

DEPARTMENT OF TRANSPORT

NOTICE 2259 OF 2023

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

THE DRAFT SAFETY OF NAVIGATION AMENDMENT REGULATIONS, 2023

The Minister of Transport hereby in terms of section 356(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), publishes for comments the draft Safety of Navigation Amendment Regulations, 2023 as indicated in the Schedule.

Interested persons are invited to submit written comments on this draft Safety of Navigation Amendment Regulations, 2023, within 30 days from the date of publication of this notice in the Government Gazette.

All comments should be posted or emailed to the Director-General Department of Transport for attention of Ms Gwen Mpe at:

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SCHEDULE

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

THE DRAFT SAFETY OF NAVIGATION AMENDMENT REGULATIONS, 2023

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing Regulations.

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

Definition

1. In this Schedule “the Regulations” means the Safety of Navigation Regulations, 1968 published in Government Gazette No. 2049 by Government Notice No. R. 651 dated 19 April 1968, as amended.

Amendment of the Table of Contents (Arrangement of regulations) of the Regulations

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Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended—

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

“Interpretation

2. In these **[regulations]** Regulations, “the Act” means the Merchant

Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in these **[regulations]** Regulations to which a meaning has been assigned in the Act, bears the meaning so assigned, and—
”;

- (b) by the insertion before the definition of “breadth of the ship” of the following definitions:

“**adopted mandatory ships’ routeing system**” means a routeing system that has been adopted by the IMO in accordance with the requirements of regulation 8 of Chapter V of the Safety Convention for mandatory use by ships or certain categories of ships and set out in the relevant official publications and annotated therein as “Mandatory Ships’ Routeing System under SOLAS Regulation V/8”, or similarly so annotated;”; and

“**AIS**” means an Automatic Identification System;”;

- (c) by the substitution for the definition of “breadth of the ship” of the following definition:

“**breadth of the ship**” has the meaning assigned to it in the Merchant Shipping (Construction) Regulations, 1968;”;

- (d) by the substitution for the definition of “bulkhead deck” of the following definition:

“**bulkhead deck**” has the meaning assigned to it in the Merchant Shipping (Construction) Regulations, 1968;”;

- (e) by the substitution for the definition of “coast station” of the following definition:

“**coast station**” means a station on land intended to provide communication with vessels **[by means of radio]**;”;

- (f) by the insertion after the definition of “coast station” of the following definitions:

“**company**” means the owner of the vessel or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the vessel from the owner of the vessel and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code;”;

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

“**ECDIS**” means an electronic chart display and information system that complies with the requirements of Chapter V regulation 19 of the Safety Convention;”;

- (g) by the insertion after the definition of “freeboard deck” of the following definitions:

“**foreign vessel**” means a vessel that is not a South African vessel;”;

“**high-speed craft**” means a craft as defined in Chapter X regulation 1.3 of the Safety Convention;”;

“**Hydrographer of the Navy**” means the person for the time being appointed to that office by the South African Navy;”;

“**IMO**” means the International Maritime Organisation;” and

“**LRIT**” means a Long-Range Identification Tracking System;”;

- (h) by the substitution for the definition of “margin line” of the following definition:

“**margin line**” has the meaning assigned to it in the Merchant Shipping (Construction) Regulations, 1968, as amended;”;

- (i) by the insertion after the definition of “margin line” of the following definitions:

“**mobile offshore drilling unit**” means a mobile offshore drilling unit as defined in Chapter IX regulation 1 of the Safety Convention;”;

“**nautical chart**” means a special-purpose map or book, or a specially compiled database from which such a map or book is derived, that is issued officially by or on the authority of a Government, authorised Hydrographic Office or other relevant government institution and is designed to meet the requirements of marine navigation and “nautical publication” has a corresponding meaning;”;

“**official publications**” means nautical charts, sailing directions, notices to mariners or other like publications issued by or on behalf of the government of a State party to the Safety Convention;”;

“**pilot transfer arrangements**” means the equipment required in Chapter XIII of these Regulations;”;

“**reference catalogue**”, in respect of an area to be navigated by a vessel, means—

- (a) for waters under South African jurisdiction, the South African Chart Catalogue, published by the Hydrographer of the Navy, or any similar publication issued under the authority of the government of another country and applicable to the charts

that, in terms of Chapter XV E regulation 79Q of these Regulations, are required to be on board the vessel when being navigated in those waters; and

- (b) for waters outside South African jurisdiction, the Catalogue of Admiralty Charts and Other Hydrographic Publications, published by the Government of the United Kingdom, or the Catalog of Charts and Publications, published by the Government of the United States of America;”; and

“**Safety Convention**” means the International Convention for the Safety of Life at Sea done at London on 1 November 1974, the English text of which is set forth in the Second Schedule as modified by any amendment made under Article VIII of that Convention that has entered into force for the Republic and, after the date on which the Protocol of 1978 relating to the Safety Convention enters into force for the Republic, as also modified by that Protocol;”;

- (j) by the deletion of the definition of “muster”;
- (k) by the deletion of the definition of “pilot ladder”;
- (l) by the insertion after the definition of “signal station” of the following definitions:

“**sister vessel**” means a vessel exactly similar in design to one already dealt with under a particular Part of these Regulations;”;

“**South African vessel**” means a vessel having South African nationality in terms of section 3 of the Ship Registration Act, 1998 (Act No. 58 of 1998); and

“**S VDR**” means a simplified voyage data recorder;”;

- (m) by the insertion after the definition of “superstructure deck” of the following definitions:

“**territorial waters**” has the meaning assigned to it in section 1 of the Marine Traffic Act, 1981 (Act No. 2 of 1981);”; and

“**the Act**” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);”;

- (n) by the substitution for the definition of “tons” of the following definition:

“**tons**”, in relation to a vessel, means the vessel’s gross [register tons.] tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the Tonnage Convention;”; and

- (o) by the insertion after the definition of “tons” of the following definitions:

“**Tonnage Convention**” means the International Convention on Tonnage Measurement of Ships done at London on 23 June 1969, as modified by any amendment made under Article 18 of that Convention that has entered into force for the Republic;”;

“**VDR**” means a voyage data recorder;”; and

“**waters under South African jurisdiction**” means waters comprising—

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

Substitution of regulation 3 of the Regulations

4. The following regulation is hereby substituted for regulation 3 of the Regulation:

“Classification of ships

3. (1) The vessels to which these regulations apply are divided into the following classes:

(a) *Passenger ships*

Class I-A passenger ship engaged on voyages any of which are international voyages other than short international voyages[.];

Class II-A passenger ship, other than a ship of **[class]**Class I, engaged on voyages any of which are short international voyages[.];

Class IIA-A passenger ship of **[70 feet]21 meters** in length or over, other than a ship of **[class]**Class V or VI, engaged on voyages of any kind other than international voyages[.];

Class III-Not yet allocated[.];

Class IV-Not yet allocated[.];

Class V-A passenger ship of **[50 feet in length]25 gross tons** or over engaged only on voyages to sea in fine weather with not more than 40 persons on board, in the course of which voyages the ship is at no time more than 40 miles from the point of departure nor more than 15 miles from land[.]; and

Class VI-A passenger ship which operates at a port or is engaged on voyages to sea in fine weather with not more than 250 persons on board, in the course of which voyages the ship is at no time more than 15 miles from the point of departure nor more than 5 miles from land.

(b) *Vessels other than passenger ships*

Class VII—A ship, **[()other than a ship of class VIIA, X, XI or [XII)]XII** engaged on voyages any of which are international voyages other than short international voyages[.];

Class VIIA—A ship employed as a **[whale factory ship or as a]** fish processing or canning factory ship, or a ship engaged in the carriage of persons employed in the **[whaling industry or the]** fish processing or canning industry[.];

Class VIII—A ship, **[()other than a ship of class X, XI or [XII)]XII** engaged on voyages in the Republic or on short international voyages[.];

Class IX—A tug, tender, lighter, dredger, barge or hopper which is employed at a port in the Republic and proceeds to sea for not more than 10 miles from the entrance to such port[.];

Class IXA— A tug, tender, lighter, dredger, barge or hopper which is employed at a port in the Republic and does not proceed to sea [.]

Class X—A fishing boat [, **sealing boat or whaling boat.**]

Class XI—A sailing ship [(] other than a ship of class X or **[XII)]XII** which proceeds to sea[.] and

Class XII—A pleasure **[yacht]** vessel of **[25]** 100 gross tons or over.

(2) For the purposes of **[paragraph]** subregulation (1), “voyage” includes an excursion.”.

