

MERCHANT SHIPPING (SEAFARERS) (CERTIFICATION OF OFFICERS) REGULATION

(Cap. 478 sections 72, 73, 96, 119 and 134)

[2 September 1996] *L.N. 342 of 1996*

PART I

PRELIMINARY

1. *(Omitted as spent)*

2. Interpretation

(1) In this Regulation, unless the context otherwise requires—
“cargo craft” (貨輪) means cargo craft as defined in the HSC Code;
company (公司), in relation to a ship, means—

- (a) the registered owner of the ship; or
- (b) a person who has assumed responsibility for the operation of the ship from the owner and who, on assuming the responsibility, has agreed to take over the obligations imposed on the owner of the ship under the Convention; (*L.N. 133 of 2016*)

Convention (《公約》) means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as from time to time revised or amended by any revision or amendment to any provision of such Convention that applies to Hong Kong; (*L.N. 133 of 2016*)

gross tonnage (總噸), in relation to a ship, means the gross tonnage of the ship determined in accordance with regulation 6 of the Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C); (*L.N. 133 of 2016*)

“high-speed craft” (高速船) means high-speed craft as defined in the HSC Code;

“HSC Code” (《高速船安全守則》) means the International Code of Safety for High-Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.36(63), as that Code is amended by that Organization from time to time;

“licence” (執照) means a licence issued under Part V;

“passenger craft” (客輪) means passenger craft as defined in the HSC Code;

“passenger ship” (客船) means a ship carrying more than 12 passengers;

“repealed Regulations” (已廢除規例) means the Merchant Shipping (Certification of Officers) Regulations (Cap. 281 sub. leg.) repealed by the Ordinance, and includes the Merchant Shipping (Certification of Officers) Regulations (Cap. 281 sub. leg.) repealed by regulation 19 of those Regulations;

“river trade” (內河航行) means navigation and the carrying out of

marine operations within river trade limits;

“service endorsement” (服務資歷認可證明) means a service endorsement endorsed on a certificate of competency by the Authority under section 6(8). (*L.N. 133 of 2016*)

(*L.N. 105 of 1998; L.N. 133 of 2016*)

- (2) In this Regulation, references to a certificate or licence of a particular class are references to a certificate or licence of that class as specified in Parts II, III, IIIA and V. (*L.N. 133 of 2016*)
- (3) In this Regulation, in references to “a class appropriate to the station”, the class appropriate to a particular station shall be determined according to the following list—

Appropriate class	Station
Deck Department—	
Class 1	Master
Class 2	Chief Mate
Class 3	Second Mate
Engineering Department	
—	
Class 1	Chief Engineer
Class 2	Second Engineer
Class 3	Third Engineer:

Provided that—

- (a) nothing in this Regulation shall prohibit an officer who holds a certificate of a particular class from manning a station lower in the list in his department than that appropriate to that class;
- (b) in the case of a ship referred to in item 5 of Table A, or in item 2(b) of Table B, in section 13(1)—
- (i) a holder of a Certificate of Competency (Marine Engineer Officer) Class 2 with a service endorsement may man a station as Chief Engineer; and
 - (ii) a holder of a Certificate of Competency (Marine Engineer Officer) Class 3 may man a station as Second Engineer; and
- (c) no class of certificate relating to river trade shall be an appropriate class to man any station in a sea-going ship. (*23 of 1998 s. 2*)

3. Application

- (1) Subject to subsection (1A), this Regulation applies to— (*L.N. 133 of 2016*)
- (a) all Hong Kong ships; and
 - (b) all other ships, being passenger ships, carrying passengers on any voyage—
 - (i) which begins and ends within the waters of Hong Kong; and
 - (ii) during the course of which the passenger ship concerned does not call at any port outside Hong Kong.

- (1A) This Regulation does not apply to—
- (a) ships owned or operated by a government and engaged only on governmental non-commercial service;
 - (b) fishing vessels;
 - (c) pleasure yachts not engaged in trade; or
 - (d) wooden ships of primitive build. (*L.N. 133 of 2016*)
- (2) The Authority may grant exemptions from all or any of the provisions of this Regulation for classes of cases or individual cases on such conditions, if any, as he thinks fit and may, subject to giving reasonable notice, alter or cancel any such exemption.

