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GENERAL NOTICE

NOTICE 71 OF 2014

DEPARTMENT OF TRANSPORT

PUBLICATION FOR COMMENTS OF AMENDMENT OF THE MERCHANT SHIPPING (SAFE MANNING, TRAINING AND CERTIFICATION) REGULATIONS, 2014

I Dipou Peters, Minister of Transport, in terms of section 356 of the Merchant Shipping Act 1951(Act No. 57 of 1951) amends the Regulation in the schedule.

Interested persons are invited to submit written comments on the draft Regulations within 30 days from the date of publication in the *Gazette*.

Submission should be posted to the Director – General Department of Transport for the attention of Mr. Trevor Mphahlele or Bernard Maphalela

E- MAIL: Mphahlet@dot.gov.za

Tel : (012) 309 3481

Fax : (012) 309 3134

The Department of Transport

Private Bag x193

PRETORIA

0001

E- MAIL: Mapheleb@dot.gov.za

Tel : (012) 309 3799

Fax : (012) 309 3590

The Department of Transport

Private Bag x193

PRETORIA

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Schedule

Interpretation

1. In this Schedule “the Regulations” mean the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 published by Government Notice No. R. 511 of 23 July 2013.
2. **Amendments to the Schedule of the Regulations**
The schedule to the Regulations is amended by:
 - a) The deletion of “(unlimited)” after the words “Deck officer” in item 28;
3. **Amendments to regulation 1 of the Regulations**
Regulation 1 of the Regulations is amended by —
 - a) the substitution in sub regulation (1) for the words “Division 4” of the words “Division 5” in the following definitions:

“able seafarer deck”, “able seafarer engine”, “able seafarer (fishing)”, “able seafarer deck (port operations)”, “able seafarer engine (port operations)”, “electro-technical rating”, “engineer rating”, and “general purpose rating (port operations)”;
 - b) the substitution in sub regulation (1) for the definition of “basic training” of the following definition:

“**basic training (not applicable to personnel on fishing vessels)**” means the approved training in Personal Survival Techniques, Fire Fighting and Fire Protection, Elementary First Aid and Personal Survival and Social Responsibility as specified in the Code;”;
 - c) the substitution in sub regulation (1) for the definition of “non-trading vessels” of the following definition:

“non-trading vessels” means pleasure vessels or vessels operated for commercial gain of less than 3000GT not carrying more than 12 passengers engaged on seagoing voyages during which no cargo operations are conducted;”;

- d) the substitution in sub regulation (1) for the definition of "pre-sea training" of the following definition:

“pre-sea training” means once-off mandatory approved training for all seafarers prior to their first employment on a fishing vessel to which these regulations apply;”.

- e) the substitution in sub regulation (3) of the following paragraph:

“(3) All seafarers, (except those to whom the STCW-F Convention applies), shall have completed Basic Training before being assigned safety or pollution prevention duties or before issue of any Certificate of Competency.”;

- f) the substitution in sub regulation (4) of the following paragraph:

“(4) All seafarers shall have completed on-board safety familiarization training before being assigned shipboard duties.”.

- g) the insertion after sub regulation (4) of the following:

“(5) After 1 January 2014, all personnel assigned security duties shall have received training for persons with designated security duties in terms of Regulation 107(2).”.

4. Amendments to regulation 2 of the Regulations

Regulation 2 of the Regulations is amended by —

- a) the substitution for subparagraph (2)(c)(iii) of the following subparagraph:

“(iii) endorsed Master of a ship of less than 500GT on unlimited voyages (management level) [STCW Regulation II/3 - Tonnage limitation].”;

- b) the substitution for subparagraph (2)(c)(iv) of the following subparagraph:

“(iv) endorsed master of a ship of less than 3000GT on unlimited voyages (management level) [STCW Regulation II /2 – Tonnage limitation].”;

- c) the substitution for subparagraph (2)(d)(iii) of the following subparagraph:

“(iii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1- No limitation].”;

- d) the substitution for subparagraph (2)(h)(ii) of the following subparagraph:

“(ii) Endorsed master of a ship less than 200GT on unlimited voyages (Management Level) [STCW Regulation II/3 - Tonnage limitation].”;

- e) the substitution for subparagraph (2)(k)(i) of the following subparagraph:

“(i) officer in charge of a navigational watch on ships of less than 500GT on near-coastal voyages (operational level) [STCW Regulation II/3- No limitation].”;

