



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 670

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**PART 1 OF 4**

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)

# Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2021**

*The closing time is 15:00 sharp on the following days:*

- **24 December 2020**, Thursday for the issue of Thursday **31 December 2020**
- **31 December 2020**, Thursday for the issue of Friday **08 January 2021**
- **08 January**, Friday for the issue of Friday **15 January 2021**
- **15 January**, Friday for the issue of Friday **22 January 2021**
- **22 January**, Friday for the issue of Friday **29 January 2021**
- **29 January**, Friday for the issue of Friday **05 February 2021**
- **05 February**, Friday for the issue of Friday **12 February 2021**
- **12 February**, Friday for the issue of Friday **19 February 2021**
- **19 February**, Friday for the issue of Friday **26 February 2021**
- **26 February**, Friday for the issue of Friday **05 March 2021**
- **05 March**, Friday for the issue of Friday **12 March 2021**
- **12 March**, Friday for the issue of Friday **19 March 2021**
- **18 March**, Thursday for the issue of Friday **26 March 2021**
- **25 March**, Thursday for the issue of Thursday **01 April 2021**
- **31 March**, Wednesday for the issue of Friday **09 April 2021**
- **09 April**, Friday for the issue of Friday **16 April 2021**
- **16 April**, Friday for the issue of Friday **23 April 2021**
- **22 April**, Thursday for the issue of Friday **30 April 2021**
- **30 April**, Friday for the issue of Friday **07 May 2021**
- **07 May**, Friday for the issue of Friday **14 May 2021**
- **14 May**, Friday for the issue of Friday **21 May 2021**
- **21 May**, Friday for the issue of Friday **28 May 2021**
- **28 May**, Friday for the issue of Friday **04 June 2021**
- **04 June**, Friday for the issue of Friday **11 June 2021**
- **10 June**, Thursday for the issue of Friday **18 June 2021**
- **18 June**, Friday for the issue of Friday **25 June 2021**
- **25 June**, Friday for the issue of Friday **02 July 2021**
- **02 July**, Friday for the issue of Friday **09 July 2021**
- **09 July**, Friday for the issue of Friday **16 July 2021**
- **16 July**, Friday for the issue of Friday **23 July 2021**
- **23 July**, Friday for the issue of Friday **30 July 2021**
- **30 July**, Friday for the issue of Friday **06 August 2021**
- **05 August**, Thursday for the issue of Friday **13 August 2021**
- **13 August**, Friday for the issue of Friday **20 August 2021**
- **20 August**, Friday for the issue of Friday **27 August 2021**
- **27 August**, Friday for the issue of Friday **03 September 2021**
- **03 September**, Friday for the issue of Friday **10 September 2021**
- **10 September**, Friday for the issue of Friday **17 September 2021**
- **16 September**, Thursday for the issue of Thursday **23 September 2021**
- **23 September**, Thursday for the issue of Friday **01 October 2021**
- **01 October**, Friday for the issue of Friday **08 October 2021**
- **08 October**, Friday for the issue of Friday **15 October 2021**
- **15 October**, Friday for the issue of Friday **22 October 2021**
- **22 October**, Friday for the issue of Friday **29 October 2021**
- **29 October**, Friday for the issue of Friday **05 November 2021**
- **05 November**, Friday for the issue of Friday **12 November 2021**
- **12 November**, Friday for the issue of Friday **19 November 2021**
- **19 November**, Friday for the issue of Friday **26 November 2021**
- **26 November**, Friday for the issue of Friday **03 December 2021**
- **03 December**, Friday for the issue of Friday **10 December 2021**
- **09 December**, Thursday for the issue of Friday **17 December 2021**
- **17 December**, Friday for the issue of Friday **24 December 2021**
- **23 December**, Thursday for the issue of Friday **31 December 2021**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

| Pricing for National, Provincial - Variable Priced Notices |                          |               |
|--|--------------------------|---------------|
| Notice Type  | Page Space               | New Price (R) |
| Ordinary National, Provincial                              | 1/4 - Quarter Page       | 252.20        |
| Ordinary National, Provincial                              | 2/4 - Half Page          | 504.40        |
| Ordinary National, Provincial                              | 3/4 - Three Quarter Page | 756.60        |
| Ordinary National, Provincial                              | 4/4 - Full Page          | 1008.80       |

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

| Government Gazette Type                       | Publication Frequency          | Publication Date                          | Submission Deadline                     | Cancellations Deadline                               |
|---|--------------------------------|---|---|--|
| National Gazette                              | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Regulation Gazette                            | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Petrol Price Gazette                          | Monthly                        | Tuesday before 1st Wednesday of the month | One day before publication              | 1 working day prior to publication                   |
| Road Carrier Permits                          | Weekly                         | Friday                                    | Thursday 15h00 for next Friday          | 3 working days prior to publication                  |
| Unclaimed Monies (Justice, Labour or Lawyers) | January / September 2 per year | Last Friday                               | One week before publication             | 3 working days prior to publication                  |
| Parliament (Acts, White Paper, Green Paper)   | As required                    | Any day of the week                       | None                                    | 3 working days prior to publication                  |
| Manuals                                       | Bi- Monthly                    | 2nd and last Thursday of the month        | One week before publication             | 3 working days prior to publication                  |
| State of Budget (National Treasury)           | Monthly                        | 30th or last Friday of the month          | One week before publication             | 3 working days prior to publication                  |
| <i>Extraordinary Gazettes</i>                 | As required                    | Any day of the week                       | <i>Before 10h00 on publication date</i> | <i>Before 10h00 on publication date</i>              |
| Legal Gazettes A, B and C                     | Weekly                         | Friday                                    | One week before publication             | Tuesday, 15h00 - 3 working days prior to publication |
| Tender Bulletin                               | Weekly                         | Friday                                    | Friday 15h00 for next Friday            | Tuesday, 15h00 - 3 working days prior to publication |
| Gauteng                                       | Weekly                         | Wednesday                                 | Two weeks before publication            | 3 days <b>after</b> submission deadline              |
| Eastern Cape                                  | Weekly                         | Monday                                    | One week before publication             | 3 working days prior to publication                  |
| Northern Cape                                 | Weekly                         | Monday                                    | One week before publication             | 3 working days prior to publication                  |
| North West                                    | Weekly                         | Tuesday                                   | One week before publication             | 3 working days prior to publication                  |
| KwaZulu-Natal                                 | Weekly                         | Thursday                                  | One week before publication             | 3 working days prior to publication                  |
| Limpopo                                       | Weekly                         | Friday                                    | One week before publication             | 3 working days prior to publication                  |
| Mpumalanga                                    | Weekly                         | Friday                                    | One week before publication             | 3 working days prior to publication                  |

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

| Government Gazette Type              | Publication Frequency | Publication Date                               | Submission Deadline          | Cancellations Deadline                          |
|--------------------------------------|-----------------------|--|------------------------------|---|
| Gauteng Liquor License Gazette       | Monthly               | Wednesday before the First Friday of the month | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| Northern Cape Liquor License Gazette | Monthly               | First Friday of the month                      | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| National Liquor License Gazette      | Monthly               | First Friday of the month                      | Two weeks before publication | 3 working days <b>after</b> submission deadline |
| Mpumalanga Liquor License Gazette    | Bi-Monthly            | Second & Fourth Friday                         | One week before publication  | 3 working days prior to publication             |

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

### DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

#### NOTICE 212 OF 2021

LEAF SERVICES (PTY) LTD  
 AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT NO. 119 OF 1990)  
 NOTICE FOR COMMENT

Leaf Services (Pty) Ltd, designated as an assignee in terms of the Agricultural Product Standards Act, 119 of 1990, ("APSA") to apply Section 3(1)(a) and (b), 3A(1), 4A(1)(a), 7 and 8 of APSA in respect of regulated grain and grain products, hereby invites comments with respect to the proposed inspection procedures and fees referred to below from all affected stakeholders.

Affected stakeholders are all food business operators in the grain industry who:

1. Perform grading of raw grains reflected in the table below under any regulation made in terms of APSA; and/or
2. Produce, pack, process or trade in regulated grain products reflected in the table below under any regulation made in terms APSA.

Leaf Services will commence inspections of the affected parties upon conclusion of the process prescribed under the Promotion of Administrative Justice (Act 3 of 2000), in line with its assigned mandate under APSA.

The detail of the proposed inspection methodologies can be found at [www.leafservices.co.za/report](http://www.leafservices.co.za/report), or on request from Leaf Services at the email address below.

The proposed inspection fees in respect of the different products are as provided in the table below. The inspection fees in respect of grain products will be levied on the volumes of products sold. The inspection fees in respect of grain will be levied on the volumes of products delivered for commercial purposes, including tonnages delivered for storage.

| Grain and grain products    | Rate per ton (Rand) | Rate per loaf (cents) |
|-----------------------------|---------------------|-----------------------|
| Canola                      | 1.90                |                       |
| Dry Beans                   | 1.90                |                       |
| Ground nuts                 | 1.90                |                       |
| Maize                       | 1.90                |                       |
| Malting barley              | 1.90                |                       |
| Sorghum                     | 1.90                |                       |
| Soya Beans                  | 1.90                |                       |
| Sunflower seeds             | 1.90                |                       |
| Wheat (all types)           | 1.90                |                       |
| Rice                        | 1.90                |                       |
| Maize products              | 6.00                |                       |
| Wheat products (excl bread) | 6.00                |                       |
| Bread (Loaf)                |                     | 2.30                  |

- All proposed fees exclude Value Added Tax (VAT)

Written comments/representations should be directed by email to the Chief Executive Officer: Leaf Services ([daniel.botes@leafservices.co.za](mailto:daniel.botes@leafservices.co.za)) to be received by no later than 30 days from the date of publication of this notice.

Mr Daniel Botes , Chief Executive Officer, Leaf Services  
 Agri-hub Building, Block C, 477 Witherite St, The Willows, Pretoria

## DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 213 OF 2021  
LABOUR RELATIONS ACT, 1995**FURNITURE BARGAINING COUNCIL: EXTENSION OF PERIOD OF OPERATION OF THE COLLECTIVE BARGAINING FEE COLLECTIVE AGREEMENT**

I, **STEPHEN RATHAI**, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32(6)(a)(i) of the Labour Relations Act, 1995, extend the period fixed in Government Notices Nos R.20 of 20 January 2017, R. 752 of 28 July 2017, R. 496 of 18 May 2018, R.1037 of 5 August 2019 and R. 436 of 14 August 2020 by a further period ending **30 April 2022**.



.....  
DIRECTOR: COLLECTIVE BARGAINING

**UMNYANGO WEZEMISEBENZI NEZABASEBENZI****UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995****FURNITURE BARGAINING COUNCIL: UKWELULWA KWESIKHATHI SOKUSEBENZA KWESIVUMELWANO SENKONKHELO YOKUHLANGANYELA**

Mina, **STEPHEN RATHAI**, uMqondisi Wezokuxoxisana phakathi kwabaQashi naBasebenzi, ngegunya likaNgqongqoshe Wezabasebenzi, lapha ngokwesigaba 32(6)(a)(i) soMthetho Wobudlelwano Kwezabasebenzi, ka-1995, ngimemezela ukuthi isikhathi sokusebenza kwesivumelwano senkokhelo esinqunywe kwiZaziso sikaHulumeni ezingunombolo R.20 somhlaka 20 kuMasingana 2017, R. 752 somhlaka 28 kuNtulikazi 2017, R. 496 somhlaka 18 kuNhlaba 2018, R.1037 somhlaka 5 kuNcwaba 2019 kanye R. 436 somhlaka 14 kuNcwaba 2020 sengeziwe ngesikhathi esiphela ngomhlaka **30 kuMbaso 2022**.



.....  
UMQONDISI WEZOKUXOXISANA PHAKATHI  
KWABAQASHI NABASEBENZI  
USUKU: 9/04/2021

**DEPARTMENT OF HEALTH****NOTICE 214 OF 2021****COUNCIL FOR MEDICAL SCHEMES  
MEDICAL SCHEMES ACT, No 131. of 1998****DECLARATION OF CERTAIN PRACTICES BY MEDICAL SCHEMES IN  
SELECTING DESIGNATED HEALTH CARE PROVIDERS AND IMPOSING EXCESSIVE CO-  
PAYMENTS ON MEMBERS AS IRREGULAR OR UNDESIRABLE PRACTICES BY THE MEDICAL  
SCHEMES, IN TERMS OF SECTION 61 OF THE MEDICAL SCHEMES ACT No 131. Of 1998**

In terms of section 61 of the Medical Schemes Act, (No 131. of 1998, the Registrar of Medical Schemes hereby:

- a) Publishes notice to declare certain practices as irregular or undesirable practices in relation to the activities of medical schemes.

**PURPOSE****1. Selection of dedicated service providers**

1.1 Chapter 3 of the Regulations in terms of the Medical Schemes Act, 1998 entitles a medical scheme to select healthcare providers as dedicated service providers to provide to its members diagnosis, treatment, and care in respect of prescribed minimum benefit conditions.

1.2 According to information provided to the Registrar, some medical schemes:

1. Unilaterally and without restriction, determine the criteria to apply when selecting their dedicated service providers (DSPs).
2. Select DSPs without engaging in a fair procurement process and without considering applications to join their DSP network from all interested and qualified service providers.
3. Thus, the abovementioned practice therefore unfairly limits the number of selected service providers (including pharmacies) available to provide healthcare services to the members.
4. Oblige members only to use only the selected limited number of DSPs or risk paying exorbitant co-payments.

1.3 Among other things, this practice has prevented many healthcare service providers, including independent community pharmacies, the opportunity to join the DSP network of such schemes even though they are willing and able to provide healthcare services at the same fee rate as the selected DSPs.

**2 Unfair penalty co-payments**

According to information provided to the Registrar, some medical schemes;

- 2.1 Specify in their rules the quantum of Regulation 8(2)(b) co-payments for pharmaceutical products which amount to penalty co-payments;
- 2.2 Calculated the penalty co-payments as a percentage of the total script dispensed by pharmacies which consists of the Single Exit Price (cost price) of the medicine plus the dispensing fee rate charged by the service provider pharmacy, which unfairly penalises members who do not use the designated service provider.

### 3 Declaration

Subject to written representations made by interested persons in response to the notice published on the 9<sup>th</sup> of June 2017, the Registrar may, with the concurrence of the Council for Medical Schemes and the Minister of Health, declare the following business practices as irregular and undesirable for all medical schemes. To this end, the Registrar declares the following practices as undesirable:

- 3.1 The selection by a medical scheme of a healthcare provider or group of providers as the preferred provider or providers to provide to its members the diagnosis, treatment, and care in respect of one or more prescribed minimum benefit conditions, namely as designated service providers without engaging in a fair procurement process which is fair, equitable, transparent, competitive and cost-effective. The Council shall publish guidelines on selecting Designated Service Providers (DSPs) for Medical Schemes within 180 days of publication of this notice.
- 3.2 Imposing a co-payment in terms of Regulation 8(2)(b) that exceeds the quantum of the difference between that charged by the medical scheme's designated service provider and that charged by a provider that is not a designated service provider of such scheme. This includes any other co-payments, which are unfair to members or beneficiaries or cannot otherwise be numerically justified. The Council will publish guidelines on co-payments within 180 days after the publication of this declaration.

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA****NOTICE 215 OF 2021****DIGITAL SOUND BROADCASTING SERVICES REGULATIONS, 2021**

The Independent Communications Authority of South Africa ("the Authority"), in terms of section 4 (1), read with section 30 (2) (d), and 34 (6) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) hereby publishes the Digital Sound Broadcasting ("DSB") Services Regulations in the schedule.

A copy of the DSB Services Regulations will be made available on the Authority's website at [www.icasa.org.za](http://www.icasa.org.za) and in the Authority's Library situated at 350 Witch-Hazel Avenue, Eco Point Office Park, Centurion between 09h00 and 16h00, from Monday to Friday.

A handwritten signature in black ink, appearing to read 'Keabetswe Modimoeng'.

---

**Dr. Keabetswe Modimoeng**

**Chairperson**

**Date: 06 /04 /2021**

## SCHEDULE

### 1. DEFINITIONS

In these Regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act, has the meaning so assigned.

**"Act"** means the Electronic Communications Act, 2005 (Act No.36 of 2005), as amended.

**"Analogue sound broadcasting"** means terrestrial broadcasting where the sound broadcast signal is in analogue format and "analogue sound broadcast" shall be construed accordingly;

**"Applicant"** means a person applying to provide a broadcasting service in terms of the Processes and Procedures Regulations;

**"CCC"** means the Complaints and Compliance Committee;

**"Digital Sound Broadcasting (DSB)"** means an audio broadcasting technology intended to deliver superior quality sound using digital communications technology. It is a digital signal delivery system capable of delivering sound and data;

**"Digital sound broadcasting services"** means a broadcasting service delivered over a DSB platform.

**"Multi channel distributor"** has the same meaning as defined in the Act;

**"MUX"** means a multiplexer which is a device or unit that combines multiple analogue or digital signals into a single data stream over a shared medium or platform;

**"Primary market"** means geographical markets of Gauteng and the metropolitan areas of and around Cape Town and Durban;

**"Process and Procedures Regulations"** means the Processes and Procedures Regulations for Class Licences, 2010 published under Government Notice R526 in *Government Gazette* 33297 of 14 June 2010, as amended from time to time and the

Processes and Procedures Regulations for Individual Licences, 2010 published under Government Notice R522 in *Government Gazette* 33293 of 14 June 2010, as amended from time to time;

**“Radio Frequency Spectrum Licence”** has the same meaning as defined in the Act;

**“Secondary Markets”** means geographical markets that fall outside Primary Markets;

**“Simulcast”** means a simultaneous transmission of the same sound broadcasting service on two or more channels or media;

**“Sound broadcasting service”** has the same meaning as defined in the Act;

**“Licensee”** has the same meaning as defined in the Act;

**“Terrestrial Broadcasting Frequency Plan 2013”** means the Terrestrial Broadcasting Frequency Plan published on 02 April 2013 in Government Gazette 36321 Notice No. 298 of 2013 as amended.

## 2. OBJECTIVES

The objectives of these Regulations are to:

- (a) Set out the framework for the introduction of DSB services; and
- (b) Prescribe the procedure for an Applicant seeking to provide DSB services.

## 3. SCOPE

These Regulations shall apply to sound broadcasting licensees seeking to provide digital sound broadcasting services.

## 4. FRAMEWORK FOR DSB SERVICES

- (1) The introduction of DSB services for new applicants will be in a phased approach: phase one (1) will be in the primary markets and phase two (2) will be in the secondary markets.

- (2) On a date to be determined by the Authority and published in the Government Gazette, existing sound broadcasting service licensees may simulcast their existing sound broadcasting programme (s) on analogue and digital platforms.
- (3) The Authority will consider Applicants without existing sound broadcasting licences three (3) years after the date contemplated in sub regulation (2) above. This will be done through an invitation to apply issued by the Authority in terms of section 9 of the Act, and in line with Regulation 4 (5) of the Community Broadcasting Services Regulations, 2019.
- (4) A DSB technical advisory group (DTAG) shall be formed after the effective date of these regulations. DTAG shall be an advisory body established by the Authority, whose mandate shall be to advise the Authority on technical matters relating to the roll out of DSB services, and its roles and responsibilities shall be set out in its terms of reference that shall be developed by its members in consultation with the Authority. The DTAG shall be chaired by a Councillor appointed by Council and comprise of technical representatives from:
  - (a) Representatives from the Authority as may be determined;
  - (b) Representatives from Licenced Public sound Broadcasters;
  - (c) Representatives from Licenced Commercial sound Broadcasters;
  - (d) Representatives from Licenced Community sound Broadcasters;
  - (e) Representatives from Licensed electronic communications network services (ECNS) / signal distribution operators); and
  - (f) Any other stakeholders that may be invited by DTAG from time to time.
- (5) The Authority shall determine the number of representatives from each Broadcasting sector to serve on the DTAG.

## **5. MULTI-CHANNEL DISTRIBUTION OF DSB SERVICES**

- (1) Multi-channel distribution services will be provided by an ECNS licensee as defined in the Act.

- (2) A Multi-channel distributor shall be required to have an ECNS licence and radio frequency (RF) Spectrum licence in-order to distribute and operate a MUX.
- (3) The Authority shall issue an invitation to apply (ITA) for a RF spectrum licence to Applicants who hold an ECNS licence and intend to be a Multi-channel distributor.
- (4) Existing sound Broadcasters, who self-provide their signal distribution services, will be required to apply for a RF spectrum licence in order for them to operate a MUX.
- (5) The ECNS licensee shall be required to roll-out infrastructure and commence operation within two (2) years from issuance of a RF spectrum licence by the Authority.

## **6. STANDARDS APPLICABLE TO DSB SERVICES**

DSB services must compliment analogue services using the following digital standards:

- (a) DRM30 technologies to complement AM sound broadcasting services in the band 535.5 - 1606.5 kHz;
- (b) DRM+ to complement FM sound broadcasting services in the band 87.5 - 108 MHz; or
- (c) DAB+ to complement FM sound broadcasting services in the band 214 - 240 MHz.

## **7. DSB MUX ALLOCATION**

- (1) The MUX allocation for DSB services is as indicated in the Terrestrial Broadcasting Frequency Plan 2013.
- (2) Public, commercial and community DSB services must be provided in terms of the Terrestrial Broadcasting Frequency Plan 2013 as updated by the Authority from time to time.

## **8. LICENSING OF DSB SERVICES**

- (1) A sound broadcasting service licensee shall approach the Multi channel distributor with its existing sound broadcasting service licence for confirmation of the availability of capacity.
- (2) Once the sound broadcasting service licensee receives a written confirmation of capacity from a Multi channel distributor, the licensee shall provide the written confirmation to the Authority to support its application to provide a DSB service in terms of regulation 4(3) or to apply for channel authorisation as set out in regulation 9 of these Regulations.
- (3) The Authority shall, upon receipt of an application by an Applicant which is accompanied by a confirmation of the availability of capacity on a MUX, issue a sound broadcasting service licence to provide DSB services.
- (4) The Multi channel distributor must grant capacity to a sound broadcasting service licensee issued with a licence in terms of sub regulation (3).

## **9. CHANNEL AUTHORISATION**

- (1) A sound broadcasting service licensee may as set out in Annexure A to these Regulations, apply to the Authority for a channel authorisation to add a new service to an existing DSB service.
- (2) A sound broadcasting service licensee may not add a channel to its service unless the Authority, on application by the licensee, has authorised the channel.
- (3) Within sixty (60) days of the receipt of the application for channel authorisation, the Authority shall issue a certificate authorising or refusing to authorise the channel.

- (4) If the Authority upon the expiry of the sixty (60) days period as contemplated in sub-regulation (3), has not issued a certificate, the channel shall be regarded as having been authorised.
- (5) If the Authority refuses to authorise a channel, the Authority will provide written reasons for the decision to the Applicant.

#### **10. CONTRAVENTION AND PENALTIES**

- (1) Failure to comply with regulations 7 and 8 (4) will result in the imposition of a fine not exceeding two hundred thousand Rands (R200 000.00) for each day of the contravention; and
- (2) Failure to comply with regulation 9 (2) will result in the imposition of a fine not exceeding five hundred thousand Rands (R500 000.00).

#### **SHORT TITLE AND COMMENCEMENT**

These Regulations are called the Digital Sound Broadcasting Services Regulations, 2021 and shall come into force upon publication in the *Government Gazette*.

**Annexure A: Channel Authorisation Application**

An Applicant requiring channel authorisation in terms of regulation 9 of these Regulations must submit a channel authorisation application setting out the following information:

- (a) State the name of the channel;
- (b) The nature of its channel and its content;
- (c) The primary language of the channel;
- (d) The duration of the channel if it is a special event channel or pop out channel;
- (e) Confirmation from the Multi channel distributor of capacity on the MUX; and
- (f) Information regarding the name, nature and content of the existing DSB service provided by the Applicant.



**Independent Communications Authority of South Africa**

350 Witch-Hazel Avenue, Eco Point Office Park

Eco Park, Centurion

Private Bag X10, Highveld Park 0169

**REASONS DOCUMENT FOR THE DIGITAL SOUND BROADCASTING  
SERVICES REGULATIONS**

**REASONS DOCUMENT**

**MARCH 2021**

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## 1. ACKNOWLEDGEMENTS

- 1.1 The Independent Communications Authority of South Africa ("the Authority"/ "ICASA") hereby acknowledges and thanks all stakeholders who have participated in the process aimed at developing a regulatory framework for the introduction of Digital Sound Broadcasting ("DSB") Services.
- 1.2 The following stakeholders have submitted written representations to the Authority on the draft DSB Regulations:
- a) Southern African Digital Broadcasting Association (SADIBA)
  - b) Consumer Advisory Panel (CAP)
  - c) African Media Entertainment (AME)
  - d) South African Broadcasting Corporation (SABC)
  - e) SENTECH
  - f) PRIMEDIA
  - g) The Westbury Community Development Centre (WECODEC)
  - h) Thembeka and Associates
  - i) National Association of Broadcasters (NAB)
  - j) National Community Radio Framework (NCRF)
  - k) Broadcom International
  - l) Blu Lemon Pty Ltd
  - m) DRM
  - n) TWR
  - o) Radio Pulpit

## 2. INTRODUCTION

- 2.1 On 29 March 2018, the Authority published its intention to conduct an Inquiry in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"). The purpose of the Inquiry was to solicit input in relation to:
- 2.1.1 examine the prospects of implementation of DSB services in South Africa; and
  - 2.1.2 examine the manner in which the implementation of DSB services can improve spectrum efficiency and management.

- 2.2 The Authority subsequently published the Findings Document and Position Paper on the use of Digital Sound Broadcasting in South Africa on 29 March 2019<sup>1</sup>.
- 2.3 On 10 July 2020<sup>2</sup>, the Minister of Communications and Digital Technologies (“the Minister”) published the policy direction on the introduction of DSB in South Africa.
- 2.4 On 13 November 2020, after consideration of the policy direction, the Authority published the Draft DSB Regulations and invited interested parties to make written representations by 29 December 2020, which date was subsequently extended to 08 January 2021. The Authority received fifteen (15) written submissions, thirteen (13) of which requested to make oral representations to the Authority. The Authority held public hearings from 20 to 21 January 2021.
- 2.5 The purpose of this Reasons Document is to summarise the submissions (written and oral) by stakeholders in relation to the Draft DSB Regulations and to provide reasons for decisions of the Authority.
- 2.6 The Reasons Document will focus on the Authority’s consideration of the Minister’s Policy Direction on the Introduction of DSB in South Africa as well as on the sections of the Draft DSB Regulations that interested parties made oral and written submissions on and the Authority’s decisions thereto.
- 2.7 The Authority considered and aligned the DSB Policy Direction on the Introduction of DSB in South Africa published by the Minister to the Draft DSB Regulations.
- 2.8 On 10 July 2020, the Minister of Communications and Digital Technologies (“Minister”) published the Digital Sound Broadcasting (“DSB”) Policy Direction on the Introduction of Digital Sound Broadcasting in South Africa in the Government Gazette No. 43514 (“the Policy Direction”) for the Authority’s consideration.

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<sup>1</sup> Government Gazette No. 42337 of 29 March 2019

<sup>2</sup> Government Gazette No. 43514 of 10 July 2020

2.9 The matrix is attached as Annexure A that represents the Authority's view of the Policy Direction.

### 3. REGULATION 1: DEFINITIONS

3.1 **AME** recommends that "**Digital Sound Broadcasting**" be defined as "a digital standard for sound broadcasting which is an efficient way of providing sound broadcasting services other than on FM or AM frequency bands"; the term "**analogue broadcasting**" can be defined as "current commercial sound broadcasting licensees broadcasting on either the FM or AM frequency bands"; "**applicant**" must therefore be defined more simply as "a person who applies to ICASA for a licence to provide digital sound broadcasting"; "**digital sound broadcasting services**" should be defined in the same way as communications services are currently defined in the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("ECA"), namely by referring to the type of licence authorizing that service. The definition of DSB would be "the provision of DSB services by a licensee"; a "**multiplex**" or MUX is not a network of frequencies – it is in fact the process for combining multiple analogue or digital signals into a single data stream over a shared medium or platform. The definition should be revised.

**AME** submitted that if ICASA accepts that all licensees should either be able to apply at the same time for DSB licences, then the definitions of "**primary**" and "**secondary**" markets are not required. Currently they increase the competitive gap between the primary and secondary market players.

Furthermore, **AME** submits that the definition of "**multi-channel distribution service**" in the ECA constitutes a better foundation for the definition of "multiplex".

The definition of "**simulcast**" should be improved. Currently, it refers to "transmission of the same radio programme" when the ECA and all other regulations refer to "sound broadcasting service". It also refers to "**channels or media**". In their view it would be more appropriate to define this term as "the broadcasting of programmes or events across more than one medium, or more than one service on the same medium, at exactly the same time." However, since it is only used in the context of one regulation (regulation 4(2)), the definition could simply refer to that regulation as it explains in any event what is meant in this context.

3.2 **SABC** advises the Authority to reconsider the definitions of the **Primary and Secondary Market**. The mandate of the Public Broadcaster in respect to the universal service and its coverage goes beyond the definitions.

3.3 **The Authority's Reason for Decision on Regulation (1) in the Draft DSB Regulations is as follows:**

3.3.1 In dealing with proposals on amendments to definitions by stakeholders, the Authority has amended some definitions, while certain definitions have not been amended and reasons have been provided accordingly. The following definitions have been amended:

**"Applicant"** the definition is aligned to the Processes and Procedures Regulations. Furthermore, the Authority has deleted the term digital platform from the definition in order for the applicant to conform to the definition outlined in the Processes and Procedures Regulations.

**"MUX"** the Authority is of the view that MUX is an abbreviation of a multiplexer. To this end, the Authority has amended the definition of MUX to refer to a MUX as a device and not as a network of frequencies as it initially had in the draft regulations.

**"Simulcast"** the Authority has amended the definition and has replaced radio programme with sound broadcasting service, in alignment to the ECA.

**"Analogue sound broadcasting"**: the Authority has amended the term "Analogue broadcasting" to "Analogue sound broadcasting", the definition is aligned to the term Digital Sound Broadcasting.

3.3.2 The Authority decided to retain the following definitions: definition is aligned to the term DSB analogue broadcasting.

**"Digital Sound Broadcasting"** the term Digital Sound Broadcasting is not a standard but is a digital signal delivery system capable of delivering sound and data intended to deliver superior quality sound using digital communications technology.

“**digital sound broadcasting services**” the Authority notes that the ECA does not define communications services. Furthermore, the definition for digital sound broadcasting services has been construed from the definition of digital sound broadcasting.

“**multi-channel distribution service**” the Authority has addressed AME’s concern by amending the definition of MUX.

“**primary**” and “**secondary**” markets the Authority has decided to retain the definitions of primary and secondary markets because the Authority has decided to proceed with the licensing of primary and secondary markets, and retain the phased approach.

#### **4. REGULATIONS 2: OBJECTIVES**

4.1 **AME** argues that it is common for ICASA to set out the goals and objectives or the vision for a Draft Regulation. However, the Draft Regulations should never take place in a vacuum, and yet these regulations appear to be simply procedural in nature, rather than having any fundamental legal, technical or operational reason or indeed any indication that to introduce them would be to improve the landscape for sound broadcasters, existing or future. AME recommends that the objectives be improved.

#### **4.2 The Authority’s Reason for Decision on the Objectives in the Draft DSB Regulations is as follows:**

4.2.1 The Authority has decided to retain the provisions of regulation 2 as AME did not provide the wording in this respect.

#### **5. REGULATIONS 4: FRAMEWORK FOR DSB SERVICES**

##### **Regulation 4(1):**

5.1 **SADIBA** submits that differentiation between primary and secondary markets does not make sense as there is no timeline given for how long the phased approach will last and considered as complete. Furthermore, SADIBA submits that commercial broadcasters in different provinces considered secondary markets are of the view that DSB discriminates against them, they have valid licenses and don’t see evidence to wait for the completion of phase 1. SADIBA further submits that it is foreseen

that rollouts have to focus at key metropolitan areas. SADIBA feels that the differentiation between primary or secondary markets, regionalised (sub province) and local coverage is not provided for in TBFP2013.

- 5.2 **CAP** agrees with ICASA phased approach for primary and secondary markets as it believes that it will ensure that the introduction of DSB services is not disruptive to the market, giving ICASA, consumers, and new entrants time to adjust to the new market conditions. Furthermore, CAP is of the view that the phased approach will promote competition and ensure that the introduction of new market entrants which may include vulnerable consumers.
- 5.3 **AME** does not support the phased approach, however, it proposes that in order to promote competition, broadcasters in the secondary markets should be allowed to enter the Primary market as DSB broadcasters as it will create an opportunity for competition in terms of listenership. Moreover, AME proposes regulation 4 (1) to read as follows "the migration of licensees in primary markets will take place in Phase 1 while the migration of licensees in secondary markets will take place in Phase 2".
- 5.4 **WECODEC** submits that on the DSB phase implementation proposed by the Authority, its purpose is not spell out. According to WECODEC, if the primary market approach is on stage one, it will take side of the already advantaged and the disadvantaged and under-served communities in the rural areas remain discriminated upon. Furthermore, WECODEC submits that the phased approach for DAB+ would not have an impact on the DRM rollout for Community Radio and other broadcasters using the DRM technology, and the DRM will be delivered as per individual need and requirements.
- 5.5 **Thembeke and Associates** submits that due to the effects of the COVID-19 Pandemic that has impacted communities more so in rural, marginalised and peri-urban communities, the phased approach must be reviewed. Moreover, it submits that DSB introduced in 2017 to the ICT Chamber by Thembeke and Associates is available to all disabilities on audio, for the blind and multiple other disabilities as well as data in the form of text and images for deaf persons; South Africa National for the Blind

supported by the ICT Chamber's call for DSB in its member organization of 100 (Tape Aids for the Blind being a member of the Organisation); it is essential to provide Early Childhood lessons 3-6 years (in all the mother tongue languages), "the gogo stories" especially those that unable to attend formal primary school education.

5.6 **SENTECH** submits that the "introduction of DSB services...in a phased approach" must be reconsidered due to the impact of COVID-19. Moreover, it submits that Authority's proposal on phased approach is not compliant with the object of ECA and creates an environment of unfair competitive behaviour, unfair competition challenges, inconsistent programme offering and unequal platform. According to SENTECH, those terrestrial audio broadcasters operating in both primary and secondary markets will unfairly compete against services only operating in secondary markets, and it proposes a nationwide rollout.

5.7 **The Authority's Reason for Decision on Regulation 4(1) in the Draft DSB Regulations is as follows:**

5.7.1 The Authority acknowledges the views by AME, WECODEC, Thembeke associates and others, that there is no need for a phased approach. However, the Authority is of the view that the phased approach is necessary to allow time for infrastructure roll-out; the period for take up of DSB services; and adopting the pilot approach (small scale deployment for learning and iteration before large scale roll-out).

**Regulation 4(2):**

5.8 **SADIBA** believes that the broadcaster should decide when it is right for Analogue Sound Switch-Off (ASO) while a proposed date for analogue switch off may be determined. Moreover, it supports a simulcast of existing services and recommends that new digital only services be launched.

5.9 **Primedia** is worried with regards to the Draft DSB Regulations stating that there will be an Analogue Sound Switch-Off (ASO) date as determined by the Minister. However, it submits that the DSB Position

Paper specified "it will not be necessary for a total analogue switch-off for various reasons such as the availability of digital receivers and the costs thereof analogue can co-exist with digital services until there is enough up-take of receivers." According to Primedia, it is likely that analogue terrestrial sound broadcasting spectrum may not and should not be switched-off for decades, if ever.

- 5.10 **CAP** welcomes the proposed approach by the Authority to allow existing sound broadcasting service licensees to simulcast their existing sound broadcasting programmes on analogue and digital platforms. Furthermore, CAP believes this will limit the impact of the switchover on vulnerable consumers who, due to a lack of resources, will find the switchover difficult to manage in terms of end-user equipment acquisition.
- 5.11 **AME** submitted that ASO should not be rushed.
- 5.12 **NAB** submits that the Draft DSB Regulations are not in sync with the Policy Direction that says DSB services are to be offered alongside analogue sound broadcasting services, and also Findings Document and Position Paper (The Authority also adopted the same position as articulated in paragraph 6.6.3.4) on the matter regarding ASO.
- 5.13 **NCRF** supports simulcasting for a smooth transition. Furthermore, it submits that the time will allow for the manufacturing of handset which will lower the price.
- 5.14 **NCRF** is of the view that the ASO is long overdue, it further advises that the Minister ensure all legally operating stations have crossed over before switching off. Secondly, considering that most households access radio through analogue devices, it will be imperative to ensure that listeners are not compromised in the process of the South African government complying with the ITU statutes as a signatory state.
- 5.15 **SENTECH** is of the view that ASO of terrestrial audio services should be the prerogative of the broadcasting industry, especially since there is no expectation of support from the fiscus. According to SENTECH, it means that ASO must solely be based on

commercial consideration in compliance with objects of the ECA (S2 of ECA), and the framework for ASO can be discussed and agreed to through the DSB technical advisory group (DTAG). Moreover, it submits that government should leave the conditions for ASO to the industry which will be determined by economic conditions.

5.16 **The Authority's Reason for Decision on Regulation 4(2) in the Draft DSB Regulations is as follows:**

5.16.1 The Authority has removed references to ASO as there is no provision for ASO in the DSB Policy Directive.

5.16.2 Furthermore, DSB Services will be introduced as a complementary service, therefore, no Broadcaster is obliged to simulcast. Broadcasters are however given an opportunity to simulcast and provide DSB services if they wish. This is to address the issues raised by most stakeholders in relation to added cost on the cost implications of simulcasting of their broadcasting services.

**Regulation 4(3):**

5.17 **Broadcom International** is of the view that the Authority should consider extending the period of two (2) years to three (3) years, or five (5) years, by doing so it will encourage and allow early movers to have a better opportunity to recover migration costs and reap some benefits. Furthermore, it submits that there is a large and diverse existing broadcasters' combination in the current primary and secondary markets that may take-up DSB.

5.18 **BluLemon Pty Ltd** submits that the waiting period should be six (6) months due to numerous new stations waiting for a long time to get an opportunity to broadcast, the waiting period of two years is long and will make them desponded. According to BluLemon Pty Ltd, a paragraph must be added that deals with applicants for lower power commercial licences that may without limitations or waiting period chose DSB technologies when applying for their 1W FM frequencies.

- 5.19 **SADIBA** notes that the Authority will consider applicants without existing licences two years after the date of Regulations. Moreover, it submits that an initial frame of 20 years is proposed and reviewed closer to the time to see if targets are met. DSB should not be hard migration like DTT.
- 5.20 **DRM** submits that the 2-year waiting period for applicants without existing sound broadcasting licences is too long considering the moratorium on community radio licensing that was originally imposed due to the lack of radio frequency spectrum. Furthermore, it submits that immediate access to additional DRM spectrum will help the underprivileged to gain access to news and entertainment, and this problem can be considered being solved and maintaining, therefore, an additional artificial delay is not productive at all.
- 5.21 **WECODEC** is puzzled with the Authority's two (2) years waiting period. Furthermore, it opposes the delay citing trials that demonstrate space for at least forty-eight (48) additional sound broadcasting services in Johannesburg, and also it is against an ITA process as, in its opinion, the process has never been a meaningful option for the dynamic space of community broadcasting.
- 5.22 **TWR** submits that given the levels of investment required to start digital broadcasting services such as DRM and the further investment needed to encourage the sustainability of such services, for instance, to provide for receiving sets - TWR proposes that applicants with a credible track record and business plans for such services should not be required to wait for two years after the effective date of the regulations but should be included in the first Invitations to Apply issued by the Authority.
- 5.23 **SABC** submits that the two (2) year reprieve while the existing broadcast licensees get organized is supported by the Corporation, however, this term seems to have been "thumb sucked". The SABC proposes that the "Market Research" be conducted by the Authority which should include sustainability of

the market, the financial viability of the new entrants is determined.

5.24 **The Authority's Reason for Decision on Regulation 4(3) in the Draft DSB Regulations is as follows:**

5.24.1 The Authority has amended the period on which it shall receive new applications from two (2) years of the effective date of the Regulations to three (3) years after the existing sound broadcasting licensees have been permitted to simulcast. The change is intended to allow existing broadcasters to recoup their start-up costs, similarly to also allow ECNS licensees who would be expected to roll out their network infrastructure prior to licensing of new players, to recoup their start-up costs. The change is also intended to prevent an overlap between the existing sound broadcasting licensees who are permitted to simulcast and the new entrants who will enter the market.

**Regulation 4(4):**

5.25 **SADIBA** seeks clarity on what is expected from DTAG and the extent to which this can be productive and contribute positively to the establishment and growth of a vibrant DSB environment.

5.26 According to **SADIBA** it is imperative in the DSB framework to indicate exactly what the Authority will achieve with the advisory group that could not be achieved through existing measures, and not create a parallel and conflicting structure to the public process required.

5.27 **DRM** supports the intentions of the Authority in establishing the DBS technical advisory group, DTAG. Furthermore, DRM is offering to contribute and support Authority's activity in this body both as an international not-for-profit Consortium dedicated to the take-up of this standard across the world and through our local representatives.

5.28 **WECODEC** supports and expresses interest to participate in DTAG.

- 5.29 **Thembeke and Associates** recommends that the DTAG group extend further to stakeholders other than broadcasters to stakeholders to include, (1) Persons with Disabilities, (2) Receiver Manufacturers – they would like receivers that will be inclusive of both standards and (3) Initiatives of potential community radio stations even if not licensed yet.
- 5.30 **NCRF** welcomes the formation of the multi-stakeholder group for technical advisory and wishes to express its deep interest to form part of DTAG.
- 5.31 **SENTECH** notes the formation of an advisory body and advises that the lessons learned from the Digital Migration process in relation to the technical advisory committee be considered by including terms of reference with timeframes. Moreover, it submits that the experiences with Joint Spectrum Advisory Group (JSAG) constituted in terms of sub-regulation 14 of the Digital Migration Regulations, makes the interaction and timeframes obligatory for the effectiveness of DTAG. The group must have timelines in order to ensure that its effective in its mandate.
- 5.32 **BluLemon** desires to be part of the representatives from licensed ECS/Signal distributors operators.
- 5.33 **The Authority’s Reason for Decision on Regulation 4(4) in the Draft DSB Regulations is as follows:**

5.33.1 The Authority notes the submissions for the support of DTAG formulation. The Authority has made it clearer in the Regulations that DTAG is an advisory body.

## **6. MULTI-CHANNEL DISTRIBUTION OF DSB SERVICES**

### **Regulation 5:**

- 6.1 **AME** submits that the wording of regulation 5 suggests when read with section 63 of the ECA, that any person may self-provide a MUX. Moreover, it submits that if this is the case, then it would

be useful to understand how regulation 5(5) can operate at the same time as regulation 4(3) as then both the MUX operator and all digital sound broadcasters have to be ready to broadcast on the same MUX, in two years. However, AME indicates, this is a very short time period for both activities, and particularly for both to take place together.

- 6.2 **SENTECH** commends the Authority for the progressive considerations as outlined in sub-regulations 5(1), (2) and (3) of the Draft DSB. However, it submits that in relation to sub-regulation 5(4), the Authority is required to provide clarity on how this provision will be implemented taking into consideration the differences between existing conditions targeted to accommodate DRM, DRM+ and DAB+ services.

Unlike DRM and DRM+, DAB+ will be implemented in a band that has historically been limited to the provisioning of terrestrial television services.

- 6.3 **The Authority's Reason for Decision on Regulation 5 in the Draft DSB Regulations is as follows:**

6.3.1 The Authority has decided to retain the provisions of Regulation 5.

**Regulation 5(2):**

- 6.4 **Broadcom International** understands that Multi-Channel Distributor for DSB Services refers and applies to DAB+ migration. However, it submits that the Single-Channel Distribution for DSB services may be appropriate to DRM30 and DRM+ migration candidates, Broadcom International seeks more details on this matter. Broadcom International feels that the broadcasters should use their choice to conduct any hard migration or migrate on a timeshare basis (certain hours) using their licensed spectrum allocations or they should have the option to apply and be allocated additional spectrum in the same spectrum category to implement DSB migration.

- 6.5 **Broadcom International** submits that ICASA must discover processes to support these broadcasters equally without additional burden. Broadcom International also submits that ICASA must take into consideration that those broadcasters, specifically to the independent operators, will have to carry the cost for this migration on their own and without taxpayer's financial support to offer DSB migration. Technology neutral position, equal access, and market forces are to dictate migration strategy, with optional of access to spectrum in the same category for migration.
- 6.6 **SADIBA** is concerned with the lack of clarity on measures to avoid potential dominance and undue influence of a multi-channel distributor over what broadcast services get capacity and how much. SADIBA asks a question on how will the capacity in a multiplex be managed to determine bandwidth and quality as desired?
- 6.7 **AME** urges that as a monopoly provider with dominance, if Sentech applies to operate a MUX in terms of regulation 5 of the draft Regulation, then Sentech's prices must be regulated by ICASA. AME recommends that the Regulations include a cost model or provide for ICASA to create a cost model in order to regulate Sentech's prices.
- 6.8 **The Authority's Reason for Decision on Regulation 5(2) in the Draft DSB Regulations is as follows:**

6.8.1 The Regulation also applies to DRM30 and DRM+. The Authority is of the view that the simulcast process is not compulsory, it will be the prerogative of the broadcaster to decide when to simulcast. The technical aspects (capacity in a multiplex and bandwidth determination) of DSB will be determined by DTAG.

**Regulation 5(3):**

- 6.9 **DRM** suggests that ECNS licence holders who desire to operate a Mux should be allowed to apply for a RF spectrum licence outside of an ITA process.

6.10 **AME** submits that it is not clear whether an incumbent in a secondary or other market can apply for space on a MUX in a different geographical location, and although the draft Regulations give primary markets first bite, as it indicated above, this will likely destroy competition for secondary market licensees.

6.11 **SENTECH** submits that there is no broadcaster's assignment spectrum in the DAB+ band for terrestrial audio services, whilst AM and FM spectrum are currently assigned to terrestrial audio broadcasters. SENTECH questions how does the Authority contemplate issuing ITAs for spectrum currently assigned to analogue terrestrial broadcasting services? Moreover, SENTECH submits that the consideration of DAB+ is based on the SFN frequency plan and the digital system is expected to accommodate 10 to 20 programmes. SENTECH further submits that the Authority must be cognizant that DAB is a family of standards that includes DAB, DAB+ and T-DMB and collectively referred as DAB. SENTECH questions if the Draft DSB only refers to DAB+, whether the Authority excluding the implementation of T-DMB? SENTECH also seeks clarity about catering for the differences between existing conditions targeted to accommodate DRM, DRM+ and DAB+ services.

6.12 **WECODEC** views Regulation 5 (3) as considering only the DAB+, in DAB spectrum fifteen plus (15+) services will be accommodated on a single platform and reasonable responsibility will last with the respective licensee, an ITA process is best suited. However, for the DRM licensees the process is not justifiable to limit the events when DRM spectrum is provided – in the AM or FM Band – to a specific time slot.

6.13 **The Authority's Reason for Decision on Regulation 5(3) in the Draft DSB Regulations is as follows:**

6.13.1 The radio spectrum will be licensed through an ITA as prescribed by regulation 7 of the Radio Frequency Spectrum Regulations 2015 read with section 31(3)(a) of the ECA. T-DMB is not one of the standards prescribed in the DSB Policy Direction. The technical aspects (capacity

in a multiplex and bandwidth determination) of DSB will be determined by DTAG.

**Regulation 5(4):**

6.14 **DRM** suggests that new applicants should be allowed to self-distribute its broadcasting services.

6.15 **WECODEC** proposes that regulation 5(4) be extended to new community radio station applicants.

6.16 **The Authority's Reason for Decision on Regulation 5(4) in the Draft DSB Regulations is as follows:**

6.16.1 The Authority has decided to licence existing sound broadcasting licensees first to enable them to recoup the return of their investment. Existing Broadcasters, who self-provide their signal distribution services, will be required to apply for a RF spectrum licence in order for them to operate a MUX.

**Regulation 5(5):**

6.17 **AME** urges that as a monopoly provider with dominance, if Sentech applies to operate a MUX in terms of regulation 5 of the draft Regulation, then Sentech's prices must be regulated by ICASA. AME recommends that the Regulations include a cost model or provide for ICASA to create a cost model in order to regulate Sentech's prices.

6.18 **Authority's Decision on Regulation 5(5) in the Draft DSB Regulations is as follows:**

6.18.1 The Authority notes inputs from stakeholders on the views regarding the monopoly of Sentech in the signal distribution market. The Authority is of the view that in order for an entity to be regarded as a monopoly/significant market player, the Authority will first need to conduct a section 67(4) inquiry in terms of the ECA. The DTAG committee is meant to be able to advise Council on the technical parameters which included MUX

capacity, technical framework amongst others for the implementation of the different technologies.

6.18.2 In relation to AME's concerns regarding the timing issue of the MUX operator and the operation of DSB broadcasters in regulation 4(3) read with regulation 5(5), the Authority has implemented the necessary adjustment as outlined in paragraph 5.24 above.

## 7. STANDARDS APPLICABLE TO DSB SERVICES

### Regulation 6:

7.1 **SADIBA** submits that it is unclear if the Authority intends to license the frequencies 535.5-1606.5 kHz and that the current frequency plan would not really allow the optimal implementation. **SADIBA** further submits that the deployment of DRM 30 in 9 kHz blocks will allow a significant reduction in complexity and cost. Furthermore, **SADIBA** submits that the ERP's in Annexure C of TBFP 2013 is for analogue and would need to be reviewed for Digital. **SADIBA** questions how the Authority intends to license DRM+ in the highly congested band (87.5-108 MHz) and the protection criteria in this band between digital and analogue. **SADIBA** argues that the trials were conducted with low power and it has not been assessed if the use of high power would result in interference. **SADIBA** proposes that ITU-R BS.1114-9 be referenced for frequency spacing and power limitations for DRM+ and FM. **SADIBA** submits that the Authority should publish Annexures to TBFP clearly specifying powers and frequencies. **SADIBA** submits that the frequency range 214-230 MHz does not reflect the available range in which DAB+ may be deployed and that the availability of channel 13F has been petitioned to license DSB ahead of Band III analogue television switch off. **SADIBA** submits that additional requirements for Band III capacity for DSB have been communicated with the Authority since 2002. **SADIBA** is of the view that significantly more spectrum will be required for rollout of T-DAB (DAB+) than the planned and submit that the Authority should consider short term licensing of T-DAB (DAB+) on 239.2 MHz ahead of analogue television switch-off. **SADIBA** submits that only one Band III frequency 239.2 MHz is

available, it is unclear how the Authority intends to accommodate broadcasters across three tiers of Broadcasting. Three to Four T-DAB (DAB+) multiplexers will be required to service current broadcasters in metropolitan areas, this will not be available till analogue television switch-off.

7.2 **AME** argues that the standards applicable for DSB services (i.e. DRM 30, DRM+ and DAB+) be included in regulation 6 of the draft Regulations to “complement” AM and FM services and not to substitute these services. **AME** submits that the draft Regulations must be aligned with the Policy Direction and with ICASA’s own approach. **AME** argues that the Draft DSB Regulations are not clear in relation to the following:

- DRM30 uses the AM frequency band range, while DRM+ uses the FM range. DRM+ will obviously therefore, affect existing FM broadcasters;
- DRM+ has been shown to have notable interference issues with adjacent channels (see EBU Tech 3357);
- a single frequency is used for all transmitters and it is not necessary to use different carrier frequency on an adjacent transmitter as is the case with FM. It also appears that a number of FM frequencies may be sacrificed to accommodate DRM+ while FM stations are still operational. This needs to be clarified, and the timeframe for transition to digital (if any licensee wishes to do so) must be clear;

**AME** notes that the Draft DSB Regulation defines DAB+ services as being situated in the 214-240MHz band and that it differs from the available frequency range of 174-230MHz previously defined and gazetted and offers significantly less bandwidth. They further note that the trials that conducted have been repeatedly authorized to use 239.2MHz (Ch: 13F) which is outside the defined band. **AME** submits that there has been insufficient consultation on the standards and the respective frequency bands.

7.3 **SABC** supports the standards proposed in the draft regulations.

7.4 **Thembeke and Associates** recommends the FM Band to keep the regulations future-proof i.e. VHF Band I (or the extension of the FM Band downwards e.g. to 64 MHz as anticipated in other regions of the world

such as China, Russia or Brazil) could become very relevant in the SKA area to maintain broadcasting and supply DSB below 70MHz.

- 7.5 **TWR** questions whether the DRM30 HF band (Shortwave) falls within the scope of the regulations; and if so, what will be the procedure for coordinating this with HFCC.
- 7.6 **Primedia** notes that while the DSB Policy Direction refers to DRM, DRM+ and DAB+ as DSB standards, it also directed ICASA to formally adopt these and, importantly, it directed ICASA to “encourage market availability and use of multi-standard receivers to allow for the continued use of analogue FM alongside the variance of the digital technologies, DAB and DRM”. Primedia submits that unfortunately, there is very little evidence of this. Primedia further submits that DSB receivers for home use are extremely expensive relative to analogue receivers and are not readily available or manufactured, currently, in South Africa. Primedia submits that being able to access DSB services in the car would be essential to the rollout of DSB in South Africa however, only luxury cars like BMW have DSB-enabled receivers fitted which only enables the playing of DAB but not DRM. Primedia submits that DSB (whether DAB or DRM) is a technology that appears to have been leapfrogged by streaming and other online services, such as podcasts, and is no longer the digital audio technology of the future.
- 7.7 **NAB** notes that the standards applicable for DSB services (i.e. DRM 30, DRM+ and DAB+) are spelt out in regulation 6 of the Draft Regulations to ‘complement’ AM and FM services and not as substitutes of these services. The NAB therefore, recommends that the Draft Regulations be wholly aligned with the Policy Direction in this regard.
- 7.8 **NCRF** supports the introduction of DRM and DAB/DAB+ standards in South Africa. NCRF submits that DRM can operate on FM which makes it more ideal and can be easily deployed. NCRF questions whether the Authority would want to utilize DAB+ at a smaller scale for small broadcasters.
- 7.9 **SENTECH** supports the digital standards preferred by the South African broadcasting industry. SENTECH proposes the following wording: *“Digital standards considered for terrestrial DSB services in South Africa must be able to co-exist with the following technologies”*

- 7.10 **Radio Pulpit** welcomes the fact that ICASA has recognised the ability of existing sound broadcasters to broadcast on DRM or DAB+ too, as is clearly intended in the wording of the draft regulations. Radio Pulpit is of the view that DSB, and particularly DRM plus (given the expanded geographic coverage potential of DRM relative to DAB+) signalled a possible end to spectrum scarcity for the community broadcasting sector and an end to the sound quality concerns that have plagued MW transmission.
- 7.11 **DRM** submits that DRM has the following benefits: More choice; Excellent audio quality; Multimedia Applications; Good coverage area and robust signal, Automatic tuning and Emergency warning & alert. DRM further submits that DRM in FM can work very well in both pure digital as well as simulcast without interferences. Furthermore, DRM is of the view that DRM encourages spectrum efficiency, Universal and free access to information, education and emergency warning & entertainment.
- 7.12 **DRM** further submits that a single technical standard is a solution for local, regional, national and international radio services (SW, MW, VHF) using spectrum more efficiently at much reduced energy costs. DRM further submits that smooth transition from analogue to digital radio, taking listeners along, and using existing infrastructure is a great opportunity for local manufacturing and know-how individual broadcaster to remain in full control of enhanced infrastructure and content without the need for third-party operators and/or of a large multiplex to be shared with competitors. DRM submits that Broadcasters can upgrade their existing analogue transmitters to DRM, therefore, would lead to savings for Capital expenditures (CAPEX) and Operating expenses (OPEX) costs.
- 7.13 **Authority's Reason for Decision on Regulation (6) in the Draft DSB Regulations is as follows:**
- 7.13.1 The standards are as per the published DSB Policy Direction by the Minister. In line with the stakeholders' views that the proposed digital services are complementary to existing analogue services, the Authority has amended accordingly regulation 7 to reflect such a view.

7.13.2 The DSB Regulations have been aligned to the DSB Policy Direction. The Authority notes comments from stakeholders regarding congestion and potential interference in the FM band, the Authority will ensure orderly and efficient spectrum management in dealing with the matters raised.

## 8. DSB MUX ALLOCATION

### Regulation 7:

8.1 **SADIBA** submits that the multi-channel operator or mux operator as gatekeeper to determine who gets access is undesirable especially with the conditions of undersupply of spectrum and capacity. However, it submits that the DSB framework planning does not confirm sufficient spectrum availability to ensure competition of multi-channel platforms for current and future demand. According to **SADIBA**, DRM30 and DRM+ typically serve a single broadcaster with one stereo service and do not require a multi-channel operator and can self-provide. Furthermore, it submits that broadcasters on DAB+ are likely to share a multiplex and require a multi-platform mux operator to actively drive and market the services delivered. According to **SADIBA**, its members would like to see more than one operator licensed with a clear differentiation between the network provider and multi-channel operator with the latter purely focusing on distribution functions. **SADIBA** submits that considering the limited spectrum available and risk of the dominance of multi-channel operators the DSB framework would greatly enhance by including measures to ensure a vibrant DSB sector with a roadmap synched to the release of spectrum for how and when capacity would be released for current and new applicants to ensure all three tiers of broadcasting. According to **SADIBA**, DSB to provide clarity on process and criteria that is to apply in prioritisation of capacity allocation and of current and new services, Moreover, it submits that oversight is required in terms of capacity allocation and preservation of quality proposition. **SADIBA** submits that care is required that capacity constraints do not result in a situation where quality is compromised for commercial gains or a drive to accommodate an unrealistic number of services.

- 8.2 **AME** submits that this draft regulation deals only with commercial sound broadcasters as far as it can tell, since the Processes and Procedures Regulations, 2010 (as amended) do not apply to the public broadcaster. As a result, AME does not understand why regulation 7 refers to public broadcasters. Furthermore, **AME** submits that in addition, since community broadcasting licences are not granted in 'primary' or 'secondary' markets but instead on the basis of a geographically founded community, or a community of common interest, they do not understand these draft Regulations to apply to community broadcasters either. Accordingly, they do not know why regulation 7 refers to community broadcasters.
- 8.3 **WECODEC** submits that regulations 7(1) only applies to DAB+. For DRM there are no "MUX Allocations" in the frequency plan as DRM operates within the same frequencies used for analogue AM and FM. WECODEC further expresses that the text should read: "The MUX allocation for DAB+ services is as indicated for Digital Audio Broadcasting, and the DRM Mux allocations are within the current AM and FM spectrum in the Terrestrial Broadcasting Frequency Plan 2013."
- 8.4 **SABC** submits that if an analogue radio station transmits the same program as on DSB (simulcast), there will be no appetite to migrate or adopt DSB receiver sets. SABC therefore proposes that a radio station must have about 2 or 3 digital channels with different programs in order to make a sound business case to adopt DSB services. This means that the SABC will require a minimum of 2 (two) MUXes. It is also to be noted that the SABC is a holder of an ECNS licence. The frequency plan of 2013 should therefore be reviewed and based on a mixture of SFN (single frequency network) and MFN (multiple frequency network), the plan needs to be reworked and more frequency should be reserved for Mux operations.
- 8.5 **SENTECH** refers the Authority to the Notice of the radio frequency spectrum exempted for use within the Karoo Central Astronomy Advantage Areas (KCAAA), Government Gazette 42531 as published on 14 June 2019, gazetted in terms of the Astronomy Geographic Advantage Act (21/2007) ("AGA Act"). SENTECH submits that the Authority must take into consideration the limited use of MUX allocation for the Northern Cape, as the Terrestrial Broadcasting Frequency Plan

refers to two (2) provincial DAB+ SFNs. It is important to note that the Terrestrial Broadcasting Frequency Plan only refers to a DAB+ frequency plan, no consideration for the digitisation of the AM and FM bands was considered. It is on this basis that SENTECH requests the Authority to initiate a re-planning workshop, similar to that undertaken for the DTT frequency plan. The main purpose of the workshop is to review Annex D of the Terrestrial Frequency Plan within the perimeters of the co-ordinated plan and to consider lessons learned from the DTT planning and implementation project. Annex D as gazetted will not effectively accommodate public, commercial and community DSB services. The SFN principle will be expensive for current analogue single transmitter terrestrial radio broadcasters. SENTECH submits that in terms of Terrestrial Radio Frequency Plans, the Terrestrial Frequency Plan does not include assignment plans for DRM, DRM+ and DAB+. It is also important to note that the DAB+ plan is an allotments plan, therefore:

- Nothing is known of the actual location of the transmitter sites, or of the specific transmission characteristics that must be used;
- The following parameters must be determined: definition of the area to be covered, the channel and the interference potential of the allotment;
- Assignment planning requires defining reference transmission conditions to calculate potential interference and facilitate compatibility calculations; and
- The allotment plan provides frequencies to be used in particular areas without specifying the stations to which the frequencies are assigned.

Therefore, in order to ensure a technically implementable frequency plan, SENTECH proposes that the following issues must be addressed, amongst others:

- Reception modes;
- Minimum field-strength predictions/level (DRM, DRM+ and DAB+);
- Antenna gain based on mode of reception and type of device (DRM, DRM+ and DAB+);
- Receiver parameters (DRM, DRM+ and DAB+);
- Frequency plan: SFN/MFN/Hybrid? (DAB+);

- SFNs have proven to be more expensive for Class licensees, since they are required to have more transmitters than they currently have;
  - Protection parameters (DRM, DRM+ and DAB+); and
  - Including distance between stations.
- 8.6 **BluLemon** submits that it can play a role as a MUX operator to provide services to small players after cost analysis. In terms of technology, it can provide MUX services.
- 8.7 **DRM** submits that the spectrum planned to be amended to allow equal access to all players in rural as well as urban area. The new and old players should be given equal chance to progress rollout in rural and urban areas simultaneously.
- 8.8 **The Authority's Reason for Decision on Regulation (7) in the Draft DSB Regulations is as follows:**
- 8.8.1 The Authority has decided to retain the provisions of Draft Regulations 7. The Authority notes that AME is misdirected in relation to the applicability of these regulations. The Authority took a view in its Findings and Position document to retain the three tier broadcasting system hence the inclusion of public, community broadcasters in the MUX allocation.
- 8.8.2 Furthermore, a re-planning process may be undertaken to ensure that TBFP 2013 as amended is aligned and caters for DSB standards in the Policy Directive.

## 9. LICENSING OF DSB SERVICES

### Regulation 8:

- 9.1 **Broadcom International** sought clarity on the requirement and process that relating to single-channel DSB for DRM30 and DRM+ migration candidates.
- 9.2 **SADIBA** submits that the Authority's multiplex allocations it not clear, as to what frequency resources are available nor the amount of broadcast services on the three tiers of broadcasting that can be

accommodated in the TBFP 2013. Furthermore, SADIBA proposes that DSB framework should provide clarity on how the Authority would prioritise and differentiate if the number of applicants exceeds the available spectrum and capacity.

9.3 **AME** is of the view that this regulation proposes that not all analogue sound broadcasters will be able to find MUX capacity, therefore, may be left without digital sound broadcasting licenses. Furthermore, AME does not support that ICASA should determine if there is availability on a MUX. AME is of the view that regulation 8(1), regulation 8(3) and regulation 8(4) contradict each other, therefore, proposes amendment.

9.4 **Thembeke and Associates** is of the view that the Community broadcasters, including new entrants, should be able to self-provide DSB services if possible. Moreover, Thembeke and Associates proposes that Community broadcasters, should not be bound to MUX operators if such are not available or suitable for the application.

9.5 **DRM** submits that new broadcasting applicants should be able to apply for a spectrum licence to self-provide their services.

9.6 **The Authority's Reason for Decision on Regulation 8 in the Draft DSB Regulations is as follows:**

9.6.1 The Authority has re-drafted regulation 8 in order to address the possible contradiction of the sub-regulations.

9.6.2 Section 63 of the ECA provides the regulatory framework relating to self-provision by the broadcasting service licensee.

## **10. CHANNEL AUTHORISATION**

### **Regulation 9:**

10.1 **AME** submits that it is unclear how channel authorisation would be transposed to sound broadcasting. AME further submits that it is also unclear why the authorization of a single channel would take 60 days. AME proposes that Regulation 9(4) should be amended to indicate what types of reasons may apply for refusal of a channel before and not after the fact.

10.2 **Thembeke and Associates** proposes that a restriction or limitation on the option of channel Authorization in the initial phase by ensuring that services such as educational and community radio services will be guaranteed sufficient space for development.

10.3 **NAB** proposes that a deeming provision be included on 60 (sixty) days' time frame so that an application for channel authorization is deemed to have been granted should the Authority not communicate its decision within the prescribed period.

10.4 **The Authority's Reason for Decision on Regulation 9 in the Draft DSB Regulations is as follows:**

10.4.1 The channel authorisation has been amended to incorporate a deeming clause in relation to the 60 days period for the application of channel authorisation. The amendment has been necessitated by the fact that the draft regulation was open ended, thus the Authority needed to provide certainty.

10.4.2 Digital Sound Broadcasting utilises one or more channels, hence the Authority will need to ensure that it authorises any additional channels or services. The 60 days turnaround time for channel authorisation is aligned to regulation 6(5)(6) of the Digital Migration Regulations and regulation 3(4) of Subscription Broadcasting Services Regulations.

**Annexure A: Consideration of Policy Direction on the introduction of DSB  
in South Africa**

| <b>POLICY DIRECTION ON<br/>THE INTRODUCTION OF<br/>DSB IN SOUTH AFRICA</b>   | <b>CONSIDERATION OF THE<br/>POLICY DIRECTION ON<br/>THE INTRODUCTION OF<br/>DSB IN SOUTH AFRICA</b>   |
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| <p>2.1.1 Determine priorities for the establishment of digital broadcasting networks and services in the frequency bands allocated for these services, to introduce DSB services alongside the existing analogue sound broadcasting, to achieve the following developmental goals:</p> <p>2.1.1.1 universal services and access for all;</p> <p>2.1.1.2 introduction of new entrants;</p> <p>2.1.1.3 requirements of existing licensees;</p> <p>2.1.1.4 requirements of consumers;</p> <p>2.1.1.5 promotion of investment;</p> <p>2.1.1.6 promotion of competition;</p> <p>2.1.1.7 technology neutrality;</p> <p>2.1.1.8 innovation;</p> | <p>The Authority is of the view that the developmental goals identified in 2.1.1, and the objects of the ECA are to be prioritised and has done so in the Draft DSB Regulations in the following manner:</p> <p>2.1.1.1 regulation 4 of the Draft Regulations make provision for primary and secondary markets. Regulation 7 refers to the MUX allocation of the three tiers of broadcasting services which will allow for the provision of universal service access for all.</p> <p>2.1.1.2 regulation 4(3) indicates that new players will be accommodated two years after the effective date of the DSB Regulations.</p> <p>2.1.1.3 regulation 4 (2) of the Draft DSB Regulations allows the existing licensees to have a two-year period of simulcasting before</p> |

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| <p>2.1.1.9 sustainability framework;</p> <p>2.1.1.10 maintain quality of service;</p> <p>2.1.1.11 reducing costs; and</p> <p>2.1.1.12 to increase the uptake and usage of digital radio.</p> | <p>new entrants are allowed in the DSB market.</p> <p>2.1.1.4 the consumers will be given a variety of options on sound broadcasting services once DSB is introduced through the Draft DSB Regulations. The continuation of analogue services as envisioned in regulation 4 of the Draft DSB Regulations will make it possible for consumers who may not have access to digital devices to continue receiving sound broadcasting services.</p> <p>2.1.1.5 although the Draft DSB Regulations do not expressly state this, the Authority is of the view that the local manufacturing of DSB devices/receivers will promote investment.</p> <p>2.1.1.6 regulation 4 allows for new entrants to enter the DSB market after a two-year moratorium and once the market is stable or sufficiently established for the introduction of new players in order to promote competition.</p> <p>2.1.1.7 the Draft DSB Regulations introduce two new technologies (DAB+ and DRM+) that indicate that aligns technological neutrality as broadcasters will not be limited to one technology and this further meets the ECA objective of technological neutrality.</p> <p>2.1.1.8 the introduction of DSB services through the Draft DSB Regulations and the implied devices/receivers that will need to</p> |
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|   | <p>be developed will encourage innovation in the sound broadcasting market.</p> <p>2.1.1.9 the phased approach rollout of DSB services in regulation 4 (1) will allow the DSB services to be implemented in a sustainable manner.</p> <p>2.1.1.10 the quality of service in DSB services will be maintained in line with existing broadcasting AM and FM services.</p> <p>2.1.1.11 the competition created by introducing new players after two years as contemplated in regulation 4 (2) of the Draft DSB Regulations will play a role in reducing costs in terms of infrastructure sharing and prices of receivers. This will also include cost reduction in terms of signal distribution.</p> <p>2.1.1.12 the variety of content provided through the introduction of DSB services will encourage listeners to use DSB services.</p> |
| <p>2.1.2 Ensure that the three-tier system of public, commercial and community broadcasting services are catered for.</p> | <p>2.1.2 The Authority is of the view that that DSB services should encompass the three tiers of broadcasting to ensure that all members of society are acted for and thus regulation 7 of the DSB Regulations speaks to all three tiers.</p>   |
| <p>2.1.3 Consider the lessons learnt in the analogue-to-digital migration</p>   | <p>2.1.3 The Authority has considered various challenges experienced in the other tiers of television, which</p>  |

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| <p>coverage challenges experienced by the various tiers of television broadcasting (public, commercial and community) within the existing two multiplexer Digital Terrestrial Television environment and consider the introduction of additional terrestrial multiplexers to ensure that different business operational models are catered for.</p> | <p>is reflected in regulation 7 of the Draft DSB Regulations dealing with DSB MUX allocation in line with the Terrestrial Broadcasting Frequency Plan 2013. The issue of adding an additional multiplexer is further being considered in a different process within the Authority to incorporate DRM into the National Radio Frequency Band Plan.</p>  |
| <p>2.1.4 Take into consideration the developments around the introduction of DSB in Africa, the SADC region and around the world.</p>   | <p>2.1.4 The Authority has undertaken various benchmarking exercises, desktop research, and study visits that informed the development of the DSB Draft Regulations. South Africa also participated in the African Telecommunications Union's African Spectrum Working Group ("AfriSWoG") meetings in the development of introducing DSB in Africa. AfriSWoG developed a Draft Report on the Introduction of Digital Sound Broadcasting and Optimization of the GE84 Plan in Africa.</p> |
| <p>2.1.5 Consider harmonisation within the SADC region and as such consider DSB standards adopted within the SADC community, in line with the resolution taken at the meeting of SADC Ministers responsible for Communications and</p>  | <p>2.1.5 The Authority notes that it has taken into account the Draft SADC DSB Policy and Regulatory Framework that was developed by CRASA. The Framework acknowledges that SADC Member States signed the GE84 and GE06 agreements, respectively, which stipulates the need to introduce</p>   |

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| <p>ICT, held in Durban, South Africa on 4-7 September 2017.</p>   | <p>DSB. The need for more efficient use of spectrum for broadcasting services and the need for broadcasters to expand their service portfolios to meet the public's need for access to information and conveyance of messages in emergency situations warrants the Members States to consider the implementation of DSB. The Framework, therefore, recommends a possible implementation framework with respect to the DSB in the Region, which is what the Draft DSB Regulations intend to achieve in South Africa.</p> |
| <p>2.1.6 Encourage market availability and use of multi-standard receivers to allow for the continued use of analogue FM alongside the variants of the digital technologies, DAB and DRM.</p>   | <p>2.1.6 The Authority has ensured in regulation 6 of the Draft DSB Regulations that the new standards are complementary to the analogue FM receivers. The Authority is, however, of the view that the manufacturers are responsible for ensuring the availability and use of multi-standard receivers.</p>   |
| <p>2.1.7 Take into account the extensive trials undertaken by the South African broadcasting industry, as well as the SADC, adopted a position on digital sound technologies for the region, in line with the resolution taken at the meeting of SADC Ministers responsible for Communications and ICT in September 2017, and</p> | <p>2.1.7 In its Findings and Position Paper document the Authority took into account the outcome of the trials conducted by the industry namely, the commercial broadcasting licensees (including the National Association of Broadcasters) and the DRM Consortium.</p>   |

consider the following DSB standards to complement the respective analogue sound broadcasting services:

2.1.7.1 DRM30 to complement AM sound broadcasting service in the band 535.5- 1606.5 kHz;  
2.1.7.2 DRM+ to complement FM sound broadcasting services in the FM band 87.5-108 MHz; and in the allocated VHF sound broadcasting band 214-230 MHz  
2.1.7.3 DAB+ to complement VHF sound broadcasting services in the allocated VHF band 214-230 MHz;  
2.1.7.4 All DAB and DRM variants of DSB standards to complement the existing analogue sound broadcasting in any other applicable sound broadcasting band within the confines of the prevailing radio frequency plan and consistent with ITU Radio Regulations for Region 1.

2.1.7.1 The Authority is in agreement with the technologies provided for by the Policy Direction except for clause 2.1.7.2, as DRM+ is not contemplated to operate in 214-230 MHz because 214-230 MHz is allocated to DAB+ due to the bandwidth allocated for 1.5 MHz and in terms of the ITU allocation.

## DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

## NOTICE 216 OF 2021

## PUBLICATION OF FEES AND CHARGES FOR SOUTH AFRICAN COUNCIL FOR THE PROPERTY VALUERS PROFESSION: ACT NO. 47 OF 2000: SECTION 12(1): EFFECTIVE 1 APRIL 2021 UNTIL 31 MARCH 2022

## 1. Application Fee (VAT Inclusive and Non- refundable)

- (a) R1315 for all categories of registration, i.e., Professional Valuer (Pr Val), Professional Associated Valuer (Pr AVal), Candidate Valuer (Ca Val), and Single Residential Property Assessor as well as Candidate Single Residential Property Assessor (CSRPA" and "SRPA");
- (b) Additional R1000 for all International/ Foreign registrations-All categories of registration; and
- (c) R15000 for Recognition of Prior Learning (RPL)
- (d) R7500 for a new Specified category, e.g., Plant and Equipment (PE), Municipal Property Assessor (MPA).

## 2. Registration Fee (VAT Inclusive and non-refundable)

- (a) Professional Valuer R2585 (50% non- refundable)
- (b) Professional Associated Valuer R2485 (50% non- refundable)
- (c) Candidate (both Ca Val and CSRPA) R1195 (50% non- refundable)
- (d) Single Residential Property Assessor and Spec Cat R2485 (50% non- refundable)

## 3. Annual Fee (Non Refundable (Neither as a whole nor in part)

(Due to COVID-19 Lockdown economic restraint, penalty will be imposed in October, not July)

| Registration Category       | Fee payable by 30 September 2021 | Fee payable from 01 October to 31 December 2021 |
|-----------------------------|----------------------------------|---|
| Pr Val                      | 3980                             | 4840  |
| Pr AVal & SRPA              | 3670                             | 4770  |
| Ca Val registered >5 years  | 3420                             | 4160  |
| Ca Val registered ≤ 5 years | 1280                             | 1550  |

**Note: Registration will be suspended if no payment is received by 31 December 2021. A new application plus 4X Annual fee will be payable if no payment is received by 31 March 2022.**

## 4. Examination &amp; Supplementary Examination Fee

(VAT Incl) (50% refundable up to 14 days before exam)

- (a) Professional Valuer R3255
- (b) Professional Associated Valuer and SRPA R3155

## 5. Other Fees and Charges (Applicable until amended)

- (a) Administration Fee (Re-Registration) R975
- (b) Appeal- Disciplinary hearing {Section 12(1)(i)} R15000
- (c) Appeal (Section 25(1) of the PVP Act, 2000) R9500
- (d) Assessing Application ito, PAIA & Furnishing Reasons R2500 basic charge plus R50 per page
- (e) Audio recordings No transcript; only CD or USB @ R250
- (f) Duplicate hard copy certificate R1265
- (g) Examination- Marking and Invigilating (not online) R810 (Invigilation fee/ day; Marking- 2 scripts/hour or Moderating- 4 scripts/hr
- (h) Examination Refresher session R1245
- (i) Extracts from Register Free for <6 persons, R20 pp from 6<sup>th</sup>
- (j) Postage fee (certificate and card) R120
- (k) Practical Examination and Interview (SRPA) R2925
- (l) Practical Workschool- 4-5day; 3d (SRPA);1d; Non-RP R6550; R3750; R1750; add R1000
- (m) Pre exam refresher during Workschl- No group no exam R1750 (first 3 days)
- (n) Remarking n Viewing of script R1945 n R3895 (n/a for online exams)
- (o) Validation of CET event and service provider recognition See CET for various events on website
- (p) Witness Fee- including appearance time R4050, travel time & expenses @ R4.50/km

## Registrar (SACPVP)

**DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION****NOTICE 217 OF 2021****INTERNATIONAL TRADE ADMINISTRATION COMMISSION****CUSTOMS TARIFF APPLICATIONS****LIST 05/2021**

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comment on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in this application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

**CONFIDENTIAL INFORMATION**

*The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>.*

*These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:*

- Each instance where confidential information has been omitted and the reasons for confidentiality;*
- A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

*This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.*

*The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.*

*If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).*

*Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.*

**REDUCTION IN THE RATE OF DUTY ON:**

Stemming plugs for mining and civil blast holes, classifiable under tariff subheading 3926.90.90, from 20% *ad valorem* to free of duty through the creation of an additional 8-digit tariff subheading for the said goods under tariff subheading 3926.90 as follows:

*“Stemming plugs for mining and civil blast holes, classified in tariff subheading 3926.90.xx”*

**APPLICANT:**

ERG Industrial (Pty) Ltd  
54 Chateaux De Grace  
71 Hardekool Avenue  
Val De Grace  
**GAUTENG**  
0184

**Enquiries:** ITAC reference: (24/2020); Siphon Tshabalala, E-mail: [stshabalala@itac.org.za](mailto:stshabalala@itac.org.za),  
Tel: (012) 394 3739 or Dolly Ngobeni, E-mail: [dngobeni@itac.org.za](mailto:dngobeni@itac.org.za), Tel: (012) 394 3667]

**MAIN REASONS FOR THE APPLICATION AS SUBMITTED BY THE APPLICANT:**

- *“There is no manufacturing industry for the product in the SACU;*
- *To satisfy the demand for such a product and create a rapid expanding market and industry within South-Africa; and*
- *To contribute to overall South African economic growth”*

**PUBLICATION PERIOD:**

Written representation should be submitted to the above ITAC officials within **four (4)** weeks of the date of this notice.

**DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION****NOTICE 218 OF 2021****COMPETITION TRIBUNAL  
NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

| Case No.   | Acquiring Firm   | Target Firm  | Date of Order | Decision                       |
|------------|--|--|---------------|--------------------------------|
| LM189Jan21 | Ultimo Properties (Pty) Ltd and JD Consumer Electronics and Appliances (Pty) Ltd | Part of the Rental Enterprises of Steinhoff Properties (Pty) Ltd | 10/03/2021    | Approved Subject to Conditions |
| LM193Feb21 | Kalander Kapitaal (Pty) Ltd (Kapitaal) and Fynbos Kapitaal                       | Limietberg Sekuriteit (pty) Ltd and Newco                        | 10/03/2021    | Approved                       |
| LM197Feb21 | AL Rayyan Holdings LLC   | Enel Green Power Matimba 1 S.R.I                                 | 10/03/2021    | Approved                       |
| LM180Jan21 | Mr Price Group Ltd   | Otto Brothers Distributors (Pty) Ltd                             | 17/03/2021    | Approved Subject to Conditions |
| LM177Dec20 | Afrique Pet Food (Pty) Ltd   | Philafrica Foods (Pty) Ltd                                       | 24/03/2021    | Approved                       |
| LM171Dec20 | Afrique Pet Food (Pty) Ltd   | Martin and Martin (Pty) Ltd                                      | 24/03/2021    | Approved                       |

**The Chairperson  
Competition Tribunal**

**DEPARTMENT OF TRANSPORT****NOTICE 219 OF 2021****MERCHANT SHIPPING (TRAINING, CERTIFICATION AND SAFE MANNING)  
REGULATIONS, 2021**

I, Fikile April Mbalula, Minister of Transport, hereby in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) make the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2020 as set out in the Schedule.

**FIKILE APRIL MBALULA****MINISTER OF TRANSPORT****DATE:**

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## PART 1 - GENERAL

### 1. Definitions

(1) In these Regulations, any word or expression given a meaning to in the Act shall have that meaning and, unless the context indicates otherwise-

**'able seafarer deck'** means a rating certificated in accordance with Part 3, Division 8, and a **'certificate of proficiency able seafarer deck'** shall be construed accordingly;

**'able seafarer deck (fishing)'** means a rating certificated in accordance with Part 3 Division 8, and a **'certificate of proficiency able seafarer deck (fishing)'** shall be construed accordingly;

**'able seafarer deck (port operations)'** means a rating certificated in accordance with Part 3, Division 8, limited to port operations only, and a **'Certificate of proficiency able seafarer deck (port operations)'** shall be construed accordingly;

**'able seafarer engine'** means a rating certificated in accordance with Part 3, Division 8, and a **'certificate of proficiency able seafarer engine'** shall be construed accordingly;

**'able seafarer engine (port operations)'** means a rating certificated in accordance with Part 3, Division 8, limited to port operations only, and a **'Certificate of proficiency able seafarer engine (port operations)'** shall be construed accordingly;

**'accelerated training'** means an accredited on board training programme, closely supervised and monitored by qualified officers, that ensures that the candidate receives systematic practical training and experience in the tasks, duties and responsibilities for which the person seeks to be certificated, without compromising on the quality of training;

**'accreditation'** means a process followed by the Authority to recognise a legally established institution as having the capacity to offer the education and training required by these Regulations at the required standard;

**'accredited'** means accredited in accordance with the accreditation requirements set in these Regulations and the procedures of the Authority;

**'accredited institution'** means a training institution accredited under regulation 81;

**'accredited training'**, for certification of a particular kind, means training programmes and/or courses approved for certification of that kind;

**'approved'** means approved by the Authority;

**'appropriate certificate'** means a certificate issued and endorsed in accordance with these Regulations entitling the lawful holder to serve in the capacity and perform the functions involved at the level of responsibility specified on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage;

**'approved seagoing service'** means service on board a ship relevant to the issue or revalidation of a certificate or other qualification and **'sea service'** has the same meaning;

**'approved training'**, for certification of a particular kind, means training programmes or courses approved for certification of that kind in accordance with Part 4 of these Regulations;

**'approved trade'** means an engineering trade that incorporates a formal workshop training element which would lead to exemption from modules required by the Training Standards;

**'approved training record book'**, for certification of a particular kind, means a training record book approved for certification of that kind;

**'assessor'** means a person appointed by the authority to assess the conduct of assessments as set out in these Regulations, as well as assessing suitability of a training course, programme or institution towards accreditation; and when used in relation to Accredited Training Institutions, refers to a person approved by the Authority to conduct Level 1 and 2 assessments of seafarers during a course or programme;

**'audit'** means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled;

**'basic training'** means the training as set out in regulation 20(1)(a);

**'basic training for fishers on fishing vessels ≥24m'** means the approved training for personnel serving on fishing vessels ≥ 24m, as set out in regulation 20(1)(b);(1)(a)

**'basic training for fishers on fishing vessels <24m'** means the approved training for personnel serving on fishing vessels < 24m, as set out in Regulation 20(1)(c);

**'candidate'** means a person desiring certification in terms of these Regulations;

**'certificate'** and **'certification'** means a certificate of competency or proficiency and may include an endorsement;

**'certificate of competency'** means a certificate issued and endorsed for masters, officers and radio operators in accordance with the provisions of Chapter II, III, IV or VII of the Annex of the STCW Convention, Chapter II of the STCW-F Convention, and port operation

certificates issued under the Act, entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein;

'**certificate of qualification**' means a certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or sea-going service have been met; and '**certificate of proficiency**' is deemed to have the same meaning as certificate of qualification;

'**certificated**' means duly certificated under the Act or deemed under the Act to be so certificated;

'**charge**' has the same meaning as defined in the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);

'**chief engineer officer**' means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of a ship;

'**chief examiner**' means a person appointed in terms of Regulation 5;

'**chief mate**' means the deck officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master and "**mate**" has the same meaning;

'**coastal skipper ≥9 m**' means a certificate of competency allowing the holder to operate a small vessel of 9 m or more on seagoing voyages not exceeding 40 nautical miles offshore, issued in accordance with the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 as amended;

'**colour vision test**' means a test, required by Part 5 of these Regulations, on a person's ability to identify and differentiate colours used as signals on ships and their equipment;

'**contravene**', in relation to a provision of these Regulations, includes failing or refusing to comply with that provision;

'**deck officer**' means an officer qualified in accordance with the provisions of Part 3, Division 1, 2 and 3 of these Regulations and a '**Deck Officer Certificate**' shall be construed accordingly;

'**documentary evidence**' means documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention or STCW-F Convention have been met;

**'electro-technical officer'** means a person who is qualified in terms of Division 3 Part 3 with specific competencies in the electronic and electrical skills required for service as a ship's officer in the engine-room department on a ship;

**'electro-technical rating'** means a person who is qualified in terms of Division 8 of Part 3 for service as a ship's rating in the engine-room department on a ship;

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

**'engineer officer'** means an officer qualified in accordance with the provisions of Part 3, Divisions 5, 6 and 7 of these Regulations;

**'engineer rating'** means a rating certificated as a rating forming part of an engineering watch or an able seafarer engine in accordance with Part 3, Division 8;

**'equivalent certification'** means a certification contemplated in regulation 120;

**'examiner'** has the same meaning as assessor as defined in the STCW Convention;

**'eyesight test'** means a test, required by Part 5 of these Regulations, inclusive of colour vision and visual acuity tests, performed by an approved medical practitioner to ensure that a seafarer meet the eyesight test standards;

**'fast rescue boat'** means a rigid or semi-rigid inflatable boat used for rescue work and capable of manoeuvring, for at least 4 hours, at a speed of 20 knots in calm water with a crew of at least 3 persons and at a speed of at least 8 knots with a full complement;

**'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;

**'general purpose rating (port operations)'** means a rating (port operations) certificated as a general purpose rating (port operations) in accordance with Part 3, Division 8 and **'general purpose rating (port operations) certificate'** shall be construed accordingly;

**'GMDSS'** means the Global Maritime Distress and Safety System;

**'GMDSS radio operator'** means a person who is qualified in accordance with the provisions of Division 4, Part 3 of these Regulations;

**'GT'** means the gross tonnage of a ship calculated in accordance with the Tonnage Regulations, 1968;

**'IBC Code'** means the latest edition of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk published by the IMO;

'**IGC Code**' means the latest edition of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk published by the IMO;

'**IGF Code**' means the latest edition of the International Code of Safety for Ships using Gas or other low flashpoint fuels published by the IMO;

'**III Code**' means the IMO Instruments Implementation Code as contained in the Framework and Procedures for the IMSAS;

'**IMO**' means the International Maritime Organization;

'**IMSAS**' means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization;

'**length**' refers to the registered length as shown on the ship's Certificate of Registry, and contemplated in regulation 4 of the Ship Registration Regulations, 2002;

'**limited waters**', in relation to a fishing vessel, means waters under South African jurisdiction and adjoining waters under the jurisdiction of another Administration with which a near-coastal voyage limit agreement has been entered into;

'**management level**' means the level of responsibility associated with-

- (a) serving as master, chief mate, chief engineer officer or second engineer officer on a seagoing ship; and
- (b) ensuring that all functions within the designated area of responsibility are properly performed;

'**medical fitness certificate**' means a certificate issued in accordance with Part 5 of these Regulations to seafarers who have been assessed and found to be medically fit;

'**medical practitioner**' means a person approved in accordance with Part 5 of these Regulations;

'**merchant ship**' means any ship operated for commercial gain other than a fishing vessel;

'**mining operations**' means the exploitation of the mineral resources of the seabed or subsoil thereof, whether by mining, drilling or otherwise, by a ship at anchor or Dynamic Position (DP) mode;

'**MLC**' means the Maritime Labour Convention as defined in the Act;

'**near-coastal voyage**' means a voyage exclusively within the South African exclusive economic zone, i.e. 200 nautical miles, as defined by the Maritime Zones Act, 1994 (Act No. 15 of 1994), and '**limited waters voyage**' has the same meaning;

'**near-coastal voyage limit agreement**' means an agreement in writing entered into between the Authority and an Administration of another party specifying the details of involved trading areas and other relevant conditions thereof;

'**officer**' means a ship's officer;

'**oil tanker**' means a ship constructed and used for the carriage in bulk of petroleum or petroleum products;

'**offshore**' means seaward measured from the low-water line, as defined in section 1 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), along the coast of the African continent;

'**onboard training**' is training that is conducted on board a vessel during qualifying service and is set out and assessed in an approved training record book;

'**operational level**' means the level of responsibility associated with-

- (a) serving as an officer in charge of a navigational or engineering watch or as designated duty engineer for periodically unmanned machinery spaces or as radio operator on a ship to which these Regulations apply; and
- (b) maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility;

'**ordinary seafarer deck**' means a rating forming part of a navigational watch;

'**ordinary seafarer deck (port operations)**' means a rating forming part of a navigational watch on vessels engaged in port operations;

'**ordinary seafarer deck (fishing)**' means a rating forming part of a navigational watch on vessels engaged in fishing operations;

'**ordinary seafarer engine**' means a rating forming part of an engineering watch;

'**ordinary seafarer engine (port operations)**' means a rating forming part of an engineering watch on vessels engaged in port operations;

'**Organization**' means the International Maritime Organization;

'**owner**', in relation to a ship, includes any person such as the manager, operator, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

'**party**', in relation to the STCW or STCW-F Convention, means a State or Administration which is a member of the Organization and is a signatory to the Convention;

'**passenger ship**' means a ship which carries more than 12 passengers;

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

'**Polar Code**' means the latest edition of the International Code for Ships operating in polar waters published by the Organization, as amended.

'**polar waters**' means Arctic waters or the Antarctic area as defined in SOLAS Regulations XIV/1.2 to XIV/1.4;

'**port operations voyages**' means voyages restricted to a port operations area; and '**port operations service**' shall be construed accordingly;

'**port operations area**' means the sea area within a radius of 15 nautical miles measured-

- (a) in the case of the port of Saldanha Bay, from the mid-point of an imaginary line joining the North Head and South Head lights; and
- (b) in the case of any other port in the Republic, from the outermost breakwater light;

'**port operations vessel**' means a harbour tug, dredger, hopper, pilot boat, work boat, bunker barge, ferry, tender, self-propelled floating crane or any other type of ship restricted to a port operations area;

'**propulsion power**' means the total maximum continuous rated output power in kilowatts of a ship's main propulsion machinery appearing on the ship's certificate of registry or other official document;

'**qualifying service**', for certification of a particular kind, means the sea service or port operations service, as the case may be, required for certification of that kind;

'**radio duties**' include, as appropriate, watchkeeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, SOLAS and at the discretion of the Authority and guided by the relevant recommendations of the Organization;

'**radio operator**' means a person holding an appropriate certificate issued or recognised by the Authority under the provisions of the Radio Regulations;

**'Radio Regulations'** means the Radio Regulations of the International Telecommunications Union Convention that is in force;

**'rating'** means a member of the ship's crew other than the master or an officer;

**'refresher training'** means an approved abbreviated training course required for revalidation of certificates of competency or certificates of proficiency;

**'Registrar of Seafarers'** means a person appointed in terms of Regulation 4 and **'Deputy Registrar of Seafarers'** shall be construed accordingly;

**'repealed Regulations'** means the Regulations repealed by regulation 124 of these Regulations;

**'safe manning document'** means a document that describes the minimum manning considered necessary to ensure that a ship is sufficiently and efficiently manned, and that is issued-

(a) in the case of a South African ship, by the Authority; and

(b) in the case of any other ship, by or under the Authority of that flag State;

**'seagoing ship'** means a ship other than one that navigates exclusively on inland waters or in a port operations area;

**'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 installations of the ship will fall in the event of the incapacity of the chief engineer officer;

**'senior examiner'** means an examiner appointed in terms of Regulation 5;

**'Ship to which the STCW Convention applies'** means any seagoing ship, except-

(a) warships, naval auxiliaries or other vessels owned by the SA Navy;

(b) fishing vessels;

(c) ships used solely for sport or recreation; and

(d) wooden ships of primitive build;

**'skipper'** means, in relation to a ship, any person (other than a pilot) having charge or command of such ship;

'**skipper offshore ≥9 m**' means a certificate of competency allowing the holder to operate a small vessel of 9 m or more on extended seagoing voyages, issued in accordance with the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 as amended;

'**small vessel**' means a vessel to which the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, as amended, apply;

'**SOLAS Convention**' means the International Convention for the Safety of Life at Sea, 1974, as amended;

'**South African ship**' means a ship prescribed by the Ship Registration Act, 1998 and includes an unregistered ship having South African nationality;

'**specified in the Training Standards Code**' means specified in the South African Maritime Training Standards Code published by the Authority, as amended;

'**STCW-Code**' means the Seafarers' Training, Certification and Watch-keeping Code adopted by the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and any amendment thereto which has come into force and has been accepted by the Government;

'**STCW Convention**' means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

'**STCW-F Convention**' means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995;

'**support level**' means the level of responsibility associated with performing assigned tasks, duties or responsibilities on a trading ship under the direction of an individual serving in the operational or management level;

'**tanker**' includes—

- (a) an '**oil tanker**' means a ship constructed or used for the carriage in bulk of petroleum and petroleum products in bulk;
- (b) a '**chemical tanker**' means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code; and
- (c) a '**liquefied gas tanker**' means a ship constructed or adapted and used for the carriage of any liquid product listed in Chapter 19 of the International Gas Carrier Code;

'**the Act**' means the Merchant Shipping Act, 1951 (Act 57 of 1951), as amended;

**'the Training Standards Code'** means the Code established under Regulation 84 of these Regulations and published on the Authority's website [formerly the SAMSA Code];

**'these Regulations'** means the Merchant Shipping (Training, Certification and Safe Manning) Regulations, 2020;

**'trading ship'** means any seagoing ship, including all government ships to which the Act applies, engaged on regular seagoing voyages, excluding-

- (a) warships, naval auxiliaries;
- (b) fishing vessels;
- (c) ships used solely for sport or recreation; and
- (d) sailing ships of traditional build;

**'training ship'** means a ship approved by the Administration for the purpose of accommodating and providing approved on-board training of more than 12 trainees candidates towards certificates of competence or certificates of proficiency;

**'unlimited voyage'** means a voyage other than one contemplated in the definitions of near-coastal voyage and port operations;

**'unlimited waters'** when used in relation to certificates for fishers, has the same meaning as that of unlimited voyage;

**'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;

**'visual acuity test'** means an eye exam that checks how well a candidate can see the details of a letter or symbol from a specific distance;

**'watchkeeping officer'** means a ship's officer whose duties include-

- (a) if serving in the deck department, taking charge of a navigational watch on the ship; and
- (b) if serving in the engineering department, taking charge of an engineering watch on a ship;

**'watchkeeping personnel'** means everyone forming part of a navigational or engineering watch on a ship;

**'waters under South African jurisdiction'** means waters comprising-

- (a) the internal and territorial waters of the Republic; and
  - (b) the exclusive economic zone of the Republic.
- (2) A reference in these Regulations to a particular level of assessment shall be read as a reference to assessment at that level in accordance with Regulation 18 below.

## 2. Introduction and classes of certificates

(1) These Regulations prescribe the conditions to be met and the standards of competence required for the issue of the certification specified in sub-regulations 0 to 0.

(2) The certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to deck officers are—

- (a) Master (special grade);
- (b) Master:
  - (i) Master of a ship of any tonnage on unlimited voyages (management level) [STCW Regulation II/2 - No limitation].
  - (ii) Chief mate of a ship of any tonnage on unlimited voyages (management level) [STCW Regulation II/2 - No limitation].
  - (iii) Officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (operation level) [STCW Regulation II/1 - No limitation].
- (c) Chief Mate:
  - (i) Chief mate of a ship of any tonnage on unlimited voyages (management level) [STCW Regulation II/2 - No limitation].
  - (ii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1 - No limitation].
- (d) Master (<3 000 GT):
  - (i) Master of a ship of less than 3 000 GT on unlimited voyages (management level) [STCW Regulation II/2 - Tonnage limitation].
  - (ii) Chief mate of a ship of-
    - (aa) any tonnage if the candidate holds a certificate of competency as chief mate (management level) [STCW Regulation II/2 - No limitation]; or

- (bb) less than 3 000 GT on unlimited voyages if the candidate held a certificate of competency as deck officer or chief mate (<3 000 GT) (management level) [STCW Regulation II/2 - Tonnage limitation].
- (iii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1- No limitation].
- (e) Chief mate (<3 000 GT):
  - (i) Chief mate of a ship less than 3 000 GT (management level) [STCW Regulation II/2 - Tonnage limitation].
  - (ii) Officer in charge of navigational watch of a ship of any tonnage on unlimited voyages (operational level) [STCW Regulation II/1 - No limitation].
- (f) Officer in Charge of a Navigational Watch:
  - (i) Officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (operation level) [STCW Regulation II/1 - No limitation].
- (g) Master (<500 GT near-coastal):
  - (i) Master of a ship of less than 500 GT on near-coastal voyages (management level) [STCW Regulation II/3 - No limitation].
  - (ii) Officer in charge of a navigational watch on a ship of less than 500 GT on near coastal voyages (operation level) [STCW Regulation II/1 - No limitation].
- (h) Officer in charge of navigational watch (<500 GT near-coastal):
  - (i) Officer in charge of a navigational watch on ships of less than 500 GT on near-coastal voyages (operational level) [STCW Regulation II/3- No limitation].
- (i) Master (<200 GT near-coastal):

Master of a ship of less than 200 GT on near-coastal voyages; (management level) [STCW Regulation II/3 - Tonnage limitation].
- (j) Master ( $\geq$ 1 600 GT port operations):
  - (i) Master of a ship of any tonnage operating within port operations area.
  - (ii) Officer in charge of navigational watch of a ship of any tonnage operating within a port operations area.
- (k) Master (<1 600 GT port operations):

- (i) Master of a ship of <1 600 GT operating within a port operations area.
  - (ii) Officer in charge of navigational watch of a ship of any tonnage operating within a port operations area.
- (l) Skipper (<200 GT port operations):
- (i) Master of a ship of less than 200 GT operating within a port operations area.
  - (ii) Officer in charge of a navigational watch of a ship of less than 1 600 GT operating within a port operations area.
- (3) The certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to fishers are:
- (a) Skipper fishing ( $\geq 24$  m) unlimited waters:
- (i) Master of a fishing vessel of any length operating in unlimited waters [STCW-F Regulation II/1 - no limitation].
  - (ii) Officer in charge of a navigational watch of a fishing vessel of any length operating in unlimited waters [STCW-F Regulation II/2 - no limitation].
- (b) Skipper fishing (<24 m) unlimited waters:
- (i) Master of a fishing vessel of less than 24 m in length operating in unlimited waters [STCW-F Regulation II/1 - length limitation].
  - (ii) Officer in charge of a navigational watch of a fishing vessel of less than 24 m in length operating in unlimited waters [STCW-F Regulation II/2- length limitation].
- (c) Skipper fishing ( $\geq 24$  m) limited waters:
- (i) Master of a fishing vessel of any length operating in limited waters [STCW-F Regulation II/3- no limitation].
  - (ii) Officer in charge of navigational watch of a fishing vessel any length operating in limited waters [STCW-F Regulation II/4 – no length limitation].
- (d) Skipper fishing (<24 m) limited waters:
- (i) Master of a fishing vessel of less than 24 m in length operating in limited waters [STCW-F Regulation II/3 - length limitation].

