

No. R. 502

26 April 2002

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

**MERCHANT SHIPPING (TRAINING AND CERTIFICATION)
(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 (Training and Certification) (Amendment) Regulations, 2002.

Interpretation

2. In these regulations "the Regulations" means the Merchant Shipping (Training and Certification) Regulations, 1999, published by Government Notice No. 1547 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 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;";

(b) by the deletion in subregulation (1) of the definition of "offshore";

(c) by the insertion in subregulation (1) after the definition of "near-coastal voyage" of the following definition:

"officer in charge of an engineering watch' includes a designated duty engineer officer for a periodically unmanned engine-room;";

(d) by the substitution in subregulation (1) for paragraph (a) of the definition of "operational level" of the following paragraph:

"(a) serving as officer in charge of a navigational or engineering watch or as designated duty engineer officer for periodically unmanned machinery spaces or as radio operator on a trading ship; and";

- (e) by the substitution in subregulation (1) for the definition of "port operations area" of the following definition:
 - "'port operations area' means 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;"
- (f) by the substitution in subregulation (1) for the definition of "qualifying service" of the following definition:
 - "'qualifying service', in relation to a certificate or an endorsement, means approved sea service, sea service or port operations service, as the case may be;" and
- (g) 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."

Amendment of regulation 2 of Regulations

- 4. Regulation 2 of the Regulations is amended—
- (a) by the substitution for subparagraph (iii) of subregulation (3)(c) of the following subparagraph:
 - "(iii) endorsed master of a ship of less than 500 GT on near-coastal voyages (*management level*);"
- (b) by the substitution for subparagraph (i) of subregulation (3)(d) of the following subparagraph:
 - "(i) officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (*operation level*);"
- (c) by the insertion in subregulation (3)(d) after subparagraph (iv) of the following subparagraph:
 - "(ivA) endorsed master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;"
- (d) by the substitution for subparagraph (ii) of subregulation (3)(e) of the following subparagraph:
 - "(ii) endorsed officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (*operation level*);"
- (e) by the substitution for subparagraph (i) of subregulation (3)(f) of the following subparagraph:

- "(i) chief mate/officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (*operation level*);";
- (f) by the insertion in subregulation (3)(f) after subparagraph (i) of the following subparagraphs:
 - "(iA) endorsed master of a ship of less than 500 GT on near-coastal voyages (*management level*);
 - (iB) endorsed master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;";
- (g) by the substitution for paragraph (g) of subregulation (3) of the following paragraph:
 - "(g) master (port operations)
 - master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;";
- (h) by the substitution for paragraph (j) of subregulation (3) of the following paragraph:
 - "(j) skipper (port operations)
 - master of a ship of less than 200 GT operating within a port operations area, with or without a port breakwater limitation;";
- (i) by the addition to paragraph (c) of subregulation (4) of the following subparagraph:
 - "(v) endorsed chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area;";
- (j) by the substitution for subparagraph (i) of subregulation (4)(d) of the following subparagraph:
 - "(i) officer in charge of an engineering watch on a ship of any kilowatt propulsion power operating in a port operations area;";
- (k) by the insertion in subregulation (4)(d) after subparagraph (ii) of the following subparagraph:
 - "(iiA) endorsed chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area;";
- (l) by the substitution for paragraph (e) of subregulation (4) of the following paragraph:
 - "(e) chief engineer officer (port operations)
 - chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area, with or without a port breakwater limitation;";
- (m) by the substitution for subparagraph (i) of subregulation (4)(f) of the following subparagraph:
 - "(i) second engineer officer/officer in charge of an engineering watch on a ship of any kilowatt propulsion power operating in a port operations area;";
- (n) by the substitution for subregulation (7) of the following subregulation:

"(7) The certificates referred to in subregulations (3), (4) and (5) may, in addition, be endorsed for service on tankers, ro-ro passenger ships or passenger ships other than ro-ro passenger ships, in accordance with regulation 51, 52 or 52A respectively."; and

(o) by the substitution for paragraph (d) of subregulation (8) of the following paragraph:

"(d) a certificate limited to mining operations may serve in the certificated capacity only on ships employed in mining operations."

Amendment of regulation 3 of Regulations

5. Regulation 3 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation:

"(3) Every master and officer shall, for continuing sea service on ships for which special training requirements have been internationally agreed upon, successfully complete approved training as specified in the Code."