- f) the substitution for sub regulation (3) of the following sub regulation:

“(3) Subject to sub regulation (7), the certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to fishermen are.”;

- g) the substitution for subparagraph (3)(b)(ii) of the following subparagraph:

“(ii) Officer in charge of navigational watch of a ship of less than 24m engaged in fishing on unlimited voyages [STCW-F Regulation II/2- length limitation].”;

- h) the deletion of subparagraph (4)(f)(i)

- i) the substitution for subparagraph (4)(h)(i) of the following subparagraph:

“(i) chief engineer of any vessel <24m <350kW propulsion power (management level); [STCW Regulation III/3- Power limitation].”.

- j) the substitution for subparagraph (4)(h)(ii) of the following subparagraph:

“(ii) officer in charge of engineering watch of any vessel <24m <1000kW propulsion power (operational level); [STCW Regulation III/3- Power limitation].”.
- k) the substitution for subparagraph (7)(k) of the following subparagraph:

“(k) Proficiency in basic training for liquefied gas tankers [STCW Regulation V/1-2 (STCW Code Section A-V/1-2-1)].”;
- l) the substitution for subparagraph (7) (l) of the following subparagraph:

“(l) Proficiency in advanced training in oil tankers [STCW Regulation V/1-1 (STCW Code Section A-V/1-1-2)].”;
- m) the substitution for subparagraph (7)(m) of the following subparagraph:

“(m) Proficiency in advanced training in chemical tankers [STCW Regulation V/1-1 (STCW Code Section A-V/1-1-3)].”.

5. Amendments to regulation 3 of the Regulations

Regulation 3 of the Regulations is amended by:

- a) the substitution for sub regulations (3) of the following sub regulations:

“(3) The certificates of proficiency listed in regulation 2(7)(a) to (h) shall be revalidated by completing an approved refresher training course and meeting the standards specified in the Code. Those certificates of proficiency listed in regulation 2(6) and 2(7)(i) to (u) may be revalidated by establishing continued professional competence by completing, during the preceding five years at least 12 months sea service while performing the appropriate competencies specified in the Code.”.
- b) the substitution for subparagraph (7)(b) of the following subparagraph:

“(b) have served on vessels equipped with ECDIS for a period of 12 months in the preceding five years whilst holding an approved ECDIS course certificate;”.

6. Amendments to regulation 6 of the Regulations

Regulation 6 of the Regulations is amended by:

a) by the substitution for sub regulation (1) of the following sub regulation:

“(1) The Authority shall —

1. in terms of Section 77(4) of the Act, appoint examiners in accordance with procedures established from time to time.
2. designate in writing, from among the examiners, a senior examiner (deck), a senior examiner (engine), senior examiner (deck fishing), senior examiner (engine fishing) a senior examiner (small vessels), a senior examiner (radio) and a chief examiner.”.

7. Amendments to regulation 10 of the Regulations

Regulation 10 of the Regulations is amended by:

a) the substitution for sub regulation (5) of the following sub regulation:

“(5) In the case of doubt about the appropriateness or sufficiency of a candidate’s qualifying service, the candidate may submit his or her case, accompanied by the relevant certificates, discharge, testimonial, training records, watch keeping certificates and such other documents as may be required, for determination by the relevant senior examiner.”.

8. Amendments to regulation 11 of the Regulations

Regulation 11 of the Regulations is amended by:

a) the substitution for the second subparagraph of 11(3)(a) of the following subparagraph:

- “(b) A candidate for a first deck officer certificate shall produce testimonials signed by the respective Masters of the ships on which he or she has served.”.

9. Amendments to regulation 20 of the Regulations

Regulation 20 of the Regulations is amended by:

- a) the substitution for sub regulation (1) of ALTERNATIVE C of the following sub regulation:

- “(1) have completed, while holding as a minimum the certificate of competency as coastal skipper $\geq 9\text{m}$ or skipper offshore $\geq 9\text{m}$, at least 18 months sea service in the deck department on any of the following types of ships of 25GT or more and/or 14m or more in length overall:”.

10. Amendments to regulation 21 of the Regulations

Regulation 21 of the Regulations is amended by:

- a) the substitution for sub regulation (2) of ALTERNATIVE B of the following sub regulation:

- “(2) have performed, during the required sea service, bridge watch keeping duties under the supervision of a certificated deck officer for at least six months; and”.

