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GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT DEPARTEMENT VAN VERVOER

No. R. 543

30 April 2004

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

MARITIME ZONES ACT, 1994 (ACT No. 15 OF 1994)

AMENDMENT OF SCHEDULE 2 (STRAIGHT BASELINES)

Under section 12 of the Maritime Zones Act, 1994 (Act No. 15 of 1994), I, Jeffrey Thamsanqa Radebe, Acting Minister of Transport, hereby amend Schedule 2 to the Act, as set out in the accompanying Schedule, with effect from the date of publication of this notice.

J. T. RADEBE,

Acting Minister of Transport.

SCHEDULE

AMENDMENT OF SCHEDULE 2 TO ACT 15 OF 1994, AS AMENDED BY GOVERNMENT NOTICE NO. R. 1858 OF 1 DECEMBER 1995

Schedule 2 to the Maritime Zones Act, 1994 (Act No. 15 of 1994), is amended by the substitution for the grouped co-ordinates set out in that Schedule of the following grouped co-ordinates:

"(These co-ordinates are based on the WGS 84 Spheroid)

Latitude South	Longitude East	Latitude South	Longitude East	Latitude South	Longitude East
O I "	O I "	O I "	O I "	O I "	O I "
32 19 05.2	018 18 50.0	34 23 14.5	018 49 36.6	34 21 46.5	021 52 16.6
32 44 17.3	017 52 13.4	34 37 58.5	019 17 48.2	34 20 24.8	021 54 41.5
32 44 17.3	017 52 13.4	34 37 58.5	019 17 48.2	34 20 24.8	021 54 41.5
32 49 30.4	017 50 38.5	34 41 23.5	019 24 07.9	34 11 14.4	022 09 36.5
32 49 30.4	017 50 38.5	34 41 23.5	019 24 07.9	34 11 14.4	022 09 36.5
32 59 53.3	017 52 17.8	34 46 51.6	019 38 08.2	34 05 36.2	022 58 46.1
32 59 53.3	017 52 17.8	34 47 15.8	019 39 42.4	34 05 36.2	022 58 46.1
33 02 26.3	017 53 42.8	34 49 40.8	019 57 46.5	34 06 42.7	023 24 25.3
33 02 26.3	017 53 42.8	34 49 53.9	020 00 49.6	34 06 42.7	023 24 25.3
33 09 08.7	017 58 47.1	34 28 22.7	020 50 46.9	34 12 49.1	024 50 12.9
32 09 08.7	017 58 47.1	34 28 22.7	020 50 46.9	34 12 49.1	024 50 12.9
33 24 51.7	018 04 22.9	34 26 18.3	021 17 57.8	34 02 49.6	025 37 38.6
33 25 55.1	018 04 54.8	34 26 18.3	021 17 57.8	34 02 49.6	025 37 38.6
34 08 56.5	018 19 09.6	34 23 44.2	021 43 46.5	34 01 48.0	025 42 06.5
34 09 23.5	018 19 24.0	34 23 44.2	021 43 46.5	34 01 48.0	025 42 06.5
34 16 23.3	018 22 48.7	34 22 48.9	021 48 45.7	33 50 34.3	026 17 08.8
34 16 23.3	018 22 48.7	34 22 48.9	021 48 45.7	33 50 34.3	026 17 08.8
34 18 28.9	018 24 05.0	34 22 35.1	021 49 51.9	33 44 52.8	026 33 19.6
34 19 34.5	018 25 17.5	34 22 35.1	021 49 51.9		
34 21 28.6	018 28 22.0	34 22 26.2	021 50 25.5		
34 21 28.6	018 28 22.0	34 22 26.2	021 50 25.5		
34 23 14.5	018 49 36.6	34 21 46.5	021 52 16.6		

The above co-ordinates establish six groups of straight baselines along the coast of the Republic. A dotted line between grouped co-ordinates indicates the end/start of a straight baseline. The straight baselines are separated by coastline."

SUID-AFRIKAANSE MARITIEME VEILIGHEIDSOWERHEID

WET OP MARITIEME SONES, 1994 (WET No. 15 VAN 1994)

WYSIGING VAN BYLAE 2 (REGUIT BASISLYNE)

Kragtens artikel 12 van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994), wysig ek, Jeffrey Thamsanqa Radebe, Waarnemende Minister van Vervoer, hierby Bylae 2 van die Wet, soos uiteengesit in die bygaande Bylae, met ingang van die datum van publikasie van hierdie kennisgewing.

J. T. RADEBE,

Waarnemende Minister van Vervoer.

BYLAE**WYSIGING VAN BYLAE 2 BY WET 15 VAN 1994, SOOS GEWYSIG BY GOEWERMENSKENNISGEWING NO. R. 1858 VAN 1 DESEMBER 1995**

Bylae 2 by die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994), word gewysig deur die vervanging van die gegroepeerde koördinate soos uiteengesit in daardie Bylae deur die volgende:

"(Hierdie koördinate is gebaseer op die WGS 84 Sferoïed)

Breedtegraad Suid	Lengtegraad Oos	Breedtegraad Suid	Lengtegraad Oos	Breedtegraad Suid	Lengtegraad Oos
O I H	O I H	O I H	O I H	O I H	O I H
32 19 05.2	018 18 50.0	34 23 14.5	018 49 36.6	34 21 46.5	021 52 16.6
32 44 17.3	017 52 13.4	34 37 58.5	019 17 48.2	34 20 24.8	021 54 41.5
32 44 17.3	017 52 13.4	34 37 58.5	019 17 48.2	34 20 24.8	021 54 41.5
32 49 30.4	017 50 38.5	34 41 23.5	019 24 07.9	34 11 14.4	022 09 36.5
32 49 30.4	017 50 38.5	34 41 23.5	019 24 07.9	34 11 14.4	022 09 36.5
32 59 53.3	017 52 17.8	34 46 51.6	019 38 08.2	34 05 36.2	022 58 46.1
32 59 53.3	017 52 17.8	34 47 15.8	019 39 42.4	34 05 36.2	022 58 46.1
33 02 26.3	017 53 42.8	34 49 40.8	019 57 46.5	34 06 42.7	023 24 25.3
33 02 26.3	017 53 42.8	34 49 53.9	020 00 49.6	34 06 42.7	023 24 25.3
33 09 08.7	017 58 47.1	34 28 22.7	020 50 46.9	34 12 49.1	024 50 12.9
32 09 08.7	017 58 47.1	34 28 22.7	020 50 46.9	34 12 49.1	024 50 12.9
33 24 51.7	018 04 22.9	34 26 18.3	021 17 57.8	34 02 49.6	025 37 38.6
33 25 55.1	018 04 54.8	34 26 18.3	021 17 57.8	34 02 49.6	025 37 38.6
34 08 56.5	018 19 09.6	34 23 44.2	021 43 46.5	34 01 48.0	025 42 06.5
34 09 23.5	018 19 24.0	34 23 44.2	021 43 46.5	34 01 48.0	025 42 06.5
34 16 23.3	018 22 48.7	34 22 48.9	021 48 45.7	33 50 34.3	026 17 08.8
34 16 23.3	018 22 48.7	34 22 48.9	021 48 45.7	33 50 34.3	026 17 08.8
34 18 28.9	018 24 05.0	34 22 35.1	021 49 51.9	33 44 52.8	026 33 19.6
34 19 34.5	018 25 17.5	34 22 35.1	021 49 51.9		
34 21 28.6	018 28 22.0	34 22 26.2	021 50 25.5		
34 21 28.6	018 28 22.0	34 22 26.2	021 50 25.5		
34 23 14.5	018 49 36.6	34 21 46.5	021 52 16.6		

Bogenoemde koördinate stel 'n groep van ses reguit basislyne vas al langs die kus van die Republiek. 'n Stippellyn tussen gegroepeerde koördinate dui die einde/begin van 'n reguit basislyn aan. Die reguit basislyne word geskei deur kuslyn."

No. R. 544

30 April 2004

SUID-AFRIKAANSE MARITIEME VEILIGHEIDSOWERHEID**WET OP MARITIEME SONES, 1994 (WET No. 15 VAN 1994)****HERROEPING VAN REGULASIES BETREFFENDE MARITIEME SONES**

Die Minister van Vervoer het kragtens artikel 13 van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994), die regulasies wat by Goewermmentskennisgewing No. R. 857 van 15 Junie 1995 uitgevaardig is, herroep met ingang van die datum van publikasie van hierdie kennisgewing.

No. R. 545

30 April 2004

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

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

**MERCHANT SHIPPING (MISCELLANEOUS AMENDMENTS)
REGULATIONS, 2004**

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 (Miscellaneous Amendments) Regulations, 2004, and come into operation on **1 June 2004**.

PART 1**MARITIME OCCUPATIONAL SAFETY****Interpretation**

2. In this Part "the Regulations" means the Maritime Occupational Safety Regulations, 1994, published by Government Notice No. R. 1904 of 11 November 1994, as amended by Government Notice No. R. 1712 of 19 December 1997.

Amendment of regulation 1 of Regulations

3. Regulation 1 of the Regulations is amended—

(a) by the insertion after the definition of "access equipment" of the following definitions:

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

"length", in relation to a vessel, has the same meaning as in regulation 2 of the Tonnage Regulations, 1986;" and

(b) by the insertion after the definition of "offshore installation" of the following definition:

" 'owner', in relation to a vessel, includes any person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner;"

Amendment of regulation 7 of Regulations

4. Regulation 7 of the Regulations is amended by the substitution for the definition of "Code" of the following definition:

" 'Code' means the Code of Safe Working Practices for Merchant Seamen published by Her Majesty's Stationery Office (UK), as may be amended from time to time;"

Amendment of regulation 10 of Regulations

5. Regulation 10 of the Regulations is amended by the substitution for paragraph (h) of subregulation (3) of the following paragraph:

"(h) on written request as soon as practicable make the record book referred to in paragraph (g) available to the Authority or the safety committee concerned, as the case may be;"

Amendment of regulation 14 of Regulations

6. Regulation 14 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) The employer shall provide—

- (a) on board a vessel of less than 30 metres in length, a gangway, or, if this is not practicable, a portable ladder which is appropriate to the deck layout, size, shape and maximum freeboard of the vessel;
- (b) on board a vessel of 30 metres or more in length, a gangway; and
- (c) on board a vessel of 120 metres or more in length, in addition to the gangway, an accommodation ladder (including a rope or portable ladder) which is appropriate to the deck layout, size, shape and maximum free board of the vessel and which complies with the applicable requirements prescribed in the Code."

Amendment of regulation 28 of Regulations

7. Regulation 28 of the Regulations is amended by the substitution for the definition of "Code" of the following definition:

" 'Code' means the South African Ports Cargo Handling Code of Practice published by the National Ports Authority of South Africa, a division of Transnet Limited, as may be amended from time to time;"

Amendment of regulation 32 of Regulations

8. Regulation 32 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

"(2) The employer shall keep the records specified in subregulation (1) for a period of not less than three years, and shall make these records available to the Authority upon demand."

Amendment of regulation 33 of Regulations

9. Regulation 33 is amended by the substitution for the definition of "Code" of the following definition:

" 'Code' means the Code of Safe Working Practices for Fishing Vessels published by the Authority, as may be amended from time to time;".

Amendment of regulation 35 of Regulations

10. Regulation 35 of the Regulations is amended—

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

"(b) the owner and the master thereof shall comply or ensure compliance with the said provisions while such vessel is in service."; and

(b) by the addition to subregulation (2) of the following paragraph:

"(d) ensure compliance with regulations 21 and 27(1).".

Amendment of regulation 36 of Regulations

11. Regulation 36 of the Regulations is amended—

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

"(1) (a) For the purpose of a fishing vessel in service, the employer of the crew of the vessel shall in writing appoint a suitably qualified crew member as the safety officer for the vessel.

(b) A person is not suitably qualified for the purposes of paragraph (a) unless he or she holds documentary evidence of having successfully completed safety officer training approved by the Authority: Provided that this provision does not require a person to hold such documentary evidence during the period expiring 12 months after the commencement of Part 1 of the Merchant Shipping (Miscellaneous Amendments) Regulations, 2004."; and

(b) by the insertion in subregulation (3) after paragraph (d) of the following paragraph:

"(dA) ensure that the members of the vessel's safety committee are made aware of—

- (i) the relevant requirements of these regulations and of the Act;
- (ii) any relevant Marine Notice; and
- (iii) the provisions of the Code."

Amendment of regulation 38 of Regulations**12. Regulation 38 of the Regulations is amended—**

- (a) by the substitution for subregulations (1) and (2) of the following subregulations, respectively:

"(1) The owner of every fishing vessel shall in writing establish a safety committee for the vessel, which committee is to consist of such number of members as the owner may determine from time to time taking into account the other provisions of this regulation.

(2) The chairman, in the person of the owner or the owner's representative, shall co-opt the vessel's safety officer and not less than one crew member from each of the deck, engine, factory (if applicable) and catering departments on board, and may co-opt such other crew members or employees as are necessary to conduct the business of the committee.";

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

"(5) A safety committee is to meet as often as may be necessary for the effective and efficient performance of its functions: Provided that the Authority may by notice in writing direct that a meeting be held at any place and time determined by it and specified in the notice."; and

- (c) by the substitution for subregulations (8) and (9) of the following subregulations, respectively:

"(8) After consideration of such recommendations a safety committee may recommend any appropriate action in respect of any incident on board a vessel and the recommendation shall be made available to the Authority upon demand.

(9) The owner shall keep the minutes of every meeting of a safety committee for a period of at least three years and shall make the minutes available to the Authority upon demand.".

Amendment of regulation 39 of Regulations

- 13.** Regulation 39 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

"(2) The employer shall keep the records specified in subregulation (1) for a period of at least three years, and shall make these records available to the safety committee, and to the Authority upon demand.".

Insertion of regulations 39A and 39B in Regulations

- 14.** The following regulations are inserted in Chapter IV of the Regulations after regulation 39:

"Compliance audit

39A. (1) The owner shall, at intervals not exceeding three months, audit the arrangements for ensuring compliance with these regulations in respect of its vessels to ensure that they are implemented effectively.

(2) Without limiting subregulation (1), the audit shall include a review of the minutes and records required to be kept pursuant to regulations 38(9) and 39, respectively, and, in particular, shall ensure that—

- (a) a safety officer or safety appointee, as the case may be, has been duly appointed in respect of each of the owner's vessels and is functioning effectively;
- (b) a safety committee has been duly appointed in respect of each of the owner's vessels and is functioning effectively;
- (c) all accidents involving any of the owner's vessels have been reported and investigated by the owner and that rectifying steps have been taken where appropriate;
- (d) each of the owner's vessels is, so far as reasonably practicable, a safe workplace; and
- (e) the structure, equipment and arrangements of each of the owner's vessels are maintained to comply with statutory requirements.

(3) The owner shall maintain a written record of each audit for a period of at least three years and shall make the record available to the Authority upon demand.

Access equipment

39B. The employer shall provide—

- (a) on board a vessel of less than 30 metres in length, a gangway, or, if this is not practicable, a portable ladder which is appropriate to the deck layout, size, shape and maximum freeboard of the vessel and which complies with the applicable requirements prescribed in the Code; and
- (b) on board a vessel of 30 or more metres in length, a gangway."

Substitution of regulation 40 of Regulations

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

"Offences, penalties and defences

40. (1) Every employer commits an offence who contravenes regulation 3(1) or (2), 4, 5, 9, 10(1), 11(1), 13, 14, 15, 16(1), 17, 18, 19, 20, 21, 22, 23, 24, 25(1), 26, 27, 30(1), (2) or (4), 31(1), 32, 35(2), 36(1), 39 or 39B.

(2) Every employee who contravenes regulation 3(3)(f) commits an offence.

(3) Every person who contravenes regulation 16(2) commits an offence.

(4) Every owner commits an offence who contravenes regulation 35(1), 37(1), 38(1), 38(9) or 39A(1) or (3).

(5) Every master who contravenes regulation 35(1)(b) commits an offence.

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

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

(8) In proceedings for an offence in terms of this regulation consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than what was in fact done to satisfy the duty or requirement."

Amendment of contents list in Regulations

16. The contents list (arrangement of regulations) in the Regulations is amended by the addition under Chapter IV of the following entries:

- "39A. Compliance audit
- 39B. Access equipment".

PART 2

SAFE MANNING

Interpretation

17. In this Part "the Regulations" means the Merchant Shipping (Safe Manning) Regulations, 1999, published by Government Notice No. R. 1548 of 30 December 1999, as amended by Government Notice No. R. 501 of 26 April 2002, as corrected by Government Notice No. R. 893 of 28 June 2002.

Amendment of regulation 1 of Regulations

18. Regulation 1 of the Regulations is amended—

- (a) by the insertion in subregulation (1) after the definition of "contravene" of the following definition:

" 'deck officer' means a person who is qualified for service as a ship's officer in the deck department on a ship, and includes the master;";

- (b) by the insertion in subregulation (1) after the definition of "defined fishing zone" of the following definition:

" 'engineer officer' means a person who is qualified for service as a ship's officer in the engine-room department on a ship;";

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

" 'foreign ship' means any ship that is not a South African ship;"
- (d) by the substitution in subregulation (1) for the definition of "GT" of the following definition:

" 'GT', in relation to a ship, means its gross tonnage calculated in accordance with the Tonnage Regulations, 1986;"
- (e) by the deletion in subregulation (1) of the definition of "length of ship";
- (f) by the insertion in subregulation (1) after the definition of "GT" of the following definition:

" 'length', in relation to a ship, has the same meaning as in regulation 2 of the Tonnage Regulations, 1986;"
- (g) by the insertion in subregulation (1) after the definition of "near-coastal voyage" of the following definition:

" 'officer' means a ship's officer;"
- (h) by the insertion in subregulation (1) after the definition of "offshore" of the following definition:

" 'owner', in relation to a ship, includes any person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;"
- (i) by the substitution in subregulation (1) for paragraph (a) of the definition of "safe manning document" of the following paragraph:

"(a) in the case of a South African ship, by the Authority; and"
- (j) by the substitution in subregulation (1) for the words preceding paragraph (a) of the definition of "ship to which the Safety Convention applies" of the following words:

" 'ship to which the Safety Convention applies' means any seagoing ship, except—"
- (k) by the substitution in subregulation (1) for the words preceding paragraph (a) of the definition of "ship to which the STCW Convention applies" of the following words:

" 'ship to which the STCW Convention applies' means any seagoing ship, except—"
- (l) by the insertion in subregulation (1) after the definition of "ship to which the STCW Convention applies" of the following definition:

" 'South African ship' includes an unregistered ship having South African nationality;"
- (m) by the substitution for subregulation (2) of the following subregulation:

"(2) A reference in these regulations to the holder of any certification or document or to holding any certification or document shall be read as a reference to the lawful holder of the certification or document or to lawfully holding the certification or document, as the case may be."; and

- (n) by the addition of the following subregulation:

"(3) For the purposes of these regulations, a ship shall be taken to be at sea at any time when it is not securely ashore or moored in a safe berth: Provided that a ship shall not be taken to be at sea by reason only that the ship has been got under way for the purpose of moving the ship from one berth in a port to another berth in the port."

Amendment of regulation 2 of Regulations

19. Regulation 2 of the Regulations is amended—

- (a) by the substitution for subregulations (1) and (2) of the following subregulations, respectively:

"(1) Subject to this regulation, these regulations apply to every South African ship wherever it may be.

(2) Regulation 24 applies, in addition, to every foreign ship to which the Safety Convention applies, when in the Republic or its territorial waters.";

- (b) by the insertion after subregulation (2) of the following subregulations:

"(2A) Regulations 6, 6A, 24A and 24B apply, in addition, to every foreign ship to which the STCW Convention applies, when in the Republic or its territorial waters.

