

## Introduction: the essentials of orals preparation

You would expect the UK government to encourage candidates to pursue a maritime career. In fact the Maritime & Coastguard Agency simply states that *the MCA Deck oral examination syllabus is mapped to the relevant STCW Code tables.*

*The Examiner is expected to base the assessment on the competence and relate them to tasks, responsibilities and duties considered necessary for ship operations, safety of life at sea and the protection of the marine environment.*

*The oral exam can draw on any part of the syllabus. It is recommended that candidates complete the qualification that delivers the underpinning knowledge for each oral exam prior to undertaking the oral assessment.*

*The level of responses of the subjects listed in the 'Knowledge, understanding and proficiency' column of the oral examination syllabus shall be such that in the examiner's professional judgement it would be sufficient for candidates to carry out their watchkeeping duties and responsibilities.*

*The oral examination forms are part of the procedure for the attainment of all MCA certificates of competency, and all candidates must demonstrate an adequate knowledge of the English language.*

The rest is up to you.

Captain Malcolm Maclachlan wrote the first edition of *The Business and Law Self-Examiner for Deck Officers* (as this book was then titled) in 1998. Since then, it has become the most valuable study aid for Master's Orals, and its encyclopaedic coverage serves just as well the officer of the watch and chief mate students. It soon became the study companion and bedside reading of countless successful Orals candidates in the UK and overseas.

Students have greatly appreciated the format of Maclachlan's work, and clearly it has worked well for them. The question-and-answer format, in defined sections that can be readily followed, enables the student to understand the issues contained in the syllabus. We have therefore retained this successful approach.

However, the maritime world has changed a great deal in 26 years, and it became apparent that a radical review of the scope and content of the work was needed. The authors, whose background is in maritime training and especially in Orals preparation, have updated every section to meet the needs of today's industry. In doing so, much reliance has been placed on recent Orals questions. It is hoped that this will instil some confidence, not just in the content but also with the process itself, to make the experience less of an ordeal.

It is essential to remember that this book will be your guide and tutor for the content of the subject-matter, which it is essential to master. That takes you only half-way to success, however; it is just as essential to master the *technique* of answering Orals questions. You need to remember just three things:

- 1. Stand up:** in other words, think about how you respond. Before you answer, ask yourself just what the examiner is looking for, and be confident in yourself. If you simply do not understand what they are looking for, then ask them to clarify what they want. Orals examiners aim to be thorough, but also to be fair.
- 2. Speak up:** be clear in what you say and how you say it. To get your point across, employ the same process of communication management that you have used in your sea-time. Do not just express what you want to say, but what you want the examiner to understand.
- 3. Shut up:** answer the question that has been put to you, then stop. It is human nature to carry on ad nauseam, but this is a fatal flaw that betrays a lack of confidence and it may prompt the examiner to probe you further on the point. It also carries the risk that you will say something which was unnecessary to complete your answer, but which was wrong. If it is a principal error, you will fail.

It is inevitable that a question arises that requires you to list some things or ship's certificates as if it were a menu from a memory test. You can help yourself immensely by studying the ship's documents in your sea-time and study aids on your training courses. By thoroughly understanding them, you will also find it much easier to remember them. This is particularly valuable when dealing with questions about ISM and the ship's safety management system.

The questions and answers in this book have been specially designed to help you with your understanding. MCA surveyors are thorough and aim to be fair, as they expect you to pass your oral examination. You should match your answers to the level of competency grade you are aiming to achieve.

Finally, it is essential to practise. Orals technique can be rehearsed without end, and the more you practise the more you will gain the confidence that is essential to answer questions correctly. This is best done by two working together: one asks a question, to which the other answers, and then you discuss how successful the answer was and how it could be improved. It also helps in becoming familiar with the process of speaking in an oral examination. If you are not studying with a partner, anybody will do - even the mirror. Familiarity with the process will help you greatly in perfecting that essential feature, of technique.

## How to use this book

This 11th edition of *The Shipmaster's Self-Examiner* differs from its predecessors in having an improved, more user-friendly layout. The content has been substantially rearranged and now aligns more closely with the questions asked at recent Master's Orals.

The eight main sections of the previous edition have been expanded to 114 topics. These are split into sub-topics that contain individually numbered sets of questions and answers. The topics and sub-topics are listed on the Contents pages (iv to xvii). As an example, main section 4 *Maritime and Coastguard Agency (MCA)* contains a subsection 4.4 *M notices*, within which there are 10 sets of Q&As, numbered 4.4-1 to 4.4-10.

Each sample question is printed in **bold** type followed by the answer in normal type.

