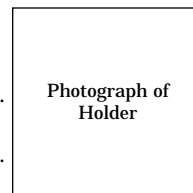
.....
Signature of duly authorized official

.....
Name of duly authorized official

The original of this dispensation must be kept available in accordance with Regulation 1/2, paragraph 9 of the above Convention while serving on a ship.

Date of birth of the holder of the certificate/...../.....
(dd / mm / yy)

Signature of the holder of the certificate



NINTH SCHEDULE

(Regulation 51)

SCHEDULE OF FEES
(Trinidad and Tobago Dollars)

1. An applicant shall pay the following fees for services:

certification	...	...	...	...	\$150.00
endorsement of certificate	...	...	...	...	\$120.00
dispensation	...	...	...	...	150.00
seafarer's record or discharge book	...	...	...	...	\$100.00
removal of endorsement or limitation		...	...	...	\$60.00
processing application for examination and certification				...	\$120.00
processing and issue of a safe manning certificate				...	\$1,000.00

2. An applicant shall pay the following fees for documents:

replacement of an endorsement, except for an endorsement lost owing to shipwreck	...	...	...	...	\$150.00
replacement of a seafarer's record/discharge book, except for a book lost owing to shipwreck	...	...	...	...	\$90.00
transcript of record of qualifications, seagoing service and/or examinations for a certificate	...	...	...	...	\$90.00
certificate cover, replacement	...	...	...	...	\$60.00

Dated this 31st day of July, 2002.

A. PIGGOTT
Minister of Works and Transport