- (ii) Officer in charge of navigational watch of a fishing vessel of less than 24 m in length operating in limited waters [STCW-F Regulation II/4 - length limitation].
- (e) Officers in charge of a navigational watch on fishing vessels ( $\geq 24$  m) unlimited waters:  
Officer in charge of navigational watch of any ship engaged in fishing on unlimited waters [STCW-F Regulation II/2- no length limitation].
- (f) Officers in charge of a navigational watch on fishing vessels ( $< 24$  m) unlimited waters:  
Officer in charge of navigational watch of a ship of less than 24 m engaged in fishing on unlimited waters [STCW-F Regulation II/2 - length limitation].
- (g) Officers in charge of a navigational watch on fishing vessels ( $\geq 24$  m) limited waters:  
Officer in charge of navigational watch of any ship engaged in fishing on limited waters [STCW-F Regulation II/4- no length limitation].
- (h) Officers in charge of a navigational watch on fishing vessels ( $< 24$  m) limited waters:  
Officer in charge of navigational watch of a ship of less than 24 m engaged in fishing on limited waters [STCW-F Regulation II/4 - length limitation].
- (4) The certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), for radio operators:
  - (a) GMDSS first-class radio electronic certificate.
  - (b) GMDSS second-class radio electronic certificate.
  - (c) GMDSS general operator's certificate [STCW Regulation IV/2]:  
Radiocommunication (operational level) [STCW Reg IV/2]
  - (d) Radio operators:
    - (i) Long range certificate
    - (ii) Short range certificate
- (5) The certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any), applicable to engineer officers are:
  - (a) Chief Engineer officer (special grade).
  - (b) Chief Engineer officer:

- (i) Chief engineer officer of a ship of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation].
  - (ii) Second engineer officer of a ship of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation].
  - (iii) Officer in charge of an engineering watch on a ship of unlimited kilowatt propulsion power (operational level); [STCW Regulation III/1 - No limitation].
- (c) Second Engineer officer (Unlimited):
- (i) Second engineer officer of a ship of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation].
  - (ii) Officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level); [STCW Regulation III/1 - No limitation].
- (d) Chief Engineer Officer (<3 000 kW):
- (i) Chief engineer of a ship of less than 3 000 kW propulsion power (management level); [STCW Regulation III/3 - Power limitation].
  - (ii) Second engineer of a ship—
    - (aa) of unlimited propulsion power if the candidate held a certificate of competency as second engineer officer of a vessel of unlimited propulsion power (management level); [STCW Regulation III/2 - No limitation]; or
    - (bb) of less than 3 000 kW propulsion power if the candidate holds a certificate of competency as second engineer less than 3 000 kW (management level; [STCW Regulation III/3 - Power limitation].
  - (iii) Engineer officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level). [STCW Regulation III/1 - No limitation].
- (e) Second Engineer Officer (<3 000 kW):
- (i) Second engineer officer of a ship of less than 3 000 kW propulsion power (management level); [STCW Regulation III/3 - Power limitation].
  - (ii) Officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level); [STCW Regulation III/1 - No limitation].

- (f) Officer in Charge of an Engineering Watch in a manned engine-room or designated duty engineers in a periodically unmanned engine room:
- Engineer officer in charge of an engineering watch on a ship of unlimited propulsion power (operational level); [STCW Regulation III/1 - No limitation].
- (g) Electro-Technical Officer:
- Officer in charge of electronic equipment on board a ship of unlimited propulsion power (operational level); [STCW Regulation III/6 - No limitation].
- (h) Chief Engineer Officer (port operations):
- (i) Chief Engineer of a ship of any propulsion power operating within port operations area.
  - (ii) Officer in Charge of an Engineering Watch on a ship of any kilowatt propulsion power operating in a port operations area.
  - (iii) Engineering Officer of the Watch of a ship of less than 750kW propulsion power on unlimited vessels.
  - (iv) Endorsed Chief Engineering on a ship of less than 750kW propulsion power on unlimited voyages.
- (i) Chief Engineer Officer (<1 500 kW Port Operations):
- (i) Chief engineer officer of a ship of less than 1 500 kW propulsion power operating within in a port operations area.
  - (ii) Officer in Charge of an Engineering Watch on a ship of any kilowatt propulsion power operating in a port operations area.
- (j) Chief Engineer (<750 kW Port Operations):
- (i) Chief engineering officer of a ship of less than 750 kW propulsion power operating in a port operations area.
  - (ii) Officer in Charge of an Engineering Watch of a ship of any kilowatt propulsion power in port operations area.
- (k) Officer in Charge of an Engineering Watch (Port Operations):
- (i) Officer in Charge of an Engineering Watch of a ship of any kilowatt propulsion power operating in a port operations area.

- (ii) Chief Engineer of a ship less than 350kW propulsion power operating in a port operations area.
- (l) Chief Engineer (<750 kW):
  - (i) Chief Engineer of a ship of less than 750kW propulsion power.
  - (ii) Chief Engineer on a ship less than 1500kW power operating in a port operations area.
  - (iii) Officer in Charge of an Engineering Watch on a ship of any kilowatt power operating in a port operations area.
- (m) Officer in Charge of an Engineering Watch in a manned engine-room or designated duty engineers in a periodically unmanned engine room (<750 kW):
  - (i) Engineering Officer of the Watch on a ship of less than 750kW.
  - (ii) Chief Engineer of a ship less than 350kW.
- (6) The certificates of competency, with their limitations, endorsements and relative levels of responsibility (if any)), applicable to engineer officers on fishing vessels are:
  - (a) Chief Engineer (Fishing):
    - (i) Chief Engineer of a fishing vessels of unlimited propulsion power [STCW-F Regulation II/5 - no Power limitation].
    - (ii) Second Engineer (Fishing) of a fishing vessel on unlimited propulsion power [STCW-F Regulation II/5 - no Power limitation].
  - (b) Second Engineer (Fishing):

Second Engineer (Fishing) on a fishing vessel on unlimited power [STCW-F Regulation II/5 - no Power limitation].
  - (c) Chief Engineer (<2000kW Fishing):
    - (i) Chief Engineer of a fishing vessels of less than 2000kW power [STCW-F Regulation II/5 - Power limitation].
    - (ii) Second Engineer (Fishing) of a fishing vessel on unlimited propulsion power [STCW-F Regulation II/5 - no Power limitation].
  - (d) Second Engineer (<2000kW Fishing):

- (i) Second engineer of a fishing vessel of <2000 kW propulsion power [STCW-F Regulation II/5 - power limitation].
- (7) The certificates of proficiency, with their limitations, endorsements and relative levels of responsibility (if any) applicable to ratings are:
- (a) Ordinary seafarer deck (support level) [STCW Regulation II/4].
  - (b) Able seafarer deck (support level) [STCW Regulation II/5].
  - (c) Ordinary seafarer deck (fishing) (support level) [STCW-F Resolution II/4].
  - (d) Able seafarer deck (fishing) (support level) [STCW-F Resolution 4].
  - (e) Ordinary seafarer engine (support level) [STCW Regulation III/4].
  - (f) Able seafarer engine (support level) [STCW Regulation III/5].
  - (g) Electro-technical rating (support level) [STCW Regulation III/7].
  - (h) Able seafarer deck (port operations).
  - (i) Able seafarer engine (port operations).
  - (j) Ordinary seafarer deck (port operations)
  - (k) General purpose rating (port operations).
  - (l) Ship's Cook. [MLC Reg 3.2, para 3]
- (8) The following certificates of proficiency may be issued to qualifying candidates as standalone certificates or endorsements to their certificate of competency or proficiency as applicable, as set out in Division 9 of Part 3 of these Regulations:
- (a) Specialised training for personnel serving on oil & chemical tankers:
    - (i) Basic training for oil & chemical tankers [STCW Regulation V/1-1 (STCW Code section A-V/1-1-1)].
    - (ii) Advanced training in oil tankers [STCW Regulation V/1-1 (STCW Code section A-V/1-1-2)].
    - (iii) Advanced training in chemical tankers [STCW Regulation [V/1-2] V/1-1 (STCW Code section A-V/1-1-3)].
  - (b) Specialised training for personnel serving on liquefied gas tankers:

- (i) Basic training for liquefied gas tankers [STCW Regulation V/1-2 (STCW Code section A-V/1-2-1)].
  - (ii) Advanced training in liquefied gas tankers [STCW Regulation V/1-2 (STCW Code section A-V/1-2-2)].
- (c) Specialised training for personnel serving on ships subject to the IGF Code:
- (i) Basic training for ships subject to the IGF Code [STCW Regulation V/3 (STCW Code section A-V/3-1)].
  - (ii) Advanced training for ships subject to the IGF Code [STCW Regulation V/3 (STCW Code section A-V/3-1)].
- (d) Specialised training for personnel serving on ships operating in polar waters:
- (i) Basic training for ships operating in polar waters [STCW Regulation V/4 (STCW Code Section A-V/4-1)].
  - (ii) Advanced training for ships operating in polar waters [STCW Regulation V/4 (STCW Code Section A-V/4-2)].
- (e) Specialised training for personnel serving on passenger ships:
- (i) Passenger ship crowd management training [STCW Regulation V/2 (STCW Code A-V/2, para 3)].
  - (ii) Crisis management and human behaviour training [STCW Regulation V/2 (STCW Code A-V/2, para 4)].
  - (iii) Passenger safety, cargo safety and hull integrity training [STCW Regulation V/2 (STCW Code A-V/2, para 4)].
- (9) The Authority may issue the following certificates of proficiency as set out in the Training Standards Code to candidates who meet those requirements:
- (a) Basic training, which comprises of the following components [STCW Regulation VI/1]:
- (i) Personal survival techniques [STCW Regulation VI/1 (STCW Code section A-VI/1-1)].
  - (ii) Fire fighting and fire prevention [STCW Regulation VI/1 (STCW Code section A-VI/1-2)].
  - (iii) Elementary first aid [STCW Regulation VI/1 (STCW Code Section A-VI/1-3)].

- (iv) Personal survival and social responsibilities [STCW Regulation VI/1 (STCW Code section A-VI/1-4)].
- (b) Basic safety training for personnel working onboard ships  $\geq$  24m engaged in fishing operations are required to complete the training in subregulation 0(a) [STCW-F Regulation III/1.1].
- (c) Basic safety training for personnel working onboard ships  $<$  24m engaged in fishing operations are required to complete the training in subregulation 0(a)(a)(i)(a)(iii) above [STCW-F Regulation III/1.2].
- (d) Survival craft and rescue boats [STCW Regulation VI/2 (STCW Code section A-VI/2-1)].
- (e) Fast rescue boats [STCW Regulation VI/2 (STCW Code section A-VI/2-2)].
- (f) Advanced fire fighting [STCW Regulation VI/3 (STCW Code section A-VI/3)].
- (g) Medical first aid [STCW Regulation VI/4 (STCW Code section A-VI/4-1)].
- (h) Medical care [STCW Regulation VI/4 (STCW code section A-VI/4-2)].
- (i) Ship security officer [STCW Regulation VI/5].
- (j) Security awareness [STCW Regulation VI/6 (STCW Code section A-VI/6-1)].
- (k) Designated security duties [STCW Regulation VI/6 (STCW Section Code A-VI/6-2)].
- (10) The ranking of voyage, tonnage and propulsion power limitations, for certification in subregulations (2), (3), (4) and (5) is such that the holder of—
  - (a) A certificate unlimited as to voyages may serve in the certificated capacity on ships engaged on unlimited voyages or voyages of any limitation.
  - (b) A certificate limited to near-coastal or limited waters voyages as appropriate may serve in the certificated capacity on ships engaged on near-coastal voyages and in port operations but not on unlimited voyages.
  - (c) A certificate limited to port operations may serve in the certificated capacity only on ships engaged in port operations.
  - (d) A certificate limited to mining operations or non-trading vessels operations may serve in the certificated capacity only on ships employed in those operations.
  - (e) A certificate limited in tonnage or length may not serve in a capacity onboard a ship with a tonnage or length higher than that set as a limit on their certificate;

- (f) A certificate limited in propulsion power may not serve in a capacity onboard a ship with a propulsion power higher than that set as a limit on his or her certificate;
  - (g) A certificate for merchant vessels may not serve onboard fishing vessels unless such holder has been issued a certificate or endorsement for service on fishing vessels in accordance with these Regulations;
  - (h) A certificate for fishing may not serve onboard merchant vessels unless such holder has been issued a certificate or endorsement for service on merchant vessels in accordance with these Regulations.
- (11) The certificates referred to in the subregulations above shall be issued and endorsed in accordance with the STCW Convention or STCW-F Convention as applicable, except—
- (a) all certificates of competency (special grade);
  - (b) all port operations certification;
  - (c) the certificate of proficiency as ship's cook;
  - (d) long and short range radio operator's certification.

### **3. Validity and revalidation of certificates**

- (1) A certificate of competency and proficiency issued in terms of these Regulations, and any equivalent certification, is not valid for sea service or port operations service unless revalidated at intervals not exceeding five years to establish continued professional competence in accordance with subregulation (3).
- (2) Continued professional competence is established by—
- (a) completing, during the preceding five years, at least 12 months sea service or port operations' service, as appropriate to the certification held; or
  - (b) having completed 3 months approved sea service in the rank specified for the certificate held during the preceding 6 months immediately prior to revalidating; or
  - (c) performing functions considered by the Authority to be equivalent to the service mentioned in subregulation (1). The Authority shall publish such a list of equivalent functions using such means it deems appropriate; or
  - (d) completing applicable approved (refresher) training and meeting the standards of competence specified in the Training Standards Code.

(e) having completed approved seagoing service, performing functions appropriate to the certificate held, for a period of not less than three months in a supernumerary capacity, or in a lower officer rank than that for which the certificate held is valid immediately prior to taking up the rank for which it is valid.

(3)(a) Certificates of competency listed in regulation 2(2) to (6) shall be revalidated every five years, except for the certificates listed in subregulations (2)(a), (4)(d) and (5)(a).

(b) Certificates of proficiency issued to ratings as set out in regulation 2(7) shall be revalidated every five years

(c) Certificates of proficiency as set out in regulation 2(8) and (9) shall be revalidated every five years as set out in the relevant training standard, except for the certificates in subregulations (8)(d), (9)(a)(iii), (iv), (b), (c), (i), 9(j) and (k) and the holders of certificates contemplated in subregulations (9)(a)(i) and(ii) serving on fishing vessels need not revalidate their certificates.

(4) Candidates holding certificates other than certificates for officers, radio operators or ratings are required to revalidate their certificates as follows:

(a) Certificates listed in regulation 2(6) are required to be revalidated in accordance with the provisions of the relevant regulations in division 9 of part 3;

(b) Certificates listed in Regulation 2(7) are required to be revalidated by providing appropriate sea service or refresher training where required to be revalidated as set out in the Training Standards Code.

(5) Application for revalidation shall—

(a) be made in the form and manner;

(b) include the information; and

(c) be accompanied by the documents, specified by the Authority.

(6) The Authority shall, if it is satisfied that the applicant meets the requirements of subregulation (2) or (3), issue to the applicant an endorsement extending the validity of his or her certificate.

(7) Application for revalidation of certificates may be made within a period of six months before the fifth anniversary of the certificate held and shall be revalidated for a further period of five years from the date of initial expiry.

#### **4. Registrar and Deputy Registrar of Seafarers**

- (1) The Authority shall designate officers qualified in accordance with these Regulations, under the employ of the Authority to be the Registrar and Deputy Registrar of Seafarers.
- (2) In addition to functions specified in their instrument of appointment, the Registrar of Seafarers and the Deputy Registrar of Seafarers have the following duties:
  - (a) Issuing certificates of competency and proficiency in accordance with the Act;
  - (b) issuing endorsements to certificates in accordance with the Act;
  - (c) maintaining an electronic register of all certificates of competency and of proficiency issued or recognised under the Act, and of all matters affecting them;
  - (d) making available information on the status of certificates of competency and of proficiency, including the matters affecting them, to other competent authorities or shipping firms requesting verification of the authenticity or validity of certificates produced to them;
  - (e) supporting the chief examiner in his duties in relation to regulation 5 below; and
  - (f) performing the functions incidental to those referred to in paragraphs (a) to (e) above.
- (3) The Registrar shall perform his or her functions in accordance with the applicable quality standards system implemented pursuant to Regulation 6 below.

## **5. Chief Examiner and Senior Examiners**

- (1) The Authority shall-
  - (a) in terms of section 77(4) of the Act, appoint examiners in accordance with established procedures; and
  - (b) designate in writing, from among the examiners, a senior examiner (deck), a senior examiner (engine), a senior examiner (radio) and a chief examiner.
- (2) The functions of examiners shall be part of the Quality Standards System of the Authority.
- (3) In addition to the functions specified in these Regulations, a chief and a senior examiner have the functions specified in his or her instrument of appointment.
- (4) The chief examiner and senior examiner's duties are—
  - (a) developing policies on assessment, evaluation and examinations;

- (b) developing and maintaining the Quality Standards System for the matters relating to applicable examinations and standards;
- (c) designating examination centres;
- (d) keeping abreast with the developments at the Organization;
- (e) communicating information relating to these Regulations as required by the STCW Convention and STCW-F Convention to the Organization;
- (f) ensuring standards of accreditation and the auditing of training institutions are maintained;
- (g) to audit parties to the conventions for the purpose of recognition of foreign certificates and qualifications; and
- (h) compiling and submitting any reports required to be submitted to the IMO and any other organisation under such international statutes to which these Regulations give effect.

## **6. Quality Standards Systems**

(1) The Quality Standards System is hereby established within the Authority. The objectives of the Quality Standards System are to—

- (a) ensure that the training, assessment and certification of seafarers is implemented by following a set of processes, procedures and quality standards;
- (b) ensure that medical assessment of seafarers is effected through a set of processes, procedures and quality standards;
- (c) ensure that the defined objectives are being achieved through systematic monitoring arrangements, including internal quality assurance evaluations and periodic external evaluations.

(2) In implementing the Quality Standards System, the Authority shall—

- (a) define the policies giving effect to the Quality Standards System.;
- (b) define, over and above the objectives set in subregulation (1), detailed objectives of the Quality Standards System;
- (c) define the roles, responsibilities and the authority of the officers.

- (3) The Quality Standards System must enable the Authority to demonstrate continued compliance with the STCW Convention and conformity to the IMSAS audit, by—
- (a) meeting the objectives set in subregulation (1);
  - (b) ensuring that the information required for conformity with the III Code is readily presentable to the Department of Transport within five working days of the request;
  - (c) appointing officers in terms of these Regulations who will ensure that the Quality Standards System is ready for—
    - (i) independent evaluation as required by the STCW Convention;
    - (ii) the IMSAS audit Scheme as required by the STCW Convention and the III Code.
- (4) The Authority shall inform the Department of Transport of the implementation of the Quality Standards System and shall make available any documents requested by the Department.

## **7. Authority of Officers appointed under the Act or these Regulations**

- (1) The principal officers, or the proper officers, as appropriate, have the authority to—
- (a) apply Parts 6, 7 and 8 of these Regulations, including issuing exemptions as required: Provided that when an exemption is issued to a group of ships, it shall—
    - (i) be issued subject to the consensus of the Chief Examiner and be published in the *Government Gazette*; and
    - (ii) take into account the impact of such exemption on the safety of life and property at sea, as well as the prevention and combating of marine pollution;
  - (b) suspend, cancel or revoke accreditation or approval issued under these Regulations.
- (2) The Senior Examiners have the Authority to-
- (a) assess alternative or equivalent sea service which is assessed as not suitable by the examiner with a view to determine if it meets the requirement of 'approved sea service' and determine the extent to which that sea service is appropriate for certification and/or revalidation of a certificate;
  - (b) assess and make a determination on any service claimed to be 'equivalent' service for revalidation of a certificate;
  - (c) issue a certificate of accreditation and approval in accordance with these Regulations, as well as suspend, cancel, revoke or extend the accreditation and/or approval issued under these Regulations;

- (d) determine the qualifications and experience of lecturers, facilitators and assessors as may be required from time to time;
  - (e) determine the suitability of a candidate to be assessed at Level 3 for the issuance of a dispensation; and
  - (f) review the appropriate sea service penalty, or equivalent penalty, imposed by the examiner from the Level 3 assessment, as well as for the misconduct of the candidate as set out in Regulation 20: Provided that—
    - (i) the outcome of the level 3 assessment may not be reviewed;
    - (ii) a review may not result in an increase in the penalty;
    - (iii) where the examiner is requested to impose an alternative penalty, such penalty shall be appropriate to ensure that the candidate attains the skills and knowledge found to be lacking during the level 3 assessment.
- (3) The Chief Examiner has the powers contemplated in subregulation (2) and makes the final determination on matters related thereto.
- (4) Application for assessment of training programmes to be accredited under regulation 13 shall be approved by the Chief Examiner.
- (5) The Chief Examiner, or a person designated by him/her, has the powers to make determinations on any matters regarding the assessments as set out in these Regulations.
- (6) The Quality Standards System, must authorise the exercise of the powers contemplated in this regulation and must ensure a fair and just application of the Regulations.

## **8. Review of the decisions of examiner**

- (1) Any person who has applied for certification in accordance with Part 3 or revalidation of any certificate under the Regulations may request that the decision of the examiner be reviewed.
- (2) The request for the review of a decision in terms of subregulation (1) must contain information that shows that—
- (a) the decision was based on incorrect or incomplete information; or
  - (b) the decision was inconsistent with the procedures and guidance published by the Authority; or
  - (c) the examiner is biased against the candidate.

(3) The appropriate Senior Examiner shall review a Level 3 assessment and, if satisfied that there are grounds for review order a re-assessment.

## **9. Syllabus Committee**

(1) The Authority in keeping with the Quality Standard System, shall establish a syllabus committee to—

- (a) keep the Training Standards Code under review;
- (b) advise the Authority on matters related to training, assessment and certification of seafarers.

(3) The syllabus committee shall consist of—

- (a) the chief examiner who shall be the Chairperson;
- (b) the senior examiners;
- (c) the Registrar; and
- (d) other members, invited by the Authority, who shall be persons with appropriate knowledge and experience in matters relating to the education and training of seafarers.

(4) The syllabus committee may—

- (a) consider amendments made to the STCW Convention, STCW-F Convention and any other relevant instruments before the changes are implemented in the Training Standards Code;
- (b) propose amendments to these Regulations;

(5) The Authority may, on a regular basis, present reports to the syllabus committee regarding the latest activities and information on assessment and certification of seafarers.

(6) The syllabus committee shall meet twice a year. The agenda of the committee shall include, but shall not be limited to—

- (a) the review and amendment of the Training Standards Code;
- (b) consideration of the reports of the Registrar of Seafarers and the Chief Examiner;
- (c) any other matter, relating to training, assessment and certification of seafarers, raised by members of the public.

## PART 2 - ASSESSMENT

### 10. Application for assessment

- (1) Every application for assessment and issue of certificate or endorsement shall be made in accordance with the Authority's Quality Standards System.
- (2) An application for assessment shall be accompanied by the appropriate charge as set out in the Determination of Charges.
- (3) Where proof of identity is required, such proof shall be in the form of a valid South African identity document or passport or, in the case of a foreign citizen or resident, a valid passport.
- (4) A candidate who has successfully applied for issue of a certificate or endorsement in which he or she does not need to be assessed at Level 3 may be issued with a certificate by the examiner who has assessed such an application. Such a certificate shall be in the format defined by the Authority's Quality Standards System.
- (5) An application which requires an assessment at Level 3 shall be made 14 days before the examination dates. Special arrangements for examination may be made with the proper officer of a port in which the examination is to take place. The Authority shall publish the list of venues and dates of examinations periodically.
- (6) 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 of discharge, testimonials, training records, watchkeeping certificates and such other documents as may be required, for determination by the relevant examiner or Senior Examiner.
- (7) Qualifying service shall be calculated from the date of engagement on a ship to the date of discharge from the ship, and is calculated by taking the actual days between the days of engagement and discharge, both inclusive, and reckoning 30 days to a month, 12 months to a year.
- (8) Where a certificate of competency or proficiency is required as part of the application process, only the lowest certificate is mentioned. A candidate who produces a higher certificate is deemed to have met the requirement.
- (9) Qualifying service performed on vessels restricted to port operations shall be calculated as follows:
  - (a) A shift of at least eight hours performed during a 24-hour period is equivalent to one day's qualifying service.

- (b) If more than eight hours were served in a single day, this shall not count as more than one day's qualifying service.

## **11. Declaration and proof of qualifying service**

(1) Certificates of discharge or a duly completed Seafarer's Record Book shall be accepted as sufficient proof of the sea service recorded therein.

(2) Proof of service in port operations or other ships engaged in short voyages shall be in the form and manner as set out in the Quality Standards System of the Authority.

(3) Each candidate shall be required to make a declaration of qualifying service, and shall be required to explain, in writing, to the satisfaction of the examiner concerned, any period of discontinuity in such service.

(4) Qualifying sea service towards a certificate shall have been performed not earlier than 10 years before the date of application for the certification concerned.

(5) A candidate for a deck officer certificate, where service in charge of a watch is required, shall produce certificates of watchkeeping service signed by the respective Masters of the ships on which he or she has served, stating that he or she has acted in a watchkeeping capacity for at least eight hours out of every 24 hours' service claimed.

(6) A candidate for a first deck officer certificate shall produce watchkeeping testimonials signed by the Masters of the ships on which they have served.

(7) A candidate for an Engineering Officer certificate, where service in charge of a watch or as a designated duty engineer is required, shall produce certificates of watchkeeping service signed by the respective Chief Engineers of the ships on which he or she has served, stating that he or she has acted in a watchkeeping capacity for at least eight hours out of every 24 hours' service claimed or have been on duty for at least 24 hours in every 72 hours' service claimed on ships having a periodically unmanned engine room.

(8) A candidate for a first engineer officer certificate shall—

(a) produce watchkeeping testimonials signed by the respective Chief Engineers of the ships on which he or she has served; and

(b) submit proof of having completed the approved workshop training course at an accredited training institution. However, a candidate who has completed approved trade training may apply to be exempted from parts of the workshop training which he or she has already completed.

(9) Sea service performed in foreign territories within the limits of near coastal voyages of that country shall only count as sea service towards near coastal certification, provided that all voyages of less than 150 NM is considered to be a near-coastal voyages.

(10) Sea service performed on a ship not registered in the Republic shall count as qualifying service unless the service cannot be verified by the Authority.

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

(1) Service performed on ships not regularly proceeding to sea shall count in full towards qualifying service for a deck officer certificate if the time actually spent at sea is greater or equal to two-thirds of the total period of the candidate's service on the ship. If the time actually spent at sea is less than two thirds, then one and a half times the time actually spent at sea shall count towards qualifying service.

(2) The time spent by a candidate standing by a ship under construction or refit shall count in full towards a qualifying service, but may not exceed one-third of the required qualifying service. For seafarers on accelerated training, such service may not exceed one-quarter of the required service.

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

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

(b) in all other cases-

(i) if mining operations were conducted during the period of sea service, the qualifying sea service on board that ship shall be equal to one-third of the time spent onboard; or

(ii) if mining operations were conducted for less than two-thirds of the time, the sea service shall be equal to the number of days whilst the ship was navigating multiplied by 1.5 times.

(4) A candidate claiming qualifying service in accordance with subregulation (1) or (3) shall produce a statement from the master or owner of each ship on which the service was performed, giving particulars of the dates when the ship was at sea on passage and at anchor and of the work that the ship was engaged in and of the area of operation.

## **13. Training equivalent to approved seagoing service**

- (1) Subject to this regulation, the Authority may consider and approve shore based simulator training to be equivalent to a portion of sea service towards certificates of competency contemplated in regulations 28, 30 and 51.
- (2) The approval of shore based sea service simulator training in lieu of a portion of approved seagoing service referred to in subregulation (1) applies only to training programmes approved under Part 4 of these Regulations and such training shall be part of that training programme.
- (3) The shore based simulator training shall not exceed a quarter of the required approved seagoing service as part of an approved training programme.
- (4) Sea service simulator training may be accredited separately from the training programme.
- (5) The Chief Examiner shall determine the extent of recognition of simulator sea service training towards the total required seagoing service for a certificate of competence. The Chief Examiner will also determine the ratios of recognition of simulator sea service towards normal sea service.
- (6) Details of the arrangements made under this regulation shall be reported as early as practicable to the Secretary-General of the IMO who shall circulate such particulars to all Parties.

#### **14. Removal of mining operations limitation**

The holder of a certificate limited to Mining Operations who desires the removal of such limitation shall-

- (a) have completed at least half the qualifying service for the certificate to which the candidate is applying; and
- (b) meet the standards of competence specified in the Training Standards Code for this certificate.

#### **15. Bribery, forgery, fraudulent acts, and misrepresentation of information**

- (1) The Authority shall investigate all allegations of bribery, forgery, fraud and misrepresentation of documents, sea service and other documents required towards certifications of seafarers.
- (2) A seafarer who is found to have paid a bribe to obtain documents required towards certification shall be prohibited from any assessment towards certification for a period of one year.

(3) A seafarer who is found to have committed a forgery or fraud, or knowingly used documents that are obtained through forgery or fraudulent act, shall be prohibited from any assessment under the Act for a period of one year.

(4) A seafarer who provides false information regarding sea service, is liable to perform further sea service equivalent to the sea service required for the certificate for which he or she had applied for.

(5) The penalties above may be imposed by the relevant Examiner on the basis of evidence available to him.

(6)(a) The seafarer may lodge an appeal against a decision made in terms of subregulation (5) to the relevant Senior Examiner.

(b) The Senior Examiner shall consider an appeal referred in terms of paragraph (a), taking into account any mitigating factors and may—

- (i) uphold the decision of the Examiner;
- (ii) reduce the penalty imposed by the Examiner;
- (iii) set aside the decision of the examiner.

(7) The Authority shall co-operate with any Party to the STCW or STCW-F Conventions which advises of its intention to initiate proceedings under its jurisdiction for contravention of the Conventions against a company or a person located within the jurisdiction of the Authority.

## **16. Mislaid, lost or destroyed certificates**

The Registrar may issue replacement certificates on application made by the holder in accordance with section 82 of the Act.

## **17. Misrepresenting qualifying service**

(1) A candidate who wilfully misrepresents his or her qualifying service shall be 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 service.

(2) Additional service performed because of subregulation (1) shall not count towards the qualifying service of any other certification.

## **18. Assessing competence**

- (1) Candidates required to meet an applicable standard of competence specified in the Training Standards Code shall be assessed to meet that standard at one or more of the following levels as the case requires:
  - (a) Level 1: Candidates required to complete onboard training shall be assessed on board a ship by appropriately qualified officers, this training shall be recorded in an approved training record book.
  - (b) Level 2: Candidates required to complete approved training shall be assessed at this level at the accredited maritime training institution providing the training.
  - (c) Level 3: Candidates for a certificate of competency, any endorsement to a certificate of competency (except in terms of Division 4 of Part 3), or the removal of any limitation to a certificate of competency shall be assessed at this level by way of oral examination to assess a candidate's competence in the aspects of a seafarer's tasks, duties and responsibilities.
- (2) A candidate meets the standards of competence specified in the Training Standards Code when—
  - (a) for a certificate of competency as an officer, other than those in part 3, division 4, the candidate has been assessed and found competent at levels 1, 2 and 3;
  - (b) for a certificate of proficiency, and certificate of competency in part 3, division 4, the candidate has been assessed and found competent at levels 1 and 2; and
  - (c) for a certificate of proficiency as an ordinary seafarer, the candidate has been assessed and found competent at level 1.
- (3) A candidate required to be assessed at level 3 shall have been found competent at lower levels, before being assessed at Level 3.

## **19. Moderation of written examination papers**

- (1) This Regulation applies to written examinations that form part of assessment at level 2 for certificates of competency covered by these Regulations.
- (2) The moderation of written examination papers shall be in accordance with the Authority's Quality Standards System.
- (3) For academic subjects that covers the functions of navigation, marine engineering and controlling the operations and care for persons onboard (only elements of ship stability & construction) the final pass mark shall not be less than 60%. For all other subjects, the final pass mark shall not be less than 50%.

(4) In the case of doubt about a candidate's final mark, the decision of the relevant senior examiner shall be final.

## **20. Level 3 assessment**

(1) All certificates issued under Part 3 Divisions 1, 2, 3, 5, 6 and 7 of these Regulations shall be assessed at level 3.

(2) The assessment shall be conducted by an examiner in the presence of an assessor in accordance with the Authority's Quality Standards System.

(3) A candidate being assessed for dispensation shall be assessed in accordance with the certificate for which a dispensation is being issued. Assessment for dispensation may include or be only a practical assessment.

(4) The examiner shall issue a certificate to a candidate who has been assessed as competent and complies with all the requirements for the certificate as set out by the Authority's Quality Standards System.

(5) If a candidate is assessed as not yet competent, the examiner shall issue the candidate with a written result as set out in the Authority's Quality Standards System.

(6) If a candidate is assessed and found to be not yet competent because of a significant deficiency in the candidate's knowledge, the examiner may require that the candidate complete a further period of appropriate qualifying service, not exceeding six months, before reapplying for the certification concerned.

(7) If a candidate, without reasonable excuse, fails to appear for the assessment at the appointed time and place, the examiner shall assess the candidate as not yet competent by default.

## **21. Proficiency in English**

(1) For certification as master or ship's officer, a candidate shall have a command of English that is appropriate to the efficient discharge of routine and emergency duties and responsibilities associated with the certificate concerned.

# **PART 3 - CERTIFICATION REQUIREMENTS**

## **Division 1 - Deck officer certificates (Seagoing Merchant Ships)**

## **22. Mining operations and non-trading vessel operational limitations**

(1) If more than half of a candidate's qualifying service for certification referred to in this division is made up of sea service performed on ships employed in mining operations contemplated in regulation 14 the certification concerned shall be limited to mining operations.

(2) If more than half of a candidate's qualifying service for certification referred to in this division is made up of sea service performed on vessels not engaged in trading operations, the certification concerned shall be limited to voyages on non-trading vessels.

### **23. Master (Special Grade)**

To obtain a certificate of competency as master (special grade), a candidate shall have completed approved training and meet the standards of competence specified in the Training Standards Code for this Certificate.

### **24. Master**

To obtain a certificate of competency as master—

- (a) a candidate holding a certificate of competency as chief mate shall—
  - (i) have completed a minimum of 24 months sea service, of which 12 months is served in the capacity of chief mate on trading ships of 1600 GT or more on unlimited voyages; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as an officer in charge of a navigational watch, or chief mate shall—
  - (i) have completed 36 months sea service as officer in charge of navigational watch on trading ships of 1600 GT or more on unlimited voyages; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

### **25. Chief mate**

To obtain a certificate of competency as chief mate, a candidate shall hold a certificate of competency as an officer in charge of a navigational watch and shall—

- (a) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 1 600 GT or more on unlimited voyages; and

- (b) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **26. Master (<3 000 GT)**

To obtain a certificate of competency as master (<3 000 GT)—

- (a) a candidate holding a certificate as chief mate or chief mate (<3 000 GT) shall—
  - (i) have completed a minimum of 24 months sea service, of which 12 months is served in the capacity of chief mate on trading ships of 500 GT or more on unlimited voyages; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate as officer in charge of a navigational watch, chief mate or chief mate (<3000 GT) shall—
  - (i) have completed 36 months sea service as officer in charge of navigational watch on trading ships of 500 GT or more on unlimited voyages; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **27. Chief mate (<3 000 GT)**

To obtain a certificate of competency as chief mate of a ship of less than 3 000 GT on unlimited voyages, a candidate shall hold a certificate of competency as an officer in charge of a navigational watch and shall—

- (a) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 500 GT or more on unlimited voyages; and
- (b) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **28. Officer in Charge of a Navigational Watch**

To obtain a certificate of competency as deck officer—

- (a) a candidate making entry at this level without accelerated training shall—
  - (i) be at least 18 years of age;

- (ii) have at least 36 months sea service in the deck department on trading ships of 500 GT or more on unlimited voyages;
  - (iii) have completed, during the required sea service, onboard training that is documented in an approved education and training record book;
  - (iv) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (v) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry at this level following accelerated training shall—
- (i) be at least 18 years of age;
  - (ii) have at least 12 months sea service in the deck department on trading ships of 500 GT or more on unlimited voyages as part of an accredited accelerated training programme that is documented in an approved education and training record book;
  - (iii) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (iv) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

### **29. Master (<500 GT near coastal)**

To obtain a certificate of competency or endorsement as master (<500 GT near coastal), a candidate shall hold a certificate of competency as officer in charge of a navigational watch (<500 GT near-coastal or unlimited), and shall—

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

### **30. Officer in charge of a navigational watch (<500 GT near-coastal)**

To obtain a certificate of competency as mate (<500 GT near-coastal)—

- (a) a candidate making entry at this level without accelerated training shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 36 month's sea service in the deck department on trading ships of 100 GT or more on any seagoing voyages;
  - (iii) have completed, during the required sea service, onboard training that is documented in an approved training record book;
  - (iv) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (v) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry at this level following accelerated training shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 12 months sea service in the deck department on trading ships of 500 GT or more on unlimited voyages as part of an accredited accelerated training programme that includes onboard training documented in an approved training record book;
  - (iii) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (iv) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

### **31. Master (<200 GT near-coastal)**

To obtain a certificate of competency or endorsement as master (<200 GT near coastal), a candidate shall hold a certificate of competency as officer in charge of a navigational watch (<200 GT near-coastal or unlimited), and shall—

- (a) be at least 20 years of age;
- (b) have completed at least 12 months sea service as officer in charge of a navigational watch on trading ships of 25 GT or more on any seagoing voyages; and
- (c) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this Certificate.

## Division 2 - Deck Officer Certificates (Port Operations)

### 32. Master (port operations)

To obtain a certificate of competency or endorsement as master (port operations)—

- (a) a candidate holding a certificate of competency as master (<1 600 GT port operations) shall—
  - (i) be at least 20 years of age;
  - (ii) have completed at least six months port operations service as the officer in charge of navigational watch or master on port operations vessels of 1 000 GT or more; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as skipper (<200 GT port operations) shall—
  - (i) be at least 20 years of age;
  - (ii) have completed at least 12 months port operations service as the officer in charge of navigational watch on port operations vessels of 1600 GT or more; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a naval bridge watchkeeping certificate with command endorsement shall—
  - (i) have proof of being a commander onboard a South African Navy ship of 24 m for a period of six months or more and six months in bridge watchkeeping service on trading ships of 100 GT or more on unlimited seagoing voyages under the supervision of a watchkeeping officer; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

### 33. Master (<1 600 GT port operations)

To obtain a certificate of competency as master (< 1 600 GT port operations), a candidate shall-

- (a) be at least 20 years of age;
- (b) have completed at least 12 months port operations service under the supervision of a master on port operations vessels of 100 GT or more; while holding as a minimum the certificate of competency as skipper (<200 GT port operations); and
- (c) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

#### **34. Skipper (<200 GT port operations)**

To obtain a certificate of competency as skipper (port operations)—

- (a) a candidate making entry at this level shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 12 months sea service in the deck department on any of the following ships of 25 GT or more—
    - (aa) seagoing ships;
    - (bb) fishing vessels;
    - (cc) port operation vessels; or
    - (dd) naval ships of 14 m or more in length;
  - (iii) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (iv) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.
- (b) a candidate holding a Certificate of Competency as Coastal Skipper  $\geq 9$  m or Skipper Offshore  $\geq 9$  m shall—
  - (i) be at least 18 years of age;
  - (ii) have at least nine months sea service in the deck department on any of the following ships of 25 GT or more—
    - (aa) seagoing ships;
    - (bb) fishing vessels;

- (cc) port operation vessels; or
- (dd) naval ships of 14 m or more in length; and
- (ii) have performed, during the required sea service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
- (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

### **Division 3 - Deck Officer Certificates (Fishing)**

#### **35. Skipper fishing (≥24 m Unlimited Waters)**

To obtain a certificate of competency as skipper fishing (≥24 m unlimited waters)—

- (a) a candidate holding a certificate of competency as an officer in charge of navigational watch fishing (≥24 m Unlimited Waters) shall—
  - (i) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 18 m or more in length on unlimited seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as skipper fishing (<24 m unlimited waters) or skipper fishing (≥24 m limited waters) shall—
  - (i) have at least 6 months sea service as an officer in charge of navigational watch of a fishing vessel of 18 m or more in length on unlimited seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency issued in terms of Division 1 of this Part shall—
  - (i) have, whilst holding, as a minimum, a certificate of competency as deck officer, at least 12 months sea service as an officer in charge of navigational watch, of which at least 6 months is spent on fishing vessels of 18 m or more in length on any seagoing fishing voyages; and

- (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

### **36. Skipper fishing (≥24 m Limited Waters)**

To obtain a certificate of competency as skipper fishing (≥24 m limited waters)—

- (a) a candidate holding a certificate of competency as officer in charge of a navigational watch fishing (≥24 m Limited Waters) shall—
  - (i) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 18 m or more in length on any seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as skipper fishing (<24 m Unlimited waters) shall—
  - (i) have at least six months sea service as an officer in charge of navigational watch of a fishing vessel of 18 m or more in length on any seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency issued in terms of Division 1 of this Part shall—
  - (i) have, whilst holding, as a minimum, a certificate of competency as deck officer, at least 12 months sea service as an officer in charge of navigational watch, of which at least six months is spent on fishing vessels of 18 m or more in length on any seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

### **37. Officer in Charge of a Navigational Watch Fishing (≥24 m Unlimited Waters)**

To obtain a certificate of competency as deck officer—

- (a) a candidate making entry at this level without accelerated training shall—

- (i) be at least 18 years of age;
  - (ii) have at least 24 months sea service in the deck department of a fishing vessel of 18 m or more in length on unlimited seagoing fishing voyages;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months and obtained a steering certificate; and
  - (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry at this level on accelerated training shall—
- (i) be at least 18 years of age;
  - (ii) have at least 12 months sea service in the deck department of a fishing vessel of 18 m or more in length on unlimited seagoing fishing voyages, as part of an accelerated training programme that is documented in an approved education and training record book;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months; and
  - (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate:
- (c) a candidate holding a certificate of competency as an officer in charge of a navigational watch fishing (<24 m Unlimited Waters) or (≥ 24m Limited Waters) shall—
- (i) have at least 6 months sea service as an officer in charge of a navigational watch on vessels of 18 m or more on unlimited seagoing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

### **38. Officer in Charge of a Navigational Watch Fishing (≥24 m Limited Waters)**

To obtain a certificate of competency as deck officer—

- (a) a candidate making entry at this level without accelerated training shall—
  - (i) be at least 18 years of age;

- (ii) have at least 24 months sea service in the deck department of a fishing vessel of 18 m or more in length on any seagoing fishing voyages;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months and obtained a steering certificate; and
  - (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry at this level on accelerated training shall—
- (i) be at least 18 years of age;
  - (ii) have at least 12 months sea service in the deck department of a fishing vessel of 18 m or more in length on any seagoing fishing voyages, as part of an accelerated training programme that is documented in an approved education and training record book;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency as an Officer in Charge of Navigational Watch fishing (<24 m) shall—
- (i) have at least 6 months sea service as an officer in charge of a navigational watch on vessels of 18 m or more on any seagoing voyages; and
  - (i) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

### **39. Skipper Fishing (<24 m Unlimited Waters)**

To obtain a certificate of competency as skipper fishing (<24 m unlimited waters)—

- (a) a candidate holding a certificate of competency as an Officer in Charge of Navigational Watch fishing (<24 m unlimited waters) shall—
  - (i) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages; and

- (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate:
- (b) a candidate holding a certificate of competency as skipper fishing (<24 m limited waters) shall—
  - (i) have at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency issued in terms of Division 1 of this Part shall—
  - (i) have, whilst holding, as a minimum, a certificate of competency as master (<200 GT near-coastal), at least 6 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

#### **40. Skipper Fishing (<24 m Limited Waters)**

To obtain a certificate of competency as skipper fishing (<24 m limited waters)—

- (a) a candidate holding a certificate of competency as an Officer in Charge of Navigational Watch fishing (<24 m) shall—
  - (i) have, whilst holding, as a minimum, a certificate of competency as deck officer fishing (<24 m), at least 12 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency issued in terms of Division 1 of this Part shall—
  - (i) have, whilst holding, as a minimum, a certificate of competency as master (<200 GT near-coastal), at least 6 months sea service as an officer in charge of

navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and

- (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

#### **41. Officer in Charge of a Navigational Watch Fishing (<24 m Unlimited Waters)**

To obtain a certificate of competency as deck officer—

- (a) a candidate making entry at this level without accelerated training shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 24 months sea service, in any capacity in the deck department of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages, and have completed an approved onboard training record book;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least six months; and
  - (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry at this level following accelerated training shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 12 months sea service in the deck department of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages, have completed training as part of an accelerated training programme that is documented in an approved education and training record book;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency as an officer in charge of a navigational watch fishing (<24 m Limited Waters) shall—

- (i) have at least six months sea service as an officer in charge of a navigational watch on vessels of 18 m or more on unlimited seagoing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (d) a candidate holding a certificate of competency as skipper offshore  $\geq 9$  m shall—
- (i) have at least 15 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on unlimited seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

#### **42. Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters)**

To obtain a certificate of competency as deck officer—

- (a) a candidate making entry at this level without accelerated training shall—
- (i) be at least 18 years of age;
  - (ii) have at least 24 months sea service , in any capacity in the deck department of a fishing vessel of 12 m or more in length on any seagoing fishing voyages , and have completed an approved onboard training record book;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and
  - (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry at this level following accelerated training shall—
- (i) be at least 18 years of age;
  - (ii) have at least 12 months sea service in the deck department of a fishing vessel of 12 m or more in length on any seagoing fishing voyages, have completed training as part of an accelerated training programme that is documented in an approved education and training record book;
  - (iii) have performed, during the required seagoing service, bridge watchkeeping duties under the supervision of a certificated deck officer for at least 6 months; and

- (iv) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency as coastal skipper  $\geq 9$  m shall-
  - (i) have at least 18 months sea service as an officer in charge of navigational watch of a fishing vessel of 12 m or more in length on any seagoing fishing voyages; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

### **Division 4- Radio Operator Certificates**

#### **43. GMDSS radio operators**

(1) Every person in charge of or performing radio duties on a ship required to participate in the GMDSS shall hold an appropriate certificate related to GMDSS, issued or recognised by the Authority under the provisions of the Radio Regulations.

(2) Candidates for a certificate of competency under this division, for service on a ship which must have a radio installation in terms of the Safety Convention, shall—

- (a) be at least 18 years of age;
- (b) have completed approved training and meet the standard of competence specified in the Training Standards Code for this certificate.

(3) The candidates contemplated in subregulation (2) may, after undergoing the appropriate education or training systems as set out in the Quality Standards System for each certificate, obtain the following certificates:

- (a) GMDSS first-class radio electronic certificate;
- (b) GMDSS second-class radio electronic certificate;
- (c) GMDSS general operator's certificate.

#### **44. Radio operators**

(1) Every person in charge of or performing radio duties on a ship not required to comply with the provisions of the GMDSS in Chapter IV of the Safety Convention shall hold an appropriate certificate issued or recognised by the Authority under the provisions of the Radio Regulations.

(2) Candidates for a certificate of competency under this division for service on a ship, which must have a radio installation, shall—

- (a) be at least 16 years of age;
- (b) have completed approved training and meet the standard of competence specified in the Training Standards Code for this certificate.

(3) The candidates contemplated in subregulation (2) may, after undergoing the appropriate education or training systems as set out in the Quality Standards System for each certificate, obtain the following certificates:

- (a) Long range certificate;
- (b) short range certificate.

## **Division 5 – Engineer Officer (Merchant Ships)**

### **45. Steam Endorsement for Engineer officers**

(1) Engineer officers who wish to be certificated and endorsed to serve on board ships equipped with primary steam propulsion machinery must, in addition to the requirements in regulations 47 to 52, meet the following requirements:

- (a) An officer in charge of an engineering watch at the time of application for level 3 assessment for certification, shall—
  - (i) as part of the requisite sea service whilst on an accredited accelerated training programme, serve in the following capacities:
    - (aa) Four months approved sea service in the engine department on ships of 750 kW propulsion power;
    - (bb) four months approved sea service performing watchkeeping duties in an engine room of a motor ship;
    - (cc) four months approved sea service performing watchkeeping duties in an engine room of a steam ship;
  - (ii) as part of the requisite sea service not following an accredited accelerated training programme, have as part of their sea service six months approved sea service performing watchkeeping duties in an engine room of a steam ship.

- (b) The holder of a certificate of competency as Officer in Charge shall, when applying for the steam endorsement, have at least four months sea service on ships propelled by steam machinery.
- (c) A Second Engineer Officer (including < 3 000 kW), holding a certificate as Officer in Charge of an engineering watch (steam and motor endorsed) at the time of application for level 3 assessment for certification shall as part of the requisite sea service, serve in the following capacities:
- (i) At least six months approved sea service as a watchkeeper in the engine department on ships of 750 kW propulsion power (motor); and
  - (ii) at least six months approved sea service as a watchkeeper in the engine department on ships of 750 kW propulsion power (steam).
- (d) A Second Engineer Officer holding a certificate of competency shall, when applying for the steam endorsement, have at least six months sea service on ships propelled by steam machinery.
- (e) A Chief Engineer Officer (including < 3 000 kW) holding a certificate as an Officer in Charge of an engineering watch (steam and motor) at the time of application for level 3 assessment for certification shall, as part of the requisite sea service, serve in the following capacities:
- (i) At least six months approved sea service as a watchkeeper in the engine department on ships of 750 kW propulsion power (steam); and
  - (ii) the balance of the approved sea service as a watchkeeper in the engine department on ships of 750 kW propulsion power (motor).
- (f) A Chief Engineer Officer holding a certificate as a Second Engineer (steam and motor) shall, as part of the requisite sea service, serve in the following capacities:
- (i) At least six months approved sea service as a Second Engineer in the engine department on ships of 750 kW propulsion power (steam); and
  - (ii) at least six months approved sea service as a Second Engineer in the engine department on ships of 750 kW Propulsion Power (Motor).
- (g) A Chief Engineer Officer holding a certificate who applies for the steam endorsement shall have at least six months sea service on ships propelled by steam machinery.
- (2) A candidate undergoing level 3 assessment for the first issue of a certificate of competency covering both motor and steam must be able to perform the tasks, duties and responsibilities required for the relevant certificate.

(3) A candidate who holds a certificate of competency, and wishes to obtain a steam endorsement for that certificate shall be subject to an abridged level 3 assessment at the appropriate level, to assess his or her competence on steam propulsion systems.

(4) The holder of a Second Engineer or Chief Engineer certificate, who wishes to obtain the steam endorsement for Officer in Charge of Engineering Watch or Second Engineer must, in addition to the sea service requirements contemplated in subregulation (1), perform three months additional approved sea service as a watchkeeper on steam propelled ships.

#### **46. Chief Engineer Officer (special grade)**

To obtain a certificate of competency as chief engineer officer (special grade), a candidate shall have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate

#### **47. Chief Engineer Officer**

To obtain a certificate of competency as chief engineer officer—

- (a) a candidate holding a certificate of competency as an Officer in charge of an Engineering Watch shall—
  - (i) have at least 36 months sea service as an officer in charge of engineering watch on trading ships of at least 3 000 kW propulsion power; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as second engineer shall—
  - (i) have at least 12 months sea service whilst serving as second engineer on trading ships of at least 3 000 kW propulsion power; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency as chief engineer (<3 000 kW) shall—
  - (i) have at least 12 months sea service whilst serving as second engineer on trading ships of at least 3 000 kW propulsion power; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

#### **48. Second Engineer Officer**

To obtain a certificate of competency as second engineer officer—

- (a) a candidate holding a certificate of competency as an officer in charge of an Engineering Watch shall—
  - (i) have completed at least 12 months sea service as officer in charge of an engineering watch on trading ships of 3 000 kW propulsion power or more; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as second engineer officer (<3 000 kW) shall—
  - (i) have completed at least six months sea service as an officer in charge of engineering watch on trading ships of 3 000 kW propulsion power or more; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

#### **49. Chief Engineer Officer (<3 000 kW)**

To obtain a certificate of competency as chief engineer officer of a ship of less than 3 000 kW propulsion power—

- (a) a candidate holding a certificate of competency as an officer in charge of an Engineering Watch shall—
  - (i) have at least 36 months sea service as an officer in charge of an engineering watch on trading ships of at least 750 kW propulsion power; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as second engineer officer (<3 000 kW) shall—
  - (i) have completed at least 12 months sea service as second engineer on trading ships of 750 kW propulsion power; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

#### **50. Second Engineer Officer (<3 000 kW)**

To obtain a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power, a candidate holding a certificate of competency as an officer in charge of an Engineering Watch shall—

- (a) have completed at least 12 months sea service as officer in charge of an engineering watch on trading ships of 750 kW propulsion power; and
- (b) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate and level 3 assessment.

### **51. Officer in Charge of an Engineering Watch in a manned engine-room or designated duty engineers in a periodically unmanned engine-room**

To obtain a certificate of competency as officer in Charge of an Engineering Watch in a manned engine room or designated duty engineer in a periodically unmanned engine-room (Officer in charge of an Engineering Watch)—

- (a) a candidate making entry without an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 36 months sea service in the engine department on trading ships of 750 kW propulsion power or more and must have performed engineering watchkeeping duties for at least six months during that period under the supervision of a qualified engineer officer and have completed an approved training record book; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry with an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 12 months approved sea service in the engine department on trading ships of 750 kW propulsion power or more as part of accredited accelerated training programme that is documented in an approved record book;
  - (iii) have completed performed engineering watchkeeping duties for at least six months in the period above under the supervision of a qualified engineer officer;

- (iv) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **52. Electro-technical Officer**

To obtain a certificate of competency as electro-technical officer of a ship of 750 kW propulsion power or more—

- (a) a candidate on an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 12 months approved sea service in the engine room of vessels over 750 kW propulsion power as part of an approved accelerated training programme that is documented in an approved training record book;
  - (iii) have successfully completed training and have passed a theoretical examination at an accredited institution;
  - (iv) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate without an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 36 months approved sea service in the engine room of vessels over 750 kW propulsion power documented in an approved training record book;
  - (iii) have successfully completed training and have passed a theoretical examination at an accredited institution;
  - (iv) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this Certificate.

## **Division 6 – Engineer Officer Certificates (Local & Port Operations)**

### **53. Chief Engineer Officer (Port Operations)**

To obtain a certificate of competency as chief engineer officer (port operations)—

- (a) a candidate holding a certificate of competence as Chief engineer (<1 500 kW port operations) shall—

- (i) have completed at least 12 months port operations service or sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more and at least three months port operations service or sea service as officer in charge of an engineering watch on ships of 1 500 kW propulsion or more; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as chief engineer (<750 kW port operations) shall—
- (i) have completed at least 18 months port operations service or sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more and at least six months port operations service or sea service as officer in charge of an engineering watch on vessels of 1 500 kW propulsion power or more; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency as second engineer (<3 000 kW) shall have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this Certificate.

#### **54. Chief Engineer Officer (<1 500 kW Port Operations)**

To obtain a certificate of competency as chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area—

- (a) a candidate making entry at this level shall—
- (i) be at least 18 years of age;
  - (ii) have completed at least 18 months port operations service in the engineering department of a ship of 750 kW propulsion power or more under the supervision of a qualified engineer officer as part of an accredited accelerated training programme that is documented in a training record book; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as chief engineer (<750 kW port operations) shall—

- (i) have completed 12 months approved sea service as an engineer officer in charge of a watch on sea going or port operations vessels of 750 kW propulsion power or more;
- (ii) have completed an approved accelerated training programme that includes onboard training documented in an approved training record book; and
- (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

#### **55. Chief Engineer Officer (<750 kW Port Operations)**

To obtain a certificate of competency as chief engineer officer of a ship of less than 750 kW propulsion power operating within a port operations area—

- (a) a candidate holding a certificate of competency as an Officer in Charge of an Engineering Watch (Port Operations) shall—
  - (i) have completed at least 12 months approved sea service on a ship of 100 kW or more propulsion power under the supervision of a qualified engineer officer; and
  - (ii) have completed approved education and training and meet the standard of competence as specified in the Training Standards Code for this certificate;
- (b) a candidate making an entry at this level shall—
  - (i) have completed at least 18 months approved sea service on a ship of 100 kW or more propulsion power under the supervision of a qualified engineer officer; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding an approved trade certificate shall—
  - (i) have completed at least 12 months approved sea service on a ship of 100 kW or more propulsion power under the supervision of a qualified engineer officer; and
  - (ii) have completed approved education and training and meet the standard of competence specified in the Training Standards Code for this certificate.

#### **56. Officer in Charge of an Engineering Watch (Port Operations)**

To obtain a certificate of competency as second engineer officer of a ship operating within port operations area a candidate making an entry at this level shall—

- (a) be at least 18 years of age;
- (b) have completed at least 18 months port operations service in the engineering department of a ship of 100 kW propulsion power or more under the supervision of a qualified engineer officer as part of an accelerated training programme documented in a training record book; and
- (c) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

### **57. Chief Engineer Officer (<750kW)**

To obtain a certificate of competency as Chief Engineer Officer <750kW—

- (a) a candidate holding a certificate of proficiency as Engineering Officer of the Watch (<750kW) shall—
  - (i) have completed at least 12 months approved sea service on ships of 350 kW propulsion power or more; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as chief engineer (<750 kW Port Operations) shall—
  - (i) have completed at least six months approved sea service on ships of 350 kW propulsion power or more; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

### **58. Officer in Charge of an Engineering Watch (<750kW)**

To obtain a certificate of competency as Engineer Officer of the Watch <750kW—

- (a) a candidate making entry with no prior engineering experience shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 18 months approved sea service on ships of 100 kW propulsion power or more; and

- (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency Second Engineer (Port Operations) shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 12 months approved sea service on ships of 100 kW propulsion power or more; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding an approved trade certificate shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 12 months approved sea service on ships of 100 kW propulsion power or more; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **Division 7 – Engineer Officer Certificates (Fishing)**

### **59. Chief Engineer Officer (Fishing)**

To obtain a certificate of competency as chief engineer (fishing)—

- (a) a candidate holding a certificate of competency as Chief Engineer (<2 000 kW Fishing) shall—
  - (i) have completed at least six months sea service as second engineer on fishing vessels of 2 000 kW propulsion power or more, and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate holding a certificate of competency as Second Engineer (Fishing) shall—
  - (i) have at least 12 months sea service as officer in charge of engineering watch on fishing vessels of 2 000 kW propulsion power or more, of which at least three months shall be as a second engineer officer (fishing); and

- (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **60. Second Engineer Officer (Fishing)**

To obtain a certificate of competency as Second Engineer Officer of a fishing vessel of any kilowatt's propulsion power—

- (a) a candidate making entry on an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 12 months approved sea service in the engine department of a fishing vessel of 2000 kW propulsion power or more under the supervision of a qualified engineer officer; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry without an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 18 months approved sea service in the engine department of a fishing vessel of 2000 kW propulsion power or more under the supervision of a qualified engineer officer; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of competency as Second Engineer (<2000 kW Fishing) shall—
  - (i) have at least six months approved sea service as an officer in charge of engineering watch on fishing vessels of 2000 kW propulsion power or more; and
  - (ii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **61. Chief Engineer Officer (<2000kW Fishing)**

To obtain a certificate of competency as Chief Engineer Officer of a ship of less than 2000kW propulsion power (fishing) a candidate holding, as a minimum, a certificate of competency as Second Engineer (<2000 kW) shall—

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- (a) have approved sea service of 12 months as an officer in charge of engineering watch on fishing vessels of at least 750 kW propulsion power; and
- (b) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **62. Second Engineer Officer (<2000kW Fishing)**

To obtain a certificate of competency as second engineer officer of a ship of less than 2000kW propulsion power—

- (a) a candidate making entry on an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 12 months approved sea service in the engine department of a fishing vessel of 750 kW propulsion power under the supervision of a qualified engineer officer; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate making entry without an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have at least 18 months approved sea service in the engine department of a fishing vessel of 750 kW propulsion power under the supervision of a qualified engineer officer; and
  - (iii) have completed approved education and training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **Division 8 – Rating Certificates of Proficiency**

### **63. Able Seafarer Deck**

To obtain a certificate of proficiency as able seafarer deck—

- (a) a candidate without an accelerated training programme shall—
  - (i) be at least 18 years of age;
  - (ii) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer deck, including a provisional certificate, at least 18 months

sea service in the deck department on trading ships of 100 GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and

- (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate following an accelerated training programme shall—
- (i) be at least 18 years of age;
  - (ii) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer deck, including a provisional certificate, at least 12 months sea service in the deck department on trading ships of 100 GT or more on unlimited or near-coastal voyages as part of an accredited accelerated training programme that is documented in an approved training record book; and
  - (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate.

#### **64. Able Seafarer Deck (Fishing)**

To obtain a certificate of proficiency as able seafarer deck (fishing)—

- (a) a candidate making entry without an accelerated training programme shall—
- (i) be at least 18 years of age;
  - (ii) 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 a fishing vessel of 25 GT or more on unlimited or near-coastal voyages and have completed an approved training record book; and
  - (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate following an accelerated training programme shall—
- (i) be at least 18 years of age;
  - (ii) 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 vessel of 25 GT or more on unlimited or near-coastal voyages as part of an approved accelerated training programme that is documented in an approved training record book; and

- (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (c) a candidate holding a certificate of proficiency as able seafarer shall—
- (i) be at least 18 years of age;
  - (ii) have at least three months sea service in the deck department on fishing vessels of 25 GT or more on unlimited or near-coastal voyages;
  - (iii) have completed, during the required sea service, onboard training that is documented in an approved training record book as is applicable; and
  - (iv) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (d) a candidate holding a certificate of proficiency as able seafarer (port operations) shall—
- (i) be at least 18 years of age;
  - (ii) have at least six months sea service in the deck department on fishing vessels of 25 GT or more on unlimited or near-coastal voyages;
  - (iii) have completed, during the required sea service, onboard training that is documented in an approved training record book as is applicable; and
  - (iv) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **65. Able Seafarer Deck (Port Operations)**

To obtain a certificate of proficiency as able seafarer deck (port operations)—

- (a) a candidate making entry without an accelerated training programme shall—
- (i) be at least 18 years of age;
  - (ii) 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 25 GT or more;
  - (iii) have completed, during the required port operations service, onboard training that is documented in an approved training record book; and

- (iv) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate following an accelerated training programme shall—
- (i) be at least 18 years of age;
  - (ii) have completed, whilst holding as a minimum the certificate, or provisional certificate, of proficiency as ordinary seafarer deck, at least six months port operations service on ships of 25 GT or more as part of an approved accelerated training programme that includes onboard training documented in an approved training record book; and
  - (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **66. Ordinary Seafarer Deck**

- (1) For the purpose of this regulation a provisional certificate is valid for a period of six months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer deck issued by the Authority within the period of validity.
- (2) To obtain a certificate of proficiency as ordinary seafarer deck—
- (a) a candidate making entry without an accelerated training programme shall—
- (i) be at least 16 years of age;
  - (ii) have at least six months sea service in the deck department on vessels of 25 GT or more on any voyages;
  - (iii) have completed, during the required sea service, onboard training with a steering certificate, that is documented in an approved training record book and meet the standards of competence specified in the Training Standards Code for this certificate; and
  - (iv) hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed;
- (b) a candidate on an accelerated training programme shall—
- (i) be at least 16 years of age;
  - (ii) have completed at least two months sea service in the deck department on vessels of 25 GT or more on any voyages as part of an approved accelerated

training programme that is documented in an approved training record book and meet the standards of competence specified in the Training Standards Code for this certificate; and

- (iii) hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

### **67. Ordinary Seafarer Deck (Fishing)**

(1) For the purpose of this regulation, a provisional certificate is valid for a period of six months from the date of issue, and shall be exchanged for a certificate of proficiency as ordinary seafarer deck issued by the Authority within the period of validity.

(2) To obtain a certificate of proficiency as ordinary seafarer deck—

(a) a candidate making entry without an accelerated training programme shall—

- (i) be at least 16 years of age;
- (ii) have at least six months sea service in the deck department on fishing vessels of 25 GT or more on any voyages;
- (iii) have completed, during the required sea service, onboard training with a steering certificate and meet the standards of competence specified in the Training Standards Code for this certificate; and
- (iv) hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed;

(b) a candidate on an accelerated training programme shall—

- (i) be at least 16 years of age;
- (ii) have completed at least two months sea service in the deck department on fishing vessels of 25 GT or more on any voyages as part of an approved accelerated training programme that is documented in an approved training record book and meet the standards of competence specified in the Training Standards Code for this certificate; and
- (iii) hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

### **68. Ordinary Seafarer Deck (Port Operations)**

- (1) For the purpose of this regulation a provisional certificate is valid for a period of six months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer deck issued by the Authority within the period of validity.
- (2) To obtain a certificate of proficiency as ordinary seafarer deck—
- (a) a candidate making entry without an accelerated training programme shall—
- (i) be at least 16 years of age;
  - (ii) have at least six months sea service in the deck department on vessels of 25 GT or more on vessels engaged in port operations;
  - (iii) have completed, during the required sea service, onboard training with a steering certificate and meet the standards of competence specified in the Training Standards Code for this certificate; and
  - (iv) hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed;
- (b) a candidate on an accelerated training programme shall—
- (i) be at least 16 years of age;
  - (ii) have completed at least two months sea service in the deck department on vessels of 25 GT or more engaged in port operations as part of an approved accelerated training programme that is documented in an approved training record book and meet the standards of competence specified in the Training Standards Code for this certificate; and
  - (iii) hold the provisional certificate of proficiency as ordinary seafarer deck issued by the master of the ship on which the onboard training was completed.

## **69. Ship's Cook**

To obtain a certificate of proficiency as Ship's Cook, candidates shall—

- (a) be at least 18 years of age;
- (b) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate; and
- (c) have at least three months sea service in the catering department on any of the following kinds of ships:

- (i) Trading ships of 100 GT or more engaged in mining operations or on unlimited or near-coastal voyages; or
- (ii) fishing vessels that must have a Ship's Cook onboard.

#### **70. Able seafarer engine**

To obtain a certificate of proficiency as able seafarer engine—

- (a) a candidate making entry without accelerated training shall—
  - (i) be at least 18 years of age;
  - (ii) have completed, while holding as a minimum the certificate of proficiency as ordinary seafarer engine, including a provisional certificate, at least 12 months sea service in the engine department on trading ships of 750 kW or more; and
  - (iii) have completed, during the required sea service, onboard training that is documented in an approved training record book; and have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate with accelerated training shall—
  - (i) be at least 18 years of age;
  - (ii) 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 750 kW or as part of an approved accelerated training programme that is documented in an approved training record book; and
  - (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate.

#### **71. Able Seafarer engine (port operations)**

To obtain a certificate of proficiency as able seafarer engine (port operations)—

- (a) a candidate making entry without accelerated training shall—
  - (i) be at least 18 years of age;
  - (ii) have completed at least 12 months port operations service on ships of 100 kW or more, while holding as a minimum the certificate of proficiency as ordinary

- seafarer engine (port operations) or ordinary seafarer engine, or a provisional certificate;
- (iii) have completed, during the required port operations service, an approved onboard training record book; and
  - (iv) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;
- (b) a candidate with accelerated training shall—
- (i) be at least 18 years of age;
  - (ii) 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 100 kW or more as part of an approved accelerated training programme that is documented in an approved training record book; and
  - (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **72. Ordinary seafarer engine**

- (1) For the purpose of this regulation; a provisional certificate is valid for a period of six months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer engine issued by the Authority within the period of validity.
- (2) To obtain a certificate of proficiency as ordinary seafarer engine—
- (a) a candidate making entry without accelerated training shall—
- (i) be at least 16 years of age;
  - (ii) have at least six months service in the engine department on trading ships of 750 kW or more;
  - (iii) have completed, during the required sea service, onboard training that is documented in an approved training record book and meet the standards of competence specified in the Training Standards Code for this certificate; and
  - (iv) hold the provisional certificate of proficiency as ordinary seafarer engine issued by the chief engineer officer of the ship on which the onboard training was completed;

- (b) a candidate making entry with accelerated training shall—
  - (i) be at least 16 years of age;
  - (ii) have completed at least two months service in the engine department on trading ships of 750 kW or more as part of an approved accelerated training programme that is documented in an approved training record book and meet the standards of competence specified in the Training Standards Code for this certificate; and
  - (iii) hold the provisional certificate of proficiency as ordinary seafarer engine issued by the chief engineer officer of the ship on which the onboard training was completed.

### **73. Ordinary Seafarer engine (Port Operations)**

- (1) For the purpose of this regulation; a provisional certificate is valid for a period of six months from the date of issue and shall be exchanged for a certificate of proficiency as ordinary seafarer engine issued by the Authority within the period of validity.
- (2) To obtain the certificate of proficiency as ordinary seafarer engine—
  - (a) a candidate making entry without accelerated training shall—
    - (i) be at least 16 years of age;
    - (ii) have at least six months service in the engine department on trading ships of 100 kW or more;
  - (b) a candidate making entry with accelerated training shall—
    - (i) be at least 16 years of age;
    - (ii) have at least two months service in the engine department on trading ships of 100 kW or more.

### **74. Electro-technical rating**

To obtain a certificate of competency as electro technical rating of a ship of 750 kW propulsion power or more a candidate shall—

- (a) be at least 18 years of age;
- (b) have completed approved seagoing service including not less than 12 months training and experience; and

- (c) have completed qualifications that meet the technical competences of the Training Standards Code.

## **75. General purpose rating (port operations)**

To obtain a certificate of proficiency as general purpose rating (port operations)—

- (a) a candidate holding certificates of proficiency as ordinary seafarer deck and ordinary seafarer engine shall—

- (i) be at least 18 years of age;
- (ii) whilst holding the certificates of proficiency as ordinary seafarer deck and as ordinary seafarer engine, have at least 18 months sea service or port operations service on ships of 25 GT or more made up of—
  - (aa) at least six months in the deck department;
  - (bb) at least six months in the engine department;
  - (cc) the remaining six months in either deck or engine department;
- (iii) have completed, during the required sea service or port operations service, an approved onboard training record book (deck and engine); and
- (iv) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate;

- (b) a candidate holding a certificate of proficiency as able seafarer deck or engine

- (i) whilst holding the certificates of proficiency as able seafarer deck or engine, have at least six months sea service or port operations service in the engine-room or deck department of ships of 25 GT or more made up of-
  - (aa) two months sea service as engine or deck hand; and
  - (bb) four months whilst holding a provisional certificate of competency as ordinary seafarer engine or deck;
- (ii) have completed, during the required sea service or port operations service, an approved onboard training record book; and
- (iii) have completed approved training and meet the standards of competence specified in the Training Standards Code for this certificate.

## **Division 9 –Special Training for Personnel on certain types of Ships**

### **76. Special requirements for personnel on oil and chemical tankers**

- (1) Officers and ratings who are assigned specific duties and responsibilities related to cargo or cargo equipment on oil and chemical tankers must obtain a certificate in basic training for oil and chemical tanker cargo operations.
- (2) To obtain a certificate in basic training for oil and chemical tanker cargo operations a candidate shall—
  - (a) have completed, in the preceding five years, at least three months approved sea service on oil or chemical tankers; or
  - (b) have completed approved basic training for oil and chemical tankers and meet the standards of competence specified in the Training Standards Code for this certificate.
- (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 oil tankers must obtain a certificate in advanced training for oil tanker cargo operations.
- (4) To obtain a certificate in advanced training in oil tanker cargo operations a candidate shall—
  - (a) hold a certificate in basic training in oil and chemical tanker cargo operations, and in addition shall—
    - (i) have completed, in the preceding five years, at least three months approved sea service on oil tankers; or
    - (ii) have completed at least one month of approved onboard training on oil tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and which is documented in an approved training record book;
  - (b) have completed approved advance training for oil tanker cargo operations and meet standards of competence specified in the Training Standards Code for this certificate.
- (5) 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 must obtain a certificate in advanced training for chemical tanker cargo operations.

(6) To obtain a certificate in advanced training in chemical tanker cargo operations a candidate shall—

(a) hold a certificate in basic training in oil and chemical tanker cargo operations, and in addition shall—

(i) have completed at least three months of approved seagoing service on chemical tankers, or

(ii) have completed at least one month of approved onboard training on chemical tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and which is documented in an approved training record book;

(b) have completed approved advance training for chemical tanker cargo operations and meet standards of competence specified in the Training Standards Code for this certificate.

(7) Masters, officers and ratings who are qualified in accordance with this regulation shall be required, at intervals not exceeding five years, to show continued professional competence on the type of tanker for which the certificate of proficiency or endorsement is required to be revalidated, in accordance with regulation 3(2) and (3).

(8) Continued professional competence for chemical tankers referred to in subregulation 0 shall be established by—

(a) performing duties appropriate to the chemical tanker certificate or endorsement held, during approved seagoing service, for a period of at least three months in total during the preceding 5 years; or

(b) successfully completing an approved relevant training course or courses.

## **77. Special requirements for personnel on gas tankers**

(1) Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers must obtain a certificate in basic training for liquefied gas tanker cargo operations.

(2) To obtain a certificate in basic training for liquefied gas tanker cargo operations a candidate shall—

(a) have completed, in the preceding five years, at least three months sea service on gas tankers; or

- (b) have completed approved basic training for liquefied gas tankers cargo operations and meet the standards of competence specified in the Training Standards Code for this certificate.
- (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 liquefied gas tankers must obtain a certificate in advanced training for liquefied gas tanker cargo operations.
- (4) To obtain a certificate in advanced training for liquefied gas tankers a candidate shall—
  - (a) hold a certificate in basic training in liquefied gas tanker cargo operations and in addition shall—
    - (i) have completed, in the preceding five years, at least three months approved sea service on a gas tanker; or
    - (ii) have completed at least one month of approved onboard training on gas tankers, in a supernumerary capacity, which includes at least three loading and three unloading operations and which is documented in an approved training record book
  - (b) have completed approved advance training for liquefied gas tankers and meet the standards of competence specified in the Training Standards Code for this certificate.
- (5) Masters, officers and ratings who are qualified in accordance with this regulation shall be required, at intervals not exceeding five years, to show continued professional competence on the type of tanker for which the certificate of proficiency or endorsement is required to be revalidated, in accordance with regulation 30 and **Error! Reference source not found.**
- (6) Continued professional competence for tankers referred to in subregulation 0 shall be established by—
  - (a) approved seagoing service onboard gas tankers for a period of at least three months in total during the preceding five years; or
  - (b) successfully completing an approved relevant training course or courses.

## **78. Special requirements for personnel on Ships Subject to the IGF Code**

- (1) This regulation applies to masters, officers and ratings and other personnel serving on board ships subject to the IGF Code.

(2) Prior to being assigned shipboard duties on board ships subject to the IGF Code, seafarers shall have completed the training required by subregulations (3) to (8) in accordance with their capacity, duties and responsibilities.

(3) Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code must obtain a certificate in basic training for service on ships subject to the IGF Code.

(4) Subject to subregulation (5), to obtain a certificate in basic training for service on ships subject to the IGF Code a candidate shall complete basic training in accordance with the standards specified in the Training Standards Code for this certificate.

(5) Seafarers responsible for designated safety duties associated with the care, use or emergency response to the fuel on board ships subject to the IGF Code who are qualified and certified in accordance with regulation 770 above do not have to obtain the certificate contemplated in subregulation (4).

(6) Masters, engineer officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code must obtain a certificate in advanced training for service on ships subject to the IGF Code.

(7) Subject to subregulation (8), to obtain a certificate in advanced training for service on ships subject to the IGF Code a candidate shall—

(a) be the holder of a certificate in basic training for service on ships subject to the IGF Code;

(b) have completed—

(i) the approved advanced training for service on ships subject to the IGF Code and meet the standard of competence as specified in the Training Standards Code; and

(ii) at least one month of approved seagoing service that includes a minimum of three bunkering operations on board ships subject to the IGF Code. Two of the three bunkering operations may be replaced by approved simulator training on bunkering operations as part of the training in subparagraph (i) .

(8) Masters, engineer officers and any person with immediate responsibility for the care and use of fuels on ships subject to the IGF Code who comply with the requirements of regulation 770 need not obtain a certificate in advanced training for service on ships subject to the IGF Code, if they have—

(a) met the requirements of subregulation (5); and

- (b) complied with the requirements of subregulation (7)(b)(ii) or have participated in conducting three cargo operations on board a liquefied gas tanker; and
- (c) completed sea going service of three months in the previous five years on board—
  - (i) ships subject to the IGF Code;
  - (ii) tankers carrying as cargo, fuels covered by the IGF Code; or
  - (iii) ships using gases or low flashpoint fuel as fuel.

(9) The Authority shall issue a certificate of proficiency to seafarers who are qualified in accordance with subregulations (3) or (6), as appropriate.

(10) Seafarers holding certificates of proficiency in accordance with subregulation (9) shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

## **79. Special requirements for Deck Officers on ships operating in Polar Waters**

(1) Masters, chief mates and officers in charge of a navigational watch on ships operating in polar waters must obtain a certificate in basic training for ships operating in polar waters, as required by the Polar Code.

(2) To obtain a certificate in basic training for ships operating in polar waters a candidate must complete approved basic training for ships operating in polar waters and meet the standard of competence specified in the Training Standards Code for this certificate.

(3) Masters and chief mates on ships operating in polar waters, must obtain a certificate in advanced training for ships operating in polar waters, as required by the Polar Code.

(4) To obtain a certificate in advanced training for ships operating in polar waters a candidate shall—

- (a) hold a certificate in basic training for ships in polar waters;
- (b) have at least 2 months of approved seagoing service in the deck department, at management level or while performing watchkeeping duties at the operational level, within polar waters or other equivalent approved seagoing service; and
- (c) have completed approved advanced training for ships operating in polar waters and meet the standard of competence specified in the Training Standards Code for this certificate.

(5) The Authority shall issue a certificate of proficiency to seafarers who are qualified in accordance with subregulations (2) or (4), as appropriate.

(6) Seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall, until 1 July 2021, be able to establish that they meet the requirements for basic training for ships operating in polar waters by—

- (a) having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at the operational or management level, for a period of at least 3 months in total during the preceding five years; or
- (b) having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters.

(7) Seafarers who commenced approved seagoing service in polar waters prior to 1 July 2018 shall, until 1 July 2021, be able to establish that they meet the requirements of advanced training for ships operating in polar waters by—

- (a) having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at management level, for a period of at least three months in total during the preceding five years; or
- (b) having successfully completed a training course meeting the training guidance established by the Organization for ships operating in polar waters and having completed approved seagoing service on board a ship operating in polar waters or equivalent approved seagoing service, performing duties in the deck department at the management level, for a period of at least two months in total during the preceding five years.

## **80. Special requirements for personnel on passenger ships**

(1) This regulation applies to masters, officers, ratings and other personnel serving on passenger ships engaged on near-coastal or unlimited voyages. Ships of Class IIA, V and Class VI passenger ships, within the classes of regulation 4 of the Life Saving Equipment Regulations, 1968, shall comply with subregulations (4) and (5) in accordance with their level of responsibility.

(2) Prior to being assigned shipboard duties on passenger ships, seafarers referred to in subregulation (1) shall have successfully completed the training required by subregulations (4) to (7) in accordance with their capacity, duties and responsibilities and shall be issued with documentary evidence attesting the successful completion of training.

(3) Seafarers who are required to be trained in accordance with subregulations (4), (6) and (7) shall, at intervals not exceeding five years demonstrate continued professional competence by serving in the appropriate capacity for at least 12 months in the preceding five years or complete approved refresher training and meet the standards of competence specified in the Training Standards Code for this certificate.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on passenger ships must complete approved training in crowd management and meet the standard of competence specified in the Training Standards Code for this certificate.

(5) Personnel providing direct service to passenger in passenger spaces must complete approved training in passenger ship safety and meet the standard of competence specified in the Training Standards Code for this certificate.

(6) Masters, chief mates, chief engineers, second engineer officers and every person having responsibility for the safety of passengers in emergency situations on passenger ships must complete approved training in crisis management and human behaviour and meet the standard of competence specified in the Training Standards Code for this certificate.

(7) Masters, chief mates, chief engineers, second engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull operations on passenger ships must complete approved training in passenger safety, cargo safety and hull integrity and meet the standard of competence specified in the Training Standards Code for this certificate.

## PART 4 - TRAINING

In this part,

**'training'** is inclusive of, but not limited to—

- (a) academic education programmes aimed at obtaining certificates of competency;
- (b) short courses required by seafarers to acquire specific skills, knowledge, competencies and proficiencies;
- (c) onboard experiential training required towards certification, including accelerated training.

**'conditions of accreditation'** are inclusive of these Regulations and any other requirements of the Authority as set out in the Quality Standards System.

### 81. Maritime training providers

- (1) The Authority may accredit a training provider to conduct any training required by the Training Standards Code.
- (2) Accreditation must take place in accordance with these Regulations and the Quality Standards System and—
  - (a) must—
    - (i) be given in writing;
    - (ii) be for a period not exceeding three years;
  - (b) may, immediately after an audit or any other cause, be altered, suspended or cancelled, provided that if the accreditation is cancelled, a minimum of 30 days' notice shall be given.”
- (3) To be accredited a maritime training provider a training provider must—
  - (a) have a Quality Standards (Management) System in place which meets the requirements set out in the Authority's Quality Standards (Management) System;
  - (b) have instructors and assessors who meet the criteria as set out in the Quality Standards System of the Authority;
  - (c) conduct internal audits annually and submit a copy to the Authority;
  - (a) have facilities and training equipment as specified in the Training Standards Code for this certificate;
  - (b) provide any documents upon request by the Authority within two days of such request.
- (4) Application for accreditation shall be made in the form and manner specified by the Quality Standards System of the Authority.
- (5) A maritime training provider applying for accreditation shall allow the Authority—
  - (a) to inspect the provider's facilities, training and assessment arrangements, methods and materials; and
  - (b) to interview the provider's students, administrative personnel, training instructors and assessors.
- (6) An accredited maritime training provider shall—
  - (a) on request, furnish the Authority with any information regarding the training offered by the provider; and
  - (b) inform the Authority, as soon as possible with regard to any change in—

- (i) teaching staff;
- (ii) teaching methods; and
- (iii) teaching material.

(7) Every accredited training provider authorised to conduct level 2 assessments in terms of regulation 18 shall—

- (a) submit, for moderation by an examiner—
  - (i) all final examination question papers and memoranda 30 days before the examination is written by candidates;
  - (ii) final examination scripts, before a final mark is given to the candidates;
- (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 the information referred to in paragraphs (a) and (b) for at least five years.

(8) An examiner may visit an accredited maritime training provider at any reasonable time to inspect and audit the conduct of any activity covered by the provider's accreditation to ascertain continued compliance and conformance with the conditions of accreditation.

(9) Where an accredited institution has been found to have contravened, in a way which cannot be rectified, the conditions of accreditation, the Authority may refuse to accredit such an institution or any other institution where its Directors are involved.

(10) The Authority shall publish details of institutions accredited as maritime training providers and the relevant courses provided by the institutions.

## **82. Accelerated training programmes**

(1) An accelerated training programme must contain a training plan that sets out the stages of the programme.

(2) The training plan must indicate, for each stage of the programme, the objectives and outcomes of the stage and how the outcomes will be achieved.

(3) The outcomes of each stage must take into account the relevant competencies specified in the Training Standards Code for the certificate concerned.

- (4) An accelerated training programme must—
- (a) provide intensive and systematic practical training and experience in the duties and responsibilities associated with the kind of certification concerned;
  - (b) be conducted, supervised and evaluated by persons qualified in accordance with subregulations (5), and (6);
  - (c) provide appropriate periods, within the normal operational requirements of the ship, for the completion of onboard training; and
  - (d) provide for the keeping of comprehensive records in relation to training conducted under the programme.
- (5) An accelerated training programme shall be overseen by a training officer who is qualified in the task for which the training is being conducted and who has a thorough understanding of the training programme and of the specific objectives for each type of training being conducted.
- (6) A person assessing the competence of a candidate undergoing accelerated training shall—
- (a) have an appropriate level of knowledge and understanding of the competencies to be assessed;
  - (b) be qualified in the task that is being assessed;
  - (c) have received appropriate training in assessment methods and practice; and
  - (d) if assessment involves the use of simulators, have gained practical assessment experience on the particular type of simulator under the supervision and to the satisfaction of an experienced assessor.
- (7) Application for approval of an accelerated training programme shall be made in the form and manner as set out in the Quality Standards System of the Authority and must include the information and the documents specified in the said System.
- (8) Ships carrying more than 12 cadets may be approved as training ships by the Authority if approved procedures, policies, training officers, accommodation and facilities are provided on such ships.
- (9) Accelerated onboard training shall be recorded in an approved training record book.
- (10) Every accelerated training programme approved by the Authority shall be published in a marine notice.

**83. Duties of masters and persons conducting in-service training**

- (1) Every person conducting in-service training shall ensure that—
- (a) appropriate periods are set aside for completion of the programme of onboard training within the normal operational requirements of the ship;
  - (b) at the beginning of the programme and at the start of each voyage on a different ship, candidates are given comprehensive information and guidance as to what is expected of them and how the training programme is to be conducted;
  - (c) a training officer is designated to administer the programme;
  - (d) ship's officers who are responsible for training and assessment know and understand their duties and responsibilities regarding training;
  - (e) during the required period of qualifying service, a candidate receives systematic practical training and experience in the tasks, duties and responsibilities relevant to the certificate desired, with due regard to the competencies specified in the training record book;
  - (f) assessments of a candidate are conducted, without undue delay, when a candidate is ready for assessment;
  - (g) the on-board training forms an integral part of the overall training plan;
  - (h) the programme of on-board training is managed and co-ordinated by the person managing the ship on which the qualifying service is to be performed; and
  - (i) a comprehensive record is kept of all training conducted.
- (2) Every person designated as a training officer in terms of subregulation (1)(c) shall be responsible for—
- (a) the overall management and administration of the training programme;
  - (b) monitoring candidates' progress throughout such programme; and
  - (c) giving guidance, when necessary, and ensuring that the training programme is conducted properly.
- (3) A master shall—
- (a) provide the link between the ship's officers responsible for training and the training officer ashore;

- (b) designate, in writing, the ship's officers who are to be responsible for organising and supervising on-board training for each voyage;
  - (c) ensure continuity in the case of any change of ship's officers during voyages; and
  - (d) ensure that all personnel concerned carry out effectively the on-board training programme.
- (4) Unless the master directs otherwise in the interests of the safe operation of the ship, every ship's officer designated in terms of subregulation (3)(b) shall be responsible for—
- (a) organising the programme of practical training at sea;
  - (b) ensuring, in a supervisory capacity, that training record books are properly maintained and that all other requirements are met; and
  - (c) ensuring, so far as practicable, that the time the candidate spends on board is as useful as possible in terms of training and experience, and is consistent with the objectives of the training programme and the progress of training.

#### **84. The establishment of the Training Standards Code**

- (1) The Authority shall establish the Training Standards Code which covers all training required under these Regulations and the Act.
- (2) The Training Standards Code established under these Regulations shall be published on the Authority's website.
- (3) In establishing the Training Standards Code, the Authority shall—
- (a) ensure that the Training Standards Code covers all the education and training requirements of the STCW Convention, STCW-F Convention and the MLC;
  - (b) establish written procedures within the Quality Standards System for the development, consultation and publication of the Code; and
  - (c) ensure that the Training Standards Code is subject to continuous improvement.

### **PART 5 – MEDICAL AND EYESIGHT EXAMINATION FOR SEAFARERS**

#### **85. Application of Part 5**

- (1) Every person who is required to be medically fit by the Act shall hold a medical certificate issued by a medical practitioner approved in accordance with these Regulations.

- (2) A valid medical certificate shall be produced by every person—
- (a) applying for certification or revalidation of certificate as required by these Regulations;
  - (b) contemplated in sections 92, 101 or 111 of the Act;
  - (c) applying for a Seafarer's Record Book.
- (3) Every person engaged on a ship performing watchkeeping duties as required by Parts 7 and 8 of these Regulations shall also hold a valid Colour and Vision test certificate.

### **86. Validity of a Medical Certificate and the Colour and Vision Test Certificate**

- (1) A medical certificate shall be valid, from the date which the candidate was examined, for a period not exceeding two years, except—
- (a) if the medical practitioner have found the candidate to have conditions that requires to be reviewed at an interval shorter than two years, in which case the certificate shall be valid for the period determined by the medical practitioner;
  - (b) if the seafarer is under the age of 18, in which case the medical fitness certificate shall be valid for a period of one year.
- (2)(a) A visual acuity test shall be valid, from the date which the candidate is examined, for a period not exceeding two years.
- (b) A colour vision test is valid, from the date which the candidate is examined, for a period not exceeding six years.

### **87. Approval of Medical Practitioners to perform Medical Examination of Seafarers**

- (1) Subject to the conditions contained in the Quality Standards System, the Authority may approve a medical practitioner to issue—
- (a) a medical fitness certificate; or
  - (b) colour and vision test certificate.
- (2) To be approved in terms of subregulation (1)(a), the applicant must—
- (a) be a medical doctor and must—

- (i) hold an Occupational Medicine certificate; or
  - (ii) have practiced for at least one year as a ship's doctor; or
  - (iii) have served three years as a 'shipping company' doctor; or
  - (iv) have served three years under the supervision of a medical practitioner approved under these Regulations;
- (b) comply with the requirements set out in the Quality Standards System.
- (3) To be approved in terms of subregulation (1)(b), an applicant must—
- (a) be an Optometrist, and
  - (b) comply with the requirements set out in the Quality Standards System.
- (4) The Authority may approve a group of medical practitioners who share facilities if they qualify in terms of subregulations (2) and (3).
- (5) An approval made in terms of this regulation shall be in writing.
- (6) An approval in terms of this regulation shall be valid for a period of three years.
- (7) The Authority may suspend or cancel an approval in terms of this regulation when there is prima facie evidence of non-compliance with the conditions of the approval.
- (8) Medical practitioners approved before the commencement of these Regulations shall continue to be approved until the date of expiry on their certificate of approval.
- (9) The Authority shall on a regular basis publish the list of medical practitioners approved in terms of this regulation.

## **88. Medical Examination and Certification of Seafarers**

- (1) Medical examination of seafarers shall be conducted by a medical practitioner approved under this Part of the Regulations in accordance with the medical fitness and eyesight standards in the Quality Standards System.
- (2) A medical practitioner performing his or her functions in terms of these Regulations shall—
- (a) verify the identity of the seafarer and include his or her identity number on the seafarer's medical and eyesight examination record and certificate;
  - (b) collect and keep the medical history of the candidate;

- (c) determine the position of the seafarer onboard the ship in order to understand the mental and physical demands of the job.
- (3) A medically fit seafarer must be issued with a medical certificate, with appropriate annotations, in the form and manner set out in the Quality Standards System.
- (4) A seafarer who passed the eyesight test must be issued with an eyesight test certificate, with appropriate annotations, in the form and manner set out in the Quality Standards System.
- (5) A seafarer found to be medically unfit must be issued with a medical certificate declaring the candidate as unfit, using appropriate annotations, in the form and manner set out in the Quality Standards System.
- (6) A seafarer who does not pass the eyesight test must be issued with a certificate declaring the candidate as unfit, using appropriate annotations, in the form and manner set out in the Quality Standards System.

#### **89. Appeals against medical and eyesight fitness decisions**

- (1) An applicant declared unfit for service at sea in terms of regulation 88 or his or her employer, may apply to the Authority to have the decision reviewed.
- (2) Upon receiving an application in terms of subregulation (1), the Authority shall appoint a medical appeal panel consisting of at least four members.
- (3) The medical appeal panel appointed in terms of subregulation (2) must consist of—
  - (a) three medical practitioners, appointed in terms of regulation 87, one of whom must be appointed as chairperson;
  - (b) the Chief Examiner, or any other person appointed by him, to provide secretariat functions to the panel; and
  - (c) any other persons deemed suitable by the panel to ensure that the panel reaches a fair and just decision.
- (4) The Authority shall ensure that the panel is assembled and sits within three working days of receiving the application.
- (5) A decision of the majority of the members of the medical appeal panel shall be the decision of the panel.
- (6) If the panel overturns the decision of the medical practitioner, the chairperson of the panel must issue the candidate with a medical fitness certificate.

- (7) The cost of the application shall be borne by the parties as follows:
- (a) If the application is turned down the costs shall be borne by the applicant;
  - (b) if the application is successful the applicant and the medical practitioner shall share the costs.

## **90. Medical Fitness Standards**

- (1) The Authority shall establish the Medical Fitness and Eyesight Standards. Such standards must conform as closely as possible to guidance published by the IMO and other United Nations entities as well as local medical standards.
- (2) The Authority may establish a medical forum for medical practitioners appointed in terms of these Regulations.
- (3) The purpose of the forum includes, but is not limited to—
- (a) the review of medical and eyesight standards and ensure their currency, relevancy and correlation with regards to medical practices in the country;
  - (b) discussions of medical and eyesight matters that arose in a specific period to ensure that there's knowledge sharing.
- (4) The Authority shall, within the 180 days of this Part coming into force, publish the Medical Fitness Standards.

## **91. Use of medicines and medical technology**

- (1) A seafarer may only be declared to be fit, without restrictions or limitations, when they meet all the requirements for medical fitness, visual acuity, hearing, colour vision or lookout duties unaided by medication or medical technology.
- (2) Where a seafarer meets the requirements with the use of medication or medical technology, such must be declared by the medical practitioners in the medical certificate with appropriate limitations and restrictions.
- (3) If a seafarer is using medication that restrict or limit his or her ability to perform some or all duties of a seafarer a medical examiner may endorse his or her medical certificate or declare the seafarer medically unfit.
- (4) Seafarers who use visual aids to meet visual acuity may be deemed to be fit provided—
- (a) they carry a separate pair of contact lenses or spectacles;

- (b) that colour correcting lenses are not used during the tests and whilst serving onboard a ship.
- (5) Hearing aids are not permitted except in the case of serving seafarers who have produced a previous medical fitness certificate issued under these Regulations.

## **PART 6 - MANNING REQUIREMENTS**

### **92. Application**

- (1) Subject to subregulation (4) of this regulation, Parts 6, 7, 8 and 9 of these Regulations apply to every South African ship wherever it may be.
- (2) Regulations 93, 94, 95, 96, 121, 122 and 123 apply to every foreign ship to which the Safety Convention, STCW Convention or STCW-F Convention applies, when in the Republic or its territorial waters.
- (3) In the cases where these Regulations are in conflict with the laws of the State in which waters a South African ship is the Regulations do not apply to the ship to the extent that they are in conflict with the law of that State.
- (4) These Regulations do not apply to—
  - (a) vessels of less than 25 GT;
  - (b) any vessel of less than 100 GT that is used solely for sport or recreation;
  - (c) a vessel of 100 GT of class XII of the Lifesaving Equipment Regulations: Provided that the vessel conform as closely as is possible to the manning levels set out in these Regulations in so far as ensuring that the vessel is sufficiently and efficiently manned;
  - (d) ships owned by the defence force of the Republic or any other country.

