

EXAMINATIONS FOR CERTIFICATES OF
COMPETENCY (DECK) 1983

(Part 1, Rules)

EXAMINATIONS FOR CERTIFICATES OF
COMPETENCY (DECK) 1983

EXAMINATIONS FOR CERTIFICATES
OF COMPETENCY (DECK)
RULES 1983

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EXAMINATIONS FOR CERTIFICATES OF COMPETENCY (DECK) RULES 1983

[P.U. (A) 411/1983]

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EXAMINATIONS FOR CERTIFICATES OF COMPETENCY (DECK) RULES 1983*

[P.U. (A) 411/1983]

IN exercise of the powers conferred by subsection (4) of section 79 of the Merchant Shipping Ordinance 1952, the Minister makes the following rules:

1. Citation.

These Rules may be cited as the **Examinations for Certificates of Competency (Deck) Rules 1983**.

PART I

CONDITIONS OF ENTRY

2. Qualifications for examination.

(1) A candidate shall not be eligible to sit for an examination for a certificate of competency unless he satisfies the Board of Examiners that he has complied with the preliminary requirements for such examination.

(2) The qualifying sea service required before a candidate is eligible to sit for an examination for a certificate of competency shall, unless the Director of Marine otherwise permits or unless otherwise provided in these Rules, be service performed in an ordinary trading ship and in accordance with the provisions of Part III of these Rules.

3. Applications for examinations.

(1) A candidate desirous of sitting for an examination, other than for a Certificate of Competency as Helmsman or any supplementary certificate as is specified in rule 26 shall make an application in a form which can be obtained from the Board of Examiners and send the same to such Board together with testimonials, a document of discharge, proof of nationality or citizenship, a watch-keeping certificate and any other certificates as are required by the Board, at least thirty days before the date of the examination. No such requirements shall be necessary if the candidate who has made an attempt on any part of the examination wishes to sit for any other parts of such examination at a subsequent examination.

(2) A candidate desirous of sitting for an examination for a Certificate of Competency as Helmsman shall apply personally to the Board of Examiners and for the purpose of such examination, produce evidence to the effect that he possesses the required qualifications.

(3) (a) Any application for an examination for a Certificate of Efficiency in Survival Craft shall be made to the Board of Examiners in a form prescribed by the Director of Marine which can be obtained from such Board and the applicant shall pay the fee as provided in section 81 of the Merchant Shipping Ordinance 1952 in respect of such examination.

* As amended by Am. P.U. (A) 201/85 and Am. P.U. (A) 242/91.

(b) Where persons apply to sit for such examination are less than ten or more than fifteen such applications shall not be accepted by the Board of Examiners unless the Director of Marine orders otherwise.

(4) (a) A candidate shall be required to sit for the whole examination in his first attempt unless otherwise provided in these Rules.

(b) Subject to paragraph (1) of rule 33, a candidate who fails in one subject in the written part of the examination in his first attempt may, if the Board of Examiners thinks fit, be re-examined in that subject only in his second attempt.

(c) A candidate who fails in the written part of the examination in his second or subsequent attempt shall again be required to sit for the whole examination; but the same shall not apply to a candidate who fails in the oral or signal part of the examination. A pass in any part of the examination shall be valid for a period of twelve months from the date of the examination unless otherwise provided in these Rules.

4. Proof of citizenship.

A candidate shall be a citizen of Malaysia. The proof of citizenship shall be made by producing—

(a) a birth certificate; or

(b) a certificate of naturalisation; or

(c) a certificate of federation citizenship,

and in all cases a national registration identification card of the candidate.

5. Testimonials.

(1) Testimonials as are required under paragraph (1) of rule 3 shall describe a candidate's character, sobriety, experience and ability on board ship, and shall bear the signature and stamp of a master of a ship or any other person authorised by the Director of Marine.

(2) A candidate shall not be required to produce testimonials if such candidate is able to produce a watch-keeping certificate, or sitting for an examination for a supplementary certificate.

6. Enquiries.

(1) A candidate who wishes to make an enquiry in respect of an examination shall state clearly any point on which information is sought and send such enquiry together with a watch-keeping certificate, any other certificates, a document of discharge and testimonials to the Board of Examiners.

(2) A candidate may call personally at the office of the Board of Examiners at any time and date convenient to the Board of Examiners for the purpose of making such enquiry.

7. Fees.

(1) A candidate for an examination shall pay the fee as provided in section

81 of the Merchant Shipping Ordinance 1952 in advance before sitting for such examination.

(2) If it is found that a candidate is not eligible to sit for an examination by reasons other than fraud or wilful misrepresentation on the part of the candidate the fee paid by the candidate in respect of such examination shall be returned to such candidate.

(3) The fee paid by a candidate in respect of an examination shall not be returned to the candidate if he fails in the examination: provided that if the candidate is disqualified from sitting for any further examination by reason of his inability to pass an eyesight test, such fee, except the fee paid for the eyesight test, shall be returned to the candidate.

(4) Where a candidate sits for the signal part of the examination separately from the other parts of the examination, only the fee prescribed for the signal part of the examination shall be paid.

8. Particulars of sea service.

(1) A candidate's eligibility for an examination shall depend (among other things) upon the amount of sea service performed and upon the ranks held by the candidate on board the various ships in which he is employed. For the purpose of this paragraph it shall be necessary for the candidate to state accurately in the application form all particulars in respect of his sea service.

