

DEPARTMENT OF TRANSPORT

No. R. 131

GG 18631 (RG 6082)

23 January 1998

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

MERCHANT SHIPPING (MANDATORY SHIPS' ROUTEING) REGULATIONS, 1998

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

Interpretation

1. In these regulations, any word or expression given a meaning in the Act has that meaning and, unless the context indicates otherwise—

"1974 SOLAS Convention" means the International Convention for the Safety of Life at Sea, 1974, as amended;

"adopted mandatory ships' routeing system" means a routeing system that has been adopted by the International Maritime Organisation in accordance with the requirements of Regulation V/8 of the 1974 SOLAS 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;

"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 1974 SOLAS Convention, as amended, corrected or replaced from time to time;

"territorial waters" has the meaning given in section 1 of the Marine Traffic Act, 1981 (Act No. 2 of 1981);

"the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

Application

2. (1) Subject to subregulation (2), these regulations apply to South African ships wherever they may be, and to other ships while they are in the territorial waters.

(2) These regulations do not apply to warships, naval auxiliary or other ships 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

3. Every ship to which these regulations apply must use an adopted mandatory ships' routeing system applying in relation to that ship when in an area and on a voyage covered by such a system.

Penalties

4. (1) If there is a breach of regulation 3 then the owner, the master and any other person for the time being responsible for the conduct of the ship, are each guilty of an offence punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.

(2) It is a defence for a person charged under these regulations to show that there were compelling reasons not to use a particular adopted mandatory ships' routeing system, and that such reasons were recorded in the ship's log at the time.

Short title

5. These regulations are called the Merchant Shipping (Mandatory Ships' Routeing) Regulations, 1998, and come into operation on 1 March 1998.