Insertion of regulation 3A of the Regulations

5. The following regulation is inserted in the Preliminary Chapter of the Regulations after regulation 3:

“Authority may allow vessel with defects to proceed in certain cases

3A. If-

- (a) a vessel is fitted with equipment required to be fitted by these Regulations;
- (b) the vessel’s equipment is malfunctioning;
- (c) the vessel is at a port in the Republic;
- (d) repair facilities are not readily available; and
- (e) the Authority is satisfied that the vessel can proceed safely to another specified port, within or outside the Republic, where repairs can be made.

the Authority may allow the vessel to proceed to the specified port.

(2) The Authority shall, in the case of LRIT, consult the Director-General before allowing a vessel to proceed under subregulation (1).”.

Substitution of regulation 4 of the Regulations

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

“CHAPTER I [SHIP’S]VESSEL’S COMPLEMENT

Application of Chapter I

4. This Chapter shall apply to—
- (a) **[every]** a South African [ship]vessel of 25 gross tons or over;
and
 - (b) **[every]**a foreign [ship]vessel of 25 [or more]gross tons or over
while the vessel is within the Republic or the territorial waters
thereof; and
 - (c) does not apply to pleasure vessels of less than 100 gross tons
as defined in the Merchant Shipping (National Small Vessel
Safety) Regulations, 2007.”.

Amendment of regulation 5 of the Regulations

7. Regulation 5 of the Regulations is hereby amended—
- (a) by the substitution for subregulation (1) of the following subregulation:

“Manning

5.(1) **[The]** An owner **[and]** or master of **[every]** a Chapter I vessel to which section 73 of the Act applies shall, in addition to the officers and other persons prescribed in that section or in other sections of the Act or regulations promulgated thereunder, employ as crew of the vessel an adequate number and description of persons to ensure that the vessel is sufficiently and efficiently manned.”;

- (b) by the deletion of subregulation (2);
- (c) by the substitution for the subregulations (3), (4) and (5) of the following subregulations:

“(3) For the purpose of this regulation, a vessel shall, subject to the provisions of subregulation (5) be considered to be sufficiently and efficiently manned if in the opinion of the **[proper officer]** Authority, she has as crew suitably qualified persons to enable her to proceed to sea with due regard to the requirements of the **[Collision and Distress Signals Regulations, 1961, the Life-Saving Equipment Regulations, 1968, the Merchant Shipping Radio Regulations, 1968,]** Merchant Shipping (Collision and Distress Signals) Regulations, 2005, the Merchant Shipping (Life-Saving Equipment and Fire Appliances) Regulations, 1968, the Merchant Shipping (Radio Installations) Regulations, 2002, and any other safety provisions which may be applicable to the vessel.

(4) The **[proper officer]** Authority shall, when determining the adequacy of the crew in accordance with the provisions of this regulation, take the following into consideration:

- (a) **[The]** the complement normally carried by similar vessels employed on similar voyages;
- (b) the complement which the vessel under consideration has recently carried on previous voyages; and
- (c) the nature of the service for which the vessel is intended.

(5) The **[Secretary]** Authority shall, as and when necessary, issue a **[notice]**Notice in the Government Gazette setting forth the number of persons to constitute the crew of a vessel and the capacities in which those persons are to serve other than persons prescribed in the Act or regulations promulgated thereunder.”; and

(d) by the addition after subregulation (5) of the following subregulations:

“(6) The manning of a vessel to which this Chapter applies shall comply with the Merchant Shipping (Training and Certification and Safe Manning) Regulations, 2021.

(7) On a vessel to which Chapter I applies, the English language shall be used on the bridge as the working language for bridge-to-bridge and bridge-to-shore safety communications as well as for communications on board between the pilot and bridge watchkeeping personnel, unless the persons directly involved in the communication speak a common language other than English.

- (8) (a) On all vessels, to ensure effective crew performance in safety matters, a working language shall be established and recorded in the vessel's log-book.
- (b) The company, as defined in Chapter IX regulation 1 of the Safety Convention, or the master, as appropriate, shall determine the appropriate working language.
- (c) Each seafarer shall be required to understand and, where appropriate, give orders and instructions and to report back in that language.
- (d) If the working language is not an official language of the State whose flag the ship is entitled to fly, all plans and lists required to be posted shall include a translation into the working language."

Substitution of regulation 6 of the Regulations

8. The following regulation is hereby substituted for regulation 6 of the Regulations:

"CHAPTER II

INFORMATION CONCERNING THE STABILITY OF A VESSEL

Application of Chapter II

6. (a) This Chapter applies to a South African vessel built after 1 January 1960
- (b) This Chapter does not apply to the following:
- (i) a vessel of Class X;
- (ii) a vessel of Class XI; or
- (iii) a vessel of Class XII of less than 100 gross tons.
- (c) A "Chapter II ship" means a vessel to which this Chapter applies."

Substitution of regulation 7 of the Regulations

9. The following regulation is hereby substituted for regulation 7 of the Regulations:

“Provision of stability information

7. (1) An owner of a Chapter II ship shall cause to be kept on board the vessel such information in writing about the stability of the vessel as is necessary for the guidance of the master in loading, discharging and ballasting the vessel.

(2) An owner of the vessel in subregulation (1) shall submit a copy of the stability information to the Authority through the office of the proper officer in accordance with Chapter II-1 regulation 5 of the Safety Convention.

(3) The stability information in subregulation (2) shall be based upon the determination of the stability of the vessel by means of an inclining test: Provided that the Authority may allow the information to be based on a similar determination of the stability of a sister vessel.

(4) The stability information shall be deemed to be documents relating to the navigation of the vessel under section 187 of the Act, and as such shall be handed to the successor on change of master.”.

Substitution of regulation 8 of the Regulations

10. The following regulation is hereby substituted for regulation 8 of the Regulation:

“Form of stability information

8.(1) (a) Stability information drawn up by any qualified person may be accepted if the [Secretary]Authority is satisfied that the method of presentation is clear and comprehensive.

(b) For purposes of this regulation, “qualified person” means an appropriately and suitably qualified person, recognised by the

Authority as competent to provide the required stability information in a clear and comprehensive manner.

(2) The information in subregulation (1) shall be in the form of plans, statements and diagrams drawn up separately or appropriately grouped, and shall include—

- (a) a profile plan of the **[ship]vessel** drawn to a suitable scale showing thereon or in tables alongside—
 - (i) the capacity and the **[height (above the keel) of] height, above the keel, of** the centre of gravity of each space available for the carriage of cargo, fuel, stores, feed water, domestic water and water ballast;
 - (ii) the estimated total weights of the passengers and of the crew and their effects and the **[heights (above the keel) of] heights, above the keel, of** the corresponding centres of gravity~~[.]and—~~
 - (aa) For **[this purpose the] purposes of subparagraph (ii),** passengers and crew shall be assumed to be distributed about the **[ship]vessel** in the spaces which **[they] passengers and crew** would normally occupy, including the highest decks to which **[they]the passengers and crew** have access~~[.]~~; and
 - (bb) In the case of passenger **[ships]vessels** of Classes II to VI inclusive, the assumed distributions shall be suitably indicated on or alongside the plan; ~~and~~
 - (iii) the estimated weight, disposition and **[height (above the keel) of] height, above the keel, of** the centre of gravity of any homogeneous deck cargo which the **[ship]vessel** is designed to carry or which it is expected will be carried;
- (b) a statement showing the **[light weight] lightweight** of the **[ship]vessel** fully equipped but with no permanent ballast, fuel or stores on board, and the position of the centre of gravity of the **[light weight] lightweight** as determined by the inclining **[test. The] test where** the weight, disposition and **[height (above the keel) of] height, above the keel, of** the centre of gravity of any permanent ballast shall be shown separately on the statement;
- (c) a diagram or tabular statement showing the displacement, tons per inch immersion and deadweight corresponding to a scale of

- mean draughts between the light and deep load water lines of the **[ship]vessel**;
- (d) a diagram or tabular statement showing the hydrostatic particulars of the **[ship]vessel** including the **[heights (above the keel) of]** heights, above the keel, of the transverse metacentres and the moment to change trim **[1 inch]** at various mean draughts;
 - (e) a statement showing the effect on stability of free surface in each tank in which liquid may be carried;
 - (f) (i) a diagram showing cross-curves of stability and the assumed **[height (above the keel) of]** height, above the keel, of the centre of gravity on which they are based.
 (ii) **[These]** The curves referred to in subparagraph (i) shall take into account only those superstructures above the freeboard deck which are so constructed and closed as to be fully effective as far as stability is concerned.
 (iii) The diagram referred to in subparagraph (i) shall indicate what superstructures have been included for this purpose;
 - (g) diagrams drawn to a suitable small scale, and statements showing the low-mass, the disposition and mass of the permanent ballast, if any, the disposition and total mass of all components of the dead-mass, the displacement, the corresponding draughts forward and aft, trim data, the corresponding heights of the centre of gravity and the metacentre, the correction for free surface and the tanks concerned, the corrected metacentric height and a curve of statical stability derived from the cross curves of **[stability. In]stability and in** the case of a Chapter II ship other than a fishing boat, this information shall be given separately for—
 - (i) **[light ship]lightship**;
 - (ii) ballast condition at departure and arrival;
 - (iii) condition when loaded with a homogeneous cargo at departure and arrival; and
 - (iv) service loaded conditions at departure and arrival[; **and in the case of a fishing boat for—**
 - [(v) light ship;**
 - (vi) departure from port, the fishing boat being assumed to be loaded with the necessary equipment, materials and supplies, including ice, fuel, stores, water and nets;**
 - (vii) arrival at the fishing grounds—the same as for light ship, but account being taken of consumption of fuel, water and stores;**

