



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 57

Rarotonga.

Sir,

Pursuant to Section 91 of the Shipping Act 1998, the Regulations Act 1971-72 and the Legislative Service Act 1968-69, I have the honour to submit the Shipping (Fishing Vessel) (Manning) Regulations 2001, Serial No. 2001/08

I have the honour to be,

Sir,

Your obedient servant,

Mr A. Tairea
Secretary of Transport

The HON. DR T. MAOATE, Minister of Transport

Price \$3.00



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 41 (Re-numbered)

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SHIPPING (FISHING VESSEL) (MANNING) REGULATIONS 2001

F. Goodwin

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 17th day of

July

2001

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to Section 91 of the Shipping Act 1998 the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following Order.

ANALYSIS

- | | | |
|--|--------------------------------|---|
| <u>PART I</u> | 9. | Grades of certificates and entitlement |
| <u>GENERAL</u> | | for skippers and mates |
| 1. Title and commencement | 10. | Equivalent entitlement for different |
| 2. Interpretation | | grades |
| 3. Application | 11. | Minimum manning scale for skippers |
| 4. General requirements for certificates | | and mates |
| and examinations | 12. | Qualification for examinations |
| 5. Continuing fitness and competence | 13. | Requirements for examinations and |
| 6. Fees | | supplementary courses |
| 7. Discretion of the Director of Marine to | <u>PART III</u> | |
| modify manning scales and power of | <u>MARINE ENGINEERS</u> | |
| exemption | 14. | Grades of certificates and entitlement of |
| 8. Transitional provisions | | engineers |
| <u>PART II</u> | 15. | Equivalent entitlement for different |
| <u>SKIPPERS AND MATES</u> | | grades |
| | 16. | Minimum manning scale for engineers |

- | | |
|---|--|
| <p>17. Qualifications for examinations</p> <p>18. Requirements for examinations and supplementary courses</p> | <p><u>PART IV</u>
<u>RADIOTELEPHONE OPERATORS</u></p> <p>19. Requirements for radiotelephone operators</p> |
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ORDER

PART I – GENERAL

1. Title and Commencement – (1) These Regulations may be cited as the Shipping (Fishing Vessel) (Manning) Regulations 2001.

(2) These Regulations shall come into force on the date that they assented to by the Queen’s Representative.

2. Interpretation – In these regulations, unless the context otherwise requires -

“Act” means the Shipping Act, 1998;

“Category 1 vessels” means vessels intended for fishing operations in sea areas beyond 200 nautical miles from a place of shelter;

“Category 2 vessels” means vessels intended for fishing operations in sea areas up to 200 nautical miles from a place of shelter;

“Category 3 vessels” means vessels intended for fishing operations in sea areas up to 50 nautical miles from a place of shelter;

“chief engineer” means the senior engineer responsible for the mechanical propulsion of the vessel;

“chief mate” means the member of the crew next in rank to the skipper and upon whom the command of the vessel will fall in the event of the incapacity of the skipper;

“Director” means the Director of Marine appointed under section 95 of the shipping Act 1998;

“Fishing vessel” has the same meaning as in the Shipping Act;

“gross tons” has the same meaning as in the Shipping Act;

“mate” means that member of the deck crew next in rank to the chief mate;

“propulsion power” means the power in kilowatts of the main propulsion machinery used to propel the vessel, and which is stated on the vessel’s certificate of registry or other official document;

“second engineer” means the engineer next in rank to the chief engineer and upon whom the responsibility for the mechanical propulsion of the vessel will fall in the event of the incapacity of the chief engineer;

“skipper” means the master or that person having command of the vessel; and

“vessel” means a fishing vessel.

Where the tonnage figures for a vessel are not readily available because they are not stated or are illegibly stated on the vessel’s certificate of registry or other official document, and no other record of the tonnage figures exists, or where the vessel does not have a certificate of registry or other official document, for the purposes of the regulations it shall be conclusively deemed that a vessel 35 metres or more in length is 200 gross tons or more, and that a vessel less than 35 metres is less than 200 gross tons, and the provisions of these regulations apply accordingly on the basis of the deemed tonnage to the vessel.

3. Application – Unless expressly provided otherwise, these regulations apply to seafarers serving on fishing vessels of 15 meters in length or more that are –

- (a) registered in the Cook Islands; or
- (b) employed in fishing in Cook Islands waters.

