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Transport, Department of

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GENERAL NOTICE

NOTICE 875 OF 2006

MERCHANT SHIPPING ACT, 1951 (ACT No. 57 of 1951)

**DRAFT MERCHANT SHIPPING (NATIONAL SMALL VESSELS SAFETY)
REGULATIONS, 2006**

The Minister of Transport intends to make the Regulations in the Schedule under section 356 of the Merchant Shipping Act, (Act No. 57 of 1951).

Interested persons are invited to submit their written comments on these regulations to:

**Director General: Transport
Department of Transport
Private Bag X 193
Pretoria
0001**

For the attention of Mr. Terrence Mabuela

Tel: 012 309 3070, Fax 012 309 3976 mabuelat@dot.gov.za

Closing date: **04 August 2006**

DEPARTMENT OF TRANSPORT

No. R. XXX

GG XXXXX (RG XXXX)

XXXXXX 2006

MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951)

**DRAFT MERCHANT SHIPPING (NATIONAL SMALL VESSEL SAFETY)
REGULATIONS, 2006**

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule.

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PART 1 PRELIMINARY

Title and commencement

1. These regulations are called the Merchant Shipping (National Small Vessel Safety) Regulations, 2006 and come into operation on xxxx.

Interpretation

2. (1) In these regulations any word or expression given a meaning in the Act has the meaning so given and, unless the context indicates otherwise—

"approved" means approved by the Authority;

"authorized agency" means a governing body, club or organization designated under regulation 27(1);

"category", in relation to a vessel, means the particular category of vessel determined as follows:

- (a) *Category A*—vessels operating more than 40 nautical miles from shore;
- (b) *Category B*—vessels operating more than 15 but not more than 40 nautical miles from shore;
- (c) *Category C*—vessels operating more than 5 but not more than 15 nautical miles from shore;
- (d) *Category D*—vessels operating more than 1 nautical mile but not more than 5 nautical miles from shore;
- (e) *Category E*—vessels operating not more than 1 nautical mile from shore; and on bodies of water where local authorities require a higher level of safety and equipment than provided by category R.
- (f) *Category R*—vessels operating solely on inland waters;

"certificate of competence" means a certificate, including any relative endorsement, issued by a certifying authority pursuant to regulation 14B(1) and entitling its lawful holder to act in the capacity

and perform the functions involved on a vessel of the type, category, tonnage or length, power and means of propulsion concerned;

"certificate of fitness" means a certificate issued under regulation 21;

"certifying authority" means the Authority and, to the extent that it has been designated pursuant to regulation 27(1) to perform the functions of a certifying authority, an authorized agency;

"commercial harbour" means a harbour belonging to the National Ports Authority. [Portnet, a division of Transnet Limited];

"commercial small vessel" means a small vessel that is not a pleasure vessel;

"contravene", in relation to a provision of these regulations, includes failing or refusing to comply with that provision;

"controlled event" means a competition or regatta organized by a governing body, or a club or an organization affiliated with a governing body, and includes—

- (a) activities to prepare for the event that take place at the venue for the event and during the times specified by the organizer of the event; and
- (b) practice for the event under the supervision of a coach or an official certified by a governing body;

"decked", in relation to a vessel, means fully or partially decked;

"dive boat" means a vessel that is used in diving support activities;

"fishing harbour" has the same meaning as in section 1 of the Sea Fishery Act, 1988 (Act No. 12 of 1988);

"from shore" means seaward from the low-water line as defined in section 1 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);

"governing body" means a national water sport governing body—

- (a) that publishes written rules and criteria respecting conduct and safety requirements during skill demonstrations, formal training or controlled events; and
- (b) that—
 - (i) certifies coaches and coaching programmes;
 - (ii) certifies officials and programmes for officials; or
 - (iii) recommends training and safety guidelines for certified coaches or officials;

"inflatable", in relation to a vessel, means that buoyancy on water depends on separate inflated airtight chambers that are either completely collapsible or fitted with a rigid bottom section;

"Inland Waters" in the context of these regulations means all the water areas contained within Ports, Fishing Harbours, Lagoons, rivers, dams, wetlands and lakes in the Republic;

"kill switch" means a mechanism which is attached to the skipper or operator of a small vessel and which stops the engines should that person lose their footing or become otherwise incapacitated;

- "night"** means the space of time between sunset and sunrise;
- "operate"**, in relation to a vessel, means [~~operate at sea~~] that the vessel is not safely ashore or made fast to a jetty or quay;
- "overall length"**, in relation to a vessel, means the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull of the vessel;
- "owner"**, in relation to a vessel, includes—
- (a) a credit receiver (buyer) in the case of a credit agreement in terms of Credit Agreements Act, 1980 (Act No. 75 of 1980); and
 - (b) any person entrusted by the owner with the care and control of the vessel;
- "passenger vessel"** means a vessel that carries more than 12 passengers;
- "pleasure vessel"** means a vessel ~~of 3 metres or more in overall length~~ that is used solely for sport or recreation;
- "power-driven"**, in relation to a vessel, means propelled primarily by mechanical means;
- "projectile flare set"** means a set of flares designed to be propelled upwards by means of a hand-operated triggering device not forming an integral part of the flare;
- "regulating authority"** means the person, body or authority having jurisdiction over the shore or inland waters concerned;
- "safety officer"** means a person designated under regulation 27(4);
- "sailing vessel"** means a vessel provided with sufficient sail area for navigation under sail alone whether or not fitted with mechanical means of propulsion;
- "Sea"** in relation to the application of these regulations means the area seaward of a harbour breakwater, river mouth, estuary mouth or lagoon, the boundaries of which will be decided by the Authority in conjunction with the relevant local authorities and published in a marine notice;
- "skipper"** means the master;
- "specified by the Authority"** means specified by the Authority in a marine notice;
- "suitable"**, in relation to materials or an appliance or item of equipment, means suitable for the service for which it is intended;
- "tender"** means a dinghy, forming part of a vessel not exceeding 4 metres in overall length, that is used in a harbour or in sheltered waters solely for the conveyance of persons or stores from the shore to a vessel, or vice versa, or from one vessel to another vessel without financial gain or reward;
- "the Act"** means the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

“underway” in relation to a vessel, means that the vessel is not at anchor, or made fast to the shore or aground.

(2) Any reference in these regulations to the owner of a vessel is, if there is more than one owner of the vessel, to be read as a reference to each of the owners.

(3) For the purposes of these regulations, a vessel is taken to be at sea or being operated at any time when it is not securely ashore or moored in a safe berth.

(4) Any approval given pursuant to these regulations is to be given in writing and must specify the date when the approval is to come into force and the conditions (if any) to which it is subject.

Application

3. (1) Subject to subregulations (2) and (3), these regulations apply to—

- (a) every commercial small vessel—
 - (i) that is registered as a ship in the Republic;
 - (ii) that is required to be licensed in terms of section 68 of the Act; or
 - (iii) in respect of which a local safety certificate is required by virtue of section 203 of the Act;
 - (iv) that is used on inland waters, where section 68 of the Act will apply equally; and
- (b) every pleasure vessel of less than 100 gross tonnage, being—
 - (i) a vessel that is registered as a ship in the Republic; or
 - (ii) a vessel contemplated in section 68(3)(b) of the Act;
 - (iii) a vessel used on inland waters.
- (c) every power driven vessel of more than 15HP and of 9 metres or less in length
- (d) every vessel going to sea

(2) These regulations do not apply to tenders.

(3) A provision of these regulations does not apply to a ship of South African nationality in the waters of a country other than the Republic where the provision is inconsistent with a law of that country which, by its terms, applies to the ship when in the waters of that country.

(4) These regulations apply to vessels under 3 metres in length except where otherwise stated and subject to regulation 8(4).

PART 2

VESSEL SAFETY REQUIREMENTS

Submission and approval of plans etc. for first issue of local safety certificate

4. (1) (a) Subject to subregulation (5), for the purposes of the first issue of a local safety certificate in respect of commercial small vessel, the builder or owner of a vessel must submit in duplicate to the Authority the following particulars by means of plans, fully dimensional and including detailed specifications of the vessel, for approval by the Authority:

- (i) longitudinal elevation showing the position of bulkheads or built-in non-flooding compartments, hatchways, deck houses and crew spaces;
- (ii) midship section showing hull scantlings, deck, bulwarks, frames, doors, stringers and beams;
- (iii) any deck openings, ventilators and air pipes, and tanks;
- (iv) engine-room layout and pumping arrangements;
- (v) steering and propeller shaft arrangements;
- (vi) electrical circuit diagram;
- (vii) lines plan of scale 1:25.

(b) The specifications must also reflect details of—

- (i) anchors and cables;
- (ii) life-saving and fire-fighting equipment; and
- (iii) navigation lights and sound signals.

(c) Any subsequent modification or addition to the scantlings, arrangements or equipment shown on approved plans must be approved by the Authority.

(d) The Authority may require such further plans and specifications as it thinks fit, and may dispense with the requirement to submit certain plans or specifications.

(2) The Authority may, after approving the plans and specifications submitted in respect of a vessel, direct a surveyor to conduct inspections and tests to ensure that the vessel is constructed in accordance with the approved plans and specifications and the other requirements of these regulations.

(3) The builder or owner of a vessel being built must in writing notify the Authority at least seven days before—

- (a) commencing framing;
- (b) commencing planking, plating or laminating;

- (c) completing the fitting of all underwater fittings and rudder gear and propeller shafts;
- (d) launching the vessel; and
- (e) undertaking dock or sea trials.

(4) No person may undertake sea trials without the prior approval of the Authority and, if the Authority thinks fit, the prior inspection of the vessel by a surveyor.

