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No. 26938



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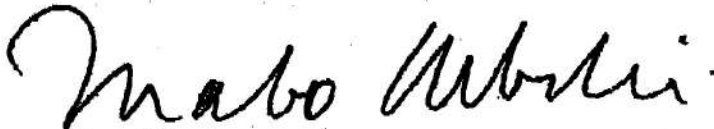
PROCLAMATION*by the**President of the Republic of South Africa***No. R. 50, 2004****AMENDMENT OF SCHEDULE 2 TO THE PUBLIC SERVICE ACT, 1994**

In terms of section 7(5)(a)(ii) of the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), I hereby amend, with effect from 20 May 2004, at the request of the Premier of North West, Schedule 2 to the said Act by the substitution for the designations of the Provincial Departments and Heads of Provincial Departments of the Provincial Administration of North West, in Columns 1 and 2 of Schedule 2, respectively, of the designations of the Provincial Departments and Heads of Provincial Departments of the said Provincial Administration as set out in Columns 1 and 2, respectively, below:

Column 1	Column 2
North West	
Department of Agriculture, Conservation, Environment and Tourism	Head: Agriculture, Conservation, Environment and Tourism
Department of Developmental Local Government and Housing	Head: Developmental Local Government and Housing
Department of Education	Head: Education
Department of Finance and Economic Development	Head: Finance and Economic Development
Department of Health	Head: Health

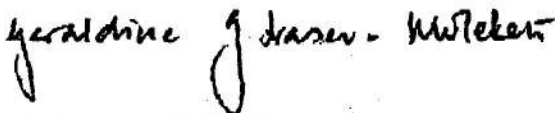
Department of Public Works	Head: Public Works
Department of Safety and Liaison	Head: Safety and Liaison
Department of Social Development	Head: Social Development
Department of Sports, Arts and Culture	Head: Sports, Arts and Culture
Department of Transport and Roads	Head: Transport and Roads

Given under my Hand and the Seal of the Republic of South Africa at Pretoria,
this 28 day of October, Two Thousand and Four.



President

By Order of the President-in-Cabinet:



Minister of the Cabinet

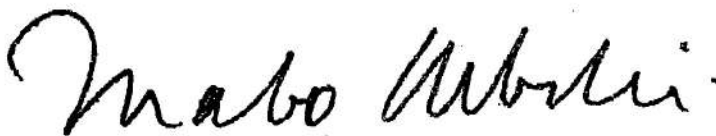
PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 50, 2004****WYSIGING VAN BYLAE 2 BY DIE STAATSDIENSWET, 1994**

Ingevolge artikel 7(5)(a)(ii) van die Staatsdienswet, 1994 (gepromulgeer deur Proklamasie No. 103 van 1994), wysig ek hierby, met ingang van 20 Mei 2004, op versoek van die Premier van Noordwes, Bylae 2 by vermelde Wet, deur die vervanging van die benamings van die Provinsiale Departemente en Hoofde van Provinsiale Departemente van die Provinsiale Administrasie van Noordwes, in Kolomme 1 en 2 van Bylae 2, onderskeidelik, met die benamings van die Provinsiale Departemente en Hoofde van Provinsiale Departemente van die vermelde Provinsiale Administrasie, soos onderskeidelik uiteengesit in Kolomme 1 en 2 hieronder:

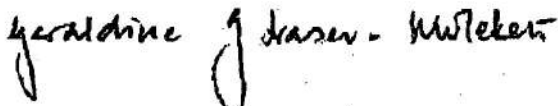
Kolom 1	Kolom 2
Noordwes	
Departement van Finansies en Ekonomiese Ontwikkeling	Hoof: Finansies en Ekonomiese Ontwikkeling
Departement van Gesondheid	Hoof: Gesondheid
Departement van Landbou, Bewaring, Omgewing en Toerisme	Hoof: Landbou, Bewaring, Omgewing en Toerisme
Departement van Maatskaplike Ontwikkeling	Hoof: Maatskaplike Ontwikkeling
Departement van Onderwys	Hoof: Onderwys
Departement van Ontwikkelende	Hoof: Ontwikkelende Plaaslike

Plaaslike Bestuur en Behuising	Bestuur en Behuising
Departement van Openbare Werke	Hoof: Openbare Werke
Departement van Sport, Kuns en Kultuur	Hoof: Sport, Kuns en Kultuur
Departement van Veiligheid en Skakeling	Hoof: Veiligheid en Skakeling
Departement van Vervoer en Paaie	Hoof: Vervoer en Paaie

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die 28 dag van Oktober, Tweeduisend en Vier.


