

# **MONGOLIA MERCHANT SHIPPING REGULATIONS**



## **MERCHANT SHIPPING (CERTIFICATION AND MANNING) RULES 2003**

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## **MERCHANT SHIPPING REGULATIONS**

### **MERCHANT SHIPPING (CERTIFICATION AND MANNING) RULES 2003**

In exercise of the powers conferred by Article 8 and Article 10 of the Sea Exploitation Law of Mongolia, the Director of the Mongolia Ship Registry, with the approval of the Minister for Infrastructure, hereby makes the following

**Rules:**

**PART I**

**PRELIMINARY**

**S1. Citation and commencement**

These Rules may be cited as the Merchant Shipping (Certification and Manning) Rules 2003 and shall come into operation on 8 February 2003.

**S2. Definitions**

In these Rules, unless the context otherwise requires —

"certificate of competency" means a certificate of competency issued by an administration in accordance with the STCW Code;

"Party" means a State for which the STCW Convention 1978, as amended in 1995, has entered into force and has been found to give full and complete effect to the Convention requirements;

"approved" means approved by the Government of Mongolia;

"Director" means the Director, Registrar, Deputy Registrar, a Mongolia Ship Registry agency, or any person acting under the authority of the Minister responsible for ship registration;

"appropriate certificate" means a certificate issued by another administrations or by Mongolia Ship Registry (COE, DCE and Seaman Identification Book only) and endorsed in accordance with the provisions of STCW95 and these Rule entitling the lawful holder to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage or power and means of propulsion concerned while engaged on the particular voyage concerned;

"certificate of recognition/endorsement" means a document entitled "Certificate of Recognition/Endorsement for Service on Mongolian Ships" attesting the

recognition/endorsement of an appropriate certificate issued under the provisions of the STCW Convention 1978, as amended;

"master" means the person having command of a ship;

"certificate of proficiency in survival craft and rescue boats" means a certificate of proficiency in survival craft and rescue boats issued by an administration and in accordance with the STCW Code;

"chief engineer officer" means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;

"chief mate" means the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;

"Constitution and Convention of the International Telecommunication Union" means the Constitution and Convention of the International Telecommunication Union signed at Geneva in 1992 and includes every revision or modification thereof to which the Government of Mongolia is a party;

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended on 7th July 1995 and any amendment thereto which has come into force and has been accepted by the Government;

"IMO" means the International Maritime Organization;

"International Convention for the Safety of Life at Sea" means the International Convention signed at London on 1st November 1974, and includes the Regulations annexed thereto, or a subsequent International Convention relating to the safety of life at sea to which Mongolia is a party and every regulation which may be annexed thereto;

"power" , in relation to a ship, means the brake or shaft power as shown in the ship's register, that is to say, the total continuous rated brake or shaft power of all the propulsion engines, irrespective of whether some of the power may be diverted from the propulsion shafts or whether all the power is normally used;

Mongolia is a landlocked country and has no territorial waters. However, the Operational headquarters of Mongolia Ship Registry is located in Singapore. For the purpose of determining manning requirements on ships operating out from its operational headquarter, the Mongolia ship registry has adopted its "near coastal voyages" within the following limits:

An imaginary line drawn from a position in the Gulf of Martaban in latitude 16° 15' north, longitude 96° east in a south-easterly direction to a position in latitude 15° north, longitude 97° east, thence due south to a position in latitude 9° north,

longitude 97° east, thence in a south-westerly direction to a position in latitude 6° north, longitude 94° east, thence due south to a position in latitude 4° north, longitude 94° east, thence in a south-easterly direction to a position in latitude 8° south, longitude 104° east, thence in an easterly direction to a position in latitude 10° south, longitude 120° east, thence due east to a position in latitude 10° south, longitude 125° east, thence due north to a position in latitude 8° north, longitude 125° east, thence due west to a position in latitude 8° north, longitude 110° east, thence in a 315° direction (N.W. true) to the coast of Vietnam, thence initially westward following the coasts of Vietnam, Cambodia, Thailand, the Malay Peninsular and Myanmar to the starting point;

"near coastal ship" means a ship plying solely within near coastal voyage region;

"qualified deck officer" means an officer of the deck department who is qualified in accordance with regulation 4(3);

"qualified marine engineer officer" means a marine engineer officer who is qualified in accordance with regulation 4(3);

"rating" means a member of the ship's crew other than the master or a deck officer or a marine engineer officer;

"safe manning requirements" means the minimum number of deck officers and marine engineer officers that shall be carried on a ship under Section 13 and 14, respectively; or the number of other persons that shall be carried on a ship under the safe manning document issued by the Director in respect of that ship in compliance with IMO resolution A.481(XII) and any amendment thereto which has come into force;

"second engineer officer" means the engineer officer next in rank to the chief engineer officer and upon whom the 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;

"STCW Code" means the Seafarers' Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and any amendment thereto which has come into force and has been accepted by the Government;

"survival craft" includes an approved lifeboat, liferaft or any other craft used for survival at sea;

"tons" means gross tonnage.

"radio duties" include, as appropriate, watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the

International Convention for the Safety of Life at Sea and the provisions of these Rules;

"chemical tanker" means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed on Chapter 17 of the International Bulk Chemical Code;

"ro-ro passenger ship" means a passenger ship with ro-ro cargo spaces or specified category cases, as defined in the International Convention for the Safety of Life at Sea 1974, as amended;

"Merchant Shipping Rules" means Rules issued by the Director, Registrar, Deputy Registrar, a Mongolia Ship Registry agency, or any person acting under the authority of the Minister responsible for ship registration;

"company" means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer who has assumed the responsibility for the operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by these Rules;

"operational level" means the level of responsibility associated with serving as officer in charge of a navigational or engineering watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on board a sea going ship;

"support level" means the level of responsibility associated with performing assigned tasks, duties or responsibilities on board a sea going ship under the direction of an individual serving on the operational or management level; and

"function" means a group of tasks, duties and responsibilities as specified in these Rules, necessary for ship operation, safety of life at sea or protection of the marine environment.

### **S3. Application**

These Rules shall apply to all self-propelled ships registered in Mongolia unless otherwise stated.

