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# GOVERNMENT NOTICES

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## DEPARTMENT OF TRANSPORT

No. R. 729

11 July 2008

SHIP REGISTRATION ACT, 1998 (ACT No. 58 OF 1998)

### SHIP REGISTRATION AMENDMENT REGULATIONS, 2008

The Minister of Transport has, under section 56 of the Ship Registration Act, 1998 (Act No. 58 of 1998), made the regulations in the Schedule.

#### SCHEDULE

#### 1 Title and commencement

- (1) These regulations are the Ship Registration Amendment Regulations, 2008.
- (2) These regulations commence on publication in the *Gazette*.

#### 2 Meaning of "the Regulations"

In these regulations, "the Regulations" means the Ship Registration Regulations, 2002, published by Government Notice No. R. 497 of 26 April 2002, as amended by Government Notice No. R. 893 of 28 June 2002.

#### 3 Amendment of regulation 12 of Regulations

Regulation 12 of the Regulations is amended by the addition of the following paragraph:

- "(d) ships used solely on any dam or other inland waters contemplated in section 3(9) of the Merchant Shipping Act, 1951, whether or not specified in a notice under that section."

No. R. 730

11 July 2008

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

**DECLARATION UNDER SECTION 3(9) OF MERCHANT SHIPPING  
ACT, 1951 (ACT No.57 OF 1951)**

I, Jeffrey Thamsanqa Radebe, Minister of Transport, make, under section 3(9) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), the declaration set out in the accompanying Schedule with effect from the date of publication of this notice.



**J. T. RADEBE,**  
Minister of Transport

**SCHEDULE****1 Definitions**

In this declaration, unless the context indicates otherwise, an expression given a meaning by the Act has the given meaning, and—

**"declared inland waters"** has the meaning given by paragraph 2;

**"inland waters"** means the waters of any dam, lagoon, lake, river or wetland, but does not include a tidal lagoon or tidal river as defined in section 1 of the Sea-Shore Act, 1935 (Act No. 21 of 1935);

**"the Act"** means the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

**2 Meaning of declared inland waters**

**Declared inland waters** are all inland waters in the Republic that are—

- (a) from time to time capable of navigation; and
- (b) open to or used by the public for navigation, whether on payment of a fee or otherwise.

### 3 Application of Act to declared inland waters

The provisions of the Act specified in column 1 of the following table apply, subject to the exemptions, modifications and restrictions (if any) specified in column 2 of the table, to declared inland waters:

Item	Column 1	Column 2
	Section	Exemption, modification or restriction
1	2	The application, by virtue of this Notice, of the definition of "seaman" in subsection (1) in relation to vessels operating on declared inland waters does not affect the application of any other law relating to seamen.
		In subsection (1), in the definition of "small vessel" omit "and of more than three metres in length".
2	3	None.
4	4	None.
5	5	None.
6	6	None.
7	7	None.
8	8	None.
9	9	None.
10	10	None.
11	17	None.
12	18	None.
13	68	In subsection (1) replace "at or from a port or from anywhere else on the coast of the Republic" with "on declared inland waters".
		In subsection (3)(a) replace "entitled to be registered in the Republic in terms of" with "owned or operated as described in".
14	69	None.
15	70	None.
16	71	None.
17	72	None.
18.1	73(1)	Replace "South African ship operating at a port in the Republic or going to sea from any port whatsoever" with "ship operating on declared inland waters".
18.2	73(2)	Insert "length," before "tonnage".
18.3	73(3)	Omit "built before the coming into operation of this section".
18.4	73(5)	None.
18.5	73(6)	None.
19	74	None.
20	77	None.

Item	Column 1	Column 2
	Section	Exemption, modification or restriction
21	78	None.
22	81	None.
23	82	None.
24	83	In subsection (1) replace "South Africa ship" with "ship operating on declared inland waters".
		In subsection (2) replace "South African ship" with "ship operating on declared inland waters".
25	84	None.
26	85	Replace "South African ship to go to sea from any port whatsoever or a ship other than a South African ship to go to sea from a port in the Republic" with "ship to operate on declared inland waters".
27	87	In subsection (2) replace "be engaged or got to sea" with "serve".
28	88	None.
29	89	In subsection (1) insert "the Minister or" before "the High Court" and "the Minister" before "that court".
30	161(1)	Replace "South African ship shall provide" with "vessel operating on declared inland waters shall provide and maintain".
31	167	Omit "South African" and replace "at sea" with "on board".
32	190	None.
33	191	None.
34	194	None.
35	195	None.
36	197	None.
37	198	None.
38	199	None.
39	201	None.
40.1	203(1)	None.
40.2	203(8)	Replace "plying regularly between ports in the Republic or operating from a port in the Republic" with "operating regularly on declared inland waters".
40.3	203(9)	Replace "proceed to sea from any port in the Republic" with "operate on declared inland waters".
41	221(1)	Replace "South African ship operating at a port in the Republic or going to sea from any port whatsoever" with "ship operating on declared inland waters".
42	223	In subsection (2) omit "at any place at which clearance for that vessel may be requested, and a clearance shall not be granted".
43	224	None.