(5) The Authority may dispense with all or any of the requirements of subregulations (1), (2), (3) and (4) if—

- (a) in the case of a vessel being built, the work is carried out at approved premises, in accordance with the relevant construction standards specified by the Authority; and
- (b) in the case of an existing vessel, it is satisfied that the vessel complies with the relevant construction standards specified by the Authority.

(6) The authority may by way of a marine notice give direction from time to time regarding the precise information required for any particular type of vessel;

Inspection of vessel for renewal of local safety certificate

5. For the purposes of the renewal of a local safety certificate, every vessel must, subject to section 197 of the Act, be thoroughly inspected, both internally and externally, by a surveyor at intervals not exceeding 12 months: Provided that, at the discretion of the Authority—

- (a) sea suction and discharge valves, excluding sea connection fastenings, may be inspected at intervals not exceeding 24 months; and
- (b) propeller shafts may be withdrawn at intervals not exceeding four years.

Design and construction of vessels

6. (1) Every vessel must be constructed of suitable materials of good quality, with due regard to sound design practice and methods of construction; under normal operating conditions the design must provide sufficient reserve of positive stability so that the vessel cannot capsize easily [~~if swamped, even~~] when carrying a load.

(2) On decked vessels no point of possible ingress of water, except scuppers, may be less than 200 millimetres above the surface of the water,

measured when the vessel is afloat in an undamaged condition in calm water.

(3) The design and construction of a vessel must, in addition, comply with the requirements of Annex 1.

(4) It is an offence to sell a vessel that does not comply with the construction requirements of these regulations except where accompanied by a letter or certificate detailing the extent to which the vessel does not or cannot comply.

Safety appliances and equipment

7. (1) The owner and skipper of a vessel must ensure that—
- (a) items of safety appliances and equipment are provided and maintained on board the vessel in accordance with the requirements of Annex 2; and
 - (b) the other requirements of that Annex are complied with in relation to the vessel.

(2) The skipper of a commercial small vessel must ensure that ~~[a]~~ an approved flotation aid; of the kind required by these regulations is worn—

- (a) by every crew member performing work on deck at night;
- (b) by every crew member performing work that creates the risk of the person being lost overboard;
- (c) ~~[by every crew member whenever the vessel is being operated within 1 nautical mile from shore;]~~

(3) Children under 12 years of age must wear a suitable buoyancy aid or lifejacket at all times when aboard any vessel underway. Any other [A] person on board a vessel must wear a lifejacket or flotation aid of the kind required by these regulations where the vessel does not comply with paragraph 3 of Annex 1 regarding the provision of guard rails and is underway; and at such times as the skipper may direct: Provided that every person on board (including the skipper) must wear such a lifejacket or flotation aid whenever the vessel is launched or operated in the surf, or otherwise operates in rough sea or water conditions

(4) On each occasion before any vessel ~~[goes to sea]~~ is operated, the skipper must—

- (a) ensure that every person on board the vessel has received essential safety information appropriate to that person's functions on board, including—
 - (i) information about the location on board of the safety appliances and equipment required to be carried on the vessel; and

- (ii) instruction in the use of such appliances and equipment; and
- (b) cause the safety appliances and equipment required to be on board the vessel to be inspected to ascertain whether they are fit and ready for use.
- (5) The skipper of a commercial small vessel must, if it is practicable to do so, cause the vessel's emergency procedures and arrangements, including those respecting fire-fighting, abandon ship and man overboard, to be practised at least once each week.
- (6) The skipper or person operating any power driven vessel of more than 15 HP and of 9 metres or less in length may not get under way unless there is an operational kill switch attached to the operator.

Safety of navigation

8. (1) The skipper of a vessel must ensure at all times that the vessel is operated in accordance with—
- (a) the collision regulations;
 - (b) the conditions and limitations specified in the local safety certificate or certificate of fitness, as the case may be, issued in respect of the vessel;
 - (c) the conditions and limitations specified in the skipper's certificate of competence;
 - (d) the instructions and specifications of the manufacturer of the vessel and, if power-driven, of the vessel's propulsion machinery;
 - (e) the law in force in the area in which the vessel is being operated, in so far as it is not inconsistent with the Act; and
 - (f) the load-line regulations, if applicable;
 - (g) within any demarcated areas on inland waters where indicated on charts or otherwise by a regulating authority.
- (2) No person may operate a vessel in a careless manner, without reasonable consideration for other persons or without due care and attention, taking into account—
- (a) the weather;
 - (b) visibility;
 - (c) the presence of persons or vessels in the body of water, including concentrations of persons and vessels in the immediate vicinity of the vessel;

- (d) the speed and manoeuvrability of the vessel, with special reference to stopping distance and turning capability in the prevailing conditions;
- (e) light conditions, including the presence of background light from shore lights or from backscatter of the vessel's own lights;
- (f) water conditions, currents and the proximity of navigational hazards; and
- (g) any other hazards that could adversely affect the safety of persons or property.

(3) Before any power-driven vessel ~~[goes to sea]~~ is operated, the skipper must ensure that the vessel carries a sufficient quantity of fuel for its intended voyage together with a reserve of not less than 25 percent of that quantity.

(4) No vessel under 3 metres may go to sea except in an area designated for that use by a regulating authority, but in any event not more than 1 mile offshore.

Colouring of vessels

9. The owner and skipper of any vessel going to sea must ensure that

as large an area as possible of the interior of a vessel that is not a decked vessel or of the deck of a decked vessel is painted or pigmented in a colour making the vessel readily visible from above in any sea condition; ~~or~~

- ~~(b) there is readily available on board the vessel, and capable of floating in a spread-out position when attached to it—~~
 - ~~(i) a length of canvas or similar suitable material, so painted or pigmented, of a size capable of extending the full width of the vessel, but not less than 2 metres by 2 metres; or~~
 - ~~(ii) a rectangular object, so painted or pigmented, of which the side equals the width of the vessel, but not less than 1 metre in width.~~

Operational limits

10. (1) Subject to subregulation (2), no person may operate a vessel beyond the maximum distance from shore applicable to the category of vessel concerned and specified in the local safety certificate or certificate of fitness, as the case may be, issued in respect of the vessel.

(2) No person may operate a passenger vessel more than 5 nautical miles from shore and 15 nautical miles from a safe haven in the Republic.

Carrying persons in excess

11. (1) Except in an emergency, neither the owner nor the skipper of a vessel may cause or allow the number of persons, including crew members, on board the vessel to exceed the number determined by the certifying authority and specified in the local safety certificate or certificate of fitness, as the case may be, issued in respect of the vessel.

(2) In determining the maximum number of persons that a particular vessel may safely carry, a certifying authority must take into account—

- (a) the specifications and guidance issued by the manufacturer of the vessel;
- (b) the available deck space;
- (c) the living accommodation, if applicable;
- (d) the mass the vessel can safely carry;
- (e) the safety equipment provided;
- (f) the intended operation of the vessel; and
- (g) the manner of launching the vessel.

Voyage information

12. (1) Before a vessel goes to sea from a place in the Republic, the owner and skipper must ensure that there is left behind, in accordance with subregulation (2), particulars respecting—

- (a) the identity of the vessel, that is to say its name (if any), official number, and type or make;
- (b) the names of the occupants; and
- (c) the intended place or places and expected times of departure and arrival.

(2) The information required by subregulation (1) must be left with either one or more of the following persons:

- (a) a relative of the owner or skipper, or a friend, remaining at the owner's or skipper's place of abode or at the place of departure;
- (b) if the owner or skipper resides in a hotel, boarding house, housing complex, caravan park, camping site or similar place, the person in charge of or other responsible person at such place of residence;

- (c) the person (if any) in charge of the place of departure or, in the case of a commercial harbour or a fishing harbour, the person in charge of the departure and arrival of vessels at that harbour;
- (d) an authorized agency; or
- (e) a police officer stationed at a police station nearest to the place of departure.

(3) It is the duty of the persons referred to in subregulation (2)(a) to (d) to report any knowledge or reasonable suspicion of distress or mishap respecting the vessel or its occupants to the nearest police station in the Republic or to the port captain at the nearest commercial harbour.

(4) Upon return to a place in the Republic the owner and skipper of the vessel must ensure that the person with whom information has been left in compliance with subregulation (2) is notified of the vessel's return.

(5) The owner and skipper of a vessel that goes to sea from a commercial harbour or a fishing harbour must, in addition to meeting the other requirements of this regulation, comply with the reporting requirements in force in that harbour.

Duty to report dangers to navigation and to assist vessels in distress

13. Section 249 of the Act (Reports of dangers to navigation) and section 5 of the Wreck and Salvage Act, 1996 (Act No. 94 of 1996), apply in relation to the skipper of a vessel to which these regulations apply as if the vessel were a ship to which those sections apply otherwise than by virtue of this regulation.

PART 3 CREWING

Responsibilities of owner

;

14. (1) The owner of a vessel must ensure that the vessel is operated by or under the constant guidance of a person (in these regulations called the skipper) who is physically able and of sound mental health and who, in the case of—

- (a) a commercial small vessel; or
- (b) a pleasure vessel that is either a sailing vessel of 6 metres or more in overall length or a power-driven vessel with propulsion power exceeding [~~4 kW~~] 15 Horsepower,

holds a valid certificate of competence issued by a certifying authority: Provided that this provision does not require a certificate of competence to be held in respect of a vessel ~~[referred to in paragraph (b)]~~ type which was previously unregulated or is operated on previously unregulated inland waters during the period expiring 12 months after the commencement of these regulations.

