

*Regulation Gazette*

**No. 10726**

*Regulasiekoerant*

**Vol. 624**

**6 June  
Junie 2017**

**No. 40893**



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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DEPARTMENT OF TRANSPORT


NO. R. 534

06 JUNE 2017

**MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)**

**Maritime Labour Certificate and Declaration of Compliance Regulations,  
2017**

The Minister of Transport has, in terms of section 356(2)(f) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the Regulations in the Schedule.



**MR JOE MASWANGANYI, MP  
MINISTER OF TRANSPORT**

DATE: 08/05/2017

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## **PART 1 Introduction**

### **Object of Regulations**

1. These Regulations give effect to the Maritime Labour Convention, 2006.

### **Definitions**

2. In these Regulations, any word or expression given a meaning in the Act has the meaning so given and, unless the context indicates otherwise—

**"authorised person"** means a person authorised by the Authority to perform some or all functions and duties allocated to such a person by the Authority;

**"Declaration of Maritime Labour Compliance"** means the Declaration of Maritime Labour Compliance referred to in regulation 5.1.3 of the Convention;

**"Maritime Labour Certificate"** means the Maritime Labour Certificate referred to in regulation 5.1.3 of the Convention;

**"shipowner"** means the owner of the ship or any organization or person, such as a manager or bareboat charterer who has assumed the responsibility for the operation of the ship;

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

**"tons"** means the same as "registered tonnage" as defined in the Act.

### **Application**

3. (1) Subject to subregulation (2), these Regulations apply to all South African ships of 500 tons or more, engaged in international voyages, wherever they may be.

- (2) These Regulations do not apply to—

- (a) fishing vessels; and
- (b) vessels operating solely within port limits.

## **PART 2 DUTY TO HOLD AND HAVE ONBOARD DOCUMENTATION**

### **Duty to hold certificates**

- 4.** (1) No person may operate a ship unless—
- (a) the ship has been issued with a valid Maritime Labour Certificate by the Authority; and
  - (b) the ship has been issued with a valid Declaration of Maritime Labour Compliance by the Authority.

(2) For the purpose of this regulation, a Maritime Labour Certificate is not valid if it has not been endorsed between the second and third anniversary of the issue of the certificate.

### **Duty to carry documentation**

- 5.** Every shipowner must ensure that—
- (a) the original Maritime Labour Certificate is on board;
  - (b) the original Declaration of Labour Compliance is on board and attached to the Maritime Labour Certificate;
  - (c) the Maritime Labour Convention is on board; and
  - (d) a procedure for the masters to deal with on-board complaints relating to matters dealt with by the Convention is on board.

### **PART 3 ISSUING OF DOCUMENTATION**

#### **Declaration of Maritime Labour Compliance and Issuing of Maritime Labour Certificate**

6. (1) The shipowner must make an application to the Authority for the issuing of a Maritime Labour Certificate by completing Part II of the Declaration of Maritime Labour Compliance.

(2) Upon receipt of the completed Part II, the Authority will conduct an inspection of the ship and an audit of the shipowner.

(3) If the Authority is satisfied with the inspection of the ship and the audit of the shipowner as stated in subregulation (2), it will complete Part I of the Declaration of Maritime Labour Compliance and issue the ship with a Maritime Labour Certificate, valid for a period not exceeding five years.

(4) The Authority must attach Parts I and II of the Declaration of Maritime Labour Compliance to the issued Maritime Labour Certificate.

#### **Interim Maritime Labour Certificate**

7. (1) The Authority may, on request and subject to subregulation (3), issue an Interim Maritime Labour Certificate when—

- (a) a ship is on a delivery voyage;
- (b) a ship is transferred to the South African register; or
- (c) a shipowner assumes responsibility for the operation of a ship of another shipowner.

(2) A certificate issued in terms of this regulation is valid for a period not exceeding six months.



(3) An Interim Maritime Labour Certificate may be issued only following verification that—

- (a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I of the Convention, taking into account verification of items under subparagraphs (b), (c) and (d);
- (b) the shipowner has demonstrated to the Authority that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for its implementation; and
- (d) relevant information has been submitted to the Authority to produce an Interim Maritime Labour Certificate.

(4) A full inspection in accordance with regulation 6 shall be carried out prior to the expiry of the Interim Maritime Labour Certificate to enable the issuing of the Declaration of Maritime Labour Compliance.

(5) The Maritime Labour Certificate, the Interim Maritime Labour Certificate and Declaration of Maritime Labour Compliance Part I or II shall be drawn up in the form corresponding to the models given in Appendix A5-II of the Convention.

#### **Intermediate audit**

**8.** (1) The Authority must carry out an intermediate audit of each ship to ensure compliance with the conditions for the continued validity of the Maritime Labour Certificate.

(2) The audit must be undertaken between the second and third anniversary of the date of issue of the certificate.

(3) The Authority may undertake inspections at any time that it deems fit.

**Renewal of certificate**

9. (1) Before the renewal of the Maritime Labour Certificate, the Authority must carry out a renewal audit of the shipowner and inspection of the ship during the six-month period exceeding the expiry date of the certificate.

(2) When the renewal inspection of the ship has been completed within three months before the expiry of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid from the date of completion of the renewal inspection of the ship for a period not exceeding five years from the date of expiry of the existing certificate.

(3) When the renewal inspection of the ship is completed more than three months before the expiry date of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid for a period not exceeding five years starting from the date of completion of the renewal inspection of the ship.

**Powers of audit, inspection, suspension of service and detention**

10. (1) For the purpose of ensuring compliance with these Regulations—

(a) the Authority may instruct an authorised person to conduct an audit of a shipowner or inspection of any ship regarding compliance with the Regulations; and

(b) the Authority may, after considering the report of an authorised person, and if satisfied that a shipowner or ship, despite holding a Declaration of Maritime Compliance or a Maritime Labour Certificate, operates a vessel in contravention of the Regulations, suspend both the certificate and declaration until such time as the Convention is complied with.

(2) Where a service is to be suspended under subregulation (1)(b), the Authority must serve a notice on the shipowner or ship stating that the operation of the service specified in the notice must be suspended and giving reasons for the suspension.

- (3) For the purpose of ensuring compliance with these Regulations—
- (a) the Authority may instruct an authorised person to audit any shipowner or inspect any ship regarding compliance with the Regulations; and
  - (b) the Authority may, after considering the report of an authorised person, and if satisfied that there is a failure to comply with the Regulations, cause the ship to be detained.

