

No. R. 501

26 April 2002

MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951)

**MERCHANT SHIPPING (SAFE MANNING) (AMENDMENT)
REGULATIONS, 2002**

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule.

SCHEDULE**Title and commencement**

1. These regulations are called the Merchant Shipping (Safe Manning) (Amendment) Regulations, 2002.

Interpretation

2. In these regulations "the Regulations" means the Merchant Shipping (Safe Manning) Regulations, 1999, published by Government Notice No. 1548 of 30 December 1999.

Amendment of regulation 1 of Regulations

3. Regulation 1 of the Regulations is amended—

- (a) by the substitution in subregulation (1) for the definitions of "certificated" and "contravene" of the following definitions, respectively:

" 'certificated', except in relation to a radio operator, means duly certificated under the Act or deemed under the Act to be so certificated, and, in relation to a radio operator, means holding a valid appropriate certificate of proficiency issued or recognized by or on behalf of the Independent Communications Authority of South Africa;

'contravene', in relation to a provision of these regulations, includes failing or refusing to comply with that provision;"

- (b) by the substitution in subregulation (1) for the definition of "near-coastal voyage" of the following definition:

" 'near-coastal voyage' means a voyage made exclusively within waters under South African jurisdiction by a ship of less than 500 GT;"

- (c) by the substitution in subregulation (1) for the definition of "port operations" of the following definition:

- " 'port operations' means voyages confined to the sea area within a radius of 15 nautical miles measured—
- (a) in the case of the port of Saldanha Bay, from the mid-point of an imaginary line joining the North Head and South Head lights; and
 - (b) in the case of any other port in the Republic, from the outermost breakwater light;"
- (d) by the substitution in subregulation (1) for the definition of "radio officer" of the following definition:
- " 'radio operator' means a person having responsibility for the operation of the radio installations on a ship;"
- (e) by the substitution in subregulation (1) for the definition of "safe manning document" of the following definition:
- " 'safe manning document' means a document that describes the minimum manning considered necessary to ensure that a ship is sufficiently and efficiently manned, and that is issued—
- (a) in the case of a ship that is registered or licensed in the Republic, by the Authority; and
 - (b) in the case of any other ship, by or under the authority of the flag State;"
- and
- (f) by the addition to subregulation (1) of the following definition:
- " 'waters under South African jurisdiction' means waters comprising—
- (a) the internal and territorial waters of the Republic; and
 - (b) the exclusive economic zone of the Republic."

Substitution of regulation 8 of Regulations

4. The following regulation is substituted for regulation 8 of the Regulations:

"Employment of qualified personnel on tankers and passenger ships

8. (1) The owner and master of every tanker shall ensure that—
- (a) every officer and rating assigned specific duties and responsibilities related to cargo or cargo equipment on the ship; and
 - (b) the master, chief engineer officer, chief mate, second engineer officer and every other person with immediate responsibility for loading, discharging and care in transit or handling of cargo on the ship,
- holds either—
- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 51 of the Training and Certification

Regulations relative to his or her capacity, duties and responsibilities on the ship; or

- (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/1 of that Convention relative to his or her capacity, duties and responsibilities on the ship.
- (2) The owner and master of every ro-ro passenger ship shall ensure that—
- (a) the master, officers and ratings serving on the ship hold either—
 - (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 52 of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
 - (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/2 of that Convention relative to their capacity, duties and responsibilities on the ship; and
 - (b) the other personnel serving on the ship hold either—
 - (i) documentary evidence of compliance with the provisions of regulation 52 of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
 - (ii) documentary evidence, issued by or on behalf of another party to the STCW Convention, of compliance with the provisions of regulation V/2 of that Convention relative to their capacity, duties and responsibilities on the ship.
- (3) The owner and master of every passenger ship, other than a ro-ro passenger ship, engaged on unlimited voyages shall ensure that—
- (a) the master, officers and ratings serving on the ship hold either—
 - (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 52A of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
 - (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/3 of that Convention relative to their capacity, duties and responsibilities on the ship; and
 - (b) the other personnel serving on the ship hold either—
 - (i) documentary evidence of compliance with the provisions of regulation 52A of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
 - (ii) documentary evidence, issued by or on behalf of another party to the STCW Convention, of compliance with the provisions of regulation V/3 of that Convention relative to their capacity, duties and responsibilities on the ship."

