

DEPARTMENT OF TRANSPORT

NOTICE 275 OF 2021

MERCHANT SHIPPING ACT, 1951

AMENDMENT TO REGULATIONS RELATING TO MERCHANT SHIPPING (COLLISION AND DISTRESS SIGNALS)

The Minister of Transport, in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), hereby publishes for comments the draft Amendments to the Regulations Relating to Merchant Shipping (Collision and Distress Signals)

Interested persons are invited to submit written comments on these draft Amendments to the Regulations Relating to Merchant Shipping (Collision and Distress Signals) to the Director-General, Department of Transport for the attention of Ms G Semenya or Mr Tlou Matlala within 30 days after publication of this notice:

The Department of Transport

Private Bag X193

PRETORIA

0001

E-mail: Semenyag@dot.gov.za or matlalat@dot.gov.za

Tell: 012 309 3499 or 012 309 3799

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold typed in square brackets indicate omissions/deletions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Interpretation

1. In this Schedule, "the Regulations" means the Merchant Shipping (Collision and Distress Signals) Regulations, 2005, published by Government Notice No. R. 566 of 17 June 2005.
2. In this Schedule, "the Annex" means the Annex to the Merchant Shipping (Collision and Distress Signals) Regulations, 2005, published by Government Notice No. R. 566 of 17 June 2005.

Amendment of *Note of the Annex*

3. The *Note* of the Annex is hereby amended –

by the substitution of the following note: "This text incorporates the original text as amended by the following amendments adopted by the indicated IMO Assembly resolutions: 1981 amendments (A.464(XII)), in force 1 June 1983; 1987 amendments (A.626(15)), in force 19 November 1989; 1989 amendments (A.678(16)), in force 19 April 1991; 1993 amendments (A.736(18)), in force 4 November 1995; 2001 amendments (A.910(22)), in force 29 November 2003, 2007 amendments(A.1004(25)), in force 01 December 2009; 2013 amendments (A.1085(28)) in force 01 January 2016.

Insertion of Part F Rule 39, 40 and 41 of the Annex

4. The Annex is inserted by the addition of Part F, Rule 39, 40 and 41 after Part E of the Annex:

“PART F

VERIFICATION OF COMPLIANCE WITH THE PROVISIONS OF THE CONVENTION

Rule 39 Definitions

(a) ‘Audit’ means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(b) ‘Audit Scheme’ means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization [*].

[* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).]

(c) ‘Code for Implementation’ means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

(d) ‘Audit Standard’ means the Code for Implementation.

Rule 40

Application

Contracting Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

Rule 41

Verification of compliance

- (a) Every Contracting Party shall be subjected to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.
- (b) The Secretary-General of the Organization shall have the responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization [*].
- (c) Every Contracting Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization [*].
- (d) Audit of all Contracting Parties shall be:
- (i) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization[*]; and
 - (ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization[*]."

[* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).]

Amendment of Annex IV (Distress Signals) of the Annex

5. The following Annex IV (Distress Signals) to the Annex is hereby amended –

(a) by the substitution of the following **[words of]** Annex IV 1 (l) with the following paragraph **[words]**:

“a distress alert by means of digital selective calling (DSC) transmitted on:

- (i) VHF channel 70, or
- (ii) MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz”

(b) by the substitution of the following Annex IV 1 (m) with the following paragraph:

“ship-to-shore distress alert transmitted by the ship’s Inmarsat or other mobile satellite service provider ship earth station”;.

Short title

7 These Regulations are called Regulations Relating to Merchant Shipping (Collision and Distress Signals) Amendment Regulations, 2021 and are published for comments.