



Tuvalu

**MERCHANT SHIPPING (STCW
CONVENTION) REGULATIONS 1998**

LN 3/98



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MERCHANT SHIPPING ACT (CAP 64A)

Commencement [1st August 1998]

IN EXERCISE of the powers conferred by sections 48, 68(5), 75, 76(1), 80(5), 81, 95(c), 111(2), 120(b) and 141(1) and (4) of the Merchant Shipping Act 1987 as amended by the Merchant Shipping (Amendment) Act 1991, the Minister makes the following regulations —

PART I - PRELIMINARY

1 Citation and commencement

- (1) These regulations may be cited as the Merchant Shipping (STCW Convention) Regulations 1998.
- (2) These regulations shall come into operation on a date to be appointed by the Minister by notice.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires —
“**the Act**” means the Merchant Shipping Act 1987;
“**certificate of competency**” means —

- (a) a certificate of competency issued to a person under section 76 of the Act and in accordance with Part VI of these Regulations;
- (b) a certificate of competency revalidated under regulation 26; or
- (c) an equivalent certificate issued to a seafarer by the maritime administration of another Party and recognised by the Minister under regulation 25(1)(a);

“**Code**” means the Seafarers’ Training Certification and Watchkeeping Code (STCW Code) attached to the Final Act of the 1995 STCW Conference as Resolution 2;

“**Convention**” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended by the STCW Conference in 1995, and includes any other amendments to that Convention that are accepted by or binding on Tuvalu;

“**dispensation**” means a dispensation from a requirement of these Regulations or of the Convention, STCW Regulations or Code granted either generally or in a particular case by the Minister under Regulation 46;

“**duly certificated**” in relation to a seafarer means a seafarer who holds —

- (a) a valid certificate of competency showing that the holder is qualified to serve in the relevant capacity on a ship of the relevant class, type, tonnage, power and means of propulsion and on the kind of voyage concerned and to perform the functions involved at the relevant level of responsibility; and
- (b) a valid certificate of medical fitness for seagoing service;

“**endorsement**” means an endorsement to a certificate of competency made by the Minister under regulation 25 or made by the maritime administration of another Party;

“**grade**” in relation to a seafarer means the class of certificate of competency held by the seafarer;

“**Government**” means the Government of Tuvalu;

“**Harbour Master**” means the person appointed to that office under section 5 of the Harbours Act;

“**IMO**” means the International Maritime Organisation;

“**Minister**” means the Minister of Government responsible for maritime affairs;

“**owner**” in relation to a ship has its natural meaning, except that where the ship is operated by a person other than the owner, the term “**owner**” shall be read as including that person;

“**Party**” means a Party to the Convention;

“**recognised**” in relation to a certificate of competency issued by the maritime administration of another Party means recognised by the Minister as valid evidence of competence for the purpose of service on a Tuvaluan ship;

“**Register of Seamen**” means the register kept under section 111 of the Act;

“**Registrar of Seamen**” means the person appointed as such under section 110 (1) of the Act;

“**seafarer**” means a person who is employed, or who seeks employment, as a master, officer or rating on board a ship;

“**seagoing service**” means service on board a ship relevant to the issue of a certificate or other qualification;

“**seagoing ship**” means a ship other than employed exclusively in navigation on lagoons or inland waters;

“**ship**” means a ship to which these Regulations apply;

“**STCW Conference**” means the IMO Conference convened in 1995 to amend the 1978 Convention;

“**STCW Regulations**” means the regulations contained in the Annex to the Convention;

“**Tuvaluan seafarer**” means a seafarer who is a citizen of Tuvalu;

“**Tuvaluan ship**” means a ship registered in Tuvalu under the Act;

- (2) Where a term is used in these Regulations which is defined in Article II of the Convention or in Regulation III of the STCW Regulations, the term shall have the same meaning as in the Convention or Regulations, unless a different meaning is given to that term by these Regulations or by necessary implication.

3 Application

- (1) These Regulations apply to the following ships —
- (a) Tuvaluan seagoing ships; and
 - (b) seagoing ships in Tuvalu waters.
- (2) These Regulations apply to the following persons —

- (a) Tuvaluan seafarers;
 - (b) employers of Tuvalu seafarers;
 - (c) owners and masters of ships referred to in sub-regulation 0); and (d) seafarers employed on ships referred to in sub-regulation (1)
- (3) These Regulations bind the Government unless otherwise stated.

4 Delegation of Powers

The functions of the Minister may be performed by any public officer designated in writing by the Minister to perform those functions either generally or in a particular case.

PART II - CONTROL

5 STCW Convention, Regulations and Code to have the force of law

- (1) These Regulations implement the STCW Convention which has been given the force of law in Tuvalu by declaration in the Gazette under section 47(2) of the Act.
- (2) STCW Regulations and Code shall be incorporated into and shall have the force of law in Tuvalu to the extent practicable, and to the extent that they are consistent with these Regulations, the Act, and other written laws of Tuvalu.
- (3) All ships to which these Regulations apply shall carry a copy of the Convention and Code (IMO Publication IMO-938E).

6 Control procedures

- (1) The Harbour Master or any person designated as an inspector or authorised person under section 140 of the Act may board any ship to which these regulations apply and exercise in respect of it the control procedures described in Article X of the Convention and STCW Regulation 114.
- (2) The powers conferred by sub-regulation (1) are in addition to the powers conferred on the Harbour Master, an inspector or an authorised officer by section 138 of the Act.

7 Registration of seafarers and certificates

- (1) The Registrar of Seamen shall include in the Register of Seamen particulars of —
 - (a) all certificates of competency issued under these Regulations;
 - (b) all endorsements to certificates of competency made under these Regulations;
 - (c) all certificates of competency or endorsements which have been suspended or cancelled under these Regulations;
 - (d) all certificates of competency issued by another country which have been recognised under these Regulations as valid for Tuvaluan ships;
 - (e) all exemptions or dispensations granted under these Regulations;
 - (f) all certificates of competency held by Tuvaluan seafarers which have been revalidated;
 - (g) all certificates of competency issued to Tuvaluan seafarers which have been lost or have expired; and
 - (h) all medical certificates issued to Tuvaluan seafarers under Part V of these Regulations.
- (2) The Registrar of Seamen shall make information from the Register of Seamen available upon request to the maritime administration of any Party, to any owner and to the Secretary-General of the IMO.

8 Offences and penalties

A person who —

- (a) does anything prohibited by these Regulations or by the Convention, the STCW Regulations or the Code; or
- (b) omits to do anything required by these Regulations or by the Convention, the STCW Regulations or the Code,

commits an offence and, if no other penalty is specified in these Regulations, is liable to a fine of \$2,000 and to imprisonment for 12 months.

PART III - RESPONSIBILITIES OF OWNERS AND OTHERS

9 Responsibilities of owners

- (1) The owner of a ship to which these Regulations apply shall assign seafarers for service on the ship in accordance with the Convention.
- (2) The owner of a ship to which these Regulations apply shall provide written instructions to the master setting out the policies and procedures to be followed to ensure that every seafarer employed on the ship is given, before being employed on any duties, a reasonable opportunity to become familiar with —
 - (a) the ship's equipment and operating procedures; and
 - (b) any other arrangements needed for the proper performance of his duties before being assigned to those duties.
- (3) The policies and procedures referred to in sub-regulation (2) shall include —
 - (a) allocation of a reasonable period of time during which every seafarer will have an opportunity to become familiar with —
 - (i) the particular equipment he will be operating;
 - (ii) ship-specific procedures relating to watchkeeping, safety, environmental protection and emergencies and arrangements he needs to know to perform the assigned duties properly; and
 - (b) designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided for each seafarer to receive essential information in a language he understands.
- (4) The owner of a ship to which these Regulations apply shall provide ships specific introductory programmes aimed at assisting newly employed seafarers to familiarize themselves with all procedures and equipment relating to their areas of responsibility.

