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DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VERVOER

No. R. 497

26 April 2002

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

SHIP REGISTRATION REGULATIONS, 2002

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

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*Regulation
No.*

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PART 1**GENERAL****Title and commencement**

1. These regulations are called the Ship Registration Regulations, 2002, and come into operation on the date of commencement of the Act.

Interpretation

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

"address", in relation to—

- (a) a natural person, means the place at which, for the time being, the person resides;
- (b) a company incorporated in the Republic, means the place that is, for the time being, the registered office of the company; and
- (c) a person other than a person referred to in paragraph (a) or (b), means the place that is, for the time being, the principal place of business of the person in the Republic or, if that person has no place of business in the Republic, the principal place of business of that person;

"call sign", in relation to a ship, means the call sign for the time being of the radio station (if any), or the principal radio station, of the ship;

"certificate of competency" means—

- (a) a certificate as master issued under the Merchant Shipping Act, 1951; or
- (b) a certificate recognized for the purposes of that Act as equivalent to a certificate of the kind referred to in paragraph (a);

"corporation" means a person other than a natural person;

"home port", in relation to a ship, means the port that is, for the time being, entered in the Register as the home port of the ship;

"length", in relation to a ship, means the overall length of the ship as determined in accordance with regulation 4;

"moulded depth" of a part of a ship, means the vertical distance measured at that part of the ship from the top of the keel to the underside of the upper deck at side, except that—

- (a) if the ship is constructed of wood or composite material, the distance is measured from the lower edge of the keel rabbet; and
- (b) if the form of the lower part of the midship section of the ship is of a hollow character or if thick garboards are fitted, the distance is measured from the point at which the line of the flat of the bottom, continued inwards, intersects the side of the keel; and
- (c) if the ship has rounded gunwales, the distance is measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design; and
- (d) if the upper deck of the ship is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part;

"moulded depth amidst hips", in relation to a ship, means the moulded depth of the ship—

- (a) in the case of a ship other than a ship referred to in paragraph (b), in the vertical plane that intersects the centreline plane of the ship at right angles midway between the vertical lines referred to in regulation 4(1)(a) and (b); or
- (b) in the case of a ship in relation to which the Registrar has made a determination under regulation 4(2), in such vertical plane as the Registrar determines for the purposes of this paragraph in relation to that ship;

"name", in relation to—

- (a) a natural person, means the full given names and surname of the person;
- (b) a corporation, means the full name of the corporation;
- (c) a registered ship, means the name by which the ship is for the time being registered; or
- (d) an unregistered ship, means the name (if any) by which the ship is for the time being known;

"official number", in relation to a registered ship, means the number by which the ship is identified in the Register;

"place of construction", in relation to a ship, means the place at which construction of the hull commenced;

"prescribed characteristics", in relation to a ship, means the characteristics specified in Annex 1;

"repealed law" has the same meaning as in item 1(b) of Schedule 3 to the Act;

"the Act" means the Ship Registration Act, 1998 (Act No. 58 of 1998);

"tonnage certificate", in relation to a ship, means a certificate relating to the tonnage measurement of the ship issued under, or otherwise having effect by virtue of, the Merchant Shipping Act, 1951.

(2) For the purposes of these regulations, strict compliance with a prescribed form is not required and substantial compliance is sufficient.

(3) For the purposes of these regulations, the construction of a ship is taken to have been completed when the ship becomes capable of navigation by water, whether under its own power or otherwise.

(4) A reference in these regulations to a numbered form is to be read as a reference to the form so numbered in Annex 2.

Ships prescribed for purposes of section 1(6)(b) of Act

3. For the purposes of section 1(6)(b) of the Act, there are prescribed the following classes of ships:

- (a) fishing vessels;
- (b) ships other than fishing vessels, being—
 - (i) ships of less than 500 gross tonnage;
 - (ii) ships not propelled by mechanical means;
 - (iii) ships on bareboat charter where, in the opinion of the Registrar, the period of the bareboat charter is less than two years.

Determination of overall length

4. (1) For the purposes of these regulations, the overall length of a ship is, subject to subregulation (2), to be ascertained by measuring the distance between—

- (a) a vertical line passing through a point, being the foremost part of the stem; and
- (b) a vertical line passing through a point, being the aftermost part of the stern.

(2) Where, because of the nature of the constructional features of a ship, it is, in the opinion of the Registrar, impracticable to ascertain the overall length of the ship in accordance with subregulation (1), the overall length of the ship is to be ascertained in such manner as the Registrar determines.

Signature of documents

5. (1) Subject to this regulation, a document that is required by the Act or by these regulations to be lodged with, or produced to, the Registrar or a proper officer (including an instrument of appointment for the purposes of subregulation (3) or (4)) is taken, for the purposes of these regulations, to have been duly signed by a person if—

- (a) the document is dated and is signed, in the presence of a witness—

- (i) where that person is a natural person, by that person; or
- (ii) where that person is a corporation, by an officer of the corporation; and
- (b) there is subscribed to the signature of the signatory referred to in paragraph (a)—
 - (i) the signature of the witness;
 - (ii) a legible statement of the name and address of the witness; and
 - (iii) where that signatory is a person referred to in subparagraph (a)(ii), a legible statement of the name and designation of the signatory.

(2) Nothing in subregulation (1) prevents the signature on behalf of a person of a document by an attorney under power; but, where a document is so signed, the power of attorney must be produced for noting upon the lodgment of the document in accordance with the Act or these regulations.

(3) Subject to subregulation (5), subregulations (1) and (2) apply in relation to a document that is required by a provision of these regulations to be duly signed by the owner of a ship as if the reference in that provision to the owner of the ship were a reference—

- (a) in the case of a ship that belongs to one person only, to that person or to a person appointed by that person in accordance with subregulation (4) for the purposes of this subregulation; or
- (b) in the case of a ship that belongs to more than one person, to a person appointed in accordance with subregulation (4) for the purposes of this subregulation by persons who are the owners of interests in the ship the sum of which is equal to not less than 33 shares in the property in the ship.

(4) The appointment of a person for the purposes of subregulation (3) must be in writing and—

- (a) must specify the ship to which it relates;
- (b) must be duly signed by each person making the appointment; and
- (c) where the appointment is made by more than one person, may consist of several documents in like form, each duly signed by one or more of those persons.

(5) Where a document is signed by a person appointed for the purposes of subregulation (3), the instrument of appointment of that person must be produced for noting upon the lodgment or production of the first-mentioned document in accordance with the Act or these regulations.

Witnessing of documents

6. Where the signature on any document made under these regulations is required to be witnessed, any witness to the signature must be a person of full age and may not be the spouse of the signatory.

Specification of nationality of corporations

7. A requirement in these regulations for the specification in a document of the nationality of a person and the grounds on which the person claims the nationality so specified is satisfied—

- (a) in relation to a corporation, other than a corporation referred to in paragraph (b), (c) or (d), by the insertion in the document of a statement setting out the nature and place of incorporation of the corporation;
- (b) in relation to a trust, by the insertion in the document of a statement setting out—
 - (i) the nationality of each trustee together with a description of that person's powers as a trustee of the trust; and
 - (ii) the nationality of each beneficiary together with a description of that person's beneficial interests in the trust;
- (c) in relation to a Government authority, by the insertion in the document of the words "Government authority"; and
- (d) in relation to a body politic other than the Republic, by the insertion in the document of the words "Foreign Government".

Lodgment of documents

8. A document required by these regulations to be lodged with the Registrar is taken so to have been lodged if the document, addressed to the Registrar, is received, together with any fee payable upon its lodgment—

- (a) at the Registration Office; or
- (b) except in the case of a bill of sale or a mortgage instrument, at a branch office.

Documents not in official language to be accompanied by translation

9. Any document that is not in an official language and is lodged or produced in support of any application under the Act or these regulations must be accompanied by an authentic translation of the document in the English language.

Service, etc of documents

10. (1) Subject to the Act and these regulations, a notice or other document that is required or permitted by the Act or these regulations to be given to, or served on, a person by the Registrar may be so given or served by delivering it, or sending it by properly pre-paid post or by telegram or facsimile transmission, to the person at the address that is last-known to the Registrar as the address of that person.

(2) Service of a notice or other document that is sent to a person by telegram or facsimile in pursuance of subregulation (1) is taken, in the absence of evidence to the

contrary, to have been effected at the time at which the telegram or facsimile would be received in the ordinary course of transmission.

PART 2

SOUTH AFRICAN SHIPS

National flag

11. (1) An application under section 4(5) of the Act is to be made by lodging with the Registrar an application in writing signed in the manner specified in subregulation (2), being an application specifying—

- (a) the name of the ship;
- (b) the port at which the ship is usually berthed or moored;
- (c) a description of the ship, including any identifying markings;
- (d) the name, address and nationality of each person to whom the ship belongs;
- (e) if the application relates to a ship described in section 16(b)(ii) of the Act, the name, address and nationality of each operator of the ship; and
- (f) where a person, being—
 - (i) in the case of an application in relation to a ship described in section 16(a) or (b)(i) of the Act, the person, or one of the persons, to whom the ship belongs; or
 - (ii) in the case of an application in relation to a ship described in section 16(b)(ii) of the Act, the operator, or one of the operators, of the ship,

is not a South African national, information about the status of that person as a resident of the Republic.

(2) An application referred to in subregulation (1) is taken, for the purposes of that subregulation, to have been signed in the manner specified in this subregulation if—

- (a) in the case of an application in relation to a ship described in section 16(a) of the Act, it is duly signed—
 - (i) where the ship belongs to one person only, by that person or by a person appointed by that person in accordance with subregulation (3) for the purposes of this subregulation; or
 - (ii) where the ship belongs to more than one person, by a person appointed in accordance with subregulation (3) for the purposes of this subregulation by the persons to whom the ship belongs;
- (b) in the case of an application in relation to a ship described in section 16(b)(i) of the Act, it is duly signed—
 - (i) where the ship belongs to one person only, by that person or by a person appointed by that person in accordance with subregulation (3) for the purposes of this subregulation; or

- (ii) where the ship belongs to more than one person, by a person appointed in accordance with subregulation (3) for the purposes of this subregulation by the persons to whom the ship belongs; or
- (c) in the case of an application in relation to a ship described in section 16(b)(ii) of the Act, it is duly signed—
 - (i) where the ship is operated by one person only, by that person or by a person appointed by that person in accordance with subregulation (3) for the purposes of this subregulation; or
 - (ii) where the ship is operated by more than one person, by a person appointed in accordance with subregulation (3) for the purposes of this subregulation by the persons operating the ship.
- (3) The appointment of a person for the purposes of subregulation (2) must be in writing and—
 - (a) must specify the ship to which it relates;
 - (b) must be duly signed by each person making the appointment; and
 - (c) where the appointment is made by more than one person, may consist of several documents in like form, each duly signed by one or more of those persons.
- (4) Where an application referred to in subregulation (2) is signed by a person appointed for the purposes of subregulation (3), the instrument of appointment of that person must be produced for noting upon the lodgment of the application.
- (5) A certificate under section 4(5) of the Act must be signed by the Registrar and sealed with the seal of the Registration Office and must—
 - (a) specify the name of the ship and of the port at which it is usually berthed or moored;
 - (b) set out a description of the ship, including any identifying markings;
 - (c) set out the name, address and nationality of the person or persons to whom it is granted and indicate whether the certificate is granted to that person or those persons as owner or owners, or as operator or operators, of the ship; and
 - (d) where the person, or any of the persons, to whom the certificate is granted is not a South African national but is a resident of the Republic, contain a statement to that effect.

PART 3

REGISTRATION OF SHIPS

Division 1—Registration

Registration of certain ships prohibited

12. There is hereby prescribed the following classes of ships the registration of which is prohibited under the Act:

- (a) ships the registration of which is prohibited by section 19(1) of the Act;
- (b) wooden ships of primitive build;
- (c) ships of less than 3 metres in length.

Application for registration

13. (1) Application for the registration of a ship under the Act is to be made by—

- (a) lodging with the Registrar an application in writing for the registration of the ship in accordance with subregulation (3);
- (b) lodging with the Registrar—
 - (i) a document that satisfies, or documents that satisfy, the requirements of subregulation (5) respecting the description of the ship;
 - (ii) a document that satisfies, or documents that satisfy, the requirements of subregulation (6) respecting the ownership of the ship;
 - (iii) where the registration of the ship depends upon its being a ship on bareboat charter to a South African national, a copy of the charterparty;
 - (iv) a declaration of ownership and nationality in accordance with regulation 15;
 - (v) a notice in writing specifying the name and address of the person who will be the registered agent of the ship upon its being registered and duly signed by the owner of the ship and, where the owner is not the person whose name and address are so specified, by that person;
 - (vi) evidence in accordance with regulation 23 that the ship has been marked in accordance with that regulation with marks directed by the Registrar under section 20(1) of the Act; and
- (c) producing to the Registrar, for noting, the licence or other document (if any) authorizing the use of a call sign in relation to the ship.

(2) The documents referred to in subregulation (1)(b) and (c) must be lodged with, or produced to, the Registrar within six months after the lodgment of the application referred to in subregulation (1)(a).

(3) Subject to subregulation (4), an application referred to in subregulation (1)(a) must be duly signed by the owner of the ship and must specify—

- (a) the type of ship (in terms of its purpose);
- (b) the method of propulsion of the ship;
- (c) the length of the ship;
- (d) the principal material of construction of the hull of the ship;
- (e) in order of preference, three proposed names for the ship;
- (f) the proposed home port of the ship;
- (g) the IMO number of the ship (if any);

- (h) where the ship has previously been registered (whether in the Republic or elsewhere), the year in which the ship was last so registered and the following information in relation to the ship when so registered:
 - (i) the register on which the ship was registered;
 - (ii) the official number of the ship;
 - (iii) the registered name of the ship;
 - (iv) the home port, or port of registry, of the ship; and
 - (i) where the ship has not previously been registered in the Republic—
 - (i) the name of the builder of the ship;
 - (ii) the place of construction; and
 - (iii) the builder's identification of the ship or the name (if any) by which the ship is known.
- (4) A statement in an application under subregulation (1) to the effect that the owner of the ship is unable to supply the information, or any part of the information, referred to in paragraph (h) or (i) of subregulation (3), together with a statement of the reason for that inability, is taken, for the purposes of that subregulation, to satisfy the requirements of that paragraph.
- (5) For the purposes of subregulation (1)(b)(i), the requirements of this subregulation respecting the description of a ship are taken to be satisfied—
- (a) where the ship has not previously been registered as mentioned in paragraphs (b) and (c)—
 - (i) by a builder's certificate in accordance with regulation 14; or
 - (ii) where the owner, after taking all reasonable action, is unable to obtain a builder's certificate, by a solemn declaration by a person acquainted with the facts of the matter specifying—
 - (aa) the prescribed particulars of the ship;
 - (bb) such of the other matters required by regulation 14(1) to be specified in a builder's certificate as are known to the person making the solemn declaration; and
 - (cc) the grounds on which that person asserts the veracity of matters specified in pursuance of items (aa) and (bb);
 - (b) where the ship has previously been registered in the Republic, whether under the Act or under Part II of the Merchant Shipping Act, 1951, by a solemn declaration by a person acquainted with the facts of the matter specifying the respects (if any) in which the description of the ship differs from the description of the ship appearing in the Register or a register book, as the case may be, immediately before the ship ceased or last ceased, to be so registered; or
 - (c) where the ship has previously been registered under the provisions of the law of a foreign country relating to the registration of ships in that country and the document (if any) issued under that law that corresponds with a registration certificate contains

the information in respect of the ship that is required to be set out in a builder's certificate prepared in accordance with regulation 14 or any of that information, by—

- (i) that document; and
- (ii) to the extent (if any) to which that document does not contain that information or the information contained in that document is in any respect incorrect, a solemn declaration by a person acquainted with the facts of the matter setting out so much of that information as is not contained, or is incorrectly stated, in that document.

(6) For the purposes of subregulation (1)(b)(ii), the requirements of this subregulation respecting the ownership of a ship are taken to be satisfied—

- (a) where the ship has not previously been registered as mentioned in paragraphs (b) and (c), by—
 - (i) a builder's certificate in accordance with regulation 14; and
 - (ii) the relevant documents relating to any changes in the ownership of the ship, whether occurring before or after the date of that certificate;

or, where the ship was built and acquired by the owner at a place outside the Republic and that certificate or those documents are unavailable, by the document by which the owner of the ship acquired the ownership of the ship;

- (b) where the ship has previously been registered in the Republic, whether under the Act or under Part II of the Merchant Shipping Act, 1951, by the relevant documents relating to any changes in the ownership of the ship that have occurred since the ownership of the ship was as specified in the Register or a register book, as the case may be, immediately before the ship ceased, or last ceased, to be so registered; or
- (c) where the ship has previously been registered under the provisions of the law of a foreign country relating to the registration of ships in that country, by any document that is, under that law, evidence of title to the ship.

(7) A reference in subregulation (6) to the relevant documents in relation to any changes in the ownership of a ship is to be read, in relation to each such change, as a reference to—

- (a) a bill of sale or other document transferring ownership of the ship, being a bill of sale or document signed by each transferor and specifying the name of the ship, the nature and extent of the interest in the ship to which the bill of sale or document relates and the name and address of each transferor and transferee; and
- (b) such of the documents evidencing change of ownership referred to in regulation 31(2) as would be applicable if, at the time of the change, the ship had been registered under the Act.

(8) The requirements of subregulation (5) or (6) respecting the description or ownership of a ship are taken, for the purposes of subregulation (1)(b)(i) or (ii), as the case may be, to be satisfied in relation to any particulars of the description of the ship or of the history of the ownership of the ship in relation to which the applicant for registration is unable to produce a document (other than a solemn declaration) specified in that subregulation by a solemn declaration by a person acquainted with the facts of the matter setting out those particulars of the description of the ship or of the history of the ownership of the ship.

(9) Where, because of the unavailability of a document (including a solemn declaration) referred to in subregulation (6) or (8), the requirements of subregulation (6) respecting the ownership of a ship to which an application under this regulation relates cannot be satisfied, then, subject to subregulation (10), those requirements are taken, for the purposes of subregulation (1)(b)(ii), to be satisfied in relation to that ship by—

- (a) such (if any) of the documents referred to in subregulation (6) and (8) as are available in relation to the ship; and
- (b) a solemn declaration by the person who signed the application stating that, to the best of his or her knowledge, the person in whose name, or the persons in whose names, the ship will, if the application is successful, be registered are lawfully entitled to the ownership of the ship as specified in regulation 15(b) and setting out the grounds for that belief.

(10) The documents referred to in subregulation (9)(a) and (b) are not taken to satisfy the requirements of subregulation (6) respecting the ownership of a ship unless, not less than 30 days before the lodgment of the application, notice, in accordance with Form 1, of intention to make application for the registration of the ship was published in the *Gazette*.

Builder's certificate

14. (1) Subject to subregulation (2), a builder's certificate in relation to a ship must be duly signed by the builder of the ship and must specify—

- (a) the name (if any) of the ship;
- (b) the builder's identification of the ship;
- (c) the date of completion of the ship;
- (d) the place of construction of the ship;
- (e) the name and address of the builder;
- (f) the name and address of the person for whom the ship was built;
- (g) the date on which the ship was delivered or handed over to the person for whom the ship was built; and
- (h) particulars of the prescribed characteristics of the ship.

(2) Where a ship has been built in stages by more than one builder—

- (a) a builder's certificate in relation to the ship may consist of several documents in accordance with subregulation (1), each of which relates to one or more of those stages; and
- (b) a builder's certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, must be duly signed by all of the builders responsible for the building work carried out in those stages.

(3) Without limiting subregulation (2), where a ship that is the subject of an application for registration has been altered (whether by the builder or by another person) after its completion, the ship is taken, for the purposes of that subregulation, to have been built in stages by more than one builder.

Declaration of ownership and nationality

15. For the purposes of regulation 13(1)(b)(iv), a declaration of ownership and nationality must—

- (a) specify the ship to which it relates;
- (b) specify, in relation to each person to whom the ship belongs—
 - (i) the name, address and nationality of the person;
 - (ii) the grounds on which the person claims the nationality so specified;
 - (iiA) where the person is not a South African national, information about the status of that person as a resident of the Republic;
 - (iii) the extent of the interest of the person in the ship; and
 - (iv) the date on which that interest was acquired;
- (bA) if the declaration relates to a ship described in section 16(b)(ii) of the Act, specify, in relation to each operator of the ship—
 - (i) the name, address and nationality of the operator;
 - (ii) the grounds on which the operator claims the nationality so specified; and
 - (iii) where the operator is not a South African national, information about the status of that operator as a resident of the Republic;
- (c) where the registration of the ship under the Act depends upon its being a ship on bareboat charter to a South African national, specify, in relation to each charterer under the charterparty—
 - (i) the name, address and nationality of the charterer; and
 - (ii) the grounds on which the charterer claims the nationality so specified; and
- (d) be duly signed by each person referred to in paragraph (b), (bA) or (c),

and may consist of several documents in like form that, together, contain the information required by paragraphs (a), (b), (bA) and (c) and are signed in accordance with paragraph (d).

Inspection and tonnage measurement of ship before registration

16. (1) For the purposes of section 17(1)(a) of the Act, there is prescribed an inspection by a surveyor of ships, designated by the Registrar, to determine whether the ship complies with the relevant requirements of the Shipping Acts respecting—

- (a) the condition of the ship so far as relevant to its safety or any risk of pollution; and
- (b) the safety, health and welfare of persons employed or engaged on it.

(2) For the purposes of section 17(2) of the Act, there is prescribed a class of ships each of which is a ship to which the Tonnage Convention (within the meaning of section 2(1) of the Merchant Shipping Act, 1951) does not apply, being ships in respect of which a certificate relating to tonnage measurement—

- (a) has not been issued under that Act; or
- (b) does not otherwise have effect under that Act.

(3) For the purposes of section 18(1)(b) of the Act, there is prescribed a condition that the ship must have undergone the inspection prescribed under section 17(1)(a) of the Act within the period determined by the Registrar.

Entry of particulars in Register

17. (1) The Registrar is to register a ship by entering in the Register the following particulars respecting the ship:

- (a) a unique identifying number, to be known as the official number;
- (b) the name;
- (c) the home port;
- (d) the call sign (if any);
- (e) the IMO number (if any);
- (f) the year of registration;
- (g) the place of construction;
- (h) the year of completion;
- (i) the prescribed characteristics;
- (j) in the case of a ship to which section 17(1) of the Act applies—
 - (i) the gross tonnage;
 - (ii) the net tonnage; and
 - (iii) any alternative tonnages;as shown on the tonnage certificate;
- (k) in relation to each person to whom the ship belongs—
 - (i) the name, address and nationality of the person;
 - (iA) where the person is not a South African national, information about the status of that person as a resident of the Republic; and
 - (ii) the extent of the interest of the person in the ship;
- (kA) in the case of a ship described in section 16(b)(ii) of the Act, in relation to each operator of the ship—
 - (i) the name, address and nationality of the operator; and
 - (ii) where the operator is not a South African national, information about the status of that operator as a resident of the Republic; and

- (1) in the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national, in relation to each charterer under the charterparty, the name, address and nationality of the charterer.
- (2) Where an entry is made in the Register under subregulation (1) in respect of a ship that has previously been registered under the Act, the number referred to in subregulation (1)(a) is the number that was the official number of the ship when it was so previously registered.
- (3) Where an entry is made in the Register under subregulation (1) in respect of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national, the number referred to in subregulation (1)(a) is the ship's unique identifying number under the law of the state of primary registration.

Period of registration

18. (1) Subject to subregulation (2), the registration of a ship, unless terminated earlier under the Act or these regulations, is valid for a period of five years commencing on the date of registration specified in the registration certificate or the renewal certificate referred to in subregulation (6), as the case may be, and expires at the end of that period unless it is renewed in accordance with regulation 19.

(2) The registration of a ship on bareboat charter to a South African national, unless terminated earlier under the Act or these regulations, is valid for the period of the bareboat charter.

Renewal notices and time limit for renewal of registration

19. (1) Three months before the expiry of the registration of a ship, the Registrar must serve on the registered agent of the ship a renewal notice.

(2) Application for the renewal of the registration of a ship is to be made during the last three calendar months of the current registration period.

Application for renewal of registration

20. (1) Application for the renewal of the registration of a ship is to be made by lodging with the Registrar an application in writing for the renewal of the registration of the ship in accordance with subregulation (2), accompanied by—

- (a) a declaration of ownership and nationality in accordance with subregulation (3); and
- (b) a declaration, in accordance with subregulation (4), respecting the registered particulars of the ship.

(2) An application referred to in subregulation (1) must be duly signed by the owner of the ship and must specify the name and official number of the ship.

(3) For the purposes of subregulation (1)(a), a declaration of ownership and nationality must—

- (a) specify the matters listed in paragraphs (a), (b), (bA) and (c) of regulation 15; and
 - (b) be duly signed in accordance with paragraph (d) of that regulation,
- and may consist of several documents in like form that, together, contain the information required by paragraph (a) and are signed in accordance with paragraph (b).

(4) For the purposes of subregulation (1)(b), a declaration respecting the registered particulars of the ship must be duly signed by the registered agent of the ship and must state that there have been no changes in the particulars entered in the Register in relation to the ship that have not been notified to the Registrar.

(5) A renewal certificate must be issued under the signature of the Registrar and the seal of the Registration Office in relation to every ship whose registration is renewed and must specify—

- (a) the name and official number of the ship; and
- (b) the date of registration of the ship.

(6) Section 24 of the Act applies in relation to a renewal certificate issued under subregulation (5) as if it were a certificate to which that section applies otherwise than by virtue of this subregulation.

(7) Where no application for the renewal of the registration of a ship is made within the period specified in regulation 19(2), the Registrar must, upon the expiry of that period, make an entry in the Register to that effect, and the registration of the ship is, subject to subregulation (8), deemed to be closed.

(8) Where a ship in respect of which the Registrar has made an entry in the Register under subregulation (7) is subject to an unsatisfied mortgage or mortgages, subsection (4) to (9) of section 42 of the Act apply in relation to the ship as if it were a ship to which those subsections apply otherwise than by virtue of this subregulation.

Closure of registration

21. (1) Application for the closure of the registration of a registered ship, not being a ship to which section 44 or 45 of the Act applies, may be made by lodging with the Registrar—

- (a) an application in writing for the closure of the registration of the ship, duly signed by the owner of the ship; and
- (b) the registration certificate or provisional registration certificate, as the case may be.

(2) An application under subregulation (1) must specify—

- (a) the registered name of the ship;
- (b) the official number of the ship; and
- (c) the home port of the ship.

(3) Where the Registrar receives an application under subregulation (1) relating to a ship, the Registrar must make an entry in the Register to that effect, and the registration of the ship is, subject to subregulation (4), deemed to be closed.

(4) Where a ship in relation to which the Registrar has made an entry in the Register under subregulation (3) is subject to an unsatisfied mortgage or mortgages, subsections (4) to (9) of section 42 of the Act apply in relation to the ship as if it were a ship to which those subsections apply otherwise than by virtue of this subregulation.

Notification of foreign registries by Registrar (Ships on bareboat charter to South African nationals)

22. The Registrar must, in relation to a ship the registration of which under the Act depends, or depended, upon its being a ship on bareboat charter to a South African national, notify the authority responsible for the registration of ships in the state of primary registration when—

- (a) the ship has been registered under the Act;
- (b) the registration of the ship has terminated under these regulations because of the expiry of the ship's registration; or
- (c) the registration of the ship has otherwise been terminated under the Act.

Division 2—Identification

Marking of ships

23. (1) Subject to this regulation, a ship is, for the purposes of section 20 of the Act, to be marked as follows:

- (a) the name of the ship must be inscribed, in accordance with subregulation (2), on each bow;
- (b) the name of the ship and its home port must be inscribed, in accordance with subregulation (2)—
 - (i) on the stern; or
 - (ii) if the configuration of the stern is such that those names cannot legibly be displayed on the stern, on each side of the hull as near as practicable to the stern; or
 - (iii) if compliance with subparagraph (i) or (ii) is not practicable, on such other part or parts of the ship as the Registrar determines;
- (c) an inscription in accordance with subregulation (3) must be made, in a position in which it may readily be inspected, on the main beam of the ship or, if the ship has no main beam or it is impracticable so to make the inscription on the main beam, on another main structural member or integral part of the ship;
- (d) a scale of metres denoting the ship's draught of water must be inscribed, in accordance with subregulation (4)—
 - (i) on each side of the stem and stern post; and

- (ii) in the case of a ship of more than 25 metres in length, on each side of the ship within 300 millimetres of amidships.
 - (2) The inscriptions referred to in subregulation (1)(a) and (b) must be made in the following manner:
 - (a) all alphabetical characters must be in the form of—
 - (i) upright sans serif block capital letters, not being expanded or condensed forms of those letters, the height of which is not less than 100 millimetres and the thickness of the strokes of which is not less than 20 per cent, and not more than 25 per cent, of their height; or
 - (ii) lettering approved, either generally or in a particular case, by the Registrar, being lettering that is not less legible than lettering of the kind referred to in subparagraph (i);
 - (b) all numerals, whether Arabic or Roman, must be in a style matching that of the alphabetical characters;
 - (c) the inscription must be applied in waterproof paint of a colour that makes a distinct contrast with the colour of the background on which it appears.
 - (3) The inscription referred to in subregulation (1)(c) must consist of—
 - (a) the letters "O.N." followed by the official number of the ship; and
 - (b) either—
 - (i) (aa) the letters "G.T." followed by the gross tonnage of the ship as shown on its tonnage certificate; and
 - (bb) the letters "N.T." followed by the net tonnage of the ship as shown on its tonnage certificate; or
 - (ii) where the ship is not a ship to which section 17(1) of the Act applies, the letters "L.O.A." followed by the length of the ship in metres taken to two decimal places,
- being letters and figures—
- (i) that—
 - (aa) are incised into the surface of the portion of the ship to which they are applied; or
 - (bb) form part of the fabric of that portion of the ship and project from the surrounding surface of that portion of the ship; and
 - (ii) the height of which is—
 - (aa) not less than 100 millimetres; or
 - (bb) where the portion of the ship to which they are applied is such that compliance with item (aa) is not practicable, the maximum practicable height.
- (4) The inscription referred to in subregulation (1)(d) must be made in the following manner:

- (a) the inscription must—
 - (i) be divided into metre intervals denoted by the Arabic numeral, or numerals, corresponding to the draught in metres followed by the Roman letter "M"; and
 - (ii) be subdivided into decimetre intervals, of which every second interval must be marked with the Arabic numeral, or numerals, appropriate to the division;
- (b) all letters and figures must—
 - (i) be incised into the surface of the portion of the ship to which they are applied; or
 - (ii) form part of the fabric of that portion of the ship and project from the surrounding surface of that portion of the ship,and—
 - (aa) be not less than 100 millimetres in height; or
 - (bb) where the portion of the ship to which they are applied is such that compliance with item (aa) is not practicable, be the maximum practicable height;
- (c) the inscription must be applied in waterproof paint of a colour that makes a distinct contrast with the colour of the background on which it appears.

(5) Where, because of the nature of the constructional features of a ship, there is no part of the ship that is readily identifiable as a bow, or as the stern, of the ship, an inscription required by subregulation (1)(a), (b) or (d) to be made on a bow or on the stern of the ship, as the case may be, must be made on such part of the ship as the Registrar determines.

(6) Where, in the opinion of the Authority, it is unreasonable to require compliance, or compliance in full, with the requirements of subregulation (1)(a), (b), (c) or (d) in relation to a ship, or in relation to ships included in a class of ships, the Authority may, by instrument in writing, exempt the ship, or ships included in the class of ships, from the requirements specified in the instrument, subject to compliance with the conditions (if any) specified in the instrument.

(7) For the purposes of section 20(1) of the Act, a certificate in writing endorsed on or attached to a notice served on the owner, or one of the owners, of a ship under that section, being a certificate that—

- (a) states that the ship to which the notice relates has been marked in accordance with the requirements of this regulation with marks directed by the Registrar by the notice;
- (b) is duly signed by the owner, or one of the owners, of the ship; and
- (c) is signed by a surveyor of ships designated by the Registrar for the purpose,

is evidence that the ship has been marked in accordance with this regulation with marks directed by the Registrar under that section.

(8) Any marking appearing on a registered ship, not being a marking required—

- (a) by these regulations; or
- (b) by or under an Act of Parliament,

must be obliterated or removed to the satisfaction of the Registrar.

(9) The owner of a registered ship who, without reasonable excuse, fails to comply with subregulation (8) commits an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding six months.

Name of registered ship and change of name

24. (1) An application under section 21(2) of the Act for a change in the name of a registered ship is to be made by lodging with the Registrar a request in writing for approval of the change duly signed by the owner or registered agent of the ship and specifying—

- (a) the present name of the ship;
- (b) the official number of the ship; and
- (c) in order of preference, three proposed names for the ship.

(2) For the purposes of section 21(3) of the Act, there are prescribed the following classes of names:

- (a) names of existing registered ships;
- (b) names approved by the Registrar in respect of ships in the course of registration;
- (c) names that, in the opinion of the Registrar, are likely to be confused with, or mistaken for—
 - (i) names referred to in paragraphs (a) and (b); or
 - (ii) a distress signal;
- (d) names that, in the opinion of the Registrar, are likely to be offensive to members of the public;
- (e) names that, in the opinion of the Registrar, falsely suggest connection with—
 - (i) the state or an organ of state;
 - (ii) the Commonwealth of Nations;
 - (iii) the Government of the Republic, of any other country or of any legal subdivision of another country;
 - (iv) the United Nations or an agency thereof;
 - (v) the South African National Defence Force or an arm thereof;
- (f) names that include a prefix comprising any letter or letters capable of indicating a type of ship;
- (g) names the use of which is prohibited under any other Act of Parliament.

Division 3—Registration certificates**Form of registration certificate**

25. A registration certificate granted under section 23 of the Act must be in accordance with Form 2.

New certificates and provisional certificates

26. (1) An application under section 25(1) of the Act for the grant of a new registration certificate in respect of a ship must—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number of the ship;
 - (ii) the reason why a new registration certificate is required; and
 - (iii) where that reason is that the registration certificate of the ship has been mislaid, lost or destroyed, the circumstances of the mislaying, loss or destruction;
- (c) be duly signed by the registered agent or the master of the ship; and
- (d) where the application is duly signed by the master of the ship, have affixed to it documentary evidence of the appointment of the master.

(2) A provisional registration certificate granted under section 25(2) or (7) of the Act must be in accordance with Form 2.

(3) A provisional registration certificate must not be granted under section 25(2) of the Act in relation to a ship unless—

- (a) there is lodged with the Registrar or the proper officer an application in writing duly signed by the registered agent or the master of the ship specifying—
 - (i) the particulars of the ship, of its owners and of its registered agent as specified in the registration certificate; and
 - (ii) the circumstances of the mislaying, loss or destruction of the registration certificate; and
- (b) where the application is signed by the master of the ship, there is produced to the Registrar or the proper officer, for noting, documentary evidence of the appointment of the master and of his or her authority to sign the application.

(4) Where, after the grant in respect of a ship of a new registration certificate under section 25(1) or (7) of the Act because of the registration certificate in respect of that ship having been lost or mislaid, that registration certificate is found and is in the custody or control of a relevant person, that person must, before the expiration of the relevant period, lodge that registration certificate with the Registrar for cancellation.

(5) Where, after the grant in respect of a ship of a provisional registration certificate under section 25(2) or (7) of the Act because of the registration certificate in respect of that

ship having been lost or mislaid, that registration certificate is found and is in the custody or control of a relevant person, that person must, before the expiration of the relevant period, lodge with the Registrar notice in writing to that effect together with the provisional registration certificate.

- (6) For the purposes of subregulations (4) and (5)—
- (a) a person is a relevant person in relation to a ship if that person is the master or registered agent of the ship or the owner, or one of the joint owners, or owners in common, of one or more shares in the ship; and
 - (b) the relevant period is the period of 30 days commencing on the later of—
 - (i) the day on which the registration certificate was found; or
 - (ii) the day on which the registration certificate came into the custody or control of the relevant person.
- (7) A person who, without reasonable excuse, fails to comply with subregulation (4) or (5) commits an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding 12 months.

Provisional certificates for ships becoming entitled to be registered when abroad

27. (1) A provisional registration certificate granted under section 26(1) or (6), or section 27(1), (2) or (6) of the Act must be in accordance with Form 2.

(2) Subject to subregulation (3), a provisional registration certificate must not be granted by a proper officer under section 27(1) of the Act or by the Registrar under section 27(1) or (2) of the Act in relation to a ship unless—

- (a) there is lodged with the proper officer or the Registrar, as the case may be, an application in writing duly signed by the owner or the master of the ship specifying—
 - (i) the existing name (if any) of the ship;
 - (ii) where the ship is unnamed, the builder's identification of the ship;
 - (iii) the proposed name of the ship;
 - (iv) the proposed home port of the ship;
 - (v) the call sign (if any) of the ship;
 - (vi) the name and address of the builder of the ship;
 - (vii) the year of completion of the ship;
 - (viii) particulars of the prescribed characteristics of the ship;
 - (ix) if the ship is a ship to which section 17(1) of the Act applies and a tonnage certificate is not in force in relation to the ship—
 - (aa) an estimate of the gross tonnage of the ship;
 - (bb) an estimate of the net tonnage of the ship; and
 - (cc) the identity of the person by whom those estimates were made;

- (x) particulars of any previous registration of the ship;
- (xi) in relation to each person to whom the ship belongs—
 - (aa) the name, address and nationality of the person;
 - (bb) where the person is not a South African national, information about the status of that person as a resident of the Republic; and
 - (cc) the extent of the interest of the person in the ship;
- (xiA) if the application relates to a ship described in section 16(b)(ii) of the Act, in relation to each operator of the ship—
 - (i) the name, address and nationality of the operator; and
 - (ii) where the operator is not a South African national, information about the status of that operator as a resident of the Republic;
- (xii) if the application relates to a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national, the name, address and nationality of each charterer under the charterparty;
- (xiii) the date and manner of acquisition of the ship by the present owner;
- (xiv) the name, address and description of each of the persons from whom the ship was acquired;
- (xv) details of any application, being an application for the registration of the ship under regulation 13, that has been lodged in accordance with regulation 8; and
- (xvi) in relation to each person authorized by the owner to be, at any time during the currency of the provisional registration certificate, the master of the ship—
 - (aa) the name and address of the person; and
 - (bb) where, under the Merchant Shipping Act, 1951, the person is required to be the holder of a certificate of competency, the number of that certificate; and
- (b) there is produced to the proper officer or the Registrar, as the case may be, for noting—
 - (i) the instrument (if any) by which ownership of the ship passed to the owner named in the application;
 - (ii) where the application is signed by the master of the ship, documentary evidence of his or her appointment as master and of his or her authority to sign the application;
 - (iii) the tonnage certificate (if any) that is in force in relation to the ship;
 - (iv) where the registration of the ship under the Act depends upon its being a ship on bareboat charter to a South African national, documentary evidence that the competent authority of the state of primary registration consents to the registration of the ship under the Act;
 - (v) where the ship is a ship referred to in section 19(1)(a) of the Act, documentary evidence that all reasonable steps to secure the termination of the ship's registration under the relevant foreign law have been unsuccessful; and

(vi) where the ship, being a ship other than one referred to in subparagraph (iv) or (v), has, at any time, been registered under the law of a foreign country, documentary evidence that—

(aa) the ship is no longer registered under the law of that country; or

(bb) steps have been taken, or are proposed to be taken, to close the registration of the ship under the law of that country on or before the grant of the provisional registration certificate.

(3) A statement in an application under subregulation (2) to the effect that the person signing the application is unable to supply the information referred to in subregulation (2)(a)(ii), (vi), (vii), or (x), together with a statement of the reason for that inability, is taken, for the purposes of that subregulation, to satisfy the requirements of that subregulation and, where that inability is in respect of the information referred to in subregulation (2)(a)(x), subregulation (2)(b)(iv), (v) and (vi) do not apply in relation to that application.

(4) Where a provisional registration certificate granted in respect of a ship ceases to have effect before the ship first arrives at, or returns to, a South African port after the grant, the person who has possession of the certificate must, within 30 days after the certificate so ceases to have effect, lodge the certificate with the Registrar.

(5) A person who, without reasonable excuse, fails to comply with subregulation (4) commits an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding 12 months.

Extension of period of provisional certificate

28. An application under section 25(5), 26(4) or 27(4) of the Act for the extension of the period during which a provisional registration certificate is in force in respect of a ship must—

(a) be in writing;

(b) specify—

(i) the name and official number (if any) of the ship;

(ii) the date and place of issue of the provisional registration certificate;

(iii) the name of the South African port at which it is expected that the ship will next arrive and the date on or near which it is expected that the ship will arrive at that port; and

(iv) the reason for making the application;

(c) be duly signed by the owner or the master of the ship; and

(d) be lodged with the Registrar.

Temporary passes

29. (1) Application for the grant of a temporary pass under section 29 of the Act is to be made by lodging with the Registrar an application in writing signed in accordance with subregulation (2), being an application specifying—

- (a) the name (if any) of the ship or, if the ship has no name, the builder's identification of the ship (if known to the applicant);
 - (b) the year of completion of the ship (if known to the applicant);
 - (c) the type of the ship (in terms of its purpose);
 - (d) the method of propulsion of the ship;
 - (e) the principal material of construction of the hull of the ship;
 - (f) the length of the ship;
 - (g) the name and address of the builder of the ship (if known to the applicant);
 - (h) if the ship is a ship to which section 17(1) of the Act applies and a tonnage certificate is not in force in relation to the ship—
 - (i) the estimated gross tonnage of the ship;
 - (ii) the estimated net tonnage of the ship; and
 - (iii) the identity of the person by whom those estimates were made;
 - (i) the name and address of each of the persons to whom the ship belongs;
 - (j) where the application is signed as mentioned in subregulation (3), the name and address of each person who is a charterer under the charterparty;
 - (k) the port at which it is proposed that the voyage be commenced;
 - (l) the port at which it is proposed that the voyage be concluded;
 - (m) the anticipated duration of the voyage;
 - (n) in relation to each person authorized by the owner to be, at any time during the currency of the temporary pass, the master of the ship—
 - (i) the name and address of the person; and
 - (ii) where, under the Merchant Shipping Act, 1951, the person is required to be the holder of a certificate of competency, the number of that certificate; and
 - (o) the reasons for seeking the grant of the pass.
- (2) Subject to subregulation (3), an application under subregulation (1) must be duly signed by the owner of the ship or, where the proposed voyage is to be undertaken by the builder of the ship for the purposes of delivering the ship to the owner, by the builder.
- (3) An application under subregulation (1) in relation to a ship that is on bareboat charter (whether to a South African national or not) is taken to be signed in accordance with subregulation (2) if it is duly signed—
- (a) by each of the charterers under the charterparty; or

(b) by a person appointed for the purposes of this paragraph by instrument in writing duly signed by each of those charterers.

(4) There must be produced to the Registrar for noting, at the time of lodgment of an application under subregulation (1)—

- (a) where the application is signed as mentioned in subregulation (3), documentary evidence of the grant by the owner of permission for the undertaking by the ship of the voyage to which the application relates or of voyages of a class in which that voyage is included;
- (b) where the application is signed as mentioned in paragraph (b) of subregulation (3), the instrument referred to in that paragraph; and
- (c) the tonnage certificate (if any) in force in relation to the ship.

(5) Upon receipt of an application under subregulation (1), the Registrar must forward the application, together with such other documents as he or she thinks fit, to the Authority for its consideration.

(6) A temporary pass granted under section 29 of the Act must be in accordance with Form 3.

(7) Subject to subregulation (8), where—

- (a) a voyage specified in a temporary pass granted under section 29 of the Act is completed or abandoned; or
- (b) the period of validity of such a pass expires,

the person who has possession of the pass must, within 10 days after the occurrence of the event referred to in paragraph (a) or (b), surrender the pass by—

- (i) lodging it with the Registrar; or
- (ii) delivering it to a proper officer.

(8) Where, because of circumstances beyond the control of the person referred to in subregulation (7), it is not practicable for that person to surrender the pass within the time specified in that subregulation, that person must surrender the pass as soon as it is practicable to do so.

(9) A person who, without reasonable excuse, fails to comply with subregulation (7) or (8) commits an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding 12 months.

PART 4

PRIVATE LAW (SCHEDULE 1) PROVISIONS

Transfer of ship, etc

30. (1) A bill of sale for the purposes of item 3(1) of Schedule 1 to the Act must—

- (a) be in accordance with Form 4; and

(b) be duly signed by each transferor.

(2) For the purposes of item 3(2)(a) of Schedule 1 to the Act, the prescribed application must consist of—

(a) the bill of sale, duly executed in accordance with subregulation (1); and

(b) a declaration of transfer made by the transferee under subregulation (3).

(3) A declaration of transfer for the purposes of subregulation (2)(b) must be made in accordance with subregulation (4) and, where the transferee is not the Government of the Republic, must include—

(a) in the case of the transfer of a ship, or a share in a ship, other than a small vessel—

(i) a statement specifying the nationality of the transferee or, where the transferee is a body corporate, the country in which it was incorporated; and

(ii) a statement that, to the best of the knowledge and belief of the person making the declaration, the ship concerned will not cease to be a South African-owned ship by reason only of the transfer; or

(b) in the case of the transfer of a ship, or a share in a ship, being a small vessel—

(i) a statement specifying the nationality of the transferee or, where the transferee is a body corporate, the country in which it was incorporated;

(ii) a statement specifying the normal place of residence of the transferee or, where the transferee is a body corporate, the principal place of business of the body corporate; and

(iii) a statement that, to the best of the knowledge and belief of the person making the declaration, the ship concerned will not cease to be a South African-owned ship or a ship described in section 16(b)(i) or (ii) of the Act by reason only of the transfer.

(4) A declaration of transfer under subregulation (3) must—

(a) be in writing;

(b) specify—

(i) the name and official number of the ship; and

(ii) the date of the bill of sale to which it relates;

(c) specify, in relation to each person who is a transferee under the bill of sale, in addition to the matters referred to in subregulation (3)—

(i) the grounds on which the person, if a natural person, claims the nationality specified in the declaration in relation to the person; and

(ii) the extent of the interest of the person in the ship; and

(d) be duly signed by each transferee.

(5) Where, because of the transfer of a ship or a share of a ship, there is a change in the person who is the registered agent of that ship, the bill of sale in relation to the transfer must, when lodged with the Registrar in accordance with item 3(2)(a) of Schedule 1 to the

Act, be accompanied by a notice of change of the registered agent in accordance with section 40(3) of the Act.

Transmission of ship, etc by operation of law

31. (1) A declaration of transmission under item 4(1) of Schedule 1 to the Act must—

- (a) be in accordance with Form 5; and
- (b) be duly signed by each person to whom the ship or share is transmitted.

(2) For the purposes of item 4(1) of Schedule 1 to the Act, the following evidence of lawful transmission is prescribed evidence:

- (a) in the case of transmission upon the death of a joint owner—
 - (i) a certificate of death or of burial of the deceased person, letters of administration of the executor of the estate of that person, or an authentic copy of any such document; and
 - (ii) a solemn declaration by a person acquainted with the facts of the matter to the effect that the person referred to in subparagraph (i) is the same person as the joint owner named in the Register;
- (b) in the case of transmission upon the death of a sole owner or an owner in common—
 - (i) an instrument constituting a person the legal personal representative, or constituting persons the legal personal representatives, of the deceased person or an authentic copy of that instrument; and
 - (ii) an instrument identifying the person who is to become, because of the transmission, the owner, or one of the owners, of the ship or share;
- (c) in the case of transmission upon the insolvency of an owner, such evidence as is for the time being admissible in a court of law as proof of title of persons claiming under insolvency;
- (d) in the case of transmission upon marriage, legal evidence of the marriage and an authentic copy the antenuptial contract; and
- (e) in the case of transmission upon the making of an order by a court, an authentic copy of the order.

Mortgage of ship, etc

32. For the purposes of item 9(2) of Schedule 1 to the Act, an instrument of mortgage of a ship or a share in a ship must—

- (a) be in accordance with Form 6; and
- (b) be duly signed by each mortgagor.

Transfer of mortgage

33. An instrument of transfer under item 12(1) of Schedule 1 to the Act must—

- (a) be in accordance with Form 6;
- (b) be duly signed by each transferor; and
- (c) be affixed to the instrument of mortgage to which it relates.

Transmission of mortgage by operation of law

34. (1) A declaration of transmission under item 13(1) of Schedule 1 to the Act must—

- (a) be in accordance with Form 5; and
- (b) be duly signed by each person to whom the interest is transmitted.

(2) For the purposes of item 13(1) of Schedule 1 to the Act, the following evidence of lawful transmission is prescribed evidence:

- (a) in the case of transmission upon the death of a joint mortgagee—
 - (i) a certificate of death or of burial of the deceased person, letters of administration of the executor of the estate of that person, or an authentic copy of any such document; and
 - (ii) a solemn declaration by a person acquainted with the facts of the matter to the effect that the person referred to in subparagraph (i) is the same person as the joint mortgagee named in the Register;
- (b) in the case of transmission upon the death of a sole mortgagee, an instrument constituting a person the legal personal representative, or constituting persons the legal personal representatives, of the deceased person or an authentic copy of that instrument;
- (c) in the case of transmission upon the insolvency of a mortgagee, such evidence as is for the time being admissible in a court of law as proof of title of persons claiming under insolvency;
- (d) in the case of transmission upon marriage, legal evidence of the marriage and an authentic copy of the antenuptial contract; and
- (e) in the case of transmission upon the making of an order by a court, an authentic copy of the order.

Discharge of mortgage

35. (1) For the purposes of item 14(2) of Schedule 1 to the Act, the prescribed evidence of the discharge of a mortgage is a memorandum to that effect endorsed on, or firmly affixed to, the instrument of mortgage and duly signed by each mortgagee under the mortgage.

(2) For the purposes of item 14(4) of Schedule 1 to the Act, the prescribed particulars relating to the ship in respect of which a mortgage was given, the mortgage and its discharge are the following particulars:

- (a) the name and official number of the ship;
- (b) the name and address of each mortgagor;
- (c) the name and address of each mortgagee;
- (d) the date of the mortgage;
- (e) the date and time of entry of particulars of the mortgage in the Register;
- (f) the date of discharge of the mortgage;
- (g) the reason why the instrument of mortgage cannot be lodged with the Registrar.

PART 5 THE REGISTER

Division of Register

36. (1) The Register may be divided into such parts as the Registrar determines.
- (2) No ship may be registered on more than one part of the Register at any one time.

Entries in Register

37. The Register must contain in respect of each entry of a matter under section 33(1) of the Act—

- (a) the date and time the entry was made; and
- (b) authentication of the entry, by signature or other suitable means, by the Registrar or a Deputy Registrar.

Obsolete or incorrect entries in Register

38. The prescribed period for the purposes of section 35(1)(a) of the Act is 30 days.

PART 6 MISCELLANEOUS PROVISIONS

Change of name, address or nationality

39. (1) Where a change occurs in—
- (a) the name, address or nationality of a person whose name appears in the Register as that of an owner, operator or charterer of a ship; or

- (b) the name of the person whose name appears in the Register as that of the registered agent of a ship,

the registered agent of that ship must, within 14 days after the change occurs, comply with the requirements of subregulation (3).

(2) Where a change occurs in the name or address of a person whose name appears in the Register as that of a mortgagee of a ship, that person must, within 14 days after the change occurs, comply with the requirements of subregulation (3).

(3) The requirements referred to in subregulations (1) and (2) are as follows:

(a) to lodge with the Registrar—

- (i) a notice of the change; and
- (ii) in the case of a change in the name of a natural person, a solemn declaration by a person acquainted with the facts of the matter, and not having any direct or indirect interest in the ship or its operation, to the effect that the person whose name has changed is the same person as the person referred to in subregulation (1)(a) or (b), or subregulation (2), as the case may be, and that the qualifications of the declarant are as specified in this subparagraph;

(b) to produce to the Registrar for noting—

- (i) in the case of a change in the name of a natural person upon marriage, an authentic copy of the relevant marriage certificate;
- (ii) in the case of a change in the name of a natural person by some other lawful means, an authentic copy of the law or instrument by which the change was effected;
- (iii) in the case of a change in the name of a body corporate incorporated under a law relating generally to the incorporation of companies, co-operative societies or other bodies corporate, a certificate of the change of name issued under that law; or
- (iv) in the case of a change in the name of a person other than a person referred to in subparagraph (i), (ii) or (iii), an authentic copy of the law or instrument by which the change was effected.

(4) A notice lodged with the Registrar in pursuance of subregulation (3) with respect to a change in the nationality of a person must set out particulars of the manner in which the change occurred.

(5) A person who, without reasonable excuse, fails to comply with subregulation (1) or (2) commits an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding 12 months.

Registered agent

40. (1) For the purposes of section 40(3) of the Act, there is prescribed the following information:

- (a) the name and official number of the ship;
 - (b) the name and address of the registered agent as appearing in the Register;
 - (c) the name and address of the registered agent as changed;
 - (d) the date on which the change occurred.
- (2) In subregulation (1)(c) "address" has the same meaning as in section 40 of the Act.

Alterations to ships

41. (1) The prescribed manner, for the purposes of section 41 of the Act, for the giving of notice of an alteration to a ship is the lodging with the Registrar of a notice in writing that—

- (a) specifies—
 - (i) the name and official number of the ship; and
 - (ii) the nature of the alteration;
- (b) is duly signed by the registered agent of the ship; and
- (c) is accompanied by—
 - (i) a builder's certificate in accordance with subregulation (2) in relation to the alteration of the ship;
 - (ii) where, because of the alteration of the ship, the tonnage certificate (if any) applicable to the ship immediately before the making of the alteration is no longer correct in every particular or the ship has become a ship to which section 17(1) of the Act applies, the tonnage certificate (if any) in force in relation to the ship as altered; and
 - (iii) the registration certificate, or provisional registration certificate, applicable in respect of the ship.

(2) Subject to subregulation (3), a builder's certificate in relation to the alteration of a ship must be duly signed by the builder, or, where the alteration relates only to the engines of the ship, by the installer who undertook the alteration of the ship and must specify—

- (a) the name and official number of the ship;
- (b) the date of completion of the alteration of the ship;
- (c) the place at which the alteration of the ship was undertaken;
- (d) the name and address of the builder or installer who undertook the alteration of the ship;
- (e) the name and address of the person for whom the alteration of the ship was undertaken;
- (f) particulars of the prescribed characteristics of the ship as altered; and
- (g) if—

- (i) because of the alteration of the ship, the tonnage certificate (if any) applicable to the ship immediately before the making of the alteration is no longer correct in every particular or the ship has become a ship to which section 17(1) of the Act applies; and
 - (ii) a tonnage certificate is not in force in relation to the ship as altered, the gross tonnage, and the net tonnage, of the ship as altered, as estimated by the builder or installer who undertook the alterations.
- (3) Where the alteration of a ship has been carried out in stages by more than one builder or, where the alteration relates only to the engines of the ship, by more than one installer—
- (a) a builder's certificate in relation to the alteration of the ship may consist of several documents in accordance with subregulation (2), each of which relates to one or more of those stages; and
 - (b) a builder's certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, must be duly signed by all of the builders or installers, as the case may be, responsible for the work carried out in those stages.
- (4) The time within which notice must be given for the purposes of section 41 of the Act is the period ending 14 days after the completion of the alteration.
- (5) Where a ship is so altered as not to correspond with the particulars relating to its net tonnage contained in the Register, the Registrar must not enter the alteration in the Register under section 41 of the Act unless the portion of the inscription referred to in regulation 23(1)(c) that relates to the net, or register, tonnage of the ship has been altered to correspond with the net tonnage of the ship as so altered.

Ship lost, etc or ceasing to be entitled to be registered

42. (1) Delivery of the registration certificate or provisional registration certificate relating to a ship to the Registrar or a proper officer under section 42(10) of the Act must be effected within 30 days after the giving by the Registrar of a notice in writing in accordance with subregulation (2) to a person whose name appeared in the Register, immediately before the registration of the ship was closed or deemed to be closed under that section, as the owner, or one of the owners, of the ship.

- (2) A notice of the kind referred to in subregulation (1) must—
- (a) identify the ship to which it relates;
 - (b) set out particulars of the closure, or deemed closure, of the registration of the ship; and
 - (c) contain a statement of the obligations, in the circumstances, of the person having possession of the registration certificate or provisional registration certificate.

Ships exempted from section 44 of Act

43. For the purposes of section 44(4) of the Act, there are prescribed the following class of ships, being ships making voyages exclusively within waters comprising—

- (a) the internal and territorial waters of the Republic; and
- (b) the exclusive economic zone of the Republic.

Admissibility of documents in evidence

44. For the purposes of section 54(1) of the Act, a certificate or pass issued under the Act is hereby declared to be admissible in evidence.

Home ports

45. (1) The port that may be selected as the home port of a registered ship must be one of the following South African ports:

- (a) Cape Town;
- (b) Durban;
- (c) East London;
- (d) Mossel Bay;
- (e) Port Elizabeth;
- (f) Richards Bay;
- (g) Saldanha Bay.

(2) Application may be made for a change in the home port of a registered ship by lodging with the Registrar a request in writing that—

- (a) specifies—
 - (i) the name and official number of the ship;
 - (ii) the present home port of the ship; and
 - (iii) the proposed home port of the ship; and
- (b) is duly signed by the registered agent of the ship.

(3) Upon the receipt of an application under subregulation (2), the Registrar must, if the proposed home port is a port referred to in subregulation (1), give notice in writing to the registered agent to the effect that registration of the change of home port in relation to the ship may proceed upon that part of the inscription referred to in regulation 23(1)(b) that relates to the home port of the ship being altered accordingly.

(4) Where the Registrar gives a notice to the registered agent of a ship under subregulation (3), the registered agent must, within 30 days after the date of the notice, lodge with the Registrar a certificate in writing endorsed on that notice and duly signed by the

registered agent stating that that part of the marking on the ship relating to the name of its home port has been altered in a manner that complies with regulation 23.

(5) The registered agent of a ship who, without reasonable excuse, fails to comply with subregulation (4) commits an offence and is liable upon conviction to a fine or to imprisonment for a period not exceeding 12 months.

