

LEGAL NOTICE NO. 9

REPUBLIC OF TRINIDAD AND TOBAGO

THE SHIPPING ACT, CHAP. 50:10

REGULATIONS

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

THE SHIPPING (TRAINING, CERTIFICATION, SAFE
MANNING, HOURS OF WORK AND WATCHKEEPING)
(AMENDMENT) REGULATIONS, 2011

1. These Regulations may be cited as the Shipping (Training, Citation
Certification, Safe Manning, Hours of Work and Watchkeeping)
(Amendment) Regulations, 2011.

2. In these Regulations, “Regulations” means the Shipping Interpretation
(Training, Certification, Safe Manning, Hours of Work and L. N. No. 81
Watchkeeping) Regulations, 2002. of 2002

3. The Regulations are amended in regulation 2 by inserting in the Regulation 2
appropriate alphabetical sequence the following new definitions: amended

“Director” means the Director of Maritime Services;

“HSC Code” means the International Code on Safety for High
Speed Craft adopted by the Maritime Safety Committee of
the International Maritime Organization by resolution
MSC. 36(63), as amended by the International Maritime
Organization;

“high speed craft” has the meaning assigned to it in the HSC
Code;

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

“pleasure craft” has the meaning assigned to it in the Shipping
Act; and

Chap. 50:10

“unlimited trading area” means any area in which voyages
which are not near coastal voyages are not taken.

4. The Regulations are amended by inserting after regulation 3, the
following new regulations:

“Seafarer’s certification” 3A. (1) No person shall perform the duties of a Regulations
seafarer on a Trinidad and Tobago ship unless he holds 3A, 3B, 3C, 3D,
a certificate to so perform issued by the Director. 3E and 3F
inserted

(2) A person who wishes to perform the duties of a seafarer on a Trinidad and Tobago ship shall apply in the prescribed form to the Director to so perform.

(3) An application under subregulation (2) shall be accompanied by—

(a) the prescribed fee; and

(b) the appropriate certificate of qualification referred to in regulation 7A.

Seafarer's
certificate

3B. The Director, where he is satisfied that the applicant meets the prescribed requirements, may issue a Seafarer's Certificate in the prescribed form.

Period of
validity

3C. A certificate issued under regulation 3A shall be valid for a period of five years and may be revalidated.

Issue, form,
validity,
record and
surrender of
certificates

3D. (1) A holder of a certificate shall keep his certificate in its original form on board the ship on which he is serving.

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

Second
Schedule

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

(4) The Director shall make available, information on the status of such certificates, endorsements and dispensations as are referred to in

subregulation (1), to STCW countries and companies which request verification of the authenticity and validity of certificates produced to them by seafarers seeking recognition of their certificates or for employment on board a ship.

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

(6) Where the holder of a certificate is issued with an appropriate certificate at a higher level he shall surrender the first-mentioned certificate for cancellation to the Director, or to such person as the Director directs.

Expiration of certificate

3E. Where the period of validity of a certificate expires, the holder of such expired certificate may apply to the Director in the prescribed form for the certificate to be revalidated.

Revalidation

3F. An applicant for revalidation meets seagoing service where he meets continued professional competence as follows:

- (a) approved seagoing service performing functions appropriate to the certificate held for a period of at least one year in total during the preceding five years;
- (b) having performed functions considered to be equivalent to the seagoing service required under paragraph (a); or
- (c) one of the following:
 - (i) passing an approved test;
 - (ii) successfully completing an approved course or courses; or

(iii) having completed approved seagoing service, performing functions appropriate to the certificate held for a period of not less than three months in a supernumerary capacity, or in a lower officer rank than that for which the certificate held is valid immediately prior to taking up the rank for which it is valid; and

(d) on payment of the prescribed fee, revalidate the certificate of the applicant for a further period of five years.”.

Regulation 4 amended

5. The Regulations are amended in regulation 4(1), by inserting the words “from an institution for Maritime Training recognized by the Maritime Services Division” after the words “appropriate certificate”.

Regulation 7 amended

6. The Regulations are amended in regulation 7—

(a) by deleting the word “Minister” wherever it occurs and substituting the word “Director”; and

(b) subclause (5)(a) by inserting the words “Part B” immediately after the words “Second Schedule”.

Regulation 7A amended

7. The Regulations are amended by inserting after regulation 7, the following new regulation:

“Appropriate certificates Fourth Schedule

7A. (1) The Director may issue to a master or an officer who is qualified under this Regulation, a certificate in the form set out in the Fourth Schedule.

(2) A person shall only be entitled to be issued with such an appropriate certificate under these Regulations where he complies with the criteria in sections A—III/I to A—VI/IV-5 of the Code annexed to the STCW Convention and any other requirements specified by the Director under these Regulations.”.

Regulation 9 amended

8. The Regulations are amended in regulation 9, by deleting subregulation (2).

Regulation 10 amended

9. The Regulations are amended in regulation 10, by deleting subregulation (2).

10. The Regulations are amended in regulation 12, by— Regulation 12
amended
(a) deleting subregulation (4) and substituting the following
subregulation:

“ (4) An appropriate endorsement shall be issued on
certificates of competence to officers and ratings who
are qualified in accordance with subregulation (1) or
(3) as appropriate, and every rating who is so
qualified shall be certified.”; and

(b) deleting subregulation (5).

