

MARINE ACT, 1986
(ACT NO. 35 OF 1986)

MARINE (CERTIFICATES OF COMPETENCY AND MANNING OF
VESSELS) (GENERAL) REGULATIONS, 1989

In exercise of the powers conferred upon me by sections 98, 99, 143, and 212 of the Marine Act, 1986, I have made the following Regulations—

Short title

1. These Regulations may be cited as the Marine (Certificates of Competency and Manning of Vessels) (General) Regulations, 1989.

Object

2.—(1) These Regulations, together with the other Regulations referred to in these Regulations, supplement section 98 of the Marine Act, 1986 (which makes it an offence for the owners or masters of certain vessels to send or take their vessels to sea with fewer qualified seamen than the complement prescribed) and section 99 (which authorises the Fiji Marine Board to issue certificates of competency to

seamen who have the prescribed qualifications), by providing for the training and certification of seamen, and the manner in which the complement of seamen for a vessel is to be determined.

- (2) In carrying out this object the Regulations introduce provisions which—
- (a) are appropriate to the conditions prevailing in the South Pacific; and
 - (b) are in accordance with the requirements set out in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

(3) The Regulations achieve their object—

- (a) by providing for the Fiji Marine Board to issue various grades of certificates of competency;
- (b) by requiring that certain functions on registered vessels can only be carried out by the holder of an appropriate grade of certificate of competency;
- (c) by providing that certificates of competency cannot be granted except to persons who have passed appropriate examinations and have successfully undergone appropriate supplementary courses;
- (d) by providing that examinations leading to the issue of certificates of competency cannot be taken by a person unless he first satisfies certain conditions, including pre-requisites in respect of his health, existing qualifications and seagoing experience;
- (e) by providing that a certificate of competency must be revalidated at periods not exceeding 5 years, with the further requirement that, in some cases, the holder of the certificate must first satisfy additional qualifying requirements; and

by establishing a system whereby the manning requirements for each registered vessel may be prescribed by a board of experts.

(4) The provisions of these Regulations (the Marine (Certificates of Competency and Manning of Vessels) (General) Regulations, 1989) set out the general requirements in respect of the training and certification of seafarers and the manning of vessels, and then direct attention to the specific Regulations which deal with each of these matters in detail.

Regulations to be read as one

3. These Regulations and the—

- (a) Marine (Certificates of Competency (Authorised Capacities)) Regulations, 1989;
- (b) Marine (Certificates of Competency (Qualifications for Entry to Examinations (Deck Officers)) Regulations, 1989;
- (c) Marine (Certificates of Competency (Qualifications for Entry to Examination (Engineering Officers)) Regulations, 1989;
- (d) Marine (Certificates of Competency (Required Qualifications) (Ratings)) Regulations, 1989;
- (e) Marine (Certificates of Competency (Examination Syllabuses) (Deck Officers)) Regulations, 1989;
- (f) Marine (Certificates of Competency (Examination Syllabuses) (Engineering Officers)) Regulations, 1989;

- (g) Marine (Certificates of Competency (Supplementary Courses)) Regulations, 1989;
- (h) Marine (Certificates of Competency (Examination Procedures)) Regulations, 1989;
- (i) Marine fees Regulations, 1989;
- (j) Marine (Manning of Vessels) Regulations, 1989;
- (k) Marine (Certificates of Competency (Tankers and Dangerous Cargoes)) Regulations, 1989;
- (l) Marine (Certificates of Competency (Revalidation)) Regulations, 1989; and
- (m) Marine (Certificates of Competency (Transitional Provisions)) Regulations, 1989.

shall be read as one, and may collectively be cited as the Marine (Certificates of Competency and Manning of Vessels) Regulations, 1989.

