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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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### DEPARTMENT OF TRANSPORT

#### NOTICE 419 OF 2018

### **SOUTH AFRICAN MARITIME AND AERONAUTICAL SEARCH AND RESCUE ACT, 2002 (ACT NO. 44 OF 2002)**

### **SOUTH AFRICAN AERONAUTICAL AND MARITIME SEARCH AND RESCUE (AMSAR) AMENDMENT REGULATIONS, 2018**

The Minister of Transport hereby, publishes for comments the South African Aeronautical and Maritime Search and Rescue Regulations as indicated in the Schedule.

Interested persons are invited to submit their written comments and inputs within 30 days from the date of publication of this Notice.

Comments may be sent to the Director-General, Department of Transport for the attention of Ms Moloko Machaka or Mr Patrick Modiba

By post to the following address:

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## SCHEDULE

### GENERAL EXPLANATORY NOTE:

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

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments

#### **1. Definitions**

In these regulations, "the regulations" means the South African Maritime and Aeronautical Search and Rescue (SASAR) Regulations published by Government Notice R. 604 of 30 May 2016.

#### **2. Substitution of heading**

The following heading is substituted for the heading to the Regulations:

**"SOUTH AFRICAN [MARITIME] AERONAUTICAL AND [AERONAUTICAL] MARITIME SEARCH AND RESCUE [(SASAR)] (AMSAR) AMENDMENT REGULATIONS, 2018"**

#### **3. Amendment of regulation 1 of the Regulations.**

Regulation 1 is hereby amended as follows:

(a) the insertion of the following definition after the definition of "coast earth station":

" 'Commissioner' means the Commissioner of Civil Aviation;";

(b) the substitution of the following definition:

“ ‘**Emergency Position Indicating Radio Beacon (EPIRB)**’ means a device, usually carried aboard **[marine]** maritime craft, that transmits a signal that alerts search and rescue authorities and enables rescue units to locate the scene of the distress;”.

(c) the insertion of the following definition after the definition of “search”:

“ ‘**Search and rescue**’ means an operation normally coordinated by a rescue coordination centre or rescue sub-centre using available personnel and facilities to locate persons in distress;”.

(d) the insertion of the following definition after the definition of “search and rescue sub-region”:

“ ‘**State of Registry**’ means the State on whose register the aircraft is entered;”.

#### **4. Amendment of regulation 4 of the Regulations**

Regulation 4 of the Regulations is amended by-

(a) the substitution for the following heading of regulation (4):

**“4. [National] SAR Plan”**

#### **5. Amendment of Regulation 6 of the Regulations**

Regulation 6 of the Regulations is amended by-

(a) the substitution for sub-regulation (1) of the following sub-regulation:

**“(1)[SASAR must, under the direction of the Department, seek to] The Department must establish formal, documented agreements of cooperation with SAR service providers of all contiguous States with a view to:**

- (a) Strengthening SAR cooperation and coordination;
- (b) Specifying the conditions for entry of each other’s SAR Units into their respective territories; **[and]**
- (c) Expediting entry of such SAR Units; and

(d) Developing common SAR Plans and Procedures.".

(b) the substitution for sub-regulation (3) of the following sub-regulation:

"(3) The RCCs are authorized to provide assistance to other relevant RCCs or Rescue Sub-Centres including when practicable, assistance in the form of aircraft, vessels, persons or equipment, when so requested."

(c) the insertion after sub-regulation (3) of the following sub-regulations:

"(4)The authorities of an RCC who wish their search and rescue units to enter the South African territory for search and rescue purposes shall transmit a request, giving full details of the projected mission and the need for it, to the Rescue Co-ordination Centre or Rescue Sub-centres as relevant.

(5) The RCC must upon receipt of a request to enter the national territory by SAR Units of a foreign authority for SAR purposes:

(a) immediately acknowledge the receipt of such a request; and

(b) as soon as possible indicate the conditions, if any, under which the projected mission may be undertaken.