11. The Regulations are amended in regulation 13, by inserting Regulation 13
amended
after subregulation (7) the following subregulation:

“ (8) Any documentary evidence issued by an STCW country
to a seafarer who is trained and qualified in accordance with
these Regulations may be recognized in accordance with
regulation 7, for service as referred to in these Regulations on
board ro-ro passenger ships.”.

12. The Regulations are amended in regulation 14, by inserting Regulation 14
amended
after subregulation (8), the following subregulation:

“ (9) Any documentary evidence issued by a STCW country to
a seafarer who is trained and qualified in accordance with
these Regulations may be recognized in accordance with
regulation 7, for service on board passenger ships other than
ro-ro ships.”.

13. The Regulations are amended by inserting after regulation 14, Regulation
14A inserted
the following new regulation:

“Training and
qualification
of masters
and seafarers
on high-speed
craft” 14A. (1) This Regulation applies to masters, officers
and seafarers serving on board high-speed craft
constructed on or after 1st January, 1996.

(2) Prior to being assigned shipboard duties on
board a high-speed craft, masters and seafarers shall
have completed the training specified in the Fourth
Schedule A.

(3) A person providing the training referred to in
this regulation shall issue documentary evidence to
every person successfully completing such training.

(4) In the case of a master or a seafarer having
an operational role on a high-speed craft, the
documentary evidence under subregulation (3) shall be
a certificate in the form specified in the Fifth Schedule
and shall be endorsed in a manner specified in that
Schedule.

Fifth
Schedule

(5) Documentary evidence issued by an STCW country to a seafarer who is trained and qualified in accordance with this regulation may be recognized in accordance with regulation 6, for service on a high-speed craft.”.

Regulation 15 amended

14. The Regulations are amended in regulation 15 by deleting the word “Minister” and substituting the word “Director”.

Regulation 15A inserted

15. The Regulations are amended by inserting after regulation 15, the following new regulation:

“Hovercraft 15A. (1) This regulation applies to every seagoing hovercraft registered in Trinidad and Tobago which was constructed on or after 1st January, 1996.

(2) It shall be the duty of every owner of a hovercraft to which this regulation applies to ensure that masters, seafarers and other personnel on a hovercraft, wing in ground craft and air cushioned vessels have completed the appropriate training.

(3) It shall be the duty of any person providing the training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

(4) In the case of masters and officers, having an operational role on high-speed craft, the documentary evidence shall be a certificate in a form specified and endorsed in a manner prescribed by the Director.

(5) Regulations 18, 19 and 20 apply to certificates issued under regulation 25A as they apply to other certificates or endorsements issued under these Regulations.

(6) The Director may exempt the owner of any hovercraft, wing in ground craft and air cushioned vessels from any of the requirements of this regulation, subject to such conditions as he may specify, and may alter or cancel any exemption so granted.

(7) Where the Director exempts anyone under subregulation (6), he may at any time alter or cancel such exemption.”.

16. The Regulations are amended in regulation 16, by deleting the word “Minister” and substituting the word “Director”. Regulation 16 amended

17. The Regulations are amended in regulation 18, by inserting after subregulation (3), the following subregulation: Regulation 18 amended

“ (4) Where the level of knowledge detailed in column 2 of Table A—VI/4–2 of the STCW Code shall be sufficient to enable the designated seafarer to take immediate effective action in the case of accidents or illness likely to occur on board a ship.”.

18. The Regulations are amended by inserting after regulation 20, the following regulation: Regulation 20A inserted

20A. (1) The Director may recognize a certificate issued to a seafarer by an STCW country and issue an endorsement in respect of same.

(2) An endorsement under subregulation (1) may be issued as a separate document and shall—

(a) be assigned a unique number, except that endorsements attesting the issue of a certificate may be assigned the same number as the certificate concerned, provided that the number is unique; and

(b) expire as soon as the certificate endorsed expires or is withdrawn, suspended or cancelled by the party which issued it, in any case, not more than five years after the date of issue.”.

19. The Regulations are amended by revoking regulation 22. Regulation 22 revoked

20. The Regulations are amended in regulations 23(1) and (2), by deleting the word “Minister” and substituting the word “Director” wherever it occurs. Regulation 23 amended

21. The Regulations are amended in regulation 24, by deleting the word “Minister” and substituting the word “Director” wherever it occurs. Regulation 24 amended

Regulation
24A inserted

22. The Regulations are amended by inserting after regulation 24, the following new regulation:

“Certificates
for Near
Coastal
Voyages

24A. (1) The Director, in defining Near Coastal Voyages for the purposes of recognizing certificates of compliance shall recognize the following:

(a) the Unlimited Trading Area; and

(b) the Caribbean Trading Area for ships engaged in Near Coastal Trade.

(2) Where the Director is satisfied that an applicant is qualified for a near coastal voyage he shall issue a certificate of compliance to the applicant.

(3) The Director may also issue endorsements to suitably qualified seafarers who hold certificates of competence, allowing them to serve, subject to certain restrictions, in stated capacities or levels on near coastal voyages.

