



# South African Maritime Safety Authority

Ref: SM6/5/2/1  
SM 1/5/1/44/2  
SM 1/5/1/49/2

Date: 10 January 2014

## Marine Notice No. 1 of 2014

### Merchant Shipping (Safe Manning, Training and Certification) and (Eyesight and Medical Examination) Amendment Regulations submitted to the Minister.

TO SHIP OWNERS, OPERATORS, TRAINING PROVIDERS AND TRAINING INSTITUTIONS, PRINCIPAL OFFICERS AND EXAMINERS.

#### *Summary*

This Marine Notice serves to alert all interested Parties to the fact that the Merchant Shipping (Safe Manning, Training and Certification) and (Eyesight and Medical Examination) Amendment Regulations have been submitted to the Minister for permission to publish for Public Comment.

Following the coming into force of the Merchant Shipping (Safe Manning, Training and Certification) Regulations 2013, many errors and omissions have been detected and a set of amendment regulations has been established to address these.

In addition, the Merchant Shipping (Eyesight and Medical Examination) Regulations 2004 have required consequential amendments and amendments due to the coming into force of the MLC 2006.

Both the amendment regulations have been submitted to the Minister requesting permission to publish them for public comment.

This Marine Notice serves to give notice of this and to request all interested and affected Parties to review the proposed amendments and make appropriate comment should it be deemed necessary.

For reference copies of the amendment regulations are appended. Note that the proposed amendments to the Regulations have NOT been approved by the Minister and are included to facilitate the public comment process only.

Any comments should be addressed to the Chief Examiner, Durban on [jabercrombie@samsa.org.za](mailto:jabercrombie@samsa.org.za)

**10 January 2014**

**SM6/5/2/1  
SM 1/5/1/44/2  
SM 1/5/1/49/2**

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## DEPARTMENT OF TRANSPORT

No. R. ...

... 20xx

Merchant Shipping Act, 1951 (Act No. 57 of 1951)

### MERCHANT SHIPPING (SAFE MANNING, TRAINING AND CERTIFICATION) REGULATIONS, 2013 Amendment Regulations, XXXX

The Minister of Transport has, under section 356 of the *Merchant Shipping Act, 1951* (Act No. 57 of 1951), made the regulations in the Schedule.

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#### Schedule

#### Interpretation

1. In this Schedule “the Regulations” means the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 published by Government Notice No. R. 511 of 23 July 2013.
2. **Amendments to the Schedule of the Regulations**  
The schedule to the Regulations is amended by:
  - a) The deletion of “(unlimited)” after the words “Deck officer” in item 28;
3. **Amendments to regulation 1 of the Regulations**  
Regulation 1 of the Regulations is amended by —
  - a) the substitution in subregulation (1) for the words “Division 4” of the words “Division 5” in the following definitions:

“able seafarer deck”, “able seafarer engine”, “able seafarer (fishing)”, “able seafarer deck (port operations)”, “able seafarer engine (port operations)”, “electro-technical rating”, “engineer rating”, and “general purpose rating (port operations)”;
  - b) the substitution in subregulation (1) for the definition of "basic training" of the following definition:

**“basic training (not applicable to personnel on fishing vessels)”** means the approved training in Personal Survival Techniques, Fire Fighting and Fire Protection, Elementary First Aid and Personal Survival and Social Responsibility as specified in the Code;”;
  - c) the substitution in subregulation (1) for the definition of "non-trading vessels" of the following definition:

**“non-trading vessels”** means pleasure vessels or vessels operated for commercial gain of less than 3000GT not carrying more than 12 passengers engaged on seagoing voyages during which no cargo operations are conducted;”;
  - d) the substitution in subregulation (1) for the definition of "pre-sea training" of the following definition:

**“pre-sea training”** means once-off mandatory approved training for all seafarers prior to their first employment on a fishing vessel to which these regulations apply;”.
  - e) the substitution in subregulation (3) of the following paragraph:

- “(3) All seafarers, (except those to whom the STCW-F Convention applies), shall have completed Basic Training before being assigned safety or pollution prevention duties or before issue of any Certificate of Competency.”;
- f) the substitution in subregulation (4) of the following paragraph:
- “(4) All seafarers shall have completed on-board safety familiarization training before being assigned shipboard duties.”.
- g) the insertion after subregulation (4) of the following:
- “(5) After 1 January 2014, all personnel assigned security duties shall have received training for persons with designated security duties in terms of Regulation 107(2).”.

