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S.I. 6 of 2001

MERCHANT SHIPPING ACT
MERCHANT SHIPPING (CERTIFICATE HOLDERS
INQUIRIES) REGULATIONS

Commencement: 9th July 2001

In exercise of the powers conferred upon me by section 408 of the Merchant Shipping Act and of all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE, the Minister of Transport hereby make the following Regulations:-

1. The procedure for carrying out an inquiry on an allegation against a seafarer's certificate of competence shall be as set out in these Regulations.

*Procedure for
conduct of
inquiry.*

2.-(1) The Minister shall cause a notice (in these Regulations referred to as "a notice of inquiry") to be served in writing on a certificate holder, informing him of the Minister's intention to set up an inquiry into an allegation and the certificate holder shall be made a party to the inquiry.

*Notice of
inquiry.*

(2) A notice of inquiry shall be effected at least 30 days before the date fixed for the inquiry either by serving the certificate holder concerned personally or by sending the notice to his last known address by registered post or by the recorded delivery service.

(3) The notice of inquiry shall state:

(a) the facts giving rise to the inquiry;

(b) the allegation made against the certificate holder to whom the notice is addressed and the grounds for the allegations;

(c) the time, date, and the place where, the inquiry is to be held;

(d) the certificate holder's rights as set out in regulation 5(2) and (3) of these Regulations;

3.-(1) The Minister shall appoint a person to hold an inquiry under these Regulations and the person so appointed shall conduct the inquiry with the assistance of one or more assessors appointed by the Minister.

*Appointment
of persons to
conduct
inquiry.*

(2) An assessor shall be a person who is suitably qualified to assess the competence of a seafarer to discharge the duties and responsibilities commensurate with the seafarer's certificate.

**Holding of
the inquiry**

4.-(1) At the time and place appointed for holding an inquiry under these Regulations, the person appointed to hold the inquiry may proceed with the inquiry in the absence of the certificate holder upon whom the notice of the inquiry was served, or any person who has applied under paragraph (3) of this regulation to become a party or any other party.

(2) Where a certificate holder is served with the notice of inquiry by post, the person appointed to hold the inquiry shall not proceed with the inquiry in the absence of the certificate holder unless the person is satisfied that the certificate holder has been served in accordance with the requirements of regulation 2(1) and (2) of these Regulations.

(3) Any person, not being the certificate holder concerned, may, with the leave of the person appointed, become a party to the inquiry.

(4) An inquiry shall be held in public except to the extent to which the person appointed is satisfied that in the interests of justice, or for other good and sufficient reason in the public interest, any part of the evidence or any argument relating to the evidence should be heard in private.

**Procedure at
an inquiry.**

5.-(1) The proceedings at the inquiry shall commence with the presentation on behalf of the Minister, the case against the certificate holder concerned.

(2) The certificate holder concerned has the right to -

(a) defend himself against the allegation in person, or by a representative;

(b) admit the allegation or any part of it before or at any time after the commencement of the inquiry.

(3) Where more than one allegation is made against a certificate holder, his admission of an allegation or any part of it pursuant to subparagraph (2)(a) of this regulation shall be without prejudice to his right to defend himself against any other allegation which he does not admit.

(4) A party to the inquiry has the right in person or by a representative to make an opening statement, call witnesses, cross-examine witnesses called by other parties or on behalf of the Minister, tender evidence other than oral evidence and address the person appointed in such order as the person appointed may direct.

(5) If a party does not appear in person at the inquiry and is not represented by another person, the party may make representations in writing to the person appointed and such written representations shall be read out at the inquiry by or on behalf of the person appointed.

(6) Without prejudice to the admission of documents as secondary evidence allowed by statute or otherwise, affidavits, depositions, statutory declarations and other written evidence shall, unless the person appointed to hold the inquiry considers it unjust, be accepted as evidence at the inquiry.

(7) A person appointed to hold an inquiry under these Regulations may postpone or adjourn the hearing of the inquiry for such period as he thinks fit either of his own motion or upon the application of any party.

6.-(1) The person appointed shall, at the conclusion of the inquiry or as soon as possible after the inquiry, announce his decision in public.

Decision of
the person
appointed.

(2) Each assessor shall sign the report with or without reservations or state in writing the assessor's dissent from the report and the reasons for the dissent and any report, reservation or dissent and reason tendered shall be forwarded to the Minister along with the report.

(3) The Minister shall in writing inform the certificate holder concerned of the decision of the inquiry if the certificate holder was not present when that decision was announced and shall make a copy of the report available to the certificate holder.

(4) A copy of the report shall be made available to any party to the inquiry upon request by the party to the Minister in writing.

7.-(1) In these Regulations -

Interpretation.

"allegation" means an allegation by the Minister that a certificate holder is unfit to be the holder of the certificate, whether by reason of incompetence or misconduct or for any other reason;

"Assessor" means a person appointed to assist in an inquiry under these Regulations who is recognised by the Minister as knowledgeable in matters relating to certificate of competency of seafarers;

"person appointed" means the person or persons appointed by the Minister to hold an inquiry under the Act;

"holder of certificate" means a seaman who holds a certificate under the Act.

(2) Any period of time specified in these Regulations by reference to days shall be exclusive of the first day and inclusive of the last day unless the last day falls on a Saturday, Sunday or any day appointed by law to be a public holiday in the part of Nigeria where the inquiry is to be held, in which case the time shall be reckoned exclusive of that day also.

Citation.

8. These Regulations may be cited as the Merchant Shipping (Certificate Holders Inquiries) Regulations 2001.

MADE at Abuja this 9th day of July 2001

CHIEF OJO MADUEKWE
Minister of Transport

S.I. 7 of 2001

**MERCHANT SHIPPING ACT
(CAP. 224 LFN)**

**MERCHANT SHIPPING (DISQUALIFICATION OF HOLDER OF
SEAFARER'S CERTIFICATES) REGULATIONS**

Commencement: 9th July 2001

In exercise of the powers conferred upon me by section 408 of the Merchant Shipping Act and of all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE, the Minister of Transport hereby make the following Regulations :-

1.-(1) A notice served by the Minister pursuant to the Act shall be given to the holder of the certificate as prescribed in Schedule 1 to these Regulations.

Notice of
suspension or
cancellation of
certificate.

(2) Service of a notice under this regulation shall be effected by -

(a) serving the holder of the certificate concerned personally; or

(b) sending it to him at his last known address by registered post or by the recorded delivery service.

2.-(1) The holder of the certificate shall, within 6 weeks of the receipt of a notice under these Regulations or for such longer period as the Minister may prescribe, inform the Minister of his intention to make written or oral representation.

Representation

(2) In the case of an oral representation, the Minister shall agree with the holder of the certificate for a suitable date and place for the oral representation to be made and if no such agreement is reached, the oral representation shall be heard at the address given in paragraph 5 of Schedule 1 to these Regulations on the last working day of the period for representation allowed by this regulation.

(3) Where oral representation is to be made, the holder of the certificate may be accompanied by a friend who may advise him or speak on his behalf.

(4) Representation, whether written or oral, shall be made within 10 weeks of the receipt of the notice.

Notice of
decision.

3.-(1) The Minister shall give notice of his decision to the holder of the certificate in the form set out in Schedule 2 to these Regulations.

Application.

4. These Regulations apply in relation to any certificate of competence issued under the Act and to any other certificate or document issued under the Act other than one certifying that a person is qualified as an officer.

Interpretation
Cap. 224 LFN

5. In these Regulations "the Act" means the Merchant Shipping Act.

Citation.

6. These Regulations may be cited as the Merchant Shipping (Disqualification of Holder of Seafarer's Certificates) Regulations 2001.

SCHEDULE 1

Regulation 3

NOTICE OF INTENTION TO SUSPEND OR CANCEL CERTIFICATE

1. This Notice is given in respect of your certificate of competence.

2. The Minister gives you notice, pursuant to the Merchant Shipping Act, that it appears to him that you are unfit to be the holder of such a certificate and that he is considering the suspension or cancellation of your certificate.

3. You appear to be unfit to be the holder of such a certificate of competence for the following reasons -

.....
.....

4. Within 6 weeks of receipt of this Notice you may inform the Minister of your intention to make written representation or your claim to make oral representation by completing and returning the final section of this Notice. If at the end of that period you have not so informed the Minister, your certificate will be dealt with as if no representation was made by you.

5. All communications relating to this Notice should be addressed to the Government Inspector of Shipping.

Date of Service

Office of the Government
Inspector of Shipping,
Joseph Street, Marina, Lagos.

I acknowledge receipt of your Notice dated day of
in connection with the proposed suspension/cancellation of my certificate of
competence as No..... and hereby inform you that -

(1)* I intend to make a written representation which will be sent to you before;
or

(2)* I intend to make an oral representation and will be ready to do so not
later than.....; or

(3)* I do not wish to make any representation.

.....

.....

Signed:

Date:

**Delete if not applicable.*

If you intend to inform the Minister that you wish to make written or oral
representation you must make sure that the representation reaches him within 10
weeks of receipt of this Notice. If at the end of that period you have not so
informed the Minister your certificate will be dealt with as if no representation was
made by you.

SCHEDULE 2

regulation 5

NOTICE OF DECISION CONCERNING SUSPENSION OR CANCELLATION OF CERTIFICATE

1. Notice is hereby given pursuant to the Merchant Shipping Act that in
relation to your certificate of competence the Minister, after considering your
representation, has decided:

- (a) to suspend/cancel your certificate;
- (b) not to suspend/cancel your certificate.

2. Your certificate is suspended from for a period of

3. The cancellation of your certificate takes effect from

4. You are required to deliver your certificate to the Government Inspector of Shipping, at the Office of the Government Inspector of Shipping not later than..... unless before that date you require your case to be dealt with by an inquiry under the Merchant Shipping (Certificate Holders Inquiries) Regulations.

5. If you require your case to be dealt with by an Inquiry you must notify the Government Inspector of Shipping before the date specified in paragraph 4 above, and unless you withdraw your requirement, the suspension/cancellation of your certificate will not take effect except as ordered in pursuance of the Inquiry.

Date.....

Warning: A person who fails to deliver a certificate as required commits an offence and is liable on summary conviction to a fine not exceeding ten thousand naira.

MADE at Abuja this 9th day of July 2001

CHIEF OJO MADUEKWE
Minister of Transport

S.I. 8 of 2001

MERCHANT SHIPPING ACT
(CAP 224 LFN)

**MERCHANT SHIPPING (HEALTH PROTECTION AND
MEDICAL CARE FOR SEAFARERS) REGULATIONS**

Commencement: 9th July 2001

In exercise of the powers conferred upon me by section 408 of the Merchant Shipping Act, and of all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE the Minister of Transport hereby make the following Regulations:-

1. A ship to which these Regulations apply shall be required to carry a medicine chest.

Medicine chest
to be carried.

2. The contents of a medicine chest and the medical equipment carried on board a ship shall be prescribed by the Minister taking into account such factors as the type of ship, the number of persons on board and the nature, destination and duration of the voyage.

Contents to
be prescribed.

