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Government Notices

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 92 1998

MERCHANT SHIPPING ACT, 1951: EXAMINATION REGULATIONS FOR CERTIFICATES OF COMPETENCY AS MARINE MOTORMEN

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- (b) repealed the Examination Regulations for Certificates of Competency as Fisherman and Marine Motorman promulgated by Government Notice R.2653 of 29 November 1985.

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CHAPTER I GENERAL

Definitions

1. In these regulations, any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates -

“approved” means approved by the Permanent Secretary;

“candidate” means a person applying to sit for an examination for a certificate of competency as marine motorman;

“Certificate of Proficiency in Survival Craft” means a certificate issued by the Directorate to a person in terms of the Certificates of Qualification Regulations promulgated by Government Notice No. R.2654 of 29 November 1985;

“Directorate” means the Directorate: Maritime Affairs of the Ministry of Works, Transport and Communication;

“examiner” means a person appointed as such in terms of section 77(4) of the Act;

“Fire-fighting Course Certificate” means a certificate, valid for a period of five years, issued by an approved school or institution which gives training in fire fighting, to a person who has passed a course in fire fighting;

“First Aid at Sea Certificate” means a certificate, valid for a period of three years, issued by an approved institution, to a person who has passed a course in first aid at sea;

“health certificate” means a certificate issued by a medical practitioner within the period of three months immediately preceding the date of examination, certifying that the candidate complies with the health standards as specified in a Marine Notice issued by the Permanent Secretary;

“identity document” means a birth certificate, a baptismal certificate, a passport or an identity document which shows the full names and date of birth of a candidate;

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

“proper officer” means proper officer as defined in section 2 of the Act;

“testimonials” means testimonials satisfactory to the examiner as to a candidate’s character (including sobriety), experience, ability and general good conduct on board ship;

“the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

“tons” means gross registered tons.

Grades of certificates of competency

2. The grades of certificates of competency as marine motorman shall be as follows:

- (a) Grade 3;
- (b) Grade 2;
- (c) Grade 1; and
- (d) Higher Grade.

Age of candidate

3. A candidate for the Marine Motorman Grade 3 or 2 examination shall be not less than 19 years of age.

Form of application and documents to be submitted when applying for examination

4. (1) A candidate shall apply for an examination for a certificate of competency on the approved form and shall cause that form to reach the examiner at the port at which that candidate wishes to be examined at least 14 days before a date referred to in regulation 5 on which he or she wishes to be examined.

(2) A candidate shall, together with his or her application in terms of subregulation (1), submit to the examiner the documents set out in Annexure 1 to these regulations.

(3) The holder of a certificate of competency issued prior to the commencement of these regulations who applies to sit for an examination for a higher certificate of competency in terms of these regulations shall submit the documents required for both such higher and lower certificate.

Dates and places of examinations

5. The dates on which and the places where examinations under these

regulations are to be held shall be published annually by the Permanent Secretary in Marine Notices.

Candidate's knowledge of English

6. (1) A candidate shall undertake the examination for a certificate of competency, in English, and shall prove to the satisfaction of the examiners that he or she can speak and write English sufficiently well to perform the duties required of him or her on board a Namibian ship.

Physical or other disabilities

7. (1) Notwithstanding the submission by a candidate of a health certificate in accordance with regulation 4(2), the examiner may, if the candidate passes any examination, oblige the candidate to undergo a further medical examination to be conducted by a person nominated by the Permanent Secretary in order to determine whether the candidate is capable of discharging adequately the ordinary sea-going duties of the holder of a certificate of competency.

(2) The examiner may, on receipt of a medical report after a candidate has undergone a further medical examination in terms of subregulation (1), recommend to the Permanent Secretary that the candidate should not be issued with a certificate of competency.

(3) Where the examiner makes the recommendation under subregulation (2), he or she shall give a copy of that recommendation to the candidate who shall have the right to lodge with the Permanent Secretary an objection to the recommendation.

Unsatisfactory conduct prior to examination

8. (1) Where a candidate -

- (a) after signing an agreement with the crew of a ship, in accordance with section 102 of the Act, neglects to join that ship;
- (b) after joining the crew of a ship, deserts that ship;
- (c) has been convicted of an offence for which he or she has been sentenced to imprisonment without the option of a fine or which the examiner considers to be of a serious nature; or
- (d) has been convicted of an offence in respect of which an entry has been made in the official log-book in terms of paragraph (b) of section 183 of the Act and which the examiner considers to be of a serious nature,

the testimonials required in terms of regulation 4(2) shall, subject to subregulation (2) of this regulation, cover the period of two years subsequent to such misconduct.

(2) Notwithstanding subregulation (1), the Permanent Secretary may, upon application by the candidate, and after investigating the matter, reduce the period of

two years referred to in that subregulation.

Bribery

9. An examiner shall not admit to an examination for a certificate of competency any candidate who has been convicted of bribery as contemplated in section 314 of the Act or upon whom a penalty for bribery, has been imposed in terms of section 324 of the Act until a period of at least 12 months has elapsed.

Examination results

10. The examiner shall give to a candidate who -
- (a) passes his or her examination, form TM5/106, which form shall be produced by the candidate when collecting his or her certificate of competency at the port designated on the application form; or
 - (b) fails or is partially successful in his or her examination, form TM5/107, stating the candidates results, which form shall be produced by the candidate to the examiner when next applying for examination.

Copies of lost certificates

11. (1) Where the holder of a certificate of competency loses that certificate, he or she shall apply to the proper officer for a certified copy of that certificate, and shall, when making the application, pay the fee prescribed in the Merchant Shipping Fees Regulations, promulgated under Government Notice No. R2438 of 19 October 1990.

(2) The application referred to in subregulation (1) shall be accompanied by a declaration of the circumstances in which the certificate was lost and shall be forwarded to the proper officer who shall forward the application, together with the declaration, to the Permanent Secretary.

Mixed service

12. Where a candidate has performed sea service in more than one capacity, proportionate allowances shall be made for each kind of service if such service complies with these regulations.

Educational institutions

13. The Permanent Secretary may approve educational institutions which shall conduct courses of instruction in the prescribed syllabuses and written examinations on the courses of instruction, subject to moderation by the examiner.

CHAPTER II CALCULATION OF SEA SERVICE

Proof of sea service

14. The onus of producing acceptable proof of sea service shall rest upon the candidate claiming that service.

Particulars of sea service and ranks held

15. A candidate shall ensure that all particulars of his or her sea service, including the ranks he or she has held on board vessels in which he or she has been employed, are entered correctly on the approved form.

Testimonials

16. Testimonials of candidates shall be endorsed by the Skipper, the Chief Engineer or the Engineer Superintendent, of the ship, or by the Manager of the business in which the candidate has been employed or, by a representative of the employer.

Qualifying sea service

17. (1) A candidate claiming service in a ship not registered in Namibia shall produce proof of that service to the satisfaction of the examiner, and if the sufficiency of that proof is doubtful in any way, the examiner shall refer that proof to the Permanent Secretary for decision.

(2) A candidate for the Marine Motorman Grade 3 examination shall have a minimum of 18 months' approved sea service, of which at least 75 per cent shall have been performed in the engine room on the propulsion machinery of a vessel with propulsion power of more than 150 kilowatts.

(3) A candidate for the Marine Motorman Grade 2 examination shall have a minimum of 18 months' approved sea service, of which at least 75 per cent shall have been performed in the engine room on the propulsion machinery of a vessel with propulsion power of more than 250 kilowatts, but if the candidate has performed such service on board a vessel of propulsion power of between 150 and 225 kilowatts that service shall be at least 36 months.

(4) A candidate for the Marine Motorman Grade 1 examination shall, as holder of a Grade 2 Certificate of Competency, have a minimum of 12 months' approved sea service in the engine room on the propulsion machinery of a vessel with propulsion power of more than 350 kilowatts.

(5) A candidate for the Marine Motorman Higher Grade examination shall, as holder of a Grade 1 Certificate of Competency, have a minimum of 12 months' approved sea service, but -

- (a) he or she shall have spent all such service as Second Engineer on the propulsion machinery of a vessel with propulsion power of more than 750 kilowatts; or

- (b) he or she shall have spent at least six months of such service as Chief Engineer on the propulsion machinery of a vessel with propulsion power of more than 500 kilowatts.

(6) A candidate shall produce testimonials indicating the power rating and the type of propulsion machinery of the vessels in which he or she has served as a member of the crew, the nature of the duties he or she has performed and the total time that he or she has served on board those vessels in respect of all sea service claimed by him or her.

(7) The Permanent Secretary may approve equivalent qualifications for the remission of qualifying sea service for the purposes of subregulations (2) and (3).

Academic qualifications

18. (1) A candidate in possession of academic qualifications set out in Annexure 2 to these regulations shall be granted a remission of qualifying sea service for the Marine Motorman Grades 3 and 2 examinations as set out in that Annexure, subject to a maximum of six months.

(2) The Permanent Secretary may approve additional qualifications for the remission of qualifying sea service for the Marine Motorman examinations.

Insufficient sea service

19. If, after a candidate has passed an examination, it is found that his or her sea service is insufficient to entitle him or her to receive a certificate of the grade for which the examination has been passed, a certificate of that grade shall not be granted to him or her, but if -

- (a) it is found that an error occurred in the calculation of his or her sea service and that it did not occur through his or her fault or wilful misrepresentation, such certificate shall be granted to him or her when he or she has made up the deficiency in sea service; and
- (b) it is found that the error occurred through his or her fault or wilful misrepresentation, such certificate shall be granted to him or her only when he or she has made up the deficiency in sea service, together with such extra sea service as the examiner may decide.

CHAPTER III CONDUCT OF EXAMINATIONS

Time of examinations

20. Examinations shall begin on each day at a time appointed by the examiner.

Candidates to be punctual for examination

21. A candidate shall arrive at the examination room at least 15 minutes prior to the time appointed for the examination.

Failure by default

22. The examiner shall fail, by default, any candidate who fails to present himself or herself, at the time appointed by the examiner, for any part of the examination in the absence of reasonable proof that the failure to attend was unavoidable.

Strangers not allowed in examination room

23. A person other than a candidate or a person whose duties require him or her to be present shall not be allowed in the examination room.

Silence in examination room

24. The examiner shall ensure that silence is maintained, and the candidate shall maintain silence, in the examination room for the full duration of a written examination.

Use of books and instruments in examination

25. (1) All papers and books which are necessary for the examination shall be supplied by the examiner.

(2) A candidate shall provide himself or herself with a pen, a pencil and all instruments required for the examination.

(3) A candidate who wishes to use a table other than that supplied by the examiner may do so provided that he or she submits it to the examiner for scrutiny and approval before the commencement of the examination.

Solutions

26. (1) A candidate may solve problems by any method he or she is accustomed to, provided that such method is correct in principle, affords the required degree of precision and all work is shown on the answer sheet.

(2) A candidate who uses a calculating instrument for his or her calculations shall show on his or her answer sheet the full working statement by means of which he or she arrived at the results, otherwise the examiner shall not award him or her any marks.

Degree of precision required

27. (1) The examiner shall require of the candidate work to a degree of precision consistent with the data available and the type of problem in question.