#### 4. Amendments to regulation 2 of the Regulations

Regulation 2 of the Regulations is amended by —

- a) the substitution for subparagraph (2)(c)(iii) of the following subparagraph:
- “(iii) endorsed Master of a ship of less than 500GT on unlimited voyages (management level) [STCW Regulation II/3 - Tonnage limitation].”;
- b) the substitution for subparagraph (2)(c)(iv) of the following subparagraph:
- “(iv) endorsed master of a ship of less than 3000GT on unlimited voyages (management level) [STCW Regulation II /2 – Tonnage limitation].”;
- c) the substitution for subparagraph (2)(d)(iii) of the following subparagraph:
- “(iii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1- No limitation].”;
- d) the substitution for subparagraph (2)(h)(ii) of the following subparagraph:
- “(ii) Endorsed master of a ship less than 200GT on unlimited voyages (Management Level) [STCW Regulation II/3 - Tonnage limitation].”;
- e) the substitution for subparagraph (2)(k)(i) of the following subparagraph:
- “(i) officer in charge of a navigational watch on ships of less than 500GT on near-coastal voyages (operational level) [STCW Regulation II/3- No limitation].”;
- f) the substitution for subregulation (3) of the following subregulation:
- “(3) Subject to subregulation (7), the certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to fishermen are:”;
- g) the substitution for subparagraph (3)(b)(ii) of the following subparagraph:
- “(ii) Officer in charge of navigational watch of a ship of less than 24m engaged in fishing on unlimited voyages [STCW-F Regulation II/2- length limitation].”;
- h) the deletion of subparagraph (4)(f)(i)
- i) the substitution for subparagraph (4)(h)(i) of the following subparagraph:
- “(i) chief engineer of any vessel <24m <350kW propulsion power (management level); [STCW Regulation III/3- Power limitation].”.
- j) the substitution for subparagraph (4)(h)(ii) of the following subparagraph:
- “(ii) officer in charge of engineering watch of any vessel <24m <1000kW propulsion power (operational level); [STCW Regulation III/3- Power limitation].”.

- k) the substitution for subparagraph (7)(k) of the following subparagraph:  
“(k) Proficiency in basic training for liquefied gas tankers [STCW Regulation V/1-2 (STCW Code Section A-V/1-2-1)].”;
- l) the substitution for subparagraph (7) (l) of the following subparagraph:  
“(l) Proficiency in advanced training in oil tankers [STCW Regulation V/1-1 (STCW Code Section A-V/1-1-2)].”;
- m) the substitution for subparagraph (7)(m) of the following subparagraph:  
“(m) Proficiency in advanced training in chemical tankers [STCW Regulation V/1-1 (STCW Code Section A-V/1-1-3)].”.

## 5. Amendments to regulation 3 of the Regulations

Regulation 3 of the Regulations is amended by:

- a) the substitution for subregulations (3) of the following subregulations:  
“(3) The certificates of proficiency listed in regulation 2(7)(a) to (h) shall be revalidated by completing an approved refresher training course and meeting the standards specified in the Code. Those certificates of proficiency listed in regulation 2(6) and 2(7)(i) to (u) may be revalidated by establishing continued professional competence by completing, during the preceding five years at least 12 months sea service while performing the appropriate competencies specified in the Code.”.
- b) the substitution for subparagraph (7)(b) of the following subparagraph:  
“(b) have served on vessels equipped with ECDIS for a period of 12 months in the preceding five years whilst holding an approved ECDIS course certificate;”.

## 6. Amendments to regulation 6 of the Regulations

Regulation 6 of the Regulations is amended by:

- a) by the substitution for subregulation (1) of the following subregulation:  
“(1) The Authority shall —  
1. in terms of Section 77(4) of the Act, appoint examiners in accordance with procedures established from time to time.  
2. designate in writing, from among the examiners, a senior examiner (deck), a senior examiner (engine), senior examiner (deck fishing), senior examiner (engine fishing) a senior examiner (small vessels), a senior examiner (radio) and a chief examiner.”.

## 7. Amendments to regulation 10 of the Regulations

Regulation 10 of the Regulations is amended by:

- a) the substitution for subregulation (5) of the following subregulation:  
“(5) In the case of doubt about the appropriateness or sufficiency of a candidate’s qualifying service, the candidate may submit his or her case, accompanied by the relevant certificates, discharge, testimonial, training records, watchkeeping certificates and such other documents as may be required, for determination by the relevant senior examiner.”.

**8. Amendments to regulation 11 of the Regulations**

Regulation 11 of the Regulations is amended by:

- a) the substitution for the second subparagraph (a) of the following subparagraph:

“(b) A candidate for a first deck officer certificate shall produce testimonials signed by the respective Masters of the ships on which he or she has served.”.

**9. Amendments to regulation 20 of the Regulations**

Regulation 20 of the Regulations is amended by:

- a) the substitution for subregulation (1) of ALTERNATIVE C of the following subregulation:

“(1) have completed, while holding as a minimum the certificate of competency as coastal skipper  $\geq 9\text{m}$  or skipper offshore  $\geq 9\text{m}$ , at least 18 months sea service in the deck department on any of the following types of ships of 25GT or more and/or 14m or more in length overall:”.

**10. Amendments to regulation 21 of the Regulations**

Regulation 21 of the Regulations is amended by:

- a) the substitution for subregulation (2) of ALTERNATIVE B of the following subregulation:

“(2) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months; and”.