3. In adopting or reviewing the provisions concerning the contents of the medicine chest and the medical equipment carried on board, the Minister shall take into account international recommendations in this field such as the most recent edition of the International Medical Guide for Ships and the List of Essential Drugs published by the World Health Organisation, as well as advances in medical knowledge and approved methods of treatment.

Minister to take
into account the
World Health
Organisation
recommendations.

4.-(1) A medicine chest carried on board and its contents as well as the medical equipment shall be properly maintained and inspected at regular intervals, not exceeding 12 months, by the Government Inspector of Shipping or any other person designated by the Government Inspector of Shipping.

Medicine chest to
be inspected.

(2) A person designated under paragraph (1) of this regulation shall ensure that the expiry dates and conditions of storage of all medicines are checked in the course of the inspection.

5. The Government Inspector of Shipping shall ensure that the contents of the medicine chest are listed and labelled with generic names in addition to any brand names used, and that the expiry dates and conditions of storage, and the contents conform to the medical guide used internationally.

Contents of chest
to be labelled.

Accidents arising from carriage of dangerous cargo.

6.-(1) Where a cargo which is classified as dangerous has not been included in the most recent edition of the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods published by the International Maritime Organisation, the Government Inspector of Shipping shall ensure that the -

(a) necessary information on the nature of the substances and the risk involved;

(b) necessary personal protective devices; and

(c) relevant medical procedures and specific antidotes,

are made available to the master, seafarers and other interested persons.

(2) The specific antidotes and personal protective devices referred to in paragraph (1) of this regulation shall be on board whenever dangerous goods are carried.

Medicine not in chest to be obtained as soon as possible.

7. In cases of urgent necessity and when a medicine prescribed by qualified medical personnel for a seafarer is not available in the medicine chest, the shipowner shall take all necessary steps to obtain the medicine as soon as possible.

Ship's medical guide to be carried.

8.-(1) A ship to which these Regulations apply shall be required to carry a ship's medical guide adopted by the Minister.

(2) A medical guide shall explain how the contents of a medicine chest are to be used and shall be designed to enable persons other than a doctor to care for the sick or injured on board a ship with or without medical advice by radio or satellite communication.

(3) In adopting or reviewing the ship's medical guide, the Minister shall take into account, international recommendations in this field, including the most recent edition of the International Medical Guide for Ships and the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods.

Medical advice to be available day and night.

9.-(1) The Minister shall ensure by a pre-arranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available at any hour of the day or night.

(2) The medical advice including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to every ship irrespective

of the territory in which it is registered

(3) A ship to which these Regulations apply and which is equipped with a system of satellite communication shall, with a view to ensuring that optimum use is made of facilities available for medical advice by radio or satellite communication -

- (a) carry a complete list of radio stations through which medical advice can be obtained;
- (b) carry a complete list of coast earth stations through which medical advice can be obtained,
- (c) keep the list of radio stations and coast earth stations up to date and in the custody of the person responsible for communication duties on board the ship

10.-(1) A seafarer on board requesting medical advice by radio or satellite communication shall be instructed in the use of the ship's medical guide and the medical section of the most recent edition of the International Code of Signals published by the International Maritime Organisation in order to enable the seafarer understand the type of information needed by the advising doctor, as well as, for the advice received.

Seafarer to be instructed in use of medical guide.

(2) The Minister shall ensure that doctors providing medical advice in accordance with this regulation receive appropriate training and are aware of shipboard conditions.

11.-(1) A ship to which these Regulations apply which carries 50 or more seafarers and is ordinarily engaged in international voyages which last for a duration of more than three days shall carry a medical doctor as a member of the crew responsible for providing medical care.

Ships required to have doctors on board.

(2) The Minister shall determine which other ships are required to carry a medical doctor as a member of the crew, taking into account such factors as the duration, nature and conditions of the voyage and the number of seafarers on board.

12.-(1) A ship to which these Regulations apply and which does not carry a doctor shall assign a member of the crew or one or more specified persons to be in charge of medical care and the administering of medicines as part of their regular duties.

Crew member to be in charge of medical care.

(2) Where the person in charge of medical care on board a ship is not a medical doctor that person shall have satisfactorily completed a course of theoretical and applied training in medical skills approved by the Minister.

(3) The course referred to in paragraph (2) of this regulation shall comprise -

(a) in the case of a ship of less than 1600 gross tonnage which ordinarily is capable of reaching qualified medical care and medical facilities within eight hours, elementary training which shall enable the person to take immediate, effective action in case of accidents or illnesses, on board the ship and to make use of medical advice by radio or satellite communications;

(b) in any other ship, more advanced medical training, including practical training in the emergency or casualty department of a hospital where practicable and training in life-saving techniques such as intravenous therapy, which shall enable the person concerned to participate effectively in co-ordinated schemes for medical assistance to the ship at sea and to provide the sick or injured with a satisfactory standard of medical care during the period the sick or injured is likely to remain on board

(4) The training required in paragraph (2) of this regulation shall be provided where possible, under the supervision of a physician with a thorough knowledge and understanding of the medical problems and circumstances relating to the seafaring profession including expert knowledge of radio or satellite communication medical services.

(5) The courses referred to in this regulation shall be based on the contents of the most recent edition of -

(a) the International Medical Guide for Ships;

(b) the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods;

(c) the Document for Guidance which is an International Maritime training Guide published by the International Maritime Organisation and the medical section of the International Code of Signals.

(6) The person referred to in paragraph (2) of this regulation, or any other seafarer as may be required by the Minister, shall undergo refresher

courses in order to enable him to maintain and increase his knowledge and skills and to keep abreast of new developments, at approximately five year intervals.

(7) A seafarer shall, during the seafarer's maritime vocational training, receive instruction on the immediate action that should be taken on encountering an accident or other medical emergency on board.

(8) A specified crew member or any other crew member shall in addition to the person in charge of medical care on board a ship, receive elementary training in medical care in order to enable him to take immediate, effective, action in case of accidents or illnesses likely to occur on board a ship.

13. A ship to which these Regulations apply shall provide all possible medical assistance, where practicable, to other vessels which may request medical assistance from the ship.

Medical assistance
to other ships.

14.-(1) In a ship of 500 or more gross tonnage, carrying 15 or more seafarers and engaged in a voyage which lasts for a duration of more than three days, separate hospital accommodation shall be provided.

Hospital
accommodation
to be provided.

(2) The Minister may waive the requirement in paragraph (1) of this regulation in respect of a ship engaged in near coastal voyages.

(3) In a ship of between 200 and 500 gross tonnage and in tugs, this paragraph shall be applied where it is reasonable and practicable.

(4) This paragraph does not apply to a ship primarily propelled by sail.

(5) A hospital accommodation on board a ship shall -

(a) be suitably situated, so that the accommodation is easily accessible and the occupants are comfortably housed and receive proper attention in all weathers;

(b) be so designed as to facilitate consultation and the giving of medical first aid;

(c) only be used for medical purposes.

(6) The arrangement of the entrance, berths, lighting, ventilation, heating and water supply shall be designed to ensure the comfort and facilitate the treatment of the occupants.

(7) The number of hospital berths required shall be prescribed by the Minister .

(8) A water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity to the accommodation.

Form of medical
report.

15.-(1) The Minister shall adopt a standard medical report form for seafarers as a model for use by -

(a) ship doctors, masters or persons in charge of medical care on board a ship; and

(b) hospitals or doctors ashore.

(2) The medical report form referred to in paragraph (1) of this regulation shall be specially designed to facilitate the exchange of medical and related information, concerning an individual seafarer, between the ship and shore in cases of illness or injury .

(3) The information contained in a medical report form shall be kept confidential and used for no other purpose than to facilitate the treatment of the seafarer.

Citation.

16. These Regulations may be cited as the Merchant Shipping (Health Protection and Medical Care for Seafarers) Regulations 2001.

MADE at Abuja this 9th day of July 2001

CHIEF OJO MADUEKWE
Minister of Transport

S.I. 9 of 2001

MERCHANT SHIPPING ACT
(CAP 224 LFN)

MERCHANT SHIPPING (MANNING) REGULATIONS

Commencement: 9th July 2001

In exercise of the powers conferred upon me by section 408 of the Merchant Shipping Act and of all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE, the Minister of Transport hereby make the following Regulations:-

PART 1 - FOREIGN-GOING SHIPS

1.-(1) A ship to which these Regulations apply which ship exceeds 3000 gross registered tonnes and is going to or from any place in Nigeria shall have on board for service the following deck officers -

Deck officers and rating forming part of the watch in foreign-going vessels.

- (a) one master;
- (b) one chief mate;
- (c) three watchkeeping officers;
- (d) three ratings forming part of the navigational watch.

(2) A ship to which these Regulations apply which ship is between 500 and 3000 gross registered tonnes and is going to or from any place in Nigeria shall have on board for service the following deck officers -

- (a) one master;
- (b) three watchkeeping officers; and
- (c) three ratings forming part of the navigational watch.

(3) A ship to which these Regulations apply which ship is less than 500 gross tonnes and is going to or from any place in Nigeria shall have on board for service the following deck officers -

- (a) one master;
- (b) one watchkeeping officer; and

Engineer officers
for foreign-going
vessels of 3,000
kilowatts
propulsion power

(c) three ratings forming part of the navigational watch.

2.-(1) A ship to which these Regulations apply and which has a propulsion power of not less than 3000 kilowatts power and is going to or from any place in Nigeria shall have on board for service the following engineer officers -

(a) one chief engineer;

(b) one second engineer;

(c) three officers in charge of an engineering watch; and

(d) three ratings forming part of the engineering watch.

(2) A ship to which these Regulations apply and which has a propulsion power of between 750 and 3000 kilowatts and is going to or from any place in Nigeria shall have on board for service the following engineer officers -

(a) one chief engineer who has at least a certificate of competency for second engineer on a vessel of 3,000 kilowatts ;

(b) three watchkeeping engineers; and

(c) three ratings forming part of the engineering watch.

PART II - NEAR COASTAL SHIPS

Deck officers, etc.
for near coastal
voyage ships of
less than 500 gross
registered tonnes

3. A ship to which these Regulations apply which is less than 500 gross registered tonnes and is going on near coastal voyages shall have on board the following deck officers -

(a) one master;

(b) three ratings forming part of a navigational watch.

Engineer officers
for near coastal
voyages on ships
between 750 and
3000 kilowatts
propulsion power.

4.-(1) A ship to which these Regulations apply which has a propulsion power of between 750 and 3000 kilowatts and which is going on near coastal voyages shall have on board the following engineer officers -

(a) one chief engineer;

(b) one second engineer; and

(c) three ratings forming part of the engineering watch.

(2) A ship to which these Regulations apply and which has a propulsion power of less than 750 kilowatts and is going on near coastal voyages shall have on board the following engineer officers -

(a) one engineer; and

(b) three ratings forming part of the engineering watch.

PART III - RADIO OPERATORS, DOCTORS AND COOKS

5.-(1) A foreign-going ship shall carry radio operators in accordance with the scale specified in the Radio Regulations.