(2) A candidate who makes any false representation to the effect that he has served in a higher capacity than his actual rank shall be guilty of an offence punishable under section 87 of the Merchant Shipping Ordinance 1952.

(3) The amount of sea service laid down in these Rules for each grade of a certificate of competency shall, unless otherwise specified by the Director of Marine, be the minimum that can be accepted and a candidate shall not be admitted to the examination unless he can prove the full amount of sea service performed by him.

9. Insufficient sea service.

If after a candidate has passed an examination it is found that the candidate's sea service is insufficient to entitle the candidate to receive a certificate of competency of the grade for which the candidate has passed and the error in the calculation of the amount of such sea service occurs through fraud or wilful misrepresentation on the part of the candidate, such certificate shall not be granted to the candidate:

Provided that if the Director of Marine is satisfied that the error in the calculation of the amount of such sea service does not occur through fraud or wilful misrepresentation on the part of the candidate the certificate of the grade for which the candidate has passed shall be granted to the candidate when he has made up the insufficiency in sea service.

10. Making false statement.

Any person who makes any statement which he knows or believes to be

false, or negligently makes any statement which is false in any material particular for the purpose of obtaining for himself or other person a certificate of competency or other documents which may be issued under these Rules shall be guilty of an offence punishable under section 87 of the Merchant Shipping Ordinance 1952 and shall be barred from sitting for any examination under these Rules for a period not exceeding twenty-four months.

11. Offer of gratification.

Any candidate who offers any gratification to any officer of the Marine Department shall be regarded as having committed an act of misconduct and his application to sit for an examination shall be rejected. Such candidate shall not be allowed to sit for any examination for a period not exceeding twenty-four months.

12. Unsatisfactory conduct.

Any candidate who, after having signed a crew agreement, has neglected to join his ship, or after having joined, has left his ship other than upon discharge, or has a record of serious misconduct on board ship shall be required to produce satisfactory proof of two years subsequent service at sea with good conduct; but the Director of Marine may, after investigation, reduce such period as he deems fit.

13. Deafness and other physical and mental disabilities.

(1) If in the course of an examination the Board of Examiners finds that a candidate is afflicted with deafness, an impediment in speech or any other physical or mental disabilities and upon investigation is satisfied that the degree of such disability is such that it would render the candidate incapable of discharging adequately the ordinary sea-going duties as the holder of a certificate of competency, the Board of Examiners shall not allow the candidate to complete the examination and the fee paid by the candidate in respect of the examination shall be returned to him. Every such case shall be reported to the Director of Marine and if the candidate is the holder of any existing certificate of competency that certificate shall be forwarded together with the report.

(2) If the candidate subsequently produces a medical certificate to the effect that his hearing, speech or physical or mental condition has improved or returned to normal, the Director of Marine shall consider the candidate for re-examination.

14. First aid certificate.

A candidate for a certificate of competency of any grade except as helmsman shall produce a certificate to the effect that he has passed an examination in first aid to the injured issued by the Malaysian Red Cross Society or the Malaysian Red Crescent Society or St. John's Ambulance Association or any other local body approved by the Minister charged with responsibility for health as a responsible body for the examination for such certificate and for the issue of the same to the candidate, or any other certificate in first aid recognised by the Director of Marine:

Provided that only the certificate issued to the candidate who has attained the age of sixteen years shall be accepted and the examination for such certificate shall be passed not later than five years before the date of the examination for the certificate of competency.

15. Sight test certificate.

(1) No candidate shall, except under special circumstances, be accepted for any part of an examination without a valid certificate to the effect that he has passed a sight test. Where it is necessary for the candidate to be examined in the written or oral part of the examination before undergoing the sight test, such examination shall be cancelled if the candidate subsequently fails to pass the sight test and no refund of any fee paid in respect of the examination shall be made to the candidate. The certificate to the effect that the candidate has passed the sight test is valid for six months.

(2) Detail information in respect of the requirements of the conduct and standard of the sight test are provided in a Merchant Shipping Notice issued by the Director of Marine. The Director of Marine may, from time to time, amend the requirements of the conduct and standard of the sight test as he thinks fit.

PART II

GRADES OF CERTIFICATES OF COMPETENCY

16. Helmsman.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Helmsman shall be a citizen of Malaysia and not less than eighteen years of age.

(2) Such certificate of competency may be issued in respect of any candidate of any nationality who has submitted proof of permanent residence in Malaysia: provided that such certificate shall be valid only for a vessel licensed as a fishing vessel.

(3) The candidate shall serve for a period of at least twenty-four months in a Malaysian trading ship or fishing vessel trading or fishing beyond port limits or at least thirty-six months in a Malaysian ship of ten metres or more registered length trading within port limits.

(4) The qualifying sea service, except as hereinafter provided, shall be performed in the Deck Department.

(5) The examination shall be conducted in Bahasa Malaysia, but where specially provided, English may be used. The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

17. Mate of a local-trade ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Mate of a Local-trade Ship shall be a citizen of Malaysia and not less than nineteen years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) A candidate shall serve for a period of at least thirty-six months in a foreign-going ship or a home-trade ship or a local-trade ship of two hundred gross tons or more trading at least thirty miles or more beyond port limits.

(4) The qualifying sea service, except as hereinafter provided, shall be performed in the Deck Department and in all cases for a period of at least twelve months in a capacity involving supervised duties associated with navigational watch-keeping of the ship.