President

Op las van die President-in-Kabinet:


Minster van die Kabinet

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

NATIONAL TREASURY NASIONALE TESOURIE

No. R. 1289

5 November 2004

DETERMINATION OF AMOUNTS FOR PURPOSES OF THE MILITARY PENSIONS ACT, 1976 (ACT 84 OF 1976)

1. The Minister of Finance has, in terms of the provisions of sections 1 and 5 of the Military Pensions Act, 1976 (Act 84 of 1976), read with section 3 (2) of the Act, determined that, with effect from 1 April 2004—
 - (a) for the purposes of formula I as defined in section 1 of the said Act, factor A of the said formula shall represent an amount—
 - (i) mentioned in the Schedule; or
 - (ii) the amount as determined by the Director-General to a minimum of **R37 569.36**, according to which one of the said amounts is the most advantageous to the member:
 - (b) for the purposes of formula II, as defined in section 1 of the said Act, factor C of the said formula shall represent the amount of **R6 236.40**, and
 - (c) the gratuity payable to the member who suffers from a pensionable disability which has in terms of the said Act been determined at 10 per cent or less shall be **R4 157.00**;
 - (d) the gratuity payable to a member who suffers from a pensionable disability which has in terms of the said Act been determined at more than 10 per cent but less than 20 per cent shall be **R8 315.00**.
2. All members who are in possession of a three-year bachelor's degree or a matriculation certificate and who have, immediately prior to 1 April 1998, received an amount as contemplated in paragraph 1 (a) of Government Notice No. R.1280 of 3 October 1997 shall receive an amount as set out in the Schedule.
3. Government Notice No. R861 of 20 June 2003 is hereby withdrawn.

T A Manuel (MP)
Minister of Finance

SCHEDULE OF ANNUAL PENSIONS

Percentage disablement	Basic pension	Matriculation certificate	Three- year bachelor's degree
100	37 569.36	40 521.00	49 832.28
90	33 812.28	36 469.08	44 848.92
80	30 055.56	32 416.80	39 865.92
70	26 298.48	28 364.76	34 882.68
60	22 541.64	24 312.84	29 899.56
50	18 784.68	20 260.56	24 916.32
40	15 027.72	16 208.28	19 932.84
30	11 270.88	12 156.36	14 949.48
20	7 513.68	8 104.08	9 966.36

No. R. 1289

5 November 2004

**BETALING VAN BEDRAE VIR DOELEINDES VAN DIE WET OP MILITÊRE
PENSIOENE, 1976 (WET 84 VAN 1976)**

1. Die Minister van Finansies het kragtens die bepalings van artikels 1 en 5 van die Wet op Militêre Pensioene, 1976 (Wet 84 van 1976), saamgelees met artikel 3 (2) van die Wet, met ingang van 1 April 2004—
 - (a) vir die doeleindes van formule I, soos omskryf in artikel 1 van vermelde Wet, faktor A van bedoelde formule I, 'n bedrag voorstel—
 - (i) die toepaslike bedrag volgens die Bylae; of
 - (ii) die bedrag soos deur die Direkteur-generaal bepaal tot 'n minimum van **R37 569.36**; na gelang van watter een van sodanige bedrae vir die lid die voordeligste is;
 - (b) vir die doeleindes van formule II, soos omskryf in artikel 1 van vermelde Wet, faktor C van bedoelde formule die bedrag van **R6236.40** voorgestel; en
 - (c) die gratifikasie betaalbaar aan 'n lid wat ly aan 'n pensioengewende ongeskiktheid wat ingevolge vermelde Wet op 10 persent of minder vasgestel is, bedra **R4157.00**;
 - (d) die gratifikasie betaalbaar aan 'n lid wat ly aan 'n pensioengewende ongeskiktheid wat ingevolge vermelde Wet op meer as 10 persent en minder as 20 persent vasgestel is, bedra **R8 315.00**.
2. Alle lede wat in besit van 'n driejarige baccalaureusgraad of 'n matrikulasie sertifikaat is en wat onmiddellik voor 1 April 1998 'n bedrag bedoel in paragraaf 1 (a) van Goewermentskennisgewing No. R.1280 van 3 Oktober 1997 ontvang het, moet 'n bedrag soos uiteengesit in die Bylae ontvang.
3. Goewermentskennisgewing No. R861 van 20 Junie 2003 word hierby herroep.