(2B) A provision of these regulations does not apply to a South African ship in the waters of another State where the provision is inconsistent with a law of that State that, by its terms, applies to the ship when in the waters of that State."; and

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

"(3) These regulations do not apply to—

- (a) vessels of less than 25 GT;
- (b) any vessel of less than 100 GT that is used solely for sport or recreation; or
- (c) any vessel of 100 GT or more that is classified in terms of the life-saving equipment regulations as a class XII yacht if there is employed on the vessel an adequate number and description of persons to ensure that the vessel is sufficiently and efficiently manned."

Repeal of regulation 3 of Regulations

20. Regulation 3 of the Regulations is repealed.

Substitution of regulation 4 of Regulations

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

"Responsibilities of owners and masters

4. (1) The owner of every ship shall ensure that—
- (a) (i) no ship's officer takes charge of a navigational or engineering watch on the ship unless he or she holds appropriate valid certification entitling him or her to do so; and
 - (ii) no rating forms part of a navigational or engineering watch on the ship unless he or she holds appropriate valid certification entitling him or her to do so;
 - (b) the master and every ship's officer have appropriate experience of the type of ship on which he or she is employed;
 - (c) the master and every seaman employed on the ship, before being allowed to assume his or her assigned duties, are familiarized with their specific duties and with all the ship's arrangements, installations, equipment, procedures and characteristics relevant to their routine and emergency duties;
 - (d) every rating employed on the ship and designated to have safety or pollution prevention duties holds documentary evidence of having—
 - (i) served in a capacity designated to have safety or pollution prevention duties for a period of at least 12 months during the preceding five years; or
 - (ii) successfully completed approved training relating to those duties during the preceding five years;
 - (e) the ship's crew can effectively co-ordinate activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution;
 - (f) documentation and data relevant to the master and seamen employed on the ship are maintained and readily available for inspection, including documentation and data relevant to their experience, training, medical fitness and competency in assigned duties; and
 - (g) every seaman employed on the ship and going to sea for the first time holds documentary evidence of having successfully completed approved safety induction training and, in the case of a fishing vessel, that the master and every seaman (other than a seaman going to sea for the first time) employed on the ship hold such evidence not later than 24 months after the commencement of Part 2 of the Merchant Shipping (Miscellaneous Amendments) Regulations, 2004.
- (2) Without limiting the owner's obligations under subregulation (1), it is the duty of the master to ensure that the requirements of that subregulation are complied with in relation to the seamen employed on the ship.
- (3) Nothing in subregulation (1)(a) to (f) prohibits the allocation of tasks for training under supervision or in case of force majeure.

(4) (a) The owner and the master of every ship shall ensure that, in addition to the ship's officers and other persons prescribed by these regulations or elsewhere in terms of the Act, there are employed as crew of the ship an adequate number and description of persons to ensure that the ship is sufficiently and efficiently manned.

(b) For the purposes of paragraph (a) and regulation 2(3)(c), a ship shall be taken to be sufficiently and efficiently manned if, in the opinion of the proper officer, it has as crew suitably qualified persons to enable it to go to sea with due regard to the requirements of the life-saving equipment regulations, the collision regulations, the radio regulations, and any other safety provisions that may be applicable to the ship.

(c) The proper officer shall, when determining the adequacy of the crew in accordance with this subregulation, take the following into account:

- (i) the complement normally carried by similar ships employed on similar voyages or operations;
- (ii) the complement that the ship in question has recently carried on previous voyages or operations;
- (iii) the complement adequate to ensure compliance with regulations 6A and 6B (if applicable); and
- (iv) the nature of the service for which the ship is intended.

(5) The Authority shall, as and when necessary, issue a marine notice specifying the number of persons to constitute the crew of a ship and the capacities in which those persons are to serve other than persons prescribed in these regulations or elsewhere in terms of the Act."

Repeal of regulation 5 of Regulations

22. Regulation 5 of the Regulations is repealed.

Insertion of regulations 6A, 6B and 6C in Regulations

23. The following regulations are inserted in the Regulations after regulation 6:

"Hours of work: general duty of owners, masters and others

6A. (1) The owner of every ship shall ensure, so far as is reasonably practicable, that the master and seamen employed on the ship do not work more hours than is safe in relation to the safety of the ship and the master's and the seamen's performance of their duties.

(2) The master of every ship shall ensure, so far as is reasonably practicable, that the seamen employed on the ship do not work more hours than is safe in relation to the safety of the ship and the seamen's performance of their duties.

(3) Every master and seaman shall, so far as is reasonably practicable, ensure that he or she is properly rested when commencing duty on a ship and that he or she obtains adequate rest during periods when he or she is off duty.

Hours of work: schedules of duties

6B. (1) The owner of every ship of 100 GT or more shall produce a schedule of duties complying with this regulation.

(2) Where the owner is not also the employer of the master and all the seamen, the owner shall consult any other person who is an employer of the master or any of the seamen before producing the schedule.

(3) The owner may arrange with any such employer that the employer is to produce a schedule of duties complying with this regulation. In such a case, that employer shall also be subject to the duties of the owner under this regulation.

(4) Before producing a schedule, the owner shall seek the views of the master, and the master shall seek, and convey to the owner, the views of—

- (a) the ship's safety committee; or
- (b) the seamen or their representatives; or
- (c) a trade union with one or more members aboard ship.

(5) A schedule complies with this regulation if—

- (a) it sets out the hours of work for—
 - (i) masters and seamen whose work includes regular watchkeeping duties or ship handling; and
 - (ii) the ship's chief engineer, chief mate and second engineer,so as to provide that they do not work more hours than is safe in relation to the safety of the ship and the master's and seamen's performance of their duties;
- (b) it specifies the maximum period of continuous watchkeeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and
- (c) it provides a minimum of ten hours of rest in any 24-hour period, which period may be divided into no more than two periods, one of which shall be at least six hours duration: Provided that the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than seventy hours of rest are provided in each seven day period.

(6) The owner shall give consideration to the category of shipping operation undertaken in arranging the hours of work.

(7) The schedule may be changed by the owner, or by an employer who by virtue of subregulation (3) is subject to the duties of the owner, on condition that—

- (a) other employers and the owner, as the case may be, have been consulted;
- (b) the owner or the employer has sought the views of the master on the proposed changes and the master has sought and conveyed to the owner the views of persons mentioned in subregulation (4)(a), (b) or (c); and
- (c) the schedule as changed complies with subregulation (5).

(8) The owner shall ensure that the schedule is displayed prominently in the crew accommodation for the information of all seamen.

(9) It is the duty of the master to ensure, as far as reasonably practicable, that the hours of work specified in the schedule are not exceeded.

(10) (a) The owner and the master shall keep on board the ship a copy of the schedule and a record of all deviations from its requirements.

(b) The owner for the time being shall ensure that a copy of the schedule and of the record of all deviations from its requirements are preserved for a period of five years from the date the schedule was introduced, and that they are available for inspection by a proper officer or a surveyor. If during the five year period there ceases to be an owner in relation to the ship, the duty to preserve the copies of the schedule and of the record shall remain with the last such owner.

Hours of work: exception for emergencies

6C. (1) The requirements for rest periods provided for in regulation 6B(5)(c) need not be maintained in case of emergency or drill or in other overriding operational conditions.

(2) When in pursuance of subregulation (1) the master or a seaman has worked within a rest period provided for by the schedule, the master shall cause to be entered in the ship's official logbook the master's or seaman's name, as the case may be, together with the reason why he or she so worked."

Repeal of regulations 7 and 8 of Regulations

24. Regulations 7 and 8 of the Regulations are repealed.

Amendment of regulation 10 of Regulations

25. Regulation 10 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) The holder of a certificate as master or ship's officer, being a certificate issued in terms of the STCW Convention by or on behalf of another party to that Convention, may apply to the Authority, in accordance with subregulation (2), for the certificate to be recognized as equivalent to a certificate of competency issued under the Act."

Substitution of regulations 11 to 15 of Regulations

26. The following regulations are substituted for regulations 11 to 15 of the Regulations, respectively:

"Employment of certificated deck officers on ships other than fishing vessels"

11. (1) The owner and the master of every ship, 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 and description of appropriately certificated deck officers specified in the applicable item of the following table:

Item	Voyage / Operation	Tonnage of ship (GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certification	Number
1	Port operations	< 200	Master	Skipper (Port operations)	1
2		≥ 200 but < 500	Master	Master (Port operations)	1
3		≥ 500	Master	Master (Port operations)	1
			Mate	Skipper (Port operations)	1
4	Near-coastal	< 100	Master	Skipper (Coastal)	1
Mate			Skipper (Coastal)	1	
5		≥ 100 but < 500	Master	Master (Coastal)	1
			Mate	Mate (Coastal)	1
6	Unlimited	< 100	Master	Skipper (Unlimited)	1
Mate			Skipper (Unlimited)	1	
7		≥ 100 but < 500	Master	Deck Officer (A)	1
			Mate	Deck Officer	1
8		≥ 500 but < 3000	Master	Chief Mate (B)	1
			Mate	Deck Officer (C)	1
			Watchkeeping officer	Deck Officer	1
9		≥ 3000	Master	Master	1
			Mate	Chief Mate	1
			Watchkeeping officer	Deck Officer	2

Notes:
(A) Certification to include the endorsement: 'Master of a ship of less than 500 GT on unlimited voyages'.
(B) Certification to include the endorsement: 'Master of a ship of less than 3000 GT on unlimited voyages'.
(C) Certification to include the endorsement: 'Chief mate of a ship of less than 3000 GT on unlimited voyages'.

(2) The owner and the master of every ship of 100 GT or more that—

- (a) is engaged in 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 and description of appropriately certificated deck officers specified in the applicable item of the following table:

Item	Tonnage of ship (GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
1	≥ 100 but < 500	Master	Master (Coastal)	1
		Mate	Mate (Coastal)	1
2	≥ 500 but < 3 000	Master	Chief Mate (A)	1
		Mate	Deck Officer (B)	1

Item	Tonnage of ship (GT)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
3	≥ 3 000	Master	Master	1
		Mate	Chief Mate	1
		Watchkeeping officer	Deck Officer	1
Notes: (A) Certification to include the endorsement: 'Master of a ship of less than 3000 GT on unlimited voyages'. (B) Certification to include the endorsement: 'Chief mate of a ship of less than 3000 GT on unlimited voyages'. The certification referred to in the table may be of the kind limited to mining operations.				

Employment of certificated deck officers on fishing vessels operating wholly within defined fishing zone

12. The owner and the master of every fishing vessel that operates wholly within the defined fishing zone shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated deck officers specified in the applicable item of the following table:

Item	Length of vessel (metres)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
1	≤ 12,7	Master	Fisherman Grade 4 (Skipper)	1
		Mate	Small Vessel Certificate of Competence (vessels > 9 metres in length)	1
2	> 12,7 but < 24	Master	Fisherman Grade 4 (Skipper)	1
		Mate	Fisherman Grade 4 (Watchkeeper)	1(A)
3	≥ 24 but < 30	Master	Fisherman Grade 3	1
		Mate	Fisherman Grade 4 (Watchkeeper)	1
4	≥ 30	Master	Fisherman Grade 2	1
		Mate	Fisherman Grade 3	1
		Watchkeeping officer	Fisherman Grade 4 (Watchkeeper)	1

Note:
(A) Not required on vessels < 50 GT going to sea for periods not exceeding 12 consecutive hours.

Employment of certificated deck officers on fishing vessels operating outside defined fishing zone

13. The owner and the master of every fishing vessel that operates, at any time, outside the defined fishing zone shall comply with regulation 12: Provided that, in all cases, the appropriate minimum certification applicable to the master shall include the high seas command endorsement.

Employment of certificated engineer officers on ships other than fishing vessels

14. (1) The owner and the master of every ship, 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 and description of appropriately certificated engineer officers specified in the applicable item of the following table:

Item	Voyage / Operation	Registered propulsion power of ship (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
				Certification	Number
1	Port operations	< 350	Chief engineer	Marine Motorman Grade 1	1
2		≥ 350 but < 750	Chief engineer	Marine Motorman Higher Grade	1
3		≥ 750 but < 1500	Chief engineer	Second Engineer Officer (Port Operations)	1
4		≥ 1500	Chief engineer	Chief Engineer Officer (Port Operations)	1
			Second engineer	Marine Motorman Grade 1	1
5	Near-coastal	<350	Chief engineer	Marine Motorman Grade 1	1
6		≥ 350 but < 750	Chief engineer	Marine Motorman Higher Grade	1
			Second engineer	Marine Motorman Grade 1	1
7		≥ 750 but < 3000	Chief engineer	Second Engineer Officer (≥ 3000 kW) (A)	1
			Second engineer	Engineer Officer	1
			Watchkeeping officer	Engineer Officer	1
8		≥ 3000	Chief engineer	Chief Engineer Officer (≥ 3000 kW)	1
			Second engineer	Second Engineer Officer (≥ 3000 kW)	1
			Watchkeeping officer	Engineer Officer	1
9		< 750	Chief engineer	Second Engineer Officer (< 3000 kW) (B)	1
			Second engineer	Engineer Officer	1
			Watchkeeping officer	Marine Motorman Grade 1	1
10	Unlimited	≥ 750 but < 3000	Chief engineer	Second Engineer Officer (≥ 3000 kW) (C)	1
			Second engineer	Second Engineer Officer (< 3000 kW)	1
			Watchkeeping officer	Engineer Officer	1
11		≥ 3000	Chief engineer	Chief Engineer Officer (≥ 3000 kW)	1
			Second engineer	Second Engineer Officer (≥ 3000 kW)	1
			Watchkeeping officer	Engineer Officer	2

Notes:
 (A) Certification to include the endorsement: 'Chief engineer officer of a ship of less than 3000 kW propulsion power'.
 (B) Certification to include the endorsement: 'Chief engineer officer of a ship of less than 750 kW propulsion power'.
 (C) Certification to include the endorsement: 'Chief engineer officer of a ship of less than 3000 kW propulsion power'.

(2) The owner and the master of every ship of 100 GT or more that—

- (a) is engaged in 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 and description of appropriately certificated engineer officers specified in the applicable item of the following table:

Item	Registered propulsion power of ship (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
1	< 750	Chief engineer	Marine Motorman Higher Grade	1
		Second engineer	Marine Motorman Grade 1	1

Item	Registered propulsion power of ship (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
2	≥ 750 but < 3000	Chief engineer	Second Engineer Officer (≥ 3000 kW) (A)	1
		Second engineer	Engineer Officer	1
		Watchkeeping officer	Engineer Officer	1
3	≥ 3000	Chief engineer	Chief Engineer Officer (≥ 3000 kW)	1
		Second engineer	Second Engineer Officer (≥ 3000 kW)	1
		Watchkeeping officer	Engineer Officer	1

Note:
(A) Certification to include the endorsement: 'Chief engineer officer of a ship of less than 3000 kW propulsion power'.

Employment of certificated engineer officers on fishing vessels

15. The owner and the master of every fishing vessel shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated engineer officers specified in the applicable item of the following table:

Item	Registered propulsion power of vessel (kW)	Capacity of employment	Appropriate minimum certification and number of persons to be employed	
			Certification	Number
1	< 150	Chief engineer	Marine Motorman Grade 3	1(A)
2	≥ 150 but < 350	Chief engineer	Marine Motorman Grade 2	1(A)
3	≥ 350 but < 1000	Chief engineer	Marine Motorman Grade 1	1
		Second engineer	Marine Motorman Grade 2	1
4	≥ 1000 but < 2000	Chief engineer	Marine Motorman Higher Grade	1
		Second engineer	Marine Motorman Grade 1	1
5	≥ 2000 but < 3000	Chief engineer	Marine Engineer Officer (Class 4) (B)	1
		Second engineer	Marine Motorman Grade 1	1
6	≥ 3000	Chief engineer	Marine Engineer Officer (Class 3) (C)	1
		Second engineer	Engineer officer	1

Notes:
(A) Not required on vessels ≤ 12,7 metres in length if the master has passed a level 3 assessment (oral examination) in basic engineering knowledge.
(B) Certification to include the class 4 service endorsement.
(C) Certification to include the class 3 service endorsement."

Amendment of regulation 16 of Regulations

27. Regulation 16 of the Regulations is amended—

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

"The owner and the master of every ship shall ensure that there is employed on the ship the number and description of appropriately certificated radio operators specified in the applicable item of the following table: Provided that—"; and

- (b) by the substitution for the existing table of the following table:

"Item	Voyage / Operation	Tonnage / Length of ship	Appropriate certification and number of persons to be employed	
			Certification	Number
1	Port operations	≥ 25 GT	Restricted Radiotelephone Operator	1
2	Near-coastal	≥ 25 GT but < 300 GT	Restricted Radiotelephone Operator	2
3		≥ 300 GT	GMDSS General Operator	2
4	Fishing operations within 40 nautical miles offshore	≥ 25 GT	Restricted Radiotelephone Operator (VHF only)	1
5	Fishing operations beyond 40 but within 200 nautical miles offshore	≥ 25 GT	Restricted Radiotelephone Operator	2
6	Fishing operations beyond 200 nautical miles offshore	≥ 25 GT but < 45 metres	Restricted Radiotelephone Operator	2
7		≥ 45 metres	GMDSS General Operator	2
8	Unlimited	≥ 100 GT but < 300 GT	Restricted Radiotelephone Operator	2
9		≥ 300 GT	GMDSS General Operator	2"

Substitution of regulations 17 and 18 of Regulations

28. The following regulations are substituted for regulations 17 and 18 of the Regulations, respectively:

"Employment of certificated ratings on ships other than fishing vessels

17. The owner and the master of every ship other than a fishing vessel shall ensure that there is employed on the ship in their appropriate capacities the number and description of appropriately certificated ratings specified in the applicable item of the table below: Provided that—

- where a combination of ratings qualified as ordinary seamen and as able seamen is employed in the deck department, at least half the combined number of ratings so employed shall be qualified as able seamen;
- where a combination of ratings qualified as wipers and as oilers is employed in the engine-room department, at least one of the ratings so employed shall be qualified as an oiler;
- on passenger ships the prescribed number of ratings qualified as proficient in survival craft and as proficient in fast rescue boats shall be in addition to the number of ratings qualified as able seamen and as oilers;
- on ships having only liferafts as survival craft there may be employed, instead of the number of ratings qualified as proficient in survival craft, an equal number of ratings qualified as proficient in liferafts only;
- owners and masters (bearing in mind that the table below specifies minimum requirements only) shall have regard to the requirements of regulation 4(4) when determining the appropriate manning;
- in respect of a ship engaged solely in port operations, and instead of meeting the requirements specified in the table below, application may be made to the proper officer at the ship's port of operation for the number of certificated ratings to be determined, with the necessary changes, in accordance with regulation 4(4);

- (g) on ships engaged solely in port operations, there may be employed, instead of the number of ratings qualified as able seamen or as oilers, an equal number of ratings holding the qualification as General Purpose Rating (Port Operations).

Item	Type of ship	Voyage / Operation	Minimum certification and number to be employed			
			Ordinary seaman / Able seaman	Wiper / Oiler	Proficient in survival craft	Efficient cook
1	Passenger	Unlimited or near-coastal	Sufficient to man each 4 hour watch in a 12 hour period with a rating, plus one (i.e. 4)	Sufficient to man each 4 hour watch in a 12 hour period with a rating (i.e. 3)	One for every 50 passengers, or part of such number, on board	1
2		Port operations	Sufficient to man each 6 hour watch in a 12 hour period with a rating, plus one (i.e. 3)	Sufficient to man each 6 hour watch in a 12 hour period with a rating (i.e. 2)		—
3	Other	Unlimited	Sufficient to man each 4 hour watch in a 12 hour period with a rating, plus one (i.e. 4)	Sufficient to man each 4 hour watch in a 12 hour period with a rating (i.e. 3)	—	1
4		Near-coastal	Sufficient to man each 6 hour watch in a 12 hour period with a rating, plus one (i.e. 3)	Sufficient to man each 6 hour watch in a 12 hour period with a rating (i.e. 2)		—
5		Port operations	1 Able seaman (Port Operations) and 1 ordinary seaman (Port Operations) OR 2 Able seamen (Port Operations)	1 Oiler (Port Operations)		—

Employment of certificated ratings on fishing vessels of 100 GT or more

18. The owner and the master of every fishing vessel of 100 GT or more shall ensure that there is employed on the vessel in their appropriate capacities the number and description of appropriately certificated ratings specified in the applicable item of the following table:

Item	Number of persons on vessel	Minimum certification and number to be employed		
		Able seaman	Proficient in survival craft	Efficient cook
1	≥ 15 but < 30	1	1	—
2	≥ 30	1	2	1

Notes:
 The number of ratings required to be qualified as proficient in survival craft shall be in addition to the number required to be qualified as able seaman.
 The certification as able seaman and as proficient in survival craft and fast rescue boats may be the local certification or the certification issued in accordance with the STCW Convention."