## **PART II**

### **POLICY AND CERTIFICATION OF OFFICERS**

#### **S4. Policy, Qualified officers, Recognised Deck and Engineer officers' certificates**

(1) The Government of Mongolia is committed to the full and complete implementation of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978. The provision of the STCW Convention, as amended in 1995, is adopted for compliance by all Mongolian-registered vessels. The policy in this respect is to ensure that:

- (a) Certificates of competency in accordance with Reg. II/1, II/2, II/3, III/1, III/2, III/3, IV and VII/1 are only recognised, not issued, by the Director. After an assessment of the training and certification status of all the Parties recently recognized by Mongolia, the Government will only issue certificates of recognition to those seafarers who satisfy all the requirements of Regulation 1/10, provided that those other Parties have been found to give full and complete effect to the provisions of the Convention.
- (b) Certificates of competency issued by other Parties relating to Reg. II/4 and III/4 are accepted as equivalent certificates for service on board Mongolian-registered vessel, provided that those Parties have been found to give full and complete effect to the provisions of the Convention.
- (c) Certificates issued by other Parties relating to Reg. V, VI and VIII are accepted as equivalent certificates for service on board Mongolian-registered vessel, provided that those Parties have been found to give full and complete effect to the provisions of the Convention.

(2) Every ship to which these Rules apply shall carry such number of qualified officers as are required under Part III.

(2) Any certificate required by the Convention to be held by any officer shall be kept available in its original form on board the ship on which the qualified officer is serving.

(3) For the purposes of these Rules, an officer is qualified if he is for the time being the holder of a relevant certificate of competency issued by a foreign maritime administration that is recognised by the Director in respect of which a certificate of recognition/endorsement is valid under regulation 10.

(4) In paragraph (3), "relevant", in relation to a certificate of competency issued by a foreign maritime administration, means the certificate is, at the material time, valid and in force in relation to the person named in it and is of a grade appropriate to the capacity in which the holder is to be employed on the ship or of a higher grade.

(5) A person who is not a qualified deck officer shall not take charge of a navigational or deck watch.

(6) A person who is not a qualified marine engineer officer shall not take charge of an engineering watch.

## **S5. Certificate of Recognition/Endorsement**

(1) The Director may, in his discretion and upon such conditions as he may determine, recognise any valid certificate of competency issued by a foreign maritime administration by issuing a certificate of recognition/endorsement attesting the recognition of the certificate in accordance with Regulation I/10 of the Convention.

(2) The Mongolia's certificate of recognition/endorsement (in Annex 1 of Part XVI) referred to in paragraph (1) is to contain the information set out in paragraph 3 of section A-I/2 of the STCW Code.

(3) The recognition of any certificate of competency issued by any foreign maritime administration is subject to the following conditions:

(a) that the Director is of the opinion that the certificate of competency is of a grade appropriate to the capacity in which the holder of the certificate is to be employed on a Mongolia ship or is of a higher grade; and

(b) that the Director is satisfied that the holder of the certificate of competency is a fit and proper person to be employed on a Mongolia ship.

(4) Where the Director is of the opinion that a person whose certificate of competency is recognised under this rule is not a fit and proper person to be employed on a Mongolia ship or that the person has breached any condition upon which his certificate is recognised, the Director may issue a written notice to the person informing that person of his intention to cease recognition of such certificate and giving the reasons therefor and requiring that person to show cause why his certificate should not cease to be recognised.

(5) A person required to show cause under paragraph (4) may do so in writing addressed to the Director or may, at the discretion of the Director, appear before an officer appointed by the Director to investigate the matter.

(6) Where no cause or insufficient cause is shown, the Director shall issue a written notice to the person informing him that his certificate of competency will cease to be recognised as from a specified date and giving the reasons there of and the person shall, on being so required by the Director, forthwith deliver his certificate of recognition to the Director to cancel the recognition/endorsement attesting to the recognition of the certificate.

(7) Any person who fails to deliver his certificate to the Director when required to do so under paragraph (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding US\$2,000.

(8) Any person aggrieved by any decision of the Director to cease recognition of his certificate may appeal to the Minister whose decision shall be final.

(9) An appeal lodged under paragraph (8) shall not operate as a stay of the decision of the Director to cease recognition of the certificate of the appellant unless the Director consents in writing.

### **PART III**

#### **NUMBER OF OFFICERS TO BE CARRIED ON SHIPS**

##### **S6. Minimum number of deck officers to be carried**

The minimum number of qualified deck officers of a particular class who are required to be carried on a ship of a description set out in column 2 of Part A of Annex 2 in Part XVI when engaged on a voyage within the trading area set out in relation to that description of ship in column 1 of that Part shall be the number set out in column 3 of that Part.

##### **S7. Minimum number of marine engineer officers to be carried**

The minimum number of qualified marine engineer officers of a particular class who are required to be carried on a ship of a power set out in column 2 of Part B Annex 2 in Part XVI when engaged on a voyage within the trading area set out in column 1 of that Part shall be the number set out in column 3 of that Part.

##### **S8. Special requirements for personnel on certain types of ships**

(1) Every ship to which Chapter V of the Convention applies shall carry as masters, chief mates, chief engineer officers, and second engineer officers, deck officers and marine engineer officers :

- (a) who are qualified under these Rules; and
- (b) who have been confirmed by the Director as having satisfied such conditions as to training and service as the Director may specify.

(2) No person, other than a master, chief mate, chief engineer officer or second engineer officer as mentioned in paragraph (1), shall act as cargo officer, or assume or be charged with any duty or immediate responsibility on board ships

to which Chapter V of the Convention applies, unless the Director confirms that he has completed such additional training and service as the Director may specify.

(3) The Director may, in his discretion, refuse to confirm that any officer or person

(a) has satisfied the conditions as to training and service as the Director may specify under paragraph (1); or

(b) has completed such additional training and service as the Director may specify under paragraph (2), if in his opinion the officer or person is not a fit and proper person to act as master, chief mate, chief engineer officer, second engineer officer or cargo officer, or to assume or be charged with any duty or immediate responsibility on board ships to which Chapter V of the Convention applies.

### **S9. Medical Practitioners on Foreign-going ships**

(1) A qualified medical practitioner shall be carried on every foreign-going ship having 100 persons or more on board as part of her complement.

(2) In paragraph (1), a "qualified medical practitioner" means a person who possesses any of the qualifications approved by the issuing authorities of that country's Medical profession recognised by its government, or such other qualification approved by the Director.

### **S10. Power of the Director in prescribing the strength of crew**

The Director may prescribe the strength and nature of the crew required to be carried on every Mongolian-registered vessel when going to sea from any place, and different standards may be provided in relation to different categories of ships.