(4) The Director, if he is of the view that a ship's size and the conditions of its voyage are such as to render the application of the full requirements of this regulation as well as section A-II/3 of the STCW Code unreasonable or impracticable, may to that extent exempt the master and the officer in charge of a navigational watch on such a ship or class of ships from some of the requirements, bearing in mind the safety of all ships which may be operating in the same waters.

(5) The Director may issue a certificate restricted to service on ships engaged exclusively on near-coastal voyages and, for the issue of such a certificate, may exclude such subjects as are not applicable to the waters or ships concerned, bearing in mind the effect on the safety of all ships which may be operating in the same waters.”.

Regulation 25
amended

23. The Regulations are amended by revoking regulation 25 and substituting the following new regulation:

“Training,
assessment
and
maintenance
of quality
standards

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

Eighth
Schedule

(2) The provisions of the Eighth Schedule shall apply in respect of the assessment of seafarers ashore for certification under regulation 4.

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

(4) The performance standards and other provisions set forth in section A-I/12 and such other requirements as are prescribed in Part A of the STCW Code for any certificate concerned shall be complied with in respect of—

- (a) all mandatory simulator-based training;
- (b) any assessment of competence required by Part A of the STCW Code which is carried out by means of a simulator; and
- (c) any demonstration, by means of a simulator of continued proficiency required by part A of the STCW Code.

(5) Simulators installed or brought into use prior to 1st February, 2002 shall be exempt from full compliance with the performance standards referred to in subregulation (4).

(6) Education and training provided by maritime training institutions of an STCW country other than Trinidad and Tobago may be recognized by the Director for the purpose of examination and certification under these Regulations.

(7) No STCW training for the purpose of certification shall be conducted by any person, institution or organization without the expressed approval or consent of the Director.”.

- Regulation 29 amended
24. Regulation 29 is amended—
- (a) in subregulation (1), by inserting after the words “shall be made” the words “to the Director”;
- (b) in subregulations (3), (5) and (6), by deleting the word “Minister” and substituting the word “Director” wherever it occurs;
- (c) by deleting subregulation (7) and substituting the following subregulation:
- “ (7) Where the Director is satisfied that an application under subregulation (1) meets the requirements of this Part regarding the manning of a ship, a safe manning document shall be issued for the ship subject to such amendments and conditions as the Director sees fit.”; and
- (d) by inserting after subregulation (8), the following subregulation:
- “ (9) A safe manning document shall be in the form required as set out in paragraph 1.4 of the Seventh Schedule.”.
- Seventh Schedule
- Regulation 30 amended
25. The Regulations are amended in regulation 30, by—
- (a) deleting the word “Minister” wherever it occurs and substituting the word “Director”; and
- (b) deleting the numbers “481(XII)” and substituting the numbers “(890)21.”.
- Regulations 31, 32, 33 and 39 amended
26. The Regulations are amended in regulations 31, 32, 33 and 39 by deleting the word “Minister” wherever it occurs and substituting the word “Director”.
- Regulation 37 amended
27. The Regulations are amended in regulation 37(3), by inserting after the word “duties” the words “in accordance with these Regulations”.
- Regulation 43 amended
28. The Regulations are amended in regulation 43(2), by deleting the word “Minister” and substituting the word “Director”.
- Regulation 50 amended
29. The Regulations are amended in regulation 50, by deleting the word “Minister” and substituting the word “Director”.
- Regulation 51 amended
30. The Regulations are amended in regulation 51, by deleting the word “Ninth” and substituting the word “Eighth”.

31. The Regulations are amended by inserting after regulation 52, ^{New regulations inserted}
the following new regulations:

“L.N. No. 248 of 2001 is revoked 53. The Shipping (Certification of Seamen) (Engine Room Ratings) Regulations, 2001 are revoked.

L.N. No. 254 of 2001 is revoked 54. The Shipping (Certification of Seamen) (Deck Ratings) Regulations, 2001 are revoked.”.

32. The First Schedule to the Regulations is amended in the interpretation “Caribbean Trading Area” by deleting the numbers “130” ^{First Schedule amended} and substituting the numbers “150”.

33. The Second Schedule to the Regulations is amended by— ^{Second Schedule amended}
(a) inserting the following new Schedule after the words “SECOND SCHEDULE”; and
(b) renaming the current schedule in the Act as “PART B”:

“PART A

[Regulation 3D(2)]

RECORD OF CERTIFICATES AND ENDORSEMENTS

1. In implementing the requirement in paragraph 4.1 of regulation I/9 of the revised STCW Convention for the maintenance of a register of certificates and endorsements, a standard database is not necessary provided that all the relevant information is recorded and available.

2. The following items of information should be recorded and available either on paper or electronically in accordance with regulation I/9, as a minimum:

(1) Status of Certificate—

Valid
Suspended
Cancelled
Reported lost
Destroyed

with a record of changes to status to be kept, including dates of changes.

