

Higher National Unit Specification

General information for centres

Unit title: Marine Law and Management: An Introduction

Unit code: F0LJ 34

Unit purpose: This Unit will introduce the candidate to the relationship between law, codes and other forms of guidance. It develops an awareness of the law, codes and guidance relating to ship and crew safety and operations. It also covers the principles of personnel management at operational level. It is primarily 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 Explain the systems of law and guidance operating at national* and international level.
- 2 Describe the legal and guidance regulations relating to different areas of operations and safe practices onboard a ship.
- 3 Explain personnel management provisions and principles adopted onboard at operational level.

*National legal systems are those of England and Wales as applicable to British Registered vessels.

Credit points and level: 1 HN Credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**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 candidates would benefit most from this Unit if they have successfully completed the *Marine Induction Course* associated with the HNC/D Nautical Science.

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: Written at SCQF level 5

Communication: Reading at SCQF level 5

Communication: Oral at SCQF level 6

Problem Solving: Critical Thinking at SCQF level 5

Problem Solving: Planning and Organising at SCQF at SCQF level 5

Problem Solving: Reviewing and Evaluating at SCQF level 5

Working with Others 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: Outcome 1 and 2 may be assessed by means of a closed-book assessment under supervised conditions. The assessment will include theory and/or case study type questions. There will be a group presentation on an area of Outcome 1.

Outcome 3 may be assessed by an open-book assessment taking the form of a formal study/role play or case study.

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

Explain the systems of law and guidance operating at national and international level

Knowledge and/or skills

- ◆ The English legal system including statute and common law
- ◆ Criminal and civil law including examples and court procedures
- ◆ The formation of international law and how it becomes applicable to nationals of a country/flagged vessels
- ◆ Legal and non-legal regulations and compliance

Evidence Requirements

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

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

- 1 Provide an outline of the English legal system including statute and common law applicable to the marine industry

This can be achieved by a sample of one question from the following areas:

- ◆ Fundamental doctrines — Rule of Law, Separation of powers
- ◆ The main bodies of the English legal system and their function
- ◆ Primary and secondary legislation including statutory interpretation
- ◆ Explain the basis of common law including the doctrine of precedent

Correct terminology should be used, where appropriate, with cited examples.

- 2 Define criminal and civil law including examples and court procedures.

This can be achieved by a sample of one question from the following areas:

- ◆ Hierarchy of the courts
- ◆ Statutory and common law offences/actions

Higher National Unit specification: statement of standards (cont)

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- ◆ Criminal law definition including levels of crime and punishments
- ◆ Civil law actions: Contract and Tort

Correct terminology should be used, where appropriate, with cited examples.

- 3 Outline the formation of international law and how it becomes applicable to nationals of a country/flagged vessels.

This can be achieved by a sample of one question from the following areas:

- ◆ International treaty/convention making bodies
- ◆ Implementation of a convention from consultation paper
- ◆ Amendment procedures
- ◆ National implementation

Correct terminology should be used where appropriate, with cited examples.

- 4 Explain legal and non-legal regulations and compliance.

This can be achieved by a sample of one question from the following areas:

- ◆ Primary and secondary legislation
- ◆ Convention provisions — regulations and codes
- ◆ Flag state recommended practices and guides
- ◆ Industry recommendations

Correct terminology should be used, where appropriate, with cited examples.

On each assessment occasion a different sample should be used

Assessment guidelines

Outcome 1 can be assessed by a closed-book assessment under supervised conditions and a group presentation. Outcome 1 may be combined with Outcome 2 for assessment purposes when a closed-book assessment is the preferred method of generating evidence.

The group presentation on an area of Outcome 1 should cover approximately 10% of evidence required for that Outcome. Assessors should ensure that the subject area for the presentation is not included in the closed-book assessment.

