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Government Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 41 2004

MERCHANT SHIPPING ACT, 1951: EDUCATION, TRAINING AND CERTIFICATION OF NAMIBIAN SEAFARERS REGULATIONS

The Minister of Works, Transport and Communication has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) -

- (a) made the regulations as set out in the Schedule; and
- (b) repealed the Certificates of Qualifications Regulations No. 158 of 1998.

M. AMWEELO
MINISTER OF WORKS, TRANSPORT
AND COMMUNICATION

Windhoek, 18 February 2004

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CHAPTER 1 DEFINITIONS AND APPLICATION

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) bears that meaning and, unless the context otherwise indicates -

“approved” means approved by the Permanent Secretary;

“bareboat charterer” means a hirer of a ship who pays all expenses related to the provisioning, crewing, and operation of the ship;

“cargo ship” means a ship used for the carriage of liquid or solid cargoes or a ship for which the Permanent Secretary has issued a cargo ship certificate, and which is not a passenger or fishing vessel;

“chemical tanker” means a ship constructed or converted 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 the mechanical and electrical installations on board a ship;

“chief mate (chief officer) means the deck officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;

“company” means the owner of the ship or any other organization or person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner, and on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by these regulations;

“competent authority” means any person or body authorized by the law of any state to perform, on behalf of that state, any act required to be performed under these regulations;

“deck officer” means an officer qualified to hold a deck officer’s certificate in accordance with Chapter II of the STCW-78/95 Convention;

“dispensation” means the permission granted by the Permanent Secretary under special circumstances which may allow a particular person to serve in a particular capacity on a particular ship for a limited period not exceeding 6 months;

“duplicate” means a certificate or endorsement issued on the basis of a loss report to replace a lost, destroyed by accident or stolen document;

“endorsement” means a document which, in accordance with these regulations, entitles the holder of a foreign certificate to serve in a post for which a certificate of competency is required on a Namibian ship, mining vessel, drilling vessel or other mobile offshore unit;

“engineer officer” means an officer qualified to hold an engineer officer’s certificate in accordance with Chapter III of the STCW-78/95 Convention;

“engineer officer Class F” means an engineer officer on board a fishing vessel qualified in accordance with Regulation II/5 of the STCW-F Convention;

“fishing vessel” means a vessel used commercially for catching fish, whales, seals or other living resources of the sea, including seaweed;

“foreign certificate” means a valid document, regardless of the name under which it is known, issued or authorized by the authorities of a foreign country, entitling the holder to serve as specified in the foreign certificate or as authorized by the law of the foreign country;

“function” means a task or a group of tasks, duties, and responsibilities necessary for ship operation, safety of life at sea, or protection of the marine environment;

“gross tonnage” means the gross tonnage as defined by the International Convention on Tonnage Measurement, 1969;

“high-speed craft” means a craft or vessel capable of reaching a speed of 25 knots or more;

“length of service” means the time between the date of commencement of employment and the date of termination of employment;

“lighter” means a vessel without propulsion machinery of its own which is towed, pushed or moved in any way and which is used for the carriage of cargo;

“liquefied gas tanker” means a ship constructed or converted and used for the carriage in bulk of any liquefied gas or other products listed in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“manning” means the manning prescribed for the ship by the regulations in force concerning the manning of the Namibian ships;

“master” means the officer having command of a ship;

“mate” means the officer in charge of a navigational watch on board a fishing vessel qualified according to the STCW-F95 Convention, Regulation II/2 or II/4 and the officer in charge of a navigational watch on board any other vessel qualified according to the STCW 78/95 Convention, Regulation II/2 or II/3;

“mining vessel” means a vessel designed, constructed or converted, equipped and used for mining operations;

“Ministry” means the Ministry of Works, Transport and Communication;

“near coastal voyages” means voyages within the Exclusive Economic Zone of the Republic of Namibia;

“officer” means a member of the crew, other than the master, who is designated as an officer in these regulations;

“on board training” means service with supervised on board training according to an approved training programme;

“oil tanker” means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;

“other ships” means any ship except a passenger ship, cargo ship, lighter, mining vessel, fishing vessel or a pleasure craft;

“party” means a state which has ratified or acceded to the STCW-78/95 Convention;

“passenger ship” means a ship for which a passenger certificate is required;

“Permanent Secretary” means the Permanent Secretary: Works, Transport and Communication;

“power-driven ship” means a ship having an engine as the principal means of propulsion;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all a ship’s main propulsion machinery which appears on the ship’s certificate of registry or other official document;

“qualified rating” means a rating who is qualified either to be part of a navigational watch or an engine room watch in accordance with the STCW - 78/95 Convention, regulation II/4 or III/4;

“rating” means a member of the ship’s crew other than the master or officers;

“ro-ro passenger ship” means a passenger ship with ro-ro or special category spaces as defined in the International Convention for the Safety of Life at Sea, 1974 as amended;

“sailing ship” means a ship having a sail as the principal means of propulsion;

“seagoing service” means service on board a ship which service gives the knowledge, insight and skills required for the issue of a certificate or other document referred to in these regulations;

“seagoing ship” means a ship with a trading area greater than inland waters, protected port areas, and defined port areas;

“sea service record book” means a document issued by the Permanent Secretary or the competent authority of a foreign country concerning the recording of seagoing service;

“second engineer officer (first engineer)” means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations on board a ship will fall in the event of the incapacity of the chief engineer officer;

“skipper” means the person having command of a fishing vessel;

“specification of crew” means a specification of crew issued by the Permanent Secretary;

“STCW Code” means the Seafarers’ Training, Certification and Watch-keeping Code as adopted by resolution 2 by the conference of parties to the STCW-78/95 Convention on 7 July 1995 and constitutes attachment 2 to the Final Act of that Convention;

“STCW-F 95 Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995;

“STCW-78/95 Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995; and

“trading area” means the area in which a vessel is employed, categorized as follows -

- (a) trading area I means inland waters (protected waters);
- (b) trading area II means protected port areas and defined port areas;

- (c) trading area III means the exclusive economic zone; and
- (d) trading area IV means any area outside areas I, II and III.

Application of regulations

2. (1) These regulations apply to all personnel employed on board Namibian vessels, manned and certified according to Namibian law, and to personnel employed on board Namibian fishing vessels in a capacity for which a certificate of competency is required.

(2) A person who holds a foreign certificate of competency must, when seeking employment on board a Namibian vessel, hold a document of recognition (endorsement) issued by the Permanent Secretary.

(3) The Permanent Secretary may, pursuant to Regulation I/3 of the STCW-78/95 Convention and following an assessment, reduce or grant exemptions from the certificate requirement for a ship or vessel engaged on a near coastal voyages if it is necessary due to the type of vessel, its activity, type of machinery, technical equipment, trade area, or other special safety related conditions.

(4) For service on a high-speed craft, passenger ship and tanker, the special training as set out in Chapter 9 of these regulations are required.