Insertion of regulation 18A in Regulations

29. The following regulation is inserted in the Regulations after regulation 18:

"Employment of qualified personnel on tankers and passenger ships

18A. (1) The owner and the master of every tanker shall ensure that—

- (a) every seaman 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 seaman with immediate responsibility for loading, discharging and care in transit or handling of cargo on the ship,

hold—

- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of regulation 51 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/1 of that Convention relative to their capacity, duties and responsibilities on the ship.

(2) The owner and the master of every ro-ro passenger ship shall ensure that the master and every seaman employed on the ship hold—

- (a) 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
- (b) 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.

(3) The owner and the master of every passenger ship, other than a ro-ro passenger ship, engaged on unlimited voyages shall ensure that the master and every seaman employed on the ship hold—

- (a) 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
- (b) 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."

Substitution of regulations 19 and 20 of Regulations

30. The following regulations are substituted for regulations 19 and 20 of the Regulations, respectively:

"Employment of qualified medical personnel

19. (1) The owner and the master of every ship on an unlimited voyage that carries 100 or more persons shall ensure that at least one medical practitioner is employed on the ship.

(2) The owner and the master of every ship to which the STCW Convention applies shall ensure that—

- (a) every seaman designated to take charge of medical care on the ship, in the absence of a qualified medical practitioner, holds—
 - (i) a valid Ship Captain's Medical Training Certificate issued in accordance with the Code; or
 - (ii) a valid certificate in medical care issued in accordance with regulation VI/4, paragraph 2 of the STCW Convention by or on behalf of another party to that Convention; and
 - (b) every seaman designated to provide medical first aid on the ship holds—
 - (i) a valid First Aid at Sea Certificate issued in accordance with the Code; or
 - (ii) a valid certificate in medical first aid issued in accordance with regulation VI/4, paragraph 1 of the STCW Convention by or on behalf of another party to that Convention.
- (3) Every person who is designated the duties referred to subregulation (2)(a) or (b) shall undertake approved refresher training at intervals not exceeding five years.

Employment of qualified fire-fighting personnel

20. (1) The owner and the master of every ship shall ensure that every seaman designated to take charge of a fire-fighting party on the ship holds—

- (a) in the case of a ship of 100 GT or more, a valid Fire-Fighting Certificate issued in accordance with the Code, or an approved equivalent qualification;
- (b) in the case of a tanker of 100 GT or more, a valid Tanker Fire-Fighting Certificate issued in accordance with the Code, or an approved equivalent qualification; and
- (c) in the case of a ship of less than 100 GT, a valid Fire-Fighting (Small Vessels) Certificate issued in accordance with the Code, or an approved equivalent qualification.

(2) The owner and the master of every ship to which the STCW Convention applies shall ensure that every seaman designated to control fire-fighting operations on the ship holds—

- (a) a valid Advanced Fire-Fighting Certificate issued in accordance with the Code; or
- (b) a valid certificate in advanced fire-fighting issued in accordance with regulation VI/3, paragraph 1 of the STCW Convention by or on behalf of another party to the Convention.

(3) Every person who is designated the duties referred to in subregulation (1) or (2) shall undertake approved refresher training at intervals not exceeding five years."

Substitution of regulation 22 of Regulations

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

"Exemptions

22. (1) The Authority may, if in its opinion no danger would result to persons, property or the environment, grant exemption, on such terms (if any) as it may specify, from any of the provisions of these regulations (as may be specified in the exemption) for classes of cases or individual cases.

(2) However, an exemption permitting a person to serve in a capacity for which he or she is not certificated—

(a) may be granted only if the person is certificated to serve in the next lower capacity: Provided that if the next lower capacity is an uncertificated capacity, exemption may be granted only if the person's knowledge and experience, in the opinion of the Authority, are appropriate for the capacity to be filled;

(b) shall not be granted in respect of—

(i) the capacity of master of a passenger ship; or

(ii) the capacities of master or chief engineer of any ship to which the STCW Convention applies, except in the case of *force majeure* and then only for the shortest possible time; and

(c) shall, in all cases, cease to have effect on the earlier of the following two dates:

(i) the date of expiry (if any) in terms of the exemption; or

(ii) the date on which the period of six months after the grant of exemption expires.

(3) The Authority may, after reasonable notice, alter or cancel any exemption granted under this regulation."

Amendment of regulation 23 of Regulations

32. Regulation 23 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) (a) Subject to paragraph (b), each certificate or endorsement specified in a column of an item in the table below is taken to be equivalent to the certificate or endorsement, as the case may be, specified in the other columns of that item.

(b) If the certificate or endorsement specified in column 3 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 requires, is to be produced within the time and in the manner that the Authority directs.

Item	Column 1	Column 2	Column 3
	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
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)

Item	Column 1	Column 2	Column 3
	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
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 ($\geq 3\,000$ kW)
28	Second Engineer-Officer of a foreign-going ship	Marine Engineer-Officer Class 2	Second Engineer Officer ($\geq 3\,000$ kW) endorsed: — <i>Chief Engineer Officer of a ship of less than 3 000 kW propulsion power</i>
29	—	Marine Engineer-Officer Class 3 with Service Endorsement	Second Engineer Officer ($< 3\,000$ kW) endorsed: — <i>Chief Engineer Officer of a ship of less than 750 kW propulsion power</i> — <i>Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area</i>
30	Chief Engineer-Officer of a coasting ship	Marine Engineer-Officer Class 3	(a) Second Engineer Officer ($< 3\,000$ kW) endorsed: — <i>Chief Engineer Officer of a ship of any kilowatt propulsion power operating within a port operations area</i> (b) Chief Engineer Officer (Port Operations)

Item	Column 1	Column 2	Column 3
	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
31	Second Engineer-Officer of a coasting ship	Marine Engineer-Officer Class 4	(a) Engineer Officer endorsed: — <i>Chief Engineer Officer of a ship of less than 1 500 kW propulsion power operating within a port operations area</i> (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 Liferrafts
41	—	Efficient General Purpose Rating	Efficient General Purpose Rating (Port Operations)".

Amendment of regulation 24 of Regulations

33. Regulation 24 of the regulations is amended—

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

"The owner of every ship shall ensure that—";

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

"(2) The master of every ship shall ensure that the ship does not go to sea unless there is on board and in force in respect of the ship a valid safe manning document and the manning of the ship complies with that document."; and

- (c) by the deletion of subregulations (3) and (4).

Insertion of regulations 24A and 24B in Regulations

34. The following regulations are inserted in the Regulations after regulation 24:

"Carriage of documents

24A. Without limiting regulation 4, the owner and the master of every ship shall ensure that there are carried at all times on board the ship all original certificates and other documents issued pursuant to the Act or the STCW Convention, as the case may be, showing the qualification of the master and any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

Offences, penalties and defences

24B. (1) Every owner commits an offence who contravenes regulation 4(1) or (4), 6, 6A(1), 6B, 24(1) or 24A.

(2) Every employer, being an employer who in terms of regulation 6B(3) has become subject to the duties of the owner under that regulation, who contravenes regulation 6B commits an offence.

(3) Every master commits an offence who contravenes regulation 4(2) or (4), 6, 6A(2) or (3), 6B(9) or (10), 6C, 24(2) or 24A.

(4) Every seaman who contravenes regulation 6A(3) commits an offence.

(5) A person who commits an offence in terms of subregulation (1), (2) or (3) is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

(6) A person who commits an offence in terms of subregulation (4) is liable on conviction to a fine or to imprisonment for a period not exceeding six months.

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

(8) In proceedings for an offence in terms of this regulation consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the accused to prove that it was not reasonably practicable to do more than what was in fact done to satisfy the duty or requirement."

Amendment of regulation 26 of Regulations

35. Regulation 26 of the Regulations is amended by the deletion of subregulation (2).

Substitution of contents list in Regulations

36. The following contents list is substituted for the contents list (arrangement of regulations) in the Regulations:

*"Arrangement of regulations"**Regulation**No.*

1. Interpretation
2. Application
3. ...
4. Responsibilities of owners and masters
5. ...
6. Watchkeeping standards
- 6A. Hours of work: general duty of owners, masters and others
- 6B. Hours of work: schedules of duties
- 6C. Hours of work: exception for emergencies
7. ...
8. ...
9. Employment of persons holding foreign certificates
10. Recognition of foreign certificates
11. Employment of certificated deck officers on ships other than fishing vessels
12. Employment of certificated deck officers on fishing vessels operating wholly within defined fishing zone
13. Employment of certificated deck officers on fishing vessels operating outside defined fishing zone
14. Employment of certificated engineer officers on ships other than fishing vessels
15. Employment of certificated engineer officers on fishing vessels
16. Employment of certificated radio operators
17. Employment of certificated ratings on ships other than fishing vessels
18. Employment of certificated ratings on fishing vessels of 100 GT or more
- 18A. Employment of qualified personnel on tankers and passenger ships
19. Employment of qualified medical personnel
20. Employment of qualified fire-fighting personnel
21. Employment of qualified personnel on ships equipped with fast rescue boat
22. Exemptions
23. Equivalence of certificates and endorsements
24. Safe manning document
- 24A. Carriage of documents
- 24B. Offences, penalties and defences
25. Repeal of regulations
26. Title and commencement

Annex 1: Watchkeeping principles and arrangements

Annex 2: ...".

PART 3**SEAMEN'S DOCUMENTS****Interpretation**

37. In this Part "the Regulations" means the Merchant Shipping (Seamen's Documents) Regulations, 2000, published by Government Notice No. R. 432 of 5 May 2000.

Amendment of regulation 1 of Regulations

38. Regulation 1 of the Regulations is amended—

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

" 'contravene', in relation to a provision of these regulations, includes failing or refusing to comply with that provision;" ; and
- (b) by the deletion of the definition of "port operations vessel".

Substitution of regulation 10 of Regulations

39. The following regulation is substituted for regulation 10 of the Regulations:

"Exemptions

10. The Authority may grant exemption, on such terms (if any) as it may specify, from all or any of the provisions of these regulation (as may be specified in the exemption) for classes of cases or individual cases and may, after reasonable notice, alter or cancel any such exemption."

PART 4**SMALL VESSEL SAFETY****Interpretation**

40. In this Part "the Regulations" means the Merchant Shipping (Small Vessel Safety) Regulations, 2002, published by Government Notice No. R. 500 of 26 April 2002.

Amendment of regulation 2 of Regulations

41. Regulation 2 of the Regulations is amended—

- (a) by the substitution in subregulation (1) for the definition of "certificate of competence" of the following definition:

" 'certificate of competence' means a certificate, including any relative endorsement, issued by a certifying authority pursuant to regulation 14B(1) and entitling its lawful holder to act in the capacity and perform the functions involved on a vessel of the type, category, tonnage or length, power and means of propulsion concerned;
- (b) by the insertion in subregulation (1) after the definition of "inflatable" of the following definition:

" 'night' means the space of time between sunset and sunrise;" ;

- (c) by the substitution in subregulation (1) for the definition of "owner" of the following definition:

"'owner', in relation to a vessel, includes—

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

- (d) by the insertion in subregulation (1) after the definition of "owner" of the following definition:

"'passenger vessel' means a vessel that carries more than 12 passengers;"

Amendment of regulation 7 of Regulations

42. Regulation 7 of the Regulations is amended—

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

"(2) The skipper of a commercial small vessel must ensure that a flotation aid of the kind required by these regulations is worn—

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

- (b) by the addition of the following subregulations:

"(3) A person on board a vessel must wear a lifejacket or flotation aid of the kind required by these regulations at such times as the skipper may direct: Provided that every person on board (including the skipper) must wear such a lifejacket or flotation aid whenever the vessel is launched or operated in the surf, or otherwise operates in rough sea conditions.

(4) On each occasion before any vessel goes to sea, the skipper must—

- (a) ensure that every person on board the vessel has received essential safety information appropriate to that person's functions on board, including—
 - (i) information about the location on board of the safety appliances and equipment required to be carried on the vessel; and
 - (ii) instruction in the use of such appliances and equipment; and
- (b) cause the safety appliances and equipment required to be on board the vessel to be inspected to ascertain whether they are fit and ready for use.

(5) The skipper of a commercial small vessel must, if it is practicable to do so, cause the vessel's emergency procedures and arrangements, including

those respecting fire-fighting, abandon ship and man overboard, to be practised at least once each week."

Amendment of regulation 8 of Regulations

43. Regulation 8 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation:

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

Substitution of regulation 14 of Regulations

44. The following regulation is substituted for regulation 14 of the Regulations:

"Responsibilities of owner

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

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

holds a valid certificate of competence issued by a certifying authority: Provided that this provision does not require a certificate of competence to be held in respect of a vessel referred to in paragraph (b) during the period expiring 12 months after the commencement of these regulations.

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

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

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

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

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

- (a) the skipper and every crew member on the vessel hold documentary evidence of having successfully completed approved safety induction training; this documentary evidence must be held by every person going to sea for the first time and, not later than 24 months after the commencement of these regulations, by all other skippers and crew members;
- (b) documentation and data relevant to the skipper and every crew member on the vessel are maintained and readily available for inspection, including documentation and data respecting their employment, experience, training, medical fitness and competency in assigned duties;
- (c) the skipper and every crew member, on being assigned to the vessel, are familiarized with their specific duties and with all vessel arrangements, installations, equipment, procedures and vessel characteristics that are relevant to their routine and emergency duties; and
- (d) the vessel's crew can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution."

Insertion of regulations 14A and 14B in Regulations

45. The following regulations are inserted in the Regulations after regulation 14:

"Passenger vessel endorsement

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

Certificates of competence

14B. (1) A certifying authority must issue an applicant with a certificate of competence if it is satisfied that the applicant is physically able and of sound mental health and—

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

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

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

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

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

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

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

Amendment of regulation 15 of Regulations

46. Regulation 15 of the Regulations is amended—

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

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

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

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

Amendment of regulation 16 of Regulations

47. Regulation 16 of the Regulations is amended—

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

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

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

"No person under the age of 16 years may operate a power-driven pleasure vessel having a propulsion power exceeding 4 kW, unless—".

Insertion of regulation 16A in Regulations

48. The following regulation is inserted in the Regulations after regulation 16:

"Unauthorized liquor and illicit drugs

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

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

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

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

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

(4) In this regulation—

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

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

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

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

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

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

'unauthorized liquor', in relation to—

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

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

Amendment of regulation 18 of Regulations

49. Regulation 18 of the Regulations is amended by the substitution for subregulation (10) of the following subregulation:

"(10) (a) Before the date referred to in paragraph (b),

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

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

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

Amendment of regulation 27 of Regulations

50. Regulation 27 of the Regulations is amended—

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

"(a) to determine, for the purposes of regulation 11, the maximum number of persons that a pleasure vessel may safely carry;"

- (b) by the insertion after subregulation (1)(b) of the following paragraph:
- "(bA) to determine whether a pleasure vessel is sufficiently and efficiently manned for the purposes of regulation 14(2);"; and
- (c) by the substitution for paragraphs (c), (d) and (e) of subregulation (1) of the following paragraphs, respectively:
- "(c) for the purposes of regulation 14B, to issue, suspend or cancel certificates of competence in respect of pleasure vessels, and to demand the surrender of any such certificates that have been suspended or cancelled;
- (d) in respect of pleasure vessels—
- (i) to require a person to furnish medical evidence for the purposes of regulation 15(1) or (2); and
- (ii) to take specimens for the purposes of regulation 15(3);
- (e) to supervise and certify persons under the age of 16 years for the purposes of regulation 16(2);".

Amendment of regulation 28 of Regulations

51. Regulation 28 of the Regulations is amended by the substitution for subregulation (5) of the following subregulation:

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

Substitution of regulation 31 of Regulations

52. The following regulation is substituted for regulation 31 of the Regulations:

"Offences, penalties and defences

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

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

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

(4) In proceedings for an offence in terms of subregulation (1) in relation to regulation 15(2) it is an additional defence to prove that, at the time of the conduct alleged against the accused, he or she was under the influence of a drug taken by him or her for medicinal purposes and either that he or she took it on medical advice and

complied with any directions given as part of that advice or that he or she had no reason to believe that the drug might have the influence it had."

Insertion of regulation 31A in Regulations

53. The following regulation is inserted in the Regulations after regulation 31:

"Offences due to fault of another person

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

Amendment of regulation 32 of Regulations

54. Regulation 32 of the Regulations is amended—

(a) by the substitution for the words preceding paragraph (a) of the following words:

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

(b) by the addition of the following subregulation, the existing regulation becoming subregulation (1):

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

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

(c) In paragraphs (a) and (b)—

'existing vessel' means a vessel that was built before the commencement of these regulations;

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

'renewal survey' means an inspection required by regulation 20(1)(b) or a survey required by section 190(2) of the Merchant Shipping Act, 1951 (Act No.

57 of 1951), as the case may be, before a further appropriate certificate may be issued."

Amendment of regulation 33 of Regulations

55. Regulation 33 of the Regulations is amended by the deletion of subregulation (2).

Amendment of Annex 1 to Regulations

56. Annex 1 to the Regulations is amended—

- (a) by the substitution for the proviso to subparagraph (2) of paragraph 1 of the following proviso:
- "Provided that a decked vessel may, instead of built-in buoyancy, be provided with at least two watertight bulkheads so positioned and of sufficient strength that, in the event of flooding of the largest compartment formed by the bulkheads, the vessel will remain afloat in its worst envisaged load condition with positive transverse stability.";
- (b) by the addition to subparagraph (3) of paragraph 1 of the following sentence:
- "In passenger vessels, built-in buoyancy must be such that the vessel will remain afloat with positive transverse stability when fully flooded in its worst envisaged load condition.";
- (c) by the substitution for subparagraph (1) of paragraph 7 of the following subparagraph:
- "(1) Subject to this regulation, every vessel must be provided with an engine capable of propelling the vessel, in its full load condition, at a speed in calm water of at least 5 knots. Additionally, if the vessel is to be operated in the surf, the engine must be capable of propelling the vessel at a safe speed when operating in surf conditions.";
- (d) by the substitution for subparagraph (3) of paragraph 7 of the following subparagraph:
- "(3) Every category A, B and C power-driven vessel that employs outboard engine propulsion must be provided with at least two engines either of which must be capable of propelling the vessel, in its full load condition, at a speed in calm water of at least 5 knots. Additionally, if the vessel is to be operated in the surf, either engine must be capable of propelling the vessel at a safe speed when operating in surf conditions."; and
- (e) by the addition to paragraph 16 of the following subparagraphs, the existing paragraph becoming subparagraph (1):
- "(2) Every passenger vessel certified to carry a maximum of 20 passengers must comply with following additional requirements:
- (a) with the vessel in the worst anticipated intact condition and, as far as is practicable, with 75 per cent of the passengers congregated on one side of the vessel and 25 per cent on the other side, the angle of heel may not

exceed 7 degrees and may not result in deck-edge immersion of the vessel;

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

Compliance with these requirements may be demonstrated theoretically or practically.