Substitution of regulation 4 of Regulations

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

"Equivalence of certificates issued before commencement of regulations, etc

4. (1) Regulation 23 of the Merchant Shipping (Safe Manning) Regulations, 1999, has effect for the purpose of determining the equivalency of certificates of competency and of qualification, including the endorsements thereto, issued under the Act before the commencement of these regulations, or thereafter in accordance with regulation 72.

(2) The certificates referred to in subregulation (1) are to be exchanged for the corresponding new certificates within the time and in the manner specified by the Authority."

Amendment of regulation 13 of Regulations

7. Regulation 13 of the Regulations is amended by the substitution for paragraph (b) of subregulation (4) of the following paragraph:

"(b) Testimonials produced as proof of qualifying service by a candidate for an engineer officer certificate shall be signed by either the chief engineer officer or master of the ship concerned and shall state—

- (i) the candidate's actual rank on watch;
- (ii) the number of engineer officers simultaneously on watch;
- (iii) the type of propulsion machinery and the propulsion power (in kilowatts) of the ship;

- (iv) the nature of duties performed; and
- (v) where service in charge of a watch is required, that the candidate has acted as a watchkeeping officer for at least—
 - (aa) eight hours in every 24 hours' service claimed on ships having a continuously manned engine room; and
 - (bb) 24 hours in every 72 hours' service claimed on ships having a periodically unmanned engine room."

Amendment of regulation 17 of Regulations

8. Regulation 17 of the Regulations is amended by the substitution for subregulations (3) and (4) of the following subregulations, respectively:

"(3) In the subjects chartwork, navigation, naval architecture and emergency procedures for deck officers, a candidate shall be required to obtain a final aggregate pass-mark of at least 60 per cent in each subject; in all other subjects, in both the deck officer and engineer officer syllabuses, the final pass-mark for each subject shall be at least 50 per cent.

(4) In cases of doubt about a candidate's final mark in the subjects chartwork, navigation, naval architecture, emergency procedures and engineering knowledge, the examiner's decision shall be final."

Amendment of regulation 26 of Regulations

9. Regulation 26 of the Regulations is amended—

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

"(i) at least 12 months' port operations service as officer in charge of a navigational watch on port operations vessels of 100 GT or more while holding, as a minimum, a certificate of competency as skipper (port operations)"; and

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

"(2) Where the port operations service contemplated in subregulation (1)(a)(i) has been gained on ships restricted to operating within the confines of the breakwaters of a port, the certificate shall be limited accordingly."

Substitution of regulation 33 of Regulations

10. The following regulation is substituted for regulation 33 of the Regulations:

"Mining operations limitation

33. Where more than half of a candidate's period of qualifying service for a certificate or endorsement referred to in regulation 25, 27, 28, 29, 30, 31 or 32 consists of sea service performed on ships employed in mining operations contemplated in regulation 61(2)(b)(ii), the relevant certificate or endorsement, as the case may be, shall be limited to mining operations; and, for the purpose of this regulation, references in regulations 25, 27, 28, 29, 30, 31 and 32 to approved sea service shall be taken to include sea service performed on ships employed in mining operations."

Amendment of regulation 35 of Regulations

11. Regulation 35 of the Regulations is amended by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) completed at least six months' approved sea service or port operations service as assistant engineer officer on ships of 750 kW propulsion power or more under the supervision of an engineer officer;"

Amendment of regulation 36 of Regulations

12. Regulation 36 of the Regulations is amended by the substitution for paragraph (b) of subregulation (1) of the following paragraph:

"(b) completed, while holding, as a minimum, a certificate of competency as second engineer officer (port operations)—

- (i) at least 12 months' approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more; or
- (ii) at least 12 months' port operations service as officer in charge of an engineering watch on ships of 1 500 kW propulsion power or more."

