

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,564, 29 ta' Jannar, 2021

Taqsima B

L.N. 26 of 2021

**MERCHANT SHIPPING ACT
(CAP. 234)
Merchant Shipping (Training and Certification)
(Amendment) Regulations, 2021**

IN EXERCISE of the powers conferred by articles 91 and 374 of the Merchant Shipping Act, the Minister responsible for transport, infrastructure and capital projects, has made the following regulations:-

1. The title of these regulations is the Merchant Shipping (Training and Certification) (Amendment) Regulations, 2021, and these regulations shall be read and construed as one with the Merchant Shipping (Training and Certification) Regulations, hereinafter referred to as "the principal regulations". Citation.
S.L. 234.17.
2. Sub-regulation (2) of regulation 1 of the principal regulations shall be substituted by the following: Amends
regulation 1 of
the principal
regulations.

"(2) These regulations adopt the measures contained in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended, and in Directive 2008/106/EC of the European Parliament and of the Council, on the minimum level of training of seafarers, in its latest amended version."
3. Regulation 2 of the principal regulations shall be amended as follows: Amends
regulation 2 of
the principal
regulations.
 - (a) sub-regulation (1) thereof, shall be amended as follows:
 - (i) immediately after the definition "assistant engineer officer", there shall be added the following new definition:

" "CEPT" means the European Conference of Postal and Telecommunication Administrations;"
 - (ii) immediately after the definition "documentary evidence", there shall be added the following new definition:

" "ECC" means the Electronic Communications

Committee within CEPT;"

(iii) immediately after the definition "fast rescue boat", there shall be added the following two new definitions:

" "GMDSS" means the Global Maritime Distress and Safety System;

"GMDSS Certificate" means the GMDSS General Operator's Certificate (GOC) or the GMDSS Restricted Operator's Certificate (ROC);";

(iv) immediately after the definition "GT", there shall be added the following new definition:

" "IGF Code" means the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels, as defined in SOLAS 74 Regulation II-1/2.29;";

(v) immediately after the definition "passenger ship", there shall be added the following new definitions:

" "Polar Code" means the International Code for Ships Operating in Polar Waters, as defined in SOLAS 74 Regulation XIV/1.1;

"Polar waters" means Arctic waters and, or the Antarctic area, as defined in SOLAS 74 Regulations XIV/1.2 to XIV/1.4;";

(vi) in the definition "radio duties" the words "Radiocommunications (Certificates of Operators) Regulations the," shall be deleted;

(vii) in the definition "radio operator", immediately after the words "Registrar-General" there shall be added the words", engaged on ships operating in the GMDSS as prescribed by the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended;";

(viii) immediately after the definition "radio operator", there shall be added the following new definition:

" "Registrar-General" shall have the same meaning as is assigned to it in the Act;";

(ix) immediately after the definition "survival craft", there shall be added the following two new definitions:

"VHF Short Range Certificate (SRC)" is a certificate related to Maritime Mobile and Maritime Mobile Satellite Services according to Radio Regulations as well as other international and national regulations;

"yacht" means a vessel propelled by sail or motor, mainly used for leisure activities in recreational and, or commercial operations."; and

(b) in sub-regulation (2) thereof, immediately after the word "Convention" there shall be added the words "and in Directive 2008/106/EC, in their latest amended versions."

4. Regulation 3 of the principal regulations, shall be amended as follows:

Amends regulation 3 of the principal regulations.

(a) in regulation 3 thereof, immediately after the words "Electro technical officer," there shall be added the words "Radio operator."; and

(b) the last paragraph of regulation 3 thereof, shall be deleted.

5. Regulation 4 of the principal regulations shall be amended as follows:

Amends regulation 4 of the principal regulations.

(a) in column 1 of the Table of Criteria for Appropriate Certificates, immediately under the words "Officer in charge of a navigational watch on ships of 500 GT or more" there shall be added the words "Officer in charge of a navigational watch on yachts less than 3000GT"; and under the corresponding column 2 there shall be added the words "Regulation II/1";

(b) in column 1 of the Table of Criteria for Appropriate Certificates, immediately under the words "Master or chief mate on ships of between 500 GT and 3000 GT" there shall be added the words "Master on yachts less than 500 GT"; and under the corresponding column 2 there shall be added the words "Regulation II/2".; and

(c) in column 1 of the Table of Criteria for Appropriate Certificates, immediately under the last item there shall be added the words "Radio operator"; and under

the corresponding column 2 there shall be added the words "Regulation IV/2".