PART II

CERTIFICATION OF DECK OFFICERS

4. Qualified deck officers and classes of certificates

- (1) For the purposes of this Regulation, a deck officer shall be qualified if—
- (a) he holds—
 - (i) a certificate of competency as a deck officer issued under this Regulation;
 - (ii) a certificate which is under section 5 to be treated as equivalent to such a certificate of competency; or
 - (iii) a licence which is under Part V to be treated as equivalent to such a certificate of competency; and
 - (b) such certificate or licence is in force in relation to a class appropriate to the station held by him in the ship.
- (1A) Notwithstanding subsection (1), if any person—
- (a) holds a certificate of competency as a deck officer issued by, or under the authority of, the government of a state party to the Convention; (*L.N. 133 of 2016*)
 - (b) has satisfied the requirements for the issue of a licence referred to in subsection (1)(a)(iii); and (*L.N. 133 of 2016*)
 - (c) has applied for the issue of the licence, (*L.N. 133 of 2016*)
- he shall be treated as a qualified deck officer for the purposes of this Regulation for a period of 3 months from the date on which the application made by such person for the issue of the licence is received by the Authority. (*L.N. 105 of 1998; L.N. 133 of 2016*)
- (2) A certificate of competency issued by the Authority shall be of one of the following classes—
Certificate of Competency (Deck Officer) Class 1 (Master Mariner)
Certificate of Competency (Deck Officer) Class 2
Certificate of Competency (Deck Officer) Class 3.
- (3) A certificate of competency of a class referred to in the list specified in subsection (2) shall be of a higher class than a certificate of a class referred to after it in that list.

- (4) A river trade certificate of competency issued by the Authority shall be of one of the following classes—
Certificate of Competency (Deck Officer)(River Trade) Class 1
Certificate of Competency (Deck Officer)(River Trade) Class 2
Certificate of Competency (Deck Officer)(River Trade) Class 3.
- (5) A river trade certificate of competency of a class referred to in the list specified in subsection (4) shall be of a higher class than a certificate of a class referred to after it in that list.
- (6) Notwithstanding any other provision of this Regulation (including any other provision of this section), no deck officer shall be qualified to man a high-speed craft which is a passenger craft, or a cargo craft of 500 gross tonnage or more, unless— (*L.N. 133 of 2016*)
 - (a) in addition to holding any other appropriate certificate of competency, he holds a certificate—
 - (i) known as a Type Rating Certificate; and
 - (ii) issued by the Authority; and
 - (b) such certificate is in force.
- (7) A certificate of competency as a deck officer is subject to any conditions endorsed on the certificate. (*L.N. 133 of 2016*)

5. Certificates equivalent to certificates of competency or service

(Adaptation amendments retroactively made - see 23 of 1998 s. 2)

- (1)-(2) (*Repealed L.N. 105 of 1998*)
- (3) A certificate of competency as Master, First Mate and Second Mate of a sea-going ship obtained under section 6A of the Merchant Shipping Ordinance (Cap. 281) before 1 September 1981 shall be equivalent, respectively, to a Certificate of Competency (Deck Officer) Class 1 (Master Mariner), a Certificate of Competency (Deck Officer) Class 2 and a Certificate of Competency (Deck Officer) Class 3, issued under this Regulation. (*23 of 1998 s. 2*)
- (4) A Certificate of Competency (Deck Officer) Class 4 issued under the repealed Regulations, as in force at any time before the commencement of this Regulation, shall be equivalent to a Certificate of Competency (Deck Officer) Class 3 issued under this Regulation.
- (5) A certificate of service (Deck Officer) as Third Mate of a sea-going ship granted by the Director of Marine under the repealed Regulations shall be equivalent to a Certificate of Competency (Deck Officer) Class 3 issued under this Regulation where, but only where, the officer who holds such certificate is the most junior deck officer on a ship which is required under this Regulation to be manned by not less than 4 qualified deck officers. (*23 of 1998 s. 2*)
- (6) (*Repealed L.N. 105 of 1998*)

- (7) A certificate of service (Deck Officer) (River Trade) Class 3 granted by the Director of Marine under the repealed Regulations shall be equivalent to a Certificate of Competency (Deck Officer) (River Trade) Class 3 issued under this Regulation.

