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OFFICE OF THE PRESIDENT

No. 991.

5 July 1995

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 16 of 1995: Transport General Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 991.

5 Julie 1995

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 16 van 1995: Algemene Wysigingswet op Vervoer, 1995.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Merchant Shipping Act, 1951, so as to insert four definitions and to replace one; to further regulate the registration of ships; to make other provision for the determining in certain circumstances of the value of gold franc in South African currency; to replace certain obsolete expressions; to provide for the control over and the use of dynamically supported craft; to regulate the ratification of or accession to and incorporation of the international conventions relating to merchant shipping in accordance with the Constitution; to provide for the incorporation by the Minister of Transport of international shipping standards in the regulations; and to give effect to amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978; to amend the Aviation Act, 1962, so as to empower the said Minister to make regulations, for the purposes of that Act, regarding the designation of medical examiners, the certificates to be issued by such examiners and the designation of a body or institution to exercise control over aeromedical matters and standards; to amend the Road Traffic Act, 1989, so as to insert three definitions and to replace three; to further regulate the use of the left side of public roads; to further rationalise driver's licence codes; to permit driver's licence testing centres to issue learners' licences only; to delete the cut-off date for the exchange of certain invalid drivers' licences; to further regulate procedures for the control of professional driving permits; to provide that the period of suspension of a driver's licence commences from the date of sentence; and to define operators of motor vehicles anew; and to amend the International Air Services Act, 1993, so as to replace an incorrect expression; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 28 June 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:

Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959, section 31 of Act 69 of 1962, section 1 of Act 40 of 1963, section 1 of Act 13 of 1965, section 1 of Act 42 of 1969, section 1 of Act 24 of 1974, section 1 of Act 5 of 1976, section 1 of Act 3 of 1981, section 1 of Act 3 of 1982, section 1 of Act 25 of 1985 and section 1 of Act 18 of 1992

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1. Section 2 of the Merchant Shipping Act, 1951, is hereby amended—

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Handelskeepvaartwet, 1951, ten einde vier woordskrywings in te voeg en een te vervang; die registrasie van skepe verder te reël; ander voorsiening te maak vir die bepaling in sekere omstandighede van die waarde van goue frank in Suid-Afrikaanse betaalmiddele; sekere verouderde uitdrukkings te vervang; voorsiening te maak vir die beheer oor en gebruik van dinamies gesteunde vaartuie; die bekragtiging van of toetrede tot en inlywing van die internasionale konvensies met betrekking tot handelskeepvaart ooreenkomstig die Grondwet te reël; voorsiening te maak vir die inlywing van internasionale skeepvaartstandaarde deur die Minister van Vervoer by die regulasies; en gevolg te gee aan wysigings aan die Internasionale Konvensie insake Standaarde van Opleiding, Diplomerings en Waghoud vir Seevaarders, 1978; tot wysiging van die Lugvaartwet, 1962, ten einde genoemde Minister te magtig om vir die doeleindes van daardie Wet regulasies uit te vaardig betreffende die aanwysing van mediese ondersoekers, die sertifikate wat deur sodanige ondersoekers uitgereik moet word en die aanwysing van 'n liggaam of instelling om beheer oor lugvaartmediese aangeleenthede en standaarde uit te oefen; tot wysiging van die Padverkeerswet, 1989, ten einde drie woordskrywings in te voeg en drie te vervang; die gebruik van die linkerkant van openbare paaie verder te reël; bestuurderslisensie-kodes verder te rasionaliseer; bestuurderslisensie-toetsentrums toe te laat om slegs leerlinglisensies uit te reik; die afsnydatum vir die omruil van sekere ongeldige bestuurderslisensies te skrap; prosedures vir die beheer van professionele bestuurpermitte verder te reël; voorsiening te maak dat die tydperk van opskorting van 'n bestuurderslisensie op die datum van vonnis in werking tree; en operateurs van motorvoertuie opnuut te omskryf; en tot wysiging van die Wet op Internasionale Lugdienste, 1993, ten einde 'n foutiewe uitdrukking te vervang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 28 Junie 1995.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:

Wysiging van artikel 2 van Wet 57 van 1951, soos gewysig deur artikel 3 van Wet 30 van 1959, artikel 31 van Wet 69 van 1962, artikel 1 van Wet 40 van 1963, 5 artikel 1 van Wet 13 van 1965, artikel 1 van Wet 42 van 1969, artikel 1 van Wet 13 van 1965, artikel 1 van Wet 42 van 1969, artikel 1 van Wet 24 van 1974, artikel 1 van Wet 5 van 1976, artikel 1 van Wet 3 van 1981, artikel 1 van Wet 3 van 1982, artikel 1 van Wet 25 van 1985 en artikel 1 van Wet 18 van 1992

1. Artikel 2 van die Handelskeepvaartwet, 1951, word hierby gewysig—

- (a) by the insertion in subsection (1) after the definition of "accident" of the following definition:
- "'air-cushion vehicle' means any craft of which the whole or a significant part of its weight can be supported, whether at rest or in motion, by a continuously generated cushion of air dependent for its effectiveness on the proximity of the surface over which the craft operates;"; 5
- (b) by the insertion in subsection (1) after the definition of "Director-General" of the following definition:
- "'dynamically supported craft' means any air-cushion vehicle, side wall craft, hydrofoil boat or any other prescribed craft used for transportation or for any other purpose on or above the surface of water;"; 10
- (c) by the insertion in subsection (1) after the definition of "goods" of the following definition:
- "'hydrofoil boat' means any craft which is supported above the surface of water in normal operating conditions by hydrodynamic forces generated on foils;"; 15
- (d) by the insertion in subsection (1) after the definition of "shore-based whaling boat" of the following definition:
- "'side wall craft' means any air-cushion vehicle of which the walls extending along the sides are permanently immersed hard structures;"; and 20
- (e) by the substitution in subsection (1) for the definition of "vessel" of the following definition: 25
- "'vessel' includes any ship, or any boat, small vessel or other description of vessel used or [designated] designed to be used in navigation, but excludes any dynamically supported craft;".

Amendment of section 11 of Act 57 of 1951, as amended by section 33 of Act 69 of 1962 and section 4 of Act 40 of 1963 30

2. Section 11 of the Merchant Shipping Act, 1951, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- "(1) [No] A ship shall only be registered in the Republic [unless] if—
- (a) the whole of the ship is owned by the Government of the Republic or by persons to each of whom one or other of the following descriptions applies: 35
- [(a)] (i) South African citizens;
- [(b)] (ii) citizens of a treaty country (other than the Republic);
- [and]
- [(c)] (iii) corporate bodies established under and subject to the law in force in any treaty country and having their principal place of business in any treaty country; and 40
- (b) subject to subsection (1A) the ship is not registered elsewhere.";
- and
- (b) by the insertion after subsection (1) of the following subsection: 45
- "(1A) Notwithstanding the provisions of subsection (1)(b) or section 20(1)(e) a ship registered elsewhere may be registered in the Republic if—
- (a) such ship was sold and transferred in terms of an order of court under section 9 of the Admiralty Jurisdiction Regulation Act, 1983 (Act No. 105 of 1983), to the Government of the Republic or to persons satisfying the requirements determined by paragraph (a) of subsection (1); and 50
- (b) the said Government or persons produce proof that all reasonable steps to secure the termination of the registry elsewhere have been unsuccessful." 55

- (a) deur in subartikel (1) die volgende omskrywing na die omskrywing van "deklyn" in te voeg:
 " 'dinamies gesteunde vaartuig' enige lugkussingvoertuig, sywand-
 vaartuig, skeerboot of enige ander voorgeskrewe vaartuig wat
 5 gebruik word vir vervoer of enige ander doel op of bo die oppervlak van water;";
- (b) deur in subartikel (1) die volgende omskrywing na die omskrywing van "loon" in te voeg:
 " 'lugkussingvoertuig' enige vaartuig waarvan die hele of 'n be-
 10 duidende gedeelte van sy gewig gesteun kan word, hetsy stilstaande of in beweging, deur 'n voortdurend gegenereerde lugkussing wat vir sy doeltreffendheid afhanklik is van die nabyheid van die oppervlak waaroor die vaartuig opereer;";
- (c) deur in subartikel (1) die volgende omskrywing na die omskrywing van "skeepsoffisier" in te voeg:
 " 'skeerboot' enige vaartuig wat in normale gebruikstoestande bo
 15 die oppervlak van water gesteun word deur hidrodinamiese kragte op glyvlerke voortgebring;";
- (d) deur in subartikel (1) die volgende omskrywing na die omskrywing van "Suid-Afrikaanse skip" in te voeg:
 " 'sywandvaartuig' enige lugkussingvoertuig waarvan die sywande
 20 permanente harde versonke strukture is;"; en
- (e) deur in subartikel (1) die omskrywing van "vaartuig" deur die volgende omskrywing te vervang:
 25 " 'vaartuig' ook enige skip, of enige boot, klein vaartuig of ander soort vaartuig wat gebruik word of ontwerp is vir gebruik in navigasie, maar nie ook enige dinamies gesteunde vaartuig nie;".

Wysiging van artikel 11 van Wet 57 van 1951, soos gewysig deur artikel 33 van Wet 69 van 1962 en artikel 4 van Wet 40 van 1963

- 30 2. Artikel 11 van die Handelskeepvaartwet, 1951, word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 "(1) **[Geen]** 'n Skip word slegs in die Republiek geregistreer **[nie tensy]** indien—
- 35 (a) die hele skip die eiendom is van die Regering van die Republiek of van persone wat elkeen aan een of ander van die volgende omskrywings beantwoord:
[(a)] (i) Suid-Afrikaanse burgers;
[(b)] (ii) burgers van 'n verdragland (behalwe die Republiek);
[en]
 40 **[(c)]** (iii) regspersone wat kragtens en onderhewig aan die wette wat in 'n verdragland van krag is, ingestel is en hul vernaamste besigheidsplek in 'n verdragland het; en
- (b) behoudens subartikel (1A), die skip nie elders geregistreer is
 45 nie."; en
- (b) deur die volgende subartikel na subartikel (1) in te voeg:
 "(1A) Ondanks die bepalinge van subartikel (1)(b) of artikel
 20(1)(e), kan 'n skip wat elders geregistreer is in die Republiek geregistreer word indien—
- 50 (a) so 'n skip ingevolge 'n hofbevel kragtens artikel 9 van die Wet op die Reëling van Admiraliteitsjurisdiksie, 1983 (Wet No. 105 van 1983), verkoop en oorgedra is aan die Regering van die Republiek of aan persone wat aan die vereistes by paragraaf (a) van subartikel (1) bepaal, voldoen; en
- 55 (b) genoemde Regering of persone bewys lewer dat alle redelike stappe om die beëindiging van die registrasie elders, te bewerkstellig, onsuksesvol was."

Amendment of section 20 of Act 57 of 1951, as amended by section 5 of Act 42 of 1969

3. Section 20 of the Merchant Shipping Act, 1951, is hereby amended by the addition to subsection (1) of the following paragraph:

- “(e) if the ship was registered elsewhere, subject to section 11(1A), proof that the ship is no longer so registered.”.