(4) An authorised person performing functions in terms of this regulation who is not a surveyor has all the powers conferred upon a surveyor by section 9 of the Act.

**Suspension or cancellation of Declaration of Maritime Labour Compliance and Maritime Labour Certificate**

11. (1)(a) The Authority may, by notice in writing, suspend or cancel any Declaration of Maritime Compliance and Maritime Labour Certificate issued by it or at its request under these Regulations, where any audit of a shipowner or inspection of a ship has revealed, or where it believes on reasonable grounds, that—
- (i) the Maritime Labour Certificate or Declaration of Maritime Compliance was issued on false or erroneous information; or
  - (ii) since any audit or inspection required by these Regulations, the ownership of the ship has changed without notification to the Authority.
- (b) A notice must set out the grounds for suspending or cancelling the Maritime Labour Certificate or the Declaration of Maritime Compliance.
- (c) A notice must not be given unless the holder of the Declaration of Maritime Labour Compliance and Maritime Labour Certificate has been given the opportunity to make representations.

(2) The Authority may require that any Declaration of Maritime Labour Compliance and Maritime Labour Certificate issued by it or at its request under these Regulations that have expired or have been suspended or cancelled, be surrendered as directed.

(3) No person may—

- (a) alter a Declaration of Maritime Labour Compliance or a Maritime Labour Certificate;
- (b) in connection with any audit or inspection conducted pursuant to these Regulations, knowingly or recklessly furnish false information;
- (c) with intent to deceive, use, lend or allow to be used by another the Declaration of Maritime Labour Compliance and Maritime Labour Certificate;
- (d) fail to surrender a Declaration of Maritime Labour Compliance and Maritime Labour Certificate required to be surrendered under subregulation (2); or
- (e) forge any Declaration of Maritime Compliance and Maritime Labour Certificate.

**Issuing of certificates on behalf of other governments**

12. (1) The Authority may, at the request of the Government of another State to which the Convention applies—

- (a) audit and inspect the systems of shipowners and ships registered in that State; and
- (b) if satisfied that the requirements of the Convention are complied with, and that the audit and inspection have been completed satisfactorily in accordance with these Regulations, issue to the ship a Maritime Labour Certificate or endorse such certificates after an intermediate audit.

- (2) A Maritime Labour Certificate issued under subregulation (1) must—
- (a) contain a statement that it has been so issued; and
  - (b) correspond to the appropriate form of the certificate set out in Appendix A5-II of the Convention.

(3) A Maritime Labour Certificate issued under this Regulation has the same effect as if it were issued by the relevant Government and not by the Authority.

#### **PART 4 OFFENCES**

##### **Offences and penalties**

13. (1) A shipowner that contravenes regulations 4 and 5 shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding 12 months.

(2) A master who contravenes regulations 4 and 5 is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding 12 months.

(3) Any person who contravenes regulation 11(3)(a), (b), (c), (d) or (e) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding 12 months.

#### **PART 5 TITLE AND COMMENCEMENT**

##### **Title and commencement**

14. These Regulations are called the Maritime Labour Certificate and Declaration of Compliance Regulations, 2017, and come into operation on the date of publication in the *Gazette*.

## **ANNEXURE I**

### **APPENDIX A5-I**

The working and living conditions of seafarers that must be inspected and approved by the flag State before certifying a ship in accordance with the following items in Standard A5.1.3, paragraph 1 of the Convention:

Minimum age

Medical certification

Qualifications of seafarers

## APPENDIX A5-II

### Maritime Labour Certificate

(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)

Issued under the provisions of Article V and Title 5 of the Maritime Labour Convention, 2006 (referred to below as "the Convention") under the authority of the Government of:

.....  
(full designation of the State whose flag the ship is entitled to fly)

by .....

(full designation and address of the competent authority or recognized organization duly authorized under the provisions of the Convention)

### Particulars of the ship

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Date of registry .....

Gross tonnage<sup>1</sup> .....

IMO number .....

Type of ship .....

Name and address of the shipowner<sup>2</sup> (as defined in Article II, paragraph 1(j), of the

Convention) .....

.....

.....

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

<sup>1</sup> For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

<sup>2</sup> Shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until ..... subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued at ..... on ..... is attached.

Completion date of the inspection on which this Certificate is based was .....

Issued at ..... on .....

Signature of the duly authorized official issuing the Certificate  
(Seal or stamp of issuing authority, as appropriate)

*Endorsements for mandatory intermediate inspection and, if required, any additional inspection*

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

*Intermediate inspection:*  
(to be completed between the second and third anniversary dates)

Signed .....  
(Signature of authorized official)

Place .....

Date .....  
(Seal or stamp of the authority, as appropriate)

*Additional endorsements (if required)*

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

*Additional inspection:*  
(if required)

Signed .....  
(Signature of authorized official)

Place .....

Date .....  
(Seal or stamp of the authority, as appropriate)



*Additional inspection:*  
(if required)

Signed .....  
(Signature of authorized official)  
Place .....  
Date .....  
(Seal or stamp of the authority, as appropriate)

*Additional inspection:*  
(if required)

Signed .....  
(Signature of authorized official)  
Place .....  
Date .....  
(Seal or stamp of the authority, as appropriate)

**ANNEXURE II****MARITIME LABOUR CONVENTION, 2006****Declaration of Maritime Labour Compliance – Part I**

*(Note: This Declaration must be attached  
to the ship's Maritime Labour Certificate)*

Issued under the authority of: ..... *(insert name of competent  
authority as defined in Article II, paragraph 1(a), of the Convention)*

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention. The undersigned declares, on behalf of the abovementioned competent authority, that:

1. The provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
2. these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
3. the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided <under the corresponding national requirement listed below> <in the section provided for this purpose below> (strike out the statement which is not applicable); and
4. any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

- (a) Minimum age (Regulation 1.1)
- (b) Medical certification (Regulation 1.2)
- (c) Qualifications of seafarers (Regulation 1.3)
- (d) Seafarers' employment agreements (Regulation 2.1)
- (e) Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)
- (f) Hours of work or rest (Regulation 2.3)
- (g) Manning levels for the ship (Regulation 2.7)
- (h) Accommodation (Regulation 3.1)
- (i) On-board recreational facilities (Regulation 3.1)
- (j) Food and catering (Regulation 3.2)
- (k) Health and safety and accident prevention (Regulation 4.3)
- (l) On-board medical care (Regulation 4.1)

- (m) On-board complaint procedures (Regulation 5.1.5) .
- (n) Payment of wages (Regulation 2.2)

Name: .....

