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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. R. 743

23 JULY 2018

**SOUTH AFRICAN MARITIME AND AERONAUTICAL SEARCH AND RESCUE ACT,
2002, (ACT NO. 44 OF 2002, AS AMENDED BY ACT NO.5 OF 2013)****PUBLICATION FOR COMMENTS FOR SOUTH AFRICAN EMERGENCY BEACON
REGULATIONS, 2018**

The Minister of Transport hereby, publishes for comments the South African Emergency Beacon regulations as indicated in the Schedule

Interested persons are invited to submit their written comments on these Draft Emergency Beacon Regulations, 2018 to the Director General for the attention of Mr Patrick Modiba within 30 days from publication thereof at:

The Department of Transport**Private Bag x193****Pretoria****0001**E-mail address: ModibaP@dot.gov.za

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SCHEDULE

Arrangement of the Regulations

PART 1

1. Definitions and Abbreviations

In these regulations, a word or expression shall have the meaning assigned to it in terms of the Electronic Communications Act, 2005 (Act No. 36 of 2005), Merchant Shipping Act, 1951 (Act No. 57 of 1951) as amended, the Civil Aviation Act, 2009 (Act No. 13 of 2009) and the South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002) as amended, unless the context indicates otherwise-

“cospas-sarsat satellite system” means a satellite system designed to provide distress alert and location data to assist search and rescue (SAR) operations, using space craft and ground facilities to detect and locate the signals of distress beacons operating in 406 MHz;

“craft” means any air or sea-surface vehicle, or submersible of any kind or size;

“custodian of registers of emergency beacons in South Africa” means South African Maritime Rescue Co-ordination Centre;

“emergency locator transmitter” (ELT) means a generic term (related to aircraft) describing equipment which broadcast distinctive signals on designated frequencies

and, depending on application, may be automatically activated by impact or be manually activated;

“emergency position indication radio beacon (EPIRB)” means a device, usually carried aboard marine craft that transmits a signal that alerts search and rescue authorities and enables rescue units to locate the scene of the distress;

“ICASA” means the independent Communications Authority of South Africa;

“MID” means Maritime Identification Digits, being the three digits within the MMSI that identify the country where the ship is registered;

“MMSI” means Maritime Mobile Service Identity, being, in the case of an EPIRB, a nine-digit identification number made up of the three-digit MID followed by a six-digit identification number;

“personal locator beacon” (PLB) means a Portable device, manually activated, which transmits a distress signal on 406MHz, and may have an additional homing signal on a separate frequency;

“radio installation” means any radio installation fitted on board a ship including its associated antennas, interconnecting circuits and , where appropriate, sources of energy;

“**survival craft**” means a craft capable of sustaining the lives of persons in distress from time of abandoning ship;

“**the Act**” means the South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002).

2. Scope and Application

These Regulations shall apply to:

- (a) ships of South African nationality wherever they may be operating;
- (b) individuals carrying South African registered PLB; and
- (c) all South African registered aircraft equipped with an ELT wherever they may be operated.

PART 2

EMERGENCY POSITION-INDICATING RADIO BEACON (EPIRB)

3. Registering Authority

The Maritime Rescue Co-ordination Centre (the MRCC) is designated in terms of section 11 of the Act as the registering authority for EPIRB.

4. Requirements to register an EPIRB

- (1) The operator and owner of every vessel to which these regulations apply must ensure that every EPIRB carried on the vessel (whether or not carried in compliance with statutory requirements) is registered with the registering authority and that the registered particulars are correct.

- (2) Upon the sale of an EPIRB, the seller must obtain the new registration details as prescribed in regulation 4 (3) below and submit them to the relevant authorities on the prescribed form.
- (3) The registered particulars referred to in regulation 4 (1) are the following:
- (a) the name and official number of the vessel;
 - (b) the home port or port of registry of the vessel;
 - (c) the ship's call sign;
 - (d) the Vessel MMSI;
 - (e) the make and model of the EPIRB;
 - (f) the EPIRB unique identification code (Hex ID number);
 - (g) the type of radio or satellite installation (s) carried on board the vessel and survival craft;
 - (h) a brief description of the vessel, including its type (in terms of its purpose), length, vessel superstructure, deck colours and identifying marks;
 - (i) the name of the operator or owner of the vessel;
 - (j) the name, address, contact numbers and e-mail (if applicable) of an emergency contact person ashore other than the owner or operator;
 - (k) an alternative 24-hour emergency contact number (alternative contact ashore);
 - (l) the capacity of the vessel for carrying persons on board, both passengers and crew;

- (m) the type and number of survival craft;
- (n) the date of last modification of registered particulars;
- (o) Cospas-Sarsat type approval Certificate number;
- (p) ICASA Type Approval ;
- (q) confirmation of registration type, e.g. new, old or update to existing record; and
- (r) if reprogrammed, indicate the previous Hex ID number.

