



# South African Maritime Safety Authority

Ref: SM6/5/2/1

Date: 9 February 2016

## Marine Notice No. 10 of 2016

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### **Ships Requiring Immobilisation, Lay-Up, Stopping or Anchoring for Repairs, etc. Within South Africa's Territorial Waters or Internal Waters, Outside Harbours or Fishing Harbours**

TO ALL SHIPS AGENTS, OWNERS AND MASTERS OF SHIPS, STOPPING FOR ANY PURPOSE OUTSIDE A HARBOUR OR A FISHING HARBOUR

*Marine Notice No. 33 of 2013 is cancelled*

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#### *Summary*

Owners and Masters of ships navigating around the coast of South Africa, who may require the ship to stop and/or anchor for immobilization, repairs or lay-up within the Territorial Waters or Internal Waters, must apply through a local Shipping Agent to the nearest Principal Officer (PO), or through Cape Town Radio to MRCC (Maritime Rescue Coordinating Centre) at the Centre for Sea-Watch and Response, for the Authority's permission to do so. Permission may be granted with certain conditions to be adhered to.

#### **Application to stop or anchor a ship for repairs**

1. A person desiring a ship to stop or be anchored for repairs in the territorial waters or the internal waters of the Republic of South Africa, shall without delay apply to the Authority for permission to stop or anchor and shall direct the application to the **Principal Officer (PO)** at the harbour nearest to the location of stopping or anchoring.
2. The application required in *paragraph 1* above shall only be considered if it is in writing and the information and documents listed in **Annex 1** are provided. However, it should be noted that it can in no case be less than what is required by the Marine Traffic Regulations, 1985.
3. Applicants are also reminded that an application does not in itself confer a right to stop or anchor, as has been assumed in some cases - permission may be extended conditionally and may even be refused if considered to be contrary to the interests of the Republic: for example, where there is a risk of stranding or pollution, or a risk to the safety of the vessel or its crew or to the maintenance of peace, good order and security of the Republic.
4. For information and guidance, the current policy of the Authority on the matter can be summarised as follows:

##### 4.1. Vessels in distress

Vessels have a right to enter sheltered bays in times of distress, or in order to take shelter from severe storms, **but they must notify the PO** at the nearest harbour without delay, and must furnish the particulars required by *paragraph 2* above. Communications will be via the S. A. Coastal Radio

network, VHF and / or INMARSAT, email or fax. When within range of a National Harbour or within port limits, VHF communications to Port Control VTS, for onward transmission to the PO, will be adequate. All conditions imposed by the PO will be adhered to throughout the stopping or anchoring duration.

#### 4.2. Maintenance, repairs and commercial activities

Routine maintenance, repairs and commercial activities that would cause the vessel to become immobilised are not permitted outside designated anchorages. However, an application to carry out vessel immobilising work or to conduct certain commercial activities at anchor outside a harbour or fishing harbour will be considered in exceptional cases only. Consultation with local users or interested parties may have to be undertaken. This will require an environmental impact assessment to be furnished; should there be any form of possible pollution, permission will be denied. Condition for immobilising work will require the engagement of an approved **standby tug/s** for the duration of the repair.

#### 4.3. Emergency repairs

Application to stop or anchor outside a harbour or fishing harbour for emergency repairs will be considered, and may be permitted subject to the conditions imposed by the PO, which may include the engagement of an approved standby tug/s for the duration of the repair.

### 5. Conditions for stopping or anchoring of a ship

5.1. The owner who has been granted permission in *paragraph 1* above [***Application to stop or anchor a ship for repairs***], shall comply with such measures specified by the PO concerned, as he has deemed reasonable and necessary: thereby minimising the risk of stranding, and considering the safety of the ship, its crew and / or passengers, the cargo, the prevention of pollution from the ship and maintaining the peace, good order and security of the Republic.

5.2. Costs that may be incurred in implementing such measures shall be for the owner(s) account.

### 6. Notification of departure

The ship, after stopping or anchoring is to proceed on its normal course. The Master or applicant shall forthwith notify the PO concerned of the departure.