(6) The RCC have the authority to:

(a) request from other relevant rescue coordination centres or rescue sub centres such assistance, including aircraft, vessels, persons or equipment as may be needed;

(b) grant any necessary permission for the entry of such aircraft, vessels, persons or equipment into its territory; and

(c) make the necessary arrangements with the appropriate customs, immigration or other authorities with a view to expediting such entry."

(d) the substitution for sub-regulation (7) of the following sub-regulation:

“(7) SASAR must cooperate [**as far as practicable,**] with all properly accredited authorities and entities investigating [**incidents and**] accidents and when practicable, ensure that the SAR teams are accompanied by persons qualified in the conduct of aircraft accident investigations.”.

(e) the substitution for sub-regulation (10) to (12) of the following sub-regulations:

“(10) The Department in conjunction with SASAR must [**seek to arrange**] when practicable, make arrangements for joint training exercises involving their SAR Units and those of other States in order to promote SAR efficiency.

(11) The Department, in consultation with SASAR must [**seek to arrange**] when practicable arrange:

(a) Periodic liaison visits for RCC and RSC staff to cooperating entities nationally and Air Traffic Services (ATS) and SAR service providers in contiguous States;

(b) Attendance at local, regional and international meetings by designated SAR office-bearers.

(12) SASAR must, [**seek to encourage the closest possible cooperation and coordination**] when practicable, cooperate and coordinate with relevant aeronautical, maritime, land based and military emergency response authorities, including the possibility of establishing a JRCC to coordinate aeronautical and maritime search and rescue operations[**, when feasible and practical**].”.

## 6. Amendment to regulation 10 of the Regulations:

Regulation 10 of the Regulations is amended by-

(a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) [**The Department in collaboration with**] SASAR shall prepare detailed plans with procedures of operation for the safe and effective conduct of SAR operations within the SRR.”.

- (b) the deletion of sub-regulation (2).
- (c) the substitution for sub-regulation(3) of the following sub-regulation:  
 “(3) The plans of operation shall specify, as a minimum:
  - (h) the training and exercising of search and rescue staff; **[and]**
  - (i) facilities available to the RCC or RSC; and
  - (j) the methods for obtaining, from other rescue coordination centres, such assistance, including aircraft, vessels, persons or equipment, as may be needed.”.
- (d) the substitution for sub-regulation (9) of the following sub-regulation:  
 “(9) The RCCs, when so requested, must make available information regarding their search plans of operation.”.

## 7. Amendment of regulation 11 of the Regulations

Regulation 11 of the Regulations is amended by-

- (a) the insertion after sub-regulation (1) of the following sub-regulation:  
(1A) RCC’s must ensure that each SAR unit is cognisant of all parts of the plans of operation necessary for the effective conduct of its tasks or duties.

## 8. Amendment of regulation 15 of the Regulations

Regulation 15 of the Regulations is amended by-

- (a) the substitution for regulation 15 of the following regulation:  
 “(1) RCCs must retain all data relating to every SAR action undertaken by itself and its RSCs in an orderly and easily accessed manner for a period of at least **[for]** five years.  
 (2) SASAR must ensure that RCCs assess and maintain a record on the effectiveness and efficiency of all SAR operations conducted.”.

## 9. Amendment of regulation 16 of the Regulations

Regulation 16 of the Regulations is amended by-

(a) substitution for sub-regulation (1) of the following sub-regulation:

“(1) SASAR must ensure that initial, on the job and recurrent training of all RCC and, as appropriate, RSC operational and immediate supervisory staff is conducted to a syllabus that is acceptable to the Department and oversight authorities.”.

(b) the insertion after sub-regulation(2) of the following sub-regulation :

“(3) SASAR should ensure that RCC personnel involved in the conduct of radio-telephony communications should be proficient in the use of the English language to a minimum standard of level 4.”.

## 10. Substitution of regulation 17 of the Regulations

Regulation 17 of the Regulations is substituted for the following regulations-

(a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) RCCs must have readily available at all times up-to-date information concerning the following in respect of its SRR:

(a) SAR Units, RSCs and alerting posts;

(b) Air Traffic Service (ATS) Units;

(c) means of communication that may be used in SAR operations;

(d) addresses and telephone numbers of all operators, or their designated representatives, engaged in operations in the region; and

(e) any other public and private resources including medical and transportation facilities that are likely to be useful in search and rescue.”.

