

(Legislative Supplement No. 46)

LEGAL NOTICE NO. 115

THE MERCHANT SHIPPING ACT

(No. 4. of 2009)

THE MERCHANT SHIPPING (TRAINING AND CERTIFICATION)  
REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

PART 1 — PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Object of Regulations.
- 4—Revalidation of certificates.
- 5—Certificates issued before commencement of these Regulations, etc.
- 6—Registrar of Seafarers.
- 7—Designation of senior examiners.
- 8—Quality assurance.
- 9—Syllabus committee.

PART II —ASSESSMENT

- 10—Proof of identity.
- 11—Publication of date and place of examination.
- 12—Application for issue of a certificate or endorsement.
- 13—Application in special cases.
- 14—Declaration and proof of qualifying service.
- 15—Bribery.
- 16—Unsatisfactory conduct.
- 17—Oral examinations.
- 18—Written examinations.
- 19—Assessment procedure.
- 20—Assessors.
- 21—Board of Examiners.
- 22—Deafness and other physical and mental disabilities.
- 23—Examination Results.

## PART III—CERTIFICATION REQUIREMENTS

*Deck officer certificates*

- 24—Coxswain (port operations)(Non STCW certificate).
- 25—Coxswain (unlimited or coastal)(Non STCW certificate).
- 26—Mate (coastal) (Class 5) STCW II/3.
- 27—Master (port operations) (Non STCW certificate).
- 28—Master (coastal)(Class 4) STCW II/3.
- 29—Deck officer in charge STCW II/1.
- 30—Endorsement as chief mate of ship of less than 3 000 GT on unlimited voyages.
- 31—Endorsement as master of ship of less than 500 GT on unlimited voyages.
- 32—Endorsement as master of a ship of less than 3,000 GT on unlimited voyages.
- 33—Chief mate STCW II/2.
- 34—Master STCW II/2.
- 35—Offshore prospecting operations limitation(Non STCW certificate).

*Engineer officer certificates*

- 36—Second engineer officer (port operations) (Non STCW certificate).
- 37—Chief engineer officer (port operations) (Non STCW certificate).
- 38—Engineer officer (STCW III/1).
- 39—Second engineer officer STCW III/2.
- 40—Chief engineer officer STCW III/2.
- 41—Electro technical officer STCWIII/6.

*Rating certificates*

- 42—Endorsments.
- 43—Ordinary seafarer A-II/4.
- 44—Able seafarer A-II/4.
- 45—Able seafarer deck STCW A-II/5.
- 46—Wiper STCW A-III/4.
- 47—Oiler STCW A-III/4.
- 48—Electro-technical ratings STCW A-III/7.
- 49—Able Seafarers Engine.
- 50—General Purpose rating (Port operations) Non-STCW Certificate.
- 51— Proficiency in inflammable appliances (Non STCW Certificate).

52—Proficiency in survival craft (STCW VI/2-1).

53—Proficiency in fast rescue boats (STCW A-IV/2-2).

54—Efficient cook.

*Personnel on tankers and ro-ro passenger ships.*

55—Special requirements for personnel on tankers.

56—Special requirements for personnel on ro-ro passenger ships.

57—Special requirement for personnel on passenger ships other than ro-ro passenger ships.

*Qualifying service and removal of limitations, etc.*

58—Insufficient qualifying service.

59—Qualifying service as rating.

60—Validity of qualifying service.

61—Non-trading service.

62—Calculating qualifying service.

63—Recognition of naval officer's certificate.

64—Recognition of radio officer's certificate.

65—Endorsements to certificate of competency as fisherman.

66—Sea service performed on Ships not regularly proceeding to sea or employed in offshore exploration operations.

67—Proof of service on foreign ships.

68—Novel craft.

69—Removal of coastal limitation to certificate of competency as coxswain.

70—Removal of the port operations limitation.

71—Removal of offshore exploration operations limitation.

72—Removal of tonnage limitation.

**PART IV – TRAINING INSTITUTIONS AND TRAINING PROGRAMMES**

73—Accreditation of training institutions.

74—Training programmes and training record books.

75—In-service training.

76—Duties of instructors and candidates.

SCHEDULE: —Documents accompanying an Application for Examinations.

THE MERCHANT SHIPPING (TRAINING AND CERTIFICATION)  
REGULATIONS, 2012

IN EXERCISE of the powers conferred by section 170 and 450 of the Merchant Shipping Act, 2009 the Minister of Transport makes the following Regulations:—

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Merchant Shipping (Training and Certification) Regulations, 2012. Citation.

2. (1) In these Regulations unless the context otherwise requires – Interpretation.

“able seafarer deck” means a rating qualified for service on a seagoing ship of 500GT or more;

“able seafarer engine” means a rating qualified for service on a seagoing ship powered by main propulsion machinery of 750 Kw propulsion power or more;

“accelerated training” means an approved programme of intensive training that is designed to reduce the period of qualifying service;

“accredited institution” means a training institution accredited by the Authority under regulation 73;

“approved” means approved by the Director General;

“approved sea service”, in relation to-

- (a) a deck officer certificate, means sea service on trading ships relevant to the duties and functions carried out by officers associated with the deck department;
- (b) an engineer officer certificate, means sea service on trading ships relevant to the duties and functions carried out by officers associated with the engine department;
- (c) a deck rating certificate, means sea service in any capacity working on deck and carrying out duties and functions associated with the deck workings on trading ships;
- (d) an engineer rating certificate, means sea service in any capacity working in the engine-room and carrying out duties and functions associated with the engine-room workings on trading ships; and

(e) a general purpose rating certificate, means sea service contemplated in paragraphs (c) and (d);

“assessor” means a person appointed as an assessor under regulation 20(2);

“assistant engineer officer” means a person under training to become an engineer officer;

“Authority” means the Kenya Maritime Authority established by Kenya Authority Act, 2006.

“certificate of competence” has the meaning as given in section 2 of the Act;

“certificate of qualification” means a certificate issued by the Authority to ratings having qualified under these regulations;

“certificated” except in relation to a radio operator, means duly certificated under the Act or deemed under the Act to be so certificated, and, in relation to a radio operator, means holding a valid appropriate certificate of proficiency issued or recognized by or on behalf of the Communications Commission of Kenya;

“chemical tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the IBC Code;

“chief engineer officer” means the senior engineer officer responsible for the mechanical propulsion, operation and maintenance of the mechanical and electrical installations of a ship;

“chief mate” means the deck officer next in rank to the master and upon whom the command of the ship will lie in the event of the incapacity of the master;

“deck officer” means an officer including the master, certificated in accordance with Part I of these Regulations;

‘deck rating’ means a rating certificated as an ordinary seafarer or able seafarer in accordance with Part III of these Regulations;

“electro technical officer” means an officer certified for service of a ship powered by main propulsion machinery of 759Kw propulsion power or more;

“electro technical rating” means a rating certified for service of a ship powered by main propulsion machinery of 750kW or more

“endorsement” means a document appended to a certificate and entitling the holder to serve—

- (a) on a ship in a capacity other than that specified on the title page of the certificate;
- (b) on a specific type of ship in the capacity indicated in the certificate; or
- (c) on a ship engaged on a specific voyage when he cannot comply fully with the requirements as to medical fitness;

“engineer officer” means an officer certificated in accordance with Part III of these Regulations;

“examiner” means a person appointed as an examiner under section 170 of the Act;

“gas carrier” means a ship constructed or adapted and used for the carriage, in bulk, of any liquefied gas or other product listed in chapter 19 of the IGC Code;

“general purpose rating” means a rating certificated as an efficient general purpose rating (port operations) under Part III of these Regulations;

'GMDSS' means the Global Maritime Distress and Safety System;

'GT' for a ship, means its gross tonnage calculated in accordance with the Merchant Shipping (Tonnage Measurement) Regulations, 2012;

“holder”, of a certificate or other document, means the person identified as holder by the certificate or document;

'IBC Code' means the latest edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the International Maritime Organization, as amended from time to time;

“IGC Code” means the latest edition of the International Code for the Construction and Equipment of

Ships Carrying Liquefied Gases in Bulk published by the International Maritime Organization, as amended from time to time;

“length” has the same meaning as in regulation 2 of the Merchant Shipping (Tonnage Measurement) Regulations, 2012;

“liquefied gas tanker” means a ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the IGC Code;

“management level” means the level of responsibility associated with-

- (a) serving as master, chief mate, chief engineer officer or second engineer officer on a trading ship; and
- (b) ensuring that all functions within the designated area of responsibility are properly performed;

“marine notice” means an information note issued by the Authority disseminating relevant information to the maritime industry;

“month” means a calendar month of thirty days made up of periods of less than one month;

“officer in charge of an engineering watch” includes a designated duty engineer officer for a periodically unmanned engine-room;

“offshore exploration” means the exploitation by a ship at anchor or dynamically positioned, whether by mining or otherwise, of the mineral resources of the seabed or subsoil thereof, excluding oil and gas resources;

“oil tanker” means a ship constructed and used for the carriage in bulk of petroleum or petroleum products;

“operational level” means the level of responsibility associated with-

- (a) serving as an officer in charge of a navigational or engineering watch or as designated duty engineer officer for periodically unmanned machinery spaces or as radio operator on a trading ship; and

- (b) maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility;

“port operations” means voyages restricted to a port operations area;

“port operations area” means the sea area within a radius of fifteen nautical miles measured outwards of the fairway buoy;

“port operations vessel” means a harbour tug, dredger, hopper, pilot boat, work boat, bunker barge, ferry, tender, self-propelled floating crane or any other type of ship restricted to a port operations area;

“propulsion power” means the total maximum continuous rated output power in kilowatts of all a ship's main propulsion machinery appearing on the ship's certificate of registry or other official document;

“qualifying service”, for certification of a particular kind, means the seas service or port operations service, as the case may be, required for certification of that kind;

“radio duties” include, as appropriate, watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations and the Safety Convention;

“radio officer” means a person holding an appropriate certificate employed as such and having responsibility for the operation of the radio installations on a ship;

“rating” means a seafarer other than a master or an officer;

“Registrar” means the Registrar of Seafarers referred to in regulation 6;

“ro-ro passenger ship” means a passenger ship with ro-ro cargo spaces or special category spaces as defined in Chapter II-2 regulation 3 of the safety Convention;

“Seafarer” means any persons employed upon a vessel and includes the Master, ships officers and ratings;

“seagoing ship” means a ship other than one that navigates exclusively in inland waters or in a port operations area;

“sea service” means service on seagoing ships;

“second engineer officer” means the engineer officer next in rank to the chief engineer officer and upon whom responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;

“specified by the Director-General” means specified by the Director-General in a Marine Notice;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping (STCW) Code as adopted by resolution 2 of the 1995 Conference, as amended;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

“support level” means the level of responsibility associated with performing assigned tasks, duties or responsibilities on a trading ship under the direction of an individual serving in the operational or management level;

“tanker” means a chemical tanker, a gas carrier or an oil tanker;

“the Act” means the Merchant Shipping Act, 2009;

“the Code” means the *Kenya Maritime Code of Qualifications* published by the Authority, as amended from time to time;

“trading ship” means a seagoing ship engaged in trade and proceeding to sea on regular voyages, excluding-

- (a) warships, naval auxiliaries or other ships owned or operated by a state and engaged only on government non-commercial service;
- (b) fishing vessels;
- (c) ships used solely for sport or recreation; and
- (d) sailing ships of traditional build;

“unlimited voyage” means a voyage other than one contemplated in the definitions of near-coastal voyage and port operations;

“valid”, in relation to a certificate or other document, means a certificate or document that is current and that has not been suspended or cancelled;

“waters under Kenyan jurisdiction” means waters comprising-

- (a) the internal and territorial waters of Kenya; and
- (b) the exclusive economic zone of Kenya.

