

DEPARTMENT OF TRANSPORT

No. R.....

14 October 2022

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

**THE DRAFT MERCHANT SHIPPING (SAFETY OF NAVIGATION) AMENDMENT REGULATIONS, 2022**

The Minister of Transport intends, in terms of section 356(2)(a) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and on the recommendation of the South African Maritime Safety Authority to amend the Merchant Shipping (Safety of Navigation) Regulations, 1968 as set out in the Schedule published in the South African Maritime Safety Authority website at [www.samsa.org.za](http://www.samsa.org.za).

Electronic copies of the Draft Merchant Shipping (Safety of Navigation) Amendment Regulations, 2022 are available in the South African Maritime Safety Authority website at [www.samsa.org.za](http://www.samsa.org.za) and may also be requested from Bulelani Ncanywa at [bncanywa@samsa.org.za](mailto:bncanywa@samsa.org.za) or Crispin Camp at [ccamp@samsa.org.za](mailto:ccamp@samsa.org.za)

Interested persons are hereby invited to submit written comments on these Draft Amendment Regulations on or before the **15 November 2022** to the Chief Executive Officer: SAMSA, for the attention of:

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To facilitate stakeholder engagement on the Draft Merchant Shipping (Safety of Navigation) Amendment Regulations, SAMSA will conduct various workshops around the country, including the following:

DATE	REGION	VENUE
09 November 2022	Western Region (Cape Town)	To be Advised and published on SAMSA Website
16 November 2022	Southern Region (Gqeberha)	To be Advised and published on SAMSA Website
23 November 2022	Eastern Region (Durban)	To be Advised and published on SAMSA Website

**DEPARTMENT OF TRANSPORT**

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

**THE DRAFT SAFETY OF NAVIGATION AMENDMENT REGULATIONS, 2023**

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*(The English Text is the official text of the Regulations)*

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I, Fikile April Mbalula, Minister of Transport hereby, in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), make the Regulations set out in the Schedule hereunder.

**Mr FA Mbalula, MP**  
**Minister of Transport**

**Date:**

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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

2. The Table of Contents (Arrangement of regulations) of the Regulations is hereby amended by the substitution in the Arrangement of Regulations (table of contents) of the following:

## “SCHEDULE

### *Arrangement of 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 introductory paragraph of the following paragraph:

#### **“Interpretation**

2. In these **[regulations]**Regulations, the “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 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 **[Construction Regulations, 1968]**Merchant Shipping (Construction) Regulations, 1968;”;

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

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

- (d) 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]**”;

- (e) 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;” and

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

- (f) 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;” and

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

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

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

(h) by the insertion after the definition of “margin line” of the following definition:

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

(i) by the deletion of the definition of “muster”;

(j) by the substitution for the definition of “pilot ladder” of the following definition:

“**pilot ladder**” means any ladder, and gear or equipment used in conjunction therewith, used for the purpose of embarking and disembarking pilots and other officials while a **[ship]vessel** is arriving at or leaving a port but does not include the **[ship’s]vessel’s** accommodation ladder, gang-plank or gangway;”;

(k) by the insertion after the definition of “pilot ladder” of the following definitions:

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

“**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;”; and

“**Search and rescue service**” means the performance of distress monitoring, communication, co-ordination and search and rescue functions, including provision of medical advice, initial medical assistance,

or medical evacuation, through the use of public and private resources including co-operating aircraft, ships, vessels and other craft and installations.”; and

- (l) by the insertion after the definition of “signal station” of the following definition:

“**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);”.

### **Substitution of regulation 3 of the Regulations**

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

#### **“Classification of ships**

4. (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)]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)]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)]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.”.

### **Substitution of regulation 4 of the Regulations**

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

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

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.”.

**Amendment of regulation 5 of the Regulations**

6. 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) to (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 in regulation 4(a) 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**

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

#### **"CHAPTER II**

#### **INFORMATION CONCERNING THE STABILITY OF A [SHIP]VESSEL**

##### **Application of Chapter II**

6. This Chapter applies to [every]a South African [ship]vessel built after 1 January 1960, other than a [ship]vessel of Class X, XI or XII of less than 100 tons. A "Chapter II ship" means a [ship]vessel to which this Chapter applies."