4. General requirements for certificates and examinations – (1) Every person serving on board a vessel in a capacity for which these regulations require a certificate shall hold the appropriate certificate in accordance with these regulations.

(2) Every candidate for a certificate required by these regulations shall satisfy the Director of Marine in accordance with the provisions of these Regulations –

- (a) as to his medical fitness in respect of eyesight, hearing, speech, physical and mental condition;
- (b) as to age, sea-service requirements and having satisfactorily performed the service;
- (c) if required, by passing one or more examinations based on the appropriate syllabus prescribed by the Director of Marine; and
- (d) if required, by undergoing one or more courses designated by the Director of Marine.

5. Continuing fitness and competence – (1) Every certificated skipper, mate and engineer serving at sea or who intends to return to sea after a period ashore shall, at regular intervals not exceeding 5 years, satisfy the Director of Marine in accordance with the requirements set down below, so as to continue to qualify for seagoing service –

- (a) medical fitness, fitness, including eyesight, hearing, speech, physical and mental capacity;
- (b) professional competence, in the case of a skipper or mate, in accordance with the provisions of Chapter 2 Part 2 of Section 7, of the Maritime Code;
- (c) professional competence, in the case of an engineer in accordance with the provisions of Chapter 2 Part 3 Section 6 of the Maritime Code; and
- (d) professional competence, in the case of radio communications personnel in accordance with the provisions of Chapter 2 Part 4 Section 4 of the Maritime Code.

(2) Every skipper and mate, for continuing sea-going service on board vessels for which special training requirements have been included in the Convention, shall successfully complete an approved relevant training course or courses applicable to the department on board the vessel in which he serves.

(3) On successful completion of the matters referred to in paragraph (1) of this Regulation, the Director of Marine shall endorse the holder's certificate to the effect that the requirements for continued proficiency have been met and the certificate is extended for a further five years from the date of such endorsement.

6. Fees – The fees for examinations, eyesight tests and other matters for which a fee or charge may be imposed shall be those set out in the Fourth Schedule of the Shipping (Certification of Seafarers) Regulations 2000.

7. Discretion of the Director of Marine to modify manning scales and power of exemption – (1) Notwithstanding anything to the contrary on these regulations the Director of Marine may, where he considers it appropriate –

- (a) require that a vessel carry additional mates or engineers so that the watchkeeping arrangements for the deck or engine department, as the case may be, are adequate and safe;
- (b) permit a category 2 vessel of less engineers than would otherwise be the case, where the main propulsion machinery or the auxiliary machinery, or both, is automated, but in no case shall the number of engineers on board be less than one.

(2) The Director of Marine may issue an exemption from the requirement of these regulations if he is of the opinion that to give the exemption will not –

- (a) adversely affect the safety of ship and life at sea; or
- (b) the holders certificate satisfies the qualification and experience of the position

(3) In making a decision under paragraphs (1) and (2) of this Regulation, the Director of Marine shall take into account the safety of life at sea and determine if the public interest is being served or being adversely affected.

8. Transitional provisions – (1) The provisions for –

- (a) validity of existing certificates of competency;
- (b) issue of equivalent certificates; and
- (c) issue of certificates of service;

shall be those set down in Regulation 19 of the Shipping (Certification of Seafarers) Regulations 2001.

(2) The equivalent certificates to be issued in substitution for certificates issued under Part V of the Shipping Act, 1998 shall be those set out in the Fifth Schedule of the Shipping (Certification of Seafarers) Regulations 2000.

(3) In addition to the requirements of paragraph (2) of this Regulation –

- (a) the holder of a certificate as Skipper of a Fishing Vessel shall be issued with an equivalent certificate as Grade 5 Master, limited to fishing vessel service; and
- (b) the holder of a certificate as Second Hand of a Fishing Vessel shall be issued with an equivalent certificate as Grade 5 Mate, limited to fishing vessel service.

(4) Within two years of these regulations coming into force the Director of Marine may issue certificates of competency to a person in accordance with the equivalents prescribed in these regulations.

