



# SAS Bulletin

No.4 / 2003

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## Introduction

On 26<sup>th</sup> April 2003 the awaited small Vessel Safety Regulations 2001 became law; these are referred to as the New Regs below. SAS is seeking clarification regarding Inland Waters that are regulated by a number of different government departments with the intention of adopting a common approach.

The impact of these regulations falls squarely on the boat owner and those who operate craft in and around the South African coastline. In essence the regulations require a formal register to be developed which records all pleasure craft of 3m and more in overall length to be registered in the prescribed manner and thereafter be inspected annually to ensure fitness.

An annual certificate of fitness is required for **all** vessels, excepting tenders, prior to them being allowed to launch or leave moorings.

Likewise those that operate the vessels are required to hold a certificate of competence, issued in compliance with the regulations. This is already in place and in terms of the regulations enforceable as of April 2003. However the regulations allow a period of grace (12 months) for implementation.

### **Club Affiliation – Clubs as Authorised Agencies.**

SAMSA requires SAS to act as the national authority, the Governing Body for the sport, and will audit its administration of this process from time to time. SAS in turn designates the authority to clubs as authorised agencies to exercise control over their local waters under SAS's overall authority. Most sailing clubs are already affiliated to SAS but under the New Regulations need to register with SAS to perform a number of functions associated with safety inspections and registration as well skipper competence.

**It is SAS's intention to facilitate the implementation of the New Regs for the clubs and yachtsmen who are not club members and ensure that we have uniform compliance and standards that are practical and as simple as possible to comply with.**

The first step is for Clubs to apply to SAS to be designated to perform one or more of the functions covered by Part 5 of the regulations; a copy of the relevant section dealing with Authorized agencies is at Annexure 'A' but the roles are spelled out below. It is recommended that clubs obtain copies of the full Regulations and these are available on application to the SAS office in Cape Town.

Ideally, SAS would like all clubs to be able to fulfil all the designated roles required to implement the regulations, but it is recognised that some Clubs may not have suitable candidates within its

membership and may wish to link with a neighbouring Club to nominate persons to serve in that area or region.

## **1. Club Affiliation – Clubs as Authorised Agencies.**

The roles to be performed are as follows.

- 1.1 The Club must define its local waters from the viewpoint that it will be responsible for ensuring its own vessel safety inspections, the issue of certificates of competence for its members (local waters certificates), and that its members comply with the regulations.
- 1.2 Record details of voyages for the purpose of regulation 12. Clubs must ensure that a record is kept of **all** boats leaving or arriving (including visitors) at the club. Exceptionally and for the purposes of local races controlled by the Club, the race entry forms listing all entrants in the race(s) will meet the requirement.
- 1.3 Ensure compliance with medical fitness, Regulation 15, dealing with physical ability and alcohol/substance abuse – see Annexure A.
- 1.4 Certify and supervise persons under the age of 16 operating vessels - see regulation 16.
- 1.5 Appointment of Safety Officers to conduct initial and renewal inspections of vessels and make recommendations for the issue of and withdrawal of certificates of fitness – see below.
- 1.6 Appoint local waters examiners – see below
- 1.7 Ensure compliance of small vessel regulations and be subjected to audits by the Governing body or by SAMSA as required from time to time.

## **2. Safety Officers and Vessel Inspections.**

- 2.1 SAS requests that Clubs nominate suitable persons as Safety Officers to fulfil the requirements to inspect vessels for fitness. (See Club actions summary below). Ideally the Safety officer will be an experienced yachtsman with boat building experience, a marine engineer or have experience in a related field. The intention is to select Chief Safety Officers for SAMSA orientation training who will be responsible for selected geographical areas and who will in turn train Club Safety Officers to a common standard. All Safety Officers will be accredited to SAS with appropriate certificates and ID's.
- 2.2 Where Safety Officers have been appointed, it is requested that for accreditation purposes the individuals CV's are forwarded to SAS, the intention being to accredit all existing Safety Officers to a national standard.
- 2.3 Safety Officers will inspect boats for fitness in accordance with the Regulations Annex 1 and SAS will issue, modify or withdraw vessel safety certificates on the recommendation of the Club's appointed Safety Officer. Safety officers must also stipulate the maximum number of persons that the vessel may safely carry.
- 2.4 SAS will issue Safety certificates and annual "markers" to vessel owners on these recommendations, the vessel will be registered and the register made available to Government authorities.

