

S.I. 4 of 2023

SEYCHELLES MARITIME SAFETY AUTHORITY ACT

(Act 2 of 2020)

**Seychelles Maritime Safety Authority (Identification of small vessels)
Regulations, 2023**

Arrangement of Regulations

Regulations

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S.I. 4 of 2023**SEYCHELLES MARITIME SAFETY AUTHORITY ACT***(Act 2 of 2020)***Seychelles Maritime Safety Authority (Identification of small vessels)
Regulations, 2023**

In exercise of the powers conferred by Section 25 read with Section 4 of the Seychelles Maritime Safety Authority Act, the Minister responsible for Maritime Affairs hereby makes the following Regulations —

PART I - PRELIMINARY**Citation**

1. These regulations may be cited as the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations, 2023.

Interpretation

2. In these regulations unless the context otherwise requires —

“Act” means the Seychelles Maritime Safety Authority Act, 2019;

“Authority” means the Seychelles Maritime Safety Authority established under section 3 of the Act;

“Beach craft” means a small vessel, excluding an inflatable boat, measuring not more than 6 meters in length which operates commercially from a specific departure point to a designated destination within a specified regulated area;

“Call Sign” means a unique sequence of letters and numbers assigned to a vessel for the purpose of communication by the department responsible for communication, information and technology in Seychelles;

“Change in use” means a change in use of a small vessel;

“Commercial non-motorised watercraft” means a small vessel or equipment used commercially and propelled by means other than a motor engine;

“Commercial watercraft” means a watercraft used for hire or reward and excludes all other small vessels listed under schedule IV that are used commercially;

“Disposable barge” means a small vessel used commercially to transport refuse and waste, as per MARPOL Annexes I to V, across waterways;

“Ferry vessel” means a small vessel engaged commercially in carrying passengers and small cargo on a pre fixed schedule;

“Fishing vessel” means a small vessel of any nature, used or intended to be used or capable of being used for fishing or fishing related activities, however excluding fishing for pleasure;

“Hire craft” means a small vessel or any part thereof let out for hire, for sports fishing, for recreational purposes or for any other commercial use approved by the Authority;

“Identification number” means the number assigned to a small vessel upon identification;

“Identification roll” means the identification roll in which the owner of a small vessel and the particulars associated therewith are entered;

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 as amended from time to time;

“Master”, in relation to a vessel, means the person having lawful command or charge of the vessel, but does not include a pilot;

“Maritime Mobile Service Identity” means a unique contact number for locating and identifying ships digitally;

“Passenger vessel” means a small vessel which on a commercial basis carries twelve passengers or more to and from a designated point;

“Plying vessel” means a small vessel which, conveys passengers commercially to and from a designated point;

“Private non-motorised watercraft” means a small vessel or equipment used privately and propelled by means other than a motor engine;

“Private vessel” means a small vessel not engaged in commercial activities and operations;

“Registrar” means the Registrar of ships appointed in terms of section 10 of the Act;

“Regulated area” means the area extending from the seashore to the Exclusive Economic Zone of the Republic of Seychelles, and includes the archipelagic waters;

“Regulations” means the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations, 2023;

“Rescue boat” means a small vessel attached to a commercial watercraft or to a commercial non-motorised watercraft and used to attend to vessels or persons in distress;

“Schedule” means the schedule to these regulations;

“Shuttle vessel” means a small vessel used commercially and designated as a means of transport for a commercial establishment with the sole purpose of transporting persons and goods to and from the establishment to service the proper operation of that establishment;

“Small cargo” means goods carried on a small vessel as cargo which the Master deems proportional to the carrying capacity and stability of the small vessel;

“Small vessel” means a vessel measuring less than 10 metres in length as per schedule IV;

“Surveyor” means surveyor appointed in terms of section 10 of the Act;

“Temporary basis” means a period of not more than one month;

“Temporary vessel” means a small vessel operating within the regulated area on a temporary basis;

“Trade vessel” means a vessel engaged in the commercial conveyance of goods and provision of services;

“Vessel” includes every description of ship, watercraft, including non-displacement craft, wing-in-ground craft and seaplanes, used or capable of being used as a means of transportation on water;

“Watercraft” means a small vessel by whatever means propelled, including a commercial motorised watercraft and commercial non-motorised watercraft, excluding a private non-motorised watercraft and any other vessel listed in Schedule IV of these regulations, operating commercially within the regulated area;

“Water line” means the line where the hull of a vessel meets the surface of the water.

