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[LEGAL NOTICE No. 15]

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

MARINE (CERTIFICATES OF COMPETENCY
(EXAMINATION PROCEDURES)) REGULATIONS, 1989

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

Short title

1. These regulations may be cited as the Marine (Certificates of Competency (Examination Procedures)) Regulations, 1989.

Object

2.—(1) These regulations may be cited as the Marine (Certificates of Competency (Examination Procedures)) Regulations, 1989.

(2) They prescribe, in particular, the procedures to be followed in respect of—

- (a) entry to the examination, including, in certain cases, the health requirements of candidates;
- (b) conduct during the examination; and
- (c) the marking of examinations.

Regulations to be read as one

3.—(1) These Regulations are to be read as one with the Marine (Certificates of Competency and Manning of Vessels) (General) Regulations, 1989, and the other Regulations referred to in those Regulations.

(2) In particular words and phrases defined in the Marine (Certificates of Competency and Manning of Vessels) (General) Regulations, 1989 have the same meaning when used in these Regulations.

Dates and other details of examination to be published

4.—(1) The Marine Board shall publish, or shall cause to be published, in such manner and on such dates as the Board considers will best inform candidates, notices giving details of the dates, times and places when and where examinations leading to a qualification for a grade of certificate of competency are to be held.

(2) A notice published in accordance with subregulation (1) shall, in addition to the details specified in that subregulation, state—

- (a) the last date on which applications for entry to an examination will normally be accepted and details of any provision for the late acceptance of entries; and
- (b) the details, documents and other requirements that must be supplied or complied with by a candidate on applying to be admitted to an examination.

(3) A notice published in accordance with subregulation (1) shall state that a person will not be admitted to an examination unless he has the qualifications an

applicant must possess and has complied with the other prerequisites that must be complied with as prescribed in the—

- (a) Marine (Certificates of Competency (Qualifications for Entry to Examinations) (Deck Officers)) Regulations, 1989;
- (b) Marine (Certificates of Competency (Qualifications for Entry to Examinations) (Engineering Officers)) Regulation, 1989;
- (c) Marine (Certificates of Competency (Required Qualifications) (Ratings)) Regulations, 1989.

as the case may be.

Application for entry to examination

5.—(1) An application for admission to an examination leading to a qualification for a grade of certificate of competency—

- (a) shall be made on or before the date referred to in paragraph 4(2)(a); and
- (b) shall be made to the Secretary of the Marine Board.

(2) An application made under subregulation (1) shall be accompanied by—

- (a) in the case of a first application for admission to an examination—a certified copy of the applicant's birth certificate;
- (b) a seaman's discharge book, or other document acceptable to the Marine Board, authenticating details of the applicant's relevant seagoing service;
- (c) any certificate that may have been issued to the applicant certifying the applicant's satisfactory attendance and completion at any appropriate approved training course;
- (d) a testimonial from a person of a standing approved by the Marine Board giving details of the applicant's sobriety, experience, ability and conduct during the last 12 months of the applicant's relevant seagoing service preceding the date of the application;
- (e) any certificate of competency or certificate of satisfactory service that may have been granted to the applicant;
- (f) documents necessary to prove the applicant's nationality; and
- (g) the examination fee as prescribed in the Marine (Fees) Regulations, 1989.

Medical requirements

6.—(1) Subject to subregulation (7), the Marine Board shall not admit a candidate to an examination leading to a qualification for a certificate of competency unless it first satisfies itself that the candidate—

- (a) is not suffering from any medical defect which would render him incapable of satisfactorily discharging the ordinary seagoing duties of a holder of a certificate of competency; and
- (b) is in possession of a certificate of Medical Fitness issued under the Marine (Medical Examination of Seafarers) Regulations, 1989.

(2) In satisfying itself for the purposes of subregulation (1) the Marine Board shall have particular regard to a candidate's hearing speech and eyesight.

(3) The Marine Board shall be deemed not to be satisfied as to the state of a candidate's eyesight unless the candidate has passed the eyesight test specified in the Schedule.