(5) On ships of an exceptional nature (including ships of a special design) or using special machinery or equipment, or ships engaged in transport where an accident may have great environmental or social consequences, the Permanent Secretary may require that the masters, deck officers or engineer officers have qualifications, certificates or endorsements other than those specified in these regulations.

CHAPTER 2 GENERAL PROVISIONS

Responsibility of master and company

3. (1) A company is responsible for ensuring full and complete compliance with Regulation I/14 of the STCW-78/95 Convention and Section A-I/14 of the STCW Code and must document such compliance by means of a verifiable system.

(2) For ships that must comply with the International Safety Management System, such compliance must be documented.

(3) The master and the company are responsible for ensuring that personnel who are either assigned duties and responsibilities related to the cargo or who have immediate responsibility for loading, unloading and care of the cargo are qualified in accordance with these regulations.

(4) The master and the company are responsible for ensuring that all seafarers going to serve on board the company's ship in a capacity or function for which a certificate of competency is required, hold a certificate of competency which complies with applicable legislation.

(5) The master and the company are responsible for ensuring that the ship is manned in compliance with the applicable safe manning requirements and that -

- (a) documentation and data relevant to all seafarers employed on board the ship are maintained and readily accessible, including documentation and data on the seafarers' certificates, experience, training, medical fitness and competency in assigned duties;
- (b) seafarers, on being assigned to a ship, are familiarised with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics relevant to their routine or emergency duties; and

- (c) 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.

Conditions for exemption

4. (1) The Permanent Secretary may grant exemptions from these regulations only in individual cases and always on written application.

(2) For the purposes of subregulation (1), there must be a special reason that makes an exemption necessary and justifiable in terms of safety.

(3) For the purposes of subregulation (1), an exemption may only be permitted when it does not contravene an international convention or agreement to which Namibia is a party.

Quality system

5. (1) All activities related to training, assessment and documentation of competence in respect of seafarers' qualifications under the STCW-78/95 Convention must be approved and continuously monitored in accordance with Regulation I/8 of the STCW-78/95 Convention.

(2) The activities referred to in subregulation (1), must have a quality standards system where quality policy, organizational structure, areas of responsibility, procedures, objectives and associated quality standards are specified for different courses and training programmes.

(3) The quality standards systems referred to in subregulation (2), must contain systematic monitoring arrangements, including internal evaluations of the quality assurance to ensure the achievement of all defined objectives, including those concerning the qualifications and experience of instructors and assessors in accordance with Regulation I/6 of the STCW-78/95 Convention.

(4) The quality standards system referred to in subregulation (2) must be in accordance with Section A-I/8 of the STCW Code.

(5) The Permanent Secretary may require documentation of the quality system to form the basis for approval and audits by the Permanent Secretary.

(6) The quality standards system referred to in this regulation, must also apply where an approved educational institution uses subcontractors to comply with the requirements for the courses and training programmes.

Issue and keeping of certificates

6. (1) A certificate and an endorsement of a certificate must only be issued by the Permanent Secretary or an organization authorized by the Ministry after receiving a written application from the person requiring the certificate and endorsement.

(2) Other documentation entitling the holder to serve in a capacity or function on a ship must only be issued by the Permanent Secretary or an organization authorized by the Ministry.

(3) A certificate and other documentation entitling the holder to serve in a capacity or function on a ship must be kept on board the ship in its original form and, if so required under these regulations, be presented for inspection.

Calculation of seagoing service

7. The seagoing service required for the issue of a certificate or documentation of qualification requirements as set out in the STCW-78/95 Convention must be deemed to be the time actually spent in service on board a ship and in accordance with Regulation I/1, paragraphs 20 and 25 of the STCW-78/95 Convention.

Examinations

8. (1) Any seafarer who presents himself or herself for an examination to qualify for a certificate of competency or a certificate of proficiency, must satisfy, by documentation, all the requirements as to age, health, seagoing service, and training that are required by these regulations.

(2) The organization or institution performing the examination referred to in subregulation (1) must ensure that the seafarer presenting himself or herself for an examination satisfies all the requirements referred to in that subregulation.

(3) All examinations as referred to in these regulations, must be conducted under the control of a body approved by the Minister, and be based on approved syllabi.

(4) Any person conducting an assessment of the competence of a seafarer, either on board a ship or ashore, which assessment is intended to be used in qualifying for certification under the STCW-78/95 Convention, must -

- (a) have an appropriate level of knowledge and understanding of the competence to be assessed;
- (b) be qualified in the task for which the assessment is to be made;
- (c) have received appropriate guidance in assessment methods and practice;
- (d) have gained practical assessment experience; and
- (e) if conducting assessment involving the use of simulators, have gained practical assessment experience on the particular type of simulator under the supervision and satisfaction of an experienced assessor.

CHAPTER 3**BASIC EMERGENCY PREPAREDNESS AND SAFETY QUALIFICATIONS****Emergency preparedness training**

9. (1) All seafarers must, before being assigned to shipboard duties, receive approved familiarization training in personal survival techniques or receive sufficient information and instruction related to safety and emergency preparedness in accordance with Section A-VI/1, paragraph 1, of the STCW Code.

(2) A seafarer serving in a capacity with designated emergency or safety duties in the operation of the ship, including training for a capacity with such duties, must hold an approved document confirming that the seafarer has successfully completed approved emergency preparedness training in accordance with Regulation VI/1 of the STCW-78/95 Convention, comprising familiarization training, elementary first aid, personal survival techniques, fire prevention, fire fighting and personal safety and social responsibilities in accordance with Section A-VI/1, paragraphs 1 and 2 of the STCW Code.

(3) Catering personnel and other personnel employed by a company or others to provide services related to passengers, including sales of goods on passenger ships, must, in connection with the training prescribed in subregulation (1), also receive special emergency preparedness training, including first aid, personal survival techniques, and fire fighting and the training must also give a proper knowledge of the ship's arrangements.

(4) The company and the master are responsible for ensuring that all crew members on their ship have received sufficient and appropriate emergency preparedness training.

Language skills

10. (1) All personnel serving on a ship must have such language skills as are necessary to -

- (a) communicate with each other about safety and emergency issues; and
- (b) understand safety information in the form of text, symbols and alarms.

(2) A person who is to form part of the minimum manning, as prescribed in the Manning of Ships Regulations No. 240 of 2003, for ships engaged in greater trade than in trade area 1, must have a knowledge of the English language which is sufficient for him or her to understand commands, written muster lists, emergency instructions, and written information relating to the use and maintenance of life-saving equipment.

CHAPTER 4 QUALIFICATIONS FOR SPECIAL FUNCTIONS

Certificates, approved course certificates and endorsements

11. (1) A person assigned functions in accordance with regulation 12 must have a certificate, approved course certificate, or endorsement entitling him or her to perform those functions.