2.5 The powers of the Safety officer extend to include the powers of enforcement as set out in Clause 28 – see Annexure A. The interaction between the Safety Officer and law enforcement agencies is being clarified and this information will be made available as soon as possible.

2.6 Vessel Inspections and registration will in future carry a fee payable to SAS. Part of the fee levied will be used to reimburse the Safety Officer for time & travel related costs

### **3. Examinations and Yachtsman's Sailing Qualifications (Skippers Tickets)**

3.1 SAS requests that Clubs nominate persons suitable to be Local Waters Examiners. These persons will be additional to the SAS Examiners who examine at Coastal level and above. Club examiners already exist in a number of clubs but under the new dispensation these persons must be accredited to SAS. See Action by Clubs below.

3.2 Yachtsmen currently hold a variety of valid sailing qualifications with varying levels of recognition from local waters tickets to Yachtmaster Ocean/Offshore issued variously by CASA, SAYRA, DOT, RYA etc. The requirement is for a unified system. SAS's intention is to issue new and internationally recognised certificates of competence using the current SAS categories as well as recognising existing tickets that comply with SAS standards as far as is possible.

3.3 Members holding Yacht Club (local waters) certificates will be invited to submit their current certificates for conversion in the next few months; these are to be routed through their Clubs for onward transmission to SAS. Clubs are required to recommend category (see 3.6) and forward this to SAS.

3.4 Examinations at club level will in future carry a fee payable to SAS. Part of the fee levied will be used to reimburse the Examiner for time & travel related costs. SAS will issue Local Waters certificates.

3.5 SAS is taking advice on certificates issued by DOT, SAMSA and others and will advise on this matter as soon as possible.

3.6 SAS will publish details of certificates of competence gradings after consultations with the Clubs and Insurers. These are likely to be in line with existing Club rules. Of importance is that these are agreed nationally in order that there is one standard.

### **4. Time Constraint.**

As mentioned above, there is a time constraint for compliance with the regulations and it is in everyone's interest to co-operate to achieve this objective. The regulations promulgated on 26<sup>th</sup> April 2003 allow a 12-month period during which time the current system will be accepted. However during that time owners are required to attend to the requirement of having their vessels registered and issued with a certificate of fitness for the year and masters/skippers must take steps to obtain certificates of competency.

### **5. Inland Waters Regulations.**

SAS has been advised that inland waters authorities are also in the process of drafting revised or new safety regulations; one draft has been seen at this stage. It is certain that the inland regulations will be similar to those required at sea and SAS advises that inland clubs take steps towards compliance with the above as far as is possible until the inland regulations are available.

### **6. Summary of actions by Sailing Clubs.**

- 6.1 Yacht / Sailing Clubs are invited to register as Authorised Agencies in accordance with the New Regs by applying in writing on a Club letter-head to the respective regional SAS office as soon as possible.
- 6.2 Nominate Club Safety Officers with supporting CV outlining the individuals experience with particular reference to the task. Nominations for any individuals suitable for appointment as area chiefs would be appreciated.
- 6.3 Nominate local waters examiners with supporting documentation such as copy of Log Book pages.
- 6.4 Clubs are requested to initiate a process to recommend Club issued certificates for SAS re - issue based on agreed gradings and existing club rules and curricula. In the interim, Clubs are requested to make recommendations on these rules to the **Chairman of the SAS Offshore Standing Committee** via the SAS regional office

## PART 5 SUPPLEMENTAL

### Authorized agencies

27.

(1) Subject to sub regulation (2), the Authority may, with the concurrence of a governing body, or a club or an organization affiliated with a governing body, designate such body, club or organization as an authorized agency, entrusting to it in the instrument of designation the performance of one or more of the following functions:

- (a) to determine the maximum number of persons that a vessel may safely carry for the purposes of regulation 11(2);
- (b) to record voyage details for the purposes of regulation 12;
- (c) to issue and cancel certificates of competence, and to demand the surrender of cancelled certificates, under regulation 14;
- (d)
  - (i) to require a person to furnish medical evidence for the purposes of regulation 15(1) and (2);
  - (ii) to take specimens for the purposes of regulation 15(3);
- (e) to certify and to supervise persons under the age of 16 years for the purposes of regulation 16;
- (f) to conduct initial and renewal inspections of vessels under regulation 20;
- (g) to issue and cancel certificates of fitness, and to demand the surrender of cancelled certificates, under regulations 21, 23 and 24, respectively.

(2) Designation under sub regulation (1) is subject to the conditions, which may include provision respecting periodical inspections or audits, that the Authority may determine and specify in the instrument of designation, in the case of the designation of a club or organization affiliated with a governing body, after consultation with that governing body.