(6) Upon the receipt of—

- (a) the certificate referred to in subregulation (4); and
- (b) the ship's registration certificate;

the Registrar must—

- (i) cause the new home port to be entered in the Register in relation to the ship; and
- (ii) endorse the change of home port on the ship's registration certificate and return it to the registered agent.

Verification of particulars (registers kept under repealed law, etc)

46. The prescribed period for the purposes of item 8(3) of Schedule 3 to the Act is five years.

Certificates, etc in respect of ships deemed registered under Act

47. (1) In this regulation—

"relevant document" means a certificate granted, or other document granted or issued, under these regulations;

"relevant record" means an entry or record that, immediately before the day fixed under section 62 of the Act, appeared in the register book kept at a port in the Republic under the repealed law in relation to a ship that is deemed, on and from that day, to be registered under the Act.

(2) Where a relevant document includes information in relation to a ship that is expressed in terms of measurements other than measurements in terms of which that information is required by these regulations to be expressed, that information may be expressed in a relevant document in relation to that ship in terms of either or both of those measurements.

(3) Where a relevant record includes information in relation to a ship that is not required by the Act or these regulations to be entered in the Register, that information must be omitted from a relevant document in relation to that ship.

(4) Where a relevant record does not include information in relation to a ship that is required by the Act or these regulations to be entered in the Register—

- (a) the Registrar may take such action as is reasonable for the purpose of obtaining that information; and

- (b) the failure to include that information in a relevant document granted or issued in relation to that ship at a time when the Registrar is not in possession of that information does not affect the validity of that document.

Extension of time

48. (1) The Registrar may extend the time for the lodgment of a document required by these regulations to be lodged with him or her, and may so extend that time although that time has expired.

(2) A request for an extension of time under this regulation—

- (a) must be in writing duly signed by the person making the request;
- (b) must set out the grounds of the request; and
- (c) must be lodged with the Registrar.

Verification of information

49. (1) Subject to the Act and these regulations, the Registrar may, in relation to any document lodged with him or her or produced to him or her for noting—

- (a) require the verification, by solemn declaration or otherwise, of—
 - (i) the authenticity of the document; or
 - (ii) any information contained in the document;
- (b) require the submission to him or her of such further documents or information as appear to the Registrar to be necessary in support of, or in substitution for, a document, or information, referred to in paragraph (a); and
- (c) refuse to make an entry in the Register, or to perform any function or exercise any power under the Act, to which a requirement under paragraph (a) relates until that requirement is satisfied.

(2) A requirement under subregulation (1)(a) or (b) must be set out in a notice in writing signed by or on behalf of the Registrar and given to—

- (a) the person by whom the document to which the requirement relates was lodged with, or produced to, the Registrar; or
- (b) the person, or any one of the persons, in whose interest that document was so lodged or produced.

(3) A notice setting out a requirement under subregulation (1) for the verification of information relating to the identity, nationality or residential status of a person may require—

- (a) that the verification be by a solemn declaration by a person other than the person to whom it relates who has known the last-mentioned person for a period of no less duration than that specified in the notice; and
- (b) that such a solemn declaration specify the period during which the declarant has known the person to whom it relates.

ANNEX 1
(Regulation 2(1))

PRESCRIBED CHARACTERISTICS OF SHIPS

<i>Column 1</i>	<i>Column 2</i>
Item	Characteristic
1	Type of ship (in terms of purpose)
2	Method of propulsion, including— (a) number and type of boilers; (b) number and type of engines; and (c) means of power transmission (including number of screws, paddles, or jets)
3	Number of decks
4	Number of bulkheads
5	Number of masts
6	Stem
7	Stern
8	Build
9	Rigging
10	Principal material of construction of hull
11	Length
12	Maximum breadth
13	Moulded depth amidships
14	Power, being whichever of the following is or are applicable: (a) brake power; (b) indicated power; (c) shaft power
15	Estimated speed

ANNEX 2

(Regulation 2(4))

PRESCRIBED FORMS**FORM 1**

(Regulation 8(10))

Ship Registration Act, 1998 (Act No. 58 of 1998)

NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of (Name(s) and address(es) of owner(s)) to apply, after the expiration of the period of 30 days commencing on the date of publication of this notice, for the registration under the abovementioned Act of the ship particulars of which are set out below. Objections to the registration of the ship in the name(s) of the abovementioned person(s), by persons claiming a proprietary right in respect of the ship, should, together with any relevant documents that will verify the claim, be delivered to the Registrar of Ships at the South African Ship Registration Office, (street address), or sent by properly prepaid post to the Registrar of Ships at (postal address) before the expiry of the period referred to above.

Particulars of ship

Present name (if any):

Former names (if any):

Former number (if previously registered):

Present whereabouts:

Length (in metres):

Principal material of construction of hull:

Type of ship (in terms of purpose):

FORM 2

(Regulations 25, 26(2) and 27(1)))

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

REGISTRATION CERTIFICATE

Official No.	IMO No.	Call sign	Name of ship	No., date of registration and home port	No., date of registration and previous home port (if any), and date of cancellation thereof
Type of ship	Place of construction	When completed	Name and address of builder		
Length			Gross tonnage		
Max. breadth			Net tonnage		
Moulded depth amidships			No. of decks		
Material of hull			No. bulkheads		
Build			Stern		
No. of masts			Stern		
Rigging					

Method of propulsion	No. of engines	Make and model	Shaft, brake, indicated power	Estimated speed

*Name of owner(s)/charterer(s)	**No. of shares	Nationality	Address

* The name(s) of the charterer(s) is also to be inserted in the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national.

** Omit in the case of a ship referred to in *.

The period of validity of this registration certificate expires on •
--

I, the undersigned, hereby certify that the above particulars are in accordance with those entered in the Register.

Place

Date

Registrar/Proper officer

Designation of proper officer

Notes:

1. Certificate to be endorsed "BAREBOAT CHARTER" in the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national.
2. Certificate to be endorsed "PROVISIONAL" where issued in respect of a provisionally registered ship.

FORM 3
(Regulation 29(6))

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)

**REPUBLIEK VAN SUID-AFRIKA**

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

TEMPORARY PASS

Name of ship/ Builder's identification	Type of ship	Method of propulsion	Material of hull	Length	Gross tonnage	Net tonnage								
Place of construction	When completed	Name and address of builder												
Name of master		No. of master's certificate of competency												
Description of voyage:														
I, the undersigned, hereby certify— (1) that the South African Maritime Safety Authority has authorized me to grant this temporary pass to enable the ship described above to make the voyage so described, subject to the following conditions: _____ (2) that to the best of my knowledge and belief the above description of the ship is correct; (3) that the following is the name and address of the *owner(s) of the ship: <table border="1"> <tr> <td>Name of owner(s)</td> <td>Address in full</td> </tr> <tr> <td> </td> <td> </td> </tr> </table> (4) **that the following is the name and address of the bareboat charterer(s) of the ship: <table border="1"> <tr> <td>Name of charterer(s)</td> <td>Address in full</td> </tr> <tr> <td> </td> <td> </td> </tr> </table> * If more than one owner, all owners must be listed, stating their respective interests in the ship. ** When the application for a Temporary Pass is signed by or on behalf of the bareboat charterers of the ship. (5) that the period of validity of this Temporary Pass expires on •							Name of owner(s)	Address in full			Name of charterer(s)	Address in full		
Name of owner(s)	Address in full													
Name of charterer(s)	Address in full													

Place

Date

Registrar

FORM 4
(Regulation 30(1)(a))

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)

**REPUBLIEK VAN SUID-AFRIKA**

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

BILL OF SALE

Entered in the Register this _____ day of _____
at _____ a.m./p.m.
_____ Registrar

Official No.	IMO No.	Name of ship	No., date of registration and home port	Gross tonnage	Net tonnage
The above general description of the ship is correct. This ship is described more fully in the tonnage certificate (if any) and the Register.					
*Name(s) of registered owner(s)/transferor(s)			Address in full		
State special circumstances					

G

Please see attached sheet

No. of shares**** transferred

for the sum of

Name of purchaser(s)**/transferee(s)***	Address in full
* If required, a separate sheet by each registered owner may be attached. ** If required, a separate sheet listing all other transferees may be attached. *** Where there is more than one transferee, the transferees are joint owners. **** 64 shares represent 100% ownership of a South African ship.	
I/We, the transferor(s), in consideration of the sum mentioned above paid to us by the transferee(s), the receipt of which is hereby acknowledged, transfer to the transferee(s) the above number of shares in the ship described above, and in its boats and appurtenances. Further, the transferor(s) warrant to the transferee(s) that the transferor(s) have the power to transfer the ship, its boats and appurtenances, and that they are free of encumbrances <i>except as appears on the register of the ship.</i> (delete if not applicable)	
Dated at _____ on the _____ day of _____	
IN THE PRESENCE OF	INDIVIDUAL
Signature	Signature of registered owner/transferor
Name and title (please print)	CORPORATION
Address	Name of corporation (please print)
	Signature
	Name and designation of signatory (please print)

Notes:

- The expressions "transferor" and "transferee" used in this form include their heirs, successors, assigns, executors and administrators and any other legal representative.
- If jointly owned, all the joint owners must act together.
- In the case of a corporation, this Bill of Sale must be made on behalf of the corporation by a duly authorized officer of the corporation.

FORM 5
(Regulations 31(1)(a) and 34(1)(a))

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

DECLARATION OF TRANSMISSION

Official No.	IMO No.	Name of ship	No., date of registration and home port	Gross tonnage	Net tonnage																																								
DETAILS OF TRANSMISSION																																													
I (full names)			Address in full																																										
DECLARE AS FOLLOWS: 1. The above general description of the ship is correct. (This ship is described more fully in the tonnage certificate (if any) and the Register.) 2. A In the case of transmission of registered owner's interest: B In the case of transmission of registered mortgagee's interest: INDIVIDUAL I am G a South African citizen within the meaning of Chapter 2 of the South African Citizenship Act, 1995 (Act 88 of 1995); OR G *a South African resident within the meaning of paragraph (a) or (b) of the definition of "South African resident" in section 1(1) of the Act, and I am entitled to be registered as: <table style="width: 100%;"> <tr> <td style="width: 5%;">A</td> <td style="width: 5%;">G</td> <td style="width: 50%;">Insert owner, executor, administrator, trustee as appropriate</td> <td style="width: 5%;">of</td> <td style="width: 35%;">Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> <tr> <td></td> <td>G</td> <td>Insert joint owner, joint executor, joint administrator or joint trustee as appropriate</td> <td>of</td> <td>Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> <tr> <td>B</td> <td>G</td> <td>Mortgagee of</td> <td></td> <td>Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> <tr> <td></td> <td>G</td> <td>Joint mortgagee of</td> <td></td> <td>Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> </table> CORPORATION G A corporation to which paragraph (b), (c) or (d) of the definition of "South African national" in section 1(1) of the Act applies; OR G *A corporation to which paragraph (c) or (d) of the definition of "South African resident" in section 1(1) of the Act applies; OR G **A corporation to which paragraph (c) of the definition of "local fishing vessel" in section 1 of the Marine Living Resources Act, 1998 (Act 18 of 1998), applies; OR G **A corporation to which paragraph (b) or (c) of the definition of "South African person" in section 1 of the Marine Living Resources Act, 1998 (Act 18 of 1998), applies. The corporation is entitled to be registered as: <table style="width: 100%;"> <tr> <td style="width: 5%;">A</td> <td style="width: 5%;">G</td> <td style="width: 50%;">Insert owner, executor, administrator, trustee as appropriate</td> <td style="width: 5%;">of</td> <td style="width: 35%;">Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> <tr> <td></td> <td>G</td> <td>Insert joint owner, joint executor, joint administrator or joint trustee as appropriate</td> <td>of</td> <td>Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> <tr> <td>B</td> <td>G</td> <td>Mortgagee of</td> <td></td> <td>Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> <tr> <td></td> <td>G</td> <td>Joint mortgagee of</td> <td></td> <td>Shares (64 shares represent 100% ownership of a South African ship)</td> </tr> </table> 3. The shares in the ship described above have been transmitted in the following manner: G on death G on marriage G on insolvency G by lawful means other than a transfer under the Act						A	G	Insert owner, executor, administrator, trustee as appropriate	of	Shares (64 shares represent 100% ownership of a South African ship)		G	Insert joint owner, joint executor, joint administrator or joint trustee as appropriate	of	Shares (64 shares represent 100% ownership of a South African ship)	B	G	Mortgagee of		Shares (64 shares represent 100% ownership of a South African ship)		G	Joint mortgagee of		Shares (64 shares represent 100% ownership of a South African ship)	A	G	Insert owner, executor, administrator, trustee as appropriate	of	Shares (64 shares represent 100% ownership of a South African ship)		G	Insert joint owner, joint executor, joint administrator or joint trustee as appropriate	of	Shares (64 shares represent 100% ownership of a South African ship)	B	G	Mortgagee of		Shares (64 shares represent 100% ownership of a South African ship)		G	Joint mortgagee of		Shares (64 shares represent 100% ownership of a South African ship)
A	G	Insert owner, executor, administrator, trustee as appropriate	of	Shares (64 shares represent 100% ownership of a South African ship)																																									
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	G	Joint mortgagee of		Shares (64 shares represent 100% ownership of a South African ship)																																									

4. State the manner in which the property has been transmitted
5. To the best of my knowledge and belief, the ship described above will not, by reason only of the transmission, cease to be:
G a South African-owned ship; OR G *a small vessel to which section 16(b)(i) or (ii) of the Act applies.

* Only applicable to registered small vessels.

** Only applicable to registered fishing vessels.

DECLARED BEFORE ME at _____ this _____ day of _____ _____ Signature _____ Name and title (please print) _____ Address	INDIVIDUAL _____ Signature CORPORATION _____ Name of corporation (please print) _____ Signature _____ Name and designation of signatory (please print)
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Notes:

1. If there is more than one owner, whether individual or joint, a separate Declaration must be completed by each owner
2. Declarations must be made before the Registrar, a Commissioner of Oaths or any other person authorized by law to administer oaths in the territory of the Republic or the country where the declaration is made.
3. In the case of a corporation, this Declaration must be made on behalf of the corporation by a duly authorized officer of the corporation.

FORM 6
(Regulations 32(a) and 33(a))

REPUBLIC OF SOUTH AFRICA**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)

**REPUBLIEK VAN SUID-AFRIKA****SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

G MORTGAGE**G TRANSFER OF
MORTGAGE**

Entered in the Register this _____ day of _____
at _____ a.m./p.m.
_____ Registrar

Official No.	IMO No.	Name of ship	No., date of registration and home port
Method of propulsion		Gross tonnage	Net tonnage
(This ship is described more fully in the tonnage certificate (if any) and the Register.)			
A—MORTGAGE			
Name of registered owner/mortgagor		Address in full	
Description of the nature of consideration (enter principal sum or state that there is a line of credit, giving details of the interest and method of payment or refer to a collateral agreement and give the date the agreement was executed)			
Number of shares (64 shares represents 100% ownership of a South African ship) *			
Name of mortgagee		Address in full	
I/We, the mortgagor(s), in consideration of the above now undertake to pay to the mortgagee(s) the sums for the time being due on this security, whether by way of principal or interest, at the times and in the manner set out. For the purpose of better securing payment to the mortgagee(s), the mortgagor(s) hereby mortgage to the mortgagee(s) the number of shares mentioned above of which the mortgagor(s) are the owner(s) in the ship described above, and in its boats and appurtenances. Further, the mortgagor(s) warrant to the mortgagee(s) that the mortgagor(s) have the power to mortgage the shares and that they are free of encumbrances <i>except as appear on the register of the ship.</i> (delete if not applicable)			
B—TRANSFER OF MORTGAGE			
I/We _____ (the mortgagee(s))			
in consideration of _____			
paid to me/us by _____ (full name and address)			
hereby transfer to the above named persons the benefit of the mortgage described above.			
C—ATTESTATION/SIGNATURE(S)			
Dated at _____ on this _____ day of _____			
IN THE PRESENCE OF		INDIVIDUAL	
Signature _____		Signature of registered owner/mortgagor/mortgagee _____	
Name and title (please print) _____		CORPORATION	
Address _____		Name of corporation (please print) _____	
		Signature _____	
		Name and designation of signatory (please print) _____	

Notes:

- The expressions "mortgagee" and "mortgagor" used in this form include their heirs, successors, assigns, executors and administrators and any other legal representative.
- This Mortgage must be completed by all the owners. If jointly owned, all the joint owners must act together.
- In the case of a corporation, this Mortgage must be made on behalf of the corporation by a duly authorized officer of the corporation.

RECEIPT FOR MORTGAGE MONEY

Received the sum of _____ in discharge of the above security.

Date _____

Signature _____

WET OP SKEEPSREGISTRASIE, 1998 (WET No. 58 VAN 1998)

REGULASIES OP SKEEPSREGISTRASIE, 2002

Die Minister van Vervoer het kragtens artikel 56 van die Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998), die regulasies in die Bylae uitgevaardig.

BYLAE

Indeling van regulasies

*Regulasie
No.*

DEEL 1
ALGEMEEN

1. Titel en inwerkingtreding
2. Uitleg
3. Skepe voorgeskryf vir doeleindes van artikel 1(6)(b) van Wet
4. Bepaling van algehele lengte
5. Ondertekening van dokumente
6. Attestering van dokumente
7. Spesifisering van nasionaliteit van korporasies
8. Indiening van dokumente
9. Dokumente nie in amptelike taal deur vertaling vergesel te word
10. Betekening, ens van dokumente

DEEL 2
SUID-AFRIKAANSE SKEPE

11. Nasionale vlag

DEEL 3
REGISTRASIE VAN SKEPE*Afdeling 1—Registrasie*

12. Registrasie van sekere skepe verbied
13. Aansoek om registrasie
14. Bouersertifikaat
15. Verklaring van eienaarskap en nasionaliteit
16. Inspeksie en tonnemaatbepaling van skip voor registrasie
17. Aantekening van besonderhede in Register
18. Tydperk van registrasie
19. Hernuwingskennisgewings en tydbeperking vir hernuwing van registrasie
20. Aansoek om hernuwing van registrasie
21. Beëindiging van registrasie

22. Kennisgewing aan buitelandse registrasiekantore deur Registrateur (Skepe op oorgangshuur aan Suid-Afrikaanse onderdane)

Afdeling 2—Identifikasie

23. Merk van skepe
24. Naam van geregistreerde skip en verandering van naam

Afdeling 3—Registrasiesertifikate

25. Vorm van registrasiesertifikaat
26. Nuwe sertifikate en voorlopige sertifikate
27. Voorlopige sertifikate vir skepe wat op registrasie geregtig word terwyl in buiteland
28. Verlenging van tydperk van voorlopige sertifikaat
29. Tydelike passe

DEEL 4

PRIVAATREGTELIKE BEPALINGS (BYLAE 1)

30. Oordrag van skip, ens
31. Oorgang van skip, ens deur regswerking
32. Verhipotekering van skip, ens
33. Oordrag van verband
34. Oorgang van verband deur regswerking
35. Aflossing van verband

DEEL 5

DIE REGISTER

36. Indeling van Register
37. Inskrywings in Register
38. Verouderde of onjuiste inskrywings in Register

DEEL 6

DIVERSE BEPALINGS

39. Verandering van naam, adres of nasionaliteit
40. Geregistreerde agent
41. Veranderings aan skepe
42. Skip verlore, ens of nie meer geregtig om geregistreer te wees nie
43. Skepe vrygestel van artikel 44 van Wet
44. Toelaatbaarheid van dokumente in getuienis
45. Tuishawens
46. Verifiëring van besonderhede (Registers kragtens herroepe wet gehou, ens)
47. Sertifikate, ens ten opsigte van skepe ingevolge Wet geregistreer geag
48. Verlenging van tyd
49. Verifiëring van inligting

AANHANGSELS

Aanhangsel 1: Voorgeskrewe eienskappe van skepe

Aanhangsel 2: Voorgeskrewe vorms

Vorm 1—Kennisgewing van voorneme om aansoek om registrasie te doen

Vorm 2—Registrasiesertifikaat

Vorm 3—Tydelike pas

Vorm 4—Koopakte

Vorm 5—Oorgangsverklaring

Vorm 6—Verband/Oordrag van verband

DEEL 1**ALGEMEEN****Titel en inwerkingtreding**

1. Hierdie regulasies heet die Regulasies op Skeepsregistrasie, 2002, en tree in werking op die datum van inwerkingtreding van die Wet.

Uitleg

2. (1) In hierdie regulasies het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, daardie betekenis, en tensy dit uit die samehang anders blyk, beteken—

"adres", met betrekking tot—

- (a) 'n natuurlike persoon, die plek waar die persoon op die betrokke tydstip woon;
- (b) 'n maatskappy wat in die Republiek ingelyf is, die plek wat in daardie stadium die geregistreerde kantoor van die maatskappy is; en
- (c) 'n ander persoon as 'n persoon in paragraaf (a) of (b) bedoel, die plek wat in daardie stadium die hoofplek van besigheid van die persoon in die Republiek is of, indien daardie persoon nie 'n plek van besigheid in die Republiek het nie, die hoofplek van besigheid van daardie persoon;

"amptelike nommer", met betrekking tot 'n skip, die nommer waaraan die skip in die Register geïdentifiseer word;

"bekwaamheidsertifikaat"—

- (a) 'n sertifikaat as gesagvoerder uitgereik kragtens die Handelskeepvaartwet, 1951; of
- (b) 'n sertifikaat wat vir doeleindes van die Wet erken is as gelykwaardig aan 'n sertifikaat van die tipe in paragraaf (a) bedoel;

"die Wet" die Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998);

"gevormde diepte" van 'n deel van 'n skip, die vertikale afstand gemeet by daardie deel van die skip van die top van die kiel tot by die onderkant van die boonste dek aan die kant, behalwe dat—

- (a) indien die skip van hout of saamgestelde materiaal gebou is, die afstand gemeet word van die onderkant van die kielsponning; en
- (b) indien die vorm van die onderste deel van die midskeepse deursnee van die skip hol van aard is of indien dik gaarboorde aangebring is, die afstand gemeet word van die punt waar die lyn van die plat vlak van die bodem, inwaarts verleng, die kant van die kiel kruis; en
- (c) indien die skip geronde boordwande het, die afstand gemeet word tot by die kruispunt van die gevormde lyne van die dek en sykanthuidbeplating, en die lyne word verleng asof die boordwande hoekig van ontwerp is; en
- (d) indien die bodek van die skip trapvormig is en die verhewe deel van die dek verby die punt strek waar die gevormde diepte gemeet moet word, die afstand gemeet word tot by 'n verwysingslyn wat van die onderste deel van die dek al langs 'n lyn parallel met die verhewe deel strek;

"gevormde diepte midskeeps", met betrekking tot 'n skip, die gevormde diepte van die skip—

- (a) in die geval van 'n ander skip as 'n skip in paragraaf (b) bedoel, op die vertikale vlak wat die middellynvlak van die skip reghoekig kruis halfpad tussen die vertikale lyne in regulasie 4(1)(a) en (b) bedoel; of
- (b) in die geval van 'n skip ten opsigte waarvan die Registrateur 'n bepaling ingevolge regulasie 4(2) gemaak het, op sodanige vertikale vlak as wat die Registrateur vir doeleindes van hierdie paragraaf met betrekking tot daardie skip bepaal;

"herroepe wet" dieselfde as in item 1(b) van Bylae 3 van die Wet;

"korporasie" 'n ander persoon as 'n natuurlike persoon;

"lengte", met betrekking tot 'n skip, die algehele lengte van die skip soos ooreenkomstig regulasie 4 bepaal;

"naam", met betrekking tot—

- (a) 'n natuurlike persoon, die volle gegewe name en van van die persoon;
- (b) 'n korporasie, die volle naam van die korporasie;
- (c) 'n geregistreerde skip, die naam waaronder die skip op die betrokke tydstip geregistreer is; of
- (d) 'n ongeregistreerde skip, die naam (as daar is) waaronder die skip /in daardie stadium bekend staan;

"plek van konstruksie", met betrekking tot 'n skip, die plek waar konstruksie van die romp begin het;

"roepsein", met betrekking tot 'n skip, die roepsein ni daardie stadium van die radiostasie (as daar is), of die hoofradiostasie, van die skip;

"tonnemaatsertifikaat", met betrekking tot 'n skip, 'n sertifikaat betreffende die tonnemaatbepaling van die skip kragtens, of andersins van toepassing ingevolge, die Handelskeepvaartwet, 1951.

"tuishawe", met betrekking tot 'n skip, die hawe wat in daardie stadium in die Register aangeteken is as die tuishawe van die skip;

"voorgeskrewe eienskappe", met betrekking tot 'n skip, die eienskappe in Aanhangsel 1 vermeld.

(2) Vir doeleindes van hierdie regulasies word streng voldoening aan 'n voorgeskrewe vorm nie vereis nie en is wesenlike voldoening voldoende.

(3) Vir doeleindes van hierdie regulasies word die konstruksie van 'n skip as voltooi beskou wanneer die skip op water kan vaar, hetsy onder sy eie krag of andersins.

(4) 'n Verwysing in hierdie regulasies na 'n genommerde vorm word uitgelê as 'n verwysing na die vorm aldus genommer in Aanhangsel 2.

Skepe voorgeskryf vir doeleindes van artikel 1(6)(b) van die Wet

3. Vir doeleindes van artikel 1(6)(b) van die Wet word die volgende klasse skepe voorgeskryf:

(a) vissersvaartuie;

(b) ander skepe as vissersvaartuie, synde—

(i) skepe met 'n bruto tonnemaat van minder as 500;

(ii) skepe wat nie deur meganiese middele aangedryf word nie;

(iii) skepe op oorgangshuur waar, na die mening van die Registrateur, die tydperk van die oorgangshuur minder as twee jaar is.

Bepaling van algehele lengte

4. Vir doeleindes van hierdie regulasies word die algehele lengte van 'n skip, behoudens subregulasie (2), bepaal deur die afstand te meet tussen—

(a) 'n vertikale lyn deur 'n punt, naamlik die voorste punt van die voorstewe; en

(b) 'n vertikale lyn deur 'n punt, naamlik die agterste punt van die agterstewe.

(2) Waar dit as gevolg van die aard van die konstruksie-eienskappe van 'n skip na die mening van die Registrateur ondoenlik is om die algehele lengte van die skip ooreenkomstig subregulasie (1) te bepaal, moet die algehele lengte van die skip bepaal word op die wyse wat die Registrateur bepaal.

Ondertekening van dokumente

5. (1) Behoudens hierdie regulasie word 'n dokument wat ingevolge die Wet of hierdie regulasies ingedien moet word by of voorgelê moet word aan die Registrateur of 'n bevoegde beampte (insluitende 'n aanstellingsdokument vir doeleindes van subregulasie (3) of (4)), vir doeleindes van hierdie regulasies geag behoorlik onderteken te wees deur 'n persoon indien—

- (a) die dokument gedateer en onderteken is, in teenwoordigheid van 'n getuie—
 - (i) waar daardie persoon 'n natuurlike persoon is, deur daardie persoon; of
 - (ii) waar daardie persoon 'n korporasie is, deur 'n beampte van die korporasie; en
- (b) daar onder die handtekening van die ondertekenaar in paragraaf (a) bedoel—
 - (i) die handtekening van die getuie geskryf is;
 - (ii) 'n leesbare verklaring van die naam en adres van die getuie geskryf is; en
 - (iii) waar daardie ondertekenaar 'n persoon in subparagraaf (a)(ii) bedoel is, 'n leesbare verklaring van die naam en ampsbenaming van die ondertekenaar geskryf is.

(2) Niks in subregulasie (1) belet die ondertekening namens 'n persoon van 'n dokument deur 'n prokureur met volmag nie, maar waar 'n dokument aldus onderteken is, moet die volmag vir notering getoon word by indiening van die dokument ooreenkomstig die Wet of hierdie regulasies.

(3) Behoudens subregulasie (5) is subregulasies (1) en (2) van toepassing met betrekking tot 'n dokument wat ingevolge 'n bepaling van hierdie regulasies behoorlik onderteken moet wees deur die eienaar van 'n skip asof die verwysing in daardie bepaling na die eienaar van die skip 'n verwysing was na—

- (a) in die geval van 'n skip wat aan net een persoon behoort, daardie persoon of na 'n persoon wat ooreenkomstig subregulasie (4) vir doeleindes van hierdie subregulasie deur daardie persoon aangestel is; of
- (b) in die geval van 'n skip wat aan meer as een persoon behoort, 'n persoon wat ooreenkomstig subregulasie (4) vir doeleindes van hierdie subregulasie aangestel is deur persone wat die eienaars van belange in die skip is waarvan die som gelyk is aan minstens 33 aandeel in die eiendomsreg in die skip.

(4) Die aanstelling van 'n persoon vir doeleindes van subregulasie (3) moet skriftelik geskied en—

- (a) moet die skip vermeld waarop dit betrekking het;
- (b) moet behoorlik onderteken wees deur elke persoon wat die aanstelling doen; en
- (c) waar die aanstelling deur meer as een persoon gedoen word, kan bestaan uit verskeie dokumente van soortgelyke vorm, elk behoorlik onderteken deur een of meer van daardie persone.

(5) Waar 'n dokument onderteken is deur 'n persoon wat vir doeleindes van subregulasie (3) aangestel is, moet die aanstellingsdokument van daardie persoon voorgelê word vir notering by die indiening of voorlegging van eersgenoemde dokument ooreenkomstig die Wet of hierdie regulasies.

Attestering van dokumente

6. Waar die handtekening op enige dokument ingevolge hierdie regulasies geattesteer moet word, moet enige getuie by die handtekening 'n mondig persoon wees en mag dit nie die gade van die ondertekenaar wees nie.

Spesifisering van nasionaliteit van korporasies

7. Daar word aan 'n vereiste in hierdie regulasies vir die vermelding in 'n dokument van die nasionaliteit van 'n persoon en die gronde waarop die persoon aanspraak maak op die nasionaliteit aldus vermeld, voldoen—

- (a) met betrekking tot 'n ander korporasie as 'n korporasie in paragraaf (b), (c) of (d) bedoel, deur die invoeging in die dokument van 'n verklaring waarin die aard en plek van inlywing van die korporasie uiteengesit word;
- (b) met betrekking tot 'n trust, deur die invoeging in die dokument van 'n verklaring waarin die volgende uiteengesit word:
 - (i) die nasionaliteit van elke trustee tesame met 'n beskrywing van daardie persoon se bevoegdhede as 'n trustee van die trust; en
 - (ii) die nasionaliteit van elke bevoordeelde tesame met 'n beskrywing van daardie persoon se voordelige belange in die trust;
- (c) met betrekking tot 'n Staatsowerheid, deur die invoeging in die dokument van die woorde "Staatsowerheid"; en
- (d) met betrekking tot 'n ander staat as die Republiek, deur die invoeging in die dokument van die woorde "Buitelandse Regering".

Indiening van dokumente

8. 'n Dokument wat ingevolge hierdie regulasies by die Registrateur ingedien moet word, word geag aldus ingedien te wees indien die dokument, aan die Registrateur gedresseer, saam met enige gelde wat by die indiening daarvan betaalbaar is, ontvang is—

- (a) by die Registrasiekantoor; of
- (b) behalwe in die geval van 'n koopakte of 'n verbandakte, by 'n takkantoor.

Dokumente nie in amptelike taal deur vertaling vergesel te word

9. Enige dokument wat nie in 'n amptelike taal is nie en ingedien of voorgelê word ter stawing van enige aansoek ingevolge die Wet of hierdie regulasies, moet vergesel gaan van 'n outentieke vertaling van die dokument in die Engelse taal.

Betekening, ens van dokumente

10. (1)B ehoudens die Wet en hierdie regulasies kan 'n kennisgewing of ander dokument wat ingevolge die Wet of hierdie regulasies deur die Registrateur aan 'n persoon gegee of beteken kan of moet word, aldus gegee of beteken word deur dit af te lewer aan, of per behoorlike voorafbetaalde pos of per telegram of faksimileeversending te stuur aan die persoon by die jongste adres wat aan die Registrateur bekend is as die adres van daardie persoon.

- (2) Betekening van 'n kennisgewing of ander dokument wat ingevolge subregulasie (1) per telegram of faksimilee aan 'n persoon gestuur word, word geag, by gebrek aan

getuienis tot die teendeel, te geskied het op die tyd wanneer die telegram of faksimilee in die gewone verloop van versending ontvang sou word.

DEEL 2

SUID-AFRIKAANSE SKEPE

Nasionale vlag

11. (1) 'n Aansoek ingevolge artikel 4(5) van die Wet moet gedoen word deur 'n skriftelike aansoek, onderteken op die wyse in subregulasie (2) vermeld, by die Registrateur in te dien, waarin die volgende vermeld word:

- (a) die naam van die skip;
- (b) die hawe waar die skip gewoonlik geanker of vasmeeer is;
- (c) 'n beskrywing van die skip, insluitende enige identifiserende merke;
- (d) die naam, adres en nasionaliteit van elke persoon aan wie die skip behoort;
- (e) indien die aansoek betrekking het op 'n skip in artikel 16(b)(ii) van die Wet beskryf, die naam, adres en nasionaliteit van elke operateur van die skip; en
- (f) waar 'n persoon, synde—
 - (i) in die geval van 'n aansoek met betrekking tot 'n skip in artikel 16(a) of (b)(i) van die Wet beskryf, die persoon, of een van die persone, aan wie die skip behoort; of
 - (ii) in die geval van 'n aansoek met betrekking tot 'n skip in artikel 16(b)(ii) van die Wet beskryf, die operateur, of een van die operateurs, van die skip,

nie 'n Suid-Afrikaanse onderdaan is nie, inligting oor die status van daardie persoon as 'n inwoner van die Republiek.

(2) 'n Aansoek in subregulasie (1) bedoel, word vir doeleindes van daardie subregulasie geag onderteken te wees op die wyse in hierdie subregulasie vermeld, indien—

- (a) in die geval van 'n aansoek met betrekking tot 'n skip in artikel 16(a) van die Wet beskryf, dit behoorlik onderteken is—
 - (i) waar die skip aan net een persoon behoort, deur daardie persoon of deur 'n persoon wat vir doeleindes van hierdie subregulasie ooreenkomstig subregulasie (3) deur daardie persoon aangestel is; of
 - (ii) waar die skip aan meer as een persoon behoort, deur 'n persoon wat vir doeleindes van hierdie subregulasie ooreenkomstig subregulasie (3) aangestel is deur die persone aan wie die skip behoort;
- (b) i n die geval van 'n aansoek met betrekking tot 'n skip in artikel 16(b)(i) van die Wet beskryf, dit behoorlik onderteken is—
 - (i) waar die skip aan net een persoon behoort, deur daardie persoon of deur 'n persoon wat vir doeleindes van hierdie subregulasie ooreenkomstig subregulasie (3) deur daardie persoon aangestel is; of

- (ii) waar die skip aan meer as een persoon behoort, deur 'n persoon wat ooreenkomstig subregulasie (3) vir doeleindes van hierdie subregulasie aangestel is deur die persone aan wie die skip behoort; of
- (c) in die geval van 'n aansoek met betrekking tot 'n skip in artikel 16(b)(ii) van die Wet beskryf, dit behoorlik onderteken is—
 - (i) waar die skip deur net een persoon bedryf word, deur daardie persoon of deur 'n persoon wat ooreenkomstig subregulasie (3) vir doeleindes van hierdie subregulasie deur daardie persoon aangestel is; of
 - (ii) waar die skip deur meer as een persoon bedryf word, deur 'n persoon wat ooreenkomstig subregulasie (3) vir doeleindes van hierdie subregulasie aangestel is deur die persone wat die skip bedryf.
- (3) Die aanstelling van 'n persoon vir doeleindes van subregulasie (2) moet skriftelik geskied en—
 - (a) moet die skip vermeld waarop dit betrekking het;
 - (b) moet behoorlik onderteken wees deur elke persoon wat die aanstelling doen; en
 - (c) waar die aanstelling deur meer as een persoon gedoen word, kan bestaan uit verskeie dokumente van soortgelyke vorm, elk behoorlik onderteken deur een of meer van daardie persone.
- (4) Waar 'n aansoek in subregulasie (3) bedoel, onderteken is deur 'n persoon wat vir doeleindes van subregulasie (3) aangestel is, moet die aanstellingsdokument van daardie persoon voorgelê word vir notering by indiening van die aansoek.
- (5) 'n Sertifikaat ingevolge artikel 4(5) van die Wet moet deur die Registrateur onderteken wees en geseël wees met die seël van die Registrasiekantoor en moet—
 - (a) die naam vermeld van die skip en van die hawe waar hy gewoonlik geanker of vasgemeer is;
 - (b) 'n beskrywing van die skip uiteensit, insluitende enige identifiserende merke;
 - (c) die naam, adres en nasionaliteit uiteensit van die persoon of persone aan wie dit uitgereik word en moet aandui of die sertifikaat aan daardie persoon of persone uitgereik word as eienaar of eienaars, of as operateur of operateurs, van die skip; en
 - (d) waar die persoon, of enige van die persone, aan wie die sertifikaat uitgereik word, nie 'n Suid-Afrikaanse onderdaan is nie maar 'n inwoner van die Republiek is, 'n verklaring te dien effekte bevat.

DEEL 3

REGISTRASIE VAN SKEPE

Afdeling 1—Registrasie

Registrasie van sekere skepe verbied

12. Die volgende klasse skepe waarvan die registrasie ingevolge die Wet verbied word, word hierby voorgeskryf:

- (a) skepe waarvan die registrasie by artikel 19(1) van die Wet verbied word;
- (b) houtskepe van primitiewe bou;
- (c) skepe wat korter as 3 meter is.

Aansoek om registrasie

13. (1)A aansoek om die registrasie van 'n skip ingevolge die Wet moet gedoen word deur—

- (a) 'n skriftelike aansoek om die registrasie van die skip ooreenkomstig subregulasie (3) by die Registrateur in te dien;
- (b) die volgende by die Registrateur in te dien:
 - (i) 'n dokument of dokumente wat aan die vereistes van subregulasie (5) voldoen betreffende die beskrywing van die skip;
 - (ii) 'n dokument of dokumente wat aan die vereistes van subregulasie (6) voldoen betreffende die eienaarskap van die skip;
 - (iii) waar die registrasie van die skip daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is, 'n afskrif van die huurooreenkoms;
 - (iv) 'n verklaring van eienaarskap en nasionaliteit ooreenkomstig regulasie 15;
 - (v) 'n skriftelike kennisgewing wat die naam en adres vermeld van die persoon wat die geregistreerde agent van die skip sal wees wanneer dit geregistreer is en behoorlik onderteken deur die eienaar van die skip en, waar die eienaar nie die persoon is wie se naam en adres aldus vermeld is nie, deur daardie persoon;
 - (vi) getuienis ooreenkomstig regulasie 23 dat die skip ooreenkomstig daardie regulasie gemerk is met merke wat deur die Registrateur ingevolge artikel 20(1) van die Wet gelas is; en
- (c) die lisensie of ander dokument (as daar is) wat die gebruik van 'n roepsein met betrekking tot die skip magtig, vir notering aan die Registrateur voor te lê.

(2) Die dokumente in subregulasie (1)(b) en (c) bedoel, moet by die Registrateur ingedien of aan die Registrateur voorgelê word binne ses maande na die indiening van die aansoek in subregulasie (1)(a) bedoel.

(3) Behoudens subregulasie (4) moet 'n aansoek in subregulasie (1)(a) bedoel, behoorlik onderteken wees deur die eienaar van die skip en moet dit die volgende vermeld:

- (a) die tipe skip (wat sy doel betref);
- (b) die metode van aandrywing van die skip;
- (c) die lengte van die skip;
- (d) die vernaamste konstruksiemateriaal van die romp van die skip;
- (e) in voorkeurorde, drie voorgestelde name vir die skip;
- (f) die voorgestelde tuishawe van die skip;
- (g) die IMO-nommer van die skip (as daar is);
- (h) waar die skip voorheen geregistreer was (hetsy in die Republiek of elders), die jaar waarin die skip laas aldus geregistreer was en die volgende inligting met betrekking tot die skip toe dit aldus geregistreer was:
 - (i) die register waarin die skip geregistreer was;
 - (ii) die amptelike nommer van die skip;
 - (iii) die geregistreerde naam van die skip;
 - (iv) die tuishawe, of registrasiehawe, van die skip; en
- (i) waar die skip nie voorheen in die Republiek geregistreer was nie—
 - (i) die naam van die bouer van die skip;
 - (ii) die plek van konstruksie; en
 - (iii) die bouer se identifikasie van die skip of die naam (as daar is) waaronder die skip bekend staan.

(4) 'n Verklaring in 'n aansoek kragtens subregulasie (1) ten effekte dat die eienaar van die skip nie in staat is om die inligting, of enige deel van die inligting, in paragraaf (h) of (i) van subregulasie (3) bedoel te verstrek nie, tesame met 'n verklaring van die rede vir daardie onvermoë, word vir doeleindes van daardie subregulasie geag aan die vereistes van daardie paragraaf te voldoen.

(5) Vir doeleindes van subregulasie (1)(b)(i) word daar aan die vereistes van hierdie subregulasie rakende die beskrywing van 'n skip voldoen—

- (a) waar die skip nie voorheen geregistreer was nie soos in paragrawe (b) en (c) bedoel—
 - (i) deur 'n bouersertifikaat ooreenkomstig regulasie 14; of
 - (ii) waar die eienaar, nadat alle redelike stappe gedoen is, nie in staat is om 'n bouersertifikaat te kry nie, deur 'n plegtige verklaring deur 'n persoon wat met die feite van die aangeleentheid vertrou is, waarin die volgende vermeld word:
 - (aa) die voorgeskrewe besonderhede van die skip;
 - (bb) sodanige van die ander aangeleenthede wat ingevolge regulasie 14(1) in 'n bouersertifikaat vermeld moet word, as wat bekend is aan die persoon wat die plegtige verklaring aflê; en

- (cc) die gronde waarop daardie persoon die waarheid bevestig van aangeleenthede wat ingevolge items (aa) en (bb) vermeld is;
- (b) waar die skip voorheen in die Republiek geregistreer was, hetsy ingevolge die Wet of ingevolge Deel II van die Handelskeepvaartwet, 1951, deur 'n plegtige verklaring deur 'n persoon wat met die feite van die aangeleentheid vertrou is, waarin die opsigte (as daar is) vermeld word waarin die beskrywing van die skip verskil van die beskrywing van die skip wat in die Register of 'n registerboek, na gelang van die geval, verskyn het onmiddellik voordat die skip opgehou het of laas opgehou het om aldus geregistreer te wees; of
- (c) waar die skip voorheen geregistreer was ingevolge die bepalings van die reg van 'n ander land rakende die registrasie van skepe in daardie land en die dokument (as daar is) wat ingevolge daardie reg uitgereik is wat ooreenstem met 'n registrasiesertifikaat, die inligting ten opsigte van die skip bevat wat ooreenkomstig regulasie 14 in 'n bouersertifikaat uiteengesit moet word, of enige deel van daardie inligting, deur—
- (i) daardie dokument; en
- (ii) in die mate (indien wel) waarin daardie dokument nie daardie inligting bevat nie of die inligting in daardie dokument vervat in enige opsig foutief is, 'n plegtige verklaring deur 'n persoon wat vertrou is met die feite van die aangeleentheid, waarin soveel van daardie inligting as wat nie in daardie dokument vervat is nie of foutief verklaar is, uiteengesit word.
- (6) Vir doeleindes van subregulasie (1)(b)(ii) word daar aan die vereistes van hierdie subregulasie rakende die eienaarskap van 'n skip voldoen—
- (a) waar die skip nie voorheen geregistreer is nie soos in paragrafe (b) en (c) bedoel, deur—
- (i) 'n bouersertifikaat ooreenkomstig regulasie 14; en
- (ii) die tersaaklike dokumente betreffende enige veranderinge in die eienaarskap van die skip, ongeag of dit voor of na die datum van daardie sertifikaat plaasgevind het,
- of, waar die skip gebou en verkry is deur die eienaar op 'n plek buite die Republiek en daardie sertifikaat of daardie dokumente nie beskikbaar is nie, deur die dokument waarby die eienaar van die skip die eienaarskap van die skip verkry het;
- (b) waar die skip voorheen in die Republiek geregistreer was, hetsy ingevolge die Wet of ingevolge Deel II van die Handelskeepvaartwet, 1951, deur die tersaaklike dokumente rakende enige veranderinge in die eienaarskap van die skip wat plaasgevind het sedert die eienaarskap van die skip was soos vermeld in die Register of 'n registerboek, na gelang van die geval, onmiddellik voordat die skip opgehou het of laas opgehou het om aldus geregistreer te wees; of
- (c) waar die skip voorheen geregistreer was ingevolge die bepalings van die reg van 'n ander land rakende die registrasie van skepe in daardie land, deur enige dokument wat ingevolge daardie reg bewys van titel op die skip is.
- (7) 'n Verwysing in subregulasie (6) na die tersaaklike dokumente met betrekking tot enige veranderinge in die eienaarskap van 'n skip word, met betrekking tot elke sodanige verandering, uitgelê as 'n verwysing na—

- (a) 'n koopakte of ander dokument waarby eienaarskap van die skip oorgedra word, synde 'n koopakte of dokument wat deur elke oordraggewer onderteken is en die naam van die skip, die aard en omvang van die belang in die skip waarop die koopakte of dokument betrekking het en die naam en adres van elke oordraggewer en oordragnemer vermeld; en
- (b) sodanige van die dokumente wat bewys lewer van verandering van eienaarskap in regulasie 31(2) bedoel as wat van toepassing is indien, ten tyde van die verandering, die skip ingevolge die Wet geregistreer was.

(8) Die vereistes van subregulasie (5) of (6) rakende die beskrywing of eienaarskap van 'n skip word, vir doeleindes van subregulasie (1)(b)(i) of (ii), na gelang van die geval, geag nagekom te wees met betrekking tot enige besonderhede van die beskrywing van die skip of van die geskiedenis van die eienaarskap van die skip met betrekking waartoe die aansoeker vir registrasie nie 'n dokument (uitgesonderd 'n plegtige verklaring) in daardie subregulasie vermeld kan voorlê nie, deur 'n plegtige verklaring deur 'n persoon wat met die feite van die aangeleentheid vertrou is, waarin daardie besonderhede van die beskrywing van die skip of van die geskiedenis van die eienaarskap van die skip uiteengesit word.

(9) Waar, omrede die nie-beskikbaarheid van 'n dokument (insluitende 'n plegtige verklaring) in subregulasie (6) of (8) bedoel, daar nie aan die vereistes van subregulasie (6) rakende die eienaarskap van 'n skip waarop 'n aansoek ingevolge hierdie regulasie betrekking het, voldoen kan word nie, dan, behoudens subregulasie (10), word daar vir doeleindes van subregulasie (1)(b)(ii) geag dat daar aan daardie vereistes voldoen is met betrekking tot daardie skip, deur—

- (a) sodanige (as daar is) van die dokumente in subregulasie (6) of (8) bedoel as wat beskikbaar is met betrekking tot die skip; en
- (b) 'n plegtige verklaring deur die persoon wat die aansoek onderteken het, waarin verklaar word dat, na sy of haar beste wete, die persoon op wie se naam, of die persone op wie se name, die skip geregistreer sal word indien die aansoek slaag, wettig geregtig is op eienaarskap van die skip soos in regulasie 15(b) vermeld en waarin die gronde vir daardie wete uiteengesit word.

(10) Die dokumente in subregulasie (9)(a) en (b) bedoel, word nie geag aan die vereistes van subregulasie (6) rakende die eienaarskap van 'n skip te voldoen nie, tensy 'n kennisgewing, ooreenkomstig Vorm 1, van voorneme om aansoek te doen om die registrasie van die skip, minstens 30 dae voor die indiening van die aansoek in die *Staatskoerant* gepubliseer is.

Bouersertifikaat

14. (1) Behoude ns subregulasie (2) moet 'n bouersertifikaat met betrekking tot 'n skip behoorlik onderteken wees deur die bouer van die skip en moet dit die volgende vermeld:

- (a) die naam (as daar is) van die skip;
- (b) die bouer se identifikasie van die skip;
- (c) die datum van voltooiing van die skip;
- (d) die plek van konstruksie van die skip;

- (e) die naam en adres van die bouer;
- (f) die naam en adres van die persoon vir wie die skip gebou is;
- (g) die datum waarop die skip gelewer of oorhandig is aan die persoon vir wie die skip gebou is; en
- (h) besonderhede van die voorgeskrewe eienskappe van die skip.

(2) Waar 'n skip in stadiums deur meer as een bouer gebou is—

- (a) kan 'n bouersertifikaat met betrekking tot die skip bestaan uit verskeie dokumente ooreenkomstig subregulasie (1), wat elk op een of meer van daardie stadiums betrekking het; en
- (b) moet 'n bouersertifikaat wat op al daardie stadiums betrekking het, of 'n dokument in paragraaf (a) bedoel wat op meer as een van daardie stadiums betrekking het, behoorlik onderteken wees deur al die bouers wat verantwoordelik was vir die bouwerk wat in daardie stadiums uitgevoer is.

(3) Sonder om subregulasie (2) in te kort, waar 'n skip wat die onderwerp van 'n aansoek om registrasie is, gewysig is (hetsy deur die bouer of deur 'n ander persoon) na voltooiing daarvan, word die skip geag, vir doeleindes van daardie subregulasie, in stadiums gebou te wees deur meer as een bouer.

Verklaring van eienaarskap en nasionaliteit

15. Vir doeleindes van regulasie 13(1)(b)(iv)—

- (a) moet 'n verklaring van eienaarskap en nasionaliteit die skip vermeld waarop dit betrekking het;
- (b) moet 'n verklaring van eienaarskap en nasionaliteit, met betrekking tot elke persoon aan wie die skip behoort, die volgende vermeld:
 - (i) die naam, adres en nasionaliteit van die persoon;
 - (ii) die gronde waarop die persoon aanspraak maak op die nasionaliteit aldus vermeld;
 - (iiA) waar die persoon nie 'n Suid-Afrikaanse onderdaan is nie, inligting oor die status van daardie persoon as 'n inwoner van die Republiek;
 - (iii) die omvang van die belang van die persoon in die skip; en
 - (iv) die datum waarop daardie belang verkry is;
- (bA) indien die verklaring betrekking het op 'n skip in artikel 16(b)(ii) van die Wet beskryf, moet 'n verklaring van eienaarskap en nasionaliteit, met betrekking tot elke operateur van die skip, die volgende vermeld:
 - (i) die naam, adres en nasionaliteit van die operateur;
 - (ii) die gronde waarop die operateur aanspraak maak op die nasionaliteit aldus vermeld; en
 - (iii) waar die operateur nie 'n Suid-Afrikaanse onderdaan is nie, inligting oor die status van daardie operateur as 'n inwoner van die Republiek;

- (c) moet 'n verklaring van eienaarskap en nasionaliteit, waar die registrasie van die skip ingevolge die Wet daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is, die volgende vermeld met betrekking tot elke huurder ingevolge die huurkontrak:
 - (i) die naam, adres en nasionaliteit van die huurder; en
 - (ii) die gronde waarop die huurder aanspraak maak op die nasionaliteit aldus vermeld; en
- (d) behoorlik onderteken wees deur elke persoon in paragraaf (b), (bA) of (c) bedoel, en kan dit bestaan uit verskeie dokumente van soortgelyke vorm wat gesamentlik die inligting bevat wat by paragrawe (a), (b), (bA) en (c) vereis word en ooreenkomstig paragraaf (d) onderteken is.

Inspeksie en tonnemaatbepaling van skip voor registrasie

16. (1) Vir doeleindes van artikel 17(1)(a) van die Wet word daar 'n inspeksie deur 'n opnemer van skepe, deur die Registrateur aangestel, voorgeskryf om te bepaal of die skip voldoen aan die tersaaklike vereistes van die Skeepvaartwette ten opsigte van—

- (a) die toestand van die skip rakende sy veiligheid of enige risiko van besoedeling; en
- (b) die veiligheid, gesondheid en welsyn van persone wat daarop in diens of betrokke is.

(2) Vir doeleindes van artikel 17(2) van die Wet word daar 'n klas skepe voorgeskryf waarvan elk 'n skip is waarop die Tonnemaatkonsensie (binne die betekenis van artikel 2(1) van die Handelskeepvaartwet, 1951) nie van toepassing is nie, synde skepe ten opsigte waarvan 'n sertifikaat rakende tonnemaatbepaling—

- (a) nie ingevolge daardie Wet uitgereik is nie; of
- (b) nie andersins ingevolge daardie Wet van krag is nie.

(3) Vir doeleindes van artikel 18(1)(b) van die Wet word daar 'n voorwaarde voorgeskryf dat die skip 'n inspeksie wat ingevolge artikel 17(1)(a) van die Wet voorgeskryf is, moet ondergaan binne die tydperk wat die Registrateur bepaal.

Aantekening van besonderhede in Register

17. (1) Die Registrateur moet 'n skip registreer deur die volgende besonderhede rakende die skip in die Register aan te teken:

- (a) 'n unieke identifiserende nommer, wat as die amptelike nommer bekend staan;
- (b) die naam;
- (c) die tuishawe
- (d) die roepsein (as daar is);
- (e) die IMO-nommer (as daar is);
- (f) die jaar van registrasie;

- (g) die plek van konstruksie;
- (h) die jaar van voltooiing;
- (i) die voorgeskrewe eienskappe;
- (j) in die geval van 'n skip waarop artikel 17(1) van die Wet van toepassing is—
 - (i) die bruto tonnemaat;
 - (ii) die netto tonnemaat; en
 - (iii) enige alternatiewe tonnemaat;soos op die tonnemaatsertifikaat getoon;
- (k) met betrekking tot elke persoon aan wie die skip behoort—
 - (i) die naam, adres en nasionaliteit van die persoon; en
 - (iA) waar die persoon nie 'n Suid-Afrikaanse onderdaan is nie, inligting oor die status van daardie persoon as 'n inwoner van die Republiek;
 - (ii) die omvang van die persoon se belang in die skip;
- (kA) in die geval van 'n skip in artikel 16(b)(ii) van die Wet beskryf, met betrekking tot elke operateur van die skip—
 - (i) die naam, adres en nasionaliteit van die operateur; en
 - (ii) waar die operateur nie 'n Suid-Afrikaanse onderdaan is nie, inligting oor die status van daardie operateur as 'n inwoner van die Republiek; en
- (l) in die geval van 'n skip waarvan die registrasie ingevolge die Wet daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is, met betrekking tot elke huurder ingevolge die huurkontrak, die naam, adres en nasionaliteit van die huurder.

(2) Waar 'n inskrywing in die Register ingevolge subregulasie (1) gemaak word ten opsigte van 'n skip wat voorheen ingevolge die Wet geregistreer was, is die nommer in subregulasie (1)(a) bedoel die nommer wat die skip se amptelike nommer was toe die skip voorheen aldus geregistreer was.

(3) Waar 'n inskrywing ingevolge subregulasie (1) in die Register gemaak word ten opsigte van 'n skip waarvan die registrasie ingevolge die Wet daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is, is die nommer in subregulasie (1)(a) bedoel, die skip se unieke identifiserende nommer ingevolge die reg van die staat van primêre registrasie.

Tydperk van registrasie

18. (1) Behoudens subregulasie (2) is die registrasie van 'n skip, tensy dit vroeër beëindig word ingevolge die Wet of hierdie regulasies, geldig vir 'n tydperk van vyf jaar wat begin op die datum van registrasie vermeld in die registrasiesertifikaat of die hernuwingssertifikaat in subregulasie (6) bedoel, na gelang van die geval, en verval dit aan die einde van daardie tydperk tensy dit ooreenkomstig regulasie 19 hernu word.

(2) Die registrasie van 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan, tensy dit vroeër beëindig word ingevolge die Wet of hierdie regulasies, is geldig vir die tydperk van die oorgangshuur.

Hernuwingskennissgewings en tydbeperking vir hernuwing van registrasie

19. (1) Drie maande voor die verval van die registrasie van 'n skip moet die Registrateur 'n hernuwingskennisgewing aan die geregistreerde agent van die skip beteken.

(2) Aansoek om die hernuwing van die registrasie van 'n skip moet gedurende die laaste drie maande van die lopende registrasietydperk gedoen word.

Aansoek om hernuwing van registrasie

20. (1) Aansoek om die hernuwing van die registrasie van 'n skip moet gedoen word deur 'n skriftelike aansoek om die hernuwing van die registrasie van die skip ooreenkomstig subregulasie (2) by die Registrateur in te dien, vergesel van—

- (a) 'n verklaring van eienaarskap en nasionaliteit ooreenkomstig subregulasie (3); en
- (b) 'n verklaring ooreenkomstig subregulasie (4) rakende die geregistreerde besonderhede van die skip.

(2) 'n Aansoek in subregulasie (1) bedoel, moet behoorlik onderteken wees deur die eienaar van die skip en moet die naam en amptelike nommer van die skip vermeld.

(3) Vir doeleindes van subregulasie (1)(a) moet 'n verklaring van eienaarskap en nasionaliteit—

- (a) die aangeleenthede in paragrawe (a), (b), (bA) en (c) van regulasie 15 vermeld; en
- (b) behoorlik onderteken wees ooreenkomstig paragraaf (d) van daardie regulasie,

en kan dit bestaan uit verskeie dokumente van soortgelyke vorm wat gesamentlik die inligting bevat wat by paragraaf (a) vereis word en moet dit onderteken wees ooreenkomstig paragraaf (b).

(4) Vir doeleindes van subregulasie (1)(b) moet 'n verklaring rakende die geregistreerde besonderhede van die skip behoorlik onderteken wees deur die geregistreerde agent van die skip en moet dit verklaar dat daar geen veranderinge in die besonderhede wat in die Register aangeteken is met betrekking tot die skip, plaasgevind het wat nie aan die Registrateur bekend gemaak is nie.

(5) 'n Hernuwingsertifikaat moet onder die handtekening van die Registrateur en die seël van die Registrasiekantoor uitgereik word met betrekking tot elke skip waarvan die registrasie hernu is en moet die volgende vermeld:

- (a) die naam en amptelike nommer van die skip; en
- (b) die datum van registrasie van die skip.

(6) Artikel 24 van die Wet is van toepassing met betrekking tot 'n hernuwingsertifikaat wat kragtens subregulasie (5) uitgereik is asof dit 'n sertifikaat is waarop daardie artikel van toepassing is anders as kragtens hierdie subregulasie.

