



**THE MARINE ENGINEERS (CERTIFICATES OF SERVICE)
REGULATIONS 1986**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1986

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 19 and 504 of the Shipping and Seamen Act 1952, His Excellency the Governor-General, acting on the recommendation of the Minister of Transport made after consultation by the Minister with organisations which appeared to the Minister to be representative of owners and seafarers, and by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Marine Engineers (Certificates of Service) Regulations 1986.

(2) These regulations shall come into force on the 1st day of August 1986.

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

“The Act” means the Shipping and Seamen Act 1952:

“Ancillary certificate” means a certificate of a type referred to in subclause (2) of this regulation:

“Chief Examiner” means the person who is appointed by the Secretary under section 19 (1) of the Act as the examiner for the purposes of granting certificates in accordance with the Marine Engineers (Examination) Regulations 1986*:

“Commercial vessel” means any ship, other than a fishing boat, that is required (or would, if it were a New Zealand ship, be required) to have a certificate of survey under the Act:

“Current certificate of medical fitness” means a certificate of medical fitness—

(a) Issued in accordance with the Shipping (Medical Examination of Seafarers) Regulations 1986†; and

(b) Issued not more than 1 year earlier than the date on which that certificate is produced for the purpose of obtaining a certificate of service under these regulations:

“Naval officer” means a person who has attained the rank of marine engineer officer or non-commissioned officer of the marine engineering artificer, mechanician, or fitter trades in the Royal New Zealand Navy, or in the navy of any other Commonwealth country:

“Prescribed form” means a form approved by the Minister under section 502 of the Act:

“Qualifying service” means sea service or other acceptable service performed and assessed in accordance with the requirements of regulations 11 to 13 of these regulations.

(2) References in these regulations to—

(a) A ship firefighting certificate; or

(b) A certificate of proficiency in survival craft; or

(c) A first aid certificate,—

are references to certificates of the particular specified type approved by the Secretary or otherwise provided for in regulations made under the Act.

Certificates of Service as Marine Engineer Watchkeeper

3. Certificates of service as marine engineer watchkeeper—Certificates of service as marine engineer watchkeeper

(steam *or* motor *or* steam and motor) shall be granted in accordance with these regulations.

4. Certificate of service to be equivalent to certificate of competency—A certificate of service granted under these regulations shall be treated as equivalent to a certificate of competency as marine engineer watchkeeper of the corresponding kind granted by the Secretary under the Marine Engineers (Examination) Regulations 1986*.

5. Replacement of lost or damaged certificate—(1) Any person whose certificate of service has been lost or damaged may apply to a Superintendent in the prescribed form for a certified copy of the certificate.

(2) Any such application shall be accompanied by the prescribed fee (if any).

General Requirements

6. Applications for certificates of service—(1) Every application for a certificate of service under these regulations shall be made—

- (a) On the prescribed form, obtainable from any mercantile marine office; and
- (b) To the Chief Examiner of Marine Engineers, Marine Division, Ministry of Transport, Private Bag, Wellington (*or* Private Bag, Auckland).

(2) Every completed application form shall be accompanied by the prescribed fee (if any), and by the following documents:

- (a) Proof of age and identity as required by regulation 7 of these regulations:
- (b) Proof of qualifying service in accordance with regulation 14 of these regulations:
- (c) Where appropriate,—
 - (i) A testimonial in respect of the matters specified in regulation 8 of these regulations:
 - (ii) Ancillary certificates required by regulation 9 or regulation 10 of these regulations:
 - (iii) A current certificate of medical fitness:
 - (iv) Original documentary evidence of initial training:
 - (v) Proof of any other qualification required by regulation 10 of these regulations.

(3) Where an applicant is uncertain whether his or her qualifying service complies with the requirements of these regulations, the applicant may submit a completed application form, with the documents required by subclause (2) of this regulation, to the Chief Examiner for consideration.

7. Proof of age and identity—Every applicant for a certificate of service shall produce a birth certificate, passport, or other satisfactory proof of age and identity.

8. Testimonial required where previous unsatisfactory service—Every applicant for a certificate of service who—

*S.R. 1986/105

- (a) Has been a suspended person within the meaning of section 40A (2) of the Act; or
- (b) Has failed to join his or her ship after signing the agreement, or has deserted ship,—

shall produce a testimonial as to the applicant's satisfactory service during a period of at least 12 months immediately preceding the date of the application, being a period subsequent to any period of suspension under section 40A (2) of the Act, or detention or imprisonment in respect of the matters referred to in paragraph (b) of this regulation.

Eligibility for Certificate of Service

9. Persons eligible for certificate of service—(1) A person who applies before the 1st day of November 1986 shall be eligible for a certificate of service as marine engineer watchkeeper if, having completed initial training in accordance with regulation 21 of the Marine Engineers (Examination) Regulations 1986*, the applicant has, within the period of 6 years immediately preceding the 1st day of November 1986, completed,—

- (a) In the case of a steam certificate or a motor certificate, not less than 6 months' qualifying service in ships of not less than 750 kW power with propelling machinery of the type for which the applicant seeks a certificate; or
 - (b) In the case of a steam and motor certificate, not less than 4 months' qualifying service in ships of not less than 750 kW power with steam propelling machinery, and not less than 4 months' qualifying service in ships of not less than 750 kW power with motor propelling machinery.
- (2) A person who applies on or within 2 years after the 1st day of November 1986 shall be eligible for a certificate of service as marine engineer watchkeeper if the applicant—

- (a) Has, within the period of 7 years immediately preceding the 1st day of November 1986, completed qualifying service as follows:
 - (i) In the case of a steam certificate or a motor certificate, not less than 3 years' qualifying service in ships of not less than 750 kW power, of which not less than 18 months has been spent in ships with propelling machinery of the type for which the applicant seeks a certificate; or
 - (ii) In the case of a steam and motor certificate, not less than 3 years' qualifying service in ships of not less than 750 kW power, of which not less than 18 months has been spent on such ships with steam propelling machinery and not less than 18 months has been spent on such ships with motor propelling machinery; and
- (b) Holds the following ancillary certificates:
 - (i) A ship firefighting certificate;
 - (ii) A certificate of proficiency in survival craft;
 - (iii) A first aid certificate; and
- (c) Holds a current certificate of medical fitness.

