

South African Maritime Safety Authority



Marine Notice No. 5 of 2009

SAMSA Policy on Vessels En Route to Scrap Yards

TO MASTERS AND OPERATORS OF SHIPS, THEIR AGENTS, SOUTH AFRICAN ASSOCIATION OF SHIP OPERATORS AND AGENTS, HARBOUR MASTERS, OTHER INTERESTED PARTIES AND PRINCIPAL OFFICERS

Summary

This Marine Notice serves to advise interested parties on SAMSA's Policy regarding vessels, on voyages to scrap yards, calling at ports in South Africa.

1. Foreign flagged vessels passing through South African territorial waters have what is commonly termed "the right of innocent passage" (i.e. these vessels are entitled to pass without interference or hindrance). However, this right is conditional upon passage being continuous and expeditious with entrance to South Africa's internal waters allowed only through designated entry points or ports.
2. Vessels en route to scrap yards occasionally need to enter a port in the Republic. Due to the very nature of their voyage these vessels are often in deplorable condition and in some instances unseaworthy; thereby posing a risk to those onboard and/or the environment.
3. Where it is suspected that a vessel is unseaworthy, the Principal Officer will carry out an investigation under the powers vested in SAMSA in terms of section 9 (d) (i) of the *Merchant Shipping Act, 1951*, to ensure that there is no contravention in terms of section 240 of the Act, *Unseaworthy Ships Not to be Taken to Sea*. The necessary action/steps will be taken to ensure that the vessel does not pose a threat to the safety of the crew or the environment.
4. In a recent case a vessel produced valid certificates from a classification society attesting to the vessel's seaworthiness. It was evident from the condition of the vessel that these certificates could not be accepted at face value. In addition, the certificates were issued by a classification society that was not a member or an associate member of the International Association of Classification Societies. The standards set by this classification society were well below the requirements of the SOLAS Convention.
5. No favourable treatment will be afforded to vessels on voyages to scrap yards.
6. It is imperative to note that only the Flag State may issue exemptions in respect of SOLAS requirements.

7. Should it come to the attention of the Authority that the vessel poses a risk of pollution, that masters and owners may be directed by the Authority, in terms of Regulation 4 of *Marine Pollution (Control and Civil Liability) Act 6 of 1981*, in any manner it sees fit to minimise the risk of pollution. This may require deployment of the stand-by tug. Owners should realise that the cost associated with this will be for their account.

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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