(2) (a) The owner must, in addition to meeting the requirements of subregulation (1), ensure that the vessel is otherwise sufficiently and efficiently manned.

(b) For the purposes of paragraph (a), a vessel is taken to be sufficiently and efficiently manned if, in the opinion of the certifying authority, it has a crew of competent persons to enable it to go to sea or be otherwise operated with due regard to the requirements of these regulations and any another safety provisions that may be applicable to the vessel.

(c) The certifying authority, when determining the adequacy of the crew in accordance with this subregulation, must take the following into account:

- (i) the complement normally carried by similar vessels engaged on similar voyages or operations;
- (ii) the complement that the vessel in question has recently carried on previous voyages or operations;
- (iii) the nature of the service for which the vessel is intended; and
- (iv) any other consideration the certifying authority thinks appropriate.

(3) The owner of a commercial small vessel going to sea must, in addition to meeting the requirements of subregulations (1) and (2), ensure that—

- (a) the skipper and every crew member on the vessel hold documentary evidence of having successfully completed approved safety induction training; ~~[this documentary evidence must be held by every person going to sea for the first time and, not later than 24 months after the commencement of these regulations, by all other skippers and crew members;]~~
- (b) documentation and data relevant to the skipper and every crew member on the vessel are maintained and readily available for inspection, including documentation and data respecting their employment, experience, training, medical fitness and competency in assigned duties;
- (c) the skipper and every crew member, on being assigned to the vessel, are familiarized with their specific duties and with all vessel arrangements, installations, equipment, procedures and vessel characteristics that are relevant to their routine and emergency duties; and

- (d) the vessel's crew can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

Passenger vessel endorsement

14A. No person may serve in the capacity as skipper of a commercial small vessel that is a passenger vessel unless so authorized in terms of an appropriate endorsement to his or her certificate of competence.

Dive boat endorsement.

14B. No person may serve in the capacity as skipper of a commercial small vessel that is a dive support vessel or dive charter vessel unless so authorized in terms of an appropriate endorsement to his or her certificate of competence.

Certificates of competence

14C.(1) A certifying authority must issue an applicant with a certificate of competence in accordance with its designation from the Authority, if it is satisfied that the applicant is physically able and of sound mental health and—

- (a) in the case of a certificate in respect of a commercial small vessel—
- (i) is not under the age of 18 years; and
 - (ii) satisfies the relevant requirements specified by the Authority; or
- (b) in the case of a certificate in respect of a pleasure vessel—
- (i) is not under the age of 16 years; and
 - (ii) satisfies the relevant requirements specified by the Authority after consultation with the affected governing body or bodies (if any).

(2) A certifying authority may suspend or cancel a certificate of competence if—

- (a) the holder has been convicted of an offence in terms of the Act or an offence in respect of dishonest conduct; or
- (b) it believes on reasonable grounds that the holder has conducted himself or herself in a negligent or incompetent manner while serving in any capacity authorized by the certificate; or

(c) it believes on reasonable grounds that the certificate was obtained fraudulently or on wrong information.

(3) A person whose certificate of competence has been suspended or cancelled must surrender the certificate to the certifying authority upon demand.

(4) (a) A person whose certificate of competence has been suspended or cancelled may appeal in writing to the Minister against the suspension or cancellation, as the case may be, not later than three months after the date of the decision to suspend or cancel the certificate.

(b) Upon receiving an appeal, the Minister must designate one or more officials in the Department of Transport to hear any representations made by the appellant and the certifying authority and to report to the Minister, who must then determine the appeal.

(c) In determining an appeal, the Minister may confirm, vary or set aside the suspension or cancellation of an appellant's certificate, and the certifying authority must give effect to the Minister's determination.

(5) The holder of a certificate of competence must keep the original certificate, or a certified copy thereof, available for inspection at all reasonable times.

Physical and mental fitness

15. (1) No person may operate a vessel if he or she is not physically able and of sound mental health.

(2) No person may operate a vessel or any of a vessel's equipment or machinery while under the influence of drink or a drug to such an extent that his or her capacity to fulfil his or her responsibility for the vessel or carry out his or her duties relative to the vessel is impaired.

(3) No person may operate a vessel or any of a vessel's equipment or machinery while—

(a) the concentration of alcohol in any specimen of blood taken from any part of his or her body is 0,05 gram or more per 100 millilitres; or

(b) the concentration of alcohol in any specimen of breath exhaled by such person is 0,24 milligrams or more per 1 000 millilitres.

(4) For the purposes of subregulation (3)(b), the concentration of alcohol in any breath specimen is to be ascertained by using the equipment prescribed under section 65(7) of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(5) No person may refuse that a specimen of blood, or a specimen of breath, be taken of him or her.

(6) Section 65(3), (4) and (6) of the National Road Traffic Act, 1996, apply, with the necessary modifications, in relation to any prosecution for contravening a provision of subregulation (3).

(7) Section 65(8) of the National Road Traffic Act, 1996, applies, with the necessary modifications, in relation to the detention of any person for an alleged contravention of a provision of subregulation (2) or (3).

Age limitations

16. (1) No person under the age of 18 years may serve in the capacity as skipper of a commercial small vessel.

(2) No person under the age of 16 years may operate a power-driven pleasure vessel having a propulsion power exceeding ~~[4 kW]~~ 15 Horsepower, unless—

- (a) that person does so under the guidance and constant supervision of a person who is the holder of a valid certificate of competence ~~[or a valid exemption certificate]~~;
- (b) in the case of a single-handed vessel, that person does so under the guidance and supervision of an authorized agency or a person referred to in paragraph (a); or
- (c) that person is certified by an authorized agency to be a competent person engaged in training for competitive sport.

Unauthorized liquor and illicit drugs

16A. (1) **This regulation applies only to commercial small vessels.**

(2) No person may, in the Republic or elsewhere—

- (a) take any unauthorized liquor or illicit drug on board a vessel;
- (b) have any unauthorized liquor or illicit drug in his or her possession on board a vessel;
- (c) allow another person to take on board a vessel, or to have in his or her possession on board a vessel, any unauthorized liquor or illicit drug; or
- (d) intentionally obstruct another person in the exercise of powers conferred on that person by subregulation (3).

(3) Where an authorized person has reason to believe that an offence against subregulation (2) has been committed in relation to any vessel, the authorized person may, without a warrant—

- (a) go on board the vessel and search it and any property on it; and
- (b) take possession of any liquor or drug found on the vessel and believed to be unauthorized liquor or an illicit drug and may detain the liquor or drug for the period needed to ensure that the liquor or drug is available as evidence in proceedings for the offence.

(4) In this regulation—

"authorized person", in relation to a vessel, means—

- (a) a surveyor;
- (b) a proper officer;
- (c) the skipper of the vessel in question;
- (d) the owner of the vessel in question;
- (e) any person instructed by the skipper or owner to prevent the commission of an offence against subregulation (1) in relation to the vessel;

"fishing boat" does not include a vessel for the time being used solely to convey persons engaged in sea fishing for sport or pleasure;

"illicit drug" means a drug the use or possession of which is prohibited by law;

"drug" has the same meaning as in section 1(1) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992);

"liquor" means spirits, wine, beer, cider and any other fermented, distilled or spirituous liquor;

"unauthorized liquor", in relation to—

- (a) a fishing boat, means liquor of any kind; and
- (b) any other vessel, means liquor in respect of which permission to take it on board the vessel has been given neither by the skipper nor the owner of the vessel nor by a person authorized by the owner of the vessel to give such permission.

(5) Any reference in subregulation (4) to the owner of a vessel is to be read as excluding any member of the crew of the vessel.

PART 4

SPECIAL PROVISIONS FOR UNREGISTERED PLEASURE VESSELS

Application of Part

17. This Part applies equally to pleasure vessels contemplated in section 68(3)(b) of the Act and pleasure vessels used on inland waters.

Recording and marking of vessels

18. (1) Neither the owner nor the skipper of a vessel to which this Part applies may cause or allow the vessel to ~~[go to sea from]~~ be operated on any waters within [any place in] the Republic, unless—

- (a) there is in force in respect of that vessel an approved marking; and

(b) the vessel has been marked in accordance with subregulation (4) with that marking.

~~[(2) Application for the approval of a marking must be made in writing to the Authority and be accompanied by particulars respecting—~~

- ~~(a) the name, identity number and address of the owner of the vessel;~~
 - ~~(b) the type and category of vessel, sufficient to identify it;~~
 - ~~(c) any current identification marking issued in respect of the vessel;~~
- and**

~~(e) such further matters as the Authority may specify.]~~

(2) (a) Approved markings are obtained either from an Authorised Agency or the Authority and applications for an approved marking must be accompanied by the particulars required by the Director – General for registration purposes.

(b) The Authority and the Authorised Agencies are responsible for ensuring that the Director – General receives the relevant data.

(c) The Director – General is responsible for the registration of vessels and ensuring that the information is available to the relevant authorities and organisations.

(3) Subject to subregulation (7), the approval of a marking remains in force ~~[for the period of the certificate of fitness issued in respect of the same vessel,]~~ until such time as the particulars of the vessels as registered by the Director – General are no longer valid and during that period the display on the vessel of any other identification marking is prohibited.

(4) (a) The owner of a vessel must ensure that the marking approved in respect of the vessel is displayed and continued on the vessel in accordance with the directions of the Authority, and that the information registered with the Director – General is correct.

(b) It is the duty of the owner to confirm with the Authority or an Authorised Agency that the particulars registered with the Director – General are correct at least every two years, failing which the approved number will be invalidated.

(5) The owner of a vessel must in writing notify the Authority or relevant agency of any change of ownership in the vessel and of any change in the particulars of the owner furnished pursuant to subregulation (2), not later than 14 days after the change occurs.

