



# South African Maritime Safety Authority

Ref: SM6/5/2/1 /1

Date: 27 March 2014

## Marine Notice 6 of 2014

### Sail and Motor Yachts of over 25 GT but less than 100 GT used for Charter Purposes

TO ALL PRINCIPAL OFFICERS, REGISTRAR OF SHIPS, SURVEY STAFF, NAVAL ARCHITECTS, SHIP AND BOAT BUILDERS, SHIP AND BOAT OWNERS, AUTHORISED AGENTS, SAFETY OFFICERS, AND OTHER INTERESTED AND AFFECTED PARTIES

#### *Summary*

The following marine notice provides guidance to Principal Officers, Registrar of Ships, Naval Architects, Surveyors, Ship and Boat Builders, ship and boat owners, safety officers and other interested parties on processes to be followed for the survey and certification of sail and motor yachts of over 25 GT but less than 100 GT used for charter purposes.

#### Definitions

*“pleasure vessel” - A vessel used for purposes of sport and recreation only.*

*“commercial vessel” - A vessel which is not a pleasure vessel.*

*“charter vessel” – Sail or motor yacht utilised for commercial passenger operations only but carrying not more than 12 passengers.*

*“Passenger” - any person carried on a vessel, except persons employed as crew; rescued survivors and infants under one year of age.*

#### 1. INTRODUCTION

The Merchant Shipping (National Small Vessel Safety) Regulations, 2007 (NSVR) applies to:

- a. All commercial and pleasure vessels used on inland waters.
- b. All pleasure vessels, less than 100 GT, used on sheltered waters or proceeding to sea.
- c. All commercial vessels, less than 25 GT, used on sheltered waters or proceeding to sea.

Sail and motor yachts over 25 GT but less than 100 GT are accordingly required to comply with provisions of the NSVR when operating as pleasure vessels, however, if the owner wishes to operate these types of vessel as a commercial charter vessel, a different legislation regime applies; viz, The vessel is required to be classed as a class VII or VIII vessel and becomes subject to:

- a. Construction Regulations, 1968.
- b. Life Saving Equipment Regulations, 1968.
- c. Safety of Navigation Regulations, 1968.
- d. Load Line Regulations, 1968.
- e. Merchant Shipping (Radio Installation) Regulations, 2002, as amended.
- f. Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013.

The above legislation is primarily aimed at convention and trading ships and when allied to sail and motor yachts of less than 100 GT, poses significant challenges for the achievement of compliance.

The exemption certificate copied in annexure A accordingly exempts charter vessels from the regulations listed above provided that they comply fully with the requirements of this marine notice.

## 2. EXEMPTION

Principal Officers are required to confirm that the sail or motor yacht concerned falls into the category of a sail or motor yacht (typical examples shown below) and is to be used for charter purposes.

The activities carried out on the sail and motor yachts must fall under the heading of sports and recreation ie. The vessel is referred to as a charter vessel due to the fact that the passengers are required to pay for the experience on the vessel.

Activities which fall into this category include, but are not limited to;

- a. Recreational sailing (under power or sail);
- b. Recreational or sport fishing;
- c. Recreational or sport diving;

provided that the passengers may not be involved in commercial activities of any nature.

All sail and motor yachts that are assessed as falling into this category must be subjected to the requirements of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 (NSVR) at the time of initial and annual survey for a local general safety certificate.

**NB – This exemption may not be issued for passenger vessels or vessels of this size used for other commercial purposes.**

The SAMSA Exemption Certificate for this vessel type and operation is attached as Annex A.



Motor Yacht



Sailing Yacht - Monohull



Sailing Yacht - Multihull

### 3. STATUTORY BASIS FOR THE EXEMPTION

Practical application of the above exemption requires consideration of requirements of the legislation applicable to class VII and/or VIII vessels compared to those required by the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 for commercial vessels  $\geq 9\text{m}$  in length overall.