**11. Amendments to regulation 22 of the Regulations**

Regulation 22 of the Regulations is amended by:

- a) the substitution for subregulations (1) of the ALTERNATIVE C of the following subregulation:

“(1) have at least 12 months sea service in the deck department on trading ships of 100GT or more on any seagoing voyages;”;

- b) the substitution for subregulation (2) of the ALTERNATIVE C of the following subregulation:

“(2) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months; and”;

- c) by the substitution for subregulation (1) of the ALTERNATIVE D of the following subregulation:

“(1) have at least 6 months sea service in the deck department on trading ships of 100GT or more on any seagoing voyages;”;

- a) by the substitution for subregulation (2) of the ALTERNATIVE D of the following subregulation:

“(2) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least three months; and”;

- b) by the substitution for subregulation (1) of the ALTERNATIVE E of the following subregulation:

“(1) have at least six months sea service in the deck department on trading ships of 100GT or more on any seagoing voyages;”.

## 12 Amendments to regulation 23 of the Regulations

Regulation 23 of the Regulations is amended by:

- a) the substitution for subregulation (3) of ALTERNATIVE D of the following subregulation:

“(3) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least three months; and”.

## 13. Amendments to regulations 25, 26 and 27 of the Regulations

Regulations 25, 26 and 27 of the Regulations are amended by:

- a) the substitution for Regulation 25, Regulation 26 and Regulation 27 of the following Regulations:

### 25. “Master (port operations)

For the certificate of competency or endorsement as master (port operations), a candidate shall—

#### **ALTERNATIVE A: Candidates holding a certificate of competency as master (<1600GT port operations)**

- (1) be at least 20 years of age;
- (2) have completed at least six months port operations service as the officer in charge of navigational watch or master on port operations vessels of 1000GT or more; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

#### **ALTERNATIVE B: Candidates holding a certificate of competency as skipper (< 200GT port operations)**

- (1) be at least 20 years of age;
- (2) have completed at least 12 months port operations service as the officer in charge of navigational watch on port operations vessels of 1600GT or more; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

### 26 Master (< 500GT near coastal)

For the certificate of competency or endorsement as master (< 500GT near coastal), a candidate shall—

#### **ALTERNATIVE A: Candidates holding certificate of competency as mate (< 500GT near-coastal or unlimited) or deck officer (unlimited)**

- (1) be at least 20 years of age;
- (2) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 100GT or more on any seagoing voyages; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

#### **ALTERNATIVE B: Candidates holding naval bridge watchkeeping certificate with command endorsement**

- (1) have proof of being a commander onboard a South African Navy ship of 24m or more for a countable six months and six months sea service as a supernumerary on trading ships of 100GT or more on any seagoing voyages; and
- (2) have completed approved training and meet the standards of competence specified in the Code.

### 27 Master (< 500GT)

For the certificate of competency or endorsement as master (< 500GT), a candidate shall—

#### **ALTERNATIVE A: Candidates holding certificate of competency as mate (< 500GT near-coastal or unlimited) or deck officer (unlimited)**

- (1) be at least 20 years of age;

- (2) have completed, while holding as a minimum the certificate of competency as mate (< 500GT coastal or unlimited), at least 12 months sea service as officer in charge of a navigational watch on trading ships of 100GT or more on unlimited voyages; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

**ALTERNATIVE B: Candidates holding certificate of competency as master (< 500GT near-coastal)**

- (1) be at least 20 years of age;
- (2) have completed, while holding as a minimum the certificate of competency as master (< 500GT near coastal), at least six months sea service as officer in charge of a navigational watch on trading ships of 100GT or more on unlimited voyages; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

**ALTERNATIVE C: Candidates holding naval bridge watchkeeping certificate with command endorsement**

- (1) have proof of being a commander onboard as South African Navy ship of 24m or more for a countable six months and six months bridge watchkeeping service on trading ships of 100GT or more on unlimited seagoing voyages under the supervision of a watchkeeping officer; and
- (2) have completed approved training and meet the standards of competence specified in the Code.”.

**14. Amendments to regulation 28 of the Regulations**

Regulation 28 of the Regulations is amended by:

- a) the substitution for the title of Regulation 28 of the following title:

“28 **Deck officer**”

**15. Substitution of Alternative A of regulation 29 of the Regulations**

The wording of Alternative A is substituted for the following:

“**ALTERNATIVE A: Candidates holding certificate of competency as deck officer**”

**16. Substitution of ALTERNATIVE B of regulation 30 of the Regulations**

The wording of ALTERNATIVE B is substituted for the following:

“**ALTERNATIVE B: Candidates holding certificate as deck officer, chief mate or chief mate (< 3000 GT)**”

**17. Amendments to regulation 31 of the Regulations**

Regulation 31 of the Regulations is amended by:

- a) by the substitution for ALTERNATIVE A of the following:

“**ALTERNATIVE A: Candidates holding certificate of competency as deck officer**”;

- b) by the substitution for ALTERNATIVE B of the following:

“**ALTERNATIVE B: Candidates holding certificate of competency as chief mate (<3000GT)**”.

