



South African Maritime Safety Authority

Ref: SM 6/5/2/1

Date: 2 June 2020

Marine Notice No. 31 of 2020

SAMSA's risk-based response to the COVID-19 pandemic on Small Vessels and Essential Fishing Vessels

TO ALL REGIONAL MANAGERS, PRINCIPAL OFFICERS, SURVEYORS, AUTHORISED AGENTS, SAFETY OFFICERS, SAMSA APPOINTED EXTERNAL EXAMINERS, BOAT OWNERS AND OTHER INTERESTED AND AFFECTED PARTIES

To be read in conjunction with Marine Notice 23 of 2020: COVID-19 – Process for extension of Certificates; Marine Notice 24 of 2020: Medical Evacuations from Vessels (MEDEVAC); Marine Notice 26 of 2020: Coronavirus Information and Emergency Contact details; Marine Notice 28 of 2020: COVID-19 – Vessel Preparedness for Shore-Based Personnel Interaction; Marine Notice 29 of 2020: SAMSA Services Available at National Risk Level 3 & Marine Notice 30 of 2020: COVID-19 Level 3 Crew Changes

Marine Notice No 27 of 2020 is cancelled

Summary

This marine notice serves to guide all vessel operators on the type of operations that may be permitted under the various "Covid-19" risk levels as they become effective.

ABREVIATIONS			
CPUT	Cape Peninsula University of Technology	OPL	Off Port Limits
DUT	Durban University of Technology	NSRI	National Sea Rescue Institute
DMA	Disaster Management Act	NSVR	Merchant Shipping (National Small Vessel Safety) Regulations 2007
MSA	Merchant Shipping Act, 1951 (Act No. 57 of 1951)	DIRCO	Department of International Relations and Cooperation
DoT	Department of Transport	DT	Department of Tourism
COGTA	Cooperative Governance and Traditional Affairs		

THIS MARINE NOTICE COVERS THE SERVICES THAT WILL BE PROVIDED TO VESSELS UNDER THE SURVEY REGIME BY SAMSA.

THIS DOES NOT PRECLUDE ANY OPERATIONS WHICH MAY BE PROHIBITED BY OTHER GOVERNMENT DEPARTMENTS AND DISASTER MANAGEMENT REGULATIONS.

OWNERS AND VESSEL OPERATORS ARE TO ENSURE THAT THEY HAVE A FULL UNDERSTANDING OF ANY DMA REGULATIONS ISSUED BY THE COGTA.

1. BACKGROUND

The ongoing COVID-19 pandemic continues to pose a significant threat to the health of seafarers. This infection is similar to the seasonal flu, except it spreads more easily than flu and has a higher death rate, especially in older people who also have other illnesses like heart problems, high blood pressure and diabetes. Table 2 is SAMSA’s interpretation of general regulations (or absence thereof) made by government departments on matters specific to small vessel operations.

2. RISK BASED APPROACH

The government has to balance the need to resume economic activity with the imperative to contain the virus and save lives. To achieve this, the government has developed an approach that determines the measures it should have in place based on the direction of the pandemic in our country. As part of this approach, there will be five coronavirus alert levels and the table below indicate when SAMSA offices will close/open. When offices are closed or open, clients are encouraged to use the following office service email address to book allowable services as SAMSA Port telephones may not be monitored.

Pretoria:	Inspections@samsa.org.za	Durban:	durbanops@samsa.org.za
Cape Town:	samsacpt@samsa.org.za	Richards Bay:	samsarb@samsa.org.za
Saldanha Bay:	saldanhabayoffice@samsa.org.za	East London:	elreception@samsa.org.za
Port Elizabeth:	pereception@samsa.org.za	Mossel Bay:	mbreception@samsa.org.za
Port of Ngqura:	ponreception@samsa.org.za	Port Nolloth:	jcoraizin@samsa.org.za