Item	Column 1	Column 2
	Section	Exemption, modification or restriction
44	225	In subsection (1) replace ", wherever registered, plying between ports in the Republic or between a port in the Republic and any other port" with "operating on declared inland waters".
		In subsection (2) omit "registered in the Republic"
45.1	226(1)	Replace "South African ship of a class or tonnage prescribed by regulation built after the coming into operation of this section" with "licensed vessel of a class, length or tonnage prescribed by regulation".
45.2	226(2)	None.
45.3	226(3)	None.
46	228	In subsection (1) omit "plying regularly between ports in the Republic or between a port in the Republic and any other port, wherever she may be registered,".
47	229	Replace "South Africa ship of one hundred or more gross register tons (or of such lower tonnage gross register as may be prescribed) shall not cause or permit the ship to proceed to sea" with "vessel of a class, length or tonnage prescribed by regulation shall not cause or permit the vessel to operate on declared inland waters".
48	232	In subsection (1) in the words preceding paragraph (a), replace "which is registered or licensed in the Republic or which, in terms of this Act, is required to be so licensed shall not, within or outside the Republic, and the master of any other vessel shall not, within the Republic or the territorial waters thereof" with "operating on declared inland waters shall not" and omit ", and no person shall use or display at a place on land in the Republic from which it can be seen from the sea", and omit paragraph (b).
		In subsection (2) omit "Such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable in terms of this Act."
49	235	None.
50	238	None.
51	239	In subsection (1) omit "South African" wherever occurring.
52	240	Replace the whole section with "No person, including the owner or master, shall cause or permit a vessel to be operated on declared inland waters in an unseaworthy state."
53	242	None.
54	243	None.
55	244	None.
56	245	None.
57	246	None.
58	247	None.

Item	Column 1	Column 2
	Section	Exemption, modification or restriction
59	248	None.
60	254	None.
61.1	259(1)	Omit paragraph (e).
		In the words following paragraph (f) omit "within 24 hours after the ship has arrived at a port or, if the event occurred in a port," and "but before the ship departs from that port".
61.2	259(5)	None.
62	263(1)	None.
63.1	264(1)	In paragraph (a), in the words preceding subparagraph (i), replace "which is registered or licensed in the Republic or which is in terms of this Act required to be so licensed" with "operating on declared inland waters", and omit the words following item (cc) of subparagraph (ii).
		Omit paragraphs (b), (c) and (d).
63.2	264(2)	None.
63.3	264(3)	Omit ", (b) or (d)" and ", provided the ship is not thereby delayed".
64	265	None.
65	266(1)	None.
66	267	None.
67	268	None.
68	269(1)	None.
69	279	None.
70	280	None.
71	283	None.
72	284	None.
73	285	None.
74	286	None.
75	287	None.
76	288	None.
77	289	None.
78	290	None.
79	291	None.
80	292	None.
81	312	None.
82	313	None.
83	314	None.
84	315	None.
85	316	None.



Item	Column 1	Column 2
	Section	Exemption, modification or restriction
86	319(1)	None.
87	320	None.
88	324	None.
89	325	None.
90	328	None.
91	334	None.
92	335	None.
93	336	None.
94	337	None.
95	338	None.
96	342	None.
97	343bis	None.
98	343ter	None.
99	345	None.
100	346	None.
101	347	None.
102	348	None.
103	349	None.
104	350	None.
105	355A	None.
106.1	356(1)	Omit paragraphs (xv), (xviii), (xx), (xxi), (xxii), (xxiii) and (xxxvii).
		In paragraph (xix) omit "South African".
		In paragraph (xxxix) replace "at sea" with "on board".
106.2	356(2)	None.
106.3	356(3)	None.
106.4	356(4)	None.
106.5	356(5)	None.
106.6	356(6)	Insert "length or" before "tonnage".
107	357	None.

No. R. 731

11 July 2008

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

**MERCHANT SHIPPING (NATIONAL SMALL VESSEL SAFETY)  
AMENDMENT REGULATIONS, 2008**

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.