10. Naval officers—(1) A naval officer who does not qualify for the grant of a certificate of service under regulation 9 of these regulations shall

be eligible for a certificate of service as marine engineer watchkeeper in accordance with this regulation.

(2) A naval officer who applies before the 1st day of November 1986 shall be eligible for a certificate of service where the officer—

(a) Has completed initial training in accordance with regulation 21 of the Marine Engineers (Examination) Regulations 1986*; and

(b) Holds—

(i) A unit watchkeeping certificate (steam *or* motor, as the case may require) and has passed or been exempted from all subjects of Stage II of the New Zealand Certificate in Engineering; or

(ii) A charge certificate; or

(iii) A certificate of service as a marine engineer (steam *or* motor *or* steam and motor, as the case may require) issued under the Act; and

(c) Has, within the period of 6 years immediately preceding the 1st day of November 1986, completed qualifying service comprising,—

(i) In the case of a steam certificate or a motor certificate, not less than 6 months' sea service in ships of not less than 750 kW power with propelling machinery of the type for which the officer seeks a certificate; or

(ii) In the case of a steam and motor certificate, not less than 4 months' sea service in ships of not less than 750 kW power with steam propelling machinery, and not less than 4 months' sea service in ships of not less than 750 kW power with motor propelling machinery.

(3) A naval officer who applies on or within 2 years after the 1st day of November 1986 shall be eligible for a certificate of service as marine engineer watchkeeper if the officer—

(a) Complies with the requirements of paragraphs (a) and (b) of subclause (2) of this regulation; and

(b) Has, within the period of 7 years immediately preceding the 1st day of November 1986, completed qualifying service comprising,—

(i) In the case of a steam certificate or a motor certificate, not less than 3 years' sea service in ships of not less than 750 kW power, of which not less than 18 months has been spent in ships with propelling machinery of the type for which the officer seeks a certificate; or

(ii) In the case of a steam and motor certificate, not less than 3 years' sea service in ships of not less than 750 kW power, of which not less than 18 months has been spent on such ships with steam propelling machinery and not less than 18 months has been spent on such ships with motor propelling machinery; and

(c) Holds the following ancillary certificates:

(i) A ship firefighting certificate:

(ii) A certificate of proficiency in survival craft:

(iii) A first aid certificate; and

(d) Holds a current certificate of medical fitness.

Qualifying Service

11. Qualifying service—(1) Qualifying service shall be sea service performed under crew agreements on a commercial vessel as engineer officer on regular watch in the main propulsion machinery spaces, during periods when the propelling machinery is in full use, for not less than 8 hours out of every 24 hours claimed.

(2) Sea service performed in ships operating with periodically unmanned machinery spaces shall count in full.

(3) An applicant who has trained as a marine engineer cadet and who has completed satisfactorily the cadet training record book may have the sea service performed during the cadetship counted towards qualifying service.

12. Naval service—(1) Sea service performed in ships of the Royal New Zealand Navy as engineer officer, artificer, or mechanic specialising in marine engineering shall be accepted as qualifying service in the case of an applicant for a certificate of service under regulation 10 of these regulations.

(2) Sea service in naval ships of countries other than New Zealand may be accepted and assessed as qualifying service for the purposes of regulation 10 of these regulations at the discretion of the Chief Examiner.

13. Calculation of sea service—(1) Sea service as shown on discharge certificates and in testimonials shall be reckoned by the calendar month, covering a period commencing with a given day in any month and ending with the preceding day of the following month.

(2) The number of complete months having been computed in accordance with subclause (1) of this regulation, any additional days shall be added together and reckoned at 30 to the month.

(3) Certificates of discharge from ships that have more than one crew or have additional crew members signed on for relief purposes shall be accompanied by proof of the actual period spent on board, and sea service shall be assessed on that proof.

14. Proof of qualifying service—(1) An applicant shall produce a satisfactory testimonial in respect of any qualifying service in a ship, signed by the owner or an agent of the owner.

(2) The testimonial shall—

(a) State the applicant's seniority on watch, the nature and duration of the duties performed by the applicant, and the type of propelling machinery of the ship; and

(b) Testify to the applicant's ability, conduct, and sobriety.

(3) Service that cannot be verified by proper entries in the articles of agreement of the ships in which the applicant has served, or by other satisfactory evidence, shall not be accepted.

(4) If there is any doubt of the authenticity or accuracy of any testimonial, discharge, or other proof of qualifying service, the Chief Examiner may take whatever action seems appropriate to obtain verification before a certificate of service is issued.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide, for a limited period ending on 1 November 1988, for the issue to marine engineers of certificates of service as marine engineer watchkeeper. The certificates will be equivalent to certificates of competency as marine engineer watchkeeper issued under the Marine Engineers (Examination) Regulations 1986. The regulations bring New Zealand law into line with the relevant requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 June 1986.

These regulations are administered in the Ministry of Transport.