- (viii) departure from the fishing grounds, the fishing boat being assumed to be loaded with its maximum catch, but account being taken of the consumption of fuel, water and stores; and
- (ix) arrival at port with the maximum catch, account being taken of the consumption of fuel, water and stores.],

[Suitable] Provided suitable instructions shall be given in the case of a **[ship]** vessel in which any cargo or bunker space must be only partly filled in order to ensure adequate **[stability. Any]** stability and any diagram or statement provided under this paragraph which shows a condition where the **[ship's]** vessel's stability is inadequate shall contain a prominent note of warning; and

- (h) in any **[ship]** vessel where any special procedure is needed to maintain adequate stability throughout her voyages, the information referred to in paragraphs (a) to (g) shall be supplemented by written instructions for the master's guidance in safely working the **[ship]** vessel.”.

Amendment of regulation 8A of the Regulations

11. Regulation 8A of the Regulations is hereby amended—

- (a) by the substitution for the heading of regulation 8A of the following heading:

“Stability criteria [for a fishing boat]”;

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

“8A. [Every] A Chapter II ship [being a fishing boat which is registered for the first time or registered anew on or after 1 January 1979, or being a fishing boat which has, since 1 January 1979, been so altered as to affect the accuracy or adequacy of the stability information shall in all operating conditions for a fishing boat set out in regulation 8(2), satisfy the following stability criteria after due correction for the free surface effects of liquids

in tanks:] shall comply with the stability criteria prescribed in the Safety Convention mandatory Intact Stability Codes.”; and

- (c) by the deletion in subregulation (1) for paragraphs (a), (b),(c) and (d) .

Substitution of regulation 9 of the Regulations

12. The following regulation is hereby substituted for regulation 9 of the Regulations:

“Special cases

9. If an owner considers that the constancy of a ~~[ship’s]~~vessel’s voyage conditions, her stability characteristics or other circumstances make it unnecessary to provide all the information set forth in regulation 8, ~~[he]~~the owner shall ~~[send]~~submit to the ~~[Secretary]~~ Authority through the office of the proper officer, a copy of the information ~~[he]~~ the owner proposes to provide together with sufficient particulars about the ~~[ship’s]~~ vessel’s service and stability to enable the ~~[Secretary]~~ Authority to decide whether the proposed form of information will be adequate, and the ~~[Secretary]~~ Authority may, if ~~[he is]~~ satisfied, allow the ~~[ship]~~ vessel to be provided with the lesser information.”.

Substitution of regulation 10 of the Regulations

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

“Information to be reliable

- 10.** (a) A vessel’s stability information shall at all times be reliable and up-to-date.
 (b) If there is any change, for example in the construction, ballasting or service of the vessel, which affects the accuracy or adequacy of the stability information, this information shall be properly revised and amended and copies of the amendments shall be sent to the Authority, through the office of the proper

- officer.
- (c) If the change referred to in paragraph (b) is such as to make the amended information unreliable, the vessel shall be re-inclined, and new information based on the new test shall be placed on board the vessel and a copy sent to the Authority.
- (d) For purposes of this regulation, stability information shall be reliable when in compliance with Chapter II-1 Part B1 regulation 5 of the Safety Convention.”.

Substitution of regulation 11 of the Regulations

14. The following regulation is hereby substituted for regulation 11 of the Regulations:

“CHAPTER III **SHIPBORNE NAVIGATIONAL EQUIPMENT**

Application of Chapter III

11. (1) This Chapter applies to a South African vessel, and a “Chapter III ship” means a vessel to which this Chapter applies.
- (2) This Chapter does not apply to—
- (a) a Class X vessel; and
- (b) a vessel to which the Merchant Shipping (National Small Vessels Safety) Regulations, 2007 applies.”.

Amendment of regulation 12 of the Regulations

15. Regulation 12 of the Regulations is hereby amended—
- (a) by the substitution for subregulation (1) of the following subregulation:

“[Number and type]Type of compasses

- 12. [(1) Every Chapter III ship of Class I shall be provided with 3 efficient magnetic compasses which shall be sited on the ship’s centre line. One of such compasses shall be provided for use as a steering compass and shall be sited at the normal steering position, and another**

shall be provided for use as a standard compass and shall be sited near to the normal steering position and in a position from which the view of the horizon is least obstructed. A third such compass shall be provided at the after steering position, and shall, together with its gimbal units, be interchangeable with the steering compass: Provided that a magnetic steering compass shall not be required if—

- (a) the standard compass is of the reflector or projector type and is equipped with a device by which it may be read from the normal steering position;
- (b) the standard compass is interchangeable with the after steering compass; and
- (c) a card of a gyroscopic compass or of a repeater thereof can be read from the normal steering position.

Every magnetic compass provided in such a ship shall be mounted in a binnacle: Provided that the after steering compass may be mounted on a pedestal.

In a ship built after 1 January 1960, either the standard compass or the after steering compass, with its gimbal units shall be interchangeable with the steering compass. The same arrangement shall be adopted in a ship built before the aforesaid date as and when the compasses are renewed]

- (1) (a) Every Class I, II, IIA, V, VI, VII, VIIA, VIII, IX, IXA, XI and XII shall be provided with a magnetic compass in accordance with Chapter V regulation 19 subregulation 2.1.1 of the Safety Convention.
- (b) Every Class I, II, IIA, a Class VII of 150 gross tons or over, a Class VIIA of 150 gross tons or over on international voyages, a Class VIII of 150 gross tons or over on international voyages, a Class VIII of 500 gross tons or over not on international voyages, shall be provided with a spare magnetic compass in accordance with Chapter V regulation 19 subregulation 2.2.1 of the Safety Convention.
- (c) The magnetic compass shall be sited on the ship's centre line.
- (d) The magnetic compass shall be provided for use as a steering compass and shall be sited at the normal steering position:

Provided that a magnetic steering compass shall not be required if—

- (i) the standard compass is of the reflector or projector type and is equipped with a device by which it may be read from the normal steering position; or
- (ii) a gyroscopic compass or of a repeater thereof can be read from the normal steering position.
- (e) Unless the projected or reflected image of a magnetic compass is available at the normal steering position, the magnetic compass shall be sited therein in order that it will be available for steering purposes in the event of a failure of the gyro-compass or transmitting magnetic compass.
- (f) The magnetic compass shall be provided for use as a standard compass and shall be sited near to the normal steering position and in a position from which the view of the horizon is least obstructed.
- (g) Every magnetic compass provided in such a ship shall be mounted in a binnacle.
- (h) A vessel of Class V, VI, IX, IXA, other than a tug, tender, dredger or hopper, Class XI or XII fitted with a magnetic compass in compliance with this regulation, the compass shall be of proved commercial marine standard, design and quality suitable for the nature of the service for which the vessel is intended and the size of the vessel.
- (i) The magnetic compass and binnacle required in this regulation shall conform to the minimum specification set forth in Annex 1.”;

(b) by the deletion of subregulations (2), (3) and (4); and

(c) by the addition after subregulation (4) of the following subregulation:

“(5) The carriage and the quantity of compasses required in this regulation shall be as prescribed in Annex 6 of these Regulations.”.

Substitution of regulation 13 of the Regulations

16. The following regulation is hereby substituted for regulation 13 of the Regulations:

“Adjustment of compasses

13. (1) The master or owner of a Chapter III ship shall be responsible for ensuring that a vessel's compass is always maintained in good working order.

(2) (a) The compass of a Chapter III ship shall be properly adjusted as determined by the Authority, by a person approved by the Authority as competent to adjust the compasses of vessels.

(b) The certificate issued by the person in paragraph (a) to the effect that the compass of a vessel is properly adjusted, together with a declaration that the compass is not affected to any appreciable extent by any disturbing effects from electric circuits which may pass near the compass, or by the near presence of electronic instruments or electrical instruments or equipment when switched on and off, shall be retained by the master.

(3) (a) In every case, whether on the first or subsequent adjustment of the compass, the master shall be provided with a table showing any residual deviations of the compass.

(b) The table in paragraph (a) shall be signed by the person making the adjustment.”.

Substitution of regulation 14 of the Regulations

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

“Deviation book

14. (1)(a) A Chapter III ship, other than a launch, lighter or barge shall carry a compass deviation book which shall be kept up to date.