5. Certificate of registration

- (1) The registering authority must register and issue a certificate of registration which must be renewed annually.
- (2) The owner and operator is obliged to verify and confirm the currency of registration details on an annual basis.
- (3) Failure to comply with regulation 5 (2) may result in the delay with the issuance of a local general safety certificate.
- (4) The certificate that has been issued must be made available on-board for inspection at all reasonable times by properly authorised surveyor.

6. Amendment of registration details

Any amendments to the registration particulars must immediately be communicated by the owner and operator of the vessel to the registering authority.

7. Change of ownership and re-registration

- (1) If the owner and operator of a registered EPIRB transfers ownership of the vessel in which the EPIRB is fitted or ownership of the EPIRB, such owner or operator must, within fourteen (14) days from the date of transfer notify the registering authority on the prescribed form.
- (2) An application for registration of an EPIRB by the person, to whom the ownership of the vessel or of the EPIRB is transferred, must be made within fourteen (14) days from the date of transfer.
- (3) An owner of a foreign registered EPIRB intending to register such beacons in South Africa must:
 - (a) deregister with the foreign registry; and
 - (b) provide proof of such deregistration when applying for the said beacon to be registered on the South African Emergency Beacon Database.

8. Deregistration

- (1) If a South African registered EPIRB or a vessel equipped with such EPIRB is destroyed or is damaged beyond repair or is permanently withdrawn from use, the owner or operator of such EPIRB or vessel concerned must apply for the deregistration of the EPIRB within thirty (30) days from the date on which such event occurred.
- (2) An application referred to in regulation 8 (1) must be made to the registering authority on the prescribed form.
- (3) The registering authority may deregister an EPIRB if satisfied that such EPIRB is destroyed or is damaged beyond repair or is permanently withdrawn from use or if the vessel in which the EPIRB is installed is registered in another State.

9. Coding methods for an EPIRB

All EPIRBs registered in South Africa must be programmed with the vessel MMSI number as issued by ICASA.

10. Type Approval Standard

The Owner of such device to which these regulations apply must ensure that every EPIRB in use in South Africa is internationally type-approved by COSPAS-SARSAT and nationally by ICASA.

PART 3

PERSONAL LOCATOR BEACON (PLB)

11. Registering Authority

The Independent Communications Authority of South Africa (ICASA) is designated as the registering authority for the PLBs in South Africa in terms of section 4 (1) of Electronic Communications Act.

12. Requirements to register a PLB

- (1) The supplier and distributor of such beacon to which these regulations apply must ensure that every PLB in use is registered with the registering authority.
- (2) Upon the sale of a PLB, the seller must obtain the new registration details as listed in regulation 12 (3) below and submit them to the relevant authority on the prescribed form.

- (3) The registered particulars referred to in regulation 12 (1) are the following:
- (a) owner's name;
 - (b) the make and model of the PLB;
 - (c) the serial number of the PLB;
 - (d) the PLB unique identification code, (Hex ID number);
 - (e) the name, address, contact numbers and e-mail (if applicable) of an emergency contact person ashore other than the owner or operator;
 - (f) an alternative 24-hour emergency contact details;
 - (g) the date of last modification of registered particulars;
 - (h) Cospas-Sarsat type approval Certificate number; and
 - (i) ICASA Type approval and (Type Approval Number); and
 - (j) confirmation Certificate of registration type, e.g. new, old or update to existing record;

13. Proof of registration

- (1) The registering authority must issue proof of registration which must be updated annually.
- (2) The owner and operator must ensure that they verify and confirm the currency of registration details annually through options made available by the registering authority.

14. Amendment of registration details

Any amendments to the registration particulars must immediately be communicated by the owner and the operator to the registering authority.

15. Change of ownership and re-registration

- (1) If the owner of a registered PLB transfers ownership of the PLB, such owner must, within fourteen (14) days from the date of transfer notify the registering authority on the prescribed form.
- (2) An application for re-registration of a PLB by the person, to whom the ownership of the PLB is transferred, must be made in terms of these regulations within fourteen (14) days from the date of transfer.
- (3) An owner of a foreign registered PLB intending to register such beacons in South Africa must:
 - (a) deregister with the foreign registry; and
 - (b) provide proof of such deregistration when applying for the said beacon to be registered on the South African Emergency Beacon Database.

16. Deregistration

- (1) If a South African registered PLB is destroyed, sold or is damaged beyond repair or is permanently withdrawn from use, the owner of such PLB must apply for the deregistration of PLB within thirty (30) days from the date on which such event occurred.
- (2) An application referred to in regulation 16 (1) must be made to the registering authority on the prescribed form.

- (3) The registering authority may deregister a PLB if satisfied that such PLB is destroyed, sold or is damaged beyond repair or is permanently withdrawn from use or is registered in another State.

17. Coding methods for a PLB

All PLBs registered in South Africa must be programmed with a beacon serial number including the country code.

18. Type Approval Standard

The Owner of such device to which these regulations apply must ensure that every PLB in use in South Africa is internationally type-approved by COSPAS-SARSAT and nationally by ICASA.

PART 4

EMERGENCY LOCATOR TRANSMITTER (ELT)

19. Registering Authority

The South African Civil Aviation Authority is designated as the registering authority for the ELTs in South Africa in terms of section 11 of the Act.