Application

3. These Regulations apply to small vessels operating in the regulated area.

PART II - IDENTIFICATION PROCESS

Identification of small vessels and Certificate of Identification

4.(1) A person shall not operate a small vessel within the regulated area unless —

- (a) it has been identified in accordance with these regulations; and
- (b) a Certificate of Identification has accordingly been issued.

(2) A person is exempt from the requirements under subregulation (1) if he or she navigates a private vessel on a temporary basis, within the regulated area.

(3) An application for the identification of a small vessel shall be made to the Authority in the form specified in Schedule I and must be accompanied by —

- (a) a Declaration of Ownership made in the form prescribed under schedule II and executed in the presence of and attested to by —
 - (i) a notary, a barrister, an attorney, a magistrate, a Justice of the Peace, a person appointed by the President in terms of the Constitution as a member of the Executive branch of Government or the Registrar, if executed in the Seychelles; or
 - (ii) if executed in a country other than the Seychelles, made in the presence of such person the Minister deems suitable.
- (b) documentation sufficient to provide proof of the person's identification;
- (c) the person's proof of address;

- (d) a copy of an Identification Safety Certificate issued in terms of regulation 5 of these regulations;
- (e) documentary proof of the vessel's insurance coverage;
- (f) a copy of the applicant's Certificate of Proficiency or Certificate of Competency;
- (g) an application for a Maritime Mobile Service Identity or Call Sign if the vessel is fitted with a marine radio equipment;
- (h) such fee as may, in terms of the Seychelles Maritime Safety Authority (Fees) Regulations, 2023 be prescribed; and
- (i) any other documentation or information which the Authority deems relevant to the application.

(4) A person shall not make or submit false claims and misleading entries pertaining to any document required for application under this regulation.

(5) The Authority, upon being satisfied that all documents provided in terms of subregulation (3) have been furnished and are authentic and that the applicant has subjected his or her small vessel to the survey in terms of Regulation 5, shall issue to the applicant a Certificate of Identification.

(6) Where the Authority grants a Certificate of Identification, it shall assign to the small vessel an identification number.

(7) A Certificate of Identification shall expire five years from the date of its issuance or when the small vessel becomes derelict, or when the owner informs the Authority of a change in use of the small vessel.

(8) An expired certificate owing to the passing of five years is, on application, renewable.

(9) The Authority may, where an application for a renewal of the Certificate of Identification is not made within six months from the date it expires, reassign, except to a fishing vessel, the identification number of a vessel used commercially, to another small vessel carrying out the same commercial operations.

(10) A Certificate of Identification is not transferable.

(11) Where the particulars of the small vessel have been changed through sale or otherwise, the person whose name last appeared on the identification roll shall in writing, inform the Authority of such change, and the new owner shall forthwith subject anew the vessel to the identification process.

(12) Where the owner or operator of a private vessel intends to operate within the regulated area for a period exceeding that which is defined as a temporary basis in regulation 2, he or she shall subject the private vessel to the identification process under these regulations and obtain a Certificate of Identification therefor.

(13) An owner or operator of a private vessel which has been identified subsequent to having met the requirements under subregulation (3), shall forthwith notify the Authority of a cessation of operations of the small vessel within the regulated area.

(14) Where the Authority receives a notification in accordance with subregulation (13), it shall have the Identification Roll accordingly amended.

Survey and Identification Safety Certificate

5.(1) An owner of a small vessel shall, prior to having the small vessel identified, subject the small vessel to an Identification Safety Survey.

(2) The survey referred to under subregulation (1) shall include —

(a) an inspection of the hull of the small vessel and its safety and navigation equipment;

- (b) an inspection of the small vessel's engine and its mechanical systems.

(3) An application for a survey shall be made to the Authority in such form as the Authority may, by written direction to the applicant specify and shall be accompanied by such fee as may be prescribed in terms of the Seychelles Maritime Safety Authority (Fees) Regulations, 2023.

(4) The Authority shall, based on the findings of the survey and taking into account the vessel's specifications, determine the maximum number of persons the small vessel may carry.

(5) An Identification Safety Certificate issued to a small vessel subsequent to a survey shall be valid for a period of five years.

(6) An owner who has subjected his or her small vessel to a survey, shall on the completion of a period of five years after being issued an Identification Safety Certificate, subject anew his or her small vessel to the same survey.