(3) The Authority may suspend or revoke a designation under sub regulation (1) if it believes on reasonable grounds that the body, club or organization concerned has failed—

- (a) to comply with these regulations or any condition imposed there under; or
- (b) to perform diligently and faithfully the functions entrusted to it in terms of these regulations.

(4)

(a) An authorized agency may, for the purpose of performing its functions under these regulations, designate as a safety officer any member of the authorized agency who, in its opinion, is qualified to be so designated.

(b) An authorized agency must furnish every safety officer with a certificate attesting to his or her designation as a safety officer setting out the provisions of these regulations that the safety officer is authorized to enforce, and a safety officer must, if so required, produce the certificate in the course of performing functions under these regulations.

(5) Designation as a safety officer terminates if-

(b) the designee's membership of the authorized agency is suspended or terminated; or

(b) the designation is otherwise revoked by the authorized agency, and the person concerned must upon demand surrender the certificate issued to him or her in terms of sub regulation (4)(b) to the authorized agency.

### **Powers of enforcement officers**

28.

(1) In this regulation "enforcement officer" means a person designated under sub regulation (2).

(2) The following persons are designated as enforcement officers in respect of pleasure vessels for the purpose of these regulations:

(c) a member of the South African Police;

(d) a member of any municipal police force;

(c) a safety officer; and

(d) any person designated as an enforcement officer for the purposes of these regulations by the Authority.

(3) Subject to sub regulation (5), an enforcement officer may, in order to verify and ensure compliance with these regulations—

(a) board and inspect a pleasure vessel and its appliances and equipment, ask any pertinent questions of, and demand all reasonable assistance from, the owner or skipper, or any person who is in charge or appears to be in charge, of the vessel; and

(b) require the owner or skipper or other person who is in charge or appears to be in charge of the vessel to produce—

(i) personal identification; and

(ii) any document or certificate required by these regulations.

(4)

(a) Subject to paragraph (b) and sub regulation (5), an enforcement officer may, in order to ensure compliance with these regulations and in the interests of public safety, direct the movement of a pleasure vessel or prohibit the operation of a pleasure vessel.

(b) Except in an emergency, an enforcement officer may not give a direction or prohibition under paragraph (a) in respect of any pleasure vessel in a public harbour for which a harbour master is appointed without the prior consent of the harbour master.

(c) The owner or skipper of a vessel whose operation has been prohibited under paragraph (a) may, at own expense, submit the vessel to inspection by a surveyor, who may confirm, vary or set aside the prohibition.

(5) A safety officer may exercise the powers of an enforcement officer under sub regulations (3) and (4)(a) only in respect of pleasure vessels entered with the authorized agency whose functions he or she has been designated to perform and may inspect such vessels and their appliances and equipment only when they are at dockside, moored or beached.

(6) Every person must comply with the requirements of an enforcement officer in the course of performing functions under these regulations.

### **Equivalents and exemptions**

#### **29.**

(1) Where these regulations require that a particular fitting, material, appliance, apparatus, item of equipment or type thereof be fitted or carried in a vessel, or that any particular provision be made, or any procedure or arrangement be complied with, the Authority may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in the vessel, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof, or that any particular provision, procedure or arrangement is at least as effective as that required by the regulations.

(2) The Authority may grant exemption, on such terms (if any) as it may specify, from any of the provisions of these regulations for individual cases or classes of cases and may, after reasonable notice, alter or cancel any such exemption.

### **Exemption in respect of controlled events**

#### **30.**

(1) Subject to sub regulation (2), the owner and skipper of a vessel that participates in an approved controlled event in the Republic or in the territorial waters of the Republic are, in respect of such vessel and for the duration of the event, exempt from these regulations.

(2) Application for the approval of a controlled event must be lodged with the Authority not later than 10 days before the intended date of the event and must be accompanied by full details of the event and of the rules and manner of supervision, including safety measures, to be applied and by the other particulars that the Authority may require.

(3) The Authority may extend a standing approval under sub regulation (2) for a period not exceeding 12 months and may at any time on reasonable grounds revoke such approval.

### **Offences and penalties**

**31.** A person who contravenes a provision of regulation 4(1), (3) or (4), 7, 8, 9, 10, 11(1), 12(1), (3), (4) or (5), 13, 14(1), (4) or (6), 15(1), (2), (3) or (5), 16, 18(1), (4), (5), (6) or (8), 19, 24, 25, 26, 27(5) or 28(6) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.