(7) Waar daar nie binne die tydperk in regulasie 19(2) vermeld aansoek om die hernuwing van die registrasie van 'n skip gedoen word nie, moet die Registrateur by verstryking van daardie tydperk 'n inskrywing te dien effekte in die Register maak, en die registrasie van die skip word geag beëindig te wees, behoudens subregulasie (8).

(8) Waar 'n skip ten opsigte waarvan die Registrateur ingevolge subregulasie (7) 'n inskrywing in die Register gemaak het, aan 'n onafgeloste verband of verbande onderhewig is, is subartikels (4) tot (9) van artikel 42 van die Wet van toepassing met betrekking tot die skip asof dit 'n skip is waarop daardie subartikels van toepassing is anders as kragtens hierdie subregulasie.

Beëindiging van registrasie

21. (1) Aansoek om die beëindiging van die registrasie van 'n geregistreerde skip, wat nie 'n skip is waarop artikel 44 of 45 van die Wet van toepassing is nie, kan gedoen word deur die volgende by die Registrateur in te dien:

- (a) 'n skriftelike aansoek om die beëindiging van die registrasie van die skip, behoorlik onderteken deur die eienaar van die skip; en
- (b) die registrasiesertifikaat of voorlopige registrasiesertifikaat, na gelang van die geval.

(2) 'n Aansoek ingevolge subregulasie (1) moet die volgende vermeld:

- (a) die geregistreerde naam van die skip;
- (b) die amptelike nommer van die skip; en
- (c) die tuishawe van die skip.

(3) Waar die Registrateur 'n aansoek ingevolge subregulasie (1) rakende 'n skip ontvang, moet die Registrateur 'n inskrywing te dien effekte in die Register maak, en die registrasie van die skip word geag beëindig te wees, behoudens subregulasie (4).

(4) Waar 'n skip in verband waarmee die Registrateur ingevolge subregulasie (3) 'n inskrywing in die Register gemaak het, onderhewig is aan 'n onafgeloste verband of verbande, is subartikels (4) tot (9) van artikel 42 van die Wet van toepassing op die skip asof dit 'n skip is waarop daardie subartikels anders as kragtens hierdie subregulasie van toepassing is.

Kennisgewing aan buitelandse registrasiekantore deur Registrateur (Skepe op oorgangshuur aan Suid-Afrikaanse onderdane)

22. Die Registrateur moet, met betrekking tot 'n skip waarvan die registrasie ingevolge die Wet daarvan afhang of afgehang het of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is, die owerheid verantwoordelik vir die registrasie van skepe in die staat van primêre registrasie in kennis stel wanneer—

- (a) die skip ingevolge die Wet geregistreer is;
- (b) die registrasie van die skip ingevolge hierdie regulasies beëindig is omrede die verval van die skip se registrasie; of
- (c) die registrasie van die skip andersins ingevolge die Wet beëindig is.

*Afdeling 2—Identifikasie***Merk van skepe**

23. (1) Behoudens hierdie regulasie moet 'n skip vir doeleindes van artikel 20 van die Wet soos volg gemerk word:

- (a) die naam van die skip moet ooreenkomstig subregulasie (2) op elke boeg gemerk word;
- (b) die naam van die skip en sy tuishawe moet ooreenkomstig subregulasie (2) gemerk word—
 - (i) op die agterstewe; of
 - (ii) indien die konfigurasie van die agterstewe sodanig is dat daardie name nie leesbaar op die agterstewe vertoon kan word nie, op elke kant van die romp so naby doenlik aan die agterstewe; of
 - (iii) indien voldoening aan subparagraaf (i) of (ii) nie doenlik is nie, op sodanige ander deel of dele van die skip as wat die Registrateur bepaal;
- (c) 'n merk ooreenkomstig subregulasie (3) moet gemaak word in 'n posisie waar dit geredelik geïnspekteer kan word, op die hoofbalk van die skip of, indien die skip nie 'n hoofbalk het nie of dit ondoenlik is om die merk op die hoofbalk te maak, op 'n ander hoofstrukturele raamdeel of integrale deel van die skip;
- (d) 'n skaal van meters wat die skip se diepgang toon, moet ooreenkomstig subregulasie (4) gemerk word—
 - (i) aan elke kant van die voor- en agterstewe; en
 - (ii) in die geval van 'n skip met 'n lengte van meer as 25 meter, aan elke kant van die skip binne 300 millimeter van middelskip.

(2) Die merke in subregulasie (1)(a) en (b) bedoel, moet op die volgende wyse gemaak word:

- (a) alle alfabetiese letters moet in die vorm wees van—
 - (i) regop sans serif-hoofletters, nie uitgebreide of gekondenseerde vorms van daardie letters nie, waarvan die hoogte minstens 100 millimeter en die dikte van die strepe minstens 20 persent en hoogstens 25 persent van hulle hoogte is; of
 - (ii) letters wat, hetsy in die algemeen of in 'n bepaalde geval, deur die Registrateur goedgekeur is, synde letters wat nie minder leesbaar is nie as letters van die tipe in subparagraaf (i) bedoel;
- (b) alle syfers, hetsy Arabies of Romeins, moet in 'n styl wees wat pas by dié van die alfabetiese karakters;
- (c) die merk moet aangebring wees in waterbestande verf van 'n kleur wat 'n duidelike teenstelling vorm met die kleur van die agtergrond waarop dit verskyn.

(3) Die merk in subregulasie (1)(c) bedoel, moet bestaan uit—

- (a) die letters "O.N." gevolg deur die amptelike nommer van die skip; en
- (b) of—

- (i) (aa) die letters "G.T." gevolg deur die bruto tonnemaat van die skip soos op sy tonnemaatsertifikaat getoon; en
 - (bb) die letters "N.T." gevolg deur die netto tonnemaat van die skip soos op sy tonnemaatsertifikaat getoon; óf
 - (ii) waar die skip nie 'n skip is waarop artikel 17(1) van die Wet van toepassing is nie, die letters "L.O.A." gevolg deur die lengte van die skip in meter, tot twee desimale plekke,
- synde letters en syfers—
- (i) wat—
 - (aa) ingesny is in die oppervlak van die deel van die skip waarop dit aangebring is; of
 - (bb) deel uitmaak van die materiaal van daardie deel van die skip en uitstaan van die omringende oppervlak van daardie deel van die skip; en
 - (ii) waarvan die hoogte—
 - (aa) minstens 100 millimeter is; of
 - (bb) waar die deel van die skip waarop dit aangebring is, sodanig is dat voldoening aan item (aa) nie doenlik is nie, die maksimum doenlike hoogte is.
- (4) Die merk in subregulasie (1)(d) bedoel, moet op die volgende wyse gemaak word:
- (a) die merk moet—
 - (i) verdeel word in meterintervalle wat aangedui word deur die Arabiese syfer, of syfers, wat ooreenstem met die diepgang in meter gevolg deur die Romeinse letter "M"; en
 - (ii) verdeel word in desimeterintervalle, waarvan elke tweede interval gemerk moet wees met die Arabiese syfer, of syfers, wat by die indeling pas;
 - (b) alle letters en syfers moet—
 - (i) ingesny wees in die oppervlak van die deel van die skip waarop dit aangebring word; of
 - (ii) deel uitmaak van die materiaal van daardie deel van die skip en uitstaan van die omringende oppervlak van daardie deel van die skip,en—
 - (aa) minstens 100 millimeter hoog wees; of
 - (bb) waar die deel van die skip waarop dit aangebring is, sodanig is dat voldoening aan item (aa) nie doenlik is nie, die maksimum doenlike hoogte wees;
 - (c) die merk moet aangebring wees in waterbestande verf van 'n kleur wat 'n duidelike teenstelling vorm met die kleur van die agtergrond waarop dit verskyn.
- (5) Waar daar as gevolg van die aard van die konstruksie-eienskappe van 'n skip geen deel van die skip is wat geredelik as 'n boeg, of as die agterstewe, van die skip geïdentifiseer

kan word nie, moet 'n merk wat ingevolge subregulasie (1)(a), (b) of (d) op 'n boeg of op die agterstewe van die skip, na gelang van die geval, aangebring moet word, op sodanige deel van die skip as wat die Registrateur vereis, aangebring word.

(6) Waar dit na die mening van die Owerheid onredelik is om voldoening, of volle voldoening, aan die vereistes van subregulasie (1)(a), (b), (c) of (d) te vereis met betrekking tot 'n skip, of met betrekking tot skepe ingesluit in 'n klas skepe, kan die owerheid, per skriftelike instrument, die skip, of skepe ingesluit in die klas skepe, vrystel van die vereistes in die instrument vermeld, behoudens voldoening aan die voorwaardes (as daar is) in die instrument vermeld.

(7) Vir doeleindes van artikel 20(1) van die Wet is 'n skriftelike sertifikaat geëndosseer op of aangeheg aan 'n kennisgewing wat beteken word aan die eienaar, of een van die eienaars, van 'n skip ingevolge daardie artikel, synde 'n sertifikaat wat—

- (a) verklaar dat die skip waarop die kennisgewing betrekking het, ooreenkomstig die vereistes van hierdie regulasie gemerk is met die merke wat die Registrateur by die kennisgewing gelas;
- (b) behoorlik onderteken is deur die eienaar, of een van die eienaars, van die skip; en
- (c) onderteken is deur 'n opnemer van skepe wat deur die Registrateur vir die doel aangewys is,

bewys dat die skip ooreenkomstig hierdie regulasie gemerk is met merke wat ingevolge daardie artikel deur die Registrateur gelas is.

(8) Enige merk wat op 'n geregistreerde skip verskyn wat nie 'n merk is wat—

- (a) by hierdie regulasies; of
- (b) by of ingevolge 'n wet van die Parlement,

vereis word nie, moet tot tevredenheid van die Registrateur uitgewis of verwyder word.

(9) Die eienaar van 'n geregistreerde skip wat sonder redelike verskoning versuim om aan subregulasie (8) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Naam van geregistreerde skip en verandering van naam

24. (1) 'n Aansoek ingevolge artikel 21(2) van die Wet om 'n verandering van die naam van 'n geregistreerde skip moet gedoen word deur 'n skriftelike versoek vir goedkeuring van die verandering, behoorlik onderteken deur die eienaar of geregistreerde agent van die skip, by die Registrateur in te dien, met vermelding van—

- (a) die huidige naam van die skip;
- (b) die amptelike nommer van die skip; en
- (c) in voorkeurvulgorde, drie voorgestelde name vir die skip.

(2) Vir doeleindes van artikel 21(3) van die Wet word die volgende klasse name voorgeskryf:

- (a) name van bestaande geregistreerde skepe;

- (b) name wat in die loop van registrasie deur die Registrateur goedgekeur is ten opsigte van skepe;
- (c) name wat na die Registrateur se mening waarskynlik verwar kan word met of aangesien kan word vir—
 - (i) name in paragrawe (a) en (b) bedoel; of
 - (ii) 'n noodsein;
- (d) name wat na die mening van die Registrateur waarskynlik aanstootlik sal wees vir lede van die publiek;
- (e) name wat na die mening van die Registrateur valslik dui op 'n verband met—
 - (i) die staat of 'n staatsorgaan;
 - (ii) die Statebond;
 - (iii) die Regering van die Republiek, van enige ander land of van enige wetlike onderverdeling van 'n ander land;
 - (iv) die Verenigde Nasies of 'n agentskap daarvan;
 - (v) die Suid-Afrikaanse Nasionale Weermag of 'n deel daarvan;
- (f) name wat 'n voorvoegsel insluit wat bestaan uit enige letter of letters wat 'n tipe skip kan aandui;
- (g) name waarvan die gebruik ingevolge enige ander wet van die Parlement verbied word.

Afdeling 3—Registrasiesertifikate

Vorm van registrasiesertifikaat

25. 'n Registrasiesertifikaat wat ingevolge artikel 23 van die Wet uitgereik is, moet ooreenkomstig Vorm 2 wees.

Nuwe sertifikate en voorlopige sertifikate

26. (1) 'n Aansoek ingevolge artikel 25(1) van die Wet om die uitreiking van 'n nuwe registrasiesertifikaat ten opsigte van 'n skip moet—

- (a) skriftelik wees;
- (b) die volgende vermeld:
 - (i) die naam en amptelike nommer van die skip;
 - (ii) die rede waarom 'n nuwe registrasiesertifikaat verlang word; en
 - (iii) waar daardie rede is dat die registrasiesertifikaat van die skip verlê, verlore of vernietig is, die omstandighede waarin dit verlê, verlore of vernietig is;
- (c) behoorlik onderteken wees deur die geregistreerde agent of die gesagvoerder van die skip; en

- (d) waar die aansoek behoorlik deur die gesagvoerder van die skip onderteken is, dokumentêre bewys van die aanstelling van die gesagvoerder daaraan vasgeheg hê.
 - (2) 'n Voorlopige registrasiesertifikaat wat ingevolge artikel 25(2) of (7) van die Wet uitgereik is, moet ooreenkomstig Vorm 2 wees.
 - (3) 'n Voorlopige registrasiesertifikaat mag nie ingevolge artikel 25(2) van die Wet met betrekking tot 'n skip uitgereik word nie tensy—
 - (a) daar by die Registrateur of die bevoegde beampte 'n skriftelike aansoek ingedien is wat behoorlik deur die geregistreerde agent of die gesagvoerder van die skip onderteken is en waarin die volgende vermeld word:
 - (i) die besonderhede van die skip, van sy eienaars en van sy geregistreerde agent soos in die registrasiesertifikaat vermeld; en
 - (ii) die omstandighede waarin die registrasiesertifikaat verlê, verloor of vernietig is; en
 - (b) waar die aansoek deur die gesagvoerder van die skip onderteken is, dokumentêre bewys van die aanstelling van die gesagvoerder en van sy of haar gesag om die aansoek te onderteken, aan die Registrateur of die bevoegde beampte vir notering voorgelê word.
 - (4) Waar, nadat 'n nuwe registrasiesertifikaat ten opsigte van 'n skip ingevolge artikel 25(1) of (7) van die Wet uitgereik is omdat die registrasiesertifikaat ten opsigte van daardie skip verlê of verloor is, daardie registrasiesertifikaat gekry word en in die bewaring of beheer van 'n tersaaklike persoon is, moet daardie persoon daardie registrasiesertifikaat voor die verstryking van die tersaaklike tydperk by die Registrateur indien vir kansellering.
 - (5) Waar, nadat 'n voorlopige registrasiesertifikaat ten opsigte van 'n skip ingevolge artikel 25(2) of (7) van die Wet uitgereik is omdat die registrasiesertifikaat ten opsigte van daardie skip verlê of verloor is, daardie registrasiesertifikaat gekry word en in die bewaring of beheer van 'n tersaaklike persoon is, moet daardie persoon voor die verstryking van die tersaaklike tydperk 'n skriftelike kennisgewing te dien effekte tesame met daardie registrasiesertifikaat by die Registrateur indien.
 - (6) Vir doeleindes van subregulasies (4) en (5)—
 - (a) is 'n persoon 'n tersaaklike persoon met betrekking tot 'n skip indien daardie persoon die gesagvoerder of geregistreerde agent van die skip of die eienaar, of een van die mede-eienaars, of gemeenskaplike eienaars, van een of meer aandele in die skip is; en
 - (b) is die tersaaklike tydperk die tydperk van 30 dae beginnende op—
 - (i) die dag waarop die registrasiesertifikaat gekry is; of
 - (ii) die dag waarop die registrasiesertifikaat in die bewaring of beheer van die tersaaklike persoon gekom het,
- wat ook al die laatste datum is.
- (7) 'n Persoon wat sonder redelike verskoning versuim om aan subregulasie (4) of (5) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Voorlopige sertifikate vir skepe wat op registrasie geregtig word terwyl in buiteland

27. (1) 'n Voorlopige registrasiesertifikaat wat ingevolge artikel 26(1) of (6) of artikel 27(1), (2) of (6) van die Wet uitgereik is, moet ooreenkomstig Vorm 2 wees.

(2) Behoudens subregulasie (3) mag 'n voorlopige registrasiesertifikaat nie deur 'n bevoegde beampte ingevolge artikel 27(1) van die Wet of deur die Registrateur ingevolge artikel 27(1) of (2) van die Wet met betrekking tot 'n skip uitgereik word nie, tensy—

(a) 'n skriftelike aansoek, behoorlik deur die eienaar of die gesagvoerder van die skip onderteken, by die bevoegde beampte of die Registrateur ingedien word waarin die volgende vermeld word:

- (i) die bestaande naam (as daar is) van die skip;
- (ii) waar die skip nie 'n naam het nie, die bouer se identifikasie van die skip;
- (iii) die voorgestelde naam van die skip;
- (iv) die voorgestelde tuishawe van die skip;
- (v) die roepsein (as daar is) van die skip;
- (vi) die naam en adres van die bouer van die skip;
- (vii) die jaar van voltooiing van die skip;
- (viii) besonderhede van die voorgeskrewe eienskappe van die skip;
- (ix) indien die skip 'n skip is waarop artikel 17(1) van die Wet van toepassing is en 'n tonnemaatsertifikaat nie met betrekking tot die skip van krag is nie—
 - (aa) 'n raming van die bruto tonnemaat van die skip;
 - (bb) 'n raming van die netto tonnemaat van die skip; en
 - (cc) die identiteit van die persoon deur wie daardie ramings gedoen is;
- (x) besonderhede van enige vorige registrasie van die skip;
- (xi) met betrekking tot elke persoon aan wie die skip behoort—
 - (aa) die naam, adres en nasionaliteit van die persoon;
 - (bb) waar die persoon nie 'n Suid-Afrikaanse onderdaan is nie, inligting oor die status van daardie persoon as 'n inwoner van die Republiek; en
 - (cc) die omvang van die belang van die persoon in die skip;
- (xiA) indien die aansoek betrekking het op 'n skip in artikel 16(b)(ii) van die Wet beskryf, met betrekking tot elke operateur van die skip—
 - (aa) die naam, adres en nasionaliteit van die operateur; en
 - (bb) waar die operateur nie 'n Suid-Afrikaanse onderdaan is nie, inligting oor die status van daardie operateur as 'n inwoner van die Republiek;
- (xii) indien die aansoek betrekking het op 'n skip waarvan die registrasie ingevolge die Wet daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is, die naam, adres, en nasionaliteit van elke huurder ingevolge die huurkontrak;

- (xiii) die datum en wyse van verkryging van die skip deur die huidige eienaar;
 - (xiv) die naam, adres en beskrywing van elk van die persone van wie die skip verkry is;
 - (xv) besonderhede van enige aansoek, synde 'n aansoek om die registrasie van die skip ingevolge regulasie 13, wat ooreenkomstig regulasie 8 ingedien is; en
 - (xvi) met betrekking tot elke persoon wat deur die eienaar gemagtig is om te eniger tyd gedurende die geldigheidsduur van die voorlopige registrasiesertifikaat die gesagvoerder van die skip te wees—
 - (aa) die naam en adres van die persoon; en
 - (bb) waar die persoon ingevolge die Handelskeepvaartwet, 1951, die houer moet wees van 'n bekwaamheidsertifikaat, die nommer van daardie sertifikaat; en
- (b) die volgende aan die bevoegde beampte of die Registrateur, na gelang van die geval, voorgelê word vir notering:
- (i) die instrument (as daar is) waarby eienaarskap van die skip oorgegaan het op die eienaar in die aansoek genoem;
 - (ii) waar die aansoek deur die gesagvoerder van die skip onderteken is, dokumentêre bewys van sy of haar aanstelling as gesagvoerder en van sy of haar gesag om die aansoek te onderteken;
 - (iii) die tonnemaatsertifikaat (as daar is) wat met betrekking tot die skip van krag is;
 - (iv) waar die registrasie van die skip ingevolge die Wet daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is, dokumentêre bewys dat die bevoegde owerheid van die staat van primêre registrasie instem tot die registrasie van die skip ingevolge die Wet;
 - (v) waar die skip 'n skip is wat in artikel 19(1)(a) van die Wet bedoel word, dokumentêre bewys dat alle redelike stappe om die beëindiging van die skip se registrasie ingevolge die toepaslike buitelandse reg te verseker, onsuksesvol was; en
 - (vi) waar die skip, synde 'n ander skip as een in subparagraaf (iv) of (v) bedoel, te eniger tyd ingevolge die reg van 'n vreemde land geregistreer is, dokumentêre bewys dat—
 - (aa) die skip nie meer ingevolge die reg van daardie land geregistreer is nie; of
 - (bb) stappe gedoen is, of beoog word om gedoen te word, om die registrasie van die skip ingevolge die reg van daardie land te beëindig met of voor die uitreiking van die voorlopige registrasiesertifikaat.
- (3) 'n Verklaring in 'n aansoek ingevolge subregulasie (2) ten effekte dat die persoon wat die aansoek onderteken, nie die inligting in subregulasie (2)(a)(ii), (vi), (vii) of (x) kan verstrek nie, tesame met 'n verklaring van die rede vir daardie onvermoë, word geag vir doeleindes van daardie subregulasie te voldoen aan die vereistes van daardie subregulasie, en waar daardie onvermoë in verband staan met die inligting in subregulasie (2)(a)(x) bedoel, is subregulasie (2)(b)(iv), (v) en (vi) nie met betrekking tot daardie aansoek van toepassing nie.

(4) Waar 'n voorlopige registrasiesertifikaat wat ten opsigte van 'n skip uitgereik is, ophou om van krag te wees voordat die skip die eerste keer na die uitreiking in 'n Suid-Afrikaanse hawe aankom of daarheen terugkeer, moet die persoon in wie se besit die sertifikaat is, die sertifikaat by die Registrateur indien binne 30 dae nadat die sertifikaat aldus opgehou het om van krag te wees.

(5) 'n Persoon wat sonder redelike verskoning versuim om aan subregulasie (4) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Verlenging van tydperk van voorlopige sertifikaat

28. 'n Aansoek ingevolge artikel 25(5), 26(4) of 27(4) van die Wet om die verlenging van die tydperk waartydens 'n voorlopige registrasiesertifikaat geldig is ten opsigte van 'n skip, moet—

- (a) skriftelik wees;
- (b) die volgende vermeld:
 - (i) die naam en amptelike nommer (as daar is) van die skip;
 - (ii) die datum en plek van uitreiking van die voorlopige registrasiesertifikaat;
 - (iii) die naam van die Suid-Afrikaanse hawe waar die skip na verwagting volgende sal aankom en die datum waarop of ongeveer waarop die skip na verwagting by daardie hawe sal aankom; en
 - (iv) die rede vir die aansoek;
- (c) behoorlik onderteken wees deur die eienaar of die gesagvoerder van die skip; en
- (d) by die Registrateur ingedien word.

Tydlike passe

29. (1) Aansoek om die uitreiking van 'n tydelike pas ingevolge artikel 29 van die Wet moet gedoen word deur 'n skriftelike aansoek by die Registrateur in te dien, ooreenkomstig subregulasie (2) onderteken, waarin die volgende vermeld word:

- (a) die naam (as daar is) van die skip of, as die skip nie 'n naam het nie, die bouer se identifikasie van die skip (indien aan die aansoeker bekend);
- (b) die jaar van voltooiing van die skip (indien aan die aansoeker bekend);
- (c) die tipe skip (volgens sy doel);
- (d) die metode van aandrywing van die skip;
- (e) die vernaamste konstruksiemateriaal van die romp van die skip;
- (f) die lengte van die skip;
- (g) die naam en adres van die bouer van die skip (indien aan die aansoeker bekend);

- (h) indien die skip 'n skip is waarop artikel 17(1) van die Wet van toepassing is en 'n tonnemaatsertifikaat met betrekking tot die skip nie van krag is nie—
 - (i) die geraamde bruto tonnemaat van die skip;
 - (ii) die geraamde netto tonnemaat van die skip; en
 - (iii) die identiteit van die persoon deur wie daardie ramings gemaak is;
- (i) die naam en adres van elk van die persone aan wie die skip behoort;
- (j) waar die aansoek onderteken is soos in subregulasie (3) bedoel, die naam en adres van elke persoon wat 'n huurder ingevolge die huurkontrak is;
- (k) die hawe waar die vaart beoog word om te begin;
- (l) die hawe waar die vaart beoog word om te eindig;
- (m) die verwagte duur van die vaart;
- (n) met betrekking tot elke persoon wat deur die eienaar gemagtig is om te eniger tyd gedurende die geldigheidsduur van die tydelike pas die gesagvoerder van die skip te wees—
 - (i) die naam en adres van die persoon; en
 - (ii) waar die persoon ingevolge die Handelskeepvaartwet, 1951, die houer van 'n bekwaamheidsertifikaat moet wees, die nommer van daardie sertifikaat; en
- (o) die redes waarom die verlening van die pas verlang word.

(2) Behoudens subregulasie (3) moet 'n aansoek ingevolge subregulasie (1) behoorlik onderteken wees deur die eienaar van die skip of, waar die voorgestelde vaart onderneem gaan word deur die bouer van die skip met die doel om die skip aan die eienaar af te lewer, deur die bouer.

(3) 'n Aansoek ingevolge subregulasie (1) met betrekking tot 'n skip wat op oorgangshuur is (he tsy aan 'n Suid-Afrikaanse onderdaan al dan nie), word geag ooreenkomstig subregulasie (2) onderteken te wees indien dit behoorlik onderteken is—

- (a) deur elk van die huurders ingevolge die huurkontrak; of
- (b) deur 'n persoon wat vir doeleindes van hierdie paragraaf aangestel is by 'n skriftelike instrument wat behoorlik onderteken is deur elk van daardie huurders.

(4) Die volgende moet ten tyde van die indiening van 'n aansoek ingevolge subregulasie (1) aan die Registrateur voorgelê word vir notering:

- (a) waar die aansoek onderteken is soos in subregulasie (3) bedoel, dokumentêre bewys van die verlening deur die eienaar van toestemming vir die skip om die vaart te onderneem waarop die aansoek betrekking het of van vaarte van 'n klas waarby daardie vaart ingesluit is;
- (b) waar die aansoek onderteken is soos in paragraaf (b) van subregulasie (3) bedoel, die instrument in daardie paragraaf bedoel; en
- (c) die tonnemaatsertifikaat (as daar is) wat van krag is met betrekking tot die skip.

(5) By ontvangs van 'n aansoek ingevolge subregulasie (1) moet die Registrateur die aansoek tesame met sodanige ander dokumente as wat hy of sy goedvind, aan die Owerheid stuur vir oorweging.

(6) 'n Tydelike pas wat ingevolge artikel 29 van die Wet uitgereik is, moet ooreenkomstig Vorm 3 wees.

(7) Behoudens subregulasie (8), waar—

(a) 'n vaart vermeld in 'n tydelike pas wat ingevolge artikel 29 van die Wet uitgereik is, voltooi of laat vaar word; of

(b) die tydperk van geldigheid van sodanige pas verstryk,

moet die persoon in wie se besit die pas is, binne 10 dae nadat die voorval in paragraaf (a) of (b) bedoel plaasgevind het, die pas terugbesorg deur—

(i) dit by die Registrateur in te dien; of

(ii) dit aan 'n bevoegde beampte te besorg.

(8) Waar dit as gevolg van omstandighede buite die beheer van die persoon in subregulasie (7) bedoel nie doenlik is vir daardie persoon om die pas binne die tydperk in daardie subregulasie vermeld terug te besorg nie, moet daardie persoon die pas terugbesorg so gou dit doenlik is om dit te doen.

(9) 'n Persoon wat sonder redelike verskoning versuim om aan subregulasie (7) of (8) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

DEEL 4

PRIVAATREGTELIKE BEPALINGS (BYLAE 1)

Oordrag van skip, ens

30. (1) 'n Koopakte vir doeleindes van item 3(1) van Bylae 1 van die Wet moet—

(a) ooreenkomstig Vorm 4 wees; en

(b) behoorlik onderteken wees deur elke oordraggewer.

(2) Vir doeleindes van item 3(2)(a) van Bylae 1 van die Wet moet die voorgeskrewe aansoek bestaan uit—

(a) die koopakte, behoorlik verly ooreenkomstig subregulasie (1); en

(b) 'n verklaring van oordrag deur die oordragnemer ingevolge subregulasie (3).

(3) 'n Verklaring van oordrag vir doeleindes van subregulasie (2)(b) moet ooreenkomstig subregulasie (4) gedoen word, en waar die oordragnemer nie die Regering van die Republiek is nie, moet dit insluit—

(a) in die geval van die oordrag van 'n skip, of 'n aandeel in 'n skip, uitgesonderd 'n klein vaartuig—

(i) 'n verklaring wat die nasionaliteit van die oordragnemer of, waar die oordragnemer 'n regspersoon is, die land waarin dit ingelyf is, vermeld; en

- (ii) 'n verklaring dat, tot die beste wete en kennis van die persoon wat die verklaring aflê, die betrokke skip nie net as gevolg van die oordrag sal ophou om 'n skip in Suid-Afrikaanse besit te wees nie; of
- (b) in die geval van die oordrag van 'n skip, of 'n aandeel in 'n skip, synde 'n klein vaartuig—
 - (i) 'n verklaring wat die nasionaliteit van die oordragnemer of, waar die oordragnemer 'n regspersoon is, die land waarin dit ingelyf is, vermeld; en
 - (ii) 'n verklaring wat die normale woonplek van die oordragnemer, of waar die oordragnemer 'n regspersoon is, die hoofplek van besigheid van die regspersoon vermeld; en
 - (iii) 'n verklaring dat, tot die beste wete en kennis van die persoon wat die verklaring aflê, die betrokke skip nie net as gevolg van die oordrag sal ophou om 'n skip in Suid-Afrikaanse besit of 'n skip in artikel 16(b)(i) of (ii) van die Wet beskryf, te wees nie.
- (4) 'n Verklaring van oordrag ingevolge subregulasie (3) moet—
 - (a) skriftelik wees;
 - (b) die volgende vermeld:
 - (i) die naam en amptelike nommer van die skip; en
 - (ii) die datum van die koopakte waarop dit betrekking het;
 - (c) met betrekking tot elke persoon wat ingevolge die koopakte 'n oordragnemer is, benewens die aangeleenthede in subregulasie (3) bedoel, die volgende vermeld:
 - (i) die gronde waarop die persoon, indien 'n natuurlike persoon, aanspraak maak op die nasionaliteit wat vermeld is in die verklaring met betrekking tot daardie persoon; en
 - (ii) die omvang van die belang van die persoon in die skip; en
 - (d) behoorlik onderteken wees deur elke oordragnemer.

(5) Waar daar as gevolg van die oordrag van 'n skip of 'n aandeel in 'n skip 'n verandering is in die persoon wat die geregistreerde agent van daardie skip is, moet die koopakte met betrekking tot die oordrag, wanneer dit ooreenkomstig item 3(2)(a) van Bylae 1 van die Wet by die Registrateur ingedien word, vergesel gaan van 'n kennisgewing van verandering van die geregistreerde agent ooreenkomstig artikel 40(3) van die Wet.

Oorgang van skip, ens deur regswerking

31. (1) 'n Oorgangsverklaring ingevolge item 4(1) van Bylae 1 van die Wet moet—

- (a) ooreenkomstig Vorm 5 wees; en
- (b) behoorlik onderteken wees deur elke persoon op wie die skip of aandeel oorgaan.

(2) Vir doeleindes van item 4(1) van Bylae 1 van die Wet is die volgende getuienis van regmatige oorgang voorgeskrewe getuienis:

- (a) in die geval van oorgang by die dood van 'n mede-eienaar—

- (i) 'n sterftesertifikaat of begrafnissertifikaat van die oorlede persoon, die eksekuteursbrief van die eksekuteur van die boedel van daardie persoon, of 'n gewaarmerkte afskrif van enige sodanige dokument; en
- (ii) 'n plegtige verklaring deur 'n persoon wat met die feite van die aangeleentheid vertrou is, ten effekte dat die persoon in subparagraaf (i) bedoel, dieselfde persoon is as die mede-eienaar wat in die Register genoem is;
- (b) in die geval van oorgang by die dood van 'n alleeneienaar of 'n gemeenskaplike eienaar—
 - (i) 'n instrument ingevolge waarvan 'n persoon die wettige persoonlike verteenwoordiger, of persone die wettige persoonlike verteenwoordigers, van die oorlede persoon is, of 'n gewaarmerkte afskrif van daardie instrument; en
 - (ii) 'n instrument wat die persoon identifiseer wat as gevolg van die oorgang die eienaar, of een van die eienaars, van die skip of aandeel gaan word;
- (c) in die geval van oorgang by die insolvensie van 'n eienaar, sodanige getuienis as wat op die betrokke tydstip toelaatbaar is in 'n geregshof as titelbewys van persone wat ingevolge insolvensie aanspraak maak;
- (d) in die geval van oorgang by huwelik, wettige getuienis van die huwelik en 'n gewaarmerkte afskrif van die huweliksvoorwaardeskontrak; en
- (e) in die geval van oorgang by die maak van 'n hofbevel, 'n gewaarmerkte afskrif van die bevel.

Verhipotekering van skip, ens

32. Vir doeleindes van item 9(2) van Bylae 1 van die Wet moet 'n verbandakte van 'n skip of 'n aandeel in 'n skip—

- (a) ooreenkomstig Vorm 6 wees; en
- (b) behoorlik onderteken wees deur elke verbandgewer.

Oordrag van verband

33. 'n Akte van oordrag ingevolge item 12(1) van Bylae 1 van die Wet moet—

- (a) ooreenkomstig Vorm 6 wees;
- (b) behoorlik onderteken wees deur elke oordraggewer; en
- (c) aangeheg wees aan die verbandakte waarop dit betrekking het.

Oorgang van verband deur regswerking

34. (1) 'n Oorgangsverklaring ingevolge item 13(1) van Bylae 1 van die Wet moet—

- (a) ooreenkomstig Vorm 5 wees; en

- (b) behoorlik onderteken wees deur elke persoon op wie die belang oorgaan.
- (2) Vir doeleindes van item 13(1) van Bylae 1 van die Wet is die volgende getuienis van regmatige oorgang voorgeskrewe getuienis:
- (a) in die geval van oorgang by die dood van 'n medeverbandhouer—
 - (i) 'n sterftesertifikaat of begrafnissertifikaat van die oorlede persoon, die eksekuteursbrief van die eksekuteur van die boedel van daardie persoon, of 'n gewaarmerkte afskrif van enige sodanige dokument; en
 - (ii) 'n plegtige verklaring deur 'n persoon wat met die feite van die aangeleentheid vertrou is, ten effekte dat die persoon in subparagraaf (i) bedoel, dieselfde persoon is as die medeverbandhouer wat in die Register genoem is;
 - (b) in die geval van oorgang by die dood van 'n alleenverbandhouer, 'n instrument ingevolge waarvan 'n persoon die wettige persoonlike verteenwoordiger, of persone die wettige persoonlike verteenwoordigers, van die oorlede persoon is, of 'n gewaarmerkte afskrif van daardie instrument;
 - (c) in die geval van oorgang by die insolvensie van 'n verbandnemer, sodanige getuienis as wat op die betrokke tydstip toelaatbaar is in 'n geregshof as bewys van titel van persone wat ingevolge insolvensie aanspraak maak;
 - (d) in die geval van oorgang by huwelik, wettige getuienis van die huwelik en 'n gewaarmerkte afskrif van die huweliksvoorwaardeskontrak; en
 - (e) in die geval van oorgang by die maak van 'n hofbevel, 'n gewaarmerkte afskrif van die bevel.

Aflossing van verband

35. (1) Vir doeleindes van item 14(2) van Bylae 1 van die Wet is die voorgeskrewe getuienis van die aflos van 'n verband 'n memorandum te dien effekte geëndosseer op of stewig vasgeheg aan die verbandakte en behoorlik onderteken deur elke verbandhouer ingevolge die verband.

(2) Vir doeleindes van item 14(4) van Bylae 1 van die Wet is die voorgeskrewe besonderhede rakende die skip ten opsigte waarvan 'n verband gegee is, die verband en die aflos daarvan, die volgende besonderhede:

- (a) die naam en amptelike nommer van die skip;
- (b) die naam en adres van elke verbandgewer;
- (c) die naam en adres van elke verbandhouer;
- (d) die datum van die verband;
- (e) die datum en tyd van inskrywing van besonderhede van die verband in die Register;
- (f) die datum van aflossing van die verband;
- (g) die rede waarom die verbandakte nie by die Registrateur ingedien kan word nie.

DEEL 5

DIE REGISTER

Indeling van Register

36. (1) Die Register kan verdeel word in die dele wat die Registrateur bepaal.
- (2) Geen skip mag op enige tydstip in meer as een deel van die Register geregistreer wees nie.

Inskrywings in Register

37. Die Register moet ten opsigte van elke inskrywing van 'n aangeleentheid ingevolge artikel 33(1) van die Wet—

- (a) die datum en tyd van die inskrywing bevat; en
- (b) waarmerking van die inskrywing, deur handtekening of ander geskikte middel, deur die Registrateur of 'n Adjunkregistrateur bevat.

Verouderde of onjuiste inskrywings in Register

38. Die voorgeskrewe tydperk vir doeleindes van artikel 35(1)(a) van die Wet is 30 dae.

DEEL 6

DIVERSE BEPALINGS

Verandering van naam, adres of nasionaliteit

39. (1) Waar daar 'n verandering plaasvind in—
- (a) die naam, adres of nasionaliteit van 'n persoon wie se naam in die Register verskyn as dié van 'n eienaar, operateur of huurder van 'n skip; of
 - (b) die naam van die persoon wie se naam in die Register verskyn as dié van die geregistreerde agent van 'n skip,
- moet die geregistreerde agent van daardie skip binne 14 dae nadat die verandering plaasgevind het, aan die vereistes van subregulasie (3) voldoen.
- (2) Waar daar 'n verandering plaasvind in die naam of adres van 'n persoon wie se naam in die Register verskyn as dié van 'n verbandhouer van 'n skip, moet daardie persoon binne 14 dae nadat die verandering plaasgevind het, aan die vereistes van subregulasie (3) voldoen.
- (3) Die vereistes in subregulasie (1) en (2) bedoel, is soos volg:

- (a) om die volgende by die Registrateur in te dien:
- (i) 'n kennisgewing van die verandering; en
 - (ii) in die geval van 'n verandering in die naam van 'n natuurlike persoon, 'n plegtige verklaring deur 'n persoon wat met die feite van die aangeleentheid vertrou is en wat geen regstreekse of onregstreekse belang by die skip of die bedryf daarvan het nie, ten effekte dat die persoon wie se naam verander is, dieselfde persoon is as die persoon bedoel in subregulasie (1)(a) of (b), of subregulasie (2), na gelang van die geval, en dat die kwalifikasies van die verklaarder is soos in hierdie subparagraaf vermeld;
- (b) om die volgende aan die Registrateur voor te lê vir notering:
- (i) in die geval van 'n verandering in die naam van 'n natuurlike persoon by huwelik, 'n gewaarmerkte afskrif van die betrokke huweliksertifikaat;
 - (ii) in die geval van 'n verandering in die naam van 'n natuurlike persoon deur 'n ander wettige middel, 'n gewaarmerkte afskrif van die wet of instrument waarby die verandering teweeg gebring is;
 - (iii) in die geval van 'n verandering in die naam van 'n regspersoon ingelyf ingevolge 'n wet wat in die algemeen oor die inlywing van maatskappye, koöperatiewe verenigings of ander regspersone handel, 'n sertifikaat van die naamsverandering wat ingevolge daardie wet uitgereik is; of
 - (iv) in die geval van 'n verandering in die naam van 'n ander persoon as 'n persoon in subparagraaf (i), (ii) of (iii) bedoel, 'n gewaarmerkte afskrif van die wet of instrument waarby die verandering teweeg gebring is.
- (4) 'n Kennisgewing wat ingevolge subregulasie (3) by die Registrateur ingedien is met betrekking tot 'n verandering in die nasionaliteit van 'n persoon, moet besonderhede uiteensit van die wyse waarop die verandering plaasgevind het.
- (5) 'n Persoon wat sonder redelike verskoning versuim om aan subregulasie (1) of (2) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Geregistreeerde agent

40. (1) Vir doeleindes van artikel 40(3) van die Wet word die volgende inligting voorgeskryf:

- (a) die naam en amptelike nommer van die skip;
 - (b) die naam en adres van die geregistreeerde agent soos dit in die Register verskyn;
 - (c) die naam en adres van die geregistreeerde agent soos dit verander is;
 - (d) die datum waarop die verandering plaasgevind het.
- (2) In subregulasie (1)(c) het "adres" dieselfde betekenis as in artikel 40 van die Wet.

Veranderings aan skepe

41. (1) Die voorgeskrewe wyse, vir doeleindes van artikel 41 van die Wet, om kennis te gee van 'n verandering aan 'n skip, is om 'n skriftelike kennisgewing by die Registrateur in te dien wat—

- (a) die volgende vermeld:
 - (i) die naam en amptelike nommer van die skip; en
 - (ii) die aard van die verandering;
- (b) behoorlik onderteken is deur die geregistreerde agent van die skip; en
- (c) vergesel gaan van—
 - (i) 'n bouersertifikaat ooreenkomstig subregulasie (2) met betrekking tot die verandering van die skip;
 - (ii) waar, as gevolg van die verandering van die skip, die tonnemaatsertifikaat (as daar is) wat op die skip van toepassing was onmiddellik voor die verandering aangebring is, nie meer in alle opsigte korrek is nie of die skip 'n skip geword het waarop artikel 17(1) van die Wet van toepassing is, die tonnemaatsertifikaat (as daar is) wat van krag is met betrekking tot die skip soos verander; en
 - (iii) die registrasiesertifikaat, of voorlopige registrasiesertifikaat, van toepassing met betrekking tot die skip.

(2) Behoudens subregulasie (3) moet 'n bouersertifikaat met betrekking tot die verandering van 'n skip behoorlik onderteken wees deur die bouer, of waar die verandering net op die skip se enjins betrekking het, deur die installeerder wat die verandering van die skip onderneem het, en moet dit die volgende vermeld:

- (a) die naam en amptelike nommer van die skip;
- (b) die datum van voltooiing van die verandering van die skip;
- (c) die plek waar die verandering van die skip gedoen is;
- (d) die naam en adres van die bouer of installeerder wat die verandering van die skip onderneem het;
- (e) die naam en adres van die persoon vir wie die verandering van die skip onderneem is;
- (f) besonderhede van die voorgeskrewe eienskappe van die skip soos verander; en
- (g) indien—
 - (i) as gevolg van die verandering van die skip die tonnemaatsertifikaat (as daar is) wat op die skip van toepassing was onmiddellik voor die verandering aangebring is, nie meer in alle opsigte korrek is nie of die skip 'n skip geword het waarop artikel 17(1) van die Wet van toepassing is; en
 - (ii) 'n tonnemaatsertifikaat nie van krag is nie met betrekking tot die skip soos verander,

die bruto tonnemaat, en die netto tonnemaat, van die skip soos verander, soos geraam deur die bouer of installeerder wat die veranderings gedoen het.

(3) Waar die verandering van 'n skip in stadiums gedoen is deur meer as een bouer of, waar die verandering net op die enjins van die skip betrekking het, deur meer as een installeerder—

- (a) kan 'n bouersertifikaat met betrekking tot die verandering van die skip uit verskeie dokumente ooreenkomstig subregulasie (2) bestaan, wat elk op een of meer van daardie stadiums betrekking het; en
- (b) moet 'n bouersertifikaat wat op al daardie stadiums betrekking het, of 'n dokument in paragraaf (a) bedoel wat op meer as een van daardie stadiums betrekking het, behoorlik onderteken wees deur al die bouers of installeerders, na gelang van die geval, wat verantwoordelik is vir die werk wat in daardie stadiums gedoen is.

(4) Die tyd waarbinne kennis gegee moet word vir doeleindes van artikel 41 van die Wet, is die tydperk wat 14 dae na die voltooiing van die verandering eindig.

(5) Waar 'n skip so verander word dat dit nie met die besonderhede rakende sy netto tonnemaat in die Register vervat ooreenstem nie, moet die Registrateur die verandering nie ingevolge artikel 41 van die Wet in die Register aanteken nie, tensy die deel van die merk in regulasie 23(1)(c) bedoel wat op die netto tonnemaat of registrertonnemaat van die skip betrekking het, verander is om ooreen te stem met die netto tonnemaat van die skip soos aldus verander.

Skip verlore, ens of nie meer geregtig om geregistreer te wees nie

42. (1) Die lewering van die registrasiesertifikaat of voorlopige registrasiesertifikaat rakende 'n skip aan die Registrateur of 'n bevoegde beampte ingevolge artikel 42(10) van die Wet moet geskied binne 30 dae nadat die Registrateur ooreenkomstig subregulasie (2) skriftelik kennis gegee het aan 'n persoon wie se naam in die Register verskyn het onmiddellik voor die registrasie van die skip beëindig is of geag is beëindig te wees ingevolge daardie artikel, as die eienaar of een van die eienaars van die skip.

(2) 'n Kennisgewing van die tipe in subregulasie (1) bedoel, moet—

- (a) die skip identifiseer waarop dit betrekking het;
- (b) die besonderhede van die beëindiging, of vermeende beëindiging, van die registrasie van die skip uiteensit; en
- (c) 'n verklaring bevat van die verpligtinge, in die omstandighede, van die persoon in wie se besit die registrasiesertifikaat of voorlopige registrasiesertifikaat is.

Skepe vrygestel van artikel 44 van Wet

43. Vir doeleindes van artikel 44(4) van die Wet is die volgende klas skepe voorgeskryf, synde skepe wat vaarte onderneem uitsluitlik in waters wat die volgende behels:

- (a) die binne- en territoriale waters van die Republiek; en
- (b) die eksklusiewe ekonomiese sone van die Republiek.

Toelaatbaarheid van dokumente in getuienis

44. Vir doeleindes van artikel 54(1) van die Wet word 'n sertifikaat of pas wat ingevolge die Wet uitgereik is, hierby as toelaatbaar in getuienis verklaar.

Tuishawens

45. (1) Die hawe wat as die tuishawe van 'n geregistreerde skip gekies kan word, moet een van die volgende Suid-Afrikaanse hawens wees:

- (a) Kaapstad;
- (b) Durban;
- (c) Oos-Londen;
- (d) Mosselbaai;
- (e) Port Elizabeth
- (f) Richardsbaai;
- (g) Saldanhabaai.

(2) Daar kan aansoek gedoen word om 'n verandering van die tuishawe van 'n geregistreerde skip deur 'n skriftelike versoek by die Registrateur in te dien wat—

- (a) die volgende vermeld:
 - (i) die naam en amptelike nommer van die skip;
 - (ii) die huidige tuishawe van die skip; en
 - (iii) die voorgestelde tuishawe van die skip; en
- (b) behoorlik onderteken is deur die geregistreerde agent van die skip.

(3) By ontvangs van 'n aansoek ingevolge subregulasie (2) moet die Registrateur, indien die voorgestelde tuishawe 'n hawe is wat in subregulasie (1) genoem word, skriftelik aan die geregistreerde agent kennis gee dat registrasie van die verandering van tuishawe ten opsigte van die skip kan voortgaan in soverre die merk in regulasie 23(1)(b) bedoel wat met die tuishawe van die skip verband hou, dienooreenkomstig verander word.

(4) Waar die Registrateur ingevolge subregulasie (3) kennis aan die geregistreerde agent van 'n skip gee, moet die geregistreerde agent binne 30 dae na die datum van die kennisgewing 'n skriftelike sertifikaat wat op daardie kennisgewing geëndosseer is en behoorlik onderteken is deur die geregistreerde agent, by die Registrateur indien, waarin verklaar word dat die deel van die merk op die skip rakende die naam van sy tuishawe verander is op 'n wyse wat aan regulasie 23 voldoen.

(5) Die geregistreerde agent van 'n skip wat sonder redelike verskoning versuim om aan subregulasie (4) te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(6) By ontvangs van—

- (a) die sertifikaat in subregulasie (4) bedoel; en

(b) die skip se registrasiesertifikaat,

moet die Registrateur—

- (i) die nuwe tuishawe in die Register laat aanteken ten opsigte van die skip; en
- (ii) die verandering van tuishawe op die skip se registrasiesertifikaat endosseer en dit aan die geregistreerde agent terugbesorg.

Verifiëring van besonderhede (registers kragtens herroepe wet gehou, ens)

46. Die voorgeskrewe tydperk vir doeleindes van item 8(3) van Bylae 3 van die Wet is vyf jaar.

Sertifikate, ens ten opsigte van skepe ingevolge Wet geregistreer geag

47. (1) In hierdie regulasie beteken—

"tersaaklike dokument" 'n sertifikaat of 'n ander dokument uitgereik ingevolge hierdie regulasies;

"tersaaklike rekord" 'n inskrywing of rekord wat onmiddellik voor die dag wat ingevolge artikel 62 van die Wet bepaal is, verskyn het in die registerboek wat by 'n hawe in die Republiek gehou word ingevolge die herroepe wet met betrekking tot 'n skip wat op en vanaf daardie dag geag word ingevolge die Wet geregistreer te wees.

(2) Waar 'n tersaaklike dokument inligting ten opsigte van 'n skip insluit wat uitgedruk word as metings, uitgesonderd metings ingevolge waarvan daardie inligting ingevolge hierdie regulasies uitgedruk moet word, kan daardie inligting in 'n tersaaklike dokument met betrekking tot 'n skip in enige van of albei daardie metings uitgedruk word.

(3) Waar 'n tersaaklike rekord inligting ten opsigte van 'n skip insluit wat nie ingevolge die Wet of hierdie regulasies in die Register aangeteken moet word nie, moet daardie inligting weggelaat word uit 'n tersaaklike dokument ten opsigte van daardie skip.

(4) Waar 'n tersaaklike rekord nie inligting ten opsigte van 'n skip insluit nie wat ingevolge die Wet of hierdie regulasies in die Register aangeteken moet word—

- (a) kan die Registrateur die stappe doen wat redelik is vir die doel om daardie inligting te verkry; en
- (b) raak die versuim om daardie inligting in te sluit in 'n tersaaklike dokument wat ten opsigte van daardie skip uitgereik is op 'n tyd toe die Registrateur nie in besit van daardie inligting is nie, nie die geldigheid van daardie dokument nie.

Verlenging van tyd

48. (1) Die Registrateur kan die tyd vir die indiening by hom of haar van 'n dokument wat by hierdie regulasies vereis word, verleng en kan daardie tyd aldus verleng al het daardie tyd verstryk.

(2) 'n Versoek vir 'n verlenging van tyd ingevolge hierdie regulasie—

- (a) moet skriftelik wees en behoorlik onderteken wees deur die persoon wat die versoek rig;
- (b) moet die gronde vir die versoek uiteensit; en
- (c) moet by die Registrateur ingedien word.

Verifiëring van inligting

49. (1) Behoudens die Wet en hierdie regulasies kan die Registrateur, ten opsigte van enige dokument wat by hom of haar ingedien is of aan hom of haar voorgelê is vir notering—

- (a) die verifiëring, deur 'n plegtige verklaring of andersins, vereis van—
 - (i) die egtheid van die dokument; of
 - (ii) enige inligting in die dokument vervat;
- (b) die voorlegging aan hom of haar vereis van sodanige verdere dokumente of inligting as wat vir die Registrateur nodig lyk ter stawing of ter vervanging van 'n dokument of inligting in paragraaf (a) bedoel; en
- (c) weier om 'n inskrywing in die Register te maak, of om enige funksie te verrig of enige bevoegdheid uit te oefen ingevolge die Wet, waarop 'n vereiste ingevolge paragraaf (a) betrekking het, totdat daar aan daardie vereiste voldoen is.

(2) 'n Vereiste ingevolge subregulasie (1)(a) of (b) moet uiteengesit word in 'n skriftelike kennisgewing wat deur of namens die Registrateur onderteken is en gegee word aan—

- (a) die persoon deur wie die dokument waarop die vereiste betrekking het, ingedien is by of voorgelê is aan die Registrateur; of
- (b) die persoon, of enigeen van die persone, in wie se belang daardie dokument aldus ingedien of voorgelê is.

(3) 'n Kennisgewing waarin 'n vereiste ingevolge subregulasie (1) uiteengesit is vir die verifiëring van inligting rakende die identiteit, nasionaliteit of residensiële status van 'n persoon, kan vereis—

- (a) dat die verifiëring moet geskied deur 'n plegtige verklaring deur 'n ander persoon as die persoon waarop dit betrekking het, wat die laasgenoemde persoon ken vir 'n tydperk wat nie korter is nie as die tydperk wat in die kennisgewing vermeld is; en
- (b) dat so 'n plegtige verklaring die tydperk vermeld waartydens die verklaarder die persoon ken op wie dit betrekking het.

AANHANGSEL 1

(Regulasie 2(1))

VOORGESKREWE EIENSKAPPE VAN SKEPE

<i>Kolom 1</i>	<i>Kolom 2</i>
Item	Eienskap
1	Tipe skip (volgens sy doel)
2	Metode van aandrywing, insluitende— (a) getal en tipe ketels; (b) getal en tipe enjins; en (c) metode van kragoorgroening (insluitende getal skroewe, skepspane of stralers)
3	Getal dekke
4	Getal beskotte
5	Getal maste
6	Voorstewe
7	Agterstewe
8	Bou
9	Takelwerk
10	Vernaamste konstruksiemateriaal van romp
11	Lengte
12	Maksimum breedte
13	Gevormde diepte midskeeps
14	Krag, wat ook al van die volgende van toepassing is: (a) remvermoë; (b) aangegewe krag; (c) askrag
15	Geraamde spoed

AANHANGSEL 2

(Regulasie 2(4))

VOORGESKREWE VORMS**VORM 1**

(Regulasie 8(10))

Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998)

KENNISGEWING VAN VOORNEME OM AANSOEK OM REGISTRASIE TE DOEN

Kennis word hierby gegee van die voorneme van (Naam/name en adres(se) van eienaar(s)) om aansoek te doen, na verstryking van die tydperk van 30 dae wat op die datum van publikasie van hierdie kennisgewing begin, om die registrasie ingevolge bogemelde Wet van die skip waarvan besonderhede hieronder uiteengesit word. Besware teen die registrasie van die skip op naam van die bogemelde persoon/persone deur persone wat aanspraak maak op 'n eiendomsreg ten opsigte van die skip, moet tesame met enige tersaaklike dokumente wat die aanspraak sal staaf, gelewer word aan die Registrateur van Skepe by die Suid-Afrikaanse Skeepsregistrasiekantoor, (straatadres), of per behoorlik vooruitbetaalde pos gestuur word aan die Registrateur van Skepe by (posadres) voor verstryking van die tydperk hierbo genoem.

Besonderhede van skip:

Huidige naam (as daar is):

Vorige name (as daar is):

Vorige nommer (indien voorheen geregistreer):

Huidige ligging:

Lengte (in meter):

Vernaamste konstruksiemateriaal van romp:

Tipe skip (wat doel betref):

VORM 2

(Regulasies 25, 26(2) en 27(1)))

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

REGISTRASIESERTIFIKAAT

Amptelike No.	IMO-No.	Roepsein	Naam van skip	No., datum van registrasie en tuishawe	No., datum van registrasie en vorige tuishawe (as daar is), en datum van kansellering daarvan
Tipe skip		Plek van konstruksie	Wanneer voltooi	Naam en adres van bouer	
Lengte Maks. breedte Gevormde diepte midskeeps Materiaal van romp Bou Getal maste Takelwerk				Bruto tonnemaat Netto tonnemaat Getal dekke Getal beskotte Voorstewe Agterstewe	

Metode van aandrywing	Getal enjins	Fabriek en model	As-, rem- en aangegegewe krag	Geraamde spoed

*Naam en eienaar(s) / huurder(s)	**Getal aandeel	Nasionaliteit	Adres

- * Die naam/name van die huurder(s) moet ook ingevoeg word in die geval van 'n skip waarvan die registrasie ingevolge die Wet daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is.
- ** Laat weg in die geval van 'n skip in * bedoel.

Die geldigheidsduur van hierdie registrasiesertifikaat verval op

Ek, die ondergetekende, sertifiseer hierby dat bogemelde besonderhede in ooreenstemming is met dié wat in die Register aangeteken is.

Plek

Datum

Registrateur/Bevoegde beampte

Ampsbepaling van bevoegde beampte

Opmerkings:

- Die sertifikaat moet "OORGANGSHUUR" geïndosseer word in die geval van 'n skip waarvan die registrasie ingevolge die Wet daarvan afhang of dit 'n skip op oorgangshuur aan 'n Suid-Afrikaanse onderdaan is.
- Die sertifikaat moet "VOORLOPIG" geïndosseer word waar dit ten opsigte van 'n voorlopig geregistreerde skip uitgereik word.