(2) Any reference in these regulations to a particular level of assessment shall be construed as a reference to assessment, in accordance with regulation 18, at that particular level to ensure that the candidate has attained the relevant competencies specified in the Code.

(3) References in these regulations to the holder of a certificate or to holding a certificate shall be construed as references to the lawful holder of the certificate or to lawfully holding the certificate, as the case may be.

## PART II—OBJECTIVES OF REGULATIONS

3.(1) These Regulations provides for the standards of competency and the conditions to be satisfied for certification as master, ship's officer or rating on Kenyan ships.

Objects of Regulations.

(2) A person is qualified as a master, ship's officer or rating for the purposes of section 170 of the Act and entitled to serve in the capacity and perform the functions involved at the level of responsibility specified in his certificate on a ship of the type, tonnage and power and means of propulsion so specified while engaged on the particular voyage concerned, if-

- (a) in the case of a master or ship's officer, he holds-
  - (i) a valid certificate of competency as specified under sub-regulation (3),(4) or (5);
  - (ii) a valid certificate of competency that is equivalent to a certificate regulation 24(1) of the Merchant Shipping (Safe Manning) Regulations, 2012; or
  - (iii) a valid certificate issued by the government of another country and is been authorized to serve on a Kenyan ship; and

- 
- (iv) any other certificate issued by the government of another country which, in the opinion of the Director-General, qualifies the person to serve on a Kenyan ship in the capacity concerned.
- (b) in the case of a rating, the person holds-
- (i) a valid certificate of qualification as specified in sub-regulation (6);
  - (ii) a valid certificate of qualification as such that is treated as equivalent to a certificate under regulation 24(1) of the Merchant Shipping (Safe Manning) Regulations, 2012; or
  - (iii) a valid certificate issued and endorsed in accordance with the STCW Convention by or on behalf of the government of another country; or
  - (iv) any other certificate issued by the government of another country which, in the opinion of the Director-General, qualifies the person to serve on a Kenyan ship in the capacity concerned.
- (3) Subject to sub-regulation (8), the certificate of competency, with its limitations, endorsements and relative levels of responsibility, if any, applicable to deck officers are-
- (a) master—
    - (i) master of a ship of any tonnage on unlimited voyages (management level); and
    - (ii) limited to offshore exploration operations;
  - (b) chief mate-
    - (i) chief mate of a ship of any tonnage on unlimited voyages (management level);
    - (ii) endorsed master of a ship of less than 3 000 GT on unlimited voyages;(management level);
    - (iii) endorsed master of a ship of less than 500 GT on near-coastal voyages (management level);and
    - (iv) limited to offshore operations;
  - (c) deck officer-
    - (i) officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (*operation level*);
    - (ii) endorsed chief mate of a ship of less than 3 000 GT on unlimited voyages (management level);
    - (iii) endorsed master of a ship of less than 500 GT on unlimited voyages (management level);

- 
- (iv) endorsed master of a ship of less than 3 000 GT on unlimited voyages (management level);
  - (v) endorsed master of a ship of less than 500 GT on near-coastal voyages (management level);
  - (vi) endorsed master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation; and
  - (vii) limited to offshore exploration operations;
  - (d) master (coastal)-
    - (i) master of a ship of less than 500 GT on near-coastal voyages (management level);
    - (ii) endorsed officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages chief mate or officer in charge of a navigational watch on ships of less than 500 GT on near-coastal voyages (operation level);
    - (iii) endorsed master of a ship of less than 500 GT on near-coastal voyages (management level);
    - (iv) endorsed master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;
    - (v) limited to offshore exploration operations (operation level); and
    - (vi) limited to offshore exploration operations;
  - (e) master (port operations) -master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;
  - (f) coxswain (unlimited)-master of a ship of less than 100 GT on unlimited voyages; (management level);
  - (g) coxswain (coastal)- master of a ship of less than 100 GT on near-coastal voyages; (management level); and
  - (h) coxswain (port operations)-master of a ship of less than 200 GT operating within a port operations area, with or without a port breakwater limitation;
  - (4) Subject to sub-regulation (8), the certificates of competency, with their limitations, endorsements and relative levels of responsibility, if any, applicable to engineer officers are-
    - (a) chief engineer officer-
      - (i) chief engineer officer of a ship of 3 000 kW propulsion power or more; (management level); and
      - (ii) chief engineer officer of a ship of less than 3 000 kW propulsion power (management level);

second engineer officer-

- (i) second engineer officer of a ship of 3 000 kW propulsion power or more; (management level);
- (ii) second engineer officer of a ship of less than 3 000 kW propulsion power; (management level);
- (iv) endorsed chief engineer officer of a ship of less than 3 000 kW propulsion power; (management level);
- (v) endorsed chief engineer officer of a ship of less than 750 kW propulsion power; (management level);and
- (vi) endorsed chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area;

(b) engineer officer (management level)-

- (i) officer in charge of an engineering watch on a ship of any kilowatt propulsion power;
- (ii) endorsed second engineer officer of a ship of any propulsion power on ships operating within the port area; and
- (iii) endorsed chief engineer officer of a ship of less than 1 500 kW propulsion power on ships operating within the port area;

(c) chief engineer officer (port operations)-chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area, with or without a port breakwater limitation;

second engineer officer (port operations)-

- (i) second engineer officer/officer in charge of an engineering watch on a ship of any kilowatt propulsion power operating in a port operations area;
- (ii) endorsed chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area, with or without a port breakwater limitation

(5) Subject to sub-regulation (8), the certificate of competency, with its limitations, endorsements and relative levels of responsibility, if any, applicable to electro technical officers is the electro technical officers' certificate of competency for service on a ship powered by main propulsion machinery of 750kW propulsion power or more

(6) Subject to sub-regulation (8), the certificates of qualification, with their limitations and relative levels of responsibility (if any), applicable to ratings are the—

- 
- (a) ordinary seafarer (support level) certificate-limited to port operations;
  - (b) able seafarer deck (support level) certificate-unlimited voyages
  - (c) able seafarer engine (support level) certificate-unlimited voyages
  - (d) electro technical rating (support level) certificate-unlimited voyages;
  - (e) wiper (support level) certificate-limited to port operations;
  - (f) oiler (support level) certificate-limited to port operations;
  - (g) efficient general purpose rating (port operations); certificate and
  - (h) efficient cook certificate.
- (7) The other certificates of qualification include certificates of — proficiency in inflatable appliances;
- (a) proficiency in survival craft; and
  - (b) proficiency in fast rescue boats.
- (8) The certificates referred to in sub-regulations (3), (4), (5) and (6) may, in addition, be endorsed for service on tankers, ro-ro passenger ships or passenger ships other than ro-ro passenger ships, in accordance with regulations 52, 53 or 54 respectively.
- (9) The ranking of voyage limitations is such that the holder of—
- (a) a certificate unlimited as to voyages may serve in the certificated capacity on ships engaged on unlimited voyages or voyages of any limitation;
  - (b) a certificate limited to near-coastal voyages may serve in the certificated capacity on ships engaged on near coastal voyages and in port operations but not on unlimited voyages;
  - (c) a certificate limited to port operations may serve in the certificated capacity only on ships engaged in port operations; and
  - (d) a certificate limited to offshore exploration operations may serve in the certificated capacity only on ships employed in offshore exploration operations.
- (10) The certificates referred to in sub-regulations (3) to (7) shall be issued and endorsed in accordance with the STCW Convention, except—

- (a) any certificate limited to port operations;
- (b) the certificate of qualification as efficient cook;
- (c) the certificate of qualification as efficient general purpose rating (port operations); and
- (d) the certificate of qualification as proficient in inflatable appliances.

4. (1) A certificate of competency issued in terms of these regulations, and any equivalent certification, is not valid for sea service or port operations service unless revalidated at intervals not exceeding five years to establish continued professional competence in accordance with sub-regulation (2).

Revalidation of certificates.

- (2) Continued professional competence is established by-
  - (a) completing during the preceding five years, at least twelve months sea service or port operations service, as appropriate to the certification held; or
  - (b) or performing functions considered by the Authority to be equivalent to the service mentioned in sub-paragraph (a);
  - (c) completing –
    - (i) in a supernumerary capacity, at least three months sea service or port operations service as appropriate to the certification held; and
    - (ii) assessment at level 3 to meet the standard of competence specified in the Code; and

(3) An Application for revalidation shall be made in the form and manner, including the information, and accompanied by the documents specified by the Authority.

(4) The Director-General shall, if satisfied that the applicant meets the requirements of sub-regulation (2) or (3), issue to the applicant an endorsement revalidating his certificate.

5. (1) Regulation 24 of The Merchant Shipping (Safe Manning) Regulations, 2012, has effect for the purpose of determining the equivalency of certificates of competency and of qualification, including the endorsements thereto, issued under the Act before the commencement of these regulations, or thereafter in accordance with regulation 75.

Certificates issued before commencement of these Regulations, etc.

(2) The certificates under this regulation shall be exchanged for the corresponding new certificates within the time and in the manner specified by the Director-General.

6. (1) The Director-General may designate any officer of the authority to perform the duties of the Registrar.

Registrar of Seafarers.

(2) In addition to any other function, the Registrar—

- (a) issue certificates of competency and qualification in accordance with the Act;
- (b) issue endorsements to certificates in accordance with the Act;
- (c) maintain a register of all certificates of competency and qualification issued or recognized under the Act, and of all matters affecting them;
- (d) make available information on the status of certificates of competency and qualification, including the matters affecting them, to other competent authorities or shipping firms requesting verification of the authenticity or validity of certificates produced to them; and
- (e) perform the functions incidental to those referred to in paragraphs (a) to (d).

(3) The Registrar shall perform his functions in accordance with any applicable quality assurance system implemented pursuant to regulation 8.