(2) A candidate shall extract information from tables as accurately as possible consistent with the inherent accuracy of the tables, and shall give final answers to the best degree of precision which is justified.

(3) Where a candidate answers a question requiring sketches, the candidate

shall draw freehand diagrams, bearing in mind that although drawing to scale is not required, unless specified, sketches should bear a reasonable resemblance to the actual component in question.

Oral examinations

28. (1) In the case of examinations which consist of both written and oral sections, the examiner may ask a candidate oral questions arising from the written work produced by that candidate.

(2) Any candidate who in an oral examination shows ignorance of topics vital to an engineer officer's duties which, if neglected, could lead to conditions whereby life or a ship is endangered, shall not be accepted for a re-examination unless he or she has served a further 12 months' sea service or such lesser period as the examiner may decide.

(3) A candidate who, after three attempts at an oral examination in any 12 month period, shows no improvement may not be accepted for re-examination before the expiration of a period of time not exceeding 12 months in the discretion of the examiner.

Misconduct and penalties

29. (1) If a candidate defaces or otherwise damages any book, instrument or other property of the Directorate during an examination, the examiner shall retain certificates and testimonials of that candidate until the candidate rectifies the damage.

(2) A candidate shall not -

- (a) have in his or her possession during any part of a written examination any books, notes, memoranda or papers, other than those of the Directorate;
- (b) leave an examination room during a written examination without the permission of the examiner; or
- (c) during any part of a written examination, refer to any unauthorised book or paper, copy any work from another candidate, give any assistance or information to another candidate, accept assistance or information from another person, communicate in any way with a person other than the examiner, or copy any part of the questions or answers for the purpose of taking it out of the examination room.

(3) A candidate who contravenes subregulation (2) shall be deemed to have failed the entire examination and shall not be accepted for re-examination until a period of six months has elapsed.

Time elapse between failure and re-examination

30. (1) A candidate who fails any part of an examination shall not be eligible for re-examination until the following scheduled date of examination, but

the examiner may re-examine that candidate at any time after the expiration of a period of 14 days from the date on which the candidate failed the examination.

(2) If a candidate passes any part of an examination consisting of more than one part he or she shall receive credit for that part for a period of six months, during which period he or she shall pass the parts he or she failed, failing which he or she shall repeat the entire examination.

Depth of knowledge

31. Where the depth of knowledge required of the candidate is not evident from the prescribed syllabus, the required depth shall be established by a working committee consisting of a representative of the Directorate, the marine industry and each approved training establishment.

Type of examination and pass marks

32. (1) The examination for a Certificate of Competency as a Marine Motorman Grade 3, 2 or 1 shall be an oral examination only.

(2) The pass mark for the oral examination referred to in subregulation (1) shall be 70 per cent.

(3) The examination for a Certificate of Competency as a Marine Motorman Higher Grade shall consist of a three-hour written engineering knowledge examination consisting of 12 questions, 10 of which shall be answered, and an oral examination which shall follow the written part.

(4) The pass mark for the written and oral parts referred to in subregulation (3) shall be 60 per cent and 70 per cent, respectively.

CHAPTER IV FEES

Payment of fees

33. (1) A candidate shall, prior to the date of the examination, pay to the nearest proper officer the examination fee as prescribed in the Merchant Shipping Fees Regulations promulgated under Government Notice No. R.2438 of 19 October, 1990, and the proper officer shall issue to the candidate a receipt stating-

- (a) the name of the candidate;
- (b) the amount paid; and
- (c) the grade of the examination.

(2) A candidate shall produce to the examiner the receipt referred to in subregulation (1) and if the candidate fails to produce that receipt, the examiner shall not allow him or her to sit for the examination.

Refund of fees

34. If, through circumstances beyond the control of the candidate, he or she is unable to undergo the examination for which the fees have been paid, he or she may apply in writing to the proper officer for the refund of the fees and, if the proper officer considers the application to be based upon reasonable grounds, he or she shall forward that application to the Permanent Secretary, who may authorise a refund.

Forfeiture of fees

35. If a candidate fails an examination by default, that candidate shall forfeit the examination fees.

**CHAPTER V
SYLLABUSES****Marine Motorman Grade 3 examination**

36. The syllabus for the Marine Motorman Grade 3 examination shall consist of an oral examination on the following:

- (a) the name and functions of the main parts of propulsion machinery
- (b) dealing with minor defects in propulsion machinery;
- (c) maintaining batteries in proper working order;
- (d) keeping bilges empty and clean and familiarity with bilge pumping systems;
- (e) precautions to be taken against fire and explosion from oil or gas, dealing with fire should it break out, and recharging fire extinguishers;
- (f) use of electrical protection devices and electrical equipment; and
- (g) safe bunkering procedures.

Marine Motorman Grade 2 examination

37. The syllabus for the Marine Motorman Grade 2 examination shall consist of an oral examination on the following:

- (a) electricity and electrical distribution systems, including protection devices on board ships;
- (b) keeping a logbook;
- (c) names and functions of the main parts of propulsion and auxiliary machinery;

- (d) mechanisms of starting and reversing arrangements and maintaining operation of diesel engines;
- (e) dealing with minor defects in propulsion and auxiliary machinery;
- (f) names and functions of the main parts of refrigeration machinery and working knowledge of refrigeration systems;
- (g) hydraulics and pneumatics;
- (h) taking over the watch and duties during the watch;
- (i) operations connected with the launching and practical handling of all survival craft and equipment on board and the principle of survival in survival craft at sea;
- (j) safe bunkering procedures; and
- (k) the necessity of keeping bilges empty and clean and familiarity with bilge pumping systems.

Marine Motorman Grade 1 examination

38. The syllabus for the Marine Motorman Grade 1 examination shall consist of an oral examination in engineering knowledge of the following:

- (a) production of electromotive force by chemical and magnetic means and electrical distribution systems;
- (b) principles and working of motor propulsion and auxiliary machinery, including overhaul and repair work of a minor nature;
- (c) starting, reversing and maintenance of motor propulsion machinery including gearboxes and controllable pitch propellers;
- (d) action of thermometers, pyrometers, pressure gauges, voltmeters and ammeters;
- (e) temporary and permanent repairs in the event of a breakdown;
- (f) bilge and fuel pumping systems;
- (g) steering gears, refrigerating, hydraulic and pneumatic machinery;
- (h) properties of the various fuels and oil in use on board ship;
- (i) precautions against fire and explosion from oil or gas and methods of dealing with an outbreak of fire;
- (j) principles of 2 and 4 stroke engine cycles;

- (k) benefits of supercharging using mechanically and exhaust gas driven blowers;
- (l) basic requirements of ship stability, including centre of gravity, stable, unstable and neutral equilibrium, the necessity of centre boards, compartments, watertight bulkheads and free surface effects of large volumes of water on trawl and factory decks, and precautions against flooding; and
- (m) the subjects in the syllabus for marine motorman grade 2 certificate of competency.

Marine Motorman Higher Grade examination

39. (1) The syllabus for the Marine Motorman Higher Grade examination shall consist of a written examination in engineering knowledge of the following:

- (a) preparing main and auxiliary machinery for sea and testing of steering gear;
- (b) recording of engine room logbook and significance of readings taken;
- (c) routine pumping operations of fuel oil, fresh and salt water and bilge system and location of common faults;
- (d) preparing, starting, coupling and changing over alternators and generators;
- (e) safety precautions to be observed during a watch and the immediate action to be taken in the event of a fire or accident, including electric shock;
- (f) precautions to be observed to prevent environmental pollution, operation and maintenance of emergency equipment, the Code of Safe Working Practice on Fishing Vessels and appropriate Marine Notices;
- (g) the use and constructional details of measuring instruments for temperatures and pressure and the operating principles of the ammeter and voltmeter;
- (h) transmitting information relating to machinery components by means of simple drawings with supplementary notes and specifications;
- (i) the methods of manufacturing the various machinery components and the effects of various treatments on the physical properties of the materials commonly used;
- (j) constructional details, arrangements and management of refrigeration plants;
- (k) construction, arrangement and operation of steering systems,

constructional details and maintenance of pressure vessels, constructional details and principles of action of pumps and general requirements for pumping systems;

- (l) fire prevention, detection and fire-fighting equipment, its use, construction and maintenance;
 - (m) the Code of Safe Working Practice for Fishing Vessels regarding machinery rooms and other enclosed spaces;
 - (n) safe and efficient operation and maintenance of electrical equipment;
 - (o) safe and efficient operation and maintenance of auxiliary boilers;
 - (p) working principles and constructional details of marine diesel engines, together with their ancillary equipment, such as gearboxes, clutches, thrust bearings and transmission systems, operation and maintenance of diesel engines, determination of engine power, starting and reversing systems, properties of fuel and lubricating oils used in diesel engines, fuel systems and lubricating oil systems;
 - (q) constructional details and working principles of air compressors;
 - (r) operation, testing and fault rectification of automatic control and alarm panels;
 - (s) basic electrical circuits including alternating current and direct current systems;
 - (t) hydraulic circuits and their maintenance;
 - (u) construction, safe operation and maintenance of deck machinery;
 - (v) requirements of ship stability, including centre of gravity, stable, unstable and neutral equilibrium, the necessity of centre boards, compartments, watertight bulkheads and free surface effects of large volumes of water on trawl and factory decks, and precautions against flooding; and
 - (w) basic calculations showing metacentric height (KM), centre of gravity (KG) and moment of statical stability (GM) values, the effect of righting lever, negative GM, reduction of GM due to free surface, basic bulkhead loading on tanks and effects of density (specific gravity).
- (2) An oral examination on the subjects referred to in subregulation (1) shall be conducted by the examiner following the written part at a time determined by him or her.
- (3) The written three-hour paper with a pass mark of 60% shall consist of a part A (general) and a part B (motor) with 12 questions carrying equal marks, at least 10 of which questions shall be answered.

Short title

40. These regulations shall be called the Examination Regulations for Certificates of Competency as Marine Motormen.

ANNEXURE 1
(Regulation 4(2))

Documents to be submitted by candidate with application

| Documents | Motorman grades | | | |
|--|-----------------|---|---|----|
| | 3 | 2 | 1 | HG |
| (i) Testimonials | x | x | x | x |
| (ii) Identity document | x | x | x | x |
| (iii) Health certificate | x | x | x | x |
| (iv) Proof of service at sea | x | x | x | x |
| (v) First Aid at Sea Certificate | x | x | x | x |
| (vi) Fire-fighting Course Certificate (officers) | x | x | x | x |
| (vii) Certificate of Proficiency in Survival Craft | | | x | x |
| (viii) Previous certificate of competency | | x | x | x |
| (ix) Academic qualification | x | x | | |

ANNEXURE 2
(Regulation 18(1))

Academic qualifications of candidate for which remission of qualifying sea service for Marine Motorman Grades 3 and 2 Examination is granted

| Certificate of Competency | Academic level | | | |
|---------------------------|---------------------------------|-----------------------------|--------------------|------------|
| | EER* | Certificate of competency | Grade 10, 11 or 12 | N1, N2, N3 |
| | Remission of sea service months | | | |
| Marine Motorman Grade 3 | 3 | - | 3 | 3 |
| Marine Motorman Grade 2 | 3 | Marine Motorman Grade 3 - 3 | 3 | 3 |

- Note:**
- *Denotes a certificate of qualification as Efficient Engine Room Rating.
 - N1, N2 and N3 are equivalent to Grades 10, 11 and 12, respectively.