Amendment of section 261 of Act 57 of 1951, as amended by section 33 of Act 30 of 1959 and section 7 of Act 25 of 1985

4. Section 261 of the Merchant Shipping Act, 1951, is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection: 10

“(4) For the purposes of this section—

- (a) a gold franc **[shall be taken to be]** means a unit consisting of 65,5 milligrams of gold of millesimal fineness 900; and

- (b) the value of such gold franc in South African currency shall be determined by the court seized of the case.”; and 15

- (b) by the deletion of subsection (5).

Amendment of section 265 of Act 57 of 1951, as amended by section 17 of Act 18 of 1992

5. Section 265 of the Merchant Shipping Act, 1951, is hereby amended by the addition to subsection (2) of the following proviso: 20

- “: Provided that the Director-General or a person authorised by him or her may, in his or her discretion, disclose information pertaining to the report to any authority or organisation having a direct or substantial interest in any matter to which that report relates.”.

Amendment of section 324 of Act 57 of 1951

6. Section 324 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) From a determination or order of the Director-General under subsection (1), when the penalty imposed by him or her exceeds **[one hundred pounds]** five hundred rand, an appeal shall lie to the Minister, whose decision shall be final.”. 30

Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of 1959, section 59 of Act 40 of 1963, section 6 of Act 24 of 1974, section 11 of Act 5 of 1976, section 19 of Act 3 of 1982, section 9 of Act 25 of 1985 and section 32 of Act 18 of 1992

7. Section 356 of the Merchant Shipping Act, 1951, is hereby amended—

- (a) by the insertion in subsection (1) after paragraph (xl) of the following paragraph:

- “(xlA) as to the design, construction, licensing, operation, use and maintenance of dynamically supported craft and any other matter which may be reasonably necessary for the safe and orderly operation of such craft;”; 40

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

“The Minister may make such notifications, declarations and regulations as may **[appear to him to]** be reasonably necessary to give effect, subject to such exemptions, restrictions and modifications as **[appear to him to]** may be desirable, to the provisions of—”; 45

- (c) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) any other convention relating to merchant shipping ratified 50

Wysiging van artikel 20 van Wet 57 van 1951, soos gewysig deur artikel 5 van Wet 42 van 1969

3. Artikel 20 van die Handelskeepvaartwet, 1951, word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:

- 5 “(e) indien die skip elders geregistreer was, behoudens artikel 11(1A), bewys dat die skip nie meer aldus geregistreer is nie.”.

Wysiging van artikel 261 van Wet 57 van 1951, soos gewysig deur artikel 33 van Wet 30 van 1959 en artikel 7 van Wet 25 van 1985

- 10 4. Artikel 261 van die Handelskeepvaartwet, 1951, word hierby gewysig—
 (a) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) By die toepassing van hierdie artikel—
 (a) [word] beteken 'n goue frank [aangeneem] 'n eenheid [te wees] wat [bestaan] uit 65,5 milligram goud met 'n fynheid van 900 per duisend bestaan; en
 (b) word die waarde van so 'n goue frank in Suid-Afrikaanse betaal-
 middele deur die hof aan die saak gebonde, bepaal.”; en
 (b) deur subartikel (5) te skrap.

Wysiging van artikel 265 van Wet 57 van 1951, soos gewysig deur artikel 17 van Wet 18 van 1992

- 20 5. Artikel 265 van die Handelskeepvaartwet, 1951, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:
 “: Met dien verstande dat die Direkteur-generaal of 'n persoon deur hom of haar gemagtig, na goeie inligting met betrekking tot die verslag aan enige owerheid of organisasie met 'n direkte of wesenlike belang in enige
 25 aangeleentheid wat met daardie verslag verband hou, kan openbaar.”.

Wysiging van artikel 324 van Wet 57 van 1951

6. Artikel 324 van die Handelskeepvaartwet, 1951, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Daar is 'n reg van appèl na die Minister, wie se beslissing afdoende is,
 30 teen 'n beslissing of bevel van die Direkteur-generaal kragtens subartikel (1), as die boete deur hom of haar opgelê, **[honderd pond]** vyf honderd rand oorskry.”.

- Wysiging van artikel 356 van Wet 57 van 1951, soos gewysig deur artikel 42 van Wet 30 van 1959, artikel 59 van Wet 40 van 1963, artikel 6 van Wet 24 van 1974,
 35 artikel 11 van Wet 5 van 1976, artikel 19 van Wet 3 van 1982, artikel 9 van Wet 25 van 1985 en artikel 32 van Wet 18 van 1992

7. Artikel 356 van die Handelskeepvaartwet, 1951, word hierby gewysig—
 (a) deur in subartikel (1) die volgende paragraaf na paragraaf (xl) in te voeg:
 40 “(xlA) wat betref die ontwerp, konstruksie, lisensiëring, werking, gebruik en onderhoud van dinamies gesteunde vaartuie en enige ander aangeleentheid wat redelikerwys noodsaaklik is vir die veilige en ordelike gebruik van sodanige vaartuie;”;
 (b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die
 45 volgende woorde te vervang:
 “Die Minister kan **[sodanige]** die kennisgewings, verklarings en regulasies uitvaardig **[as]** wat **[vir hom]** redelikerwys noodsaaklik **[voorkom]** is om onderworpe aan **[sodanige]** die vrystellings, beperkings en wysigings **[as]** wat **[vir hom]** wenslik **[voorkom]** is, gevolg te gee aan die bepaling van—”;
 50 (c) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:
 “(d) enige ander konvensie met betrekking tot handelskeep-
 vaart wat namens die Republiek bekragtig is of waartoe

or acceded to on behalf of the Republic and set out in any Schedule to this Act.”; and

(d) by the substitution for subsection (3) of the following subsection:

“(3) The Minister may by regulation apply, subject to such exemptions, restrictions and modifications as **[appear to him to]** may be desirable, in any of the regulations made under subsection (2), to ships to which and in circumstances in which the provisions of the Safety Convention, the International Collision Regulations Convention, the Load Line Convention and any convention referred to in subsection (2)(d) do not apply.”.

Substitution of section 356bis of Act 57 of 1951, as inserted by section 60 of Act 40 of 1963, substituted by section 20 of Act 3 of 1982 and amended by section 33 of Act 18 of 1992

8. The following section is hereby substituted for section 356bis of the Merchant Shipping Act, 1951:

“Application of conventions in Republic

356bis. Subject to the provisions of this Act, the conventions contained in the Schedules shall have the force of law and apply in the Republic.”.

Insertion of section 356quat in Act 57 of 1951

9. The following section is hereby inserted in the Merchant Shipping Act, 1951, after section 356ter:

“Incorporation of international shipping standards in regulations

356quat. (1) The Minister may by notice in the *Gazette* incorporate in the regulations any international shipping standard, or any part thereof, without stating the text thereof, by mere reference to the number, title and year of issue of that shipping standard or to any other particulars by which that shipping standard is sufficiently identified.

(2) The provisions of section 356ter (2) to (5) shall apply, *mutatis mutandis*, to any international shipping standard, or any part thereof, incorporated under subsection (1).

(3) In this section “international shipping standard” means any code, guideline, resolution or standard adopted and published by the International Maritime Organisation.”.

Amendment of Fifth Schedule to Act 57 of 1951

10. The Fifth Schedule to the Merchant Shipping Act, 1951, is hereby amended to the extent indicated in the Schedule.

Amendment of section 22 of Act 74 of 1962, as amended by section 5 of Act 12 of 1965, section 3 of Act 83 of 1969, section 25 of Act 62 of 1973, section 7 of Act 4 of 1982, section 2 of Act 1 of 1984, section 5 of Act 16 of 1992, section 25 of Act 44 of 1993 and section 17 of Act 45 of 1993

11. Section 22 of the Aviation Act, 1962, is hereby amended by the insertion after paragraph (g) of the following paragraphs:

“(gA) the designation of medical examiners for the purposes of this Act, including—

- (i) the manner in which and person by whom such designation may take place;
- (ii) the suspension or withdrawal of such designation;

toege-tree is; en waarvan 'n vertaling in 'n Bylae by hierdie Wet opgeneem is.”; en

(d) deur subartikel (3) deur die volgende subartikel te vervang:

5 “(3) Die Minister kan by regulasie enigeen van die regulasies wat kragtens subartikel (2) uitgevaardig is, van toepassing maak, onderworpe aan die vrystellings, beperkings en wysigings wat [vir
hom] wenslik [voorkom] is, op skepe waarop en in omstandighede
10 waarin die bepalings van die Veiligheidskonvensie, die Konvensie insake die Internasionale Regulasies in Verband met Botsings, die Laslynkonvensie en enige konvensie in subartikel (2)(d) bedoel
nie van toepassing is nie.”.

Vervanging van artikel 356bis van Wet 57 van 1951, soos ingevoeg deur artikel 60 van Wet 40 van 1963, vervang deur artikel 20 van Wet 3 van 1982 en gewysig deur artikel 33 van Wet 18 van 1992

15 8. Artikel 356bis van die Handelskeepvaartwet, 1951, word hierby deur die volgende artikel vervang:

“Toepassing van konvensies in Republiek

20 **356bis.** Behoudens die bepalings van hierdie Wet het die konvensies waarvan vertalings in die Bylaes opgeneem is, regsrag en is van toepassing in die Republiek.”.

Invoeging van artikel 356quat in Wet 57 van 1951

9. Die volgende artikel word hierby in die Handelskeepvaartwet, 1951, na artikel 356ter ingevoeg:

“Inlywing van internasionale skeepvaartstandaarde by regulasies

25 **356quat.** (1) Die Minister kan by kennisgewing in die *Staatskoerant* enige internasionale skeepvaartstandaard, of enige deel daarvan, sonder om die teks daarvan te vermeld, by die regulasies inlyf by wyse van 'n blote verwysing na die nommer, titel en jaar van uitreiking van daardie skeepvaartstandaard of na die ander be-
30 sonderhede waardeur daardie skeepvaartstandaard voldoende geïdentifiseer word.

(2) Die bepalings van artikel 356ter (2) tot (5) is *mutatis mutandis* van toepassing op 'n internasionale skeepvaartstandaard, of enige
35 deel daarvan, kragtens subartikel (1) ingelyf.

(3) In hierdie artikel beteken “internasionale skeepvaartstandaard” enige kode, riglyn, resoluie of standaard deur die Internasionale Maritieme Organisasie aanvaar en gepubliseer.”.

Wysiging van Vyfde Bylae by Wet 57 van 1951

40 10. Die Vyfde Bylae by die Handelskeepvaartwet, 1951, word hierby gewysig soos in die Bylae aangedui.

Wysiging van artikel 22 van Wet 74 van 1962, soos gewysig deur artikel 5 van Wet 12 van 1965, artikel 3 van Wet 83 van 1969, artikel 25 van Wet 62 van 1973, artikel 7 van Wet 4 van 1982, artikel 2 van Wet 1 van 1984, artikel 5 van Wet 16 van 1992, artikel 25 van Wet 44 van 1993 en artikel 17 van Wet 45 van 1993

45 11. Artikel 22 van die Lugvaartwet, 1962, word hierby gewysig deur die volgende paragrafe na paragraaf (g) in te voeg:

“(gA) die aanwysing van mediese ondersoekers vir die doeleindes van hierdie Wet, met inbegrip van—

- 50 (i) die wyse waarop en persoon deur wie sodanige aanwysing geskied;
(ii) die opskorting of intrekking van sodanige aanwysing;

- (iii) the conditions, requirements and qualifications for such designation; and
- (iv) the certificates issued by medical examiners and the conditions and requirements for such issue;
- (gB) the designation of a body or institution for the purposes of this Act— 5
 - (i) to exercise control over medical examinations and tests, and over the persons performing such examinations and tests;
 - (ii) to determine standards for medical examinations and tests and for the training of medical examiners;
 - (iii) to issue, suspend or withdraw medical certificates and keep all 10 documents and books concerning medical examinations and tests;
 - (iv) to advise the Commissioner concerning the training of the prescribed persons in first aid; and
 - (v) to advise the Commissioner on any matter connected with 15 medical examiners or medical examinations and tests;".

