

MERCHANT SHIPPING CERTIFICATE OF COMPETENCY (MARINE ENGINE-DRIVERS REQUIREMENTS) RULES 1984

[P.U. (A) 231/1984]

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MERCHANT SHIPPING CERTIFICATE OF COMPETENCY (MARINE ENGINE-DRIVERS REQUIREMENTS) RULES 1984*

[P.U. (A) 231/1984]

IN exercise of the powers conferred by section 80 (3) of the Merchant Shipping Ordinance 1952, the Minister makes the following rules:

PART I

PRELIMINARY

1. Citation.

These Rules may be cited as the **Merchant Shipping Certificate of Competency (Marine Engine-Drivers Requirements) Rules 1984.**

2. Interpretation.

In these Rules, unless the context otherwise requires—

“approved” means approved by the Department;

“calendar month” means the time included between any given day in any month and the preceding day of the following month, both days being inclusive;

“Department” means the Marine Department Peninsular Malaysia;

“motorship” means a ship propelled by internal combustion reciprocating engines;

“power” means, in relation to a ship, the brake or shaft power specified in the ship’s certificate of registry;

“qualifying sea service” means service under crew agreements as engine-driver on regular watch, namely on watch for not less than eight out of each twenty-four hours of service claimed in ships with propelling machinery in use;

“steamship” means a ship propelled by steam reciprocating engines or by steam turbines;

“valid Certificate of Competency” means—

- (a) a Certificate of Competency of the appropriate class issued by the Surveyor-General of Ships on behalf of the Minister under these Rules for the capacity in which the holder is to be carried in the ship; or
- (b) any higher class of the accepted certificate issued for the same type of machinery whether steam or motor that is required by these Rules to be held by the engine-drivers carried in the ship; or
- (c) any Certificate of Competency granted by any government outside Malaysia and recognised by the Surveyor-General of Ships;

**As amended by Am. P.U. (A) 241/91.*

[Ins. P.U. (A)
241/91] "workshop service" means off-the-job training in the use of tools and techniques of general engineering craft practice at an approved industrial centre.

PART II

CLASSES OF CERTIFICATE OF COMPETENCY AND CONDITIONS OF ENTRY

3. Certificate of Competency.

The Motor Certificate of Competency may be granted under these Rules qualifying the holders to serve as engine-drivers in the classes certified in motorships.

4. Qualifications required for a Third Class Engine-Drivers Certificate of Competency.

To qualify for a Third Class Engine-Drivers Certificate of Competency a candidate shall—

- (a) satisfy the initial training requirement set out in Part III;
- (b) complete the qualifying sea service set out in Part IV;
- (c) attend an approved fire-fighting course;
- (d) attend an approved first aid course;
- (da) hold a valid certificate of efficiency as survival craftsman; and
- (e) pass the examination set out in Part VI.

[Ins. P.U. (A)
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5. Qualifications required for a Second Class Engine-Drivers Certificate of Competency.

To qualify for a Second Class Engine-Drivers Certificate of Competency a candidate shall—

- (a) hold a valid Third Class Engine-Drivers Certificate of Competency;
- (b) complete the qualifying sea service set out in Part IV;
- (c) attend an approved fire-fighting course;
- (d) attend an approved first aid course;
- (da) hold a valid certificate of efficiency as survival craftsman; and
- (e) pass the examination set out in Part VI.

[Ins. P.U. (A)
241/91]

6. Qualifications required for a First Class Engine-Drivers Certificate of Competency.

To qualify for a First Class Engine-Drivers Certificate of Competency a candidate shall—

- (a) hold a valid Second Class Engine-Drivers Certificate of Competency;
- (b) complete the qualifying sea service set out in Part IV;

- (c) attend an approved fire-fighting course;
- (d) attend an approved first aid course;
- (da) hold a valid certificate of efficiency as survival craftsman; and
- (e) pass the examination set out in Part VI.

[Ins. P.U. (A)
241/91]

PART III

INITIAL TRAINING

7. Initial training.

Any candidate who has—

- (a) completed one of the approved courses of training as an engine room rating; or
- (b) completed two years of engineering craft training which may include full time education between the ages of sixteen to seventeen years and shall include one year workshop service; or
- (c) started the sea service, prior to the date these Rules come into force, in a capacity as an engine room operative on ships of not less than 175 kW propulsion power and plying beyond port limit and has completed a minimum of 18 months of sea service and has obtained approval from Surveyor-General of Ships,

[Am. P.U. (A)
241/91]

shall be deemed to have completed the initial training.

