

DEPARTMENT OF TRANSPORT

No. R.....

14 October 2022

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

THE DRAFT MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS, 2023

The Minister of Transport intends, in terms of section 356(2)(a) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and on the recommendation of the South African Maritime Safety Authority to repeal the Merchant Shipping (Crew Accommodation) 1961 Regulations through the proposed Draft Merchant Shipping (Crew Accommodation) Regulations, 2022 as set out in the Schedule published in the South African Maritime Safety Authority website at www.samsa.org.za.

Electronic copies of the Draft Merchant Shipping (Crew Accommodation) Regulations, 2023 are available in the South African Maritime Safety Authority website at www.samsa.org.za and may also be requested from Bulelani Ncanywa at bncanywa@samsa.org.za or Crispin Camp at ccamp@samsa.org.za

Interested persons are hereby invited to submit written comments on these Draft Regulations on or before the **15 November 2022** to the Chief Executive Officer: SAMSA, for the attention of:

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To facilitate stakeholder engagement on the Draft Merchant Shipping (Crew Accommodation) Regulations, 2023, SAMSA will conduct various workshops around the country, including the following:

DATE	REGION	VENUE
09 November 2022	Western Region (Cape Town)	To be Advised and published on SAMSA Website
16 November 2022	Southern Region (Gqeberha)	To be Advised and published on SAMSA Website
23 November 2022	Eastern Region (Durban)	To be Advised and published on SAMSA Website

DEPARTMENT OF TRANSPORT

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

**THE DRAFT MERCHANT SHIPPING (CREW ACCOMMODATION)
REGULATIONS, 2023**

(The English Text is the official text of the Regulations)

I, Fikile April Mbalula, Minister of Transport hereby, in terms of section 356(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), repealed the Crew Accommodation Regulations, 1961 and, make the Regulations set out in the Schedule hereunder.

Mr FA Mbalula, MP
Minister of Transport

Date:

SCHEDULE

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

THE DRAFT MERCHANT SHIPPING (CREW ACCOMMODATION) REGULATIONS, 2023

Arrangement of Regulations

PART I

CHAPTER I-GENERAL]

GENERAL

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Definitions

1. In these Regulations, the expression “the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any word or expression used in these Regulations, to which a meaning has been assigned in the Act, bears the meaning so assigned, and—

“**accommodation spaces**” means spaces used for public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, games and hobbies rooms, pantries containing no cooking appliances and similar spaces;

“**crew**” means all persons employed or engaged in any capacity on board a vessel on the business of that vessel;

“**IMO**” means the International Maritime Organisation;

“**machinery spaces of category A**” means those spaces which contain internal combustion type machinery used either:

- (a) for main propulsion;
- (b) for other purposes where such machinery has in the aggregate a total power output of not less than 375 KiloWatts; or
- (c) which contain any oil-fired boiler or fuel oil unit, or any oil-fired equipment other than boilers;

“**machinery spaces**” means those machinery spaces of category A and all other spaces containing propulsion machinery, boilers, fuel oil units, steam and internal combustion engines, generators, major electrical machinery, oil filling stations, refrigerating, stabilising, ventilating and air conditioning machinery and similar spaces, and trunks to such spaces;

“**Maritime Labour Convention**” means the Maritime Labour Convention, 2006, done at Geneva on 7 February 2006;

“**Master**” means, any person, other than a pilot, having charge or command of a vessel;

“maximum load line” means the maximum legal limit up to which a vessel may be loaded by its crew, passengers, cargo, consumables and various gear;

“public spaces” mean those portions of the accommodation spaces used for halls, dining rooms, lounges and similar permanently enclosed spaces;

“reconstructed” means substantially altered or repaired and “reconstruction” has a corresponding meaning;

“sanitary accommodation” means washing accommodation and accommodation containing water closets or urinals;

“seafarer” means any person, except a master and pilot employed or engaged in any capacity as a member of the crew of a vessel;

“service spaces” mean those spaces used for galleys, pantries containing cooking appliances, lockers and storerooms, workshops other than those forming part of the machinery spaces, and similar spaces and trunks to such spaces;

“sleeping room” does not include hospital accommodation;-

“tons” means gross register tons;

“trunked mechanical ventilation system” means a system of ventilation complying with the specifications set forth in the Annex 1 of these Regulations;

“washing accommodation” does not include-

- (a) any sleeping room, or hospital accommodation whether or not provided with a wash-basin, bath or shower; or
- (b) any room appropriated for use only as a laundry; and

“watertight, gastight, or oiltight structure”-means any structure in which the openings, other than ventilation openings necessary for the admission of air from passageways to sanitary accommodation, laundries, drying rooms or galleys, are provided with means of closure which will enable such openings to be made watertight, gaslight or oiltight as the case may be.

Application of these Regulations

2. (1) These Regulations apply to all vessels of 25 Gross Tons or over, registered in the Republic or deemed to be so registered or which in terms of the Ship Registration Act, 1998 (Act No. 58 of 1998) are required to be so registered, except to fishing vessels and pleasure vessels.

Plans

3. Before the construction or modification of a vessel is commenced, a builder or owner thereof shall submit in duplicate to the Authority the plans particular set forth in Annex 1 of the Merchant Shipping (Construction Regulations), 1968 for approval.

Position of crew accommodation

4. (1) In every vessel the crew accommodation, other than store-rooms, shall be wholly situated above the maximum load line.

- (2) The Authority may exempt from the requirement of subregulation (1)-
- (a) any vessel of under 200 gross tons;
 - (b) any passenger vessel;
 - (c) any tug;
 - (d) any cable ship;
 - (e) any salvage ship;
 - (f) any crane ship;
 - (g) any dredger or any vessel engaged in the conveyance of the spoil of dredging; and
 - (h) any other vessel not being a cargo vessel:

Provided the Authority is satisfied that compliance with such requirement is unreasonable or impracticable by reason of the size or intended service of the vessel.

- (3) (a) In every vessel the crew accommodation, other than store-rooms, shall be situated aft of the collision bulkhead.
- (b) The Authority may exempt any vessel from the requirements of this subregulation to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the vessel: Provided that in vessels of 500 gross tons or over, no part of the crew accommodation, other than store rooms, shall be forward of the collision bulkhead.

(4) The crew accommodation shall be so situated, constructed and arranged as to exclude so far as is reasonably practicable—

- (a) noise coming from other parts of the vessel; and
- (b) noise coming from other parts of the crew accommodation.

(5) Sleeping rooms forming part of the crew accommodation of a passenger vessel shall not be situated immediately beneath a working passageway.

- (6) Any bulkhead, casing or deck separating a sleeping room from—
- (a) a machinery space;
 - (b) a mess room;
 - (c) a recreation room;
 - (d) a room in which films or television are shown;
 - (e) a games room; or
 - (f) a public room;

shall be acoustically insulated in a way which will prevent the occupants of that sleeping room from being disturbed by and protected from excessive noise, in accordance with the standards adopted by the IMO.

- (7) In the crew accommodation—
- (a) all structures, furniture and fittings, and the means of access to and exit from the crew accommodation, shall be so situated, constructed and arranged as to minimise any risk of injury to the crew; and
 - (b) to afford protection to the crew in rough sea conditions—
 - (i) handrails shall be provided in passageways and stairways where necessary and shall be of robust construction and strongly secured to bulkheads;
 - (ii) fixed furniture shall be strongly secured;
 - (iii) means shall be provided to secure portable furniture;
 - (iv) doors, including those to cupboards and other items of furniture, shall be so secured as not to open accidentally;
 - (v) drawers shall be so designed as not to slide open and fall out accidentally; and
 - (vi) tables, shelves, stowage racks and other similar fittings shall be fitted with retaining lips or bars or with non-slip surfaces so that objects placed on them will not slide off.

(8) If fuel oil, lubricant oil or other flammable oil or gaseous fuel is used in any vessel the arrangements for its storage, distribution and utilisation shall be such as to minimise the risk of fire or explosion within the crew accommodation, which the use of that oil or fuel may entail.