Amendment of section 1 of Act 29 of 1989, as amended by section 1 of Act 73 of 1991, section 1 of Act 40 of 1992 and section 1 of Act 39 of 1993

12. Section 1 of the Road Traffic Act, 1989, is hereby amended—

- (a) by the insertion after the definition of "driver's licence testing centre" of 20 the following definition:
 - " 'edge of the roadway' means the boundary between the roadway and the shoulder, which is indicated by an appropriate road traffic sign, or in the absence of such sign—
 - (a) in the case of a road with a bituminous or concrete surface, the 25 edge of such surface; or
 - (b) in the case of any other road, the edge of the improved part of the road intended for vehicular use;"
- (b) by the insertion after the definition of "intersection" of the following 30 definition:
 - " 'kerb line' means the boundary between the shoulder and the verge;"
- (c) by the substitution for the definition of "roadway" of the following 35 definition:
 - " 'roadway' means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic **[and includes those portions commonly known as the shoulders]** which is between the edges of the roadway;"
- (d) by the insertion after the definition of "semi-trailer" of the following 40 definition:
 - " 'shoulder' means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;"
- (e) by the substitution for the definition of "verge" of the following 45 definition:
 - " 'verge' means that portion of **[the]** a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;"
 - and
- (f) by the substitution in the Afrikaans text for the definition of "verkeers- 50 baan" of the following definition:
 - "**['verkeersbaan]** 'verkeerslaan' 'n oorlangse verdeling van 'n openbare pad wat breed genoeg is om 'n enkele ry voertuie te laat deurgaan;"

Amendment of section 18 of Act 29 of 1989

13. Section 18 of the Road Traffic Act, 1989, is hereby amended by the substitution for subparagraph (i) of paragraph (a) of subsection (1) of the 55 following subparagraph:

- "(i) in the case of any licence for a motor cycle, **[without a side-car]** motor tricycle or motor quadrucycle having an engine with a cylinder capacity

- (iii) die voorwaardes, vereistes en kwalifikasies vir sodanige aanwysing; en
- (iv) die sertifikate wat deur mediese ondersoekers uitgereik word en die voorwaardes en vereistes vir sodanige uitreiking;
- 5 (gB) die aanwysing van 'n liggaam of instelling om vir die doeleindes van hierdie Wet—
 - (i) beheer uit te oefen oor mediese ondersoeke en toetse, en oor die persone wat sodanige ondersoeke en toetse uitvoer;
 - 10 (ii) standaard te bepaal vir mediese ondersoeke en toetse en vir die opleiding van mediese ondersoekers;
 - (iii) mediese sertifikate uit te reik, op te skort of in te trek en alle stukke en boeke aangaande mediese ondersoeke en toetse by te hou;
 - 15 (iv) die Kommissaris van advies te dien aangaande die opleiding in noodhulp van die voorgeskrewe persone; en
 - (v) die Kommissaris van advies te dien oor enige aangeleentheid wat met mediese ondersoekers of mediese ondersoeke en toetse in verband staan;”.

Wysiging van artikel 1 van Wet 29 van 1989, soos gewysig deur artikel 1 van Wet 20 73 van 1991, artikel 1 van Wet 40 van 1992 en artikel 1 van Wet 39 van 1993

12. Artikel 1 van die Padverkeerswet, 1989, word hierby gewysig—

- (a) deur die volgende omskrywing na die omskrywing van “invoerder” in te voeg:
 - 25 “‘kant van die ryvlak’ die grens tussen die ryvlak en die skouer wat deur ’n toepaslike padverkeerstekens aangedui word of by ontstentenis van sodanige teken—
 - (a) in die geval van ’n pad met ’n teer- of sementoppervlakte, die kant van sodanige oppervlakte; of
 - 30 (b) in die geval van enige ander pad, die kant van die verbeterde gedeelte van die pad wat vir gebruik deur voertuie bedoel is;”;
- (b) deur die volgende omskrywing na die omskrywing van “provinsie” in te voeg:
 - 35 “‘randlyn’ die grens tussen die skouer en die soom;”;
- (c) deur die omskrywing van “ryvlak” deur die volgende omskrywing te vervang:
 - 40 “‘ryvlak’ die gedeelte van ’n pad, straat of deurgang wat vir voertuigverkeer verbeter, gebou of bedoel is en [ook dié gedeeltes wat algemeen as die skouers bekend staan] wat tussen die kante van die ryvlak is;”;
- (d) deur die volgende omskrywing na die omskrywing van “ryvlak” in te voeg:
 - 45 “‘skouer’ beteken daardie gedeelte van ’n pad, straat of deurgang tussen die kant van die ryvlak en die randlyn;”;
- (e) deur die omskrywing van “soom” deur die volgende omskrywing te vervang:
 - 50 “‘soom’ dié gedeelte van ’n pad, straat of deurgang, met inbegrip van die sygaardjie, wat nie die ryvlak of die skouer is nie;”; en
- (f) deur die omskrywing van “verkeersbaan” deur die volgende omskrywing te vervang:
 - “[‘verkeersbaan’] ‘verkeerslaan’ ’n oorlangse verdeling van ’n openbare pad wat breed genoeg is om ’n enkele ry voertuie te laat deurgaen;”.

Wysiging van artikel 18 van Wet 29 van 1989

55 13. Artikel 18 van die Padverkeerswet, 1989, word hierby gewysig deur subparagraaf (i) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

- “(i) in die geval van ’n lisensie vir ’n motorfiets, **[sonder syspan]** motor-driewiel of motorvierwiel wat ’n enjin met ’n silinderinhoud van

not exceeding **[50]** 125 cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of 'motor vehicle', is under the age of 16 years;".

Amendment of section 20 of Act 29 of 1989

14. Section 20 of the Road Traffic Act, 1989, is hereby amended by the addition of the following subsection: 5

"(3) A driver's licence testing centre may, under the prescribed conditions, be registered and graded to test applicants for learners' licences only."

Amendment of section 24 of Act 29 of 1989, as amended by section 8 of Act 73 of 1991 10

15. Section 24 of the Road Traffic Act, 1989, is hereby amended by the substitution for paragraphs (a) and (b) of subsection (5) of the following paragraphs:

- "(a) in the case where the applicant has in terms of subsection (3) provided a motor vehicle equipped with an automatic **[or semi-automatic]** transmission or the motor vehicle is electrically powered, endorse the driver's licence to the effect that authorization is granted only for the driving of a motor vehicle equipped with an automatic **[or semi-automatic]** transmission or which is electrically powered, as the case may be; and 15
- (b) in the case where the applicant is found to be competent to drive with the aid of glasses or contact lenses, an artificial limb or other physical aid, endorse the licence accordingly." 20

Amendment of section 24B of Act 29 of 1989, as inserted by section 1 of Act 66 of 1993

16. Section 24B of the Road Traffic Act, 1989, is hereby amended by the deletion of subsection (4). 25

Amendment of section 41 of Act 29 of 1989, as amended by section 10 of Act 73 of 1991 and section 13 of Act 40 of 1992

17. Section 41 of the Road Traffic Act, 1989, is hereby amended by the insertion after subsection (1) of the following subsection: 30

"(2) The—

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> (a) categories of; (b) nature and extent of the authority granted by; (c) period of validity of; (d) form and content of; (e) application for and issue of; (f) fees payable in respect of; (g) suspension and cancellation of; (h) incorporation in any other document of; and (i) other necessary or expedient matter in relation to, | <div style="border-left: 1px solid black; height: 100px; margin-left: 5px;"></div> | <div style="border-left: 1px solid black; height: 100px; margin-left: 5px;"></div> |
|---|--|--|
- professional driving permits, shall be as prescribed." 40

Repeal of sections 42, 43, 44, 45, 46, 47, 48 and 49 of Act 29 of 1989

18. Sections 42, 43, 44, 45, 46, 47, 48 and 49 of the Road Traffic Act, 1989, are hereby repealed.

Amendment of section 55A of Act 29 of 1989, as inserted by section 10 of Act 39 of 1993 45

19. Section 55A of the Road Traffic Act, 1989, is hereby amended—

hoogstens **[50]** 125 kubieke sentimeter het of wat deur elektriese krag aangedryf word, of wat 'n voertuig is soos beoog in paragraaf (b) van die omskrywing van 'motorvoertuig', onder die ouderdom van 16 jaar is;”.

5 Wysiging van artikel 20 van Wet 29 van 1989

14. Artikel 20 van die Padverkeerswet, 1989, word hierby gewysig deur die volgende subartikel by te voeg:

- 10 “(3) 'n Bestuurderslisensie-toetsentrum kan onder die voorgeskrewe voorwaardes geregistreer en gegradeer word om slegs aansoekers om leerlinglisensies te toets.”.

Wysiging van artikel 24 van Wet 29 van 1989, soos gewysig deur artikel 8 van Wet 73 van 1991

15 15. Artikel 24 van die Padverkeerswet, 1989, word hierby gewysig deur paragrawe (a) en (b) van subartikel (5) deur die volgende paragrawe te vervang:

- 15 “(a) in die geval waar die aansoeker ingevolge subartikel (3) 'n motorvoertuig voorsien het wat met 'n outomatiese **[of semi-outomatiese]** transmissie toegerus is of die motorvoertuig elektries aangedryf is, die bestuurderslisensie endosseer ten effekte dat magtiging slegs verleen word vir die bestuur van 'n motorvoertuig wat met 'n outomatiese **[of semi-outomatiese]** transmissie toegerus is of wat elektries aangedryf is,
20 na gelang van die geval; en
(b) in die geval waar die aansoeker bekwaam bevind word om met behulp van 'n bril of kontaklense, 'n kunsledemaat of ander liggaamlike hulp te bestuur, die lisensie dienooreenkomstig endosseer.”.

25 Wysiging van artikel 24B van Wet 29 van 1989, soos ingevoeg deur artikel 1 van Wet 66 van 1993

16. Artikel 24B van die Padverkeerswet, 1989, word hierby gewysig deur subartikel (4) te skrap.

30 Wysiging van artikel 41 van Wet 29 van 1989, soos gewysig deur artikel 10 van Wet 73 van 1991 en artikel 13 van Wet 40 van 1992

17. Artikel 41 van die Padverkeerswet, 1989, word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

- “**(2)** Die—
- | | |
|----|--|
| 35 | (a) kategorieë van; |
| | (b) aard en omvang van die magtiging verleen deur; |
| | (c) geldigheidsduur van; |
| | (d) vorm en inhoud van; |
| | (e) aansoek om en uitreiking van; |
| | (f) gelde betaalbaar ten opsigte van; |
| 40 | (g) opskorting en intrekking van; |
| | (h) inlywing by enige ander dokument van; en |
| | (i) ander noodsaaklike of dienstige aangeleentheid met betrekking tot, professionele bestuurpermitte, is soos voorgeskryf.”. |

Herroeping van artikels 42, 43, 44, 45, 46, 47, 48 en 49 van Wet 29 van 1989

45 18. Artikels 42, 43, 44, 45, 46, 47, 48 en 49 van die Padverkeerswet, 1989, word hierby herroep.