PART III

CERTIFICATION OF ENGINEER OFFICERS

6. Qualified engineer officers and classes of certificates

- (1) For the purposes of this Regulation, an engineer officer shall be qualified if—
- (a) he holds—
 - (i) a certificate of competency as an engineer officer issued under this Regulation;
 - (ii) a certificate which is under section 7 to be treated as equivalent to such a certificate of competency; or
 - (iii) a licence which is under Part V to be treated as equivalent to such a certificate of competency; and
 - (b) such certificate or licence is in force in relation to a class appropriate to the station held by him in the ship.
- (1A) Notwithstanding subsection (1), if any person—
- (a) holds a certificate of competency as an engineer officer issued by, or under the authority of, the government of a state party to the Convention; (*L.N. 133 of 2016*)
 - (b) has satisfied the requirements for the issue of a licence referred to in subsection (1)(a)(iii); and (*L.N. 133 of 2016*)
 - (c) has applied for the issue of the licence, (*L.N. 133 of 2016*)
- he shall be treated as a qualified engineer officer for the purposes of this Regulation for a period of 3 months from the date on which the application made by such person for the issue of the licence is received by the Authority. (*L.N. 105 of 1998; L.N. 133 of 2016*)
- (2) A certificate of competency issued by the Authority shall be of one of the following classes—
Certificate of Competency (Marine Engineer Officer) Class 1
Certificate of Competency (Marine Engineer Officer) Class 2
Certificate of Competency (Marine Engineer Officer) Class 3.
- (3) A certificate of competency of a class referred to in the list specified in subsection (2) shall be of a higher class than a certificate of a class referred to after it in that list.
- (4) A river trade certificate of competency issued by the Authority shall be of one of the following classes—
Certificate of Competency (Marine Engineer Officer)(River Trade) Class 1
Certificate of Competency (Marine Engineer Officer)(River Trade) Class 2
Certificate of Competency (Marine Engineer Officer) (River Trade) Class 3,

and shall not be issued in respect of steam-powered machinery.

- (5) A river trade certificate of competency of a class referred to in the list specified in subsection (4) shall be of a higher class than a certificate of a class referred to after it in that list.
- (6) Notwithstanding any other provision of this Regulation (including any other provision of this section), no engineer officer shall be qualified to man a high-speed craft which is a passenger craft, or a cargo craft of 500 gross tonnage or more, unless— (*L.N. 133 of 2016*)
 - (a) in addition to holding any other appropriate certificate of competency, he holds a certificate—
 - (i) known as a Type Rating Certificate; and
 - (ii) issued by the Authority; and
 - (b) such certificate is in force.
- (7) A certificate of competency as an engineer officer is subject to any conditions endorsed on the certificate. (*L.N. 133 of 2016*)
- (8) Without limiting the generality of subsection (7), the Authority may, if he is satisfied that the holder of a Certificate of Competency (Marine Engineer Officer) Class 2 is competent to serve as Chief Engineer in a ship of the description specified in item 5 of Table A, or item 2(b) of Table B, in section 13(1), endorse the certificate with a service endorsement which qualifies the holder to man a station as Chief Engineer.