(9) Crew accommodation shall be so situated, constructed and arranged as to ensure the exclusion from the crew accommodation of effluvia originating in other spaces in the vessel.

Height of crew accommodation

5. In every vessel the height of the crew accommodation measured from the top of the floor beams to the top of the crown beams shall be in accordance with the requirements Standard A3.1.6 of the Maritime Labour Convention.

Construction of bulkheads and panelling

6. (1)(a) In every vessel all bulkheads enclosing or within any part of the crew accommodation shall be properly constructed of steel or other suitable material.

(b) If the bulkheads are exposed to the weather the bulkheads shall be of watertight and gastight construction, and means of closure shall be provided for all openings in such bulkheads so as to enable the bulkhead and openings to be made watertight and gastight.

(2) Any bulkhead which separates any part of the crew accommodation, other than a recreation deck space, from a space used as-

- (a) area of work;
- (c) a cargo or machinery space;
- (d) a paint room;
- (e) a store-room not forming part of the crew accommodation, other than a dry provision store room;
- (f) a chain locker;
- (g) battery locker; or
- (h) a cofferdam,

shall be gastight, and where necessary, shall be watertight to protect crew accommodation.

(3) Any bulkhead which separates any part of the crew accommodation from a dry provision store-room, whether or not such store-room forms part of crew accommodation, shall be gastight.

(4) Subject to the provisions of subregulation (1) of regulation 24 any bulkhead which separates any part of the crew accommodation from sanitary accommodation or from a laundry or drying room, galley or cold store room, whether or not such sanitary accommodation, laundry, drying room, galley or cold store room forms part of the crew accommodation shall be gastight, and shall be watertight to such height as is necessary in accordance with regulation 3.1 standard A3.1 paragraph 6.(e) of the Maritime Labour Convention.

(5) Any bulkhead separating sanitary accommodation from any other part of the crew accommodation shall, except in a doorway, be watertight to a height of at least 230 millimetres above the floor of the sanitary accommodation: Provided that the requirements of this subregulation shall not apply to bulkheads separating-

- (a) sanitary accommodation from other sanitary accommodation;
- (b) laundry or drying room from another laundry or drying room;
- (c) a galley from another galley or a pantry; or
- (d) a cold store-room from another cold store-room.

(6) Any inside panelling in crew accommodation shall be constructed of suitable material with a surface which can be easily kept clean.

(7) Bulkhead or panelling shall not be constructed in such a manner or of such material likely to harbour vermin.

(8) Bulkhead surfaces and deckheads in sleeping rooms and mess rooms should be capable of being easily kept clean and light in colour with a durable, non-toxic finish.

(9) Decks in all seafarer accommodation should be of approved material and construction and should provide a non-slip surface impervious to damp and easily kept clean.

(10) Where the floorings are made of composite materials, the joints with the sides should be profiled to avoid crevices.

(11) Bulkheads which enclose any part of crew accommodation and are exposed to weather, and any part of the side of the vessel which forms a wall or part of a wall of the crew accommodation, shall be so insulated as to prevent overheating or condensation unless the crew accommodation is so protected by its situation and ventilation that overheating and condensation are unlikely to occur.

(12) Every bulkhead, casing or deck separating any part of crew accommodation from any space, including a cold store-room, which is subject to abnormal heat or cold shall be so insulated as to prevent condensation or discomfort to the crew.

(13) Every bulkhead, casing or deck separating any part of the crew accommodation from any space, shall be so insulated as to prevent exposure to hazardous level of noise and vibration to the crew in accordance with MLC regulation 3.1. standard A3.1 paragraph 6(h).

(14) There shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gastight.

(15) There shall be no opening in any of the bulkheads referred to in subregulation (4) except that—

- (a) where sanitary accommodation or changing rooms provided for the exclusive use of engine room officers and ratings are sited adjacent to the propelling machinery space there may be an opening in the propelling machinery space bulkhead to the sanitary accommodation or changing rooms and an opening from the sanitary accommodation or changing rooms to a passageway forming part of the crew accommodation: Provided that a hinged, steel, self-closing gastight door is fitted to the opening leading from the spaces in this paragraph to the propelling machinery space;
- (b) where no other arrangement is practicable, there may be an opening in a bulkhead separating a passageway in the crew accommodation from a machinery space if that opening is provided with a hinged, steel, self-closing gastight door; and
- (c) in vessels of under 500 gross tons, where no other arrangement is practicable, there may be an opening in a bulkhead separating a passageway in the crew accommodation from an engine or deck store-room if that opening is provided with a hinged, steel, self-closing gastight door.

(16) Any part of crew accommodation which adjoins a tank in which oil, fuel oil, lubricant oil or other flammable oil or gaseous fuel may be carried shall be separated from that tank either—

- (a) by a gastight steel division additional to the division which retains the oil, fuel oil, lubricant oil or other flammable oil or gaseous fuel; or
- (b) by a division of all-welded steel construction capable of withstanding a head of water at least 2.4 metres greater than the maximum service head.

(17) A manhole or any other opening to a fuel tank shall not be situated in crew accommodation.

Batteries

7. (1) Batteries of a type which emit gases shall not be stored in the crew accommodation and there shall be no opening from crew accommodation into a space where such batteries are stored.

(2) Precautions shall be taken to ensure that fumes from batteries cannot be discharged into crew accommodation.

Overhead Decks

8. (1) In every vessel constructed of steel or other metal, every deck which forms the crown of any part of the crew accommodation, in this regulation referred to as an “overhead deck”, and is exposed to the weather, shall—

- (a) be constructed of steel or other metal and in addition, and be of the following construction:
 - (i) The materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment;
 - (ii) External bulkheads of sleeping rooms and mess rooms should be adequately insulated;
 - (iii) All machinery casings and all boundary bulkheads of galleys and other spaces in which heat is produced should be adequately insulated where there is a possibility of resulting heat effects in adjoining accommodation or passageways;
 - (iv) Measures should also be taken to provide protection from heat effects of steam or hot-water service pipes or both;
 - (v) Sleeping rooms, mess rooms, recreation rooms and alleyways in the accommodation space should be adequately insulated to prevent condensation or overheating;
 - (vi) The bulkhead surfaces and deckheads should be of material with a surface easily kept clean and construction likely to not harbour vermin should be used;
 - (vii) The bulkhead surfaces and deckheads in sleeping rooms and mess rooms should be capable of being easily kept clean and light in colour with a durable, nontoxic finish; and

- (viii) The decks in all seafarer accommodation should be of approved material and construction and should provide a non-slip surface impervious to damp and easily kept clean; and
- (b) be in accordance with the requirements Standard A3.1 of the Maritime Labour Convention.

Flooring

9. (1) In every vessel the decks which form the floors in the crew accommodation shall be properly constructed and—
- (a) shall be in accordance with standard A3.1 of the Maritime Labour Convention; and
 - (b) where the floorings are made of composite materials, the joints with the sides should be profiled to avoid crevices.

Heating and ventilation

10. (1) In every vessel other than a vessel employed solely within the Tropics or the Persian Gulf, all sleeping rooms, mess rooms, recreation rooms, sanitary accommodation offices, studies and hospitals forming part of the crew accommodation shall be provided with a heating system which shall be permanently installed and capable of ensuring that, when the ventilation system provided for such rooms or accommodation in compliance with these regulations is working in accordance with the requirements of standard A 3.1 paragraph 7, guideline B 3.1.1 paragraph 2 and B 3.1.3 paragraph 1, 2 and 3 of the Maritime Labour Convention.

(2) In every vessel the crew accommodation and the means of access thereto and exit therefrom shall be so arranged, constructed and situated in such a position as to ensure protection from weather in accordance with the requirements subregulation (1).