Amends
regulation 5 of
the principal
regulations.

6. In column 1 and 2 of the Table of Criteria for Appropriate Certificates of regulation 5 of the principal regulations, immediately under the words "*Other certificates*" in column 1 and under the words "*Regulations Annexed to the STCW Convention*" in column 2 there shall be added the following new items:

"Proficiency in basic training for oil and chemical tanker cargo operations – Regulation V/1-1.1;

Proficiency in advanced training for oil tanker cargo operations – Regulation V/1-1.3;

Proficiency in advanced training for chemical tanker cargo operations – Regulation V/1-1.5;

Proficiency in basic training for liquefied gas tanker cargo operations – Regulation V/1-2.1;

Proficiency in advanced training for liquefied gas tanker cargo operations – Regulation V/1-2.3;

Proficiency in basic training for service on ships subject to the IGF Code – Regulation V/3.4;

Proficiency in advanced training for service on ships subject to the IGF Code – Regulation V/3.7;

Proficiency in basic training for ships operating in Polar Waters – Regulation V/4.1;

Proficiency in advanced training for ships operating in Polar Waters – Regulation V/4.3".

Adds new
regulation 7A to
the principal
regulations.

7. Immediately after regulation 7 of the principal regulations there shall be added the following new regulation 7A:

"7A. (1) No person shall operate VHF (SRC) apparatus unless such person is in possession of a VHF Short Range Certificate issued or recognized under these regulations.

(2) The procedure and conditions for the issue of a VHF Short Range Certificate provided for in these regulations shall be as set out in the Fourth Schedule."

8. In regulation 10 of the principal regulations, immediately after sub-regulation 10(7) thereof, there shall be added the following new sub-regulation 10(8):

Amends regulation 10 of the principal regulations.

"10 (8) The Registrar General, following a breach of these regulations, may temporarily or permanently withdraw or suspend any certificate issued under these regulations with immediate effect."

9. Regulation 15 of the principal regulations shall be substituted by the following:

Substitutes regulation 15 of the principal regulations.

"15. Any matter relating to certificates and endorsements not provided for in these regulations shall be governed by the provisions of the Convention, the STCW Code and Directive 2008/106/EC in their latest amended versions, as the case may be."

10. The First Schedule annexed to the principal regulations shall be amended as follows:

Amends the First Schedule annexed to the principal regulations.

(a) immediately after paragraph 1.12 thereof, there shall be added the following new paragraph 1.13:

"1.13 For the issue of any GMDSS certificate or VHF (SRC) a declaration to preserve the secrecy of correspondence in the form contained in the Fifth Schedule to these regulations shall be presented with the application."; and

(b) immediately after paragraph 2.2.6 thereof, there shall be added the following new paragraph 2A.2:

"Officer in charge of a navigational watch on yachts of less than 3000 GT

2A.2 Every candidate shall:

2A.2.1 be not less than 18 years of age;

2A.2.2 have approved seagoing service of not less than twelve months on vessels not less than 15 meters in length or 80 GT as part of an approved training programme which includes on board training that meets the requirements of section A-II/1 of the STCW Code; this training must be documented in an approved record book, or otherwise have approved seagoing service in any acceptable deck capacity on

vessels not less than 15 meters in length or 80 GT for a period of not less than thirty-six months sea service;

2A.2.3 have performed, during the required sea going service, bridge watch-keeping duties under the supervision of the master or a qualified officer for a period of not less than six months;

2A.2.4 meet the applicable requirements of the regulations in chapter IV, as appropriate, for performing designated radio duties in accordance with the Radio Regulations;

2A.2.5 have completed approved education and training and meet the standard of competence specified in the relevant section A-II/1 of the STCW Code; and

2A.2.6 meet the standard of competence specified in section A-VI/1 paragraph 2, section A-VI/2 paragraphs 1 to 4, section A-VI/3 paragraphs 1 to 4 and section A-VI/4 paragraphs 1 to 3 of the STCW Code.";

(c) immediately after paragraph 2.5.3 thereof, there shall be added the following new paragraph 2A.5:

"Master on yachts of less than 500 GT

2A.5 Every candidate shall:

2A.5.1 meet the requirements of an officer in charge of a navigational watch on yachts of less than 3000 GT;

2A.5.2 have approved sea going service of not less than 12 months in that capacity; and

2A.5.3 have completed approved education and training and meet the standard of competence specified in section A-II/2 of the STCW Code for masters and chief mates on ships of between 500 and 3000 GT.";