### **S11. Failure to comply**

In the event of failure to comply with any of the provisions of this manning rule, the company, master or crew are liable to a fine. The Director or any other duly authorized person shall prescribe the amount of the fine, which in no case will exceed US\$1000, and the ship may be detained. The company shall eventually be responsible for the settlement of the fine.

## **PART IV**

### **RADIO-COMMUNICATION AND RADIO PERSONNEL**

## **S12. Application**

This Rule applies to all ships of 300 gross tonnage or more engaged in international voyages and to all passenger ships carrying more than 12 passengers engaged in international voyages.

## **S13. Qualified radio personnel**

Crew performing designated radio duties shall be certificated by another party in accordance with Chapter IV of the STCW CONVENTION 1978, as Amended and in accordance with the International Convention for the Safety of Life at Sea and the Constitution and Convention of the International Telecommunication Union.

## **S14. Radio watch-keeping**

The master of every vessel to which this Rule applies shall ensure that the radio watchkeeping arrangements are at all times adequate for maintaining a safe radio watch in accordance with Chapter VIII of the STCW Code, the provisions of Chapter IV of the SOLAS Convention and the Radio Regulations.

## **S15. Numbers of Radio Personnel to carry**

All Mongolia ships are to comply with Chapter IV of the SOLAS Convention to which Mongolia is a signatory. The appropriate radio qualifications (ROC or GOC) to be held by officers are based on the GMDSS Sea Areas and contain in the Mongolia Ship Registry manning scale as in Annex 2 of Part XVI.

# **PART V**

## **SERVICE ON TANKERS**

### **S16. Application**

This Rule applies to masters, officers, ratings serving on tankers.

(1) Officers and ratings assigned specific duties and responsibilities related to cargo and cargo equipment on tankers shall provide documentary evidence of having completed the required familiarisation course in accordance with Section A-V/1 paragraphs 2 to 7 of the STCW Code.

(2) Masters, chief engineer officers, chief mates, second 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 paragraph (1), provide documentary evidence of having

achieved the required standard of competence appropriate to their duties in accordance with:

- a) for oil tanker - Section A-V/1 paragraphs 9 to 14;
- b) for chemical tanker - Section A-V/1 paragraphs 16 to 21; and
- c) for liquefied gas tanker - Section A-V/1 paragraphs 23 to 34.

(3) The appropriate certificates issued to Masters and officers who are qualified in accordance with paragraphs (1) and (2) must be provided to the Director for recognition to serve on Mongolian-registered tankers. Ratings who are so qualified are required to provide certificates according to paragraphs (1) and (2), in order to be accepted as equivalent for service on Mongolian-registered tankers.

(4) For the purposes of this Part, “appropriate certificates and documentary evidences” required above are those issued by other Parties which have been found to give full and complete effect to the provisions of the revised STCW Convention.

## **PART VI**

### **SERVICE ON PASSENGER AND RO-RO PASSENGER VESSEL**

#### **S17. Application**

(1) Masters, officers, and ratings serving on board passenger and ro-ro passenger vessels engaged in international voyages and have designated/assigned specific duties and responsibilities, shall provide documentary evidence of having achieved the required standards of competence, in accordance with the Table given in Annex 3 of Part XVI.

(2) The documentary evidence mentioned in paragraph (1) above should be issued by Parties that have been found to give full and complete effect to the provisions of the revised STCW Convention.

(3) Every person who is required to be trained in accordance to item 1, 4 and 5 in the table shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

## **PART VII**

### **OTHER TRAINING REQUIREMENTS ON SHIPS**

### **S18. Familiarization training**

All seafarers before being assigned to ship board duties, shall receive familiarization training in accordance with section A-VI/1 paragraph 1 of the STCW Code. No certificate is required for familiarization training that has been conducted in accordance with section A-VI/1 paragraph 1 of the STCW Code, but relevant entries must be appropriately recorded in a training book or ship's logbook.

### **S19. Basic training**

All seafarers who are designated to carry out the tasks which are relevant to safety or pollution prevention duties, are required to provide documentary evidence, issued within the last five years by another party which has been found to give full and complete effect to the provisions of the STCW Convention, of having achieved the required standards of competency as described in section A-VI/1 paragraph 2 of the STCW Code.

### **S20. Proficiency in survival craft, rescue boats and fast rescue boats**

(1) All seafarers involved in duties relevant to survival craft and rescue boats other than fast rescue boats, shall hold a certificate of proficiency in survival crafts and rescue boats, in accordance with the standards of competence specified in section A-VI/2 paragraphs 1 to 4 of the STCW Code, issued within the last five years.

(2) Persons designated with duties relevant to the operation of fast rescue boats, shall hold a certificate of proficiency in such craft operations, in accordance with the standards of competence specified in section A-VI/2 paragraphs 5 to 8 of the STCW Code, issued within the last five years.

### **S21. Advanced fire-fighting**

Seafarers prior to being designated to control fire-fighting operations are required to provide documentary evidence, issued within the last five years.

### **S22. Acceptance of Certificates**

The certificates as mentioned in para (18), (19) and (20) of this Part, issued by or under the authority of any other foreign maritime administration for proficiency in survival craft may, at the discretion of the Director be accepted for service on the Mongolia ships.

## **PART VIII**

### **RATINGS**

#### **S23. Qualified ratings**

(1) Such number of certificated ratings as are required for the ship under the Safe Manning Document issued by the Director (in compliance with Resolution A.481(XII) of the IMO and any amendment to the Resolution which has come into force) shall be carried on every ship to which these Regulations apply.

(2) Any certificate required by the Convention to be held by a rating shall be kept available in its original form on board the ship on which the certificated rating is serving.

(3) Rating serving on a Mongolia ship must be a registered seaman having an original Seaman Identification Record book.

(4) Every rating forming part of :

(a) a navigational watch on a seagoing ship of 500 tons or more; or

(b) an engineering watch or designated to perform duties in a periodically unmanned engine-room on a seagoing ship of 750 kW power or more, shall be certificated to perform such duties.

(5) Ratings forming part of a navigational or an engineering watch must comply with the requirements set out in regulation II/4 or III/4 of the Convention.

(6) Every rating, in addition to meeting the requirements of paragraph (5), must also meet the applicable requirements of Chapters V, VI and VIII of the Convention.