**SCHEDULE****1 Title and commencement**

- (1) These regulations are the Merchant Shipping (National Small Vessel Safety) Amendment Regulations, 2008.
- (2) These regulations commence on publication in the *Gazette*.

**2 Meaning of "the Regulations"**

In these regulations, "the Regulations" means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published by Government Notice No. R. 705 of 8 August 2007.

**3 Amendment of table of arrangement of Regulations**

The table of arrangement of the Regulations is amended—

- (a) by the substitution for the entry for regulation 4 of the following entry:
  - "4 Submission and approval of plans, etc., in respect of commercial vessel for first issue of local safety certificate";
- (b) by the substitution for the entries for regulations 13 and 14 of the following entries:
  - "13 Duty to report dangers to navigation
  - 14 Responsibilities of owner";
- (c) by the substitution for the entry for regulation 19 of the following entry:
  - "19 Unauthorised intoxicating liquor and illicit drugs having narcotic effect".

- (d) by the substitution for the entry for regulation 22 of the following entry:
- "22 Vessel not to be used without certificate of fitness";
- (e) by the substitution for the entry for Part 6 of the following entry:
- "PART 6  
ADDITIONAL SPECIAL PROVISIONS";
- (f) by the substitution for the entry for regulation 37 of the following entry:
- "37 Supplementary requirements for personal watercraft, power-driven vessels not exceeding 15 horsepower, sailing vessels of less than seven metres in overall length, and rowing or paddling vessels";
- (g) by the substitution for the entry for regulation 38 of the following entry:
- "38 Advisory committees ";
- (h) by the insertion under Part 7 after the entry for regulation 38 of the following entry:
- "38A Powers and functions of Director-General"; and
- (i) by the substitution for the entry for regulation 40 of the following entry:
- "40 Repeal of regulations".

#### **4 Substitution of heading of regulation 1 of Regulations**

The following heading is substituted for the heading of regulation 1 of the Regulations:

**"Title and commencement".**

#### **5 Amendment of regulation 2 of Regulations**

Regulation 2 of the Regulations is amended—

- (a) by the substitution in subregulation (1) for paragraph (f) of the definition of "category" of the following paragraph:

"(f) *Category R*—vessels operating solely in sheltered waters;";

- (b) by the deletion in subregulation (1) of the definition of "commercial small vessel";

- (c) by the insertion in subregulation (1) after the definition of "commercial harbour" of the following definition:

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

- (d) by the substitution in subregulation (1) for the definition of "controlled event" of the following definition:

"controlled event' means a competition, event or regatta organised by a governing body or authorised agency, or a club or an organisation 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 organiser of the event; and
- (b) practice for the event under the supervision of a coach or an official approved by a governing body or authorised agency, or a club or organisation affiliated with a governing body;";

- (e) by the substitution in subregulation (1) for the definitions of "enforcement officer" and "existing vessel" of the following definitions:

"enforcement officer" means a police official, a safety officer, subject to regulation 31(3), and any person designated as an enforcement officer by the Authority;

'existing vessel' means a vessel that was built and used solely on inland waters before the commencement of these regulations;";

- (f) by the substitution in subregulation (1) for the definition of "from shore" of the following definition:

"from shore,' in relation to—

- (a) a vessel that is, or is to be, operated at sea, means seaward from the low-water line as defined in section 1 of the Maritime Zones Act, 1994 (Act No. 15 of 1994); and
- (b) a vessel that is, or is to be, operated in sheltered waters, means—
  - (i) for sheltered waters referred to in paragraphs (a) and (b) of the definition of 'sheltered waters', from the low-water-line referred to in paragraph (a); and
  - (ii) for any other sheltered waters, from the water-line on the adjacent shore.";
- (g) by the substitution in subregulation (1) for the definition of "inland waters" of the following definition and footnote:
 

"inland waters' means declared inland waters as specified in a notice under section 3(9) of the Act;"
- (h) by the substitution in subregulation (1) for the definition of "kill switch" of the following definition:
 

"'kill switch' means a mechanism that is attached to the skipper or operator of a vessel and that stops the engines when that person loses his or her footing or becomes otherwise incapacitated;"
- (i) by the substitution in subregulation (1) for the definition of "operate" of the following definition:
 

"'operate,' in relation to a vessel, means that the vessel is not safely ashore or made fast to a jetty, quay or mooring buoy;"
- (j) by the substitution in subregulation (1) for the definition of "regulating authority" of the following definition:
 

"'regulating authority,' in relation to—

  - (a) the sea-shore as defined in section 1 of the Sea-Shore Act, 1935 (Act No. 21 of 1935);

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" Declared inland waters are made up of all inland waters in the Republic that are (a) from time to time capable of navigation and (b) open to or used by the public for navigation, whether on payment of a fee or otherwise. Inland waters are made up of dams, lagoons, lakes, rivers and wetlands, but do not include tidal lagoons and tidal rivers within the meaning of the Sea-Shore Act, 1935 (Act No. 21 of 1935)."

