

No. R. 504

26 April 2002

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

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

The Minister of Transport has, under section 356, read with section 72A(2), of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule with effect from 1 June 2002.

SCHEDULE**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 standard specification SABS 146/1979 or SABS 694/1979, published by the South African Bureau of Standards;";

(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, intended to be worn by a person and complying with standard specification SABS 1417/1987, published by the South African Bureau of Standards;

'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,

seawards from the low-water mark.";

(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 organisation which has in each case been approved by the Authority or by a competent authority in 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,

seawards from the low-water mark.".

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 it displays an identification marking assigned by a competent Government authority or by a competent water sport organisation or club.

(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 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."