#### **S24. Acceptance of certificates**

(1) Appropriate certificates for ratings forming part of a navigational watch, or certificates of ratings forming part of a watch in a manned engine room or designated to perform duties in a periodically unmanned engine room, issued by other Parties which have been found to give full and complete effect to the provisions of the STCW Convention, are accepted as equivalent certificates for the employment on board Mongolia-registered vessels.

(2) The Director will maintain a list of those Parties that have been found to give full and complete effect to the STCW Convention whose certificates are accepted by the Government of Mongolia.

## **PART IX**

### **RECORD OF CERTIFICATES**

#### **S25. Application**

(1) The Director shall keep full record of details of every certificate recognised (recorded details in Annex 4, Part XVI) in accordance with part B-1/9 of the STCW Code of the STCW Convention 1978 as amended.

(2) The Director shall maintain a record of all certificates issued (as in Annex 4, Part XVI) and every such record shall also show if, at any time, the certificate has been revalidated, suspended, cancelled, lost or destroyed, and of any dispensation issued.

(3) Any certificate granted in accordance with these Rules may, after notice to show cause has been given to the person to whom the certificate has been issued, be suspended or cancelled by such authority as the Director may prescribe, for the prevention of fraud or for reasons and subject to conditions that derive from any act or omission by the holder, such act or omission having posed a direct threat to safety of life or property at sea or to the marine environment and occurred during the performance of his duties in relation to the certificate he holds.

(4) Any certificate and every record maintained under paragraph (3) shall be admissible as prima facie evidence of the facts stated therein and shall have the same status as an official record for the purpose.

(5) The Director shall make available information on the status of the certificates referred to in paragraph (4), to other Parties and companies which request verification of the authenticity and validity of these certificates (Annex 4 of Part XVI).

## **PART X**

### **FAMILIARIZATION WITH MONGOLIA MARITIME LEGISLATION**

## **S26. Application**

A person holding a valid certificate issued by a State fully applying the provision of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended in 1995, and who is not otherwise disqualified in the opinion of the Director, must be familiar with the Mongolia Maritime Legislation relevant to the functions to be performed by the applicant for which he or she has applied for a certificate of recognition/endorsement.

## **S27. Requirements**

This requirements apply to Masters and Chief Officers intending to sail on ships of 500GT or more and Chief Engineers and Second Engineers/First Assistant Engineers intending to sail on ships powered by main propulsion machinery of 750 KW propulsion power or more who are at the management level under the provisions of the STCW, Regulation 1/10, 2.

# **PART XI**

## **MEDICAL FITNESS AND MEDICAL CERTIFICATES**

### **S28. Application**

Every seafarer either to be engaged for employment on board a Mongolian-registered vessel or to be entitled to hold a certificate of recognition issued by the Government of Mongolia shall hold a medical fitness certificate for employment at sea.

(1) The medical fitness certificate shall state the age of the person, duties to be performed and certify that:

- a) the hearing, the eyesight, and if the person examined is to be employed in the deck department, the person's colour vision, are all satisfactory ;
- b) he is not suffering from any disease likely either to be aggravated or to render him unfit for service at sea or likely to endanger the health of other people on board.

(2) The medical fitness certificate issued to seafarers shall be signed by a government-registered medical practitioner.

(3) The Director will maintain a record of medical fitness certificates accepted by the Government of Mongolia based on the practitioners who have been authorized by Parties that have been found to give full and complete effect to the provisions of the revised STCW Convention.

(4) The validity of such a certificate shall not exceed two years from the date it was issued, whereas a medical fitness certificate relating to colour vision shall remain in force for a period not exceeding six years.

(5) Medical examination shall cover the items as listed in Mongolia Medical Form as in Annex 5 of Part XVI.

## **PART XII**

### **DISPENSATION**

#### **S29. Condition to the issuance of a dispensation**

(1). In circumstances of exceptional necessity, and provided that in doing so there will be no danger to persons property or the environment, the Director may issue a dispensation permitting a specified seafarer to serve on a specified ship for a specified period not exceeding 6 months in a capacity for which he does not hold an appropriate certificate.

(2). A dispensation shall not be issued to personnel serving as radio officer or radiotelephone operator, except as provided by the relevant Radio Regulations.

(3). A dispensation shall not be granted to a master or chief engineer officer on all ships except in circumstances of "force majeure". A dispensation shall not be granted to mates and engineers on passenger ships except in circumstances of "force majeure". A dispensation if granted will only for the shortest possible period. The details and information stated in a dispensation/exemption certificate in accordance to Convention is attached in Annex 6 of Part XVI.

(4). The Director shall, as soon as possible after 1 January of each year, send a report to the IMO Secretary-General giving information of the total number of dispensations in respect of each capacity for which a certificate is required that have been issued during the year to seagoing ships, together with information as to the numbers of those ships above and below 1,600 gross register tons respectively.

(5). Procedures for the granting of dispensations under Article VIII of the STCW Convention as follows:

a) Applications for dispensations together with the following information for reasons of control and record must be submitted to the Director:

i). ship's name, official number, port of registry, gross tonnage and

- propulsion power;
  - ii). the present port of the ship, date of departure, ports of call during the period of dispensation requested, the present cargo on board and that expected to be loaded during the dispensation period;
  - iii).the particulars of the master or the chief engineer and their STCW certificate;
  - iv). specification of the post concerned, the date and circumstances under which it became vacant and the efforts being made to locate a properly qualified replacement;
  - v). full name, date of birth and experience of seafarer within the previous five years;
  - vi). details of seafarer's STCW certificate, including certificate number, country, date of issue and date of expiry.
- c) On receipt of any application for dispensation, the Director will:
- (i) check the record of the ship for accident or incident over the previous two years.
  - (ii) check frequency and reasons for the applications for dispensation within the previous 2 years and that no more than one dispensation will be in use on board the ship at any time.
  - (iii) check the authenticity and validity of the certificate and consider suitability to fill the post concerned, taking into account the following provisions:
    - a) Dispensations issued for the post of chief mate :
      - the seafarer concerned shall hold a STCW certificate of an officer in charge of a navigational watch, on ships of 500 grt or more;
      - the reported recent experience of the seafarer in relation to the ship type, tonnage, voyage type and nature of cargo shall not be less than 12 months.
    - b) Dispensations issued for the post of second engineer officer
      - the seafarer concerned shall hold a STCW certificate of an officer in charge of an engineering watch in a manned engine room or designated duty officer in a periodically unmanned engine room;
      - the reported recent experience of the seafarer on a seagoing ship powered by main propulsion machinery of 750 KW propulsion power or more shall not be less than 12 months.