(2) Certificate details—

Seafarers name
Date of birth
Nationality
Sex
Preferably a photograph
Relevant document number
Date of Issue
Date of expiry
Last revalidation date
Details of dispensation(s)

- (3) Competence details—
 STCW Competence standard (e.g., regulation II/1)
 Capacity
 Function
 Level of responsibility
 Endorsements
 Limitations
- (4) Medical details—
 Date of issue of latest medical certificate relating to the issue or revalidation of the appropriate certificate.”.

Fourth
 Schedule
 substituted

34. The Fourth Schedule is revoked and the following Schedule is substituted:

“FOURTH SCHEDULE

(Regulation 7A)

ISSUE OF CERTIFICATES OF COMPETENCE

1. Candidates seeking to be certificated (in any capacity, function or level) must—

- (a) provide proof of their identity and nationality;
- (b) provide proof of the sufficiency of their age;
- (c) hold a valid certificate of medical fitness (inclusive of sight and hearing tests);
- (d) have completed the required period of watchkeeping or seagoing service;
- (e) have successfully completed the required course of compulsory training. In this regard they should provide transcripts from an approved training institution attesting that they have successfully completed the course of study;
- (f) meet the required standards of competence or have successfully completed the prescribed assessment, as appropriate;
- (g) provide testimonials as to their character, including sobriety, and a record of suitable experience and satisfactory conduct during the period of seagoing service; and
- (h) provide a Certificate of Good Character from the country in which they have officially resided during the three (3) year period immediately preceding the date of the application,

and the Director may waive the requirement at paragraph (h) where, within a period of two (2) years immediately preceding the application, a Certificate of Good Character had been provided in connection with a previous application for certification.

2. Candidates seeking initial certification as watchkeeping officers are required, in addition to the above-mentioned requirements, to produce a training record book, attesting to the fact that they have completed a period of systematic, practical training and experience in the tasks, duties and responsibilities of an officer in charge of a watch.

3. The Director will issue certificates of competence only to those candidates who meet the requirements appropriate to the capacity, function and level of responsibility for which they seek to be certificated.

4. Certificates of competence issued by the Director shall be in the form specified in the Annex to this Schedule.

5. Any certificate of competence issued by the Director must be kept by the lawful holder in its original form onboard the ship on which they are serving.

ANNEX 1



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

(Official Seal)

The Government of the Republic of Trinidad and Tobago certifies that
 has been found duly qualified in accordance with the provisions of Regulation
 of the above Convention, as amended, and has been found competent to perform the
 following functions, at the levels specified, subject to any limitations indicated until
 or until the date of expiry of any extension of the validity of the certificate
 as may be shown overleaf:

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)

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

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Certificate No. issued on

(Official Seal)

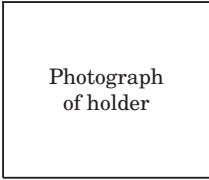
.....
Signature of duly authorized official

.....
Name of duly authorized official

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

Date of birth of holder of the certificate

Signature of the holder of the certificate



The validity of this certificate is hereby extended until	
<i>(Official Seal)</i>	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>
The validity of this certificate is hereby extended until	
<i>(Official Seal)</i>	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>
The validity of this certificate is hereby extended until	
<i>(Official Seal)</i>	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>
The validity of this certificate is hereby extended until	
<i>(Official Seal)</i>	..... <i>Signature of duly authorized official</i>
Date of revalidation .....	..... <i>Name of duly authorized official</i>



(Official Seal)

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

The Government of the Republic of Trinidad and Tobago certifies that
..... has been found duly qualified in accordance with the provisions of regulation of the above Convention, as amended, [to be proficient in survival craft and rescue boats/*other than fast rescue boats] [to serve on tankers] [to serve as navigation/*engine room watch rating].

Certificate No. issued on

(Official Seal)

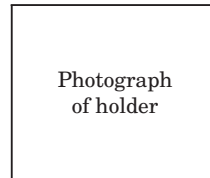
.....
Signature of duly authorized official

.....
Name of duly authorized official

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

Date of birth of holder of the certificate

Signature of the holder of the certificate



Photograph
of holder

”.

New Fifth
Schedule
inserted

35. The Fifth Schedule is revoked and the following Schedule is substituted:

“FIFTH SCHEDULE

(Regulation 14A)

TRAINING AND CERTIFICATION OF OFFICERS
AND CREW ON HIGH SPEED CRAFT

1. Training Requirements

- 1.1 Deck officers serving on High Speed Craft (HSC) are required to hold a Type Rating Certificate (TRC) in addition to a valid deck officer certificate of competency.
- 1.2 HSC operators are responsible for ensuring that the appropriate training is given to deck officers so that they may qualify for the issue of a TRC. The training required by the HSC Code includes knowledge of the craft's propulsion and control system, handling characteristics, communication and navigation procedures, intact stability and survivability of the craft.
- 1.3 Organizations providing TRC training shall be required to nominate a person responsible for the training. This person shall be designated as the Type Rating Instructor (TRI). TRIs may be appointed from within the HSC operating organization or from an outside source. Organizations shall also nominate another person responsible for the assessment of training to serve as a Type Rating Examiner (TRE). Both TRIs and TREs shall be experienced in the operation of the craft on the route on which they shall be instructing and examining, respectively, and be approved by the Director. Under no circumstances shall the same person be allowed to work as both TRI and TRE.
- 1.4 Engineer officers on HSC shall be required to be appropriately certified under the requirements of these Regulations but do not require type rating certification.
- 1.5 On HSC with gas turbine propulsion, engineer officers may hold a Motor, Steam or Combined certificates of competency. In addition, specified senior engineer officers are required to hold a certificate attesting to the completion of an approved gas turbine training programme for the machinery on their vessel.

