

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

No. R. 1290

(GG 26938)

5 November 2004

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

MERCHANT SHIPPING (CONTINUOUS SYNOPSIS RECORD) REGULATIONS, 2004

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule.

SCHEDULE

Title and commencement

1. (1) These regulations are called the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004.

(2) These regulations commence on publication in the *Gazette*.

Purpose of regulations

2. These regulations give effect to regulation XI-1/5 (Continuous Synopsis Record) of the Safety Convention (as amended in December 2002).

Definitions

3. In these regulations the expression "**the Act**" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any expression given a meaning by the Act has the meaning so given, and —

"**company**", in relation to a ship, means the owner and any person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

"**foreign ship**" means a ship that is not a South African ship;

"**South African ship**" includes an unregistered ship having South African nationality.

Application

4. (1) These regulations apply to —

(a) every foreign-going passenger ship; and

(b) every foreign-going ship, other than a passenger ship, of 500 gross tonnage or more, and so apply to —

- (i) South African ships anywhere; and
 - (ii) foreign ships when in the Republic or its territorial waters.
- (2) However, these regulations do not apply to —
- (a) vessels used solely for sport or recreation;
 - (b) fishing, sealing or whaling boats;
 - (c) ships not propelled by mechanical means; or
 - (d) wooden ships of primitive build.

Continuous Synopsis Record

5. (1) The company of a ship must ensure that the ship carries a Continuous Synopsis Record for the ship in accordance with regulation XI-1/5 of the Safety Convention.

(2) For a South African ship, the Continuous Synopsis Record for the ship is to be issued and otherwise administered by the Authority in accordance with regulation XI-1/5 of the Safety Convention.

(3) The company and the master of a ship must ensure that the Continuous Synopsis Record for the ship is maintained in accordance with regulation XI-1/5 of the Safety Convention.

Defects and detention

6. For the purposes of these regulations, section 223 of the Act applies in relation to a ship to which these regulations apply as if the reference in subsection (1) of that section, as shown in column 1 of an item in the following table, included the reference shown in column 2 of the item:

Item	Column 1	Column 2
1	that the vessel is not equipped as required by the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations or any other applicable regulations	that the vessel does not carry a Continuous Synopsis Record as required by the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004
2	that the deck lines or load lines are not being properly maintained	that the Continuous Synopsis Record for the ship is not being maintained as required by the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations give effect to the requirements of regulation XI-1/5 of the International Convention for the Safety of Life at Sea, 1974 (as amended in December 2002). In terms of these requirements, foreign going passenger ships and foreign-going cargo ships of 500 or more gross tonnage are required to carry a continuous synopsis record for the ship. This record will contain important information in relation to the ship, including information about the ship's owners, operators, classification societies, and flag state certification arrangements. The record will be issued by or on behalf of a ship's flag state (by or on behalf of the Authority in the case of a South African ship) and will be in accordance with the format developed by the International Maritime Organisation. The Authority will publish for the information of industry a marine notice setting out relevant guidance developed by the Organisation.

These regulations will enable the Republic to meet its obligations under the Convention.