(3) Every enclosed space, other than a cold store room, forming part of the crew accommodation of any vessel of 3,000 gross tons or over, or a vessel of under 3,000 gross tons for the time being regularly engaged only on voyages confined to the areas within the Tropics and the Persian Gulf, shall be provided with a trunked mechanical ventilation system complying with the requirements specified in the First Schedule: Provided that such a system shall not be required in any galley which is situated on an open deck and exposed to the weather on the fore-end and the port and starboard sides and the Authority may –

- (a) exempt any vessel of under 500 gross tons from the requirements of this subregulation;
- (b) further exempt any vessel from the requirements of this subregulation, in so far as it relates to the ventilation of a store-room for the storage of dry provisions, if the Authority is satisfied that compliance with that requirement is unnecessary by reason of the position of the store-room.

Lighting

11. (1) In every vessel, every part of the crew accommodation other than pantries, laundries, drying rooms, lockers and store rooms, shall be properly lighted by natural light and in accordance with standard A3.1.8 and guideline B3.1.4 of the Maritime Labour Convention.

(2) Natural lighting of a sleeping room, mess room, recreation room or hospital accommodation, shall be deemed to be proper for the purposes of this regulation, if it is sufficient to enable an ordinary newspaper to be read by a person of normal vision at any point in the room, being a point available for free movement, during daytime and in clear weather.

- (3) (a) In every vessel an electrical system shall be installed which is capable of providing adequate lighting in every part of the crew accommodation.
- (b) The electric lights shall be so arranged as to give the maximum benefit to the crew, and in particular an electric reading light shall be fitted at the head of each bed and shall be capable of being switched on and off from the bed.
- (c) A lamp emitting at least 200 lumens shall be fitted in every such reading light in a sleeping room, and a lamp emitting at least 400 lumens shall be fitted in every such light in a hospital.
- (d) An efficient alternative system of lighting or source of electric power shall be always available for lighting the crew accommodation.
- (e) The Authority may, exempt any vessel of under 200 gross tons from the requirement of this subregulation if the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances and that other suitable artificial lighting is provided in the crew accommodation.
- (f) The electric lighting of the spaces referred to in paragraph (i) shall be deemed to be adequate if, when the lamps and paintwork are new, the illumination in the horizontal plane when measured at the points and in the manner prescribed in paragraph (g) is steady and, subject to a tolerance of 10 per cent, is maintained at a value not less than that prescribed for every such space.
- (g) The points at which illumination shall be measured shall be as follows:-
- (i) Where general measurement points are prescribed for the illumination of a space, then measurements shall be taken at every point midway between every 2 adjacent lamps and at every point midway between every lamp and any position on any boundary of the space: Provided always that where within any space a part of that space, being a part of that space available for free movement, is shaded from the direct rays of a lamp by a re-entrant angle formed in the boundary of the space, then the central point of the part of the space so shaded shall also be a general measurement point; and

- (ii) Where particular measurement points are also prescribed for a space, then measurements shall in addition be taken at every such point.
- (h) In all cases measurements shall be taken at a height of 838mm above the floor, except that in the case of passageways, companionways, and covered recreation deck spaces, measurements may be taken either at a height of 838mm above the floor or at floor level, provided that in the case of measurements taken at floor level the reflection factor of the floor surface shall not be less than 40 per cent illumination of provision store rooms shall be measured when the rooms are empty.
- (i) Illumination shall be as in Table 1. below:

Table 1.

Sleeping Rooms and Day Rooms	
At general measurement points	50 lumens
At every mirror	200 lumens
At every seat at a writing desk portable	150 lumens
A sleeping room provided for use of more than one person	150 lumens
Mess rooms	
At general measurement points	100 lumens
At every table and sink	150 lumens
Recreation Rooms, including rooms for watching films and television, hobbies and games rooms	
At general measurement points	50 lumens
At every recreational table	100 lumens
At every seat at a writing desk or table	150 lumens
At not less than half the seats other than those in sleeping rooms or day rooms	150 lumens
Hospital Accommodation	
At general measurement points	50 lumens
At any washbasin	100 lumens
At least one fixed lamp shall be installed in addition to the electric reading lamp required by regulation 28(10) to be provided at the head of each bed.	
Offices and Studies	
At general measurement points	100 lumens
At every seat at a writing desk or table	200 lumens
Sanitary Accommodation, including sanitary accommodation in hospitals	
At general measurement points	100 lumens
At any mirror	200 lumens
Laundries	
At general measurement points	100 lumens
Drying Rooms	
At the centre of the space	50 lumens
Galleys, including bakeries and pantries	
At working positions	300 lumens

The lights shall be so disposed as to ensure that food preparation tables, range tops serving tables and washing up sinks receive the maximum amount of light.	
Dry provision store-rooms and cold store-rooms	
At general measurement points	100 lumens
The lights shall be so disposed as to ensure that shelves and cupboards receive the maximum amount of light.	
Passageways, companionways and covered deck recreation spaces	
At general measurement points	50 lumens
At least a single light shall be placed at the head of each stairway, ladder and hatchway and at least two at or near the doors of lockers provided for oilskins or working clothes	

Drainage

12. (1) In every vessel efficient drainage by pipes or channels shall be provided for every part of the crew accommodation situated on an open deck wherever such drainage is necessary for clearing water shipped from the sea in accordance with standard A3.1. paragraph 6(g) of the Maritime Labour Convention.

(2) There shall be no drainage from any source, not being sanitary accommodation, into the sanitary accommodation forming part of the crew accommodation.

- (3) (a) Every space appropriated for use as sanitary accommodation shall be served by one or more scuppers which do not serve any space other than sanitary accommodation in accordance with guideline B3.1.7 paragraph 3 of the Maritime Labour Convention.
- (b) The scuppers shall be at least 50mm in diameter and shall be situated wherever water is likely to collect on the floor of the space: Provided that no scupper shall be required in washing accommodation appropriated for the sole use of one person.

Painting

13. (1)(a) In every vessel the interior sides and ceilings of every part of the crew accommodation shall be covered with enamel, paint or other suitable material.

- (b) The paint enamel or other material shall be of good quality and white or light in colour.

(2) Lime wash, paint or lacquers containing nitro-cellulose, highly flammable or noxious fume-producing compounds shall not be applied in the crew accommodation.

(3) Crew accommodation spaces should only be coated with finishes which are fire retardant achieved through the use of woven roving glass, phenolic resin, additives to resin, fire retardant coatings or protection by non-combustible materials and intumescent coatings that may be used.

(4) The wooden parts of the furniture and fittings in the crew accommodation shall be finished externally with paint, varnish, polish or by other suitable means.

(5) All paint, varnish, polish and other finishes in the crew accommodation shall be capable of being easily kept clean and shall be maintained in good condition.

Marking

14. (1) Every sleeping room forming part of the crew accommodation shall be marked inside the room with whichever of the markings specified in Part 1 of the Annex 2 is appropriate in the circumstances.

(2) Every space, other than a sleeping room or an open deck, forming part of the crew accommodation of such a vessel shall be marked either inside the space or on or above the door to such space with whichever of the markings as specified in Part II of the Annex 2 is appropriate in the circumstances.

- (3) (a) All markings required by the foregoing provisions of this regulation shall be in clear characters and in a readily visible position on the vessel's structure.
- (b) The markings shall be cut into the structure or otherwise marked in an equally permanent manner.

(4) Spaces forming part of the crew accommodation shall not be marked, whether inside or outside the space, with any marking which may be taken to indicate that the space is appropriated for use by persons differing in number or description from the persons for whose use the space has been certified by the Authority.

Sleeping rooms

15. (1) (a) In every vessel, unless the circumstances are such that no members of the crew are required to sleep on board, sleeping rooms shall be provided for the crew in accordance with the provisions of this regulation.

