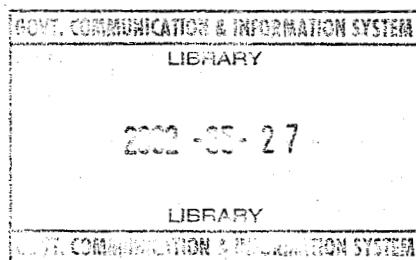


REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME AND AERONAUTICAL SEARCH AND RESCUE BILL

(As introduced in the National Assembly as a section 75 Bill; Bill published in Government Gazette No 22509 of 7 September 2001) (The English text is the official text of the Bill)

(MINISTER OF TRANSPORT)



[B 23—2002]

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BILL

To incorporate the International Convention on Maritime Search and Rescue, 1979, and Annex 12 to the Convention on International Civil Aviation, 1944, into South African law; to establish the South African Maritime and Aeronautical Search and Rescue Organisation; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning is ascribed in the Conventions bears the same meaning and—
- “**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;
 - “**Department**” means the Department of Transport;
 - “**Director-General**” means the Director-General: Transport;
 - “**executive committee**” means the executive committee of SASAR contemplated in section 5(2)(a);
 - “**head of SASAR**” means an official of the Department appointed in terms of section 5(7)(a);
 - “**International Civil Aviation Organisation**” means the specialised agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport, established in terms of Article 43 of the Convention on International Civil Aviation, in Chicago on 7 December 1944;
 - “**International Maritime Organisation**” means the specialised agency of the United Nations responsible for formulating standards for civilian maritime transport and for the safety of life at sea, established in terms of the Convention on International Maritime Organisation, in Geneva on 6 March 1948;
 - “**Minister**” means the Minister of Transport;
 - “**person**” includes any institution or organisation equipped to assist in a search and rescue operation, an organ of state, a government and an agency of the government of a foreign country;
 - “**prescribed**” means prescribed by regulation;
 - “**rescue**” includes the provision of the initial medical treatment of a person rescued;
 - “**rescue co-ordination centre**” means an institution responsible for promoting the efficient organisation of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;
 - “**rescue subcentre**” means a suitably appointed unit tasked to carry out duties of a rescue co-ordination centre in instances where the rescue co-ordination centre cannot exercise direct and effective control over search and rescue facilities in certain parts of a search and rescue region;
 - “**SASAR**” means the South African Search and Rescue Organisation established by section 4;

“search and rescue region” means a region contemplated in section 11(1)(c) in which the co-ordination of search and rescue operations is effected by a single rescue co-ordination centre;

“the Conventions” means—

(a) the International Convention on Maritime Search and Rescue adopted on 27 April 1979 by the Maritime Safety Committee of the International Maritime Organisation; and 5

(b) Annex 12 to the Convention on International Civil Aviation adopted on 7 December 1944 at Chicago;

“this Act” includes the regulations; 10

“vessel” means any water-navigable craft of any type, whether self-propelled or not.

Principal objects of Act

2. (1) The principal objects of this Act are to—

(a) incorporate the Conventions into South Africa law; and 15

(b) establish the South African Search and Rescue Organisation to act on behalf of the Department as the authority responsible for the application of the Conventions as well as other conventions binding on the Republic regarding maritime and aeronautical search and rescue operations.

(2) For purposes of subsection (1)(b) the expression “other conventions” includes— 20

(a) the Convention on the High Seas, 1958; and

(b) the International Convention for the Safety of Life at Sea, 1974.

Incorporation of Conventions

3. (1) The Conventions contained in Schedules 1 and 2 are hereby enacted into law in the Republic. 25

(2) (a) Subject to paragraph (b), the Minister may from time to time by notice in the *Gazette* amend Schedules 1 and 2 to reflect any changes made to the Conventions by the International Maritime Organisation or the International Civil Aviation Organisation, as the case may be.

(b) The Minister may only amend Schedules 1 and 2 if the changes made by the two Organisations are binding on the Republic in terms of section 231(2) of the Constitution or are self-executing as contemplated in section 231(4) of the Constitution. 30

Establishment and object of South African Search and Rescue Organisation

4. (1) The South African Search and Rescue Organisation is hereby established.

(2) (a) The object of SASAR is to ensure a co-ordinated and effective maritime and aeronautical search and rescue service within the South African search and rescue regions. 35

(b) Any person appointed in terms of this Act or concerned with the carrying out of the provisions thereof must perform his or her functions pursuant to the object of SASAR.

Composition of SASAR

5. (1) SASAR is made up of representatives from those government departments and commercial and voluntary organisations which are signatories to the SASAR manual, contemplated in section 15, and which are able to contribute services and facilities for use by SASAR, including representatives of— 40

(a) the Department; 45

(b) the South African Maritime Safety Authority;

(c) the South African Civil Aviation Authority;

(d) the Air Traffic and Navigation Services Company Limited;

(e) the South African National Defence Force;

(f) the South African Police Service; 50

(g) the National Port Authority;

- (h) the Department of Provincial and Local Government;
- (i) Telkom SA Limited.
- (2) SASAR has—
 - (a) an executive committee;
 - (b) a maritime committee; and
 - (c) an aeronautical committee.
- (3) The executive committee consists of—
 - (a) the persons appointed in terms of subsection (7); and
 - (b) if necessary, such other members as may be nominated by the head of SASAR, and appointed by the Director-General either permanently or on an *ad hoc* basis.
- (4) The executive committee must—
 - (a) determine and put into effect the policy of SASAR; and
 - (b) determine the size and composition of the other committees of SASAR depending on the areas of speciality of the different members of SASAR.
- (5) The maritime and the aeronautical committees must assess the policy of SASAR and make recommendations to the executive committee whenever any change is necessary.
- (6) The executive committee is accountable to the Minister and the other committees of SASAR are accountable to the executive committee.
- (7) The Director-General must appoint suitable persons from among the members of SASAR to serve as—
 - (a) the head of SASAR, who is the chairperson of the executive committee and responsible for search and rescue operations by SASAR;
 - (b) the head of aeronautical search and rescue operations who is the chairperson of the aeronautical committee;
 - (c) the head of maritime search and rescue operations, who is the chairperson of the maritime committee.
- (8) The different heads contemplated in subsection (7) must ensure that search and rescue operations are conducted in accordance with laid down standards and recommended practices as reflected in the SASAR Manual and as considered the norm in terms of international agreements.

Functions of SASAR

- 6. (1) SASAR must within its means and capabilities co-ordinate its resources to—
 - (a) search for, assist and, where appropriate, effect a rescue operation for—
 - (i) survivors of aircraft crashes or forced landings;
 - (ii) the crew and passengers of vessels in distress;
 - (iii) survivors of maritime accidents or incidents; and
 - (iv) survivors of any military aircraft or vessel accident or incident if such aircraft or vessel is not engaged in an act of war; and
 - (b) co-ordinate the evacuation of a seriously injured or ill person from a vessel at sea where the person's condition is such that he or she must obtain medical treatment sooner than that vessel would be able to get him or her to a suitable medical facility.
- (2) The functions set out in subsection (1)(a) exclude salvage operations.
- (3) SASAR must perform its functions in a manner which promotes efficient, economic and effective use of all resources.
- (4) In performing its functions, SASAR must endeavour to co-operate with disaster management agencies established in terms of any law providing for the management of disasters.
- (5) SASAR may perform its functions outside the Republic.

Meetings of SASAR

- 7. (1) SASAR must meet at such times as the executive committee may determine in order to—
 - (a) discuss proposals and take decisions regarding the effective application of this Act;

- (b) discuss possible proposals to the Minister regarding amendments to this Act;
or
- (c) discuss any other matter which the executive committee deems necessary.
- (2) The head of SASAR must preside at any meeting of SASAR.
- (3) The executive committee must determine the rules of procedure at any meeting of SASAR. 5

Meetings of committees

- 8. (1) The first meeting of any committee of SASAR after the commencement of this Act must be held at the time and place determined by the Director-General and all meetings thereafter must be held at the times and places that the committee determines. 10
- (2) The chairperson of a committee may at any time call a special meeting of the committee to be held at the time and place determined by the chairperson.
- (3) All members of a committee must be notified in writing of any meeting of that committee.
- (4) A majority of the total number of members forms a quorum at any meeting of a committee and a decision agreed on by a majority of the members present at a duly constituted meeting of a committee is a decision of that committee. 15
- (5) In the event of an equality of votes on any matter, the chairperson of the relevant meeting has a casting vote in addition to a deliberative vote.
- (6) The chairperson of a committee must designate a person to act as chairperson if he or she is unable to act as chairperson. 20
- (7) Each committee must meet at least twice a year.

Personnel

- 9. All administrative work in connection with the performance of the functions of SASAR must be carried out by officers in the Department designated for that purpose by the Director-General. 25

Search and rescue regions

- 10. (1) The Minister must, by notice in the *Gazette* as well as in relevant maritime and aeronautical publications, publish the search and rescue regions within which search and rescue services will be provided. 30
- (2) The search and rescue regions contemplated in subsection (1) must cover the area of responsibility of the Republic laid down by the International Civil Aviation Organisation and the International Maritime Organisation.

Rescue co-ordination centres and subcentres

- 11. (1) Subject to subsection (2), the Minister must designate— 35
 - (a) organisations or institutions to act as maritime or aeronautical rescue co-ordination centres;
 - (b) organisations or institutions to act as maritime or aeronautical rescue subcentres under the auspices of rescue co-ordination centres;
 - (c) a maritime or aeronautical search and rescue region for which each rescue co-ordination centre is responsible; and 40
 - (d) organisations or institutions to act as registrars and custodians of registers of emergency beacons contemplated in section 17.
- (2) Any designation contemplated in subsection (1) must be—
 - (a) done in accordance with an agreement reached with the applicable organisation or institution; and 45
 - (b) published by the Minister by notice in the *Gazette* as well as in relevant maritime and aeronautical publications.
- (3) The organisations or institutions designated in terms of subsection (1)(a) and (b) must, with the concurrence of the executive committee of SASAR, appoint their respective chiefs. 50

(4) Each chief of a rescue co-ordination centre or rescue subcentre must establish and preside over an operational committee to discuss, evaluate and effect operational procedures.

(5) Operational committees must consist of persons representing organisations controlling the resources available to that rescue co-ordination centre or rescue subcentre.

Functions of rescue co-ordination centres and subcentres

12. (1) A chief of a rescue co-ordination centre or any person authorised by him or her is responsible for co-ordinating available resources for the purpose of searching, assisting and, where appropriate, effecting a rescue operation in its search and rescue region.

