
STATUTORY INSTRUMENTS

2006 No. 3223

**The Merchant Shipping (Inland Waterway and
Limited Coastal Operations) (Boatmasters’
Qualifications and Hours of Work) Regulations 2006**

PART 4

TRANSITIONAL PROVISIONS

Interpretation of Part 4

31. Expressions defined or explained for the purposes of Part 2 of, or Schedule 3 or 4 to, these Regulations are to be interpreted in the same way in this Part and in Schedule 5.

Continuing validity of existing qualifications

32.—(1) This regulation applies to a person who, on 31st December 2006, holds—

- (a) a licence issued under the 1993 Regulations, and
- (b) (subject to paragraph (2)) a licence, certificate or other document issued by a competent navigation authority authorising him to serve as master of a vessel (whether of a specified class or otherwise) in specified waters.

(2) This regulation does not apply to a person holding an appropriate IWSPB qualification.

(3) Notwithstanding regulation 8, a person to whom this regulation applies may, until whichever of the dates specified in paragraph (5) first occurs, serve as master of a vessel to which the licence, certificate or other document applied in waters to which it applied.

(4) Paragraph (3) does not entitle a person to serve as master of any vessel at a time when he is not complying with the terms and conditions of the licence, certificate or other document.

(5) The dates are—

- (a) the date on which the Secretary of State issues a boatmaster’s licence to its holder,
- (b) the date on which the Secretary of State refuses to issue him a boatmaster’s licence,
- (c) the date specified in column (2) of the table at the end of this regulation in relation to the description of the licence, certificate or other document in column (1), and
- (d) in the case of a licence issued under the 1993 Regulations, the date of expiry of the licence.

Table

| <i>(1) Description of licence, certificate or other document</i> | <i>(2) Date of cessation of validity</i> |
|--|--|
| 1. Licence issued under the 1993 Regulations | 31st December 2011 |

| <i>(1) Description of licence, certificate or other document</i> | <i>(2) Date of cessation of validity</i> |
|--|--|
| 2. Licence, certificate or other document issued by competent navigation authority so far as it relates to:- | |
| (a) cargo-carrying vessels of 24 metres or more load line length | 30th September 2007 |
| (b) workboats of 24 metres or more load line length | 31st March 2008 |

Holders of Thames watermen's licences

33.—(1) This regulation applies to every person who, on 22nd December 2006, holds a waterman's licence issued under the Port of London Act 1968(1).

(2) Notwithstanding regulation 8, a person to whom this regulation applies may serve as master of vessels of a kind on which he is working regularly in the period leading up to 22nd December 2006 if—

- (a) he makes an application for a boatmaster's licence which is—
 - (i) a qualifying application, or
 - (ii) an interim qualifying application,
 and which is received by the Secretary of State on or before 31st December 2006,
- (b) he has worked as a waterman for an aggregate period of not less than 120 days during the period of 5 years ending on the date of that application, and
- (c) he is medically fit to perform normal duties.

(3) An application is a qualifying application for the purposes of this regulation if it is accompanied by—

- (a) documentary evidence sufficient to show that he satisfies the requirement in paragraph (2) (b),
- (b) documentary evidence sufficient to show that he has knowledge of basic personal survival and fire fighting techniques and of first aid prescribed for the issue of a Tier 1 boatmaster's licence in Part 1 of Schedule 4,
- (c) evidence which is initially sufficient to support his claim that he is fit to perform normal duties, and
- (d) the fee of £28.

(4) An application is an interim qualifying application for the purposes of this regulation if it is accompanied by—

- (a) documentary evidence sufficient to show that he satisfies the requirement in paragraph (2) (b),
- (b) evidence which is initially sufficient to support his claim that he is fit to perform normal duties, and
- (c) the fee of £28.

(5) Where an applicant satisfies the requirements of paragraph (2), the Secretary of State must issue to him a Tier 1 boatmaster's licence of such a class as is appropriate having regard to—

- (a) the nature of his waterman's licence, and
- (b) his experience of service within the Port of London area.

(1) 1968 c. xxxii.

(6) Subject (in the case of paragraphs (a) and (b) of this paragraph) to paragraph (8), where an applicant satisfies the requirements of sub-paragraphs (a)(i), (b) and (c) of paragraph (2), the Secretary of State must issue to him a licence which will remain in force—

- (a) in the case of an applicant aged 59 or under on 1st January 2007, until 31st December 2011;
- (b) in the case of an applicant aged not less than 60 nor more than 63 on 1st January 2007, for a period ending on the applicant's 65th birthday;
- (c) in the case of an applicant aged 64 or over on 1st January 2007, until 31st December 2007.

