

NOTICE 730 OF 2004**SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT MERCHANT SHIPPING (SHIP IDENTIFICATION NUMBER)
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.

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 (SHIP IDENTIFICATION NUMBER)
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 (Ship Identification Number) Regulations, 2004.
- (2) These regulations commence on **1 July 2004**.

Purpose of regulations

2. These regulations give effect to regulation XI-1/3 (Ship identification number) 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—

"**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 of 100 or more gross tonnage; and
 - (b) every foreign-going ship, other than a passenger ship, of 300 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.

Ship identification number

5. (1) A ship's owner must ensure that the ship is permanently marked with the ship's ship identification number in accordance with regulation XI-1/3 of the Safety Convention.

(2) For the purposes of regulation XI-1/3.5.3 of the Safety Convention, an equivalent method of marking the ship identification number is a method of marking that —

- (a) ensures that the ship identification number cannot be expunged easily; and
- (b) is approved—
 - (i) in the case of a South African ship, by the Authority; or
 - (ii) in the case of a foreign ship, by or on behalf of the ship's flag state.

Defects and detention

6. For the purposes of these regulations, section 223 of the Act applies to a ship to which these regulations apply as if the reference in subsection (1) of that section to a vessel that is not marked as required by the load line regulations included reference to a vessel that is not marked as required by the Merchant Shipping (Ship Identification Number) Regulations, 2004.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations give effect to the requirements of regulation XI-1/3 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 of 100 or more gross tonnage and foreign-going cargo ships of 300 or more gross tonnage are required to be marked with a ship identification number. The ship identification number scheme is a scheme adopted and maintained by the International Maritime Organisation.

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