



STATUTORY INSTRUMENTS.

S.I. No. 313 of 2023



FISHING VESSELS (CERTIFICATION OF DECK OFFICERS AND
ENGINEER OFFICERS) REGULATIONS 2023

S.I. No. 313 of 2023

FISHING VESSELS (CERTIFICATION OF DECK OFFICERS AND
ENGINEER OFFICERS) REGULATIONS 2023

I, JACK CHAMBERS, Minister of State at the Department of Transport, in exercise of the powers conferred on me by sections 3 and 8 of the Merchant Shipping (Certification of Seamen) Act 1979 (No. 37 of 1979), and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 351 of 2020)) and the Transport (Delegation of Ministerial Functions) Order 2023 (S.I. No. 211 of 2023), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 2023.

(2) These Regulations come into operation on 1 July 2023.

Definitions

2. In these Regulations-

“certificate of competency” means a certificate issued under Regulation 6 authorising the lawful holder to serve on a fishing vessel in a capacity as stated in the document;

“certificate of equivalent competency” means a document issued under Regulation 7 authorising the lawful holder to serve on a fishing vessel in a capacity as stated in the document;

“Exam Directions” means those publications issued by the Department of Transport, in relation to requirements for Deck Officers and Engineer Officers on Fishing Vessels, respectively, which specify the standards of competency and the conditions to be satisfied before a certificate of competency under these Regulations will be issued;

“fishing vessel” means any sea-going ship or boat registered in the State, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing;

“length” in relation to a fishing vessel, means the registered length shown on the vessel’s certificate of registry;

“length overall (L_{oa})” means the length measured in a straight line from the fore part of the stem at top to the aftermost side of the transom or stern contour;

“limited area” means any location within the area bounded by a line from a point on the Norwegian coast in latitude 61° north due west to a point 61° north 14°30’ west, thence to a point 42° north 14°30’ west and thence due east to the Spanish Coast;

“master” or “skipper” means the person having, for the time being, the command, or charge, of a fishing vessel, who holds a certificate of competency or a certificate equivalent to a certificate of competency, recognised by the Department of Transport for the purposes of these Regulations;

“owner” means the owner of a fishing vessel or any other organisation or person, such as the manager, agent or charterer, who has assumed responsibility for the operation of the fishing vessel from the owner;

“Regulations of 1988” means the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988 (S.I. No. 289 of 1988);

“STCW-F Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, adopted by the International Maritime Organization on 7 July 1995 and entered into force on 29 September 2012;

Application

3. These Regulations apply to fishing vessels of 15 metres in length overall (L_{oa}) and over.

Revocations

4. The following are revoked:

- (a) the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988 (S.I. No. 289 of 1988),
- (b) the Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations, 2000 (S.I. No. 192 of 2000),
- (c) the Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations, 2019 (S.I. No. 673 of 2019), and
- (d) the Merchant Shipping (Recognition of British Certificates of Competency) Order, 1995 (S.I. No. 228 of 1995).

Classes of certificates of competency

5. (1) Certificates of competency issued in accordance with these Regulations shall be of the following classes –

- (a) Deck Officers:
 - Skipper (Full),
 - Skipper (Limited),
 - Skipper (Limited) <24m,
 - Second Hand (Full),
 - Second Hand (Special), and
 - Second Hand (Limited),

and

(b) Engineer Officers:

Engineer Officer Certificate of Competency (Fishing Vessel)
Class 1,

Engineer Officer Certificate of Competency (Fishing Vessel)
Class 2, and

Engineer Officer Certificate of Competency (Fishing Vessel)
Class 3.

(2) For the purposes of these Regulations, a certificate of competency of a class set out in the list contained in either subparagraph (a) or (b) of paragraph (1), shall be treated as being a certificate of a higher class than a certificate of any class which is set out after it in that list.

(3) The capacity and limitations of a certificate of competency for Deck Officers and Engineer Officers is set out in the Schedule.

(4) Notwithstanding paragraph (1)(a), certificates of competency as Second Hand (Special) shall not be issued after 1 July 2026 except that they may be revalidated in accordance with Regulation 6(4).