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 93

1998

**MERCHANT SHIPPING ACT, 1951:
EXAMINATION REGULATIONS FOR CERTIFICATES OF
COMPETENCY FOR FISHERMEN**

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 Examination Regulations for Certificates of Competency as Fisherman and Marine Motorman promulgated by Government Notice R. 2653 of 29 November 1985.

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40. Oral examination in seamanship

FISHERMAN GRADE 4 (SKIPPER) EXAMINATION

41. Oral or written examination in navigation
42. Oral examination in seamanship
43. Oral examination in shipmaster's business

FISHERMAN GRADE 3 EXAMINATION

44. Written examination in practical navigation and chartwork
45. Oral examination in seamanship and shipmaster's business

FISHERMAN GRADE 2 EXAMINATION

46. Written examination in practical navigation and chartwork
47. Oral examination in seamanship and shipmaster's business
48. Written examination in general ship knowledge
49. Oral examination in meteorology
50. Practical examination on signals

FISHERMAN HIGH SEAS COMMAND ENDORSEMENT EXAMINATION

51. Written examination in business and law
52. Written examination in meteorology
53. Written examination in practical navigation and chartwork
54. Oral examination in seamanship
55. Practical examination on signals
56. Short title

**CHAPTER I
GENERAL****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), shall bear that meaning and, unless the context otherwise indicates -

“approved” means approved by the Permanent Secretary;

“candidate” means a person applying to sit for an examination for a certificate of competency as a fisherman in terms of these regulations;

“Certificate of Proficiency in Survival Craft” means a certificate of that qualification issued by the Directorate;

“Certificate of Proficiency in Survival Craft - Local” means a certificate of that qualification issued by the Directorate;

“certificated fisherman” means a person who holds a certificate of competency granted in terms of section 75(1) of the Act;

“Commission” means the Namibian Communications Commission;

“defined fishing zone” means the exclusive economic zone of Namibia as defined in the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990 (Act No. 3 of 1990);

“Directorate” means the Directorate: Maritime Affairs of the Ministry of Works, Transport and Communication;

“Electronic Navigation Systems (Fishermen) Certificate” means a certificate of that qualification issued by an approved training institution;

“examiner” means a person appointed as such in terms of section 77(4) of the Act;

“fishing vessel” means a vessel used for catching fish or other living resources of the sea for financial gain or reward;

“Fire-fighting Course Certificate” means a certificate of that qualification issued by an approved school or training institution which gives training in fire fighting, which certificate shall be valid for five years;

“First Aid at Sea Certificate” means a certificate of that qualification issued by an approved training institution, which certificate shall be valid for three years;

“health certificate” means a certificate issued within three months preceding the date of application, by a medical practitioner certifying that the candidate complies with the health standards as specified in a Marine Notice;

“identity document” means a birth certificate, a baptismal certificate, a passport or an identity document which shows the full names and date of birth of a candidate;

“length,” in relation to a ship, means the registered length which is recorded on the relevant International Tonnage Certificate, the Namibian Tonnage Certificate or Certificate of Registry;

“Marine Notice” means an administrative nautical publication issued by the Permanent Secretary;

“Ship Captain’s Medical Training Certificate” means a certificate of that qualification issued by an approved training institution, which certificate shall be valid for five years;

“sight test certificate” means a certificate issued in terms of the requirements set out in Annexure C of the Examination Regulations for Certificates of Competency for Deck Officers, promulgated by Government Notice R.2656 of 29 November 1985;

“testimonials” means testimonials satisfactory to the examiner as to character (including sobriety), experience, ability and general good conduct on board ship;

“the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

“tons”, in relation to a ship, means the gross tonnage units which are recorded on such ship’s International Tonnage Certificate or the Namibian Tonnage Certificate;

“Restricted Radiotelephone Operator’s Certificate (Marine)” means a certificate of that qualification issued by the Commission.

Introduction and grades of certificates of competency

2. These regulations specify the conditions to be satisfied and the standards of competency required for the issue of certificates of competency as Fisherman -

- (a) Grade 4 (Watch-keeper);

- (b) Grade 4 (Skipper);
- (c) Grade 3;
- (d) Grade 2, and
- (e) High Seas Command endorsement.

Age

3. (1) Candidates for the Fisherman Grade 4 (Watch-keeper) examination shall be not less than 19 years of age.

(2) Candidates for the Fisherman Grade 4 (Skipper) and 3 examination shall be not less than 20 years of age.

(3) Candidates for the Fisherman Grade 2 examination shall be not less than 21 years of age.

Form of application and documents to be submitted when applying for examination

4. (1) A candidate shall apply on the approved form and shall cause that form to reach the examiner at the port at which that candidate wishes to be examined at least 14 days before a date contemplated in regulation 5 on which he or she wishes to be examined.

(2) A candidate shall, in addition to the form mentioned in subregulation (1), submit the following:

| Documents to be submitted | Fisherman grades | | | | |
|---|-------------------|--------------|---|---|-------------------------------------|
| | 4 Watch-keeper | 4 Skipper | 3 | 2 | High Seas Command endorsement |
| (i) Testimonials | x | x | x | x | - |
| (ii) Identity document | x | x | x | x | x |
| (iii) Health certificate | x | x | x | x | x |
| (iv) Sight test certificate | x | x | x | x | x |
| (v) Proof of service at sea | x | x | x | x | x |
| (vi) First Aid at Sea Certificate | x | x | x | x | - |
| (vii) Fire-fighting course Certificate (4-day) | x | x | x | x | x |
| (viii) Restricted Radiotelephone Operator's Certificate (Marine) | x | x | x | x | x |
| (ix) Certificate of Proficiency in Survival Craft or Survival Craft - Local | x | x | x | x | x |
| (x) Previous Certificate of competency | - | x | x | x | x |
| (xi) Electronic Navigation Systems Certificate (Fishermen) | - | - | x | x | x |
| (xii) Ship Captain's Medical Training Certificate | - | - | - | - | x |
| (xiii) Trainee Watchkeeping Certificate | x | - | - | - | - |

(3) The holder of a certificate of competency issued prior to the commencement of these regulations who applies to sit for an examination for a higher certificate of competency in terms of these regulations shall submit the documents required for both such higher and lower certificate.

(4) For the purpose of this regulation "Trainee Watchkeeping Certificate"

means a declaration issued by a skipper of a fishing vessel in which a candidate for a certificate of competency as Fisherman Grade 4 (Watch-keeper) has sailed as deckhand or deck cadet, in which it is declared that -

- (a) the candidate has spent four months of his or her final twelve months' sea service on duty understudying a certificated officer in the carrying out of his or her bridge watch-keeping duties;
- (b) the candidate has not spent more than one of the four months as helmsman;
- (c) the candidate has spent eight hours out of every twenty-four during the four months under the supervision of a watch-keeping officer, and
- (d) the candidate has not been used merely as a look-out;

Dates and places of examinations

5. The dates and times when and places where examinations are to be held shall be published annually by Marine Notices.

Candidates' knowledge of English

6. (1) Candidates shall undertake the examination in English.

(2) Candidates shall prove to the satisfaction of the examiner that they can speak and write English sufficiently well to perform the duties required of them on board a Namibian ship.

Physical or other disabilities

7. (1) Notwithstanding the submission of a health certificate in accordance with regulation 4(2) the examiner may, if the candidate passes any examination, oblige the candidate to undergo a further medical examination to be conducted by a person nominated by the Permanent Secretary in order to determine whether the candidate is capable of discharging adequately the ordinary sea-going duties of the holder of a certificate of competency.

(2) Subject to subregulation (3), on receipt of the medical examination report contemplated by regulation (1) the examiner may recommend to the Permanent Secretary that the candidate should not be issued with a certificate of competency.

(3) The candidate referred to in subregulation (1) shall be shown a copy of a recommendation referred to in subregulation (2) and shall have the right to lodge with the Permanent Secretary an objection to such recommendation.

Unsatisfactory conduct on board ship prior to examination

8. In the case of a candidate who -

- (a) after having signed an agreement with the crew as contemplated in section

102 of the Act, has neglected to join his or her ship; or

- (b) after having joined the crew of a ship, has deserted that ship; or
- (c) has been convicted of an offence for which he or she has been sentenced to imprisonment without the option of a fine or which the examiner considers to be of a serious nature; or
- (d) has been convicted of an offence in respect of which an entry has been made in the official log-book in terms of paragraph (b) of section 183 of the Act and which the examiner considers to be of a serious nature;

the testimonials required in terms of regulation 4(2) shall cover the period of two years subsequent to such misconduct: Provided that upon application by the candidate the Permanent Secretary, after having investigated the matter, may in his or her discretion reduce the said period.

Bribery

9. Any candidate who has been convicted of bribery as contemplated in section 314 of the Act or upon whom a penalty has been imposed in terms of section 324 for that bribery shall not be admitted to any examination for a certificate of competency until a period of at least 12 months has elapsed since the date of that conviction or penalty, whichever is the earlier date.

Examination results

10. (1) A candidate who passes the examination shall receive from the examiner form TM5/106 prescribed by Government Notice R.120 of 22 January 1960 which shall be produced by the candidate when collecting his or her certificate of competency at the port designated on the application form.

(2) A candidate who fails or is partially successful in his or her examination shall receive from the examiner form TM5/107 prescribed by Government Notice R.120 of 22 January 1960, stating his or her results, which form shall be produced to the examiner by such candidate when next applying to sit for examination.

Copies of lost certificates

11. (1) The holder of a certificate of competency shall, where that certificate is lost, apply for a certified copy thereof to the proper officer, against payment of the fee prescribed in the applicable regulations pertaining to merchant shipping fees promulgated under the Act.

(2) A declaration as to the circumstances in which the certificate was lost shall be made by the applicant to the proper officer who shall forward the application and declaration to the Permanent Secretary.

CHAPTER II CALCULATION OF SERVICE AT SEA

Proof of sea service

12. (1) The onus of producing acceptable proof of service at sea shall rest upon the candidate claiming such service.

(2) Proof of sea service can be either in the form of a properly completed discharge book or a statement by the skipper or owner of a vessel stating the dates when the candidate was employed and discharged as a crew member, the capacity in which he or she sailed and the periods in which he or she worked by that vessel during the off season.

Qualifying sea service

13. (1) A candidate for the Fisherman Grade 4 (Watch-keeper) examination shall have a minimum of three years' service on the deck of a fishing vessel of more than 25 tons.

(2) A candidate for the Fisherman Grade 4 (Skipper) examination shall, as holder of a Fisherman Grade 4 (Watch-keeper) certificate of competency, have a minimum of one year's service in any deck officer watch-keeping position on a fishing vessel of more than 25 tons.