### 7. Offences in respect of offshore installations

It is an offence for the Master or any person on board a ship in charge of the navigation of such ship to cause damage to any offshore installation (or part thereof), sub-sea pipeline or telecommunications cable. A no-entry zone of minimum 500metres is to be maintained at all times around such installations.

### 8. Lay-ups

#### 8.1. General

8.1.1. The South African coast is mainly unsheltered and ecologically sensitive.

8.1.2. Lay-ups outside of ports will only be considered for Algoa Bay (Port Elizabeth), Table Bay (Cape Town) and Saldanha Bay, as they provide some degree of shelter from inclement weather. No other place along the coast of South Africa will be considered.

8.1.3. St Helena Bay north of Saldanha Bay on the west coast is not a designated anchorage area for cargo vessels. Thus permission must be obtained from the PO at SAMSA

Saldanha Bay for vessels to anchor there, otherwise a detention notice may be issued and an admission of contravention (“a fine”) will be imposed.

- 8.1.4. Regulations 7 to 12 of the Marine Traffic Regulations 1985 govern such applications, and maybe viewed on the SAMSA website: [www.samsa.org.za](http://www.samsa.org.za)

## **8.2. Hot Lay-up**

In this lay-up condition, the machinery is kept in operation for the sake of a speedy re-commissioning. Re-commissioning times may be no more than **Sixty Minutes** for fine weather, to **Immediate Notice** for inclement weather.

## **8.3. Hot Lay-up with cargo**

In general the conditions in *paragraph 8.2* above will apply. However, the Classification Societies and the flag states should be consulted on a case by case basis scenario, e.g. when carrying Dangerous Goods, etc.

## **8.4. Cold Lay-up**

In a cold lay-up condition the machinery is taken out of service and the vessel is kept “electrically dead”, with the exception of emergency power. Re-commissioning of machinery in this case may take longer than ‘two or three days’ depending on the preservation steps implemented.

## **8.5. Application for Lay-up**

Conditions and requirements as per *paragraphs 1 – 3*

## **8.6. Lay-up Fees**

A levy is payable as per the Government Gazette, *Determination of Levies*, as amended, upon first entry into territorial waters of the Republic after a voyage from a port or a place outside the Republic. The validity of this Lay-up levy is for a 6 (six) month period. This levy is to be paid into the SAMSA Account – details below. When paid electronically, proof of payment is to be provided.

**NB:** There is no levy payable for a ship calling solely for victualing, stores and spares, changing crew or seeking shelter for inclement weather.

### **Banking details:**

Account Name : SAMSA (South African Maritime Safety Authority)  
Account No : 214 0000 674  
Bank : ABSA  
Branch Code : 335 545  
Reference : Ship’s Name

## **8.7. Lay-up Insurance**

The vessel is to remain properly insured at all times. The relevant hull and machinery underwriter and P&I Club should be consulted for guidance and the terms and conditions prior to removal of the ship from service.

The Authority will require a letter from local P&I Club representatives to confirm that the laid-up vessel is covered for port risks, e.g. oil pollution, wreck removal, salvage costs, etc. and other emergency

activation costs (emergency crew, implementation actions etc.).

## **8.8. Lay-up Plan**

A lay-up plan must be forwarded to the Authority for evaluation and authorisation. This is to include the following:

- (a) Lay-up procedures
- (b) Anticipated duration of the lay-up
- (c) Proposed location of the lay-up and mooring arrangements
- (d) Maximum intended draught during the lay-up period
- (e) Proposed manning level
- (f) Emergency response (fire, collision, pollution, etc.)
- (g) Navigation watches (if at anchor)
- (h) Security action plan
- (i) Completing Class surveys and audits
- (j) Procedures and duration for re-commissioning

## **8.9. Lay-up Declaration**

The owner is to provide the Authority with a lay-up declaration from the relevant recognised Classification Society, which has to be renewed every six months.

