

LEGAL NOTICE No. 211

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

MARINE (CERTIFICATES OF COMPETENCY (TRANSITIONAL
PROVISIONS)) REGULATIONS, 1989

IN exercise of the powers conferred upon me by section 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 Competence (Transitional Provisions)) Regulations, 1989.

Object

2. These Regulations provide—
 - (a) for the recognition of certificates of competency issued before these Regulations came into operation;
 - (b) for the continued issue of certificates of competency of the type issued before these Regulations came into operation where a seafarer's training had been started under the previous system of training; and
 - (c) for the issue of certificates of service to persons who had seafaring experience but were not the holders of certificates of competency before these Regulations came into operation.

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.

Existing certificates of competency to continue in force

4. A certificate of competency issued by, or recognised by the Marine Board under the law in force before these Regulations came into operation—

- (a) shall have the same validity as it had immediately before these Regulations came into operation;
- (b) shall, for the purposes of the Act and these Regulations, be deemed to be a certificate of competency issued under these Regulations of an equivalent grade, as determined by the Marine Board; and
- (c) if it was valid for seagoing service when these Regulations came into operation shall continue to be valid for that purpose until—
 - (i) the expiration of the period of validity for that purpose specified in it; or
 - (ii) where no period of validity for seagoing service is specified in a certificate of competency—the expiration of a period of a period of 5 years starting on the date these Regulations came into operation.

Marine Board may continue to issue certificates of competency under the system previously in force

5.—(1) Subject to subregulation (2) and notwithstanding the repeal of the law in respect of the issue of certificates of competency in force immediately before these Regulations came into operation, the Marine Board may, for a period of 5 years starting on the date these Regulations came into operation, continue to issue certificates of competency as if that law in force immediately before these Regulations came into operation in respect of the issue of certificates of competency were still in force.

(2) The Marine Board shall not issue a certificate of competency under subregulation (1) except to a person who started his relevant seagoing service before these Regulations came into operation.

(3) A certificate of competency issued under subregulation (1) shall, for the purposes of the Act and these Regulations, be deemed to be a certificate of competency of an equivalent grade, as determined by the Marine Board, otherwise issued by the Board under these Regulations.

Issue of certificates of service

6.—(1) The Marine Board may, during the period of 2 years starting on the date these Regulations came into operation, issue to a seafarer who does not hold a certificate of competency issued either before or after these Regulations came into operation, a certificate of services if he is able to satisfy the Marine Board that—

- (a) he has served in the capacity or which he seeks the certificate of service for a total period of not less than 3 years during the period of 7 years immediately preceding the date these Regulations came into operation;

- (b) his service in the capacity referred to in paragraph (a) has been performed satisfactorily; and
- (c) having regard to the degree of medical fitness required by the Marine Board for a certificate of competency to undertake equivalent duties, he is medically fit.

(2) A certificate of service issued under subregulation (1) shall, for the purposes of this Act and these Regulations, be deemed to be a certificate of competency of an equivalent grade, as determined by the Marine Board, otherwise issued by the Board under these Regulations.

(3) A certificate of service shall be in the same form as a certificate of competency except that where the words "certificate of competency" appear there shall be substituted the words "certificate of service".

Dated this third day of May 1989.

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