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## GOVERNMENT NOTICE

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### DEPARTMENT OF TRANSPORT

No. R. 83

6 February 2012

#### Merchant Shipping Act, 1951 (Act No. 57 of 1951)

**Publication for comments of the Merchant Shipping (Training and Certification) (Fishing and Marine Motorman Qualifications) Regulations, 2012**

Submission should be posted to the Director – General Department of The above- mentioned draft Regulations in the Schedule are hereby published for public comments. Interested persons are invited to submit written comments on the draft Regulations within 30 days from the date of publication in the *Gazette*.

Transport for the attention of Mr. Trevor Mphahlele or Adv. A. Masombuka

E- MAIL: [MphahleT@dot.gov.za](mailto:MphahleT@dot.gov.za)

Tel : ( 012) 309 3481

Fax : ( 012) 309 3134

The Department of Transport

Private Bag x193

PRETORIA

0001

E- MAIL: [MasombuA@dot.gov.za](mailto:MasombuA@dot.gov.za)

Tel : ( 012) 309 3888

Fax : ( 012) 309 3134

The Department of Transport

Private Bag x193

PRETORIA

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## Part 1 Preliminary

### 1 Title and commencement

- (1) These regulations are called the *Merchant Shipping (Training and Certification) (Fishing and Marine Motorman Qualifications) Regulations, II* and come into operation on a date set by the Minister.

### 2 Definitions

- (1) In these regulations, unless the context indicates otherwise, an expression given a meaning by the Act has the given meaning, and—
- "accredited"** means accredited by the Authority;
- "approved"** means approved by the Authority;
- "approved training"**, for certification of a particular kind, means training programmes and/or courses approved for certification of that kind;
- "approved training record book"**, for certification of a particular kind, means a training record book approved for certification of that kind;
- "candidate"** means a person desiring certification in terms of these regulations;
- "certificate"** and **"certification"** means a certificate of competency or qualification and includes an endorsement;
- "certificated"**, in relation to—
- (a) a deck officer on a vessel of a particular kind, means holding valid appropriate certification that entitles the holder to serve as an officer in charge of a navigational watch on a vessel of that kind; and
- (b) an engineer officer on a vessel of a particular kind, means holding valid appropriate certification that entitles the holder to serve as an officer in charge of an engineering watch on a vessel of that kind;
- "chief engineer officer"** means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installation of a vessel;

**"deck officer"** means a ship's officer serving in the deck department on a vessel;

**"endorsement"** means a document that is appended to a certificate of competency and that modifies the terms of the certificate;

**"engineer officer"** means a ship's officer serving in the engine department on a vessel;

**"equivalent certification"** has the meaning given by regulation 4(1);

**"examiner"** means a person appointed as an examiner under section 77(4) of the Act;

**"fishing vessel"** means a vessel that is used wholly or principally for the taking, catching or capturing of fish or other living resources of the sea or seabed for financial gain or reward;

**"GT"**, for a vessel, means its gross tonnage calculated in accordance with the *Tonnage Regulations, 1986*;

**"holder"**, of a certificate or other document, means the person identified as holder by the certificate or document;

**"length"** has the meaning it has in regulation 2 of the *Tonnage Regulations, 1986*;

**"limited waters"** means—

- (a) the internal and territorial waters of the Republic;
- (b) the exclusive economic zone of the Republic; and
- (c) if the Republic has entered into an agreement with another State for the waters under the jurisdiction of that other State that are covered by the agreement;

**"near-coastal voyage"** has the meaning it has in regulation 1(1) of the *Merchant Shipping (Training and Certification) Regulations, 1999* as amended;

**"onboard training"** is training that—

- (a) is conducted principally on board a vessel during seagoing service; and
- (b) is set out, and assessed, in an approved training record book;

**"pleasure vessel"** means a vessel that is used solely for sport or recreation;

**"port operations area"** has the meaning it has in regulation 1(1) of the *Merchant Shipping (Training and Certification) Regulations, 1999* as amended;

**"propulsion power"**, for a vessel, means the total maximum continuous rated output power in kilowatts of all the vessel's main in-board propulsion machinery that appears on the vessel's registration certificate or other official document;

**"qualifying service"** is the seagoing service that is claimed by a candidate for the purpose of qualifying for certification in terms of these regulations;

**"rating"** means a seaman other than a ship's officer;

**"Registrar"** means the Registrar of Seafarers designated in terms of regulation 5(1) of the *Merchant Shipping (Training and Certification) Regulations, 1999* as amended;

**"seagoing service"** is service on vessels operating in limited or unlimited waters;

**"second engineer officer"** means the engineer officer next in rank to the chief engineer officer and upon whom responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installation of the vessel will fall in the event of the incapacity of the chief engineer officer;

**"specified by the Authority"** means specified by the Authority in a marine notice;

**"STCW-F Convention"** means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, and includes any subsequent amendment to the Convention that is specified by the Authority;

**"the Act"** means the *Merchant Shipping Act, 1951* (Act No. 57 of 1951) as amended;

**"the Code"** means the *Code for South African Maritime Qualifications*, published by the Authority;

**"unlimited voyage"** has the meaning it has in regulation 1(1) of the *Merchant Shipping (Training and Certification) Regulations, 1999* as amended;

**"unlimited waters"** means the waters beyond limited waters;

**"valid"**, in relation to a certificate or other document, means a certificate or document that is current and that has not been suspended or cancelled.

- (2) Any reference in these regulations to assessment at a particular level is to be read as a reference to assessment at that level in accordance with regulation 16(1).

### **3 Introduction to certification**

- (1) Without prejudice to regulation 32, these regulations prescribe the conditions to be met and the standards of competence required for the issue, in respect of a capacity specified in column 1 of an item in the following table, of the certification specified in column 2 of the item:

| Item                             | Column 1   | Column 2  |
|----------------------------------|--|---|
|                                  | Capacity   | Appropriate certification in terms of these regulations   |
| <b>Masters and Deck Officers</b> |  |   |
| 1                                | Officer in charge of a navigational watch on fishing vessels of less than 24 metres in length operating in limited or unlimited waters | Certificate of Competency as Deck Officer (Fishing < 24 metres)   |
| 2                                | Master of a fishing vessel of less than 24 metres in length operating in limited waters  | Certificate of Competency as Skipper (Fishing < 24 metres)  |
| 3                                | Master of a fishing vessel of less than 24 metres in length operating in unlimited waters  | Certificate of Competency as Skipper (Fishing < 24 metres) together with the Unlimited Waters Command Endorsement |
| 4                                | Officer in charge of a navigational watch on fishing vessels of 24 metres or more in length operating in limited or unlimited waters   | Certificate of Competency as Deck Officer (Fishing = 24 metres)   |
| 5                                | Master of a fishing vessel of 24 metres or more in length operating in limited waters  | Certificate of Competency as Skipper (Fishing = 24 metres)  |
| 6                                | Master of a fishing vessel of 24 metres or more in length operating in unlimited waters  | Certificate of Competency as Skipper (Fishing = 24 metres) together with the Unlimited Waters Command Endorsement |
| <b>Engineer Officers</b>         |  |   |
| 7                                | Chief engineer officer of a fishing vessel of less than 350 kW propulsion power  | Certificate of Competency as Marine Motorman Grade 2  |
| 8                                | Second engineer officer of a fishing vessel of less than 750 kW propulsion power   |   |
| 9                                | Officer in charge of an engineering watch on fishing vessels of less than 2 000 kW propulsion power                                    |   |