Radio operators,
doctors and cooks.

(2) A foreign-going ship which proceeds from Nigeria and has more than 12 passengers on board shall carry a qualified medical practitioner as a member of the crew.

(3) A foreign-going ship to which these Regulations apply, which is of 1,000 gross tonnes or upwards shall carry a certificated ship's cook.

PART IV - MISCELLANEOUS

6. The Government Inspector of Shipping may subject to such conditions as he may think fit, exempt from any or all of the requirements of these Regulations, any ship which does not proceed beyond fifteen miles from the shore.

Exemption.

7. Any vessel which does not comply with the manning requirements contained in these Regulations shall be liable to detention if the Government Inspector of Shipping has reason to believe that it is unseaworthy by reason of undermanning.

Detention of ships
by Government
Inspector of Shipping.

8. The owner, manager or operator of a ship to which these Regulations apply, who does not man the ship in accordance with the provisions of these Regulations, commits an offence and is liable on conviction to a fine of one hundred thousand naira.

Penalty for
undermanned
vessel

9.—(1) These Regulations apply to in Nigerian flagships other than -

Application

(a) a ship not propelled by mechanical means;

(b) a boat kept solely for pleasure purposes;

(c) a ship exempted under the Act;

(d) a fishing vessel ;

(e) a lifeboat belonging to a registered ship.

(2) These Regulations shall also apply in respect of every ship belonging to the Federal or State Government.

(3) A ship to which these Regulations apply shall have on board the ship not less than the complement of the crew specified in these Regulations.

Citation

10. These Regulations may be cited as the Merchant Shipping (Manning) Regulations 2001.

MADE at Abuja this 9th day of July 2001

CHIEF OJO MADUEKWE
Minister of Transport

S.I. 10 of 2001

MERCHANT SHIPPING ACT
(CAP. 224 LFN)

**MERCHANT SHIPPING (MEDICAL EXAMINATION OF
SEAFARERS) REGULATIONS**

Commencement: 9th July 2001

Commencement

In exercise of the powers conferred upon me by section 408 of the Merchant Shipping Act and all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE, the Minister of Transport hereby make the following Regulations :-

1.-(1) A person who is seeking to be engaged in an employment in a vessel to which these Regulations apply shall produce a certificate attesting to his fitness for the work for which he is seeking to be employed at sea.

Certificate of fitness to be produced by persons seeking employment.

(2) The certificate shall be one which is signed by a medical practitioner approved by the Minister or, in the case of a certificate solely concerning his sight, by a person authorised by the Minister to issue the certificate.

2. A person may be engaged for employment in a vessel to which these Regulations apply, if he produces evidence that he has been employed in a sea-going vessel to which these Regulations apply for a substantial period in the past two years.

Other grounds for employment

3. The Minister shall, after consultation with the shipowners' and seafarers' organisations concerned, prescribe the nature of the medical examination to be made and the particulars to be included in the medical certificate, such examination shall include the standards specified in section B-1/9 and Table B of the Code..

Minister to prescribe medical examination

4. When prescribing the nature of the medical examination as provided for in regulation 3 of these Regulations, the Minister shall take into consideration the age of the person to be examined and the nature of the duties to be performed by the person.

Age and nature of duties to be considered.

5. A medical certificate under these Regulations shall attest to the fact that -

Contents of medical certificate.

(a) the hearing and sight of the person and, in the case of a person to be employed in the deck department (except for certain specialist personnel, whose fitness for the work which they are to perform is not liable to be affected by defective colour vision), his colour vision, are all satisfactory; and

(b) that the person is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board.

Certificate in
force for two
years

6. The medical certificate shall remain in force for a period not exceeding 2 years from the date on which it was granted.

Certificate of
colour vision

7. In so far as a medical certificate relates to colour vision it shall remain in force for a period not exceeding 3 years from the date on which it was granted.

Certificate
valid until end
of voyage

8. If the period of validity of a certificate expires in the course of a voyage the certificate shall continue in force until the end of that voyage.

Exceptional
circumstances
for employment

9.-(1) In urgent cases the Minister may, taking into consideration the safety of the crew and vessel, allow a person to be employed for a single voyage without having satisfied the requirements of regulations 2 and 3 of these Regulations.

(2) Where a person is employed under paragraph (1) of this regulation, the terms and conditions of employment shall be the same as those of seafarers in the same category holding a medical certificate.

(3) Employment by virtue of this regulation shall not be deemed on any subsequent occasion to be previous employment for the purposes of regulation 2 of these Regulations.

Evidence of
certificate

10. The Minister may provide for the acceptance of evidence in a prescribed form as substitution for a medical certificate that the required certificate has been given.

Application
for further
examination
by medical
referee.

11. Arrangements shall be made to enable a person who was refused a certificate after examination, to apply for a further examination by a medical referee who shall be independent of any shipowner or of any organisation of shipowners or seafarers.

Application.

12.-(1) These Regulations apply to every sea-going vessel, whether publicly or privately owned, which -

(a) is engaged in the transport of cargo or passengers for the purpose of trade; and

(b) registered in Nigeria.

(2) These Regulations do not apply to -

(a) a wooden vessel of primitive build such as a canoe; or

(b) an estuarial craft.

(3) Without prejudice to the steps which should be taken to ensure that the persons mentioned in sub-paragraphs (a) to (d) are in good health and not likely to endanger the health of other persons on board, these Regulations shall apply to every person who is engaged in any capacity on board a vessel except -

(a) a pilot who is not a member of the crew;

(b) persons employed on board by an employer other than the shipowner, radio officers or operators in the service of a wireless telegraphy company;

(c) stevedores not members of the crew;

(d) persons employed in ports who are not ordinarily employed at sea.

(4) In these Regulations "Code" means the Seafarers' Training Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7th July 1995.

13. These Regulations may be cited as the Merchant Shipping (Medical Examination of Seafarers) Regulations 2001.

Citation

MADE at Abuja this 9th day of July 2001

CHIEF OJO MADUEKWE
Minister of Transport



S.I. 11 of 2001

MERCHANT SHIPPING ACT
(CAP 224 LFN)

**MERCHANT SHIPPING (SAFE MANNING, HOURS OF WORK
AND WATCHKEEPING) REGULATIONS**

Commencement: 9th July 2001

In exercise of the powers conferred upon me by section 408 of the Merchant Shipping Act, and of all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE the Minister of Transport hereby make the following Regulations:-

1.-(1) This regulation applies only to Nigerian ships.

Responsibilities of
companies, masters
and others.

(2) A shipping company shall ensure that -

(a) a seafarer assigned to any of the company's ship holds an appropriate certificate in respect of any function the seafarer is to perform on that ship;

(b) a seafarer on any of the company's ship has undergone the training specified in the Training and Certification Regulations in respect of functions performed on the company's ship;

(c) documentation and data relevant to a seafarer employed 'in the company's ship is maintained and readily available for inspection and shall include the documentation and data on the seafarer's experience, training, medical fitness and competency in assigned duties.

(3) Nothing in paragraph (2) of this regulation prohibits the allocation of tasks for training under supervision or in case of force majeure.

(4) The company to which this regulation applies shall provide written instructions to the master of the company's ship setting out the policies and the procedures to be followed to ensure that a seafarer who is newly employed on board the ship is given reasonable opportunity to get familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of his duties, before being assigned to those duties.

(5) The policies and procedures referred to in paragraph (4) of this regulation include-

(a) allocation of a reasonable period of time during which a newly employed seafarer shall have opportunity to become acquainted with -

(i) the specific equipment the seafarer uses or operates, and

(ii) ship-specific watchkeeping, safety, environmental protection and emergency procedures and arrangements the seafarer requires to properly perform the duties assigned to him;

(b) the designation of a knowledgeable crew member who shall ensure that opportunity is created for a newly employed seafarer to receive essential instruction in a language the seafarer understands.

(6) A master and a member of a crew designated with an obligation under paragraph (4) of this regulation shall carry out that obligation.

Safe manning document.

2.-(1) A company to which these Regulations apply shall ensure that in relation to everyone of its ship of 500 gross tonnes or more-

(a) a safe manning document is in force in respect of the ship and the manning of the ship;

(b) the safe manning document is kept on board the ship at all times; and

(c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.

(2) The master of a ship to which this regulation applies shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.

(3) A company applying for a safe manning document in respect of any Nigerian ship shall -

(a) submit to the Government Inspector of Shipping, proposals as to the number and grade of personnel considered to be carried in order for the ship to be safely manned when it proceeds to sea on any intended voyage;

(b) in preparing a proposal under this paragraph take into account any guideline issued by the Government Inspector of Shipping;

(c) after the issue of a safe manning document, inform the Government Inspector of Shipping as soon as any of the circumstances which are pertinent to that safe manning document changes, for the purpose of enabling the department to review the document's continuing validity or approve fresh proposals from the company.

3. The regulations dealing with hours of work in regulations 4 and 7 apply only to Nigerian ships. Hours of work

4.-(1) Subject to regulation 7, a company and an employer, shall ensure, so far as is reasonably practicable, that the master and seafarer do not work for more hours than is safe in relation to the safety of the ship and the master and the seafarer's performance of duties. General duty of company employers and masters

(2) Subject to regulation 7, a master of a ship shall ensure, so far as is reasonably practicable, that a seafarer on board a ship does not work more hours than is safe in relation to the safety of the ship and performance of the seafarer's duties.

5. A master or seafarer shall, so far as is reasonably practicable, ensure that he is properly rested before commencing duty on a ship and that he obtains adequate rest during periods when he is off duty. Duties of a master and seafarer.

6.-(1) A company shall produce a schedule of duties which shall comply with this regulation. Schedules of duties, and the need to record.

(2) Where a company is not the employer of the master of a ship and all the seafarer, the seafarer shall consult any other person who is an employer of the master or of any of the seafarer before producing the schedule.

(3) A company may arrange that an employer produces a schedule of duties complying with this regulation in which case the employer shall also be subject to the duties of the company under this regulation

(4) Before producing a schedule a company shall seek the views of the master, and the master shall seek, and convey to the company, the views of -

(a) the ship's safety committee; or

(b) the seafarer or their representatives; or

(c) a trade union with one or more members on board the ship.

(5) A schedule complies with this regulation if -

(a) it sets out the hours of work for,

(i) the master and seafarer whose work include regular watchkeeping duties or ship handling; and

(ii) the ship's chief engineer officer and second engineer officer, so that they do not work more hours than is safe in relation to the safety of the ship and the master and seafarer's performance of duties;

(b) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and

(c) it provides a minimum of ten hours of rest in any twenty-four hour period, which may be divided into no more than two periods, one of which shall be at least six hours in length, so however, that the minimum period of ten hours may be reduced to not less than six consecutive hours on the condition that reduction does not extend beyond two days and not less than seventy hours of rest is provided for in each seven day period.

(6) A company shall give consideration to the category of shipping operation undertaken in arranging the hours of work.