- (2) The Permanent Secretary may issue the following certificates -
- (a) certificates for a master and a mate;
 - (b) certificate for a marine engineer officer;
 - (c) certificates for a skipper and a mate on a fishing vessel;
 - (d) certificate for an engineer on a fishing vessel;
 - (e) certificate for a person forming part of a navigational watch;
 - (f) certificate for a person forming part of an engine room watch;
 - (g) certificate of a proficiency in survival craft and rescue boats;
 - (h) certificate of proficiency in fast rescue boats; and
 - (i) certificate for a person on tanker.

(3) The following course certificates may be issued by parties other than the Permanent Secretary -

- (a) approved course certificate or endorsement for first aid;
- (b) approved course certificate or endorsement for medical care; and
- (c) approved course certificate or endorsement for advanced fire fighting.

Qualification requirements

12. (1) A person who is to form part of the minimum manning as prescribed in the Manning of Ships Regulations No. 240 of 2003 must be qualified to perform the safety-related tasks which belong to the function for which he or she is to be employed.

(2) For the purposes of subregulation (1), the Permanent Secretary may require a person to undergo an approved course and examination that must comply with the requirements of part "A" of the STCW Code.

(3) Any person who is to conduct instruction or assessment on board a ship must satisfy the requirements of regulation 8.

(4) To be approved as an examiner as contemplated in subregulation (3), the person concerned must hold a management-level certificate for the subject area where the competence is to be assessed and have at least 3 years sea-going service as an officer.

(5) Any person who forms part of a navigational watch on a seagoing ship of 500 gross tons or more and who is not a rating under training or a rating whose duties are of an unskilled nature must -

- (a) hold a certificate for watch-keeping in the deck department; and
- (b) have satisfied the requirements in Regulation II/4 of the STCW-78/95 Convention in order to hold the certificate.

(6) Any person who forms part of an engine room watch on a seagoing ship with propulsion machinery of 750 kW or more, and who is not a rating under training or a rating whose duties are of an unskilled nature, must -

- (a) hold a certificate for watch-keeping in the engine department; and
- (b) have satisfied the requirements in Regulation III/4 of the STCW-78/95 Convention.

(7) Anyone designated as a person having command of a survival craft or rescue boat must, in addition to comply with the capacity-specific training requirements of these regulations, have had the training prescribed by Regulation VI/2, paragraph 1 of the STCW-78/95 Convention.

(8) Anyone designated as a person having command of a fast rescue boat must, in addition to comply with the requirements of subregulation 7, have had training and hold a certificate as prescribed by Regulation VI/2, paragraph 2 of the STCW-78/95 Convention.

(9) Any person designated to provide medical first aid on board a ship must produce documents which comply with the requirements of Regulation VI/4, paragraph 1 of the STCW-78/95 Convention.

(10) Any person designated to take charge of medical care on board a ship must produce documents that comply with the requirements of Regulation VI/4, paragraph 2 of the STCW-78/95 Convention.

(11) Any person designated to control fire-fighting operations must have documented training as prescribed in Regulation VI/3 of the STCW-78/95 Convention.

CHAPTER 5 QUALIFICATIONS FOR CREW FOR WHOM A CERTIFICATE OF COMPETENCY IS NOT REQUIRED

Documentation of service

13. (1) The seagoing service and length of service required must be proved by production of prescribed records in the form of a sea service book or an approved record of service.

(2) Work experience, which can be used in lieu of seagoing service, must be proved by production of an affidavit from an employer or a previous employer.

(3) Practical training at a school must be proved by the production of an approved course certificate and training record book when this is part of the training programme.

Qualification requirements

14. (1) An ordinary seaman must -

- (a) have a length of service of at least 6 months on deck, or other relevant length of service, which length of service may be replaced by -
 - (i) practical training;
 - (ii) work experience in mechanical skills;
 - (iii) maritime subjects; or
 - (iv) relevant service on board mobile offshore units; and
- (b) satisfy the requirements of Regulation VI/1 of the STCW 95 Convention.
- (2) An able seaman must have a length of service of -
 - (a) at least 3 years;
 - (b) experience as required under subregulation (1) and in addition sea service of at least 1 year as an ordinary seaman which includes deck service; or
 - (c) in respect of a seaman with a certificate of apprenticeship based on systematic training sea service of at least 1 year.
- (3) A qualified deck rating qualifies as an ordinary seaman or an able seaman, but, he or she must satisfy the requirements of subregulation (2) and Regulations II/4 and VI/1 of the STCW-78/95 Convention.
- (4) A greaser must -
 - (a) have a length of service of at least 6 months in the engine department, or other relevant length of service, which length of service may be replaced by -
 - (i) practical training;
 - (ii) work experience in mechanical skills;
 - (iii) maritime subjects; or
 - (iv) relevant service on board mobile offshore units; and
 - (b) satisfy the requirements of Regulation VI/1 of the STCW 95 Convention.
- (5) A motorman must have a length of service of at least 3 years in the engine department or other relevant experience as required by subregulation (4) but a motorman with a certificate of apprenticeship based on systematic training must produce documents which prove a length of service of at least 1 year.
- (6) A qualified engine room rating qualifies as a motorman as long as he or she satisfies the requirements of subregulation (5) and Regulations III/4 and VI/1 of the STCW-78/95 Convention.
- (7) An electrician must have either -
 - (a) a certificate of competency as a marine electro-automation officer or a ship's electrician; or
 - (b) a certificate of apprenticeship for electrician with a ship's electrician module and at least 3 month's experience as an electrician on board a ship; or
 - (c) an equivalent approved foreign education in electrical subjects and at least 3 months experience as an electrician on board a ship.

CHAPTER 6
CERTIFICATES OF COMPETENCY FOR MASTERS AND MATES

Certificates

15. (1) For the issue of certificates for masters and mates, the regulations in Chapter II of the STCW-78/95 Convention apply.

(2) Masters and deck officers must hold an appropriate certificate which entitles them to take up service or to serve in the capacity concerned.

(3) The Permanent Secretary may issue the following certificates -

- (a) Deck Officer Class 1;
- (b) Deck Officer Class 2;
- (c) Deck Officer Class 3;
- (d) Deck Officer Class 4;
- (e) Deck Officer Class 5; and
- (f) Deck Officer Class 6.

Certificate requirements

16. (1) Any candidate applying for a certificate listed under regulation 15 must -

- (a) be at least 18 years of age; and
- (b) comply with the requirements as to eyesight, colour vision and hearing and satisfy all other requirements as to medical fitness for seafarers.

(2) Any officer who is to execute responsibilities related to the ship's medical supplies, first aid, or medical care must satisfy the requirements in Chapter II and Regulation VI/4 of the STCW-78/95 Convention.

(3) If any of the requirements listed under subregulation (1)(b) ceases to be complied with, the Permanent Secretary may withdraw and cancel the certificate with immediate effect.