7. Certificates equivalent to certificates of competency or service

(Adaptation amendments retroactively made - see 23 of 1998 s. 2)

- (1)-(2) (*Repealed L.N. 105 of 1998*)
- (3) A certificate of competency as First Class Engineer or Second Class Engineer obtained under section 6A of the Merchant Shipping Ordinance (Cap. 281) before 1 September 1981 shall be equivalent, respectively, to a Certificate of Competency (Marine Engineer Officer) Class 1 and a Certificate of Competency (Marine Engineer Officer) Class 2 issued under this Regulation.
- (4) A Certificate of Competency (Marine Engineer Officer) Class 4 issued under the repealed Regulations, as in force at any time before the commencement of this Regulation, shall be equivalent to a Certificate of Competency (Marine Engineer Officer) Class 3 issued under this Regulation.
- (5) A certificate of service as Marine Engineer Officer Class 3 or 4 of a sea-going ship granted by the Director of Marine under the repealed Regulations shall be equivalent to a Certificate of Competency as Marine Engineer Officer Class 3 issued under this Regulation. (*23 of 1998 s. 2*)
- (6) (*Repealed L.N. 105 of 1998*)
- (7) A certificate of service (Marine Engineer Officer) (River Trade) Class 3 granted by the Director of Marine under the repealed Regulations shall be equivalent to a Certificate of Competency (Marine Engineer Officer) (River Trade) Class 3 issued under this Regulation.

Part IIIA

Certification of Electro-technical Officers

(Part IIIA added L.N. 133 of 2016)

7A. Qualified electro-technical officers

- (1) For the purposes of this Regulation, an electro-technical officer is qualified if—
 - (a) the officer holds—
 - (i) a certificate of competency as an electro-technical officer issued under this Regulation; or
 - (ii) a licence which is under Part V to be treated as equivalent to such a certificate of competency; and
 - (b) such certificate or licence is in force.
- (2) Despite subsection (1), if any person—
 - (a) holds a certificate of competency as an electro-technical officer issued by, or under the authority of, the government of a state party to the Convention;
 - (b) has satisfied the requirements for the issue of a licence referred to in subsection (1)(a)(ii); and
 - (c) has applied for the issue of the licence,
the person is to be treated as a qualified electro-technical officer for the purposes of this Regulation for a period of 3 months from the date on which the application made by such person for the issue of the licence is received by the Authority.
- (3) A certificate of competency as an electro-technical officer issued by the Authority is of the class of Certificate of Competency (Electro-technical Officer) Class ETO.
- (4) A certificate of competency as an electro-technical officer is subject to any conditions endorsed on the certificate.

Part IV

Application for and Issue of Certificates of Competency

(L.N. 133 of 2016)

7B. Application for issue and renewal of certificates of competency

- (1) A person may apply to the Authority for the issue or renewal of a certificate of competency.
- (2) The application must be accompanied by—
 - (a) any evidence as may be necessary to establish that the requirements for the issue or the conditions for renewal of the certificate being applied for have been satisfied; and
 - (b) the prescribed fee.
- (3) On receipt of the application, the Authority—
 - (a) if satisfied that the applicant is entitled to the issue of the certificate being applied for, may issue the certificate to the applicant;

- (b) if satisfied that the applicant is entitled to the renewal of the certificate being applied for, may renew the certificate; or
- (c) if not satisfied that the applicant is so entitled, must inform the applicant in writing that the application is refused, stating the reasons for the refusal.

(L.N. 133 of 2016)

7C. Requirements for issue of certificates of competency

- (1) The Authority must not issue a certificate of competency referred to in subsection (2) to an applicant unless the requirements for the issue of the certificate are satisfied.
- (2) The requirements are—
 - (a) for a Certificate of Competency (Deck Officer) Class 1 (Master Mariner) or a Certificate of Competency (Deck Officer) Class 2, the applicant has met the requirements specified in Regulation II/2, paragraph 2 of the Convention;
 - (b) for a Certificate of Competency (Deck Officer) Class 3, the applicant has met the requirements specified in Regulation II/1, paragraph 2 of the Convention;
 - (c) for a Certificate of Competency (Marine Engineer Officer) Class 1 or a Certificate of Competency (Marine Engineer Officer) Class 2, the applicant has met the requirements specified in Regulation III/2, paragraph 2 of the Convention;
 - (d) for a Certificate of Competency (Marine Engineer Officer) Class 3, the applicant has met the requirements specified in Regulation III/1, paragraph 2 of the Convention; and
 - (e) for a Certificate of Competency (Electro-technical Officer) Class ETO, the applicant has met the requirements specified in Regulation III/6, paragraph 2 of the Convention.