- (b) the shore of any other body of water to which these regulations apply; or
  - (c) any sheltered waters,  
means the person, body or authority having jurisdiction over the shore or waters concerned;"
- (k) by the substitution in subregulation (1) for the definition of "sea" of the following definition:  
  
"sea' does not include sheltered waters referred to in paragraphs (a) and (b) of the definition of 'sheltered waters'";
- (l) by the insertion in subregulation (1) after the definition of "sea" of the following definition:  
  
"sheltered waters' means any of the following:
  - (a) a tidal lagoon or a tidal river as defined in section 1 of the Sea-Shore Act, 1935 (Act No. 21 of 1935);
  - (b) the waters within the breakwaters of any port in the Republic;
  - (c) inland waters;"
- (m) by the substitution in subregulation (1) for the definition of "tender" of the following definition:  
  
"tender' means a vessel not exceeding 4 metres in overall length that is used solely in sheltered waters 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;
- (n) by the substitution in subregulation (1) for the definition of "underway" of the following definition:  
  
"underway,' in relation to a vessel, means that the vessel is not at anchor or made fast to the shore or aground;"
- (o) by the substitution in subregulation (1) for the definition of "water-skiing" of the following definition:

"'water-skiing' includes towing a person or persons on any device behind a vessel, and the noun has a corresponding meaning;"; and

(p) by the addition of the following subregulation:

- "(4) (a) For greater certainty, the Authority may from time to time publish a marine notice setting out the boundaries, or particular boundaries, of any sheltered waters specified in the notice.
- (b) Before publishing a marine notice under paragraph (a), the Authority must follow an appropriate consultation process."

## 6 Amendment of regulation 3 of Regulations

Regulation 3 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

- "(1) Subject to this regulation, these regulations apply to and in relation to—
- (a) every commercial vessel (regardless of size) that is used on inland waters;
- (b) every other commercial vessel, being a small vessel—
- (i) that is registered as a ship in the Republic in terms of the Ship Registration Act 1998 (Act No. 58 of 1998);
- (ii) that is required to be licensed in terms of section 68 of the Act; or
- (iii) in respect of which a local general safety certificate is required by virtue of section 203 of the Act;
- (c) every pleasure vessel (regardless of size) that is used on inland waters; and
- (d) every other 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."

## 7 Substitution of heading of regulation 4 of Regulations

The following heading is substituted for the heading of regulation 4 of the Regulations:

**"Submission and approval of plans, etc., in respect of commercial vessel for first issue of local safety certificate".**

## 8 Amendment of regulation 4 of Regulations

Regulation 4 of the Regulations is amended—

- (a) by the substitution for subregulation (2) of the following subregulation:

"(2) The Authority may, after approving the plans and the 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, specifications and the other requirements of these regulations."; and

- (b) by the substitution in subregulation (5) for the words preceding paragraph (a) of the following words:

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

## 9 Amendment of regulation 6 of Regulations

Regulation 6 of the Regulations is amended by the substitution for subregulations (2) and (3) of the following subregulations:

"(2) This regulation does not apply to vessels mentioned in regulation 37(3).

(3) 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."



**10 Amendment of regulation 7 of Regulations**

Regulation 7 of the Regulations is amended—

- (a) by the substitution in subregulation (2) for the words preceding paragraph (a) of the following words:

"The skipper of a vessel must ensure that an approved buoyancy aid or lifejacket of a kind required by these regulations is worn by—"; and

- (b) by the substitution for paragraphs (a), (b) and (c) of subregulation (2) of the following paragraphs:

- "(a) every crew member who works on the vessel's deck at night, if the vessel is a commercial vessel;
- (b) every crew member who performs work on the vessel in circumstances where there is a risk of being lost overboard, if the vessel is a commercial vessel;
- (c) every crew member on the vessel, if the vessel is a commercial vessel of less than seven metres in overall length and is being operated within one nautical mile from shore;"

**11 Amendment of regulation 8 of Regulations**

Regulation 8 of the Regulations is amended by the substitution for paragraph (g) of subregulation (1) of the following paragraph:

- "(g) if the vessel is operating in sheltered waters, the rules (if any) issued by a regulating authority and governing vessel operations in those waters."