Amendment of regulation 10 of Regulations

5. Regulation 10 of the Regulations is amended—

(a) by the substitution for paragraph (b) of subregulation (2) of the following paragraph:

"(b) a statement by the applicant, confirmed by or on behalf of another party to the STCW Convention, that his or her level of proficiency in the English language meets the relevant requirements of the STCW Convention;" and

(b) by the substitution for paragraph (a) of subregulation (5) of the following paragraph:

"(a) the holder shows, through any inability, that he or she does not meet the level of competency or knowledge required for the equivalent certificate of competency, or that his or her level of proficiency in the English language does not meet the relevant requirements of the STCW Convention;"

Amendment of regulation 11 of Regulations

6. Regulation 11 of the Regulations is amended—

(a) by the substitution in subregulation (1) for notes (B) and (C) to the table of the following notes, respectively:

"(B) Mate's certificate to be endorsed: 'Chief mate of a ship of less than 3 000 GT on unlimited voyages'.

(C) Certificate to be endorsed: 'Master of a ship of less than 3 000 GT on unlimited voyages'."; and

(b) by the substitution for subregulation (2) of the following subregulation:

"(2) The owner and master of every ship of 100 GT or more that—

(a) conducts mining operations within waters under South African jurisdiction; and

(b) so operates at anchor for two-thirds or more of the time spent at sea between port calls,

shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated deck officers specified in the table below:

Item	Gross tonnage of ship	Title of certificate and number of certificated deck officers to be employed				
		Mate (Coastal)	Master (Coastal)	Deck Officer	Chief Mate	Master
1	100 or more, but less than 500	1	1	—	—	—
2	500 or more, but less than 3 000	—	—	1(A)	1(B)	—

Item	Gross tonnage of ship	Title of certificate and number of certificated deck officers to be employed				
		Mate (Coastal)	Master (Coastal)	Deck Officer	Chief Mate	Master
3	3 000 or more	—	—	1	1	1

Notes:

(A) Certificate to be endorsed: 'Chief mate of a ship of less than 3 000 GT on unlimited voyages'.

(B) Certificate to be endorsed: 'Master of a ship of less than 3 000 GT on unlimited voyages'.

The certificates mentioned in the table may be limited to mining operations."

Substitution of regulation 14 of Regulations

7. The following regulation is substituted for regulation 14 of the Regulations:

"Employment of certificated engineer officers and certificated marine motormen on ships of 25 GT or more, other than fishing vessels

14. (1) The owner and master of every ship of 25 GT or more, other than a fishing vessel or a ship referred to in subregulation (2), shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated engineer officers and certificated marine motormen specified in the table below:

Item	Type of voyage	Registered propulsion power of ship (kW)	Title of certificate and number of certificated engineer officers and certificated marine motormen to be employed								
			Marine Motorman Grade 1	Marine Motorman Higher Grade	Second Engineer Officer (Port Operations)	Chief Engineer Officer (Port Operations)	Engineer Officer	Second Engineer Officer (< 3 000 kW)	Second Engineer Officer (* 3 000 kW)	Chief Engineer Officer (< 3 000 kW)	Chief Engineer Officer (* 3 000 kW)
1	Port operations	less than 350	1	—	—	—	—	—	—	—	—
2	Port operations	350 or more, but less than 750	—	1	—	—	—	—	—	—	—
3	Port operations	750 or more, but less than 1 500	—	—	1	—	—	—	—	—	—
4	Port operations	1 500 or more	1	—	—	1	—	—	—	—	—
5	Near-coastal	less than 350	1	—	—	—	—	—	—	—	—
6	Near-coastal	350 or more, but less than 750	1	1	—	—	—	—	—	—	—
7	Near-coastal	750 or more, but less than 3 000	—	—	—	—	—	2	1(A)	—	—
8	Near-coastal	3 000 or more	—	—	—	—	—	1	1	—	1
9	Unlimited	less than 750	1	—	—	—	—	1	1(B)	—	—
10	Unlimited	750 or more, but less than 3 000	—	—	—	—	—	1	1	1(C)	—
11	Unlimited	3 000 or more	—	—	—	—	—	2	1	—	1

Notes:

(A) Certificate to be endorsed: 'Chief engineer officer of a ship of less than 3 000 kW propulsion power'.

(B) Certificate to be endorsed: 'Chief engineer officer of a ship of less than 750 kW propulsion power'.

(C) Or Second Engineer Officer (* 3 000 kW) endorsed 'Chief engineer officer of a ship of less than 3 000 kW propulsion power'.

(2) The owner and master of every ship of 100 GT or more that—

- (a) conducts mining operations within waters under South African jurisdiction; and
- (b) so operates at anchor for two-thirds or more of the time spent at sea between port calls,

shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated engineer officers and certificated marine motormen specified in the table below:

Item	Registered propulsion power of ship (kW)	Title of certificate and number of certificated engineer officers and certificated marine motormen to be employed				
		Marine Motorman Grade 1	Marine Motorman Higher Grade	Engineer Officer	Second Engineer Officer (< 3 000 kW)	Chief Engineer Officer (> 3 000 kW)
1	less than 750	1	1	—	—	—
2	750 or more, but less than 3 000	—	—	2	1(A)	—
3	3 000 or more	—	—	1	1	1

Note:

- (A) Certificate to be endorsed: 'Chief engineer officer of a ship of less than 3 000 kW propulsion power'.