### **Substitution of regulation 7 of the Regulations**

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

#### **"Provision of stability information**

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

(2) [The]An owner of the [ship]vessel in subregulation (1) shall send a copy of the stability information to the [Secretary]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 [ship]vessel by means of an inclining test: Provided that the [Secretary]Authority may allow the information to be based on a similar determination of the stability of a sister ship.

(4) The stability information shall be deemed to be documents relating to the navigation of the [ship]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**

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

#### **“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;
  - (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)
  - (i) 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.
  - (ii) 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 curves 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 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;
  - (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.]**
  - (aa) lightship;
  - (bb) 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;
  - (cc) arrival at the fishing grounds—the same as for lightship, but account being taken of consumption of fuel, water and stores;
  - (dd) 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
  - (ee) arrival at port with the maximum catch, account being taken of the consumption of fuel, water and stores.

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**.”.

### **Repeal of regulation 8A of the Regulations**

10. Regulation 8A of the Regulations is hereby repealed.

### **Substitution of regulation 9 of the Regulations**

11. 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 (through the office of the proper officer)]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**

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

**“Information to be reliable**

10. (a) A [ship’s]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 [ship]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 **[Secretary (through the office of the proper officer)]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 [ship]vessel shall be re-inclined, and new information based on the new test shall be placed on board the [ship]vessel and a copy sent to the **[Secretary]Authority**.”.

**Substitution of regulation 11 of the Regulations**

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

**“CHAPTER III  
[SHIP'S MAGNETIC COMPASSES, CHARTS, TIME-KEEPING  
APPARATUS AND SEXTANT]SHIPBORNE NAVIGATIONAL  
EQUIPMENT**

[Heading substituted by GNR659/3478/32,28 Apr 1972]

**Application of Chapter III**

11. (1) This Chapter applies to **[every]a** South African [ship]vessel, and a “Chapter III ship” means a [ship]vessel to which this Chapter applies.”.

**Amendment of regulation 12 of the Regulations**

14. 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 gimbals 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 gimbals 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, X, 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, X, 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 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**

15. 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 **[ship’s]**vessel’s compass is always maintained in good working order.

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

(b) The certificate [of such a]issued by the person in paragraph (a) to the effect that the compass of a **[ship]**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) **[Such]**The table in paragraph (a) shall be signed by the person making the adjustment.”.

### **Substitution of regulation 14 of the Regulations**

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

#### **“Deviation book**

- 14.(1) (a) **[Every]**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 **[ship]vessel** under section 187 of the Act, and as such shall be handed to the successor on change of master.”.

### **Substitution of regulation 15A of the Regulations**

17. The following regulation is hereby substituted for regulation 15 of the Regulations:

#### **“Time-keeping apparatus and sextant**

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

(2) For the purpose of subregulation (1), a time-keeping apparatus means a chronometer, deck watch or similar instrument, the daily rate of which can be checked and recorded by means of time signals.”.

### **Insertion of regulations 15B, 15C, 15D and 15E of the Regulations**

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

#### **Depth-sounding devices- Ships of Class I, II or IIA**

**15B.** (1) A Chapter XI ship of Class I, II or IIA shall be provided with an efficient mechanical depth-sounding device, 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: Provided that an efficient echo sounder together with a deep-sea leadline of at least 220 meters in length with a lead weighing at least 13 kg. and an efficient reel, may be substituted for a mechanical depth- sounding device.

(2) A Chapter XI ship of Class I, II or IIA shall be provided with 2 hand lead- lines, each at least 46 meters long, and each with a lead weighing at least 3 kg.

(3) The carriage and the quantity of depth-sounding devices required in this regulation shall be as prescribed in Annex 6 of these Regulations.

#### **Depth-sounding devices- Ships of Class VII, VIIA, etc.**

**15C.** (1) A Chapter XI ship of Class VII, VIIA, VIII, or X of 100 tons or over, shall be provided with an efficient mechanical depth-sounding device. The device shall include such parts as are sufficient, having regard to the type of the device and to the intended service of the vessel: Provided that an efficient echo sounder together with a deep-sea lead-line of at least 220 meters in length with

a lead weighing at least 13 kg. and an efficient reel, may be substituted for a mechanical depth-sounding device.