Wysiging van artikel 55A van Wet 29 van 1989, soos ingevoeg deur artikel 10 van Wet 39 van 1993

19. Artikel 55A van die Padverkeerswet, 1989, word hierby gewysig—

- (a) by the substitution for the words following paragraph (iii) of subsection (1) of the following words:
 “calculated from the date of **[conviction]** sentence.”;
- (b) by the substitution for subsection (2), of the following subsection:
 “(2) Subject to subsection (3), any person who is not the holder of a driver’s licence or of a licence and permit, shall, on conviction of an offence referred to in subsection (1), be disqualified for **[a period]** the periods mentioned in **[subparagraphs]** paragraphs (i) to (iii) of subsection (1) calculated from the date of sentence, from obtaining a learner’s or driver’s licence or a licence and permit.”;
- (c) by the substitution for subsection (4) of the following subsection:
 “(4) A court convicting any person of an offence referred to in subsection (1) shall, before imposing sentence, bring the provisions of subsection (1) or (2), as the case may be, and of subsection (3), to the notice of such person.”.

Amendment of section 74 of Act 29 of 1989, as amended by section 17 of Act 73 of 1991, section 19 of Act 40 of 1992 and section 12 of Act 39 of 1993

20. Section 74 of the Road Traffic Act, 1989, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) Subject to paragraph (b), the owner of a motor vehicle of a prescribed class is the operator of such motor vehicle, and shall be registered as such in terms of subsection (6).

(b) Notwithstanding the provisions of paragraph (a) a person who is not a manager, employee or agent of the owner of a motor vehicle referred to in subsection (1) and who enters into a written agreement providing that such motor vehicle may be operated by such person for a period—

- (i) in excess of three months, is the operator of such motor vehicle, and shall be registered as such in terms of subsection (6);
- (ii) of three months or less, is deemed to be the operator of such motor vehicle for that period for the purposes of section 78(c), (d), (e), (f) and (g).”.

Amendment of section 91 of Act 29 of 1989, as amended by section 23 of Act 40 of 1992

21. Section 91 of the Road Traffic Act, 1989, is hereby amended by the substitution in subsection (1) for the words preceding the first proviso of the following words:

“Subject to the provisions of subsections (2) and (4) and section 89, the driver of a vehicle intending to pass any other vehicle proceeding in the same direction on a public road shall pass to the right thereof at a safe distance and shall not again **[drive on the left side of the roadway]** move to the left until safely clear of the vehicle so passed:”.

Insertion of section 91A in Act 29 of 1989

22. The following section is hereby inserted in the Road Traffic Act, 1989, after section 91:

“Prohibition on driving on shoulder of public road, except in certain circumstances

91A. (1) Subject to subsection (2) and section 91(1)(e), no person shall drive a motor vehicle on the shoulder of a public road.

(2) Notwithstanding the provisions of subsection (1), the driver of a motor vehicle may, during the period between sunrise and sunset, drive such motor vehicle on the shoulder of a public road which is designed for one lane of traffic in each direction—

- (a) deur die woorde wat op paragraaf (iii) van subartikel (1) volg deur die volgende woorde te vervang:
 “bereken vanaf die datum van **[skuldigbevinding]** vonnis.”;
- 5 (b) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Behoudens subartikel (3) is iemand wat nie die houer is van ’n bestuurderslisensie of van ’n lisensie en permit nie, by skuldigbevinding aan ’n misdryf in subartikel (1) bedoel, onbevoeg om vir die tydperke in **[subparagraawe]** paragraawe (i) tot (iii) van subartikel (1) genoem, bereken vanaf die datum van vonnis, ’n leerling- of bestuurderslisensie of ’n lisensie en permit te verkry.”; en
- 10 (c) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) ’n Hof wat iemand skuldig bevind aan ’n misdryf in subartikel (1) genoem, moet voor die oplegging van vonnis die bepalings van subartikel (1) of (2), na gelang van die geval, en van subartikel (3) onder so ’n persoon se aandag bring.”.
- 15

Wysiging van artikel 74 van Wet 29 van 1989, soos gewysig deur artikel 17 van Wet 73 van 1991, artikel 19 van Wet 40 van 1992 en artikel 12 van Wet 39 van 1993

20. Artikel 74 van die Padverkeerswet, 1989, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) (a) Behoudens paragraaf (b) is die eienaar van ’n motorvoertuig van ’n voorgeskrewe klas die operateur van sodanige motorvoertuig, en word as sodanig ingevolge subartikel (6) geregistreer.
 (b) Ondanks die bepalings van paragraaf (a) is of word ’n persoon wat nie ’n bestuurder, werknemer of agent van die eienaar van ’n motorvoertuig bedoel in subartikel (1) is nie, en wat ’n skriftelike ooreenkoms aangaan wat bepaal dat sodanige motorvoertuig deur sodanige persoon gebruik kan word vir ’n tydperk van—
 25 (i) langer as drie maande, die operateur van sodanige motorvoertuig en word ingevolge subartikel (6) as sodanig geregistreer;
 30 (ii) drie maande of minder, geag die operateur van sodanige motorvoertuig vir daardie tydperk te wees vir die doeleindes van artikel 78(c), (d), (e), (f) en (g).”.

Wysiging van artikel 91 van Wet 29 van 1989, soos gewysig deur artikel 23 van Wet 40 van 1992

21. Artikel 91 van die Padverkeerswet, 1989, word hierby gewysig deur in subartikel (1) die woorde wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 “Behoudens die bepalings van subartikels (2) en (4) en artikel 89 moet die bestuurder van ’n voertuig wat ’n ander voertuig wil verbystee wat op ’n openbare pad in dieselfde rigting gaan, aan die regterkant daarvan op ’n veilige afstand verbystee en mag hy of sy nie weer **[op die linkerkant van die ryvlak bestuur]** na links beweeg totdat hy of sy veilig by die voertuig wat aldus verbygestee word, verby is nie.”.
- 40

45 Invoeging van artikel 91A in Wet 29 van 1989

22. Die volgende artikel word hierby na artikel 91 in die Padverkeerswet, 1989, ingevoeg:

“Verbod om op skouer van pad te bestuur, behalwe in sekere omstandighede

- 50 **91A.** (1) Behoudens subartikel (2) en artikel 91(1)(e), mag niemand ’n motorvoertuig op die skouer van ’n openbare pad bestuur nie.
 (2) Ondanks die bepalings van subartikel (1) kan die bestuurder van ’n motorvoertuig gedurende die tydperk tussen sonsopkoms en sonsondergang sodanige motorvoertuig op die skouer van ’n openbare pad wat vir eenlaanverkeer in elke rigting ontwerp is, bestuur—
- 55

- (a) while such motor vehicle is being overtaken by another vehicle; and
- (b) if he or she can do so without endangering himself or herself, other traffic, pedestrians or property on such public road; and
- (c) if persons and vehicles upon the public road are clearly discernible at a distance of at least 150 metres.”. 5

Amendment of section 95 of Act 29 of 1989

23. Section 95 of the Road Traffic Act, 1989, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 10

“(1) The driver of a vehicle on a public road who desires to turn to the left shall, having due regard to the provisions of section 94, before reaching the point at which he or she intends to turn, indicate, in the prescribed manner, his or her intention to turn and shall steer his or her vehicle as near to the left **[side]** edge of the roadway on which he or she is travelling as circumstances may permit and shall make such turn with due care and merge into such traffic stream as may at the time be proceeding along, towards or into the public road into which he or she desires to turn.”; and 15
- (b) by the substitution for subparagraph (i) of paragraph (b) of subsection (2) of the following subparagraph: 20

“(i) he or she shall steer such vehicle as near as circumstances permit to the right **[side]** edge of such roadway; and”.

Amendment of Afrikaans text of section 97 of Act 29 of 1989

24. The Afrikaans text of section 97 of the Road Traffic Act, 1989, is hereby amended by the substitution for paragraph (e) of the following paragraph: 25

- “(e) aan die **[regterkant]** regtergedeelte van daardie ryvlak met sy voorkant in die rigting van die naderende verkeer gekeer nie;”.

Amendment of section 98 of Act 29 of 1989, as amended by section 7 of Act 71 of 1991

25. Section 98 of the Road Traffic Act, 1989, is hereby amended by the substitution for subsection (2) of the following subsection: 30

- “(2) No person shall park a vehicle on any portion of the roadway **[excluding]** or the shoulders of a public road outside an urban area or with any part of such vehicle within one metre of the edge of such roadway except in a parking place demarcated by an appropriate road traffic sign.”. 35

Amendment of certain expression in Afrikaans text of Act 29 of 1989, as amended by Act 73 of 1991, Act 17 of 1992, Act 40 of 1992, Act 39 of 1993 and Act 66 of 1993

26. The Road Traffic Act, 1989, is hereby amended by the substitution in the Afrikaans text for the word “verkeersbaan” of the word “verkeerslaan” wherever it occurs. 40

Amendment of section 47 of Act 60 of 1993

27. The International Air Services Act, 1993, is hereby amended by the substitution for subsection (2) of section 47 of the following subsection:

- “(2) The council may, in its discretion, exempt the holder of an air carrier’s licence referred to in subsection (1) from furnishing the particulars or the information referred to in section **[15(4)]** 15(3) if such holder applies for the issuing of a licence in terms of section 15.”. 45

- (a) terwyl sodanige motorvoertuig deur 'n ander voertuig verbygesteek word; en
- (b) indien hy of sy dit kan doen sonder om homself of haarself, ander verkeer, voetgangers of eiendom op sodanige openbare pad in gevaar te stel; en
- (c) indien persone en voertuie op die openbare pad oor 'n afstand van ten minste 150 meter duidelik onderskei kan word.”.

Wysiging van artikel 95 van Wet 29 van 1989

23. Artikel 95 van die Padverkeerswet, 1989, word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die bestuurder van 'n voertuig op 'n openbare pad wat links wil draai, moet, met behoorlike inagneming van die bepalinge van artikel 94, sy of haar voorneme om te draai op die voorgeskrewe wyse te kenne gee voordat hy of sy die punt bereik waar hy of sy wil draai en moet sy of haar voertuig tot so na aan die linkerkant van die **[pad]** ryvlak waarop hy of sy reis, stuur as wat omstandighede toelaat en moet die draai met die nodige sorg uitvoer en by die verkeerstroom aansluit wat op daardie tydstip met die openbare pad langs gaan waarin hy of sy wil **[draai]** indraai of wat sodanige pad nader of binnekom.”; en
- (b) deur subparagraaf (i) van paragraaf (b) van subartikel (2) deur die volgende subparagraaf te vervang:
- “(i) moet hy of sy sodanige voertuig tot so na aan die regterkant van die ryvlak stuur as wat omstandighede toelaat; en”;

25 Wysiging van artikel 97 van Wet 29 van 1989

24. Artikel 97 van die Padverkeerswet, 1989, word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:

“(e) aan die **[regterkant]** regtergedeelte van daardie ryvlak met sy voorkant in die rigting van die naderende verkeer gekeer nie;”.

