



**THE SHIPPING (MEDICAL EXAMINATION OF SEAFARERS)  
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.

ANALYSIS

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Shipping (Medical Examination of Seafarers) Regulations 1986.

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

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

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

“Certificate” means a certificate of competency or service issued under the Act:

“Certificate of medical fitness” means a certificate issued under regulation 4 of these regulations; and includes a certificate recognised as equivalent to a certificate of medical fitness under regulation 7 of these regulations:

“Licence” or “sea-going licence” means a sea-going licence issued under the Act:

“Seafarer” means any master, officer, or seaman who is required by any regulation or rule made under the Act to hold or produce a certificate of medical fitness issued under these regulations for the purpose of—

- (a) Obtaining a certificate of competency or service; or
- (b) Obtaining or renewing a sea-going licence; or
- (c) Otherwise qualifying for engagement on board any ship.

**3. Examination of seafarers for certificate of medical fitness**—(1) Every medical examination for the issue of a certificate of medical fitness to a seafarer shall be carried out by a registered medical practitioner nominated by the seafarer.

(2) The medical examination shall be sufficient to enable the registered medical practitioner to determine whether or not the seafarer is fit to carry out the category of duties to which the seafarer’s certificate or licence relates, or which the seafarer is to perform.

(3) In determining the matters referred to in subclause (2) of this regulation, the registered medical practitioner shall have regard to—

- (a) The matters specified in the First Schedule to these regulations as rendering a seafarer unfit for duty;
  - (b) The vision, hearing, and speech standards required in a seafarer by the Second Schedule to these regulations;
  - (c) The age of the seafarer;
  - (d) The nature of the duties to which the seafarer’s certificate or licence relates, or which the seafarer is to perform;
  - (e) Any information available on the seafarer’s past medical record or record of performance of his or her duties.
- (4) Any fee for the medical examination shall be payable by the seafarer.

**4. Issue of certificate of medical fitness**—(1) Where, on the completion of a medical examination for the issue of a certificate of medical fitness to a seafarer, the registered medical practitioner is satisfied that—

- (a) The seafarer is not debarred from obtaining a certificate of medical fitness by the provisions of the First Schedule to these regulations; and
- (b) The seafarer satisfies the standards for vision, hearing, and speech prescribed in the Second Schedule to these regulations; and

- (c) The seafarer is fit to carry out the category of duties to which the seafarer's certificate or licence relates, or which the seafarer is to perform,—

the registered medical practitioner shall complete, sign, and hand to the seafarer a certificate of medical fitness in the form set out in the Third Schedule to these regulations.

(2) Where a seafarer has a medical condition that, under the First Schedule to these regulations, is acceptable only where any need for medical supervision is met, the registered medical practitioner shall specify on the certificate of medical fitness the nature of any medical supervision required by the seafarer.

**5. Responsibilities of registered medical practitioner where not satisfied of seafarer's fitness**—(1) Where, on the completion of a medical examination for the issue of a certificate of medical fitness to a seafarer, the registered medical practitioner is not satisfied of the matters specified in paragraphs (a) to (c) of regulation 4 (1) of these regulations, the registered medical practitioner shall refuse to issue the certificate.

(2) In any case where a certificate of medical fitness is refused, the registered medical practitioner—

- (a) Shall inform the seafarer of the seafarer's right to apply for a further examination under regulation 6 of these regulations; and
- (b) May issue to the seafarer a report relating to—
- (i) Any recommended period that should elapse before the seafarer applies for re-examination; or
  - (ii) The conditions which should be fulfilled before the seafarer applies for re-examination, including the provision of medical or other submissions to be provided in support of the application.

**6. Seafarer may apply for further examination**—(1) Where a registered medical practitioner has refused to issue a certificate of medical fitness, the seafarer may apply to a Superintendent for a further examination to be conducted by a registered medical practitioner nominated by the Superintendent on the recommendation of the Principal Medical Officer of the Ministry of Transport, and the Superintendent shall arrange for such an examination to be carried out.

(2) The provisions of regulations 3 to 5 of these regulations shall apply to any examination conducted under this regulation.

- (3) Any fee for the medical examination shall be payable by the seafarer.