- (b) The materials used to construct internal bulkheads, panelling and sheeting, floors and joinings shall be suitable for the purpose and conducive to ensuring a healthy environment.
- (c) Crew accommodation, or any part thereof, shall not be shared with passengers or used by or for the benefit of passengers.
- (d) In vessels other than passenger vessels, an individual sleeping room shall be provided for each seafarer: Provided in the case of vessels of less than 3,000 gross tonnage or special purpose vessels, the Authority may grant an exemption from the requirements of this paragraph after consultation with the shipowners' and seafarers' organizations concerned.
- (e) The maximum number of persons accommodated in sleeping rooms shall be in accordance with standard A3.1 paragraph 9(h) and (j) of the Maritime Labour Convention in:

Provided the Authority may, after consultation with the shipowners' and seafarers' organizations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of the following provisions of this subregulation in respect of:

- (i) The floor area for single berth seafarers' sleeping rooms; and
 - (ii) the maximum capacity and floor area for sleeping rooms.
- (2) (a) Each of the following classes of persons shall be provided with sleeping rooms separate from those provided for the other classes:-
- (i) Officers; and
 - (ii) Ratings.
- (b) Every watchkeeping ratings shall be provided with sleeping rooms separate from those of other watches.
- (c) Non-watchkeepers shall be provided with sleeping rooms separate from those of watch keepers.
- (d) Separate sleeping rooms shall be provided for men and for women.
- (3) (a) Subject to the provisions of subparagraphs (b), the minimum floor area provided for each person in a sleeping room forming part of the crew accommodation shall be in accordance with the requirements of standard A 3.1 paragraph 9(f), (g), (h), (i), (k) and (l) of the Maritime Labour Convention:

Provided the Authority may, after consultation with the shipowners' and seafarers' organizations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of the following provisions of this subregulation in respect of:

- (i) The floor area for single berth seafarers' sleeping rooms; and
 - (ii) the maximum capacity and floor area for sleeping rooms.
- (b) In determining the floor area of a room for the purpose of this subregulation-
- (i) spaces occupied by berths, lockers, seats or chests of drawers shall be taken into account and spaces which by reason of their small size or irregular shape cannot accommodate furniture and do not contribute to the area available for free movement, shall not be taken into account; and
 - (ii) sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness.

Berth

16 (1) Every sleeping room in the crew accommodation shall be provided with berth for each person accommodated in the room in accordance with standard A 3.1 paragraph 9(e) of the Maritime Labour Convention.

- (2) (a) The framework of each berth, and the leeboards or lee-rails thereof, if any, shall be constructed of metal or other material which is hard and smooth and unlikely to become corroded.
- (b) The framework of the berth in paragraph (a) shall be so made as not to be likely to harbour vermin.
- (c) In particular, if the berth in paragraph (a) is constructed with tubular frames, the frames shall be completely sealed and without perforations.

(3) There shall be unobstructed access to at least one side of each berth and in particular, if the adjacent sides of two berths in the same room are parallel to each other or when projected make an angle of less than 90° with each other, the distance between those sides at any point shall not be less than 762mm if both berths are in single tier or 914 mm in any other case.

(4) Where berth abut upon each other the berth shall be separated by screens made of wood or other suitable material.

- (5) A berth shall not be placed—
 - (a) within 100mm of a ventilation trunk which may be used for circulating hot air; or
 - (b) within 50mm of a bulkhead or the vessel's side, unless the berth is so supported and the room so constructed as to avoid harbouring dirt and vermin in or near the berth, to enable the bedding to be kept clean and dry, and to minimise the soiling of paintwork in way of the berth.

(6) Berths shall not be arranged in tiers of more than two.

(7) Berths placed along the vessel's side shall be in single tier, except in a room in which there is no side scuttle: Provided the Authority may exempt any vessel from the requirements of this subregulation to the extent to which the Authority is satisfied that the berths in the sleeping room are clear of side scuttles and that the comfort of the crew will thereby be increased.

- (8) (a) A berth shall not be less than 300mm from the floor of the room measured from the bottom of the mattress.
- (b) Berths should not be arranged in tiers of more than two and in the case of berths placed along the vessel's side, there should be only a single tier where a sidelight is situated above a berth.
- (c) The lower berth in a double tier should be not less than 300mm above the floor and the upper berth should be placed approximately

midway between the bottom of the lower berth and the lower side of the deckhead beams.

Furniture and Fittings in Sleeping Rooms

17. (1) Every sleeping room for ratings shall be provided with the following equipment-

- (a) for each person accommodated in the room—
 - (i) one drawer having a capacity of at least 56 litres; and
 - (ii) one clothes locker or wardrobe, in either case with at least 475 litre capacity in internal sectional area; and if the drawer is incorporated in the clothes locker, then the combined minimum volume of the clothes locker shall be 500 litres; the locker or wardrobe shall be fitted with a shelf and be able to be locked by the occupant to ensure privacy and with fittings on which clothes may be hung;
 - (iii) at least one coat hook in addition to any coat hooks fitted in a locker or wardrobe;
- (b) a table of fixed or drop-leaf type, or a desk, or a sliding leaf or top fitted to a chest of drawers;
- (c) comfortable seating accommodation as necessary;
- (d) a mirror suitable for toilet purposes;
- (e) a cabinet suitable for containing toilet requisites;
- (f) a book rack;
- (g) a runner or a carpet of suitable material at one side of each bed or tier of beds, as the case may be;
- (h) a curtain fitted to each bed, unless the room accommodates only one person; and
- (i) a curtain fitted to each side scuttle, unless the side scuttle is fitted with an equivalent installation.

(2) In every sleeping room in which more than one rating is accommodated, every drawer, locker and wardrobe shall be capable of being locked for privacy.

(3) Subject to the provisions of subregulation (4), every sleeping room for officers shall be provided with the following equipment:

- (a) For each officer accommodated in the room—
 - (i) at least three drawers with a total capacity of 284 litres or as near thereto as is practicable in the circumstances;
 - (ii) a wardrobe at least 168cm in height and 0.3m² in internal sectional area;
 - (iii) at least two coat hooks, in addition to any coat hooks fitted in the wardrobe;
- (b) a writing desk fitted, if practicable, with drawers additional to the aforesaid drawers;
- (c) a chair with arm rests;

- (d) a couch at least 183cm in length or as near thereto as is practicable in the circumstances: Provided that the Authority may permit the couch to be dispensed with—
 - (i) if the Authority is satisfied that a couch of adequate dimensions cannot be placed in the room without interfering with the comfort of the occupants; or
 - (ii) in the case of a room which accommodates only one officer, if the Authority has consulted with such organisation as appears to him to be representative of the class of officer concerned and is satisfied that a fully upholstered easy chair with closed arms is provided in the room;
- (e) a mirror suitable for toilet purposes;
- (f) a cabinet suitable for containing toilet requisites;
- (g) a wash-basin of hygienic and durable material, having hot and cold running fresh water shall be fitted, except where such a washbasin is situated in the private bathroom;
- (h) a splash plate or other means of protection for the wall above the wash-basin, if any;
- (i) a carpet runner of suitable material;
- (j) curtains fitted to each bed, unless the room accommodates only one officer;
- (k) curtains fitted to each side scuttle, unless the side scuttle is fitted with equivalent installation;
- (l) a book case or book rack.

Provided the Authority may, after consultation with the shipowners' and seafarers' organizations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of the following provisions of this subregulation in respect of:

- (i) The floor area for single berth seafarers' sleeping rooms; and
 - (ii) the maximum capacity and floor area for sleeping rooms.
- (4) (a) Any of the equipment referred to in subparagraphs (b), (c), (d) and (l) of subregulation (3) may be provided in a day room available for the sole use of the officers concerned, instead of in the sleeping room.
 - (b) Any of the equipment referred to in subparagraphs (e) to (h) inclusive of the said paragraph may be provided in washing accommodation appropriated for the exclusive use of one officer instead of in the sleeping room of that officer.
- (5) (a) Subject to the foregoing provisions of this regulation, all lockers, wardrobes, tables, desks, the upholstered parts of chairs and couches and similar furnishings, shall be made of polished hardboard, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded.

- (b) All furniture provided in sleeping rooms shall be so made as not to be likely to harbour vermin.

Mess Rooms

18. (1) In every vessel, unless the circumstances are such that members of the crew are not required to mess on board, mess rooms shall be provided for the crew and shall be of such dimensions as will be sufficient to accommodate the greatest number of persons likely to use them, at any one time.

