



DIVING LICENCE

Licence Number:

Issued in terms of the Port Rules for the commercial ports of South Africa, adopted in terms of the National Ports Act No. 12 of 2005 ("the Act")

MAY NOT BE TRANSFERRED WITHOUT THE PRIOR WRITTEN CONSENT OF THE AUTHORITY

Name of Licensed Operator:

Registered physical address from where principal business is carried on:

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Registration Number:

V.A.T. Registration Number:

("hereinafter referred to as the "Licensee")

The Licensee is hereby licensed by the Authority to undertake diving activities in the Port of

This licence is issued subject to:

- 1) compliance with the conditions printed on this licence, which list some of the obligations of the Licensee;
- 2) compliance with the provisions of the Act, diving regulations issued in terms of the Occupational, Health & Safety Act 85 of 1993 and all other relevant legislation;
- 3) compliance with any Regulations adopted in terms of section 80(1) of the Act;
- 4) compliance with the Port Rules for the commercial ports of the Republic of South Africa adopted in terms of section 80(2) of the Act, and with the Harbour Master's Written Instructions and the Authority's Written Instructions;
- 5) compliance with the Authority's Tariff Book, published in terms of section 72(1) of the Act;
- 6) compliance with the International Ship and Port Security Code ("the ISPS Code") as it applies to all Ports of South Africa;
- 7) compliance with the Harbour Master Diving Permit System, which requires that prior to any diving operation taking place within port limits, a permit must be obtained from Port Control; and
- 8) compliance with all other applicable legislation and generally the requirement to conduct its diving activities in accordance with the Law.

Duration of licence: _____ to _____.

Licence fee: R [TBD], inclusive of VAT.

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Date:

THE AUTHORITY'S DELEGATEE

The Licensee accepts that this licence is issued subject to compliance with the attached conditions and the statutory and other instruments listed above, as amended or changed from time to time.

.....

Date:

LICENSEE OR ITS AUTHORISED REPRESENTATIVE

CONDITIONS OF DIVING LICENCE

GENERAL

1. The Licensee may not act or purport to act on behalf of the Authority or to represent it in any way. The Licensee is not the mandatory, agent or employee of the Authority arising out of the issue of this Licence. The Authority shall not be liable, vicariously or otherwise, for the acts or omissions of the Licensee.
2. The Licensee acknowledges and agrees that the Authority may disclose any or all of the information provided by the Licensee to law enforcement, government and regulatory agencies and the Licensee releases and indemnifies the Authority from and against all losses, claims, damages, costs, liabilities, actions and causes of action arising out of or in any way connected with the disclosure or release of any information provided by the Licensee to such bodies.
3. The Licensee shall comply with all the Authority's relevant management systems, policies and procedures and directives, particularly the detailed Diving Procedures, as amended from time to time. The Licensee shall provide copies of annual certifications renewals of registration with Department of Labour, test certificates, South African Revenue Services' tax clearance and COID certificate.
4. The Licensee shall, where there is a change in any of the information already supplied to the Authority by the Licensee, immediately update such information in writing to the Authority.

SAFETY, HEALTH, ENVIRONMENT AND EFFICIENCY

5. Diving services must be performed diligently, safely and without deliberate or undue delay.
6. The Licensee shall ensure that any diving activity undertaken by the Licensee is planned, managed and conducted in a manner which protects the health and safety of all persons.
7. The Licensee shall ensure that suitable and sufficient plant and equipment is available for use in an emergency, which must include plant and equipment for the provision of First Aid and related medical assistance.
8. The Licensee shall ensure that all plant and equipment used during the performance of diving operations, is removed from wharfs, quays, jetties and other work places in a Port without delay immediately after the diving operations are completed, or within such extended time as the Authority may allow, on good cause shown.
9. The Licensee shall ensure that a Supervisor is appointed to supervise all diving operations.
10. The Licensee shall ensure that no person shall be appointed, or shall act, as a Supervisor unless he is competent and duly qualified to perform the functions of a Supervisor in respect of the diving activity which he is appointed to supervise.
11. The Licensee shall ensure that no person shall be permitted to undertake diving activities, unless he is competent and duly qualified.
12. The Licensee shall ensure that every diver engaged in a diving activity shall maintain a personal daily record of diving.
13. The Licensee shall ensure that all divers have a valid Certificate of Medical Fitness to dive which must be issued by a medical examiner approved in writing by the Department of Labour.

14. The Licensee shall have written safety, health, environment and quality management systems in place at all times and shall make these available to the Authority for inspection upon request at all reasonable times.
15. The Licensee shall undertake annual risk assessments of the diving services that it offers within the Port and shall make these available to the Authority for inspection upon request.
16. The Licensee shall undertake a site specific risk assessment to identify site specific hazards and their risks and shall make these available to the Authority for inspection upon request.
17. The Licensee shall ensure that persons, who are not employed by the Licensee but who are part of the Licensee's dive team, shall be competent and duly qualified for the nature of the work that they are going to perform during diving activities. The Licensee shall ensure that such persons are familiar with the Licensee's procedures, rules and the diving plant and equipment that is to be used.
18. Any injury on duty (IOD), or fatality, shall be reported to the Authority without delay and to any applicable statutory body within the required time-frame.
19. Any incidents or accidents arising out of the licensed operations that may impact in any way on the environment shall be reported immediately to the Authority by the Licensee.

EMPLOYEES

20. Only employees duly qualified and with the applicable training as required by relevant legislation may be utilised by the Licensee. Qualification and training records shall be made available to the Authority upon request.
21. All employees of the Licensee must be in possession of a valid access permit issued in terms of the Port Rules.

MOTOR VEHICLES

22. Each motor vehicle used by the Licensee in the Port in excess of one and a half tonne carrying capacity shall bear the name of the Licensee in a conspicuous place on such motor vehicle, or in such manner as the Authority may from time to time stipulate.
23. All motor vehicles used for the transport of employees within the precincts of the Ports shall be closed top motor vehicles.

INSURANCE

24. Public liability insurance shall be effected and maintained at all times. The extent of public liability insurance may be adjusted by the Authority on an annual basis, or after consultation with the Licensee.
25. Upon request, the Licensee shall furnish proof to the Authority of the continued existence and validity of such insurance and the regular payment of all premiums due under the policy.
26. The Authority shall not be liable should it at any stage be established that the insurance obtained is inadequate or insufficient for any reason whatsoever, or should the relevant insurer for any reason refuse or be unable to meet its liabilities in terms of the said policy.

AMENDMENT, SUSPENSION, WITHDRAWAL OR CANCELLATION

27. The Authority may on good cause shown, including the breach of any one or more of these conditions, at any time suspend, withdraw or cancel this licence provided that it will follow a fair procedure before such a decision is taken.
28. The Authority may also amend the conditions contained in this licence provided that, prior to making a decision to amend, the Authority will indicate the reasons why it considers it

necessary to amend the conditions and afford the Licensee a reasonable opportunity to make representations as to why the conditions should not be amended.

29. The Licensee shall have no claim against the Authority arising out of the suspension, withdrawal or cancellation of the permit or the amendment of the conditions, but shall be entitled to receive written reasons from the Authority in terms of the law.
