

Merchant Shipping (Cancellation or Suspension of Certificate of Competency) Rules, 2003

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Merchant Shipping (Cancellation or Suspension of Certificate of Competency) Rules, 2003

G.S.R. 114. In exercise of the powers conferred by clause (h) sub-sec. (2) of Sec. 87 read with Sec. 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 and 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 Section 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.