The following regulations apply and have been exempted by applicable provisions described below:

#### A. Tonnage Regulation, 1986

Vessels of less than 24 metres registered length are regarded as “prescribed ships” not requiring tonnage measurement for registration purposes (Regulation 17(2) of Ship Registration Act, 1998 read with Regulation 16(2) of the Ship registration regulations, 2002 and Article 4(1)(b) of the International Convention on Tonnage Measurement of Ships, 1969). Length Overall shall accordingly be used in lieu of Gross Tonnage and Net Tonnage for identification and marking purposes.

#### B. Load Line Regulations, 1968

Vessels of more than 14m registered length but less than 24 metres registered length are exempted, by Regulation 151, from the requirements of the Load Line regulations, 1968 provided that they comply with applicable provisions of the NSVR.

#### C. Construction Regulations, 1968.

These regulations are not considered practical and reasonable to be applied to these types of vessel and have accordingly been exempted by regulation 198 with the condition that the NSVR requirements are applied.

#### D. Life Saving Equipment Regulations, 1968.

The requirements of the regulations are not applicable for the following reasons:

- i. Regulation 47 allows life saving appliances that are considered equivalent to the regulated requirements to be used if considered to be at least as effective as those required by regulation. The life saving appliances listed in the NSVR are considered to be as effective and are to be applied as applicable.
- ii. Regulation 118 allows fire appliances that are considered equivalent to the requirements to be used if considered to be at least as effective as those required by regulation. The fire appliances listed in the NSVR are considered to be as effective and are to be applied as applicable.

#### E. Safety of Navigation Regulations, 1968

- i. Compliance with applicable provisions of the NSVR are considered equivalent to applicable provisions of the Safety of Navigation Regulations, 1968 as allowed by regulation 82.
- ii. Charter vessels are hereby not required to submit stability information for approval due to the constancy of their voyage conditions as allowed by regulation 9 of the Safety of Navigation Regulations; provided that the Principal Officer may require the provision of stability information, for compliance with Regulation 6 of the NSVR, if such information is considered necessary.

#### F. Merchant Shipping (Radio Installation) Regulations, 2002, as amended

Vessels are exempted, by Regulation 4(3), from the requirements of the Merchant Shipping (Radio Installation) Regulations, 2002, as amended, provided that they comply with applicable provisions of the NSVR.

#### G. Foreign Administration or Authority Requirements for Charter Vessel's

The SAMSA issued Local General Safety Certificate confirms that the vessel is regarded as suitable for the indicated charter operation. Owners should however be aware that they may still be required to comply with additional requirements of the foreign Administration or Authority in whose water the vessel is operating. It is the responsibility of the vessel owner to ensure that the vessel is in compliance with any such legislation that the vessel may be subject to.

#### H. Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013.

The safe manning requirements of the considered type of charter vessels has been determined through a risk assessment conducted in terms of Regulation 95 of the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 and IMO Res A.1047(27) – See Annex B.

Based on the risk assessment, the following safe manning levels are deemed to be appropriate in lieu of those tabled in part 6 of the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013:

Area of Operation		Duration of Voyage	Grade of Certificates <sup>(3)</sup>
NEAR COASTAL WATERS <sup>(1)</sup>	Less than 40nm offshore	< 14 hours	Skipper - Coastal Skipper Commercial ≥ 9m Rating - 1 x Basic Training
		≥ 14 hours	Skipper - Coastal Skipper Commercial ≥ 9m Mate - Coastal Skipper < 9m Engineer - <750kW – Not Required <sup>(4)</sup> ≥750kW Shore based maintenance contract required or STCW III/3 Rating - 1 x Basic Training
	Any distance from shore	< 14 hours	Skipper - Skipper Offshore Commercial ≥ 9m Rating - 1 x Basic Training
		≥ 14 hours	Skipper - Skipper Offshore Commercial ≥ 9m Mate - Coastal Skipper < 9m Engineer - <750kW - Not Required <sup>(4)</sup> ≥750kW Shore based maintenance contract required or STCW III/3 Ratings - 1 x Basic Training
UNLIMITED VOYAGE <sup>(2)</sup>	Less than 40nm offshore	< 14 hours	Skipper - Coastal Skipper Commercial ≥ 9m Rating - 1 x Basic Training <sup>(5)</sup> Engineer - <750kW - Not Required <sup>(4)</sup> ≥750kW - STCW III/3 <sup>(5)</sup>
		≥ 14 hours	Skipper - Coastal Skipper Commercial ≥ 9m Mate - Coastal Skipper < 9m Engineer - <750kW - Not Required <sup>(4)</sup> ≥750kW - STCW III/3 Rating - 1 x Basic Training
	Any distance from shore	< 14 hours	Skipper - Skipper Offshore Commercial ≥ 9m Rating - 1 x Basic Training
		≥ 14 hours	Skipper - Skipper Offshore Commercial ≥ 9m Mate - Coastal Skipper < 9m Engineer - <750kW - Not Required <sup>(4)</sup> ≥750kW - STCW III/3 Ratings - 1 x Basic Training
<b>Certificate Endorsements</b>			
Endorsements for Sailing Vessel, Diving or Surf launch operation(s)		Skipper Certificate of Competency to be appropriately endorsed as per National Certification Regime.	
<b>Notes</b>			
<ol style="list-style-type: none"> <li>“Near Coastal Waters” means waters under South African jurisdiction and adjoining waters under the jurisdiction of another Administration with which a near coastal voyage limit agreement has been entered into.</li> <li>“Unlimited Voyage” means a voyage other than one contemplated in the definition of near-coastal voyage and port operations.</li> <li>The skipper, mate and crew are required to maintain all elements of their applicable training certification and basic training certification (STCW if required) in date when operating; viz, <ul style="list-style-type: none"> <li>- Medical fitness</li> <li>- First aid training</li> <li>- Personal safety training</li> <li>- Fire fighting training</li> <li>- Radio Telephone Operator training</li> </ul> </li> <li>SAMSA Small Vessel Code includes appropriate “power plant modules” (module 1 to 3).</li> <li>If an STCW III/3 engineer is required, then a Rating is not required to be carried.</li> </ol>			

#### 4. SURVEY OF SAIL OR POWER YACHTS USED FOR CHARTER

The NSVR defines six categories of operation, namely A, B, C, D, E and R, that relate to the distance that the vessel is intending to operate from shore. These categories are used to establish the compliance requirements for the design and construction of the vessel and provision of safety appliances and equipment to be provided on the vessel. Charter vessels

operating in South African waters must be assigned one of the above categories as appropriate to their operations, however, charter vessels operating outside of South African waters must be certificated for category A operations.

The following statutory elements apply for the approval, survey and certification of charter vessels.

**A. New Buildings – Plans and Particulars and Attendance during Construction**

Owners or builders are required to comply with Regulation 4 of the NSVR and Marine Circular 4 of 2013.

**B. Existing Vessels – Plans and Particulars**

Existing pleasure vessels that are presented for approval and survey as charter vessels must be regarded as a “Fait Accompli” vessels. Owners must be required to submit plans and particulars retro-actively for review in accordance with Regulation 4 of the NSVR and Marine Circular 4 of 2013.

**C. Tonnage Computations**

Vessel’s less than 14m registered length shall be assumed to be under 25 GT. Vessel’s greater than or equal to 14m registered length shall be assumed to be over 25 GT. Owners of vessel’s greater than 14m registered length who consider their vessel to be less than 25 GT shall be required to submit a tonnage computation, carried out in accordance with applicable provisions of the Tonnage Regulations, 1986, to SAMSA to confirm this, failing which the vessel shall be considered to be over 25 GT.