Title: .....

Signature: .....

Place: .....

Date: .....

#### Substantial equivalencies

*(Note: Strike out the statement which is not applicable)*

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):

.....  
.....

No equivalency has been granted.

Name: .....

Title: .....

Signature: .....

Place: .....

Date: .....

**Declaration of Maritime Labour Compliance – Part II**

*Measures adopted to ensure ongoing compliance between inspections*

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

*(State below the measures drawn up to ensure compliance with each of the items in Part I)*

- 1. Minimum age (Regulation 1.1)   
.....
- 2. Medical certification (Regulation 1.2)   
.....
- 3. Qualifications of seafarers (Regulation 1.3)   
.....
- 4. Seafarers' employment agreements (Regulation 2.1)   
.....
- 5. Use of any licensed or certified or regulated private recruitment  
and placement service (Regulation 1.4)   
.....
- 6. Hours of work or rest (Regulation 2.3)   
.....
- 7. Manning levels for the ship (Regulation 2.7)   
.....
- 8. Accommodation (Regulation 3.1)   
.....
- 9. On-board recreational facilities (Regulation 3.1)   
.....
- 10. Food and catering (Regulation 3.2)   
.....
- 11. Health and safety and accident prevention (Regulation 4.3)   
.....
- 12. On-board medical care (Regulation 4.1)   
.....
- 13. On-board complaint procedures (Regulation 5.1.5)   
.....
- 14. Payment of wages (Regulation 2.2)   
.....

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner:<sup>1</sup> .....

.....

Company address: .....

.....

Name of the authorized signatory: .....

.....

Title: .....

Signature of the authorized signatory:

.....  
Date: .....

(Stamp or seal of the shipowner <sup>1</sup>)

The above measures have been reviewed by (insert name of competent authority or duly recognized organization) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name: .....

Title: .....

Company address:

.....

.....

.....

Signature: .....

Place: .....

Date: .....

(Seal or stamp of the authority,  
as appropriate)

---

<sup>1</sup> Shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

**Interim Maritime Labour Certificate**

Issued under the provisions of Article V and Title 5 of the

Maritime Labour Convention, 2006  
(referred to below as “the Convention”)

under the authority of the Government of:

.....  
(full designation of the State whose flag the ship is entitled to fly)

by .....  
(full designation and address of the competent authority or recognized organization  
duly authorized under the provisions of the Convention)

**Particulars of the ship**

- Name of ship .....
- Distinctive number or letters .....
- Port of registry .....
- Date of registry .....
- Gross tonnage<sup>1</sup> .....
- IMO number .....
- Type of ship .....
- Name and address of the shipowner<sup>2</sup> .....
- .....

This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

This Certificate is valid until ..... subject to inspections in accordance with

<sup>1</sup> For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

<sup>2</sup> Shipowner means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention.

Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was .....

Issued at ..... on .....

Signature of the duly authorized official

issuing the interim certificate .....

(Seal or stamp of issuing authority, as appropriate)

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The purpose of these Regulations is to introduce the Maritime Labour Convention, into domestic legislation.

These Regulations seek to implement particularly the provisions of Regulation 5.1.3 of the Convention as follows:

Clauses under the proposed regulations—

*Clause 1:* Object of Regulations

*Clause 2:* Definitions

*Clause 3:* Application of the Regulations

*Clause 4:* Duty of the shipowner to hold certificates

*Clause 5:* Duty of the shipowner to carry documents

*Clause 6:* Declaration of Maritime Labour Compliance by the shipowner and issuance of Maritime Labour Certificate by the Authority

*Clause 7:* Interim Maritime Labour Certificate issued to the shipowner by the Authority

*Clause 8:* Intermediate audit and inspection conducted by the Authority

*Clause 9:* Renewal of Declaration of Maritime Labour Compliance and issuance of Maritime Labour Certificate

*Clause 10:* Powers of audit, inspection, suspension of service and detention by the Authority or duly appointed person

*Clause 11:* Suspension or cancellation of documents of compliance and safety management certificates by the Authority

*Clause 12:* Issuance of certificate by the Authority on behalf of other governments

*Clause 13:* Offences for the contravention of the provisions of the Regulations

*Clause 14:* Title and commencement



**DEPARTEMENT VAN VERVOER**

NO. R. 534

06 JUNIE 2017

**HANDELSKEEPVAARTWET, 1951 (WET NO. 57 VAN 1951)****Regulasies op die Maritieme Arbeidsertifikaat en Verklaring van Maritieme  
Arbeidsvoldoening, 2017**

Die Minister van Vervoer het kragtens artikel 356(2)(f) van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

**MNR JOE MASWANGANYI, LP****MINISTER VAN VERVOER****DATUM:**

**Bylae*****Indeling van Regulasies*****DEEL 1 Inleiding**

1. Doel van Regulasies
2. Woordomskrywing
3. Toepassing

**DEEL 2 PLIG OM DOKUMENTASIE TE HOU EN AAN BOORD TE HÊ**

4. Plig om sertifikate te hou
5. Plig om dokumente te dra

**DEEL 3 UITREIKING VAN DOKUMENTASIE**

6. Verklaring van Maritieme Arbeidsvoldoening en Uitreiking van Maritieme Arbeidsertifikaat
7. Tussentydse Maritieme Arbeidsertifikaat
8. Tussentydse oudit
9. Hernuwing van sertifikaat
10. Bevoegdheid van oudit, ondersoek, opskorting van diens en aanhouding
11. Opskorting of kansellering van voldoeningsdokumente en veiligheidsbestuursertifikate
12. Uitreiking van sertifikaat namens ander regerings

**DEEL 4 MISDRYWE**

13. Misdrywe en strawwe

**DEEL 5 TITEL EN INWERKINGTREDING**

14. Titel en inwerkingtreding

**AANHANGSEL I** Maritieme Arbeidsertifikaat

**AANHANGSEL II** Verklaring van Maritieme Arbeidsvoldoening

## **DEEL 1 Inleiding**

### **Doel van Regulasies**

1. Hierdie Regulasies gee uitvoering aan die Maritieme Arbeidskonvensie, 2006.

### **Woordomskrywing**

2. In hierdie Regulasies het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, die betekenis wat aldus daaraan geheg is, en tensy dit uit die samehang anders blyk, beteken—