### **PART XIII**

#### **MISCELLANEOUS**

### **S30. Responsibilities of shipowner**

(1) Every owner of a ship shall be responsible for the assignment of seafarers in the ship in accordance with the Convention and shall ensure that —

- (a) each seafarer assigned to the ship holds an appropriate certificate in accordance with the provisions of the Convention;
- (b) the ship is manned in compliance with the applicable safe manning requirements;
- (c) documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties;
- (d) seafarers, on being assigned to the ship, are familiarised with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties; and
- (e) the ship's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

(2) Any owner of a ship who breaches or fails to comply with any of his obligations under paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding US\$5,000.

(3) In this rule, "owner of a ship" includes any person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the owner of the ship by these Regulations.

### **S31. Control procedures**

(1) The Director may authorise an officer of the Authority to go on board a Mongolia ship to —

- (a) verify that all seafarers serving on board who are required to be certificated in accordance with the Convention hold an appropriate certificate or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the foreign maritime administration in accordance with regulation I/10, paragraph 5 of the Convention;

- (b) verify that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements; and
- (c) assess, in accordance with section A-I/4 of the STCW Code, the ability of the seafarers of the ship to maintain watchkeeping standards as required by the Convention if there are clear grounds for believing that such standards are not being maintained because any of the following has occurred:
  - (i) the ship has been involved in a collision, grounding or standing;
  - (ii) there has been a discharge of substances from the ship when underway, at anchor or at berth which is illegal under any international convention;
  - (iii) the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the IMO or safe navigation practices and procedures have not been followed; or
  - (iv) the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment.

(2) Deficiencies that are deemed to pose a danger to persons, property or the environment include the following:

- (a) failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the foreign maritime administration in accordance with regulation I/10, paragraph 5 of the Convention;
- (b) failure to comply with the applicable safe manning requirements;
- (c) failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship under regulation 18 of Chapter V of the SOLAS Convention, which Mongolia is a party to;
- (d) absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution; and
- (e) inability to provide for the first watch at the commencement of a voyage, and for subsequent relieving watches, persons who are sufficiently rested and otherwise fit for duty.

(3) Failure to correct any of the deficiencies referred to in paragraph (2), in so far as it has been determined by the Director that they pose a danger to persons, property or the environment, shall be the grounds, under these Regulations, on which the Director may cause a ship to be detained.

(4) In exercising control, all possible efforts should be made to avoid a ship being unduly detained or delayed. If any deficiencies are found and remain uncorrected in a way that poses danger to persons, property or the environment, steps shall be taken to ensure that the ship will not sail until the requirements are met to the extent that the danger has been removed. All the facts in relation to the action taken shall be reported to the Director.

(5) The following control procedures enable officers duly authorised by port and flag States to ensure that seafarers have sufficient competence to ensure safe and pollution-free operation of the ship, and specifically the guideline given by B-1/4 indicates that:

- (a) By restricting assessment as indicated in section A-1/4, the subjectivity which is an unavoidable element in all control procedures is reduced to a minimum, no more than would be evident in other types of control inspection.
- (b) The clear grounds given in Regulation 1/4 paragraph 1.3 will usually be sufficient to direct the inspector's attention to specific areas of competency, which could then be followed up by seeking evidence of training in the skills in question. If this evidence is inadequate or unconvincing, the authorised officer may ask to observe a demonstration of the relevant skill.
- (c) It will be a matter for the professional judgment of the inspector when on board, either following an incident as outlined in Regulation 1/4 or for the purposes of a routine inspection, whether the ship is operated in a manner likely to pose a danger to persons, property or the environment.

### **S32. Unlawful authorisation to perform function or service**

Any master who has allowed any function or service in any capacity required by these Regulations to be performed by a person holding an appropriate certificate, to be performed by a person not holding the required certificate or a valid dispensation, or not having the documentary proof required by regulation 1/10, paragraph 5 of the Convention, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding US\$5,000.

### **S33. Fraud, forgery, misrepresentation or attempted Bribery**

- (1) Any person who:
  - (a) submits a fraudulent application for a Mongolia certificate (COE, DCE) or Seafarer's Identification and Record Book;
  - (b) attempts to bribe or subvert any person charged with the approval of applications

- (c) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any certificate, or an official copy of any such certificate;
- (d) makes, assists in making, or procures to be made, any false representation for the purpose of procuring, or having recognized, either for himself or for any other person, a certificate of competency;
- (e) fraudulently uses a certificate of recognition/endorsement or dangerous cargo endorsement;
  - i) which has been forged, altered, cancelled or suspended; or
  - ii) to which he is not entitled; or
- (d) fraudulently lends his certificate of recognition/endorsement, or allows it to be used by any other person

is guilty of an offence and shall be denied his application and shall forfeit any application fees paid. Depending on the seriousness of the offence, the Director can initiate an investigation to take criminal proceedings or impose a fine. In any case, the maximum penalty should not exceed a fine of US\$2000 or to imprisonment for a term not exceeding 2 years or to both and in addition, the applicant shall be forbidden to reapply for a period of not less than (2) years.

(2) Each individual applicant who wilfully misstates a material fact or offers forged, altered, fraudulent or fraudulently-obtained documentation of qualification in connection with an application for a Mongolian certificate (COE, DCE) or Seafarer's Identification and Record Book may be barred from holding any Mongolia certificates (COE, DCE) or Seafarer's Identification and Record Book until two (2) years after such penalty is remitted in full.

(3) Any shipowner or agent who submits on behalf of an applicant an application for a Mongolia Certificate (COE, DCE) or Seafarer's Identification and Record Book, which application contains a wilful misstatement of fact or references a document which is forged, altered, fraudulent or fraudulently obtained, the truth or genuineness of which is capable of being determined by the submitting party, will be subject to an administrative penalty of US\$500 for each such application. Further submission from such source may be barred until two (2) years after such penalty is remitted in full.