Amendment of regulation 37 of Regulations

13. Regulation 37 of the Regulations is amended by the substitution for paragraph (a) of the following paragraph:

"(a) completed at least six months' approved sea service as assistant engineer officer on ships of 750 kW propulsion power or more under the supervision of an engineer officer;"

Amendment of regulation 38 of Regulations

14. Regulation 38 of the Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations, respectively:

"(1) *Ships of 3 000 kW propulsion power or more*—A candidate for the certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more shall—

- (a) meet the requirements for certification in terms of regulation 37 [Engineer officer];
- (b) have completed at least 12 months' approved sea service as assistant engineer officer or engineer officer on ships of 3 000 kW propulsion power or more;
- (c) have passed a theoretical examination at an accredited institution and have successfully completed training; and
- (d) have been assessed at level 3.

(2) *Ships of less than 3 000 kW propulsion power*—A candidate for the certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power shall—

- (a) meet the requirements for certification in terms of regulation 37 [Engineer officer];
- (b) have completed at least 12 months' approved sea service as assistant engineer officer or engineer officer on ships of 750 kW propulsion power or more;
- (c) have passed a theoretical examination at an accredited institution and have successfully completed training; and
- (d) have been assessed at level 3."

Amendment of regulation 39 of Regulations

15. Regulation 39 of the Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations, respectively:

"(1) *Ships of 3 000 kW propulsion power or more*—A candidate for the certificate of competency as chief engineer officer of a ship of 3 000 kW propulsion power or more shall have—

- (a) completed at least 36 months' approved sea service as assistant engineer officer or engineer officer on ships of 3 000 kW propulsion power or more, of which at least 12 months shall have been served as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

(2) *Ships of less than 3 000 kW propulsion power*—A candidate for the certificate of competency as chief engineer officer of a ship of less than 3 000 kW propulsion power shall have—

- (a) completed at least 36 months' approved sea service as assistant engineer officer or engineer officer on ships of 750 kW propulsion power or more, of

which at least 12 months shall have been served as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power;

- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3."

Amendment of regulation 40 of Regulations

16. Regulation 40 of the Regulations is amended—

- (a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:
 - "(a) completed at least 12 months' approved sea service as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more;"
- (b) by the substitution for paragraph (a) of subregulation (2) of the following paragraph:
 - "(a) completed at least six months' approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more while holding, as a minimum, a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power;" and
- (c) by the substitution for paragraph (a) of subregulation (3) of the following paragraph:
 - "(a) completed at least 12 months' approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more while holding, as a minimum, a certificate of competency as engineer officer;"

Amendment of regulation 51 of Regulations

17. Regulation 51 of the Regulations is amended—

- (a) by the substitution for paragraphs (a), (b) and (c) of subregulation (2) of the following paragraphs, respectively:
 - "(a) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo on tankers shall, in addition to meeting the requirements of subregulation (1), have—
 - (i) completed at least three months' approved sea service in a watchkeeping capacity acquiring the experience appropriate to their duties in the type of tanker in which they wish to serve; and
 - (ii) successfully completed an approved specialized course, appropriate to the type of tanker for which the endorsement is required, as specified in the Code:

Provided that the Authority may dispense with the requirement in subparagraph (ii) if it is shown to the satisfaction of the Authority that the person has served in a senior capacity on the type of tanker concerned for at least one year in the preceding five years.

(b) Masters, officers and other persons referred to in paragraph (a) who have served the three months' approved sea service in a watchkeeping capacity on an oil/chemical tanker (ship-type 2 or 3) engaged in carrying products listed in chapter 17 of the IBC Code shall, in addition to meeting the requirements of paragraph (a), have successfully completed an approved shore-based practical training course.

(c) The course referred to in paragraph (b) shall be conducted by a person with experience in the loading, discharging and handling of products listed in chapter 17 of the IBC Code and shall be of at least 14 days duration, during which period at least four chemical tankers (ship-type 1, 2 or 3) shall be loaded or discharged.";

(b) by the substitution for subregulation (3) of the following subregulation:

"(3) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with subregulation (1) or (2), or their existing certificate shall be endorsed, and every rating who is so qualified shall be certificated."; and

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

"(4) Masters, officers and ratings who are qualified in accordance with this regulation shall be required at intervals not exceeding five years to show continued professional competence on tankers, in accordance with regulation 3(2)(b).".

Substitution of heading of regulation 51 of Regulations

18. The following heading is substituted for the heading of regulation 51 of the Regulations:

"Special requirements for personnel on tankers".