(2) A chief of a rescue subcentre must support the chief of a rescue co-ordination centre in carrying out assigned duties in a particular area or instance.

(3) The designation of a search and rescue region contemplated in section 11(1)(c) does not preclude a rescue co-ordination centre from—

- (a) operating in another region; or
- (b) performing the tasks of another rescue co-ordination centre.

Requisitioning of aircraft and vessels

13. (1) Subject to subsection (2), the Minister may for purposes of any aeronautical or maritime search and rescue operation—

- (a) requisition any civil aircraft or vessel;
- (b) request the assistance of any military aircraft or vessel; or
- (c) instruct any holder of a South African flight or vessel crew licence to assist in the operation.

(2) In a case where the Minister contemplates requisitioning a civilian aircraft or vessel or instructing a civilian holder of a flight or vessel crew licence, the Minister may do so only if—

- (a) human life is in immediate and grave danger; and
- (b) there are no other means available to conduct the operation.

(3) Any person who, without lawful reason, fails to give effect to a requisition or to comply with an instruction contemplated in subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years.

Recovery of certain expenses

14. If any search and rescue operation is undertaken by SASAR in connection with any occurrence caused by the unlawful act or omission of any person, the Minister may recover from that person the whole or any portion of the expenses incurred by SASAR in connection with that operation.

SASAR manual, and responsibilities of signatories thereto

15. (1) SASAR must compile a manual regarding search and rescue services and operations and matters connected therewith and keep that manual up to date.

(2) The responsibilities of the signatories to the SASAR manual contemplated in section 5(1) must be set out in the manual and be executed in accordance with it.

Search and rescue measures regarding aircraft and vessels

16. (1) Subject to this Act, any search and rescue action must be undertaken in accordance with the SASAR manual.

(2) Where an aircraft has failed to reach its destination or is reported missing, SASAR must forthwith institute search and rescue action if the flight plan was filed prior to departure and the flight in question was—

- (a) between aerodromes where air traffic services are provided, unless otherwise indicated on the flight plan or through aeronautical publications or notices;
 - (b) conducted in airspace within which air traffic control services are provided, except for flights crossing a route at right angles; or
 - (c) a flight to an aerodrome where air traffic services are not provided, if search and rescue action is specifically requested by the pilot-in-command. 5
- (3) Search and rescue action must be instituted in respect of all flights for which flight plans were filed in flight when such action is specifically requested by the pilot-in-command.
- (4) Search and rescue action may be instituted— 10
- (a) in respect of a flight for which no flight plan has been filed, when information that the aircraft is overdue or missing is received from any source;
 - (b) for any aircraft which is believed to be in need of assistance.
- (5) In an event contemplated in subsection (4), authorisation by the head of SASAR or his or her assignee must be obtained prior to the commencement of a search and rescue operation and he or she must be kept informed of the progress made and the termination of the search and rescue action. 15
- (6) SASAR must forthwith institute search and rescue action where a vessel is reported missing or in distress.

Registration of emergency beacons 20

17. The owner of any aircraft or vessel registered or licensed in the Republic must register the emergency locator beacons of such aircraft or vessel, as the case may be, with the organisations or institutions designated in terms of section 11(1)(d).

Filing of disaster management and aerodrome emergency plans

18. (1) All aerodrome managers must file their emergency plans and any amendments thereto with the aeronautical rescue co-ordination centre. 25
- (2) All heads of disaster management agencies established in terms of any law providing for the management of disasters must file their emergency plans in respect of aircraft incidents, and any amendments thereto, with the aeronautical rescue co-ordination centre. 30

Reporting of aircraft or vessel in distress

19. (1) Any person who knows that an aircraft or vessel is in distress must report the occurrence at the police station nearest to that person or at such other office or facility as the executive committee may determine.
- (2) The Minister must publish the addresses and telephone numbers of the offices or facilities contemplated in subsection (1)— 35
- (a) by notice in the *Gazette*; and
 - (b) by means of the printed and electronic media so as to ensure wide publicity.
- (3) Any person who fails to report as contemplated in subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months. 40

Co-operation between aeronautical rescue co-ordination centre and maritime rescue co-ordination centre

20. (1) The aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre must exchange information freely and regularly to ensure effective and efficient provision of a search and rescue service. 45
- (2) The aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre must, with the prior approval of the executive committee of SASAR, hold joint exercises at least once a year to—
- (a) foster and maintain close co-operation; and 50

(b) test SASAR's capability to deal with search and rescue operations of any magnitude.

(3) The exercises contemplated in subsection (2) may be extended to include search and rescue organisations or services of foreign countries.

(4) The head of SASAR must ensure that the exercises contemplated in subsection (3) are organised in conjunction with both the aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre. 5

Delegation and assignment

21. The Minister may—

- (a) delegate any power conferred or assign any duty imposed upon the Minister by this Act to an officer of the Department, except the power to publish notices or to make regulations; and 10
- (b) at any time, withdraw a delegation or assignment effected in terms of this section.

Report

15

22. (1) SASAR must furnish the Minister with a report on its activities—

- (a) at least once a year; and
- (b) whenever required by the Minister.

(2) The Minister must table a copy of SASAR's annual report in Parliament within 30 days after it has been received by him or her if Parliament is then sitting and if Parliament is not sitting, within 14 days after the start of the next sitting. 20

Regulations

23. (1) The Minister may, by notice in the *Gazette*, make regulations regarding—

- (a) the conditions which must be complied with when a person from another country which is a party to the conventions wishes to enter the Republic for purposes of any search and rescue operation; 25
- (b) anything which must or may be prescribed in terms of this Act;
- (c) any matter which it is necessary or expedient to prescribe for the effective carrying out or implementation of this Act.

(2) Any regulation made under subsection (1)(a) must be made with the concurrence of the Minister of Home Affairs. 30

Transitional provisions

24. (1) Any person who occupied a post or served in a particular capacity in the institution known as the South African Search and Rescue Organisation immediately prior to the commencement of this Act continues to occupy or to serve in the corresponding post or capacity in SASAR. 35

(2) Any person who received any allowance, remuneration or other benefit or privilege by virtue of a post or capacity contemplated in subsection (1) must continue to receive such allowance, remuneration or other benefit or privilege from the same source and in the same manner after the commencement of this Act. 40

(3) Unless otherwise provided for in this Act, any committee or subcommittee of the institution known as the South African Search and Rescue Organisation which existed immediately prior to the commencement of this Act continues to exist as if it were a committee referred to in section 5(2).

(4) Anything done in terms of a law repealed by section 25 and which could have been done in terms of this Act, is regarded as having been done in terms of this Act. 45

Repeal of legislation

25. The laws mentioned in Schedule 3 are hereby repealed to the extent indicated in the third column of that Schedule.

Short title

26. This Act is called the South African Maritime and Aeronautical Search and Rescue Act, 2002. 5

SCHEDULE 1
(Section 3)

**INTERNATIONAL CONVENTION ON
MARITIME SEARCH AND RESCUE, 1979**

THE PARTIES TO THE CONVENTION

NOTING the great importance attached in several conventions to the rendering of assistance to persons in distress at sea and to the establishment by every coastal State of adequate and effective arrangements for coast watching and for search and rescue services,

HAVING CONSIDERED Recommendation 40 adopted by the International Conference on Safety of Life at Sea, 1960, which recognizes the desirability of co-ordinating activities regarding safety on and over the sea among a number of inter-governmental organizations,

DESIRING to develop and promote these activities by establishing an international maritime search and rescue plan responsible to the needs of maritime traffic for the rescue of persons in distress at sea,

WISHING to promote co-operation among search and rescue organizations around the world and among those participating in search and rescue operations at sea,

HAVE AGREED as follows:

Article I

General obligations under the Convention

The Parties undertake to adopt all legislative or other appropriate measures necessary to give full effect to the Convention and its Annex, which is an integral part of the Convention. Unless expressly provided otherwise, a reference to the Convention constitutes at the same time a reference to its Annex.

Article II

Other treaties and interpretation

(1) Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(2) No provision of the Convention shall be construed as prejudicing obligations or rights of vessels provided for in other international instruments.

Article III

Amendments

(1) The Convention may be amended by either of the procedures specified in paragraphs (2) and (3) hereinafter.

(2) Amendment after consideration within the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as the Organization):

- (a) Any amendment proposed by a Party and transmitted to the Secretary-General of the Organization (hereinafter referred to as the Secretary-General), or any amendment deemed necessary by the Secretary-General as a result of an amendment to a corresponding provision of Annex 12 to the Convention on International Civil Aviation, shall be circulated to all Members of the Organization and all Parties at least six months prior to its consideration by the Maritime Safety Committee of the Organization.

- (b) Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.
 - (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee on condition that at least one third of the Parties shall be present at the time of adoption of the amendment.
 - (d) Amendments adopted in accordance with sub-paragraph (c) shall be communicated by the Secretary-General to all Parties for acceptance.
 - (e) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall be deemed to have been accepted on the date on which the Secretary-General has received an instrument of acceptance from two thirds of the Parties.
 - (f) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall be deemed to have been accepted at the end of one year from the date on which it is communicated to the Parties for acceptance. However, if within such period of one year more than one third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
 - (g) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall enter into force:
 - (i) with respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted;
 - (ii) with respect to those Parties which accept it after the condition mentioned in sub-paragraph (e) has been met and before the amendment enters into force, on the date of entry into force of the amendment;
 - (iii) with respect to those Parties which accept it after the date on which the amendment enters into force, 30 days after the deposit of an instrument of acceptance.
 - (h) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (f) and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee at the time of the adoption of the amendment.
- (3) Amendment by a conference:
- (a) Upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene a conference of Parties to consider amendments to the Convention. Proposed amendments shall be circulated by the Secretary-General to all Parties at least six months prior to their consideration by the conference.
 - (b) Amendments shall be adopted by such a conference by a two-thirds majority of the Parties present and voting, on condition that at least one third of the Parties shall be present at the time of adoption of the amendment. Amendments so adopted shall be communicated by the Secretary-General to all Parties for acceptance.
 - (c) Unless the conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in sub-paragraphs (2)(e), (2)(f), (2)(g), and (2)(h) respectively, provided that reference in sub-paragraph (2)(h) to the Maritime Safety Committee expanded in accordance with sub-paragraph (2)(b) shall be taken to mean reference to the conference.

(4) Any declaration of acceptance of, or objection to, an amendment or any notice given under sub-paragraph (2)(h) shall be submitted in writing to the Secretary-General who shall inform all Parties of any such submission and the date of its receipt.

(5) The Secretary-General shall inform States of any amendments, which enter into force, together with the date on which each such amendment enters into force.