10 Responsibilities of owners and masters

- (1) Both the owner and the master of a ship to which these Regulations apply shall ensure so far as practicable that —
 - (a) every seafarer employed on the ship is duly certificated;

- (b) the ship is manned in accordance with the applicable safe manning requirements prescribed in Part IV of these Regulations;
 - (c) documentation and data relevant to all seafarers employed on the ship are maintained and readily accessible and include, without being limited to, documentation and data on the experience, training, medical fitness and competence in assigned duties of such seafarers;
 - (d) every seafarer employed on the ship is made familiar with his particular duties and with the ship's arrangements, installations, equipment, procedures and characteristics relevant to his routine or emergency duties;
 - (e) the ship's crew can effectively co-ordinate their activities in an emergency situation and can perform all the functions needed for safety and for the prevention or mitigation of pollution; and
 - (f) seafarers are free from fatigue, that rest periods are observed and that watch schedules are posted in accordance with the Watchkeeping arrangements in accordance with Part VIII of these Regulations and that these schedules are readily available for inspection by Port State Control officers and seafarers.
- (2) Both the owner and the master of a ship to which these Regulations apply shall ensure so far as practicable that every seafarer employed on the ship can make a knowledgeable and informed contribution to the safe operation of the ship.

11 Responsibilities of master

- (1) The master of a ship to which these Regulations apply shall take all steps necessary to implement any instructions issued by the owner in accordance with regulation 9(2)
- (2) The steps required under sub-regulation (1) include but are not limited to —
 - (a) identifying every seafarer who is newly employed on board that ship before any duties are assigned to him;
 - (b) providing an opportunity for such a seafarer to —
 - (i) visit the spaces in which his primary duties will be performed;
 - (ii) become acquainted with the location, controls and display features of equipment he will be operating or using;
 - (iii) activate the equipment when possible and perform functions using the controls on the equipment; and

- (iv) observe and ask questions of someone who is already familiar with the equipment, procedures and other arrangements, and who can communicate information in a language which the seafarer understands; and
- (c) providing for a suitable period of supervision if there is any doubt that a newly employed seafarer is familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties.

12 Responsibilities of seafarers

- (1) A seafarer assigned to a ship to which these Regulations apply must take full advantage of every opportunity provided to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties.
- (2) Immediately upon arriving on board a ship for the first time, a seafarer must become acquainted with the ship's working environment, particularly with respect to new or unfamiliar equipment, procedures or arrangements.
- (3) A seafarer who does not promptly obtain the level of familiarity required for performing his duties must bring this fact to the attention of his supervisor.
- (4) In this regulation, "seafarer" includes the master of a ship.
- (5) This regulation does not affect the provisions as to discipline on board ships contained in Division 7 of Part V of the Act.

13 Offences and penalties

- (1) An owner who contravenes regulation 9 or 10 commits an offence and is liable to a fine of \$2,000 and to imprisonment for 12 months.
- (2) A master who contravenes regulation 10, 11 or 12 commits an offence and is liable to a fine of \$2,000 and to imprisonment for 6 months.
- (3) A seafarer other than a master who contravenes regulation 12 commits an offence and is liable to a fine of \$1,000 and to imprisonment for 1 month.

PART IV - MANNING

14 Manning

- (1) The number and grades of seafarers required for the safe manning of each class of Tuvaluan ship shall be in accordance with Part A of Schedule 1 to these Regulations.
- (2) The minimum number of Tuvaluan seafarers to be employed on each class of Tuvaluan ship shall be as prescribed by the Minister by Order published in the Gazette.
- (3) The number and grades of seafarers required for the safe manning of Tuvaluan ships laid up and securely moored shall be as determined by the Minister.
- (4) The Minister shall, in respect of a Tuvaluan ship which is manned in accordance with these Regulations, issue a certificate in the form set out in Part C of Schedule 1 to these Regulations.

15 Offences and penalties

- (1) An owner of a Tuvaluan ship who engages, or causes or permits to be engaged as a seafarer a person who is not duly certificated commits an offence and is liable to a fine of \$2,000 and to imprisonment for 12 months.
- (2) An owner of a Tuvaluan ship who causes the ship to go to sea when it is not safely manned in accordance with this Part commits an offence and is liable on conviction to a fine of \$2,000 and to imprisonment for 12 months.
- (3) An owner of a Tuvaluan ship who causes or permits the ship to go to sea without the prescribed number of Tuvaluan seafarers commits an offence and is liable on conviction to a fine of \$2,000 and to imprisonment for 12 months.
- (4) A master of a Tuvaluan ship who engages as a seafarer a person who is not duly certificated commits an offence and is liable to a fine of \$2,000 and to imprisonment for 6 months.
- (5) A master of a Tuvaluan ship who takes the ship to sea when it is not safely manned in accordance with this Part commits an offence and is liable to a fine of \$2,000 and to imprisonment for 12 months.

- (6) A master of a Tuvaluan ship who takes the ship to sea without the prescribed number of Tuvaluan seafarers commits an offence and is liable to a fine of \$2,000 and to imprisonment for 6 months.
- (7) Where these Regulations require a function or service on a ship to be performed by a duly certificated person, a master who requires or permits that function or service to be performed by a person who is not duly certificated commits an offence and is liable to a fine of \$2,000 and to imprisonment for 6 months.

PART V - MEDICAL STANDARDS

16 Medical practitioners

- (1) A medical examination for the purpose of these Regulations may only be conducted by —
 - (a) a person registered as a medical practitioner under the Medical and Dental Practitioners Act (Cap.30); or
 - (b) a person recognized by the Minister responsible for health matters as a medical practitioner for the purpose of conducting medical examinations for seafarers
- (2) A list of medical practitioners registered or recognized as mentioned in sub-regulation (1) shall be maintained by the Registrar of Seamen and made available upon request to the maritime administration of any other Party and to any owner.

17 Medical examination

- (1) A Tuvaluan seafarer who wishes to be employed in seagoing service shall at least once every 2 years, or as nearly as his seagoing service allows, submit himself for medical examination to a medical practitioner registered or recognised as mentioned in regulation 16 (1).
- (2) If after conducting a medical examination of a seafarer under sub-regulation (1) the medical practitioner is satisfied that the seafarer is medically fit for seagoing service, in accordance with the requirements of Schedule 2 to these Regulations, he shall issue to the seafarer a certificate of medical fitness for seagoing service.
- (3) A seafarer who undergoes a medical examination shall declare to the medical practitioner conducting the examination any existing medical pre-

condition or illness that might be relevant to the question of whether the seafarer is medically fit for seagoing service on board a ship.

- (4) A seafarer who obtains a certificate of medical fitness for seagoing service under this regulation shall provide a copy of the certificate, or all relevant particulars, to the Registrar of Seamen for inclusion in the Register of Seamen in accordance with regulation 7(1) (h).

18 Medical standards

- (1) The standards of medical fitness for seafarers shall be as set out in Schedule 2 to these Regulations.
- (2) The eyes of seafarers should be free of disease; any permanent or progressive debilitating pathology of the eyes without the prospect of recovery shall result in a determination of unfitness for seagoing service.
- (3) A seafarer who requires to use spectacles or contact lenses to perform shipboard duties should have a spare pair conveniently available on board ship.
- (4) If the holder of a certificate of competency needs to wear spectacles or contact lenses in order to meet the required medical standards, the fact shall be recorded on the certificate.

19 Medical certificate

- (1) A certificate of medical fitness for service issued to a seafarer under this Part shall be in a form approved by the Minister and shall be valid for 2 years, or to the next break in seagoing service after 2 years.
- (2) The fee for a medical examination and for the issue of a certificate under this Part shall be as prescribed in Schedule 5 to these Regulations.

20 Offences and penalties

- (1) A seafarer who contravenes regulation 17(3) commits an offence and is liable to a fine of \$2,000 and to imprisonment for 2 months.
- (2) A seafarer who alters a medical certificate or produces a false medical certificate when applying for certification under Part VI of these Regulations commits an offence and is liable to a fine of \$2,000 and to imprisonment for 4 months.

PART VI - TRAINING AND CERTIFICATION OF SEAFARERS

21 Training and assessment

- (1) The training and assessment of competence of seafarers shall be administered, supervised and monitored in accordance with section A-I/6 of the Code.
- (2) Every person responsible for training and assessing the competence of seafarers shall be appropriately qualified in accordance with section A-I/6 of the Code for the type and level of training or assessment involved.
- (3) Every training programme provided for seafarers shall be as specified in Schedule 3 to these Regulations and shall be conducted in accordance with relevant provisions of the Convention and the STCW Regulations and with the standards specified in the relevant sections of the Code.
- (4) The assessment of competence of seafarers shall be in accordance with the relevant provisions of the Convention and the STCW Regulations and with the standards specified in the relevant sections of the Code.
- (5) The curricula developed for training programmes for seafarers shall be based on the relevant IMO Model courses and shall incorporate the relevant requirements of the Code.
- (6) The training and assessment of competence of seafarers shall be carried out in the English language.