VORM 3
(Regulasie 29(6))

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
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Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

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Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

TYDELIKE PAS

Naam van skip / Bouer se identifikasie	Tipe skip	Metode van aandrywing	Materiaal van romp	Lengte	Bruto tonnemaat	Netto tonnemaat
Plek van konstruksie	Wanneer voltooi	Naam en adres van bouer				
Naam van gesagvoerder		No. van gesagvoerder se bekwaamheidsertifikaat				
Beskrywing van vaart:						
Ek, die ondergetekende, sertifiseer hierby— (1) dat die Suid-Afrikaanse Maritieme Veiligheidsowerheid my gemagtig het om hierdie tydelike pas uit te reik om die skip wat hierbo beskryf is, in staat te stel om die vaart aldus beskryf te onderneem, behoudens die volgende voorwaardes: (2) dat bostaande beskrywing van die skip na my beste wete en oortuiging korrek is; (3) dat die naam en adres van die *eienaar(s) van die skip soos volg is:						
Naam van eienaar(s)		Volledige adres				
(4) **dat die naam en adres van die oorgangshuurder(s) van die skip soos volg is:						
Naam van huurder(s)		Volledige adres				
* Indien meer as een eienaar, moet alle eienaars genoem word, met vermelding van hulle onderskeie belange in die skip. ** Wanneer die aansoek om 'n Tydelike Pas deur of namens die oorgangshuurder(s) van die skip onderteken is.						
(5) dat die geldigheidsduur van hierdie Tydelike Pas verstryk op •						

Plek

Datum

Registrateur

VORM 4
(Regulasie 30(1)(a))

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

KOOPAKTE

In die Register aangeteken op hede die _____ dag van
_____ om _____ vm/nm
_____ Registrateur

Amptelike No.	IMO-No.	Naam van skip	No., datum van registrasie en tuishawe	Bruto tonnemaat	Netto tonnemaat
Bostaande algemene beskrywing van die skip is korrek. Die skip word vollediger beskryf in die tonnemaatsertifikaat (as daar is) en die Register.					
*Naam/Name van geregistreerde eienaar(s)/oordraggewer(s)			Volledige adres		
Meld spesiale omstandighede					

G

Kyk asb aangehegte vel

Getal aandeel**** oorgedra

vir die bedrag van

Naam van koper(s)**/oordragnemer(s)***	Volledige adres
* Indien nodig, kan 'n afsonderlike vel deur elke geregistreerde eienaar aangeheg word. ** Indien nodig, kan 'n afsonderlike vel waarop alle ander oordragnemers genoem word, aangeheg word. *** Waar daar meer as een oordragnemer is, is die oordragnemers mede-eienaars. **** 64 aandeel verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip.	
Ek/Ons, die oordraggewer(s), dra bogemelde getal aandeel in die skip hierbo beskryf en in sy bote en bybehore aan die oordragnemer(s) oor as teenprestasie vir die bogemelde bedrag wat deur die oordragnemer(s) aan my/ons betaal is, waarvan ontvangs hierby erken word. Voorts waarborg die oordraggewer(s) aan die oordragnemer(s) dat die oordraggewer(s) die bevoegdheid het om die skip, sy bote en bybehore oor te dra, en dat hulle vry is van beswarings, <i>uitgesonderd soos in die register van die skip vermeld.</i> (Skrap indien nie van toepassing nie.)	
Gedateer te _____ op die _____ dag van _____	
IN DIE TEENWOORDIGHEID VAN	
Handtekening	INDIVIDU
Naam en titel (drukskrif, asb)	Hantekening van geregistreerde eienaar/oordraggewer
Adres	KORPORASIE
	Naam van korporasie (drukskrif, asb)
	Handtekening
	Naam en ampsbenaming van ondertekenaar (drukskrif, asb)

Opmerkings:

- Die uitdrukkings "oordraggewer" en "oordragnemer" wat in hierdie vorm gebruik word, sluit in hulle erfgename, opvolgers, regverkrygendes, eksekuteurs en boedelbesteders en enige ander regsvertegenwoordiger.
- In die geval van gesamentlike besit moet al die mede-eienaars gesamentlik optree.
- In die geval van 'n korporasie moet hierdie Verkoopakte namens die korporasie gedoen word deur 'n behoorlik gemagtigde beampte van die korporasie.

VORM 5
(Regulasies 31(1)(a) en 34(1)(a))

REPUBLIC OF SOUTH AFRICA

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REPUBLIEK VAN SUID-AFRIKA

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

OORGANGSVERKLARING

Amptelike No.	IMO-No.	Naam van skip	No., datum van registrasie en tuishawe	Bruto tonnemaat	Netto tonnemaat

BESONDERHEDE VAN OORGANG

Ek, (volle name)

Volledige adres

VERKLAAR SOOS VOLG:

1. Bostaanda agemene beskrywing van die skip is korrek. (Die skip word volledig beskryf in die tonnemaatsertifikaat (as daar is) en die Register.)

2. **A** In die geval van die oorgang van 'n geregistreerde eienaar se belang:

B In die geval van die oorgang van 'n geregistreerde verbandhouer se belang:

INDIVIDU

Ek is **G** 'n Suid-Afrikaanse burger binne die bedoeling van Hoofstuk 2 van die Wet op Suid-Afrikaanse Burgerskap, 1995 (Wet 88 van 1995); OF

G *'n Suid-Afrikaanse inwoner binne die bedoeling van paragraph (a) of (b) van die omskrywing van "Suid-Afrikaanse inwoner" in artikel 1(1) van die Wet,

en ek is daarop geregtig om geregistreer te wees as:

A	G	Voeg in eienaar, eksekuteur, boedelberrederaar, trustee, na gelang van die geval	van	Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)
	G	Voeg in mede-eienaar, mede-eksekuteur, medeboedelberrederaar of medetrustee, na gelang van die geval	van	Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)
B	G	Verbandhouer van		Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)
	G	Medeverbandhouer van		Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)

KORPORASIE

G 'n Korporasie waarop paragraaf (b), (c) of (d) van die omskrywing van "Suid-Afrikaanse onderdaan" in artikel 1(1) van die Wet van toepassing is; OF

G *'n Korporasie waarop paragraaf (c) of (d) van die omskrywing van "Suid-Afrikaanse inwoner" in artikel 1(1) van die Wet van toepassing is; OF

G ***'n Korporasie waarop paragraaf (c) van die omskrywing van "plaaslike vissersvaartuig" in artikel 1 van die Wet op Lewende Mariene Hulpbronne, 1998 (Wet 18 van 1998), van toepassing is; OF

G ***'n Korporasie waarop paragraaf (b) of (c) van die omskrywing van "Suid-Afrikaanse persoon" in artikel 1 van die Wet op Lewende Mariene Hulpbronne, 1998 (Wet 18 van 1998), van toepassing is.

Die korporasie is daarop geregtig om geregistreer te word as:

A	G	Voeg in eienaar, eksekuteur, boedelberrederaar, trustee, na gelang van die geval	van	Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)
	G	Voeg in mede-eienaar, mede-eksekuteur, medeboedelberrederaar of medetrustee, na gelang van die geval	van	Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)
B	G	Verbandhouer van		Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)
	G	Medeverbandhouer van		Aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip)

3. Die aandele in die skip hierbo beskryf, is op die volgende wyse oorgedra:

G by dood **G** by huwelik **G** by insolvensie **G** op 'n ander wettige wyse as 'n oordrag ingevolge die Wet

4. Noem die wyse waarop die eiendom oorgedra is.

5. Na my beste wete en oortuiging sal die skip hierbo beskryf, nie slegs as gevolg van die oordrag ophou om—

G 'n Suid-Afrikaanse skip; OF **G** *n klein vaartuig waarop artikel 16(b)(i) of (ii) van die Wet van toepassing is, te wies nie

- * Slegs op geregistreerde klein vaartuie van toepassing.
- ** Slegs op geregistreerde vissersvaartuie van toepassing.

VERKLAAR VOOR MY	INDIVIDU
te _____	_____
op hede die _____ dag van _____	Handtekening
_____	KORPORASIE
Handtekening	Naam van korporasie (drukskrif, asb)
_____	_____
Naam en titel (drukskrif, asb)	Handtekening
_____	_____
Adres	Naam en ampsbenaming van ondertekenaar (drukskrif, asb)

Opmerkings:

1. As daar meer as een eienaar is, hetsy mede of gesamentlik, moet 'n afsonderlike Verklaring deur elke eienaar ingevul word.
2. Verklarings moet afgelê word voor die Registrateur, 'n Kommissaris van Ede of enige ander persoon wat regtens gematig is om ede af te neem in die gebied van die Republiek of die land waar die verklaring afgelê word.
3. In die geval van 'n korporasie moet hierdie Verklaring namens die korporasie afgelê word deur 'n behoorlik gemagtigde beampte van die korporasie.

VORM 6
(Regulasies 32(a) en 33(a))

REPUBLIC OF SOUTH AFRICA

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REPUBLIEK VAN SUID-AFRIKA

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Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

G VERBAND

**G OORDRAG VAN
VERBAND**

In die Register aangteen op hede die _____ dag
van _____ om _____ vn/nm
_____ Registrateur

Ampelike No.	IMO-No.	Naam van skip	No., datum van registrasie en tuishawe
Metode van aandrywing		Bruto tonnemaat	Netto tonnemaat
(Hierdie skip word vollediger beskryf in die tonnemaatsertifikaat (as daar is) en die Register.)			
A—VERBAND			
Naam van geregistreerde eienaar/verbandgewer		Volledige adres	
Beskrywing van die aard van die teenprestasie (meld hoofsaaklik of verklaar dat daar 'n kredietlyn is, met vermelding van besonderhede van die belang en metode van betaling, of verwys na 'n kollaterale ooreenkoms en meld die datum waarop die ooreenkoms verly is)			
Getal aandele (64 aandele verteenwoordig 100% eienaarskap van 'n Suid-Afrikaanse skip) *			
Naam van verbandhouer		Volledige adres	
Ek/Ons, die verbandgewer(s), onderneem nou om, as teenprestasie vir die bostaande, die bedrae wat op die betrokke tydtyd op hierdie sekuriteit verskuldig is, aan die verbandhouer(s) te betaal, hetsy deur middel van die hoofsaaklik of rente, op die tyd en op die wyse uiteengesit. Met die oog op beter sekurering van betaling aan die verbandhouer(s), verhipotekeer die verbandgewer(s) hierby aan die verbandhouer(s) die getal aandele hierbo genoem, waarvan die verbandgewer(s) die eienaar(s) is in die skip wat hierbo beskryf is, en in sy bote en toebehore. Voorts waarborg die verbandgewer(s) aand die verbandhouer(s) dat die verbandgewer(s) die bevoegdheid het om die aandele te verhipotekeer en dat hulle vry van beswering is, uitgesonderd soos in die register van die skip vermeld. (Skrap indien nie van toepassing nie.)			
B—OORDRAG VAN VERBAND			
Ek/ Ons _____ (die verbandhouer(s)), dra hierby, as teenprestasie vir _____ wat aan ons betaal is deur _____ (volle naam en adres) die voordeel van die verband hierbo beskryf, oor aan die persone hierbo genoem.			
C—ATTESTASIE/HANTEKENING(E)			
Gedateer te _____ op hede die _____ dag van _____			
IN DIE TEENWOORDIGHEID VAN		INDIVIDU	
Handtekening _____		Handtekening van geregistreerde eienaar/verbandgewer/verbandhouer _____	
Naam en titel (drukskrif, asb) _____		KORPORASIE	
Adres _____		Naam van korporasie (drukskrif, asb) _____	
		Handtekening _____	
		Naam en ampsbenaming van ondertekenaar (drukskrif, asb) _____	

Opmerkings:

- Die uitdrukkings "verbandhouer" en "verbandgewer" wat in hierdie vorm gebruik word, sluit in hulle erigename, opvolgers, regverkrygendes, ekskuteurs en boedelberedderars en enige ander regsverteenvoorder.
- Hierdie Verband moet deur al die eienaars ingevul word. In die geval van gesamentlike besit moet al die mede-eienaars gesamentlik optree.
- In die geval van 'n korporasie moet hierdie Verband namens die korporasie deur 'n behoorlik gemagtigde beampte van die korporasie gedoen word.

KWITANSIE VIR VERBANDGELD

Ontvang die bedrag van _____ ter aflossing van bogemelde sekuriteit.

Datum _____

Handtekening _____

No. R. 498

26 April 2002

No. R. 498

26 April 2002

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

**MERCHANT SHIPPING
(NOTIFICATION OF BUILDING OF
VESSELS) REGULATIONS, 2002**

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

SCHEDULE

Title and commencement

1. These regulations are called the Merchant Shipping (Notification of Building of Vessels) Regulations, 2002, and come into operation on the date of commencement of the Ship Registration Act, 1998 (Act No. 58 of 1998).

Interpretation

2. In these regulations "the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any word or expression given a meaning in the Act has the meaning so given.

**Particulars prescribed for purposes of
section 10(1) of Act**

3. The written particulars to be furnished in terms of section 10(1) of the Act must be in accordance with the form set out in the Annex.

HANDELSKEEPVAARTWET, 1951
(WET No. 57 VAN 1951)

**HANDELSKEEPVAARTREGULASIES
(KENNISGEWING VAN BOU VAN
VAARTUIE), 2002**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE

Titel en inwerkingtreding

1. Hierdie regulasies heet die Handelskeepvaartregulasies (Kennisgewing van Bou van Vaartuie), 2002, en tree in werking op die datum van inwerkingtreding van die Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998).

Uitleg

2. In hierdie regulasies beteken "die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), en tensy dit uit die samehang anders blyk, het enige woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, die betekenis aldus daaraan geheg.

**Besonderhede voorgeskryf vir doeleindes
van artikel 10(1) van Wet**

3. Die skriftelike besonderhede wat ingevolge artikel 10(1) van die Wet verstrekt moet word, moet in ooreenstemming wees met die vorm in die Aanhangsel uiteengesit.

Repeal of regulations

4. The Registration of Ships Regulations, 1989, published by Government Notice No. R. 36 of 10 January 1989, as amended by Government Notices Nos. R. 74 of 20 January 1989 and R. 2438 of 19 October 1990, are repealed.

Herroeping van regulasies

4. Die Regulasies in verband met die Registrasie van Skepe, 1989, afgekondig by Goewermentskennisgewing No. R 36 van 10 Januarie 1989, soos gewysig by Goewerments kennisgewings Nos. R. 74 van 20 Januarie 1989 en R. 2438 van 19 Oktober 1990, word herroep.

ANNEX / AANHANGSEL
(Regulation / Regulasie 3)

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Merchant Shipping Act, 1951 (Act 57 of 1951)



REPUBLIEK VAN SUID-AFRIKA

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Handelskeepvaartwet, 1951 (Wet 57 van 1951)

NOTIFICATION OF BUILDING OR OF INTENTION TO BUILD A VESSEL
AANMELDING VAN DIE BOU VAN OF VAN VOORNEME OM 'N VAARTUIG TE BOU

Name of owner

Naam van eienaar

Address of owner

Adres van eienaar

Name of builder

Naam van bouer

Address of builder

Adres van bouer

Type of vessel (e.g. cargo, tanker, tug, fishing boat, etc.)

Tipe vaartuig (bv. Vragskip, tenkskip, sleepboot, vissersboot, ens.)

Builder's dimensions (length, breadth, depth)

Afmettings van bouer (lengte, breedte, diepte)

Steam or motor engine (if any)

Stoom- of motormasjien (as daar is)

Power of engines (state shaft power or indicated power)

Drywing van masjiene (meld asdrywing of indikateurdrywing)

Number of propellers

Getal skroewe

Value of vessel (estimated)

Waarde van vaartuig (beraamd)

Intended port of *registration/licence

Voorgenome *registrasie-/lisensiehawe

†Proposed name of vessel

†Voorgestelde naam van vaartuig

Proposed date of completion

Voorgestelde voltooiingsdatum

THE FOLLOWING INFORMATION MUST BE SUPPLIED IN RESPECT OF VESSELS (INCLUDING TRAWLERS) OTHER
THAN FISHING BOATS

ONDERSTAANDE INLIGTING MOET VERSKAF WORD TEN OPSIGTE VAN VAARTUIE (MET INBEGRIJ VAN
TREILERS) UITGESONDERD VISSERSBOTE

Number of decks

Getal dekke

Number of masts

Getal maste

Stem (straight or raked)

Voorstewe (reguit of hellend)

Stern (transom, cruiser, etc.)

Agterstewe (helbalk, kruiser, ens.)

Material of hull

Materiaal van romp

Number of watertight bulkheads

Aantal waterdigte beskotte

DECLARATION / VERKLARING

I,, the undersigned, hereby declare that I *intend to build/am building a vessel, particulars of which appear above, which when completed will be *registered/licensed in the Republic.

Ek,, die ondergetekende, verklaar hierby dat ek *voornemens is om n' vaartuig te bou/n vaartuig bou, waarvan besonderhede hierbo verskyn, en wat by voltooiing in die Republiek *geregistreer/gelisensieer word.

Date

Datum

Signature of declarant
Handtekening van verklaarder

*Delete words that do not apply

*Skrap woorde wat nie van toepassing is nie.

†Ships that are to be registered should have their names approved

†Goedkeuring moet verkry word vir die name van skepe wat gerigistreer gaan word.

No. R. 499

26 April 2002

No. R. 499

26 April 2002

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

**AMENDMENT OF TONNAGE
REGULATIONS, 1986**

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule with effect from the date of commencement of the Ship Registration Act, 1998 (Act No. 58 of 1998).

SCHEDULE

Interpretation

1. In these regulations "the Regulations" means the Tonnage Regulations, 1986, published by Government Notice No. R. 1129 of 6 June 1986, as amended by Government Notices Nos. R.100 of 29 January 1988 and R. 2438 of 19 October 1990.

Amendment of regulation 2 of Regulations

2. Regulation 2 of the Regulations is amended—

- (a) by the substitution for the definition of "approved" of the following definition:

" 'approved' means approved by the Authority;";

- (b) by the insertion after the definition of "excluded spaces" of the following definition:

" 'existing ship' means a ship that is not a new ship;"; and

HANDELSKEEPVAARTWET, 1951 (WET
No. 57 VAN 1951)

**WYSIGING VAN
TONNEMAATREGULASIES, 1986**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig met ingang van die datum van inwerkingtreding van die Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998).

BYLAE

Uitleg

1. In hierdie regulasies beteken "die Regulasies" die Tonnemaatregulasies, 1986, afgekondig by Goewermentskennisgewing No. R. 1129 van 6 Junie 1986, soos gewysig by Goewermentskennisgewings Nos. R 100 van 29 Januarie 1988 en R. 2438 van 19 Oktober 1990.

Wysiging van regulasie 2 van Regulasies

2. Regulasie 2 van die Regulasies word gewysig—

- (a) deur die volgende omskrywing na die omskrywing van "afmetings" in te voeg:

" 'bestaande skip' 'n skip wat nie 'n nuwe skip is nie;";

- (b) deur die omskrywing van "goedgekeur" deur die volgende omskrywing te vervang:

" 'goedgekeur' deur die Owerheid goedgekeur;"; en

- (c) by the insertion after the definition of "moulded depth" of the following definition:

" 'new ship' means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of commencement of these regulations;"

Substitution of regulation 3 of Regulations

3. The following regulation is substituted for regulation 3 of the Regulations:

"APPLICATION

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

- (a) every ship that is registered or licensed in the Republic, other than—
 - (i) a small vessel; or
 - (ii) a ship of less than 100 gross tonnage that is used solely for sport or recreation;
- (b) every ship ordered by the Authority in terms of section 18(4) of the Act to be surveyed;
- (c) every ship, other than a ship of South African nationality, that is not provided with a certificate of registry or other national papers denoting the tonnage acceptable to the Authority or proper officer and in respect of which port dues or other charges become payable in terms of a tariff determined by Portnet, a division of Transnet Limited; and
- (d) any ship if the owner so requests.

(2) These regulations are without prejudice to the operation of the provisions of the exception in Article 3, paragraph (2)(d) of the Tonnage Convention."

- (c) deur die volgende omskrywing na die omskrywing van "lengte" in te voeg:

" 'nuwe skip' 'n skip waarvan die kiel gelê is, of wat in 'n dergelike stadium van konstruksie is, op of na die datum van inwerkingtreding van hierdie regulasies;"

Vervanging van regulasie 3 van Regulasies

3. Regulasie 3 van die Regulasies word deur die volgende regulasie vervang:

"TOEPASSING

3. (1) Behoudens subregulasie (2) is hierdie regulasies van toepassing op—

- (a) elke skip wat in die Republiek geregistreer of gelisensieer is, uitgesonderd—
 - (i) 'n klein vaartuig; of
 - (ii) 'n skip van minder as 100 bruto tonnemaat wat uitsluitlik vir sport of ontspanning gebruik word;
- (b) elke skip wat deur die Owerheid ingevolge artikel 18(4) van die Wet gelas word om opgeneem te word;
- (c) elke skip, uitgesonderd 'n skip van Suid-Afrikaanse nasionaliteit, wat nie voorsien is nie van 'n registrasiesertifikaat of ander nasionale dokumente wat die tonnemaat aandui, wat vir die Owerheid of bevoegde beampte aanneemlik is en ten opsigte waarvan hawegelde of ander gelde betaalbaar word ingevolge 'n tarief wat deur Portnet, 'n divisie van Transnet Beperk, vasgestel word; en
- (d) enige skip as die eienaar dit versoek.

(2) Hierdie regulasies benadeel nie die werking van die bepalings van die uitsondering in Artikel 3, paragraaf (2)(d) van die Tonnemaatkonvensie nie."

Substitution of regulation 4 of Regulations

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

"MEASUREMENT OF SHIPS

4. The tonnage of a ship to which these regulations apply shall be ascertained in accordance with the tonnage measurement provisions set out in these regulations: Provided that net tonnage shall not be computed in respect of ships of less than 24 metres in length."

Amendment of regulation 7 of Regulations

5. Regulation 7 of the Regulations is amended by the substitution for the words "the Director-General" and "he" of the words "the Authority" and "it", respectively.

Amendment of regulation 8 of Regulations

6. Regulation 8 of the Regulations is amended by the substitution in paragraph (b) of subregulation (3) for the words "the Director-General" of the words "the Authority".

Amendment of regulation 10 of Regulations

7. Regulation 10 of the Regulations is amended by the substitution in subregulation (4) for the words "the Director-General", "his" and "he" of the words "the Authority", "its" and "it", respectively.

Amendment of Annex 1 to Regulations

8. The Regulations are amended by the substitution for the form of International Tonnage Certificate set out in Annex 1 to the Regulations of the form set out in Annex 1 to these regulations.

Vervanging van regulasie 4 van Regulasies

4. Regulasie 4 van die Regulasies word deur die volgende regulasie vervang:

"OPMETING VAN SKEPE

4. Die tonnemaat van 'n skip waarop hierdie regulasies van toepassing is, word bepaal in ooreenstemming met die tonnemaatberekeningsbepalings in hierdie regulasies uiteengesit: Metdi en verstande dat die netto tonnemaat ten opsigte van skepe van minder as 24 meter lank nie bereken word nie."

Wysiging van regulasie 7 van Regulasies

5. Regulasie 7 van die Regulasies word gewysig deur die woorde "die Direkteur-generaal" deur die woorde "die Owerheid" te vervang.

Wysiging van regulasie 8 van Regulasies

6. Regulasie 8 van die Regulasies word gewysig deur die woorde "die Direkteur-generaal" in paragraaf (b) van subregulasie (3) deur die woorde "die Owerheid" te vervang.

Wysiging van regulasie 10 van Regulasies

7. Regulasie 10 van die Regulasies word gewysig deur die woorde "die Direkteur-generaal" in subregulasie (4) deur die woorde "die Owerheid" te vervang.

Wysiging van Byvoegsel 1 van Regulasies

8. Die Regulasies word gewysig deur die vorm Internasionale Tonnemaatsertifikaat in Byvoegsel 1 van die Regulasies uiteengesit, te vervang deur die vorm in Byvoegsel 1 van hierdie regulasies uiteengesit.

Amendment of Annex 2 to Regulations

9. The Regulations are amended by the substitution for the form of Local Tonnage Certificate set out in Annex 2 to the Regulations of the form set out in Annex 2 to these regulations.

Wysiging van Byvoegsel 2 van Regulasies

9. Die Regulasies word gewysig deur die vorm Plaaslike Tonnemaatsertifikaat in Byvoegsel 2 van die Regulasies uiteengesit, te vervang deur die vorm in Byvoegsel 2 van hierdie regulasies uiteengesit.

ANNEX / BYVOEGSEL 1

(Regulation / Regulasie 8)

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Merchant Shipping Act, 1951 (Act 57 of 1951)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID

Handelskeepvaartwet, 1951 (Wet 57 van 1951)

INTERNATIONAL TONNAGE CERTIFICATE (1969)
INTERNASIONALE TONNEMAATSERTIFIKAAT (1969)

Issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, under the authority of the Government of the Republic of South Africa for which the Convention came into force on 24 FEBRUARY 1983 by the South African Maritime Safety Authority.

Uitgereik ingevolge die bepalings van die Internasionale Konvensie insake die Tonnemaatberekening van Skepe, 1969, op gesag van die Regering van die Republiek van Suid-Afrika waarvoor die Konvensie op 24 FEBRUARIE 1983 in werking getree het deur die Suid-Afrikaanse Maritieme Veiligheidsowerheid.

Name of ship Naam van skip	Official No. Amptelike No.	Home Port Tuishawe	*Date *Datum

*Date on which keel was laid or the ship was at a similar stage of construction [Article 2(6)], or date on which the ship underwent alterations or modifications of a major character [Article 3(2)(b)], as appropriate.

*Datum waarop kiel gelê is of die skip in 'n dergelike stadium van konstruksie was [Artikel 2(6)], of datum waarop die skip verbouings of modifiërings van 'n grootskaalse aard ondergaan het [Artikel 3(2)(b)], na gelang van die geval.

MAIN DIMENSIONS / HOOFAFMETINGS

Length Lengte [Article/Artikel 2(8)]	Breadth Breedte [Regulation/Regulasie 2(3)]	Moulded depth amidships to upper deck Gevormde diepte midskeeps tot bodek [Regulation/Regulasie 2(2)]

The tonnages of the ship are:

Die skip se tonnemate is die volgende:

Gross tonnage/Bruto tonnemaat

Net tonnage/netto tonnemaat

This is to certify that the tonnages of this ship have been determined in accordance with the provisions of the International Convention on Tonnage Measurement of ships, 1969.

Hiermee word gesertifiseer dat die skip se tonnemate bereken is ooreenkomstig die bepalings van die Internasionale Konvensie insake die Tonnemaatberekening van Skepe, 1969.

Issued at on
Uitgereik te op

Principal Officer
Eerste Beampte

SPACES INCLUDED IN TONNAGE
RUIMTES BY TONNEMAAT INGESLUIT

Gross tonnage Bruto tonnemaat			Net Tonnage Netto tonnemaat		
*Name of space *Naam van ruimte	Location Ligging	Length Lengte	*Name of space *Naam van ruimte	Location Ligging	Length Lengte
Underdeck Onderdeks					
			NUMBER OF PASSENGERS GETAL PASSASIER [Regulation/Regulasie 4(1)]		
EXCLUDED SPACES UITGESLOTE RUIMTES [Regulation/Regulasie 2(5)]			No. of passengers in cabins with not more than 8 berths Getal passasiers in kajuite met hoogstens 8 slaapbanke No. of other passengers Getal ander passasiers		
			MOULDED DRAUGHT GEVORMDE DIEPGANG [Regulation/Regulasie 4(2)]		
Date and place of original measurement Datum en plek van aanvanklike opmeting					
Date and place of last remeasurement Datum en plek van jongste heropmeting					
Remarks: Opmerkings:					

*Indicate spaces which comprise of both enclosed and excluded spaces.

*Dui ruimtes aan wat uit ingeslote sowel as uitgeslote ruimtes bestaan.

ANNEX / BYVOEGSEL 2

(Regulation / Regulasie 9)

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Merchant Shipping Act, 1951 (Act 57 of 1951)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID

Handelskeepvaartwet, 1951 (Wet 57 van 1951)

LOCAL TONNAGE CERTIFICATE (1969)
PLAASLIKE TONNEMAATSERTIFIKAAT (1969)

Name of ship Naam van skip	Official No. Amptelike No.	Home Port Tuishawe	*Date *Datum

*Date on which keel was laid or the ship was at a similar stage of construction, or date on which the ship underwent alterations or modifications of a major character.

*Datum waarop kiel gelê is of die skip in 'n dergelike stadium van konstruksie was, of datum waarop die skip verbouings of modifiërings van 'n grootskaalse aard ondergaan het.

MAIN DIMENSIONS / HOOFAFMETINGS

Registered length Geregistreerde lengte	Moulded breadth Gevormde breedte	Moulded depth amidships to upper deck Gevormde diepte midskeeps tot bodek

	Tonnage Tonnemaat	Cubic metres Kubieke meter
Gross Bruto		
Net Netto		

I, the undersigned surveyor, duly authorized by the South African Maritime Safety Authority, hereby certify that the abovenamed ship has been measured in accordance with the provisions of the Tonnage Regulations, 1986, and that the tonnages are as stated above.

Ek, die ondergetekende opnemer, behoorlike daartoe gematig deur die Suid-Afrikaanse Maritieme Veiligheidsowerheid, sertifiseer hierby dat bogenoemde skip opgemeet is ooreenkomstig die bepalinge van die Tonnemaatregulasies, 1986, en dat die tonnemaat is soos hierbo verneld.

Issued at
Uitgereik te

Date

Datum

.....
Signature
Handtekening

**SPACES INCLUDED IN TONNAGE
RUITES BY TONNEMAAT INGESLUIT**

Gross tonnage Bruto tonnemaat			Net Tonnage Netto tonnemaat		
*Name of space *Naam van ruimte	Location Ligging	Length Lengte	*Name of space *Naam van ruimte	Location Ligging	Length Lengte
Underdeck Onderdeks					
EXCLUDED SPACES UITGESLOTE RUIMTES			NUMBER OF PASSENGERS GETAL PASSASIERE		
			No. of passengers in cabins with not more than 8 berths Getal passasiers in kajuite met hoogstens 8 slaapbanke		
			No. of other passangers Getal ander passasiers		
			MOULDED DRAUGHT GEVORMDE DIEPGANG		

Date and place of original measurement
Datum en plek van aanvanklike opmeting

Date and place of last remeasurement
Datum en plek van jongste heropmeting

Remarks:
Opmerkings:

- *Indicate spaces which comprise of both enclosed and excluded spaces.
*Dui ruimtes aan wat uit ingeslote sowel as uitgeslote ruimtes bestaan.

No. R. 500

26 April 2002

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

MERCHANT SHIPPING (SMALL VESSEL SAFETY) REGULATIONS, 2002

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

SCHEDULE*Arrangement of regulations*

*Regulation
No.*

**PART 1
PRELIMINARY**

1. Title and commencement
2. Interpretation
3. Application

**PART 2
VESSEL SAFETY REQUIREMENTS**

4. Submission and approval of plans etc. for first issue of local safety certificate
5. Inspection of vessel for renewal of local safety certificate
6. Design and construction of vessels
7. Safety appliances and equipment
8. Safety of navigation
9. Colouring of vessels
10. Operational limits
11. Carrying persons in excess
12. Voyage information
13. Obligation of skipper to report dangers to navigation and to assist vessels in distress

**PART 3
CREWING**

14. Competence of skippers
15. Physical and mental fitness
16. Age limitations

**PART 4
SPECIAL PROVISIONS FOR UNREGISTERED PLEASURE VESSELS**

17. Application of Part
18. Recording and marking of vessels
19. Vessels not to be used without certificate of fitness

20. Initial and renewal inspection for certificate of fitness
21. Issue of certificate of fitness
22. Duration of certificate of fitness
23. Cancellation of certificate of fitness
24. Surrender of expired or cancelled certificate of fitness
25. Custody and production of certificate of fitness
26. Maintenance of conditions after inspection

PART 5 SUPPLEMENTAL

27. Authorized agencies
28. Powers of enforcement officers
29. Equivalents and exemptions
30. Exemption in respect of controlled events
31. Offences and penalties

PART 6 FINAL PROVISIONS

32. Transitional arrangements
33. Repeal and amendment of regulations

Annex 1—Construction requirements

Annex 2—Safety appliances and equipment

PART 1 PRELIMINARY

Title and commencement

1. These regulations are called the Merchant Shipping (Small Vessel Safety) Regulations, 2002, and come into operation on the date of commencement of the Ship Registration Act, 1998 (Act No. 58 of 1998).

Interpretation

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

"approved" means approved by the Authority;

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

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

- (a) *Category A*—vessels operating more than 40 nautical miles from shore;

- (b) *Category B*—vessels operating more than 15 but not more than 40 nautical miles from shore;
- (c) *Category C*—vessels operating more than 5 but not more than 15 nautical miles from shore;
- (d) *Category D*—vessels operating more than 1 nautical mile but not more than 5 nautical miles from shore;
- (e) *Category E*—vessels operating not more than 1 nautical mile from shore;

"certificate of competence" means a certificate issued or endorsed in accordance with regulation 14(2) and entitling its lawful holder to act in the capacity and perform the functions involved on a vessel of the type, category, tonnage or length, power and means of propulsion concerned;

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

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

"commercial harbour" means a harbour belonging to Portnet, a division of Transnet Limited;

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

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

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

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

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

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

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

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

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

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

(iii) recommends training and safety guidelines for certified coaches or officials;

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

"operate", in relation to a vessel, means operate at sea;

"overall length", in relation to a vessel, means the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull of the vessel;

"owner" includes—

- (a) a credit receiver (buyer) in the case of a credit agreement in terms of the Credit Agreements Act, 1980 (Act No. 75 of 1980); and
- (b) in relation to a pleasure vessel, any person entrusted by an owner with the care and control of the vessel;

"pleasure vessel" means a vessel of 3 metres or more in overall length that is used solely for sport or recreation;

"power-driven", in relation to a vessel, means propelled primarily by mechanical means;

"projectile flare set" means a set of flares designed to be propelled upwards by means of a hand-operated triggering device not forming an integral part of the flare;

"safety officer" means a person designated under regulation 27(4);

"sailing vessel" means a vessel provided with sufficient sail area for navigation under sail alone whether or not fitted with mechanical means of propulsion;

"skipper" means the master;

"specified by the Authority" means specified by the Authority in a marine notice;

"suitable", in relation to materials or an appliance or item of equipment, means suitable for the service for which it is intended;

"tender" means a dinghy, not exceeding 4 metres in overall length, that is used in a harbour or in sheltered waters for the conveyance of persons or stores from the shore to a vessel, or vice versa, or from one vessel to another vessel without financial gain or reward;

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

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

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

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

Application

3. (1) Subject to subregulations (2) and (3), these regulations apply to—
- (a) every commercial small vessel—
 - (i) that is registered as a ship in the Republic;
 - (ii) that is required to be licensed in terms of section 68 of the Act; or
 - (iii) in respect of which a local safety certificate is required by virtue of section 203 of the Act; and
 - (b) every pleasure vessel of less than 100 gross tonnage, being—
 - (i) a vessel that is registered as a ship in the Republic; or
 - (ii) a vessel contemplated in section 68(3)(b) of the Act.
- (2) These regulations do not apply to tenders.
- (3) A provision of these regulations does not apply to a ship of South African nationality in the waters of a country other than the Republic where the provision is inconsistent with a law of that country which, by its terms, applies to the ship when in the waters of that country.

PART 2**VESSEL SAFETY REQUIREMENTS****Submission and approval of plans etc. for first issue of local safety certificate**

4. (1) (a) Subject to subregulation (5), for the purposes of the first issue of a local safety certificate in respect of commercial small vessel, the builder or owner of a vessel must submit in duplicate to the Authority the following particulars by means of plans, fully dimensional and including detailed specifications of the vessel, for approval by the Authority:
- (i) longitudinal elevation showing the position of bulkheads or built-in non-flooding compartments, hatchways, deck houses and crew spaces;
 - (ii) midship section showing hull scantlings, deck, bulwarks, frames, doors, stringers and beams;
 - (iii) any deck openings, ventilators and air pipes, and tanks;
 - (iv) engine-room layout and pumping arrangements;
 - (v) steering and propeller shaft arrangements;
 - (vi) electrical circuit diagram;
 - (vii) lines plan of scale 1:25.
- (b) The specifications must also reflect details of—
- (i) anchors and cables;

(ii) life-saving and fire-fighting equipment; and

(iii) navigation lights and sound signals.

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

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

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

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

(a) commencing framing;

(b) commencing planking, plating or laminating;

(c) completing the fitting of all underwater fittings and rudder gear and propeller shafts;

(d) launching the vessel; and

(e) undertaking dock or sea trials.

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

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

(a) in the case of a vessel being built, the work is carried out at approved premises, in accordance with the relevant construction standards specified by the Authority; and

(b) in the case of an existing vessel, it is satisfied that the vessel complies with the relevant construction standards specified by the Authority.

Inspection of vessel for renewal of local safety certificate

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

(a) sea suction and discharge valves, excluding sea connection fastenings, may be inspected at intervals not exceeding 24 months; and

(b) propeller shafts may be withdrawn at intervals not exceeding four years.

Design and construction of vessels

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

(2) On decked vessels no point of possible ingress of water, except scuppers, may be less than 200 millimetres above the surface of the water, measured when the vessel is afloat in an undamaged condition in calm water.

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

Safety appliances and equipment

7. (1) The owner and skipper of a vessel must ensure that—

- (a) items of safety appliances and equipment are provided and maintained on board the vessel in accordance with the requirements of Annex 2; and
- (b) the other requirements of that Annex are complied with in relation to the vessel.

(2) Where a vessel is operated through the surf or in turbulent waters, the skipper must ensure that a lifejacket or buoyancy aid, as required by Annex 2, is worn by each occupant of the vessel.

Safety of navigation

8. (1) The skipper of a vessel must ensure at all times that the vessel is operated in accordance with—

- (a) the collision regulations;
- (b) the conditions and limitations specified in the local safety certificate or certificate of fitness, as the case may be, issued in respect of the vessel;
- (c) the conditions and limitations specified in the skipper's certificate of competence;
- (d) the instructions and specifications of the manufacturer of the vessel and, if power-driven, of the vessel's propulsion machinery;
- (e) the law in force in the area in which the vessel is being operated, in so far as it is not inconsistent with the Act; and
- (f) the load-line regulations, if applicable.

(2) No person may operate a vessel in a careless manner, without reasonable consideration for other persons or without due care and attention, taking into account—

- (a) the weather;
- (b) visibility;

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

(3) Before going to sea, the skipper of a power-driven vessel must ensure that the vessel carries a sufficient quantity of fuel for its intended voyage, plus a reserve of 25 per cent of that quantity.

Colouring of vessels

9. The owner and skipper of a vessel must ensure that either—

- (a) as large an area as possible of the interior of a vessel that is not a decked vessel or of the deck of a decked vessel is painted or pigmented in a colour making the vessel readily visible from above in any sea condition; or
- (b) there is readily available on board the vessel, and capable of floating in a spread-out position when attached to it—
 - (i) a length of canvas or similar suitable material, so painted or pigmented, of a size capable of extending the full width of the vessel, but not less than 2 metres by 2 metres; or
 - (ii) a rectangular object, so painted or pigmented, of which the side equals the width of the vessel, but not less than 1 metre in width.

Operational limits

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

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

Carrying persons in excess

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

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

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

Voyage information

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

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

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

- (a) a relative of the owner or skipper, or a friend, remaining at the owner's or skipper's place of abode or at the place of departure;
- (b) if the owner or skipper resides in a hotel, boarding house, housing complex, caravan park, camping site or similar place, the person in charge of or other responsible person at such place of residence;
- (c) the person (if any) in charge of the place of departure or, in the case of a commercial harbour or a fishing harbour, the person in charge of the departure and arrival of vessels at that harbour;
- (d) an authorized agency; or
- (e) a police officer stationed at a police station nearest to the place of departure.

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

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

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

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

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

PART 3 CREWING

Competence of skippers

14. (1) The owner and skipper of a vessel must ensure at all times that the vessel is operated in a responsible and careful manner by or under the constant guidance of a person who is physically able and of sound mental health and who, in the case of—

- (a) a commercial small vessel; and
- (b) a pleasure vessel, being either a sailing vessel of 6 metres or more in overall length or a power-driven vessel,

holds a valid certificate of competence, endorsed as appropriate, issued by a certifying authority. This provision does not require the holding of a certificate of competence in respect of a pleasure vessel for the period expiring 12 months after the commencement of these regulations.

(2) (a) Subject to paragraph (b), a person is entitled to a certificate of competence, or a particular endorsement thereto, if he or she has achieved the relative standard of competence as determined by the Authority.

(b) The standards of competence in respect of the vessels described in subregulation (1)(b) are to be determined after consultation with the governing bodies representing the pleasure vessel sectors concerned.

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

- (a) the holder has been convicted of an offence in terms of the Act or an offence in respect of dishonest conduct; or
- (b) it believes on reasonable grounds that the holder has conducted himself or herself in a negligent or incompetent manner while serving in the capacity specified in the certificate; or
- (c) it believes on reasonable grounds that the certificate was obtained fraudulently or on wrong information.

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

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

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

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

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

Physical and mental fitness

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

(2) No person may operate a vessel while under the influence of intoxicating liquor or a drug having a narcotic effect.

(3) No person may operate a vessel while—

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

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

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

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

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

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

Age limitations

16. (1) No person younger than 18 years may be a skipper of a commercial small vessel.

(2) No person younger than 16 years may operate a power-driven pleasure vessel having a propulsion power exceeding 5 horse power unless—

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

PART 4

SPECIAL PROVISIONS FOR UNREGISTERED PLEASURE VESSELS

Application of Part

17. This Part applies to pleasure vessels contemplated in section 68(3)(b) of the Act.

Recording and marking of vessels

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

- (a) there is in force in respect of that vessel an approved marking; and
- (b) the vessel has been marked in accordance with subregulation (4) with that marking.

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

- (a) the name, identity number and address of the owner of the vessel;
- (b) the type and category of vessel, sufficient to identify it;
- (c) any current identification marking issued in respect of the vessel; and
- (d) such further matters as the Authority may specify.

(3) Subject to subregulation (7), the approval of a marking remains in force for the period of the certificate of fitness issued in respect of the same vessel, and during that period the display on the vessel of any other identification marking is prohibited.

(4) The owner of a vessel must ensure that the marking approved in respect of the vessel is displayed and continued on the vessel in accordance with the directions of the Authority.

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

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

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

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

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

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

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

(10) Subregulation (1) does not prohibit a vessel from going to sea without an approved marking for the period expiring 12 months after the commencement of these regulations.

Vessels not to be used without certificate of fitness

19. (1) Neither the owner nor the skipper of a vessel to which this Part applies may cause or allow the vessel to go to sea from any place in the Republic, unless there is on board and in force in respect of that vessel a valid certificate of fitness.

(2) Subregulation (1) does not prohibit a vessel from going to sea without a certificate of fitness for the period expiring 12 months after the commencement of these regulations.

Initial and renewal inspection for certificate of fitness

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

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

(2) An inspection under subregulation (1) must be carried out by a surveyor or safety officer designated for the purpose by a certifying authority; and application for such an

inspection must be made by or on behalf of the owner of the vessel to the certifying authority.

Issue of certificate of fitness

21. Upon satisfactory completion of an initial or renewal inspection under regulation 20, the certifying authority must issue in respect of a vessel that complies with the requirements of these regulations a certificate of fitness, stating—

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

Duration of certificate of fitness

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

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

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

Cancellation of certificate of fitness

23. (1) A certifying authority may cancel a certificate of fitness if it believes on reasonable grounds that—

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

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

(3) Whenever a certificate of fitness is cancelled, the certifying authority must notify the owner or skipper of the vessel concerned of the cancellation.

Surrender of expired or cancelled certificate of fitness

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

Custody and production of certificate of fitness

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

Maintenance of condition after inspection

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

PART 5

SUPPLEMENTAL

Authorized agencies

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

- (a) to determine the maximum number of persons that a vessel may safely carry for the purposes of regulation 11(2);
- (b) to record voyage details for the purposes of regulation 12;
- (c) to issue and cancel certificates of competence, and to demand the surrender of cancelled certificates, under regulation 14;
- (d) (i) to require a person to furnish medical evidence for the purposes of regulation 15(1) and (2);
(ii) to take specimens for the purposes of regulation 15(3);

- (e) to certify and to supervise persons under the age of 16 years for the purposes of regulation 16;
- (f) to conduct initial and renewal inspections of vessels under regulation 20;
- (g) to issue and cancel certificates of fitness, and to demand the surrender of cancelled certificates, under regulations 21, 23 and 24, respectively.

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

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

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

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

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

(5) Designation as a safety officer terminates if—

- (a) the designee's membership of the authorized agency is suspended or terminated; or
- (b) the designation is otherwise revoked by the authorized agency,

and the person concerned must upon demand surrender the certificate issued to him or her in terms of subregulation (4)(b) to the authorized agency.

Powers of enforcement officers

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

(2) The following persons are designated as enforcement officers in respect of pleasure vessels for the purpose of these regulations:

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

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

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

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

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

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

(5) A safety officer may exercise the powers of an enforcement officer under subregulations (3) and (4)(a) only in respect of pleasure vessels entered with the authorized agency whose functions he or she has been designated to perform and may inspect such vessels and their appliances and equipment only when they are at dockside, moored or beached.

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

Equivalents and exemptions

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

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

Exemption in respect of controlled events

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

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

(3) The Authority may extend a standing approval under subregulation (2) for a period not exceeding 12 months and may at any time on reasonable grounds revoke such approval.

Offences and penalties

31. A person who contravenes a provision of regulation 4(1), (3) or (4), 7, 8, 9, 10, 11(1), 12(1), (3), (4) or (5), 13, 14(1), (4) or (6), 15(1), (2), (3) or (5), 16, 18(1), (4), (5), (6) or (8), 19, 24, 25, 26, 27(5) or 28(6) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

PART 6**FINAL PROVISIONS****Transitional arrangements**

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

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

Repeal and amendment of regulations

33. (1) The following regulations are repealed:

(a) the Standards of Seaworthiness, Manning and Licencing of Vessels Regulations, 1986, published by Government Notice No. R. 1025 of 30 May 1986, as amended by Government Notice No. R. 1028 of 18 June 1993; and

(b) the Regulations Regarding Ships or Small Vessels Used Solely for Sport or Recreation, 1985, published by Government Notice No. R. 2799 of 20 December 1985.

(2) Regulation 5 of the Merchant Shipping (Safe Manning) Regulations, 1999, published by Government Notice No. R. 1548 of 30 December 1999, as amended, is further amended by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) employ as master of the ship a person who holds a valid Small Vessel Certificate of Competence issued under regulation 14 of the Merchant Shipping (Small Vessel Safety) Regulations, 2002, ; and".

ANNEX 1

(Regulation 6)

CONSTRUCTION REQUIREMENTS

Built-in buoyancy

1. (1) (a) Subject to items (b) and (c) and to subparagraph (2), every category B, C, D and E vessel must be provided with built-in buoyancy complying with subparagraph (3).

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

(c) The following category C, D and E vessels may, instead of built-in buoyancy, be provided with lifebuoys, one in number for every two persons on board, provided such vessels do not operate after sunset:

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

(2) Watertight compartments and watertight empty cases are not a substitute for built-in buoyancy: Provided that a decked vessel may, instead of built-in buoyancy, be provided with at least two watertight bulkheads so positioned and of sufficient strength that, in the event of the largest compartment formed by the bulkheads being flooded, the vessel will remain afloat with positive transverse stability.

(3) Built-in buoyancy must consist of a material, such as foam, that is not affected by oil or oil products. Built-in buoyancy must be capable of keeping the vessel afloat when fully flooded, swamped or capsized. It must be capable of floating the vessel, when capsized, in such manner as to provide a platform to which the full complement of the vessel can be secured.

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

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

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

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

Hatches and hatch coamings

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

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

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

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

Guard rails etc.

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

(a) every power-driven vessel having an open deck on which persons can walk must be provided with efficient guard rails, or an equivalent arrangement, around the outboard edge of the deck to a height of at least—

(i) 600 millimetres above the deck on vessels of 9 metres or more in overall length; and

(ii) 450 millimetres above the deck on vessels less than 9 metres in overall length; and

(b) every sailing vessel having an open deck on which persons can walk must be provided with efficient guard rails, or an equivalent arrangement, around the outboard edge of the deck to a height of at least—

(i) 560 millimetres above the deck on vessels of 9 metres or more in overall length; and

(ii) 410 millimetres above the deck on vessels less than 9 metres in overall length: Provided that category D and E sailing pleasure vessels of less than 9 metres in overall length are exempt from this requirement if—

(aa) every occupant of the vessel wears a flotation aid; and

(bb) the vessel does not operate after sunset.

(2) Vessels operating through the surf are exempt from subparagraph (1) if fitted with bulwarks having a height of at least 450 millimetres forward and 300 millimetres aft.

(3) Subparagraph (1) does not apply to power-driven dinghies or to sailing dinghies.

(4) Vessels constructed so that the cabin-top extends nearly to the vessel's side, with a crew-only access forward, are exempt from subparagraph (1) if provided with a substantial, secure hand rail on each side of the cabin and with a toe rail of at least 50 millimetres in height along the outer edge of the deck.

Towing bollards

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

Underwater hull fittings

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

Ventilators

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

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

Engine power

7. (1) Subject to subparagraph (2), every vessel must be provided with an engine capable of propelling the vessel at a speed of 5 knots in smooth water when fully loaded or at a safe speed when being operated through the surf or in turbulent waters.

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

(3) Every category A, B and C power-driven vessel that is propelled by outboard engines must have at least two engines of equal power: Provided that vessels constructed with a planing hull may have engines of different power if either engine is capable of propelling the vessel at planing speed.

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

- (a) the engine must be installed in a compartment that is protected from sea spray and flooding and is adequately ventilated;
- (b) a manual bilge pump must be fitted in the engine compartment;
- (c) batteries must be stowed in a separate compartment that is protected from sea spray and flooding and is adequately ventilated;
- (d) a marinized carburettor with flash arrester must be fitted;
- (e) a spark-less alternator with starter must be fitted;
- (f) a flameproof extractor fan set to operate for a minimum of 30 seconds before the engine starts must be fitted in the engine compartment;
- (g) a remote controlled fire extinguishing system must be fitted in the engine compartment;

(h) in the case of category A, B and C vessels fitted with a single inboard petrol engine, an auxiliary outboard engine must be provided.

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

Fuel tanks

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

(2) Outlets of built-in fuel tanks must be fitted with shut-off valves or approved automatic shut-off and anti-syphoning devices. Shut-off valves that cannot readily and safely be accessed must be capable of remote operation.

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

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

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

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

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

Electrical installations

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

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

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

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

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

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

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

Emergency steering arrangements

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

Bilge pumping arrangements

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

- (a) ski-boats having self-draining decks;
- (b) inflatable or semi-rigid inflatable vessels having self-draining decks; or
- (c) sailing or rowing dinghies,

but such vessels must be provided with an efficient bailing device.

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

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

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

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

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

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

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

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

Visibility at steering position

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

Maintenance of propulsion and steering machinery

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

Crew accommodation in commercial small vessels

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

- (a) not more than 10 persons may be accommodated in a space that has only one access;
- (b) bunks must be single and have clear access from one side. A bunk may not be less than 1,8 metres in length and, in the fore-castle space, a bunk may taper in width along its length but may not be less than 600 millimetres at its head and 460 millimetres at its foot. Where bunks are stacked one on top of the other, the height between bunks may not be less 500 millimetres between the top of the mattress and the base of the bunk above the mattress. Bunks must be so positioned to avoid water drips from access ladders and ventilators. Protection boards encasing the back of an access ladder or drip traps are acceptable when there is no other option but to install a bunk under a ladder or ventilator. Each bunk must have a cubby hole for the storage of personal items. Bunks butting onto each other must be separated with a board having a minimum height of 500 millimetres;

- (c) sleeping arrangements are not permitted in engine room or galley spaces. Sleeping arrangements are permitted in the steering space provided the steering gear is enclosed and the bulkhead between the steering and engine room spaces is made gas tight. Exhaust pipes passing through the steering space must be boxed in and ventilated to the outside;
- (d) galleys fitted with gas stoves may not have an access to the engine room. Where this cannot be avoided, there must be installed a gas-tight access between the engine room and galley. The immediate area about the stove must be insulated to inhibit the spread of fire;
- (e) at least two toilets and showers must be provided on vessels carrying not more than 19 persons; an additional toilet and shower must be provided for every additional 10 persons, or part of that number, carried. Toilets and showers must be located outside, but adjacent to, sleeping spaces;
- (f) all accommodation spaces must be provided with adequate ventilation with closing devices to prevent water ingress from spray or rain and air ingress in the event of a fire in the space;
- (g) all accommodation spaces must be provided with adequate electrical lighting;
- (h) all accommodation spaces must provide a minimum head height of at least 1,8 metres; this may be reduced in way of bunks, cupboards and other spaces where persons would not normally need to stand or walk in the upright position.

Gas appliances

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

Additional requirements for passenger vessels

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

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

Additional requirements for dive boats

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

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

ANNEX 2

(Regulation 7)

SAFETY APPLIANCES AND EQUIPMENT

Provision of safety appliances and equipment

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

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
1	Approved life-jacket*	X	X	X	X	X	One life-jacket to be provided for each person on board. A category E vessel may instead be provided with buoyancy aids complying with standard specification SABS 1417/1987, published by the South African Bureau of Standards. * Lifejackets complying with standard specification SABS 146/1979, published by the South African Bureau of Standards.
2	Life-buoy	X	X	X	X	—	Required only on non-planing vessels.
3	Dan buoy	X	X	X	X	—	Required only on trawling vessels and on sailing vessels of 9 metres or more in overall length.
4	Unexpired approved projectile flare set	—	—	—	—	X	
5	Unexpired approved hand-held red distress flares	X4	X4	X2	X2	—	
6	Unexpired approved red rocket parachute flares	X4	X4	X2	X2	—	
7	Unexpired approved floating orange smoke marker	X	X	X	X	—	
8	Unexpired approved hand-held smoke marker	—	—	—	—	X	
9	Waterproof torch including full set of spare batteries and a spare bulb	X	X	X	X	X	Spare bulb and batteries to be kept in a watertight container. Required only on vessels operating after sunset.
10	Hand-held spotlight with own 12 volt battery	X	X	X	X	X	Required only on dive boats operating after sunset.
11	Sound signalling device (other than a lifejacket whistle)	X	X	X	X	—	Fundamental frequency range 250 Hz – 700 Hz. Range of audibility not less than 1 kilometre over water in still conditions. Required only on vessels operating to the west of Port Alfred.
12	Ships bell or sound signalling device capable of making the signal "R"	X	X	X	X	X	Required only on vessels of 12 metres or more in overall length.

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
13	Code Flags "N" and "C"	X	—	—	—	—	
14	Code Flag "A" (rigid)	X	X	X	X	X	Required only on dive boats.
15	2 Black balls or shapes of at least 400 millimetres in diameter	X	X	X	X	X	Not required on vessels of less than 12 metres in overall length.
16	Radar reflector of at least 400 millimetres in diameter or patent type of equivalent echoing capability	X	X	X	X	—	Required to be fitted permanently on power-driven vessels of 9 metres or more in overall length operating to the west of Port Alfred.
17	Marine VHF or 29 MHz radio	X	X	X	X	—	As appropriate to the area of operation: Provided that a VHF radio must be carried on passenger vessels regardless of the area of operation. A VHF radio must, as a minimum, be capable of operating on channel 16 and on one other working channel. A 29 MHz radio must be capable of operating on local marine channels A, B and C.
18	HF radio	X*	—	—	—	—	* Except sailing pleasure vessels.
19	Depth-sounding device or hand lead line	X	X	X	X	X	Required only on dive boats.
20	Suitable magnetic compass with which bearings can be taken	X	X	X	X	—	Table of residual deviations to be provided on vessels of 9 metres or more in overall length. Compass to be illuminated on vessels operating after sunset.
21	Suitable navigation charts for the voyage or area of operation	X	X	X	—	—	Up-to-date charts, corrected in accordance with the South African Notices to Mariners, or renewed every six years.
22	Suitable approved fire extinguisher	X	X	X	X	X	One per engine and, in decked vessels of 9 metres or more in overall length, one in each of the following compartments where formed by complete transverse bulkheads: sleeping accommodation, galley and wheelhouse.
23	Power-driven or hand-operated fire-pump with hose.	X	X	X	X	X	Required only on passenger vessels of 9 metres or more in overall length. The hose must be capable of reaching all parts of the vessel and of delivering a jet of water of at least 3 metres in length, through an adjustable jet or spray nozzle of no less than 5 millimetres in diameter.
24	2 oars or paddles	—	—	—	—	X	Required only on rowing boats.
25	Grab-line fitted to outside of gunwale	X	X	X	X	X	Required only on dive boats. Not required on vessels equipped with a boarding ladder extending into the water.
26	Capsize rope for use when vessel is inverted in water	X	X	X	X	X	Required only on dinghies, semi-rigid inflatable vessels and on ski-boats of less than 9 metres in overall length.

Item No.	Description of safety appliances and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
27	Full set of sails, including suitable storm sails	X	X	X	X	X	Required only on sailing vessels.
28	Suitable means of cutting standing rigging	X	X	X	X	—	Required only on sailing vessels.
29	Suitable sea anchor fitted with hawser and tripping line (rigged and ready for use)	X	X	X	X	X	Required only on surf-launched vessels of less than 9 metres in overall length.
30	Proper patent anchor and chain with suitable length of rope of suitable strength for the area of operation	X	X	X	X	X	<i>Length of chain:</i> Vessels of 6 metres or more in overall length—At least 5 metres. Vessels less than 6 metres in overall length—At least 3 metres. <i>Length of rope:</i> At least 50 metres for category E vessels, and at least 100 metres for vessels of the other categories. Not required on sailing dinghies.
31	Watertight capsized bottle attached to vessel with rope readily accessible in event of capsized	X	X	X	X	X	Containing flares, survival and emergency equipment. Required only on ski-boats, power-driven dinghies and rowing dinghies, unless an inflatable liferaft is carried.
32	Space blankets	X2	X2	X2	X2	—	
33	One litre of drinking water per person	X	X	X	X	—	
34	First-aid kit	X	X	X	X	—	
35	Suitable air bellows and repair kit	X	X	X	X	X	Required only on inflatable vessels.
36	Approved self-inflating liferaft capable of carrying all persons on board and stowed on deck or in a readily accessible position	X	X*	X*	X*	X*	* Not required on vessels, other than passenger vessels, provided with built-in buoyancy in accordance with Annex 1, paragraph 1(1). Not required on passenger vessels operating solely within the confines of the breakwaters of a port.
37	Spares	X	X	X	X	X	Adequate for the purpose of carrying out emergency repairs to machinery and essential equipment on board.
38	Tools	X	X	X	X	X	Adequate for the purpose of carrying out emergency repairs to machinery and essential equipment on board.

Maintenance requirements

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

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

Marking of equipment, appliances and trailers

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

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

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

**HANDELSKEEPVAARTREGULASIES (VEILIGHEID VAN KLEIN
VAARTUIE), 2002**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE*Indeling van regulasies*

*Regulasie
No.*

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DEEL 1 INLEIDEND

Titel en inwerkingtreding

1. Hierdie regulasies heet die Handelskeepvaartregulasies (Veiligheid van Klein Vaartuie), 2002, en tree in werking op die datum van inwerkingtreding van die Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998).