Vessel’s less than 24m registered length shall be considered to be under 100 GT. Vessels greater than or equal to 24m registered length shall be required to submit suitable scale drawings to SAMSA so that the vessel register tonnage can be computed in accordance with applicable provisions of the Tonnage Regulations, 1986. Following computation of the register tonnage, legislation shall be applied, as applicable.

**D. Vessel Registration or Licencing**

The vessel is required to be registered or licenced in accordance with applicable legislation. Registration is compulsory for vessels anticipating voyages outside of South African waters.

**E. Safe Manning Document**

After consideration of the vessel size, area of operation and installed power, a Minimum Safe Manning Certificate must be issued for the vessel in terms of regulation 116(2) using the table provided in paragraph 3.G above; with a validity period as described in the regulation.

Vessel’s with an overall length greater than 9m may be issued with a safe manning document.

Vessel’s with a registered length greater than 14m shall be issued with a safe manning document.

**F. Survey for LGSC**

The survey must be conducted by a SAMSA surveyor or surveyors specifically appointed by SAMSA for this purpose (Safety Officers from Authorised Agencies may not carry out surveys of these vessels).

On satisfactory completion of the survey, including applicable internal and external inspection requirements (dry dock survey), a Local General Safety Certificate must be issued in accordance the Merchant Shipping Act confirming compliance with the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 and the Merchant Shipping (Collision and Distress Signals) Regulations, 2005 as applicable.

**NB:** The exemption certificate is approved for all sailing and power driven yachts of between 25 and 100 Gross Tons used for commercial charter operations carrying not more than 12 passengers; there is accordingly no requirement to issue individual exemption certificates at the time of annual survey.

**5. CONCLUSION**

This marine notice is published to facilitate practical survey and certification of South African registered or licenced sail or power yachts used for charter purposes being greater than 25 GT but less than 100 GT.

The marine notice is published in the interests of vessel safety and promotion of the South African ship and boat building industry and may be reviewed from time to time.

**27 March 2014**

**SM6/5/2/1**

Issued by and obtainable from:  
**The South African Maritime Safety Authority**  
**146 Lunnon Road**  
**Hillcrest, Pretoria**

**PO Box 13186**  
**Hatfield 0028**

**Tel: +27 12 366 2600**

**Fax: +27 12 366 2601**

**E-mail: [marinenotices@samsa.org.za](mailto:marinenotices@samsa.org.za)**

**Web Site : [www.samsa.org.za](http://www.samsa.org.za)**

ANNEX A

**SAFETY EXEMPTION CERTIFICATE FOR SAIL AND MOTOR YACHTS OF OVER 25 GT BUT LESS THAN 100 GT USED FOR CHARTER PURPOSES.**



**REPUBLIC OF SOUTH AFRICA**

**South African Maritime Safety Authority**

(Merchant Shipping Act 57 of 1951, as amended)

Certificate No. ## ###/##

**EXEMPTION CERTIFICATE**

Issued under the provisions of the  
MERCHANT SHIPPING ACT, ACT 57 of 1951, as amended

under the Authority of the Government of  
**THE REPUBLIC OF SOUTH AFRICA**  
by **THE SOUTH AFRICAN MARITIME SAFETY AUTHORITY**

PARTICULARS OF VESSEL					
Name of ship	Port of Registry	Distinctive numbers or letters	IMO Number	Gross Tonnage / Length Overall	Number of crew (including master)
<b>All sailing and power driven yachts of between 25 and 100 Gross Tons used for commercial charter operations carrying not more than 12 passengers.</b>					

**THIS IS TO CERTIFY:**

That the above-mentioned ship is, under the authority conferred by:

- a. Regulation 198 of the Construction Regulations, 1968 – Ship exempt from applicable requirements of the Construction Regulations, 1968.
- b. Regulations 47 and 118 of the Life Saving Equipment Regulations, 1968 – Equivalent requirements from the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 are to be used.
- c. Regulation 82 of the Safety of Navigation Regulations, 1968 – Applicable requirements of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 are regarded as equivalent to applicable requirements of the Safety of Navigation Regulations, 1968.
- d. Regulation 151 of the Load Line Regulations, 1968 – Ship exempt from applicable requirements of the Load Line Regulations, 1968.
- e. Regulation 4(3) of the Merchant Shipping (Radio Installations) Regulations, 2002, as amended – Ship exempt from applicable requirements of the Merchant Shipping (Radio Installation) Regulations, 2002, as amended.