(4) To serve in the capacity of the master of a ship, the following conditions must be complied with -

- (a) any master on a ship in foreign trade must have not less than 12 months' seagoing service as an officer in charge of a navigational watch or as a master on a ship to which the STCW-78/95 Convention applies;
- (b) any master of a ship of 200 gross tonnage or more in greater trade than trade area II must have performed the function of an officer in charge of a navigational watch for at least 1 year;
- (c) the master of a passenger ship must be at least 20 years of age;
- (d) the master of a ship or fishing vessel of 500 gross tonnage or more, and the master of a fishing vessel in greater trade than trade area 3, must have performed the function of an officer in charge of a navigational watch for at least 3 years, or 2 years if the officer has performed the function of chief mate for at least 1 year.

- (5) To qualify for a deck officer class 6 certificate, the candidate must -
- (a) be at least 18 years of age;
 - (b) have completed approved education and passed an approved examination which at least complied with the requirements of Regulation II/3, paragraph 6.3 of the STCW-78/95 Convention;
 - (c) have completed approved training which shall at least have complied with Regulation VI/4 paragraph 2 of the Convention;
 - (d) have complied with requirements for radio communication pursuant to Regulation II/3, paragraph 4.3 of the Convention; and
 - (e) have at least 1 year's approved on-board training, including navigational bridge training or at least 3 years seagoing service.
- (6) To qualify for a deck officer class 5 certificate, the candidate must have satisfied the requirements of subregulation (6) and -
- (a) be at least 20 years of age; and
 - (b) have at least 12 months approved seagoing service as an officer in charge of a navigational watch.
- (7) To qualify for a deck officer class 4 certificate, the candidate must -
- (a) be at least 20 years of age;
 - (b) have completed approved education and passed an approved examination which must at least comply with the requirements of Regulation II/1, paragraph 2.5 and regulation II/3, paragraph 6.3 of the STCW-78/95 Convention;
 - (c) have completed approved training which must at least comply with regulation VI/4, paragraph 2 of the Convention;
 - (d) have complied with requirements for radio communications pursuant to regulation II/1, paragraph 2.4 of the Convention; and
 - (e) have -
 - (i) not less than one year's approved seagoing service forming part of an approved training programme on board a ship which complies with the requirements of section A - II/1 of the STCW Code and is documented in an approved training record book; or
 - (ii) otherwise have not less than 3 years approved seagoing service on a seagoing ship in trade greater than trade area 2, and have, in the course of the seagoing service, not less than 6 months watch - keeping service on the navigational bridge under the supervision of a qualified officer.
- (8) To qualify for a deck officer class 3 certificate, the candidate must comply with the requirements of subregulation (8) and have at least 24 months seagoing service as an officer in charge of a navigational watch on ships of 500 gross tonnage or more, and have completed approved education and training which must at least comply with the requirements of Regulation II/2, paragraph 4.3 of the STCW-78/95 Convention.
- (9) To qualify for a deck officer class 2 certificate, the candidate must comply with the requirements of subregulation (8) and have -
- (a) completed approved education and training and passed approved examination which must at least comply with the requirements of Regulation II/2, paragraph 2.2 of the STCW-78/95 Convention;

- (b) have not less than 24 months seagoing service as an officer in charge of a navigational watch on a seagoing vessel of 500 gross tonnage or more; and
 - (c) have at least 12 months seagoing service as a chief mate on a seagoing vessel of 500 gross tonnage or more.
- (10) To qualify for a Deck Officer Class 1 certificate, the candidate must -
- (a) comply with the requirements of subregulations (8) and (10)(a) and have at least 36 months approved seagoing service as an officer in charge of a navigational watch on a ship of 500 gross tonnage or more in foreign trade, or
 - (b) have had 1 year seagoing service as an officer in charge of a navigational watch, and 1 year seagoing service as a chief mate on a ship of 500 gross tonnage or more in foreign trade.

Seagoing service and practical training

17. (1) Seagoing service must, in a manner that can be verified by the Permanent Secretary, be proved by documents contained in a sea service book or record of service.

(2) Seagoing service, which is approved for the issue of deck officer certificates, must be in a capacity with service in the deck department comprising navigational watches, mooring, cargo handling operations, safety-related maintenance, and emergency procedure.

(3) The Permanent Secretary may issue more detailed rules relating to the approval of seagoing service and other experience.

Certificate rights

18. (1) Deck officers holding a certificate listed in regulation 15 may, subject to any limitations entered thereon and the requirements of regulation 16, serve as a master or a deck officer in accordance with the relevant tables set out in Table I of the Appendix.

- (2) A deck officer class 1 certificate gives the holder -
 - (a) the exclusive right to the title “master mariner”; and
 - (b) entitles the holder to be a master or mate of any rank on any ship.

CHAPTER 7 CERTIFICATES OF COMPETENCY FOR ENGINEER OFFICERS

19. (1) For the issue of certificates for engineer officers, the regulations in Chapter III of the STCW-78/95 Convention apply.

(2) Engineer officers must hold an appropriate certificate that entitles them to take up service or to serve in the capacity concerned.

- (3) The Permanent Secretary may issue following certificates -
 - (a) engineer officer class 4 certificate;
 - (b) engineer officer class 3 certificate;
 - (c) engineer officer class 2 certificate; and
 - (d) engineer officer class 1 certificate.

Certificate requirements

20. (1) Any candidate applying for a certificate listed under regulation 19 must -

- (a) be at least 18 years of age; and
- (b) comply with the requirements as to eyesight, colour vision and hearing and satisfy all other requirements as to medial fitness for seafarers.

(2) If any of the requirements listed under subregulation (1) cease to be complied with, the Permanent Secretary may withdraw and cancel the certificate with immediate effect.

(3) For a certificate to be valid for both steamships and motor vessels, at least 6 months seagoing service on either type of ship is required to obtain the relevant endorsement.

(4) For service as a chief engineer officer on vessels with a propulsion power of more than 750 kW at least 12 months seagoing service as a second engineer officer on vessel with propulsion power of 750 kW and more is required.

(5) To qualify for an engineer officer class 4 certificate, the candidate must -

- (a) have passed an approved examination which must, at least, comply with the requirements of Regulation III/1, paragraph 2.3 of the STCW-78/95 Convention; and
- (b) have at least 30 months education and training, including training in workshop skills and, in addition, at least 6 months seagoing service in the engine department as part of an approved training programme which complies with the requirements of section A-III/1 of the STCW Code and is documented in an approved training record book.

(6) To qualify for an engineer officer class 3 certificate, the candidate must satisfy the requirements of subregulation (5) and Regulation III/3 of the STCW Code.

(7) To qualify for an engineer officer class 2 certificate, the candidate shall satisfy the requirements of subregulation (5) and must -

- (a) for certification as second engineer officer, satisfy the requirements of Regulation III/2 of the STCW Code, and
- (b) for certification as chief engineer officer, satisfy the requirements of Regulation III/2 of the STCW Code.

(8) To qualify for an engineer officer class 1 certificate, the candidate must satisfy the requirements of subregulation (5) and Regulation III/2 of the STCW Code.