(2) Subject to the provisions of subregulation (3), a Chapter XI ship of Class VII, VIIA or VIII shall be provided with 2 hand lead-lines, and a ship of Class X (other than a line fishing boat) with 1 hand lead-line. Each such line shall be at least 46 meters in length with a lead weighing at least 3 kg.

(3) Where a Chapter XI ship of Class VII, VIIA, VIII or X is equipped with a mechanical depth-sounding device, only 1 hand lead-line shall be required: Provided that in no case shall a vessel of less than 100 tons be required to be provided with more than 1 such line.

(4) The carriage and the quantity of depth-sounding devices required in this regulation shall be as prescribed in Annex 6 of these Regulations.

### **Lead-lines**

15D.(1) The hand lead-line and deep-sea lead-line shall be suitably marked to enable the depth of water to be ascertained.

(2) The lead shall be capable of being armed to enable the nature of the bottom of the sea to be ascertained.

(3) The carriage and the quantity of lead-lines required in this regulation shall be as prescribed in Annex 6 of these Regulations.”.

### **Other Navigation Equipment on board**

15E.(1) All vessels shall carry on board navigation equipment in accordance with the quantities listed in Annex 6 of these Regulations.

### **Navigation equipment performance standards**

15F.(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 in a marine notice 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, by or on behalf of the vessel's Flag State.

(2) An approval in terms of subregulation (1)(b) and (c)-

- (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**

15G. (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**

15H. (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**

15I. (1) All vessels shall carry 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.”.

## **Substitution of regulation 16 of the Regulations**

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

### **“CHAPTER IV DAYLIGHT SIGNALLING [LAMPS]LAMP**

#### **Application of Chapter IV**

**16.** This Chapter applies to—

- (a) **[every]a** South African **[ship]vessel** of 100 tons or over; and
- (b) **[every ship]a vessel**, which is not a South African **[ship]vessel** ship, of 150 tons or over, and a “Chapter IV ship” means a **[ship]vessel** to which this Chapter applies.”.

## **Substitution of regulation 17 of the Regulations**

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

**“Provision of daylight signalling lamp**

17. The master or owner of **[every]**a Chapter IV ship shall ensure that on each occasion on which the **[ship]**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**

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

**“Requirements for daylight signalling lamp**

18. The daylight signalling lamp shall —  
(a) be an efficient portable lamp of a type suitable for use both by day and by night**[, which shall]; and**  
(b) not be solely dependent upon the **[ship's]**vessel's main source of electrical power.”.

**Substitution of regulation 19 of the Regulations**

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

**“Batteries for daylight signalling lamp**

19.(a) If the daylight signalling lamp is of the battery operated type, means shall be provided whereby the batteries may be recharged when necessary.  
(b) **[Any such]**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 **[ship]**vessel.”.



## **Repeal of Chapter V of the Regulations**

23. 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**

24. Chapter VIII of the Regulations is hereby repealed.

## **Substitution of regulation 53 of the Regulations**

25. 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 **[South African ship]**vessel and a “Chapter IX ship” means a **[ship]**vessel to which this Chapter applies.”.

## **Amendment of regulation 54 of the Regulations**

26. 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**

27. 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 **[every ship]**a vessel set forth in section 259 of the Act, and a "Chapter X ship" means a **[ship]**vessel to which this Chapter applies.”.

**Substitution of regulation 56 of the Regulations**

28. 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 [set forth in Annex 5]published by the Authority.”.

**Insertion of regulation 56A and 56B of the Regulations**

29. The following regulations are 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 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**

30. Chapter XI of the Regulations is hereby repealed.

**Substitution of regulation 61 of the Regulations**

31. 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. This Chapter applies to **[every ship]**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, and a “Chapter XII ship” means a **[ship]**vessel to which this Chapter applies.”.

### **Substitution of regulation 62 of the Regulations**

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

#### **“Provision of anchors and cables**

62. **[Every]**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 and intended service of the **[ship]**vessel.”.

### **Substitution of regulation 63 of the Regulations**

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

#### **“Provision of hawsers and warps**

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

### **Substitution of regulation 64 of the Regulations**

34. 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) **[every ship]**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; **[and]**
- (b) **[every ship]**a vessel belonging to a country other than the Republic~~[,]; and~~
- (c) a vessel engaged on voyages in the course of which pilots may be employed;

requiring to embark or disembark a pilot, being a **[ship]**vessel of Class I, II, IIA, VII, VIIA or VIII, and a "Chapter XIII ship" means a **[ship]**vessel to which this Chapter applies.