**18. Amendments to regulation 35 of the Regulations**

Regulation 35 of the Regulations is amended by:

- a) the substitution for subregulation (3) of ALTERNATIVE A of the following subregulation:
- “(3) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months; and ”.

**19. Substitution of regulation 36 of Regulations**

- a) The substitution for subregulation (2) of the following subregulation:
- “(2) have completed approved training and meet the standard of competence specified in the Code.”.

**20. Amendments to regulations 42 of the Regulations**

- a) Regulation 42 of the regulations is amended by insertion of ALTERNATIVE D after subregulation (2) of ALTERNATIVE C as follows:

**“ALTERNATIVE D: Candidates holding a certificate of competency as engineer officer STCW A-III/1**

- (1) Qualifies for the endorsement as Chief Engineer (<1500 kW port operations) with no additional requirements.”.

**21. Substitution of regulation 43 of Regulations**

- a) The substitution for subparagraph (1)(a) of the following subparagraph:
- “(a) chief engineer (< 1500kW port operations); or”.

**22. Substitution of regulation 46 of Regulations**

- a) The substitution for Alternative B of the regulations of the following:
- “ALTERNATIVE B: Candidates holding a certificate of competency as chief engineer (<1500kW port operations)”;**

**23. Substitution of regulation 47 of Regulations**

- a) The substitution for subregulations (1), (2) and (3) of ALTERNATIVE H of the following subregulations:
- “(1) Have completed 12 months approved sea service in trading ships of 750kW propulsion power or more performing watchkeeping duties under the supervision of a certificated engineer officer documented in a training record book; and  
(2) have completed approved training and meet the standards of competence specified in the Code.”.



**24. Substitution of regulation 49 of Regulations**

- a) The substitution for ALTERNATIVE B of the regulations of the following:

**“ALTERNATIVE B: Candidates holding a certificate of competency as second engineer officer <3000kW”.**

**25. Substitution of regulation 50 of Regulations**

- a) The substitution for ALTERNATIVE C of the regulations of the following:

“(2) have performed 12 months engineer watchkeeping duties under the supervision of a certificated engineer officer or as a supernumerary on trading ships of 3000kW propulsion power or more; and”

**26. Amendments to regulation 55 of the Regulations**

Regulation 55 of the Regulations is amended by:

The deletion of “ALTERNATIVE D: (1) and (2)”

**27. Amendments to regulations 56 of the Regulations**

Regulation 56 of the regulations is amended by:

- a) The insertion of ALTERNATIVE E after subregulation (2) of ALTERNATIVE D as follows:

**“ALTERNATIVE E: Candidates holding a certificate of competency as engineer officer**

- (1) have at least three months sea service on fishing vessels of 750kW propulsion power or more as watchkeeper under the guidance of a qualified engineer officer; and  
(2) have completed approved training and meet the standards of competence specified in the Code.”.

**28. Amendments to regulation 59 of the Regulations**

Regulation 59 of the Regulations is amended by:

- a) the substitution of ALTERNATIVE A of subregulation (2) of the following:

“(2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer deck at least 12 months port operations service on ships of 25GT or more;”;

- b) the substitution of ALTERNATIVE B of subregulation (2) of the following:

“(2) have completed, whilst holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer deck, at least 6 months port operations service on ships of 25GT or more as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and”;

**29. Amendments to regulation 60 of the Regulations**

Regulation 60 of the Regulations is amended by:

- a) the substitution of ALTERNATIVE A of subregulation (2) of the following:

“(2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer, at least 18 months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and”;

- b) the substitution of ALTERNATIVE B of subregulation (2) of the following:
  - “(2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer deck, at least 12 months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near-coastal voyages as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and”;
- c) the substitution of title of ALTERNATIVE C of the following:
  - “**ALTERNATIVE C: Candidates holding a certificate of competency as able seafarer**”;
- d) the substitution of ALTERNATIVE C of subregulation (2) of the following:
  - “(2) have at least 3 months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near-coastal voyages;”;
- e) the substitution of ALTERNATIVE D of subregulation (2) of the following:
  - “(2) have at least six months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near coastal voyages;”;

### 30. Amendments to regulation 61 of the Regulations

Regulation 61 of the Regulations is amended by:

- a) the substitution of ALTERNATIVE A of subregulation (2) of the following:
  - “(2) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer deck, at least 18 months sea service in the deck department on trading ships of 100GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and”;
- b) the substitution of ALTERNATIVE B of subregulation (2) of the following:
  - “(2) have completed, while holding as a minimum the certificate of proficiency as Ordinary Seafarer deck, at least 12 months sea service in the deck department on trading ships of 100GT or more on unlimited or near coastal voyages as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and”;
- c) the substitution of ALTERNATIVE D of subregulation (2) of the following:
  - “(2) have at least 12 months sea service in the deck department on trading ships of 100GT or more on unlimited or near-coastal voyages;”.