22 Tuvalu Maritime School

- (1) The Tuvalu Maritime School is hereby designated as the institution for the training and assessment of competence of seafarers in Tuvalu.
- (2) The Tuvalu Maritime School shall issue a certificate to any person who successfully completes a course of training at the school.
- (3) The Tuvalu Maritime School may issue a certificate to a seafarer with the relevant experience and proven competence as assessed by the Tuvalu Maritime School.
- (4) A certificate issued by the Tuvalu Maritime School shall be accepted for the purposes of these Regulations as sufficient evidence of the person's competence in the departments or subjects mentioned in the certificate.

- (5) The Captain Superintendent or other person in charge of the Tuvalu Maritime School shall maintain a record of the assessment of all persons to whom the school issues a certificate.

23 Certificates of competency

- (1) The Minister shall —
 - (a) issue a certificate of competency of an appropriate class to any person who has achieved the necessary level of competence as a seafarer and who meets the other requirements specified in these Regulations; and
 - (b) make an appropriate endorsement to a certificate of competency held by a seafarer who shows that he is entitled to the endorsement.
- (2) The Minister may issue a replacement for a certificate of competency which has been lost or destroyed, and charge a fee for such replacement as prescribed in Schedule 5.
- (3) The Minister may take such other administrative action as is reasonably necessary for the proper administration of the training and certification of seafarers in accordance with the relevant provisions of the Convention and the STCW Regulations and the relevant requirements of the Code.
- (4) The classes of certificates of competency which may be issued to seafarers shall be as set out in Part A of Schedule 4 to these Regulations.
- (5) The requirements for the issue of each class of certificate shall be as set out in Part B of Schedule 4 to these Regulations.

24 Issue of certificates

- (1) A person who wishes to obtain a certificate of competency must produce to the Minister —
 - (a) written evidence of his identity and age;
 - (b) a certificate of medical fitness for seagoing service issued in accordance with Part V of these Regulations;
 - (c) evidence that he has completed the seagoing service any training or retraining required by these Regulations for the type of certificate applied for;
 - (d) evidence that he has attained the level of competence prescribed by these Regulations for the type of certificate applied for; and
 - (e) evidence of any other matter which the Minister may reasonably require in respect of the issue of a particular certificate.

- (2) The procedure and forms for applying for a certificate of competency shall be as specified from time to time by the Minister.
- (3) The fee for the issue of a certificate of competency shall be as prescribed in Schedule 5 to these Regulations.
- (4) A certificate issued under regulation 23 shall be in a form similar to that set out in Section A-1/2.1 of the Code, with appropriate modifications for the circumstances of Tuvalu, and shall be in English.

25 Endorsements

- (1) The Minister may endorse a certificate of competency with one or more of the following —
 - (a) if the certificate was issued by the maritime administration of another Party, a statement that the certificate is recognised as valid evidence of competency for purposes of seagoing service on a Tuvaluan ship;
 - (b) a statement of any additional qualifications obtained by the holder since the certificate was issued;
 - (c) an upgrading of the certificate;
 - (d) any special requirement resulting from a medical examination under Part V of these Regulations; and
 - (e) any other matter which the Minister sees fit to endorse or cause to be endorsed on the certificate.
- (2) If a certificate of competency is endorsed, the endorsement shall be in the English language in a format similar to that illustrated in the Code, and shall form part of the certificate.
- (3) No endorsement to a certificate of competency shall be made unless the Minister is satisfied that the relevant requirements of the Convention, the STCW Regulations and the Code have been complied with.
- (4) If a seafarer requests an endorsement attesting the recognition of a certificate of competency issued by the maritime administration of another Party, the Minister may make the endorsement if satisfied that the requirements of STCW Regulation I/10 and section A-I/10 of the Code have been complied with.
- (5) The holder of a certificate of competency who wishes to have it endorsed must produce to the Minister similar documentation in respect of the endorsement to that prescribed in regulation 24 in respect of a certificate of competency, together with the certificate to be endorsed.

- (6) The procedure and forms for applying for an endorsement of a certificate of competency shall be as specified from time to time by the Minister.
- (7) The fee for the endorsement of a certificate of competency shall be as prescribed in Schedule 5 to these regulations.
- (8) An endorsement issued under this regulation shall be in a form similar to that set out in Section A-I/2.3 of the Code, with appropriate modifications for the circumstances of Tuvalu, and shall be in English.

26 Revalidation

- (1) A certificate of competency issued under these Regulations shall be valid for 5 years, but may be revalidated by the Minister for successive periods of 5 years if the holder of the certificate still meets the requirements for issue of the original certificate of competency.
- (2) The holder of a certificate of competency who wishes to have it revalidated must produce to the Minister —
 - (a) a medical certificate showing that he still meets the standards of medical fitness prescribed in Part V of these Regulations;
 - (b) evidence as to his continued professional competence in accordance with Section A-I/11 of the Code, whether by performing sea service or equivalent functions, passing a test, completing a refresher course or otherwise; and
 - (c) evidence of any other matter which the Minister may reasonably require in respect of the revalidation of the certificate.
- (3) A seafarer seeking revalidation of a certificate of competency shall, in addition to the matters required by sub-regulation (2), produce to the Minister —
 - (a) evidence that he has during the previous 5 years satisfactorily completed a re-training course in emergency, occupational safety, medical care and survival functions; or
 - (b) other evidence as to his continued competence in those functions, in accordance with sections A-VI/1, VI/2, VI/3 and VI/4 of the Code.
- (4) The procedure and forms for applying for the revalidation of a certificate of competency shall be as specified from time to time by the Minister.
- (5) The fee for the revalidation of a certificate of competency shall be as prescribed in Schedule 5 to these Regulations.
- (6) A seafarer who —
 - (a) does not hold a certificate of competency; but

- (b) has a qualification in emergency, occupational safety, medical care and survival functions; and
- (c) wishes to continue to be employed in seagoing service on a ship to which these regulations apply,

shall at least once every 5 years produce to the Minister evidence as described in sub-regulation (3) above.

27 Suspension and cancellation

- (1) The Minister shall suspend or cancel a certificate of competency or an endorsement if so recommended by an inquiry or investigation under regulation 38 or 40.
- (2) The Minister may cancel a certificate of competency or an endorsement if satisfied that —
 - (a) it was obtained by a false statement or by the production of a false document; or
 - (b) the requirements for holding the certificate or endorsement no longer exist.
- (3) The Minister may suspend a certificate of competency or an endorsement pending enquiries as to whether it should be cancelled under sub-regulation (1).

28 Transitional

- (1) The transitional provisions in respect of training and certification of seafarers shall be in accordance with Article VII of the Convention and STCW Regulation I/ 15.
- (2) A seafarer who holds a certificate of competency issued in accordance with the provisions of the Convention which applied prior to 1 February 1997 shall, for service after 1 February 2002, be required by the Minister to undergo appropriate further training or assessment in order to meet, or to demonstrate that he meets, the appropriate standard of competence for the certificate as specified in Part A of the Code.

29 Offences and penalties

- (1) A person who makes a false declaration in order to obtain a certificate of competency or an endorsement commits an offence and is liable to a fine of \$2,000 and to imprisonment for 1 month.

- (2) A person who obtains or uses forged documents or obtains documents by fraud for the purpose of obtaining a certificate of competency or an endorsement commits an offence and is liable to a fine of \$2,000 and to imprisonment for 2 months.
- (3) A person who issues a false document or forges a document to facilitate the issue of a certificate of competency or the making of an endorsement commits an offence and is liable to a fine of \$2,000 or to imprisonment for 6 months.

PART VII - QUALITY STANDARDS

30 Quality standards

- (1) The Minister shall establish quality standards for the training, assessment of competence and certification of seafarers in Tuvalu.
- (2) Quality standards established under sub-regulation (1) shall —
 - (a) be in accordance with the requirements of Section A-I/8 and the guidelines set out in Section B-I/8 of the Code;
 - (b) define appropriate education and training objectives and related standards of competence;
 - (c) identify the levels of understanding and the skills appropriate to the examinations and assessments required by the Convention; and
 - (d) cover the administration of the certification system.