### **93. Responsibilities of owners and masters**

- (1) The owner of a ship shall ensure that—
  - (a) no ship's officer takes charge of a navigational or engineering watch on the ship unless he or she holds an appropriate valid certification entitling him or her to do so;
  - (b) no rating forms part of a navigational or engineering watch on the ship unless he or she holds an appropriate valid certification entitling him or her to do so;
  - (c) the master and every ship's officer have appropriate experience of the type of ship on which he or she is employed;

- (d) the master and every seafarer employed on the ship, before being allowed to assume his or her assigned duties, are familiarised with their specific duties and with all the ship's arrangements, installations, equipment, procedures and characteristics relevant to their routine and emergency duties;
  - (e) all seafarers employed on fishing vessels shall have completed approved personal survival techniques training;
  - (f) every person employed on the ship and designated to have safety or pollution prevention duties, holds documentary evidence of having successfully completed basic training as set out in regulation 2;
  - (g) the ship's crew can effectively co-ordinate activities in an emergency situation and in performing functions vital to safety or life and property at sea or to the prevention or mitigation of pollution;
  - (h) documentation and data relevant to the master and seafarers employed on the ship are maintained and readily available for inspection, including documentation and data relevant to their experience, training, medical fitness and competency in assigned duties.
- (2) Without limiting the owner's obligations under subregulation (1), it is the duty of the master to ensure that the requirements of that subregulation are complied with in relation to the seafarers employed on the ship.
- (3) Nothing in subregulation (1) (a) to (f) prohibits the allocation of tasks for training under supervision or in case of force majeure.
- (4) The owner and the master of every ship shall ensure that—
- (a) in addition to the ship's officers and other persons prescribed by these Regulations or elsewhere in terms of the Act, the crew is adequate in number and description to ensure that the ship is sufficiently and efficiently manned;
  - (b) the ship has as crew suitably qualified persons to enable it to go to sea with due regard to the requirements of the life-saving equipment Regulations, the collision Regulations, the radio Regulations, and any other safety provisions that may be applicable to the ship;
  - (c) the proper officer shall, when determining the adequacy of the crew in accordance with this subregulation, take into account—
    - (i) the complement normally carried by similar ships employed on similar voyages or operations;

- (ii) the complement that the ship in question has recently carried on previous voyages or operations;
- (iii) whether the complement is adequate to ensure compliance with Regulations 94 and 95; and
- (iv) the nature of the service for which the ship is intended.

(5) The Authority shall, as and when necessary, issue a marine notice specifying the number of persons to constitute the crew of a ship and the capacities in which those persons are to serve in addition to the persons prescribed in these Regulations or in the Act.

#### **94. Watchkeeping standards**

(1) Owners, masters, and watchkeeping personnel shall observe the requirements and principles set out in Annexures 2 and 3, as appropriate, to ensure that a safe continuous watch, appropriate to the prevailing circumstances and conditions, is maintained in all ships at all times.

(2) Without limiting subregulation (1), the master of every ship shall ensure that watchkeeping arrangements are adequate for maintaining a safe watch, taking into account the prevailing circumstances and conditions, and that, under the master's general direction—

- (a) officers in charge of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chartroom or bridge control room at all times;
- (b) radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty;
- (c) officers in charge of the engineering watch, under the direction of the chief engineer officer, are immediately available and on call to attend the machinery spaces and, when required, are physically present in the machinery space during periods of duty; and
- (d) an appropriate and effective watch is maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organisation of the watch takes full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions prevailing on board, afloat or ashore.

#### **95. Hours of work: general duties of owners, masters and others**

- (1) The master and owner shall take account of the danger posed by fatigue of seafarers, especially those whose duties involve the safe and secure operation of that ship. In preventing fatigue, owners shall take into account the guidelines provided by the Authority.
- (2) All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of not less than—
  - (a) a minimum of 10 hours of rest in any 24-hour period; and
  - (b) 77 hours in any 7-day period.
- (3) The hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.
- (4) The requirements for rest periods laid down in subregulation (2) need not be maintained in the case of an emergency or in other overriding operational conditions. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and Regulations and by international instruments, shall be conducted in a manner that minimises the disturbance of rest periods and does not induce fatigue.
- (5) The master and owner are required to post watch schedules where they are easily accessible. The schedules shall be established in a format specified by the Authority in one of the official languages of the Republic and in English.
- (6) If a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed.
- (7) The master and owner shall require that records of daily hours of rest of seafarers be maintained in a format published by the Authority or any other format containing similar information, in the working language of the ship and a translation into English, to allow monitoring and verification of compliance with the provisions of this regulation. The seafarer shall receive a copy of the record pertaining to him or her, which shall be endorsed by the master or by a person authorised by the master and the seafarer.
- (8) Nothing in this regulation shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until normal operations has been restored. As soon as practicable after the normal operations has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

(9) The master or owners may allow exceptions from the required hours of rest in subregulation (2)(b). Provided that the rest period is not less than 70 hours in any 7-day period.

(10) Exceptions from the weekly rest period provided for in subregulation (2) shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception.

(11) The hours of rest provided for in subregulation (2) may be divided into no more than three periods, one of which shall be at least 6 hours in length and neither of the other two periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any 7-day period.

(12) The owner or master of a ship shall provide a schedule of duties setting out, amongst others the—

- (a) hours of work for each seafarer on watchkeeping or ship handling duties; and
- (b) minimum rest periods in accordance with this regulation.

(13) Records of hours of rest and any deviations from these requirements shall be kept onboard for a minimum period of five years.

(14) Every master and seafarer shall ensure that they are properly rested.

(15) Any exceptions that the master makes against the hours as stated in subregulations (8), (9), (10) and (11) shall be recorded in the Official Log Book or deck log book stating the circumstances resulting in such exceptions.

## **96. Alcohol and drug abuse**

(1) The master and owner of the ship shall establish procedures for preventing alcohol abuse by masters, officers and other seafarers with designated safety, security and marine environmental duties. Owners shall develop policies regarding drug and alcohol testing.

(2) Masters, officers and other seafarers while performing designated safety, security and marine environmental duties, shall not have alcohol content above the following limits:

- (a) A limit of not greater than 0,05% blood alcohol level, and zero illicit narcotics in the blood; or
- (b) 0, 25 mg/l alcohol in the breath or a quantity of alcohol leading to such alcohol concentration.

(3) Policies and procedures shall establish and distinguish planned and ad-hoc alcohol and illicit drug testing.

(4) Planned drug and alcohol testing done in accordance with this regulation shall be recorded in the Official Log Book or deck log book. Where ad-hoc testing is conducted, full details of the circumstances for such a test shall be recorded in the Official Log Book or deck log book.

### **97. Determination of minimum number of persons employed on South African ships**

(1) Employment of officers and ratings onboard a South African ship shall be, as a minimum, in accordance with Regulations 100 -107.

(2) This regulation does not limit the power of the proper officer to issue and determine suitable manning levels as authorised by regulation 93(4).

(3) The proper officer may request that the owner or master of a ship conduct a risk assessment to establish minimum safe manning levels for a ship which is engaged in operations where the manning levels contemplated in Part 7 are deemed to be insufficient.

(4) The owner or master may apply to the proper officer at the nearest port for the number of certificated officers and ratings to be determined in accordance with this subregulation. The proper officer may only issue such an alternative manning after—

(a) the owner has applied in writing, motivating the deviation from the manning levels provided in Part 7, and has provided a risk assessment. Should the application be for multiple vessels, such vessels shall be similar in size and operations; and

(b) the proper officer, if in agreement with the application in paragraph (a) shall—

(i) review the risk assessment; and

(ii) if satisfied, issue a safe manning document with such alternative manning levels established in accordance with the risk assessment and recommendations of a surveyor.

(5) The risk assessment referred to in subregulation (3) shall be conducted as prescribed by the Authority and remains valid except if—

(a) five years have elapsed from the date of issue;

(b) the ownership or operations of the ship have been changed;

- (c) the ship's safety certificates issued in terms of the Act have lapsed for a period of more than three months without notification to the Authority; and
  - (d) the vessel is not maintained in a seaworthy state.
- (6) For the purposes of subregulation 5(d) a vessel shall be regarded as not in a seaworthy state if an inspection reveals—
- (a) regular non-compliance with minimum rest hours; and
  - (b) poor maintenance of the ship.

### **98. Employment of persons holding foreign certificates**

(1) For the purposes of section 83(1) of the Act, the owner of a ship to which the STCW, the STCW-F Conventions and the MLC applies shall not employ on the ship, as master or ship's officer, any person who holds a certificate issued by or on behalf of the government of another country, unless—

- (a) that person's certificate has been endorsed in accordance with regulation 99; or
- (b) in the absence of such an endorsement, the certificate was issued and is valid in accordance with the STCW and the STCW-F Conventions, the period of employment does not exceed 3 months and the owner makes an application to the Authority for an endorsement in accordance with regulation 99 prior to that person joining a ship. Documentary proof that the Authority has received the application shall be on board the ship.

(2) For the purposes of section 83(1) of the Act, the owner of a ship to which the STCW and the STCW-F Conventions do not apply shall not employ on the ship, as master or ship's officer, any person who holds a certificate of competency issued by or on behalf of the government of another country, unless the Authority has, under section 83(2) of the Act, authorised that person's employment on the ship.

(3) Application for an authorisation under section 83(2) of the Act shall be made by the owner of the ship and shall be directed to the authority nearest to the ship's intended port of departure. The application shall—

- (a) be made before the person assumes duty on the ship; and
- (b) be accompanied by the person's original certificate or copy thereof (together with a certified translation into English where the certificate is in a language other than English), a medical examination report complying with the requirements specified in

Part 5 of these Regulations, or a report from another party recognised by the Authority and attesting to the person's medical fitness and a valid eyesight test certificate.

- (4) An authorisation granted under section 83(2) of the Act shall be in writing and shall specify the period, not exceeding six months, for which it is to remain in force.
- (5) The Authority may revoke an authorisation granted under section 83(2) of the Act if—
- (a) the person in question shows that he or she is not adequately qualified and experienced or that he or she is not able to converse, issue and understand orders and written instructions in the English language;
  - (b) the person's certificate expires or is cancelled or suspended by or on behalf of the government under whose authority the certificate was originally issued;
  - (c) the person fails to comply with any condition on which the authorisation was granted;
  - (d) a court of marine enquiry or a disciplinary hearing recommends the revocation of the authorisation; or
  - (e) the person is convicted of an offence in terms of the Act or any other law administered by the Authority.
- (6) For the purposes of section 74(1)(b) of the Act, the following is the recognised certification for a rating:
- (a) For ships to which the STCW and the STCW-F Convention applies, valid appropriate certification issued in accordance with the STCW Convention and the STCW-F Convention, as appropriate, by or on behalf of another Party to the Convention; and
  - (b) for other ships, valid appropriate certification that the Authority is satisfied that the rating is qualified to serve in the capacity stated in the certification.

## **99. Recognition of foreign certificates**

- (1) The holder of a certificate as master, ship's officer, or radio operator being a certificate issued in terms of the STCW and the STCW-F Conventions by or on behalf of another party to the Conventions, may apply to the Authority, in accordance with subregulation (2), for the certificate to be recognised under these Regulations.
- (2) An application contemplated in subregulation (1) above shall be made in the form and manner set out in the Authority's Quality Standards System.

(3) The Authority may issue an endorsement recognising an applicant's certificate, which endorsement shall have effect as an authorisation under section 83(1) of the Act, if it is satisfied that—

- (a) the certificate is authentic and valid;
- (b) the level of competence and knowledge evidenced by the certificate is not inferior to that required for the equivalent certificate issued under the Act;
- (c) the applicant, if applying for an equivalency as master, chief mate, chief engineer officer or second engineer officer, has attained the level of knowledge of the Republic's maritime legislation required for the equivalent certificate issued under the Act; and
- (d) prompt notification will be given to the Authority of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention.

(4) Every endorsement issued under subregulation (3) shall be a separate document and shall state, with reference to these Regulations and the STCW Convention, the capacity in which the holder is entitled to serve.

(5) For the purposes of this Regulation, the Authority shall not recognise by endorsement the certificate issued by or under the authority of another Party to the STCW Convention to a master, officer or radio operator unless the Authority—

- (a) has confirmed, through an evaluation of that Party, which may include inspection of facilities and procedures, that the requirements of the STCW Convention are fully complied with; and
- (b) has agreed an undertaking with the Party concerned that prompt notification will be given of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention;
- (c) has not recognised certificates issued by or under the authority of a non-Party to the STCW Convention;
- (d) has not used as the basis for recognition by the Authority the certificates and endorsements issued under the administration of another Party to the STCW Convention.

(6) The Authority may cancel an endorsement issued under subregulation (3) if—

- (a) the holder is unable to meet the level of competency or knowledge required for the equivalent certificate of competency, or that his or her level of proficiency in the English language does not meet the relevant requirements of the STCW Convention;
- (b) the holder's certificate expires or is cancelled or suspended by or on behalf of the government under whose authority the certificate was originally issued;
- (c) a court of marine enquiry or a disciplinary hearing recommends the cancellation of the endorsement; or
- (d) the holder is convicted of an offence in terms of the Act or any other law administered by the Authority.
- (7) Where the Authority cancels an endorsement in terms of subregulation (6), it shall inform the government under whose Authority the certificate was originally issued of the cancellation.

## PART 7 - GENERAL MANNING LEVELS

### 100. Employment of certificated deck officers on ships other than fishing vessels

- (1) The owner and the master of every ship, other than a fishing vessel or a ship referred to in subregulation (2), shall ensure that there is employed on the ship in their appropriate capacities the number of appropriately certificated deck officers specified in the applicable item of the following table:

| Item | Voyage/<br>Operation | (GT)                | Capacity of<br>employment | Appropriate minimum certification and<br>number of persons to be employed |        |
|------|----------------------|---------------------|---------------------------|---|--------|
|      |                      |                     |                           | Certificate   | Number |
| 1    | Port<br>Operations   | <200                | Master                    | Skipper (port operations)   | 1      |
|      |                      |                     | Mate                      | Skipper (port operations) (c)   | 1      |
| 2    |                      | ≥200 but <<br>500   | Master                    | Master (<1 600 GT port operations)  | 1      |
|      |                      |                     | Mate                      | Skipper (port operations) (c)   | 1      |
| 3    |                      | ≥500 but < 1<br>600 | Master                    | Master (<1 600 GT port operations)  | 1      |
|      |                      |                     | Mate                      | Skipper (port operations)   | 1      |
| 4    |                      | ≥1 600              | Master                    | Master (port operations)  | 1      |
|      |                      |                     | Mate                      | Skipper (port operations)   | 1      |
| 5    | Near-<br>coastal     | <200                | Master                    | Master (<200 GT near-coastal)   | 1      |
|      |                      |                     | Mate                      | Coastal skipper ≥9 m (a)  | 1      |
| 6    |                      | ≥200 but <<br>500   | Master                    | Master (<500 GT near-coastal)   | 1      |
|      |                      |                     | Mate                      | Officer in charge of a navigational<br>watch (<500 GT near-coastal)       | 1      |

| Item | Voyage/<br>Operation      | (GT)                     | Capacity of<br>employment                    | Appropriate minimum certification and<br>number of persons to be employed |        |
|------|---------------------------|--------------------------|--|---|--------|
|      |                           |                          |  | Certificate   | Number |
|      |                           |                          | Watch- keeping<br>Officer                    | Coastal skipper $\geq 9$ m (a) (b)  | 1      |
| 7    | Unlimited                 | <200                     | Master                                       | Master (<200 GT)  | 1      |
|      |                           |                          | Mate   | Skipper offshore $\geq 9$ m (a)   | 1      |
| 8    |                           | $\geq 200$ but <<br>500  | Master                                       | Master (<3 000 GT)  | 1      |
|      |                           |                          | Mate   | Chief mate (<3 000 GT)  | 1      |
|      |                           |                          | Watch- keeping<br>Officer                    | Officer in Charge of a Navigational<br>Watch                              | 1      |
| 9    |                           | $\geq 500$ but <<br>3000 | Master                                       | Master (<3 000 GT)  | 1      |
|      |                           |                          | Mate   | Chief mate (<3 000 GT)  | 1      |
|      |                           |                          | Watch- keeping<br>Officer                    | Officer in Charge of a Navigational<br>Watch                              | 1      |
| 10   |                           | $\geq 3 000$             | Master                                       | Master  | 1      |
|      |                           |                          | Mate   | Chief mate  | 1      |
|      | Watch- keeping<br>Officer |                          | Officer in Charge of a Navigational<br>Watch | 2   |        |

## Notes

(a) Certificates issued in terms of the Merchant Shipping (National Small Vessels Safety) Regulations, 2007 as amended

(b) Only on voyages of over 36 hours

(c) Only required where voyages/shifts are over 12 hours

- (2) The owner and the master of every ship of 25 GT or more that—
- (a) is engaged in mining operations within waters under South African jurisdiction; and
- (b) operates at anchor for two-thirds or more of the time spent at sea between port calls, shall ensure that there is employed on the ship in their appropriate capacities the number of appropriately certificated deck officers specified in the applicable item of the following Table:

| Item | Gross Tonnage<br>(GT) | Capacity of<br>employment | Appropriate minimum certification and number<br>of persons to be employed |        |
|------|-----------------------|---------------------------|---|--------|
|      |                       |                           | Certificate   | Number |
| 1    | <200                  | Master                    | Master (<200 GT near-coastal) (b)   | 1      |
|      |                       | Mate                      | Coastal skipper $\geq 9$ m (a)  | 1      |
| 2    | $\geq 200$ but <500   | Master                    | Master (<500 GT near-coastal) (b)   | 1      |
|      |                       | Mate                      | Officer in charge of a navigational<br>watch (<500 GT near-coastal) (b)   | 1      |
| 3    | $\geq 500$ but <3 000 | Master                    | Master (<3 000 GT) (b)  | 1      |
|      |                       | Mate                      | Chief mate (<3 000 GT) (b)  | 1      |

| Item   | Gross Tonnage (GT) | Capacity of employment | Appropriate minimum certification and number of persons to be employed |        |
|--|--------------------|------------------------|--|--------|
|  |                    |                        | Certificate  | Number |
|  |                    | Watch- keeping Officer | Officer in Charge of a Navigational Watch(b)                           | 1      |
| 4  | ≥3 000             | Master                 | Master (b)   | 1      |
|  |                    | Mate                   | Chief mate (b)   | 1      |
|  |                    | Watch- keeping Officer | Officer in Charge of a Navigational Watch(b)                           | 1      |
| (a) Issued in accordance with the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 |                    |                        |  |        |
| (b) For vessels engaged in mining operations, certificates could be endorsed with mining endorsement |                    |                        |  |        |

### 101. Employment of certificated deck officers on fishing vessels

The owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number of appropriately certificated deck officers specified in the applicable item of the following table:

| Item | Size/Length of Vessel        | Area of operation                 | Capacity              | Appropriate minimum certification   | Number |
|------|------------------------------|-----------------------------------|-----------------------|---|--------|
| 1    |                              | ≥25 GT but <24 m Limited Waters   | Master                | Skipper Fishing (<24 m) Limited Waters  | 1      |
|      |                              |                                   | Mate                  | Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters), <b>or</b> , Coastal skipper ≥9 m (a)  | 1      |
| 2    | 25GT and over, but under 24m | ≥25 GT but <24 m Unlimited Waters | Master                | Skipper Fishing (<24 m) Unlimited Waters  | 1      |
|      |                              |                                   | Mate                  | Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters)  | 1      |
|      |                              |                                   | Watch-keeping Officer | Officer in Charge of a Navigational Watch Fishing (<24 m Limited Waters), <b>or</b> , Skipper Offshore ≥9 m (a) | 1      |
| 3    | 24m and over                 | ≥24 m but <30m Limited Waters     | Master                | Skipper Fishing (≥24 m) Limited Waters  | 1      |
|      |                              |                                   | Mate                  | Officer in Charge of a Navigational Watch Fishing (≥24 m Limited Waters)  | 1      |
| 4    | 24m and over                 | ≥30m but less than 45m            | Master                | Skipper Fishing (≥24 m) Limited Waters  | 1      |
|      |                              |                                   | Mate                  | Officer in Charge of a Navigational Watch Fishing (≥24 m Unlimited Waters)                                      | 1      |

| Item | Size/Length of Vessel | Area of operation                         | Capacity              | Appropriate minimum certification   | Number |
|------|-----------------------|---|-----------------------|---|--------|
| 5    |                       | Limited Waters                            | Watch-keeping Officer | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 1      |
|      |                       | $\geq 45$ m Limited Waters                | Master                | Skipper Fishing ( $\geq 24$ m) Limited Waters                                     | 1      |
|      |                       |   | Mate                  | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 1      |
| 6    |                       | $\geq 24$ m but $< 30$ m Unlimited Waters | Master                | Skipper Fishing ( $\geq 24$ m) Limited Waters                                     | 1      |
|      |                       |   | Mate                  | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 1      |
|      |                       |   | Watch-keeping Officer | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 1      |
| 7    |                       | $\geq 30$ m but $< 45$ m Unlimited Waters | Master                | Skipper Fishing ( $\geq 24$ m) Unlimited Waters                                   | 1      |
|      |                       |   | Mate                  | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 1      |
|      |                       |   | Watch-keeping Officer | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 1      |
| 8    |                       | $\geq 45$ m Unlimited Waters              | Master                | Skipper Fishing ( $\geq 24$ m) Unlimited Waters                                   | 1      |
|      |                       |   | Mate                  | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 1      |
|      |                       |   | Watch-keeping Officer | Officer in Charge of a Navigational Watch Fishing ( $\geq 24$ m Unlimited Waters) | 2      |

(a) Certificate issued in terms of the MS (National Small Vessels Safety) Regulations, 2007

## 102. Employment of certificated engineer officers on ships other than fishing vessels

The owner and the master of every ship, other than a fishing vessel, shall ensure that there is employed on the ship in their appropriate capacities the number of appropriately certificated engineer officers specified in the applicable item of the following table:

| Item | Voyage/<br>Operation | Registered<br>propulsion<br>power (kW) | Capacity of<br>employment   | Appropriate minimum certification and<br>number of persons to be employed |        |
|------|----------------------|--|---|---|--------|
|      |                      |  |   | Certification   | Number |
| 1    | Port<br>operations   | <750                                   | Chief engineer  | Chief engineer Officer (<750 kW<br>Port Operations)                       | 1      |
| 2    |                      | ≥750 but <1<br>500                     | Chief engineer  | Chief Engineer Officer (<1 500<br>kW Port Operations)                     | 1      |
| 3    |                      | ≥1 500                                 | Chief engineer  | Chief Engineer Officer (port<br>operations)                               | 1      |
|      | Second engineer      |  | Officer in Charge of an<br>Engineering Watch (Port<br>Operations) | 1   |        |
| 4    | Near<br>Coastal      | <350                                   | Chief engineer  | Officer in Charge of an<br>Engineering Watch (<750kW)                     | 1      |
| 5    |                      | ≥350 but<br><750 and<br><500 GT        | Chief engineer  | Chief Engineer Officer (<750 kW)  | 1      |
|      |                      |  | Second engineer   | Officer in Charge of an<br>Engineering Watch (<750kW)                     | 1      |
| 6    |                      | ≥350 but<br><750 and<br>≥500 GT        | Chief engineer  | Chief Engineer Officer (<750 kW)  | 1      |
|      |                      |  | Second engineer   | Officer in Charge of an<br>Engineering Watch (<750kW)                     | 1      |
| 8    |                      | ≥750 but <3<br>000                     | Chief engineer  | Chief engineer Officer (<3 000<br>kW)                                     | 1      |
|      |                      |  | Second engineer   | Second Engineer Officer (<3000<br>kW)                                     | 1      |
|      |                      |  | Watch- keeping<br>officer   | Officer in Charge of an<br>Engineering Watch                              | 1      |
| 9    | ≥3 000               | Chief engineer                         | Chief engineer Officer  | 1   |        |
|      |                      | Second engineer                        | Second engineer Officer   | 1   |        |
|      |                      | Watch- keeping<br>officer              | Officer in Charge of an<br>Engineering Watch                      | 1   |        |
| 10   | Unlimited            | <750                                   | Chief Engineer  | Chief Engineer Officer (<750 kW)  | 1      |
|      |                      |  | Second Engineer   | Officer in Charge of an<br>Engineering Watch (<750kW)                     | 1      |
| 11   |                      | ≥750 but < 3<br>000                    | Chief engineer  | Chief Engineer Officer (<3 000<br>kW)                                     | 1      |
|      |                      |  | Second engineer   | Second Engineer Officer (<3 000<br>kW)                                    | 1      |
|      |                      |  | Watch- keeping<br>officer   | Officer in Charge of an<br>Engineering Watch                              | 1      |
| 12   |                      | ≥3 000                                 | Chief engineer  | Chief Engineer Officer  | 1      |
|      |                      |  | Second engineer   | Second Engineer Officer   | 1      |
|      |                      |  | Watch- keeping<br>officer   | Officer in Charge of an<br>Engineering Watch                              | 2      |

### 103. Employment of certificated engineer officers on fishing vessels

The owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number of appropriately certificated engineer officers specified in the applicable item of the following table:

| Item | Propulsion power (kW) | Capacity of employment | Appropriate minimum certification and number of persons to be employed |        |
|------|-----------------------|------------------------|--|--------|
|      |                       |                        | Certification  | Number |
| 1    | <350                  | Chief engineer         | Engineer Officer (<750 kW)   | 1      |
| 2    | ≥350 but <750         | Chief engineer         | Chief Engineer (<750 kW)   | 1      |
|      |                       | Second engineer        | Engineer Officer (<750 kW)   | 1      |
| 3    | ≥750 but <2000        | Chief engineer         | Chief Engineer (<2000 kW Fishing)                                      | 1      |
|      |                       | Second engineer        | Second Engineer (<2000 kW Fishing)                                     | 1      |
|      |                       | Watchkeeping officer   | Engineer Officer (<750 kW)   | 1      |
| 4    | ≥2000                 | Chief engineer         | Chief Engineer (fishing)   | 1      |
|      |                       | Second engineer        | Second Engineer (<2000 kW Fishing)                                     | 1      |
|      |                       | Watchkeeping officer   | Officer in Charge of an Engineering Watch (<750kW)                     | 1      |

### 104. Employment of certificated radio operators on ships other than fishing vessels

(1) Subject to subregulation (2), the owner and the master of every ship, other than a fishing vessel, shall ensure that there is employed on the ship the number of appropriately certificated radio operators specified in the applicable item of the following table:

| Item | Voyage/Operation                                    | Tonnage of ship    | Appropriate certification and number of persons to be employed |        |
|------|---|--------------------|--|--------|
|      |   |                    | Certification  | Number |
| 1    | Port Operations                                     | ≥25 GT             | Short Range Certificate  | 1      |
| 2    | Near-Coastal Voyages not more than 40 NM from shore | ≥25 but <100 GT    | Short Range Certificate  | 2      |
| 3    | Near-Coastal Voyages over 40 NM from shore          | ≥25 GT             | Long Range Certificate   | 2      |
| 4    | Unlimited Voyages                                   | ≥25 GT but <300 GT | Long Range Certificate   | 2      |
| 5    | Unlimited Voyages                                   | ≥300 GT            | GMDSS General Operator's Certificate                           | 2      |

(2)(a) The person designated to perform functions for at-sea electronic maintenance, for purposes of ensuring availability, should either hold a GMDSS First or Second Class Radio Electronic Certificate as specified by the Radio Regulations, or have equivalent at-sea electronic maintenance qualifications, as may be approved by the Authority.

(b) If a ship is fitted with a different type of radio installation than that specified by the Radio Regulations, there shall be employed on the ship at least one radio operator who is appropriately certificated for the type of radio installation fitted on the ship.

(c) If 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.

### 105. Employment of certificated radio operators on fishing vessels

(1) Subject to subregulation (2) the owner and the master of every fishing vessel shall ensure that there is employed on the ship the number of appropriately certificated radio operators specified in the applicable item of the following table:

| Item | Voyage/Operation  | Tonnage/<br>length of ship | Appropriate certification and<br>number of persons to be employed |        |
|------|---|----------------------------|---|--------|
|      |   |                            | Certification   | Number |
| 1    | Limited Waters – Voyages not more than 40 NM from shore | ≥25 GT                     | Short Range Certificate   | 2      |
| 2    | Limited Waters  | ≥25 GT                     | Long Range Certificate  | 2      |
| 3    | Unlimited Waters  | ≥25 GT <24m                | Long Range Certificate  | 2      |
| 4    | Unlimited Waters  | ≥24m                       | GMDSS General Operator's Certificate                              | 2      |

(2)(a) If a ship is fitted with a different type of radio installation than that specified by the Radio Regulations, there shall be employed on the ship at least one radio operator who is appropriately certificated for the type of radio installation fitted on the ship.

(b) If 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.

### 106. Employment of certificated ratings on ships other than fishing vessels

(1) Subject to subregulation (2), the owner and the master of every ship other than a fishing vessel shall ensure that there is employed on the ship in their appropriate capacities the number of appropriately certificated ratings specified in the applicable item of the table below:

| Item | Type of ship | Voyage/ operations | Minimum certification and number to be employed                                |   |   | Ship's Cook                                    |
|------|--------------|--------------------|--|---|---|--|
|      |              |                    | Ordinary seafarer deck/Able seafarer deck                                      | Ordinary seafarer engine/Able seafarer engine                         | SCRB/PST (a)  |  |
| 1    | Passenger    | Unlimited          | Sufficient to man each 4 hour watch in a 12 hour period plus one               | Sufficient to man each 4 hour watch in a 12 hour period with a rating | One for every survival craft  | 1(b)   |
| 2    |              | Near-coastal       | Sufficient to man each 4 hour watch in a 12 hour period                        | Sufficient to man each 4 hour watch in a 12 hour period with a rating | One for every survival craft  | (1) only required if voyages are over 48 hours |
| 3    |              | Port Operations    | Sufficient to man each 6 hour watch in a 12 hour period, a minimum of two      | Sufficient to man each 6 hour watch in a 12 hour period with a rating | One for every survival craft  |  |
| 4    | Other        | Unlimited          | ≥3 000 GT Sufficient to man each 4 hour watch in a 12 hour period plus one     | Sufficient to man each 4 hour watch in a 12 hour period with a rating | -   | 1  |
| 5    |              |                    | ≥500 GT but < 3 000 GT Sufficient to man each 4 hour watch in a 12 hour period | Sufficient to man each 4 hour watch in a 12 hour period with a rating | -   | 1  |
| 6    |              |                    | <500 GT Sufficient to man each 6 hour watch in a 12 hour period                | Sufficient to man each 6 hour watch in a 12 hour period with a rating | -   | 1  |
| 7    |              |                    | ≥25 GT but <100 GT 1 Ordinary seafarer deck                                    | 1 Ordinary seafarer engine  |   | -  |
| 8    |              |                    | Near-coastal   | <500 GT Sufficient to man each 6 hour watch in a 12 hour period       | Sufficient to man each 6 hour watch in a 12 hour period with a rating |  |

| Item  | Type of ship | Voyage/operations | Minimum certification and number to be employed                          |   |              | Ship's Cook |
|---|--------------|-------------------|--|---|--------------|-------------|
|   |              |                   | Ordinary seafarer deck/Able seafarer deck                                | Ordinary seafarer engine/Able seafarer engine | SCRB/PST (a) |             |
| 9   |              |                   | ≥25 GT but <100 GT 1 Ordinary seafarer deck                              | 1 Ordinary Seafarer engine                    |              |             |
| 10  |              | Port Operations   | <500 GT Sufficient to man each 6 hour watch in a 12 hour period          | Able seafarer engine                          |              |             |
| 11  |              |                   | ≥500 GT Sufficient to man each 6 hour watch in a 12 hour period plus one | Able seafarer engine                          |              |             |
| <p>(a) PST Certificate only applicable to near-coastal and port operations service for appropriate survival craft.</p> <p>(b) For crew of more than 30, the company shall make provision as appropriate for ensuring that sufficient cooks have been employed</p> |              |                   |  |   |              |             |

(2) (a) Where a combination of ratings qualified as ordinary seafarers and as able seafarers is employed in the deck department, at least half the combined number of ratings so employed shall be qualified as able seafarers.

(b) Where a combination of ratings qualified as ordinary seafarers engine and able seafarer engine is employed in the engine-room department, at least one of the ratings so employed shall be qualified as an able seafarer engine.

(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.

(d) On ships having only life rafts as survival craft there may be employed, instead of the number of ratings qualified as proficient in survival craft and rescue boats, an equal number of ratings qualified as proficient in personal survival techniques only.

(e) Owners and masters shall have due regard to the requirements of regulation 93(4) when determining the appropriate manning.

(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 93(1)(h)(4).

(g) On ships engaged solely in port operations, there may be employed, instead of the number of ratings qualified as able seafarer deck or able seafarer engine, an equal number of ratings holding the qualification as general purpose rating (port operations).

(h) Vessels with propulsion power of less than 350 kW do not require carrying an engine rating in accordance with the Table above. This Regulation does not limit the power of the proper officer under regulation 93(4)93 of these Regulations.

(3) Seagoing ships with voyages longer than 48 hours with a crew complement of more than 10 shall carry on board a qualified cook.

### 107. Employment of certificated ratings on fishing vessels

(1) Subject to subregulation (2), the owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number of appropriately certificated ratings specified in the applicable item of the following Table:

| Item | Size of vessel  | Minimum certification and number to be employed                   |      |             |
|------|---|---|------|-------------|
|      |   | Able seafarer deck (fishing)/<br>Ordinary Seafarer deck (fishing) | SCRB | Ship's Cook |
| 1    | ≥25 GT but <24 m  | 1 (a)   | -    | -           |
| 2    | ≥24 m but <45 m (b)   | 2   | 1    | 1(c)        |
| 3    | ≥45 m   | 2   | 2    | 1(c)        |
| (a)  | Ordinary Seafarer Deck required on vessels operating more than 50 Nautical Miles offshore   |   |      |             |
| (b)  | Vessels ≥24m but <30m may retain the manning levels that applied to that vessel under the Regulations repealed until 01 July 2021 |   |      |             |
| (c)  | For crew of more than 30 - 1 cook per 30 (or part thereof)  |   |      |             |

(2) Where a combination of ratings qualified as ordinary seafarers and as able seafarers is employed in the deck department, at least half the combined number of ratings so employed shall be qualified as able seafarers.

## PART 8 - EMPLOYMENT OF SEAFARERS IN ACCORDANCE WITH OCCUPATIONAL SAFETY, SECURITY AND MEDICAL REQUIREMENTS

### 108. Employment of qualified personnel on tankers

(1) The owner and the master of every oil or chemical tanker shall ensure that—

(a) every seafarer assigned specific duties and responsibilities related to cargo or cargo equipment on the ship shall hold a certificate of proficiency in basic training for oil and chemical cargo training;

- (b) the master, chief engineer officer, chief mate, second engineer officer and every other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on board an oil tanker or chemical tanker hold a certificate of proficiency in advanced training for oil tanker or chemical tanker cargo operations.
- (2) The owner and the master of every gas tanker shall ensure that—
- (a) every seafarer assigned specific duties and responsibilities related to cargo or cargo equipment on the ship shall hold a certificate of proficiency in basic training for gas cargo training; and
  - (b) the master, chief engineer officer, chief mate, second engineer officer and every other seafarer with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations on board a gas tanker shall hold a certificate of proficiency in advanced training for gas tanker cargo operations.

#### **109. Employment of qualified personnel on ships subject to the IGF Code**

The owner and the master of every ship subject to the IGF Code shall ensure that—

- (a) every seafarer onboard a ship subject to the IGF Code who is assigned designated safety duties associated with the care, use or emergency response to the fuel on board shall hold a certificate in basic training for service in ships subject to the IGF Code;
- (b) the masters, engineer officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced training for service in ships subject to the IGF Code.

#### **110. Employment of qualified personnel on ships operating in Polar Waters**

The owner and the master of every ship operating in polar waters shall ensure that—

- (a) masters, chief mates and officers in charge of a navigational watch on ships operating in polar waters shall hold a certificate in basic training for ships operating in polar waters, as required by the Polar Code;
- (b) masters and chief mates on ships operating in polar waters, shall hold a certificate in advanced training for ships operating in polar waters.

#### **111. Employment of qualified personnel with security training**

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

(2) The owner or master of a seagoing ship of 500 GT or more or a passenger ship on international voyages shall ensure that all personnel with security duties or responsibilities have received training for persons with designated security duties.

(3) The owner or master of a seagoing ship of 500 GT or more or a passenger ship on international voyages shall ensure that one of the officers is designated as a ship security officer.

### **112. Employment of qualified personnel on passenger ships**

(1) The owner and the master of every passenger ship shall ensure that the master and every seafarer employed on the ship holds an appropriate certificate set out in regulation 800 and 0of these Regulations. The requirements of this subregulation apply to passenger ships of Class I, II, IIA, V and VI as designated by the Lifesaving Equipment Regulations, 1968.

(2) The owner and the master of every passenger ship shall ensure that the master, officers and crew with responsibility for the safety of passengers in an emergency situation shall hold the appropriate certificate set out in regulation 800 of these Regulations.

(3) The master, and officers and every person assigned immediate responsibility for embarking and disembarking passenger, loading, discharging and securing of cargo, or closing hull operations on passenger ships shall hold the appropriate certificate in accordance with regulation 80(6).

### **113. Employment of qualified electro-technical officers and ratings**

The owner and the master of every ship proceeding to sea shall—

- (a) ensure that they have determined if there's a need to carry on board an electro-technical officer or rating;
- (b) ensure that—
  - (i) if needed, the electro-technical officer is qualified in accordance with regulation 52 of these Regulations;
  - (ii) if needed, the electro-technical rating is qualified in accordance with regulation 74 of these Regulations.

### **114. Employment of qualified medical personnel**

- (1) The owner and the master of every ship on an unlimited voyage that carries 100 or more persons shall ensure that at least one medical doctor, registered with the relevant body in the Republic, is employed on the ship.
- (2) The owner and the master of every sea-going ship shall ensure that—
  - (a) every person designated to take charge of medical care on the ship shall hold a valid medical care certificate issued in accordance with the Training Standards Code; and
  - (b) every person designated to provide medical first aid on the ship holds a valid medical first aid certificate issued in accordance with the Training Standards Code.
- (3) Every person who is designated the duties referred to in subregulation (2) shall undertake approved refresher training at intervals not exceeding five years.

### **115. Employment of qualified fire-fighting personnel**

- (1) The owner and the master of every ship shall ensure that every person designated as a member of a fire-fighting party on the ship holds a valid Fire Prevention and Fire Fighting certificate issued in accordance with the Training Standards Code.
- (2) The owner and the master of every ship to which these Regulations apply shall ensure that every person designated to control fire-fighting operations on the ship holds a valid advanced fire-fighting certificate issued in accordance with the Training Standards Code.
- (3) Every person who is designated the duties referred to in subregulation (1)(a) and (2) shall be required to demonstrate continued professional competence by attending approved refresher training at intervals not exceeding five years.

### **116. Employment of qualified personnel on ships equipped with survival craft or rescue boats**

- (1) The owner and master of every ship that is equipped with one or more survival craft or rescue boats shall ensure that there is a sufficient number of persons who hold a valid certificate of proficiency in survival craft and rescue boats issued in accordance with the Training Standards Code to take charge of the survival craft or rescue boats.
- (2) Every person who is designated the duties referred to in subregulation (1) shall undertake approved refresher training at intervals not exceeding five years.

### **117. Employment of qualified personnel on ships equipped with a fast rescue boat**

(1) The owner and master of every ship that is equipped with one or more fast rescue boats shall ensure that there are at least two persons per boat on the ship who hold a valid certificate of proficiency in fast rescue boats issued in accordance with the Training Standards Code.

(2) Every person who is designated the duties referred to in subregulation (1) shall demonstrate continued professional competence by serving in that capacity for at least 12 months in the previous five years or if this criteria is not met, undertake approved training and meet the standards of competence as specified in the Training Standards Code for this certificate.

## PART 9 - SUPPLEMENTAL

### 118. Dispensations

(1) The Authority may issue a dispensation to a specified seafarer to serve on a specified ship for a specified period not exceeding six months in a capacity higher than that for which the seafarer holds a certificate of competency: Provided that—

- (a) such dispensations are only issued in the case of exceptional need;
- (b) a candidate requesting such a dispensation may be required to undertake level 3 assessment;;
- (c) an application for a dispensation shall only be granted to a seafarer that is properly qualified to fill the rank immediately below; and
- (d) where certification of the post below is not required, a dispensation may be issued to a seafarer whose qualification and experience are, in the opinion of the Senior Examiner, equivalent to the requirements for the rank to be filled.

(2) A dispensation to serve in the post of a master or chief engineer officer shall only be considered in circumstances of *force majeure* and then only for the shortest possible period.

(3) An application for a dispensation shall be made in the form and manner specified by the Authority and shall be accompanied by a letter from the owner demonstrating the existence of exceptional circumstances.

(4) The Authority may alter or cancel any dispensation granted under this regulation.

### 119. Exemptions

(1) The Authority may, if in its opinion no danger would result to persons, property or the environment, grant an exemption, on such terms as it may specify, from any of the provisions

of these Regulations for classes of cases or individual cases. In the case where an exemption is for classes of ships, the Authority shall cause the exemption to be published in a *Government Gazette*.

(2) An exemption permitting a person to serve in a capacity for which he or she is not certificated may be granted only if the person is certificated to serve in the next lower capacity. If the next lower capacity is an uncertificated capacity, an exemption may be granted only if the person's knowledge and experience, in the opinion of the Authority, are appropriate for the capacity to be filled.

(3) An exemption permitting a person to serve in a capacity for which he or she is not certificated shall not be granted in the case of—

- (a) the master of a passenger ship;
- (b) the master or chief engineer of any ship to which the STCW Convention applies, except in the case of *force majeure* and then only for the shortest possible time.

(4) The Authority may alter or cancel any exemption granted under this regulation.

## **120. Equivalence of certificates and endorsements**

(1) Subject to subregulation (2), each certificate or endorsement specified in a column of an item in the table in Annexure 1 is equivalent to the certificate or endorsement, as the case may be, specified in the other columns of the same row of that item.

(2) If a certificate of competency has lapsed on the date of commencement of these Regulations and the holder of the certificate has served for at least 12 months in the five years prior to that date, the Authority may endorse the certificate, or issue the equivalent certificate in terms of this regulation, as the case may be, so as to entitle the holder to continue employment in the capacity concerned.

## **121. Safe manning document**

(1) The owner of a ship shall ensure that—

- (a) a safe manning document is in force in respect of the ship and the manning of the ship;
- (b) the safe manning document is kept on board the ship at all times; and
- (c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.

(2) Subject to subregulations (3) and (4), the safe manning document contemplated in subregulation (1) shall be valid for a period of one year from date of issue.

(3) The safe manning document for a ship required to carry a Cargo Ship Safety Equipment Certificate or Passenger Ship Safety Certificate shall be valid while the said certificates are valid.

(4) A safe manning document issued in accordance with Regulation 97(4)-

- (a) shall be valid for a period of five years;
- (b) until the vessel changes ownership and operation; or
- (c) until cancelled by the Authority.

(5) The master of a ship shall ensure that the ship has a valid safe manning document onboard and the manning of the ship complies with that document before going to sea.

## **122. Carriage of documents**

The owner and the master of a ship shall ensure that the ship has onboard all original certificates and other documents issued pursuant to the Act, the STCW Convention or STCW-F Convention.

## **123. Offences and penalties**

(1) An owner who contravenes regulation 93(1) or (4) or 95(1) 121 or 122 commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

(2) Every employer, being an employer who in terms of Regulation 95 has become subject to the duties of the owner under that Regulation, who contravenes Regulation 95 commits an offence

(3) A master who contravenes regulations 94 (1) or (2), 95(1), (5), (7), (12) or 14 or 96(2) commits an offence and is liable on a conviction to a fine or to imprisonment for a period not exceeding twelve months.

(4) A seafarer who contravenes regulation 94, 95(14) or 96(2) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding twelve months.

## **PART 10 - REPEAL OF REGULATIONS AND SAVINGS, TRANSITIONAL ARRANGEMENTS, AND TITLE AND COMMENCEMENT**

## 124. Repeal of Regulations

(1) The Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013, published by Government Notice R. 511 of 23 July 2013, are hereby repealed.

(2) The Merchant Shipping (Eyesight and Medical Examinations) Regulations, 2004, published by Government Notice No. R. 1197 of 2004 of 15 October 2004, are hereby repealed.

## 125. Transitional arrangements

(1) Until 1 July 2022, the Authority may continue to issue, recognise and endorse certificates in accordance with the Regulations repealed in terms of regulation 124 in respect of those seafarers who commenced approved seagoing service, an approved education and training programme or an approved training course before 1 July 2013.

(2) Until 1 July 2022, the Authority may continue to revalidate certificates and endorsements in accordance with the provisions which applied immediately prior to 1 July 2020.

(3) Certificates issued under the repealed Examination Regulation for Certificates of Competency for Fishermen, 1993 and Examination Regulations for Certificates of Competency as Marine Motormen, 1993, before the commencement of these Regulations, shall remain valid until—

- (a) two years after these Regulations come into force; or
- (b) five years after the issue of a certificate,

whichever occurs first.

(4) A certificate (except a special grade certificate) issued in terms of the Regulations repealed in terms of regulation 124(1), shall remain valid until—

- (a) the expiry date endorsed on the certificate;
- (b) five years from the date of issue of a certificate; or
- (c) 12 months after these Regulations come into force,

whichever occurs first.

(5) Any restricted Radiotelephone Operators Certificates issued in terms of the Act shall remain valid until replaced by the long and short range certificate.

(6) The medical practitioners approved under the Regulations repealed by Regulation 1240 shall remain appointed until their term of office expires. These medical practitioners shall be deemed to meet the requirements of Part 5 of these Regulations.

(7) The Authority may continue to conduct eyesight tests for a period not exceeding 24 months from the date of commencement of these Regulations.

(8) Masters or owners, as the case may be, shall, within two years after entry into force of these Regulations, ensure that any member of the ships' crew, who have designated safety, or pollution prevention duties, complete basic training in terms of regulation 2(7).

## **126. Title and commencement**

These Regulations are called the Merchant Shipping (Training, Certification and Safe Manning) Regulations, 2021, and come into operation on the day of publication.

## ANNEXURE 1 – TABLE OF EQUIVALENT CERTIFICATES

(1) The table below provides the basis for the conversion or revalidation of certificates issued under the Act before these Regulations enter into force.

(2) If the certificate or endorsement specified in column 5 of an item in the table is subject to additional qualification requirements in terms of these Regulations, documentary evidence of compliance with those requirements is to be produced within the time and in the manner that the Authority directs. The equivalences below indicates the relevant Regulations and amendment Regulations in terms of which the certificate was obtained. The columns represent:

- (a) Column 1 – the Merchant Shipping Act, 1951,
- (b) Column 2 – represents:
  - (i) the Examination Regulations for Certificates of Competency for Deck Officers, 1994, as amended
  - (ii) the Examination Regulations for Engineer-Officers, 1985, as amended
  - (iii) the Certificates of Qualification Regulations, 1985, as amended
- (c) Column 3 – the Merchant Shipping (Training and Certification) Regulations, 1999, as amended;
- (d) Column 4 – the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013, as amended;
- (e) Column 5 – the Merchant Shipping (Safe Manning, Training and Certification) Regulations, 2013 Amendments Regulations, 2020

| Item | Column 1  | Column 2   | Column 3  | Column 4  | Column 5  |
|------|---|--|---|---|---|
| 1    | Master of a foreign-going ship                    | Deck Officer Class 1                                   | Master  | Master  | Master  |
| 2    | -   | Deck Officer Class 2 endorsed master (Limited Trade)   | Chief Mate endorsed:<br>-Master of a ship of less than 3 000 GT on unlimited voyages  | Chief Mate endorsed:<br>-Master of a ship of less than 3 000 GT on unlimited voyages            | Chief Mate endorsed:<br>- Master of a ship of less than 3 000 GT on unlimited voyages           |
| 3    | Chief Officer of a foreign-going ship             | Deck Officer Class 2 endorsed master (Short Sea Trade) | Chief Mate endorsed:<br>-Master of a ship of less than 500 GT on near-coastal voyages   | Chief Mate endorsed:<br>-Master of a ship of less than 500 GT on near-coastal voyages           | Chief Mate endorsed:<br>-Master of a ship of less than 500 GT on near-coastal voyages           |
| 4    | -   | Deck Officer Class 2                                   | Chief Mate  | Chief Mate  | Chief Mate  |
| 5    | -   | Deck Officer Class 3 endorsed Master (Limited Trade)   | Deck Officer endorsed:<br>-Master of a ship of less than 500 GT on unlimited voyages<br>-Chief Mate of a ship of less than 3 000 GT on unlimited voyages      | Chief Mate (<3 000 GT) endorsed:<br>-Master of a ship of less than 500 GT on unlimited voyages  | Chief Mate (<3 000 GT) endorsed:<br>-Master of a ship of less than 500 GT on unlimited voyages  |
| 6    | -   | Deck Officer Class 3 endorsed Master (Short Sea Trade) | Deck Officer endorsed:<br>- Master of a ship of less than 500 GT on near-coastal voyages<br>- Chief Mate of a ship of less than 3 000 GT on unlimited voyages | Chief Mate (<3 000 GT) endorsed:<br>- Master of a ship of less than 500 GT on unlimited voyages | Chief Mate (<3 000 GT) endorsed:<br>- Master of a ship of less than 500 GT on unlimited voyages |
| 7    | Second Navigating Officer of a foreign-going ship | Deck Officer Class 3                                   | Deck Officer  | Deck Officer  | Officer in Charge of Navigational Watch   |
| 8    | -   | Deck Officer Class 4 endorsed master (Limited Trade)   | Deck Officer endorsed:<br>- Master of a ship of less than 500 GT on unlimited voyages   | Deck Officer endorsed:<br>- Master (<500 GT)  | Officer in Charge of Navigational Watch endorsed:<br>- Master (<500 GT)                         |
| 9    | Master of a coasting ship of 100 GT or more       | Deck Officer Class 4 endorsed master (Short Sea Trade) | Deck Officer endorsed:<br>- Master of a ship of less than 500 GT on near-coastal voyages  | Deck Officer endorsed:<br>- Master (<500 GT near-coastal)                                       | Officer in Charge of Navigational Watch endorsed:<br>- Master (<500 GT near-coastal)            |
| 10   | -   | Deck Officer Class 4 endorsed master (Port Operation)  | Deck Officer endorsed:<br>- Master of a ship of any tonnage operating within a port operations area   | Deck Officer endorsed:<br>- Master (Port Operations)  | Officer in Charge of Navigational Watch endorsed:<br>- Master (Port Operations)                 |
| 11   | -   | Deck Officer Class 4 endorsed Port Operation Service   | Master (Port Operations)  | Master (Port Operations)  | Master (Port Operations)  |
| 12   | -   | -  | -   | Master (<1 600 GT Port Operations)  | Master (<1 600 GT Port Operations)  |
| 13   | -   | -  | -   | Master (<500 GT)  | Master (<500 GT)  |

| Item | Column 1  | Column 2   | Column 3  | Column 4   | Column 5   |
|------|---|--|---|--|--|
| 14   |   | -  | -   | Mate (<500 GT)   |  |
| 15   | -   | Deck Officer Class 5 endorsed master (Short Sea Trade) | Mate (Coastal) endorsed:<br>- Master of a ship of less than 500 GT on near-coastal voyages            | Master (<500 GT near-coastal)  | Master (<500 GT near-coastal)  |
| 16   | -   | Deck Officer Class 5 endorsed master (Port Operation)  | Mate (Coastal) endorsed:<br>- Master of a ship of any tonnage operating within a port operations area | Mate (<500 GT near-coastal) endorsed:<br>- Master (Port Operations)  | Officer in Charge of Navigational Watch (<500 GT near-coastal) endorsed:<br>- Master (Port Operations)           |
| 17   | -   | Deck Officer Class 5 endorsed Port Operation Service   | Master (Port Operations)  | Master (Port Operations)   | Master (Port Operations)   |
| 18   | Navigating Officer of a coasting ship of 100 GT or more                     | Deck Officer Class 5                                   | Mate (Coastal)  | Mate (<500 GT near-coastal)  | Officer in Charge of Navigational Watch (<500 GT near-coastal)   |
| 19   | -   | Deck Officer Class 6 (Unlimited Trade)                 | Skipper (Unlimited)   | Master (<200 GT)   | Master (<200 GT)   |
| 20   | -   | Deck Officer Class 6 (Short Sea Trade)                 | Skipper (Coastal)   | Master (<200 GT near-coastal)  | Master (<200 GT near-coastal)  |
| 21   | -   | Deck Officer Class 6 (Restricted Trade)                | Skipper (Port Operations)   | Skipper (<200 GT Port Operations)  | Skipper (<200 GT Port Operations)  |
| 22   |   |  | Fisherman Grade 2 (with High Seas Command Endorsement)  | Skipper fishing (≥24 m unlimited Waters)   | Skipper fishing (≥24 m Unlimited Waters)   |
| 23   |   |  | Fisherman Grade 3 (with High Seas Command Endorsement)  | Skipper fishing s (<24 m unlimited Waters) endorsed:<br>- Skipper of a fishing vessel of <30 m on unlimited waters | Skipper fishing (≥24 m Unlimited Waters) endorsed:<br>- Skipper of a fishing vessel of <30 m in unlimited waters |
| 24   |   |  | Fisherman Grade 4 (Skipper- with High Seas Command Endorsement)                                       | Skipper fishing (<24 m Unlimited)  | Skipper fishing (<24 m Unlimited waters)   |
| 25   | Skipper of a fishing, sealing or shore-based whaling boat of 100 GT or more | Fisherman Grade 2                                      | Fisherman Grade 2   | Skipper fishing (≥24 m Limited Waters)   | Skipper fishing (≥24 m Limited Waters)   |
| 26   | Mate of a fishing, sealing or shore-based whaling boat of 100 GT or more    | Fisherman Grade 3                                      | Fisherman Grade 3   | Skipper fishing (<24 m Limited Waters) endorsed:<br>- Skipper of a fishing vessel of <30 m on limited waters       | Skipper fishing (≥24 m Limited waters) endorsed:<br>- Skipper of a fishing vessel of <30 m in limited waters     |

| Item | Column 1   | Column 2   | Column 3  | Column 4  | Column 5  |
|------|--|--|---|---|---|
| 27   |  |  | Fisherman Grade 4 (Skipper) (With High seas command endorsement)  | Skipper fishing (<24 m Unlimited Waters)  | Skipper fishing (<24 m Unlimited Waters)  |
| 28   | Boatswain of a fishing, sealing or shore-based whaling boat of 100 GT or more                    | Fisherman Grade 4 (Skipper)                              | Fisherman Grade 4 (Skipper)   | Skipper (<24 m Limited Waters)  | Skipper fishing (<24 m Limited Waters)  |
| 29   | Skipper of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT | Fisherman Grade 4 (Skipper)                              | Fisherman Grade 4 (Skipper)   |   |   |
| 30   | Mate of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT    | Fisherman Grade 4 (Watchkeeper)                          | Fisherman Grade 4 (Watchkeeper)   | Deck Officer fishing (≥24 m)  | Deck Officer fishing (<24 m Unlimited Waters)   |
| 31   | -  |  |   | Deck Officer fishing (<24 m)  | Deck Officer fishing (<24 m Limited Waters)   |
| 32   |  |  |   |   | Deck Officer Fishing (≥24m Unlimited Waters)  |
| 33   |  |  |   |   | Deck Officer Fishing (≥24m Limited Waters)  |
| 34   | Chief Engineer Officer of a foreign-going ship   | Marine Engineer-Officer Class 1                          | Chief Engineer Officer (≥3 000 kW)  | Chief Engineer Officer  | Chief Engineer Officer  |
| 35   | Second Engineer-Officer of a foreign-going ship  | Marine Engineer-Officer Class 2                          | Second Engineer Officer (≥3 000 kW) endorsed:<br>- Chief Engineer Officer of a ship of less than 3 000 kW propulsion power  | Second Engineer Officer (≥3 000 kW)<br>- Endorsed Chief engineer officer of a ship less than 3 000 kW   | Second Engineer Officer<br>- Endorsed Chief engineer officer of a ship less than 3 000 kW   |
| 36   | -  | Marine Engineer-Officer Class 3 with Service Endorsement | Second Engineer Officer (<3 000 kW) endorsed:<br>- Chief Engineer Officer of a ship of less than 750 kW propulsion power<br>- Chief Engineer Officer of a ship of any kilowatt propulsion power | Second engineer officer (<3 000 kW)<br>- Endorsed chief engineer officer of a ship less than 750 kW propulsion power;<br>- Chief engineer officer of a ship of any kilowatt power operating within a port operations area | Second engineer officer (<3 000 kW)<br>- Endorsed chief engineer officer of a ship less than 750 kW propulsion power;<br>- Chief engineer officer of a ship of any kilowatt power operating within a port operations area |

| Item | Column 1                                    | Column 2  | Column 3   | Column 4   | Column 5   |
|------|---|---|--|--|--|
|      |   |   | operating within a port operations area  |  |  |
| 37   | -   | Marine Engineer Officer Class 3 non STCW endorsed | Marine Engineer Officer Class 3 non STCW endorsed  | Chief Engineer Officer (Fishing)   | Chief Engineer Officer (Fishing)   |
| 38   | Chief Engineer- Officer of a coasting ship  | Marine Engineer- Officer Class 3                  | (a) Second Engineer Officer (<3 000 kW) endorsed:<br>- Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area<br>(b) Chief Engineer Officer (Port Operations) | Second engineer officer (<3 000kW)<br>- Chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area;<br>- Chief engineer officer (port operations) | Second engineer officer (<3000k W)<br>- Chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area;<br>- Chief engineer officer (port operations) |
| 39   | Second Engineer- Officer of a coasting ship | Marine Engineer- Officer Class 4                  | (a) Engineer Officer endorsed:<br>- Chief Engineer Officer of a ship of less than 1 500 kW propulsion power operating within a port operations area<br>(b) Second Engineer Officer (Port Operations)             | Engineer officer endorsed<br>- Chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area;<br>- Second engineer officer (port operations)   | Engineer Officer<br>- Chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area;   |
| 40   | -   | 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  | Chief Engineer (<2000 kW Fishing)  |
| 41   |   | Second Engineer Officer (Port Operations)         | Second Engineer Officer (Port Operations)  | Chief Engineer Officer <1 500 kW (Port Operations)   | Chief Engineer (<1 500 kW (Port Operations)  |
| 42   |   | Engineer Officer (Port Operations)                | Engineer Officer (Port Operations)   | Chief Engineer Officer <750 kW (Port Operations)   | Chief Engineer <750 kW (Port Operations)   |
| 43   | -   | Marine Motorman Higher Grade                      | Marine Motorman Higher Grade Endorsed:<br>- Second Engineer Officer (Fishing)<br>- Chief Engineer Officer <1 500 kW propulsion power operating within a port operations area                                     | Marine Motorman Higher grade   | Chief Engineer (<2000 kW Fishing)  |
| 44   | Marine Engineman                            | Marine Motorman Grade 1                           | Marine Motorman Grade 1  | Marine Motorman grade 1 Endorsed:  | Second Engineer (<2000 kW Fishing)<br>- Endorsed chief engineer officer of a ship less than 750 kW propulsion power  |

| Item | Column 1   | Column 2   | Column 3   | Column 4  | Column 5   |
|------|--|--|--|---|--|
|      |  |  |  | - Watch-keeping Engineer Officer (Fishing) <3 000 kW propulsion power |  |
| 45   | Assistant Marine Engineman, any brake horsepower       | Marine Grade 2                                   | Marine Motorman Grade 2                          | Marine Motorman Grade 2   | Engineer Officer (<750 kW)<br><i>Endorsed to Chief Engineer of a ship of less than 350 kW propulsion</i> |
| 46   |  |  |  | Second Engineer (fishing)   | Second Engineer (Fishing)  |
| 47   | Assistant Marine Engineman, under 150 brake horsepower | Marine Grade 3                                   | Marine Motorman Grade 3                          | -   | -  |
| 48   | Maritime Radio communication General Certificate       | Maritime Radio communication General Certificate | Maritime Radio communication General Certificate | GMDSS First-class Radio Electronic Certificate                        | GMDSS First-class Radio Electronic Certificate   |
| 49   | -  | -  | -  | GMDSS Second-class Radio Electronic Certificate                       | GMDSS Second-class Radio Electronic Certificate  |
| 50   | First-class Radio Telegraph Operator's Certificate     | First-class Radio Operator's Certificate         | -  | -   | -  |
| 51   | Second-class Radio Telegraph Operator's Certificate    | Second-class Radio Operator's Certificate        | -  | -   | -  |
| 52   | Radio Telegraph Operator's Special Certificate         | Radio Telegraph Operator's Special Certificate   | -  | -   | -  |
| 53   | -  | GMDSS General Certificate                        | GMDSS General Operator's Certificate             | GMDSS General Operator's Certificate                                  | GMDSS General Operator's Certificate   |
| 54   | Radiotelephone Operator's General Certificate          | Radiotelephone Operator's General Certificate    | -  | -   | -  |
| 55   | Restricted Radiotelephone                              | Restricted Radiotelephone                        | Restricted Operator's Certificate (Marine)       | Long Range Certificate  | Long Range Certificate   |

| Item | Column 1   | Column 2   | Column 3  | Column 4                                 | Column 5  |
|------|--|--|---|--|---|
|      | Operator's Certificate (Marine)                                    | Operator's Certificate (Marine)                                    |   |  |   |
| 56   | Restricted Radiotelephone Operator's Certificate (Marine) VHF ONLY | Restricted Radiotelephone Operator's Certificate (Marine) VHF ONLY | Restricted Operator's Certificate (Marine) VHF ONLY | Short Range Certificate                  | Short Range Certificate   |
| 57   | Able Seafarer  | Efficient Deck Rating  | Able Seaman   | Able Seafarer Deck                       | Able Seafarer Deck  |
| 58   | -  | -  | Able Seaman (Fishing)                               | Able Seafarer Deck (Fishing)             | Able Seafarer Deck (Fishing)  |
| 59   |  |  | Able seaman (port operations)                       | Able Seafarer deck (port operations)     | Able Seafarer deck (port operations)  |
| 60   | -  | -  | Ordinary Seaman                                     | Ordinary Seafarer deck                   | Rating forming part of a navigational watch   |
| 61   |  |  | Ordinary Seaman (port operations)                   |  | Rating forming part of a navigational watch (Port Operations)   |
| 62   | Lifeboatman  | Proficiency in Survival Craft                                      | Proficiency in Survival Craft                       | Proficiency in Survival Craft            | Proficiency in Survival Craft and rescue boats, other than fast rescue boats  |
| 63   | -  | Efficient Engine-room Rating                                       | Oiler   | Able Seafarer Engine                     | Able Seafarer Engine  |
| 64   |  |  | Wiper   | Ordinary seafarer engine                 | Rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room                   |
| 65   |  |  | Oiler (Port Operations)                             | Able Seafarer Engine (port operations)   | Able Seafarer Engine (port operations)  |
| 66   |  |  | Wiper (port operations)                             | Ordinary seafarer engine                 | Rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room (Port Operations) |
| 67   | -  | Efficient Cook   | Efficient Cook                                      | Efficient Cook                           | Ship's Cook   |
| 68   | -  | Proficiency in Survival Craft (Local)                              | Proficiency in Liferrafts                           | Personal survival techniques             | -   |
| 69   | -  | Efficient General Purpose Rating                                   | Efficient General Purpose Rating (Port Operations)  | General Purpose Rating (Port Operations) | General Purpose Rating (Port Operations)  |

## **ANNEXURE 2 – WATCHKEEPING ARRANGEMENTS AND PRINCIPLES FOR SHIPS OTHER THAN FISHING VESSELS**

### **PART 1 – CERTIFICATION**

1 The officer in charge of the navigational or deck watch shall be duly qualified in accordance with the provisions of chapter II or chapter VII appropriate to the duties related to navigational or deck watchkeeping.

2 The officer in charge of the engineering watch shall be duly qualified in accordance with the provisions of chapter III or chapter VII appropriate to the duties related to engineering watchkeeping.

### **PART 2 – VOYAGE PLANNING**

#### **1. General requirements**

3 The intended voyage shall be planned in advance, taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.

4 The chief engineer officer shall, in consultation with the master, determine in advance the needs of the intended voyage, taking into consideration the requirements for fuel, water, lubricants, chemicals, expendable and other spare parts, tools, supplies and any other requirements.

#### **2. Planning prior to each voyage**

5 Prior to each voyage, the master of every ship shall ensure that the intended route from the port of departure to the first port of call is planned using adequate and appropriate charts and other nautical publications necessary for the intended voyage, containing accurate, complete and up-to-date information regarding those navigational limitations and hazards which are of a permanent or predictable nature and which are relevant to the safe navigation of the ship.

#### **3. Verification and display of planned route**

6 When the route planning is verified, taking into consideration all pertinent information, the planned route shall be clearly displayed on appropriate charts and shall be continuously available to the officer in charge of the watch, who shall verify each course to be followed prior to using it during the voyage.

#### **4. Deviation from planned route**

7 If a decision is made, during a voyage, to change the next port of call of the planned route, or if it is necessary for the ship to deviate substantially from the planned route for other reasons, then an amended route shall be planned prior to deviating substantially from the route originally planned.

### **PART 3 – WATCHKEEPING PRINCIPLES IN GENERAL**

8 Watches shall be carried out based on the following bridge and engine-room resource management principles:

- .1 Proper arrangements for watchkeeping personnel shall be ensured in accordance with the situations;
- .2 any limitation in qualifications or fitness of individuals shall be taken into account when deploying watchkeeping personnel;
- .3 understanding of watchkeeping personnel regarding their individual roles, responsibility and team roles shall be established;
- .4 the master, chief engineer officer and officer in charge of watch duties shall maintain a proper watch, making the most effective use of the resources available, such as information, installations, equipment and other personnel;
- .5 watchkeeping personnel shall understand functions and operation of installations or equipment and be familiar with handling them;
- .6 watchkeeping personnel shall understand information and how to respond to information from each station, installation or equipment;
- .7 information from the stations, installations or equipment shall be appropriately shared by all the watchkeeping personnel;
- .8 watchkeeping personnel shall maintain an exchange of appropriate communication in any situation; and
- .9 watchkeeping personnel shall notify the master or chief engineer officer or officer in charge of watch duties immediately when in any doubt as to what action to take in the interest of safety.

### **PART 4 – WATCHKEEPING AT SEA**

#### **5. Principles applying to watchkeeping generally**

9 Parties shall direct the attention of companies, masters, chief engineer officers and watchkeeping personnel to the following principles, which shall be observed to ensure that safe watches are maintained at all times.

10 The master of every ship is bound to ensure that watchkeeping arrangements are adequate for maintaining a safe navigational or cargo watch. Under the master's general direction, the officers of the navigational watch are responsible for navigating the ship safely during their periods of duty, when they will be particularly concerned with avoiding collision and stranding.

11 The chief engineer officer of every ship is bound, in consultation with the master, to ensure that watchkeeping arrangements are adequate to maintain a safe engineering watch.

## **6. Protection of marine environment**

12 The master, officers and ratings shall be aware of the serious effects of operational or accidental pollution of the marine environment and shall take all possible precautions to prevent such pollution, particularly within the framework of relevant international and port Regulations.

### **Part 4-1 – Principles to be observed in keeping a navigational watch**

13 The officer in charge of the navigational watch is the master's representative and is primarily responsible at all times for the safe navigation of the ship and for complying with the International Regulations for Preventing Collisions at Sea, 1972, as amended.

## **7. Lookout**

14 A proper lookout shall be maintained at all times in compliance with rule 5 of the International Regulations for Preventing Collisions at Sea, 1972, as amended and shall serve the purpose of:

- .1 maintaining a continuous state of vigilance by sight and hearing, as well as by all other available means, with regard to any significant change in the operating environment;
- .2 fully appraising the situation and the risk of collision, stranding and other dangers to navigation; and
- .3 detecting ships or aircraft in distress, shipwrecked persons, wrecks, debris and other hazards to safe navigation.

15 The lookout must be able to give full attention to the keeping of a proper lookout and no other duties shall be undertaken or assigned which could interfere with that task.

16 The duties of the lookout and helmsperson are separate and the helmsperson shall not be considered to be the lookout while steering, except in small ships where an unobstructed all-round view is provided at the steering position and there is no impairment of night vision or other impediment to the keeping of a proper lookout. The officer in charge of the navigational watch may be the sole lookout in daylight provided that, on each such occasion—

- .1 the situation has been carefully assessed and it has been established without doubt that it is safe to do so;
- .2 full account has been taken of all relevant factors, including, but not limited to:
  - state of weather;
  - visibility;
  - traffic density;
  - proximity of dangers to navigation; and
  - the attention necessary when navigating in or near traffic separation schemes; and
- .3 assistance is immediately available to be summoned to the bridge when any change in the situation so requires.

17 In determining that the composition of the navigational watch is adequate to ensure that a proper lookout can continuously be maintained, the master shall take into account all relevant factors, including those described in this section of the Regulations, as well as the following factors:

- .1 Visibility, state of weather and sea;
- .2 traffic density, and other activities occurring in the area in which the vessel is navigating;
- .3 the attention necessary when navigating in or near traffic separation schemes or other routeing measures;
- .4 the additional workload caused by the nature of the ship's functions, immediate operating requirements and anticipated manoeuvres;
- .5 the fitness for duty of any crew members on call who are assigned as members of the watch;
- .6 knowledge of, and confidence in, the professional competence of the ship's officers and crew;

- .7 the experience of each officer of the navigational watch, and the familiarity of that officer with the ship's equipment, procedures, and manoeuvring capability;
- .8 activities taking place on board the ship at any particular time, including radiocommunication activities, and the availability of assistance to be summoned immediately to the bridge when necessary;
- .9 the operational status of bridge instrumentation and controls, including alarm systems;
- .10 rudder and propeller control and ship manoeuvring characteristics;
- .11 the size of the ship and the field of vision available from the conning position;
- .12 the configuration of the bridge, to the extent such configuration might inhibit a member of the watch from detecting by sight or hearing any external development; and
- .13 any other relevant standard, procedure or guidance relating to watchkeeping arrangements and fitness for duty which has been adopted by the Organization.

## **8. Watch arrangements**

18 When deciding the composition of the watch on the bridge, which may include appropriately qualified ratings, the following factors, inter alia, shall be taken into account:

- .1 At no time shall the bridge be left unattended;
- .2 weather conditions, visibility and whether there is daylight or darkness;
- .3 proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;
- .4 use and operational condition of navigational aids such as ECDIS, radar or electronic position-indicating devices and any other equipment affecting the safe navigation of the ship;
- .5 whether the ship is fitted with automatic steering;
- .6 whether there are radio duties to be performed;
- .7 unmanned machinery space (UMS) controls, alarms and indicators provided on the bridge, procedures for their use and their limitations; and

.8 any unusual demands on the navigational watch that may arise as a result of special operational circumstances.

## 9. Taking over the watch

19 The officer in charge of the navigational watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is not capable of carrying out the watchkeeping duties effectively, in which case the master shall be notified.

20 The relieving officer shall ensure that the members of the relieving watch are fully capable of performing their duties, particularly as regards their adjustment to night vision. Relieving officers shall not take over the watch until their vision is fully adjusted to the light conditions.

21 Prior to taking over the watch, relieving officers shall satisfy themselves as to the ship's estimated or true position and confirm its intended track, course and speed, and UMS controls as appropriate and shall note any dangers to navigation expected to be encountered during their watch.

22 Relieving officers shall personally satisfy themselves regarding the—

.1 standing orders and other special instructions of the master relating to navigation of the ship;

.2 position, course, speed and draught of the ship;

.3 prevailing and predicted tides, currents, weather, visibility and the effect of these factors upon course and speed;

.4 procedures for the use of main engines to manoeuvre when the main engines are on bridge control; and

.5 navigational situation, including, but not limited to—

.5.1 the operational condition of all navigational and safety equipment being used or likely to be used during the watch;

.5.2 the errors of gyro- and magnetic compasses;

.5.3 the presence and movement of ships in sight or known to be in the vicinity;

.5.4 the conditions and hazards likely to be encountered during the watch; and

.5.5 the possible effects of heel, trim, water density and squat on under-keel clearance.

23 If, at any time, the officer in charge of the navigational watch is to be relieved when a manoeuvre or other action to avoid any hazard is taking place, the relief of that officer shall be deferred until such action has been completed.

## **10. Performing the navigational watch**

24 The officer in charge of the navigational watch shall—

- .1 keep the watch on the bridge;
- .2 in no circumstances leave the bridge until properly relieved; and
- .3 continue to be responsible for the safe navigation of the ship, despite the presence of the master on the bridge, until informed specifically that the master has assumed that responsibility and this is mutually understood.

25 During the watch, the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the ship follows the planned course.

26 The officer in charge of the navigational watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the ship and shall be aware and take account of the operating limitations of such equipment.

27 The officer in charge of the navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the ship.

28 When using radar, the officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the International Regulations for Preventing Collisions at Sea, 1972, as amended in force.

29 In cases of need, the officer in charge of the navigational watch shall not hesitate to use the helm, engines and sound signalling apparatus. However, timely notice of intended variations of engine speed shall be given where possible or effective use shall be made of UMS engine controls provided on the bridge in accordance with the applicable procedures.

30 Officers of the navigational watch shall know the handling characteristics of their ship, including its stopping distances, and should appreciate that other ships may have different handling characteristics.

31 A proper record shall be kept during the watch of the movements and activities relating to the navigation of the ship.

32 It is of special importance that at all times the officer in charge of the navigational watch ensures that a proper lookout is maintained. In a ship with a separate chartroom, the officer in charge of the navigational watch may visit the chartroom, when essential, for a short period for the necessary performance of navigational duties, but shall first ensure that it is safe to do so and that proper lookout is maintained.

33 Operational tests of shipboard navigational equipment shall be carried out at sea as frequently as practicable and as circumstances permit, in particular before hazardous conditions affecting navigation are expected. Whenever appropriate, these tests shall be recorded. Such tests shall also be carried out prior to port arrival and departure.

34 The officer in charge of the navigational watch shall make regular checks to ensure that—

- .1 the person steering the ship or the automatic pilot is steering the correct course;
- .2 the standard compass error is determined at least once a watch and, when possible, after any major alteration of course; the standard and gyro-compasses are frequently compared and repeaters are synchronized with their master compass;
- .3 the automatic pilot is tested manually at least once a watch;
- .4 the navigation and signal lights and other navigational equipment are functioning properly;
- .5 the radio equipment is functioning properly in accordance with item 86 of this Annexure; and
- .6 the UMS controls, alarms and indicators are functioning properly.

35 The officer in charge of the navigational watch shall bear in mind the necessity to comply at all times with the requirements in force of the International Convention for the Safety of Life at Sea (SOLAS), 1974 \*. The officer of the navigational watch shall take into account—

- .1 the need to station a person to steer the ship and to put the steering into manual control in good time to allow any potentially hazardous situation to be dealt with in a safe manner; and
- .2 that, with a ship under automatic steering, it is highly dangerous to allow a situation to develop to the point where the officer in charge of the navigational watch is without assistance and has to break the continuity of the lookout in order to take emergency action.

36 Officers of the navigational watch shall be thoroughly familiar with the use of all electronic navigational aids carried, including their capabilities and limitations, and shall use each of these aids when appropriate and shall bear in mind that the echo-sounder is a valuable navigational aid.

37 The officer in charge of the navigational watch shall use the radar whenever restricted visibility is encountered or expected, and at all times in congested waters, having due regard to its limitations.

38 The officer in charge of the navigational watch shall ensure that the range scales employed are changed at sufficiently frequent intervals so that echoes are detected as early as possible. It shall be borne in mind that small or poor echoes may escape detection.

39 Whenever radar is in use, the officer in charge of the navigational watch shall select an appropriate range scale and observe the display carefully, and shall ensure that plotting or systematic analysis is commenced in ample time.

40 The officer in charge of the navigational watch shall notify the master immediately—

- .1 if restricted visibility is encountered or expected;
- .2 if the traffic conditions or the movements of other ships are causing concern;
- .3 if difficulty is experienced in maintaining course;
- .4 on failure to sight land, or a navigation mark or to obtain soundings by the expected time;
- .5 if, unexpectedly, land or a navigation mark is sighted or a change in soundings occurs;
- .6 on breakdown of the engines, propulsion machinery remote control, steering gear or any essential navigational equipment, alarm or indicator;
- .7 if the radio equipment malfunctions;
- .8 in heavy weather, if in any doubt about the possibility of weather damage;
- .9 if the ship meets any hazard to navigation, such as ice or a derelict; and
- .10 in any other emergency or if in any doubt.

41 Despite the requirement to notify the master immediately in the foregoing circumstances, the officer in charge of the navigational watch shall, in addition, not hesitate to take immediate action for the safety of the ship, where circumstances so require.

42 The officer in charge of the navigational watch shall give watchkeeping personnel all appropriate instructions and information which will ensure the keeping of a safe watch, including a proper lookout.

## **11. Watchkeeping under different conditions and in different areas**

### **11.1. Clear weather**

43 The officer in charge of the navigational watch shall take frequent and accurate compass bearings of approaching ships as a means of early detection of risk of collision and shall bear in mind that such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large ship or a tow or when approaching a ship at close range. The officer in charge of the navigational watch shall also take early and positive action in compliance with the applicable International Regulations for Preventing Collisions at Sea, 1972, as amended and subsequently check that such action is having the desired effect.

44 In clear weather, whenever possible, the officer in charge of the navigational watch shall carry out radar practice.

### **11.2. Restricted visibility**

45 When restricted visibility is encountered or expected, the first responsibility of the officer in charge of the navigational watch is to comply with the relevant rules of the International Regulations for Preventing Collisions at Sea, 1972, as amended with particular regard to the sounding of fog signals, proceeding at a safe speed and having the engines ready for immediate manoeuvre. In addition, the officer in charge of the navigational watch shall—

- .1 inform the master;
- .2 post a proper lookout;
- .3 exhibit navigation lights; and
- .4 operate and use the radar.

### **11.3. In hours of darkness**

46 The master and the officer in charge of the navigational watch, when arranging lookout duty, shall have due regard to the bridge equipment and navigational aids available for use, their limitations, procedures and safeguards implemented.

### **11.4. Coastal and congested waters**

47 The largest scale chart on board, suitable for the area and corrected with the latest available information, shall be used. Fixes shall be taken at frequent intervals, and shall be carried out by more than one method whenever circumstances allow. When using ECDIS, appropriate usage code (scale) electronic navigational charts shall be used and the ship's position shall be checked by an independent means of position fixing at appropriate intervals.

48 The officer in charge of the navigational watch shall positively identify all relevant navigation marks.

#### **11.5. Navigation with pilot on board**

49 Despite the duties and obligations of pilots, their presence on board does not relieve the master or the officer in charge of the navigational watch from their duties and obligations for the safety of the ship. The master and the pilot shall exchange information regarding navigation procedures, local conditions and the ship's characteristics. The master or the officer in charge of the navigational watch shall co-operate closely with the pilot and maintain an accurate check on the ship's position and movement.

50 If in any doubt as to the pilot's actions or intentions, the officer in charge of the navigational watch shall seek clarification from the pilot and, if doubt still exists, shall notify the master immediately and take whatever action is necessary before the master arrives.

#### **11.6. Ship at anchor**

51 If the master considers it necessary, a continuous navigational watch shall be maintained at anchor. While at anchor, the officer in charge of the navigational watch shall—

- .1 determine and plot the ship's position on the appropriate chart as soon as practicable;
- .2 when circumstances permit, check at sufficiently frequent intervals whether the ship is remaining securely at anchor by taking bearings of fixed navigation marks or readily identifiable shore objects;
- .3 ensure that proper lookout is maintained;
- .4 ensure that inspection rounds of the ship are made periodically;
- .5 observe meteorological and tidal conditions and the state of the sea;
- .6 notify the master and undertake all necessary measures if the ship drags anchor;
- .7 ensure that the state of readiness of the main engines and other machinery is in accordance with the master's instructions;

- .8 if visibility deteriorates, notify the master;
- .9 ensure that the ship exhibits the appropriate lights and shapes and that appropriate sound signals are made in accordance with all applicable Regulations; and
- .10 take measures to protect the environment from pollution by the ship and comply with applicable pollution Regulations.

#### **Part 4-2 – Principles to be observed in keeping an engineering watch**

52 The term engineering watch as used in parts 4-2, 5-2 and 5-4 of this Annexure means either a person or a group of personnel comprising the watch or a period of responsibility for an officer during which the physical presence in machinery spaces of that officer may or may not be required.

53 The officer in charge of the engineering watch is the chief engineer officer's representative and is primarily responsible, at all times, for the safe and efficient operation and upkeep of machinery affecting the safety of the ship and is responsible for the inspection, operation and testing, as required, of all machinery and equipment under the responsibility of the engineering watch.

#### **12. Watch arrangements**

54 The composition of the engineering watch shall, at all times, be adequate to ensure the safe operation of all machinery affecting the operation of the ship, in either automated or manual mode, and be appropriate to the prevailing circumstances and conditions.

55 When deciding the composition of the engineering watch, which may include appropriately qualified ratings, the following criteria, inter alia, shall be taken into account:

- .1 The type of ship and the type and condition of the machinery;
- .2 the adequate supervision, at all times, of machinery affecting the safe operation of the ship;
- .3 any special modes of operation dictated by conditions such as weather, ice, contaminated water, shallow water, emergency conditions, damage containment or pollution abatement;
- .4 the qualifications and experience of the engineering watch;
- .5 the safety of life, ship, cargo and port, and protection of the environment;
- .6 the observance of international, national and local Regulations; and

- .7 maintaining the normal operations of the ship.

### **13. Taking over the watch**

56 The officer in charge of the engineering watch shall not hand over the watch to the relieving officer if there is reason to believe that the latter is obviously not capable of carrying out the watchkeeping duties effectively, in which case the chief engineer officer shall be notified.

57 The relieving officer of the engineering watch shall ensure that the members of the relieving engineering watch are apparently fully capable of performing their duties effectively.

58 Prior to taking over the engineering watch, relieving officers shall satisfy themselves regarding at least the following:

- .1 The standing orders and special instructions of the chief engineer officer relating to the operation of the ship's systems and machinery;
- .2 the nature of all work being performed on machinery and systems, the personnel involved and potential hazards;
- .3 the level and, where applicable, the condition of water or residues in bilges, ballast tanks, slop tanks, reserve tanks, fresh water tanks, sewage tanks and any special requirements for use or disposal of the contents thereof;
- .4 the condition and level of fuel in the reserve tanks, settling tank, day tank and other fuel storage facilities;
- .5 any special requirements relating to sanitary system disposals;
- .6 condition and mode of operation of the various main and auxiliary systems, including the electrical power distribution system;
- .7 where applicable, the condition of monitoring and control console equipment, and which equipment is being operated manually;
- .8 where applicable, the condition and mode of operation of automatic boiler controls such as flame safeguard control systems, limit control systems, combustion control systems, fuel-supply control systems and other equipment related to the operation of steam boilers;
- .9 any potentially adverse conditions resulting from bad weather, ice, or contaminated or shallow water;

- .10 any special modes of operation dictated by equipment failure or adverse ship conditions;
- .11 the reports of engine-room ratings relating to their assigned duties;
- .12 the availability of fire-fighting appliances; and
- .13 the state of completion of the engine-room log.

#### **14. Performing the engineering watch**

59 The officer in charge of the engineering watch shall ensure that the established watchkeeping arrangements are maintained and that, under direction, engine-room ratings, if forming part of the engineering watch, assist in the safe and efficient operation of the propulsion machinery and auxiliary equipment.

60 The officer in charge of the engineering watch shall continue to be responsible for machinery-space operations, despite the presence of the chief engineer officer in the machinery spaces, until specifically informed that the chief engineer officer has assumed that responsibility and this is mutually understood.

61 All members of the engineering watch shall be familiar with their assigned watchkeeping duties. In addition, every member shall, with respect to the ship they are serving in, have knowledge of—

- .1 the use of appropriate internal communication systems;
- .2 the escape routes from machinery spaces;
- .3 the engine-room alarm systems and be able to distinguish between the various alarms, with special reference to the fire-extinguishing media alarm; and
- .4 the number, location and types of fire-fighting equipment and damage-control gear in the machinery spaces, together with their use and the various safety precautions to be observed.

62 Any machinery not functioning properly, expected to malfunction or requiring special service shall be noted along with any action already taken. Plans shall be made for any further action if required.

63 When the machinery spaces are in the manned condition, the officer in charge of the engineering watch shall at all times be readily capable of operating the propulsion equipment in response to needs for changes in direction or speed.

64 When the machinery spaces are in the periodic unmanned condition, the designated duty officer in charge of the engineering watch shall be immediately available and on call to attend the machinery spaces.

65 All bridge orders shall be promptly executed. Changes in direction or speed of the main propulsion units shall be recorded, except where an Administration has determined that the size or characteristics of a particular ship make such recording impracticable. The officer in charge of the engineering watch shall ensure that the main propulsion unit controls, when in the manual mode of operation, are continuously attended under stand-by or manoeuvring conditions.

66 Due attention shall be paid to the ongoing maintenance and support of all machinery, including mechanical, electrical, electronic, hydraulic and pneumatic systems, their control apparatus and associated safety equipment, all accommodation service systems equipment and the recording of stores and spare gear usage.

67 The chief engineer officer shall ensure that the officer in charge of the engineering watch is informed of all preventive maintenance, damage control, or repair operations to be performed during the engineering watch. The officer in charge of the engineering watch shall be responsible for the isolation, bypassing and adjustment of all machinery under the responsibility of the engineering watch that is to be worked on, and shall record all work carried out.

68 When the engine-room is put in a stand-by condition, the officer in charge of the engineering watch shall ensure that all machinery and equipment which may be used during manoeuvring is in a state of immediate readiness and that an adequate reserve of power is available for steering gear and other requirements.

69 Officers in charge of an engineering watch shall not be assigned or undertake any duties which would interfere with their supervisory duties in respect of the main propulsion system and ancillary equipment. They shall keep the main propulsion plant and auxiliary systems under constant supervision until properly relieved, and shall periodically inspect the machinery in their charge. They shall also ensure that adequate rounds of the machinery and steering-gear spaces are made for the purpose of observing and reporting equipment malfunctions or breakdowns, performing or directing routine adjustments, required upkeep and any other necessary tasks.

70 Officers in charge of an engineering watch shall direct any other member of the engineering watch to inform them of potentially hazardous conditions which may adversely affect the machinery or jeopardize the safety of life or of the ship.

71 The officer in charge of the engineering watch shall ensure that the machinery space watch is supervised, and shall arrange for substitute personnel in the event of the incapacity

of any engineering watch personnel. The engineering watch shall not leave the machinery spaces unsupervised in a manner that would prevent the manual operation of the engine-room plant or throttles.

72 The officer in charge of the engineering watch shall take the action necessary to contain the effects of damage resulting from equipment breakdown, fire, flooding, rupture, collision, stranding, or other cause.

73 Before going off duty, the officer in charge of the engineering watch shall ensure that all events related to the main and auxiliary machinery which have occurred during the engineering watch are suitably recorded.

74 The officer in charge of the engineering watch shall cooperate with any engineer in charge of maintenance work during all preventive maintenance, damage control or repairs. This shall include, but not necessarily be limited to—

- .1 isolating and bypassing machinery to be worked on;
- .2 adjusting the remaining plant to function adequately and safely during the maintenance period;
- .3 recording, in the engine-room log or other suitable document, the equipment worked on and the personnel involved, and which safety steps have been taken and by whom, for the benefit of relieving officers and for record purposes; and
- .4 testing and putting into service, when necessary, the repaired machinery or equipment.

75 The officer in charge of the engineering watch shall ensure that any engine-room ratings who perform maintenance duties are available to assist in the manual operation of machinery in the event of automatic equipment failure.

76 The officer in charge of the engineering watch shall bear in mind that changes in speed, resulting from machinery malfunction, or any loss of steering may imperil the safety of the ship and life at sea. The bridge shall be immediately notified in the event of fire and of any impending action in machinery spaces that may cause reduction in the ship's speed, imminent steering failure, stoppage of the ship's propulsion system or any alteration in the generation of electric power or similar threat to safety. This notification, where possible, shall be accomplished before changes are made, in order to afford the bridge the maximum available time to take whatever action is possible to avoid a potential marine casualty.

77 The officer in charge of the engineering watch shall notify the chief engineer officer without delay—

- .1 when engine damage or a malfunction occurs which may be such as to endanger the safe operation of the ship;
- .2 when any malfunction occurs which, it is believed, may cause damage or breakdown of propulsion machinery, auxiliary machinery or monitoring and governing systems; and
- .3 in any emergency or if in any doubt as to what decision or measures to take.

78 Despite the requirement to notify the chief engineer officer in the foregoing circumstances, the officer in charge of the engineering watch shall not hesitate to take immediate action for the safety of the ship, its machinery and crew where circumstances require.

79 The officer in charge of the engineering watch shall give the watchkeeping personnel all appropriate instructions and information which will ensure the keeping of a safe engineering watch. Routine machinery upkeep, performed as incidental tasks as a part of keeping a safe watch, shall be set up as an integral part of the watch routine. Detailed repair maintenance involving repairs to electrical, mechanical, hydraulic, pneumatic or applicable electronic equipment throughout the ship shall be performed with the cognizance of the officer in charge of the engineering watch and chief engineer officer. These repairs shall be recorded.

## **15. Engineering watchkeeping under different conditions and in different areas**

### **15.1. Restricted visibility**

80 The officer in charge of the engineering watch shall ensure that permanent air or steam pressure is available for sound signals and that at all times bridge orders relating to changes in speed or direction of operation are immediately implemented and, in addition, that auxiliary machinery used for manoeuvring is readily available.

### **15.2. Coastal and congested waters**

81 The officer in charge of the engineering watch shall ensure that all machinery involved with the manoeuvring of the ship can immediately be placed in the manual mode of operation when notified that the ship is in congested waters. The officer in charge of the engineering watch shall also ensure that an adequate reserve of power is available for steering and other manoeuvring requirements. Emergency steering and other auxiliary equipment shall be ready for immediate operation.

### **15.3. Ship at anchor**

82 At an unsheltered anchorage the chief engineer officer shall consult with the master whether or not to maintain the same engineering watch as when under way.

83 When a ship is at anchor in an open roadstead or any other virtually “at-sea” condition, the engineer officer in charge of the engineering watch shall ensure that—

- .1 an efficient engineering watch is kept;
- .2 periodic inspection is made of all operating and stand-by machinery;
- .3 main and auxiliary machinery is maintained in a state of readiness in accordance with orders from the bridge;
- .4 measures are taken to protect the environment from pollution by the ship, and that applicable pollution-prevention Regulations are complied with; and
- .5 all damage-control and fire-fighting systems are in readiness.

#### **Part 4-3 – Principles to be observed in keeping a radio watch**

##### **16.General provisions**

84 Administrations shall direct the attention of companies, masters and radio watchkeeping personnel to comply with the following provisions to ensure that an adequate safety radio watch is maintained while a ship is at sea. In complying with this Code, account shall be taken of the Radio Regulations.

##### **17.Watch arrangements**

85 In deciding the arrangements for the radio watch, the master of every seagoing ship shall—

- .1 ensure that the radio watch is maintained in accordance with the relevant provisions of the Radio Regulations and the SOLAS Convention;
- .2 ensure that the primary duties for radio watchkeeping are not adversely affected by attending to radio traffic not relevant to the safe movement of the ship and safety of navigation; and
- .3 take into account the radio equipment fitted on board and its operational status.

##### **18.Performing the radio watch**

86 The radio operator performing radio watchkeeping duties shall—

- .1 ensure that watch is maintained on the frequencies specified in the Radio Regulations and the SOLAS Convention; and
- .2 while on duty, regularly check the operation of the radio equipment and its sources of energy and report to the master any observed failure of this equipment.

87 The requirements of the Radio Regulations and the SOLAS Convention on keeping a radiotelegraph or radio log, as appropriate, shall be complied with.

88 The maintenance of radio records, in compliance with the requirements of the Radio Regulations and the SOLAS Convention, is the responsibility of the radio operator designated as having primary responsibility for radiocommunications during distress incidents. The following shall be recorded, together with the times at which they occur:

- .1 A summary of distress, urgency and safety radiocommunications;
- .2 important incidents relating to the radio service;
- .3 where appropriate, the position of the ship at least once per day; and
- .4 a summary of the condition of the radio equipment, including its sources of energy.

89 The radio records shall be kept at the distress communications operating position, and shall be made available—

- .1 for inspection by the master; and
- .2 for inspection by any authorized official of the Administration and by any duly authorized officer exercising control under article X of the Convention.

## **PART 5 – WATCHKEEPING IN PORT PRINCIPLES APPLYING TO ALL WATCHKEEPING**

### **19.General**

90 On any ship safely moored or safely at anchor under normal circumstances in port, the master shall arrange for an appropriate and effective watch to be maintained for the purpose of safety. Special requirements may be necessary for special types of ships' propulsion systems or ancillary equipment and for ships carrying hazardous, dangerous, toxic or highly flammable materials or other special types of cargo.

### **20.Watch arrangements**

91 Arrangements for keeping a deck watch when the ship is in port shall at all times be adequate to—

- .1 ensure the safety of life, of the ship, the port and the environment, and the safe operation of all machinery related to cargo operation;
- .2 observe international, national and local rules; and
- .3 maintain order and the normal routine of the ship.

92 The master shall decide the composition and duration of the deck watch depending on the conditions of mooring, type of the ship and character of duties.

93 If the master considers it necessary, a qualified officer shall be in charge of the deck watch.

94 The necessary equipment shall be so arranged as to provide for efficient watchkeeping.

95 The chief engineer officer, in consultation with the master, shall ensure that engineering watchkeeping arrangements are adequate to maintain a safe engineering watch while in port. When deciding the composition of the engineering watch, which may include appropriate engine-room ratings, the following points are among those to be taken into account:

- .1 On all ships of 3,000 kW propulsion power and over there shall always be an officer in charge of the engineering watch;
- .2 on ships of less than 3,000 kW propulsion power there may be, at the master's discretion and in consultation with the chief engineer officer, no officer in charge of the engineering watch; and
- .3 officers, while in charge of an engineering watch, shall not be assigned or undertake any task or duty which would interfere with their supervisory duty in respect of the ship's machinery system.

## **21. Taking over the watch**

96 Officers in charge of the deck or engineering watch shall not hand over the watch to their relieving officer if they have any reason to believe that the latter is obviously not capable of carrying out watchkeeping duties effectively, in which case the master or chief engineer shall be notified accordingly. Relieving officers of the deck or engineering watch shall ensure that all members of their watch are apparently fully capable of performing their duties effectively.

97 If, at the moment of handing over the deck or engineering watch, an important operation is being performed, it shall be concluded by the officer being relieved, except when ordered otherwise by the master or chief engineer officer.

### **Part 5-1 – Taking over the deck watch**

98 Prior to taking over the deck watch, the relieving officer shall be informed by the officer in charge of the deck watch as to the following:

.1 The depth of the water at the berth, the ship's draught, the level and time of high and low waters; the securing of the moorings, the arrangement of anchors and the scope of the anchor chain, and other mooring features important to the safety of the ship; the state of main engines and their availability for emergency use;

.2 all work to be performed on board the ship; the nature, amount and disposition of cargo loaded or remaining, and any residue on board after unloading the ship;

.3 the level of water in bilges and ballast tanks;

.4 the signals or lights being exhibited or sounded;

.5 the number of crew members required to be on board and the presence of any other persons on board;

.6 the state of fire-fighting appliances;

.7 any special port Regulations;

.8 the master's standing and special orders;

.9 the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;

.10 any other circumstances of importance to the safety of the ship, its crew, cargo or protection of the environment from pollution; and

.11 the procedures for notifying the appropriate Authority of any environmental pollution resulting from ship activities.

99 Relieving officers, before assuming charge of the deck watch, shall verify that—

.1 the securing of moorings and anchor chain is adequate;

- .2 the appropriate signals or lights are properly exhibited or sounded;
- .3 safety measures and fire-protection Regulations are being maintained;
- .4 they are aware of the nature of any hazardous or dangerous cargo being loaded or discharged and the appropriate action to be taken in the event of any spillage or fire; and
- .5 no external conditions or circumstances imperil the ship and that it does not imperil others.

### **Part 5-2 – Taking over the engineering watch**

100 Prior to taking over the engineering watch, the relieving officer shall be informed by the officer in charge of the engineering watch as to—

- .1 the standing orders of the day, any special orders relating to the ship operations, maintenance functions, repairs to the ship's machinery or control equipment;
- .2 the nature of all work being performed on machinery and systems on board ship, personnel involved and potential hazards;
- .3 the level and condition, where applicable, of water or residue in bilges, ballast tanks, slop tanks, sewage tanks, reserve tanks and special requirements for the use or disposal of the contents thereof;
- .4 any special requirements relating to sanitary system disposals;
- .5 the condition and state of readiness of portable fire-extinguishing equipment and fixed fire-extinguishing installations and fire-detection systems;
- .6 authorized repair personnel on board engaged in engineering activities, their work locations and repair functions and other authorized persons on board and the required crew;
- .7 any port Regulations pertaining to ship effluents, fire-fighting requirements and ship readiness, particularly during potential bad weather conditions;
- .8 the lines of communication available between the ship and shore personnel, including port authorities, in the event of an emergency arising or assistance being required;
- .9 any other circumstance of importance to the safety of the ship, its crew, cargo or the protection of the environment from pollution; and

.10 the procedures for notifying the appropriate Authority of environmental pollution resulting from engineering activities.

101 Relieving officers, before assuming charge of the engineering watch, shall satisfy themselves that they are fully informed by the officer being relieved, as outlined above; and—

.1 be familiar with existing and potential sources of power, heat and lighting and their distribution;

.2 know the availability and condition of ship's fuel, lubricants and all water supplies; and

.3 be ready to prepare the ship and its machinery, as far as is possible, for stand-by or emergency conditions as required.