**7. Equivalent certificates**—Any certificate of medical fitness issued to a seafarer in accordance with the provisions of the International Labour Organisation Convention Number 73 of 1946 (Medical Examinations (Seafarers) Convention) or Convention Number 147 of 1976 (Merchant Shipping (Minimum Standards) Convention 1976), by an authority empowered in that behalf by the laws of a country other than New Zealand that has ratified that Convention, shall be treated as equivalent to a certificate of medical fitness issued pursuant to these regulations during any period for which the certificate is expressed to remain in force.

**8. Consequential amendment**—The Masters and Mates (Foreign-Going and Home-Trade) Examination Regulations 1985\* are hereby amended by inserting in regulation 2, after the definition of the term “Convention”, the following definition:

“ ‘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 under these regulations.”

\*S.R. 1985/104

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## SCHEDULES

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Regs. 3 and 4

### FIRST SCHEDULE

#### SPECIFIC CONDITIONS LIABLE TO RENDER A SEAFARER UNFIT FOR DUTY

1. *Pulmonary tuberculosis*—Pulmonary tuberculosis is not acceptable unless the seafarer is assessed fit for duty by a specialist physician.

2. *Cardiac pacemakers*—The presence of a cardiac pacemaker is unacceptable.

3. *Diabetes*—(1) Diabetes requiring insulin therapy is not acceptable, unless the ship on which the seafarer is to serve carries a duly qualified medical practitioner as part of the complement of the ship.

(2) Diabetes requiring control other than by insulin may be acceptable provided that the need for regular medical supervision can be met; but a person who regularly requires any oral anti-diabetic drug shall not be a member of the deck or engineroom department.

4. *Epilepsy*—(1) Unstable epilepsy (being diagnosed epilepsy where the most recent convulsion has been within the previous 5 years) and recurrent attacks of complete or partial loss of consciousness are not acceptable.

(2) On the recommendation of a consultant neurologist, a seafarer may be certified as having stable epilepsy if there has been no convulsion within the previous 2 years while the seafarer has been either off all drug treatment or taking a stable dose of drug treatment.

5. *Artificial limbs*—A person with an artificial limb may be considered fit having regard to the nature of the prosthesis and how this will affect the proposed duties.

6. *Hernia*—The presence of a hernia (including umbilical hernia) is not acceptable.

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## SECOND SCHEDULE

Regs 3 and 4

## VISION, HEARING, AND SPEECH STANDARDS

1. *Vision*—(1) Monocular vision is not acceptable.

(2) Candidates for examination for certificates of competency as masters and mates, and applicants for sea-going licences as masters or deck officers, shall be sight-tested in accordance with the Masters and Mates (Foreign-Going and Home-Trade) Examination Regulations 1985\*.

2. *Hearing*—(1) A seafarer shall pass the required hearing standard if—

(a) In the opinion of the medical examiner, the seafarer passes a whisper test; or

(b) The seafarer meets the audiometric standard set out in subclause (2) of this clause.

(2) For the purposes of this clause, the audiometric standard shall be met if, on standard audiometry, there is no hearing loss in the better ear exceeding 35 dB in more than one of the following frequencies: 500Hz, 1000Hz, 1500Hz, and 2000Hz.

3. *Speech*—A seafarer must, in the opinion of the medical examiner, be able to speak clearly and without abnormal hesitation at a normal conversational level.

Reg. 4

THIRD SCHEDULE

FORM OF CERTIFICATE OF MEDICAL FITNESS FOR SEAFARERS  
CERTIFICATE OF MEDICAL FITNESS

*This certificate is issued for the purposes of the Shipping (Medical Examination of Seafarers) Regulations 1986.*

I certify that I have examined the seafarer named below:

NAME .....

ADDRESS .....

who has applied for certification in the capacity of ..... [*Insert category*].

As a result of this examination and/or of other medical information known to me and having due regard for the requirements of the First and Second Schedules to the Shipping (Medical Examination of Seafarers) Regulations 1986, in my opinion this person's fitness is:

GRADE  [*Insert A or B\**], subject to the availability of medical supervision as follows [*Delete, or specify nature of any supervision required*]:

.....  
.....  
.....

[*Signed*] .....

(Registered Medical Practitioner)

[*Date*] .....

[*Please print or stamp medical practitioner's name and address here:*]

\*GRADE A—fit for unrestricted sea service in the capacity listed.  
GRADE B—fit only for home-trade service in the capacity listed.

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 the issue of certificates of medical fitness to seafarers who are required under the Shipping and Seamen Act 1952 to obtain such certificates for the purpose of qualifying for certificates of competency, certificates of service, sea-going licences, or otherwise for engagement on board a ship. They 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.