Conditions, if any, on which the Exemption Certificate is granted:

The vessel is required to comply with requirements of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, and the Merchant Shipping (Collision and Distress Signals) Regulations, 2005; as applicable. The vessel may not carry cargo.

Voyages, if any, for which the Exemption Certificate is granted:

<As stated in the LGSC>

This certificate will remain in force until rescinded, subject to the LOCAL GENERAL SAFETY CERTIFICATE (to which this certificate is attached) remaining valid.

Issued at ##### this day of

*Nigel Campbell*  
Head Centre for Shipping

## ANNEX B

### RISK ASSESSMENT FOR THE DETERMINATION OF MINIMUM SAFE MANNING LEVELS

The safe manning requirements of the considered type of charter vessels has been determined through a risk assessment conducted in terms of Regulation 95 of the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 and IMO Res A.1047(27) as follows:

Risk Elements	Description
Size and type of ship	Traditional pleasure vessel of greater than 9m in length overall but less than 100 GT utilised for commercial charter operations carrying not more than 12 passengers.
Number, size and type of main propulsion units and auxiliaries;	Power and Sailing vessels with not more than 750 kW installed main propulsion power and all power-driven vessels provided with outboard engines.
Level of ship automation;	It is assumed that engine(s) and steering machinery are controlled and monitored from the steering position.
Construction and equipment of the ship;	Ships comply with applicable provisions of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 (NSVR).
Method of maintenance used;	Owners and skippers maintain machinery in accordance with provisions of NSVR.
Cargo to be carried;	No cargo may be carried. Only stores and provisions in support of the charter operation allowed to be carried. Vessels built for sports fishing may only carry fish in holds/spaces designed/appropriated for that specific purpose.
Frequency of port calls, length and nature of voyages to be undertaken;	Risks assessed for the following charter operations: <ul style="list-style-type: none"> <li>- &lt; 40nm from shore</li> <li>- ≥ 40nm from shore</li> <li>- Voyages &lt; 14 hours duration</li> <li>- Voyages ≥ 14 hours duration</li> </ul>
Trading area(s), waters and operations in which the ship is involved;	Near-coastal (domestic) and unlimited (foreign) voyages considered.
Extent to which training activities are conducted on board;	Compliance with regulation 7 of NSVR required; viz, Essential safety information prior to sailing; Weekly abandon ship, fire fighting and man overboard drills.
Degree of shore side support provided to the ship by the company;	Vessel to be maintained in a seaworthy condition for the stated operation and in compliance with the NSVR.
Applicable work hour limits and/or rest requirements; and	Two person watch system envisaged for voyages of duration greater than 14 hours to ensure minimum of 10 hours rest in any 24 hour period.

Considering the above risk elements, the following safe manning levels are deemed to be appropriate in lieu of those tabled in part 6 of the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013

Area of Operation	Duration of Voyage	Grade of Certificates
Less than 40nm Offshore	< 14 hours	Skipper - Coastal Skipper Commercial $\geq$ 9m Rating - 1 x Basic Training
	$\geq$ 14 hours	Skipper - Coastal Skipper Commercial $\geq$ 9m Mate - Coastal Skipper < 9m Rating - 1 x Basic Training
Any distance from shore	< 14 hours	Skipper - Skipper Offshore Commercial $\geq$ 9m Rating - 1 x Basic Training
	$\geq$ 14 hours	Skipper - Skipper Offshore Commercial $\geq$ 9m Mate - Coastal Skipper < 9m Ratings - 2 x Basic Training
	Power > 750 kW	Engineer - STCW III/3
Certificate Endorsements		
Endorsements for Sailing Vessel, Diving or Surf launch operation(s)	Skipper Certificate of Competency to be appropriately endorsed as per National Certification Regime.	
Maintenance of Training Certificates		
Skipper, mate and crew are required to maintain all elements of their basic training certification in date when operating.		