(7) If the documentary evidence supplied under paragraph (3)(a) by an applicant aged 63 or under on 1st January 2007 shows that, during the previous 5 years, he has not had adequate experience as a waterman throughout the whole of the Port of London area, the Secretary of State must issue him with a relevant local knowledge endorsement which will remain in force only until 31st December 2008.

(8) Where an applicant satisfies the requirements of sub-paragraphs (a)(ii), (b) and (c) of paragraph (2), the Secretary of State must issue to him a licence endorsed with the word "Interim" which will remain in force until 31st December 2007.

- (9) The benefit of paragraph (2) does not extend beyond the date when a boatmaster's licence—
- (a) is granted under this regulation, or
 - (b) is refused.

Experienced persons holding no qualification

34.—(1) This regulation applies to every person who—

- (a) on 31st December 2006, is neither the holder of a qualification mentioned in regulation 32(1) or 33(1) nor qualified in accordance with Part 2 of these Regulations, and
- (b) is on that date a person to which that Part applies.

(2) Subject to paragraph (3), a person to whom this regulation applies may, during the relevant transitional period, serve as master of a relevant vessel on voyages of a kind specified in regulation 7(3) appropriate to that vessel notwithstanding that he is not qualified in accordance with regulation 8.

(3) A person to whom this regulation applies may not serve as master of any relevant vessel if the Secretary of State could not issue to him a boatmaster's licence authorising him to serve as master of that vessel by virtue of his not being medically fit to perform the normal duties of a person holding such a licence.

(4) A person to whom this regulation applies may make an application for a boatmaster's licence before the expiration of the relevant transitional period and Part 1 of Schedule 5 has effect in relation to that application.

(5) The Secretary of State may issue to an applicant a licence (with or without endorsement) of such a class as is appropriate having regard to his service during the relevant transitional period.

(6) This paragraph applies where the Secretary of State waives the requirement in paragraph 3(d) of Part 1 of Schedule 5 (knowledge of the basic personal survival and fire fighting techniques and first aid).

(7) Where paragraph (6) applies, paragraphs (1) and (2) of regulation 14 do not apply and the Secretary of State—

- (a) must issue a boatmaster's licence which is endorsed with the word "Interim" and is valid for one year, and
- (b) may issue one further licence similarly endorsed which is valid for one year from the date of expiry of the first.

(8) In this regulation—

“relevant transitional period”, in relation to a person serving as master of a relevant vessel, means the period expiring on the date specified in relation to that kind of vessel in column (2) of the table at the end of this regulation;

“relevant vessel” means any vessel of a kind specified in column (1) of the table at the end of this regulation on which a person is serving as master on 31st December 2006 and on which he continues to serve after that date.

Table: Relevant transitional periods

| <i>(1) Vessel type</i> | <i>(2) Transitional period expiring:-</i> |
|--|---|
| Cargo-carrying vessels of 24 metres or more load line length | 30th September 2007 |
| Workboats of 24 metres or more load line length | 31st March 2008 |
| Small passenger vessels | 30th September 2008 |
| Cargo-carrying vessels and workboats of less than 24 metres load line length | 31st March 2009 |

Conversion of existing qualifications

35.—(1) This regulation applies to every person who, on 1st January 2007 holds—

- (a) a licence issued under the 1993 Regulations,
- (b) an STCW Class II/2 or 3 Certificate,
- (c) an SCV Code qualification, or
- (d) an appropriate IWSPB Code qualification.

(2) Where, not later than 31st December 2011, a person to whom this regulation applies makes an application for a boatmaster’s licence, Part 2 of Schedule 5 has effect in relation to that application.

(3) Where, on or before 31st December 2006, a person has made an application for the revalidation of a licence issued under the 1993 Regulations and that application has not been disposed of, the application is to be treated as an application under paragraph (2) and the Secretary of State may request from the applicant such supplementary information and documentation as he reasonably requires under paragraph 1 of Part 2 of Schedule 5.

(4) The Secretary of State may issue to a person who has made an application of a kind referred to in paragraph (2) or (3) a boatmaster’s licence (with or without endorsements) of such a class as is appropriate having regard to his previous qualification.