

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 39 of 2014

Merchant Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations, 2014

In exercise of the powers confirmed by section 108 of the Merchant Shipping Act, Cap. 7.05, the Minister responsible for Maritime Affairs makes these Regulations;

[Published 6th November 2014, Official Gazette No. 49 of 2014]

1. CITATION.

These Regulations may be cited as the Merchant Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations, 2014.

2. Interpretation.

In these Regulations-

“principal Regulations” means the Merchant Shipping (Training, Certification, Safe Manning, Hours of Work and Watchkeeping) Regulations, No. 17 of 2012.

3. Amendment of Regulation 2.

Regulation 2 of the principal Regulations is amended by

- (a) replacing the definition of the expression “appropriate certificate” with the following

““appropriate certificate” shall be construed as having its natural and ordinary meaning as exemplified in Article VIII(3) of the Convention, specifically, within these Regulations it means:-

- (a) in relation to Saint Christopher and Nevis ships, a certificate or endorsement attesting to the recognition of a certificate issued in accordance with the provisions of these Regulations entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage or power and means of propulsion indicated by the endorsement while engaged on the particular voyage concerned; or

- (b) in relation to other ships, a certificate issued under the Convention as noted under Articles VI and VII of the Convention;”.

- (b) replacing the definition of the word “company” with the following

““company” includes an individual, and in relation to a ship means the owner of the ship or any other organization or person such as the Manager or

the demise charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed either explicitly or implicitly to take over all the duties and responsibilities imposed on the company by the Regulations annexed to the STCW Convention or those of the International Safety Management (ISM) Code or those imposed on ship-owners by the Merchant Shipping (Maritime Labour Convention, 2006) Regulations, 2013, regardless of whether such an organisation or individual is the same as or different from 'company' as defined herein;”.

4. Amendment of regulation 4.

Regulation 4 of the principal Regulations is amended by

- (a) deleting the word “or” in paragraph (f);
- (b) renumbering paragraph “(g)” as paragraph “(h)”; and
- (c) inserting the following new paragraph “(g)”,
“(g) electro-technical officer; or”

5. Amendment of regulation 8.

Regulation 8 of the principal Regulations is amended by

- (a) renumbering subsections “(2)” and “(3)” as subsections “(3)” and “(5)” respectively.
- (b) inserting a new subsection (2) as follows
“(2) Every able seafarer deck serving on a seagoing ship of 500 GT or more, shall be duly certified in accordance with Regulation II/5 of the STCW Convention and shall hold an appropriate certificate issued by the Director or under the authority of another STCW country.”.
- (c) inserting a new subsection (4) as follows
“(4) Every able seafarer engine serving in a manned engine room or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated in accordance with Regulation III/5 of the STCW Convention and shall hold an appropriate certificate issued by the Director or under the authority of another STCW country.”.
- (d) replacing the expression “any Small Vessel Operator Regulations” with the expression “Small Commercial Vessel Regulations” in subsection (5) as renumbered pursuant to paragraph (a).
- (e) inserting a new subsection (6) as follows
“(6) Every seafarer designated as an electro-technical rating on board a seagoing vessel of 500 GT or more, shall be duly certified in accordance with III/7 of the STCW Convention and shall hold an appropriate certificate issued by the Director or under the authority of another STCW country.”.

6. Amendment of regulation 14.

Regulation 14 of the principal Regulations is amended by

- (a) renumber the regulation as sub-regulation (1);
- (b) adding the following new sub-regulations (2) and (3)
 - “(2) All seafarers serving on a seagoing ship which is required to comply with provisions of the ISPS Code shall receive approved security related familiarisation training in accordance with Regulation VI/6 of the STCW Convention and Section A-VI/6 of the Code.
 - (3) Seafarers who have received the basic safety and security-related training specified in sub-regulations (1) and (2) shall be required every five years to provide evidence of maintaining the standard of competence and on-board training and experience may be accepted as a means of maintaining the standard.”.

7. Amendment of regulation 16.

Regulation 16 of the principal Regulations is amended by

- (a) inserting the expression “and ship security” after the expression “advanced fire-fighting” in the title to that section;
- (b) renumbering sub-regulation (3) as sub-regulation (4); and
- (c) inserting the following new sub-regulation (3)
 - “(3) Any person designated as Ship Security Officer under Regulation VI/5 of the Convention shall be certified as competent in accordance with Section A-VI/5 of the Code.”.