Article IV

Signature, ratification, acceptance, approval and accession

(1) The Convention shall remain open for signature at the Headquarters of the Organization from 1 November 1979 until 31 October 1980 and shall thereafter remain open for accession. States may become Parties to the Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(3) The Secretary-General shall inform States of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article V

Entry into force

(1) The Convention shall enter into force 12 months after the date on which 15 States have become Parties to it in accordance with Article IV.

(2) Entry into force for States which ratify, accept, approve or accede to the Convention in accordance with Article IV after the condition prescribed in paragraph (1) has been met and before the Convention enters into force, shall be on the date of entry into force of the Convention.

(3) Entry into force for States which ratify, accept, approve or accede to the Convention after the date on which the Convention enters into force shall be 30 days after the date of deposit of an instrument in accordance with Article IV.

(4) Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to the Convention in accordance with Article III shall apply to the Convention, as amended, and the Convention, as amended, shall enter into force for a State depositing such an instrument 30 days after the date of its deposit.

(5) The Secretary-General shall inform States of the date of entry into force of the Convention.

Article VI

Denunciation

(1) The Convention may be denounced by any Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party.

(2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General who shall notify States of any instrument of denunciation received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General.

Article VII

Deposit and registration

(1) The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to States.

(2) As soon as the Convention enters into force, the Secretary-General shall transmit the text thereof to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article VIII

Languages

The Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

DONE AT HAMBURG this twenty-seventh day of April one thousand nine hundred and seventy-nine.

IN WITNESS WHEREOF the undersigned*, being duly authorized by their respective Governments for that purpose, have signed the Convention.

** Signatures Omitted*

ANNEX

CHAPTER 1

Terms and definitions

- 1.1 "Shall" is used in the Annex to indicate a provision, the uniform application of which by all Parties is required in the interest of safety of life at sea.
- 1.2 "Should" is used in the Annex to indicate a provision, the uniform application of which by all Parties is recommended in the interest of safety of life at sea.
- 1.3 The terms listed below are used in the Annex with the following meanings:
 - .1 *Search*. An operation, normally co-ordinated by a rescue co-ordination centre or rescue sub-centre, using available personnel and facilities to locate persons in distress;
 - .2 *Rescue*. An operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;
 - .3 *Search and rescue service*. The performance of distress monitoring, communication, co-ordination and search and rescue functions, including provision of medical advice, initial medical assistance, or medical evacuation, through the use of public and private resources including co-operating aircraft, vessels and other craft and installations;
 - .4 *Search and rescue region*. An area of defined dimensions associated with a rescue co-ordination centre within which search and rescue services are provided;

- .5 *Rescue co-ordination centre*. A unit responsible for promoting efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;
- .6 *Rescue sub-centre*. A unit subordinate to a rescue co-ordination centre established to complement the latter according to particular provisions of the responsible authorities;
- .7 *Search and rescue facility*. Any mobile resource, including designated search and rescue units, used to conduct search and rescue operations;
- .8 *Search and rescue unit*. A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations;
- .9 *Alerting post*. Any facility intended to serve as an intermediary between a person reporting an emergency and a rescue co-ordination centre or rescue sub-centre;
- .10 *Emergency phase*. A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase;
- .11 *Uncertainty phase*. A situation wherein uncertainty exists as to the safety of a person, a vessel or other craft;
- .12 *Alert phase*. A situation wherein apprehension exists as to the safety of a person, a vessel or other craft;
- .13 *Distress phase*. A situation wherein there is a reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance;
- .14 *On-scene co-ordinator*. A person designated to co-ordinate search and rescue operations within a specified area;
- .15 *Secretary-General*. The Secretary-General of the International Maritime Organization.

CHAPTER 2

ORGANIZATION AND CO-ORDINATION

2.1 Arrangements for provision and co-ordination of search and rescue services

- 2.1.1 Parties shall, as they are able to do so individually or in co-operation with other States and, as appropriate, with the Organization, participate in the development of search and rescue services to ensure that assistance is rendered to any person in distress at sea. On receiving information that any person is, or appears to be, in distress at sea, the responsible authorities of a Party shall take urgent steps to ensure that the necessary assistance is provided.
- 2.1.2 Parties shall, either individually or, if appropriate, in co-operation with other States, establish the following basic elements of a search and rescue service:
 - .1 legal framework;
 - .2 assignment of a responsible authority;
 - .3 organisation of available resources;
 - .4 communication facilities;
 - .5 co-ordination and operational functions; and
 - .6 processes to improve the service including planning, domestic and international co-operative relationships and training.

Parties shall, as far as practicable, follow relevant minimum standards and guidelines developed by the Organization.
- 2.1.3 To help ensure the provision of adequate shore-based communication infrastructure, efficient distress alert routeing, and proper operational co-ordination to effectively support search and rescue services, Parties shall, individually or in co-operation with other States, ensure that sufficient search and rescue regions are established within each sea area in accordance with paragraphs 2.1.4 and 2.1.5. Such regions should be contiguous and, as far as practicable, not overlap.

- 2.1.4 Each search and rescue region shall be established by agreement among Parties concerned. The Secretary-General shall be notified of such agreement.
- 2.1.5 In case agreement on the exact dimensions of a search and rescue region is not reached by the Parties concerned, those Parties shall use their best endeavours to reach agreement upon appropriate arrangements under which the equivalent overall co-ordination of search and rescue services is provided in the area. The Secretary-General shall be notified of such arrangements.
- 2.1.6 Agreement on the regions or arrangements referred to in paragraphs 2.1.4 and 2.1.5 shall be recorded by the Parties concerned, or in written plans accepted by the Parties.
- 2.1.7 The delimitation of search and rescue regions is not related to and shall not prejudice the delimitation of any boundary between States.
- 2.1.8 Parties should seek to promote consistency, where applicable, between their maritime and aeronautical search and rescue services while considering the establishment of maritime search and rescue regions which shall be established by agreement in accordance with paragraph 2.1.4 or the reaching of agreement upon appropriate arrangements in accordance with paragraph 2.1.5.
- 2.1.9 Parties having accepted responsibility to provide search and rescue services for a specified area shall use search and rescue units and other available facilities for providing assistance to a person who is, or appears to be, in distress at sea.
- 2.1.10 Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.
- 2.1.11 Parties shall forward to the Secretary-General information on their search and rescue service, including the:
 - .1 national authority responsible for the maritime search and rescue services;
 - .2 location of the established rescue co-ordination centres or other centres providing search and rescue co-ordination, for the search and rescue region or regions and communications therein;
 - .3 limits of their search and rescue region or regions and the coverage provided by their shore-based distress and safety communication facilities; and
 - .4 principal types of available search and rescue units.
 Parties shall, with priority, update the information provided with respect to any alterations of importance. The Secretary-General shall transmit to all Parties the information received.
- 2.1.12 The Secretary-General shall notify all Parties of the agreements or arrangements referred to in paragraph 2.1.4 and 2.1.5.

2.2. Development of national search and rescue services

- 2.2.1 Parties shall establish appropriate national procedures for overall development, co-ordination, and improvement of search and rescue services.
- 2.2.2 To support efficient search and rescue operations, Parties shall:
 - .1 ensure the co-ordinated use of available facilities; and
 - .2 establish close co-operation between services and organizations which may contribute to improve the search and rescue service in areas such as operations, planning, training, exercises and research and development.

2.3 Establishment of rescue co-ordination centres and rescue sub-centres

- 2.3.1 To meet the requirements of paragraphs 2.2, Parties shall individually or in co-operation with other States establish rescue co-ordination centres for their search and rescue services and such rescue sub-centres as they consider appropriate.
- 2.3.2 Each rescue co-ordination centre and rescue sub-centre, established in accordance with paragraph 2.3.1, shall arrange for the receipt of distress alerts originating from within its search and rescue region. Every such centre shall also arrange for communications with persons in distress, with search and rescue facilities, and with other rescue co-ordination centres or rescue sub-centres.

- 2.3.3 Each rescue co-ordination centre shall be operational on a 24-hour basis and be constantly staffed by trained personnel having a working knowledge of the English language.

2.4 Co-ordination with aeronautical services

- 2.4.1 Parties shall ensure the closest practicable co-ordination between maritime and aeronautical services so as to provide for the most effective and efficient search and rescue services in and over their search and rescue regions.
- 2.4.2 Whenever practicable, each Party should establish joint rescue co-ordination centres and rescue sub-centres to serve both maritime and aeronautical purposes.
- 2.4.3 Whenever separate maritime and aeronautical rescue co-ordination centres or rescue sub-centres are established to serve the same area, the Party concerned shall ensure the closest practicable co-ordination between the centres or sub-centres.
- 2.4.4 Parties shall ensure as far as is possible the use of common procedures by search and rescue units established for maritime purposes and those established for aeronautical purposes.

2.5 Designation of search and rescue facilities

Parties shall identify all facilities able to participate in search and rescue operations, and may designate suitable facilities as search and rescue units.

2.6 Equipment of search and rescue units

- 2.6.1 Each search and rescue unit shall be provided with equipment appropriate to its task.
- 2.6.2 Containers and packages containing survival equipment for dropping to survivors should have the general nature of their contents indicated by markings in accordance with standards adopted by the Organization.

CHAPTER 3

CO-OPERATION BETWEEN STATES

3.1 Co-operation between States

- 3.1.1 Parties shall co-ordinate their search and rescue organizations and should, whenever necessary, co-ordinate search and rescue operations with those of neighbouring States.
- 3.1.2 Unless otherwise agreed between the States concerned, a Party should authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory of rescue units of other Parties solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties. In such cases, search and rescue operations shall, as far as practicable, be co-ordinated by the appropriate rescue co-ordination centre of the Party which has authorized entry, or such other authority as has been designated by that Party.
- 3.1.3 Unless otherwise agreed between the States concerned, the authorities of a Party which wishes its rescue units to enter into or over the territorial sea or territory of another Party solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties, shall transmit a request, giving full details of the projected mission and the need for it, to the rescue co-ordination centre of that other Party, or to such other authority as has been designated by that Party.
- 3.1.4 The responsible authorities of Parties shall:
- .1 immediately acknowledge the receipt of such a request; and
 - .2 as soon as possible indicate the conditions, if any, under which the projected mission may be undertaken.
- 3.1.5 Parties should enter into agreements with neighbouring States setting forth the conditions for entry of each other's rescue units into or over their respective territorial sea or territory. These agreements should also provide for expediting entry of such units with the least possible formalities.