**12 Amendment of regulation 11 of Regulations**

Regulation 11 of the Regulations is amended by the addition of the following subregulation, the existing regulation becoming subregulation (1):

- "(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."

### **13 Amendment of regulation 12 of Regulations**

Regulation 12 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

- "(2) Where regulating authorities, authorised agencies or clubs affiliated to a governing body have implemented reporting mechanisms for sheltered waters or at harbours, fishing harbours and approved launch sites, owners and skippers must comply with those mechanisms instead of the requirements under subregulation (1)."

### **14 Substitution of regulation 13 of Regulations**

The following regulation is substituted for regulation 13 of the Regulations:

#### **"13 Duty to report dangers to navigation**

Section 249 of the Act (Reports of dangers to navigation) applies in relation to the skipper of a vessel to which these regulations apply as if the vessel were a ship to which that section applies otherwise than by virtue of this regulation."

### **15 Amendment of regulation 14 of Regulations**

Regulation 14 of the Regulations is amended by the substitution in subregulation (1) for the words following paragraph (b) of the following words:

"holds, subject to regulation 18(2), a valid certificate of competence issued by a certifying authority: Provided that a certificate of competence need not be held for 12 months after the commencement of these regulations in respect of—

- (i) any kind vessel for which a certificate of competence was not required immediately before the commencement of these regulations; or
- (ii) any vessel operating on inland waters."

#### **16 Substitution of heading of regulation 16 of Regulations**

The following heading is substituted for the heading of regulation 16 of the Regulations:

**"Certificates of competence".**

#### **17 Amendment of regulation 16 of Regulations**

Regulation 16 of the Regulations is amended—

- (a) by the substitution in subregulation (2) for the words preceding paragraph (a) of the following words:

"A certifying authority may suspend or cancel a certificate of competence if—"; and

- (b) by the substitution for subregulation (7) of the following subregulation:

"(7) A skipper of a pleasure vessel who is not permanently resident in the Republic and who holds or carries a certificate of competence or licence issued by or under the authority of a foreign government which, in terms of such government certificate or licence, authorises the skipper to operate the type of vessel is deemed, for three months after arrival in the Republic, to hold a certificate of competence in terms of these regulations, provided he or she carries such certificate with him or her."

#### **18 Amendment of regulation 17 of Regulations**

Regulation 17 of the Regulations is amended—

- (a) by the substitution for subregulation (2) of the following subregulation:

"(2) No person may operate a vessel or any of a vessel's equipment or machinery while under the influence of intoxicating liquor or a drug having narcotic effect 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.";

- (b) by the substitution in subregulation (3) for the words preceding paragraph (a) of the following words:

"No person may operate a vessel or any of a vessel's equipment or machinery while—"; and

- (c) by the substitution for subregulation (5) of the following subregulation:

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

#### **19 Amendment of regulation 18 of Regulations**

Regulation 18 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

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

#### **20 Substitution of heading of regulation 19 of Regulations**

The following heading is substituted for the heading of regulation 19 of the Regulations:

**"Unauthorised intoxicating liquor and illicit drugs having narcotic effect"**.

#### **21 Amendment of regulation 19 of Regulations**

Regulation 19 of the Regulations is amended by the substitution in subregulation (3) for the words preceding paragraph (a) of the following words:

"Where an enforcement officer has reason to believe that an offence against subregulation (2) has been committed in relation to any vessel, he or she may, without a warrant—"

#### **22 Amendment of regulation 20 of Regulations**

Regulation 20 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) Subject to subregulation (2), this Part applies to—"

- (a) pleasure vessels contemplated in section 68(3) of the Act; and
- (b) all pleasure vessels used on inland waters."

### **23 Amendment of regulation 21 of Regulations**

Regulation 21 of the Regulations is amended—

- (a) by the substitution in subregulation (6) for the words preceding paragraph (a) of the following words:

"The owner of a vessel must, within 14 days, in writing notify the Authority or relevant agency if—"; and

- (b) by the substitution in subregulation (7) for the words preceding paragraph (a) of the following words:

"The Authority or relevant agency may revoke the approval of a marking if—".

### **24 Substitution of regulation 22 of Regulations**

The following regulation is substituted for regulation 22 of the Regulations:

#### **"22 Vessel not to be used without certificate of fitness**

- (1) Neither the owner nor the skipper of a vessel to which this Part applies may cause or allow the vessel to be operated anywhere in the Republic, unless there is on board a valid certificate of fitness in respect of that vessel.
- (2) Subregulation (1) does not prohibit a vessel on inland waters from being operated without a certificate of fitness for 12 months after the commencement of these regulations."