(5) Where the Director of Marine thinks fit, remissions of sea service may be granted for—

- (a) satisfactory attendance at courses of training approved by the Director of Marine; or
- (b) undergoing a training programme approved by the Director of Marine; or
- (c) obtaining higher or additional qualifications associated with the maritime industry,

but in any such case the balance of qualifying service to be performed at sea shall be for a period of at least twenty-four months.

(6) The examination shall be conducted in Bahasa Malaysia, but where specially provided, English may be used. The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

18. Master of a local-trade ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Master of a Local-trade Ship shall be a citizen of Malaysia and not less than twenty-one years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) A candidate shall serve for a period of at least—

- (a) thirty-six months as a watch-keeping officer in a local-trade ship, a home-trade ship or a foreign-going ship while holding a Certificate of Competency not lower than as Mate Local-trade; or
- (b) twenty-four months as a watch-keeping officer in a local-trade ship, a home-trade ship or a foreign-going ship while holding a Certificate of Competency not lower than as Mate Local-trade during which

period at least twelve months shall be in a capacity not lower than first mate of a local-trade ship,

and in all cases such ship shall be of two hundred gross tons or more.

(4) Where the Director of Marine thinks fit, remissions of sea service may be granted for—

- (a) satisfactory attendance at courses of training approved by the Director of Marine; or
- (b) undergoing a training programme approved by the Director of Marine; or
- (c) obtaining higher or additional qualifications associated with the maritime industry,

but in any such case the balance of qualifying service to be performed at sea shall be for a period of at least twenty-four months.

(5) The examination shall be conducted in Bahasa Malaysia, but where specially provided, English may be used. The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

19. Mate of a home-trade ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Mate of a Home-trade Ship shall be a citizen of Malaysia and not less than nineteen years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) (a) A candidate shall serve for a period of at least thirty-six months in a foreign-going ship or a home-trade ship of two hundred gross tons or more.

(b) The qualifying sea service, except as hereinafter provided, shall be performed in the Deck Department and in all cases for a period of at least twelve months in a capacity involving supervised duties associated with navigational watch-keeping of a ship.

(c) With respect to the qualifying sea service, a candidate who is a holder of a Certificate of Competency as Mate of a Local-trade Ship and has performed for a period of at least twelve months out of thirty-six months of service as required under sub-paragraph (a), and complied with the provisions of sub-paragraph (b) shall be eligible to sit for the examination.

(4) Where the Director of Marine thinks fit, remissions of sea service may be granted for—

- (a) satisfactory attendance at courses of training approved by the Director of Marine; or

- (b) undergoing a training programme approved by the Director of Marine; or
- (c) obtaining higher or additional qualifications associated with the maritime industry,

but in any such case the balance of qualifying service to be performed at sea shall be for a period of at least twenty-four months.

(5) A candidate may perform up to fifty percent of the sea service as is required in paragraphs (3) and (4) in a local-trade ship of two hundred gross tons or more trading at least thirty miles or more beyond port limits.

(6) Subject to conditions prevailing and upon due notice given by the Director of Marine the examination shall be conducted in Bahasa Malaysia or English.

(7) The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

20. Master of a home-trade ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Master of a Home-trade Ship shall be a citizen of Malaysia and not less than twenty-one years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) A candidate shall serve for a period of at least—

- (a) thirty-six months as an officer of the watch of a home-trade ship or a foreign-going ship while holding a Certificate of Competency not lower than as Mate Home-trade; or
- (b) twenty-four months as an officer of the watch of a home-trade ship or a foreign-going ship while holding a Certificate of Competency not lower than as Mate Home-trade during which period at least twelve months shall be in a capacity not lower than first mate of a home-trade ship,

and in all cases such ship shall be of two hundred gross tons or more.

(4) Where the Director of Marine thinks fit, remissions of sea service may be granted for—

- (a) satisfactory attendance at courses of training approved by the Director of Marine; or
- (b) undergoing a training programme approved by the Director of Marine; or
- (c) obtaining higher or additional qualifications associated with the maritime industry,

but in any such case the balance of qualifying service to be performed at sea shall be for a period of at least twenty-four months.

(5) A candidate may perform up to fifty percent of the sea service as is required in paragraphs (3) and (4) in a local-trade ship of two hundred gross tons or more trading at least thirty miles or more beyond port limits.

(6) Subject to conditions prevailing and upon due notice given by the Director of Marine the examination shall be conducted in Bahasa Malaysia or English.

(7) The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

21. Third mate of a foreign-going ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Third Mate of a Foreign-going Ship shall be a citizen of Malaysia and not less than nineteen years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) A candidate shall serve in a foreign-going ship or a home-trade ship of two hundred gross tons or more for a period of at least thirty-six months in an acceptable deck capacity as specified by the Director of Marine. Such sea service shall include at least six months of navigational watch-keeping duties under the supervision of a qualified officer, or equivalent service approved by the Director of Marine.

(4) Where the Director of Marine thinks fit, remissions of sea service may be granted for—

- (a) satisfactory attendance at courses of training approved by the Director of Marine; or
- (b) undergoing a training programme approved by the Director of Marine; or
- (c) obtaining higher or additional qualifications associated with the maritime industry,

and in any such case the balance of qualifying service to be performed at sea shall be for a period of at least eighteen months which shall include at least six months of navigational watch-keeping duties under the supervision of a qualified officer, or equivalent service approved by the Director of Marine.