- 3.1.6 Each Party should authorize its rescue co-ordination centres:
 - .1 to request from other rescue co-ordination centres such assistance, including vessels, aircraft, personnel or equipment, as may be needed;
 - .2 to grant any necessary permission for the entry of such vessels, aircraft, personnel or equipment into or over its territorial sea or territory; and
 - .3 to make the necessary arrangements with the appropriate customs, immigration, health or other authorities with a view to expediting such entry.
- 3.1.7 Each Party shall ensure that its rescue co-ordination centres provide, when requested, assistance to other rescue co-ordination centres, including assistance in the form of vessels, aircraft, personnel or equipment.
- 3.1.8 Parties should enter into agreements with other States, where appropriate, to strengthen search and rescue co-operation and co-ordination. Parties shall authorize their responsible authority to make operational plans and arrangements for search and rescue co-operation with responsible authorities of other States.

CHAPTER 4

OPERATING PROCEDURES

4.1 Preparatory measures

- 4.1.1 Each rescue co-ordination centre and rescue sub-centre shall have available up-to-date information especially concerning search and rescue facilities and available communications relevant to search and rescue operations in its area.
- 4.1.2 Each rescue co-ordination centre and rescue sub-centre should have ready access to information regarding the position, course and speed of vessels within its area which may be able to provide assistance to persons, vessels or other craft in distress at sea, and regarding how to contact them. This information should either be kept in the rescue co-ordination centre, or be readily obtainable when necessary.
- 4.1.3 Each rescue co-ordination centre and rescue sub-centre shall have detailed plans of operation for the conduct of search and rescue operations. Where appropriate, these plans shall be developed jointly with the representatives of those who may assist in providing, or who may benefit from, the search and rescue services.
- 4.1.4 Rescue co-ordination centres or sub-centres shall be kept informed of the state of preparedness of search and rescue units.

4.2 Information concerning emergencies

- 4.2.1 Parties, either individually or in co-operation with other States, shall ensure that they are capable on a 24-hour basis of promptly and reliably receiving distress alerts from equipment used for this purpose within their search and rescue regions. Any alerting post receiving a distress alert shall:
 - .1 immediately relay the alert to the appropriate rescue co-ordination centre or sub-centre, and then assist search and rescue communications as appropriate; and
 - .2 if practicable, acknowledge the alert.
- 4.2.2 Parties shall, where appropriate, ensure that effective arrangements are in place for the registration of communication equipment and for responding to emergencies, to enable any rescue co-ordination centre or sub-centre to access pertinent registration information quickly.
- 4.2.3 Any authority or element of the search and rescue service having reason to believe that a person, a vessel or other craft is in a state of emergency shall forward as soon as possible all available information to the rescue co-ordination centre or rescue sub-centre concerned.
- 4.2.4 Rescue co-ordination centres and rescue sub-centres shall, immediately upon receipt of information concerning a person, a vessel, or other craft in a state of emergency, evaluate such information and determine the phase of emergency in accordance with paragraph 4.4, and the extent of operations required.

4.3 Initial action

Any search and rescue unit receiving information of a distress incident shall initially take immediate action if in the position to assist and shall, in any case without delay, notify the rescue co-ordination centre or rescue sub-centre in whose area the incident has occurred.

4.4 Emergency Phase

To assist in determining the appropriate operating procedures, the following emergency phases shall be distinguished by the rescue co-ordination centre or sub-centre concerned:

.1 *Uncertainty phase:*

- .1.1 when a person has been reported as missing, or a vessel or other craft is overdue; or
- .1.2 when a person, a vessel or other craft has failed to make an expected position or safety report.

.2 *Alert Phase*

- .2.1 when, following the uncertainty phase, attempts to establish contact with a person, a vessel or other craft have failed and inquiries to other appropriate sources have been unsuccessful; or
- .2.2 when information has been received indicating that the operating efficiency of a vessel or other craft is impaired, but not to the extent that a distress situation is likely.

.3 *Distress phase:*

- .3.1 when positive information is received that a person, a vessel or other craft is in danger and in need of immediate assistance; or
- .3.2 when, following the alert phase, further unsuccessful attempts to establish contact with a person, a vessel or other craft and more widespread unsuccessful inquiries point to the probability that a distress situation exists; or
- .3.3 when information is received which indicates that the operating efficiency of a vessel or other craft has been impaired to the extent that a distress situation is likely.

4.5 Procedures to be followed by rescue co-ordination centres and rescue sub-centres during emergency phases

- 4.5.1 Upon the declaration of the uncertainty phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall initiate inquiries to determine the safety of a person, a vessel or other craft, or shall declare the alert phase.
- 4.5.2 Upon the declaration of the alert phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall extend the inquiries for the missing person, vessel or other craft, alert appropriate search and rescue services and initiate such action, as is necessary in the light of the circumstances of the particular case.
- 4.5.3 Upon the declaration of the distress phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall proceed as prescribed in its plans of operation, as required by paragraph 4.1.
- 4.5.4 *Initiation of search and rescue operations in respect of a vessel whose position is unknown*

In the event of an emergency phase being declared for a search object whose position is unknown, the following shall apply:

- .1 when an emergency phase exists, a rescue co-ordination centre or rescue sub-centre shall, unless it is aware that other centres are taking action, assume responsibility for initiating suitable action and confer with other centres with the objective of designating one centre to assume responsibility;
- .2 unless otherwise decided by agreement between the centres concerned, the centre to be designated shall be the centre responsible for the area in which the search object was according to its last reported position; and

- .3 after the declaration of the distress phase, the centre co-ordinating the search and rescue operations shall, if appropriate, inform other centres of all the circumstances of the emergency and of all subsequent developments.

4.5.5 *Passing information to persons, vessels or other craft for which an emergency phase has been declared*

Whenever possible, the rescue co-ordination centre or rescue sub-centre responsible for search and rescue operations shall forward to the person, a vessel or other craft for which an emergency phase has been declared, information on the search and rescue operations it has initiated.

4.6 Co-ordination when two or more Parties are involved

For search and rescue operations involving more than one Party, each Party shall take appropriate action in accordance with the plans of operation referred to in paragraph 4.1 when so requested by the rescue co-ordination centre of the region.

4.7 On-scene co-ordination of search and rescue activities

- 4.7.1 The activities of search and rescue units and other facilities engaged in search and rescue operations shall be co-ordinated on-scene to ensure the most effective results.

- 4.7.2 When multiple facilities are about to engage in search and rescue operations, and the rescue co-ordination centre or rescue sub-centre considers it necessary, the most capable person should be designated as on-scene co-ordinator as early as practicable and preferably before the facilities arrive within the specified area of operation. Specific responsibilities shall be assigned to the on-scene co-ordinator, taking into account the apparent capabilities of the on-scene co-ordinator and operational requirements.

- 4.7.3 If there is no responsible rescue co-ordination centre or, for any reason, the responsible rescue co-ordination centre is unable to co-ordinate the search and rescue mission, the facilities involved should designate an on-scene co-ordinator by mutual agreement.

4.8 Termination and suspension of search and rescue operations

- 4.8.1 Search and rescue operations shall continue, when practicable, until all reasonable hope of rescuing survivors has passed.

- 4.8.2 The responsible rescue co-ordination centre or rescue sub-centre concerned shall normally decide when to discontinue search and rescue operations. If no such centre is involved in co-ordinating the operations, the on-scene co-ordinator may take this decision.

- 4.8.3 When a rescue co-ordination centre or rescue sub-centre considers, on the basis of reliable information, that a search and rescue operation has been successful, or that the emergency no longer exists, it shall terminate the search and rescue operation and promptly so inform any authority, facility or service which has been activated or notified.

- 4.8.4 If search and rescue operation on-scene becomes impracticable and the rescue co-ordination centre or rescue sub-centre concludes that survivors might still be alive, the centre may temporarily suspend the on-scene activities pending further developments, and shall promptly so inform any authority, facility or service which has been activated or notified. Information subsequently received shall be evaluated and search and rescue operations resumed when justified on the basis of such information.

CHAPTER 5

SHIP REPORTING SYSTEMS

5.1 General

- 5.1.1 Ship reporting systems may be established either individually by Parties or in co-operation with other States, where this is considered necessary, to facilitate search and rescue operations.

- 5.1.2 Parties contemplating the institution of a ship reporting system should take account of the relevant recommendations of the Organization. Parties should also consider whether existing reporting systems or other sources of ship position data can provide adequate information for the region, and seek to minimize unnecessary additional reports by ships, or the need for rescue co-ordination centres to check with multiple reporting systems to determine availability of ships to assist with search and rescue operations.
- 5.1.3 The ship reporting system should provide up-to-date information on the movements of vessels in order, in the event of a distress incident, to:
- .1 reduce the interval between the loss of contact with a vessel and the initiation of search and rescue operations in cases where no distress signal has been received;
 - .2 permit rapid identification of vessels which may be called upon to provide assistance;
 - .3 permit delineation of a search area of limited size in case the position of a person, a vessel or other craft in distress is unknown or uncertain; and
 - .4 facilitate the provision of urgent medical assistance or advice.

5.2 Operational requirements

- 5.2.1 Ship reporting systems should satisfy the following requirements:
- .1 provision of information, including sailing plans and position reports, which would make it possible to determine the current and future positions of participating vessels;
 - .2 maintenance of a shipping plot;
 - .3 receipt of reports at appropriate intervals from participating vessels;
 - .4 simplicity in system design and operation; and
 - .5 use of an internationally agreed standard ship reporting format and procedures.

5.3 Types of reports

- 5.3.1 A ship reporting system should incorporate the following types of ship reports in accordance with the recommendations of the Organization:
- .1 Sailing plan;
 - .2 Position report; and
 - .3 Final report.

5.4 Use of systems

- 5.4.1 Parties should encourage all vessels to report their positions when travelling in areas where arrangements have been made to collect information on positions for search and rescue purposes.
- 5.4.2 Parties recording information on the position of vessels should disseminate, so far as practicable, such information to other States when so requested for search and rescue purposes.

SCHEDULE 2 (Section 3)

SEARCH AND RESCUE

ANNEX 12

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

FOREWORD

Historical background

In December 1946, the Search and Rescue Division, at its second session, made recommendations for Standards and Recommended Practices for Search and Rescue. These were developed by the Secretariat and the then existent Air Navigation Committee, and were duly submitted to the Council. The proposals were not accepted by the Council in the form in which they were presented and, on 20 April 1948, were referred back to the Air Navigation Committee for further consideration.

