

INTERNATIONAL LABOUR OFFICE — GENEVA

REPORT FORM
FOR THE
**OFFICERS' COMPETENCY CERTIFICATES
CONVENTION, 1936 (No. 53)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measure which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such a form and shall contain such particulars as the Governing Body may request."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;
- (b) replies to the questions in the report form on the practical application of the Convention (for

example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;

- (c) **replies to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936 (No. 53)

ratification of which was registered on

I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of the said legislation, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention please supply the information asked for or indicate the action taken by your Government to settle the points in question.

ARTICLE 1

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

- (a) ships of war;
- (b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;
- (c) wooden ships of primitive build such as dhows and junks.

2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

Please indicate to what extent advantage is taken in the national laws or regulations of the provisions of paragraph 2 of this Article.

ARTICLE 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them:

- (a) "master or skipper" means any person having command or charge of a vessel;
- (b) "navigating officer in charge of a watch" means any person, other than a pilot, who is for the time being actually in charge of the navigation or manoeuvring of a vessel;

- (c) “chief engineer” means any person permanently responsible for the mechanical propulsion of a vessel;
- (d) “engineer officer in charge of a watch” means any person who is for the time being actually in charge of the running of a vessel’s engines.

ARTICLE 3

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of *force majeure*.

Please indicate, with reference to Article 3—

- (a) *the different classes of certificates provided under the national laws or regulations in accordance with paragraph 1, and the duties for the performance of which they are required or authorised;*
- (b) *whether, and to what extent, certificates issued by a foreign country are approved by the public authority of your country for use in ships registered in your country (equivalence of certificates); and*
- (c) *whether, and how, the cases of force majeure referred to in paragraph 2 are further defined in the national laws or regulations.*

ARTICLE 4

1. No person shall be granted a certificate of competency unless—

- (a) he has reached the minimum age prescribed for the issue of the certificate in question;
- (b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and
- (c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall—

- (a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;
- (b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2 (b) of this Article who—

- (a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and
- (b) have no record of any serious technical error against them.

With reference to paragraphs 1 and 2 of this Article, please indicate—

- (a) *the minimum ages and minimum periods and nature of the professional experience laid down as conditions to be fulfilled before the different classes of certificates are granted; and*
- (b) *the nature (practical or theoretical or both) and a brief outline of the examinations required to be passed for each class of certificate, and the methods of the organisation and supervision of the examinations by the competent authority.*

With reference to paragraph 3, please indicate to what extent advantage is taken of its provisions, and the methods of applying it.

ARTICLE 5

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

With reference to paragraph 1 of this Article, see below under Point III.

As regards paragraph 2, please supply full information as to the provisions of national laws or regulations concerning the cases in which, and the procedure by which, a vessel may be detained in pursuance of the paragraph.

ARTICLE 6

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

- (a) a shipowner, shipowners' agent, master or skipper has engaged a person not certificated as required by this Convention;
- (b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate;
- (c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

Please indicate the cases in which penalties or disciplinary measures are prescribed in pursuance of this Article, and the nature of the penalties or disciplinary measures.

III. Paragraph 1 of Article 5 of the Convention is as follows:

Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

Please state to what authority or authorities the application of the laws or regulations implementing the Convention is entrusted and by what methods their application is supervised and enforced. In particular, please supply information on the organisation and working of the inspection system.

IV. Please state whether courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please add a general appreciation of the manner in which the Convention is applied in your country, giving, for example, extracts from reports of the inspection services and, so far as such statistics are available, information concerning the number of the different classes of certificates of competency issued during the year, the number and nature of contraventions reported and the action taken on them (Articles 5 and 6 of the Convention), etc.

VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or

the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."