31 Evaluation

- (1) At least once in every 5 years, the Minister shall appoint a suitably qualified person to conduct an independent evaluation of the quality standards established under regulation 30.
- (2) The purpose of an evaluation conducted under sub-regulation (1) shall be to verify that internal management control and monitoring measures and follow-up actions comply with planned arrangements and documented procedures and are effective in ensuring achievement of the objectives defined in the quality standards.
- (3) A person appointed to make an evaluation under sub-regulation (1) shall submit a report on the evaluation to the Minister as soon as practicable after it has been completed, including a report on action which should be taken to remedy any deficiencies revealed by the evaluation.

- (4) The Minister shall ensure that —
 - (a) the results of an evaluation conducted under this regulation are documented and brought to the attention of those responsible for the matter evaluated; and
 - (b) timely action is taken to correct any deficiencies revealed by the evaluation.

32 Reporting

The Minister shall ensure that information relating to every evaluation conducted under this Part is communicated to the Secretary-General of the IMO.

PART VIII - WATCHKEEPING

33 Watchkeeping arrangements

- (1) The owner, master, and chief engineer officer of a ship to which these Regulations apply, and every person with watchkeeping duties on the ship, shall observe the requirements, principles and guidelines in respect of watchkeeping set out in the Code in order to ensure that a safe watch is maintained on board the ship at all times.
- (2) The master of a ship to which these Regulations apply shall ensure that the watchkeeping arrangements on board the ship are adequate to maintain a safe watch while the ship is at sea, taking into account the following principles —
 - (a) the officer in charge of a navigational watch is responsible for the safe navigation of the ship and must be physically present on the bridge or at an associated location during his period of duty;
 - (b) the radio operator is responsible for maintaining a continuous radio watch on appropriate frequencies during his period of duty; and
 - (c) the officer in charge of an engineering watch must be immediately available and must be physically present in the machinery spaces when required.
- (3) In addition to the requirements of sub-regulation (2), appropriate and effective watches shall be maintained on board a ship to which these Regulations apply for the purpose of safety at all times —
 - (a) while the ship is at anchor or moored; and
 - (b) while the ship is carrying hazardous cargo.

- (4) The watchkeeping arrangements and principles to be observed on a ship to which these Regulations apply shall be those contained in Section A-VIII/2 of the Code, and due regard shall be had to the guidance contained in Section B- VIII/2 of the Code.

34 Fitness for duty

- (1) The system of watches on board a ship to which these Regulations apply shall be so arranged that —
 - (a) the efficiency of every person with watchkeeping duties is not impaired by fatigue; and
 - (b) the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.
- (2) Without affecting the general requirement of sub-regulation (1), —
 - (a) all persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be allowed a minimum of 10 hours rest in any 24-hour period;
 - (b) the hours of rest may be divided into not more than two periods, one of which must be at least 6 hours in length;
 - (c) the requirements for rest periods specified in paragraphs (a) and (b) do not apply in the case of an emergency or drill, or if other overriding operational conditions prevail;
 - (d) the minimum period of 10 hours specified in paragraph (a) may be reduced to not less than 6 consecutive hours, if the reduction does not extend beyond 2 days and not less than 70 hours of rest are provided in each 7 day period; and
 - (e) watch schedules shall be posted on board ship in places where they are easily accessible.

35 Offences and penalties

- (1) An owner of a ship to which these Regulations apply who causes or permits the ship to operate in breach of the requirements of this Part commits an offence and is liable to a fine of \$2,000 and to imprisonment for 12 months.
- (2) A master or chief engineer officer of a ship to which these Regulations apply, and any person with watchkeeping duties on board the ship, who fails to observe any requirement of this Part commits an offence and is liable to a fine of \$2,000 and to imprisonment for 6 months.

- (3) This Part does not affect the provisions as to discipline on board ships contained in Division 7 of Part V to the Act.

PART IX - MARINE INQUIRIES AND INVESTIGATIONS

36 Power to hold investigation

- (1) If the Minister receives a written report from any person of any incompetence, act or omission that may pose a direct threat to safety of life or property at sea or to the marine environment —
- (a) by the holder of a certificate of competency issued or endorsed under these Regulations; or
 - (b) by any seafarer on board a Tuvaluan ship,
- the Minister may appoint a suitably qualified person to carry out an impartial investigation.
- (2) Sections 79 and 80 of the Act shall so far as practicable apply to an investigation held under sub-regulation (1) as if it were an inquiry under section 79 of the Act.
- (3) The provisions of this Part shall apply so far as practicable, and unless they are inconsistent with any provision of the Act, to a Marine Inquiry held under section 66 of the Act and to an inquiry held under section 79 (1) of the Act.

37 Procedure at inquiries and investigations

- (1) A person conducting an inquiry or investigation may —
- (a) if he thinks it appropriate, co-opt expert advisers to assist in the inquiry or investigation; and
 - (b) conduct the inquiry or investigation in such a manner as he considers appropriate in the circumstances.
- (2) Where it is likely during the course of an inquiry or investigation that the conduct of a person will be called into question or that a person will be adversely affected by a decision of the inquiry or investigation, the person conducting the inquiry or investigation shall —
- (a) give the person at least 72 hours notice of the place, date and time of the inquiry or investigation; and

- (b) furnish the person with a copy of the report of any preliminary investigation in relation thereto or with a statement of the case on which the inquiry or investigation was ordered, as appropriate.
- (3) A person whose conduct is likely to be questioned during the course of an inquiry or investigation, or who is likely to be adversely affected by the decision of the inquiry or investigation is entitled to —
 - (a) attend the inquiry or investigation personally and be represented by counsel;
 - (b) be sworn and give evidence before the inquiry or investigation;
 - (c) subpoena and call witnesses;
 - (d) examine, cross-examine and re-examine witnesses in accordance with the rules of procedure and evidence normally applicable to inquiries;
 - (e) take all proper exceptions to the admissibility of evidence; and
 - (f) address the inquiry or investigation, either at the conclusion or at any other proper time.
- (4) A member of a Board of Marine Inquiry or any assessor or other person assisting an inquiry or an investigation may dissent in writing from any report of the Board or of the person conducting the inquiry or investigation, and any order made shall be that of the majority.
- (5) The person conducting an inquiry or investigation may order any person who has appeared at the inquiry or investigation to pay the whole or any part of the costs of the inquiry or investigation.

38 Suspension of certificate pending inquiry

- (1) If it appears to the Minister to be necessary or desirable to do so, he may order the suspension of any certificate of competency issued or endorsement made under these Regulations, pending the outcome of an inquiry or investigation.
- (2) Where as the result of an inquiry or investigation it is determined that a seafarer whose certificate of competency or endorsement has been suspended under sub-regulation (1) —
 - (a) was not unfit to discharge his duties because of incompetence, misconduct or for any other reason; or
 - (b) has not been seriously negligent in the discharge of his duties,the person conducting the inquiry or investigation shall recommend to the Minister that the suspension of the certificate or endorsement be revoked and the certificate or endorsement shall be restored forthwith.

39 Assessors

- (1) Section 80 of the Act, which relates to the appointment of assessors to an inquiry held under section 79, shall apply to an investigation held under this Part as if it were an inquiry.
- (2) Assessors appointed to an inquiry or investigation should hold appropriate maritime qualifications and have the necessary experience to provide sound professional advice.
- (3) When an inquiry or investigation is likely to be —
 - (a) of significant magnitude, involving serious damage to or loss of a vessel, or serious injury to or loss of life of a person, or serious damage to the environment; or
 - (b) of significant complexity, involving several issues,two or more assessors may be appointed to assist the inquiry or investigation.

40 Appeals

- (1) A person conducting an inquiry or investigation shall not recommend the cancellation or suspension of a certificate of competency of a seafarer or of an endorsement unless a statement of the reasons for the decision has been furnished to the seafarer and, where practicable, the seafarer has had an opportunity to be heard.
- (2) Section 72 of the Act, which relates to appeals from decisions of Marine Inquiries, shall apply to inquiries held under section 79 of the Act and to investigations held under this Part as if they were Marine Inquiries.