7A. Power of Surveyor-General to accept other training.

The Surveyor-General of Ships may, in such cases as he deems fit, accept engineering training or sea service, or both, completed by a person while serving on the Royal Malaysian Navy ships or on other ships belonging to the Government of Malaysia in lieu of all or part of the initial training requirement specified in rule 7; and such engineering training or sea service must have been in a capacity relevant to the duties of a marine engine-driver on ships of not less than 175 kW propulsion power.

[Ins. P.U. (A)
241/91]

8. Training before the age of sixteen not acceptable.

Workshop service or other training completed before the age of sixteen years shall not be accepted.

9. Deficiency in training.

Any deficiency of the requirements in rule 7, shall be assessed in each case by the Surveyor-General of Ships and shall be made up—

- (a) by off-the-job training; or
- (b) by further approved workshop service of a suitable character; or
- (c) by compensatory shipboard service in an approved capacity as required by Part IV of these Rules.

10. Compensatory shipboard service.

(1) Compensatory shipboard service shall be performed either on regular watch or on day work in ships of not less than 350 kW propulsion power and the time so spent on such ships shall be accepted as having two-thirds of the value of suitable workshop service.

(2) The period of compensatory shipboard service required shall not exceed three years.

(3) Compensatory sea service performed before the age of eighteen years shall not be accepted.

11. Testimonials.

(1) All candidates are required to produce testimonials covering their services.

(2) The testimonials shall be signed by the employer or his representative.

(3) Testimonials shall be returned to candidates when the examination is completed.

12. Training outside Malaysia.

Training outside Malaysia is acceptable subject to the conditions set out in this Part but any such training assessed under rule 7 shall only be accepted under special circumstances where the Department is in close liaison with the college or training centre concerned and has given formal approval of such training.

PART IV

QUALIFYING SEA SERVICE

13. Qualifying sea service for a Third Class Engine-Drivers Certificate of Competency.

(1) Any candidate for a Third Class Engine-Drivers Certificate of Competency shall, in addition to the requirements for initial training set out in Part III, complete the following period of qualifying sea service in ships of not less than 175 kW propulsion power before sitting for the examination:

- (a) eighteen months of which at least nine months shall be spent on the main propelling machinery of a motorship; and
- (b) the remaining period may be spent on the main propelling machinery of a steamship or motorship or on suitable auxiliaries of any ship or on day work.

[Ins, P.U. (A)
241/91]

(2) A candidate who has served as an engine room operative for not less than six years on the Royal Malaysian Navy ships, or on other ships belonging to the Government of Malaysia, of not less than 175 kW propulsion

power may be exempted from the qualifying sea service requirement specified in paragraph (1).

14. Qualifying sea service for a Second Class Engine-Drivers Certificate of Competency.

(1) Any candidate for a Second Class Engine-Drivers Certificate of Competency shall, while in possession of a Third Class Engine-Drivers Certificate of Competency, complete the following period of qualifying sea service in ships of not less than 350 kW propulsion power before sitting for the examination:

- (a) twelve months of which at least six months shall be spent on the main propelling machinery of a motorship; and
- (b) the remaining period may be spent on the main propelling machinery of a steamship or motorship or on suitable auxiliaries of any ship or on day work.

(2) A candidate whose engineering training or sea service, or both, has been accepted by virtue of rule 7A in lieu of all or part of the initial training requirements must have completed the qualifying sea service specified in paragraph (1), of which at least six months must have been spent on merchant ships while holding a valid Third Class Engine-Drivers Certificate of Competency, and the remaining period may have been spent on other approved ships.

[Ins. P.U. (A)
241/91]

15. Qualifying sea service for a First Class Engine-Drivers Certificate of Competency.

Any candidate for a First Class Engine-Drivers Certificate of Competency shall, while in possession of a Second Class Engine-Drivers Certificate of Competency, complete the following period of qualifying sea service in ships of not less than 750 kW propulsion power before sitting for the examination:

- (a) twelve months of which at least six months shall be spent on the main propelling machinery of a motorship; and
- (b) the remaining period may be spent on the main propelling machinery of a steamship or motorship or on suitable auxiliaries of any ship or on day work.

16. Sea service in ships not under way for considerable periods.

(1) When part or the whole of the sea service has been performed in ships which for considerable periods have not been under way, a statement from the owners of the ship shall be produced stating the time in days the ships are actually under way.

(2) Under the circumstances set out in paragraph (1) the qualifying sea service may be reckoned as one and a half times the number of days actually spent under way but in no case can it exceed the time spent on Articles during the period concerned.