(7) A schedule may be changed by a company, or by an employer who by virtue of paragraph (3) of this regulation is subjected to the duties of the company, on condition that -

(a) other employers and the company, as the case may be, have been consulted;

(b) the company or the employer has sought the views of the master on the proposed changes and the master has sought and conveyed to the company the views of the persons mentioned in paragraph (4)(a), (b) or (c); and

(c) the schedule as changed, complies with paragraph (5) of this regulation.

(8) A company shall ensure that the schedule is displayed prominently in the crew accommodation for the information of all the seafarers.

(9) The master of a ship shall as far as is reasonably practicable, ensure that the hours of work specified in the schedule are not exceeded.

(10) A company and the master shall maintain a copy of the schedule on the ship and a record of all deviations from the requirements of the schedule.

(11) A company shall ensure that a copy of the schedule and the record of all deviations from its requirements are preserved for five years from the date the schedule was introduced, and that they are available for inspection by a Superintendent appointed by Government Inspector of Shipping.

(12) If during the five year period there ceases to be a company in relation to the ship, the duty to preserve the copies of the schedule and of the record remains with the last company.

7.-(1) The requirements for rest periods specified in regulation 6(5)(c) of these Regulations may not be maintained in case of an emergency or a drill or in other overriding operational conditions.

Exception for
emergencies.

(2) Without prejudice to the generality of paragraph (1) of this regulation, a master of a ship or a seafarer may participate in a navigational, engine room or machinery watch notwithstanding the fact that he has not had the rest period provided by the schedule produced in pursuance of regulation 6 of these Regulations.

(3) The master may exceed and a seafarer may be required to exceed, the schedule's work or duty periods, when in the opinion of the master it is necessary to meet one of the following situations -

(a) an emergency threatening the safety of the ship or the life of any person or damage to the environment;

(b) employment of the ship in the service of the Nigerian Navy at a time when the ship is operating in direct support of the armed forces, or in direct support of the forces of any foreign Party to which Nigeria is bound by any Treaty to provide operational support.

(4) When in pursuance of paragraph (1) of this regulation the master or a seafarer has worked within a rest period provided for by the schedule, his name shall be entered in the record required to be maintained by regulation 6(10) of these Regulations and with the reason why he so worked.

8.-(1) The master of a ship shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches having regard to Chapter VIII of section

Watchkeeping
arrangements.

A of the Seafarers Training Certificate and Watchkeeping Code (in these Regulations referred to as "the Code").

(2) Without prejudice to the duties of the master provided by paragraph (1) of this regulation, the master of a ship shall give directions to the deck watchkeeping officers responsible for navigating the ship safely during their periods of duty, in accordance with Part 3-1 of Section A-VIII/2 of the Code and any requirements specified by the Minister.

(3) The chief engineer officer of a ship shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with Part 3-2 of Section A-VIII/2 of the Code, and when deciding the composition of the watch the chief engineer officer shall observe the principles set out in Part 3-2 of that section and the requirements specified by the Minister.

Watchkeeping
arrangements in port.

9. The master of a ship which is safely moored or safely at anchor under normal circumstances in a port, shall arrange for an appropriate and effective watch to be maintained for the purposes of safety and the arrangements shall be in accordance with Part 4 of section A-VIII/2 of the Code and any operational guideline issued by the Minister.

Watchkeeping
arrangements
in port for ship
carrying hazardous
cargo.

10. The master of a ship which is carrying cargo and which is in a port, even when safely moored or safely at anchor, shall in addition to any watchkeeping arrangements in regulation 9 of these Regulations, in the case of -

(a) a ship carrying hazardous cargo in bulk, ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer, and where appropriate, ratings; and

(b) a ship carrying hazardous cargo other than in bulk, ensure that in organising safe watchkeeping arrangements he takes account of the nature, quantity, packing and storage of the hazardous cargo and of any special conditions on board, afloat and ashore.

(2) The watchkeeping arrangements under this regulation shall take full account of the principles and requirements specified by the Minister.

11. Without prejudice to regulation 1, a company and the master of a ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the Convention indicating the qualification of any member of the crew to perform functions which he is required to perform aboard a ship in the course of his designated duties.

12.-(1) A person authorised may inspect a ship which is not a Nigerian ship for the purposes of verifying that all the seafarers serving on board the ship who are required to be certificated hold valid appropriate certificates and notify the master of -

Inspection of
non-Nigerian ships.

- (a) a failure to comply with the safe manning document;
- (b) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
- (c) an absence on a watch, of a person qualified to operate equipment essential for safe navigation, safety radio communications or the prevention of marine pollution;
- (d) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

13.-(1) In any case where it is found -

Power to detain.

- (a) in relation to a ship which is a Nigerian ship, that there is a contravention of any of the provisions of these Regulations; or
- (b) in relation to a ship which is not a Nigerian ship, that there is -
 - (i) any contravention of regulation 2, 8, 9 or 10 of these Regulations; or
 - (ii) a failure to correct a deficiency of a kind specified in regulation 12 of these Regulations after notification to the master pursuant to that regulation and there is in consequence a danger to persons, property or the environment, the ship may be detained.

(2) The Merchant Shipping (Port State Control) Regulations shall apply in relation to a detention order under these Regulations as they apply to a detention order under those Regulations.

14.-(1) A company which contravenes the provisions of regulation 1(6), 2(1) or (3), 6 or 11 of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding two hundred thousand naira or (in the case of an individual) to imprisonment for a term not exceeding 6 months, or both.

Penalties.

(2) A master who contravenes regulations 1(6), 2(2), 4(2), 8(1) or (2), 9, 10 or 11 of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand naira or to imprisonment for a term not exceeding 6 months or both.

(3) Where an employer has, pursuant to regulation 6(3) of these Regulations, become subject to the duties of the company under that regulation, any contravention of regulation 6 by the employer shall be an offence, punishable on summary conviction with a fine not exceeding two hundred thousand naira or (in the case of an individual) imprisonment for a term not exceeding six months, or both.

(4) A member of the crew who contravenes regulation 1(6) of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand naira.

(5) A chief engineer who contravenes regulation 8(3) of these Regulations commits an offence, and is liable on summary conviction to a fine not exceeding fifty thousand naira.

(6) A company which contravenes regulation 4(1) of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding two hundred thousand naira.

(7) An employer which contravenes regulation 4(1) of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding two hundred thousand naira.

(8) A master who contravenes regulation 5 or 6(9) and (10) of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand naira.

(9) A seafarer who contravenes regulation 5 of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand naira.

(10) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to avoid the commission of the offence.

(11) In any proceedings for an offence under these Regulations relating to a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall rest on the accused person to prove

that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

15. The Minister may grant, on such terms, if any, as he may specify, exemptions from all or any of the provisions of these Regulations for classes of cases or individual cases.

Exemption.

16. These Regulations except regulations 1, 7 and 10 of these Regulations, apply to a sea-going ship which is -

Application.

(a) a Nigerian ship wherever it is; and

(b) not a Nigerian ship but it is in Nigerian waters.

(2) These Regulations shall not apply to -

(a) fishing vessels; and

(b) pleasure craft which are less than 80 gross tonnes or under 24 metres in length.

17.-(1) In these Regulations -

Interpretation.

"appropriate certificate" means in relation to Nigerian ships an appropriate certificate as defined in the Training and Certification Regulations, and in relation to other ships, an appropriate certificate as defined in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as amended in 1995;

"authorised person" means a person authorised by the Minister for the purposes of these Regulations;

"company" includes an individual, and in relation to a ship means the owner of the ship or any other organisation or person such as the manager, or the bare boat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by the Regulations annexed to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers as amended in 1995;

"Government Inspector of Shipping" means the Government Inspector of Shipping who is the head of the Nigerian Maritime Safety Administration;

"gross tonnes" means the gross tonnage of a ship and the gross tonnage of a ship having alternative gross tonnage shall be the larger of those tonnages;

"hazardous cargo" means cargo which is or may be explosive, flammable, toxic, health-threatening or environment -polluting;

"length" has the same meaning as in the Merchant Shipping (Tonnage) Regulations;

"Merchant Shipping Notice" means a notice described as such and issued by the Minister;

"safe manning document" means a document, described as such, issued, in the case of a Nigerian ship by the Minister and in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;

"safety committee" means a safety committee set up pursuant to the Merchant Shipping Act ;

"the Seafarers Training Certification and Watchkeeping Code" means the Seafarers' Training Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

"the International Convention on Standards of Training Certification and Watchkeeping Convention" means the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended on 7 July 1995;

"Training and Certification Regulations" means the Merchant Shipping (Training and Certification) Regulations.

(2) Any reference to the Code, the Convention or a particular Merchant Shipping Notice includes any amendment to that Code, Convention or Notice which the Minister considers relevant from time to time, and is specified in a Merchant Shipping Notice.

18. These Regulations may be cited as the Merchant and Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 2001.

MADE at Abuja this 9th day of July 2001

Chief Ojo Maduekwe
Minister of Transport

EXPLANATORY NOTE

*(This note does not form part of these Regulations
but is intended to explain its purport)*

These Regulations give effect to the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended on 7th July 1995 and define the responsibility of owners and others responsible for the operation of ships in relation to the certification and training of the seafarers working on their ships, the availability of relevant documentation and the provision of instructions on familiarisation of seafarers who are newly-appointed to their ships and amongst other things provides for ships to carry Safe Manning Documents, and for submitting proposals for the manning of their ships to the Maritime Safety Agency.

1. The first part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen. It is shown that the most reliable method is that of measuring the rate of change of the concentration of the substance, and that this can be done by measuring the rate of change of the optical density of the solution. The second part of the paper is devoted to a discussion of the various factors which influence the rate of reaction of a substance with oxygen. It is shown that the rate of reaction is influenced by the concentration of the substance, the concentration of the oxygen, the temperature, and the presence of catalysts. The third part of the paper is devoted to a discussion of the various methods which have been proposed for the determination of the rate of reaction of a substance with oxygen. It is shown that the most reliable method is that of measuring the rate of change of the concentration of the substance, and that this can be done by measuring the rate of change of the optical density of the solution.

S.I. 12 of 2001

**MERCHANT SHIPPING ACT
(CAP. 224)**

**MERCHANT SHIPPING (TRAINING AND CERTIFICATION
OF SEAFARERS) REGULATIONS 2001**

Commencement: 9th July 2001

In exercise of the powers conferred upon me by Section 408 of the Merchant Shipping Act and of all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE, the Minister of Transport hereby make the following Regulations:-

PART I - QUALIFICATION AS OFFICER, ETC.

1. A person is qualified as an officer if he holds a certificate of competency, or a certificate treated as equivalent to a certificate of competency, pursuant to regulation 7 of these Regulations in one of the following capacities -

**Qualification as
an officer.**

- (a) master; or
- (b) chief mate; or
- (c) officer in charge of a navigational watch; or
- (d) chief engineer officer; or
- (e) second engineer officer; or
- (f) officer in charge of an engineering watch; or
- (g) radio operator.

2.—(1) The Minister may recognise a certificate of competency issued by or under the authority of another State Party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (in these Regulations referred to as “the Convention”) to a master, officer or radio operator if the Minister is satisfied that—

**Recognition
of certification.**

- (a) the requirements of the Convention relating to standards of competence, the issue and endorsement of certificates and record

keeping are fully complied with; and

(b) prompt notification shall be given to the Authority of any significant change in the arrangements for training and certification provided in compliance with the Convention.

