

## **PYA WORKSHOP FOR CAPTAINS AND CREW**

Date: Tuesday 22<sup>nd</sup> September 2009

Venue: La Salle du 8 Mai

Hosted by the Professional Yachtsmen's Association and Blue Water Training

Sponsored by Blue Water Training

Speaker: Captain Roger Towner, UK Registrar General of Shipping and Seamen, MCA

The President of the PYA, Andrew Schofield welcomed everybody to the meeting and introduced Captain Roger Towner.

Captain Towner thanked the PYA and Blue Water Training for the invitation to come and speak about the future of yachting and how the MCA saw it. He introduced himself by saying that he had spent 26 years at sea in the merchant navy and had spent the last 15 years at the MCA, 7 years of that, as the Chief Examiner and now the UK Registrar General of Shipping and Seaman but still maintained a keen interest in the yachting industry.

John Wyborn closed the meeting by thanking Captain Towner for a very informative presentation and invited everyone present to join them for drinks before leaving.

Topics under discussion: -

### Unlimited qualifications.

STCW unlimited qualifications are required for service in yachts above 3000gt, and there are no plans to introduce a yacht restricted certificates above that limit. The requirement for unlimited certification will apply to the '13-36 code' that is currently being developed by the MCA and Cayman Islands. This code will allow vessels to carry up to 36 passengers. However, sea service acquired on yachts over 24 meters will be allowed to count towards STCW unlimited qualifications. Sea service will be calculated as detailed in MSN 1802. Officer of the Watch (OOW) Unlimited certificates require 36 months sea service of which 6 months must have been completed in the 5 years preceding the application. (This could be reduced to 12 months sea service if following 'an approved course of training', but this is currently only possible if working in merchant ships following a Merchant Navy Training Board approved cadetship.)

Some colleges in the UK, including Fleetwood and NW Kent Colleges are considering developing distance learning courses towards STCW mainstream certificates. It is suggested that once these courses have been developed it would be advantageous to work concurrently towards both the OOW Unlimited certificate and the Yacht restricted certificates. It is envisaged that by the time a professional yachtsman had completed the Master 3,000gt certificate of competency they will probably have completed 36 months sea service and would be in a position to submit an application for the OOW unlimited oral examination. The underpinning knowledge for OOW unlimited and that for Master Yachts 3000gt are not the same but there is obviously an overlap between them. The short STCW courses such as Advanced Fire Fighting would not have to be repeated and would count towards both restricted and unlimited CoCs. Once the OOW Unlimited had been attained, another 18 months sea service would be required to progress to Chief Mate and a further

18 months to Master Unlimited. It is again envisaged that this time will be earned whilst serving as Mate or Master on large yachts: it is important to note that time towards the Chief Mate Unlimited certificate will only count from the time that the OOW Unlimited CoC was achieved, and that for Master only from the time Chief Mate Unlimited achieved.

Yacht limitations on certificates would not be removed from a CoC until the Unlimited certificate was superior. For instance, it would be quite possible for an officer to have on the same certificate

'Master Yachts 500gt *and* OOW Unlimited' or

'Chief Mate Yachts 3,000gt *and* OOW Unlimited'

Whilst distance learning is a more flexible option than attending college to attain the qualifications it is not an easy option, especially if fitting it in around full time work.

Currently the short courses did not expire, other than Medical Care Onboard Ship which needs to be revalidated every 5 years. This is a requirement originating from an EU Directive where both the Master and the person in charge of the medical care onboard an EU (or UK) vessel must hold a valid Medical Care Onboard Ship certificate (MCOS). A valid MCOS is required to obtain a master's certificate but, whilst a requirement for service on board, is not required for revalidation.

#### Maritime Labour Convention, 2006 (MLC 2006)

Hours of work:

When the MLC, 2006 came into force, the hours of work regulations that have been in place for some time will be imposed on all paid crew on commercial vessels including the master. This means that all crew will be required to have a minimum of 10 hours of rest per day and 77 hours rest per week. It is the responsibility of the master (and ultimately the owner) to ensure that the scheduled hours of rest are posted on the ship and that the crew keep proper records of work and rest. If the vessel was inspected and these records could not be produced, the vessel would be in breach of an international convention backed up by EU law and most administrations. Administrations that have not signed up to the MLC will be not be entitled to 'any more favourable treatment' i.e. if a vessel's flag state had not signed the Convention and the vessel entered a country that had signed up to MLC and was inspected, there would 'no more favourable treatment' and the vessel would need to comply with the Convention. Despite being some flexibility in the requirements, (such as rest periods being reduced to 6 hours over two days providing the time was made up afterwards), the fact that crew work longer hours in the season and less at other times does not count: the basic rule of 10 hours rest per day, 77 hours per week applies. This Convention only applies to commercially operated vessels. Yachts used solely for the use of the owner and friends / family are exempt.