Interpretation

4.—(1) In these Regulations, unless the contrary intention appears—

- “approved” means approved by the Marine Board;
- “certificate of competency” includes a ratings certificate and a sailing licence;
- “Chief engineer” means the senior engineering officer responsible for the mechanical propulsion of a vessel;
- “Chief mate” means the deck officer next in rank to the master and upon whom command of the vessel will fall in the event of the incapacity of the master;
- “deck officer” means an officer qualified to serve in the deck department of a vessel;
- “endorsement” means any record made by the Marine Board on a certificate of competency which acknowledges the Board’s recognition of any limitation or extension of the validity of the document for a special operating area or special type of vessel or equipment;
- “engineering officer” means an officer qualified to serve in the engine department of a vessel;
- “examination leading to qualification for a grade of certificate of competency” includes an examination leading to a qualification for an endorsement on a certificate of competency;
- “examiner” means a person appointed by the Marine Board to conduct examinations under these Regulations;
- “Fiji islands trade”, in respect of a vessel, means the operation of the vessel between any 2 ports or places in Fiji (except Rotuma) beyond the protection of the reefs;
- “gross tonnage”, in respect of a vessel, means the gross tonnage of the vessel which appears on its Registration Certificate, and, where a vessel has alternative such gross tonnages, means the larger of those tonnages;
- “Harbours and River service”, in respect of a vessel, means the operation of the vessel entirely within harbour or river limits where the waters are entirely protected and smooth;
- “officer” means a member of the crew of a vessel, other than its master, designated as such by any written or unwritten law or by custom;
- “Pacific Region trade,” in respect of a Vessel, means the operation of the vessel within the area delineated by latitude 15 degrees North to 47 degrees South and longitudes 130 degrees East to 130 degrees West;

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"propulsion power" in respect of a vessel, means the power in kilowatts of the vessel which appears on its Registration Certificate (where the power is the total maximum continuous rated output power of all the vessel's main propulsion machinery);

"rating" means a member of the crew of a vessel who is not an officer or the master of the vessel;

"ratings certificate" means a Deck Watchkeeping Rating Certificate, an Able Seaman Certificate and an Engine Room Watchkeeping Rating Certificate issued under these Regulations;

"revalidation" means the extension of any limitation on the period of validity of a certificate of competency and acknowledges the Marine Board's recognition of the continued standard of competency of the holder of the certificate;

"sailing licence" means a sailing licence issued in accordance with these Regulations which permits the holder of the licence to take overall charge of a vessel within the operating limits, and subject to any special conditions endorsed on the licence;

"sea-going service", in respect of a vessel, means the operation of the vessel beyond the protection of the reefs, and, in respect of seamen, means service on a vessel engaged upon such operations;

"second engineering officer" means the engineer next in rank to the Chief engineer and upon whom the responsibility for the mechanical propulsion of the vessel will fall in the event of the incapacity of the Chief engineer;

"Short Coasting Service", in respect of a vessel, means the operation of the vessel generally within the protection of the land or reefs within the areas specified in Schedule 3 but where an endorsement on a certificate of competency specifies a lesser area than that specified in Schedule 3 means the operation of the vessel within that lesser area;

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as affected by any amendment made under Article XII of that Convention;

"tanker" means a vessel constructed or adapted for the carriage of bulk fluid cargoes;

"unlimited trade", in respect of a vessel, means the operation of the vessel without limitation.

(2) The grades of certificates of competency set out in paragraphs 5(a), (b) and (c) are listed in each of those paragraphs in order of seniority except that a master's grade of certificate of competency shall be deemed to be in a separate category from a mate's grade of certificate of competency.

(3) In the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 "near coastal voyages" means voyages within the area specified in the definition of "Fiji islands trade" in subregulation (1).

Grades of certificates of competency which may be issued

5. The Marine Board may, under subsection 99(3) of the Act, issue certificates of competency in the following grades, namely—

(a) in respect of deck officers—

- (i) Grade 1 Master;
- (ii) Grade 2 Master;
- (iii) Grade 3 Master;

- (iv) Grade 4 Master;
- (v) Grade 5 Master;
- (vi) Grade 1 Mate;
- (vii) Grade 2 Mate;
- (viii) Grade 3 Mate;
- (ix) Grade 4 Mate;
- (x) Grade 5 Mate;
- (xi) Sailing Licence (Seagoing Service);
- (xii) Sailing Licence (Short Coasting Service);
- (xiii) Sailing Licence (Harbour and River Craft);

(b) in respect of engineering officers—

- (i) Engineer Grade 1;
- (ii) Engineer Grade 2;
- (iii) Engineer Grade 3;
- (iv) Engineer Grade 4;
- (v) Engineer Grade 5;
- (vi) Engine Operator;

(c) in respect of ratings—

- (i) Deck Watchkeeping Rating Certificate;
- (ii) Able Seaman Certificate;
- (iii) Engine Room Watchkeeping Rating Certificate.