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

Amendment of Annex 2 to Regulations

57. Annex 2 to the Regulations is amended—

- (a) by the substitution for item 1 of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"1	Approved lifejacket*	X	X	X	—	—	One lifejacket of appropriate size to be provided for each person on board. * Lifejackets to comply with standard specification SABS 146/1979, published by the South African Bureau of Standards."

- (b) by the insertion after item 1 of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"1A	Approved flotation aid*	X†	X†	X†	X†	X†	† One flotation aid of appropriate size to be provided— (a) for the skipper and each member of the crew of a commercial small vessel; and (b) for each person on board a vessel that is launched or operated in the surf. ‡ One flotation aid of appropriate size to be provided for each person on board. * Flotation aids to comply with standard specification SABS 1417/1987, published by the South African Bureau of Standards";

- (c) by the insertion after item 18 of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"18A	Emergency position-indicating radio beacon (EPIRB)* capable of transmitting distress alerts through the COSPAS-SARSAT satellite service operating in the 406 MHz band	X†	X†	X†	—	—	EPIRB to be— (a) installed in an easily accessible position; (b) ready to be manually released and capable of being carried by one person into a survival craft; (c) capable of floating free if the vessel sinks; (d) capable of being activated manually; and (e) automatically activated when afloat: Provided that, on vessels spending not more than 12 consecutive hours at sea, the EPIRB may be of the hand-held or personal type, in which case it is to be fitted with a lanyard and wrist strap and kept readily available for use in an emergency. † Mandatory with effect from 1 June 2005. ‡ Mandatory with effect from 1 June 2006. * EPIRB to be of a type approved by the Independent Communications Authority of South Africa (ICASA).";

- (d) by the substitution for item 20 of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"20	Suitable steering magnetic compass	X	X	X	X	—	Table of residual deviations to be provided on vessels of 9 metres or more in overall length. Compass to be illuminated on vessels operating at night.";

- (e) by the substitution for item 24 of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"24	2 oars or paddles	—	—	—	X	X	Required only on a vessel fitted with a single outboard petrol engine.";

- (f) by the substitution for item 31 of the table in paragraph 1 for the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"31	Watertight capsized bottle attached to vessel with rope readily accessible in event of vessel capsizing	X	X	X	X	X	To contain flares and other survival and emergency equipment.";

- (g) by the substitution for item 34 of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"34	First-aid kit	X	X	X	X	—	Suitable for the vessel's size, complement and intended operation, to the satisfaction of the surveyor or safety officer. First-aid kit to include elementary first-aid manual, such as the publication entitled <i>First on the Scene</i> , published by St Johns Ambulance.";

- (h) by the addition to paragraph 2 of the following subparagraph:

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

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

- (i) by the addition of the following paragraph:

"Emergency position-indicating radio beacon to be registered

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

Substitution of certain expression in Regulations

58. The Regulations are amended by the substitution for the expression "after sunset", wherever it occurs, of the expression "at night".

Amendment of contents list in Regulations

59. The contents list (arrangement of regulations) in the Regulations is amended—

- (a) by the substitution for the entries under Part 3 of the following entries:

- "14. Responsibilities of owners
- 14A. Passenger vessel endorsement
- 14B. Certificates of competence
- 15. Physical and mental fitness
- 16. Age limitations
- 16A. Unauthorized liquor and illicit drugs"; and

- (b) by the substitution for the entry "31. Offences and penalties" under Part 5 of the following entry:

"31. Offences, penalties and defences"; and

- (c) by the addition under Part 5 of the following entry:

"31A. Offences due to fault of another person."

Transitional arrangements

60. (1) Before the date referred to in subregulation (2), a person may, instead of complying with the provisions of regulation 7(2) and Annex 2 of the Regulations, as amended by this Part, continue to comply with the provisions of that regulation and Annex in force immediately before the commencement of this Part.

(2) The date for the purposes of subregulation (1) is the earlier of the following two dates:

- (a) the date after the commencement of this Part on which the vessel's initial survey or next renewal survey, as the case may be, falls due; or
- (b) the date on which the period of 12 months after the commencement of the Regulations expires.

(3) In subregulation (2)—

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

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

SUID-AFRIKAANSE MARITIEME VEILIGHEIDSOWERHEID**HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)****HANDELSKEEPVAARTREGULASIES (DIVERSE WYSIGINGS), 2004**

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 (Diverse Wysigings), 2004, en tree in werking op **1 Junie 2004**.

DEEL 1**MARITIEME BEROEPSVEILIGHEID****Uitleg**

2. In hierdie Deel beteken "die Regulasies" die Maritieme Beroepsveiligheidsregulasies, 1994, afgekondig by Goewermmentskennisgewing No. R. 1904 van 11 November 1994, soos gewysig by Goewermmentskennisgewing No. R. 1712 van 19 Desember 1997.

Wysiging van regulasie 1 van Regulasies

3. Regulasie 1 van die Regulasies word gewysig—

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

"'oortree', met betrekking tot 'n bepaling van hierdie regulasies, ook versuim of weier om aan daardie bepaling te voldoen;

'lengte', met betrekking tot 'n vaartuig, dieselfde as in regulasie 2 van die Tonnemaatregulasies, 1986;" en

- (b) deur die volgende omskrywing na die omskrywing van "see-installasie" in te voeg:

"'eienaar', met betrekking tot 'n vaartuig, ook enige persoon soos die bestuurder, of die oorgangshuurder, wat die verantwoordelikheid vir die bedryf van die vaartuig van die eienaar aanvaar het;"

Wysiging van regulasie 7 van Regulasies

4. Regulasie 7 van die Regulasies word gewysig deur die omskrywing van "Kode" deur die volgende omskrywing te vervang:

"'Kode' die *Code of Safe Working Practices for Merchant Seamen*, uitgegee deur *Her Majesty's Stationery Office* (UK), soos van tyd tot tyd gewysig;"

Wysiging van regulasie 10 van Regulasies

5. Regulasie 10 van die Regulasies word gewysig deur paragraaf (h) van subregulasie (3) deur die volgende paragraaf te vervang:

"(h) op skriftelike versoek die rekordboek in paragraaf (g) bedoel, so gou doenlik beskikbaar stel aan die Owerheid of die betrokke veiligheidskomitee, na gelang van die geval;"

Wysiging van regulasie 14 van Regulasies

6. Regulasie 14 van die Regulasies word gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Die werkgewer moet—

- (a) aan boord van 'n vaartuig korter as 30 meter, 'n loopbrug of, as dit nie doenlik is nie, 'n draagbare leer verskaf wat geskik is vir die dekuitleg, grootte, vorm en maksimum vryboord van die vaartuig;
- (b) aan boord van 'n vaartuig van 30 meter of langer, 'n loopbrug verskaf; en
- (c) aan boord van 'n vaartuig van 120 meter of langer, benewens die loopbrug, 'n valreeppeer (insluitende 'n tou- of draagbare leer) verskaf wat geskik is vir die dekuitleg, grootte, vorm en maksimum vryboord van die vaartuig en wat voldoen aan die toepaslike vereistes in die Kode voorgeskryf."

Wysiging van regulasie 28 van Regulasies

7. Regulasie 28 van die Regulasies word gewysig deur die omskrywing van "Kode" deur die volgende omskrywing te vervang:

"'Kode' die *South African Ports Cargo Handling Code of Practice*, uitgegee deur die Nasionale Hawe-owerheid van Suid-Afrika, 'n afdeling van Transnet Beperk, soos van tyd tot tyd gewysig;"

Wysiging van regulasie 32 van Regulasies

8. Regulasie 32 van die Regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Die werkgewer moet die rekords vermeld in subregulasie (1) vir 'n tydperk van minstens drie jaar hou, en moet hierdie rekords op versoek aan die Owerheid beskikbaar stel."

Wysiging van regulasie 33 van Regulasies

9. Regulasie 33 van die Regulasies word gewysig deur die omskrywing van "Kode" deur die volgende omskrywing te vervang:

" 'Kode' die *Code of Safe Working Practices for Fishing Vessels*, uitgegee deur die Owerheid, soos van tyd tot tyd gewysig;".

Wysiging van regulasie 35 van Regulasies

10. Regulasie 35 van die Regulasies word gewysig—

(a) deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

"(b) die eienaar en die gesagvoerder daarvan moet gemelde bepalings nakom of nakoming daarvan verseker terwyl sodanige vaartuig in diens is."; en

(b) deur die volgende paragraaf in subregulasie (2) by te voeg:

"(d) nakoming van regulasies 21 en 27(1) verseker."

Wysiging van regulasie 36 van Regulasies

11. Regulasie 36 van die Regulasies word gewysig—

(a) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) (a) Vir die doel van 'n vissersvaartuig in diens moet die werkgewer van die bemanning van die vaartuig 'n gepas gekwalifiseerde bemanningslid skriftelik aanstel as die veiligheidsbeampte van die vaartuig.

(b) 'n Persoon is nie vir doeleindes van paragraaf (a) gepas gekwalifiseer nie tensy hy of sy beskik oor dokumentêre bewys van suksesvolle voltooiing van veiligheidsbeampte-opleiding wat deur die Owerheid goedgekeur is: Met dien verstande dat hierdie bepaling nie van 'n persoon vereis om oor sodanige dokumentêre bewys te beskik nie gedurende die tydperk wat 12 maande na die inwerkingtreding van Deel 1 van die Handelskeepvaart-regulasies (Diverse Wysigings), 2004, verstryk."; en

(b) deur in subregulasie (3) die volgende paragraaf na paragraaf (d) in te voeg:

"(dA) verseker dat die lede van die vaartuig se veiligheidskomitee bewus gemaak word van—

- (i) die tersaaklike bepalings van hierdie regulasies en van die Wet;
- (ii) enige tersaaklike marine-kennisgewing; en
- (iii) die bepalings van die Kode."

Wysiging van regulasie 38 van Regulasies

12. Regulasie 38 van die Regulasies word gewysig—

- (a) deur subregulasies (1) en (2) deur onderskeidelik die volgende subregulasies te vervang:

"(1) Die eienaar van elke vissersvaartuig moet 'n veiligheidskomitee vir die vaartuig skriftelik instel, welke komitee moet bestaan uit sodanige getal lede as wat die eienaar van tyd tot tyd bepaal met inagneming van die ander bepalings van hierdie regulasie.

(2) Die voorsitter, in die persoon van die eienaar of die eienaar se verteenwoordiger, moet die vaartuig se veiligheidsbeampte en minstens een bemanningslid van elk van die dek-, enjin-, fabriek- (indien van toepassing) en spyseniersafdelings aan boord koöpteer en kan sodanige ander bemanningslede of werknemers koöpteer as wat nodig is om die sake van die komitee te verrig.";

- (b) deur subregulasie (5) deur die volgende subregulasie te vervang:

"(5) 'n Veiligheidskomitee moet so dikwels vergader as wat nodig is vir die doeltreffende en doelmatige verrigting van sy werksaamhede: Met dien verstande dat die Owerheid skriftelik kan gelas dat 'n vergadering op enige plek en tyd deur hom bepaal en in die kennisgewing vermeld, moet vergader.";

- (c) deur subregulasie (9) deur die volgende subregulasie te vervang:

"(8) Na oorweging van sodanige aanbevelings kan 'n veiligheidskomitee enige toepaslike stappe aanbeveel ten opsigte van enige voorval aan boord van 'n vaartuig en die aanbeveling moet op versoek aan die Owerheid beskikbaar gestel word.

(9) Die eienaar moet die notule van elke vergadering van 'n veiligheidskomitee vir 'n tydperk van minstens drie jaar hou en moet die notule op versoek aan die Owerheid beskikbaar stel.".

Wysiging van regulasie 39 van Regulasies

13. Regulasie 39 van die regulasies word gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Die werkgever moet die rekords vermeld in subregulasie (1) vir minstens drie jaar hou, en moet hierdie rekords aan die veiligheidskomitee en op versoek aan die Owerheid beskikbaar stel.".

Invoeging van regulasies 39A en 39B in Regulasies

14. Die volgende regulasies word na regulasie 39 in Hoofstuk IV van die Regulasies ingevoeg:

"Nakomingsoudit

39A. (1) Die eienaar moet, met tussenpose van hoogstens drie maande, die reëlins om nakoming van hierdie regulasies ten opsigte van sy vaartuie te verseker, oudit om te verseker dat dit doeltreffend geïmplementeer word.

(2) Sonder om subregulasie (1) te beperk, moet die oudit insluit 'n hersiening van die notules en rekords wat ingevolge onderskeidelik regulasies 38(9) en 39 gehou moet word, en moet dit in die besonder verseker dat—

- (a) 'n veiligheidsbeampte of veiligheidsaanstelling, na gelang van die geval, behoorlik aangestel is ten opsigte van elk van die eienaar se vaartuie en doeltreffend funksioneer;
- (b) 'n veiligheidskomitee behoorlik aangestel is ten opsigte van elk van die eienaar se vaartuie en doeltreffend funksioneer;
- (c) alle ongelukke waarby enige van die eienaar se vaartuie betrokke is, deur die eienaar aangemeld en ondersoek is en dat regstellende stappe gedoen is waar gepas;
- (d) elk van die eienaar se vaartuie, so ver dit redelikerwys doenlik is, 'n veilige werkplek is; en
- (e) die struktuur, toerusting en inrigtings van elk van die eienaar se vaartuie in stand gehou word om aan statutêre vereistes te voldoen.

(3) Die eienaar moet 'n skriftelike rekord van elke oudit vir 'n tydperk van minstens drie jaar hou en moet die rekord op versoek aan die Owerheid beskikbaar stel.

Toegangstoerusting

39B. Die werkgewer moet—

- (a) aan boord van 'n vaartuig korter as 30 meter, 'n loopbrug of, as dit nie doenlik is nie, 'n draagbare leer verskaf wat geskik is vir die dekuitleg, grootte, vorm en maksimum vryboord van die vaartuig en wat voldoen aan die toepaslike vereistes wat in die Kode voorgeskryf word; en
- (b) aan boord van 'n vaartuig van 30 meter of langer, 'n loopbrug verskaf."

Vervanging van regulasie 40 van Regulasies

15. Regulasie 40 van die Regulasies word deur die volgende regulasie vervang:

"Misdrywe, strawwe en verwere

40. (1) Elke werkgewer wat regulasie 3(1) of (2), 4, 5, 9, 10(1), 11(1), 13, 14, 15, 16(1), 17, 18, 19, 20, 21, 22, 23, 24, 25(1), 26, 27, 30(1), (2) of (4), 31(1), 32, 35(2), 36(1), 39 of 39B oortree, begaan 'n misdryf.

- (2) Elke werknemer wat regulasie 3(3)(f) oortree, begaan 'n misdryf.
- (3) Elke persoon wat regulasie 16(2) oortree, begaan 'n misdryf.

(4) Elke eienaar wat regulasie 35(1), 37(1), 38(1), 38(9) of 39A(1) of (3) oortree, begaan 'n misdryf.

(5) Elke gesagvoerder wat regulasie 35(1)(b) oortree, begaan 'n misdryf.

(6) 'n Persoon wat 'n misdryf ingevolge hierdie regulasie begaan, is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(7) In verrigtinge vir 'n misdryf ingevolge hierdie regulasie is dit 'n verweer om te bewys dat die beskuldigde redelike voorsorg getref het en behoorlike sorg aan die dag gelê het om te voorkom dat die misdryf begaan word.

(8) In verrigtinge vir 'n misdryf ingevolge hierdie regulasie bestaande uit 'n versuim om te voldoen aan 'n plig of vereiste om iets te doen so ver dit redelikerwys doenlik is, moet die beskuldigde bewys dat dit nie redelikerwys doenlik was om meer te doen as wat wel gedoen is om aan die plig of vereiste te voldoen nie."

Wysiging van inhoudlys van Regulasies

16. Die inhoudlys (indeling van regulasies) in die Regulasies word gewysig deur die volgende inskrywings onder Hoofstuk IV by te voeg:

"39A. Nakomingsoudit

39B. Toegangstoerusting".

DEEL 2

VEILIGE BEMANNING

Uitleg

17. In hierdie Deel beteken "die Regulasies" die Handelskeepvaartregulasies (Veilige Bemanning), 1999, afgekondig by Goewermentskennisgewing No. R. 1548 van 30 Desember 1999, soos gewysig by Goewermentskennisgewing No. R. 501 van 26 April 2002, soos verbeter by Goewermentskennisgewing No. R. 893 van 28 Junie 2002.

Wysiging van regulasie 1 van Regulasies

18. Regulasie 1 van die Regulasies word gewysig—

- (a) deur in subregulasie (1) die omskrywing van "BT" deur die volgende omskrywing te vervang:

" 'BT', met betrekking tot 'n skip, sy bruto tonnemaat bereken volgens die Tonnemaatregulasies, 1986;"

- (b) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "BT" in te voeg:

" 'dekoffisier' 'n persoon wat gekwalifiseer is vir diens as 'n skeepsoffisier in die dekadefdeling op 'n skip, en ook die gesagvoerder;"

- (c) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "die Wet" in te voeg:
- "'eienaar', met betrekking tot 'n skip, ook enige persoon soos die bestuurder, of die oorgangshuurder, wat die verantwoordelikheid vir die bedryf van die skip van die eienaar oorgeneem het;"
- (d) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "herroepe regulasies" in te voeg:
- "'ingenieuroffisier' 'n persoon wat gekwalifiseer is vir diens as 'n skeepsoffisier in die masjienkamerafdeling op 'n skip;"
- (e) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "kusvaart" in te voeg:
- "'lengte', met betrekking tot 'n skip, dieselfde as in regulasie 2 van die Tonnemaaregulasies, 1986;"
- (f) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "mynbedryf" in te voeg:
- "'offisier' 'n skeepsoffisier;"
- (g) deur in subregulasie (1) die omskrywing van "skeeps lengte" te skrap;
- (h) deur in subregulasie (1) die woorde wat paragraaf (a) van die omskrywing van "skip waarop die STCW-konvensie van toepassing is" voorafgaan, deur die volgende woorde te vervang:
- "'skip waarop die STCW-konvensie van toepassing is' enige seeskip, uitgesonderd—";
- (i) deur in subregulasie (1) die woorde wat paragraaf (a) van die omskrywing van "skip waarop die Veiligheidskonvensie van toepassing is" voorafgaan, deur die volgende woorde te vervang:
- "'skip waarop die Veiligheidskonvensie van toepassing is' enige seeskip, uitgesonderd—";
- (j) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "skip waarop die Veiligheidskonvensie van toepassing is" in te voeg:
- "'Suid-Afrikaanse skip' ook 'n ongeregistreerde skip met Suid-Afrikaanse nasionaliteit;"
- (k) deur in subregulasie (1) paragraaf (a) van die omskrywing van "veilige bemanningsdokument" deur die volgende paragraaf te vervang:
- "(a) in die geval van 'n skip wat in die Republiek geregistreer of gelisensieer is, deur die Owerheid; en";
- (l) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "vissersvaartuig" in te voeg:
- "'vreemde skip' enige skip wat nie 'n Suid-Afrikaanse skip is nie;"
- (m) deur subregulasie (2) deur die volgende subregulasie te vervang:
- "(2) 'n Verwysing in hierdie regulasies na die houer van 'n enige diplomering of dokument of na die besit van 'n diplomering of dokument moet

gelees word as 'n verwysing na die wettige houer van die diplomering of dokument of na die wettige hou van die diplomering of dokument, na gelang van die geval."; en

- (n) deur die volgende subregulasie by te voeg:

"(3) Vir die doel van hierdie regulasies moet 'n skip geag word ter see te wees te eniger tyd wanneer hy nie stewig aan land of vasgemeer in 'n veilige aanlêplek is nie: Met dien verstande dat 'n skip nie geag word ter see te wees slegs omdat die skip op pad is met die doel om van een aanlêplek in 'n hawe na 'n ander aanlêplek in die hawe te verskuif nie."