A further draft Annex was then developed in the light of experience gained at Regional Air Navigation Meetings and eventually was approved in principle by the Air Navigation Commission and circulated to States for comment. Further development was made by the Air Navigation Commission as a result of States' comments and the resulting proposals were adopted by the Council on 25 May 1950 and designated as Annex 12 to the Convention on International Civil Aviation. The Annex became effective on 1 December 1950 and came into force on 1 March 1951.

Table A shows the origin of subsequent amendments together with a list of the principal subjects involved and the dates on which the Annex and the amendments were adopted by the Council, when they became effective and when they became applicable.

Applicability

The Standards and Recommended Practices in this document govern the application of the *Regional Supplementary Procedures — Search and Rescue*, contained in Doc 7030, in which document will be found subsidiary procedures of regional application.

Annex 12 is applicable to the establishment, maintenance and operation of search and rescue services in the territories of Contracting States and over the high seas, and to the coordination of such services between States.

Action by Contracting States

Notification of differences. The attention of Contracting States is drawn to the obligation imposed by Article 38 of the Convention by which Contracting States are required to notify the Organization of any differences between their national regulations and practices and the International Standards

contained in this Annex and any amendments thereto. Contracting States are invited to extend such notification to any differences from the Recommended Practices contained in this Annex, and any amendments thereto, when the notification of such differences is important for the safety of air navigation. Further, Contracting States are invited to keep the Organization currently informed of any differences which may subsequently occur, or of the withdrawal of any differences previously notified. A specific request for notification of differences will be sent to Contracting States immediately after the adoption of each Amendment to this Annex.

Attention of States is also drawn to the provisions of Annex 15 related to the publication of differences between their national regulations and practices and the related ICAO Standards and Recommended Practices through the Aeronautical Information Service, in addition to the obligation of States under Article 38 of the Convention.

Promulgation of information. Information relating to the establishment and withdrawal of and changes to facilities, services and procedures affecting aircraft operations provided according to the Standards and Recommended Practices specified in this Annex should be notified and take effect in accordance with Annex 15.

Use of the text of the Annex in national regulations. The Council, on 13 April 1948, adopted a resolution inviting the attention of Contracting States to the desirability of using in their own national regulations, as far as practicable, the precise language of those ICAO Standards that are of a regulatory character and also of indicating departures from the Standards, including any additional national regulations that were important for the safety or regularity of air navigation. Wherever possible, the provisions of this Annex have been written in such a way as would facilitate incorporation, without major textual changes, into national legislation.

Status of Annex components

An Annex is made up of the following component parts, not all of which, however, are necessarily found in every Annex; they have the status indicated:

1.— Material comprising the Annex proper:

- a) *Standards and Recommended Practices* adopted by the Council under the provisions of the Convention. They are defined as follows:

Standard. Any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38.

Recommended Practice. Any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interests of safety, regularity or efficiency of international air navigation, and to which Contracting States will endeavour to conform in accordance with the Convention.

b) *Appendices* comprising material grouped separately for convenience but forming part of the Standards and Recommended Practices adopted by the Council.

c) *Definitions* of terms used in the Standards and Recommended Practices which are not self-explanatory in that they do not have accepted dictionary meanings. A definition does not have an independent status but is an essential part of each Standard and Recommended Practice in which the term is used, since a change in the meaning of the term would affect the specification.

2.— *Material approved by the Council for publication in association with the Standards and Recommended Practices:*

a) *Forewords* comprising historical and explanatory material based on the action of the Council and including an explanation of the obligation of States with regard to the application of the Standards and Recommended Practices ensuing from the Convention and the Resolution of Adoption.

b) *Introductions* comprising explanatory material introduced at the beginning of parts, chapters or sections of the Annex to assist in the understanding of the application of the text.

c) *Notes* included in the text, where appropriate, to give factual information or references bearing on the

Standards or Recommended Practices in question, but not constituting part of the Standards or Recommended Practices.

d) *Attachments* comprising material supplementary to the Standards and Recommended Practices, or included as a guide to their application.

Selection of language

This Annex has been adopted in five languages — English, Arabic, French, Russian and Spanish. Each Contracting State is requested to select one of those texts for the purpose of national implementation and for other effects provided for in the Convention, either through direct use or through translation into its own national language, and to notify the Organization accordingly.

Editorial practices

The following practice has been adhered to in order to indicate at a glance the status of each statement: *Standards* have been printed in light face roman; *Recommended Practices* have been printed in light face italics, the status being indicated by the prefix **Recommendation**; *Notes* have been printed in light face italics, the status being indicated by the prefix *Note*.

The following editorial practice has been followed in the writing of specifications: for Standards the operative verb "shall" is used, and for Recommended Practices the operative verb "should" is used.

Throughout this document:

a) measurements are given in the metric system followed in parentheses by corresponding measurements in the foot-pound system; and

b) the use of the male gender should be understood to include male and female persons.

Any reference to a portion of this document, which is identified by a number and/or title, includes all subdivisions of that portion.

Table A. Amendments to Annex 12

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject(s)</i>	<i>Adopted/approved Effective Applicable</i>
1st Edition	Search and Rescue Division, Second Session (1946) Air Navigation Commission	International Standards and Recommended Practices — Search and Rescue Services.	25 May 1950 1 December 1950 1 March 1951
1 (2nd Edition)	Search and Rescue Division, Third Session (1951)	Search and rescue organization; communications; appraisals of search and rescue operations; procedures for search and rescue; air-to-ground signals.	31 March 1952 1 September 1952 1 January 1953
2 (3rd Edition)	Second Air Navigation Conference (1955)	Rescue sub-centres; servicing and refuelling rescue units of other Contracting States.	8 May 1956 1 September 1956 1 December 1956
3	Third Air Navigation Conference (1956). Amendment 140 to Annex 6, Chapter 6	Marking of areas of the fuselage suitable for break-in.	13 June 1957 1 October 1957 1 December 1957
4 (4th Edition)	Rules of the Air, Air Traffic Services and Search and Rescue Divisions (1958)	Cooperation between States; information concerning emergencies; procedures for rescue coordination centres.	8 December 1959 1 May 1960 1 August 1960
5	Amendment 13 to Annex 11	Notification of rescue coordination centres by air traffic services units.	13 April 1962 — 1 November 1962
6	Amendment 4 to Annex 9	Temporary entry of rescue units from other Contracting States.	— — 1 July 1964
7	Amendment 14 to Annex 11, Chapter 5	Alerting of surface vessels and en-route aircraft to assist an aircraft in distress.	19 June 1964 1 November 1964 1 February 1965
8	International Convention for the Safety of Life at Sea. Amendment 15 to Annex 11	Updating of reference; alerting service.	10 December 1965 — 25 August 1966
9 (5th Edition)	Air Navigation Commission review of the Regional Supplementary Procedures	Cooperation between Contracting States; servicing and refuelling of rescue units of other Contracting States; testing search and rescue communications facilities; assistance in search and rescue operations by additional units or services.	25 May 1970 25 September 1970 4 February 1971
10	Air Navigation Commission	Carriage of the International Code of Signals by search and rescue aircraft; equipment of search and rescue aircraft with frequency 2182 kHz; information on position of merchant ships.	11 December 1972 11 April 1973 16 August 1973

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject(s)</i>	<i>Adopted/approved/ Effective Applicable</i>
11 (6th Edition)	Complete review of the Annex by the Air Navigation Commission	New signal to surface craft; provision of search and rescue services on a 24-hour basis; dissemination of information on position of merchant ships; appraisals of search and rescue operations; improvement of cooperation between neighbouring States; equipment of rescue units; availability of information on air traffic services; location of droppable survival equipment; methods for assisting aircraft in distress and being compelled to ditch to rendezvous with surface craft; methods for assisting search and rescue or other aircraft to rendezvous with aircraft in distress.	25 November 1974 25 March 1975 9 October 1975
12	Amendment 60 to Annex 3	Supplementary communication facilities between meteorological offices and search and rescue units.	8 December 1975 8 April 1976 12 August 1976
13	Air Navigation Commission	Ground-air visual signal code for use by survivors.	15 December 1980 15 April 1981 26 November 1981
14	Air Navigation Commission	Rescue coordination centre (RCC) responsibilities regarding preparatory measures in the event an aircraft is subject to unlawful interference.	12 March 1990 30 July 1990 15 November 1990
15	Air Navigation Commission	Definition for search and rescue aircraft; communications requirements for rescue coordination centres (RCCs) and equipment of search and rescue (SAR) aircraft; SAR point of contact (SPOC).	12 March 1993 26 July 1993 11 November 1993
16 (7th Edition)	Amendments 25, 20 and 7 to Annex 6, Parts I, II and III, respectively; Air Navigation Commission	Revised definition of "pilot-in-command"; editorial amendments.	12 March 2001 16 July 2001 1 November 2001

INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES

Note.— Although the Convention on International Civil Aviation allocates to the State of Registry certain functions which that State is entitled to discharge, or obliged to discharge, as the case may be, the Assembly recognized, in Resolution A23-13, that the State of Registry may be unable to fulfil its responsibilities adequately in instances where aircraft are leased, chartered or interchanged — in particular without crew — by an operator of another State and that the Convention may not adequately specify the rights and obligations of the State of an operator in such instances. Accordingly, the Council, without prejudice to the question of whether the Convention may require amendment with respect to the allocation of functions to States, urged that if, in the above-mentioned instances, the State of Registry finds itself unable to discharge adequately the functions allocated to it by the Convention, it delegate to the State of the operator, subject to acceptance by the latter State, those functions of the State of Registry that can more adequately be discharged by the State of the operator. It is understood that the foregoing action will only be a matter of practical convenience and will not affect either the provisions of the Chicago Convention prescribing the duties of the State of Registry or any third State.

CHAPTER 1. DEFINITIONS

When the following terms are used in the Standards and Recommended Practices for Search and Rescue, they have the following meanings:

Note.— The designation (RR) in these definitions indicates a definition which has been extracted from the Radio Regulations of the International Telecommunication Union (ITU) (see Handbook on Radio Frequency Spectrum Requirements for Civil Aviation including statement of approved ICAO policies (Doc 9718)).

Alerting post. A unit designated to receive information from the general public regarding aircraft in emergency and to forward the information to the associated rescue coordination centre.

Alert phase. A situation wherein apprehension exists as to the safety of an aircraft and its occupants.

Distress phase. A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.

Ditching. The forced landing of an aircraft on water.

Emergency phase. A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase.

Operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Pilot-in-command. The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.

Radio direction-finding station (RR 51.91). A radio determination station using radio direction finding.

Note.— The aeronautical application of radio direction finding is in the aeronautical radio navigation service.

Rescue coordination centre. A unit responsible for promoting efficient organization of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue region.