41 Offences and penalties

A person who —

- (a) hinders or obstructs the person conducting an inquiry or investigation;
- (b) fails to answer any question properly put by any person in the course of an inquiry or investigation;
- (c) fails to produce any document or certificate in his possession or under his control when properly requested to do so by the person conducting an inquiry or investigation,

commits an offence and is liable to a fine of \$2,000 and to imprisonment for 12 months.

42 Immunities

A person conducting an inquiry or investigation shall not be liable to any action or suit for any act, matter or thing done, or ordered to be done, by him in good faith in the execution of his duties.

PART X - MARINE RADIO

43 Qualifications of radio personnel

- (1) Every person in charge of, or required to perform, radio duties on a ship to which these Regulations apply and which operates with a GMDSS system, shall hold —
 - (a) on a ship with a Cargo Ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operation in Area A1 only, at least a GMDSS restricted operator's certificate issued in accordance with section III A (D) of Article 55 of the Radio Regulations and with STCW Regulation IV/2; and
 - (b) on a ship with a Cargo Ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operation in areas not limited to Area A1, at least a GMDSS general operator's certificate issued in accordance with Section rA (C) of Article 55 of the Radio Regulations and with STCW Regulation IV/2.
- (2) A ship of 300 gross tons or more to which these Regulations apply and which operates with a GMDSS radio system in areas A2, A3 or A4 shall have on board either —
 - (a) one first- or second-class radio electronics officer, who is not the master; or
 - (b) two general radio operators, qualified as required by sub-regulation (1), one of whom may be the master.
- (3) Every person in charge of, or required to perform, radio duties on a ship to which these Regulations apply, but which is not required to comply with the GMDSS provisions in Chapter IV of the SOLAS Convention, shall hold an appropriate certificate as required by the Radio Regulations.
- (4) The Minister may vary the requirements of this regulation as regards the number of radio personnel to be carried on a ship, but not in a manner inconsistent with the Radio Regulations or the relevant STCW Regulations.

44 Offences and penalties

- (1) An owner of a ship to which these Regulations apply who causes or permits the ship to go to sea when there is not on board a person qualified as required by regulation 43 commits an offence and is liable to a fine of \$2,000 and to imprisonment for 12 months.
- (2) A master of a ship to which these Regulations apply who takes the ship to sea when there is not on board a person qualified as required by regulation 43 commits an offence and is liable to a fine of \$2,000 and to imprisonment for 6 months.
- (3) Until 1st February 1999, it shall be sufficient compliance with the requirements of this Part to show that radio personnel on a ship to which these Regulations apply comply with the provisions of the SOLAS Convention in force immediately prior to 1st December 1992.

45 Definitions

In this Part —

“**Area A**” and similar areas refer to Sea Areas as defined by the IMO;

“**GMDSS**” means the Global Maritime Distress and Safety System established under the SOLAS Convention;

“**Radio Regulations**” means the regulations of that name annexed to the most recent International Telecommunication Convention;

“**SOLAS**” means the International Convention for the Safety of Life at Sea, 1974.

PART XI - MISCELLANEOUS

46 Exemptions and dispensations

- (1) If an owner, master or seafarer so requests in writing, the Minister may grant a written exemption or dispensation in respect of any matter covered by a certificate of competency issued under these Regulations.
- (2) The Minister may attach conditions to the grant of an exemption or dispensation.
- (3) The Minister may not grant an exemption or dispensation in respect of any matter except in accordance with Article VIII of the Convention or paragraph 5 of STCW Regulation I/I0.

- (4) It shall be a defence to a charge under these Regulations that an exemption or dispensation has been lawfully granted in respect of any relevant matter and that any condition attached to the grant of such exemption or dispensation has been complied with.

SCHEDULE 1

(Regulations 14(1) and (4))

SAFE MANNING

PART A

MANNING REQUIREMENTS FOR TUALUAN SHIPS

1. Commercial Vessels- Master and deck department

UNLIMITED VOYAGES

Minimum Grades of Competency Required

Ships - Gross Tonnage (Length)	Master	Chief Mate as required	W/Keeper as required	Additional W/Keeper as required	W/Keeper Ratings as required
3,000 GT and over	Class 1 Master Reg. II/2.2	Class 2 Master Reg. II/2.2	Class 1 W/Keeper Reg. II/1.2	Class 1 W/Keeper Reg. II/1.2	Class 1 Rating Reg. II/4
3,000 GT to 500 GT	Class 2 Master Reg. II/2.4	Class 2 Master Reg. II/2.4	Class 1 W/Keeper Reg. II/1.2	Class 1 W/Keeper Reg. II/1.2	Class 1 Rating Reg. II/4
500 GT to 80 GT	Class 2 Master Reg. II/3.2	Class 1 W/Keeper Reg. II/3.1	Class 1 W/Keeper Reg. II/3.1		Watch Rating Reg. II/4
80 GT to 20 GT	Class 2 Master Reg. II/3.2	Class 1 W/Keeper Reg. II/3.1			Watch Rating Reg. II/4
< 20 GT	Class 2 Master Reg. II/3.2	Class 1 W/Keeper Reg. II/3.1			

NEAR-COASTAL VOYAGES

Minimum Grades of Competency Required

Ships - Gross Tonnage (Length)	Master	Chief Mate as required	W/Keeper as required	Additional W/Keeper as required	W/Keeper Ratings as required
>3,000 GT	Class 1 Master Restricted Reg. II/2.2	Class 2 Master Restricted Reg. II/2.2	Class 1 W/Keeper Reg. II/1.2	Class 1 W/Keeper Reg. II/1.2	Class 1 Rating Reg. II/4
3,000 GT to 1600 GT	Class 2 Master Restricted Reg. II/2.4	Class 2 Master Restricted Reg. II/2.4	Class 1 W/Keeper Reg. II/1.2	Class 1 W/Keeper Reg. II/1.2	Class 1 Rating Reg. II/4
1600 GT to 500 GT	Class 3 Master Reg. II/3.6 & 3.7	Class 4 Master Reg. II/3.6 & 3.7	Class 5 Master Reg. II/3.6 & 3.7		Class 1 Rating Reg. II/4
500 GT to 80 GT	Class 4 Master Reg. II/3.6	Class 5 Master Reg. II/3.6	Class 5 Master Reg. II/3.6		Watch Rating Reg. II/4
80 GT to 20 GT	Class 5 Master Reg. II/3.6	Class 5 Master Reg. II/3.6			Watch Rating Reg. II/4
< 20 GT	Class 6 Master/Eng.				Watch Rating Reg. II/4

2. Fishing Vessels - Master and deck department

UNLIMITED VOYAGES

Minimum Grades of Competency Required

Ships - Gross Tonnage (Length)	Master	Chief Mate as required	W/Keeper as required	Additional W/Keeper as required	Fishing Deckhands as required
> 3,000 GT (> 95 M)	Class 1 (F) Master	Class 2 (F) Master	Class 1 (F) W/Keeper	Class 1 (F) W/Keeper	PIQFD
3,000 GT to 500 GT (60 - 95 M)	Class 2 (F) Master	Class 2 (F) Master	Class 1 (F) W/Keeper	Class 1 (F) W/Keeper	PIQFD
500 GT to 80 GT (25- 60 M)	Class 2 (F) Master	Class 1 (F) W/Keeper	Class 1 (F) W/Keeper		Safety Certificate
80 GT to 20 GT (15- 25 M)	Class 2 (F) Master	Class 1 (F) W/Keeper			Safety Certificate
< 20 GT (15 - 7 M)	Class 2 (F) Master	Class 1 (F) W/Keeper			Safety Certificate

NEAR-COASTAL VOYAGES

Minimum Grades of Competency Required

Ships - Gross Tonnage (Length)	Master	Chief Mate as required	W/Keeper as required	Additional W/Keeper as required	Fishing Deckhands as required
>3,000 GT (> 95 M)	Class 1 (F) Master Restricted	Class 2 (F) Master Restricted	Class 1 (F) W/Keeper	Class 1 (F) W/Keeper	PIQFD
3,000 GT to 1600 GT (75 - 95 M)	Class 2 (F) Master Restricted	Class 2 (F) Master Restricted	Class 1 (F) W/Keeper	Class 1 (F) W/Keeper	PIQFD
1600 GT to 500 GT (60 - 75 M)	Class 3 (F) Master	Class 4 (F) Master	Class 5 (F) Master		PIQFD
500 GT to 80 GT (25- 60 M)	Class 4 (F) Master	Class 5 (F) Master	Class 5 (F) Master		Safety Certificate
80 GT to 20 GT (15- 25 M)	Class 5 (F) Master	Class 5 (F) Master			Safety Certificate
< 20 GT (15 - 7 M)	Class 5/6 (F) Master/Eng.				Safety Certificate

