

NOTICE 826 OF 2001**SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT MERCHANT SHIPPING (EPIRB REGISTRATION) 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 14 May 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, or emailed to cbriesch@samsa.org.za. Telephonic enquiries can be directed to Mr C Briesch on (012) 342 3049.

Attention is invited to the explanatory note at the end of the regulations.

SCHEDULE**DRAFT MERCHANT SHIPPING (EPIRB REGISTRATION) REGULATIONS****Title and commencement**

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

Interpretation

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

"**contravene**", in relation to a provision of these regulations, includes failing or refusing to comply with that provision;

"**COSPAS-SARSAT satellite service**" means a satellite aided search and rescue system designed to locate distress beacons transmitting in the 406 MHz band and on other frequencies;

"**INMARSAT**" means the Organization established by the Convention on the International Maritime Satellite Organisation adopted on 3 September 1976;

"**MID**" means Maritime Identification Digits, being the three digits within the MMSI that identify the country where the ship is registered;

"**MMSI**" means Maritime Mobile Service Identity, being, in the case of an EPIRB, a nine-digit identification number made up of the three-digit MID followed by a six-digit identification number;

"**operator**", in relation to a ship, includes the owner and any charterer, manager or agent of the ship;

"**radio installation**" means any radio installation fitted on board a ship, including its associated antennas, interconnecting circuits and, where appropriate, sources of energy;

"satellite EPIRB" means an emergency position-indicating radio beacon capable of transmitting a distress alert either through the COSPAS-SARSAT satellite service operating in the 406 MHz band or through the INMARSAT geostationary satellites operating in the 1.6 GHz band;

"survival craft" means a craft capable of sustaining the lives of persons in distress from the time of abandoning ship;

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

Application

3. These regulations apply to ships of South African nationality wherever they may be.

Competent authority

4. For the purposes of these regulations, the South African Search and Rescue Organization* is designated as the competent authority for the Republic.

Requirement to register EPIRBs

5. (1) The operator and the master of every ship to which these regulations apply must ensure that every EPIRB carried on the ship (whether or not carried in compliance with statutory requirements) is registered with the competent authority and that the registered particulars are correct.

(2) The registered particulars referred to in subregulation (1) are the following:

- (a) The name (if any) and official number of the ship;
- (b) the home port or port of registry of the ship;
- (c) the ship's call sign;
- (d) the EPIRB MMSI;
- (e) the make and model of the EPIRB;
- (f) the EPIRB unique identification code, being a 15-digit hex number;
- (g) the type of radio installation(s) carried on board the ship and survival craft;
- (h) a brief description of ship, including its type (in terms of its purpose), gross tonnage or length, ship superstructure, deck colours and identifying marks;
- (i) the name of the operator of the ship;
- (j) the name, address, telephone and (if applicable) telefax number of an emergency contact person ashore;
- (k) an alternative 24-hour emergency telephone number (alternative contact ashore);

* The EPIRB Register, Maritime Rescue Co-ordination Centre, Private Bag X8, Tokai 7966, RSA.

- (l) the capacity of ship for carrying persons on board, both passengers and crew;
- (m) the type and number of survival craft;
- (n) the date of last modification of registered particulars.

(3) Evidence that every EPIRB carried on the ship is registered in accordance with subregulation (1) must be kept available on board the ship for inspection at all reasonable times by a surveyor.

Change in registered particulars

6. Where in respect of an EPIRB registered with the competent authority there is any change in the particulars registered with that competent authority, the operator and the master of the ship to which those particulars relate must ensure, as soon as is reasonably practicable after the change, that written notice of the change is given to the competent authority.

Offences and penalties

7. A person who contravenes a provision of regulation 5(1) or 6 commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Defence

8. It is a defence for a person charged under regulation 7 to show that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations require that EPIRBs (ie., emergency position-indicating radio beacons) carried on ships of South African nationality be registered with the South African Search and Rescue Organization. The registered particulars are maintained at the EPIRB Register, South African Search and Rescue Organization MRCC, Private Bag X8, Tokai 7966, RSA.

The regulations restate, with minor amendments, the requirements of regulation 5(2) of the Merchant Shipping (Radio Installations) Regulations, 1996. They are intended to complement proposed new radio regulations.