Direct quotations from official documents, such as statutory instruments (SIs), are set out in *serif italic* font.

Abbreviations, regulations (SIs), international codes and conventions, MCA marine guidance notes (MGNs), marine information notes (MINs) and merchant shipping notices (MSNs), and other published guidance referred to in the text are listed at the back of the book, cross-referenced to the text by question number.

For example, the References section indicates that MGN 533 (M) Amendment 2 *Means of Access* is mentioned in questions 4.4-6 and 72.1-3. Where a top-level cross-reference is given, eg 'Sec 39', this indicates that the item appears throughout that section rather than being confined to a single Q&A set.

For convenience, a shortened version of an M notice title may appear in the text, but the full title is given in the References and has been checked to the end of Q1/2024.

The Nautical Institute and the revising authors welcome users' feedback about the book and suggestions for improvements. These may be sent for the attention of the publishing manager to: [pubsadmin@nautinst.org](mailto:pubsadmin@nautinst.org).

## 1

## International law of the sea

**1.0-1 What is a convention?**

A formal agreement between states that binds them to adopt and implement at least the minimum standards in their sovereign domestic law.

**1.0-2 Where can the international law of the sea be found?**

United Nations Convention on the Law of the Sea 1982 (UNCLOS).

**1.0-3 When did UNCLOS come into force?**

1994.

**1.0-4 Where is the freedom of the seas defined?**

Art 87: *The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia... freedom of navigation.*

**1.0-5 Where can a port or coastal state exercise unfettered legal power?**

The territorial sea.

Art 2: (1) *The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.*

Art 3: *Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.*

**1.0-6 Where is the right of innocent passage defined?**

Art 17: *Ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.*

**1.0-7 How is that state's criminal jurisdiction limited over a ship?**

Art 27:

1. *The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:*
  - a. *If the consequences of the crime extend to the coastal State*
  - b. *If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea*
  - c. *If the assistance of the local authorities has been requested by the Master of the ship or by a diplomatic agent or consular officer of the flag State; or*
  - d. *If such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.*

**1.0-8 What is the exclusive economic zone (EEZ)?**

Art 55: *The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.*

**1.0-9 What are the port/coastal state's rights in the EEZ?**

Art 56:

1. *In the exclusive economic zone, the coastal State has:*
  - a. *Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;*

- b. *Jurisdiction as provided for in the relevant provisions of this Convention with regard to:*
  - i. *the establishment and use of artificial islands, installations and structures*
  - ii. *marine scientific research*
  - iii. *the protection and preservation of the marine environment*
- c. *Other rights and duties provided for in this Convention.*

**1.0-10 What is the breadth of the EEZ?**

*Art 57: The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.*

Litigation has redefined this to 200 miles beyond the edge of the state's continental shelf.

## 2

## Flag state administration

**2.0-1 What is a flag state administration?**

The national maritime administration of a ship. National maritime administration is defined by the United Nations Convention on Conditions for Registration of Ships 1986 as *any state authority or agency established by the state of registration in accordance with its legislation and which, pursuant to that legislation, is responsible, inter alia, for the implementation of international agreements concerning maritime transport and for the application of rules and standards concerning ships under its jurisdiction and control.*

More loosely, the flag state administration is the official body of the state whose flag the ship flies and which discharges the duties of a flag state as set out in UNCLOS Article 94. In most cases, the administration is a government department in the flag state, although some flag states, such as Liberia, the Marshall Islands and Vanuatu, delegate their duties to a commercial organisation based in another country.

**2.0-2 What are the functions of a flag state administration?**

- Setting, monitoring and enforcing standards of safety and pollution prevention on vessels flying the state's flag
- Enforcing international standards of safety and pollution prevention on foreign ships visiting the state's ports
- Setting and enforcing merchant shipping regulations for the flag state
- Surveying and inspecting vessels in accordance with domestic and international regulations
- Setting and enforcing standards of seafarers' competency
- Investigating accidents involving ships flying the state's flag and ships of other flags when in the state's waters
- Approving equipment types for vessels under international regulations
- Advising on matters such as loading of hazardous cargoes and other safety matters
- Maintaining a register of ships flying the state's flag
- Monitoring and enforcing compliance with international ship and port security provisions
- Monitoring and enforcing compliance with the provisions of Maritime Labour Convention (MLC).

**2.0-3 Do flag state administrations lay down detailed rules for the strength, construction and maintenance of ships flying their flags?**

No. They generally ensure that ships flying their flags are built to the standards of a recognised organisation (RO) as regards hull, machinery, electrical installations and control installations.

An RO is usually a classification society authorised by the flag state administration.