

NOTICE 735 OF 2004**SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT MERCHANT SHIPPING (SMALL VESSEL SAFETY) (AMENDMENT)
REGULATIONS: PUBLICATION FOR COMMENT**

The South African Maritime Safety Authority (SAMSA), acting on the authority of the Minister of Transport, publishes for public comment the proposed regulations set out in the accompanying Schedule. Interested persons are invited to submit written comment to SAMSA **on or before 4 June 2004** (Note: late submissions may be disregarded). Submissions should be addressed to the Chief Executive Officer (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.

Telephonic 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 (SMALL VESSEL SAFETY)
(AMENDMENT) REGULATIONS, 2004****Title and commencement**

1. These regulations are called the Merchant Shipping (Small Vessel Safety) (Amendment) Regulations, 2004, and come into operation on <<>>.

Interpretation

2. In these regulations, "the Regulations" means the Merchant Shipping (Small Vessel Safety) Regulations, 2002, published by Government Notice No. R. 500 of 26 April 2002, as amended by Government Notice No. R. <<>> of <<>>.

Amendment of Annex 2 to Regulations

3. Annex 2 to the Regulations is amended—
 - (a) by the substitution for item 1 of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"1	Approved lifejacket*	X	X	X	—	—	One lifejacket of appropriate size to be provided for each person on board. * Lifejacket to be fitted with a light complying with paragraph 5 of this Annex, and to comply with standard specification SABS 146/1979, published by the South African Bureau of Standards.";

(b) by the substitution for item 1A of the table in paragraph 1 of the following item:

Item No.	Description of safety appliance and equipment	Category of vessel					Additional remarks
		A	B	C	D	E	
"1A	Approved flotation aid*	X†	X†	X†	X‡	X‡	† One flotation aid of appropriate size to be provided— (a) for the skipper and each member of the crew of a commercial small vessel; and (b) for each person on board a vessel that is launched or operated in the surf. ‡ One flotation aid of appropriate size to be provided for each person on board. * Flotation aid to be fitted with a light complying with paragraph 5 of this Annex, and to comply with standard specification SABS 1417/1987, published by the South African Bureau of Standards"; and

(c) by the addition of the following paragraph:

"Light for lifejacket and flotation aid

5. Every lifejacket and flotation aid of the kind required by these regulations must be fitted with a light that—

- (a) is secured within a pocket or sleeve, or in any other acceptable way, to prevent the light from becoming dislodged from the lifejacket or flotation aid when it is being donned or worn or when the wearer has to drop or jump into water;
- (b) has a luminous intensity of not less than 0,75 candela;
- (c) has a source of energy capable of providing a luminous intensity of 0,75 candela for a period of at least eight hours;
- (d) is visible over as great a segment of the upper hemisphere as is practicable when attached to the lifejacket or flotation aid;
- (d) is of a white colour; and
- (e) in the case of a flashing light—
 - (i) is provided with a manually-operated switch;

- (ii) is fitted with a lens or curved reflector to concentrate the beam; and
- (iii) flashes at a rate of not less than 50 flashes and not more than 70 flashes per minute with an effective luminous intensity of not less than 0,75 candela."

Transitional arrangements

4. (1) Before the date referred to in subregulation (2), persons may, instead of complying with the provisions of Annex 2 of the Regulations as amended by these regulations, continue to comply with the provisions of that Annex in force immediately before the commencement of these regulations.

(2) The date for the purposes of subregulation (1) is the earlier of the following two dates:

- (a) the date after the commencement of these regulations on which the vessel's initial survey or next renewal survey, as the case may be, falls due; or
- (b) the date on which the period of 12 months after the commencement of these regulations expires.

(3) In subregulation (2)—

"initial survey" means an inspection required by regulation 20(1)(a) of the Regulations or a survey required by section 190(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), as the case may be, before the appropriate certificate may be issued for the first time; and

"renewal survey" means an inspection required by regulation 20(1)(b) of the Regulations or a survey required by section 190(2) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), as the case may be, before a further appropriate certificate may be issued.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend Annex 1 to the Merchant Shipping (Small Vessel Safety) Regulations, 1968. The main object of this amendment is to introduce the requirement to fit lights to lifejackets and flotation aids.

Research shows that 47 per cent of incidents where vessels have either sunk or foundered involved vessels of 100 gross tonnage or less. The introduction of the requirement to fit lights to lifejackets and flotation aids will better enable search and rescue services to locate and recover survivors at sea; also, it will increase the likelihood of bodies being recovered at sea and returned to relatives. This requirement is to be phased in over a maximum period of 12 months.