(b) the substitution for sub-regulation (2) of the following sub-regulation:

“(2) The Department must publish the information articulated to in (1) above **[by notice in the Gazette and]** by means of printed and electronic media as appropriate so as to ensure wide publicity.”.

(c) the addition of the following sub-regulation:

“(3) Each RCC should have readily available all other information of interest to SAR, including information regarding:

(a) the locations, call signs, hours of watch, and frequencies of all radio stations likely to be employed in support of search and rescue operations;

(b) the locations and hours of watch of services keeping radio watch, and the frequencies guarded;

(c) the locations where supplies of droppable emergency and survival equipment are stored;

(d) objects which it is known might be mistaken for un-located or unreported wreckage, particularly if viewed from the air; and

(e) the position, course and speed of ships within such areas that may be able to provide assistance to aircraft in distress.”.

## 11. Amendment of regulation 18 of the Regulations

Regulation 18 of the Regulations is amended by-

(a) the substitution for sub-regulations (1) to (3) of the following sub-regulations:

“(1) Any authority or element of the SAR organization, having reason to believe or has been informed that an aircraft or vessel is **[experiencing]** in an emergency, must immediately give all available, relevant information to the **[relevant]** RCC concerned.

(2) An RCC, upon receipt of **[advice]** information that an aircraft or vessel is **[experiencing]** in a state of emergency, must immediately evaluate such information and assess the extent of the **[measures to be taken]** operation required.

(3) An RCC must ensure that, **[on being advised]** upon receiving information that an aircraft or vessel is **[undergoing]** in an emergency situation, the required emergency phase is declared and apply procedures applicable to that phase<sub>2</sub> ”.

(b) the addition of the following sub-regulation:

“(4) The RCCs must, to the extent desirable and practicable, disseminate to the general public directives on action to be taken when there is reason to believe that an aircraft is in a state of emergency and in the event of an aircraft or vessel accident.”.

## 12. Substitution of regulation 19 of the Regulations

Regulation 19 of the Regulations is substituted for the following regulations-

(a) the substitution for regulation 19 of the following regulation:

“(1) RCCs must, upon the declaration of an uncertainty phase, cooperate to the utmost with air traffic services units and other appropriate agencies and services in order that incoming reports may be speedily evaluated.

(2) RCCs must, upon the declaration of an alert phase, immediately alert SAR units and initiate any necessary action.

(3) RCCs must, upon the occurrence of a distress phase, execute and follow the order of following actions unless circumstances dictate otherwise:

(a) immediately initiate action by SAR units in accordance with the appropriate plan of operation;

(b) ascertain the position of the aircraft or vessel, estimate the degree of uncertainty of this position, and, on the basis of this information and circumstances, determine the extent of the area to be searched;

(c) notify the operator, where possible, and keep the operator informed of developments;

- (d) notify other RCCs, the help of which seems likely to be required, or which may be concerned in the operation;
  - (e) notify the associated ATSU and ports, when the information on the emergency has been received from another source;
  - (f) request at an early stage such aircraft, vessels, coastal stations and other services not specifically included in the appropriate plan of operation and able to assist to maintain a listening watch for transmissions from the aircraft or vessel in distress, survival radio equipment or ELT or EPIRB; assist the aircraft or vessel in distress as far as practicable; and inform the RCC of any developments;
  - (g) from the information available, draw up a detailed plan of action for the conduct of the search and or rescue operation required and communicate such plan for the guidance of the authorities immediately directing the conduct of such an operation;
  - (h) amend as necessary, in the light of evolving circumstances, the detailed plan of action;
  - (i) notify the appropriate accident investigation authorities; and
  - (j) notify the State of Registry of the aircraft or vessel.
- (4) RCCs must, upon notification of the existence of an emergency phase and is unaware that other centres are taking appropriate action, assume responsibility for initiating suitable action.
- (5) The RCCs, must transfer the co-ordination responsibility contemplated in sub-regulation (4) to the appropriate RCC after consideration of the following factors:
- (a) the region in which the aircraft or vessel last reported its position;
  - (b) the region to which the aircraft or vessel was proceeding when its last reported position was on the line separating two search and rescue regions;

