

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 111

G. R. VAN DER MERWE

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 5 of 2013: South African Maritime and Aeronautical Search and Rescue Amendment Act, 2013



AIDS HELPLINE: 0800-123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 25 June 2013)

ACT

To amend the South African Maritime and Aeronautical Search and Rescue Act, 2002; so as to insert a definition; to effect certain technical corrections; to expand the composition of the South African Search and Rescue Organisation (SASAR); to provide for the management committee and sub-committees of SASAR; to provide for SASAR to perform its functions outside the Republic's search and rescue regions in accordance with the Conventions; to provide for the head of SASAR to appoint a designate to preside over any meeting of SASAR; to provide for the head of SASAR to determine the time and place of the first meeting of the sub-committees of SASAR; to delete certain obsolete provisions; to compel all licence holders of aerodromes, airfields, heliports or helistops to file emergency plans with the aeronautical rescue co-ordination centre; to provide for the head of SASAR to publish the contact details of the places where a person can report an aircraft or a vessel that is in distress; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 44 of 2002

1. Section 1 of the South African Maritime and Aeronautical Search and Rescue Act, 2002 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of “prescribe” of the following definition: 5
“**‘regulations’** means any regulation made under section 23;”.

Amendment of section 2 of Act 44 of 2002

2. Section 2 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph: 10
“(a) incorporate the Conventions into South [Africa] African law; and”.

Amendment of section 4 of Act 44 of 2002

3. Section 4 of the principal Act is hereby amended—
(a) by the substitution for the heading of the following heading: 15
“**Establishment and [object] objective of South African Search and Rescue Organisation**”; and
(b) by the substitution for subsection (2) of the following subsection:
“(2) (a) The [object] objective of SASAR is to ensure a co-ordinated and effective maritime and aeronautical search and rescue service within the South African search and rescue regions. 20

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit
bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande
verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 25 Junie 2013)

WET

Tot wysiging van die Wet op Suid-Afrikaanse Maritieme en Lugvaart-soek-en-redding, 2002; ten einde 'n omskrywing in te voeg; bepaalde tegniese regstellings te maak; die samestelling van die Suid-Afrikaanse Soek-en-Reddingsorganisasie (SASER) uit te brei; vir die bestuurskomitee en subkomitees van SASER voorsiening te maak; voorsiening te maak vir SASER om sy werksaamhede buite die Republiek se soek-en-reddingstreke ooreenkomstig Konvensies uit te voer; voorsiening te maak vir die hoof van SASER om 'n aangewesene aan te stel om voor te sit by enige vergadering van SASER; voorsiening te maak vir die hoof van SASER om die tyd en plek van die eerste vergadering van die subkomitees van SASER te bepaal; bepaalde uitgediende bepalings te skrap; alle lisensiehouers van lughawens, vliegvelde, helihawens of helistops te verplig om noodplanne by die lugvaartreddingskoördineringsentrum in te dien; voorsiening te maak vir die hoof van SASER om die kontakbesonderhede van die plekke waar 'n persoon 'n lugvaartuig of vaartuig wat in die moeilikheid is kan aanmeld; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DIE PARLEMENT van die Republiek van Suid-Afrika bepaal, soos volg:—

Wysiging van artikel 1 van Wet 44 van 2002

1. Artikel 1 van die Wet op Suid-Afrikaanse Maritieme en Lugvaart-soek-en-redding, 2002 (hierna die Hoofwet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van “reddingssubsentrum” in te voeg: 5
“‘regulasies’ enige regulasie kragtens artikel 23 uitgereik;”.

Wysiging van artikel 2 van Wet 44 van 2002

2. Artikel 2 in die Engelse teks van die Hoofwet word hierby gewysig deur paragraaf (a) in subartikel (1) deur die volgende paragraaf te vervang: 10
“(a) incorporate the Conventions into South [Africa] African law; and”.