T A Manuel (LP)
Minister van Finansies

BYLAE VAN JAARLIKSE PENSIOENE

Persentasie ongeskiktheid	Basiese pensioen	Matrikulasie-sertifikaat	Driejarige baccalaureus-graad
100	37 569.36	40 521.00	49 832.28
90	33 812.28	36 469.08	44 848.92
80	30 055.56	32 416.80	39 865.92
70	26 298.48	28 364.76	34 882.68
60	22 541.64	24 312.84	29 899.56
50	18 784.68	20 260.56	24 916.32
40	15 027.72	16 208.28	19 932.84
30	11 270.88	12 156.36	14 949.48
20	7 513.68	8 104.08	9 966.36

**SOUTH AFRICAN MARITIME SAFETY AUTHORITY
SUID-AFRIKAANSE MARITIEME VEILIGHEIDSOWERHEID**

No. R. 1290

5 November 2004

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

**MERCHANT SHIPPING (CONTINUOUS SYNOPSIS RECORD)
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. (1) These regulations are called the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004.

(2) These regulations commence on publication in the *Gazette*.

Purpose of regulations

2. These regulations give effect to regulation XI-1/5 (Continuous Synopsis Record) of the Safety Convention (as amended in December 2002).

Definitions

3. In these regulations the expression "**the Act**" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any expression given a meaning by the Act has the meaning so given, and —

"**company**", in relation to a ship, means the owner and any person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

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

"**South African ship**" includes an unregistered ship having South African nationality.

Application

4. (1) These regulations apply to —

(a) every foreign-going passenger ship; and

(b) every foreign-going ship, other than a passenger ship, of 500 gross tonnage or more,

and so apply to —

- (i) South African ships anywhere; and
- (ii) foreign ships when in the Republic or its territorial waters.
- (2) However, these regulations do not apply to —
 - (a) vessels used solely for sport or recreation;
 - (b) fishing, sealing or whaling boats;
 - (c) ships not propelled by mechanical means; or
 - (d) wooden ships of primitive build.

Continuous Synopsis Record

5. (1) The company of a ship must ensure that the ship carries a Continuous Synopsis Record for the ship in accordance with regulation XI-1/5 of the Safety Convention.

(2) For a South African ship, the Continuous Synopsis Record for the ship is to be issued and otherwise administered by the Authority in accordance with regulation XI-1/5 of the Safety Convention.

(3) The company and the master of a ship must ensure that the Continuous Synopsis Record for the ship is maintained in accordance with regulation XI-1/5 of the Safety Convention.

Defects and detention

6. For the purposes of these regulations, section 223 of the Act applies in relation to a ship to which these regulations apply as if the reference in subsection (1) of that section, as shown in column 1 of an item in the following table, included the reference shown in column 2 of the item:

Item	Column 1	Column 2
1	that the vessel is not equipped as required by the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations or any other applicable regulations	that the vessel does not carry a Continuous Synopsis Record as required by the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004
2	that the deck lines or load lines are not being properly maintained	that the Continuous Synopsis Record for the ship is not being maintained as required by the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004

No. R. 1290

5 November 2004

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

**HANDELSKEEPVAARTREGULASIES (DEURLOPENDE
OPSOMMINGSREKORD), 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. (1) Hierdie regulasies heet die Handelskeepvaartregulasies (Deurlopende Opsommingsrekord), 2004.

(2) Hierdie regulasies tree in werking by publikasie in die *Staatskoerant*.

Doel van regulasies

2. Hierdie regulasies gee uitvoering aan regulasie XI-1/5 (Deurlopende Opsommingsrekord) van die Veiligheidskonvensie (soos gewysig in Desember 2002).

Woordomskrywing

3. In hierdie regulasies beteken die uitdrukking "die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis, en beteken —

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

"Suid-Afrikaanse skip" ook 'n ongeregistreerde skip met Suid-Afrikaanse nasionaliteit.

"vreemde skip" 'n skip wat nie 'n Suid-Afrikaanse skip is nie.