(6) The owner of a vessel must, without delay, in writing notify the Authority or relevant agency if—

- (a) the vessel is permanently withdrawn from service;
- (b) the vessel is removed from his or her possession other than as a result of its sale;
- (c) any marking referred to in subregulation (2) [(e)] ceases to be valid; or
- (d) the vessel has been abandoned, lost or destroyed.

(7) The Authority or relevant agency may revoke the approval of a marking if—

- (a) it believes on reasonable grounds that the approval was obtained fraudulently or on wrong information; or
- (b) being a marking referred to in subregulation (2) [(e)], it has ceased to be valid.

(8) Whenever the Authority or relevant agency revokes the approval of a marking, it may give the directions it thinks fit regarding the removal of the marking; and the owner of the vessel concerned must comply with any direction so given and, upon demand, surrender the instrument of approval to the Authority or relevant agency.

(9) The Authority or relevant agency must, in the absence of a marking referred to in subregulation (2) (e), assign an approved marking to a vessel, ~~and the provisions of this regulation apply, with the necessary changes, in relation to any marking so assigned.~~

~~(10) (a) Before the date referred to in paragraph (b) —~~

- ~~{(i) an approved marking is taken, for the purposes of regulation (1)(a), to include an identification number (ID number) allocated under regulation 5(1) of the regulations repealed by regulation 33(1)(b) (the repealed regulations);~~
- ~~(ii) subregulation (4) is taken, for the purposes of subregulation (1)(b), to be satisfied in relation to an ID number by the marking of that number in accordance with regulation 5(3) of the repealed regulations; and~~
- ~~(iii) subregulations (5), (6), (7), (8) and (9) apply, with the necessary modifications, in relation to an ID number.}~~

~~— (b) The date for the purposes of paragraph (a) is the earlier of the following two dates:~~

- ~~(i) the date on which the inspection referred to in regulation 20(1)(a) or first carried out; or~~
- ~~(ii) the date on which the period of 12 months after the commencement of these regulations expires.~~

(10) Where the particulars of any vessel, including a commercial vessel, are found to differ substantively from the particulars registered, or are not registered with the Director - General, the South African Police Services may, where considered appropriate to the circumstances, impound the vessel until the circumstances, vessel's ownership or deficiency have been satisfactorily explained.

Certain Vessels not to be used without certificate of fitness

19. (1) Neither the owner nor the skipper of a vessel to which this Part applies and which is either a power driven vessel with an engine exceeding 15 Horsepower or a sailing vessel over 6 metres on overall length, may cause or allow the vessel to ~~[go to sea]~~ be operated anywhere ~~[from any place]~~ in the Republic, unless there is on board and in force in respect of that vessel a valid certificate of fitness.

(2) Subregulation (1) does not prohibit a vessel on previously unregulated inland waters from being operated ~~[going to sea]~~ without a certificate of fitness for the period expiring 12 months after the commencement of these regulations.

Initial and renewal inspection for certificate of fitness

20. (1) The structure, equipment, appliances, arrangements and material of a vessel referred to in regulation 19 are to be subjected to the following inspections:

- (a) an initial inspection, before a certificate of fitness is issued for the first time, which must include a complete examination of the vessel's structure, equipment, appliances, arrangements and material in so far as the vessel is covered by these regulations; an initial survey must be such as to ensure that the structure, equipment, appliances, arrangements and material comply with the requirements of these regulations; and
- (b) a renewal inspection, at intervals not exceeding 12 months, which must be such as to ensure that the structure, equipment, appliances, arrangements and material comply with the requirements of these regulations.

(2) An inspection under subregulation (1) must be carried out by a surveyor in the case of the Authority, or a safety officer designated for the purpose by an authorised agency ~~[certifying authority]~~; and any application for such an inspection must be made by or on behalf of the owner of the vessel to the Authority or authorised agency. ~~[certifying authority]~~.

Issue of certificate of fitness

21. (1) Upon satisfactory completion of an initial or renewal inspection under regulation 20, the Authority or authorised agency ~~[certifying authority]~~ must issue in respect of a vessel that complies with the requirements of these regulations a certificate of fitness, stating—

- (a) the name of the vessel;

- (b) the marking assigned to the vessel;
- (c) the name, identity number and address of the owner of the vessel;
- (d) the type and category of vessel;
- (e) the overall length of the vessel and, where available, its gross tonnage;
- (f) the vessel's home port (if any); and
- (g) the maximum number of persons permitted to be carried on the vessel, as determined in accordance with regulation 11(2).

Duration of certificate of fitness

22. (1) Subject to subregulation (2) and regulation 23(1), a certificate of fitness remains in force for a period not exceeding 12 months beginning on the date of completion of the inspection in question, but may be extended for a maximum period of six months in special circumstances.

(2) A certificate of fitness issued in respect of a vessel ceases to be valid if—

- (a) the vessel ceases to be subject to the jurisdiction of the authorised agency [~~certifying authority~~]; or
- (b) the vessel ceases to be a vessel to which this Part applies.

Cancellation of certificate of fitness

23. (1) The Authority or authorised agency [~~A—certifying authority~~] may cancel a certificate of fitness if it believes on reasonable grounds that—

- (a) the certificate was obtained fraudulently or on wrong information; or
- (b) since the certificate was issued, the structure, equipment, arrangements or material of the vessel has, by reason of any alteration made thereto, or by reason of any damage sustained by the vessel, or for any other reason, become insufficient; or
- (c) since the certificate was issued, the vessel has for any reason become unseaworthy; or
- (d) the vessel no longer complies with all the requirements of these regulations, to the same extent to which it complied with those regulations when the certificate was issued.

(2) For the purposes of this regulation, "alteration", in relation to the structure, equipment, arrangements or material of a vessel, includes the renewal of any part thereof.

(3) Whenever a certificate of fitness is cancelled, the Authority or authorised agency [~~certifying authority~~] must notify the owner or skipper of the vessel concerned of the cancellation.

Surrender of expired or cancelled certificate of fitness

24. Upon the expiry of a certificate of fitness and in each of the cases mentioned in regulation 22(2) and 23(1), the owner or skipper of the vessel in respect of which the certificate of fitness was issued must upon demand surrender the certificate to the Authority or authorised agency [~~certifying authority~~].

Custody and production of certificate of fitness

25. The owner and skipper of a vessel must ensure that the original certificate of fitness issued in respect of the vessel, or a certified copy thereof, is kept available on board the vessel for inspection at all reasonable times.

Maintenance of condition after inspection

26. The owner and skipper of a vessel must ensure that the condition of the vessel and its equipment is maintained so as to conform to the requirements of these regulations.

PART 5 SUPPLEMENTAL

Authorized agencies

27. (1) Subject to subregulation (2), the Authority may, in consultation with the Director – General and with the concurrence of a governing body, or a club or an organization affiliated with a governing body, designate such body, club or organization as an authorized agency, entrusting to it in the instrument of designation the performance of one or more of the following functions:

- (a) to determine, for the purposes of regulation 11, the maximum number of persons that a pleasure vessel may safely carry;
- (b) to record voyage details for the purposes of regulation 12;
- ~~(bA)~~ to determine whether a pleasure vessel is sufficiently and efficiently manned for the purposes of regulation 14(2);
- (c) for the purposes of regulation 14B, to issue, suspend or cancel certificates of competence in accordance with its designation from the Authority [~~in respect of pleasure vessels~~], and to demand the surrender of any such certificates that have been suspended or cancelled;
- (d) in respect of pleasure vessels—

- (i) to require a person to furnish medical evidence for the purposes of regulation 15(1) or (2); and
- (ii) to take specimens for the purposes of regulation 15(3);
- (e) to supervise and certify persons under the age of 16 years for the purposes of regulation 16(2);
- (f) to conduct initial and renewal inspections of vessels under regulation 20;
- (g) to issue and cancel certificates of fitness, and to demand the surrender of cancelled certificates, under regulations 21, 23 and 24, respectively.

(2) Designation under subregulation (1) is subject to the conditions, which may include provision respecting periodical inspections or audits, that the Authority may determine and specify in the instrument of designation, in the case of the designation of a club or organization affiliated with a governing body, after consultation with that governing body.

(3) The Authority may suspend or revoke a designation under subregulation (1) if it believes on reasonable grounds that the body, club or organization concerned has failed—

- (a) to comply with these regulations or any condition imposed thereunder; or
- (b) to perform diligently and faithfully the functions entrusted to it in terms of these regulations.

(4) (a) An authorized agency may, for the purpose of performing its functions under these regulations, designate as a safety officer any member of the authorized agency who, in its opinion, is qualified to be so designated.

(b) An authorized agency must furnish every safety officer with a certificate attesting to his or her designation as a safety officer setting out the provisions of these regulations that the safety officer is authorized to enforce, and a safety officer must, if so required, produce the certificate in the course of performing functions under these regulations.

(5) Designation as a safety officer terminates if—

- (a) the designee's membership of the authorized agency is suspended or terminated; or
- (b) the designation is otherwise revoked by the authorized agency, and the person concerned must upon demand surrender the certificate issued to him or her in terms of subregulation (4)(b) to the authorized agency.

Powers of enforcement officers

28. (1) In this regulation "enforcement officer" means a person designated under subregulation (2).

(2) The following persons are designated as enforcement officers in respect of **[pleasure]** all vessels contemplated by these regulations, subject to subregulation (5), [vessels] for the purpose of these regulations:

- (a) a member of the South African Police;
- (b) a member of any municipal police force;
- (c) a safety officer; and
- (d) any person designated as an enforcement officer for the purposes of these regulations by the Authority.

