

**TRANSNEI**



national ports  
authority

## BUNKERING LICENCE

**Licence Number:** .....

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

**THIS LICENCE IS NOT TRANSFERABLE**

**Name of Licensed Operator:** .....

**Registered physical address from where principal business is carried on:** .....

**Registration Number:** .....

**V.A.T. Registration Number:** .....

("hereinafter referred to as the "Licensee")

The Licensee is hereby licensed by the Authority to undertake the following activities, and none other, in the Port of .....

Bunkering activity (delete non-applicable method):

- (a) Bunker barge.
- (b) Fixed (Quayside pipelines).
- (c) Road Tanker.
- (d) Road Truck.
- (e) Ship to ship (STS) bunker transfers (within Port Limits).

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 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; and
- 7) compliance with all other applicable legislation and generally the requirement to conduct its bunkering activities in accordance with the Law.

**Duration of licence:** \_\_\_\_\_ to \_\_\_\_\_

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

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**THE AUTHORITY'S DELEGATEE**

**Date:** .....

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

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**LICENSEE OR ITS AUTHORISED REPRESENTATIVE**

**Date:** .....

## **CONDITIONS OF BUNKERING LICENCE**

### **GENERAL**

1. The Licensee shall at all times comply with all the relevant provisions of MARPOL Annex I Regulation 13H (7), ISGOTT Manual and the ISM Code, as they may be amended from time to time and shall ensure that its personnel apply these provisions at all times during bunkering and related activities.
2. The Licensee shall ensure that the bunker barge has on board a copy of the latest version of ISGOTT Manual and the Ship Oil Pollution Emergency Plan (SOPEP) at all times.
3. 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.
4. 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.
5. The Licensee shall comply with all relevant Authority management systems, policies and procedures and directives.

### **SAFETY, HEALTH, ENVIRONMENT AND EFFICIENCY**

6. Bunkering operations must be performed diligently, safely and without deliberate or undue delay.
7. During operations the Licensee shall ensure that all necessary measures are taken to prevent fuel spillage into the waters of the Port, or onto the quayside.
8. An Environmental Management Plan covering all spill and pollution control measures must, upon request, be submitted to the Authority.
9. The Licensee shall have written safety, health, and environment management systems in place at all times and shall make these available to the Authority for inspection upon request.
10. The Licensee shall undertake annual risk assessments of the bunkering services that it offers within the Port and shall make these available to the Authority for inspection upon request.
11. Any injury on duty (IOD), or fatality, shall be immediately reported to the Authority and to any applicable statutory body within the required time-frame.
12. 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. The following information must, as a minimum, be provided:
  - a) the location of the spill;
  - b) the type of oil spill;
  - c) the approximate quantity;
  - d) immediate action taken;
  - e) preventative measures put in place; and
  - f) all incidents must be fully investigated by the Licensee and a detailed report submitted to the Authority within seven (7) days of the incident taking place.

13. The Licensee shall ensure that the manifold(s) of the bunker barge/s are fitted with a drip spill pan to contain any oil spill. A gutter plate shall also be provided by the Licensee on the main deck of the bunker barge/s to contain any oil spill on deck of the bunker barge/s.
14. The bunker barge/s shall have an adequate fender system in place to minimise damage to the receiving vessel during bunkering.
15. The bunker barge/s shall carry adequate and appropriate anti oil-pollution equipment, absorbents and a minimum of 400 litres of Government approved dispersants at all times.
16. The Licensee shall ensure that shore bunkering connections do not take place at the tankers' cargo manifold whilst cargo operations are in progress. Bunkering connections shall take place before or after completion of cargo operations.
17. Shore bunkering connections to petroleum, gas or chemical tankers whilst cargo or dedicated products are being discharged are prohibited. Bunkering connections shall take place before or after completion of the cargo operations or if the bunker point is situated away from the cargo manifold.
18. The bunker barge Master shall obtain permission from the Authority's Fire Services Department before coming alongside a petroleum or chemical tanker at berths designated to be high risk berths by the Authority.
19. The Licensee shall ensure that a Master of a bunker barge carefully plans and executes all bunkering operations in accordance with:
  - a) Applicable Law;
  - b) Any relevant recommendations, procedures or guidance issued by the Harbour Master; and
  - c) Best International Practices.
20. The Licensee shall ensure that a Master of a bunker barge appoints a Responsible Officer prior to each bunkering operation.
21. In accordance to SOLAS Chapter VI Regulation 5-1, the Licensee shall ensure that a Material Safety Data Sheet (MSDS) for MARPOL Annex I type Cargoes and Marine Fuel Oils is provided to the ship prior to bunkering; this with a view to assisting shipboard personnel in carrying out their duties under safe conditions.
22. The Licensee shall ensure that the necessary oil spill response equipment is:
  - a) maintained in good condition; and
  - b) is properly deployed prior to commencing bunkering operations.
23. Each Master of a bunker barge engaged in bunkering operations shall ensure, if oil is spilled:
  - a) all pumping is stopped;
  - b) all valves are closed;
  - c) the incident is immediately reported to the Harbour Master;
  - d) the SOPEP is activated; and
  - e) any oil spill is dealt with.
24. The Licensee shall ensure that for a bunkering operation other than that of a bunker barge operation (bunkers supplied by road or pipeline) a Responsible Person shall be appointed prior to each bunkering operation. The Responsible Person so appointed shall:
  - a) remain on duty in the immediate proximity of the ship-shore bunker connection; and
  - b) be available to respond to an emergency throughout the bunkering operation.

25. The Licensee shall, for bunker operations other than that of a bunker barge, ensure any bunker delivery vehicle is provided with adequate spill containment equipment including:
- a) absorbent materials;
  - b) non-sparking recovery tools; and
  - c) appropriate personal protective equipment for handling bunker fuel.

### **EMPLOYEES**

26. Only duly qualified employees 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.
27. The Licensee shall ensure that all their personnel wear the following protective clothing at all relevant times:
- a) Safety goggles (where applicable);
  - b) Safety footwear;
  - c) Hard hat;
  - d) Gloves (where applicable); and
  - e) Any other relevant Personnel Protective Equipment.

### **EQUIPMENT**

28. All bunkering equipment required for the proper carrying out of the bunkering services shall be maintained in good order and condition. Maintenance of equipment shall be undertaken in the designated area, as approved by the Authority.
29. All equipment used by the Licensee shall be removed from wharfs, quays, jetties and other work places in Port without delay after bunkering operations have been completed on a particular vessel, or within such extended time as the Authority may allow, on good cause shown.
30. All bunkering equipment must be in proper working order and machines and motor vehicles must be inspected regularly for oil leaks and spills. Drip trays must be utilised where necessary. Any spills detected must be cleaned up immediately and disposed of at an appropriate landfill site by the Licensee. All records of bunkering equipment maintenance and disposal of residues to be kept and made available to the Authority on request.

### **MOTOR VEHICLES**

31. Each motor vehicle used by the Licensee or sub-contracted to the Licensee, in the Port in excess of one and a half tonne carrying capacity shall conspicuously bear the name and Authority Licence Number of the Licensee on the passenger and drivers doors of the motor vehicle, or as the Authority may from time to time stipulate.
32. All motor vehicles used for the transport of employees within the precincts of the Ports shall be closed top motor vehicles.

### **INSURANCE**

33. 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.

34. 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.
35. 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**

36. 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.
37. 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.
38. 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.

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