SCHEDULE 1 CAP. 64A

3. Commercial and Fishing Vessels - Engine department

UNLIMITED VOYAGES

Minimum Grades of Competency Required

Engine Power	Chief Engineer	2nd Engineer as required	W/Keeper as required	Additional W/Keeper as required	W/Keeper Ratings as required
> 3,000 kW	Class 1 Eng. Reg. III/2.2	Class 2 Eng. Reg. III/2.2	Eng./W/Keeper Reg. III/1.2	Eng./W/Keeper Reg. III/1.2	Class 1 Rating Reg. III/4
3,000 kW to 750 kW	Class 2 Eng. Reg. III/3.2	Class 2 Eng. Reg. III/3.2	Eng./W/Keeper Reg. III/1.2	Eng./W/Keeper Reg. III/1.2	Class 1 Rating Reg. III/4
750 kW to 500 kW	Class 3 Eng.	Class 3 Eng.			Watch Rating Reg. III/4
500 kW to 250 kW	Class 4 Eng.	Class 4 Eng.			Watch Rating Reg. III/4
< 250 kW	Class 4 Eng.				Watch Rating Reg. III/4

NEAR-COASTAL VOYAGES

Minimum Grades of Competency Required

Engine Power	Chief Engineer	2nd Engineer as required	W/Keeper as required	Additional W/Keeper as required	W/Keeper Ratings as required
> 3,000 kW	Class 1 Eng. Restricted Reg. III/2.2	Class 2 Eng. Restricted Reg. III/2.2	Eng./W/Keeper Reg. III/1.2	Eng./W/Keeper Reg. III/1.2	Class 1 Rating Reg. III/4
3,000 kW to 750 kW	Class 2 Eng. Restricted Reg. III/3.2	Class 2 Eng. Restricted Reg. III/3.2			Class 1 Rating Reg. III/4
750 kW to 500 kW	Class 3 Eng.	Class 4 Eng.			Watch Rating Reg. III/4
500 kW to 250 kW	Class 4 Eng.	Class 5 Eng.			Watch Rating Reg. III/4
< 250 kW	Class 5/6 Eng.				Watch Rating Reg. III/4

PART B

DEFINITIONS

In this Schedule, in relation to a voyage, —

“**inshore**” means a voyage within 12 nautical miles of the coast of one of the islands of Tuvalu;

“**near coastal**” means —

- (a) a voyage within 200 nautical miles of the coast of one of the islands of Tuvalu;
- (b) a voyage between Tuvalu and Fiji by a ship owned and operated by the Government or a Government corporation.

“**unlimited**” means a voyage which extends beyond 200 nautical miles from the coast of one of the islands of Tuvalu.

PART C

FORM OF SAFE MANNING CERTIFICATE

GOVERNMENT OF TUVALU

SAFE MANNING CERTIFICATE

Ship's Name :

Call Sign :

Type :

Gross Registered Tonnage :

Port of Registry :

Area of Operation :

Main Propulsion (kW) :

Electric Plant :

Class :

Working Condition :

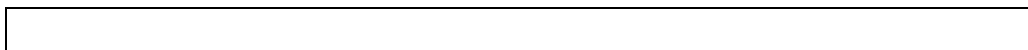
Safe manning for operation with manned/ periodically unmanned machinery spaces and for safety related duties in accordance with the Merchant Shipping Act Cap 64.

For Unlimited/Near Coastal Operations

Rating	Number
Master	:
Mate	:
Deck Watch keeper	:
Extra Watch keeper	:
Chief Engineer	:
Second Engineer	:
Engine Watch keeper	:
Extra Watch keeper	:
Deck Watch keeping Ratings	:
Engine Watch keeping Ratings	:

All members of the subordinate crew shall meet such other requirements regarding safety training and additional qualifications as may be in force from time to time.

Minister : **Date** :



SCHEDULE 2

(Regulation 18(1))

MEDICAL STANDARDS

The standards of medical fitness for seafarers as required by Regulation 1/9 of the Convention are set forth in this Schedule.

1. The Medical Practitioner conducting a medical examination under this Regulation shall ensure that the seafarer does not suffer from:
 - (a) an impairment that causes unpredictable loss of consciousness and that cannot be controlled through medication;
 - (b) a disorder that could prevent the seafarer from reacting efficiently while on watch, or in an emergency;
 - (c) a condition that is likely to require emergency medical care and that cannot be controlled through medication;
 - (d) high blood pressure, or high risk of stroke or heart attack;
 - (e) a condition that could endanger others, taking into account the confined living conditions on board ship, such as
 - (i) AIDS or other sexually transmitted disease;
 - (ii) a communicable disease that could affect other seafarers coming into close contact.
 - (f) alcohol or drug addiction that could impair ability to carry out duties as and when required; and
 - (g) an active psychiatric disorder.
2. The Medical Practitioner conducting a medical examination under this Regulation shall ensure that the seafarer has:
 - (a) adequate muscle strength to carry a mass of 22 kg;
 - (b) the physical capacity to wear breathing apparatus and life saving equipment; and
 - (c) adequate vision and hearing and the agility and strength to perform the duties of fire fighting, first aid treatment and ship abandonment in an emergency.

3. The Medical Practitioner conducting a medical examination under this Regulation shall ensure that a seafarer who performs the following duties meets the physical requirements set out in “Seagoing Occupations” of the *Physician’s Guide* published by the Secretariat of the Pacific Community;
 - (a) the duties of deck department personnel set out in clause 1.2;
 - (b) the duties of engineers set out in clause 1.3; or
 - (c) the duties of cooks or stewards set out in clause 1.4.
4. A medical examination conducted under this Regulation shall conform to the guidelines and time-period requirements of the *Physician’s Guide* published by the Secretariat of the Pacific Community.
5. Colour vision standards are those set out in *Physician’s Guide* Sections 3.1 and 3.2.
6. Subject to the provisions contained in the *Physician’s Guide*, every seafarer before going to sea shall be in good health and shall have:
 - (a) normal blood pressure, or be on maintenance medication to maintain the blood pressure not to exceed 140/90;
 - (b) vision of 6/6 or equivalent international vision criteria, correctable to 6/12 for deck applicants and 6/18 for engineer applicants;
 - (c) unaided average threshold of hearing of 70dB or less in each ear for deck applicants, or functional speech discrimination of at least 80% at 55dB binaural, and 40 dB or less for engineer applicants, or functional speech discrimination of at least 90% at 55dB binaural. Deck applicants may have aided average of 40dB or less or functional speech discrimination of 90% at 55dB binaural.
7. Waivers may be granted in exceptional conditions for applicants who do not meet these criteria.

SCHEDULE 3

(Regulation 21(3))

TRAINING PROGRAMMES

The training programmes provided for seafarers in Tuvalu shall include:

Subject	STCW Regulation	STCW Code
1. Pre-sea training for ratings in the deck, engine and catering departments.		
Personal Survival Techniques	Reg. VI/I	Section A- VI/I-1
Fire Prevention & Fire-fighting	Reg. VI/1	Section A-VI/I-2
Elementary First Aid for Seafarers	Reg. VI/I	Section A-VI/I-3
Personal Safety & Social Responsibility	Reg. VI/I	Section A- VI/I-4
Deck Watch Rating (Rating forming part of a Navigation Watch)	Reg. II/4	Section A-II/4
Engine Watch Rating (Rating forming part of an Engine Watch)	Reg. III/4	Section A-III/4
Chemical Tanker Familiarisation	Reg. VII	Section A-VII
Liquefied Gas Tanker Familiarisation	Reg. V/I	Section A-V/I
Oil Tanker Familiarisation	Reg. V/I	Section A-V/1
2. Training for experienced seafarers:		
Personal Survival Techniques	Reg. VI/1	Section A-VI/I-1
Proficiency in Survival Craft	Reg. VI/I	Section A- VI/2-I
Prevention & Control of Shipboard Fires	Reg. VI/I	Section A- VI/1-2
Elementary First Aid for Seafarers	Reg. VI/1	Section A- VI/1-3
Personal Safety & Social Responsibility	Reg. VI/1	Section A- VI/1-4
Deck Watch Rating (Rating forming part of a Navigation Watch)	Reg. II/4	Section A-II/4