(3) A candidate for the Fisherman Grade 3 examination shall, as holder of a Fisherman Grade 4 (Watch-keeper or Skipper) certificate of competency, have a minimum of one year's service in any deck officer watch-keeping position on a fishing vessel of not less than 100 tons or 24 metres or longer in length: Provided that a candidate who, before the commencement of these regulations, was exempted from the requirement of obtaining a Fisherman Grade 4 certificate of competency in terms of regulation 15 of the Examination Regulations for Certificates of Competency as Fisherman and Marine Motorman, 1985, repealed by these regulations, may within 15 months from the commencement of these regulations, apply to an examiner for admission to the Fisherman Grade 3 examination.

(4) A candidate for the Fisherman Grade 2 examination shall, as holder of a Fisherman Grade 3 certificate of competency, have a minimum of one year's service in any deck officer watch-keeping position on a fishing vessel of 30 m or more in length: Provided that a candidate who, before the commencement of these regulations, performed sea service of one year as second in command of a fishing vessel of over 100 tons, or performed sea service of one year in command of a vessel of under 100 tons plus six months sea service in a deck officer watch-keeping position on a fishing vessel of more than 300 tons may, within 15 months from the commencement of these regulations, apply to an examiner for admission to the Fisherman Grade 2 examination.

(5) A candidate for the Fisherman High Seas Command endorsement examination shall be the holder of a certificate of competency as Fisherman Grade 3 or Grade 2, and shall have one year's service in command of a fishing vessel of 24 metres or longer in length.

Mixed service

14. (1) Where a candidate has performed sea service in more than one capacity, proportionate allowances shall be made for each kind of service if such service complies with these regulations.

(2) Time spent by a candidate working by a fishing vessel during the off season shall be acknowledged as qualifying sea service for a certificate of competency as Fisherman Grade 4 (Watch-keeper) and Fisherman Grade 3, on the basis that every two days spent working by such fishing vessel shall count for one day's qualifying sea service, provided that for every 6 months actually spent at sea, a maximum of 2 months qualifying sea service shall be acknowledged.

Service on foreign ships

15. A candidate claiming service in a ship not registered in Namibia shall produce proof thereof to the satisfaction of the examiner and if the sufficiency of such proof is at all doubtful, the examiner shall refer the matter to the Permanent Secretary for decision.

Service on non-fishing vessels

16. (1) Sea service performed in trading vessels or in non-trading vessels shall be acknowledged in full towards sea service required for a certificate of competency as Fisherman Grade 4 (Watch-keeper).

(2) Service performed in vessels operating in partially smooth water, such as harbour tugs, dredgers and off-shore supply launches, shall be acknowledged towards sea service required for a certificate of competency as Fisherman Grade 4 (Watch-keeper) in the proportion of one month of qualifying service for every two months of actual service on such vessels.

(3) Notwithstanding the provisions of subregulations (1) and (2), a candidate for a certificate of competency as Fisherman Grade 4 (Watch-keeper) shall have a minimum of 12 months' service on deck in fishing vessels of 25 tons or more.

Academic qualifications

17. Candidates in possession of a Grade 12 certificate with Mathematics or Physical Science, or any certificate considered by the Permanent Secretary to be equivalent thereto, shall be granted a six-month reduction in the sea service requirement for a certificate of competency as Fisherman Grade 4 (Watch-keeper).

Approved training courses

18. (1) Candidates who have followed an approved training course leading to the issue of a certificate of competency as Fisherman Grade 4 shall be granted a six-month reduction in the sea service requirement for a certificate of competence as Fisherman Grade 4 (Watch-keeper).

(2) An approved training course shall cover a period of two years' sea service

and shall be in the form of tasks which shall be carried out and completed at sea under the guidance of a skipper.

(3) A completed training record book signed by the skipper under whose guidance a candidate undertook an approved training course, counter-signed by the owner of that ship or his or her representative, shall be proof of the completion of such training course.

(4) A candidate who interrupts his or her approved training course for whatever reason, except for injury or illness, shall not be granted a reduction in sea service.

(5) A candidate who has submitted a fraudulently completed or amended training record book to an examiner for assessing his or her sea service shall, on having been found by the examiner to have submitted such training record book, serve a further 12 months at sea from the date of submission of that training record book.

Training establishments

19. (1) Time spent on an approved course at an approved training establishment after the attainment of the age of 16 years shall count towards the period of qualifying sea service, provided that the candidate produces a certificate from the principal or other person in charge of that establishment testifying to his or her good conduct and proficiency up to the time of his or her leaving the establishment.

(2) The Permanent Secretary shall determine in respect of each training establishment what proportion of the time spent at that establishment shall count towards service equivalent to service at sea.

Insufficient sea service

20. If, after a candidate has passed an examination, it is discovered that his or her sea service is insufficient to entitle him or her to receive a certificate of the grade for which the examination has been passed, a certificate of the grade shall not be granted to him or her until he or she has made up the deficiency in sea service.

Maximum reduction in sea service

21. Notwithstanding anything contained in this Chapter, a candidate for an examination as Fisherman Grade 4 (Watch-keeper) shall not qualify for more than 18 months' reduction in the prescribed sea service.

CHAPTER III CONDUCT OF EXAMINATIONS

Candidates to be punctual

22. Candidates shall present themselves at least 15 minutes prior to the appointed time for sitting for an examination.

Failure by default

23. A candidate who fails to present himself or herself at the appointed time for any part of an examination shall be failed by default in the absence of reasonable proof that failure to attend was unavoidable.

No strangers allowed

24. No persons other than the candidates and those whose duties require them to be present shall be allowed in the examination room.

Silence

25. Silence shall be maintained in the examination room for the full duration of a written examination.

Use of books and instruments

26. (1) All papers, books, tables and charts which are necessary for the examination shall be supplied by the examiner.

(2) Candidates shall provide pens and pencils.

(3) A candidate who wishes to use tables other than those supplied by the examiner may do so provided that he or she submits them to the examiner for scrutiny and approval before the commencement of the examination.

(4) All instruments necessary for the examination shall be provided by the candidate.

Solutions

27. (1) A candidate may solve problems by any method he or she is accustomed to use, provided that such method is correct in principle, affords the required degree of precision and all work is shown on the answer sheet.

(2) A candidate who uses a calculating instrument for his or her calculation shall show on his or her answer sheet the full working statement necessary to arrive at the results otherwise no marks shall be awarded.

Degree of precision required in examinations

28. A candidate for an examination shall -

(a) work to a degree of precision consistent with the data available and the type of problem in question shall be required;

(b) extract as accurately as possible information from tables within the inherent accuracy of the tables, and final answers shall be given to the best degree of precision which is justified;

- (c) when making calculations to obtain a ship's position, candidates shall be required to work to 0,1 of a minute of arc and to the nearest second of time and to give an answer within a maximum of one half of a nautical mile;
- (d) in the calculation of compass errors, bearings and courses, give the answer to the nearest whole degree; and
- (e) where making tidal calculations be required to be within 15 cm of a precise result.

Oral examinations

29. (1) In the case of examinations which consist of both written and oral sections, the examiner may ask a candidate oral questions arising from the written work produced by that candidate.

(2) A candidate who fails the oral part of an examination through serious lack of practical knowledge may, at the examiner's discretion, be required to perform further service, not exceeding six months, at sea before being re-examined.

Misconduct and penalties

30. (1) A candidate who defaced or otherwise damages any book, instrument or other property of the Directorate shall be held liable for the replacement or repair of the damaged article.

(2) Subject to the provisions of regulation 26 a candidate shall not have in his or her possession during any part of an examination any books, notes, memoranda or papers.

(3) A candidate shall not leave an examination room during a written examination without the permission of the examiner.

(4) A candidate shall not, during any part of a written examination, refer to any unauthorised book or paper, or copy any work from another candidate, or afford any assistance or give any information to another candidate, or accept assistance or information from another person, or communicate in any way with a person other than the examiner, or copy any part of the questions or answers for the purpose of taking it out of the examination room.

(5) A candidate who contravenes the provisions of subregulation (2), (3) or (4) shall be regarded as having failed the entire examination and shall not be accepted for re-examination for a period of six months.

Time elapse between failure and re-examination

31. (1) A candidate who has failed any part of an examination shall not be eligible for re-examination until the following scheduled date of examination: Provided that the examiner may, at his or her discretion, re-examine such candidate at any time after the week following the week in which he or she failed, has expired.

(2) If a candidate passes any part of an examination consisting of more than one part, he or she shall receive credit for that part for a period of six months, during which period he or she shall pass the parts he or she has failed or otherwise he or she shall repeat the entire examination.

(3) If a candidate fails any part of an examination for a second time he or she shall not be re-examined before he or she has served a further three months at sea, and if he or she so fails for a third time he or she shall not be re-examined before he or she has served a further six months at sea.

- (4) A candidate who has obtained an aggregate of not less than -
- (a) 60% in respect of all subjects written in an examination for the Fisherman Grade 2 certificate; or
 - (b) 55% in respect of all subjects written in an examination for the Fisherman High Seas Command endorsement certificate,

may, if he or she has failed in one of those subjects, be examined in that subject within a period of 12 months from the date of the first day of the relevant examination, and a candidate who passes that subject shall be deemed to have passed the written part of the relevant examination on the date on which he or she has passed that subject.

Depth of knowledge

32. Where the depth of knowledge required of the candidate is not evident from the prescribed syllabus, the required depth shall be established by a working committee consisting of a representative from the Directorate, from the fishing industry and from each approved training establishment.

Written examination timetable and prescribed marking schedule

33. (1) The Fisherman Grade 3 written examinations shall consist of a 200-mark, three-hour paper with a pass mark of 140 in Practical Navigation and Chartwork.

- (2) The Fisherman Grade 2 written examination shall consist of -
- (a) a 200-mark, three-hour paper with a pass mark of 140 in Practical Navigation and Chartwork; and
 - (b) a 100-mark, three-hour paper with a pass mark of 50 in General Ship Knowledge.

(3) The Fisherman High Seas Command endorsement written examination shall consist of -

- (a) a 100-mark, two-hour paper with a pass mark of 50 in Business and Law;

- (b) a 100-mark, two-hour paper with a pass mark of 50 in Meteorology; and
- (c) a 200-mark, four-hour paper with a pass mark of 140 in Practical Navigation and Chartwork.

(4) Oral and practical signal examinations for the respective certificates of competency shall be conducted by the examiner, following the written part, if any, at a time determined by him or her.

CHAPTER IV FEES

When to pay fees

34. A candidate shall prior to the date of examination, pay the examination fee as prescribed in the current Merchant Shipping Fees Regulations and no candidate shall be allowed to sit for the examination unless he or she produces to the examiner the receipt for the fee paid.

Where to pay fees

35. The examination fee shall be paid to the nearest proper officer, who shall issue a receipt stating -

- (a) the name of the candidate;
- (b) the amount paid; and
- (c) the grade of the examination.

Refund of fees

36. If, through circumstances beyond the control of the candidate, he or she is unable to undergo the examination for which fees have been paid, he or she may apply in writing to the proper officer for the refund of such fees and if the proper officer considers the application to be based upon reasonable grounds he or she shall forward that application to the Permanent Secretary, who may authorise a refund.