**"die Wet"** die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951);

**"gemagtigde persoon"** 'n persoon wat deur die Owerheid gemagtig is om sommige van of al die funksies en pligte te verrig wat deur die Owerheid aan so 'n persoon toegewys is;

**"Maritieme Arbeidsertifikaat"** die Maritieme Arbeidsertifikaat in regulasie 5.1.3 van die Konvensie bedoel;

**"skeepseienaar"** die eienaar van die skip of enige organisasie of persoon, soos 'n bestuurder of blote skeepsverhuurder, wat die verantwoordelikheid vir die bedryf van die skip aanvaar het;

**"ton"** dieselfde as "geregistreerde tonnemaat" soos in die Wet omskryf;

**"Verklaring van Maritieme Arbeidsvoldoening"** die Verklaring van Maritieme Arbeidsvoldoening in regulasie 5.1.3 van die Konvensie bedoel.

**Toepassing**

3. (1) Behoudens subregulasie (2) is hierdie Regulasies van toepassing op alle Suid-Afrikaanse skepe van 500 ton of meer wat op internasionale reise bedryf word, waar hulle ook al is.

(2) Hierdie Regulasies is nie van toepassing nie op—

(a) vissersvaartuie; en

(b) vaartuie wat slegs binne haweperke gebruik word.

**DEEL 2 PLIG OM DOKUMENTASIE TE HOU EN AAN BOORD TE HÊ****Plig om sertifikate te hou**

4. (1) Niemand mag 'n skip bedryf nie tensy—

(a) 'n geldige Maritieme Arbeidsertifikaat deur die Owerheid aan die skip uitgereik is; en

(b) 'n geldige Verklaring van Maritieme Arbeidsvoldoening deur die Owerheid aan die skip uitgereik is.

(2) Vir die doel van hierdie regulasie is 'n Maritieme Arbeidsertifikaat nie geldig nie as dit nie tussen die tweede en derde jaardag van die uitreiking van die sertifikaat geëndosseer is nie.

**Plig om dokumentasie te dra**

5. Elke skeepseienaar moet verseker dat—

(a) die oorspronklike Maritieme Arbeidsertifikaat aan boord is;

- (b) die oorspronklike Verklaring van Arbeidsvoldoening aan boord is en by die Maritieme Arbeidsertifikaat aangeheg is;
- (c) die Maritieme Arbeidskonvensie aan boord is; en
- (d) 'n prosedure vir die gesagvoerders om klagtes aan boord te hanteer rakende aangeleenthede wat deur die Konvensie gedek word, aan boord is.

### **DEEL 3 UITREIKING VAN DOKUMENTASIE**

#### **Verklaring van Maritieme Arbeidsvoldoening en Uitreiking van Maritieme Arbeidsertifikaat**

6. (1) Die skeepseienaar moet by die Owerheid aansoek doen om die uitreiking van 'n Maritieme Arbeidsertifikaat deur Deel II van die Verklaring van Maritieme Arbeidsvoldoening in te vul.

(2) By ontvangs van die ingevulde Deel II moet die Owerheid 'n ondersoek van die skip en 'n oudit van die skeepseienaar doen.

(3) Indien die Owerheid tevrede is met die ondersoek van die skip en die oudit van die skeepseienaar soos in subregulasie (2) bedoel, moet hy Deel I van die Verklaring van Maritieme Arbeidsvoldoening invul en 'n Maritieme Arbeidsertifikaat, geldig vir 'n tydperk van hoogstens vyf jaar, aan die skip uitreik.

(4) Die Owerheid moet Dele I en II van die Verklaring van Maritieme Arbeidsvoldoening by die uitgereikte Maritieme Arbeidsertifikaat aanheg.

#### **Tussentydse Maritieme Arbeidsertifikaat**

7. (1) Die Owerheid kan, op versoek en behoudens subregulasie (3), 'n Tussentydse Maritieme Arbeidsertifikaat uitreik wanneer—

- (a) 'n skip op 'n afleweringreis is;
- (b) 'n skip na die Suid-Afrikaanse register oorgedra word; of
- (c) 'n skeepseienaar verantwoordelikheid vir die bedryf van 'n skip van 'n ander skeepseienaar aanvaar.

(2) 'n Sertifikaat wat ingevolge hierdie regulasie uitgereik is, is geldig vir 'n tydperk van hoogstens ses maande.

(3) 'n Tussentydse Maritieme Arbeidsertifikaat mag slegs uitgereik word na verifiëring dat—

- (a) die skip ondersoek is, sover redelik en doenlik, vir die aangeleentheid gelys in Byvoegsel A5-I van die Konvensie, met inagneming van verifiëring van items onder subparagrafe (b), (c) en (d);
- (b) die skeepseienaar aan die Owerheid bewys gelewer het dat die skip toereikende prosedures het om aan die Konvensie te voldoen;
- (c) die gesagvoerder vertrou is met die vereistes van die Konvensie en die verantwoordelikhede vir die implementering daarvan; en
- (d) tersaaklike inligting aan die Owerheid voorgelê is om 'n Tussentydse Maritieme Arbeidsertifikaat uit te reik.

(4) 'n Volledige ondersoek ooreenkomstig regulasie 6 moet gedoen word voordat die Tussentydse Maritieme Arbeidsertifikaat verval, ten einde die uitreiking van die Verklaring van Maritieme Arbeidsvoldoening moontlik te maak.

(5) Die Maritieme Arbeidsertifikaat, die Tussentydse Maritieme Arbeidsertifikaat en die Verklaring van Maritieme Arbeidsvoldoening Deel I of II moet opgestel word in 'n vorm wat met die modelle in Byvoegsel A5-II van die Konvensie ooreenstem.

### **Tussentydse oudit**

8. (1) Die Owerheid moet 'n tussentydse oudit van elke skip doen om voldoening aan die voorwaardes te verseker vir die voortgesette geldigheid van die Maritieme Arbeidsertifikaat.

(2) Die oudit moet tussen die tweede en derde jaardag van die datum van uitreiking van die sertifikaat gedoen word.

(3) Die Owerheid kan ondersoeke doen op enige tyd wat hy goedvind.