(b) The date of adjustment or re-adjustment of a compass shall be noted in the book, and the details including the position of correctors shown on the deviation card.

(2) The deviation book and table of deviations shall be deemed to be documents relating to the navigation of the vessel under section 187 of the Act, and as such shall be handed to the successor on change of master.”.

Amendment of regulation 15A of the Regulations

18. Regulation 15A is hereby amended—

(a) by the substitution for heading of regulation 15A of the following:

“[Time-keeping apparatus and sextant] Satellite navigation systems”;

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

“15A. [(1)] The owner and master of **[every] a** Chapter III ship of Class I, II, IIA, VII, **[VIII, X,] VIII**, XI or XII **[of 100 tons or over]** shall ensure that there are on board the **[ship at least one efficient time-keeping apparatus and at least one efficient sextant to assist in making accurate celestial observations]** vessel two satellite navigation systems that shall—

(a) operate off two independent power supplies; and

(b) provide means of interfacing with other navigational electronic equipment, as required.”; and

(c) by the deletion of subregulation (2).

Insertion of regulations 15B, 15C, 15D, 15E, 15F, 15G, 15H and 15I of the Regulations

19. The following regulations are hereby inserted in Chapter III of the Regulations after regulation 15A:

“Depth-sounding devices

15B. (1) A Chapter III ship shall be provided with an echo-sounding device, or other electronic means, to measure and display the available depth of water, and with such spare parts as are sufficient, having regard to the type of the device and to the intended service of the vessel, to enable the device to be maintained in working order while the vessel is at sea.

(2) The carriage of echo-sounding devices required in this regulation shall be as prescribed in Annex 6 of these Regulations.

Other Navigation Equipment on board

15C. (1) A Chapter III ship shall carry on board navigation equipment in accordance with the quantities listed in Annex 6 of these Regulations.

Navigation systems and equipment performance standards

15D. (1) The systems and equipment required by this Chapter shall—

- (a) in the case of Convention vessels, comply with performance standards not inferior to the relevant performance standards adopted by the IMO and specified by the Authority as having been so adopted: Provided the requirements of this paragraph apply to systems and equipment installed on or after 1 July 2002;
- (b) in the case of non-Convention vessels, comply with such performance standards as may be specified by the Authority;
- (c) in both the case of vessels in paragraphs (a) and (b), —
 - (i) be of a type approved by the Authority; and
 - (ii) in the case of radio communications equipment, in addition to subparagraph (i), be of a type approved by the Independent Communications Authority of South Africa;
- and
- (d) in the case of a foreign vessel, be of a type approved by or on behalf of the vessel's Flag State.

(2) An approval in terms of subregulation (1) (c) and (d)—

- (a) shall be in writing; and
- (b) shall specify the period for which it is in force and any conditions on which it is given.

Maintenance of navigation equipment

15E. (1) Adequate arrangements shall be in place to ensure that the performance of the equipment required by this Chapter is maintained to the satisfaction of the Authority.

(2) Except as provided in Chapter I regulation 7(b)(ii), Chapter I regulation 8 and Chapter I regulation 9 of the Safety Convention, while all reasonable steps shall be taken to maintain the equipment required by this Chapter in efficient working order, malfunctions of that equipment shall not be considered as making the vessel unseaworthy or as a reason for delaying the vessel in ports where repair facilities are not readily available: Provided suitable arrangements are made by the master to take the inoperative equipment or unavailable information into account in planning and executing a safe voyage to a port where repairs can take place.

Electromagnetic compatibility of navigation equipment

15F. (1) The owner of a vessel shall ensure that electrical and electronic equipment on the bridge or in the vicinity of the bridge, on a vessel constructed on or after 1 July 2002, is tested for electromagnetic compatibility in accordance with standards issued under the Safety Convention.

(2) Electrical and electronic equipment shall be so installed that electromagnetic interference does not affect the proper function of navigational systems and equipment.

(3) Portable electrical and electronic equipment shall not be operated on the bridge if it may affect the proper function of navigational systems and equipment.

IAMSAR Manual

15G. (1) A Chapter III ship shall carry on board an up-to-date copy of Volume III of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual in accordance with Chapter V regulation 21 of the Safety Convention.

Search and Rescue Plan

15H. (1) A Chapter III passenger vessel, except a vessel to which the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 apply, shall carry a Search and Rescue Plan in accordance with Chapter V regulation 7 of the Safety Convention.

International Code of Signals

15I. (1) A Chapter III ship required to be fitted with radio equipment and is a foreign-going ship or a coasting ship, shall carry on board an up-to-date copy of the International Code of Signals in accordance with Chapter V regulation 21 of the Safety Convention.”.

Substitution of regulation 16 of the Regulations

20. The following regulation is hereby substituted for regulation 16 of the Regulations:

“CHAPTER IV **DAYLIGHT SIGNALLING LAMP**

Application of Chapter IV

16. (1) This Chapter applies to—

- (a) a South African vessel of 100 gross tons or over; and
- (b) a vessel, which is not a South African vessel ship, of 150 gross tons or over

(2) A “Chapter IV ship” means a vessel to which this Chapter applies.”.

Substitution of regulation 17 of the Regulations

21. The following regulation is hereby substituted for regulation 17 of the Regulations:

“Provision of daylight signalling lamp

17. The master or owner of a Chapter IV ship shall ensure that on each occasion on which the vessel proceeds to sea, there is on board an efficient daylight signalling lamp or other means to communicate by means of light during the day or night.”.

Substitution of regulation 18 of the Regulations

22. The following regulation is hereby substituted for regulation 18 of the Regulations:

“Requirements for daylight signalling lamp

18. The daylight signalling lamp required in regulation 17 shall —
- (a) be an efficient portable lamp of a type suitable for use both by day and by night; and
 - (b) not be solely dependent upon the vessel's main source of electrical power.”.

Substitution of regulation 19 of the Regulations

23. The following regulation is hereby substituted for regulation 19 of the Regulations:

“Batteries for daylight signalling lamp

19. (a) If a daylight signalling lamp is of the battery operated type, means shall be provided whereby the batteries may be recharged when necessary.

- (b) The batteries in paragraph (a) shall be for the operation of the daylight signalling lamp alone and shall be independent of the batteries supplied for the radio equipment of the vessel.”.

Repeal of Chapter V of the Regulations

24. Chapter V of the Regulations is hereby repealed.

“CHAPTER VI CARRIAGE OF DANGEROUS GOODS

[Chapter VI (regulations 25 to 37) repealed by the Merchant Shipping (Dangerous Goods) Regulations, 1997]

CHAPTER VII CARRIAGE OF GRAIN

[Chapter VII (regulations 38 to 41) repealed by the Merchant Shipping (Carriage of Grain in Bulk) Regulations, 1995]”.

Repeal of Chapter VIII of the Regulations

25. Chapter VIII of the Regulations is hereby repealed.

Substitution of regulation 53 of the Regulations

26. The following regulation is hereby substituted for regulation 53 of the Regulations:

“CHAPTER IX DANGERS TO NAVIGATION

Application of Chapter IX

53. This Chapter applies to every vessel and a “Chapter IX ship” means a vessel to which this Chapter applies.”.

Amendment of regulation 54 of the Regulations

27. Regulation 54 of the Regulations is hereby amended—

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

“Dangers to be reported

54.(1)(a) The master of [every] a Chapter IX ship shall, on meeting with any of the dangers to navigation mentioned in [Annex 4, send by all means of communication at [his]the master’s disposal information relating thereto as set forth in that Annex] Chapter V regulation 31 of the Safety Convention, communicate information related to the dangers in the manner required by that regulation.

(b) The information required in danger messages in paragraph (a) shall be in accordance with of Chapter V regulation 32 of the Safety Convention.”; and

(b) by the deletion of subregulations (2), (3) and (4).

Substitution of regulation 55 of the Regulations

28. The following regulation is hereby substituted for regulation 55 of the Regulations:

**“CHAPTER X
WRECKS, CASUALTIES, COLLISIONS OR DAMAGE TO BE
REPORTED**

Application of Chapter X

55. This Chapter applies to a vessel set forth in section 259 of the Act, and a "Chapter X ship" means a vessel to which this Chapter applies.”.

Substitution of regulation 56 of the Regulations

29. The following regulation is hereby substituted for regulation 56 of the Regulations:

“Reports to be made

56. The report required by section 259(1) of the Act shall contain the information prescribed by the Authority and be in the form published by the Authority.”.

Insertion of regulation 56A and 56B of the Regulations

30. The following regulations are hereby inserted in Chapter X of the Regulations after regulation 56:

“Distress situations: obligations and procedures

56A. The master of every vessel at sea shall, in distress situations comply with the obligations and procedures prescribed in Chapter V regulation 33 of the Safety Convention.