Conditions applicable to issue of certificates

6. (1) The Minister may conduct, or arrange for the conduct of, examinations of persons who are applying, or might apply, for a certificate and such arrangements may include –

- (a) the standards of competence to be attained and the conditions to be satisfied by a person before he or she may be issued with a certificate under these Regulations, including any exceptions applicable with respect to any such standards or conditions,
- (b) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be evidenced, and
- (c) the conditions of admission to any such examination.

(2) Any person applying for a certificate of competency under these Regulations shall –

- (a) pass an examination appropriate to the certificate of competency being applied for as conducted or arranged for by the Minister under paragraph (1),
- (b) provide proof of their identity,
- (c) meet the standards of medical fitness, as required by the European Union (International Labour Organisation Work in Fishing Convention) (Medical Examination) Regulations 2020 (S.I. No. 266 of 2020),
- (d) ensure that their age is not less than the age provided by the European Union (International Labour Organisation Work in

Fishing Convention) (Minimum Age) Regulations 2020 (S.I. No. 179 of 2020),

- (e) complete the seagoing service, or any related compulsory training, corresponding to the certificate applied for,
- (f) meet the relevant standards of competence and any conditions to be satisfied for the capacity, function and level of the certificate applied for, and
- (g) pay the appropriate fee,

in accordance with the latest Exam Directions that are in force, which set out full details of the requirements for each certificate.

(3) Where the Minister is satisfied, having regard to all the relevant circumstances, that the applicant has met all of the requirements of paragraph (2) and is a fit person to be the holder of the certificate and to act competently in the capacity to which it relates, he or she shall issue the relevant certificate of competency, and such certificate shall expire 5 years after its date of issue.

(4) A certificate of competency that is issued in accordance with paragraph (3) may be revalidated by the Minister for a further period of 5 years, and every 5 years thereafter, subject to the requirement to complete updated training for the relevant ancillary courses at intervals not exceeding 5 years.

(5) A fisher shall provide the owner of a fishing vessel of which he or she is a member of the crew with original documentation and data pertaining to his or her competency. The owner shall ensure that the original documentation and data relevant to the competency of all fishers on the fishing vessel are maintained and readily available for inspection on board and include, at a minimum, documentation and data on the fisher's competency in assigned duties and training.

Recognising other certificates and issuing certificates of equivalent competency

7. (1) Engineer Officers in possession of certificates of competency issued under the European Union (Training, Certification and Watchkeeping for Seafarers) Regulations 2014 (S.I. No. 242 of 2014), set out in column 1 of the Table to this paragraph, shall be deemed to have fulfilled the requirements for a position requiring an Engineer Officer Certificate of Competency (Fishing Vessel), in the specified numbered class, issued under these Regulations, set out opposite thereto in column 2 of that Table. However, it does not hold that a certificate issued under these Regulations will be recognised for the purposes of S.I. No. 242 of 2014.

Table

Column 1	Column 2
Certificate issued under S.I. No. 242 of 2014	Class of Fishing Vessel Certificate

Chief Engineer Officer STCW Regulation III/2	Engineer Officer Certificate of Competency (Fishing Vessel) Class 1
Second Engineer Officer STCW Regulation III/2, or Chief Engineer Officer STCW Regulation III/3 on vessels of less than 3000 kW propulsion power	Engineer Officer Certificate of Competency (Fishing Vessel) Class 2
Engineer Officer in Charge of a Watch STCW Regulation III/1	Engineer Officer Certificate of Competency (Fishing Vessel) Class 3

(2) The Minister –

- (a) shall recognise a certificate of competency for a fishing-related profession or professional activity listed in column 1 of Schedule 1 of, and in accordance with, the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017), which has been issued to a fisher by a competent authority in another European Union Member State, and
- (b) may recognise a certificate of competency issued by a competent authority of another state, subject to such standards and conditions as the Minister determines appropriate, including certificates issued in accordance with the STCW-F Convention.