(3) Subject to subregulation (5), an enforcement officer may, in order to verify and ensure compliance with these regulations—

- (a) board and inspect a **[pleasure]** small vessel and its appliances and equipment, ask any pertinent questions of, and demand all reasonable assistance from, the owner or skipper, or any person who is in charge or appears to be in charge, of the vessel; and
- (b) require the owner or skipper or other person who is in charge or appears to be in charge of the vessel to produce—
 - (i) personal identification; and
 - (ii) any document or certificate required by these regulations.

(4) (a) Subject to paragraph (b) and subregulation (5), an enforcement officer may, in order to ensure compliance with these regulations and in the interests of public safety, direct the movement of a **[pleasure]** small vessel or prohibit the operation of a **[pleasure]** small vessel.

(b) Except in an emergency, an enforcement officer may not give a direction or prohibition under paragraph (a) in respect of any **[pleasure]** small vessel in a public harbour for which a harbour master is appointed without the prior consent of the harbour master.

(c) The owner or skipper of a vessel whose operation has been prohibited under paragraph (a) may, at own expense, submit the vessel to inspection by the Authority [~~a surveyor~~], who may confirm, vary or set aside the prohibition.

(5) An enforcement officer who is a safety officer may exercise the powers of an enforcement officer under subregulations (3) and (4) only for the purpose of enforcing the provisions of these regulations that he or she has been authorized to enforce pursuant to regulation 27(4).

(6) Every person must comply with the requirements of an enforcement officer in the course of performing functions under these regulations.

Equivalents and exemptions

29. (1) Where these regulations require that a particular fitting, material, appliance, apparatus, item of equipment or type thereof be fitted or carried in a vessel, or that any particular provision be made, or any procedure or arrangement be complied with, the Authority may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in the vessel, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof, or that any particular provision, procedure or arrangement is at least as effective as that required by the regulations.

(2) The Authority may grant exemption, on such terms (if any) as it may specify, from any of the provisions of these regulations for individual cases or classes of cases and may, after reasonable notice, alter or cancel any such exemption.

Exemption in respect of controlled events

30. (1) Subject to subregulation (2), the owner and skipper of a vessel that participates in an approved controlled event in the Republic or in the territorial waters of the Republic are, in respect of such vessel and for the duration of the event, exempt from these regulations.

(2) Application for the approval of a controlled event must be lodged with the Authority not later than 10 days before the intended date of the event and must be accompanied by full details of the event and of the rules and manner of supervision, including safety measures, to be applied and by the other particulars that the Authority may require.

(3) The Authority may extend a standing approval under subregulation (2) for any period subject to such conditions as are considered appropriate by the Authority [~~a period not exceeding 12 months~~] and may at any time on reasonable grounds revoke such approval.

Offences, penalties and defences

31. (1) Every person commits an offence who contravenes regulation 4(1), (3) or (4), 7, 8, 9, 10, 11(1), 12(1), (3), (4) or (5), ~~6(4)~~, 13, 14, 14A, 14B(3) or (5), 15(1), (2), (3), or (5), 16, 16A(2), 18(1), (4), (5), (6) or (8), 19, 24, 25, 26, 27(5) or 28(6). Or 32.

(2) A person who commits an offence in terms of subregulation (1) is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

(3) In proceedings for an offence in terms of subregulation (1) it is a defence to prove that the accused took reasonable precautions and exercised due diligence to avoid committing the offence.

(4) In proceedings for an offence in terms of subregulation (1) in relation to regulation 15(2) it is an additional defence to prove that, at the time of the conduct alleged against the accused, he or she was under the influence of a drug taken by him or her for medicinal purposes and either that he or she took it on medical advice and complied with any directions given as part of that advice or that he or she had no reason to believe that the drug might have the influence it had.

Offences due to fault of another person

31A. Where the commission by any person of an offence in terms of regulation 31(1) is due to the act or omission of some other person, that other person also commits the offence and may be charged with and convicted of the offence by virtue of this regulation, whether or not proceedings are taken against the first-mentioned person.

PART 6 **ADDITIONAL SPECIAL PROVISIONS**

Supplementary requirements for water-skiing

31B.(1) Waters in which water skiing is allowed must be so indicated by the regulating authority.

- (2) No person may water-ski-
 (a) in any waters other than those contemplated in subregulation (1)
 (b) between the hours of dusk and dawn
 (c) While under the influence of intoxicating liquor or any substance having a narcotic effect.

- (3) A water –skier –
 (b) must wear a suitable flotation aid of the type and quality prescribed in Annex 1;
 (c) must have knowledge of the standard hand signals as described by marine notice;
 (d) may not purposefully let go of the rope in a congested area; and
 (e) must comport himself or herself in such a way as not to create a nuisance or danger for other water users.

(4) The owner or skipper of the towing vessel may not use a steel or other metallic rope or wire to tow a water skier.

(5) The skipper of the towing vessel must ensure that there is a competent person in the vessel to observe the water skier, unless he or she uses an unobstructed wide-angle rear view mirror.

(6) The skipper of the towing vessel must carry a 500 millimetre red flag in the vessel and cause it to be clearly exhibited when the vessel is engaged in picking up a water-skier or dragging a tow.

(7) As soon as the tow is dropped by a water-skier, the the skipper of the towing vessel must either move to the nearest safe place, stop and pull in the tow, or if the tow was accidentally dropped, reduce speed and return immediately to pick up the water-skier.

(8) The skipper of a vessel may not follow closer than 100 metres in the wake of another vessel towing a person, water-skier or a “tow-able aquatic or airborne device”.

Supplementary requirements for personal watercraft, motor vessels under 15 HP, sailing vessels under 6 metres and rowing or paddling vessels.

31C (a) In terms of the Marine Traffic Regulations, vessels may only go sea from a port or designated launch site and in the case of inland waters a vessel may only enter the water from those areas or places permitted by the regulating authority, however vessels contemplated in this part may, subject to subregulation (b) below, operate as directed in any areas under the jurisdiction of a regulating authority.

(b) Personal watercraft or jet-skis under 3 metres operating at sea may only operate in demarcated areas specifically set aside for that purpose by the regulating authority and in addition must-

(i) Not proceed further offshore than 1000 metres.

PART 7

ADMINISTRATIVE ARRANGEMENTS

32. Director-General may establish an advisory committee

(1) For the purpose of promoting efficient administration of these regulations, the Director – General, may in writing –

- (a) Establish any co-ordinating structures the Director- General thinks fit, and
- (b) Determine the membership and functions of any established structure
- (2) Before establishing a structure, the Director – General must consult –
 - (a) the Authority; and
 - (b) any other organ of state or person required in writing by the Minister to be consulted.

PART 8 FINAL PROVISIONS

Transitional arrangements

~~[[33 (1) Every authorized agency that was, immediately before the commencement of these regulations, an authorized agency under the provisions of the regulations repealed by regulation 33(1)(b) (the repealed regulations) continues to be an authorized agency under and for the purposes of these regulations as if that authorized agency had been designated under regulation 27(1) for the period expiring 18 months after the commencement of these regulations, and —~~

- ~~(a) any document referring to a provision of the repealed regulations is to be read as referring to the corresponding provision of these regulations; and~~
- ~~(b) any directions, appointments and other acts lawfully made or done under a provision of the repealed regulations and in force immediately before the commencement of these regulations are to be taken to have been made or done under the corresponding provision of these regulations and continue to have effect accordingly.]~~

(1) The Director-General shall provide, by Government Notice, the date and the manner in [by] which all vessels must be marked with an approved marking and relevant information to be provided the Director- General for registration purposes.

~~[(2) (a) Before the date referred to in paragraph (b), the design and construction of an existing vessel may, instead of complying with the provisions of regulation 6(3), continue to comply with the corresponding provisions of the repealed regulations.~~

~~— (b) The date for the purposes of paragraph (a) is the date after 1 January 2006 on which the vessel's initial survey or next renewal survey, as the case may be, falls due].~~

(2) The date by which existing vessels need to comply with the design and construction provisions of regulation 6(3) is two years after the commencement of these amended regulations unless directed to do so sooner by a surveyor or safety officer due to safety considerations.

~~{(c) In paragraphs (a) and (b)}~~

~~"existing vessel" means a vessel that was built and used on previously unregulated waters before the commencement of these amended regulations;~~

~~{"initial survey" means an inspection required by regulation 20(1)(a) or a survey required by section 190(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), as the case may be, before the appropriate certificate may be issued for the first time; and~~

~~"renewal survey" means an inspection required by regulation 20(1)(b) or a survey required by section 190(2) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), as the case may be, before a further appropriate certificate may be issued.}~~

(3) The date by which commercial vessels previously exempted under paragraph 1(1)(c)(i) need to comply with the amended part is two years after the commencement of these amended regulations.

