

# Small Vessel Safety Regulations

Words by Anton Pretorius



*Inland boaters who haven't applied for their Category R skipper's licence yet, may find that these strict, new, regulations might bring an abrupt halt to your summer plans. Leisure Boating brings you the facts.*

**W**hether you're operating a 15HP-driven dinghy, a 20-foot deck boat or even just a jetski, anyone skippering an engine-powered watercraft on inland waters must comply with the new safety regulations, and obtain their skipper's licence by March 2009.

And while many would feel that the new regulation is purely a government money-making scheme, it certainly has some positive implications.

## Clarifying Confusion

Since the Merchant Shipping (National Small Vessel Safety) Regulations of 2007 (as amended) was signed into law by the Minister of Transport Jeff Radebe

on 9 August 2007, our phones here at *Leisure Boating* haven't stopped.

What does the regulation mean for us? How much will it cost? And when is the cut-off date? These are just some of the questions asked by our confused boating fraternity, desperately seeking clarity on the issue. And being journalists, we feel it is our duty to inform the boating community exactly what is going on.

Initial perplexity came about when the South African Maritime Safety Authority (SAMSA) and the minister announced that new regulations would become enforceable by 8 August 2008. With the announcement, many pleasure boaters went frantic and blamed the Government for their lack of communication.

But after a lengthy discussion with SAMSA's Registrar of Seafarers' – Peace Mooketsi – it came to light that small vessels operating offshore were governed by the revoked 2002 regulations and therefore the 2007 amendments now extended to pleasure vessels operating solely on inland waters, which weren't previous regulated.

He added that "due to technical considerations, pleasure vessels that were built and used solely within inland waters only need to comply with the design and construction requirements two years after the commencement of the regulations, i.e. August 2009."

However, with so many inland boaters that must still comply with the safety



as enforcement officers, and, so will be strictly policing launch sites.

According to Jeff Radebe: "There seems to always have been a culture of lawlessness (on inland waterways), which the recent promulgation now aims to rectify".

SAMSA was reluctant, though, to state the exact fine for perpetrators caught not complying with these new regulations. But Peace did however mention that penalties range from a fine or imprisonment for a period not exceeding 12 months.

Complying with new design and construction regulations, completing a training course and obtaining a skippers' licence – as well as a Certificate of Fitness – could see pleasure boaters reaching deeper into their pockets in times when belts are supposed to be tightened.

SAMSA, in conjunction with the Boat Building Industry Association of South Africa (BIASA) has determined that 30% of the vessel's weight is to be fitted as buoyancy. The fitness certificate is only valid for one year from date of issue and must be renewed annually. A skipper's licence however, has no expiry date.

regulations and obtain their Category R (inland waters) skipper's licences, SAMSA felt it necessary to implement a window period for boaters to obtain a Certificate of Competency (CoC) and a Certificate of Fitness (CoF).

To summarise, the official Marine Notice 27 of 2008 states: that "All vessels that were built and used solely on inland waters before the commencement of the regulations must comply with the design and construction requirements before 8 August 2009". And skippers of pleasure vessels must be in possession of a CoC or skipper's licence and a CoF by 1 March 2009.

## Possible repercussions


If you're thinking of giving the new law a pass, things could start becoming difficult for you on the water. The South African Police Service's Waterwing, appointed Safety Officers and SAMSA surveyors, are all authorised these days

## Costs Involved

After discussing the amount involved, Boating Dynamix's Ludolph Toerien confirmed our suspicion that the new regulation could result in a costly affair for the average recreational inland boater.

With regards to skippers' courses, Ludolph said that he refers his clients to a reliable contact that offers training at minimal cost. At R1 200 (excluding medical and optician certificate and copy of ID and photos), the price is still considerably lower than most skippers' courses on offer.

"Then there is the issue of a buoyancy certificate," said Ludolph. Boating Dynamix does build buoyancy into the construction of older boats, which could cost anything between R4 000 and R6 500 (depending on size).

If your craft does have built-in buoyancy, you still need to have it assessed and inspected by SAMSA agents (like Boating Dynamix) to acquire your buoyancy certificate. This could cost you up to R1 000 for a certificate that, like the CoF, has to be renewed annually. Your CoF, incidentally, could cost anything up to R300 per annum. 





The SAPS Waterwing and appointed SAMSA officials will be strictly policing launch sites and slipways in the near future.



It means that boat owners could pay around R10 000 to ensure that both themselves and their boats comply with the new regulations. And this excludes all compulsory equipment such as lifejackets, flares, fire-extinguishers, etc., to then comply with the boat's CoF.

"Utterly ridiculous," said an unhappy inland boater upon hearing what his boat could cost him in the future. "I use my boat once a year and I refuse to pay someone R1 000 to check it every year. And even if everything checks out and is in order, you still have to pay them just for looking!"