The above safe manning scales satisfy the principles of minimum safe manning (Res A.1047(27), Annex 1, para 3) as follows:

### 3. Principles of minimum safe manning

3.1 The following principles should be observed in determining the minimum safe manning of a ship:

.1 the capability to:

- .1 maintain safe navigational, port, engineering and radio watches in accordance with regulation VIII/2 of the 1978 STCW Convention, as amended, and also maintain general surveillance of the ship;
- .2 moor and unmoor the ship safely;
- .3 manage the safety functions of the ship when employed in a stationary or near-stationary mode at sea;
- .4 perform operations, as appropriate, for the prevention of damage to the marine environment;
- .5 maintain the safety arrangements and the cleanliness of all accessible spaces to minimize the risk of fire;
- .6 provide for medical care on board ship;
- .7 ensure safe carriage of cargo during transit;
- .8 inspect and maintain, as appropriate, the structural integrity of the ship; and
- .9 operate in accordance with the approved Ship's Security Plan.

**3.1.1.1 to 3.1.1.8 - The manning scales (No. of officers and ratings) provide for a sufficient number of persons to carry out the requisite functions.**

**3.1.1.9 - Not Applicable.**

.2 the ability to:

- .1 operate all watertight closing arrangements and maintain them in effective condition, and also deploy a competent damage control party;
- .2 operate all onboard fire-fighting and emergency equipment and life-saving appliances, carry out such maintenance of this equipment as is required to be done at sea, and muster and disembark all persons on board; and



- .3 operate the main propulsion and auxiliary machinery including pollution prevention equipment and maintain them in a safe condition to enable the ship to overcome the foreseeable perils of the voyage.

**3.1.2.1 to 3.1.2.3 - The manning scales (No. of officers and ratings) provide for a sufficient number of persons to carry out the requisite functions.**

**The requirement of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 for provision and maintenance of safety equipment, conduct of safety inductions and conduct of safety drills ensures the readiness of the vessel and crew for the eventuality of a safety incident at sea.**

3.2 The following onboard functions, when applicable, should also be taken into account:

- .1 ongoing training requirements for all personnel, including the operation and use of fire-fighting and emergency equipment, life-saving appliances and watertight closing arrangements;
- .2 specialized training requirements for particular types of ships and in instances where crew members are engaged in shipboard tasks that cross departmental boundaries;
- .3 provision of proper food and drinking water;
- .4 need to undertake emergency duties and responsibilities; and
- .5 need to provide training opportunities for entrant seafarers to allow them to gain the training and experience needed.

**3.2.1 and 3.2.4 - The requirement of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 for provision and maintenance of safety equipment, conduct of safety inductions and conduct of safety drills ensures the readiness of the vessel and crew for the eventuality of a safety incident at sea.**

**3.2.2 - The Merchant Shipping (National Small Vessel Safety) Regulations, 2007 require the endorsement of a skippers certificate of competency for the conduct of specialised operations (sailing, diving, surf launching).**

**3.2.3 - The Merchant Shipping (National Small Vessel Safety) Regulations, 2007 require the provision of emergency rations. The success of the envisaged charter operation will additionally depend on the owner/skippers ability to provide an enjoyable experience which will include the provision of suitable refreshments.**

**3.2.5 - The manning scales allow for a rating with “Basic Training” to advance to the level of “Skipper Offshore Commercial > 9m”.**