Amendment of regulation 52 of Regulations

19. Regulation 52 of the Regulations is amended—

(a) by the substitution for subregulation (3) of the following subregulation:

"(3) Seafarers who are required to be trained in accordance with subregulations (4), (7) and (8) shall, at intervals not exceeding five years, undertake approved refresher training as specified in the Code."; and

(b) by the substitution for subregulation (10) of the following subregulation:

"(10) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with this regulation, or their existing

certificate shall be endorsed, and every rating so qualified shall be certificated."

Substitution of heading of regulation 52 of Regulations

20. The following heading is substituted for the heading of regulation 52 of the Regulations:

"Special requirements for personnel on ro-ro passenger ships".

Insertion of regulation 52A in Regulations

21. The following regulation is inserted after regulation 52 of the Regulations:

"Special requirements for personnel on passenger ships other than ro-ro passenger ships

52A. (1) This regulation applies to masters, officers, ratings and other personnel serving on passenger ships, other than ro-ro passenger ships, engaged on unlimited voyages.

(2) Prior to being assigned shipboard duties on passenger ships, seafarers referred to in subregulation (1) shall have successfully completed the training required by subregulations (4) to (8), in accordance with their capacity, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with subregulations (4), (7) and (8) shall, at intervals not exceeding five years, undertake approved refresher training as specified in the Code.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on passenger ships shall have completed approved training in crowd management, as specified in the Code.

(5) Masters, officers and other personnel assigned specific duties and responsibilities on passenger ships shall have completed approved familiarization training as specified in the Code.

(6) Personnel providing direct service to passengers in passenger spaces shall have completed approved passenger ship safety training as specified in the Code.

(7) Masters, chief mates, and every person assigned immediate responsibility for the embarking and disembarking passengers shall have completed approved training in passenger safety, as specified in the Code.

(8) Masters, chief mates, chief engineer officers, second engineer officers and any other person having responsibility for the safety of passengers in emergency situations on passenger ships shall have completed approved training in crisis management and human behaviour, as specified in the Code.

(9) It shall be the duty of any person providing training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

(10) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with this regulation, or their existing certificate shall be endorsed, and every rating so qualified shall be certificated."

Amendment of regulation 56 of Regulations

22. Regulation 56 of the Regulations is amended—

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

"(2) Sea service performed on deck on naval or other ships that regularly proceed to sea shall count in full towards the qualifying service for a certificate of competency as mate (coastal) or deck officer: Provided that a candidate shall, in addition, be required to complete at least 12 months approved sea service on ships on unlimited or near-coastal voyages, as appropriate to the certificate desired, and to produce a duly completed training record book covering that period, unless the candidate can show, to the satisfaction of an examiner, that the functions and duties carried out on such naval or other ships are the same as those set out in the training record book required for the approved sea service component referred to in regulations 25 and 28."; and

(b) by the insertion after subregulation (2) of the following subregulation:

"(2A) Sea service performed in the engine room on naval or other ships that regularly proceed to sea shall count in full towards the qualifying service for a certificate of competency as engineer officer: Provided that a candidate shall, in addition, be required to complete at least six months approved sea service on ships on unlimited or near-coastal voyages, as appropriate to the certificate desired, and to produce a duly completed training record book covering that period, unless the candidate can show, to the satisfaction of an examiner, that the functions and duties carried out on such naval or other ships are the same as those set out in the training record book required for the approved sea service component referred to in regulation 37."

Amendment of regulation 61 of Regulations

23. Regulation 61 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

"(2) Notwithstanding anything to the contrary in these regulations, sea service performed on ships employed in mining operations counts towards the qualifying service for a deck officer certificate, as follows:

(a) in the case of a certificate limited to mining operations, the sea service counts in full towards the qualifying service; and

- (b) in all other cases—
 - (i) if mining operations were conducted for less than two thirds of the period of sea service, the sea service counts in full towards the qualifying service; or
 - (ii) if mining operations were conducted for two thirds or more of the period of sea service, the sea service is not to count for more than one-half of the qualifying service."

Substitution of heading of regulation 61 of Regulations

24. The following heading is substituted for the heading of regulation 61 of the Regulations:

"Sea service performed on ships not regularly proceeding to sea, or employed in mining operations".

Substitution of certain expression in Regulations

25. The Regulations are amended by the substitution for the expression "South African Telecommunications Regulatory Authority", wherever it occurs, of the expression "Independent Communications Authority of South Africa".