Repeal and amendment of regulations

~~||34~~ (1) The following regulations are repealed:

- ~~(a) the Standards of Seaworthiness, Manning and Licencing of Vessels Regulations, 1986, published by Government Notice No. R. 1025 of 30 May 1986, as amended by Government Notice No. R. 1028 of 18 June 1993; and~~
- ~~(b) the Regulations Regarding Ships or Small Vessels Used Solely for Sport or Recreation, 1985, published by Government Notice No. R. 2799 of 20 December 1985.~~

~~(2) ...~~

~~[Subreg (2) deleted by reg 55, GNR545/26301,30Apr2004]
The Regulations for the use of vessels of less than 3m in length.~~

ANNEX 1
(Regulation 6)
CONSTRUCTION REQUIREMENTS

Built-in buoyancy

1. (1) (a) Subject to items (b) and (c) and to subparagraph (2),(3) and (4), every vessel other than a category A vessel, or a vessel taking part in an organised event, ~~[category B, C, D and E vessel]~~ must be provided with built-in buoyancy ~~complying with subparagraph (3).~~

(b) Item (a) does not apply to a vessel, other than a passenger vessel [going to sea], if it is provided with one or more inflatable liferafts in accordance with Annex 2, item 36.*

(c) ~~[The following]~~ category C, D and E sailing pleasure vessels may, instead of built-in buoyancy, be provided with lifebuoys, one in number for every two persons on board, provided such vessels do not go to sea ~~[operate]~~ at night:

(i) ~~commercial small vessels, being fishing boats of more than 7 metres in overall length and of such heavy construction that the fitting of built-in buoyancy is impracticable;~~

(ii) ~~sailing pleasure vessels.]~~

(2) Watertight compartments and watertight empty cases are not a substitute for built-in buoyancy on category B,C and D vessels: Provided that a decked vessel may, instead of built-in buoyancy, be provided with at least two watertight bulkheads so positioned and of sufficient strength that, in the event of flooding of the largest compartment formed by the bulkheads, the vessel will remain afloat in its worst envisaged load condition with positive transverse stability.

[Subpara (2) amended by reg 56(a), GNR545/26301,30Apr2004]

(3) On category B,C and D vessels Built-in buoyancy must consist of a material, such as foam, that is not affected by oil or oil products. Built-in buoyancy must be capable of keeping the vessel afloat when fully flooded, swamped or capsized. It must be capable of floating the vessel, when capsized, in such manner as to provide a platform to which the full complement of the vessel can be secured. In passenger vessels, built-in buoyancy must be such that the vessel will remain afloat with positive transverse stability when fully flooded in its worst envisaged load condition. Category E and R vessels may make any suitable and reasonable provisions to ensure that the vessel retains positive buoyancy when fully flooded, swamped or capsized.

* Category A vessels must be provided with one or more inflatable liferafts in accordance with Annex 2, item 36.

[Subpara (3) amended by reg 56(b), GNR545/26301,30Apr2004]

(4) Every inflatable vessel of any category, whether fully inflatable or semi-rigid, must have at least three separate buoyancy chambers and have the capacity to stay afloat despite the largest two of the chambers being completely deflated. For the purpose of this subparagraph, the hull of a semi-rigid inflatable vessel is not a buoyancy chamber.

(5) It is the duty of the owner of a vessel to show, by certification, calculation or test, that—

- (a) a vessel with watertight bulkheads complies with subparagraph (2);
- (b) a vessel with built-in buoyancy complies with subparagraph (3); and
- (c) an inflatable vessel with buoyancy chambers complies with subparagraph (4).

Hatches and hatch coamings

2. (1) Subject to subparagraph (4), hatches on the open deck must be provided with hatch covers that are watertight when dogged down. Special care is to be given to the dogging down arrangements of flush deck hatches.

(2) Where a fishing vessel is designed so that the hatch containing the catch can be opened to the sea, the cover of the hatch need not have securing devices making it watertight, but the cover must be capable of being secured in an emergency.

(3) All watertight hatches must be capable of withstanding a hose test.

(4) On sailing vessels aft-facing companionway hatches that are closed by washboards need not be watertight but must be constructed so that the ingress of water is substantially retarded in the event of the vessel being capsized or pooped.

Guard rails etc.

3. (1) Subject to subparagraphs (2) to (4)—

- (a) every power-driven vessel having an open deck on which persons can walk must be provided with efficient guard rails, or an equivalent arrangement, around the outboard edge of the deck to a height of at least—
 - (i) 600 millimetres above the deck on vessels of 9 metres or more in overall length; and
 - (ii) 450 millimetres above the deck on vessels less than 9 metres in overall length; [and] Provided that category D, E and R motor vessels of less than 9 metres in overall length are exempt from this requirement if—

- (aa) every occupant of the vessel wears a flotation aid when under way; and
 - (bb) the vessel does not go to sea [~~operate~~] at night.
- (b) every sailing vessel having an open deck on which persons can walk must be provided with efficient guard rails, or an equivalent arrangement, around the outboard edge of the deck to a height of at least—
- (i) 560 millimetres above the deck on vessels of 9 metres or more in overall length; and
 - (ii) 410 millimetres above the deck on vessels less than 9 metres in overall length: Provided that category D, [~~and~~] E and R sailing pleasure vessels of less than 9 metres in overall length are exempt from this requirement if—
 - (aa) every occupant of the vessel wears a flotation aid when under way; and
 - (bb) the vessel does not go to sea [~~operate~~] at night.
- (2) Vessels operating through the surf are exempt from subparagraph (1) if fitted with bulwarks having a height of at least 450 millimetres forward and 300 millimetres aft.
- (3) [~~Subparagraph (1) does not apply to power-driven dinghies or to sailing dinghies~~]
- (4) Vessels constructed so that the cabin-top extends nearly to the vessel's side, with a crew-only access forward, are exempt from subparagraph (1) if provided with a substantial, secure handrail on each side of the cabin and with a toe rail of at least 50 millimetres in height along the outer edge of the deck.

Towing bollards

4. Every vessel must be provided with an efficient means of securing a tow rope or anchor cable.

Underwater hull fittings

5. Inlet and discharge pipes attached to the underwater part of the hull must be properly flanged to the hull and be provided with a valve or shut-off cock inserted in the line as close as possible to the hull.

Ventilators

6. (1) Ventilators serving engine or accommodation compartments must be provided with proper closing devices or water traps to prevent the ingress of water into the compartment.

(2) Ventilators serving only an engine compartment must be provided with a means of shutting off the air flow in the event of fire in the engine compartment.

Engine power

7. (1) Subject to this regulation, every vessel going to sea must be provided with an engine capable of propelling the vessel, in its full load condition, at a speed in calm water of at least 5 knots. Additionally, if the vessel is to be operated in the surf, the engine must be capable of propelling the vessel at a safe speed when operating in surf conditions.

[Subpara (1) substituted by reg 56(c), GNR545/26301,30Apr2004]

(2) Subparagraph (1) does not apply to sailing vessels, not being sailing passenger vessels, or to dinghies under oars.

(3) Every category A, B and C power-driven vessel that employs outboard engine propulsion must be provided with at least two engines either of which must be capable of propelling the vessel, in its full load condition, at a speed in calm water of at least 5 knots. Additionally, if the vessel is to be operated in the surf, either engine must be capable of propelling the vessel at a safe speed when operating in surf conditions.

[Subpara (3) substituted by reg 56(d), GNR545/26301,30Apr2004]

(4) Vessels fitted with inboard petrol engines must comply with the following:

- (a) the engine must be installed in a compartment that is protected from water [~~sea~~] spray and flooding and is adequately ventilated;
- (b) a manual bilge pump must be fitted in the engine compartment;
- (c) batteries must be stowed in a separate compartment that is protected from sea spray and flooding and is adequately ventilated;
- (d) a marinized carburettor with flash arrester must be fitted;
- (e) a spark-less alternator with starter must be fitted;
- (f) a flameproof extractor fan set to operate for a minimum of 30 seconds before the engine starts must be fitted in the engine compartment;
- (g) a remote controlled fire extinguishing system must be fitted in the engine compartment;
- (h) in the case of category A, B and C vessels fitted with a single inboard petrol engine, an auxiliary outboard engine must be provided.

(5) Exhaust pipes and silencers must be water cooled or lagged.

Fuel tanks

8. (1) Fuel tanks must be efficiently secured and of adequate capacity and must be constructed of suitable material.

(2) Outlets of built-in fuel tanks must be fitted with shut-off valves or approved automatic shut-off and anti-syphoning devices. Shut-off valves

that cannot readily and safely be accessed must be capable of remote operation.

(3) Fuel filler pipes to built-in fuel tanks must be adequate for the purpose and must be provided with adequate sealing threaded plugs or caps. Only non-corrosive materials may be used.

(4) All fuel tanks must be fitted with adequate breathers or breather pipes led to a height allowing the vessel to heel to 50 degrees without fuel escaping through them. The breathers or breather pipes must be led to the outside of the hull and must be constructed so as to prevent the ingress of water into the tank in all operating conditions.

(5) All fuel tanks must be provided with a suitable means for determining the amount of fuel in the tank.

(6) All fuel tanks holding petrol must be fitted or stored outside engine and battery compartments.

(7) Where gauge glasses are provided, they must be fitted with self-closing valves.

Electrical installations

9. (1) (a) Subject to item (b), every category A, B and C power-driven vessel must be provided with an electrical installation that includes at least two identical banks of batteries. Each bank of batteries must be capable of providing sufficient power in accordance with the engine manufacturer's recommendations and have facilities for parallel connection.

(b) Vessels fitted with hand-start engines may be provided with one bank of batteries.

(2) Every category D [~~and~~] E and R power-driven vessel must be provided with at least one bank of batteries, unless the vessel is fitted only with hand-start engines.

(3) Every sailing vessel fitted with an inboard auxiliary engine must be provided with at least one bank of batteries, unless the vessel is fitted only with hand-start engines.

(4) Vessels required to be provided with one or more banks of batteries must be provided with a suitable battery charging appliance, and if more than one engine is fitted each engine must be provided with a battery charging appliance capable of charging both banks of batteries.

(5) All electrical installations must conform to good, established marine practice and all electrical equipment must be constructed so that there will be no danger of injury to any person handling the installation in the proper manner.

(6) A single bank of batteries must be capable of providing at least 12 hours' auxiliary power for navigation lights, electric bilge pumps (if provided) and fixed radio equipment.

