
STATUTORY INSTRUMENTS

1981 No. 1076

MERCHANT SHIPPING

MASTERS AND SEAMEN

**The Merchant Shipping (Certification
of Ships' Cooks) Regulations 1981**

<i>Made</i>	- - - -	<i>27th July 1981</i>
<i>Laid before Parliament</i>		<i>5th August 1981</i>
<i>Coming into Operation</i>		<i>1st September 1981</i>

The Secretary of State, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970⁽¹⁾ and the persons referred to in section 22(2) of the Merchant Shipping Act 1979, in exercise of the powers conferred by section 43(1), (3) and (4) of the Merchant Shipping Act 1970 and now vested in him⁽²⁾ and by section 21(1)(a), (3)(e), (4)(a) and (5) of the Merchant Shipping Act 1979 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Certification of Ships' Cooks) Regulations 1981 and shall come into operation on 1st September 1981.

(2) In these Regulations:—

“approved” means approved by the Secretary of State in accordance with Regulation 3 of these Regulations;

“fishing vessel” means a vessel for the time being employed in sea fishing or a Government fishery research vessel, but does not include a vessel used otherwise than for profit;

“GRT” in relation to a ship, means its gross register tonnage and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages;

“Merchant Shipping Notice” means a Notice described as such, issued by the Department of Trade and published by Her Majesty's Stationery Office;

“Near Continental trading area” means the area bounded by a line from a point on the Norwegian coast in latitude 62° North to a point 62° North 02° West; thence to a point 58° North

(1) section 43 was amended by the Merchant Shipping Act 1979 (c.39), section 37(2) and (3).

(2) See S.I. 1970/1537.

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10° West; thence to a point 51° North 12° West; thence to Brest, but excluding all waters which lie to the eastward of a line drawn between Kristiansand, Norway, and Hanstholm lighthouse on the North Danish coast;

“pleasure craft” means a vessel primarily used for sport or recreation;

“specified by the Secretary of State” means specified in Merchant Shipping Notice No. 981 and any reference to such Notice shall include a reference to any document amending it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“United Kingdom ship” has the same meaning as in section 21(2) of the Merchant Shipping Act 1979.

Application and Exemptions

2.—(1) Subject to paragraph (2) of this regulation, every United Kingdom ship of 1,000 GRT or over (other than a fishing vessel or pleasure craft) which goes to sea:

- (a) from any place in the British Islands or on the continent of Europe within the Near Continental trading area to any place other than a place within the Near Continental trading area; or
- (b) from any place outside the Near Continental trading area to any place within the Near Continental trading area; or
- (c) from any place outside the Near Continental trading area to any other place outside the Near Continental trading area

which carries a crew the majority of whom are domiciled in the United Kingdom, shall carry a cook who is qualified in accordance with regulation 4 and who is the holder of a certificate of competency issued under regulation 5 or recognised under regulations 8 or 9 of these Regulations.

(2) Notwithstanding the provisions of paragraph (1) of this regulation the Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Approval of Institutions and Certificates

3. The Secretary of State may specify:—

- (a) schools of cookery or other like institutions, courses of training and examinations in cookery or catering or breadmaking held by such schools or like institutions; and
- (b) certificates or other documents evidencing attendance at such courses or the passing of such examinations

which shall be approved institutions, courses of training, examinations and certificates for the purposes of these Regulations.

Qualification for Issue of Certificate of Competency

4. Subject to regulations 8 and 9 of these Regulations, in order to be qualified as a ship's cook for the purposes of regulation 2, a person shall have attained the age of 20 years and have passed an approved examination for ships' cooks at an approved school of cookery or other approved like institution; and

- (i) have attended an approved course of training for ships' cooks at an approved school of cookery or other approved like institution and have served for not less than one year at sea in the rating of second cook or cook assistant; or

- (ii) have attended an approved course in trade cookery or catering held by the City and Guilds of London Institute or an equivalent course held by a Regional Examining Body, have been issued with an approved certificate in respect of that course and have served for not less than three months at sea in the rating of second cook or cook assistant; or
- (iii) have been issued with an approved certificate of cookery or catering by the Secretary of State for Defence and an approved certificate or other document of having passed an approved examination in breadmaking, and have served for not less than three months at sea in the rating of second cook or cook assistant; or
- (iv) have served for not less than five years at sea, of which at least four years shall have been in the rating of second cook or cook assistant; or
- (v) have served for not less than five years at sea in the catering department in the rating of steward or stewardess or in a higher rating and have completed Part 2 of an approved course of training for ships' cooks.