Toepassing

4. (1) Hierdie regulasies is van toepassing op —

- (a) elke passasierskip op vreemde vaart; en
- (b) elke skip op vreemde vaart, uitgesondered 'n passasierskip, van 500 bruto tonnemaat of meer,

en is aldus van toepassing op —

- (i) Suid-Afrikaanse skepe waar ook al; en
- (ii) vreemde skepe wanneer in die Republiek of sy territoriale waters.
- (2) Hierdie regulasies is egter nie van toepassing nie op —
- (a) vaartuie wat uitsluitlik vir sport of ontspanning gebruik word;
- (b) vissersbote, robbevaarders of walvisvaarders;
- (c) skepe wat nie op meganiese wyse aangedryf word nie; of
- (d) houtskepe van primitiewe bou.

Deurlopende Opsommingsrekord

5. (1) Die maatskappy van 'n skip moet verseker dat die skip 'n Deurlopende Opsommingsrekord vir die skip aan boord het ooreenkomstig regulasie XI-1/5 van die Veiligheidskonvensie.

(2) Vir 'n Suid-Afrikaanse skip, moet die Deurlopende Opsommingsrekord vir die skip uitgereik word en andersins deur die Owerheid geadministreer word ooreenkomstig regulasie XI-1/5 van die Veiligheidskonvensie.

(3) Die maatskappy en die gesagvoerder van 'n skip moet verseker dat die Deurlopende Opsommingsrekord vir die skip in stand gehou word ooreenkomstig regulasie XI-1/5 van die Veiligheidskonvensie.

Gebreke en aanhouding

6. Vir die doeleindes van hierdie regulasies is artikel 223 van die Wet van toepassing betreffende 'n skip waarop hierdie regulasies van toepassing is, asof die verwysing in subartikel (1) van daardie artikel, soos getoon in kolom 1 van 'n item in die volgende tabel, die verwysing getoon in kolom 2 van die item omvat:

Item	Kolom 1	Kolom 2
1	dat die vaartuig nie ooreenkomstig die vereistes van die regulasies in verband met konstruksie, die regulasies vir reddingsuitrusting, die radio-regulasies, die regulasies in verband met botsings of enige ander toepaslike regulasies wat uitgevaardig is, toegerus is nie	dat die vaartuig nie 'n Deurlopende Opsommingsrekord aan boord het soos vereis deur die Handelskeepvaartregulasies (Deurlopende Opsommingsrekord), 2004 nie
2	dat die deklyne of laslyne nie behoorlik in stand gehou word nie	dat die Deurlopende Opsommingsrekord vir die skip nie behoorlik in stand gehou word soos vereis deur die Handelskeepvaartregulasies (Deurlopende Opsommingsrekord), 2004 nie

No. R. 1291

5 November 2004

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

**MERCHANT SHIPPING (AUTOMATIC IDENTIFICATION SYSTEM)
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. (1) These regulations are called the Merchant Shipping (Automatic Identification System) Regulations, 2004.
- (2) These regulations commence on publication in the *Gazette*.

Purpose of regulations

2. These regulations give effect to regulation V/19.2.4 of the Safety Convention (as amended in December 2002).

Definitions

3. In these regulations the expression "**the Act**" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any expression given a meaning by the Act has the meaning so given, and —

"**Convention State**" means a state, other than the Republic, that is a party to the Safety Convention;

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

"**South African ship**" includes an unregistered ship having South African nationality.

Application

4. (1) These regulations apply to —
 - (a) every passenger ship;
 - (b) every foreign-going ship, other than a passenger ship, of 300 gross tonnage or more;

- (c) every ship, other than a passenger ship or a ship mentioned in paragraph (b), of 500 gross tonnage or more,

and so apply to —

- (i) South African ships anywhere; and
 - (ii) foreign ships when in the Republic or its territorial waters.
- (2) However, these regulations do not apply to —
- (a) vessels used solely for sport or recreation;
 - (b) fishing, sealing or whaling boats;
 - (c) ships not propelled by mechanical means; or
 - (d) wooden ships of primitive build.

Performance standards

5. (1) The equipment required by these regulations must —
- (a) comply with performance standards not inferior to the appropriate performance standards adopted by the International Maritime Organisation and specified by the Authority in a marine notice as having been so adopted; and
 - (b) be of a type approved —
 - (i) in the case of a South African ship, by the Authority; or
 - (ii) in the case of a foreign ship, by or on behalf of the ship's flag state.
- (2) An approval in terms of subregulation (1)(b)(i) —
- (a) must be in writing;
 - (b) must specify the period for which it is in force and any conditions on which it is given; and
 - (c) may, after reasonable notice, be varied or cancelled.