Wysiging van regulasie 2 van Regulasies

19. Regulasie 2 van die Regulasies word gewysig—

- (a) deur subregulasies (1) en (2) deur onderskeidelik die volgende subregulasies te vervang:

"(1) Behoudens hierdie regulasie is hierdie regulasies van toepassing op elke Suid-Afrikaanse skip, waar hy ook al is.

(2) Regulasie 24 is voorts van toepassing op elke vreemde skip waarop die Veiligheidskonvensie van toepassing is, terwyl daardie skip in die Republiek of sy territoriale waters is.";

- (b) deur die volgende subregulasies na subregulasie (2) in te voeg:

"(2A) Regulasies 6, 6A, 24A en 24B is voorts van toepassing op elke vreemde skip waarop die STCW-konvensie van toepassing is wanneer hy in die Republiek of sy territoriale waters is.

(2B) 'n Bepaling van hierdie regulasies is nie op 'n Suid-Afrikaanse skip in die waters van 'n ander Staat van toepassing nie waar die bepaling strydig is met 'n wet van daardie Staat wat, ingevolge die bepalings daarvan, op die skip van toepassing is wanneer hy in die waters van daardie Staat is."; en

- (c) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Hierdie regulasies is nie van toepassing nie op—

- (a) vaartuie van minder as 25 BT;
- (b) enige vaartuig van minder as 100 BT wat uitsluitlik vir sport of ontspanning gebruik word; of
- (c) enige vaartuig van 100 BT of meer wat ingevolge die regulasies vir reddingsuitrusting as 'n klas XII-jag geklassifiseer is, indien daar op die vaartuig 'n voldoende getal en beskrywing van persone in diens is om te verseker dat die vaartuig toereikend en doeltreffend beman is."

Herroeping van regulasie 3 van Regulasies

20. Regulasie 3 van die Regulasies word herroep.

Vervanging van regulasie 4 van Regulasies

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

"Verantwoordelikhede van eienaars en gesagvoerders

4. (1) Die eienaar van elke skip moet toesien dat—
- (a) (i) een skeepsoffisier beheer oor 'n navigasie- of ingenieurswag op die skip oorneem nie tensy hy of sy in besit is van gepaste geldige diplomering wat hom of haar daarop geregtig maak om dit te doen; en
 - (ii) geen matroos deel van 'n navigasie- of ingenieurswag op die skip uitmaak nie tensy hy of sy in besit is van gepaste geldige diplomering wat hom of haar daarop geregtig maak om dit te doen;
 - (b) die gesagvoerder en elke skeepsoffisier beskik oor gepaste ondervinding van die tipe skip waarop hy of sy in diens is;
 - (c) die gesagvoerder en elke seeman in diens op die skip, voordat hy of sy toegelaat word om sy of haar aangewese pligte te aanvaar, vertrouwd gemaak word met hulle spesifieke pligte en met al die skip se inrigtings, installasies, toerusting, prosedures en eienskappe rakende hulle roetine- en noodpligte;
 - (d) elke matroos wat op die skip in diens is en aan wie veiligheids- of besoedelingsvoorkomingspligte toegewys is, dokumentêre bewys het van—
 - (i) diens in 'n hoedanigheid waaraan veiligheids- of besoedelingsvoorkomingspligte toegewys is vir 'n tydperk van minstens 12 maande gedurende die voorafgaande vyf jaar; of
 - (ii) suksesvolle voltooiing van goedgekeurde opleiding rakende daardie pligte gedurende die voorafgaande vyf jaar;
 - (e) die skip se bemanning aktiwiteite doeltreffend kan koördineer in 'n noodsituasie en met die verrigting van funksies wat noodsaaklik is vir veiligheid of vir die voorkoming of vermindering van besoedeling;
 - (f) dokumentasie en data tersaaklik vir die gesagvoerder en seelui in diens op die skip bygehou en geredelik beskikbaar ter insae gehou word, insluitende dokumentasie en data tersaaklik vir hulle ondervinding, opleiding, mediese geskiktheid en bekwaamheid in aangewese pligte; en
 - (g) elke seeman in diens op die skip en wat vir die eerste keer uitvaar, dokumentêre bewys het van die suksesvolle voltooiing van goedgekeurde veiligheidsinleidingsopleiding en, in die geval van 'n vissersvaartuig, dat die gesagvoerder en elke seeman (uitgesonderd 'n seeman wat vir die eerste keer uitvaar) in diens op die skip, sodanige bewys het nie later nie as 24 maande na die inwerkingtreding van die Handelskeepvaartregulasies (Diverse Wysigings), 2004.
- (2) Sonder om die eienaar se verpligtinge ingevolge subregulasie (1) te beperk, is dit die plig van die gesagvoerder om toe te sien dat die vereistes van daardie subregulasie nagekom word met betrekking tot die seelui in diens op die skip.
- (3) Niks in subregulasie (1)(a) tot (f) belet die toewysing van take vir opleiding onder toesig of in geval van *force majeure* nie.

(4) (a) Die eienaar en gesagvoerder van elke skip moet toesien dat, benewens die skeepsoffisiere en ander persone wat by hierdie regulasies of elders ingevolge die Wet voorgeskryf word, 'n toereikende aantal en beskrywing van persone as bemanning van die skip in diens is om te verseker dat die skip toereikend en doeltreffend beman word.

(b) Vir doeleindes van paragraaf (a) en regulasie 2(3)(c) word 'n skip geag toereikend en doeltreffend beman te wees indien hy, na die mening van die bevoegde beampte, 'n bemanning van toepaslik gekwalifiseerde persone het om hom in staat te stel om ter see uit te vaar, met behoorlike inagneming van die vereistes van die regulasies vir reddingsiutrusting, die regulasies in verband met botsings, die radioregulasies en enige ander veiligheidsbepalings wat op die skip van toepassing is.

(c) Die bevoegde beampte moet, by die bepaling van die toereikendheid van die bemanning ingevolge hierdie subregulasie, die volgende in aanmerking neem:

- (i) die voltallige bemanning wat gewoonlik op soortgelyke skepe op soortgelyke seereise of bedrywigheide in diens is;
- (ii) die voltallige bemanning wat onlangs op vorige seereise of bedrywigheide op die betrokke skip in diens was;
- (iii) die voltallige bemanning wat toereikend is om nakoming van regulasies 6A en 6B (indien van toepassing) te verseker; en
- (iv) die aard van die diens waarvoor die skip bedoel is.

(5) Die Owerheid moet, indien en wanneer nodig, 'n marine-kennisgewing uitreik wat die aantal persone meld wat die bemanning van 'n skip moet uitmaak en die hoedanighede waarin daardie persone moet dien, uitgesonderd persone wat in hierdie regulasies of elders ingevolge die Wet voorgeskryf word."

Herroeping van regulasie 5 van Regulasies

22. Regulasie 5 van die Regulasies word herroep.

Invoeging van regulasies 6A, 6B en 6C in Regulasies

23. Die volgende regulasies word na regulasie 6 in die Regulasies ingevoeg:

"Werkure: algemene plig van eienaars, gesagvoerders en andere

6A. (1) Die eienaar van elke skip moet toesien, so ver dit redelikerwys doenlik is, dat die gesagvoerder en seelui in diens op die skip nie meer ure werk as wat veilig is met betrekking tot die veiligheid van die skip en die gesagvoerder en die seelui se verrigting van hulle pligte nie.

(2) Die gesagvoerder van elke skip moet toesien, so ver dit redelikerwys doenlik is, dat die seelui in diens op die skip nie meer ure werk as wat veilig is met betrekking tot die veiligheid van die skip en die seelui se verrigting van hulle pligte nie.

(3) Elke gesagvoerder en seeman moet, so ver dit redelikerwys doenlik is, toesien dat hy of sy behoorlik uitgerus is by die begin van diens op 'n skip en dat hy of sy voldoende rus kry tydens tydperke wanneer hy of sy van diens af is.

Werkure: skedules van pligte

6B. (1) Die eienaar van elke skip van 100 BT of meer moet 'n skedule van pligte opstel wat aan hierdie regulasie voldoen.

(2) Waar die eienaar nie ook die werkgewer van die gesagvoerder en al die seelui is nie, moet die eienaar oorleg pleeg met enige ander persoon wat 'n werkgewer van die gesagvoerder of enige van die seelui is voordat die skedule opgestel word.

(3) Die eienaar kan met enige sodanige werkgewer reël dat die werkgewer 'n skedule van pligte wat aan hierdie regulasie voldoen, moet opstel. In so 'n geval is daardie werkgewer ook onderhewig aan die pligte van die eienaar ingevolge hierdie regulasie.

(4) Voordat 'n skedule opgestel word, moet die eienaar die mening van die gesagvoerder inwin, en die gesagvoerder moet die menings van die volgende inwin en aan die eienaar mededeel:

- (a) die skip se veiligheidskomitee; of
- (b) die seelui of hulle verteenwoordigers; of
- (c) 'n vakbond met een of meer lede aan boord van die skip.

(5) 'n Skedule voldoen aan hierdie regulasie indien—

- (a) dit die werkure uiteensit vir—
 - (i) gesagvoerders en seelui wie se werk gereelde waghoupigte of skeepshantering insluit; en
 - (ii) die skip se hoofingenieur, hoofstuurman en tweede ingenieur, ten einde te bepaal dat hulle nie meer ure werk as wat veilig is met betrekking tot die veiligheid van die skip en die gesagvoerder en seelui se verrigting van hulle pligte nie;
- (b) dit die maksimum tydperk van aaneenlopende waghouding, die minimum rustyd tussen wagbeurte en die totale daaglikse, weeklikse en maandelikse werkure bepaal; en
- (c) dit 'n minimum van tien uur rus in enige tydperk van 24 uur bepaal, welke tydperk in hoogstens twee tydperke verdeel kan word, waarvan een minstens ses uur lank moet wees: Met dien verstande dat die minimum tydperk van tien uur tot minstens ses opeenvolgende ure verkort kan word op voorwaarde dat enige sodanige verkorting nie oor langer as twee dae mag strek nie en minstens sewentig uur rus in elke tydperk van sewe dae verskaf word.

(6) Die eienaar moet by die indeling van die werkure oorweging skenk aan die kategorie skeepvaartbedrywigheid wat onderneem word.

(7) Die skedule kan deur die eienaar verander word, of deur 'n werkgewer wat kragtens subregulasie (3) aan die pligte van die eienaar onderhewig is, op voorwaarde dat—

- (a) ander werkgewers en die eienaar, na gelang van die geval, geraadpleeg is;
- (b) die eienaar of die werkgewer die menings van die gesagvoerder oor die voorgestelde veranderinge ingewin het en die gesagvoerder die menings van persone in subregulasie (4)(a), (b) of (c) bedoel, ingewin en aan die eienaar meegedeel het; en
- (c) die skedule soos verander aan subregulasie (5) voldoen.

(8) Die eienaar moet verseker dat die skedule prominent vertoon word in die bemanning se akkommodasie ter inligting van alle seelui.

(9) Dit is die plig van die gesagvoerder om toe te sien, so ver dit redelikerwys doenlik is, dat die werkure wat in die skedule vermeld word, nie oorskry word nie.

(10) (a) Die eienaar en die gesagvoerder moet 'n afskrif van die skedule en 'n rekord van alle afwykings van die vereistes daarvan aan boord van die skip hou.

(b) Die eienaar op 'n bepaalde tydstip moet toesien dat 'n afskrif van die skedule en van die rekord van alle afwykings van die vereistes daarvan bewaar word vir 'n tydperk van vyf jaar na die datum waarop die skedule ingestel is, en dat dit beskikbaar is ter insae deur 'n bevoegde beampte of 'n opnemer. Indien daar gedurende die tydperk van vyf jaar nie meer 'n eienaar met betrekking tot die skip is nie, bly die plig om die afskrifte van die skedule en van die rekord te bewaar, by die laaste sodanige eienaar.

Werkure: uitsondering vir noodgevalle

6C. (1) Die vereistes vir rustye waarvoor in regulasie 6B(5)(c) voorsiening gemaak word, hoef nie gehandhaaf te word nie in 'n noodgeval of noodoefening of in ander oorheersende bedryfstoeestande.

(2) Wanneer die gesagvoerder of 'n seeman ingevolge subregulasie (1) gewerk het binne 'n rustyd waarvoor die skedule voorsiening maak, moet die gesagvoerder die gesagvoerder of die seeman, na gelang van die geval, se naam in die skip se amptelike logboek laat aanteken, tesame met die rede waarom hy of sy aldus gewerk het."

Herroeping van regulasies 7 en 8 van Regulasies

24. Regulasies 7 en 8 van die Regulasies word herroep.

Wysiging van regulasie 10 van Regulasies

25. Regulasie 10 van die Regulasies word gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1). Die houer van 'n sertifikaat as gesagvoerder of skeepsoffisier wat deur of namens 'n ander party by die STCW-konvensie uitgereik is, kan ooreenkomstig subregulasie (2) by die Owerheid aansoek doen dat die sertifikaat erken word as gelykwaardig met 'n bekwaamheidsertifikaat wat kragtens die Wet uitgereik is."

Vervanging van regulasies 11 tot 15 van Regulasies

26. Regulasies 11 tot 15 van die Regulasies word deur onderskeidelik die volgende regulasies vervang:

"Indiensneming van gediplomeerde dekooffisiere op ander skepe as vissersvaartuie

11. (1) Die eienaar en die gesagvoerder van elke skip, 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 en beskrywing van gepas gediplomeerde dekooffisiere, soos in die toepaslike item van die onderstaande tabel vermeld, in diens is:

Item	Seereis / Bedryf	Tonnemaat van skip (BT)	Hoedanigheid van diens	Gepaste minimum diplomerings en getal persone in diens	
				Diplomerings	Getal
1	Hawebedryf	< 200	Gesagvoerder	Skipper (Hawebedryf)	1
2		≥ 200 maar < 500	Gesagvoerder	Gesagvoerder (Hawebedryf)	1
3		≥ 500	Gesagvoerder	Gesagvoerder (Hawebedryf)	1
			Stuurman	Skipper (Hawebedryf)	1
4	Kusvaart	< 100	Gesagvoerder	Skipper (Kusvaart)	1
			Stuurman	Skipper (Kusvaart)	1
5		≥ 100 maar < 500	Gesagvoerder	Gesagvoerder (Kusvaart)	1
			Stuurman	Stuurman (Kusvaart)	1
6	Onbeperk	< 100	Gesagvoerder	Skipper (Onbeperk)	1
			Stuurman	Skipper (Onbeperk)	1
7		≥ 100 maar < 500	Gesagvoerder	Dekooffisier (A)	1
			Stuurman	Dekooffisier	1
8		≥ 500 maar < 3 000	Gesagvoerder	Hoofstuurman (B)	1
			Stuurman	Dekooffisier (C)	1
			Wagoffisier	Dekooffisier	1
9		≥ 3 000	Gesagvoerder	Gesagvoerder	1
			Stuurman	Hoofstuurman	1
			Wagoffisier	Dekooffisier	2

Opmerkings:
 (A) Diplomerings moet die endossement 'Gesagvoerder van 'n skip van minder as 500 BT op onbeperkte seereise' insluit.
 (B) Diplomerings moet die endossement 'Gesagvoerder van 'n skip van minder as 3 000 BT op onbeperkte seereise' insluit.
 (C) Diplomerings moet die endossement 'Hoofstuurman van 'n skip van minder as 3 000 BT op onbeperkte seereise' insluit.

(2) Die eienaar en die gesagvoerder van elke skip van 100 BT of meer wat—

- vir mynbedryf gebruik word binne waters onder Suid-Afrikaanse jurisdiksie; en
- aldus voor anker bedryf word vir twee derdes of meer van die tyd wat tussen hawe-aandoenings ter see deurgebring word,

moet toesien dat daar aan boord van die skip, in hulle toepaslike hoedanighede, die getal en beskrywing van gepas gediplomeerde dekooffisiere, soos in die toepaslike item van die onderstaande tabel vermeld, in diens is:

Item	Tonnemaat van skip (BT)	Hoedanigheid van diens	Gepaste minimum diplomering en getal persone in diens	
			Diplomering	Getal
1	≥ 100 maar < 500	Gesagvoerder	Gesagvoerder (Kusvaart)	1
		Stuurman	Stuurman (Kusvaart)	1
2	≥ 500 maar < 3 000	Gesagvoerder	Hoofdstuurman (A)	1
		Stuurman	Dekoffisier (B)	1
3	≥ 3 000	Gesagvoerder	Gesagvoerder	1
		Stuurman	Hoofdstuurman	1
		Wagoffisier	Dekoffisier	1

Opmerkings:
 (A) Diplomering moet die endossement 'Gesagvoerder van 'n skip van minder as 3 000 BT op onbeperkte seereise' insluit.
 (B) Diplomering moet die endossement 'Hoofdstuurman van 'n skip van minder as 3 000 BT op onbeperkte seereise' insluit.
 Die diplomering in die tabel genoem kan die soort wees wat beperk is tot mynbedrywighede

Indiensneming van gediplomeerde dekokfisiere op vissersvaartuie wat slegs binne omskrewe visvangsone bedryf word

12. Die eienaar en die gesagvoerder van elke vissersvaartuig wat slegs binne die omskrewe visvangsone bedryf word, moet toesien dat daar aan boord van die vaartuig, in hulle toepaslike hoedanighede, die getal en beskrywing van gepas gediplomeerde dekokfisiere, soos in die toepaslike item van die onderstaande tabel vermeld, in diens is:

Item	Lengte van vaartuig (meter)	Hoedanigheid van diens	Gepaste minimum diplomering en getal persone in diens	
			Diplomering	Getal
1	≤ 12,7	Gesagvoerder	Visserman Graad 4 (Skipper)	1
		Stuurman	Kleinvaartuig-bekwaamheidsertifikaat (vaartuie > 9meter lank)	1
2	> 12,7 maar < 24	Gesagvoerder	Visserman Graad 4 (Skipper)	1
		Stuurman	Visserman Graad 4 (Waghouer)	1(A)
3	≥ 24 maar < 30	Gesagvoerder	Visserman Graad 3	1
		Stuurman	Visserman Graad 4 (Waghouer)	1
4	≥ 30	Gesagvoerder	Visserman Graad 2	1
		Stuurman	Visserman Graad 3	1
		Wagoffisier	Visserman Graad 4 (Waghouer)	1

Opmerking:
 (A) Nie vereis op vaartuie < 50 BT wat vir tydperke van hoogstens 12 opeenvolgende ure op see gaan nie.

Indiensneming van gediplomeerde dekokfisiere op vissersvaartuie wat buite omskrewe visvangsone bedryf word

13. Die eienaar en die gesagvoerder van elke vissersvaartuig wat te eniger tyd buite die omskrewe visvangsone vaar, moet aan regulasie 12 voldoen: Met dien verstande dat, in alle gevalle, die gepaste minimum diplomering van toepassing op die gesagvoerder die oopseebevelendossement moet insluit.