(2) A mess room shall not be combined with a sleeping room.

(3) In every vessel of 500 gross tons or over the mess rooms provided for ratings may be separate from those provided for the master of the vessel or for officers.

(4) In every vessel of 1,000 gross tons or over a single mess room shall be provided for all officers in the vessel: Provided that the officers may be accommodated in separate mess rooms if the officers' sleeping rooms are in widely separated portions of the vessel.

- (5) The Authority may exempt—
- (a) any passenger vessel; or
 - (b) any special purpose vessel;

from the requirements of this regulation to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

Furniture and Fittings in mess rooms

19. (1) (a) Every mess room forming part of the crew accommodation shall be provided with sufficient tables to allow a space of at least 20 inches measured along the edge of a table, for each person likely to use the room at any one time in accordance with guideline B 3.1.6 paragraph 4 and 5 and 6 and 7 of the Maritime Labour Convention.

- (b) Each table shall be at least 60cm wide if seats are provided on both sides of the table; and at least 38cm wide if seats are provided only on one side of the table.
- (c) The table shall be of such a size and so situated as to be readily accessible.

(2) (a) Single chairs shall be provided in the mess room for each person using the room at any one time.

- (b) The chairs in paragraph (a) shall be fitted with arm rests unless chairs with arm rests are available in a recreation room for the persons using the mess room: Provided that a couch may be substituted for chairs adjacent to a bulkhead of the vessel's side and—
 - (i) such couch shall be at least 15 inches wide and shall be fitted with upholstered or padded seats covered with material

- impervious to dirt and moisture and shall be provided with comfortably shaped backs; and
- (ii) the backs of the couch shall also be padded or upholstered and shall be covered with material impervious to dirt and moisture.
- (3) (a) Every mess room provided for persons who do not provide their own food shall be fitted with a storage locker or rack in either case capable of holding sufficient mess utensils for those persons.
- (b) (i) Every mess room provided for persons who provide their own food shall be fitted with a storage locker for each person which shall be of sufficient size to be capable of containing each person's mess utensils together with a supply of food sufficient for the person for at least 16 hours.
 - (ii) All storage lockers provided in compliance with this paragraph shall be—
 - (aa) adequately ventilated;
 - (bb) capable of being locked; and
 - (cc) so fixed as to clear the floor by at least 30cm:

Provided that the lockers or racks may be fitted in a pantry, store room or other suitable place outside a mess room and readily accessible therefrom. Lockers or racks, being lockers or racks intended to contain food, shall not be fitted in a sleeping room.

- (4) (a) Means from which boiling drinking water shall always be available shall be fitted in each mess room, unless such equipment is fitted in a pantry readily accessible from the mess, room or, in the case of a vessel of under 1,000 gross tons, in a galley.
- (b) The equipment in paragraph (a) shall be adequate in size for the number of persons likely to use the room at any one time.
 - (c) If in the case of a mess room provided for officers or petty officers the dresser is fitted in a pantry, a sideboard shall be provided in the mess room.
 - (d) A supply of fresh water shall be laid out to the sink and boiler.
- (5) (a) All tables, lockers, dressers and the unupholstered parts of chairs and couches in the mess room shall be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded.
- (b) All furniture provided in the mess room shall be so made as not to be likely to harbour vermin.
- (6) The Authority may exempt—
- (a) any passenger vessel; or

- (b) any special purpose vessel from the requirements of this regulation to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

Recreation spaces and studies

20. (1) In every vessel, a recreation room, shall be provided, and shall not be combined with a mess room in accordance with standard A 3.1 paragraph 17 and guideline B 3.1 paragraph 11 of the Maritime Labour Convention and a smoking room may be provided.

(2) If more than two cadets or any other trainees are accommodated in one sleeping room, a separate room shall be provided in the vessel for their use as a study, unless another suitable place is available to them for purposes of study.

(3) In every vessel of 500 gross tons or over, a bookcase shall be provided for, and shall be accessible to all members of the crew.

- (4) (a) In every vessel space shall be provided on an open deck for the use of the crew for recreational purposes.
- (b) The space in paragraph (a) shall be adequate in area, in so far as the size of the vessel allows, having regard to the number of persons in the crew.

Office accommodation

21. (1) In every vessel of 3,000 gross tons or over, two separate rooms shall be provided for use as offices or a common vessel's office and shall be appropriately furnished for that purpose in accordance with standard A 3.1 paragraph 15 of the Maritime Labour Convention.

(2) One of the separate rooms in subregulation (1) shall be appropriated for use by the Chief Navigating Officer or the officers of the deck department, and the other for use by the Chief Engineer-Officer or for the officers of the engine room department.

(3) The office accommodation shall be in a room not used for any other purpose except study: Provided that an office appropriated solely for use by an individual officer may be combined with the day room of that officer.

Supply of drinking water

- 22.** (1)(a) In every vessel, a supply of drinking water shall be provided in the crew accommodation from tanks, of an adequate capacity for the purpose having regard to the number of persons in the crew and the time, likely to elapse between successive replenishments of the water, or by other equally efficient means.
- (b) Drinking water shall be compliant with the appropriate portable standard as prescribed in the Compulsory National Standards for

Quality of Portable Water issued under the Water Services Act, 1997 (Act No. 108 of 1997).

- (c) If service tanks are fitted for that purpose the service tanks shall be directly connected with the vessel's main drinking water storage tanks.
- (d) In vessels of 3,000 gross tons or over any pumping necessary for the supply of drinking water in crew accommodation shall be by mechanical power.
- (e) Pumping necessary for supply of drinking water in crew accommodation shall be by mechanical power."

(2) Cold drinking water shall be laid on to taps in the galleys and pantries. and in the mess rooms provided for those members of the crew for whose use and service pantries are not provided.

Laundry facilities

23. (1) (a) In every vessel, suitable laundry washing facilities shall be provided to enable the crew to wash their clothes, and shall be adequate in size and sufficient in number for that purpose in accordance with the requirements of standard A 3.1 paragraph 13 and guideline B 3.1 paragraph 7.4 of the Maritime Labour Convention: Provided the Authority may, after consultation with the shipowners' and seafarers' organizations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of this paragraph.

(2) (a) In every vessel, rooms for drying the crew's clothes shall be provided and shall be separate from sleeping rooms, mess rooms, recreation rooms, offices, store rooms, galleys, pantries and hospitals and shall be fitted with racks or rods sufficient space having regard to the number of persons in the crew and, the duration of the voyages on which the vessel is intended to be engaged.

(b) The heating of the rooms in paragraph (a) shall be capable of being controlled independently of the heating of any other space in the vessel.

(c) The exhaust ventilation of the rooms in paragraph (a) shall be independent of the ventilation of all other spaces in the vessel unless it is provided by a trunked mechanical ventilation system,

Provided that in vessels of under 500 gross tons drying cabinets or other suitable facilities may be substituted for a drying room.

(3) In every vessel, adequately ventilated compartments or lockers shall be provided for hanging oilskins and working clothes used by the crew. Separate compartments or lockers shall be provided for officers and ratings, the compartments or lockers shall be situated outside the sleeping rooms of the crew and in a position

readily accessible therefrom: Provided the Authority may exempt any vessel of under 500 gross tons from any of the requirements of this subregulation.

Sanitary facilities

24. (1) In every vessel, seafarers shall be provided with convenient access to sanitary facilities in accordance with standard A 3.1 11 and guideline B 3.1 subregulation 7 of the Maritime Labour Convention: Provided that the Authority may, in relation to any vessel, after consultation with the shipowners' and seafarers' organisations concerned, exempt vessels of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the vessel and the number of persons on board in relation to the requirements of standard A3.1 11(d).

(2) If the entrance to a water closet is from an open deck, the entrance shall, if practicable, be properly screened.

(3) (a) If the means of entry into water closets forming part of the crew accommodation is from a passageway leading to other parts of the crew accommodation, a lobby shall be provided at the entrance of the sanitary facilities, or where a lobby is not practicable, a self-closing door.