Seagoing service and practical training

21. (1) Seagoing service which may be approved for certification as an engineer officer must be obtained on a motor vessel of sufficient kW propulsion power.

(2) Service on a mining vessel, a drilling vessel, or other mobile offshore unit, must be taken or accepted as equivalent to sea service obtained on a motor vessel.

(3) Service on a Harbour Tug must be calculated at half sea service which would have been obtained on a motor vessel.

(4) To qualify for the highest engineer officer certificate, at least 12 months seagoing service is required on vessels for which an engineer officer class 2 certificate is required.

(5) Syllabuses for training in workshop skills must be in accordance with section A-III/1 of the STCW Code.

(6) The Permanent Secretary may issue more detailed rules relating to approval of seagoing service and other experience.

Certificate rights

22. Engineer officers holding a certificate listed in regulation 19 may, subject to any limitations entered thereon and the requirements of regulation 20, serve as an engineer officer in accordance with the relevant tables set out in Table II of the Appendix.

CHAPTER 8 CERTIFICATES OF COMPETENCY FOR PERSONNEL ON BOARD FISHING VESSELS

Certificates for skippers and mates

23. (1) For the issue of certificates for skippers and mates on board fishing vessels -

- (a) the regulations in Chapter II and the appendices of the STCW-F Convention apply;
- (b) skippers and mates must hold an appropriate certificate which entitles them to take up service or to serve in the capacity concerned; and
- (c) the holder of any certificate of competency as a deck officer must obtain a fishing endorsement before entering into service on board a fishing vessel.

(2) The Permanent Secretary may issue the following certificates -

Deck Officer Class 6:	mate II - F; skipper II - F;
Deck Officer Class 5:	mate I - F; skipper I - F.

Certificate requirements

24. (1) Any candidate applying for a certificate listed under regulation 23 must -

- (a) be at least 18 years of age; and
- (b) comply with the requirements as to eyesight, colour vision and hearing and satisfy all other requirements as to medical fitness for seafarers.

(2) Any candidate applying for a certificate listed under regulation 23 must comply with the requirements of Chapter III, Regulation 1 of the STCW-F Convention.

(3) If any of the requirements listed under subregulation (1) ceases to be complied with, the Permanent Secretary may withdraw and cancel the certificate with immediate effect.

(4) To serve in the capacity of skipper, the following conditions must be complied with -

- (a) any skipper on a fishing vessel of up to 24 metres in length operating in trading area IV must have at least 12 months approved seagoing service as an officer in charge of a navigational watch or skipper on a fishing vessel of not less than 12 metres in trading area III; and

- (b) the skipper of a fishing vessel over 24 metres operating in trade area IV must have performed the function of an officer in charge of navigational watch for at least 3 years.
- (5) To qualify for a Mate II-F certificate, the candidate must -
 - (a) be at least 18 years of age;
 - (b) have completed approved education and passed an approved examination which at least complies with subregulation (4) and the Appendix to Regulation IV of Chapter II of the STCW-F Convention; and
 - (c) have either -
 - (i) at least 2 years approved seagoing service in the deck department on a fishing vessel of not less than 12 metres in length or;
 - (ii) 12 months approved seagoing service if the seagoing service is performed according to a systematic training programme documented by an on-board record training book; and
 - (d) comply with requirements for radio communication pursuant to Chapter II, Regulation 6 of the STCW-F Convention.
- (6) To qualify for a Skipper II-F certificate, the candidate must -
 - (a) satisfy the requirements of subregulation (5);
 - (b) be at least 20 years of age;
 - (c) have completed approved education and passed approved examination which at least comply with requirements of Chapter II, appendix to Regulation 3, of the STCW-F Convention; and
 - (d) have at least 12 months approved seagoing service as an officer in charge of a navigational watch on a fishing vessel of not less than 12 metres in length and over in trading area III.
- (7) To qualify for a Mate I-F Certificate, the candidate must -
 - (a) comply with requirements of subregulation (5);
 - (b) satisfy the minimum knowledge required in Chapter II, appendix to Regulation 2 of the STCW-F Convention; and
 - (c) have at least 12 months approved seagoing service as an officer in charge of a navigational watch on a fishing vessel of not less than 12 metres length in trade area III.
- (8) To qualify for a Skipper I-F certificate, the candidate must -
 - (a) be at least 20 years of age;
 - (b) have completed an approved education and passed an approved examination which at least complies with the requirements of Chapter II, Appendix to Regulation 1 of the STCW-F Convention; and
 - (c) have at least 3 years approved seagoing service as an officer in charge of a navigational watch on a fishing vessel as provided for under subregulations (6) and (7) which can be substituted by 12 months seagoing service as a mate on a fishing vessel of not less than 24 metres in trading area IV, and 12 months as skipper on a fishing vessel of not less than 12 metres in length in trading area III.

(9) A candidate who satisfies the requirements of education, training and examination of the STCW-78/95 Convention contained in Chapter VI, section 16, subsections 3-10 and who holds a valid certificate of competency, must not be re-examined in the subjects listed in the appendices which were passed at a higher or equivalent level.

Certificates for engineers on fishing vessels powered by main propulsion machinery of 350 kW or more

25. (1) For the issue of certificates for engineers on fishing vessels, the regulations in Chapter II of the STCW-F Convention apply.

(2) A chief engineer officer or second engineer officer must hold an appropriate certificate which entitles him or her to take up service or to serve in the capacity concerned.

(3) The Permanent Secretary may issue the following certificates -

- | | |
|---|---|
| (a) Engineer officer class 6 - II - F; | Second Engineer - F <750 kW |
| (b) Engineer officer class 6 - I - F; | Chief Engineer - F <750 kW
Second Engineer - F <1200 kW |
| (c) Engineer officer class 5 - F; | Chief Engineer - F <1200 kW
Second Engineer - F <3000 kW |
| (d) Engineer officer class 4/3 - F; and | Chief Engineer - F <3000 kW
Second Engineer - F Propulsion machinery of any size |
| (e) Engineer officer class 2/1 - F. | Chief Engineer - F Propulsion machinery of any size. |

Certificate requirements

26. (1) Any candidate applying for a certificate listed under regulation 25 must -

- (a) be at least 18 years of age; and
- (b) comply with the requirements as to hearing and satisfy all other requirements as to medical fitness for seafarers.

(2) If any of the requirements listed under subregulation (1) ceases to be complied with, the Permanent Secretary may withdraw and cancel the certificate with immediate effect.

(3) To qualify for an engineer officer class 6-II-F certificate, the candidate must -

- (a) be not less than 18 years of age;
- (b) have passed approved examination which must, at least, comply with Regulation 5 of the STCW-F Convention;
- (c) have served at least 12 months in the engine room as an engine room assistant; and
- (d) have completed an approved safety training course as provided in Chapter III, Regulation 1 of the STCW-F Convention.