Uitleg

2. (1) In hierdie regulasies het enige woord waaraan daar in die Wet 'n betekenis geheg is, daardie betekenis, en tensy dit uit die samehang anders blyk, beteken—

"algehele lengte", met betrekking tot 'n vaartuig, die horisontale afstand gemeet tussen loodlyne op die verste punte van die buitekant van die romp van die vaartuig;

"bedryf", met betrekking tot 'n vaartuig, bedryf ter see;

"beheerde byeenkoms" 'n kompetisie of regatta wat deur 'n beheerliggaam of 'n klub of 'n organisasie wat by 'n beheerliggaam geaffilieer is, georganiseer word, en ook—

- (a) aktiwiteite om voorbereidsels vir die byeenkoms te tref wat plaasvind op die plek vir die byeenkoms en tydens die tye wat deur die organiseerder van die byeenkoms bepaal word; en
- (b) oefening vir die byeenkoms onder toesig van 'n afrigter of 'n beampte wat deur 'n beheerliggaam gesertifiseer is;

"beheerliggaam" 'n nasionale watersportbeheerliggaam—

- (a) wat skriftelike reëls en maatstawwe publiseer oor gedrag en veiligheidsvereistes tydens vaardigheidsdemonstrasies, formele opleiding of beheerde byeenkomste; en
- (b) wat—
 - (i) afrigters en afrigtingsprogramme sertifiseer;
 - (ii) beamptes en programme vir beamptes sertifiseer; of
 - (iii) opleidings- en veiligheidsriglyne vir gesertifiseerde afrigters of beamptes aanbeveel;

"bekwaamheidsertifikaat" 'n sertifikaat wat ooreenkomstig regulasie 14(2) uitgereik of geëndosseer is en wat die regmatige houer daarvan daarop geregtig maak om op te tree in die hoedanigheid en die werksaamhede te verrig wat betrokke is by 'n vaartuig van die betrokke tipe, kategorie, tonnemaat of lengte, krag en aandrywingswyse;

"dekvaartuig" 'n voldekvaartuig of 'n deeldekvaartuig;

"deur die Owerheid bepaal" deur die Owerheid in 'n marine-kennisgewing bepaal;

"diensboot" 'n jolboot met 'n algehele lengte van hoogstens 4 meter, wat in 'n hawe of in beskermde waters gebruik word vir die vervoer van persone of voorrade van die kus af na 'n vaartuig, of omgekeerd, of van een vaartuig na 'n ander vaartuig, sonder finansiële gewin of beloning;

"die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951);

"duikersboot" 'n vaartuig wat vir duiksteunaktiwiteite gebruik word;

"eienaar" ook—

- (a) 'n kredietopnemer (koper) in die geval van 'n kredietooreenkoms ingevolge die Wet op Kredietooreenkomste, 1980 (Wet No. 75 van 1980); en
- (b) met betrekking tot 'n plesiervaartuig, enige persoon aan wie die eienaar die versorging en beheer van die vaartuig toevertrou het;

"gemagtigde agentskap" 'n beheerliggaam, klub of organisasie wat ingevolge regulasie 27(1) aangewys is;

"geskik", met betrekking tot materiaal of 'n toestel of 'n uitrustingsitem, geskik vir die diens waarvoor dit bedoel is;

"geskiktheidsertifikaat" 'n sertifikaat wat kragtens regulasie 21 uitgereik is;

"goedgekeur" deur die Owerheid goedgekeur;

"handelshawe" 'n hawe wat aan Portnet, 'n afdeling van Transnet Beperk, behoort;

"kategorie", met betrekking tot 'n vaartuig, die spesifieke kategorie vaartuig wat soos volg bepaal word:

- (a) *Kategorie A*—vaartuie wat verder as 40 seemyl van die kus af gebruik word;
- (b) *Kategorie B*—vaartuie wat meer as 15 maar hoogstens 40 seemyl van die kus af gebruik word;
- (c) *Kategorie C*—vaartuie wat meer as 5 maar hoogstens 15 seemyl van die kus af gebruik word;
- (d) *Kategorie D*—vaartuie wat meer as 1 seemyl maar hoogstens 5 seemyl van die kus af gebruik word;
- (e) *Kategorie E*—vaartuie wat hoogstens 1 seemyl van die kus af gebruik word;

"kommersiële klein vaartuig" 'n klein vaartuig wat nie 'n plesiervaartuig is nie;

"kragaangedrewe", met betrekking tot 'n vaartuig, primêr deur meganiese middele aangedryf;

"opblaasbaar", met betrekking tot 'n vaartuig, dat die vermoë om op water te dryf, afhang van afsonderlik opgeblasde lugdigte kamers wat heeltemal afgeblaas kan word of met 'n onbuigbare boomstuk toegerus is;

"oortree", met betrekking tot 'n bepaling van hierdie regulasies, ook versuim of weiering om aan daardie bepaling te voldoen;

"plesiervaartuig" 'n vaartuig met 'n algehele lengte van 3 meter of meer wat slegs vir sport of ontspanning gebruik word;

"projektielfakkkelstel" 'n stel fakkels wat ontwerp is om opwaarts geskiet te word deur middel van 'n handsnellertoestel wat nie 'n integrale deel van die fakkkel uitmaak nie;

"seilvaartuig" 'n vaartuig wat toegerus is met genoeg seiloppervlakte vir navigasie net met seile, ongeag of die vaartuig met meganiese aandrywingsmiddele toegerus is al dan nie;

"sertifiserende owerheid" die Owerheid en, in soverre hy ingevolge regulasie 27(1) aangewys is om die werksaamhede van 'n sertifiserende owerheid te verrig, 'n gemagtigde agentskap;

"skipper" die gesagvoerder;

"van die kus af" seewaarts van die laagwaterlyn soos omskryf in artikel 1 van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994);

"veiligheidsbeampte" 'n persoon wat kragtens regulasie 27(4) aangewys is;

"visshawer" dieselfde as in artikel 1 van die Wet op Seevisserij, 1988 (Wet No. 12 van 1988).

(2) Enige verwysing in hierdie regulasies na die eienaar van 'n vaartuig moet, as daar meer as een eienaar van 'n vaartuig is, gelees word as 'n verwysing na elk van die eienaars.

(3) Vir doeleindes van hierdie regulasies word 'n vaartuig geag ter see te wees te eniger tyd wanneer hy nie stewig aan land of vasgemeer in 'n veilige aanlêplek is nie.

(4) Enige goedkeuring wat kragtens hierdie regulasies gegee word, moet skriftelik gegee word en moet die datum vermeld wanneer die goedkeuring van krag word en die voorwaardes (as daar is) waaraan dit onderhewig is.

Toepassing

3. (1) Behoudens subregulasies (2) en (3) is hierdie regulasies van toepassing op—
- (a) elke kommersiële klein vaartuig—
 - (i) wat in die Republiek as 'n skip geregistreer is;
 - (ii) wat ingevolge artikel 68 van die Wet gelisensieer moet wees; of
 - (iii) ten opsigte waarvan 'n plaaslike veiligheidsertifikaat ingevolge artikel 203 van die Wet vereis word; en
 - (b) elke plesiervaartuig van minder as 100 bruto ton, synde—
 - (i) 'n vaartuig wat in die Republiek as 'n skip geregistreer is; of
 - (ii) 'n vaartuig wat in artikel 68(3)(b) van die Wet bedoel word.
- (2) Hierdie regulasies is nie op diensbote van toepassing nie.
- (3) 'n Bepaling van hierdie regulasies is nie op 'n skip van Suid-Afrikaanse nasionaliteit van toepassing nie in die waters van 'n ander land as die Republiek waar die bepaling strydig is met 'n wet van daardie land wat ingevolge die bepalings daarvan op die skip van toepassing is wanneer hy in die waters van daardie land is.

DEEL 2**VAARTUIGVEILIGHEIDSVEREISTES****Voorlegging en goedkeuring van planne, ens vir eerste uitreiking van plaaslike veiligheidsertifikaat**

4. (1) (a) Behoudens subregulasie (5), vir doeleindes van die eerste uitreiking van 'n plaaslike veiligheidsertifikaat ten opsigte van kommersiële klein vaartuie, moet die bouer of eienaar van 'n vaartuig die volgende besonderhede in tweevoud by die Owerheid indien deur middel van planne met volle afmetings en tesame met gedetailleerde spesifikasies van die vaartuig, vir goedkeuring deur die Owerheid:
- (i) langsaansig wat die posisie van beskotte of ingeboude nie-oorstromingsafdelings, luikgate, roewe en bemanningsruimtes toon;
 - (ii) midskeepse deursnee wat afmetings van die romp, dek, bootwande, rame, deure, dwars- en dekbalkke toon;
 - (iii) enige dekopeninge, ventileerders en lugpype en tenks;
 - (iv) enjinkameruitleg en pompinrigtings;
 - (v) stuur- en skroefasinrigtings; en
 - (vi) elektriese stelseluitleg;
 - (vii) lynplan op skaal 1:25.
- (b) Die spesifikasies moet ook besonderhede verstrek van—
- (i) ankers en kables;

- (ii) reddings- en brandbestrydingsuitrusting; en
- (iii) navigasieligte en klankseine.

(c) Enige latere modifikasie of byvoeging tot die afmetings van die romp, inrigtings of uitrusting wat op goedgekeurde planne getoon word, moet deur die Owerheid goedgekeur word.

(d) Die Owerheid kan sodanige verdere planne en spesifikasies aanvra as wat hy goedvind, en hy kan afsien van die vereiste om sekere planne of spesifikasies voor te lê.

(2) Die Owerheid kan, na goedkeuring van die planne en spesifikasies wat ten opsigte van 'n vaartuig voorgelê is, 'n opnemer gelas om inspeksies en toetse te doen om te verseker dat die vaartuig ooreenkomstig die goedgekeurde planne en spesifikasies en die ander vereistes van hierdie regulasies gebou word.

(3) Die bouer of eienaar van 'n vaartuig wat gebou word, moet die Owerheid skriftelik in kennis stel minstens sewe dae voor—

- (a) daar met die raamwerk begin word;
- (b) daar met beplating, beplanking of lamellering begin word;
- (c) voltooiing van die installering van alle onderwatertoehore, roerinrigtings en skroefasse;
- (d) die vaartuig te water gelaat sal word; en
- (e) hawe- of seetoetsvaarte onderneem sal word.

(4) Geen persoon mag seetoetsvaarte onderneem nie sonder die voorafverkreë goedkeuring van die Owerheid en, indien die Owerheid dit nodig ag, die inspeksie vooraf van die vaartuig deur 'n opnemer.

(5) Die Owerheid kan afsien van al of enige van die vereistes van subregulasies (1), (2), (3) en (4) indien—

- (a) in die geval van 'n vaartuig wat gebou word, die werk op 'n goedgekeurde perseel gedoen word, in ooreenstemming met die tersaaklike konstruksiestandaarde deur die Owerheid gespesifiseer; en
- (b) in die geval van 'n bestaande vaartuig, hy oortuig is dat die vaartuig voldoen aan die tersaaklike konstruksiestandaarde deur die Owerheid gespesifiseer.

Inspeksie van vaartuig vir hernuwing van plaaslike veiligheidsertifikaat

5. Vir doeleindes van die hernuwing van 'n plaaslike veiligheidsertifikaat moet elke vaartuig, behoudens artikel 197 van die Wet, deeglik deur 'n opnemer geïnspekteer word, intern sowel as ekstern, met tussenpose van hoogstens 12 maande. Met dien verstande dat, na goeddunke van die Owerheid—

- (a) see-, suig- en uitlaatkleppe, uitgesonderd seeverbindingsaanhengings, met tussenpose van hoogstens 24 maande geïnspekteer kan word; en
- (b) skroefasse met tussenpose van hoogstens vier jaar uitgetrek kan word.

Ontwerp en konstruksie van vaartuie

6. (1) Elke vaartuig moet gebou word van geskikte materiaal van goeie gehalte, met inagneming van gesonde ontwerppraktyke en konstruksiemetodes, en die ontwerp moet voorsiening maak vir voldoende reserwe positiewe stabiliteit sodat die vaartuig nie maklik kan omslaan as dit oorstroom word nie, selfs met 'n vrag aan boord.

(2) Op dekvaartuie mag geen punt waar water moontlik kan inkom, behalwe spuipype, minder as 200 millimeter bo die oppervlak van die water wees nie, gemeet wanneer die vaartuig in onbeskadigde toestand in kalm water dryf.

(3) Die ontwerp en konstruksie van 'n vaartuig moet voorts aan die vereistes van Aanhangsel 1 voldoen.

Veiligheidstoestelle en -uitrusting

7. (1) Die eienaar en skipper van 'n vaartuig moet verseker dat—

- (a) items van veiligheidstoestelle en -uitrusting aan boord van die vaartuig verskaf en in stand gehou word ooreenkomstig die vereistes van Aanhangsel 2; en
- (b) die ander vereistes van daardie Aanhangsel met betrekking tot die vaartuig nagekom word.

(2) Waar 'n vaartuig deur die branding of in onstuimige waters bedryf word, moet die skipper verseker dat 'n reddingsbaadjie of dryfhulpmiddel, soos by Aanhangsel 2 vereis, deur elke opvarende van die vaartuig gedra word.

Veilige vaart

8. (1) Die skipper van 'n vaartuig moet te alle tye verseker dat die vaartuig bedryf word ooreenkomstig—

- (a) die botsingsregulasies;
- (b) die voorwaardes en beperkings vermeld in die plaaslike veiligheidsertifikaat of geskiktheidsertifikaat, na gelang van die geval, wat ten opsigte van die vaartuig uitgereik is;
- (c) die voorwaardes en beperkings vermeld in die skipper se bekwaamheidsertifikaat;
- (d) die instruksies en spesifikasies van die vervaardiger van die vaartuig en, indien dit kragaangedrewe is, van die vaartuig se aandrywingsmasjinerie;
- (e) die geldende reg in die gebied waar die vaartuig bedryf word, in soverre dit nie met die Wet strydig is nie; en
- (f) die laslynregulasies, indien van toepassing.

(2) Geen persoon mag 'n vaartuig op 'n onversigtige manier bedryf nie, sonder redelike inagneming van ander persone of sonder behoorlike sorg en aandag, met inagneming van—

- (a) die weer;
- (b) sigbaarheid;

- (c) die teenwoordigheid van persone of vaartuie in die water, insluitende konsentrasies van persone en vaartuie in die onmiddellike omgewing van die vaartuig;
- (d) die spoed en maneuvreerbaarheid van die vaartuig, met spesiale aandag aan stopafstand en draaivermoë in die heersende toestand;
- (e) ligtoestande, insluitende die teenwoordigheid van agtergrondlig van kusligte of van weerkaatsing van die vaartuig se eie ligte;
- (f) watertoestande, strome en die nabyheid van navigasiegevaare; en
- (g) enige ander gevare wat die veiligheid van persone of eiendom nadelig kan raak.

(3) Voordat 'n kragaangedrewe vaartuig op see gaan, moet die skipper verseker dat die vaartuig voldoende brandstof aan boord het vir sy voorgenome reis, plus 'n reserve van 25 persent van daardie hoeveelheid.

Kleur van vaartuie

9. Die eienaar en skipper van 'n vaartuig moet verseker dat—

- (a) so 'n groot oppervlakte van die binnekant van 'n vaartuig wat nie 'n dekvaartuig is nie of van die dek van 'n dekvaartuig as wat moontlik is, in so 'n kleur geverf of gekleur is dat die vaartuig in enige seetoestand maklik van bo af sigbaar is; of
- (b) daar aan boord van die vaartuig—
 - (i) 'n stuk seil of soortgelyke geskikte materiaal, aldus geverf of gekleur, groot genoeg om oor die volle breedte van die vaartuig gespan te word, maar minstens 2 meter by 2 meter; of
 - (ii) 'n reghoekige voorwerp, aldus geverf of gekleur, waarvan die sye gelyk is aan die breedte van die vaartuig, maar minstens 1 meter breed,

geredelik beskikbaar is en in 'n uitgespreide posisie kan dryf wanneer dit aan die vaartuig geheg is.

Bedryfsperke

10. (1) Geen persoon mag 'n vaartuig bedryf verby die maksimum afstand van die kus af wat van toepassing is op die betrokke kategorie vaartuig en vermeld in die plaaslike veiligheidsertifikaat of geskiktheidsertifikaat, na gelang van die geval, wat ten opsigte van die vaartuig uitgereik is nie.

(2) Geen persoon mag 'n passasiersvaartuig meer as 5 seemyl van die kus af en 15 seemyl van 'n veilige hawe in die Republiek bedryf nie.

Maksimum getal persone

11. (1) Behalwe in 'n noodgeval mag die eienaar of die skipper van 'n vaartuig nie toelaat of veroorsaak dat die getal persone, insluitende bemanningslede, aan boord van die vaartuig die getal oorskry wat deur die sertifiserende owerheid bepaal is en vermeld is in die

plaaslike veiligheidsertifikaat of geskiktheidsertifikaat, na gelang van die geval, wat ten opsigte van die vaartuig uitgereik is nie.

(2) By die bepaling van die maksimum getal persone wat met veiligheid aan boord van 'n bepaalde vaartuig mag wees, moet 'n sertifiserende owerheid ag slaan op—

- (a) die spesifikasies en riglyne uitgereik deur die vervaardiger van die vaartuig;
- (b) die beskikbare dekrumte;
- (c) die woonakkommodasie, indien van toepassing;
- (d) die massa wat die vaartuig veilig kan dra;
- (e) die veiligheidsuitrusting wat verskaf is;
- (f) die bedoelde bedryf van die vaartuig; en
- (g) die wyse waarop die vaartuig te water gelaat word.

Reisinligting

12. (1) Voordat 'n vaartuig op see gaan vanaf 'n plek in die Republiek, moet die eienaar en skipper verseker dat daar ooreenkomstig subregulasie (2) besonderhede agtergelaat word rakende—

- (a) die identiteit van die vaartuig, dit wil sê sy naam (as daar is), amptelike nommer en tipe of fabrikaat;
- (b) die name van opvarendes; en
- (c) die beoogde plek of plekke en verwagte tye van vertrek en aankoms.

(2) Die inligting wat by subregulasie (1) vereis word, moet by een of meer van die volgende persone gelaat word:

- (a) 'n familiebetrekking of 'n vriend van die eienaar of skipper, wat by die eienaar of skipper se woonplek of op die plek van vertrek agterbly;
- (b) indien die eienaar of skipper in 'n hotel, losieshuis, behuisingskompleks, woonwapark, kampeerterrein of soortgelyke plek woon, die persoon in beheer of 'n ander verantwoordelike persoon by sodanige woonplek;
- (c) die persoon (as daar is) in beheer van die plek van vertrek of, in die geval van 'n handelshawe of 'n vissershawe, die persoon in beheer van die vertrek en aankoms van vaartuig by daardie hawe;
- (d) 'n gemagtigde agentskap; of
- (e) 'n polisiebeampte gestasioneer by 'n polisiestasie naaste aan die plek van vertrek.

(3) Dit is die plig van die persone in subregulasie (2)(a) tot (d) bedoel om enige kennis of redelike vermoede van nood of teenspoed rakende die vaartuig of sy opvarendes by die naaste polisiestasie in die Republiek of by die hawekaptein by die naaste handelshawe aan te meld.

(4) By terugkeer na 'n plek in die Republiek moet die eienaar en skipper van die vaartuig verseker dat die persoon by wie inligting gelaat is ingevolge subregulasie (2), in kennis gestel word van die terugkeer van die vaartuig.

(5) Die eienaar en skipper van 'n vaartuig wat vanuit 'n handelshawe of 'n vissershawe op see gaan, moet, benewens om aan die ander vereistes van hierdie regulasie te voldoen, ook voldoen aan die aanmeldingsvereistes van krag in daardie hawe.

Plig om gevare vir navigasie aan te meld en om vaartuie in nood by te staan

13. Artikel 249 van die Wet en artikel 5 van die Wet op Wrakke en Berging, 1996 (Wet No. 94 van 1996), is van toepassing met betrekking tot die skipper van 'n vaartuig waarop hierdie regulasies van toepassing is asof die vaartuig 'n skip is waarop daardie artikels anders as ingevolge hierdie regulasie van toepassing is.

DEEL 3

BEMANNING

Bekwaamheid van skippers

14. (1) Die eienaar en skipper van 'n vaartuig moet te alle tye verseker dat die vaartuig op 'n verantwoordelike en versigtige wyse bedryf word deur of onder deurlopende leiding van 'n persoon wat fisies geskik en geestelik gesond is en wat, in die geval van—

- (a) 'n kommersiële klein vaartuig; en
- (b) 'n plesiervaartuig, synde 'n seilvaartuig met 'n algehele lengte van 6 meter of meer of 'n kragaangedrewe vaartuig,

die houer is van 'n geldige bekwaamheidsertifikaat wat as geskik geëndosseer en deur 'n sertifiserende owerheid uitgereik is. Hierdie bepaling vereis nie dat 'n bekwaamheidsertifikaat gehou moet word nie ten opsigte van 'n plesiervaartuig vir die tydperk wat 12 maande na die inwerkingtreding van hierdie regulasies verstryk.

(2) (a) Behoudens paragraaf (b) is 'n persoon op 'n bekwaamheidsertifikaat, of 'n bepaalde endossement daarop, geregtig as hy of sy die relatiewe standaard van bevoegdheid soos deur die Owerheid bepaal, behaal het.

(b) Die standaarde van bekwaamheid ten opsigte van die vaartuie in subregulasie (1)(b) beskryf, moet bepaal word na oorleg met die beheerliggame wat die betrokke plesiervaartuigsektore verteenwoordig.

(3) 'n Sertifiserende owerheid kan 'n bekwaamheidsertifikaat opskort of kanselleer indien—

- (a) die houer skuldig bevind is aan 'n misdryf ingevolge die Wet of 'n misdryf ten opsigte van oneerlike gedrag; of
- (b) hy op redelike gronde vermoed dat die houer hom of haar op 'n nalatige of onbevoegde wyse gedra het terwyl hy of sy diens gedoen het in die hoedanigheid in die sertifikaat vermeld; of
- (c) hy op redelike gronde vermoed dat die sertifikaat op bedrieglike wyse of op grond van verkeerde inligting verkry is.

(4) 'n Persoon wie se bekwaamheidsertifikaat opgekort of gekanselleer is, moet die sertifikaat op versoek aan die sertifiserende owerheid oorhandig.

(5) (a) 'n Persoon wie se bekwaamheidsertifikaat opgeskort of gekanselleer is, kan skriftelik na die Minister appelleer teen die opskorting of kansellasië, na gelang van die geval, binne drie maande na die datum van die besluit om die sertifikaat op te skort of te kanselleer.

(b) By ontvangs van 'n appèl moet die Minister een of meer beamptes in die Departement van Vervoer aanwys om enige verhoë deur die appellant en die sertifiserende owerheid aan te hoor en aan die Minister verslag te doen, wat dan die appèl moet beslis.

(c) By die beslissing van die appèl kan die Minister die opskorting of kansellasië van 'n appellant se sertifikaat bevestig, wysig of ter syde stel, en die sertifiserende owerheid moet aan die Minister se beslissing uitvoering gee.

(6) Die houer van 'n bekwaamheidsertifikaat moet die oorspronklike sertifikaat, of 'n gewaarmerkte afskrif daarvan, beskikbaar hou vir insae te alle redelike tye.

Fisiese en geestelike geskiktheid

15. (1) Geen persoon mag 'n vaartuig bedryf nie tensy hy of sy fisies geskik en geestelik gesond is.

(2) Geen persoon mag 'n vaartuig bedryf terwyl hy of sy onder die invloed van bedwelmende drank of 'n middel met 'n narkotiese effek is nie.

(3) Geen persoon mag 'n vaartuig bedryf nie terwyl—

(a) die konsentrasie alkohol in enige bloedmonster wat uit enige deel van sy of haar liggaam geneem is, 0,05 gram of meer per 100 milliliter is; of

(b) die konsentrasie alkohol in enige monster asem wat deur sodanige persoon uitgeblaas is, 0,24 milligram of meer per 1 000 milliliter is.

(4) Vir doeleindes van subregulasie (3)(b) moet die konsentrasie alkohol in enige asemmonster bepaal word deur die uitrusting te gebruik wat kragtens artikel 65(7) van die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996), voorgeskryf is.

(5) Geen persoon mag weier dat 'n monster bloed of 'n monster asem van hom of haar geneem word nie.

(6) Artikel 65(3), (4) en (6) van die Nasionale Padverkeerswet, 1996, is met die nodige veranderings van toepassing met betrekking tot enige vervolging vir die oortreding van 'n bepaling van subregulasie (3).

(7) Artikel 65(8) van die Nasionale Padverkeerswet, 1996, is met die nodige veranderings van toepassing met betrekking tot die aanhouding van enige persoon vir 'n beweerde oortreding van 'n bepaling van subregulasie (2) of (3).

Ouderdomsbepelings

16. (1) Geen persoon onder die ouderdom van 18 jaar mag die skipper van 'n kommersiële klein vaartuig wees nie.

(2) Geen persoon onder die ouderdom van 16 jaar mag 'n kragaangedrewe plesiervaartuig met 'n aandrywingskrag van meer as 5 perdekras bedryf nie tensy—

- (a) daardie persoon dit doen onder die leiding en deurlopende toesig van 'n persoon wat die houer is van 'n geldige bekwaamheidsertifikaat of 'n geldige vrystellingsertifikaat;
- (b) in die geval van 'n eenpersoonvaartuig, daardie persoon dit doen onder die leiding en toesig van 'n gemagtigde agentskap of 'n persoon in paragraaf (a) bedoel; of
- (c) daardie persoon deur 'n gemagtigde agentskap gesertifiseer is as 'n bevoegde persoon wat by opleiding vir mededingende sport betrokke is.

DEEL 4

SPEZIALE BEPALINGS VIR ONGEREGISTREERDE PLESIERVAARTUIE

Toepassing van Deel

17. Hierdie Deel is van toepassing op vaartuie in artikel 68(3)(b) van die Wet bedoel.

Aantekening en merk van vaartuie

18. (1) Nóg die eienaar nóg die skipper van 'n vaartuig waarop hierdie Deel van toepassing is, mag veroorsaak of toelaat dat die vaartuig op see gaan vanaf enige plek in die Republiek, tensy—

- (a) 'n goedgekeurde merk ten opsigte van daardie vaartuig van krag is; en
- (b) die vaartuig ooreenkomstig subregulasie (4) met daardie merk gemerk is.

(2) Daar moet skriftelik by die Owerheid aansoek gedoen word om goedkeuring van 'n merk, en die aansoek moet vergesel gaan van besonderhede rakende—

- (a) die naam, identiteitsnommer en adres van die eienaar van die vaartuig;
- (b) die tipe en kategorie vaartuig, genoeg om die vaartuig te identifiseer;
- (c) enige geldige identifikasiemerk wat ten opsigte van die vaartuig uitgereik is; en
- (d) sodanige verdere aangeleenthede as wat die Owerheid bepaal.

(3) Behoudens subregulasie (7) bly die goedkeuring van 'n merk van krag vir die tydperk van die geskikheidsertifikaat wat ten opsigte van dieselfde vaartuig uitgereik is, en gedurende daardie tydperk is dit verbode om enige ander identifikasiemerk op die vaartuig te vertoon.

(4) Die eienaar van 'n vaartuig moet verseker dat die merk wat ten opsigte van die vaartuig goedgekeur is, ooreenkomstig die aanwysings van die Owerheid vertoon en gehandhaaf word.

(5) Die eienaar van 'n vaartuig moet die Owerheid skriftelik in kennis stel van enige verandering van eienskaps van die vaartuig en van enige verandering in die besonderhede van die eienaar wat ingevolge subregulasie (2) verstrekkend is, hoogstens 14 dae nadat die verandering plaasgevind het.

(6) Die eienaar van 'n vaartuig moet die Owerheid sonder versuim skriftelik in kennis stel indien—

- (a) die vaartuig permanent aan diens onttrek word;
 - (b) die vaartuig uit sy of haar besit verwyder word anders as deur verkoping;
 - (c) enige merk in subregulasie (2)(c) bedoel, ophou om geldig te wees; of
 - (d) die vaartuig verlaat of vernietig is of verlore geraak het.
- (7) Die Owerheid kan die goedkeuring van 'n merk intrek indien—
- (a) hy op redelike gronde vermoed dat die goedkeuring op bedrieglike wyse of op grond van verkeerde inligting verkry is; of
 - (b) die merk, synde 'n merk in subregulasie (2)(c) bedoel, opgehou het om geldig te wees.
- (8) Wanneer die Owerheid die goedkeuring van 'n merk intrek, kan hy die instruksies gee wat hy nodig ag betreffende die verwydering van die merk, en die eienaar van die betrokke vaartuig moet aan enige sodanige instruksie voldoen en op versoek die instrument van goedkeuring aan die Owerheid besorg.
- (9) Die Owerheid moet, by gebrek aan 'n merk in subregulasie (2)(c) bedoel, 'n goedgekeurde merk aan 'n vaartuig toewys, en die bepalinge van hierdie regulasie is met die nodige veranderings van toepassing op enige merk aldus toegewys.
- (10) Subregulasie (1) belet nie 'n vaartuig om sonder 'n goedgekeurde merk op see te gaan vir die tydperk wat 12 maande na die inwerkingtreding van hierdie regulasies verstryk nie.

Vaartuie nie sonder geskikheidsertifikaat gebruik te word nie

19. (1) Nóg die eienaar nóg die skipper van 'n vaartuig waarop hierdie Deel van toepassing is, mag veroorsaak of toelaat dat die vaartuig op see gaan vanaf enige plek in die Republiek, tensy 'n geldige geskikheidsertifikaat ten opsigte van daardie vaartuig aan boord en van krag is.

(2) Subregulasie (1) belet nie 'n vaartuig om sonder 'n geskikheidsertifikaat op see te gaan vir die tydperk wat 12 maande na die inwerkingtreding van hierdie regulasies verstryk nie.

Aanvanklike en hernuwingsinspeksie vir geskikheidsertifikaat

20. (1) Die struktuur, uitrusting, toestelle, inrigtings en materiaal van 'n vaartuig in regulasie 19 bedoel, moet aan die volgende inspeksies onderwerp word:

- (a) 'n aanvanklike inspeksie, voordat 'n geskikheidsertifikaat vir die eerste keer uitgereik word, wat moet insluit 'n volledige ondersoek van die vaartuig se struktuur, uitrusting, toestelle, inrigtings en materiaal in soverre die vaartuig deur hierdie regulasies gedek word; 'n aanvanklike opname moet verseker dat die struktuur, uitrusting, toestelle, inrigtings en materiaal aan die vereistes van hierdie regulasies voldoen; en
- (b) 'n hernuwingsinspeksie, met tussenpose van hoogstens 12 maande, wat moet verseker dat die struktuur, uitrusting, toestelle, inrigtings en materiaal aan die vereistes van hierdie regulasies voldoen.

(2) 'n Inspeksie ingevolge subregulasie (1) moet gedoen word deur 'n opnemer of veiligheidsbeampte wat vir dié doel deur 'n sertifiserende owerheid aangewys is, en daar

moet deur of namens die eienaar van die vaartuig by die sertifiserende owerheid aansoek gedoen word om so 'n inspeksie.

Uitreiking van geskiktheidsertifikaat

21. By bevredigende voltooiing van 'n aanvanklike of hernuwingsinspeksie ingevolge regulasie 20 moet die sertifiserende owerheid ten opsigte van 'n vaartuig wat aan die vereistes van hierdie regulasies voldoen, 'n geskiktheidsertifikaat uitreik wat die volgende vermeld:

- (a) die naam van die vaartuig;
- (b) die merk wat aan die vaartuig toegewys is;
- (c) die naam, identiteitsnommer en adres van die eienaar van die vaartuig;
- (d) die tipe en kategorie van die vaartuig;
- (e) die algehele lengte van die vaartuig en, waar van toepassing, sy bruto tonnemaat;
- (f) die vaartuig se tuishawe (as daar een is); en
- (g) die maksimum getal persone wat aan boord van die vaartuig vervoer mag word, soos ooreenkomstig regulasie 11(2) bepaal.

Duur van geskiktheidsertifikaat

22. (1) Behoudens subregulasie (2) en regulasie 23(1) bly 'n geskiktheidsertifikaat van krag vir 'n tydperk van hoogstens 12 maande beginnende op die datum van voltooiing van die betrokke inspeksie, maar dit kan in spesiale omstandighede verleng word vir 'n maksimum tydperk van ses maande.

(2) 'n Geskiktheidsertifikaat wat ten opsigte van 'n vaartuig uitgereik is, hou op om geldig te wees indien—

- (a) die vaartuig ophou om aan die jurisdiksie van die sertifiserende owerheid onderhewig te wees; of
- (b) die vaartuig ophou om 'n vaartuig te wees waarop hierdie Deel van toepassing is.

Kansellering van geskiktheidsertifikaat

23. (1) 'n Sertifiserende owerheid kan 'n geskiktheidsertifikaat kanselleer indien hy op redelike gronde vermoed dat—

- (a) die sertifikaat op bedrieglike wyse of op grond van verkeerde inligting verkry is;
- (b) sedert die sertifikaat uitgereik is, die struktuur, uitrusting, inrigtings of materiaal van die vaartuig ontoereikend geword het as gevolg van enige verandering wat daaraan aangebring is, of as gevolg van enige skade wat aan die vaartuig aangerig is, of om enige ander rede; of
- (c) sedert die sertifikaat uitgereik is, die vaartuig om enige rede onseewaardig geword het; of

(d) die vaartuiq nie meer aan al die vereistes van hierdie regulasies voldoen nie, in dieselfde mate as waarin die vaartuiq aan hierdie regulasies voldoen het toe die sertifikaat uitgereik is.

(2) Vir doeleindes van hierdie regulasie sluit "verandering", met betrekking tot die struktuur, uitrusting, inrigtings of materiaal van die vaartuiq, ook die hernuwing van enige deel daarvan in.

(3) Wanneer 'n geskiktheidsertifikaat gekanselleer word, moet die sertifiserende owerheid die eienaar of skipper van die betrokke vaartuiq van die kansellasië in kennis stel.

Indiening van verstreke of gekanselleerde geskiktheidsertifikaat

24. By verstryking van 'n geskiktheidsertifikaat en in elk van die gevalle in regulasie 22(2) en 23(1) bedoel, moet die eienaar of skipper van die vaartuiq ten opsigte waarvan die geskiktheidsertifikaat uitgereik is, die sertifikaat aan die sertifiserende owerheid besorg.

Bewaring en voorlegging van geskiktheidsertifikaat

25. Die eienaar en skipper van 'n vaartuiq moet verseker dat die oorspronklike geskiktheidsertifikaat wat ten opsigte van die vaartuiq uitgereik is, of 'n gewaarmerkte afskrif daarvan, aan boord van die vaartuiq gehou word vir insae te alle redelike tye.

Handhawing van toestand na inspeksie

26. Die eienaar en skipper van 'n vaartuiq moet verseker dat die toestand van die vaartuiq en sy uitrusting gehandhaaf word sodat dit aan die vereistes van hierdie regulasies voldoen.

DEEL 5

BYKOMEND

Gemagtigde agentskappe

27. (1) Behoudens subregulasie (2) kan die Owerheid, met die instemming van 'n beheerliggaam, of 'n klub of 'n organisasie wat by 'n beheerliggaam geaffilieer is, sodanige liggaam, klub of organisasie as 'n gemagtigde agentskap aanwys en in die instrument van aanwysing die verrigting van een of meer van die volgende funksies aan hom opdra:

- (a) om die maksimum getal persone te bepaal wat 'n vaartuiq met veiligheid kan vervoer vir doeleindes van regulasie 11(2);
- (b) om reisbesonderhede aan te teken vir doeleindes van regulasie 12;
- (c) om bekwaamheidsertifikate uit te reik en te kanselleer, en om te eis dat gekanselleerde sertifikate ingedien word, ingevolge regulasie 14;

- (d) (i) om van 'n persoon te vereis om mediese getuienis te lewer vir doeleindes van regulasie 15(1) en (2);
- (ii) om monsters te neem vir doeleindes van regulasie 15(3);
- (e) om persone onder die ouderdom van 16 jaar te sertifiseer en oor hulle toesig te hou vir doeleindes van regulasie 16;
- (f) om aanvanklike en hernuwingsinspeksies van vaartuie te doen ingevolge regulasie 20;
- (g) om geskiktheidsertifikate uit te reik en te kanselleer en om te vereis dat gekanselleerde sertifikate ingedien word ingevolge onderskeidelik regulasies 21, 23 en 24.

(2) Aanwysing ingevolge subregulasie (1) is onderhewig aan die voorwaardes, wat kan insluit voorsiening ten opsigte van periodieke inspeksies of oudits, wat die Owerheid kan bepaal en vermeld in die instrument van aanwysing, in die geval van die aanwysing van 'n klub of organisasie wat by 'n beheerliggaam geaffilieer is, na oorlegpleging met daardie beheerliggaam.

(3) Die Owerheid kan 'n aanwysing ingevolge subregulasie (1) opskort of intrek indien hy op redelike gronde vermoed dat die betrokke liggaam, klub of organisasie versuim het—

- (a) om te voldoen aan hierdie regulasies of enige voorwaarde wat daarkragtens gestel is; of
- (b) om die funksies wat ingevolge hierdie regulasies aan hom opgedra is, ywerig en getrou te verrig.

(4) (a) 'n Gemagtigde agentskap kan, vir die doel om sy funksies ingevolge hierdie regulasies te verrig, as 'n veiligheidsbeampte aanwys enige lid van die gemagtigde agentskap wat na sy mening bevoeg is om aldus aangewys te word.

(b) 'n Gemagtigde agentskap moet elke veiligheidsbeampte voorsien van 'n sertifikaat van sy of haar aanwysing as 'n veiligheidsbeampte, waarin die bepalings van hierdie regulasies uiteengesit word wat die veiligheidsbeampte gemagtig is om toe te pas, en 'n veiligheidsbeampte moet, indien hy of sy versoek word, die sertifikaat toon in die loop van die verrigting van funksies ingevolge hierdie regulasies.

(5) Aanwysing as 'n veiligheidsbeampte kom tot 'n einde indien—

- (a) die aangewese persoon se lidmaatskap van die gemagtigde agentskap opgeskort of beëindig word; of
- (b) die aanwysing andersins deur die gemagtigde agentskap ingetrek word,

en die betrokke persoon moet op versoek die sertifikaat wat ingevolge subregulasie (4)(b) aan hom of haar uitgereik is, aan die gemagtigde agentskap terugbesorg.

Bevoegdhede van wetstoepassingsbeamptes

28. (1) In hierdie regulasie beteken "wetstoepassingsbeampte" 'n persoon wat kragtens subregulasie (2) aangewys is.

(2) Die volgende persone word ten opsigte van plesiervaartuie as wetstoepassingsbeamptes aangewys vir die doel van hierdie regulasies:

- (a) 'n lid van die Suid-Afrikaanse Polisiediens;

- (b) 'n lid van enige munisipale polisiemag;
- (c) 'n veiligheidsbeampte; en
- (d) enige persoon wat vir doeleindes van hierdie regulasies deur die Owerheid as 'n wetstoepassingsbeampte aangewys is.

(3) Behoudens subregulasie (5) kan 'n wetstoepassingsbeampte, ten einde nakoming van hierdie regulasies te verifieer en te verseker—

- (a) aan boord van 'n plesiervaartuig gaan en die vaartuig en sy toestelle en uitrusting inspekteer, enige tersaaklike vrae stel en alle redelike bystand vereis van die eienaar of skipper of enige persoon wat in beheer van die vaartuig is of skyn te wees; en
- (b) van die eienaar of skipper of ander persoon wat in beheer van die vaartuig is of skyn te wees, vereis om—
 - (i) persoonlike identifikasie te toon; en
 - (ii) enige dokument of sertifikaat wat by hierdie regulasies vereis word, te toon.

(4) (a) Behoudens paragraaf (b) en subregulasie (5) kan 'n wetstoepassingsbeampte, ten einde nakoming van hierdie regulasies te verseker en in belang van openbare veiligheid, die verskuiwing van 'n plesiervaartuig gelas of die bedryf van 'n plesiervaartuig verbied.

(b) Uitgesonderd in 'n noodgeval mag 'n wetstoepassingsbeampte nie 'n lasgewing of verbod ingevolge paragraaf (a) uitreik nie ten opsigte van 'n plesiervaartuig in 'n openbare hawe waarvoor daar 'n hawemeester aangestel is, sonder die instemming vooraf van die hawemeester.

(c) Die eienaar of skipper van 'n vaartuig waarvan die bedryf ingevolge paragraaf (a) verbied is, kan, op eie koste, die vaartuig onderwerp aan inspeksie deur 'n opnemer, wat die verbod kan bevestig, wysig of ter syde stel.

(5) 'n Veiligheidsbeampte kan die bevoegdhede van 'n wetstoepassingsbeampte ingevolge subregulasies (3) en (4)(a) uitoefen slegs ten opsigte van plesiervaartuie wat geregistreer is by die gemagtigde agentskap wie se funksies hy of sy aangewys is om te verrig en kan sodanige vaartuie en hulle toestelle en uitrusting inspekteer slegs wanneer die vaartuie teen 'n kaai, vasmeeer of gestrand is.

(6) Elke persoon moet voldoen aan die vereistes van 'n wetstoepassingsbeampte in die loop van die verrigting van funksies ingevolge hierdie regulasies.

Ekwivalente en vrystellings

29. (1) Waar hierdie regulasies vereis dat 'n bepaalde toebehore, materiaal, toestel, apparaat, item uitrusting of tipe daarvan in 'n vaartuig aangebring of daarop moet wees, of dat enige bepaalde voorsiening gemaak moet word, of dat enige prosedure of reëling nagekom moet word, kan die Owerheid toelaat dat enige ander toebehore, materiaal, toestel, apparaat, item uitrusting of tipe daarvan aangebring of daarop wees, of dat enige ander voorsiening, prosedure of reëling gemaak word in die vaartuig, indien hy deur dit te toets of andersins oortuig is dat sodanige toebehore, materiaal, toestel, apparaat, item uitrusting of tipe daarvan, of dat enige bepaalde voorsiening, prosedure of reëling, minstens net so doeltreffend is as wat by hierdie regulasies vereis word.

(2) Die Owerheid kan vrystelling verleen, op sodanige voorwaardes (indien wel) as wat hy bepaal, van enige van die bepalings van hierdie regulasies vir individuele gevalle of

klasse gevalle en kan, na redelike kennisgewing, enige sodanige vrystelling wysig of kanselleer.

Vrystelling ten opsigte van beheerde byeenkomste

30. (1) Behoudens subregulasie (2) word die eienaar en skipper van 'n vaartuig wat aan 'n goedgekeurde beheerde byeenkoms in die Republiek of in die territoriale waters van die Republiek deelneem, ten opsigte van sodanige vaartuig en vir die duur van die byeenkoms, vrygestel van hierdie regulasies.

(2) Aansoek om die goedkeuring van 'n beheerde byeenkoms moet by die Owerheid ingedien word minstens 10 dae voor die beoogde datum van die byeenkoms en moet vergesel gaan van volledige besonderhede van die byeenkoms en van die reëls en wyse van toesig, insluitende veiligheidsmaatreëls, wat toegepas gaan word en van die ander besonderhede wat die Owerheid verlang.

(3) Die Owerheid kan 'n staande goedkeuring ingevolge subregulasie (2) verleng vir 'n tydperk van hoogstens 12 maande en kan sodanige goedkeuring te eniger tyd op redelike gronde intrek.

Misdrywe en strawwe

31. 'n Persoon wat 'n bepaling van regulasie 4(1), (3) of (4), 7, 8, 9, 10, 11(1), 12(1), (3), (4) of (5), 13, 14(1), (4) of (6), 15(1), (2), (3) of (5), 16, 18(1), (4), (5), (6) of (8), 19, 24, 25, 26, 27(5) of 28(6) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

DEEL 6

LAASTE BEPALINGS

Oorgangsreëlings

32. Elke gemagtigde agentskap wat onmiddellik voor die inwerkingtreding van hierdie regulasies 'n gemagtigde agentskap was ingevolge die bepalings van die regulasies wat by regulasie 33(b) herroep is (in hierdie regulasie die herroepe regulasies genoem), gaan voort om ingevolge en vir doeleindes van hierdie regulasies 'n gemagtigde agentskap te wees asof daardie gemagtigde agentskap ingevolge regulasie 27(1) aangewys is, vir die tydperk wat 18 maande na die inwerkingtreding van hierdie regulasies verstryk, en—

- (a) word enige dokument waarin daar verwys word na 'n bepaling van die herroepe regulasies uitgelê asof daarin verwys word na die ooreenstemmende bepaling van hierdie regulasies; en
- (b) word enige lasgewings, aanstellings en ander handelinge wat wettig gedoen of verrig is kragtens 'n bepaling van die herroepe regulasies en wat van krag was onmiddellik voor die inwerkingtreding van hierdie regulasies, geag gedoen of verrig te wees kragtens die ooreenstemmende bepaling van hierdie regulasies en gaan voort om dienoooreenkomstig van krag te wees.

Herroeping en wysiging van regulasies

33. (1) Die volgende regulasies word herroep:

- (a) die Regulasies in verband met Standaarde van Seewaardigheid, Bemanning en Lisenasiering van Vaartuie, 1986, afgekondig by Goewermentskennisgewing No. R. 1025 van 30 Mei 1986, soos gewysig by Goewermentskennisgewing No. R. 1028 van 18 Junie 1993; en
- (b) die Regulasies aangaande Skepe en Klein Vaartuie wat uitsluitlik vir Sport of Ontspanning Gebruik word, 1985, afgekondig by Goewermentskennisgewing No. R. 2799 van 20 Desember 1985.

(2) Regulasie 5 van die Handelskeepvaartregulasies (Veilige Bemanning), 1999, afgekondig by Goewermentskennisgewing No. R. 1548 van 30 Desember 1999, soos gewysig, word verder gewysig deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

- "(a) as gesagvoerder van die skip 'n persoon in diens neem wat die houer is van 'n geldige Bekwaamheidsertifikaat vir Klein Vaartuie uitgereik kragtens regulasie 14 van die Handelskeepvaartregulasies (Veiligheid van Klein Vaartuie), 2002; en".

AANHANGSEL 1

(Regulasie 6)

KONSTRUKSIEVEREISTES

Ingeboude dryfvermoë

1. (1) (a) Behoudens items (b) en (c) en subparagraaf (2) moet elke kategorie B-, C-, D- en E-vaartuig voorsien word van ingeboude dryfvermoë wat aan subparagraaf (3) voldoen.

(b) Item (a) is nie van toepassing nie op 'n vaartuig, anders dan 'n passasiersvaartuig, indien dit van een of meer opblaasreddingsvlote ooreenkomstig Aanhangsel 2, item 36 voorsien word.*

(c) Die volgende kategorie C-, D- en E-vaartuie kan, in plaas van ingeboude dryfvermoë, voorsien word van reddingsboeie, een vir elke twee persone aan boord, met dien verstande dat sodanige vaartuig nie na sonder bedryf word nie:

(i) kommersiële klein vaartuie, synde vissersbote met 'n algehele lengte van meer as 7 meter, wat van so 'n swaar konstruksie is dat dit onprakties is om ingeboude dryfvermoë te verskaf;

(ii) seilpletsiervartuie.

(2) Waterdigte afdelings en waterdigte leë houers is nie 'n plaasvanger vir ingeboude dryfvermoë nie: Met dien verstande dat, in plaas van ingeboude dryfvermoë, 'n dekvaartuig voorsien kan word van minstens twee waterdigte beskotte wat so geplaas is en sterk genoeg is dat indien die grootste afdeling wat deur die beskotte gevorm word, oorstrom word, die vaartuig sal aanhou dryf met positiewe transversale stabiliteit.

(3) Ingeboude dryfvermoë moet bestaan uit 'n materiaal, soos skuim, wat nie deur olie of olieprodukte geaffekteer word nie. Ingeboude dryfvermoë moet die vaartuig laat dryf wanneer dit ten volle oorstrom of verswelg is of omgeslaan het. Dit moet die vaartuig kan laat dryf wanneer dit omgeslaan het, op so 'n wyse dat dit 'n platform bied waaraan al die persone kan vashou.

(4) Elke opblaasvaartuig van enige kategorie, hetsy ten volle opblaasbaar of onbuigbaar, moet minstens drie afsonderlike dryfvermoëkamers hê en die vermoë om te dryf al is twee van die kamers heeltemal afgeblaas. Vir doeleindes van hierdie subparagraaf is die romp van 'n onbuigbare opblaasvaartuig nie 'n dryfvermoëkamer nie.

(5) Dit is die plig van die eienaar van 'n vaartuig om, deur berekening of toetse, te toon dat—

(a) 'n vaartuig met waterdigte beskotte aan subparagraaf (2) voldoen;

(b) 'n vaartuig met ingeboude dryfvermoë aan subparagraaf (3) voldoen; en

(c) 'n opblaasvaartuig met dryfvermoëkamers aan subparagraaf (4) voldoen.

* Kategorie A-vaartuie moet voorsien word van een of meer opblaasreddingsvlote ooreenkomstig Aanhangsel 2, item 36.

Luike en luikhoofde

2. (1) Behoudens subparagraaf (4) moet luike op die oop dek voorsien word van luikdeksels wat waterdig is wanneer dit vasgeskroef is. Spesiale aandag moet aan die vasskroefinrigtings van gelykvakkige dekluike gegee word.

(2) Waar 'n vaartuig so ontwerp is dat die luik wat die knip bevat na die see oopgemaak kan word, hoef die deksel van die luik nie vasmaaktoestelle te hê wat dit waterdig maak nie, maar die deksel moet in 'n noodgeval vasgemaak kan word.

(3) Alle waterdigte luike moet 'n spuitslangtoets kan deurstaan.

(4) Op seilvaartuie hoef toegangstrapluike wat na agter wys en deur spatborde toegemaak word, nie waterdig te wees nie maar dit moet so gebou wees dat die invloei van water indien die vaartuig omslaan of 'n golf oor die agterstewe breek, wesenlik vertraag word.

Skutrelings, ens.

3. (1) Behoudens subparagrafe (2) tot (4)—

(a) moet elke kragaangedrewe vaartuig met 'n oop dek waarop persone kan loop, voorsien wees van doeltreffende skutrelings, of 'n ekwivalente inrigting, rondom die buiterand van die dek tot 'n hoogte van minstens—

(i) 600 millimeter bo die dek op vaartuie met 'n algehele lengte van 9 meter of meer; en

(ii) 450 millimeter bo die dek op vaartuie met 'n algehele lengte van minder as 9 meter; en

(b) moet elke seilvaartuig met 'n oop dek waarop persone kan loop, voorsien wees van doeltreffende skutrelings, of 'n ekwivalente inrigting, rondom die buiterand van die dek tot 'n hoogte van minstens—

(i) 560 millimeter bo die dek op vaartuie met 'n algehele lengte van 9 meter of meer; en

(ii) 410 millimeter bo die dek op vaartuie met 'n algehele lengte van minder as 9 meter: Met dien verstande dat kategorie D- en E-seilplesiersvaartuie met 'n algehele lengte van minder as 9 meter van hierdie vereiste vrygestel is indien—

(aa) elke opvarende van die vaartuig 'n dryfhulpmiddel dra; en

(bb) die vaartuig nie na sononder bedryf word nie.

(2) Vaartuie wat deur die branding bedryf word, word vrygestel van subparagraaf (1) indien dit toegerus is met bootwande met 'n hoogte van minstens 450 millimeter aan die voorkant en 300 millimeter agter.

(3) Subparagraaf (1) is nie op kragaangedrewe jolbote of seiljolbote van toepassing nie.

(4) Vaartuie wat so gebou is dat die boonste deel van die kajuit tot byna by die vaartuig se kant strek, met toegang na voor slegs vir bemanning, is vrygestel van subparagraaf (1) indien dit toegerus is met 'n stewige handreling aan elke kant van die kajuit en met 'n voetreling van minstens 50 millimeter hoog al langs die buiterand van die dek.

Sleepbolders

4. Elke vaartuig moet toegerus wees met doeltreffende middels om 'n sleeptou of ankerkabel aan vas te maak.

Rompbodentoebehore

5. Inlaat- en uitlaatpype wat aan die rompbodem geheg is, moet behoorlik aan die romp geflens wees en moet toegerus wees met 'n klep of afsluitkraan in die lyn so na moontlik aan die romp.

Ontlugters

6. (1) Ontlugters vir enjin- of akkommodasie-afdelings moet toegerus wees met behoorlike sluittoestelle of watersperders om te voorkom dat water in die afdeling beland.

(2) Ontlugters vir net 'n enjinafdeling moet toegerus wees met middels om die lugstroom af te sluit in die geval van 'n brand in die enjinafdeling.

Enjinkrag

7. (1) Behoudens subparagraaf (2) moet elke vaartuig toegerus wees met 'n enjin wat die vaartuig kan aandryf teen 'n spoed van 5 knope in kalm water wanneer die vaartuig ten volle gelaai is of teen 'n veilige spoed wanneer dit deur die branding of in onstuimige water bedryf word.

(2) Subparagraaf (1) is nie van toepassing nie op seilvaartuie wat nie seilpassasiers-vaartuie is nie, of op jolbote wat geroei word.

(3) Elke kategorie A-, B- en C- kragaangedrewe vaartuig wat deur buiteboordenjins aangedryf word, moet minstens twee enjins van gelyke krag hê: Met dien verstande dat vaartuie wat met 'n skeerromp gebou is, enjins van verskillende krag kan hê as enige van die enjins die vaartuig teen skeerspoed kan aandryf.

(4) Vaartuie wat met binneboordpetrolenjins toegerus is, moet aan die volgende voldoen:

- (a) die enjin moet geïnstalleer wees in 'n afdeling wat teen seesproei en oorstroming beskerm is en toereikend geventileer is;
- (b) 'n handlenspomp moet in die enjinafdeling aangebring wees;
- (c) batterye moet in 'n afsonderlike afdeling gestu word wat teen seesproei en oorstroming beskerm is en toereikend geventileer is;
- (d) 'n skeepsvergasser met vlamdemper moet aangebring wees;
- (e) 'n vonklose alternator met aansitter moet aangebring wees;
- (f) 'n brandbestande suigwaaier wat gestel is om in werking te kom minstens 30 sekondes voordat die enjin begin loop, moet in die enjinafdeling aangebring wees;
- (g) 'n afstandbeheerde brandblusstelsel moet in die enjinafdeling aangebring wees;

- (h) in die geval van kategorie A-, B- en C-vaartuie toegerus met 'n enkele binneboord-petrolenjin moet 'n hulpbuiteboordenjin verskaf word.
- (5) Uitlaatpype en klankdempers moet waterverkoel of beklee wees.

Brandstoftenks

- 8. (1) Brandstoftenks moet doeltreffend bevestig wees en oor voldoende kapasiteit beskik en moet van geskikte materiaal gemaak wees.
- (2) Uitlaatpype van ingeboude brandstoftenks moet met afsluitkleppe of goedgekeurde outomatiese afsluit- en teenheweltoestelle toegerus wees. Afsluitkleppe wat nie gereidelik en veilig bereik kan word nie, moet oor afstandbeheer beskik.
- (3) Brandstofvulpype na ingeboude brandstoftenks moet toereikend vir die doel wees en moet voorsien wees van toereikende skroefseëlproppe of -doppe. Slegs nie-korroosiemateriaal mag gebruik word.
- (4) Alle brandstoftenks moet toegerus wees met toereikende ontlugters of ontlugpype wat hoog genoeg is sodat die vaartuig teen 50 grade kan kantel sonder dat brandstof daardeur uitloop. Die ontlugters of ontlugpype moet na buite die romp lei en moet so gebou wees dat geen water in alle bedryfstoestande in die tenk kan beland nie.
- (5) Alle brandstoftenks moet voorsien wees van 'n geskikte middel om die hoeveelheid brandstof in die tenk te bepaal.
- (6) Alle brandstoftenks met petrol moet buite enjin- en batteryafdelings aangebring of geberg word.
- (7) Waar peilglase verskaf is, moet hulle met selfsluitkleppe toegerus wees.

Elektriese installasies

- 9. (1) (a) Behoudens item (b) moet elke kategorie A-, B- en C- kragaangedrewe vaartuig toegerus wees met 'n elektriese installasie wat minstens twee identiese stelle batterye insluit. Elke stel batterye moet genoeg krag kan lewer in ooreenstemming met die enjinvervaardiger se aanbevelings en moet fasiliteite vir parrallelverbinding hê.
- (b) Vaartuie met handaansitenjins hoef net een stel batterye te hê.
- (2) Elke kategorie D- en E- kragaangedrewe vaartuig moet voorsien wees van minstens een stel batterye, tensy die vaartuig net met handaansitenjins toegerus is.
- (3) Elke seilvaartuig toegerus met 'n binneboord-hulpenjin moet voorsien wees van minstens een stel batterye, tensy die vaartuig net met handaansitenjins toegerus is.
- (4) Vaartuie wat met een of meer stelle batterye toegerus moet wees, moet voorsien word van 'n geskikte batteryalaaitoestel, en as meer as een enjin aangebring is, moet elke enjin voorsien wees van 'n batteryalaaitoestel wat albei stelle batterye kan laai.
- (5) Alle elektriese installasies moet aan goeie, gevestigde marinepraktyk voldoen en alle elektriese uitrusting moet so gebou wees dat daar geen gevaar van besering aan enige persoon wat die installasie op die regte manier hanteer, sal wees nie.
- (6) 'n Enkele stel battery moet minstens 12 uur noodkrag vir navigasieligte, elektriese lenspompe (indien dit verskaf is) en vaste radiouitrusting kan lewer.

Noodstuurinrigtings

10. 'n Noodstuurmiddel moet verskaf word in elke vaartuig wat nie deur middel van 'n roerpen gestuur word nie, insluitende 'n roerpenbeheerarm van 'n buiteboordmotor. Die noodstuur moet teen alle hoeke kan werk en wanneer 'n buiteboordenjin aangebring en gekantel is. Die noodstuur kan draagbaar wees, in welke geval dit in 'n geredelik toeganklike posisie geberg moet word vir vinnige aanhegting in 'n noodgeval.

Lenspompinrigtings

11. (1) Hierdie paragraaf is nie van toepassing nie op—

- (a) skibote met selfdreineerdekke;
- (b) opblaasvaartuie of onbuigbare opblaasvaartuie met selfdreineerdekke; of
- (c) seil- of roeivaartuie,

maar sulke vaartuie moet van 'n doeltreffende uitskeptoestel voorsien wees.

