

South African Maritime Safety Authority



Marine Notice No. 21 of 2007 - Erratum

Obligations of skippers to respond and assist in distress situations

TO ALL OWNERS, MANAGERS AND SKIPPERS OF FISHING VESSELS, SKIBOAT CLUBS,
SAMS APPPOINTED SURVEYORS AND PRINCIPAL OFFICERS

Summary

This marine notice reminds skippers of their obligations and responsibilities to respond and assist in distress situations.

1 During the recent investigation in to the loss of a small fishing vessel, where two crew members lost their lives, the survivors stated that two red parachute flares were fired from the liferaft. The weather conditions were clear and would not have reduced the distance at which the flares would have been seen. They also stated that no assistance was received from fishing vessels which were visible near by.

2 This leads the Authority to conclude that either;
§ A proper lookout was not being kept; or
§ The catching of fish is more important than saving human lives.

3 If either or both of the above reasons led to the lack of response, the Authority takes an abhorrent view of both the contraventions of the *Wreck And Salvage, Act 94 of 1996* and the loss of a tradition of the sea which requires a skipper to immediately cease any activity and render assistance.

Wreck And Salvage, Act 94 of 1996

Obligation to assist ships in distress

5. (1) The master of a South African ship, on receiving at sea a signal of distress or information from any source that a ship is in distress, shall proceed with all speed to the assistance of the persons in distress, informing them if possible that he or she is doing so, unless he or she is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he or she is released under the provisions of subsection (3) or (4) from the obligation imposed by this subsection.

The Merchant Shipping (Safe Manning) Regulations, 1999, Annex 1 Part 1,

Principles to be observed in Keeping Navigational Watch;

11. A proper look-out shall be maintained at all times in compliance with rule 5 of the annex to the collision regulations, and shall serve the purpose of—

(c) detecting ships or aircraft in distress, shipwrecked persons, wrecks, debris and other hazards to safe navigation.

4 Quite clearly there is a legal obligation to respond and assist in a distress situation and the Authority will not hesitate to prosecute where a skipper fails to respond to a distress signal.

03 December 2014

SM6/5/2/1

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