### **25 Amendment of regulation 24 of Regulations**

Regulation 24 of the Regulations is amended—

- (a) by the substitution for paragraph (g) of subregulation (1) of the following paragraph:

"(g) the maximum number of persons permitted to be carried on the vessel, as determined in accordance with regulation 11(2)."; and

- (b) by the deletion of subregulation (2).

## 26 Amendment of regulation 30 of Regulations

Regulation 30 of the Regulations is amended—

- (a) by the substitution in subregulation (1) for the words preceding paragraph (a) of the following words:

"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 organisation affiliated with a governing body, designate such body, club or organisation as an authorised agency, entrusting to it in the instrument of designation the performance of one or more of the following functions:"; and

- (b) by the substitution for paragraph (a) of subregulation (4) of the following paragraph:

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

## 27 Amendment of regulation 31 of Regulations

Regulation 31 of the Regulations is amended—

- (a) by the substitution for paragraphs (a) and (b) of subregulation (2) of the following paragraphs:

"(a) Subject to paragraph (b) and subregulation (3), an enforcement officer may, in order to ensure compliance with these regulations and in the interests of public safety, direct the movement of a vessel or prohibit the operation of a vessel.

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

- (b) by the substitution for subregulation (5) of the following subregulation:

"(5) Where the particulars of any vessel, including a commercial vessel, are not recorded with the Director-General or are found to differ substantively from the particulars that are so recorded, an enforcement officer may prohibit the operation of the vessel under subregulation (2) until the vessel's ownership or the deficiency is satisfactorily explained or rectified."

## **28 Amendment of regulation 33 of Regulations**

Regulation 33 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation:

"(3) The Authority or authorised agency may extend a standing approval under subregulation (2) for any controlled event subject to such conditions as are considered appropriate by the Authority or authorised agency and may at any time on reasonable grounds revoke such approval."

## **29 Amendment of regulation 34 of Regulations**

Regulation 34 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) Every person commits an offence who contravenes regulation 4(1), (3) or (4), 6(3), 7, 8, 9, 10, 11, 12(1), (3), (4) or (5), 13, 14, 15, 16(3) or (5), 17(1), (2), (3), or (5), 18, 19(2), 21(1), (4), (5), (6), (8) or (10), 22, 27, 28, 29, 36 or 37."

## **30 Substitution of heading of regulation 36 of Regulations**

The following heading is substituted for the heading of regulation 36 of the Regulations:

**"Supplementary requirements for water-skiing".**

## **31 Substitution of heading of regulation 37 of Regulations**

The following heading is substituted for the heading of regulation 37 of the Regulations:

**"Supplementary requirements for personal watercraft, power-driven vessels not exceeding 15 horsepower, sailing vessels of less than seven metres in overall length, and rowing or paddling vessels".**

### 32 Amendment of regulation 37 of Regulations

Regulation 37 of the Regulations is amended—

- (a) by the substitution for subregulation (1) of the following subregulation:

"(1) In sheltered waters a vessel may only enter the water from those areas or places permitted by the regulating authority, except that vessels contemplated in this Part may, subject to subregulation (2), operate as directed in any areas under the jurisdiction of a regulating authority.";

- (b) by the substitution in subregulation (3) for the words preceding paragraph (a) of the following words:

"Power-driven vessels not exceeding 15 horsepower, sailing dinghies and non-power driven vessels of less than seven metres in overall length need not comply with regulations 6, 9, Part 4 and Annexure 1, but must—"; and

- (c) by the substitution for paragraph (b) of subregulation (3) of the following paragraph:

"(b) carry the safety equipment provided for in the applicable table in Annexure 2.".

### 33 Substitution of regulation 38 of Regulations

The following regulation is substituted for regulation 38 of the Regulations:

#### "38 Advisory committees

- (1) For the purpose of promoting the 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 contemplated in subregulation (1), the Director-General may consult—



- (a) the Authority; and
  - (b) any other organ of state or person the Director-General thinks fit.
- (3) A structure contemplated in subregulation (1) is to hold the meetings that are necessary for the efficient performance of its functions, but must meet at least four times a year.
- (4) The Director-General may consider any recommendations made by such structures".

#### **34 Insertion of regulation 38A in Part 7 of Regulations**

The following regulation is inserted in Part 7 of the Regulations after regulation 38:

##### **"38A Powers and functions of Director-General**

- (1) The Director-General may, in writing, authorise an SMS employee, or acting SMS employee, in the Department of Transport to exercise any of the Director-General's powers and functions in terms of these regulations.
- (2) The Director-General may at any time, in writing, vary or revoke an authorisation.
- (3) An authorisation does not prevent the exercise of a power or function by the Director-General personally."

