

Marine Notice No. 4 of 2008

Foreign flagged non-convention ships plying regularly between, or operating from, South African ports to have a Local General Safety Certificate

TO MASTERS, OWNERS, MANAGERS AND OPERATORS OF SHIPS, SHIP'S AGENTS, HARBOUR MASTERS, CONTROLLERS OF CUSTOMS AND EXCISE AND PRINCIPAL OFFICERS

Marine Notice No. 31 of 1996 is cancelled

Summary

This marine notice advises the industry of the requirement for foreign flagged non-convention ships trading regularly between ports on the South African coast and/or operating from a port in South Africa to be in possession of a valid Local General Safety Certificate issued by SAMSA.

1 Subsections (8) and (9) of section 203 of the Merchant Shipping Act, 1951 (Act No.57 of 1951) refers;

(8) Notwithstanding the provisions of this section, every ship not registered or licensed in the Republic, plying regularly between ports in the Republic or operating from a port in the Republic, and which is not in possession of any safety convention certificate issued by or under the authority of the government of the country of origin of the ship, shall be in possession of a local general safety certificate.

(9) No person, including the owner or master of a ship referred to in subsection (8), shall cause or permit that ship to proceed to sea from any port in the Republic, unless there is on board and in respect of that ship a local general safety certificate.

2 These provisions apply to foreign flagged non-convention ships plying repeatedly or recurrently between ports in South Africa, or which regularly departs from and returns to the same port in South Africa without docking at any other port.

3 A “non-convention ship” is a ship to which the International Convention to the Safety of Life at Sea (SOLAS) 1974 and its Protocol of 1988 do not apply.

4 In applying these provisions, owners of foreign flagged non-convention ships, are to receive no more favourable treatment with regard to safety standards, manning, pollution prevention, etc., than owners of non-convention ships flagged in South Africa. In practical terms, this means that foreign flagged non-convention ships will have to comply with domestic legislation.

5 It is the duty of the ship owner and/or manager to comply with section 203(8) and to arrange for the inspection of the ship with SAMSA.

6 The SAMSA surveyor will inspect the ship for the purpose of completing a Report of Survey which will be considered by the Principal Officer for issue of a Local General Safety Certificate.

7 The extent of the inspection depends upon the condition of the ship and the acceptability of certification produced for the purpose. Certificates issued by or on behalf of the competent authority of the country of origin of the ship indicating an equivalent standard will necessitate the surveyor satisfying him/herself that the standard of the ship indicated by the relevant certificate has been maintained. In the absence of acceptable certification; the ship will be surveyed to domestic standards.

8 All ships over 25 gross tons will be subjected to a radio survey; and must comply with the Merchant Shipping (Radio Installation) Regulations 2002.

9 Conflict between flag state and domestic requirements will be resolved in accordance with the general principle stated in paragraph 4 above.

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