17. Sea service to be performed as engine-driver in charge of the watch.

(1) Subject to paragraph (2) candidates for the First Class Engine-Drivers Certificate of Competency examination shall perform the qualifying sea service in a capacity not less than engine-driver in charge of the watch.

(2) Service as second in seniority on ships where two or more engine-drivers are on regular watch at the same time may be accepted but service of lower seniority in such ships shall only be accepted at half rate.

18. Sea service on ships without traditional eight-hour watchkeeping routine.

Sea service performed by engine-drivers employed in work practices in ships operated on other than the traditional eight-hour watchkeeping routine may be accepted as qualifying sea service if the Department is satisfied that such practices provide a reasonably balanced system of service.

19. Time spent on "on-call" watchkeeping.

(1) For the purpose of rule 18, when an engine-driver is nominated as being in sole charge of periodically unattended machinery spaces for a period of twenty-four hours, the time so spent on such "on-call" watchkeeping may be accepted at one and half rate and the remainder of the time on Articles shall be considered as day work and allowed to count towards qualifying sea service.

(2) The total sea service accepted under the conditions set out in paragraph (1) shall either be that computed in accordance with that paragraph or the time actually spent on Articles, whichever is less.

20. Work not usually performed by a watchkeeping engine-driver not generally acceptable.

(1) Sea service in ships where a watchkeeping engine-driver, as part of his regular duties does work not usually performed by a watchkeeping engine-driver in the Merchant Navy is not generally acceptable.

(2) Notwithstanding paragraph (1) but subject to paragraph (3) the Department may consider cases where, although the work is of an unusual nature, it is considered pertinent to the operational experience of an engine-driver and in such cases the Department may accept the sea service up to a maximum of six months either at full rate or at some proportional rate dependent on the type of work involved.

(3) Sea service as in paragraph (1) shall not be accepted as counting towards the minimum sea service required to be spent on the boilers and main propelling machinery of a steamship or on the main propelling machinery of a motorship.

21. Time spent on auxiliary machinery acceptable.

(1) Time spent on auxiliary machinery essential to the running of the main propelling machinery of the ship shall be allowed to count in full towards qua-

lifying sea service, but subject to a maximum acceptable limit of six months only.

(2) Time served on suitable auxiliary machinery run independently of the main propelling machinery shall count at half rate, the total service so calculated being subject to a maximum acceptable limit of six months only.

22. Day work and engineering work at sea other than on regular watch.

(1) Day work and engineering work carried out within the engine and boiler spaces of a steamship or motorship at sea, other than that performed on regular watch, shall be counted towards qualifying sea service at the following rate:

(a) full rate, for up to eight months; and

(b) half rate, for any further period.

(2) The total service calculated in accordance to paragraph (1) is subject to a maximum acceptable limit of six months.

23. Lake or river service.

(1) Service on lakes, rivers or within smooth water limits shall be accepted at half rate, but the total service so calculated is subject to a maximum acceptable limit of nine months.

(2) Service beyond smooth water limits shall be accepted at full rate.

24. Testimonials in respect of sea service.

(1) Every candidate shall produce testimonials in respect of his qualifying sea service.

(2) The testimonials shall state the seniority on watch, the type of main propelling machinery and the nature of the duties performed.

(3) The testimonials shall be signed by the Chief Engineer and be endorsed by the Engineer Superintendent or by the Master or other representatives of the owner.

(4) When the candidate has acted in the capacity of a Chief Engineer, the testimonial shall be signed by the company's Engineer Superintendent or a person of responsibility within the company.

(5) When a candidate suffers from any physical or mental disability which might interfere with the proper performance of his duties as an engine-driver, the signatories of his testimonials should state whether such defect did in fact interfere in any way with the efficient discharge of the candidate's duties.

(6) Testimonials should as far as possible conform to Form I as set out in the Schedule.

(7) Testimonials shall be returned to the candidate when the examination is completed.

25. Verification of sea service.

(1) Sea service which cannot be verified by proper entries in the Articles of Agreement of the ships in which the candidate has served shall not be accepted unless authenticated in the manner prescribed in paragraph (2).

(2) Proof of sea service of aliens and of Malaysian personnel serving in foreign vessels which cannot be verified by the Department shall be confirmed either by a Consular or by some other recognised official authority of the foreign country or by some responsible person having personal knowledge of the facts to be established.

26. Calculation of sea service.

(1) A candidate's qualifying sea service as shown by the discharges and testimonials shall be reckoned by the calendar month.

(2) The number of complete calendar months from the commencement of the period shall be computed after which the number of odd days shall be counted.