Wysiging van artikel 4 van Wet 44 van 2002

3. Artikel 4 van die Hoofwet word hierby gewysig—
(a) deur die opskrif in die Engelse teks deur die volgende opskrif te vervang: 15
“**Establishment and [object] objective of South African Search and Rescue Organisation**”; en
(b) deur paragraaf (b) in subartikel (2) deur die volgende paragraaf te vervang:

(b) Any person appointed in terms of this Act or **[concerned]** involved with the carrying out of the provisions thereof must perform his or her functions pursuant to the **[object]** objective of SASAR.”.

Substitution of section 5 of Act 44 of 2002

4. Section 5 of the principal Act is hereby amended— 5
- (a) by the substitution for subsection (1) of the following subsection: 5
- “(1) SASAR **[is made up]** consists of representatives from **[those government departments and commercial and voluntary organisations which are signatories to the SASAR manual, contemplated in section 15, and which are able to contribute services and facilities for use by SASAR, including representatives of]**— 10
- (a) the Department; 15
- (b) the South African Maritime Safety Authority;
- (c) the South African Civil Aviation Authority;
- (d) the Air Traffic and Navigation Services Company Limited;
- (e) the South African National Defence Force;
- (f) the South African Police Service;
- (g) the National Ports Authority;
- (h) the Department of **[Provincial and Local Government]** Cooperative Governance and Traditional Affairs; 20
- (i) the Department of International Relations and Cooperation;
- (j) the Department of Home Affairs;
- (k) the Department of Environmental Affairs;
- (l) the Department of Health; and
- (m) the South African Weather Service.”; 25
- (b) by the insertion after subsection (1) of the following subsection:
- “(1A) Commercial and voluntary organisations which are signatories to the SASAR manual contemplated in section 15, may also be members of SASAR.”;
- (c) by the substitution for subsection (2) of the following subsection: 30
- “(2) SASAR **[has—]** consists of the following committees and sub-committees:
- (a) An executive committee;
- (aA) a management committee;
- (b) a maritime **[committee]** sub-committee; and 35
- (c) an aeronautical **[committee]** sub-committee.”;
- (d) by the deletion in subsection (4) of the word “and” at the end of paragraph (a);
- (e) by the substitution in subsection (4) for paragraph (b) of the following paragraph: 40
- “(b) determine the size and composition of the **[other committees]** management committee and sub-committees of SASAR, depending on the areas of **[speciality]** expertise of the different members of SASAR₁; and”;
- (f) by the addition to subsection (4) of the following paragraph: 45
- “(c) make recommendations to the Minister with regard to the governance of SASAR.”;
- (g) by the substitution for subsection (5) of the following subsection: 50
- “(5) The maritime and the aeronautical **[committees]** sub-committees must **[assess]** regularly review the operational policy of SASAR and make recommendations to the **[executive]** management committee **[whenever any change is necessary].**”;
- (h) by the substitution in subsection (7) for paragraphs (a), (b) and (c) of the following paragraphs, respectively: 55
- “(a) the head of SASAR, who is the chairperson of the executive committee and responsible for search and rescue **[operations]** services by SASAR;
- (b) the head of aeronautical search and rescue operations₂, who is the chairperson of the aeronautical **[committee]** sub-committee; and
- (c) the head of maritime search and rescue operations, who is the chairperson of the maritime **[committee]** sub-committee.”; 60
- (i) by the substitution for subsection (8) of the following subsection:
- “(8) The different heads contemplated in subsection (7) must ensure that search and rescue operations are conducted in accordance with laid

“(b) Enige persoon ingevolge hierdie Wet aangestel of **[gemoeid met]** betrokke by die toepassing van die bepalings daarvan, moet sy of haar werksaamhede ooreenkomstig die oogmerk van SASER verrig.”.