7. The Director-General shall, for the purpose of these Regulations, designate an examiner as a senior deck or engineer examiner.

Designation of senior examiners.

8. The Director-General shall implement a quality assurance system to monitor the working procedures of the examiners and Registrar.

Quality assurance.

9.(1) The Director-General shall establish a syllabus committee of not more than eleven members.

Syllabus committee.

(2) The composition of the syllabus committee shall be—

- (a) senior examiner who shall be the chair of the committee; and
- (b) representatives of—
  - (i) government;
  - (ii) the training institution;
  - (iii) the shipping industry; and
  - (iv) organized labour in the industry.

(3) The functions of the committee shall be to interpret the syllabi set out in the Code and to review these Regulations and the Code.

## PART II —ASSESSMENT

10.(1) A person who applies to the Authority for a certificate or an endorsement shall furnish proof of his identity to the satisfaction of the Director-General.

Proof of identity.

11. (1) The Director-General shall publish annually in a marine notice information, including: date, time and place of written examination which shall be conducted by accredited institutions.

Publication of date and place of examination.

(2) A candidate for an oral examination shall receive confirmation of the date, time and place of examination after the examiner has determined that the candidate meets all the requirements preliminary to examination.

12. (1) A person who wishes to be issued with a certificate or endorsement shall obtain an application form at an office of the Director-General designated as an examination centre.

Application for issue of a certificate or endorsement.

(2) The duly completed application form shall be accompanied by the relevant supplementary documents specified in the Schedule to these Regulations.

(3) A person who applies for an oral examination shall ensure that the application is made in accordance with sub-regulation (1) at least twenty-one days before the date proposed for examination.

13.(1) When there is doubt about the sufficiency of a person's qualifying service, the person may submit his case, accompanied by the relevant certificates, discharges, testimonials; training records, watchkeeping certificates and such other documents as may be required, for special consideration by an examiner.

Application in special cases.

(2) An Application for a certificate and endorsement by a candidate abroad may be made by post and shall include his full particulars, accompanied, where necessary, by certified copies of the relevant documents.

14. (1) A person shall make a declaration of qualifying service in the application form under regulation 12, and shall explain in writing, to the satisfaction of the examiner concerned, any period of discontinuity in such service.

Declaration and proof of qualifying service.

(2) A certificate of discharge or a duly completed continuous certificate of discharge shall, in the absence of evidence to the contrary, be accepted as sufficient proof of the service recorded therein.

(3) A person who applies for a deck officer certificate shall, where service in charge of a watch is required, produce certificates of watchkeeping service signed by the respective masters of the ships on which he has served, stating that he has acted as a watchkeeping officer for at least eight hours out of every twenty four hours service claimed.

(4) A person applying for a first deck officer's certificate shall produce testimonials signed by the respective masters of the ships on which he has served for the twelve months' qualifying service preceding the date of application for examination.

(5) A person who applies for an engineer officer certificate may submit testimonials as proof of workshop service, which shall set out the work the person has undertaken or in which he has been trained.

(6) Testimonials produced as proof of qualifying service by a person applying for an engineer officer certificate shall be signed by either the chief engineer officer or master of the ship concerned and shall state—

- (a) the person's actual rank on watch;
- (b) the number of engineer officers simultaneously on watch;
- (c) the type of propulsion machinery and the propulsion power, in kilowatts, of the ship;
- (d) the nature of duties performed; and where service in charge of a watch is required, that the person has acted as a watch-keeping officer for at least—
  - (i) eight hours in every twenty four hours' service claimed on ships having a continuously manned engine room; and
  - (ii) twenty four hours in every seventy two hours' service claimed on ships having a periodically unmanned engine room.

15. A Person who has been convicted of bribery in terms of section 48 of the Anti-Corruption and Economic Crimes Act, 2003 or on whom a penalty for bribery has been imposed under the Act shall not be admitted to any examination for a certificate or endorsement before a period of at least twelve months has elapsed since the date of the conviction or the date of imposition of the penalty, as the case may be.

16. A person who, after signing a crew agreement under section 119 of the Act, fails to join the ship or who, after joining, left the ship other than upon discharge, or who has been found guilty of misconduct on board shall, unless the Director-General directs otherwise, be required to produce satisfactory proof of at least two years subsequent qualifying service with good conduct.

Unsatisfactory conduct.

17.(1) Where an examination consists of a written part and an oral part, a person shall not be examined in the oral part unless he has passed in the written part.

Oral examinations.

- (2) An oral examination shall be—
  - (a) conducted by an examiner in the presence of an assessor; and
  - (b) to ascertain a person's competency in the practical aspects of an officer's duty.

(3) A person shall, before being examined in the oral part of an examination, submit to the examiner a certificate of results from an accredited institution, signed by an authorized person and showing—

- (a) the person's full name and student number;
- (b) the course or courses successfully completed;
- (c) for each subject, the subject mark, marks obtained in the final examination, if applicable, final marks and result; and
- (d) the duration of the course or courses.

(4) An oral examination for a deck officer certificate shall test a person's knowledge of the ambit and intent of the collision Regulations, and the ability to repeat the Regulations verbatim shall not suffice to ensure a pass in the examination, or shall the lack of verbatim repetition entail failure:

Provided that the examiner is satisfied that the person grasps the full significance, content and practical application of those regulations;

(5) during the examination a person shall not be required to handle a sailing ship, but his ability to recognize a sailing ship's lights, and knowledge of a sailing ship's possible manoeuvres according to the direction of the wind, shall be tested.

(6) A person may, during an oral examination, be required to complete a calculation or to elaborate on a section of the syllabus applicable to the certificate or endorsement for which he is being examined.

(7) A person who fails in the oral part of an examination for any certificate or endorsement through serious deficiency in practical knowledge may, at the examiner's discretion, be required to perform further qualifying service, not exceeding six months, before being eligible for re-examination.

(8) A person who without reasonable excuse fails to appear for an oral examination at the appointed time and place may be failed by default.

18.(1) Written examinations shall be conducted by accredited institutions and shall cover the subjects required for each certificate or endorsement as specified in the Code to ensure that candidates have attained the standard of theoretical knowledge required in the Code. <sup>Written Examinations.</sup>

(2) The Director-General shall designate examiners who shall-

- (a) moderate examination question papers and memoranda at least thirty days before the appointed examination date;
- (b) moderate examination scripts;
- (c) re-mark examination scripts at the request of an accredited institution; and
- (d) consult with the relevant lecturer or internal examiner

of an accredited institution when a negative trend or fault is detected in a memorandum, script or batch of scripts.

(3) In the subjects coastal navigation, ocean and offshore navigation, ship stability and watchkeeping for deck officers, a candidate shall be required to obtain a final aggregate pass-mark of at least sixty per cent in each subject; in all other subjects, in both the deck officer and engineer officer syllabi, the final pass-mark for each subject shall be at least fifty per cent.

(4) In cases of doubt about a candidate's final mark in the subjects of coastal navigation, ocean and offshore navigation, ship stability and watch-keeping and engineering knowledge, the examiner's decision shall be final.

19. (1) A candidate who applies for a certificate or an endorsement shall be assessed at one or more of the following levels—

Assessment procedure.

- (a) Level 1 assessment is carried out during qualifying service on a ship or during training at an accredited institution, and shall be carried out aboard ship by one or more designated ship's officers and ashore by one or more persons who meet the requirements of regulation 19 (1);
- (b) Level 2 assessment is carried out during qualifying service on a ship or during training at accredited institution and shall be carried out by an assessor;
- (c) Level 3 assessment is carried out by an examiner and an assessor when a candidate presents himself or herself for oral examination.

(2) All units of competency that are to be assessed at level 1 or 2 shall be indicated in the training record book issued to a person.

(3) Only an assessor may sign off a unit of competency in a candidate's training record book when the person is considered to be ready for the next level of assessment and has successfully demonstrated competency in the unit as specified in the Code.

(4) A person who is required to complete more than one level of assessment shall not be assessed at the higher level until he has demonstrated competency at the lower level, nor shall the person be assessed at level 3 until all the relevant units of competency have been signed off at the lower levels of assessment by an assessor.

20.(1) A person who, whether aboard ship or ashore, conducts in-service assessment of a candidate for the purpose of certification in terms of these regulations shall-

Assessors.

- (a) have an appropriate level of knowledge and understanding of the competence to be assessed;
- (b) have proof of being qualified in the activities for which the assessment is being made;
- (c) have proof of having received appropriate guidance in assessment methods and practice;
- (d) have gained practical assessment experience; and
- (e) where assessment is conducted by means of simulators, have gained practical assessment experience on the particular type of simulator under the supervision to the satisfaction of another, more experienced assessor.

(2) The Director-General may, subject to paragraph (3), in writing appoint as an assessor any person who, in the Director-General's opinion, is qualified to be so appointed, stating in the instrument of appointment the levels, competencies and tasks that the person is entitled to assess.

(3) A person is not eligible for appointment under paragraph (2) unless he—

- (i) holds an appropriate certificate of competency;
- (ii) is medically fit; and
- (iii) has successfully completed an approved course, including at least three practical assessments, covering the disciplines in question.

(4) Appointment as an assessor remains in force for a period not exceeding three years from the date of appointment, but is renewable subject to sub-regulation (2) and (3).

(5) The Director-General may revoke an appointment under sub-regulation (2) upon request, or if—

- (a) after investigation it is found that the assessor—
  - (i) was negligent or incompetent in carrying out his duties;
  - (ii) completed an assessment fraudulently; or
  - (iii) raised a fraudulent fee for his services;
- (b) the assessor is unable to complete his duties due to ill-health;
- (c) the assessor is convicted of a criminal offence; or
- (d) the assessor's certificate of competency is cancelled or suspended by a competent authority.

(6) A list of all appointments in force under sub-regulation (2), including the particulars thereof, shall be published in a marine notice.

21.(1) The Director-General shall appoint a Deck Officer's Board of Examiners which shall consist of three examiners.

Board of Examiners.

(2) The Director-General shall appoint a Marine Engineering Board of Examiners which shall consist of three examiners.

(3) A person shall be qualified to be appointed as an examiner if the person-

- (a) holds of a valid certificate of competency Master Class 1 or Certificate of Competency as Chief Engineer Class 1 as the case may be, or the holder of certificates of a higher grade than those for which examinations are currently arranged;
- (b) be medically fit; and
- (c) has completed any approved course which includes at least three practical assessments covering the appropriate disciplines.

(4) The Board of Examiners may raise a fee for their services and such fee may be prescribed under these regulations.

(5) An examiners appointment shall be valid for a maximum period of three years and it may be renewed on application by the examiner and upon review by the Director-General.