(4) To qualify for an engineer officer class 6-I-F certificate, the candidate must -

- (a) be at least 19 years of age;
 - (b) comply with the requirements as provided under subregulation (3); and
 - (c) have served as an engineer on an engine of not less than 350 kW for 24 months.
- (5) To qualify for an engineer officer class 5-F certificate, the candidate must -
- (a) be at least 20 years of age;
 - (b) comply with the requirements as provided by subregulation (3); and
 - (c) have -
 - (i) served at least 30 months as an engineer and at least 6 months thereof must have been served as an engineer on an engine of not less than 750 kW; or
 - (ii) passed an approved examination which must, at least, comply with Regulation 5 of the STCW-F95 Convention;
- (6) To qualify for an engineer officer class 4/3-F certificate, the candidate must -
- (a) be at least 21 years of age;
 - (b) comply with the requirements under subregulation (3); and
 - (c) have -
 - (i) served at least 36 months as an engineer of which at least 18 months must have been served as an engineer on an engine of not less than 750 kW; or
 - (ii) passed an approved examination which must, at least, comply with the requirements of the appendix to Regulation 5 of the STW-F95 Convention;
- (7) To qualify for an engineer officer class 2/1-F certificate, the candidate must -
- (a) be at least 22 years of age;
 - (b) comply with the requirements of Regulations III/3 of the STCW 78/95 Convention; and
 - (c) have served at least 24 months as an engineer of which at least 12 months must have been served on an engine of not less than 1500 kW.
- (8) A candidate who complies with the educational and training requirements of regulation 20 and who holds a valid certificate of competency issued in accordance with the STCW-78/95 Convention need not be re-examined in the subjects listed in the appendix to Regulation 5 which were passed at a higher or equivalent level.

Certificate rights

27. (1) Skippers and mates holding a certificate listed in regulation 24 may serve as -
- (a) mate II-F Certificate: a mate on a fishing vessel less than 24 metres in trading area III;

- (b) skipper II-F Certificate: a skipper on a fishing vessel less than 24 metres in trading area III;
 - (c) mate I-F Certificate: a mate on a fishing vessel of 24 metres and over unlimited in trading area IV and a skipper on a fishing vessel in trading area III;
 - (d) skipper I-F Certificate: a skipper on a fishing vessel of 24 metres and over unlimited in trading area IV.
- (2) Engineer officers holding the certificates mentioned in regulation 26 may serve as follows -
- (a) engineer class 6-II-F as 2nd engineer on fishing vessels with main propulsion machinery up to and including 750 kW;
 - (b) engineer class 6-I-F as chief engineer on fishing vessels with main propulsion machinery up to and including 750 kw or as 2nd engineer with main propulsion machinery up to and including 1200 kW;
 - (c) engineer class 5-F as chief engineer on fishing vessels with main propulsion machinery up to and including 1200 kw or as 2nd engineer with main propulsion machinery up to and including 3000 kW;
 - (d) engineer class 4/3-F as chief engineer on fishing vessels with main propulsion machinery up to and including 3000 kW or as 2nd engineer with unlimited main propulsion machinery; and
 - (e) engineer class 2/1-F as chief engineer with unlimited propulsion machinery.

CHAPTER 9 SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIPS

Special requirements for tankers

28. (1) The mandatory minimum standards of training and qualifications for tanker personnel must be in accordance with Regulation V/1 of the STCW-78/95 Convention.

- (2) For the purposes of subregulation (1) -
 - (a) the approved seagoing service of Regulation V/1, paragraph 1.1 of the STCW-78/95 Convention must be documented by the ship's master;
 - (b) the appropriate experience stated in Regulation V/1, paragraph 2.1 of the STCW-78/95 Convention must be the time the master and company deem necessary for the issue of documentation of sufficient knowledge of safe operational practices to obtain a certificate of the highest grade for tanker personnel; and
 - (c) the relevant capacity as stated in Regulation V/1, paragraph 3 of the STCW-78/95 Convention must be documented as the capacity with immediate responsibility for loading, unloading, and care of the cargo on the type of tanker concerned.

Documentation of tanker qualifications

29. (1) The Permanent Secretary may, for all persons who meet the standards of Regulation V/1 of the STCW-78/95 Convention, issue a certificate for tanker personnel with an indication of the tanker category for which the certificate is valid.

- (2) The Permanent Secretary may issue the following certificates -
- (a) certificate - tanker, petroleum, chemicals, liquefied gas;
 - (b) certificate - tanker, liquefied gas;
 - (c) certificate - tanker, chemicals; and
 - (d) certificate - tanker, petroleum.

(3) Personnel holding a foreign tanker certificate must apply for a Namibian endorsement in accordance with the regulations in force concerning permission for the holder of a foreign certificate of competency to serve in posts for which a certificate of competency is required on a Namibian ship, mining vessel, drilling vessel or other mobile offshore unit.

Special requirements for ro-ro and other passenger ships

30. (1) A master, officer, rating and other personnel on board ro-ro passenger ships must have the special training prescribed by Regulation V/2 of the STCW-78/95 Convention.

(2) A master, officer, rating and other personnel on board a passenger ship other than a ro-ro passenger ship must have the special training prescribed by Regulation V/3 of the STCW-78/95 Convention.

Documentation of qualifications for ro-ro and other passenger ships

31. (1) When the training prescribed by regulation 30 is completed a document may be issued which must specify the ship or ships and the function in relation to what the training applies.

(2) The document mentioned in subregulation (1) must refer to the relevant provisions of the STCW-78/95 Convention.

Special requirements for masters, mates and ratings on high-speed craft

32. (1) A company that is to put high-speed craft into service must draw up a training plan for a master, mate and rating on such a craft.

(2) For the purposes of subregulation (1), the plan must include a training programme with schedule, and the International Maritime Organisation's resolution MSC.36(63) and Chapter 18 paragraph 18.3 of the International Code of Safety for High-Speed Craft (HSC Code), must form the basis of the training plan.

(3) For the purposes of subregulation (2), the Permanent Secretary may require the plan to be approved.

- (4) For a master and mate, the training programme must -
- (a) include navigational bridge procedures and operative training for the different ships and the waters where the ship is to operate;
 - (b) give consideration to navigation in daylight, in the dark, and in periods of bad weather;
 - (c) integrate emergency procedures into the training programme; and
 - (d) include scheduled re-training every two years.

(5) For a ship covered by the law in force concerning the company's obligations to establish a management system for the safe operation of a ship and the prevention of pollution from such a ship, the training plan must form part of the company's management system.

(6) A master and mate on high-speed craft must not be employed if he or she holds a certificate lower than deck officers class 4 even if the ship's tonnage permits a lower certificate.

Documentation of qualifications for masters, mates and ratings on high-speed craft

33. (1) A master and mate on high-speed craft must have a special certificate or endorsement for such service.

(2) A master and mate on high-speed craft must have received approved training or passed an examination which qualifies for a certificate or an endorsement permitting the holder to serve in such a capacity.