Indiensneming van gediplomeerde ingenieuroffisiere op ander skepe as vissersvaartuie

14. (1) Die eienaar en die gesagvoerder van elke skip, 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 en beskrywing van gepas gediplomeerde ingenieuroffisiere, soos in die toepaslike item van die onderstaande tabel vermeld, in diens is:

Item	Seereis / Bedryf	Geregistreerde aandrywingskrag van skip (kW)	Hoedanigheid van diens	Gepaste minimum diplomering en getal persone in diens	
				Diplomering	Getal
1	Hawebedryf	< 350	Hoofingenieur	See-masjins Graad 1	1
2		≥ 350 maar < 750	Hoofingenieur	See-masjins Hoër Graad	1
3		≥ 750 maar < 1 500	Hoofingenieur	Tweede Ingenieuroffisier (Hawebedryf)	1
4		≥ 1 500	Hoofingenieur	Hoofingenieur-offisier (Hawebedryf)	1
			Tweede Ingenieur	See-masjins Graad 1	1
5	Kusvaart	< 350	Hoofingenieur	See-masjins Graad 1	1
6		≥ 350 maar < 750	Hoofingenieur	See-masjins Hoër Graad	1
			Tweede Ingenieur	See-masjins Graad 1	1
7		≥ 750 maar < 3 000	Hoofingenieur	Tweede Ingenieuroffisier (≥ 3 000 kW) (A)	1
			Tweede Ingenieur	Ingenieuroffisier	1
			Wagoffisier	Ingenieuroffisier	1
8		≥ 3 000	Hoofingenieur	Hoofingenieur-offisier (≥ 3 000 kW)	1
			Tweede Ingenieur	Tweede Ingenieuroffisier (≥ 3 000 kW)	1
			Wagoffisier	Ingenieuroffisier	1
9	Onbeperk	< 750	Hoofingenieur	Tweede Ingenieuroffisier (< 3 000 kW) (B)	1
			Tweede Ingenieur	Ingenieuroffisier	1
			Wagoffisier	See-masjins Graad 1	1
10		≥ 750 maar < 3 000	Hoofingenieur	Tweede Ingenieuroffisier (≥ 3 000 kW) (C)	1
			Tweede Ingenieur	Tweede Ingenieuroffisier (< 3 000 kW)	1
			Wagoffisier	Ingenieuroffisier	1
11		≥ 3 000	Hoofingenieur	Hoofingenieur-offisier (≥ 3 000 kW)	1
			Tweede Ingenieur	Tweede Ingenieuroffisier (≥ 3 000 kW)	1
			Wagoffisier	Ingenieuroffisier	2

Opmerkings:
(A) Diplomering moet die endossement 'Hoofingenieuroffisier van 'n skip van minder as 3 000 kW aandrywingskrag' insluit.
(B) Diplomering moet die endossement 'Hoofingenieuroffisier van 'n skip van minder as 750 kW aandrywingskrag' insluit.
(C) Diplomering moet die endossement 'Hoofingenieuroffisier van 'n skip van minder as 3 000 kW aandrywingskrag' insluit.

(2) Die eienaar en die gesagvoerder van elke skip van 100 BT of meer wat—

- (a) vir mynbedryf gebruik word binne waters onder Suid-Afrikaanse jurisdiksie; en

- (b) aldus voor anker bedryf word vir twee derdes of meer van die tyd wat tussen hawe-aandoenings ter see deurgebring word,

moet toesien dat daar aan boord van die skip, in hulle toepaslike hoedanighede, die getal en beskrywing van gepas gediplomeerde ingenieuroffisiere, soos in die onderstaande tabel vermeld, in diens is:

Item	Geregistreerde aandrywingskrag van skip (kW)	Hoedanigheid van diens	Gepaste minimum diplomering en getal persone in diens	
			Diplomering	Getal
1	< 750	Hoofingenieur	See-masjins Hoër Graad	1
		Tweede Ingenieur	See-masjins Graad 1	1
2	≥ 750 maar < 3 000	Hoofingenieur	Tweede Ingenieuroffisier (≥ 3 000 kW) (A)	1
		Tweede Ingenieur	Ingenieuroffisier	1
		Wagoffisier	Ingenieuroffisier	1
3	≥ 3 000	Hoofingenieur	Hoofingenieuroffisier (≥ 3 000 kW)	1
		Tweede Ingenieur	Tweede Ingenieuroffisier (≥ 3 000 kW)	1
		Wagoffisier	Ingenieuroffisier	1

Opmerking:
(A) Diplomering moet die endossement 'Hoofingenieuroffisier van 'n skip van minder as 3 000 kW aandrywingskrag' insluit.

Indiensneming van gediplomeerde ingenieuroffisiere op vissersvaartuie

15. Die eienaar en die gesagvoerder van elke vissersvaartuig moet toesien dat daar aan boord van die vaartuig, in hulle toepaslike hoedanighede, die getal en beskrywing van gepas gediplomeerde ingenieuroffisiere soos in die onderstaande tabel vermeld, in diens is:

Item	Geregistreerde aandrywingskrag van skip (kW)	Hoedanigheid van diens	Gepaste minimum diplomering en getal persone in diens	
			Diplomering	Getal
1	< 150	Hoofingenieur	See-masjins Graad 3	1(A)
2	≥ 150 maar < 350	Hoofingenieur	See-masjins Graad 2	1(A)
3	≥ 350 maar < 1 000	Hoofingenieur	See-masjins Graad 1	1
		Tweede Ingenieur	See-masjins Graad 2	1
4	≥ 1 000 maar < 2 000	Hoofingenieur	See-masjins Hoër Graad	1
		Tweede Ingenieur	See-masjins Graad 1	1
5	≥ 2 000 maar < 3 000	Hoofingenieur	Marine-ingenieuroffisier (Klas 4) (B)	1
		Tweede Ingenieur	See-masjins Graad 1	1
6	≥ 3 000	Hoofingenieur	Marine-ingenieuroffisier (Klas 3) (C)	1
		Tweede Ingenieur	Ingenieuroffisier	1

Opmerkings:
(A) Nie vereis nie op vaartuie ≤ 12,7 meter indien die gesagvoerder 'n vlak 3-assessering (mondelinge eksamen) in basiese ingenieurskennis geslaag het.
(B) Diplomering moet die klas 4-diensendossement insluit.
(C) Diplomering moet die klas 3-diensendossement insluit."

Wysiging van regulasie 16 van Regulasies

27. Regulasie 16 van die Regulasies word gewysig—

- (a) deur die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

"Die eienaar en die gesagvoerder van elke skip moet toesien dat die getal en beskrywing van gepas gediplomeerde radio-operateurs in die toepaslike item van die onderstaande tabel vermeld, op die skip in diens is: Met dien verstande dat—"; en

- (b) deur die bestaande tabel deur die volgende tabel te vervang:

Item	Seereis / Bedryf	Tonnemaat / Lengte van skip	Gepaste minimum diplomering en getal persone in diens	
			Diplomering	Getal
1	Hawebedryf	≥ 25 BT	Beperkte Radiotelefonie-operateur	1
2	Kusvaart	≥ 25 BT maar < 300 BT	Beperkte Radiotelefonie-operateur	2
3		≥ 300 BT	GMNVS Algemene Operateur	2
4	Visvang binne 40 seemyl van die kus	≥ 25 BT	Beperkte Radiotelefonie-operateur (net VHF)	1
5	Visvang buite 40 maar binne 200 seemyl van die kus	≥ 25 BT	Beperkte Radiotelefonie-operateur	2
6	Visvang buite 200 seemyl van die kus	≥ 25 BT maar < 45 meter	Beperkte Radiotelefonie-operateur	2
7		≥ 45 meter	GMNVS Algemene Operateur	2
8	Onbeperk	≥ 100 BT maar < 300 BT	Beperkte Radiotelefonie-operateur	2
9		≥ 300 BT	GMNVS Algemene Operateur	2"

Vervanging van regulasies 17 en 18 van Regulasies

28. Regulasies 17 en 18 van die Regulasies word deur onderskeidelik die volgende regulasies vervang:

"Indiensneming van gediplomeerde matrose op ander skepe as vissersvaartuie

17. Die eienaar en die gesagvoerder van elke ander skip as 'n vissersvaartuig moet toesien dat daar aan boord van die skip, in hulle toepaslike hoedanighede, die getal en beskrywing van gepas gediplomeerde matrose, soos in die toepaslike item van die onderstaande tabel vermeld, in diens is: Met dien verstande dat—

- waar 'n kombinasie van matrose wat as gewone seelui en as volle seelui gekwalifiseer is, in die dekafdeling in diens is, minstens die helfte van die gekombineerde getal matrose aldus in diens as volle seelui gekwalifiseer moet wees;
- waar 'n kombinasie van matrose wat as poetsers en as smeeders gekwalifiseer is, in die masjienkamerafdeling in diens is, minstens een van die matrose aldus in diens as 'n smeeder gekwalifiseer moet wees;
- op passasierskepe die voorgeskrewe getal matrose wat gekwalifiseer is as bekwaam in oorlewingsvaartuie en as bekwaam in vinnige reddingsbote, bykomend is by die getal matrose wat as volle seelui en as smeeders gekwalifiseer is;
- op skepe wat net reddingsvlote as oorlewingsvaartuie het, daar in plaas van die getal matrose wat as bekwaam in oorlewingsvaartuie gekwalifiseer is, 'n gelyke getal matrose wat net as bekwaam in reddingsvlote gekwalifiseer is, in diens kan wees;

- (e) eienaars en gesagvoerders (met inagneming dat die tabel hieronder net minimum vereistes spesifiseer) moet ag slaan op die vereistes van regulasie 4(4) by die bepaling van die geskikte bemanning;
- (f) ten opsigte van 'n skip wat slegs vir hawebedryf gebruik word, en in plaas van om te voldoen aan die vereistes in die onderstaande tabel vermeld, daar by die bevoegde beampte by die skip se bedryfshawe aansoek gedoen kan word dat die getal gediplomeerde matrose bepaal moet word, met die nodige veranderings, ooreenkomstig regulasie 4(4);
- (g) op skepe wat slegs vir hawebedryf gebruik word, in plaas van die getal matrose wat as volle seelui of as smeeders gekwalifiseer is, 'n gelyke getal matrose met die kwalifikasie as Utiliteitseeman (Hawebedryf) in diens kan wees.

Item	Tipe skip	Seereis / Bedryf	Minimum diplomering en getal in diens			
			Gewone seeman / volle seeman	Poetser / Smeerder	Bekwaam in oorlewingsvaartuie	Bekwame Kok
1	Passasier	Onbeperk of kusvaart	Genoeg om elke wag van 4 uur lank in 'n tydperk van 12 uur met een matroos te beman, plus een (d.i. 4)	Genoeg om elke wag van 4 uur lank in 'n tydperk van 12 uur met een matroos te beman (d.i. 3)	Een vir elke 50 passasiers of deel van sodanige getal aan boord	1
2		Hawebedryf	Genoeg om elke wag van 6 uur lank in 'n tydperk van 12 uur met een matroos te beman, plus een (d.i. 3)	Genoeg om elke wag van 6 uur lank in 'n tydperk van 12 uur met een matroos te beman (d.i. 2)		—
3	Ander	Onbeperk	Genoeg om elke wag van 4 uur lank in 'n tydperk van 12 uur met een matroos te beman, plus een (d.i. 4)	Genoeg om elke wag van 4 uur lank in 'n tydperk van 12 uur met een matroos te beman (d.i. 3)	—	1
4		Kusvaart	Genoeg om elke wag van 6 uur lank in 'n tydperk van 12 uur met een matroos te beman, plus een (d.i. 3)	Genoeg om elke wag van 6 uur lank in 'n tydperk van 12 uur met een matroos te beman (d.i. 2)		—
5		Hawebedryf	1 Volle Seeman (Hawebedryf) en 1 gewone seeman (Hawebedryf) OF 2 Volle Seemanne (Hawebedryf)	1 Smeerder (Hawebedryf)		—

Indiensneming van gediplomeerde matrose op vissersvaartuie van 100 BT of meer

18. Die eienaar en die gesagvoerder van elke vissersvaartuig van 100 BT of meer moet toesien dat daar aan boord van die vaartuig, in hulle toepaslike hoedanighede, die getal en beskrywing van gepas gediplomeerde matrose, soos in die toepaslike item van die onderstaande tabel vermeld, in diens is:

Item	Getal persone op vaartuig	Minimum diplomerings en getal in diens		
		Volle seeman	Bekwaam in oorlewingsvaartuie	Bekwame Kok
1	≥ 15 maar < 30	1	1	—
2	≥ 30	1	2	1

Opmerkings:
 Die getal matrose wat as bekwaam in oorlewingsvaartuie gekwalifiseer moet wees, is bykomend by die getal wat nodig is om as volle seeman gekwalifiseer te wees.
 Die diplomerings as volle seeman en as bekwaam in oorlewingsvaartuie en vinnige reddingsbote kan die plaaslike diplomerings wees of die diplomerings uitgereik ooreenkomstig die STCW-konvensie."

Invoeging van regulasie 18A in Regulasies

29. Die volgende regulasie word na regulasie 18 in die Regulasies ingevoeg:

"Indiensneming van gekwalifiseerde personeel op tenkskepe en passasierskepe

18A. (1) Die eienaar en die gesagvoerder van elke tenkskip moet toesien dat—

- (a) elke seeman aan wie spesifieke pligte en verantwoordelikhede betreffende vrag of vragtoerusting op die skip opgedra is; en
- (b) die gesagvoerder, hoofingenieur, hoofstuurman, tweede ingenieur, en elke ander seeman met onmiddellike verantwoordelikheid vir inskeping, ontskeping en toesig onderweg of hantering van vrag op die skip,

in besit is van—

- (i) die toepaslike sertifikaat of endossement, wat getuig van die nakoming van die bepalings van regulasie 51 van die Opleiding- en Diplomeringsregulasies rakende hulle hoedanigheid, pligte en verantwoordelikhede op die skip; of
 - (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 rakende hulle hoedanigheid, pligte en verantwoordelikhede op die skip.
- (2) Die eienaar en die gesagvoerder van elke op- en afry-passasierskip moet toesien dat die gesagvoerder en elke seeman in diens op die skip in besit is van—
- (a) die gepaste sertifikaat of endossement wat nakoming bewys van die bepalings van regulasie 52 van die Opleiding- en Diplomeringsregulasies rakende hulle hoedanigheid, pligte en verantwoordelikhede op die skip; of
 - (b) die gepaste sertifikaat of endossement, uitgereik deur of namens 'n ander party by die STCW-konvensie, wat nakoming bewys van die bepalings van regulasie V/2 van daardie Konvensie rakende hulle hoedanigheid, pligte en verantwoordelikhede op die skip.
- (3) Die eienaar en die gesagvoerder van elke passasierskip, uitgesonderd 'n op- en afry-passasierskip, op onbepaalde seereis, moet toesien dat die gesagvoerder en elke seeman in diens op die skip in besit is van—

- (a) die gepaste sertifikaat of endossement wat nakoming bewys van die bepalings van regulasie 52A van die Opleiding- en Diplomeringsregulasies rakende hulle hoedanigheid, pligte en verantwoordelikhede op die skip; of
- (b) die gepaste sertifikaat of endossement, uitgereik deur of namens 'n ander party by die STCW-konvensie, wat nakoming bewys van die bepalings van regulasie V/3 van daardie Konvensie rakende hulle hoedanigheid, pligte en verantwoordelikhede op die skip."

Vervanging van regulasies 19 en 20 van Regulasies

30. Regulasies 19 en 20 van die Regulasies word deur onderskeidelik die volgende regulasies vervang:

"Indiensneming van gekwalifiseerde mediese personeel

19. (1) Die eienaar en die gesagvoerder van elke skip op 'n onbeperkte seereis wat 100 of meer persone vervoer, moet toesien dat minstens een mediese praktisyn op die skip in diens is.

(2) Die eienaar en die gesagvoerder van elke skip waarop die STCW-konvensie van toepassing is, moet toesien dat—

(a) elke seeman wat aangewys is om, in afwesigheid van 'n gekwalifiseerde mediese praktisyn, die mediese sorg op die skip te behartig, in besit is van—

- (i) 'n geldige Skeepskaptein se Sertifikaat in Mediese Opleiding wat ooreenkomstig die Kode uitgereik is; of
- (ii) 'n geldige sertifikaat in mediese sorg wat ooreenkomstig regulasie VI/4, paragraaf 2 van die STCW-konvensie uitgereik is deur of namens 'n ander party by daardie Konvensie; en

(b) elke seeman wat aangewys is om mediese noodhulp op die skip te verskaf, in besit is van—

- (i) 'n geldige sertifikaat in Noodhulp ter See wat ooreenkomstig die Kode uitgereik is; of
- (ii) 'n geldige sertifikaat in mediese noodhulp wat ooreenkomstig regulasie VI/4, paragraaf 1 van die STCW-konvensie uitgereik is deur of namens 'n ander party by daardie Konvensie.

(3) Elke persoon aan wie die pligte in subregulasie (2)(a) of (b) toegewys is, moet met tussenpose van hoogstens vyf jaar goedgekeurde opknappingsopleiding ondergaan.

Indiensneming van gekwalifiseerde brandbestrydingspersoneel

20. (1) Die eienaar en die gesagvoerder van elke skip moet toesien dat elke seeman wat aangewys is om 'n brandbestrydingspan op die skip te lei, in besit is van—

- (a) in die geval van 'n skip van 100 BT of meer, 'n geldige Sertifikaat in Brandbestryding uitgereik ooreenkomstig die Kode, of 'n goedgekeurde gelykwaardige kwalifikasie;

- (b) in die geval van 'n tenkskip van 100 BT of meer, 'n geldige Sertifikaat in Tenkskipbrandbestryding uitgereik ooreenkomstig die Kode, of 'n goedgekeurde gelykwaardige kwalifikasie; en
- (c) in die geval van 'n skip van minder as 100 BT, 'n geldige Sertifikaat in Brandbestryding (Klein Vaartuie) uitgereik ooreenkomstig die Kode, of 'n goedgekeurde gelykwaardige kwalifikasie.

(2) Die eienaar en die gesagvoerder van elke skip waarop die STCW-konvensie van toepassing is, moet toesien dat elke seeman wat aangewys is om brandbestrydingsbedrywighede op die skip te beheer, in besit is van—

- (a) 'n geldige Sertifikaat in Gevorderde Brandbestryding uitgereik ooreenkomstig die Kode, of 'n goedgekeurde gelykwaardige kwalifikasie; of
- (b) 'n geldige sertifikaat in gevorderde brandbestryding uitgereik ooreenkomstig regulasie VI/3, paragraaf 1 van die STCW-konvensie deur of namens 'n ander party by die Konvensie.

(3) Elke persoon aan wie die pligte bedoel in subregulasie (1) of (2) toegewys is, moet met tussenpose van hoogstens vyf jaar goedgekeurde opknappingsopleiding ondergaan."

Vervanging van regulasie 22 van Regulasies

31. Regulasie 22 van die Regulasies word deur die volgende Regulasie vervang:

"Vrystellings

22. (1) Die Owerheid kan, indien dit na sy mening geen gevaar vir persone, eiendom of die omgewing inhou nie, op sodanige terme (as daar is) wat hy spesifiseer, vrystelling van enige bepalinge van hierdie regulasies (wat in die vrystelling gespesifiseer kan word) toestaan vir klasse van gevalle of individuele gevalle.

(2) Maar 'n vrystelling wat 'n persoon in staat stel om diens te lewer in enige hoedanigheid waarvoor hy of sy nie gediplomeerd is nie—

- (a) kan slegs toegestaan word indien die persoon gediplomeerd is om in die volgende laer hoedanigheid diens te doen: Met dien verstande dat, indien die volgende laer hoedanigheid nie 'n gediplomeerde hoedanigheid is nie, kan vrystelling slegs toegestaan word indien die persoon se kennis en ondervinding, na die mening van die Owerheid, gepas is vir die hoedanigheid wat gevul moet word;
- (b) word nie toegestaan nie met betrekking tot—
 - (i) die hoedanigheid van gesagvoerder van 'n passasierskip; of
 - (ii) die hoedanighede van gesagvoerder of hoofingenieur van enige skip waarop die STCW-konvensie van toepassing is, behalwe in die geval van oormag en dan slegs vir die kortste tydperk moontlik; en
- (c) verstryk, in alle gevalle, op die vroegste van die volgende twee datums:
 - (i) die vervaldatum (as daar is) ingevolge die vrystelling; of

- (ii) die datum waarop die tydperk van ses maande na die toestaan van vrystelling verstryk.
- (3) Die Owerheid kan, na redelike kennisgewing, enige vrystelling kragtens hierdie regulasie toegestaan, verander of kanselleer."

Wysiging van regulasie 23 van Regulasies

32. Regulasie 23 van die regulasies word gewysig deur subregulasie (1) deur die volgende regulasie te vervang:

"(1) (a) Behoudens paragraaf (b) word elke sertifikaat of endossement in 'n 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 ander kolomme van daardie item.