| Item | Column 1   | Column 2  |
|------|--|---|
|      | Capacity   | Appropriate certification in terms of these regulations |
| 10   | Chief engineer officer of a fishing vessel of less than 750 kW propulsion power                                | Certificate of Competency as Marine Motorman Grade 1    |
| 11   | Second engineer officer of a fishing vessel of less than 2 000 kW propulsion power                             |   |
| 12   | Officer in charge of an engineering watch on fishing vessels of any kilowatt propulsion power                  |   |
| 13   | Chief engineer officer of a vessel of less than 350 kW propulsion power operating in a port operations area    |   |
| 14   | Second engineer officer of a vessel of 1 500 kW propulsion power or more operating in a port operations area   |   |
| 15   | Chief engineer officer of a vessel of less than 350 kW propulsion power on near-coastal voyages                |   |
| 16   | Second engineer officer of a vessel of less than 750 kW propulsion power on near-coastal voyages               |   |
| 17   | Officer in charge of an engineering watch on vessels of less than 750 kW propulsion power on unlimited voyages |   |



| Item                 | Column 1  | Column 2   |
|----------------------|---|--|
|                      | <i>Capacity</i>   | <i>Appropriate certification in terms of these regulations</i>                 |
| 18                   | Chief engineer officer of a fishing vessel of less than 2 000 kW propulsion power   | Certificate of Competency as Marine Motorman Higher Grade                      |
| 19                   | Second engineer officer of a fishing vessel of any kilowatt propulsion power  |  |
| 20                   | Chief engineer officer of a vessel of less than 750 kW propulsion power on near-coastal voyages or operating in a port operations area  |  |
| 21                   | Chief engineer officer of a fishing vessel of any kilowatt propulsion power   | Certificate of Competency as Chief Engineer Officer (Fishing)                  |
| <b>Ratings</b>       |   |  |
| 22                   | Able seafarer deck on a fishing vessel of 24 metres or more in length operating in limited or unlimited waters  | Certificate of Qualification as Able Seafarer Deck (Fishing)                   |
| <b>Miscellaneous</b> |   |  |
| 23                   | Person whose responsibilities include taking charge of a survival craft on fishing vessels operating in limited or unlimited waters or on vessels operating in a port operations area | Certificate of Qualification as Proficient in Survival Craft and Rescue Boats. |

## (2) To avoid doubt—

- (a) the ranking of the waters limitation entitles the holder of certification for unlimited waters to serve in the certificated capacity also on vessels operating in limited waters; and
- (b) the ranking of the vessel length limitation entitles the holder of certification for a specified vessel length to serve in the certificated capacity also on vessels of lesser length; and
- (c) the ranking of the voyage limitation entitles—
  - (i) the holder of certification for unlimited voyages to serve in the certificated capacity also on vessels engaged on near-coastal voyages or in port operations; and
  - (ii) the holder of certification for near-coastal voyages to serve in the certificated capacity also on vessels engaged in port operations; and

- (d) despite paragraphs (a) and (b), the holder of a certificate of competency as Skipper (Fishing < 24 metres) or Skipper (Fishing = 24 metres) (whether or not the Unlimited Waters Command Endorsement is also held) is entitled to serve in any deck officer capacity on fishing vessels of any length operating in limited or unlimited waters.

#### **4        Equivalent certification**

- (1) *Equivalent certification* is valid certification that—
  - (a) was issued—
    - (i) before the commencement of these regulations; or
    - (ii) thereafter in terms of regulation 44; and
  - (b) is taken to be equivalent to certification in terms of these regulations, as specified in regulation 23 of the *Merchant Shipping (Safe Manning) Regulations, 1999* as amended.
- (2) Equivalent certification must be exchanged for the corresponding certification in terms of these regulations in the manner and within the time specified by the Authority.

## **Part 2                      Administration**

#### **5        Registrar of seafarers**

For these regulations, the Registrar has the following functions:

- (a) to issue certification in terms of these regulations;
- (b) to keep record of the certification and of all related matters;
- (c) to respond to requests to verify the authenticity or validity of the certification;
- (d) to perform functions incidental to any of the previously described functions.

#### **6        Chief and Senior examiners**

- (1) For these regulations, the Authority must designate in writing, from among the examiners, a senior examiner (deck) and a senior examiner (engine), one of whom shall be appointed as Chief Examiner.
- (2) In addition to the functions specified in these regulations, a chief or senior examiner has the other functions specified in his or her instrument of designation.

**7 Quality assurance**

For these regulations, the Authority must implement a quality assurance system that covers at least the functions of the Registrar and the examiners.

**8 Syllabus committee**

- (1) The Authority may establish a committee (the *syllabus committee*) to advise it about the implementation and operation of these regulations and the related provisions of the Code.
- (2) The syllabus committee is to consist of—
  - (a) the chair, who must be a senior examiner designated in writing for the purpose by the Authority;
  - (b) the other senior examiner;
  - (c) the Registrar; and
  - (d) not more than nine other members, appointed in writing by the Authority, who must be persons with appropriate knowledge and experience in matters relating to the education and training of seafarers.
- (3) The Authority may give the syllabus committee written directions about—
  - (a) the way in which the committee is to carry out its work; and
  - (b) procedures to be followed in relation to its meetings.
- (4) The syllabus committee must take account of the directions given to it by the Authority.
- (5) The Authority may reconstitute or disband the syllabus committee at any time, as it thinks fit.

**9 Accreditations and approvals**

Every accreditation or approval in terms of these regulations—

- (a) must be given in writing;
- (b) must state the date on which it takes effect and expires and the conditions (if any) on which it is given; and
- (c) may, after reasonable notice, be altered or cancelled.

## **Part 3                      Certification**

### **Division 1                General**

#### **10                      Dates and places for level 3 assessments**

- (1) The Authority must publish at least annually in a marine notice the times and places for level 3 assessments.
- (2) However, published times and places may be varied by agreement between examiner and candidate.