(b) Any doors between a sanitary facilities and a passageway shall be close fitting and without apertures: Provided the Authority may exempt any vessel from the requirement that the doors shall be close fitting and without apertures to the extent to which the Authority is satisfied that the exhaust ventilation arrangements from the sanitary facilities render compliance therewith unnecessary.

(4) Access to sanitary facilities shall not be obtained directly from a mess room or sleeping room: Provided that—

(a) access to a sanitary facility may be obtained directly from not more than two sleeping rooms together accommodating not more than four persons; and

(b) if the persons so accommodated are three or four in number, the sanitary facility pedestal shall be so screened as to ensure privacy.

(5) Every sanitary facility shall be completely enclosed by bulkheads and shall be provided with exhaust ventilation directly to the open air or to another sanitary facility which is provided with ventilation directly to the open air: Provided that a sanitary facility may be separated by a partition consisting of steel or other opaque and rigid material open at the top and bottom from—

(a) another sanitary facility;

(b) a urinal; or

(c) a shower or bath if the sanitary facility is served by a trunked mechanical ventilation system which effectively removes odours therefrom.

(6) Every sanitary facility shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin.

(7) Every sanitary facility shall be provided with the following:

- (a) A sanitary facility pedestal of single type with—
 - (i) a pan of hygienic or other suitable material;
 - (ii) a seat of polished hardwood or other suitable material, with an opening of 4 inches at the front;
 - (iii) a trap with a metal inspection plate; and
 - (iv) an efficient ventilator connected to the outlet;
- (b) an adequate flush of water, which shall be always available and supplied through self-closing non-concussive supply valves with a seating in material which is not likely to become corroded;
- (c) a soil pipe not less than 10cm in diameter, so constructed as to facilitate cleaning and minimise the risk of obstruction; the pipe shall have a direct overboard outfall fitted with a storm-valve, unless it is connected with a main sewage outfall by an efficient and hygienic system;
- (d) a device for holding toilet paper; and
- (e) a handrail or grip.

(8) The provisions of this regulation shall not apply to sanitary facility forming part of a permanent hospital.

Galleys

25. (1) Every vessel shall be provided with a galley for the preparation of food for the crew, unless the circumstances are such that no members of the crew are required to mess on board.

(2) The galley shall be situated as near as possible to any mess room provided and any necessary equipment shall be provided to enable food to be served in the mess rooms under all weather conditions.

(3) There shall be no direct opening between the galley and any sleeping room.

(4) Every galley shall, so far as is reasonable and practicable, be lighted by natural lighting.

(5) Every galley shall be provided with at least three fixed points for artificial lighting, one of which shall be situated close to a cooking range required by this regulation.

(6) A galley situated on an open deck is prohibited.

(7) Every galley shall be provided with exhaust fans fitted with grease filters which will draw off fumes from the cooking appliances therein and discharge the

fumes into the open air: Provided the Authority may exempt from the requirement of this subregulation, any vessel of under 200 gross tons if the Authority is satisfied that the galley is so situated that the fumes therefrom can discharge only into the open air.

- (10) (a) The floor of the galley shall be provided with gutters and with scuppers which shall be led overboard or to an enclosed tank served by a mechanical operated suction pump.
- (b) The position and number of the gutters and scuppers shall be such as will ensure the efficient drainage of the floor.
- (c) The material of the floor shall be of approved durable material, impervious to damp.

(11) The cooking appliances in the galley shall be arranged in a manner which will facilitate the cleaning of the galley.

- (12) (a) All cupboards and dressers in the galley shall be made of material which is impervious to dirt and moisture and can easily be kept clean.
- (b) All metal parts of the cup-boards and dressers shall be rustproof.
- (c) The cupboards and dressers shall be so made not to be likely to harbour dirt or vermin.
- (d) The bottoms of all cupboards and dressers in the galley shall either be flush with the deck or shall be so fitted as to enable the deck spaces beneath them to be readily accessible for cleaning.

(13) Every galley shall be provided with such equipment as will enable food in sufficient quantity to be properly and readily prepared for the persons whom the galley is intended to serve and the cooking utensils to be hygienically cleaned.

(14) Every galley shall be provided with cooking appliances in compliance with standard A 3.2 paragraph 2 and guideline B 3.2. paragraph 1 of the Maritime Labour Convention.

- (15) (a) Saltwater taps shall not be fitted over a sink in any galley or other place in which food may be prepared for the crew.
- (b) Hot and cold fresh water shall be laid on to a sink in the galley for washing-up purposes.
- (c) A connection shall be provided on a water pipe within the galley, and shall be suitable for the connection of a hose with which the floor may be scoured.

Dry provision store-rooms

- 26. (1)(a) In every vessel, in which crew do not provide their own food, one or more store-rooms shall be provided for the storage of dry provisions for the crew.
- (b) The rooms in paragraph (a) shall be fitted with sufficient shelves, cupboards and bins having regard to the maximum period likely to

elapse between successive replenishments of stores and to the maximum number of persons for whom food is to be served.

(2) Every dry provision store-room shall be enclosed by bulkheads constructed of steel or other suitable material.

(3) Access to every dry provision store-room shall be obtained from a passageway, galley, pantry or another store room, or from a position on an open deck which, in so far as is reasonable and practicable in the circumstances, shall be a protected position.

(4) Every dry provision store-room shall be so situated, constructed and ventilated as to avoid deterioration of the stores through heat, draught, condensation or infestation by insects or vermin.

(5) (a) Subject to subregulation (4), dry provision store-room shall not be situated over a boiler room or any other space in which heat is generated, or shall adjoin a galley or machinery casing.

(b) The Authority may exempt any vessel from the requirements of this paragraph if the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances that the dry provision store-room is adequately insulated.

(6) A dry provision store-room, or any part thereof, shall not be used for the storage of bedding or textiles.

Cold store-room and refrigerating equipment

27. (1)(a) In every vessel regularly employed otherwise than as a coasting vessel, refrigerating equipment and cold store-rooms shall be provided and shall be, having regard to the period likely to elapse between successive replenishments of stores, adequate for the storage of perishable provisions for the crew.

(b) The Authority may exempt any vessel of under 1,000 gross tons from the requirements of this subregulation if the Authority is satisfied that the vessel is provided with adequate alternative equipment for the storage of perishable provisions.

(2) Access to every cold store-room shall be obtained from a passageway, galley or pantry or from another store-room.

(3) (a) Refrigerating machinery in which methyl chloride is used is prohibited.

(b) Refrigerating systems, including plants associated with air-conditioning systems shall comply with the appropriate SANS standards and Chapter II-2 regulation 9 of the Safety Convention.

(4) In every cold store-room—

- (a) an alarm shall be connected to the navigation bridge and the outside of the opening to the cold store-room; and
- (b) each such cold store-room shall be capable of being opened from the inside to prevent persons being trapped.

Hospitals

28. (1)(a) Every vessel, which is intended to be at sea on any occasion for a continuous period of more than 3 days with a crew of 15 or more seafarers, shall be provided with a space appropriated for use as a permanent hospital or the crew in accordance with standard A 3.1 paragraph 12, and standard A 4.1 of the Maritime Labour Convention regarding medical care on board vessels and guideline B 3.1 paragraph 8 of the Maritime Labour Convention for hospital accommodation.
- (b) The space in subregulation (1), so appropriated shall not at any time be used for any purpose other than for the treatment of sick persons.
 - (c) The Authority may exempt from the requirement of this subregulation any vessel engaged only on coasting voyages wholly between ports within the Republic.
- (2) (a) In every other vessel a room shall be appropriated for use, when necessary, as a temporary hospital.
- (b) When such room is in use as a hospital it shall not be used for any purpose other than the treatment of sick persons.
 - (c) The Authority may exempt any vessel from the requirements of this paragraph if the Authority is satisfied that compliance therewith is unnecessary in the circumstances.
- (3) (a) Every hospital whether permanent or temporary shall be situated in a position which will ensure the greatest possible comfort for the patient.
- (b) The hospital shall be readily accessible, and, in the case of a vessel not carrying a duly qualified medical practitioner or duly qualified nurse exclusively so employed as a member of the crew, shall be so situated to be conducive to patients receiving prompt and proper attention in all weathers.
- (4) (a) The minimum width of the entrance to every permanent hospital shall be 762mm or as near thereto as is practicable in the circumstances.
- (b) The hospital shall be so arranged that a stretcher can easily be carried into the hospital and placed alongside at least one single-tier bed therein.
- (5) The floor-covering in every permanent hospital shall, as far as is practicable be free from joints.