#### **35 Substitution of regulation 40 of Regulations**

The following regulation is substituted for regulation 40 of the Regulations:

##### **"40 Repeal of regulations**

The following regulations are repealed:

- (a) The Regulations for the Use of Vessels of Less than Three Metres in Length, published by Government Notice No. R. 1044 of 15 May 1981;

- (b) The Merchant Shipping (Small Vessel Safety) Regulations, 2002, published by Government Notice No. R. 500 of 26 April 2002."

### **36 Amendment of Annexure 1 to Regulations**

Annexure 1 to the Regulations is amended by the substitution for paragraph (b) of item 1(1) of the following paragraph:

- "(b) Sailing pleasure vessels are exempt from built-in buoyancy on sheltered waters and at sea when operating within 15 miles from shore and within 30 miles from a safe haven, provided such vessels do not operate at night except for the period within two hours after sunset within the designated limits of a commercial harbour."

### **37 Substitution of Annexure 2 to Regulations**

The following Annexure is substituted for Annexure 2 to the Regulations:

#### **"ANNEXURE 2**

*(Regulation 7)*

#### **SAFETY APPLIANCES AND EQUIPMENT**

##### **1 Provision of safety appliances and equipment**

- (1) Subject to subitem (2), the following items of safety appliances and equipment are prescribed, as a minimum, for each of the specified categories of vessel, to be available on board in good working condition:

Safety item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	R&P	
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 and all lifejackets to be tested to the compulsory performance standard and comply with quality standard specification SABS 146/1979, or the equivalent CE or ISO standard.
2	Approved buoyancy aid*	X†	X†	X†	X†	X‡	† One buoyancy aid of appropriate size to be provided— (a) for the skipper and each member of the crew of a commercial vessel, where required in terms of regulation 7(2) (b) in lieu of an approved lifejacket on category D vessels. ‡ One buoyancy aid of appropriate size to be provided for each person on board. * Buoyancy aid to be tested to the compulsory performance standard and comply with quality standard specification SABS 1417/1987, or the equivalent CE or ISO standard.
3	Lifebuoy	X	X	X	X	—	Required only for non-planing vessels.
4	Dan buoy	X	X	X	X	—	Required only for trawling vessels and for sailing vessels of 9 m or more in overall length.
5	Unexpired approved projectile flare set	—	—	—	—	X	Minimum of 6 flares. Not required for category R vessels.
6	Unexpired approved hand-held red distress flares	X4	X4	X2	X2	—	
7	Unexpired approved red rocket parachute flares	X4	X4	X2	X2	—	

Safety item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	EMR	
8	Unexpired approved floating orange smoke marker	X	X	X	X	—	
9	Unexpired approved hand-held smoke marker	—	—	—	—	X	Not required for category R vessels.
10	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 for vessels operating at night.
11	Hand-held spotlight with own 12 V battery	X	X	X	X	X	Required only for dive boats operating at night.
12	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 km over water in still conditions. Required only for vessels operating to the west of Port Alfred.
13	Ships bell or sound signalling device capable of making the signal "R"	X	X	X	X	X	Not required for category R vessels. Required only for vessels of 20 m or more in overall length.
14	Code Flags "N" and "C"	X	—	—	—	—	
15	Code Flag "A" (rigid)	X	X	X	X	X	Required only for dive boats.
16	2 Black balls or shapes of at least 400 mm in diameter	X	X	X	X	X	Not required for category R vessels or for vessels of less than 12 m in overall length.
17	Radar reflector of at least 400 mm in diameter or patent type of equivalent echoing capability	X	X	X	X	—	Required to be fitted permanently on power-driven vessels of 9 m or more in overall length operating to the west of Port Alfred.

Safety item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E&R	
18	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. Appropriate alternative arrangements must be made for category R passenger vessels.
19	MF/HF SSB radio	X	—	—	—	—	Except sailing pleasure vessels.
20	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	—	—	—	—	EPIRB to be— (a) installed in an easily accessible position; (b) ready to be manually released and capable of being carried by one person into a survival craft; (c) capable of floating free if the vessel sinks; (d) capable of being activated manually; and (e) automatically activated when afloat.
21	Depth-sounding device or hand lead line	X	X	X	X	X	Required only for dive boats.
22	Suitable steering magnetic compass	X	X	X	X	—	
23	Suitable navigation charts for the voyage or area of operation	X	X	—	—	—	Up-to-date charts, corrected in accordance with the South African Notices to Mariners, or renewed every six years.
24	Suitable fire extinguisher	X	X	X	X	X	One per engine and, in decked vessels of 9 m or more in overall length, one in each of the following compartments where formed by complete transverse bulkheads: sleeping accommodation, galley and wheelhouse.