Higher National Unit specification: statement of standards (cont)

Unit title: Marine Law and Management: An Introduction

Outcome 2

Describe the legal and guidance regulations relating to different areas of operations and safe practices onboard a ship

Knowledge and/or skills

- ◆ Safety and quality legislation
- ◆ Pollution and environmental legislation
- ◆ Operational procedures and practices
- ◆ Crew training and qualifications
- ◆ Implementation of standards through port and flag state control
- ◆ Record keeping and providing evidence on occurrence of incidents

Evidence Requirements

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

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

- 1 Describe the source and content of legislation and guidance concerning safety and quality.

This can be achieved by a sample of one question from the following areas:

- ◆ Contents of international law relating to safety onboard ships
- ◆ Codes derived from international law relating to safety onboard ships
- ◆ Application of codes regarding fire and life saving equipment and provisions
- ◆ Application of codes relating to safety management onboard ships
- ◆ Application of codes relating to security onboard ships

- 2 Describe the source and content of legislation and guidance concerning pollution and the environment.

This can be achieved by a sample of one question from the following areas:

- ◆ Contents of international law relating to marine pollution and environmental protection
- ◆ Disposal of oil at sea (from machinery spaces and cargo spaces)
- ◆ Disposal of garbage
- ◆ Air pollution
- ◆ Prosecutions for breaches of national law regarding this area

Higher National Unit specification: statement of standards (cont)

Unit title: Marine Law and Management: An Introduction

- 3 Describe the source and content of legislation and guidance concerning operational procedures and practices.

This can be achieved by a sample of one question from the following areas:

- ◆ Contents of Health and Safety legislation applicable to merchant ships
- ◆ Contents of industry guidelines for safe working practices
- ◆ Application of safe procedures and practices from guidelines
- ◆ Industry standards for safe operation on vessels by type

- 4 Describe the source and content of legislation and guidance concerning crew training and qualifications.

This can be achieved by a sample of one question from the following areas:

- ◆ Achieving a standard of competence
- ◆ Safe watchkeeping and fitness for duty
- ◆ Specialist ship training
- ◆ Non-mandatory requirements of international law

- 5 Describe the implementation of standards through port and flag state control.

This can be achieved by a sample of one question from the following areas:

- ◆ Role and responsibility of the flag state
- ◆ Port state control framework
- ◆ Requirements of port state control inspections
- ◆ Grounds for detention and remedies

- 6 Outline the requirements for record keeping and providing evidence on the occurrence of incidents.

This can be achieved by a sample of one question from the following areas:

- ◆ Marine accident reporting criteria
- ◆ Marine accident investigation procedures
- ◆ Forms of records: written, mechanical, electronic
- ◆ Rebuilding the event from recorded evidence

A different sample should be used on each assessment occasion and the candidates will be expected to use the correct terminology for conventions in assessment responses.

Assessment guidelines

Outcome 2 may be assessed on a sample basis by a closed-book assessment under supervised conditions. The assessment should include theory and/or case study type questions. For assessment purposes elements of Outcome 1 may be assessed with Outcome 2 in a closed-book assessment.

Higher National Unit specification: statement of standards (cont)

Unit title: Marine Law and Management: An Introduction

Outcome 3

Explain personnel management provisions and principles adopted onboard at operational level

Knowledge and/or skills

- ◆ Company management structures
- ◆ Shipboard management structures
- ◆ Management techniques in the workplace
- ◆ Shipboard safety culture

Evidence Requirements

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

- 1 Outline the structure of management ashore and onboard ship.

This can be achieved by sampling one of the following areas:

- ◆ Departmental requirements of shore based ship management
- ◆ Departmental requirements for ship based management
- ◆ Ship/shore interface
- ◆ Onboard dynamics

- 2 Define principles of management adopted onboard.

This can be achieved by sampling one of the following areas:

- ◆ Management theory
- ◆ Management styles
- ◆ Leadership and motivation
- ◆ Working as a team

- 3 Apply management techniques in the workplace.

