

Higher National Unit Specification

General information for centres

Unit title: Shipmaster's Business

Unit code: FOLN 35

Unit purpose: This Unit is about the agreements and conventions to ensure safety of life at sea and the protection of the marine environment. The Unit will develop an understanding of employment law, quality assurance legislation, safety management systems and the principles and application of UK and international legislation. The application of commercial law to the ship's operation is also covered. It is aimed at candidates who intend to seek sea-going employment as a Merchant Navy Deck Officer. However it could also be studied by someone with an interest in the subject area.

On completion of the Unit the candidate should be able to:

- 1 Analyse international requirements to ensure safety of ship, life, cargo and the protection of the marine environment.
- 2 Evaluate the principles and application of UK and international legislation applicable to the shipping industry.
- 3 Analyse the application of commercial law to ship operations and the role of Master in its application.

Credit points and level: 2 HN Credits at SCQF level 8: (16 SCQF credit points at SCQF level 8*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this Unit is at the discretion of the centre. However it would be beneficial if candidates had achieved either a UK MCA 'Officer of the Watch' Certificate or equivalent, the HNC Nautical Science, or the HN Unit FOLJ 34 *Marine Law and Management: An Introduction*.

Core Skills: There are opportunities to develop the following Core Skills in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Communication: Oral at SCQF level 6

Communication: Reading at SCQF Level 6

Problem Solving at SCQF level 6

General information for centres (cont)

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Assessment: Outcomes 1–3 may be assessed using a single closed-book assessment consisting of short answer questions and administered under supervised conditions.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Analyse international requirements to ensure safety of ship, life, cargo and the protection of the marine environment

Knowledge and/or skills

- ◆ Requirements of International Conventions; Safety of Life at Sea (SOLAS) and Marine Pollution (MARPOL)
- ◆ Standard of Training Certification and Watchkeeping (STCW) convention on seafarers and marine industry in general
- ◆ Load-Line convention and Health Regulations

Evidence Requirements

All knowledge and skills are assessed, however there is sampling **within** each of the knowledge and skills.

Candidates will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can correctly:

- 1 Evaluate and apply the requirements of conventions: SOLAS and MARPOL

This can be achieved by sampling any two from (a)-(c) and any two from (d)-(f):

- (a) Evaluate the contents of Safety of Life at Sea (SOLAS) chapters.
- (b) Interpret and apply various codes issued under the provisions of SOLAS.
- (c) Evaluate the requirements and application of Safety Management System.
- (d) Summarise the contents of the Convention on Marine Pollution (MARPOL) annexes.
- (e) Analyse the criteria for discharge of pollutants at sea and its record keeping.
- (f) Application of various codes issued under the provisions of MARPOL.

- 2 Analyse the impact of Standards of Training and Certification of Watchkeepers (STCW) Convention on seafarers and marine industry in general

This can be achieved by sampling any two from the following:

Higher National Unit specification: statement of standards (cont)

Unit title: Shipmaster's Business

- (a) Analyse the objective of standardisation of training and certification for Seafarers.
- (b) Analyse the general certification requirements for Officers and Ratings on any type of ship.
- (c) Analyse the certification requirement for Officers and Ratings on specialised ships.
- (d) Outline the requirement of fitness for duty and watchkeeping arrangements and principles to be observed.

3 Outline the requirements of Load-Line convention and Health Regulations.

This can be achieved by sampling one from the following:

- (a) Outline the objectives of load-line convention.
- (b) Outline the objectives of health regulations.

Assessment guidelines

Outcome 1 will be sample assessed by short answer questions, under supervised conditions on the international requirements to ensure safety of ship, life, cargo and the protection of the marine environment.

Outcome 2

Evaluate the principles and application of UK and international legislation applicable to the shipping industry

Knowledge and/or skills

- ◆ International law and its transition into national law
- ◆ Law of contract, tort and agency
- ◆ Law of the Sea
- ◆ Flag and Port state legislation
- ◆ Classification Societies

Evidence Requirements

All knowledge and skills are assessed, however there is sampling **within** each of the knowledge and skills.

Candidates will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can correctly:

1 Evaluate the formation of international law and its transition into national law.

This can be achieved by sampling one from (a)-(b) and one from (c)-(d) from the following:

- (a) Outline international maritime convention making bodies and their function.
- (b) Outline how International conventions are drafted, implemented and amended.
- (c) Analyse how international conventions take legal effect in UK.
- (d) Outline the function of statutory instruments and merchant shipping notices.

Higher National Unit specification: statement of standards (cont)

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- 2 Analyse the principles of law of contract, tort and agency.

This can be achieved by sampling two from (a)-(e), and (f) and (g) from the following:

- (a) Analyse the categories and elements of contract.
- (b) Explain the function of conditions, warranties and innominate terms in a contract.
- (c) Analyse how contracts are discharged.
- (d) Explain types of lien of importance to seafarers.
- (e) Analyse the procedures for resolving disputes under contract.
- (f) Identify the chief torts recognised by English law and those of most concern to the shipmaster.
- (g) Analyse the duties of an agent and role of the shipmaster as agent.