### **Hernuwing van sertifikaat**

9. (1) Die owerheid moet, voor die hernuwing van die Maritieme Arbeidsertifikaat, 'n hernuwingsoudit van die skeepseienaar en ondersoek van die skip doen tydens die sesmaandetydperk na die vervaldatum van die sertifikaat.

(2) Wanneer die hernuwingsondersoek van die skip afgehandel is binne drie maande voordat die bestaande Maritieme Arbeidsertifikaat verval, is die nuwe Maritieme Arbeidsertifikaat geldig vanaf die datum van voltooiing van die hernuwingsondersoek van die skip vir 'n tydperk van hoogstens vyf jaar vanaf die vervaldatum van die bestaande sertifikaat.

(3) Wanneer die hernuwingsondersoek van die skip afgehandel is meer as drie maande voor die vervaldatum van die bestaande Maritieme Arbeidsertifikaat, is die nuwe Maritieme Arbeidsertifikaat geldig vir 'n tydperk van hoogstens vyf jaar vanaf die datum van voltooiing van die hernuwingsondersoek van die skip.

### **Bevoegdhede van oudit, ondersoek, opskorting van diens en aanhouding**

10. (1) Met die doel om voldoening aan hierdie Regulasies te verseker—

- (a) kan die Owerheid 'n gemagtigde persoon gelas om 'n oudit van 'n skeepseienaar of ondersoek van 'n skip te doen betreffende voldoening aan die Regulasies; en
- (b) kan die Owerheid, na oorweging van die verslag van 'n gemagtigde persoon en indien hy oortuig is dat 'n skeepseienaar of skip, ondanks die feit dat 'n Verklaring van Maritieme Arbeidsvoldoening of 'n Maritieme Arbeidsertifikaat gehou word, 'n vaartuig strydig met die Regulasies bedryf, sowel die sertifikaat as die verklaring opskort tot tyd en wyl daar aan die Konvensie voldoen word.

(2) Waar 'n diens ingevolge subregulasie (1)(b) opgeskort moet word, moet die Owerheid 'n kennisgewing aan die skeepseienaar of skip beteken waarin verklaar word dat die bedryf van die diens wat in die kennisgewing vermeld word, opgeskort moet word en redes vir die opskorting verstrek.

(3) Met die doel om voldoening aan hierdie Regulasies te verseker—

- (a) kan die Owerheid 'n gemagtigde persoon gelas om 'n oudit van 'n skeepseienaar of ondersoek van 'n skip betreffende voldoening aan die Regulasies te doen; en
- (b) kan die Owerheid, na oorweging van die verslag van 'n gemagtigde persoon en indien hy oortuig is dat daar 'n versuim is om aan die Regulasies te voldoen, die skip laat aanhou.

(4) 'n Gemagtigde persoon wat werksaamhede ingevolge hierdie regulasie verrig, wat nie 'n opnemer is nie, het al die bevoegdhede wat by artikel 9 van die Wet aan 'n opnemer verleen word.



## **Opskorting of kansellering van Verklaring van Maritieme Arbeidsvoldoening en Maritieme Arbeidsertifikaat**

11. (1)(a) Die Owerheid kan, by skriftelike kennisgewing, enige Verklaring van Maritieme Arbeidsvoldoening en Maritieme Arbeidsertifikaat wat ingevolge hierdie Regulasies deur hom of op sy versoek uitgereik is, opskort of kanselleer waar 'n oudit van 'n skeepseienaar of ondersoek van 'n skip aan die lig gebring het, of waar hy op redelike gronde vermoed, dat—

- (i) die Maritieme Arbeidsertifikaat of Verklaring van Maritieme Arbeidsvoldoening op valse of foutiewe inligting uitgereik is; of
  - (ii) sedert 'n oudit of ondersoek wat ingevolge hierdie Regulasies vereis is, die eienaarskap van die skip verander het sonder kennisgewing aan die Owerheid.
- (b) 'n Kennisgewing moet die gronde vir die opskorting of kansellering van die Maritieme Arbeidsertifikaat of die Verklaring van Maritieme Arbeidsvoldoening uiteensit.
- (c) Kennis mag nie gegee word nie tensy die houer van die Verklaring van Maritieme Arbeidsvoldoening en Maritieme Arbeidsertifikaat 'n geleentheid gegee is om verhoë te rig.

(2) Die Owerheid kan vereis dat enige Verklaring van Maritieme Arbeidsvoldoening en Maritieme Arbeidsertifikaat wat kragtens hierdie Regulasies deur hom of op sy versoek uitgereik is wat verval het of opgeskort of gekanselleer is, teruggegee word soos aangedui.

- (3) Niemand mag—
- (a) 'n Verklaring van Maritieme Arbeidsvoldoening of 'n Maritieme Arbeidsertifikaat verander nie;

- (b) in verband met enige oudit of ondersoek wat ooreenkomstig hierdie Regulasies gedoen word, bewustelik of roekeloos vals inligting verstrek nie;
- (c) met die oogmerk om te bedrieg, die Verklaring van Maritieme Arbeidsvoldoening en Maritieme Arbeidsertifikaat gebruik of uitleen of toelaat dat dit deur iemand anders gebruik word nie;
- (d) versuim om 'n Verklaring van Maritieme Arbeidsvoldoening en Maritieme Arbeidsertifikaat wat ingevolge subregulasie (2) teruggegee moet word, terug te gee nie; of
- (e) 'n Verklaring van Maritieme Arbeidsvoldoening of 'n Maritieme Arbeidsertifikaat vervals nie.

#### **Uitreiking van sertifikate namens ander regerings**

**12.** (1) Die Owerheid kan, op versoek van die Regering van 'n ander Staat op wie die Konvensie van toepassing is—

- (a) die stelsels van skeepseienaars en skepe wat in daardie Staat geregistreer is, oudit en ondersoek; en
- (b) indien hy oortuig is dat daar aan die vereistes van die Konvensie voldoen word, en dat die oudit en ondersoek bevredigend afgehandel is ooreenkomstig hierdie Regulasies, 'n Maritieme Arbeidsertifikaat aan die skip uitreik of sulke sertifikate endosseer na 'n tussentydse oudit.

(2) 'n Maritieme Arbeidsertifikaat wat ingevolge subregulasie (1) uitgereik is, moet—

- (a) 'n verklaring bevat dat dit aldus uitgereik is; en
- (b) ooreenstem met die gepaste vorm van die sertifikaat uiteengesit in Byvoegsel A5-II van die Konvensie.

