

NOTICE 746 OF 2001**SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT MERCHANT SHIPPING (LICENSING OF VESSELS) REGULATIONS:
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 17 April 2001. 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 (012) 342 3160. Enquiries can be directed to Mr C Briesch on (012) 342 3049.

The regulations supplement sections 68, 69 and 70 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and are necessary in consequence of the amendments to the Merchant Shipping Act, 1951, contained in Schedule 2 to the Ship Registration Act, 1998 (Act No. 58 of 1998), and the changes to be introduced by the proposed small vessel safety regulations.

SCHEDULE**DRAFT MERCHANT SHIPPING (LICENSING OF VESSELS) REGULATIONS****Title and commencement**

1. These regulations are called the Merchant Shipping (Licensing of Vessels) Regulations, 2001, and come into operation on <<date>>.

Interpretation

2. (1) In these regulations "the Act " means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any word or expression given a meaning in the Act has the meaning so given.

(2) A reference in these regulations to a numbered form is to be read as a reference to the form so numbered in the Annex.

(3) For the purposes of these regulations, strict compliance with a prescribed form is not required and substantial compliance is sufficient.

Application for licence

3. An application for a licence in terms of section 68 of the Act or for the renewal of a licence in terms of section 69 of the Act must be in accordance with Form 1.

Form of licence

4. For the purposes of section 70 of the Act, a licence must, where it does not form part of the relevant form of local safety certificate—

- (a) be in accordance with Form 2; and
- (b) be endorsed on the local safety certificate of the vessel concerned.

Conditions of licence

5. A licence issued under these regulations ceases to be valid when the local safety certificate on which it is endorsed ceases to be valid.

Marking of vessels

6. The owner of a vessel to which section 68 of the Act applies must ensure that the official number assigned to the vessel by the proper officer and the name of the vessel (if any) are inscribed and continued, in the manner directed by the proper officer, on such features of the vessel as the proper officer may direct.

Change of ownership of vessel

7. (1) If during the period of validity of a licence issued under these regulations there is a change of ownership of the vessel to which that licence applies, the new owner of the vessel must report the change, in accordance with subregulation (2), to the nearest proper officer within a period of twenty-one days after the date on which the change occurred and the new owner must at the same time forward the applicable local safety certificate to the proper officer for endorsement of the change.

(2) A report referred to in subregulation (1) must be dated and signed by the new owner of the vessel and must specify—

- (a) the official number, name (if any) and designation of the vessel;
- (b) the full name and address of the previous owner;
- (c) the full name and address of the new owner; and
- (d) the date on which the change occurred.

(3) The proper officer is to return the local safety certificate duly endorsed to the new owner of the vessel.

Change of name, designation or operation of vessel

8. (1) If during the period of validity of a licence issued under these regulations there is a change in the name, designation or operation of the vessel to which that licence applies, the owner of the vessel must report the change, in accordance with subregulation

(2), to the nearest proper officer within a period of twenty-one days after the date on which the change occurred.

(2) A report referred to in subregulation (1) must be dated and signed by the owner of the vessel and must specify—

- (a) the official number of the vessel;
- (b) the previous name, designation or operation of the vessel;
- (c) the new name, designation or operation of the vessel;
- (d) the full name and address of the owner; and
- (e) the date on which the change occurred.

Permanent transfer of vessel etc.

9. (1) If during the period of validity of a licence issued under these regulations a vessel to which that licence applies—

- (a) is permanently transferred from one place to another; or
- (b) for any reason, ceases to be a vessel to which section 68 of the Act applies,

the owner of the vessel must report the transfer or the event contemplated in paragraph (b), as the case requires, in accordance with subregulation (2) to the nearest proper officer within a period of twenty-one days after the date on which the transfer or event occurred.

(2) A report referred to in subregulation (1) must be dated and signed by the owner of the vessel and must specify the official number, name (if any) and designation of the vessel and—

- (a) in the case of a vessel that has been permanently transferred from one place to another—
 - (i) the previous home port of the vessel;
 - (ii) the new home port of the vessel; and
 - (iii) the date on which the transfer occurred; or
- (b) in the case of a vessel that, for any reason, has ceased to be a vessel to which section 68 of the Act applies—
 - (i) the home port of the vessel;
 - (ii) the date on which the vessel so ceased; and
 - (iii) the reason for the vessel so ceasing.

Offences and penalties

10. A person who contravenes, or fails or refuses to comply with, regulation 6, 7(1), 8(1) or 9 (1) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding three months.

Defence

11. It is a defence for a person charged under regulation 10 to show that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Transitional (Licences issued before commencement of regulations)

12. A licence issued in terms of section 70 of the Act before the commencement of these regulations is to be taken to have been issued under these regulations and, subject to the terms and conditions of its issue, to be valid for the period for which it was issued.

Transitional (Applications made before commencement of regulations)

13. An application for a licence in terms of section 68 of the Act or for the renewal of a licence in terms of section 69 of the Act, being an application made, but not finally dealt with, before the commencement of these regulations, is to be treated as if it had been made under these regulations.

ANNEX
PRESCRIBED FORMS

FORM 1
(Regulation 3)

REPUBLIC OF SOUTH AFRICA
**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Merchant Shipping Act, 1951 (Act 57 of 1951)



REPUBLIEK VAN SUID-AFRIKA
**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Handelskeepvaartwet, 1951 (Wet 57 van 1951)

APPLICATION FOR LICENCE—AANSOEK OM LISENSIE
(Section 68—Artikel 68)

1. I hereby apply for a licence for the vessel the particulars of which are furnished in this form.
Hierby doen ek aansoek om 'n lisensie vir die vaartuig waarvan die besonderhede in hierdie vorm verstrekk word.
2. I declare that the particulars as furnished hereunder are to the best of my knowledge and belief true and correct:
Ek verklaar dat die besonderhede soos hieronder verstrekk na my beste wete en oortuiging waar en juis is:

PARTICULARS—BESONDERHEDE

- (a) Official number of vessel
Amptelike nommer van vaartuig
- (b) Name of vessel
Naam van vaartuig
- (c) Home port
Tuishawe
- (d) Description of vessel
Beskrywing van vaartuig
- (e) Intended operation of vessel
Voorgestelde bedrywighede van vaartuig
- (f) Number of crew including master
Getal van bemanning met inbegrip van gesagvoerder
- (g) Full name and address of owner
Volle naam en adres van eienaar
- (h) Full name and address of applicant (if he or she is not the owner)
Volle naam en adres van applikant (indien hy of sy nie die eienaar is nie)

Date
Datum

.....
Signature of applicant
Handtekening van applikant

FORM 2
(Regulation 4(a))

LICENCE UNDER SECTION 68 OF ACT 57 OF 1951
LISENSIE KRAGTENS ARTIKEL 68 VAN WET 57 VAN 1951

Official No.
Amptelike No.

Issued at on expires
Uitgereik te op verval

.....
Signature and designation
Handtekening en ampstittel