- (c) the region to which the aircraft or vessel was destined when it was not equipped with suitable two-way radio communication or not under obligation to maintain radio communication;
- (d) the region in which the distress site is located as identified by the Cospas-Sarsat system.
- (6) RCCs, when having overall co-ordination responsibility, must after declaration of the distress phase, inform all relevant role players that may become involved in the operation of all the circumstances of the emergency and subsequent developments.
- (7) RCCs must, when executing a supporting role to an RCC having overall co-ordination responsibility, inform such centre of any new information pertaining to the emergency.
- (8) An RCC responsible for search and rescue action must forward, where possible, to the aircraft or vessel for which an emergency phase has been declared, information of the search and rescue action initiated.”.

### 13. Amendment of regulation 20 of the Regulations

Regulation 20 of the Regulations is amended by-

- (a) the substitution for the following heading of regulation 20:

#### **“20. Procedures at the scene of an [emergency] accident”**

- (b) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) When multiple facilities are engaged in SAR operations on-scene and the RCC designates an On Scene **[Commander]** Coordinator (OSC) or **[Air Craft]** Aircraft Co-ordinator (ACO) to coordinate tactical activity on-scene to improve the safety and efficiency of operations, the OSC or ACO must perform the assigned tasks in full account of the nature of the search target, the type, number and capacity of SAR Units and the environment and keep the RCC fully informed of actions taken and proposed.”.

#### 14. Amendment of regulation 24 of the Regulations

Regulation 24 of the Regulations is amended by-

(a) the substitution for sub-regulation (1) (j) of the following sub-regulation:

“(j) The Cospas-Sarsat Mission Control Centre servicing the SRR or the relevant Search and Rescue Point[s] of Contact (SPOC), as appropriate;”.

(b) the substitution for sub-regulation (1) (m) of the following sub-regulation:

“(m) Navarea Co-ordinator.”.

#### 15. Amendment of regulation 28 of the Regulations

Regulation 28 of the Regulations is amended by-

(a) the substitution for sub-regulation (2) of the following sub-regulation:

“(2) When it is necessary for an aircraft to direct a **[SAR facility]** surface craft [to the place where an aircraft or vessel in distress] towards an aircraft or vessel is in distress, the aircraft must do so by transmitting precise instructions by any means at its disposal. If no radio communication can be established, the aircraft must in a safe manner:”.

(b) the addition of the following sub-regulations :

“(3) When the assistance of a specific surface craft is no longer required, the aircraft will use the following manoeuvre to indicate this or the following replies maybe made:-

(a) rocking the wings; or

(b) opening and closing the throttle; or

(c) changing the propeller pitch.




(4) The surface craft may make the following replies to acknowledge receipt of the signal in sub-regulation (3):

- (a) the hoisting of the "code pennant" (vertical red and white stripes) close up meaning understood;
- (b) the flashing of a succession of Ts"by signal lamp in the Morse code;
- (c) the changing of heading to follow the aircraft.
- (5) The surface craft may make the following replies to indicate inability to comply with the signal in sub-regulation (3):
- (a) the hoisting of the international flag "N" (a blue and white checkered square);
- (b) the flashing of a succession of "Ns" in the Morse code
- (6) The following visual signal codes must be used by survivors when communicating with the search and rescue aircraft:

No.	Message	Code Symbol
1	Require assistance	V
2	Require medical assistance	X
3	No or Negative	N
4	Yes or Affirmative	Y
5	Proceeding in this direction	↑

- (7) The following visual signal codes must be used by rescue units when communicating with the search and rescue aircraft:

No.	Message	Code Symbol
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1	Operation completed	L L L
2	We have found all personnel	<u>L</u> L
3	We have found only some personnel	
4	We are not able to continue. Returning to base	X X
5	Have divided into two groups. Each proceeding in direction indicated	
6	Information received that aircraft is in this direction	
7	Nothing found. Will continue to search	N N

(8) The symbols shall be at least 2.5 metres (8 feet) long and shall be made as conspicuous as possible."