## **8.10. Duration and termination of lay-up**

- 8.10.1. A period for the initial lay-up shall be six calendar months; however, an extension for a further period is possible at the discretion of the PO, whereby new levies will apply.
- 8.10.2. A period of lay-up commences when the ship arrives in the area of lay-up
- 8.10.3. The Authority reserves the right to terminate the lay-up at any time.

## **8.11. Conditions of lay-up**

- 8.11.1. Any ship to be laid up shall be retained in Class.
- 8.11.2. Sufficient crew to maintain full time fire, leakage, mooring and safety watch (Hot lay-up).
- 8.11.3. The vessel's AIS System and VDR are to be switched on at all times and the relevant data must be updated.
- 8.11.4. Emergency powered or independently powered fire and flooding alarms fitted for machinery spaces, accommodation, bilges etc. must be maintained operational and switched on at all times (Cold lay-up).
- 8.11.5. Unladen tankers shall be ballasted to 35 percent of deadweight or more, while ships other than tankers shall be fully ballasted.
- 8.11.6. All Ballast Water to be exchanged deep sea prior to entering the territorial waters of the Republic of South Africa as per the vessel's Ballast Water Management Plan.
- 8.11.7. Fire ignition sources should be removed or minimised as far as practical.

8.11.8. All decks, accommodation and machinery spaces should be cleaned and all flammable or combustible materials should be removed or properly stored.

8.11.9. Bilges should be kept dry and clean.

8.11.10. All cargo oil tanks, pipelines and bilges shall be empty, cleaned of sludge and of other deposits and shall be gas-freed.

8.11.11. In the case of a ship in which the tanks are gas-freed, a certificate, issued by a qualified analytical chemist, shall be produced at the commencement of the lay-up and thereafter at intervals not exceeding one month. Should the atmosphere in the tank have been compromised or the conditions have changed, new tests shall be done and the appropriate certificate issued.

8.11.12. The tanks may be inerted in ships where an inert gas system is fitted.

8.11.13. Gas-free tests shall be conducted weekly.

8.11.14. Fire fighting equipment shall be maintained in good order and shall be tested at intervals not exceeding one week.

8.11.15. The ship shall display the correct navigation lights and shapes and make the required sound signals in accordance with the International Collision and Distress Signals Regulations.

8.11.16. The permission of the PO and the Harbour Master concerned shall be obtained at all times when any “hot work” repair work, requiring the use of welding or cutting equipment, is to be undertaken.

8.11.17. Any vessel laid –up, must obtain a valid copy of the Annual Summary of Notices to Mariners issued by the South African Navy Hydrographic Office.

8.11.18. Any vessel laid –up, for a period of longer than one calendar month must obtain a current copy of the Maritime Occupational Safety Regulations, 1994 as amended. Special attention is to be given to chapters:

8.11.18.1. General,

8.11.18.2. Safety Provisions for Staff on board Ships, Appliances & Equipment,

8.11.18.3. Stevedores, Shore Contractors & Incidental Persons on board Vessels in the Course & Scope of their Duties.

## **9. Mooring Arrangements**

9.1. The mooring arrangement shall be able to maintain a safe mooring of the vessel, or vessels when double banking.

9.2. Adequate ballast to be taken to reduce windage and to improve stability

9.3. Buoys in position to mark anchors if slipped

9.4. Suitable fendering and safe gangways with good lighting

9.5. Emergency tow lines rigged fore and aft

9.6. Anchoring or mooring arrangements shall be carried out to the satisfaction of the PO

concerned.

- 9.7. A spare or second anchor shall be kept ready for immediate use.
- 9.8. The position of the ship shall be checked on a regular basis and anchors and chain cable shall be inspected regularly.
- 9.9. Anchor and radio watches shall be kept at all times by qualified personnel.

## **10. Safe Manning**

Although the minimum safe manning of a vessel is the responsibility of the Flag State, the Authority will ultimately decide whether the proposed manning level is sufficient.