Marine Board not to issue certificates of competency except to qualified persons

6.—(1) The Marine Board shall not issue a certificate of competency to an applicant unless it first satisfies itself that—

- (a) the applicant has passed any appropriate examination leading to a qualification for the grade of certificate applied for; and
- (b) the applicant has successfully completed any supplementary courses appropriate to that grade of certificate.

(2) The appropriate examination leading to a qualification for each grade of certificate of competency that must be passed for the purpose of paragraph (1) (a), and the syllabuses in respect of each of those examinations are prescribed—

- (a) in respect of deck officers—in the Marine (Certificates of Competency (Examinations Syllabuses) (Deck Officers)) Regulations, 1989;
- (b) in respect of engineering officers—in the Marine (Certificates of Competency (Examination Syllabuses) (Engineering Officers)) Regulations, 1989; and
- (c) in respect of ratings—in the Marine (Certificates of Competency (Required Qualifications) (Ratings)) Regulations, 1989.

(3) The appropriate supplementary courses that must be successfully completed for the purposes of paragraph (1) (b) before a grade of certificate of competency may be applied for, and the aims and scopes of those courses are prescribed in the Marine (Certificates of Competency (Supplementary Courses)) Regulations, 1989.

Conduct of examinations for certificates of competency

7.—(1) The Marine Board may conduct, or approve the conduct of, examinations leading to qualifications for each grade of certificate of competency.

(2) The examinations referred to in subregulation (1) shall be conducted in the manner prescribed in the Marine (Certificates of Competency (Conduct of Examinations)) Regulations, 1989.

Conditions of entry to examinations for certificates of competency

8.—(1) The Marine Board shall not permit a person to enter for an examination leading to a qualification for a grade of certificate of competency unless it first satisfies itself that the applicant has the qualifications and has satisfied the other prerequisite prescribed in respect of that examination.

(2) The qualifications and prerequisite referred to in subregulation (1) are prescribed—

- (a) in respect of deck officers—in the Marine (Certificates of Competency (Qualifications for Entry to Examinations) (Deck Officers)) Regulations, 1989;
- (b) in respect of engineering officers—in the Marine (Certificates of Competency (Qualifications for Entry to Examinations) (Engineering Officers)) Regulations, 1989; and
- (c) in respect of ratings—in the Marine (Certificates of Competency (Required Qualifications) (Ratings)) Regulations, 1989.

Examination fees

9. The fees to be paid by candidates to enter for an examination leading to a qualification for the various grades of certificates of competency are prescribed in the Marine (Fees) Regulations, 1989.

Application for certificate of competency

10. The prescribed application form for a certificate of competency is the form specified in Schedule 1.

Application fee for a certificate of competency

11.—(1) The prescribed application fee for a certificate of competency is prescribed in the Marine (Fees) Regulations, 1989.

(2) The fee prescribed under subregulation (1) shall also apply in respect of a document issued under subregulation 13(2).

Any lower grade certificate of competency to be surrendered

12.—(1) Where an applicant for a certificate of competency is already the holder of a lower grade certificate of competency he shall surrender that lower grade certificate to the Marine Board on the issue to him by the Board of the higher grade certificate.

(2) The Marine Board may refuse to issue a certificate of competency to a person who fails to comply with subregulation (1).

Marine Board may decline to issue certificates of competency to certain people

13.—(1) Where an application for a certificate of competency is made by a person who is neither a citizen of Fiji nor of any other country which is a member of the South Pacific Forum it may decline to issue the certificate applied for.

(2) Where the Marine Board, acting in accordance with subregulation (1), declines to issue a certificate of competency to a person who would otherwise be entitled to the issue of that certificate the Board shall instead issue that person with a document, in a form approved by the Marine Board, certifying the examinations results of the applicant in respect of any examination which the applicant sat and which would otherwise have led to a qualification for a certificate of competency.

(3) A document issued under sub-regulation (2) shall, as far as practicable, be in such form as to satisfy the reasonable requirements of the appropriate authorities in the applicant's home country.