(3) 'n Maritieme Arbeidsertifikaat wat ingevolge hierdie Regulasie uitgereik is, het dieselfde effek asof dit deur die betrokke Regering uitgereik is en nie deur die Owerheid nie.

#### **DEEL 4 MISDRYWE**

##### **Misdrywe en Strawwe**

**13.** (1) 'n Skeepseienaar wat regulasies 4 en 5 oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(2) 'n Gesagvoerder wat regulasies 4 en 5 oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(3) 'n Persoon wat regulasie 11(3)(a), (b), (c), (d) of (e) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

#### **DEEL 5 TITEL EN INWERKINGTREDING**

##### **Titel en inwerkingtreding**

**14.** Hierdie Regulasies heet die Regulasies op die Maritieme Arbeidsertifikaat en Verklaring van Maritieme Arbeidsvoldoening, 2017, en tree in werking op die datum van publikasie in die *Staatskoerant*.

**AANHANGSEL I****BYVOEGSEL A5-I**

Die werk- en lewenstoestande van seevaarders wat deur die Vlagstaat geïnspekteer en goedgekeur moet word voor sertifisering van 'n skip ooreenkomstig die volgende items in Standaard A5.1.3, paragraaf 1 van die Konvensie:

Minimum ouderdom

Mediese sertifisering

Kwalifikasies van seevaarders

**BYVOEGSEL A5-II****Maritieme Arbeidsertifikaat**

(Opmerking: 'n Verklaring van Maritieme Arbeidsvoldoening moet by hierdie Sertifikaat aangeheg word.)

Uitgereik kragtens die bepalings van Artikel V en Titel 5 van die Maritieme Arbeidskonvensie, 2006 (hieronder "die Konvensie" genoem) op gesag van die Regering van:

.....

(volledige benaming van die Staat wie se vlag die skip geregtig is om te hys)

deur .....

(volledige benaming en adres van die bevoegde owerheid of erkende organisasie wat behoorlik gemagtig is kragtens die bepalings van die Konvensie)

**Besonderhede van die skip**

Naam van skip .....

Onderskeidende nommer of letters .....

Registrasiehawe .....

Datum van registrasie .....

Bruto tonnemaat<sup>1</sup> .....

IMO-nommer .....

Tipe skip .....

Naam en adres van die skeepseienaar<sup>2</sup> (soos omskryf in Artikel II, paragraaf 1(j), van die Konvensie)

.....

.....

.....

Hierby word gesertifiseer:

1. dat hierdie skip geïnspekteer is en geverifieer is dat dit voldoen aan die vereistes van die

<sup>1</sup> Vir skepe gedek deur die tussentydse skema oor tonnemaat aangeneem deur die Internasionale Maritieme Organisasie, is die bruto tonnemaat dit wat ingesluit is in die "REMARKS"-kolom van die Internasionale Tonnemaatsertifikaat (1969).

<sup>2</sup> Skeepseienaar beteken die eienaar van 'n skip of 'n ander organisasie of persoon, soos die bestuurder, agent of blote skeepsverhuurder, wat verantwoordelikheid by die eienaar van die skip vir die bedryf van die skip oorgeneem het en wat, by die aanvaarding van die verantwoordelikheid, ingestem het om die pligte en verantwoordelikhede wat ooreenkomstig hierdie Konvensie aan skeepseienaars opgelê word, oor te neem, ongeag of enige ander organisasie of persone sekere pligte en verantwoordelikhede namens die skeepseienaar vervul. Sien Artikel II(1)(j) van die Konvensie.

Konvensie en die bepalings van die aangehegte Verklaring van Maritieme Arbeidsvoldoening.

2. dat die seevaarders se werk- en lewenstoestande in Byvoegsel A5-I van die Konvensie vermeld, bevind is in ooreenstemming te wees met bogenoemde land se nasionale vereistes wat die Konvensie implementeer. Hierdie nasionale vereistes word opgesom in die Verklaring van Maritieme Arbeidsvoldoening, Deel I.

Hierdie Sertifikaat is geldig tot ..... behoudens inspeksies ooreenkomstig Standaard A5.1.3 en A5.1.4 van die Konvensie.

Hierdie Sertifikaat is geldig slegs wanneer die Verklaring van Maritieme Arbeidsvoldoening wat op ..... te ..... uitgereik is, aangeheg is.

Datum van voltooiing van die inspeksie waarop hierdie Sertifikaat gebaseer is, was.....

Uitgereik te ..... op .....

Handtekening van die behoorlik gemagtigde beampte wat die Sertifikaat uitreik  
(Seël of stempel van uitreikende owerheid, soos gepas)

*Endossemente vir verpligte tussentydse inspeksie en, indien vereis, enige bykomende inspeksie*

Hierby word gesertifiseer dat die skip ooreenkomstig Standaard A5.1.3 en A5.1.4 van die Konvensie geïnspekteer is en dat die seevaarders se werk- en lewenstoestande in Byvoegsel A5-I van die Konvensie vermeld, bevind is in ooreenstemming te wees met bogenoemde land se nasionale vereistes wat die Konvensie implementeer.

*Tussentydse inspeksie:*  
(moet tussen die tweede en derde jaardae ingevul word)

Geteken .....  
(Handtekening van gemagtigde beampte)

Plek .....

Datum .....  
(Seël of stempel van die owerheid, soos gepas)

*Bykomende endossemente (indien vereis)*

Hierby word gesertifiseer dat die skip aan 'n bykomende inspeksie onderwerp is met die doel om te verifieer dat die skip steeds voldoen aan die nasionale vereistes wat die Konvensie implementeer, soos vereis by Standaard A3.1, paragraaf 3, van die Konvensie (herregistrasie of wesenlike verandering van akkommodasie) of om ander redes.