General requirements for markings

6.(1) A person whose small vessel has been identified and issued with a Certificate of Identification shall place upon the hull of the small vessel markings —

- (a) which include the name and number of the small vessel that do not closely resemble markings of another vessel;
 - (b) which are clearly decipherable;
 - (c) which are clearly affixed above the water line;
 - (d) containing characters of 50mm in height and 15mm in width; and
 - (e) concomitant with the small vessel's carrying capacity;
- (2) The owner of a small vessel shall ensure that the same markings

that are required to be present on the small vessel also feature on its tenders and on all life jackets onboard.

Markings on specific small vessels

7. The owner or operator of a small vessel shall ensure that his or her small vessel bears on its hull, markings described in schedule III according to its category specified under schedule IV.

Renewal of Certificate of Identification

8.(1) An application to renew a Certificate of Identification must be made in the form specified under schedule I at least one month prior to the date the validity period of the Certificate of Identification expires, accompanied by a letter requesting for renewal.

(2) A person who has obtained a Certificate of Identification and who, after the expiration of the certificate, fails to renew his certificate is liable, in addition to the fee required to be paid for the certificate and any other potential penalty under the Act for a failure to renew in a timely manner, to a surcharge of 25% of the fee, for each month or part thereof which has elapsed from the date of the expiration of the certificate to the date of the lodging of a new application, unless the Authority is satisfied that during the period between the expiration of his previous certificate and that application, the small vessel was found to be derelict or wrecked beyond repair.

(3) A person shall not, without proper justification, fail to renew his Certificate of Identification beyond six months of its expiry.

PART III - CHANGE IN USE OF SMALL VESSEL

Notification of change in use of small vessel

9.(1) The owner of a small vessel used for commercial or private purposes displaying markings concomitant to such use shall notify the Authority of his or her intention to change the use of the vessel and thereafter make an application therefor.

(2) The Authority, upon receipt of an application under subregulation (1) shall direct the owner to subject anew his or her small vessel to the identification process under regulations 4, 5, 6 and 7 of these regulations.

(3) Where the owner satisfies the Authority that he or she has subjected his or her vessel to the process under regulations 4, 5, 6, and 7, the Authority shall uphold the application and grant the owner approval for the change in use of his or her vessel.

PART IV - IDENTIFICATION ROLL OF SMALL VESSELS

Identification roll

10.(1) The Registrar shall keep a roll of small vessels which are required to be identified in terms of these regulations, to be known as the identification roll.

(2) The identification roll shall contain the following particulars in respect of each small vessel —

- (a) the name, particulars of the owner and his or her interest in the small vessel;
- (b) the name of the charterer and his or her particulars (if applicable);
- (c) the name (if applicable), particulars and description of the small vessel; and
- (d) the specific category in which the small vessel is, in terms of schedule IV, classified.

(3) An operator shall forthwith inform the Authority of any change to the particulars listed in subregulation (2).

(4) A person may, on payment of such fee as may, in terms of the Seychelles Maritime Safety Authority (Fees) Regulations, 2023 be prescribed —

- (a) inspect the identification roll; or
- (b) obtain a transcript of any entry contained in the roll.

Amendment of particulars in identification roll

11.(1) Where the Authority has approved a change in use of a small vessel in terms of regulation 9, the Authority shall have the particulars of the vessel in the identification roll accordingly amended.

(2) An owner of a small vessel whose particulars no longer reflect those that feature on the identification roll shall forthwith inform the Authority of such change in particulars and the Authority shall accordingly amend the roll.

(3) An owner whose small vessel has been destroyed shall notify the Authority of such incident and the Authority shall have the information relevant to that small vessel accordingly amended.

Lost, stolen or destroyed documents

12. An owner, operator or person in command of a vessel shall forthwith inform the Authority of any lost, stolen or destroyed statutory certificates or documents issued by the Authority.

PART V - OFFENCES, PENALTIES AND TRANSITION

Offences and penalties

13. A person who contravenes Regulations 4(1), 4(4), 4(5), 4(6), 4(11), 4 (12), 4 (13)5(1), 5(6), 6(1), 6 (2), 7, 8(3), 9(1), 11(1), 11(2), 11(3), 12 and 15 commits an offence and is on conviction liable to a fine concomitant to scale 4 under the Standard Scale of Fines of the Criminal Offences (Standard Scale of Fines) Act, 2021 or to imprisonment of a term not exceeding 18 months or to both a fine and imprisonment.