(3) The day on which the agreement commences as well as that on which it terminates should be included, all leave of absence excluded and all odd days added together and reckoned at thirty to the month.

27. Penalty for misconduct.

Any of the candidates or potential candidates who—

- (a) signed crew agreements but neglected to join their vessels; or
- (b) joined their vessels and have left them other than upon discharge; or
- (c) committed misconduct on board,

shall be required to produce satisfactory proof of two years' subsequent service with good conduct at sea, unless the Department sees fit to reduce this period.

PART V

ADMISSION TO EXAMINATIONS AND AWARD OF CERTIFICATES

28. Application for examination.

(1) Any candidate wishing to take the examination for a Certificate of Competency shall complete the prescribed application form and pay the appropriate fees prescribed in the Merchant Shipping Ordinance 1952 at a Marine Office signing the declaration on the application form in the presence of a Marine Officer.

(2) The completed form together with the candidate's certificate for approved training, testimonials, discharges, Certificate of Competency (if any) and other relevant documents, shall be submitted to the examination centre at least forty-five days before the commencement of the week, during which the examination is to be held.

(3) Any candidate may submit his application and papers by post to the Marine Department at Port Kelang, remitting the fees at the same time.

(4) If a candidate proceeds under paragraph (3) he shall be required to sign the declaration in the application form in the presence of the Board of Examiners at the opening of the examination.

(5) A candidate shall be informed as soon as possible whether or not his application has been accepted.

(6) If a candidate's application is accepted, he shall be supplied with a copy of the rules to be observed during the examination.

29. Proof of name and nationality.

Every candidate for a Certificate of Competency of any class shall be required to produce proof of name, nationality, place and date of birth.

30. Knowledge of Bahasa Malaysia.

All candidates shall have to prove to the satisfaction of the Board of Examiners that they are sufficiently conversant in Bahasa Malaysia to perform the duties required of them on board a Malaysian vessel.

31. Penalty for offering gratuity.

(1) A candidate who offers gratuity to any officer of the Department shall be deemed to have committed an act of misconduct and shall not be re-examined until a period of at least twelve months has elapsed.

(2) The penalty in paragraph (1) is additional to any penalty to which the candidate may be liable under any other written law.

32. Enquiries as to eligibility for examination.

(1) A person enquiring as to his eligibility for examination shall be required to pay the prescribed fees before any step is taken to assess his service or qualifications.

(2) If the person is found to be not qualified the fee shall either be returned to him or placed to his credit until he is qualified.

33. Issue of certificate.

(1) Any candidate who has successfully completed all parts of the examination shall receive a form authorising the Marine Officer to whom it is addressed to issue the certificate.

(2) Lower classes of Certificates of Competency awarded and declared to have the same force as those granted under the Ordinance shall not be returned to the successful candidate.

(3) Any candidate who has not successfully completed all parts of the examination shall receive a record of his examination results on a form which shall be produced to the Board of Examiners when the candidate next presents himself for examination.

34. Copy of lost certificate.

(1) An application for a certified true copy of a lost Certificate of Competency should be submitted on a prescribed form to the Marine Officer together with the prescribed fee.

(2) The applicant shall make a declaration before the Marine Officer as to the circumstances in which the certificate was lost.

(3) The certified true copy of the certificate shall be delivered to the applicant in due course.

(4) No fee shall be charged if the applicant can show that the certificate was lost through shipwreck or fire.

35. Re-examination.

Subject to rules 31, 36 and 37, a candidate who fails in any part of the examination may present himself for re-examination at any subsequent examination.

36. Penalty for failure in the Engineering Knowledge examination.

(1) Any candidate who shows ignorance of topics which are vital to an engine-driver's duties and which, if neglected, could lead to acts or omissions whereby either life, the ship, the environment or all may be endangered, shall not be accepted for re-examination until he has performed a further period of sea service as the Board of Examiners deems fit but not exceeding twelve months.

(2) Any candidate who, during three attempts at the Engineering Knowledge examination in any twelve months period shows no improvement in his engineering knowledge shall not be accepted for re-examination until he has performed a further period of sea service as the Board of Examiners deems fit but not exceeding twelve months.

37. Breach of examination rules.

Any candidate who violates any of the examination rules shall be considered to have failed and shall not be accepted for re-examination for such period, as may be decided by the Department.

PART VI

EXAMINATIONS AND EXEMPTIONS

38. Place and date of examination.

(1) The examination centres shall be at the ports designated by the Director of Marine.