Vervanging van artikel 5 van Wet 44 van 2002

4. Artikel 5 van die Hoofwet word hierby gewysig— 5
- (a) deur subartikel (1) deur die volgende subartikel te vervang—
- “(1) SASER bestaan uit verteenwoordigers van **[die staatsdepartemente en handels- en vrywilligersorganisasies wat ondertekenaars is van die SASER-handleiding beoog in artikel 15 en wat dienste en geriewe vir gebruik deur SASER kan bydra, met inbegrip van verteenwoordigers van]**—
- (a) die Departement;
- (b) die Suid-Afrikaanse Maritieme Veiligheidsowerheid;
- (c) die Suid-Afrikaanse Burgerlike Lugvaartowerheid;
- (d) die Lugverkeers- en -navigasiedienstemaatskappy Beperk; 15
- (e) die Suid-Afrikaanse Nasionale Weermag;
- (f) die Suid-Afrikaanse Polisiediens;
- (g) Die Nasionale Hawe-owerheid;
- (h) die Departement van **[Provinsiale en Plaaslike] Samewerkende Regering en Tradisionele Sake;** 20
- (i) die Departement van Internasionale Betrekkinge en Samewerking;
- (j) die Departement van Binnelandse Sake;
- (k) die Departement van Omgewingsake;
- (l) die Departement van Gesondheid; en
- (m) die Suid-Afrikaanse Weerdiens.”; 25
- (b) deur die volgende subartikel na subartikel (1) in te voeg:
- “(1A) Kommersiële en vrywillige organisasies wat ondertekenaars is van die SASER-handleiding in artikel 15 beoog, kan ook lede van SASER wees.”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang: 30
- “(2) SASER **[het—]** bestaan uit die volgende komitees en subkomitees:
- (a) ’n Uitvoerende komitee;
- (aA) ’n bestuurskomitee;
- (b) ’n maritieme **[komitee]** subkomitee; en 35
- (c) ’n **[lugvaartkomitee]** lugvaartsbuitelike subkomitee.”;
- (d) deur aan die einde van paragraaf (a) in subartikel (4) die woord “en” te skrap;
- (e) deur paragraaf (b) in subartikel (4) deur die volgende paragraaf te vervang:
- “(b) die grootte en samestelling van die **[ander komitees]** bestuurskomitee en subkomitees van SASER, bepaal op grond van die **[spesialiteitsterreine]** kundigheidsgebiede van die onderskeie lede van SASER[.]; en”;
- (f) deur die volgende paragraaf by subartikel (4) te voeg: 45
- “(c) aanbevelings aan die Minister doen ten opsigte van die beheer van SASER.”;
- (g) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) Die maritieme en die **[lugvaartkomitees]** lugvaartsbuitelike subkomitees moet die operasionele beleid van SASER **[valueer]** gereeld hersien en aanbevelings aan die [uitvoerende komitee] bestuurskomitee doen [wanneer ’n verandering ook al nodig is].”;
- (h) deur paragrawe (a), (b) en (c) in subartikel (7) onderskeidelik deur die volgende paragrawe te vervang:
- “(a) die hoof van SASER, wat die voorsitter van die uitvoerende komitee is en verantwoordelik is vir **[soek-en-reddingsoperasies]** soek-en-reddingsdienste deur SASER; 55
- (b) die hoof van lugvaart-soek-en-reddingsoperasies, wat die voorsitter van die **[lugvaartkomitee]** lugvaartsbuitelike subkomitee is; en
- (c) die hoof van maritieme soek-en-reddingsoperasies, wat die voorsitter van die maritieme **[komitee]** subkomitee is.”;
- (i) deur subartikel (8) deur die volgende subartikel te vervang: 60
- “(8) Die onderskeie hoofde beoog in subartikel (7) moet toesien dat soek-en-reddingsoperasies uitgevoer word ooreenkomstig vasgestelde

- down standards and recommended practices as reflected in the SASAR Manual and **[as considered the norm in terms of international agreements]** the Conventions.”; and
- (j) by the addition of the following subsection:
“(9) The Department is the custodian of SASAR.”. 5