11. Amendments to regulation 22 of the Regulations

Regulation 22 of the Regulations is amended by:

- a) the substitution for sub regulations (1) of the ALTERNATIVE C of the following sub regulation:

- “(1) have at least 12 months sea service in the deck department on trading ships of 100GT or more on any seagoing voyages;”;

- b) the substitution for sub regulation (2) of the ALTERNATIVE C of the following sub regulation:

- “(2) have performed, during the required sea service, bridge watch keeping duties under the supervision of a certificated deck officer for at least six months; and”;
- c) by the substitution for sub regulation (1) of the ALTERNATIVE D of the following sub regulation:
 - “(1) have at least 6 months sea service in the deck department on trading ships of 100GT or more on any seagoing voyages;”;
- a) by the substitution for sub regulation (2) of the ALTERNATIVE D of the following sub regulation:
 - “(2) have performed, during the required sea service, bridge watch keeping duties under the supervision of a certificated deck officer for at least three months; and”;
- b) by the substitution for sub regulation (1) of the ALTERNATIVE E of the following sub regulation:
 - “(1) have at least six months sea service in the deck department on trading ships of 100GT or more on any seagoing voyages;”.

12 Amendments to regulation 23 of the Regulations

Regulation 23 of the Regulations is amended by:

- a) the substitution for sub regulation (3) of ALTERNATIVE D of the following sub regulation:
 - “(3) have performed, during the required sea service, bridge watch keeping duties under the supervision of a certificated deck officer for at least three months; and”.

13. Amendments to regulations 25, 26 and 27 of the Regulations

Regulations 25, 26 and 27 of the Regulations are amended by:

- a) the substitution for Regulation 25, Regulation 26 and Regulation 27 of the following Regulations:

25. “Master (port operations)”

For the certificate of competency or endorsement as master (port operations), a candidate shall—

ALTERNATIVE A: Candidates holding a certificate of competency as master (<1600GT port operations)

- (1) be at least 20 years of age;
- (2) have completed at least six months port operations service as the officer in charge of navigational watch or master on port operations vessels of 1000GT or more; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

ALTERNATIVE B: Candidates holding a certificate of competency as skipper (< 200GT port operations)

- (1) be at least 20 years of age;
- (2) have completed at least 12 months port operations service as the officer in charge of navigational watch on port operations vessels of 1600GT or more; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

26 Master (< 500GT near coastal)

For the certificate of competency or endorsement as master (< 500GT near coastal), a candidate shall—

ALTERNATIVE A: Candidates holding certificate of competency as mate (< 500GT near-coastal or unlimited) or deck officer (unlimited)

- (1) be at least 20 years of age;
- (2) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 100GT or more on any seagoing voyages; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

ALTERNATIVE B: Candidates holding naval bridge watch keeping certificate with command endorsement

- (1) have proof of being a commander on board a South African Navy ship of 24m or more for a countable six months and six months sea service as a supernumerary on trading ships of 100GT or more on any seagoing voyages; and
- (2) have completed approved training and meet the standards of competence specified in the Code.

27 Master (< 500GT)

For the certificate of competency or endorsement as master (< 500GT), a candidate shall—

ALTERNATIVE A: Candidates holding certificate of competency as mate (< 500GT near-coastal or unlimited) or deck officer (unlimited)

- (1) be at least 20 years of age;
- (2) have completed, while holding as a minimum the certificate of competency as mate (< 500GT coastal or unlimited), at least 12 months sea service as officer in charge of a navigational watch on trading ships of 100GT or more on unlimited voyages; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

ALTERNATIVE B: Candidates holding certificate of competency as master (< 500GT near-coastal)

- (1) be at least 20 years of age;
- (2) have completed, while holding as a minimum the certificate of competency as master (< 500GT near coastal), at least six months sea service as officer in charge of a navigational watch on trading ships of 100GT or more on unlimited voyages; and
- (3) have completed approved training and meet the standards of competence specified in the Code.

ALTERNATIVE C: Candidates holding naval bridge watch keeping certificate with command endorsement

- (1) have proof of being a commander on board as South African Navy ship of 24m or more for a countable six months and six months bridge watch keeping service on trading ships of 100GT or more on unlimited seagoing voyages under the supervision of a watch keeping officer; and
- (2) have completed approved training and meet the standards of competence specified in the Code.”.

