

NOTICE 736 OF 2004**SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT LIFE-SAVING EQUIPMENT (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 LIFE-SAVING EQUIPMENT (AMENDMENT) REGULATIONS, 2004****Title and commencement**

1. These regulations are called the Life-saving Equipment (Amendment) Regulations, 2004, and come into operation on <<>>.

Interpretation

2. In these regulations, "the Regulations" means the Life-saving Equipment Regulations, 1968, published by Government Notice No. R. 141 of 2 February 1968, as amended by Government Notices Nos. R. 917 of 9 May 1975, R. 2205 of 21 November 1975, R. 516 of 21 March 1980, R. 2422 of 28 November 1980, R. 1022 of 30 May 1986, R. 423 of 17 March 1995, R. 925 of 7 June 1996, and R. 610 of 14 May 1999.

Amendment of regulation 3 of Regulations

3. The following regulation is substituted for regulation 3 of the Regulations:

"Application

3. (1) Subject to subregulation (2), these regulations apply to all vessels of 25 tons or more, and so apply to—

- (a) vessels that are registered or licensed in the Republic wherever they may be; and

(b) other vessels when in the Republic or its territorial waters.

(2) These regulations do not apply to vessels of less than 100 tons that are used solely for sport or recreation."

Amendment of regulation 30 of Regulations

4. Regulation 30 of the Regulation is amended by the substitution for paragraph (1) of the following paragraph:

"(1) in the case of a lifejacket supplied in the Republic or in a country the government of which is not a contracting government to the Safety Convention, comply with the requirements of part 1 of annex 10 if the lifejacket is intended for a person of a mass of 32 kilograms or more, and with the requirements of part II of that annex if it is intended for a person of a mass of less than 32 kilograms; and".

Amendment of Annex 10 to Regulations

5. Annex 10 to the Regulations is amended—

(a) by the substitution for subparagraph (n) of paragraph (4) of the following subparagraph:

"(n) be fitted with a lifejacket light which shall—

- (i) be secured within a pocket or sleeve, or in any other acceptable way, to prevent the light from becoming dislodged from the lifejacket when it is being donned or worn or when the wearer has to drop or jump into water;
- (ii) have a luminous intensity of not less than 0,75 candela;
- (iii) have a source of energy capable of providing a luminous intensity of 0,75 candela for a period of at least eight hours;
- (iv) be visible over as great a segment of the upper hemisphere as is practicable when attached to the lifejacket;
- (v) be of a white colour; and
- (vi) in the case of a flashing light—
 - (aa) be provided with a manually-operated switch;
 - (bb) be fitted with a lens or curved reflector to concentrate the beam; and
 - (cc) flash 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."; and

(b) by the substitution for paragraph (5) of the following paragraph:

"(5) Lifejackets for use on all ships of not more than 100 tons shall comply with the requirements either of paragraphs (2) to (4) inclusive or of paragraphs (4)(n) and (6).".

Transitional arrangements

6. (1) Before the date referred to in subregulation (2), a vessel may, instead of complying with the provisions of Annex 10 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 a survey required by section 190(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), before the appropriate certificate may be issued for the first time; and

"renewal survey" means a survey required by section 190(2) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), before a further appropriate certificate may be issued.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend Annex 10 to the Life-saving Equipment Regulations, 1968. The main objects of the amendments are:

- to align the application of the regulations with the provisions of the Merchant Shipping (Small Vessel Safety) Regulations, 2002;
- to align the present lifejacket light requirements with the requirements of the Lifesaving Appliance Code, which has mandatory application under Chapter III of the Safety Convention; and
- to replace an obsolete reference.

The revised lifejacket light requirement will be phased in over a maximum period of 12 months.