Table 1: SAMSA Alert Levels

LEVEL	LEGISLATIVE DEFINITION	MARITIME OPERATIONS INTERPRETATION
5	Means that drastic measures are required to contain the spread of the virus to save lives.	Means Port Offices remain closed. All Certificates for Vessels and Seafarers will be extended on application. Emergency Response only. Essential Service Vessel Dry Docks and Cargo Inspections will be conducted on a case by case basis. Service to be requested via email application at least 72hrs before service is required.
4	Means that some activities can be allowed to resume subject to extreme precautions required to limit community transmission and outbreaks.	Means Port Offices remain closed. Surveyors deploy from home. Service to be requested via email application at least 72hrs before service is required.
3	Involves the easing of some restrictions, including on work and social activities, to address a high risk of transmission.	Means limited staff at Port Offices on a shift rotation some services are based on a case by case basis, but most services continue. <u>Public may only visit the port office from 0800(lt) to 1200(lt)</u> . Where possible, visits to an office should be avoided and email service requests to be submitted. Masks essential to be allowed onto premises. Social Distancing to be maintained. 72 Hours’ Notice required for service. Clients to be advised that delays may be experienced in the issue of certification.
2	Involves the further easing of restrictions, but the maintenance of physical distancing and restrictions on some leisure and social activities to prevent a resurgence of the virus	Means all Port Offices open, normal working hours resume. Most services resume in each port office. Limited domestic air travel allowed. Masks essential to be allowed onto premises. Social Distancing to be maintained.
1	Means that most normal activity can resume, with precautions and health guidelines followed at all times.	Normal Operations resume. International Travel allowed.

3. IMPLEMENTATION

SAMSA received numerous requests to clarify which training and services are allowable under different Lockdown levels. This Marine Notice thus also seeks to provide clarity to the industry with respect of SAMSA services rendered under different Lockdown levels. Table 2 below gives a brief summary of Permitted Operations.

Table 2 –PERMITTED SERVICES

Permitted activities at Level 1-3 are subject to approval of multiple government departments and the level of activity may change.

NO	VESSEL	LEVEL					REMARKS
		5	4	3	2	1	
1	Essential Services	X	X	X	X	X	Port Authority Vessels, Emergency Response Vessels, Approved OPL Vessels ⁽¹⁾
2	NSRI	X	X	X	X	X	NSRI is regarded as an essential service and is allowed to maintain their rescue boats and conduct exercises and training to ensure operational readiness in the event of an emergency
3	Fishing	X	X	X	X	X	Commercial Permit Holders and Small-Scale Fishers with permits
4	Commercial operations			X	X	X	Charter fishing, whale watching, shark diving, diving, guided canoe tours, passenger vessel operations ⁽²⁾
5	Sport & Recreational			X	X	X	All vessels with valid certificate of fitness ⁽³⁾
6	Canoeing and kayaking			X	X	X	Only canoeing and kayaking for exercise purposes and in compliance with local authority rules. ⁽⁴⁾
7	International Yacht deliveries		X	X	X	X	Provided clearance obtained by immigration and customs and the country of destination do not have objections to yachts arriving in their ports or harbours.
8	Foreign registered yachts		X	X	X	X	The regulations are clear that all foreign nationals requesting to exit SA must apply via their embassy to DIRCO for approval. ⁽⁵⁾
9	All vessels at moorings	X	X	X	X	X	Owners allowed to visit their boats for purpose of ensuring boats are still safely moored and not sinking alongside; ⁽⁶⁾
10	Surveying yachts for registration purposes		X	X	X	X	This is part and parcel of boat building which is allowed at risk level 4.
11	Surveying of small vessels to issue CoF			X	X	X	Provided all required precautionary measures has been taken by the boat owner and surveyor/safety officer.
12	Surveying of small vessels to issue LGSC ⁽⁷⁾			X	X	X	Provided all required precautionary measures has been taken by the boat owner and surveyor.
13	All accredited training			X ⁽⁸⁾	X	X	Except DUT and CPUT that is governed by DHET
Note:							
(1) Approved OPL Vessels engaged in providing essential services from a port.							
(2) Based on tourism opening up and local authority restrictions such as DEFF							
(3) Subject to DMA determinations.							
(4) Subject to the Department Sport & Recreation							
(5) Amendment Directions to the Directions published in Government Gazette No. 43162, Government Notice No. 416 of 26 March 2020, or as amended from time to time							