14. Amendments to regulation 28 of the Regulations

Regulation 28 of the Regulations is amended by:

- a) the substitution for the title of Regulation 28 of the following title:

“28 Deck officer”

15. Substitution of Alternative A of regulation 29 of the Regulations

The wording of Alternative A is substituted for the following:

“ALTERNATIVE A: Candidates holding certificate of competency as deck officer”

16. Substitution of ALTERNATIVE B of regulation 30 of the Regulations

The wording of ALTERNATIVE B is substituted for the following:

“ALTERNATIVE B: Candidates holding certificate as deck officer, chief mate or chief mate (< 3000 GT)”

17. Amendments to regulation 31 of the Regulations

Regulation 31 of the Regulations is amended by:

- a) by the substitution for ALTERNATIVE A of the following:

“ALTERNATIVE A: Candidates holding certificate of competency as deck officer”;

- b) by the substitution for ALTERNATIVE B of the following:

“ALTERNATIVE B: Candidates holding certificate of competency as chief mate (<3000GT)”.

18. Amendments to regulation 35 of the Regulations

Regulation 35 of the Regulations is amended by:

- a) the substitution for sub regulation (3) of ALTERNATIVE A of the following sub regulation:

“(3) have performed, during the required seagoing service, bridge watch keeping duties under the supervision of a certificated deck officer for at least six months; and ”.

19. Substitution of regulation 36 of Regulations

- a) The substitution for sub regulation (2) of ALTERNATIVE C: of the following sub regulation:

“(2) have completed approved training and meet the standard of competence specified in the Code.”.

20. Amendments to regulations 41 of the Regulations

The wording of ALTERNATIVE A: is substituted for the following:

“ALTERNATIVE A: Candidates holding certificate of proficiency as marine motorman grade 2”.

21. Amendments to regulations 42 of the Regulations

The wording of ALTERNATIVE C: is substituted for the following:

- a) **“ALTERNATIVE C: Candidates holding certificate of proficiency as marine motorman grade 1”.**

- b) Regulation 42 of the regulations is amended by insertion of ALTERNATIVE D after sub regulation (2) of ALTERNATIVE C as follows:

“ALTERNATIVE D: Candidates holding a certificate of competency as engineer officer STCW A-III/1

- (1) Qualifies for the endorsement as Chief Engineer (<1500 kW port operations) with no additional requirements.”.

22. Substitution of regulation 43 of Regulations

- a) The substitution for subparagraph (1)(a) of ALTERNATIVE A of the following subparagraph:

“(a) chief engineer (< 1500kW port operations); or”.

23. Amendments to regulations 45 of the Regulations

The wording of ALTERNATIVE A: is substituted for the following:

- a) **“ALTERNATIVE A: Candidates holding certificate of proficiency as marine motorman grade 2”.**

24. Substitution of regulation 46 of Regulations

The wording of ALTERNATIVE A: is substituted for the following:

- a) **“ALTERNATIVE A: Candidates holding certificate of proficiency as marine motorman grade 1”.**

- b) The substitution for ALTERNATIVE B of the regulations of the following:

“ALTERNATIVE B: Candidates holding a certificate of competency as chief engineer (<1500kW port operations)”;

25. Substitution of regulation 47 of Regulations

The wording of ALTERNATIVE C: is substituted for the following:

a) **“ALTERNATIVE C: Candidates holding certificate of proficiency as marine motorman higher grade”.**

b) The substitution for sub regulations (1), (2) and (3) of ALTERNATIVE H of the following sub regulations:

“(1) Have completed 12 months approved sea service in trading ships of 750kW propulsion power or more performing watch keeping duties under the supervision of a certificated engineer officer documented in a training record book; and

(2) have completed approved training and meet the standards of competence specified in the Code.”.

26. Substitution of regulation 49 of Regulations

The wording of ALTERNATIVE B: is substituted for the following:

a) The substitution for ALTERNATIVE B of the regulations of the following:

“ALTERNATIVE B: Candidates holding a certificate of competency as second engineer officer <3000kW”.