2. Issue of type Rating Certificates

- 2.1 After undergoing training with the approved TRI, a candidate shall be examined by the approved TRE. Where successful, the organization shall issue a TRC in the form set out in the Annex. The TRC, plus a duplicate copy, shall be forwarded together with a valid medical fitness certificate to the Maritime Services Division. The TRC shall specify the craft or class of craft (e.g., a 65 metre wave piecing catamaran), and its operational area or routes.
- 2.2 If the Director is satisfied that all the requirements have been met, he shall endorse the TRC for service use. This procedure is required in order to satisfy the requirements of paragraph 18.3.3 of the HSC Code. The Director shall return the original and keep the duplicate copy for record purposes.
- 2.3 Further routes may be added to a TRC after a holder has undergone route familiarization training and performance assessment by the TRE. The organization may issue a new TRC or amend an existing one upon the recommendation of the TRE. In any case, the TRC shall be submitted to the Maritime Services Division for endorsement of the amendments and for recording purposes as above.

3. Revalidation

3.1 Revalidation of a TRC is required at intervals of not more than two years. For revalidation, candidates shall be required to show evidence of continuing fitness for service on HSC. They shall be required to show evidence of at least six months sea service on HSC in the preceding two years or a statement from a HSC operator or other TRC training organization to indicate that the candidate has successfully completed a training programme prior to seeking revalidation. When the issuing organization is satisfied that the revalidation requirements have been met, the TRC shall be revalidated (see reverse side of specimen certificate format in the Annex) and submitted to the Maritime Services Division for endorsement and recording purposes.

4. Ratings and other Personnel

Ratings and other personnel employed on HSC shall undergo a training programme appropriate to their duties on board and may be trained solely for HSC service without seagoing experience on other types of ships. Ratings in this category may hold a certificate as a Deck Rating EDH limited for service on HSC as appropriate. This limitation shall be removed when the holder applies for at least six months service on a conventional ship. Application for removal of a limitation shall be made to the Maritime Services Division.

5. Non Sea-going HSC

Deck officer on non-sea-going HSC shall be required to follow a training, assessment and certification system similar to that detailed above. In order to qualify for a TRC, the applicant shall be required to demonstrate the skills appropriate to navigational duties in the relevant operational areas.”.

36. The Sixth Schedule to the regulations is revoked and the following Schedule is substituted: Sixth
Schedule
substituted

“SIXTH SCHEDULE

[Regulation 29(3)]

SAFE MANNING, HOURS OF WORK AND WATCHKEEPING

SAFE MANNING

1. Introduction

1.1 This Schedule places clear responsibilities on companies owning or operating in Trinidad and Tobago sea-going ships, and other ships whilst in Trinidad and Tobago waters, to ensure that their ships are manned with personnel of appropriate grades who have been properly trained and certificated, and who are in possession of an appropriate certificate or endorsement or have applied for such an endorsement in accordance with regulation 6.

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

1.3 All ships of 500 GT or more shall be required to hold a safe manning document and owners or operators of ships below 500 GT may also be required to hold a safe manning document.

1.4 The owner or operator of a Trinidad and Tobago ship shall be required to make an assessment of the numbers and grades of personnel necessary for safe operation. Such numbers and grades shall be sufficient to ensure that—

- (a) the required watchkeeping standard can be maintained and that personnel are able to obtain sufficient rest;
- (b) personnel are not required to work more hours than is safe in relation to the safety of the ship;
- (c) the master and seafarers can perform their duties in accordance with the framework of operational guidance in section A-VIII of the STCW Code; and
- (d) the master and seafarers are not required to work such hours or under such conditions which may be injurious to their health and safety.

1.5 All proposals based on the above assessment shall be submitted to the Director who, when satisfied that the proposed manning levels are adequate, will issue a safe manning document.

1.2 Safe Manning

1.2.1 The responsibility to ensure that ships are safely, sufficiently and efficiently manned rests with the owners and managing operators. Guidance on determining appropriate manning levels is given in section 2.

1.2.2 In order to avoid possible problems at a later stage, owners and operators are recommended to consult with seafarers or their representatives and the Director on their proposed manning when new ships are at the design stage and in advance of registering existing ships in Trinidad and Tobago.

1.2.3 In the event of any disagreement between the owners and seafarers or their representatives regarding manning levels, the Director shall consider any views put forward and may require a revision of the manning levels, where so justified. In such cases it may be necessary to arrange for some form of practical demonstration of the ability of the crew to carry out the essential tasks in the context of the principles of safe manning. Similarly, in the event of any change in the equipment, construction or use of the ship which may affect the safe manning level, the owner or operator should make an application for the issue of a new safe manning document.

