

South African Maritime Safety Authority



Marine Notice No. 25 of 2007

Obligation to report, casualties, accidents and serious injuries

TO MASTERS OF ANY SHIP IN A SOUTH AFRICAN PORT, MASTER'S OF SOUTH AFRICAN SHIPS, SHIP OPERATORS, OWNERS, MANAGERS AND SHIP'S AGENTS, STEVEDORE AND SHIP REPAIR COMPANIES, LABOUR BROKERS AND PRINCIPAL OFFICERS

Marine Notice No. 5 of 1992 is cancelled

Summary

This marine notice advises persons in the maritime industry of their obligations in terms of the *Merchant Shipping Act 57 of 1951*, to report casualties, accidents and serious injuries; that occur in the territorial waters and ports of South Africa and onboard South African registered or licensed vessels, where ever they may be.

1 *Report to proper officer of accidents to and on board ships*

- 259.1 (1) *The owner or master of any ship—*
- (a) *which has been lost, abandoned or stranded; or*
 - (b) *which has been seriously damaged or has caused serious damage to any other ship; or*
 - (c) *on which any casualty resulting in loss of life or serious injury to any person or an accident has occurred; or*
 - (d) *which has been in a position of great peril either from the action of some other ship or for any other reason; or*
 - (e) *which, having left any port in the Republic, has put back to that port; or*
 - (f) *which has fouled or done any damage to any harbour, dock or wharf or to any lightship, buoy, beacon or sea mark,*

shall within 24 hours after the ship has arrived in a port or, if the event occurred in a port, within 24 hours after the event occurred, but before the ship departs from that port, report the event to the nearest proper officer in the form prescribed, stating the nature of the event and of the probable cause thereof, the name of the ship, her official number, the port to which she belongs, the place where the event occurred and the place where the ship then is, and giving all other available relevant information: Provided that any event resulting in loss of life or serious injury shall forthwith be so reported by the fastest means of communication available.

(1A) (a) *Whenever a stevedore, a shore contractor or incidental persons are involved in a casualty resulting in loss of life or serious injury to any person, or in an accident, their employer shall, in the form and stating the particulars referred to in subsection (1), forthwith report the event to the nearest proper officer by the fastest means of communication available.*

- (b) *In paragraph (a)—*

“incidental persons” means persons other than the master and crew, and stevedores and shore contractors on board a vessel in the course and scope of their duties;

“shore contractor” means a person temporarily employed to effect general or specific repairs, alterations, renovations, improvements, painting, maintenance of vessel or machinery, tank or hatch cleaning and related tasks on or in a vessel;

“stevedore” means a person employed in the loading or unloading of a vessel or in related activities.

(2) Subsections (1) and (1A) shall, subject to subsection (3), apply to every ship which is registered or licensed in the Republic or which is in terms of this Act required to be so registered or licensed and to or in respect of or on board of which any such event as is referred to in subsections (1) and (1A) has occurred anywhere, and shall apply to a ship registered in a country other than the Republic only while the ship is within the Republic or the territorial waters thereof and if any such event has occurred to or in respect of or on board of the ship during a voyage to a port in the Republic or within the Republic or the territorial waters thereof.

(3) Subsection (1)(f) shall not apply to any vessel belonging to Transnet Limited and used by that authority in connection with the working of its harbours.

(4) (a) Any employee, employer or user who learns about an event referred to in subsection (1), shall forthwith notify the owner or master concerned of such event.

(b) The owner or master of any ship concerned and any employee or user who learns about an event referred to in subsection (1A), shall forthwith notify the employer concerned of such event.

(5) No person shall disturb or remove anything from the scene of an accident required to be reported in terms of this section unless permitted by the proper officer, or if a person has been appointed under section 264 to hold a preliminary enquiry into the accident, by that person.

2 In deciding whether an accident needs to be reported the following definitions should be considered;

Definitions and interpretation of certain references

2 (1) In this Act, unless the context indicates otherwise—

“accident”, in relation to a vessel, includes—

- (a) the collapse or overturning of any lift, crane, davit, derrick, mobile powered access platform, access equipment, staging or bosun’s chair or the failure of any load-bearing part thereof;
- (b) the explosion, collapse or bursting of any closed container, including a boiler or boiler tube, in which there is any gas (including air), liquid or any vapour at a pressure greater than atmospheric pressure;
- (c) any electrical short circuit or overload resulting in fire or explosion;
- (d) the sudden, uncontrolled release of flammable liquid or gas from any system, plant or pipeline;
- (e) the uncontrolled release or escape of any harmful substance;
- (f) either of the following occurrences in respect of any pipeline, valve or any piping system in a vessel—
 - (i) the bursting, explosion or collapse of a pipeline;
 - (ii) the accidental ignition of anything in a pipeline or of anything which, immediately before it ignited, was in a pipeline;
- (g) any contact of the human body with loose asbestos fibre;
- (h) the failure of any lashing-wire, chain or appliance;
- (i) any collapse or significant movement of cargo;
- (j) the malfunctioning of any hatch cover, hatch cover control wire or other mechanism;

- (k) *any person falling overboard;*
- (l) *the parting of a tow-rope;*
- (m) *the failure of bilge-pumping arrangements or life-saving or fire-fighting equipment to operate.*

“serious injury” includes—

- (a) *a fracture of the skull, spine or pelvis;*
- (b) *a fracture of any bone other than a bone in the wrist, hand, ankle or foot, or a single rib;*
- (c) *the amputation of a hand or foot;*
- (d) *the loss of sight of an eye;*
- (e) *frost-bite of any bodily extremity which may lead to permanent disfigurement; or*
- (f) *any impairment of a person’s physical condition owing to—*
 - (i) *the use of machinery;*
 - (ii) *an electrical shock;*
 - (iii) *the exposure to hazardous working conditions or hazardous substances or articles; or*
 - (iv) *the exposure to natural or artificial environmental extremes, on board a vessel which results in that person being admitted to hospital as a patient for more than 24 consecutive hours, or would have resulted in his being so admitted had he been within reach of a hospital.*

3 Masters and owners are reminded that Section 259 applies to any person irrespective of his or her duty or reason for being on that ship is killed or injured, the event must be reported on the prescribed form.

4 Failure to comply with section 259 may, upon conviction lead to a fine or imprisonment for a period not exceeding 3 months, with the exception of Section 259 (1)(c) where the sanction may be a fine or imprisonment for 3 years.

11 December 2007

SM6/5/2/1
SM13/P

Issued by and obtainable from:
The South African Maritime Safety Authority
161 Lynnwood Road
Brooklyn, Pretoria

PO Box 13186
Hatfield 0028

Tel: +27 12 366 2600

Fax: +27 12 366 2601

E-mail: marinenotices@samsa.org.za

Web Site : www.samsa.org.za