8. Amendment of regulation 18.

Regulation 18 of the principal Regulations is amended by replacing sub-regulation (4) as follows

- “(4) A record of all certificates and endorsements which are issued under these Regulations, have expired or have been revalidated, suspended, cancelled, or reported lost or destroyed and any alteration of or any other matters affecting any such certificates or endorsements, shall be kept in such manner, including an electronic form, as the Director may require and such record shall include at least the details specified in the Sixth Schedule and any other details which may be specified by the IMO from time to time.”.

9. Amendment of regulation 27.

Regulation 27 of the principal Regulations is amended by replacing it as follows

“27. Responsibilities of companies, masters and others

- (1) SOLAS regulations require minimum safe manning levels to be established for every ship, following a transparent procedure and taking into account the guidance adopted by IMO under Assembly resolutions on Principles of Safe Manning; and for Administrations to issue an appropriate minimum safe manning document or equivalent to each vessel on their register as evidence of the minimum safe manning considered necessary.

(2) In accordance with SOLAS regulations the Director requires every company operating a St Christopher and Nevis vessel to ensure that: -

- (a) every seafarer assigned to any of its ships holds an appropriate certificate in respect of any function he is to perform on that ship;
- (b) every seafarer on any of its ships has had training specified in these Regulations in respect of any function that he is to perform on that ship; and
- (c) documentation and data relevant to all seafarers employed on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competence in assigned duties.

(3) Nothing in sub-regulation (2) of this regulation shall prohibit the allocation of tasks for training under supervision or in case of *force majeure*.

(4) The company shall provide written instructions to the master of each of its ships setting out the policies and the procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.

- (5) The policies and procedures referred to in sub-regulation (4) shall include-
 - (a) allocation of a reasonable period of time during which each newly employed seafarer will have an opportunity to become acquainted with -
 - (i) the specific equipment the seafarer will be using or operating; and
 - (ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer 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 to each newly employed seafarer to receive essential information in a language the seafarer understands.

(6) It shall be the duty of any master and any member of a crew designated with an obligation under sub-regulation (4) of this regulation to carry out that obligation.”.

10. Amendment of regulation 30.

Regulation 30 of the principal Regulations is amended by inserting the following new sub-regulation (2)

“(2) If any doubt arises as to whether a conflict exists between the provisions of this Part of the Regulation and the provisions of the Merchant Shipping (Maritime Labour Convention, 2006) Regulations, 2013, the matter will be determined by the Director after consultation with the concerned ship-owners and seafarers’ organisations.”.

11. Amendment of regulation 37.

Regulation 37 of the principal Regulations is amended by

- (a) in sub-regulation (2), replacing the expression “Part 3-1” with the expression “Part 4-1”;
- (b) in sub-regulation (3), replacing the expression “Part 3-2” with the expression “Part 4-2”.

12. Amendment of regulation 40.

Regulation 40 of the principal Regulations is amended by replacing sub-regulation (2) as follows

“(2) No person under 18 years of age shall be employed in the engine room or boiler room of a ship.”.

13. Amendment of Second Schedule.

The Second Schedule of the principal Regulations is amended by replacing it as follows

SECOND SCHEDULE - FORM OF ENDORSEMENT

Regulation 6 (5)

<i>Photo of Seafarer covered by transparent hologram</i>	<i>Coat of arms</i>	ST KITTS & NEVIS INTERNATIONAL SHIP REGISTRY	<i>DMA logo</i>
<i>Certificate of Endorsement</i>			

Endorsement attesting the recognition of a certificate under the provisions of the Merchant Shipping Act Cap. 7.05, giving effect to Regulation I/10 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 as amended

The Government of St. Christopher (Kitts) & Nevis certifies that:

Number	Surname	Given names

Issuing government:

is duly recognised in accordance with the provisions of regulation I/10 of the above Convention, as amended, and the lawful holder is authorised to perform the following functions at the levels specified, subject to any limitations indicated until the date of expiry shown below.