#### **11                      How to apply**

- (1) Application for certification in terms of these regulations must be made in the form and manner specified by the Authority and be accompanied by the appropriate documents specified in the Annex.
- (2) If the certification requires assessment at level 3, the application must be made at least 14 days before the intended date of assessment.

#### **12                      Examiner may verify eligibility**

- (1) Before applying for certification, a candidate may request an examiner to verify his or her eligibility for certification in terms of these regulations.
- (2) If an examiner doubts the appropriateness or sufficiency of a candidate's qualifying service, the examiner must refer the case to the relevant senior examiner for determination.

#### **13                      Proficiency in English**

- (1) For certification as master or ship's officer, a candidate must have a command of English that is appropriate to the efficient discharge of routine and emergency duties and responsibilities associated with the certification concerned.
- (2) An examiner may require that a candidate demonstrate proficiency consistent with subregulation (1).
- (3) A requirement under subregulation (2) must take account of—
  - (a) the obligations of the Republic under the STCW-F convention; and
  - (b) any related resolutions adopted by the International Maritime Organisation.

**14 Unsatisfactory conduct**

- (1) If the Authority finds that a candidate's conduct during qualifying service is unsatisfactory, the Authority—
  - (a) must refuse the application for certification; and
  - (b) may require that the candidate perform a further period of appropriate seagoing service, not exceeding 24 months, before reapplying for the certification concerned.
- (2) Unsatisfactory conduct is conduct of the following kind:
  - (a) signing a crew agreement, as mentioned in section 102 of the Act, and failing, without reasonable excuse, to join the vessel concerned;
  - (b) absence without leave, or desertion, from a vessel;
  - (c) misconduct.
- (3) If the Authority finds that the holder of an approved training record book has deliberately misrepresented information in the book, the holder must, apart from any other penalty that may be imposed, complete an additional 12 months appropriate seagoing service.

**15 Bribery**

A candidate who has been convicted of bribery as described in section 314 of the Act or upon whom a penalty for such bribery has been imposed under section 324 of the Act is disqualified from obtaining any certification in terms of these regulations for a period expiring 12 months after the date of the conviction or imposition of the penalty, as the case may be.

**16 Assessing competence**

- (1) Candidates required to meet an applicable standard of competence specified in the Code are to be assessed to meet that standard at one or more of the following levels (listed from lowest to highest), as the case requires:
  - (a) Level 1 — candidates required to complete onboard training are to be assessed at this level in an approved training record book;
  - (b) Level 2 — candidates required to complete approved training are to be assessed at this level at the accredited maritime training provider providing the training;
  - (c) Level 3 — candidates for a certificate of competency or any related endorsement are to be assessed at this level by way of oral examination in terms of regulation 18.
- (2) A candidate required to be assessed at more than one level may not be assessed at the higher level before he or she has been found competent at the lower level.

**17 Level 2 assessment**

- (1) This regulation applies to written examinations that form part of assessment at level 2 for the certificates of competency, and related endorsements, covered by these regulations.
- (2) The Authority must designate, in writing, one or more examiners to do one or more of the following:
  - (a) moderate examination question papers, memoranda and scripts;
  - (b) re-mark examination scripts, if requested by the maritime training provider concerned;
  - (c) consult with instructors, supervisors and assessors about defects or other problems detected in examination memoranda or scripts.
- (3) For a course covering the syllabus in the Code for celestial navigation, chartwork, or naval architecture (master and deck officer certification only), the minimum aggregate mark is 60 per cent. For other candidates, and courses covering other syllabuses, the minimum aggregate mark is 50 per cent.
- (4) In the case of doubt about a candidate's aggregate mark for a course covering the syllabus in the Code for celestial navigation, chartwork, naval architecture or engineering knowledge, the decision of the relevant senior examiner is final.

**18 Level 3 assessment**

- (1) The main purpose of the level 3 assessment is to assess a candidate's competence in the practical aspects of a seafarer's duties and responsibilities.
- (2) The assessment is to be conducted by an examiner in the presence of another approved person.
- (3)
  - (a) If a candidate is assessed as competent and complies in all other respects with the requirements for the issue of the certification concerned, the examiner must issue the candidate with an interim certificate in the approved form.
  - (b) The interim certificate—
    - (i) is valid for six months from its date of issue;
    - (ii) during that period, serves as interim certification (pending the issue of the appropriate full-term certification by the Registrar); and
    - (iii) must be surrendered to the Authority when the holder is issued with the full-term certification.

- (4) If a candidate is assessed as not yet competent, the examiner must issue the candidate with a written notice, signed by the examiner, stating—
  - (a) the details of the assessment;
  - (b) the conditions (if any) imposed by the examiner; and
  - (c) the requirement to produce the notice when next applying for assessment at level 3.
- (5) If a candidate is assessed as not yet competent because of a significant deficiency in the candidate's practical knowledge, the examiner may require that the candidate complete a further period of appropriate seagoing service, not exceeding six months, before re-applying for the certification concerned.
- (6) If a candidate, without reasonable excuse, fails to appear for the assessment at the appointed time and place, the examiner must assess the candidate as not yet competent by default.

**19 Mislaid, lost or destroyed certification**

For section 82 of the Act, the Registrar may issue replacement certification on application made by the holder in the form and manner and including the information and accompanied by the documents specified by the Authority.

**Division 2 Certificates**

**Subdivision 1 Masters and deck officers**

**20 Deck Officer (Fishing < 24 metres)**

For the certificate of competency as Deck Officer (Fishing < 24 metres), a candidate must—

- (a) be at least 18 years of age;
- (b) have at least 12 months seagoing service in the deck department on fishing vessels of 12 metres or more in length;
- (c) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months; and
- (d) have completed approved training and meet the standard of competence specified in the Code.

**21 Skipper (Fishing < 24 metres)**

- (1) For the certificate of competency as Skipper (Fishing < 24 metres), a candidate must—

**ALTERNATIVE A**

*(if the candidate holds the certificate of competency as Deck Officer (Fishing < 24 metres))*

- (a) have completed, while holding as a minimum the certificate of competency as Deck Officer (Fishing < 24 metres), at least 12 months seagoing service as officer in charge of a navigational watch on fishing vessels of 12 metres or more in length; and
- (b) have completed approved training and meet the standard of competence specified in the Code,

or

**ALTERNATIVE B**

*(if the candidate holds the certificate of competence as Coastal Skipper (> 9 metres))*

- (a) have completed, while holding as a minimum the small vessel certificate of competence as Coastal Skipper (> 9 metres)\*, at least 12 months seagoing service as officer in charge of a navigational watch on fishing vessels of 12 metres or more in length; and
- (b) have completed approved training and meet the standard of competence specified in the Code,

or

**ALTERNATIVE C**

*(if the candidate holds the certificate of competency as Deck Officer (Fishing = 24 metres))*

- (a) have completed, while holding as a minimum the certificate of competency as Deck Officer (Fishing = 24 metres), at least 12 months seagoing service as officer in charge of a navigational watch on fishing vessels of 12 metres or more in length; and
- (b) have completed approved training and meet the standard of competence specified in the Code.