#### **S34. Replacement and Renewal of Mongolia Certificates (COE, DCE, Seaman ID)**

The holder of a Mongolian certificate (COE, DCE, Seaman ID) that is lost or destroyed may apply for its replacement, valid for the unexpired term of the original certificate, by submitting to the Director an affidavit in writing, sworn or affirmed before a deputy commissioner, special agent, civil notary or commissioner for oaths. The affidavit must state the circumstances of the loss or destruction and give a description of the certificate. With the affidavit must be submitted two (2) passport size (1.5" X 1.75") (4 mm X 45 mm) photographs of the applicant, and a prescribed fee.

### **S35. Power to exempt**

The Director may, subject to the provisions of the Convention, exempt any person or ship, or description of persons or of ships, from all or any of the provisions of these Rules subject to such conditions as he thinks fit to impose.

### **S36. Holder of certificate or rating with disease or disability**

(1) The Director may cancel or suspend any certificate of recognition/endorsement, if the holder of the certificate or the rating, as the case may be, is suffering from a disease or disability which, in the opinion of the Authority, makes him incapable of discharging his ordinary seagoing duties adequately.

(2) The Director shall not cancel or suspend any certificate of recognition/endorsement, until the holder of the certificate has been notified in writing to appear before the Director to show cause why his certificate of recognition/endorsement as the case may be, should not be cancelled or suspended.

(3) Where the holder of the certificate of competency or the rating appears to show cause under paragraph (2), his certificate of recognition/endorsement is to be suspended until the decision of the Director is made known to him.

(4) Where the holder of a certificate of recognition/endorsement fails to appear before the Authority as provided in paragraph (2), the Authority shall forthwith cancel his certificate of recognition/endorsement, as the case may be.

### **S37. Loss of certificate of recognition/endorsement and other documents issued by Mongolia Ship Registry**

(1) If the holder of any certificate of recognition/endorsement or other document issued by the Director under these Rules proves to the satisfaction of the Director that he has, without fault on his part, lost or been deprived of the certificate or document already issued to him, the Director may, upon payment of the prescribed fee, issue to him —

- (a) a certified copy of the certificate; or
- (b) a certificate equivalent to the certificate which he has lost or been deprived of.

**S38. Cancellation and suspension of certificate of recognition/endorsement and other documents issued by the Mongolia Ship Registry**

(1) The Director may cancel or suspend any certificate of recognition/endorsement or documents issued by him under these Rules if the holder fails to comply with any of the provisions of these Rules and the holder of the certificate of recognition/endorsement or documents shall, if required by the Director, forthwith deliver the certificate of recognition/endorsement or documents to the Director.

(2) The holder of a certificate of recognition/endorsement or other documents issued by the Director under these Rules who fails to deliver his certificate of recognition/endorsement or other documents to the Director when required by the Director to do so under paragraph (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding US\$1,000.

(3) Every valid certificate of recognition/endorsement or other documents issued by the Director under these Rules shall, on the death of the person to whom the certificate of recognition/endorsement or documents was issued, be surrendered to the Director for cancellation.

(4) Any person who is found in possession of a certificate referred to in paragraph (3) after the death of the person to whom it was issued without being able to account for the way in which it came into his possession, or to give good reasons for not surrendering it to the Director for cancellation, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding US\$1,000.

**PART XIV**

**INVESTIGATION**

**S39. Power of the Director**

The Director, having to carry out the duties as stipulated in Article 8 (Duties of entities carrying out the sea exploitation law) and Article 10 (Full power of the registry port) of the Mongolia Sea Exploitation Law and Section 71 (Deficiency detected) and Section 73 (Report of accident/incident) of the Regulations for the registration of Mongolia ships shall make rules (Section 9) to investigate the deficiency or incident and to determine whether new lessons could be learnt from the incident.

#### **S40. Investigating holder of certificates**

(1) When any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or the marine environment is received by the Director, he should conduct an impartial investigation onto the holders of the certificates to determine whether to withdraw, suspend, cancel or report the case to the issuing authorities of the certificates for the prevention of fraud and to maintain standards for competence and for enhancing safety of life and protection of the marine environment.

(2) For the purpose of this part, "certificate" means any certificates or documents issued according to the STCW Convention by an administration or by the Mongolia Ship Registry.

#### **S41. Investigation Committee**

The Director would call for the formation of an Investigation Committee (consisting of the relevant professions relevant to the case) for the purpose of conducting investigations of marine casualties or matters pertaining to the conduct of persons issued with certificates by the Director. For the investigation, the Committee must follow the procedural guidance of Resolution A. 849(20) of IMO "CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS"

#### **S42. Charges**

(1) A charge must be supported by one or more specifications. Under no circumstances does a charge constitute evidence nor may any inference be drawn from the fact that the holder of a certificate and document has been the subject of a charge

(2) A charge must be stated as one of the following:

- a) misconduct;
- b) negligence;
- c) incompetence;
- d) violation of law or regulation;
- e) conviction for a dangerous drug law violation, use of a dangerous drug, or addiction to the use of dangerous drugs.

#### **S43. Specification**

A specification sets forth the facts, which form the basis of a charge, and enables the respondent to identify the act or offence so that a defence can be prepared. Each specification shall state the:

- (a) basis for jurisdiction;
- (b) date and place of act, or offences; and
- (c) facts constituting the alleged act or offence.

#### **S44. Misconduct**

A human behaviour which violates some duly established rules which are found in regulations, common law, general maritime law, a ship's regulation or order, or shipping articles and similar sources.

#### **S45. Negligence**

An act that a reasonable and prudent person under the same circumstances would not commit, or the failure to perform an act that a reasonable and prudent person of the same station under the same circumstances would not fail to perform.

#### **S46. Incompetence**

The inability on the part of a person to perform required duties, whether due to professional deficiencies, physical disability, mental incapacity, or any combination thereof.

#### **S47. Acting under authority of certificate and document**

(1) A person employed in the service of a vessel is considered to be acting under the authority of a certificate and document when the holding of such certificate and document is:

- a) required by law or regulation; or
- b) required by an employer as a condition for employment.

(2) A person is considered to be acting under the authority of the certificate and document while engaged in official matters regarding the certificate and document. This includes, but is not limited to, such acts as applying for renewal of a certificate and documents, taking examinations for upgrading or endorsements, requesting duplicate or replacement certificates and documents, or when appearing at a hearing under this part.

(3) A person does not cease to act under the authority of a certificate and document while on authorised or unauthorised shore leave from the vessel.