(5) A candidate may perform up to fifty percent of the sea service as is required in paragraphs (3) and (4) in a local-trade ship of two hundred gross tons or more trading at least thirty miles or more beyond port limits.

(6) Subject to conditions prevailing and upon due notice given by the Director of Marine the examination shall be conducted in Bahasa Malaysia or English.

(7) The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

22. Third mate of a foreign-going ship (exempt).

(1) The Director of Marine may exempt a holder of a Certificate of Competency as Mate of a Home-trade Ship who is desirous of obtaining a Certificate of Competency as Third Mate of a Foreign-going Ship from the provisions of rule 21 of these Rules, subject to the following conditions:

- (a) where the Certificate of Competency as Mate of a Home-trade Ship has been obtained in accordance with the provisions of these Rules and the syllabus for the examination detailed in the Merchant Shipping Notice issued by the Director of Marine from time to time, the candidate shall be re-examined for the oral and signal parts of the examination where more than two years have elapsed since passing these parts of the examination;
- (b) where the Certificate of Competency as Mate of a Home-trade Ship has been obtained before the coming into force of these Rules, the candidate shall be re-examined for the oral and signal parts of the examination where more than two years have elapsed since passing these parts of the examination;
- (c) the candidate shall complete six months of sea service as the holder of the Certificate of Competency as Mate of a Home-trade Ship in a capacity as a watch-keeping officer in a home-trade ship or a local-trade ship of two hundred gross tons or more trading at least thirty miles or more beyond port limits; and
- (d) the candidate shall satisfactorily complete courses for the following supplementary certificates, in addition to those required under rule 26 (1) (c) of these Rules:
 - (i) Electronic Navigational Aids (Operation) Certificate; and
 - (ii) Radar Observer Certificate.

(2) Where exemption is granted under the provisions of this rule, a Certificate of Competency as Third Mate of a Foreign-going Ship (Exempt) shall be issued to the candidate. This certificate shall rank equally with that of the Third Mate of a Foreign-going Ship but shall not confer upon the holder any right to exemption from any part of the examination for a Certificate of Competency as Second Mate of a Foreign-going Ship.

23. Second mate of a foreign-going ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Second Mate of a Foreign-going Ship shall be a citizen of Malaysia and not less than twenty years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) Subject to the provisions of paragraph (4), a candidate shall serve for a period of at least twelve months as a watch-keeping officer in a foreign-going ship or a home-trade ship of two hundred gross tons or more while holding a Certificate of Competency as Third Mate Foreign-going or Third Mate Foreign-going (Exempt).

(4) Until a period of twenty-four months has elapsed from the date of coming into force of these Rules, a candidate who is not a holder of a Certificate of Competency as Third Mate Foreign-going may be permitted to sit for the examination for the Certificate of Competency as Second Mate Foreign-going subject to the following conditions:

- (a) the candidate shall serve in a foreign-going ship or home-trade ship for a period of at least forty-eight months in an acceptable deck capacity as specified by the Director of Marine. Such sea service shall include at least six months of navigational watch-keeping duties under the supervision of a qualified officer, or equivalent service approved by the Director of Marine;
- (b) where the Director of Marine thinks fit, remissions of sea service may be granted for—
 - (i) satisfactory attendance at courses of training approved by the Director of Marine; or
 - (ii) undergoing a training programme approved by the Director of Marine; or
 - (iii) obtaining higher or additional qualifications associated with the maritime industry,

and in any such case the balance of qualifying service to be performed at sea shall be for a period of at least twenty-four months which shall include at least six months of navigational watch-keeping duties under the supervision of a qualified officer, or equivalent service approved by the Director of Marine.

(5) Subject to conditions prevailing and upon due notice given by the Director of Marine, the examination shall be conducted in Bahasa Malaysia or English.

(6) (a) The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

(b) A candidate who is a holder of a Certificate of Competency as Third Mate Foreign-going may be exempted from the following papers in the written part of the examination as listed in the syllabus thereof namely:

- (i) General Ship Knowledge;
- (ii) Chartwork;
- (iii) Practical Navigation; and
- (iv) Meteorology.

The candidate may also be exempted from the oral and signal parts of the examination: provided that not more than two years have elapsed since passing the examination for the Certificate of Competency as Third Mate Foreign-going.

(c) A candidate may be permitted to sit for the following papers in the written part of the examination namely:

- (i) Mathematics;
- (ii) Applied Science; and
- (iii) Principles of Navigation,

at the time of sitting for the examination for the Certificate of Competency as Third Mate Foreign-going or at any time thereafter but the Certificate of Competency as Second Mate Foreign-going shall not be issued until the completion of sea service required under paragraph (3).

(d) The exemption allowed under sub-paragraph (b) above shall not apply to the holder of the Certificate of Competency as Third Mate Foreign-going (Exempt) or to the candidate who is not the holder of the Certificate of Competency as Third Mate Foreign-going.

24. First mate of a foreign-going ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as First Mate of a Foreign-going Ship shall be a citizen of Malaysia and not less than twenty-one years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) A candidate shall, while holding a Certificate of Competency as Second Mate of a Foreign-going Ship, serve for a period of at least twelve months as a watch-keeping officer in a foreign-going ship or a home-trade ship of two hundred gross tons or more.