(d) Table 1 in paragraph 2.9 thereof, shall be substituted

the following:

Additional Training Requirements	Certificate (STCW Regs)					
	II/1	II/2	II/3	II/4	II/5	STCW Code Ref
Personal Survival Techniques	.	.	.	.	.	A-VI/1-1
Fire Prevention & Fire Fighting	.	.	.	.	.	A-VI/1-2
Elementary First Aid	.	.	.	.	.	A-VI/1-3
Personal Safety & Social Responsibility	.	.	.	.	.	A-VI/1-4
Proficiency in Survival Craft & Rescue Boats	.	.	.		.	A-VI/2
Advanced Fire Fighting	.	.	.			A-VI/3
Medical First Aid	.		.			A-VI/4-1
Medical Care		.	.			A-VI/4-2
Radar & ARPA Simulator Training – Operational Level	.		.			A-II/1
Radar & ARPA Simulator Training – Management Level		.	.			A-II/2
Leadership and Teamwork	.					A-II/1
Use of Leadership & Managerial Skills		.	.			A-II/2
ECDIS	.	.	.			A-II/1
Efficient Deck Hand	.		.			
GMDSS (GOC)	.	.				A-IV/2
GMDSS (ROC)			.			A-IV/2
Medical Fitness (including eyesight)	.	.	.	.	.	A-I/9

(e) Table 2 in paragraph 3.13 thereof, shall be substituted

by the following:

Additional Training Requirements	Certificate (STCW Regs)							STCW Code Ref
	III/1	III/2	III/3	III/4	III/5	III/6	III/7	
Personal Survival Techniques	.	.	.	.	.	.	.	A-VI/1-1
Fire Prevention & Fire Fighting	.	.	.	.	.	.	.	A-VI/1-2
Elementary First Aid	.	.	.	.	.	.	.	A-VI/1-3
Personal Safety & Social Responsibility	.	.	.	.	.	.	.	A-VI/1-4
Proficiency in Survival Craft & Rescue Boats	.	.	.			.		A-VI/2
Advanced Fire Fighting	.	.	.			.		A-VI/3
Medical First Aid	.	.	.			.		A-VI/4-1
Leadership & Teamwork	.					.		A-III/1
Use of Leadership & Managerial Skills		.	.					A-III/2
Medical Fitness	.	.	.	.	.	.	.	A-I/9

(f) immediately after paragraph 3.13 thereof, there shall be added the following new paragraph 3A:

"3A. Specific Requirements – Radio Operators

Radio Operator

3A.1 Every candidate shall:

3A.1.1 be not less than 18 years of age;

3A.1.2 have completed approved education and training and meet the standard of competence specified in section A-IV/2 of the STCW Code."

(g) in paragraph 6.3 thereof, immediately after the words "as the case may be." there shall be added the following:

"Examiners for the conduct of radio operator examinations shall be appointed by the Registrar-General from an approved list of persons having a

good knowledge of ships and of maritime safety and search and rescue matters, and holding a Maritime Radio-communication General Certificate or an equivalent certificate, and either holding a GMDSS General Operator's Certificate or having, in the opinion of the Registrar-General, considerable experience in maritime radiocommunications, including the GMDSS."

11. The Second Schedule annexed to the principal regulations shall be amended as follows:

Amends the Second Schedule annexed to the principal regulations.

(a) in paragraph 13, the words "paragraphs 15" shall be substituted by the words "paragraphs 14A";

(b) in paragraph 14, the words "paragraphs 15," shall be substituted by the words "paragraphs 16,";

(c) immediately after paragraph 14, there shall be added the following new paragraph 14A:

"14A. Personnel serving on board passenger ships shall complete passenger ship emergency familiarisation appropriate to their capacity, duties and responsibilities as specified in section A-V/2 paragraph 1 of the STCW Code."; and

(d) paragraphs 15, 16, 17 and 18 shall be substituted by the following:

"15. Personnel providing direct service to passengers in passenger spaces on board passenger ships shall complete the safety training specified in section A-V/2 paragraph 2 of the STCW Code.

16. Masters, officers, ratings qualified in accordance with chapters II, III and VII and other personnel designated on the muster list to assist passengers in emergency situations on board passenger ships, shall complete passenger ship crowd management training as specified in section A-V/2, paragraph 3 of the STCW Code.

17. Masters, chief engineer officers, chief mates, second engineer officers and any person designated on the muster list of having responsibility for the safety of passengers in emergency situations on board passenger ships shall complete approved training in

crisis management and human behaviour as specified in section A-V/2, paragraph 4 of the STCW Code.