PART II SKIPPER AND MATE

9. Grades of certificates and entitlement for skippers and mates – (1) A certificate of competency as master entitles the holder to serve as skipper of a vessel for the category and gross tonnage indicated alongside the grade of certificate, for so long as the certificate remains valid, as follows –

- (a) Grade 1 Master; any category of vessel of any gross tonnage
- (b) Grade 2 Master; any category of vessel of any gross tonnage;
- (c) Grade 3; Master;
 - (i) a Category 1 vessel of less than 200 gross tons, and
 - (ii) a Category 2 or Category 3 vessel of any tonnage;
- (d) Grade 4 Master:
 - (i) a Category 2 vessel of less than 200 gross tons; and
 - (ii) a Category 3 vessel of any tonnage; and

(2) A certificate of competency as mate entitles the holder to serve as chief mate of a vessel for the category and gross tonnage indicated alongside the grade of certificate, for so long as the certificate remains valid, as follows –

- (a) Grade 1 Mate; any category of vessel of any gross tonnage;
- (b) Grade 2 Mate; any category of vessel of any gross tonnage;
- (c) Grade 3 Mate;
 - (i) a Category 1 vessel of less than 200 gross tons, and
 - (ii) a Category 2 or Category 3 vessel of any tonnage;
- (d) Grade 4 Mate;
 - (i) a Category 2 vessel of less than 200 gross tons; and

- (ii) a Category 3 vessel of any tonnage;
- (e) Grade 5 Mate a Category 3 vessel of less than 200 gross tons.

10. Equivalent entitlement for different grades (1) In addition to the entitlement under Regulation 9, the holder of a master's certificate of competency is entitled to serve on a vessel –

- (a) as skipper at any lower grade than indicated by his certificate;
or
- (b) as chief mate at the same or lower grade than indicated by his certificate;

in accordance with these regulations.

(2) In addition to the entitlement under Regulation 9 of these Regulations, the holder of a mate's certificate of competency is entitled to serve on a vessel –

- (a) as chief mate at any lower grade than indicated by his certificate; or
- (b) as skipper in a Category 3 vessel of less than 200 gross tons, where his certificate is Grade 1 Mate or Grade 2 Mate;

in accordance with these regulations.

11. Minimum manning scale for skippers and mates – Subject to regulations 7 and 9 of these Regulations every vessel shall carry the minimum complement of skippers and mates for the category and gross tonnage indicated, certificated not lower than indicated alongside the position, as follows –

- (1) For a Category 1 vessel –
 - (a) where the vessel is 200 gross tons or more –
 - (i) a skipper; Grade 2 Master;
 - (ii) a chief mate; Grade 2 Mate.
 - (b) where the vessel is less than 200 gross tons –
 - (i) a skipper; Grade 3 Master;
 - (ii) a chief mate; Grade 3 Mate.
- (2) For a Category 2 vessel –
 - (a) where the vessel is 200 gross tons or more –
 - (i) a skipper; Grade 3 Master;
 - (ii) a chief mate; Grade 3 Mate.
 - (b) where the vessel is less than 200 gross tons –
 - (i) a skipper; Grade 4 Master;
 - (ii) a chief mate; Grade 4 Mate.
- (3) For a Category 3 vessel –
 - (a) where the vessel is 200 gross tons or more –
 - (i) a skipper; Grade 5 Master;
 - (ii) a chief mate; Grade 5 Mate.

12. Qualification for examinations – (1) A candidate for a certificate of competency as skipper or mate shall fulfill the requirements set down in Regulation 22 of the Shipping (Certification of Seafarers) Regulations 2001 prior to examination in respect of –

- (a) minimum age and sea service

- (b) pre-requisite certificates; and
 (c) medical and physical requirements.
- (2) For the purposes of calculating sea service referred to in paragraph (1) of this Regulation –
- (a) the operations of a Category 3 vessel shall be deemed to be equivalent to a near-coastal voyage; and
 (b) the operations of a Category 1 or Category 2 vessel shall be deemed to be equivalent to a voyage outside a near-coastal voyage.

13. Requirements for Examinations and Supplementary Courses – The requirements for the examinations and supplementary courses to be undertaken by candidates for certificates of competency as Skippers and Mates shall be those for masters and mates set down in regulation 23 of the Shipping (Certification of Seafarers) Regulations 2001.