(3) Notwithstanding the revocation of the Merchant Shipping (Recognition of British Certificates of Competency) Order 1995 (S.I. No. 228 of 1995), a certificate of competency for work aboard a fishing vessel issued by the Government of the United Kingdom of Great Britain and Northern Ireland prior to 1 July 2025, shall continue to be recognised by the Minister, in accordance with that Order, until 1 July 2026. In the period up until then, the holder of such a certificate must apply to the Minister to obtain a certificate of equivalent competency to replace the aforementioned certificate to continue to act in a certified capacity equivalent to the level recognised prior to these Regulations coming into force.

(4) The holder of a certificate of competency for work aboard a fishing vessel issued by the Government of the United Kingdom of Great Britain and Northern Ireland after 1 July 2025, must apply to the Minister to obtain a certificate of equivalent competency before he or she may act in a certified capacity on board a fishing vessel under these Regulations.

(5) A certificate of equivalent competency issued on foot of an application under paragraph (4) will be issued in line with the level of recognition that is in force at the time of the application.

(6) The Minister may treat such certificates of competency referred to in paragraphs (2), (3) or (4) as evidence of the attainment of a standard of competency equivalent to the standard required for the issue of a specified class of certificate under these Regulations and may issue a certificate of equivalent

competency, subject to any necessary engagement with the issuing authority to determine that the applicant is a fit person to be the holder of the certificate and to act competently in the capacity to which it relates.

(7) Any certificate of equivalent competency issued in accordance with paragraph (6) shall remain valid until the expiration of the certificate of competency on which it is based or for a period of 5 years, whichever is less whereupon it may be revalidated by the Minister for a further period of 5 years, and every 5 years thereafter.

Certificates to continue in force

8. (1) A certificate of competency, issued under section 414 of the Merchant Shipping Act, 1894, or under the Regulations of 1988, notwithstanding the revocation of those Regulations, of a class set out in column 1 of the Table to this paragraph, shall continue in force, for a period of 5 years from the date on which these Regulations come into operation after which period it shall expire, and shall be treated as equivalent to a certificate of competency issued under Regulation 6(3) of a class set out opposite thereto in column 2 of that Table.

Table

Column 1 Class of 1894 Certificate, or Regulations of 1988 Certificate	Column 2 Equivalent class of Deck/Engineer Officer Certificates of Competency issued under these Regulations
Skipper (Full)	Skipper (Full)
Skipper (Limited)	Skipper (Limited)
Second Hand (Full)	Second Hand (Full)/Skipper (Limited) <24m
Second Hand (Special)	Second Hand (Special)
Second Hand (Limited)	Second Hand (Limited)
Engineer Officer Certificate of Competency (Fishing Vessel) Class 1	Engineer Officer Certificate of Competency (Fishing Vessel) Class 1
Engineer Officer Certificate of Competency (Fishing Vessel) Class 2	Engineer Officer Certificate of Competency (Fishing Vessel) Class 2
Engineer Officer Certificate of Competency (Fishing Vessel) Class 3	Engineer Officer Certificate of Competency (Fishing Vessel) Class 3

(2) Notwithstanding the revocation of the Regulations of 1988, Deck Officer certificates of service of a description set out in column 1 of the Table to this paragraph, issued in accordance with those Regulations, shall continue in force, for a period of 5 years from the date on which these Regulations come into operation after which period they shall expire, and such a certificate shall be treated as equivalent to a Deck Officer certificate of competency issued under Regulation 6(3) of the class set out in column 2 of that Table opposite that description of certificate of service.

Table

Column 1 Certificate of Service (Deck Officer)	Column 2 Equivalent class of Deck Officer Certificates of Competency issued under these Regulations
Skipper in vessels of less than 50 tons but 15 metres or more in the limited area	Second Hand (Special) less than 50 tons but 15 metres or more in the limited area
Second Hand in vessels of less than 50 tons but of 25 tons or more or of 15 metres or more	Second Hand (Limited) less than 50 tons but of 25 tons or more or of 15 metres or more

(3) Notwithstanding the revocation of the Regulations of 1988, Engineer Officer certificates of service of Class 1, Class 2 and Class 3, issued in accordance with those Regulations, shall continue in force, for a period of 5 years from the date on which these Regulations come into operation after which period they shall expire, and any such certificate shall be treated as equivalent to an Engineer Officer Certificate of Competency (Fishing Vessel), of the corresponding numbered class, issued under Regulation 6(3).

