

NOTICE 1697 OF 2007**DEPARTMENT OF TRANSPORT****Draft Merchant Shipping Regulations, 200x: For comment**

The Minister of Transport, publishes for public comment the proposed Regulations set out in the set out in the accompanying Schedule. Written submissions should reach Department of Transport **on or before 4 January 2008** (**Note:** late submissions may be disregarded). These should be addressed to the Chief Director: Maritime Regulation (for the attention of Ms N Sobekwa) and may be either:

- hand-delivered to Department of Transport at 159 Forum Building, Pretoria; or
- mailed to Private Bag X 193, 0001; or
- faxed to (012) 309 3124; or
- e-mailed to mabuelat@dot.gov.za

Telephonic enquiries should be directed to Mr T. Mabuela at (012) 309 3070 or Mr N Campbell at (041) 585 0051. Attention is invited to the explanatory note following the regulations.

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PART 1 DRAFT MERCHANT SHIPPING (SAFE MANNING) AMENDMENT REGULATIONS, 1999

1 Title and commencement

(1) These regulations are called the *Merchant Shipping (Safe Manning) Amendment Regulations, 1999*

(2) These regulations commence on the day they are published in the Gazette.

2 Definitions

In these regulations, "**the Regulations**" means the *Merchant Shipping (Safe Manning) Regulations, 1999*, published by Government Notice No R 1548, on 30th December 1999, as amended.

3 Amendment of regulation 6B of Regulations

Regulation 6B of the Regulations is amended—

(a) by the substitution for subregulation (5) (c) of the following subregulation:

"(5) (c) it provides a minimum of ten hours of rest in any 24-hour period, which period may be divided into no more than two periods, one of which shall be at least six hours duration: Provided that the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than seventy seven hours of rest are provided in each seven day period."

(b) by inserting in the Regulations after subregulation (5) (c):

"(d) The interval between consecutive periods of rest shall not exceed 14 hours."

(c) by the substitution for subregulation (10) (a) of the following subregulation:

"(10) (a) The owner and the master shall keep on board the ship a copy of the schedule, a record of every seaman's hours of work and a record of all deviations from its requirements."

4 Insertion of subregulation 17 (h) in the Regulations

The following subregulation is inserted in the Regulations after subregulation (g)

"(h) no seaman under the age of 18 shall be engaged or employed as a ships' cook."

PART 2 DRAFT MERCHANT SHIPPING (CREW ACCOMMODATION) AMENDMENT REGULATIONS, 1961

1 Title and commencement

(1) These regulations are called the *Merchant Shipping (Crew Accommodation) Amendment Regulations, 1961*

(2) These regulations commence on the day they are published in the Gazette.

2 Definitions

In these regulations, "**the Regulations**" means the *Merchant Shipping (Crew Accommodation) Regulations 1961*, published by Government Notice No R 1064, on 24th November 1961, as amended.

3 Substitution of regulation 3 of Regulations

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

"3 Application

(1) These regulations shall apply to all ships registered in the Republic or deemed to be so registered or which in terms of the Act are required to be so registered, except to fishing vessels.

(2) This amendment becomes effective on the date of promulgation of—

(a) The Regulations for the Construction and Equipment of South African Fishing Vessels of 24 metres in length or less but more than 25GT; or

(b) The Regulations for the Construction and Equipment of South African Fishing Vessels of more than 24 metres in length.”.

4 Substitution of regulation 6 of Regulations

The following subregulation is substituted for subregulation (1) of the Regulations:

“(1) In every ship the height of the crew accommodation measured from the deck to the deck head shall not be less than 2.1 metres. The Authority may, in respect of store rooms and sanitary accommodation, permit some reduction in head room”.

5 Insertion of regulation 13 (2) (c) in the Regulations

The following subregulation is inserted in the Regulations after subregulation (b):

“(c) Ships, except those regularly engaged in trade where temperate climatic conditions do not require this, shall be equipped with air conditioning for sleeping accommodation, messrooms, galleys, radio rooms, machinery control rooms and wheelhouses.”.

6 Substitution of regulation 17 of Regulations

The following regulation is substituted for regulation 17 of the Regulations:

“17 Sleeping rooms

(1) In ships other than passenger ships an individual sleeping room shall be provided for each seafarer, in ships of less than 3,000 gross tones, exemptions may be granted by the Authority after consultation with shipowners' and seafarer organizations.

(2) Separate sleeping rooms shall be provided for men and women.

(3) Separate berths for each seaman shall be provided in every case.

(4) In single berth sleeping rooms the floor area shall not be less than—

- (a) 4.5 square metres in ships of less than 3,000 gross tones;
- (b) 5.5 square metres in ships of 3,000 gross tons or over but less than 10,000 gross tons; and
- (c) 7 square meters in ships of 10,000 gross tones or over.

(5) In ships of less than 3,000 gross tons, and passenger ships, where single berth sleeping rooms are provided the Authority may permit a reduction in the floor area required in terms of subsection (4)(a).

(6) In ships of less than 3,000 gross tons other than passenger ships, sleeping rooms may be occupied by a maximum of two seamen, the floor area of the sleeping room shall not be less than square metres.

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(7) On passenger ships the floor area of sleeping rooms for seamen not performing duties of ships' officers shall not be less than—

- (a) 7.5 square metres in rooms accommodating two persons;
- (b) 11.5 square metres in rooms accommodating three persons; and
- (c) 14.5 square metres in rooms accommodating four persons.