PART III MARINE ENGINEERS

14. Grades of certificates and entitlement of engineers – A certificate of competency as engineer entitles the holder to serve as chief engineer or second engineer of a vessel for the category and propulsion power indicated alongside the grade of certificate, for so long as the certificate remains valid, as follows –

- (a) Grade 1 Engineer any category of vessel of any propulsion power as chief engineer
 (b) Grade 2 Engineer any category of vessel of any propulsion power as chief engineer
 (c) Grade 3 Engineer –
 (i) any category of vessel of any propulsion power as a second engineer; and
 (ii) any category of vessel of less than 750 kW propulsion power as chief engineer
 (d) Grade 4 Engineer –
 (i) any category of vessel of less than 750 kW propulsion power as second engineer;
 (ii) any category of vessel of less than 200 kW propulsion power as chief engineer; and
 (iii) a category 3 vessel of less than 400 kW propulsion power as chief engineer
 (e) Grade 5 Engineer –
 (i) a category 2 or category 3 vessel of less than 400 kW propulsion power as second engineer; and
 (ii) a category 2 or 3 vessel of less than 200 kW propulsion as chief engineer

15. Equivalent entitlement for different grades – The holder of a certificate of competency as engineer to serve on a vessel as an engineer at any lower grade indicated in his certificate in accordance with these regulations.

16. Minimum manning scale for engineers – Subject to Regulations 7 and 14 of these Regulations, every vessel shall carry the minimum complement of engineers for the category and propulsion power indicated, certificated not lower than indicated alongside the position, as follows –

- (1) For a Category 1 vessel –
 - (a) Where the vessel is 750 kW or more propulsion power –
 - (i) a chief engineer: Grade 2 Engineer;
 - (ii) a second engineer: Grade 3 Engineer.
 - (b) Where the vessel is 200 kW or more propulsion power but less than 750 kW –
 - (i) a chief engineer; Grade 3 Engineer;
 - (ii) a second engineer; Grade 4 Engineer.
 - (c) Where the vessel is 200 kW or more propulsion power –
 - (i) a chief engineer; Grade 4 Engineer;
 - (ii) no other engineer required.
- (2) For a Category 2 vessel –
 - (a) where the vessel is 750 kW or more propulsion power –
 - (i) a chief engineer: Grade 2 Engineer;
 - (ii) a second engineer: Grade 3 Engineer.
 - (b) Where the vessel is 400 kW or more propulsion but less than 750 kW –
 - (i) a chief engineer: Grade 3 Engineer;
 - (ii) a second engineer: Grade 4 Engineer.
 - (c) Where the vessel is 200 kW or more propulsion power but less than 400 kW –
 - (i) a chief engineer: Grade 3 Engineer;
 - (ii) a second engineer, Grade 5 Engineer.
 - (d) Where the vessel is less than 200 kW propulsion power –
 - (i) a chief engineer: Grade 5 Engineer;
 - (ii) no other engineer required.
- (3) For a Category 3 vessel –
 - (a) Where the vessel is 750 kW or more propulsion power –
 - (i) a chief engineer: Grade 2 Engineer;
 - (ii) a second engineer: Grade 3 Engineer.
 - (b) Where the vessel is 400 kW or more propulsion power but less than 750 kW –
 - (i) a chief engineer: Grade 3 Engineer;
 - (ii) a second engineer: Grade 4 Engineer.

- (c) Where the vessel is 200 kW or more propulsion power but less than 400 kW -
 - (i) chief engineer: Grade 4 Engineer;
 - (ii) a second engineer: Grade 5 Engineer.
- (d) Where the vessel is less than 200 kW propulsion power –
 - (i) a chief engineer: Grade 5 Engineer;
 - (ii) no other engineer required

17. Qualifications for examinations – A candidate for a certificate of competency as engineer shall fulfil the requirements set down in Regulation 26 of the Shipping (Certification of Seafarers) Regulations 2001 prior to examination in respect of –

- (a) minimum age, sea service, workshop service and training programs;
- (b) pre-requisite certificates; and
- (c) medical fitness.

18. Requirements for examinations and supplementary courses – The requirements for the examinations and supplementary courses to be undertaken by candidates for certificates of competency as engineers shall be those set down in Regulation 27 of the Shipping (Certification of Seafarers) Regulations 2001.

PART IV **RADIOTELEPHONE OPERATORS**

19. Requirements for radiotelephone operators – Every vessel which is required by the Fishing Vessel (Safety) Regulations to have a radiotelephone station shall carry a radiotelephone operator who shall be qualified in accordance with Part 4 of the Shipping (Certification of Seafarers) Regulations 2001.

A. Taripo
Acting Clerk of the Executive Council

These Regulations are administered by the Ministry of Transport

BY AUTHORITY:
Cook Islands Government – 2001