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## CHAPTER 6 - REFUSAL OF ADMITTANCE TO EXAMINATION, APPEAL PROCESS AND RE-EXAMINATION

### FAILURE TO PASS AN EXAMINATION


- 6.1 (1) Where an applicant fails to pass an examination, the examiner may refuse the applicant admittance to a subsequent examination in the same subject for such period as, in the opinion of the examiner, is reasonable for the acquisition of the knowledge that the applicant requires to pass the examination. Such a period shall not exceed six months.
- (2) Where an applicant fails to pass an examination by reason of misconduct in or about the examination room the examiner may refuse the applicant admission to any subsequent examination for such period, not exceeding six months, as appears reasonable to the examiner under the circumstances.

### FALSIFIED OR TAMPERED DOCUMENTS

- 6.2 Where any submitted document appears to have been falsified or tampered with, the examiner shall retain the document until the applicant proves its authenticity to his/her satisfaction.

### FORGERY AND FRAUD

- 6.3 (1) Section 129 of the *Canada Shipping Act* provides that every person who:
- (a) makes, procures to be made, or assists in making any false representation for the purpose of obtaining, for himself/herself or for any other person, any certificate of competency or service as master, mate or engineer;
  - (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered any such certificate or any copy thereof;
  - (c) fraudulently makes use of a certificate that is forged, altered, cancelled, suspended, or to which he/she is not justly entitled; or
  - (d) fraudulently lends such a certificate to, or allows the same to be used by, any other person; is guilty of an indictable offence.
- (2) Where any document submitted in support of an application has been falsified or tampered with, the examiner may retain the document pending proof of its authenticity. He/she will refuse the applicant admittance to examination until that person proves the authenticity of the document (refer to section 6.7).
- 6.4 Not in use.
- 6.5 Not in use.

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#### **FAILURE TO JOIN SHIP OR DESERTION**

6.6 An applicant who, having signed an agreement with the crew in respect of a voyage or period of time:

- (a) has failed to join ship; or
- (b) has deserted his/her ship;

may not be permitted to count any sea service performed pursuant to that agreement as qualifying service.

#### **APPEALS**

6.7 Where an examiner refuses a person admittance to an examination according to the provisions of sections 4.14, 6.1, 6.2, 6.3 (2), 6.4, or 6.5, the applicant may request, by letter, that the examiner report the matter to the Minister.

6.8 Not in use.

#### **EXAMINATION REVIEW**

- 6.9 (1) Applicants taking marine examinations may request a review of their examination papers by complying with the following guidelines:
- (a) the comments/review sheet will be provided with the examination paper; and
  - (b) the applicant may make comments about the examination or opt for a review of one or more examination papers on the day of the examination or within five working days after receiving the results of the examinations taken.
- (2) If the applicant is not satisfied with the examiner's review, a formal written appeal may be submitted to any Marine Safety office.