Amendment of section 6 of Act 44 of 2002

5. Section 6 of the principal Act is hereby amended—
- (a) by the substitution for subsection (4) of the following subsection:
“(4) SASAR must perform its functions in a manner which **[promotes efficient, economic and]** is effective, **[use of all resources]** efficient and economical.”; 10
- (b) by the deletion of subsection (5); and
- (c) by the substitution for subsection (6) of the following subsection:
“(6) SASAR may perform its functions outside the **[Republic]** Republic’s search and rescue regions in accordance with the Conventions.”. 15

Amendment of section 7 of Act 44 of 2002

6. Section 7 of the principal Act is hereby amended by the addition to subsection (2) of the following paragraph:
“(b) The head of SASAR may appoint a designate to preside over any meeting of SASAR if he or she is unable to preside over that meeting.”. 20

Amendment of section 8 of Act 44 of 2002

7. Section 8 of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:
“**Meetings of committees and sub-committees of SASAR**”; 25
- (b) by the insertion after subsection (1) of the following subsection:
“(1A) The first meeting of any sub-committee of SASAR must be held at such time and place determined by the head of SASAR and all meetings thereafter must be held at such times and places as the sub-committee may determine.”; and 30
- (c) by the substitution for subsections (2), (3), (4), (6) and (7) of the following subsections, respectively:
- “(2) The chairperson of a committee or a sub-committee of SASAR may at any time call a special meeting of the committee or a sub-committee, as the case may be, to be held at the time and place determined by the chairperson. 35
- (3) All members of a committee or a sub-committee must be notified in writing of any meeting of that committee or sub-committee, as the case may be.
- (4) (a) A majority of the total number of members forms a quorum at any meeting of a committee **[and a]** or a sub-committee. 40
- (b) A decision agreed on by a majority of the members present at a duly constituted meeting of a committee or a sub-committee is a decision of that committee or sub-committee, as the case may be.
- (6) The chairperson of a committee or a sub-committee must designate a person to act as chairperson if he or she is unable to act as chairperson. 45
- (7) Each committee or sub-committee must meet at least twice a year.”.

Amendment of section 11 of Act 44 of 2002

8. Section 11 of the principal Act is hereby amended— 50
- (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
“(a) done in accordance with **[an]** a service agreement reached with the applicable organisation or institution; and”; and

standaarde en aanbevole gebruike wat in die SASER-handleiding en die Konvensies uiteengesit word [en wat as die norm ingevolge internasionale ooreenkomste beskou word].”; en

- (j) deur die volgende subartikel by te voeg: 5
 “(9) Die Departement is die kurator van SASER.”.

Wysiging van artikel 6 van Wet 44 van 2002

5. Artikel 6 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (4) deur die volgende subartikel te vervang: 10
 “(4) [In die verrigting van sy werksaamhede moet] SASER [poog om saam te werk met rampsbestuuragentskappe wat ingestel is ingevolge enige wet wat voorsiening maak vir die bestuur van rampe] moet sy werksaamhede op ’n doeltreffende, effektiewe en ekonomiese wyse verrig.”; en
- (b) deur subartikel (5) te skrap; en
- (c) deur die volgende subartikel by te voeg: 15
 “(6) SASER kan sy werksaamhede buite die Republiek se soek-en-reddingstreke ooreenkomstig die Konvensies verrig.”.

Wysiging van artikel 7 van Wet 44 van 2002

6. Artikel 7 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (2) te voeg: 20
 “(b) Die hoof van SASER kan ’n aangewesene aanstel om by enige vergadering van SASER voor te sit indien hy of sy nie by daardie vergadering kan voorsit nie.”.