(6) The Director-General may cancel an examiner's appointment if-

- (a) the examiner requests; or
- (b) it is found after an enquiry conducted by the Registrar of Seafarers that the examiner-
  - (i) was negligent or incompetent in his duties;
  - (ii) has fraudulently completed an assessment;
  - (iii) has raised a fraudulent fee for his services;
- (iv) is unable to satisfactorily complete his duties due to failing health;
- (v) has been found guilty of a criminal offence; and
- (vi) has had his certificate of competency or qualification suspended or cancelled.

22.(1) If in the course of an examination an examiner finds that a person is afflicted with-

Deafness and other physical and mental disabilities.

- (a) deafness;

- (b) an impediment in speech; or
- (c) some other physical or mental infirmity,

and upon further investigation is satisfied that the degree of infirmity is such as to render the person incapable of discharging the ordinary shipboard or other duties of a holder of the certificate concerned, he shall not, even if the person passes the examination, issue him any documentary proof that he has passed the examination.

(2) An examiner shall –

- (a) report all such cases as specified under sub-regulation (1) (a) to the Director-General and shall furnish the person with a copy of the report;
- (b) where the person is the holder of an existing medical certificate, shall forward such certificate together with the report.

(3) If a person under sub-regulation (1) subsequently produces a medical certificate stating that his hearing, speech, or physical or mental condition has improved or is normal, the Director-General shall reconsider the candidate's application for examination together with the examiner's report.

23.(1) A person who complies with all the requirements for the issue of a certificate or an endorsement shall receive a certificate of pass signed by the examiner, which shall be valid for a period of six months from date of issue; and

Examination results.

(2) a certificate of pass under sub regulation (1) shall-

- (a) state the date and the title of the relevant certificate or endorsement;
- (b) serve as a temporary certificate or endorsement until such time as the original certificate or endorsement is issued by the Registrar; and
- (c) be surrendered by the candidate when collecting the original certificate or endorsement.

(3) A candidate who fails assessment at level 3 shall receive a notice of failure signed by the examiner;

(4) A notice of failure under paragraph (3) shall-

- (a) state the examination failed, the date of failure and the conditions, if any, imposed by the examiner; and
- (b) be produced to an examiner when the candidate next applies for assessment at level 3.

## PART IV—CERTIFICATION REQUIREMENTS

*Deck officer certificates*

24.(1) A person who applies for a certificate of competency as coxswain (port operations), which includes the endorsement referred to in regulation 3 (3), shall be at least eighteen years of age and shall have—

Coxswain (port operations) (Non STCW Certificate).

- (a) completed at least twelve months sea service or port operations service, as the case may be, in a deck capacity on any of the following ships of 25 GT or more—
  - (i) trading ships;
  - (ii) fishing vessels;
  - (iii) small ships and yachts;
  - (iv) port operations vessels; or
  - (v) naval ships;
- (b) performed bridge watchkeeping duties under the supervision of a deck officer for the last six months of the required service;
- (c) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (d) been assessed at level 3.

(2) Where the port operations service contemplated in sub-regulation (1) (a) has been gained on ships restricted to operating within the confines of the breakwaters of a port, the certificate shall be limited accordingly.

25. A person who applies for the certificate of competency as coxswain (coastal) or coxswain (unlimited) shall be at least eighteen years of age and shall have—

Coxswain (unlimited or coastal) (Non STCW Certificate).

- (a) completed at least twenty four months sea service in a deck capacity on any of the following ships of 25 GT or more—
  - (i) trading ships;
  - (ii) fishing vessels;
  - (iii) small ships and yachts; or
  - (iv) naval ships;

Provided that for the issue of a certificate of competency as coxswain (unlimited) the sea service shall have been gained in ships on unlimited voyages;

- (b) performed bridge watchkeeping duties under the supervision of a deck officer for the last six months of the required service;

- (c) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (d) been assessed at level 3.

26.(1) Subject to sub-regulation (2), a candidate for the certificate of competency as mate (coastal) shall be at least eighteen years of age and shall have—

Mate(coastal) (DO class 5) STCW II/3.

- (a) completed at least thirty six months approved sea service on ships of 100 GT or more on unlimited or near-coastal voyages; or
- (b) if the candidate has attained Kenya Certificate of Secondary Education examination mean grade C with Grade C in mathematics and physics or its equivalent to have completed at least twelve months' service contemplated in paragraph (a), and successfully completed approved on-board accelerated training;
- (c) performed bridge watchkeeping duties under the supervision of a deck officer for the last six months of the required sea service;
- (d) passed a theoretical examination at an accredited institution and have successfully completed approved training; and
- (e) been assessed at levels 1, 2 and 3 or, if the candidate has not undergone on-board accelerated training, at levels 1 and 3.

(2) A candidate in sub-regulation (1) who holds a certificate of competency as Coxswain (unlimited) or Coxswain (coastal) shall have—

- (a) completed at least six months approved sea service on ships of 100 GT or more on unlimited or near-coastal voyages;
- (b) performed bridge watchkeeping duties under the supervision of a deck officer for at least three months during the required sea service;
- (c) passed a theoretical examination at an accredited institution and have successfully completed approved training; and
- (d) been assessed at levels 1, 2 and 3.

27.(1) A person who applies for a certificate of competency as master (port operations) shall be required to be at least twenty years of age and to have—

Master (port operations) (Non STCW Certificate).

- (a) completed—
  - (i) at least twelve months port operations service as officer in charge of a navigational watch on port operations vessels of 100 GT or more while

holding, as a minimum, a certificate of competency as Coxswain 3 (port operations);

- (ii) at least twelve months approved sea service as an officer in charge of a navigational watch on ships of 100 GT or more on unlimited or near-coastal voyages while holding, as a minimum, a certificate of competency as Mate (coastal)
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

(2) Where the port operations service contemplated in sub-regulation (1)(a)(i) has been gained on ships restricted to operating within the confines of the breakwaters of a port, the certificate shall be limited accordingly.

28. A person who applies for a certificate of competency as master (coastal), which includes the endorsement referred to in regulation 3 (3) (d) (iii), shall be at least twenty years of age and shall have—

Master (coastal)  
STCW II/3.

- (a) completed at least twelve months approved sea service as an officer in charge of a navigational watch on ships of 100 GT or more on unlimited or near-coastal voyages while holding, as a minimum, a certificate of competency as mate (coastal);
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

29.(1) Subject to sub-regulation (2), a person who applies for a certificate of competency as deck officer shall be at least eighteen years of age and shall have—

Deck officer STCW  
II/1.

- (a) completed at least thirty six months approved sea service on ships of 500 GT or more on unlimited voyages;
- (b) performed bridge watchkeeping duties under the supervision of a deck officer for the last six months of the approved sea service;
- (c) passed a theoretical examination at an accredited institution and have successfully completed approved training;
- (d) been assessed at levels 1, 2 and 3 or, if the candidate has not undergone onboard accelerated training at levels 1 and 3; and
- (e) meet the applicable requirements of the Radio Regulations, as appropriate, for performing designated radio duties as required.

(2) The person referred under sub-regulation (1) who holds a certificate of competency as master (coastal) or mate (coastal) shall have—

- (a) completed at least six months approved sea service on ships of 500 GT or more on unlimited voyages;
- (b) performed bridge watchkeeping duties under the supervision of a deck officer for the last three months of the required sea service;
  - (a) passed a theoretical examination at an accredited institution and have successfully completed training; and
  - (b) been assessed at level 3.

30. A person who applies for endorsement as chief mate of a ship of less than 3 000 GT on unlimited voyages shall have—

Endorsement as chief mate of ship of less than 3 000 GT on unlimited voyages.

- (a) completed at least twelve months approved sea service as an officer in charge of a navigational watch on ships of 500 GT or more on unlimited voyages while holding, as a minimum, a certificate of competency as deck officer;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

31. A person who applies for endorsement as master of a ship of less than 500 GT on unlimited voyages shall be required to have—

Endorsement as master of ship of less than 500 GT on unlimited voyages.

- (a) completed at least twelve months approved sea service as chief mate of a ship of 100 GT or more on unlimited voyages while holding, as a minimum, a certificate of competency as deck officer;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

32. A person who applies for the endorsement as master of a ship of less than 3 000 GT on unlimited voyages shall be required to have —

Endorsement as Master of a ship of less than 3000 GT on unlimited

- (a) completed —
  - (i) at least thirty six months approved sea service as officer in charge of a navigational watch on ships of 500 GT or more on unlimited voyages while holding, as a minimum, a certificate of competency as deck officer; or
  - (ii) at least twelve months approved sea service as chief mate of a ship of 500 GT or more on

unlimited voyages while holding, as a minimum, a certificate of competency, or an endorsement, as chief mate;

- (b) passed the theoretical examination contemplated in regulation 34(b) at an accredited institution and have successfully completed training; and

been assessed at level 3.

33. A person who applies for a certificate of competency as chief mate, which includes the endorsement referred to in regulation 3 (3) (c) (ii), shall have—

Chief mate STCW II/2.

- (a) completed at least twelve months approved sea service as an officer in charge of a navigational watch on ships of 3 000 GT or more on unlimited voyages while holding, as a minimum, a certificate of competency as deck officer;

- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and

- (c) been assessed at level 3.

34. A person who applies for a certificate of competency as master shall have—

Master STCW II/2.

- (a) completed—

- (i) at least thirty six months approved sea service as an officer in charge of a navigational watch on ships of 3 000 GT or more on unlimited voyages while holding, as a minimum, a certificate of competency as deck officer; or

- (ii) at least twelve months approved sea service as chief mate of a ship of 3 000 GT or more on unlimited voyages while holding, as a minimum, a certificate of competency as chief mate;

- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and

- (c) been assessed at level 3.

35.(1) Where more than half of a person's period of qualifying service for a certificate or endorsement under regulations 26, 28, 29, 30, 31, 32 or 33 consists of sea service performed on ships employed in offshore exploration operations contemplated in regulation 66(2) (b) (ii), the relevant certificate or endorsement, as the case may be, shall be limited to offshore exploration operations; and, for the purpose of this regulation.

Offshore  
Exploration  
operations limitation  
(Non STCW  
Certificate).

(2) For the purposes of this Regulation, sea service under regulations 26, 28, 29, 30, 31, 32 and 33 on approved sea service shall be taken to include sea service performed on ships employed in mining operations.

*Engineer officer certificates*

36.(1) A person who applies for a certificate of competency as second engineer officer (port operations), which includes the endorsement referred to in regulation 3(4) (e) (ii), shall be required—

Second engineer officer (port operations) (Non STCW Certificate).

- (a) to be at least eighteen years of age;
- (b) to have completed at least six months approved sea service or port operations service as assistant engineer officer on ships of 750 kW propulsion power or more under the supervision of an engineer officer;
- (c) to have passed a theoretical examination at an accredited institution and have successfully completed approved training consisting either-
  - (i) of an approved cadetship, of at least 30 months, consisting of-
    - (aa) practical workshop training;
    - (bb) theoretical education; and
    - (cc) at least six months approved sea service or port operations service; or
  - (ii) of an approved trade as an artisan in an engineering discipline; and
- (a) to have been assessed at levels 1, 2 and 3.