Qualified personnel shall be available in order to maintain full-time watches for fire, leakage or flooding, moorings and security of the vessel, and shall be capable of operating the related equipment.

## **11. Inspection of laid-up ship**

An authorised person shall at any time have access to the ship and may inspect its cargo, stores, machinery space and machinery in use and such certificates as are required in terms of the laws of the Republic to be carried on board the ship.

## **12. Communication**

Reliable means of communication shall be available 24/7 for immediate contact with the local Port Control for assistance or rescue facilities. There shall be two separate means of communication provided.

## **13. Security**

- 13.1. Means to prevent unauthorised access to the ship shall be established.
- 13.2. Doors and openings should be kept locked, bearing in mind emergency escape possibilities for the persons on-board.
- 13.3. Regular watch-keeping routines, reflecting the security situation at the lay-up site should be established. Procedures for periodical testing of the Ship Security Alert System (SSAS) shall be established.

## **14. Flag State Notification**

Owners shall notify the Flag State when the vessel is laid up or otherwise taken out of service for a prolonged period. Most Flag States require an official notification with date and location of lay-up, so that the status of lay-up can be registered.

## **15. Offshore supply vessels**

If a local vessel is to be employed to carry out offshore supply operations or crew changes (OPL), the local agent is to ensure that the vessel being used has a valid *Local General Safety Certificate* issued by the Authority stating that the vessel is certified to undertake such operations.

## **16. Re-commissioning of vessel**

- 16.1. Notify the Authority and local port authorities in the lay-up area.

- 16.2. Notify the Flag State, P&I Club, Classification Society, and check which class requirements have to be fulfilled prior to leaving the lay-up site.
- 16.3. Ensure that all the statutory certificates are valid.
- 16.4. Re-commission the vessel, using vessel's crew or other competent personnel (preferably with guidance and attendance of the owner's Superintendent or Class Surveyor).

## **17. Marine Traffic Act 2 of 1981 and Marine Traffic Regulations 1985**

Your attention is drawn to *Section 5 of the Marine Traffic Act 2 of 1981 and to Regulations 13, 14 & 15 of the Marine Traffic Regulations 1985* as amended with regards to the requirements for stopping, anchoring, lay-ups and notifications.

Also note the penalties in terms of the Marine Traffic Act 2 of 1981, the relevant parts of which read as follows:

### **Marine Traffic Act 2 of 1981, Penalties**

#### **“Section 11**

- (1) Any person shall be liable on conviction of—
- (b) any offence in terms of section 5(4), to a fine or to imprisonment for a period not exceeding two years; [**One year imprisonment equates to R50 000-00**]
- (d) any offence in terms of section 8B(1), to a fine not exceeding R200 000, or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

*Section 5(4) - Immobilizing, laying-up, stopping or anchoring outside harbours or fishing harbours.*

*Section 8B (1) - Offences in respect of offshore installations”*

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## ANNEX 1

### **Documents and information**

1. The name, address and contact details of the owner of the ship and of the owner's local agent in the Republic;
2. The nature of the cargo aboard the ship, including fuel and lubricating oil (quantities);
3. Hazardous cargo declaration;
4. The proposed location of such stopping or anchoring;
5. The ETA and anticipated duration of such stopping or anchoring;
6. The prevailing weather conditions;
7. Certificate of Registry;
8. Certificate of Class;
9. Cargo Ship Safety Equipment Certificate;
10. Cargo Ship Safety Construction Certificate;
11. Tonnage Certificate;
12. Document of Compliance;
13. Minimum Safe Manning Certificate;
14. P&I Club Certificate of Entry;
15. Hull Insurance Certificate;
16. Declaration of Health;
17. Last 6 Port State Inspection Reports;
18. List of last 10 ports of call and the next port of call;
19. Crewlist;
20. Ship Particulars;
21. Deepest draught of the vessel;
22. Any other certificate or documentation the PO at the port requires.