Function	Level	Limitations applying

Capacity	Limitations

Seafarers Number: **SKN0900**

Date of Issue:

Date of Expiry:

Signature of authorised official:

Name of authorised official:

Date of birth of the holder of the certificate:

Signature of the Holder of the certificate:

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

Endorsement No. /00

The validity of this Endorsement is hereby extended until:	
Affix official stamp/seal here	<i>Signature of a duly authorised official</i>

<i>Date of revalidation</i>	<i>Name of duly authorised official</i>
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The validity of this Endorsement is hereby extended until:	
Affix official stamp/seal here	<i>Signature of a duly authorised official</i>
<i>Date of revalidation</i>	<i>Name of duly authorised official</i>

The validity of this Endorsement is hereby extended until:	
Affix official stamp/seal here	<i>Signature of a duly authorised official</i>
<i>Date of revalidation</i>	<i>Name of duly authorised official</i>

14. Amendment of Fourth Schedule.

The Fourth Schedule to of the principal Regulations is amended in the Form of the Certificate set out in the Annexes to the Fourth Schedule by replacing the expression “[Familiarization, Basic Safety Training and Instruction] [Survival Craft and Rescue Boats/*other than fast rescue boats] [Advanced Fire Fighting] [Medical First Aid and Medical Care] [to serve on tankers] [to serve as navigation/* engine room watch rating]” with the expression “[Familiarization, Basic Safety Training and Instruction] [Survival Craft and Rescue Boats/*other than fast rescue boats] [Advanced Fire Fighting] [Medical First Aid and Medical Care] [to serve on tankers] [to serve as navigation/* engine room watch rating] [to serve as an electro-technical rating]**”.

15. Amendment of Ninth Schedule.

The Ninth Schedule to of the principal Regulations is amended by

- (a) renumbering paragraph 1.2.1 as 1.2.2 and renumbering the following paragraphs accordingly; and
- (b) inserting a new paragraph 1.2.1 as follows

“1.2.1 SOLAS requires minimum safe manning levels to be established for every ship, following a transparent procedure and taking into account the guidance adopted by IMO under Assembly resolutions on Principles of minimum safe manning; and for Administrations to issue an appropriate minimum safe manning document or equivalent to each vessel on their register as evidence of the minimum safe manning considered necessary.”.

- (c) Replacing the annexes as follows

“ANNEX 1 TO THE NINTH SCHEDULE

APPLICATION FOR A MINIMUM SAFE MANNING CERTIFICATE

Dated the 31st day of October 2014.

RICHARD SKERRITT
Minister responsible for Maritime Affairs

ST KITTS & NEVIS
INTERNATIONAL SHIP REGISTRY

Coat of Arms

DMA Logo

The Saint Christopher & Nevis Merchant Shipping Act Cap 7.05
Department of Maritime Affairs

**APPLICATION FOR FIRST ISSUANCE, CHANGE OR RENEWAL
OF A MINIMUM SAFE MANNING CERTIFICATE**

All ships registered in St. Kitts & Nevis of 24m length and above and all passenger ships of any size are required to carry to Minimum Safe Manning Certificate.
Applicants should pay attention to the Minimum Safe Manning Guidelines for Certification (MM1) attached to this Form

VESSEL DETAILS		
Name of Vessel	IMO or CaribShip* Number (*where applicable)	Official Number (if assigned)
SKN		
Type of Vessel	Total Main Engine Power (kW)	Intended GMDSS Sea Areas in which the ship will sail (for ships over 300GT)
Gross Tonnage	Length (as per Tonnage Certificate)(m)	Unattended Machinery Space (UMS)
ITC		YES <input type="checkbox"/> NO <input type="checkbox"/>
National		
Trading Area: <input type="checkbox"/> UNRESTRICTED <input type="checkbox"/> RESTRICTED (if restricted give details, including any conditions imposed by Class on the sailing area/sea conditions. In such instance, a copy of the Class Certificate showing the restrictions should be attached)		

Details of Operating Company	
Full Name of Company :	
IMO Company Number	

PROPOSED MINIMUM COMPLEMENT					
DECK			ENGINE		
Rank	STCW reg.	No.	Rank	STCW reg.	No.
MASTER		1	CHIEF ENGINEER		1
CHIEF MATE			SECOND ENGINEER		
OFFICER IN CHARGE OF WATCH (OOW)			OFFICER IN CHARGE OF WATCH (OOW)		
DECK WATCH RATING			ENGINE WATCH RATING		
ABLE SEAFARER - DECK			ABLE SEAFARER - ENGINE		
			ELECTRO-TECHNICAL OFFICER		
OTHERS			ELECTRO-TECHNICAL RATING		

The person signing this application confirms that he/she is either the Owner or in the case of a Company, a duly authorised officer of that Company, or is the Owner's agent. In the case of an Owner's agent, the Registrar may ask for a written testimony giving such authority.