(2) Where the port operations service contemplated in sub-regulation (1) (a) has been gained on ships restricted to operating within the confines of the breakwaters of a port, the certificate shall be limited accordingly.

37.(1) A person who applies for a certificate of competency as chief engineer officer (port operations) shall -

Chief engineer officer (port operations) (Non STCW Certificate).

- (a) meet the requirements for the certificate of competency as second engineer officer (port operations);
- (b) completed, while holding, as a minimum, a certificate of competency as second engineer officer (port operations)-
  - (i) at least twelve months approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more; or
  - (ii) at least twelve months port operations

service as officer in charge of an engineering watch on ships of 1 500 kW propulsion power or more.

- (c) pass a theoretical examination at an accredited institution and have successfully completed training; and
- (d) have been assessed at level 3.

(2) Where the port operations service contemplated in sub-regulation (1) (b) (ii) has been gained on ships restricted to operating within the confines of the breakwaters of a port, the certificate shall be limited accordingly.

38. A person who applies for a certificate of competency as engineer officer shall be at least eighteen years of age and shall have-

Engineer officer  
STCW III/1.

- (a) completed at least six months approved sea service as assistant engineer officer on ships of 750 kW propulsion power or more under the supervision of an engineer officer;
- (b) passed a theoretical examination at an accredited institution and have successfully completed approved training comprising either-
  - (i) of an approved cadetship, of at least thirty months, consisting of-
    - (aa) practical workshop training;
    - (bb) theoretical education; and
    - (cc) at least six months approved sea service; or
  - (ii) of an approved trade as an artisan in an engineering discipline; and
- (c) been assessed at levels 1, 2 and 3.

39.(1) A person who applies for a certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more shall be required to-

Second engineer  
officer STCW III/2.

- (a) meet the requirements for certification in terms of regulation 37;
- (b) have completed at least twelve months approved sea service as assistant engineer officer or engineer officer on ships of 3,000 kW propulsion power or more;
- (c) have passed a theoretical examination at an accredited institution and have successfully completed training; and

(d) have been assessed at level 3.

(2) A person who applies for a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power shall-

- (a) meet the requirements for certification in terms of regulation 37;
- (b) have completed at least twelve months approved sea service as assistant engineer officer or engineer officer on ships of 750 kW propulsion power or more;
- (c) have passed a theoretical examination at an accredited institution and have successfully completed training; and
- (d) have been assessed at level 3.

40.(1) A person who applies for a certificate of competency as chief engineer officer of a ship of 3 000 kW propulsion power or more shall be required to-

Chief engineer  
officer STCW III/2.

- (a) completed at least thirty six months approved sea service as assistant engineer officer or engineer officer on ships of 3 000 kW propulsion power or more, of which at least twelve months shall have been served as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

(2) A person who applies for a certificate of competency as chief engineer officer of a ship of less than 3 000 kW propulsion power shall be required to have-

- (a) completed at least thirty six months approved sea service as assistant engineer officer or engineer officer on ships of 750 kW propulsion power or more, of which at least twelve months shall have been served as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

41. A person who applies for a certificate of competency as an electro technical officer of a ship of 750 kW propulsion power or more shall-

Electro technical officer STCW III/6

- (a) be not less than eighteen years of age;
- (b) have completed at least twelve months of combined workshop skills training and approved sea service as part of an approved training programme which meets the requirements of Section A-III/ 6 of the STCW Code and is documented in an approved training record book, or otherwise not less than thirty six months of combined workshop skills training and approved service on a ship of which not less than thirty months shall be sea going service in the engine department;
- (c) have completed approved education and training to meet the standard of competence specified in section A-III/6 of the STCW Code; and
- (d) meet the standard of competence specified in Section IV/I, paragraph 2 , Section A-VI/2, paragraphs 1 to 4, section A-IV/3, paragraphs 1 to 4 and section A-IV/4 paragraphs 1 to 3 of the STCW Code.

*Rating certificates*

42. (1) A person who applies for endorsement as chief engineer officer of a ship of less than 3 000 kW propulsion power shall be required to have-

Endorsements.

- (a) completed at least twelve months approved sea service as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

(2) A person who applies for endorsement as chief engineer officer of a ship of less than 750 kW propulsion power shall have-

- (a) completed at least six months' approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more while holding, as a minimum, a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

(3) A person who applies for endorsement as chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area shall have-

- (a) completed at least twelve months approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more while holding, as a minimum, a certificate of competency as engineer officer;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

43.(1) A person who applies for a certificate of qualification as ordinary seafarer shall be at least eighteen years of age and shall have-

Ordinary seafarer  
STCW A-II/4.

- (a) completed-
  - (i) at least six months approved sea service on ships of 100 GT or more on unlimited or near-coastal voyages and have successfully completed approved on-board training; or
  - (ii) at least two months' approved sea service contemplated in subparagraph (i) and have successfully completed approved on-board accelerated training;
- (b) been assessed at level 1; and
- (c) been issued with a provisional certificate of qualification as ordinary seaman by the master of the ship on which the satisfactory assessment was completed.

(2) where a person has gained the period of service under sub-regulation (1) (a) on port operations vessels only and has been satisfactorily assessed at level 1, the candidate may be issued with a provisional certificate of qualification as ordinary seafarer (port operations) by the master of the ship on which the satisfactory assessment has been completed; and

(3) the provisional certificate under paragraph (2) shall be valid for a period of six months from date of issue and may be exchanged for the certificate of qualification as ordinary seaman (port operations) on application in accordance with regulation 12(1).

44.(1) A candidate for the certificate of qualification as able seafarer shall, while holding a certificate or provisional certificate of qualification as ordinary seafarer, have-

Able seafarer STCW  
A-II/4.

- (a) completed-

- (i) at least twelve months approved sea service on ships of 100 GT or more on unlimited or near-coastal voyages and have successfully completed approved on-board training; or
- (ii) at least six months approved sea service contemplated in subparagraph (i) and have successfully completed approved on-board accelerated training;
- (b) successfully completed an approved shore-based training course; and
- (c) been assessed at level 1 or 2.

(2) Where a candidate complies with sub-regulation (1) (b) and (c), but has gained the period of service contemplated in sub-regulation (1) (a) on port operations vessels only, the candidate shall qualify for the certificate of qualification as able seafarer (port operations) and may, in place of holding-

- (a) the certificate or provisional certificate of qualification as ordinary seafarer, hold the certificate or provisional certificate of qualification as ordinary seafarer (port operations); and
- (b) the certificate of qualification as proficient in survival craft.

45. A person who applies for a certificate of qualification as able seafarer deck shall, while holding a certificate or provisional certificate of qualification as ordinary seafarer shall be required to-

Able seafarer deck  
STCW A-II/5

- (a) be not less than eighteen years of age;
- (b) meet the requirements for certification as rating forming part of a navigational watch;
- (c) Have achieved approved seagoing service as part of a navigational watch in the deck department for-
  - (i) Not less than eighteen months, or
  - (ii) Where the person has completed approved training, and not less than twelve months and;
- (d) meet the standard of competence specified in section A-II/5 of the STCW Code.

46.(1) A person who applies for a certificate of qualification as wiper shall be at least eighteen years of age and shall have-

Wiper STCW A-III/4.

- (a) completed-
  - (i) at least six months approved sea service on ships of 100 GT or more on unlimited

- or near-coastal voyages and have successfully completed approved on-board training; or
- (ii) at least two months approved sea service contemplated in subparagraph (i) and have successfully completed approved on-board accelerated training;
- (b) been assessed at level 1; and
- (c) been issued with a provisional certificate of qualification as wiper by the chief engineer officer of the ship on which the satisfactory assessment was completed.

(2) Where a person has gained the period of service referred to in sub-regulation (1) (a) on port operations vessels only and has been satisfactorily assessed at level 1, the candidate may be issued with a provisional certificate of qualification as wiper (port operations) by the chief engineer officer of the ship on which the satisfactory assessment has been completed.

(3) The provisional certificate referred to in paragraph (2) shall be valid for a period of six months from date of issue and may be exchanged for the certificate of qualification as wiper (port operations) on application in accordance with regulation 12(1).

47.(1) A person who applies for a certificate of qualification as oiler shall, while holding a certificate or provisional certificate of qualification as wiper, have-

Oiler STCW A-III/4.

- (a) completed-
  - (i) at least twelve months approved sea service on ships of 100 GT or more on unlimited or near-coastal voyages and have successfully completed approved on-board training; or
  - (ii) at least six months' approved sea service contemplated in subparagraph (i) and have successfully completed approved on-board accelerated training;
- (b) successfully completed an approved shore-based training course; and
- (c) been assessed at level 1 or 2.

(2) Where a person complies with sub-regulation (1) (b) and (c), but has gained the period of service contemplated in sub-regulation (1) (a) on port operations vessels only, the candidate shall qualify for the certificate of qualification as oiler (port operations) and may, in lieu of holding-

- (a) the certificate or provisional certificate of qualification as wiper, hold the certificate or provisional certificate of qualification as wiper (port operations); and

- (b) the certificate of qualification as proficient in survival craft, hold the certificate of qualification as proficient in inflatable appliances.

48.(1) A person who applies for a certificate of qualification as electro technical rating shall, while holding a certificate or provisional certificate of qualification as ordinary seafarer-

Electro technical rating STCW A-III/7.

- (a) be not less than eighteen years of age;
- (b) have completed-
  - (i) approved seagoing service including not less than twelve months training and experience, or
  - (ii) approved training, including an approved seagoing service which shall not be less than six months or
  - (iii) training and attained qualifications which meet the technical competencies in table A-III/7 and an approved period of seagoing service, which shall not be less than three months; and
- (c) meet the standard of competence specified in section A-III/7 of the STCW Code

49. A person who applies for a certificate of qualification as able seafarer engine and who holds a certificate or provisional certificate of qualification as ordinary seafarer shall be required to-

Proficiency in inflatable appliances (Non STCW Certificate).

- (a) be not less than eighteen years of age;
- (b) meet the requirements for certification as rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room;
- (c) while qualified to service as a rating forming part of an engineering watch, have approved seagoing service in the engine department of-
  - (i) not less than twelve months, or
  - (ii) not less than six months and have completed approved training.
- (d) meet the standard of competence specified in section A-III/5 of the STCW Code.

50. A person who applies for a certificate of qualification as efficient general purpose rating (port operation) shall be required to-

General purpose rating (port operations) Non STCW Certificate).