Compounding of offence

14.(1) The Authority may, in consultation with the Attorney General compound a punishable offence in lieu of instituting legal proceedings

against a person who admits to having committed an offence under these regulations and who agrees in writing to have it dealt with under this regulation.

(2) The compounded monetary penalty shall not exceed the maximum fine prescribed for an offence under these regulations.

(3) The Authority shall by written notice, offer the offender to pay the compounded monetary penalty specified therein requiring him or her to respond to the offer within 14 days from the date within which the notice is issued.

(4) Where the offender accepts the offer under subregulation (3), he or she shall inform the Authority, no later than the 14 days after receipt of the Authority's notice, of his or her refusal or acceptance to compound the offence.

(5) The offender who agrees to compounding shall make payment of the compounded monetary penalty to the Authority no later than 5 days after the acceptance of the written offer under subregulation (3).

(6) The notice under subregulation (3) shall inform the offender of his or her obligations under sub regulations (4) and (5) and shall describe the manner in which payment under subregulation (5) is to be made.

(7) On payment of the compounded monetary penalty, the fact that the offence has been compounded shall be filed in court and proceedings in connection with the commission of the offence which is pending shall be recorded as compounded and the offender absolutely discharged.

(8) The compounding of an offence under this regulation shall be conclusive and final.

(9) In proceedings brought against a person for an offence against this regulation, proof that the offence has been compounded under this regulation shall be a defence.

(10) Where the offender fails to pay the amount specified in the notice under subregulation (3), the Authority may institute legal proceedings.

Transition

15. A person who owns a small vessel on the date of the coming into operation of these regulations, shall within six months of the commencement of these regulations subject his or her vessel to the identification process.

SCHEDULE I



Identification Application Form For Small Vessel

Type of Activity:

Private **Commercial**

Specific Categories of small vessels (Please refer to the Annex for the definition of each small vessel):

- Hire Craft**
- Temporary Vessel**
- Beach Craft**
- Commercial Watercraft**
- Commercial Non-Motorized Watercraft**
- Fishing Vessels**
- Passenger Vessels**
- Disposable Barge**
- Trade Vessel**
- Ferry Vessel**
- Shuttle Vessel**
- Private Vessel**
- Plying Vessel**
- Rescue Boat**

DETAILS OF OWNER

Name of Owner:.....

Company/Business Name: (if applicable).....

Address of Owner in Seychelles / Address of registered office in Seychelles.....

Telephone No:.....

E-mail Address:.....

Full name of holder of Certificate of Proficiency or Certificate of Competency.....

Certificate of Proficiency Number or Certificate of Competency Number.....

DETAILS OF SMALL VESSEL

Name of Small Vessel:

Type of Small Vessel:

Year of Construction:

Builder:

Carrying Capacity:.....

Length Overall: **Engine**

Capacity:.....

Breadth: **Operating Limit:**

Material: **Colour:**

Name of applicant:

Signature of Applicant:.....

Date of application **Requested date of survey:**

FOR OFFICIAL USE ONLY

CONFIRMATION OF SURVEY

DATE OF SURVEY	TIME OF SURVEY	PLACE OF SURVEY	SURVEYOR's NAME

Approved

Not Approved

Reasons why not approved:

.....

.....

.....

Official Stamp

Surveyor Signature:.....



REFERENCE NUMBER

ID NUMBER OF SMALL VESSEL:.....

Ship Registration Officer Signature.....

Head of Department Signature:.....

Date:.....

Official Stamp



Supporting Documents

Table A

Document Type	Commercial Vessel	Non-Commercial Vessel
Declaration of Ownership	X	X
Insurance Cover	X	X
SMSA Safety Certificate	X	X
COP Credential	X	X