30 Wysiging van artikel 98 van Wet 29 van 1989, soos gewysig deur artikel 7 van Wet 71 van 1991

25. Artikel 98 van die Padverkeerswet, 1989, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) Niemand mag 'n voertuig op enige gedeelte van die ryvlak **[uitgesonderd]** of die skouers van 'n openbare pad buitekant 'n stedelike gebied of met enige deel van sodanige voertuig binne een meter van die **[rand]** kant van sodanige ryvlak parkeer nie uitgesonderd in 'n parkeerplek wat deur 'n toepaslike padverkeersteken afgemerk is.”.

40 Wysiging van sekere uitdrukking in Wet 29 van 1989, soos gewysig deur Wet 73 van 1991, Wet 17 van 1992, Wet 40 van 1992, Wet 39 van 1993 en Wet 66 van 1993

26. Die Padverkeerswet, 1989, word hierby gewysig deur die woord “verkeersbaan” waar dit ook al voorkom deur die woord “verkeerslaan” te vervang.

Wysiging van artikel 47 van Wet 60 van 1993

27. Die Wet op Internasionale Lugdienste, 1993, word hierby gewysig deur subartikel (2) van artikel 47 deur die volgende subartikel te vervang:

“(2) Die raad kan na goeë dunnke die houer van 'n lugvervoerderslisensie in subartikel (1) bedoel van die verskaffing van die besonderhede of die inligting in artikel **[15(4)]** 15(3) bedoel, vrystel indien sodanige houer ingevolge artikel 15 om die uitreiking van 'n lisensie aansoek doen.”.

Short title and commencement

28. This Act shall be called the Transport General Amendment Act, 1995, and sections 12, 17, 18, 21, 22, 23, 24, 25 and 26 shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

Kort titel en inwerkingtreding

28. Hierdie Wet heet die Algemene Wysigingswet op Vervoer, 1995, en artikels 12, 17, 18, 21, 22, 23, 24, 25 en 26 tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE

AMENDMENT OF FIFTH SCHEDULE TO THE MERCHANT SHIPPING ACT, 1951: INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, TO GIVE EFFECT TO THE AMENDMENTS ADOPTED BY THE INTERNATIONAL MARITIME ORGANIZATION BY RESOLUTION MSC. 21(59), WHICH ENTERED INTO FORCE ON 1 DECEMBER 1992

(Section 10)

Definition

1. In this Schedule “the Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as contained in the Fifth Schedule to the Merchant Shipping Act, 1951.

Amendment of Regulation I/1 of Chapter I of Annex to Convention

2. Regulation I/1 of Chapter I of the Annex to the Convention is hereby amended—
- (a) by the substitution for paragraph (k) of the following paragraph:
 “(k) ‘radio operator’ means a person holding an appropriate certificate related to the global maritime distress and safety system issued or recognized by an Administration under the provisions of the Radio Regulations;”;
 - (b) by the deletion of paragraph (l) ;
 - (c) by the substitution in paragraph (p) for the expression “IMCO recommendations” of the expression “recommendations of the Organization”;
 - (d) by the deletion in paragraph (r) of the expression “IMCO”;
 - (e) by the deletion in paragraph (s) of the expression “IMCO”; and
 - (f) by the renumbering of paragraphs (m), (n), (o), (p), (q), (r) and (s) to (l), (m), (n), (o), (p), (q) and (r), respectively.

Amendment of Regulation I/2 of Chapter I of Annex to Convention

3. Regulation I/2 of Chapter I of the Annex to the Convention is hereby amended by the substitution in paragraph 2 for the words preceding subparagraph (a) of the following words:

“In respect of radio **[officers and radiotelephone]** operators, Administrations may—”.

Amendment of Regulation I/4 of Chapter I of Annex to Convention

4. Regulation I/4 of Chapter I of the Annex to the Convention is hereby amended by the substitution in paragraph 3 for the expression “radio officer” of the expression “radio operator”.

Addition of Regulation I/5 to Chapter I of Annex to Convention

5. The Convention is hereby amended by the addition to Chapter I of the Annex to the Convention of the following Regulation:

“REGULATION I/5

Conduct of trials

1. These Regulations shall not prevent an Administration from authorizing ships entitled to fly its flag to participate in trials.

2. For the purposes of this Regulation, the term “trial” means an experiment or series of experiments, conducted over a limited period, which may involve the use of automated or integrated systems in order to evaluate alternative methods of performing specific duties or satisfying particular arrangements prescribed by this Convention, which would provide at least the same degree of safety and pollution prevention as provided by these Regulations.

3. The Administration authorizing ships to participate in trials shall be satisfied that such trials are conducted in a manner that provides at least the same degree of safety and pollution prevention as provided by these Regulations. Such trials shall be conducted in accordance with guidelines adopted by the Organization.

4. Details of such trials shall be reported to the Organization as early as practicable but not less than six months before the date on which the trials are scheduled to commence. The Organization shall circulate such particulars to all Parties.

5. The results of trials authorized under paragraph 1, and any recommendations the Administration

BYLAE

WYSIGING VAN DIE VYFDE BYLAE BY DIE HANDELSKEEPVAARTWET, 1951: INTERNASIONALE KONVENSIË INSAKE STANDAARDE VAN OPLEIDING, DIPLOMERING EN WAGHOU VIR SEEVAARDERS, 1978, OM GEVOLG TE GEE AAN WYSIGINGS AANVAAR DEUR DIE INTERNASIONALE MARITIEME ORGANISASIE DEUR RESOLUSIE MSC. 21(59), WAT OP 1 DESEMBER 1992 VAN KRAG GEWORD HET

(Artikel 10)**Omskrywing**

1. In hierdie Bylae beteken "die Konvensie" die Internasionale Konvensie insake Standaarde van Opleiding, Diplomerings en Waghous vir Seevaarders, 1978, soos vervat in die Vyfde Bylae by die Handelskeepvaartwet, 1951.

Wysiging van Regulasie I/1 van Hoofstuk I van Aanhangel by Konvensie

2. Regulasie I/1 van Hoofstuk I van die Aanhangel by die Konvensie word hierby gewysig—
- (a) deur paragraaf (k) deur die volgende paragraaf te vervang:

"(k) 'radio-operateur' 'n persoon wat beskik oor 'n toepaslike sertifikaat wat verband hou met die globale maritieme nood- en veiligheidstelsel uitgereik of erken deur 'n Administrasie kragtens die bepalinge van die Radioregulasies;"
 - (b) deur paragraaf (l) te skrap;
 - (c) deur in paragraaf (p) die uitdrukking "IMCO-aanbevelings" deur die uitdrukking "aanbevelings van die Organisasie" te vervang;
 - (d) deur in paragraaf (r) die uitdrukking "IMCO se" deur die uitdrukking "die" te vervang;
 - (e) deur in paragraaf (s) die uitdrukking "IMCO se" deur die uitdrukking "die" te vervang; en
 - (f) deur paragrawe (m), (n), (o), (p), (q), (r) en (s) onderskeidelik tot (l), (m), (n), (o), (p), (q) en (r) te hernoem.

Wysiging van Regulasie I/2 van Hoofstuk I van Aanhangel by Konvensie

3. Regulasie I/2 van Hoofstuk I van die Aanhangel by die Konvensie word hierby gewysig deur in paragraaf 2 die woorde wat subparagraaf (a) voorafgaan deur die volgende woorde te vervang: "Met betrekking tot [radio-offisiere en radio-telefoniste] radio-operateurs kan Administrasies—".

Wysiging van Regulasie I/4 van Hoofstuk I van Aanhangel by Konvensie

4. Regulasie I/4 van Hoofstuk I van die Aanhangel by die Konvensie word hierby gewysig deur in paragraaf 3 die uitdrukking "radio-offisier" deur die uitdrukking "radio-operateur" te vervang.

Byvoeging van Regulasie I/5 by Hoofstuk I van Aanhangel by Konvensie

5. Die Konvensie word hierby gewysig deur die volgende Regulasie by Hoofstuk I van die Aanhangel by die Konvensie te voeg:

"REGULASIE I/5***Uitvoer van proefnemings***

1. Hierdie Regulasies verhoed nie 'n Administrasie om skepe wat onder sy vlag vaar, te magtig om aan proefnemings deel te neem nie.

2. Vir die doeleindes van dié Regulasie beteken "proefneming" 'n eksperiment of reeks eksperimente wat oor 'n beperkte tydperk uitgevoer word en wat die gebruik van geoutomatiseerde of geïntegreerde stelsels kan behels, ten einde alternatiewe metodes vir die verrigting van bepaalde pligte te evalueer of aan besondere reëlings deur dié Konvensie voorgeskryf, te voldoen, wat minstens dieselfde mate van veiligheid en besoedelingsvoorkoming bied as waarvoor dié Regulasies voorsiening maak.

3. Die Administrasie wat skepe magtig om aan proefnemings deel te neem, moet daarvan oortuig wees dat sodanige proefnemings uitgevoer word op 'n wyse wat minstens dieselfde mate van veiligheid en besoedelingsvoorkoming bied as waarvoor dié Regulasies voorsiening maak. Sodanige proefnemings moet uitgevoer word ooreenkomstig riglyne wat deur die Organisasie aanvaar is.

4. Besonderhede van sodanige proefnemings moet so gou doenlik aan die Organisasie meegedeel word, maar nie later nie as ses maande voor die datum waarop daar beplan word om met die proefnemings te begin. Die Organisasie moet sodanige besonderhede aan alle Partye versprei.

5. Die uitslae van proefnemings wat kragtens paragraaf 1 gemagtig word, asook enige

may have regarding those results, shall be reported to the Organization, which shall circulate such results and recommendations to all Parties.

6. Any Party having any objection to particular trials authorized in accordance with this Regulation should communicate such objection to the Organization as early as practicable. The Organization shall circulate details of the objection to all Parties.

7. An Administration which has authorized a trial should respect objections received from other Administrations relating to such trial by directing ships entitled to fly its flag not to engage in a trial while navigating in the waters of a coastal State which has communicated its objection to the Organization.

8. An Administration which concludes, on the basis of a trial, that a particular system will provide at least the same degree of safety and pollution prevention as provided by these Regulations may authorize ships entitled to fly its flag to continue to operate with such a system indefinitely, subject to the following requirements:

- (a) The Administration shall, after results of the trial have been submitted in accordance with paragraph 5, provide details of any such authorization, including identification of the specific ships which may be subject to the authorization, to the Organization, which will circulate this information to all Parties;
- (b) any operations authorized under this paragraph shall be conducted in accordance with guidelines as may be developed by the Organization, to the same extent as they apply during a trial;
- (c) such operations shall respect any objections received from other Administrations in accordance with paragraph 7, to the extent such objections have not been withdrawn; and
- (d) an operation authorized under this paragraph shall only be permitted pending a determination by the Maritime Safety Committee as to whether an amendment to the Convention would be appropriate, and, if so, whether the operation should be suspended or permitted to continue before the amendment enters into force. At the request of any Party, the Maritime Safety Committee shall establish a date for consideration of the trial results and for the appropriate determinations.”