#### **S48. Offences for which revocation of certificates and documents are mandatory**

(1) The Director enters an order revoking a respondent's certificate when:

- a) a charge of misconduct for wrongful possession, use, sale or association with dangerous drugs is found proven. In those cases involving marijuana, the Director may enter an order less than revocation when satisfied that the use, possession or association, was the result of experimentation by the respondent and that the respondent has submitted satisfactory evidence that he or she is cured of such use and that the possession or association will not recur;
- b) the respondent has been a user of, or addicted to the use of, a dangerous drug, or has been convicted for a violation of the dangerous drug laws, whether or not further court action is pending, and such charge is found proved. A conviction becomes final when no issue of law or fact determinative of the respondent's guilt remains to be decided.

**S49. Acts or offences for which revocation of certificates and documents are sought**

(1) The Committee seeks revocation of a respondent's certificate and document when one of the following acts or offences is found proved:

- (a) incompetence
- (b) interference with master, ship's officers, or government officials in performance of official duties
- (c) wrongful destruction of ship's property
- (d) cause of injury or death
- (e) pollution of the environment

(2) The Committee may seek revocation of a respondent's certificate and document when the circumstances of an act or offence found proved or consideration of the respondent's prior record indicates that permitting such person to serve under the certificate and document would be clearly a threat to the safety of life or property, or detrimental to good discipline.

**S50. Standard of proof**

In proceedings conducted pursuant to this Rule, findings must be supported by and in accordance with the reliable, probative, and substantial evidence. By this is meant evidence of such probative value as a reasonable, prudent and responsible person is accustomed to rely upon when making decisions in important matters. This includes admitted or no contest answers.

**S51. Physician-patient privilege**

For the purpose of these proceedings, the physician-patient privilege does not exist between a physician and a respondent.

## **INVESTIGATIONS**

### **S52. Conduct of investigations**

(1) Investigations may be initiated in any case in which it appears that there are reasonable grounds to believe that the holder of a certificate and document issued by the Director, may have:

- (a) committed an act of incompetence, misconduct, or negligence while acting under the authority of a certificate and document;
- (b) violated or failed to comply with international regulations, or any other law or regulations intended to promote marine safety or to protect the navigable waters while acting under the authority of a certificate and document;
- (c) been convicted of a dangerous drug law violation, or has been a user of or addicted to the use of a dangerous drug.

(2) In order to promote full disclosure and facilitate determinations as to the cause of marine casualties, no admission made by a person during an investigation under this part may be used against that person in a proceeding under this part, except for impeachment.

### **S53. Powers of action available**

During an investigation, the Committee may administer oaths, issue subpoenas and require persons having knowledge of the subject matter of the investigation to answer questions.

### **S54. Course of action available**

(1) During an investigation, the Committee may take appropriate action as follows:

- (a) prefer charges.
- (b) accept voluntary surrender of a certificate and document.
- (c) accept voluntary deposit of a certificate and document.
- (d) refer the case to others for further action.

(2) The Committee may refer the case to the Director, at any port for completion of administrative action if an adequate basis for action is found and the person under investigation and/or witnesses are not locally available.

- (e) Give a written warning.

(3) The Committee may give a warning to any person holding a certificate and document. Refusal to accept the written warning will normally result in a

withdrawal of the warning and the preferring of charges. An unrejected warning will become a part of the person's record.

(f) Close the case.

### **S55. Preparation and service of charges and specifications**

(1) When preferring charges the Committee prepares charges and specifications, together with a notice of the time date and place of the hearing.

(2) The original of the charges and specifications and the notice of the time, date and place of hearing are served upon the respondent, either by personal service or certified mail, return receipt requested, restricted delivery (receipt to be signed by the addressee only).

(3) Service will be made sufficiently in advance of the time set for the hearing so as to give the respondent a reasonable opportunity to prepare a defence.

(4) At the time of service, whether personal or by certified mail the respondent will also be advised with respect to:

- (a) the nature of suspension and revocation proceedings and the possible results thereof;
- (b) the right to have representation by counsel at the hearing, and that counsel maybe but need not be, a lawyer;
- (c) the right to have witnesses, records or other evidence subpoenaed and
- (d) failure to appear at the time, date and place specified might result in the hearing proceeding in his absence.

(5) If the alleged act involves mental incompetence, it is recommended to the respondent, at the time of service of charges, that he procure counsel.

(6) If the alleged act involves mental or physical incompetence, the respondent is advised that evidence of medical examination may be submitted.

### **S56. Voluntary deposits in event of mental or physical incompetence.**

(1) A holder may deposit a certificate with the Director in any case where there is evidence of mental or physical incompetence. A voluntary deposit is accepted on the basis of a written agreement (the original of which will be given to the holder), which specifies the conditions upon which the Director will return the certificate to the holder.

(2) Where the mental or physical incompetence of a holder of a certificate and document is caused by use of or addiction to dangerous drugs, a voluntary deposit will only be accepted contingent on the following circumstances:

- (a) the holder is enrolled in a bona fide drug abuse rehabilitation program;
- (b) the holder's incompetence did not cause or contribute to a marine casualty;
- (c) the incompetence was reported to the Director, by the individual or any other person and was not discovered as a result of a Committee investigation; and
- (d) the holder has not voluntarily deposited or surrendered a certificate, or had a certificate revoked for a drug related offence on a prior occasion.

(3) Where the mental or physical incompetence of a holder of a certificate and document is caused by use or addiction to alcohol, a voluntary deposit will only be accepted contingent on the following circumstances:

- (a) the holder is enrolled in a bona fide alcohol abuse rehabilitation program;
- (b) the holder's incompetence did not cause or contribute to a casualty; and
- (c) the incompetence was reported to the Director by the individual or any other person and was not discovered as a result of a Committee investigation.

#### **S57. Voluntary surrender to avoid hearing**

(1) Any holder may surrender a certificate to the Director, in preference to appearing at a hearing.

(2) A holder voluntarily surrendering a certificate or document shall sign a written statement containing the stipulations that:

- (a) the surrender is made voluntarily in preference to appearing at a hearing;
- (b) all rights to the certificate and document surrendered are permanently relinquished; and
- (c) any rights with respect to a hearing are waived.