Forfeiture of fees

37. If a candidate fails by default the examination fee shall be forfeited.

CHAPTER V EQUIVALENT ENDORSEMENTS

Deck officer class certificate endorsements

38. (1) The holder of a Deck Officer Class Certificate of Competency shall, subject to subregulation (2), qualify for an equivalent endorsement to his or her class certificate as tabled below for the various grades:

| Holder of a certificate as - | Equivalent endorsement |
|--|---|
| (i) Deck Officer Class 1 and 2, and Deck Officer Class 3 and 4 with a Limited Trade Command endorsement. | Fisherman Grade 2 with the High Seas Command endorsement. |
| (ii) Deck Officer Class 3, 4 or 5 with a Short Sea Trade Command endorsement. | Fisherman Grade 2. |
| (iii) Deck Officer Class 3, 4 and 5 without a Command endorsement. | Fisherman Grade 3. |
| (iv) Deck Officer Class 6 Unlimited Trade. | Fisherman Grade 4 (Skipper) with the High Seas Command endorsement. |
| (v) Deck Officer Class 6 Short Sea Trade. | Fisherman Grade 4 (Skipper). |
| (vi) Deck Officer Class 6 - Restricted Trade. | No equivalent. |

(2) In order to qualify for an endorsement as set out in subregulation (1) -

- (a) the holder of a Certificate of Competency as Deck Officer Class 3, 4 or 5 without a Command endorsement shall have passed the oral examination in Seamanship and Shipmasters Business required for a Certificate of Competency as Fisherman Grade 3 and shall have a minimum of 12 months' approved sea service as a watch-keeping officer on a fishing vessel of more than 100 tons;
- (b) the holder of a certificate of competency as Deck Officer Class 6 shall have a minimum of 12 months' approved sea service as a watch-keeping officer on a fishing vessel of more than 25 tons; and
- (c) the holder of any other Certificate of Competency as Deck Officer shall have a minimum of 12 months' approved sea service as a watch-keeping officer on a fishing vessel of more than 100 tons.

(3) The sea service required by subregulation (2) shall be subject to the provisions of regulations 12 and 15.

(4) The holder of any Certificate of Competency as Deck Officer shall, when applying for an equivalent Fisherman endorsement, submit his or her Deck Officer certificate together with the documents required by regulation 4.

CHAPTER VI SYLLABUSES

FISHERMAN GRADE 4 (WATCH-KEEPER) EXAMINATION

Oral or written examination in Navigation

39. An oral and written examination in Navigation of the following :

- (a) the practical use and limitations of electronic navigation systems currently found on fishing vessels, e.g. radar, echo sounder, radio direction finder,

- satellite navigators, electronic logs;
- (b) the principles and use of conventional magnetic and gyro compasses;
 - (c) the causes and application of magnetic variation and compass deviation, and comparison of a magnetic compass with a gyro compass;
 - (d) finding a course to steer and the distance between two points on a chart;
 - (e) converting compass courses and bearings to true courses and bearings and vice versa;
 - (f) position fixing by means of -
 - (i) cross bearings obtained visually or by radar;
 - (ii) bearing and radar range or echo sounder;
 - (iii) electronic navigation systems; and
 - (iv) any combination of the above methods;
 - (g) the interpretation of charts, (including lattice charts), and in particular information given about buoys, lights, radio beacons, navigational aids, depth and height contours, ocean currents, nature of the bottom and navigational hazards on and below the surface of the sea;
 - (h) the use of the following nautical publications:
 - (i) Notice to Mariners;
 - (ii) list of lights; and
 - (iii) tide tables;
 - (i) laying off a safe route on an appropriate chart between two harbours in Namibia, establishing a dead reckoned position on that route and fixing a ship's position on that route by any of the means mentioned in paragraph (f) above, the reasons why a ship's fixed position may not be the same as the dead reckoned position, and the reasons for establishing the position of a ship at regular intervals while proceeding en route;
 - (j) the use and keeping of a deck log-book; and
 - (k) the basic principles to be observed in keeping a navigational watch.

Oral examination in seamanship

40. An oral examination in Seamanship on the following:

- (a) The use of the International Regulations for Preventing Collisions at Sea;
- (b) the use of internationally recognised distress signals and the penalties for their misuse;
- (c) the preparation of a ship for leaving and entering port, keeping of a safe bridge watch at sea or at anchor, and handing over of the watch;
- (d) securing a ship alongside a quay or jetty and precautions to prevent damage;
- (e) the recognition of different kinds of rope in common use on board fishing vessels and their advantages and disadvantages;
- (f) the making and use of common knots, bends and hitches;
- (g) action to be taken in the event of man overboard;
- (h) the importance of cleanliness in a fishing vessel;
- (i) basic knowledge of fishing gear and the safe handling thereof;
- (j) the International Association of Lighthouse Authorities buoyage system;
- (k) recognising and knowing the meaning of the alphabetical flags of the International Code of Signals; and
- (l) basic knowledge of the operations connected with the launching and practical handling of all survival craft and equipment on board, and of the principle of survival in such survival craft at sea.

FISHERMAN GRADE 4 (SKIPPER) EXAMINATION

Oral or written examination in Navigation

- 41.** An oral or written examination in Navigation on the following:
- (a) The syllabus prescribed to Fisherman Grade 4 (Watch-keeper);
 - (b) the use of the flux-gate compass and magnetic compass repeaters; and
 - (c) determination of a safe course when approaching a harbour, bay, river mouth or safe anchorage.

Oral examination in Seamanship

- 42.** An oral examination in Seamanship on the following:
- (a) The syllabus prescribed for Fisherman Grade 4 (Watch-keeper);

- (b) the regulations for the carriage of life-saving and fire-fighting equipment, the care and use of such equipment, and types of fires and extinguishers;
- (c) basic ship handling and the effect of the propeller's transverse thrust at slow speeds, turning short around and coming alongside;
- (d) preparation for towing and being towed and methods whereby a disabled ship can be kept head to sea with particular reference to the availability of materials for that purpose on board;
- (e) watertight integrity, watertight bulkheads, longitudinal bulkheads and freeboard;
- (f) the proper weight distribution in a ship to prevent it from capsizing and the difference between a tender and stiff ship;
- (g) the meaning of -
 - (i) gross tonnage;
 - (ii) light displacement; and
 - (iii) loaded displacement;
- (h) the principles of a bilge pumping system;
- (i) elementary knowledge of typical weather patterns and the principal ocean currents experienced in the coastal waters of Southern Africa;
- (j) receiving plain language weather reports and drawing conclusions as to expected weather;
- (k) the use of helicopters in rescue work and the precautions to be taken when transferring personnel or goods by helicopter hoist; and
- (l) the operations connected with the launching and practical handling of all survival craft and equipment on board ship, and the principle of survival in such survival craft at sea.

Oral examination in Shipmaster's Business

- 43.** An oral examination in Shipmaster's Business on:
- (a) The purpose of conditions for issue and display of information contained in the local general safety certificate;
 - (b) the list of persons on board required by the Life-Saving Equipment Regulations in respect of ships of less than 100 tons;
 - (c) the basic activities of the Maritime Section of the Namibian Search and Rescue Organisation and rendering assistance and reporting hazards to navigation;

- (d) reporting a casualty;
- (e) maintaining a ship in a seaworthy condition and the penalties for taking an unseaworthy ship to sea;
- (f) basic knowledge of the law of the contract between skipper or owner and the crew in respect of remuneration;
- (g) a skipper's duties, obligations and liabilities regarding pollution applicable to fishing vessels under 100 tons.

FISHERMAN GRADE 3 EXAMINATION

Written examination in practical Navigation and Chartwork

44. A written examination in Practical Navigation and Chartwork on the following:

- (a) The syllabus prescribed for Fisherman Grade 4 (Watch-keeper and Skipper);
- (b) the effect of current and leeway on course and speed, the course to steer to make good a certain track, and the set and rate of a current;
- (c) the determination of compass error and deviation using -
 - (i) transit bearings; and
 - (ii) the bearing of the sun at any time;
- (d) the determination of the ship's position at any time using -
 - (i) chart plotting;
 - (ii) transferred position lines; and
 - (iii) position lines obtained from electronic navigation systems, combined with any of the above methods;
- (e) the determination of the course and distance between two positions using traverse tables or the Mercator sailing method;
- (f) the determination and use of dipping distances of lights and distances of sighting points of land of known height;
- (g) the calculation of times of high water and low water, and times at which the tide will be a given height by using local tide tables;
- (h) the use of navigational charts and publications such as sailing directions, tide tables and list of lights;

- (i) executing a chart correction appearing in the Notice to Mariners;
- (j) the Notice to Mariners and navigational warnings;
- (k) the reliability of charts and the selection of suitable points for bearings;
and
- (l) approaching an anchorage and entering narrow waters.

Oral examination in Seamanship and Shipmaster's Business

45. An oral examination in Seamanship and Shipmaster's Business on the following:

- (a) The syllabus prescribed for Fisherman Grade 4 (Watch-keeper and Skipper);
- (b) the measurements and tensile strengths of ropes and wires, and the care and precautions to be taken during the use and storage thereof;
- (c) safe working practices in respect of fishing gear and fishing operations;
- (d) basic calculations in respect of safe working loads of ropes and power gained by purchases;
- (e) the use, care and maintenance of lifesaving and fire-fighting equipment;
- (f) the use and stowage of anchors and cables;
- (g) the principles of navigational watch-keeping at sea and at anchor as laid down by the International Maritime Organization;
- (h) the duties of a deck officer in port;
- (i) ship handling of a fishing vessel of not more than 30 m in length -
 - (i) in and out of harbour;
 - (ii) when berthing and leaving the berth;
 - (iii) when anchoring, mooring and unmooring;
 - (iv) in heavy weather manoeuvring;
 - (v) in keeping the ship's head to sea when disabled in heavy weather;
and
 - (vi) when towing or being towed;
- (j) the action to be taken for damage control in case of fire, collision or stranding;

- (k) the practical use of the barometer;
- (l) ship's stability with particular reference to the dangers associated with -
 - (i) stiff and tender vessels;
 - (ii) raising and lowering weights and the taking on board and discharging of weights;
 - (iii) insufficient freeboard; and
 - (iv) free surface effects;
- (m) watertight integrity, closing devices, overside and through-deck openings such as offal chutes and factory deck scupper valves;
- (n) transferring injured persons or goods at sea by means of boat or raft;
- (o) practical use of the International Code of Signals for transmitting and receiving messages by means of flags or the Morse code;
- (p) the requirements of the Act and the regulations relating to collisions, stranding and other casualties, certificates and documents required to be carried on board ship and how they are obtained and the period of their legal validity, the engagement, discharge and management of the crew, wages and other remuneration, manning scales, the official log-book and entries therein, discipline and offences, crew accommodation, hygiene and welfare, inspections and reports, and fumigation and pest control;
- (q) the Code of Safe Working Practices for Fishing Vessels; and
- (r) the Namibian laws governing pollution from fishing vessels.

FISHERMAN GRADE 2 EXAMINATION

Written examination in Practical Navigation and Chartwork

46. A written examination in Practical Navigation and Chartwork to a greater depth than in the syllabuses prescribed for Fisherman Grades 4 and 3.