- (6) (a) Every permanent hospital shall include hospital accommodation fitted on at least two sides with side scuttles at least 305mm in diameter: Provided that, if it is not practicable to fit a side scuttle on two sides of the hospital, a sky light, and of as large a size as is practicable, may be substituted for a side scuttle on one side of the hospital.
- (b) All side scuttles in the hospital, and any skylight therein which is exposed to the direct rays of the sun, shall be provided with curtains, or equivalent installation.
- (c) The Authority may exempt from the requirements of this subregulation any vessel of under 200 gross tons;
- (7) (a) In addition to any mechanical ventilation required by regulation 10, every permanent hospital shall be provided with adequate natural supply and exhaust ventilation to the open air by means of ventilators independent of the ventilators provided for any other space in the vessel.
- (b) The Authority may exempt any vessel from the requirement of this subregulation if the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.
- (8) Every permanent hospital may be provided with an electric fan in addition to being served by a trunked mechanical ventilation system.
- (9) Any radiators in a permanent hospital shall be installed as far as is practicable from the heads of beds.
- (10) In addition to the lighting required by regulation 11, every permanent hospital shall be provided with a portable electric lamp and with such accessories as are necessary for its use.
- (11) (a) In every vessel which is required by this regulation to be provided with a permanent hospital at least one single-tier bed shall be provided in a hospital for every 50, or part thereof, members of the crew.
- (b) The Authority may exempt from the requirement of paragraph (a) any vessel carrying more than 300 persons, to the extent to which the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.
- (c) The bed in paragraph (a) shall, if practicable, be so arranged as to be accessible from both sides and from the foot.
- (d) If any beds in the hospital accommodation are arranged in double tiers, the upper tier shall be hinged or shall be removable.
- (e) Subject to the foregoing provisions of this subregulation, the provisions of subregulations (2) to (8) inclusive of regulation 16 shall apply to hospital beds as they apply to beds in a sleeping room;

(12) In every permanent hospital one of each of the following items of equipment shall be provided for each bed in the hospital and shall be within reach of that bed:

- (a) A locker approximately 305mm² by 610mm high, and fitted with a flat top and a shelf;
- (b) a water bottle; and
- (c) a tumbler.

(13) In every permanent hospital the following items of equipment shall be provided:

- (a) Seats adequate in number, having regard to the number of beds in the hospital;
- (b) a clothes locker additional to that required by subregulation (12) of this regulation, and complying with the specifications set forth in subparagraph (a) (ii) of paragraph (1) of regulation 17;
- (c) a box cover which will conceal a bed-pan; and
- (d) electric bell-pushes so arranged as to be within reach of each bed and communicating with the sleeping room of a person in charge of the patients and the navigation bridge.

- (14) (a) A wash-basin having a capacity of at least 7 litres shall be fitted in every permanent hospital.
- (b) In vessels of 5,000 gross tons or over a bath at least 1.4m in internal length shall be fitted in washing accommodation forming part of the hospital.
 - (c) The wash-basin and bath shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded.
 - (d) The wash basin shall be fitted with an efficient and hygienic discharge system separate, if practicable, from any other discharge system in the vessel and in particular the waste pipes shall be fitted in a manner which will facilitate cleaning.
 - (e) A scupper at least 50mm in diameter shall be fitted in the lowest part of any room, other than hospital accommodation, which contains such wash-basin or bath.
 - (f) The Authority may exempt any vessel from the requirement of a bath in the permanent hospital, if the Authority is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

- (15) (a) A sanitary facility pedestal shall be fitted as part of every permanent hospital.
- (b) The sanitary facility pedestal shall be fitted either in a water closet or in washing accommodation forming part of the hospital.
 - (c) Access to the sanitary facility pedestal, or washing accommodation, as the case may be, shall be obtained easily from the bed or from a lobby forming part of the hospital.

- (d) The Authority may exempt any vessel from the requirement of subparagraph (c) if the Authority is satisfied that compliance therewith is impracticable in the circumstances, and that the sanitary facility forming part of the hospital is situated sufficiently near to the bed.
- (e) The room in which the sanitary facility pedestal is installed shall be provided with a gas-tight self-closing door unless it is served by a mechanical system of exhaust ventilation, and shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin.
- (f) The room in paragraph (e) shall be ventilated in the manner specified in subregulation (7) of regulation 24.

(16) The Authority may exempt any vessel of under 200 gross tons from any of the requirements of this regulation.

Medical Cabinet

- 29.(1)(a) In every vessel, a medical cabinet shall be provided in a position adjacent to the permanent hospital, if any, required by regulation 28 or near to the sleeping room of the person in charge of sick persons on board.
 - (b) The medical cabinet shall be fitted in a position in which it will remain dry and which is remote from all sources of heat.
- (2) (a) The medical cabinet shall be of a size, design and construction suitable for storing the medicines, and medical appliances provided in the vessel for the benefit of the seamen on board as prescribed in the Vessels Medicines and MS (Medical Equipment) Regulations, 1991.
 - (b) In particular, the medical cabinet shall be provided with the following:
 - (i) An outer door fitted with an efficient lock;
 - (ii) An inner cupboard, used solely for the storage of controlled drugs, fitted with a door and a lock which shall be incapable of being opened by the key to the lock referred to in subparagraph (i);
 - (iii) Shelves so constructed as to facilitate the identification of medicines stored thereon;
 - (iv) A dispensing counter or dispensing table, in either case with a surface which can easily be kept clean;
 - (v) At least two drawers suitable for the storage of medical stores and used solely for that purpose;
 - (vi) Fittings which will enable hot water bottles to be carried in a hanging position;
 - (vii) A rack suitable for holding devices for measuring medicines; and
 - (viii) Where applicable, a book of instruction as prescribed under the applicable medical regulations.

(3) The medical cabinet shall be lighted by an electric light which shall be inside or immediately outside the cabinet, and which will enable all the contents of the cabinet to be clearly seen in the absence of light from any other source.

(4) The medical cabinet and the place in which it is fitted shall be so ventilated as to avoid deterioration of the contents of the cabinet.

(5) The Authority may exempt from any of the requirements of this regulation any vessel of under 200 gross tons, being a vessel engaged only on voyages wholly between ports within the Republic if the Authority is satisfied that compliance there with is unreasonable or impracticable in the circumstances.

Protection from mosquitoes

30. (1)(a) In every vessel regularly engaged on voyages to any port to which this regulation relates, the crew accommodation, other than galleys, store-rooms and recreation spaces on the open deck shall be provided with protection against the admission of mosquitoes.

(b) The protection in subregulation (a) shall be provided by means of screens of rust-proof wire or other suitable material which shall be fitted to all side scuttles, natural ventilators, skylights, and doors leading to the open deck.

(2) Any door to which such screens are fitted, being a door at the entrance to a permanent or temporary hospital in a vessel to which these regulations apply, shall be of a self-closing type.

(3) The ports to which this regulation relates are listed by the World Health Organisation.

Crew accommodation shared with passengers

31. (1)(a) Crew accommodation shall not be used, or appropriated for use, by passengers.

(b) A galley or store-room provided in compliance with these regulations shall not be used, or appropriated for use, for the preparation or storage of food for passengers.

(2) The Authority may exempt any vessel from the requirements of subregulation (1), not being requirements relating to sleeping rooms, or office accommodation, to the extent to which the Authority is satisfied that accommodation equal or superior in standard to the accommodation required by these regulations is available for the use or service of the crew in common with passengers.