Crew will not be allowed to opt out of the requirements by signing a disclaimer. Manning scales must be adjusted if there were insufficient crew to man the vessel and comply with the legislation.

Crew Accommodation:

The MCA recognised that application of MLC, 2006 to yachting will cause some specific problems especially relating to the required size of crew accommodation in smaller yachts.

To address these problems the MCA has formed a sub-group with yachting representatives including the PYA and have had a number of constructive meetings at which 'substantial equivalence' was discussed. A report from that sub-group will be forwarded to the UK tripartite committee and, if agreed, will form part of their recommendations to the ILO.

Any thoughts on 'substantial equivalence' needed to be sent to the MCA before the next tripartite meeting on 9<sup>th</sup> October. Andrew Schofield said that the PYA MLC workgroup had been working on this and that the MCA would receive their recommendations before the 9<sup>th</sup>.

### STCW revision:

#### Background:

The STCW convention is transposed into EU law by means of a directive. As soon as the European Commission (EC) writes a directive on something e.g. STCW – the EC claims competency in these matters. Once the EC has claimed competency, a member state cannot make any pronouncements to the outside world on these matters without the EC's permission. The EC has claimed competency for STCW. This means that now there is a revision of STCW taking place, if the UK would like to see any changes there are correct procedures that needed to be followed. They need to present the proposal to the Commission, who then take it to a panel of experts (one of which is the MCA) who then vote on it. Then, if it receives more than half of the votes, even though the EC claims competency, it can be put to the International Maritime Organisation to be presented to the STW sub-committee.

#### Revision:

In the revision, part of what the UK would have liked was to put the Large Yacht Code (LYC) training requirements into the text of the STCW Code, but this was only supported by 4 of the 28 EU Member States level. However, as the LYC was not part of the existing convention and therefore not part of the EU directive on Seafarer Training, the proposal was put through to the IMO STW sub-committee anyway; but received no support from the rest of the world either. As result, other ways to introduce it are now being considered.

So if the yachting community wanted to see the LYC as part of the STCW convention, they needed to lobby their own flag states to support this idea.

#### Electronic Chart Display and Information System (ECDIS):

In the proposed revision of STCW, there is a lot more about the teaching of ECDIS. The MCA do not intend introducing another separate course for this, instead we would prefer this to be incorporated in the current framework for teaching navigation and radar. For vessels that wish to use ECDIS as the primary means of navigation (which is permitted under LY2 code) the officers must complete the NARAS course plus a manufacturer's course.

#### Able bodies seaman certificates (AB cert) for yachts?

It has been suggested that an AB cert for yachts be introduced. STCW has been very clear that there will be no international requirement to get a AB Seaman Certificate,

although if someone wishes to, it is possible. The Yacht Rating Certificate (YRC) will continue to be certificate required to meet the manning scales.

It was confirmed that a yachtmaster certificate precluded the need for an YRC.

#### Electronic Technical Officers (ETO)

Under the revision, there will be a set of competencies that an ETO can work towards an STCW certification. If a vessel chooses to carry an ETO this will a good qualification to have.

The STWC revision will be finalised in July 2010 and probably come into force two years later.

#### Summary:

Captain Towner said that he felt that there were no serious changes in the STCW revision but the yachting industry should be more concerned about MLC 2006.

What does the MCA think about yachting in general?

It should to be safe, profitable and good career to offer to crew. Peter Cardy, the chief Executive at the MCA, a recreational yachtsman himself, would like to see and help promote a flourishing industry. It is felt that it will be possible to move from a dinghy sailor, to yachtmaster ocean, progress to MCA qualifications and progress to Master 3000gt (Yacht) with an optional change over to unlimited STCW qualifications.

Post meeting note.

The ECDIS requirements may be more onerous than we originally thought

Peter Cardy, MCA Chief Executive, has just announced that he will not be renewing his contract when it expires in Feb 2010.