- 3 Analyse the principles of law of sea.

This can be achieved by sampling one of the following:

- (a) Explain zones of coastal state jurisdiction under United Nations Convention on the Law of the Sea (UNCLOS).
- (b) Analyse the basic rights of any merchant ship in various zones and at high seas.

- 4 Explain the role of Flag and Port state in the application of national and international legislation.

This can be achieved by sampling one of the following:

- (a) Analyse the duties/responsibilities of the flag state.
- (b) Explain the requirements for Flag State Survey and Certification.
- (c) Analyse the importance and procedures of port state control inspections.

- 5 Explain the role of Classification Societies in the application of national and international legislation.

This can be achieved by sampling one of the following:

- (a) Identify the various classification societies and the role of International Association of Classification Societies (IACS).
- (b) Analyse class survey and certification requirements.
- (c) Define the relationship between classification societies and flag state administrations.

Assessment guidelines

Outcome 2 will be sample assessed by short answer questions under supervised condition on the principles and application of UK and international legislation applicable to the shipping industry.

Higher National Unit specification: statement of standards (cont)

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Outcome 3

Analyse the application of commercial law to ship operations and the role of Master in its application

Knowledge and/or skills

- ◆ Maritime contracts of Carriage of Goods
- ◆ Maritime insurance
- ◆ Commercial role and legal responsibility of the master in vessel operations
- ◆ Commercial role and legal responsibility of the master in emergencies and incidents
- ◆ Legal procedures on arrival at, and on departure from, a port

Evidence Requirements

Candidates will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can correctly:

- 1 Provide an outline of maritime contracts of carriage of goods.

This can be achieved by sampling one the following:

- (a) Evaluate the charter party types and clauses.
- (b) Define the terms; Laycan, Laytime, demurrage and despatch.
- (c) Analyse the function and types of Bills of Lading.
- (d) Analyse the carrier's basic obligations under Hague-Visby rules and Carriage of Goods by Sea Act (COGSA).
- (e) Analyse the purpose of York-Antwerp rules and general average.

- 2 Provide an outline of Marine Insurance.

This can be achieved by sampling one of the following:

- (a) Outline Hull and Machinery (H&M) insurance and its cover, and the risks not covered by H&M policy.
- (b) The function of Protection and Indemnity Clubs (P&I) and claims usually covered by P&I.

- 3 Commercial role and legal responsibility of the master in vessel operations.

This can be achieved by sampling any three of the following:

- (a) Analyse the Law of Salvage and the advantages of Lloyds Open Form.
- (b) Analyse the differences between Salvage and Towage.
- (c) Analyse the master's role and legal responsibility while under Pilotage.
- (d) Outline record-keeping procedures and the collection of evidence.
- (e) Analyse the difference between Noting Protest and Letter of Protest.
- (f) Explain Seafarer's contracts of employment.
- (g) Outline the procedure of Engagement and Discharge of crew.

Higher National Unit specification: statement of standards (cont)

Unit title: Shipmaster's Business

4 Commercial role and legal responsibility of the master in emergencies and incidents.

This can be achieved by sampling any two of the following:

- (a) Analyse the master's role and responsibility when (Own ship or Other ship) in Distress.
- (b) Analyse the master's role and responsibility in Collision.
- (c) Analyse the master's responsibility when encountering navigational hazards.
- (d) Analyse the master's role and responsibility when involved in pollution incidents.

5 Legal procedures on arrival at, and on departure from, a port.

This can be achieved by sampling one of the following:

- (a) Analyse the procedure to make a report to UK customs.
- (b) Outline how health clearance is obtained in a UK port.
- (c) Describe Immigration procedures at a UK port.
- (d) Outline the arrangements for payment of light dues in UK.

Assessment guidelines

Outcome 3 will be sample assessed by short answer questions, under supervised conditions on the application of commercial law to ships operations and the role of the Master in its application.

Administrative Information

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Unit title: Shipmaster's Business
Superclass category: ZF
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Version	Description of change	Date

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Higher National Unit specification: support notes

Unit title: Shipmaster's Business

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 80 hours.

Guidance on the content and context for this Unit

The content of this Unit forms part of the underpinning knowledge for an UK MCA *Chief Mate Certificate of Competency* and accordingly reflects the content of International Maritime Organisation's *Standard of Training Certification and Watchkeeping (STCW)*.

The Unit is primarily intended for candidates who are new entrants to the Merchant Navy via one of the Merchant Navy Training Board (MNTB) approved deck cadet training schemes or for seafarers who are enrolled on a Chief Mates/Master course. Ideally candidates would have already accrued some shipboard experience prior to attempting this Unit, although this is not a prerequisite.