18. Masters, chief engineer officers, chief mates, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, for loading, discharging or securing cargo, or for closing hull openings on board ro-ro passenger ships, shall complete approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 5 of the STCW Code.";

(e) immediately after paragraph 18 thereof, there shall be added the following new paragraphs 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J and 18K:

"Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code.

18A. All seafarers serving on board ships subject to the IGF Code shall, prior to being assigned shipboard duties, receive appropriate ship and equipment specific familiarization as specified in Regulation I/14, paragraph 1.5. of the Convention.

18B. Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code shall hold a certificate in basic training for service on ships subject to the IGF Code.

18C. Every candidate for a certificate in basic training for service on ships subject to the IGF Code shall have completed basic training in accordance with the provisions of section A-V/3, paragraph 1 of the STCW Code.

18D. Masters, engineer officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced training for service on ships subject to the IGF Code.

18E. Every candidate for a certificate in advanced training for service on ships subject to the IGF Code

shall, while holding the Certificate of Proficiency described in paragraph 18B, have:

18E.1 completed approved advanced training for service on ships subject to the IGF Code and meet the standard of competence as specified in section A-V/3, paragraph 2 of the STCW Code; and

18E.2 completed at least one month of approved seagoing service that includes a minimum of three bunkering operations on board ships subject to the IGF Code. Two of the three bunkering operations may be replaced by approved simulator training on bunkering operations as part of the training in paragraph 18E.1 above.

18F. Seafarers holding Certificates of Proficiency in accordance with paragraph 18B or 18D above shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

Mandatory minimum requirements for the training and qualifications of masters and deck officers on ships operating in polar waters.

18G. Masters, chief mates and officers in charge of a navigational watch on ships operating in polar waters shall hold a certificate in basic training for ships operating in polar waters, as required by the Polar Code.

18H. Every candidate for a certificate in basic training for ships operating in polar waters shall have completed an approved basic training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 1, of the STCW Code.

18I. Masters and chief mates on ships operating in polar waters, shall hold a certificate in advanced training for ships operating in polar waters, as required by the Polar Code.

18J. Every candidate for a certificate in advanced

training for ships operating in polar waters shall:

18J.1 meet the requirements for certification in basic training for ships in polar waters;

18J.2 have at least two months of approved seagoing service in the deck department, at management level or while performing watch keeping duties at the operational level, within polar waters or other equivalent approved seagoing service; and

18J.3 have completed approved advanced training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 2 of the STCW Code.

18K. Seafarers holding Certificates of Proficiency in accordance with paragraph 18G or 18I above shall be required, at intervals not exceeding five years, to establish continued professional competence for ships operating in polar waters in accordance with section A-1/11, paragraph 4 of the STCW Code."

Adds the Fourth and Fifth Schedules annexed to the principal regulations.

12. Immediately after the Third Schedule annexed to the principal regulations, there shall be added the following new Fourth and Fifth Schedules:

"FOURTH SCHEDULE

Issue of VHF Short Range Certificate (SRC)

1. A person shall only qualify for a VHF (SRC) if such person:

(a) is at least sixteen years of age; and

(b) demonstrates in an approved manner knowledge and understanding of and proficiency in the material specified in the syllabus annexed to the latest version of CEPT/ECC Recommendation 31-04 on the harmonised CEPT examination procedures for the short range certificate for non-SOLAS vessels.

2. The provisions of the First Schedule relating to the certification and examination shall apply *mutatis mutandis* to this Schedule.

3. The Registrar-General may recognize a VHF (SRC) if satisfied that the requirements for the issue of such certificate are

equivalent to the provisions of paragraph 1 above and the system of record keeping maintained by the issuing authority of the certificate is, in the opinion of the Registrar-General, equally efficient to the system of record keeping maintained in terms of the provisions of regulation 10 (6).

FIFTH SCHEDULE

Declaration of secrecy of correspondence

(Paragraph 1.13 of the First Schedule)

I, _____ do solemnly and sincerely declare that I will:

(a) only intercept or receive, however so described, radiocommunications which are either intended for the general use of the public or directed to the vessel on which the radiocommunications apparatus operated by me is installed; and

(b) not divulge the contents, simple disclosure of the existence or publication, however so described, without authorization of received or intercepted communications by means of the use of radiocommunications apparatus referred to in (a) above.

Date _____

Signature of Declarant _____".