Amendment of Appendix to Regulation II/2 of Chapter II of Annex to Convention

6. The Appendix to Regulation II/2 of Chapter II of the Annex to the Convention is hereby amended—

- (a) by the substitution for subparagraph (j) of paragraph 7 of the following subparagraph:
“(j) precautions in manoeuvring for launching **[boats or liferafts]** survival craft or rescue boats in bad weather;”;
- (b) by the substitution for subparagraph (k) of paragraph 7 of the following subparagraph:
“(k) methods of taking on board survivors from **[lifeboats or liferafts]** survival craft or rescue boats;”;
- (c) by the substitution for subparagraph (e) of paragraph 8 of the following subparagraph:
“(e) Knowledge of **[IMCO]** the recommendations of the Organization concerning ship stability.”;
- (d) by the substitution for the heading of paragraph 16 of the following heading:
“**[Communications]** Radiocommunications and visual signalling”;
- (e) by the substitution for subparagraphs (b) and (c) of paragraph 16 of the following subparagraphs:
“(b) Knowledge of procedures used in **[radiotelephone communications]** radiocommunications and ability to use **[radiotelephones in particular with respect to]** radio equipment for distress, urgency, safety and navigational messages.
(c) A knowledge of the procedures for emergency distress signals **[by radiotelegraphy]** as prescribed in the Radio Regulations.”;
- (f) by the substitution for paragraph 17 of the following paragraph:

“17. *Life-saving.*

A thorough knowledge of life-saving appliance regulations (International Convention for the Safety of Life at Sea), organization of abandon ship drills, **[lifeboats, liferafts]** survival craft, rescue boats and other life-saving equipment.”;

- (g) by the deletion in paragraph 18 of the expression “IMCO”; and
- (h) by the substitution for subparagraph (f) of paragraph 19 of the following subparagraph:

“(f) *Life-saving:*

Launching and handling of **[lifeboats]** survival craft, rescue boats and other life-savings appliances, including the donning of life-jackets.”.

aanbevelings wat die Administrasie mag doen in verband met daardie uitslae, moet aan die Organisasie meegedeel word, wat sodanige uitslae en aanbevelings aan alle Partye moet versprei.

6. Enige Party wat beswaar het teen besondere proefnemings wat ooreenkomstig hierdie Regulasie gemagtig is, moet sy beswaar so gou doenlik aan die Organisasie meedeel. Die Organisasie moet die besonderhede van die beswaar aan alle Partye versprei.

7. 'n Administrasie wat 'n proefneming gemagtig het, moet besware wat van ander Administrasies rakende sodanige proefneming ontvang is, eerbiedig deur skepe wat daarop geregtig is om onder sy vlag te vaar, te beveel om nie deel te neem aan 'n proefneming terwyl sodanige skip die waters bevaar van 'n kusstaat wat sy beswaar aan die Organisasie meegedeel het nie.

8. 'n Administrasie wat op grond van 'n proefneming tot die gevolgtrekking kom dat 'n besondere stelsel minstens dieselfde mate van veiligheid en besoedelingsvoorkoming sal bied as waarvoor dié Regulasies voorsiening maak, kan skepe wat daarop geregtig is om onder sy vlag te vaar, magtig om sodanige stelsel vir 'n onbepaalde tyd te gebruik, behoudens die volgende vereistes:

- (a) Die Administrasie moet, nadat die uitslae van die proefneming ooreenkomstig paragraaf 5 voorgelê is, besonderhede aan die Organisasie verskaf van enige sodanige magtiging, met inbegrip van identifikasie van die bepaalde skepe wat aan die magtiging onderworpe mag wees, en die Organisasie moet dié inligting aan alle Partye versprei;
- (b) enige operasies kragtens dié paragraaf gemagtig, moet verrig word ooreenkomstig riglyne wat deur die Organisasie ontwikkel mag word, in dieselfde mate as wat hulle tydens 'n proefneming van toepassing is;
- (c) sodanige operasies moet enige besware wat van ander Administrasies ooreenkomstig paragraaf 7 ontvang is, eerbiedig, in die mate wat sodanige besware nie teruggetrek is nie; en
- (d) 'n operasie wat kragtens dié paragraaf gemagtig is, mag slegs toegelaat word hangende 'n bepaling van die Komitee vir die Veiligheid van Seeliede met betrekking tot die vraag of 'n wysiging van die Konvensie gepas sou wees, en, indien wel, of die operasie opgeskort moet word of toegelaat moet word om voort te gaan voordat die wysiging in werking tree. Op versoek van enige Party moet die Komitee vir die Veiligheid van Seeliede 'n datum vasstel vir die oorweging van die uitslae van 'n proefneming en vir die toepaslike bepalings."

Wysiging van Byvoegsel by Regulasie II/2 van Hoofstuk II van Aanhangel by Konvensie

6. Die Byvoegsel by Regulasie II/2 van Hoofstuk II van die Aanhangel by die Konvensie word hierby gewysig—

- (a) deur subparagraaf (j) van paragraaf 7 deur die volgende subparagraaf te vervang:
“(j) voorsorg by die manewrering vir die tewaterlating van **[bote of reddingsvlotte]** oorlewingsvaartuie of reddingsbote in gure weer;”;
- (b) deur subparagraaf (k) van paragraaf 7 deur die volgende subparagraaf te vervang:
“(k) metodes waarvolgens oorlewendes van oorlewingsvaartuie of reddingsbote **[of reddingsvlotte]** aan boord geneem kan word;”;
- (c) deur subparagraaf (e) van paragraaf 8 deur die volgende subparagraaf te vervang:
“(e) Kennis van die **[IMCO-aanbevelings]** aanbevelings van die Organisasie betreffende skeepstabiliteit.”;
- (d) deur die opskrif by paragraaf 16 deur die volgende opskrif te vervang:
“**[Kommunikasie]** Radiokommunikasie en visuele seinwerk”;
- (e) deur subparagrafe (b) en (c) van paragraaf 16 deur die volgende subparagrafe te vervang:
“(b) Kennis van die gebruiklike prosedures by **[radiotelefoonkommunikasie]** radiokommunikasie en die vermoë om **[radiotelefone]** radiotoerusting te gebruik **[in die besonder ten opsigte van]** vir nood-, spoed-, veiligheids- en navigasiebe- rigte.
(c) Kennis van die prosedures vir dringende noodseine **[per radiotelegrafie]** soos voorgeskryf in die Radioregulasies.”;
- (f) deur paragraaf 17 deur die volgende paragraaf te vervang:

“17. Lewensredding.

Deeglike kennis van reddingstoestelregulasies (Internasionale Konvensie vir die Beveiliging van Menselewe op See), organiserings van skipverlatingsoefeninge, oorlewingsvaartuie, reddingsbote, **[reddingsvlotte]** en ander reddingstoestelle.”;

- (g) deur in paragraaf 18 die uitdrukking “IMCO” te skrap; en

- (h) deur subparagraaf (f) van paragraaf 19 deur die volgende subparagraaf te vervang:

“(f) Lewensredding:

Tewaterlating en hantering van oorlewingsvaartuie, reddingsbote en ander reddingstoestelle, insluitende die aantrek van reddingsbaadjies.”.

Amendment of Appendix to Regulation II/4 of Chapter II of Annex to Convention

7. The Appendix to Regulation II/4 of Chapter II of the Annex to the Convention is hereby amended—

- (a) by the substitution for the heading of paragraph 10 of the following heading:
“**[Radiotelephony] Radiocommunications and visual signalling**”;
- (b) by the substitution for subparagraph (c) of paragraph 10 of the following subparagraph:
“(c) Knowledge of procedures used in **[radiotelephone communications]** radio-communications and ability to use **[radiotelephones, in particular with respect to] radio equipment for distress, urgency, safety and navigational messages.**”;
- (c) by the substitution for paragraph 12 of the following paragraph:

“12. *Life-saving.*

Ability to organize abandon ship drills and knowledge of the operation of **[lifeboats, liferafts, buoyant apparatus and similar life-saving appliances along with] survival craft and rescue boats, their launching appliances and arrangements, and their equipment, including [portable radio apparatus and] radio life-saving appliances, satellite emergency position-indicating radio beacons (EPIRBs), immersion suits and thermal protective aids.** Knowledge of survival at sea techniques.”;

- (d) by the substitution in paragraph 13 for the expression “ILO/IMCO” of the expression “ILO/IMO”;
- (e) by the deletion in paragraph 16 of the expression “IMCO” ; and
- (f) by the deletion in paragraph 20 of the expression “IMCO”.

Amendment of Regulation II/6 of Chapter II of Annex to Convention

8. Regulation II/6 of Chapter II of the Annex to the Convention is hereby amended by the substitution for item (vii) of subparagraph (d) of paragraph 2 of the following item:

- “(vii) knowledge of **[pyrotechnic distress] rocket parachute flares, hand flares and buoyant smoke signals;**”.

Substitution of Chapter IV of Annex to Convention

9. The following Chapter is hereby substituted for Chapter IV of the Annex to the Convention:

“CHAPTER IV**RADIO [DEPARTMENT] PERSONNEL****[RADIO WATCHKEEPING AND MAINTENANCE]***Explanatory note*

Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and in the International Convention for the Safety of Life at Sea, 1974, as amended. Provisions for radio maintenance are set forth in the International Convention for the Safety of Life at Sea, 1974, as amended, and the guidelines adopted by the Organization.

REGULATION IV/1*Application*

1. The provisions of this Chapter shall apply to radio personnel in a ship operating in the global maritime distress and safety system (GMDSS) as prescribed by the International Convention for the Safety of Life at Sea, 1974, as amended.

2. Until 1 February 1999, radio personnel on a ship complying with the provisions of the International Convention for the Safety of Life at Sea, 1974, in force prior to 1 February 1992, shall comply with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, in force prior to 1 December 1992.

REGULATION [IV/1] IV/2*Mandatory minimum requirements for certification of GMDSS radio [officers]**personnel*

1. Every radio [officer] operator in charge of, or performing, **[radio] radiocommunication duties**

Wysiging van Byvoegsel by Regulasie II/4 van Hoofstuk II van Aanhangsel by Konvensie

7. Die Byvoegsel by Regulasie II/4 van Hoofstuk II van die Aanhangsel by die Konvensie word hierby gewysig—

- (a) deur die opskrif by paragraaf 10 deur die volgende opskrif te vervang:
“[Radiotelefonie] Radiokommunikasie en visuele seinwerk”;
- (b) deur subparagraaf (c) van paragraaf 10 deur die volgende subparagraaf te vervang:
“(c) Kennis van gebruiklike prosedures by [radiotelefoniekommunikasie] radiokommunikasie en die vermoë om [radiotelefone] radiotoerusting te gebruik [in die besonder ten opsigte van] vir nood-, spoed-, veiligheids- en navigasieberigte.”;
- (c) deur paragraaf 12 deur die volgende paragraaf te vervang:

“12. Lewensredding.

Vermoë om skeepsontuimingsoefeninge te organiseer en kennis van die werking van oorlewingsvaartuie en reddingsbote, [reddingsvlotte, dryftoestelle en soortge-lyke reddingstoestelle] hul tewaterlatingstoestelle en -reëlins tesame met hulle toerusting, met inbegrip van [draagbare radio-apparaat en] radiolebensreddings-toestelle, satelliet nood-posisieaanduidingsradiobakens [EPIRBs] (NPARB's), dompelpakke en termiese beskermingshulpmiddels. Kennis van oorlewingssteg-nieke ter see.”;

- (d) deur in paragraaf 13 die uitdrukking “IAO/IMCO” deur die uitdrukking “IAO/IMO” te vervang;
- (e) deur in paragraaf 16 die uitdrukking “IMCO” te skrap; en
- (f) deur in paragraaf 20 die uitdrukking “IMCO” te skrap.