Automatic identification system

6. (1) The owner of a ship must ensure that an automatic identification system is fitted on board the ship in accordance with the requirements of regulation V/19 of the Safety Convention.

(2) The master of a ship must ensure that the automatic identification system is in operation at all times.

Exemptions

7. (1) The Authority may, in writing, exempt a particular ship or class of ships from the provisions of regulation 6, on such terms (if any) as it may specify, and may, after reasonable notice, vary or cancel any such exemption.

(2) However an exemption may only be granted if the Authority is satisfied that the ship, or class of ships, concerned will be taken permanently out of service within the period mentioned in regulation V/19.2.4.4 of the Safety Convention.

Inspection of foreign ships

8. When considering whether a foreign ship complies with the requirements of these regulations, a proper officer or a surveyor, as the case may be, need not satisfy himself or herself in relation to the following:

- (a) regulation 5(1)(a), if the equipment is of a type approved by or on behalf of the ship's flag state and that state is a Convention State;
- (b) regulation 5(1)(b)(ii), if the ship's flag state is a Convention State.

Authority must allow ship with defects to proceed in certain cases

9. If—

- (a) a ship is fitted with an automatic identification system as required by regulation 6; and
- (b) the automatic identification system is malfunctioning; and
- (c) the ship is at a port in the Republic; and
- (d) repair facilities are not readily available; and
- (e) the Authority is satisfied that the ship can proceed safely to another specified port (within or outside the Republic) where repairs can be made,

the Authority must allow the ship to proceed to the specified port.

Offence (failing to ensure automatic identification system is in operation)

10. (1) The master of a ship commits an offence if—

- (a) the ship is required by regulation 6 to be fitted with an automatic identification system; and
- (b) the automatic identification system is not in operation at all times.

(2) Subregulation (1) does not apply if the master has a reasonable excuse.

(3) An offence in terms of subregulation (1) is punishable upon conviction by a fine or by imprisonment for a period not exceeding 12 months.

No. R. 1291

5 November 2004

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

HANDELSKEEPVAARTREGULASIES (OUTOMATIESE
IDENTIFIKASIESTELSEL), 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. (1) Hierdie regulasies heet die Handelskeepvaartregulasies (Outomatiese Identifikasiestelsel), 2004.

(2) Hierdie regulasies tree in werking by publikasie in die *Staatskoerant*.

Doel van regulasies

2. Hierdie regulasies gee uitvoering aan regulasie V/19.2.4 van die Veiligheidskonvensie (soos gewysig in Desember 2002).

Woordomskrywing

3. In hierdie regulasies beteken die uitdrukking "**die Wet**" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis, en beteken —

"**Konvensiestaat**" 'n ander staat as 'n die Republiek, wat 'n party is by die Veiligheidskonvensie;

"**Suid-Afrikaanse skip**" ook 'n ongeregistreerde skip met Suid-Afrikaanse nasionaliteit;

"**vreemde skip**" 'n skip wat nie 'n Suid-Afrikaanse skip is nie.

Toepassing

4. (1) Hierdie regulasies is van toepassing op —

- (a) elke passasierskip;
- (b) elke skip op vreemde vaart, wat nie 'n passasierskip is nie, van 300 bruto tonnemaat of meer; en

- (c) elke skip, wat nie 'n passasierskip of 'n skip soos bedoel in paragraaf (b) is nie, van 500 bruto tonnemaat of meer,

en is aldus van toepassing op —

- (i) Suid-Afrikaanse skepe waar ook al; en
 - (ii) vreemde skepe wanneer in die Republiek of sy territoriale waters.
- (2) Hierdie regulasies is egter nie van toepassing nie op —
- (a) vaartuie uitsluitlik vir sport of ontspanning gebruik;
 - (b) vissersbote, robbevaarders of walvisvaarders;
 - (c) skepe nie op meganiese wyse aangedryf nie; of
 - (d) houtskepe van primitiewe bou.