Subject	STCW Regulation	STCW Code
Engine Watch Rating (Rating forming part of an Engine Watch)	Reg. III/4	Section A-III/4
Class 1 Rating! Able Seaman, (incorporating rating forming part of a Navigation Watch)	Reg. II/4	Section A-II/4
Class 1 Rating/Motorman, (incorporating rating forming part of an Engine Watch)	Reg. III/4	Section A-III/4
Qualified Steward		
Chemical Tanker Familiarisation	Reg. V/I	Section A-V /I
Liquified Gas Tanker Familiarisation	Reg. V/I	Section A-V/I
Oil Tanker Familiarisation	Reg. VII	Section A-V/I

SCHEDULE 4

(Regulation 23(4) & (5))

CERTIFICATES OF COMPETENCY

PART A

CLASSES OF CERTIFICATES

Master Class 1	Master Class 1 (F)	Engineer Class 1
Master Class 2	Master Class 2(F)	Engineer Class 2
Master Class 3	Master Class 3(F)	Engineer Class 3
Master Class 4	Master Class 4(F)	Engineer Class 4
Master Class 5	Master Class 5(F)	Engineer Class 5
Master/Engineer Class 6	Master/Engineer Class 6(F)	
Watch-keeper Class 1	Watch keeper Class 1 (F)	Engineer Watch keeper
Class 1 Rating/Able Seaman (AB)	Pacific Island Qualified Fishing Deckhand (P.I.Q.F.D.)	Class 1 Rating/Motorman
Deck Watch Rating		Engine Watch Rating

Safety

Personal Survival

Prevention & Control of Shipboard Fires

Personal Safety & Social Responsibility

Elementary First aid for Seafarers

Proficiency in Survival Craft

Chemical Tanker Familiarisation

Liquefied Gas Tanker Familiarisation

Oil Tanker Familiarisation

Qualified Steward

PART B

REQUIREMENTS FOR EACH CLASS OF CERTIFICATE

1. General

Candidates for certification shall comply with the requirements of Regulation 24(1) with regard to proof of identity, age, medical fitness, evidence of seagoing service, evidence of competence and any other matter so required.

2. Requirements for Minimum Age, Sea Service and Competence.

DECK CERTIFICATES, COMMERCIAL VESSELS

CLASS 1 MASTER	
Minimum Age:	Not prescribed.
Prerequisite Certificate:	Class 2 Master or Class 1 Watchkeeper.
<p>Required Sea Service:</p> <p>Either:</p> <ul style="list-style-type: none"> (a) 36 months as watchkeeping officer whilst holding a certificate not lower than Class 1 Watch keeper; or (b) 18 months whilst holding a certificate as Class 2 Master. <p>Not less than 12 months of seagoing service shall be performed on vessels in excess of 500 gross tonnage in unlimited voyages.</p> <p>For a restricted certificate seagoing service may be performed in near-coastal voyages.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-II/2 of the Code.</p>	

CLASS 2 MASTER	
Minimum Age:	Not prescribed.
Prerequisite Certificate:	Class 1 Watch keeper
<p>Required Sea Service:</p> <p>18 months as watchkeeping officer whilst holding a certificate not lower than Class 1 Watch keeper.</p> <p>Not less than 6 months of seagoing service shall be performed on vessels in excess of 500 gross tonnage in unlimited voyages.</p> <p>For a restricted certificate service can be performed in near coastal voyages.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A II/2 of the Code.</p>	

CLASS 1 WATCHKEEPER	
Minimum Age:	18 years
Prerequisite Certificate:	Not prescribed.
<p>Required Sea Service:</p> <p>Either:(a) 36 months approved seagoing service; or</p> <p>(b) Have approved seagoing service of not less than 18 months as part of an approved training programme, including on-board training, which meets the requirements of Section A-II/1 of the STCW Code and is documented in an approved training record book.</p> <p>During the approved seagoing service the candidate should have performed bridge watchkeeping duties under the supervision of a master or qualified officer for a period of not less than 6 months.</p> <p>In either case, (a) or (b), not less than 6 months of seagoing service shall be performed on vessels in excess of 500 gross tonnage in unlimited voyages. Class 3 Master may cross rate to Class 1 Watch keeper.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-WI of the Code.</p>	

CLASS 3 MASTER	
Minimum Age:	Not prescribed.
Prerequisite Certificate:	Class 4 Master
<p>Required Sea Service:</p> <p>12 months as a watchkeeping officer whilst holding a certificate not lower than a Class 4 Master.</p> <p>Not less than 6 months of seagoing service shall be performed on vessels in excess of 500 gross tonnage.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-W3 the Code.</p>	

CLASS 4 MASTER	
Minimum Age:	20 years
Prerequisite Certificate:	Class 5 Master
<p>Required Sea Service:</p> <p>12 months as a watchkeeping officer holding a certificate not lower than a Class 5 Master.</p> <p>Remission of watchkeeping service and/or the requirement for a Class 5 Master certificate may be allowed for attendance at an approved training programme which includes on-board training that meets the requirements of Section A-II/3 of the STCW Code and is documented in an approved training record book.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-W3 of the Code.</p>	

CLASS 5 MASTER	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
<p>Required Sea Service:</p> <ul style="list-style-type: none"> (a) 30 months whilst holding a Safety Certificate; or (b) 18 months whilst holding a certificate not lower than Class 6 Master/Eng., or (c) 6 months whilst holding a certificate not lower than a Class 1 Rating/AB. <p>This service may be performed either within or outside the near-coastal voyage area. Remission of seagoing service may be allowed for attendance at an approved training programme which includes on-board training that meets the requirements of Section A-II/3 of the STCW Code and is documented in an approved training record book.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-II/3 of the Code.</p>	

CLASS 6 MASTER/ENGINEER	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
<p>Required Sea Service:</p> <p>12 months.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.</p>	

CLASS 1 RATING/ABLE SEAMAN	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate. Steering Certificate
<p>Required Sea Service:</p> <p>24 months (remission of up to 6 months may be allowed for attendance at approved training programmes.)</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section II/4 of the Code and satisfactory evidence of competence as an able bodied seaman such as successful completion of an approved competency based training programme.</p>	

DECK WATCH RATING	
Minimum Age:	16 years
Prerequisite Certificate:	Safety Certificate. Steering Certificate
<p>Required Sea Service:</p> <p>6 months of (remission of up to 3 months may be allowed for attendance at approved training programmes)</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-II/4 of the Code and satisfactory evidence of competence as a deck rating such as successful completion of an approved competency based training programme</p>	

DECK CERTIFICATES, FISHING VESSELS

CLASS 1 MASTER (F)	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Class 2 Master (F) or Class 1 Watch keeper (F)
Required Sea Service: Either: <ul style="list-style-type: none">(a) 36 months as watchkeeping officer whilst holding a certificate not lower than Class 1 Watch keeper (F); or(b) 18 months whilst holding a Certificate as Class 2 Master (F). Not less than 12 months of seagoing service shall be performed on vessels in excess of 60 metres in unlimited voyages. For a restricted certificate seagoing service may be performed in near-coastal voyages. Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

CLASS 2 MASTER (F)	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Class 1 Watch keeper (F)
Required Sea Service: 18 months as watchkeeping officer whilst holding a certificate not lower than Class 1 Watch keeper (F). Not less than 6 months of seagoing service shall be performed on vessels in excess of 60 metres in unlimited voyages. For a restricted certificate service can be performed in near coastal voyages. Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

CLASS 1 WATCHKEEPER (F)	
Minimum Age:	18 years
Prerequisite Certificate:	Not prescribed
<p>Required Sea Service:</p> <p>Either:</p> <ul style="list-style-type: none"> (a) 36 months approved seagoing service; or (b) Have approved seagoing service of not less than 18 months as part of an approved training programme, which includes on-board training, and is documented in an approved training record book. <p>During the approved seagoing service the candidate should have performed bridge watchkeeping duties under the supervision of a master or qualified officer for a period of not less than 6 months.</p> <p>In either case, (a) or (b), not less than 6 months of seagoing service shall be performed on vessels in excess of 60 metres in unlimited waters.</p> <p>Class 3 Master (F) may cross rate to Class 1 Watch keeper (F).</p> <p>Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.</p>	