- (a) have completed-
  - (i) at least eighteen months approved sea service on ships of 100 GT or more on unlimited or near-

coastal voyages and have successfully completed approved on-board training; or

- (ii) at least eighteen months port operations service and have successfully completed approved on-board training,

and the eighteen months' qualifying service shall consist of at least six months served on deck, at least six months served in the engine-room and the remaining six months served either on deck or in the engine-room, and during that period the person shall be required to have held the certificates of qualification as wiper and ordinary seafarer (with or without the port operations limitation) or have gained the combined sea service required by regulation 43 and 45;

- (b) successfully completed an approved shore-based training course; and
- (c) been assessed at levels 1 or 2.

51. A person who applies for a certificate of qualification as proficient in inflatable appliances shall be at least eighteen years of age and shall have-

Proficiency in inflatable appliances (Non-STCW Certificate).

- (a) completed at least six months' sea service or port operations service on ships of any tonnage; and
- (b) documentary proof of having successfully completed an approved shore-based training course.

52. A person who applies for a certificate of qualification as proficient in survival craft shall be at least eighteen years of age and shall have-

Proficiency in survival craft (STCW VI/2-1).

(a) completed-

- (i) at least twelve months sea service on ships of 100 GT or more on unlimited or near-coastal voyages.  
Or
- (ii) at least six months sea service contemplated in subparagraph (i) and have documentary proof of having successfully completed an approved shore-based training course; and

(b) been assessed at levels 1 or 2.

53. A person who applies for a certificate of qualification as proficient in fast rescue boats shall have successfully completed an approved training course while holding a certificate of qualification as proficient in survival craft.

Proficiency in fast rescue boats (STCW A-VI/2-2).

54. A person who applies for a certificate of qualification as efficient cook shall be at least eighteen years of age and shall have-
- (a) documentary proof of having successfully completed a training course as cook or chef; and
  - (b) completed at least six months sea service in the catering department on ships of 100 GT or more on unlimited or near-coastal voyages.

Efficient cook.

*Personnel on tankers and ro-ro passenger ships*

55.(1) An Officer and rating assigned specific duties and responsibilities related to cargo or cargo equipment on tankers shall have successfully completed, in addition to the other training required by these regulations, an approved shore-based tanker fire-fighting course as specified in the Code, and shall have-

Special requirements for personnel on tankers.

- (a) completed at least three months approved sea service on tankers in order to acquire adequate knowledge of safe operational practices; or
  - (b) completed an approved tanker familiarization course as specified in the Code.
- (2) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo on tankers shall, in addition to meeting the requirements of sub-regulation (1), be required to have completed-
- (a) at least three months' approved sea service in a watchkeeping capacity acquiring the experience appropriate to their duties in the type of tanker in which they wish to serve; and
  - (b) an approved specialized course, appropriate to the type of tanker for which the endorsement is required, as specified in the Code:

Provided that the Director-General may dispense with the requirement in sub-paragraph (6) if it is shown to the satisfaction of the Director-General that the person has served in a senior capacity on the type of tanker concerned for at least one year in the preceding five years.

(3) masters, officers and other persons referred to in sub-paragraph (2) who have served the three months' approved sea service in a watchkeeping capacity on an oil/chemical tanker (ship-type 2 or 3) engaged in carrying products listed in chapter 17 of the IBC Code shall, in addition to meeting the requirements of sub-paragraph 2(a), have successfully completed an approved shore-based practical training course.

(4) the course referred to in sub-paragraph (3) shall be conducted by a person with experience in the loading, discharging and handling of

products listed in chapter 17 of the IBC Code and shall be of at least 14 days duration, during which period at least four chemical tankers (ship-type 1, 2 or 3) shall be loaded or discharged.

(5) Documentary proof in the form of a logbook detailing the practical work performed during the course and signed by the person in charge of the training shall, in the absence of evidence to the contrary, be accepted as proof of a person having successfully completed the course.

(6) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with sub-regulation (1) or (2), or their existing certificate shall be endorsed, and every rating who is so qualified shall be certificated.

(7) A Master, officer and rating who is qualified in accordance with this regulation shall be required at intervals not exceeding five years to show continued professional competence on tankers, in accordance with regulation 4 (2).

56.(1) This regulation applies to a master, officer, rating and other personnel serving on ro-ro passenger ships.

Special  
requirements  
for personnel on ro-  
ro passenger

(2) Prior to being assigned shipboard duties on ro-ro passenger ships, seafarers referred to in sub-regulation (1) shall have successfully completed the training required by sub-regulations (4) to (8) in accordance with their capacity, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with sub-regulations (4), (7) and (8) shall, at intervals not exceeding five years, undertake approved refresher training as specified in the Code.

(4) A master, officer or other person assigned specific duties and other personnel designated on muster lists to assist passengers in emergency situations on ro-ro passenger ships shall completed approved training in crowd management as specified in the Code.

(5) A master, officer or other person assigned specific duties and responsibilities on ro-ro passenger ships shall have completed approved familiarization training as specified in the Code.

(6) Personnel providing direct service to passengers in passenger spaces shall have completed approved ro-ro passenger ship safety training as specified in the Code.

(7) A master, chief mate, chief engineer officer, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in the Code.

(8) A master, chief mate, chief engineer officer, second engineer officers and any other person having responsibility for the safety of passengers in emergency situations on ro-ro passenger ships shall have completed approved training in crisis management and human behaviour as specified in the Code.

(9) It shall be the duty of any person providing training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

(10) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with this regulation or their existing certificate shall be endorsed, and every rating so qualified shall be certificated.

57.(1) This regulation applies to masters, officers, ratings and other personnel serving on passenger ships, other than ro-ro passenger ships, engaged on unlimited voyages.

Special requirements for personnel on passenger ships other than ro-ro passenger ships.

(2) Prior to being assigned shipboard duties on passenger ships, seafarers referred to in sub-regulation (1) shall have successfully completed the training required by sub-regulation, (4) to (8), in accordance with their capacity, duties and responsibilities.

(3) A seafarer who are required to be trained in accordance with sub-regulations (4), (7) and (8) shall, at intervals not exceeding five years, undertake approved refresher training as specified in the Code.

(4) A Master, officers and other personnel designated on muster lists to assist passengers in emergency situations on passenger ships shall have completed approved training in crowd management, as specified in the Code.

(5) A Master, officers and other personnel assigned specific duties and responsibilities on passenger ships shall have completed approved familiarization training as specified in the Code.

(6) A person providing direct service to passengers in passenger spaces shall have completed approved passenger ship safety training as specified in the Code.

(7) Masters, chief mates, and every person assigned immediate responsibility for the embarking and disembarking passengers shall have completed approved training in passenger safety, as specified in the Code.

(8) Masters, chief mates, chief engineer officers, second engineer officers and any other person having responsibility for the safety of passengers in emergency situations on passenger ships shall have completed approved training in crisis management and human behaviour, as specified in the Code.

(9) It shall be the duty of any person providing training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

(10) An appropriate certificate shall be issued to a master and officer who is qualified in accordance with this regulation or their existing certificate shall be endorsed, and every rating so qualified shall be certificated.

*Qualifying service and removal of limitations, etc*

58.(1) A certificate shall not be issued to a person who, after the final assessment, is found to have insufficient qualifying service:

Insufficient  
qualifying service.

(2) The Director-General shall issue the certificate if he is satisfied that any error in calculating the qualifying service was not due to the person's own fault or deliberate misrepresentation and the person has made good the deficiency in qualifying service.

(3) Where it is found that the person made the error deliberately, the certificate of pass shall be withheld until he has completed an additional twelve months qualifying service, such service to count only when completed after the date of final assessment and not to count as qualifying service for any other certificate.

59. Sea service or port operations service as a rating shall count in full towards the qualifying service required for a first certificate of competency provided such service is appropriate to the certificate and the candidate has successfully completed approved training.

Qualifying service  
as rating.

60. The qualifying service for a particular certificate or endorsement shall be performed within a period not exceeding ten years after the date of completion of final assessment, or within such further period as a senior examiner may allow in special cases.

Validity of  
qualifying service.

61.(1) Sea service performed exclusively on deck on trawlers or other deep-sea fishing vessels of 100 GT or more shall count in full towards the qualifying service for a certificate of competency as mate (coastal) or deck officer, but a candidate shall, in addition, be required to complete at least twelve months approved sea service on ships on unlimited or near-coastal voyages, as appropriate to the certificate desired, and to produce a duly completed training record book covering that period.

rating service.

(2) Sea service performed on deck on naval or other ships that regularly proceed to sea shall count in full towards the qualifying service for a certificate of competency as mate (coastal) or deck officer:

Provided that a candidate shall, in addition, be required to complete at least twelve months approved sea service on ships on unlimited or near-coastal voyages, as appropriate to the certificate desired, and to produce a duly completed training record book covering that period, unless the candidate can show, to the satisfaction of an

examiner, that the functions and duties carried out on such naval or other ships are the same as those set out in the training record book required for the approved sea service component referred to in regulations 27 and 30.

(3) Sea service performed in the engine room on naval or other ships that regularly proceed to sea shall count in full towards the qualifying service for a certificate of competency as engineer officer:

Provided that a candidate shall, in addition, be required to complete at least six months approved sea service on ships on unlimited or near-coastal voyages, as appropriate to the certificate desired, and to produce a duly completed training record book covering that period, unless the candidate can show, to the satisfaction of an examiner, that the functions and duties carried out on such naval or other ships are the same as those set out in the training record book required for the approved sea service component referred to in regulation 37.

(4) Subject to any applicable tonnage or voyage limitation, sea service in cable ships, fishery protection vessels, research vessels, coastal patrol vessels, salvage vessels and other non-trading ships that regularly proceed to sea shall count in full towards qualifying service.

62. Qualifying service shall be calculated from the date of engagement on a ship to the date of discharge from the ship, and is calculated by taking the actual days between the days of engagement and discharge, both inclusive, and reckoning thirty days to a month, twelve months to a year.

Calculating  
qualifying service.

63. (1) A Kenyan Naval officer who holds a Naval Bridge watchkeeping board examination certificate and who has completed at least one year's sea service as a watch-keeping officer on Kenyan Naval Ships of thirty metres or more in overall length may apply for the issue of a certificate of competency as deck officer, provided he produces documentary proof of having-

Recognition of  
Naval officer's  
certificate.

- (a) completed the one year's sea service within the ten years preceding the date of application;
- (b) completed six months approved sea service on ships of 500 GT or more on unlimited voyages;
- (c) performed, during the period referred to in paragraph (b), at least one month's bridge watchkeeping duties under the supervision of a deck officer;
- (d) passed, at an accredited institution, the theoretical examinations in the subjects naval architecture, cargo handling and stowage, and business law and personnel management at the level of deck officer;
- (e) successfully completed the ARPA section of the Electronic Navigation Systems syllabus in the Code;

- (f) been assessed, at levels 1 and 2 in a training record book, at the operational level in cargo handling and stowage, ensuring compliance with pollution prevention requirements, monitoring compliance with legal requirements and operating life-saving appliances; and
- (g) been assessed at level 3 for the issue of a certificate of competency as deck officer.