Prestasiestandaarde

5. (1) Die uitrusting vereis deur hierdie regulasies moet —
- (a) aan prestasiestandaarde voldoen wat nie laer is nie as die toepaslike prestasiestandaarde deur die Internasionale Maritieme Organisasie aanvaar en in 'n marine-kennigewing deur die Owerheid gespesifiseer is asof dit so aanvaar is; en
 - (b) van 'n tipe wees wat goedgekeur is —
 - (i) in die geval van 'n Suid-Afrikaanse skip, deur die Owerheid; of
 - (ii) in die geval van 'n vreemde skip, deur of namens die skip se vlagstaat.
- (2) 'n Goedkeuring ingevolge subregulasie (1)(b)(i) —
- (a) moet skriftelik wees;
 - (b) moet die tydperk waarvoor dit van krag is en enige voorwaardes waarop dit verleen is, spesifiseer; en
 - (c) kan, na redelike kennisgewing, gewysig of gekanselleer word.

Outomatiese identifikaasiesistels

6. (1) Die eienaar van 'n skip moet verseker dat 'n outomatiese identifikaasiesistels aan boord van die skip geïnstalleer is in ooreenstemming met die vereistes van regulasie V/19 van die Veiligheidskonvensie.

(2) Die gesagvoerder van 'n skip moet verseker dat die outomatiese identifikaasiesistels te alle tye in werking is.

Vrystellings

7. (1) Die Owerheid kan skriftelik 'n bepaalde skip of klas skepe vrystel van die bepalings van regulasie 6, op sodanige voorwaardes (as daar is) soos gespesifiseer, en kan, na redelike kennisgewing, sodanige vrystelling wysig of kanselleer.

(2) 'n Vrystelling kan egter slegs verleen word indien die Owerheid daarvan oortuig is dat die betrokke skip, of klas skepe, permanent aan diens onttrek sal word binne die tydperk genoem in regulasie V/19.2.4.4 van die Veiligheidskonvensie.

Inspeksie van vreemde skepe

8. Wanneer oorweeg word of 'n vreemde skip aan die vereistes van hierdie regulasies voldoen, hoef 'n bevoegde beampte of 'n opnemer, na gelang van die geval, homself of haarself nie van die volgende te vergewis nie:

- (a) regulasie 5(1)(a), indien die uitrusting van 'n tipe is wat goedgekeur is deur of namens die skip se vlagstaat, en daardie staat 'n Konvensiestaat is;
- (b) regulasie 5(1)(b)(ii), indien die skip se vlagstaat 'n Konvensiestaat is.

Owerheid moet skip met gebreke in sekere gevalle toelaat om uit te vaar

9. Indien —

- (a) 'n skip met 'n outomatiese identifikaasiesistelsel toegerus is soos vereis deur regulasie 6; en
- (b) die outomatiese identifikaasiesistelsel wanfunksioneer; en
- (c) die skip by 'n hawe in die Republiek is; en
- (d) herstel-fasiliteite nie maklik beskikbaar is nie; en
- (e) die Owerheid oortuig is dat die skip veilig kan uitvaar na 'n ander gespesifiseerde hawe (binne of buite die Republiek) waar herstelwerk gedoen kan word,

moet die Owerheid die skip toelaat om voort te gaan na die gespesifiseerde hawe.

Oortreding (versuim om te verseker dat die outomatiese identifikaasiesistelsel in werking is)

10. (1) Die gesagvoerder van 'n skip begaan 'n misdryf indien —

- (a) die skip ingevolge regulasie 6 verplig word om met 'n outomatiese identifikaasiesistelsel toegerus te wees; en
- (b) die outomatiese identifikaasiesistelsel nie te alle tye in werking is nie.

(2) Subregulasie (1) nie van toepassing is nie indien die gesagvoerder 'n redelike verskoning het.

(3) 'n Misdryf ingevolge subregulasie (1) is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

No. R. 1292

5 November 2004

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

**MERCHANT SHIPPING (SHIP IDENTIFICATION NUMBER)
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. (1) These regulations are called the Merchant Shipping (Ship Identification Number) Regulations, 2004.
- (2) These regulations commence on publication in the *Gazette*.

Purpose of regulations

2. These regulations give effect to regulation XI-1/3 (Ship identification number) of the Safety Convention (as amended in December 2002).

Definitions

3. In these regulations the expression "**the Act**" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any expression given a meaning by the Act has the meaning so given, and—

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

"**South African ship**" includes an unregistered ship having South African nationality.