Rescue subcentre. A unit subordinate to a rescue coordination centre, established to complement the latter within a specified portion of a search and rescue region.

Rescue unit. A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue.

Search and rescue aircraft. An aircraft provided with specialized equipment suitable for the efficient conduct of search and rescue missions.

Search and rescue region. An area of defined dimensions within which search and rescue services are provided.

Search and rescue services unit. A generic term meaning, as the case may be, rescue coordination centre, rescue subcentre or alerting post.

State of Registry. The State on whose register the aircraft is entered.

Uncertainty phase. A situation wherein uncertainty exists as to the safety of an aircraft and its occupants.

CHAPTER 2. ORGANIZATION

2.1 Establishment and provision of search and rescue services

2.1.1 Contracting States shall arrange for the establishment and provision of search and rescue services within their territories. Such services shall be provided on a 24-hour basis.

2.1.1.1 Those portions of the high seas or areas of undetermined sovereignty for which search and rescue services will be established shall be determined on the basis of regional air navigation agreements. A Contracting State having accepted the responsibility to provide search and rescue services in such areas shall thereafter arrange for the services to be established and provided in accordance with the provisions of this Annex.

Note.— The phrase "regional air navigation agreements" refers to the agreements approved by the Council of ICAO normally on the advice of Regional Air Navigation Meetings.

2.1.2 In providing assistance to aircraft in distress and to survivors of aircraft accidents, Contracting States shall do so regardless of the nationality of such aircraft or survivors.

2.2 Establishment of search and rescue regions

2.2.1 Contracting States shall delineate the search and rescue regions within which they will provide search and rescue services. Such regions shall not overlap.

2.2.1.1 **Recommendation.**— *Boundaries of search and rescue regions should, in so far as practicable, be coincident with the boundaries of corresponding flight information regions.*

2.3 Establishment and designation of search and rescue services units

2.3.1 Contracting States shall establish a rescue coordination centre in each search and rescue region.

2.3.2 **Recommendation.**— *Contracting States should establish rescue subcentres whenever this would improve the efficiency of search and rescue services.*

2.3.3 **Recommendation.**— *In areas where public telecommunications facilities would not permit persons observing an aircraft in emergency to notify the rescue coordination centre concerned directly and promptly, Contracting States should designate suitable units of public or private services as alerting posts.*

2.4 Communication for search and rescue services units

2.4.1 Each rescue coordination centre shall have means of immediate communication with:

- a) the associated air traffic services unit;
- b) associated rescue subcentres;
- c) appropriate direction-finding and position-fixing stations in the region;
- d) where appropriate, coastal radio stations capable of alerting and communicating with surface vessels in the region.

Note.— "Means of immediate communication" are considered to be direct-line telephone or teletype, direct radiotelephone circuit, or, when these cannot be made available, telephone or teletype via a switchboard.

2.4.2 Each rescue coordination centre shall have means of rapid and reliable communication with:

- a) the headquarters of rescue units in the region;
- b) rescue coordination centres in adjacent regions;
- c) a designated meteorological office or meteorological watch office;
- d) rescue units when employed in search and rescue;
- e) alerting posts;
- f) the COSPAS-SARSAT* Mission Control Centre servicing the search and rescue (SAR) region when the

* COSPAS — space system for search of vessels in distress
SARSAT — search and rescue satellite-aided tracking

rescue coordination centre (RCC) has been designated SAR point of contact (SPOC).

Note.— "Means of rapid and reliable communication" include digital data interchange, telephone, facsimile and radiotelephone.

2.4.3 In addition to the requirement in 2.4.1 b), each rescue subcentre shall have means of rapid and reliable communication with:

- a) adjacent rescue subcentres;
- b) a meteorological office or meteorological watch office;
- c) rescue units when employed in search and rescue;
- d) alerting posts.

Note.— See Note following 2.4.2.

2.4.4 **Recommendation.**— *The means of communication provided in accordance with 2.4.2 c) and 2.4.3 b) should be supplemented, as and where necessary, by other means of visual or audio communication, for example, closed-circuit television.*

2.5 Designation of rescue units

2.5.1 Contracting States shall designate as rescue units elements of public or private services suitably located and equipped for search and rescue in each search and rescue region, and shall define the relative functions of these elements and the respective rescue coordination centre.

2.5.1.1 Contracting States shall establish additional rescue units wherever the units designated in accordance with 2.5.1 are insufficient.

Note.— The minimum units and facilities necessary for provision of search and rescue within a search and rescue region are determined by regional air navigation agreements and are specified in the appropriate Air Navigation Plan publications.

2.5.2 **Recommendation.**— *Contracting States should designate as parts of the search and rescue plan of operation, elements of public or private services that do not qualify as rescue units but are nevertheless able to participate in search and rescue operations, and should define the relative functions of these elements and the respective rescue coordination centres.*

2.6 Equipment of rescue units

2.6.1 Rescue units shall be provided with facilities and equipment for locating promptly, and for providing adequate assistance at, the scene of an accident.

Note.— In selecting equipment for rescue units it is important that due regard be given to the size and passenger capacity of modern aircraft.

2.6.2 **Recommendation.**— *In addition to the communications required by the Standards in 2.4.2 d) and 2.4.3 c), each rescue unit should have means of rapid and reliable communication with other units or elements engaged in the same operation.*

Note.— See Note following 2.4.2.

2.6.3 Each search and rescue aircraft shall be equipped to be able to communicate on the aeronautical distress and scene of action frequencies and on such other frequencies as may be prescribed.

2.6.4 Each search and rescue aircraft shall be equipped with a device for homing on emergency locator transmitters transmitting on 121.5 MHz required to be carried by aircraft in accordance with the provisions of Annex 6, Parts I, II and III.

Note.— Specifications for emergency locator transmitters (ELTs) are given in Annex 10, Volume III.

2.6.5 Each search and rescue aircraft, when used for search and rescue over maritime areas and required to communicate with merchant ships, shall be equipped to be able to communicate with such ships on 2182 kHz.

2.6.6 Each search and rescue aircraft, when used for search and rescue over maritime areas and required to communicate with merchant ships, shall carry a copy of the International Code of Signals to enable it to overcome language difficulties that may be experienced in communicating with such ships.

2.6.7 **Recommendation.**— *Unless it is known that there is no need to provide supplies to survivors by air, at least one of the aircraft participating in a search and rescue operation should carry droppable survival equipment.*

2.6.8 **Recommendation.**— *States should provide, at appropriate aerodromes where search and rescue aircraft are not readily available, survival equipment suitably packed for dropping by aircraft not normally participating in search and rescue operations.*

2.6.9 **Recommendation.**— *Containers or packages containing survival equipment for dropping to survivors should have the general nature of their contents indicated by a colour code, by printed indication, and by self-explanatory symbols, to the extent that such symbols exist.*

2.6.9.1 Recommendation.— *The colour identification of the contents of droppable containers and packages containing survival equipment should take the form of coloured streamers according to the following code:*

*Red — medical supplies and first-aid equipment.
Blue — food and water.
Yellow — blankets and protective clothing.
Black — miscellaneous equipment such as stoves, axes, compasses, cooking utensils, etc.*

2.6.9.2 Recommendation.— *Where supplies of a mixed nature are dropped in one container or package, the colour code should be used in combination.*

2.6.10 Recommendation.— *Instructions on the use of the survival equipment should be enclosed in each of the droppable containers or packages. They should be printed in at least three languages of which at least one should be one of the working languages of ICAO.*

CHAPTER 3. COOPERATION

3.1 Cooperation between States

3.1.1 Contracting States shall coordinate their search and rescue organizations with those of neighbouring Contracting States.

3.1.2 **Recommendation.**— *Contracting States should, whenever necessary, coordinate their search and rescue operations with those of neighbouring States.*

3.1.2.1 **Recommendation.**— *Contracting States should, in so far as practicable, develop common search and rescue procedures to facilitate coordination of search and rescue operations with those of neighbouring States.*

3.1.3 Subject to such conditions as may be prescribed by its own authorities, a Contracting State shall permit immediate entry into its territory of rescue units of other States for the purpose of searching for the site of aircraft accidents and rescuing survivors of such accidents.

3.1.4 The authorities of a Contracting State which wish its rescue units to enter the territory of another Contracting State for search and rescue purposes shall transmit a request, giving full details of the projected mission and the need for it, to the rescue coordination centre of the State concerned or to such other authority as has been designated by that State.

3.1.4.1 The authorities of Contracting States shall:

- immediately acknowledge the receipt of such a request, and
- as soon as possible indicate the conditions, if any, under which the projected mission may be undertaken.

3.1.5 **Recommendation.**— *Contracting States should enter into agreements with neighbouring States setting forth the conditions for entry of each other's rescue units into their respective territories. These agreements should also provide for expediting entry of such units with the least possible formalities.*

3.1.6 **Recommendation.**— *Each Contracting State should authorize its rescue coordination centres to:*

- a) request from other rescue coordination centres such assistance, including aircraft, vessels, personnel or equipment, as may be needed;

b) grant any necessary permission for the entry of such aircraft, vessels, personnel or equipment into its territory; and

c) make the necessary arrangements with the appropriate customs, immigration or other authorities with a view to expediting such entry.

3.1.7 **Recommendation.**— *Each Contracting State should authorize its rescue coordination centres to provide, when requested, assistance to other rescue coordination centres, including assistance in the form of aircraft, vessels, personnel or equipment.*

3.1.8 **Recommendation.**— *Contracting States should make arrangements for joint training exercises involving their search and rescue units, those of other States and operators, in order to promote search and rescue efficiency.*

3.1.9 **Recommendation.**— *Contracting States should make arrangements for periodic liaison visits by personnel of their rescue coordination centres and subcentres to the centres of neighbouring States.*

3.2 Cooperation with other services

3.2.1 Contracting States shall arrange for all aircraft, vessels and local services and facilities which do not form part of the search and rescue organization to cooperate fully with the latter in search and rescue and to extend any possible assistance to the survivors of aircraft accidents.

3.2.2 Contracting States shall ensure that their search and rescue services cooperate with those responsible for investigating accidents and with those responsible for the care of those who suffered from the accident.

3.2.3 **Recommendation.**— *To facilitate accident investigation, rescue units should, when practicable, be accompanied by persons qualified in the conduct of aircraft accident investigations.*

3.2.4 States shall designate a search and rescue point of contact (SPOC) for the receipt of COSPAS-SARSAT distress data.

3.3 Dissemination of information

3.3.1 Each Contracting State shall publish and disseminate all information necessary for the entry of rescue units of other States into its territory.

Note.— See 3.1.3.