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| | <p>(6) Traveling to the yacht club or place of mooring and back home must be in compliance with traveling requirements as per DoT regulations – Owners also to comply with any rules set out by the local yacht club or place of mooring.</p> <p>(7) Excluding LGSC for boats use for Essential Services and Fishing in rows 1 and 2.</p> <p>(8) Practical <i>ship handling</i> training only permitted for approved commercial training vessels during daylight hours.</p> |
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The above restrictions are for small vessels going to sea and operating on sheltered waters.

Members of the public who reside permanently on board a vessel, specifically those within the yachting fraternity shall **not** “go to sea” or leave their designated mooring during risk level 4 and 5.

All vessel owners and skippers are reminded that self-isolation or quarantine rules and regulations may apply to them for a period of 14 days when they sail or return to port. It is therefore imperative that vessel owners/skippers obtain clarity from their local immigration, port health or port authorities on the protocols to follow when returning to port.

4. CERTIFICATES OF FITNESS

SAMSA appointed External Surveyors and Authorised Agencies and their Safety Officers may conduct surveys in terms of issuing a “Certificates of Fitness” to a vessel based on Table 2. Surveyors and Safety Officers are reminded that in order to facilitate services, all Safety Precautions and PPE should be in place, prior to delivering a service. Surveyors and Safety Officers conduct these services at own risk.

Owners are reminded that they have to comply with the latest DMA Regulations issued by COGCTA which will stipulate which types of operations may be conducted and under what conditions.

Guidance given under Marine Notice 28 of 2020 to be adhered to.

5. AUTHORITY TO REFUSE OR AMEND A SERVICE

The Principal Officer may at any time refuse a service if he/she considers the risk for any level is not appropriately mitigated.

6. SAFE MANNING

Owners/Masters/Skippers are reminded to adhere to the requirements of Safe Manning of the vessel to ensure that the vessel can safely operate and is efficiently and sufficiently manned at all times.

Vessels shall not proceed to sea or operate on Sheltered Waters without Safe Manning requirements being adhered to. Vessel Owners and Skippers will be held liable if they are found to have proceeded to sea or operated on Sheltered Waters without the correct safe manning and may be subject to a fine and/or prison sentence, as prescribed by the MSA or NSVR as amended.

7. SUBJECT TO OTHER REGULATIONS

Where appropriate, SAMSA will consider and align its permissible services list for small vessels around the easing of lockdown restrictions from other Government Departments, in addition to the requirements of Department of Transport and the Disaster Management Act. Certain activities may be subject to dual approvals. For example, if the Department of Tourism do not allow tourism activities, then passenger vessels may not operate until such time as Tourism activities are allowed.

The Government Departments that are regulating the activities of various sectors, are defined as below:

“*Sport & Recreational*” activities: Department of Sport & Recreation allowing watersport activities.

“*Recreational Fishing*” activities: The Department of Environment, Forestry and Fisheries (DEFF) allowing recreational fishing.

“*Tourism*” activities: The Department of Tourism allowing tourism activities

“*Vessel Export*” activities: Subject to Department of Home Affairs and Port Health approvals.

“*Training*” activities: Based on the Department of Higher Education and Training for the Standard industrial classification of all economic activities

“*Disaster Management*”: The Department of Cooperative Governance and Traditional Affairs

SAMSA’s services are based on these regulations and evaluating the risk that its own personnel is exposed to.

8. CONCLUSION

SAMSA requests all stakeholders within the small boating fraternity to abide by the lockdown protocol as detailed in this Marine Notice and any regulations published in terms of the DISASTER MANAGEMENT ACT, 2002.

The relevant risk level will change as determined by the DMA and may be different in the various provinces depending on the spread of the virus.

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