(2) Elke kategorie A- kragaangedrewe dekvaartuig moet voorsien wees van twee kragaangedrewe lenspompe. Elke lenspomp moet sy eie primêre kragbron hê en kan deur die vaartuig se hoofenjins aangedryf word indien meer as een hoofenjin geïnstalleer is; andersins moet die konfigurasie so wees dat een pomp deur die hoofenjin aangedryf word en die ander deur 'n reserwe-enjin. Die pomp wat deur die reserwe-enjin aangedryf word, kan elektries aangedrewe wees.

(3) Elke kategorie B-, C-, D- en E- kragaangedrewe dekvaartuig met 'n algehele lengte van 5 meter of meer toegerus met 'n binneboordhoofenjin moet voorsien wees van 'n kragaangedrewe lenspomp waarvan die vaartuig se hoofenjin die primêre kragbron is. Waar die konfigurasie van die binneboordenjin sodanig is dat dit nie as die primêre kragbron gebruik kan word nie, kan die lenspomp elektries aangedrewe wees. Verder moet elke sodanige vaartuig voorsien wees van 'n handlenspomp wat bo die hoofdek geleë is. Alle ander kategorie B-, C-, D- en E- kragaangedrewe dekvaartuie met 'n algehele lengte van 5 meter of meer moet voorsien wees van twee handlenspompe, waarvan die een onder die hoofdek geïnstalleer kan wees en die ander een bo die hoofdek.

(4) Elke kategorie B-, C-, D- en E- kragaangedrewe dekvaartuig met 'n algehele lengte van minder as 5 meter moet voorsien wees van minstens een handgedrewe lenspomp.

(5) Elke kategorie A-dekseilvaartuig moet van twee handgedrewe lenspompe voorsien wees, en elke kategorie B-, C-, D- en E-dekseilvaartuig moet van een handgedrewe lenspomp voorsien wees.

(6) Alle kragaangedrewe en handlenspompe moet 'n minimum pompkapasiteit van onderskeidelik 3 000 liter en 2 000 liter per uur hê.

(7) Alle lenspompe moet, waar nodig, toegerus wees met pypinrigtings, kleppe, suigleidings en siwwe om elke afdeling in 'n vaartuig uit te pomp, uitgesonderd 'n afdeling wat uitsluitlik gebruik word vir vis wat gevang is en wat oorstroom kan word sonder om die vaartuig se dryfvermoë of stabiliteit nadelig te affekteer.

(8) Elke lenspompinrigting wat, in enige hawebedryf, onder die waterlyn uitpomp, moet toegerus wees met 'n groot genoeg getal terugslagkleppe om terugstroming te voorkom.

(9) Draagbare pomphefbome vir handlenspomp moet in 'n gereedlik toeganklike ruimte so na moontlik aan die pomp gehou word, en in die geval van pompe bo die hoofdek, in 'n gereedlik toeganklike ruimte of sluitkas bo die bodek.

Sigbaarheid by stuurposisie

12. Waar 'n stuurposisie nie in die ope lug is nie, moet sigbaarheid vanaf agter die dwarslyn aan stuurboordkant voor om tot agter die dwarslyn aan bakboordkant deur getemperde helder veiligheidsklas moontlik wees. Beskerming teen die skittering van die son kan deur middel van verwyderbare getinte skerms gebied word.

Instandhouding van aandrywings- en stuurmasjinerie

13. Die aandrywings- en stuurmasjinerie van 'n vaartuig moet periodiek versien, in stand gehou en, indien nodig, herstel word in ooreenstemming met die vervaardiger se instruksies en spesifikasies om te verseker dat dit te alle tyd doeltreffend funksioneer. Die tydperk tussen versienings mag nie groter wees nie as die tydperk wat deur die vervaardiger aanbeveel word. Alle versiening, instandhouding en herstelwerk aan die aandrywings- en stuurmasjinerie van kragaangedrewe vaartuie toegerus met 'n aandrywingsenjin van meer as 5 perdekrag moet deur bevoegde persone gedoen word.

Bemanning se akkommodasie in kommersiële klein vaartuie

14. Elke kommersiële klein vaartuig wat op see gaan vir 'n aaneenlopende tydperk van 16 uur of langer uit elke 24 uur en waarop 'n persoon gaan woon terwyl die vaartuig in die hawe is, moet soos volg voorsien wees van akkommodasie vir die bemanning:

- (a) hoogstens 10 persone mag geakkommodeer word in 'n ruimte wat net een toegang het;
- (b) slaapbanke moet enkel wees en moet onversperde toegang van een kant af hê. 'n Slaapbank mag nie korter as 1,8 meter wees nie en in die voorkasteelruimte kan 'n slaapbank oor sy lengte smaller word maar dit mag nie minder as 600 millimeter by die koppunt en 460 millimeter by die voetenend wees nie. Waar slaapbanke op mekaar gestapel is, mag die hoogte tussen slaapbanke nie minder as 500 millimeter tussen die bokant van die matras en die basis van die slaapbank bokant die matras wees nie. Slaapbanke moet so geplaas wees dat druppende water van toegangslere en ventileerders vermy word. Beskermingsborde wat die agterkant van 'n toegangslere of drupspersers omhul, is aanneemlik wanneer daar geen ander opsie is as om 'n slaapbank onder 'n leer of ventileerder te installeer nie. Elke slaapbank moet 'n paneelkissie hê waarin persoonlike items geberg kan word. Slaapbanke wat aan mekaar grens, moet geskei word deur 'n bord met 'n minimum hoogte van 500 millimeter;
- (c) slaapinrigtings word nie in enjinkamer- of skeepskombuisruimtes toegelaat nie. Slaapinrigtings in die stuurruimte word toegelaat mits die stuurinrigting omhul is en die beskot tussen die stuur- en enjinkamerruimtes gasdig gemaak is. Uitlaatpype wat deur die stuurruimte loop, moet ingekoker wees en na buite geventileer wees;
- (d) skeepskombuise wat met gasstowe toegerus is, mag nie toegang tot die enjinkamer hê nie. Waar dit nie vermy kan word nie, moet daar 'n gasdigte ingang tussen die enjinkamer en die skeepskombuis wees. Die gebied onmiddellik om die stoof moet geïsoleer wees om die verspreiding van 'n brand teen te werk;

- (e) minstens twee toilette en storte moet verskaf word op vaartuie wat hoogstens 19 persone dra; 'n bykomende toilet en stort moet verskaf word vir elke bykomende 10 persone, of deel daarvan, wat gedra word. Toilette en storte moet buite, maar aangrensend aan, slaapruintes geleë wees;
- (f) alle akkommodasieruintes moet voorsien wees van toereikende ventilasie met sluittoestelle om te voorkom dat water inkom van sproei of reën en dat lug inkom in die geval van 'n brand in die ruimte;
- (g) alle akkommodasieruintes moet van toereikende elektriese verligting voorsien wees;
- (h) alle akkommodasieruintes moet 'n minimum kophoogte van minstens 1,8 meter bied; dit kan verminder word by slaapbanke, kaste en ander ruimtes waar persone nie normaalweg in die regop posisie hoef te staan of te loop nie.

Gastoestelle

15. Elke gaskoker of gaskoelkas wat in 'n kommersiële klein vaartuig geïnstalleer is, moet toegevoegde wees met 'n veiligheidstoestel wat die opbou van 'n plobare atmosfeer kan voorkom wanneer die vlam doodgaan. Die toestel moet jaarliks deur 'n bevoegde persoon versien word.

Bykomende vereistes vir passasiersvaartuie

16. Elke passasiersvaartuig moet aan die volgende bykomende vereistes voldoen:

- (a) twee buiteboordenjins, wat aan paragraaf 7(3) voldoen, of 'n binneboorddieselenjin moet aangebring word;
- (b) buiteboordpetrolenjins moet van draagbare staalbrandstoftanks voorsien wees;
- (c) binneboordenjinafdelings moet beskerm word deur—
 - (i) rook- en hitesensors gekoppel aan 'n alarmopwektoestel geleë by die leiposisie; en
 - (ii) 'n handbrandsmoorstelsel met afstandbeheer;
- (d) 'n lensalarm moet aangebring wees in elke afdeling met romptoebehore wat seewaarts oop is;
- (e) sitinrigtings moet voldoende wees vir die getal persone wat gemagtig is om vervoer te word deur die vaartuig se plaaslike veiligheidsertifikaat of geskiktheidsertifikaat, na gelang van die geval.

Bykomende vereistes vir duikersbote

17. Elke duikersboot moet aan die volgende bykomende vereistes voldoen:

- (a) op vaartuie wat deur die branding bedryf word, moet toereikende sitinrigtings met gryppunte verskaf word vir alle duikers aan boord; sodanige inrigtings mag nie op die dolboord geleë wees nie tensy die dolboord gevorm word deur die buitenste dryfvermoëbuis van 'n opblaasvaartuig of 'n onbuigbare opblaasvaartuig;
- (b) rakke wat toereikend vasgeheg is en alle lugtenks aan boord kan hou, moet verskaf word.

AANHANGSEL 2

(Regulasie 7)

VEILIGHEIDSTOESTELLE EN -UITRUSTING

Verskaffing van veiligheidstoestelle en -uitrusting

1. Die volgende items veiligheidstoestelle en -uitrusting word, as 'n minimum, vir elk van die kategorieë vaartuie voorgeskryf, en moet in goeie werkende toestand aan boord beskikbaar wees:

Item No	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
1	Goedgekeurde reddingsbaadjie*	X	X	X	X	X	Een reddingsbaadjie moet verskaf word vir elke persoon aan boord. 'n Kategorie E-vaartuig kan in plaas daarvan toegerus wees met dryfhulpmiddels wat voldoen aan standaardspesifikasie SABS 1417/1987, gepubliseer deur die Suid-Afrikaanse Buro vir Standaarde. * Reddingsbaadjies wat voldoen aan standaardspesifikasie SABS 146/1979, gepubliseer deur die Suid-Afrikaanse Buro vir Standaarde.
2	Reddingsboei	X	X	X	X	—	Word net op nie-skeervaartuie vereis
3	Dan-boei	X	X	X	X	—	Word net op treilvaartuie en op seilvaartuie met 'n algehele lengte van 9 meter of meer vereis
4	Onverstreke goedgekeurde projektielfakkels	—	—	—	—	X	
5	Onverstreke goedgekeurde rooi handnoodfakkels	X4	X4	X2	X2	—	
6	Onverstreke goedgekeurde rooi valskermfakkels	X4	X4	X2	X2	—	
7	Onverstreke goedgekeurde drywende oranje rookmerker	X	X	X	X	—	
8	Onverstreke goedgekeurde handrookmerker	—	—	—	—	X	
9	Waterdigte flitslig, insluitende volle stel ekstra batterye en 'n ekstra gloeilamp	X	X	X	X	X	Ekstra gloeilamp en batterye moet in 'n waterdigte houer gehou word. Word net op vaartuie wat na sononder bedryf word, vereis.
10	Handkollig met eie 12 volt-battery	X	X	X	X	X	Word net op duikersbote wat na sononder bedryf word, vereis.
11	Klankseintoestel (anders as reddingsbaadjie-fluitjie)	X	X	X	X	—	Fundamentele frekwensiebestek 250 Hz – 700 Hz. Bestek van hoorbaarheid minstens 1 kilometer oor water in stil toestand. Word net op vaartuie wat wes van Port Alfred bedryf word, vereis.
12	Skeeps klok of klankseintoestel wat die sein "R" kan gee	X	X	X	X	X	Word net op vaartuie met 'n algehele lengte van 12 meter of meer vereis.
13	Kodevlag "N" en "C"	X	—	—	—	—	
14	Kodevlag "A" (stewig)	X	X	X	X	X	Word net op duikersbote vereis.

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
15	2 swart balle of vorms van minstens 400 millimeter in deursnee	X	X	X	X	X	Word nie op vaartuie met 'n algehele lengte van minder as 12 meter vereis nie.
16	Radarweerkatser van minstens 400 millimeter in deursnee of patentipe van gelykwaardige egovermoë	X	X	X	X	—	Moet permanent aangebring wees op kragaangedrewe vaartuie met 'n algehele lengte van 9 meter of meer wat wes van Port Alfred bedryf word.
17	Marine-BHF- of 29 MHz-radio	X	X	X	X	—	Soos gepas in die bedryfsgebied: Met dien verstande dat 'n BHF-radio op passasiersvaartuie vervoer moet word ongeag die bedryfsgebied. 'n BHF-radio moet, as minimum, op kanaal 16 en op een ander werkkanale bedryf kan word. 'n 29 MHz-radio moet op plaaslike marinekanale A, B en C bedryf kan word.
18	HF-radio	X*	—	—	—	—	* Uitgesonderd seilpleiersvaartuie
19	Dieptepeilings-toestel of handloodlyn	X	X	X	X	X	Word net op duikersbote vereis.
20	Geskikte magnetiese kompas waarmee posisie bepaal kan word	X	X	X	X	—	Tabel van residuele afwykings moet verskaf word op vaartuie met 'n algehele lengte van 9 meter of meer. Kompas moet verlig wees op vaartuie wat na sonder bedryf word.
21	Geskikte navigasiekaarte vir die reis of bedryfsgebied	X	X	X	—	—	Jongste kaarte, gekorrigeer ooreenkomstig die Suid-Afrikaanse Kennisgewings vir Seevaarders, of elke ses jaar hernu.
22	Geskikte goedgekeurde brandblusser	X	X	X	X	X	Een per enjin en, in dekvaartuie met 'n algehele lengte van 9 meter of meer, een in elk van die volgende afdelings waar gevorm deur volledige transversale beskotte: slaap-akkommodasie, skeepskombuis en stuurhuis.
23	Kragaangedrewe of handbrandpomp met spuitslang	X	X	X	X	X	Word net op passasiersvaartuie met 'n algehele lengte van 9 meter of meer vereis. Die spuitslang moet alle dele van die vaartuig kan bykom en moet 'n straal water van minstens 3 meter lank kan lewer deur 'n verstelbare straler of sproeinossel van minstens 5 millimeter in deursnee.
24	2 skep- of roeispane	—	—	—	—	X	Word net op roeibote vereis.
25	Gryptou aan buitekant van dolboord aangebring	X	X	X	X	X	Word net op duikersbote vereis. Word nie vereis nie op vaartuie toegerus met 'n opklimleer wat tot in die water strek.
26	Omslaantou vir gebruik wanneer vaartuig onderstebo in water is	X	X	X	X	X	Word net op jolbote, onbuigbare opblaasvaartuie en op skibote met 'n algehele lengte van minder as 9 meter vereis.
27	Volle stel seile, insluitende geskikte stormseile	X	X	X	X	X	Word net op seilvaartuie vereis.
28	Geskikte middels om regopstaande takelwerk te sny	X	X	X	X	—	Word net op seilvaartuie vereis.
29	Geskikte seeanker toegerus met kabel en kantellyn (opgetakel en gereed vir gebruik)	X	X	X	X	X	Word net op vaartuie wat in die branding geloods word en met 'n algehele lengte van minder as 9 meter vereis.

Item No	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
30	Behoorlike patentanker en ketting met tou van geskikte lengte en geskikte sterkte vir die bedryfsgebied	X	X	X	X	X	<i>Lengte van ketting:</i> Vaartuie met 'n algehele lengte van 6 meter of meer—minstens 5 meter. Vaartuie met 'n algehele lengte van minder as 6 meter—minstens 3 meter. <i>Lengte van tou:</i> Minstens 50 meter vir kategorie E-vaartuie, en minstens 100 meter vir vaartuie van die ander kategorieë. Word nie op seiljoltote vereis nie.
31	Waterdigte omslaanbottel geheg aan vaartuig met tou gereedlik toeganklik in geval van omslaan	X	X	X	X	X	Met fakkels, oorlewings- en nooduitrusting. Word net op skibote, kragaangedrewe joltote en roeijoltote vereis, tensy 'n opblaasreddingsvlot verskaf is.
32	Ruimtekomberse	X2	X2	X2	X2	—	
33	Een liter drinkwater per persoon	X	X	X	X	—	
34	Noodhulpstel	X	X	X	X	—	
35	Geskikte lugpomp en herstelpak	X	X	X	X	X	Word net op opblaasvaartuie vereis.
36	Goedgekeurde selfopblaasreddingsvlot wat al die persone aan boord kan dra en op dek of in 'n gereedlik toeganklike posisie gestu word	X	X*	X*	X*	X*	* Word nie op vaartuie, anders dan passasiersvaartuie, wat van ingebouedryfvermoë ooreenkomstig Aanhangsel 1, paragraaf 1(1) voorsien word, vereis nie. Word nie op passasiersvaartuie wat slegs binne die breekwatergrense van 'n hawe bedryf word, vereis nie.
37	Reserwedele	X	X	X	X	X	Toereikend vir die doel om noodherstelwerk aan masjinerie en noodsaaklike uitrusting aan boord te doen.
38	Gereedskap	X	X	X	X	X	Toereikend vir die doel om noodherstelwerk aan masjinerie en noodsaaklike uitrusting aan boord te doen.

Instandhoudingsvereistes

2. (1) Selfopblaasreddingsvlote, wanneer dit op kommersiële klein vaartuie vervoer word, moet jaarliks deur 'n goedgekeurde reddingsvlotversieningsagent versien word, en wanneer dit op plesiervaartuie vervoer word, moet dit ooreenkomstig die vervaardiger se instruksies versien word.

(2) Brandblussers moet jaarliks deur 'n goedgekeurde brandtoestelversieningsagent versien word.

Merk van uitrusting, toestelle en sleepwaens

3. (1) Alle reddingsbaadjies, dryfhulpmiddels, reddingsboeie, Dan-boeie, fakkels, skep- en roeispane en reddingsvlote wat aan 'n vaartuig behoort, moet permanent gemerk wees met die vaartuig se naam of goedgekeurde merk.

(2) Waar 'n vaartuig vanaf 'n sleepwa te water gelaat word, moet die sleepwa wat die vaartuig dra, op 'n opvallende plek gemerk wees met die vaartuig se naam of goedgekeurde merk en met die eienaar se naam en telefoonnommer.

No. R. 501

26 April 2002

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

**MERCHANT SHIPPING (SAFE MANNING) (AMENDMENT)
REGULATIONS, 2002**

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

SCHEDULE**Title and commencement**

1. These regulations are called the Merchant Shipping (Safe Manning) (Amendment) Regulations, 2002.

Interpretation

2. In these regulations "the Regulations" means the Merchant Shipping (Safe Manning) Regulations, 1999, published by Government Notice No. 1548 of 30 December 1999.

Amendment of regulation 1 of Regulations

3. Regulation 1 of the Regulations is amended—
 - (a) by the substitution in subregulation (1) for the definitions of "certificated" and "contravene" of the following definitions, respectively:

" 'certificated', except in relation to a radio operator, means duly certificated under the Act or deemed under the Act to be so certificated, and, in relation to a radio operator, means holding a valid appropriate certificate of proficiency issued or recognized by or on behalf of the Independent Communications Authority of South Africa;

'contravene', in relation to a provision of these regulations, includes failing or refusing to comply with that provision;";
 - (b) by the substitution in subregulation (1) for the definition of "near-coastal voyage" of the following definition:

" 'near-coastal voyage' means a voyage made exclusively within waters under South African jurisdiction by a ship of less than 500 GT;";
 - (c) by the substitution in subregulation (1) for the definition of "port operations" of the following definition:

" 'port operations' means voyages confined to the sea area within a radius of 15 nautical miles measured—

- (a) in the case of the port of Saldanha Bay, from the mid-point of an imaginary line joining the North Head and South Head lights; and
- (b) in the case of any other port in the Republic, from the outermost breakwater light;";

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

" 'radio operator' means a person having responsibility for the operation of the radio installations on a ship;";

- (e) by the substitution in subregulation (1) for the definition of "safe manning document" of the following definition:

" 'safe manning document' means a document that describes the minimum manning considered necessary to ensure that a ship is sufficiently and efficiently manned, and that is issued—

- (a) in the case of a ship that is registered or licensed in the Republic, by the Authority; and
- (b) in the case of any other ship, by or under the authority of the flag State;"; and

- (f) by the addition to subregulation (1) of the following definition:

" 'waters under South African jurisdiction' means waters comprising—

- (a) the internal and territorial waters of the Republic; and
- (b) the exclusive economic zone of the Republic."

Substitution of regulation 8 of Regulations

- 4. The following regulation is substituted for regulation 8 of the Regulations:

"Employment of qualified personnel on tankers and passenger ships

8. (1) The owner and master of every tanker shall ensure that—

- (a) every officer and rating assigned specific duties and responsibilities related to cargo or cargo equipment on the ship; and
- (b) the master, chief engineer officer, chief mate, second engineer officer and every other person with immediate responsibility for loading, discharging and care in transit or handling of cargo on the ship,

holds either—

- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 51 of the Training and Certification

Regulations relative to his or her capacity, duties and responsibilities on the ship; or

- (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/1 of that Convention relative to his or her capacity, duties and responsibilities on the ship.

(2) The owner and master of every ro-ro passenger ship shall ensure that—

(a) the master, officers and ratings serving on the ship hold either—

- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 52 of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
- (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/2 of that Convention relative to their capacity, duties and responsibilities on the ship; and

(b) the other personnel serving on the ship hold either—

- (i) documentary evidence of compliance with the provisions of regulation 52 of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
- (ii) documentary evidence, issued by or on behalf of another party to the STCW Convention, of compliance with the provisions of regulation V/2 of that Convention relative to their capacity, duties and responsibilities on the ship.

(3) The owner and master of every passenger ship, other than a ro-ro passenger ship, engaged on unlimited voyages shall ensure that—

(a) the master, officers and ratings serving on the ship hold either—

- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 52A of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
- (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/3 of that Convention relative to their capacity, duties and responsibilities on the ship; and

(b) the other personnel serving on the ship hold either—

- (i) documentary evidence of compliance with the provisions of regulation 52A of the Training and Certification Regulations relative to their capacity, duties and responsibilities on the ship; or
- (ii) documentary evidence, issued by or on behalf of another party to the STCW Convention, of compliance with the provisions of regulation V/3 of that Convention relative to their capacity, duties and responsibilities on the ship."

Amendment of regulation 10 of Regulations

5. Regulation 10 of the Regulations is amended—

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

"(b) a statement by the applicant, confirmed by or on behalf of another party to the STCW Convention, that his or her level of proficiency in the English language meets the relevant requirements of the STCW Convention;" and

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

"(a) the holder shows, through any inability, that he or she does not meet the level of competency or knowledge required for the equivalent certificate of competency, or that his or her level of proficiency in the English language does not meet the relevant requirements of the STCW Convention;"

Amendment of regulation 11 of Regulations

6. Regulation 11 of the Regulations is amended—

(a) by the substitution in subregulation (1) for notes (B) and (C) to the table of the following notes, respectively:

"(B) Mate's certificate to be endorsed: 'Chief mate of a ship of less than 3 000 GT on unlimited voyages'.

(C) Certificate to be endorsed: 'Master of a ship of less than 3 000 GT on unlimited voyages'." and

(b) by the substitution for subregulation (2) of the following subregulation:

"(2) The owner and master of every ship of 100 GT or more that—

(a) conducts mining operations within waters under South African jurisdiction; and

(b) so operates at anchor for two-thirds or more of the time spent at sea between port calls,

shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated deck officers specified in the table below:

Item	Gross tonnage of ship	Title of certificate and number of certificated deck officers to be employed				
		Mate (Coastal)	Master (Coastal)	Deck Officer	Chief Mate	Master
1	100 or more, but less than 500	1	1	—	—	—
2	500 or more, but less than 3 000	—	—	1(A)	1(B)	—

Item	Gross tonnage of ship	Title of certificate and number of certificated deck officers to be employed				
		Mate (Coastal)	Master (Coastal)	Deck Officer	Chief Mate	Master
3	3 000 or more	—	—	1	1	1

Notes:

(A) Certificate to be endorsed: 'Chief mate of a ship of less than 3 000 GT on unlimited voyages'.

(B) Certificate to be endorsed: 'Master of a ship of less than 3 000 GT on unlimited voyages'.

The certificates mentioned in the table may be limited to mining operations."

Substitution of regulation 14 of Regulations

7. The following regulation is substituted for regulation 14 of the Regulations:

"Employment of certificated engineer officers and certificated marine motormen on ships of 25 GT or more, other than fishing vessels

14. (1) The owner and master of every ship of 25 GT or more, other than a fishing vessel or a ship referred to in subregulation (2), shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated engineer officers and certificated marine motormen specified in the table below:

Item	Type of voyage	Registered propulsion power of ship (kW)	Title of certificate and number of certificated engineer officers and certificated marine motormen to be employed								
			Marine Motorman Grade 1	Marine Motorman Higher Grade	Second Engineer Officer (Port Operations)	Chief Engineer Officer (Port Operations)	Engineer Officer	Second Engineer Officer (< 3 000 kW)	Second Engineer Officer (* 3 000 kW)	Chief Engineer Officer (< 3 000 kW)	Chief Engineer Officer (* 3 000 kW)
1	Port operations	less than 350	1	—	—	—	—	—	—	—	—
2	Port operations	350 or more, but less than 750	—	1	—	—	—	—	—	—	—
3	Port operations	750 or more, but less than 1 500	—	—	1	—	—	—	—	—	—
4	Port operations	1 500 or more	1	—	—	1	—	—	—	—	—
5	Near-coastal	less than 350	1	—	—	—	—	—	—	—	—
6	Near-coastal	350 or more, but less than 750	1	1	—	—	—	—	—	—	—
7	Near-coastal	750 or more, but less than 3 000	—	—	—	—	2	—	1(A)	—	—
8	Near-coastal	3 000 or more	—	—	—	—	1	—	1	—	1
9	Unlimited	less than 750	1	—	—	—	1	1(B)	—	—	—
10	Unlimited	750 or more, but less than 3 000	—	—	—	—	1	1	—	1(C)	—
11	Unlimited	3 000 or more	—	—	—	—	2	—	1	—	1

Notes:

(A) Certificate to be endorsed: 'Chief engineer officer of a ship of less than 3 000 kW propulsion power'.

(B) Certificate to be endorsed: 'Chief engineer officer of a ship of less than 750 kW propulsion power'.

(C) Or Second Engineer Officer (* 3 000 kW) endorsed 'Chief engineer officer of a ship of less than 3 000 kW propulsion power'.

- (2) The owner and master of every ship of 100 GT or more that—
- conducts mining operations within waters under South African jurisdiction; and
 - so operates at anchor for two-thirds or more of the time spent at sea between port calls,

shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated engineer officers and certificated marine motormen specified in the table below:

Item	Registered propulsion power of ship (kW)	Title of certificate and number of certificated engineer officers and certificated marine motormen to be employed				
		Marine Motorman Grade 1	Marine Motorman Higher Grade	Engineer Officer	Second Engineer Officer (< 3 000 kW)	Chief Engineer Officer (> 3 000 kW)
1	less than 750	1	1	—	—	—
2	750 or more, but less than 3 000	—	—	2	1(A)	—
3	3 000 or more	—	—	1	1	1

Note:

- (A) Certificate to be endorsed: 'Chief engineer officer of a ship of less than 3 000 kW propulsion power'."

Substitution of regulation 16 of Regulations

8. The following regulation is substituted for regulation 16 of the Regulations:

"Employment of certificated radio operators

16. The owner and master of every ship shall ensure that there is employed on the ship the number of certificated radio operators specified in the table below: Provided that—

- if the ship is of 300 GT or more, is engaged on a near-coastal voyage and is not equipped in accordance with GMDSS requirements of the radio regulations, there shall be employed on the ship at least two radio operators who are appropriately certificated for the type of radio installation on the ship;
- if the ship is equipped in accordance with the GMDSS requirements of the radio regulations and at-sea maintenance of radio equipment is to be conducted to ensure availability, at least one radio operator on the ship shall hold a valid Radio Electronic Certificate (First Class), or a recognized equivalent certificate;
- if the ship is fitted with radio equipment capable of operating within the GMDSS (whether or not so fitted in compliance with statutory requirements), there shall be employed on the ship at least one radio operator who is the holder

of a valid GMDSS General Operators Certificate, or a recognized equivalent certificate;

- (d) when the radio equipment on the ship is being used for general communications, other than distress, urgency or safety communications, such general communications shall not be conducted by the deck officer on watch.

Item	Type of voyage	Gross tonnage or length of ship	Title of certificate and number of certificated radio operators to be employed		
			Restricted Radiotelephone Operators Certificate (VHF only)	Restricted Radiotelephone Operators certificate	GMDSS General Operators Certificate
1	Port operations	25 GT or more	—	1	—
2	Near-coastal	25 GT or more, but less than 300 GT	—	2	—
3	Near-coastal	300 GT or more	—	—	2
4	Fishing within 40 nautical miles offshore	25 GT or more	1	—	—
5	Fishing within 200 nautical miles offshore	25 GT or more	—	2	—
6	Fishing beyond 200 nautical miles offshore	25 GT or more, but less than 45 metres	—	2	—
7	Fishing beyond 200 nautical miles offshore	45 metres or more	—	—	2
8	Unlimited	100 GT or more, but less than 300 GT	—	2	—
9	Unlimited	300 GT or more	—	—	2"

Amendment of regulation 17 of Regulations

9. Regulation 17 of the Regulations is amended by the addition of the following paragraph:

- "(g) on ships engaged solely in port operations, there may be employed, instead of the ratings qualified as able seamen or oilers, ratings qualified as general purpose ratings (port operations).".

Amendment of regulation 23 of Regulations

10. Regulation 23 of the Regulations is amended—

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

"(1) (a) The certificates or endorsements specified in the second and third columns of an item in the table below are, subject to paragraph (b), to be taken to be equivalent to the certificate or endorsement, as the case may be, specified in the fourth column of that item.

(b) If the certificate or endorsement specified in the fourth column of an item in the table is subject to additional qualification requirements in terms of the Training and Certification Regulations, documentary evidence of compliance with those requirements, or so much thereof as the Authority may direct, is to be produced within the time and in the manner that the Authority directs.

Item	Title of certificate issued before commencement of repealed regulations	Equivalent certificate or endorsement under repealed regulations	Equivalent certificate or endorsement under Training and Certification Regulations
1	Master of a foreign-going ship	Deck Officer Class 1	Master
2	—	Deck Officer Class 2 endorsed Master (Limited Trade)	Chief Mate endorsed: —Master of a ship of less than 3000 GT on unlimited voyages
3	Chief Navigating Officer of a foreign-going ship	Deck Officer Class 2 endorsed Master (Short Sea Trade)	Chief Mate endorsed: —Master of a ship of less than 500 GT on near-coastal voyages
4	—	Deck Officer Class 2	Chief Mate
5	—	Deck Officer Class 3 endorsed Master (Limited Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on unlimited voyages —Chief Mate of a ship of less than 3 000 GT on unlimited voyages
6	—	Deck Officer Class 3 endorsed Master (Short Sea Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on near-coastal voyages —Chief Mate of a ship of less than 3 000 GT on unlimited voyages
7	Second Navigating Officer of a foreign-going ship	Deck Officer Class 3	Deck Officer
8	—	Deck Officer Class 4 endorsed Master (Limited Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on unlimited voyages
9	Master of a coasting ship of 100 GT or more	Deck Officer Class 4 endorsed Master (Short Sea Trade)	Deck Officer endorsed: —Master of a ship of less than 500 GT on near-coastal voyages
10	—	Deck Officer Class 4 endorsed Master (Port Operation)	Deck Officer endorsed: —Master of a ship of any tonnage operating within a port operations area
11	—	Deck Officer Class 4 endorsed Port Operation Service	Master (Port Operations)
12	—	Deck Officer Class 4	Deck officer

Item	Title of certificate issued before commencement of repealed regulations	Equivalent certificate or endorsement under repealed regulations	Equivalent certificate or endorsement under Training and Certification Regulations
13	—	Deck Officer Class 5 endorsed Master (Short Sea Trade)	Mate (Coastal) endorsed: —Master of a ship of less than 500 GT on near-coastal voyages
14	—	Deck Officer Class 5 endorsed Master (Port Operation)	Mate (Coastal) endorsed: —Master of a ship of any tonnage operating within a port operations area
15	—	Deck Officer Class 5 endorsed Port Operation Service	Master (Port Operations)
16	Navigating Officer of a coasting ship of 100 GT or more	Deck Officer Class 5	Mate (Coastal)
17	—	Deck Officer Class 6 (Unlimited Trade)	Skipper (Unlimited)
18	—	Deck Officer Class 6 (Short Sea Trade)	Skipper (Coastal)
19	—	Deck Officer Class 6 (Restricted Trade)	Skipper (Port Operations)
20	—	Dangerous Cargo Endorsement (Petroleum), (Chemical) or (Gas)	Tanker Cargo Endorsement (Petroleum), (Chemical) or (Gas), as appropriate
21	Skipper of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 2	Fisherman Grade 2
22	Mate of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 3	Fisherman Grade 3
23	Boatswain of a fishing, sealing or shore-based whaling boat of 100 GT or more	Fisherman Grade 4 (Skipper)	Fisherman Grade 4 (Skipper)
24	Skipper of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT	Fisherman Grade 4 (Skipper)	Fisherman Grade 4 (Skipper)
25	Mate of a coasting ship or a fishing, sealing or shore-based whaling boat of less than 100 GT	Fisherman Grade 4 (Watchkeeper)	Fisherman Grade 4 (Watchkeeper)
26	—	Fisherman Grade 4	Fisherman Grade 4 (Skipper)
27	Chief Engineer-Officer of a foreign-going ship	Marine Engineer-Officer Class 1	Chief Engineer Officer (• 3 000 kW)
28	Second Engineer-Officer of a foreign-going ship	Marine Engineer-Officer Class 2	Second Engineer Officer (• 3 000 kW) endorsed: —Chief Engineer Officer of a ship of less than 3 000 kW propulsion power

Item	Title of certificate issued before commencement of repealed regulations	Equivalent certificate or endorsement under repealed regulations	Equivalent certificate or endorsement under Training and Certification Regulations
29	—	Marine Engineer-Officer Class 3 with Service Endorsement	Second Engineer Officer (< 3 000 kW) endorsed: —Chief Engineer Officer of a ship of less than 750 kW propulsion power —Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area
30	Chief Engineer-Officer of a coasting ship	Marine Engineer-Officer Class 3	(a) Second Engineer Officer (< 3 000 kW) endorsed: —Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area (b) Chief Engineer Officer (Port Operations)
31	Second Engineer-Officer of a coasting ship	Marine Engineer-Officer Class 4	(a) Engineer Officer endorsed: —Chief Engineer Officer of a ship of less than 1 500 kW propulsion power operating within a port operations area (b) Second Engineer Officer (Port Operations)
32	—	Marine Motorman Higher Grade	Marine Motorman Higher Grade
33	Marine Engineman	Marine Motorman Grade 1	Marine Motorman Grade 1
34	Assistant Marine Engineman, any brake horsepower	Marine Motorman Grade 2	Marine Motorman Grade 2
35	Assistant Marine Engineman, under 150 brake horsepower	Marine Motorman Grade 3	Marine Motorman Grade 3
36	Able Seaman	Efficient Deck Rating	Able Seaman
37	Lifeboatman	Proficiency in Survival Craft	Proficiency in Survival Craft
38	—	Efficient Engine-room Rating	Oiler
39	—	Efficient Cook	Efficient Cook
40	—	Proficiency in Survival Craft (Local)	Proficiency in Liferafts
41	—	Efficient General Purpose Rating	Efficient General Purpose Rating (Port Operations)";

(b) by the deletion of subregulations (2) and (3); and

(c) by the substitution for subregulation (4) of the following subregulation:

"(4) Where the holder of a certificate of competency issued under the Act before the commencement of these regulations has served in a certificated

capacity for at least 12 months in the preceding five years but is prohibited from continued employment in that capacity owing to the tonnage, propulsion power or area of operation of the ship exceeding the applicable tonnage, propulsion power or area of operation limitation, the Authority may endorse the certificate, or the equivalent certificate in terms of this regulation, as the case may be, so as to entitle the holder to continued employment in the capacity concerned on a ship having an appropriately greater tonnage, propulsion power or area of operation."

Repeal of Annex 2 to Regulations

11. Annex 2 to the Regulations is repealed.

No. R. 501

26 April 2002

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

**HANDELSKEEPVAARTREGULASIES (VEILIGE BEMANNING)
(WYSIGING), 2002**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE**Titel en inwerkingtreding**

1. Hierdie regulasies heet die Handelskeepvaartregulasies (Veilige Bemanning) (Wysiging), 2002.

Uitleg

2. In hierdie regulasies beteken "die Regulasies" die Handelskeepvaartregulasies (Veilige Bemanning), 1999, gepubliseer by Goewermentskennisgewing No. 1548 van 30 Desember 1999.

Wysiging van regulasie 1 van Regulasies

3. Regulasie 1 van die Regulasies word gewysig—

(a) deur in subregulasie (1) die omskrywing van "gediplomeer" deur die volgende omskrywing te vervang:

" 'gediplomeer', behalwe met betrekking tot 'n radio-operateur, behoorlik gediplomeer kragtens die Wet of geag kragtens die Wet aldus gediplomeer te wees, en met betrekking tot 'n radio-operateur, in besit van 'n geldige toepaslike bekwaamheidsertifikaat uitgereik of erken deur of namens die Onafhanklike Kommunikasie-owerheid van Suid-Afrika;

(b) deur in subregulasie (1) die omskrywing van "hawebedryf" deur die volgende omskrywing te vervang:

" 'hawebedryf' seereise beperk tot die seegebied binne 'n radius van 15 seemyl gemeet—

(a) in die geval van die hawe van Saldanhabaai, vanaf die middelpunt van 'n denkbeeldige lyn wat die Noordkoplig en die Suidkoplig verbind; en

(b) in die geval van enige ander hawe in die Republiek, vanaf die buitenste breekwaterlig;";

(c) deur in subregulasie (1) die omskrywing van "kusvaart" deur die volgende omskrywing te vervang:

"'kusvaart' 'n seereis wat slegs binne waters onder Suid-Afrikaanse gesag deur 'n skip van minder as 500 BT gemaak word;";

- (d) deur in subregulasie (1) die omskrywing van "oortree" deur die volgende omskrywing te vervang:

"'oortree', met betrekking tot 'n bepaling van hierdie regulasies, ook versuim of weiering om daardie bepaling na te kom;";

- (e) deur in subregulasie (1) die omskrywing van "radio-offisier" deur die volgende omskrywing te vervang:

"'radio-operateur' 'n persoon wat verantwoordelikheid het vir die bediening van die radio-installasies op 'n skip;";

- (f) deur in subregulasie (1) die omskrywing van "veilige bemanningsdokument" deur die volgende omskrywing te vervang:

"'veilige bemanningsdokument' 'n dokument wat die minimum bemanning beskryf wat nodig geag word om te verseker dat 'n skip behoorlik en doeltreffend beman is, en wat uitgereik is—

(a) in die geval van 'n skip wat in die Republiek geregistreer of gelisensieer is, deur die Owerheid; en

(b) in die geval van 'n ander skip, deur of onder gesag van die Vlagstaat;"; en

- (g) deur die volgende omskrywing by subregulasie (1) te voeg:

"'waters onder Suid-Afrikaanse gesag' die waters bestaande uit—

(a) die binne- en territoriale waters van die Republiek; en

(b) die eksklusiewe ekonomiese sone van die Republiek.".

Vervanging van regulasie 8 van Regulasies

4. Regulasie 8 van die Regulasies word deur die volgende regulasie vervang:

"Indiensneming van gekwalifiseerde personeel op tenkskepe en passasierskepe

8. (1) Die eienaar en gesagvoerder van elke tenkskip moet toesien dat—

- (a) elke offisier en matroos aan wie daar spesifieke pligte en verantwoordelikhede betreffende vrag of vragtoerusting op die skip opgedra is; en
- (b) die gesagvoerder, hoofingenieur-offisier, hoofstuurman, tweede ingenieur-offisier en elke ander persoon met onmiddellike verantwoordelikheid vir die inskeping, ontskeping en toesig onderweg of hantering van vrag op die skip,

in besit is van óf—

- (i) die toepaslike sertifikaat of endossement, wat getuig van die nakoming van die bepalings van regulasie 51 van die Opleiding- en Diplomeringsregulasies ten aansien van sy of haar hoedanigheid, pligte en verantwoordelikhede op die skip; óf

- (ii) die toepaslike sertifikaat of endossement, uitgereik deur of namens 'n ander party by die STCW-konvensie, wat getuig van die nakoming van die bepalings van regulasie V/1 van daardie Konvensie ten aansien van sy of haar hoedanigheid, pligte en verantwoordelikhede op die skip.
- (2) Die eienaar en gesagvoerder van elke op- en af-ry-passasierskip moet toesien dat—
 - (a) die gesagvoerder, offisiere en matrose wat op die skip diens doen, in besit is van óf—
 - (i) die toepaslike sertifikaat of endossement wat getuig van die nakoming van die bepalings van regulasie 52 van die Opleiding- en Diplomeringsregulasies ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip; óf
 - (ii) die toepaslike sertifikaat of endossement, uitgereik deur of namens 'n ander party by die STCW-konvensie, wat getuig van die nakoming van die bepalings van regulasie V/2 van daardie Konvensie ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip; en
 - (b) die ander personeel wat op die skip diens doen, in besit is van óf—
 - (i) dokumentêre bewys van die nakoming van die bepalings van regulasie 52 van die Opleiding- en Diplomeringsregulasies ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip; óf
 - (ii) dokumentêre bewys, uitgereik deur of namens 'n ander party by die STCW-konvensie, van die nakoming van die bepalings van regulasie V/2 van daardie Konvensie ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip.
- (3) Die eienaar en gesagvoerder van elke ander passasierskip as 'n op- en af-ry-passasierskip wat op onbeperkte seereise gebruik word, moet toesien dat—
 - (a) die gesagvoerder, offisiere en matrose wat op die skip diens doen, in besit is van óf—
 - (i) die toepaslike sertifikaat of endossement wat getuig van die nakoming van die bepalings van regulasie 52A van die Opleiding- en Diplomeringsregulasies ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip; óf
 - (ii) die toepaslike sertifikaat of endossement, uitgereik deur of namens 'n ander party by die STCW-konvensie, wat getuig van die nakoming van die bepalings van regulasie V/3 van daardie Konvensie ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip; en
 - (b) die ander personeel wat op die skip diens doen, in besit is van óf—
 - (i) dokumentêre bewys van die nakoming van die bepalings van regulasie 52A van die Opleiding- en Diplomeringsregulasies ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip; óf
 - (ii) dokumentêre bewys, uitgereik deur of namens 'n ander party by die STCW-konvensie, van die nakoming van die bepalings van regulasie V/3 van daardie Konvensie ten aansien van hulle hoedanigheid, pligte en verantwoordelikhede op die skip."

Wysiging van regulasie 10 van Regulasies

5. Regulasie 10 van die Regulasies word gewysig—

(a) deur paragraaf (b) van subregulasie (2) deur die volgende paragraaf te vervang:

"(b) 'n verklaring deur die aansoeker, bevestig deur of namens 'n ander party by die STCW-konvensie, dat sy of haar vlak van vaardigheid in die Engelse taal voldoen aan die betrokke vereistes van die STCW-konvensie"; en

(b) deur paragraaf (a) van subregulasie (5) deur die volgende paragraaf te vervang:

"(a) die houer deur enige onvermoë toon dat hy of sy nie voldoen aan die vlak van bekwaamheid of kennis wat vir die gelykwaardige bekwaamheid-sertifikaat vereis word nie, of dat sy of haar vlak van vaardigheid in die Engelse taal nie aan die betrokke vereistes van die die STCW-konvensie voldoen nie;"

Wysiging van regulasie 11 van Regulasies

6. Regulasie 11 van die Regulasies word gewysig—

(a) deur opmerkings (B) en (C) by die tabel in subregulasie (1) deur onderskeidelik die volgende opmerkings te vervang:

"(B) Stuurman se sertifikaat moet geëndosseer wees: 'Hoofdstuurman van 'n skip van minder as 3 000 BT op onbeperkte seereise'.

(C) Sertifikaat moet geëndosseer wees: 'Gesagvoerder van 'n skip van minder as 3 000 BT op onbeperkte seereise'."; en

(b) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Die eienaar en gesagvoerder van elke skip van 100 BT of meer wat—

(a) mynbedrywighede binne waters onder Suid-Afrikaanse gesag uitvoer; en

(b) vir twee-derdes of meer van die tyd ter see tussen hawe-aandoenings voor anker aldus bedryf word,

moet toesien dat daar aan boord van die skip in hulle toepaslike hoedanighede die getal gediplomeerde dekoffisiere, soos in die onderstaande tabel vermeld, in diens is:

Item	Bruto tonnemaat van skip	Titel van sertifikaat en getal gediplomeerde dekkoffisiere wat in diens geneem moet word				
		Stuurman (Kusvaart)	Gesagvoerder (Kusvaart)	Dek-offisier	Hoof-stuurman	Gesag-voerder
1	100 of meer, maar minder as 500	1	1	—	—	—
2	500 of meer, maar minder as 3 000	—	—	1(A)	1(B)	—
3	3 000 of meer	—	—	1	1	1

Opmerkings:

- (A) Sertifikaat moet geëndosseer wees: 'Hoofstuurman van 'n skip van minder as 3 000 BT op onbeperkte seereise'.
- (B) Sertifikaat moet geëndosseer wees: 'Gesagvoerder van 'n skip van minder as 3 000 BT op onbeperkte seereise'.

Die sertifikate in die tabel vermeld kan tot mynbedryf beperk wees."

Vervanging van regulasie 14 van Regulasies

7. Regulasie 14 van die Regulasies word deur die volgende regulasie vervang:

"Indiensneming van gediplomeerde ingenieuroffisiere en gediplomeerde see-masjiniste op skepe van 25 BT of meer, uitgesonderd vissersvaartuie

14. (1) Die eienaar en gesagvoerder van elke skip van 25 BT of meer, uitgesonderd 'n vissersvaartuig of 'n skip in subregulasie (2) bedoel, moet toesien dat daar aan boord van die skip in hulle toepaslike hoedanighede die getal gediplomeerde ingenieuroffisiere en gediplomeerde see-masjiniste, soos in die onderstaande tabel vermeld, in diens is:

Item	Tipe seereis	Geregistreerde aandrywingskrag van skip (kW)	Titel van sertifikaat en getal gediplomeerde ingenieuroffisiere en gediplomeerde see-masjiniste wat in diens geneem moet word								
			See-masjinis Graad 1	See-masjinis Hoër Graad	Tweede Ingenieuroffisier (Hawebedryf)	Hoofingenieur- offisier (Hawebedryf)	Ingenieur- offisier	Tweede Ingenieur- offisier ($< 3\,000$ kW)	Tweede Ingenieur- offisier ($\geq 3\,000$ kW)	Hoof- ingenieur- offisier ($< 3\,000$ kW)	Hoof- ingenieur- offisier ($\geq 3\,000$ kW)
1	Hawebedryf	minder as 350	1	—	—	—	—	—	—	—	—
2	Hawebedryf	350 of meer, maar minder as 750	—	1	—	—	—	—	—	—	—
3	Hawebedryf	750 of meer, maar minder as 1 500	—	—	1	—	—	—	—	—	—
4	Hawebedryf	1 500 of meer	1	—	—	1	—	—	—	—	—
5	Kusvaart	minder as 350	1	—	—	—	—	—	—	—	—
6	Kusvaart	350 of meer, maar minder as 750	1	1	—	—	—	—	—	—	—
7	Kusvaart	750 of meer, maar minder as 3 000	—	—	—	—	2	—	1(A)	—	—
8	Kusvaart	3 000 of meer	—	—	—	—	1	—	1	—	1
9	Onbeperk	minder as 750	1	—	—	—	1	1(B)	—	—	—
10	Onbeperk	750 of meer, maar minder as 3 000	—	—	—	—	1	1	—	1(C)	—
11	Onbeperk	3 000 of meer	—	—	—	—	2	—	1	—	1

Opmerkings:

- (A) Sertifikaat moet geëndosseer wees: 'Hoofingenieuroffisier van 'n skip met minder as 3 000 kW aandrywingskrag'.
- (B) Sertifikaat moet geëndosseer wees: 'Hoofingenieuroffisier van 'n skip met minder as 750 kW aandrywingskrag'.
- (C) Of Tweede Ingenieuroffisier ($\geq 3\,000$ kW) geëndosseer 'Hoofingenieuroffisier van 'n skip met minder as 3 000 kW aandrywingskrag'.

- (2) Die eienaar en gesagvoerder van elke skip van 100 BT of meer wat—
- mynbedrywighe binne waters onder Suid-Afrikaanse gesag uitvoer; en
 - vir twee-derdes of meer van die tyd ter see tussen hawe-aandoenings voor anker aldus bedryf word,

moet toesien dat daar aan boord van die skip in hulle toepaslike hoedanighede die getal gediplomeerde ingenieuroffisiere en gediplomeerde see-masjiniste, soos in die onderstaande tabel vermeld, in diens is:

Item	Geregistreerde aandrywingskrag van skip (kW)	Titel van sertifikaat en getal gediplomeerde ingenieuroffisiere en gediplomeerde see-masjiniste wat in diens geneem moet word				
		See-masjinis Graad 1	See-masjinis Hoër Graad	Ingenieuroffisier	Tweede Ingenieuroffisier (< 3 000 kW)	Hoofingenieur-offisier (> 3 000 kW)
1	minder as 750	1	1	—	—	—
2	750 of meer, maar minder as 3 000	—	—	2	1(A)	—
3	3 000 of meer	—	—	1	1	1

Opmerking:

- (A) Sertifikaat moet geëndosseer wees: 'Hoofingenieuroffisier van 'n skip met minder as 3 000 kW aandrywingskrag'.

Vervanging van regulasie 16 van Regulasies

8. Regulasie 16 van die Regulasies word deur die volgende regulasie vervang:

"Indiensneming van gediplomeerde radio-operateurs

16. Die eienaar en gesagvoerder van elke skip moet verseker dat die getal gediplomeerde radio-operateurs, soos in die onderstaande tabel vermeld, aan boord van die skip in diens is: Met dien verstande dat—

- indien die skip 300 BT of meer is, op 'n kusvaartseereis is en nie ooreenkomstig die GMNVS-vereistes van die radioregulasies toegerus is nie, minstens twee radio-operateurs aan boord van die skip in diens moet wees wat toepaslik gediplomeer moet wees vir die tipe radio-installasie op die skip;
- indien die skip ooreenkomstig die GMNVS-vereistes van die radioregulasies toegerus is en see-instandhouding van radio-uitrusting uitgevoer gaan word ten einde beskikbaarheid te verseker, minstens een radio-operateur aan boord van die skip in besit moet wees van 'n geldige Radio-elektroniese Sertifikaat (Eerste Klas) of 'n erkende gelykwaardige sertifikaat;
- indien die skip met radiotoerusting wat binne die GMNVS kan werk toegerus is (hetsy aldus toegerus ooreenkomstig wetsbepalings al dan nie), minstens een radio-operateur aan boord van die skip in diens moet wees wat in besit is van 'n geldige GMNVS-Algemene-operateursertifikaat of 'n erkende gelykwaardige sertifikaat;

- (d) wanneer die radiotoerusting op die skip vir ander algemene kommunikasie as vir nood-, spoed- of veiligheidskommunikasie gebruik word, sodanige kommunikasie nie deur die dekkoffisier op waghoudiens behartig mag word nie.

Item	Tipe seereis	Bruto tonnemaat van skip of skeeps lengte	Titel van sertifikaat en getal gediplomeerde radio-operateurs wat in diens geneem moet word		
			Beperkte Radiotelefoon-operateur sertifikaat (slegs BHV)	Beperkte Radiotelefoon-operateur sertifikaat	GMNVS Algemene-operateur sertifikaat
1	Hawebedryf	25 BT of meer	—	1	—
2	Kusvaart	25 BT of meer, maar minder as 300 BT	—	2	—
3	Kusvaart	300 BT of meer	—	—	2
4	Visvang binne 40 seemyl vanaf die kus	25 BT of meer	1	—	—
5	Visvang binne 200 seemyl vanaf die kus	25 BT of meer	—	2	—
6	Visvang verder as 200 seemyl vanaf die kus	25 of meer, maar minder as 45 meter	—	2	—
7	Visvang verder as 200 seemyl vanaf die kus	45 meter of meer	—	—	2
8	Onbeperk	100 BT of meer, maar minder as 3 000 BT	—	2	—
9	Onbeperk	3 000 BT of meer	—	—	2".

Wysiging van regulasie 17 van Regulasies

9. Regulasie 17 van die Regulasies word gewysig deur die volgende paragraaf by te voeg:

"(g) op skepe wat slegs vir hawebedryf gebruik word, kan matrose gekwalifiseer as utiliteitseemanne (hawebedryf), in plaas van matrose gekwalifiseer as volle seemanne of smeedders, in diens geneem word."

Wysiging van regulasie 23 van Regulasies

10. Regulasie 23 van die Regulasies word gewysig—

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) (a) Behoudens paragraaf (b) word die sertifikate of endossemente in die tweede en die derde kolom van 'n item in die onderstaande tabel vermeld, geag gelykwaardig te wees met die sertifikaat of endossement, na gelang van die geval, vermeld in die vierde kolom van daardie item.

(b) Indien die sertifikaat of endossement vermeld in die vierde kolom van 'n item in die tabel onderworpe is aan bykomende kwalifikasievereistes ingevolge die Opleiding- en Diplomeringsregulasies, moet skriftelike bewys van

voldoening aan daardie vereistes, of soveel daarvan as wat die Owerheid gelas, op die wyse en binne die tydperk wat die Owerheid gelas, gelewer word.

Item	Titel van sertifikaat uitgereik voor inwerkingtreding van herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens Opleiding- en Diplomerings-regulasies
1	Gesagvoerder van 'n skip op vreemde vaart	Dekoffisier Klas 1	Gesagvoerder
2	—	Dekoffisier Klas 2 geëndosseer Gesagvoerder (Begrenste Handel)	Hoofstuurman geëndosseer: —Gesagvoerder van 'n skip van minder as 3 000 BT op onbeperkte seereise
3	Hoofnavigasie-offisier van 'n skip op vreemde vaart	Dekoffisier Klas 2 geëndosseer Gesagvoerder (Kortseehandel)	Hoofstuurman geëndosseer: —Gesagvoerder van 'n skip van minder as 500 BT op kusvaartseereise
4	—	Dekoffisier Klas 2	Hoofstuurman
5	—	Dekoffisier Klas 3 geëndosseer Gesagvoerder (Begrenste Handel)	Dekoffisier geëndosseer: —Gesagvoerder van 'n skip van minder as 500 BT op onbeperkte seereise — Hoofstuurman van 'n skip van minder as 3 000 BT op onbeperkte seereise
6	—	Dekoffisier Klas 3 geëndosseer Gesagvoerder (Kortseehandel)	Dekoffisier geëndosseer: —Gesagvoerder van 'n skip van minder as 500 BT op kusvaartseereise — Hoofstuurman van 'n skip van minder as 3 000 BT op onbeperkte seereise
7	Tweede navigasie-offisier van 'n skip op vreemde vaart	Dekoffisier Klas 3	Dekoffisier
8	—	Dekoffisier Klas 4 geëndosseer Gesagvoerder (Begrenste Handel)	Dekoffisier geëndosseer: —Gesagvoerder van 'n skip van minder as 500 BT op onbeperkteseereise
9	Gesagvoerder van 'n kusvaarder van 100 BT of meer	Dekoffisier Klas 4 geëndosseer Gesagvoerder (Kortseehandel)	Dekoffisier geëndosseer: —Gesagvoerder van 'n skip van minder as 500 BT op kusvaartseereise
10	—	Dekoffisier Klas 4 geëndosseer Gesagvoerder (Hawebedryf)	Dekoffisier geëndosseer: —Gesagvoerder van 'n skip van enige tonnemaat wat binne 'n hawebedryfgebied bedryf word
11	—	Dekoffisier Klas 4 geëndosseer Hawebedryfdiens	Gesagvoerder (Hawebedryf)
12	—	Dekoffisier Klas 4	Dekoffisier
13	—	Dekoffisier Klas 5 geëndosseer Gesagvoerder (Kortseehandel)	Stuurman (Kusvaart) geëndosseer: —Gesagvoerder van 'n skip van minder as 500 BT op kusvaartseereise

Item	Titel van sertifikaat uitgereik voor inwerkingtreding van herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens Opleiding- en Diplomerings-regulasies
14	—	Dekoffisier Klas 5 geëndosseer Gesagvoerder (Hawebedryf)	Dekoffisier geëndosseer: — <i>Gesagvoerder van 'n skip van enige tonnemaat wat binne 'n havebedryfsgebied bedryf word</i>
15	—	Dekoffisier Klas 5 geëndosseer Hawebedryfdiens	Geasagvoerder (Hawebedryf)
16	Navigasie-offisier van 'n kusvaarder van 100 BT of meer	Dekoffisier Klas 5	Stuurman (Kusvaart)
17	—	Dekoffisier Klas 6 (Onbegrensde handel)	Skipper (Onbeperk)
18	—	Dekoffisier Klas 6 (Kortsehandel)	Skipper (Kusvaart)
19	—	Dekoffisier Klas 6 (Beperkte handel)	Skipper (Hawebedryf)
20	—	Gevaarlikevrag-endossement (Petroleum), (Chemikalië) of (Gas)	Tenkskipvragendossement (Petroleum), (Chemikalië) of (Gas), soos toepaslik
21	Skipper van 'n vissersboot, robbevaarder of walvisvaarder met landbasis, van 100 BT of meer	Visserman Graad 2	Visserman Graad 2
22	Stuurman van 'n vissersboot, robbevaarder, of walvisvaarder met landbasis, van 100 BT of meer	Visserman Graad 3	Visserman Graad 3
23	Bootsman van 'n vissersboot, robbevaarder, of walvisvaarder met landbasis, van 100 BT of meer	Visserman Graad 4 (Skipper)	Visserman Graad 4 (Skipper)
24	Skipper van 'n kusvaarder of 'n vissersboot, robbevaarder, of walvisvaarder met landbasis, van minder as 100 BT	Visserman Graad 4 (Skipper)	Visserman Graad 4 (Skipper)
25	Stuurman van 'n vissersboot, robbevaarder, of walvisvaarder met landbasis, van minder as 100 BT	Visserman Graad 4 (Waghouer)	Visserman Graad 4 (Waghouer)
26	—	Visserman Graad 4	Visserman Graad 4 (Skipper)
27	Hoofingenieur-offisier van 'n skip op vreemde vaart	See-ingenieur-offisier Klas 1	Hoofingenieur-offisier (• 3 000 kW)

Item	Titel van sertifikaat uitgereik voor inwerkingtreding van herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens Opleiding- en Diplomerings-regulasies
28	Tweede ingenieur-offisier van 'n skip op vreemde vaart	See-ingenieur-offisier Klas 2	Tweede Ingenieur-offisier ($\geq 3\,000$ kW) geëndosseer: —Hoofingenieur-offisier van 'n skip met minder as $3\,000$ kW aandrywingskrag
29	—	See-ingenieur-offisier Klas 3 met Diens-endossement	Tweede Ingenieur-offisier ($< 3\,000$ kW) geëndosseer: —Hoofingenieur-offisier van 'n skip met minder as 750 kW aandrywingskrag —Hoofingenieur-offisier van 'n skip met enige kilowatt aandrywingskrag wat binne 'n hawebedryfsgebied bedryf word
30	Hoofingenieur-offisier van 'n kusvaarder	See-ingenieur-offisier Klas 3	(a) Tweede Ingenieur-offisier ($< 3\,000$ kW) geëndosseer: —Hoofingenieur-offisier van 'n skip met enige kilowatt aandrywingskrag wat binne 'n hawebedryfsgebied bedryf word (b) Hoofingenieur-offisier (Hawebedryf)
31	Tweede ingenieur-offisier van 'n kusvaarder	See-ingenieur-offisier Klas 4	(a) Ingenieur-offisier geëndosseer: —Hoofingenieur-offisier van 'n skip met minder as $1\,500$ kW aandrywingskrag wat binne 'n hawebedryfsgebied bedryf word (b) Tweede Ingenieur-offisier (Hawebedryf)
32	—	See-masjinis Hoër Graad	See-masjinis Hoër Graad
33	See-masjinis	See-masjinis Graad 1	See-masjinis Graad 1
34	Assistent-seemasjinis, enige remperdekrag	See-masjinis Graad 2	See-masjinis Graad 2
35	Assistent-seemasjinis, onder 150 remperdekrag	See-masjinis Graad 3	See-masjinis Graad 3
36	Volle Seeman	Bekwame Dekseeman	Volle Seeman
37	Reddingsbootman	Bekwaamheid in Oorlewingsvaartuie	Bekwaamheid in Oorlewingsvaartuie
38	—	Bekwame Masjienkamerseeman	Smeerder
39	—	Bekwame Kok	Bekwame Kok
40	—	Bekwaamheid in Oorlewingsvaartuie (Plaaslik)	Bekwaamheid in Reddingsbote
41	—	Utiliteitseeman	Utiliteitseeman (Hawebedryf)";

- (b) deur subregulasies (2) en (3) te skrap; en
- (c) deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) Waar die houer van 'n bekwaamheidsertifikaat wat voor die inwerkingtreding van hierdie regulasies kragtens die Wet uitgereik is, minstens 12 maande gedurende die voorafgaande vyf jaar in 'n gediplomeerde hoedanigheid diens gedoen het, maar nie meer in daardie hoedanigheid diens mag doen nie omdat die tonnemaat, aandrywingskrag of bedryfsgebied van die skip die toepaslike tonnemaat-, aandrywingskrag- of bedryfsgebiedbeperking oorskry, kan die Owerheid die sertifikaat, of die gelykwaardige sertifikaat ingevolge hierdie regulasie, na gelang van die geval, endosseer om die houer daarvan in staat te stel om in die betrokke hoedanigheid op 'n skip met 'n toepaslike groter tonnemaat, aandrywingskrag of bedryfsgebied diens te doen."