(L.N. 133 of 2016)

8. General standards and conditions for the issue of certificates

- (1) The Authority may make determinations in writing specifying —
 - (a) the standards of competency to be attained and the conditions to be satisfied by a person or class of persons to qualify for certificates of competency or a certificate of competency of a particular class under this Regulation;
 - (b) the standards of competency to be attained and the conditions to be satisfied by a person or class of persons seeking endorsements to their certificates to qualify them in respect of particular ships, particular classes of ships, or ships carrying particular cargoes or particular classes of cargoes;
 - (c) the conditions to be established by a person seeking a renewal of his certificate; and *(L.N. 133 of 2016)*

- (d) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be established.
- (2) Notwithstanding anything contained in this Regulation or any determinations made under subsection (1), the Authority shall not issue any certificate unless he is satisfied that the applicant is a fit person to be a holder of the certificate and to act competently in the capacity to which it relates.

PART V

LICENCES

9. Classes of licences, etc.

- (1) A licence issued by the Authority shall be of one of the classes specified in column 1 of the table to this section.
- (2) A licence of a class specified in column 1 of the table to this section shall be equivalent to a certificate of competency of a class specified opposite thereto in column 2 of that table and, accordingly, where a provision of any enactment requires a person to hold a certificate of competency of a particular class, any reference in that provision to such certificate may be read as a reference to a licence of the class which it is equivalent to by virtue of this section.
- (3) The provisions of the other Parts of this Regulation (including determinations made under those Parts, and section 19) shall have effect with respect to a licence of a class specified in column 1 of the table to this section, and the holder thereof, as they have effect with respect to a certificate of competency of a class specified opposite thereto in column 2 of that table, and the holder thereof, except in so far as those provisions are inconsistent with the provisions of this Part (including determinations made under this Part).

TABLE

	Column 1	Column 2
	Licence	Certificate of competency
1.	Licence (Deck Officer) Class 1	Certificate of Competency (Deck Officer) Class 1 (Master Mariner)
2.	Licence (Deck Officer) Class 2	Certificate of Competency (Deck Officer) Class 2
3.	Licence (Deck Officer) Class 3	Certificate of Competency (Deck Officer) Class 3
4.	Licence (Marine Engineer Officer) Class 1	Certificate of Competency (Marine Engineer Officer) Class 1
5.	Licence (Marine Engineer Officer) Class 2	Certificate of Competency (Marine Engineer Officer) Class 2
6.	Licence (Marine Engineer Officer) Class 3	Certificate of Competency (Marine Engineer Officer) Class 3
7.	Licence (Electro-technical	Certificate of Competency

10. General standards and conditions for the issue of licences

- (1) The Authority may make determinations in writing specifying —
 - (a) the standards of competency to be attained and the conditions to be satisfied by a person or class of persons to qualify for licences or a licence of a particular class under this Part; and (*L.N. 133 of 2016*)
 - (b)-(c) (*Repealed L.N. 133 of 2016*)
 - (d) the manner in which the attainment of any such standards or the satisfaction of any such conditions is to be established.
- (2) Notwithstanding anything contained in this Regulation or any determinations made under subsection (1), the Authority shall not issue any licence unless he is satisfied that the applicant is —
 - (a) a holder of a certificate issued by, or under the authority of, the government of a state party to the Convention and such certificate is issued not on the basis of recognition by such a government of any certificate issued by another government; and (*L.N. 133 of 2016*)
 - (b) a fit person to be a holder of the licence and to act competently in the capacity to which it relates. (*L.N. 105 of 1998*)

PART VI**GENERAL PROVISIONS RELATING TO
CERTIFICATES****11. Validity, record and surrender of certificates**

(L.N. 133 of 2016)

- (1) (*Repealed L.N. 133 of 2016*)
- (2) Any certificate of competency may be issued by the Authority in respect of a limited period of time and such certificate shall be invalid on the expiry of that period of time unless the holder has obtained a renewed certificate. (*L.N. 133 of 2016*)
- (3) A record of all certificates of competency issued under this Regulation and of the suspension, cancellation or alteration of, and any other matters affecting, certificates shall be kept in such manner as the Authority requires.
- (4) Subject to subsection (5), where the holder of a certificate of competency of a particular class issued under this Regulation is issued with a certificate of a higher class, he shall surrender the certificate of the lower class to the Authority.