27. Substitution of regulation 50 of Regulations

a) The substitution for sub regulation (2) of ALTERNATIVE C of the regulations of the following:

“(2) have performed 12 months engineer watch keeping duties under the supervision of a certificated engineer officer or as a supernumerary on trading ships of 3000kW propulsion power or more; and”

28. Amendments to regulation 55 of the Regulations

Regulation 55 of the Regulations is amended by:

a) The substitution of the wording for ALTERNATIVE C: of the following:

“ALTERNATIVE C: Candidates holding a certificate of proficiency as marine motorman grade 1”.

- b) The deletion of sub regulation (1) and (2) of ALTERNATIVE D:

29. Amendments to regulations 56 of the Regulations

Regulation 56 of the regulations is amended by:

- a) The substitution of the wording for ALTERNATIVE D: of the following

“ALTERNATIVE D: Candidates holding a certificate of proficiency as marine motorman higher grade”

- b) The insertion of ALTERNATIVE E after sub regulation (2) of ALTERNATIVE D as follows:

“ALTERNATIVE E: Candidates holding a certificate of competency as engineer officer

- (1) have at least three months sea service on fishing vessels of 750kW propulsion power or more as watchkeeper under the guidance of a qualified engineer officer; and
- (2) have completed approved training and meet the standards of competence specified in the Code.”.

30. Amendments to regulation 59 of the Regulations

Regulation 59 of the Regulations is amended by:

- a) the substitution of sub regulation (2) of ALTERNATIVE A of the following:
- “(2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer deck at least 12 months port operations service on ships of 25GT or more;”;
- b) the substitution of sub regulation (2) of ALTERNATIVE B of the following:
- “(2) have completed, whilst holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer deck, at least 6 months port operations service on

ships of 25GT or more as part of an approved accelerated training programme that includes on board training documented in an approved training record book; and”;

31. Amendments to regulation 60 of the Regulations

Regulation 60 of the Regulations is amended by:

- a) the substitution of sub regulation (2) of ALTERNATIVE A of the following:

“(2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer, at least 18 months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and”;
- b) the substitution of sub regulation (2) of ALTERNATIVE B of the following:

“(2) have completed, whilst holding as a minimum the certificate of proficiency as ordinary seafarer deck, at least 12 months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near-coastal voyages as part of an approved accelerated training programme that includes on board training documented in an approved training record book; and”;
- c) the substitution of title of ALTERNATIVE C of the following:

“ALTERNATIVE C: Candidates holding a certificate of proficiency as able seafarer”;
- d) the substitution of sub regulation (2) of ALTERNATIVE C of the following:

“(2) have at least 3 months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near-coastal voyages;”;
- e) the substitution for the title of ALTERNATIVE D of the following:

“ALTERNATIVE D: Candidates holding a certificate of proficiency as able seafarer (port operations)”;
- f) the substitution of sub regulation (2) of ALTERNATIVE D of the following:

- “(2) have at least six months sea service in the deck department on fishing vessels of 25GT or more on unlimited or near coastal voyages;”;

32. Amendments to regulation 61 of the Regulations

Regulation 61 of the Regulations is amended by:

- a) the substitution of sub regulation (2) of ALTERNATIVE A of the following:

- “(2) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer deck, at least 18 months sea service in the deck department on trading ships of 100GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and”;

- b) the substitution of sub regulation (2) of ALTERNATIVE B of the following:

- “(2) have completed, while holding as a minimum the certificate of proficiency as Ordinary Seafarer deck, at least 12 months sea service in the deck department on trading ships of 100GT or more on unlimited or near coastal voyages as part of an approved accelerated training programme that includes on board training documented in an approved training record book; and”;

- c) the substitution of the title of ALTERNATIVE C of the following:

“ALTERNATIVE C: Candidates holding a certificate of proficiency as able seafarer (fishing)”;

the substitution of the title of ALTERNATIVE D of the following:

“ALTERNATIVE D: Candidates holding a certificate of proficiency as able seafarer (port operations)”;

- e) the substitution of sub regulation (2) of ALTERNATIVE D of the following:

- “(2) have at least 12 months sea service in the deck department on trading ships of 100GT or more on unlimited or near-coastal voyages;”.