(4) Subject to conditions prevailing and upon due notice given by the Director of Marine, the examination shall be conducted in Bahasa Malaysia or English.

(5) The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

25. Master of a foreign-going ship.

(1) Subject to the provisions of paragraph (2), a candidate for an examination for a Certificate of Competency as Master of a Foreign-going Ship shall be a citizen of Malaysia and not less than twenty-three years of age.

(2) A candidate who is not a citizen of Malaysia may, upon special arrangements with the government of his country and upon approval in writing by the Director of Marine, be allowed to sit for the examination; but a successful candidate shall only receive a pass result slip. No certificate of competency shall be issued to such successful candidate.

(3) A candidate shall serve as a watch-keeping officer in a foreign-going ship or a home-trade ship of two hundred gross tons or more—

- (a) for a period of not less than eighteen months while holding a Certificate of Competency not lower than as Second Mate Foreign-going; and
- (b) for a period of not less than twelve months while holding a Certificate of Competency not lower than as First Mate Foreign-going.

(4) For a candidate who has obtained his Certificate of Competency as Second Mate of a Foreign-going Ship without acquiring the watch-keeping service as required under rule 23 (3) in addition to complying with the provision of paragraph (3) the total watch-keeping service shall be at least 36 months. [Am. P.U. (A) 201/85]

(5) Subject to conditions prevailing and upon due notice given by the Director of Marine the examination shall be conducted in Bahasa Malaysia or English.

(6) The syllabus for the examination is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

26. Supplementary certificate.

(1) A candidate shall be required to produce documentary evidence in respect of any supplementary certificates held by such candidate before qualifying for the issue of a certificate of competency. The supplementary certificates specified for each grade of a certificate of competency are as follows:

(a) Mate of a Local-trade Ship—

- (i) Radar Operator Certificate;
- (ii) Fire-fighting Certificate;
- (iii) Efficiency in Survival Craft Certificate;
- (iv) Restricted Certificate of Competency in Radio Telephony;

(b) Master of a Local-trade Ship—

- (i) Radar Operator Certificate;
- (ii) Fire-fighting Certificate;
- (iii) Efficiency in Survival Craft Certificate;
- (iv) Restricted Certificate of Competency in Radio Telephony;

(c) Mate of a Home-trade Ship—

- (i) Radar Operator Certificate;
- (ii) Fire-fighting Certificate;
- (iii) Efficiency in Survival Craft Certificate;
- (iv) Restricted Certificate of Competency in Radio Telephony;

(d) Master of a Home-trade Ship—

- (i) Radar Observer Certificate;
- (ii) Fire-fighting Certificate;
- (iii) Efficiency in Survival Craft Certificate;
- (iv) Restricted Certificate of Competency in Radio Telephony;

- (e) Third Mate of a Foreign-going Ship—
 - (i) Radar Observer Certificate;
 - (ii) Fire-fighting Certificate;
 - (iii) Efficiency in Survival Craft Certificate;
 - (iv) Restricted Certificate of Competency in Radio Telephony;
 - (v) Electronic Navigational Aids (Operation) Certificate;
- (f) Second Mate of a Foreign-going Ship—
 - (i) Radar Observer Certificate;
 - (ii) Fire-fighting Certificate;
 - (iii) Efficiency in Survival Craft Certificate;
 - (iv) Restricted Certificate of Competency in Radio Telephony;
 - (v) Electronic Navigational Aids (Operation) Certificate;
- (g) First Mate of a Foreign-going Ship—
 - (i) Radar Observer Certificate;
 - (ii) Fire-fighting Certificate;
 - (iii) Efficiency in Survival Craft Certificate;
 - (iv) Restricted Certificate of Competency in Radio Telephony;
 - (v) Electronic Navigational Aids (Operation) Certificate;
 - (vi) Radar Simulator Certificate;
 - (vii) Ship Captain Medical Training Certificate;
 - (viii) Shipboard Management Certificate;
- (h) Master of a Foreign-going Ship—
 - (i) Radar Observer Certificate;
 - (ii) Fire-fighting Certificate;
 - (iii) Efficiency in Survival Craft Certificate;
 - (iv) Restricted Certificate of Competency in Radio Telephony;
 - (v) Electronic Navigational Aids (Operation) Certificate;
 - (vi) Radar Simulator Certificate;
 - (vii) Ship Captain Medical Training Certificate;
 - (viii) Shipboard Management Certificate.

[Ins. P.U. (A)
242/91]

[Ins. P.U. (A)
242/91]

(2) A Radar Observer Certificate or Radar Operator Certificate shall only be issued after the completion of twelve months of sea service in the Deck Department. A candidate for a Radar Simulator Certificate shall, before qualifying for the issue of such Certificate, first obtain the Radar Observer Certificate and perform twelve months qualifying watch-keeping service. The Director of Marine may accept any other experience and qualification deemed to be equivalent to the above requirements.

(3) A candidate for a Ship Captain Medical Training Certificate shall possess

a valid certificate in first aid at sea before such candidate is eligible to be admitted for a course in respect of the Ship Captain Medical Training Certificate.

(4) An Electronic Navigational Aids (Operation) Certificate shall only be issued after the completion of twelve months of sea service in the Deck Department.

(5) An Efficiency in Survival Craft Certificate shall only be issued after the completion of twelve months of sea service. A candidate to whom the certificate is issued shall be not less than seventeen and a half years of age.