Emergency steering arrangements

10. A means of emergency steering must be provided in every vessel that is not steered by means of a tiller, including a tiller control arm of an outboard engine. The emergency steering must be capable of operation at all angles and when an outboard engine is fitted and tilted. The emergency steering may be portable, in which case it must be stored in a readily accessible position for rapid attachment in an emergency.

Bilge pumping arrangements

11. (1) This paragraph does not apply to—

- (a) ski-boats having self-draining decks;
- (b) inflatable or semi-rigid inflatable vessels having self-draining decks; or
- (c) sailing or rowing dinghies, but such vessels must be provided with an efficient bailing device.

(2) Every category A power-driven decked vessel must be provided with two power-driven bilge pumps. Each bilge pump must have its own prime mover and may be driven off the vessel's main engines if more than one main engine is installed; otherwise, the configuration must be such that one pump is driven off the main engine and the other by a standby engine. The pump driven off the standby engine may be electrically powered.

(3) Every category B, C, D and E power-driven decked vessel of 5 metres or more in overall length fitted with an inboard main engine must be provided with a power-driven bilge pump having as its prime mover the vessel's main engine. Where the configuration of the inboard engine is such that it cannot act as the prime mover, the bilge pump may be electrically powered. In addition, every such vessel must be provided with a hand-operated bilge pump situated above the main deck. All other category B, C, D and E power-driven decked vessels of 5 metres or more in overall length must be provided with two hand-operated bilge pumps, one of which may be installed below the main deck, the other above the main deck.

(4) Every category B, C, D and E power-driven decked vessel of less than 5 metres in overall length must be provided with at least one hand-operated bilge pump.

(5) (a) Every category A decked sailing vessel must be provided with two hand-operated bilge pumps, and every category B, C, D and E decked sailing vessel must be provided with one hand-operated bilge pump.

(b) Every category R vessel which does not have a self draining arrangement must be fitted with at least one efficient pump as described in sub-paragraph (6) below. Where the fitting of such arrangements is clearly impracticable, an efficient bailer should be provided, however, no power driven vessel over 7 metres may be exempted from fitting a suitable pump.

(6) All power-driven and hand-operated bilge pumps must have a minimum pumping capacity of 3 000 litres and 2 000 litres per hour, respectively.

(7) All bilge pumps must be fitted, where necessary, with piping arrangements, valves, suction and strainers to pump out every compartment in a vessel, other than a compartment used exclusively for catches of fish and which can be flooded without adversely affecting the vessel's buoyancy or stability.

(8) Every bilge pumping arrangement discharging, in any operating condition, below the waterline must be fitted with a sufficient number of non-return valves to prevent back-flooding.

(9) Portable pump levers for hand-operated bilge pumps must be kept in a readily accessible space as near to the pump as possible and, in the case of pumps above the main deck, in a readily accessible space or locker above the main deck.

Visibility at steering position

12. Where a steering position is not situated in the open, visibility from two points abaft the beam on one side through ahead and to two points abaft the beam on the other side must be through safety-toughened clear glass or an approved alternative. Protection from the glare of the sun may be afforded by means of portable tinted screens.

Maintenance of propulsion and steering machinery

13. The propulsion and steering machinery of a vessel must be periodically serviced, maintained and, if necessary, repaired in accordance with the manufacturer's instructions and specifications so as to ensure at all times its effective functioning. The period between servicing may not exceed the period recommended by the manufacturer. All servicing, maintenance and repair work on the propulsion and steering machinery of power-driven vessels fitted with a propulsion engine of more than ~~[5]~~ 15 horse power must be performed by competent persons.

Crew accommodation in commercial small vessels

14. Every commercial small vessel that goes to sea for a continuous period of 16 hours or more out of every 24 hours and on which a person is to live while the vessel is in port must be provided with crew accommodation, as follows:

- (a) not more than 10 persons may be accommodated in a space that has only one access;

- (b) bunks must be single and have clear access from one side. A bunk may not be less than 1,8 metres in length and, in the forecastle space, a bunk may taper in width along its length but may not be less than 600 millimetres at its head and 460 millimetres at its foot. Where bunks are stacked one on top of the other, the height between bunks may not be less 500 millimetres between the top of the mattress and the base of the bunk above the mattress. Bunks must be so positioned to avoid water drips from access ladders and ventilators. Protection boards encasing the back of an access ladder or drip traps are acceptable when there is no other option but to install a bunk under a ladder or ventilator. Each bunk must have a cubby hole for the storage of personal items. Bunks butting onto each other must be separated with a board having a minimum height of 500 millimetres;
- (c) sleeping arrangements are not permitted in engine room or galley spaces. Sleeping arrangements are permitted in the steering space provided the steering gear is enclosed and the bulkhead between the steering and engine room spaces is made gas tight. Exhaust pipes passing through the steering space must be boxed in and ventilated to the outside;
- (d) galleys fitted with gas stoves may not have an access to the engine room. Where this cannot be avoided, there must be installed a gas-tight access between the engine room and galley. The immediate area about the stove must be insulated to inhibit the spread of fire;
- (e) at least two toilets and showers must be provided on vessels carrying not more than 19 persons; an additional toilet and shower must be provided for every additional 10 persons, or part of that number, carried. Toilets and showers must be located outside, but adjacent to, sleeping spaces;
- (f) all accommodation spaces must be provided with adequate ventilation with closing devices to prevent water ingress from spray or rain and air ingress in the event of a fire in the space;
- (g) all accommodation spaces must be provided with adequate electrical lighting;
- (h) all accommodation spaces must provide a minimum head height of at least 1,8 metres; this may be reduced in way of bunks, cupboards and other spaces where persons would not normally need to stand or walk in the upright position.

Gas appliances

15. Every gas operated cooker or refrigerator installed in a commercial small vessel must be fitted with a safety device capable of preventing the build up of an explosive atmosphere in the event of a flame-out. The device must be serviced annually by a competent person.

Additional requirements for passenger vessels

16. (1) Every passenger vessel must comply with the following additional requirements:

- (a) two outboard engines, complying with paragraph 7(3), or an inboard diesel engine must be fitted;
- (b) petrol outboard engines must be provided with either approved portable steel fuel tanks; containing a maximum of 50 litres, or inboard tanks built and fitted to the appropriate ISO standards containing a maximum of 200 litres at any time.
- (c) inboard engine compartments must be protected by—
 - (i) smoke and heat sensors linked to an alarm generating device located at the conning position; and
 - (ii) a manual fire smothering system capable of remote operation;
- (d) a bilge alarm must be fitted in every compartment having a hull fitting open to the sea;
- (e) seating arrangements must be adequate for the number of persons authorized to be carried by the vessel's local safety certificate~~—or certificate of fitness, as the case may be.~~

[Subpara (1) amended by reg 56(e), GNR545/26301,30Apr2004]

(2) Every passenger vessel certified to carry a maximum of 20 passengers must comply with following additional requirements:

- (a) with the vessel in the worst anticipated intact condition and, as far as is practicable, with 75 per cent of the passengers congregated on one side of the vessel and 25 per cent on the other side, the angle of heel may not exceed 7 degrees and may not result in deck-edge immersion of the vessel;
- (b) with the vessel in the worst anticipated intact condition and, as far as is practicable, with all of the passengers congregated on one side, neither may a capsizing moment be introduced nor may the resultant angle of heel result in a downflooding point being reached;
- (c) with the vessel in its fully loaded condition including passengers, crew and fuel, the freeboard at the lowest point may not be less than 381 mm for vessels not exceeding 6,1 metres in length and 762 mm for vessels of 18,3 metres in length; for vessels of intermediate length, the freeboard is to be obtained by linear interpolation.

Compliance with these requirements may be demonstrated theoretically or practically.

(3) Every passenger vessel certified to carry more than 20 passengers must comply with the stability criteria applicable to ships classified as class VI passenger ships in terms of the Safety of Navigation Regulations, 1968.

[Subpara (2) added by reg 56(e), GNR545/26301,30Apr2004]

Additional requirements for dive boats

17. Every dive boat must comply with the following additional requirements:

- (a) on vessels operating through the surf, adequate seating arrangements with grab points must be provided for all divers on board; such arrangements must not be located on the gunwale unless the gunwale is formed by the outside buoyancy tube of an inflatable or semi-rigid inflatable vessel;
- (b) adequately secured racks capable of accommodating all air tanks on board must be provided.

ANNEX 2*
(Regulation 7)
SAFETY APPLIANCES AND EQUIPMENT

Provision of safety appliances and equipment

1. The following items of safety appliances and equipment are prescribed, as a minimum, for each of the categories of vessels, to be available on board in good working condition:

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E & R	
1	Approved lifejacket*	X	X	X	— X†	—	One lifejacket of appropriate size to be provided for each person on board. * Lifejackets carried on all category A vessels as well as passenger vessels operating at night to be fitted with a light complying with paragraph 5 of this annex and all lifejackets to comply with standard specification SABS 146/1979, published by the South African Bureau of Standards.
1A	Approved flotation aid*	X†	X†	X†	X X†	X‡	† One flotation aid of appropriate size to be provided— (a) for the skipper and each member of the crew of a commercial small vessel; and where required in terms of regulation 7(2) (b) in lieu of an approved lifejacket on category D vessels. [(b) — for each person on board a vessel that is launched or operated in the surf.] ‡ One flotation aid of appropriate size to be provided for each person on board. * Flotation aid to be fitted with a light complying with paragraph 5 of this annex and to comply with standard specification SABS 1417/1987, published by the South African Bureau of Standards.
2	Life-buoy	X	X	X	X	—	Required only on non-planing vessels.
3	Dan buoy	X	X	X	X	—	Required only on trawling vessels and on sailing vessels of 9 metres or more in overall length.
4	Unexpired approved projectile flare set	—	—	—	—	X	<u>Not required on category R vessels.</u>
5	Unexpired approved hand-held red distress flares	X4	X4	X2	X2	—	
6	Unexpired approved red rocket parachute flares	X4	X4	X2	X2	—	

^b -NB: Transitional provisions apply (reg 60, CNR545/26301, 30 Apr 2004).

