

**NOTICE 728 OF 2004****SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT MERCHANT SHIPPING (CONTINUOUS SYNOPSIS RECORD)  
REGULATIONS, 2004**

The South African Maritime Safety Authority (SAMSA) intends to submit to the Minister of Transport the proposed regulations set out in the accompanying Schedule. Anyone wishing to comment on the proposal may do so in writing **on or before 31 May 2004** (**Note:** late submissions may be disregarded). Submissions should be addressed to the Chief Executive Officer, SAMSA (for the attention of Mr C Briesch), and may be either:

- hand-delivered to SAMSA, Block E Hatfield Gardens, 333 Grosvenor Street, Hatfield, Pretoria; or
- mailed to SAMSA, PO Box 13186 Hatfield 0028; or
- faxed to (012) 342 3160; or
- e-mailed to [cbriesch@samsa.org.za](mailto:cbriesch@samsa.org.za).

Enquiries can be directed to Mr C Briesch at (012) 342 3049. Attention is invited to the explanatory note following the regulations.

**SCHEDULE****DRAFT MERCHANT SHIPPING (CONTINUOUS SYNOPSIS RECORD)  
REGULATIONS, 2004**

*(under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951))*

**Title and commencement**

1. (1) These regulations are called the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004.

(2) These regulations commence on **1 July 2004**.

**Purpose of regulations**

2. These regulations give effect to regulation XI-1/5 (Continuous Synopsis Record) of the Safety Convention (as amended in December 2002).

**Definitions**

3. In these regulations the expression "**the Act**" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any expression given a meaning by the Act has the meaning so given, and—

"**company**", in relation to a ship, means the owner and any person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

"**foreign ship**" means a ship that is not a South African ship;

"South African ship" includes an unregistered ship having South African nationality.

### Application

4. (1) These regulations apply to—
- (a) every foreign-going passenger ship; and
  - (b) every foreign-going ship, other than a passenger ship, of 500 or more gross tonnage, and so apply to—
    - (i) South African ships anywhere; and
    - (ii) foreign ships when in the Republic or its territorial waters.
- (2) However, these regulations do not apply to—
- (a) vessels used solely for sport or recreation;
  - (b) fishing, sealing or whaling boats;
  - (c) ships not propelled by mechanical means; or
  - (d) wooden ships of primitive build.

### Continuous Synopsis Record

5. (1) A ship's company must ensure that the ship carries a Continuous Synopsis Record for the ship in accordance with regulation XI-1/5 of the Safety Convention.

(2) For a South African ship, the Continuous Synopsis Record for the ship is to be issued and otherwise administered by the Authority in accordance with regulation XI-1/5 of the Safety Convention.

(3) A ship's company and master must ensure that the Continuous Synopsis Record for the ship is maintained in accordance with regulation XI-1/5 of the Safety Convention.

### Defects and detention

6. For the purposes of these regulations, section 223 of the Act applies in relation to a ship to which these regulations apply as if the reference in subsection (1) of that section, as shown in column 1 of an item in the following table, included the reference shown in column 2 of the item:

Item	Column 1	Column 2
1	that the vessel is not equipped as required by the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations or any other applicable regulations	that the vessel does not carry a Continuous Synopsis Record as required by the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004

---

Item	Column 1	Column 2
2	that the deck lines or load lines are not being properly maintained	that the Continuous Synopsis Record for the ship is not being maintained as required by the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations give effect to the requirements of regulation XI-1/5 of the International Convention for the Safety of Life at Sea, 1974 (as amended in December 2002). In terms of these requirements, foreign going passenger ships and foreign-going cargo ships of 500 or more gross tonnage are required to carry a continuous synopsis record for the ship. This record will contain important information in relation to the ship, including information about the ship's owners, operators, classification societies, and flag state certification arrangements. The record will be issued by or on behalf of a ship's flag state (by or on behalf of the Authority in the case of a South African ship) and will be in accordance with the format developed by the International Maritime Organisation. The Authority will publish for the information of industry a marine notice setting out relevant guidance developed by the Organisation.

These regulations will enable the Republic to meet its obligations under the Convention.