



South African Maritime Safety Authority

Ref: SM6/5/2/1
SM10/4/5

Date: 09 February 2012

Marine Notice No. 4 of 2012

The ad-hoc inspections of South African flagged fishing vessels, 2011.

TO ALL PRINCIPAL OFFICERS, OWNERS, OPERATORS, MANAGERS SKIPPER'S & SAFETY OFFICER'S OF FISHING VESSELS AND TRAINING INSTITUTIONS

Marine Notice No 3 of 2011 is cancelled

Summary

This notice advises the fishing industry of the short comings identified during the ad-hoc inspection of South African flagged fishing vessels during 2011

In 2010 SAMSA conducted 103 ad-hoc inspections of South African fishing vessels.

It is the experience of the Authority that vessels are prepared for survey and what appears on the day of survey is not how the vessel is always operated and maintained during the period of validity of a safety certificate.

A safety certificate issued by SAMSA confirms that on the day the vessel was surveyed, and after the rectification of any defects, the vessel was in a seaworthy condition. The onus lies with the Skipper/ Owner, to ensure the vessels is maintained in that state.

The *Merchant Shipping Act* is quite clear that the responsibility to maintain seaworthiness lies with the owner and skipper.

Insurance policies have what is known as a Merchant Shipping Act warranty. The insured is required to ensure at all times that the vessel complies with the provisions of the Merchant Shipping Act and Regulations relating to safety and seaworthiness of the vessel. The definition of an un-seaworthy vessel; "used in relation to a vessel, means that she—

(a) is not in a fit state as to the condition of her hull, equipment or machinery, the stowage of her cargo or ballast, or the number or qualifications of her master or crew, or in any other respect, to encounter the ordinary perils of the voyage upon which she is engaged or is about to enter"

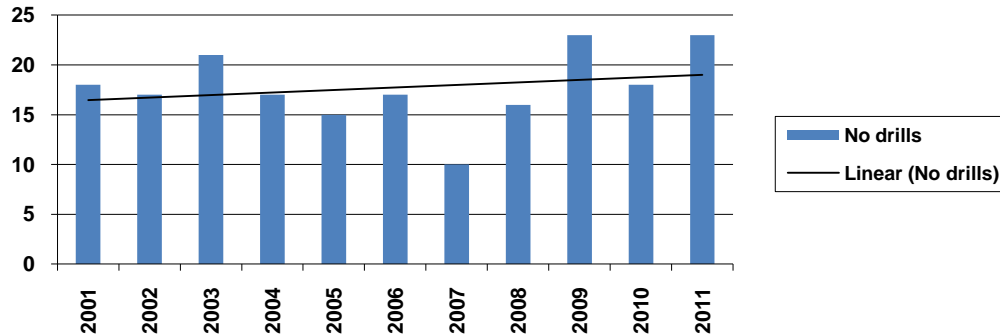
Not complying with the Act and its regulations would therefore be a material breach of the policy allowing insurers to repudiate liability and walk away from the claim.

The ad-hoc inspection campaign was introduced in 2001 in an effort to ensure that skippers and owners discharged their responsibility; the reports have been correlated and compared to previous years. The trends should be used when reviewing safety procedures and structures on your vessel.

Defects noted

Defects noted are shown as a percentage of total defects in the graph.

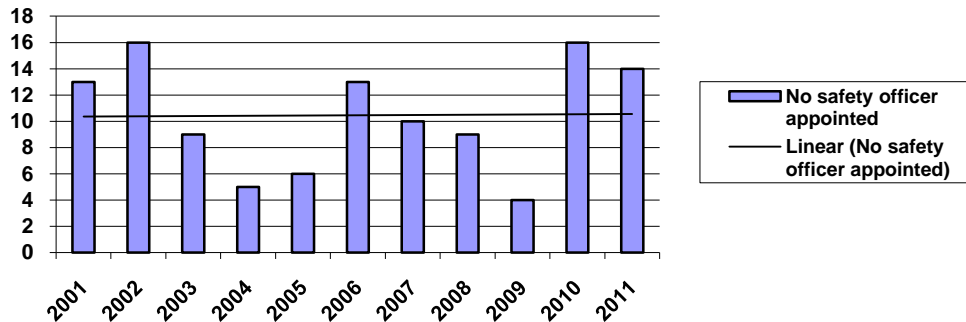
a. No record of emergency drills



The number of vessels where safety drills are not held is too high; it also supports the information received from the observer checklists. If the crew is not trained to deal with an emergency the only result will be panic and subsequently loss of life.

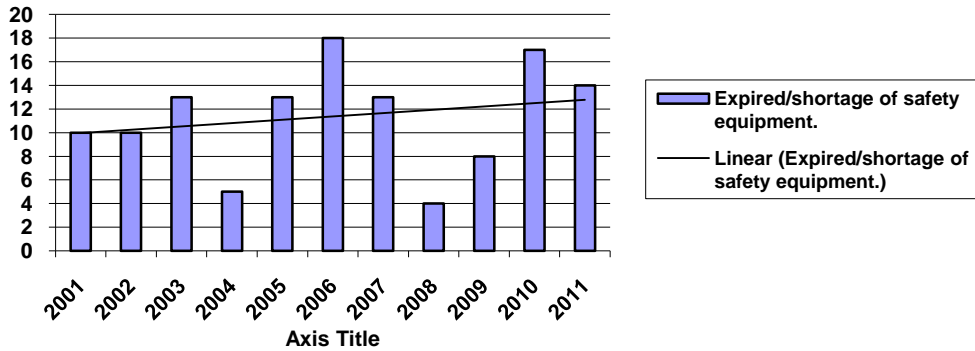
On two occasions crew members were unable to identify the location of lifejackets. Safety familiarization is a legal requirement and you do not have time in an emergency to cope with showing crew where safety equipment is.

b. Safety Officer not appointed.