*Bykomende inspeksie:*  
(indien vereis)

Geteken .....  
(Handtekening van gemagtigde beampte)  
Plek .....  
Datum .....  
(Seël of stempel van die owerheid, soos gepas)

*Bykomende inspeksie:*  
(indien vereis)

Geteken .....  
(Handtekening van gemagtigde beampte)  
Plek .....  
Datum .....  
(Seël of stempel van die owerheid, soos gepas)

*Bykomende inspeksie:*  
(indien vereis)

Geteken .....  
(Handtekening van gemagtigde beampte)  
Plek .....  
Datum .....  
(Seël of stempel van die owerheid, soos gepas)

## AANHANGSEL II

### MARITIEME ARBEIDSKONVENSIE, 2006

#### Verklaring van Maritieme Arbeidsvoldoening – Deel I

*(Opmerking: Hierdie Verklaring moet by die skip se Maritieme Arbeidsertifikaat aangeheg word.)*

Uitgereik op gesag van: ..... *(Voeg in die naam van die bevoegde owerheid soos omskryf in Artikel II, paragraaf 1(a), van die Konvensie.)*

Met betrekking tot die bepalings van die Maritieme Arbeidskonvensie, 2006, word die skip met die volgende verwysings:

Naam van skip	IMO-nommer	Bruto tonnemaat

in stand gehou in ooreenstemming met Standaard A5.1.3 van die Konvensie. Die ondergetekende verklaar, namens bogenoemde bevoegde owerheid, dat:

1. die bepalings van die Maritieme Arbeidskonvensie volledig beliggaam is in die nasionale vereistes hieronder bedoel;
2. hierdie nasionale vereistes vervat is in die nasionale bepalings hieronder bedoel; verduidelikings rakende die inhoud van daardie bepalings word verskaf waar nodig;
3. die besonderhede van enige wesenlik gelykstaande bepaling ingevolge Artikel VI, paragrawe 3 en 4, verskaf word <onder die ooreenstemmende nasionale vereiste hieronder gelys> <in die afdeling wat hieronder vir hierdie doel verskaf word> (Skrap die stelling wat nie toepaslik is nie.); en
4. enige spesifieke vereistes vir die tipe skip ingevolge nasionale wetgewing ook onder die betrokke vereistes vermeld word.

- (a) Minimum ouderdom (Regulasie 1.1)
- (b) Mediese sertifisering (Regulasie 1.2)
- (c) Kwalifikasies van seevaarders (Regulasie 1.3)
- (d) Seevaarders se diensooreenkomste (Regulasie 2.1)
- (e) Gebruik van enige gelisensieerde of gesertifiseerde of gereguleerde privaat werwings- en plasingsdiens (Regulasie 1.4)
- (f) Ure van werk of rus (Regulasie 2.3)
- (g) Bemanningsvlakke vir die skip (Regulasie 2.7)
- (h) Akkommodasie (Regulasie 3.1)
- (i) Ontspanningsgeriewe aan boord (Regulasie 3.1)
- (j) Voedsel en spyseniering (Regulasie 3.2)
- (k) Gesondheid en veiligheid en ongelukvoorkoming (Regulasie 4.3)



- (l) Mediese sorg aan boord (Regulasie 4.1)
- (m) Klagteprosedures aan boord (Regulasie 5.1.5)
- (n) Betaling van lone (Regulasie 2.2)

Naam: .....

Titel: .....

Handtekening: .....

Plek: .....

Datum: .....

#### Wesenlik gelykstaande bepalings

*(Opmerking: Skrap die stelling wat nie toepaslik is nie.)*

Kennis word geneem van die volgende weselik gelykstaande bepalings, soos bepaal kragtens Artikel VI, paragrawe 3 en 4, van die Konvensie, uitgesonderd waar hierbo vermeld (indien toepaslik, voeg beskrywing in):

.....  
.....

Geen weselik gelykstaande bepaling is toegestaan nie.

Naam: .....

Titel: .....

Handtekening: .....

Plek: .....

Datum: .....

## Verklaring van Maritieme Arbeidsvoldoening – Deel II

### *Maatreëls aangeneem om deurlopende voldoening tussen inspeksies te verseker*

Die volgende maatreëls is deur die skeepseienaar, wat genoem word in die Maritieme Arbeidsertifikaat waarby hierdie Verklaring aangeheg is, opgestel om deurlopende voldoening tussen inspeksies te verseker:

*(Meld hieronder die maatreëls wat opgestel is om voldoening aan elk van die items in Deel I te verseker)*

- |       |  |                          |
|-------|--|--------------------------|
| 1.    | Minimum ouderdom (Regulasie 1.1)   | <input type="checkbox"/> |
| ..... |  |                          |
| 2.    | Mediese sertifisering (Regulasie 1.2)  | <input type="checkbox"/> |
| ..... |  |                          |
| 3.    | Kwalifikasies van seevaarders (Regulasie 1.3)  | <input type="checkbox"/> |
| ..... |  |                          |
| 4.    | Seevaarders se diensooreenkomste (Regulasie 2.1)   | <input type="checkbox"/> |
| ..... |  |                          |
| 5.    | Gebruik van enige gelisensieerde of gesertifiseerde of geregleerde privaat werwings- en plasingdiens (Regulasie 1.4) | <input type="checkbox"/> |
| ..... |  |                          |
| 6.    | Ure van werk of rus (Regulasie 2.3)  | <input type="checkbox"/> |
| ..... |  |                          |
| 7.    | Bemanningsvlakke vir die skip (Regulasie 2.7)  | <input type="checkbox"/> |
| ..... |  |                          |
| 8.    | Akkommodasie (Regulasie 3.1)   | <input type="checkbox"/> |
| ..... |  |                          |
| 9.    | Ontspanningsgeriewe aan boord (Regulasie 3.1)  | <input type="checkbox"/> |
| ..... |  |                          |
| 10.   | Voedsel en spyseniering (Regulasie 3.2)  | <input type="checkbox"/> |
| ..... |  |                          |
| 11.   | Gesondheid en veiligheid en ongelukvoorkoming (Regulasie 4.3)  | <input type="checkbox"/> |
| ..... |  |                          |
| 12.   | Mediese sorg aan boord (Regulasie 4.1)   | <input type="checkbox"/> |
| ..... |  |                          |
| 13.   | Klagteprosedures aan boord (Regulasie 5.1.5)   | <input type="checkbox"/> |
| ..... |  |                          |
| 14.   | Betaling van lone (Regulasie 2.2)  | <input type="checkbox"/> |
| ..... |  |                          |

Ek sertifiseer hiermee dat bogenoemde maatreëls opgestel is om voortgaande voldoening, tussen inspeksies, te verseker aan die vereistes in Deel I gelys.

Naam van skeepseienaar:<sup>1</sup>

.....

Maatskappy se adres:

.....

Naam van gemagtigde ondertekenaar:

.....  
Titel: .....

Handtekening van gemagtigde ondertekenaar:

.....  
Datum: .....