Wysiging van Regulasie II/6 van Hoofstuk II van Aanhangsel by Konvensie

8. Regulasie II/6 van Hoofstuk II van die Aanhangsel by die Konvensie word hierby gewysig deur item (vii) van subparagraaf (d) van paragraaf 2 deur die volgende item te vervang:

- “(vii) kennis van [vuurwerk-noodseine] vuurpylvalskermfakkels, handfakkels en drywende rookseine.”;

Vervanging van Hoofstuk IV van Aanhangsel by Konvensie

9. Hoofstuk IV van die Aanhangsel by die Konvensie word hierby deur die volgende Hoofstuk vervang:

“HOOFSTUK IV

[RADIO-AFDELING] RADIOPERSONEEL

[RADIOWAGHOUDING EN -INSTANDHOUDING]

Verduidelikende nota

Verpligte bepalings betreffende radiowaghouding word uiteengesit in die Radioregulasies en in die Internasionale Konvensie vir die Beveiliging van Menselewens op See, 1974, soos gewysig. Bepalings betreffende radio-instandhouding word uiteengesit in die Internasionale Konvensie vir die Beveiliging van Menselewens op See, 1974, soos gewysig, asook in die riglyne deur die Organisasie aangeneem.

REGULASIE IV/1

Toepassing

1. Die bepalings van hierdie Hoofstuk is van toepassing op radiopersoneel op 'n skip wat vaar binne die globale maritieme nood- en veiligheidstelsel (GMNVS), voorgeskryf deur die Internasio-nale Konvensie vir die Beveiliging van Menselewens op See, 1974, soos gewysig.

2. Tot 1 Februarie 1999 moet radiopersoneel op 'n skip wat voldoen aan die bepalings van die Internasionale Konvensie vir die Beveiliging van Menselewens op See, 1974, van krag voor 1 Februarie 1992, voldoen aan die bepalings van die Internasionale Konvensie insake Standaarde van Opleiding, Diplomerings en Waghouding vir Seevaarders, 1978, van krag voor 1 Desember 1992.

REGULASIE [IV/1] IV/2

Verpligte minimum vereistes vir diplomerings van [radio-offisiere]

GMNVS-radiopersoneel

1. Elke [radio-offisier] radio-operateur in bevel van [radiodienste] radiokommunikasie of wat [radiopligte] radiokommunikasiepligte op 'n skip uitvoer, moet oor 'n toepaslike sertifikaat of

Act No. 16, 1995

TRANSPORT GENERAL AMENDMENT ACT, 1995

[in] on a ship shall hold an appropriate certificate or certificates issued or recognized by the Administration under the provisions of the Radio Regulations **[,and have adequate qualifying service]**.

2. In addition, a radio **[officer]** operator on a ship which is required by the International Convention for the Safety of Life at Sea, 1974, as amended, to have a radio installation, shall—

- (a) be not less than 18 years of age;
- (b) satisfy the Administration as to medical fitness, particularly regarding eyesight, hearing and speech;
- (c) meet the requirements of the Appendix to this Regulation.

3. Every candidate for a certificate shall be required to pass an examination or examinations to the satisfaction of the Administration **[concerned]**.

4. The level of knowledge required for certification shall be sufficient for **[the]** radio **[officer]** operators to carry out **[his radio]** their radiocommunication duties safely and efficiently. The knowledge required for obtaining each type of certificate defined in the Radio Regulations shall be in accordance with those Regulations. In addition, for all types of certificates defined in the Radio Regulations, the required knowledge and training shall include the subjects listed in the Appendix to this Regulation. In determining the appropriate level of knowledge and training, the Administration shall also take into account the relevant recommendations of the Organization.

APPENDIX TO REGULATION **[IV/1]** IV/2Minimum additional knowledge and training requirements for radio **[officers]** personnel

1. In addition to satisfying the requirements for the issue of a certificate in compliance with the Radio Regulations, radio **[officers]** operators shall have knowledge and training, including practical training, in the following:

- (a) The provision of radio services in emergencies, including—
 - (i) abandon ship;
 - (ii) fire aboard ship;
 - (iii) partial or full breakdown of the radio **[station]** installations;
- (b) the operation of **[lifeboats, liferafts, buoyant apparatus]** survival craft and rescue boats and their equipment, with special reference to **[portable and fixed lifeboat]** radio **[apparatus and emergency position-indicating radio beacons]** life-saving appliances;
- (c) survival at sea;
- (d) first aid;
- (e) fire prevention and fire-fighting, with particular reference to the radio installations;
- (f) preventive measures for the safety of ship and personnel in connection with hazards related to radio equipment, including electrical, radiation, chemical and mechanical hazards;
- (g) the use of the **[IMCO]** Merchant Ship Search and Rescue Manual (MERSAR) with particular reference to radiocommunications;
- (h) ship position-reporting systems and procedures;
- (i) the use of the International Code of Signals and the **[IMCO]** Standard Marine Navigational Vocabulary;
- (j) radio medical systems and procedures.

2. The Administration may vary, as appropriate, the knowledge and training required by paragraph 1 for the issue of a radio operator's certificate to a holder of a certificate issued under the provisions of Chapter II, III or VI, provided the Administration is satisfied that the standard of training or level of knowledge for the issue of the certificate held is adequate.

REGULATION **[IV/2]** IV/3*Mandatory minimum requirements to ensure the continued proficiency and updating of knowledge for GMDSS radio **[officers]** personnel*

1. Every radio **[officer]** operator holding a certificate or certificates issued or recognized by the Administration shall, in order to continue to qualify for seagoing service, be required to satisfy the Administration as to the following:

- (a) Medical fitness, particularly regarding eyesight, hearing and speech, at regular intervals not exceeding five years; and
- (b) professional competence—
 - (i) by performing radio service in a seagoing ship with no single service interruption exceeding five years; or
 - (ii) by virtue of having performed functions relating to the duties appropriate to the

sertifikate beskik, uitgereik of erken deur die Administrasie ingevolge die bepalings van die Radioregulasies **[en oor voldoende kwalifiserende diens]**.

2. Daarbenewens moet 'n **[radio-offisier]** radio-operateur op 'n skip wat kragtens die Internasionale Konvensie vir die Beveiliging van Menselewens op See, 1974, soos gewysig, oor 'n radio-installasie moet beskik—

- (a) minstens 18 jaar oud wees;
- (b) die Administrasie oortuig van sy mediese geskiktheid, veral betreffende gesig, gehoor en spraak;
- (c) voldoen aan die bepalings van die Byvoegsel **[van]** by hierdie Regulasie.

3. **[Van]** Elke kandidaat vir 'n sertifikaat moet **[daar vereis word dat hy]** tot tevredenheid van die **[betrokke]** Administrasie in 'n eksamen of eksamens slaag.

4. Die vereiste kennisvlak vir diplomering moet voldoende wees sodat **[die radio-offisier sy radiopligte]** radio-operateurs hulle radiokommunikasiepligte veilig en doeltreffend kan uitvoer. Die kennis wat vereis word vir die verwerwing van elke tipe sertifikaat omskryf in die Radioregulasies, moet in ooreenstemming wees met daardie Regulasies. Daarbenewens moet die vereiste kennis en opleiding vir alle tipes sertifikate wat in die Radioregulasies omskryf word die vakke insluit wat in die Byvoegsel by hierdie Regulasie aangegee word. By die vasstelling van die toepaslike kennis- en opleidingsvlak moet die Administrasie ook rekening hou met die toepaslike aanbevelings van die Organisasie.

BYVOEGSEL **[VAN]** BY REGULASIE **[IV/1]** IV/2

Minimum bykomende kennis- en opleidingsvereistes vir **[radio-offisiere]** radiopersoneel

1. Benewens te voldoen aan die vereistes vir die uitreiking van 'n sertifikaat ooreenkomstig die Radioregulasies moet **[radio-offisiere]** radio-operateurs oor kennis en opleiding, insluitende praktiese opleiding, in die volgende beskik:

- (a) Die verskaffing van radiodienste in noodgevalle, met inbegrip van—
 - (i) verlating van die skip;
 - (ii) brand aan boord;
 - (iii) gedeeltelike of algehele onklaarraking van die **[radiostasie]** radio-installasies;
- (b) die **[bediening]** werking van oorlewingsvaartuie en reddingsbote **[reddingsvlotte, dryf-toestelle]** en hul toerusting, met besondere aandag aan **[draagbare en vaste reddingsbootradio-apparaat en nood-posisieaanduidingradiobakens]** radiolebensreddings-toestelle;
- (c) oorlewing ter see;
- (d) noodhulp;
- (e) brandvoorkoming en brandbestryding, met besondere aandag aan die radio-installasies;
- (f) voorkomingsmaatreëls vir die veiligheid van die skip en personeel in verband met gevare verbonde aan **[radioapparaat, insluitende]** radiotoerusting, met inbegrip van elektriese, stralings-, chemiese en meganiese gevare;
- (g) die gebruik van die **[IMCO]** Merchant Ship Search and Rescue Manual (MERSAR), met besondere aandag aan radiokommunikasie;
- (h) skeepsposisie-aanmeldingstelsels en -prosedures;
- (i) die gebruik van die International Code of Signals en die **[IMCO]** Standard Marine Navigational Vocabulary;
- (j) radiomediese stelsels en prosedures.

2. Die Administrasie kan, soos toepaslik, die kennis en opleiding wat by paragraaf 1 vereis word vir die uitreiking van 'n radio-operateursertifikaat aan 'n houer van 'n sertifikaat wat kragtens die bepalings van Hoofstuk II, III of VI uitgereik is, wysig, met dien verstande dat die Administrasie daarvan oortuig is dat die opleidingstandaard of die kennisvlak vir die uitreiking van die sertifikaat wat gehou word, voldoende is.

REGULASIE **[IV/2]** IV/3

*Verpligte minimum vereistes om die voortgesette bedrewenheid en bywerking van kennis van **[radio-offisiere]** GMNVS-radiopersoneel te verseker*

1. Van elke **[radio-offisier]** radio-operateur wat beskik oor 'n sertifikaat of sertifikate **[beskik uitgereik of erken]** deur die Administrasie **[moet]** uitgereik of erken, word daar, ten einde hom steeds vir diens op see te laat kwalifiseer, vereis **[word]** dat hy die Administrasie oortuig van die volgende:

- (a) Mediese geskiktheid, veral betreffende gesig, gehoor en spraak, met gereelde tussenpose van hoogstens vyf jaar; en
- (b) professionele bekwaamheid—
 - (i) deur radiodienste te verrig op 'n seeskop met geen enkele diensonderbreking van langer as vyf jaar nie; of
 - (ii) deur werksaamhede te verrig het met betrekking tot die pligte van toepassing op

grade of certificate held which are considered to be at least equivalent to the seagoing service required in paragraph 1(b)(i); or

- (iii) by passing an approved test or successfully completing an approved training course or courses at sea or ashore which shall include those elements which are of direct relevance to the safety of life at sea, and which are applicable for the certificate that the person is holding, in accordance with the requirements of the International Convention for the Safety of Life at Sea, 1974, as amended, and the Radio Regulations.

