

# South African Maritime Safety Authority

Ref: SM 14/2/7/1  
SM 6/5/2/1

Date: 6 January 2000



## MARINE NOTICE NO 2 OF 2000

TO ALL PRINCIPAL OFFICERS, OWNERS, OPERATORS, MASTERS AND SKIPPERS OF SOUTH AFRICAN SHIPS.

### GRANTING OF EXEMPTIONS IN CONNECTION WITH THE MANNING OF SOUTH AFRICAN SHIPS.

- 1 The purpose of this Marine Notice is to bring to the attention of the South African maritime industry SAMSA's policy regarding the granting of exemptions. Changes in this policy have become necessary as a result of recent amendments to the Merchant Shipping Act, 1951 ("the Act"), and the promulgation of the Merchant Shipping (Safe Manning) Regulations, 1999 ("the Safe Manning Regulations").
- 2 In this Marine Notice the term "exemption" means an exemption granted to a South African ship to allow a person to serve in the ship in a certificated capacity when such person does not hold the minimum required certificate to serve in that capacity.
- 3 The relevant provisions of the Act and of the Safe Manning Regulations are repeated below for convenience:
  - 3.1 Section 85 of the Act reads as follows:

#### **"Authority may vary requirements as to certificates**

85. Notwithstanding the provisions of section 73 the Authority may, in its discretion and for such periods and under such conditions as it may specify if it is satisfied that no suitable holder of a certificate of the required grade and granted under this Act or referred to in section 83 or 84 is available, permit a South African ship to go to sea from any port whatsoever or a ship other than a South African ship to go to sea from a port in the Republic without the prescribed number of certificated officers or other persons, and while any such permission remains in force any person who acts in terms thereof shall not, if the conditions under which it was granted are complied with, be deemed to have contravened the provisions of section 73."

#### **Safe Ships - Clean Seas**

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#### **SAMSA BOARD:**

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Capt B R Watt ( Chief Executive Officer)

3.2 Regulation 22 of the Safe Manning Regulations reads as follows:

**"Exemption in respect of certain ships**

22. (1) Subject to sub-regulations (2) and (3), the Authority may in special circumstances, if in its opinion no danger would result to persons, property or the environment, grant an exemption permitting a seaman to serve in a particular ship for the shortest possible time, but in any event not exceeding six months, in any capacity other than that of radio officer, or master of a passenger ship, for which he or she is not certificated.

(2) No exemption shall be granted under subregulation (1) unless the seaman is certificated to serve in the next lower capacity: Provided that where the next lower capacity is not required by these regulations to be filled by a certificated person, exemption may be granted only if the seaman's qualifications and experience, in the opinion of the Authority, clearly meet the requirements for the certificated capacity to be filled: Provided further that such seaman, if uncertificated, shall be required to satisfy an examiner that he or she possesses the minimum knowledge and experience required to serve in the certificated capacity concerned.

(3) No master or chief engineer officer of a ship to which the STCW Convention applies shall be granted an exemption under sub-regulation (1) except in the case of force majeure, and then only for the shortest possible time."

- 4 Exemptions will only be granted in exceptional cases, for example where a ship is prevented from going to sea because a certificated crew member required to be on the ship is absent at the time of sailing, and a suitable replacement cannot be found at short notice. Exemption in these circumstances will be granted for the shortest possible period in order to enable the finding of a suitable replacement.
- 5 Of particular note is the granting of exemption in respect of the positions of master and chief engineer officer, as it is only in the most exceptional cases that an exemption will be granted for one of these positions. In no case will an exemption be granted in respect of such positions on a passenger ship.
- 6 It is SAMSA's policy not to grant exemption in respect of foreign ships. It is the duty of the owner or operator of such a ship to obtain the appropriate exemption through the flag State. However, should the flag State request SAMSA to issue an exemption on its behalf, then SAMSA would do so on the conditions set by the flag State and in the absence of such conditions, then as per the conditions set out in this Marine Notice.
- 7 Only one exemption will be granted in each department (deck or engine-room) in a ship.
- 8 The authority to grant exemption is delegated to SAMSA's Principal Officers, the managers of SAMSA's port offices. Each application for exemption will be treated on an individual basis and the granting of the exemption is at the discretion of the Principal Officer concerned.
- 9 The owner or operator of a South African ship requiring an exemption must apply to the Principal Officer at the ship's departure port in the Republic. If the ship is to depart from a port at which there is no Principal Officer, then application must be made at the nearest port in the Republic at which there is a Principal Officer, or at one of the major ports, being either Durban or Cape Town.
- 10 When applying for exemption, the owner or operator must present to the Principal Officer the person who is to serve in the capacity for which exemption is sought. Such person must-
  - 10.1 have a certificate attesting to his or her medical fitness, including an eyesight test pass certificate if intended to serve as master, navigation watch keeping officer or deck rating;

10.2 hold a certificate allowing him or her to act in the capacity one rank below the capacity for which exemption is desired. Where the rank below is not a certificated rank, then such person will be required to appear before a SAMSA examiner in order to determine whether he or she has the minimum knowledge and experience necessary to serve in the certificated capacity for which exemption is desired; and;

10.3 be able to communicate, issue and understand satisfactorily verbal and written instructions in the English language.

11 No exemptions will be granted in respect of positions that require personnel to hold-

11.1 a tanker familiarisation certificate;

11.2 a tanker cargo endorsement;

11.3 a restricted radio operators certificate (marine);

11.4 a GMDSS restricted operators certificate;

11.5 a proficiency in fast rescue boats certificate; or

11.6 a ro-ro passenger ship endorsement.

(For example, if exemption is desired in respect of the position of chief officer of a petroleum tanker, the most suitable candidate would be the second officer, who must hold at least a tanker familiarisation certificate and a tanker cargo endorsement (petroleum).)

12 Marine Notice No. 4 of 1989 is hereby withdrawn.



**CAPT B R WATT**  
**CHIEF EXECUTIVE OFFICER**