1.3 Specialist ship types

1.3.1 Offshore support vessels present special problems because of the diverse nature of their operations and the conditions under which they are required to operate. Owners are particularly reminded of the restrictions placed on working hours under the Regulations and should set manning levels accordingly.

1.3.2 Ship owners and operators must ensure that the master, officers and ratings on tankers, and the master, officers, ratings and other personnel on passenger ships including ro-ro passenger ships have completed the training required by the Regulations which is specified in sections A-V/1 and A-V/2 of the STCW Code. All crew members on high speed craft must have completed the training required under the HSC Code, and masters and officers having an operational role must hold a Type Rating Certificate as required by the HSC Code. On passenger ships generally, the need to handle large numbers of passengers unfamiliar with the marine environment must be taken into account in determining manning levels. Personnel should be appropriately trained and certificated and owners and operators must give particularly careful attention to the requirements for minimum numbers of trained crew to take charge of survival craft.

1.4 Safe manning document

When the Director has agreed to proposals regarding the manning of a particular ship, a safe manning document shall be issued for that ship in a format which complies with the requirements of the SOLAS Convention. It should be retained on board and be available for inspection whenever required by an authorized person.

2. DETERMINATION OF SAFE MANNING LEVELS

2.1 Principles

2.1.1 The Director shall consider a ship to be safely manned where the crew includes sufficient officers and ratings with appropriate skills and experience to ensure that the following capabilities are available; these reflect principles in IMO Resolution A.481 (XII), which should be consulted when determining safe manning levels:

- (a) to maintain a safe bridge watch at sea in accordance with regulation VIII/2 of STCW 95, which includes general surveillance of the vessel;
- (b) to moor and unmoor a vessel effectively and safely;
- (c) to operate and maintain effectively all watertight closing arrangements including the ability to mount an effective damage control party;
- (d) to operate and, when practicable, maintain efficiently, all fire equipment and lifesaving appliances provided including the ability to muster and disembark passengers and non-essential personnel;
- (e) to manage the safety functions of a vessel at sea, when not under way;
- (f) to maintain a safe engineering watch at sea in accordance with regulation VIII/2 of STCW 95, and also maintain general surveillance of spaces containing main propulsion and auxiliary machinery;
- (g) to operate and maintain in a safe condition the main propulsion and auxiliary machinery to enable the ship to overcome the foreseeable perils of the voyage;
- (h) to maintain the safety arrangements and the cleanliness of machinery spaces to minimize the risk of fire;
- (i) to provide for medical care on board ship;
- (j) to maintain a safe radio watch in accordance with the SOLAS Convention and ITU regulations, as amended;
- (k) to maintain the precautions and safeguards necessary to protect the marine environment in accordance with MARPOL 73/78 as amended; and
- (l) to maintain safety in all ship operations whilst in port.

2.2 Establishing safe manning requirements

2.2.1 The Director shall require all ships to be sufficiently and efficiently manned for their safe operation, having regard to the nature of their work and their location. To ensure safe and efficient operation, a minimum level of manning shall be determined. To make that assessment, owners and operators should take account of the following factors:

- (a) the length and nature of voyage and trading area;
- (b) any special requirements of the trade involved;
- (c) number, size (kW) and type of main propulsion units and auxiliaries;
- (d) size of the ship (GT); and
- (e) construction and technical equipment of ship.

2.2.2 In conjunction with these factors, the IMO principles of safe manning (see paragraph 2.1) and the need to ensure that personnel do not work more hours than is safe, the owner or operator shall—

- (a) identify all the functions to be undertaken on board during a representative voyage;
- (b) identify the skills and experience required to perform those functions;
- (c) identify those functions in normal operations which need to be undertaken concurrently;
- (d) determine the minimum numbers of personnel required to undertake concurrent operations safely;
- (e) establish working arrangements, including—in accordance with regulation 13 of Chapter V of the SOLAS Convention—the establishment of a working language on a passenger ship, to ensure the master and crew are capable of undertaking concurrent and continuing operations with respect to their skills and training; and
- (f) ensure that the working arrangements allow for sufficient rest periods to avoid fatigue and draw up work schedules accordingly.

2.3 Guidance on appropriate manning levels

2.3.1 The Tables annexed hereto shall provide guidance on the numbers of certificated deck and engineer officers appropriate to different sizes of ships, tonnages and trading areas. As the watchkeeping arrangements for the engineering department and the demands placed on personnel vary significantly according to the level of automation, numbers are not given for engineer officers. These tables only provide guidance; owners and operators must take all relevant factors into account before finalizing their manning proposals.

2.3.2 The number of ratings required will be determined by the factors summarized at paragraph 2.2. Owners and operators should additionally seek to obtain a good balance between skilled and less skilled and between experienced and less experienced ratings.

2.4 Watchkeeping

2.4.1 The regulations require the master of any ship to be responsible for the overall safety of the ship. He must also ensure that the watchkeeping arrangements are adequate for maintaining safe navigational watches at all times, including the provision of a lookout as required by the International Regulations for the Prevention of Collisions at Sea, 1972, as amended. The chief engineer officer of any ship is required to ensure that the engineering watch arrangements for the ship are adequate at all times for maintaining a safe engineering watch.