Wysiging van artikel 8 van Wet 44 van 2002

7. Artikel 8 van die Hoofwet word hierby gewysig—
- (a) deur die opskrif deur die volgende opskrif te vervang: 25
 “Vergaderings van komitees en subkomitees van SASER”;
- (b) deur die volgende subartikel na subartikel (1) in te voeg: 30
 “(1A) Die eerste vergadering van ’n subkomitee van SASER moet op die tyd en plek deur die hoof van SASER bepaal gehou word en alle vergaderings daarna moet op die tye en plekke gehou word wat die subkomitee bepaal.”; en
- (c) deur subartikels (2), (3), (4), (6) en (7) onderskeidelik deur die volgende subartikels te vervang: 35
- “ (2) Die voorsitter van ’n komitee of ’n subkomitee van SASER kan te eniger tyd ’n spesiale vergadering van die komitee of subkomitee, na gelang van die geval, belê wat gehou moet word op die tyd en plek deur die voorsitter bepaal. 40
- (3) Alle lede van ’n komitee of subkomitee moet skriftelik in kennis gestel word van enige vergadering van daardie komitee of subkomitee, na gelang van die geval. 45
- (4) (a) Die meerderheid van die totale getal lede maak ’n kworum uit tydens enige vergadering van ’n komitee [en ’n besluit] of ’n subkomitee. 50
- (b) ’n Besluit wat geneem is deur die meerderheid van die lede teenwoordig by ’n behoorlik gekonstitueerde vergadering van ’n komitee of subkomitee is ’n besluit van daardie komitee of subkomitee, na gelang van die geval.
- (6) Die voorsitter van ’n komitee of ’n subkomitee moet ’n persoon aanwys om as voorsitter waar te neem indien hy of sy nie in staat is om as voorsitter op te tree nie. 50
- (7) Elke komitee of subkomitee moet minstens twee maal per jaar vergader.”.

Wysiging van artikel 11 van Wet 44 van 2002

8. Artikel 11 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) in subartikel (2) deur die volgende paragraaf te vervang: 55
 “(a) geskied ooreenkomstig ’n [ooreenkoms] diensooreenkoms aangegaan met die betrokke organisasie of instansie; en”;

(b) by the substitution for subsections (4) and (5) of the following subsections, respectively:

“(4) Each chief of a rescue co-ordination centre or rescue subcentre must establish and preside over an operational committee to **[discuss, evaluate and effect]** ensure continuing effectiveness of operational procedures. 5

(5) Operational committees must consist of **[persons representing organisations]** representatives of the organisations controlling the resources available to that rescue co-ordination centre or rescue subcentre.”. 10

Amendment of section 12 of Act 44 of 2002

9. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A chief of a rescue co-ordination centre or any person authorised by him or her is responsible for co-ordinating the best resources available **[resources]** for the purpose of searching, assisting and, where appropriate, effecting a rescue operation in its search and rescue region.”. 15

Amendment of section 13 of Act 44 of 2002

10. Section 13 of the principal Act is hereby amended by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs, respectively: 20

“(a) human life is in **[immediate]** imminent and grave danger; and
(b) there are insufficient or no other means available to conduct the operation.”. 20

Amendment of section 15 of Act 44 of 2002

11. Section 15 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading: 25
“**SASAR [manual,] manuals and responsibilities of signatories thereto**”; and

(b) by the substitution for subsection (1) of the following subsection: 30
“(1) SASAR must compile **[a manual]** manuals regarding search and rescue services and operations and matters connected therewith and keep **[that manual]** those manuals up to date.”.

Amendment of section 16 of Act 44 of 2002

12. Section 16 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for paragraph (b) of the following paragraph: 35

“(b) conducted in airspace within which air traffic control services are provided, except for flights crossing **[a route]** an airway at right angles; or”;

(b) by the addition in subsection (4) of the word “or” at the end of paragraph (a); and 40

(c) by the deletion of subsection (5).