### **Part 5-3 – Performing the deck watch**

102 The officer in charge of the deck watch shall—

.1 make rounds to inspect the ship at appropriate intervals;

.2 pay particular attention to:

.2.1 the condition and securing of the gangway, anchor chain and moorings, especially at the turn of the tide and in berths with a large rise and fall, if necessary, taking measures to ensure that they are in normal working condition;

.2.2 the draught, under-keel clearance and the general state of the ship, to avoid dangerous listing or trim during cargo handling or ballasting;

.2.3 the weather and sea state;

.2.4 the observance of all Regulations concerning safety and fire protection;

.2.5 the water level in bilges and tanks;

.2.6 all persons on board and their location, especially those in remote or enclosed spaces; and

.2.7 the exhibition and sounding, where appropriate, of lights and signals;

.3 in bad weather, or on receiving a storm warning, take the necessary measures to protect the ship, persons on board and cargo;

.4 take every precaution to prevent pollution of the environment by the ship;

- .5 in an emergency threatening the safety of the ship, raise the alarm, inform the master, take all possible measures to prevent any damage to the ship, its cargo and persons on board, and, if necessary, request assistance from the shore authorities or neighbouring ships;
- .6 be aware of the ship's stability condition so that, in the event of fire, the shore fire-fighting Authority may be advised of the approximate quantity of water that can be pumped on board without endangering the ship;
- .7 offer assistance to ships or persons in distress;
- .8 take necessary precautions to prevent accidents or damage when propellers are to be turned; and
- .9 enter, in the appropriate log-book, all important events affecting the ship.

#### **Part 5-4 – Performing the engineering watch**

103 Officers in charge of the engineering watch shall pay particular attention to—

- .1 the observance of all orders, special operating procedures and Regulations concerning hazardous conditions and their prevention in all areas in their charge;
- .2 the instrumentation and control systems, monitoring of all power supplies, components and systems in operation;
- .3 the techniques, methods and procedures necessary to prevent violation of the pollution Regulations of the local authorities; and
- .4 the state of the bilges.

104 Officers in charge of the engineering watch shall—

- .1 in emergencies, raise the alarm when, in their opinion, the situation so demands, and take all possible measures to prevent damage to the ship, persons on board and cargo;
- .2 be aware of the deck officer's needs relating to the equipment required in the loading or unloading of the cargo and the additional requirements of the ballast and other ship stability control systems;
- .3 make frequent rounds of inspection to determine possible equipment malfunction or failure, and take immediate remedial action to ensure the safety of the ship, of cargo operations, of the port and the environment;

.4 ensure that the necessary precautions are taken, within their area of responsibility, to prevent accidents or damage to the various electrical, electronic, hydraulic, pneumatic and mechanical systems of the ship; and

.5 ensure that all important events affecting the operation, adjustment or repair of the ship's machinery are satisfactorily recorded.

### **Part 5-5 – Watch in port on ships carrying hazardous cargo**

#### **22.General**

105 The master of every ship carrying cargo that is hazardous, whether explosive, flammable, toxic, health-threatening or environment-polluting, shall ensure that safe watchkeeping arrangements are maintained. On ships carrying hazardous cargo in bulk, this will be achieved by the ready availability on board of a duly qualified officer or officers, and ratings where appropriate, even when the ship is safely moored or safely at anchor in port.

106 On ships carrying hazardous cargo other than in bulk, the master shall take full account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

#### **Part 5-6 – Cargo watch**

107 Officers with responsibility for the planning and conduct of cargo operations shall ensure that such operations are conducted safely through the control of the specific risks, including when non-ship's personnel are involved.

## **ANNEXURE 3 – WATCHKEEPING ARRANGEMENTS AND PRINCIPLES FOR FISHING VESSELS**

1 Administrations shall direct the attention of owners and operators of fishing vessels, skippers and watchkeeping personnel to the following principles, which shall be observed to ensure that a safe navigational watch is maintained at all times.

2 The skipper of every fishing vessel shall ensure that watchkeeping arrangements are adequate for maintaining a safe navigational watch. Under the skipper's general direction, the officers of the watch are responsible for navigating the fishing vessel safely during their periods of duty, when they will be particularly concerned with avoiding collision and stranding.

3 The basic principles, including but not limited to the following, shall be taken into account on all fishing vessels. However, a Party may exclude very small fishing vessels operating in limited waters from fully observing the basic principles.

4 En route to or from fishing grounds:

4.1 Arrangements of the navigational watch:

4.1.1 The composition of the watch shall at all times be adequate and appropriate to the prevailing circumstances and conditions, and shall take into account the need for maintaining a proper look-out.

4.1.2 When deciding the composition of the watch the following factors, inter alia, shall be taken into account:

- .1 At no time shall the wheelhouse be left unattended;
- .2 weather conditions, visibility and whether there is daylight or darkness;
- .3 proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;
- .4 use and operational condition of navigational aids such as radar or electronic position-indicating devices and of any other equipment affecting the safe navigation of the vessel;
- .5 whether the vessel is fitted with automatic steering; and

.6 any unusual demands on the navigational watch that may arise as a result of special operational circumstances.

#### 4.2 Fitness for duty:

The watch system shall be such that the efficiency of watchkeeping personnel is not impaired by fatigue. Duties shall be so organized that the first watch at the commencement of a voyage and the subsequent relieving watches are sufficiently rested and otherwise fit for duty.

#### 4.3 Navigation:

4.3.1 The intended voyage shall, as far as practicable, be planned in advance taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.

4.3.2 During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the vessel follows the planned course.

4.3.3 The officer in charge of the watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the vessel, and shall be aware and take account of the operating limitations of such equipment.

4.3.4 The officer in charge of a navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the vessel.

#### 4.4 Navigational equipment:

4.4.1 The officers in charge of the watch shall make the most effective use of all navigational equipment at their disposal.

4.4.2 When using radar the officer in charge of the watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the applicable Regulations for preventing collisions at sea.

4.4.3 In cases of need the officer of the watch shall not hesitate to use the helm, engines, and sound and light signalling apparatus.

#### 4.5 Navigational duties and responsibilities:

4.5.1 The officer in charge of the watch shall—

.1 keep watch in the wheelhouse;

.2 in no circumstances leave the wheelhouse until properly relieved;

.3 continue to be responsible for the safe navigation of the vessel despite the presence of the skipper in the wheelhouse until informed specifically that the skipper has assumed that responsibility and this is mutually understood;

.4 notify the skipper when in any doubt as to what action to take in the interest of safety; and

.5 not hand over the watch to a relieving officer if there is reason to believe that the latter is not capable of carrying out the watchkeeping duties effectively, in which case the skipper shall be notified.

4.5.2 On taking over the watch the relieving officer shall confirm and be satisfied as to the vessel's estimated or true position and confirm its intended track, course and speed, and shall note any dangers to navigation expected to be encountered during the watch.

4.5.3 Whenever practicable a proper record shall be kept of the movements and activities during the watch relating to the navigation of the vessel.

#### 4.6 Look-out:

4.6.1 A proper look-out shall be maintained in compliance with rule 5 of the International Regulations for Preventing Collisions at Sea, 1972. It shall serve the purpose of—

.1 maintaining a continuous state of vigilance by sight and hearing as well as by all other available means, with regard to any significant changes in the operating environment;

.2 fully appraising the situation and the risk of collision, stranding and other dangers to navigation; and

.3 detecting ships or aircraft in distress, shipwrecked persons, wrecks and debris.

4.6.2 In determining that the composition of the navigational watch is adequate to ensure that a proper look-out can continuously be maintained, the skipper shall take into account all relevant factors, including those described under subitem 4.1 of this Regulation, as well as the following factors:

- .1 Visibility, state of weather and sea;
- .2 traffic density, and other activities occurring in the area in which the vessel is navigating;
- .3 the attention necessary when navigating in or near traffic separation schemes and other routeing measures;
- .4 the additional workload caused by the nature of the vessel' s functions, immediate operating requirements and anticipated manoeuvres;
- .5 rudder and propeller control and vessel manoeuvring characteristics;
- .6 the fitness for duty of any crew members on call who may be assigned as members of the watch;
- .7 knowledge of and confidence in the professional competence of the vessel' s officers and crew;
- .8 the experience of the officer of the navigational watch and the familiarity of that officer with the vessel' s equipment, procedures, and manoeuvring capability;
- .9 activities taking place on board the vessel at any particular time, and the availability of assistance to be summoned immediately to the wheelhouse when necessary;
- .10 the operational status of instrumentation in the wheelhouse and controls, including alarm systems;
- .11 the size of the vessel and the field of vision available from the conning position;
- .12 the configuration of the wheelhouse, to the extent such configuration might inhibit a member of the watch from detecting by sight or hearing any external developments; and
- .13 any relevant standards, procedures and guidelines relating to watchkeeping arrangements and fitness for duty which have been adopted by the Organization.

4.7 Protection of the marine environment:

The skipper and the officer in charge of the watch shall be aware of the serious effects of operational or accidental pollution of the marine environment, and shall take all possible precautions to prevent such pollution, particularly within the framework of relevant international and port Regulations.

4.8 Weather conditions:

The officer in charge of the watch shall take relevant measures and notify the skipper when adverse changes in weather could affect the safety of the vessel, including conditions leading to ice accretion.

5 Navigation with pilot embarked:

The presence of a pilot on board does not relieve the skipper or officer in charge of the watch from their duties and obligations for the safety of the vessel. The skipper and the pilot shall exchange information regarding navigation procedures, local conditions and the vessel's characteristics. The skipper and the officer in charge of the watch shall co-operate closely with the pilot and maintain an accurate check of the vessel's position and movement.

6 Vessels engaged in fishing or searching for fish:

6.1 In addition to the principles enumerated in item 4, the following factors shall be considered and properly acted upon by the officer in charge of the watch:

- .1 Other vessels engaged in fishing and their gear, own vessel's manoeuvring characteristics, particularly its stopping distance and the diameter of turning circle at sailing speed and with the fishing gear overboard;
- .2 safety of the crew on deck;
- .3 adverse effects on the safety of the vessel and its crew through reduction of stability and freeboard caused by exceptional forces resulting from fishing operations, catch handling and stowage, and unusual sea and weather conditions;
- .4 the proximity of offshore structures, with special regard to the safety zones; and
- .5 wrecks and other underwater obstacles which could be hazardous for fishing gear.

6.2 When stowing the catch, attention shall be given to the essential requirements for adequate freeboard, adequate stability and watertight integrity at all times during the voyage to the landing port, taking into consideration consumption of fuel and

stores, risk of adverse weather conditions and, especially in winter, risk of ice accretion on or above exposed decks in areas where ice accretion is likely to occur.

7 Anchor watch:

The skipper shall ensure, with a view to the safety of the vessel and the crew, that a proper watch is maintained at all times from the wheelhouse or deck on fishing vessels at anchor.

8 Radio watchkeeping:

The skipper shall ensure that an adequate radio watch is maintained while the vessel is at sea, on appropriate frequencies, taking into account the requirements of the Radio Regulations.

**ISAZISO SIKAHULUMENI****UMNYANGO WEZOTHUTHO****UKUTHUNYELWA KOMTHENGISI (UKUQEQUKESHA, ISIQINISEKISO NOKUPHATHA  
NGOKUPHEPHILE) IMITHETHO, 2021**

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**FIKILE APRIL MBALULA****UNGQONGQOSHE WEZOKUTHUTHA****USUKU:**

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## INGXENYE 1 - JIKELELE

### 1. Izincazelo

(1) Kule Mithethonqubo, noma yiliphi igama noma isisho esinikezwe incazelo kulo Mthetho siyoba naleyo ncazelo futhi, ngaphandle uma ingqikithi isho okunye -

**'UmpHEME OKUDABA LASOLWANDLE ELIKWAZIYO'** lisho isilinganiso esiqinisekisiwe ngokuya ngeNgxenywe 3, ilesigaba 8, kanye **'nesitifiketi sobungoti somkhumbi wasolwandle'** okufanele kuthathwe kanjalo;

**'UmpHEME OKUDABA LASOLWANDLE ELIKWAZIYO (UKUDABA)'** lisho isilinganiso esiqinisekisiwe ngokuya ngeNgxenywe 3 ilesigaba 8, futhi **'isitifiketi sokusebenza kahle kolwandle (ukudoba)'** sizothathwa ngokufanele;

**'UmpHEME OKUDABA LASOLWANDLE ELIKWAZIYO (UKUSEBENZA KWETHEKU)'** lisho isilinganiso esiqinisekisiwe ngokuya ngeNgxenywe 3, ilesigaba 8, esikhawulelwe ekusebenzeni kwamachweba kuphela, futhi **'isitifiketi sobuchwepheshe besikebhe somkhumbi wasolwandle (imisebenzi yetheku)'** sizothathwa ngokufanele;

**'injini yasolwandle ekwaziyo ukusebenza'** kusho isilinganiso esiqinisekisiwe ngokuya ngeNgxenywe 3, ilesigaba 8, kanye **'nesitifiketi sobuchwepheshe benjini engakwazi ukuhamba olwandle'** kufanele kuthathwe kanjalo;

**'injini yasolwandle ekwaziyo ukusebenza (imisebenzi yetheku)'** isho isilinganiso esiqinisekisiwe ngokuya ngeNgxenywe 3, ilesigaba 8, esikhawulelwe ekusebenzeni kwamachweba kuphela, futhi **'isitifiketi sobuchwepheshe benjini esebenza olwandle (imisebenzi yetheku)'** sizothathwa ngokufanele;

**'ukuqeqeshwa okusheshisiwe'** kusho uhlelo oluqinisekisiwe lokuqeqeshwa ebhodini, olubhekwe kakhulu futhi olubhekwe yizikhulu eziqeqeshiwe, oluqinisekisa ukuthi lowo ozobhathizwa uthola ukuqeqeshwa okuhlelekile kanye nesipiliyoni emisebenzini, emisebenzini nasezibophezelweni lowo muntu afuna ukuqinisekiswa ngazo, ngaphandle kokuyekethisa ikhwalithi yokuqeqeshwa;

**'Ukugunyazwa'** kusho inqubo elandelwa yisigungu seziPhathimandla ukwamukela isikhungo esisungulwe ngokomthetho njengesinamandla okuhlinzeka ngemfundo noqeqesho oludingekayo kule Mithetho ngezina elidingekayo;

**'Ukugunyazwa'** kusho ukuvunyelwa ngokuya ngezimfuneko zokugunyazwa ezibekwe kule Mithethonqubo kanye nezinqubo zePhiko;

**'isikhungo esivunyelwe'** kusho isikhungo sokuqeqesha esivunyelwe ngaphansi komthethonqubo 81;

**'ukuqeqeshwa okugunyaziwe'**, ukunikezwa isitifiketi kohlobo oluthile, kusho izinhlelo zokuqeqesha kanye / noma izifundo ezivunyelwe ukunikezwa isitifiketi salolo hlobo;

**'ukuvunywa'** kusho ukuvunywa isiGungu seziPhathimandla;

**'isitifiketi esifanele'** sisho isitifiketi esikhishwe futhi sigunyazwe ngokuhambisana nale Mithethonqubo egunyaza umnikazi osemthethweni ukuthi asebenze ngokomsebenzi futhi enze imisebenzi ethintekayo ezingeni lomthwalo elicaciswe emkhunjini wohlobo, ithani, amandla nezindlela zokuhamba ngamandla okuthintekayo ngenkathi wenza uhambo oluthile;

**'Insizakalo yasolwandle egunyaziwe'** isho ukuthunyelwa emkhunjini ofanele ukukhishwa noma ukuvuselelwa kabusha kwesitifiketi noma esinye isiqu futhi 'inkonzo yasolwandle' inencazelo efanayo;

**'ukuqeqeshwa okugunyaziwe'**, ukunikezwa isitifiketi kohlobo oluthile, kusho izinhlelo zokuqeqesha noma izifundo ezivunyelwe ukunikezwa isitifiketi salolo hlobo ngokuya ngeNgxenye 4 yale Mithetho;

**'ukuhweba okugunyaziwe'** kusho ukuhweba ngobunjiniyela okubandakanya into esemthethweni yokuqeqeshwa komhlangano ezoholela ekukhululweni kumamojula adingwa Amazinga Wokuqeqesha;

**'ibhuku elirekhodiwe lokuqeqeshwa eligunyaziwe'**, ukunikezwa isitifiketi kohlobo oluthile, kusho incwadi yokuqopha evunyelwe ukuqinisekiswa kwalolo hlobo;

**'umhloli'** kushiwo umuntu oqokwe yisiphathimandla ukuthi ahlole ukwenziwa kokuhlolwa njengoba kubekiwe kule Mithetho, kanye nokuhlola ukufaneleka kwesifundo, uhlelo noma isikhungo maqondana nokugunyazwa; futhi lapho lisetshenziswa maqondana Nezikhungo Zokuqeqesha Eziqinisekisiwe, libhekisa kumuntu ogunyazwe yiSigungu seziPhathimandla ukwenza ukuhlolwa kwezinga loku-1 no-2 labasolwandle ngesikhathi sesifundo noma sohlelo;

**'ukucwaningwa kwamabhuku'** kusho inqubo ehlelekile, ezimele nebhalwe phansi yokuthola ubufakazi bokucwaningwa kwamabhuku kanye nokuyihlola ngenhloso yokuthola ukuthi imigomo yocwaningomabhuku igcwaliseka kangakanani;

**'ukuqeqeshwa okuyisisekelo'** kusho ukuqeqeshwa njengoba kubekiwe kumthethonqubo 20 (1) (a);

**'Ukuqeqeshwa okuyisisekelo kwabadobi emikhunjini yokudoba  $\geq 24m$ '** kusho ukuqeqeshwa okugunyaziwe kwabasebenzi abasebenza ezikebheni zokudoba  $\geq 24m$ , njengoba kubekiwe kumthethonqubo 20 (1) (b); (1) (a)

**'Ukuqeqeshwa okuyisisekelo kwabadobi emikhunjini yokudoba  $< 24m$ '** kusho ukuqeqeshwa okugunyaziwe kwabasebenzi abasebenza emikhunjini yokudoba  $< 24m$ , njengoba kubekiwe kuMthethonqubo 20 (1) (c);

**'umuntu ozongenela ukhetho'** kushiwo umuntu ofisa isitifiketi ngokwemigomo yale Mithethonqubo;

**'isitifiketi'** kanye **'nesitifiketi'** kusho isitifiketi sekhono noma ubuchwepheshe futhi kungabandakanya ukugunyazwa;

**'isitifiketi sekhono'** sisho isitifiketi esikhishwe savunyelwa abaphathi bamakhosi, abaphathi kanye nabasebenza emsakazweni ngokuhambisana nezinhlinzeko zeSahluko II, III, IV noma i-VII yeSithasiselo Somhlangothi we-STCW, Isahluko II se-STCW-F umkodwahano kanye ukusebenza kwetheku

izitifiketi ezikhishwe ngaphansi kwalo Mthetho, ezivumela umnikazi wazo ngokusemthethweni ukuthi asebenze ezikhundleni futhi enze imisebenzi ethintekayo ezingeni lomthwalo elichazwe kuwo;

**'isitifiketi seziq'u'** kusho isitifiketi, ngaphandle kwesitifiketi sekhono esinikezwe umgcini wasolwandle, esisho ukuthi izidingo ezifanele zokuqeqeshwa, amakhono noma umsebenzi wokuhamba olwandle zifeziwe; futhi 'isitifiketi sokusebenza' sithathwa njengesinencazelo efanayo nesitifiketi seziq'u;

**'isitifiketi'** kusho ukuqinisekiswa ngaphansi koMthetho noma okuthathwa njengokuthi kunesiqinisekiso;

**'Ukukhokhisa'** kunencazelo efanayo naleyo echazwe eMthethweni Wezokuphepha Olwandle waseNingizimu Afrika, 1998 (uMthetho No. 5 ka-1998);

**'isikhulu sonjiniyela'** kushiwo isikhulu esiphezulu sonjiniyela esibhekele ukuqhuma kwemishini nokusebenza kanye nokugcinwa kokufakwa komkhumbi ngemishini nangamandla kagesi;

**'umhloli omkhulu'** kusho umuntu oqokwe ngokoMthethonqubo 5;

**'umlingani omkhulu'** kusho umphathi osebenza ngokulandela isikhundla senkosi futhi lapho umyalo womkhumbi uzowela phezu kwakhe uma kwenzeka ukungasebenzi komnikazi kanye no "mate" kunencazelo efanayo;

**'ukapteni wasogwini  $\geq 9$  m'** kusho isitifiketi sekhono esivumela ophethe ukuthi asebenzise umkhumbi omncane wamamitha ayi-9 noma ngaphezulu ohambweni lwasolwandle olungadluli kumamayela angama-40 ulwandle olwandle, akhishwe ngokuya ngeMithetho Yomthengisi (Imithethonqubo Kazwelonke Yokuphepha Kwemikhumbi Emincane), 2007 njengoba kuchitshiyelwe;

**'Ukuhlolwa kombono wombala'** kusho ukuhlolwa, okudingwa yiNgxenye 5 yale Mithethonqubo, ngokwazi komuntu ukubona nokuhlukanisa imibala esetshenziswa njengezimpawu emikhunjini nasemishini yabo;

**'ukwephula'**, maqondana nokuhlinzekwa kwale Mithethonqubo, kufaka phakathi ukwehluleka noma ukwenqaba ukuthobela leyo mibandela; 'umphathi wedeski' kusho isikhulu esiqeqeshwe ngokuya ngemigomo yeNgxenye 3, ilsigaba 1, 2 no-3 yale Mithethonqubo kanye 'neSitifiketi Sesikhulu emphemeni kufanele kuthathwe kanjalo;

**'ubufakazi obubhaliwe'** kusho imibhalo, ngaphandle kwesitifiketi sokusebenza kahle noma isitifiketi sokusebenza, esisetshenziselwe ukuthola ukuthi izidingo ezifanele zeSivumelwano se-STCW noma iSivumelwano se-STCW-F sezifizekile;

**isikhulu sezobuchwepheshe ngogesi** kushiwo umuntu oqeqeshiwe ngokweCandelo 3 Ingxenye 3 onamakhono athile kumakhono kagesi nagesi adingekayo ukuze asebenze njengesikhulu somkhumbi emnyangweni wegumbi lenjini emkhunjini;

**'isilinganiso ezobuchwepheshe ngogesi** kushiwo umuntu ofanelekile ngokwemigomo yoDaba 8 lweNgxenye 3 ukuze athole isilinganiso somkhumbi emnyangweni wegumbi lenjini emkhunjini;

**'ukugunyaza'** kushiwo idokhumenti efakwe esitifiketini sekhono futhi eguqula imigomo yesitifiketi;

**'isikhulu sonjiniyela'** kusho isikhulu esiqeqeshwe ngokuhambisana nezinhlinzeko zeNgxenye 3, lizigaba 5, 6 no-7 zale Mithethonqubo;

**'isilinganiso sikanjiniyela'** kusho isilinganiso esiqinisekisiwe njengengxenye eyakha iwashi lobunjiniyela noma injini ekwazi ukuhamba olwandle ngokuya kweNgxenye 3, ilsigaba 8;

**'isitifiketi esilinganayo'** kusho isitifiketi esihlongozwe kumthethonqubo 120;

**'umhloli'** unencazelo efanayo neyomhloli njengoba kuchaziwe eSivumelwaneni se-STCW;

**'Ukuhlolwa kwamehlo'** kusho ukuhlolwa, okudingwa yiNgxenye 5 yale Mithethonqubo, okubandakanya ukubonwa kombala nokuhlolwa kokuqina kwamehlo, okwenziwa ngudokotela ogunyaziwe ukuqinisekisa ukuthi umuntu wasolwandle uhlangabezana nezindinganiso zokuhlola ukubona;

**'isikebhe sokutakula esisheshayo'** sisho isikebhe esivuthayo esiqinile noma esiqinile, esisebenza ukwenza umsebenzi wokutakula futhi esikwazi ukuqhuba, okungenani amahora ama-4, ngejubane lamafindo angama-20 emanzini azolile nabasebenzi okungenani babantu abathathu nangejubane okungenani amafindo ayi-8 anomphelelisi ogcwele;

**'isikebhe sokudoba'** sisho umkhumbi osetshenziselwa ngokuphelele noma ngokuyinhloko ukuthatha, ukubamba noma ukubamba izinhlanzi noma ezinye izinto eziphilayo zolwandle noma olwandle ukuthola inzuzo yezezimali noma umvuzo;

**'isilinganiso senhloso ejwayelekile (ukusebenza kwetheku)'** kusho isilinganiso (ukusebenza kwetheku) okuqinisekisiwe njengokulinganiselwa kwenhloso ejwayelekile (ukusebenza kwetheku) ngokuya ngeNgxenye 3, ilsigaba 8 kanye 'nesitifiketi senhloso ejwayelekile (imisebenzi yokusebenza kwetheku)' kuzothathwa ngokufanele;

**'GMDSS'** kusho iGlobal Maritime Distress and Safety System (Uhlelo Lwasolwandle Lokucindezeleka Nokuphepha Okomhlaba Wonke)

**'Opharetha weGMDSS'** kusho umuntu ofaneleke ngokuhambisana nezinhlinzeko zeCandelo 4, Ingxenye 3 yale Mithetho;

**'I-GT'** isho ubukhulu bethani lomkhumbi obalwe ngokuya ngeThani Imithethonqubo , 1968;

**'Ikhodi ye-IBC'** isho uhlelo lwakamuva lwe- Ikhodi Yomhlaba Wonke Yokwakhiwa Nezinsiza Zemikhumbi Ethwele Amakhemikhali Ayingozi ngobuningi eshicilelwe yi-IMO

**'IGC Khodi'** isho uhlelo lwakamuva lwe- Ikhodi Yomhlaba Wonke Yokwakhiwa Nezinsiza Zemikhumbi Ethwala Amagesi Anoketshezi ngobuningi olushicilelwe yi-IMO;

**'IGF Khodi'** isho ushicilelo lwakamuva lwe- Ikhodi Yezokuphepha Yomhlaba Wonke Yezikebhe besebenzisa iGesi noma ezinye izibaseli eziphansi ezishicilelwe yi-IMO;

**'Ikhodi ye-III'** isho i-IMO Ikhodi Yokusebenzisa Amathuluzi njengoba iqukethwe Ohlakeni nasezinhlelweni ze-IMSAS;

**'IMO'** kushiwo i-International Maritime Organisation (Inhlangano Yomhlaba Wonke Yezasolwandle)

**'IMSAS'** kushiwo iSikimu Sokucwaningwa Kwamazwe Esingamalungu E-IMO esungulwe Yinhlango futhi kucatshangelwa imihlahlandlela eyenziwe Yinhlango;

**'ubude'** busho ubude obubhalisiwe njengoba kukhonjisiwe kuSitifiketi Sokubhalisa somkhumbi, futhi kuhlangozwe kumthethonqubo 4 weMithethonqubo Yokubhaliswa Komkhumbi, 2002;

**'amanzi alinganiselwe'**, maqondana nomkhumbi wokudoba, kusho amanzi angaphansi kwegunya laseNingizimu Afrika kanye namanzi ahlanganayo ngaphansi kwegunya lomunye uMnyango lapho isivumelwano somkhawulo wohambo oluseduze nolwandle singenwe khona;

**'izinga lokuphatha'** kusho izinga lomthwalo wemfanelo elihambisana-

(a) osebenza njengomphathi, umlingani omkhulu, isikhulu sonjiniyela noma umphathi wesibili emkhunjini wolwandle; futhi

(b) nokuqinisekisa ukuthi yonke imisebenzi engaphakathi kwendawo ebhekele ukubhekelwa yenziwa ngendlela efanele;

**'isitifiketi sokuqina kwezempilo'** kusho isitifiketi esikhishwe ngokuya ngeNgxenywe 5 yale Mithetho kubasolwandle abahloliwe kwatholakala ukuthi bakulungele ukwelashwa;

**'Udokotela'** kusho umuntu ovunyelwe ngokweNgxenywe 5 yale Mithethonqubo;

**'umkhumbi womthengisi'** usho noma yimuphi umkhumbi osetshenzelwa inzuzo yezomnotho ngaphandle komkhumbi wokudoba;

**'imisebenzi yezimayini'** isho ukuxhashazwa kwezinsizakusebenza zamaminerali olwandle noma komhlaba ongaphansi kwawo, kungaba ngezimayini, ukubhola noma ngenye indlela, ngomkhumbi osebenza ehange noma kumodi isikhundla esinamandla (DP);

**'I-MLC'** isho iSivumelwano Sezabasebenzi Basolwandle njengoba kuchaziwe eMthethweni;

**'uhambo lwasolwandle oluseduze'** lusho uhambo kuphela ngaphakathi kwendawo yezomnotho yaseNingizimu Afrika, okungukuthi amamayela angama-200 ulwandle, njengoba kuchaziwe nguMthetho Wezindawo Zasolwandle, 1994 (uMthetho No. 15 ka 1994), futhi 'uhambo lwamanzi olunqunyelwe' lunokufanayo incazelo;

**'isivumelwano semikhawulo yohambo oluseduze nogu'** sisho isivumelwano esibhalwe phansi esenziwe phakathi kweGunya noMphathi welinye iqembu esichaza imininingwane yezindawo zokuhweba ezithintekayo kanye neminye imibandela efanele;

**'isikhulu'** kusho umphathi womkhumbi;

**'umkhumbi othwala uwoyela'** kusho umkhumbi owakhiwe wasetshenziselwa ukuhambisa ngenqwaba kaphethiloli noma imikhiqizo kaphethiloli;

**'kude nolwandle'** kusho ulwandle olulinganiswa nolayini wamanzi aphansi, njengoba kuchazwe esigabeni 1 soMthetho Wezindawo Zasolwandle, 1994 (uMthetho No. 15 ka 1994), ngasogwini lwezwekazi lase-Afrika;

**'ukuqeqeshwa okusemkhunjini'** wukuqeqeshwa okwenziwa emkhunjini ngesikhathi sokusebenza okufanelekile futhi kusethwe futhi kuhlolwe encwadini yamarekhodi okuqeqeshwa evunyelwe;

**'izinga lokusebenza'** kusho izinga lomthwalo wemfanelo elihambisana-

(a) osebenza njengesikhulu esiphethe iwashi lokuhamba ngezinyawo noma lobunjiniyela noma njengonjiniyela oqokiwe wezikhala zemishini ezingenamuntu ngezikhathi ezithile noma njengomqhubi womsakazo emkhunjini okusebenza kuwo le Mithethonqubo; futhi

(b) ukugcina ukulawula ngqo ukwenziwa kwayo yonke imisebenzi ngaphakathi kwendawo ebhekele ukubhekela ngokuhambisana nezinqubo ezifanele nangaphansi kokuqondisa komuntu osebenzela ezingeni lokuphatha kuleyo ndawo yomsebenzi;

**'indawo evamile yasolwandle'** kusho isilinganiso esakha ingxenye yewashi lokuzulazula;

**'indawo evamile yasolwandle (imisebenzi yetheku)'** kusho isilinganiso esakha ingxenye yewashi lokuhamba olwandle emikhunjini esebenza emachwebeni;

**'indawo ejwayelekile yokudoba kolwandle (ukudoba)'** kusho isilinganiso esakha ingxenye yewashi lokuzulazula emikhunjini ebamba iqhaza kwezokudoba;

**'injini ejwayelekile yasolwandle'** kusho isilinganiso esakha ingxenye yewashi lobunjiniyela;

**'injini ejwayelekile yasolwandle (imisebenzi yetheku)'** kusho isilinganiso esakha ingxenye yewashi lobunjiniyela emikhunjini esebenza emachwebeni;

**'Inhlangano'** kushiwo Inhlangano Yomhlaba Wonke Yezasolwandle;

**'umnikazi'**, maqondana nomkhumbi, kufaka phakathi noma imuphi umuntu onjengomphathi, opharetha, noma umqashi wesikebhe ongenalutho, othathe umthwalo wokusebenza komkhumbi kumnikazi;

**'iqembu'**, maqondana ne-STCW noma i-STCW-F Umkodwahano, lisho uMbuso noma uHulumeni oyilungu leNhlangano futhi osayine iSivumelwano;

**'umkhumbi wabagibeli'** kusho umkhumbi othwala abagibeli abangaphezu kwabayi-12;

**'umkhumbi wokuzijabulisa'** kusho umkhumbi osetshenziselwa ezemidlalo noma ezokungcebeleka kuphela;

**'I-Polar Khodi'** isho uhlelo lwakamuva lwe- Ikhodi Yamazwe Ngamazwe Yemikhumbi olusebenza emanzini asendaweni eshicilelwe yiNhlangano, njengoba kuchitshiyelwe.

**'Amanzi asezindaweni ezibandayo'** kusho amanzi ase-Arctic noma indawo yase-Antarctic njengoba kuchaziwe kwi-SOLAS Imithethonqubo XIV / 1.2 kuya ku-XIV / 1.4;

**'uhambo lwemisebenzi yamachweba'** kusho uhambo olukhawulelwe endaweni yokusebenza kwamachweba; futhi 'insizakalo yokusebenza kwamachweba' izothathwa ngokufanele;

**'indawo yokusebenza echwebeni'** kushiwo indawo yolwandle ebangeni elingamamayela ayi-15 nautical elinganiselwa-

(a) esimweni setheku laseSaldanha Bay, kusukela maphakathi nendawo yomugqa ongacatshangelwa ojoyina amalambu eNyakatho neNhloko yeNingizimu; futhi

(b) esimweni sanoma iyiphi enye ichweba eRiphabhuliki, kusuka elangeni elingaphandle lamanzi okuphula amanzi;

**'umkhumbi osebenza echwebeni'** uchaza ukudonswa kwetheku, i-dredger, ukuqhuma, isikebhe sokushayela, isikebhe somsebenzi, isikebhe sokugcina amanzi, isikebhe, ithenda, umshini wokuthwala izinto ezisindayo edonsa ngamandla noma noma yiluphi olunye uhlobo lomkhumbi olukhawulelwe endaweni yokusebenza ethekwini;

**'amandla okugudluza'** kushiwo inani eliphelele lamandla okukhipha okulinganiselwe okuqhubekayo kuma-kilowatts emishini eyinhloko yomkhumbi evela esitifiketini somkhumbi noma kwenye incwadi esemthethweni;

**'insizakalo efanelekayo'**, ukuthola isitifiketi sohlobo oluthile, kusho isevisi yasolwandle noma imisebenzi yokusebenza echwebeni, njengoba kungaba njalo, edingekayo ukuze kutholakale isitifiketi salolo hlobo;

**'imisebenzi yomsakazo'** ifaka, ngokufanele, ukugcinwa kanye nokugcinwa kwezobuchwepheshe kanye nokulungiswa okwenziwe ngokuya ngeMithethonqubo yeRadio, i-SOLAS nangokubona kweGunya futhi kuqondiswa izincomo ezifanele zeNhlango;

**'opharetha umsakazo'** kushiwo umuntu ophethe isitifiketi esifanele esikhishwe noma esaziwa yiGunya ngokuhlinzekwa yiRadio Imithethonqubo;

**'Imithethonqubo Yomsakazo'** isho iMithethonqubo Yomsakazo yeNgqungquthela Yomhlaba Wonke Yezokuxhumana Ngezokuxhumana esebenza

**'isilinganiso'** kusho ilungu labasebenza emkhunjini ngaphandle komphathi noma isikhulu;

**'ukuqeqeshwa kabusha'** kusho isifundo esifingqiwe esivunyelwe esidingekayo sokuqinisekisa izitifiketi zamakhono noma izitifiketi zobungcweti;

**'UMbhalisi wabaSebenzi boLwandle'** kusho umuntu oqokwe ngokoMthethonqubo 4 kanye **'nePhini Lombhalisi Wabahwebi Basolwandle'** uzothathwa ngendlela efanele;

**'Imithethonqubo echithwe'** kusho iMithethonqubo echithwe ngumthethonqubo 124 wale Mithethonqubo;

**'idokhumende eliphephile'** kushiwo idokhumende echaza ubuncane besandla esibhekwa njengedingekile ukuze kuqinisekiswa ukuthi umkhumbi uphethwe ngokwanele nangendlela efanele, futhi lokho kuyakhishwa--

(a) esimweni somkhumbi waseNingizimu Afrika, nguMkhandlu; futhi

(b) esimweni sanoma yimuphi omunye umkhumbi, ngaphansi noma ngaphansi kweGunya lalelo Mbuso wefulege;

**'umkhumbi wasolwandle'** kusho umkhumbi ngaphandle kwalowo ohamba kuphela emanzini angaphakathi nezwe noma endaweni yokusebenza echwebeni;

**'umphathi wonjiniyela wesibili'** kusho umphathi wonjiniyela osezingeni eliphezulu esikhundleni somphathi omkhulu futhi ozobhekela kuye umthwalo wokuqhutshwa kwemishini nokusebenza kanye nokugcinwa kokufakwa komkhumbi nogesi emkhunjini lapho kwenzeka khona isikhulu sonjiniyela;

**'umhloli omkhulu'** kusho umhloli oqokwe ngokoMthethonqubo 5;

**'Umkhumbi okusebenza kuwo iSivumelwano se-STCW'** kusho noma yimuphi umkhumbi wasolwandle, ngaphandle-

(a) imikhumbi yempi, abasizi bemikhumbi noma eminye imikhumbi engaphansi koMkodwaho Wezasolwandle waseNingizimu Afrika;

(b) imikhumbi yokudoba;

(c) imikhumbi esetshenziselwa ezemidlalo noma ezokungcebeleka kuphela; futhi

(d) imikhumbi yamapulangwe yokwakhiwa kwakudala;

**'Ukapteni'** kusho, maqondana nomkhumbi, noma yimuphi umuntu (ngaphandle komshayeli wendiza) ophethe noma olawula lowo mkhumbi;

**'Ukapteni phesheya kwezilwandle  $\geq 9$  m'** kusho isitifiketi sekhono esivumela ophetheyo ukuba asebenzise umkhumbi omncane wamamitha ayi-9 noma ngaphezulu ohambweni olwandisiwe lwasolwandle, olukhishwe ngokuhambisana neMithethonqubo Yokuthumela Izimpahla

(Ukuphepha Kwemikhumbi Emincane Kazwelonke) Imithethonqubo, 2007 njengoba ichitshiyelwe;

**'umkhumbi omncane'** kusho umkhumbi okusebenza kuwo iMithetho Yomthengisi (Ukuphepha Kwemikhumbi Emincane Kazwelonke Imithethonqubo), 2007, njengoba ichitshiyelwe;

**'I-SOLAS Umkodwahano'** isho iSivumelwano Samazwe Ngamazwe Sokuphepha Kwempilo Olwandle, ngo-1974, njengoba kuchitshiyelwe;

**'Umkhumbi waseNingizimu Afrika'** kusho umkhumbi obekwe yi- Umthetho Wokubhaliswa Kwemikhumbi, 1998 futhi uhlanganisa umkhumbi ongabhalisiwe onobuzwe baseNingizimu Afrika;

**'okuchazwe kwiKhodi yamaZinga oQeqesho'** kusho ukuthi kubalulwe kwiKhodi yamaZinga oQeqesho lwaseLwandle yaseNingizimu Afrika eshicilelwe yisigungu seziPhathimandla, njengoba kuchitshiyelwe;

**'I-STCW-Khodi'** isho iMithetho Yokuqeqesha Abasolwandle, ukufakazela ngencwadi kanye ne-lkhodi Yokugcina eyamukelwa yiNgqungquthela Yamaqembu ka-1995 Kumhlangano Wamazwe Ngamazwe Wezindinganiso Zokuqeqeshwa, Ukuqinisekiswa kanye Nokugcinwa Kwabagcini BaseLwandle, ngo-1978 nanoma yikuphi ukuchibiyelwa okuqale ukusebenza futhi wemukelwe nguHulumeni;

**'ISivumelwano se-STCW'** sisho iSivumelwano Samazwe Ngamazwe Samazinga Okuqeqesha, Izitifiketi kanye Nokugcinwa Kwabagcini BaseLwandle, 1978, njengoba kuchitshiyelwe;

**'INGqungqutheleni ye-STCW-F'** isho iSivumelwano Samazwe Ngamazwe Samazinga Okuqeqesha, Izitifiketi kanye Nokugcinwa Kwabasebenzi Bezikebhe Zokudoba, 1995;

**'ileveli yokwesekwa'** kusho izinga lokuzibophezela elihambisana nokwenza imisebenzi eyabelwe, imisebenzi noma izibopho emkhunjini wokuhweba ngaphansi kokuqondisa komuntu osebenza ezingeni lokusebenza noma lokuphatha;

**'I-thangi'** ifaka phakathi—

(a) **'umkhumbi othwala uwoyela'** kusho umkhumbi owakhiwe noma osetshenziselwa ukuhambisa ngenqwaba yemikhiqizo kaphethiloli kanye nophethiloli ngobuningi;

(b) **'umkhumbi othwala amakhemikhali'** kusho umkhumbi owakhiwe noma owashintshwa futhi wasetshenziselwa ukuhambisa ngenqwaba yanoma imuphi umkhiqizo owuketshezi obalulwe eSahlukweni 17 sekhodi Yomhlaba Wonke Yamakhemikhali; futhi

(c) **'umkhumbi othwala igesi onamanzi'** kusho umkhumbi owakhiwe noma owashintshwa futhi wasetshenziselwa ukuthwala noma yimuphi umkhinqizo oketshezi obalulwe eSahlukweni 19 sekhodi Yomthwali Wegesi Wamazwe Ngamazwe

**'uMthetho'** usho uMthetho Wokuthumela Umthengisi, 1951 (uMthetho 57 ka 1951), njengoba uchitshiyelwe;

**'i- Ikhodi Yamazinga Wokuqeqesha '** isho iKhodi esungulwe ngaphansi koMthethonqubo wama-84 wale Mithethonqubo futhi yashicilelwa kuwebhusayithi yeSigungu seziPhathimandla [ngaphambili kwakuyi-SAMSA Khodi];

**'le Mithethonqubo'** isho iMithethonqubo Yokuthumela Umthengisi (Ukuqeqesha, Ukuqinisekisa kanye Nokuphepha Ngokuphepha), 2020;

**'umkhumbi wokuhweba'** usho noma yimuphi umkhumbi wasolwandle, kubandakanya yonke imikhumbi kahulumeni okusebenza kuyo uMthetho, osebenza ohambweni lwasolwandle oluvamile, ngaphandle kwalokhu-

(a) imikhumbi yempi, abasizi bemikhumbi;

(b) imikhumbi yokudoba;

(c) imikhumbi esetshenziselwa ezemidlalo noma ezokungcebeleka kuphela; futhi

(d) imikhumbi yokuhamba ngomkhumbi ngokwakhiwa kwendabuko;

**'umkhumbi wokuqeqesha'** kushiwo umkhumbi ovunye Ukuphatha ngenhloso yokuhlalisa kanye nokuhlinzeka ngokuqeqeshwa okugunyaziwe okusemkhunjini kwabafundi abangaphezu kwe-12 abaqeqeshelwa ukuthola izitifiketi zamakhono noma izitifiketi zekhono;

**'uhambo olungenamkhawulo'** kusho uhambo olungelona olucatshangwe ezincazelweni zohambo oluseduze nolwandle nokusebenza kwamachweba;

**'amanzi angenamkhawulo'** lapho esetshenziswa maqondana nezitifiketi zabadobi, anencazelo efanayo naleyo yohambo olungenamkhawulo;

**'okuvumelekile'**, maqondana nesitifiketi noma enye idokhumende, kusho isitifiketi noma idokhumenti ekhona njengamanje futhi engamisiwe noma ekhanseliwe;

**'Ukuhlolwa amandla okubuka '** kusho ukuhlolwa kwamehlo okuhlola ukuthi lowo ozobhathizwa angayibona kahle kangakanani iminingwane yencwadi noma uphawu kusuka kude;

**'umphathi wezokuqapha'** kusho umphathi womkhumbi omsebenzi wakhe uhlanganisa-

(a) uma esebenza emnyangweni wemikhumbi, ephethe iwashi lokuhamba ngomkhumbi; futhi

(b) uma esebenza emnyangweni wobunjiniyela, ephethe iwashi lobunjiniyela emkhunjini;

**'abasebenzi abagcina amawashi'** kushiwo noma ngubani owenza ingxenye yewashi lokuhamba ngomkhumbi noma lobunjiniyela emkhunjini;

**'umkhumbi wokuhweba'** usho noma yimuphi umkhumbi wasolwandle, kubandakanya yonke imikhumbi kahulumeni okusebenza kuyo uMthetho, osebenza ohambweni lwasolwandle oluvamile, ngaphandle kwalokhu-

(a) imikhumbi yempi, abasizi bemikhumbi;

(b) imikhumbi yokudoba;

(c) imikhumbi esetshenziselwa ezemidlalo noma ezokungebeleka kuphela; futhi

(d) imikhumbi yokuhamba ngomkhumbi ngokwakhiwa kwendabuko;

**'umkhumbi wokuqeqesha'** kushiwo umkhumbi ovunywe yi-Ukuphatha ngenhloso yokuhlalisa kanye nokuhlinzeka ngokuqeqeshwa okugunyaziwe okusemkhunjini kwabafundi abangaphezu kwe-12 abaqeqeshelwa ukuthola izitifiketi zamakhono noma izitifiketi zekhono;

**'uhambo olungenamkhawulo'** kusho uhambo olungelona olucatshangwe ezincazelweni zohambo oluseduze nolwandle nokusebenza kwamachweba;

**'amanzi angenamkhawulo'** lapho esetshenziswa maqondana nezitifiketi zabadobi, anencazelo efanayo naleyo yohambo olungenamkhawulo;

**'okuvumelekile'**, maqondana nesitifiketi noma enye idokhumende, kusho isitifiketi noma idokhumenti ekhona njengamanje futhi engamisiwe noma ekhanseliwe;

**'Ukuhlolwa amandla okubuka'** kusho ukuhlolwa kwamehlo okuhlola ukuthi lowo ozobhathizwa angayibona kahle kangakanani iminingwane yencwadi noma uphawu kusuka kude;

**'umphathi wezokuqapha'** kusho umphathi womkhumbi omsebenzi wakhe uhlanganisa-

(a) uma esebenza emnyangweni wemikhumbi, ephethe iwashi lokuhamba ngomkhumbi; futhi

(b) uma esebenza emnyangweni wobunjiniyela, ephethe iwashi lobunjiniyela emkhunjini;

'abasebenzi abagcina amawashi' kushiwo noma ngubani owenza ingxenye yewashi lokuhamba ngomkhumbi noma lobunjiniyela emkhunjini;

'amanzi angaphansi kwegunya laseNingizimu Afrika' kusho amanzi ahlanganisa-

(a) amanzi angaphakathi nezindawo zeRiphabhuliki; futhi

(b) indawo yezomnotho ekhethekile yeRiphabhulikhi.

(2) Ukubhekiswa kule Mithethonqubo kuzinga elithile lokuhlola kuzofundwa njengereferensi yokuhlola kulelo zinga ngokuya ngeNqubomgomo 18 ngezansi.

## 2. Isingeniso nezigaba zezitifiketi

(1) Le Mithethonqubo ichaza imibandela okufanele kuhlantsheswane nayo namazinga wekhono adingekayo ekukhishweni kwesitifiketi esichazwe kumthethonqubo omncane kuya ku-0.

(2) Izitifiketi zekhono, nokulinganiselwa kwazo, izincomo kanye namazinga maqondana nesibopho (uma sikhona), asebenza ezikhulwini zasemkhumeleni—

(a) I-Umbusi (ibanga elikhethekile);

(b) Umphathi:

(i) Umphathi womkhumbi wanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokuphatha) [STCW Umthethonqubo II / 2 - Akukho mkhawulo].

(ii) Umlingani oyinhloko womkhumbi wanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokuphatha) [STCW Umthethonqubo II / 2 - Akukho mkhawulo].

(iii) Isikhulu esiphethe iwashi lokuzulazula emkhunjini wanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokusebenza) [STCW Umthethonqubo II / 1 - Akukho mkhawulo].

(c) Umlingani Omkhulu:

(i) Umlingani oyinhloko womkhumbi wanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokuphatha) [STCW Umthethonqubo II / 2 - Akukho mkhawulo].

(ii) Isikhulu esiphethe ukubukwa kokuhamba ngomkhumbi kwanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokusebenza) [STCW Umthethonqubo II / 1 - Akukho mkhawulo].

(d) I-Umbusi (<3 000 GT):

(i) Umphathi womkhumbi ongaphansi kuka-3 000 GT ohambweni olungenamkhawulo (izinga lokuphatha) [STCW Umthethonqubo II / 2 - Imikhawulo yeThani].

(ii) Umlingani oyinhloko womkhumbi-

(aa) noma yiliphi ithani uma lowo obhalisiwe ephethe isitifiketi sokusebenza njengomphathi omkhulu (izinga lokuphatha) [STCW Umthethonqubo II / 2 - Akukho mkhawulo];

(bb) ngaphansi kuka-3 000 GT ohambweni olungenamkhawulo uma umuntu obhalisiwe ephethe isitifiketi sokusebenza njenge-deck officer noma umphathi omkhulu (<3 000 GT) (ileveli yokuphatha) [STCW Umthethonqubo II / 2 – ubuningi obulinganiselwe].

(iii) Isikhulu esiphethe ukubukwa kokuhamba ngomkhumbi kwanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokusebenza) [STCW Umthethonqubo II / 1- Akukho mkhawulo].

(e) Umlingani omkhulu (<3 000 GT):

(i) Umphathi omkhulu womkhumbi ongaphansi kuka-3 000 GT (ileveli yokuphatha) [STCW Umthethonqubo II / 2 – ubuningi obulinganiselwe].

(ii) Isikhulu esiphethe ukubukwa kokuhamba ngomkhumbi kwanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokusebenza) [STCW Umthethonqubo II / 1 - Akukho mkhawulo].

(f) Isikhulu Esiphethe Ukubuka Kwezokuhamba:

(i) Isikhulu esiphethe iwashi lokuzulazula emkhunjini wanoma iyiphi ithani ohambweni olungenamkhawulo (izinga lokusebenza) [STCW Umthethonqubo II / 1 - Akukho mkhawulo].

(g) I-Umbusi (<500 GT eduzane nogu):

(i) Umphathi womkhumbi ongaphansi kwama-500 GT ohambweni oluseduze nolwandle (izinga lokuphatha) [STCW Umthethonqubo II / 3 - Akukho mkhawulo].

(ii) Isikhulu esiphethe iwashi lokuhamba ngomkhumbi ongaphansi kwama-500 GT ohambweni oluseduze nolwandle (izinga lokusebenza) [STCW Umthethonqubo II / 1 - Akukho mkhawulo].

(h) Isikhulu esiphethe iwashi lokuzulazula (<500 GT eduze nasogwini):

(i) Isikhulu esiphethe iwashi lokuzulazula emikhunjini engaphansi kwama-500 GT ohambweni oluseduze nolwandle (izinga lokusebenza) [STCW Umthethonqubo II / 3- Awukho umkhawulo].

(i) I-Umbusi (<200 GT eduzane nasogwini):

Ingcweti yomkhumbi ongaphansi kwama-200 GT ohambweni oluseduze nolwandle; (ileveli yokuphatha) [STCW Umthethonqubo II / 3 - Imikhawulo yamathani].

(j) I-Umbusi ( $\geq 1\ 600$  GT theku works):

(i) Ingcweti yomkhumbi yanoma iyiphi ithani esebenza endaweni yokusebenza kwamachweba.

(ii) Isikhulu esiphethe ukubukwa kokuhamba ngomkhumbi kwanoma iyiphi ithani elisebenza endaweni yokusebenza kwechweba.

(k) Umbusi ( $< 1\ 600$  GT itheku)

(i) Ingcweti yomkhumbi eyi-  $< 1\ 600$  GT esebenza endaweni yokusebenza ethekwini.

(ii) Isikhulu esiphethe ukubukwa kokuhamba ngomkhumbi kwanoma iyiphi ithani elisebenza endaweni yokusebenza kwechweba.

(l) Ukapteni ( $< 200$  GT itheku liyasebenza):

(i) Umphathi womkhumbi ongaphansi kwama-200 GT osebenza endaweni yokusebenza ethekwini.

(ii) Isikhulu esiphethe iwashi lokuzulazula lomkhumbi ongaphansi kuka-1 600 GT osebenza endaweni yokusebenza kwechweba.

(3) Izitifiketi zekhono, nokulinganiselwa kwazo, izincomo kanye namazinga okuzibophezela (uma kukhona), asebenza kubadobi yilena:

(a) Ukudoba ngesikebhe ( $\geq 24$  m) amanzi angenamkhawulo:

(i) Umphathi womkhumbi wokudoba onobude obude osebenza emanzini angenamkhawulo [STCW-F Umthethonqubo II / 1 - akunamkhawulo].

(ii) Isikhulu esiphethe iwashi lokuzulazula lomkhumbi wokudoba wanoma yibuphi ubude osebenza emanzini angenamkhawulo [STCW-F Umthethonqubo II / 2 - akunamkhawulo].

(b) Ukudoba ngamachweba ( $< 24$  m) amanzi angenamkhawulo:

(i) Umphathi womkhumbi wokudoba ongaphansi kwamamitha angama-24 ubude osebenza emanzini angenamkhawulo [Umkhawulo we-STCW-F Umthethonqubo II / 1 - ubude].

(ii) Isikhulu esiphethe iwashi lokuzulazula lomkhumbi wokudoba ongaphansi kwamamitha angama-24 ubude osebenza emanzini angenamkhawulo [Umkhawulo we-STCW-F Umthethonqubo II / 2- ubude].

(c) Ukudoba ngamakhumbi ( $\geq 24$  m) amanzi anqunyelwe:

(i) Umphathi womkhumbi wokudoba onobude obude osebenza emanzini anqunyelwe [STCW-F Umthethonqubo II / 3- akukho mkhawulo].

(ii) Isiphathimandla esibhekele ukubukwa kokuzulazula komkhumbi wokudoba noma yibuphi ubude obusebenza emanzini anqunyelwe [STCW-F Umthethonqubo II / 4 - akunamkhawulo wobude].

(d) Ukudoba ngamakhumbi (<24 m) amanzi anqunyelwe:

(i) Umphathi womkhumbi wokudoba ongaphansi kwamamitha angama-24 ubude osebenza emanzini anqunyelwe [Umkhawulo we-STCW-F Umthethonqubo II / 3 - ubude].

(ii) Isiphathimandla esibhekele ukubukwa kokuzulazula komkhumbi wokudoba ongaphansi kwamamitha angama-24 ubude osebenza emanzini anqunyelwe [STCW-F Umthethonqubo II / 4 - limited limits].

(e) Izikhulu eziphethe iwashi lokuzulazula emikhunjini yokudoba ( $\geq 24$  m) amanzi angenamkhawulo:

Isikhulu esiphethe iwashi lokuzulazula kwanoma yimuphi umkhumbi osebenza ngokudoba emanzini angenamkhawulo [STCW-F Umthethonqubo II / 2- akukho mingcele elinganiselwe].

(f) Izikhulu eziphethe iwashi lokuzulazula emikhunjini yokudoba (<24 m) amanzi angenamkhawulo:

Isikhulu esiphethe iwashi lokuzulazula lomkhumbi ongaphansi kwamamitha angama-24 osebenza ngokudoba emanzini angenamkhawulo [STCW-F Umthethonqubo II / 2 - umkhawulo wobude].

(g) Izikhulu eziphethe iwashi lokuzulazula emikhunjini yokudoba ( $\geq 24$  m) amanzi anqunyelwe:

Isikhulu esiphethe iwashi lokuzulazula kwanoma yimuphi umkhumbi osebenza ngokudoba emanzini anqunyelwe [STCW-F Umthethonqubo II / 4- akukho mingcele yobude].

(h) Izikhulu eziphethe iwashi lokuzulazula emikhunjini yokudoba (<24 m) amanzi anqunyelwe:

Isikhulu esiphethe iwashi lokuzulazula lomkhumbi ongaphansi kwamamitha angama-24 osebenza ngokudoba emanzini anqunyelwe [STCW-F Umthethonqubo II / 4 - umkhawulo wobude].

**(4) Izitifiketi zokukwazi ukusebenza, kanye nokulinganiselwa kwazo, ukuvumela kanye nezinga lokuzibophezela (uma likhona), kubasebenzisi bomsakazo:**

(a) Isitifiketi se-GMDSS sokuqala somsakazo.

(b) isitifiketi se-GMDSS sesigaba sesibili somsakazo.

(c) Isitifiketi somqhubi jikelele we-GMDSS [STCW Umthethonqubo IV / 2]:

Ukuxhumana komsakazo (izinga lokusebenza) [STCW Reg IV / 2]

(d) Abasebenza emsakazweni:

(i) Isitifiketi sebanga elide

(ii) Isitifiketi sebanga elifushane

(5) Iziphiketi zekhono, nokulinganiselwa kwazo, izincomo kanye namazinga okuzibophezela (uma akhona), asebenza kuzikhulu zonzijiniyela yilezi:

(a) Isikhulu Esingunjiniyela (ibanga elikhethekile).

(b) Isikhulu Esingunjiniyela

(i) Isikhulu sonjiniyela somkhumbi wamandla we-Ukuqhuma angenamkhawulo (izinga lokuphatha); [STCW Umthethonqubo III / 2 - Akukho mkhawulo].

(ii) Isikhulu sonjiniyela sesibili somkhumbi wamandla we-Ukuqhuma angenamkhawulo (izinga lokuphatha); [STCW Umthethonqubo III / 2 - Akukho mkhawulo].

(iii) Isikhulu esiphethe iwashi lobunjiniyela emkhunjini wamandla Amandla ukuqhuma kwe-kilowatt angenamkhawulo (izinga lokusebenza); [STCW Umthethonqubo III / 1 - Akukho mkhawulo].

(c) Isiphathimandla Sesibili Sonjiniyela (Akunamkhawulo):

(i) Isikhulu sonjiniyela wesibili womkhumbi wamandla we-Ukuqhuma angenamkhawulo (izinga lokuphatha); [STCW Umthethonqubo III / 2 - Akukho mkhawulo].

(ii) Isikhulu esiphethe iwashi lobunjiniyela emkhunjini onamandla angenamkhawulo wokuhambisa ngamandla (izinga lokusebenza); [STCW Umthethonqubo III / 1 - Akukho mkhawulo].

(d) Isikhulu Esikhulu Sonjiniyela (<3 000 kW):

(i) Unjiniyela omkhulu womkhumbi ongaphansi kuka-3 000 kW amandla okuqhubekisa (izinga lokuphatha); [STCW Umthethonqubo III / 3 - Ukukhawulwa kwamandla].

(ii) Unjiniyela wesibili womkhumbi—

(aa) yamandla okuhamba ngamandla angenamkhawulo uma lowo obengenele ukhetho ephethe isitifiketi sokusebenza njengonjiniyela wesibili womkhumbi wamandla okuqhuma angenamkhawulo (izinga lokuphatha); [STCW Umthethonqubo III / 2 - Akukho mkhawulo]; noma

(bb) engaphansi kwama-3 000 kW amandla okuhambisa uma umuntu obhalisiwe ephethe isitifiketi sokusebenza njengonjiniyela wesibili ngaphansi kuka-3 000 kW (izinga lokuphatha); [i-STCW Umthethonqubo III / 3 - Ukukhawulwa kwamandla].

(iii) Isikhulu sonjiniyela esiphethe iwashi lobunjiniyela emkhunjini wamandla okuqhuma angenamkhawulo (izinga lokusebenza). [STCW Umthethonqubo III / 1 - Akukho mkhawulo].

(e) Isikhulu Sesibili Sonjiniyela (<3 000 kW):

(i) Isikhulu sonjiniyela sesibili somkhumbi ongaphansi kwama-3 000 kW amandla okuqhubekisela phambili (izinga lokuphatha); [STCW Umthethonqubo III / 3 - Ukukhawulwa kwamandla].

(ii) Isikhulu esiphethe iwashi lobunjiniyela emkhunjini onamandla angenamkhawulo wokuhambisa ngamandla (izinga lokusebenza); [STCW Umthethonqubo III / 1 – Akunamkhawulo

(f) Isikhulu Esiphethe Uunjiniyela Watch egumbini elenjini elenziwe ngezinjini noma onjiniyela bemisebenzi abaqokiwe egumbini lezinjini elingenamuntu ngezikhathi ezithile:

Injiniyela ophethe iwashi lobunjiniyela emkhunjini wamandla we-Ukuqhuma angenamkhawulo (izinga lokusebenza); [STCW Umthethonqubo III / 1 - Akukho mkhawulo].

(g) Isikhulu Esisebenza Ngezobuchwepheshe:

Isikhulu esiphethe imishini yegezi esikebheni somkhumbi wamandla we-Ukuqhuma angenamkhawulo (izinga lokusebenza); [STCW Umthethonqubo III / 6 - Akukho mkhawulo].

(h) Isikhulu Esingunjiniyela (imisebenzi yetheku):

(i) Injiniyela Oyinhloko womkhumbi wanoma yimaphi amandla omoya osebenza ngaphakathi kwendawo yokusebenza kwechweba.

(ii) Isikhulu Esiphethe i-Engineering Watch emkhunjini wanoma imuphi amandla we-kilowatt okuqhuma osebenza endaweni yokusebenza echwebeni.

(iii) Isiphathimandla Sezobunjiniyela zokubuka yomkhumbi ongaphansi kuka-750kW wokuhambisa ngamandla emikhunjini engenamkhawulo.

(iv) Unjiniyela Omkhulu evunyelwe emkhunjini ongaphansi kwamandla we-750kW wokuhambisa ngamandla ohambweni olungenamkhawulo.

(i) Isikhulu Esingunjiniyela (<1 500 kW Ukusebenza kwetheku):

(i) Isikhulu sonjiniyela womkhumbi ongaphansi kuka-1 500 kW amandla omphetshana osebenza ngaphakathi endaweni yokusebenza echwebeni.

(ii) Isikhulu Esiphethe Sezobunjiniyela zokubuka emkhunjini wanoma imuphi amandla we-kilowatt Ukuqhuma osebenza endaweni yokusebenza echwebeni.

(j) Injiniyela Omkhulu (<750 kW Ukusebenza kwetheku):

(i) Umphathi omkhulu wobunjiniyela womkhumbi ongaphansi kuka-750 kW amandla omphetshana osebenza endaweni yokusebenza echwebeni.

(ii) Isikhulu Esiphethe i-Engineering Watch yomkhumbi wanoma yimaphi amandla we-kilowatt Ukuqhuma endaweni yokusebenza ethekwini.

(k) Isikhulu Esiphethe Ubunjiniyela zokubuka (Ukusebenza kwetheku):

(i) Isikhulu Esiphethe Ubunjiniyela zokubuka yomkhumbi wanoma yimaphi amandla kagesi we-kilowatt Ukuqhuma osebenza endaweni yokusebenza echwebeni.

(ii) Injiniyela Oyinhloko womkhumbi ongaphansi kuka-350kW amandla okuqhubekisa osebenza endaweni yokusebenza ethekwini.

(l) Injiniyela Oyinhloko (<750 kW):

(i) Injiniyela Oyinhloko womkhumbi ongaphansi kuka-750kW amandla okuqhubekisa.

(ii) Injiniyela Omkhulu emkhunjini ongaphansi kwamandla we-1500kW osebenza endaweni yokusebenza ethekwini.

(iii) Isikhulu Esiphethe i-Engineering Watch emkhunjini wanoma yimaphi amandla e-kilowatt asebenza endaweni yokusebenza echwebeni.

(m) Isikhulu Esiphethe Ubunjiniyela zokubuka egumbini elenjini elenziwe ngezinjini noma onjiniyela bemisebenzi abaqokiwe egunjini lezinjini elingenamuntu ngezikhathi ezithile (<750 kW):

(i) Ubunjiniyela ukubuka ngomkhumbi ongaphansi kuka-750kW.

(ii) Injiniyela Oyinhloko womkhumbi ongaphansi kwama-350kW.

(6) Izitifiketi zokukwazi ukusebenza, kanye nokulinganiselwa kwazo, ukuvumela kanye nezinga lokuzibophezela (uma likhona), ezisebenza konjiniyela emikhunjini yokudoba yilezi:

(a) Injiniyela Omkhulu (Ukudoba):

(i) Injiniyela Oyinhloko wemikhumbi yokudoba enamandla angenamkhawulo wokuhambisa ngamandla [STCW-F Umthethonqubo II / 5 - akunamkhawulo wamandla].

(ii) Unjiniyela Wesibili (Ukudoba) komkhumbi wokudoba ngamandla angenamkhawulo we-Ukuqhuma [STCW-F Umthethonqubo II / 5 - akunamkhawulo wamandla].

(b) Injiniyela Wesibili (Ukudoba):

Injini Yesibili (Ukudoba) emkhunjini wokudoba onamandla angenamkhawulo [STCW-F Umthethonqubo II / 5 - akunamkhawulo wamandla].

(c) Injiniyela Omkhulu (<2000kW Ukudoba):

(i) Injiniyela Omkhulu wemikhumbi yokudoba yamandla angaphansi kuka-2000kW [STCW-F Umthethonqubo II / 5 - Ukhawulwa kwamandla].

(ii) Unjiniyela Wesibili (Ukudoba) komkhumbi wokudoba ngamandla angenamkhawulo we-Ukuqhuma [STCW-F Umthethonqubo II / 5 - akunamkhawulo wamandla].

(d) Unjiniyela Wesibili (<2000kW Ukudoba):

(i) Unjiniyela wesibili wesikebhe sokudoba sika- <2000 kW Ukuqhuma amandla [STCW-F Umthethonqubo II / 5 - ukukhawulwa kwamandla].

(7) Izitifiketi zobungcweti, nokulinganiselwa kwazo, ukuvumela kanye namazinga okuzibophezela (uma kukhona) asebenza ezilinganisweni yilezi:

(a) Impahla ejwayelekile yolwandle (izinga lokusekelwa) [STCW Umthethonqubo II / 4].

(b) Ideski elikwazi ukuhamba olwandle (ileveli yokusekela) [STCW Umthethonqubo II / 5].

(c) Impahla ejwayelekile yasolwandle (ukudoba) (ileveli yokusekela) [ISinqumo se-STCW-F II / 4].

- (d) Idokodo elikwazi ukuhamba olwandle (ukudoba) (ileveli yokusekela) [ISinqumo se-STCW-F 4].
- (e) Injini ejwayelekile yasolwandle (izinga lokusekelwa) [STCW Umthethonqubo III / 4].
- (f) Injini ekwazi ukuhamba olwandle (ileveli yokusekela) [STCW Umthethonqubo III / 5].
- (g) Isilinganiso ezobuchwepheshe ngogesi (ileveli yokusekela) [STCW Umthethonqubo III / 7].
- (h) Idokodo elikwazi ukuhamba olwandle (imisebenzi yetheku).
- (i) Injini ekwazi ukuhamba olwandle (ukusebenza kwetheku).
- (j) Impahla ejwayelekile yasolwandle (ukusebenza kwetheku)
- (k) Isilinganiso senhloso ejwayelekile (ukusebenza kwetheku).
- (l) Ukupheka komkhumbi. [IMLC Reg 3.2, isigaba 3]

(8) Izitifiketi ezilandelayo zobungcweti zingakhishelwa abazongenela ukhetho njengezitifiketi ezimele noma izincomo ezitifiketini zabo zamakhono noma ubungcweti njengoba kusebenza, njengoba kubekiwe ku-Isigaba 9 weNgxenywe 3 yale Mithethonqubo:

(a) Ukuqeqeshwa okukhethekile kwabasebenzi abasebenza kumathangi kawoyela namakhemikhali:

(i) Ukuqeqeshwa okuyisisekelo kwamathangi kawoyela & amakhemikhali [STCW Umthethonqubo V / 1-1 (STCW Isigaba sekhodi A-V / 1-1-1)].

(ii) Ukuqeqeshwa okuthuthukile kumathangi kawoyela [STCW Umthethonqubo V / 1-1 (STCW Isigaba sekhodi A-V / 1-1-2)].

(iii) Ukuqeqeshwa okuthuthukile kumathangi amakhemikhali [Umthethonqubo we-STCW [V / 1-2] V / 1-1 (STCW

(b) Ukuqeqeshwa okukhethekile kwabasebenzi abasebenza kumathangi kaphethiloli onamanzi:

(i) Ukuqeqeshwa okuyisisekelo kwamathangi kaphethiloli ane-liquefied [STCW Umthethonqubo V / 1-2 (STCW Isigaba sekhodi A-V / 1-2-1)].

(ii) Ukuqeqeshwa okuthuthukile kumathangi kaphethiloli ane-liquefied [STCW Umthethonqubo V / 1-2 (STCW Isigaba sekhodi A-V / 1-2-2)].

(c) Ukuqeqeshwa okukhethekile kwabasebenzi abasebenza emikhunjini engaphansi kweKhodi ye-IGF:

(i) Ukuqeqeshwa okuyisisekelo kwemikhumbi ngokuya ngekhodi le-IGF [STCW Umthethonqubo V / 3 (STCW Isigaba sekhodi A-V / 3-1)].

(ii) Ukuqeqeshwa okuthuthukile kwemikhumbi ngokuya ngekhodi le-IGF [STCW Umthethonqubo V / 3 (STCW Isigaba sekhodi A-V / 3-1)].

(d) Ukuqeqeshwa okukhethekile kwabasebenzi abasebenza emikhunjini esebenza emanzini aphilile:

(i) Ukuqeqeshwa okuyisisekelo kwemikhumbi esebenza emanzini aphilile [STCW Umthethonqubo V / 4 (STCW Isigaba sekhodi A-V / 4-1).

(ii) Ukuqeqeshwa okuthuthukile kwemikhumbi esebenza emanzini aphilile [STCW Umthethonqubo V / 4 (STCW Isigaba sekhodi A-V / 4-2).

(e) Ukuqeqeshwa okukhethekile kwabasebenzi abasebenza emikhunjini yabagibeli:

(i) Ukuqeqeshwa kokuphathwa kwesixuku sabagibeli [STCW Umthethonqubo V / 2 (STCW Khodi A-V / 2, para 3)].

(ii) Ukuphathwa kwezinhlekelele nokuqeqeshwa kokuziphatha kwabantu [Umthethonqubo we-STCW V / 2 (STCW khodi A-V / 2, isigaba 4)].

(iii) Ukuphepha kwabagibeli, ukuphepha kwempahla kanye nokuqeqeshwa kobuqotho bemikhumbi [STCW Umthethonqubo V / 2 (STCW Khodi A-V / 2, para 4)].

(9) Isigungu seziPhathimandla singakhipha izitifiketi zobungcweti ezilandelayo njengoba kubekiwe kwiKhodi yamaZinga oQeqesho kubazongenela abahlangabezana nalezo zidingo:

(a) Ukuqeqeshwa okuyisisekelo, okubandakanya lezi zinto ezilandelayo [STCW Umthethonqubo VI / 1]:

(i) Amasu okusinda komuntu siqu [STCW Umthethonqubo VI / 1 (STCW Isigaba sekhodi A-VI / 1-1)].

(ii) Ukulwa nomlilo nokuvikela umlilo [STCW Umthethonqubo VI / 1 (STCW Isigaba sekhodi A-VI / 1-2)].

(iii) Usizo lokuqala lokuqala [STCW Umthethonqubo VI / 1 (STCW Isigaba sekhodi A-VI / 1-

- (iv) Ukusinda komuntu siqu kanye nezibopho zenhlalo [STCW Umthethonqubo VI / 1 (STCW Isigaba sekhodi A-VI / 1-4)].
- (b) Ukuqeqeshwa okuyisisekelo kwezokuphepha kwabasebenza emikhunjini  $\geq$  ama-24m enza imisebenzi yokudoba kudingeka aqedele ukuqeqeshwa kumthethonqubo ongezansi 0 (a) [STCW-F Umthethonqubo III / 1.1].
- (c) Ukuqeqeshwa okuyisisekelo kwezokuphepha kwabasebenzi abasebenza emikhunjini  $<24m$  ababambe iqhaza emisebenzini yokudoba kudingeka baqedele ukuqeqeshwa kumthethonqubo 0 (a) (a) (i) (a) (iii) ngenhla [STCW-F Umthethonqubo III / 1.2 ].
- (d) Izikebhe zokusinda nokusindisa [STCW Umthethonqubo VI / 2 (STCW Isigaba sekhodi A-VI / 2-1)].
- (e) Izikebhe zokusindisa ezisheshayo [STCW Umthethonqubo VI / 2 (STCW Isigaba sekhodi A-VI / 2-2)].
- (f) Ukulwa nomlilo okuthuthukile [STCW Umthethonqubo VI / 3 (STCW Isigaba sekhodi A-VI / 3)].
- (g) Usizo lokuqala lwezokwelapha [STCW Umthethonqubo VI / 4 (STCW Isigaba sekhodi A-VI / 4-1)].
- (h) Ukunakekelwa kwezempilo [STCW Umthethonqubo VI / 4 (STCW Isigaba sekhodi AVI / 4-2)].
- (i) Umsebenzi wezokuphepha wemikhumbi [STCW Umthethonqubo VI / 5].
- (j) Ukuqwashisa kwezokuphepha [STCW Umthethonqubo VI / 6 (STCW Isigaba sekhodi A-VI / 6-1)].
- (k) Imisebenzi yokuphepha eqokiwe [STCW Umthethonqubo VI / 6 (STCW Isigaba sekhodi A-VI / 6-2)].
- (10) Ukulinganiswa kohambo lwenqola, ithani namandla okuhambisa ngamandla, ukuthola isitifiketi kumthethonqubo (2), (3), (4) kanye no (5) kungukuthi umnikazi we—
- (a) Isitifiketi esingenamkhawulo ngohambo singasebenza kumthamo wesitifiketi emikhunjini ehamba ohambweni olungenamkhawulo noma ohambweni lanoma yimuphi umkhawulo.
- (b) Isitifiketi esikhawulelwe ohambweni olusondele ogwini lolwandle noma olunqunyelwe lapho kufaneleka khona singasebenza ezingeni eliqinisekisiwe emikhunjini ehamba ohambweni olusondele ogwini nasezintweni zokusebenza kwamachweba kodwa hhayi ohambweni olungenamkhawulo.

(c) Isitifiketi esikhawulelwe ukusebenza echwebeni singasebenza ngokwesitifiketi kuphela emikhunjini esebenza emachwebeni.

(d) Isitifiketi esikhawulelwe ukusebenza kwemayini noma imisebenzi yemikhumbi engahwebeli singasebenza ngokwesitifiketi kuphela emikhumbi eqashwe kuleyo misebenzi.

(e) Isitifiketi esilinganiselwe ngamathani noma ubude angeke sisebenze esikebheni esikhunjini esinethani noma ubude obuphakeme kunaeso esibekwe njengomkhawulo kwisitifiketi saso;

(f) Isitifiketi esikhawulelwe ngamandla okuhambisa ngamandla angeke sisebenze emkhunjini onamandla okuqhubekisa ngaphezulu kwaleyo ebekwe njengomkhawulo esitifiketini sakhe;

(g) Isitifiketi semikhumbi yabahwebi asinakusebenza emikhunjini yokudoba esemkhunjini ngaphandle kwalapho umnikazi enikezwe isitifiketi noma ukugunyazwa kokusebenza emikhunjini yokudoba ngokuhambisana nale Mithetho;

(h) Isitifiketi sokudoba angeke sisebenze emikhunjini yomthengisi ngaphandle uma lowo mnikazi enikezwe isitifiketi noma imvume yokusebenzela imikhumbi yabathengisi ngokuhambisana nale Mithetho.

(11) Iziphiketi okukhulunywe ngazo kwimithethonqubo engenhla zizokhishwa futhi zivunywe ngokuvumelana neSivumelwano se-STCW noma iSivumelwano se-STCW-F njengoba kusebenza, ngaphandle—

(a) zonke iziphiketi zekhono (ibanga elikhethekile);

(b) konke ukuqinisekiswa kokusebenza kwetheku;

(c) isiphiketi sobungcweti njengompheki womkhumbi;

(d) isiphiketi somqhubi womsakazo omude futhi omfushane.

3. Ukusebenza nokuqinisekiswa kabusha kweziphiketi

(1) Isiphiketi sokusebenza nekhono elikhishwe ngokwemigomo yale Mithethonqubo, kanye nanoma yisiphi isiphiketi esilinganayo, asivumelekile ekusebenzeni kolwandle noma ukusebenza kwetheku ngaphandle uma kuvuselelwa ngezikhawu ezingeqi eminyakeni emihlanu ukusungula ikhono lobuchwepheshe eliqhubekayo ngokuhambisana nomthethonqubo (3) ).

(2) Ukuqhubeka kwekhono lobungcweti kusungulwa ngu-

(a) ukuqedela, phakathi neminyaka emihlanu eyedlule, okungenani izinyanga eziyi-12 zenkonzo yasolwandle noma imisebenzi yamachweba, njengoba kufanele isitifiketi esiphethwe; noma

(b) uma eseqede izinyanga ezi-3 egunyaze ukuthunyelwa kwezilwandle erenki echazwe esitifiketini esigcinwe ezinyangeni eziyi-6 ezedlule ngaphambi nje kokuphinda kuqinisekiswa; noma

(c) ukwenza imisebenzi ebhekwa yisigungu seziPhathimandla ukuthi ilingana nomsebenzi oshiwo kumthethonqubo (1). Isigungu seziPhathimandla sizoshicilela lolo hlu lwemisebenzi efanayo sisebenzisa izindlela ezibona zifanelekile; noma

(d) ukuqedela ukuqeqeshwa okuvumelekile (okuvuselela kabusha) nokuhlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho.

(e) eseqedile insizakalo yolwandle evunyiwe, wenza imisebenzi efanele isitifiketi esiphethwe, isikhathi esingengaphansi kwezinyanga ezintathu ngokwesikhundla esingaphezu kwesibalo, noma erenki ephansi kunaleyo isitifiketi esiphethwe isebenza ngaphambi nje kokuthatha khuphula izinga okuvumeleke ngalo.

(3) (a) Izitifiketi zamakhono ezibalulwe kumthethonqubo 2 (2) kuya ku- (6) zizobuyezwa njalo eminyakeni emihlanu, ngaphandle kwezitifiketi ezisohlwini lwemithethonqubo (2) (a), (4) (d) no (5) (a).

(b) Izitifiketi zobungoti ezinikezwe izilinganiso njengoba kubekiwe kumthethonqubo 2 (7) zizobuyezwa njalo eminyakeni emihlanu

(c) Izitifiketi zobungoti njengoba kubekiwe kumthethonqubo 2 (8) kanye no (9) zizobuyezwa njalo eminyakeni emihlanu njengoba kubekiwe ezingeni elifanele lokuqeqeshwa, ngaphandle kwezitifiketi ezikumithethonqubo (8) (d), (9) (a) (iii), (iv), (b), (c), (i), 9 (j) no (k) kanye nabaphethe izitifiketi ezihlongozwe emithethonqubo (9) (a) (i) no (ii) ukusebenza emikhunjini yokudoba akudingeki ukuthi kuqinisekiswa izitifiketi zayo.

(4) Abafundi abaphethe izitifiketi ngaphandle kwezitifiketi zezikhulu, abaphathi bomsakazo noma izilinganiso kudingeka ukuthi baqinisekise izitifiketi zabo ngale ndlela elandelayo:

(a) Izitifiketi ezisohlwini lomthethonqubo 2 (6) kudingeka ziphinde ziqinisekiswa ngokuhambisana nezinhlinzeko zemithethonqubo efanele esigabeni 9 sengxenye 3;

(b) Izitifiketi ezisohlwini lomthethonqubo 2 (7) zidinga ukuvuselelwa ngokuhlinzeka ngemisebenzi yasolwandle efanelekile noma ukuqeqeshwa kabusha lapho kudingeka khona ukuthi kuqinisekiswa kabusha njengoba kushiwo kwiKhodi yamaZinga oQeqesho.

(5) Isicelo sokuphinda uqinisekise kufanele—

(a) kwenziwe ngendlela nangendlela;

(b) lifake imininingwane; futhi

(c) sihambisane nemibhalo, ebalulwe yiPhathimandla.

(6) Isigungu seziPhathimandla, uma senelisekile ukuthi umfakisicelo uhlangabezana nezimfuneko zomthethonqubo (2) noma (3), uzonikeza lowo ofaka isicelo imvume ebabonisa ukuthi isitifiketi sakhe sisebenza ngokusemthethweni.

(7) Isicelo sokuvuselela izitifiketi singenziwa esikhathini esiyizinyanga eziyisithupha ngaphambi kweminyaka eyisihlanu yesitifiketi esabanjwa futhi sizobuye siqinisekiswa isikhathi esiyiminyaka emihlanu kusukela ngosuku lokuphelelwa yisikhathi kokuqala.

#### 4. Umbhalisi kanye nePhini Lombhalisi Wabahambi Ngasolwandle

(1) Isigungu seziPhathimandla sizokhetha iziphathimandla ezifanelekayo ngokuhambisana nale Mithethonqubo, ngaphansi kokuqashwa kweSigungu seziPhathimandla ukuba zibe nguMbhalisi kanye nePhini Lombhalisi Wabagcini BaseLwandle.

(2) Ngokungeziwe emisebenzini ebalulwe kuthulusi labo lokuqokwa, uMbhalisi wabasebenza ngolwandle kanye nePhini Lombhalisi Wabagcini Bezolwandle banemisebenzi elandelayo:

(a) Ukukhipha izitifiketi zekhono nokusebenza ngokuhambisana noMthetho;

(b) ukukhipha ukugunyazwa kwezitifiketi ngokuhambisana noMthetho;

(c) ukugcina irejista ye-elektronikhi yazo zonke izitifiketi zamakhono nezobuchwepheshe ezikhishwe noma eziqashelwa ngaphansi koMthetho, kanye nazo zonke izindaba ezibathintayo;

(d) ukwenza ulwazi olutholakalayo ngesimo sezitifiketi zekhono nokusebenza kahle, kufaka phakathi izindaba ezibathintayo, kwezinye iziphathimandla ezinekhono noma amafemu athumela impahla acela ukuqinisekiswa kobuqiniso noma bokuba semthethweni kwezitifiketi ezikhiqizelwe zona;

(e) ukusekela umhloli omkhulu emisebenzini yakhe maqondana nomthethonqubo 5 ngezansi; futhi



(a) qinisekisa ukuthi ukuqeqeshwa, ukuhlolwa kanye nokuqinisekiswa kwabasebenza olwandle kwenziwa ngokulandela izinqubo, izinqubo kanye namazinga wekhwalithi;

(b) aqinisekise ukuthi ukuhlolwa kwezokwelapha kwabasolwandle kwenziwa ngokusebenzisa izinqubo, izinqubo kanye namazinga wekhwalithi;

(c) iqinisekise ukuthi izinjongo ezichaziwe ziyenziwa ngokusebenzisa amalungiselelo okuqapha ahlelekile, kufaka phakathi ukuhlolwa kwangaphakathi kwekhwalithi nokuhlolwa kwangaphandle ngezikhathi ezithile.

(2) Ekusebenziseni uHlelo Lwamazinga Ekhwalithi, Isiphathimandla kufanele—

(a) chaza izinqubomgomo ezenza ukuthi uHlelo Lwamazinga Ekhwalithi lusebenze .;

(b) ichaze, ngaphezu kwenhloso ebekwe kwisigatshana somthethonqubo (1), izinjongo eziningiliziwe zoHlelo Lwamazinga Ekhwalithi;

(c) chaza izindima, izibopho kanye negunya lezikhulu.

(3) Luhlelo Lwemazinga Lekhwalithi kumele lwente Siphatsimandla sikhombise kuchubeka nekuhambisana neMvumelwano ye-STCW nekuhambisana nekucwaningwa kwe-IMSAS, nge—

(a) ukuhlangabezana nezinhloso ezibekwe kwisigatshana somthethonqubo (1);

(b) ukuqinisekisa ukuthi ulwazi oludingekayo ukuhambisana neKhodi III lutholakala kalula eMnyangweni Wezokuthutha zingakapheli izinsuku ezinhlano zokusebenza kwesicelo;

(c) ukuqoka izikhulu ngokwemigomo yale Mithethonqubo ezokwenza isiqiniseko sokuthi Uhlelo Lokumiswa Kwamazinga ikulungele—

(i) ukuhlolwa okuzimele njengoba kudingwa Yisivumelwano se-STCW;

(ii) iSikimu sokucwaningwa kwamabhuku se-IMSAS njengoba kudingwa Yisivumelwano se-STCW kanye neKhodi Yesithathu.

(4) Isigungu seziPhathimandla sizokwazisa uMnyango Wezokuthutha ngokuqaliswa koHlelo Lwamazinga Ekhwalithi futhi sizonikeza noma yimiphi imibhalo ecelwe nguMnyango.

## **7. Igunya lamaPhoyisa aqokwe ngaphansi koMthetho noma le Mithethonqubo**

(1) Izikhulu eziyinhloko, noma izikhulu ezifanele, ngokufanele, zinegunya—

(a) sebenzisa Izingxenye 6, 7 no-8 zale Mithethonqubo, kufaka phakathi ukukhishwa kokukhululwa njengoba kudingeka: Kuncike ekutheni uma ukukhishwa kunikezwa eqenjini lemikhumbi, kufanele—

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(i) ikhishwe ngokuya ngokuvumelana koMhloli Oyinhloko futhi ishicilelwe kuGazethi Kahulumeni; futhi

(ii) ucabangele umthelela walokho kukhululwa ekuphepheni kwempilo nempahla olwandle, kanye nokujinjelwa nokulwa nokungcola kolwandle;

(b) ukumisa okwesikhashana, ukukhansela noma ukuhoxisa ukugunyazwa noma ukuvunywa okukhishwe ngaphansi kwale Mithethonqubo.

(2) Abahloli abaphezulu baneGunya loku-

(a) lihlole olunye uhlobo noma insizakalo efanayo yolwandle ehlolelwa njengongamfanele umhloli ngenhloso yokuthola ukuthi iyahlangabezana yini nezidingo 'zemisebenzi yasolwandle egunyaziwe' futhi inqume ukuthi leyo nsizakalo yolwandle ifanelekile kangakanani ukuthola isitifiketi kanye / noma ukuvuselelwa kwesitifiketi kabusha;

(b) lihlole futhi linqume nganoma iyiphi insizakalo ebizwe ukuthi iyinsizakalo 'elinganayo' yokuqinisekisa isitifiketi;

(c) akhiphe isitifiketi sokugunyazwa nokuvunywa ngokuhambisana nale Mithethonqubo, kanye nokumisa, ukukhansela, ukuhoxisa noma ukunweba ukugunyazwa kanye / noma imvume ekhishwe ngaphansi kwale Mithethonqubo;

(d) linqume iziqu kanye nesipiliyoni sabafundisi, abagqogquzeli nabahloli njengoba kungadingeka ngezikhathi ezithile;

(e) sinqume ukufaneleka kwalowo ozongenela ukhetho ukuze ahlolwe ezingeni le-3 ukuze kukhishwe isikhathi sokwengamela; futhi

(f) ubuyekeze inhlawulo efanelekile yenkonzo yasolwandle, noma inhlawulo efanayo, enikezwe umhloli kusukela ekuhlolweni kweZinga 3, kanye nokuziphatha kabi kwalowo obhalisiwe njengoba kubekiwe kuMthethonqubo 20: Kuncike ekutheni—

(i) umphumela wokuhlolwa kwezinga 3 awukwazi ukubuyekezwa;

(ii) ukubuyekeza kungeze kwaholela ekwandisweni kwenhlawulo;

(iii) lapho umhloli ecelwa ukuthi akhokhele enye inhlawulo, leso sijeziso siyoba sesifanele ukuqinisekisa ukuthi lowo obhalisele ukuthola amakhono nolwazi olutholakala luntuleka ngesikhathi sokuhlolwa kwezinga 3.

(3) UMhloli Omkhulu unamandla ahlongozwe kwisigatshana somthethonqubo (2) futhi wenza isinqumo sokugcina ezindabeni ezihlobene nalokho.

(4) Isicelo sokuhlolwa kwezinhlelo zokuqeqesha ezizogunyazwa ngaphansi komthethonqubo 13 sizogunyazwa nguMhloli Omkhulu.

(5) UMhloli oMkhulu, noma umuntu oqokwe nguye, unamandla okwenza izinqumo nganoma yiziphi izindaba eziphathelene nokuhlolwa njengoba kubekiwe kule Mithethonqubo.

(6) Uhlelo Lwamazinga Ekhwalthi, kufanele ligunyaze ukusetshenziswa kwamandla akhulunywa kulo mthethonqubo futhi kufanele luqinisekise ukusetshenziswa kweMithethonqubo ngendlela enobulungiswa.

#### **8. Ukubuyezwa kwezinqumo zomhloli**

(1) Noma yimuphi umuntu ofake isicelo sokuthola isitifiketi ngokuya ngeNgxenye 3 noma ukuvuselelwa kabusha kwanoma yisiphi isitifiketi ngaphansi kweMithethonqubo angacela ukuthi kubuyezwe isinqumo somhloli.

(2) Isicelo sokubuyezwa kwesinqumo ngokwemigomo yomthethonqubo (1) kufanele siqukathe imininingwane ekhombisa ukuthi—

(a) isinqumo besisuselwa kulwazi olungalungile noma olungaphelele; noma

(b) isinqumo besingahambisani nezinqubo nesiqondiso esishicilelwe isiPhathimandla; noma

(c) umhloli ubandlulula lowo obhalisiwe.

(3) UMhloli oMkhulu ofanele uzobuyezwa ukuhlolwa kweZinga 3 futhi, uma enelisekile ukuthi kunezizathu zokubuyezwa kokuhlolwa kabusha.

#### **9. IKomidi Lesilabhasi**

(1) Isigungu seziPhathimandla ngokuhambisana nehlelo olujwayelekile lwekhwalithi, sizosungula ikomidi lohlelo lokufunda—

(a) gcina iKhodi yamaZinga oQeqesho ibukezwa

(b) yeluleke iSigungu seziPhathimandla ezindabeni eziphathelene nokuqeqeshwa, ukuhlolwa nokuqinisekiswa kwabasebenza olwandle.

(3) Ikomidi lesilabhasi lizoba—

(a) umhloli omkhulu ozoba nguSihlalo;

(b) abahloli abaphezulu;

(c) uMbhalisi; futhi

(d) amanye amalungu, amenywe yisigungu seziPhathimandla, okuzoba ngabantu abanolwazi olufanele namava ezindabeni eziphathelele nokufundiswa nokuqeqeshwa kwabasebenza olwandle.

(4) Ikomidi lesilabhasi linga—

(a) icubungule izichibiyelo ezenziwe eMhlanganweni we-STCW, eSivumelwaneni se-STCW-F kanye nanoma yiziphi ezinye izinto ezifanele ngaphambi kokuba izinguquko zenziwe eKhodini Lamazinga Wokuqeqesha;

(b) uphakamise izichibiyelo kule Mithethonqubo;

(5) Isigungu seziPhathimandla, ngezikhathi zonke, singaletha imibiko ekomidini lohlelo mayelana nemisebenzi yakamuva kanye neminingwane yokuhlolwa nokuqinisekiswa kwabasebenza olwandle.

(6) Ikomidi lesilabhasi lizohlangana kabili ngonyaka. I-ajenda yekomidi izobandakanya, kepha ayizukukhawulelwa ku—

(a) ukubuyekezwa nokuchitshiyelwa kweKhodi yamaZinga okuQeqesha;

(b) ukucutshungulwa kwemibiko yoMbhalisi wabasebenza olwandle kanye noMhloli Omkhulu;

(c) noma yiluphi olunye udaba, oluphathelele nokuqeqeshwa, ukuhlolwa kanye nokuqinisekiswa kwabasolwandle, oluvezwe ngamalungu omphakathi.

## INGXENYE 2 - UKUHLOLA

### 10. Isicelo sokuhlola

(1) Zonke izicelo zokuhlolwa nokukhishwa kwesitifiketi noma ukugunyazwa zizokwenziwa ngokuya ngoHlelo Lwamazinga Ekhwalthi Lwesiphathimandla.

(2) Isicelo sokuhlolwa sizohambisana nenkokhiso efanelekile njengoba kubekiwe ekunqumeni Izinkokhelo.

(3) Lapho kudingeka khona ubufakazi bokuzazisa, lobo bufakazi buzoba ngokohlobo lukamazisi waseNingizimu Afrika noma ipasipoti, noma uma kuyisakhamuzi sakwelinye izwe noma isakhamuzi, ipasipoti evumelekile.

(4) Umuntu obhalisile ofake isicelo ngempumelelo sokukhishwa kwesitifiketi noma ukugunyazwa lapho engadingi ukuhlolwa khona kwiZinga 3 anganikezwa isitifiketi ngumhloli oye wahlola leso sicelo. Isitifiketi esinjalo sizoba ngefomethi echazwe uhlelo Lwamazinga Ekhwalthi Legunya.

(5) Isicelo esidinga ukuhlolwa ezingeni lesi-3 siyokwenziwa ezinsukwini eziyi-14 ngaphambi kwezinsuku zokubhala. Amalungiselelo akhethekile okuhlolwa angenziwa nomphathi ofanele wechweba okuzokwenziwa kulo ukuhlolwa. Isigungu seziPhathimandla sizokhipha uhlu lwezindawo nezinsuku zezivivinyo ngezikhathi ezithile.

(6) Esimweni sokungabaza ukufaneleka noma ukwanela kwensiza yokuhlungela lowo ozobhathizwa, lowo ozobhathizwa angaletha udaba lwakhe, oluhambisana nezitifiketi ezifanele zokukhishwa emsebenzini, ubufakazi, amarekhodi okuqeqesha, izitifiketi zokugcinwa kwewashi neminye imibhalo kuyadingeka, ukuze kunqunywe umhloli ofanele noma umhloli omkhulu.

(7) Insizakalo efanelekile izobalwa kusukela ngosuku lokuzibandakanya emkhunjini kuze kube usuku lokukhishwa emkhunjini, futhi ibalwa ngokuthatha izinsuku zangempela phakathi kwezinsuku zokuthembisana nokukhishwa, zombili zifaka phakathi, futhi kubalwa izinsuku ezingama-30 kuye inyanga, izinyanga eziyi-12 kuya onyakeni.

(8) Lapho kudingeka isitifiketi sekhono noma sokusebenza njengengxenye yenqubo yokufaka isicelo, kukhulunywa ngesitifiketi esiphansi kunazo zonke. Umuntu obhalisela ukukhiqiza isitifiketi esiphezulu uthathwa njengofinyelele imfuneko.

(9) Insizakalo efanelekile eyenziwa emikhunjini ekhawulelwe ukusebenza kwamachweba izobalwa ngale ndlela elandelayo:

(a) Ukushintshwa okungenani kwamahora ayisishiyagalombili enziwe ngesikhathi samahora angama-24 kulingana nomsebenzi wosuku olulodwa wokufaneleka.

(b) Uma kusetshenziswe ngaphezu kwamahora ayisishiyagalombili ngosuku olulodwa, lokhu ngeke kubalwe njengezinsizakalo ezifanelekile zosuku olulodwa.

#### **11. Isimemezelo kanye nobufakazi benkonzo efanelekile**

(1) Izitifiketi zokuyekiswa noma incwadi egcwaliswe ngokufanele Irekhodi Labasolwandle izokwamukelwa njengobufakazi obanele benkonzo yasolwandle erekhodwe kuyo.

(2) Ubufakazi bokusebenza emachwebeni noma eminye imikhumbi ehamba ohambweni olufushane buzoba ngendlela nangendlela ebekwe Ohlelweni Lwamazinga Wekhwalthi loMkhandlu.

(3) Umuntu ngamunye ozongenela ukhetho kuyodingeka enze isimemezelo ngomsebenzi ofanelekile, futhi kuzodingeka achaze, ngokubhala, ngokwenelisa umhloli othintekayo, nganoma yisiphi isikhathi sokuyeka ukusebenza kulowo msebenzi.

(4) Insizakalo yolwandle efanelekile eya esitifiketini kufanele yenziwe ngaphambi kweminyaka eyishumi ngaphambi kosuku lokufaka isicelo sesitifiketi esithintekayo.

(5) Ozoqokelwa isitifiketi sokuba semsebenzini wasemkhunjini, lapho kudingeka khona umsebenzi ophethe iwashi, uzokhipha izitifiketi zomsebenzi wokugcinwa kwewashi osayinwe yiUmbusi yemikhumbi asebenze kuyo, ethi usebenze ngokwesikhundla sokugcinwa kokubuka okungenani amahora ayisishiyagalombili kuwo wonke umsebenzi wamahora angama-24 afunwayo.

(6) Ozoqokelwa isitifiketi sokuqala somsebenzi wamaphakethe uyoveza ubufakazi bokugcinwa obusayinwe yiUmbusi yemikhumbi asebenze kuyo.

(7) Umuntu ozobhalisela isitifiketi se-sikhulu Sezobunjiniyela, lapho kudingeka khona umsebenzi ophethe iwashi noma njengonjiniyela oqokiwe, uzokhipha izitifiketi zokugcinwa kwewashi ezisayinwe yinjiniyela abakhulu bemikhumbi asebenze kuyo, esho ukuthi usebenze njengonogada okungenani amahora ayisishiyagalombili kuwo wonke umsebenzi wamahora angama-24 afunwayo noma ubesemsebenzini okungenani amahora angama-24 kuyo yonke insizakalo yamahora angama-72 afunwa emikhunjini enekamelo lenjini elingahleliwe ngezikhathi ezithile.

(8) Ozoqokelwa isitifiketi sokuba ngunjiniyela kufanele—

(a) akhiqize ubufakazi bokugcinwa kokubuka obusayinwe yibo Onjiniyela Abakhulu bemikhumbi asebenze kuyo; futhi

(b) athumele ubufakazi bokuthi usephothule izifundo ezivunyiwe zokuqeqeshwa e- indawo yokusebenzela esikhungweni sokuqeqesha esigunyaziwe. Kodwa-ke, umuntu ozongenela ukhetho oqede ukuqeqeshwa kwezokuhweba okugunyaziwe angafaka isicelo sokukhululwa ezingxenyeni zokuqeqeshwa komhlangano asevele esekuphothulile.

(9) Usizo lwasolwandle olwenziwa ezindaweni zakwamanye amazwe ngaphakathi kwemikhawulo yohambo olusogwini lwaleloya lizwe luzobalwa njengosizo lwasolwandle oluya ngasekunikezelweni kwezitifiketi zasogwini, inqobo nje uma lonke uhambo lwangaphansi kwe-150 NM lubhekwa njengohambo oluseduze nolwandle.

