



South African Maritime Safety Authority

Ref: SM6/5/2/1

Date: 5 June 2020

Marine Notice No 32 of 2020

COVID-19 Level 3 Crew Changes (Amendment)

TO ALL REGIONAL MANAGERS, PRINCIPAL OFFICERS, SHIP AGENTS, PORT AUTHORITIES, SHIP OWNERS, SHIP MANAGERS, SEAFARERS AND OTHER INTERESTED AND AFFECTED PARTIES

To be read in conjunction with Marine Notice 24 of 2020: Medical Evacuations from Vessels (MEDEVAC) & Marine Notice 26 of 2020: Coronavirus Information and Emergency Contact details

Marine Notice No 30 of 2020 is cancelled

Summary

This marine notice serves to inform all South African seafarers that they are permitted to embark and disembark vessels for the purposes of work under LEVEL 3.

BACKGROUND

Shipping is vital to the world supply chain. During the COVID-19 pandemic, it is critical that all personnel involved are protected from infection, including those onboard ships and shore personnel who may need to temporarily go onboard ships or interact with seafarers.

Many seafarers on board ships (and personnel in the offshore industry) have been on enforced extended contracts during the COVID-19 pandemic, with restrictions on travel making it difficult for crew to leave ships and for new crew to join ships. These extended stays on board could have significant repercussions for crew wellbeing as well as for safe ship operations. The Regulations for Alert Level 3 as published on 28 May 2020 in Government Gazette No. 43364 in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) provides, amongst others, that□

All borders will remain closed during the period of the national state of disaster, except for ports of entry designated by the Cabinet member responsible for home affairs, for specific reasons inclusive of the return of a South African national or permanent resident to his or her place of employment, study or residence, outside the Republic.

a) SOUTH AFRICAN SEAFARERS

All South African Seafarers will be permitted to embark or disembark vessels either in South Africa or Internationally. Returning Seafarers will be required to undergo a 14-day quarantine or self-isolation. South African Seafarers wishing to join a vessel, should preferably self-isolate for 14-days prior to embarkation. It is recommended, not mandatory, for seafarers to undergo a Covid-19 test prior to joining a vessel.

Merchant Shipping Act, No57 of 1951

154. Relief and maintenance of distressed seafarers.—

(1) In this section and in section one hundred and fifty-five

(a) “*distressed seafarer*” includes any master or seafarer—

(i) who is a South African citizen and who by reason of having been discharged or left behind from or shipwrecked in any ship other than a South African ship at a place outside the Republic, is in distress at that place; or

(ii) whether he is a South African citizen or not, who, by reason of having been discharged or left behind from or shipwrecked in any South African ship at a place outside the Republic, is in distress at that place;

(b) “repatriation expenses” means expenses incurred in returning a distressed seafarer to a proper return port and in providing him with necessary clothing and maintenance until his arrival at such port and includes, in the case of a shipwrecked seafarer, the repayment of expenses incurred in conveying him to port after shipwreck and maintaining him while being so conveyed; and

(c) “excepted expenses” means repatriation expenses incurred in cases where the cause of the seafarer’s being left behind is desertion or absence without leave or imprisonment for misconduct or discharge from his ship by a maritime court on the ground of misconduct.

(2) The proper officer shall on application being made to him by a distressed seafarer, provide in terms of the regulations for the return of that seafarer to a proper return port, and also for the said seafarer’s necessary clothing and maintenance until his arrival at such port.

(3) A distressed seafarer shall not have any right to be maintained or sent to a proper return port except to the extent and on the conditions provided for in the regulations.

(4) All repatriation expenses, other than excepted expenses, incurred by or on behalf of the State in accordance with the provisions of this Act shall constitute a debt due to the State for which the owner of the ship to which the seafarer in respect of whom they were incurred belonged at the time of his discharge or other event which resulted in his becoming a distressed seafarer shall be liable. The owner shall not be entitled to recover from the seafarer any amount paid by him to the State in settlement or part settlement of such debt.

(5) All excepted expenses incurred by or on behalf of the State in accordance with the provisions of this Act shall constitute a debt due to the State for which the seafarer in respect of whom they were incurred and the owner of the ship to which that seafarer belonged at the time of his discharge or other event which resulted in his becoming a distressed seafarer shall be jointly and severally liable. The owner shall be entitled to recover from the seafarer any amount paid by him to the State in settlement or part settlement of such debt, and may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seafarer.

(6) All excepted expenses incurred in accordance with the provisions of this Act in respect of any distressed seafarer by the owner of the ship to which he belonged at the time of his discharge or other event which resulted in his becoming a distressed seafarer shall constitute a debt due to the owner for which the seafarer shall be liable. The owner may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seafarer. The owner shall not be entitled to recover from the seafarer any repatriation expenses other than excepted expenses.

(7) In any proceedings for the recovery of any expenses which in terms of subsection (4) or (5) are a debt due to the State the production of an account of the expenses and proof of payment thereof by or on behalf of or under the direction of the Authority shall be prima facie evidence that the expenses were incurred or repaid in accordance with the provisions of this Act by or on behalf of the State.

b) FOREIGN SEAFARERS

No foreign Seafarers will be permitted to embark or disembark vessels in South Africa, unless prior arrangements have been agreed upon between the seafarers’ Embassy and Department of International Relations and Cooperation (DIRCO), Department of Home Affairs and Department of Health.

c) SHIP OWNERS RESPONSIBILITIES: SEAFARERS RIGHT TO REPATRIATION

MLC Maritime Labour Convention, 2006, as adopted by ILO on 2006-02-07 at the 94. Conference, amended in 2014