### 31. Amendments to regulation 62 of the Regulations

Regulation 62 of the Regulations is amended by:

- a) the substitution of ALTERNATIVE A of subregulation (2) of the following:
  - “(2) have at least six months service in the engine department on trading ships of 750kW or more;”;
- b) the substitution of ALTERNATIVE B of subregulation (2) of the following:
  - “(2) have completed at least two months service in the engine department on trading ships of 750kW or more as part of an approved accelerated training programme documented in an approved training record book and meet the standards of competence specified in the Code; and”;
- c) the insertion of ALTERNATIVE C of subregulation (2) after subsection (3) of Alternative B:

**“ALTERNATIVE C: Candidates holding a certificate of competency as Marine Motorman Grade 2**

- (1) be at least 16 years of age;
- (2) have completed at least one month’s service in the engine department on trading ships of 750kW or more as part of an approved accelerated training programme documented in an approved training record book and meet the standards of competence specified in the Code.”.

**32. Amendments to regulation 63 of the Regulations**

Regulation 63 of the Regulations is amended by:

- a) the substitution of ALTERNATIVE A of subregulation (2) of the following:

“(2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine (port operations) or ordinary seafarer engine, at least 12 months port operations service on ships of 750kW or more;”;

- b) the substitution of ALTERNATIVE B of subregulation (2) of the following:

“(2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine (port operation) or ordinary seafarer engine, at least six months port operations service on ships of 750kW or more as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and”.

**33. Amendments to regulation 64 of the Regulations**

Regulation 64 of the Regulations is amended by:

- a) the substitution of ALTERNATIVE A of subregulation (2) of the following:

“(2) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer engine, at least 12 months sea service in the engine department on trading ships of 750kW or more; and”;

- b) the substitution of ALTERNATIVE B of subregulation (2) of the following:

“(2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine at least six months sea service in the engine department on trading ships of 750kW or as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and”;

- c) the substitution of the heading of ALTERNATIVE C of the following heading:

**“ALTERNATIVE C: Candidates holding a certificate of proficiency as able seafarer engine (port operations)”;**

- d) the substitution of ALTERNATIVE C of subregulation (1) of the following:

“(1) have completed at least one month sea service in the engine department on trading ships of 750kW or more; and”;

- e) the insertion of ALTERNATIVE D after subregulation (2) of Alternative C:

**“ALTERNATIVE D: Candidate holding a certificate of competency as Marine Motorman Grade 1**

- (1) have completed at least three months sea service in the engine department on trading ships of 750kW or more as part of an approved

- accelerated training programme that includes on-board training documented in an approved training record book; and
- (2) have completed approved training and meet the standards of competence specified in the Code; and
  - (3) hold a provisional certificate of proficiency as ordinary seafarer engine issued by the chief engineer officer of the ship on which the on-board training was completed.”.

#### **34. Substitution of regulation 73 of Regulations**

The substitution for subparagraph (3)(a) of the following subparagraph:

- “(a) trading ships of 100GT or more engaged in mining operations or on unlimited or near-coastal voyages; or”.

#### **35. Substitution of regulation 74 of Regulations**

The substitution for subregulation (3) of the following subregulation:

- “(3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers shall hold a certificate in advanced training for chemical tanker cargo operations. A candidate for a certificate in advanced training in chemical tanker cargo operations shall—”.

#### **36. Amendments to regulation 75 of the Regulations**

Regulation 75 of the Regulations is amended by:

- a) the substitution of subregulation (2) of the following:

- “(2) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on liquefied gas tankers shall hold a certificate in advanced training for liquefied gas tanker cargo operations. Candidates for a certificate in advanced training for liquefied gas tanker shall—”;

- b) the substitution of subparagraph (2)(c) of the following:

- “(c) have completed approved advance training for liquefied gas tankers and meet the standards of competence specified in the Code.”.

#### **37. Substitution of regulation 85 of Regulations**

The substitution for subregulation (3) of the following subregulation:

- “(3) Application for accreditation shall be made in the form and manner, include the information and be accompanied by the documents specified by the Authority.”.

#### **38. Amendments to regulation 91 of the Regulations**

Regulation 91 of the Regulations is amended by:

- a) the deletion of subparagraphs (1)(e)(i) and (1)(e)(ii);

- b) the substitution of subparagraph (1)(e) of the following:
  - “(e) every rating employed on the ship and designated to have safety or pollution prevention duties holds documentary evidence of having successfully completed approved basic training in accordance with Part 3 Division 5;”.

**39. Amendments to regulation 97 of the Regulations**

Regulation 97 of the Regulations is amended by:

- a) the deletion of subregulations (1), (3) and (4);
  
- b) substitution of subregulation (2) for the following subregulation:
  - “(1) An employer who wishes to employ a seafarer holding a foreign certificate issued by a party to the STCW-F Convention as an officer or rating required by these regulations, shall apply to the Authority to have such candidate assessed by an examiner of the Authority in accordance with Regulation 17.”.