(2) Where the Minister recognises a certificate pursuant to paragraph (1) of this regulation, the Minister shall endorse the certificate to attest to its recognition if he is satisfied that the requirements of the Convention and paragraph (1)(a) and (b) of this regulation have been complied with.

(3) The endorsement shall be in form of a separate document, in accordance with the provisions of the Convention.

(4) Where, pursuant to paragraph 2(1)(a) of this regulation, the Minister recognises the standard of competency required for the issue of a certificate by the authority of a State Party to the Convention, outside Nigeria, as one of the standards to be attained for officers qualified for the purposes of these Regulations, any condition specified by the Minister for the issue of a certificate of equivalent competency, shall be limited to aptitude tests for the purpose of assessing the applicant's ability to pursue the profession of officer on a Nigerian ship, in the light of the subjects, training and related assessment procedures, which differ substantially from those covered by the applicant's certificate which was issued by that State Party.

Validity of certificates

3.-(1) A master, every deck officer or an engineer officer who holds a certificate and is serving at sea or intends to return to sea after a period ashore shall, in order to continue to qualify for sea-going service, be required at regular intervals, not exceeding 5 years, to satisfy the Minister as to his -

- (a) medical fitness, particularly regarding eyesight and hearing; and
- (b) professional competence.

(2) The professional competence required under paragraph (1) of this regulation, shall be shown -

- (a) by approved sea-going service as master, deck or engineer officer as appropriate of at least one year during the preceding 5 years; or

(b) by virtue of having performed functions relating to the duties appropriate to the grade of certificate held which are considered to be at least equivalent to the sea-going service required in subparagraph (a) of this paragraph; or

(c) by one of the following:

(i) passing an approved, or

(ii) successfully completing an approved courses, or

(iii) having completed an approved sea-going service as a deck or engineer officer for a period of not less than 3 months in a supernumerary capacity immediately prior to taking up the rank to which he is entitled by virtue of his certificate.

PART II - GENERAL PROVISIONS

4. A certificate for master, deck and engineer officer shall be issued to a candidate who, to the satisfaction of the Minister, meets the requirements for service, age, medical fitness, training, qualifications and examinations in accordance with the appropriate provisions of these Regulations.

Certification
requirement

5-(1) A Nigerian applicant for a certificate of any grade shall be required to produce proof of his nationality.

Proof of nationality

(2) An applicant from any country other than Nigeria shall be required to produce evidence of his citizenship and the evidence may be referred to the appropriate Consular Officer for authentication.

6. A certificate as master shall not be issued to a person who is not-

Certificate as masters

(a) a Nigerian citizen; or

(b) a citizen of any other country, approved of by the Minister.

7. A certificate of competency of the appropriate type and grade for the capacity in which the holder is to be carried in the ship, issued by the Minister under these Regulations, shall be the only certificate considered to be valid.

Valid certificate

Minimum knowledge
required

8.-(1) The mandatory minimum requirements set out in the appropriate Part of the Schedule to these Regulations are applicable to all categories of seafarers.

(2) The examinations for certification shall be monitored by the Government Inspector of Shipping and external assessors shall be appointed by the Minister

Submission of
testimonials, etc

9. An applicant for a certificate shall submit to the Minister, all testimonials and discharges, together with proof of health, and nationality, certificates of competence or service, if any, and any other certificate as may be required.

Certificates for
watchkeeping service

10. An applicant for a certificate, as a watchkeeping officer, shall be required to produce a certificate of watchkeeping service signed by the master or in the case of service as master, by an appropriate authority of the vessel in which he has served.

Testimonials
as to character

11. An applicant shall produce a testimonial as to character, including sobriety, and as to experience and ability on board for at least the last 12 months of sea service preceding the date of application for a certificate.

Length of service laid
down as minimum
requirements

12. The length of service laid down in these Regulations for each grade of certificate is the minimum that can be accepted and unless the applicant proves the full length, a certificate shall not be granted to the applicant.

Classes of certificates

13.-(1) The classes of certificates of competence provided for by these Regulations are -

- (a) Master Mariner;
- (b) Chief Mate;
- (c) Officer in charge of navigational watch.

(2) The Minister may in a special ship of any size, such as sailing vessels, tugs and ferries, prescribe special qualifications, certificates or endorsements to certificates as the case may be.

PART III - NON-TRADING SERVICE

14.-(1) Where an applicant has served in the Nigerian Navy in a capacity relevant to the certificate of competency applied for and has obtained at least the rank of a Lieutenant, the service in the Nigerian Navy may be accepted in whole or in part as qualifying service for a certificate of competency.

* Non-trading service

(2) An applicant to whom this regulation applies shall submit the documents of service under the Nigerian Navy to the Minister for consideration, but the applicant in addition, shall have served for at least 12 months in an appropriate cargo ship, passenger ship or any other merchant vessel.

(3) The service of an applicant which is performed exclusively in a trawler and other deep sea fishing vessel shall count in full towards the qualifying service for a relative certificate of competency in accordance with the provision of this regulation, but an applicant in addition, shall have served for at least 12 months in a cargo, passenger or any other merchant vessel.

(4) The service of an applicant in a cable ship, training vessel with or without sail, fishery cruiser, research vessel, salvage vessel, navigation aids tender and any other vessel engaged in similar activities shall count as two-thirds of the full time actually spent at sea on board the ship.

(5) Where the actual sea service in paragraph (3) of this regulation falls below this portion, one and one-half times the actual sea service shall be counted as qualifying service and the applicant shall be required to produce, in addition to the evidence of sea service required, a statement or certificate from the owner of the ship showing the length of time of the applicant actually spent at sea.

(6) The service of an applicant standing by a new vessel during the final stage of construction, provided that the officer subsequently served in the vessel during the period of the maiden voyage for not less than 3 months, shall count in full towards the qualifying service for an officer certificate of competency up to a maximum of 6 months.

15.-(1) A certificate and an endorsement under these Regulations shall be issued by the Minister on receipt of the fee payable and shall be delivered to the person entitled to hold the certificate.

Form, validity, record
and surrender of
certificates.

(2) A certificate or an endorsement shall remain valid for seagoing service only as long as the holder complies with the standards and conditions as to medical fitness and professional competency to act in the appropriate capacity as specified by the Minister.

(3) A record of all certificates and endorsements issued under this Part of these Regulations, and which have expired or have been revalidated, suspended, cancelled, or reported lost or destroyed and any alteration of or any other matters affecting the certificates or endorsements, shall be kept, in such manner as the Minister may require, by the Superintendent of Shipping and Seafarers or by such other person as the Minister may direct.

(4) Where the holder of a certificate is issued with an appropriate certificate at a higher level he shall surrender the first certificate to the Minister, or to such person as the Minister may direct, for cancellation.

(5) Where -

(a) a person is convicted of an offence under the Act; or

(b) a certificate or endorsement is issued and the conditions for its issue prescribed in this Part of these Regulations or specified by the Minister have not been complied with,

the holder of the relevant certificate shall, at the direction of the Minister, deliver the certificate to the Minister, or to such person as the Minister may direct, for cancellation.

Refusal of certificates,
and appeals against
refusal

16.-(1) Notwithstanding that an applicant for a certificate of competency complies with the standards or fulfils the conditions specified by the provisions of this Part of these Regulations, the Minister shall not issue or revalidate the appropriate certificate applied for unless he is satisfied, having regard to all the relevant circumstances, that the applicant is a person fit to be the holder of the certificate and to act in the capacity to which the certificate relates.

(2) The Minister shall, if he intends to refuse the issue or revalidation of a certificate of competency for any reason, give notice in writing to the applicant and the applicant has the right, before a date specified in the notice, to require the application to be reviewed at an inquiry.

(3) If an applicant, before the date mentioned in paragraph (2) of this regulation requires his case to be reviewed at an inquiry, in pursuance of that paragraph, the Minister shall cause an inquiry to be held by one or more

persons appointed by the Minister in accordance with the Merchant Shipping (Certificate Holders Inquiries) Regulations.

17. If a person entitled to a certificate loses the certificate or is deprived of a certificate already issued to him, the Minister -

Loss of certificates

(a) if satisfied that the person has lost or been deprived of the certificate without the fault of the person shall; and

(b) if he is not so satisfied, may, upon receipt of any fee payable, cause a certified copy to which the person appears to be entitled to be issued to him.

18. In the case of a certificate issued by the Minister the certificate shall be endorsed by the Minister in accordance with the Convention if the Minister is satisfied that the holder of the certificate complies with the requirements of regulations 4 and 5 of these Regulations.

Endorsement of
Nigerian certificates

19.-(1) Any holder of a certificate of competence who wishes to revalidate his certificate shall -

Revalidation of
certificate.

(a) meet the standards of medical fitness prescribed by the Convention;

(b) be assessed as to knowledge and training in line with section A-1/II of the Code and where necessary, undergo a refresher course and be re-assessed.

(2) The certificate of a master or other officer under regulation 9 of these Regulations shall, in order to be valid for sea-going service, be revalidated at intervals not exceeding 5 years to establish continued professional competence in accordance with section A-1/II of the Code.

(3) A certificate of a radio officer referred to in regulation 1 of these Regulations shall, in order to be valid for sea-going service be revalidated at intervals not exceeding 5 years to establish continued professional competence in accordance with section A-1/II of the Code.

(4) Every master and officer shall, for continuing sea-going service on ships referred to in Regulation 23 of these Regulations, successfully complete such approved refresher training at intervals as the Minister may specify.

20. The Minister may, by order, accord recognition to programmes offered by a training institution which attains the standards set for the training of seafarers as contained in these Regulations.

Recognition of training
programmes

21. A company to which these Regulations applies shall in accordance with Section A-1/14 of the Convention, be responsible for the assignment of seafarers for service in its ships in accordance with the provisions of the Convention, and shall ensure that -

- (a) each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of the Convention and as established by these Regulations;
- (b) its ships are manned in compliance with the applicable safe manning requirements of the Manning Regulations;
- (c) documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties;
- (d) seafarers, on being assigned to any of its ships, are familiarized with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties; and
- (e) the ship's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

PART IV - DANGEROUS CARGO ENDORSEMENTS

22.-(1) A ship to which these Regulations apply which has bulk cargo specified in whole or in part as being dangerous cargo shall carry -

- (a) an officer in command and as second-in-command, a deck officer; and
- (b) as chief engineer officer and second engineer officer respectively, engineer officers, who, in addition to holding the qualifications required generally of them as explained in Part II and III of these Regulations, satisfy such additional requirements as the Minister may specify.

(2) For the purposes of this Part "dangerous cargo" consists of petroleum or its products; any liquid chemical listed in Chapter VI of the International Maritime Organisation publication entitled "Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" ; and any liquefied gas listed in Chapter XIX of the International Maritime Organisation publication entitled "Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk".

