



# South African Maritime Safety Authority

Ref. SM 6/5/2/1

Date: 3 May 2018

## Marine Notice No. 15 of 2018

### Safety and certification requirements for foreign recreational vessels in South African waters

TO VESSEL OWNERS, AUTHORISED AGENCIES, YACHT CLUBS, MARINAS, LOCAL AUTHORITIES AND PRINCIPAL OFFICERS

*Marine Notice No 13 of 2005 is cancelled*

#### *Summary*

**This marine notice replaces Marine Notice 13 of 2005** and serves to advertise South African statutory requirements and SAMSMA policy regarding foreign visiting recreational vessels (e.g. yachts) that wish to stay in South Africa for extended periods and undertake recreational cruises or participate in sporting activities in South African waters.

- 1 In general, foreign vessels of all descriptions (with a few exceptions such as foreign military vessels) passing through South African territorial waters have what is commonly termed "the right of innocent passage" (i.e. these vessels are entitled to pass without interference or hindrance). However, this right is conditional upon passage being continuous and expeditious, with entrance to South Africa's internal waters allowed only through designated entry points or ports. These vessels, therefore, do not have an automatic right to stay and operate in South African waters, for example for sporting or recreational purposes.
- 2 It often happens that visiting yachts extend their stay and undertake recreational voyages in South African waters, which can bring them into conflict with local authorities, authorized agencies and other authorities having particular responsibilities under the local safety regime in relation to recreational vessels (e.g. if they are manned or equipped to a lower safety standard).
- 3 Foreign visiting yachts which extend their stay to enjoy recreational sailing in South African waters are subject to the *National Small Vessel Safety Regulations, 2007*, and require written permission in terms of regulation 3(f) of the *Marine Traffic Regulations, 1985*. For simplicity and consistency, SAMSMA would prefer that the written permission be in the form of a Certificate of Fitness (COF) issued in respect of the vessel by SAMSMA or an authorized agency. That CoF is in any case required by the *National Small Vessel Safety Regulations, 2007*. However South Africa wishes to encourage tourism of this nature, so to demand pedantic compliance with the specific detail of our local regulations (e.g. SAMSMA approved life jackets, an approved marking issued by SAMSMA or an authorized agency, and fire extinguishers serviced by an approved SAMFAS Fire Service Station) would be counterproductive. Accordingly, SAMSMA Offices and authorized agencies are authorized to issue a 6 month CoF to visiting recreational vessels, in case the foreign vessel extends its stay for more than 3 months, provided the authorized SAMSMA surveyor/Authorized Agency safety officer has applied his/her mind and is satisfied that the vessel meets an equivalent standard of safety, using the National Small Vessel Safety Regulations as a guideline.

- 4 Where, in the opinion of the safety officer, a foreign visiting vessel fails to meet a reasonable standard of safety, no permission (COF) should be granted and the vessel should remain alongside until it is ready to continue its international voyage. In the event that the foreign visiting vessel challenges the opinion of the safety officer, the matter should be referred to the Principal Officer.
- 5 Foreign registered vessels which are based in SA on a more permanent basis are required to meet the full requirements of the National Small Vessel Safety Regulations. They must be marked with a traceable approved marking issued by SAMSA or a SAMSA approved Authorized Agency and be surveyed to the local standard as defined in the National Small Vessel Regulations of 2007, Marine Notices and the SAMSA small vessel safety officer training program.
- 6 The fee payable is the gazetted charge for a 12 month certificate.

**3 May 2018**

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