Oral examination in Seamanship and Shipmaster's Business

47. An oral examination in Seamanship and Shipmaster's Business on the following:

- (a) The syllabuses prescribed for Fisherman Grades 4 and 3;
- (b) drills and musters, organisation or emergency parties, fire control and the use of fire-fighting appliances in fire control;

- (c) ship handling of a fishing vessel of more than 30 m in length -
 - (i) in and out of harbour;
 - (ii) when berthing and leaving the berth;
 - (iii) when anchoring, mooring and unmooring;
 - (iv) in heavy weather manoeuvring;
 - (v) in keeping the ship's head to sea when disabled in heavy weather;
 - (vi) when towing or being towed; and
 - (vii) when recovering a boat at sea;
- (d) the action to be taken for damage control in the case of fire, collision or stranding and the rigging and use of emergency steering gear;
- (e) spontaneous combustion with special reference to fishmeal stowage;
- (f) transferring injured persons or goods at sea by means of boat or raft and preparing ship to rescue survivors from another ship; and
- (g) the master's duties, obligations and liabilities regarding pollution, including the keeping of records thereof.

Written examination in General Ship Knowledge

- 48.** A written examination in General Ship Knowledge on the following:
- (a) The construction of a fishing vessel with specific reference to shell plating, framing, deck plating, watertight bulkheads, watertight doors, sounding pipes, air pipes, bilge and ballast lines, and fire-pumping systems;
 - (b) safety precautions on board fishing vessels, including the rigging of gangways, safety lines, the working of derricks, warps and fishing gear, mooring ropes and wires, the working of anchors and the use of protective clothing, calculations involving the power gained by tackles and purchases, safe working loads of ropes, and maximum loads to be lifted on a rope;
 - (c) stability including centre of gravity, centre of buoyancy, metacentre and metacentric height, stable, neutral and unstable equilibrium, stiff and tender ships, angle of loll, its cause and correction, statical stability, stability curves and range of stability, the effect on statical stability of raising and lowering of weights and the taking on board and the discharging of weights;
 - (d) the effect of weights suspended at a height, freeboard on the range of

stability, free surface on the metacentric height, and the stability information supplied to a fishing vessel; and

- (e) simple calculations on the matters mentioned in paragraphs (c) and (d).

Oral examination in Meteorology

49. An oral examination in Meteorology on the following:

- (a) The distinction between the three main types of clouds and the significance of each as to expected weather;
- (b) the determination of the direction and force of the wind and the direction and height of the sea and swell, and using the Beaufort wind scale;
- (c) the description of present and past weather;
- (d) the weather patterns and the principal ocean currents off the coast of Southern and West Africa;
- (e) the typical weather which may be expected prior to, during, and after the passage of a cold front; and
- (f) the drawing of conclusions from simple weather forecasts or synoptic charts and forming an opinion on expected weather from barometric tendency.

Practical examination on signals

50. A practical examination on signals consisting of -

- (a) the sending and receiving of signals in -
 - (i) Morse code by flash lamp (up to six words per minute);
 - (ii) the International Code of Signals;
- (b) the preparation of portable radio equipment for operation on a lifeboat or liferaft, the erection of the aerial and the operation of all the distress frequency facilities on the equipment provided; and
- (c) a working knowledge of the global maritime distress and safety system and the equipment associated with search and rescue communications.

FISHERMAN HIGH SEAS COMMAND ENDORSEMENT EXAMINATION

Written examination in Business and Law

51. A written examination in Business and Law on the following:

- (a) The certificate of registry and its legal significance;

- (b) certificates required to be carried by Namibian fishing vessels;
- (c) the procedure for obtaining the certificates referred to in paragraph (b), periodical surveys and inspections and periods of validity;
- (d) the engagement and discharge of crews, manning scales, agreements with a crew, discipline and dealing with disciplinary offences;
- (e) the official log-book and law relating to entries in the log-book;
- (f) reports to be entered into the log-book in the event of injury to or death of crew members or other personnel on board ship;
- (g) customs house procedure for entering or clearing a Namibian ship;
- (h) the law relating to the reporting of dangers to navigation;
- (i) the safety of ship and crew, assistance to vessels in distress, duties in the case of stranding, collision or other casualty, and salvage;
- (j) the master's duties, obligations and liabilities regarding pollution, including the keeping of records thereof;
- (k) the master's obligations with respect to pilotage; and
- (l) Namibian and International health regulations and medical assistance to ships at sea.

Written examination on Meteorology

52. A written examination on Meteorology on the following:

- (a) The principles of pressure measurement, the use of standard datum, the aneroid and precision aneroid barometer and the barograph;
- (b) the principles of maximum and minimum thermometers, sea and air temperature observations and precautions to be taken, the principles of the hygrometer, observations to obtain relative humidity, and care and attention given to instruments;
- (c) the Beaufort wind scale and methods of estimating the direction and force of wind at sea;
- (d) the mean pressure distribution, daily and seasonal changes in atmospheric pressure, prevailing winds, local and regional effects of heating and cooling, land and sea breezes, monsoons and katabatic wind;
- (e) the characteristics of and weather associated with the principal pressure systems including anti-cyclones, depressions, permanent and semi-permanent high and low pressure areas, the relationship between pressure distribution and wind, air masses and their properties, and Buys Ballot's Law;

- (f) the use of barometric observations at a single station in conjunction with weather signs;
- (g) water vapour in the atmosphere, evaporation, condensation, precipitation, the meaning of saturation, relative humidity, dewpoint, atmospheric stability and lapse rate, and the formation and classification of clouds, fog, mist, dew and haze; and
- (h) the general structure of weather reporting, selected ships, weather ships and ship stations.

Written examination on Practical Navigation and Chartwork

53. A written examination on Practical Navigation and Chartwork of the following:

- (a) the syllabuses prescribed by these regulations for Fisherman Grades 4, 3 and 2;
- (b) the determination of a ship's latitude by the meridian altitude of the Sun;
- (c) the determination of the direction of the position line on which a ship is situated and a position through which it passes from an observation of the Sun near or out of the meridian;
- (d) the determination of a ship's position using position lines obtained from two or more celestial observations, with or without a run, which observations can be those of the Sun, the stars listed in the nautical almanac; and
- (e) the use of international tide tables.

Oral examination in Seamanship

54. An oral examination in Seamanship on the following:

- (a) The syllabuses prescribed by these regulations for Fisherman Grades 4, 3 and 2;
- (b) reading and understanding a barometer, thermometer and hygrometer;
- (c) using a sextant for taking vertical and horizontal angles and reading a sextant both on and off the arc;
- (d) correcting a sextant into which has been introduced one or more of perpendicularity, side or index errors;
- (e) finding the index error of a sextant;
- (f) the contents and application of the applicable regulations on collision and its annexes, promulgated under the Act and concerned with safe

navigation and recognising the lights carried by a sailing craft and its possible manoeuvres according to the direction of the wind;

- (g) distress and pilot signals and penalties for the misuse thereof; and
- (h) the contents and use of Marine Notices and Notice to Mariners.

Practical examination on signals

55. A practical examination on signals consisting of -

- (a) the sending and receiving of signals in -
 - (i) Morse code by flash lamp (up to six words per minute); and
 - (ii) the International Code of Signals;
- (b) the preparation of portable radio equipment for operation in a lifeboat or liferaft, the erection of the aerial and the operation of all the distress frequency facilities on the equipment provided; and
- (c) a greater depth of knowledge than is required for Fisherman Grade 2 in respect of equipment associated with the global maritime distress and safety system and the equipment associated with search and rescue communications.

Short title

56. These regulations shall be called the Examination Regulations for Certificates of Competency as Fishermen.

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 94

1998

**MERCHANT SHIPPING ACT, 1951:
MANNING OF SHIPS 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 set out in the Schedule; and
- (b) repealed the Regulations Governing the Manning of South African Ships promulgated by Government Notice R. 2652 of 29 November 1985.

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions.
2. Application of regulations.
3. Employment of masters and seamen.
4. Person in charge of navigational or engineering watch.
5. Employment of masters on ships of 25 gross registered tons or more.
6. Employment of persons in possession of endorsed certificates.
7. Employment of certificated deck officers on ships other than fishing vessels of 25 gross registered tons or more.
8. Employment of certificated fishermen on fishing vessels whose operations are wholly within the defined fishing zone.
9. Employment of certificated fishermen on fishing vessels whose operations are outside the defined fishing zone.
10. Employment of certificated engineer officers or marine motormen on ships of 25 gross registered tons or more.
11. Employment of certificated radio officers.
12. Employment of certificated radiotelephone operators or GMDSS operators.
13. Employment of certificated ratings on ships of 100 or more gross registered tons.
14. Employment of qualified medical practitioners.
15. Exemption in respect of certain vessels.
16. Minimum safe manning certificates.
17. Short title.

Annexures

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), shall bear that meaning and, unless the context otherwise indicates -

“certificate of competency” means a certificate of competency referred to in section 75 of the Act;

“certificated fisherman” means a person who holds a certificate of competency granted in terms of section 75 of the Act;

“certificated officer” means a master or a ship’s officer holding a certificate of competency granted in terms of section 75 of the Act;

“Commission” means the Namibian Communications Commission established by section 2 of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992);

“dangerous cargo” means petroleum or its products, any liquid chemical listed in Chapter VI of the International Maritime Organisation publication titled ‘Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk’, and any liquefied gas listed in Chapter XIX of that Organisation’s publication titled ‘Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk’;

“defined fishing zone” means the exclusive economic zone;

“exclusive economic zone” means the exclusive economic zone of Namibia as defined in the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990 (Act No.3 of 1990);

“GMDSS” means the global maritime distress and safety system;

“GMDSS ship” means a ship provided with a GMDSS installation in accordance with the applicable radio installations regulations promulgated under the Act;

“fishing vessel” means any vessel engaged in catching for financial gain fish, whales, seals, or any other living resource from the sea;

“foreign-going ship” means a ship plying between port in one country and a port in another country, but excludes any such ship engaged limited operations or voyages;

“length,” in relation to a ship, means the registered length which is recorded on the relevant International Tonnage Certificate, the Namibian Tonnage Certificate or Certificate of Registry;

“limited,” in relation to a ship, means operations or voyages restricted to the sea area adjacent to the Southern African coast between the limits of Pta Do Oro in the East and the Congo River in the West and extending 250 nautical miles from the shore;

“power,” in relation to a ship, means propulsion power in kilowatts of the highest powered main engine on board;

“radio officer” means a person contemplated in section 222 of the Act;

“radiotelegraph ship” means a ship which is provided with a radiotelegraph installation;

“radiotelephone operator” means a person contemplated in section 222 of the Act;

“radiotelephone ship” means a ship, other than a passenger ship, of 25 tons or over but of less than 1 600 tons which is provided with a radiotelephone installation in accordance with the applicable radio installations regulations promulgated under the Act;

“rating” means a seaman other than a ship’s officer;

“restricted trade” means a voyage applicable to any class of vessel, except a fishing vessel, where the maximum distance of any voyage is not more than 50 nautical miles from a stated port or place stated on such ship’s Safety Certificate;

“short sea” means the sea restricted to any area within the exclusive economic zone;

“the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

“tonnage”, in relation to a ship, means the gross tonnage units which are recorded on the relevant International Tonnage Certificate or the Namibian Tonnage Certificate; and

“Training Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

Application of regulations

2. These regulations shall apply to every ship other than a vessel which is used solely for sport and recreation and which is registered or licensed in Namibia.