20. Requirements to register ELTs

The operator or owner of every aircraft to which these regulations apply must ensure that every ELT carried on the aircraft (whether or not carried in compliance with statutory requirements) is registered with the registering authority and that the registered particulars are correct.

21. Proof of registration

- (1) The registering authority must register and issue proof of registration which must be updated annually.
- (2) The proof of registration that has been issued must be made available on board aircraft for inspection at all reasonable times by properly authorised or designated inspector.

22. Amendment of registration details

Any amendments to the registration particulars must immediately be communicated by the owner or operator of the vessel to the registering authority.

23. Change of ownership

- (1) If the owner or operator of a registered ELT transfers ownership of the ELT or ownership of the aircraft in which the ELT is fitted, such owner or operator must, within 14 days from the date of transfer notify the registering authority in the prescribed form.
- (2) An application for registration of an ELT by the person, to whom the ownership of the aircraft or of the ELT is transferred, must be made in terms of these regulations within fourteen (14) days from the date of transfer.
- (3) The registration of an ELT must no longer be valid from the 29th day after the date on which the owner or operator has transferred to another person ownership of the aircraft or of the ELT.

24. Deregistration

- (1) If a South African registered ELT is destroyed, sold or is damaged beyond repair or is permanently withdrawn from use, the owner of such ELT must apply for the deregistration of ELT within thirty (30) days from the date on which such event occurred.

- (2) An application referred to in regulation 24 (1) must be made to the registering authority on the prescribed form.
- (3) The registering authority must deregister an ELT if satisfied that such ELT is destroyed, sold or is damaged beyond repair or is permanently withdrawn from use or is registered in another State.

25. Coding Methods

All ELTs registered in South Africa must be programmed with an aircraft 24-bit Address including the country code.

26. Type Approval Standard

The Owner of such device to which these regulations apply must ensure that every ELT in use in South Africa is internationally type-approved by COSPAS-SARSAT and nationally by ICASA.

PART 5

SPECIAL AND MISCELLANEOUS PROVISION

27. Offences

- (1) Any contravention relating to EPIRBs must be dealt with in terms of the Merchant Shipping Act.
- (2) Any contravention relating to PLBs must be dealt with in terms of the Electronic Communication Act.
- (3) Any contravention relating to ELTs must be dealt with in terms of the Civil Aviation Act.

28. Disposal of beacons

- (1) Beacons must not be disposed of in general waste as they may end up in landfills. Beacon batteries and other components contain chemically-aggressive substances which may be hazardous to the environment and cause injury.
- (2) Beacons must be disposed-off in terms of the provision of National Environmental Management: Waste Act 15 of 1973, and in accordance with the manufacturer's instructions.
- (3) All beacons that are disposed-off must be removed from the beacon registration database by completing and submitting the relevant disposal documentation to the MRCC.

29. Testing of Beacons

- (1) Live testing of all emergency beacons is prohibited under these regulations.
- (2) The testing of beacons must be done as per the instructions manuals provided by the beacon manufactures and the beacon must be in test mode.
- (3) The South African Mission Control Centre (ASMCC) must ideally be informed 24 hours prior to the testing of beacons so that the ASMCC can immediately be aware and thereby prevent the unnecessary deployment of resources.

30. Inadvertent Activations

- (1) In the event of inadvertent beacon activation, it must be switched off immediately.
- (2) Beacons not fitted with an "OFF" switch must be placed in a steel container and shielded from the sky to avoid any further detection.
- (3) The ASMCC must be contacted immediately to report any false activation.

31. Registration forms

- (1) The registration forms must be obtained from the relevant registering authority.
- (2) ICASA and SACAA must share the data as registered with them related to the respective beacons with the National beacon database custodian.

32. Utilisation of PLBs in the Maritime and Aeronautical environments

- (1) PLBs must not be used as substitutes for mandatory required EPIRBs and ELTs. PLBs may be used in addition to EPIRBs or ELTs. Owners and operators of classes of aircraft and vessels that have been exempted from carrying ELTs and EPIRBs, mindful of the limitations of PLBs, must at least carry approved and registered PLBs capable of transmitting on 406MHz.
- (2) Owners, operators or crew on vessels and aircraft utilising PLBs as additional equipment are to ensure that the beacons are registered correctly and the intended use in the maritime and aviation environment is clearly indicated when registering.

33. Repeal of regulations

The regulations mentioned in schedule 1 as shown in the table below are hereby repealed.

34. Short title and commencement

These regulations must be called the South African Emergency Beacon Regulations, 2018 and are published for comments.

Schedule 1**Repeal of Regulations**

Empowering Act	Short title of Regulation	Extent of repeal
Merchant Shipping Act, 1951 (Act No. 57 of 1951)	Merchant Shipping (EPIRB Registration) Regulations, 2002	whole
Electronic Communications Act, 2005 (Act No. 36 of 2005)	Personal Locator Beacon (PLB) Regulations, 2007	whole

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