CLASS 3 MASTER (F)	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Class 4 Master (F)
<p>Required Sea Service:</p> <p>12 months as a watchkeeping officer whilst holding a certificate not lower than a Class 4 ~Master (F).</p> <p>Not less than 6 months of seagoing service shall be performed on vessels in excess of 25 metres.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.</p>	

CLASS 4 MASTER (F)	
Minimum Age:	20 years
Prerequisite Certificate:	Class 5 Master (F)
Required Sea Service: 12 months as a watchkeeping officer holding a certificate not lower than a Class 5 Master (F). Remission of watchkeeping service and/or the requirement for a Class 5 Master certificate may be allowed for attendance at an approved training programme which includes on-board training and is documented in an approved training record book. Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

CLASS 5 MASTER (F)	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service: (a) 30 months whilst holding a Safety Certificate; or (b) 18 months whilst holding a certificate not lower than Class 6 Master/Eng.(F): or (c) 24 months whilst holding a certificate not lower than P.I.Q.F.D. This service may be performed either within or outside the near-coastal voyage area. Remission of seagoing service may be allowed for attendance at an approved training programme which includes on-board training and is documented in an approved training record book. Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

CLASS 6 MASTER/ENGINEER (F)	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service:	
12 months service whilst holding a Safety Certificate.	
Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

PACIFIC ISLAND QUALIFIED FISHING DECKHAND	
Minimum Age:	16 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service:	
12 months (remission of up to 6 months may be allowed for attendance at approved training programmes)	
Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

ENGINE CERTIFICATES, COMMERCIAL AND FISHING VESSELS

CLASS 1 ENGINEER	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Class 2 Engineer
Required Sea Service: 18 months on ships of not less than 750kW propulsion power whilst holding a certificate not lower than Class 2 Engineer Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-III/2 of the Code.	

CLASS 2 ENGINEER	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Engineer Watch keeper
Required Sea Service: 18 months on ships of not less than 750kW propulsion power whilst holding a certificate not lower than Engineer Watch keeper. Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-III/2 of the Code.	

ENGINEER WATCHKEEPER	
Minimum Age:	18 years
Prerequisite Certificate:	Not prescribed
<p>Required Sea Service:</p> <p>(a) Have completed not less than 6 months approved seagoing service in the engine department on ships of not less than 500kW propulsion power in accordance with Section A-III/1 of the Code; and</p> <p>(b) Have completed approved education and training of at least 30 months which includes on-board training documented in an approved training record book.</p> <p>Class 3 Engineer may cross rate to Engineering Watch keeper.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A- III/1 of the Code.</p>	

CLASS 3 ENGINEER	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Class 4 Engineer
<p>Required Sea Service:</p> <p>12 months as a watchkeeping engineer whilst holding a certificate not lower than Class 4 Engineer.</p> <p>Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.</p>	

CLASS 4 ENGINEER	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service: <ul style="list-style-type: none">(a) Not less than 12 months as a watchkeeping engineer whilst holding a certificate not lower than Class 5 Engineer; or(b) Not less than 12 months as a watchkeeping engineer on completion of 3 years acceptable workshop service; or(c) Have completed approved education and training of at least 36 months, which includes on-board training, documented in an approved training record book. Six months of the on-board training must be carried out on vessels over 250kW propulsion power.	
Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

CLASS 4 ENGINEER	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service:	
<ul style="list-style-type: none"> (a) Not less than a 3 year approved training programme, including not less than 1 year at sea in work associated with engine operations; or (b) Not less than 12 months at sea as engineer on completion of 3 years acceptable workshop service; or (c) Have completed approved education and training of at least 24 months, which includes on-board training, documented in an approved training record book. Six months of the on-board training must be carried out on vessels of more than 250kW propulsion power. (d) Not less than 12 months approved seagoing service whilst holding a certificate not lower than Class 6 Master/Engineer. (e) Not less than 12 months approved seagoing service whilst holding a certificate not lower than Class 1 Rating/Motorman. 	
Every candidate for certification shall be required to provide evidence of having achieved an appropriate standard of competence.	

CLASS 1 RATING/MOTORMAN	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service:	
24 months (remission of up to 6 months may be allowed for attendance at approved training programmes).	
Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-III/4 of the Code and satisfactory evidence of competence as a motorman such as successful completion of an approved competency based training programme.	

ENGINE WATCH RATING	
Minimum Age:	16 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service: 6 months (remission of up to 3 months may be allowed for attendance at approved training programmes). Every candidate for certification shall be required to provide evidence of having achieved the appropriate standard of competence prescribed in Section A-III/4 of the Code and satisfactory evidence of competence as an engine rating such as successful completion of an approved competency based training programme	

SPECIAL TRAINING CERTIFICATES

SAFETY CERTIFICATE	
Minimum Age:	16 years
Prerequisite Certificate:	None
Required Sea Service: None Each candidate for certification shall receive familiarisation and basic safety training or instruction in accordance with Section A-VI/1 and Tables A-VI/I-I, 1-2, 1-3 and 1-4 of the Code and shall be required to meet the standards of competence specified therein.	

PERSONALSURVIVAL	
Minimum Age:	18 years
Prerequisite Certificate:	None
Required Sea Service: Every candidate for certification shall be required evidence of having achieved the standard of competence prescribed in Section A-VI/1 and Table A-VI/1-1 of the Code	

PREVENTION & CONTROL OF SHIPBOARD FIRES	
Minimum Age:	18 years
Prerequisite Certificate:	None
Required Sea Service: Every candidate for certification shall be required to provide evidence of having achieved the standard of competence prescribed in Section A-VIII and Table A-VIII-2 of the Code	

PERSONAL SAFETY & SOCIAL RESPONSIBILITY	
Minimum Age:	18 years
Prerequisite Certificate:	None
Required Sea Service: Every candidate for certification shall be required to provide evidence of having achieved the standard of competence prescribed in Section A- VII 1 and Table A-VI/1-4 of the Code	

ELEMENTARY FIRST AID FOR SEAFARERS	
Minimum Age:	Not prescribed
Prerequisite Certificate:	None
Required Sea Service: Every candidate for certification shall be required to provide evidence of having achieved the standard of competence prescribed in Section A- VI/I and table A- VI/I-3 of the Code.	

PROFICIENCY IN SURVIVAL CRAFT	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service: 12 months (remission of up to 6 months may be allowed for attendance at approved training programs) Every candidate for certification shall be required to provide evidence of having achieved the standard of competence prescribed in Section A- VI/2 and Table 2-1 of the Code.	

CHEMICAL TANKER FAMILIARISATION	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Safety Certificate
Required Sea Service: Each candidate for certification shall receive familiarisation and safety training or instruction in the operation of chemical tankers and carriage of chemical cargoes in bulk accordance with Section A- V/I of the Code and shall be required to meet the standards of competence specified therein .	

LIQUIFIED GAS TANKER FAMILIARISATION	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Safety Certificate
Required Sea Service:	
<p>Each candidate for certification shall receive familiarisation and safety training or instruction in the operation of liquified gas tankers and carriage of liquified gas cargoes in bulk: accordance with Section A-V/I of the Code and shall be required to meet the standards of competence specified therein</p>	

OIL TANKER FAMILIARISATION	
Minimum Age:	Not prescribed
Prerequisite Certificate:	Safety Certificate
Required Sea Service:	
<p>Each candidate for certification shall receive familiarisation and safety training or instruction in the operation of oil tankers and carriage of oil and petroleum cargoes in bulk accordance with Section A- V/1 of the Code and shall be required to meet the standards of competence specified therein</p>	

QUALIFIED STEWARD	
Minimum Age:	18 years
Prerequisite Certificate:	Safety Certificate
Required Sea Service:	
<p>24 months (remission of up to 6 months may be allowed for attendance at approved training programs).</p> <p>Satisfactory evidence of competence as a qualified steward such as successful completion of an approved competency based training programme.</p>	

SCHEDULE 5

(Regulations 19(2),23(2),24(3),25(7) and 26(5))

FEEs

Item	A\$
Issue of a certificate of competency	50
Endorsement of a certificate of competency	50
Revalidation of a certificate of competency	50
Replacement of a lost certificate	50
Issue of a medical certificate	25

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References