

C125 - Fishermen's Competency Certificates Convention, 1966 (No. 125)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fiftieth Session on 1 June 1966, and

Having decided upon the adoption of certain proposals with regard to fishermen's certificates of competency, which is included in the sixth item on the agenda of the session, and

Noting the provisions of the Officers' Competency Certificates Convention, 1936, which provides that no person shall be engaged to perform or shall perform on board any vessel to which it 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, and

Considering that experience has shown that further international standards specifying minimum requirements for certificates of competency for service in fishing vessels are desirable, and

Having determined that these standards shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and sixty-six the following Convention, which may be cited as the Fishermen's Competency Certificates Convention, 1966:

PART I. SCOPE AND DEFINITIONS

Article 1

For the purposes of this Convention, the term **fishing vessel** includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters and are registered in a territory for which the Convention is in force, with the exception of--

- (a) ships and boats of less than 25 gross registered tons;

- (b) ships and boats engaged in whaling or similar pursuits;
- (c) ships and boats engaged in fishing for sport or recreation;
- (d) fishery research and fishery protection vessels.

Article 2

The competent authority may, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, exempt from this Convention fishing vessels engaged in inshore fishing, as defined by national laws and regulations.

Article 3

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

- (a) **skipper** : any person having command or charge of a fishing vessel;
- (b) **mate** : any person exercising subordinate command of a fishing vessel, including any person, other than a pilot, liable at any time to be in charge of the navigation of such a vessel;
- (c) **engineer** : any person permanently responsible for the mechanical propulsion of a fishing vessel.

PART II. CERTIFICATION

Article 4

Each Member which ratifies this Convention shall establish standards of qualification for certificates of competency entitling a person to perform the duties of skipper, mate or engineer on board a fishing vessel.

Article 5

- 1. All fishing vessels to which this Convention applies shall be required to carry a certificated skipper.
- 2. All fishing vessels over 100 gross registered tons engaged in operations and areas to be defined by national laws or regulations shall be required to carry a certificated mate.
- 3. All fishing vessels with an engine power above a level to be determined by the competent authority, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, shall be required to carry a certificated engineer: Provided that the skipper or mate of a fishing vessel may act as engineer in appropriate cases and on condition that he also holds an engineer's certificate.

- 4. The certificates of skippers, mates or engineers may be full or limited, according to the size, type, and nature and area of operations of the fishing vessel, as determined by national laws or regulations.
- 5. The competent authority may in individual cases permit a fishing vessel to put to sea without the full complement of certificated personnel if it is satisfied that no suitable substitutes are available and that, having regard to all the circumstances of the case, it is safe to allow the vessel to put to sea.

Article 6

- 1. The minimum age prescribed by national laws or regulations for the issue of a certificate of competency shall be not less than--
 - (a) 20 years in the case of a skipper;
 - (b) 19 years in the case of a mate;
 - (c) 20 years in the case of an engineer.
- 2. For the purpose of service as a skipper or mate in a fishing vessel engaged in inshore fishing and for the purpose of service as an engineer in small fishing vessels with an engine power below a level to be determined by the competent authority after consultation with the fishing vessel owners' and fishermen's organisations, where such exist, the minimum age may be fixed at 18 years.

Article 7

The minimum professional experience prescribed by national laws or regulations for the issue of a mate's certificate of competency shall be not less than three years' sea service engaged in deck duties.

Article 8

- 1. The minimum professional experience prescribed by national laws or regulations for the issue of a skipper's certificate of competency shall be not less than four years' sea service engaged in deck duties.
- 2. The competent authority may, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, require a part of this period to be served as a certificated mate; where national laws or regulations provide for the issue of different grades of certificates of competency, full and limited, to skippers of fishing vessels, the nature of the qualifying service as a certificated mate or the type of certificate held while performing such qualifying service may vary accordingly.

Article 9

- 1. The minimum professional experience prescribed by national laws or regulations for the issue of an engineer's certificate of competency shall be not less than three years' sea service in the engine-room.
- 2. In the case of a certificated skipper or mate a shorter qualifying period of sea service may be prescribed.
- 3. In the case of the small fishing vessels referred to in Article 6, paragraph 2, of this Convention, the competent authority may, after consultation with the fishing vessel owners' and fishermen's organisations where such exist, prescribe a qualifying period of sea service of 12 months.
- 4. Work in an engineering workshop may be regarded as equivalent to sea service for part of the qualifying periods provided for in paragraphs 1 to 3 of this Article.

Article 10

In respect of persons who have successfully completed an approved training course, the periods of sea service required in virtue of Articles 7, 8 and 9 of this Convention may be reduced by the period of training, but in no case by more than 12 months.

PART III. EXAMINATIONS

Article 11

In the examinations organised and supervised by the competent authority for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the corresponding duties, the candidates shall be required to show knowledge, appropriate to the categories and grades of certificates, of such subjects as--

- (a) in the case of skippers and mates--
 - (i) general nautical subjects, including seamanship, shiphandling and safety of life at sea, and a proper knowledge of the international Regulations for Preventing Collisions at Sea;
 - (ii) practical navigation, including the use of electronic and mechanical aids to navigation;
 - (iii) safe working practices, including safety in the handling of fishing gear;
- (b) in the case of engineers--
 - (i) theory, operation, maintenance and repair of steam or internal combustion engines and related auxiliary equipment;

- (ii) operation, maintenance and repair of refrigeration systems, pumps, deck winches and other mechanical equipment of fishing vessels, including the effects on stability;
- (iii) principles of shipboard electric power installations, and maintenance and repair of the electrical machinery and equipment of fishing vessels; and
- (iv) engineering safety precautions and emergency procedures, including the use of life-saving and fire-fighting appliances.

Article 12

The examinations for certificates of skippers and mates referred to in Article 11, subparagraph (a), of this Convention may also cover the following subjects:

- (a) fishing techniques, including where appropriate the operation of electronic fish-finding devices, and the operation, maintenance and repair of fishing-gear; and
- (b) stowage, cleaning and processing of fish on board.

Article 13

During a period of three years from the date of the coming into force of national laws or regulations giving effect to the provisions of this Convention, competency certificates may be issued to persons who have not passed an examination referred to in Articles 11 and 12 of this Convention, but who have in fact had sufficient practical experience of the duties corresponding to the certificate in question and have no record of any serious technical error against them.

PART IV. ENFORCEMENT MEASURES

Article 14

- 1. Each Member shall ensure the enforcement of national laws or regulations giving effect to the provisions of this Convention by an efficient system of inspection.
- 2. National laws or regulations giving effect to the provisions of this Convention 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 these laws or regulations.

Article 15

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

- 2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which--
 - (a) a fishing vessel owner or his agent, or a skipper, has engaged a person not certificated as required;
 - (b) a person has obtained by fraud or forged documents an engagement to perform duties requiring certification without holding the requisite certificate.

PART V. FINAL PROVISIONS

Article 16

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 17

- 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
- 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
- 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 18

- 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
- 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 19

- 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

- 2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 20

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 21

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 22

- 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides--
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 18 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 23

The English and French versions of the text of this Convention are equally authoritative.