Employment of masters and seamen

3. (1) Subject to subregulation (2), the owner and master of every ship shall, in addition to the officers and other persons required to be employed in terms of these regulations, employ as crew of such ship such number of persons so as to ensure that it is sufficiently and efficiently manned.

(2) For the purposes of subregulation (1), a ship shall be deemed to be sufficiently and efficiently manned if in the opinion of the proper officer it has a crew of suitably qualified persons to enable it to proceed to sea with due regard to the requirements of the Collision and Distress Signals Regulations promulgated by Government Notice No. R. 1111 of 1 July 1977, the Life-Saving Equipment Regulations promulgated by Government Notice No. R. 141 of 9 February 1968 and the Merchant Shipping (Radio Installations) Regulations promulgated by Government Notice 19 of 2 March 1998 and of any such other safety provisions as may apply to such vessel.

(3) The owner or master of every ship of less than 25 gross registered tons shall employ on such ship a person in possession of a Small Vessel Certificate of Competence referred to in regulation 8(1) of the Standards of Seaworthiness, Manning and Licensing of Vessels Regulations promulgated by Government Notice R.1025 of 30 May 1986.

(4) For the purposes of subregulation (2), the proper officer shall take into consideration -

- (a) the complement carried by the ship in question on recent voyages;
- (b) the complement normally carried by ships of a similar type, if employed on voyages similar to that being intended; and
- (c) the nature of the service for which the ship is intended.

Person in charge of navigational or engineering watch

4. No person shall be in charge of a navigational or engineering watch on any ship, unless he or she is the holder of the appropriate certificate of competency.

Employment of masters on ships of 25 gross registered tons or more

5. The owner of every ship going to sea from any port shall, if such ship is of 25 gross registered tons or more, employ as master thereof a person holding a certificate of competency not lower than the highest class or grade of certificate required to be held by any other deck officer employed on such ship in terms of these regulations.

Employment of persons in possession of endorsed certificates

6. (1) Where any ship carries a cargo defined in whole or in part as dangerous cargo, the -

- (a) master;
- (b) chief engineer officer;
- (c) second engineer officer; and
- (d) deck officer second in command,

of such ship shall be in possession of the appropriate certificate of competency, and shall satisfy such additional requirements as the Permanent Secretary may specify.

(2) The Permanent Secretary shall, if the requirements of subregulation (1) have been complied with, endorse the certificate of competency of the person concerned with the words "Dangerous Cargo" or issue an appropriate "Dangerous Cargo" certificate.

Employment of certificated deck officers on ships other than fishing vessels of 25 gross registered tons or more

7. (1) The owner and master of every ship, of 25 gross registered tons or more, other than a fishing vessel shall -

- (a) if such ship is of the tonnage set out in Column 2 of any Item set out in Column 1 in the Table below; and
- (b) if the operational area of such ship is as shown in the applicable Parts in those Columns,

ensure that there are employed on board such ship as watch-keeping officers, in their appropriate capacities and holding the appropriate certificates of competency or deemed to be certificated under the Act, such number of deck officers as are shown in Column 3 of the relevant Item of that Table.

(2)(a) A passenger ship of Class V or VI of less than 25 gross registered tons shall be manned in accordance with Item 15 in Part D of the Table below.

(b) For the purposes of paragraph (a) -

- (i) "Class V" means a passenger ship of 15.24 metres in length and over, and engaged only in voyages to sea in fine weather with not more than 40 persons on board, in the course of which voyage such ship is at no time more than 40 nautical miles from the point of departure or more than 15 nautical miles from land; and
- (ii) "Class VI" means a passenger ship which operates at a port or is engaged on voyages to sea in fine weather with no more than 250 persons on board, in the course of which voyage such ship is at no time more than 15 nautical miles from the point of departure or more than 5 nautical miles from land.

(3) Officers on vessels of 200 gross registered tons or more, operating in restricted trade, shall be the holders of the certificates of competency listed in Items 9, 10 and 11 in Part C of the Table below.

| Column 3 Item | Column 2 Gross registered tons of ship | Column 3 Class of certificates | | | | | |
|----------------------------------|---|-----------------------------------|----|---|----|---|----|
| | | 1 | 2 | 3 | 4 | 5 | 6 |
| PART A. - Unlimited trade | | | | | | | |
| 1 | 1 600 or more | 1 | 1 | 1 | 1 | - | - |
| 2 | less than 1 600, but 200 or more | 1 | 1 | 1 | - | - | - |
| 3 | less than 200, but 100 or more | 1 | 1 | - | - | - | - |
| 4 | less than 100, but 25 or more | - | - | - | - | - | 2C |
| PART B. - Limited trade | | | | | | | |
| 5 | 1 600 or more | - | 1A | 1 | 1 | 1 | - |
| 6 | less than 1 600, but 500 or more | - | - | - | 2A | 1 | - |
| 7 | less than 500, but 100 or more | - | - | - | 1A | 1 | - |
| 8 | less than 100, but 25 or more | - | - | - | - | - | 2C |

| | | | | | | | |
|-------------------------------------|------------------------------------|---|---|----|----|----|----|
| PART C. - <i>Short sea trade</i> | | | | | | | |
| 9 | 5 000 or more | - | - | 1B | 1 | 1 | - |
| 10 | less than 5 000, but 1 600 or more | - | - | - | 2B | 1 | - |
| 11 | less than 1 600, but 200 or more | - | - | - | - | 2B | - |
| 12 | less than 200, but 100 or more | - | - | - | - | 1B | 1D |
| 13* | less than 100, but 25 or more | - | - | - | - | - | 2D |
| PART D. - <i>Restricted trade</i> | | | | | | | |
| 14 | less than 200, but 100 or more | - | - | - | - | - | 2E |
| 15†‡ | less than 100, but 25 or more | - | - | - | - | - | 1E |
| PART E. - <i>Within Port Limits</i> | | | | | | | |
| 16 | up to 300 | | | | | | 1E |

Notes applicable to Column 1

- (1) * in Item 13 means that a certificate of competency as Fisherman Grade 4 (Skipper) is equivalent to a certificate of competency as Deck Officer Class 6 - Short Sea Trade, except in the manning of a passenger vessel.
- (2) † in Item 15 means that when the appropriate ship is a class VI passenger ship the number of deck officers is proportional to the number of passengers in that for every 100 passengers or part thereof there shall be one Deck Officer Class 6 - Restricted Trade.
- (3) ‡ in Item 15 means that a certificate of competency as Fisherman Grade 4 (Skipper) is equivalent to a certificate of competency as Deck Officer Class 6 - Restricted Trade.

Notes applicable to column 3:

- (1) A means that the certificate held by the master is required to have a "Master (Limited Trade)" command endorsement.
- (2) B means that the certificate held by the master is required to have a "Master (Short Sea Trade)" command endorsement.
- (3) C means that the certificate of competency required is that of a Deck Officer Class 6 - Unlimited Trade.
- (4) D means that the certificate of competency required is that of a Deck Officer Class 6 - Short Sea Trade.
- (5) E means that the certificate of competency required is that of a Deck Officer Class 6 - Restricted Trade.

Employment of certificated fishermen on fishing vessels whose operations are wholly within the defined fishing zone

8. (1) The owner and master of every fishing vessel going to sea from any port within the defined fishing zone, having its operational area wholly within the limits of the said zone and being of 25 gross registered tons or more, shall, if such fishing vessel is of the tonnage or length in metres shown in Column 2 of any Item in the Table below, ensure that there are employed on board such ship as watchkeeping officers such minimum number of fishermen, duly certificated under the Act, as shown in Column 3 of the relevant Item of that Table.

(2) For the purposes of this regulation "port" means a safe berth alongside which the vessel is securely moored and not at anchor.

| Column 1 | Column 2 | Column 3 | | |
|----------|--|----------|---------|---------|
| Item | Gross registered tons or length | Grade 4 | Grade 3 | Grade 2 |
| 1* | 25 gross registered tons or more, but less than 24 m | 2# | | |
| 2 | 24 m and longer, but smaller than 30 m | 1# | 1 | |
| 3 | 30 m and smaller | 1# | 1 | 1 |

Notes:

- (1) * in Item 1 means that fishing vessels of between 25 and 50 gross registered tons proceeding to sea from a port on voyages of not more than 16 hours' duration may, in lieu of the two Fisherman Grade 4s, have one Fisherman Grade 4.
- (2) # in Column 3, Grade 4, means a Fisherman Grade 4 (Skipper) or Fisherman Grade 4 (Watchkeeper), except that the person in command of the vessel shall hold a certificate of competency not lower than that of Fisherman Grade 4 (Skipper).

Employment of certificated fishermen on fishing vessels whose operations are outside the defined fishing zone

9. The owner and master of every fishing vessel of 25 gross registered tons or more and going to sea from any port and proceeding to a point outside the defined fishing zone, or having any part of its operational area outside the defined fishing zone, shall comply with the requirements of regulation 8, provided that the master of a fishing vessel who may be one of the watch-keeping officers required by that regulation, shall have his or her certificate of competency endorsed by the Minister with the "Fisherman - High Seas Command" endorsement.

| | | | | | | | | | | |
|---|---|-----------------------------------|---|---|---|---|---|---|---|---|
| 4 | Fishing operations | 3 000 and more | - | - | 1 | 1 | - | - | - | - |
| | within the defined fishing zones and craft operating within port limits | 750 and more, but less than 3 000 | - | - | - | - | 1 | 1 | - | - |
| | | 350 and more, but less than 750 | - | - | - | - | - | 1 | 1 | - |
| | | 150 and more, but less than 350 | - | - | - | - | - | - | 1 | - |
| | | less than 150 | - | - | - | - | - | - | - | 1 |

Employment of certificated radio officers

11. (1) For the purposes of this regulation -

- (a) "Class I" means a ship either carrying more than 250 passengers or declared fit in terms of the applicable laws to carry more than 250 passengers, and being at sea for more than 16 hours between two consecutive ports;
- (b) "Class II" means -
- (i) a passenger ship other than a Class I ship referred to in paragraph (a); or
- (ii) a ship, other than a passenger ship, of 1 600 gross registered tons or more;
- (c) "Class III" means a ship, other than a passenger ship, of 500 gross registered tons or more, but less than 1 600 tons.

(2) There shall be employed on every radiotelegraph ship proceeding to sea and which is not provided with radiotelegraph auto-alarm equipment complying with the applicable radio installations regulations promulgated under the Act, radio officers duly certificated under the Act as follows:

| <i>Class of ship</i> | <i>Number of radio officers</i> |
|----------------------|---------------------------------|
| I | Two |
| II | One |
| III | One |

- (3)(a) Subject to section 222 of the Act, no person shall be qualified to be a radio officer or to be employed in such capacity on any radiotelegraph ship, unless he or she holds a valid certificate of proficiency or competency in radiotelegraphy of the first or second class granted to him or her by the Commission, or an equivalent of such certificate recognised by the Commission and to which the Commission has attached its letter of authority to operate a radiotelegraph station.