Substitution of regulation 16 of Regulations

- 8. The following regulation is substituted for regulation 16 of the Regulations:

"Employment of certificated radio operators

16. The owner and master of every ship shall ensure that there is employed on the ship the number of certificated radio operators specified in the table below: Provided that—

- (a) if the ship is of 300 GT or more, is engaged on a near-coastal voyage and is not equipped in accordance with GMDSS requirements of the radio regulations, there shall be employed on the ship at least two radio operators who are appropriately certificated for the type of radio installation on the ship;
- (b) if the ship is equipped in accordance with the GMDSS requirements of the radio regulations and at-sea maintenance of radio equipment is to be conducted to ensure availability, at least one radio operator on the ship shall hold a valid Radio Electronic Certificate (First Class), or a recognized equivalent certificate;
- (c) if the ship is fitted with radio equipment capable of operating within the GMDSS (whether or not so fitted in compliance with statutory requirements), there shall be employed on the ship at least one radio operator who is the holder

of a valid GMDSS General Operators Certificate, or a recognized equivalent certificate;

- (d) when the radio equipment on the ship is being used for general communications, other than distress, urgency or safety communications, such general communications shall not be conducted by the deck officer on watch.

Item	Type of voyage	Gross tonnage or length of ship	Title of certificate and number of certificated radio operators to be employed		
			Restricted Radiotelephone Operators Certificate (VHF only)	Restricted Radiotelephone Operators certificate	GMDSS General Operators Certificate
1	Port operations	25 GT or more	—	1	—
2	Near-coastal	25 GT or more, but less than 300 GT	—	2	—
3	Near-coastal	300 GT or more	—	—	2
4	Fishing within 40 nautical miles offshore	25 GT or more	1	—	—
5	Fishing within 200 nautical miles offshore	25 GT or more	—	2	—
6	Fishing beyond 200 nautical miles offshore	25 GT or more, but less than 45 metres	—	2	—
7	Fishing beyond 200 nautical miles offshore	45 metres or more	—	—	2
8	Unlimited	100 GT or more, but less than 300 GT	—	2	—
9	Unlimited	300 GT or more	—	—	2".

Amendment of regulation 17 of Regulations

9. Regulation 17 of the Regulations is amended by the addition of the following paragraph:

- "(g) on ships engaged solely in port operations, there may be employed, instead of the ratings qualified as able seamen or oilers, ratings qualified as general purpose ratings (port operations).".

Amendment of regulation 23 of Regulations

10. Regulation 23 of the Regulations is amended—

- (a) by the substitution for subregulation (1) of the following subregulation:

"(1) (a) The certificates or endorsements specified in the second and third columns of an item in the table below are, subject to paragraph (b), to be taken to be equivalent to the certificate or endorsement, as the case may be, specified in the fourth column of that item.

(b) If the certificate or endorsement specified in the fourth column of an item in the table is subject to additional qualification requirements in terms of the Training and Certification Regulations, documentary evidence of compliance with those requirements, or so much thereof as the Authority may direct, is to be produced within the time and in the manner that the Authority directs.

Item	Title of certificate issued before commencement of repealed regulations	Equivalent certificate or endorsement under repealed regulations	Equivalent certificate or endorsement under Training and Certification Regulations
1	Master of a foreign-going ship	Deck Officer Class 1	Master
2	—	Deck Officer Class 2 endorsed Master (Limited Trade)	Chief Mate endorsed: —Master of a ship of less than 3000 GT on unlimited voyages
3	Chief Navigating Officer of a foreign-going ship	Deck Officer Class 2 endorsed Master (Short Sea Trade)	Chief Mate endorsed: —Master of a ship of less than 500 GT on near-coastal voyages
4	—	Deck Officer Class 2	Chief Mate
5	—	Deck Officer Class 3 endorsed Master (Limited Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on unlimited voyages —Chief Mate of a ship of less than 3 000 GT on unlimited voyages
6	—	Deck Officer Class 3 endorsed Master (Short Sea Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on near-coastal voyages —Chief Mate of a ship of less than 3 000 GT on unlimited voyages
7	Second Navigating Officer of a foreign-going ship	Deck Officer Class 3	Deck Officer
8	—	Deck Officer Class 4 endorsed Master (Limited Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on unlimited voyages
9	Master of a coasting ship of 100 GT or more	Deck Officer Class 4 endorsed Master (Short Sea Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on near-coastal voyages
10	—	Deck Officer Class 4 endorsed Master (Port Operation)	Deck Officer endorsed: —Master of a ship of any tonnage operating within a port operations area
11	—	Deck Officer Class 4 endorsed Port Operation Service	Master (Port Operations)
12	—	Deck Officer Class 4	Deck officer