Safe Navigation and avoidance of dangerous situations

56B. The owner, charterer, company and master of every vessel shall comply with the obligations and procedures prescribed in Chapter V regulation 34 of the Safety Convention to ensure the safe navigation of the vessel and protection of the marine environment.”.

Repeal of Chapter XI of the Regulations

31. Chapter XI of the Regulations is hereby repealed.

Substitution of regulation 61 of the Regulations

32. The following regulation is hereby substituted for regulation 61 of the Regulations:

“CHAPTER XII
ANCHORS, CHAIN CABLES, HAWSERS AND WARPS

Application of Chapter XII

61. (1) This Chapter applies to a vessel of 25 gross tons or over registered or licensed in the Republic or which is in terms of the Act required to be so registered or licensed

(2) A “Chapter XII ship” means a vessel to which this Chapter applies.”.

Substitution of regulation 62 of the Regulations

33. The following regulation is hereby substituted for regulation 62 of the Regulations:

“Provision of anchors and cables

62. A Chapter XII ship shall be provided with such anchors and chain cables as are sufficient in number, weight and strength, having regard to the size, intended service and operation of the vessel.”.

Substitution of regulation 63 of the Regulations

34. The following regulation is hereby substituted for regulation 63 of the Regulations:

“Provision of hawsers and warps

63. A Chapter XII ship shall be provided with such hawsers and warps as are sufficient in number and strength, having regard to the size, intended service and operation of the vessel.”.

Substitution of regulation 64 of the Regulations

35. The following regulation is hereby substituted for regulation 64 of the Regulations:

**“CHAPTER XIII
PILOT [LADDERS] TRANSFER ARRANGEMENTS”**

Application of Chapter XIII

64. (1) Subject to the provisions of subregulation (2), this Chapter applies to—

- (a) a vessel of 25 gross tons or over registered or licensed in the Republic or which is in terms of the Act required to be so registered or licensed;
- (b) a vessel belonging to a country other than the Republic; and
- (c) a vessel engaged on voyages in the course of which a pilot, incidental person, stevedore or ship repair and maintenance contractor may be employed,

requiring to embark or disembark a pilot, incidental person, stevedore or ship repair and maintenance contractor, being a vessel of Class I, II, IIA, VII, VIIA or VIII, and a "Chapter XIII ship" means a vessel to which this Chapter applies.

(2) This Chapter shall not apply to a vessel belonging to a country other than the Republic, if she would not have been within a port in the Republic but for stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the vessel could have prevented or forestalled.”.

Amendment of regulation 65 of the Regulations

36. Regulation 65 of the Regulations is amended—

- (a) by the substitution for the heading of regulation 65 of the following heading:

“Provision of pilot [ladders] transfer arrangements”;

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

“65. (1) [Every] A Chapter XIII ship shall be provided with [a] pilot [ladder] transfer arrangements inclusive of pilot ladders which shall comply with the requirements of [this] Chapter V regulation 23 of the Safety Convention.”; and

- (c) by the deletion of subregulations (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11).

Amendment of regulation 66 of the Regulations

37. Regulation 66 of the Regulations is amended—

- (a) by the substitution for the heading of regulation 66 of the following heading:

“Supervision of pilot [ladder]transfer arrangements”; and

- (b) by the substitution for regulation 66 of the following regulation:

“66. The rigging of pilot transfer arrangements and the embarkation and disembarkation of a pilot, incidental person, stevedore or ship repair and maintenance contractor as defined in the Maritime Occupational Health and Safety Regulations, 1994 shall be supervised by a responsible officer of the vessel and shall comply with the requirements of Chapter V regulation 23 of the Safety Convention.”

Substitution of regulation 67 of the Regulations

38. The following regulation is hereby substituted for regulation 67 of the Regulations:

“Liability for contravention of this Chapter

67. The owner, master or any member of the crew of any Chapter XIII ship, who contravenes or fails to comply with the provisions of this Chapter and thereby causes any pilot, incidental person, stevedore or ship repair and maintenance contractor as defined in the Maritime Occupational Health and Safety Regulations, 1994 to suffer hurt, injury through the improper use, or defect, other than latent defect not discoverable by due diligence, of any pilot ladder while embarking or disembarking such pilot, incidental person, stevedore or ship repair and maintenance contractor shall, notwithstanding any other liability resting upon the vessel, on conviction, each be liable to a fine or imprisonment not exceeding 3 years, or both:

Provided that —

- (a) in any proceedings against an owner, master or any member of the crew in respect of a contravention of or failure to comply with the provisions of this Chapter, it shall be a good defence to prove that the hurt, injury or death of such pilot, incidental person, stevedore or ship repair and maintenance contractor was caused by negligence or fault of such pilot, incidental person, stevedore or ship repair and maintenance contractor while using the pilot ladder for embarking onto or disembarking from the vessel, or by negligence or fault of any person in a pilot vessel, or other circumstances that neither the owner, master nor member of the crew could have prevented; or
- (b) where the owner, master or any member of the crew causes death due to negligence of any pilot or other official who is not a member of the crew, the applicable criminal prosecution shall apply.”.

CHAPTER XIV

NAVIGATION LIGHTS AND SHAPES, AND SOUND SIGNALS

Substitution of regulation 72 of the Regulations

39. The following regulation is hereby substituted for regulation 72 of the Regulations:

“CHAPTER XV

CLOSING OF OPENINGS IN HULLS AND WATERTIGHT BULKHEADS

Application of Chapter XV

72. (1) This Chapter applies to a South African vessel, and a “Chapter XV ship” means a vessel to which this Chapter applies.

(2) In the application of this Chapter, a vessel shall be deemed to proceed to sea when she leaves a mooring or anchorage at a port for the purpose, and to be at sea until she has been secured at a mooring or anchorage at a port.”.

Substitution of regulation 73 of the Regulations

40. The following regulation is hereby substituted for regulation 73 of the Regulations:

“Contrivances to be closed

73.(1) In a Chapter XV ship, the measures for the prevention and control of water ingress which are required in accordance with Chapter II-1 regulations 22 to 25 of the Safety Convention inclusive, and the contrivances to which this regulation relates, shall, immediately before the vessel proceeds to sea, be securely closed, and shall be kept so closed while the vessel is at sea.

(2) The contrivances to which this regulation relates are the following:

(a) Watertight doors below the margin line.

(b) All sidescuttles which can be opened and which are situated in any between decks and below the margin line, if any of such sidescuttles have their sills below a line drawn parallel to the bulkhead deck at the side of the vessel and having its lowest point 1.3 meters in addition to 2½ per cent of the breadth of the

vessel above the water when the [vessel is first afloat in sea water after proceeding to sea: Provided that in fair weather in tropical zones within the meaning of the Load Line Regulations, 1960, including seasonal tropical zones in the appropriate seasons, this paragraph shall have effect as if 1 meter were substituted for 1.3 meters.

- (c) Sidescuttles below the margin line which will not be accessible while the vessel is at sea, together with their deadlights.
- (d) Sidescuttles below the margin line situated in spaces appropriated alternatively to the carriage of cargo or passengers, together with their deadlights, when the space in which sidescuttles are situated is used for the carriage of cargo.
- (e) Gangway ports, cargo ports and any other ports below the margin line.

(3) For the purpose of this regulation—

- (a) a contrivance shall be deemed to be below the margin line, if the sill of the contrivance is below that line; and
- (b) a sidescuttle shall only be deemed to be closed when fully secured.”.

Substitution of regulation 74 of the Regulations

41. The following regulation is hereby substituted for regulation 74 of the Regulations:

“Watertight doors to be closed

- 74. (a) In a Chapter XV ship every watertight door, shall be kept closed while the vessel is at sea except when the door is required to be open for the normal operation of the vessel at the discretion of the Master: Provided the safety of the vessel and persons is not impaired.
- (b) When open, the door in paragraph (a) shall be kept free from

obstructions which might prevent its closure.”.

Substitution of regulation 75 of the Regulations

42. The following regulation is hereby substituted for regulation 75 of the Regulations:

“Portable plates to be in place

75. (a) In a Chapter XV ship, portable plate closing an opening in any portion of the internal structure of the vessel which is required to be watertight, being an opening which is wholly or partly below the margin line, shall be in place when the vessel proceeds to sea and shall be kept in place while the vessel is at sea, except in case of urgent necessity.

(b) In replacing any such plate in paragraph (a), all reasonable precautions shall be taken to ensure that the joints are watertight.”.

Substitution of regulation 76 of the Regulations

43. The following regulation is hereby substituted for regulation 76 of the Regulations:

“Valves of ash-chute and rubbish-chute to be closed

76. In a Chapter XV ship, the cover and valve of any ash-chute, rubbish-chute or other similar contrivance having its inboard opening below the margin line, shall be kept securely closed when the device is not in use.”.