- (2) For paragraph (b) of ALTERNATIVES A and B in subregulation (1), the syllabus in the Code must cover at least the material set out in the appendix to Regulation II/2 of the STCW-F Convention.

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\* This certification is issued under the *Merchant Shipping (Small Vessel Safety) Regulations, 2007* as amended.

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**22 Deck Officer (Fishing = 24 metres)**

- (1) For the certificate of competency as Deck Officer (Fishing = 24 metres), a candidate must—
  - (a) be at least 18 years of age;
  - (b) have at least 12 months seagoing service in the deck department on fishing vessels of 12 metres or more in length;
  - (c) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months; and
  - (d) have completed approved training and meet the standard of competence specified in the Code.
- (2) For subregulation (1)(d), the syllabus in the Code must cover at least the material set out in the appendix to Regulation II/2 of the STCW-F Convention.

**23 Skipper (Fishing = 24 metres)**

- (1) For the certificate of competency as Skipper (Fishing = 24 metres), a candidate must—
  - (a) have completed, while holding as a minimum the certificate of competency as Deck Officer (Fishing = 24 metres) or Skipper (Fishing < 24 metres), at least 12 months seagoing service as officer in charge of a navigational watch on fishing vessels of 24 metres or more in length; and
  - (b) have completed approved training and meet the standard of competence specified in the Code.
- (2) For subregulation (1)(b), the syllabus in the Code must cover at least the material set out in the appendix to Regulation II/3 of the STCW-F Convention.

**24 Unlimited Waters Command Endorsement**

- (1) For the Unlimited Waters Command Endorsement, a candidate must—
  - (a) hold the certificate of competency as Skipper (Fishing < 24 metres) or Skipper (Fishing = 24 metres); and
  - (b) while holding that certificate, have completed approved training and meet the standard of competence specified in the Code.
- (2) For subregulation (1)(b), the syllabus in the Code must cover at least the material set out in the appendix to Regulation II/1 of the STCW-F Convention.

**Subdivision 2 Engineer officers****25 Marine Motorman Grade 2**

- (1) For the certificate of competency as Marine Motorman Grade 2, a candidate must—
- (a) be at least 18 years of age;
  - (b) have at least 12 months seagoing service in the engine department on vessels of 100 kW propulsion power or more, of which not less than three months must have been on vessels other than naval vessels; and
  - (c) have completed approved training and meet the standard of competence specified in the Code.
- (2) However, for a candidate holding a qualification as artisan in an approved trade, the period of 12 months in subregulation (1)(b) is reduced to six months.

**26 Marine Motorman Grade 1**

- (1) For the certificate of competency as Marine Motorman Grade 1, a candidate must—

**ALTERNATIVE A**

- (a) have at least 24 months seagoing service in the engine department on vessels of 2 000 kW propulsion power or more; and
- (b) have completed approved training and meet the standard of competence specified in the Code,

or

**ALTERNATIVE B**

*(if the candidate holds the certificate of competency as Marine Motorman Grade 2)*

- (a) have completed, while holding as a minimum the certificate of competency as Marine Motorman Grade 2, at least 12 months seagoing service as an officer in charge of an engineering watch on vessels of 350 kW propulsion power or more; and
  - (b) have completed approved training and meet the standard of competence specified in the Code.
- (2) However, for a candidate holding a qualification as artisan in an approved trade—
- (a) the period of 24 months in paragraph (a) of ALTERNATIVE A in regulation (1) is reduced to 18 months; and

- (b) the period of 12 months in paragraph (a) of ALTERNATIVE B in regulation (1) is reduced to six months.
- (3) For paragraph (b) of ALTERNATIVES A and B in subregulation (1), the syllabus in the Code must cover at least the material set out in the appendix to Regulation II/5 of the STCW-F Convention appropriate to second engineer officers on fishing vessels of 750 kW propulsion power or more.

## **27 Marine Motorman Higher Grade**

- (1) For the certificate of competency as Marine Motorman Higher Grade, a candidate must—
  - (a) have completed, while holding as a minimum the certificate of competency as Marine Motorman Grade 1, at least 12 months seagoing service as officer in charge of an engineering watch on vessels of 750 kW propulsion power or more; and
  - (b) have completed approved training and meet the standard of competence specified in the Code.
- (2) For subregulation (1)(b), the syllabus in the Code must cover at least the material set out in the appendix to Regulation II/5 of the STCW-F Convention appropriate to chief engineer officers on fishing vessels of 750 kW propulsion power or more.

## **28 Chief Engineer Officer (Fishing)**

- (1) For the certificate of competency as Chief Engineer Officer (Fishing), a candidate must—
  - (a) have completed, while holding as a minimum the certificate of competency as Marine Motorman Higher Grade or Engineer Officer\*, at least six months seagoing service as officer in charge of an engineering watch on fishing vessels of 2 000 kW propulsion power or more; and
  - (b) have completed approved training and meet the standard of competence specified in the Code.
- (2) For subregulation (1)(b), the syllabus in the Code must cover at least the material set out in the appendix to Regulation II/5 of the STCW-F Convention appropriate to chief engineer officers on fishing vessels of 750 kW propulsion power or more.

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\* This certification is issued in terms of the *Merchant Shipping (Training and Certification) Regulations, 1999* as amended.

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**Subdivision 3 Ratings****29 Able Seafarer Deck (Fishing)**

For the certificate of qualification as Seafarer Deck (Fishing), a candidate must—

- (a) be at least 18 years of age;
- (b) have at least eight months seagoing service in the deck department on fishing vessels of 12 metres or more in length;
- (c) have completed, during the required seagoing service, onboard training that is documented in an approved training record book; and
- (d) have completed approved training and meet the standard of competence specified in the Code.

**Subdivision 4 Miscellaneous****30 Proficiency in Survival Craft and Rescue Boats**

For the certificate of qualification as Proficient in Survival Craft and Rescue Boats, a candidate must—

- (a) be at least 18 years of age;
- (b) have at least six months seagoing service on vessels of 12 metres or more in length; and
- (c) have completed approved training and meet the standard of competence specified in the Code.