3.3.2 **Recommendation.**— When requested, Contracting States should make available, through the rescue coordination centres or other agencies, information regarding their search and rescue plans of operation.

3.3.3 **Recommendation.**— Each Contracting State recording information on the position of ships at sea should disseminate, on a regular basis, in so far as practicable, such information to other Contracting States concerned requesting it.

3.3.4 **Recommendation.**— Contracting States should, to the extent desirable and practicable, disseminate to the general public directives on actions to be taken when there is reason to believe that an aircraft is in an emergency and in the event of an aircraft accident.

CHAPTER 4. PREPARATORY MEASURES

4.1 Requirements for information

4.1.1 Each rescue coordination centre shall have available at all times up-to-date information concerning the following in respect of its search and rescue region:

- a) rescue units, rescue subcentres and alerting posts;
- b) air traffic services units;
- c) means of communication that may be used in search and rescue operations;
- d) cable addresses and telephone numbers of all operators or their designated representatives, engaged in operations in the region;
- e) any other public and private resources including medical and transportation facilities that are likely to be useful in search and rescue.

4.1.2 **Recommendation.**— Each rescue coordination centre should have available all other information of interest to search and rescue, including information regarding:

- a) the locations, call signs, hours of watch, and frequencies of all radio stations likely to be employed in search and rescue;
- b) the locations and hours of watch of services keeping radio watch, and the frequencies guarded;
- c) objects which it is known might be mistaken for unlocated or unreported wreckage, particularly if viewed from the air;
- d) locations where supplies of droppable emergency and survival equipment are stored.

4.1.3 **Recommendation.**— Each rescue coordination centre whose search and rescue region includes maritime areas should have ready access to information regarding the position, true track, speed and call sign of ships within such areas, which may be able to provide assistance to aircraft in distress.

Note.— This information may either be kept in the rescue coordination centres or be readily obtainable if and when necessary.

4.1.4 A large-scale map of the search and rescue region shall be available at each rescue coordination centre for the purpose of displaying and plotting information of interest to search and rescue.

4.2 Plan of operation

4.2.1 Each rescue coordination centre shall prepare a detailed plan for the conduct of search and rescue operations within its search and rescue region.

4.2.2 The plan of operation shall specify arrangements for the servicing and refuelling, to the extent possible, of aircraft, vessels and vehicles employed in search and rescue, including those made available by other States.

4.2.3 **Recommendation.**— The plan of operation should contain details regarding all actions to be taken by those engaged in search and rescue, including:

- a) the manner in which search and rescue is to be conducted in the search and rescue region;
- b) the use of available communication systems and facilities;
- c) the actions to be taken jointly with adjacent rescue coordination centres;
- d) the methods of alerting en-route aircraft and ships at sea;
- e) the duties and prerogatives of personnel assigned to search and rescue;
- f) the possible redeployment of equipment that may be necessitated by meteorological or other conditions;
- g) the methods for obtaining essential information relevant to search and rescue operations, such as weather reports and forecasts, appropriate NOTAM, etc.;

- h) the methods for obtaining, from other rescue coordination centres, such assistance, including aircraft, vessels, personnel or equipment, as may be needed;
- i) the methods for assisting distressed aircraft being compelled to ditch to rendezvous with surface craft;
- j) the methods for assisting search and rescue or other aircraft to rendezvous with aircraft in distress;
- k) the initial actions for assistance to an aircraft known or believed to be subject to unlawful interference.

4.3 Preparatory procedures for rescue units

4.3.1 Each rescue unit shall:

- a) be cognizant of all parts of the plan of operation prescribed in 4.2 that are necessary for the effective conduct of its duties;
- b) maintain in readiness the required number of rescue craft and vehicles;
- c) maintain supplies of rations, medical stores, signalling devices and other survival and rescue equipment;
- d) keep the rescue coordination centre currently informed of the quantity and preparedness of its equipment.

4.3.2 **Recommendation.**— Each rescue unit should make arrangements for the supply of additional craft or vehicles in case replacement of those already engaged in search and rescue is required.

4.4 Training

Recommendation.— To achieve and maintain maximum efficiency in search and rescue, Contracting States should provide for regular training of their search and rescue personnel and arrange appropriate search and rescue exercises.

4.5 Removal of wreckage

4.5.1 Each Contracting State shall ensure that wreckage resulting from aircraft accidents within its territory or, in the case of accidents on the high seas or in areas of undetermined sovereignty, within the search and rescue regions for which it is responsible, is removed or obliterated following completion of the accident investigation, or charted, so as to prevent subsequent confusion.

4.5.2 **Recommendation.**— To facilitate compliance with 4.5.1, each Contracting State should require any person finding wreckage of aircraft to notify the appropriate authority as soon as possible.

CHAPTER 5. OPERATING PROCEDURES

5.1 Information concerning emergencies

5.1.1 **Recommendation.**— *Contracting States should encourage any person observing an accident or having reason to believe that an aircraft is in an emergency to give immediately all available information to the appropriate alerting post or to the rescue coordination centre concerned.*

5.1.2 Any authority or any element of the search and rescue organization having reason to believe that an aircraft is in an emergency shall give immediately all available information to the rescue coordination centre concerned.

5.1.3 Rescue coordination centres shall, immediately upon receipt of information concerning aircraft in emergency, evaluate such information and determine the extent of the operation required.

5.1.4 When information concerning aircraft in emergency is received from other sources than air traffic services units, the rescue coordination centre shall determine to which emergency phase the situation corresponds and shall apply the procedures applicable to that phase.

5.2 Procedures for rescue coordination centres during emergency phases

5.2.1 Uncertainty phase

During the uncertainty phase, the rescue coordination centre shall cooperate to the utmost with air traffic services units and other appropriate agencies and services in order that incoming reports may be speedily evaluated.

5.2.2 Alert phase

Upon the occurrence of an alert phase the rescue coordination centre shall immediately alert appropriate search and rescue services units and rescue units and initiate any necessary action.

5.2.3 Distress phase

When an aircraft is believed to be in distress, or when a distress phase exists, the rescue coordination centre shall:

- a) initiate action by appropriate search and rescue services units and rescue units in accordance with the detailed plan of operation;
- b) ascertain the position of the aircraft, estimate the degree of uncertainty of this position, and, on the basis of this information and the circumstances, determine the extent of the area to be searched;
- c) notify the operator, where possible, and keep him informed of developments;
- d) notify adjacent rescue coordination centres, the help of which seems likely to be required, or which may be concerned in the operation;
- e) notify the associated air traffic services unit, when the information on the emergency has been received from another source;
- f) request at an early stage such aircraft, vessels, coastal stations, or other services not specifically included in a) as are in a position to do so, to:

- 1) maintain a listening watch for transmission from the aircraft in distress or from an emergency locator transmitter;

Note.— *The frequencies contained in the specifications for emergency locator transmitters (ELTs) given in Annex 10, Volume III, are 121.5 MHz and 406 MHz.*

- 2) assist the aircraft in distress as far as practicable;
- 3) inform the rescue coordination centre of any developments;
- g) from the information available, draw up a plan for the conduct of the search and/or rescue operation required and communicate such plan for the guidance of the authorities immediately directing the conduct of such an operation;
- h) amend as necessary, in the light of circumstances, the guidance already given in g);
- i) notify the State of Registry of the aircraft;
- j) notify the appropriate accident investigation authorities.

The order in which these actions are described shall be followed unless circumstances dictate otherwise.

5.2.4 Initiation of search and rescue action in respect of an aircraft whose position is unknown

In the event that an emergency phase is declared in respect of an aircraft whose position is unknown and may be in one of two or more search and rescue regions, the following shall apply:

- a) When a rescue coordination centre is notified of the existence of an emergency phase and is unaware of other centres taking appropriate action, it shall assume responsibility for initiating suitable action in accordance with 5.2 and confer with neighbouring rescue coordination centres with the objective of designating one rescue coordination centre to assume responsibility forthwith.
- b) Unless otherwise decided by common agreement of the rescue coordination centres concerned, the rescue coordination centre to coordinate search and rescue action shall be the centre responsible for:
 - the region in which the aircraft was according to its last reported position; or
 - the region to which the aircraft was proceeding when its last reported position was at the boundary of two search and rescue regions; or
 - the region to which the aircraft was destined when it was not equipped with suitable two-way radio communication or not under obligation to maintain radio communication.
- c) After declaration of the distress phase, the rescue coordination centre coordinating search and rescue action shall inform all rescue coordination centres that may become involved in the operation, of all the circumstances of the emergency and subsequent developments. Likewise, all rescue coordination centres becoming aware of any information pertaining to the incident, shall inform the rescue coordination centre which is coordinating the search and rescue action.

5.2.5 Passing of information to aircraft in respect of which an emergency phase has been declared

Whenever applicable, the rescue coordination centre responsible for search and rescue action shall forward to the air traffic services unit serving the flight information region in which the aircraft is operating, information of the search and rescue action initiated, in order that such information can be passed to the aircraft.

5.3 Procedures where responsibility for operations extends to two or more Contracting States

Where the conduct of operations over the entire search and rescue region is the responsibility of more than one Contracting State, each involved State shall take action in accordance with the plan of operation when so requested by the rescue coordination centre of the region.

5.4 Procedures for authorities in the field

The authorities immediately directing the conduct of operations or any part thereof shall:

- a) give instructions to the units under their direction and inform the rescue coordination centre of such instructions;
- b) keep the rescue coordination centre informed of developments.

5.5 Procedures for rescue coordination centres — termination and suspension of operations

5.5.1 Uncertainty and alert phases

When during an uncertainty or an alert phase the rescue coordination centre is informed that the emergency no longer exists, it shall so inform any unit or service which it has activated or notified.

5.5.2 Distress phase

5.5.2.1 When during a distress phase the rescue coordination centre is informed that the emergency no longer exists, it shall take the necessary action to terminate the operations and to inform any authority, unit or service which it has activated or notified.

5.5.2.2 If during a distress phase it is determined that the search should be discontinued, the rescue coordination centre shall suspend the operations and so inform any authority, unit or service which has been activated. Pertinent information subsequently received shall be evaluated and operations resumed when justified on the basis of such information.

5.5.2.3 If during a distress phase it is determined that further searching would be of no avail, the rescue coordination centre shall terminate the operations and so inform any authority, unit or service which has been activated.

5.6 Procedures for rescue units

When notified by the rescue coordination centre, the rescue unit shall:

- a) act as required in the notification;
- b) keep the rescue coordination centre currently informed of the quantity and preparedness of its search and rescue equipment;
- c) keep the rescue coordination centre currently informed of its operations.