Substitution of regulation 77 of the Regulations

44. The following regulation is hereby substituted for regulation 77 of the Regulations:

“Practise drills to be held, periodical operation and inspection

77.(1) In a Chapter XV ship, all watertight doors and other contrivances referred to in regulations 73, 74 and 76 shall be opened and closed by crew members for purposes of drills and periodical operation and inspection—

(a) at intervals of not more than 7 days; and

(b) immediately before the vessel proceeds to sea, if the vessel is intended to remain at sea for a period of more than 7 days:

Provided that nothing in this subregulation shall be taken to authorise the opening, while the vessel is at sea, of any watertight door or other contrivance which is required by regulation 73 to be kept closed.

(2) In a Chapter XV ship, all watertight doors, fitted in transverse bulkheads required not being doors required by this Chapter to be kept closed when the vessel is at sea, shall be opened and closed for the purposes of drill once in every period of 24 hours when the vessel is at sea, if such doors are both—

(a) hinged, or operated by power; and

(b) required to be open for the working of the vessel at any time while the vessel is at sea:

Provided that nothing in this subregulation shall require any bunker door to be opened and closed during any voyage before it has been opened for the working of the vessel during that voyage.”.

Substitution of regulation 78 of the Regulations

45. The following regulation is hereby substituted for regulation 78 of the Regulations:

“Inspections to be made at intervals

78. In a Chapter XV ship—

(a) all watertight doors;

(b) all mechanisms, indicators and warning devices connected with such doors;

(c) all valves the closing of which is necessary to make watertight

any compartment below the margin line; and
(d) all valves the operation of which is necessary for the efficient
operation of damage-control cross-connections,
shall be inspected at intervals of not more than 7 days by a person appointed for
that purpose by the master of the vessel.”.

Substitution of regulation 79 of the Regulations

46. The following regulation is hereby substituted for regulation 79 of the Regulations:

“Entries to be made in the official log-book

79. In a Chapter XV ship, entries shall be made in the official log-book recording the following:

- (a) The times of the last closing, before the vessel proceeds to sea,
of the watertight doors and other contrivances referred to in
regulation 73 and of the next subsequent opening of such doors
and contrivances;
- (b) the times of the closing and opening, while the vessel is at sea,
of any watertight door which is fitted between bunkers in the
between decks below the bulkhead deck;
- (c) whether the portable plates referred to in regulation 75 are in
place when the vessel proceeds to sea, and the times, if any, of
the removal and replacement of such plates when the vessel is
at sea; and
- (d) the occasions on which practice drills are kept and periodical
operation and inspections made in compliance with the
foregoing provisions of this Chapter, and whether the
contrivances to which such drills periodical operations and
inspections relate are in good working order.”.

Insertion of Chapters XV A, XV B, XV C, XV D, XV E and Chapter XV F of the Regulations

47. The following Chapters are inserted after Chapter XV of the Regulations:

“CHAPTER XV A
AUTOMATIC IDENTIFICATION SYSTEM

Application

79A. (1) This Chapter applies to the following sea-going vessels:

- (a) a passenger vessel;
- (b) a vessel of 25 gross tons or more;
- (c) a foreign passenger vessel when in the Republic or the territorial waters of the Republic; and
- (d) a foreign cargo vessel of 300 gross tons or over, when in the Republic or the territorial waters of the Republic.

(2) This Chapter does not apply to—

- (a) a pleasure vessel as defined in Merchant Shipping (National Small Vessel Safety) Regulations, 2007 of less than 100 gross tons;
- (b) wooden ships of primitive build; or
- (c) a vessel operating within the port breakwater.

AIS Performance standards

79B. (1) For purposes of this regulation—

- (a) “Convention ship” means—
 - (i) all passenger vessels irrespective of size; or
 - (ii) a cargo ship of 300 gross tons or more that is foreign-going;
 - (iii) a cargo ship of 500 gross tons or more that is not foreign-going; or
 - (iv) a Class A fishing vessel as defined in the Merchant Shipping (Radio Installation) Regulations, 2002;
- (b) “non-Convention ship” means—
 - (i) a passenger ship that is not foreign-going;

- (ii) a cargo ship of 500 gross tons or less that is not foreign-going;
 - (iii) a fishing vessel, except a Class A fishing vessel; or
 - (iv) a pleasure vessel of 100 gross tons or more.
- (2) The equipment required by this Chapter shall—
 - (a) in the case of Convention vessels, comply with performance standards not inferior to the relevant performance standards adopted by the IMO and specified by the Authority as having been so adopted;
 - (b) in the case of non-Convention vessels, comply with such performance standards as may be specified by the Authority;
 - (c) in both the case of vessels in paragraphs (a) and (b), be of a type approved by the Independent Communications Authority of South Africa; and
 - (d) in the case of a foreign vessel, be of a type approved by or on behalf of the vessel's Flag State.
- (3) An approval in terms of subregulation (2)(c) and (d) shall—
 - (a) be in writing; and
 - (b) specify the period for which the approval is in force and any conditions on which it is given.

Automatic identification system

79C. (1) The owner of a vessel must ensure that an AIS is fitted on board the vessel in accordance with the requirements of Chapter V regulation 19 of the Safety Convention.

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

Inspection of foreign vessels

79D. When considering whether a foreign vessel complies with the requirements of this Chapter, a proper officer or a surveyor, as the case may be, need not be satisfied in relation to the following:

- (a) regulation 79B(1)(a), if the equipment is of a type approved by or on behalf of the vessel's flag state and that state is a Convention State;
- (b) regulation 79B(1)(b)(ii), if the vessel's flag state is a Convention State.

CHAPTER XV B

LONG RANGE IDENTIFICATION SYSTEM OF SHIPS

Application of this Chapter

79E. This Chapter applies to—

- (a) passenger vessels, including high-speed passenger craft;
- (b) cargo vessels, including high-speed craft, of 300 gross tons or more; and
- (c) mobile off-shore drilling units.

Transmission of LRIT reports

79F. (1) A South African vessel shall transmit LRIT reports from wherever the vessel is.

(2) A foreign vessel shall transmit LRIT reports after the vessel has announced its intention to enter a port in the Republic as required under—

- (a) the Merchant Shipping (Maritime Security) Regulations 2004; and
- (b) the National Ports Act, 2005 (Act No. 12 of 2005), if the vessel is a cargo vessel of 300 gross tons or more.

(3) A foreign vessel must otherwise transmit LRIT reports while the vessel is within 1,000 nautical miles of the baseline of the Republic.

(4) Subregulations (1), (2) and (3) shall apply subject to any restrictions on the transmission or receipt of LRIT reports in accordance with Chapter V regulation 19-1.8.1 and Chapter V regulation 19-1.9.1 of the Safety Convention.

(5) LRIT reports shall—

(a) be transmitted at 6-hour intervals or at more frequent intervals as may be requested by an LRIT data centre; and

(b) contain the information prescribed in Chapter V regulation 19-1.5 of the Safety Convention.

(6) LRIT information to be transmitted shall be in accordance with regulations Chapter V regulation 19-1.8.1 and 19-1.9.1 of the Safety Convention.

(7) Only a mobile off-shore drilling unit not on location shall be required to transmit the reports prescribed in this regulation.

LRIT equipment

79G. (1) The owner of a vessel must ensure that a vessel to which this Chapter applies is fitted with an LRIT system to automatically transmit the information in the LRIT reports referred to in regulation 79G in accordance with Chapter V regulation 19-1 of the Safety Convention.

(2) A vessel fitted with an AIS, as defined in Chapter V regulation 19.2.4 of the Safety Convention, and operating exclusively within sea area A1, as defined Chapter IV regulation 2.1.12 of the Safety Convention, shall not be required to comply with the provisions of this regulation.

(3) A vessel shall transmit LRIT reports using long-range ship identification and tracking equipment that has been type-approved by the vessel's authority.

(4) Equipment required in this Chapter shall comply with the functional requirements and transmission capabilities prescribed in the IMO standards issued under Chapter V regulation 19-1 1 of the Safety Convention.

(5) The Authority may only approve LRIT equipment if the equipment conforms to performance standards and functional requirements not inferior to those adopted by IMO and specified by the Authority as having been so adopted.

(6) An approval contemplated in subregulation (5) by the Authority—

(a) shall be in writing;

(b) shall specify the period for which it is in force and any conditions on which it may be given; and

(c) may be varied or cancelled after reasonable notice.

Service providers

79H. (1) A vessel must use an application service provider recognised by its administration.

(2) The Authority shall recognise one or more application service providers for use by South African vessels.

Switching off and failure of LRIT equipment

79I. (1) A vessel may switch off its LRIT equipment only—

(a) when allowed by its administration, in circumstances set out in—

(i) international agreements, rules or standards providing for the protection of navigational information; or

(ii) paragraph 4.4.1 of IMO resolution MSC.263(84); or

(b) in exceptional circumstances and for the shortest duration possible where operation of the equipment is considered by the master to compromise the safety or security of the vessel.