The knowledge and skills contained within the Unit cover all the requirements as laid down by the Standard of Training Certification and Watchkeeping (STCW-95) at Management level aboard ship.

Completion of this Unit will also ensure that the candidate complies with all the requirements laid down by the UK Maritime and Coastguard Agency (MCA) for the issue of a Chief Mates Unlimited Certificate of Competency as a Deck Officer. The knowledge required and skills for MCA certification can be found in a document detailing the requirements for the issue of an Education and Training Certificate (C & D), which is available from the MNTB.

The following notes give additional information on the knowledge and skills for each of the three Outcomes.

Outcome 1

This Outcome develops the candidate's knowledge of major conventions related to safety and pollution prevention developed primarily by IMO.

Candidates will also develop knowledge on the application of relevant codes associated with SOLAS and MARPOL.

Candidates should be able to provide a concise outline of all the SOLAS chapters and detailed knowledge of chapter V- safety of navigation.

Thorough knowledge of pollution prevention regulations for all MARPOL annexes must be demonstrated. Candidates must show their awareness of penalties/liabilities for polluting the environment.

Higher National Unit specification: support notes (cont)

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Outcome 2

This Outcome develops the candidate's knowledge of national and international law regulating the shipping industry. Candidates will understand how international law relating to shipping is developed and implemented. Candidates will also understand how international law is incorporated in national legislation. It also allows candidates to understand how the relevant information about new shipping legislation or changes in shipping legislation is promulgated.

The concept of common law, tort and contract will also be developed. The United Nations convention on the laws of sea will also be explored.

This Outcome also covers the rights and responsibilities of flag state and port state. Candidates will develop knowledge of harmonised survey and certification system and also the role of classification societies in carrying out flag and class surveys.

Wherever possible, candidates should be given access to various types of ships' certificates and other relevant documents in order that candidates are fully conversant with the content.

Outcome 3

This Outcome develops the candidate's knowledge of the application of commercial law to ship operations and the role of the Master in its application.

Candidates will understand the contract of carriage of goods and will explore important clauses in charter party relevant to the role of the master.

Candidates will then apply this basic knowledge in accurately performing basic Laytime calculations. Wherever possible, candidates must be given access to various charter parties, mate's receipts and bills of lading.

Candidates will understand types of marine insurance and develop an understanding of institute time clauses-hull. Candidates must develop a clear understanding of warranty.

Candidates will appreciate various factors to be considered before offering or taking salvage.

This Outcome also covers the master's commercial role in emergencies and other incidents. Candidates will have a clear understanding of the documentation to be prepared before arrival to and departure from a port.

Guidance on the delivery and assessment of this Unit

Candidates will benefit most if this Unit is delivered in conjunction with the HN Unit F0LB 35 *Shipboard Management*. The knowledge and skills developed within the Unit should be applied in the context that will be encountered aboard ship, ideally leading the candidate towards the ability to be able to appreciate the legal responsibility of master in every shipboard operation and emergency situation.

Higher National Unit specification: support notes (cont)

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Wherever possible, examples and case study should follow each topic. Candidates must also be familiarised with actual or copy of various documents from ships and other relevant shore based organisations. This becomes more important where candidates have no prior sea going experience.

It is recommended that assessment of this Unit is carried out Outcome by Outcome. Questions should be based on the relevance of the topic to the role of Merchant Navy Deck Officer at Sea.

Opportunities for developing Core Skills

The Unit provides candidates with the opportunity to develop the Core Skill of Communication at SCQF level 6. Candidates will develop Communication skills by the use of complex and unambiguous legal language which is rooted in the Unit. The Unit also provides the opportunity to develop the Core Skill of Problem Solving at level 6. The candidate's decisiveness, planning and evaluating a situation may be assessed by his sequence of actions in a given multifaceted legal shipboard problem. This may be assessed with the Unit assessment but there is no automatic certification of Core Skills implied.

Open learning

This Unit is not suited to delivery by distance learning because it requires candidates to be observed and questioned by a qualified practitioner to meet Statutory/professional body requirements

Candidates with disabilities and/or additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments or considering alternative Outcomes for Units. For information on these, please refer to the SQA document *Guidance on Alternative Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs*, which is available on SQA's website: www.sqa.org.uk.

General information for candidates

Unit title: Shipmaster's Business

This Unit is about the agreements and conventions to ensure safety of life, ship and cargo and the protection of the marine environment. It is also about employment law, safety management systems and the principles and application of UK and international legislation. It also covers the application of commercial law to ship operations.

On completion of this Unit you should be able to:

- 1 Analyse international requirements to ensure safety of ship, life, cargo and the protection of the marine environment.
- 2 Evaluate the principles and application of UK and international legislation applicable to the shipping industry.
- 3 Analyse the application of commercial law to ship operations and the role of Master in its application.

All Outcomes will be assessed by means of oral or written questioning under closed-book supervised conditions. Outcomes 1–3 may be combined for assessment purposes.