(2) This Chapter shall not apply to a **[ship]**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)]**charterer, if any, of the **[ship]**vessel could have prevented or forestalled.”.

### **Amendment of regulation 65 of the Regulations**

35. Regulation 65 of the Regulations is amended-

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

**“Provision of pilot ~~[adders]~~transfer arrangements”;**

- (d) 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

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

### **Repeal of regulation 66 of the Regulations**

36. Regulation 66 of the Regulations is hereby repealed.

### **Substitution of regulation 67 of the Regulations**

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

#### **“Liability for contravention of this Chapter**

**67.** The **[owner and master]**~~owner, master or any member of the crew~~ of any Chapter XIII ship, **[and any member of the crew,]** who contravenes or fails to comply with the provisions of this Chapter and thereby causes any pilot or other official who is not a member of the crew to suffer hurt, injury or death 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 or other official shall, notwithstanding any other liability resting upon the **[ship]**~~vessel~~, on conviction, each be liable to a fine or imprisonment not exceeding **[1 year]**~~3 years~~, or **[both.]**~~both~~:

Provided that in any proceedings against an **[owner or master]**~~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 or other official was caused by negligence or fault of such pilot or other official while using the pilot ladder for embarking onto or disembarking from the **[ship]**~~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.”.

#### **CHAPTER XIV**

#### **NAVIGATION LIGHTS AND SHAPES, AND SOUND SIGNALS [Chapter XIV (regulations 68 to 71) repealed by the Merchant Shipping (Collision and Distress Signals) Regulations, 2005]**”.

#### **Substitution of regulation 72 of the Regulations**

38. 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 **[every]**<sup>a</sup> South African **[ship]**vessel, and a "Chapter XV ship" means a **[ship]**vessel to which this Chapter applies.

(2) In the application of this Chapter, a **[ship]**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**

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

#### **“Contrivances to be closed**

**73.(1)** In **[every]**<sup>a</sup> 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 **[ship]vessel** proceeds to sea, be securely closed, and shall be kept so closed while the **[ship]vessel** is at sea.

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

- (a) Watertight doors below the margin line **[which are fitted in bulkheads required by the Construction Regulations, 1968, to be watertight and which divide cargo between deck spaces]**.
- (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 **[ship]vessel** and having its lowest point **[4½ feet]1.3 meters** in addition to 2½ per cent of the breadth of the **[ship]vessel** above the water when the **[ship]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)] including seasonal tropical zones in the appropriate seasons,** this paragraph shall have effect as if **["3½ feet"]1 meter** were substituted for **["4½ feet"]1.3 meters**.
- (c) Sidescuttles below the margin line which will not be accessible while the **[ship]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 **[they]sidescuttles** are situated is used for the carriage of cargo.
- (e) Gangway ports, cargo ports and **[coaling]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 [not]only be deemed to be closed [unless it is locked]when fully secured.".

#### **Substitution of regulation 74 of the Regulations**

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

##### **"Watertight doors to be closed**

**74. (a)** In [every]a Chapter XV ship every watertight door, [not being a door referred to in regulation 73(a),] shall be kept closed while the [ship]vessel is at sea except when [it]the door is required to be open for the [working]normal operation of the [ship]vessel at the discretion of the Master: Provided the safety of the vessel and persons is not impaired.

(b) When open, [every such]the door in paragraph (a) shall be kept free from obstructions which might prevent its [rapid closer]closure.".

#### **Substitution of regulation 75 of the Regulations**

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

##### **"Portable plates to be in place**

**75. (a)** In [every]a Chapter XV ship, [every]a portable plate closing an opening in any portion of the internal structure of the [ship]vessel which is required [by the Construction Regulations, 1968,] to be watertight, being an opening which is wholly or partly below the margin line, shall be in place when the [ship]vessel proceeds to sea and shall be kept in place while the [ship]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

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

**“Valves of [ash-shoots]ash-chute and [rubbish-shoots]rubbish-chute to be closed**

**76.** In [every]a Chapter XV ship, the cover and valve of any [ash-shoot]ash-chute, [rubbish-shoots]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

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

**“Practise drills to be held, periodical operation and inspection**

**77.(1)** In [every]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 [drill]drills and periodical operation and inspection —

- (a) at intervals of not more than 7 days; and
- (b) immediately before the [ship]vessel proceeds to sea, if the [ship]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 [ship]vessel is at sea, of any watertight door or other contrivance which is required by regulation 73 to be kept closed.