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E & R	
7	Unexpired approved floating orange smoke marker	X	X	X	X	—	
8	Unexpired approved hand-held smoke marker	—	—	—	—	X	Not required on category R vessels.
9	Waterproof torch including full set of spare batteries and a spare bulb	X	X	X	X	X	Spare bulb and batteries to be kept in a watertight container. Required only on vessels operating at night.
10	Hand-held spotlight with own 12 volt battery	X	X	X	X	X	Required only on dive boats operating at night.
11	Sound signalling device (other than a lifejacket whistle)	X	X	X	X	—	Fundamental frequency range 250 Hz – 700 Hz. Range of audibility not less than 1 kilometre over water in still conditions. Required only on vessels operating to the west of Port Alfred.
12	Ships bell or sound signalling device capable of making the signal "R"	X	X	X	X	X	Not required on category R vessels. Required only on vessels of 12 20 metres or more in overall length.
13	Code Flags "N" and "C"	X	—	—	—	—	
14	Code Flag "A" (rigid)	X	X	X	X	X	Required only on dive boats.
15	2 Black balls or shapes of at least 400 millimetres in diameter	X	X	X	X	X	Not required on category R vessels Not required on vessels of less than 12 metres in overall length.
16	Radar reflector of at least 400 millimetres in diameter or patent type of equivalent echoing capability	X	X	X	X	—	Required to be fitted permanently on power-driven vessels of 9 metres or more in overall length operating to the west of Port Alfred.
17	Marine VHF or 29 MHz radio	X	X	X	X	—	As appropriate to the area of operation: Provided that a VHF radio must be carried on passenger vessels regardless of the area of operation. A VHF radio must, as a minimum, be capable of operating on channel 16 and on one other working channel. A 29 MHz radio must be capable of operating on local marine channels A, B and C. <u>Appropriate alternative arrangements must be made for category R passenger vessels</u>
18	HF radio	X*	—	—	—	—	* Except sailing pleasure vessels.

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E & R	
18A	Approved Emergency position-indicating radio beacon (EPIRB)* capable of transmitting distress alerts through the COSPAS-SARSAT satellite service operating in the 406 MHz band	X†	X‡	X‡	—	—	<p>†EPIRB to be—</p> <p>(a) installed in an easily accessible position;</p> <p>(b) ready to be manually released and capable of being carried by one person into a survival craft;</p> <p>(c) capable of floating free if the vessel sinks;</p> <p>(d) capable of being activated manually; and</p> <p>(e) automatically activated when afloat.</p> <p>Provided that, on category B vessels spending not more than 12 consecutive hours at sea, the EPIRB may be of the hand-held or personal type, in which case it is to be fitted with a lanyard and wrist strap and kept readily available for use in an emergency.</p> <p>‡ Mandatory with effect from 1 June 2005.</p> <p>‡ Mandatory with effect from 1 June 2006. May 2007</p> <p>* EPIRB to be of a type approved by the Independent Communications Authority of South Africa (ICASA).</p>
19	Depth-sounding device or hand lead line	X	X	X	X	X	Required only on dive boats.
20	Suitable steering magnetic compass	X	X	X	X	—	Table of residual deviations to be provided on vessels of 9 metres or more in overall length. Compass to be illuminated on vessels operating at night.
21	Suitable navigation charts for the voyage or area of operation	X	X	X	—	—	Up-to-date charts, corrected in accordance with the South African Notices to Mariners, or renewed every six years. Also required, where appropriate, on commercial vessels used on inland waters.
22	Suitable approved fire extinguisher	X	X	X	X	X	One per engine and, in decked vessels of 9 metres or more in overall length, one in each of the following compartments where formed by complete transverse bulkheads: sleeping accommodation, galley and wheelhouse.
23	Power-driven or hand-operated fire-pump with hose.	X	X	X	X	X	Required only on passenger vessels of 9 metres or more in overall length. The hose must be capable of reaching all parts of the vessel and of delivering a jet of water of at least 3 metres in length, through an adjustable jet or spray nozzle of no less than 5 millimetres in diameter.
24	2 oars or paddles	—	—	—	X	X	Required only on a vessel fitted with a single outboard petrol engine.

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E & R	
25	Grab-line fitted to outside of gunwale	X	X	X	X	X	Required only on dive boats. Not required on vessels equipped with a boarding ladder extending into the water.
26	Capsize rope for use when vessel is inverted in water	X	X	X	X	X	Required only on dinghies, semi-rigid inflatable vessels and on ski-boats of less than 9 metres in overall length.
27	Full set of sails, including suitable storm sails	X	X	X	X	X	Required only on sailing vessels.
28	Suitable means of cutting standing rigging	X	X	X	X	—	Required only on sailing vessels.
29	Suitable sea anchor fitted with hawser and tripping line (rigged and ready for use)	X	X	X	X	X	Required only on surf-launched vessels of less than 9 metres in overall length.
30	Proper patent anchor and chain with suitable length of rope of suitable strength for the area of operation	X	X	X	X	X	<i>Length of chain:</i> Vessels of 6 metres or more in overall length—At least 5 metres. Vessels less than 6 metres in overall length—At least 3 metres. <i>Length of rope:</i> At least 50 metres for category E vessels, and at least 100 metres for vessels of the other categories. Not required on sailing dinghies, kayaks, canoes and other non-power driven vessels where such an item of equipment is impractical.
31	Watertight capsize bottle attached to vessel with rope readily accessible in event of vessel capsizing	X	X	X	X	X	To contain flares and other survival and emergency equipment. Not required on sailing dinghies, kayaks, canoes and other non-power driven vessels where such an item of equipment is impractical.
32	Space blankets	X2	X2	X2	X2	—	
33	One litre of drinking water per person	X	X	X	X	X —	
34	First-aid kit	X	X	X	X	X*	Suitable for the vessel's size, complement and intended operation, to the satisfaction of the surveyor or safety officer. First-aid kit to include elementary first-aid manual, such as the publication entitled <i>First on the Scene</i> , published by St Johns Ambulance. * Only vessels with engine power exceeding 15 HP
35	Suitable air bellows and repair kit	X	X	X	X	X	Required only on inflatable vessels.
36	Approved self-inflating liferaft capable of carrying all persons on board and stowed on deck or in a readily accessible position	X	X*	X*	X*	X*	* Not required on vessels, other than passenger vessels, provided with built-in buoyancy in accordance with Annex 1, paragraph 1(1). Not required on passenger vessels operating solely within the confines of the breakwaters of a port. Not required on category R vessels.

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E & R	
37	Spares	X	X	X	X	X	Adequate for the purpose of carrying out emergency repairs to machinery and essential equipment on board.
38	Tools	X	X	X	X	X	Adequate for the purpose of carrying out emergency repairs to machinery and essential equipment on board.

[Para 1 amended by reg 57(a) to (g), GNR545/26301,30Apr2004]

Maintenance requirements

2. (1) Self-inflating liferafts, when carried on commercial small vessels, must be serviced annually by an approved liferaft servicing agent and, when carried on pleasure vessels, must be serviced in accordance with the manufacturers instructions.

(2) Fire extinguishers must be serviced annually by an approved fire appliance servicing agent.

(3) Each emergency position-indicating radio beacon must be examined at least once a month to check—

- (a) its capability to operate properly, particularly its ability to float free (where required) in the event of the vessel sinking;
- (b) how secure it is in its mounting; and
- (c) for signs of damage.

[Subpara (3) added by reg 57(h), GNR545/26301,30Apr2004]

Marking of equipment, appliances and trailers

3. (1) All life-jackets, buoyancy aids, lifebuoys, dan buoys, flares, oars, paddles and liferafts belonging to a vessel must be permanently marked with the vessel's name or approved marking.

(2) Where a vessel is launched from a trailer, the trailer bearing the vessel must be marked in a conspicuous position with the vessel's name or approved marking and with the owner's name and telephone number.

Emergency position-indicating radio beacon and PLBs to be registered

4. Emergency position-indicating radio beacons or PLB of the kind required by these regulations must be registered with the South African Search and Rescue Organization, in accordance with the Merchant Shipping (EPIRB Registration) Regulations, 2002.

[Para 4 added by reg 57(i), GNR545/26301,30Apr2004]

Light for lifejacket and flotation aid

5. Every lifejacket and flotation aid of the kind required by these regulations must be fitted with a light that—

(a) is secured within a pocket or sleeve, or in any other acceptable way, to prevent the light from becoming dislodged from the lifejacket or flotation aid when it is being donned or worn or when the wearer has to drop or jump into water;
(b) has a luminous intensity of not less than 0,75 candela;

(c) has a source of energy capable of providing a luminous intensity of 0,75 candela for a period of at least eight hours;
(d) is visible over as great a segment of the upper hemisphere as is practicable when attached to the lifejacket or flotation aid;
(e) is of a white colour; and
(f) in the case of a flashing light—
(i) is provided with a manually-operated switch;
(ii) is fitted with a lens or curved reflector to concentrate the beam; and
(iii) flashes at a rate of not less than 50 flashes and not more than 70 flashes per minute with an effective luminous intensity of not less than 0,75 candela.
[Para 5 added by reg 3(c) GNR564/27665/17Jun2005]