(10) Usizo lwasolwandle olwenziwa ngomkhumbi ongabhalisiwe eRiphabhuliki luzobalwa njengolufanelekile ngaphandle kwalapho isevisi ingakwazi ukuqinisekiswa yisigungu seziPhathimandla.

**12. Usizo lwasolwandle olwenziwa emikhunjini engaqhubeki njalo iya olwandle, noma eqashwe emisebenzini yezimayini**

(1) Ukusebenza okwenziwa emikhunjini engaqhubeki njalo olwandle kuzobalwa ngokugcwele ekutholakaleni kokuthola isitifiketi sesikhulu sasemkhunjini uma isikhathi esichithwe olwandle sikhulu noma silingana nezingxenye ezimbili kwezintathu zesikhathi esiphelele senkonzo yomfakisicelo emkhunjini . Uma isikhathi esichithwa olwandle singaphansi kwengxenye ezimbili kwezintathu, khona-ke isikhathi esisodwa nengxenye isikhathi esisetshenziswe olwandle empeleni siyobalelwa ekusebenzeni okufanelekile.

(2) Isikhathi esichithwe yilowo ozobhaphathizwa emi ngasemkhunjini osakhiwa noma esalungiswa sizobalwa ngokugcwele ukuthola insizakalo yokufaneleka, kodwa angeke seqe ingxenye eyodwa kwezintathu zensizakalo efanelekile edingekayo. Kwabasolwandle ekuqeqeshweni okusheshisiwe, leyo sevisi kungenzeka ingeqi kwikota eyodwa yensizakalo edingekayo.

(a) Esimweni sesitifiketi esikhawulelwe ekusebenzeni kwezimayini, insizakalo yolwandle ibala ngokugcwele ekuhlinzekeni ngemisebenzi efanelekile; futhi

(b) kuzo zonke ezinye izimo-

(i) uma imisebenzi yezimayini yenziwa ngesikhathi sokusebenza kolwandle, insizakalo yolwandle efanelekayo kulowo mkhumbi izolingana nengxenye eyodwa kwezintathu zesikhathi esichithwe kulowo mkhumbi; noma

(ii) uma imisebenzi yezimayini yenziwa isikhathi esingaphansi kokuthathu kokuthathu kwesikhathi, insizakalo yolwandle izolingana nenani lezinsuku ngenkathi umkhumbi wawuzulazula uphindwe izikhathi eziyi-1.5.

(4) Umuntu ozongenela ukhetho ofanelekile ngokuhambisana nomthethonqubo (1) noma (3) uzokhipha isitatimende kumphathi noma umnikazi womkhumbi ngamunye okwenziwa kuwo lo msebenzi, anikeze imininingwane yezinsuku lapho umkhumbi wawuselwandle ukudlula kanye nehange kanye nomsebenzi owawenziwa ngumkhumbi kanye nendawo yokusebenza.

### **13. Ukuqeqeshwa okulingana nenkonzo yolwandle evunyiwe**

(1) Ngokuya ngalo mthetho, Isigungu seziPhathimandla singabheka futhi sigunyaze ukuqeqeshwa kwasolwandle okusekelwe olwandle ukuthi kufane nengxenye yenkonzo yasolwandle maqondana nezitifiketi zekhono ezihlongozwe kumthethonqubo 28, 30 no-51.

(2) Ukwamukelwa koqeqesho lwasolwandle olususelwa ogwini endaweni yengxenye yolwandle evunyelwe okukhulunywa ngayo kumthethonqubo (1) kusebenza kuphela ezinhlelweni zokuqeqesha ezivunyelwe ngaphansi kweNgxenye 4 yale Mithethonqubo futhi lokho kuqeqeshwa kuzoba yingxenye yalolo hlelo lokuqeqesha .

(3) Uqeqesho olusekelwe ogwini lolwandle ngeke lweqe ikota yemisebenzi edingekayo yokugudla ulwandle njengengxenye yohlelo oluvunyiwe lokuqeqesha.

(4) Ukuqeqeshwa kwe-zokulingisa yensiza yasolwandle kungagunyazwa ngokwehlukile ohlelweni lokuqeqesha.

(5) UMhloli oMkhulu uzonquma ukuthi kungakanani ukwamukelwa kokuqeqeshwa kwezinsiza zasolwandle maqondana nayo yonke insizakalo yolwandle edingekayo ukuze athole isitifiketi samakhono. UMhloli Omkhulu uzophinde anqume izilinganiso zokuqashelwa kwensizakalo yolwandle lwe-simulator ebheke kwinsizakalo ejwayelekile yolwandle.

(6) Imininingwane yamalungiselelo enziwe ngaphansi kwalesi simiso kuzobikwa kusenesikhathi kuNobhala-Jikelele we-IMO ozothumela leyo mininingwane kuzo zonke izinhlaka.

### **14. Ukususwa kwemikhawulo yokusebenza kwemayini**

Umnikazi wesitifiketi esikhawulelwe kuMisebenzi Yezimayini ofisa ukususwa kwalowo mkhawulo uzo-

(a) bagcwalise okungenani uhhafu wemisebenzi efanelekile yesitifiketi lowo ofaka isicelo afaka kuso isicelo; futhi

(b) ahlangebazine namazinga wekhono acaciswe kwiKhodi yamaZinga oQeqesho kulesi sitifiketi

**15. Ukufumbathisa, ukukhwabanisa, izezo zomgunyathi, kanye nokumelelwa kabi kolwazi**

(1) Isigungu seziPhathimandla sizophenya zonke izinsolo zokufumbathisa, ukukhwabanisa, ukukhwabanisa nokumelwa ngendlela engeyiyo kwamaphepha, ukuthunyelwa kolwandle kanye neminye imibhalo edingekayo mayelana nezitifiketi zabasebenza olwandle.

(2) Umuntu osebenza olwandle okutholakala ukuthi ukhokhe isifumbathiso ukuze athole imibhalo edingekayo yokuthola isitifiketi uyovinjelwa kunoma yikuphi ukuhlolwa okuya ekuqinisekiseni isikhathi esingangonyaka.

(3) Umuntu osebenza olwandle okutholakala ukuthi wenze incwadi yomgunyathi noma ukukhwabanisa, noma ngemibhalo esetshenziwe ngamabomu etholakala ngomgunyathi noma izezo somgunyathi, uyovinjelwa kunoma yikuphi ukuhlolwa ngaphansi koMthetho isikhathi esingangonyaka.

(4) Umuntu osebenza olwandle ohlinzeka ngemininingwane engamanga mayelana nosizo lwasolwandle, unesibopho sokwenza olunye usizo lwasolwandle olulingana nesevisi yasolwandle edingekayo esitifiketini ayesicelile.

(5) Izinhlawulo ezingenhla zingabekwa nguMhloli ofanele ngesisekelo sobufakazi akodwaholayo.

(6) (a) Umuntu osebenza olwandle angafaka isicelo sokuphikisa isinqumo esenziwe ngokwemigomo yomthethonqubo ngaphansi (5) kuMhloli oMkhulu ofanele.

(b) UMhloli oMkhulu uzobheka isikhalazo esidluliswe ngokwendima (a), abheke noma yiziphi izinto ezinciphisayo futhi anga—

(i) agcine isinqumo soMhloli;

(ii) anciphise inhlawulo ekhishwe nguMhloli;

(iii) sibeke eceleni isinqumo somhloli.

(7) Isigungu seziPhathimandla sizosebenzisana nanoma yiliphi iqembu ku-STCW noma emihlanganweni ye-STCW-F eyeluleka ngenhloso yayo yokuqulwa kwamacala ngaphansi kwegunya lalo lokwephula iZivumelwano ngokumelene nenkampani noma umuntu ongaphansi kwegunya loMkhandlu.

**16. Izitifiketi ezilahlekile, ezilahlekile noma ezilahlekile**

Umbhalisi angakhipha izitifiketi zokufaka esikhundleni uma isicelo senziwe ngumnikazi ngokuya kwesigaba 82 soMthetho.

**17. Ukungameleli kahle insizakalo efanelekayo**

(1) Umuntu ozongenela ukhetho ofanekisela umsebenzi wakhe wokuhlungela ngamabomu uyovunyelwa ukuthola isitifiketi ngokwemigomo yale Mithetho kuze kube wenza noma ikuphi ukuntuleka komsebenzi wokufanelekela kanye nezinyanga eziyi-12 zomsebenzi ofanele.

(2) Umsebenzi owengeziwe owenziwe ngenxa yesigatshana somthethonqubo (1) ngeke ubhekele ukufanelekela kwanoma yisiphi esinye isitifiketi.

**18. Ukuhlola ikhono**

(1) Abafakizicelo abadingekayo ukuhlangabezana nezinga elifanele lekhono elishiwo kwiKhodi yamaZinga oQeqesho bazohlolwa ukuhlangabezana nalelo zinga ezingeni elilodwa noma amaningi alandelayo njengoba isimo sidinga:

(a) Izinga 1: Abafundi abazodinga ukuqedela ukuqeqeshwa esikebheni bazohlolwa emkhunjini ngamaphoyisa afanelekayo, lokhu kuqeqeshwa kuzorekhodwa encwadini yamarekhodi evunyelwe.

(b) Izinga 2: Abafundi abazodinga ukuqedela ukuqeqeshwa okugunyaziwe bazohlolwa kuleli zinga esikhungweni sokuqeqeshwa kwezasolwandle esivunyelwe ukuhlinzeka ukuqeqeshwa.

(c) Izinga 3: Abaqokelwa isitifiketi sekhono, noma yikuphi ukugunyazwa kwesitifiketi sekhono (ngaphandle kweSigaba 4 seNgxenywe 3), noma ukususwa kwanoma yimuphi umkhawulo esitifiketini sekhono kuzohlolwa kuleli zinga indlela yokuhlola ngomlomo ukuhlola ikhono lalowo ozobhalwa emikhakheni yemisebenzi, imisebenzi nezibopho zomthumbi wasolwandle.

(2) Umuntu ozongenela ukhetho uhlangabezana nezindinganiso zamakhono ezichazwe eKhodini Lamazinga Okuqeqesha lapho—

(a) isitifiketi sokusebenza njengesiphathimandla, ngaphandle kwalezo ezingxenyeni 3, isigaba 4, lowo obhalisiwe uhlolwe futhi watholakala enekhono emazingeni 1, 2 no-3;

(b) ngesitifiketi sokusebenza kahle, kanye nesitifiketi sokufaneleka engxenyeni 3, isigaba 4, lowo obhalisiwe uhlolwe futhi watholakala enekhono emazingeni 1 no-2; futhi

(c) ukuthola isitifiketi sokusebenza kahle njengomuntu osebenza ngokudoba olwandle, lowo obhalisiwe uhlolwe futhi kwatholakala ukuthi unekhono ezingeni loku-1.

(3) Umuntu ozobhathizwa okudingeka ahlolwe ezingeni 3 uzotholakala enekhono emazingeni aphantsi, ngaphambi kokuba ahlolwe ezingeni le-3.

**19. Ukuhlolwa kwamaphepha okubhala abhaliwe**

(1) Lo Mthethonqubo usebenza ezivivinyweni ezibhaliwe eziyingxenye yokuhlola ezingeni 2 lezitifiketi zekhono ezihlanganiswe yile Mithetho.

(2) Ukuhlolwa kwamaphepha okubhala abhalwe phansi kuzohambisana noHlelo Lwamazinga Ekhwalthi Leziphathimandla.

(3) Ezifundweni zezifundo ezibandakanya imisebenzi yokuhamba, ubunjiniyela basolwandle kanye nokulawula ukusebenza nokunakekelwa kwabantu abasemkhunjini (kuphela izinto zokuzinza komkhumbi nokwakha) uphawu lokugcina lokuphasa ngeke lube ngaphansi kuka-60%. Kuzo zonke ezinye izifundo, umaki wokuphasa wokugcina ngeke ube ngaphansi kuka-50%.

(4) Uma kuba nokungabaza ngamaki wokugcina womfundi, isinqumo somhloli ophakeme ofanele siyoba ngesokugcina.

**20. Ukuhlolwa kwezinga 3**

(1) Zonke izitifiketi ezikhishwe ngaphansi kweNgxenye 3 Yezigaba 1, 2, 3, 5, 6 no-7 zale Mithethonqubo zizohlolwa ezingeni 3.

(2) Ukuhlola kuzokwenziwa ngumhloli lapho kukhona umhloli ngokuhambisana Uhlelo Lwamazinga Ekhwalthi Legunya.

(3) Umuntu ozongenela ukhetho ohlolelwa isikhathi sokwenziwa komsebenzi uzohlolwa ngokuya ngesitifiketi esikhishelwa leso sikhathi. Ukuhlololwa isikhathi kungabandakanya noma kube ukuhlolwa okusebenzayo kuphela.

(4) Umhloli uzokhipha isitifiketi kumuntu obhalisiwe ohlolwe njengonekhono futhi ohambisana nazo zonke izidingo zesitifiketi njengoba kubekiwe Uhlelo Lwamazinga Ekhwalthi Legunya.

(5) Uma umuntu obhalwayo ehlolelwa njengamanje ukuthi akanamakhono, umhloli uzonikeza lowo obhalisiwe imiphumela ebhaliwe njengoba kubekiwe Uhlelo Lwamazinga Ekhwalthi Legunya.

(6) Uma umuntu obhaliswayo ehlolelwa bese ethola ukuthi akakabi namandla ngenxa yokushoda okukhulu kolwazi lomfundi, umhloli angadinga ukuthi lowo ozongenela ukhetho aqedele esinye isikhathi semisebenzi efanelekile yokufaneleka, engadluli izinyanga eziyisithupha, ngaphambi kokufaka isicelo isitifiketi esithintekayo.

(7) Uma umuntu ozongenela ukhetho, ngaphandle kwesizathu esizwakalayo, ehluleka ukuvela ngesikhathi nasendaweni ebekiwe, umhloli uzobheka lowo ozobhathizwa njengongakafaneleki ngokwenzekile.

**21. Ulwazi lwesiNgisi**

(1) Ukuze uthole isitifiketi sokuba umphathi omkhulu noma womkhumbi, umuntu ozongenela ukhetho uzoba nomyalo wesiNgisi ofanele ekukhipheni kahle imisebenzi ejwayelekile kanye neyezimo eziphuthumayo ezihambisana nesitifiketi esithintekayo.

## INGXENYE 3- IZIDINGO ZESIQINISEKISO

### I-Isigaba 1 - Izitifiketi zesikhulu sedokodo

#### 22. Ukusebenza kwemayini kanye nemikhawulo yokusebenza komkhumbi ongahwebeli

(1) Uma ngaphezu kwesigamu somsebenzi wokuhlungela ukuthola izitifiketi okukhulunywe ngaye kulesi sigaba wakhiwe ngemisebenzi yasolwandle eyenziwa emikhunjini eqashwe emisebenzini yezimayini ehlongozwe kumthethonqubo 14 isitifiketi esithintekayo sizonqunyelwa imisebenzi yezimayini.

(2) Uma ngaphezulu kwengxenye yensiza efanelekayo yomfundi yokuthola isitifiketi okukhulunywe ngayo kulesi sigaba yakhiwe ngemisebenzi yasolwandle eyenziwa emikhunjini engenzi imisebenzi yokuhweba, isitifiketi esithintekayo siyonqunyelwa ohambweni lwemikhumbi okungeyona eyokuhweba

#### 23.I-Umbusi (Ibanga Elikhethekile)

Ukuthola isitifiketi sokufaneleka njenge-Umbusi (ibanga elikhethekile), umuntu ozobhathizwa uyobe eseqedile ukuqeqeshwa okugunyaziwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi Sitifiketi.

#### 24. Mphathi

Ukuthola isitifiketi sekhono njengomphathi—

(a) ozobhalwa aphephe isitifiketi sokusebenza njengomphathi omkhulu—

(i) uqede okungenani izinyanga ezingama-24 zesevisi yasolwandle, okuyizinyanga eziyi-12 ezinikezwa amandla omlingani omkhulu emikhunjini yokuhweba ye-1600 GT noma ngaphezulu ohambweni olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa aphephe isitifiketi sokusebenza njengesikhulu esiphethe iwashi lokuzulazula, noma umlingani omkhulu—

(i) uqede izinyanga ezingama-36 esebenza olwandle njengesikhulu esiphethe iwashi lokuzulazula emikhunjini yokuhweba ye-1600 GT noma ngaphezulu ohambweni olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho egunyaziwe futhi bahlangabezana namazinga wekhono abekwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

**25. Umlingani Omkhulu**

Ukuthola isitifiketi sekhono njengomphathi omkhulu, ozobhaliswa uzobamba isitifiketi sokusebenza njengesikhulu esiphethe iwashi lokuzulazula futhi -

(a) baqede okungenani izinyanga eziyi-12 zenkonzo yasolwandle njengesikhulu esiphethe iwashi lokuhamba ngemikhumbi yokuhweba ye-1 600 GT noma ngaphezulu ohambweni olungenamkhawulo; futhi

(b) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga obuchule abekiwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

**26.I-Umbusi (<3 000 GT)**

Ukuthola isitifiketi sokufaneleka njenge-Umbusi (<3 000 GT) -

(a) ozobhalwa apethe isitifiketi njengomphathi omkhulu noma umlingani omkhulu (<3 000 GT) kufanele—

(i) uqede okungenani izinyanga ezingama-24 zesevisi yasolwandle, okuyizinyanga eziyi-12 ezinikezwa amandla omlingani omkhulu emikhunjini yokuhweba ye-500 GT noma ngaphezulu ohambweni olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa apethe isitifiketi njengesikhulu esiphethe iwashi lokuzulazula, umlingani omkhulu noma umlingani omkhulu (<3000 GT) -

(i) uqedele ukusebenza olwandle izinyanga ezingama-36 njengesikhulu esiphethe iwashi lokuzulazula emikhunjini yokuhweba ye-500 GT noma ngaphezulu ohambweni olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga wekhono abekwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

**27. Umlingani omkhulu (<3 000 GT)**

Ukuthola isitifiketi sokusebenza njengomlingani oyinhloko womkhumbi ongaphansi kuka-3 000 GT ohambweni olungenamkhawulo, umuntu ozongenela ukhetho uzobamba isitifiketi sokusebenza njengesikhulu esiphethe iwashi lokuzulazula futhi -

(a) baqede okungenani izinyanga eziyi-12 zenkonzo yasolwandle njengesikhulu esiphethe iwashi lokuhamba ngemikhumbi yokuhweba ye-500 GT noma ngaphezulu ohambweni olungenamkhawulo; futhi

(b) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

#### 28. Isikhulu Esiphethe Ukubuka Kwezokuhamba

Ukuthola isitifiketi sokufaneleka njengomphathi wedeski—

(a) ozongenela ukhetho kuleli zinga ngaphandle koqeqesho olusheshayo -

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinsizakalo zasolwandle zezinyanga ezingama-36 emnyangweni wemikhumbi ekuhwebeni ngemikhumbi engama-500 GT noma ngaphezulu ohambweni olungenamkhawulo;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemkhunjini okulotshwe encwadini yemibhalo evunyelwe yemfundo noqeqesho;

(iv) asebenze, ngesikhathi senkonzo yasolwandle edingekayo, imisebenzi yokugcinwa kwebhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(v) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozongenela ukhetho kuleli zinga elandela ukuqeqeshwa okusheshisiwe—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani abe nezinyanga eziyishumi nambili zenkonzo yasolwandle emnyangweni wamapulangwe emikhunjini yokuhweba engama-500 GT noma ngaphezulu ohambweni olungenamkhawulo njengengxenye yohlelo lokuqeqesha olusheshisiwe olugciniwe olubhalwe encwadini yamarekhodi yemfundo noqeqesho evunyiwe;

(iii) asebenze, ngesikhathi senkonzo yasolwandle edingekayo, imisebenzi yokugcinwa kwebhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) usephothule imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

#### 29.I-Umbusi (<500 GT eduze nogu)

Ukuthola isitifiketi sokufaneleka noma sokuvunywa njengomphathi (<500 GT eduze nogu), ozobhaliswa uzobamba isitifiketi sokusebenza njengephoyisa eliphethe iwashi lokuzulazula (<500 GT okuseduze nogu noma okungenamkhawulo), futhi uzokwenza lokhu—

(a) okungenani ube neminyaka engama-20 ubudala;

(b) uqede okungenani izinyanga eziyi-12 zenkonzo yasolwandle njengesikhulu esiphethe iwashi lokuzulazula emikhunjini yokuhweba ye-100 GT noma ngaphezulu kunoma yiluphi uhambo lwasolwandle; futhi

(c) sebeqedile imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga wekhono abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

30. Isikhulu esiphethe iwashi lokuzulazula (<500 GT eduze nogu)

Ukuthola isitifiketi sekhono njengomlingani (<500 GT eduze nogu) –

(a) ozongenela ukhetho kuleli zinga ngaphandle koqeqesho olusheshayo -

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinsizakalo zasolwandle zezinyanga ezingama-36 emnyangweni wemikhumbi ekuhwebeni ngemikhumbi eyi-100 GT noma ngaphezulu kunoma iluphi uhambo lwasolwandle;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemikhunjini okubhalwe encwadini yokurekhoda evunyiwe;

(iv) asebenze, ngesikhathi senkonzo yasolwandle edingekayo, imisebenzi yokugcinwa kwebhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(v) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe eKhodini lamaZinga oQeqesho lwalesi sitifiketi;

(b) ozongenela ukhetho kuleli zinga elandela ukuqeqeshwa okusheshisiwe—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani ibe nezinyanga eziyishumi nambili zesevisi yasolwandle emnyangweni wedonki ngemikhumbi yokuhweba engama-500 GT noma ngaphezulu ohambweni olungenamkhawulo njengengxenye yohlelo lokuqeqesha olusheshisiwe olufaka phakathi ukuqeqeshwa okusemikhunjini okulotshwe encwadini yokurekhoda evunyiwe;

(iii) asebenze, ngesikhathi senkonzo yasolwandle edingekayo, imisebenzi yokugcinwa kwebhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) usephothule imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

31.I-Umbusi (<200 GT eduzane nasogwini)

Ukuthola isitifiketi sokufaneleka noma sokuvunywa njengomphathi (<200 GT eduze nogu), ozobhaliswa uzobamba isitifiketi sokusebenza njengephoyisa eliphethe iwashi lokuzulazula (<200 GT okuseduze nogu noma okungenamkhawulo ), futhi -

(a) okungenani ube neminyaka engama-20 ubudala;

(b) uqede okungenani izinyanga eziyi-12 zenkonzo yasolwandle njengesikhulu esiphethe iwashi lokuzulazula emikhunjini yokuhweba ye-25 GT noma ngaphezulu kunoma iluphi uhambo lwasolwandle; futhi

(c) sebeqede imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga wekhono ashiwo kwiKhodi yamaZinga oQeqesho yalesi Sitifiketi.

## **U-Isigaba 2 - Izitifiketi Zezisebenzi ZaseDeki (Ukusebenza Kwetheku)**

### **32.I-Umbusi (imisebenzi yetheku)**

Ukuthola isitifiketi sekhono noma sokuvunywa njenge-Umbusi (imisebenzi itheku) -

(a) ozobhalwa aphephe isitifiketi sokufaneleka njengomphathi (<1 600 GT itheku liyasebenza) uyo-

(i) okungenani abe neminyaka engama-20 ubudala;

(ii) uqede okungenani izinyanga eziyisithupha umsebenzi wokusebenza kwamachweba njengesikhulu esiphethe iwashi lokuzulazula noma umphathi wemikhumbi yokusebenza echwebeni engu-1 000 GT noma ngaphezulu; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwikhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa aphephe isitifiketi sokusebenza njengo-Ukapteni (<200 GT itheku) —

(i) okungenani abe neminyaka engama-20 ubudala;

(ii) aqede okungenani izinyanga eziyi-12 zesevisi yokusebenza kwechweba njengesikhulu esiphethe iwashi lokuzulazula emikhunjini yokusebenza kwetheku ye-1600 GT noma ngaphezulu; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwikhodi yamaZinga oQeqesho yalesi sitifiketi;

(c) umuntu ozongenela ukhetho ophethe isitifiketi sokugcinwa kwebhuloho lasolwandle ngokugunyazwa ngomyalo kufanele—

(i) ngibe nobufakazi bokuba ngumkhuzi esikebheni somkhumbi waseNingizimu Afrika wamamitha angama-24 isikhathi esiyizinyanga eziyisithupha noma ngaphezulu nezinyanga eziyisithupha sisevisi yokuqapha ibhuloho emikhunjini yokuhweba ye-100 GT noma ngaphezulu ohambweni lwasolwandle olungenamkhawulo ngaphansi kokulawulwa umphathi wezokuqapha; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga wekhono abekwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

**33.I-Umbusi (<1 600 GT theku theku)**

Ukuthola isitifiketi sekhono njenge- Umbusi (<1 600 GT itheku liyasebenza), umuntu ozongenela ukhetho—

(a) okungenani ube neminyaka engama-20 ubudala;

(b) uqede okungenani izinyanga eziyi-12 zokuhlizeka ngemisebenzi yamachweba ngaphansi kweso lomlawuli wemikhumbi yemikhumbi ye-100 GT noma ngaphezulu; ngenkathi ubambe ubuncane isitifiketi sokusebenza njengo-Ukapteni (<200 GT itheku); futhi

(c) sebeqedile imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga wekhono abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

**34.UUkapteni (<200 GT theku theku)**

Ukuthola isitifiketi sokusebenza njengo Ukapteni (itheku) -

(a) ozongenela ukhetho kuleli zinga—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinyanga eziyishumi nambili zesevisi yasolwandle emnyangweni wedonki kunoma yimiphi imikhumbi elandelayo ye-25 GT noma ngaphezulu-

(aa) imikhumbi yolwandle;

(bb) imikhumbi yokudoba;

(cc) imikhumbi yokusebenza echwebeni; noma

(dd) imikhumbi yasolwandle yamamitha ayi-14 noma ngaphezulu ngobude;

(iii) asebenze, ngesikhathi senkonzo yasolwandle edingekayo, imisebenzi yokugcinwa kwebhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) usephothule imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

(b) ikhandidethi eliphethe iSitifiketi Sokusebenza njengoGwini Ukapteni  $\geq 9$  m noma iUkapteni Phesheya kwezilwandle  $\geq 9$  m kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinsizakalo eziyisishiyagalolunye zolwandle olwandle emnyangweni wedonki kunoma yimiphi imikhumbi elandelayo ye-25 GT noma ngaphezulu-

(aa) imikhumbi yolwandle;

(bb) imikhumbi yokudoba;

(cc) imikhumbi yokusebenza echwebeni; noma

(dd) imikhumbi yasolwandle yamamitha ayi-14 noma ngaphezulu ngobude; futhi

(ii) asebenze, ngesikhathi senkonzo yasolwandle edingekayo, imisebenzi yokugcinwa kwebhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

### **Isigaba 3 - Izitifiketi Zokusebenza Komphele (Ukudoba)**

#### **35.Ukudoba ngamathumbi**

Ukuthola isitifiketi sekhono lokudoba ngesikebhe ( $\geq 24$  m amanzi angenamkhawulo) -

(a) ozobhalwa apethe isitifiketi sokusebenza njengephoyisa elipethe ukudoba iwashi lokuzulazula ( $\geq 24$  m Amanzi angenamkhawulo) -

(i) okungenani abe nezinyanga eziyishumi nambili ezisebenza olwandle njengesikhulu esipethe iwashi lokuzulazula lomkhumbi wokudoba onamamitha ayi-18 noma ngaphezulu ohambweni lokudoba olwandle olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi;

(b) ozobanjwa apethe isitifiketi sokukwazi ukudoba Ukapteni ( $< 24$  m angenamkhawulo amanzi) noma Ukapteni Ukudoba ( $\geq 24$  m amanzi alinganiselwe ) -

(i) okungenani anezinsizakalo eziyisithupha zasolwandle njengesiphathimandla esibhekele ukubukwa kwezikebhe zomkhumbi wokudoba onamamitha ayi-18 noma ngaphezulu ohambweni lokudoba olwandle olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi;

(c) ozobhalwa apethe isitifiketi sekhono esikhishwe ngokweSigaba 1 sale Ngxenye—

(i) ngibe nesitifiketi sokusebenza njengesikhulu, okungenani izinyanga eziyi-12 sisebenza olwandle njengesikhulu esiphethe iwashi lokuzulazula, okungenani izinyanga eziyisithupha sichithwa emikhunjini yokudoba eyi-18 m noma ubude obude kunoma yiluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho egunyaziwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

### **36.Ukudoba ngesikebhe ( $\geq 24$ m Amanzi Anomkhawulo)**

Ukuthola isitifiketi sekhono lokudoba ngesikebhe ( $\geq 24$  m Amanzi angenamkhawulo) -

(a) ozobhalwa apethe isitifiketi sokusebenza njengesikhulu esiphethe ukudoba iwashi lasolwandle ( $\geq 24$  m Amanzi angenamkhawulo) -

(i) okungenani abe nezinyanga eziyishumi nambili zokusebenza olwandle njengesikhulu esiphethe iwashi lokuzulazula lomkhumbi wokudoba onamamitha ayi-18 noma ngaphezulu kunoma iluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi;

(b) ozobhalwa apethe isitifiketi sokukwazi ukudoba ngamakhumbi ( $< 24$  m Amanzi angenamkhawulo) -

(i) okungenani anezinsizakalo eziyizinyanga eziyisithupha zolwandle njengesikhulu esiphethe iwashi lokuzulazula lomkhumbi wokudoba onamamitha ayi-18 noma ngaphezulu kunoma iluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi;

(c) ozobhalwa apethe isitifiketi sekhono esikhishwe ngokweSigaba 1 sale Ngxenye—

(i) ngibe nesitifiketi sokusebenza njengesikhulu, okungenani izinyanga eziyi-12 sisebenza olwandle njengesikhulu esiphethe iwashi lokuhamba, okungenani izinyanga eziyisithupha sichithwa emikhunjini yokudoba eyi-18 m noma ubude obude kunoma yiluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

**37. Isikhulu Esiphethe Ukudoba Kwewashi Lokuzulazula ( $\geq 24\text{m}$  Unlimited Waters)**

Ukuthola isitifiketi sokufaneleka njengomphathi wedeski—

(a) ozongenela ukhetho kuleli zinga ngaphandle koqeqesho olusheshayo -

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinyanga ezingama-24 zesevisi yasolwandle emnyangweni womkhumbi womkhumbi wokudoba ongama-18 m noma ngaphezulu ubude ohambweni lokudoba olwandle olungenamkhawulo;

(iii) asebenze, ngesikhathi sesevisi edingekayo yokudoba olwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha futhi wathola isitifiketi sokuqondisa; futhi

(iv) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezinga lamakhono elichazwe eKhodini lamaZinga oQeqesho lalesi sitifiketi;

(b) ozongenela ukhetho kuleli zinga ekuqeqeshweni okuphuthumayo kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani ibe nezinyanga eziyishumi nambili zenkonzo yasolwandle emnyangweni wemikhumbi womkhumbi wokudoba ongama-18 m noma ngaphezulu ubude ohambweni lokudoba olwandle olungenamkhawulo, njengengxenywe yohlelo olusheshayo lokuqeqesha olubhalwe encwadini yokurekhoda yemfundo nokuqeqeshwa;

(iii) asebenze, ngesikhathi sesevisi edingekayo yasolwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi:

(c) ozobhalwa apethe isitifiketi sokusebenza njengephoyisa eliphethe ukudoba okubuka umkhumbi ( $< 24\text{ m}$  ) noma ( $\geq 24\text{m}$  Amanzi Anqunyelwe) -

(i) okungenani anezinsizakalo eziyisithupha zasolwandle njengesikhulu esiphethe iwashi lokuhamba ngemikhumbi elingamamitha ayi-18 noma ngaphezulu ohambweni lwasolwandle olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

**38. Isikhulu Esiphethe Ukubuka Kwezokuhamba ukudoba ( $\geq 24$  m Amanzi Anqunyelwe )**

Ukuthola isitifiketi sokufaneleka njengomphathi wedeski—

(a) ozongenela ukhetho kuleli zinga ngaphandle koqeqesho olusheshayo -

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinyanga ezingama-24 zesevisi yasolwandle emnyangweni womkhumbi womkhumbi wokudoba onamamitha ayi-18 noma ngaphezulu kunoma iluphi uhambo lokudoba olwandle;

(iii) asebenze, ngesikhathi sesevisi edingekayo yokudoba olwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha futhi wathola isitifiketi sokuqondisa; futhi

(iv) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezinga lamakhono elichazwe eKhodini lamaZinga oQeqesho lalesi sitifiketi;

(b) ozongenela ukhetho kuleli zinga ekuqeqeshweni okuphuthumayo kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani ibe nezinyanga eziyishumi nambili zensizakalo yasolwandle emnyangweni wemikhumbi womkhumbi wokudoba ongama-18 m noma ngaphezulu ubude kunoma iluphi uhambo lokudoba olwandle, njengengxenywe yohlelo olusheshayo lokuqeqesha olubhalwe encwadini yemibhalo evunyelwe yemfundo nokuqeqeshwa;

(iii) asebenze, ngesikhathi sesevisi edingekayo yasolwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezinga lamakhono elichazwe eKhodini lamaZinga oQeqesho lalesi sitifiketi;

(c) ozobhalwa aphethe isitifiketi sokusebenza njengeSikhulu Esiphethe Ukudoba Ukubuka Kwezokuhamba ( $< 24$  m) -

(i) okungenani anezinsizakalo eziyisithupha zasolwandle njengesikhulu esiphethe iwashi lokuhamba ngemikhumbi elingamamitha ayi-18 noma ngaphezulu kunoma iluphi uhambo lwasolwandle; futhi

(i) baqede imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

**39. Ukudoba Ngomphebeji (<24 m Amanzi Angenamkhawulo)**

Ukuthola isitifiketi sekhono lokudoba ngamakhumbi (<24 m angenamkhawulo amanzi) -

(a) ozobhalwa aphephe isitifiketi sokusebenza njengoMphathi Ophethe Ukudoba Ukubuka Kwezokuhamba (<24 m angenamkhawulo amanzi) uyo-

(i) okungenani abe nezinyanga eziyishumi nambili zenkonzo yasolwandle njengesiphathimandla esibhekele ukubukwa kokuzulazula komkhumbi wokudoba onamamitha ayi-12 noma ngaphezulu ohambweni lokudoba olwandle olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho egunyaziwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Okuqeqesha lalesi sitifiketi:

(b) ozobanjwa aphephe isitifiketi sokukwazi ukudoba Ukapteni <24 m

(i) okungenani abe nezinyanga eziyishumi nambili zenkonzo yasolwandle njengesiphathimandla esibhekele ukubukwa kokuzulazula komkhumbi wokudoba onamamitha ayi-12 noma ngaphezulu ohambweni lokudoba olwandle olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi;

(c) ozobhalwa aphephe isitifiketi sekhono esikhishwe ngokweSigaba 1 sale Ngxenyeye—

(i) ngibe nesitifiketi sekhono njengenkosi (<200 GT eduze nogu ), okungenani izinyanga eziyisithupha zenkonzo yasolwandle njengesikhulu esiphethe iwashi lokuzulazula lomkhumbi wokudoba ongama-12 m noma ngaphezulu ubude kunoma yiluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

**40. Ukudoba Ngompetha (<24 m Amanzi Anomkhawulo)**

Ukuthola isitifiketi sekhono lokudoba ngamakhumbi (<24 m amanzi alinganiselwe ) -

(a) ozobhalwa aphephe isitifiketi sokusebenza njengoMphathi Ophethe Ukudoba Ukubuka Kwezokuhamba (<24 m) uyo-

(i) sinesitifiketi sokusebenza njengokudoba esikhumulweni semikhumbi (ubuncane bamamitha angama-24), okungenani izinyanga eziyi-12 sisebenza olwandle njengesikhulu esibhekele ukubukwa kokuzulazula komkhumbi wokudoba ongama-12 m noma ngaphezulu ubude kunoma yiluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhadini Lamazinga Wokuqeqesha lalesi sitifiketi;

(b) umuntu ozobanjwa aphele isitifiketi sokusebenza esikhishwe ngokweSigaba 1 sale Ngxenye kufanele—

(i) ngibe nesitifiketi sekhono njengenkosi (<200 GT eduzane nogu), okungenani, izinyanga eziyisithupha, ngisebenza olwandle njengesikhulu esiphethe

iwashi lokuzulazula lomkhumbi wokudoba onobude obungamamitha ayi-12 noma ngaphezulu kunoma iluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhadini Lamazinga Wokuqeqesha lalesi sitifiketi.

**41. Isikhulu Esiphethe Ukudoba Kwewashi Lokuzulazula (<24 m Ngaphandle kokuthi Amanzi )**  
Ukuthola isitifiketi sokufaneleka njengomphathi wedeski—

(a) ozongenela ukhetho kuleli zinga ngaphandle koqeqesho olusheshayo -

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinsizakalo zasolwandle izinyanga ezingama-24, kunoma yisiphi isikhundla emnyangweni wesikebhe somkhumbi wokudoba onamamitha ayi-12 noma ngaphezulu ohambweni lokudoba olwandle olungenamkhawulo, futhi uqedele incwadi yokurekhoda esemkhunjini evunyelwe;

(iii) asebenze, ngesikhathi sesevisi edingekayo yasolwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezinga lamakhono elichazwe eKhadini lamaZinga oQeqesho lalesi sitifiketi;

(b) ozongenela ukhetho kuleli zinga elandela ukuqeqeshwa okusheshisiwe—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani abe nezinyanga eziyishumi nambili zenkonzo yasolwandle emnyangweni wemikhumbi womkhumbi wokudoba ongama-12 m noma ngaphezulu ubude ohambweni lokudoba olwandle olungenamkhawulo, uqede ukuqeqeshwa njengengxenye yohlelo olusheshayo lokuqeqesha olubhalwe emfundweni nasekuqeqeshweni okugunyaziwe incwadi yokuqopha;

(iii) asebenze, ngesikhathi sesevisi edingekayo yasolwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezinga lamakhono elichazwe eKhodini lamaZinga oQeqesho lalesi sitifiketi;

(c) ozobhalwa aphephe isitifiketi sokusebenza njengephoyisa eliphethe Ukudoba Ukubuka Kwezokuhamba (<24 m Amanzi Anqunyelwe) -uzo—

(i) okungenani anezinsizakalo eziyisithupha zasolwandle njengesikhulu esiphethe iwashi lokuhamba ngemikhumbi elingamamitha ayi-18 noma ngaphezulu ohambweni lwasolwandle olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi;

(d) ozobhalwa aphephe isitifiketi sokusebenza njengokapteni osolwandle  $\geq 9$  m kufanele—

(i) okungenani abe nezinyanga eziyishumi nanhlanu esebenza olwandle njengesikhulu esiphethe iwashi lokuzulazula lomkhumbi wokudoba onamamitha ayi-12 noma ngaphezulu ohambweni lokudoba olwandle olungenamkhawulo; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

**42. Isiphathimandla Esiphethe Ukudoba Kwewashi Lokuzulazula (<24 m Amanzi alinganiselwe)** Ukuthola isitifiketi sokufaneleka njengomphathi wedeski—

(a) ozongenela ukhetho kuleli zinga ngaphandle koqeqesho olusheshayo -

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinsizakalo zasolwandle izinyanga ezingama-24, kunoma yisiphi isikhundla eMnyangweni Wendawo Yokudoba yomkhumbi wokudoba wamamitha ayi-12 noma ngaphezulu kunoma yiluphi uhambo lokudoba olwandle, futhi uqedile incwadi yokurekhoda yokuqeqeshwa evunyelwe;

(iii) asebenze, ngesikhathi sesevisi edingekayo yasolwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezinga lamakhono elichazwe eKhodini lamaZinga oQeqesho lalesi sitifiketi;

(b) ozongenela ukhetho kuleli zinga elandela ukuqeqeshwa okusheshisiwe—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani abe nezinyanga eziyishumi nambili zenkonzo yasolwandle emnyangweni wemikhumbi womkhumbi wokudoba onamamitha ayi-12 noma ngaphezulu ubude kunoma iluphi uhambo lokudoba olwandle, uqedile ukuqeqeshwa njengengxenywe yohlelo olusheshayo lokuqeqesha olubhalwe emfundweni nasekuqeqeshweni okugunyaziwe incwadi yokuqopha;

(iii) asebenze, ngesikhathi sesevisi edingekayo yasolwandle, imisebenzi yokugcinwa kwamabhuloho ngaphansi kweso lesiphathimandla esiqinisekisiwe okungenani izinyanga eziyisithupha; futhi

(iv) usephothule imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezinga lamakhono elichazwe Amazinga Wokuqeqesha Khodi lalesi sitifiketi;

(c) ozobhalwa apethe isitifiketi sokufaneleka njenge-Ukapteni yasogwini  $\geq 9$  m kufanele-

(i) okungenani abe nezinyanga eziyishumi nesishiyagalombili ezisebenza olwandle njengesikhulu esiphethe iwashi lokuzulazula lomkhumbi wokudoba onamamitha ayi-12 noma ngaphezulu kunoma iluphi uhambo lokudoba olwandle; futhi

(ii) abaphothule imfundo noqeqesho egunyaziwe futhi bahlangabezana nezinga lamakhono elichazwe Kumazinga Wokuqeqesha Khodi kulesi sitifiketi

## Isigaba 4- Izitifiketi Zokusebenza Kwomsakazo

### 43. Abasebenza ngomsakazo weGMDSS

(1) Wonke umuntu ophethe noma owenza imisebenzi yomsakazo emkhunjini okudingeka ukuthi abambe iqhaza kwi-GMDSS uzobamba isitifiketi esifanele esiphathelene ne-GMDSS, esikhishwe noma esaziwa yiGunya ngokulawulwa yizimiso zeRadio Imithethonqubo.

(2) Abaqokelwe ukuthola isitifiketi sokusebenza ngaphansi kwalesi sigaba, sokusebenzela umkhumbi okumele kufakelwe umsakazo ngokweSivumelwano Sezokuphepha, kufanele—

(a) okungenani ube neminyaka eyi-18;

(b) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi

(3) Abazongenela ukhetho abahlongozwe kwisigatshana somthethonqubo (2), ngemuva kokwenza izinqubo ezifanele zemfundo noma zokuqeqesha njengoba kubekiwe Ohlelweni Lwamazinga Esezingeni lesitifiketi ngasinye, bangathola izitifiketi ezilandelayo:

(a) Isitifiketi se-GMDSS sokuqala somsakazo se-elektronikhi;

(b) isitifiketi se-GMDSS sesigaba sesibili se-elektronikhi;

(c) Isitifiketi somhlinzeki jikelele se-GMDSS.

### 44. Abasebenza emsakazweni

(1) Wonke umuntu ophethe noma owenza imisebenzi yomsakazo emkhunjini ongadingeki ukuthi ahambisane nezinhlizeko zeGMDSS eSahlukweni IV seSivumelwano Sokuphepha uzobamba isitifiketi esifanele esikhishwe noma semukelwe yiGunya ngokulawulwa yiMithethonqubo yeRadio .

(2) Abaqokelwe ukuthola isitifiketi sokusebenza ngaphansi kwalesi sigaba sokusebenzela umkhumbi, okumele babe nokufakwa komsakazo, bazo—

(a) okungenani ube neminyaka eyi-16;

(b) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

(3) Abazongenela ukhetho abahlongozwe kwisigatshana somthethonqubo (2), ngemuva kokwenza izinhlelo ezifanele zemfundo noma zokuqeqesha njengoba kubekiwe Ohlelweni Lokumiswa Kwamazinga esitifiketi ngasinye, bangathola izitifiketi ezilandelayo:

(a) Isitifiketi sebanga elide;

(b) isitifiketi sebanga elifushane.

## Isigaba 5 - Isikhulu Sonjiniyela (Imikhumbi Yomthengisi)

### 45. Ukugunyazwa Kwentuthu kwezikhulu Zonjiniyela

(1) Izikhulu ezingonjiniyela ezifisa ukunikezwa izitifiketi nokuvunyelwa ukuba zisebenze emikhunjini yemikhumbi efakwe imishini eyinhloko yokuhambisa ngamandla umusi kufanele, ngaphezu kwezimfuneko ezikumthethonqubo wama-47 kuya kowama-52, zihlangabezane nalezi zidingo ezilandelayo:

(a) Isikhulu esiphethe iwashi lobunjiniyela ngesikhathi sokufaka isicelo sokuhlolwa kwezinga 3 lesitifiketi, kufanele—

(i) njengengxenywe yemisebenzi yolwandle edingekayo ngenkathi kuhlelo lokuqeqeshwa olusheshayo, asebenze ngale ndlela elandelayo:

(aa) Izinyanga ezine zivume insizakalo yolwandle emnyangweni wezinjini emikhunjini yamandla kagesi angama-750 kW;

(bb) izinsizakalo zasolwandle ezivunyelwe izinyanga ezine zenza imisebenzi yokuqapha egumbini lenjini lomkhumbi wemoto;

(cc) izinsizakalo ezine zasolwandle ezigunyaziwe ezenza imisebenzi yokuqapha egumbini lenjini lomkhumbi oshisayo;

(ii) njengengxenywe yohlelo oludingekayo lwasolwandle olungalandeli uhlelo lokuqeqeshwa olusheshayo, njengengxenywe yomsebenzi wabo wasolwandle olugunyaziwe lwenkonzo yezolwandle izinyanga eziyisithupha abenza imisebenzi yokulinda egumbini lenjini umkhumbi wesitimu.

(b) Ophethe isitifiketi sokusebenza njengeSikhulu Esiphethe, lapho efaka isicelo sokuvunyelwa umusi, okungenani unezinyanga ezine zokuhlinzekwa kolwandle emikhunjini eqhutshwa yimishini ye-umusi.

(c) Isiphathimandla Sesibili Sonjiniyela (kufaka phakathi u- <3 000 kW), ophethe isitifiketi njengeSikhulu Esiphethe iwashi lobunjiniyela (umusi nezimoto ezivunyelwe) ngesikhathi sokufaka isicelo sokuhlolwa kwezinga 3 lesitifiketi siyoba yingxenywe yolwandle oludingekayo service, khonza kula makhono alandelayo:

(i) Okungenani izinyanga eziyisithupha zivunyelwe insizakalo yolwandle njengonogada emnyangweni wezinjini emikhunjini yamandla kagesi angama-750 kW (imoto); futhi

(ii) okungenani izinyanga eziyisithupha egunyaze insizakalo yolwandle njengomqaphi emnyangweni wezinjini emikhunjini yamandla kagesi angama-750 kW (umusi).

(d) Isikhulu Sesibili Sonjiniyela ophethe isitifiketi sekhono lakhe, lapho efaka isicelo sokuvunyelwa umusi, okungenani unezinyanga eziyisithupha zesevisi yasolwandle emikhunjini eqhutshwa yimishini yomusi.

(e) Isikhulu Esikhulu Sonjiniyela (kufaka phakathi u- <3 000 kW) ophethe isitifiketi njengeSikhulu Esiphethe iwashi lobunjiniyela (umusi kanye nemoto) ngesikhathi sokufaka isicelo sokuhlolwa kwezinga lesithathu lesitifiketi, njengengxenye yolwandle oludingekayo service, khonza kula makhono alandelayo:

(i) Okungenani izinyanga eziyisithupha zivunyelwe insizakalo yolwandle njengonogada emnyangweni wezinjini emikhunjini yamandla kagesi angama-750 kW (umusi); futhi

(ii) ibhalansi yensizakalo yolwandle egunyaziwe njengonogada emnyangweni wezinjini emikhunjini yamandla kagesi angama-750 kW (imoto).

(f) Isikhulu Esingunjiniyela Esiphethe isitifiketi njengoNjiniyela Wesibili (umusi kanye nemoto), njengengxenye yemisebenzi yolwandle edingekayo, sizosebenza ngale ndlela elandelayo:

(i) Okungenani izinyanga eziyisithupha zivunyelwe insizakalo yolwandle njengoNjiniyela Wesibili emnyangweni wezinjini emikhunjini yamandla kagesi angama-750 kW (umusi); futhi

(ii) okungenani izinyanga eziyisithupha zivume insizakalo yolwandle njengoNjiniyela Wesibili emnyangweni wezinjini emikhunjini engu-750 kW Ukuqhuma Amandla (Imoto).

(g) Isikhulu Esingunjiniyela esikhulu esiphethe isitifiketi esifaka isicelo sokuvunyelwa umusi siyoba okungenani nezinyanga eziyisithupha sisebenza olwandle emikhunjini eqhutshwa yimishini yomusi.

(2) Umuntu ozongenela ukuhlolwa kwezinga lesi-3 ngokukhishwa kokuqala kwesitifiketi samakhono afaka zombili izimoto nomoya kufanele akwazi ukwenza imisebenzi, imisebenzi nezibopho ezidingekayo esitifiketini esifanele.

(3) Umuntu ozongenela ukhetho onesitifiketi sekhono, futhi ofisa ukuthola isifakazelo somphunga waleso sitifiketi uzokhonjelwa ekuhlolweni okufingqiwe kwezinga lesi-3 ezingeni elifanele, ukuze ahlole ukuthi unamandla kangakanani ezinhlelweni zokuphehla ugesi.

(4) Umnikazi weSitifiketi Sonjiniyela Wesibili noma weSitifiketi Sonjiniyela Oyinhloko, ofisa ukuthola imvume yokuvuthwa ngomphunga wesikhulu in opethe Ubunjiniyela Buka noma Ubunjiniyela besibili, ngaphezu kwezidingo zosizo lolwandle ezihlongozwe kumthethonqubo (1), kumele enze izinyanga ezintathu insizakalo yolwandle eyengeziwe evunyelwe njengonogada emikhunjini eqhutshwa ngomphunga.

#### **46. Isikhulu Esikhulu Sonjiniyela (ibanga elikhethekile)**

Ukuthola isitifiketi sokufaneleka njengonjiniyela omkhulu (ibanga elikhethekile), umuntu ozobhathizwa uyobe eseqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi

**47. Isikhulu Esikhulu Sonjiniyela**

Ukuthola isitifiketi sokufaneleka njengonjiniyela omkhulu—

(a) ozobhalwa aphethe isitifiketi sokusebenza njengeSikhulu esiphethe ubunjiniyela buka—

(i) okungenani anezinsizakalo zasolwandle izinyanga ezingama-36 njengesikhulu esiphethe iwashi lobunjiniyela emikhunjini yokuhweba okungenani yamandla kagesi angama-3 000 kW; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa aphethe isitifiketi sokusebenza njengonjiniyela wesibili—

(i) okungenani anezinsizakalo eziyizinyanga eziyi-12 ngenkathi esebenza njengonjiniyela wesibili emikhunjini yokuhweba okungenani yamandla angama-3 000 kW amandla okuhambisa; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(c) ozobhalwa aphethe isitifiketi sokusebenza njengonjiniyela omkhulu (<3 000 kW) kufanele—

(i) okungenani anezinsizakalo eziyizinyanga eziyi-12 ngenkathi esebenza njengonjiniyela wesibili emikhunjini yokuhweba okungenani yamandla angama-3 000 kW amandla okuhambisa; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga wekhono abekwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

**48. Isikhulu Sesibili Sonjiniyela**

Ukuthola isitifiketi sokufaneleka njengonjiniyela wesibili—

(a) ozobhalwa aphethe isitifiketi sokusebenza njengesikhulu esiphethe i-Engineering Watch—

(i) uqede okungenani izinyanga eziyi-12 zenkonzo yasolwandle njengesikhulu esiphethe iwashi lobunjiniyela emikhunjini yokuhweba yamandla okuhambisa amandla angama-3 000 kW noma ngaphezulu; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobanjwa aphethe isitifiketi sokufaneleka njengonjiniyela wesibili (<3 000 kW) kufanele—

(i) uqede okungenani izinyanga eziyisithupha zenkonzo yasolwandle njengesikhulu esiphethe iwashi lobunjiniyela emikhunjini yokuhweba yamandla okuhambisa amandla angama-3 000 kW noma ngaphezulu; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhadini Lamazinga Wokuqeqesha lalesi sitifiketi.

#### **49. Isikhulu Esingunjiniyela (<3 000 kW)**

Ukuthola isitifiketi sokufaneleka njengonjiniyela omkhulu womkhumbi ongaphansi kwama-3 000 kW amandla okuqhubekisa—

(a) ozobhalwa apethe isitifiketi sokusebenza njengesikhulu esiphethe i-Engineering Watch—

(i) okungenani anezinsizakalo zasolwandle zezinyanga ezingama-36 njengesikhulu esiphethe iwashi lobunjiniyela emikhunjini yokuhweba okungenani yamandla kagesi angama-750 kW; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhadini yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobanjwa apethe isitifiketi sokufaneleka njengonjiniyela wesibili (<3 000 kW) kufanele—

(i) uqede okungenani izinyanga eziyi-12 zenkonzo yasolwandle njengonjiniyela wesibili emikhunjini yokuhweba yamandla kagesi angama-750 kW; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhadini Lamazinga Wokuqeqesha lalesi sitifiketi.

#### **50. Isikhulu Sesibili Sonjiniyela (<3 000 kW)**

Ukuthola isitifiketi sokufaneleka njengonjiniyela wesibili womkhumbi ongaphansi kuma-3 000 kW amandla okuqhubekisela phambili, umuntu ozobhalwa apethe isitifiketi sokusebenza njengesikhulu esiphethe Ubunjiniyela Buka uyo-

(a) uqede okungenani izinyanga eziyi-12 zenkonzo yasolwandle njengesikhulu esiphethe iwashi lobunjiniyela emikhumbi yokuhweba yamandla kagesi angama-750 kW; futhi

(b) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga obuchule abekiwe kuKhadini yamaZinga oQeqesho yalesi sitifiketi nokuhlolwa kwezinga 3.

#### **51. Isikhulu Esiphethe Ubunjiniyela Buka egumbini elenjini elenziwe ngezinjini noma onjiniyela bemisebenzi abaqokiwe egumbini lenjini elingahleliwe ngezikhathi ezithile**

Ukuthola isitifiketi sokusebenza njengesikhulu Esiphethe Ubunjiniyela Buka egumbini elenjini elenziwe ngabantu noma unjiniyela osebenza ekamelweni lenjini elingahleliwe ngezikhathi ezithile (Isikhulu esiphethe Ubunjiniyela Buka ) -

(a) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) uqede okungenani izinyanga ezingama-36 zenkonzo yasolwandle emnyangweni wezinjini emikhunjini yokuhweba yamandla omoya we-750 kW noma ngaphezulu futhi kufanele ngabe wenza imisebenzi yokubheka ubunjiniyela okungenani izinyanga eziyisithupha ngaleyo nkathi ngaphansi kweso lomphathi onjiniyela ofanelekayo futhi wagcwalisa incwadi yokuqopha evunyiwe; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozongenela ukhetho ngohlelo olusheshayo lokuqeqesha kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) uqede okungenani izinyanga eziyishumi nambili insizakalo yasolwandle egunyaziwe emnyangweni wezinjini emikhunjini yokuhweba yamandla omoya we-750 kW noma ngaphezulu njengengxenye yohlelo lokuqeqesha olusheshisiwe olubhalwe encwadini yerekhodi evunyelwe;

(iii) uqedele imisebenzi yokuqapha yobunjiniyela okungenani izinyanga eziyisithupha esikhathini esingenhla ngaphansi kweso lesikhulu sonjiniyela ofanelekayo;

(iv) usephothule imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

## **52. Isikhulu Ubuchwepheshe ngogesi**

Ukuthola isitifiketi sokusebenza isikhulu sobuchwepheshe ngogesi yomkhumbi wamandla kagesi angama-750 kW noma ngaphezulu—

(a) ozongenela ukhetho ohlelweni lokuqeqesha olusheshayo—

(i) okungenani abe neminyaka eyi-18;

(ii) uqede okungenani izinyanga eziyishumi nambili insizakalo yolwandle egunyaziwe egumbini lenjini yemikhumbi ngaphezu kwamandla kagesi angama-750 kW njengengxenye yohlelo lokuqeqesha olusheshayo oluvunyiwe olubhalwe encwadini yokurekhoda evunyiwe;

(iii) ukuphothule ngempumelelo ukuqeqeshwa futhi waphasa ukuhlolwa kethiyori esikhungweni esigunyaziwe;

(iv) usephothule imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe eKhodini lamaZinga oQeqesho lwalesi sitifiketi;

(b) ozongenela ukhetho ongenalo uhlelo olusheshayo lokuqeqeshwa—

(i) okungenani abe neminyaka eyi-18;

(ii) uqede okungenani izinyanga ezingama-36 insizakalo yolwandle egumbini lenjini yemikhumbi ngaphezu kwamandla kagesi angama-750 kW abhalwe encwadini yokurekhoda evunyiwe;

(iii) ukuphuthule ngempumelelo ukuqeqeshwa futhi waphasa ukuhlolwa kethiyori esikhungweni esigunyaziwe;

(iv) usephothule imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi Sitifiketi.

## **Isigaba 6 - Onjiniyela Izitifiketi Zobunjiniyela (Apha & Ukusebenza kwetheku)**

### **53. Isikhulu Esingunjiniyela**

Ukuthola isitifiketi sokufaneleka njengomphathi omkhulu (imisebenzi yezimbobo) -

(a) ozobhalwa apethe isitifiketi sokusebenza njengonjiniyela oyiNhlolo (<1 500 kW theku) —

(i) uqedele okungenani insizakalo yezinyanga eziyi-12 yezokusebenza kwamachweba noma insizakalo yolwandle njengesiphathimandla esiphethe iwashi lobunjiniyela emikhunjini yamandla omoya we-750 kW noma ngaphezulu futhi okungenani izinyanga ezintathu insizakalo yokusebenza kwamachweba noma insizakalo yolwandle njengesikhulu esiphethe ubunjiniyela bukela kumikhumbi ye-1 500 kW Ukuqhuma noma ngaphezulu; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa apethe isitifiketi sokusebenza njengonjiniyela omkhulu (<750 kW itheku liyasebenza) uyo-

(i) uqedele okungenani insizakalo yezinyanga eziyi-18 yezokusebenza kwamachweba noma insizakalo yolwandle njengesiphathimandla esiphethe iwashi lobunjiniyela emikhunjini yamandla omoya we-750 kW noma ngaphezulu futhi okungenani izinyanga eziyisithupha insizakalo yokusebenza kwamachweba noma isevisi yasolwandle njengesikhulu esiphethe ubunjiniyela bukela ezikebheni zamandla okuhambisa amandla ayi-1 500 kW noma ngaphezulu; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(c) ozobhalwa apethe isitifiketi sokusebenza njengonjiniyela wesibili (<3 000 kW) uyobe eseqedile imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kuKhodi yamaZinga oQeqesho yalesi Sitifiketi.

### **54. Isikhulu Esingunjiniyela (<1 500 kW itheku liyasebenza )**

Ukuthola isitifiketi sokufaneleka njengonjiniyela omkhulu womkhumbi ongaphansi kuka-1 500 kW amandla omphetshana osebenza endaweni yokusebenza echwebeni—

(a) ozongenela ukhetho kuleli zinga—

(i) okungenani abe neminyaka eyi-18;

(ii) uqede okungenani izinyanga eziyishumi nesishiyagalombili insizakalo yokusebenza kwamachweba emnyangweni wobunjiniyela womkhumbi wamandla omoya we-750 kW noma

ngaphezulu ngaphansi kweso lesikhulu sonjiniyela ofanelekayo njengengxenywe yohlelo lokuqeqeshwa olusheshayo oluqinisekisiwe olubhalwe encwadini yokurekhoda ; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa apethe isitifiketi sokusebenza njengonjiniyela omkhulu (<750 kW itheku liyasebenza) uyo-

(i) uqede izinyanga ezi-12 zokuphakelwa kwemisebenzi yasolwandle njengesiphathimandla sonjiniyela ophethe iwashi lokuhamba olwandle noma imikhumbi yokusebenza echwebeni yamandla kagesi angama-750 kW noma ngaphezulu;

(ii) uqede uhlelo lokuqeqeshwa olusheshayo oluvunyiwe olubandakanya ukuqeqeshwa okusemkhunjini okulotshwe encwadini yokurekhoda evunyiwe; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

**55. Isikhulu Esingunjiniyela (<750 kW ukusebenza kwetheku)**

Ukuthola isitifiketi sokufaneleka njengonjiniyela omkhulu womkhumbi ongaphansi kuka-750 kW amandla omphetshana osebenza endaweni yokusebenza echwebeni—

(a) ozobhalwa apethe isitifiketi sokusebenza njengeSikhulu Esiphethe Ubunjiniyela buka (ukusebenza kwetheku) -

(i) uqedele okungenani izinyanga eziyi-12 ukugunyazwa kokusebenza olwandle emkhunjini onamandla ayi-100 kW noma ngaphezulu ngamandla okugada ngaphansi kweso lesikhulu sonjiniyela onolwazi; futhi

(ii) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana nezinga lamakhono njengoba kuchaziwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozongenela ukhetho kuleli zinga—

(i) uqedele okungenani izinyanga eziyi-18 zokuphakelwa kwezilwandle emkhunjini onamandla ayi-100 kW noma ngaphezulu ngamandla okugada ngaphansi kweso lesikhulu sonjiniyela onolwazi; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(c) ozobanjwa apethe isitifiketi sokuhweba esivunyiwe—

(i) uqedele okungenani izinyanga eziyi-12 zokuphakela amanzi olwandle emkhunjini onamandla ayi-100 kW noma ngaphezulu ngamandla okugada ngaphansi kweso lesikhulu sonjiniyela onolwazi; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

**56. Isikhulu Esiphethe Ubunjiniyela Buka (ukusebenza kwetheku)**

Ukuthola isitifiketi sokufaneleka njengonjiniyela wesibili womkhumbi osebenza ngaphakathi kwendawo yokusebenza kwechweba ozongenela ukhetho kuleli zinga—

(a) okungenani ube neminyaka eyi-18;

(b) uqede okungenani izinyanga eziyishumi nesishiyagalombili umsebenzi wokusebenza kwamachweba emnyangweni wobunjiniyela womkhumbi wamandla kagesi ayi-100 kW noma ngaphezulu ngaphansi kweso lesikhulu sonjiniyela ofanelekayo njengengxenye yohlelo olusheshayo lokuqeqesha olubhalwe encwadini yamarekhodi okuqeqesha; futhi

(c) sebeqedile imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga wekhono abekiwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

**57. Isikhulu Esingunjiniyela (<750kW)**

Ukuthola isitifiketi sokufaneleka njenge-nduna isikhulu sobunjiniyela <750kW—

(a) ozobhalwa aphethe isitifiketi sokusebenza njenge-sikhulu sobunjiniyela buka (<750kW) uyo—

(i) usephothule okungenani izinyanga eziyi-12 ukwamukelwa kwenkonzo yasolwandle emikhunjini yamandla kagesi angama-350 kW noma ngaphezulu; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa aphethe isitifiketi sokusebenza njengonjiniyela omkhulu (<750 kW ukusebenza kwetheku) uyo—

(i) uqedele okungenani izinyanga eziyisithupha ukuvunywa kwensizakalo yasolwandle emikhunjini yamandla kagesi angama-350 kW noma ngaphezulu; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga wekhono abekwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

**58. Isikhulu Esiphethe Ubunjiniyela Buka (<750kW)**

Ukuthola isitifiketi sokusebenza njengo-injiniyela buka <750kW—

(a) ozongenela ukhetho engenaso isipiliyoni sangaphambilini sobunjiniyela—

(i) okungenani abe neminyaka eyi-18;

(ii) uqede okungenani izinyanga eziyi-18 zokuphakela amanzi olwandle emikhunjini yamandla kagesi ayi-100 kW noma ngaphezulu; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa aphethe isitifiketi sokufaneleka Unjiniyela Wesibili (ukusebenza kwetheku) uyo-

(i) okungenani abe neminyaka eyi-18;

(ii) aqede okungenani izinyanga eziyi-12 zokuphakela amanzi olwandle emikhunjini yamandla kagesi ayi-100 kW noma ngaphezulu; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(c) ozobanjwa aphethe isitifiketi sokuhweba esivunyiwe—

(i) okungenani abe neminyaka eyi-18;

(ii) aqede okungenani izinyanga eziyi-12 zokuphakela amanzi olwandle emikhunjini yamandla kagesi ayi-100 kW noma ngaphezulu; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

## **Isigaba 7 - Onjiniyela Izitifiketi (Ukudoba)**

### **59. Isikhulu Esingunjiniyela (Ukudoba)**

Ukuthola isitifiketi sokusebenza njengonjiniyela omkhulu (ukudoba) -

(a) ozobhalwa aphethe isitifiketi sokufaneleka njengoNjiniyela Oyinhloko (<2 000 kW Ukudoba) uyo—

(i) uqedele okungenani izinyanga eziyisithupha zenkonzo yasolwandle njengonjiniyela wesibili emikhunjini yokudoba yamandla kagesi angama-2 000 kW noma ngaphezulu, futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga amakhonoashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa aphethe isitifiketi sokusebenza njengoNjiniyela Wesibili (Ukudoba) uyo—

(i) okungenani abe nezinyanga eziyishumi nambili ezisebenza olwandle njengesikhulu esiphethe iwashi lobunjiniyela emikhunjini yokudoba yamandla kagesi angama-2 000 kW noma ngaphezulu, okungenani izinyanga ezintathu kuzo ezoba njengonjiniyela wesibili (ukudoba);

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga wekhono abekwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

### **60. Isikhulu Sesibili Sonjiniyela (Ukudoba)**

Ukuthola isitifiketi sokusebenza njengeNjiniyela Yesibili yomkhumbi wokudoba wanoma yimaphi amandla we-kilowatt's Ukuqhuma Amandla—

(a) ozobhalisela ukungena ohlelweni olusheshayo lokuqeqesha kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinyanga eziyi-12 zigunyaze ukuhanjiswa kolwandle emnyangweni wezinjini womkhumbi wokudoba wamandla kagesi ka-2000 kW noma ngaphezulu ngaphansi kweso lesikhulu sonjiniyela ofanelekayo; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinyanga eziyi-18 ezigunyaziwe zokuphakela olwandle emnyangweni wezinjini womkhumbi wokudoba wamandla kagesi ka-2000 kW noma ngaphezulu ngaphansi kweso lesikhulu sonjiniyela ofanelekayo; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(c) ozobhalwa apethe isitifiketi sokusebenza njengoNjiniyela Wesibili (<2000 kW Ukudoba) uyo-

(i) okungenani anezinyanga eziyisithupha ezivunyelwe insizakalo yolwandle njengesikhulu esiphethe iwashi lobunjiniyela emikhunjini yokudoba yamandla ka-2000 kW okuhambisa ngamandla noma ngaphezulu; futhi

(ii) abaphothule imfundo noqeqesho evunyiwe futhi bahlangabezana namazinga wekhono abekwe kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

#### **61. Isikhulu Esingunjiniyela (<2000kW Ukudoba)**

Ukuthola isitifiketi sokusebenza njengoMphathi Oyinhloko woMkhumbi ongaphansi kuka-2000kW amandla okuhambisa ngamandla (ukudoba) umuntu ozobamba iqhaza, okungenani, isitifiketi sokufaneleka njengoNjiniyela Wesibili (<2000 kW) uyo-

(a) avume ukuthunyelwa kwezilwandle izinyanga eziyi-12 njengesikhulu esiphethe iwashi lobunjiniyela emikhunjini yokudoba okungenani ka-750 kW amandla okuqhubekisa; futhi

(b) abaphothule imfundo noqeqesho oluvunyiwe futhi bahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

#### **62. Isikhulu Sesibili Sonjiniyela (<2000kW Ukudoba)**

Ukuthola isitifiketi sokufaneleka njengonjiniyela wesibili womkhumbi ongaphansi kuka-2000kW amandla okuqhubekisa—

(a) ozobhalisela ukungena ohlelweni olusheshayo lokuqeqesha kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinyanga eziyi-12 zigunyaze ukuhanjiswa kolwandle emnyangweni wezinjini womkhumbi wokudoba onamandla amakhulu we-750 kW ngaphansi kweso lesikhulu sonjiniyela ofanelekayo; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinyanga eziyi-18 agunyaze ukuhanjiswa kolwandle emnyangweni wezinjini womkhumbi wokudoba onamandla we-750 kW wokuqapha ngaphansi kweso lesikhulu sonjiniyela ofanelekayo; futhi

(iii) uqede imfundo noqeqesho oluvunyiwe futhi wahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

## Isigaba 8 - Izitifiketi Zokulinganiswa Zokusebenza

### 63. Umpheme okwazi ukuhamba olwandle

Ukuthola isitifiketi sobungcweti njengendawo yokudoba yasolwandle ekwaziyo—

(a) ozongenela ukhetho ngaphandle kohlelo lokuqeqesha olusheshayo—

(i) okungenani abe neminyaka eyi-18;

(ii) usuqedile, ngenkathi ephethe okungenani isitifiketi sobungcweti njengendawo yokudoba yolwandle ejwayelekile, kufaka phakathi isitifiketi sesikhashana, okungenani izinyanga eziyi-18 inkonzo yasolwandle emnyangweni wedonki ekuhwebeni ngemikhumbi eyi-100 GT noma ngaphezulu ohambweni olungenamkhawulo noma oluseduze nasogwini futhi sebeqede incwadi yokuqopha evunyiwe yokuqeqeshwa; futhi

(iii) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhaliselwa ukulandela uhlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) uqedile, ngenkathi ephethe ubuncane isitifiketi sobungcweti njengendawo ejwayelekile yokudoba olwandle, kufaka phakathi isitifiketi sesikhashana, okungenani izinyanga eziyishumi nambili zesevisi yasolwandle emnyangweni wemikhumbi emikhunjini yokuhweba ye-100 GT noma ngaphezulu ohambweni olungenamkhawulo noma oluseduze nolwandle njengengxenye yohlelo lokuqeqesha olusheshisiwe olubhalwe encwadini yokuqopha evunyelwe; futhi

(iii) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana nezindinganiso zamakhono ezichazwe eKhodini Lamazinga Wokuqeqesha kulesi sitifiketi.

### 64. Umpheme okwazi ukuhamba olwandle (Ukudoba)

Ukuthola isitifiketi sobungcweti njengendawo yokudoba yasolwandle (ukudoba)

(a) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) uqedile, ngenkathi ephethe ubuncane besitifiketi sobungcweti njengomthumbi wasolwandle ojwayelekile, okungenani izinyanga eziyi-18 zenkonzo yasolwandle emnyangweni wemikhumbi esikebheni sokudoba esingu-25 GT noma ngaphezulu ohambweni olungenamkhawulo noma oluseduze nolwandle futhi uqede isivumo esivunyelwe incwadi yokuqopha; futhi

(iii) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhaliselwa ukulandela uhlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) uqedile, ngenkathi ephethe ubuncane besitifiketi sobungcweti njengendawo ejwayelekile yolwandle, okungenani izinyanga eziyi-12 zenkonzo yasolwandle emnyangweni womkhumbi emkhunjini wokudoba we-25 GT noma ngaphezulu ohambweni olungenamkhawulo noma oluseduze kogu njengengxenye yendlela evunyelwe uhlelo lokuqeqesha olusheshayo olubhalwe encwadini yokuqopha evunyiwe; futhi

(iii) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(c) ozobhalwa aphethe isitifiketi sokusebenza kahle njengomuntu osebenza olwandle kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinsizakalo zasolwandle izinyanga ezintathu emnyangweni wemikhumbi emikhunjini yokudoba engu-25 GT noma ngaphezulu ohambweni olungenamkhawulo noma oluseduze nolwandle;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemkhunjini okubhalwe encwadini yokuqopha evunyelwe yokuqeqeshwa njengoba kusebenza; futhi

(iv) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(d) umuntu ozobhathizwa ophethe isitifiketi sokusebenza kahle njengomuntu osebenza olwandle (imisebenzi yetheku)—

(i) okungenani abe neminyaka eyi-18;

(ii) okungenani anezinsizakalo eziyizinyanga eziyisithupha zasolwandle emnyangweni wemikhumbi emikhunjini yokudoba engu-25 GT noma ngaphezulu ohambweni olungenamkhawulo noma oluseduze nolwandle;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemkhunjini okubhalwe encwadini yokuqopha evunyelwe yokuqeqeshwa njengoba kusebenza; futhi

(iv) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

**65. Umpheme okwazi ukuhamba olwandle (Ukusebenza Kwetheku)**

Ukuthola isitifiketi sobungcweti njengendawo yokudoba yasolwandle ekwaziyo (ukusebenza kwetheku) -

(a) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) uqedile, ngenkathi ephethe okungenani isitifiketi sobungcweti njengendawo ejwayelekile yokudoba olwandle, okungenani izinyanga eziyishumi nambili zesevisi yokusebenza echwebeni emikhunjini engama-25 GT noma ngaphezulu;

(iii) uqedile, ngesikhathi senkonzo edingekayo yokusebenza kwamachweba, ukuqeqeshwa okusemkhathini okubhalwe encwadini yokurekhoda evunyiwe; futhi

(iv) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhaliselwa ukulandela uhlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-18;

(ii) uqedile, ngenkathi ephethe okungenani isitifiketi, noma isitifiketi sesikhashana, sobungcweti njengendawo ejwayelekile yokudoba olwandle, okungenani insizakalo yezinyanga eziyisithupha yokusebenza kwemikhumbi emikhumbi ye-25 GT noma ngaphezulu njengengxenye yohlelo oluvunyiwe lokuqeqesha olusheshayo olufaka phakathi ukuqeqeshwa kubhalwe encwadini yokuqopha evunyiwe; futhi

(iii) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana nezindinganiso zamakhono ezichazwe eKhodini Lamazinga Wokuqeqesha kulesi sitifiketi.

**66. I-Deck Yasolwandle Ejwayelekile**

(1) Ngokwenhloso yalo mthetho isitifiketi sesikhashana sisebenza isikhathi esiyizinyanga eziyisithupha kusukela ngosuku lokukhishwa futhi sizoshintshaniswa ngesitifiketi sobungcweti njengendawo yokudoba yolwandle ejwayelekile ekhishwe yiGunya phakathi nesikhathi sokusebenza.

(2) Ukuthola isitifiketi sokusebenza njengasemkhunjini ojwayelekile wasolwandle—

(a) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-16;

(ii) okungenani anezinyanga eziyisithupha zenkonzo yasolwandle emnyangweni wemikhumbi emikhunjini engama-25 GT noma ngaphezulu kunoma iluphi uhambo;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemkhunjini ngesitifiketi sokuqondisa, okulotshwe encwadini yamarekhodi okuqeqesha evunyiwe futhi kuhlangatshwane namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi; futhi

(iv) aphaathe isitifiketi sesikhashana sobungoti njengendawo ejwayelekile yokudoba olwandle ekhishwe ngumphathi womkhumbi lapho kwaqedelwa khona ukuqeqeshwa okusemkhunjini;

(b) ozongenela ukhetho ohlelweni lokuqeqesha olusheshayo—

(i) okungenani abe neminyaka eyi-16;

(ii) uqedele okungenani izinyanga ezimbili ukuhanjiswa kolwandle emnyangweni wemikhumbi emikhunjini engama-25 GT noma ngaphezulu kunoma yiluphi uhambo oluyingxenye yokugunyazwa okusheshisiwe okugunyaziwe uhlelo lokuqeqesha olubhalwe encwadini yokuqopha evunyiwe futhi ehlangabezana nezindinganiso zamakhono ezichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi; futhi

(iii) aphaathe isitifiketi sesikhashana sobungoti njengendawo ejwayelekile yokudoba olwandle ekhishwe ngumphathi womkhumbi lapho ukuqeqeshwa kwasendlini kwaqedwa khona.

#### **67. Idokodo Elivamile Lasolwandle (Ukudoba)**

(1) Ngokwenhloso yalo mthetho, isitifiketi sesikhashana sisebenza isikhathi esiyizinyanga eziyisithupha kusukela ngosuku esakhishwa ngalo, futhi sizoshintshaniswa ngesitifiketi sobungcweti njengendawo yokudoba yolwandle ejwayelekile ekhishwe yiGunya phakathi nesikhathi sokusebenza.

(2) Ukuthola isitifiketi sokusebenza njengasemkhunjini ojwayelekile wasolwandle—

(a) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-16;

(ii) okungenani anezinsizakalo eziyizinyanga eziyisithupha zasolwandle emnyangweni wemikhumbi emikhunjini yokudoba engu-25 GT noma ngaphezulu kunoma iluphi uhambo;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemkhunjini ngesitifiketi sokuqondisa futhi uhlangatshwane namazinga wekhono ashiwo eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi; futhi

(iv) aphaathe isitifiketi sesikhashana sobungoti njengendawo ejwayelekile yokudoba olwandle ekhishwe ngumphathi womkhumbi lapho kwaqedelwa khona ukuqeqeshwa okusemkhunjini;

(b) ozongenela ukhetho ohlelweni lokuqeqesha olusheshayo—

(i) okungenani abe neminyaka eyi-16;

(ii) uqedele okungenani izinyanga ezimbili ukusebenzela olwandle emnyangweni wemikhumbi ngemikhumbi yokudoba engu-25 GT noma ngaphezulu kunoma yiluphi uhambo oluyingxenye njengengxenye yohlelo oluvunyiwe olusebenzayo lokuqeqeshwa olubhalwe encwadini yokurekhoda evunyiwe futhi luhlangabezana namazinga ekhono abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi; futhi

(iii) aphaathe isitifiketi sesikhashana sobungoti njengendawo ejwayelekile yokudoba olwandle ekhishwe ngumphathi womkhumbi lapho ukuqeqeshwa kwasendlini kwaqedwa khona.

#### **68. Umpheme ovamile ngasolwandle (Ukusebenza Kwetheku)**

(1) Ngokwenhloso yalo mthetho isitifiketi sesikhashana sisebenza isikhathi esiyizinyanga eziyisithupha kusukela ngosuku lokukhishwa futhi sizoshintshaniswa ngesitifiketi sobungcweti njengendawo yokudoba yolwandle ejwayelekile ekhishwe yiGunya phakathi nesikhathi sokusebenza.

(2) Ukuthola isitifiketi sokusebenza njengasemkhunjini ojwayelekile wasolwandle—

(a) ozongenela ukhetho ngaphandle kohlelo olusheshayo lokuqeqesha—

(i) okungenani abe neminyaka eyi-16;

(ii) okungenani anezinyanga eziyisithupha zenkonzo yasolwandle emnyangweni wemikhumbi emikhunjini engama-25 GT noma ngaphezulu emikhunjini esebenza emachwebeni;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemkhunjini ngesitifiketi sokuqondisa futhi uhlangabezane namazinga wekhono ashiwo eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi; futhi

(iv) aphaathe isitifiketi sesikhashana sobungoti njengendawo ejwayelekile yokudoba olwandle ekhishwe ngumphathi womkhumbi lapho kwaqedelwa khona ukuqeqeshwa okusemkhunjini;

(b) ozongenela ukhetho ohlelweni lokuqeqesha olusheshayo—

(i) okungenani abe neminyaka eyi-16;

(ii) uqedele okungenani izinyanga ezimbili zenkonzo yasolwandle emnyangweni wemikhumbi emikhunjini engama-25 GT noma ngaphezulu asebenza emachwebeni njengengxenye yohlelo

oluvunyiwe olusebenzayo lokuqeqeshwa olubhalwe encwadini yokurekhoda evunyiwe futhi ehlangabezana namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi; futhi

(iii) aphaathe isitifiketi sesikhashana sobungoti njengendawo ejwayelekile yokudoba olwandle ekhishwe ngumphathi womkhumbi lapho ukuqeqeshwa kwasendlini kwaqedwa khona.

#### **69. Umkhumbi wompheki**

Ukuthola isitifiketi sobungcweti njengomkhubi wompheki, abazobhaphathizwa kufanele—

(a) okungenani ube neminyaka eyi-18;

(b) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi; futhi

(c) okungenani babe nezinyanga ezintathu zosizo olwandle emnyangweni wezokudla kunoma yiluphi uhlobo lwemikhumbi olulandelayo:

(i) Ukuhweba ngemikhumbi eyi-100 GT noma ngaphezulu ebambe iqhaza ezimayini noma ohambweni olungenamkhawulo noma oluseduze nolwandle; noma

(ii) imikhumbi yokudoba okumele ibe Ukupheka komkhumbi ngaphakathi -.

#### **70. Injini ekwazi ukuhamba olwandle**

Ukuthola isitifiketi sokusebenza kahle njengonjiniyela wasolwandle okwaziyo—

(a) ozongenela ukhetho ngaphandle kokuqeqesho olusheshayo kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) uqedile, ngenkathi ephethe okungenani isitifiketi sobungcweti njengenjini ejwayelekile yasolwandle, kufaka phakathi isitifiketi sesikhashana, okungenani izinyanga eziyishumi nambili zesevisi yasolwandle emnyangweni wezinjini emikhunjini yokuhweba engama-750 kW noma ngaphezulu; futhi

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemikhunjini okubhalwe encwadini yokurekhoda evunyiwe; futhi ngiphothule ukuqeqeshwa okugunyaziwe futhi ngihlangabezane namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho kulesi sitifiketi;

(b) ozongenela ukhetho oqeqeshwe ngokushesha kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) uqedile, ngenkathi ephethe ubuncane besitifiketi, noma isitifiketi sesikhashana, sobungcweti njengenjini ejwayelekile yasolwandle, okungenani izinyanga eziyisithupha zenkonzo yasolwandle emnyangweni wezinjini emikhunjini yokuhweba engu-750 kW noma njengengxenye yohlelo oluvunyiwe olusebenzayo lokuqeqesha lokho kubhalwe encwadini yokuqopha evunyiwe; futhi

(iii) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana nezindinganiso zamakhono ezichazwe eKhodini Lamazinga Wokuqeqesha kulesi sitifiketi.

#### **71. Injini ekwazi ukuhamba olwandle (imisebenzi yetheku)**

Ukuthola isitifiketi sobungcweti njengenjini ekwazi ukuhamba olwandle (ukusebenza kwetheku)

(a) ozongenela ukhetho ngaphandle kokuqeqesho olusheshayo kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) aqede okungenani izinyanga eziyi-12 zesevisi yokusebenza echwebeni emikhunjini eyi-100 kW noma ngaphezulu, ngenkathi ephethe okungenani isitifiketi sobungcweti njengoku jwayelekile

injini yolwandle (ukusebenza kwetheku) noma injini ejwayelekile yasolwandle, noma isitifiketi sesikhashana;

(iii) uqedile, ngesikhathi senkonzo edingekayo yokusebenza kwamachweba, incwadi evunyelwe yokurekhoda ngaphakathi; futhi

(iv) uqede ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozongenela ukhetho oqeqeshwe ngokushesha kufanele—

(i) okungenani abe neminyaka eyi-18;

(ii) uqede, ngenkathi ephethe ubuncane besitifiketi, noma isitifiketi sesikhashana, sobungcweti njengenjini ejwayelekile yasolwandle (ukusebenza kwetheku) noma injini ejwayelekile yasolwandle, okungenani izinyanga eziyisithupha zokusebenza kwetheku emikhunjini eyi-100 kW noma ngaphezulu njengengxenye uhlelo lokuqeqeshwa olusheshayo oluvunyiwe olubhalwe encwadini yokuqopha evunyiwe; futhi

(iii) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana nezindinganiso zamakhono ezichazwe eKhodini Lamazinga Wokuqeqesha kulesi sitifiketi.

#### **72. Injini ejwayelekile yasolwandle**

(1) Ngenhloso yalo mthetho; isitifiketi sesikhashana sisebenza isikhathi esiyizinyanga eziyisithupha kusukela ngosuku lokukhishwa futhi sizoshintshaniswa ngesitifiketi sobuhlakani njengenjini ejwayelekile yasolwandle ekhishwe yiGunya phakathi nesikhathi sokusebenza.

(2) Ukuthola isitifiketi sokusebenza kahle njengenjini ejwayelekile yasolwandle—

(a) ozongenela ukhetho ngaphandle koqeqesho olusheshayo kufanele—

(i) okungenani abe neminyaka eyi-16;

(ii) asebenze okungenani izinyanga eziyisithupha emnyangweni wezinjini emikhunjini yokuhweba engu-750 kW noma ngaphezulu;

(iii) uqedile, ngesikhathi senkonzo yasolwandle edingekayo, ukuqeqeshwa okusemikhunjini okulotshwe encwadini yokurekhoda evunyelwe futhi kuhlangekatshezwane namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi; futhi

(iv) aphaathe isitifiketi sesikhashana sobungcweti njengenjini ejwayelekile yokudoba olwandle ekhishwe ngumphathi omkhulu womkhumbi lapho ukuqeqeshwa okwakusendizeni kwaqedwa khona;

(b) ozongenela ukhetho ngokuqeqeshwa okusheshayo—

(i) okungenani abe neminyaka eyi-16;

(ii) uqede okungenani izinyanga ezimbili zenkonzo emnyangweni wezinjini emikhunjini yokuhweba engama-750 kW noma ngaphezulu njengengxenye yohlelo lokuqeqesha olusheshayo oluvunyiwe olubhalwe encwadini yokurekhoda evunyiwe futhi ehlangabezana nezindinganiso zamakhono ezichazwe kumaZinga okuQeqesha Ikhodi yalesi sitifiketi; futhi

(iii) aphaathe isitifiketi sesikhashana sobungcweti njengenjini ejwayelekile yokudoba olwandle ekhishwe ngumphathi omkhulu womkhumbi lapho ukuqeqeshwa okwakusendizeni kwaqedwa khona.

### **73. Injini ejwayelekile yasolwandle (Ukusebenza Kwetheku)**

(1) Ngenhloso yalo mthetho; isitifiketi sesikhashana sisebenza isikhathi esiyizinyanga eziyisithupha kusukela ngosuku lokukhishwa futhi sizoshintshaniswa ngesitifiketi sobuhlakani njengenjini ejwayelekile yasolwandle ekhishwe yiGunya phakathi nesikhathi sokusebenza.

(2) Ukuthola isitifiketi sokusebenza kahle njengenjini ejwayelekile yasolwandle—

(a) ozongenela ukhetho ngaphandle koqeqesho olusheshayo kufanele—

(i) okungenani abe neminyaka eyi-16;

(ii) asebenze okungenani izinyanga eziyisithupha emnyangweni wezinjini emikhunjini yokuhweba eyi-100 kW noma ngaphezulu;

(b) ozongenela ukhetho ngokuqeqeshwa okusheshayo—

(i) okungenani abe neminyaka eyi-16;

(ii) okungenani anezinsizakalo zezinyanga ezimbili emnyangweni wezinjini emikhunjini yokuhweba eyi-100 kW noma ngaphezulu.

**74. Isilinganiso Ubuchwepheshe begesi**

Ukuthola isitifiketi sokufaneleka njengokulinganiswa kobuchwepheshe be-electro emkhunjini wamandla kagesi angama-750 kW noma ngaphezulu lowo ozobhalwa kufanele—

(a) okungenani ube neminyaka eyi-18;

(b) uqedele insizakalo yolwandle evunyiwe okubandakanya ukuqeqeshwa nesipiliyoni sezinyanga eziyi-12; futhi

(c) abe eseqedile iziqu ezihlangabezana namakhono obuchwepheshe wekhodi lokuqeqesha.

**75. Isilinganiso senhloso ejwayelekile (imisebenzi yetheku)**

Ukuthola isitifiketi sobungcweti njengokulinganisa kwenhloso ejwayelekile (ukusebenza kwetheku) -

(a) ozobhalwa aphephe izitifiketi zobungcweti njengendawo ejwayelekile yokudoba olwandle kanye nenjini ejwayelekile yasolwandle—

(i) okungenani abe neminyaka eyi-18;

(ii) ngenkathi ephethe izitifiketi zobungcweti njengendawo yokudoba yolwandle ejwayelekile nanjengenjini ejwayelekile yasolwandle, okungenani anezinyanga eziyi-18 zesevisi yasolwandle noma imisebenzi yokusebenza echwebeni emikhumbi ye-25 GT noma ngaphezulu eyenziwe—

(aa) okungenani izinyanga eziyisithupha emnyangweni wesitezi;

(bb) okungenani izinyanga eziyisithupha emnyangweni wezinjini;

(cc) izinyanga eziyisithupha ezisele emkhakheni wompheme noma we-injini;

(iii) uqedele, ngesikhathi senkonzo yasolwandle edingekayo noma isevisi yokusebenza kwetheku, incwadi evunyelwe yokuqopha umlando (emphemeni nenjini); futhi

(iv) uqedele ukuqeqeshwa okugunyaziwe futhi wahlangabezana namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi;

(b) ozobhalwa aphephe isitifiketi sokusebenza kahle njengendawo yokudoba olwandle noma injini

(i) ngenkathi uphethe izitifiketi zobungcweti njengendawo yokudoba olwandle noma injini, okungenani unezinyanga eziyisithupha zesevisi yasolwandle noma imisebenzi yokusebenza echwebeni egumbini lenjini noma emnyangweni wemikhumbi yemikhumbi engu-25 GT noma ngaphezulu eyenziwe--

(aa) izinyanga ezimbili zenkonzo yasolwandle njengenjini noma yesandla sedeski; futhi

(bb) izinyanga ezine ngenkathi ephethe isitifiketi sesikhashana sokufaneleka njengenjini ejwayelekile yasolwandle noma emphemeni;

(ii) ugcwalise, ngesikhathi senkonzo yasolwandle edingekayo noma isevisi yokusebenza kwamachweba, incwadi evunyelwe yokuqopha umlando yokuqeqeshwa; futhi

(iii) abaphothule ukuqeqeshwa okugunyaziwe futhi bahlangabezana nezindinganiso zamakhono ezichazwe eKhodini Lamazinga Wokuqeqesha kulesi sitifiketi.

## **Isahluko 9 –Ukuqeqeshwa Okukhethekile Kwabasebenzi ezinhlotsheni ezithile zemikhumbi**

### **76. Izidingo ezikhethekile zabasebenzi kumathangi kawoyela namakhemikhali**

(1) Iziphathimandla nezilinganiso ezinikezwe imisebenzi ethile nezibopho ezihlobene nempahla noma impahla yezimpahla kumathangi kawoyela namakhemikhali kufanele zithole isitifiketi sokuqeqeshwa okuyisisekelo kokusebenza kwempahla ethwala uwoyela namakhemikhali.

(2) Ukuthola isitifiketi sokuqeqeshwa okuyisisekelo kokusebenza kwempahla ethwala uwoyela namakhemikhali umuntu ozongenela ukhetho—

(a) aqedile, eminyakeni emihlanu eyandulele, okungenani izinyanga ezintathu ezigunyaziwe zokuhlinzekwa kolwandle kumathangi kawoyela noma amakhemikhali; noma

(b) aqede ukuqeqeshwa okuyisisekelo okugunyaziwe kwamathangi kawoyela namakhemikhali futhi ahlangebezane namazinga obuchule abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

(3) Amakhosi, abaphathi bonjiniyela abakhulu, abalingani, abaphathi besibili bonjiniyela kanye nanoma yimuphi umuntu onomthwalo osheshayo wokulayisha, ukukhipha, ukunakekela ezokuthutha, ukuphatha impahla, ukhlanza amathangi noma eminye imisebenzi ephathelene nempahla emathangini kawoyela kufanele athole isitifiketi ukuqeqeshwa okuthuthukile kokusebenza kwempahla yamathangi kawoyela.

(4) Ukuthola isitifiketi sokuqeqeshwa okuthuthukile ekusebenzeni kwempahla yamathangi kawoyela ozobhathizwa kufanele—

(a) apha the isitifiketi sokuqeqeshwa okuyisisekelo emisebenzini yemithwalo yamathangi kawoyela namakhemikhali, futhi ngaphezu kwalokho -

(i) uqedile, eminyakeni emihlanu eyedlule, okungenani izinyanga ezintathu ezigunyaziwe zokuhlinzekwa kolwandle kumatanki kawoyela; noma

(ii) uqede okungenani inyanga eyodwa yokuqeqeshwa okusemkhunjini kwamathangi kawoyela, ngamandla angaphezu kwamanani, okubandakanya okungenani imisebenzi emithathu yokulayisha kanye neyethula kathathu ebhalwe encwadini yokurekhoda evunyiwe;

(b) abaphothule ukuqeqeshwa kusengaphambili kwemisebenzi yamapayipi ethwala uwoyela futhi bahlangabezane namazinga wekhono abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

(5) Amakhosi, abaphathi bonjiniyela abakhulu, abalingani, abaphathi besibili bonjiniyela kanye nanoma yimuphi umuntu onomthwalo osheshayo wokulayisha, ukukhipha, ukunakekela ezokuthutha, ukuphatha impahla, ukuhlansa amathangi noma eminye imisebenzi ephathelene nempahla kumathangi amakhemikhali kumele athole isitifiketi ukuqeqeshwa okuthuthukile kwemisebenzi yezimpahla zamathangi amakhemikhali

(6) Ukuthola isitifiketi sokuqeqeshwa okuthuthukile ekusebenzeni kwemithwalo yamathangi amakhemikhali umuntu ozongenela ukhetho—

(a) apha the isitifiketi sokuqeqeshwa okuyisisekelo emisebenzini yemithwalo yamathangi kawoyela namakhemikhali, futhi ngaphezu kwalokho -

(i) uqede okungenani izinyanga ezintathu zensizakalo yolwandle egunyaziwe ethangini lamakhemikhali, noma

(ii) uqede okungenani inyanga eyodwa yokuqeqeshwa okugibelwayo esikebheni kumathangi amakhemikhali, ngamandla angaphezu kwamanani, okubandakanya okungenani imisebenzi emithathu yokulayisha neyethula ezintathu futhi ebhalwe encwadini yokurekhoda evunyiwe;

(b) baqede ukuqeqeshwa kusengaphambili okugunyaziwe kokusebenza kwempahla yamathangi yamakhemikhali futhi bahlangabezane namazinga wekhono ashiwo eKhodini Lamazinga Okuqeqesha kulesi sitifiketi.

(7) Amakhosi, izikhulu kanye nezilinganiso ezifanelekile ngokuhambisana nalo mthetho-zimiso kuyodingeka, ngezikhathi ezingeqi eminyakeni emihlanu, ukukhombisa ukuqhubekela phambili

kobungcweti kuhlobo lwethangi lapho kudingeka khona ukuthi isitifiketi sokusebenza kahle noma sokuvunywa , ngokuya ngomthethonqubo wesi-3 (2) no (3).

(8) Ukuqhubeka kwekhono lobungcweti lamathangi amakhemikhali okukhulunywe ngawo kumthethonqubo 0 kuzosungulwa ngu-

(a) ukwenza imisebenzi efanele isitifiketi sethangi lamakhemikhali noma ukugunyazwa okugcinwe, ngesikhathi semisebenzi yasolwandle egunyaziwe, isikhathi esiyizinyanga okungenani ezintathu sezisonke phakathi neminyaka emihlanu eyedlule; noma

(b) ukuphothula ngempumelelo izifundo noma izifundo ezivunyiwe ezifanele.

#### **77. Izidingo ezikhethekile zabasebenzi emathangini kaphethiloli**

(1) Izikhulu kanye nezilinganiso ezinikezwe imisebenzi ethile nezibopho ezihlobene nempahla noma impahla yezimpahla kumathangi kaphethiloli onamanzi kufanele zithole isitifiketi sokuqeqeshwa okuyisisekelo kokusebenza kwempahla ethwala uketshezi igesi.

(2) Ukuthola isitifiketi sokuqeqeshwa okuyisisekelo kwemisebenzi yempahla yamathangi kaphethiloli okhethwe yilowo ozobhathizwa kufanele—

(a) aqedile, eminyakeni emihlanu eyedlule, okungenani izinyanga ezintathu zesevisi yasolwandle emathangini kaphethiloli; noma

(b) abaphothule ukuqeqeshwa okuyisisekelo kwemisebenzi ethwala impahla ethwala uketshezi igesi futhi bahlangabezana nezindinganiso zamakhono ezichazwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

(3) Izikhulu, onjiniyela abakhulu, abalingani, abaphathi besibili bonjiniyela kanye nanoma yimuphi umuntu onomthwalo osheshayo wokulayisha, ukukhipha, ukunakekela ezokuthutha, ukuphatha impahla, ukuhlanza amathangi noma eminye imisebenzi ephathelene nempahla emathangini kaphethiloli onamanzi kufanele athole isitifiketi ukuqeqeshwa okuthuthukile kwemisebenzi yempahla ethwala uketshezi igesi.

(4) Ukuthola isitifiketi sokuqeqeshwa okuthuthukile kwamathangi kaphethiloli onamanzi okhethwayo umuntu ozovotelwa—

(a) aphaathe isitifiketi sokuqeqeshwa okuyisisekelo emisebenzini yemithwalo yempahla ethwala ugesi futhi ngaphezu kwalokho uzo—

(i) uqedile, eminyakeni emihlanu eyedlule, okungenani izinyanga ezintathu ezigunyaziwe zokuhlinzekwa kolwandle ethangini likaphethiloli; noma

(ii) aqede okungenani inyanga eyodwa yokuqeqeshwa okusemikhunjini kwamathangi kaphethiloli, ngamandla angaphezu kwamanani, okubandakanya okungenani imisebenzi emithathu yokulayisha neyethula emithathu futhi ebhalwe encwadini yokurekhoda evunyelwe

(b) abaphothule ukuqeqeshwa okuvunyelwe kusengaphambili kwamathangi kaphethiloli onamanzi futhi bahlangabezana namazinga wekhono abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

(5) Amakhosi, izikhulu kanye nezilinganiso ezifanelekayo ngokuhambisana nalo mthetho-zimiso kuyodingeka, ngezikhathi ezingeqi eminyakeni emihlanu, ukukhombisa ukwazi okuqhubekayo kobungcweti kuhlobo lwethangi lapho kudingeka khona ukuthi isitifiketi sokusebenza kahle noma sokuvunywa, ngokuya ngomthethonqubo 30 nephutha! Umthombo wenkomba awutholakali ..

