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**GOVERNMENT NOTICE**

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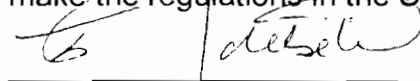
**DEPARTMENT OF TRANSPORT**

No. R. 901

9 September 2009

**MERCHANT SHIPPING ACT, 1951****MERCHANT SHIPPING LONG-RANGE IDENTIFICATION AND TRACKING  
OF SHIPS REGULATIONS, 2009**

I, Sibusiso Joel Ndebele, Minister of Transport acting in terms of section 356(2) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), herewith make the regulations in the Schedule.



**S J NDEBELE**  
**MINISTER OF TRANSPORT**

**SCHEDULE****Purpose**

(1) These regulations give effect to Chapter V regulation 19-3 (Long-range identification and tracking of ships) of the Second Schedule of the Act which require certain ships engaged on an international voyage to transmit ship identification and position information electronically.

(2) The regulation referred to in subregulation (1) has been published in Government Gazette No. 10 of 8 January 2009.

**Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

**"administration"** means —

- (a) in relation to ships of South African nationality, the Authority;  
and
- (b) in relation to a foreign ship, the Government of the State whose flag the ship is entitled to fly;

**"baseline"** means baseline as defined in section 1 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);

**"cargo ship"** means any ship, including a high speed craft, that is not a passenger ship;

**"foreign ship"** means a treaty ship that is not a South African ship;

**"gross tonnage"** means the gross tonnage of a ship calculated in accordance with the Tonnage Convention;

**"high speed craft"** means a craft capable of a maximum speed in metres per second equal to or exceeding  $3.7 \times \text{displ}^{0.1667}$ , where "displ" is the displacement corresponding to the design waterline in cubic metres;

**"IMO"** means the International Maritime Organisation;

**"LRIT report"** means a long-range identification and tracking report containing the following information:

- (a) the identity of the ship;
- (b) the position of the ship (latitude and longitude); and
- (c) the date and time of the position provided;

**"LRIT data centre"** means a centre established by one or more contracting Governments to the Safety Convention or, in the case of the International Data Centre, established by IMO, to request, receive, process, and archive LRIT reports;

**"mobile offshore drilling unit"** means a self-propelled vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources;

**"passenger ship"** includes a high speed craft carrying more than 12 passengers;

**"sea area A1", "sea area A2", "sea area A3" and "sea area A4"** each has the meaning it has in regulation 2(1) of the Merchant Shipping (Radio Installations) Regulations, 2002;

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

## Application

3. These regulations do not apply to—

- (a) ships used solely for sport or recreational purposes;
- (b) fishing, sealing or whaling boats;
- (c) ships not propelled by mechanical means; and
- (d) wooden ships of primitive build.

## Transmission of LRIT reports

4. (1) A South African ship shall transmit LRIT reports from wherever it is.

(2) A foreign ship shall transmit LRIT reports after the ship has announced its intention to enter a port in the Republic as required under—

- (a) the Merchant Shipping (Maritime Security) Regulations, 2004; and
- (b) the National Ports Act, 2005 (Act No. 12 of 2005), if the ship is a cargo ship of less than 500 gross tonnage.

(3) A foreign ship must otherwise transmit LRIT reports while the ship is within 1 000 nautical miles of the baseline of the Republic.

(4) Subregulations (1), (2) and (3) shall apply subject to any restrictions on the transmission or receipt of LRIT reports in accordance with regulations V/19-1.8.1 and V/19-1.9.1 of the Safety Convention.

(5) LRIT reports shall be transmitted at 6-hour intervals or at more frequent intervals as may be requested by a LRIT data centre.

## LRIT equipment

5. (1) A ship shall transmit LRIT reports using long-range ship identification and tracking equipment that has been type-approved by the ship's administration.

(2) The Authority may approve LRIT equipment if the equipment conforms to performance standards and functional requirements not inferior to

those adopted by IMO and specified by the Authority in a marine notice as having been so adopted.

(3) An approval contemplated in subregulation (1) by the Authority—

- (a) shall be in writing;
- (b) shall specify the period for which it is in force and any conditions on which it may be given; and
- (c) may be varied or cancelled after reasonable notice.

### **Service providers**

6. (1) A ship may use an application service provider recognised by its administration.

(2) The Director-General shall recognise one or more application service providers for use by South African ships.

### **Switching off and failure of LRIT equipment**

7. (1) A ship may switch off its LRIT equipment only—

- (a) when allowed by its administration, in circumstances set out in—
  - (i) international agreements, rules or standards providing for the protection of navigational information; or
  - (ii) paragraph 4.4.1 of IMO resolution MSC.263(84); or
- (b) in exceptional circumstances and for the shortest duration possible where operation of the equipment is considered by the master to compromise the safety or security of the ship.

(2) The Authority shall consult the Director-General before allowing a ship to switch off its LRIT equipment in accordance with subregulation (1)(a).

(3) The ships' master shall, in the event of a ship's LRIT equipment being switched off or fails to operate, inform the ship's administration of such an event without undue delay.

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<sup>1</sup> IMO resolutions A.694(17) and MSC.263 (84).

(4) The master shall make an entry in the ship's official logbook recording—

- (a) the reason for switching off the LRIT equipment or that the equipment has failed to operate, as the case may be; and
- (b) the period during which the LRIT equipment was switched off or failed to operate.

(5) The Authority shall, without undue delay, inform the Director-General of the information received in accordance with subregulation (13).

### **Defects**

8. (1) A surveyor shall inspect a ship in order establish if the ship is equipped with the LRIT equipment as required by these regulations.

(2) If the surveyor finds that a ship is not equipped with the LRIT equipment as required by these regulations, he or she shall give notice in writing to that effect to the owner or master of the defects and requiring that they be made good.

(3) A copy of a notice contemplated in subregulation (2) shall be transmitted by the surveyor to the proper officer at any port at which a clearance for that ship may be requested.

(4) The surveyor shall, once the defects have been made good, issue the ship with a certificate stating that the defects have been made good.

### **Repair facility**

9. (1) If—

- (a) a ship's LRIT equipment is malfunctioning;
- (b) the ship is at a port in the Republic at which repair facilities are not readily available; and
- (c) the Authority is satisfied that the ship can proceed safely and without threat to the security of the Republic to another specified port within or outside the Republic, where repairs can be made,

the Authority may allow the ship to proceed directly to the specified port.

(2) The Authority shall consult the Director-General before allowing a ship to proceed under subregulation (1).

### **Offences and penalties**

10. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and shall be liable upon conviction to pay a fine or to imprisonment for a period not exceeding a period of one year.

### **Short Title**

11. These regulations shall be called The Merchant Shipping Long-Range Identification and Tracking Regulations, 2009 and shall come into operation on the date of publication in the Gazette.

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