**Division 3 Recognition of non-fishing certification****31 Recognition of naval bridge watchkeeping certificate**

- (1) This regulation applies if a candidate—
  - (a) is at least 18 years of age;
  - (b) holds a valid South African Navy bridge watchkeeping certificate; and
  - (c) has at least 12 months seagoing service, performed not earlier than 10 years before the date of the application for certification, as officer in charge of a navigational watch on South African naval vessels of 12 metres or more in length.
- (2) For the certificate of competency as Deck Officer (Fishing = 24 metres), the candidate must—

- (a) have at least six months seagoing service in the deck department on fishing vessels of 12 metres or more in length
- (b) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least two months;
- (c) have completed approved training covering the relevant parts of the following syllabuses in the Code: naval architecture, personnel management and ship business, fishing safety, and ships' power plant; and
- (d) meet the standard of competence specified in the Code.

**32****Endorsements for non-fishing certification**

- (1) Subject to subregulation (2), the holder of certification specified in column 1 of an item in the table below may apply to the Authority for the certification specified in column 2 of the item:

| Item | Column 1           | Column 2   |
|------|--------------------|--|
|      | <i>Certificate</i> | <i>Appropriate endorsement in terms of these regulations</i>   |
| 1    | Skipper (Coastal)  | Master of a fishing vessel of less than 24 metres in length operating in limited waters  |
| 2    | Mate (Coastal)     | Officer in charge of a navigational watch on fishing vessels of 24 metres or more in length operating in limited waters              |
| 3    | Master (Coastal)   | Master of a fishing vessel of 24 metres or more in length operating in limited waters  |
| 4    | Deck Officer       | Officer in charge of a navigational watch on fishing vessels of 24 metres or more in length operating in limited or unlimited waters |
| 5    | Chief Mate         | Master of a fishing vessel of 24 metres or more in length operating in unlimited waters  |
| 6    | Master             |  |
| 7    | Able Seafarer Deck | Able seafarer deck on a fishing vessel of 24 metres or more in length operating in limited or unlimited waters                       |

(2) A candidate for certification must—

- (a) have at least six months seagoing service in the deck department on fishing vessels of 12 metres or more in length;
- (b) except for the certification specified in item 7 in the table in subregulation (1), have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 12 months;
- (c) have completed approved training covering the fishing safety syllabus in the Code; and
- (d) meet the standard of competence specified in the Code.

## **Division 4                      Revalidation**

### **33                      Certificates of competency to be revalidated**

- (1) A certificate of competency issued in terms of these regulations, and any equivalent certification, is not valid for seagoing service unless revalidated at intervals not exceeding five years to establish continued professional competence in accordance with subregulation (2).
- (2) Continued professional competence is established—
  - (a) by—
    - (i) completing, during the preceding five years, at least 12 months seagoing service appropriate to the certification held;
    - (ii) performing functions considered by the Authority to be equivalent to the seagoing service mentioned in subparagraph (i); or
    - (iii) completing—
      - (aa) in a supernumerary capacity, at least three months seagoing service appropriate to the certification held; and
      - (bb) assessment at level 3 to meet the standard of competence specified in the Code.
  - (b) by completing applicable approved (refresher) training and meeting the standard of competence specified in the Code.
- (3) Application for revalidation must be made in the form and manner, include the information and be accompanied by the documents specified by the Authority.
- (4) If the Authority grants the application, the Authority must issue the applicant with an appropriate revalidation endorsement.

## **Part 4                      Qualifying service**

### **34                      Proof of qualifying service**

- (1) A candidate must produce proof of qualifying service.
- (2) The examiner may require that the candidate explain any period of discontinuity in qualifying service.

### **35                      Qualifying service on foreign vessels**

Qualifying service performed on foreign vessels counts towards satisfying the seagoing service requirements for certification in terms of these regulations if the service can be verified.

### **36                      Misrepresenting qualifying service**

- (1) A candidate who wilfully misrepresents his or her qualifying service is disqualified from certification in terms of these regulations until he or she has made up any deficiency in qualifying service plus an additional 12 months of the appropriate seagoing service.
- (2) Additional seagoing service performed because of subregulation (1) does not count towards satisfying the seagoing service requirements for any other certification (whether in terms of these regulations or otherwise under the Act).

### **37                      Calculating qualifying service**

Qualifying service is calculated from the day of engagement on a vessel to the day of discharge from the vessel and consists of the calendar days between the days of engagement and discharge, both days inclusive, reckoning 30 days to a month and 12 months to a year.

### **38                      Non-fishing service**

- (1) Qualifying service performed exclusively in the deck department on vessels of 12 metres or more in length, other than fishing vessels, counts in full towards satisfying the seagoing service requirements for the certificates of competency as Deck Officer (Fishing < 24 metres) and Deck Officer (Fishing = 24 metres).

- (2) However, the service counts only if the candidate—
- (a) has at least six months seagoing service in the deck department on fishing vessels of 12 metres or more in length; and
  - (b) has performed, for the period of required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer.

**39 Validity of qualifying service**

Qualifying service must have been performed not earlier than 10 years before the date of application for the certification concerned.

## **Part 5 Training**

**40 Maritime training providers**

- (1) To be accredited as a maritime training provider authorised to conduct approved training in terms of these regulations, a training provider must:
- (a) have appointed instructors who—
    - (i) have an appreciation of the training programme and an understanding of the specific training objectives for the particular type of training to be conducted;
    - (ii) are qualified in the task for which the training is to be conducted; and
    - (iii) if training is to be conducted using a simulator—
      - (aa) have received appropriate guidance in instructional techniques involving the use of simulators; and
      - (bb) have gained practical operational experience on the particular type of simulator to be used.
  - (b) have appointed training supervisors, appropriate to the approved training programmes and courses to be conducted by the provider, who have a thorough understanding of each approved training programme and course they are to supervise including its specific objectives; and
  - (c) have appointed assessors who—
    - (i) have an appropriate level of knowledge and understanding of the competence to be assessed;
    - (ii) are qualified in the task for which the assessment is to be made;
    - (iii) have received appropriate guidance in assessment methods and practice;