33. Amendments to regulation 62 of the Regulations

Regulation 62 of the Regulations is amended by:

- a) the substitution of sub regulation (2) of ALTERNATIVE A of the following:
 - “(2) have at least six months service in the engine department on trading ships of 750kW or more;”;
- b) the substitution of sub regulation (2) of ALTERNATIVE B of the following:
 - “(2) have completed at least two months service in the engine department on trading ships of 750kW or more as part of an approved accelerated training programme documented in an approved training record book and meet the standards of competence specified in the Code; and”;
- c) the insertion of ALTERNATIVE C of sub regulation (2) after subsection (3) of ALTERNATIVE B:

“ALTERNATIVE C: Candidates holding a certificate of proficiency as Marine Motorman Grade 2

- (1) be at least 16 years of age;
- (2) have completed at least one month’s service in the engine department on trading ships of 750kW or more as part of an approved accelerated training programme documented in an approved training record book and meet the standards of competence specified in the Code.”.

34. Amendments to regulation 63 of the Regulations

Regulation 63 of the Regulations is amended by:

- a) the substitution of sub regulation (2) of ALTERNATIVE A of the following:
 - “(2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine (port operations) or ordinary seafarer engine, at least 12 months port operations service on ships of 750kW or more;”;
- b) the substitution of sub regulation (2) of ALTERNATIVE B of the following:

- “(2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine (port operation) or ordinary seafarer engine, at least six months port operations service on ships of 750kW or more as part of an approved accelerated training programme that includes on board training documented in an approved training record book; and”.

35. Amendments to regulation 64 of the Regulations

Regulation 64 of the Regulations is amended by:

- a) the substitution of sub regulation (2) of ALTERNATIVE A of the following:

- “(2) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer engine, at least 12 months sea service in the engine department on trading ships of 750kW or more; and”;

- b) the substitution of sub regulation (2) of ALTERNATIVE B of the following:

- “(2) have completed, while holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer engine at least six months sea service in the engine department on trading ships of 750kW or as part of an approved accelerated training programme that includes on board training documented in an approved training record book; and”;

- c) the substitution of the heading of ALTERNATIVE C of the following heading:

“ALTERNATIVE C: Candidates holding a certificate of proficiency as able seafarer engine (port operations)”;

- d) the substitution of sub regulation (1) of ALTERNATIVE C of the following:

- “(1) have completed at least one month sea service in the engine department on trading ships of 750kW or more; and”;

- e) the insertion of ALTERNATIVE D after sub regulation (2) of ALTERNATIVE C:

“ALTERNATIVE D: Candidate holding a certificate of proficiency as Marine Motorman Grade 1

- (1) have completed at least three months sea service in the engine department on trading ships of 750kW or more as part of an approved accelerated training programme that includes on-board training documented in an approved training record book; and
- (2) have completed approved training and meet the standards of competence specified in the Code; and
- (3) hold a provisional certificate of proficiency as ordinary seafarer engine issued by the chief engineer officer of the ship on which the on-board training was completed.”.

36. Substitution of regulation 72 of Regulations

The substitution for sub regulation (1) of the following:

- “(1) have at least 12 months sea service on trading ships of 500GT or more or passenger vessels engaged on international voyages; and”.

37. Substitution of regulation 73 of Regulations

The substitution for subparagraph (3)(a) of the following subparagraph:

- “(a) trading ships of 100GT or more engaged in mining operations or on unlimited or near-coastal voyages; or”.

38. Substitution of regulation 74 of Regulations

The substitution for sub regulation (3) of the following sub regulation:

- “(3) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers shall

hold a certificate in advanced training for chemical tanker cargo operations. A candidate for a certificate in advanced training in chemical tanker cargo operations shall—”.

39. Amendments to regulation 75 of the Regulations

Regulation 75 of the Regulations is amended by:

a) the substitution of sub regulation (2) of the following:

“(2) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on liquefied gas tankers shall hold a certificate in advanced training for liquefied gas tanker cargo operations. Candidates for a certificate in advanced training for liquefied gas tanker shall—”;

b) the substitution of subparagraph (2)(c) of the following:

“(c) have completed approved advance training for liquefied gas tankers and meet the standards of competence specified in the Code.”.

40. Amendments to regulation 82 of the Regulations

Regulation 82 of the Regulations is amended by:

a) The substitution of subparagraph (b) of sub regulation (3) of the following:

“(b) in all other cases —

(i) if mining operations were conducted for more than two thirds of the period of sea service, the sea service is not to count for more than one-half of the qualifying service; or

(ii) 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.