This can be achieved by sampling one of the following areas:

- ◆ The Master as manager
- ◆ Management at operational level
- ◆ Management of day-to-day procedures
- ◆ Management of emergencies

Higher National Unit specification: statement of standards (cont)

Unit title: Marine Law and Management: An Introduction

4 Describe the importance of a safety conscious, communicative environment.

This can be achieved by sampling one of the following areas:

- ◆ Safety management onboard
- ◆ Effective communication
- ◆ Overcoming differences (race, culture, sex)
- ◆ Conflict resolution

For all of the above a different sample should be used on each assessment occasion.

Assessment guidelines

Outcome 3 can be assessed by an assignment taking the form of a formal study/role play or case study.

Administrative Information

Unit code: F0LJ 34

Unit title: Marine Law and Management: An Introduction

Superclass category: EC

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Higher National Unit specification: support notes

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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 40 hours.

Guidance on the content and context for this Unit

The content of this Unit forms part of the underpinning knowledge for the Level 3 SVQ Marine Vessel Operations and reflects the content of International Maritime Organisation's Standards of Training Certification and Watchkeeping (STCW).

Guidance on the delivery and assessment of this Unit

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 an Officer of the Watch 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 Standards for Training and Certification of Watchkeepers (STCW) 95 at the Operational level aboard ship.

Completion of the 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 an Officer of the Watch Certificate of Competency as a Deck Officer. The required knowledge 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

Candidates will understand the basis of the English Legal System. They will be introduced to the fundamental doctrines and how these are implemented by the principle bodies; parliament as legislators, the government as the executive, and the courts as judiciary. The two main systems of law, statute and common law, and their application will be demonstrated through the use of case examples.

Civil and criminal trials will be discussed in relation to the hierarchy of the courts. This includes the application of statutory interpretation and the doctrine of precedent.

The applicability of international law to a national flagged vessel is discussed using a case example (ie Merchant Shipping Act, regulations and the international provisions it encompasses). This is further expanded by reviewing the application of legal and non-legal provisions of the shipping industry.

Higher National Unit specification: support notes (cont)

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Outcome 2

Using the basic knowledge in Outcome 1, the candidate can apply it to particular instruments of legislation and international law for the shipping industry.

Outcome 2 particularly focuses on Safety and Quality, Pollution and the Environment, Operational Procedures and Practices, Crew Training and Qualifications.

Application of these areas of law will be viewed in relation to port state control, flag state inspection and record keeping.

Outcome 3

The candidate will develop an understanding of the organisational structure of the company both on ship and ashore. By reviewing departments and roles of key personnel onboard, management principles can be defined and described.

Safety management functions can also be described and developed in this way.

Opportunities for developing Core Skills

This Unit provides candidates with the opportunity to develop the Core Skill of Communication: Written and Reading, and Problem Solving: Critical Thinking at SCQF level 5. The development of these Core Skills will be achieved through preparation of written assignments. Additionally, Written and Critical Thinking will be developed through review and understanding of course materials.

Through preparation of assignment and presentation work, the Core Skills of Problem Solving: Planning and Organising, and Reviewing and Evaluating at SCQF level 5 are able to be developed.

The oral form of assessment in conjunction with presentation assignment will provide an opportunity to develop the Core Skills of Communication: Oral, and Working with Others at SCQF level 6.

Although the above skills are developed, there is no automatic certification of Core Skills or Core Skills components.

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: Marine Law and Management: An Introduction

This Unit is intended to provide you with an understanding of law in relation to national and international provisions for the shipping industry.

Through case examples you will be introduced to the law and its application to you as both an individual and a member of a ship's crew.

For many candidates this will be an introduction to this area of learning for which new investigation and comprehension skills will be required to be developed. This includes use of legal terminology, research of legal documents, and an understanding of their application.

By looking at management theory, you will develop an understanding of the organisational structures adopted by your company both ashore and onboard.

You may be assessed by a closed-book assessment under supervised conditions for Outcomes 1 and 2. The assessment will include theory and/or case study type questions. There will be a group presentation on an area of Outcome 1.

Outcome 3 may be assessed by an open-book assessment taking the form of a formal study or case study.