(2) An application contemplated in sub-regulation (1) shall be accompanied by the relevant supplementary documents specified in the Schedule-

Provided that, where the candidate produces documentary proof of having successfully completed a naval course that has been certified by an examiner as equivalent to the course contemplated in the Schedule, the Registrar shall accept such documentary proof in lieu of the relevant document specified in the Schedule.

64.(1) A person who holds a certificate as radio operator (class 1 or 2) issued or recognized by or on behalf of the Kenya Communications Commission and who has completed at least three years' sea service as a radio officer on trading ships of 500 GT or more on unlimited voyages may apply for the issue of a certificate of competency as deck officer, provided he produces documentary proof of having-

Recognition of radio officer's certificate.

- (a) completed the three years sea service within the 10 years preceding the date of application;
- (b) completed six months approved sea service on ships of 500 GT or more on unlimited voyages and of having successfully completed approved on board training;
- (c) performed, during the period referred to in paragraph (b), four months' bridge watch-keeping duties under the supervision of a deck officer;
- (d) passed, at an accredited institution, the theoretical examinations in the subjects listed in the deck officer syllabus in the Code;
- (e) been assessed, at levels 1 and 2 in a training record book, at the operational level; and
- (f) been assessed at level 3 for the issue of a certificate of competency as deck officer.

(2) An application contemplated in sub-regulation (1) shall be accompanied by the relevant supplementary documents specified in the Schedule.

65.(1) A person who holds a certificate of competency as fisherman grade 2, 3, or 4 (skipper) may apply for an endorsement entitling him or her to serve in the capacity specified in paragraph (2)(b) on ships of less than 500 GT on near-coastal voyages.

Endorsements to certificate of competency as fisherman.

(2) The capacity in which the holder of a certificate referred to in subregulation (1) is entitled to serve is as follows-

- (a) fisherman Grade 2-master (coastal);
- (b) fisherman Grade 3-mate (coastal);
- (c) fisherman Grade 4 (Skipper)-coxswain (coastal) on ships of less than 100 GT, or coxswain (port operations) on ships of less than 200 GT.

(3) The ships referred to in subregulation (2) are-

- (a) petroleum drilling vessels;
- (b) fishery research and patrol vessels;
- (c) pollution patrol and combating vessel;
- (d) tugs, dredgers, hoppers and self-propelled floating cranes; and
- (e) offshore exploration;

(4) An application contemplated in sub-regulation (1) shall be accompanied by-

- (a) documentary proof of the applicant having-
  - (i) passed, at an accredited institution, the theoretical examinations in the subjects naval architecture, business law and personnel management at the levels of master (coastal) for the fisherman grade 2, mate (coastal) for the fisherman grade 3, and coxswain (coastal) for the fisherman grade 4 (skipper), respectively; and
  - (ii) been assessed at level 3 in the practical knowledge applicable to the subjects referred to in subparagraph (i) at the relative level appropriate to the endorsement concerned; and
- (b) the relevant supplementary documents specified in the Schedule, provided that, where the candidate produces documentary proof of having successfully completed a fishing course that has been certified by an examiner as equivalent to the course contemplated in the Schedule, the Registrar shall accept such documentary proof in lieu of the relevant document specified in the Schedule.

66.(1) Service performed on ships not regularly proceeding to sea shall count in full towards qualifying service if the time actually spent at sea equals or exceeds two-thirds of the total period of a candidate's service on the ship, and if the time actually spent at sea shall count towards qualifying service. While the time spent by a candidate standing by a ship under construction or refit, but not exceeding six months, shall count in full towards qualifying service.

Sea service performed on ships not regularly proceeding to sea, or employed in offshore exploration operations.

(2) Notwithstanding anything to the contrary in these regulations, sea service performed on ships employed in mining operations shall count towards the qualifying service for a deck officer certificate, as follows-

- (a) in the case of a certificate limited to mining operations, the sea service counts in full towards the qualifying service; and
- (b) in all other cases-
  - (i) if offshore exploitation operations were conducted for less than two thirds of the period of sea service, the sea service counts in full towards the qualifying service; or
  - (ii) if mining operations were conducted for two thirds or more of the period of sea service, the sea service shall not count for more than one half of the qualifying service.

(4) Qualifying service claimed in accordance with this regulation shall count as service on ships on unlimited or near-coastal voyages, as the case may be.

67. Service performed on a ship not registered in Kenya shall not count as qualifying service unless the service can be verified by the Director-General or, in a case where it cannot be so verified, by or on behalf of the government of the country to which the ship is registered.

Proof of service on foreign ships.

68. Documentary evidence of service on dynamically supported craft or other novel craft shall be submitted to a senior examiner for consideration.

Novel craft.

69. The holder of a certificate of competency as coxswain (coastal) who desires the issue of a certificate of competency as coxswain (unlimited) shall have-

Removal of coastal limitation to certificate of competency as coxswain.

- (a) completed half the qualifying service required for the certificate desired;
- (b) completed an assessment at level 3; and
- (c) passed a bridging examination, conducted by an accredited institution, covering the units of competency not covered in the examination for the certificate held.

70. The holder of a certificate limited to port operations who desires the removal of that limitation shall be required to-

Removal of "port operations" limitation.

- (a) complete the qualifying service required for each certificate leading up to the certificate desired;

- (b) complete the units of competency not required for the certificate held but required for the certificate desired;
- (c) complete any training courses not required for, the certificate held but required for the certificate desired;
- (d) be assessed at level 3 at the conclusion of the required qualifying service, and
- (e) submit to the examiner-
  - (i) satisfactory proof of having gained the qualifying service contemplated in paragraph (a);
  - (ii) a certificate of pass from an accredited institution for the additional units of competency contemplated in paragraph (b);
  - (iii) a duly completed training record book covering the period of service and the training contemplated in paragraphs (a) and (c), respectively; and valid eyesight test and medical fitness certificates.
- (iv) valid eyesight test and medical fitness certificates.

71. The holder of a certificate limited to offshore exploration operations who desires the removal of that limitation shall complete-

Removal of Offshore exploration operations limitation.

- (a) the qualifying service required for each certificate leading up to the certificate desired; and
- (b) an assessment at level 3.

72. The holder of a certificate limited to a certain tonnage who desires the removal of that limitation shall complete-

Removal of tonnage limitation.

- (a) the qualifying service required for each certificate leading up to the certificate desired; and
- (b) an assessment at level 3.

#### PART V — TRAINING INSTITUTIONS AND TRAINING PROGRAMMES

73.(1) The Director-General may, on application by a training institution, accredit the institution-

Accreditation of training institutions.

- (a) to conduct the courses specified in the instrument of accreditation;
- (b) to act as an approved examination centre for examination of the subjects so specified; and

- (c) to issue certificates to candidates who successfully complete the courses so specified.

(2) The application referred to in sub-regulation (1) shall be made in writing and shall be accompanied by the following particulars-

- (a) name and physical address of the training institution;
- (b) description of each course, and of its content, referenced in the Code, together with lecturers' study plans;
- (c) name of each course lecturer with a brief description of his qualifications and experience;
- (d) name of each course examiner with a brief description of his qualifications and experience;
- (e) examination and assessment procedure in respect of each course;
- (f) training and assessment facilities in respect of each course;
- (g) details of any quality assurance system applicable to the training activities of the institution; and
- (h) specimens of all certificates to be issued in respect of each course;

(3) For the purposes of accreditation, a training institution shall, on receipt of reasonable notice, make available-

- (a) for inspection by an examiner, classrooms, simulators, simulator approvals, libraries, laboratories, workshops, lecturers' study programmes, test scripts, past examination papers and scripts; and
- (b) for interview by an examiner, heads of departments, lecturers, internal examiners, and students.

(4) An accredited institution shall-

- (a) make available annually to the Director-General the course commencement and completion dates, and the examination dates; and
- (b) inform the Director-General, without delay, of any change of any lecturer or examiner, or of any change in a lecturer's study plan.

(5) An accredited institution which is accredited to conduct examinations or assessments on behalf of the Director-General shall-

- (a) make available, in reasonable time, examination question papers and memoranda for moderation by an examiner;

- (b) make available, without delay, examination scripts for moderation by an examiner;
- (c) upon receipt of at least two working days' notice, make available to an examiner, a candidate's course examination scripts and results, records of progress, completed projects, and reports by his tutors; and
- (d) for audit purposes, keep the documents referred to in paragraphs (a) to (c) for a period of at least five years.

(6) An examiner may visit an accredited institution at any reasonable time for the purpose of auditing the conduct of any accredited activity.

(7) The Director-General may vary or revoke accreditation granted under sub-regulation (1) if-

- (a) the institution concerned fails to comply with these regulations or any of the conditions of accreditation; or
- (b) the Director-General otherwise has reasonable grounds to vary or revoke such accreditation.

(8) Where the Director-General intends to vary or revoke accreditation under sub-regulation (7), he/she shall inform the institution concerned accordingly, giving it at least 30 days to correct any deficiencies or to furnish reasons why accreditation should not be varied or revoked.

(9) A list of all accreditations in force under sub-regulation (1), including the particulars thereof, shall be published in a marine notice.

74.(1) A candidate who follows an accelerated training programme in order to claim reduced qualifying service for certification as mate (coastal), deck officer or engineer officer, or as wiper, ordinary seafarer, oiler or able seafarer, with or without the port operations limitation, shall produce to an examiner satisfactory proof-

- (a) of having followed an approved on-board accelerated training programme throughout the required minimum period of qualifying service;
- (b) that all such service, while on board, was performed in a satisfactory manner; and
- (c) in the case of a candidate for the certificate of competency as deck officer, that not more than two months of such service were spent on ships in port standing-by, in dry-dock, undergoing engine repairs or otherwise laid up.

(2) The structure of the programme of training shall be set out in a training plan containing a clear statement of the objectives of each stage of training, both aboard ship and ashore, and the plan shall set out

Training programmes and training record books.

clearly the competencies to be attained by the end of the programme and how they are to be attained through a combination of education, training and practical experience aboard ship and ashore.

(3) A candidate shall be provided with a training record book to enable him or her to keep a comprehensive record of all practical training undertaken and of experience gained at sea. The training record book, duly completed, shall be submitted to an examiner before assessment at level 3 as proof of having completed a structured programme of on-board training.

(4) An accelerated training programme shall be approved by the Director-General before it is put into operation, which approval shall be published in a marine notice.

(5) A candidate who has not followed an accelerated training programme for a certificate referred to in sub-regulation (1) shall have completed, for presentation to an examiner when applying for the certificate, a training record book with the relevant units of competency completed at assessment level 1.