(6) Ukuqhubeka kwamakhono okusebenza kwamathangi okukhulunye ngawo kumthethonqubo 0 kuzosungulwa ngu-

(a) isevisi yasolwandle egunyaziwe phakathi kwamathangi kaphethiloli isikhathi okungenani sezinyanga ezintathu isiyonke phakathi neminyaka emihlanu eyedlule; noma

(b) ukuphuthula ngempumelelo izifundo noma izifundo ezivunyiwe ezifanele.

#### **78. Izidingo ezikhethekile zabasebenzi abasemikhunjini ngokuya ngekhodi le-IGF**

(1) Lo mthetho usebenza kuma-Umbusis, izikhulu nezilinganiso kanye nabanye abasebenzi abasebenza emikhunjini yemikhumbi ngokuya nge-IGF Khodi.

(2) Ngaphambi kokunikezwa imisebenzi yemikhumbi emikhunjini yemikhumbi ngokuya nge-IGF Khodi, abasebenza olwandle bazobe sebephothule ukuqeqeshwa okudingekayo ngokwemithethonqubo (3) kuya ku- (8) ngokuya ngamandla abo, imisebenzi nezibopho zabo.

(3) Abasolwandle ababhekele imisebenzi yokuphepha eqokiwe ehambisana nokunakekelwa, ukusetshenziswa noma ukuphendula okuphuthumayo kumafutha asemikhunjini yemikhumbi ngokuya nge-IGF Khodi kumele bathole isitifiketi sokuqeqeshwa okuyisisekelo semikhumbi engaphansi kweKhodi ye-IGF.

(4) Ngokuya ngesigatshana somthethonqubo (5), ukuthola isitifiketi sokuqeqeshwa okuyisisekelo ngemikhumbi engaphansi kweKhodi ye-IGF umuntu ozongenela ukhetho uyoqedela ukuqeqeshwa okuyisisekelo ngokuya ngamazinga abekiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi.

(5) Abasolwandle ababhekele imisebenzi yokuphepha eqokiwe ehambisana nokunakekelwa, ukusetshenziswa noma ukuphendula okuphuthumayo kumafutha asemikhunjini yemikhumbi

ngokuya nge-IGF Khodi abafanelekile futhi abaqinisekiswa ngokuhambisana nomthethonqubo 770 abovedo akudingeki bathole isitifiketi esihlongozwe kumthethonqubo omncane ( 4).

(6) Amakhosi, izikhulu zonjiniyela nazo zonke izisebenzi ezibhekele ukunakekelwa kanye nokusetshenziswa kwamafutha kanye nezinhlelo zikaphethiloli emikhunjini engaphansi kweKhodi ye-IGF kumele zithole isitifiketi sokuqeqeshwa okuthuthukile sokusebenza emikhunjini engaphansi kweKhodi ye-IGF.

(7) Ngokuya ngesigatshana somthethonqubo (8), ukuthola isitifiketi sokuqeqeshwa okuthuthukile kwemikhumbi ngokuya ngekodi le-IGF umuntu ozongenela ukhetho—

(a) abe ngumnikazi wesitifiketi sokuqeqeshwa okuyisisekelo semikhumbi engaphansi kweKhodi ye-IGF;

(b) usuqedile—

(i) ukuqeqeshwa okuthuthukile okuvunyelwe kokusebenza emikhunjini engaphansi kweKhodi ye-IGF futhi kulangabezana nezinga lamakhono njengoba kuchaziwe kwiKhodi yamaZinga oQeqesho; futhi

(ii) okungenani inyanga eyodwa yensizakalo yolwandle egunyaziwe ebandakanya ubuncane bokusebenza kwemikhumbi emithathu emikhunjini yemikhumbi ngokuya nge-IGF Khodi. Imisebenzi emibili kwemithathu yokubhangiswa ingathathelwa indawo ukuqeqeshwa okuvunyelwe kwe-simulator kokusebenza kwe-bunkering njengengxenye yokuqeqeshwa endimaneni (i).

(8) Amakhosi, izikhulu zonjiniyela kanye nanoma yimuphi umuntu ophethe ngokushesha ukunakekelwa kanye nokusetshenziswa kwamafutha emikhunjini engaphansi kweKhodi ye-IGF ehambisana nezimfuneko zomthethonqubo 770 akudingeki ukuthi athole isitifiketi sokuqeqeshwa okuthuthukile sokusebenza kwemikhumbi engaphansi kweKhodi ye-IGF, uma bane-

(a) wahlangabezana nezimfuneko zomthethonqubo (5); futhi

(b) ethobele izidingo zomthethonqubo (7) (b) (ii) noma ebambe iqhaza ekwenzeni imisebenzi emithathu yezimpahla emkhunjini kaphethiloli onamanzi; futhi

(c) uqedile ukusebenza olwandle izinyanga ezintathu eminyakeni emihlanu eyedlule egibele—

(i) imikhumbi engaphansi kweKhodi ye-IGF;

(ii) amathangi athwala imithwalo, uphethiloli ovalwe yikhodi ye-IGF; noma

(iii) imikhumbi isebenzisa amagesi noma i-flashpoint low ephansi njengophethiloli.

(9) Isigungu seziPhathimandla sizokhipha isitifiketi sobuhlakani kubasolwandle abaqeqeshiwe ngokuhambisana nemithethonqubo (3) noma (6), njengokufanele.

(10) Abasolwandle abaphethe izitifiketi zobungcweti ngokuya kwesigatshana somthethonqubo (9), ngezikhathi ezingeqi eminyakeni emihlanu, bazokwenza ukuqeqeshwa okufanelekile kokuvuselela noma kudingeka ukuthi banikeze ubufakazi bokuthi balizuzile izinga elifanele lekono eminyakeni emihlanu edlule.

**79. Izidingo ezikhethekile sezikhulu emphemeni emikhunjini esebenza amanzi asezindaweni eziphakeme**

(1) Amakhosi, abalingani abakhulu kanye nezikhulu eziphethe iwashi lokuhamba ngemikhumbi elisebenza emanzini asezindaweni ezibandayo kumele zithole isitifiketi sokuqeqeshwa okuyisisekelo kwemikhumbi esebenza emanzini asendaweni esezingeni eliphansi, njengoba kufunwa Khodi.

(2) Ukuthola isitifiketi sokuqeqeshwa okuyisisekelo kwemikhumbi esebenza emanzini asezindaweni ezibandayo umuntu ozobhalwa kufanele aqedele ukuqeqeshwa okuyisisekelo okugunyaziwe kwemikhumbi esebenza emanzini asezindaweni ezibandayo futhi ahlangabezane nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

(3) Amakhosi nabalingani abasemkhunjini osebenza emanzini asezindaweni ezibandayo, kumele bathole isitifiketi sokuqeqeshwa okuthuthukile kwemikhumbi esebenza emanzini asePoland, njengoba kufunwa yiPolar Khodi.

(4) Ukuthola isitifiketi sokuqeqeshwa okuthuthukile kwemikhumbi esebenza emanzini asezindaweni ezibandayo umuntu ozongenela ukhetho—

(a) aphaathe isitifiketi sokuqeqeshwa okuyisisekelo semikhumbi emanzini asendaweni emhlophe;

(b) okungenani abe nezinyanga ezi-2 zokuhlinzekwa kolwandle okugunyaziwe emnyangweni wamaphakethe, ezingeni labaphathi noma ngenkathi enza imisebenzi yokulinda ezingeni lokusebenza, ngaphakathi kwamanzi asezindaweni ezibandayo noma enye insizakalo yolwandle evunyelwe efanayo; futhi

(c) baqede ukuqeqeshwa okuthuthukile kwemikhumbi esebenza emanzini asezindaweni ezibandayo futhi bahlangabezana nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

(5) Isigungu seziPhathimandla sizokhipha isitifiketi sobuhlakani kubasolwandle abaqeqeshiwe ngokuhambisana nemithethonqubo (2) noma (4), njengoba kufanele.

(6) Abasolwandle abaqale insizakalo yolwandle evunyiwe emanzini asezindaweni eziphakeme ngaphambi komhla ka-1 Julayi 2018, kuze kube ngumhla ka-1 Julayi 2021, bakwazi ukuthola ukuthi bahlangabezana nezidingo zokuqeqeshwa okuyisisekelo kwemikhumbi esebenza emanzini asezindaweni ezibandayo—

(a) eseqedile insizakalo yolwandle evunyiwe emkhunjini osebenza emanzini asezindaweni ezibandayo noma insizakalo yasolwandle egunyaziwe, wenza imisebenzi emnyangweni wedeski ezingeni lokusebenza noma lokuphatha, isikhathi esiyizinyanga okungenani ezintathu sezizonke eminyakeni emihlanu eyedlule ; noma

(b) eseqede ngempumelelo izifundo zokuqeqeshwa ezihlangabezana nomhlahlandlela woqeqesho osungulwe yiNhlangotho wemikhumbi esebenza emanzini asendaweni eehayo.

(7) Abasolwandle abaqale insizakalo yolwandle evunyiwe emanzini asezindaweni eziphakeme ngaphambi komhla ka-1 Julayi 2018, kuze kube ngumhla ka-1 Julayi 2021, bakwazi ukuthola ukuthi bahlangabezana nezidingo zokuqeqeshwa okuthuthukile kwemikhumbi esebenza emanzini asezindaweni ezibandayo—

(a) eseqedile insizakalo yolwandle evunyiwe emkhunjini osebenza emanzini asezindaweni ezibandayo noma insizakalo yasolwandle egunyaziwe, wenza imisebenzi emnyangweni wamaphakethe ezingeni labaphathi, isikhathi esiyizinyanga ezintathu okungenani eminyakeni emihlanu eyedlule; noma

(b) eseqede ngempumelelo izifundo zokuqeqesha ukuhlangabezana nesiqondiso soqeqesho esisungulwe yiNhlangotho ngemikhumbi esebenza emanzini asezindaweni ezibandayo futhi eseqedile insizakalo yolwandle egunyaziwe esikebheni somkhumbi osebenza emanzini asezindaweni ezibandayo noma insizakalo yolwandle evunyelwe efanayo, enza imisebenzi emnyangweni womkhumbi izinga labaphathi, isikhathi esiyizinyanga okungenani ezimbili sezizonke eminyakeni emihlanu eyedlule.

#### **80. Izidingo ezikhethekile zabasebenzi emikhunjini yabagibeli**

(1) Lo mthethonqubo usebenza kumakhosi, izikhulu, izilinganiso kanye nabanye abasebenzi abasebenza emikhunjini yabagibeli abahamba ohambweni oluseduze nolwandle noma olungenamkhawulo. Imikhumbi yemikhumbi yabagibeli yeClass IIA, V Isigaba VI, ngaphakathi kwezigaba zomthethonqubo 4 Izinsiza Zokulondoloza Impilo - Imithethonqubo, 1968, izolandela imithethonqubo (4) no (5) ngokuya ngezinga lomsebenzi wabo.

(2) Ngaphambi kokunikezwa imisebenzi yemikhumbi yemikhumbi yabagibeli, abasolwandle okukhulunywe ngabo kwisigatshana somthethonqubo (1) bayobe sebephumelele ngempumelelo ukuqeqeshwa okudingekayo ngokwemithethonqubo (4) kuya ku- (7) ngokuya ngamandla abo,

imisebenzi yabo kanye nezibopho zabo futhi bazokhishwa ngobufakazi obubhaliwe obufakazela ukuqedwa ngempumelelo koqeqesho.

(3) Abasolwandle okudingeka ukuthi baqeqeshwe ngokuhambisana nemithethonqubo (4), (6) no (7), ngezikhathi ezingeqi eminyakeni emihlanu bazokhombisa ukuqhubeka nekhono lobuchwepheshe ngokusebenza endaweni efanele okungenani izinyanga eziyi-12 ngaphambi kweminyaka emihlanu noma ukuqedela ukuqeqeshwa okuvuselelwe okuvunyiwe futhi kuhlangatshezwane namazinga wekhono ashiwo kuKhodi yamaZinga oQeqesho yalesi sitifiketi.

(4) Amakhosi, iziphathimandla kanye nabanye abasebenzi abaqokelwe ezinhlwini ezihlangene zokusiza abagibeli ezimweni eziphuthumayo emikhunjini yabagibeli kumele baqedele ukuqeqeshwa okugunyaziwe ekuphathweni kwesixuku futhi bahlangabezane nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

(5) Abasebenzi abahlinzeka ngemisebenzi eqonde ngqo kumgibeli ezindaweni zabagibeli kumele baqedele ukuqeqeshwa okugunyaziwe ekuphepheni komkhumbi wabagibeli futhi bahlangabezane nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi.

(6) Amakhosi, abashadikazi abakhulu, onjiniyela abakhulu, onjiniyela besibili nawo wonke umuntu onomthwalo wokuphepha kwabagibeli ezimweni eziphuthumayo emikhunjini yabagibeli kumele aqedele ukuqeqeshwa okugunyaziwe ekuphathweni kwezinhlekelele nasekuziphatheni kwabantu futhi ahlangebezane nezinga lamakhono elichazwe kuQeqesho lkhodi Yezinga yalesi sitifiketi.

(7) Amakhosi, abashadikazi abakhulu, onjiniyela abakhulu, onjiniyela besibili nawo wonke umuntu onikezwe umsebenzi ngokushesha wokuqalisa nowehlisa abagibeli, ukulayisha, ukudedela noma ukuvikela impahla, noma ukuvala ukusebenza kwemikhumbi emikhunjini yabagibeli kumele kuqedelwe ukuqeqeshwa okugunyaziwe kokuphepha kwabagibeli, ukuphepha kwempahla kanye nobuqotho behokwe futhi lihlangabezane nezinga lamakhono elichazwe eKhodini Lamazinga Wokuqeqesha lalesi sitifiketi

## INGXENYE 4 - UKUQEQESHA

Kule ngxenye,

‘Ukuqeqeshwa’ kuhlangukisa, kodwa kungacini lapho—

- (a) izinhlelo zemfundo ezihlose ukuthola izitifiketi zekhono;
- (b) izifundo ezimfishane ezidingwa ngabasolwandle ukuthola amakhono athile, ulwazi, amakhono nobuchule;
- (c) ukuqeqeshwa kokuhlangenwe nakho okusemkhunjini okudingeka maqondana nokuqinisekiswa, kubandakanya ukuqeqeshwa okusheshisiwe.

‘**Imibandela yokugunyazwa**’ ifaka phakathi le Mithethonqubo kanye nanoma yiziphi ezinye izidingo zeSigungu seziPhathimandla njengoba zibekiwe Ohlelweni Lwamazinga Ekhwalthi.

### 81. Abahlinzeki bokuqeqeshwa kwezasolwandle

(1) Isigungu seziPhathimandla singagunyaza umhlinzeki wokuqeqesha ukuthi aqhube noma yikuphi ukuqeqeshwa okudingwa yikhodi yamazinga okuqeqesha

(2) Ukugunyazwa kumele kwenzekwe ngokuhambisana nale Mithetho kanye noHlelo lwamaZinga weKhwalthi futhi—

(a) kufanele—

(i) sinikezwe ngokubhaliwe;

(ii) kube isikhathi esingeqile eminyakeni emithathu;

(b) ngokushesha, ngemuva kokucwaningwa kwamabhuku noma enye imbangela, ingashintshwa, imiswe okwesikhashana noma ikhanseliwe, inqobo nje uma ukugunyazwa kukhanseliwe, isaziso esiyizinsuku ezingama-30 siyonikezwa. ”

(3) Ukuze agunyazwe njengomhlinzeki wokuqeqeshwa kwezasolwandle umhlinzeki woqeqesho kufanele—

(a) kube noHlelo lwamaZinga oPhuculo (Management) olusebenzayo oluhlangabezana nezidingo ezibekwe Ohlelweni Lwamazinga Wokuphathwa Kwamazinga (Ukuphathwa) lweGunya;

(b) babe nabafundisi nabahloli abahlangabezana nemibandela njengoba kubekiwe Ohlelweni Lwamazinga Ophiko loMkhandlu;

(c) enze ucwaningomabhuku lwangaphakathi minyaka yonke bese eletha ikhophi kusiPhathimandla;

- (a) ube nezinsizakusebenza nezinsiza kusebenza zokuqeqesha njengoba kucacisiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi;
- (b) ahlinzeke nganoma imiphi imibhalo uma kucelwa yiSigungu seziPhathimandla zingakapheli izinsuku ezimbili zesicelo lesa.
- (4) Isicelo sokugunyazwa siyokwenziwa ngendlela nangendlela eshiwo Uhlelo Lokumiswa Kwamazinga yoMkhandlu.
- (5) Umhlinzeki wokuqeqeshwa kwezasolwandle ofaka isicelo sokugunyazwa uyovumela Isigungu seziPhathimandla—
- (a) ukuhlola izakhiwo zomhlinzeki, amalungiselelo okuqeqesha nokuhlola, izindlela nezinto zokwakha; futhi
- (b) ukuxoxisana nabafundi bomhlinzeki, abasebenzi bezokuphatha, abafundisa ukuqeqesha kanye nabahloli.
- (6) Umhlinzeki oqeqeshiwe wasolwandle u—
- (a) uma ucela, anikeze iSigungu seziPhathimandla noma yiluphi ulwazi maqondana nokuqeqeshwa okunikezwa ngumhlinzeki; futhi
- (b) azise iSigungu seziPhathimandla, ngokushesha okukhulu maqondana nanoma iluphi ushintsho ku—
- (i) othisha;
- (ii) izindlela zokufundisa; futhi
- (iii) izinto zokufundisa.
- (7) Wonke umhlinzeki ogunyaziwe wokuqeqesha ogunyazwe ukwenza ukuhlolwa kwezinga 2 ngokomthethonqubo 18 uyo-
- (a) thumela, ukuze ihlolwe ngumhloli—
- (i) wonke amaphepha emibuzo wokugcina kanye nememoranda ezinsukwini ezingama-30 ngaphambi kokubhalwa kwalabo abazobhathizwa;
- (ii) imibhalo yokuhlolwa kokugcina, ngaphambi kokuba abafundi bangene emamaki okugcina;
- (b) enze ukuba umhloli atholakale noma yimiphi imibhalo yokubhala izivivinyo, imiphumela yokuhlola, ukunikezwa kwezifundo, imibiko yenqubekela phambili noma eminye imibiko ehlobene nokuqeqeshwa engadingwa yiGunya; futhi
- (c) ngezinjongo zokucwaningwa kwamabhuku, gcina imininingwane eshiwo ezigabeni (a) no (b) okungenani iminyaka emihlanu.

(8) Umhloli angavakashela abahlinzeka ngezokuqeqeshwa kwezasolwandle abagunyaziwe nganoma yisiphi isikhathi esifanele ukuze ahlole futhi acwaninge ukwenziwa kwanoma yimuphi umsebenzi ohlanganiswe nokugunyazwa ngumhlinzeki ukuthola ukuthi kuqhubeka yini ukuhambisana nokuhambisana nemibandela yokugunyazwa.

(9) Lapho isikhungo esivunyelwe kutholakala ukuthi sephule, ngendlela engeke ilungiswe, imibandela yokugunyazwa, iSigungu seziPhathimandla singenqaba ukwamukela lesi sikhungo noma esinye isikhungo lapho abaqondisi baso bebandakanyeka khona.

(10) Isigungu seziPhathimandla sizoshicilela imininingwane yezikhungo ezigunyazwe njengabahlinzeki boqeqesho lwasolwandle kanye nezifundo ezifanele ezihlinzekwa yizikhungo.

## 82. Izinhlelo zokuqeqesha ezisheshayo

(1) Uhlelo lokuqeqesha olusheshayo kumele luqatthe uhlelo lokuqeqesha olubeka izigaba zohlelo.

(2) Uhlelo lokuqeqesha kumele lukhombise, esigabeni ngasinye sohlelo, izinhloso nemiphumela yesigaba nokuthi imiphumela izofinyelelwa kanjani.

(3) Imiphumela yesigaba ngasinye kufanele ibhekele amakhono afanele acaciswe kwiKhodi yamaZinga oQeqesho yesitifiketi esithintekayo.

(4) Uhlelo lokuqeqesha olusheshayo kumele—

(a) ukuhlinzeka ngoqeqesho olunzulu futhi oluhlekile olusebenzayo kanye nesipiliyoni emisebenzini nasezibophezelweni ezihambisana nohlobo lwesitifiketi esithintekayo;

(b) liphathwe, ligadwe futhi lihlolwe ngabantu abaqeqeshiwe ngokwemigomo yomthethonqubo (5), no (6);

(c) ukuhlinzeka ngezikhathi ezifanele, ngaphakathi kwezidingo ezijwayelekile zomkhumbi, zokuphuthula ukuqeqeshwa okusemkhunjini; futhi

(d) uhlinzekele ukugcinwa kwamarekhodi aphelele maqondana nokuqeqeshwa okwenziwe ngaphansi kohlelo.

(5) Uhlelo lokuqeqesha olusheshisiwe luzobhekwa umsebenzi oqeqeshwayo ofanelekele lowo msebenzi uqhutshelwa wona futhi onolwazi olunzulu ngohlelo lokuqeqeshwa kanye nezinhloso ezithile zohlobo ngalunye lokuqeqeshwa olwenziwayo.

(6) Umuntu ohlola ikhono lomuntu ozobhathizwa oqeqeshwa ngokushesha;

(a) abe nezinga elifanele lolwazi nokuqonda kwamakhono azohlolwa;

(b) ufaneleke kulo msebenzi ohlolwayo;

(c) bathole ukuqeqeshwa okufanele ngezindlela nezindlela zokuhlola; futhi

(d) uma ukuhlolwa kuhilela ukusetshenziswa kwezilingisi, bathole ulwazi lokuhlola olusebenzayo kuhlobo oluthile lwesimulator ngaphansi kweso kanye nokweneliseka komhloli onolwazi.

(7) Isicelo sokuvunywa kohlelo olusheshayo lokuqeqesha sizokwenziwa ngendlela nangendlela ebekwe Ohlelweni Lwamazinga Ekhwalthi loMkhandlu futhi kufanele lufake imininingwane kanye nemibhalo ebalulwe oHlelweni olukhulunywe.

(8) Imikhumbi ethwala ngaphezu ofundela ubuphoyisa angama-12 ingagunyazwa njengemikhumbi yokuqeqesha yiSigungu seziPhathimandla uma kunikezwa izinqubo, izinqubomgomo, izikhulu zokuqeqesha, indawo yokuhlala kanye nezinsiza kuleyo mikhumbi.

(9) Ukusheshisa koqeqesho oluya emkhunjini kuzorekhodwa encwadini yokurekhoda evunyelwe.

(10) Zonke izinhlelo zokuqeqesha ezisheshisiwe ezivunyelwe isiGungu seziPhathimandla zizoshicilelwa kwisaziso sasolwandle.

### **83. Imisebenzi yamakhosi kanye nabantu abaqhuba ukuqeqeshwa emsebenzini**

(1) Wonke umuntu oqhuba ukuqeqeshwa emsebenzini kufanele aqinisekise ukuthi—

(a) kubekelwa eceleni izikhathi ezifanele zokuqedela uhlelo lokuqeqeshwa okusemkhunjini ngaphakathi kwezidingo ezijwayelekile zomkhumbi;

(b) ekuqaleni kohlelo nasekuqaleni kohambo ngalunye emkhunjini ohlukile, abazongenela ukhetho banikezwa imininingwane ebanzi kanye nokuholwa ukuthi kulindeleni kubo nokuthi uhlelo lokuqeqesha kumele luqhutshwe kanjani;

(c) umsebenzi wokuqeqesha uqokelwe ukuphatha uhlelo;

(d) izikhulu zemikhumbi ezibhekele ukuqeqeshwa nokuhlolwa ziyazi futhi ziqonde imisebenzi nezibopho zazo maqondana nokuqeqeshwa;

(e) ngesikhathi esidingekayo sokwenza umsebenzi ofanelekayo, umuntu ozobhathizwa uthola ukuqeqeshwa okuhlelekile kanye nokuhlangenwe nakho emisebenzini, emisebenzini nasezibophezelweni ezihambisana nesitifiketi esifiselekayo, kubhekelwe amakhono abekiwe encwadini yokurekhoda;

(f) ukuhlolwa kwalowo ozongenela ukhetho kwenziwa, ngaphandle kokubambezeleka okungadingekile, lapho lowo ozobhathizwa ekulungele ukuhlolwa;

(g) ukuqeqeshwa okwenziwa ebhodini kwakha ingxenye esemqoka yohlelo lokuqeqeshwa jikelele;

(h) uhlelo lokuqeqeshwa okusemkhunjini luphethwe futhi luhlanganiswe ngumuntu ophethe umkhumbi lapho kuzosetshenzwa khona; futhi

(i) kugcinwa irekhodi eliphelele lakho konke ukuqeqeshwa okwenziwayo.

(2) Wonke umuntu oqokwe njengesikhulu sokuqeqesha ngokwemigomo yomthethonqubo (1) (c) uyoba nesibopho—

(a) ukuphathwa okuphelele kohlelo lokuqeqesha;

(b) ukuqapha inqubekela phambili yabaqokelwe kulo lonke lolu hlelo; futhi

(c) nokunikeza ukuholwa, lapho kunesidingo, nokuqinisekisa ukuthi uhlelo lokuqeqesha luqhutshwa ngendlela efanele.

(3) Inkosi izokwenza lokhu—

(a) ukuhlinzeka ukuxhumana phakathi kwezikhulu zomkhumbi ezibhekele ukuqeqeshwa kanye nezokuqeqesha osebeni;

(b) aqoke, ngokubhala, izikhulu zomkhumbi okumele zibhekane nokuhlela nokwengamela ukuqeqeshwa okusemkhunjini ohambweni ngalunye;

(c) aqinisekise ukuqhubeka uma kwenzeka kuba khona ushintsho kubasebenzi bemikhumbi phakathi nohambo; futhi

(d) liqinisekise ukuthi bonke abasebenzi abathintekayo balwenza ngempumelelo uhlelo lokuqeqeshwa okusemabhodini.

(4) Ngaphandle uma umninikhaya eyalela ngenye indlela ngenhloso yokuphepha komkhumbi, sonke isikhulu somkhumbi esiqokwe ngokwemigomo yomthethonqubo (3) (b) sizoba nesibopho—

(a) ukuhlela uhlelo lokuqeqeshwa okusebenzayo olwandle;

(b) ekuqinisekiseni, ngokwengamela, ukuthi amabhuku okuqoshwa agcinwa ngendlela efanele nokuthi zonke ezinye izidingo ziyahlangatshezwa; futhi

(c) aqinisekise, ngokusemandleni, ukuthi isikhathi umfakisicelo asichitha ebhodini sisizo ngangokunokwenzeka maqondana nokuqeqeshwa kanye nesipiliyoni, futhi kuyahambisana nezinhloso zohlelo lokuqeqeshwa kanye nenqubekela phambili yoqeqesho.

#### **84. Ukusungulwa kweKhodi yamaZinga oQeqesho**

(1) Isigungu seziPhathimandla siyosungula iKhodi yaMazinga wokuQinisekisa ehlanganisa lonke uqeqesho oludingekayo ngaphansi kwale Mithethonqubo kanye noMthetho.

(2) Amazinga wokuqeqesha Khodi esungulwe ngaphansi kwale Mithethonqubo izoshicilelwa kuwebhusayithi yeGunya.

(3) Ekusunguleni iKhodi yamaZinga okuQeqesha, isiPhathimandla sizo—

- (a) qinisekisa ukuthi iKhodi yamaZinga oQeqesho ihlanganisa zonke izidingo zemfundo noqeqesho zeSivumelwano se-STCW, iSivumelwano se-STCW-F kanye ne-MLC;
- (b) asungule izinqubo ezibhaliwe ngaphakathi koHlelo Lwamazinga Ekhwalthi lokuthuthukisa, ukubonisana nokushicilelwa kweKhodi; futhi
- (c) aqinisekise ukuthi iKhodi yamaZinga oQeqesho ingaphansi kokuthuthuka okuqhubekayo.

## **INGXENYE 5 - UKUHLOLWA KWEZEMPILO NOKUBONA KWABASOLWANDLE**

### **85. Ukusetshenziswa kweNngxenye 5**

- (1) Wonke umuntu okudingeka ukuthi alulame ngokwezempilo ngalo Mthetho uzobamba isitifiketi sikadokotela esikhishwe ngudokotela esivunyelwe ngokuhambisana nale Mithetho.
- (2) Isitifiketi sezempilo esisemthethweni sizokhishwa yiwo wonke umuntu—
  - (a) ukufaka isicelo sokuqinisekiswa noma sokuqinisekiswa kabusha kwesitifiketi njengoba kudingwa yile Mithetho;
  - (b) okuvezwe esigabeni 92, 101 noma 111 soMthetho;
  - (c) ukufaka isicelo seNcwadi Yerekhodi Yolwandle.
- (3) Wonke umuntu osebenza emkhunjini owenza umsebenzi wokugada njengoba kudingwa yiNngxenye 7 no-8 yale Mithethonqubo futhi uzobamba isitifiketi esivumelekile sokuhlolwa kombala.

### **86. Ukusebenza kweSitifiketi Sezokwelapha kanye neSitifiketi Sokuhlola Umbala Nombono**

- (1) Isitifikedi sezokwelapha siyobe sisebenza, kusukela osukwini umfakisisicelo ahlolwa ngalo, isikhathi esingeqile eminyakeni emibili, ngaphandle kwa—
  - (a) uma udokotela ethole ukuthi umuntu obhalisiwe unezimo ezidinga ukuthi zibuyezwe ngesikhashana esingaphansi kweminyaka emibili, lapho-ke isitifiketi sizosebenza isikhathi esinqunywe udokotela;
  - (b) uma umuntu osebenza olwandle engaphansi kweminyaka engu-18, lapho-ke isitifiketi sokuqina kwezempilo sizosebenza isikhathi esingangonyaka.
- (2) (a) Ukuhlolwa kwe-acuity test kuzoba semthethweni, kusukela osukwini okuhlolwa ngalo lowo obhalisiwe, isikhathi esingeqile eminyakeni emibili.
  - (b) Ukuhlolwa kokubona umbala kuvumelekile, kusukela osukwini okuhlolwa ngalo lowo obhalisiwe, isikhathi esingeqile eminyakeni eyisithupha.

**87. Ukuvunyelwa Kwabasebenzi Bezokwelapha ukuthi Benze Ukuhlolwa Kwezempilo Kwabasolwandle**

(1) Ngokuya ngezimo eziqukethwe Ohlelweni Lwamazinga Ekhwalthi, Isigungu seziPhathimandla singavumela udokotela ukuthi akhiphe—

(a) isitifiketi sokuqina kwezempilo; noma

(b) isitifiketi sokuhlola umbala nombono.

(2) Ukuze samukelwe ngokwesigatshana somthethonqubo (1) (a), umfakisicelo kufanele—

(a) abe ngudokotela futhi kufanele—

(i) apha the isitifiketi Somuthi Wasemsebenzini; noma

(ii) asebenze okungenani unyaka owodwa njengodokotela womkhumbi; noma

(iii) usebenze iminyaka emithathu njengodokotela 'wenkampani yokuthumela impahla'; noma

(iv) usebenze iminyaka emithathu ngaphansi kweso lodokotela ovunyelwe ngaphansi kwale Mithetho;

(b) lihambisane nezimfuneko ezibekwe Ohlelweni Lwamazinga Ekhwalthi.

(3) Ukuze samukelwe ngokwesigatshana somthethonqubo (1) (b), umfakisicelo kufanele—

(a) abe ngudokotela wamehlo, futhi

(b) lihambisane nezimfuneko ezibekwe Ohlelweni Lwamazinga Ekhwalthi.

(4) Isigungu seziPhathimandla singagunyaza iqembu lodokotela abahlanganyela izindawo uma befanelekile ngokwemithethonqubo (2) no (3).

(5) Ukuvunywa okwenziwe ngokwalo mthetho kuzobhalwa phansi.

(6) Ukwamukelwa ngokwalo mthetho kuzosebenza isikhathi esiyiminyaka emithathu.

(7) Isigungu seziPhathimandla singamisa okwesikhashana noma sikhasele ukugunyazwa ngokwalo mthetho uma kunobufakazi bokuqala bokungahambisani nemibandela yokuvunywa.

(8) Odokotela abavunyelwe ngaphambi kokuqala kwale Mithethonqubo bazoqhubeka nokuvunywa kuze kube usuku lokuphelelwa yisikhathi esitifiketini sabo semvume.

(9) Isigungu seziPhathimandla ngaso sonke isikhathi sizolushicilela uhlu lodokotela abavunyelwe ngokwalo mthetho

**88. Ukuhlolwa kwezokwelapha Nokuqinisekiswa Kwamatilosi**

(1) Ukuhlolwa kwezokwelapha kwabasolwandle kuzokwenziwa ngudokotela ovunyelwe ngaphansi kwale Ngxenye yeMithethonqubo ngokuya ngamazinga okuqina kwezempilo kanye namazinga okubona Uhlelo Lokumiswa Kwamazinga.

(2) Udokotela owenza imisebenzi yakhe ngokwemigomo yale Mithethonqubo--

(a) aqinisekise ubunikazi bomuntu osebenza olwandle futhi afake inombolo yakhe kamazisi kwirekhodi lesitifiketi sezokwelapha kanye nokubona kwalowo ohamba ngolwandle;

(b) aqoqe futhi agcine umlando wezokwelapha womuntu ozobhalwa

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(c) siqume isikhundla somuntu osolwandle emkhunjini ukuze aqonde izidingo zengqondo nezingokomzimba zomsebenzi.

(3) Umuntu osebenza olwandle osebenza kahle ngokwezempilo kufanele anikezwe isitifiketi sezokwelapha, esinezichasiso ezifanele, ngendlela nangendlela ebekwe Ohlelweni Lwamazinga Ekhwalithi.

(4) Umuntu wasolwandle ophumelele ukuhlolwa kwamehlo kufanele anikezwe isitifiketi sokuhlola ukubona, nezichasiso ezifanele, ngendlela nangendlela ebekwe Ohlelweni Lwamazinga Ekhwalithi.

(5) Umuntu osebenza olwandle oluthola ukuthi akafanele ngokwezokwelapha kufanele anikezwe isitifiketi sokwelashwa esithi lowo obhalisiwe akalungile, esebenzisa izichasiselo ezifanele, ngendlela nangendlela ebekwe Ohlelweni Lwamazinga Ekhwalithi.

(6) Umuntu wasolwandle ongaphumeleli ukuhlolwa kwamehlo kufanele anikezwe isitifiketi esithi lowo ozobhathizwa akafanelekile, kusetshenziswa izichasiselo ezifanele, ngendlela nangendlela ebekwe Ohlelweni Lwamazinga Ekhwalithi.

**89. Ukudluliswa kwezinqumo eziphikisana nezinqumo zezempilo nezokubona**

(1) Umfakisicelo omenyezalwe ukuthi akakulungele ukusebenzela olwandle ngokwemigomo yomthethonqubo 88 noma umqashi wakhe, angafaka isicelo Kwisigungu Sabaphathi ukuthi isinqumo sibuyezwe.

(2) Lapho samukela isicelo ngokwesigatshana somthethonqubo (1), iSigungu seziPhathimandla siyoqoka ithimba lezikhazazo lezokwelapha elinamalungu okungenani amane.

(3) Iphaneli yokudluliswa kwamacala okwelashwa eqokwe ngokwemigomo yomthethonqubo (2) kufanele yakhiwe—

- (a) odokotela abathathu, abaqokwe ngokwemigomo yomthethonqubo 87, omunye wabo okumele aqokwe njengosihlalo;
- (b) umhloli omkhulu, noma omunye umuntu oqokwe nguye, ukuhlinzeka iphaneli ngemisebenzi yobunobhala; futhi
- (c) noma yimuphi omunye umuntu othathwa njengofanelwe yiphaneli ukuqinisekisa ukuthi iphaneli lifinyelela esinqumweni esinobulungiswa nesifanele.
- (4) Isigungu seziPhathimandla sizoqinisekisa ukuthi iphaneli lihlanganisiwe futhi lihlala kungakapheli izinsuku ezintathu zomsebenzi litholile isicelo.
- (5) Isinqumo seningi lamalungu ethimba lesikhalazo sezokwelapha siyoba yisinqumo sephaneli.
- (6) Uma iphaneli liguqula isinqumo sikadokotela wezempilo, usihlalo wephaneli kufanele anikeze lowo ozongenela ukhetho isitifiketi sokuqina komzimba.
- (7) Izindleko zesicelo zizothwalwa yizinhlaka ngokulandelayo:
  - (a) Uma isicelo senqatshwa izindleko zizokhokhwa ngumfakisisicelo;
  - (b) uma isicelo siphumelele umfakisisicelo nodokotela bazokwabelana ngezindleko.

#### **90. Amazinga Wokuqina Kwezokwelapha**

- (1) Isigungu seziPhathimandla siyosungula iKhodi yaMazinga wokuqinisekisa ehlanganisa lonke uqeqesho oludingekayo ngaphansi kwale Mithethonqubo kanye noMthetho.
- (2) Amazinga wokuqeqesha Khodi esungulwe ngaphansi kwale Mithethonqubo izoshicilelwa kuwebhusayithi yeGunya.
- (3) Ekusunguleni iKhodi yamaZinga okuqeqesha, isiPhathimandla sizo—
  - (a) qinisekisa ukuthi iKhodi yamaZinga oQeqesho ihlanganisa zonke izidingo zemfundo noqeqesho zeSivumelwano se-STCW, iSivumelwano se-STCW-F kanye ne-MLC;
  - (b) asungule izinqubo ezibhaliwe ngaphakathi koHlelo Lwamazinga Ekhwalithi lokuthuthukisa, ukubonisana nokushicilelwa kweKhodi; futhi
  - (c) aqinisekise ukuthi iKhodi yamaZinga oQeqesho ingaphansi kokuthuthuka okuqhubekayo.

#### **91. Ukusetshenziswa kwemithi nobuchwepheshe bezokwelapha**

- (1) Umuntu osebenza olwandle kungamenyezela ukuthi ulungile, ngaphandle kwemikhawulo noma imikhawulo, lapho ehlangabezana nazo zonke izidingo zokuqina kwezempilo, amandla okubona, ukuzwa, ukubona umbala noma imisebenzi yokubheka engasizwa yimithi noma ubuchwepheshe bezokwelapha.

(2) Lapho umgibeli wasolwandle ehlangabezana nezidingo ngokusebenzisa umuthi noma ubuchwepheshe bezokwelapha, lokho kufanele kumenyezelwe ngodokotela abasesitifiketini sezokwelapha ngokulinganiselwa nemikhawulo efanelekile.

(3) Uma umuntu osebenza olwandle esebenzisa imithi evimbela noma ekhawulela amandla akhe okwenza eminye noma yonke imisebenzi yomuntu wasolwandle umhloli wezokwelapha angavuma isitifiketi sakhe sobudokotela noma amemezele ukuthi lowo osebenza olwandle akafanelekile ngokwezempilo.

(4) Abasolwandle abasebenzisa izinsiza-kufundisa ukuhlangabezana nobuhle bokubukwa bangathathwa njengabafanelekile uma kuhlinzekwa—

(a) baphatha amalensi noma izibuko ezihlukile;

(b) ukuthi amalensi okulungisa umbala awasetshenziswa ngesikhathi sezivivinyo futhi ngenkathi usebenza emkhunjini.

(5) Izinsiza-kuzwa azivunyelwe ngaphandle kwalapho kunikezwa abagibeli basemanzini abakhiqize isitifiketi sangaphambilini sokuqina kwezempilo esikhishwe ngaphansi kwale Mithetho.

## INGXENYE 6 - IZIDINGO ZOKUPHATHA

### 92. Ukusebenza

(1) Ngokuya ngesigatshana somthethonqubo (4) walomthethonqubo, Izingxenye 6, 7, 8 no-9 zale Mithethonqubo zisebenza kuyo yonke imikhumbi yaseNingizimu Afrika noma yikuphi lapho kungenzeka ibe khona.

(2) Imithethonqubo 93, 94, 95, 96, 121, 122 kanye no-123 isebenza kuyo yonke imikhumbi yamazwe angaphandle lapho kusebenza khona iSivumelwano Sezokuphepha, iSivumelwano se-STCW noma iSivumelwano se-STCW-F, lapho siseRiphabhuliki noma emanzini aso

(3) Ezimweni lapho le Mithethonqubo ingqubuzana nemithetho yoMbuso lapho kunisela khona umkhumbi waseNingizimu Afrika iMithethonqubo ayisebenzi kulowo mkhumbi kuze kufike ezingeni lokuthi aphikisana nomthetho waleso Sifundazwe.

(4) Le Mithethonqubo ayisebenzi ku—

(a) imikhumbi engaphansi kwama-25 GT;

(b) noma yimuphi umkhumbi ongaphansi kwe-100 GT osetshenziselwa ezemidlalo noma ezokungcebeleka kuphela;

(c) umkhumbi we-100 GT wesigaba XII weMithethonqubo Yokulondolozwa Kwezinto Zokuphila: Kuncike ekutheni umkhumbi uhambisane ngokuseduze ngangokunokwenzeka namazinga okuphatha abekwe kule Mithethonqubo ekuqinisekiseni ukuthi umkhumbi uphethwe ngokwanele nangendlela efanele;

(d) imikhumbi ephethwe ngumkodwaho wezokuvikela weRiphabhuliki noma elinye izwe.

### 93. Imisebenzi yabaninimakhosi

(1) Umnikazi womkhumbi uyoqinisekisa ukuthi—

(a) asikho isiphathimandla somkhumbi esibhekele iwashi lokuhamba ngomkhumbi noma lobunjiniyela emkhunjini ngaphandle uma linesitifiketi esifanelekile esimnika ilungelo lokwenza lokho;

(b) akukho ukulinganiswa okuba yingxenye yewashi lokuhamba ngomkhumbi noma lobunjiniyela emkhunjini ngaphandle uma enesitifiketi esifanelekile esimnika ilungelo lokwenza lokho;

(c) umphathi nesiphathimandla somkhumbi ngamunye banolwazi olufanele ngohlobo lomkhumbi oqashwe kuwo;

(d) umphathi kanye nawo wonke umuntu osebenza olwandle osebenza emkhunjini, ngaphambi kokuba avunyelwe ukwenza imisebenzi ayabelwe, bajwayelene nemisebenzi yabo ethile kanye nawo wonke amalungiselelo omkhumbi, ukufakwa, okokusebenza, izinqubo kanye nezimpawu ezihambisana nalokho abakwenza nasesimweni esiphuthumayo imisebenzi;

(e) bonke osolwandle abaqashwe emikhunjini yokudoba bazoba sebeqedile ukuqeqeshwa okuvunyelwe ngamasu okuziphilisa;

(f) wonke umuntu oqashwe emkhunjini futhi oqokelwe ukuba abe nemisebenzi yokuphepha noma yokuvikela ukungcola, uphethwe ubufakazi obubhalwe phansi bokuthi uphothule ngempumelelo ukuqeqeshwa okuyisisekelo njengoba kushiwo kumthethonqubo 2;

(g) abasebenzi bomkhumbi bangakwazi ukuhlanganisa kahle imisebenzi esimweni esiphuthumayo nasekwenzeni imisebenzi ebalulekile ekuphepheni noma empilweni nasezimpahla olwandle noma ekuvimbeleni noma ekunciphiseni ukungcola;

(h) imibhalo kanye neminingwane efanele kumphathi kanye nabasolwandle abaqashwe kulo mkhumbi iyagcinwa futhi itholakale kalula ukuze ihlolwe, kufaka phakathi imibhalo neminingwane efanele ulwazi lwabo, ukuqeqeshwa, ukuqina kwezokwelapha kanye nokukwazi ukwenza imisebenzi abayinikiwe.

(2) Ngaphandle kokukhawulela izibopho zomnikazi ngaphansi kwesigatshana somthethonqubo (1), kungumsebenzi womphathi omkhulu ukuqinisekisa ukuthi izidingo zalowo mgomo ziyalandelwa maqondana nabasebenza olwandle abaqashwe kulo mkhumbi.

(3) Akukho lutho kumthethonqubo (1) (a) kuya ku- (f) oluvimbela ukwabiwa kwemisebenzi yokuqeqeshelwa ukuphathwa noma ukuphoqelelwa ngamandla.

(4) Umnikazi nomphathi wayo yonke imikhumbi bazoqinisekisa ukuthi—

(a) ngaphezu kweziphathimandla zomkhumbi kanye nabanye abantu abanqunywe yile Mithethonqubo noma kwenye indawo ngokoMthetho, abasebenzi banele ngenombolo nencazelo ukuqinisekisa ukuthi umkhumbi uphethwe ngokwanele nangendlela efanele;

(b) umkhumbi unabantu abasebenza ngokufanelekile ukuze bakwazi ukuya olwandle ngenxa yezidingo zeMithethonqubo yezinto ezisindisa impilo, iMithethonqubo yokushayisana, Imithethonqubo yomsakazo, kanye nanoma yimiphi eminye imibandela yokuphepha engasebenza umkhumbi;

(c) isikhulu esifanelekile, lapho sinquma ukwanela kwabasebenzi ngokulandela lo mthetho-mgomo, sizobheka—

(i) umphelelisi ovame ukuthwalwa yimikhumbi efanayo esetshenziswa ohambweni olufanayo noma ekusebenzeni;

(ii) umphelelisi umkhumbi okukhulunywa ngawo osanda kuwenza ohambweni noma ekusebenzeni kwangaphambilini;

(iii) ngabe ukugcwaliswa kwanele yini ukuqinisekisa ukuhambisana neMithethonqubo 94 kanye no-95; futhi

(iv) uhlobo lomsebenzi owenzelwe umkhumbi.

(5) Isigungu seziPhathimandla, lapho kudingeka khona, sizokhipha isaziso sasolwandle esisho inani labantu abakha izisebenzi zomkhumbi kanye namandla okuzosebenza kuwo labo bantu ngaphezu kwabantu ababekwe kule Mithethonqubo noma Umthetho.

#### **94. Amazinga okugcinwa**

(1) Abanikazi, abaphathi, kanye nabasebenzi abagcina ukuqapha bazobheka izidingo kanye nemigomo ebekwe kuzithasiselo 2 no-3, njengokufanele, ukuqinisekisa ukuthi iwashi eliphephile eliqhubekayo, elifanele izimo nezimo ezikhona, ligcinwa kuyo yonke imikhumbi izikhathi.

(2) Ngaphandle kokukhawulela umthethonqubo (1), umphathi wawo wonke umkhumbi uzoqinisekisa ukuthi amalungiselelo okugcina amawashi anele ukugcina iwashi eliphephile, kucatshangelwa izimo nezimo ezikhona, nokuthi, ngaphansi kokuqondisa kwenkosi jikelele—

(a) izikhulu eziphethe iwashi lokuzulazula zinomthwalo wokuhambisa umkhumbi ngokuphepha ngezikhathi zomsebenzi wazo, lapho zizobe zikhona ngokoqobo ebhulohweni lokuzulazula noma endaweni ehlobene ngqo njengegumbi lashadi noma igumbi lokulawula ibhuloho ngaso sonke isikhathi ;

(b) abasebenza emsakazweni banesibopho sokugcina iwashi lomsakazo liqhubeka kumaza afanele ngesikhathi abasebenza ngaso;

(c) izikhulu eziphethe iwashi lobunjiniyela, ngaphansi kokuqondisa komphathi omkhulu, zitholakala ngokushesha futhi zibizelwe ukuhambela izikhala zemishini futhi, lapho kudingeka, zikhona ngokoqobo esikhaleni semishini ngezikhathi zomsebenzi; futhi

(d) iwashi elifanele futhi elisebenza kahle ligcinwa ngenhloso yokuphepha ngaso sonke isikhathi, ngenkathi umkhumbi usehange noma ugxunyekwe futhi, uma umkhumbi uphethe umthwalo oyingozi, inhlango yewashi ibheka ngokuphelele ubunjalo, ubuningi bayo , ukupakisha nokugcwala kwempahla eyingozi kanye nanoma yiziphi izimo ezikhethekile ezikhona ebhodini, emanzini noma osebeni.

#### **95. Amahora okusebenza: imisebenzi ejwayelekile yabanikazi, amakhosi nabanye**

(1) Umnikazi kanye nomnikazi bazobheka ubungozi obudalwa ukukhathala kwabasolwandle, ikakhulukazi labo imisebenzi yabo ifaka ukusebenza okuphephile nokuvikelekile kwalowo mkhumbi. Ekuvimbeleni ukukhathala, abanikazi bazobheka imihlahlandlela enikezwe yiGunya.

(2) Bonke abantu ababelwe umsebenzi wokuba yisikhulu esiphethe iwashi noma njengesilinganiso esakha ingxenye yewashi futhi labo imisebenzi yabo ebandakanya ukuphepha, ukuvimbela ukungcola kanye nemisebenzi yezokuphepha bazonikezwa isikhathi sokuphumula esingaphansi -

(a) okungenani amahora angu-10 okuphumula nganoma yisiphi isikhathi samahora angama-24; futhi

(b) amahora angama-77 kunoma yisiphi isikhathi sezinsuku eziyi-7.

(3) Amahora okuphumula angahlukaniswa angabi ngaphezu kwezikhathi ezimbili, elinye lawo okungenani liyoba ngamahora ayisithupha ubude, futhi izikhawu eziphakathi kwezikhathi ezilandelanayo zokuphumula azingeqi emahoreni ayi-14.

(4) Izidingo zezikhathi zokuphumula ezibekwe kwisigatshana somthethonqubo (2) akudingeki zigcinwe esimweni esiphuthumayo noma kwezinye izimo zokusebenza ezingaphezulu kwamandla. Ama-musters, ukulwa nomlilo kanye nezikebhe zokuphila, kanye ne-drill enqunywe yimithetho kazwelonke kanye nemithethonqubo kanye nezinsimbi zomhlaba wonke, kuzokwenziwa ngendlela ezonciphisa ukuphazamiseka kwezikhathi zokuphumula futhi engabangeli ukukhathala.

(5) Inkosi nomnikazi kudingeka ukuthi babhale amashejuli amawashi lapho efinyeleleka kalula khona. Amashejuli azokwakhiwa ngendlela ebekwe yiPhathimandla ngolunye lwezilimi ezisemthethweni zeRiphabhuliki nangesiNgisi.

(6) Uma umuntu osebenza olwandle ebiziwe, njengalapho isikhala semishini singagadiwe, umgcini wolwandle uyoba nesikhathi esanele sokuphumula uma isikhathi esijwayelekile sokuphumula siphazamisekile.

(7) Umnikazi kanye nomnikazi bazodinga ukuthi amarekhodi ama-hour onke amatilosi asele agcinwe ngendlela eshicilelwe yiSigungu seziPhathimandla noma nganoma iyiphi enye ifomethi equkethe imininingwane efanayo, ngolimi olusebenzayo lomkhumbi nokuhumushelwa esiNgisini, ukuvumela ukuqapha nokuqinisekisa ukuhambisana nezinhlizweko zalo mthetho. Umthumbi wasolwandle uzothola ikhophi yerekhodi eliphathelene naye, elizovunywa yinkosi noma ngumuntu ogunyazwe umphathi nomphathi wolwandle.

(8) Akukho lutho kulomthethonqubo oluyobhekwa njengolulaza ilungelo lomnikazi womkhumbi lokudinga umgibeli wasolwandle ukuthi enze noma yimaphi amahora omsebenzi adingekayo ukuze umkhumbi uphephe ngokushesha, abantu abasemkhunjini noma wezimpahla, noma ngenhloso ukusiza eminye imikhumbi noma abantu abaseningeni yolwandle. Ngakho-ke, umphathi angamisa okwesikhashana uhlelo lokuphumula futhi adinge ukuthi umuntu osebenza olwandle enze noma yiliphi amahora omsebenzi adingekayo kuze kube ukusebenza okujwayelekile sekubuyisiwe. Ngokushesha ngemuva kokuvuselelwa kokusebenza okujwayelekile, umphathi uzoqinisekisa ukuthi noma yibaphi abashayeli bamatilos abenze umsebenzi ngesikhathi esihleliwe sokuphumula banikezwa isikhathi esanele sokuphumula.

(9) Inkosi noma abanikazi bangavumela okwehlukile emahoreni adingekayo okuphumula kumthethonqubo (2) (b). Kuncike ekutheni isikhathi sokuphumula asikho ngaphansi kwamahora angama-70 kunoma yisiphi isikhathi sezinsuku eziyi-7.

(10) Ukukhishwa esikhathini sokuphumula samasonto onke esihlinzekelwe kwisigatshana somthethonqubo (2) ngeke kuvunyelwe ngaphezu kwamasonto amabili elandelanayo. Izikhawu

eziphakathi kwezikhathi ezimbili zokukhishwa ebhodini ngeke zibe ngaphansi kokuphindwe kabili ubude besikhathi sokungafani.

(11) Amahora okuphumula ahlinzekelwe kwisigatshana somthethonqubo (2) angahlukaniswa angabi ngaphezu kwezikhathi ezintathu, elilodwa lawo okungenani liyoba ngamahora ayi-6 ubude futhi akukho kulezi ezinye izikhathi ezimbili eliyoba ngaphansi kwehora elilodwa ngobude . Izikhawu eziphakathi kwezikhathi ezilandelanayo zokuphumula azingeqi emahoreni ayi-14. Okuhlukile ngeke kudlule ngaphezu kwezikhathi ezimbili zamahora angama-24 kunoma yisiphi isikhathi sezinsuku ezingu-7.

(12) Umnikazi noma umphathi womkhumbi uzohlinzeka ngohlelo lwemisebenzi ebekwa, phakathi kokunye—

(a) amahora omsebenzi womuntu ngamunye wasolwandle emisebenzini yokuqapha noma yokuphatha imikhumbi; futhi

(b) izikhathi ezincane zokuphumula ngokuya ngalo mthetho.

(13) Amarekhodi amahora okuphumula nanoma ikuphi ukuphambuka kulezi zidingo kuzogcinwa emkhunjini isikhathi esiyiminyaka emihlanu.

(14) Bonke abaphathi nabasebenza ngokudoba olwandle kufanele baqinisekise ukuthi baphumule kahle.

(15) Noma ikuphi okwehlukile okwenziwa yinkosi uma kuqhathaniswa namahora njengoba kushiwo kumthethonqubo (8), (9), (10) no (11) kuzorekhodwa incwadi esemthethweni yama-log noma ku-log deck book kushiwo izimo eziholele kulokhu kukhishwa .

#### **96. Ukuhlukunyezwa kotshwala nezidakamizwa**

(1) Umphathi kanye nomnikazi womkhumbi bazobeka izinqubo zokuvimbela ukusetshenziswa kabi kotshwala ngamakhozi, izikhulu nabanye osolwandle abanemisebenzi ebekiwe yokuphepha, ukuphepha kanye nemvelo yasolwandle. Abanikazi bayothuthukisa izinqubomgomo maqondana nokuhlolwa kwezidakamizwa notshwala.

(2) Amakhozi, izikhulu kanye nabanye abasebenza olwandle ngenkathi benza imisebenzi yezokuphepha, yezokuphepha neyasolwandle, ngeke babe nokuqukethwe ngotshwala ngaphezu kwale mingcele elandelayo:

(a) Umkhawulo ongekho ngaphezu kuka-0,05% wezinga lotshwala egazini, kanye nezidakamizwa ezingekho emthethweni egazini; noma

(b) 0, 25 mg / l utshwala ekuphefumuleni noma inani lotshwala eliholela ekugxileni kotshwala okunjalo.

(3) Izinqubomgomo nezinqubo kufanele zisungule futhi zihlukanise ukuhlelelwa kotshwala okuhleliwe kanye nokwesikhashana kanye nokuhlolwa kwezidakamizwa okungekho emthethweni.

(4) Ukuhlolwa kwezidakamizwa notshwala okuhleliwe okwenziwe ngokulandela lo mthetho kuzobhalwa incwadi esemthethweni yama-log noma ku- log log emphemeni. Lapho kwenziwa khona okukhethekile, imininingwane egcwele yezimo zalolo vivinyo izorekhodwa incwadi esemthethweni yama-log noma ku-log emphemeni.

**97. Ukunqunywa kwenani elincane labantu abaqashwe emikhunjini yaseNingizimu Afrika**

(1) Ukuqashwa kwezikhulu nezilinganiso ezisemkhunjini waseNingizimu Afrika, okungenani, kuzoya ngokuya ngeMithethonqubo 100 -107.

(2) Lo mthethonqubo awukhawuleli amandla esikhulu esifanele ukukhipha nokunquma amazanga afanelekile okuphatha njengokugunyazwa ngumthethonqubo 93 (4).

(3) Isiphathimandla esifanele singacela ukuthi umnikazi noma umphathi womkhumbi enze ukuhlolwa kobungozi ukuze abeke amazanga okuphepha okuphepha omkhumbi owenza imisebenzi lapho amazanga okuphatha ahlangozwe eNgxenyeni 7 ethathwa njengangafanele.

(4) Umnikazi noma umphathi angafaka isicelo kumphathi ofanele ethekweni eliseduze ngenombolo yezikhulu eziqinisekisiwe nezilinganiso ezonqunywa ngokuhambisana nalo mthethonqubo. Isiphathimandla esifanele singakhipha kuphela leyo ndlela yokwenza okulandelayo ngemuva—

(a) umnikazi ufake isicelo ngokubhala, egqugquzela ukuphambuka emazingeni okuphatha ahlinzekwe kwiNgxenyeni 7, futhi unikeze nokuhlolwa kobungozi. Uma kwenzeka isicelo semikhumbi eminingi, leyo mikhumbi izolingana ngobukhulu nokusebenza kwayo; futhi

(b) isikhulu esifanele, uma sivumelana nesicelo kundima (a) -

(i) ukubuyekeza ukuhlolwa kobungozi; futhi

(ii) uma wenelisekile, akhiphe idokhumende eliphephile elinamanye amazanga okuphatha asungulwe ngokuya ngokuhlolwa kobungozi kanye nezincwadi zomhloli wamazwe.

(5) Ukuhlolwa kobungozi okukhulunywe ngakho kwisigatshana somthethonqubo (3) kuzokwenziwa njengokuyalelwa yiPhathimandla futhi kuhlala kusebenza ngaphandle kwalapho—

(a) kudlule iminyaka emihlanu kusukela ngosuku lokukhishwa;

(b) ubunikazi noma ukusebenza komkhumbi kushintshiwe;

(c) izitifiketi zokuphepha zomkhumbi ezikhishwe ngokoMthetho seziphelwe yisikhathi isikhathi esiyizinyanga ezingaphezu kwezintathu ngaphandle kwesaziso kuMkhandlu; futhi

(d) umkhumbi awugcinwa usesimweni esifanelekile ukuba selwandle.

(6) Ngokwenhloso yomthethonqubo 5 (d) umkhumbi uzothathwa njengongekho esimeni sokulungela ukuhamba olwandle uma ukuhlolwa kuveza—

(a) ukungalandelwa njalo kwamahora okuphumula amancane; futhi

(b) ukugcinwa kahle komkhumbi.

**98. Ukuqashwa kwabantu abanezitifiketi zangaphandle**

(1) Ngokwezinhloso zesigaba 83 (1) soMthetho, umnikazi womkhumbi okusebenza kuwo i-STCW, imihlangano ye-STCW-F kanye ne-MLC ngeke baqashe kulo mkhumbi, njengomphathi omkhulu noma womkhumbi, noma yimuphi umuntu ophethe isitifiketi esikhishwe nguhulumeni welinye izwe noma egameni lakhe, ngaphandle kwalapho—

(a) isitifiketi salowo muntu sigunyazwe ngokuhambisana nomthethonqubo 99; noma

(b) ekungabikho kokuvunywa okunjalo, isitifiketi sikhishiwe futhi sisebenza ngokuvumelana ne-STCW kanye Nezivumelwano ze-STCW-F, isikhathi sokusebenza asidluli izinyanga ezi-3 futhi umnikazi wenza isicelo kwiGunya ukugunyazwa ngokuya ngomthethonqubo 99 ngaphambi kwalowo muntu ojoyina umkhumbi. Ubufakazi obubhaliwe bokuthi iGunya lisitholile isicelo lizoba semkhunjini.

(2) Ngokwezinhloso zesigaba 83 (1) soMthetho, umnikazi womkhumbi i-STCW kanye ne-STCW-F Umkodwahano abangasebenzi kuwo ngeke aqashe kulo mkhumbi, njengomphathi omkhulu noma womkhumbi, noma yimuphi umuntu uphetha isitifiketi sokufaneleka esikhishwe nguhulumeni noma sakwelinye izwe, ngaphandle uma Isiphathimandla, ngaphansi kwesigaba 83 (2) soMthetho, sigunyaze ukuqashwa kwalowo mkhumbi.

(3) Isicelo sokugunyazwa ngaphansi kwesigaba 83 (2) soMthetho sizokwenziwa ngumnikazi womkhumbi futhi siqondiswe kuziphathimandla eziseduze nechweba elihlosiwe lomkhumbi. Isicelo kufanele—

(a) ukwenziwa ngaphambi kokuba umuntu aqale ukusebenza emkhunjini; futhi

(b) sihambisane nesitifiketi sokuqala somuntu noma ikhophi yaso (kanye nokuhunyushwa okuqinisekisiwe esiNgisini lapho isitifiketi sikulunye ulimi ngaphandle kwesiNgisi), umbiko wokuhlolwa kwezokwelapha ohambisana nezidingo ezichazwe ku

Ingxenye yesi-5 yale Mithethonqubo, noma umbiko ovela kwelinye iqembu owamukelwe yiSigungu seziPhathimandla nokufakazela ukuqina kwezempilo kwalowo muntu kanye nesitifiketi esivumelekile sokuhlolwa kwamehlo.

(4) Ukugunyazwa okunikezwe ngaphansi kwesigaba 83 (2) soMthetho kuzobhalwa phansi futhi kuzocacisa isikhathi, esingeqile ezinyangeni eziyisithupha, okumele siqhubeke sisebenza ngaso.

(5) Isigungu seziPhathimandla singasusa ukugunyazwa okunikezwe ngaphansi kwesigaba 83 (2) soMthetho uma—

(a) umuntu okukhulunywa ngaye ukhombisa ukuthi akafanelekile ngokwanele futhi akanalwazi ngokwanele noma ukuthi akakwazi ukuxoxa, ukukhipha nokuqonda ama-oda nemiyalo ebhaliwe ngolimi lwesiNgesi;

(b) isitifiketi somuntu sipheliswa isikhathi noma sikhanselwa noma simiswa nguhulumeni noma egameni likahulumeni isitifiketi esasikhishwe ngaphansi kwakhe;

(c) umuntu ehluleka ukuhambisana nanoma yimuphi umbandela ogunyazwe wona;

(d) inkantolo yophenyo lwasolwandle noma ukulalelwa kokuqondiswa kwezigwegwe kuncoma ukuthi kuchithwe ukugunyazwa; noma

(e) umuntu ulahlwa yicala ngokoMthetho noma nganoma imuphi omunye umthetho olawulwa yisigungu seziPhathimandla.

(6) Ngokwezinhloso zesigaba 74 (1) (b) soMthetho, okulandelayo isitifiketi esamukelwe sokulinganiswa:

(a) Okwemikhumbi lapho kusebenza khona i-STCW kanye ne-STCW-F Umkodwahano, isitifiketi esifanelekile esikhishwe ngokuya ngeSivumelwano se-STCW kanye ne-STCW-F Umkodwahano, ngokufanelekile, kwenziwa noma egameni lomunye umuntu kule Sivumelwano; futhi

(b) kweminye imikhumbi, isitifiketi esifanelekile sokuthi iSigungu seziPhathimandla sinelisekile ukuthi isilinganiso sikulungele ukusebenza ngokwesikhundla esishiwo kwisitifiketi.

#### **99. Ukwamukelwa kwezitifiketi zangaphandle**

(1) Umnikazi wesitifiketi njenge-Umbusi, umphathi wemikhumbi, noma ophethe umsakazo oyisitifiketi esikhishwe ngokwe-STCW kanye Nezivumelwano ze-STCW-F ngokwenza noma egameni lomunye umuntu kulezo Zivumelwano, angafaka isicelo kubaphathi, ngokuhambisana nomthethonqubo (2), ukuze isitifiketi saziwe ngaphansi kwale Mithethonqubo.

(2) Isicelo esihlongozwe kwisigatshana somthethonqubo (1) ngenhla sizokwenziwa ngendlela nangendlela ebekwe Ohlelweni Lwamazinga Ekhwalthi leGunya.

(3) Isigungu seziPhathimandla singakhipha isincomo esivuma isitifiketi somfakisicelo, leso semvume esizosebenza njengokugunyazwa ngaphansi kwesigaba 83 (1) soMthetho, uma sinelisekile ukuthi—

(a) isitifiketi siyiqiniso futhi sisebenza ngokusemthethweni;

(b) izinga lamakhono nolwazi olufakazelwa isitifiketi akulona elingaphansi kwalelo elidingekayo lesitifiketi esilinganayo esikhishwe ngaphansi koMthetho;

(c) umfakisicelo, uma efaka isicelo sokulingana njengomphathi, umlingani omkhulu, isikhulu sonjiniyela noma isikhulu sesibili sonjiniyela, uthole izinga lolwazi lomthetho wezasolwandle waseRiphabhulikhi odingekayo esitifiketini esifanayo esikhishwe ngaphansi koMthetho; futhi

(d) isaziso esizonikezwa ngokushesha sizonikezwa Isiphathimandla nganoma yiluphi ushintsho olubalulekile ezinhlelweni zokuqeqeshwa kanye nokuqinisekiswa okunikezwe ngokuhambisana neSivumelwano se-STCW.

(4) Konke ukugunyazwa okukhishwe ngaphansi kwesigatshana somthethonqubo (3) kuzoba ngumbhalo ohlukile futhi kuzobekwa, ngokubhekisele kule Mithetho kanye Nesivumelwano se-STCW, isikhundla umnikazi anelungelo lokusebenza kuso.

(5) Ngokwezinhloso zalo Mthetho, iSigungu seziPhathimandla ngeke samukele ngokuvuma isitifiketi esikhishwe noma ngaphansi kwegunya lelinye iqembu eSivumelwaneni se-STCW kumphathi, isikhulu noma osebenza ngomsakazo ngaphandle uma Isiphathimandla—

(a) ukuqinisekisele, ngokuhlola kwalelo Qembu, okungafaka ukuhlolwa kwezinsiza nezinqubo, ukuthi izidingo zeSivumelwano se-STCW zilandelwa ngokuphelele; futhi

(b) uvumile ukuzibophezela neqembu elibandakanyekayo ukuthi kuzonikezwa isaziso esisheshayo nganoma yiluphi ushintsho olubalulekile ezinhlelweni zokuqeqeshwa nokunikezwa isitifiketi okunikezwe ngokuhambisana neSivumelwano se-STCW;

(c) azikaze zithole izitifiketi ezikhishwe noma ezingaphansi kwegunya lomuntu ongeyona ingxenye Yesivumelwano se-STCW;

(d) engazisebenzisanga njengesisekelo sokwamukelwa yiGunya Izitifiketi nokuvuma okukhishwe ngaphansi kokuphathwa kwelinye iqembu kusivumelwano se-STCW.

(6) Isigungu seziPhathimandla singasula isincomo esikhishwe ngaphansi kwesigatshana somthethonqubo (3) uma—

(a) umnikazi akakwazi ukuhlangabezana nezinga lekhono noma ulwazi oludingekayo esitifiketini sokulingana esilinganayo, noma ukuthi izinga lakhe lobungoti olimini lwesiNgisi alihlangabezani nezidingo ezifanele zeSivumelwano se-STCW;

(b) isitifiketi somnikazi siphelwa yisikhathi noma sikhanselwa noma simiswa nguhulumeni noma egameni likahulumeni isitifiketi esasikhishwe ngaphansi kwakhe;

(c) inkantolo ephenya ngezasolwandle noma yokulalelwa kwezigwegwe incoma ukwesulwa kokugunyazwa; noma

(d) umnikazi ulahlwa yicala ngokoMthetho noma nganoma imuphi omunye umthetho olawulwa yisigungu seziPhathimandla.

(7) Lapho uMkhandlu ukhansela ukuvunywa ngokomthethonqubo (6), uzokwazisa uhulumeni isitifiketi esasikhishwe ngaphansi kwalowo ogunyaziwe ngokusula kwakhe.

## INGXENYE 7 - AMAZINGA AJWAYELEKILE JIKELELE

### 100. Ukuqashwa kwezikhulu ezinesitifiketi emikhunjini ngaphandle kwemikhumbi yokudoba

(1) Umnikazi nomphathi wayo yonke imikhumbi, ngaphandle komkhumbi wokudoba noma umkhumbi okukhulunywe ngawo kumthethonqubo (2), bazoqinisekisa ukuthi kunomkhumbi oqashwe ngokwenani lazo inani lezikhulu eziqinisekisiwe ezifanele into esebenzayo yethebula elilandelayo:

| Into | Ukuhamba/<br>Ukusebenza | (GT)                  | Amandla<br>okuqashwa | Izitifiketi eziphansi ezifanele kanye nenombolo yabantu okufanele baqashwe |          |
|------|-------------------------|-----------------------|----------------------|--|----------|
|      |                         |                       |                      | izitifiketi  | Inombolo |
| 1    | Ukusebenza<br>Kwetheku  | <200                  | Umbusi               | Ukapteni (ukusebenza kwetheku)   | 1        |
|      |                         |                       | Umlingani            | Ukapteni (ukusebenza kwetheku) (c)   | 1        |
| 2    |                         | ≥200 kodwa<br>< 500   | Umbusi               | Umbusi (<1 600 GT ukusebenza kwetheku)                                     | 1        |
|      |                         |                       | Umlingani            | Ukapteni (ukusebenza kwetheku) (c)   | 1        |
| 3    |                         | ≥500 kodwa<br>< 1 600 | Umbusi               | Umbusi (<1 600 GT ukusebenza kwetheku)                                     | 1        |
|      |                         |                       | Umlingani            | Ukapteni (ukusebenza kwetheku)   | 1        |
| 4    |                         | ≥1 600                | Umbusi               | Umbusi (ukusebenza kwetheku)   | 1        |
|      |                         |                       | Umlingani            | Ukapteni (ukusebenza kwetheku)   | 1        |
| 5    | Eduzane nogu            | <200                  | Umbusi               | Umbusi (<200 GT eduzane nogu)  | 1        |
|      |                         |                       | Umlingani            | Ukapteni osogwini ≥9 m (a)   | 1        |
| 6    |                         | ≥200 kodwa<br>< 500   | Umbusi               | Umbusi (<500 GT eduzane nogu)  | 1        |
|      |                         |                       | Umlingani            | Isikhulu esiphethe iwashi ukulawulwa kwemikhumbi (<500 GT eduzane nogu)    | 1        |
|      |                         |                       | Isikhulu Sokuqapha   | Ukapteni osogwini ≥9 m (a) (b)   | 1        |

| Into  | Ukuhamba/<br>Ukusebenza | (GT)                       | Amandla<br>okuqashwa  | Izitifiketi eziphansi ezifanele kanye nenombolo<br>yabantu okufanele baqashwe |          |
|---|-------------------------|----------------------------|-----------------------|---|----------|
|   |                         |                            |                       | izitifiketi   | Inombolo |
| 7   | Akunamkhawulo           | <200                       | Umbusi                | Umbusi (<200 GT)  | 1        |
|   |                         |                            |                       |   |          |
|   |                         |                            | Umlingani             | Ukapteni kude nolwandle $\geq 9$ m (a)  | 1        |
| 8   |                         | $\geq 200$ kodwa<br>< 500  | Umbusi                | <b>Error! Reference source not found.</b>                                     | 1        |
|   |                         |                            | Umlingani             | <b>Error! Reference source not found.</b>                                     | 1        |
|   |                         |                            | Isikhulu<br>sokuqapha | Isikhulu esiphethe ukulawulwa<br>kwemikhumbi                                  | 1        |
| 9   |                         | $\geq 500$ kodwa<br>< 3000 | Umbusi                | Umbusi (<3 000 GT)  | 1        |
|   |                         |                            | Umlingani             | Umlingani omkhulu (<3 000 GT)   | 1        |
|   |                         |                            | Isikhulu<br>Sokuqapha | Isikhulu esiphethe ukulawulwa<br>kwemikhumbi                                  | 1        |
| 10  |                         | $\geq 3 000$               | Umbusi                | Umbusi  | 1        |
|   |                         |                            | Umlingani             | Umlingani omkhulu   | 1        |
|   |                         |                            | Isikhulu<br>Sokuqapha | Isikhulu Esiphethe ukulawulwa<br>kwemikhumbi                                  | 2        |
| <p>Amanothi</p> <p>(a) Izitifiketi ezikhishwe ngokoMthethonqubo Wokuthumela Umthengisi (Ukuphepha Kwemikhumbi Emincane Kazwelonke), 2007 njengoba uchitshiyelwe</p> <p>(b) Ohambweni kuphela lwamahora angaphezu kwama-36</p> <p>(c) Kudingeka kuphela lapho uhambo / amashifu angaphezu kwamahora ayi-12</p> |                         |                            |                       |   |          |

(2) Umnikazi nomphathi wayo yonke imikhumbi ye-25 GT noma ngaphezulu lokho—

(a) wenza imisebenzi yezimayini ngaphakathi kwamanzi ngaphansi kwegunya laseNingizimu Afrika; futhi

(b) osebenza ehange okwezingxenywe ezimbili kwezintathu noma ngaphezulu kwesikhathi esichithwa olwandle phakathi kwezingcingo ezibheke ethekwini, uyoqinisekisa ukuthi kunomkhumbi osebenza ezindaweni ezifanele isibalo sezikhulu eziqinisekisiwe zedokodo elishiwo entweni esebenzayo yalokhu okulandelayo lthebula:

| Into   | I-Gross Tonnage (GT)    | Amandla okuqashwa  | Izitifiketi eziphansi ezifanele kanye nenombolo yabantu okufanele baqashwe              |          |
|--|-------------------------|--------------------|---|----------|
|  |                         |                    | Izitifiketi   | Inombolo |
| 1  | <200                    | Umbusi             | Umbusi (<200 GT eduzane nogu) (b)   | 1        |
|  |                         | Umlingani          | Ukapteni osogwini $\geq 9$ m (a)  | 1        |
| 2  | $\geq 200$ kodwa <500   | Umbusi             | Umbusi (<500 GT eduzane nogu) (b)   | 1        |
|  |                         | Umlingani          | Isikhulu esiphethe ukulawulwa kwemikhumbi <b>Error! Reference source not found.</b> (b) | 1        |
| 3  | $\geq 500$ kodwa <3 000 | Umbusi             | Umbusi (<3 000 GT) (b)  | 1        |
|  |                         | Umlingani          | Umlingani omkhulu (<3 000 GT) (b)   | 1        |
|  |                         | Isikhulu Sokuqapha | Isikhulu esiphethe ukulawulwa kwemikhumbi (b)   | 1        |
| 4  | $\geq 3 000$            | Umbusi             | Umbusi (b)  | 1        |
|  |                         | Umlingani          | Umlingani omkhulu (b)   | 1        |
|  |                         | Isikhulu Sokuqapha | <b>Error! Reference source not found.</b> (b)   | 1        |
| <p>(a) Ikhishwe ngokuya ngeMithetho Yokuhambisa Umthengisi (Ukuphepha Kwemikhumbi Emincane Kazwelonke), 2007</p> <p>(b) Okwemikhumbi esebenza ezimayini, izitifiketi zingavunywa ngokuvunywa kwezimayini</p> |                         |                    |   |          |

**101. Ukuqashwa kwezikhulu ezinesitifiketi emikhunjini yokudoba**

Umnikazi kanye nomphathi wazo zonke izikebhe zokudoba bazoqinisekisa ukuthi kunesisebenzi esikhunjini esikwaziyo ukubala inani lezikhulu eziqinisekisiwe ezifanele ezichazwe entweni efanele yethebula elilandelayo:

| Into | Usayizi / Ubude Besitsha               | Indawo yokusebenza                             | Amandla            | Isitifiketi esincane esifanele   | Inombolo |
|------|--|--|--------------------|--|----------|
| 1    | 25GT nangaphezulu, kepha ngaphansi 24m | ≥25 GT kodwa <24 m Amanzi Anqunyelwe           | Umbusi             | Ukapteni Ukudoba (<24 m) Amanzi Anqunyelwe   | 1        |
|      |  |  | Umlingani          | Isikhulu esiphethe ukulawulwa kwemikhumbi ukudoba <b>Error! Reference source not found.</b> , or, Ukapteni osogwini ≥9 m (a)         | 1        |
| 2    | 24m futhi phezu                        | ≥25 GT kodwa <24 m Amanzi angenamkhawulo       | Umbusi             | Ukapteni osogwini (<24 m) Amanzi angenamkhawulo  | 1        |
|      |  |  | Umlingani          | <b>Error! Reference source not found.</b>  | 1        |
|      |  |  | Isikhulu Sokuqapha | Isikhulu esiphethe ukulawulwa kwemikhumbi ukudoba <b>Error! Reference source not found.</b> , or, ukaputeni uqhelelene nogu ≥9 m (a) | 1        |
| 3    | 24m futhi phezu                        | ≥24 m kodwa <30m Amanzi Anqunyelwe             | Umbusi             | Ukapteni ukudoba (≥24 m) Amanzi anqunyelwe   | 1        |
|      |  |  | Umlingani          | <b>Error! Reference source not found.</b>  | 1        |
| 4    | 24m futhi phezu                        | ≥30m kodwa ngaphansi kwe 45m Amanzi Anqunyelwe | Umbusi             | Ukapteni ukudoba (≥24 m) Amanzi anqunyelwe   | 1        |
|      |  |  | Umlingani          | <b>Error! Reference source not found.</b>  | 1        |
|      |  |  | Isikhulu Sokuqapha | <b>Error! Reference source not found.</b>  | 1        |
| 5    | 24m futhi phezu                        | ≥45m Amanzi Anqunyelwe                         | Umbusi             | Ukapteni ukudoba (≥24 m) Amanzi anqunyelwe   | 1        |
|      |  |  | Umlingani          | <b>Error! Reference source not found.</b>  | 1        |
|      |  |  | Isikhulu Sokuqapha | <b>Error! Reference source not found.</b>  | 1        |
| 6    | 24m futhi phezu                        | ≥24 m kodwa <30m Amanzi angenamkhawulo         | Umbusi             | Ukapteni ukudoba (≥24 m) Amanzi anqunyelwe   | 1        |
|      |  |  | Umlingani          | <b>Error! Reference source not found.</b>  | 1        |
|      |  |  | Isikhulu Sokuqapha | <b>Error! Reference source not found.</b>  | 1        |
| 7    | 24m futhi phezu                        |  | Umbusi             | Ukapteni ukudoba (≥24 m) Amanzi angenamkhawulo   | 1        |

| Into | Usayizi / Ubude Besitsha | Indawo yokusebenza  | Amandla            | Isitifiketi esincane esifanele   | Inombolo |
|------|--------------------------|---|--------------------|--|----------|
| 8    |                          | ≥30m kodwa <45m Amanzi angenamkhawulo   | Umlingani          | Ukapteni ukudoba (≥24 m) Amanzi angenamkhawulo <b>Error! Reference source not found.</b> | 1        |
|      |                          |   | Isikhulu Sokuqapha | Ukapteni ukudoba (≥24 m) Amanzi angenamkhawulo <b>Error! Reference source not found.</b> | 1        |
|      |                          | ≥45m Amanzi angenamkhawulo  | Umbusi             | Ukapteni ukudoba (≥24 m) Amanzi angenamkhawulo   | 1        |
|      |                          |   | Umlingani          | Ukapteni ukudoba (≥24 m) Amanzi angenamkhawulo <b>Error! Reference source not found.</b> | 1        |
|      |                          |   | Isikhulu Sokuqapha | Ukapteni ukudoba (≥24 m) Amanzi angenamkhawulo <b>Error! Reference source not found.</b> | 2        |
|      |                          | (a) Isitifiketi esikhishwe ngokwe-MS (Ukuphepha Kwemikhumbi Emincane Kazwelonke) Imithethonqubo, 2007 |                    |  |          |

**102. Ukuqashwa kwezikhulu ezinesitifiketi emikhunjini ngaphandle kwemikhumbi yokudoba**  
Umnikazi nomphathi wayo yonke imikhumbi, ngaphandle komkhumbi wokudoba, bazoqinisekisa ukuthi kukhona osebenzayo emkhunjini ngokwamandla afanele isibalo sezikhulu zikanjinyela ezinqinisekisiwe ezichazwe entweni efanele yethebula elilandelayo:

| Into | Ukuhamba / Ukusebenza | Amandla abhalisiwe okuhambisa ngamandla (kW) | Amandla okuqashwa | Izitifiketi eziphansi ezifanele kanye nenombolo yabantu okufanele baqashwe |          |
|------|-----------------------|--|-------------------|--|----------|
|      |                       |  |                   | Izitifiketi  | Inombolo |
| 1    | Ukusebenza kwetheku   | <750   | Unjinyela omkhulu | Isikhulu sonjinyela omkhulu (<750 kW Ukusebenza Kwetheku)                  | 1        |
| 2    |                       | ≥750 kodwa <1 500                            | Unjinyela         | Isikhulu sonjinyela omkhulu (<1 500 kW Ukusebenza kwetheku)                | 1        |

| Into | Ukukhamba /<br>Ukusebenza | Amandla<br>abhalisiwe<br>okuhambisa<br>ngamandla (kW) | Amandla<br>okuqashwa   | Izitifiketi eziphansi ezifanele kanye nenombolo<br>yabantu okufanele baqashwe            |          |
|------|---------------------------|---|------------------------|--|----------|
|      |                           |   |                        | Izitifiketi  | Inombolo |
|      |                           |   | Omkhulu                |  |          |
| 3    |                           | ≥1 500  | Unjiniyela<br>omkhulu  | Isikhulu sonjiniyela omkhulu<br>(Ukusebenza kwetheku)                                    | 1        |
|      |                           |   | Unjiniyela<br>wesibili | <b>Error! Reference source not found.</b>  | 1        |
| 4    | Eduze nogu                | <350  | Unjiniyela<br>omkhulu  | Isikhulu Esiphethe Ubunjiniyela<br>ukugada <b>Error! Reference source<br/>not found.</b> | 1        |
| 5    |                           | ≥350 kodwa <750<br>and <500 GT                        | Unjiniyela<br>omkhulu  | Isikhulu sonjiniyela omkhulu (<750<br>kW)  | 1        |
|      |                           |   | Unjiniyela<br>wesibili | <b>Error! Reference source not found.</b>  | 1        |
| 6    |                           | ≥350 kodwa <750<br>and ≥500 GT                        | Unjiniyela<br>omkhulu  | Isikhulu sonjiniyela omkhulu (<750<br>kW)  | 1        |
| 7    |                           |   | Unjiniyela<br>wesibili | <b>Error! Reference source not found.</b>  | 1        |
| 8    |                           | ≥750 kodwa <3<br>000                                  | Unjiniyela<br>omkhulu  | Isikhulu sonjiniyela omkhulu<br>ukugada (<3 000 kW)                                      | 1        |
|      |                           |   | Unjiniyela<br>wesibili | Isikhulu sonjiniyela wesibili (<3000<br>kW)  | 1        |
|      |                           |   | Isikhulu<br>Sokuqapha  | Isikhulu sonjiniyela omkhulu<br>ukugada  | 1        |
| 9    |                           | ≥3 000  | Unjiniyela<br>omkhulu  | Isikhulu sonjiniyela omkhulu   | 1        |
|      |                           |   | Unjiniyela<br>wesibili | Isikhulu sonjiniyela wesibili  | 1        |
|      |                           |   | Isikhulu<br>Sokuqapha  | Isikhulu Esiphethe Ubunjiniyela<br>Buka  | 1        |

| Into | Ukukhamba /<br>Ukusebenza | Amandla<br>abhalisiwe<br>okuhambisa<br>ngamandla (kW) | Amandla<br>okuqashwa | Izitifiketi eziphansi ezifanele kanye nenombolo<br>yabantu okufanele baqashwe  |          |
|------|---------------------------|---|----------------------|--|----------|
|      |                           |   |                      | Izitifiketi  | Inombolo |
| 10   | Akunamkhawulo             | <750  | Unjiniyela omkhulu   | Isikhulu Esikhulu Sonjiniyela (<750 kW)  | 1        |
|      |                           |   | Unjiniyela wesibili  | Isikhulu Esiphethe Ubunjiniyela Buka <b>Error! Reference source not found.</b> | 1        |
| 11   |                           | ≥750 kodwa < 3 000                                    | Unjiniyela omkhulu   | Isikhulu Esikhulu Sonjiniyela (<3 000 kW)                                      | 1        |
|      |                           |   | Unjiniyela wesibili  | Isikhulu Unjiniyela wesibili (<3 000 kW)                                       | 1        |
|      |                           |   | Isikhulu sokuqapha   | Isikhulu sonjiniyela omkhulu ukugada   | 1        |
| 12   |                           | ≥3 000  | Unjiniyela omkhulu   | Isikhulu sonjiniyela omkhulu   | 1        |
|      |                           |   | Unjiniyela wesibili  | Isikhulu unjiniyela wesibili   | 1        |
|      |                           |   | Isikhulu sokuqapha   | Isikhulu sonjiniyela omkhulu ukugada   | 2        |

### 103. Ukuqashwa kwezikhulu ezinesitifiketi emikhunjini yokudoba

Umnikazi kanye nomphathi wazo zonke izikebhe zokudoba bazoqinisekisa ukuthi kunesisebenzi esikhunjini esikhungweni sabo esifanele isibalo sezikhulu zikanjiniyela ezinesitifiketi esifanele ezichazwe entweni efanele yethebula elilandelayo:

| Into | Amandla Ukuqhuma (kW) | Amandla okuqashwa   | Izitifiketi eziphansi ezifanele kanye nenombolo yabantu okufanele baqashwe        |          |
|------|-----------------------|---------------------|---|----------|
|      |                       |                     | Izitifiketi   | Inombolo |
| 1    | <350                  | Unjiniyela omkhulu  | Unjiniyela omkhulu (<750 kW)  | 1        |
| 2    | ≥350 kodwa <750       | Unjiniyela omkhulu  | Unjiniyela omkhulu (<750 kW)  | 1        |
|      |                       | Unjiniyela wesibili | Unjiniyela omkhulu (<750 kW)  | 1        |
| 3    | ≥750 kodwa <2000      | Unjiniyela omkhulu  | Unjiniyela omkhulu(<2000 kW ukudoba)  | 1        |
|      |                       | Unjiniyela wesibili | Unjiniyela wesibili (<2000 kW ukudoba)  | 1        |
|      |                       | Isikhulu sokuqapha  | Isikhulu unjiniyela (<750 kW)   | 1        |
| 4    | ≥2000                 | Unjiniyela omkhulu  | Unjiniyela omkhulu (ukudoba)  | 1        |
|      |                       | Unjiniyela wesibili | Unjiniyela wesibili (<2000 kW ukudoba)  | 1        |
|      |                       | Isikhulu sokuqapha  | Isikhulu sonjiniyela omkhulu ukugada<br><b>Error! Reference source not found.</b> | 1        |

**104. Ukuqashwa kwabasebenza ngemisakazo abanezitifiketi emikhunjini ngaphandle kwemikhumbi yokudoba**

(1) Ngokuya ngesigatshana somthethonqubo (2), umnikazi nomphathi wayo yonke imikhumbi, ngaphandle komkhumbi wokudoba, bazoqinisekisa ukuthi kulo mkhumbi kuqashwa inani labasebenza ngemisakazo abanesitifiketi esifanele esichazwe entweni efanele yethabela elilandelayo :

| Into | Ukuhamba / Ukusebenza  | Ubuningi bomkhumbi   | Izitifiketi ezifanele nenombolo yabantu okufanele baqashwe |          |
|------|--|----------------------|--|----------|
|      |  |                      | Izitifiketi  | Inombolo |
| 1    | Ukusebenza Kwetheku  | ≥25 GT               | Isitifiketi Sebanga Elifushane                             | 1        |
| 2    | Uhambo oluseduze nolwandle hhayi ukudlula-40 NM ukusuka ogwini | ≥25 kodwa <100 GT    | Isitifiketi Sebanga Elifushane                             | 2        |
| 3    | Uhambo oluseduze nolwandle ngaphezu kwe-40 NM kusuka ogwini    | ≥25 GT               | Isitifiketi Sebanga Elide                                  | 2        |
| 4    | Ukuhamba okungenamkhawulo                                      | ≥25 GT kodwa <300 GT | Isitifiketi Sebanga Elide                                  | 2        |
| 5    | Ukuhamba okungenamkhawulo                                      | ≥300 GT              | Isitifiketi GMDSS Jikelele yomqhubi                        | 2        |

(2) (a) Umuntu oqokelwe ukwenza imisebenzi yokondla olwandle olwandle, ngenhloso yokuqinisekisa ukutholakala, kufanele abambe isitifiketi se-GMDSS Okokuqala noma Okwesibili Isigaba Umsakazo, noma abe nolwandle olulinganayo olwandle iziqu zokulungiswa kwe-elektroniki, njengoba kungavunywa yisigungu seziphathimandla.

(b) Uma umkhumbi ufakelwe uhlobo olwehlukile lokufakwa komsakazo kunalolo olushiwo yiMithethonqubo yoMsakazo, kuzoqashwa umkhumbi okungenani oyedwa opharetha womsakazo onikezwe isitifiketi esifanele ngohlobo lokufakwa komsakazo olufakwe emkhunjini.

(c) Uma okokusebenza komsakazo emkhunjini kusetshenziselwa ukuxhumana okujwayelekile, ngaphandle kokuxakeka, ukuphuthuma noma ukuxhumana kwezokuphepha, lokho kuxhumana okujwayelekile ngeke kwenziwe umphathi osebenza ngokuqapha.

#### 105. Ukuqashwa kwabasebenza ngemisakazo abanesitifiketi emikhunjini yokudoba

(1) Ngokuya ngesigatshana somthethonqubo (2) umnikazi kanye nomphathi wazo zonke izikebhe zokudoba bazoqinisekisa ukuthi kulo mkhumbi kuqashwa inani labasebenza ngemisakazo abanesitifiketi esifanele elishiwo entweni efanele yethebula elilandelayo:

| Into | Ukukhamba / Ukusebenza  | Amathanga /<br>ubude bomkhumbi | Izitifiketi ezifanele nenombolo<br>yabantu okufanele baqashwe |          |
|------|---|--------------------------------|---|----------|
|      |   |                                | Izitifiketi   | Inombolo |
| 1    | Izitifiketi ezifanele nenombolo<br>yabantu okufanele baqashwe | ≥25 GT                         | Izitifiketi Sebanga Elifushane                                | 2        |
| 2    | Amanzi Anqunyelwe   | ≥25 GT                         | Izitifiketi Sebanga Elide                                     | 2        |
| 3    | Amanzi angenamkhawulo   | ≥25 GT <24m                    | Izitifiketi Sebanga Elide                                     | 2        |
| 4    | Amanzi angenamkhawulo   | ≥24m                           | Izitifiketi GMDSS Jikelele<br>yomqhubi                        | 2        |

(2) (a) Uma umkhumbi ufakelwe uhlobo olwehlukile lokufakwa komsakazo kunalolo olushiwo yiMithethonqubo yoMsakazo, kuzoqashwa umkhumbi okungenani oyedwa ophethe umsakazo onikezwe isitifiketi esifanele ngohlobo lokufakwa komsakazo olufakwe umkhumbi.

(b) Uma impahla yomsakazo esemkhunjini isetshenziselwa ukuxhumana okuvamile, ngaphandle kokuxakaniseka, ukuphuthuma noma ezokuxhumana zokuphepha, lokho kuxhumana okujwayelekile ngeke kwenziwe umphathi osebenza ngokuqapha.

#### 106. Ukuqashwa kwezilinganiso eziqinisekisiwe emikhunjini ngaphandle kwemikhumbi yokudoba

(1) Ngokuya ngesigatshana somthethonqubo (2), umnikazi nomphathi wayo yonke imikhumbi ngaphandle komkhumbi wokudoba bazoqinisekisa ukuthi kunomkhumbi osebenzayo

ngokomkhawulo ngokwenani lezilinganiso eziqinisekisiwe ezifanele ezichazwe entweni efanele yetafula ngezansi:

| Into | Uhlobo lomkhumbi | Ukuhamba/ukusebenza | Isitifiketi esincane nenombolo okufanele isetshenziswe  |  |                                       | Umpheki womkhumbi  |
|------|------------------|---------------------|---|--|---------------------------------------|--|
|      |                  |                     | Idokodo elijwayelekile lasolwandle / ipaki elikwazi ukuhamba olwandle                                       | Injini ejwayelekile yasolwandle / Injini ekwazi ukuhamba olwandle                          | SCRB/PST (a)                          |  |
| 1    | Umgibeli         | Akunamkhawulo       | Kwanele kumuntu ngamunye ihora eli-4 lewashi esikhathini samahora ayi-12 ukuhlanganisa okukodwa             | Kwanele kumuntu ngamunye iwashi lamahora ama-4 esikhathini samahora ayi-12 ngesilinganiso  | Eyodwa kuwo wonke umsebenzi wokusinda | 1(b)   |
| 2    |                  | Eduzane nogu        | Kwanele kumuntu ngamunye ihora eli-4 lewashi esikhathini samahora ayi-12                                    | Kwanele kumuntu ngamunye iwashi lamahora ama-4 esikhathini samahora ayi-12 ngesilinganiso  | Eyodwa kuwo wonke umsebenzi wokusinda | 1) kudingeka kuphela uma uhambo lungaphezu kwamahora angama-48 |
| 3    |                  | Ukusebenza Kwetheku | Kwanele kumuntu ngehora ngalinye le-6 ngehora le-12, ubuncane bamahora amabili                              | Kwanele kumuntu ngamunye iwashi lamahora angu-6 esikhathini samahora ayi-12 ngesilinganiso | Eyodwa kuwo wonke umsebenzi wokusinda |  |
| 4    | Okunye           | Akunamkhawulo       | ≥3 000 GT Yanele kumuntu iwashi ngalinye lamahora ama-4 esikhathini samahora ayi-12 kuhlanganiswa nelilodwa | Kwanele kumuntu ngamunye iwashi lamahora ama-4 esikhathini samahora ayi-12 ngesilinganiso  | -                                     | 1  |
| 5    |                  |                     | ≥500 GT kodwa <3 000 GT Yanele kumuntu iwashi ngalinye lamahora ama-4                                       | Kwanele kumuntu ngamunye iwashi lamahora ama-4   | -                                     | 1  |

| Into | Uhlobo lomkhumbi | Ukuhamba/ukusebenza | Isitifiketi esincane nenombolo okufanele isetshenziswe   |  |              |                   |
|------|------------------|---------------------|--|--|--------------|-------------------|
|      |                  |                     | Idokodo elijwayelekile lasolwandle / ipaki elikwazi ukuhamba olwandle  | Injini ejwayelekile yasolwandle / Injini ekwazi ukuhamba olwandle                          | SCRB/PST (a) | Umpheki womkhumbi |
|      |                  |                     | esikhathini samahora ayi-12  | esikhathini samahora ayi-12 ngesilinganiso   |              |                   |
| 6    |                  |                     | <500 GT Kwanele kumuntu ihora ngalinye le-6 ngehora le-12  | Kwanele kumuntu ngamunye iwashi lamahora angu-6 esikhathini samahora ayi-12 ngesilinganiso | -            | 1                 |
| 7    |                  |                     | ≥25 GT kodwa <100 GT 1 Impahla yasolwandle ejwayelekile<br><500 GT Kwanele kumuntu ihora ngalinye le-6 ngehora le-12 | Injini ejwayelekile yasolwandle  |              | -                 |
| 8    |                  | Eduzane nogu        | <500 GT Kwanele kumuntu ihora ngalinye le-6 ngehora le-12  | Kwanele kumuntu ngamunye iwashi lamahora angu-6 esikhathini samahora ayi-12 ngesilinganiso |              | 1                 |
| 9    |                  |                     | ≥25 GT kodwa <100 GT 1 Impahla yasolwandle ejwayelekile  | Injini eyi-1 ejwayelekile yasolwandle  |              |                   |
| 10   |                  | Ukusebenza Kwetheku | <500 GT Kwanele kumuntu ihora ngalinye le-6 ngehora le-12  | Injini ekwazi ukuhamba olwandle  |              |                   |
| 11   |                  |                     | I-≥500 GT Yanele kumuntu iwashi ngalinye lamahora angu-6 esikhathini samahora ayi-12 kanye neyodwa                   | Injini ekwazi ukuhamba olwandle  |              |                   |

(a) Isitifiketi se-PST sisebenza kuphela kwisevisi eseduze nasogwini nasosebenza emikhiqizweni efanelekile yokusinda.

| Into   | Uhlobo lomkhumbi | Ukuhamba/ ukusebenza | Isitifiketi esincane nenombolo okufanele isetshenziswe |                                 |                                    | Umpheki womkhumbi |
|--|------------------|----------------------|--|---------------------------------|------------------------------------|-------------------|
|  |                  |                      | Idokodo lasolwandle elikwazi olwandle                  | elijwayelekile / ipaki ukuhamba | Injini yasolwandle ekwazi olwandle |                   |
| (b) Kubasebenzi abangaphezu kwama-30, inkampani izohlinzeka ngokufanelekile ukuqinisekisa ukuthi kuqashwe abapheki abanele |                  |                      |  |                                 |                                    |                   |

(2) (a) Lapho inhlanguanisela yezilinganiso ifanelekela ukuba ngabasolwandle abajwayelekile futhi njengabasolwandle abanekhono kuqashwa emnyangweni wedeski, okungenani uhhafu wenani lezilinganiso ezihlanganisiwe zezilinganiso ezisetshenziwe zizofanelekela ukuba ngabasolwandle abakwaziyo.