Regulation 2.5 - Repatriation

Purpose: To ensure that seafarers are able to return home

1. Seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions specified in the Code.
2. Each Member shall require ships that fly its flag to provide financial security to ensure that seafarers are duly repatriated in accordance with the Code.

d) MEDICAL EVACUATIONS

Medical Evacuations will be dealt with in accordance with Marine Notice 24 of 2020.

e) SEAFARER WELFARE

Should any distressed seafarer require assistance for any welfare or humanitarian issue, please email:

welfare@samsa.org.za

f) HEALTH DECLARATIONS

Masters, Seafarers and Ship Operators are to ensure that each individual seafarer, wishing to join or sign off a vessel completes a CREW HEALTH SELF-DECLARATION & DAILY TEMPERATURE RECORDS as per Annex 1.

g) INTERNATIONAL AIR TRAVEL

Restrictions may still apply in terms of international air travel. Ship Owners, Ship Operators, Ship Agents and seafarers should be aware that any restrictions or availability of flights may still impose difficulties in international travel.

h) DEPARTMENT OF HOME AFFAIRS: APPROVAL TO TRAVEL FROM 01 JUNE 2020

Seafarers intending to leave the Republic are permitted to continue with their travel arrangements subject to the following:

1. Must be a South African Citizen who wish to depart from the Republic only for the following reasons:
 - a. Work
 - b. Study
 - c. Residence (*this includes family reunion, to take up permanent residency or receive medical attention*)

2. Must hold a valid South African Passport.
3. Are in possession of and will travel with the proof that confirms your admissibility
This is normally in the form of a letter confirming your admissibility under the current circumstances from the embassy or other diplomatic/consular representative of the country you want to travel to. If returning by road or connecting via flights, the proof needs to include permission from each transiting country
4. Immigration Services must still process your departure from the Republic at a Port of Entry designated by the Cabinet member responsible for home affairs as stipulated above.
5. During Immigration Processing, you will have to comply with standard immigration requirements. All normal rules relating to the Immigration Act should still be adhered to as prescribed by DHA (www.dha.gov.za)

i) IN SUMMARY

- (i) Return to South Africa will require you to be placed in isolation or quarantine for 14 days as the case may be as per the current departmental directions governing the returns of South African Nationals through our ports of entry.
- (ii) Seafarers wishing to apply for interprovincial travel must do so through the South African Police Service.
- (iii) South African Seafarers in a foreign country wishing to be repatriated back to South Africa: *Contact your local SA embassy or other diplomatic / consular representative, who will liaise with the Department of International Relations and Cooperation (DIRCO). In your correspondence, please provide them with an image of SA passport and ID document.*
- (iv) Foreign seafarers wishing to return to their countries from South Africa:
Contact the embassy or other diplomatic / consular representative of your country of destination who will set in motion an authorisation through DIRCO.

5 June 2020

SM6/5/2/1

Issued by and obtainable from:
The South African Maritime Safety Authority
146 Lunnon Road
Hillcrest, Pretoria 0083

PO Box 13186
Hatfield 0028

Tel: +27 12 366 2600

Fax: +27 12 366 2601

E-mail: marinenotices@samsa.org.za

Web Site: www.samsa.org.za

APPENDIX 1

CREW HEALTH SELF-DECLARATION & DAILY TEMPERATURE RECORDS

The protocols refer to a seafarer completing a "Crew Health Self-Declaration" and keeping records of daily temperature checks. The following is a template for a "Crew Health Self-Declaration" and "Daily Crew Temperature Check Records", which should be completed by seafarers while still at their place of ordinary residence or onboard ship, prior to their travel.

CREW HEALTH SELF-DECLARATION FORM	
Name of Seafarer:	
Date:	
MEDICAL CERTIFICATE	
Number/Reference:	
Date of Examination:	
Date of Expiry:	
Crew Change Type:	<input type="checkbox"/> Joining ship <input type="checkbox"/> Leaving ship
If joining ship, Place of Ordinary Residence: (i.e. city/town, country)	
Ship Name: (if leaving the ship)	
IMO No.:	
Flag State:	
Capacity/Position:	
Have gone on shore leave in the last 14 days?	YES / NO
Have you maintained a safe distance from any shore-side personnel that have boarded the ship in the last 14 days?	YES / NO
Have you received information and guidance on the coronavirus (COVID-19), including about standard health protection measures and precautions?	YES / NO
Do you understand and comply with applicable standard health protection measures and precautions to prevent the spread of the coronavirus (COVID-19), such as proper hand washing, coughing etiquette, appropriate social distancing?	YES / NO
DURING THE LAST 14 DAYS, HAVE YOU:	
Tested positive for being infected with the coronavirus (COVID-19)? If "Yes", please provide date of test and name of test:	YES / NO
Tested positive for the antibodies for the coronavirus (COVID-19)? If "Yes", please provide date of test and name of test:	YES / NO
Shown any symptoms associated with the coronavirus (COVID-19), specifically	
• A new and continuous cough	YES / NO
• A fever	YES / NO
Completed a period of self-isolation related to the coronavirus (COVID-19)?	YES / NO
Had close contact with anyone that has tested positive for coronavirus (COVID-19)?	YES / NO
Had close contact with anyone with symptoms of the coronavirus (COVID-19)?	YES / NO
Maintained good personal hygiene and complied with applicable health protection measures and precautions?	YES / NO

DAILY CREW TEMPERATURE CHECK RECORDS														
	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7	DAY 8	DAY 9	DAY 10	DAY 11	DAY 12	DAY 13	DAY 14
DATE														
AM														
PM														

I confirm that the information provided above is correct to the best of my knowledge.

Signature: _____

Date: _____