



South African Maritime Safety Authority

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SM10/4/5

Date: 25 October 2016

Marine Notice No. 35 of 2016

Safe Manning of Fishing Vessels and Persons working on Fishing Vessels exemptions

TO TRAINING INSTITUTIONS, SHIP OPERATORS, MASTERS, OFFICERS AND CREW, EXAMINERS AND PRINCIPAL OFFICERS

Marine Notice 9 of 2015 is hereby cancelled

Summary

This marine notice serves to inform the industry of a general exemption granted by SAMSA to the fishing vessels in relation to the Safe Manning of Class X fishing vessels and to seafarers holding certificates for service on fishing vessels.

Introduction

1. The Minister of Transport, in July 2013 published the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 (the Regulations). The regulations brought on some much needed changes to the education, training and assessment regime for seafarers. The regulations also sought to bring about clarity and alignment of Certificates issued by SAMSA to the seafarers.
2. Changes in the regulations also meant that changes will affect our ships and seafarers. There are two main areas affected by the changes in the Regulations, viz;
 - a. Issuing of Certificates to Seafarers; and
 - b. Manning levels onboard ships.
3. Under regulations 119 and 120 of the Regulations, South African ships where ever they may be or foreign ships whilst in the Republic are required to comply with the 2013 regulations in relations to Safe Manning.
4. The regulations also requires that all seafarers carry new certificates as applicable in Regulation 115 equivalent certificates. This marine notice seeks to advise the Maritime Industry of an exemption that the South African Maritime Safety Authority is granting to all ships and seafarers in carrying the certificates as required.

Back ground

5. Regulation 120 of the regulations provides for transitional arrangements with regards to Safe Manning, training and Certification related issues.

“120 Transitional arrangements

- (1) *Until 1 January 2017, the Authority may continue to issue, recognise and endorse certificates in accordance with the provisions which applied immediately prior to 1 January 2012 in respect of*

those seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1 July 2013.

- (2) *Until 1 January 2017, the Authority may continue to revalidate certificates and endorsements in accordance with the provisions which applied immediately prior to 1 January 2012.*
- (3) *Masters and/or owners of fishing vessels not required to employ certificated ratings onboard before the commencement of these regulations shall be required to employ certificated ratings onboard two years after these regulations come into force.*
- (4) *Any certificate issued under the Act, before promulgation of these regulations, shall continue to be valid until the later of the following instances:*
 - (a) *For certificates issued under the Examination Regulation for Certificates of Competency for Fisherman, 1993 and Examination Regulations for certificates of competency as Marine Motormen, 1993—*
 - (i) *24 months from the date of these regulations coming into force; or*
 - (ii) *five years after the issue of a certificate;*
 - (b) *For certificates (except special grade certificates) issued in terms of the Merchant Shipping (Training and Certification) Regulation, 1999 and Ships Officer Medical Training Regulations, 1992—*
 - (i) *a date of expiry which is endorsed to it;*
 - (ii) *five years from the date of issue of certificates; or*
 - (iii) *12 months from the date of these regulations coming into force.*
- (5) *Any certificate as Efficient General Purpose Rating (Port Operations) shall continue to be valid until the later of the following dates:*
 - (i) *12 months from the date of these regulations coming into force; or*
 - (ii) *five years after the date of issue of the certificate*
 - (iii) *thereafter, to be issued a GPR certificate of proficiency, a candidate shall have completed, during the required sea service or port operations service, an approved onboard training record book (able seafarer deck and able seafarer engine); and*
 - (iv) *have completed approved training and meet the standards of competence specified in the Code.*
- (6) *Any restricted Radiotelephone Operators Certificates issued in terms of the Merchant Shipping Act 57 of 1951 may continue to be used the purpose for which they were issued until replaced by the long and short range certificate.”*

6. In summary, the following changes should be taking place or have taken place;
 - a. New Safe Manning levels envisaged in Regulation 120(3) coming into force on 23 July 2015 being two years after promulgation of the regulations. To this extent, all our clients and stakeholders are aware of this date through various means of communications employed by SAMSA;
 - b. Revalidation of certificates as envisaged in Regulation 120(4) and 120(5). At this stage, the revalidation process for certificates for seafarers of fishing vessels is not yet defined, thus no certificates can be issued until the same.

Interim Measures

7. Manning levels as contained in Part 6 - General Manning Levels of the Regulations will not become effective on 23 July 2015. This effective date is extended until 01 July 2018
8. All the Safe Manning Documents that have been issued under the regulations that existed immediately before 23 July 2013, will continue to be valid until their anniversary date. Masters are advised to keep a copy of this Marine Notice attached to the Safe Manning Document.
9. All SAMSA offices will continue to issue ‘Advisory Safe Manning Documents’. The new Safe Manning Levels will become effective on the first Local General Safety survey after 23 July 2016

Conclusion

10. The South African Maritime Safety Authority hereby grant an exemption to all South African ships as follows;
 - a. All ships may continue to comply with the Safe Manning levels as existed immediately before 23 July 2013;
 - b. All persons required to be so employed on those ships may continue to hold certificates of competency or qualification as they existed immediately before 23 July 2013 until 01 July 2018;
 - c. The assessment of candidates for certificates will continue in the current format until 01 July 2018
11. The exemption is granted under the following conditions;
 - a. The exemption is valid until the first “Safety Survey” for the ship occurring on or after 01 July 2018;
 - b. The persons so employed on the ships carry valid certificate or certificates that may have existed and were acceptable immediately prior 23 July 2013;
12. The exemption is granted under Regulation 114(1) of the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013;
13. The exemption does not relieve the Owner or the Master of his/her responsibilities to ensure that the ship is sufficiently and efficiently manned.

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