(2) The Authority shall consult the Director-General before allowing a ship to switch off its LRIT equipment in accordance with subregulation (1)(a).

(3) The vessel's master shall, in the event of a vessel's LRIT equipment being switched off or failing to operate, inform the Authority of such an event without undue delay.

(4) The master shall make an entry in the vessel's official logbook recording—

(a) the reason for switching off the LRIT equipment or that the equipment has failed to operate, as the case may be; and

(b) the period during which the LRIT equipment was switched off or failed to operate.

(5) The Authority shall, without undue delay, inform the Director-General of the information received in accordance with subregulation (3).

Defects

79J (1) A surveyor may inspect a vessel in order establish if the vessel is equipped with the LRIT equipment as required by these Regulations.

(2) If the surveyor finds that a vessel is —

(a) not fitted with the LRIT equipment as required by these Regulations; or

(b) fitted with defective LRIT equipment,

the surveyor shall give notice in writing to that effect to the owner or master of the vessel requiring that the non-compliance or defects be rectified.

(3) A copy of a notice contemplated in subregulation (2) shall be transmitted by the surveyor to the proper officer at any port at which a clearance for that vessel may be requested.

(4) The surveyor shall, once the non-compliance or defects have been rectified, issue the vessel with a certificate stating that the non-compliance or defects have been rectified.

CHAPTER XV C

VOYAGE DATA RECORDER

Application of this Chapter

79K. (1) This Chapter applies to—

- (a) passenger vessels constructed on or after 1 July 2002;
- (b) ro-ro passenger vessels constructed before 1 July 2002, not later than the first survey on or after 1 July 2002;
- (c) passenger vessels other than ro-ro passenger ships constructed before 1 July 2002, not later than 1 January 2004; and
- (d) vessels, other than passenger vessels, of 3,000 gross tonnage and upwards constructed on or after 1 July 2002,

when engaged on international voyages.

(2) For purposes of this Chapter, the term “first survey” shall have the meaning assigned to it in the regulations under the Safety Convention and detailed in circular MSC.1/Circ.1290.

Voyage Data Recorder

79L. (1) The owner of a vessel must ensure that a voyage data recorder is fitted on board the vessel in accordance with the requirements of Chapter V regulation 20 of the Safety Convention.

(2) When engaged on international voyages, the following vessels shall be fitted with a VDR which may be a simplified voyage data recorder as follows:

- (a) In the case of cargo ship of 20,000 gross tons and upwards constructed before 1 July 2002, at the first scheduled dry-docking after 1 July 2006 but not later than 1 July 2009; and
- (b) In the case of cargo ships of 3,000 gross tonnage and upwards but less than 20,000 gross tons constructed before 1 July 2002, at the first scheduled dry-docking after 1 July 2007 but not later than 1 July 2010.

(3) The Authority may exempt cargo vessels from the application of the requirements of subregulation (2) when such vessels will be taken permanently out of service within two years after the implementation date specified in paragraphs 1 and 2 of subregulation (2).

(4) The carriage and the quantity of voyage data recorders required in this regulation shall be as prescribed in Annex 6 of these Regulations.

VDR Performance standards

79M. (1) The equipment required by this Chapter shall—

- (a) in the case of Convention vessels, comply with performance standards not inferior to the relevant performance standards adopted by the IMO and specified by the Authority as having been so adopted; and
- (b) in the case of non-Convention vessels, comply with such performance standards as may be specified by the Authority;
- (c) in both the case of vessels in paragraphs (a) and (b), be of a type approved by the Independent Communications Authority of South Africa; and
- (d) in the case of a foreign vessel, be of a type approved by or on behalf of the vessel's Flag State.

(2) An approval in terms of subregulation (1)(c) and (d) —

- (a) shall be in writing; and

- (b) shall specify the period for which it is in force and any conditions on which it is given.

CHAPTER XV D

NAVIGATION BRIDGE VISIBILITY

Application of this Chapter

79N. (1) Subject to subregulation (2), this Chapter applies to—

- (a) a South African vessel anywhere; and
(b) any other vessel when in the Republic or its territorial waters.

(2) A provision of this Chapter does not apply to a South African vessel in the waters of another State where the provision is inconsistent with a law of that State that, by its terms, applies to the vessel when in the waters of that State.

Navigation bridge visibility

79O. (1) A vessel of 55 metres or more overall length, constructed on or after 1 July 1998 shall meet the following requirements:

- (a) The view of the sea surface from the conning position may not be obscured by more than two ship lengths, or 500 metres, whichever is the less, forward of the bow to 10 degrees on either side under all conditions of draught, trim and deck cargo;
(b) (i) A blind sector that is caused by cargo, cargo gear or other obstructions outside the wheelhouse forward of the beam and that obstructs the view of the sea surface as seen from the conning position may not exceed 10 degrees;
(ii) The total arc of blind sectors may not exceed 20 degrees;
(iii) The clear sectors between blind sectors must be at least 5 degrees.

Provided, in the view described in paragraph (a), each individual blind sector may not exceed 5 degrees;

- (c) The horizontal field of vision from the conning position must extend over an arc of not less than 225 degrees, from right ahead to not less than 22.5 degrees abaft the beam on either side of the vessel;
- (d) From each bridge wing, the horizontal field of vision must extend over an arc of at least 225 degrees, from at least 45 degrees on the opposite bow through right ahead and then from right ahead to right astern through 180 degrees on the same side of the vessel.
- (e) From the main steering position, the horizontal field of vision must extend over an arc from right ahead to at least 60 degrees on each side of the vessel;
- (f) The vessel's side must be visible from the bridge wing;
- (g) The height of the lower edge of the navigation bridge front windows above the bridge deck must be kept as low as possible. In no case may the lower edge obstruct the forward view as described in this subregulation;
- (h) (i) The upper edge of the navigation bridge front windows must allow a forward view of the horizon, for a person with a height of eye of 1,800 millimetres above the bridge deck at the conning position, when the vessel is pitching in heavy seas; and
 - (ii) The Authority, if satisfied that a 1,800 millimetre height of eye is unreasonable or impracticable, may allow reduction of the height of eye but not to less than 1,600 millimetres; and
- (i) Windows must meet the following requirements:
 - (i) Framing between navigation bridge windows must be kept to a minimum and may not be installed immediately forward of any workstation;
 - (ii) To help avoid reflections, the navigation bridge front windows must be inclined from the vertical plane top out.

at an angle of not less than 10 degrees and not more than 25 degrees;

(iii) Polarised and tinted navigation bridge windows may not be fitted; and

(iv) At all times, regardless of weather conditions, at least two of the navigation bridge front windows and, depending on the bridge configuration, additional windows, must provide a clear view.

(2) (a) Subject to paragraph (b), every ship of 55 metres or more in overall length constructed before 1 July 1998 shall, where practicable, meet the requirements of subregulation (1)(a) and (b).

(b) Paragraph (a) is not to be construed to require any structural alterations or additional equipment.

CHAPTER XV E

CARRIAGE OF CHARTS AND NAUTICAL PUBLICATIONS

Application of this Chapter

79P.(1) Subject to subregulations (2) and (3), this Chapter applies to vessels of South African nationality in all waters and to all vessels in waters under South African jurisdiction.

(2) This Chapter does not apply to—

(a) vessels of less than 25 gross tons;

(b) pleasure vessels of less than 100 gross tons; or

(c) fishing vessels.

(3) A provision of this Chapter does not apply to a vessel of South African nationality in the waters of a country other than the Republic where the provision is inconsistent with a law of that country that, by its terms, applies to the vessel when in the waters of that country.

Carriage of nautical charts and nautical publications

79Q.(1) Subject to subregulation (2), the master and owner of every vessel shall have on board, in respect of each area in which the vessel is to be navigated, the updated editions of the nautical charts and publications that are required to be used in terms of regulations 79R and 79S:

Provided:

- (a) an electronic chart display and information system (ECDIS); and
- (b) adequate back-up arrangements to meet the functional requirements of ECDIS, where this function is partly or fully fulfilled by electronic means,

shall be accepted by the Authority as meeting the requirements of this regulation and Chapter V regulation 19 2 1.4 of the Safety Convention;

- (c) for purposes of paragraph (b), an adequate back-up arrangement for ECDIS means:
 - (i) an appropriate folio of paper nautical charts; or
 - (ii) an independent, fully compliant second ECDIS unit, connected to ship's main and emergency power supplies.

(2) (a) The Authority may, on such terms as it may specify, exempt the master and owner of any vessel, other than a foreign-going vessel, from the requirement to have on board any one or more of the charts or publications referred to in subregulation (1), and may, after reasonable notice, alter or cancel any such exemption.