Signature of Applicant

Print Name

Date of Application

Title

**IMPORTANT NOTE – WHEN A CHANGE OR RENEWAL OF THE MINIMUM SAFE MANNING CERTIFICATE IS REQUIRED A
CURRENT CREW LIST FOR THE SHIP MUST BE SUBMITTED**

FORM CODE: A12	ISSUE No: 004	REVISED: 20/03/13
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ANNEX 2 TO THE NINTH SCHEDULE**MINIMUM SAFE MANNING GUIDELINES FOR CERTIFICATION*****as prescribed under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers - STCW 95***

The below tables are the guidelines employed by the St. Kitts and Nevis International Ship Registry (SKANReg) for determining Minimum Safe Manning for SKAN-flagged vessels.

We have provided these guidelines for reference only. Final acceptance of the minimum safe manning level proposed by the Owner/Company is made by the office of International Registrar of Shipping and Seamen, based on the ship specific type, trading area and other considerations, and may differ from the details outlined below.

It is the responsibility of the Owners and Master to ensure compliance with the provisions of the STCW 95 Convention, in particular Regulations VIII/1 and VIII/2 and Sections A-VIII/1 and A-VIII/2 regarding Fitness for Duty and Watchkeeping and Rest Periods arrangement and principles to be observed.

DECK DEPARTMENT: Vessels Greater Than 500 Gross Tonnage

	500-999 GT				1000-2999 GT				3000-9999 GT				Over 10000 GT				Over 250 passengers			
	Restricted voyages		Unrestricted voyages		Restricted voyages		Unrestricted voyages		Restricted voyages		Unrestricted voyages		Restricted voyages		Unrestricted voyages		Restricted voyages		Unrestricted voyages	
	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade
Master	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2
Chief Mate	0		1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2	1	II/2
OOW	1*	II/1	0*		0*		1	II/1	0*		1	II/1	1*	II/1	2	II/1	1	II/1	2	II/1
Watch Rating	2	II/4	2	II/4	2	II/4	3	II/4	3	II/4	3	II/4	2	II/4	3	II/4	3	II/4	3	II/4
Able Seafarer - Deck	0		0		0		0		0		1	II/5	2	II/5	2	II/5	3	II/5	3	II/5
TOTAL	4		4		4		6		5		7		9		9		9		10	

*Flag Administration may review vessel's trade and traffic area and vessel type and may request one (1) OOW be added.

OOW – Officer in charge of a Navigational Watch

Watch Rating – Ratings forming part of a Navigational Watch certified under STCW Reg. A-II/4

Restricted Voyages: These areas may be considered as Restricted Areas:

- All voyages which do not exceed 48 hours between ports of call;
- Voyages within 100 nm from the nearest shore;
- Enclosed areas, which may include, but are not limited to:
 - Mediterranean Sea
 - Red Sea
 - Black Sea
 - North Sea
 - Baltic Sea

- Caribbean (restricted areas I, II and/or III, as defined in CCSS Code)
- Caspian Sea
- Azov Sea
- Gulf of Aden
- Persian Gulf

NOTE: In the above cases the geographical limits of the above sea areas may be defined in more detail by SKANReg
4. The Administration will take into consideration additional restricted trade areas submitted by the owner/operator.

Unrestricted Voyages: Unrestricted International Voyages

GMDSS: ships over 300GT

Vessels equipped with **Radio Installations** for the following GMDSS sea areas shall carry the following number of certified Radio Personnel:

- Area A1 – at least one officer with Restricted Operator Certificate (ROC)*
- Area A2 – at least one officer with General Operator Certificate (GOC)* or one dedicated radio officer with GOC
- Areas A3 or A4 – at least two officers with GOC* or one dedicated radio officer with GOC

* may be the Master or other deck officer.

Passenger ships carrying up to 250 passengers shall follow the tables for cargo ships of the same size.

INTERNATIONAL SHIP & PORT SECURITY (ISPS) CODE – SHIP SECURITY OFFICERS

All ship security officers and deputy security officers on board St. Kitts and Nevis flagged vessels to which the ISPS Code applies shall have a certificate issued by an administration whose certificates are recognised by St Kitts and Nevis, in accordance with regulation VI/5 of STCW 78 as amended. Recognised administrations are those on the STCW whitelist.