2.4.2 The principles applying to the keeping of a safe watch are in section A-VIII/2 of the STCW Code and must be followed in order to comply with these Regulations.

3. HOURS OF WORK

3.1 Working arrangements

3.1.1 Every operator of a ship and employer shall ensure that the master, officers and ratings do not work more hours than is safe in relation to the performance of their duties and the safety of the vessel. The same responsibility is placed on the master in relation to the seafarers. Manning levels shall be such as to ensure so far as possible that the time and place available for taking rest periods are appropriate for achieving a good quality of rest. Operators will also want to take into account section B-VIII/1 of the STCW Code which provides further guidance about fitness for duty.

3.1.2 Operators shall be required to ensure that a schedule of duties is produced setting out the hours of work and the rest periods. The schedule shall provide that the master, officers and all other seafarers do not work more hours than is safe in relation to the safety of the ship. In devising the schedule, operators shall take account of factors such as—

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

3.1.3 Changes shall not be made to the schedule unless they can be justified by substantially altered work patterns made necessary, for example, by a change in trading pattern or other significant factor. Where it is known that a vessel engages in an irregular trading pattern or that working hours are likely to be uniform, this may be taken into account and recorded in the schedule. The consultation process referred to in paragraph 3.2 shall also apply to changes in the schedule.

3.2 Consultation

Operators of ships are required to seek the views of the master when first drawing up a schedule of duties for a ship or ships. The master of a ship should seek the views of his officers and shall seek and convey to the operator the views of the seafarers or their representatives or a trade union, as appropriate. The final decision on the schedule rests with the operator who will have the responsibility to ensure that the schedule is safe in relation to the safety of the ship and the performance of duties. The master must ensure that, as far as reasonably practicable, the schedule is adhered to. Of course, in an emergency or when unforeseeable events occur, changes may well be unavoidable. Regulation 33(9) requires that, once a schedule has been completed by the operator, it must be displayed prominently in the crew accommodation on board the vessel for the information of all the seafarers.

3.3 Records

3.3.1 A record of all deviations from the schedules requirements shall be kept on the ship. Any suitable form of record is acceptable provided that the record is always accessible to those authorized to carry out inspections; the record must be retained for a period of up to five years. There shall be no need to rewrite the schedule for each voyage so long as it is applicable to the voyage in question and the composition of the crew for whom it was originally intended has not changed.

3.3.2 The overriding aim is to ensure that a proper record of agreed work patterns exists on board for the benefit of crew members and inspecting authorities, and that the record may be matched to each individual crew member involved by means of other documents such as the crew list.

3.4 Exceptions for emergencies

This Schedule recognizes that situations may arise in which a master or seafarer may be required to exceed the scheduled duty periods. These include emergencies which threaten the safety of the ship or the environment or put life at risk. Where a master or other seafarer exceeds the scheduled hours of work in this manner, and has worked during his rest period, his name must be entered in the record required to be maintained, together with the reason for the excess.

4. APPLICATION FOR A SAFE MANNING DOCUMENT**4.1 Information to be provided**

4.1.1 When applying to the Minister for a safe manning document, owners or operators shall submit a clear and concise explanation of how the proposed manning level has been determined and how it takes account of the guidance in paragraphs 2 and 3 above and the hours of work provisions in the regulations. The Minister will be able to make a quick assessment of the application where the owner or operator can demonstrate that all the factors and principles in those paragraphs have been taken into account.

4.1.2 Applications for a safe manning document should be made by the owner or a person authorized to act on his behalf, (on a form which is obtainable from the Maritime Services Division and which sets out the information required). An appropriate fee is payable with respect to the application.

ANNEX 1

GUIDANCE ON MINIMUM MANNING LEVELS
CERTIFICATED DECK OFFICERS

TABLE 1: DECK DEPARTMENT

UNLIMITED TRADE					
OFFICER RANK (STCW)	OFFICER GROSS TONNAGE PARAMETERS (STCW)	STCW REFERENCE	GROSS TONNAGE OF SHIP AND MINIMUM DECK OFFICER MANNING		
			≥3000	≥500 BUT <3000	≥500
Master	≥3000	II/2	1	—	—
Master	≥500 but ≤3000	II/2	—	1	1
Chief Mate	≥3000	II/2	1	—	—
Chief Mate	≥500 but ≥3000	II/2	—	1	—
OOW	≥500	II/1	2(a)	1(a)	2(a)(b)
NEAR COASTAL TRADE					
Master	≥3000	II/2	1	—	—
Master	500 but <3000	II/2	—	1	—
Master	<500	II/3	—	—	1
Chief Mate	≥3000	II/2	1	—	—
Chief Mate	≥500 but <3000	II/2	—	1	—
OOW	≥500	II/1	1(a)	1(a)	—
OOW	<500	II/3	—	—	1
<p>OOW—Officer in charge of a navigational watch—</p> <p>(a) this requirement may be reduced by one if the master keeps a watch or where the length of voyage is short enough and the level of port activity low enough to ensure adequate rest for the watchkeepers.</p> <p>(b) the Officer designated as Chief Mate must have at least six months experience whilst holding STCW II/1 certification.</p>					

Additional Notes—

All Navigational Watch Ratings are to be qualified in accordance with STCW II/4.