- (iv) have gained practical assessment experience; and
    - (v) if they are to conduct assessment involving the use of simulators, have gained practical assessment experience on the particular type of simulator to be used, under the supervision and to the satisfaction of an experienced assessor.
  - (d) maintain records of all certificates issued to students who complete their training at the provider, incorporating details of the training received and the relevant dates, together with their full names and dates and places of birth;
  - (e) make available information about the status of such certificates and about approved training programmes and courses as appropriate;
  - (f) continuously monitor its training and assessment activities through a quality-standards system to ensure achievement of its defined objectives including those concerning the qualifications and experience of its instructors and assessors; and
  - (g) undergo evaluation at intervals not exceeding three years, by suitably qualified persons who are not themselves involved in the training or assessment activities concerned, so as to verify that the administrative and operational procedures at all levels within the provider are managed, organised, undertaken, supervised and monitored internally in order to ensure their fitness for purpose and achievement of stated objectives.
- (2) Application for accreditation must be made in the form and manner, include the information and be accompanied by the documents specified in the appropriate application form.
- (3) For accreditation, a maritime training provider must allow the Authority—
- (a) to inspect the provider's facilities, and training and assessment arrangements, methods and materials; and
  - (b) to interview the provider's students, administrative personnel, and training instructors, supervisors and assessors.
- (4) An accredited maritime training provider must—
- (a) make available to the Authority any information it may require about approved training offered by the provider; and
  - (b) inform the Authority, immediately, of any change in the personnel delivering the training or the methods or material for delivering it.
- (5) Every accredited maritime training provider authorised to conduct level 2 assessments must—

- (a) make available, for moderation by an examiner, any examination question papers, memoranda or scripts that the Authority may require;
  - (b) make available to an examiner any examination scripts, assessment results, course assignments, progress reports or other training-related reports that the Authority may require; and
  - (c) for audit purposes, keep for at least five years the information referred to in paragraphs (a) and (b).
- (6) An examiner may visit an accredited maritime training provider at any time to inspect and audit the conduct of any activity covered by the provider's accreditation.

**41 Maritime training programmes and courses**

- (1) To be approved in terms of these regulations, a training programme or course must:
- (a) be structured in accordance with written programmes that—
    - (i) are based on the relevant syllabuses in the Code; and
    - (ii) include such methods and media of delivery, procedures, and course material as are necessary to achieve the standard of competence specified in the Code; and
  - (b) be conducted, supervised and evaluated by persons qualified in accordance with regulation 40(1)(a), (b) and (c), respectively.
- (2) Application for approval must be made in the form and manner, include the information and be accompanied by the documents specified in the appropriate application form.

**42 Training record book**

- (1) To be approved in terms of these regulations, a training record book must meet the form and content requirements specified by the Authority taking into account—
- (a) the principles and standards set out in the STCW-F Convention; and
  - (b) any related guidance published by the International Maritime Organisation.
- (2) Application for approval must be made in writing and shall meet the requirements specified in the Code.

## Part 6                      Final

### 43                      Transitional

Before 1 January 2013, the requirements for the issue of certification prescribed by the regulations repealed by regulation 44 continue to have effect in relation to those persons who began approved training before the commencement of these regulations.

### 44                      Repeals

These regulations are repealed, subject to regulation 43:

- (a) the *Examination Regulations for Certificates of Competency for Fishermen, 1993*, published by Government Notice No. R 2317 of 1 December 1993, as amended by Government Notice No. R. 1468 of 29 September 1995; and
- (b) the *Examination Regulations for Certificates of Competency as Marine Motormen, 1993*, published by Government Notice No. R 2314 of 1 December 1993.

*(Regulation 11(1))*

[illegible]

| Item | Documents   | Certification                        |                               |                                    |                               |                                    |                                  |                              |                         |                         |                              |  |
|------|---|--------------------------------------|-------------------------------|------------------------------------|-------------------------------|------------------------------------|----------------------------------|------------------------------|-------------------------|-------------------------|------------------------------|--|
|      |   | Masters and deck officers            |                               |                                    |                               |                                    | Engineer officers                |                              |                         |                         | Ratings                      | Other  |
|      |   | Unlimited Waters Command Endorsement | Skipper (Fishing ≥ 24 metres) | Deck Officer (Fishing ≥ 24 metres) | Skipper (Fishing < 24 metres) | Deck Officer (Fishing < 24 metres) | Chief Engineer Officer (Fishing) | Marine Motorman Higher Grade | Marine Motorman Grade 1 | Marine Motorman Grade 2 | Able Seafarer Deck (Fishing) | Proficiency in survival craft and rescue boats |
| 9    | First aid certificate   | —                                    | —                             | X                                  | X                             | X                                  | X                                | X                            | X                       | X                       | X                            | —  |
| 10   | Medical Care certificate  | X                                    | X                             | —                                  | —                             | —                                  | —                                | —                            | —                       | —                       | —                            | —  |
| 11   | Fire-fighting certificate   | X                                    | X                             | X                                  | X                             | X                                  | X                                | X                            | X                       | X                       | X                            | —  |
| 12   | Advanced fire-fighting certificate  | X                                    | X                             | X                                  | X                             | —                                  | X                                | X                            | —                       | —                       | —                            | —  |
| 13   | Certificate of proficiency as proficient in survival craft and rescue boats | X                                    | X                             | X                                  | —                             | —                                  | X                                | X                            | —                       | —                       | X                            | —  |
| 14   | Certificate of proficiency as proficient in liferafts                       | —                                    | —                             | —                                  | X                             | X                                  | —                                | —                            | X                       | X                       | —                            | —  |
| 15   | Pre-sea training course certificate   | —                                    | —                             | X                                  | —                             | X                                  | —                                | —                            | X                       | X                       | X                            | X  |
| 16   | Restricted marine radiotelephone operator certificate                       | —                                    | X                             | X                                  | X                             | X                                  | —                                | —                            | —                       | —                       | —                            | —  |
| 17   | GMDSS general operator certificate  | X*                                   | —                             | —                                  | —                             | —                                  | —                                | —                            | —                       | —                       | —                            | —  |

\* For the endorsement to the certificate of competency as Skipper (Fishing ≥ 24 metres).

[illegible]

**Notes to table:**

- 1 A South African identity document or an official passport is sufficient proof of identity. A true copy of the original, or relevant part of the original, is acceptable.
- 2 A testimonial is a document, signed by the master or employer, testifying to the candidate's character (including sobriety), experience, ability and general shipboard conduct.
- 3 A trainee bridge watchkeeping certificate is a certificate, signed by the master, stating—
  - (a) the period the candidate performed supervised bridge watchkeeping duties; and
  - (b) that those duties were performed for not less than eight hours in every 24 hours during that period; and
  - (c) that the candidate has not been used as a helmsman or lookout during that period.
- 4 A bridge watchkeeping certificate is a certificate, signed by the master, stating—
  - (a) the period the candidate performed duties as officer in charge of a navigational watch; and
  - (b) that those duties were performed for not less than eight hours in every 24 hours during that period,and containing a statement about the candidate's sobriety, conduct and ability.
- 5 An eyesight certificate is the eyesight certificate mentioned in regulation 3 of the *Merchant Shipping (Eyesight and Medical Examination) Regulations, 2004* as amended.
- 6 A medical certificate is the medical certificate mentioned in regulation 3 of the *Merchant Shipping (Eyesight and Medical Examination) Regulations, 2004* as amended.
- 7 A First Aid at Sea Certificate is the certificate mentioned in regulation 2(b) of the *Merchant Shipping (Medical Training) Regulations, 1992* as amended.
- 8 A Ship Captain's Medical Training Certificate is the certificate mentioned in regulation 2(c) of the *Merchant Shipping (Medical Training) Regulations, 1992* as amended.
- 9 A fire-fighting course certificate is a certificate attesting successful completion of approved training in fire-fighting. The certificate is valid for five years from the date of completing the course.
- 10 An advanced fire-fighting course certificate is a certificate attesting successful completion of approved training in advanced fire-fighting. The certificate is valid for five years from the date of completing the course.