(2) The dates of the respective examination are available from the examination centres or the Marine Department.

39. Exemptions.

(1) The Surveyor-General may if he thinks fit recognise all or part of an examination for a Certificate of Competency granted by any government outside Malaysia as the equivalent of all or part of the examination for a certificate granted under section 82 of the Merchant Shipping Ordinance 1952.

(2) Subject to any terms and conditions which he may impose, the Surveyor-General of Ships may grant full or partial exemption from an examination for a Certificate of Competency to a candidate who— [Ins. P.U. (A)
241/91]

- (a) has served as an engine room operative for not less than six years on the Royal Malaysian Navy ships, or on other ships belonging to the Government of Malaysia, of not less than 175 kW propulsion power; and
- (b) holds a document issued by the Department and duly signed by the Surveyor-General of Ships certifying that such candidate has previously sat and passed the examination for the Certificate of Competency conducted by the Department.

40. Examination.

(1) The examination for a Third Class Engine-Drivers Certificate of Competency shall be—

- (a) Engineering Knowledge (one paper of 3 hours); and
- (b) *Viva voce* examination.

(2) The examination for a Second Class Engine-Drivers Certificate of Competency shall be—

- (a) Engineering Knowledge (one paper of 3 hours); and
- (b) *Viva voce* examination.

(3) The examination for a First Class Engine-Drivers Certificate of Competency shall be—

- (a) Engineering Knowledge (one paper of 3 hours); and
- (b) *Viva voce* examination.

(4) Unless exempted by the Surveyor-General of Ships, a candidate appearing for the first time in any grade of examination shall be required to produce evidence of having satisfactorily completed a preparatory course of study, to be taken at an approved institution, appropriate to that grade of examination before he is allowed to sit for the examination; and such course of study shall be valid for a period of eighteen months from the date of its completion. [Ins. P.U. (A)
241/91]

41. Standard required in examination.

(1) A candidate shall have to obtain a prescribed minimum number of marks in each subject in the written examinations and not less than one half of the total number of marks to secure a pass.

(2) A standard higher than that for the written examination is required in the *viva voce* examination.

42. Results of the examination.

The results of the examination shall be communicated to the candidate by the Board of Examiners.

43. Repeal.

The Examination of Engine-Driver Rules 1953 are repealed.

SCHEDULE (Rule 24 (6))

FORM I SEA SERVICE

(Name and address of shipowner or company)

I certify that the following is a full and true statement of the sea service performed by Mr.....
under my supervision on board the *.....
O.N.....

Period of service (Dates)		Rank of Officer and actual seniority on watch	Type and power of main engines and boilers. (Single or twin-screw)	Nature of duties (for appropriate description see below)
From	To			

During the whole period stated above, Mr.....

(a) was granted no leave of absence

(b) was granted..... days of absence while still on Articles

Report as to ability.....

Report as to conduct.....

Report as to sobriety.....

Signature of Chief Engineer.....

Remarks (if any).....

Signature of { Engineer Superintendent.....
or
Master or other representative of owners

* Steamship or motorship. Name of ship and official number.

DESCRIPTION OF DUTIES

- I. On fitters' work either by day or regular watch*
 - (a) Within main engine and boiler spaces
 - (b) Outside main engine and boiler spaces
- II. (a) On refrigerating or other machinery not essential to the propulsion of the vessel
- (b) On auxiliary engines separated from main propelling units but worked in conjunction therewith
- III. On regular watch* on main engines as
 - (a) Senior in full charge
 - (b) First Assistant
 - (c) Second Assistant
 - (d) Below Second Assistant
- IV. On regular watch* on main boilers
 - (a) In charge of all stokeholds
 - (b) In charge of a section or one stokehold only
 - (c) As Boiler Room Assistant
- V. On regular watch* on main engines and boilers simultaneously
 - (a) Senior in full charge
 - (b) First Assistant
 - (c) Second Assistant
 - (d) Below Second Assistant

In ships where watches are kept on other than the traditional system of not less than eight out of each twenty-four hours, a brief description of the duration and frequency of the watches should be given. Mention of periods on day work or on fitters' works by watch should be made. This is particularly applicable to vessels that—

- (i) have a centralised control room;
- (ii) are fully or partly automated;
- (iii) have arrangements such that the engine room is unmanned for some part of the twenty-four hours.

NOTE: It is recommended that this form should be used when the engineer reported on, or when the Chief Engineer leaves a ship.

*On regular watch means eight hours in every twenty-four hours.

Made the 23rd May 1984.

TAN SRI CHONG HON NYAN,
Minister of Transport