

No. R. 1292

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MERCHANT SHIPPING ACT, 1951 (ACT No. **57 OF** 1951)**MERCHANT SHIPPING (SHIP IDENTIFICATION NUMBER)
REGULATIONS, 2004**

The Minister of Transport has, under section 356 **of** the Merchant Shipping Act, 1951 (Act No. **57** of 1951), made the regulations in the Schedule.

SCHEDULE**Title and commencement**

- 1.** (1) These regulations are called the Merchant Shipping (Ship Identification Number) Regulations, 2004.
- (2) These regulations commence on publication in the **Gazette**.

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) The owner of a ship 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.