DECK DEPARTMENT: Vessels Less Than 500 Gross Tonnage

	1 – 99 GT				100 – 499 GT			
	Up to 100 NM from nearest shore		More than 100 NM from nearest shore		Up to 100 NM from nearest shore		More than 100 NM from nearest shore	
	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade
Master	1**	II/3	1	II/3	1	II/3	1	II/3
Chief Mate	0		0		0		0	
OOW	0		1**	II/3	1	II/3	1	II/3
Watch Rating	1	II/4	0	II/4	1	II/4	2	II/4
Able Seafarer Deck	0		0				1	II/5
TOTAL	2		2		3		5	

** On ships below 24m in length trading in the Caribbean Trading Area this may be a holder of Boat Master Licence, Grade 1 under SCV Code reg. IX/3

Vessels less than 500GT but more than 300 GT equipped with GMDSS **Radio Installations** shall carry the number of certified Radio Personnel as indicated previously.

Vessels less than 300 GT operating in the following trading areas shall carry following number of certified Radio Personnel, who may be the Master or other deck officers:

- Up to 20 NM from shore – at least one Radiotelephone Restricted Operator (VHF)
- Over 20 NM from shore – at least one Radiotelephone General Operator (VHF/HF/MF)

ENGINE DEPARTMENT

	Less than 750 kW				750 – 2999 kW				3000 kW or more			
	Restricted voyages		Unrestricted voyages		Restricted voyages		Unrestricted voyages		Restricted voyages		Unrestricted voyages	
	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade	Nbr	STCW Grade
Chief Engineer	1**	III/1	1**	III/1	1	III/3	1	III/3	1	III/2	1	III/2
Second Engineer	0		0		0***		1*	III/3	1	III/2	1	III/2
OOW	1*	III/1	1*	III/1	1*	III/1	0***		0***		1*	III/1
Watch Rating	0^	III/4	0^	III/4	1^	III/4	2^A	III/4	2^A	III/4	2^A	III/4
Able Seafarer - Engine	0		0		0		0		1	III/5	1	III/5
TOTAL	2		2		3		4		5		6	

* Manning may be reduced by this rank if vessel is classed with UMS

** The Chief Engineer position required for vessels < 750 kW may be covered as a minimum by an OOW certified under STCW III/1

*** Flag Administration may review vessel's trade and traffic area and vessel type and may request one (1) additional Second Engineer or OOW

^ Tankers of 1000 GT or more shall add one additional Watch Rating

Watch Rating – Rating forming part of an Engine Room Watch or designated to perform duties in a periodically unmanned engine room and certified under STCW reg. A-III/4

ENGINE DEPARTMENT: Vessels less than 24 m length trading in the Caribbean Trading Area

	Protected Waters	Coastal Waters	Exposed Waters
Boat Engineer Grade 1	0	0	1
Boat Engineer Grade 2	0*	1	1
No licence	1*	1	0
TOTAL	1	2	2

* If engine power is 350 kW or more the Administration may require that Engineer holds a Boat Engineer Grade 2 licence under SCV reg. IX/3

Protected Waters – an area of sheltered waters presenting no special hazards such as most rivers, harbours and lakes, designated by the Administration for the operation of small vessels and where not so designated means an area not more than 3 miles from a safe haven.

Coastal Waters – an area designated as such by the Administration and where this is not so designated it means an area not more than 20 miles from a safe refuge.

Exposed Waters – any waters that are more than 20 nautical miles from a harbour or safe refuge, or those waters which are less than 20 nautical miles from a harbour or safe refuge and which are not designated coastal or protected waters.

Caribbean Trading Area is the area bounded by the east coasts of North, Central and South America; and a line from the east coast of the United States in latitude 32° 30'N to a point 20°N: 60° W, thence to a point 10°N : 50° W , and thence south to the coast of South America.

ELECTRO-TECHNICAL DEPARTMENT: All ships

St. Kitts & Nevis ships should carry sufficient Electro-Technical Officers (STCW Regulation III/6) and Electro-Technical ratings (STCW Regulation III/7) to:

- 1) operate the ship's electrical and electronic equipment; and
- 2) maintain the safety of the ship's electrical and electronic systems;

COOKS – MLC 2006 provisions apply

St. Kitts & Nevis ships should carry a cook who is qualified according to the Maritime Labour Convention, Regulation 3.2, Standard A3.2. For a prescribed manning of less than 10, this requirement may be waived by the Registrar if there is a suitable alternative arrangement."

Made this day of , 2014

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Richard Skerritt
Minister of Maritime Affairs