Application

4. (1) These regulations apply to —
 - (a) every foreign-going passenger ship of 100 or more gross tonnage; and
 - (b) every foreign-going ship, other than a passenger ship, of 300 or more gross tonnage,and so apply to —
 - (i) South African ships anywhere; and
 - (ii) foreign ships when in the Republic or its territorial waters.

- (2) However, these regulations do not apply to —
- (a) vessels used solely for sport or recreation;
 - (b) fishing, sealing or whaling boats;
 - (c) ships not propelled by mechanical means; or
 - (d) wooden ships of primitive build.

Ship identification number

5. (1) The owner of a ship must ensure that the ship is permanently marked with the ship's ship identification number in accordance with regulation XI-1/3 of the Safety Convention.

(2) For the purposes of regulation XI-1/3.5.3 of the Safety Convention, an equivalent method of marking the ship identification number is a method of marking that —

- (a) ensures that the ship identification number cannot be expunged easily; and
- (b) is approved —
 - (i) in the case of a South African ship, by the Authority; or
 - (ii) in the case of a foreign ship, by or on behalf of the ship's flag state.

Defects and detention

6. For the purposes of these regulations, section 223 of the Act applies to a ship to which these regulations apply as if the reference in subsection (1) of that section to a vessel that is not marked as required by the load line regulations included reference to a vessel that is not marked as required by the Merchant Shipping (Ship Identification Number) Regulations, 2004.

No. R. 1292

5 November 2004

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

**HANDELSKEEPVAARTREGULASIES
(SKEEPSIDENTIFIKASIENOMMER), 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. (1) Hierdie regulasies heet die Handelskeepvaartregulasies (Skeepsidentifikasienuummer), 2004.

(2) Hierdie regulasies tree in werking by publikasie in die *Staatskoerant*.

Doel van regulasies

2. Hierdie regulasies gee uitvoering aan regulasie XI-1/3 (Skeepsidentifikasienuummer) van die Veiligheidskonvensie (soos gewysig in Desember 2002).

Woordomskrywing

3. In hierdie regulasies beteken die uitdrukking "**die Wet**" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis, en beteken —

"**Suid-Afrikaanse skip**" ook 'n ongeregistreerde skip met Suid-Afrikaanse nasionaliteit;

"**vreemde skip**" 'n skip wat nie 'n Suid-Afrikaanse skip is nie.

Toepassing

4. (1) Hierdie regulasies is van toepassing op —

- (a) elke passasierskip op vreemde vaart van 100 bruto tonnemaat of meer; en
- (b) elke skip op vreemde vaart, uitgesonderd 'n passasierskip, van 300 bruto tonnemaat of meer,

en is aldus van toepassing op —

- (i) Suid-Afrikaanse skepe waar ook al; en

- (ii) vreemde skepe wanneer in die Republiek of sy territoriale waters.
- (2) Hierdie regulasies is egter nie van toepassing nie op —
 - (a) vaartuie wat uitsluitlik vir sport of ontspanning gebruik word;
 - (b) vissersbote, robbevaarders of walvisvaarders;
 - (c) skepe wat nie op meganiese wyse aangedryf word nie; of
 - (d) houtskepe van primitiewe bou.

Skeepsidentifikasienommer

5. (1) Die eienaar van 'n skip moet verseker dat die skip permanent gemerk is met die skip se skeepsidentifikasienommer in ooreenstemming met regulasie XI-1/3 van die Veiligheidskonvensie.

(2) Vir die doeleindes van regulasie XI-1/3.5.3 van die Veiligheidskonvensie is 'n ekwivalente metode om die skeepsidentifikasienommer te merk, 'n merkmetode wat —

- (a) verseker dat die skip se skeepsidentifikasienommer nie maklik uitgewis kan word nie; en
- (b) goedgekeur is —
 - (i) in die geval van 'n Suid-Afrikaanse skip, deur die Owerheid; of
 - (ii) in die geval van 'n vreemde skip, deur of namens die skip se vlagstaat.

Gebreke en aanhouding

6. Vir die doeleindes van hierdie regulasies, is artikel 223 van die Wet van toepassing op 'n skip waarop hierdie regulasies van toepassing is asof die verwysing, in subartikel (1) van daardie artikel, na 'n vaartuig wat nie gemerk is soos vereis deur die laslynregulasies nie, 'n verwysing na 'n vaartuig wat nie gemerk is nie soos deur die Handelskeepvaartregulasies (Skeepsidentifikasienommer), 2004, vereis word, ingesluit het.

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