2. When new modes, equipment or practices are **[being introduced]** to become mandatory aboard ships entitled to fly **[its]** the flag of a Party, the Administration may require radio **[officers]** operators to pass an approved test or successfully complete an appropriate training course or courses, at sea or ashore, with particular reference to safety duties.

3. Every radio **[officer shall]** operator, in order to continue to qualify for seagoing service on board particular types of ships for which special training requirements have been internationally agreed upon, shall successfully complete approved relevant training or examinations which shall take into account relevant international regulations and recommendations.

4. The Administration shall ensure that the texts of recent changes in international regulations relating to radiocommunications and relevant to the safety of life at sea, are available to ships **[under]** entitled to fly its **[jurisdiction]** flag.

5. Administrations are encouraged, in consultation with those concerned, to formulate or promote the formulation of a structure of refresher and updating courses, either voluntary or mandatory, as appropriate, at sea or ashore, for radio **[officers]** operators who are serving at sea and especially for re-entrants to seagoing service. The course or courses **[shall]** should include elements that are of direct relevance to radio duties and include changes in marine radiocommunication technology and relevant international regulations and recommendations concerning the safety of life at sea.”.

Amendment of Regulation VI/1 of Chapter VI of Annex to Convention

10. Regulation VI/1 of Chapter VI of the Annex to the Convention is hereby amended—

- (a) by the substitution for the heading of the following heading:
“*Mandatory minimum requirements for the issue of certificates of proficiency in survival craft and rescue boats*”;
- (b) by the substitution for subparagraphs (iii), (iv) and (v) of paragraph (e) of the following subparagraphs:
“(iii) interpret the markings on survival craft and rescue boats with respect to the number of persons they are permitted to carry;
(iv) make the correct commands required for launching and boarding the survival craft and rescue boats, clearing the ship and handling and disembarking from the survival craft or rescue boats;
(v) prepare and launch survival craft and rescue boats safely into the water and clear the ship’s side quickly;”;
- (c) by the substitution for subparagraphs (viii) and (ix) of paragraph (e) of the following subparagraphs:
“(viii) use signalling equipment, including **[pyrotechnics]** rocket parachute flares, hand flares and buoyant smoke signals;
(ix) use **[portable]** radio **[equipment for survival craft]** life-saving appliances;” and
- (d) by the addition to paragraph (e) of the following subparagraph:
“(x) don and use an immersion suit; use a thermal protective aid.”.

Amendment of Appendix to Regulation VI/1 of Chapter VI of Annex to Convention

11. The Appendix to Regulation VI/1 of Chapter VI of the Annex to the Convention is hereby amended—

- (a) by the substitution for the heading of the following heading:
“Minimum knowledge required for the issue of certificates of proficiency in survival craft and rescue boats”;
- (b) by the substitution for subparagraph (c) of paragraph 2 of the following subparagraph:
“(c) actions to be taken when called to survival craft and rescue boat stations;”;
- (c) by the substitution for subparagraph (f) of paragraph 2 of the following subparagraph:
“(f) actions to be taken when aboard a survival craft or rescue boat;”;
- (d) by the substitution for paragraphs 5, 6, 7 and 8 of the following paragraphs:
“5. Construction and outfit of survival craft and rescue boats and individual items of their equipment.

- (iii) die graad sertifikaat waaroor beskik word wat beskou word as minstens gelykstaande met die seediens in paragraaf 1(b)(i) vereis; of deur in 'n goedgekeurde toets te slaag of met welslae 'n goedgekeurde opleidingskursus of -kursusse op see of aan wal te deurloop, wat dié elemente moet insluit wat direk betrekking het op die veiligheid van menselewens op see, en wat van toepassing is vir die sertifikaat waaroor die persoon beskik, ooreenkomstig die vereistes van die Internasionale Konvensie vir die Beveiliging van Menselewens op See, 1974, soos gewysig, en die Radioregulasies.

2. Wanneer nuwe metodes, toerusting of praktyke **[ingevoer]** verpligtend word aan boord van skepe wat daarop geregtig is om onder **[sy]** die vlag van 'n Party te vaar, kan die Administrasie vereis dat **[radio-offisiere]** radio-operateurs in 'n goedgekeurde toets slaag of 'n toepaslike opleidingskursus of -kursusse op see of aan wal met welslae deurloop, met besondere aandag aan veiligheidspligte.

3. Elke **[radio-offisier]** radio-operateur moet, ten einde steeds vir diens op see te kwalifiseer aan boord van besondere tipes skepe ten opsigte waarvan daar internasionaal op spesiale opleidingsvereistes besluit is, met welslae goedgekeurde toepaslike opleiding deurloop of eksamens aflê wat rekening hou met die toepaslike internasionale regulasies en aanbevelings.

4. Die Administrasie moet toesien dat die tekste van onlangse wysigings in internasionale regulasies betreffende radiokommunikasie en wat vir die veiligheid van menselewens op see van belang is, beskikbaar is vir skepe wat daarop geregtig is om onder sy [jurisdiksie beskikbaar is] vlag te vaar.

5. Administrasies word aangemoedig om, in oorleg met die betrokke instansies, 'n struktuur van opknappings- en bygewerkte kursusse, óf vrywillig óf verpligtend, na gelang van die geval, op see of aan wal, te formuleer of die formulering daarvan te bevorder, vir **[radio-offisiere]** radio-operateurs in diens op see en veral vir seevaarders wat terugkeer seediens toe. Die kursus of kursusse moet elemente insluit wat van direkte belang vir radiopligte is en veranderings insluit in marineradio-kommunikasietegnologie en in toepaslike internasionale regulasies en aanbevelings betreffende die veiligheid van menselewens op see.”

Wysiging van Regulasie VI/1 van Hoofstuk VI van Aanhangsel by Konvensie

10. Regulasie VI/1 van Hoofstuk VI van die Aanhangsel by die Konvensie word hierby gewysig—

- (a) deur die opskrif deur die volgende opskrif te vervang:
“Verpligte minimum vereistes vir die uitreiking van bedrewenheidsertifikate met betrekking tot oorlewingsvaartuie en reddingsbote”;
- (b) deur subparagrafe (iii), (iv) en (v) van paragraaf (e) deur die volgende subparagrafe te vervang:
 “(iii) die merktekens op oorlewingsvaartuie en reddingsbote reg te vertolk met betrekking tot die getal persone wat op hulle toegelaat word;
 (iv) die korrekte bevel uit te reik wat nodig is vir die tewaterlating en aanboordgaan van die **[oorlewingsvaartuig]** oorlewingsvaartuie en reddingsbote, vir die ont-ruiming van die skip en vir die hantering van die **[oorlewingsvaartuig]** oorlewingsvaartuie of reddingsbote en om daaruit aan wal te gaan;
 (v) oorlewingsvaartuie en reddingsbote voor te berei en veilig te water te laat en vinnig van die skip se kant af weg te kom;”;
- (c) deur subparagrafe (viii) en (ix) van paragraaf (e) deur die volgende subparagrafe te vervang:
 “(viii) seinapparaat, insluitende **[vuurwerk]** vuurpylvalskermfakkels, handfakkels en drywende rookseine, te gebruik;
 (ix) **[draagbare radio-apparaat vir oorlewingsvaartuie]** radioleuensreddingstoestelle te gebruik;”;
- (d) deur die volgende subparagraaf by paragraaf (e) te voeg:
 “(x) 'n dompelpak aan te trek en te gebruik; 'n termiese beskermingshulpmiddel te gebruik.”

Wysiging van Byvoegsel by Regulasie VI/1 van Hoofstuk VI van Aanhangsel by Konvensie

11. Die Byvoegsel by Regulasie VI/1 van Hoofstuk VI van die Aanhangsel by die Konvensie word hierby gewysig—

- (a) deur die opskrif deur die volgende opskrif te vervang:
“Minimum kennis vereis vir die uitreiking van bedrewenheidsertifikate met betrekking tot oorlewingsvaartuie en reddingsbote”;
- (b) deur subparagraaf (c) van paragraaf 2 deur die volgende subparagraaf te vervang:
 “(c) stappe wat gedoen moet word wanneer seevaarders na **[oorlewingsvaartuigstasies]** oorlewingsvaartuig- en reddingsbootstasies opgeroep word;”;
- (c) deur subparagraaf (f) van paragraaf 2 deur die volgende subparagraaf te vervang:
 “(f) stappe wat aan boord van 'n oorlewingsvaartuig of reddingsboot gedoen moet word;”;
- (d) deur paragrafe 5, 6, 7 en 8 deur die volgende paragrafe te vervang:
 “5. Konstruksie en uitrusting van oorlewingsvaartuie en reddingsbote en individuele items in hulle toerusting.

6. Particular characteristics and facilities of survival craft and rescue boats.
7. Various types of devices used for launching survival craft and rescue boats.
8. Methods of launching survival craft **[into a]** and rescue boats in rough sea.";
- (e) by the substitution for paragraph 10 of the following paragraph:
"10. Handling survival craft and rescue boats in rough weather."; and
- (f) by the substitution for paragraphs 15, 16, 17, 18 and 19 of the following paragraphs:
"15. Radio **[devices]** life-saving appliances carried in survival craft and rescue boats,
including satellite emergency position-indicating radio beacons.
16. Effects of hypothermia and its prevention; use of protective covers and protective
garments, including immersion suits and thermal protective aids.
17. Methods of starting and operating a survival craft or rescue boat engine and its
accessories together with the use of the fire extinguisher provided.
18. Use of **[emergency]** rescue boats and **[motor]** lifeboats for marshalling liferafts and
rescue of survivors and persons in the sea.
19. Beaching **[a]** survival craft and rescue boats.".

6. Besondere kenmerke en geriewe van oorlewingsvaartuie en reddingsbote.
7. Verskeie tipes toestelle wat gebruik word vir die tewaterlating van oorlewingsvaartuie en reddingsbote.
8. Metodes om oorlewingsvaartuie en reddingsbote in onstuimige see te water te laat.”;
- (e) deur paragraaf 10 deur die volgende paragraaf te vervang:
“10. Hantering van oorlewingsvaartuie en reddingsbote in stormagtige weer.”; en
- (f) deur paragrawe 15, 16, 17, 18 en 19 deur die volgende paragrawe te vervang:
“15. **[Radiotoestelle]** Radiolebensreddingstoestelle wat aan boord van oorlewingsvaartuie en reddingsbote gehou word, insluitende satelliet nood-posisie-aanduidingradiobakens.
16. Uitwerking van hipotermie en die voorkoming daarvan; gebruik van beskermende bedekkings en beskermende kledingstukke, insluitende dompelpakke en termiese beskermingshulpmiddels.
17. Metodes om ’n [oorlewingsvaartuigenjin] oorlewingsvaartuig- of reddingsbootenjin aan die gang te sit en te bedien, en [sy] die bybehore daarvan tesame met die gebruik van die brandblusser wat verskaf word.
18. Gebruik van [noodbote en motorreddingsbote] reddingsbote vir die opstelling van reddingsvloot en redding van oorlewendes en persone in die see.
19. Die op-die-strand-stuur van [’n oorlewingsvaartuig] oorlewingsvaartuie en reddingsbote.”.