(4) Where a candidate passes the eyesight test specified in the Schedule the Marine Board may consider the result of that test to be valid for a period not exceeding 1 year from the date the test was taken.

(5) Where during the lantern part of the eyesight test specified in the Schedule a candidate in respect of a certificate of competency as a deck officer mistakes the colour white for the colour green or red or the colour green or red for the colour white the result of the test shall be referred to the Marine Board.

(6) Where the result of an eyesight test is referred to the Marine Board in accordance with subregulation (5) the Board shall consider the results of the test and any other circumstances the Board considers relevant and shall decide whether the candidate—

- (a) has failed the test;
- (b) should be retested; or
- (c) has passed the test.

(7) Where the results of an eyesight test has been referred to the Marine Board in accordance with subregulation (5) and—

- (a) the Board has not made a decision on the matter; or
- (b) the results of a retest carried out in accordance with paragraph (6)(b) are not known.

by the time the relevant examination is due to be held the Marine Board shall not refuse, solely for that reason, to admit the candidate to the examination.

(8) Where a candidate is admitted to an examination in the circumstances referred to in subregulation (7) and the Marine Board subsequently decides that the candidate failed the eyesight test, either on the original test or on any retest, the candidate shall be deemed to have failed the examination.

(9) If, during the course of an examination leading to a qualification for a certificate of competency, it is discovered that the candidate is suffering from a medical defect of a type referred to in subregulation (1) the Marine Board shall not allow the candidate to complete the examination.

(10) Where, in respect of an examination leading to a qualification for a certificate of competency, a candidate—

- (a) is not admitted to the examination because he fails to satisfy the Marine Board in accordance with subregulation (1);
- (b) is deemed to have failed the examination by virtue of subregulation (8); or
- (c) is not allowed to complete the examination by virtue of subregulation (9),

the Marine Board shall admit the candidate to any subsequent examination if he satisfies the Board that—

- (d) he no longer suffers from the medical defect; or
- (e) the defect is no longer of such severity that it would render him incapable of satisfactorily discharging the ordinary seagoing duties of the holder of a certificate of competency,

and that he otherwise remains qualified to be admitted to the examination.

(11) Where—

- (a) a candidate for an examination leading to a qualification for a grade of certificate of competency is already the holder of a certificate of competency; and
- (b) the Marine Board—
 - (i) is not satisfied as to his medical condition for the purpose of subregulation (1);
 - (ii) fails him by virtue of subregulation (8); or
 - (iii) stops him from completing an examination in accordance with subregulation (9).

the Marine Board shall submit a report on the matter to the Director for any appropriate action in accordance with section 100 of the Act.

Conduct of written examinations

7.—(1) A person conducting a written examination leading to a qualification for a certificate of competency shall conduct the examination in accordance with the following rules, namely—

- (a) he shall give each candidate who has been admitted to the examination written notification of the place, date and time of the examination;
- (b) he shall not allow a candidate who arrives—
 - (i) late for an examination; and
 - (ii) after the examination papers have been distributed, to enter for the examination unless he is satisfied that the candidate could not have been given details of the questions in the examination paper;
- (c) for the purpose of the examination he shall supply all necessary—
 - ruled paper and charts
 - nautical tables
 - nautical almanacs
 - azimuth tables
 - tide tables
 - parallel rules
 - dividers;
- (d) he shall not allow a candidate to bring any unauthorised book, paper or instrument or similar item into the examination room;
- (e) for the purposes of the examination he may allow a candidate to use a slide rule (in which case he will make a note of the use of a slide rule on the candidate's paper), his own drawing instruments and a non-programmable electronic calculator;
- (f) after distributing examination papers he will allow candidates 10 minutes to study the paper but will not allow any candidate to write or do anything else in respect of the paper during this period;
- (g) he shall not allow any unauthorised person to enter or remain in the examination room;
- (h) he shall maintain silence during the course of the examination;
- (i) he shall not allow a candidate to leave the examination room during the course of the examination without his approval and without surrendering all papers the candidate was working on;
- (k) if during the course of the examination he discovers a candidate—
 - (i) referring to an unauthorised book, paper, instrument or other similar item;
 - (ii) copying from another candidate's work;

- (iii) giving assistance to another candidate;
- (iv) accepting assistance or information from another candidate or communicating in any way with another candidate; or
- (v) copying any material for the purpose of taking it out of the examination room.

he shall expel the candidate from the examination room;

- (f) at the end of the prescribed period for the examination starting from the end of the 10 minute period referred to in paragraph (f) he shall stop the examination and collect the candidate's work.