(2) In [every]a Chapter XV ship, all watertight doors, fitted in transverse bulkheads required **[by the Construction Regulations, 1968,]** to be watertight **[(not being doors required by this Chapter to be kept closed when the [ship]vessel is at sea)],** 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 **[ship]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 **[ship]vessel** at any time while the **[ship]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 **[ship]vessel** during that voyage.”.

### **Substitution of regulation 78 of the Regulations**

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

#### **“Inspections to be made at intervals**

**78.** (1)In **[every]**<sup>a</sup> 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 **[ship]vessel**.”.

### **Substitution of regulation 79 of the Regulations**

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

#### **“Entries to be made in the official log-book**

79. (1) In **[every]**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 **[ship]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 **[ship]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 **[ship]vessel** proceeds to sea, and the times, if any, of the removal and replacement of such plates when the **[ship]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 Chapter XV A and Chapter XV B of the Regulations**

46. 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) 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 tons or more that is foreign-going;
  - (iii) a cargo ship of 500 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 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 in a Marine Notice 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, by or on behalf of the vessel's Flag State.

(3) An approval in terms of subregulation (2)(c) and (d)-

(a) shall be in writing; and

(b) shall 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 automatic identification system 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.

### **Authority must allow vessel with defects to proceed in certain cases**

79E. If-

(a) a vessel is fitted with an automatic identification system as required by regulation 79C; and

(b) the automatic identification system is malfunctioning; and

(c) the vessel is at a port in the Republic; and

(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 must allow the vessel to proceed to the specified port.

## **CHAPTER XV B**

### **LONG RANGE IDENTIFICATION OF SHIPS**

#### **Application of this Chapter**

**79F.** 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**

**79G.** (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**

79H. (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 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**

79I. (1) A vessel may 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**

79J. (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**

79K (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.

### **Repair facility**

79L. (1) If—

(a) a vessel's LRIT equipment is malfunctioning;

(b) the vessel is at a port in the Republic at which repair facilities are not readily available; and

(c) the Authority is satisfied that the vessel can proceed safely and without threat to the security of the Republic to another specified port within or outside the Republic, where repairs can be made, the Authority may allow the vessel to proceed directly to the specified port.

(2) The Authority shall consult the Director-General before allowing a vessel to proceed under subregulation (1).

## **CHAPTER XV C** **VOYAGE DATA RECORDER**

### **Voyage Data Recorder**

79M. (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) 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**

79N. (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 in a Marine Notice 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, 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.”.

### **Substitution of regulation 80 of the Regulations**

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

**“CHAPTER XVI**  
**EXEMPTIONS, EQUIVALENTS, [etc.]OFFENCES, REPEAL OF**  
**REGULATIONS, AND SHORT TITLE AND COMMENCEMENT**

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

**80. (1) The [Minister]Authority may, in writing, on such conditions as [he]the Authority may impose, exempt partially or subject to conditions, any [ship]vessel from any of the requirements of these regulations, if [he]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 [therewith]with these Regulations is unreasonable or unnecessary in the circumstances, [taking into account the provisions of regulation 3 of Chapter V,] 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**

48. Regulation 81 of the Regulations is hereby repealed.

### **Substitution of regulation 82 of the Regulations**

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

#### **“Equivalents**

**82.** (1) Where these [regulations]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 [Secretary]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 [he]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]Regulations.

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

### **Substitution of regulation 83 of the Regulations**

50. 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 **[Secretary shall]**Authority may as and when necessary, publish a notice containing such information and recommendations as **[he]**the Authority considers desirable.”.

**Insertion of regulations 84, 85 and 86 of the Regulations**

51. 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, be guilty of an offence.

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

(3) The provisions of subregulation (1) do not apply to regulation (67).”.

**Repeal of regulations**

**“85. 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.**

**86. 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.”.**

## **Repeal of Annex 4 and Annex 5 of the Regulations**

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

## **Addition of Annex 6 of the Regulations**

53. Annex 6 of the Regulations is inserted after Annex 5 of the Regulations.

## **Short title and commencement**

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