CHAPTER 10 VALIDITY OF CERTIFICATES OF COMPETENCY

Validity of certificates

34. (1) A certificate or endorsement of certificate issued to a master, deck officer or engineer officer under these regulations may be made valid by the Permanent Secretary for 5 years from the date of issue.

(2) The validity of a duplicate replacing a lost or stolen certificate or endorsement will be identical to that of the certificate or endorsement it replaces.

Renewal of certificate and issue of duplicate certificate

35. (1) Regulation I/11 of the STCW-78/95 Convention applies to the renewal of certificates.

(2) A certificate issued to a master, deck officer or engineer officer, except a certificate issued under chapter VI of the STCW-78/95 Convention, may be renewed for up to 5 years at a time provided that the holder satisfies the requirements relating to medical fitness and is able to produce documentary evidence of having completed a fire-prevention course which is not older than 5 years and the holder has either -

- (a) approved seagoing service in a relevant capacity for at least 1 year altogether during the previous 5 years;
- (b) performed functions which are considered to be equivalent to seagoing service mentioned in paragraph (a);
- (c) satisfactorily completed an approved course;
- (d) passed an approved examination; or
- (e) performed, for at least 3 months immediately prior to taking up service in the highest capacity to which the holder is entitled, approved service in a relevant capacity on board, either in a supervisory capacity which is lower than that for which the holder is certificated.

(3) A master, deck officer or engineer officer may be permitted to continue to serve on a ship for which special training requirements have been prescribed if he or she has successfully completed approved and relevant training.

(4) To ensure the continued validity certificates after the coming into operation of these regulations, a candidate who applies for renewal of a certificate issued under previous legislation must produce documentary proof that all qualification requirements under the STCW-78/95 Convention and part A of the STCW Code have been fulfilled, if necessary by approved additional training or by an assessment by a qualified assessor.

(5) The Permanent Secretary may, upon written application, issue a duplicate certificate when a certificate has been lost or stolen provided that the loss or theft is proved by a certified loss report issued by the police and that no duplicate may be issued to replace an expired certificate.

CHAPTER 11 TRANSITIONAL RULES

Certificate based on previous education and legislation

36. (1) A person who is holding a certificate based on previous education and legislation may apply for a new certificate based on the requirements of the STCW-78/95 Convention provided that the candidate can produce documentary evidence of the education and training as required by these regulations.

(2) Any additional course established for the purpose of qualifying the candidate for a STCW-78/95 certificate must only be approved by the Permanent Secretary.

(3) A person serving on board a Namibian ship for which a certificate of competency is required must hold a certificate of competency based on the STCW-78/95 Convention and these regulations as from the date of coming into operation of these regulations.

CHAPTER 12 ALTERNATIVE CERTIFICATION

Function-related certification

37. A certificate for combinations of service functions other than those laid down for certificates in Chapters 6 and 7 of these regulations may be issued provided that -

- (a) the conditions for such issue are fulfilled in accordance with Regulation VII of the STCW-78/95 Convention; and
- (b) the candidate has satisfactorily undergone approved education and training for the certificate concerned in accordance with section A-VII of the STCW Code.

CHAPTER 13 DISPENSATIONS

Dispensation from certificate requirements

38. (1) The Permanent Secretary may grant a dispensation which allows a particular person to serve on a particular ship for a limited period not exceeding 6 months in a capacity for which the person does not hold the required certificate provided that the dispensation -

- (a) is necessitated by special circumstances; and
- (b) poses no threat to life, property, or the environment.

(2) A dispensation for the capacity of a master or a chief engineer must not be granted except -

- (a) in the cases referred to in subregulation (3); or
- (b) in the case of *force majeure*,

and then only for the shortest possible period.

(3) A dispensation for a capacity must only be granted to a person holding a certificate for the capacity immediately below the capacity for which a dispensation is sought and where a certificate of competency is not required for the subordinate capacity a dispensation may be granted to a person with qualifications and experience which the Permanent Secretary considers to be equivalent to the requirements for the capacity for which a dispensation is sought provided that -

- (a) the person, if not holding an appropriate certificate, may be required to pass an approved test which shows that a dispensation can safely be granted; and
- (b) the capacity concerned must be filled as soon as possible by a person holding the certificate required for that capacity.

(4) With regard to dispensation for a master or a chief engineer subsection (2) does not apply -

- (a) where the master or chief engineer of a vessel is engaged exclusively in service in completely sheltered waters; or
- (b) in respect of the master of a vessel up to and not exceeding 50 gross tons; or
- (c) in respect of the master or engineer of a fishing vessel.

(5) When a ship by means of re-measurement, conversion without increased length, or enclosure of open space is given a new tonnage with the result that the master or mate of the ship no longer has an appropriate certificate, the Permanent Secretary may allow the master or mate to continue to serve in the same capacity provided -

- (a) this does not contravene an international agreement to which Namibia is a party; and
- (b) is justifiable in terms of safety.

CHAPTER 14

PERMISSION FOR THE HOLDER OF A FOREIGN CERTIFICATE OF COMPETENCY TO SERVE ON BOARD NAMIBIAN SHIPS, MINING VESSELS, DRILLING VESSELS OR OTHER OFFSHORE MOBILE UNITS

Application

39. Regulation 40 applies to holders of foreign certificates who are to serve in capacities for which a certificate of competency is required on ships, mining vessels, drilling vessels or other mobile offshore units registered in Namibia.

Responsibility of the master and the company

40. (1) The ship's master and the company are responsible for making the application for endorsement on behalf of the holder of a foreign certificate.

(2) The ship's master and the company are responsible for ensuring that the person employed is qualified for the position and given the necessary introduction to the legislation in force at any time.

(3) The ship's master and the company are responsible for ensuring that documentation and data which concern all seafarers employed on board their ship are maintained and readily available in accordance with Regulation I/14, paragraph 3, of the STCW-78/95 Convention.

CHAPTER 15
SERVICE IN A POST FOR WHICH A CERTIFICATE OF COMPETENCY IS
REQUIRED

Permission to serve in a post for which a certificate of competency is required

41. (1) The Permanent Secretary may permit the holder of a foreign certificate to serve in post for which a certificate of competency is required and for which the holder is qualified in accordance with Namibian legislation.

(2) For the purposes of subregulation (1), a foreign national who has been given permission to serve as master must hold a certificate of the highest grade in accordance with Regulation II/2, paragraph 2, of the STCW-78/95 Convention.

(3) The Permanent Secretary may depart from the requirements of subregulation (2) only in special circumstances, such as the vessel's trading area, technical standards, and special operational conditions.

Recognition of foreign certificates

42. (1) In applying for recognition of a foreign certificate for service in a capacity as a master or an officer on a Namibian ship, Regulation I/10 of the STCW-78/95 Convention applies.