(2) A candidate who is expelled from the examination room in accordance with paragraph (1) (k) shall be deemed to have failed the examination and will not be allowed to sit for another examination leading to a qualification for a certificate of competency without first obtaining the approval of the Marine Board.

(3) Where a candidate expelled from examination room in accordance with paragraph (1) (k) is the holder of a certificate of competency, the person conducting the examination shall send a report on the circumstances of the expulsion to the Director for possible action under section 100 of the Act.

Conduct of oral and practical examinations

8.—(1) A person conducting an oral or practical examination leading to a qualification for a certificate of competency shall give a candidate who has been admitted to the examination written notification of the place, date and time of the examination.

(2) A person conducting an oral or practical examination may, in addition to asking questions in respect of the subjects contained in the syllabus for that examination, ask—

- (a) questions in respect of subjects contained in the syllabuses for any oral or practical examination of a lower grade; and
- (b) questions relating to any weakness in the candidate's knowledge revealed by his answers to the written questions in that grade of examination.

(3) A person conducting an oral or practical examination shall ask question designed to reveal a candidate's competency in practical aspects of the relevant duties of a holder of a certificate of competency.

(4) Subject to this regulation, an oral or practical examination shall otherwise be conducted and the results assessed in such manner as the Marine Board directs.

Pass marks

9.—(1) Subject to subregulation (3), a candidate for a written examination leading to a qualification for a grade of certificate of competency as a mate shall be deemed not to have passed that examination unless he obtains at least the percentage of available marks indicated against that examination in the following Table.

GRADE I	TABLE	% Pass
Business and law		60%
Navigation		50%
Ship construction and stability		

Engineering and control systems	50%
Navigational aids and instruments	60%
Meteorology, currents and routing	50%
Electrotechnology	50%

GRADE 2

Navigation and chart-work	70%
Meteorology, currents and routing	50%
Ship construction and stability	60%
Electrotechnology	50%
Compasses and navigational aids	60%
Shipmasters' business	50%

GRADE 3

Navigation	70%
Chartwork and pilotage	70%
Ship construction and stability	60%
Ship operation	50%
Meteorology	50%
Principles of navigation	60%

GRADE 4

General ship knowledge	60%
Chartwork and pilotage	70%
Practical navigation	70%
Meteorology	50%

GRADE 5

Chartwork and practical navigation	70%
General ship knowledge	50%

(2) Subject to subregulation (3) a candidate for a written examination leading to a qualification for a certificate of competency as an engineering officer shall be deemed not to have passed that examination unless he obtains at least 50% of the available mark in that examination.

(3) A candidate in a series of written examinations leading to a qualification for a certificate of competency shall be deemed not to have passed any of those examinations unless in addition to obtaining the percentage of marks required in accordance with subregulation (1) or (2) he also obtains in that series of examinations—

(a) in the case of a deck officer—60%; or

(b) in the case of an engineering officer—50%.

of the total number of marks, as determined by the Marine Board, available in that series of examinations;

(4) A candidate for an oral or practical examination leading to a qualification for a grade of certificate of competency shall be deemed not to have passed that examination unless he satisfies the examiner that he has a knowledge of the subjects in respect of which he was tested adequately to undertake successfully and safely the duties of a holder of a certificate of competency of that grade.

Accuracy (deck officers)

10. In an examination leading to a qualification for a certificate of competency as a deck officer a candidate shall be deemed not to have given a correct answer unless—

- (a) when making any calculations to obtain a vessel's position he worked to any accuracy of 0.2 of a minute of arc and to the nearest second of time;
- (b) any method of calculation the candidate used to obtain a position line was capable of giving an answer within 1 nautical mile;
- (c) in any calculation of compass errors, bearings and courses the candidate's answer was worked to within 0.5 of a degree; and
- (d) any tidal calculations were worked to provide an answer within 15cm of a precise result.