Item	Title of certificate issued before commencement of repealed regulations	Equivalent certificate or endorsement under repealed regulations	Equivalent certificate or endorsement under Training and Certification Regulations
13	—	Deck Officer Class 5 endorsed Master (Short Sea Trade)	Mate (Coastal) endorsed: — <i>Master of a ship of less than 500 GT on near-coastal voyages</i>
14	—	Deck Officer Class 5 endorsed Master (Port Operation)	Mate (Coastal) endorsed: — <i>Master of a ship of any tonnage operating within a port operations area</i>
15	—	Deck Officer Class 5 endorsed Port Operation Service	Master (Port Operations)
16	Navigating Officer of a coasting ship of 100 GT or more	Deck Officer Class 5	Mate (Coastal)
17	—	Deck Officer Class 6 (Unlimited Trade)	Skipper (Unlimited)
18	—	Deck Officer Class 6 (Short Sea Trade)	Skipper (Coastal)
19	—	Deck Officer Class 6 (Restricted Trade)	Skipper (Port Operations)
20	—	Dangerous Cargo Endorsement (Petroleum), (Chemical) or (Gas)	Tanker Cargo Endorsement (Petroleum), (Chemical) or (Gas), as appropriate
21	Skipper of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 2	Fisherman Grade 2
22	Mate of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 3	Fisherman Grade 3
23	Boatswain of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 4 (Skipper)	Fisherman Grade 4 (Skipper)
24	Skipper of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT	Fisherman Grade 4 (Skipper)	Fisherman Grade 4 (Skipper)
25	Mate of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT	Fisherman Grade 4 (Watchkeeper)	Fisherman Grade 4 (Watchkeeper)
26	—	Fisherman Grade 4	Fisherman Grade 4 (Skipper)
27	Chief Engineer-Officer of a foreign-going ship	Marine Engineer-Officer Class 1	Chief Engineer Officer (• 3 000 kW)
28	Second Engineer-Officer of a foreign-going ship	Marine Engineer-Officer Class 2	Second Engineer Officer (• 3 000 kW) endorsed: — <i>Chief Engineer Officer of a ship of less than 3 000 kW propulsion power</i>

Item	Title of certificate issued before commencement of repealed regulations	Equivalent certificate or endorsement under repealed regulations	Equivalent certificate or endorsement under Training and Certification Regulations
29	—	Marine Engineer-Officer Class 3 with Service Endorsement	Second Engineer Officer (< 3 000 kW) endorsed: — <i>Chief Engineer Officer of a ship of less than 750 kW propulsion power</i> — <i>Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area</i>
30	Chief Engineer-Officer of a coasting ship	Marine Engineer-Officer Class 3	(a) Second Engineer Officer (< 3 000 kW) endorsed: — <i>Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area</i> (b) Chief Engineer Officer (Port Operations)
31	Second Engineer-Officer of a coasting ship	Marine Engineer-Officer Class 4	(a) Engineer Officer endorsed: — <i>Chief Engineer Officer of a ship of less than 1 500 kW propulsion power operating within a port operations area</i> (b) Second Engineer Officer (Port Operations)
32	—	Marine Motorman Higher Grade	Marine Motorman Higher Grade
33	Marine Engineman	Marine Motorman Grade 1	Marine Motorman Grade 1
34	Assistant Marine Engineman, any brake horsepower	Marine Motorman Grade 2	Marine Motorman Grade 2
35	Assistant Marine Engineman, under 150 brake horsepower	Marine Motorman Grade 3	Marine Motorman Grade 3
36	Able Seaman	Efficient Deck Rating	Able Seaman
37	Lifeboatman	Proficiency in Survival Craft	Proficiency in Survival Craft
38	—	Efficient Engine-room Rating	Oiler
39	—	Efficient Cook	Efficient Cook
40	—	Proficiency in Survival Craft (Local)	Proficiency in Liferrafts
41	—	Efficient General Purpose Rating	Efficient General Purpose Rating (Port Operations)";

(b) by the deletion of subregulations (2) and (3); and

(c) by the substitution for subregulation (4) of the following subregulation:

"(4) Where the holder of a certificate of competency issued under the Act before the commencement of these regulations has served in a certificated

capacity for at least 12 months in the preceding five years but is prohibited from continued employment in that capacity owing to the tonnage, propulsion power or area of operation of the ship exceeding the applicable tonnage, propulsion power or area of operation limitation, the Authority may endorse the certificate, or the equivalent certificate in terms of this regulation, as the case may be, so as to entitle the holder to continued employment in the capacity concerned on a ship having an appropriately greater tonnage, propulsion power or area of operation."

Repeal of Annex 2 to Regulations

11. Annex 2 to the Regulations is repealed.