Herroeping van Aanhangsel 2 by Regulasies

- 11. Aanhangsel 2 by die Regulasies word herroep.**

No. R. 502

26 April 2002

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

**MERCHANT SHIPPING (TRAINING AND CERTIFICATION)
(AMENDMENT) REGULATIONS, 2002**

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

SCHEDULE**Title and commencement**

1. These regulations are called the Merchant Shipping (Training and Certification) (Amendment) Regulations, 2002.

Interpretation

2. In these regulations "the Regulations" means the Merchant Shipping (Training and Certification) Regulations, 1999, published by Government Notice No. 1547 of 30 December 1999.

Amendment of regulation 1 of Regulations

3. Regulation 1 of the Regulations is amended—

- (a) by the substitution in subregulation (1) for the definition of "near-coastal voyage" of the following definition:

"'near-coastal voyage' means a voyage made exclusively within waters under South African jurisdiction by a ship of less than 500 GT;";

- (b) by the deletion in subregulation (1) of the definition of "offshore";

- (c) by the insertion in subregulation (1) after the definition of "near-coastal voyage" of the following definition:

"'officer in charge of an engineering watch' includes a designated duty engineer officer for a periodically unmanned engine-room;";

- (d) by the substitution in subregulation (1) for paragraph (a) of the definition of "operational level" of the following paragraph:

"(a) serving as officer in charge of a navigational or engineering watch or as designated duty engineer officer for periodically unmanned machinery spaces or as radio operator on a trading ship; and";

- (e) by the substitution in subregulation (1) for the definition of "port operations area" of the following definition:
 - "port operations area' means the sea area within a radius of 15 nautical miles measured—
 - (a) in the case of the port of Saldanha Bay, from the mid-point of an imaginary line joining the North Head and South Head lights; and
 - (b) in the case of any other port in the Republic, from the outermost breakwater light;"
- (f) by the substitution in subregulation (1) for the definition of "qualifying service" of the following definition:
 - "qualifying service', in relation to a certificate or an endorsement, means approved sea service, sea service or port operations service, as the case may be;" and
- (g) by the addition to subregulation (1) of the following definition:
 - "waters under South African jurisdiction' means waters comprising—
 - (a) the internal and territorial waters of the Republic; and
 - (b) the exclusive economic zone of the Republic."

Amendment of regulation 2 of Regulations

4. Regulation 2 of the Regulations is amended—

- (a) by the substitution for subparagraph (iii) of subregulation (3)(c) of the following subparagraph:
 - "(iii) endorsed master of a ship of less than 500 GT on near-coastal voyages (*management level*);"
- (b) by the substitution for subparagraph (i) of subregulation (3)(d) of the following subparagraph:
 - "(i) officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (*operation level*);"
- (c) by the insertion in subregulation (3)(d) after subparagraph (iv) of the following subparagraph:
 - "(ivA) endorsed master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;"
- (d) by the substitution for subparagraph (ii) of subregulation (3)(e) of the following subparagraph:
 - "(ii) endorsed officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (*operation level*);"
- (e) by the substitution for subparagraph (i) of subregulation (3)(f) of the following subparagraph:

- "(i) chief mate/officer in charge of a navigational watch on a ship of any tonnage on unlimited voyages (*operation level*);";
- (f) by the insertion in subregulation (3)(f) after subparagraph (i) of the following subparagraphs:
- "(iA) endorsed master of a ship of less than 500 GT on near-coastal voyages (*management level*);
- "(iB) endorsed master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;";
- (g) by the substitution for paragraph (g) of subregulation (3) of the following paragraph:
- "(g) master (port operations)
- master of a ship of any tonnage operating within a port operations area, with or without a port breakwater limitation;";
- (h) by the substitution for paragraph (j) of subregulation (3) of the following paragraph:
- "(j) skipper (port operations)
- master of a ship of less than 200 GT operating within a port operations area, with or without a port breakwater limitation;";
- (i) by the addition to paragraph (c) of subregulation (4) of the following subparagraph:
- "(v) endorsed chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area;";
- (j) by the substitution for subparagraph (i) of subregulation (4)(d) of the following subparagraph:
- "(i) officer in charge of an engineering watch on a ship of any kilowatt propulsion power operating in a port operations area;";
- (k) by the insertion in subregulation (4)(d) after subparagraph (ii) of the following subparagraph:
- "(iiA) endorsed chief engineer officer of a ship of less than 1 500 kW propulsion power operating within a port operations area;";
- (l) by the substitution for paragraph (e) of subregulation (4) of the following paragraph:
- "(e) chief engineer officer (port operations)
- chief engineer officer of a ship of any kilowatt propulsion power operating within a port operations area, with or without a port breakwater limitation;";
- (m) by the substitution for subparagraph (i) of subregulation (4)(f) of the following subparagraph:
- "(i) second engineer officer/officer in charge of an engineering watch on a ship of any kilowatt propulsion power operating in a port operations area;";
- (n) by the substitution for subregulation (7) of the following subregulation:

"(7) The certificates referred to in subregulations (3), (4) and (5) may, in addition, be endorsed for service on tankers, ro-ro passenger ships or passenger ships other than ro-ro passenger ships, in accordance with regulation 51, 52 or 52A respectively."; and

(o) by the substitution for paragraph (d) of subregulation (8) of the following paragraph:

"(d) a certificate limited to mining operations may serve in the certificated capacity only on ships employed in mining operations."

Amendment of regulation 3 of Regulations

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

"(3) Every master and officer shall, for continuing sea service on ships for which special training requirements have been internationally agreed upon, successfully complete approved training as specified in the Code."

Substitution of regulation 4 of Regulations

6. The following regulation is substituted for regulation 4 of the Regulations:

"Equivalence of certificates issued before commencement of regulations, etc

4. (1) Regulation 23 of the Merchant Shipping (Safe Manning) Regulations, 1999, has effect for the purpose of determining the equivalency of certificates of competency and of qualification, including the endorsements thereto, issued under the Act before the commencement of these regulations, or thereafter in accordance with regulation 72.

(2) The certificates referred to in subregulation (1) are to be exchanged for the corresponding new certificates within the time and in the manner specified by the Authority."

Amendment of regulation 13 of Regulations

7. Regulation 13 of the Regulations is amended by the substitution for paragraph (b) of subregulation (4) of the following paragraph:

"(b) Testimonials produced as proof of qualifying service by a candidate for an engineer officer certificate shall be signed by either the chief engineer officer or master of the ship concerned and shall state—

- (i) the candidate's actual rank on watch;
- (ii) the number of engineer officers simultaneously on watch;
- (iii) the type of propulsion machinery and the propulsion power (in kilowatts) of the ship;

- (iv) the nature of duties performed; and
- (v) where service in charge of a watch is required, that the candidate has acted as a watchkeeping officer for at least—
 - (aa) eight hours in every 24 hours' service claimed on ships having a continuously manned engine room; and
 - (bb) 24 hours in every 72 hours' service claimed on ships having a periodically unmanned engine room."

Amendment of regulation 17 of Regulations

8. Regulation 17 of the Regulations is amended by the substitution for subregulations (3) and (4) of the following subregulations, respectively:

"(3) In the subjects chartwork, navigation, naval architecture and emergency procedures for deck officers, a candidate shall be required to obtain a final aggregate pass-mark of at least 60 per cent in each subject; in all other subjects, in both the deck officer and engineer officer syllabuses, the final pass-mark for each subject shall be at least 50 per cent.

(4) In cases of doubt about a candidate's final mark in the subjects chartwork, navigation, naval architecture, emergency procedures and engineering knowledge, the examiner's decision shall be final."

Amendment of regulation 26 of Regulations

9. Regulation 26 of the Regulations is amended—

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

"(i) at least 12 months' port operations service as officer in charge of a navigational watch on port operations vessels of 100 GT or more while holding, as a minimum, a certificate of competency as skipper (port operations);"; and

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

"(2) Where the port operations service contemplated in subregulation (1)(a)(i) has been gained on ships restricted to operating within the confines of the breakwaters of a port, the certificate shall be limited accordingly."

Substitution of regulation 33 of Regulations

10. The following regulation is substituted for regulation 33 of the Regulations:

"Mining operations limitation

33. Where more than half of a candidate's period of qualifying service for a certificate or endorsement referred to in regulation 25, 27, 28, 29, 30, 31 or 32 consists of sea service performed on ships employed in mining operations contemplated in regulation 61(2)(b)(ii), the relevant certificate or endorsement, as the case may be, shall be limited to mining operations; and, for the purpose of this regulation, references in regulations 25, 27, 28, 29, 30, 31 and 32 to approved sea service shall be taken to include sea service performed on ships employed in mining operations."

Amendment of regulation 35 of Regulations

11. Regulation 35 of the Regulations is amended by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) completed at least six months' approved sea service or port operations service as assistant engineer officer on ships of 750 kW propulsion power or more under the supervision of an engineer officer;"

Amendment of regulation 36 of Regulations

12. Regulation 36 of the Regulations is amended by the substitution for paragraph (b) of subregulation (1) of the following paragraph:

"(b) completed, while holding, as a minimum, a certificate of competency as second engineer officer (port operations)—

- (i) at least 12 months' approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more; or
- (ii) at least 12 months' port operations service as officer in charge of an engineering watch on ships of 1 500 kW propulsion power or more."

Amendment of regulation 37 of Regulations

13. Regulation 37 of the Regulations is amended by the substitution for paragraph (a) of the following paragraph:

"(a) completed at least six months' approved sea service as assistant engineer officer on ships of 750 kW propulsion power or more under the supervision of an engineer officer;"

Amendment of regulation 38 of Regulations

14. Regulation 38 of the Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations, respectively:

"(1) *Ships of 3 000 kW propulsion power or more*—A candidate for the certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more shall—

- (a) meet the requirements for certification in terms of regulation 37 [Engineer officer];
- (b) have completed at least 12 months' approved sea service as assistant engineer officer or engineer officer on ships of 3 000 kW propulsion power or more;
- (c) have passed a theoretical examination at an accredited institution and have successfully completed training; and
- (d) have been assessed at level 3.

(2) *Ships of less than 3 000 kW propulsion power*—A candidate for the certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power shall—

- (a) meet the requirements for certification in terms of regulation 37 [Engineer officer];
- (b) have completed at least 12 months' approved sea service as assistant engineer officer or engineer officer on ships of 750 kW propulsion power or more;
- (c) have passed a theoretical examination at an accredited institution and have successfully completed training; and
- (d) have been assessed at level 3."

Amendment of regulation 39 of Regulations

15. Regulation 39 of the Regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations, respectively:

"(1) *Ships of 3 000 kW propulsion power or more*—A candidate for the certificate of competency as chief engineer officer of a ship of 3 000 kW propulsion power or more shall have—

- (a) completed at least 36 months' approved sea service as assistant engineer officer or engineer officer on ships of 3 000 kW propulsion power or more, of which at least 12 months shall have been served as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more;
- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3.

(2) *Ships of less than 3 000 kW propulsion power*—A candidate for the certificate of competency as chief engineer officer of a ship of less than 3 000 kW propulsion power shall have—

- (a) completed at least 36 months' approved sea service as assistant engineer officer or engineer officer on ships of 750 kW propulsion power or more, of

which at least 12 months shall have been served as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power;

- (b) passed a theoretical examination at an accredited institution and have successfully completed training; and
- (c) been assessed at level 3."

Amendment of regulation 40 of Regulations

16. Regulation 40 of the Regulations is amended—

- (a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:
 - "(a) completed at least 12 months' approved sea service as officer in charge of an engineering watch while holding, as a minimum, a certificate of competency as second engineer officer of a ship of 3 000 kW propulsion power or more;"
- (b) by the substitution for paragraph (a) of subregulation (2) of the following paragraph:
 - "(a) completed at least six months' approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more while holding, as a minimum, a certificate of competency as second engineer officer of a ship of less than 3 000 kW propulsion power;" and
- (c) by the substitution for paragraph (a) of subregulation (3) of the following paragraph:
 - "(a) completed at least 12 months' approved sea service as officer in charge of an engineering watch on ships of 750 kW propulsion power or more while holding, as a minimum, a certificate of competency as engineer officer;"

Amendment of regulation 51 of Regulations

17. Regulation 51 of the Regulations is amended—

- (a) by the substitution for paragraphs (a), (b) and (c) of subregulation (2) of the following paragraphs, respectively:
 - "(a) Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo on tankers shall, in addition to meeting the requirements of subregulation (1), have—
 - (i) completed at least three months' approved sea service in a watchkeeping capacity acquiring the experience appropriate to their duties in the type of tanker in which they wish to serve; and
 - (ii) successfully completed an approved specialized course, appropriate to the type of tanker for which the endorsement is required, as specified in the Code:

Provided that the Authority may dispense with the requirement in subparagraph (ii) if it is shown to the satisfaction of the Authority that the person has served in a senior capacity on the type of tanker concerned for at least one year in the preceding five years.

(b) Masters, officers and other persons referred to in paragraph (a) who have served the three months' approved sea service in a watchkeeping capacity on an oil/chemical tanker (ship-type 2 or 3) engaged in carrying products listed in chapter 17 of the IBC Code shall, in addition to meeting the requirements of paragraph (a), have successfully completed an approved shore-based practical training course.

(c) The course referred to in paragraph (b) shall be conducted by a person with experience in the loading, discharging and handling of products listed in chapter 17 of the IBC Code and shall be of at least 14 days duration, during which period at least four chemical tankers (ship-type 1, 2 or 3) shall be loaded or discharged.";

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

"(3) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with subregulation (1) or (2), or their existing certificate shall be endorsed, and every rating who is so qualified shall be certificated."; and

(c) by the substitution for subregulation (4) of the following subregulation:

"(4) Masters, officers and ratings who are qualified in accordance with this regulation shall be required at intervals not exceeding five years to show continued professional competence on tankers, in accordance with regulation 3(2)(b).".

Substitution of heading of regulation 51 of Regulations

18. The following heading is substituted for the heading of regulation 51 of the Regulations:

"Special requirements for personnel on tankers".

Amendment of regulation 52 of Regulations

19. Regulation 52 of the Regulations is amended—

(a) by the substitution for subregulation (3) of the following subregulation:

"(3) Seafarers who are required to be trained in accordance with subregulations (4), (7) and (8) shall, at intervals not exceeding five years, undertake approved refresher training as specified in the Code."; and

(b) by the substitution for subregulation (10) of the following subregulation:

"(10) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with this regulation, or their existing

certificate shall be endorsed, and every rating so qualified shall be certificated."

Substitution of heading of regulation 52 of Regulations

20. The following heading is substituted for the heading of regulation 52 of the Regulations:

"Special requirements for personnel on ro-ro passenger ships".

Insertion of regulation 52A in Regulations

21. The following regulation is inserted after regulation 52 of the Regulations:

"Special requirements for personnel on passenger ships other than ro-ro passenger ships

52A. (1) This regulation applies to masters, officers, ratings and other personnel serving on passenger ships, other than ro-ro passenger ships, engaged on unlimited voyages.

(2) Prior to being assigned shipboard duties on passenger ships, seafarers referred to in subregulation (1) shall have successfully completed the training required by subregulations (4) to (8), in accordance with their capacity, duties and responsibilities.

(3) Seafarers who are required to be trained in accordance with subregulations (4), (7) and (8) shall, at intervals not exceeding five years, undertake approved refresher training as specified in the Code.

(4) Masters, officers and other personnel designated on muster lists to assist passengers in emergency situations on passenger ships shall have completed approved training in crowd management, as specified in the Code.

(5) Masters, officers and other personnel assigned specific duties and responsibilities on passenger ships shall have completed approved familiarization training as specified in the Code.

(6) Personnel providing direct service to passengers in passenger spaces shall have completed approved passenger ship safety training as specified in the Code.

(7) Masters, chief mates, and every person assigned immediate responsibility for the embarking and disembarking passengers shall have completed approved training in passenger safety, as specified in the Code.

(8) Masters, chief mates, chief engineer officers, second engineer officers and any other person having responsibility for the safety of passengers in emergency situations on passenger ships shall have completed approved training in crisis management and human behaviour, as specified in the Code.

(9) It shall be the duty of any person providing training referred to in this regulation to issue documentary evidence to every person successfully completing such training.

(10) An appropriate certificate shall be issued to masters and officers who are qualified in accordance with this regulation, or their existing certificate shall be endorsed, and every rating so qualified shall be certificated."

Amendment of regulation 56 of Regulations

22. Regulation 56 of the Regulations is amended—

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

"(2) Sea service performed on deck on naval or other ships that regularly proceed to sea shall count in full towards the qualifying service for a certificate of competency as mate (coastal) or deck officer: Provided that a candidate shall, in addition, be required to complete at least 12 months approved sea service on ships on unlimited or near-coastal voyages, as appropriate to the certificate desired, and to produce a duly completed training record book covering that period, unless the candidate can show, to the satisfaction of an examiner, that the functions and duties carried out on such naval or other ships are the same as those set out in the training record book required for the approved sea service component referred to in regulations 25 and 28."; and

(b) by the insertion after subregulation (2) of the following subregulation:

"(2A) Sea service performed in the engine room on naval or other ships that regularly proceed to sea shall count in full towards the qualifying service for a certificate of competency as engineer officer: Provided that a candidate shall, in addition, be required to complete at least six months approved sea service on ships on unlimited or near-coastal voyages, as appropriate to the certificate desired, and to produce a duly completed training record book covering that period, unless the candidate can show, to the satisfaction of an examiner, that the functions and duties carried out on such naval or other ships are the same as those set out in the training record book required for the approved sea service component referred to in regulation 37."

Amendment of regulation 61 of Regulations

23. Regulation 61 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

"(2) Notwithstanding anything to the contrary in these regulations, sea service performed on ships employed in mining operations counts towards the qualifying service for a deck officer certificate, as follows:

(a) in the case of a certificate limited to mining operations, the sea service counts in full towards the qualifying service; and

- (b) in all other cases—
 - (i) if mining operations were conducted for less than two thirds of the period of sea service, the sea service counts in full towards the qualifying service; or
 - (ii) if mining operations were conducted for two thirds or more of the period of sea service, the sea service is not to count for more than one-half of the qualifying service."

Substitution of heading of regulation 61 of Regulations

24. The following heading is substituted for the heading of regulation 61 of the Regulations:

"Sea service performed on ships not regularly proceeding to sea, or employed in mining operations".

Substitution of certain expression in Regulations

25. The Regulations are amended by the substitution for the expression "South African Telecommunications Regulatory Authority", wherever it occurs, of the expression "Independent Communications Authority of South Africa".

HANDELSKEEPVAARTWET, 1951 (WET No. 57 van 1951)

**HANDELSKEEPVAARTREGULASIES (OPLEIDING EN DIPLOMERING)
(WYSIGING), 2002**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE**Titel en inwerkingtreding**

1. Hierdie regulasies heet die Handelskeepvaartregulasies (Opleiding en Diplomerings) (Wysiging), 2002.

Uitleg

2. In hierdie regulasies beteken "die Regulasies" die Handelskeepvaartregulasies (Opleiding en Diplomerings), 1999, gepubliseer by Goewermentskennisgewing No. 1547 van 30 Desember 1999.

Wysiging van regulasie 1 van Regulasies

3. Regulasie 1 van die Regulasies word gewysig—

(a) deur in subregulasie (1) paragraaf (a) van die omskrywing van "bedryfsvlak" deur die volgende paragraaf te vervang:

"(a) die doen van diens as offisier in beheer van 'n navigasie- of ingenieurswag of as aangewese diensingenieuroffisier vir periodiek onbemande masjinerieruimtes of as radio-operateur op 'n handelskip;"

(b) deur in subregulasie (1) die omskrywing van "hawebedryfgebied" deur die volgende omskrywing te vervang:

"'hawebedryfgebied' die seegebied binne 'n straal van 15 seemyl gemeet—

(a) in die geval van die hawe van Saldanhabaai, vanaf die middelpunt van 'n denkbeeldige lyn wat die Noordkoplig en die Suidkoplig verbind; en

(b) in die geval van enige ander hawe in die Republiek, vanaf die buitenste breekwaterlig;"

(c) deur in subregulasie (1) die omskrywing van "kusvaart" deur die volgende omskrywing te vervang:

"'kusvaart' 'n seereis wat slegs binne waters onder Suid-Afrikaanse gesag deur 'n skip van minder as 500 BT gemaak word;"

- (d) deur in subregulasie (1) die omskrywing van "kwalifiserende diens" deur die volgende omskrywing te vervang:
 - "'kwalifiserende diens', met betrekking tot 'n sertifikaat of 'n endossement, goedgekeurde seediens, seediens of hawebedryfdiens, na gelang van die geval,'";
- (e) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "mynbedryf" in te voeg:
 - "'offisier in beheer van 'n ingenieurswag' ook 'n aangewese diensingenieur-offisier vir 'n periodiek onbemande masjienkamer,'";
- (f) deur in subregulasie (1) die omskrywing van "vanaf die kus" te skrap; en
- (g) deur die volgende omskrywing by subregulasie (1) te voeg:
 - "'waters onder Suid-Afrikaanse gesag' die waters bestaande uit—
 - (a) die binne- en territoriale waters van die Republiek; en
 - (b) die eksklusiewe ekonomiese sone van die Republiek."

Wysiging van regulasie 2 van Regulasies

4. Regulasie 2 van die Regulasies word gewysig—

- (a) deur subparagraaf (iii) van subregulasie (3)(c) deur die volgende subparagraaf te vervang:
 - "(iii) geëndosseerde gesagvoerder van 'n skip van minder as 500 BT op kusvaartseereise; (*bestuursvlak*);";
- (b) deur subparagraaf (i) van subregulasie (3)(d) deur die volgende subparagraaf te vervang:
 - "(i) offisier in beheer van 'n navigasiewag op 'n skip van enige tonnemaat op onbeperkte seereise; (*bedryfsvlak*);";
- (c) deur in subregulasie (3)(d) na subparagraaf (iv) die volgende subparagraaf in te voeg:
 - "(ivA) geëndosseerde gesagvoerder van 'n skip van enige tonnemaat wat binne 'n hawebedryfgebied bedryf word, met of sonder 'n hawebreekwaterbeperking;";
- (d) deur subparagraaf (ii) van subregulasie (3)(e) deur die volgende subparagraaf te vervang:
 - "(ii) geëndosseerde offisier in beheer van 'n navigasiewag op 'n skip van enige tonnemaat op onbeperkte seereise; (*bedryfsvlak*);";
- (e) deur subparagraaf (i) van subregulasie (3)(f) deur die volgende subparagraaf te vervang:
 - "(i) hoofstuurman/offisier in beheer van 'n navigasiewag op 'n skip van enige tonnemaat op onbeperkte seereise; (*bedryfsvlak*);";
- (f) deur in subregulasie (3)(f) na subparagraaf (i) die volgende subparagraaf in te voeg:

- "(iA) geëndosseerde gesagvoerder van 'n skip van minder as 500 BT op kusvaartseereise; (*bestuursvlak*);
- (iB) geëndosseerde gesagvoerder van 'n skip van enige tonnemaat wat binne 'n hawebedryfgebied bedryf word, met of sonder 'n hawebreekwaterbeperking;"
- (g) deur paragraaf (g) van subregulasie (3) deur die volgende paragraaf te vervang:
- "(g) gesagvoerder (hawebedryf)
- gesagvoerder van 'n skip van enige tonnemaat wat binne 'n hawebedryfgebied bedryf word, met of sonder 'n hawebreekwaterbeperking;"
- (h) deur paragraaf (j) van subregulasie (3) deur die volgende paragraaf te vervang:
- "(j) skipper (hawebedryf)
- gesagvoerder van 'n skip van minder as 200 BT wat binne 'n hawebedryfgebied bedryf word, met of sonder 'n hawebreekwaterbeperking;"
- (i) deur in paragraaf (c) van subregulasie (4) die volgende subparagraaf by te voeg:
- "(v) geëndosseerde hoofingenieur-offisier van 'n skip met enige kilowatt aandrywingskrag wat binne 'n hawebedryfgebied bedryf word;"
- (j) deur subparagraaf (i) van subregulasie (4)(d) deur die volgende subparagraaf te vervang:
- "(i) offisier in beheer van 'n ingenieurswag op 'n skip met enige kilowatt aandrywingskrag wat binne 'n hawebedryfgebied bedryf word;"
- (k) deur in subregulasie (4)(d) na subparagraaf (ii) die volgende subparagraaf in te voeg:
- "(iiA) geëndosseerde hoofingenieur-offisier van 'n skip met minder as 1 500 kW aandrywingskrag wat binne 'n hawebedryfgebied bedryf word;"
- (l) deur paragraaf (e) van subregulasie (4) deur die volgende paragraaf te vervang:
- "(e) hoofingenieur-offisier (hawebedryf)
- hoofingenieur-offisier van 'n skip met enige kilowatt aandrywingskrag wat binne 'n hawebedryfgebied bedryf word, met of sonder 'n hawebreekwaterbeperking;"
- (m) deur subparagraaf (i) van subregulasie (4)(f) deur die volgende subparagraaf te vervang:
- "(i) tweede ingenieur-offisier/offisier in beheer van 'n ingenieurswag op 'n skip van enige kilowatt aandrywingskrag wat binne 'n hawebedryfgebied bedryf word;"
- (n) deur subregulasie (7) deur die volgende subregulasie te vervang:
- "(7) Die sertifikate bedoel in subregulasies (3), (4) en (5) kan daarbenewens geëndosseer word vir diens op tenkskepe, op- en afry-passasierskepe of ander passasierskepe as op- en afry-passasierskepe ooreenkomstig onderskeidelik regulasie 51, 52 of 52A."; en

- (j) deur paragraaf (d) van subregulasie (8) van die Engelse teks deur die volgende paragraaf te vervang:

"(d) a certificate limited to mining operations may serve in the certificated capacity only on ships employed in mining operations."

Wysiging van regulasie 3 van Regulasies

5. Regulasie 3 van die Regulasies word gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Elke gesagvoerder en offisier moet vir voortgesette seediens op skepe waarvoor daar internasionaal op spesiale opleidingsvereistes ooreengekom is, goedgekeurde toepaslike opleiding suksesvol voltooi, soos in die Kode vermeld."

Vervanging van regulasie 4 van Regulasies

6. Regulasie 4 van die Regulasies word deur die volgende regulasie vervang:

"Gelykwaardigheid van sertifikate uitgereik voor inwerkingtreding van regulasies, ens

4. (1) Regulasie 23 van die Handelskeepvaartregulasies (Veilige Bemanning), 1999, is van krag ten einde die gelykwaardigheid te bepaal van bekwaamheidsertifikate en bevoegdheidsertifikate, met inbegrip van die endossemente daarby, wat voor die inwerkingtreding van hierdie regulasies, of daarna ooreenkomstig regulasie 72, kragtens die Wet uitgereik is.

(2) Die sertifikate in subregulasie (1) bedoel, moet omgeruil word vir die ooreenstemmende nuwe sertifikate binne die tydperk en op die wyse wat deur die Owerheid gespesifiseer word."

Wysiging van regulasie 13 van Regulasies

7. Regulasie 13 van die Regulasies word gewysig deur paragraaf (b) van subregulasie (4) deur die volgende paragraaf te vervang:

"(b) Getuigskrifte voorgelê deur 'n kandidaat vir 'n ingenieuroffisiersertifikaat as bewys van kwalifiserende diens moet deur óf die hoofingenieuroffisier óf die gesagvoerder van die betrokke skip geteken word en moet die volgende uiteensit:

- (i) die kandidaat se werklike rang op wag;
- (ii) die getal ingenieuroffisiere gelyktydig op wag;
- (iii) die tipe aandryfmasjinerie en aandrywingskrag (in kilowatt) van die skip;
- (iv) die aard van die pligte verrig; en
- (v) waar diens in beheer van 'n wag vereis word, dat die kandidaat as 'n wagoffisier opgetree het vir minstens—

- (aa) agt uur in elke 24 uur diens geëis op skepe wat 'n deurlopend bemande masjienkamer het; en
- (bb) 24 uur in elke 72 uur diens geëis op skepe wat 'n periodiek onbemandede masjienkamer het."

Wysiging van regulasie 17 van Regulasies

8. Regulasie 17 van die Regulasies word gewysig deur subregulasies (3) en (4) deur onderskeidelik die volgende subregulasies te vervang:

"(3) In die vakke kaartwerk, navigasie, skeepsargitektuur en noodprosedures vir dekkoffisiere moet 'n kandidaat 'n finale gesamentlike slaagpunt van minstens 60 persent in elke vak behaal; in alle ander vakke, in die leerplanne vir sowel dekkoffisiere as ingenieuroffisiere, is die finale gesamentlike slaagpunt vir elke vak minstens 50 persent.

(4) In die geval van twyfel oor 'n kandidaat se finale punt in die vakke kaartwerk, navigasie, skeepsargitektuur, noodprosedures en ingenieurswese is die eksaminator se besluit finaal."

Wysiging van regulasie 26 van Regulasies

9. Regulasie 26 van die Regulasies word gewysig—

- (a) deur subparagraaf (i) van subregulasie (1)(a) deur die volgende subparagraaf te vervang:

"(i) minstens 12 maande hawebedryfdiens as offisier in beheer van 'n navigasiewag op hawebedryfvaartuie van 100 BT of meer terwyl hy of sy die houer van minstens 'n bekwaamheidsertifikaat as skipper (hawebedryf) was;" en

- (b) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Waar die hawebedryfdiens in subregulasie (1)(a)(i) beoog, opgedoen is op skepe wat tot bedryf binne die breekwater van 'n hawe beperk is, moet die sertifikaat dienooreenkomstig beperk word."

Vervanging van regulasie 33 van Regulasies

10. Regulasie 33 van die Regulasies word deur die volgende regulasie vervang:

"Mynbedryf beperking

33. Waar meer as die helfte van 'n kandidaat se tydperk van kwalifiserende diens vir 'n sertifikaat of endossement in regulasie 25, 27, 28, 29, 30, 31 of 32 bedoel, uit seediens bestaan wat verrig is op skepe betrokke by mynbedryf soos in regulasie 61(2)(b)(ii) beoog, word die betrokke sertifikaat of endossement, na gelang van die geval, tot mynbedryf beperk; en by die toepassing van hierdie regulasie word verwysings in regulasies 25, 27, 28, 29, 30, 31 en 32 na goedgekeurde seediens geag ook seediens verrig op skepe betrokke by mynbedryf in te sluit."

Wysiging van regulasie 35 van Regulasies

11. Regulasie 35 van die Regulasies word gewysig deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

- "(a) minstens ses maande goedgekeurde seediens of hawebedryfdiens voltooi het as 'n assistentingenieur-offisier op skepe met 750 kW aandrywingskrag of meer onder toesig van 'n ingenieur-offisier;"

Wysiging van regulasie 36 van Regulasies

12. Regulasie 36 van die Regulasies word gewysig deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

- "(b) minstens 12 maande—
- (i) goedgekeurde seediens as offisier in beheer van 'n ingenieurswag op skepe met 750 kW aandrywingskrag of meer; of
 - (ii) hawebedryfdiens as offisier in beheer van 'n ingenieurswag op skepe met 1 500 kW aandrywingskrag of meer,
- voltooi het terwyl hy of sy die houer van minstens 'n bekwaamheidsertifikaat as tweede ingenieur-offisier (hawebedryf) was;"

Wysiging van regulasie 37 van Regulasies

13. Regulasie 37 van die Regulasies word gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

- "(a) minstens ses maande goedgekeurde seediens voltooi het as 'n assistentingenieur-offisier op skepe met 750 kW aandrywingskrag of meer onder toesig van 'n ingenieur-offisier;"

Wysiging van regulasie 38 van Regulasies

14. Regulasie 38 van die Regulasies word gewysig deur subregulasies (1) en (2) deur onderskeidelik die volgende subregulasies te vervang:

"(1) *Skepe met 3 000 kW aandrywingskrag of meer*—'n Kandidaat vir die bekwaamheidsertifikaat as tweede ingenieur-offisier van 'n skip met 3 000 kW aandrywingskrag of meer moet—

- (a) voldoen aan die vereistes vir diplomering ingevolge regulasie 37 [Ingenieur-offisier];
- (b) minstens 12 maande goedgekeurde seediens voltooi het as 'n assistentingenieur-offisier of ingenieur-offisier op skepe met 3 000 kW aandrywingskrag of meer;
- (c) 'n teoretiese eksamen by 'n geakkrediteerde inrigting geslaag het en opleiding suksesvol voltooi het; en

- (d) op vlak 3 geëvalueer wees.
- (2) *Skepe met minder as 3 000 kW aandrywingskrag*—'n Kandidaat vir die bekwaamheidsertifikaat as tweede ingenieuroffisier van 'n skip met minder as 3 000 kW aandrywingskrag moet—
 - (a) voldoen aan die vereistes vir diplomering ingevolge regulasie 37 [Ingenieuroffisier];
 - (b) minstens 12 maande goedgekeurde seediens voltooi het as 'n assistentingenieuroffisier of ingenieuroffisier op skepe met 750 kW aandrywingskrag of meer;
 - (c) 'n teoretiese eksamen by 'n geakkrediteerde inrigting geslaag het en opleiding suksesvol voltooi het; en
 - (d) op vlak 3 geëvalueer wees."

Wysiging van regulasie 39 van Regulasies

15. Regulasie 39 van die Regulasies word gewysig deur subregulasies (1) en (2) deur onderskeidelik die volgende subregulasies te vervang:

"(1) *Skepe met 3 000 kW aandrywingskrag of meer*—'n Kandidaat vir die bekwaamheidsertifikaat as hoofingenieuroffisier van 'n skip met 3 000 kW aandrywingskrag of meer moet—

- (a) minstens 36 maande goedgekeurde seediens voltooi het as 'n assistentingenieuroffisier of ingenieuroffisier op skepe met 3 000 kW aandrywingskrag of meer, waarvan minstens 12 maande verrig moet wees as offisier in beheer van 'n ingenieurswag, terwyl hy of sy die houer van minstens 'n bekwaamheidsertifikaat as tweede ingenieuroffisier was van 'n skip met 3 000 kW aandrywingskrag of meer;
- (b) 'n teoretiese eksamen by 'n geakkrediteerde inrigting geslaag het en opleiding suksesvol voltooi het; en
- (c) op vlak 3 geëvalueer wees.

(2) *Skepe met minder as 3 000 kW aandrywingskrag*—'n Kandidaat vir die bekwaamheidsertifikaat as hoofingenieuroffisier van 'n skip met minder as 3 000 kW aandrywingskrag moet—

- (a) minstens 36 maande goedgekeurde seediens voltooi het as 'n assistentingenieuroffisier of ingenieuroffisier op skepe met 750 kW aandrywingskrag of meer, waarvan minstens 12 maande verrig moet wees as offisier in beheer van 'n ingenieurswag, terwyl hy of sy die houer van minstens 'n bekwaamheidsertifikaat as tweede ingenieuroffisier was van 'n skip met minder as 3 000 kW aandrywingskrag;
- (b) 'n teoretiese eksamen by 'n geakkrediteerde inrigting geslaag het en opleiding suksesvol voltooi het; en
- (c) op vlak 3 geëvalueer wees."

Wysiging van regulasie 40 van Regulasies**16. Regulasie 40 van die Regulasies word gewysig—**

- (a) deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:
- "(a) minstens 12 maande goedgekeurde seediens voltooi het as offisier in beheer van 'n ingenieurswag terwyl hy of sy die houer van minstens 'n bekwaamheidsertifikaat as tweede ingenieuroffisier van 'n skip met 3 000 kW aandrywingskrag of meer was;"
- (b) deur paragraaf (a) van subregulasie (2) deur die volgende paragraaf te vervang:
- "(a) minstens ses maande goedgekeurde seediens voltooi het as offisier in beheer van 'n ingenieurswag op skepe met 750 kW aandrywingskrag of meer terwyl hy of sy die houer van minstens 'n bekwaamheidsertifikaat as tweede ingenieuroffisier van 'n skip met minder as 3 000 kW aandrywingskrag was;"
- (c) deur paragraaf (a) van subregulasie (3) deur die volgende paragraaf te vervang:
- "(a) minstens 12 maande goedgekeurde seediens voltooi het as offisier in beheer van 'n ingenieurswag op skepe met 750 kW aandrywingskrag of meer terwyl hy of sy die houer van minstens 'n bekwaamheidsertifikaat as ingenieuroffisier was;"

Wysiging van regulasie 51 van Regulasies**17. Regulasie 51 van die Regulasies word gewysig—**

- (a) deur paragrawe (a), (b) en (c) van subregulasie (2) deur onderskeidelik die volgende paragrawe te vervang:
- "(a) Gesagvoerders, hoofingenieuroffisiere, hoofstuurmanne, tweede ingenieuroffisiere en enige persoon met onmiddellike verantwoordelikheid vir inskeping, ontskeping en toesig onderweg of hantering van vrag op tenkskepe moet, benewens voldoening aan die vereistes van subregulasie (1)—
- (i) minstens drie maande goedgekeurde seediens in 'n waghouhoedanigheid voltooi het ten einde die ondervinding op te doen rakende hulle pligte op die tipe tenkskip waarop hulle wil dien; en
- (ii) 'n goedgekeurde gespesialiseerde kursus suksesvol voltooi het, geskik vir die tipe tenkskip waarvoor die endossement vereis word, soos in die Kode vermeld:

Met dien verstande dat die Owerheid kan afsien van die vereiste in subparagraaf (ii) indien daar tot die Owerheid se tevredenheid getoon word dat die persoon in die voorafgaande vyf jaar minstens een jaar in 'n senior hoedanigheid op die betrokke tipe tenkskip gedien het.

- (b) Gesagvoerders, offisiere en ander persone in paragraaf (a) bedoel wat die drie maande goedgekeurde seediens gedien het in 'n waghouhoedanigheid op 'n olie-/chemikalieëtenkskip (skiptipe 2 of 3) wat produkte vervoer wat gelys word in hoofstuk 17 van die IBC-kode, moet,

benewens voldoening aan die vereistes van paragraaf (a), 'n goedgekeurde praktiese opleidingskursus op land suksesvol voltooi het.

(c) Die kursus in paragraaf (b) bedoel, moet aangebied word deur 'n persoon met ondervinding van die inskeping, ontskeping en hantering van produkte gelys in hoofstuk 17 van die IBC-kode en moet minstens 14 dae duur, waartydens minstens vier chemikalieëtenkskepe (skiptipe 1, 2 of 3) gelaai of afgelaai moet word.";

(b) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) 'n Toepaslike sertifikaat moet uitgereik word aan gesagvoerders en offisiere wat ooreenkomstig subregulasie (1) of (2) gekwalifiseer is, of hulle bestaande sertifikaat moet geëndosseer word, en elke matroos aldus gekwalifiseer moet gediplomeer word."; en

(c) deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) Gesagvoerders, offisiere en matrose wat ooreenkomstig hierdie regulasie gekwalifiseer is, moet met tussenpose van hoogstens vyf jaar voortgesette professionele bekwaamheid op tenkskepe ooreenkomstig regulasie 3(2)(b) toon."

Vervanging van opskrif van regulasie 51 van Regulasies

18. Die opskrif van regulasie 51 van die Regulasies word deur die volgende opskrif vervang:

"Spesiale vereistes vir personeel op tenkskepe".

Wysiging van regulasie 52 van Regulasies

19. Regulasie 52 van die Regulasies word gewysig—

(a) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Seevaarders wat opleiding in ooreenstemming met subregulasies (4), (7) en (8) moet ondergaan, moet met tussenpose van hoogstens vyf jaar goedgekeurde opknappingsopleiding ondergaan soos in die Kode vermeld."; en

(b) deur subregulasie (10) deur die volgende subregulasie te vervang:

"(10) 'n Toepaslike sertifikaat moet uitgereik word aan gesagvoerders en offisiere wat ooreenkomstig hierdie regulasie gekwalifiseer is, of hulle bestaande sertifikaat moet geëndosseer word, en elke matroos aldus gekwalifiseer moet gediplomeer word."

Vervanging van opskrif van regulasie 52 van Regulasies

20. Die opskrif van regulasie 52 van die Regulasies word deur die volgende opskrif vervang:

"Spesiale vereistes vir personeel op opry-en-afry-passasierskepe".

Invoeging van regulasie 52A in Regulasies

21. Die volgende regulasie word na regulasie 52 van die Regulasies ingevoeg:

"Spesiale vereistes vir personeel op ander passasierskepe as opry-en-afry-passasierskepe

52A. (1) Hierdie regulasie is van toepassing op gesagvoerders, offisiere, matrose en ander personeel wat op ander passasierskepe as opry-en-afry-passasierskepe dien, wat vir onbeperkte seereise gebruik word.

(2) Voordat skeepsoordpligte op passasierskepe aan hulle opgedra word, moet seevaarders in subregulasie (1) bedoel, die opleiding vereis by subregulasies (4) tot (8) suksesvol voltooi het ooreenkomstig hulle hoedanigheid, pligte en verantwoordelikhede.

(3) Seevaarders wat opleiding in ooreenstemming met subregulasies (4), (7) en (8) moet ondergaan, moet met tussenpose van hoogstens vyf jaar goedgekeurde opknappingsopleiding ondergaan, soos in die Kode vermeld.

(4) Gesagvoerders, offisiere en ander personeel wat op monsterrolle aangewys word om passasiers in noodsituasies op passasierskepe by te staan, moet goedgekeurde opleiding in skarebestuur ondergaan het, soos in die Kode vermeld.

(5) Gesagvoerders, offisiere en ander personeel aan wie spesifieke pligte en verantwoordelikhede op passasierskepe opgedra is, moet goedgekeurde vertrouwmakingsopleiding ondergaan het, soos in die Kode vermeld.

(6) Personeel wat regstreekse diens aan passasiers in passasiersruimtes verskaf, moet goedgekeurde passasierskipveiligheidsopleiding voltooi het, soos in die Kode vermeld.

(7) Gesagvoerders, hoofstuurmanne en elke persoon wat 'n onmiddellike verantwoordelikheid vir die inskeping en ontskeping van passasiers het, moet goedgekeurde opleiding in passasiersveiligheid ondergaan het, soos in die Kode vermeld.

(8) Gesagvoerders, hoofstuurmanne, hoofingenieuroffisiere, tweede ingenieuroffisiere en enige ander persoon wat verantwoordelik is vir die veiligheid van passasiers in noodsituasies op passasierskepe, moet goedgekeurde opleiding in krisisbestuur en menslike gedrag ondergaan het, soos in die Kode vermeld.

(9) Dit is die plig van enige persoon wat opleiding bedoel in hierdie regulasie verskaf, om dokumentêre bewys te lewer aan elke persoon wat sodanige opleiding suksesvol voltooi.

(10) 'n Toepaslike sertifikaat moet aan gesagvoerders en offisiere uitgereik word wat ooreenkomstig hierdie regulasie gekwalifiseer is, of hulle bestaande

sertifikaat moet geëndosseer word, en elke matroos aldus gekwalifiseer moet gediplomeer word."

Wysiging van regulasie 56 van Regulasies

22. Regulasie 56 van die Regulasies word gewysig—

(a) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Seediens verrig op dek op vloot- of ander skepe wat gereeld uitvaar, tel ten volle vir die kwalifiserende diens vir 'n bekwaamheidsertifikaat as stuurman (kusvaart) of dekkoffisier: Met dien verstande dat daar van 'n kandidaat vereis word om daarbenewens minstens 12 maande goedgekeurde seediens te voltooi op skepe op onbeperkte of kusvaartseereise, soos toepaslik vir die verlangde sertifikaat, en om 'n behoorlik ingevulde opleidingsrekordboek wat daardie tydperk dek, voor te lê, tensy die kandidaat tot tevredenheid van 'n eksaminator kan aantoon dat die funksies en pligte wat op sodanige vloot- of ander skepe verrig is, dieselfde is as wat in die opleidingsrekordboek uiteengesit word en wat vereis word vir die goedgekeurde seedienskomponent in regulasies 25 en 28 bedoel."; en

(b) deur die volgende subregulasie na subregulasie (2) in te voeg:

"(2A) Seediens verrig in die masjienkamer op vloot- of ander skepe wat gereeld uitvaar, tel ten volle vir die kwalifiserende diens vir 'n bekwaamheidsertifikaat as ingenieuroffisier: Met dien verstande dat daar van 'n kandidaat vereis word om daarbenewens minstens ses maande goedgekeurde seediens te voltooi op skepe op onbeperkte of kusvaartseereise, soos toepaslik vir die verlangde sertifikaat, en om 'n behoorlik ingevulde opleidingsrekordboek wat daardie tydperk dek, voor te lê, tensy die kandidaat tot tevredenheid van 'n eksaminator kan aantoon dat die funksies en pligte wat op sodanige vloot- of ander skepe verrig is, dieselfde is as wat in die opleidingsrekordboek uiteengesit word en wat vereis word vir die goedgekeurde seedienskomponent in regulasie 37 bedoel."

Wysiging van regulasie 61 van Regulasies

23. Regulasie 61 van die Regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Ondanks enige teenstrydige bepaling in hierdie regulasies tel seediens verrig op skepe wat by mynbedryf betrokke is, soos volg vir die kwalifiserende diens vir 'n dekkoffisiersertifikaat:

(a) in die geval van 'n sertifikaat beperk tot mynbedryf, tel die seediens ten volle vir die kwalifiserende diens; en

(b) in alle ander gevalle—

(i) indien mynbedrywighede vir minder as twee-derdes van die tyd ter see uitgevoer is, tel die seediens ten volle vir die kwalifiserende diens; of

- (ii) indien mynbedrywighede vir twee-derdes of meer van die tyd ter see uitgevoer is, tel die seediens vir hoogstens die helfte van die kwalifiserende diens."

Vervanging van opskrif van regulasie 61 van Regulasies

24. Die opskrif van regulasie 61 van die Regulasies word deur die volgende opskrif vervang:

"Seediens verrig op skepe wat nie gereeld uitvaar nie, of by mynbedryf betrokke".

Vervanging van sekere uitdrukking in Regulasies

25. Die Regulasies word gewysig deur die uitdrukking "Suid-Afrikaanse Telekommunikasie-reguleringsowerheid", waar dit ook al voorkom, deur die uitdrukking "Onafhanklike Kommunikasie-owerheid van Suid-Afrika" te vervang.

No. R. 503

26 April 2002

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

**MERCHANT SHIPPING (CARRIAGE OF CHARTS AND
NAUTICAL PUBLICATIONS) REGULATIONS, 2002**

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

SCHEDULE**Title and commencement**

1. These regulations are called the Merchant Shipping (Carriage of Charts and Nautical Publications) Regulations, 2002, and come into operation on 1 June 2002.

Definitions

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

"**chart**" means a nautical chart;

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

"**fishing vessel**" means a vessel that is used for catching fish or other living resources of the sea for financial gain or reward;

"**Hydrographer of the Navy**" means the person for the time being appointed to that office by the Navy;

"**reference catalogue**", in respect of an area to be navigated by a ship, means—

- (a) for waters under South African jurisdiction, the South African Chart Catalogue, published by the Hydrographer of the Navy, or any similar publication issued under the authority of the government of another country and applicable to the charts that, in terms of regulation 4, are required to be on board the ship when being navigated in those waters; and
- (b) for waters outside South African jurisdiction, the *Catalogue of Admiralty Charts and Other Hydrographic Publications*, published by the Government of the United Kingdom, or the *Catalog of Charts and Publications*, published by the Government of the United States of America;

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

"**ton**", in relation to a ship, means its gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the Tonnage Convention;

"waters under South African jurisdiction" means waters comprising—

- (a) the internal and territorial waters of the Republic; and
- (b) the exclusive economic zone of the Republic.

Application

3. (1) Subject to subregulations (2) and (3), these regulations apply to ships of South African nationality in all waters and to all ships in waters under South African jurisdiction.

(2) These regulations do not apply to—

- (a) ships of less than 25 tons; or
- (b) ships of less than 100 tons that are used solely for sport or recreation.

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

Carriage of charts and publications

4. (1) Subject to subregulation (2), the master and owner of every ship must have on board, in respect of each area in which the ship is to be navigated, the current editions of the charts and publications that are required to be used in terms of regulations 5 and 6.

(2) (a) The Authority may, on such terms as it may specify, exempt the master and owner of any ship, other than a foreign-going ship, from the requirement to have on board any one or more of the charts or publications referred to in subregulation (1), and may, after reasonable notice, alter or cancel any such exemption.

(b) An exemption may be granted under paragraph (a) only if—

- (i) the Authority considers that the area to be navigated by the ship is such as to render the application of the relevant requirement unreasonable or unnecessary; and
- (ii) the person in charge of the navigation of the ship has, in the opinion of the Authority, sufficient knowledge of the information referred to in paragraph (c), such that safe and efficient navigation in the area where the ship is to be navigated is not compromised.

(c) The information referred to in paragraph (b)(ii) is—

- (i) the location and character of charted—
 - (aa) shipping routes;
 - (bb) lights, buoys and marks; and
 - (cc) navigational hazards; and
- (ii) the prevailing navigational conditions, taking into account such factors as tides, currents and weather patterns.

Use of charts

5. The person in charge of the navigation of a ship must use the current edition of a chart that—

- (a) is published under the authority of the government of a country;
- (b) applies to the immediate area in which the ship is being navigated; and
- (c) is of such scale and detail as clearly to show—
 - (i) all navigational marks that may be used by a ship when navigating the waters comprised in the chart;
 - (ii) all known dangers affecting those waters; and
 - (iii) information respecting any ships' routing and ship reporting measures applicable to those waters.

Use of publications

6. (1) Subject to subregulation (3), the person in charge of the navigation of a ship in waters under South African jurisdiction must use, in respect of each area to be navigated by the ship, the current edition of—

- (a) the reference catalogue;
- (b) the Annual Summary of South African Notices to Mariners, published by the Hydrographer of the Navy;
- (c) the following publications, published by the Hydrographer of the Navy, namely—
 - (i) sailing directions;
 - (ii) tide tables;
 - (iii) lists of lights and fog signals; and
 - (iv) where the ship is required to be fitted with or to carry radio equipment pursuant to any Act of Parliament or of a foreign jurisdiction, the list of radio services; and
- (d) the publications listed in the Annex.

(2) Subject to subregulation (3), the person in charge of the navigation of a ship of South African nationality in waters outside South African jurisdiction must use, in respect of each area to be navigated by the ship, the current edition of—

- (a) the reference catalogue;
- (b) the Annual Summary of South African Notices to Mariners, published by the Hydrographer of the Navy;
- (c) the following publications referred to in the reference catalogue, namely—
 - (i) sailing directions;
 - (ii) tide and current tables;
 - (iii) lists of lights; and

- (iv) where the ship is required to be fitted with or to carry radio equipment pursuant to any Act of Parliament, the list of radio aids to navigation; and
- (d) the publications listed in the Annex.

(3) The publications referred to in paragraphs (b), (c) and (d) of subregulations (1) and (2) may be replaced by similar publications issued under the authority of the government of another country, if the information contained in them that is necessary for the safe navigation of a ship in the area in which the ship is to be navigated is of a standard not inferior to that of the information contained in the publications referred to in those provisions.

Maintenance of charts and publications

7. The master of a ship must ensure that the charts and publications required by these regulations are, before being used for navigation, correct and up-to-date, based on information that is contained in the current supplements, corrections, notices to mariners or radio navigational warnings.

Offences and penalties

8. A person who contravenes regulation 4(1), 5, 6(1) or (2), or 7 commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Defence

9. It is a defence for a person charged under regulation 8 to show that he or she took reasonable precautions and exercised due diligence to avoid the commission of the offence.

Repeal of regulations

10. Regulation 15 of the Safety of Navigation Regulations, 1968, published by Government Notice No. R. 651 of 19 April 1968, is repealed.

ANNEX

(Regulation 6)

NAUTICAL PUBLICATIONS

1. Table of Life-Saving Signals, published by the International Maritime Organization.

2. The Merchant Ship Search and Rescue (MERSAR) Manual, published by the International Maritime Organization, where the ship is a foreign-going ship, a coasting ship, or a fishing vessel making a voyage outside waters under South African jurisdiction.

3. Where the ship is required to be fitted with radio equipment and is a foreign-going ship, a coasting ship, or a fishing vessel making a voyage outside waters under South African jurisdiction, the following publications, published by the International Maritime Organization:

- (a) the International Code of Signals; and
- (b) the Standard Marine Navigational Vocabulary.

4. (a) Those parts of the following publications that are relevant to the area to be navigated by the ship and to its operation:

- (i) marine notices, published by the South African Maritime Safety Authority;
- (ii) notices to mariners, published by the Hydrographer of the Navy;
- (iii) nautical almanac;
- (iv) navigation tables; and
- (v) operating and maintenance instructions for navigational aids carried by the ship.

(b) The publications, or relevant parts of publications, referred to in paragraph (a)(iii) and (iv) need not be carried on fishing vessels that, on any voyage, do not proceed outside waters under South African jurisdiction.

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

**HANDELSKEEPVAARTREGULASIES (HOU VAN KAARTE EN
SKEEPVAARTPUBLIKASIES), 2002**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE

Titel en inwerkingtreding

1. Hierdie regulasies heet die Handelskeepvaartregulasies (Hou van Kaarte en Skeepvaartpublikasies), 2002, en tree op 1 Junie 2002 in werking.

Woordomskrywing

2. In hierdie regulasies het enige woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, die betekenis aldus daaraan geheg, en tensy dit uit die samehang anders bly, beteken—

"die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951);

"Hidrograaf van die Vloot" die persoon wat in daardie stadium in daardie amp aangestel is deur die Vloot;

"kaart" 'n skeepvaartkaart;

"naslaankatalogus", ten opsigte van 'n gebied wat deur 'n skip bevaar gaan word—

- (a) vir waters onder Suid-Afrikaanse gesag, die *South African Chart Catalogue*, uitgegee deur die Hidrograaf van die Vloot, of enige dergelike publikasie uitgereik op gesag van die regering van 'n ander land en van toepassing op die kaarte wat ingevolge regulasie 4 aan boord van die skip gehou moet word wanneer dit in daardie waters vaar; en
- (b) vir waters buite Suid-Afrikaanse gesag, die *Catalogue of Admiralty Charts and Other Hydrographic Publications*, uitgegee deur die Regering van die Verenigde Koninkryk, of die *Catalog of Charts and Publications*, uitgegee deur die Regering van die Verenigde State van Amerika;

"oortree", met betrekking tot 'n bepaling van hierdie regulasies, ook versuim of weiering om aan daardie bepaling te voldoen;

"ton", met betrekking tot 'n skip, sy bruto tonnemaat bereken in ooreenstemming met die tonnemaatberekeningsregulasies vervat in Aanhangsel 1 by die Tonnemaatkonvensie;

"vissersvaartuig" 'n vaartuig wat gebruik word om vis of ander lewende hulpbronne van die see te vang vir finansiële gewin of beloning;

"waters onder Suid-Afrikaanse gesag" waters wat bestaan uit—

- (a) die binne- en territoriale waters van die Republiek; en
- (b) die eksklusiewe ekonomiese sone van die Republiek.