(3) Where the ship is a liquefied gas carrier the persons appointed as officer in command and second in command, and as chief engineer officer and second engineer officer shall be persons who have -

(a) previously completed 6 months satisfactory service on articles as master or second-in- command or chief engineer officer and Second Engineer Officer respectively, of a liquefied gas carrier before the date of coming into force of these Regulations and are able to produce testimonials from their employers to that effect; or

(b) completed an appropriate training course approved by the Minister for the carriage of liquified gas and either -

(i) received in supernumerary capacity a 14 day shipboard training designed to give an overall appreciation of liquefied gas cargo operations and associated hazards and completed 3 months' credited shipboard service in subordinate rank, or

(ii) completed a 6 month credited shipboard service in subordinate rank and be in the opinion of the Master or the Chief Engineer Officer of the ship on which the service is completed, a person competent to carry out safely cargo handling duties on a liquefied gas carrier, or

(iii) received in a supernumerary capacity a 28 day intensive shipboard training as specifically approved by the Minister, designed to give an overall appreciation of liquified gas cargo operations and associated hazards.

(4) The shipboard service referred to in paragraph (3) of this regulation shall be credited -

(a) in full if it served on a liquefied gas carrier; and

(b) at half rate if it is served on ship carrying dangerous liquid chemicals in bulk or petroleum or its products in bulk.

(5) Where a ship is a ship carrying dangerous liquid chemicals in bulk, the persons appointed as officer in command and second in command, and the chief engineer officer and the second engineer officer . shall be persons who have -

(a) previously completed a 6 month satisfactory service on articles as master or second-in- command or chief engineer officer and

second officer respectively of a ship carrying dangerous liquid chemicals in bulk before the date of coming into force of these Regulations and are able to produce testimonial from his employers to that effect; or

(b) completed an appropriate training course approved by the Minister for the carriage of liquid chemicals and either:

(i) received in supernumerary capacity a 14 day shipboard training designed to give an overall appreciation of liquid chemical cargo operations and associated hazards and completed a 3 month credited shipboard service in subordinate rank, or

(ii) completed a 6 months' credited shipboard service in subordinate rank and be in the opinion of the master of the ship or the chief engineer officer on which the service is completed, a person competent to carry out safely cargo handling duties on a liquid chemical carrier, or

(iii) received in a supernumerary capacity a 28 day intensive shipboard training as specifically approved by the Minister designed to give an overall appreciation of liquid chemical cargo operations and associated hazards

(6) The shipboard service referred to in paragraph (5) of this regulation shall be credited -

(a) in full if it is served on a carrier carrying liquid chemicals in bulk; and

(b) at half rate if served on a liquefied gas carrier or on a ship carrying petroleum or its products in bulk.

(7) Where the ship is a ship carrying petroleum or its product in bulk, the persons appointed as officer in command and second in command shall be persons who have -

(a) previously completed a 6 month satisfactory service on articles as master or second-in-command of a ship carrying petroleum or its products in bulk before the date of the coming into force of these Regulations and are able to produce testimonials from their employers to that effect;

(b) completed an appropriate training course approved by the Minister for the carriage of petroleum and its products in bulk and either-

(i) received in a supernumerary capacity a 14 day shipboard training designed to give an overall appreciation of petroleum cargo operations and associated hazards and completed 3 months credited shipboard service in subordinate rank, or

(ii) completed a 6 month credited shipboard service in subordinate rank and be in the opinion of the master of the ship on which the service was completed, a person competent to carry out safely cargo handling duties on a petroleum tanker, or

(iii) received in a supernumerary capacity a 28 day intensive shipboard training as specifically approved by the Minister designed to give an overall appreciation of liquid chemical cargo operations and associated hazards.

(8) The shipboard service referred to in paragraph (7) of this regulation shall be credited -

(a) in full if served on a ship carrying petroleum or its products in bulk; and

(b) at half rate if served on a liquefied gas carrier or on a ship carrying dangerous liquid chemicals in bulk.

(9) An announcement shall be made as to the training courses approved by the Minister and as to the method of application under the provisions of this Part for dangerous cargo endorsements.

PART VII - MISCELLANEOUS

23.-(1) Where it is absolutely necessary the Minister may, if in his opinion it does not cause danger to persons, property or the environment, issue a dispensation permitting a specified seafarer to serve in a specified ship for a specific period, not exceeding six months in a capacity for which he does not hold the appropriate certificate -

Dispensation

(2) A dispensation under paragraph (1) shall not be granted for service as a radio officer or radio telephone operator, unless otherwise provided by the relevant Radio Regulations.

(3) The Minister shall, in issuing a dispensation under this regulation be satisfied that the person to whom the dispensation is issued is adequately qualified to fill the vacant post in a safe manner.

(4) A dispensation shall not be granted to a master or chief engineer officer except in circumstances of force majeure and in that case it shall be for the shortest possible period.

(5) A dispensation granted for a post under this regulations shall be granted only to a person properly certificated to fill the post immediately below the said post.

(6) Where certification of the post below is not required by these Regulations, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Minister clearly equivalent to the requirements of the post to be filled, but if the person does not hold the appropriate certificate, he shall be required to pass a test accepted by the Minister as demonstrating that the dispensation may safely be issued.

(7) The Minister shall as soon as possible ensure that the post for which a dispensation is issued is filled by the holder of an appropriate certificate.

Penalties

24. A seafarer who -

- (a) acts outside of the capacity for which he is certified;
- (b) makes a false statement in order to obtain a certificate,

commits an offence and is liable on conviction to a fine of one hundred thousand naira or imprisonment for 2 years.

Revocation

25. The following Regulations -

- (a) the Certificates of Competency (Able Seafarers) Regulations 1963;
- (b) the Certificates of Competency (Engine Room) Regulations 1963;
- (c) the Examination for Certificates of Competency. (Deck) Regulations 1963;
- (d) the Merchant Shipping (Accepted Safety Convention Certificates) Order 1963;
- (e) the Merchant Shipping (Declaration of Certificates) Order 1964;

(f) the Examination for Certificates of Competency (Fishing) Regulations 1965;

(g) the Examination for Certificates of Competency (Deck) (Offshore) Regulations 1967,

are hereby revoked.

26.-(1) Notwithstanding the revocation of the Regulations listed in regulation 25 of these Regulations, the certificates and licences granted and standards of competency and training already met, pursuant to these Regulations, shall be treated as equivalent to the certificates, standards of competency or training referred to in these Regulations and shall accordingly remain in full validity, subject to regulation 2, until 1st February 2002.

Transitional
provisions

(2) A seafarer who commences -

(a) seagoing service as part of an approved training programme commenced before 1st August 1998; or

(b) the shore-based phase of an approved training programme before 1st August 1998 may be issued with certificates, or have certificates recognised pursuant to such revoked Regulations and the provisions of the preceding sub-paragraph shall apply to such certificates.

27.-(1) In these Regulations, unless the context otherwise requires -

Interpretation

"the Act" means the Merchant Shipping Act; ,

Cap. 224 LFN.

"the Administration" means the Nigerian Maritime Safety Agency or any other department charged with maritime safety;

"appropriate Certificate" means a certificate issued or endorsed in accordance with the provisions of these Regulations, which entitles the lawful holder to serve in the capacity and perform the functions involved at the level of responsibility specified in the certificate, on a ship of a type, tonnage and power and means of propulsion indicated by the endorsement while engaged on the particular voyage concerned;

"approved" and "approved in the Convention so far as given effect by these Regulation" means approved by the Minister;

"assistant engineer officer" means a person under training to become an engineer officer and designated as such;

"certificate of competency" means an appropriate certificate issued by the Minister for the purposes of these Regulations other than a certificate of equivalent competency;

"chemical tanker" means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

"chief engineer officer" means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of mechanical and electrical installations of the ship;

"chief mate" means the officer next in rank to the master and upon whom the command of the ship falls in the event of the incapacity of the master;

"Code" means the Seafarers' Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978;

"constructed" means a craft the keel of which is laid or which is at a similar stage of construction that is, a stage at which -

(a) construction identifiable with a specific craft begins; and

(b) assembly of a craft has commenced, comprising at least 50 tonnes or 1 *per cent* of the estimated mass of all structural material, whichever is the less;

"Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended in 1995 and any amendments made to it;

"deck officer" means an officer qualified in accordance with provisions of Chapter II of the Convention;

"engineer officer" means an officer who is qualified in accordance with the provisions of Chapter II of the Convention;

"fast rescue boat" means a rescue boat which is -

(a) not less than 6 metres in length and not more than 8.5 metres in length;

(b) capable of manoeuvring, for at least 4 hours, at a speed of at least 20 knots in calm water with a suitably qualified crew of 3 persons and at least 8 knots with a full complement of persons and equipment; and

"function" means a group of tasks, duties and responsibilities as specified in the Code, necessary for ship operation, safety of life at sea or protection of the marine environment;

"gross tonnes" means gross tonnage of a ship, and the gross tonnage of a ship having alternative gross tonnage shall be the larger of those tonnages and the gross tonnage of a ship having its tonnage determined under the Merchant Shipping (Tonnage) Regulations, shall be that determined under the said Regulations;

"Government Inspector of Shipping" means the Government Inspector of Shipping who is the head of the Nigerian Maritime Safety Administration;

"length" has the same meaning as in the Merchant Shipping (Tonnage) Regulation;

"liquefied gas tanker" means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Code for the construction and Equipment of Ships;

"master" means the person having command of a ship;

"merchant shipping notice" means a notice described as such and issued by the Nigerian Maritime Safety Agency or any other department charged with maritime safety;

"merchant vessel" means a vessel used for commercial purposes;

"near coastal trade" means trade in the west coast of Africa between Cape Verde in the north and the mouth of the River Congo in the south;

"near-coastal voyage" means a voyage in the west coast of Africa between Cape Verde in the north and the mouth of the River Congo in the south, during which the vessel does not go beyond 30 nautical miles from the shore;

"Officer" means a member of crew, other than the master or a rating;

"oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than oil-like substances which are subject to the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations;

"oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier when it is carrying a cargo or part cargo of oil in bulk;

"passenger ship" means a ship carrying more than 12 passengers;

"propulsion power" means the total maximum continuous rated output power in kilowatts of all the ship's main propulsion power which appears on the ship's certificate of registry or other official document;

"radio duties" include, as appropriate, watch-keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of Life at Sea and relevant recommendations of the International Maritime Organisation;

"radio operator" means a person holding an appropriate certificate issued or recognised under the provisions of the Radio Regulations;

"rating" means a member of the ship's crew other than the master or an officer;

"ro-ro passenger" means a ro-ro passenger ship within the meaning of the Merchant Shipping (Ship Construction) Regulations;

"seagoing service" means service on board a ship relevant to the issue of a certificate or other qualification.

"second engineer officer" means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion, the operation and maintenance of the mechanical and electrical installations of the ship falls, in the event of the incapacity of the chief engineer officer;

"specified by the Minister" means specified by the Minister in a Merchant Shipping Notice which is considered by him to be relevant from time to time;

"tanker" means a chemical tanker, a liquefied gas tanker or an oil tanker;

"trading area" means an area in which near coastal trade or unlimited trade takes place;

"unlimited trade" means trading without any restrictions to trading area;

"vessel" means every description of vessel used in navigation not propelled by oars.