(8) In ships other than passenger ships sleeping rooms for seamen who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person shall not be less than—

- (a) 7.5 square metres in ships of less than 3,000 gross tones;
- (b) 8.5 square metres in ships of 3,000 or over but less than 10,000 gross tons; and
- (c) 10 square metres in ships of over 10,000 gross tons.

(9) With the exception of passenger ships each sleeping room shall be provided with a wash basin having hot and cold running

water, except where such a wash basin is situated in a private bathroom.”.

7 Substitution of regulation 18 of Regulations

The following subregulations 9 (a) and (b) are substituted for subregulation (9) of the Regulations:

“(9) The minimum inside dimensions of the bed provided for seamen shall be at least 198 centimetres long by 80 centimetres in width.”.

8 Substitution of regulation 19 of Regulations

The following subregulation is substituted for subregulation (1) (a) of the Regulations:

“(1) Every sleeping room for seamen shall be provided with the following equipment—

(a) for each person accommodated in the room—

(i) a drawer having a capacity of not less than 56 litres and be fitted with a lock;

(ii) a clothes locker having a capacity of not less than 475 litres and be fitted with a lock;

(iii) where the drawer and clothes locker are combined the minimum volume of the locker shall not be less than 500 litres and be fitted with a lock; and

(iv) the clothes locker shall be fitted with at least two clothes hooks.”.

9 Amendment of regulation 20 of Regulations

Regulation 20 of the Regulations is amended—

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) In every ship, unless the circumstances are such that no members of the crew are required to mess onboard, mess rooms shall be provided for the crew and shall be of such dimensions as

will be sufficient to accommodate the greatest number of persons likely to use them at any one time.”.

10 Substitution of regulation 24 of Regulations

The following subregulations are substituted for subregulations (1) and (4) of the Regulations:

“(1) In every ship, washing accommodation shall be provided separately for men and women.”.

“(4) The following equipment shall be provided in the washing accommodation:—

(a) One wash basin, and one tub or shower or both for every six persons or less who do not have personal facilities.

(b) The Authority may exempt a passenger ship solely engaged on voyages of less than four hours from subregulation (a).”.

11 Amendment of regulation 27 of Regulations

Regulation 27 of the Regulations is amended—

(a) by substitution for subregulation (1) of the following subregulation:

“(1) In every ship, washing troughs or other suitable facilities shall be provided to enable the crew to wash their clothes, and shall be adequate in size and sufficient in number for that purpose. Such troughs shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded. The troughs or other facilities shall be situated in a room appropriated for use only as a laundry: Provided that the troughs or other facilities may be situated in the crew washing accommodation if the provision of the separate laundry is unreasonable or impracticable in the circumstances. The troughs or other facilities shall be provided with an adequate supply of hot and cold fresh water, and shall be so arranged as to discharge overboard or into an enclosed tank served by a mechanically operated suction pump. The Secretary may exempt any whale catcher from the requirements of this paragraph if he is satisfied that the wash-basin provided therein in compliance with regulation 24 are suitable for washing clothes.”.

12 Substitution of regulation 28 of Regulations

The following subregulations are substituted for subregulations (1) and (2) of the Regulations:

“28 Water closets

(1) In every ship, water closets shall be provided separately for men and women.

(2) In every ship a minimum of one water closet shall be provided for every 6 persons or less, provided that—

(i) in determining the number of water closets no account shall be taken of—

(a) any private water closet; and

(b) water closets provided in hospital accommodation.”.

PART 3 **MERCHANT SHIPPING (PROVISIONS) AMENDMENT REGULATIONS, 1961**

1 Title and commencement

(1) These regulations are called the *Merchant Shipping (Provisions) Amendment Regulations, 1961*

(2) These regulations commence on the day they are published in the Gazette.

2 Definitions

In these regulations, “**the Regulations**” means the *Merchant Shipping (Provisions) Regulations, 1961*, published by Government Notice No R 896, on 27th October 1961, as amended.

3 Substitution of regulation 3 of Regulations

The following regulation is substituted for regulation 3 of the regulations:

“**Provisions to be furnished**

3. Every seaman shall be furnished with provisions in accordance with the scale set forth in the Annex.”.

4 Amendment of regulation 4 of Regulations

Regulation 4 of the Regulations is amended—

(a) by the deletion of regulation 4

**PART 4 MERCHANT SHIPPING (BEDDING,
TOWELS, MESS UTENSILS AND OTHER
ARTICLES FOR PERSONAL USE)
AMENDMENT REGULATIONS, 1961**

1 Title and commencement

(1) These regulations are called the *Merchant Shipping (Bedding, Towels, Mess Utensils And Other Articles For Personal Use) Amendment Regulations 1961*

(2) These regulations commence on the day they are published in the Gazette.

2 Definitions

In these regulations, "**the Regulations**" means the *Merchant Shipping (Bedding, Towels, Mess Utensils And Other Articles For Personal Use) Amendment Regulations 1961) Regulations, 1999*, published by Government Notice No R 897, on 27th October 1961, as amended.

3 Amendment of regulation 4 of Regulations

Regulation 4 of the Regulations is amended—

(a) by the deletion of subregulation (1) (a)

EXPLANATORY NOTE

(This note is not part of the regulations)

1. These regulations are enabled by section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) ("the Act").
 2. The purpose of these amendments is to bring domestic legislation in line with Consolidated Maritime Labour Convention, International Labour Organization, Geneva, 2006.
 3. It is the attention of the South African Government to ratify this Convention.
 4. These amendments also delete sections of regulations and repeal regulations that are unconstitutional.
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