- (5) Where the holder of a certificate of competency issued under this Regulation (other than a river trade class of certificate of competency) has qualified for the issue of a river trade class of certificate of competency, the Authority may endorse that first-mentioned certificate to that effect and, accordingly, this Regulation shall apply to that first-mentioned certificate as so endorsed, and the holder thereof, as if that first-mentioned certificate as so endorsed was also a certificate of the class to which the endorsement relates.

12. Lost, etc., certificates

- (1) Subject to subsection (2), where a certificate issued to any person has been lost, defaced or destroyed, the Authority may, upon payment of the prescribed fee, cancel the certificate and issue to the person another certificate in like terms, and any such certificate so issued shall, for the purposes of this Regulation, have the same effect as the certificate lost, defaced or destroyed, as the case may be. (*L.N. 133 of 2016*)
- (2) The Authority—
- (a) shall not issue a certificate pursuant to subsection (1) to a person unless the person supplies the Authority with such information as the Authority requires to satisfy the Authority that the certificate which it will replace has in fact been lost, defaced or destroyed; and
- (b) may waive or reduce the prescribed fee referred to in subsection (1) where he is satisfied that the certificate concerned has been lost, defaced or destroyed without fault on the part of the person to whom it was issued.

PART VII

MANNING OF SHIPS BY OFFICERS

13. Manning of ships

- (1) Subject to section 14, a ship of the description specified in column 1 of the following tables shall be manned, when it proceeds to sea, by not less than the number of qualified deck officers of the classes specified opposite thereto in column 2 of the respective tables and not less than the number of qualified marine engineer officers of the classes specified opposite thereto in column 3 of the respective tables and shall not leave the waters of Hong Kong unless it is so manned.

TABLE A

Column 1	Column 2			Column 3		
Sea-going ships	Deck Officer			Marine Engineer Officer		
	Class 1	Class 2	Class 3	Class 1	Class 2	Class 3
1. Any passenger ships	1	1	2			
2. Ships, other than	1	1	2			

passenger ships, of 3 000 gross tonnage or more						
3. Ships, other than passenger ships, of under 3 000 gross tonnage	1	1	1			
4. Any ships of 3000 kilowatts propulsion power or more				1	1	1
5. Any ships of 750 kilowatts or more but under 3000 kilowatts propulsion power					1*	2

* A service endorsement is required.

(23 of 1998 s. 2; L.N. 133 of 2016)

TABLE B

Column 1	Column 2			Column 3		
	Deck Officer			Marine Engineer Officer		
Coastal-going ships	Class 1	Class 2	Class 3	Class 1	Class 2	Class 3
1. Any passenger ships	1	1	1			
2. Any passenger ships—						
(a) of 3000 kilowatts propulsion power or more				1	1	1
(b) of under 3000 kilowatts propulsion power				1	1	

(2)-(6) (Repealed L.N. 133 of 2016)

14. Proceeding to sea with less than the required number of deck or engineer officers

There shall be no contravention of section 13 where, by reason of illness, absence or other unforeseeable happening, a ship proceeds to sea, other than on a voyage within river trade limits, manned by 1 less than the required number of deck officers, or 1 less than the required number of engineer officers or 1 less than the required number of officers in both departments:

Provided that this section shall not apply unless—

- (a) all reasonable steps are taken to man the ship as required by this Regulation;
- (b) the Authority is notified of the facts before the ship proceeds and such notification is entered in the ship's official log book;
- (c) the master of the ship is satisfied that it is safe to proceed and enters a statement to that effect in the ship's official log book; and
- (d) the ship does not continue to be so undermanned for a period exceeding 28 days.