(2) Any reference to the Code, the Convention or a particular Merchant Shipping Notice includes reference to any document amending the Code, Convention or Notice which is considered by the Minister to be relevant from time to time and is specified in a Merchant Shipping notice.

(3) A reference to a numbered regulation is a reference to the regulation of that number in these Regulations and a reference to a numbered paragraph is a reference to the paragraph of that number in that regulation.

28. These Regulations apply to masters and seafarers employed in sea-going ships registered in Nigeria, except in-

Application

(a) fishing vessels; or

(b) pleasure crafts which are less than 80 gross tonnes or under 24 metres in length.

29. These Regulations may be cited as the Merchant Shipping (Training and Certification of Seafarers) Regulations 2001.

Citation .

SCHEDULE*Regulation 8***MANDATORY MINIMUM REQUIREMENTS****PART I - MASTER AND DECK DEPARTMENT*****Mandatory Minimum Requirements for Certification of Officers in Charge of a Navigational Watch on Ships of 500 Gross Tonnage or More***

1. An officer in charge of a navigational watch serving on a seagoing ship of 500 gross tonnage or more shall hold an appropriate certificate.
2. A candidate for certification for the purposes of paragraph 1 shall:
 - (a) not be less than 18 years of age;
 - (b) have approved seagoing service of not less than one year as part of an approved training programme including on-board training which meets the requirements of section A-II/1 of the Code and is documented in an approved training record book, or otherwise have approved seagoing service of not less than 3 years;
 - (c) have performed, during the required seagoing service, bridge watch-keeping duties under the supervision of the master or a qualified officer for a period of not less than 6 months;
 - (d) meet the applicable requirements of the regulations in Chapter IV of the Radio Regulations, as appropriate, for performing designated radio duties in accordance with the Radio Regulations; and
 - (e) have completed the approved education and training and meet the standard of competence specified in section A-11/1 of the Code.

PART II - MASTER AND CHIEF MATE ON SHIPS OF 3,000 GROSS TONNAGE OR MORE***Mandatory Minimum Requirements for Certification of Master and Chief Mates on Ship of 500 Gross Tonnage or More***

3. A master and chief mate on a seagoing ship of 3,000 gross tonnage or more shall hold an appropriate certificate.
4. A candidate for certification on a seagoing ship of 3,000 gross tonnage or more shall:

(a) meet the requirements for certification as an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service in that capacity -

(i) for certification as chief mate, not less than 12 months, and

(ii) for certification as master, not less than 36 months, but this period may be reduced to not less than 24 months if not less than 12 months of the seagoing service was spent in service as chief mate; and

(b) have completed the approved education and training and meet the standard of competence specified in section A-II/2 of the Code for masters and chief mates on ships of 3,000 gross tonnage or more.

***Master and Chief Mate on Ships of between 500 and 3,000
Gross Tonnage***

5. A master and chief mate on a seagoing ship of between 500 and 3,000 gross tonnage shall hold an appropriate certificate.

6.-(1) A candidate for certification on a sea going ship of between 500 and 3,000 gross tonnage shall -

(a) for certification as chief mate, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more;

(b) for certification as master, meet the requirements of an officer in charge of a navigational watch on ships of 500 gross tonnage or more and have approved seagoing service of not less than 36 months in that capacity; but, this period may be reduced to not less than 24 months if not less than 12 months of the seagoing service was spent in service as chief mate.

(2) A candidate for certification shall have completed the approved training and met the standard of competence specified in section A-II/2 of the Code for masters and chief mates on ships of between 500 and 3,000 gross tonnage.

PART III - SHIPS NOT ENGAGED ON NEAR-COASTAL VOYAGES***Mandatory Minimum Requirements for Certification of Officers in charge of a Navigational Watch and of Masters on Ships of less than 500 Gross Tonnage***

7. An officer in charge of a navigational watch serving on a seagoing ship of less than 500 gross tonnage which is not engaged on near-coastal voyages shall hold an appropriate certificate for ships of 500 gross tonnage or more.

8. A master serving on a seagoing ship of less than 500 gross tonnage which is not engaged on near-coastal voyages shall hold an appropriate certificate for service as master on ships between 500 and 3,000 gross tonnage.

PART IV OFFICER IN CHARGE OF A NAVIGATIONAL WATCH***Ships Engaged on Near-coastal Voyages***

9. An officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage which is engaged on near-coastal voyages shall hold an appropriate certificate.

10.-(1) A candidate for certification as officer in charge of a navigational watch on a seagoing ship of less than 500 gross tonnage which is engaged on near-coastal voyages shall -

(a) not be less than 18 years of age;

(b) have completed -

(i) a special training, including an adequate period of appropriate seagoing service as required by the Administration, or

(ii) an approved seagoing service in the deck department of not less than 3 years;

(c) meet the applicable requirements of the regulations in chapter IV of the Radio Regulations, as appropriate, for performing designated radio duties in accordance with the Radio Regulations.

(2) A candidate for certification shall have completed the approved education and training and met the standard of competence

specified in section A-II/3 of the Code for officers in charge of a navigational watch on a ship of less than 500 gross tonnage which is engaged on near-coastal voyages.

Master

11. A master serving on a seagoing ship of less than 500 gross tonnage which is engaged on near-coastal voyages shall hold an appropriate certificate.

12. A candidate for certification as a master on a seagoing ship of less than 500 gross tonnage engaged on near-coastal voyages shall -

- (a) not be less than 20 years of age;
- (b) have approved seagoing service of not less than 12 months as officer in charge of a navigational watch; and
- (c) have completed approved the education and training and met the standard of competence specified in section A-II/3 of the Code for a master on a ship of less than 500 gross tonnage which is engaged on near-coastal voyages.

Exemptions

13. The Minister may, if he considers that the size of a ship and the conditions of its voyage are such as to render the application of the full requirements of this Part and section A-II/3 of the Code unreasonable or impracticable, 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.

Mandatory Minimum Requirements for Certification of Rating Forming Part of a Navigational Watch

14. A rating who is forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more, other than a rating under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated to perform such duties.

15. A candidate for certification as a rating forming part of a navigational watch on a seagoing ship of 500 gross tonnage or more shall -

- (a) not be less than 16 years of age;
- (b) have completed -
 - (i) an approved seagoing service including not less than 6 months training and experience, or
 - (ii) a special training, either pre-sea or on board a ship, including an approved period of seagoing service which is not less than 2 months; and
- (c) meet the standard of competence specified in section A-II/4 of the Code.

16. The seagoing service, training and experience required by subparagraph (b) of paragraph 15, shall be associated with navigational watchkeeping functions and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch or a qualified rating.

17. A seafarer may be considered by the Minister to have met the requirements of this Part if he has served in a relevant capacity in the deck department of a ship for a period of not less than 1 year within the previous 5 years.

PART VI - ENGINE DEPARTMENT

Mandatory Minimum Requirements for Certification of an Officer in Charge of An Engineering Watch in a Manned Engine-room or Designated Duty Engineer in a Periodically unmanned Engine-room

18. An officer in charge of an engineering watch in a manned engine-room or designated duty engineer officer in a periodically unmanned engine-room on a seagoing ship, powered by main propulsion machinery of 750 kilowatts propulsion power or more, shall hold an appropriate certificate.

19. A candidate for certification for the purposes of paragraph 18 shall-

- (a) not be less than 18 years of age;
- (b) have completed not less than 6 months seagoing service in the engine department of a ship in accordance with section A-III/1 of the Code; and

(c) have completed the approved education and training of at least 30 months which includes on-board training documented in an approved training record book and meet the standard of competence specified in section A-III/1 of the Code.

Mandatory Minimum Requirements for Certification of Chief Engineer Officer And Second Engineer Officer on Ships Powered by Main Propulsion Machinery of 3,000 Kilowatts Propulsion Power Or More

20. A chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kilowatts propulsion power or more shall hold an appropriate certificate.

21. A candidate for certification for the purposes of paragraph 20 shall:

(a) meet the requirements for certification as an officer in charge of an engineering watch and -

(i) for certification as second engineer officer, shall have not less than 12 months of approved sea-going service as assistant engineer officer or engineer officer, and

(ii) for certification as chief engineer officer, shall have not less than 36 months of approved sea-going service of which not less than 12 months shall have been served as an engineer officer in a position of responsibility while qualified to serve as second engineer officer; and

(b) have completed the approved education and training and meet the standard of competence specified in section A-III/2 of the Code.

Mandatory Minimum Requirements for Certification of Chief Engineer Officer and Second Engineer Officer on Ships Powered by Main Propulsion Machines of Between 750 and 3,000 Kilowatts Propulsion Power

22. A chief engineer officer and second engineer officer on a seagoing ship powered by main propulsion machinery of between 750 and 3,000 kilowatts propulsion power shall hold an appropriate certificate.

23. A candidate for certification for the purposes of paragraph 22 shall:

(a) meet the requirements for certification as an officer in charge of an engineering watch and -

(i) for certification as second engineer officer, shall have not less than 12 months of approved sea-going service as assistant engineer officer or engineer officer, and

(ii) for certification as chief engineer officer, shall have not less than 24 months of approved seagoing service of which not less than 12 months shall have been served while qualified to serve as second engineer officer; and

(b) have the completed approved education and training and met the standard of competence specified in section A-III/3 of the Code.

24. An engineer officer who is qualified to serve as second engineer officer on a ship powered by main propulsion machinery of 3,000 kilowatts propulsion power or more, may serve as chief engineer officer on a ship powered by main propulsion machinery of less than 3,000 kilowatts propulsion power, provided that not less than 12 months of the approved seagoing service was spent in service as an engineer officer in a position of responsibility and the certificate is so endorsed.

Mandatory Minimum Requirements for Certification of Rating Forming Part of a Watch in a Manned Engine-room or Designated to Perform Duties in a Periodically Unmanned Engine-room

25. A rating forming part of an engine-room watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship powered by main propulsion machinery of 750 kilowatts propulsion power or more, other than a rating under training and a rating whose duties are of an unskilled nature, shall be duly certificated to perform such duties.

26. A candidate for certification under paragraph shall:

(a) not be less than 16 years of age;

(b) have completed -

(i) the approved seagoing service including not less than six months training and experience, or

(ii) special training, either pre-sea or on board ship, including an approved period of seagoing service which shall not be less than two months; and

(c) meet the standard of competence specified in section A-III/4 of the Code.

27. The sea-going service, training and experience, required by subparagraph (b) of the paragraph 26 shall be associated with engine-room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified engineer officer or a qualified rating.

28. A seafarer may be considered to have met the requirements of this regulation if he has served in a relevant capacity in the engine department for a period of not less than one year within the preceding five years.

Mandatory Minimum Requirements for Certification of the Global Maritime Distress System Radio Personnel

29. A person in charge of or performing radio duties on a ship required to participate in the Global Maritime Distress System shall hold an appropriate certificate related to the Global Maritime Distress System, issued or recognized by the Minister under the provisions of the Radio Regulations.