(6) The syllabuses for the supplementary certificates are contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

(7) A list of centres conducting approved courses is contained in a Merchant Shipping Notice issued by the Director of Marine from time to time.

(8) With respect to examinations for all grades of Certificates of Competency in Home-trade and Foreign-going, a candidate shall be required to have adequate knowledge of the English language enabling him to use charts and other nautical publication, to understand meteorological information and messages concerning ship's safety and operation and to express himself clearly in his communication with other ships or coast stations.

(9) With respect to examinations for all grades of Certificates of Competency in Foreign-going, a candidate shall be required to have full attendance of preparatory course at an approved institution unless otherwise exempted by the Director of Marine.

PART III

GENERAL QUALIFYING SEA SERVICE

27. Deck Department.

(1) The qualifying sea service for any certificate of competency shall be performed in the Deck Department unless otherwise provided in these Rules. For the purpose of this rule, service in the Deck Department shall include service in a capacity as a navigating watch officer, navigating cadet officer or apprentice, shipwright (ship's carpenter), bosun, cassab (deck store keeper), able seaman, quartermaster, sailor, trainee sailor (deckboy), and other rank or rating which may be specified by the Director of Marine from time to time.

(2) For a first certificate, service as a general purpose rating shall count at two-thirds rate.

(3) A candidate whose service has been performed in any capacity, other than that in the Deck Department, where his designated rating is only a part of his duty, shall satisfy the Director of Marine that he has, during the whole time he claims to have served, performed deck duties in addition to his own particular work. This may be done by the production of satisfactory certificates from any master of a ship under whom the candidate has served, but such service shall only be accepted as equivalent to two-thirds of the time served in the Deck Department.

(4) Service performed by a candidate in a tug which is registered as a local-trade or home-trade ship and is employed beyond port limits shall be accepted as the qualifying sea service for the purpose of admission of the candidate to the examination for the Certificate of Competency in Local-trade or Home-trade.

(5) Service performed by a candidate in dredgers and hoppers mechanically propelled shall, subject to the provisions of paragraph (6), be accepted as the qualifying sea service for the purpose of admission of the candidate to the examination for the Certificate of Competency as Mate Local-trade; but the candidate shall be required to prove that he has performed at least twenty-four months of service in an ordinary trading ship. Such service shall not be accepted towards qualifying the candidate for a Certificate of Competency as Master Local-trade.

(6) No service performed on rivers and service performed entirely within smooth or partially smooth water limits, shall be accepted except as otherwise provided in these Rules.

(7) Service performed by a candidate in a cable ship, sail training vessel, research vessel, salvage vessel, navigational aids tender and other specialised vessels may, where the Director of Marine thinks fit, be required to be authenticated by the owners of the vessels specifying the amount of time actually spent at sea, in addition to the usual evidence of sea service. If the time so spent constitutes or exceeds two-thirds of the total time specified in an agreement, the total time so spent shall be accepted in full as the qualifying sea service, but in the event of the actual sea service falling below this proportion, the Director of Marine may require the deficiency to be made up by additional service at sea.

[Sub. P.U. (A)
201/85]

(8) Service performed by a candidate in any sea-going ship of the Royal Malaysian Navy or other non-trading ships which belong to the Government may be accepted as the qualifying sea service for the purpose of admission of the candidate to any examination for any certificate of competency, but the value of such service shall be assessed in each case by the Director of Marine and provided that in the case of service in any sea-going ship of the Royal Malaysian Navy the maximum equivalent rate between service on such ship and to service on an ordinary trading ship that may be recognised shall not be higher than a ratio of 3:2.

(9) Service performed by a candidate exclusively in trawlers and other deep sea fishing vessels of more than fifty gross tons shall count in full the qualifying sea service for the purpose of admission of the candidate to examinations for Certificates of Competency as Helmsman and Mate and Master Local-trade. With respect to examinations for Certificates of Competency as Mate and Master Local-trade all candidates shall serve, in addition, for a period of at least twelve months in an ordinary trading ship of two hundred gross tons or more trading at least thirty miles or more beyond port limits.

(10) Service of standing by a new ship performed by a candidate during the final stages of construction of such ship, and such candidate subsequently serves in such ship on her maiden voyage, shall count in full as the qualifying sea service for the purpose of admission of the candidate to examinations for Certificates of Competency as Master in a Local-trade Ship, Home-trade Ship or Foreign-going Ship, up to a maximum period of six months.

(11) The qualifying sea service specified for any certificate of competency or endorsement thereto shall, unless otherwise specified by the Director of Marine under special circumstances, be performed within a period of ten years preceding the date upon which a first attempt is made in respect of the examination for such certificate of competency.

(12) The qualifying sea service performed by a candidate shall be counted from the date of his engagement on board ship to the date of discharge from the ship. The candidate shall ensure that he possesses clear evidence of the qualifying sea service authenticated by the appropriate authority as provided under rule 5.

(13) (a) Where the Director of Marine thinks fit, service performed by a candidate in a foreign flag ship may be counted as equivalent to service in a Malaysian ship.

(b) The proof of sea service in a foreign ship which cannot be verified by any competent local authority shall be confirmed by the master of the ship and either by the consul or some other recognised official authorities of the foreign country, or by some responsible persons having personal knowledge of the facts to be established. The production of such evidence shall not necessarily be deemed sufficient.