Peace (Mooketsi) explained that although SAMSA cannot now change



You're required to stock standard equipment like lifejackets and safety canisters to comply with your craft's CoF.

the regulations, they will look at the fees charged and intend to make a proposal to the industry as to what the authority deem to be reasonable, and is up for further discussion.

"We are enforcing the law on the people and therefore do not want to penalise them as well. The regulations were meant to make the inland water safer and not as a business opportunity for some," Mooketsi said.

## The Pros

Despite the high costs involved, the new regulation does have a positive side. With 23 major rivers and 300 dams sustaining a myriad of boating activities such as sailing, power boating, jetskiing and fishing, South African waterways had recently made headlines for all the wrong reasons.

Peace said that due to the large amount of recent accidents, some of them resulting in death, the Ministry of Transport has decided to apply stricter controls for people launching their boats on inland waters with the aim to make South African waterways a much safer place.

Small vessels operating on South African waterways are estimated to number over 200 000. "Therefore the regulations will ensure that the safety of all boat users is not put at risk. This does not mean that we shall see a 100% decline in accidents, but it will aid in minimising such incidents," said Peace.

Peace also added that SAMSA has seen 16 year-olds being given powerful machines to launch on the rivers and dams. "This puts other boat user's safety at risk as these youngsters sometimes aren't even supervised. As previously mentioned, the regulations are aimed first and foremost to reduce accidents".

Taken from a Department of Transport advertorial, Jeff Radebe said that the new regulations would bring a better life for all. "We are adamant that the new regulations will support the Government's initiatives of halving unemployment by 2014 and alleviating poverty," said Radebe. 



The new implemented regulation is trying to clamp down on irresponsible jetskiing.

Peace Mooketsi confirmed this by saying: "South Africa has a large boatbuilding and repair capability and this has the potential to create more jobs". He also went on to say that it's easier to get funding in a regulated industry. "The boatbuilding industry does not only supply boats locally, but exports as well".

So does the new regulation take environmental issues in consideration? "The fact that environmental issues were not included in the regulations does not mean that they are less important, on the contrary, we seek to work with other parties who have interest in the water, e.g. Water and Environmental Affairs in order to look at matters of common interest," said Peace.

The new regulation will also aid in combating the sale of stolen boats. When a craft is surveyed by SAMSA officials, the owner must produce proof of ownership. The requirement of marking and recording pleasure vessels are contained in the regulations. "Once the national database has been populated, it would be easier to trace the boat to an owner," said Peace.

### The jetski issue

With the focus being on responsible jetskiing, personal watercrafts are now regulated like every other vessel under the new regulation. It states that any jetski measuring less than three metres must operate in the area designated by local authorities.

It would appear that these designated areas are on the decline for jetski owners who, due to irresponsible behaviour by some, are subsequently banned from many waterways across South Africa. "We've seen lots of 16-year-olds cruising around, unsupervised and disrupting placid boaters and fishermen. And we've had enough," said an unhappy resort official.

The new regulation is trying to clamp down on irresponsible jetskiing, and make it easier for those who jetski sensibly. Under the new regulation, jetski operators are required to be marked with an approved number, have certificates of fitness and be operated by or under the constant guidance of a skipper in possession of a valid Category R skipper's licence. Jetskis are also required to carry the same safety equipment as any other power driven vessel.

### Conclusion

Even though the newly-implemented law may place more pressure on the

boating market, responsible and family boat owners will find the safety aspects of the new regulation welcoming.

"We often only hear about these things once they are already law! And what's more, our maritime organisations go along with it – this is really bad communication. Most speed or inland boat owners do not even belong to clubs and hear about it through the grapevine," said a disgruntled online boating-blogger.

So, it's official! And don't say we didn't warn you. The cut-off date for all operators of inland waters to obtain their Category R skipper's licence is the 1st of March 2009, and obtaining your Certificate of Fitness concludes by the 8<sup>th</sup> of August 2009.

For more information on skipper's courses and buoyancy certificates, contact Ludolph Toerien at Boating Dynamix on (021) 535 3735 or email him on ludolph@boatingdynamix.co.za

For more information on the National Small Vessel Safety Regulations, Category R Skipper's licences or Certificate of Fitness, contact SAMSA on (021) 366 2600.



### Categories of small vessels:

- a) CATEGORY A – Vessels operating any distance from shore.
- b) CATEGORY B – Vessels operating less than 40 n.m. from shore
- c) CATEGORY C – Vessels operating less than 15 n.m. from shore
- d) CATEGORY D – Vessels operating less than 5 n.m. from shore
- e) CATEGORY E – Vessels operating 1 n.m. from shore and 15 n.m. from approved launch site.
- f) CATEGORY R – Vessels operating solely on inland waters e.g. lagoons, rivers, dams, wetlands and lakes within the Republic.