Amendment of section 17 of Act 44 of 2002

13. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The owner of any aircraft or vessel required to carry emergency locator beacons in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951)₂ or the **[South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998)]** Civil Aviation Act, 2009 (Act No. 13 of 2009), as the case may be, must register such emergency locator beacons with the organisations or institutions designated in terms of section 11(1)(d).” 45 50

- (b) deur subartikels (4) en (5) onderskeidelik deur die volgende subartikels te vervang:

“(4) Elke hoof van ’n reddingskoördineringsentrum of reddings-subsentrum moet ’n operasionele komitee instel om voortgesette doeltreffendheid van operasionele prosedures te [bespreek, te evalueer en in werking te stel] verseker, en moet as voorsitter van daardie komitee optree. 5

(5) Operasionele komitees moet bestaan uit [persone wat organisasies verteenwoordig] verteenwoordigers van die organisasies wat die hulpbronne beheer wat tot beskikking van daardie reddingskoördineringsentrum of reddingssubsentrum is.”. 10

Wysiging van artikel 12 van Wet 44 van 2002

9. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) ’n Hoof van ’n reddingskoördineringsentrum of iemand deur hom of haar gemagtig, is daarvoor verantwoordelik om [beskikbare] die beste hulpbronne te koördineer wat beskikbaar is ten einde te soek, bystand te verleen en, waar gepas, ’n reddingsoperasie uit te voer in die betrokke lugvaart-soek-en-reddingstreek.”. 15

Wysiging van artikel 13 van Wet 44 van 2002

10. Artikel 13 van die Hoofwet word hierby gewysig deur paragrawe (a) en (b) in subartikel (2) onderskeidelik deur die volgende paragrawe te vervang: 20

“(a) menseleuens in [onmiddellike] dreigende en ernstige gevaar is; en

(b) daar onvoldoende of geen ander middele beskikbaar is om die operasie uit te voer nie.”. 25

Wysiging van artikel 15 van Wet 44 van 2002

11. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“[SASER-handleiding,] SASER-handleidings en verantwoordelikhede van ondertekenaars daarvan”; en

(b) deur subartikel (1) deur die volgende subartikel te vervang: 30

“(1) SASER moet [’n handleiding] handleidings betreffende soek-en-reddingsdienste en -operasies en aangeleenthede wat daarmee in verband staan, opstel en byhou.”. 35

Wysiging van artikel 16 van Wet 44 van 2002

12. Artikel 16 van die Hoofwet word hierby gewysig— 35

(a) deur paragraaf (b) in subartikel (2) in die Engelse teks deur die volgende paragraaf te vervang:

“(b) conducted in airspace within which air traffic control services are provided, except for flights crossing [a route] an airway at right angles; or”; 40

(b) deur aan die einde van subartikel (4)(a) die woord “en” te skrap en deur “of” te vervang; en

(c) deur subartikel (5) te skrap.

Wysiging van artikel 17 van Wet 44 van 2002

13. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 45

“(1) Die eienaar van enige lugvaartuig of vaartuig wat ’n noodopspoorerbaken moet dra ingevolge die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), of die [Wet op die Suid-Afrikaanse Burgelike Lugvaartowerheid, 1998 (Wet No. 40 van 1998)] Wet op Burgerlike Lugvaart 2009 (Wet No. 13 van 2009), na gelang van die geval, moet sodanige noodopspoorerbakens registreer by die organisasies of instansies ingevolge artikel 11(1)(d) aangewys.”. 50

Substitution of section 18 of Act 44 of 2002

14. The following section is hereby substituted for section 18 of the principal Act:

“Filling of [disaster management and] aerodrome emergency plans

18. [(1) **All aerodrome managers**] Any licence holder of aerodromes, airfields, heliports or helistops must file [their] emergency plans and any amendments thereto with the aeronautical rescue co-ordination centre. 5

[(2) **All heads of disaster management agencies established in terms of any law providing for the management of disasters must file their emergency plans in respect of aircraft incidents, and any amendments thereto, with the aeronautical rescue co-ordination centre.**]” 10

Amendment of section 19 of Act 44 of 2002

15. Section 19 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) Any person who knows or has reason to believe that an aircraft or vessel is in distress must report the occurrence at the police station, rescue co-ordination centre, port centre or airport nearest to that person **[or at such other office or facility or to a dedicated emergency number as the executive committee may determine]**. 15