Requirements for Issue of Certificate of Competency

5.—(1) A person who complies with the requirements of regulation 4 of these Regulations may apply to the Secretary of State or to an approved institution for the issue of a certificate of competency as a ship's cook.

(2) Before the issue of any such certificate, the Secretary of State may require the applicant to produce to him or to an approved institution—

- (a) such certificates of discharge and such other certificates signed by the masters or owners of ships in which the applicant has served as may be necessary to establish to the satisfaction of the Secretary of State or to the satisfaction of an approved institution that the applicant has completed the appropriate qualifying sea service under regulation 4 of these Regulations; and
- (b) any other certificate or document required to have been issued to the applicant under regulation 4 of these Regulations.

Form and record of certificate

6.—(1) The certificate of competency shall be issued in duplicate, on payment of the appropriate fee (if any), the original to be delivered to the person entitled to the certificate, and the duplicate to be retained by the Secretary of State.

(2) A record of all certificates of competency issued under these Regulations and of the suspension, cancellation or alteration of, and any other matters affecting any such certificate shall be kept, in such manner as the Secretary of State may require, by the Registrar General of Shipping and Seamen or by such other person as the Secretary of State may direct.

Loss of Certificate

7. If a person entitled to a certificate of competency proves to the satisfaction of the Secretary of State that he has, without fault on his part, lost or been deprived of a certificate already issued to him, the Secretary of State shall, and where he is not so satisfied may, upon payment of such fee (if any) as he may require cause a copy of the certificate to which the said person appears to be entitled to be issued to him. Any such copy shall, before it is so issued, be certified as such by the Registrar General of Shipping and Seamen or, as the case may be, by such person as the Secretary of State may have directed to keep the record referred to in regulation 6(2) above.

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Certificate equivalent to a Certificate of Competency

8. The Secretary of State may specify that the standard of competence to be attained by ships' cooks may be the standard of competence required for the issue of a certificate of competency by an authority empowered in that behalf by the laws of a country outside the United Kingdom, and that a certificate issued by any such authority shall be treated as evidence of the attainment of a standard of competence equivalent to the standard required for the issue of a certificate of competency under these Regulations:

Provided that any certificate issued by any such authority to any such ship's cook which is expressed to remain in force for a definite period shall remain in force, unless renewed, only until the expiration of that period.

Recognition of existing Certificates of Competency

9. An existing certificate of competency granted in pursuance of section 27(2) of the Merchant Shipping Act 1906 or by an institution approved in pursuance of that subsection shall be deemed for the purposes of section 43 of the Merchant Shipping Act 1970 to be a certificate of competency issued in pursuance of section 43 of the 1970 Act and to confer on the person to whom it was issued the qualifications of a ship's cook for the purposes of the said section 43.

27th July 1981

Trefgarne
Parliamentary Under Secretary of State
Department of Trade

EXPLANATORY NOTE

These Regulations require United Kingdom ships of 1,000 GRT or over, other than pleasure craft or fishing vessels, which go to sea beyond the Near Continental trading area and which carry a crew, the majority of whom are domiciled in the United Kingdom, to carry a qualified and certificated ship's cook, and prescribe requirements for the qualification and certification of ships' cooks. The detailed requirements are specified by the Secretary of State in a Merchant Shipping Notice, which may be amended from time to time, and is obtainable from the Department of Trade Marine Library, Sunley House, 90 High Holborn, London WC1 and from any Department of Trade Marine Office. Existing certificates of competency as ship's cook will be recognised as valid certificates under the Regulations. The Secretary of State may specify that certificates issued by countries outside the United Kingdom may be treated as equivalent to certificates of competency under these Regulations.

It is an offence under section 43(5) of the Merchant Shipping Act 1970 to make a false statement to obtain a certificate of competency; under section 45 of that Act for a ship to go to sea undermanned; and under section 46(1) of that Act for an unqualified person to go to sea as qualified. The penalties for all these offences were increased by section 43 of the Merchant Shipping Act 1979 and Parts IV and V of Schedule 6 to that Act. In the case of an offence under section 43(5) there is a maximum fine of £1,000 on summary conviction, under section 45 and section 46(1) there is a fine on conviction on indictment and a maximum fine of £1,000 on summary conviction.