30. A candidate for certification for service on a ship which is required by the International Convention for the Safety of Life at Sea, 1974, as amended, to have a radio installation shall:

(a) not be less than 18 years of age; and

(b) have completed the approved education and training and meet the standard of competence specified in section A-IV/2 of the Code.

**PART VII - SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL
ON CERTAIN TYPES OF SHIPS**

Mandatory Minimum Requirements for the Training and Qualification of Master, Officer and Rating on Tankers

31. An officer and a rating assigned specific duties and responsibilities related to cargo or cargo equipment on a tanker shall have completed an

approved shore-based fire-fighting course in addition to the training required by regulation VI/1 and shall have completed:

(a) at least three months of approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or

(b) an approved tanker familiarization course covering at least the syllabus given for the course in section A- V /1 of the Code, so however, that, the Administration may accept a period of supervised seagoing service shorter than that prescribed by sub-paragraph (a) of this paragraph provided that:

(i) the period so accepted is not less than one month,

(ii) the tanker is of less than 3,000 gross tonnage,

(iii) the duration of each voyage on which the tanker is engaged during the period does not exceed 72 hours, and

(iv) the operational characteristics of the tanker and the number of voyages and loading and discharging operations completed during the period, allow the same level of knowledge and experience to be acquired.

32. A master, chief engineer officer, chief mate, second engineer officer and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo shall, in addition to meeting the requirements of sub-paragraphs (a) or (b) of paragraph 31 have:

(a) an experience appropriate to his duties on the type of tanker on which he serves; and

(b) completed an approved specialized training programme which at least covers the subjects set out in section A- V /1 of the Code which subjects are appropriate to his duties on the oil tanker, chemical tanker or liquefied gas tanker on which he serves.

33. A seafarer may be considered to have met the requirements of sub-paragraph (b) if within 2 years after the coming into force of these Regulations, he has served in a relevant capacity on board the type of tanker concerned for a period of not less than 1 year within the preceding 5 years.

34.-(1) The an Administration shall ensure that an appropriate certificate is issued to a master or an officer, who is qualified in accordance with paragraphs 1 or 2 as appropriate, or ensure that an existing certificate is duly endorsed.

(2) Every rating who is qualified under these regulations shall be duly certificated.

***Mandatory Minimum Requirements for the Training and
Qualification of Masters, Officers, Ratings and Other
Personnel on Ro-Ro Passenger Ships***

35.-(1) The requirements in paragraphs 36 to 43 apply to a master, an officer, a rating and any other personnel serving on board a ro-ro passenger ship which is engaged on an international voyage.

(2) The Administration shall determine the applicability of these requirements to personnel serving on a ro-ro passenger ship engaged on domestic voyages.

36. Prior to being assigned shipboard duties on board a ro-ro passenger ship, a seafarer shall have completed the training required in accordance with his capacity, duties and responsibilities.

37. A seafarer who is required to be trained shall, at intervals not exceeding 5 years, undertake an appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous 5 years.

38. A master, an officer and any other personnel designated on a muster list to assist passengers in an emergency situation on board a ro-ro passenger ship shall have completed training in crowd management as specified in section A- V /2, paragraph 1 of the Code.

39. A master, an officer and any other personnel assigned specific duties and responsibilities on board a ro-ro passenger ships shall have completed the familiarization training specified in section A- V /2, paragraph 2 of the Code.

40. The personnel providing direct services to passengers in passenger spaces on board a ro-ro passenger ship shall have completed the safety training specified in section A- V /2, paragraph 3 of the Code.

41. A master, chief mate, chief engineer officer, second engineer officer and any other person assigned immediate responsibility for embarking and dis-embarking passengers, loading, discharging or securing cargo, or closing hull openings on board a ro-ro passenger ship shall have completed an approved training in passenger safety, cargo safety and hull integrity as specified in section A- V /2, paragraph 4 of the Code.

42. A master, chief mate, chief engineer officer, second engineer officer and any other person having responsibility for the safety of passengers in emergency situations on board a ro-ro passenger ship shall have completed an approved training in crisis management and human behaviour as specified in section A- V /2, paragraph 5 of the Code.

43. The Administration shall ensure that documentary evidence of the training which has been completed is issued to every person found qualified under the provisions of these requirements.

Mandatory Minimum Requirements for the Training and Qualification of Master, Officer, Ratings and Other Personnel on Passenger Ships Other Than Ro-Ro Passenger Ships

44.-(1) The requirements in paragraphs 45 to 52 apply to a master, officer, rating and other personnel serving on a board passenger ship, other than ro-ro passenger ship, engaged on international voyages.

(2) The Minister may extend the applicability of these requirements to personnel serving on a passenger ship which is engaged on domestic voyages.

45. A seafarer shall, prior to being assigned ship board duties on board a passenger ship, have completed the training required in paragraph 46 in accordance with his capacity, duties and responsibilities.

46. A seafarer who is required to be trained shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

47. The personnel designated on muster lists to assist passengers in emergency situations on board a passenger ship shall have completed training in crowd management as specified in section A- V /3, paragraph 1 of the Code.

48. A master, an officer and any other personnel assigned specific responsibilities or duties on board a passenger ship shall have completed the familiarization training specified in section A- V /3, paragraph 2 of the Code.

49. The personnel providing direct service to passengers on board a passenger ship in passenger spaces shall have completed the safety training specified in section A- V /3, paragraph 3 of the Code.

50. A master, chief mate, and person assigned immediate responsibility for embarking and disembarking passengers shall have completed the approved training in passenger safety as specified in section A- V /3, paragraph 4 of the Code.

51. A master, chief mate, chief engineer officer, second engineer officer and any person having responsibility for the safety of passengers in emergency situations on board a passenger ship shall have completed the approved training in crisis management and human behaviour as specified in section A- V /3, paragraph 5 of the Code.

52. The Administration shall ensure that documentary evidence of the training which has been completed is issued for a person found qualified under the provisions of these requirements.

PART VIII - EMERGENCY, OCCUPATIONAL SAFETY, MEDICAL CARE AND SURVIVAL FUNCTIONS

Mandatory Minimum Requirements for Familiarization, Basic Safety Training and Instruction for all Seafarers

53. A seafarer shall receive familiarization and basic safety training or instruction in accordance with section A- VI/1 of the Code and shall meet the appropriate standard of competence specified in the Code.

Mandatory Minimum Requirements for the Issue of Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats

54. A candidate for a certificate of proficiency in survival craft and rescue boats other than fast rescue boats shall:

- (a) not be less than 18 years of age;
- (b) have an approved seagoing service of not less than 12 months or have attended an approved training course and have approved seagoing service of not less than six months; and

(c) meet the standard of competence for certificates of proficiency in survival craft and rescue boats set out in section A- VI/2, paragraphs 1 to 4 of the Code.

55. A candidate for a certificate of proficiency in fast rescue boats shall:-

(a) be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;

(b) have attended an approved training course; and

(c) meet the standard of competence for certificates of proficiency in fast rescue boats set out in section A- VI/2, paragraphs 5 to 8 of the Code.

***Mandatory Minimum Requirements for Training in
Advanced Fire Fighting***

56. A seafarer designated to control fire-fighting operations shall have successfully completed the advanced training in techniques for fighting fire with particular emphasis on organisation, tactics and command in accordance with the provisions of section A- VI/3 of the Code and shall meet the standard of competence specified in the Code.

57. Where training in advanced fire fighting is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced fire fighting.

***Mandatory Minimum Requirements Relating to
Medical First Aid and Medical Care***

58. A seafarer designated to provide medical first aid on board a ship shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the Code.

59. A seafarer designated to take charge of medical care on board a ship shall meet the standard of competence in medical care on board a ship specified in section A- VI/4, paragraphs 4 to 6 of the Code.

60. Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documentary evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

MADE at Abuja this 9th day of July 2001

CHIEF OJO MADUEKWE
Minister of Transport

S.I. 13 of 2001

**MERCHANT SHIPPING ACT
(CAP 224 LFN)**

**MERCHANT SHIPPING (TRAINING INSTITUTIONS)
REGULATIONS**

Commencement: 9th July 2001

In exercise of the powers conferred upon me by section 408 of the Merchant Shipping Act, and of all other powers enabling me in that behalf, I, CHIEF OJO MADUEKWE the Minister of Transport hereby make the following Regulations:-

1. The Minister may, if satisfied that a school of training offers adequate preparation of seafarers for certification, in accordance with the standards laid down in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (in this Regulations referred to as "the Convention"), by notice in the *Gazette* grant recognition to the institution.

Minister to grant
recognition in
appropriate
case

2. The Minister shall ensure -

Training and assessment.

(a) that the training and assessment of seafarers who have undergone training in a school of training referred to in regulation 1 of these Regulations shall be administered, supervised and monitored in accordance with the provisions of Section A-1/6 of the Seafarer's Training Certification and Watchkeeping Code (in these Regulations referred to as "the Code"); and

(b) that those responsible for the training and assessment of the competence of seafarers, as required under the Convention, are appropriately qualified in accordance with the provisions of section A-1/6 of the Code for the type and level of training or assessment involved.

3.-(1) The Minister shall ensure that -

Quality standards.

(a) in accordance with the provisions of Section A-1/8 of the Code, all training and assessment of competence, certification, endorsement and revalidation activities carried out by non-governmental agencies or entities under his control are continuously monitored through a quality standards system to ensure achievement of defined objectives, including those relating to the qualifications and experience of instructors and assessors;

(b) where governmental agencies or entities perform such activities, there shall be a quality standards system; and

(c) an evaluation is periodically undertaken in accordance with the provisions of Section A-1/8 of the Code by qualified persons who are not themselves involved in the activities concerned.

Use of simulators.

4. The Minister shall ensure that the performance standards and other provisions set forth in Section A-1/12 and such other requirements as are prescribed in Part A of the Code for any certificate concerned are complied with in respect of -

(a) all mandatory simulator-based training;

(b) any assessment of competency required by Part A of the 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 Code.

Chief Examiner.

5. The Minister shall designate a suitably qualified master mariner or chief engineer as chief examiner for the purpose of conducting examinations of all categories of seafarers in accordance with the standards laid down by the Convention and the chief examiner may by notice publish directions regarding the nature, details and conduct of the said examinations.

Interpretation.

6. In these Regulations -

"school of training" means an educational institution which has the main objective of training of seafarers for sea service in accordance with the requirements of the Convention;

"the Act" means the Merchant Shipping Act, Cap 224 LFN;

"certificate of competency" means an appropriate certificate issued by the Minister;

"the Code" means the Seafarers' Training Certification and Watchkeeping Code adopted by the 1995 Conference of parties to the International Convention on Standards of Training Certification and Watchkeeping for Seafarer, 1978;

"Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7th July 1995.

7. These Regulations may be cited as the Merchant Shipping
(Training Institutions) Regulations 2001.

Citation

MADE at Abuja this 9th day of July 2001

Chief Ojo Maduekwe
Minister of Transport