(2) A certificate issued by or under the competent authority of another party may be recognized only if documents are produced which documents which prove that -

- (a) the requirements for competence, issuance and endorsement of certificates and registration are fully complied with; and
- (b) an agreement has been entered into with the party concerned that immediate notification will be given of any significant change in the training and certification arrangements established under the STCW-78/95 Convention.

(3) The Permanent Secretary may take measures, also including inspection and assessment, to ensure that seafarers applying for recognition of certificates issued in accordance with Regulations II/1, II/2, II/3, III/1, III/2, III/3 or VII/1 of the STCW-78/95 Convention, meet the requirements for competence prescribed by the STCW Code.

(4) Certificates issued by or under the authority of a competent authority of a non-party will not be recognized.

CHAPTER 16
ENDORSEMENTS

Application for endorsement

43. (1) An application for endorsement must be prepared in the manner determined by the Permanent Secretary and, in the manner determined by the Permanent Secretary, be submitted to the Permanent Secretary.

(2) For the purposes of regulation (1), the application and supporting documents must be written in the English language.

(3) The person for whom an application for endorsement is made must have satisfactorily knowledge of the English language and of Namibian legislation relating to the responsibilities of the position.

Issuance of endorsement

44. (1) Whoever is granted permission as referred to in regulation 43 is entitled to have an endorsement issued.

(2) Endorsements must only be issued by the Permanent Secretary.

(3) A certificate issued by the competent authorities of a state which has acceded to the STCW-78/95 Convention must be recognized in accordance with regulation 43 and carry an endorsement by the competent authority concerned regarding which of the STCW-78/95 Convention's regulations are covered by the certificate as well as any limitations.

(4) Endorsements issued on the basis of certificates under subregulation (3) must be issued with rights in relation to Namibian certificates as specified in Table III of the Appendix.

(5) The Permanent Secretary may issue special directives in connection with the processing of endorsements of foreign certificates.

(6) An endorsement entitles the holder to serve in the same post for which a certificate of competency is required in a comparable Namibian certificate, unless there are entries in the endorsement to the contrary or legislation provides otherwise.

Validity of endorsement

45. (1) An endorsement issued under these regulations is valid only when accompanied by the foreign certificate forming the basis for the issue of the endorsement.

(2) For the purpose of subregulation (1), the endorsement is valid for a period not exceeding 5 years from the date of issue provided that -

- (a) it may be renewed for up to 5 years at a time on the basis of a valid certificate; and
- (b) its period of validity must not exceed that of the foreign certificate in question.

CHAPTER 17 CONCLUDING PROVISIONS

Penal provisions

46. A master who or company which, without reasonable excuse, fails or refuses to comply with regulation 3(1), (3), (4) or (5) commits an offence and is liable on conviction to a fine which does not exceed N\$400.

Entry into force

47. These regulations enter into force on the date that they are published in the *Gazette*.

APPENDIX

TABLE 1
(Regulation 18(1))

Deck Officer Class 6 (skipper class II-F and mate class II-F)*

Capacity	Master		Chief mate		Officer in charge of a navigational watch	
Ship type	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area
Passenger ships Cargo ships, Other ships	≤ 200	I-II	≤ 200	I-II	≤ 500	I-II-III

*Depends on sea-time

Deck Officer Class 5 (skipper class I-F and mate class I-F)*

Capacity	Master		Chief mate		Officer in charge of a navigational watch	
Ship type	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area
Passenger ships Cargo ships, Other ships	500	I-II-III*	500	I-II-III	500	I-II-III

*Depends on sea-time

Deck Officer Class 4

Capacity	Master		Chief mate		Officer in charge of a navigational watch	
Ship type	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area
Passenger ships Cargo ships, Other ships	500	I-II-III*	500	I-II-III-IV	Unlimited	Unlimited

*Depends on sea-time

Deck Officer Class 3

Capacity	Master		Chief mate		Officer in charge of a navigational watch	
Ship type	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area
Passenger ships Cargo ships, Other ships	3000	I-II-III		Unlimited	Unlimited	Unlimited

Deck Officer Class 2

Capacity	Master		Chief mate		Officer in charge of a navigational watch	
Ship type	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area
Passenger ships Cargo ships, Other ships*	3000	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

* "Other ships do not include fishing vessel.

**"other ships do not include naval vessel.

Deck Officer Class 1

Capacity	Master		Chief mate		Officer in charge of a navigational watch	
Ship type	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area	Gross tonnage up to and including	Trade area
Passenger ships, cargo ships, *other ships	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited

"Other ships" do not include fishing vessels. If an officer holding one of the above certificates wants employment as skipper or mate on a fishing vessel, he or she shall undergo training and/or education that specially address the fishing industry.

"Other ships" do not include naval vessels, unless a special agreement is entered into between the Permanent Secretary of the Ministry of Works, Transport and Communication and the Ministry of Defence, or between other authorized parties.

**TABLE II
(Regulation 22(1))**

Engineer officer Class 4

Capacity	Officer in charge of an engineering watch
Passenger ships, cargo ships, other ships	Propulsion machinery of any size

Engineer officer Class 3

Capacity	Chief engineer	Second engineer	Officer in charge of an engineering watch
Passenger ships, cargo ships, other ships	Up to and including	Up to and including	Propulsion machinery of any size
	1 500 kW	3 000 kW	

Engineer officer Class 2

Capacity >	Chief engineer	Second engineer	Officer in charge of an engineering watch
Passenger ships, cargo ships Other ships	Up to and including	Propulsion machinery of any size	Propulsion machinery of any size
	3 000 kW		

Engineer officer Class 1

Capacity >	Chief engineer	Second engineer	Officer in charge of an engineering watch
Passenger ships, cargo ships, other ships	Propulsion machinery of any size	Propulsion machinery of any size	Propulsion machinery of any size

**TABLE III
(Regulation 44(4))**

Endorsement in the foreign certificate	Endorsement for which the following certificate is required
Regulation II/1 of the STCW Code, officer in charge of a navigational watch, 3rd and 2nd mate unrestricted	Deck officer class 4 certificate
Regulation II/2 of the STCW Code, chief mate of a ship up to and including 3000 gross tonnage	Deck officer 3 certificate
Regulation II/2 of the STCW Code, chief mate of a ship in unrestricted waters	Deck officer class 2 certificate
Regulation II/2 of the STCW Code, master of a ship in unrestricted waters	Deck officer class 1 certificate
Regulation III/1 of the STCW Code, engineer officer in charge of a watch in unrestricted waters	Engineer officer class 4 certificate
Regulation III/3 of the STCW Code, Chief engineer on a ship of up to 1500kW, 2nd engineer officer on a ship up to and including 3000 kW	Engineer officer class 3
Regulation III/2 of the STCW Code, chief engineer officer up to and including 3000 kW and second engineer officer on a ship with propulsion machinery of any size.	Engineer officer class 2
Regulation III/2 of the STCW Code, chief engineer officer on a ship with propulsion machinery of any size.	