(14) Where a watch-keeping service is required, a candidate shall prove such service by the production of a certificate signed by the master of the ship in which the candidate has served to the effect that he has acted as a watch-keeping officer for not less than eight hours out of every twenty-four hours of service he claims to have performed.

PART IV

CONDUCT OF EXAMINATIONS

28. Conduct of examinations.

(1) Any examination for all grades of certificates of competency shall be conducted in accordance with the provisions of this Part. Any contravention with any provisions of this Part by a candidate may result in a failure in the examination or exclusion from any further examination for such period as the Director of Marine may determine.

(2) The examination shall commence each day at a time appointed by the Board of Examiners. A candidate shall, as far as possible, be given ample notice of the day and time of his oral and, if appropriate, signal examination.

(3) No person other than those whose duties require them to be present shall be allowed to be in the examination room.

(4) Complete silence shall be maintained in the examination room.

(5) No candidate shall leave the examination room without the permission of, and without giving up the answer paper for the examination with respect to which he is engaged to, the Board of Examiners, nor shall such candidate be allowed to leave the building without the permission of the Board of Examiners.

Any candidate who contravenes the provisions of this paragraph shall be regarded as having failed in the examination.

(6) Any work shall be shown and any rough working shall be done on the answer papers and handed in at the end of each examination.

(7) Any candidate who, in the course of the examination, is found referring to any unauthorised book, paper or material, or copying from any person or affording any assistance or giving any information to any other candidate, or accepting assistance or information from any person, or communicating in any way with any person, or copying any part of the answers for the purpose of taking the same out of the examination room shall be regarded as having failed in the examination and shall not be accepted for re-examination for a period not exceeding twelve months.

(8) A candidate shall, in the course of the examination, be suitably dressed in a manner becoming of an officer. The Board of Examiners may order any candidate not suitably dressed to leave the examination room and the candidate so ordered shall not be entitled to a refund of the fee paid in respect of the examination.

(9) A candidate who is guilty of insolence to the Board of Examiners, or of disorderly or improper conduct in or about the examination room, shall be considered as having failed in the examination and shall not be accepted for re-examination for such period as may be determined by the Director of Marine.

29. Use of books, tables and equipment.

(1) The following books of nautical tables are specified by the Director of Marine and available for use in the examination room:

(a) Nautical Tables:

Norie (full edition) or Burton;

(b) Azimuth Tables:

Davies;

(c) Admiralty Tide Tables:

Malaysia and Singapore;

(d) Admiralty Tide Tables:

Volume III Pacific Ocean and Adjacent Seas; and

(e) Nautical Almanac.

The Director of Marine may, upon due notice given by him, change or add such books or editions as are necessary for the efficient conduct of the examination.

(2) A candidate who wishes to use in the examination his own copies of any tables as specified under paragraph (1) of this rule or any tables other than those specified under the said paragraph may do so on the condition that he shall, before the examination commences, submit the same to the Board of Examiners for scrutiny and approval. Subject to the approval of the Board of Examiners, no restriction shall be imposed on the use of any tables, but the

candidate shall understand the theory on which the tables are based and such tables shall be capable of giving an answer within the required limits of accuracy. When any tables other than those specified under paragraph (1) of this rule are used in answering any question the name of such tables shall be stated on the candidate's answer paper.

(3) (a) A candidate shall be allowed to use his own drawing instruments and slide-rules: provided that the approval of the Board of Examiners shall be obtained before the examination commences. If the slide rule is used, a note to this effect shall be entered on the candidate's answer paper.

(b) The use of an electronic calculator, which shall be non-programmable, is allowed for examinations for Certificates of Competency as Master Local-trade, Master Home-trade, First Mate Foreign-going and Master Foreign-going. In navigation papers the calculator may also be used to check the arithmetical working.

(4) A candidate shall not be allowed to bring to the examination any book, paper, material or equipment of any kind whatever, other than those specified under these Rules or which have been approved by the Board of Examiners. Any candidate who contravenes the provisions of this paragraph shall be regarded as having failed in the examination and shall not be accepted for re-examination for a period not exceeding six months.

(5) If any candidate defaces or otherwise injures any book, or damages any instrument or other property of the Government, his certificates, testimonials and other relevant service documents shall be detained until such book, instrument or other property is replaced by the candidate.

30. Degree of precision required.

(1) A candidate shall work out a problem to a degree of precision consistent with the data available and the type of such problem. Information from any tables shall be extracted as accurately as possible consistent with the inherent accuracy of such tables, and final answers shall be given to the best degree of precision which is justified and no more.

(2) When making any calculation to obtain a ship's position, a candidate shall be required to work to within point two of a minute of arc and to the nearest second of time. Any method of calculation used to obtain a position line shall be capable of giving an answer to within one nautical mile. In the calculation of compass errors, bearings and courses, the answer shall be worked to within point five of a degree. Tidal calculations shall be worked to provide an answer within fifteen centimetres of a precise result.

31. Manner of answering questions.

(1) A candidate shall be furnished with as many sheets of ruled paper as may be necessary for such candidate to complete his written work, all of which, except for sketches, shall be executed in ink. Each answer shall be started by writing in the margin of the answer paper the number of the question to which it relates and the candidate shall, in his own interest, write in a clear and legible hand.

(2) A candidate shall be allowed to solve any problem by any method he is accustomed to use: provided that such method shall be correct in principle, affords the required degree of precision, and is shown on the answer paper.