(b) Lapho inhlanguanisela yezilinganiso ifaneleka njengenjini ejwayelekile yasolwandle kanye nenjini ekwazi ukuhamba olwandle isebenza emnyangweni wegumbi lenjini, okungenani okukodwa kokulinganiswa okusetshenziwe kuzofaneleka njengenjini ekwazi ukuhamba olwandle.

(c) Emikhunjini yabagibeli inani elinqunyiwe lezilinganiso ezifaneleke njengamakhono emikhunjini yokusinda neyokusindisa futhi njengobuchwepheshe ezikebheni zokutakula ezisheshayo ziyokwengeza enanini lezilinganiso ezifanelekayo njengabasolwandle abajwayelekile noma abakwaziyo.

(d) Emikhumbi enezikebhe zokuphila kuphela njengomsebenzi wokusinda kungasetshenziswa, esikhundleni senani lezilinganiso ezifanelekayo njengobungcweti ezikebheni zokusinda nokusindisa, inani elilinganayo lezilinganiso ezifanelekile njengamakhono wokuphila komuntu kuphela.

(e) Abanikazi nabaphathi kumele babhekele izidingo zomthethonqubo 93 (4) lapho kunqunywa indlela efanele yokusebenza.

(f) Mayelana nomkhumbi osebenza kuphela emachwebeni, futhi esikhundleni sokuhlangabezana nezidingo ezichazwe kuThebula elingenhla, isicelo singenziwa kumphathi ofanele itheku lokusebenza komkhumbi ukuze kunqunywe inani lezilinganiso eziqinisekisiwe, nezinguquko ezidingekayo, ngokuya ngomthethonqubo 93 (1) (h) (4).

(g) Emikhunjini esebenza kuphela emachwebeni, kungaqashwa, esikhundleni senani lezilinganiso ezifanelekayo njengasemkhunjini okwazi ukuhamba olwandle noma injini ekwazi ukuhamba olwandle, inani elilinganayo lezilinganiso eziphethe ikhwalifikheyishini njengokulinganiselwa kwenhloso jikelele (ukusebenza kwetheku).

(h) Izitsha ezinamandla okuqhubekisa amandla ezingaphansi kwama-350 kW azidingi ukuthwala isilinganiso senjini ngokuya ngethebula elingenhla. Lo Mthethonqubo awukhawuleli amandla esikhulu esifanele ngaphansi komthethonqubo 93 (4) 93 wale Mithetho.

(3) Imikhumbi yasolwandle enohambo olude isikhathi esingaphezu kwamahora angama-48 enabasebenzi abangaphezu kwabayishumi izothwala umpheki ofanelekayo.

#### 107. Ukuqashwa kwezilinganiso ezinesitifiketi semikhumbi yokudoba

(1) Ngokuya ngesigatshana somthethonqubo (2), umnikazi kanye nomphathi wazo zonke izikebhe zokudoba bazoqinisekisa ukuthi kunesisebenzi esikhunjini ngamandla aso afanele inani lezilinganiso eziqinisekisiwe ezibalulwe entweni esebenzayo yaleli Tafula elilandelayo:

| Into | Usayizi wesitsha      | Isitifiketi esincane nenombolo okufanele isetshenziswe                                 |      |                   |
|------|-----------------------|--|------|-------------------|
|      |                       | Idokodo elikwazi ukuhamba olwandle (ukudoba) / indawo ejwayelekile yolwandle (ukudoba) | SCRB | Umpheki womkhumbi |
| 1    | ≥25 GT kodwa <24 m    | 1 (a)  | -    | -                 |
| 2    | ≥24 m kodwa <45 m (b) | 2  | 1    | 1(c)              |
| 3    | ≥45 m                 | 2  | 2    | 1(c)              |

(a) Ideskithophu ejwayelekile yasolwandle edingekayo emikhunjini esebenza ngaphezu kwama-50 Imayela sogu lasolwandle

(b) Imikhumbi ≥24m kepha <30m ingagcina amazinga womsebenzi asebenza kulowo mkhumbi ngaphansi kweMithethonqubo echithwe kuze kube ngumhla ka-1 Ntulikazi 2021

(c) Abasebenzi abangaphezu kwama-30 - 1 abapheki ngabangama-30 (noma ingxenye yabo)

(2) Lapho inhlanganisela yezilinganiso ifanelekela ukuba ngabasolwandle abajwayelekile futhi njengabasolwandle abanekhono kuqashwa emnyangweni wedeski, okungenani isigamu senani elihlanganisiwe lezilinganiso eziqashiwe kanjalo ziyofanelekela ukuba ngabasolwandle abakwaziyo.

## **INGCENYE 8 UKUQASHWA KWABASOLWANDLE NGOKWOKUPHEPHA KOMSEBENZI, UKUPHEPHA NEZIDINGO ZOKWELAPHA**

### **108. Ukuqashwa kwabasebenzi abaqeqeshiwe emathangeni**

(1) Umnikazi nomphathi wawo wonke amathangi kawoyela noma wamakhemikhali bazoqinisekisa ukuthi

(a) wonke umuntu wasolwandle owabelwe imisebenzi ethile nezibopho ezihlobene nempahla noma impahla yomkhumbi uzobamba isitifiketi sokuqeqeshelwa ulwazi oluyisisekelo lokuqeqeshwa kukawoyela nempahla yamakhemikhali;

(b) umphathi, umphathi omkhulu, umlingani omkhulu, unjiniyela wesibili nabo bonke abanye abasebenza olwandle abanomthwalo osheshayo wokulayisha, ukukhipha, ukunakekela ezokuthutha, ukuphatha imithwalo, ukuhlanza amathangi noma eminye imisebenzi ephathelene nempahla esikebheni sikaphethiloli noma uwoyela lthangi iphethe isitifiketi sokuqeqeshelwa ukuthuthuka okuthuthukile kwemisebenzi yamathangi kawoyela noma yemithwalo yamakhemikhali.

(2) Umnikazi nomphathi wawo wonke amathangi kaphethiloli bazoqinisekisa ukuthi—

(a) wonke umuntu wasolwandle onikezwe imisebenzi ethile nezibopho ezihlobene nempahla noma impahla yomkhumbi uzobamba isitifiketi sokuqeqeshelwa ulwazi oluyisisekelo lokuqeqeshelwa ukuthuthwa kwegesi; futhi

(b) umphathi omkhulu, isikhulu sonjiniyela, ophathina omkhulu, unjiniyela wesibili nabo bonke abanye abasebenza olwandle abanomthwalo osheshayo wokulayisha, ukukhipha, ukunakekela ezokuthutha, ukuphatha impahla, ukuhlanza amathangi noma eminye imisebenzi ehlobene nempahla esikebheni sikaphethiloli isitifiketi sobungcweti ekuqeqesheni okuthuthukile kwemisebenzi yemithwalo yamapayipi kagesi.

### **109. Ukuqashwa kwabasebenzi abaqeqeshiwe emikhumbi ngokuya ngekodi le-IGF**

Umnikazi nomphathi wayo yonke imikhumbi engaphansi kwe-IGF khodi kumele aqinisekise ukuthi—

(a) wonke umuntu osolwandle osemkhunjini ngaphansi kweKhodi ye-IGF onikezwe imisebenzi yokuphepha eqokiwe ehambisana nokunakekelwa, ukusetshenziswa noma ukuphendula okuphuthumayo kumafutha asemkhunjini uzobamba isitifiketi sokuqeqeshwa okuyisisekelo kokusebenza emikhunjini engaphansi kweKhodi ye-IGF;

(b) abaphathi, onjiniyela kanye nabo bonke abasebenzi abanesibopho ngokushesha sokunakekela nokusetshenziswa kwamafutha kanye nezinhlelo zikaphethiloli emikhunjini engaphansi kweKhodi ye-IGF bazobamba isitifiketi sokuqeqeshwa okuthuthukile kokusebenza emikhunjini engaphansi kweKhodi ye-IGF.

**110. Ukuqashwa kwabasebenzi abaqeqeshiwe emikhunjini esebenza amanzi asezindaweni eziphakeme**

Umnikazi nomphathi wayo yonke imikhumbi esebenza emanzini asezindaweni ezibandayo uzoqinisekisa ukuthi - (a) abaphathi, abalingani abakhulu kanye nezikhulu eziphethe iwashi lokuzulazula emikhunjini esebenza emanzini aphilile bazobamba isitifiketi sokuqeqeshwa okuyisisekelo kwemikhumbi esebenza emanzini asendaweni, njengoba kufunwa yi-Polar Khodi; (b) izingcweti kanye nabalingani bomkhumbi emikhunjini esebenza emanzini asezindaweni ezibandayo, bazobamba isitifiketi sokuqeqeshwa okuthuthukile kwemikhumbi esebenza emanzini asendaweni.

**111. Ukuqashwa kwabasebenzi abaqeqeshiwe abanokuqeqeshwa kwezokuphepha**

(1) Umnikazi nomphathi womkhumbi osolwandle ongu-500 GT noma ngaphezulu noma umkhumbi wabagibeli ohambweni lwamazwe omhlaba uzoqinisekisa ukuthi bonke abasebenzi abaqashwe kulo mkhumbi bathole ukuqeqeshwa kokuqwashisa ngokuphepha.

(2) Umnikazi noma umphathi womkhumbi osolwandle ongu-500 GT noma ngaphezulu noma umkhumbi wabagibeli ohambweni lwamazwe omhlaba kufanele aqinisekise ukuthi bonke abasebenzi abanemisebenzi yezokuphepha noma izibopho bathole ukuqeqeshwa kwabantu abanemisebenzi yezokuphepha eqokiwe.

(3) Umnikazi noma umphathi womkhumbi osolwandle ongu-500 GT noma ngaphezulu noma umkhumbi wabagibeli ohambweni lwamazwe omhlaba uzoqinisekisa ukuthi esinye sezikhulu siqokwa njengesikhulu sezokuphepha komkhumbi.

**112. Ukuqashwa kwabasebenzi abaqeqeshiwe emikhunjini yabagibeli**

(1) Umnikazi kanye nomphathi wayo yonke imikhumbi yabagibeli bazoqinisekisa ukuthi umphathi wabo bonke abasebenza kulo mkhumbi banesitifiketi esifanele esibekwe kumthethonqubo 800 kanye no-0 wale Mithethonqubo. Izidingo zalo mthetho ongaphansi komhlaba zisebenza emikhunjini yabagibeli yeClass I, II, IIA, V kanye ne-VI njengoba kubekiwe Isisetshenziswa Esisindisa Umthethonqubo, 1968.

(2) Umnikazi nomphathi wayo yonke imikhumbi yabagibeli bazoqinisekisa ukuthi umphathi, izikhulu nabasebenzi ababhekele ukuphepha kwabagibeli esimweni esiphuthumayo bazobamba isitifiketi esifanelekile esibekwe kumthethonqubo 800 wale Mithethonqubo.

(3) Umphathi, nezikhulu nawo wonke umuntu onikezwe umsebenzi ngokushesha wokuqalisa nowehlisa abagibeli, ukulayisha, ukukhipha kanye nokuvikela izimpahla, noma ukuvala ukusebenza kwemikhumbi emikhunjini yabagibeli bazobamba isitifiketi esifanele ngokuhambisana nomthethonqubo 80 (6).

**113. Ukuqashwa kwezikhulu eziqeqeshiwe ubuchwepheshe begesi kanye nezilinganiso**

Umnikazi nomphathi wayo yonke imikhumbi engena olwandle kufanele—

(a) baqinisekise ukuthi banqume ukuthi ngabe kunesidingo yini sokuqhuba umsebenzi we-electro-technical officer noma isilinganiso;

(b) aqinisekise ukuthi—

(i) uma kudingeka, isikhulu ubuchwepheshe begesi siqeqeshiwe ngokuhambisana nomthethonqubo 52 wale Mithetho;

(ii) uma kudingeka, isilinganiso ubuchwepheshe begesi siyafaneleka ngokuya ngomthethonqubo wama-74 wale Mithetho.

**114. Ukuqashwa kwabasebenzi bezokwelapha abaqeqeshiwe**

(1) Umnikazi nomphathi wayo yonke imikhumbi ohambweni olungenamkhawulo oluthatha abantu abayi-100 noma ngaphezulu bazoqinisekisa ukuthi okungenani kudokotela oyedwa, obhaliswe nomgwamanda ofanele weRiphabhuliki, osebenza emkhunjini.

(2) Umnikazi nomphathi wayo yonke imikhumbi ehamba olwandle kufanele aqinisekise ukuthi—

(a) wonke umuntu oqokelwe ukuphatha ukunakekelwa kwezempilo emkhunjini uzobamba isitifiketi sokunakekelwa kwezempilo esivumelekile esikhishwe ngokuya nge- Amazinga Wokuqeqesha Khodi; futhi

(b) wonke umuntu oqokelwe ukuhlinzeka ngosizo lokuqala lwezokwelapha emkhunjini uphethe isitifiketi sosizo sokuqala sezempilo esivumelekile esikhishwe ngokuya ngekodi lokuqeqeshwa.

(3) Wonke umuntu oqokelwe imisebenzi okukhulunywe ngayo kwisigatshana somthethonqubo

(2) uzokwenza ukuqeqeshwa kokuvuselela okuvunyiwe ngezikhathi ezingeqi eminyakeni emihlanu.

**115. Ukuqashwa kwabasebenzi abaqeqeshiwe bokulwa nomlilo**

(1) Umnikazi nomphathi wayo yonke imikhumbi bazoqinisekisa ukuthi wonke umuntu oqokelwe ukuba yilungu leqembu elilwa nomlilo emkhunjini uphethe isitifiketi esivumelekile sokuVimbela Umlilo nokulwa noMlilo esikhishwe ngokuya Amazinga Wokuqeqesha Khodi.

(2) Umnikazi nomphathi wayo yonke imikhumbi okusebenza kuyo le Mithethonqubo bazoqinisekisa ukuthi wonke umuntu oqokelwe ukulawula ukusebenza kokulwa nomlilo emkhunjini unesitifiketi esivumelekile sokulwa nomlilo esikhishwe ngokuya Amazinga Wokuqeqesha Khodi.

(3) Wonke umuntu oqokelwe imisebenzi okukhulunywe ngayo kwisigatshana somthethonqubo

(1) (a) no (2) kuyodingeka ukuthi akhombise ukuqhubeka kwekhono lobungcweti ngokuhambela ukuqeqeshwa okuvuselelwe okuvunyelwe ngezikhathi ezingeqi eminyakeni emihlanu.

**116. Ukuqashwa kwabasebenzi abaqeqeshiwe emikhunjini enezikebhe zokusinda noma izikebhe zokusindisa**

(1) Umnikazi nomphathi wayo yonke imikhumbi efakwe isikebhe esisodwa noma eziningi zokusinda noma izikebhe zokutakula uzoqinisekisa ukuthi kunenani elanele labantu abaphethe isitifiketi esivumelekile sokusebenza emikhunjini yezokusinda nezokutakula ekhishwe ngokuhambisana Ikhodi Yamazinga Wokuqeqesha ukuphatha izikebhe zokusinda noma izikebhe zokutakula.

(2) Wonke umuntu oqokelwe imisebenzi okukhulunywe ngayo kwisigatshana somthethonqubo (1) uzokwenza ukuqeqeshwa kokuvuselela okuvunyelwe ngezikhathi ezingeqi eminyakeni emihlanu.

**117. Ukuqashwa kwabasebenzi abaqeqeshiwe emikhumbi enesikebhe sokutakula esisheshayo**

(1) Umnikazi nomphathi wayo yonke imikhumbi enesikebhe esisodwa noma ngaphezulu sokutakula esisheshayo uyoqinisekisa ukuthi okungenani kunabantu ababili esikebheni ngasinye abanesitifiketi esivumelekile sokusebenza emikhunjini yokutakula esheshayo ekhishwe ngokuhambisana Ikhodi Yamazinga Wokuqeqesha.

(2) Wonke umuntu oqokelwe imisebenzi okukhulunywe ngayo kwisigatshana somthethonqubo (1) uzokhombisa ukuqhubeka nokusebenza ngobungcweti ngokusebenza kuleso sikhundla okungenani izinyanga eziyi-12 eminyakeni emihlanu eyedlule noma uma le migomo ingafinyelelwanga, enze ukuqeqeshwa okugunyaziwe ahlangane amazanga obuchule njengoba kucacisiwe kwiKhodi yamaZinga oQeqesho yalesi sitifiketi

## INGXENYE 9 - UKUXHASA

### 118. Izikhathi zokwabiwa

(1) Isigungu seziPhathimandla singakhipha isabelo kumuntu osolwandle obekiwe ukuthi asebenze emkhunjini ocacisiwe isikhathi esithile esingeqi ezinyangeni eziyisithupha ngesikhundla esiphakeme kunaleso umnikazi wasolwandle anaso isitifiketi sekhono lakhe: Kuncike ekutheni—

(a) le mikhakha inikezwa kuphela uma kunesidingo esikhethekile;

(b) umuntu ozongenela ukhetho onjalo angadingeka ukuthi enze ukuhlolwa kwezinga 3 ;;

(c) isicelo sesikhathi sokubusa sizonikezwa kuphela umgcini wasolwandle ofanelekile ukugcwalisa irenki ngokushesha ngezansi; futhi

(d) lapho kungadingeki ukunikwa isitifiketi somsebenzi ongezansi, kunganikezwa umuntu osebenza olwandle isiqu sakhe kanye nesipiliyoni sakhe, ngokombono woMhloli Omkhulu, okulingana nezimfuneko zokugcwaliswa kwesikhundla.

(2) Isikhathi sokusebenza esikhundleni somphathi omkhulu noma sonjiniyela omkhulu kuzobhekwa kuphela ezimweni zokuphoqelelwa ngamandla bese kubhekwa isikhathi esifushane kakhulu.

(3) Isicelo sesikhathi sokuphatha sizokwenziwa ngendlela nangendlela eshiwo yiSigungu seziPhathimandla futhi sizohambisana nencwadi evela kumnikazi ekhombisa ukuba khona kwezimo ezehlukile.

(4) Isigungu seziPhathimandla singashintsha noma sikhansela noma ikuphi ukwabiwa okunikezwe ngaphansi kwalo mthetho.

### 119. Ukukhululwa

(1) Isigungu seziPhathimandla, uma ngokubona kwaso singekho ingozi ebingavela kubantu, empahleni noma emvelweni, singanikeza inkululeko, ngokwemibandela engachazwa ngayo, kunoma yimiphi imibandela yale Mithetho yezigaba zamacala noma amacala ngamanye. Esimweni lapho ukukhululwa kungokwezigaba zemikhumbi, isiGungu seziPhathimandla sizokwenza ukuthi lokho kukhishwa kushicilelwe kuGazethi kaHulumeni.

(2) Ukukhululwa okuvumela umuntu ukuthi asebenze esikhundleni anganikanga isitifiketi ngaso kunganikezwa kuphela uma umuntu enesitifiketi sokusebenza esikhundleni esiphansi esilandelayo. Uma amandla alandelayo aphansi kungamandla angenasiqinisekiso, ukukhululwa kunganikezwa kuphela uma ulwazi nesipiliyoni salowo muntu, ngokombono weSigungu seziPhathimandla, kufanelekile ukuthi amandla agcwaliswe.

(3) Ukukhululwa okuvumela umuntu ukuthi asebenze esikhundleni angaqinisekiswa ngaso ngeke kunikezwe uma kwenzeka—

(a) umphathi womkhumbi wabagibeli;

(b) umphathi noma unjiniyela omkhulu wanoma yimuphi umkhumbi lapho kusebenza khona iSivumelwano se-STCW, ngaphandle kwalapho kuphoqelelwa khona amandla futhi kube yisikhathi esifushane kakhulu.

(4) Isigungu seziPhathimandla singashintsha noma sikhansela noma yikuphi ukukhululwa okunikezwe ngaphansi kwalo mthetho.

#### **120. Ukulingana kwezitifiketi nezincomo**

(1) Ngokuya ngesigatshana somthethonqubo (2), isitifiketi noma isincomo ngasinye esishiwo kukholamu yento esetafuleni kwiSithasiselo 1 silingana nesitifiketi noma ukugunyazwa, njengoba kungaba njalo, kucaciswe kwamanye amakholomu omugqa ofanayo yaleyo nto.

(2) Uma isitifiketi sokusebenza sesiphelelwe yisikhathi ngosuku lokuqala kwale Mithethonqubo futhi ophethe isitifiketi esebenze okungenani izinyanga eziyi-12 eminyakeni emihlanu ngaphambi kwalolo suku, uMkhandlu ungavumela isitifiketi, noma ukhiphe isitifiketi esilinganayo ngokwemigomo yalo mthetho, njengoba kungaba njalo, ukuze unikeze umnikazi amandla okuqhubeka nomsebenzi ngokwesikhundla esithintekayo.

#### **121. Iphepha lokuphatha eliphephile**

(1) Umnikazi womkhumbi uyoqinisekisa ukuthi—

(a) umbhalo osebenza ngokuphepha usebenza ngokuqondene nomkhumbi kanye nokuphathwa komkhumbi;

(b) incwadi yokuphepha ephephile igcinwa emkhunjini ngaso sonke isikhathi; futhi

(c) ukuphathwa komkhumbi kugcinwa ngaso sonke isikhathi okungenani emazingeni acaciswe kudokhumenti yokuphepha ephephile.

(2) Ngokuya ngemithethonqubo (3) no (4), idokhumende eliphephile elihlongozwe kwisigatshana somthethonqubo (1) lizosebenza isikhathi esingangonyaka kusukela osukwini eyakhishwa ngalo.

(3) Idokhumenti yokuphepha ephephile yomkhumbi odingekayo ukuphatha iSitifiketi Sezinsiza Zokuphepha KweCargo noma Isitifiketi Sokuphepha Komkhumbi Abagibeli izosebenza ngenkathi izitifiketi ezishiwo zisebenza.

(4) Idokhumende eliphephile elikhishwe ngokuhambisana noMthethonqubo 97 (4) -

(a) sizosebenza isikhathi esiyiminyaka emihlanu;

(b) kuze kube yilapho umkhumbi ushintsha ubunikazi nokusebenza kwawo; noma

(c) size sikhanselwe nguMkhandlu.

(5) Umphathi womkhumbi uzoqinisekisa ukuthi umkhumbi unemibhalo evumelekile yokuphepha futhi ukuqondiswa komkhumbi kuyahambisana nalowo mbhalo ngaphambi kokuya olwandle.

**122. Ukuthuthwa kwamaphepha**

Umnikazi nomphathi womkhumbi bazoqinisekisa ukuthi umkhumbi unazo zonke izitifiketi zoqobo kanye neminye imibhalo ekhishwe ngokulandela uMthetho, iSivumelwano se-STCW noma iSivumelwano se-STCW-F.

**123. Amacala nezinhlawulo**

(1) Umnikazi owephula umthethonqubo 93 (1) noma (4) noma 95 (1) 121 noma 122 wenza icala futhi uma etholwa enecala uzokhokha inhlawulo noma aboshwe isikhathi esingeqile ezinyangeni eziyi-12.

(2) Wonke umqashi, ongumqashi ngokwemigomo yoMthethonqubo wama-95 oye waba ngaphansi kwemisebenzi yomnikazi ngaphansi kwalowo Mthethonqubo, owephula uMthethonqubo 95 wenza icala

(3) Umphathi owephula imithethonqubo 94 (1) noma (2), 95 (1), (5), (7), (12) noma 14 noma 96 (2) wenza icala futhi kufanele aboshwe inhlawulo noma ukuboshwa isikhathi esingeqile ezinyangeni eziyishumi nambili.

(4) Umuntu osebenza olwandle owephula umthethonqubo 94, 95 (14) noma 96 (2) wenza icala futhi uma egwetshwa uzobhekana nenhlawulo noma aboshwe isikhathi esingeqile ezinyangeni eziyishumi nambili.

## **INGXENYE 10 - UKUQEDWA KWEMITHETHO NOKONGA, AMALUNGISELELO WESikhashana, NESIHLOKO NOKUQALA**

### 124. Ukuchithwa Kwemithethonqubo

(1) Imithethonqubo yokuThunyelwa kwabahwebi (Ukuphathwa Ngokuvikela Okuphephile, Ukuqeqeshwa kanye Nokuqinisekiswa), yonyaka we-2013, ekhishwe yiSaziso sikaHulumeni R. 511 somhla zingama-23 kuNtulikazi 2013, iyachithwa.

(2) Imithethonqubo yokuThunyelwa kwaBathengisi (Ukuhlolwa Kwamehlo Nezokwelapha), 2004, ekhishwe yiSaziso sikaHulumeni No.R I-1197 ka-2004 yangomhla ziyi-15 kuMfumfu 2004, ngalokhu iyachithwa.

### 125. Amalungiselelo ezinguquko

(1) Kuze kube ngumhlaka 1 Ntulikazi 2022, iSigungu seziPhathimandla singaqhubeka nokukhipha, samukele futhi sigunyaze izitifiketi ngokuya ngeMithethonqubo echithwe ngokwemigomo yomthethonqubo 124 maqondana nalabo basolwandle abaqale insizakalo yolwandle evunyiwe, uhlelo oluvunyiwe lwemfundo nokuqeqeshwa noma uhlelo oluvunyiwe inkambo yokuqeqeshwa ngaphambi komhla ka-1 Ntulikazi 2013.

(2) Kuze kube ngumhla ka-1 Ntulikazi 2022, iSigungu seziPhathimandla singaqhubeka nokuqinisekisa kabusha izitifiketi nokugunyazwa ngokuya ngemigomo ebisebenza ngaphambi komhlaka 1 Ntulikazi 2020.

(3) Izitifiketi ezikhishwe ngaphansi kwe- Umthethonqubo Wokuhlola Wezitifiketi Zokusebenza Kwabadobi, 1993 kanye ne- Imithethonqubo Yokuhlolwa Yezitifiketi Zokusebenza Njenge zithuthuthu zasolwandle, 1993, ngaphambi kokuqala kwale Mithetho, zizohlala zisebenza kuze kube—

(a) eminyakeni emibili ngemuva kokuba le Mithethonqubo iqale ukusebenza; noma

(b) ngemuva kweminyaka emihlanu kukhishwe isitifiketi,

noma yikuphi okwenzeka kuqala.

(4) Isitifiketi (ngaphandle kwesitifiketi sebanga elikhethekile) esikhishwe ngokweMithethonqubo esuliwe ngokomthethonqubo 124 (1), sizohlala sisebenza kuze kube—

(a) usuku lokuphelelwa yisikhathi eligunyazwe esitifiketini;

(b) iminyaka emihlanu kusukela ngosuku lokukhishwa kwesitifiketi; noma

(c) izinyanga eziyi-12 ngemuva kokusebenza kwale Mithetho,

noma yikuphi okwenzeka kuqala.

(5) Noma yiziphi Izitifiketi Zokulawulwa Kwama-Radiotelephone ezinomkhawulo ezikhishwe ngokoMthetho zizohlala zisebenza kuze kushintshwe isitifiketi sebanga elide nelifushane.

(6) Odokotela abavunyelwe ngaphansi kweMithethonqubo echithwe umthethonqubo 1240 bazohlala beqokiwe kuze kuphele isikhathi sabo sokusebenza. Labasebenzi bezokwelapha bazothathwa njengabahlalagabazana nezidingo zeNgxenywe 5 yale Mithethonqubo.

(7) Isigungu seziPhathimandla singaqhubeka nokwenza izivivinyo zamehlo isikhathi esingeqile ezinyangeni ezingama-24 kusukela ngosuku lokuqala kwale Mithetho.

(8) Abaphathi noma abanikazi, njengoba kungaba njalo, kuzothi, kungakapheli iminyaka emibili iqalile ukusebenza le Mithethonqubo, baqinisekise ukuthi noma yiliphi ilungu labasebenzi bemikhumbi, eliqoke imisebenzi yokuphepha, noma yokuvikela ukungcola, liqede ukuqeqeshwa okuyisisekelo imigomo yomthethonqubo 2 (7).

#### 126. Isihloko nokuqala ukusebenza

Le Mithethonqubo ibizwa Ukuthumela Komthengisi (Ukuqeqesha, izitifiketi kanye nokuphepha ngokuphepha) Imithethonqubo, 2021, futhi izosebenza ngosuku lokushicilelwa.

**ISITHASISELO 1 - ITHEBULA LEZIQINISEKISO ZOKULINGANA**

(1) Ithebula elingezansi linikeza isisekelo sokuguqulwa noma sokuqinisekiswa kabusha kwezitifiketi ezikhishwe ngaphansi koMthetho ngaphambi kokuthi le Mithethonqubo iqale ukusebenza.

(2) Uma isitifiketi noma ukugunyazwa okuchazwe kukholamu 5 yento etafuleni kungaphansi kwezidingo ezengeziwe zeziqo ngokwemigomo yale Mithethonqubo, ubufakazi obubhalwe phansi bokuhambisana nalezi zidingo buzokhiqizwa ngesikhathi nangendlela yokuthi Igunya liyaqondisa. Ukufana okungezansi kukhombisa iMithethonqubo efanele kanye neMithethonqubo yokuchibiyela okutholwe ngayo isitifiketi. Amakholomu amele:

(a) Ikholumu 1 - Ukuthumela Komthengisi Umthetho, 1951,

(b) Ikholumu 2 - imele:

(i) Imithethonqubo Yokuhlolwa Yezitifiketi Zokuqeqeshelwa Iziphathimandla Zezikhwama, 1994, njengoba ichitshiyelwe

(ii) Imithethonqubo Yokuhlolwa Onjiniyela-Abaphathi, ka-1985, njengoba ichitshiyelwe

(iii) Izitifiketi Zemithethonqubo Yokufaneleka, ka-1985, njengokuchibiyela

(c) Ikholumu 3 - iMithethonqubo Yokuthumela Umthengisi (Ukuqeqesha Nokuqinisekisa), 1999, njengoba ichitshiyelwe;

(d) Ikholumu 4 -Ukuthumela komthengisi (Ukuphepha, Ukuqeqesha kanye Nokuqinisekisa) Imithethonqubo, 2013, njengoba ichitshiyelwe;

(e) Ikholumu 5 - Imithethonqubo Yokuhambisa Okuthengiswayo (Ukuphathwa Ngokuphepha, Ukuqeqeshwa Nokuqinisekiswa), Imithethonqubo Yokuchibiyela ka-2013, 2020

| Into | Ikholumu 1   | Ikholumu 2  | Ikholumu 3  | Ikholumu 4  | Ikholumu 5  |
|------|--|---|---|---|---|
| 1    | Umbusi omkhumbi oya kwamanye amazwe                        | Isigaba 1 Somphathi emphemeni   | Umbusi  | Umbusi  | Umbusi  |
| 2    | -  | Isigaba 2 Somphathi evunyelwe umbusi (Ukuhweba Okulinganiselwe)                   | Umlingani omkhulu ivunyelwe: -Umphathi womkhumbi ongaphansi kuka-3 000 GT ohambweni olungenamkhawulo  | Umlingani omkhulu ivunyelwe: -Umphathi womkhumbi ongaphansi kuka-3 000 GT ohambweni olungenamkhawulo            | Umlingani Omkhulu ivunyelwe: - Ingcweti yomkhumbi ongaphansi kuka-3 000 GT ohambweni olungenamkhawulo           |
| 3    | Umphathi Oyinhloko Wezikebhe zomkhumbi oya kwamanye amazwe | Isigaba 2 Somphathi emphemeni evunyelwe umbusi (Ukuhweba Okufishane Kwasolwandle) | Umlingani omkhulu uvunyelwe:- Umphathi womkhumbi ongaphansi kuka-500 GT ohambweni oluseduze nolwandle   | Umlingani omkhulu ivunyelwe: -Umphathi womkhumbi ongaphansi kuka-500 GT ohambweni oluseduze nolwandle           | Umlingani omkhulu ivunyelwe: -Umphathi womkhumbi ongaphansi kuka-500 GT ohambweni oluseduze nolwandle           |
| 4    | -  | Isigaba 2 Somphathi emphemeni   | Umlingani Omkhulu   | Umlingani Omkhulu   | Umlingani Omkhulu   |
| 5    | -  | Isigaba 3 Somphathi emphemeni evunyelwe umbusi(Ukuhweba okulinganiselwe)          | Umphathi emphemeni ivunyelwe: -Umphathi womkhumbi kuka-500 GT ohambweni olungenamkhawulo -Umlingani Omkhulu womkhumbi ongaphansi kuka-3 000 GT ohambweni olungenamkhawulo | Umlingani Omkhulu (<3 000 GT) ivunyelwe: -Umphathi womkhumbi kuka-500 GT ohambweni olungenamkhawulo             | Umlingani Omkhulu (<3 000 GT) ivunyelwe: -Umphathi womkhumbi kuka-500 GT ohambweni olungenamkhawulo             |
| 6    | -  | Isigaba 3 Somphathi emphemeni evunyelwe Umbusi (Ukuhweba koLwandle olufushane)    | Umphathi emphemeni uvunyelwe: - Ungqondongqondo womkhumbi ongaphansi kwama-500 GT ohambweni olusondele ngasogwini   | Umlingani Omkhulu (<3 000 GT) ivunyelwe: - Ingcweti yomkhumbi ongaphansi kuka-500 GT ohambweni olungenamkhawulo | Umlingani Omkhulu (<3 000 GT) ivunyelwe: - Ingcweti yomkhumbi ongaphansi kuka-500 GT ohambweni olungenamkhawulo |

| Into | Ikholumu 1  | Ikholumu 2  | Ikholumu 3   | Ikholumu 4  | Ikholumu 5   |
|------|---|---|--|---|--|
| 7    | Isikhulu Sesibili Esizulazulayo somkhumbi oya kwamanye amazwe | Isigaba 3 Isikhulu emphezeni  | Isikhulu emphezeni<br>- Chief Mate womkhumbi ongaphansi kuka-3 000 GT ohambweni olungenamkhawulo                               | Isikhulu emphezeni  | Isikhulu esiphethe Ukubuka Kwezokuhamba  |
| 8    | -   | Isigaba 4 isikhulu emphezeni evunyelwe inkosi (Ukuhweba Okulinganiselwe)            | Isikhulu emphezeni ivunyelwe:<br>- Ingcweti yomkhumbi ongaphansi kuka-500 GT ohambweni olungenamkhawulo                        | Isikhulu emphezeni ivunyelwe:<br>- Umbusi (<500 GT)                   | Isikhulu esiphethe ukubuka kwezokuhamba ivunyelwe:<br>- Umbusi (<500 GT)                   |
| 9    | Ingcweti yomkhumbi ogudlanayo we-100 GT noma ngaphezulu       | Isigaba 4 isikhulu emphezeni evunyelwe inkosi (Ukuhwebelana Kwasiwandle Okufushane) | Isikhulu emphezeni ivunyelwe:<br>- Ungqondongqondo womkhumbi ongaphansi kwama-500 GT ohambweni olusondele ngasogwini           | Isikhulu emphezeni ivunyelwe:<br>- Umbusi (<500 GT eduzane nasogwini) | Isikhulu esiphethe ukubuka kwezokuhamba ivunyelwe:<br>- Umbusi (<500 GT eduzane nasogwini) |
| 10   | -   | Isigaba 4 isikhulu emphezeni evunyelwe umbusi (Ukusebenza kwetheku)                 | Isikhulu emphezeni ivunyelwe:<br>- Ingcweti yomkhumbi wanoma iyiphi ithani esebenza ngaphakathi kwendawo yokusebenza ethekweni | Isikhulu emphezeni ivunyelwe:<br>- Umbusi (Ukusebenza kwetheku)       | ivunyelwe:<br>- Umbusi (Ukusebenza kwetheku)   |
| 11   | -   | Isigaba 4 isikhulu emphezeni evunyelwe umbusi (Ukusebenza kwetheku)                 | Umbusi (Ukusebenza kwetheku)   | Umbusi (Ukusebenza kwetheku)  | Umbusi (Ukusebenza kwetheku)   |
| 12   |   |   |  | Umbusi (<1 600 GT Ukusebenza kwetheku)                                | Umbusi (<1 600 GT Ukusebenza kwetheku)   |
| 13   |   |   |  | Umbusi (<500 GT)  |  |
| 14   |   |   |  | Umlingani (<500 GT)   |  |
| 15   | -   | Isigaba 4 isikhulu emphezeni  | Umlingani (Ezasogwini) ivunyelwe:  | Umbusi (<500 GT eduze nogu)   | Umbusi (<500 GT eduze nogu)  |

| Into | Ikhohlo 1  | Ikhohlo 2   | Ikhohlo 3   | Ikhohlo 4  | Ikhohlo 5  |
|------|--|---|---|--|--|
|      |  | evunyelwe inkosi (Ukuhwebelana Kwawolwandle Okufushane)             | - Ungqondongqondo womkhumbi kwama-500 GT ohambweni olusondele ngasogwini  |  |  |
| 16   | -  | Isigaba 5 isikhulu emphemeni evunyelwe umbusi (Ukusebenza kwetheku) | Umlingani (ogwini) evunyelwe: - Ingcweti yomkhumbi wanoma iyiphi ithani esebenza ngaphakathi kwendawo yokusebenza ethekwini | Umlingani (<500 GT eduze nogu) evunyelwe: - Umbusi (Ukusebenza kwetheku) | Isikhulu esiphethe ukubuka kwezokuhamba (<500 GT eduze nogu) evunyelwe: - Umbusi (Ukusebenza kwetheku) |
| 17   | -  | Isigaba 5 isikhulu emphemeni sivume Inkonzo yokusebenza kwetheku    | Umbusi (Ukusebenza kwetheku)  | Umbusi (Ukusebenza kwetheku)   | Umbusi (Ukusebenza kwetheku)   |
| 18   | Isikhulu somkhumbi ongasogwini we-100 GT noma ngaphezulu | Isigaba 5 isikhulu emphemeni  | Umlingani (ogwini)  | Umlingani (<500 GT eduze nogu)   | Isikhulu Esiphethe ukubuka kwezokuhamba (<500 GT eduze nasogwini)                                      |
| 19   | -  | Isigaba 6 isikhulu emphemeni (ukuhweba okungenamkhawulo)            | Ukapteni (Okungenamkhawulo)   | Umbusi (<200 GT)   | Umbusi (<200 GT)   |
| 20   | -  | Isigaba 6 isikhulu emphemeni (Ukuhweba Olwandle Olufushane)         | Ukapteni (ogwini)   | Umbusi (<200 GT eduze nasogwini)   | Umbusi (<200 GT eduze nasogwini)   |
| 21   | -  | Isigaba 6 isikhulu emphemeni (ukuhweba okuvinjelwe)                 | Ukapteni (Ukusebenza kwetheku)  | Ukapteni (<200 GT Ukusebenza kwetheku)                                   | Ukapteni (<200 GT ukusebenza kwetheku)   |
| 22   |  |   | Umdobi Ibanga 2 (Umyalo Wezilwandle Eziphakeme zokuvumela)  | Ukudoba ngesikebhe (≥24 m Amanzi angenamkhawulo)                         | Ukudoba ngesikebhe (≥24 m Amanzi angenamkhawulo)   |

| Into | Ikholumu 1   | Ikholumu 2                       | Ikholumu 3   | Ikholumu 4   | Ikholumu 5   |
|------|--|----------------------------------|--|--|--|
| 23   |  |                                  | Umdobi Ibanga 3 (Umyalo Wezilwandle Eziphakeme zokuvumela)               | Ukapteni umdobi (<24 m Amanzi angenamkhawulo) avunyelwe:<br>- Ukapteni somkhumbi wokudoba of <30 m emanzini angenamkhawulo Ukudoba ngesikebhe (<24 m Angenamkhawulo) | Ukudoba ngamantshontsho (≥24m Amanzi angenamkhawulo) kuvunyelwe:<br>- Ukapteni somkhumbi wokudoba of <30 m emanzini angenamkhawulo |
| 24   |  |                                  | Umdobi Ibanga lesi-4 (Ukapteni Umyalo Wezilwandle Eziphakeme zokuvumela) |  | Ukapteni Ukudoba (<24 m Unlimited waters)  |
| 25   | Ukapteni wesikebhe sokudoba u-100 we-GT noma ngaphezulu                        | Umdobi Ibanga lesi-2             | Umdobi Ibanga lesi-2   | Ukudoba ngesikebhe (≥24 m Amanzi Anqunyelwe)   | Ukudoba ngesikebhe (≥24 m Amanzi Anqunyelwe)   |
| 26   | Umlingani wesikebhe se-whaling esisuselwa ogwini se-100 GT noma ngaphezulu     | Umdobi Ibanga lesi-3             | Umdobi Ibanga lesi-3   | Ukudoba ngamachweba (<24 m emanzini angenamkhawulo) kuvunyelwe:<br>- Ukapteni somkhumbi wokudoba of <30 m emanzini anqunyelwe  | Ukapteni Ukudoba (≥24 m Limited waters) endorsed:<br>- Ukapteni of a Ukudoba vessel of <30 m in limited waters                     |
| 27   |  |                                  | Umdobi Ibanga lesi-4 (Ukapteni Umyalo Wezilwandle Eziphakeme zokuvumela) | Ukapteni Ukudoba (<24 m Unlimited Waters)  | Ukapteni Ukudoba (<24 m Unlimited Waters)  |
| 28   | Izisekebhe ukushaywa komkhomo ezisisuselwa ogwini se-100 GT noma ngaphezulu    | Umdobi Ibanga lesi-4             | Ukudoba Ibanga lesi-4 (Ukapteni)   | Ukapteni (<24 m Amanzi Anqunyelwe)   | Ukudoba ngamachweba (<24 m Amanzi Anqunyelwe)  |
| 29   | Ukapteni womkhumbi ogudle ulwandle noma wokudoba, ukuvala uphawu noma isikebhe | Ukudoba Ibanga lesi-4 (Ukapteni) | Ukudoba Ibanga lesi-4 (Ukapteni)   |  |  |

| Into | Ikholumu 1  | Ikholumu 2  | Ikholumu 3   | Ikholumu 4   | Ikholumu 5  |
|------|---|---|--|--|---|
| 30   | esuselwe ogwini esingaphansi kwe-100 GT<br>Umlingani womkhumbi ogudle ulwandle noma wokudoba, ukuvala uphawu noma isikebhe se-whaling esuselwe ogwini esingaphansi kwe-100 GT | Ukudoba Ibanga lesi-4 (Ukapteni)                                  | Ukudoba Ibanga lesi-4 (Ukapteni)   | Ukudoba Isikhulu emphemeni   | Ukudoba Isikhulu emphemeni (<24 m Amanzi angenamkhawulo)  |
| 31   | -   |   |  | Ukudoba Isikhulu emphemeni (<24 m)   | Ukudoba Isikhulu emphemeni (<24 m Amanzi Anqunyelwe)  |
| 32   |   |   |  |  | Ukudoba Isikhulu emphemeni (≥24m Amanzi Angenamkhawulo)   |
| 33   |   |   |  |  | Ukudoba Isikhulu emphemeni ≥24m Amanzi Anqunyelwe   |
| 34   | Isikhulu Esikhulu Sonjiniyela womkhumbi oya kwamanye amazwe   | Injiniyela yasolwandle- Isikhulu Sesigaba 1                       | Induna Isikhulu Esingunjiniyela (≥3 000 kW)  | Isikhulu Esikhulu Sonjiniyela  | Isikhulu Esikhulu Sonjiniyela   |
| 35   | Injini Yesibili- Isikhulu somkhumbi oya kwamanye amazwe   | Isigaba 2 Yonjiniyela Basemanzini                                 | Isiphathimandla Sesibili Sonjiniyela (≥3 000 kW) ivunyelwe:<br>- Isikhulu Esingunjiniyela Esikhulu somkhumbi ongaphansi kuka-3 000 kW amandla ombane   | Isiphathimandla Sesibili Sonjiniyela (≥3 000 kW)<br>- Isikhulu esiphezulu sonjiniyela somkhumbi esingaphansi kuka-3 000 kW | Isiphathimandla Sesibili Sonjiniyela<br>- Isikhulu esiphezulu sonjiniyela somkhumbi esingaphansi kuka-3 000 kW  |
| 36   | -   | Injini Yasolwandle- Isikhulu Sesigaba 3 Sokuvunyelwa Kwensizakalo | Isiphathimandla Sesibili Sonjiniyela (<3 000 kW) ivunyelwe:<br>- Isikhulu Esikhulu Sonjiniyela womkhumbi ongaphansi kuka-750 kW amandla ombane<br>- Umphathi Oyinhloko woMkhumbi wanoma yimuphi amandla we-kilowatt Ukuqhuma |  | Isikhulu sonjiniyela wesibili (<3 000 kW)<br>- Isikhulu esiphezulu sonjiniyela somkhumbi esingaphansi kuka-750 kW amandla okuqhubekisa;<br>- Isikhulu sonjiniyela womkhumbi wanoma yimaphi amandla e-kilowatt asebenza ngaphakathi kwendawo yokusebenza ethekweni |

| Into | Ikholumu 1                                     | Ikholumu 2  | Ikholumu 3   | Ikholumu 4  | Ikholumu 5   |
|------|--|---|--|---|--|
| 37   | -  | Isigaba 3 Sobunjinnyela zasolwandle engeyona i-STCW ivunyelwe | osebenza endaweni yokusebenza ethekwini<br>Isigaba 3 Sobunjinnyela zasolwandle engeyona i-STCW ivunyelwe   | Isikhulu Esikhulu Sonjinnyela (Ukudoba)   | Isikhulu Esikhulu Sonjinnyela (Ukudoba)  |
| 38   | Injinnyela Omkhulu-Isikhulu somkhumbi osogwini | Isigaba 3 Sobunjinnyela zasolwandle                           | (a) Isikhulu Sesibili Sonjinnyela (<3 000 kW) sivunyelwe:<br>- Umphathi Oyinhlolo woMkhumbi wanoma yimuphi amandla we-kilowatt Ukuqhuma osebenza endaweni yokusebenza ethekwini<br>(b) Isikhulu Esikhulu Sonjinnyela | Isikhulu sonjinnyela wesibili (<3 000k W)<br>- Isikhulu sonjinnyela womkhumbi wanoma imuphi amandla we-kilowatt Ukuqhuma ngamandla asebenza endaweni yokusebenza ethekwini;<br>- Isikhulu sonjinnyela omkhulu (ukusebenza kwetheku) | Isikhulu sonjinnyela wesibili (<3000k W)<br>- Isikhulu sonjinnyela womkhumbi wanoma imuphi amandla we-kilowatt Ukuqhuma ngamandla asebenza endaweni yokusebenza ethekwini;<br>- Isikhulu sonjinnyela omkhulu (ukusebenza kwetheku) |
| 39   | Injini Yesibili-Isikhulu somkhumbi osogwini    | Isigaba 4 Sobunjinnyela zasolwandle                           | (a) Isikhulu Sonjinnyela sivunyelwe:<br>womkhumbi ongaphansi kuka-1 500 kW amandla omphetshana osebenza endaweni yokusebenza ethekwini<br>(b) Isiphathimandla Sesibili Sonjinnyela                                   | Isikhulu sonjinnyela sivunyelwe<br>- Isikhulu sonjinnyela womkhumbi ongaphansi kuka-1 500 kW amandla omphetshana osebenza endaweni yokusebenza ethekwini;<br>- Isikhulu sonjinnyela wesibili (ukusebenza kwetheku)                  | <i>Isiphathimandla Sonjinnyela</i><br>- <i>Isikhulu sonjinnyela womkhumbi ongaphansi kuka-1 500 kW amandla omphetshana osebenza endaweni yokusebenza ethekwini;</i>  |
| 40   | -  | Isigaba 4 Sobunjinnyela zasolwandle engeyona i-STCW ivunyelwe | Isigaba 3 Sobunjinnyela engeyona i-STCW ivunyelwe  | Umphathi Oyinhlolo (Ukudoba) <3 000 kW amandla okukhipha amandla  | Injinnyela Omkhulu (<2000 kW Ukudoba)  |

| Into | Ikhohlo 1  | Ikhohlo 2   | Ikhohlo 3   | Ikhohlo 4  | Ikhohlo 5   |
|------|--|---|---|--|---|
|      |  | Isiphathimandla Sesibili Sonjiniyela (Ukusebenza Kwetheku)) |   |  |   |
| 41   |  |   | Isiphathimandla Sesibili Sonjiniyela (Ukusebenza Kwetheku)  | Isikhulu Esingunjiniyela <1 500 kW (Ukusebenza kwetheku)   | Injiniyela Omkhulu (<1 500 kW (Ukusebenza kwetheku)   |
| 42   |  | Isikhulu Sonjiniyela (Ukusebenza Kwetheku)                  | Isikhulu Sonjiniyela (Ukusebenza Kwetheku)  | Isikhulu Esikhulu Sonjiniyela <750 kW (Ukusebenza kwetheku)  | Isikhulu Esikhulu Sonjiniyela <750 kW (Ukusebenza kwetheku)   |
| 43   | -  | Ibanga Eliphakeme Lesithuthuthu solwandle                   | Ibanga Eliphakeme Lesithuthuthu solwandle<br>Kuvunyelwe:<br>- Isikhulu Sesibili Sonjiniyela (Ukudoba)<br>- Isikhulu Esikhulu Sonjiniyela <1 500 kW amandla okuhambisa asebenza endaweni yokusebenza ethekweni | Ibanga eliphakeme Lesithuthuthu solwandle  | Injiniyela Omkhulu (<2000 kW ukudoba)   |
| 44   | Indoda yasalwandle yenjini   | Isithuthuthu solwandle Isigaba Ibanga 1                     | Isithuthuthu solwandle Ibanga 1   | Isithuthuthu solwandle Ibanga 1<br>Kuvunyelwe:<br>- Isikhulu Sonjiniyela Esigcina Ukubuka (Ukudoba) <3 000 kW amandla okuhambisa | Injiniyela Wesibili (<2000 kW Udoba)<br>- Isikhulu esiphezulu sonjiniyela somkhumbi esingaphansi kuka-750 kW amandla omphethshana |
| 45   | Umsizi Wasemanzini indoda yenjini noma yimaphi amabhuleki amahashi | Isithuthuthu solwandle Isigaba Ibanga 2                     | Isithuthuthu solwandle Ibanga 2   | Isithuthuthu solwandle Ibanga 2  | Isikhulu Sonjiniyela (<750 kW)<br><br>Kuvunyelwe kuNjiniyela Oyinhloko womkhumbi ongaphansi kuka-350 kW ngamandla                 |
| 46   |  |   |   | Injini Yesibili (Ukudoba)  | Injini Yesibili (Ukudoba)   |

| Into | Ikholumu 1  | Ikholumu 2  | Ikholumu 3   | Ikholumu 4   | Ikholumu 5   |
|------|---|---|--|--|--|
| 47   | Umsizi yenjini wasemanzi, ngaphansi kwamandla wamabhuleki angaphansi kuka-150 | Isithuthu solwandle Isigaba Ibanga 3                        | Isithuthu solwandle Ibanga 3                                 | -  | -  |
| 48   | Ezasolwandle Umsakazo ukuxhumana Isitifiketi Esijwayelekile                   | Ezasolwandle Umsakazo ukuxhumana Isitifiketi Esijwayelekile | Ezasolwandle Umsakazo ukuxhumana Isitifiketi Esijwayelekile  | Isitifiketi se-GMDSS sokuqala somsakazo ngogesi          | GMDSS Isigaba sokuqala Umsakazo Isitifiketi se-elektronikhi    |
| 49   | -   | -   | -  | Isitifiketi se-GMDSS sesigaba sesibili somsakazo ngogesi | Umsakazo wesigaba sesibili seGMDSS Isitifiketi se-elektronikhi |
| 50   | Isigaba sokuqala Umsakazo Isitifiketi Somsebenzi We- cingo                    | Isitifiketi Somsebenzi Womsakazo cingo esigaba sokuqala     | -  | -  | -  |
| 51   | Umsakazo wesigaba sesibili Isitifiketi Somsebenzi We- cingo                   | Isitifiketi Somsebenzi Womsakazo cingo Wesigaba Sesibili    | -  | -  | -  |
| 52   | Umsakazo Isitifiketi esikhethekile somsebenzi we cingo                        | Isitifiketi esikhethekile somsebenzi we cingo               | -  | -  | -  |
| 53   | -   | GMDSS Isitifiketi Jikelele yomqhubi                         | GMDSS Isitifiketi Jikelele yomqhubi                          | GMDSS Isitifiketi Jikelele yomqhubi                      | GMDSS Isitifiketi Jikelele yomqhubi                            |
| 54   | Umsakazo cingo yomqhubi Jikelele Isitifiketi                                  | Umsakazo cingo yomqhubi Jikelele Isitifiketi                | -  | -  | -  |
| 55   | Isitifiketi Somqhubi We- ucingo lomsakazo Ekhawulelwe (Olwandle)              | Isitifiketi enomkhawulo ucingo                              | Isitifiketi enomkhawulo ucingo lomsakazo yomqhubi (Olwandle) | Okude Isitifiketi Sezinga                                | Okude Isitifiketi Sezinga                                      |

| Into | Ikholumu 1   | Ikholumu 2   | Ikholumu 3   | Ikholumu 4   | Ikholumu 5  |
|------|--|--|--|--|---|
| 56   | Isitifiketi enomkhawulo ucingo lomsakazo yomqhubi (Olwandle) VHF KUPHELA | Isitifiketi enomkhawulo ucingo lomsakazo yomqhubi (Olwandle) VHF KUPHELA | Isitifiketi enomkhawulo ucingo lomsakazo yomqhubi (Olwandle) VHF KUPHELA | Mfushane Isitifiketi Sezinga                               | Mfushane Isitifiketi Sezinga  |
| 57   | Osebenza Ngolwandle  | Ukulinganisa kahle Kompheme  | Kwazi umuntu wasolwandle   | Idokodo Elikwazi Ukuhamba Ngolwandle                       | Idokodo Elikwazi Ukuhamba Ngolwandle  |
| 58   | -  | -  | Kwazi umuntu wasolwandle (Ukudoba)                                       | Idokodo Elikwazi Ukuhamba Ngolwandle                       | Idokodo Elikwazi Ukuhamba Ngolwandle  |
| 59   |  |  | Kwazi umuntu wasolwandle (Ukusebenza kwetheku)                           | Idokodo Elikwazi Ukuhamba Ngolwandle (Ukusebenza kwetheku) | Idokodo Elikwazi Ukuhamba Ngolwandle  |
| 60   | -  | -  | umuntu wasolwandle   | Idokodo ejwayelekile yolwandle                             | Isilinganiso sakha ingxenye yewashi lokuzulazula  |
| 61   |  |  | Umntu ojwayelekile (imisebenzi yetheku)                                  |  | Isilinganiso sakha ingxenye yewashi lokuzulazula (Ukusebenza kwetheku)  |
| 62   | Umntu wesikebhe sokuphila  | Ubungcweti ku-sinda isikebhe   | Ubungcweti ku-sinda isikebhe   | Ubungcweti isikebhe  | Ubungoti bezikebhe zokusinda nezokusindisa, ngaphandle kwezikebhe zokusindisa ezisheshayo   |
| 63   | -  | Isilinganiso esisebenza kahle segumbi lenjini                            | Ofuthayo   | Injini Yolwandle Ekwaziyo                                  | Injini Yolwandle Ekwaziyo   |
| 64   |  |  | Isisuli  | Injini yasalwandle   | Isilinganiso esakha ingxenye yewashi egumbini elenjini elenziwe ngomuntu noma eliqokelwe ukwenza imisebenzi egumbini lenjini elingenamuntu ngezikhathi ezithile |

| Into | Ikholumu 1 | Ikholumu 2   | Ikholumu 3                                      | Ikholumu 4  | Ikholumu 5  |
|------|------------|--|---|---|---|
| 65   |            |  | Ofuthayo<br>(Ukusebenza kwetheku)               | Injini Yamandla Olwandle<br>(ukusebenza kwetheku)                 | Injini Yamandla Olwandle<br>(ukusebenza kwetheku)   |
| 66   |            |  | Isisuli (ukusebenza kwetheku)                   | Injini ejwayelekile<br>yasolwandle                                | Isilinganiso esakha ingxenye<br>yewashi egumbini elenjini<br>elenziwe ngomuntu noma<br>eliqokelwe ukwenza imisebenzi<br>egumbini lenjini elingenamuntu<br>(Ukusebenza kwetheku) |
| 67   | -          |  | Umpheki onekhono                                | Umpheki onekhono  | Ship's Cook   |
| 68   | -          | Ubungcweti ku-sinda<br>isikebhe (alapha)                   | Ubungcweti Izindlela zokuphila                  | Amasu okusinda komuntu<br>siqu                                    | -   |
| 69   | -          | Isilinganiso<br>Esijwayelekile<br>Senjongo<br>Ejwayelekile | Isilinganiso Senjongo Yemfanelo<br>Ejwayelekile | Isilinganiso Senjongo<br>Ejwayelekile<br>(Ukusebenza<br>Kwetheku) | Isilinganiso Senjongo Ejwayelekile<br>(Ukusebenza Kwetheku)   |

## **ISITHASISELO 2 - AMALUNGISELELO WOKUGCINA NOKUSEBENZA KWEZIMISO ZEMIKHUMBI NGAPHANDLE KWEZITSHIZO ZOKUDOBA**

### **INGXENYE 1 - ISIQINISEKISO**

1 Isikhulu esiphethe iwashi lokuzulazula noma lomkhumbi lizoqeqesheka ngokufanele ngokuya ngemibandela yesahluko II noma isahluko VII esifanele imisebenzi ephathelene nokugcinwa kwezikebhe zasolwandle noma zasemkhunjini.

2 Isikhulu esiphethe iwashi lobunjiniyela kufanele silungele ngokuhambisana nezinhlizeko zesahluko III noma isahluko VII ezifanele imisebenzi ephathelene nokugcinwa kwenjiniyela.

### **INGXENYE 2 - UKUHLELA IVOYAGE**

#### **1. Izidingo ezijwayelekile**

3 Uhambo oluhlosiwe luzohlelwa kusengaphambili, kubhekwe yonke imininingwane efanele, futhi noma iyiphi inkambo ebekiwe izobhekwa ngaphambi kohambo.

4 Isikhulu sonjiniyela, ngokubonisana nomphathi, sizonquma kusenesikhathi izidingo zohambo oluceliwe, kucatshangelwa izidingo zephethiloli, amanzi, izinto zokuthambisa, amakhemikhali, okusebenzisekayo nezinye izingxenye zokuphumula, amathuluzi, izimpahla kanye nezinye izidingo .

#### **2. Ukuhlela ngaphambi kohambo ngalunye**

5 Ngaphambi kohambo ngalunye, umphathi womkhumbi ngamunye uzokwenza isiqiniseko sokuthi umzila ohlosiwe osuka echwebeni lokusuka uye ethekwini lokuqala locingo uhlelwe kusetshenziswa amashadi anele futhi afanele kanye nezinye izincwadi zokuhamba kolwandle ezidingekayo ohambweni oluhlosiwe, oluqukethe okunembile, okuphelele futhi imininingwane esesikhathini maqondana nalezo zokulinganiselwa kokuzulazula nezingozi okuyizinto ezihlala njalo noma ezingabikezela futhi ezihambisana nokuhamba okuphephile komkhumbi.

#### **3. Ukuqinisekiswa nokukhonjiswa komzila ohleliwe**

6 Lapho ukuhlelwa komzila kuqinisekisiwe, kucatshangelwa yonke imininingwane efanelekile, umzila ohleliwe uzoboniswa ngokusobala kumashadi afanele futhi uzoqhubeka utholakala kumphathi ophethe iwashi, ozoqinisekisa inkambo ngayinye ezolandelwa ngaphambi kokuyisebenzisa ngesikhathi sohambo.

#### 4. Ukuphambuka emzileni ohleliwe

7 Uma isinqumo sithathwa, ngesikhathi sohambo, ukushintsha ichweba elilandelayo lomzila ohleliwe, noma uma kunesidingo sokuthi umkhumbi uphambuke kakhulu emzileni ohleliwe ngezinye izizathu, kuzobe kuhlelwa umzila ochitshiyelwe ngaphambi ukuphambuka kakhulu emzileni ohleliwe ekuqaleni.

### INGXENYE 3 - IZIMISO ZOKUGCINA OKUJWAYELEKILE

8 Amawashi azokwenziwa ngokuya ngaleli bhuloho elilandelayo kanye nemigomo yokuphathwa kwezinsizakusebenza:

- .1 Amalungiselelo afanele abasebenzi bezokuqapha azoqinisekiswa ngokuya ngezimo;
- .2 noma yikuphi ukukhawulelwa kweziqu noma ukufaneleka kwabantu ngabanye kuzobhekwa lapho kufakwa abasebenzi abagada;
- .3 Ukuqondwa kwabasebenzi bokuqapha maqondana nendima yabo, isibopho nemisebenzi yeqembu kuzosungulwa;
- .4 umphathi, isikhulu sonjiniyela kanye nesiphathimandla esiphethe imisebenzi yewashi bazogcina iwashi elifanele, besebenzisa ngempumelelo kakhulu izinsizakusebenza ezitholakalayo, ezinjengolwazi, ukufaka, okokusebenza kanye nabanye abasebenzi;
- .5 Abasebenzi abagcina ukuqapha bayoqonda imisebenzi nokusebenza kokufakwa noma okokusebenza futhi bazi ukukuphatha;
- .6 Abasebenzi abagcina ukuqapha bayoqonda imininingwane nokuthi bangayiphendula kanjani imininingwane esiteshini ngasinye, ekufakweni noma kumishini;
- .7 imininingwane evela eziteshini, ukufakwa noma okokusebenza kuzokwabiwa ngokufanele yibo bonke abasebenzi abagada;
- .8 Abasebenzi abagcina ukuqapha bazogcina ukushintshana kokuxhumana okufanele kunoma yisiphi isimo; futhi
- .9 Abasebenzi abagada amawashi bazokwazisa umphathi omkhulu noma isikhulu sonjiniyela noma isikhulu esiphethe imisebenzi yewashi ngokushesha lapho kukhona ukungabaza ngokuthi yisiphi isinyathelo okufanele sisithathe ngenhloso yokuphepha.

## INGXENYE 4 - UKUGCINWA KULWANDLE

### 5. Izimiso ezisebenza ekugcineni okwejwayelekile

Amaqembu azobhekisa izinkampani, amakhosi, abaphathi bonjiniyela abakhulu kanye nabasebenzi bokuqapha kule migomo elandelayo, ezobhekwa ukuqinisekisa ukuthi amawashi aphephile agcinwa ngaso sonke isikhathi.

Umpathi wayo yonke imikhumbi nakanjani uyoqinisekisa ukuthi amalungiselelo wokugcinwa kwewashi anele ukugcina iwashi lokuphepha lokuhamba noma lempahla liphephile. Ngaphansi kokuqondiswa okujwayelekile komphathi, izikhulu zewashi lokuhamba zinesibopho sokuhambisa umkhumbi ngokuphepha ngezikhathi zawo zomsebenzi, lapho zizobe zikhathazeke kakhulu ngokugwema ukushayisana kanye nocingo.

11 Isikhulu sonjiniyela kuyo yonke imikhumbi sibophezelekile, ngokubonisana nomphathi, ukuqinisekisa ukuthi amalungiselelo wokugcinwa kwewashi anele ukugcina iwashi lobunjiniyela eliphephile.

### 6. Ukuvikelwa kwendawo yasolwandle

12 Inkosi, izikhulu kanye nezilinganiso zizokwazi ngemiphumela emibi yokungcola kokusebenza noma ngengozi kwemvelo yasolwandle futhi izothatha zonke izindlela zokuvikela ukuvimbela lokho kungcola, ikakhulukazi ngaphakathi kohlaka lweMithethonqubo efanele yamazwe omhlaba kanye neyechweba.

## Ingxenye 4-1 - Izimiso okufanele zigcinwe ekugcineni iwashi lokuhamba ngolwandle

13 Isiphathimandla esiphethe iwashi lokuzulazula ngummeli wenkosi futhi ngokuyinhloko unesibopho ngaso sonke isikhathi sokuhamba okuphephile komkhumbi kanye nokuthobela iMithethonqubo Yomhlaba Wonke Yokuvimbela Ukushayisana Olwandle, ngo-1972, njengoba kushintshiwe.

### 7. Umlindi

14 Ukubhekwa okufanele kuzogcinwa ngaso sonke isikhathi ngokuhambisana nomthetho 5 weMithethonqubo Yomhlaba Wonke Yokuvimbela Ukushayisana Olwandle, ngo-1972, njengoba uchitshiyelwe futhi uzofeza inhloso yalokhu:

.1 ukugcina isimo esiqhubekayo sokuqapha ngokubona nangokuzwa, kanye nangazo zonke ezinye izindlela ezikhona, maqondana nanoma yiluphi ushintsho olukhulu endaweni yokusebenza;

.2 Ukuhlaziya ngokuphelele isimo kanye nengozi yokushayisana, ukuduma kanye nezinye izingozi ekuzuleni; futhi

.3 ukuthola imikhumbi noma izindiza ezisenkingeni, abantu abaphukelwe umkhumbi, abaphahlazekile, imfucumfucu nezinye izingozi ekuzuleni okuphephile.

15 Umqaphi kufanele akwazi ukubhekisa ngokuphelele ukugcinwa kokubheka okufanele futhi ayikho eminye imisebenzi ezokwenziwa noma enikezwe engaphazamisa lowo msebenzi.

16 Imisebenzi yomlindi kanye nomphathi we-helms ihlukile futhi umphathi we-helms ngeke abhekwe njengolindayo ngenkathi eqondisa, ngaphandle kwemikhumbi emincane lapho kutholakala khona indawo engalawuleki yonke indawo yokuqondisa futhi kungekho kuphazamiseka kombono wasebusuku noma esinye isithiyi ekugcineni ukubukeka okufanele. Isikhulu esiphethe iwashi lokuzulazula kungaba ukuphela kwamehlo emini inqobo nje uma, esimweni ngasinye esinjalo—

.1 isimo sihlolwe ngokucophelela futhi satholwa ngaphandle kokungabaza ukuthi kuphephile ukwenza njalo;

.2 kuthathwe i-akhawunti ephelile yazo zonke izici ezifanele, kufaka phakathi, kodwa kungagcini lapho:

- isimo sezulu;

- ukubonakala;

- ukuminyana kwezimoto;

- ukusondela kwezingozi ekuzulazuleni; futhi

- ukunakwa okudingekayo lapho uzulazula ezinhlelweni zokuhlukanisa izimoto; futhi

Usizo olutholakalayo lutholakalela ukubizelwa ebhulohweni lapho kudingeka noma yiluphi ushintsho esimweni.

17 Uma kunqunywa ukuthi ukwakhiwa kwewashi lokuzulazula lwanele ukuqinisekisa ukuthi ukubhekwa okufanelekile kungagcinwa ngokuqhubekayo, inkosi izobheka zonke izinto ezifanele, kufaka phakathi lezo ezichazwe kulesi sigaba seMithethonqubo, kanye nezinto ezilandelayo:

.1 Ukubonakala, isimo sezulu nolwandle;

.2 ukuminyana kwethrafikhi, neminye imisebenzi eyenzeka endaweni lapho umkhumbi uzulazula khona;

.3 ukunakwa okudingekile lapho uzulazula kuzikimu zokuhlukanisa izimoto noma kwezinye izindlela zomzila;

.4 umthwalo owengeziwe obangelwe uhlobo lwemisebenzi yomkhumbi, izidingo ezisheshayo zokusebenza kanye nokuhamba okulindelwe;

- .5 ukufaneleka kwempahla yanoma imaphi amalungu eqembu lapho ebizwa abelwe njengamalungu ewashi;
- .6 ulwazi, nokuzethemba, ngamakhono wobungcweti bezikhulu zomkhumbi nabasebenzi;
- .7 isipiliyoni sesikhulu ngasinye sewashi lokuzulazula, kanye nokujwayela kwalelo phoyisa ngezinto zomkhumbi, izinqubo, kanye namandla okuqhuba;
- .8 imisebenzi eyenzeka emkhunjini nganoma yisiphi isikhathi esithile, kufaka phakathi imisebenzi yokuxhumana komsakazo, kanye nokutholakala kosizo okufanele kubizelwe ngokushesha ebhulohweni lapho kudingeka;
- .9 isimo sokusebenza kwensimbi kanye nezilawuli, kufaka phakathi ama-alamu;
- .10 ukulawula kwamaphini okulawula izindiza kanye nokuphehla kanye nezimpawu zokuhambisa umkhumbi;
- .11 ubukhulu bomkhumbi kanye nensimu yombono etholakala endaweni yesikhumulo;
- .12 ukumiswa kwebhuloho, kuze kufike ezingeni lapho ukumiswa okunjalo kungavimbela ilungu lewashi ekutholeni ngokubona noma ngokuzwa noma yikuphi ukuthuthukiswa kwangaphandle; futhi
- .13 nanoma iliphi elinye izinga, inqubo noma umhlahlandlela ophathelene namalungiselelo wokugcinwa kokubheka nokufaneleka komsebenzi osetshenziswe yiNhlango.

#### **8. Amalungiselelo wokubuka**

Lapho kuthathwa isinqumo sokwakhiwa kwewashi ebhulohweni, elingafaka izilinganiso ezifanelekile, kuzobhekwa lezi zinto ezilandelayo, phakathi kokunye:

- .1 Akukho sikhathi lapho ibhuloho liyoshiywa linganakiwe;
- .2 izimo zezulu, ukubonakala nokuthi ngabe kukhona ukukhanya kwemini noma ubumnyama;
- .3 ukuba seduze kwezingozi zokuzulazula okungenza kudingeke ukuthi isikhulu esiphethe iwashi senze imisebenzi eyengeziwe yokuzulazula;
- .4 ukusetshenziswa kanye nesimo sokusebenza kwezinsiza zokuhamba njenge-ECDIS, i-radar noma amadivayisi abonisa ukuma kwegesi nanoma iyiphi enye into ethinta ukuhamba ngokuphepha komkhumbi;
- .5 ukuthi umkhumbi uyifakile yini i- ukuqondisa okuzenzakalelayo;
- .6 ukuthi ngabe kukhona imisebenzi yomsakazo okufanele yenziwe;
- .7 izilawuli zesikhala semishini engenamuntu (UMS), ama-alamu nezinkomba ezinikezwe ebhulohweni, izinqubo zokusetshenziswa kwazo kanye nemikhawulo yazo; futhi

.8 noma yiziphi izimfuno ezingavamile ewashini lokuzulazula elingase livele ngenxa yezimo ezikhethekile zokusebenza.

### 9. Ukuthatha iwashi

19 Isikhulu esiphethe iwashi lokuzulazula akumele sinikeze iwashi isikhulu esiyekelelayo uma kunesizathu sokukholelwa ukuthi lesi sesibili asikwazi ukwenza imisebenzi yokulinda ngempumelelo, lapho inkosi izokwaziswa.

20 Isikhulu esikhulula umthwalo sizoqinisekisa ukuthi amalungu ewashi lokukhulula bayakwazi ngokuphelele ukwenza imisebenzi yabo, ikakhulukazi maqondana nokulungiswa kwabo kumbono wasebusuku. Izikhulu ezisizayo ngeke zithathe iwashi kuze kube yilapho umbono wazo ulungiswa ngokuphelele ezimeni zokukhanya.

21 Ngaphambi kokuthatha iwashi, abaphathi bezikhululela bazanelisa ngokulinganiselwa komkhumbi noma okuyiqiniso futhi baqinisekise umkhondo, inkambo nesivinini esihlosiwe, nezilawuli ze-UMS ngokufanelekile futhi bazobona noma yiziphi izingozi ekuzulazuleni okulindelwe ukuhlangabezana nazo phakathi newashi labo .

22 Izikhulu ezisizayo ziyoneliseka mathupha mayelana—

.1 ama-oda wokuma kanye neminye imiyalo ekhethekile yenkosi ephathelene nokuzulazula komkhumbi;

.2 isikhundla, inkambo, isivinini nokwakhiwa komkhumbi;

.3 amagagasi, imisinga, isimo sezulu, ukubonakala nomphumela walezi zinto ngokuhamba nangesivinini;

Izinqubo .4 zokusetshenziswa kwezinjini ezinkulu ukuqhuba lapho injini ezinkulu zilawulwa ngebhuloho; futhi

.5 isimo sokuzulazula, kufaka phakathi, kodwa kungagcini ku—

.5.1 isimo sokusebenza sayo yonke imishini yasolwandle nokuphepha esetshenziswayo noma engase isetshenziswe ngesikhathi sokubuka;

.5.2 amaphutha wekhampasi ye-gyro- kanye nozikodwahe;

.5.3 ukuba khona nokunyakaza kwemikhumbi obonwayo noma okwaziwayo ukuthi iseduze;

.5.4 izimo nezingozi okungenzeka kuhlangatshezwane nazo ngesikhathi sokubuka; futhi

.5.5 imiphumela engaba khona yesithende, i-trim, ukuminyana kwamanzi kanye ne-squat ekusetshenzisweni okungaphansi kwe-keel.

23 Uma, noma ngasiphi isikhathi, isikhulu esiphethe iwashi lokuzulazula kufanele likhululeke lapho ukuhambisa noma esinye isenzo sokugwema noma iyiphi ingozi senzeka, ukukhululeka kwalelo phoyisa kuzobekelwa isikhathi kuze kube leso senzo sesiphelile.

**10. Ukwenza iwashi lokuzulazula**

24 Isikhulu esiphethe iwashi lokuzulazula lizo—

.1 gcina umlindo ebhulohweni;

.2 akusho ezimweni ezithile ukushiya ibhuloho kuze kube kutholakale kahle; futhi

.3 qhubeka nokuba nesibopho sokuhamba okuphephile komkhumbi, yize ubukhona bomphathi ebhulohweni, kuze kube waziswa ngqo ukuthi umphathi uthathe lowo mthwalo futhi lokhu kuyaqondakala.

25 Ngesikhathi sokubuka, inkambo eqondiswa, ukuma kanye nesivinini kuzobhekwa ngezikhathi ezanele ngokwanele, kusetshenziswa noma yiziphi izinsiza zokuhamba ezitholakalayo ezidingekayo, ukuqinisekisa ukuthi umkhumbi ulandela inkambo ehleliwe.

26 Isikhulu esiphethe iwashi lokuzulazula lizoba nolwazi oluphelele ngendawo nokusebenza kwayo yonke imishini yokuphepha neyolwandle esemkhunjini futhi izokwazi futhi ibhekele imikhawulo yokusebenza kwaleyo mishini.

27 Isikhulu esiphethe iwashi lokuzulazula ngeke sanikezwa noma senze imisebenzi engaphazamisa ukuhamba okuphephile komkhumbi.

28 Lapho sisebenzisa i-radar, isikhulu esiphethe iwashi lokuhamba ngolwandle sizokhumbula isidingo sokuhambisana ngaso sonke isikhathi nezinhlizeko zokusetshenziswa kwe-radar eziqukethwe kwi- Imithethonqubo Yomhlaba Wonke Yokuvimbela Ukushayisana Olwandle, 1972, njengoba kuchitshiyelwe ukusebenza.

Ezimweni lapho kunesidingo khona, isikhulu esiphethe iwashi lokuqondisa imikhumbi ngeke siqikaze ukusebenzisa i-helm, izinjini nezinto zokusebenza zokukhombisa umsindo. Kodwa-ke, kuzonikezwa isaziso ngesikhathi esifanele sokwehluka okuhlosiwe kwejubane le-injini lapho kungenzeka khona noma kusetshenziswe ngempumelelo izilawuli zezinjini ze-UMS ezinikezwe ebhulohweni ngokuhambisana nezinqubo ezisebenzayo.

Izikhulu ezingama-30 zewashi lokuzulazula zizokwazi izici zokuphathwa komkhumbi wazo, kufaka phakathi ukuma kwawo, futhi kufanele zikwazise ukuthi eminye imikhumbi ingaba nezici zokuphatha ezihlukile.

31 Irekhodi elifanele lizogcinwa ngesikhathi sokubuka kokuhamba kanye nemisebenzi ephathelene nokuzulazula komkhumbi.

32 Kubaluleke ngokukhethekile ukuthi ngaso sonke isikhathi umphathi ophethe iwashi lokuzulazula aqinisekise ukuthi ukubhekwa okulungile kuyagcinwa. Emkhunjini onegumbi lashadi elihlukile, iphoyisa eliphethe iwashi lokuzulazula lingavakashela ikamelo lamashadi, lapho kubalulekile, isikhathi esifushane sokwenza imisebenzi edingekayo yokuhamba ngolwandle, kepha lizoqala liqinisekise ukuthi kuphephile ukwenza njalo nokuthi kufanele ukubhekwa kugcinwa.

Ukuhlolwa kokusebenza kwemishini yokuhamba ngomkhumbi kuzokwenziwa olwandle kaningi ngangokunokwenzeka futhi njengoba izimo zivuma, ikakhulukazi ngaphambi kokuba kulindeleke izimo eziyingozi ezithinta ukuzulazula. Uma kufanele, lezi zivivinyo zizoqoshwa. Ukuhlolwa okunjalo kuzokwenziwa ngaphambi kokufika kwechweba nokuhamba.

34 Isikhulu esiphethe iwashi lokuzulazula kufanele lihlole njalo ukuqinisekisa ukuthi—

.1 umuntu oqondisa umkhumbi noma umshayeli wendiza ozenzakalelayo uqondisa inkambo efanele;

.2 iphutha lekhamyasi elijwayelekile linqunywa okungenani kanye iwashi futhi, lapho kungenzeka khona, ngemuva kwanoma yikuphi ukuguqulwa okukhulu kweqiniso; ama-compass ajwayelekile nama-gyro aqhathaniswa kaningi futhi abaphindayo bavumelaniswa nekhamyasi yabo eyinhloko;

.3 umshayeli ozenzakalelayo uvivinywa ngesandla okungenani kanye ngewashi;

.4 amalambu wokuzulazula namasiginali neminye imishini yokuhambahamba isebenza kahle;

.5 imishini yomsakazo isebenza kahle ngokuya ngento 86 yalesi Sithasiselo; futhi

Izilawuli, ama-alamu nezinkomba ze-UMS zisebenza kahle.

35 Isikhulu esiphethe iwashi lokuhamba ngolwandle sizokhumbula isidingo sokuhambisana ngaso sonke isikhathi nezidingo ezisebenza kwiNgqungquthela Yomhlaba Wonke Yokuphepha Kokuphila Olwandle (SOLAS), 1974 \*. Umphathi wewashi lokuzulazula uzobheka—

.1 isidingo sokumisa umuntu ukuze aqondise umkhumbi nokulawula ukulawulwa ngesandla ngesikhathi esifanele ukuvumela noma isiphi isimo esingaba yingozi ukuthi siphathwe ngendlela ephephile; futhi

.2 ukuthi, njengoba umkhumbi ungaphansi kokuqondisa okuzenzakalelayo, kuyingozi enkulu ukuvumela isimo sithuthuke size sifike lapho iphoyisa eliphethe leli washu lokuzulazula lungekho ngaphandle kosizo futhi kufanele liphule ukuqhubeka kokubheka ukuze lithathe isimo esiphuthumayo isenzo.

Iziphathimandla zewashi lokuzulazula zizokwazi kahle ukusetshenziswa kwazo zonke izinsiza ezisebenza ngogesi ezithwelwe, kufaka phakathi amandla nezingqinamba zazo, futhi zizosebenzisa lolu sizo ngalunye lapho kufanelekile futhi zizokwazi ukuthi i-echo-sounder iwusizo olubalulekile lokuhamba .

37 Isikhulu esiphethe iwashi lokuzulazula sizosebenzisa i-radar noma nini lapho ukubonwa okunomkhawulo kutholakala khona noma kulindelwa, futhi ngaso sonke isikhathi emanzini aminyene, kubhekelwa ukulinganiselwa kwawo.

38 Isikhulu esiphethe iwashi lokuzulazula lizoqinisekisa ukuthi izikali zobubanzi ezisetshenzisiwe ziyashintshwa ngezikhathi ezanele ngokwanele ukuze ama-echoes atholakale ngokushesha

ngangokunokwenzeka. Kuzokhunjulwa ukuthi ama- kunanela amancane noma amabi angahle aphunyuke ekutholakaleni.

39 Noma nini lapho kusetshenziswa i-radar, isikhulu esiphethe iwashi lokuzulazula lizokhetha isikali sebanga elifanele futhi sibheke isibonisi ngokucophelela, futhi sizoqinisekisa ukuthi ukuhlela amasu noma ukuhlaziywa okuhlelekile kuqala ngesikhathi esanele.

40 Isikhulu esiphethe iwashi lokuzulazula lizokwazisa umphathi omkhulu ngokushesha—

.1 uma ukubonwa okunomkhawulo kutholakala noma kulindelwe;

.2 uma izimo zethrafikhi noma ukuhamba kweminye imikhumbi kubangela ukukhathazeka;

.3 uma kutholakala ubunzima ekugcineni inkambo;

.4 ukwehluleka ukubona umhlaba, noma uphawu lokuzulazula noma ukuthola ukukhala ngesikhathi esilindelekile;

.5 uma, ngokungalindelekile, umhlaba noma uphawu lokuzulazula lubonwa noma kwenzeka ushintsho lokukhala kwemisindo;

.6 ekuwohlokeni kwezinjini, imishini yokulawula ngamandla irimothi, igiya lokuqondisa noma enye impahla ebalulekile yokuhamba, i-alamu noma inkomba;

Uma izinto zomsakazo zingasebenzi kahle;

.8 esimweni sezulu esindayo, uma kunokungabaza okuthile mayelana nokuthi kungenzeka yini ukulimala kwesimo sezulu;

.9 uma umkhumbi uhlangabezana nanoma iyiphi ingozi ekuzuleni, njengeqhwa noma ukungasebenzi; futhi

.10 kunoma yisiphi esinye isimo esiphuthumayo noma uma kukhona ukungabaza.

41 Yize kunesidingo sokwazisa umphathi ngokushesha ezimeni ezingenhla, isikhulu esiphethe iwashi lokuzulazula, ngaphezu kwalokho, ngeke linqikaze ukuthatha izinyathelo ngokushesha zokuphepha komkhumbi, lapho izimo zidinga khona.

42 Isikhulu esiphethe iwashi lokuzulazula lizonikeza abasebenzi abagada yonke imiyalelo neminingwane efanele ezoqinisekisa ukugcinwa kwewashi eliphephile, kubandakanya nokuqashwa okufanele.

## **11. Ukugcinwa kokubuka ngaphansi kwezimo ezahlukahlukene nasezindaweni ezahlukahlukene**

### **11.1. Isimo sezulu esicacile**

43 Isikhulu esiphethe iwashi lokuzulazula kufanele sithathe ukuthwalwa kwekhampasi kaningi nokunembile kwemikhumbi esondelayo njengendlela yokuthola kusenesikhathi ubungozi

bokushayisana futhi kufanele sikhumbule ukuthi ubungozi obunjalo kwesinye isikhathi bungaba khona noma ngabe ushintsho oluthokozisayo luyabonakala, ikakhulukazi lapho usondela emkhunjini omkhulu kakhulu noma ku-tow noma lapho usondela emkhunjini eduze. Isikhulu esiphethe iwashi lokuhamba ngolwandle sizothatha izinyathelo zakuqala futhi ezifanele ngokuhambisana neMithethonqubo Yomhlaba Wonke Yokuvimbela Ukushayisana Olwandle, 1972, njengoba kuchitshiyelwe futhi ngemuva kwalokho kubhekwe ukuthi lesenzo sinomphumela ofiselekayo.

44 Esimweni sezulu esicocekile, lapho kunokwenzeka, isikhulu esiphethe iwashi lokuzulazula lizokwenza umkhuba we-radar.

#### 11.2. Ukubonakala okukhawulelwe

45 Lapho ukubonwa okunqunyelwe kulangatshezwa noma kulindelwa, umthwalo wokuqala wesikhulu esiphethe iwashi lokuzulazula ukuhambisana nemithetho efanele yeMithethonqubo Yamazwe Ngamazwe Yokuvimbela Ukushayisana Olwandle, ngo-1972, njengoba kuchitshiyelwe ikakhulukazi ngokuzwakala kwenkungu amasiginali, aqhubeka ngejubane eliphephile futhi nezinjini zilungele ukuqhutshwa ngokushesha. Ngaphezu kwalokho, isikhulu esiphethe iwashi lokuzulazula lizo—

- .1 yazisa umphathi;
- .2 thumela ukubheka okufanele;
- .3 kukhombisa amalambu okuhamba; futhi
- .4 sebenzisa futhi usebenzise i-radar.

#### 11.3. Ngamahora obumnyama

46 Umphathi kanye nesikhulu esiphethe iwashi lokuzulazula, lapho kuhlelwa umsebenzi wokubheka, bazobhekisisa imishini yebhuloho nezinsiza-ndlela zokuzulazula ezitholakalayo ukuze zisetshenziswe, imikhawulo yazo, izinqubo kanye nezindlela zokuvikela ezisetshenziswayo.

#### 11.4. Amanzi asogwini naminyene

47 Kuzosetshenziswa ishadi lesikali elikhulu kunawo wonke ebhodini, elifanele indawo futhi lilungiswe ngolwazi lwakamuva olutholakalayo. Ukulungiswa kuzothathwa ngezikhathi ezithile, futhi kuzokwenziwa ngezindlela ezingaphezu kweyodwa noma nini lapho izimo zivuma. Uma usebenzisa i-ECDIS, kuzosetshenziswa amashadi we-elektronikhi wokusebenzisa afanele futhi indawo yomkhumbi izobhekwa ngezindlela ezizimele zokulungiswa kwezindawo ngezikhathi ezifanele.

48 Isikhulu esiphethe iwashi lokuzulazula lizohlonda ngokuqinisekile zonke izimpawu zokuzulazula ezifanele.

#### 11.5. Ukuzulazula nomshayeli webhodi

49 Naphezu kwezibopho nezibopho zabashayeli bezindiza, ukuba khona kwabo ebhodini akukukhululi umphathi noma isikhulu esiphethe iwashi lokuzulazula emisebenzini yabo nasezibophweni zokuphepha komkhumbi. Umphathi nomshayeli wendiza bazoshintshisana ngolwazi maqondana nezinqubo zokuzulazula, izimo zendawo kanye nezimpawu zomkhumbi. Inkosi noma isikhulu esiphethe iwashi lokuzulazula lizosebenzisana eduze nomshayeli wendiza futhi ligcine isheke elinembile endaweni yokuhamba komkhumbi.

50 Uma kokungabaza okuthile mayelana nezenzo noma izinhloso zomshayeli, isikhulu esiphethe iwashi lokuzulazula sizofuna ukucaciselwa umshayeli futhi, uma ukungabaza kusekhona, sizokwazisa umphathi ngokushesha futhi sithathe noma yisiphi isenzo esidingekayo ngaphambi kokuba inkosi ifike.

#### 11.6. Umkhumbi ngehange

51 Uma umphathi ekubona kunesidingo, iwashi eliqhubekayo lokuhamba lizogcinwa okusetshenzwa kulengwa. Ngenkathi kusehange, isikhulu esiphethe iwashi lokuhamba ngolwandle lizo—

- .1 anqume futhi ahlele ukuma komkhumbi eshadini elifanele ngokushesha okukhulu;
- .2 lapho izimo zivuma, hlola ngezikhathi ezanele ngokwanele ukuthi umkhumbi uhlala uvikelekile yini ehange ngokuthatha amabhande anezimpawu zokuhamba ezihleliwe noma izinto ezisogwini ezibonakala kalula;
- .3 aqinisekise ukuthi ukubhekwa okufanele kuyabekelwa
- .4 aqinisekise ukuthi imizuliswano yokuhlola yomkhumbi yenziwa ngezikhathi ezithile;
- .5 baqaphele izimo zezulu nesimo samanzi olwandle;
- .6 yazisa umphathi futhi enze zonke izinyathelo ezidingekayo uma umkhumbi uhudula ihange;
- .7 aqinisekise ukuthi isimo sokulungela izinjini ezinkulu neminye imishini sihambisana nemiyalo yenkosi;
- .8 uma ukubonakala kwehla, yazisa umphathi;
- .9 aqinisekise ukuthi umkhumbi ukhombisa izibani ezifanele nomumo nokuthi amasiginali womsindo afanele ayenziwa ngokuhambisana nayo yonke iMithethonqubo esebenzayo; futhi
- .10 ithathe izinyathelo zokuvikela imvelo ekungcolisweni umkhumbi futhi ihambisane neMithethonqubo yokungcola esebenzayo.

## **Ingxenye 4-2 - Izimiso okufanele zigcinwe ekugcineni iwashi lobunjiniyela**

52 Igama elithi iwashi lobunjiniyela njengoba lisetshenziswe ezingxenye 4-2, 5-2 no-5-4 zalesi Sithasiselo lisho umuntu noma iqembu labasebenzi elihlanganisa iwashi noma isikhathi sesibopho sesiphathimandla lapho khona ubukhona bomshini izikhala zalelo phoyisa zingadingeka noma zingadingeki.

53 Isikhulu esiphethe iwashi lobunjiniyela ngummeli wesikhulu sonjiniyela futhi ngokuyinhloko sibhekele ukusebenza ngempumelelo nokuphepha nokugcinwa kwemishini ethinta ukuphepha komkhumbi futhi ibhekele ukuhlolwa, ukusebenza nokuhlolwa, njengoba kudingeka, kuyo yonke imishini nemishini engaphansi kwesibopho sewashi lobunjiniyela.

### **12. Amalungiselelo wokubuka**

Ukwakheka kwewashi lobunjiniyela, ngaso sonke isikhathi, kuzokwanela ukuqinisekisa ukusebenza ngokuphepha kwayo yonke imishini ethinta ukusebenza komkhumbi, ngendlela ezenzakalelayo noma yezandla, futhi kufanele izimo nezimo ezikhona.

55 Lapho kuthathwa isinqumo sokwakhiwa kwewashi lobunjiniyela, elingafaka izilinganiso ezifanelekile, kuzolandelwa le mibandela elandelayo, phakathi kokunye:

- .1 Uhlobo lomkhumbi nohlobo nesimo semishini;
- .2 ukuphathwa okwanele, ngaso sonke isikhathi, kwemishini ethinta ukusebenza ngokuphepha komkhumbi;
- .3 noma iziphi izindlela ezikhethekile zokusebenza ezilawulwa yizimo ezinjengesimo sezulu, iqhwa, amanzi angcolile, amanzi angajulile, izimo eziphuthumayo, ukulimala kokunciphisa noma ukuncipha kokungcola;
- .4 iziqu kanye nolwazi lwewashi lobunjiniyela;
- .5 ukuphepha kwempilo, umkhumbi, izimpahla kanye nechweba, kanye nokuvikelwa kwemvelo;
- .6 ukugcinwa kweMithethonqubo yamazwe omhlaba, kazwelonke neyasekhaya; futhi
- .7 ukugcina ukusebenza okujwayelekile komkhumbi.

### **13. Ukuthatha iwashi**

56 Isikhulu esiphethe iwashi lobunjiniyela ngeke sidlulisele iwashi esisebenzini esiyekelele uma kunesizathu sokukholelwa ukuthi lesi sakamuva ngokusobala asikwazi ukwenza imisebenzi yokuqapha ngendlela efanele, lapho-ke umphathi omkhulu oyokwaziswa azokwaziswa .

57 Isikhulu esikhulula iwashi lobunjiniyela sizoqinisekisa ukuthi amalungu ewashi lokwehlisa ubunjiniyela ngokusobala anakho ngokugcwele ukwenza imisebenzi yawo ngempumelelo.

Ngaphambi kokuthatha iwashi lobunjiniyela, izikhulu ezisiza umphakathi zizozanelisa mayelana nokulandelayo:

- .1 Ama-oda wokuma nemiyalo ekhethekile yesikhulu sonjiniyela omkhulu maqondana nokusebenza kwezinhlelo zomkhumbi nemishini;
- .2 ubunjalo bawo wonke umsebenzi owenziwa emishini nasezinhlelweni, abasebenzi abathintekayo kanye nezingozi ezingaba khona;
- .3 izinga futhi, lapho kufanele khona, isimo samanzi noma izinsalela kumabhange, amathangi e-ballast, amathangi angama-slop, amathangi okugcina amanzi, amathangi wamanzi amasha, amathangi okuthuthwa kwendle kanye nanoma yiziphi izidingo ezikhethekile zokusetshenziswa noma zokulahla okuqukethwe kwakho;
- .4 isimo kanye nezinga likaphethiloli emathangini agciniwe, ithangi lokuxazulula, ithangi lasemini nezinye izindawo zokugcina uphethiloli;
- .5 noma yiziphi izidingo ezikhethekile ezimayelana nokulahlwa kohlelo lokuhlazeka
- .6 isimo nendlela yokusebenza kwezinhlelo ezahlukehlekene ezisemqoka nezisizayo, kufaka phakathi uhlelo lokusabalalisa amandla kagesi;
- .7 lapho kufanele khona, isimo sokuqapha nokulawula imishini yekhonsoli, nokuthi iyiphi impahla esebenza ngesandla;
- .8 lapho kufanele khona, isimo nendlela yokusebenza kwezilawuli zokubilisa okuzenzakalelayo ezinjengezinhlelo zokuvikela amalangabi, amasistimu wokulawula umkhawulo, amasistimu wokulawula amandla omlilo, amasistimu wokulawula ukunikezela ngophethiloli kanye neminye imishini ehlobene nokusebenza kwama-boiler womoya;
- .9 noma yiziphi izimo ezingaba zimbi ngenxa yesimo sezulu esibi, iqhwa, noma amanzi angcolile noma angajulile;
- .10 noma iziphi izindlela ezikhethekile zokusebenza ezibangelwa ukwehluleka kwemishini noma izimo zomkhumbi ezingezinhle;
- .11 imibiko yokulinganiswa kwamagumbi enjini maqondana nemisebenzi abayinikiwe;
- .12 ukutholakala kwezinto zokusebenza zokulwa nomlilo; futhi
- .13 isimo sokuqedwa kwelogi yegumbi lenjini.

**14. Ukwenza iwashi lobunjiniyela**

59 Isikhulu esiphethe iwashi lobunjiniyela sizoqinisekisa ukuthi amalungiselelo aso okugcinwa kwamawashi ayagcinwa nokuthi, ngaphansi kokuqondiswa, izilinganiso zamagumbi ezinjini, uma zakha ingxenye yewashi lobunjiniyela, zisiza ekusebenzeni ngokuphepha nangokuphumelelayo kwemishini yokuqhuma kanye nosizo imishini.

60 Isikhulu esiphethe iwashi lobunjiniyela sizoqhubeka nokubhekela ukusebenza kwemishini esikhaleni semishini, yize kukhona umphathi omkhulu ezikhungweni zemishini, kuze kube waziswa ngokusobala ukuthi isikhulu sonjiniyela sithathe lowo mthwalo futhi lokhu kuyaqondana.

61 Onke amalungu ewashi lobunjiniyela azoyazi imisebenzi yawo yokuqashwa. Ngaphezu kwalokho, ilunga ngalinye, mayelana nomkhumbi elisebenza kuwo, lizokwazi—

.1 ukusetshenziswa kwezinhlelo zokuxhumana zangaphakathi ezifanele;

.2 imizila yokuphunyuka ezikhaleni zemishini;

.3 amasistimu e-alamu egumbi lenjini futhi akwazi ukuhlukanisa phakathi kwama-alamu ahlukahlukene, ngokubhekisisa ngokukhethekile i-alamu yemidiya ecisha umlilo; futhi

.4 inombolo, indawo nezinhlobo zezinto zokulwa nomlilo kanye nezinto zokulawula ukulimaza ezikhaleni zemishini, kanye nokusetshenziswa kwazo kanye nezindlela zokuphepha ezahluahlukene okufanele ziqashelwe.

62 Noma imuphi umshini ongasebenzi kahle, okulindeleke ukuthi ungasebenzi kahle noma odinga insizakalo ekhethekile uzokwaziswa kanye nanoma yisiphi isenzo esivele sithathiwe. Kuzokwenziwa izinhlelo zokwenza noma yisiphi esinye isenzo uma kudingeka.

63 Lapho izikhala zemishini zisesimeni somuntu, isikhulu esiphethe iwashi lobunjiniyela ngaso sonke isikhathi siyokwazi ukusebenza ngomshini wokuhambisa ngamandla ukuphendula izidingo zoshintsho ohlangothini nasesivini.

64 Lapho izikhala zemishini zisesimweni sokungahlosiwe ngezikhathi ezithile, umsebenzi oqokiwe ophethe iwashi lobunjiniyela uzotholakala ngokushesha futhi abizelwe ukuhambela izikhala zemishini.

Yonke imiyalo yebhuloho izokwenziwa ngokushesha. Izinguquko ekuqondisweni noma ekusheshisweni kwamayunithi amakhulu okuqhuma ziyorekhodwa, ngaphandle kwalapho i-Ukuphatha inqume ukuthi usayizi noma izici zomkhumbi othile kwenza lokho kuqoshwa kungasebenzi. Isikhulu esiphethe iwashi lobunjiniyela sizoqinisekisa ukuthi ukulawula okuyinhloko kwe-Ukuqhuma unit, lapho kukwindlela yokusebenza yesandla, kuqhubeka kuhanjelwa ngaphansi kwezimo ezimile noma zokuqondisa.

66 Kuzobhekela ukunakekelwa okuqhubekayo nokusekelwa kwayo yonke imishini, kufaka phakathi amasistimu womshini, kagesi, kagesi, wokubacindezela nawomoya, izixhobo zabo

zokulawula kanye nemishini yokuphepha ehambisanayo, yonke imishini yezinsiza zokusebenza kanye nokuqoshwa kwezitolo nokusetshenziswa kwamagiya asele .