(Stempel of seël van die skeepseienaar<sup>1</sup>)

Bogemelde maatreëls is nagegaan deur (voeg naam van bevoegde owerheid of behoorlik gemagtigde organisasie in) en daar is, na 'n inspeksie van die skip, bepaal dat dit voldoen aan die doeleindes uiteengesit onder Standaard A5.1.3, paragraaf 10(b), rakende maatreëls om aanvanklike en deurlopende voldoening aan die vereistes in Deel I van hierdie Verklaring uiteengesit, te verseker.

Naam: .....

Titel: .....

Maatskappy se adres:

.....  
.....  
.....

Handtekening: .....

Plek: .....

Datum: .....

(Seël of stempel van die owerheid, soos gepas)

---

<sup>1</sup> Skeepseienaar beteken die eienaar van 'n skip of 'n ander organisasie of persoon, soos die bestuurder, agent of blote skeepsverhuurder, wat verantwoordelikheid by die eienaar van die skip vir die bedryf van die skip oorgeneem het en wat, by die aanvaarding van die verantwoordelikheid, ingestem het om die pligte en verantwoordelikhede wat ooreenkomstig hierdie Konvensie aan skeepseienaars opgelê word, oor te neem, ongeag of enige ander organisasie of persone sekere pligte en verantwoordelikhede namens die skeepseienaar vervul. Sien Artikel II(1)(j) van die Konvensie.

## Tussentydse Maritieme Arbeidsertifikaat

Uitgereik kragtens die bepalings van Artikel V en Titel 5 van die

Maritieme Arbeidskonvensie, 2006  
(hieronder "die Konvensie" genoem)

op gesag van die Regering van:

.....  
(Volledige benaming van die Staat wie se vlag die skip geregtig is om te hys)

deur .....  
(Volledige benaming en adres van die bevoegde owerheid of erkende organisasie wat  
behoorlik kragtens die bepalings van die Konvensie gemagtig is)

### Besonderhede van die skip

Naam van skip .....

Onderskeidende nommer of letters .....

Registrasiehawe .....

Datum van registrasie .....

Bruto tonnemaat<sup>1</sup> .....

IMO-nommer .....

Tipe skip .....

Naam en adres van die skeepseienaar<sup>2</sup> .....

.....

Hierby word gesertifiseer, vir doeleindes van Standaard A5.1.3, paragraaf 7, van die Konvensie, dat:

- (a) hierdie skip geïnspekteer is, sover redelik en doenlik, vir die aangeleenthede gelys in Byvoegsel A5-I van die Konvensie, met inagneming van verifiëring van items onder (b), (c) en (d) hieronder;
- (b) die skeepseienaar aan die bevoegde owerheid of erkende organisasie bewys gelewer het dat die skip toereikende prosedures het om aan die Konvensie te voldoen;
- (c) die gesagvoerder vertrouwd is met die vereistes van die Konvensie en die verantwoordelikhede vir implementering; en
- (d) tersaaklike inligting aan die bevoegde owerheid of erkende organisasie voorgelê is om 'n Verklaring van Maritieme Arbeidsvoldoening uit te reik.

<sup>1</sup> Vir skepe gedek deur die tussentydse skema oor tonnemaat aangeneem deur die Internasionale Maritieme Organisasie, is die bruto tonnemaat dit wat ingesluit is in die "REMARKS"-kolom van die Internasionale Tonnemaatsertifikaat (1969). Sien Artikel II(1)(c) van die Konvensie.

<sup>2</sup> Skeepseienaar beteken die eienaar van 'n skip of 'n ander organisasie of persoon, soos die bestuurder, agent of blote skeepsverhuurder, wat verantwoordelikheid by die eienaar van die skip vir die bedryf van die skip oorgeneem het en wat, by die aanvaarding van die verantwoordelikheid, ingestem het om die pligte en verantwoordelikhede wat ooreenkomstig hierdie Konvensie aan skeepseienaars opgelê word, oor te neem, ongeag of enige ander organisasie of persone sekere pligte en verantwoordelikhede namens die skeepseienaar vervul. Sien Artikel II(1)(j) van die Konvensie.

Hierdie Sertifikaat is geldig tot ..... behoudens inspeksies ooreenkomstig  
Standaard A5.1.3 en A5.1.4.

Voltooiingsdatum van die inspeksie in (a) hierbo bedoel, was .....

Uitgereik te ..... op .....

Handtekening van die behoorlik gemagtigde beampte

wat die tussentydse sertifikaat uitreik.....

(Seël of stempel van uitreikende owerheid, soos gepas)

## VERKLARENDE NOTA

*(Hierdie nota is nie deel van die Regulasies nie.)*

Die doel van hierdie Regulasies is om die Maritieme Arbeidskonvensie in plaaslike wetgewing op te neem.

Hierdie Regulasies is daarop gemik om in die besonder die bepalings van Regulasie 5.1.3 van die Konvensie te implementeer, soos volg:

Klousules van die voorgestelde regulasies

*Klousule 1:* Doel van die Regulasies

*Klousule 2:* Woordomskrywing

*Klousule 3:* Toepassing van die Regulasies

*Klousule 4:* Plig van die skeepseienaar om sertifikate te hou

*Klousule 5:* Plig van die skeepseienaar om dokumente te dra

*Klousule 6:* Verklaring van Maritieme Arbeidsvoldoening deur die skeepseienaar en uitreiking van Maritieme Arbeidsertifikaat deur die Owerheid

*Klousule 7:* Tussentydse Maritieme Arbeidsertifikaat deur die Owerheid aan die skeepseienaar uitgereik

*Klousule 8:* Tussentydse oudit en ondersoek deur die Owerheid

*Klousule 9:* Hernuwing van Verklaring van Maritieme Arbeidsvoldoening en Uitreiking van Maritieme Arbeidsertifikaat

*Klousule 10:* Bevoegdhede van oudit, ondersoek, opskorting van diens en aanhouding deur die Owerheid of behoorlik aangestelde persoon

*Klousule 11:* Opskorting of kansellering van voldoeningdokumente en veiligheidsbestuursertifikate deur die Owerheid

*Klousule 12:* Uitreiking van sertifikaat deur die Owerheid namens ander regerings

*Klousule 13:* Misdrywe vir die oortreding van die bepalings van die Regulasies

*Klousule 14:* Titel en inwerkingtreding