(6) A training record book shall be approved by the Director-General before use, and-

- (a) shall be completed in full and shall not be submitted to an examiner until all relevant units of competency have been duly signed off in accordance with regulation 19 (3);
- (b) shall be laid out in such a way that it provides detailed information about the tasks and duties that should be undertaken, and about the progress towards their completion;
- (c) if found to have been completed fraudulently, shall result in it's holder (the candidate) having to complete an additional twelve months qualifying service; and
- (d) shall adhere to the principles set out in the STCW Convention.

75.(1) A person who, whether aboard ship or ashore, conducts in-service training of a seafarer for the purposes of certification in terms of these regulations shall be required to-

In-service training.

- (a) have an appreciation of the training programme and a thorough understanding of the specific training objectives for the particular type of training being conducted;
- (b) have proof of being
- (c) qualified in the activities for which training is being conducted; and
- (d) if conducting training by means of a simulator, have proof of having-
  - (i) received appropriate guidance in instruction techniques involving the use of simulators; and

- (ii) gained practical operational experience on the particular type of simulator being used.

(2) A person who supervises in-service training shall be required to have a thorough knowledge and understanding of the training programme and of the specific objectives for each type of training being conducted.

76.(1) A person conducting in-service training shall ensure that-

Duties of instructors and candidates.

- (a) appropriate periods are set aside for completion of the programme of on-board training within the normal operational requirements of the ship;
- (b) at the beginning of the programme and at the start of each voyage on a different ship, candidates are given comprehensive information and guidance as to what is expected of them and how the training programme is to be conducted;
- (c) a training officer is designated to administer the programme;
- (d) ship's officers who are responsible for training and assessment know and understand their duties and responsibilities regarding training;
- (e) ship's officers receive appropriate training in assessment methods;
- (f) during the required period of qualifying service, a candidate receives systematic practical training and experience in the tasks, duties and responsibilities relevant to the certificate desired, with due regard to the competencies specified in the Code;
- (g) assessments of a candidate are conducted, without undue delay, when a candidate is considered ready for assessment;
- (h) the on-board training forms an integral part of the overall training plan;
- (i) the programme of on-board training is managed and co-ordinated by the person managing the ship on which the qualifying service is to be performed; and
- (j) a comprehensive record is kept of all training conducted.

(2) A person designated as a training officer pursuant to sub-regulation (1) (c) shall be responsible for-

- (a) the overall administration of the training programme;
- (b) monitoring candidates' progress throughout the programme; and
- (c) giving guidance, when necessary, and ensuring that the training programme is conducted properly.

(3) A master's responsibilities shall be to-

- (a) provide the link between the ship's officers responsible for training and the training officer ashore;
- (b) designate, in writing, the ship's officers who are to be responsible for organizing and supervising on-board training for each voyage;
- (c) ensure continuity in the case of any change of ship's officers during voyages; and
- (d) ensure that all personnel concerned carry out effectively the on-board training programme.

(4) Unless the master directs otherwise in the interests of the safe operation of the ship, every ship's officer designated pursuant to sub-regulation (3) (b) shall be responsible for-

- (a) organizing the programme of practical training at sea;
- (b) ensuring, in a supervisory capacity, that training record books are properly maintained and that all other requirements are met; and
- (c) ensuring so far as practicable, that the time the candidate spends on board is as useful as possible in terms of training and experience, and is consistent with the objectives of the training programme and the progress of training.

(5) A candidate shall-

- (a) diligently follow the programme of training;
- (b) utilize fully the opportunities presented, both during and outside working hours; and
- (c) keep his training record book up-to-date and available for inspection at all reasonable times.

#### SCHEDULE

##### DOCUMENTS ACCOMPANYING AN APPLICATION FOR EXAMINATION

###### ENGINEER OFFICERS

<i>Documents to accompany application</i>	<i>Class of Certificate</i>				
	<i>Chief engineer officer</i>	<i>Second engineer officer</i>	<i>Engineer Officer</i>	<i>Second engineer officer (Port operations)</i>	<i>Chief engineer officer (Port operations)</i>
Proof of identity	X	X	X	X	X
Testimonials (certificate of apprenticeship)	X	X	X	X	X
Previous certificate of competency	X	X	X(A)	X	X
Engineer watchkeeping training certificate	--	-	X	-	-

Documents to accompany application	Class of Certificate				
	Chief engineer officer	Second engineer officer	Engineer Officer	Second engineer officer (Port operations)	Chief engineer officer (Port operations)
Medical certificate	X	X	X	X	X
Proof of sea service	X	X	X	X	X
First aid at sea certificate	X	X	X	X	X
Fire fighting course certificate	X	X	X	X	X
Advanced fire fighting course certificate	X	X	X	X	X
Certificate of proficiency in survival craft	-	-	X	-	-
Certificate of proficiency in inflatable appliances	-	-	-	X	X

Note:

(A) Or training book

#### ECK OFFICERS

Documents to accompany application	Class of certificate and endorsement									
	Master	Chief mate	Deck officer	Master < 500 GT endorsement	Chief mate < 3000 GT endorsement	Master (Coastal)	Mate (Coastal)	Master (Port operations)	Coxswain (Unlimited)	Coxswain (Near coastal or port operations)
Proof of identity	X	X	X	X	X	X	X	X	X	X
Testimonials	X	X	X	X	X	X	X	X	X	X
Previous certificate of competency/training record book	X	X	X	X	X	X	X	X	-	-
Bridge watchkeeping training certificate	-	-	X	-	-	-	X	-	X	X
Watchkeeping certificates	X	X	-	X	X	X	-	X	-	-
Sight test certificate	X	X	X	X	X	X	X	X	X	X
Medical certificate	X	X	X	X	X	X	X	X	X	X
Proof of sea service	X	X	X	X	X	X	X	X	X	X
First aid at sea certificate	-	-	X	-	-	-	X	X	X	X
Ship captain's medical training	-	X	-	X	X	X	-	-	-	-

Documents to accompany application	Class of certificate and endorsement									
	Master	Chief mate	Deck officer	Master < 500 GT endorsement	Chief mate < 3000 GT endorsement	Master (Coastal)	Mate (Coastal)	Master (Port operations)	Coxswain (Unlimited)	Coxswain (Near coastal or port operations)
certificate										
Fire fighting course (small vessels) certificate	-	-	-	-	-	-	-	-	X	X
Fire fighting course certificate	X	X	X	X	X	X	X	X	-	-

## DECK OFFICERS

Documents to accompany application	Class of certificate and endorsements									
	Master	Chief mate	Deck officer	Master < 500 GT endorsement	Chief mate < 3000 GT endorsement	Master (Coastal)	Mate (Coastal)	Master (Port operations)	Coxswain (Unlimited)	Coxswain (Near coastal or port operations)
Advanced fire fighting course certificate	X	X	X	X	X	X	X	X	-	-
Able seafarer certificate	-	-	X	-	-	-	X	-	-	-
Documentary proof of pass at an accredited institution	X	X	X	X	X	X	X	X	X	X
Certificate of proficiency in survival craft	-	-	X	-	-	-	X	-	-	-
Certificate of proficiency in inflatable appliances	-	-	-	-	-	-	-	-	X	X
Restricted radio operator's certificate (Marine)	-	-	-	-	-	-	X	-	-	X
GMDSS restricted operator's certificate	X	X	XD	-	X	X(A)	-	-	X	-

Note:

(A) For the endorsement as deck officer

## RATINGS

Documents to accompany application	Certificate of qualification								
	Wiper	Ordinary seafarer	Oiler	Able seafarer	Efficient general purpose rating (port operations)	Proficiency in survival craft	Proficiency in Inflatable appliances	Proficiency in fast rescue boats	Efficient cook
Proof of identity	X	X	X	X	X	X	X	X	X
Proof of sea service	X	X	X	X	X	X	X	-	-
Approved training record book	X	X	X	X	X	-	-	-	-
Sight test certificate	-	X	-	X	X	-	-	-	-
Medical certificate	X	X	X	X	X	X	-	-	-
Fire fighting course certificate	-	-	X	X	X	-	-	-	X
First aid at sea certificate	-	-	X	X	X	-	-	-	X
Documentary proof of pass at an accredited institution	-	-	X	X	X	X (Where applicable) X	X	X	X
Certificate of proficiency in survival craft	-	-	X	X	-	-	-	X	-
Provisional certificate as ordinary seafarer	-	X	-	-	-	-	-	-	-
Certificate as ordinary seafarer	-	-	-	X	X(A)	-	-	-	-
Provisional certificate as wiper	X	-	-	-	-	-	-	-	-
Certificate as wiper	-	-	X	-	X(B)	-	-	-	-
Certificate of proficiency in inflatable appliances	-	-	-	-	X	-	-	-	-

## Notes:

- (A) Or certificate as ordinary seafarer (port operations)  
 (B) Or certificate as wiper (port operations)

## Provisions applicable to tables

The following provisions shall have effect in relation to the tables set out above:

- (a) A sight test certificate is an eyesight certificate issued in accordance with the

requirements of the Merchant Shipping (Eyesight and Medical Examination) Regulations, 2012;

- (b) The First Aid at Sea certificate is valid for a period of five years from the date of passing the examination at an accredited institution.
- (c) The Ship Captain's Medical Training Certificate is valid for a period of five years from the date of passing the examination at an accredited institution. For admission to the ship captain's medical training course, a candidate shall hold a valid first Aid at Sea Certificate or an expired Ship Captain's Medical Training certificate.
- (d) Fire-fighting and advanced fire-fighting course certificates are valid for a period of five years from the date of successful completion of the course at an accredited institution.
- (e) A restricted certificate of competence in radiotelephony or a GMDSS restricted operator's certificate, as the case may be, will be issued by the Independent Communications Authority of Kenya to a candidate who passes the qualifying examination.
- (f) A medical certificate issued in accordance with Part 2 of the Merchant Shipping (Eyesight and Medical Examination) Regulations, 2012, and is valid from the date of issue for a period, not exceeding 12 months, stated in the certificate.
- (g) A training record book is an approved book wherein a record is kept of a trainee's practical training and of the assessments of such training at levels 1 and 2.
- (h) A watchkeeping certificates, signed by the master, serves as proof of a candidate's having acted as a watchkeeping officer. The certificate shall be in the form set out in the Code.
- (i) Bridge watchkeeping training certificates, signed by the master(s), attest to the candidate's having spent at least the specified number of months of qualifying service on duties associated with bridge watchkeeping under the supervision of a deck officer. The certificate shall be in the form prescribed.
- (j) Proof of sea service shall be submitted in the form of a Seafarer's Record Book (discharge book) or Certificates of Discharge, signed by the master(s).
- (k) Documentary proof of qualification at an accredited institution is a document issued by an accredited institution declaring that the candidate has passed a written theoretical examination or has successfully completed an approved course.

Dated the 2nd October, 2012.

AMOS KIMUNYA,  
*Minister for Transport.*