- (b) For the purposes of paragraph (a), no certificate of proficiency or competency shall be valid, if -
- (i) such certificate was granted more than two years before the date the person concerned is to be employed as a radio officer; and
 - (ii) the periods of experience of the holder of such certificate do not total at least three months in a period of two years preceding the date referred to in subparagraph (i),
- unless the holder satisfies the Commission, by his or her re-examination or otherwise, that he or she still possesses all of the qualifications described in his or her certificate, and such satisfaction is endorsed on the certificate in question.
- (c) For the purposes of paragraph (b) the expression "experience" means experience at sea as a radio officer or experience as an operator of a radiotelegraph apparatus at a radiotelegraph station maintained on land by Telecom Namibia for communication with merchant ships, or such other experience as the Commission may deem satisfactory.
- (4) In the case of a Class I or II ship at least one of the radio officers shall be a person who has had experience at sea as a radio officer for a total of not less than -
- (a) 2 years, in the case of a Class I ship;
 - (b) 1 year, in the case of a Class II ship referred to in subregulation (1)(b)(i);
 - (c) 6 months, in the case of a ship, other than a passenger ship, of 3 000 gross registered tons and more; or
 - (d) 3 months, in the case of a Class II ship referred to in subregulation (1)(b)(ii) but a ship of less than 3 000 gross registered tons.

Employment of certificated radiotelephone operators or GMDSS operators

12. (1) There shall be employed on board every radiotelephone ship proceeding to sea at least one qualified radiotelephone operator, who may be a deck officer.

(2) Subject to section 222 of the Act, no person shall be qualified to be a radiotelephone operator or to be employed in such capacity on any radiotelephone ship, unless he or she holds a valid certificate of proficiency or competency in radiotelephony or radiotelegraphy granted to him or her by the Commission, or an equivalent of such certificate recognised by the Commission and to which the Commission has attached its letter of authority to operate a radiotelephone or radiotelegraph station.

(3) A GMDSS ship shall carry at least one person qualified in distress and safety radiotelecommunications who is the holder of a valid appropriate certificate in conformity with the Radio Regulations annexed to the International Telecommunication Union Convention, and who shall be designated by the master

as having primary responsibility for radiocommunications during distress incidents.

(4) The operators of a ship station on board a ship engaged on voyages in an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available (known as sea area A1) shall hold at least a GMDSS restricted operator's certificate, while the operators of a ship station on board a ship engaged on voyages in any sea area other than sea area A1 shall hold at least a GMDSS general operator's certificate.

Employment of certificated ratings on ships of 100 gross registered tons or more

13. The owner and master of every ship of 100 gross registered tons or more and going to sea from any port, shall, if the description thereof, the trading, or operational area thereof and the number of ratings carried are as shown in Columns 2, 3 and 4, respectively, of any Item in the Table below, ensure that there are employed on board such ship, in their appropriate capacities, such number of qualified ratings duly certificated under the Act as is shown in Column 5 of the relevant Item in the Table: Provided that the owner and master of any such ship which has on board a valid Local General Safety Certificate may, in place of the ratings required in the said Columns 5 and 7, employ equivalent ratings who are the holders of certificates of qualification titled "Efficient Deck Ratings - Local" and "Proficiency in Survival Craft - Local", respectively:

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 | Column 8 | |
|----------|---|-----------------------------|---------------------------------|---|---|---|---|---|
| Item No. | Description of ship | Trading or operational area | Total number of ratings carried | | Number of ratings holding the appropriate certificates of qualification to be carried | | | |
| | | | | Efficient Deck Ratings | Efficient Engine Room Ratings | Proficiency in survival craft | Cooks | |
| 1 | Passenger | Unlimited | Any | 4 | 3 | One for every 50 passengers carried, or part of such number | One for every 50 passengers carried, or part of such number | |
| 2 | | Limited | Any | 3 | 2 | | | |
| 3 | | Short Sea | Any | 2 | 2 | | | |
| 4 | | Restricted | Any | One for every 50 passengers carried, or part of such number | 1 | | | One for every 50 passengers carried, or part of such number |
| 5 | Load line ship other than a passenger ship | Any | More than 20 | 4 | 2 | - | 1 | |
| | | | 16-20 | 3 | 1 | - | 1 | |
| | | | 11-15 | 2 | 1 | - | 1 | |
| | | | 5-10 | 1 | 1 | 1 | 1 | |
| 6 | Fishing vessel over 300 gross registered tons | Any | Number of persons on board ship | | - | - | - | |
| | | | More than 30 | 1 | - | 2 | 1 | |
| | | | 15-30 | 1 | - | 1 | - | |

Note. - The holders of a certificate of proficiency in survival craft required to be carried under Column 7 are in addition to the Efficient Deck Ratings required to be carried under Column 5.

Employment of qualified medical practitioners

14. A qualified medical practitioner shall be employed on every foreign-going ship on board which more than 100 persons are carried.

Dispensations in respect of certain vessels

15. (1) In circumstances of exceptional necessity, the Minister may, if in his or her opinion this does not cause danger to persons, property or the environment, may issue a dispensation in writing permitting a specified seaman to serve an a specified ship for a specified period not exceeding six months in a capacity, other than that of the radio officer or radiotelephone operator, except as provided by the Merchant Shipping Radio Regulations promulgated by Government Notice 19 of 2 March 1998, for which he or she does not hold the appropriate certificate, provided that the person to whom the dispensation is issued shall, subject to subregulation (2), be adequately qualified to fill the vacant post in a safe manner: Provided that such dispensation shall not be granted to a master or chief engineer officer of a ship to which the Training Convention applies, except in circumstances of *force majeure* and then only for the shortest possible period.

(2) Any dispensation granted in terms of subregulation (1) shall be granted only to a seaman properly certificated to fill the post immediately below the post for which the dispensation was granted: Provided that where certification of such post below is not required by the relevant regulations, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Minister, of a clear equivalence to the requirements for the post to be filled, provided that, if such a person holds no appropriate certificate, he or she shall be required to pass a test accepted by the Minister as demonstrating that such a dispensation may safely be granted.

(3) The Minister shall ensure that a post filled as contemplated in the proviso to subregulation (2) be filled as soon as possible by a holder of an appropriate certificate.

(4) Where the holder of a certificate of competency issued prior to the coming into operation of these regulations has served for at least three years within the preceding seven years in a certificated capacity, but is prohibited from employment in that capacity owing to the tonnage or power of the ship exceeding the applicable tonnage or power limitation on such certificate, the Minister may endorse that certificate to the effect that it entitles the holder to act in the capacity in question on a ship having an appropriately greater tonnage or power.

Minimum safe manning certificates

16. (1) Every ship of 25 gross registered tons or more shall have on board a minimum safe manning certificate similar to the form prescribed in Annexure A or Annexure B, as applicable, issued by a Principal Officer of the Ministry of Works,

Transport and Communication: Directorate Maritime Affairs.

(2) The period of validity of a minimum safe manning certificate shall be the same as that of the cargo ship safety equipment certificate or local general safety certificate applicable to that ship.

Short title

17. These regulations shall be called the Manning of Ships Regulations.

ANNEXURE A

NAMIBIA

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION :
 DIRECTORATE MARITIME AFFAIRS
 Merchant Shipping Act, 1951 (Act No. 57 of 1951)

| MINIMUM SAFE MANNING CERTIFICATE | | |
|---|------------------|-----------------|
| Issued as permitted by regulation 16 as an equivalent to the safe manning certificate required under regulation V/13 of the International Convention for Safety of Life at Sea, 1974. | | |
| Ship's name | Port of registry | Official number |
| | | |

THE GOVERNMENT OF NAMIBIA hereby certifies that the ship named in this certificate is considered to be safely manned in accordance with the provisions of the convention referred to above: Provided that when going to sea the ship has on board not less than the numbers and grades of personnel shown in the following table:

| Officers | | |
|------------------------|--------|---------------------------------------|
| Rank | Number | Class of certificate and endorsements |
| Master | | |
| Chief Mate | | |
| Watchkeeper | | |
| Watchkeeper | | |
| Chief Engineer | | |
| Second Engineer | | |
| Watchkeeper | | |
| Watchkeeper | | |
| Radio Officer/Operator | | |
| Doctor | | |

| Ratings | |
|---------------------------------------|--------|
| Grade | Number |
| Efficient Deck Ratings | |
| Proficiency in Survival Craft Ratings | |
| Efficient Engine Room Ratings | |
| Cooks | |

The grades and numbers of personnel given above reflect the minimum levels necessary for safe operation and do not preclude the carriage of additional personnel for other purposes. Nothing in this certificate shall derogate from any provision of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), or the Manning of Ships

Regulations, 1998, and in particular section 85 of the said Act which provides for the Minister or the Permanent Secretary of the Ministry of Works, Transport and Communication to permit a Namibian ship to proceed to sea without the prescribed number of certificated officers or other persons on board.

This certificate is issued under the authority of the Government of Namibia and is valid only in respect of the ship named above AND WILL REMAIN IN FORCE UNTIL

Issued at on the.....day of19.....

Signed
Principal Officer

ANNEXURE B**NAMIBIA****MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION :****DIRECTORATE MARITIME AFFAIRS**

Merchant Shipping Act, 1951 (Act No. 57 of 1951)

| MINIMUM SAFE MANNING CERTIFICATE | | |
|---|------------------|-----------------|
| Issued as permitted by regulation 16 as an equivalent to the safe manning certificate required under regulation V/13 of the International Convention for Safety of Life at Sea, 1974. | | |
| Ship's name | Port of registry | Official number |
| | | |

THE GOVERNMENT OF NAMIBIA hereby certifies that the ship named in this certificate is considered to be safely manned in accordance with the provisions of the regulations referred to above: Provided that when going to sea the ship has on board not less than the numbers and grades of personnel shown in the following table:

| Officers | | |
|------------------------|--------|---------------------------------------|
| Rank | Number | Class of certificate and endorsements |
| Master | | |
| Chief Mate | | |
| Watchkeeper | | |
| Watchkeeper | | |
| Chief Engineer | | |
| Second Engineer | | |
| Watchkeeper | | |
| Watchkeeper | | |
| Radio Officer/Operator | | |
| Doctor | | |

| Ratings | |
|---------------------------------------|--------|
| Grade | Number |
| Efficient Deck Ratings | |
| Proficiency in Survival Craft Ratings | |
| Efficient Engine Room Ratings | |
| Cooks | |

The grades and numbers of personnel given above reflect the minimum levels necessary for safe operation and do not preclude the carriage of additional personnel for other purposes. Nothing in this certificate shall derogate from any provision of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), or the Manning of Ships

Regulations, 1998, and in particular section 85 of the said Act which provides for the Minister or the Permanent Secretary of the Ministry of Works, Transport and Communication to permit a Namibian ship to proceed to sea without the prescribed number of certificated officers or other persons on board.

This certificate is issued under the authority of the Government of Namibia and is valid only in respect of the ship named above AND WILL REMAIN IN FORCE UNTIL

Issued at on the.....day of19.....

Signed

Principal Officer