Safety item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E&R	
25	Power-driven or hand-operated fire-pump with hose.	—	—	—	X	X	Required only for passenger vessels of 9 m 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 m in length, through an adjustable jet or spray nozzle of no less than 5 mm in diameter.
26	2 oars or paddles	—	—	—	X	X	Required only for power-driven vessels fitted with a single outboard petrol engine.
27	Grab-line fitted to outside of gunwale	X	X	X	X	X	Required only for dive boats. Not required for vessels equipped with a boarding ladder extending into the water.
28	Capsize rope for use when vessel is inverted in water	X	X	X	X	X	Required only for inflatable vessels and for ski-boats of less than 9 m in overall length.
29	Full set of sails, including suitable storm sails where appropriate	X	X	X	X	X	Required only on sailing vessels.
30	Suitable means of cutting standing rigging	X	X	X	X	—	Required only for sailing vessels.
31	Suitable sea anchor fitted with hawser and tripping line (rigged and ready for use)	X	X	X	X	X	Required only for surf-launched vessels of less than 9 m in overall length.
32	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 m or more in overall length—at least 5 m. Vessels less than 6 m in overall length—at least 3 m. <i>Length of rope</i> At least 50 m for category E vessels, and at least 100 m for vessels of the other categories.
33	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 for category R vessels.

Safety item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E & R	
34	Space blankets	X2	X2	X2	X2	—	
35	1 ℓ drinking water per person	X	X	X	X	—	
36	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 power-driven vessels exceeding 15 HP.
37	Suitable air bellows	X	X	X	X	X	Required only on inflatable vessels.
38	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 the vessel complies with the built-in buoyancy in accordance with Annexure 1, item 1. Not required for passenger vessels operating solely within the confines of the breakwaters of a port. Not required for category R vessels.
39	Spares	X	X	X	X	X	Adequate for the purpose of carrying out emergency repairs to machinery and essential equipment on board.
40	Tools	X	X	X	X	X	Adequate for the purpose of carrying out emergency repairs to machinery and essential equipment on board.
41	2 m x 2 m canvas, as provided for in regulation 9	X	X	X	X	—	Only applies to vessels which are not painted in visible colours.

- (2) For category E and R power-driven vessels not exceeding 15 horsepower and category D, E and R sailing dinghies and non power-driven vessels of less than seven meters in overall length, the following items of safety appliances and equipment are prescribed, as a minimum, for each of the specified categories of vessel, to be available on board in good working condition:

Safety Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E&R	
1	Approved buoyancy aid*	—	—	—	X	X	One buoyancy aid of appropriate size to be provided for each person on board. * Buoyancy aid to be tested to the compulsory performance standard and comply with quality standard specification SABS 1417/1987, or the equivalent CE or ISO standard.
2	750 ml drinking water	—	—	—	X	X	Only required for vessels operating at sea. Not required for sailboards.
3	Unexpired approved projectile flare set	—	—	—	X	X	Minimum of 6 flares. Not required for category R vessels, which should carry any alternative means of communication.
4	Suitable tow line	—	—	—	X	X	Not less than 10 m in length. Not required for sailboards.
5	Bailing device	—	—	—	X	X	Only on vessels that are not self draining.
6	Capsize or righting line	—	—	—	X	X	Only for multi-hulls.

## 2 Maintenance requirements

- (1) Self-inflating liferafts, when carried on commercial vessels, must be serviced annually by an approved liferaft servicing agent and, when carried on pleasure vessels, must be serviced in accordance with the manufacturer's instructions.
- (2) Fire extinguishers must be serviced annually by an approved fire appliance servicing agent or, in the case of inland areas, by a SABS accredited service station.
- (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.



### **3 Marking of equipment, appliances and trailers**

- (1) All lifejackets, lifebuoys, Dan buoys, flares, and liferafts belonging to a vessel, other than a vessel contemplated in regulation 37(3), must be permanently marked with the vessel's name or approved marking.
- (2) Where any vessel is launched from a trailer, other than a dolly used at a private launching site, the trailer bearing the vessel must be marked in a conspicuous position with the vessel's name or approved marking (where applicable) and with the owner's name and telephone number.

### **4 Emergency position-indicating radio beacon to be registered**

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

### **38 Substitution of expression in Regulations**

The Regulations are amended by the substitution for the expressions "commercial small vessel" and "commercial small vessels", wherever occurring, of the expressions "commercial vessel" and "commercial vessels", respectively.