This mandatory requirement has been in force since 1994, management and skippers are failing in their responsibility to provide a safe working environment for their crew. The safety officer must be appointed in writing. In many cases the requirements of the regulations are being met *vis a vis* safety committee meetings, but there is no written evidence to prove that there is a safety officer appointed. The non-appointment of Safety Officers should be apparent if managers/owners are undertaking the compliance audits required by regulation 39A of the Maritime Occupational Safety Regulations.

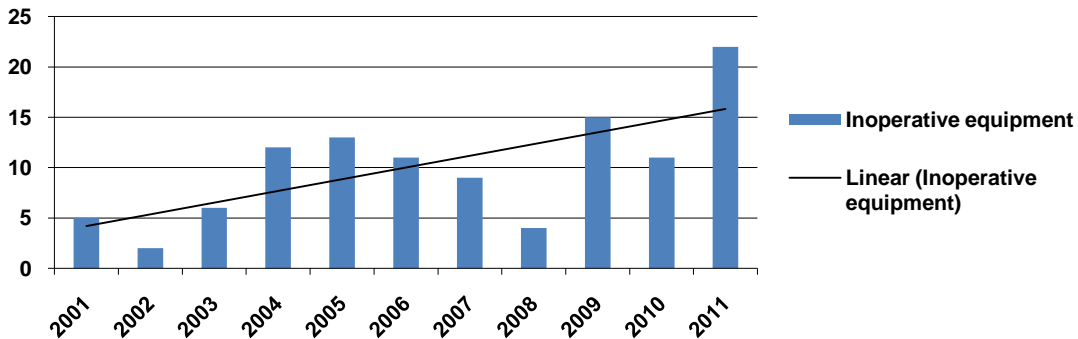
c. **Expired or short equipment**



This proves that vessels are prepared for survey; the safety equipment had either expired or went missing after the survey.

Who is checking the availability and the expiry dates after the survey?

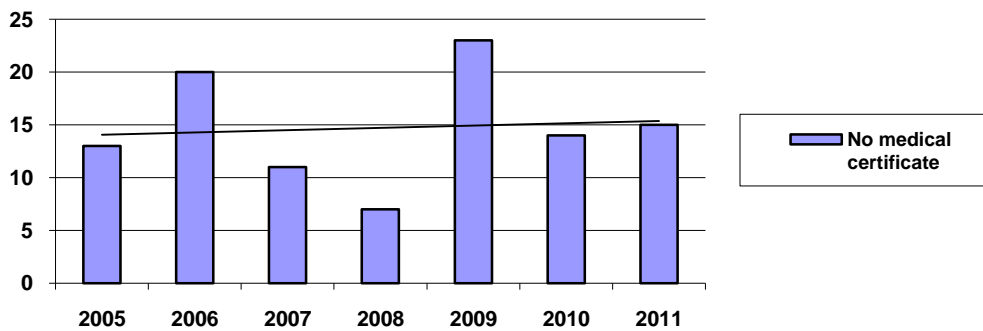
d. **Inoperative equipment.**



The continuous negative trend is of great concern, in hard economic times the last item that should be cut from expenditure is safety equipment. Items such as fire flaps, bilge pumps, freeing ports etc. are vital to the safety of the crew and the vessel. Why is such vital safety items not checked on a regular basis both before sailing and while at sea?

One of the most common defects is the gas cut offs being gagged open, usually when they are not operating correctly, service of these items is not a huge expense.

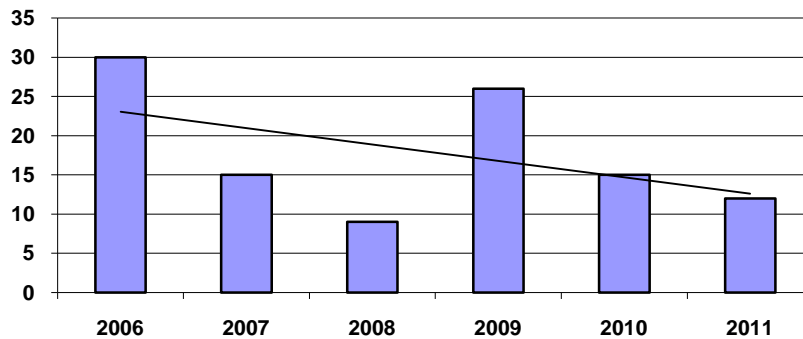
e.



Medical Certificates

Many fishers die at sea of natural causes. A medical examination may have led to early identification of a medical condition and lead to treatment that may have avoided these deaths. In many inspections, it was a case of not be able to prove that all the crew had been medically examined as the certificates were not onboard.

f. **Safety Training not completed.**



As with the medical certificates in many cases the certificates were not available for inspection.

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Issued by and obtainable from:
The South African Maritime Safety Authority
161 Lynnwood Road
Brooklyn, Pretoria

PO Box 13186
Hatfield 0028

Tel: +27 12 366 2600

Fax: +27 12 366 2601

E-mail: marinenotices@samsa.org.za

Web Site : www.samsa.org.za