Form of certificate of competency

14.—(1) A certificate of competency shall be in the form specified in Part 1 of Schedule 2.

(2) A certificate of competency shall bear an endorsement in the form specified in Part 2 of Schedule 2.

(3) A certificate of competency shall bear a certificate in the form specified in Part 3 of Schedule 2.

(4) A certificate of competency shall state its period of validity and shall contain spaces where endorsements revalidating the certificate may be entered.

(5) A certificate of competency shall contain spaces in which endorsements certifying that the holder of the certificate has obtained further qualifications may be entered.

(6) A certificate of competency shall contain spaces in which any limitation on or exceptions to the certificate may be endorsed.

(7) Details of revalidation under subregulation (4) or endorsements under sub-regulations (5) and (6) may be made in writing, by rubber stamp, printed slip or similar method and shall be certified by or on behalf of the Marine Board.

Capacities that holders of certificates of competency may serve in on a registered vessel

15. The capacities that the holders of each grade of certificate of competency may serve in on a registered vessel are set out in the Marine (Certificates of Competency (Authorised Capacities)) Regulations, 1989.

Manning requirements on registered vessels

16. For the purposes of subsection 98(1) of the Act, the manning requirements in respect of a registered vessel shall be determined in accordance with the Marine (Manning of Vessels) Regulations, 1989.

Additional requirements in respect of tankers

17. The Marine (Certificates of Competency (Tankers and Dangerous Cargoes)) Regulations, 1989—

(a) specify that the holders of certain positions of responsibility on an oil, chemical or gas tanker must hold additional qualifications; and

(b) specify how those qualifications may be obtained.

Revalidation of certificates of competency

18.—(1) A certificate of competency is valid for seagoing purposes until the date specified in it but may be revalidated for these purposes.

(2) The Marine Board shall not validate a certificate of competency for seagoing purposes for a period exceeding 5 years, nor shall it revalidate a certificate of competency for seagoing purposes for a period exceeding 5 years.

(3) The manner in which a certificate of competency may be revalidated for seagoing purposes and any requirements to be complied with on that revalidation are prescribed in the Marine (Certificate of Competency (Revalidation)) Regulations, 1989.

Transitional provision

19. The Marine (Certificates of Competency (Transitional Provisions)) Regulations, 1989 provide—

- (a) for the recognition of certificates of competency issued before these Regulations came into operation;
- (b) for the continued issue of certificates of competency of the type issued before these Regulations came into operation where a seafarer's training had been started under the previous system of training; and
- (c) for the issue of certificates of service to persons who had seagoing experience but were not the holders of certificates of competency issued before these Regulations came into operation.

Review of decisions of Marine Board

20.—(1) A person aggrieved by a decision of the Marine Board in respect of the grant, endorsement or revalidation of a certificate of competency or service may apply to the Board for a review of the decision.

(2) An application for review under subregulation (1) must be accompanied by the fee prescribed by the Marine (Fees) Regulations, 1989.

(3) On receipt of an application under subregulation (1) the Marine Board shall refer it to a person or persons appointed by the Minister to hear reviews.

(4) The Marine Board shall give a person or the persons appointed in accordance with subregulation (3) all necessary details and assistance necessary to allow him or them to determine the review.

(5) The decision of a person or persons appointed in accordance with subregulation (3) on a review referred to him or them under that subregulation shall be deemed to be the decision of the Marine Board and shall have effect accordingly.

(6) A person or persons appointed under subregulation (3) may, where appropriate, be a person or include a person with experience in the relevant field of knowledge or experience.

Dated this third day of May 1989.

A. V. TORA

Minister for Communications, Works and Transport

SCHEDULE 1

Reg. 10

APPLICATION FOR A CERTIFICATE OF COMPETENCY
(Marine Act, 1986, subsection 99(1))

TO: THE DIRECTOR, MARINE DEPARTMENT
NAME OF APPLICANT:
ADDRESS OF APPLICANT:

GRADE OF CERTIFICATE APPLIED FOR:
DETAILS OF CERTIFICATES ALREADY HELD:

DETAILS OF SEAGOING SERVICE:

DETAILS OF QUALIFYING EXAMINATIONS PASSED:

DETAILS OF SUPPLEMENTARY COURSES SUCCESSFULLY
COMPLETED:

THE ORIGINALS OF ALL DOCUMENTS EVIDENCING THE ABOVE
DETAILS ARE TO BE ATTACHED TO THIS APPLICATION

SIGNATURE OF APPLICANT:

DATE:

SCHEDULE 2

Reg. 14(1)

PART I
FIJI MARINE BOARD
CERTIFICATE OF COMPETENCY
AS

(grade of certificate)

This is to certify that—

(full name of holder)

has been found duly qualified to hold this certificate of competency as

(grade of certificate)

and is entitled under the Marine Act, 1986 to serve on a vessel in any capacity requiring the holding of a certificate of competency of that designation.

Photograph
of
holder

This certificate of competency is subject to any endorsements on the attached pages as to its period of validity, limitation, extension or additional qualifications

Date of issue: _____

President,
Fiji Marine Board

*Issued under the provisions of the
International Convention on Standards of Training,
Certificate and Watchkeeping for Seafarers, 1978*

I, the undersigned certify that the present Certificate is issued to:

_____ *(Full Name of Holder)*

who has been found duly qualified in accordance with the provisions of
Regulation(s) _____ of the
International Convention on Standards of Training, Certification and Watchkeep-
ing for Seafarers, 1978 as _____

_____ with the following limitations only:

Date of issue of this endorsement: _____

Signed: _____
President, Fiji Marine Board

Date of Birth of
Holder of Certificate: _____

Signature of Holder
of Certificate: _____

(3) Where, in respect of any grade of certificate of competency, a minimum period of qualifying seagoing service outside the Fiji Islands trade is required that service must be performed and cannot be remitted by the Marine Board.

(4) The maximum period of remission of service permitted under sub-regulation (2) shall be reduced by any remission of that type of service previously granted under that sub-regulation.

Remission of sea service for cadets

7.—(1) The Marine Board shall remit the period of qualifying seagoing service required by a person (in this regulation referred to as the "cadet") for the purpose of being entitled to be admitted to an examination leading to a qualification for a Grade 3 (Mate), Grade 4 (Mate) or Grade 5 (Mate) certificate of competency where the Marine Board is satisfied that—

- (a) the certificate of competency, if obtained, will be the first certificate of competency issued to him;
- (b) the cadet has satisfactorily completed the training programme referred to in sub-regulation (2);
- (c) the cadet is the holder of a Deck Cadet Certificate referred to in sub-regulation (5);
- (d) the cadet has satisfactorily completed a Deck Cadet's Record Book referred to in sub-regulation (6); and
- (e) the cadet is of good conduct and character as confirmed by a reference from his employer.

(2) Subject to sub-regulation (3), the training programme referred to in paragraph (1)(b) shall be a programme of a length and content approved by the Marine Board.

(3) The Marine Board shall not approve a training programme under sub-regulation (2) unless it includes phased periods of training both—

- (a) aboard ship; and
- (b) in an approved shore based establishment,

where—

- (c) the aboard ship period of the programme—
 - (i) totals at least 24 months, with at least 3 months of that period on vessels outside the Fiji Island Trade; and
 - (ii) includes the satisfactory completion by the cadet of approved assignments under the supervision of the training establishment conducting the shore based phase of the cadet's training; and
- (d) the shore based period of the programme—
 - (i) is for a period totalling at least 39 weeks; and
 - (ii) covers the subjects included in the syllabus in respect of—
 - (A) the examination leading to a qualification for a Grade 3 (Mate) certificate of competency; and
 - (B) the supplementary courses a person must have successfully completed before he may be issued with a Grade 3 (Mate) certificate of competency.

(4) On completion of the training programme referred to in sub-regulation (2) the cadet shall enter for an examination—

- (a) set by the training establishment in which he did his shore based training; and
- (b) monitored by the Marine Board.

PART 3

Reg. 14(3)

THIS CERTIFICATE is given in recognition of having passed an examination for:

_____ at the port of
(grade of examination)

_____ on _____
(date of examination)

Signature of holder _____
Date of Birth _____
Place of Birth _____
Height _____
Other identifying features _____

The above signature has been made in my presence by the person whose photograph appears on this Certificate whom I believe to be the person to whom the Certificate is issued.

_____ Date _____ Shipping Officer _____