(3) A voluntary surrender of a certificate and document to the Committee in preference to appearing at a hearing is not to be accepted by the Committee unless the Committee is convinced that the holder fully realises the effect of such surrender

#### **S58. Return or issuance of seafarer's certificates**

(1) A person may request the return of a voluntarily deposited certificate at any time, provided he or she can demonstrate:

- (a) a satisfactory rehabilitation or cure of the condition which caused the incompetence;

- (b) has complied with any other conditions of the written agreement executed at the time of deposit; and
- (c) complies with the physical and professional requirements for issuance of a certificate and document.

(2) Where the voluntary deposit is based on incompetence due to drug abuse, the deposit agreement shall provide that the certificate and document will not be returned until the person:

- (a) successfully completes a bona fide drug abuse rehabilitation program;
- (b) demonstrates complete non-association with dangerous drugs for a minimum of 6 months after completion of the rehabilitation program; and
- (c) is actively participating in a bona fide drug abuse-monitoring program.

(3) Where the voluntary deposit is based on incompetence due to alcohol abuse, the deposit agreement shall provide that the certificate and document will not be returned until the person:

- (a) successfully completes a bona fide alcohol abuse rehabilitation program; and
- (b) is actively participating in a bona fide alcohol abuse monitoring program.

(4) The voluntary surrender of a certificate is the equivalent of revocation of such papers.

## **PART XV**

### **FITNESS FOR DUTIES, WATCHKEEPING ARRANGEMENTS AND PRINCIPLES TO OBSERVE WHEN ON WATCH**

#### **S59. Fitness for duty**

- (1) Each company and Master shall:
  - a) establish and enforce watch system and work schedules to ensure that fatigue does not impair the efficiency of the watchkeeping seafarers;
  - b) establish and maintain procedures ensuring that a Table with the shipboard working arrangements, which shall contain for every watchkeeping position at least the schedule of service at sea and in port and maximum hours of work required by paragraph 3.3 below, is posted in an easily accessible place;
  - c) establish and maintain procedures ensuring that record of seafarer's watchkeeping daily hours of work and daily hours of rest is maintained; and
  - d) establish and maintain procedures to ensure that a record file is kept on board each of its ships accommodating all "hours of work" records

for all watchkeeping crewmembers on board the ship, and organised in accordance with the requirements of the company.

(2) General duty of company, employers and masters

.1 a) Subject to paragraph 4, it shall be the duty of every company in respect of a ship to ensure, so far as is reasonably practicable, that the master and seamen do not work more hours than is safe in relation to the safety of the ship and the master's and the seamen's performance of their duties.

b) Subject to paragraph 4, it shall be the duty of every master of a ship to ensure, so far as is reasonably practicable, that seamen do not work more hours than is safe in relation to the safety of the ship and seamen's performance of their duties.

.2 Duties of master and seamen

Every master and seaman shall, so far as is reasonably practicable, ensure that he is properly rested when commencing duty on a ship and that he obtains adequate rest during periods when he is off duty.

(3) Schedules of duties, and need to record.

a) It shall be the duty of the company to produce a schedule of duties complying with this regulation.

b) Before producing a schedule the company shall seek the views of the master, and the master shall seek and convey to the company, the views of

- i) the ship's safety committee; or
- ii) the seamen or their representatives;

c) A schedule complies with this rule if

i) it sets out the hours of work for:

- a) masters and seamen whose work includes regular watchkeeping duties or ship handling; and
- b) the ship's chief engineer, chief officer and second engineer officer, so as to provide that they do not work more hours than is safe in relation to the safety of the ship and to the master's and seamen's performance of their duties;

ii) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and

iii) it provides a minimum of ten hours of rest in any 24-hour period, which may be divided into no more than two periods, one of

which shall be at least six hours in length: Provided that the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than seventy hours of rest are provided in each seven day period.

- e) The company shall give consideration to the category of shipping operation undertaken in arranging the hours of work.
  - f) The schedule may be changed by the company, on condition that:
    - i) the company has sought the views of the master on the proposed changes and the master has sought and conveyed to the company the views of persons mentioned in paragraph (2)(a) or (b); and
    - ii) the schedule as changed complies with paragraph (3).
  - g) The company shall ensure that the schedule is displayed prominently in the crew accommodation for the information of all the seamen.
  - h) It shall be the duty of the master to ensure, as far as reasonably practicable, that the hours of work specified in the schedule are not exceeded.
  - i) The company and the master shall maintain on the ship a copy of the schedule and a record of all deviations from its requirements.
- (4) Exception for emergencies
- a) The requirements for rest periods specified in paragraph 3 (3)(c) above need not be maintained in case of any emergency or drill or in other overriding operational conditions.
  - b) Without prejudice to the generality of paragraph (1), a master of a ship or seaman may participate in a navigational, engine room or machinery watch although he has not had the rest period provided by the schedule produced in pursuance of paragraph 3, and the master may exceed, and a seaman may be required to exceed, the schedule's work or duty periods, when in the opinion of the master it is necessary in a situation of an emergency threatening the safety of the ship or the life of any person or threatening damage to the environment;
  - c) When in pursuance of paragraph (1) the master or a seaman has worked within a rest period provided for by the schedule, his name

shall be entered in the record required to be maintained by paragraph 3(8), together with the reason why he so worked.

(5) Watchkeeping arrangements and principles to be observed

It is the responsibility of the master of every ship to ensure that watchkeeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and that, under the master's general direction:

- a) Officers in charge of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chartroom or bridge control room at all times;
  - b) Radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty;
  - c) Officers in charge of an engineering watch, as defined in the STCW Code and under the direction of the chief engineer officer, shall be immediately available and on call to attend the machinery spaces and, when required, shall be physically present in the machinery space during their periods of responsibility; and
  - d) An appropriate and effective watch or watches are maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organisation of such watch or watches takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore.
- (6) Any deficiencies in keeping a safe watch at all times that may pose a danger to persons, property or the environment, such as
- failure to comply with the requirements for arranging safe navigational, engineering or radio watch at all times,
  - an absence on a watch of a person properly qualified,
  - an inability of the master to provide adequately rested persons for the first watch at the commencement of the voyage and for subsequent relieving watches shall be considered an offence and the master, chief engineer or any other person responsible is liable to a fine as may be prescribed by the Commissioner or any other duly authorised person and the ship may be detained

(7) A procedural guide establishing procedures for the Master and any Officer in charge of a navigational or engineering watch, pursuant to the requirements of section A-VIII/2 of the STCW95, is attached herewith.

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Mr. B.Jigjid  
Minister of Infrastructure  
Mongolia

# **ANNEXES**