32. Marking and validity of particular passes.

(1) The marking of the papers for the written part of the examination shall be carried out by the Board of Examiners or any other competent persons authorised by the Director of Marine.

(2) A pass in the whole part of the written examination for the Certificate of Competency as Master Local-trade, Master Home-trade or Master Foreign-going shall remain valid for a period of five years from the date of the examination but a pass in the whole part of the written examination for any other certificates of competency, and in the oral and signal parts of any examination for any certificate of competency shall remain valid for a period of twelve months from the date of the examination unless otherwise provided in these Rules.

33. Referrals.

(1) Subject to paragraph (2), a candidate for any certificate of competency who fails in not more than one subject in the written part of the examination which comprises not less than four papers may, upon application for re-examination in that subject and upon payment of the appropriate fee, and at the discretion of the Board of Examiners, be re-examined in that subject only within twelve months from the date of commencement of the written part of the examination taken as a whole. The percentage marks the candidate shall attain in order to pass in the said subject shall be determined by the Board of Examiners. If the candidate passes in the said subject he shall be deemed to have passed in the whole part of the written examination:

Provided that the candidate shall be required to make an application for such re-examination within the period of twelve months as is mentioned above failing which the candidate shall be regarded as having failed in the whole part of the written examination.

(2) With respect to the written part of the examination for the Certificate of Competency as Second Mate Foreign-going, referral may be permitted if a candidate fails in one paper in either of the following groups of written papers:

Group I—

- (a) General Ship Knowledge;
- (b) Chartwork;
- (c) Practical Navigation;
- (d) Meteorology;

Group II—

- (a) Applied Science;
- (b) Principles of Navigation;
- (c) Mathematics.

34. Exemption in respect of equivalent qualifications.

(1) The Director of Marine may exempt a candidate for an examination for any certificate of competency from any subject if that candidate produces, at the time of making an application for the examination, evidence that he possesses a qualification accepted by the Director of Marine as being superior or equivalent to a pass in the subject in which exemption is sought. [Am. P.U. (A) 242/91]

(2) *(Deleted by P.U. (A) 242/1991).*

(3) *(Deleted by P.U. (A) 242/1991).*

(4) A candidate holding a superior certificate as specified under section 76 of the Merchant Shipping Ordinance 1952 may be exempted from certain subjects or parts of the examination for a lower grade certificate as the Director of Marine deems fit.

(5) The Director of Marine may recognise the whole examination or part thereof for a certificate of competency granted by any government outside Malaysia as the equivalent of the whole examination or part thereof for a certificate of competency granted under section 82 of the Merchant Shipping Ordinance 1952. This recognition may be given subject to such conditions as the Director of Marine thinks fit.

(6) The Director of Marine may exempt a candidate from the provisions of paragraph (1) of rule 26 which requires the candidate to produce documentary evidence in respect of any supplementary certificate before qualifying for the issue of a certificate of competency, if he is satisfied that the candidate—

- (a) possesses evidence of qualification equivalent to the supplementary certificate concerned; or
- (b) has proved by an examination that he possesses adequate knowledge of the requirements of the supplementary certificate concerned.

(7) A candidate seeking exemption under this rule shall apply to the Director of Marine for such exemption. [Ins. P.U. (A) 242/91]

35. Oral examination.

(1) The oral examination is intended to ascertain a candidate's competency in the practical aspects of an officer's duty.

(2) Particular attention shall be paid to a candidate's knowledge of the sextant and compass during the oral examination. The candidate shall be required to measure both vertical and horizontal angles by the sextant, and to know different methods of using azimuth mirror to obtain bearings, and shall be examined practically on his knowledge of the adjustments in order to find and correct any error of the instruments and to be able to read the instruments correctly.

(3) In the course of the oral examination the Board of Examiners shall test a candidate's knowledge of the sense and intention of the collision regulations. Mere ability to repeat the provisions of the regulations word for word shall not be sufficient to ensure the candidate passing the examination, nor shall the lack of it necessarily entail a failure; instead the candidate shall be required to show to the satisfaction of the Board of Examiners that the candidate grasps

the full significance, contents and practical application of the regulations. The Board of Examiners shall not ask the contents of the regulations by number, but by the subject with which it deals; and the Board of Examiners shall discourage the use by the candidate of verses as an aid to memorize the regulations. The Board of Examiners shall not place the candidate in a position of handling a sailing ship, but shall test the candidate's ability to recognize the sailing ship's possible manoeuvres according to the direction of the wind.

(4) The Board of Examiners may ask a candidate questions arising from the written work produced by the candidate.

(5) A candidate failing in the oral part of the examination for any certificate of competency through serious weakness in practical knowledge may, at the Board of Examiners' discretion, be required to perform further sea service for a period of not more than six months before being re-examined. Such sea service shall be performed in any capacity on deck in any sea-going ship. Where the Director of Marine thinks fit the candidate may be required to perform further sea service for a period exceeding six months but in no case shall it exceed eighteen months.

(6) A candidate who fails to appear for any written or oral part of the examination at the appointed time may be failed by default in the absence of reasonable proof that failure to attend was unavoidable. The fee paid in respect of the examination shall be forfeited.

36. Repeal.

The Examination for Certificates of Competency and Efficiency Rules 1953 are repealed.

Made the 9th September 1983.

TAN SRI CHONG HON NYAN,
Minister of Transport