- 11 A certificate of proficiency in liferafts is the certificate of qualification mentioned in regulation 47 of the *Merchant Shipping (Training and Certification) Regulations, 2011* as amended.
- 12 A pre-sea training course certificate is a certificate attesting successful completion of the safety induction training mentioned in regulation 4(1)(g) of the *Merchant Shipping (Safe Manning) Regulations, 1999* as amended.
- 13 A restricted marine radiotelephone operator certificate and a GMDSS general operator certificate are certificates of proficiency issued by the Independent Communications Authority of South Africa.
- 14 A certificate of results is a document issued by an accredited maritime training provider attesting successful completion of stated approved training. This training must have been completed not earlier than the date specified by the Authority.
- 15 Proof of qualifying service must be to the examiner's satisfaction and may be required in the form of a Seaman's Record Book and/or a declaration by an employer stating the seagoing service performed during the period of employment.



## EXPLANATORY NOTE

(This note is not part of the regulations)

### 1 Introduction

1.1 These regulations are enabled by section 356 of the *Merchant Shipping Act, 1951* (Act No. 57 of 1951). The regulations repeal and replace the *Examination Regulations for Certificates of Competency for Fishermen, 1993*, and the *Examination Regulations for Certificates of Competency as Marine Motormen, 1993*.

1.2 These are the regulation's main objects:

- .1 to overhaul existing training and certification arrangements for fishing vessel personnel and certain other engineer officer capacities, particularly with a view to improving the quality of training outcomes and the prospects for career progression;
- .2 to introduce the training, certification and watchkeeping standards embodied in the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F).

### 2 STCW-F

2.1 STCW-F was adopted in July 1995 by a diplomatic conference convened under the auspices of the International Maritime Organization (IMO). The convention enters into force in September 2012.

### 3 The regulations

3.1 The introduction of STCW-F principles and standards will bring about a significant change in the way fishing vessel personnel are trained and certificated. In the past, extended periods of sea service were seen as the way to acquire experience and appropriate skills. Unfortunately, experience has shown that the fishing industry is not an environment that is conducive to producing quality outcomes from a system of on-the-job training and learning. In contrast, the new system is built around a combination of reduced experiential training and upgraded and more structured education for enhancing knowledge. The system has been designed in a way that will make it possible for seafarers to progress over time from small vessels to large fishing vessels and, eventually, internationally trading vessels.

3.2 The regulations cover all fishing certification (deck and engine departments) and all marine motorman certification (fishing and non-fishing), but do not cover personnel on pleasure vessels of less than 100 gross tonnage or on commercially operated vessels of less than 25 gross tonnage; these people are covered by the *Merchant Shipping (Small Vessel Safety) Regulations, 2002* as amended.

- 3.3 The regulations track STCW-F by using vessel length as a threshold rather than gross tonnage. This applies not only to the various certificated capacities in the deck department but also to all seagoing service requirements. For example, seagoing service is generally required to be gained on vessels of 12 metres or more in length (regardless of gross tonnage).
- 3.4 The regulations also track STCW-F standards for seagoing service. This results in a significant reduction in the total sea time required for certain certification. For example, the 36 months on vessels of 25 gross tonnage or more currently required for the first deck certificate of competency will be reduced, for the equivalent certificate, to 12 months on vessels of 12 metres or more in length.
- 3.5 In the deck department STCW-F establishes standards only for masters and deck officers on fishing vessels of 24 metres or more in length, leaving national law to determine the standards for fishing vessels of less than 24 metres in length. For fishing vessels of 24 metres or more in length, the regulations adopt the STCW-F standards for masters and deck officers. For fishing vessels of less than 24 metres in length, the existing standard for Fisherman Grade 4 certification has been expanded and upgraded: for example, under the new system the master of a fishing vessel of less than 24 metres [i.e. Skipper (Fishing < 24 metres)] is required to meet the same educational standard as the officer in charge of a navigational watch on a fishing vessel of 24 metres or more in length [i.e. Deck Officer (Fishing  $\geq$  24 metres)].
- 3.6 Similarly, in the engine department STCW-F establishes standards only for chief engineer officers and second engineer officers on fishing vessels of 750 kW propulsion power or more, and the regulations adopt these standards. For fishing vessels of less than 750 kW propulsion power, existing standards for Marine Motorman certification have been expanded and upgraded.
- 3.7 An important principle underlying the new system is the facilitation of career progression. This principle finds expression in the facility to gain experience on a range of vessel sizes, thus making it easier to upgrade certification during the course of a seagoing career.

#### **4 The certificates**

- 4.1 The following paragraphs describe the new kinds of certification. But first here are two definitions that help to explain limitations relating to this certification:

*"limited waters" means—*

- (a) *the internal and territorial waters of the Republic;*
- (b) *the waters of the exclusive economic zone of the Republic; and*
- (c) *if the Republic has entered into an agreement with another State for the purposes of this paragraph, the waters under the jurisdiction of that other State that are covered by the agreement.*

*"unlimited waters" means the waters beyond limited waters.*

4.2 Generally, this is how the waters limitation affects the certification:

- .1 Deck Officer certification automatically meets the unlimited waters standard. This means that the holders of this certification may serve in the certificated capacity on fishing vessels operating in limited and unlimited waters.
- .2 Skipper certification meets the limited waters standard for command purposes and the unlimited standard for watchkeeping purposes. Holders wishing to command fishing vessels operating in unlimited waters are first required to obtain the Unlimited Waters Command Endorsement.