41. Amendments to regulation 85 of Regulations

Regulation 85 of the Regulations is amended by:

- a) The substitution of subparagraph (2)(b)(iii) of the following subparagraph:

“(iii) have received appropriate guidance in assessment methods and practice and have attended an approved assessors training programme;

- b) The substitution for sub regulation (3) of the following sub regulation:

“(3) Application for accreditation shall be made in the form and manner, include the information and be accompanied by the documents specified by the Authority.”.

42. Amendments to regulation 91 of the Regulations

Regulation 91 of the Regulations is amended by:

- a) the deletion of subparagraphs (1)(e)(i) and (1)(e)(ii);
- b) the substitution of subparagraph (1)(e) of the following:

“(e) every rating employed on the ship and designated to have safety or pollution prevention duties holds documentary evidence of having successfully completed approved basic training in accordance with Part 3 Division 5;”.

43. Amendments to regulation 97 of the Regulations

Regulation 97 of the Regulations is amended by:

- a) the deletion of sub regulations (1), (3) and (4);
- b) substitution of sub regulation (2) for the following sub regulation:

“(1) An employer who wishes to employ a seafarer holding a foreign certificate issued by a party to the STCW-F Convention as an officer or rating required by these regulations, shall apply to the Authority to have such candidate assessed by an examiner of the Authority in accordance with Regulation 17.”.

44. Amendments to regulation 99 of Regulations

Regulation 99 is amended by:

Substituting for "offshore skipper" by "Skipper offshore" in row 7 of column 5 of the Table.

45. Amendments to regulation 100 of Regulations

Regulation 100 is amended by:

Substituting for "(A)" by "(a)" in the 5th column, second row, of item (1) in the Table 43.

46. Amendments to regulation 101 of Regulations

Regulation 101 is amended by:

- a) the substitution in row "5" for "Marine motorman Grade 1" by "Marine Motorman Grade 2";
- b) the substitution in row "6" for "≥350 but <500 and <500GT" by "≥350 but <1500 and <500GT";
- c) The substitution in row "10" for "Marine Motorman Grade 1" by "Marine Motorman Grade 2";
- d) The substitution in row "11" for "Marine Motorman Grade 2" by "Marine Motorman Grade 1";

47. Substitution of regulation 103 of Regulations

- a) The substitution for subparagraph (d) of the following subparagraph:

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

48. Amendments to regulation 104 of the Regulations

Regulation 104 of the Regulations is amended by:

- a) the substitution of subparagraph (c) of the following subparagraph:

“(c) on passenger ships the prescribed number of ratings qualified as proficient in survival craft and rescue boats and as proficient in fast rescue boats shall be in addition to the number of ratings qualified as ordinary or able seafarers;”;

b) (b) the substitution of subparagraph (e) of the following subparagraph:

“(e) owners and masters (bearing in mind that the table above specifies minimum requirements only) shall have regard to the requirements of regulation 91(4) when determining the appropriate manning;”;

c) the substitution of subparagraph (f) of the following subparagraph:

“(f) in respect of a ship engaged solely in port operations, and instead of meeting the requirements specified in the table above, application may be made to the proper officer at the ship's port of operation for the number of certificated ratings to be determined, with the necessary changes, in accordance with regulation 91(4);”.

49. Amendment of regulation 107 of Regulations

a) The regulations are amended by the insertion of a general paragraph after sub regulation (3) of the regulations:

“fishing vessels are excluded from this Regulation.”.

b) The substitution of sub regulation (1) for the following sub regulation:

“(1) The owner and master of a seagoing ship of 500GT or more or a passenger ship on international voyages shall ensure that all personnel employed on board the ship have received security awareness training.”.

50. Amendment of regulation 108 of Regulations

The substitution of the title of Regulation 108 for the following:

“Employment of qualified personnel on passenger ships”

51. Substitution of regulation 113 of Regulations

The following sub regulation (1) is substituted for the following sub regulation:

- “(1) The owner and master of every ship that is equipped with one or more fast rescue boats shall ensure that there are employed on the ship at least two persons per boat who hold a valid certificate of proficiency in fast rescue boats issued in accordance with regulation 71 of these regulations or an approved equivalent.”.