67 Isikhulu sonjiniyela sizoqinisekisa ukuthi isikhulu esiphethe iwashi lobunjiniyela saziswa ngakho konke ukunakekelwa kokuvikela, ukulawula umonakalo, noma ukulungisa izinto ezizokwenziwa ngesikhathi sewashi lobunjiniyela. Isikhulu esiphethe iwashi lobunjiniyela yiso esibhekele ukuhlukaniswa, ukweqiwa nokulungiswa kwayo yonke imishini ngaphansi kwesibopho sewashi lobunjiniyela okumele kusetshenzwe kulo, futhi lizoqopha wonke umsebenzi owenziwayo.

68 Lapho igumbi lenjini lifakwa esimeni sokuma, umphathi ophethe iwashi lobunjiniyela uzokwenza isiqiniseko sokuthi yonke imishini nemishini engasetshenziswa ngesikhathi sokuqhuba isesimeni sokulungela ngokushesha nokuthi inqolobane yamandla eyanele iyatholakala ngezinsimbi zokuqondisa nezinye izidingo.

Iziphathimandla ezingama-69 eziphethwe iwashi lobunjiniyela ngeke zinikezwe noma zenze noma yimiphi imisebenzi engaphazamisa imisebenzi yazo yokuphatha maqondana nohlelo oluphambili lokuhambisa ngamandla kanye nemishini yokulekelela. Bazogcina i-main Ukuqhuma plant kanye nezinhlelo ezisizayo ngaphansi kweso elibukhali kuze kube yilapho zikhululeka kahle, futhi ngezikhathi ezithile bazohlola imishini ebaphethe. Bazophinda futhi baqinisekise ukuthi kwenziwa imijikelezo eyanele yemishini nezikhala zokuqondisa amasondo ngenhloso yokubheka nokubika ukungasebenzi kahle kwemishini noma ukuwohloka, ukwenza noma ukuqondisa ukulungisa okwenziwayo, ukugcinwa okudingekayo kanye neminye imisebenzi edingekayo.

Izikhulu ezingama-70 eziphethwe iwashi lobunjiniyela ziyoyalela noma yiliphi elinye ilungu lewashi lobunjiniyela ukubazisa ngezimo ezingaba yingozi ezingaphazamisa imishini noma zibeke engcupheni ukuphepha kwempilo noma komkhumbi.

71 Isikhulu esiphethwe iwashi lobunjiniyela sizoqinisekisa ukuthi iwashi lesikhala semishini liyagadwa, futhi lizohlelela abasebenzi abazobambela uma kwenzeka bengakwazi ukusebenza yanoma yibaphi abasebenzi bewashi lobunjiniyela. Iwashi lobunjiniyela ngeke lishiye izikhala zemishini zingagadiwe ngendlela ezovimba ukusebenza mathupha kwesitshalo segumbi lenjini noma ukuqhuma.

72 Isikhulu esiphethwe iwashi lobunjiniyela sizothatha isenzo esidingekayo ukuze siqukethe imiphumela yomonakalo odalwe ukuwohloka kwemishini, umlilo, izikhukhula, ukuqhekeka, ukushayisana, ukucwila noma enye imbangela.

73 Ngaphambi kokuya emsebenzini, isikhulu esiphethwe iwashi lobunjiniyela sizoqinisekisa ukuthi yonke imicimbi ephathelene nemishini emikhulu neyesizayo eyenzeke ngesikhathi sewashi lobunjiniyela iqoshwe kahle.

74 Isikhulu esiphethwe iwashi lobunjiniyela sizobambisana nanoma yimuphi unjiniyela ophethe umsebenzi wokulungisa phakathi nakho konke ukunakekelwa kokuvikela, ukulawula umonakalo noma ukulungisa. Lokhu kuzobandakanya, kepha hhayi kuphela ukukhawulelwa ku—

1. ukuhlukanisa nokudlula imishini okumele kusetshenzwe kuyo;
2. ukulungisa isitshalo esisele ukuze sisebenze ngokwanele futhi ngokuphepha ngesikhathi sokulungisa;
3. ukurekhoda, ku-log yegumbi lenjini noma enye idokhumende efanelekile, okokusebenza okusetshenzelwe kanye nabasebenzi abathintekayo, nokuthi yiziphi izinyathelo zokuphepha ezithathiwe nokuthi zenziwe ngubani, ngenhloso yokusiza izikhulu kanye nezinhloso zokuqopha; futhi
4. ukuhlola nokusebenzisa, lapho kunesidingo, imishini noma imishini elungisiwe.

75 Isikhulu esiphethe iwashi lobunjiniyela sizoqinisekisa ukuthi noma yiziphi izilinganiso zamakamelo enjini ezenza imisebenzi yesondlo ziyatholakala ukuze zisize ekusebenzeni mathupha kwemishini uma kwenzeka ukuhluleka kwemishini ezenzakalelayo.

76 Isikhulu esiphethe iwashi lobunjiniyela sizokhumbula ukuthi ukushintsha kwejubane, okubangelwa ukungasebenzi kahle kwemishini, noma ukulahleka kokuqondisa kungabeka ukuphepha komkhumbi nempilo olwandle. Ibhuloho lizokwaziswa ngokushesha lapho kwenzeka umlilo nangesenzo esiseduze esikheleni semishini esingadala ukwehla kwejubane lomkhumbi, ukwehluleka okuzayo okuseduze, ukumiswa kohlelo lokugudluzwa komkhumbi nanoma yikuphi ukuguqulwa ekukhiqizeni amandla kagesi noma usongo olufanayo ukuphepha. Lesi saziso, lapho kungenzeka khona, sizofezeka ngaphambi kokuba kwenziwe izinguqoko, ukuze kunikezwe ibhuloho isikhathi esikhona kakhulu sokuthatha noma yiziphi izinyathelo ezingaba khona zokugwema ukulimala okungaba khona olwandle.

77 Isikhulu esiphethe iwashi lobunjiniyela sizokwazisa umphathi omkhulu ngokushesha ngaphandle kokulibala—

1. lapho kwenzeka ukulimala kwenjini noma ukungasebenzi kahle okungaba njengokufaka engozini ukusebenza okuphephile komkhumbi;
2. lapho kwenzeka noma yikuphi ukungasebenzi kahle okukholelwa ukuthi kungadala ukonakala kwemishini yokuhambisa ngamandla, imishini esizayo noma yokuqopha kanye nezinhlelo ezilawulayo; futhi
3. kunoma yisiphi isimo esiphuthumayo noma uma kukhona ukungabaza ngokuthi yisiphi isinqumo noma izinyathelo okufanele zithathwe.

78 Ngaphandle kwesidingo sokwazisa isikhulu sonjiniyela kulezi zimo ezingenhla, isikhulu esiphethe iwashi lobunjiniyela ngeke sinqikaze ukuthatha izinyathelo ngokushesha zokuphepha komkhumbi, imishini yawo kanye nabasebenzi lapho izimo zidinga khona.

79 Isikhulu esiphethe iwashi lobunjiniyela sizonikeza abasebenzi abagada yonke imiyalelo neminingwane efanele ezoqinisekisa ukugcinwa kwewashi lobunjiniyela eliphephile. Ukugcinwa kwemishini ejwayelekile, okwenziwa njengemisebenzi ethile njengengxenywe

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yokugcina iwashi eliphephile, kuzosethwa njengengxenywe ebalulekile yenqubo yokubuka. Ukulungiswa okuningilizwe kokulungiswa okubandakanya ukulungiswa kwemishini kagesi, imishini, i-hydraulic, i-pneumatic noma imishini esebenza ngogesi kuwo wonke umkhumbi kuzokwenziwa ngokuqaphela kwesikhulu esiphethe iwashi lobunjiniyela kanye nomphathi omkhulu wezonjiniyela. Lokhu kulungiswa kuzoqoshwa.

#### **15. Ukugcinwa kwezobunjiniyela ngaphansi kwezimo ezihlukene nasezindaweni ezihlukene**

##### **15.1. Ukubonakala okukhawulelwe**

80 Isikhulu esiphethe iwashi lobunjiniyela sizoqinisekisa ukuthi ingcindezi yomoya noma yomphunga iyatholakala ukuthola amasiginali womsindo nokuthi ngaso sonke isikhathi ama-oda ebhuloho aphaathelene nezinguquko kwejubane noma indlela yokusebenza ayasetshenziswa ngokushesha futhi, ngaphezu kwalokho, leyo mishini ngoba ukuhamba kutholakala kalula.

##### **15.2. Amanzi asogwini naminyene**

81 Isikhulu esiphethe iwashi lobunjiniyela sizoqinisekisa ukuthi yonke imishini ethintekayo ekulawuleni umkhumbi ingafakwa ngokushesha kwimodi yokusebenza yezandla lapho yaziswa ukuthi umkhumbi usemanzini aminyene. Isikhulu esiphethe iwashi lobunjiniyela sizoqinisekisa futhi ukuthi kunesibekeli samandla esanele sokuqondisa kanye nezinye izidingo zokuhambisa. Ukuqondisa okuphuthumayo neminye imishini yokusiza izobe isilungele ukusebenza ngokushesha.

##### **15.3. Umkhumbi ngehange**

82 Esikhaleni esingafinyeleliwe umphathi omkhulu wonjiniyela uzobonisana nomphathi ukuthi ngabe bazoligcina yini iwashi lobunjiniyela elifanayo noma liqhubeka.

83 Uma umkhumbi usehange endaweni evulekile yomgwaqo noma kunoma isiphi esinye isimo "solwandle", isikhulu sonjiniyela ophethe iwashi lobunjiniyela sizoqinisekisa ukuthi—

1. kugcinwa iwashi lobunjiniyela elisebenza kahle;
2. ukuhlolwa ngezikhathi ezithile kwenziwa ngayo yonke imishini yokusebenza neyokuma eceleni;
3. imishini emikhulu nokusizayo igcinwa isesimweni sokulungela ngokuya ngemiyalo evela ebhulohweni;
4. kuthathwa izinyathelo zokuvikela imvelo ekungcolisweni umkhumbi, nokuthi kulandelwa iMithethonqubo yokuvikela ukungcola esebenzayo; futhi
5. zonke izinhlelo zokulawula umonakalo nokulwa nomlilo sezikulungele.

Ingxenywe 4-3 - Izimiso okufanele zigcinwe ekugcineni iwashi lomsakazo

**16. Izinhlizeko ezijwayelekile**

Ukuphathwa kuzobhekisa ukunaka kwezinkampani, abaphathi kanye nabasebenzi bokuqapha imisakazo ukuthi bahambisane nalezi zinhlizeko ezilandelayo ukuqinisekisa ukuthi iwashi lomsakazo lokuphepha elanele liyagcinwa ngenkathi umkhumbi usolwandle. Ngokuhambisana nale Khodi, kuzothathwa i-akhawunti yeMithethonqubo Yomsakazo.

**17. Amalungiselelo wokubuka**

85 Lapho ethatha isinqumo ngamalungiselelo omsakazo, umphathi wayo yonke imikhumbi yasolwandle uyo—

1. aqinisekise ukuthi iwashi lomsakazo ligcinwa ngokuhambisana nezinhlizeko ezifanele zeMithethonqubo Yomsakazo kanye neSivumelwano SOLAS;
2. aqinisekise ukuthi imisebenzi eyinhloko yokugcinwa kwemisakazo ayiphazamiseki ngokuya ezimotweni zomsakazo ezingahambelani nokuhamba okuphephile komkhumbi nokuphepha kokuzulazula; futhi
3. ucabangela imishini yomsakazo efakwe ebhodini kanye nesimo sayo sokusebenza.

**18. Ukwenza iwashi lomsakazo**

86 Umqhubi womsakazo owenza imisebenzi yokugcinwa komsakazo kufanele—

1. aqinisekise ukuthi iwashi ligcinwa kumafrikhwensi acaciswe kumithethonqubo yeRadio nakuSOLAS Umkodwahano; futhi
2. ngenkathi usebenza, hlola njalo ukusebenza kwemishini yomsakazo nemithombo yayo yamandla bese ubika enkosini nganoma yikuphi ukwehluleka okubonakalayo kwalomshini.

87 Izidingo zeMithethonqubo Yomsakazo kanye neSivumelwano SOLAS sokugcina i-radiotelegraph noma irekhodi lomsakazo, njengoba kufanele, kuzolandelwa.

88 Ukugcinwa kwamarekhodi omsakazo, ngokuhambisana nezidingo zeMithethonqubo Yomsakazo kanye neSivumelwano SOLAS, kungumsebenzi womsebenzi womsakazo oqokwe njengonomthwalo oyinhloko wezokuxhumana ngemisakazo ngesikhathi sezigemegegeme. Okulandelayo kuzorekhodwa, kanye nezikhathi lapho zenzeka khona:

1. Isifinyezo sokuxakaniseka, ukuphuthuma nokuphepha kwemisebe Ukuxhumana ngomsakazo
2. izehlakalo ezibalulekile eziphathelene nensizakalo yomsakazo;
3. lapho kufanele khona, isikhundla somkhumbi okungenani kanye ngosuku; futhi
4. isifinyezo sesimo semishini yomsakazo, kufaka phakathi imithombo yayo yamandla.

89 Amarekhodi omsakazo azogcinwa lapho kusetshenzwa khona ngesikhathi sokuxhumana,

1. ukuze ihlolwe yinkosi; futhi

2. ukuze ihlolwe yinoma isiphi isikhulu esigunyaziwe soMnyango Wezokuphatha kanye nanoma yisiphi isikhulu esigunyazwe ngokufanele esilawula ngaphansi kwendatshana X Yesivumelwano.

## **INGXENYE 5 - UKUGCINA UKUBUKA KWEZIMISO IZIMISO EZISEBENZISA KONKE UKUGCINA**

### **19. Jikelele**

90 Kunoma yimuphi umkhumbi oboshwe ngokuphepha noma ngokuphepha ngehange ngaphansi kwezimo ezijwayelekile ethekweni, umninikhaya uzohlela ukuthi kugcinwe iwashi elifanele nelisebenza kahle ngenhloso yokuphepha. Izidingo ezikhethekile zingadingeka ezinhlotsheni ezikhethekile zezinhlelo zokuhambisa ngamandla zemikhumbi noma okokusebenza okusizayo kanye nemikhumbi ethwala izinto ezinobungozi, eziyingozi, ezinokodwahi noma ezingavutha kakhulu noma ezinye izinhlobo ezikhethekile zemithwalo.

### **20. Amalungiselelo wokubuka**

91 Izinhlelo zokugcina iwashi lomkhumbi lapho umkhumbi usechwebeni ngaso sonke isikhathi zizokwanela—

1. aqinisekise ukuphepha kwempilo, komkhumbi, itheku nemvelo, nokusebenza okuphephile kwayo yonke imishini ephathelene nokusebenza kwempahla;
2. hlonipha imithetho yamazwe omhlaba, yezwe neyasekhaya futhi
3. kugcina ukuhleleka kanye nokwejwayeleka komkhumbi

92 Inkosi izonquma ukwakheka nobude bewashi ledeski ngokuya ngezimo zokugudlwa, uhlobo lomkhumbi kanye nohlamvu lomsebenzi.

93 Uma umphathi ekubona kunesidingo, isikhulu esifanelekayo sizophatha iwashi ledeski.

94 Izinsizakusebenza ezidingekayo zizohlelwa ukuze zihlinzeke ngokugcinwa kahle kokubuka.

95 Isikhulu sonjiniyela, ngokubonisana nomphathi, sizoqinisekisa ukuthi amalungiselelo wokugcinwa kwezobunjiniyela anele ukugcina iwashi lobunjiniyela eliphephile ngenkathi usechwebeni. Lapho uthatha isinqumo sokwakhiwa kwewashi lobunjiniyela, elingafaka izilinganiso ezifanele zekamelo lenjini, amaphuzu alandelayo aphakathi kwalawo okufanele acatshangelwe:

1. Kuyo yonke imikhumbi enamandla kagesi angama-3,000 kW nangaphezulu kuyohlale kunomphathi ophethe iwashi lobunjiniyela;
2. emikhunjini engaphansi kuka-3,000 kW amandla ombane kungenzeka, ngokubona kwenkosi nasekubonisaneni nomphathi omkhulu, asikho isikhulu esiphethe iwashi lobunjiniyela; futhi

3. izikhulu, ngenkathi ziphethe iwashi lobunjiniyela, ngeke zabelwe noma zenze noma yimuphi umsebenzi noma umsebenzi ongaphazamisa umsebenzi wazo wokuphatha maqondana nohlelo lwemishini yomkhumbi.

### **21. Ukuthatha iwashi**

Izikhulu ezingama-96 eziphethe ideski noma iwashi lobunjiniyela ngeke zinikeze leli washi isikhulu sazo sokusiza uma kunesizathu sokukholelwa ukuthi lokhu okusobala ukuthi akukwazi ukwenza imisebenzi yokulinda ngempumelelo, lapho-ke umphathi omkhulu noma unjiniyela omkhulu waziswe ngokufanele. Izikhulu ezitakula emphemeni noma iwashi lobunjiniyela zizoqinisekisa ukuthi wonke amalungu ewashi lawo ngokusobala anakho ngokugcwele ukwenza imisebenzi yawo ngempumelelo.

97 Uma, ngesikhathi sokunikela ngedeski noma iwashi lobunjiniyela, kwenziwa umsebenzi obalulekile, kuzophethwa ngokuthi umsebenzi akhululeke, ngaphandle kwalapho eyalelwe ngenye indlela ngumphathi noma isikhulu sonjiniyela omkhulu.

### **Ingxenywe 5-1 - Ukuthatha iwashi ledeski**

98 Ngaphambi kokuthatha iwashi ledeski, isikhulu sezikhululeko sizokwaziswa isikhulu esiphethe iwashi le-deck ngokulandelayo:

1. Ukujula kwamanzi esikhumulweni semikhumbi, okusalungiswa komkhumbi, izinga nesikhathi samanzi aphezulu naphansi; ukuvikeleka kwama-moorings, ukuhlelwa kwamahange nobubanzi beketanga okusetshenzwa kulengwa kulo, nezinye izici zokubopha ezibalulekile ekuphepheni komkhumbi; isimo sezinjini ezinkulu nokutholakala kwazo ekusetshenzisweni okuphuthumayo;
2. wonke umsebenzi okumele wenziwe emkhunjini; ubunjalo, inani nokuthwala kwempahla elayishiwe noma esele, nanoma yiziphi izinsalela ezisemkhunjini ngemuva kokwehlisa umkhumbi;
3. izinga lamanzi kuma-bilges namathangi isikebhe sizinze;
4. amasiginali noma amalambu akhonjiswayo noma azwakalayo;
5. inani lamalungu abasebenzi abasebenza ebhodini kanye nokuba khona kwabanye abantu abagibele;
6. isimo sezinto zokulwa nomlilo;
7. noma iyiphi iMithethonqubo echwebeni elikhethekile;
8. ukuma kwe-Umbusi nemiyalo ekhethekile;
9. imigqa yokuxhumana etholakala phakathi komkhumbi nabasebenza ogwini, kufaka phakathi iziphathimandla zetheku, uma kwenzeka kuvela isimo esiphuthumayo noma kudingeka usizo;
10. nanoma yiziphi ezinye izimo ezibalulekile ekuphepheni komkhumbi, abasebenzi bawo, impahla noma ukuvikelwa kwemvelo ekungcolisweni; futhi

11. izinqubo zokwazisa Isiphathimandla esifanele nganoma yikuphi ukungcola kwemvelo okuvela emisebenzini yemikhumbi.

Izikhulu ezikhululekileyo, ngaphambi kokuthatha icala ngewashi elisemgodini, zizoqinisekisa ukuthi—

1. ukutholakala kwama-moorings kanye ne-anchor chain kwanele;
2. amasiginali noma amalambu afanele akhonjiswa kahle noma azwiswa kahle;
3. izindlela zokuphepha kanye nemithethonqubo yokuvikela umlilo iyagcinwa;
4. Bayazi ukuthi yiluphi uhlobo lwezimpahla eziyingozi ezilayishwayo noma ezikhishwayo kanye nezinyathelo okufanele zithathwe uma kwenzeka kuchitheka noma umlilo; futhi
5. azikho izimo zangaphandle noma izimo ezibeka umkhumbi engcupheni nokuthi awufaki engozini eminye.

#### **Ingxenywe 5-2 - Ukuthatha iwashi lobunjiniyela**

Ngaphambi kokuthatha iwashi lobunjiniyela, umsebenzi okhipha umthwalo uzokwaziswa isikhulu esiphethe lelo washi lobunjiniyela ukuthi—

1. ama-oda wokuma osuku, noma yimaphi ama-oda akhethekile ahlobene nokusebenza komkhumbi, imisebenzi yokugcinwa, ukulungiswa kwemishini yomkhumbi noma imishini yokulawula;
2. ubunjalo bawo wonke umsebenzi owenziwa emishinini nasezinhlelweni zomkhumbi, abasebenzi abathintekayo kanye nezingozi ezingaba khona;
3. izinga nesimo, lapho kusebenza khona, samanzi noma izinsalela kumabhange, amathangi e-ballast, amathangi angama-slop, amathangi okukhucululwa kwendle, amathangi okugcina kanye nezidingo ezikhethekile zokusetshenziswa noma ukulahlwa kokuqokethwe kwakho;
4. noma iziphi izidingo ezikhethekile ezimayelana nokulahlwa kwesistimu yenhlanzeko;
5. isimo kanye nesimo sokulungela kwempahla ephathekayo yokucisha umlilo nezinsimbi ezihleliwe zokucisha umlilo nezinhlelo zokubona umlilo;
6. abagunyaziwe abasebenza ebhodini abenza imisebenzi yobunjiniyela, izindawo abasebenza kuzo nemisebenzi yokulungisa kanye nabanye abantu abagunyaziwe abasemkhunjini kanye nabasebenzi abadingekayo;

7. noma yimiphi imigomo echwebeni ephathelene nokungcola kwemikhumbi, izidingo zokulwa nomlilo nokulungela ukuthunyelwa komkhumbi, ikakhulukazi ngesikhathi sezulu esingahle sibe khona;

8. imigqa yokuxhumana etholakala phakathi komkhumbi nabasebenza ngasogwini, kufaka phakathi iziphathimandla zetheku, uma kwenzeka kuvela isimo esiphuthumayo noma kudingeka usizo;

9. nanoma yiziphi ezinye izimo ezibalulekile ekuphepheni komkhumbi, kubasebenzi bawo, impahla noma ekuvikelweni kwemvelo ekungcolisweni; futhi

10. izinqubo zokwazisa Isiphathimandla esifanele ngokungcoliswa kwemvelo okuvela emisebenzini yobunjiniyela.

Izikhulu ezikhululekileyo, ngaphambi kokuthatha icala ngewashi lobunjiniyela, zizozenelisa ukuthi zaziswa ngokuphelele yisikhulu esikhululiwe, njengoba kubekiwe ngenhla; futhi—

1. ujoyelane nemithombo yamandla ekhona, engaba namandla nokushisa nokusabalalisa kwayo;

2. yazi ukutholakala nesimo sesibaseli somkhumbi, izinto zokuthambisa kanye nakho konke ukuphakelwa kwamanzi; futhi

3. lungela ukulungisa umkhumbi nemishini yawo, ngangokunokwenzeka, ngezimo zokuma noma zezimo eziphuthumayo njengoba kudingeka.

#### **Ingxenye 5-3 - Ukwenza iwashi ledeski**

102 Isikhulu esiphethe iwashi elisemgodini sizo—

1. enze imizuliswano yokuhlola umkhumbi ngezikhathi ezifanele;

2. naka kakhulu lokhu:

2.1 isimo nokuvikeleka komgwaqo, okokugxilisa ihange kanye nokufakwa kwamahashi, ikakhulukazi ekuphendukeni kwamaza nasezikhungweni ezinokuvuka okukhulu nokuwa, uma kunesidingo, ukuthatha izinyathelo zokuqinisekisa ukuthi basesimweni sokusebenza esijwayelekile;

2.2 okusalungiswa, ukuvunyelwa ngaphansi kwesimo kanye nesimo jikelele somkhumbi, ukugwema ukufakwa kuhlu okuyingozi noma ukusika ngesikhathi sokuphathwa kwempahla noma kwe-ballast;

2.3 isimo sezulu nolwandle;

2.4 ukugcinwa kwayo yonke iMithethonqubo ephathelene nokuphepha nokuvikelwa komlilo;

2.5 izinga lamanzi kuma-bilges namathangi;

2.6 bonke abantu abasemkhunjini nendawo abakuyo, ikakhulukazi labo abasezindaweni ezikude noma ezivalekile; futhi

2.7 umbukiso nokuzwakala, lapho kufanele khona, kwamalambu nezimpawu;

3. esimweni sezulu esibi, noma lapho uthola isexwayiso sesiphepho, thatha izinyathelo ezidingekayo ukuvikela umkhumbi, abantu abasemkhunjini kanye nempahla;

4. athathe zonke izindlela zokuvikela ukungcoliswa kwemvelo ngumkhumbi;

5. esimeni esiphuthumayo esabisa ukuphepha komkhumbi, phakamisa i-alamu, yazisa umphathi, athathe zonke izindlela zokuvikela noma yikuphi ukonakala komkhumbi, impahla yawo kanye nabantu abasemkhunjini, futhi, uma kunesidingo, acele usizo kubaphathi basogwini noma imikhumbi engomakhelwane;

6. qaphela isimo sokuzinza komkhumbi ukuze, uma kwenzeka kuba nomlilo, Isiphathimandla esilwa nomlilo osebeni singase saziswe ngobuningi bamanzi angashaywa esikebheni ngaphandle kokufaka umkhumbi engozini;

7. unikeze usizo emikhunjini noma kubantu abasenkingeni;

8. thatha izinyathelo ezifanele ukuvikela izingozi noma umonakalo lapho ophephela bezophendulwa; futhi

9. faka, ku-log-book efanele, yonke imicimbi ebalulekile ethinta umkhumbi.

#### **Ingxenye 5-4 - Ukwenza iwashi lobunjiniyela**

Izikhulu eziyi-103 eziphethe iwashi lobunjiniyela zizonaka kakhulu—

1. ukugcinwa kwayo yonke imiyalo, izinqubo zokusebenza ezikhethekile kanye neMithethonqubo ephathelene nezimo ezinobungozi nokuvinjelwa kwazo kuzo zonke izindawo ezibaphethe;

2. izinhlelo zokusebenzisa nokulawula, ukuqapha konke ukunikezwa kwamandla, izingxenye kanye nezinhlelo ezisebenzayo;

3. amasu, izindlela nezinqubo ezidingekayo ukuvimbela ukwephulwa kweMithetho Yokungcola yeziphathimandla zendawo; futhi

4. isimo samabhilidi.

Izikhulu eziyi-104 eziphethe iwashi lobunjiniyela zizo—

1. ezimeni eziphuthumayo, khala i-alamu lapho, ngokombono wabo, isimo sidinga kakhulu, futhi sithathe zonke izindlela zokuvikela ukulimala komkhumbi, abantu abasemkhunjini kanye nempahla;

2. qaphela izidingo zesikhulu sedeski eziphathelene nemishini edingekayo ekulayisheni noma ekwehlisweni kwempahla kanye nezinye izidingo ze-ballast nezinye izinhlelo zokulawula ukuzinza komkhumbi;
3. enze imizuliswano kaningi yokuhlola ukuthola ukungasebenzi kahle kwemishini noma ukwehluleka, futhi athathe izinyathelo zokulungisa ngokushesha ukuqinisekisa ukuphepha komkhumbi, kokusebenza kwempahla, kwetheku kanye nemvelo;
4. baqinisekise ukuthi kuthathwa izinyathelo zokuqapha ezidingekayo, ngaphakathi kwendawo abasebenza kuyo, ukuvimbela izingozi noma ukulimala kohlelo olwahlukahlukene lomkhumbi, ugesi, ugesi, umoya womoya kanye nemishini yokusebenza komkhumbi; futhi
5. aqinisekise ukuthi yonke imicimbi ebalulekile ethinta ukusebenza, ukulungiswa noma ukulungiswa kwemishini yomkhumbi ibhalwe ngokugculisayo.

#### **Ingxenye 5-5 - Bukela ethekweni emikhunjini ethwala imithwalo eyingozi**

##### **22. Jikelele**

105 Umphathi wayo yonke imikhumbi ethwala imithwalo enobungozi, noma ngabe iyiziqhumane, iyasha, inoshevu, isongela impilo noma ingcolisa imvelo, izoqinisekisa ukuthi kuhlelwa amalungiselelo okulinda okuphephile. Emikhunjini ethwala imithwalo enobungozi ngobuningi, lokhu kuzotholakala ngokutholakala okulungele ebhodini lesikhulu noma izikhulu ezifanelekile, nezilinganiso lapho kufanele khona, noma ngabe umkhumbi uboshelwe ngokuphepha noma ngokuphepha ihange ethekweni.

106 Emikhunjini ethwala imithwalo eyingozi ngaphandle kwenqwaba, inkosi izobheka ngokuphelele ubunjalo, ubuningi, ukupakisha kanye nokuqina kwempahla eyingozi kanye nanoma yiziphi izimo ezikhethekile ezisemkhunjini, emanzini nasogwini.

#### **Ingxenye 5-6 - Ukubuka kwempahla**

Iziphathimandla eziyi-107 ezibhekele ukuhlela nokuqhutshwa kokuqhutshwa kwempahla kufanele ziqinisekise ukuthi leyo misebenzi yenziwa ngokuphepha ngokulawulwa kwezingcuphe ezithile, kufaka phakathi uma kubandakanyeka abasebenzi abangathumeli mkhumbi.

### **ISITHASISELO 3 - AMALUNGISELELO WOKUGCINA NEMIGOMO YOKUTHUTHA IZITO ZOKUDOBA**

1 Ukuphatha kuzobhekisa ukunaka kwabanikazi nabaqhubi bemikhumbi yokudoba, abagibeli bezikebhe kanye nabasebenzi abagada le migomo elandelayo, ezobhekwa ukuqinisekisa ukuthi iwashi lokuhamba ngendlela ephephile ligcinwa njalo.

2 Ukapteni wazo zonke izikebhe zokudoba uzoqinisekisa ukuthi amalungiselelo wokugcinwa kwewashi anele ukugcina iwashi eliphephile lokuhamba. Ngaphansi kokuqondisa kukapteni, abaphathi bewashi banesibopho sokuhamba ngomkhumbi wokudoba ngokuphepha ngezikhathi zabo zomsebenzi, lapho bezobe bekhathazeke kakhulu ngokugwema ukushayisana nokusala.

3 Izimiso eziyisisekelo, kufaka phakathi kepha kungagcini kulokhu okulandelayo, kuzobhekwa kuyo yonke imikhumbi yokudoba. Kodwa-ke, iQembu lingayikhipha ngaphandle imikhumbi emincane kakhulu yokudoba esebenza emanzini anqunyelwe ekubhekeni ngokuphelele imigomo eyisisekelo.

4 Usendleleni eya noma yokubuya ezindaweni zokudoba:

4.1 Amalungiselelo wewashi lokuzulazula:

4.1.1 Ukwakheka kwewashi ngaso sonke isikhathi kuzokwanela futhi kuhambisane nezimo nezimo ezikhona, futhi kuzobhekwa nesidingo sokugcina ukubukeka okufanele.

4.1.2 Lapho kuthathwa isinqumo sokwakhiwa kwewashi lezi zinto ezilandelayo, phakathi kokunye, zizocatshangelwa:

1. Akunasikhathi lapho indlu yamasondo izoshiywa inganakiwe;
2. izimo zezulu, ukubonakala nokuthi ngabe kukhona ukukhanya kwemini noma ubumnyama;
3. ukuba seduze kwezingozi zokuzulazula okungenza kudingeke ukuthi isikhulu esiphethe iwashi senze imisebenzi eyengeziwe yokuzulazula;
4. ukusetshenziswa kanye nesimo sokusebenza kwezinsiza zokuhamba ezifana ne-radar noma izinto ezibonisa ukuma kwe-elektronikhi kanye nanoma iyiphi enye into ethinta ukuhamba ngokuphepha komkhumbi;
5. ukuthi umkhumbi ufakelwe i-automatic steering; futhi
6. noma iziphi izimfuno ezingavamile ewashini lokuzulazula elingaphakama ngenxa yezimo ezikhethekile zokusebenza.

4.2 Ukufaneleka emsebenzini:

Uhlelo lokubuka luzoba ngendlela yokuthi ukusebenza kahle kwabasebenzi abagcina amawashi kungaphazanyiswa ukukhathala. Imisebenzi izohlelwa ngendlela yokuthi iwashi lokuqala ekuqaleni kohambo namanye amawashi okusiza alandelwe ngokwanele futhi alungele umsebenzi.

Ukuhamba kwe-4.3:

4.3.1 Uhambo oluhlosiwe luzohlelwa, ngangokunokwenzeka, kucatshangelwe yonke imininingwane efanele, futhi noma iyiphi inkambo ebekiwe izobhekwa ngaphambi kohambo.

4.3.2 Ngesikhathi sokubuka inkambo eqondiswayo, indawo kanye nesivinini kufanele ihlolwe ngezikhathi ezanele ngokwanele, kusetshenziswa noma yiziphi izinsiza zokuhamba ezitholalalayo ezidingekayo, ukuqinisekisa ukuthi umkhumbi ulandela inkambo ehleliwe.

4.3.3 Isikhulu esiphethe iwashi sizoba nolwazi oluphelele ngendawo nokusebenza kwayo yonke imishini yokuphepha neyokuhamba emkhunjini, futhi izokwazi futhi ibheke nemikhawulo yokusebenza kwaleyo mishini.

4.3.4 Isikhulu esiphethe iwashi lokuhamba ngolwandle ngeke sabelwe noma senze imisebenzi engaphazamisa ukuhamba okuphephile komkhumbi.

4.4 Izisetshenziswa zokuzulazula:

4.4.1 Izikhulu eziphethe iwashi zizosebenzisa ngempumelelo kunazo zonke izinto zokuzulazula ezinazo.

4.4.2 Lapho sisebenzisa i-radar isikhulu esiphethe iwashi sizokhumbula isidingo sokuhambisana ngaso sonke isikhathi nezinhlinzeko zokusetshenziswa kwe-radar equkethwe kwiMithethonqubo efanele yokuvimbela ukushayisana olwandle.

4.4.3 Ezimweni lapho kunesidingo khona umphathi wewashi ngeke anqikaze ukusebenzisa i-helm, izinjini, amathuluzi okukhombisa umsindo nokukhanya.

4.5 Imisebenzi nezibopho zokuhamba olwandle:

4.5.1 Isikhulu esiphethe iwashi kufanele—

1. qaphela egumbini elinamasondo;
2. ezimweni ezithile angashiya indlu yokuhamba ngamasondo aze akhululeke kahle;
3. aqhubeke nokuba nesibopho sokuhamba okuphephile komkhumbi naphezu kokuba khona kokaputeni endaweni eqhutshwa ngamasondo kuze kube waziswa ngokukhethekile ukuthi ukapteni usethathe lowo mthwalo futhi lokhu kuyaqondakala;
4. yazise ukapteni uma kukhona ukungabaza ngokuthi yiziphi izinyathelo okufanele azithathe ngenhloso yokuphepha; futhi
5. unganikeli iwashi esisebenzini esiyekelelayo uma kunesizathu sokukholelwa ukuthi lesi sesibili asikwazi ukwenza imisebenzi yokugada ngempumelelo, lapho-ke ukapteni ezokwaziswa.

4.5.2 Ngokuthatha leli washu umphathi wezikhulu uzoqinisekisa futhi aneliseke ngokuma okulinganiselwe noma okuyikho komkhumbi futhi aqinisekise umkhondo, inkambo kanye nesivinini esihlosiwe, futhi uzobona noma yiziphi izingozi ekuhambeni kwemikhumbi okulindeleke ukuthi kulangatshezwane nakho ngesikhathi sokubuka .

4.5.3 Noma nini lapho kungenzeka khona irekhodi elifanele lizogcinwa ngokunyakaza kanye nangezinto ezenziwayo phakathi newashi elihlobene nokuzulazula komkhumbi.

4.6 Bheka:

4.6.1 Ukubhekwa okufanele kuzogcinwa ngokuhambisana nomthetho wesi-5 weMithethonqubo Yomhlaba Wonke Yokuvimbela Ukushayisana Olwandle, ngo-1972. Kuzofeza inhloso yalokhu—

1. ukugcina isimo esiqhubekayo sokuqapha ngokubona nangokuzwa kanye nangazo zonke ezinye izindlela ezikhona, maqondana nanoma yiziphi izinguquko ezinkulu endaweni yokusebenza;

2. Ukuhlaziya ngokuphelele isimo kanye nengozi yokushayisana, ukuduma kanye nezinye izingozi ekuzuleni; futhi

3. ukuthola imikhumbi noma izindiza ezisenkingeni, abantu abaphukelwe umkhumbi, abaphahlazekile nemfucumfucu.

1. Ukubonakala, isimo sezulu nolwandle;

2. ukuminyana kwethrafikhi, neminye imisebenzi eyenzeka endaweni lapho umkhumbi uzulazula khona;

3. ukunakwa okudingekile lapho uzulazula kuzikimu zokuhlukanisa ithrafikhi noma eziseduze nezinye izindlela zomzila;

4. umthwalo owengeziwe obangelwe uhlobo lomsebenzi wesikebhe, izidingo zokusebenza ezisheshayo nokuhamba okulindelwe;

5. Amaphini okuqondisa ukulawula ophephela kanye nezimpawu zokuhambisa umkhumbi;

6. ukufaneleka komsebenzi wanoma imaphi amalungu eqembu lapho ebiziwe angabelwa njengamalungu ewashi;

7. ulwazi nokuzethemba emakhono asebenzayo emisebenzini yezikebhe zomkhumbi;

8. isipiliyoni sesikhulu sewashi lokuzulazula kanye nokujwayela kwalelo phoyisa ngezinto zomkhumbi, izinqubo zalo, kanye namandla okuqhuba;

9. imisebenzi eyenzeka emkhunjini nganoma yisiphi isikhathi esithile, kanye nokutholakala kosizo okufanele kubizelwe ngokushesha ezindlini ezinamasondo lapho kudingeka;

10. isimo sokusebenza kwensimbi indlu yamasondo nezilawuli, kufaka phakathi amasistimu we-alamu;

11. usayizi womkhumbi kanye nenkambu yombono etholakalayo ivela endaweni yokuxhuma;

12. ukumiswa kwendlu yamasondo, kuze kufike ezingeni lapho ukumiswa okunjalo kungavimbela ilungu lewashi ekutholeni ngokubona noma ngokuzwa noma yikuphi ukwenzeka kwangaphandle; futhi

13. noma yimaphi amazinga afanele, izinqubo kanye nemihlahlandlela ephathelene namalungiselelo wokugcinwa kokubheka nokufaneleka komsebenzi okwamukelwe yiNhlango.

#### 4.7 Ukuvikelwa kwendawo yasolwandle:

Ukapteni kanye nesikhulu esiphethe iwashi bazokwazi ngemiphumela emibi yokungcola kokusebenza noma ngengozi kwemvelo yasolwandle, futhi bazothatha zonke izindlela zokuphepha ukuvimbela lokho kungcola, ikakhulukazi ngaphakathi kohlaka lweMithethonqubo efanele yamazwe omhlaba kanye neyechweba.

#### 4.8 Izimo zezulu:

Isikhulu esiphethe iwashi sizothatha izinyathelo ezifanele futhi sazise ukapteni uma izinguquko ezimbi sezulu zingathinta ukuphepha komkhumbi, kufaka phakathi nezimo eziholela ekwandeni kweqhwa.

#### 5 Ukuzulazula nomshayeli wendiza okuqalisiwe:

Ubukhona bomshayeli wendiza abukhululi ukapteni noma isikhulu esiphethe iwashi emisebenzini yabo nasezibophweni zokuphepha komkhumbi. Ukapteni nomshayeli wendiza bazoshintshisana ngolwazi maqondana nezinqubo zokuzulazula, izimo zendawo nezimpawu zomkhumbi. Ukapteni kanye nesikhulu esiphethe iwashi bazosebenzisana eduze nomshayeli wendiza futhi bagcine ukubheka okunembile kokuma komkhumbi nokuhamba kwawo.

Izikebhe ezi-6 ezibandakanya ukudoba noma ukusesha izinhlanzi:

6.1 Ngokwengeza imigomo ebalulwe entweni 4, lezi zinto ezilandelayo zizocatshangelwa futhi zisetshenzwe kahle yisikhulu esiphethe lelo washi:

.1 Eminye imikhumbi ebamba ukudoba kanye namagiya ayo, izici zokuhamba kwesikebhe sayo, ikakhulukazi ibanga lokuma kwayo nobubanzi bomjikelezo ojikelezayo ngejubane lokuhamba ngomkhumbi nangegiya lokudoba olwandle;

.2 ukuphepha kwabasebenza emphemeni;

.3 imiphumela emibi ekuphepheni komkhumbi kanye nabasebenzi bawo ngokunciphisa ukuzinza kanye nebhodi lamahhala elibangelwe amandla ahlukile aqhamuka emisebenzini yokudoba, ukubamba ukubamba kanye nokuqina, nezimo zolwandle nezulu ezingajwayelekile;

.4 ukuba seduze kwezakhiwo ezingasogwini lolwandle, ikakhulukazi ezindaweni zokuphepha; futhi

Ukuphahlazeka okungu -5 nezinye izithiyo ezingaphansi kwamanzi okungaba yingozi kuzimpahla zokudoba.

6.2 Lapho kugxotshwa ukudotshwa, kuzobhekelwa izidingo ezibalulekile ze-freeboard eyanele, ukuzinza okwanele nobuqotho bokuvimbela amanzi ngaso sonke isikhathi ngesikhathi sohambo oluya echwebeni lokufika, kucatshangelwa ukusetshenziswa kukaphethiloli kanye

izitolo, ubungozi bezimo zezulu ezingezinhle futhi, ikakhulukazi ebusika, ingozi yokuqongelelwa kweqhwa ezindaweni ezingaphezulu noma ezingaphezulu kwezindawo eziveziwe ezindaweni lapho ukuqina kweqhwa kungenzeka khona.

7 Ihange lokubuka:

Ukapteni uzoqinisekisa, ngokubheka ukuphepha komkhumbi kanye nabasebenzi, ukuthi iwashi elifanele ligcinwa ngaso sonke isikhathi kusukela ku-wheelhouse noma emphemeni wemikhumbi yokudoba ihange.

8 Ukugcinwa komsakazo:

Ukapteni uzoqinisekisa ukuthi iwashi elifanele lomsakazo liyagcinwa ngenkathi umkhumbi usolwandle, kumaza afanelekile, kucatshangelwa izidingo zomsakazo Imithethonqubo.

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 343

23 April 2021

## LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Rural Development and Land Reform**  
 Provincial Shared Service Centre: Mpumalanga  
 Directorate: Tenure Systems & Implementation  
 Private Bag X7261  
 Witbank  
 1035 Tel: 013 656 1000

## SCHEDULE

## Applicants:

| No.   | Name and Surname      | Identity Number |
|---|-----------------------|-----------------|
| 1)  | BHUTISHI ELIAS NDULI  | 6302245313089,  |
| 2)  | MONGE JOHANNES JIYANE | 5804155609084,  |
| (Hereinafter referred to as "the Applicants") |                       |                 |

## Property:

| No. | Property Description                        | Locality (District) | Current Title Deed No | Current Owner            | Bonds and Restrictive Conditions (Interdicts) |
|-----|---|---------------------|-----------------------|--------------------------|---|
| 1   | R/E of portion 2 of the farm Klipnek 199 JS | Nkangala            | T147864/2006          | TINA COWLEY FRANCHISE CC |   |



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *Nemabandani*  
 DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 344

23 April 2021

## LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Rural Development and Land Reform**  
 Provincial Shared Service Centre: Mpumalanga  
 Directorate: Tenure Systems & Implementation  
 Private Bag X7261  
 Witbank  
 1035 Tel: 013 656 1000

## SCHEDULE

## Applicants:

| No.   | Name and Surname             | Identity Number |
|---|------------------------------|-----------------|
| 1)  | SIBONANGAYE MATHEW MASHININI | 5211275467080,  |
| (Hereinafter referred to as "the Applicants") |                              |                 |

## Property:

| No. | Property Description                        | Locality (District) | Current Title Deed No | Current Owner   | Bonds and Restrictive Conditions (Interdicts) |
|-----|---|---------------------|-----------------------|-----------------|---|
| 1   | Portion 1 of the farm Boschmanskraal 184 JS | Nkangala            | T34163/1970           | WYK ABRAHAM VAN |   |



for DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: Nemabandani  
 DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 345

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

**The Director General****c/o Deputy Director: Tenure Systems Reform****Department of Rural Development and Land Reform**

Nkangala District Shared Services Centre,

Private Bag X 7201

Witbank

1035,

Fax: (013) 656 03 75 1035,

Tel: (013) 655 1110 Fax: (013) 656 03 752

2nd Floor, Shop no: E8, Saveways Crescent, Cnr OR Tambo &amp; Mandela Street, Die Heuwel.

**SCHEDULE****Applicants:**

| No. | Name and Surname   | Identity Number |
|-----|--------------------|-----------------|
| 1.  | EMMS N SINDANE     | 340208 0122 083 |
| 2.  | JABULANI B MABENA  | 551016 5429 088 |
| 3.  | LINA N MASINA      | 491029 0204 086 |
| 4.  | LIBANA J SIBANYONI | 270520 5108 085 |

**Property:**

| No. | Property Description   | Locality (District) | Current Title Deed No | Current Owner                           | Bonds and Restrictive Conditions (Interdicts) |
|-----|--|---------------------|-----------------------|---|---|
| 1   | Portion 0 (REMAINING EXTENT) of the farm Boschmansfontein 182 IS, 76.3790H | Nkangala            | T367/2019             | 1. RENSBURG JOHANNES ALBERTUS JANSE VAN |   |

  
For ~~DIRECTOR~~ DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
SIGNED BY: Kaun Nenebandu.  
DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 346

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Agriculture, Land Reform And Rural Development**  
 Nkangala District Shared Services Centre,  
 Private Bag X 7261  
 Witbank  
 1035  
 Tel: 013 655 1000

**SCHEDULE****Applicants:**

| <b>No.</b>                                    | <b>Name and Surname</b>   | <b>Identity Number</b> |
|---|---------------------------|------------------------|
| 1.  | SUHLA PETRUS MAHLANGU     | 581030 5522 085,       |
| 2.  | SIKOLO SKOEN MTSWENI      | 300101 6247 087,       |
| 3.  | THUBANE BATSEWU JOHANNES  | 570514 5495 080,       |
| 4.  | MSIZA JOHN MECIWA         | 430929 5272 083,       |
| 5.  | MTSWENI ALBERT BUTANA     | 170902 5092 086,       |
| 6.  | MAHLANGU JOHANNA JUGUJA   | 510208 0404 089,       |
| 7.  | MSIZA PONDO               | 201210 5215 084,       |
| 8.  | SKHOSANA JOHN MAPHEPHA    | 540806 5474 082,       |
| 9.  | THUBANE JAPIE MLOYI       | 180717 5018 087,       |
| 10.   | MSIZA PETRUS MKHUZELWA    | 580626 5649 082,       |
| 11.   | MBESE AMOS THUBANE        | 531111 5400 083,       |
| 12.   | THUBANE JOHANNES VENSELWA | 500306 5203 084,       |
| 13.   | THUGWANE BESABAKHE PETRUS | 520524 5469 085,       |
| 14.   | NKOSI SIMON B             | 360407 5243 085,       |
| (Hereinafter referred to as "the Applicants") |                           |                        |

**Property:**

| No. | Property Description  | Locality (District) | Current Title Deed No      | Current Owner     | Bonds and Restrictive Conditions (Interdicts) |
|-----|---|---------------------|----------------------------|-------------------|---|
| 1   | R/E of Portion 0 and Portion 1 of the farm Wildfontein 420 JS | Nkangala            | T57606/1980<br>T21430/1983 | 1. ATSEUN PTY LTD |   |



For **DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**  
SIGNED BY: *Steen Nemalanden*  
**DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED**

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 347

23 April 2021

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that a claim for Restitution of Land Rights has been lodged on Portion 15 a Portion of Portion 5 of the farm Hartebeesfontein 62 KS situated within the Polokwane Local Municipality, Capricorn District, Limpopo.

The claimant has opted for financial compensation as a form of redress as provided for in the Restitution of Land Rights Act 22 of 1994 (Act No 22 of 1994) as amended

Barend Johannes Venter lodged a land claim on behalf of Theunis Johannes Ezra Bezuidenhout on the property mentioned in the table below on the 18<sup>th</sup> of January 1997.

| PROPERTY   | CURRENT OWNER   | TITLE DEED                       | EXTENT  | BONDS AND RESTRICTIVE CONDITIONS |
|--|---|----------------------------------|---------|----------------------------------|
| Portion 15 a<br>Portion of Portion<br>5 of the farm<br>Hartebeesfontein<br>62 KS | National Government<br>of the Republic of<br>South Africa | T42295/1982PTA<br>T85368/2006PTA | 23.4093 | None                             |

**Take further notice** that the Office of the Regional Land Claims Commissioner: Limpopo is in a process of settling this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within **14** days of publication of this notice, any comment, and/ or objection to this land claim to the Office of the Regional Land Claims Commissioner: Limpopo at the address set out below under reference number **KRP: 439**

**Office of the Regional Land Claims**

**Commissioner: Limpopo**  
Private Bag x9552  
POLOKWANE  
0700

**Submissions may also be delivered to:**

**61 Biccard Street**  
**Corner Grobler & Biccard Streets**  
**POLOKWANE**  
**0700**

  
**L.H MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER**

DATE:

2021/03/21

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 348

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Agriculture, Land Reform And Rural Development**  
 Nkangala District Shared Services Centre,  
 Private Bag X 7261  
 Witbank  
 1035  
 Tel: 013 655 1000

**SCHEDULE****Applicants:**

| <b>No.</b> | <b>Name and Surname</b>     | <b>Identity Number</b> |
|------------|-----------------------------|------------------------|
| 1.         | BALISA JACOB TSHABANGU      | 6810135690085,         |
| 2.         | MARIA NOLANGA NKABINDE      | 5206250855085,         |
| 3.         | KALE PHILMONE SHOBA         | 4501255179080,         |
| 4.         | FRANS MAHLANGU              | 5910125651088,         |
| 5.         | JEREMIA JABULANI MTHIMUNYE  | 5612045648083,         |
| 6.         | JARANI PIET MTSWENI         | 4408015186084,         |
| 7.         | PETRUS MAREDI               | 3603025240084,         |
| 8.         | PIET MAHLANGU               | 5606175481083,         |
| 9.         | GEELBOOI AMOS MAHLANGU      | 4301125437086,         |
| 10.        | MALUBI ALINAH MAREDI        | 5102130456089,         |
| 11.        | WESSMANN MATSHOTSHI SKOSANA | 5201215315085,         |
| 12.        | DAZI MARIAN NKAMBULE        | 4701070275086,         |
| 13.        | DOCTOR JOHANNES MAHLANGU    | 5404245343081,         |
| 14.        | ENOCK NOKKIE SINDANE        | 6009055704083,         |
| 15.        | PETROS D ZULU               | 6808085666089,         |
| 16.        | SAMUELKAMBULA               | 6608165579081,         |
| 17.        | LETTA NKAMBULE              | 5707080434082,         |
| 18.        | SKIPER JOHANNES MAHLANGU    | 6405255622081,         |
| 19.        | ANDRIES JOHANNES MAHLANGU   | 7105025264086,         |
| 20.        | MSATSHANA SOPHIE MAREDI     | 5502090451089,         |
| 21.        | ELLA M MAREDI               | 4612080373085,         |
| 22.        | MZAKHE PIET MTSWENI         | 5001115362082,         |

|   |                            |                |
|---|----------------------------|----------------|
| 23.   | SINGALELE KAFFIER MAHLANGU | 3007205157086, |
| 24.   | TURANE JACOB MAREDI        | 4306055232083, |
| 25.   | ISSAC MALINTWA LETSWALO    | 7202155321081, |
| 26.   | MAPANI SKOSANA             | 4212155390088, |
| 27.   | GARIBATHU ANNA MAKWA       | 5611040360082, |
| 28.   | MOOKI AMOS SKOSANA         | 5005135297087, |
| 29.   | LUCAS MAREDI               | 5209165369085, |
| 30.   | JULY SIBIYA                | 7007055290082, |
| 31.   | BUTI AMOS SINDANE          | 5701025245083, |
| 32.   | STEFANS MAHLANGU           | 6107205539080, |
| 33.   | MBIKWAPHI SARAH SIBIYA     | 4609150251084, |
| 34.   | DAVID SILILO SKOSANA       | 6811235559089, |
| 35.   | KHETHA ANDRIES MTHIMUNYE   | 6311133428084, |
| 36.   | ZULU JORDAN                | 6402265229080, |
| (Hereinafter referred to as "the Applicants") |                            |                |

**Property:**

| No. | Property Description                       | Locality (District) | Current Title Deed No | Current Owner                                   | Bonds and Restrictive Conditions (Interdicts) |
|-----|--|---------------------|-----------------------|---|---|
| 1   | Portion 06 of the farm Leeuwfontein 431 JS | Nkangala            | T31339/1971           | 1. STEELE<br>JOHANNES<br>MARTHINUS<br>STEPHANUS |   |

  
 For **DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**  
 SIGNED BY: Nemstandan  
 DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 349

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Agriculture, Land Reform And Rural Development**  
 Nkangala District Shared Services Centre,  
 Private Bag X 7261  
 Witbank  
 1035  
 Tel: 013 655 1000

**SCHEDULE****Applicants:**

| <b>No.</b>                                    | <b>Name and Surname</b>   | <b>Identity Number</b> |
|---|---------------------------|------------------------|
| 1.  | THOMAS SHABANGU           | 401010 5639 087,       |
| 2.  | MAREMA PAULOS MAREDI      | 530310 5425 089,       |
| 3.  | SELEVI DINAH SKOSANA      | 420313 0266 089,       |
| 4.  | SOPHIE MTHOMBENI          | 350704 0164 080,       |
| 5.  | JUGUJA JOHANNA MAHLANGU   | 510208 0404 089,       |
| 6.  | MBUTSHU MAY ZIMU          | 550218 5464 088,       |
| 7.  | JABULANI WILLIAM SKOSANA  | 610929 5584 083,       |
| 8.  | TSERE DINA SIBANYONI      | 390914 0205 088,       |
| 9.  | JACK DITABA SKOSANA       | 560830 5309 085,       |
| 10.   | KHULANGAYE JOHAN NKAMBULE | 541025 5511 082,       |
|   | GEORGE GITSHA MAHLANGU    | 5902015369082,         |
| (Hereinafter referred to as "the Applicants") |                           |                        |

**Property:**

| No. | Property Description                            | Locality (District) | Current Title Deed No | Current Owner               | Bonds and Restrictive Conditions (Interdicts) |
|-----|---|---------------------|-----------------------|-----------------------------|---|
| 1   | R/E of Portion 4 of the farm Wildfontein 420 JS | Nkangala            | T12912/2016           | 1. STATUTIS TRADING PTY LTD |   |

  
For DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT  
SIGNED BY: Nemagandhi  
DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 350

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

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**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Rural Development and Land Reform**  
 Provincial Shared Service Centre: Mpumalanga  
 Directorate: Tenure Systems & Implementation  
 Private Bag X7261  
 Witbank  
 1035 Tel: 013 656 1000

**SCHEDULE****Applicants:**

| No.   | Name and Surname | Identity Number |
|---|------------------|-----------------|
| 1)  | NEL SKOSANA      | 3503195188081,  |
| (Hereinafter referred to as "the Applicants") |                  |                 |

**Property:**

| No. | Property Description                            | Locality (District) | Current Title Deed No | Current Owner                     | Bonds and Restrictive Conditions (Interdicts) |
|-----|---|---------------------|-----------------------|-----------------------------------|---|
| 1   | R/E of portion 91 of the farm Blinkwater 213 JS | Nkangala            | T38772/2005           | RENSBURG RYKIE<br>PETRO JANSE VAN |   |



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *Nematandeni*

DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 351

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

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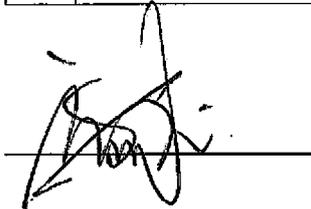
The Director General  
c/o Deputy Director: Tenure Systems Reform  
Department of Rural Development and Land Reform

**SCHEDULE****Applicants:**

| <b>No.</b> | <b>Name and Surname</b>  | <b>Identity Number</b> |
|------------|--------------------------|------------------------|
| 1.         | SPRINGBOK MOKWENA        | 441125 5232 089,       |
| 2.         | JOHANNES MOTAU           | 651216 5661 081,       |
| 3.         | OUPA GEELBOOI MTSWENI    | 650612 5316 083,       |
| 4.         | PETROS SUKAZI            | 680617 5306 087,       |
| 5.         | PETROS MADONSELA         | 560413 5632 085,       |
| 6.         | SIPHO MASINA             | 630701 5637 088,       |
| 7.         | SAMSON NGOMA             | 430116 5274 083,       |
| 8.         | JERRY MABHENA            | 540719 5268 083,       |
| 9.         | AMOS SHONGWE             | 590519 5512 087,       |
| 10.        | JOHANNES NKUNA           | 480529 5458 085,       |
| 11.        | JAPIE MAHLANGU           | 650209 5543 087,       |
| 12.        | LUCAS MAREDI             | 560920 5690 087,       |
| 13.        | RICHARD SIMELANE         | 680828 5484 085,       |
| 14.        | ROY MTHEMBU              | 720911 6095 084,       |
| 15.        | ISAAC NKOSI              | 770515 5594 085,       |
| 16.        | JOSEPH MOSOLODI          | 580503 5333 084,       |
| 17.        | DIVILIOUS NTSHALINTSHALI | 640312 5443 085,       |
| 18.        | JOHANNES MTHOMBENI       | 380125 5194 084,       |
| 19.        | MOSES SHONGWE            | 431120 5327 080,       |
| 20.        | JOHANNES MALAZA          | 610507 5569 088,       |
| 21.        | APRIL RUDOLF SKOSANA     | 760407 5542 086,       |

|     |                      |                  |
|-----|----------------------|------------------|
| 22. | DAVID TWINS ZULU     | 660505 5548 085, |
| 23. | KLEINBOOI SKOSANA    | 440802 5459 083, |
| 24. | ISAAC MPHUTI         | 670606 5638 088, |
| 25. | ISAAC MTHEMBU        | 530501 5623 083, |
| 26. | JEREMIAH M MAVIMBELA | 491229 5201 083, |
| 27. | JEREMIAH MATUNJWA    | 550701 5458 085, |
| 28. | JOHAN CHRISTMAS DUBE | 301225 5378 087, |
| 29. | FANIE SHONGWE        | 761225 5968 088, |
| 30. | GEELBOOI MOTAU       | 380219 5213 083, |
| 31. | GERT JONCERS         | 670901 5144 082, |
| 32. | THOMAS PHOCA         | 580902 5240 085, |
| 33. | DANIEL MASANGU       | 561228 5584 089, |
| 34. | ANDRIES MAREDI       | 650503 5440 082, |
| 35. | LUCAS MOTAU          | 731129 5700 086, |
| 36. | ADAM MTHOMBENI       | 600717 5526 085, |
| 37. | ALBERT MLOTSHWA      | 541008 5539 084, |
| 38. | AARON MASEKO         | 510403 5179 089, |
| 39. | JOSEPH SIBANYONI     | 740920 5520 087, |
| 40. | AARON HLATSHWAYO     | 730520 5289 081, |
| 41. | APRIL MOTAU          | 611224 5341 083, |
| 42. | MOSES MNGOMEZULU     | 780730 5319 080, |
| 43. | JOHN MTHAMBO         | 651020 5539 085, |
| 44. | SHORTIE GABRIEL      | 571023 5199 089, |
|     |                      |                  |

| No. | Property Description  | Locality (District) | Current Title Deed No | Current Owner               | Bonds and Restrictive Conditions (Interdicts) |
|-----|---|---------------------|-----------------------|-----------------------------|---|
| 1   | Portion 12 and R/E of portion 37 of the Farm Driefontein 153 IS | Nkangala            | T771/2012             | ANTON PELSER EIENDOMS TRUST |   |



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *Nemafandani*  
DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 352

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

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**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Rural Development and Land Reform**  
 Provincial Shared Service Centre: Mpumalanga  
 Directorate: Tenure Systems & Implementation  
 Private Bag X7261  
 Witbank  
 1035  
 Tel: 013 655 1000

**SCHEDULE****Applicants:**

| No. | Name and Surname             | Identity Number |
|-----|------------------------------|-----------------|
| 1.  | MPHOLO PIET MTSWENI          | 4305235323085   |
| 2.  | JOHANNES MSONGELWA MASOMBUKA | 3412205147080   |
| 3.  | JOHANNES JOHN MAHLANGU       | 5812235339085   |
| 4.  | MSINDO WELLEM MAHLANGU       | 4004165836085   |
| 5.  | JABULANI ABEL NKOSI          | 5903045396083   |
| 6.  | APRIL RAMKAT SIBANYONI       | 6711035425087   |
| 7.  | ABHAM NTAYI SIBANYONI        | 6408285542089   |
| 8.  | MALANGENI JEREMIAH MASOMBUKA | 4309125327081   |
| 9.  | THIMOTY JOHN MASEKO          | 3606165344087   |
| 10. | ISAAC JABU MAHLANGU          | 6610075412080   |

(Hereinafter referred to as "the Applicants")

**Property:**

| No. | Property Description                                 | Locality (District) | Current Title Deed No | Current Owner                                 | Bonds and Restrictive Conditions (Interdicts) |
|-----|--|---------------------|-----------------------|---|---|
| 1   | Portion 4 of the farm Driefontein 372 JS, 625.2998ha | Nkangala            | T10695/2012           | 1. REYNDERS<br>HENDRIK<br>JOHANNES<br>JACOBUS |   |



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: Kevin Nwanda  
DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 353

23 April 2021

**LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

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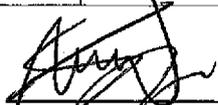
**The Director General**  
**c/o Deputy Director: Tenure Systems Reform**  
**Department of Agriculture, Land Reform And Rural Development**  
 Nkangala District Shared Services Centre,  
 Private Bag X 7261  
 Witbank  
 1035  
 Tel: 013 655 1000

**SCHEDULE****Applicants:**

| No.   | Name and Surname          | Identity Number |
|---|---------------------------|-----------------|
| 1.  | MABIZO AARON SKOSANA      | 2506285107086,  |
| 2.  | LUKAS BALENI              | 5810115287085,  |
| 3.  | AARON MTSWENI             | 6805045332083,  |
| 4.  | MONYANGENI SAMSON MASANGO | 4105165206080,  |
| 5.  | KOKONI SAMUEL MTSWENI     | 5207215498089,  |
| 6.  | ELIAS BOETIE SIBANYONI    | 6212245487082,  |
| (Hereinafter referred to as "the Applicants") |                           |                 |

**Property:**

| No. | Property Description                                 | Locality (District) | Current Title Deed No | Current Owner                 | Bonds and Restrictive Conditions (Interdicts) |
|-----|--|---------------------|-----------------------|-------------------------------|---|
| 1   | R/E of Portion 02 of the farm Springboklaagte 416 JS | Nkangala            | T7441/2010            | 1. MAFUBE COAL MINING PTY LTD |   |

  
 For **DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**  
 SIGNED BY: Hean Nematshali  
 DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

## DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 354

23 April 2021



*competition***commission**  
*south africa*

## CONCLUSION OF THE LAND BASED PUBLIC PASSENGER TRANSPORT MARKET INQUIRY

**March 2021**

### SUMMARY OF THE FINDINGS AND RECOMMENDATIONS

#### Background

1. On 10 May 2017, the Competition Commission (the Commission), in exercising its powers under Section 43B of the Competition Act No 89 of 1998 (the Act), published a notice that it would conduct a Market Inquiry into the land-based public passenger transport sector (the Inquiry). The Terms of Reference (ToRs) for the Inquiry were also gazetted on the same day. The Commission has identified the public passenger transport sector to include road and rail based public passenger transport, as relevant to this Inquiry. The modes of transport covered in the ToRs are buses (excluding cross-border services), taxis (minibus, metered taxis, e-hailing) and commuter rail (excluding tourist rail).
2. The Inquiry was initiated because the Commission was of the view that there are features, or a combination of features, in the passenger public transport sector that were distorting or inhibiting competition. The Commission made this assessment based on several complaints in the industry, as well as complaints lodged with the Commission by some stakeholders.

3. In addition, the transport sector is one of the priority sectors of the Commission. South Africans spend a significantly high proportion of disposable income on public transport (over 20 per cent) against a benchmark of 10 per cent for developing countries. The implication is that any resolution on identified impediments in the public transport sector may have benefits in the long run.
4. Public transportation is also key to sustainable economic growth in any country. Developing and maintaining transport infrastructure and providing an effective and efficient public transport system can create employment, improve efficiency across the economy, and ensure sustainable development by reducing carbon emissions from private vehicles in congested urban spaces. Statistics South Africa (2015) highlights that minibus taxis are the most commonly used mode of public transport in South Africa, accounting for 66.5 per cent of households that use public transport. The bus and rail modes account for 23.6 per cent and 9.9 per cent, respectively.
5. Government has also dedicated Outcome 6 to promoting, “an efficient, competitive and responsive economic infrastructure network”. Transport-related infrastructure and mobility of commuters contribute to the achievement of Outcome 6. Different spheres of government play a role in pursuit of achieving Outcome 6, as will be elaborated in this report.
6. The ToRs identified the central role of public transport in providing meaningful mobility for most of the population, in pursuit of economic participation. The ToRs identified the following broad themes as the rationale for initiating the Inquiry:
  - 6.1. Price setting mechanisms: Analysing different price setting mechanisms for all modes of public transport and their impact on competition;
  - 6.2. Price regulation: Examining applicable price regulations and their impact on competition;
  - 6.3. Route allocation, licensing and entry regulations: Assessing the impact of regulations, including route allocation, licensing and entry requirements on intermodal and intramodal competition;
  - 6.4. Allocation of operational subsidies: Assessing the impact of operational subsidies on some modes of public transport, and its impact on both intramodal and intermodal competition;
  - 6.5. Transport planning: Evaluating the impact of government’s transport planning framework on dynamism, efficiency and competition; and

- 6.6. Transformation: Assessing transformation issues, including ownership patterns in the public transport industry.
7. The reports have been separated for ease of articulation - the main report focuses on the traditional markets (i.e. minibus, bus and rail), whilst the second report has a specific focus on e-hailing and metered taxi services. The Commission is of the view that the dynamics of competition between the metered taxis and e-hailing services are driven largely by technological developments.

## **MAIN REPORT FINDINGS AND RECOMMENDATIONS**

8. The full report with all findings and recommendations can be accessed from the Competition Commission's website at <http://www.compcom.co.za/wp-content/uploads/2021/04/PTMI-Non-Confidential.pdf>

### **Major Findings**

#### **Is public transport in South Africa considered as a network or system?**

9. The Commission finds that there is lack of integration in the public transport system and this is worsened by the persistent inequality between modes (i.e. minibus taxi and BRT) and within modes (i.e. Gautrain and Metrorail). The stark differences in infrastructure investment, service levels and quality standards in the modes is an impediment to integration. The differences in service levels further deepens the socioeconomic divide in the society, as public transport is now catering for different classes.
10. Another example of the lack of integration is in the provision of rail services by both Metrorail and Gautrain in Gauteng. This is not an efficient utilisation of limited government funding, as both services are subsidised. Metrorail is operated at a national level and Gautrain at a provincial level, and ideally commuter rail should be provided by one entity at lower levels of government to derive economies of scale and foster integrated planning.
11. Integration of transport modes has not yet been achieved in South Africa, and this is further exacerbated by the way subsidies are transferred to the different spheres of government.

### **Impact of spatial planning on public transport**

12. The system of apartheid in South Africa left a legacy of social segregation which resulted in black people settling far away from economic hubs. Spatial planning problems are still

lingering in the democratic South Africa, because of limited land available closer to economic opportunities.

13. Subsidies more broadly assist workers to reach places of work, and this has inherently created two peak periods in the day – morning and evening peak – with idle capacity during off-peak. The problem with only two peak periods in a day is that this results in inefficiencies in the subsidy framework, as the assets are idle during off-peak periods.

**What informs the current subsidy regime?**

14. Government currently does not have a subsidy policy which provides justification for some modes of transport being subsidised while others are not. The Commission notes the effort by government to change the subsidy framework through the development of the subsidy policy.
15. Different subsidies are allocated to different spheres of government and given the intergovernmental coordination failures, value for money is compromised (from duplicated effort due to lack of integration), and economies of scale from a planning perspective is lost. Other modes of transport are subsidised while others are not.
16. For instance, the Commission finds that the IRPTN/BRT system in its current format has led to several inefficiencies, due to low passenger numbers. This results in under-recovery of revenue. In some instances, wrong corridors were chosen for the first phase of the implementation of the IRPTN system. The chosen corridors had low density routes, and low passenger volumes. In some cities, it is evident that no feasibility studies or needs assessments were conducted to justify the implementation of the system.
17. For contracted commuter bus services, provinces are entrusted with the responsibility for managing the contracts. During the transition from the apartheid regime, government continued with the bus contracts. As a provisional measure, before the finalisation of the contracting system, government signed interim contracts with bus operators that were already part of the subsidy system. However, the majority of these contracts have now been in existence for over 21 years without being put on tender.
18. Commuter rail is subsidised across the world for economic, social and environmental reasons. In South Africa, Metrorail services are considered a social service and are thus provided in the interest of the public. However, Metrorail is inefficient in the provision of urban rail commuter services. There are several challenges that constrain the quality of the

service – including continuous breakdown of trains, unreliable services, and fare evasion by passengers.

19. Contrary to the social service provided by Metrorail, the main objective of the Gautrain was to reduce traffic congestion in Gauteng, thus providing an alternative for private motor vehicle users. Gautrain provides a superior service that benefits a smaller proportion of the commuters, despite significant subsidies provided by government. Rail (both Gautrain and Metrorail) accounts for around 9.9 per cent of commuters yet receives substantial support from government.

#### *Breakdown of subsidy allocation*

20. The minibus taxi industry accounts for approximately 66.5 per cent of commuters, buses 23.6 per cent, and rail 9.9 per cent. There is a skewed relationship between ridership levels and subsidy funding. For instance, minibus taxis only receive 1 per cent of the total subsidy in the form of capital subsidy (taxi recapitalisation).

#### **Regulatory failures compromising minibus taxi operations**

21. The top concern from the taxi industry is that subsidies skew competition in favour of the subsidised services as well as route allocation challenges which fuels violence. Approval of operating licences on routes is primarily the responsibility of the Provincial Regulatory Entities (PREs) with the directives from municipalities (planning authorities). There are significant backlogs in applications and the general time period for the issuing of operating licences is approximately 9 to 18 months in some provinces, as opposed to the 60 days stipulated in the National Land Transport Act.
22. Conflict over routes has plagued the minibus taxi industry for many years. Submissions from the industry indicate that there is currently no framework to guide planning authorities and the PREs in the allocation of new routes arising from the development of new residential areas or shopping malls.

#### **Interprovincial bus services**

23. The Commission finds that certain practices in the provision of interprovincial bus services limit, distort and/or prevent competition between bus operators, for example, abuse and exploitation by large established bus operators to object to applications by new and existing players that try to expand.
24. Interprovincial bus services require access to terminal facilities. PRASA manages most of the terminals in the country, and provides access to these facilities through its division,

PRASA CRES. PRASA is vertically integrated as it runs most of the bus terminal facilities and also active in the interprovincial bus services through its subsidiary Autopax Passenger Services (SOC) Ltd (Autopax). Autopax operates two brands, City to City and Translux.

25. PRASA's presence in (both) the provision of intermodal terminal facilities and the provision of interprovincial bus services is undesirable. Between March 2017 and July 2019, the Commission received five complaints from interprovincial bus operators concerning allegations of, among other things, excessive access fees charged by PRASA for access to loading bays at Park Station. The Commission duly investigated the complaints and found that PRASA has contravened sections 8(1)(c), 8(b) and 8(a) of the Act. Based on these findings, on 07 February 2020, the Commission referred the five complaints to the Competition Tribunal for determination.
26. Based on the information gathered during the Inquiry, the Commission finds that:
  - 26.1. Autopax has the largest debt compared to other operators.
  - 26.2. The Commission has established that Autopax's semi-luxury brand, City to City, has been allocated an exclusive loading area and ticketing office, by PRASA CRES, at Park Station.
  - 26.3. The Commission finds that PRASA constantly provides financial support and bailouts to Autopax which may impact competition.
27. PRASA's ownership of Autopax creates perverse incentives, as PRASA always tries to safeguard and protect the interests of Autopax even in instances where it is not economically justifiable to do so. The interprovincial bus services market is competitive, and the continuous protection and/or bailing out of Autopax seems unjustifiable.

### **Transformation**

28. The Commission's findings in relation to transformation are, there is no or limited transformation within the public transport industry across the value chain (financing, manufacturing, fuel supply etc). Upstream levels of the value chain, such as financing and manufacturing, are not transformed. At an operational and ownership level, the minibus taxi businesses are majority Black-owned.

### **FINAL RECOMMENDATIONS**

29. The Commission published provisional recommendations in February 2020 for public comments. Having considered the comments from stakeholders, the Commission has

identified final recommendations which will improve the functioning of the public transport system.

30. The relationship between PRASA and Autopax raises several concerns for the interprovincial bus industry. It is recommended that DOT must address the conflict of interest between PRASA CRES and Autopax. This can be achieved through, among others, a complete structural separation between the entities. Furthermore, PRASA CRES should ensure that all bus operators are treated in a non-discriminatory manner.
31. The perpetual extension of subsidised bus contracts, without going out on tender, inhibits competition. Where contracts are put out on tender, government (provincial transport departments or the DOT) should consider breaking some of the contracts into smaller contracts in order to create opportunities for new entrants and smaller bus operators. Small and local bus operators should be given preference, given the incumbency advantages enjoyed by the existing large bus operators.
32. To promote the use of public transport as an integrated system and improve coordination, the Commission recommends:
  - 32.1. The establishment of dedicated transport authorities at provincial or metropolitan or district or municipal level, where appropriate.
  - 32.2. Government (national and provincial government) and SALGA to create capacity at local government level to ensure that transport planning is prioritised by municipalities.
33. To facilitate proper functioning of commuter rail services, foster coordination in the rail sector (especially in Gauteng), and improve efficiencies through economies of scale, the Commission recommends the following:
  - 33.1. DOT to develop a policy that ensures efficiency and integrated planning in commuter rail services. This policy may include, among others, integration of Metrorail and Gautrain in Gauteng.
  - 33.2. The DOT and National Treasury should explore alternative funding sources to deal with infrastructure backlogs and new rail infrastructure investments.
34. The Commission notes that government, through the DOT, is currently in the process of developing the subsidy policy. The Commission recommends that the subsidy policy be finalised and consider the following:

- 34.1. Address fragmented subsidies in the public transport sector to improve coordination and correct the skewed distribution of subsidies between urban and rural areas.
  - 34.2. Equitable allocation of subsidies to the taxi industry and rural bus operators.
  - 34.3. Prescribe the conclusion of negotiated contracts (as opposed to tendered contracts) with small bus operators. The negotiated contracts awarded to small bus operators should account for a minimum of 30 per cent of all contracts, and progressively increase over time.
35. With respect to the BRT/IRPTN implementation, the Commission recommends that DOT and National Treasury, should do a complete review of the BRT/IRPTN model taking into account long-term fiscal and financial sustainability; suitability of the model in smaller cities; and inclusion and participation of the minibus taxi industry. In addition, DOT should consider reviewing the 12-year BOC/VOC model, or undertake a study to evaluate if the 12-year model promotes transformation and empowerment.

#### **E-HAILING AND METERED TAXIS REPORT**

36. The full report with all findings and recommendations can be accessed from the Competition Commission's website at <http://www.compcom.co.za/wp-content/uploads/2021/04/PTMI-Non-Confidential.pdf>

#### **Findings**

37. The entry of e-hailing services into South Africa disrupted the business model of metered taxis. The growing popularity of e-hailing services also caught regulatory authorities off-guard, as e-hailing services do not fall under the conventional regulatory framework. Despite the entry of e-hailing services, metered taxis were slow to respond and found it difficult to create their own digital platforms.
38. Digital platforms, such as e-hailing services, thrive on network effects or network externalities. Strong network effects increase barriers to entry into platform markets, because of the "winner takes all" or "winner takes most" phenomenon. The brand loyalty and first-mover advantages enjoyed by pioneers of e-hailing services make it difficult for metered taxi companies – or operators – to launch apps that can successfully compete with established brands.
39. Given these barriers faced by metered taxis and the nature of platform markets, which strive for economies of scale and network effects, metered taxi operators found it very difficult to compete with e-hailing services. The basis for the lack of competition arises from factors such as area restrictions and pricing dynamics, which will be discussed below.

### The impact of area restrictions and price regulation on competition

40. The practice note by the DOT makes provision for e-hailing operators to be licensed as metered taxi operators, whilst the National Land Transport Amendment Bill is being considered. At an operational level, metered taxis comply with the legislative restrictions imposed on their licences and operate within the defined radius. In the case of e-hailing services, the radius is not adhered to, because the app used by e-hailing operators allows operators to connect to the nearest passenger outside their municipal boundaries in violation of the licence conditions. The Amendment Bill formalises the distinction between metered taxis and e-hailing operators creating an uneven competitive environment. This distinction is in respect of operational areas (defined for metered taxis vs no restrictions for e-hailing services) as well as price regulation (regulated for metered taxis vs no regulation for e-hailing services).
41. Metered taxi operators have two ways of setting prices (i) regulated fares and (ii) fares determined by the local metered taxi association. The NLTA makes provision for the MEC or Minister, in consultation with the relevant authority, to determine a fare structure for metered taxis. E-hailing services, on the other hand, have adopted a market-based approach in which the fares are determined by the forces of demand and supply.

### Recommendations

42. The Commission recommends that the regulatory framework for e-hailing and metered taxis should be uniform to create an even competitive environment. The regulatory dispensation in the Amendment Bill for e-hailing services should be extended to metered taxis in respect of the following:
- 42.1. The Amendment Bill does not impose any area restrictions for e-hailing services and this should be extended to metered taxis to create an even competitive environment.
- 42.2. The Amendment Bill does not regulate fares for e-hailing services and therefore, the Commission recommends that the legislature delete Section 66(3) of the NLTA which allows MEC or Minister together with the planning authority to determine a fare structure for metered taxi services. No price regulation for metered taxis is recommended as the Amendment Bill does not regulate e-hailing fares. This is essential to create an even competitive landscape.
43. **On backlogs of operating licences**, the Commission recommends that capacity at PREs and planning authorities be increased and all existing applications for operating licences.

44. **On empowering metered taxis and e-hailing operators** - metered taxi associations and e-hailing operators should be empowered to represent the interests of the industry in the following manner:
- 44.1. The DOT and PREs should assist the industry to establish a national association of metered taxis and e-hailing operators.
  - 44.2. DOT should assist metered taxis in conducting market research studies, business development, innovation which includes the development and deployment of technology to modernise the metered taxi industry.

#### **ACCESS TO THE FULL REPORT**

45. The full report with all findings and recommendations can be accessed from the Competition Commission's website <http://www.compcom.co.za/wp-content/uploads/2021/04/PTMI-Non-Confidential.pdf>

## DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 355

23 April 2021

**NOTICE IN TERMS OF SECTION 79(3) OF THE COMPETITION ACT 89 OF 1998, AS AMENDED****Draft Guidelines on local procurement in the implementation of the South African Value Chain Sugarcane Master Plan to 2030**

The Competition Commission (“**Commission**”) hereby, in terms of section 79(3) of the Competition Act No. 89 of 1998 (as amended) (“**Act**”), issues draft guidelines on local procurement in the implementation of the South African Value Chain Sugarcane Master Plan to 2030, for public comment.

The Commission invites interested parties to submit written representations on the draft guideline in terms of section 79(3) of the Act within 30 business days from date of publication of this notice in the Government Gazette.

The Draft Guidelines on local procurement in the implementation of the South African Value Chain Sugarcane Master Plan to 2030 is attached hereto and can also be downloaded from [www.compcom.co.za](http://www.compcom.co.za).

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**CLOSING DATE FOR SUBMISSION OF COMMENTS: 7 JUNE 2021**

File Plan Ref Number: **CM Proiect**



**competition**commission  
south africa

**Guidelines on local procurement in the  
implementation of the South African Value Chain  
Sugarcane Master Plan to 2030**

15 April 2021

Draft

## 1. PREFACE

These Guidelines have been prepared in terms of section 79(1) of the Competition Act No. 89 of 1998 (as amended) (“the Act”) which authorises the Competition Commission (“Commission”) to prepare and issue guidelines to indicate its policy approach on any matter falling within its jurisdiction in terms of the Act. These Guidelines are not binding on the Commission, the Competition Tribunal or the Competition Appeal Court in the exercise of their respective functions in the interpretation of the Act.<sup>1</sup> However, any person interpreting or applying the Act is obliged to take this Guidelines into account.<sup>2</sup>

The purpose of these Guideline is to provide guidance to the sugar industry on collaboration in the implementation of industry commitments to increasing sourcing of local sugar as contemplated in the South African Sugarcane Value Chain Master Plan to 2030 (“the Sugar Master Plan”). On 23 June 2020, the Minister of Trade, Industry and Competition, after consultation with the Minister of Agriculture, Land Reform and Rural Development, granted a designation to the sugar industry in terms of section 10(3)(b)(iv) of the Act for a period of 12 months, commencing on 1 July 2020. The designation is aimed at providing support to the economic development, growth, transformation and stability of the sugar industry in line with the objectives of Sugar Master Plan.

Subsequently, on 16 October 2020, the Commission granted an exemption to the South African Sugar Association (“SASA”), a statutory body established in terms of section 2(1) of the Sugar Act No.9 of 1978, as amended, to enable its members to collaborate in the implementation of the Sugar Master Plan, subject to certain conditions. SASA’s members comprise of the South African Sugar Millers’ Association, the South African Cane Growers Association and the South African Farmers Development Association. As a result, the exemption granted by the Commission only covers the production and milling value chains of the sugar industry.

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<sup>1</sup> Section 79(2)(b) of the Act.

<sup>2</sup> Section 79(4) of the Act.

A key element of the social compact in respect of the commitment to restore the local market and off-take commitments in the Sugar Master Plan is that retail, wholesale and industrial sugar customers, in support of the goals of stabilising and restructuring the sugar industry, will commit to increased sourcing of locally produced sugar for a period of three years.

However, collaboration by retail, wholesale and industrial sugar customers in the implementation of the Sugar Master Plan did not form part of SASA's exemption application to the Commission. Consequently, these Guidelines seek to provide guidance to the sugar industry on collaboration in delivering on industry commitments to increasing sourcing of locally produced sugar in the *implementation* of the Sugar Master Plan. The Commission may from time to time update these Guidelines when necessary.

## 2. DEFINITIONS

Unless the context indicates otherwise, the following terms are applicable to these Guidelines-

- 2.1. **"The Act"** means the Competition Act No. 89 of 1998, as amended;
- 2.2. **"Aggregated information"** means information which does not identify an individual firm's competitively sensitive information;
- 2.3. **"Competitively sensitive information"** means information that is important to rivalry between competing firms and likely to have an impact on one or more of the dimensions of competition (price, output, quality, and innovation). Competitively sensitive information includes, *inter alia*, prices, customer lists, production costs, sales volumes, capacities, investments;
- 2.4. **"The Commission"** means the Competition Commission, a juristic person established in terms of section 19 of the Act empowered to investigate, control and evaluate competition matters in South Africa in accordance with the Act;

- 2.5. **“Disaggregated information”** means information which identifies an individual’s firm’s competitively sensitive information;
- 2.6. **“The DTIC”** means the Department of Trade, Industry and Competition.
- 2.7. **“Firm”** includes a person (juristic or natural), partnership or a trust. This may include a combination of firms that form part of a single economic entity, a division and/or a business unit of a firm; and
- 2.8. **“Guidelines”** mean these guidelines which have been prepared and issued in terms of section 79(1) of the Act.
- 2.9. **“Independent Facilitator”** means a person or firm with no direct or indirect commercial links or otherwise with the industry or the concerned firm, appointed to facilitate the sharing of competitively sensitive information between the DTIC and the industry or the concerned firm.
- 2.10. **“The Minister”** means the Minister of Trade, Industry and Competition;

### 3. INTRODUCTION

- 3.1. According to the Sugar Master Plan the sugar industry is presently in a crisis and is facing a “perfect storm” driving accelerated decline in the industry over the last few years as a result of a number of factors that have combined to reduce local demand in the Southern African Customs Union (SACU) for sugar from 1.65 million to 1.25 million tons per annum, forcing increased exports into a global market where prices are below the local cost of production. Increased exports now mean the industry has to absorb losses of approximately R 2 billion per year.
- 3.2. Due to the nature of the immediate crisis facing the sugar industry, which threatens significant job losses in some of the most vulnerable areas of the country, and may result in the exit from the market of a significant number

of players in the industry including small scale growers and independent millers, the Sugar Master Plan was required to deliver a social compact aimed at, among other things, securing agreement amongst all stakeholders on a intervention plan to pull the industry back from the precipice of collapse.

3.3. The Sugar Master Plan has four main strategic objectives:

3.3.1. To stem the industry decline to preserve 2019 job numbers (estimated 65 000 jobs), and over the long run grow jobs again in a diversified industry based on sugarcane;

3.3.2. Restructure and rebalance industry capacity to reduce inefficiencies, reduce costs and restore competitiveness, reduce reliance on tariff protection and to set the foundations for diversification;

3.3.4. Transformation through inclusive and broad-based participation in the value chain for workers, black and women farmers and black industrialists; and

3.3.5. Invest in globally competitive and sustainable diversified sugarcane-based value-chains.

3.4. The designation granted by the Minister in terms of section 10(3)(b)(iv) of the Act and subsequent the exemption granted by the Commission, is aimed at creating an enabling framework for the sugar industry to *implement the objectives* of the Sugar Master Plan. Although the designation granted by the Minister relates to the sugar industry broadly, only SASA, representing the interests of producers and millers, has applied to the Commission for an exemption. As a result, the exemption granted by the Commission only applies to producers and millers.

- 3.5. However, the Sugar Master Plan accords an important role to downstream players in the sugar industry in the initiative to turn-around the possible collapse of the South African sugar industry. In terms of *Action Commitment 1: restore the local market and off-take commitments*, retail, wholesale and industrial sugar customers, in support of the goals of stabilising and restructuring the sugar industry, committed to **increased sourcing of locally produced sugar** for a period of three years as follows:
- 3.5.1. In year 1, the goal is to restore back to the local market at least 150,000 tons of sugar demand to the local industry in support of which, users commit to sourcing at least 80% of all sugar requirements from the local sugar industry.
- 3.5.2. Increased procurement of locally produced sugar will rise through years 2 and 3 such that by year 3, the goal is that at least 300,000 tons of sugar demand will have been restored to the local sugar industry, in support of which users commit to sourcing at least 95% of all sugar requirements from the local sugar Industry.
- 3.5.3. Increased procurement of local sugar by users beyond year 1 is subject to fulfilment of Master Plan commitments by the other social partners, and is further subject to (1) the threshold exemption level, (2) the rate, and (3) the scope of application of the Health Promotion Levy remaining unchanged from the status quo as at 28 February 2020.
- 3.6. The Sugar Master Plan details and sets out specific stakeholder commitments by retailers and wholesalers, industrial users, the sugar industry, and government to achieve the objective of increasing local sugar procurement.
- 3.7. The achievement of commitments to increase the procurement of locally produced sugar as contemplated in the Sugar Master Plan may require industry collaboration.

#### 4. PURPOSE

- 4.1 These Guidelines are aimed at providing guidance to the sugar industry and government on how the industry can collaborate in implementing the local procurement commitments contained in the Sugar Master Plan in a manner that does not raise competition concerns.
- 4.2 In view of the fact the process of implementation of the Sugar Master Plan is dynamic and iterative in nature, to the extent that other issues may arise in the implementation of the Sugar Master Plan which are not covered in these Guidelines, specific guidance on those issues may be sought from the Commission.

#### 5. LEGAL FRAMEWORK

- 5.1 The legal framework for assessing agreements on collaboration among competitors is found in section 4(1) of the Act. Section 4(1) of the Act states as follows:

*“4. Restrictive horizontal practices prohibited*

*(1) An agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if –*

*(a) It has the effect of substantially preventing, or lessening, competition in a market, unless a party to the agreement, concerted practice, or decision can prove that any technological efficiency or other pro-competitive gain resulting from it outweighs that effect; or*

*(b) it involves any of the following restrictive horizontal practices:*

*(i) directly or indirectly fixing a purchase or selling price or any other trading condition;*

- (ii) dividing markets by allocating customers, suppliers, territories, or specific types of goods or services; or*
- (iii) collusive tendering.”*

- 5.2 Section 4(1)(a) of the Act prohibits an agreement between competitors that has the effect of substantially preventing or lessening competition, unless a party to the information exchange can prove efficiency benefits that arise from the information exchanged.
- 5.3 Section 4(1)(b) of the Act outright prohibits an agreement that involves:
- 5.3.1. the direct or indirect fixing of a purchase or selling price or any other trading condition;
  - 5.3.2. the dividing of markets by allocating customers, suppliers, territories, or specific types of goods or services; and
  - 5.3.3. collusive tendering.
- 5.4 The main difference between section 4(1)(a) and section 4(1)(b) is the opportunity given to parties in terms of section 4(1)(a) to put up an efficiency justification.
- 5.5 Section 4(1)(b) provides for an outright prohibition when an agreement results in the conduct listed under section 4(1)(b) and there is no opportunity for raising efficiency, pro-competitive or technological gains as a defence to the alleged anti-competitive conduct.

## **6 FRAMEWORK FOR COLLABORATION ON LOCAL SUGAR PROCUREMENT**

- 6.1 As discussed in section 3, the Sugar Master Plan sets out a three-year procurement plan for increasing the sourcing of local procurement of sugar with the object of securing the local procurement of at least 150 000 tons in

year 1, increasing in year 2 and restoring at least 300 000 tons in year 3. In order to achieve the 150 000 tons in year 1, retailers, wholesalers and industrial users have committed to sourcing at least 80% of all sugar requirements from the local industry. Similarly, in order to achieve the 300 000 tons in year 3 retailers, wholesalers and industrial users have committed to sourcing at least 95% of all sugar requirements from the local industry.

6.2 In the implementation of the three-year procurement plan, the sugar industry commitments made in the Sugar Master Plan necessarily have to be translated in two categories of local procurement targets:

6.2.1 The first category is industry local procurement targets; and

6.2.2 The second category is individual firm local procurement targets.

*The process of setting industry local procurement targets*

6.3 The process of setting industry local procurement targets may require discussions among sugar users. These discussions must be led by the DTIC or an independent facilitator appointed by the DTIC. No competitively sensitive-information or disaggregated information must be shared or discussed among users in the collective discussions on industry local procurement targets. Only aggregated information on the percentage and volumes of industry targets on local procurement can be shared and discussed among sugar users. The participation by sugar users in the discussions on industry local procurement targets in the implementation of the Sugar Master Plan does not amount to a contravention of section 4(1) of the Act.

6.4 The final industry targets must be determined by the DTIC or a facilitator appointed by the DTIC. In determining the industry targets, the DTIC or a facilitator appointed by the DTIC may obtain competitively-sensitive

information on a bilateral and confidential basis separately from each individual user, and this individual user information may not be shared or discussed in the collective discussions among sugar users.

- 6.5 Sugar users must not engage in collective procurement of sugar from suppliers and such conduct may constitute a contravention of section 4(1) of the Act. To the extent that a need has been identified for collective procurement among a specific category of users such as small retailers and small independent wholesalers to optimise procurement efficiencies, an exemption must be sought from the Commission in terms of section 10 of the Act.

*The process of setting individual firm local procurement targets*

- 6.6 The process of setting individual firm local procurement targets in the implementation of the Sugar Master Plan must be conducted on a bilateral and confidential basis between the DTIC or an independent facilitator appointed by the DTIC and the individual sugar user.
- 6.7 The DTIC or an independent facilitator appointed by the DTIC may obtain competitively-sensitive information from an individual user for the purpose of reaching an agreement with the user on its local procurement target, and this information may not be shared with other market participants. An agreement between the DTIC and a user on its individual local procurement targets does not amount to a contravention of section 4(1) of the Act.
- 6.8 Progress reports on the achievement of milestones set out in the individual firm's local procurement plan in the implementation of the Sugar Master Plan must be submitted to the DTIC on a bilateral and confidential basis.

*Demand forecasting*

- 6.9 The Sugar Master Plan also includes industry commitments to providing timeous demand forecasting guidance to sugar suppliers to facilitate sugar industry planning against local sugar availability and supply commitments.
- 6.10 Individual firm demand forecasts must be provided on a bilateral and confidential basis to the DTIC or an independent facilitator appointed by the DTIC. The DTIC or its appointed facilitator must aggregate the individual firm demand forecasts.
- 6.11 The demand forecasting guidance provided to suppliers by the DTIC or an independent facilitator appointed by the DTIC must only contain aggregated information and must not contain users' individual procurement plans and information.

## 7 CONCLUSION

- 7.1. These Guidelines set out the Commission's approach to collaboration in the implementation of the sugar industry commitments to increasing local procurement of sugar in support of the objective of stabilising and restructuring the sugar industry within the context of the implementation of the Sugar Master Plan. In accordance with the provisions of section 79(4) of the Act, the Commission will not regard the collaboration on local sugar procurement which is conducted in accordance with these Guidelines as a contravention of section 4(1) of the Act.
- 7.2. These Guidelines do not set out all the permutations of collaboration that may be required to increase local procurement of sugar and do not fetter the discretion of the Commission to consider other forms of collaboration on local procurement on a case-by-case basis, considering the market context and the nature of the collaboration.

- 7.3. Should market participants be uncertain as to whether any other collaboration on increasing local procurement of sugar may potentially contravene the Act, they may approach the Commission for further guidance.

## **8. EFFECTIVE DATE AND UPDATES**

These Guidelines become effective on the date of publication in the Government Gazette and may be updated by the Commission when necessary.

DRAFT

## DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 356

23 April 2021

## COMPETITION COMMISSION

## NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): SOUTH AFRICAN PETROLEUM INDUSTRY ASSOCIATION GRANTED CONDITIONAL EXEMPTION

On 22 December 2015, the South African Petroleum Industry Association ("SAPIA") and its members applied to the Competition Commission of South Africa ("Commission") in terms of section 10(1)(b) of the Competition Act 89 of 1998, as amended ("the Act") to be exempted from certain provisions of section 4 of the Act ("2015 Exemption"). The exemption was sought for a period of 5 (five) years from 1 January 2016 ending on 31 December 2020.<sup>1</sup>

Notice is hereby given in terms of section 10(7) of the Act that the Commission has extended the 2015 Exemption for a further period of 3 (three) months, from 1 April 2021 up to and including 30 June 2021 and on the same terms and conditions as published in Government Gazette No.34651 of 7 October 2011.

The exemption granted by the Commission covers a wide range of agreements and practices which, according to SAPIA, are required to ensure the continuity and stability of liquid fuels supply to various sectors and geographic locations of the South African economy. In particular, the exemption covers agreements and practices in the petroleum and refinery industry which are considered by the Commission to be in contravention of sections 4(1)(a) and (b) of the Act. SAPIA based its application on the premise that the aforesaid agreements and practices are required to obtain the objective set out under section 10(3)(b)(iv) of the Act.

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<sup>1</sup> See Commission Case Number 2015Dec0741

The Commission has previously, in response to the above mentioned application, granted SAPIA a conditional exemption in terms of section 10(2)(a) of the Act for a period of 6 (six) months starting from 01 January 2016 and ending on 30 June 2016. Following the expiry of this short-term conditional exemption, the Commission has extended such exemption several times with the last one ending on 31 March 2021.

This is after the Minister of Economic Development designated the petroleum and refinery industry for a period of 6 (six) months starting from 01 January 2016 ending on 30 June 2016, which was extended to 31 December 2016, 31 December 2017; 31 March 2018; 30 September 2018; 31 March 2019, 30 June 2019, 31 December 2019, 31 December 2020 and further to 31 March 2021.

The Minister of Trade, Industry and Competition has subsequently granted the petroleum industry a 3 (three) month extension in respect of its designation status ending 30 June 2021.

SAPIA or any other person with substantial financial interest affected by this decision may appeal it to the Competition Tribunal in the prescribed manner in terms of section 10(8) of the Act.

Further queries should be directed to either Mr. Marlon Dasarath at [MarlonD@compcom.co.za](mailto:MarlonD@compcom.co.za) or Mr. Ruan Mare at [RuanM@compcom.co.za](mailto:RuanM@compcom.co.za).

**In correspondence, kindly refer to the following case number: 2015Dec0741**

## DEPARTMENT OF MINERAL RESOURCES AND ENERGY

NO. 357

23 April 2021



MINISTER  
MINERAL RESOURCES AND ENERGY  
REPUBLIC OF SOUTH AFRICA

**Electricity Act, 1987 (Act no.41 of 1987)****License fees payable by licensed generators of electricity**

I, Gwede Mantashe, Minister of Mineral Resources and Energy, acting under section 5(b) of the Electricity Act, 1987 (Act No. 41 of 1987), hereby prescribe that a levy of 0.09281 cents per kWh, in respect of electricity generated for supply by licensed generators shall be payable to National Energy Regulator of South Africa, for the period 01 April 2021 to 31 March 2022, by the licensed holders concerned

A handwritten signature in black ink, consisting of several large, overlapping loops and a long horizontal stroke extending to the right.

**MR GWEDE MANTASHE, MP****MINISTER OF MINERAL RESOURCES AND ENERGY**

DATE: 06/04/2021





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