4.3 *Deck department*

- 4.3.1 **Skipper Coastal (> 9 metres).** Although this certification is issued under the *Merchant Shipping (Small Vessel Safety) Regulations, 2002*, it is mentioned here because the holder may serve as mate on fishing vessels of less than 24 metres in length operating in limited waters or as watchkeeping officer on fishing vessels of less than 24 metres in length operating in unlimited waters. This will allow the holder of small vessel certification to obtain sea time on larger vessels for the purpose of upgrading the certification.
- 4.3.2 **Deck Officer (Fishing < 24 metres).** The holder of this certification may serve in the same positions as those described in paragraph 4.3.1, but may also serve as mate on fishing vessels of less than 24 metres in length operating in unlimited waters.
- 4.3.3 **Deck Officer (Fishing ≥ 24 metres).** The holder of this certification may serve as mate or watchkeeping officer on fishing vessels of 24 metres or more in length operating in limited or unlimited waters. Once the holder gains 12 months sea time as a watchkeeping officer, he or she can qualify for the certificate of competency as Skipper (Fishing < 24 metres) without further training or examination, since the education and assessment standards for these certificates are the same.

- 4.3.4 **Skipper (Fishing < 24 metres).** The education and assessment standards for this certification are the same as those for the certification mentioned in paragraph 4.3.3. The holder of this certification may therefore serve in the same capacities as the holder of certification mentioned in that paragraph. In addition, the holder may also serve as master of a fishing vessel of less than 24 metres in length operating in limited waters. If the holder obtains the Unlimited Waters Command Endorsement, then he or she may serve in the command capacity also on fishing vessels operating in unlimited waters.
- 4.3.5 **Skipper (Fishing ≥ 24 metres).** The holder of this certification may serve as master of a fishing vessel of any length operating in limited waters, and in any of the other capacities, except as master of a fishing vessel operating in unlimited waters. If the holder obtains the Unlimited Waters Command Endorsement, then he or she may serve in the command capacity also on fishing vessels operating in unlimited waters.
- 4.3.6 **Unlimited Waters Command Endorsement.** This certification is an endorsement to the certification mentioned in paragraphs 4.3.4 and 4.3.5. It allows the holder to command a fishing vessel (of the length stated in the certification to which the endorsement relates) operating in unlimited waters.
- 4.3.7 **Able Seafarer Deck (Fishing).** This certification can be obtained by a rating and entitles the holder to form part of a navigational watch on a fishing vessel. The holder can convert the certification to the STCW'78 Able Seafarer Deck certification by completing additional seagoing service on trading vessels.
- 4.3.8 For holders of the certification as Skipper (Fishing < 24 metres), Deck Officer (Fishing ≥ 24 metres) and Skipper (Fishing ≥ 24 metres), it is now also possible to obtain equivalent certification for certain kinds of non-fishing vessels without any requirement for additional training or sea time. However, holders of certification obtained under, or converted from, the old system will still be required to do bridging courses in order to obtain these equivalences. These arrangements provide the path for the holder of fishing certification to obtain the STCW'78 Deck Officer certification, after meeting the educational and other requirements in terms of the *Merchant Shipping (Training and Certification) Regulations, 1999* as amended.
- 4.4 *Engine department*
- 4.4.1 **Marine Motorman Grade 2.** The holder of this certification may serve in the following capacities:
- .1 chief engineer officer of a fishing vessel of less than 350 kW propulsion power;

- .2 second engineer officer of a fishing vessel of less than 750kW propulsion power;
- .3 watchkeeping officer on fishing vessels of less than 2 000 kW propulsion power.

4.4.2 **Marine Motorman Grade 1.** The holder of this certification may serve in the following capacities on fishing vessels:

- .1 chief engineer officer of a fishing of less than 750 kW propulsion power;
- .2 second engineer officer of a fishing vessel of less than 2 000 kW propulsion power;
- .3 watchkeeping officer on fishing vessels of any kilowatt propulsion power.

4.4.3 **Marine Motorman Higher Grade.** The holder of this certification may serve as chief engineer officer of a fishing vessel of less than 2 000 kW propulsion power or as second engineer officer of a fishing vessel of any kilowatt propulsion power.

4.4.4 **Chief Engineer Officer (Fishing).** The holder of this certification may serve as chief engineer officer of a fishing vessel of any kilowatt propulsion power.

4.4.5 In addition to the capacities mentioned in paragraphs 4.4.2 and 4.4.3, the holders of certification as Marine Motorman Grade 1 or Marine Motorman Higher Grade may also serve in the other (non-fishing) capacities specified in the *Merchant Shipping (Safe Manning) Regulations, 1999* as amended. qualification to upgrade the qualifications over time. Holders of the Marine Motorman Higher Grade certification now also have the opportunity to obtain the STCW'78 Engineer Officer certification, after meeting the educational and other requirements of the *Merchant Shipping (Training and Certification) Regulations, 1999* as amended.

4.5 In summary, the new certification system reduces the number of examinations and reduces significantly the seagoing service requirements for the first deck officer certificate. However, these changes are balanced by a higher standard of education for all certification.

## 5 Revalidation and conversion

5.1 The regulations introduce revalidation requirements for all new certificates of competency and all equivalent existing certificates. Existing certificates will have to be revalidated and exchanged within five years after the commencement of the regulations (unless SAMSA requires them to be exchanged within a shorter period), and every five years thereafter. New certificates will have to be revalidated at five yearly intervals. Information about revalidation arrangements will be published by marine notice (e.g. Marine Notice No. 5 of 2000 covers revalidation of STCW'78 as amended certification).

- 5.2      Equivalency, revalidation and conversion arrangements will not result in the downgrading of any certification. For example, Fisherman Grade 3 certification is taken to be equivalent to certification as Deck Officer (Fishing  $\geq$  24 metres) endorsed "master of a fishing vessel of less than 30 metres in length operating in limited waters".

**6           Examinations and syllabuses**

- 6.1      The new examination policy tracks the policy already in place for STCW'78 as amended certification. This means that SAMSA will no longer conduct written examinations for fishing and marine motorman certification; instead, these will be conducted by accredited maritime training providers. SAMSA will retain oversight through the accreditation and approval system to ensure that providers meet the relevant standards in the regulations and the *Code for South African Maritime Qualifications* ("the Code"). Responsibility for level 3 assessments (i.e. oral examination) will remain with SAMSA, as for STCW'78 as amended certification.
- 6.2      The new syllabuses, which will be added to the Code, require a higher standard of competence than those under the current regulations. A significant change has been made with the introduction as Fishing Safety as a subject. There is also more emphasis and expanded content on ship stability, particularly for certification relating to vessels of 24 metres or more in length. The modules on human relations and business have also been expanded, and Morse code by light has been scrapped from all certification, except the Unlimited Waters Command Endorsement.
- 6.3      For ancillary courses (e.g. fire-fighting), standards have been kept common wherever possible. This also facilitates the transportability of these qualifications between fishing and other operations. However, in certain cases, such as proficiency in survival craft, additional sea time on trading vessels may be required to obtain the full STCW'78 qualification.
-