(2) The **[Minister]** head of SASAR must publish the addresses and telephone numbers of the offices or facilities contemplated in subsection (1)— 20

(a) **by notice in the Gazette; and**

(b) **by means of the [printed] print and electronic media so as to ensure wide publicity of the contact details.**” 25

Amendment of section 20 of Act 44 of 2002

16. Section 20 of the principal Act is hereby amended— 25

(a) by the substitution for the heading of the following heading:

“Co-operation between aeronautical [rescue co-ordination centre] and maritime rescue co-ordination [centre] functionaries.”;

(b) by the substitution for subsection (1) and (2) of the following subsections, respectively: 30

“(1) The aeronautical and maritime rescue co-ordination [centre and the maritime rescue coordination centre] functionaries must exchange information freely and regularly to ensure effective and efficient provision of a search and rescue service.

(2) (a) The aeronautical and maritime rescue co-ordination functionaries must hold joint exercises at least once a year and report to the management committee. 35

(b) The objective of the joint exercises must be to—

(i) foster and maintain close co-operation between the aeronautical and maritime rescue co-ordination functionaries; and 40

(ii) test SASAR’s capability to deal with search and rescue operation.”; and

(c) by the substitution for subsection (4) of the following subsection:

“(4) The head of SASAR must ensure that the exercises contemplated in **[subsection] subsections (2) and (3)** are organised in conjunction with both the aeronautical **[rescue co-ordination centre]** and the maritime rescue co-ordination **[centre] functionaries.**” 45

Amendment of section 22 of Act 44 of 2002

17. Section 22 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading: 50

Wysiging van artikel 18 van Wet 44 van 2002

14. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

“Indiening van [rampbestuurs- en] vliegveldnoodplanne

18. [(1) **Alle vliegveldbestuurders**] Enige lisensiehouer van lughawens, vliegvelde, helihawens of helistoppe moet **[hulle]** noodplanne en enige wysigings daaraan by die lugvaart-reddingskoördineringsentrum indien. 5

[(2) **Alle hoofde van rampbestuursagentskappe ingestel ingevolge enige wet wat voorsiening maak vir die bestuur van rampe, moet hulle noodplanne betreffende lugvaartuigvoorvalle en enige wysigings daaraan by die lugvaart-reddingskoördineringsentrum indien.**]” 10

Wysiging van artikel 19 van Wet 44 van 2002

15. Artikel 19 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

“(1) Enigeen wat bewus is daarvan of rede het om te glo dat ’n lugvaartuig of vaartuig in nood verkeer, moet die gebeurtenis aanmeld by die naaste polisiekantoor, reddingskoördineringsentrum of lughawe aan hom of haar **[of by ’n ander kantoor of fasiliteit of by ’n toegewyde noodnommer deur die uitvoerende komitee bepaal]**. 15

(2) Die **[Minister]** hoof van SASER moet die adresse en telefoonnommers van die kantore of fasiliteite in subartikel (1) beoog, publiseer— 20

(a) by kennisgewing in die Staatskoerant; en

(b) deur middel van die gedrukte of elektroniese media sodat wye publisiteit van die kontakbesonderhede verseker word.”

Wysiging van artikel 20 van Wet 44 van 2002

16. Artikel 20 van die Hoofwet word hierby gewysig— 25

(a) deur die opskrif deur die volgende opskrif te vervang:

“Samewerking tussen [lugvaartreddingskoördineringsentrum] lugvaart- en maritieme [reddingskoördineringsentrum] reddingskoördineringsfunksionarisse.”;

(b) deur subartikel (1) en (2) onderskeidelik deur die volgende subartikels te vervang: 30

“(1) Die **[lugvaartreddingskoördineringsentrum]** lugvaart- en die maritieme **[reddingskoördineringsentrum]** reddingskoördineringsfunksionarisse moet inligting vryelik en gereeld uitruil ten einde die lewering van ’n doeltreffende en effektiewe soek-en-reddingsdiens te verseker. 35