**40. Amendments to regulation 99 of Regulations**

Regulation 99 is amended by:

Substituting for “offshore skipper” by “Skipper offshore” in row 7 of column 5 of the Table.

**41. Amendments to regulation 100 of Regulations**

Regulation 100 is amended by:

Substituting for “(A)” by “(a)” in the 5<sup>th</sup> column, second row, of item (1) in the Table 43.

**42. Amendments to regulation 101 of Regulations**

Regulation 101 is amended by:

- a) the substitution in row “5” for “Marine motorman Grade 1” by “Marine Motorman Grade 2”;
- b) the substitution in row “6” for “≥350 but <500 and <500GT” by “≥350 but <1500 and <500GT”;
- c) The substitution in row “10” for “Marine Motorman Grade 1” by “Marine Motorman Grade 2”;
- d) The substitution in row “11” for “Marine Motorman Grade 2” by “Marine Motorman Grade 1”;

**43. Substitution of regulation 103 of Regulations**

a) The substitution for subparagraph (d) of the following subparagraph:

“(d) when the radio equipment on the ship is being used for general communications, other than distress, urgency or safety communications, such general communications shall not be conducted by the deck officer on watch.”.

**44. Amendments to regulation 104 of the Regulations**

Regulation 104 of the Regulations is amended by:

a) the substitution of subparagraph (c) of the following subparagraph:

“(c) on passenger ships the prescribed number of ratings qualified as proficient in survival craft and rescue boats and as proficient in fast rescue boats shall be in addition to the number of ratings qualified as ordinary or able seafarers;”;

b) (b) the substitution of subparagraph (e) of the following subparagraph:

“(e) owners and masters (bearing in mind that the table above specifies minimum requirements only) shall have regard to the requirements of regulation 91(4) when determining the appropriate manning;”;

c) the substitution of subparagraph (f) of the following subparagraph:

“(f) in respect of a ship engaged solely in port operations, and instead of meeting the requirements specified in the table above, application may be made to the proper officer at the ship's port of operation for the number of certificated ratings to be determined, with the necessary changes, in accordance with regulation 91(4);”.

**45. Amendment of regulation 107 of Regulations**

The regulations are amended by the insertion of a general paragraph after subregulation (3) of the regulations:

“fishing vessels are excluded from this Regulation.”.

**46. Substitution of regulation 113 of Regulations**

The following subregulation (1) is substituted for the following subregulation:

“(1) The owner and master of every ship that is equipped with one or more fast rescue boats shall ensure that there are employed on the ship at least two persons per boat who hold a valid certificate of proficiency in fast rescue boats issued in accordance with regulation 71 of these regulations or an approved equivalent.”.

**47. Amendments to regulation 115 of Regulations**

Regulation 115 is amended by:

- a) the substitution for “skipper” by “Master” in rows 20 and 21 in column 5 of the table in sub-regulation (2);
- b) the insertion of “row 35a” after row “35”;

35a	-	Marine Engineer Officer Class 3 non STCW endorsed	Marine Engineer Officer Class 3 non STCW endorsed	Chief Engineer Officer (Fishing)
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- c) the deletion in row “37 column 5” of “second engineer officer (port operations)” and the insertion of the following table rows after row “37”;

37a	-	Marine Engineer Officer Class 4 non STCW endorsed	Marine Engineer Officer Class 3 non STCW endorsed	Chief Engineer Officer (Fishing) <3 000 kW propulsion power
37b		Second Engineer Officer (Port Operations)	Second Engineer Officer (Port Operations)	Chief Engineer Officer <1 500 kW (Port Operations)
37c		Engineer Officer (Port Operations)	Engineer Officer (Port Operations)	Chief Engineer Officer < 750 kW (Port Operations)

- d) the insertion in row 38, column 5 after “Grade”, of the following:  
 “Endorsed:  
 - Second Engineer Officer (Fishing)  
 - Chief Engineer Officer <1500kW propulsion power operating within a port operations area”;
- e) the insertion in row 39, column 5 after “Grade 1”, of the following:  
 “Endorsed:  
 -Watch-keeping Engineer Officer (Fishing) <3000kW propulsion power”;

#### 48. Substitution of regulation 117 of Regulations

The following regulation is substituted for the following regulation:

“Without limiting regulation 91, the owner and the master of every ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the Act, the STCW Convention or STCW-F Convention, as the case may be, showing the qualification of the master and any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.”.