- (b) An exemption may be granted under paragraph (a) only if—
 - (i) the Authority considers that the area to be navigated by the vessel is such as to render the application of the relevant requirement unreasonable or unnecessary; and
 - (ii) the person in charge of the navigation of the vessel has, in the opinion of the Authority, sufficient knowledge of the information referred to in paragraph (c), such that safe and

efficient navigation in the area where the vessel is to be navigated is not compromised.

(c) The information referred to in paragraph (b)(ii) is—

(i) the location and character of charted—

(aa) shipping routes;

(bb) lights, buoys and marks; and

(cc) navigational hazards; and

(ii) the prevailing navigational conditions, taking into account such factors as tides, currents and weather patterns.

Use of nautical charts

79R. The person in charge of the navigation of a vessel shall use the current edition of a chart that—

(a) is published under the authority of the government of a country;

(b) applies to the immediate area in which the vessel is being navigated; and

(c) is of such scale and detail as clearly to show—

(i) all navigational marks that may be used by a vessel when navigating the waters comprised in the chart;

(ii) all known dangers affecting those waters; and

(iii) information respecting any ships' routing and ship reporting measures applicable to those waters.

Use of nautical publications

79S. (1) Subject to subregulation (3), the person in charge of the navigation of a vessel in waters under South African jurisdiction shall use, in respect of each area to be navigated by the vessel, the current edition of—

(a) the reference catalogue;

(b) the Annual Summary of South African Notices to Mariners, published by the Hydrographer of the Navy;

(c) the following publications, published by the Hydrographer of the Navy:

- (i) sailing directions;
 - (ii) tide tables;
 - (iii) lists of lights and fog signals; and
 - (iv) where the vessel is required to be fitted with or to carry radio equipment pursuant to any Act of Parliament or of a foreign jurisdiction, the list of radio services; and
- (d) the publications listed in Annex 7.

(2) Subject to subregulation (3), the person in charge of the navigation of a vessel of South African nationality in waters outside South African jurisdiction shall use, in respect of each area to be navigated by the vessel, the current edition of—

- (a) the reference catalogue;
- (b) the Annual Summary of South African Notices to Mariners, published by the Hydrographer of the Navy;
- (c) the following publications referred to in the reference catalogue:
 - (i) sailing directions;
 - (ii) tide and current tables;
 - (iii) lists of lights; and
 - (iv) where the vessel is required to be fitted with or to carry radio equipment pursuant to any Act of Parliament, the list of radio aids to navigation; and
- (d) the publications listed in Annex 7.

(3) The publications referred to in paragraphs (b), (c) and (d) of subregulations (1) and (2) maybe replaced by similar publications issued under the authority of the government of another country, if the information contained in the publications that is necessary for the safe navigation of a vessel in the area in which the vessel is to be navigated is of a standard not inferior to that of the information contained in the publications referred to in those provisions.

Maintenance of charts and publications

79T. The master of a vessel shall ensure that the charts and publications required by this Chapter are, before being used for navigation, correct and up-to-date, based on information that is contained in the current supplements, corrections, notices to mariners or radio navigational warnings.

CHAPTER XV F

MANDATORY SHIPS' ROUTEING AND SHIP REPORTING SYSTEMS

Application of this Chapter

79U. (1) Subject to subregulation (2), this Chapter applies to South African vessels wherever they may be and to other vessels while they are in the territorial waters.

(2) This Chapter does not apply to warships, naval auxiliary or other vessels owned or operated by the government of any State and used, for the time being, only on government non-commercial service.

Duty to comply with adopted mandatory ships' routeing

79V. Every vessel to which this Chapter applies shall use an adopted mandatory ships' routeing system applying in relation to that vessel when in an area and on a voyage covered by such a system in compliance with Chapter V regulation 10 of the Safety Convention.

Ship reporting systems

79W. The master of a vessel shall comply with the requirements of adopted ship reporting systems and report to the appropriate authority all information required in accordance with the provisions of each such system.”.

Substitution of regulation 80 of the Regulations

48. The following regulation is hereby substituted for regulation 80 of the Regulations:

“CHAPTER XVI
EXEMPTIONS, EQUIVALENTS, OFFENCES, REPEAL OF
REGULATIONS, AND SHORT TITLE AND COMMENCEMENT

Exemptions in respect of a [ship engaged on an international voyage] vessel

80. (1) The Authority may, in writing, on such conditions as the Authority may impose, exempt partially or subject to conditions, any vessel from any of the requirements of these regulations, if the Authority is satisfied that when any such ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full compliance with these Regulations is unreasonable or unnecessary in the circumstances, [and may, after notice in writing, vary or cancel any such exemption.

(2) Subject to the provisions of Chapter V regulation 19-1, 2.1 of the Safety Convention, the provisions of subregulation (1) do not apply to Chapter XV B of these Regulations.

(3) The provisions of subregulation (1) may only apply to Chapter XV C of these Regulations, subject to subregulation (4).

(4) The Authority may exempt vessels, other than ro-ro passenger vessels, constructed before 1 July 2002 from being fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.”

Repeal of regulation 81 of the Regulations

49. Regulation 81 of the Regulations is hereby repealed.

Substitution of regulation 82 of the Regulations

50. The following regulation is hereby substituted for regulation 82 of the Regulations:

“Equivalents

82. (1) Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a vessel or class of vessels, or that any particular provision shall be made, the Authority may allow any other fitting, material, appliances or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that vessel or class of vessels, if the Authority is satisfied that such other fitting, material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by these Regulations.

(2) The provisions of subregulation (1) do not apply to Chapter XV B of these Regulations.”.

Substitution of regulation 83 of the Regulations

51. The following regulation is hereby substituted for regulation 83 of the Regulations:

“Improvements in the safety of vessels

83. To assist owners and masters in the improvement of the safety of their vessels and persons on board, the Authority may as and when necessary, publish a notice containing such information and recommendations as the Authority considers desirable.”.

Insertion of regulations 84 and 85 of the Regulations

52. The following regulations are inserted in Chapter XVI of the Regulations after regulation 83:

“Offences

84. (1) Any person who contravenes any provisions of these Regulations, or fails to comply with the provisions thereof, with which it was the person’s duty to comply shall, on conviction be guilty of an offence.

(2) If, without complying with the requirements of these Regulations, a vessel proceeds or attempts to proceed to sea—

(a) in the case of a South African vessel, from any port within or outside the Republic; or

(b) in the case of any other vessel, from any port within the Republic, the owner, company and the master shall, on conviction be guilty of an offence.

(3) An offence in terms of subregulations (1) and (2) is punishable upon conviction by a fine or by imprisonment for a period not exceeding 12 months.

(4) The provisions of this regulation do not apply to regulation 67.

Repeal of regulations

85. (1) The Merchant Shipping (Automatic Identification Systems) Regulations, 2004, published by Government Notice No. GN R. 1291 in Government Gazette 26938 of 5 November 2004 in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), are repealed.

(2) The Merchant Shipping Merchant Shipping (Long-Range Identification and Tracking of Ships) Regulations, 2009 published by Government Notice No. GN 2009/R901 in Government Gazette 32561 of 9 September 2009 in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), are repealed.

(3) The Bridge Merchant Shipping (Navigation Bridge Visibility) Regulations, 2004 published by Government Notice No. 1199 in Government

Gazette 26878 of 15 October 2004 in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), are repealed.

(4) The Merchant Shipping (Carriage of Charts and Nautical Publications) Regulations, 2002 published by Government Notice No. R503 in Government Gazette 23345 of 26 April 2002 in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), are repealed.

(5) The Merchant Shipping (Mandatory Ships' Routeing) Regulations, 1998 published by Government Notice No. R131 in Government Gazette 18631 of 23 January 1998 in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), are repealed."

Repeal of Annex 4 and Annex 5 of the Regulations

53. Annex 4 and Annex 5 of the Regulations are hereby repealed.

Addition of Annex 6 of the Regulations

54. Annex 7 of the Regulations is inserted after Annex 5 of the Regulations.

"ANNEX 6

(Regulation 79S)

NAUTICAL PUBLICATIONS

1. Table of Life-Saving Signals, published by the IMO.
2. Where the vessel is required to be fitted with radio equipment and is a foreign going vessel, a coasting vessel, or a fishing vessel making a voyage outside waters under South African jurisdiction, the Standard Marine Navigational Vocabulary, published by the IMO.
3. Those parts of the following publications that are relevant to the area to be navigated by the vessel and to its operation:
 - (a) marine notices, published by the Authority;

- (b) notices to mariners;
- (c) nautical almanac;
- (d) navigation tables; and
- (e) operating and maintenance instructions for navigational aids carried by the vessel.”.

Short title and commencement

55. These Regulations are called the Draft Merchant Shipping (Safety of Navigation) Amendment Regulations, 2023, and are published for public comments.