



South African Maritime Safety Authority

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SAMSA Policy and Guideline Regarding the Status and Use of Work Boats Carried Aboard Ships

TO ALL PRINCIPAL OFFICERS, SURVEY STAFF, SHIP OWNERS, MASTERS AND OTHER INTERESTED AND AFFECTED PARTIES

Summary

This Marine notice provides a policy guideline in order to address the perennial questions arising from differences between the customary use of work boats as part of a large vessel's operation and the requirements of the "Merchant Shipping (National Small Vessel Safety) Regulations.

1. INTRODUCTION

'Work boats' are regularly carried on board larger ships and have always, since time immemorial, played a substantial role in shipboard operations. To most seamen they are considered to be part of a ship's equipment and facilitate the operations of the vessel.

South Africa is one of the few countries that have placed strict regulations and controls on the standards of, use of, equipment for and manning of small vessels. From time to time this either causes friction or creates problems for both enforcement officers and seaman alike.

In SAMSA's view there is a place and time for both the historical use of work boats and the control of small vessels operating along our coast.

2. REGULATORY REGIME

The Merchant Shipping Act requires all ships (an official term that includes small vessels) that are not either registered or used solely for sport or recreation to be licensed.

Licensing is controlled by the Merchant Shipping (Licensing of Vessels) Regulations, 2002. Ownership and intended operation of the ship is to be declared when making application for a license. The official number that is assigned to the vessel must be displayed on the hull.

Inspection of ships for the issue of a Local general safety certificate (LGSC) is prescribed at sections 190 and 194 of the Merchant Shipping Act. The regulated standards for the construction, provision of safety equipment and manning of 'small vessels' are contained in the Merchant Shipping (National Small Vessel Safety) Regulations 2007.

'Small vessels' in this context are ships (official term) or more colloquially "boats" of less than 25 gross tons.

Larger vessels are regulated by separate regulations which do not apply to small vessels, for example; the LSA, Construction, Safety of Navigation and Maritime Occupational Safety regulations. All of which are also promulgated under the Merchant Shipping Act and it would be something of an aberration to mix and confuse the requirements of the two regimes when dealing with workboats.

3. DEDICATED EQUIPMENT THAT DEFINITELY FALLS OUTSIDE OF THE APPLICATION OF THE NATIONAL SMALL VESSEL SAFETY REGULATIONS

Dedicated “Survival craft” and dedicated “Rescue Boats” that are carried as mandatory equipment in terms of both national and international regulations are not contemplated by the national Small Vessel safety Regulations. These boats are supposed to be dedicated to the intended purpose, but are occasionally used for other purposes or for training.

The manning of these boats would be guided by both international and local rules, including the master’s responsibilities i.r.o occupational safety in the workplace. One would expect that either Deck Officers or experienced deckhands would take control of these vessels under the direction of the master.

Any excessive or unusual use of these dedicated items of safety equipment is prohibited and should be severely dealt with when observed or discovered.

4. WORK BOATS IN GENERAL

All sorts of work boats are to be found aboard seagoing vessels, the size and type depending on the particular operation of the mother ship and there is nothing untoward about their existence unless they are being used for purposes that go beyond supporting legal and normal ship operations.

Examples of their use include being used to deploy and recover scientific equipment when at sea, the transfer of crew between ships, enforcement, the transfer of salvage equipment and personal between salvage vessels and distressed ships, the ferrying of crew, personal effects and equipment from ship to the shore on an *ad hoc* basis, supporting diving and other underwater operations, etc.etc.

The safety and competence of the crew of the small vessel used in such circumstances is the responsibility of the master and based on the risk posed by each operation he is duty bound to act accordingly.

The Merchant Shipping (National Small Vessel Safety) Regulations clearly do not apply in the course of supporting normal ship operations.

4.1 WORK BOATS CARRIED ON FOREIGN SHIPS

Foreign ships have the right of innocent passage when transiting South African territorial waters, as agreed by way of the United Nations Law of the Sea Convention and as detailed in our Marine Traffic Act 1985.

The launching of work boats during transit through our territorial waters is not considered to be compliant with the requirements for innocent passage, except in cases of *Force Majeure*.

The Marine Traffic Regulations 1985 allow foreign utility ships which have been chartered or contracted in accordance with the laws of the Republic to perform their services within the South African territorial waters. They have to comply with South African laws whilst doing so and are treated as South African vessels during their contract.

The principles contained in paragraph 4 above would be applicable to workboats on foreign vessels working in our waters.

4.2 REQUIREMENTS FOR WORK BOATS CARRIED ABOARD SOUTH AFRICAN SHIPS [AS WELL AS FOREIGN VESSELS CONTRACTED TO WORK ON THE SOUTH AFRICAN COAST]

- (a) Firstly a vessel cannot be called a work boat unless it is marked and easily identifiable as belonging to the parent ship.
- (b) No interface between work boats and the shore is allowed except through a harbour or approved launch site;
- (c) Work boats are to operate under the direct command, and be in constant communication with the parent ship. They are limited to a reasonable distance from the mother ship, dictated directly by the specific operation of the ship in question;
- (d) The master is responsible for the operations of the boats which includes the normal risk assessment of each operation, equipment required for each operation and the competency of the crew.

5. BOATS THAT REQUIRE LICENCING AND SAFETY CERTIFICATION

Boats that are used outside the limitations listed in paragraph 4 must comply fully with the requirements of the Merchant Shipping Act. Skippers must be in possession of a valid and correctly endorsed certificate of competency.

Typical boat operations that require licencing and safety certification include:

- (a) Boats not marked as work boats assigned to a vessel;
- (b) Boats used separately from their parent ship, or for uses not directly related to ship operations;
- (c) Work boats operating beyond the direct operational scope of the mother ship.
- (d) Work boats that interface with the shore, a harbour or a launch site in a regular and sustained way.

6. SAMSA officers have extensive powers of intervention under the various Acts SAMSA administers and should take action against owners and masters where lives are at stake or where national security is been compromised or where any problem has been identified.

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Issued by and obtainable from:
The South African Maritime Safety Authority
146 Lunnon Road
Hillcrest, 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