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MINISTRY OF SHIPPING

(Shipping Wing)

NOTIFICATION

New Delhi, the 27th February, 2003

G. S. R. 114.—In exercise of the powers conferred by Clause (h) Sub-section (2) of Section 87 read with section 457 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely :—

1. **Short title, commencement —**

- (1) These Rules may be called the Merchant Shipping (Cancellation or Suspension of Certificate of Competency) Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. **Grounds for cancellation or Suspension of Certificates of Competency by Chief Examiner of Master & Mates or Chief Examiner of Engineers—**

Any Certificate of Competency, which has been granted by the Central Government or an officer duly authorized by it in this behalf, under Sections 78 and 79 of the Merchant Shipping Act, 1958 to any person may be cancelled or suspended for any specified length of period by the Chief Examiner of Master and Mates or the Chief Examiner of Engineers, on the following circumstances :—

- (i) Incompetency, omission or commission of such acts by the holder of the Certificate, which may lead to personal injury, death or shipping casualty.
- (ii) If it is found that the said person is guilty of any gross act of misconduct, drunkenness or tyranny, or in a case of collision, has failed to render assistance, or to give such information, or that the loss, stranding or abandonment of, or damage to any ship, or loss of life has been caused by his wrongful act or default.

3. **Enquiry into misconduct/incompetency—**

The cancellation or suspension of Certificate of Competency shall be made only after enquiry by the Chief Examiner or an authorized Officer on his behalf.

4. **Issue of show cause notice—**

No order shall be passed for cancellation or suspension of certificates unless the person concerned has been given a reasonable opportunity of giving representation against the proposed order through appropriate show cause notice.

5. **Provision for appeal against order of cancellation/suspension—**

A person whose certificate has been cancelled or suspended may appeal against such order to the Director General of Shipping within 30 days from the date of receipt of such order cancelling or suspending his Certificate of Competency. The decision of the Director General of Shipping shall be final.

[File No. SR-11012/9/2002-MA]

R. S. BISHT, Under Secy.

ORDER OF CANCELLATION/SUSPENSION OF CERTIFICATE OF COMPETENCY

Whereas upon an inquiry conducted against Capt./Shri holder of Certificate of Competency as, bearing number dated, the said Capt./Shri has been found guilty of misconduct/misbehaviour on the following counts :—

- 1.
- 2.
- 3.

And therefore, Chief Examiner of Master and Mates/Chief Examiner of Engineers having satisfied that there are sufficient grounds to believe that the said Capt./Shri is incompetent, hereby orders that the Certificate of Competency No. held by the officer be cancelled/suspended for a period of years months with immediate effect.

The said Capt./Shri, if he so desires, may appeal against this order within a period of 30 days from the date of receipt of this order to the Director General of Shipping, Mumbai whose decision shall be final.

Chief Examiner of Master & Mates/
Chief Examiner of Engineers

Dated

To,

Capt./Shri

Copy to :

1. **Principal Officer,**
Mercantile Marine Department,
Mumbai/Chennai/Kolkata.
2. INSA
3. FOSMA
4. MASSA

SHOW CAUSE NOTICE

Whereas the Chief Examiner of Master and Mates/Chief Examiner of Engineers has, after due enquiry found that Capt./Shri holder of certificate of competency no. dt. while working on the ship MV/MT/MFV during the period from to behaved in a manner of unbecoming of an Officer/displayed total incompetency resulting into personal injury/loss of life/shipping casualty involving collision, stranding, abandonment/committed wrongful act, and accordingly Capt./Shri is hereby advised to show cause within 15 days from date of this notice to explain as to why his certificate of competency no. dated may not be cancelled/suspended.

Chief Examiner of Master & Mates/
Chief Examiner of Engineers
Dated

To,

Capt./Shri

Copy to :

1. **Principal Officer,**
Mercantile Marine Department,
Mumbai/Chennai/Kolkata.
 2. INSA
 3. FOSMA
 4. MASSA
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