(2) (a) Die lugvaart en maritieme reddingskoördineringsfunksionarisse moet minstens een maal per jaar gesamentlike oefeninge hou en aan die bestuurskomitee verslag doen. 40

(b) Die oogmerk van die gesamentlike oefeninge moet wees om— 40

(i) nabye samewerking tussen die lugvaart- en maritieme reddingskoördineringsfunksionarisse te smee en te handhaaf; en

(ii) SASER se vermoë om soek-en-reddingsoperasies te hanteer, te toets.”; en 45

(c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die hoof van SASER moet toesien dat die oefeninge beoog in **[subartikel]** subartikels (2) en (3) gereël word in samewerking met sowel die **[lugvaartreddingskoördineringsentrum]** lugvaart- en die maritieme **[reddingskoördineringsentrum]** reddingskoördineringsfunksionarisse.” 50

Wysiging van artikel 22 van Wet 44 van 2002

17. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

- “**Reports**”; and
- (b) by the substitution for subsection (1) of the following subsection:
- “(1) SASAR must furnish the Minister with—
- (a) a report on its activities at least once a year in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and
- (b) any other report requested by the Minister.”. 5

Substitution of section 23 of Act 44 of 2002

18. The following section is hereby substituted for section 23 of the principal Act:

“Regulations

23. The Minister may by notice in the *Gazette*, make regulations regarding the following matters:

(a) Search and rescue standards and practices;

(b) search and rescue governance, co-ordination and oversight;

(c) search and rescue procedures and processes;

(d) search and rescue communications and associated technological developments; and

(e) generally any other ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.”. 10
15
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Substitution of certain expression in Act 44 of 2002

19. The principal Act is hereby amended—
- (a) by the substitution for the expression “maritime committee”, wherever it occurs, of the expression “maritime sub-committee”; and
- (b) by the substitution for the expression “aeronautical committee”, wherever it occurs, of the expression “aeronautical sub-committee”. 25

Short title

20. This Act is called the South African Maritime and Aeronautical Search and Rescue Amendment Act, 2013.

- “**[Verslag] Verslae**”; en
- (b) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) SASER moet die Minister voorsien van—
- | | |
|--|---|
| (a) ’n verslag oor sy werksaamhede ten minste eenkeer per jaar ingevolge die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999); en | 5 |
| (b) enige ander verslag deur die Minister versoek.”. | |

Vervanging van artikel 23 van Wet 44 van 2002

18. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Regulasies** 10

23. Die Minister kan by kennisgewing in die *Staatskoerant*, regulasies uitvaardig in verband met die volgende aangeleenthede:

- | | |
|---|----|
| (a) Soek-en-reddingstandaarde en -praktyke; | |
| (b) soek-en-reddingsbeheer, -koördinasie en oorsig; | |
| (c) soek-en-reddingsprosedures en -prosesse; | 15 |
| (d) soek-en-reddingskommunikasie en verwante tegnologiese ontwikkelings; en | |
| (e) oor die algemeen enige ander bykomstige of insidentele administratiewe of prosedurele aangeleentheid wat voorgeskryf moet word vir die behoorlike inwerkingstelling of administrasie van hierdie Wet.”. | 20 |

Vervanging van bepaalde uitdrukking in Wet 44 van 2002

19. Die Hoofwet word hierby gewysig—

- (a) deur die uitdrukking “maritieme komitee”, waar dit ook al voorkom, deur die uitdrukking “maritieme subkomitee” te vervang; en
- (b) deur die uitdrukking “lugvaartkomitee”, waar dit ook al voorkom, deur die uitdrukking “lugvaartsbkomitee” te vervang. 25

Kort titel

20. Die Wet heet die Wysigingswet op Suid-Afrikaanse Maritieme en Lugvaartsoek-en-redding, 2013.