5.7 Procedures for person-in-charge of the rescue unit at the scene of an accident

The person assigned to be in charge of the rescue unit at the scene of an accident shall act as required by the rescue coordination centre and shall:

- a) ensure that no risk of setting fire to the aircraft is created by the use of improper types of lights or by equipment likely to produce electric or friction sparks;
- b) give aid to survivors;
- c) except as necessary for b), or when otherwise directed, ensure that the wreckage of the aircraft or marks made by it in landing are not disturbed until all information required for investigation of the causes of the accident has been obtained.

5.8 Procedures for pilots-in-command at the scene of an accident

5.8.1 When a pilot-in-command observes that either another aircraft or a surface craft is in distress, he shall, unless he is unable, or in the circumstances of the case considers it unreasonable or unnecessary:

- a) keep in sight the craft in distress until such time as his presence is no longer necessary;
- b) if his position is not known with certainty, take such action as will facilitate the determination of it;
- c) report to the rescue coordination centre or air traffic services unit as much of the following information as possible:

- type of craft in distress, its identification and condition;

- its position, expressed in geographical coordinates or in distance and true bearing from a distinctive landmark or from a radio navigation aid;

- time of observation expressed in hours and minutes Coordinated Universal Time (UTC);

- number of persons observed;

- whether persons have been seen to abandon the craft in distress;

- number of persons observed to be afloat;

- apparent physical condition of survivors;

- d) act as instructed by the rescue coordination centre or the air traffic services unit.

5.8.1.1 If the first aircraft to reach the scene of an accident is not a search and rescue aircraft it shall take charge of on-scene activities of all other aircraft subsequently arriving until the first search and rescue aircraft reaches the scene of the accident. If, in the meantime, such aircraft is unable to establish communication with the appropriate rescue coordination centre or air traffic services unit, it shall, by mutual agreement, hand over to an aircraft capable of establishing and maintaining such communications until the arrival of the first search and rescue aircraft.

5.8.2 When it is necessary for an aircraft to direct a surface craft to the place where an aircraft or surface craft is in distress, the aircraft shall do so by transmitting precise instructions by any means at its disposal. If no radio communication can be established the aircraft shall use the appropriate signal in the Appendix.

5.8.3 When it is necessary for an aircraft to convey information to survivors or surface rescue units, and two-way communication is not available, it shall, if practicable, drop communication equipment that would enable direct contact to be established, or convey the information by dropping the message.

5.8.4 When a ground signal has been displayed, the aircraft shall indicate whether the signal has been understood or not by the means described in 5.8.3 or, if this is not practicable, by use of the appropriate signal in the Appendix.

5.9 Procedures for pilot-in-command intercepting a distress transmission

Whenever a distress signal and/or message or equivalent transmission is intercepted on radiotelegraphy or radiotelephony by a pilot-in-command of an aircraft, he shall:

- a) record the position of the craft in distress if given;
- b) if possible take a bearing on the transmission;
- c) inform the appropriate rescue coordination centre or air traffic services unit of the distress transmission, giving all available information;
- d) at his discretion, while awaiting instructions, proceed to the position given in the transmission.

5.10 Search and rescue signals

5.10.1 The signals in the Appendix shall, when used, have the meaning indicated therein. They shall be used only for the purpose indicated and no other signals likely to be confused with them shall be used.

5.10.2 Upon observing any of the signals given in the Appendix, aircraft shall take such action as may be required by the interpretation of the signal given in that Appendix.

5.11 Maintenance of records

5.11.1 **Recommendation.**— *Each rescue coordination centre should keep a record of the operational efficiency of the search and rescue organization in its region.*

5.11.2 **Recommendation.**— *Each rescue coordination centre should prepare appraisals of actual search and rescue operations in its region. These appraisals should comprise any pertinent remarks on the procedures used by the pilot and on the emergency and survival equipment, and any suggestions for improvement of those procedures and equipment. Those appraisals which are likely to be of interest to other States should be submitted to ICAO for information and dissemination as appropriate.*

APPENDIX. SEARCH AND RESCUE SIGNALS

(Note.— See Chapter 5, 5.10 of the Annex)

1. Signals with surface craft

Note.— The following replies may be made by surface craft to the signal in 1.1:

— For acknowledging receipt of signals:

- 1) the hoisting of the "Code pennant" (vertical red and white stripes) close up (meaning understood);
- 2) the flashing of a succession of "T's" by signal lamp in the Morse code;
- 3) the changing of heading to follow the aircraft.

— For indicating inability to comply:

- 1) the hoisting of the international flag "N" (a blue and white checkered square);
- 2) the flashing of a succession of "N's" in the Morse code.

1.1 The following manoeuvres performed in sequence by an aircraft mean that the aircraft wishes to direct a surface craft towards an aircraft or a surface craft in distress:

- a) circling the surface craft at least once;
- b) crossing the projected course of the surface craft close ahead at low altitude and:
 - 1) rocking the wings; or
 - 2) opening and closing the throttle; or
 - 3) changing the propeller pitch.

Note.— Due to high noise level on board surface craft, the sound signals in 2) and 3) may be less effective than the visual signal in 1) and are regarded as alternative means of attracting attention.

- c) heading in the direction in which the surface craft is to be directed.

Repetition of such manoeuvres has the same meaning.

1.2 The following manoeuvre by an aircraft means that the assistance of the surface craft to which the signal is directed is no longer required:

— crossing the wake of the surface craft close astern at a low altitude and:

- 1) rocking the wings; or
- 2) opening and closing the throttle; or
- 3) changing the propeller pitch.


Note.— See Note following 1.1 b).

2. Ground-air visual signal code

2.1 Ground-air visual signal code for use by survivors

No.	Message	Code symbol
1	Require assistance	V
2	Require medical assistance	X
3	No or Negative	N
4	Yes or Affirmative	Y
5	Proceeding in this direction	↑

2.2 Ground-air visual signal code
for use by rescue units

No.	Message	Code symbol
1	Operation completed	LLL
2	We have found all personnel	<u>LL</u>
3	We have found only some personnel	++
4	We are not able to continue. Returning to base	XX
5	Have divided into two groups. Each proceeding in direction indicated	
6	Information received that aircraft is in this direction	→ →
7	Nothing found. Will continue to search	NN

2.3 Symbols shall be at least 2.5 metres (8 feet) long and shall be made as conspicuous as possible.

Note 1.— Symbols may be formed by any means such as: strips of fabric, parachute material, pieces of wood, stones or such like material; marking the surface by tramping, or staining with oil, etc.

Note 2.— Attention to the above signals may be attracted by other means such as radio, flares, smoke, reflected light, etc.

3. Air-to-ground signals

3.1 The following signals by aircraft mean that the ground signals have been understood:

a) during the hours of daylight:

— by rocking the aircraft's wings;

b) during the hours of darkness:

— flashing on and off twice the aircraft's landing lights or, if not so equipped, by switching on and off twice its navigation lights.

3.2 Lack of the above signal indicates that the ground signal is not understood.

SCHEDULE 3
(Section 25)

No. and year of Act	Short title	Extent of repeal
Act No. 74 of 1962	Aviation Act, 1962	Repeal of sections 17 and 22(1)(m)(vii).
Government Notice No. R.1219 of 26 September 1997	Civil Aviation Regulations, 1997	Repeal of Part 172 subpart 4.

MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN MARITIME AND AERONAUTICAL SEARCH AND RESCUE BILL, 2002

1. OBJECTS OF BILL

The South African Search and Rescue Organisation (SASAR) came into existence in 1958 and has been providing the search and rescue function on behalf of the Government of South Africa in accordance with the relevant International Conventions to which South Africa is a signatory.

There is no existing legislation that expressly provides for the establishment of the South African Search and Rescue Organisation ("SASAR") or adequately provides for the search and rescue function within South Africa. Both the International Maritime Organisation (IMO) and the International Civil Aviation Organisation (ICAO) have identified the absence of a legal framework for the provision of the search and rescue service as a deficiency on the part of South Africa that would need to be addressed as soon as possible.

The South African Maritime and Aeronautical Search and Rescue Bill seeks to provide the requisite legal framework for the provision of a search and rescue service in South Africa as well as to empower those responsible to carry out the tasks effectively. The Bill also provides for the incorporation of the International Convention on Maritime Search and Rescue, 1979, and Annex 12 to the Convention on International Civil Aviation, 1944, into South African law. The Bill further provides for the establishment and regulation of the South African Search and Rescue Organisation, the authority responsible for the application of the Conventions referred to above and other Conventions binding on the Republic pertaining to maritime and aeronautical search and rescue operations, by the Minister of Transport and certain officials of his or her Department.

2. DEPARTMENTS/BODIES/PERSONS CONSULTED

The Bill was circulated to representatives of member organisations of SASAR including the SANDF, Portnet, SAPS, ATNS, SAMSA, SACAA, Department of Provincial and Local Government, Hamnet, NSRI, Mountain Club of South Africa and SAA for comment. The Bill was also published for public comment in *Government Gazette* No. 20917 of 22 February 2000 with the closing date for comments of 22 March 2000. The Bill was published again in *Government Gazette* No. 22509 of 7 September 2001 with the closing date of 28 September 2001, after amendments made during its first publication necessitated a re-publication. The publication elicited comments from the following institutions and persons: the Department of Defence, Telkom SA, the South African Police Service, Air Traffic and Navigation Services Co. Ltd, the South African Maritime Safety Authority, South African Airways and Mr Cor Beek, an aviation consultant and writer.

3. IMPLICATIONS FOR PROVINCES

None.

4. FINANCIAL IMPLICATIONS FOR STATE

Currently, the organisations involved in search and rescue are doing so on a voluntary basis except that the Department is expected to pay for fuel and lubricants used by their vehicles and craft during search and rescue operations. The National Sea Rescue Institute (NSRI) is at the moment the only voluntary organisation involved with search and rescue that enjoys an annual grant from the Department. The SASAR Executive Committee has, however, requested the Department to investigate and consider extending this grant to other voluntary organisations within SASAR. As a result, the amount of the grant could be increased from R400 000 to about R600 000. The Department also provides a nominal amount of + R600 000 annually to pay for fuel used by vehicles and craft during search and rescue operations. It is expected that the status quo will remain even after the promulgation of this legislation, unless the Department opts for the establishment of dedicated Rescue Co-ordination Centres in which case the current situation will change. The Department can, however, explore the available

financing mechanisms provided by both the ICAO and the IMO such as the envisaged International SAR Fund and the AFCAC assistance programme.

5. PARLIAMENTARY PROCEDURE

The Department of Transport and the State Law Advisers are of the opinion that the Bill must be dealt with in terms of section 75 of the Constitution, since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.