Maintenance and inspection of crew accommodation

32. (1)(a) The crew accommodation in every vessel shall be maintained in a clean and habitable condition, and all equipment and installations shall be maintained in good working order.

- (b) Every part of the crew accommodation, not being a store-room, shall be kept free of stores and other property not belonging to or provided for the use of persons for whom that part of the accommodation is appropriated, and in particular, cargo shall not be kept in any part of the crew accommodation.

(2) The master of the vessel or an officer appointed by the master for the purpose shall inspect every part of the crew accommodation at intervals not exceeding ten days, and shall be accompanied on the inspection by one or more members of the crew.

(3) For purposes of subregulation (2), the master of the vessel shall cause to be entered in the vessel's official logbook a record of—

- (a) the time and date of the inspection;
- (b) the names and ranks of the persons making the inspection; and
- (c) particulars of any respects in which the crew accommodation or any part thereof was found by any of the persons making the inspection not to comply with these regulations.

Inspection by the Proper Officer

33. A Proper Officer shall inspect the crew accommodation in every vessel or cause the vessel to be inspected whenever—

- (a) the vessel is registered or re-registered in the Republic;
- (b) any part of the crew accommodation in the vessel undergoes substantial alterations or repairs;
- (c) the number of persons accommodated in any sleeping room is increased above that marked in accordance with subregulation (1) of regulation 14;
- (d) in the opinion of the proper officer there is reason to believe, whether or not in consequence of a complaint, that any of the provisions of these regulations have been contravened in respect of that vessel, or that any condition subject to which the Authority has exempted the vessel from a requirement of these regulations has not been satisfied;
- (e) a request for an inspection of the crew accommodation has been made to the Authority or to the proper officer by or on behalf of the owner of the vessel or of any organisation which appears to the Authority to be representative of the owners of South African vessels or of the seafarer concerned; or
- (f) a complaint has been lodged with the proper officer, and it complies with the following requirements:
 - (i) The complaint shall be made by three or more members of the crew;
 - (ii) The complaint shall specify the respects in which it is alleged that the crew accommodation in the vessel does not comply with these Regulations;
 - (iii) The complaint shall be lodged without undue delay; and

- (iv) The complaint shall be lodged at least 24 hours before the vessel is due to sail, unless the vessel is in port for less than 24 hours.

Additional Exemptions

34. (1) The Authority may, on such conditions as the Authority deems necessary, exempt-

- (a) any vessel while under construction;
- (b) any vessel while undergoing trials;
- (c) any vessel of under 200 gross tons;
- (d) any tug;
- (e) any vessel which, in the opinion of the Authority, is primarily employed in a harbour, river, estuary, lake or canal;
- (f) any passenger vessel making day trips only; or
- (g) any coasting vessel;

from all or any of the requirements of these regulations to the extent to which the Authority is satisfied that compliance there with is unreasonable or impracticable in the circumstances.

(2) The Authority may exempt from the requirements of these Regulations any vessel in which there are employed any groups of ratings necessitating the employment of a substantially greater number of ratings than would otherwise be employed, in the case of mess rooms, sanitary accommodation and hospitals, is equal or comparable in standard to the crew accommodation required by these regulations: Provided, in the case of vessels where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the competent authority may, after consultation with the vessel owners' and seafarers' organisations concerned, permit fairly applied variations in respect of these Regulations, on condition that such variations do not result in overall facilities less favourable than those which would result from the application of these Regulations.

(3) The Authority may, after consultation with the owners of the vessel, or such organisations as appear to the Authority to be representative of owners of South African vessels, and with such organisations as appear to the Authority to be representative of seafarers employed in South African vessels, exempt any vessel from any of the requirements of these Regulations, if the Authority is satisfied that corresponding advantages are provided in the vessel so that the crew accommodation considered as a whole, is equivalent or superior in standard to that required by these Regulations.

Repeal of regulations

35. The Crew Accommodation Regulations, 1961, published by Government Notice No. GN R. 1064 in Government Gazette 43 of 24 November 1961 in terms of the Merchant Shipping Act, 1951 (Act No. 57 OF 1951), are hereby repealed.

Short title and commencement

36. These Regulations are called The Merchant Shipping (Crew Accommodation) Regulations, 2023 and are published for public comments.

ANNEX 1

TRUNKED MECHANICAL VENTILATION SYSTEMS

- (1) Trunked mechanical ventilation systems shall be capable of the standards of performance tabled below.
- (2) If any store room is served by a fan which provides warmed air for any other space, the store room shall be provided with ventilation trunking separate from that serving such other space.
- (3) The clear area of the exhaust openings provided in conjunction with the system shall be sufficient to ensure that the velocity of air at each opening does not exceed 5 metres per second when the system is in operation.
- (4) The system shall be quiet in operation
- (5) All trunking forming part of the system shall be provided with non-return flaps where such flaps are necessary for the exclusion of effluvia and the preservation of health of the crew.
- (6) If the system is designed to circulate heated air as the sole means of heating the crew accommodation, the system shall be sub-divided into sections which can be separately controlled to the extent necessary to enable comfortable temperature to be maintained in all parts of the crew accommodation.

Category	Description of Space	Fresh air changes per hour*	Volume of fresh air, in m ³ /min, for each person likely to use the room at any one time*
A	Rooms (other than rooms in category C) in deck houses above the upper or shelter deck:		
	<ol style="list-style-type: none"> (1) Outside rooms (Not adjoining machinery casing). (2) Inside rooms and rooms adjoining machinery casing. 	10 15	1.4 1.4
B	Rooms (other than rooms in category C) in side to side superstructures above the upper or shelter deck:		
	<ol style="list-style-type: none"> (1) Outside rooms (Not adjoining machinery casing). (2) Inside rooms and rooms adjoining machinery casing. 	12 15	1.4 1.4

C	Mess rooms, smoking rooms and recreation rooms (above the upper or shelter deck)		
	(1) Not adjoining machinery casing.	15	0.7 (a)
	(2) Adjoining the machinery casing.	18	0.7 (a)
D	Passageways adjoining machinery casings	4	-
E	Rooms in tween decks		
	(1) Not adjoining machinery casing.	12	1.4
	(2) Abreast but not adjoining the machinery casing.	12	1.4
	(3) Adjoining machinery casings (other than mess rooms, smoking rooms and recreation rooms).	15	1.7
	(4) Mess rooms, smoking rooms and recreation rooms (Adjoining machinery rooms)	18	0.7
Cate- gory	Description of Space	Fresh Air Changes per hour	
		Supply	Exhaust
F	Galleys	20 (c) (d)	40 (d)
G	Sanitary accommodation, drying rooms and pantries	10	-
H	Dry Provision store rooms	> 10 (e), but < 20	

***Notes:**

- (a) Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute shall not be required to be such as would result in more than 20 fresh air changes per hour.
- (b) Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute shall not be required to be such as would result in more than 25 fresh air changes per hour.
- (c) 15, if at least two sides of the galley are exposed to the weather.
- (d) The Authority may exempt any vessel from these requirements if satisfied that compliance is unnecessary by reason of the insulation of the equipment in the galley, or by reason of the size of the galley.
- (e) Subject to Regulation 11.

ANNEX 2

MARKING

PART I

Markings for sleeping rooms

Certified for seamen

Certified for A seamen

Certified for seamen or A seamen

PART II

Markings for spaces other than sleeping rooms

Certified for Chief Navigating Officer

Certified for Officers

Certified for Petty Officers

Certified for Apprentices

Certified for Crew

(1). There shall here be inserted the maximum number of seafarers who may be accommodated in the room in accordance with these Regulations when it is not appropriated for use solely by such ratings as are referred to in regulation 34 (2).

(2). There shall here be inserted the maximum number of seafarers who may be accommodated in the room in accordance with these Regulations when it is appropriated for use solely by such ratings as are referred to in regulation 34 (2).

(3). In the case of a room intended for the sole use of any other officer, the rank of that officer shall here be substituted.