Annex

Hire Craft - means a small vessel or any part thereof let out for hire, for sports fishing, for recreational purposes or for any other commercial use approved by the Authority
Temporary Vessel - means a small vessel operating within the regulated area on a temporary basis
Beach Craft - means a small vessel, excluding an inflatable boat, measuring not more than 6 meters in length which operates commercially from a specific departure point to a designated destination within a specified regulated area
Commercial Watercraft - means a watercraft used for hire or reward and excludes all other small vessels listed under schedule IV that are used commercially
Commercial Non-Motorised Watercraft - means a small vessel or equipment used commercially and propelled by means other than a motor engine
Watercraft - means a small vessel by whatever means propelled, including a commercial motorised watercraft and commercial non-motorised watercraft, excluding any other vessel listed in Schedule IV of the SMSA (Identification of small vessels) Regulations, operating commercially within the regulated area
Fishing Vessel - means a small vessel of any nature, used or intended to be used or capable of being used for fishing or fishing related activities, however excluding fishing for pleasure
Passenger Vessel - means a small vessel which on a commercial basis carries twelve passengers or more to and from a designated point
Disposable Barge - means a small vessel used commercially to transport refuse and waste, as per MARPOL Annexes I to V, across waterways
Trade Vessel - means a small vessel commercially engaged in the conveyance of goods and provision of services
Ferry Vessel - means a small vessel engaged commercially in carrying passengers and small cargo on a pre - fixed schedule
Shuttle Vessel - means a small vessel designated and used solely for the commercial transporting of persons and goods to and from a commercial establishment to service the proper operation of that establishment
Private Vessel - means a small vessel not engaged in commercial activities and operations
Plying Vessel - means a small vessel which, on a commercial basis, carries less than twelve passengers to and from a designated point
Rescue Boat - means a small vessel used to attend to a vessel or person in distress

SCHEDULE II



Declaration of Ownership

SMSA's Logo

Name(Individual/Company/Business).....
Address.....
NIN/BRN/Company Number
Name of small vessel.....

Particulars of small vessel

Date and place of Construction:.....
Type:.....
Make:.....
Length:.....
Breadth:.....
Colour:.....
Engine Capacity:.....Engine
Type:.....
Number of Engine(s) :.....

I..... (Name and surname)

do solemnly and sincerely declare that-

1. to the best of my knowledge and belief (tick as applicable)

or [] no person or corporation other than myself has any legal beneficial interest in the vessel

[] the following person/s has/have the following legal or beneficial interest/s in the vessel

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

2. all information and particulars given under this declaration is true and correct; and

3. I make this solemn declaration conscientiously believing the statements contained therein to be true and correct in every respect.

Signature..... Date

To be completed by a notary, a barrister, an attorney, a magistrate, a Justice of the Peace, a person appointed by the President in terms of the Constitution as a member of the Executive branch of Government or the Registrar, if executed in the Seychelles or by any other person the Minister deems suitable.

DECLARATION signed

at.....on
the.....day
of.....,
Before me -

Name.....

Signature.....

Title.....



Official Stamp

SCHEDULE III*(Regulation 7)****Markings on specific small vessels***

TYPE OF VESSEL/ACTIVITY	MARKINGS
Hire Craft	The letters "HC" followed by a number assigned by the Authority subsequent to identification
Temporary Vessel	The letter "T" followed by a number assigned by the Authority subsequent to identification
Beach Craft	The letters "BC" followed by a number assigned by the Authority subsequent to identification
Commercial Watercraft	The letters "CWC"
Commercial Non - Motorized Watercraft	The letters "CNM"
Fishing Vessel	The letters "SZ" followed by a number assigned by the Authority subsequent to identification
Private Vessel	The letter "P" followed by a number assigned by the Authority subsequent to identification
Passenger Vessel	The letters "PV" followed by a number assigned by the Authority subsequent to identification
Disposable Barge	The letters "DB" followed by a number assigned by the Authority subsequent to identification
Trade Vessel	The letters "TV" followed by a number assigned by the Authority subsequent to identification
Ferry Vessel	The letters "FV" followed by a number assigned by the Authority subsequent to identification
Shuttle Vessel	The letters "SV" followed by a number assigned by the Authority subsequent to identification

Plying Vessel	The letters PLV followed by a number assigned by the Authority subsequent to identification
Rescue Boat	The letters RB followed by a number assigned by the Authority subsequent to identification

SCHEDULE IV

Categories of small vessels

- (1) Hire Craft
- (2) Temporary Vessel
- (3) Beach Craft
- (4) Commercial Watercraft
- (5) Commercial Non-Motorised Watercraft
- (6) Fishing Vessel
- (7) Private Vessel
- (8) Passenger Vessel
- (9) Disposable Barge
- (10) Trade Vessel
- (11) Ferry Vessel
- (12) Shuttle Vessel
- (13) Plying Vessel
- (14) Rescue Boat

MADE this 12th day of January, 2023.

**ANTONY DERJACQUES
MINISTER OF TRANSPORT**