(b) Indien die sertifikaat of endossement vermeld in kolom 3 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 vereis, op die wyse en binne die tydperk wat die Owerheid gelas, gelewer word.

Item	Kolom 1	Kolom 2	Kolom 3
	Titel van sertifikaat uitgereik voor inwerkingtreding van herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens herroepe regulasies	Gelykwaardige sertifikaat of endossement kragtens Opleiding- en Diplomeringsregulasies
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

Item	Kolom 1	Kolom 2	Kolom 3
	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
8	—	Dekoffisier Klas 4 geëndosseer Gesagvoerder (Begrenste Handel)	Dekoffisier geëndosseer: —Gesagvoerder van 'n skip van minder as 500 BT op onbeperkte seereise
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
14	—	Dekoffisier Klas 5 geëndosseer Gesagvoerder (Hawebedryf)	Dekoffisier geëndosseer: —Gesagvoerder van 'n skip van enige tonnemaat wat binne 'n hawebedryfgebied bedryf word
15	—	Dekoffisier Klas 5 geëndosseer Hawebedryfdiens	Gesagvoerder (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 (Kortseehandel)	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

Item	Kolom 1	Kolom 2	Kolom 3
	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
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 ($\geq 3\ 000$ kW)
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

Item	Kolom 1	Kolom 2	Kolom 3
	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
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)".

Wysiging van regulasie 24 van Regulasies

33. Regulasie 24 van die Regulasies word gewysig—

- (a) deur in subregulasie (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

"Die eienaar van elke skip moet toesien dat—";

- (b) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Die gesagvoerder van elke skip moet toesien dat die skip nie uitvaar nie tensy 'n geldige veiligheidsbemanningsdokument aan boord van die skip en van krag ten opsigte van die skip is en die bemanning aan daardie dokument voldoen."; en

- (c) deur subregulasies (3) en (4) te skrap.

Invoeging van regulasies 24A en 24B in Regulasies

34. Die volgende regulasies word na regulasie 24 in die Regulasies ingevoeg:

"Hou van dokumente

24A. Sonder om regulasie 4 te beperk, moet die eienaar en die gesagvoerder van elke skip toesien dat alle oorspronklike sertifikate en ander dokumente wat ingevolge die Wet of die STCW-konvensie, na gelang van die geval, uitgereik is, wat die kwalifikasie van die gesagvoerder en enige lid van die bemanning aandui om funksies te verrig wat hulle in die loop van hulle aangewese pligte aan boord van die skip moet verrig, te alle tye aan boord van die skip gehou word.

Misdrywe, strawwe en verwere

24B. (1) Elke eienaar wat regulasie 4(1) of (4), 6, 6A(1), 6B, 24(1) of 24A oortree, begaan 'n misdryf.

(2) Elke werkgewer, synde 'n werkgewer wat ingevolge regulasie 6B(3) onderhewig geword het aan die pligte van die eienaar ingevolge daardie regulasie, wat regulasie 6B oortree, begaan 'n misdryf.

(3) Elke gesagvoerder wat regulasie 4(2) of (4), 6, 6A(2) of (3), 6B(9) of (10), 6C, 24(2) of 24A oortree, begaan 'n misdryf.

(4) Elke seeman wat regulasie 6A(3) oortree, begaan 'n misdryf.

(5) 'n Persoon wat 'n misdryf ingevolge subregulasie (1), (2) of (3) begaan, is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(6) 'n Persoon wat 'n misdryf ingevolge subregulasie (4) begaan, is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(7) In verrigtinge vir 'n misdryf ingevolge hierdie regulasie is dit 'n verweer om te bewys dat die beskuldigde redelike voorsorg getref en behoorlike sorg aan die dag gelê het om te voorkom dat die misdryf begaan word.

(8) In verrigtinge vir 'n misdryf ingevolge hierdie regulasie bestaande uit 'n versuim om te voldoen aan 'n plig of vereiste om iets te doen in soverre dit redelikerwys doenlik is, berus dit by die beskuldigde om te bewys dat dit nie redelikerwys doenlik was om meer te doen as wat wel gedoen is om aan die plig of vereiste te voldoen nie."

Wysiging van regulasie 26 van Regulasies

35. Regulasie 26 van die Regulasies word gewysig deur subregulasie (2) te skrap.

Vervanging van lys van inhoud in Regulasies

36. Die lys van inhoud (indeling van regulasies) in die Regulasies word deur die volgende lys vervang:

"Indeling van regulasies***Regulasie******No.***

1. Uitleg
2. Toepassing
3. ...
4. Verantwoordelikhede van eienaars en gesagvoerders
5. ...
6. Waghoudaarde
- 6A. Werkure: algemene plig van eienaars, gesagvoerders en andere
- 6B. Werkure: skedules van pligte
- 6C. Werkure: vrystelling vir noodgevalle

7. ...
8. ...
9. Indiensneming van persone met vreemde sertifikaat
10. Erkenning van vreemde sertifikaat
11. Indiensneming van gediplomeerde dekkoffisiere op ander skepe as vissersvaartuie
12. Indiensneming van gediplomeerde dekkoffisiere op vissersvaartuie wat slegs binne omskrewe visvangsone bedryf word
13. Indiensneming van gediplomeerde dekkoffisiere op vissersvaartuie wat buite omskrewe visvangsone bedryf word
14. Indiensneming van gediplomeerde ingenieuroffisiere op ander skepe as vissersvaartuie
15. Indiensneming van gediplomeerde ingenieuroffisiere op vissersvaartuie
16. Indiensneming van gediplomeerde radio-operateurs
17. Indiensneming van gediplomeerde matrose op ander skepe as vissersvaartuie
18. Indiensneming van gediplomeerde matrose op vissersvaartuie van 100 BT of meer
- 18A. Indiensneming van gekwalifiseerde personeel op tenkskepe en passasierskepe
19. Indiensneming van gekwalifiseerde mediese personeel
20. Indiensneming van gekwalifiseerde brandbestrydingspersoneel
21. Indiensneming van gekwalifiseerde personeel op skepe toegerus met vinnige reddingsboot
22. Vrystellings
23. Gelykwaardigheid van sertifikaat en endossemente
24. Veiligebemanningsdokument
- 24A. Hou van dokumente
- 24B. Misdrywe, strawwe en verwerse
25. Herroeping van regulasies
26. Titel en inwerkingtreëing

Aanhangsel 1: Waghoubeginsels en -reëlins

Aanhangsel 2: ...".

DEEL 3

SEELUIDOKUMENTE

Uitleg

37. In hierdie Deel beteken "die Regulasies" die Handelskeepvaartregulasies (Seeluidokumente), 2000, afgekondig by Goewermentskennisgewing No. R. 432 van 5 Mei 2000.

Wysiging van regulasie 1 van Regulasies

38. Regulasie 1 van die Regulasies word gewysig—

- (a) 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 weier om aan daardie bepaling te voldoen;"; en

- (b) deur die omskrywing van "hawebedryfvaartuig" te skrap.

Vervanging van regulasie 10 van Regulasies

39. Regulasie 10 van die Regulasies word deur die volgende regulasie vervang:

"Vrystellings

10. Die Owerheid kan vrystelling verleen, op sodanige voorwaardes (indien wel) as wat hy bepaal, van al of enige van die bepalings van hierdie regulasie (soos in die vrystelling vermeld) vir klasse gevalle of individuele gevalle en kan, na redelike kennis, enige sodanige vrystelling wysig of kanselleer."

DEEL 4

VEILIGHEID VAN KLEIN VAARTUIE

Uitleg

40. In hierdie Deel beteken "die Regulasies" die Handelskeepvaartregulasies (Veiligheid van Klein Vaartuie), 2002, afgekondig by Goewermentskennisgewing No. R. 500 van 26 April 2002.

Wysiging van regulasie 2 van Regulasies

41. Regulasie 2 van die Regulasies word gewysig—

- (a) deur in subregulasie (1) die omskrywing van "bekwaamheidsertifikaat" deur die volgende omskrywing te vervang:

" 'bekwaamheidsertifikaat' 'n sertifikaat, insluitende enige tersaaklike endossement, uitgereik deur 'n sertifiserende owerheid ingevolge regulasie 14B(1) en wat die regmatige houer daarvan geregtig maak om in die hoedanigheid op te tree en die tersaaklike funksies te verrig op 'n vaartuig van die betrokke tipe, kategorie, tonnemaat of lengte, krag en aandrywingswyse;";

- (b) deur in subregulasie (1) die omskrywing van "eienaar" deur die volgende omskrywing te vervang:

" 'eienaar', met betrekking tot 'n vaartuig, ook—

- (a) 'n kredietopnemer (koper) in die geval van 'n kredietooreenkoms ingevolge die Wet op Kredietooreenkomste, 1980 (Wet No. 75 van 1980); en
- (b) enige persoon aan wie die eienaar die sorg en beheer van die vaartuig toevertrou het;";

- (c) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "krag-aangedrewe" in te voeg:
" 'nag' die tydperk tussen sonsondergang en sonsopgang;"; en
- (d) deur in subregulasie (1) die volgende omskrywing na die omskrywing van "oortree" in te voeg:
" 'passasiersvaartuig' 'n vaartuig wat meer as 12 passasiers vervoer;".

Wysiging van regulasie 7 van Regulasies

42. Regulasie 7 van die Regulasies word gewysig—

- (a) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Die skipper van 'n kommersiële klein vaartuig moet verseker dat 'n dryfhulpmiddel van die tipe wat by hierdie regulasies vereis word, gedra word—

- (a) deur elke bemanningslid wat in die nag werk op dek verrig;
- (b) deur elke bemanningslid wat werk verrig wat die risiko skep dat die persoon oorboord kan val; en
- (c) deur elke bemanningslid wanneer die vaartuig binne een seemyl van die kus bedryf word."; en

- (b) deur die volgende subregulasies by te voeg:

"(3) 'n Persoon aan boord van 'n vaartuig moet 'n reddingsbaadjie of dryfhulpmiddel van die tipe wat by hierdie regulasies vereis word, dra op die tye wat die skipper gelas: Met dien verstande dat elke persoon aan boord (insluitende die skipper) so 'n reddingsbaadjie of dryfhulpmiddel moet dra wanneer die vaartuig geloods of in die branding bedryf word of andersins in onstuimige seetoestande bedryf word.

(4) By elke geleentheid voordat enige vaartuig op see gaan, moet die skipper—

- (a) verseker dat elke persoon aan boord van die vaartuig noodsaaklike veiligheidsinligting ontvang het rakende daardie persoon se funksies aan boord, insluitende—

- (i) inligting oor die ligging aan boord van die veiligheidstoestelle en -toerusting wat aan boord van die vaartuig gedra moet word; en
- (ii) onderrig in die gebruik van sodanige toestelle en toerusting; en

- (b) die veiligheidstoestelle en -toerusting wat aan boord van die vaartuig gedra moet wees, laat inspekteer om seker te maak of dit geskik en gereed vir gebruik is.

(5) Die skipper van 'n kommersiële klein vaartuig moet, indien dit prakties doenlik is om dit te doen, die vaartuig se noodprosedures en -reëlins, insluitende dié ten opsigte van brandbestryding, om die skip te verlaat en man oorboord, minstens een keer per week laat oefen."

Wysiging van regulasie 8 van Regulasies

43. Regulasie 8 van die Regulasies word gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Voordat enige kragaangedrewe vaartuig op see gaan, moet die skipper verseker dat die vaartuig genoeg brandstof dra vir sy beoogde reis, en 'n reserwe van minstens 25 persent van daardie hoeveelheid."

Vervanging van regulasie 14 van Regulasies

44. Regulasie 14 van die Regulasies word deur die volgende regulasie vervang:

"Verantwoordelikhede van eienaar

14. (1) Die eienaar van 'n vaartuig moet verseker dat die vaartuig bedryf word deur of onder die deurlopende leiding van 'n persoon (in hierdie regulasies die skipper genoem) wat fisies geskik en geestelik gesond is en wat, in die geval van—

- (a) 'n kommersiële klein vaartuig; of
- (b) 'n plesiervaartuig, synde 'n seilvaartuig met 'n algehele lengte van 6 meter of meer of 'n kragaangedrewe vaartuig met 'n aandrywingskrag van meer as 4 kW,

'n geldige bekwaamheidsertifikaat hou wat deur 'n sertifiserende owerheid uitgereik is: Met dien verstande dat hierdie bepaling nie vereis dat 'n bekwaamheidsertifikaat gehou moet word nie ten opsigte van 'n vaartuig in paragraaf (b) bedoel gedurende die tydperk wat 12 maande na die inwerkingtreding van hierdie regulasies verstryk.

(2) (a) Die eienaar moet, benewens voldoening aan die vereistes van subregulasie (1), verseker dat die vaartuig andersins voldoende en effektief beman is.

(b) Vir die doel van paragraaf (a) word 'n vaartuig geag voldoende en effektief beman te wees indien, na die mening van die sertifiserende owerheid, dit 'n bemanning van bekwame persone het om hom in staat te stel om op see te gaan met behoorlike inagneming van die vereistes van hierdie regulasies en enige ander veiligheidsbepalings wat op die vaartuig van toepassing is.

(c) Die sertifiserende owerheid moet, by die bepaling van die toereikendheid van die bemanning in ooreenstemming met hierdie subregulasie, die volgende in aanmerking neem:

- (i) die bemanning wat gewoonlik deur soortgelyke vaartuie op soortgelyke reise of bedrywighede gedra word;
- (ii) die bemanning wat die betrokke vaartuig onlangs op vorige reise of bedrywighede gedra het;
- (iii) die aard van die diens waarvoor die vaartuig bedoel is; en
- (iv) enige ander oorweging wat die sertifiserende owerheid geskik ag.

(3) Die eienaar van 'n kommersiële klein vaartuig moet, benewens voldoening aan die vereistes van subregulasies (1) en (2), verseker dat—

- (a) die skipper en elke bemanningslid op die vaartuig dokumentêre bewys het van suksesvolle voltooiing van goedgekeurde veiligheidsinlywingsopleiding;

hierdie dokumentêre bewys moet gehou word deur elke persoon wat vir die eerste keer op see gaan en, hoogstens 24 maande na die inwerkingtreding van hierdie regulasies, deur alle ander skippers en bemanningslede;

- (b) dokumentasie en data rakende die skipper en elke bemanningslid op die vaartuig bygehou word en geredelik beskikbaar is vir insae, insluitende dokumentasie en data betreffende hulle diens, ondervinding, opleiding, mediese geskiktheid en bekwaamheid in toegewese pligte;
- (c) die skipper en elke bemanningslid, nadat hulle aan die vaartuig toegewys is, vertrouwd gemaak word met hulle spesifieke pligte en met alle inrigtings, installasies, toerusting, prosedures en eienskappe van die vaartuig wat tersaaklik is vir hulle roetine- en noodpligte: en
- (d) die vaartuig se bemanning hulle aktiwiteite doeltreffend kan koördineer in 'n noodsituasie en by die verrigting van funksies wat noodsaaklik is vir veiligheid of vir die voorkoming of vermindering van besoedeling."

Invoeging van regulasies 14A en 14B in Regulasies

45. Die volgende regulasies word na regulasie 14 in die Regulasies ingevoeg:

"Passasiersvaartuigendossement

14A. Geen persoon mag in die hoedanigheid van skipper van 'n kommersiële klein vaartuig wat 'n passasiersvaartuig is, dien nie tensy hy of sy aldus gemagtig is ingevolge 'n gepaste endossement op sy of haar bekwaamheidsertifikaat.

Bekwaamheidsertifikate

14B. (1) 'n Sertifiserende owerheid moet 'n bekwaamheidsertifikaat aan 'n aansoeker uitreik indien hy oortuig is dat die aansoeker fisies geskik en geestelik gesond is en—

- (a) in die geval van 'n sertifikaat ten opsigte van 'n kommersiële klein vaartuig—
 - (i) nie jonger as 18 jaar is nie; en
 - (ii) voldoen aan die betrokke vereistes deur die Owerheid gestel; of
- (b) in die geval van 'n sertifikaat ten opsigte van 'n plesiervaartuig—
 - (i) nie jonger as 16 jaar is nie; en
 - (ii) voldoen aan die betrokke vereistes deur die Owerheid gestel na oorlegpleging met die betrokke beheerliggaam of -liggame (indien wel).

(2) '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 optrede; of

(b) hy op redelike gronde van mening is dat die houer hom of haar op 'n nalatige of onbekwame wyse gedra het terwyl hy of sy gedien het in 'n hoedanigheid wat deur die sertifikaat gemagtig is; of

(c) hy op redelike gronde van mening is dat die sertifikaat op bedrieglike wyse of op verkeerde inligting verkry is.

(3) 'n Persoon wie se bekwaamheidsertifikaat opgeskort of gekanselleer is, moet die sertifikaat op versoek by die sertifiserende owerheid indien.

(4) (a) 'n Persoon wie se bekwaamheidsertifikaat opgeskort of gekanselleer is, kan skriftelik na die Minister appelleer teen die opskorting of kansellering, 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 verhoër 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 kansellering van 'n appellant se sertifikaat bevestig, verander of ter syde stel, en die sertifiserende owerheid moet uitvoering gee aan die Minister se beslissing.

(5) Die houer van 'n bekwaamheidsertifikaat moet die oorspronklike sertifikaat, of 'n gewaarmerkte afskrif daarvan, beskikbaar hou ter insae op alle redelike tye."

Wysiging van regulasie 15 van Regulasies

46. Regulasie 15 van die Regulasies word gewysig—

(a) deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) Geen persoon mag 'n vaartuig of enige van 'n vaartuig se toerusting of masjinerie bedryf nie terwyl hy of sy in so 'n mate onder die invloed van drank of 'n dwelmmiddel is dat sy of haar vermoë om sy of haar verantwoordelikheid vir die vaartuig na te kom of om sy of haar pligte ten opsigte van die vaartuig te verrig, benadeel word."; en

(b) deur in subregulasie (3) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

"Geen persoon mag 'n vaartuig of enige van 'n vaartuig se toerusting of masjinerie bedryf nie terwyl—".

Wysiging van regulasie 16 van Regulasies

47. Regulasie 16 van die Regulasies word gewysig—

(a) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Geen persoon onder die ouderdom van 18 jaar mag in die hoedanigheid van skipper van 'n kommersiële klein vaartuig dien nie."; en

- (b) deur in subregulasie (2) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

"Geen persoon onder die ouderdom van 16 jaar mag 'n kragaangedrewe plesiervaartuig met 'n aandrywingskrag van meer as 4 kW bedryf nie, tensy—".

Invoeging van regulasie 16A in Regulasies

48. Die volgende regulasie word na regulasie 16 in die Regulasies ingevoeg:

"Ongemagtigde drank en onwettige dwelmmiddels

16A. (1) Hierdie regulasie is net op kommersiële klein vaartuie van toepassing.

(2) Geen persoon mag in die Republiek of elders—

- (a) enige ongemagtigde drank of onwettige dwelmmiddel aan boord van 'n vaartuig neem nie;
- (b) enige ongemagtigde drank of onwettige dwelmmiddel in sy of haar besit aan boord van 'n vaartuig hê nie;
- (c) 'n ander persoon toelaat om enige ongemagtigde drank of onwettige dwelmmiddel aan boord van 'n vaartuig te neem of in sy of haar besit aan boord van 'n vaartuig te hê nie; of
- (d) 'n ander persoon opsetlik hinder in die uitoefening van bevoegdhede wat by subregulasie (3) aan daardie persoon verleen is nie.

(3) Waar 'n gemagtigde persoon rede het om te vermoed dat 'n misdryf ingevolge subregulasie (2) begaan is met betrekking tot enige vaartuig, kan die gemagtigde persoon, sonder 'n lasbrief—

- (a) aan boord van die vaartuig gaan en dit en enige eiendom daarop deursoek; en
- (b) besit neem van enige drank of dwelmmiddel wat op die vaartuig aangetref is en wat vermoedelik ongemagtigde drank of 'n onwettige dwelmmiddel is en die drank of dwelmmiddel hou vir die tydperk wat nodig is om te verseker dat die drank of dwelmmiddel beskikbaar is as bewyse in verrigtinge vir die misdryf.