Toepassing

3. (1) Behoudens subregulasies (2) en (3) is hierdie regulasies van toepassing op skepe van Suid-Afrikaanse nasionaliteit in alle waters en op alle skepe in waters onder Suid-Afrikaanse gesag.

(2) Hierdie regulasies is nie van toepassing nie op—

- (a) skepe van minder as 25 ton; of
- (b) skepe van minder as 100 ton wat uitsluitlik vir sport of ontspanning gebruik word.

(3) 'n Bepaling van hierdie regulasies is nie op 'n skip van Suid-Afrikaanse nasionaliteit van toepassing nie in die waters van 'n ander land as die Republiek waar die bepaling strydig is met 'n wet van daardie land wat ingevolge die bepalings daarvan op die skip van toepassing is wanneer dit in die waters van daardie land is.

Hou van kaarte en publikasies

4. (1) Behoudens subregulasie (2) moet die gesagvoerder en eienaar van elke skip die jongste uitgawes van die kaarte en publikasies wat ingevolge regulasies 5 en 6 gebruik moet word, aan boord hê ten opsigte van elke gebied waar die skip gaan vaar.

(2) (a) Die Owerheid kan, op die voorwaardes wat hy kan bepaal, die gesagvoerder en eienaar van enige skip, uitgesonderd 'n skip op vreemde vaart, vrystel van die vereiste om enige een of meer van die kaarte of publikasies in subregulasie (1) bedoel aan boord te hê en kan, na redelike kennis, enige sodanige vrystelling wysig of kanselleer.

(b) 'n Vrystelling kan ingevolge paragraaf (a) verleen word slegs indien—

- (i) die Owerheid van mening is dat die gebied wat deur die skip bevaar gaan word, sodanig is dat dit die toepassing van die tersaaklike vereiste onredelik of onnodig maak; en
- (ii) die persoon in beheer van die navigasie van die skip na die Owerheid se mening beskik oor voldoende kennis van die inligting in paragraaf (c) bedoel, sodat veilige en doeltreffende navigasie in die gebied waar die skip gaan vaar, nie in die gedrang gebring word nie.

(c) Die inligting in paragraaf (b)(ii) bedoel, is—

- (i) die ligging en aard van gekarteerde—

- (aa) skeepsroetes;
- (bb) ligte, boeie en merkers; en
- (cc) navigasiegeware; en

- (ii) die heersende navigasietoestande, met inagneming van faktore soos getye, strome en weerpatrone.

Gebruik van kaarte

5. Die persoon in beheer van die navigasie van 'n skip moet die jongste uitgawe gebruik van 'n kaart wat—

- (a) op gesag van die regering van 'n land gepubliseer is;
- (b) van toepassing is op die onmiddellike gebied waar die skip genavigeer word; en
- (c) van so 'n skaal en detail is dat dit die volgende duidelik toon:
 - (i) alle navigasiemerke wat deur 'n skip gebruik kan word terwyl hy die waters wat deur die kaart gedek word, bevaar;
 - (ii) alle bekende gevare rakende daardie waters; en
 - (iii) inligting rakende enige skip se roete en skeepsaanmeldingsmaatreëls van toepassing op daardie waters.

Gebruik van publikasies

6. (1) Behoudens subregulasie (3) moet die persoon in beheer van die navigasie van 'n skip in waters onder Suid-Afrikaanse gesag, ten opsigte van elke gebied wat deur die skip bevaar gaan word, die jongste uitgawe gebruik van—

- (a) die naslaankatalogus;
- (b) die *Annual Summary of South African Notices to Mariners*, uitgegee deur die Hidrograaf van die Vloot;
- (c) die volgende publikasies, uitgegee deur die Hidrograaf van die Vloot, naamlik—
 - (i) vaaraanwysings;
 - (ii) getytabelle;
 - (iii) lyste van ligte en misseine; en
 - (iv) waar die skip toegerus moet wees met of radio-uitrusting moet hê ingevolge enige wet van die Parlement of van 'n buitelandse jurisdiksie, die lys radiodienste; en
- (d) die publikasies in die Aanhangsel gelys.

(2) Behoudens subregulasie (3) moet die persoon in beheer van die navigasie van 'n skip van Suid-Afrikaanse nasionaliteit in waters buite Suid-Afrikaanse gesag, ten opsigte van elke gebied wat deur die skip bevaar gaan word, die jongste uitgawe gebruik van—

- (a) die naslaankatalogus;
- (b) die *Annual Summary of South African Notices to Mariners*, uitgegee deur die Hidrograaf van die Vloot;
- (c) die volgende publikasies, in die naslaankatalogus bedoel, naamlik—
 - (i) vaaraanwysings;
 - (ii) gety- en stroomtabelle;
 - (iii) lyste van ligte; en

- (iv) waar die skip toegerus moet wees met of radio-uitrusting moet hê ingevolge enige wet van die Parlement of van 'n buitelandse jurisdiksie, die lys radiohulpmiddels vir navigasie; en
- (d) die publikasies in die Aanhangsel gelys.

(3) Die publikasies in paragrawe (b), (c) en (d) van subregulasies (1) en (2) bedoel, kan vervang word deur soortgelyke publikasies uitgereik op gesag van die regering van 'n ander land, indien die inligting daarin vervat wat nodig is vir die veilige navigasie van 'n skip in die gebied waar die skip genavigeer gaan word, van 'n standaard is wat nie laer is nie as dié van die inligting vervat in publikasies in daardie bepalings bedoel.

Instandhouding van kaarte en publikasies

7. Die gesagvoerder van 'n skip moet verseker dat die kaarte en publikasies wat by hierdie regulasies vereis word, voordat dit vir navigasie gebruik word, korrek en bygewerk is, gegrond op inligting wat vervat is in die jongste aanhangsels, regstellings, kennisgewings vir seevaarders of radionavigasiewaarskuwings.

Misdrywe en strawwe

8. 'n Persoon wat regulasie 4(1), 5, 6(1) of (2), of 7 oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Verweer

9. Dit is 'n verweer vir 'n persoon wat ingevolge regulasie 8 aangekla word, om aan te toon dat hy of sy redelike voorsorgmaatreëls getref het en die nodige noulettendheid toegepas het om die begaan van die misdryf te vermy.

Herroeping van regulasies

10. Regulasie 15 van die Regulasies in verband met die Veiligheid van die Navigasie, 1968, afgekondig by Goewermentskennisgewing No. R. 651 van 19 April 1968, word herroep.

AANHANGSEL

(Regulasie 6)

SKEEPVAARTPUBLIKASIES

1. *Table of Live-Saving Signals*, uitgegee deur die Internasionale Maritieme Organisasie.

2. Die *Merchant Ship Search and Rescue (MERSAR) Manual*, uitgegee deur die Internasionale Maritieme Organisasie, waar die skip 'n skip op vreemde vaart, 'n kusvaarder of 'n vissersvaartuig is wat 'n seereis buite waters onder Suid-Afrikaanse gesag onderneem.

3. Waar die skip toegerus moet wees met radio-uitrusting en 'n skip op vreemde vaart, 'n kusvaarder of 'n vissersvaartuig is wat 'n seereis buite waters onder Suid-Afrikaanse gesag onderneem, die volgende publikasies, uitgegee deur die Internasionale Maritieme Organisasie:

- (a) die *International Code of Signals*; en
- (b) die *Standard Marine Navigational Vocabulary*.

4. (a) Die dele van die volgende publikasies wat tersaaklik is vir die gebied wat deur die skip bevaar gaan word en vir sy bedrywigheid:

- (i) skeepvaartkennisgewings, uitgegee deur die Suid-Afrikaanse Maritieme Veiligheidsowerheid;
- (ii) kennisgewings vir seevaarders, uitgegee deur die Hidrograaf van die Vloot;
- (iii) skeepvaartkalender;
- (iv) navigasietabelle; en
- (v) bedryfs- en instandhoudingsinstruksies vir navigasiehulpmiddels op die skip.

(b) Die publikasies, of tersaaklike dele van publikasies, bedoel in paragraaf (a)(iii) en (iv) hoef nie te wees nie op vissersvaartuie wat nie op enige seereis buite waters onder Suid-Afrikaanse gesag beweeg nie.

No. R. 504

26 April 2002

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

**AMENDMENT OF THE REGULATIONS FOR THE USE OF VESSELS
OF LESS THAN THREE METRES IN LENGTH, 1981**

The Minister of Transport has, under section 356, read with section 72A(2), of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule with effect from 1 June 2002.

SCHEDULE**Interpretation**

1. In these regulations "the Regulations" means the Regulations for the Use of Vessels of Less than Three Metres in Length, 1981, published by Government Notice No. R. 1044 of 15 May 1981.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended—

(a) by the insertion before the definition of "low-water mark" of the following definition:

" 'lifejacket' means a lifejacket complying with standard specification SABS 146/1979 or SABS 694/1979, published by the South African Bureau of Standards;";

(b) by the substitution for the definition of "low-water mark" of the following definition:

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

(c) by the insertion after the definition of "local authority" of the following definitions:

" 'personal flotation device' means a buoyant life-saving apparatus, other than a lifejacket, intended to be worn by a person and complying with standard specification SABS 1417/1987, published by the South African Bureau of Standards;

'personal watercraft' means a water-jet or propeller driven vessel with an enclosed hull and no cockpit, that is designed to be operated by one or more persons while straddling, sitting, standing or kneeling;".

Insertion of regulation 1A in Regulations

3. The following regulation is inserted in the Regulations after regulation 1:

"1A. These regulations apply to vessels of less than three metres in length."

Amendment of regulation 2 of Regulations**4. Regulation 2 of the Regulations is amended—**

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

"The following vessels may, subject to the provisions of this regulation and regulations 3, 4 and 5, go to sea from a port in or from anywhere else on the coast of the Republic:";

- (b) by the substitution for the proviso in paragraph (2) of the following proviso:

"Provided that such vessel may operate only within the sea area extending—

- (i) in the case of a personal watercraft, not more than 1 000 metres; and
- (ii) in the case of any other vessel, not more than 500 metres,
seawards from the low-water mark.";

- (c) by the substitution for subparagraph (c) of paragraph (4) of the following subparagraph:

"(c) that such competition or event is organised or controlled by a person or organisation which has in each case been approved by the Authority or by a competent authority in government."; and

- (d) by the substitution for the proviso in paragraph (6) of the following proviso:

"Provided that such vessel may operate only within the sea area falling within the area of jurisdiction of a local authority and extending—

- (i) in the case of a personal watercraft, not more than 1 000 metres; and
- (ii) in the case of any other vessel, not more than 500 metres,
seawards from the low-water mark."

Addition of regulations 3, 4 and 5 to Regulations**5. The Regulations are amended by the addition of the following regulations:**

"3. (1) No person shall operate a personal watercraft unless it displays an identification marking assigned by a competent Government authority or by a competent water sport organisation or club.

(2) The operator of a personal watercraft shall—

- (a) at all times operate the vessel—

- (i) in accordance with the steering and sailing rules set out in part B of the annex to the collision regulations; and
- (ii) in a responsible and careful manner, with due regard for the safety and enjoyment of other users of the sea; and

- (b) carry on the vessel an unexpired projectile flare set of a type approved by the Authority.

(3) Every person aboard a personal watercraft shall wear a personal flotation device or lifejacket of appropriate size.

4. No person shall operate a propeller driven personal watercraft unless it is fitted with an efficient propeller guard.

5. No person shall operate a personal watercraft or other vessel while under the influence of intoxicating liquor or a drug having a narcotic effect."

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

WYSIGING VAN DIE REGULASIES VIR DIE GEBRUIK VAN VAARTUIE VAN MINDER AS DRIE METER LANK, 1981

Die Minister van Vervoer het kragtens artikel 356, gelees met artikel 72A(2), van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig met ingang van 1 Junie 2002.

BYLAE**Uitleg**

1. In hierdie regulasies beteken "die Regulasies" die Regulasies vir die Gebruik van Vaartuie van Minder as Drie Meter Lank, 1981, afgekondig by Goewermentskennisgewing No. R 1044 van 15 Mei 1981.

Wysiging van regulasie 1 van Regulasies

2. Regulasie 1 van die Regulasies word gewysig—

(a) deur die omskrywing van "laagwatermerk" deur die volgende omskrywing te vervang:

" 'laagwatermerk' die laagwaterlyn soos omskryf in artikel 1 van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994);"; en

(b) deur die volgende omskrywings na die omskrywing van "laagwatermerk" in te voeg:

" 'persoonlike dryftoestel' 'n drywende lewensreddingapparaat, uitgesonderd 'n reddingsbaadjie, bedoel om deur 'n persoon gedra te word en wat voldoen aan die standaardspesifikasie SABS 1417/1987, deur die Suid-Afrikaanse Buro vir Standaarde gepubliseer;

'persoonlike watertuig' 'n waterstraal- of skroefaangedrewe vaartuig met 'n ingeslote romp en geen kajuit nie, wat ontwerp is om deur een of meer persone bedryf te word wat sit, wydsbeen sit, staan of kniel;"; en

(c) deur die volgende omskrywing na die omskrywing van "plaaslike bestuur" in te voeg:

" 'reddingsbaadjie' 'n reddingsbaadjie wat voldoen aan die standaardspesifikasie SABS 146/1979 of SABS 694/1979, deur die Suid-Afrikaanse Buro vir Standaarde gepubliseer;".

Invoeging van regulasie 1A in Regulasies

3. Die volgende regulasie word na regulasie 1 in die Regulasies ingevoeg:

"1A. Hierdie regulasies is van toepassing op vaartuie wat minder as drie meter lank is.".

Wysiging van regulasie 2 van Regulasies**4. Regulasie 2 van die Regulasies word gewysig—**

- (a) deur die woorde wat paragraaf (1) voorafgaan, deur die volgende woorde te vervang:

"Die volgende vaartuie kan, behoudens die bepalings van hierdie regulasie en regulasies 3, 4 en 5, van 'n hawe in of van 'n ander plek af aan die kus van die Republiek uitvaar:";

- (b) deur die voorbehoudsbepaling in paragraaf (2) deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat sodanige vaartuig slegs binne die seegebied—

- (i) in die geval van 'n persoonlike watertuig, van hoogstens 1 000 meter; en
 - (ii) in die geval van enige ander vaartuig, van hoogstens 500 meter,
- seewaarts van die laagwatermerk af gebruik mag word.";

- (c) deur subparagraaf (c) van paragraaf (4) deur die volgende paragraaf te vervang:

"(c) dat sodanige kompetisie of geleentheid georganiseer of beheer word deur 'n persoon of organisasie wat in elke geval deur die Owerheid of deur 'n bevoegde owerheid in die staat goedgekeur is."; en

- (d) deur die voorbehoudsbepaling in paragraaf (6) deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat sodanige vaartuig slegs binne die seegebied wat binne die regsgebied van 'n plaaslike bestuur val en—

- (i) in die geval van 'n persoonlike watertuig, van hoogstens 1 000 meter; en
 - (ii) in die geval van enige ander vaartuig, van hoogstens 500 meter,
- seewaarts van die laagwatermerk af gebruik mag word.".

Byvoeging van regulasies 3, 4 en 5 by Regulasies**5. Die Regulasies word gewysig deur die volgende regulasies by te voeg:**

"3. (1) Geen persoon mag 'n persoonlike watertuig bedryf nie tensy dit 'n identifikasieteken toon wat deur 'n bevoegde staatsowerheid of deur 'n bevoegde watersportorganisasie of -klub toegeken is.

(2) Die operateur van 'n persoonlike watertuig moet—

- (a) die vaartuig te alle tye—

- (i) in ooreenstemming met die stuur- en seilreëls uiteengesit in deel B van die aanhangsel by die botsingsregulasies bedryf; en
- (ii) op 'n verantwoordelike en versigtige wyse bedryf, met behoorlike inagneming van die veiligheid en genot van ander gebruikers van die see; en

- (b) 'n onverstreke projektielakkstel van 'n tipe wat deur die Owerheid goedgekeur is, op die vaartuig hou.

(3) Elke persoon aan boord van 'n persoonlike watertuig moet 'n persoonlike dryftoestel of reddingsbaadjie van gepaste grootte dra.

4. Geen persoon mag 'n skroefaangedrewe persoonlike watertuig bedryf nie tensy dit met 'n doeltreffende skroefskerm toegerus is.

5. Geen persoon mag 'n persoonlike watertuig of ander vaartuig bedryf nie terwyl hy of sy onder die invloed van bedwelvende drank of 'n middel met 'n narkotiese effek is nie.

No. R. 505

26 April 2002

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

**MERCHANT SHIPPING (EPIRB REGISTRATION)
REGULATIONS, 2002**

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

SCHEDULE**Title and commencement**

1. These regulations are called the Merchant Shipping (EPIRB Registration) Regulations, 2002, and come into operation on 1 June 2002.

Interpretation

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

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

"**COSPAS-SARSAT satellite service**" means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

"**INMARSAT**" means the Organization established by the Convention on the International Maritime Satellite Organization adopted on 3 September 1976;

"**MID**" means Maritime Identification Digits, being the three digits within the MMSI that identify the country where the ship is registered;

"**MMSI**" means Maritime Mobile Service Identity, being, in the case of an EPIRB, a nine-digit identification number made up of the three-digit MID followed by a six-digit identification number;

"**operator**", in relation to a ship, includes the owner and any charterer, manager or agent of the ship;

"**radio installation**" means any radio installation fitted on board a ship, including its associated antennas, interconnecting circuits and, where appropriate, sources of energy;

"**satellite EPIRB**" means an emergency position-indicating radio beacon capable of transmitting a distress alert either through the COSPAS-SARSAT satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 GHz band;

"**survival craft**" means a craft capable of sustaining the lives of persons in distress from the time of abandoning ship;

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

Application

3. These regulations apply to ships of South African nationality wherever they may be.

Competent authority

4. For the purposes of these regulations, the South African Search and Rescue Organization* is designated as the competent authority for the Republic.

Requirement to register EPIRBs

5. (1) The operator and the master of every ship to which these regulations apply must ensure that every EPIRB carried on the ship (whether or not carried in compliance with statutory requirements) is registered with the competent authority and that the registered particulars are correct.

(2) The registered particulars referred to in subregulation (1) are the following:

- (a) the name (if any) and official number of the ship;
- (b) the home port or port of registry of the ship;
- (c) the ship's call sign;
- (d) the EPIRB MMSI;
- (e) the make and model of the EPIRB;
- (f) the EPIRB unique identification code, being a 15-digit hex number;
- (g) the type of radio installation(s) carried on board the ship and survival craft;
- (h) a brief description of the ship, including its type (in terms of its purpose), gross tonnage or length, ship superstructure, deck colours and identifying marks;
- (i) the name of the operator of the ship;
- (j) the name, address, telephone and (if applicable) telefax number of an emergency contact person ashore;
- (k) an alternative 24-hour emergency telephone number (alternative contact ashore);
- (l) the capacity of the ship for carrying persons on board, both passengers and crew;
- (m) the type and number of survival craft;
- (n) the date of last modification of registered particulars.

(3) Evidence that every EPIRB carried on the ship is registered in accordance with subregulation (1) must be kept available on board the ship for inspection at all reasonable times by a surveyor.

* The EPIRB Register, Maritime Rescue Co-ordination Centre, Private Bag X8, Tokai 7966, RSA.

Change in registered particulars

6. Where in respect of an EPIRB registered with the competent authority there is any change in the particulars registered with that competent authority, the operator and the master of the ship to which those particulars relate must ensure, as soon as is reasonably practicable after the change, that written notice of the change is given to the competent authority.

Offences and penalties

7. Any contravention of regulation 5(1) or (3), or 6 is an offence on the part of the operator and master of the ship and is punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.

Defence

8. It is a defence for a person charged under regulation 7 to show that he or she took reasonable precautions and exercised due diligence to avoid the commission of the offence.

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

HANDELSKEEPVAARTREGULASIES (EPIRB-REGISTRASIE), 2002

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE**Titel en inwerkingtreding**

1. Hierdie regulasies heet die Handelskeepvaartregulasies (EPIRB-registrasie), 2002, en tree op 1 Junie 2002 in werking.

Uitleg

2. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy dit uit die samehang anders blyk, beteken—

"COSPAS-SARSAT-satellietdiens" 'n satellietgesteunde soek-en-reddingstelsel ontwerp om noodbakens op te spoor wat in die 406 MHz-band en op ander frekwensies uitsend;

"die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951);

"INMARSAT" die Organisasie ingestel by die Konvensie op die Internasionale Maritieme Satellietorganisasie, wat op 3 September 1976 aangeneem is;

"MIS" Maritieme Identifikasiesyfers, naamlik die drie syfers in die MMSI wat die land identifiseer waar die skip geregistreer is;

"MMSI" Maritieme Mobiele Diensidentiteit, naamlik, in die geval van 'n EPIRB, 'n negesyfer-identifikasienommer bestaande uit die driesyfer-MIS gevolg deur 'n sessyfer-identifikasienommer;

"oorlewingsvaartuig" 'n vaartuig wat persone in nood aan die lewe kan hou van wanneer hulle die skip verlaat;

"oortree", met betrekking tot 'n bepaling van hierdie regulasies, ook versuim of weiering om daardie bepaling na te kom;

"operateur", met betrekking tot 'n skip, ook die eienaar en enige bevrachter, bestuurder of agent van die skip;

"radio-installasie" enige radio-installasie wat aan boord van 'n skip aangebring is, insluitende sy bybehorende antennes, koppelstroombane en, waar gepas, energiebronne;

"satelliet-EPIRB" 'n nood-posisieaanduidingradiobaken wat 'n noodwaarskuwing kan uitstuur deur die COSPAS-SARSAT-satellietdiens wat in die 406 MHz-band werk of deur die INMARSAT geostasionêre satelliete wat in die 1,6 GHz-band werk.

Toepassing

3. Hierdie regulasies is van toepassing op skepe van Suid-Afrikaanse nasionaliteit ongeag waar hulle is.

Bevoegde owerheid

4. Vir doeleindes van hierdie regulasies word die Suid-Afrikaanse Soek- en Reddingsorganisasie* aangewys as die bevoegde owerheid vir die Republiek.

Vereistes om EPIRB's te registreer

5. (1) Die operateur en die gesagvoerder van elke skip waarop hierdie regulasies van toepassing is, moet verseker dat elke EPIRB wat op die skip is (ongegag of dit ter nakoming van statutêre vereistes op die skip is al dan nie), by die bevoegde owerheid geregistreer is en dat die geregistreerde besonderhede korrek is.

(2) Die geregistreerde besonderhede in subregulasie (1) bedoel, is soos volg:

- (a) die naam (as daar is) en amptelike nommer van die skip;
- (b) die tuishawe of registrasiehawe van die skip;
- (c) die skip se roepsein;
- (d) die EPIRB-MMSI;
- (e) die fabrikaat en model van die EPIRB;
- (f) die EPIRB se unieke identifikasiekode, naamlik 'n 15-syfer heksagonale nommer;
- (g) die tipe radio-installasie(s) aan boord van die skip en reddingsvaartuie;
- (h) 'n bondige beskrywing van die skip, insluitende sy tipe (wat sy doel betref), bruto tonnemaat of lengte, skeepsbostruktuur, dekkleure en onderskeidende tekens;
- (i) die naam van die operateur van die skip;
- (j) die naam, adres, telefoonnommer en (indien van toepassing) telefaksnommer van 'n noodkontakpersoon op land;
- (k) 'n alternatiewe 24-uur-noodtelefoonnommer (alternatiewe kontak op land);
- (l) die kapasiteit van die skip om persone aan boord te vervoer, passasiers sowel as bemanning;
- (m) die tipe en getal reddingsvaartuie;
- (n) die datum van die laaste modifikasie van geregistreerde besonderhede.

* Die EPIRB-register, Maritieme Reddingskoördineringsentrum, Privaat Sak X8, Tokai, 7966, RSA.

(3) Bewys dat elke EPIRB wat aan boord van die skip is, geregistreer is in ooreenstemming met subregulasie (1), moet aan boord van die skip beskikbaar gehou word ter insae deur 'n opnemer te alle redelike tye.

Verandering van geregistreerde besonderhede

6. Waar daar ten opsigte van 'n EPIRB wat by die bevoegde owerheid geregistreer is, enige verandering is in die besonderhede wat by daardie bevoegde owerheid geregistreer is, moet die operateur en die gesagvoerder van die skip waarop daardie besonderhede betrekking het, so gou na die verandering as wat redelikerwys doenlik is, verseker dat skriftelike kennis van die verandering aan die bevoegde owerheid gegee word.

Misdrywe en strawwe

7. Enige oortreding van regulasie 5(1) of (3) of 6 is 'n misdryf aan die kant van die operateur en gesagvoerder van die skip en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Verweer

8. Dit is 'n verweer vir 'n persoon wat ingevolge regulasie 7 aangekla word, om aan te toon dat hy of sy redelike voorsorgmaatreëls getref het en die nodige noulettendheid toegepas het om die begaan van die misdryf te vermy.

No. R. 506

26 April 2002

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

MERCHANT SHIPPING (RADIO INSTALLATIONS) REGULATIONS, 2002

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

SCHEDULE*Arrangement of regulations*

*Regulation
No.*

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PART I GENERAL

Title and commencement

1. These regulations are called the Merchant Shipping (Radio Installations) Regulations, 2002, and come into operation on 1 June 2002.

Interpretation

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

"area A1 ship" means a ship to which Part 2 applies making a voyage in sea area A1 only;

"area A2 ship" means a ship to which Part 2 applies making a voyage in sea area A2 only, or in sea areas A1 and A2;

"area A3 ship" means a ship to which Part 2 applies making a voyage in sea area A3 only, or in sea area A3 and also in sea area A1 or A2 or both those sea areas;

"area A4 ship" means a ship to which Part 2 applies making a voyage in sea area A4 only, or in sea area A4 and also in one or more of sea areas A1, A2 and A3;

"bridge-to-bridge communications" means safety communications between ships from the position from which such ships are normally navigated;

"cargo ship" means any ship that is not—

- (a) a passenger ship;
- (b) a fishing vessel; or
- (c) a pleasure vessel;

"connected" means electrically connected;

"conning position" means the place on the bridge with a commanding view of the ship and its position used by navigators when commanding, manoeuvring and controlling the ship;

"constructed", in relation to a ship, means having its keel laid or being at a similar stage of construction;

"continuous watch" means a radio watch that is not interrupted other than for brief intervals when the ship's receiving capability is impaired or blocked by its own communications or when the watchkeeping facilities are under periodical maintenance or checks;

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

"Convention ship" means—

- (a) a foreign-going passenger ship; or
- (b) a foreign-going cargo ship of 300 tons or more;

"Convention State" means any State, other than the Republic, that is a State party to the Safety Convention;

"COSPAS-SARSAT satellite service" means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

"direct-printing telegraphy" means an automated telegraphy technique that complies with the relevant recommendations specified by the Authority in a marine notice;

"DSC" means Digital Selective Calling, being a technique using digital codes that enables a radio station to establish contact with, and transfer information to, another station or group of stations, and complying with the relevant recommendations specified by the Authority in a marine notice;

"DSC watch" means listening for an audible alarm from a ship's DSC equipment on VHF (channel 70), MF (2187.5 kHz) or HF (8414.5 kHz), and on at least one of the distress and safety DSC frequencies 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz;

"enhanced group calling (EGC)" means a system providing a simple and automated means of receiving marine safety information via satellite on board ships at sea and in coastal waters;

"EPIRB" means an emergency position-indicating radio beacon operating in a mobile service the emissions of which are intended to facilitate search and rescue operations;

"existing ship" means a ship that is not a new ship;

"fishing vessel" means any of the following classes of vessels used for catching fish or other living resources of the sea for financial gain or reward:

Class A—fishing vessels of 45 metres or more in length making voyages outside waters under South African jurisdiction;

Class B—fishing vessels of less than 45 metres in length making voyages outside waters under South African jurisdiction;

Class C—fishing vessels, other than of class D, making voyages exclusively within waters under South African jurisdiction;

Class D—fishing vessels making voyages exclusively within waters under South African jurisdiction, not more than 40 nautical miles from shore;

"from shore" means seaward from the low-water line as defined in section 1 of the Maritime Zones Act, 1998 (Act No. 15 of 1998);

"general radio communications" means operational and public correspondence traffic, other than distress, urgency and safety messages, conducted by radio;

"GMDSS" means the Global Maritime Distress and Safety System;

"GMDSS general operator's certificate" and "GMDSS restricted operator's certificate" mean the certificates respectively so entitled, issued or recognized under the authority of the Independent Communications Authority of South Africa, in accordance with the ITU Radio Regulations;

"HF" means the frequency spectrum between 3 000 kHz and 30 MHz;

"IMO" means the International Maritime Organization;

"INMARSAT" means the Organization established by the Convention on the International Maritime Satellite Organization adopted on 3 September 1976;

"INMARSAT enhanced group calling system" means the SafetyNET service by which INMARSAT distributes meteorological, navigational and search and rescue messages to ships provided with an enhanced group calling system receiver;

"INMARSAT geostationary satellite service" means the mobile satellite service provided by INMARSAT through its geostationary satellites;

"INMARSAT ship earth station" means a mobile earth station in the maritime mobile-satellite service located on board a ship that is not permanently moored;

"international NAVTEX service" means the co-ordinated broadcast and automatic reception on 518 kHz of maritime safety information by means of narrow-band direct-printing telegraphy using the English language;

"ITU Radio Regulations" means the regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention in force at any time;

"length" means—

- (a) in the case of a registered ship, the length shown in the certificate of registry;
- (b) in the case of a ship licensed in terms of section 68 of the Act, the length shown in the licence; and
- (c) in the case of a ship that is not registered or licensed, the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull;

"locating" means the finding of ships, aircraft, units or persons in distress;

"maintenance" means any activity intended to keep a radio installation in efficient working condition, and includes tests, measurements, replacements, adjustments and repairs;

"major conversion", in relation to an existing ship, means a conversion—

- (a) that substantially alters the dimensions or carrying capacity of the ship;
- (b) that changes the type of the ship;
- (c) the intent of which, in the opinion of the Authority, is substantially to prolong the life of the ship;
- (d) that otherwise so alters the ship that, if it were a new ship, it would become subject to relevant provisions of these regulations not applicable to it as an existing ship;

"maritime safety information" means navigational and meteorological warnings, meteorological forecasts and other urgent safety-related messages broadcast to ships;

"MF" means the frequency spectrum between 300 kHz and 3000 kHz;

"MF coast station" means a radio communication service located on the coast offering services in the medium frequency band (300–3000 kHz);

"mobile satellite service" means a radio communication service between—

(a) mobile earth stations and one or more space stations, or between space stations used by this service; or

(b) mobile earth stations by means of one or more space stations,

and this service may include feeder links necessary for its operation;

"new ship" means—

(a) a ship constructed or undergoing major conversion after the commencement of these regulations; or

(b) any ship that is registered or licensed anew in the Republic after the commencement of these regulations;

"non-Convention ship" means—

(a) a passenger ship that is not foreign-going;

(b) a cargo ship of 300 tons or more that is not foreign-going;

(c) a cargo ship of less than 300 tons;

(d) a fishing vessel; or

(e) a pleasure vessel;

"operating position", in relation to any radio equipment, means the position normally occupied by a person when operating that equipment;

"pleasure vessel" means a ship that is used solely for sport or recreation;

"radar transponder" means a survival craft radar transponder for search and rescue between ships or aircraft and survival craft;

"radio communication" means telecommunication by means of radio waves;

"radio communication service" means a service as defined in the ITU Radio Regulations involving the transmission, emission or reception of radio waves for specific telecommunication purposes;

"radio installation" means any radio installation provided on board a ship in compliance with these regulations, including its associated antennas, inter-connecting circuits and, where appropriate, sources of energy;

"radio log" means the diary of the radio communication service;

"radiotelephone operator" means a person holding a valid appropriate certificate issued in accordance with the ITU Radio Regulations;

"radiotelephone ship" means a ship provided with a radiotelephone installation in accordance with Part 3;

"radiotelephone installation" means the equipment operating in the frequency band 1605–27500 kHz;

"radiotelephone station" means the place on board a ship where a radiotelephone installation is located;

"satellite EPIRB" means an EPIRB that is in the mobile-satellite service;

"sea area A1" means an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available;

"sea area A2" means an area, excluding sea area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available;

"sea area A3" means an area, excluding sea areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available;

"sea area A4" means an area outside sea areas A1, A2 and A3;

"service", in relation to a reference to any particular type of radio communication service, means a reference to that service as defined in the ITU Radio Regulations;

"ship station" means a mobile station, other than a survival craft station, in the maritime mobile service located on board a ship that is not permanently moored;

"silence period" means a period of 3 minutes beginning at each hour and at 30 minutes past each hour, on the frequency 2182 kHz;

"similar stage of construction" means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of the ship has commenced and comprises at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less;

"survival craft" means a vessel that is capable of sustaining the lives of persons in distress after abandoning ship;

"survival craft station" means a mobile station in the maritime mobile service intended solely for survival purposes and located on any lifeboat, life-raft or other survival equipment;

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

"ton", in relation to a ship, means its gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the Tonnage Convention;

"VHF" means the frequency spectrum between 30 MHz and 300 MHz;

"VHF coast station" means a radio communication service located on the coast offering services in the very high frequency band (30–300 MHz);

"VHF radiotelephone installation" means the equipment operating in the frequency band 156.025–162.025 MHz;

"VHF radiotelephone station" means the place on board a ship where a VHF radiotelephone installation is located;

"waters under South African jurisdiction" means waters comprising—

- (a) the internal and territorial waters of the Republic; and
- (b) the exclusive economic zone of the Republic.

(2) For the purposes of these regulations, a ship is to be taken to be making a voyage or to be at sea at any time when it is not securely ashore or moored in a safe berth.

Application

3. (1) Subject to this regulation, these regulations apply to—

- (a) ships that are registered or licensed in the Republic wherever they may be; and
 - (b) other ships while they are in the Republic or its territorial waters.
- (2) Regulations 5, 6 and Part 2 apply to Convention ships and class A fishing vessels.
- (3) Regulations 5, 6 and Part 3 apply to non-Convention ships, other than class A fishing vessels.
- (4) Parts 4 and 5 apply both to Convention ships and to non-Convention ships.

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

(6) These regulations do not apply to—

- (a) ships of less than 25 tons; or
- (b) pleasure vessels of less than 100 tons.

Equivalents and exemptions

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

(2) For the purposes of these regulations, the results of a verification or test are to be accepted if the verification or test was carried out—

- (a) in accordance with these regulations or with a standard, code of practice, specification or technical description of a Convention State offering equivalent levels of safety, suitability and fitness for the purpose; and
- (b) by a person in a Convention State offering suitable and satisfactory guarantees of technical and professional competence and independence.

(3) The Authority may exempt any individual ship or class of ships from any of the provisions of Part 3 or 4, on such terms (if any) as it may specify, and may, after reasonable notice, alter or cancel any such exemption.

Ships and persons in distress

5. Nothing in these regulations is to be taken to prevent any ship, survival craft or persons in distress from using any means at their disposal to attract attention, make known their position or obtain help.

Performance standards

6. (1) Subject to subregulation (2), radio equipment required by these regulations must—

- (a) in the case of Convention ships, comply with performance standards not inferior to the relevant performance standards adopted by the IMO and specified by the Authority in a marine notice as having been so adopted; and
- (b) in the case of non-Convention ships, comply with such performance standards as may be specified by the Authority in a marine notice; and
- (c) in either case, be of a type approved by the Independent Communications Authority of South Africa.

(2) In respect of a ship entitled to fly the flag of a Convention State, subregulation (1)(c) does not apply to equipment of a type approved by or on behalf of the competent maritime authority of that State.

(3) Every approval given pursuant to this regulation—

- (a) must be given in writing;
- (b) must specify the date on which it takes effect and the conditions (if any) on which it is given; and
- (c) may, after reasonable notice, be altered or cancelled.

PART 2

GMDSS REQUIREMENTS

Functional requirements

7. Every ship to which this Part applies, while at sea, must be capable of—
- (a) transmitting ship-to-shore distress alerts by at least two separate and independent means, each using a different radiocommunication service, other than by the means provided for in regulation 11(1)(a) and paragraph (d)(iii) of ALTERNATIVE A in regulation 13(1);
 - (b) receiving shore-to-ship distress alerts;
 - (c) transmitting and receiving ship-to-ship distress alerts;
 - (d) transmitting and receiving search and rescue co-ordinating communications;
 - (e) transmitting and receiving on-scene communications;
 - (f) transmitting and, as required by regulation V/12(g) and (h) of the Safety Convention, receiving signals for locating;
 - (g) transmitting and receiving maritime safety information;
 - (h) transmitting and receiving general radio communications to and from shore-based radio systems or networks; and
 - (i) transmitting and receiving bridge-to-bridge communications.

Installation, location and control of radio equipment

8. (1) Every radio installation required by this Part must—
- (a) be so located that no harmful interference of mechanical, electrical or other origin affects its proper use, and so as to ensure electromagnetic compatibility and avoidance of harmful interaction with other equipment and systems;
 - (b) be so located as to ensure the greatest possible degree of safety and operational availability;
 - (c) be protected against harmful effects of water, extremes of temperature and other adverse environmental conditions;
 - (d) be provided with reliable, permanently arranged electrical lighting, independent of both the main and emergency sources of electrical power, for the adequate illumination of the radio controls for operating the radio installation; and
 - (e) be clearly marked with the call sign, the ship station identity and such other codes as are applicable for the use of the radio installation.
- (2) Control of the VHF radiotelephone channels required for navigational safety must be immediately available on the navigation bridge convenient to the conning position and,

where necessary, facilities such as portable two-way VHF radio equipment must be available to permit radio communications from the wings of the navigation bridge.

(3) Each radio transmitter and receiver fitted in accordance with this Part must be provided with a suitable antenna or antennas, so constructed and sited to enable each transmitter and receiver to perform effectively its intended communication function.

(4) (a) Where a radio installation is provided with a wire transmitting antenna—

- (i) the antenna must be provided with suitable insulators;
- (ii) if the antenna is suspended between supports liable to whipping, it must be protected against breakage; and
- (iii) a spare wire antenna, completely assembled for rapid replacement, must be provided.

(b) Where MF or MF/HF radio installations are provided with a transmitting antenna that is not a supported wire antenna, a spare antenna of similar electrical characteristics must be provided.

(5) Where in respect of any ship to which this Part applies it is impracticable to erect efficient and properly installed antennas for broadcast receivers that do not interfere with the efficiency of the ship's radio installation, the ship must be provided with a communal antenna system for broadcast receivers.

Installation of distress panel

9. (1) In every passenger ship to which this Part applies a distress panel must be installed at the conning position.

(2) The distress panel must—

- (a) contain either—
 - (i) one single button that, when pressed, initiates a distress alert using all radio communication installations required on board for that purpose; or
 - (ii) one button for each individual installation;
- (b) clearly and visually indicate whenever any button on the distress panel has been pressed; and
- (c) provide visual and aural indication of any distress alert or alerts received on board and indicate through which radio communication service the distress alert or alerts have been received

(3) Means must be provided to prevent inadvertent activation of the button or buttons on the distress panel.

(4) If the satellite EPIRB required by regulation 10(1)(f) is used as the secondary means of initiating a distress alert and is not capable of remote activation, an additional satellite EPIRB must be installed in the wheelhouse near the conning position.

(5) Information about the ship's position must continuously and automatically be provided to all relevant radio equipment to be included in the initial distress alert when the button or buttons on the distress panel is pressed.

Radio equipment to be provided for all sea areas

10. (1) Every ship to which this Part applies must be provided with—
- (a) a VHF radio installation capable of transmitting and receiving—
 - (i) DSC on the frequency 156.525 MHz (channel 70), whereby it must be possible to initiate the transmission of distress alerts on channel 70 from the position from which the ship is normally navigated; and
 - (ii) radiotelephony on the frequencies 156.300 MHz (channel 6), 156.650 MHz (channel 13) and 156.800 MHz (channel 16);
 - (b) a radio installation capable of maintaining a continuous DSC watch on VHF channel 70, which may be separate from, or combined with, that required by paragraph (a)(i);
 - (c) a radar transponder capable of operating in the 9 GHz band, which—
 - (i) must be stowed so as to enable rapid placement in a survival craft; and
 - (ii) may be one of those required by regulation 39 for a survival craft;
 - (d) if the ship is at sea in an area in which an international NAVTEX service is provided, a receiver capable of receiving international NAVTEX service broadcasts;
 - (e) if the ship is at sea in an area of INMARSAT coverage but in which an international NAVTEX service is not provided, a radio facility for the reception of maritime safety information by the INMARSAT enhanced group calling system, unless the ship is at sea exclusively in areas in which an HF direct-printing telegraphy maritime safety information service is provided and is fitted with equipment capable of receiving that service;
 - (f) subject to regulation 11(3), a satellite EPIRB complying with the requirements of Annex 1.
- (2) Every passenger ship to which this Part applies must be provided with means for two-way on-scene radio communications for search and rescue purposes using the aeronautical frequencies 121.5 MHz and 123.1 MHz from the position from which the ship is normally navigated.

Additional radio equipment to be provided for area A1 ships

11. (1) In addition to meeting the requirements of regulation 10, every area A1 ship must be provided with a radio installation capable of initiating the transmission of ship-to-shore distress alerts from the position from which the ship is normally navigated, operating either—
- (a) on VHF using DSC, which requirement may be met by the EPIRB specified in subregulation (3), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; or
 - (b) through the COSPAS-SARSAT satellite service in the 406 MHz band, which requirement may be met by the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; or

- (c) if the ship is at sea within coverage of MF coast stations equipped with DSC, on MF using DSC; or
 - (d) on HF using DSC; or
 - (e) through the INMARSAT geostationary satellite service, which requirement may be met by—
 - (i) an INMARSAT ship earth station; or
 - (ii) the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated.
- (2) The VHF radio installation required by regulation 10(1)(a) must also be capable of transmitting and receiving general radio communications using radiotelephony.
- (3) An area A1 ship may, instead of being provided with the satellite EPIRB required by regulation 10(1)(f), be provided with a VHF EPIRB that is—
- (a) capable of transmitting a distress alert using DSC on VHF channel 70 and providing for locating by means of a radar transponder operating in the 9 GHz band;
 - (b) installed in an easily accessible position;
 - (c) ready to be manually released and capable of being carried by one person into a survival craft;
 - (d) capable of floating free if the ship sinks;
 - (e) capable of being activated manually; and
 - (f) automatically activated when afloat.

Additional radio equipment to be provided for area A2 ships

12. (1) In addition to meeting the requirements of regulation 10, every area A2 ship must be provided with—

- (a) an MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies—
 - (i) 2187.5 kHz using DSC; and
 - (ii) 2182 kHz using radiotelephony;
- (b) a radio installation capable of maintaining a continuous DSC watch on the frequency 2187.5 kHz, which may be separate from, or combined with, that required by paragraph (a)(i); and
- (c) means of initiating the transmission of ship-to-shore distress alerts by a radio communication service, other than MF, operating either—
 - (i) through the COSPAS-SARSAT satellite service in the 406 MHz band, which requirement may be met by the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; or

- (ii) on HF using DSC; or
 - (iii) through the INMARSAT geostationary satellite service, which requirement may be met by—
 - (aa) the equipment specified in subregulation (3)(b); or
 - (bb) the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated.
- (2) Means must be provided to initiate the transmission of distress alerts by the radio installations specified in subregulation (1)(a) and (c) from the position from which the ship is normally navigated.
- (3) An area A2 ship must, in addition, be capable of transmitting and receiving general radio communications using radiotelephony or direct-printing telegraphy by either—
- (a) a radio installation operating on working frequencies in the bands between 1605 kHz and 4000 kHz or between 4000 kHz and 27500 kHz, which requirement may be met by the addition of this capability in the equipment required by subregulation (1)(a); or
 - (b) an INMARSAT ship earth station.

Additional radio equipment to be provided for area A3 ships

13. (1) In addition to meeting the requirements of regulation 10, every area A3 ship must be provided with either the following equipment:

ALTERNATIVE A

- (a) an INMARSAT ship earth station capable of—
 - (i) transmitting and receiving distress and safety communications using direct-printing telegraphy;
 - (ii) initiating and receiving distress priority calls;
 - (iii) maintaining watch for shore-to-ship distress alerts, including those transmitted to specifically defined geographical areas; and
 - (iv) transmitting and receiving general radio communications, using either radiotelephony or direct-printing telegraphy; and
- (b) an MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies—
 - (i) 2187.5 kHz using DSC; and
 - (ii) 2182 kHz using radiotelephony;
- (c) a radio installation capable of maintaining a continuous DSC watch on the frequency 2187.5 kHz, which may be separate from, or combined with, that required by paragraph (b)(i) of this ALTERNATIVE; and
- (d) means of initiating the transmission of ship-to-shore distress alerts by a radio communication service operating either—

- (i) through the COSPAS-SARSAT satellite service in the 406 MHz band, which requirement may be met by the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; or
- (ii) on HF using DSC; or
- (iii) through the INMARSAT geostationary satellite service, either by an additional ship earth station, or by the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated,

or the following equipment:

ALTERNATIVE B

- (a) an MF/HF radio installation capable of transmitting and receiving, for distress and safety purposes, on all distress and safety frequencies in the bands between 1605 kHz and 4000 kHz and between 4000 kHz and 27500 kHz using—
 - (i) DSC;
 - (ii) radiotelephony; and
 - (iii) direct-printing telegraphy; and
 - (b) equipment capable of maintaining DSC watch on the frequencies 2187.5 kHz, 8414.5 kHz and on at least one of the distress and safety DSC frequencies 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz, which equipment must be such that it is possible at any time to select any of these DSC distress and safety frequencies, and which may be separate from, or combined with, that required by paragraph (a) of this ALTERNATIVE; and
 - (c) means of initiating the transmission of ship-to-shore distress alerts by a radio communication service, other than HF, operating either—
 - (i) through the COSPAS-SARSAT satellite service in the 406 MHz band, which requirement may be met by the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; or
 - (ii) through the INMARSAT geostationary satellite service, which requirement may be met by—
 - (aa) an INMARSAT ship earth station; or
 - (bb) the satellite EPIRB required by regulation 10(1)(f), if it is installed close to, or capable of remote activation from, the position from which the ship is normally navigated; and
 - (d) an MF/HF radio installation capable of transmitting and receiving general radio communications on working frequencies in the bands between 1605 kHz and 4000 kHz and between 4000 kHz and 27500 kHz, using radiotelephony or direct-printing telegraphy, which requirement may be met by the addition of this capability in the equipment required by paragraph (a) of this ALTERNATIVE.
- (2) Means must be provided to initiate the transmission of distress alerts by the radio installations specified in paragraphs (a), (b) and (d) of ALTERNATIVE A or paragraphs (a)

and (c) of ALTERNATIVE B in subregulation (1) from the position from which the ship is normally navigated.

Additional radio equipment to be provided for area A4 ships

14. In addition to meeting the requirements of regulation 10, every area A4 ship must—

- (a) be provided with the radio installations and equipment specified in paragraphs (a), (b), (c)(i) and (d) of ALTERNATIVE B in regulation 13(1); and
- (b) comply with the requirements of regulation 13(2).

Radio watches

15. (1) Every ship to which this Part applies, while at sea, must maintain a continuous watch—

- (a) on VHF DSC channel 70, if the ship, in accordance with regulation 10(1)(b), is fitted with a VHF radio installation;
- (b) on the distress and safety DSC frequency 2187.5 kHz, if the ship, in accordance with regulation 12(1)(b) or paragraph (c) of ALTERNATIVE A in regulation 13(1), is fitted with an MF radio installation;
- (c) on the distress and safety DSC frequencies 2187.5 kHz and 8414.5 kHz and on at least one of the distress and safety DSC frequencies 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz, appropriate to the time of day and the geographical position of the ship, if the ship, in accordance with paragraph (b) of ALTERNATIVE B in regulation 13(1) or in accordance with regulation 14, is fitted with an MF/HF radio installation; this watch may be kept by means of a scanning receiver;
- (d) for satellite shore-to-ship distress alerts, if the ship, in accordance with paragraph (a) of ALTERNATIVE A in regulation 13(1), is fitted with an INMARSAT ship earth station.

(2) Every ship to which this Part applies, while at sea, must maintain a radio watch for broadcasts of maritime safety information on the appropriate frequency or frequencies on which such information is broadcast for the area in which the ship is being navigated.

(3) From the commencement of these regulations until 1 February 2005 every ship to which this Part applies, while at sea, must maintain, when practicable, a continuous watch on VHF channel 16; this watch must be kept at the position from which the ship is normally navigated.

Sources of energy

16. (1) There must be available at all times while a ship to which this Part applies is at sea a main source of energy sufficient to operate the radio installations required by this Part and to charge any batteries used as part of a reserve source or sources of energy for those radio installations.

(2) A reserve source or sources of energy must be provided on every ship to which this Part applies, to supply radio installations, for the purpose of conducting distress and safety radio communications, in the event of failure of the ship's main and emergency sources of electrical power.

(3) Subject to subregulations (4) to (12), the reserve source or sources of energy must be capable of simultaneously operating the VHF radio installation required by regulation 10(1)(a) and, as appropriate for the sea area or sea areas for which the ship is equipped, either—

- (a) the MF radio installation required by regulation 12(1)(a);
- (b) the MF/HF radio installation required by paragraph (a) of ALTERNATIVE B in regulation 13(1) or by regulation 14; or
- (c) the INMARSAT ship earth station required by paragraph (a) of ALTERNATIVE A in regulation 13(1),

and the additional loads mentioned in subregulations (7), (8) and (12), for the minimum period specified in subregulation (4).

(4) For the purposes of subregulation (3), the minimum period is—

- (a) in the case of ships constructed on or after 1 February 1995, one hour;
- (b) in the case of ships constructed before 1 February 1995—
 - (i) one hour, if the emergency source of electrical power complies with the relevant provisions of regulation II-1/42 or 43 of the Safety Convention, including the supply of such energy to the radio installations; or
 - (ii) six hours, if the emergency source of electrical power does not so comply, or no emergency source of electrical power is provided.

(5) The reserve source or sources of energy need not be capable of supplying independent HF and MF radio installations simultaneously.

(6) The reserve source or sources of energy must be independent of the ship's propelling power and main electrical system.

(7) Where, in addition to the VHF radio installation, two or more of the other radio installations referred to in subregulation (2) can be connected to the reserve source or sources of energy, such source or sources must be capable of simultaneously supplying, for the minimum period specified, as appropriate, in subregulation (4)(a) or (b), the VHF radio installation and either—

- (a) all other radio installations that can be connected to the reserve source or sources of energy at the same time; or
- (b) if only one of the other radio installations can be connected to the reserve source or sources of energy at the same time as the VHF radio installation, whichever of the other radio installations will consume the most power.

(8) The reserve source or sources of energy may be used to supply the electrical lighting required by regulation 8(1)(d).

(9) Where a reserve source of energy consists of one or more rechargeable accumulator batteries—

- (a) a means of automatically charging each battery must be provided, that is capable of recharging them to minimum capacity requirements within 10 hours; and
- (b) the capacity of each battery must be checked at intervals not exceeding 12 months when the ship is not at sea.

(10) The siting and installation of a reserve source of energy consisting of one or more accumulator batteries must be such as to ensure—

- (a) the highest degree of service;
- (b) a reasonable lifetime;
- (c) reasonable safety;
- (d) that battery temperatures remain within the manufacturer's specifications, whether under charge or idle; and
- (e) that, when fully charged, the one or more batteries provide a reserve source of energy for at least the minimum period specified in subregulation (4), under all weather conditions.

(11) For the purpose of calculating the required capacity of the reserve source of energy, the total current used in calculations is to be equal to the sum of the total current consumption of all the radio installations that simultaneously can be connected to the source of energy, calculated by adding—

- (a) the current consumption of the VHF receiver;
- (b) one fifth of the current consumption of the VHF transmitter;
- (c) the current consumption of an MF or MF/HF receiver and of the transmitter when it is in such a condition that operation of the "press to transmit" switch will make it ready for immediate transmission;
- (d) one third of the current that may be drawn by an MF or MF/HF transmitter for speech transmission on the frequency at which the current consumption of the transmitter is at a maximum;
- (e) the current consumption of an INMARSAT ship earth station when it is receiving transmissions;
- (f) one quarter of the current that may be drawn by an INMARSAT ship earth station when it is transmitting in the mode at which the current consumption is at a maximum; and
- (g) the total current consumption of all additional loads to which the reserve source may supply energy in times of distress or emergency.

(12) If an uninterrupted input of information from the ship's navigational or other equipment to a radio installation required by this Part, including the navigation receiver referred to in regulation 20, is needed to ensure its proper performance, means must be provided to ensure the continuous input of such information in the event of failure of the ship's main or emergency source of electrical power.

Serviceability and maintenance requirements

17. (1) Radio equipment required by this Part must be so designed that the main units can be replaced readily, without elaborate recalibration or readjustment.

(2) Where appropriate, the equipment must be so constructed and installed that it is readily accessible for inspection and on-board maintenance purposes.

(3) Adequate information, at least in the English language, must be provided on board the ship to enable the equipment to be properly operated and maintained.

(4) Adequate tools and spare parts must be provided on board the ship to enable the equipment to be maintained. Spare parts must be appropriately labelled and must be stowed so as to be readily accessible.

(5) The radio equipment must be maintained to provide the availability of the functional requirements specified in regulation 7 and to meet the performance standards recommended by the IMO for such equipment, as specified pursuant to regulation 6(1)(a).

(6) While a ship is at sea, the availability of the functional requirements specified in regulation 7 must be ensured in accordance with such requirements as the Authority may specify in a marine notice, taking into account the recommendations of the IMO.

(7) (a) The master of every ship to which this Part applies, being a ship that is registered or licensed in the Republic, must designate a person (in this subregulation called the designated person), being a person qualified as described in regulation 18(2), who is to have the function of carrying out, while the ship is at sea, the appropriate tests and checks specified in Annex 2.

(b) If any of the radio installations required by this Part is not in working order, the designated person must inform the master and record details of the deficiencies in the GMDSS radio log required by regulation 19.

Radio operators

18. (1) Subject to section 73(4) of the Act, every ship to which this Part applies must carry the number of radio operators required by regulation 16 of the Merchant Shipping (Safe Manning) Regulations, 1999, each of whom must be a person who is qualified for distress and safety radio communications purposes, as specified in subregulation (2)

(2) A person is qualified for the purposes of subregulation (1) where—

(a) in the case of an area A1 ship, he or she holds a GMDSS restricted operator's certificate or a GMDSS general operator's certificate, issued in accordance with Article S47 of the ITU Radio Regulations;

(b) in the case of an area A2, area A3 or area A4 ship, he or she holds a GMDSS general operator's certificate issued in accordance with Article S47 of the ITU Radio Regulations.

(3) The master of every passenger ship to which this Part applies must designate at least one such person as mentioned in subregulation (1) to perform only radio communications duties during distress incidents.

(4) The master of every ship to which this Part applies, other than a passenger ship, must designate one such person as mentioned in subregulation (1) to have primary responsibility for radio communications during distress incidents.

Radio records

19. (1) There must be kept in respect of every ship to which this Part applies a record (in this regulation called the GMDSS radio log) of the matters specified in Part 1 of Annex 3.

(2) The master must inspect and sign each day's entries in the GMDSS radio log.

(3) The master must, on demand, produce the GMDSS radio log for inspection by a surveyor or a proper officer.

(4) The GMDSS radio log forms part of the ship's official logbook, but is to be kept separate from the official logbook, and, for the purposes of section 187 of the Act, is deemed to be a document relating to the navigation of the ship.

Position-updating

20. If radio equipment required by this Part is capable of automatically providing the ship's position when transmitting a distress alert, the ship's position and the time the ship was at that position must be made available for transmission by the radio equipment—

- (a) from a navigation receiver, if one is fitted; or
- (b) manually, at intervals not exceeding four hours, while the ship is at sea.

Exemptions from Part 2

21. (1) The Authority may exempt any ship, on such terms as it may specify, from a provision in regulation 10, 11, 12, 13 or 14.

(2) When considering whether to exempt a ship, the Authority must take into account the effect of such exemption on the ship's ability to maintain proper communication for distress and safety purposes.

(3) An exemption may be granted under subregulation (1) only—

- (a) if the circumstances in relation to safety are such as to render the full application of regulation 10, 11, 12, 13 or 14, as the case may be, unreasonable or unnecessary; or
- (b) in exceptional circumstances, for a single voyage outside the sea area or sea areas for which the ship is equipped.

(4) The Authority may, after reasonable notice, alter or cancel any exemption granted under subregulation (1).

(5) The Authority must, within 30 days after the first day of January in each year, submit to the IMO a report showing all exemptions granted under this regulation during the

previous calendar year in respect of ships to which the Safety Convention applies and giving the reasons for granting them.

PART 3

NON-GMDSS REQUIREMENTS

Provision of radio equipment

22. (1) Every ship to which this Part applies must be provided with a VHF radiotelephone installation that includes a transmitter and a receiver.

(2) Every ship to which this Part applies, being—

- (a) a passenger ship;
- (b) a cargo ship of 100 tons or more;
- (c) a cargo ship of less than 100 tons making a voyage more than 40 nautical miles from shore; or
- (d) a class B or C fishing vessel,

must be provided with a radiotelephone installation that includes—

- (i) a transmitter and a receiver;
- (ii) a radiotelephone alarm signal generating device; and
- (iii) (aa) during the period expiring on the fourth anniversary of the commencement of these regulations, either—
 - (A) a 2182 kHz radiotelephone distress frequency watch receiver; or
 - (B) a receiver capable of receiving international NAVTEX service broadcasts; and
 - (bb) after that period, a receiver of the kind referred to in item (aa)(B).

(3) A satellite EPIRB of the kind referred to in regulation 10(1)(f) must be provided—

- (a) on every ship to which this Part applies making a voyage outside waters under South African jurisdiction;
- (b) after the period expiring on the second anniversary of the commencement of these regulations, on every ship to which this Part applies, being—
 - (i) a new ship, other than a fishing vessel; or
 - (ii) a class C fishing vessel; and
- (c) after the period expiring on the fourth anniversary of the commencement of these regulations, on every ship to which this Part applies, being—
 - (i) an existing ship, other than a fishing vessel; or
 - (ii) a class D fishing vessel.

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