#### **49. Amendment of regulation 119 of Regulations**

The regulations are amended:

a) by the substitution for subregulation (4) by the following subregulation:

“(4) Examination Regulations For Certificates Of Competency For Fishermen, 1993, published by Government Notice No. R 2317 of 01 December 1993, as amended, is repealed.”;

b) by the insertion of subregulation (6) after subregulation (5):

“(6) Examination Regulations for Certificates of Competency Coxswain (Rescue vessels) 1991, published by government notice no. 1945 of 16 August 1991, as amended, is repealed.”;

#### **50. Amendments to regulation 120 of the Regulations**

Regulation 120 of the Regulations is amended by:

a) The insertion of subregulations (7), (8), (9), (10) and (11) after subregulation (6) as follows:

“(7) Masters and/ or owners are required to ensure that ratings, who have designated safety, or pollution prevention duties, complete “basic training” in terms of Regulation 91(e). They will have two years after entry into force of these regulations to comply.

(8) Masters and/or owners of passenger vessels engaged in voyages other than unlimited voyages have until 2 years after the entry into force of these Regulations, to comply with Regulation 108.

(9) Masters and/or owners of fishing vessels of less than 30m in length, required by these Regulations to increase the number of deck officers on board, have until 2 years after the entry into force of these Regulations to comply.

(10) Fishing vessels issued with safe manning certificates based on operating in the so-called “Defined fishing zone” before the coming into force of these Regulations, may continue to operate at the manning levels prescribed under the Merchant Shipping (Safe Manning) Regulations 1999 and applicable to the “Defined fishing zone”, until 22 July 2015.

(11) Before 1 January 2016, personnel who produce documentary evidence of serving on a sea going ship for six months in the previous three years performing security functions shall be exempted from the training required for personnel with designated security duties and may be awarded the Certificate of Proficiency.”.



# DEPARTMENT OF TRANSPORT

No. R.

GG

MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951)

## MERCHANT SHIPPING (EYESIGHT AND MEDICAL EXAMINATION) REGULATIONS, 2004 AMENDMENT REGULATIONS

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951, (Act No. 57 of 1951), made the regulations in the Schedule.

### SCHEDULE

#### Interpretation

1. In this Schedule “the Regulations” means the Merchant Shipping (Eyesight and Medical Examination) Regulations, 2004, published by Government Notice No. R. 1197 of 15 October 2004.

#### Amendment of regulation 2 of Regulations

2. Regulation 2(d) of the Regulations is amended by the substitution for paragraph (d) of the following paragraph:

“(d) give effect to Regulation I/9 annexed to the STCW Convention as amended and Section A-I/9 and B-1/9 of the STCW Code referred to in that Convention and the Maritime Labour Convention, 2006.”.

#### Amendment of regulation 3 of Regulations

3. Regulation 3 of the Regulations is amended by the insertion after the definition of “approved” of the following definition:

“ ‘code’ means the South African Maritime Qualifications Code;”.

#### Amendment of regulation 6 of Regulations

4. Regulation 6 of the Regulations is amended by the substitution for regulation 6 of the following regulation:

“6. Subject to sections 101(5) and 111(4) (b) of the Act, a person to whom these regulations apply must not perform duties as a seafarer, or be taken into employment to perform duties as a seafarer, on a ship unless that person is medically fit to perform those duties. Standards of medical fitness are as published in the Code.”.

#### Amendment of regulation 10 of Regulations

5. Regulation 10 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

“10. (1) In determining an applicant's medical fitness, a medical examiner must have regard to the Guidance and the guidelines published in the Code in addition to applying normal medical fitness considerations.”.

#### Amendment of regulation 11 of Regulations

6. Regulation 11 of the Regulations is amended—

(a) by the substitution for the paragraph after paragraph (1) (b) of the following paragraph:

“(b) he or she must issue to the applicant a medical certificate substantially in accordance with the form of certificate set out in the Code.”.

(b) by the substitution for subregulation (2) of the following subregulation:

“(2) The medical examiner must set out in the medical certificate his or her assessment of the applicant's medical fitness as set out in the Code.”.

(c) by deleting paragraphs (2) (a), (b) and (c).

### **Amendment of regulation 20 of Regulations**

7. Regulation 20 of the Regulations is amended by—

(a) substitution for regulation 20 of the following regulation:

“**20.** A person is required to pass the colour and form vision tests set out in the Code if that person's intended duties as a seafarer include watchkeeping duties in the deck and engine department and that person—”.

(b) by deletion of the word and punctuation “; or” after the word “certificate” in subregulation (b) and replace it by the following punctuation “.”

(c) by deleting paragraph (c).

### **Amendment of regulation 23 of Regulations**

8. Regulation 23 of the Regulations is amended by the substitution for the subregulation (2) of the following subregulation:

“(2) An eyesight certificate is valid from the date of issue for a period of 12 months except that a lantern colour vision certificate is valid for a period of 6 years. A valid colour vision certificate shall be submitted for any new certification issue or re-validation of a certificate of competency or proficiency.”.