52. Amendments to regulation 115 of Regulations

Regulation 115 is amended by:

- a) the substitution for “skipper” by “Master” in rows 20 and 21 in column 5 of the table in sub-regulation (2);
- b) the insertion of “row 35a” after row “35”;

35a	-	Marine Engineer Officer Class 3 non STCW endorsed	Marine Engineer Officer Class 3 non STCW endorsed	Chief Engineer Officer (Fishing)
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- c) the deletion in row “37 column 5” of “second engineer officer (port operations)” and the insertion of the following table rows after row “37”;

37a	-	Marine Engineer Officer Class 4 non STCW endorsed	Marine Engineer Officer Class 3 non STCW endorsed	Chief Engineer Officer (Fishing) <3 000 kW propulsion power
37b		Second Engineer Officer (Port Operations)	Second Engineer Officer (Port Operations)	Chief Engineer Officer <1 500 kW (Port Operations)

37 c		Engineer Officer (Port Operations)	Engineer Officer (Port Operations)	Chief Engineer Officer < 750 kW (Port Operations)
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- d) the insertion in row 38, column 5 after "Grade", of the following:
"Endorsed:
- Second Engineer Officer (Fishing)
- Chief Engineer Officer <1500kW propulsion power operating within a port operations area";
- e) the insertion in row 39, column 5 after "Grade 1", of the following:
"Endorsed:
-Watch-keeping Engineer Officer (Fishing) <3000kW propulsion power";

53. Substitution of regulation 117 of Regulations

The following regulation is substituted for the following regulation:

"Without limiting regulation 91, the owner and the master of every ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the Act, the STCW Convention or STCW-F Convention, as the case may be, showing the qualification of the master and any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties."

54. Amendment of regulation 119 of Regulations

The regulations are amended:

- a) by the substitution for sub regulation (4) by the following sub regulation:
- "(4) Examination Regulations For Certificates Of Competency For Fishermen, 1993, published by Government Notice No. R 2317 of 01 December 1993, as amended, is repealed.";
- b) by the insertion of sub regulation (6) after sub regulation (5):

- “(6) Examination Regulations for Certificates of Competency as Coxswain (Rescue vessels) 1991, published by government notice no. 1945 of 16 August 1991, as amended, is repealed.”;

55. Amendments to regulation 120 of the Regulations

Regulation 120 of the Regulations is amended by:

- a) The insertion of sub regulations (7), (8), (9), (10) and (11) after sub regulation (6) as follows:
- “(7) Masters and/ or owners are required to ensure that ratings, who have designated safety, or pollution prevention duties, complete “basic training” in terms of Regulation 91(e). They will have two years after entry into force of these regulations to comply.
- (8) Masters and/or owners of passenger vessels engaged in voyages other than unlimited voyages have until 2 years after the entry into force of these Regulations, to comply with Regulation 108.
- (9) Masters and/or owners of fishing vessels of less than 30m in length, required by these Regulations to increase the number of deck officers on board, have until 2 years after the entry into force of these Regulations to comply.
- (10) Fishing vessels issued with safe manning certificates based on operating in the so-called “Defined fishing zone” before the coming into force of these Regulations, may continue to operate at the manning levels prescribed under the Merchant Shipping (Safe Manning) Regulations 1999 and applicable to the “Defined fishing zone”, until 22 July 2015.
- (11) Before 1 January 2016, personnel who produce documentary evidence of serving on a sea going ship for six months in the previous three years performing security functions shall be exempted from the training required for personnel with designated security duties and may be awarded the Certificate of Proficiency.”.

56. Short Title and commencement

The regulations are called the amendment to the Merchant Shipping (Safe Manning and Training and Certification) Regulations, 2014 and come into operation on the date of publication in the Gazette.

EXPLANATORY NOTE

These regulations have been drawn up to address amendments required to the Merchant Shipping (Safe Manning, Training and Certification) Regulations 2013 as a result of conducting a detailed edit of the Regulations and following submissions made by end-users of the Regulations, requesting technical changes to certain regulations where it appeared errors had been made in the original edition.

The Regulations incorporate the STCW and STCW-F Conventions and address Safe Manning requirements with respect to both Conventions. In many instances, the original text did not distinguish between the two Conventions resulting in conflicting interpretations which have been addressed by these amendments. Equally, many transitional arrangements allowed for in the original text did not cater for specifics related to the two Conventions and thus additional transitional clauses have been introduced.

The ratification of the Maritime Labour Convention 2006 and the Work in Fishing Convention 2007 have required amended text to cause existing regulations to address these issues.

It is believed that the amended Regulations will address the needs of safe manning of vessels, the training and certification of seafarers and ensure that South Africa maintains its high standards for many years to come

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