15. (Repealed L.N. 133 of 2016)

PART VIII

WATCHKEEPING REQUIREMENTS

16. Officers to act only in a capacity for which certificated

- (1) Subject to subsection (2), an officer shall not man a station in a ship unless he holds a certificate of a class appropriate to the station.
- (2) Where—
 - (a) an officer dies or is incapacitated while the ship is at sea; or
 - (b) a ship proceeds to sea in the circumstances referred to in section 14,and there is no other officer who holds a certificate of a class appropriate to the station, the officer in the same department who holds a certificate of a class next below that first-mentioned certificate may man that station for a period not exceeding 28 days.
- (3) No person shall appoint or permit any officer to man a station except as permitted by this section.

PART IX

MISCELLANEOUS

17. Offences and penalties

- (1) Any person who, in connection with an application for or the issue of a certificate of competency or licence, or in connection with the endorsement, or renewal, of a certificate of competency or certificate of service— (*L.N. 133 of 2016*)
 - (a) makes a false pretence; or
 - (b) supplies false information,
knowing it to be false or not believing it to be true commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.
- (2) Any person who—
 - (a) permits any other person to use a certificate of competency, certificate of service or licence to which that other person is not entitled; or
 - (b) falsely pretends to be entitled to a certificate of competency, certificate of service or licence, (*L.N. 133 of 2016*)
commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.
- (3) Where any person is convicted of an offence under subsection (1) or (2) or of the offence of fraud under section 16A of the Theft Ordinance (Cap. 210) in relation to a certificate of competency, certificate of service or licence, or of a conspiracy to commit any such offence, or of a conspiracy to defraud in relation to a certificate of competency, certificate of service or licence, the Authority may cancel, or suspend for any period, the certificate of competency, certificate of service or licence held by such person. (*45 of 1999 s. 9; L.N. 133 of 2016*)
- (4) The company or master of a ship who authorizes or permits the ship to proceed to sea in contravention of section 13, whether or not the ship so proceeds, commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years. (*L.N. 133 of 2016*)
- (5) Any person who contravenes section 16 commits an offence and is liable—
 - (a) on conviction upon indictment, to a fine at level 6 and to imprisonment for 2 years; or
 - (b) on summary conviction, to a fine at level 3 and to imprisonment for 2 years.

18. Appeals

Any person aggrieved by a decision of the Authority under section 7B to refuse to issue or renew a certificate of competency or under section 10(2) to refuse to issue a licence may appeal against the decision to the Administrative Appeals Board.

(L.N. 133 of 2016)

19. Certificates issued under the repealed Regulations deemed to be certificates issued under this Regulation

- (1) Any certificate issued under a provision of the repealed Regulations and in force immediately before the commencement of this Regulation shall be deemed to be a certificate issued under the corresponding provision of this Regulation and shall be subject to the same qualifications and limitations, if any, as were endorsed on that certificate immediately before that commencement, and the provisions of this Regulation shall apply accordingly.
- (2) Any certificate issued under a provision of the repealed Regulations which was, immediately before the commencement of this Regulation, suspended under the repealed Regulations shall, subject to subsection (3), be deemed, for the purposes of subsection (1), to be in force immediately before that commencement.
- (3) Where any certificate issued under a provision of the repealed Regulations is deemed by virtue of subsection (1) to be a certificate issued under a corresponding provision of this Regulation and was, immediately before the commencement of this Regulation, suspended under a provision of the repealed Regulations, then that certificate shall, in the like manner, be deemed to be suspended under the corresponding provision of this Regulation for the period concerned of such suspension left to serve immediately before that commencement, and the provisions of this Regulation shall apply accordingly.
- (4) For the purposes of this section, a reference in a certificate first-mentioned in subsection (1) to a dynamically supported ship shall be deemed to be a reference to a high-speed craft.