All subjects of an examination to be passed at one time

11.—(1) Subject to regulation 12, a candidate in a series of examinations leading to a qualification for a certificate of competency as a deck officer shall be deemed not to have passed any examination in that series of examination unless he passes all the examination in that series at the same time.

(2) Subject to regulation 12, a candidate in a series of examinations in either Part A or Part B of an examination leading to a certificate of competency as an engineering officer shall be deemed not to have passed any examination in that series of examinations unless he passes all the examinations in that series at the same time.

Single examination may be reset in certain circumstances

12.—(1) Where—

- (a) in a series of 4 or more examinations leading to a qualification for a certificate of competency as a deck officer; or
- (b) in a series of 3 or more examinations leading to a qualification for a certificate of competency as an engineering officer,

a candidate fails in one examination of that series the Marine Board may allow the candidate to sit that one examination.

(2) Where a candidate is permitted to resit an examination in accordance with subregulation (1) the examination shall be resat within a period of 15 months starting on the date of commencement of the original series of examination.

(3) Where, in accordance with subregulation (1), a candidate is permitted to resit one of a series of examination and passes that examination he shall be deemed to have passed all the examinations in that series of examinations.

Re-examination after failure

13.—(1) Subject to subregulation (2), a person who fails an examination leading to a qualification for a certificate of competency is entitled to be admitted to the next available examination.

(2) Where a person fails in a subject in Part B of an examination leading to a certificate of competency as an engineering officer and the Marine Board is of the opinion that the failure arose from a serious deficiency in the candidate's practical knowledge he shall not be entitled to sit for re-examination in that subject without the Marine Board's approval.

Dated this third day of May 1989.

A. V. TORA
Minister for Communications, Works and Transport

SCHEDULE

SIGHT TEST
Deck officers**Preliminary**

1.—(1) The purpose of the sight test is to ensure that a candidate's eyesight is sufficiently good to enable the candidate to pick up and correctly identify the lights of a distant vessel at sea.

(2) The test shall comprise a letter test and a lantern test taken in that order.

(3) A candidate seeking admission to an examination leading to a qualification for the candidate's first certificate of competency will be required to have passed in both the letter test and the lantern test in the period of 6 months immediately preceding the start of the examination.

(4) Other candidates will be required to have passed in the letter test in the period of 6 months immediately preceding the start of the examination.

(5) A candidate, other than a candidate referred to in subclause (3), may take the sight test with or without spectacles or contact lenses but those who opt to wear such sight aids will still be required to reach a minimum standard in both eyes without sight aids.

The letter test

2.—(1) The letter test shall be conducted on Snellen's principle by means of sheets of letters at a distance of 6 metres from the candidate's eyes.

(2) The sheets of letters referred to in subclause (1) shall each contain 7 lines with the 3rd, 4th, 5th, 6th and 7th lines corresponding to standards 6/24, 6/18, 6/12, 6/9 and 6/6 respectively.

(3) Each of the candidate's eyes shall be tested separately.

(4) A candidate who has opted to be tested without spectacles or contact lenses shall be deemed to have passed the letter test if he reads down to and including line 7 correctly with his best eye and down to and including line 6 with the other eye.

(5) A candidate who has opted to be tested wearing spectacles or contact lenses shall be deemed to have passed the letter test if—

- (a) being first tested not wearing spectacles or contact lenses, he reads down to, and including, line 5 correctly with his best eye, and down to, and including, line 3 with the other eye, and
- (b) being next tested wearing spectacles or contact lenses, he reads down to, and including, line 7 correctly with his best eye, and down to, and including, line 6 with the other eye.

The lantern test

3.—(1) The lantern test shall be held in a room from which all daylight has been excluded.

(2) A candidate shall be allowed 10 minutes to adapt to the darkness in the room.

(3) The lantern used for the test shall be designed to show the colours red, white and green either singly through a large aperture or 2 at a time, side by side, through small apertures.