

FOR DISCUSSION ONLY

Ranking of Certificates

210 Despite section 208, instead of having to hold a certificate of competency required by that section

- (a) a person who occupies the position of chief mate on board a vessel may hold a document that, under that section, may be held to occupy the position of master on board the same vessel while engaged on the same type of voyage;
- (b) a person who occupies the position of officer in charge of the deck watch may hold a document that, under that section, may be held to occupy the position of master or chief mate on board the same vessel while engaged on the same type of voyage; and
- (c) a person who occupies the position of deck rating may hold a document that, under that section, may be held to occupy the position of master, chief mate or officer in charge of the deck watch on board the same vessel while engaged on the same type of voyage.

Foreign Certificate of Competency — 89(1) of the Act

211 (1) Despite section 208 [Deck] or section XXX [Engine], a person referred to in that section may, instead of holding a certificate of competency required under that section, hold a certificate of competency that is issued by the government of a foreign state and that the Minister directs under subsection 89(1) of the Act may be accepted in lieu of a certificate of competency that the Minister may issue.

Endorsement of Recognition

(2) The Master must ensure that the foreign certificate of competency is accompanied by an endorsement of recognition issued by the Minister in respect of that certificate when the holder presents the certificate to the Master.

Dispensations — Circumstances of Exceptional Necessity

212 (1) In circumstances of exceptional necessity, the authorized representative of a vessel may make a written request to the Minister for a grant of a dispensation authorizing a person to occupy a position on board the vessel without holding a Canadian maritime document that a person in that position is required to hold under these Regulations.

Issuance of the Dispensation

(2) The Minister may, if the circumstances justify it, grant a dispensation in accordance with Article VIII of the STCW Convention, authorizing a person to perform the duties of a position on board a vessel

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without holding the required Canadian maritime document.

Period of Validity of Dispensation

(3) A dispensation granted by the Minister is valid until the earlier of:

- (a) the day on which a holder of the required Canadian maritime document is available; and
- (b) 6 months after the date on which the dispensation is granted.

[section 213 reserved]

Certificates Issued Before the Coming into Force of these Regulations

Note to reader:

This section list the old certificates of competency which remain valid provided the holder meets the renewal requirements.

214 Despite section 208, the holder of a document set out in column 1 of an item of a table to a Part of Schedule 1 to this Part may, on board a vessel set out in column 2 of that item, the position set out in the heading to the table or the position of rating without having to hold a Canadian maritime document document required by section 208 if

- a) the document has been renewed under section 198 of the *Marine Personnel Regulations*; and
- b) the document is valid for the carrying out of the duties of the position.

1 The following definitions apply in this Schedule of section 214:

inland voyage means a voyage on the inland waters of Canada together with any part of any lake or river forming part of the inland waters of Canada that lies within the United States or a voyage on Lake Michigan. (*voyage en eaux internes*)

inland waters of Canada means all the rivers, lakes and other navigable fresh waters within Canada, and includes the St. Lawrence River as far seaward as a straight line drawn

- (a) from Cap-des-Rosiers to West Point, Anticosti Island; and
- (b) from Anticosti Island to the north shore of the St. Lawrence River along the meridian of longitude 63° W. (*eaux internes du Canada*)

limited, contiguous waters voyage means a near coastal voyage, Class 1 limited to the waters contiguous to Canada, the United States (except Hawaii) and Saint Pierre and Miquelon. (*voyage limité en eaux*)