### **Amendment of regulation 26 of Regulations**

9. Regulation 26 of the Regulations is deleted.

### **Amendment of Annex 1 of Regulations**

10. Section 1 of Annex 1 of the Regulations is amended by the substitution for the Annex 1 of the following Annex:

## **“ANNEX 1**

### **GUIDANCE ON MEDICAL EXAMINATION OF SEAFARERS**

#### **GENERAL INTRODUCTION**

1. Seafaring is a potentially hazardous occupation which calls for a high standard of health and fitness in those entering or re-entering the industry. A satisfactory standard of continuing good health is necessary for serving seafarers throughout their career because of the high inherent risks of the occupation. It is better, therefore, at an initial examination, to exclude an applicant if there is any doubt about his or her continuing fitness. Flexibility should be exercised only during examinations for retention.
2. These medical and visual standards give guidance on health criteria to be met. Allowance should be made for the inevitable impairment of health that time and change bring, so that a reasonably fit seafarer can, if he or she wishes it, continue at sea until the approved age or retirement. Firm recommendations have been made to exclude those suffering from medical conditions considered to be incompatible with continued

seafaring.

3. It is clearly impossible to encompass within the standards specific advice on every medical condition. However, as a general rule the medical examiner should be satisfied in each case that no disease or defect is present which could either be aggravated by working at sea or represent an unacceptable health risk to the individual seafarer, other crew members or the safety of the ship.
4. Apart from the purely medical aspects, the occupational background should be considered especially in cases where there is doubt. It is necessary to emphasise that a ship is not only a place of work requiring attention throughout the day and night, but also a temporary home in which the crew must eat, sleep and find recreation. Most important of all is the need to adjust to each other, often for long periods, during a voyage. Although much is done to ameliorate living and working conditions, certain inherent characteristics remain. A crew is a closed community living in a ship that is seldom quiet or still, individual eating habits and tastes cannot easily be met; facilities for physical exercise are limited; forced ventilation systems are used; the tedium of routine can easily become oppressive in the absence of normal diversion enjoyed by those ashore. An inability to fit in, or unwillingness to take responsibility, or to accept a reasonable measure of necessary discipline, could impair the safe and efficient working of the ship.
5. Very few merchant ships carry doctors. Acute illness or injury is dealt with by designated ship's officers whose training is limited to first aid or medical aid treatment. It should be borne in mind that a crew complement is carefully adjusted in terms of its size. Sickness can burden other crew members or even impair the efficient working of a ship. The examining doctor should therefore be satisfied that no condition is present which is likely to cause trouble during a voyage and no treatment is being followed which might cause worrying side effects. It would be an unsafe practice to allow seafaring with any known medical condition where the possibility of serious exacerbation requiring expert treatment could occur as a calculated risk.
6. The absence of doctors in most ships means that seafarers will not be able readily to consult a doctor or obtain special treatment until the next port call. Ship turnaround in ports is often very rapid allowing no time for necessary investigation subsequent to consultation with a doctor. The standard of medical practice abroad varies and facilities, which we in this country would regard as necessary, may not be available at smaller remote ports. It is doubtful that it is even wise to permit seafaring if the loss of a necessary medicament could precipitate the rapid deterioration of a condition.
7. It should be remembered that some trades will require that seafarers spend lengthy periods in tropical climates. Furthermore, most seafarers will need to join and leave ships by air travel. They should, therefore, be free from any condition which precludes air travel, e.g. Pneumothorax and conditions which predispose to barotrauma.
8. Where medication is acceptable for serving seafarers, arrangements should be made for a reserve stock of the prescribed drugs to be held in a safe place, with the agreement of the ship's master.
9. Article 4 of ILO Convention No. 73 states that "when prescribing the nature of the examination, due regard shall be had to the age of the person to be examined and the nature of the duties to be performed". In addition, Article 3 of the Convention states that a serving seafarer should have a medical certificate "attesting to his fitness for the work for which he is to be employed at sea". In reaching a conclusion, the attending doctor should therefore consider any medical conditions present, the age and experience of the seafarer, the specific work on which he or she will be employed and the trade in which he or she will be engaged (where known). If a seafarer is found to be unfit to continue in his or her present capacity because he or she does not meet the full unrestricted sea service category, a restricted service certificate may be issued stating the restrictions applicable.

- 10 The standards are framed to provide the maximum flexibility in their interpretation compatible with the paramount importance of maintaining the safety of vessels at sea, the safe performance of the serving seafarer's duties while, at the same time, protecting his or her health. Conditions not specified in the standards, which interfere with job requirements, should be assessed in the light of the general principle outlined above.
- 11 It may be necessary on occasion and, with the seafarer's consent, for the doctor to consult the general practitioner. When it is necessary to consult with other doctors the usual ethical considerations will apply, but it should be clearly understood that the decision on fitness in accordance with the required medical standard, rests with the initial examining doctor, subject to the medical appeal process.
- 12 Full clinical notes should be kept of any detailed medical examination and be retained for at least six years.

N.B. Reference should be made to the ILO and IMO Guidelines on the medical examinations of seafarers as published in the Code.”.

**Amendment of Section 2 and 3 of Annex 1, Appendix and Annex 2 of Regulations**

11. Section 2 and 3 and Appendix of Annex 1 and Annex 2 are deleted.