The above levels are for guidance only and actual levels will vary according to the type, size, age and trading pattern of the vessels.

**GUIDANCE ON MINIMUM MANNING LEVELS
CERTIFICATED ENGINEER OFFICERS**

TABLE 2: ENGINE DEPARTMENT

UNLIMITED TRADE					
OFFICER RANK (STCW)	OFFICER ENGINE POWER PARAMETERS (STCW)	STCW REFERENCE	ENGINE POWER OF SHIPS IN KILOWATTS (kW) AND MINIMUM ENGINEER OFFICER MANNING		
			≥3000	≥750 BUT <3000	≥350 BUT <750
Ch. Engineer	>3000	III/2	1	—	—
Ch. Engineer	≥750 but <3000	III/3	—	1	1(b)
2nd Engineer	<3000	III/2	1	—	—
2nd Engineer	≥750 but <3000	III/3	—	1	—
OOW	≥3000	III/1	2	2(a)	1(c)
NEAR COASTAL TRADE					
Ch. Engineer	≥3000	III/2	1	—	—
Ch. Engineer	≥750 but <3000	III/3	—	1	1(b)
2nd Engineer	≥3000	III/2	1	—	—
2nd Engineer	≥750 but <3000	III/3	—	1	—
OOW	≥750	III/1	2(a)	1(a)	1(c)
<p>OOW—Officer in charge of an Engineering Watch—</p> <p>(a) Number of Engineer Officers holding III/1 certification may be reduced by one if the Chief Engineer and 2nd Engineer keep a watch.</p> <p>(b) Other appropriate certification would be considered, such as Boat Engineer Licence Grade 1 or equivalent.</p> <p>(c) Other appropriate certification would be considered, such as Boat Engineer Licence Grade 2 or equivalent.</p>					

Additional Notes—

All Engine Room Watch Ratings are to be qualified in accordance with STCW III/4, except for vessels of <750 kW main engine power, in which case STCW III/4 certification is recommended.

The above levels which are based on manned engine room arrangements, are for guidance only and actual levels will vary according to the type, size, age and trading pattern of the vessel. Manning of vessels having the UMS notation may carry a lower complement of Engineer Officers, but this will be assessed on an individual basis.”.

37. The Seventh Schedule to the Regulations is revoked and the following Schedule is substituted: Seventh Schedule substituted

“SEVENTH SCHEDULE

[Regulation 33(2)]

FORM OF DISPENSATION



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

(Official Seal)

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

FUNCTION	LEVEL	LIMITATIONS APPLYING (IF ANY)

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

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Endorsement No. issued on

(Official Seal)

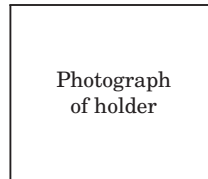
.....
Signature of duly authorized official

.....
Name of duly authorized official

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

Date of birth of holder of the certificate

Signature of the holder of the certificate



Eighth
Schedule
revoked

38. The Eighth Schedule to the Regulations is revoked.

Ninth
Schedule
revoked

39. The Ninth Schedule to the Regulations is revoked and the following Schedule is substituted and renumbered as the Eighth Schedule:

“EIGHTH SCHEDULE

(Regulation 51)

SCHEDULE OF FEES

(Trinidad and Tobago Dollars)

1. An applicant for examination and other services pay the following fees:

Written examination per subject	...	...	...	...	\$ 300.00
Oral examinations	...	...	...	...	\$ 300.00
A simulator-based examination	...	...	...	...	\$ 300.00
Certification	...	...	...	...	\$ 300.00
Endorsement or recognition of certificate	...	...	...	...	\$ 300.00
Revalidation of certificate	...	...	...	...	\$ 300.00
Dispensation	...	...	...	...	\$ 300.00
Seaman's record book	...	...	...	...	\$ 300.00

Re-sits—

(a) Written per subject	...	...	...	...	\$ 400.00
(b) Oral	...	...	...	...	\$ 450.00
(c) Simulator-based	...	...	...	...	\$ 500.00
(d) Unscheduled examination	...	...	...	...	\$ 400.00

2. The fees for an examination shall be forfeited where the applicant fails to appear for the examination at the appointed time.

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

Processing application for termination	...	...	\$ 250.00
Replacement of a certificate, except for a certificate lost owing to shipwreck	...	...	\$ 500.00
Replacement of an endorsement, except for an endorsement lost owing to shipwreck	...	...	\$ 400.00
Replacement of a seaman's record book, except for a book lost owing to shipwreck	...	...	\$ 300.00
Transcript of record of qualifications, seagoing service and/or examinations for a certificate	...	...	\$ 200.00
Postage and handling (foreign students)	...	...	\$ 180.00
Certificate cover, replacement	...	...	\$ 150.00
Processing and disuse of a safe manning certificate (to be paid by the company)	...	...	\$ 1000.00

4. Fees shall be paid in cash or by cheque made payable to the Maritime Services Division upon application, and shall not be refundable.”.

Made this 16th day of December, 2011.

D. MAHARAJ
Minister of Transport