(4) In hierdie regulasie beteken—

'drank' spritueel, wyn, bier, sider en enige ander gefermenteerde, gedistilleerde of alkoholiese drank;

'dwelmmiddel' dieselfde as in artikel 1(1) van die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 (Wet No. 140 van 1992);

'gemagtigde persoon', met betrekking tot 'n vaartuig—

- (a) 'n opnemer;
- (b) 'n bevoegde beampte;
- (c) die skipper van die onderhawige vaartuig;
- (d) die eienaar van die onderhawige vaartuig;

- (e) enige persoon wat deur die skipper of eienaar opdrag gegee is om te voorkom dat 'n misdryf ingevolge subregulasie (1) met betrekking tot die vaartuig begaan word;

'ongemagtigde drank', met betrekking tot—

- (a) 'n vissersboot, enige soort drank; en
- (b) enige ander vaartuig, drank ten opsigte waarvan toestemming om dit aan boord van die vaartuig te neem, gegee is deur nóg die skipper nóg die eienaar van die vaartuig nóg 'n persoon wat deur die eienaar van die vaartuig gemagtig is om sodanige toestemming te gee;

'onwettige dwelmmiddel' 'n dwelmmiddel waarvan die gebruik of besit by wet verbied word;

'vissersboot' nie ook 'n vaartuig wat tydelik uitsluitlik gebruik word om persone betrokke by seevisvangs vir sport of plesier te vervoer nie..

- (5) Enige verwysing in subregulasie (4) na die eienaar van 'n vaartuig moet gelees word as sou dit enige lid van die bemanning van die vaartuig uitsluit."

Wysiging van regulasie 18 van Regulasies

49. Regulasie 18 van die Regulasies word gewysig deur subregulasie (10) deur die volgende subregulasie te vervang:

"(10) (a) Voor die datum in paragraaf (b) bedoel—

- (i) word 'n goedgekeurde merk, vir die doel van subregulasie (1)(a), geag 'n identifikasienommer (*ID-nommer*) in te sluit wat toegeken is kragtens regulasie 5(1) van die regulasies wat by regulasie 33(1)(b) (die *herroepde regulasies*) herroep is;
- (ii) word subregulasie (4), vir die doel van subregulasie (1)(b), geag nagekom te wees met betrekking tot 'n ID-nommer deur die merk van daardie nommer in ooreenstemming met regulasie 5(3) van die herroepde regulasies; en
- (iii) is subregulasies (5), (6), (7), (8) en (9), met die nodige wysigings, van toepassing met betrekking tot 'n ID-nommer.

(b) Die datum vir doeleindes van paragraaf (a) is die vroegste van die volgende twee datums:

- (i) die datum waarop die inspeksie in regulasie 20(1)(a) bedoel, die eerste keer uitgevoer word; of
- (ii) die datum waarop die tydperk van 12 maande na die inwerkingtreding van hierdie regulasies verstryk."

Wysiging van regulasie 27 van Regulasies

50. Regulasie 27 van die Regulasies word gewysig—

- (a) deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

- "(a) om die maksimum getal persone te bepaal wat 'n plesiervaartuig met veiligheid kan vervoer vir doeleindes van regulasie 11;"
- (b) deur die volgende paragraaf na subregulasie (1)(b) in te voeg:
- "(bA) om te bepaal of a plesiervaartuig toereikend en effektief beman is vir doeleindes van regulasie 14(2);" en
- (c) deur paragrawe (c), (d) en (e) van subregulasie (1) deur onderskeidelik die volgende paragrawe te vervang:
- "(c) vir doeleindes van regulasie 14B, om bekwaamheidsertifikate in verband met plesiervaartuie uit te reik, op te skort of te kanselleer, en om te vereis dat enige sodanige sertifikate wat opgeskort of gekanselleer is, ingedien word;
- (d) in verband met plesiervaartuie—
- (i) om van 'n persoon te vereis om mediese getuienis te lewer vir doeleindes van regulasie 15(1) en (2); en
- (ii) om monsters te neem vir doeleindes van regulasie 15(3);
- (e) om oor persone onder die ouderdom van 16 jaar toesig te hou en hulle te sertifiseer vir doeleindes van regulasie 16(2);".

Wysiging van regulasie 28 van Regulasies

51. Regulasie 28 van die Regulasies word gewysig deur subregulasie (5) deur die volgende subregulasie te vervang:

"(5) 'n Wetstoepassingsbeampte wat 'n veiligheidsbeampte is, kan die bevoegdhede van 'n wetstoepassingsbeampte kragtens subregulasies (3) en (4) uitoefen slegs met die doel om die bepalings van hierdie regulasies wat hy of sy ingevolge regulasie 27(4) gemagtig is om toe te pas, toe te pas."

Vervanging van regulasie 31 van Regulasies

52. Regulasie 31 van die Regulasies word deur die volgende regulasie vervang:

"Misdrywe, strawwe en verwere

31. (1) Elke persoon wat regulasie 4(1), (3) of (4), 7, 8, 9, 10, 11(1), 12(1), (3), (4) of (5), 13, 14, 14A, 14B(3) of (5), 15(1), (2), (3) of (5), 16, 16A(2), 18(1), (4), (5), (6) of (8), 19, 24, 25, 26, 27(5) of 28(6) oortree, begaan 'n misdryf.

(2) 'n Persoon wat 'n misdryf ingevolge subregulasie (1) begaan, is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf van hoogstens 12 maande.

(3) In verrigtinge vir 'n misdryf ingevolge subregulasie (1) is dit 'n verweer om te bewys dat die beskuldigde redelike voorsorg getref het en behoorlike sorg aan die dag gelê het om te voorkom dat die misdryf begaan word.

(4) In verrigtinge vir 'n misdryf ingevolge subregulasie (1) met betrekking tot regulasie 15(2) is dit 'n bykomende verweer om te bewys dat, ten tyde van die beweerde gedrag van die beskuldigde, hy of sy onder die invloed was van 'n dwelmmiddel wat hy of sy vir medisinale doeleindes geneem het en óf dat hy of sy dit op mediese advies geneem het en voldoen het aan enige instruksies wat as deel van daardie advies gegee is, óf dat hy of sy geen rede gehad het om te vermoed dat die dwelmmiddel die uitwerking sou hê wat dit gehad het nie."

Invoeging van regulasie 31A in Regulasies

53. Die volgende regulasie word na regulasie 31 in die Regulasies ingevoeg:

"Misdrywe as gevolg van fout van ander persoon

31A. Waar 'n misdryf ingevolge regulasie 31(1) begaan is deur enige persoon as gevolg van die optrede of versuim van 'n ander persoon, begaan daardie ander persoon ook die misdryf en kan hy of sy aangekla word van en skuldig bevind word aan die misdryf kragtens hierdie regulasie, ongeag of verrigtinge teen eersgenoemde persoon ingestel word al dan nie."

Wysiging van regulasie 32 van Regulasies

54. Regulasie 32 van die Regulasies word gewysig—

(a) deur die woorde wat paragraaf (a) voorafgaan te vervang deur die volgende woorde:

"Elke gemagtigde agentskap wat onmiddellik voor die inwerkingtreding van hierdie regulasies kragtens die bepalings van die regulasies wat by regulasie 33(1)(b) herroep word (die *herroepte regulasies*), 'n gemagtigde agentskap was, bly 'n gemagtigde agentskap kragtens en vir die doel van hierdie regulasies asof daardie gemagtigde agentskap kragtens regulasie 27(1) aangewys is vir die tydperk wat 18 maande na die inwerkingtreding van hierdie regulasie verstryk, en—"; en

(b) deur die bestaande regulasie as subregulasie (1) te nommer en die volgende subregulasies by te voeg:

"(2) (a) Voor die datum bedoel in paragraaf (b) kan die ontwerp en bou van 'n bestaande vaartuig, in plaas daarvan om aan die bepalings van regulasie 6(3) te voldoen, voortgaan om te voldoen aan die ooreenstemmende bepalings van die herroepte regulasies.

(b) Die datum vir doeleindes van paragraaf (a) is die datum na 1 Januarie 2006 waarop die vaartuig se aanvanklike opneming of volgende hernuwingsopneming, na gelang van die geval, gedoen moet word.

(c) In paragrafe (a) en (b) beteken—

'aanvanklike opneming' 'n inspeksie vereis by regulasie 20(1)(a) of 'n opneming vereis by artikel 190(1) van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), na gelang van die geval, voordat die gepaste sertifikaat vir die eerste keer uitgereik kan word;

'bestaande vaartuig' 'n vaartuig wat voor die inwerkingtreding van hierdie regulasies gebou is; en

'hernuwingsopneming' 'n inspeksie vereis by regulasie 20(1)(b) of 'n opneming vereis by artikel 190(2) van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), na gelang van die geval, voordat 'n verdere gepaste sertifikaat uitgereik kan word."

Wysiging van regulasie 33 van Regulasies

55. Regulasie 33 van die Regulasies word gewysig deur subregulasie (2) te skrap.

Wysiging van Aanhangsel 1 van Regulasies

56. Aanhangsel 1 van die Regulasies word gewysig—

- (a) deur die voorbehoudsbepaling in subparagraaf (2) van paragraaf 1 deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat 'n dekvaartuig, in plaas van ingeboude dryfvermoë, voorsien kan word van minstens twee waterdigte beskotte wat so geplaas is en sterk genoeg is dat, in die geval van oorstroming van die grootste afdeling wat deur die beskotte gevorm word, die vaartuig in sy ergste beoogde lastoestand sal aanhou dryf met positiewe transversale stabiliteit.";

- (b) deur die volgende sin by subparagraaf (3) van paragraaf 1 te voeg:

"In passasiersvaartuie moet ingeboude dryfvermoë so wees dat die vaartuig wanneer dit ten volle oorstrom is in sy ergste beoogde lastoestand, sal aanhou dryf met positiewe transversale stabiliteit.";

- (c) deur subparagraaf (1) van paragraaf 7 deur die volgende subparagraaf te vervang:

"(1) Behoudens hierdie regulasie moet elke vaartuig voorsien word van 'n enjin wat in staat is om die vaartuig, in sy vorgelaaide toestand, teen 'n spoed in kalm water van minstens 5 knope aan te dryf. Daarbenewens, as die vaartuig in die branding bedryf gaan word, moet die enjin in staat wees om die vaartuig teen 'n veilige spoed aan te dryf in die branding."

- (d) deur subparagraaf (3) van paragraaf 7 deur die volgende subparagraaf te vervang:

"(3) Elke kategorie A, B en C kragaangedrewe vaartuig wat deur buiteboordenjins aangedryf word, moet voorsien word van minstens tweeenjins wat elk in staat moet wees om die vaartuig, in sy vorgelaaide toestand, teen 'n spoed in kalm water van minstens 5 knope aan te dryf. Daarbenewens, as die vaartuig in die branding bedryf gaan word, moet elke enjin in staat wees om die vaartuig teen 'n veilige spoed aan te dryf in die branding."; en

- (e) deur die volgende subparagraaf by paragraaf 16 te voeg, en die bestaande paragraaf word subparagraaf (1):

"(2) Elke passasiersvaartuig wat gesertifiseer is om 'n maksimum van 20 passasiers te dra, moet aan die volgende bykomende vereistes voldoen:

- (a) met die vaartuig in die ergste verwagte onbeskadigde toestand en, so ver doenlik, met 75 persent van die passasiers wat aan die een kant van die vaartuig saamdrom en 25 persent aan die ander kant, mag die slagsyhoek nie 7 grade te bowe gaan nie en mag dit nie meebring dat die kant van die vaartuig se dek onder water is nie;
- (b) met die vaartuig in die ergste verwagte onbeskadigde toestand en, so ver doenlik, met al die passasiers wat aan die een kant van die vaartuig saamdrom, mag daar nie 'n omslaanmoment ontstaan nie en mag die gevolglike slagsyhoek nie meebring dat 'n oorstromingspunt bereik word nie;
- (c) met die vaartuig in sy volgelaide toestand, insluitende passasiers, bemanning en brandstof, mag die vryboord op die laagste punt nie minder as 381 mm wees nie vir vaartuie nie langer as 6,1 meter nie en 762 mm vir vaartuie langer as 18,3 meter; vir vaartuie met intermediêre lengte moet die vryboord deur lineêre interpolasie bepaal word.

Voldoening aan hierdie vereistes kan teoreties of prakties getoon word.

(3) Elke passasiersvaartuig wat gesertifiseer is om meer as 20 passasiers te dra, moet voldoen aan die stabiliteitskriteria van toepassing op skepe geklassifiseer as klas VI-passasierskepe ingevolge die Regulasies vir Veilige Navigasie, 1968."

Wysiging van Aanhangsel 2 van Regulasies

57. Aanhangsel 2 van die Regulasies word gewysig—

- (a) deur item 1 van die tabel in paragraaf 1 deur die volgende item te vervang:

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
"1	Goedgekeurde reddingsbaadjie*	X	X	X	—	—	Een reddingsbaadjie van geskikte grootte moet vir elke persoon aan boord verskaf word. * Reddingsbaadjies moet voldoen aan standaard spesifikasie SABS 146/1979, deur die Suid-Afrikaanse Buro vir Standaarde gepubliseer."

- (b) deur die volgende item na item 1 van die tabel in paragraaf 1 in te voeg:

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
"1A	Goedgekeurde dryfhulpmiddel*	X†	X†	X†	X†	X†	† Een dryfhulpmiddel van geskikte grootte moet verskaf word— (a) vir die skipper en elke lid van die bemanning van klein vaartuig; en (b) vir elke persoon aan boord van 'n vaartuig wat in die branding geloods of bedryf word. ‡ Een dryfhulpmiddel van toepaslike grootte moet verskaf word vir elke persoon aan boord. * Dryfhulpmiddels moet voldoen aan standaard spesifikasie SABS 1417/1987, deur die Suid-Afrikaanse Buro vir Standaarde gepubliseer."

- (c) deur die volgende item na item 18 van die tabel in paragraaf 1 in te voeg:

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
"18A	Nood-posisieaanduiding-radiobaken (EPIRB)* wat noodwaarskuwings kan stuur deur die COSPAS-SARSAT-satellietdiens in die 406 MHz-band	X†	X†	X†	—	—	EPIRB moet— (a) in 'n maklik bereikbare posisie geïnstalleer wees; (b) met die hand losgemaak en deur een persoon na 'n oorlewingsvaartuig gedra kan word; (c) vry kan dryf as die vaartuig sink; (d) met die hand geaktiveer kan word; en (e) outomaties geaktiveer word wanneer dit dryf. Met dien verstande dat, op vaartuie wat hoogstens 12 opeenvolgende uur op see deurbring, die EPIRB van die hand- of persoonlike tipe kan wees, in welke geval dit toegerus moet wees met 'n draagband en polsband en gereedlik beskikbaar gehou moet word vir gebruik in nood. † Verpligtend met ingang van 1 Junie 2005. ‡ Verpligtend met ingang van 1 Junie 2006. * EPIRB moet van 'n tipe wees wat deur die Onafhanklike Kommunikasie-oowerheid van Suid-Afrika (OKOSA) goedgekeur is.”;

- (d) deur item 20 van die tabel in paragraaf 1 deur die volgende item te vervang:

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
"20	Geskikte magnetiese stuurkompas	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 in die nag bedryf word.”;

- (e) deur item 24 van die tabel in paragraaf 1 deur die volgende item te vervang:

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
"24	2 skep- of roeispane	—	—	—	X	X	Word net op 'n vaartuig met 'n enkele buiteboordpetrolenjin vereis.”;

- (f) deur item 31 van die tabel in paragraaf 1 deur die volgende item te vervang:

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
"31	Waterdige omslaanbottel met tou aan vaartuig geheg, gereedlik toeganklik as vaartuig omslaan	X	X	X	X	X	Moet fakkels en ander oorlewings- en noodtoerusting bevat.”;

- (g) deur item 34 van die tabel in paragraaf 1 deur die volgende item te vervang:

Item No.	Beskrywing van veiligheidstoestelle en -uitrusting	Kategorie vaartuig					Bykomende opmerkings
		A	B	C	D	E	
"34	Noodhulpstel	X	X	X	X	—	Geskik vir die vaartuig se grootte, bemanning en beoogde bedryf, tot tevredenheid van die opnemer of veiligheidsbeampte. Noodhulpstel moet elementêre noodhulpverlening insluit, soos die publikasie getiteld <i>First on the Scene</i> , deur St Johns Ambulans uitgegee.”;

- (h) deur die volgende subparagraaf by paragraaf 2 te voeg:

"(3) Elke nood-posisieaanduidingradiobaken moet minstens een keer per maand ondersoek word om die volgende te kontroleer:

- (a) sy vermoë om behoorlik te funksioneer, veral sy vermoë om vry te dryf (waar nodig) indien die vaartuig sink;
- (b) hoe stewig hy gemonteer is; en
- (c) tekens van skade."; en

(i) deur die volgende paragraaf by te voeg:

"Nood-posisieaanduidingradiobaken moet geregistreer wees

4. Nood-posisieaanduidingradiobakens van die soort wat by hierdie regulasies vereis word, moet by die Suid-Afrikaanse Soek-en-Reddings-organisasie geregistreer wees ooreenkomstig die Handelskeepvaartregulasies (EPIRB-registrasie), 2002."

Vervanging van sekere uitdrukking in Regulasies

58. Die Regulasies word gewysig deur die uitdrukking "na sonder" waar dit ook al voorkom deur die uitdrukking "in die nag" te vervang.

Wysiging van lys van inhoud van Regulasies

59. Die lys van inhoud (indeling van regulasies) in die Regulasies word gewysig—

- (a) deur die inskrywings onder Deel 3 deur die volgende inskrywings te vervang:
 - "14. Verantwoordelikhede van eienaars
 - 14A. Passasiersvaartuigendossement
 - 14B. Bevoegdheidsertifikate
 - 15. Fisiese en geestelike geskiktheid
 - 16. Ouderdomsbeperkings
 - 16A. Ongemagtigde drank en onwettige dwelmmiddels";
- (b) deur die inskrywing "31. Misdrywe en strawwe" onder Deel 5 deur die volgende inskrywing te vervag:
 - "31. Misdrywe, strawwe en verwere"; en
- (c) deur die volgende inskrywing onder Deel 5 by te voeg:
 - "31A. Misdrywe as gevolg van fout van ander persoon."

Oorgangsreëlings

60. (1) Voor die datum in subregulasie (2) bedoel, kan persone, in plaas van voldoening aan die bepalings van regulasie 7(2) en Aanhangsel 2 van die Regulasies, soos by hierdie Deel gewysig, voortgaan om te voldoen aan die bepalings van daardie regulasie en Aanhangsel wat van krag was onmiddelik voor die inwerkingtreding van hierdie Deel.

(2) Die datum vir doeleindes van subregulasie (1) is die vroegste van die volgende twee datums:

- (a) die datum na die inwerkingtreding van hierdie Deel waarop die vaartuig se aanvanklike opneming of volgende hernuwingsopneming, na gelang van die geval, gedoen moet word; of
- (b) die datum waarop die tydperk van 12 maande na die inwerkingtreding van die Regulasies verstryk.

(3) In subregulasie (2) beteken—

"aanvanklike opneming" 'n inspeksie vereis by regulasie 20(1)(a) van die Regulasies of 'n opneming vereis by artikel 190(1) van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), na gelang van die geval, voordat die gepaste sertifikaat vir die eerste keer uitgereik kan word; en

"hernuwingsopneming" 'n inspeksie vereis by regulasie 20(1)(b) van die Regulasies of 'n opneming vereis by artikel 190(2) van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), na gelang van die geval, voordat 'n verdere gepaste sertifikaat uitgereik kan word.

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