(4) Certificates continuing in force, in accordance with paragraphs (1) to (3), may be revalidated by the Minister for a further period of 5 years, and every 5 years thereafter, subject to the requirement to complete updated training for the relevant ancillary courses at intervals not exceeding 5 years.

Validity, record and surrender of certificates

9. (1) A certificate shall remain valid, until its expiry date, for sea-going service, only so long as the holder can comply with the standards and conditions as to medical fitness and competency to act in the appropriate capacity, as specified in Regulation 6.

(2) A record of all certificates issued under these Regulations and of the suspension, cancellation or alteration of, and any other matters affecting, any such certificate shall be kept in such manner as the Minister may require.

(3) Where the holder of a certificate of a particular class issued under these Regulations is issued with a certificate of a higher class, he or she shall surrender

the first mentioned certificate to the Minister, or to such person as the Minister directs, for cancellation.

Loss of certificates

10. If a person entitled to a certificate of competency, certificate of service, or a certificate of equivalent competency proves to the satisfaction of the Minister that he or she has, without fault on his or her part, lost or been deprived of a certificate already issued to him or her, the Minister shall, and where he or she is not so satisfied may, on payment of such fee, if any, as may be required, cause a copy of the certificate to which the person appears to be entitled to be issued to him or her. Any such copy shall, before it is so issued, be certified as such as the Minister may have required under Regulation 9(2).

Requirement to act in capacity for which certified

11. (1) Subject to paragraph (2), no person shall act in a capacity which requires a certificate of competency under these Regulations unless he or she holds a certificate of competency issued in accordance with Regulation 6(3) a certificate recognised under Regulation 7(1), a certificate of equivalent competency issued in accordance with Regulation 7(6), or a certificate recognised as continuing in force under Regulation 8.

(2) In the event of the death or incapacity of any officer required to be certificated under these Regulations, a Deck Officer or Engineer Officer, as appropriate, who is not certified to act in that capacity may act in the certified capacity until the vessel reaches the next intended port of call.

(3) A person shall not appoint any other person to act in a capacity for which he or she is not duly qualified in accordance with these Regulations.

Schedule

Regulation 5(3)

Deck Officer capacities and limitations

Capacity	Limitations Applying
Skipper (Full)	None.
Skipper (Limited)	Skipper of a fishing vessel of less than 100m in length in the limited area.
Skipper (Limited) <24m	Skipper of a fishing vessel of less than 24m in length in the limited area.
Second Hand (Full)	None.

Second Hand (Special)	Skipper of a fishing vessel of less than 24m in length in the limited area only or Deck Officer in the limited area.
Second Hand (Limited)	Deck Officer in the limited area.

Engineer Officer capacities and limitations

Capacity	Limitations Applying
Engineer Officer Certificate of Competency (Fishing Vessel) Class 1	None.
Engineer Officer Certificate of Competency (Fishing Vessel) Class 2	None, or Chief Engineer Officer on a fishing vessel of less than 3000 kW propulsion power.
Engineer Officer Certificate of Competency (Fishing Vessel) Class 3	None, or Second Engineer Officer on a fishing vessel of less than 3000 kW propulsion power.

GIVEN under my hand,
13 June 2023

JACK CHAMBERS,
Minister of State at the Department of Transport

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations provide for the issuing of certificates of competency for Deck Officers and Engineer Officers for fishing vessels and the conditions that apply for the use of the certificates. They also provide for the recognition of certain other certificates of competency, and the issuing of certificates of equivalent competency, as well as allowing for certificates issued under previous Regulations to continue in force. The Regulations revoke and replace the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988 (S.I. No. 289 of 1988) and their amending regulations. They also revoke the Merchant Shipping (Recognition of British Certificates of Competency) Order, 1995 (S.I. No. 228 of 1995).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 3.50

