

NOTICE 4101 OF 2000

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

DRAFT AMENDMENT OF THE REGULATIONS FOR THE USE OF VESSELS OF LESS THAN THREE METRES IN LENGTH, 1981: PUBLICATION FOR COMMENT

The South African Maritime Safety Authority gives notice of its intention to recommend to the National Department of Transport the measures set out in the accompanying draft regulations. Interested persons are invited to submit written comment on the regulations not later than 27 November 2000. Submissions should be marked for the attention of Mr C Briesch and may either be mailed to the South African Maritime Safety Authority, PO Box 13186, Hatfield 0028, or faxed to (0 12) 3423160. Enquiries can be directed to Mr D Manley or Mr C Briesch on (044) 6904201 and (0 12) 3423049, respectively.

The draft regulations amend *the Regulations for the Use of Vessels of Less than Three Metres in Length, 1981*, so as to extend the permissible area of operation of certain vessels; to introduce certain identification and safety requirements in respect of certain vessels; and to provide for related matters.

SCHEDULE**DRAFT AMENDMENT OF THE REGULATIONS FOR THE USE OF VESSELS OF LESS THAN THREE METRES IN LENGTH, 1981****Interpretation**

1. In these regulations "the Regulations" means the Regulations for the Use of Vessels of Less than Three Metres in Length, 1981, published by Government Notice No. R. 1044 of 15 May 1981.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended—

(a) by the insertion before the definition of "low-water mark" of the following definition:

" 'lifejacket' means a lifejacket complying with South African Bureau of Standards standard 146/1979 or 694/1979, as applicable;";

(b) by the substitution for the definition of "low-water mark" of the following definition:

" 'low-water mark' means the low-water line as defined in section 1 of the Maritime Zones Act, 1994 (Act No. 15 of 1994); and

(c) by the insertion after the definition of "local authority" of the following definitions:

" 'personal flotation device' means a buoyant life-saving apparatus, other than a lifejacket, that is intended to be worn by a person and complies with South African Bureau of Standards standard 1417/1987;

'personal watercraft' means a water-jet or propeller driven vessel with an enclosed hull and no cockpit, that is designed to be operated by one or more persons while straddling, sitting, standing or kneeling;"

Insertion of regulation 1A in Regulations

3. The following regulation is inserted in the Regulations after regulation 1:

"1A. These regulations apply to vessels of less than three metres in length."

Amendment of regulation 2 of Regulations

4. Regulation 2 of the Regulations is amended—

(a) by the substitution for the words preceding paragraph (1) of the following words:

"The following vessels may, subject to the provisions of this regulation and regulations 3, 4 and 5, go to sea from a port in or from anywhere else on the coast of the Republic:"

(b) by the substitution for the proviso in paragraph (2) of the following proviso:

"Provided that such vessel may operate only within the sea area extending—

- (i) in the case of a personal watercraft, not more than 1 000 metres; and
 - (ii) in the case of any other vessel, not more than 500 metres,
- from the low-water mark on the seaward side thereof."

(c) by the substitution for subparagraph (c) of paragraph (4) of the following subparagraph:

"(c) that such competition or event is organised or controlled by a person or Organization which has in each case been approved previously by the Authority or by a government department in the national or provincial sphere of government."; and

(d) by the substitution for the proviso in paragraph (6) of the following proviso:

"Provided that such vessel may operate only within the sea area falling within the area of jurisdiction of a local authority and extending—

- (i) in the case of a personal watercraft, not more than 1 000 metres; and
 - (ii) in the case of any other vessel, not more than 500 metres,
- from the low-water mark on the seaward side thereof."

Addition of regulations 3, 4 and 5 to Regulations

5. The Regulations are amended by the addition of the following regulations:

"3. (1) No person shall operate a personal watercraft unless an identification number has been assigned to the vessel by or on behalf of the Authority

and the number has been permanently marked in block characters not less than 75 millimetres in height and in a colour that contrasts with their background-

- (a) on a visible part of each side of the hull of the vessel; or
- (b) on a board permanently affixed to a visible part of each side of the hull of the vessel.

(2) The **operator** of a **personal watercraft** shall—

- (a) at all **times** operate the vessel—
 - (i) in accordance with the steering and sailing rules set out in part B of the annex to the collision regulations; and
 - (ii) in a responsible and careful manner, with due regard for the safety and enjoyment of other **users of the sea; and**
- (b) carry on the vessel an unexpired projectile flare set of a type and quality approved by the Authority.

(3) Every person aboard a personal watercraft shall wear a personal flotation device or lifejacket of appropriate size.

4. No person shall operate a propeller driven personal watercraft unless it is fitted with an **efficient propeller guard**.

5. No person shall operate a personal watercraft or other vessel while under the influence of intoxicating liquor or a drug having a narcotic effect.”.

(27 October 2000)