

DEPARTMENT OF TRANSPORT

NOTICE 1384 OF 2022

MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)

**AMENDMENTS TO REGULATIONS RELATING TO MERCHANT SHIPPING (COLLISION
AND DISTRESS SIGNALS), 2022.**

The Minister of Transport has, under section 356(2) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made Regulations set out in the Schedule.



MR F.A. MBALULA, MP

MINISTER OF TRANSPORT

DATE: 2022/04/12

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold typed in square brackets indicate omissions/deletions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

Definitions

1. In these Regulations-

"the Annex" means the Annex to the Merchant Shipping (Collision and Distress Signals) Regulations, 2005, published by Government Notice No. R. 566 of 17 June 2005;

"the Regulations" means the Merchant Shipping (Collision and Distress Signals) Regulations, 2005, published by Government Notice No. R. 566 of 17 June 2005.

Amendment of *Note to the Annex*

2. The Annex is hereby amended by the substitution for the Note of the following Note:

"This text incorporates the original text as amended by the following amendments adopted by the indicated IMO Assembly resolutions: 1981 amendments (A.464(XII)), in force 1 June 1983; 1987 amendments (A.626(15)), in force 19 November 1989; 1989 amendments (A.678(16)), in force 19 April 1991; 1993 amendments (A.736(18)), in force 4 November 1995; 2001 amendments (A.910(22)), in force 29 November 2003, 2007 amendments(A.1004(25)), in force 01 December 2009; 2013 amendments (A.1085(28)) in force 01 January 2016."

Addition of Part F, Rules 39, 40 and 41 to the Annex

3. The Annex is hereby amended by the addition of the following Rules after Part E of the Annex:

“PART F**VERIFICATION OF COMPLIANCE WITH THE PROVISIONS OF THE CONVENTION****Rule 39****Definitions**

“In this Part, unless the context otherwise indicates-

‘Audit’ means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled;

‘Audit Scheme’ means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization [*];

[* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).]

‘Audit Standard’ means the Code for Implementation;

‘Code for Implementation’ means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).”

Rule 40**Application**

Contracting Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

Rule 41

Verification of compliance

- (a) Every Contracting Party shall be subjected to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.
- (b) The Secretary-General of the Organization shall have the responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization [*].
- (c) Every Contracting Party shall have the responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization [*].
- (d) The Audit of all Contracting Parties shall be-
- (i) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization[*]; and
 - (ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization[*].”

[* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).]

Amendment of Annex IV (Distress Signals) to the Annex

4. Annex IV (Distress Signals) to the Annex is hereby amended –

- (a) by the substitution for paragraph (l) of section 1 of the following paragraph:

“a distress alert by means of digital selective calling (DSC) transmitted on:

- (i) VHF channel 70; or
- (ii) MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz”.

(b) by the substitution for paragraph (m) of section 1 of the following paragraph:

“ship-to-shore distress alert transmitted by the ship’s Inmarsat or other mobile satellite service located on board ship”.

Short title

5. These Regulations are called Regulations Relating to Merchant Shipping (Collision and Distress Signals) Amendment Regulations, 2022.

UMNYANGO WEZOKUTHUTHA**Inombolo. R.****2022****Umthetho wokuthuthwa kwempahla, wango 1951****Ukuchibiyelwa kwalomthetho omayelana nokuthuthwa kwempahla (okwimpawu zokungqubuzana kanye nokucindazeleka) 2022.**

UNgqongqoshe Wezokuthutha, ngaphansi kwesigaba 356(2) soMthetho Wokuthuthwa Kwemikhumbi, 1951 (uMthetho No. 57 ka-1951), wenza iMithethonqubo ebekwe oHlelweni.

**UMNU QO MBALI, MP****UNGQONGQOSHE WEZOKUTHUTHA****DATE: 2022/04/15**

UHLELO

INCAZELO EJWAYELEKILE:

[] Amagama abhalwe ngokugqamile d kubakaki abayisikwele abonisa okushiye/ukususwa emithethweni ekhona.

_____ Amagama adwetshelwe ngomugqa oqinile akhombisa okufakiwe emithethweni ekhona.

Izincazelo

1. Kule Mithetho-

"iSijobelelo" sichaza iSijobelelo seMithethonqubo yeMithethonqubo Yemikhumbi Yokuthengisa (Ukushayisana Nezimpawu Zokucindezeleka), 2005, eshicilelwe ngeSaziso sikhulumeni No. R. 566 somhla ziyi-17 kuJuni 2005;

"iMithetho" ichaza iMithethonqubo Yokuhamba Ngemikhumbi (Ukushayisana Nezimpawu Zokucindezeleka), 2005, eshicilelwe yiSaziso sikhulumeni No. R. 566 somhla ziyi-17 kuNhlangulana wezi-2005.

Ukuchitshiyelwa *Kwenothi* Lesengezo

2. Ngakho-ke Isithasiselo siyachitshiyelwa ngokufaka Inothi Lenothi elilandelayo:

"Lo mbhalo uhlanganisa umbhalo wasekuqaleni njengoba uchitshiyelwe yizichibiyelo ezilandelayo ezamukelwe izinqumo ezikhonjisiwe zeSishayamthetho se-IMO: izichibiyelo zika-1981 (A.464(XII)), ezisebenza mhla lu-1 kuNhlangulana 1983; 1987 izichibiyelo (A.626(15)), ezisebenza mhla ziyi-19 kuLwezi 1989; 1989 izichibiyelo (A.678(16)), ezisebenza 19 kumbasa 1991; 1993 izichibiyelo (A.736(18)), ezisebenza 4 kuLwezi 1995; 2001 izichibiyelo (A.910(22)), ukusebenza 29 kuLwezi 2003,

izichibiyelo zango-2007(A.1004(25)), ezisebenza mhla lu-1 kuZibandlela wezi-2009; izichibiyelo zika-2013 (A.1085(28)) zisebenza mhla lu-1 kuMasingana 2016.”

Ukwengezwa kweNgxenye F, Imithetho 39, 40 kanye no-41 kuSijobelelo

3. Ngakho- ke iSithasiselo siyachitshiyelwa ngokwengeza le Mithetho elandelayo ngemva kweNgxenye E Yesijobelelo:

“INGXENYE F

UKUQINISEKISWA KOKUTHOBELANA NEZINHLELO ZOMHLANGANO

Umthetho 39

Izincazelo

“Kule Ngxenye, ngaphandle uma umongo ubonisa okuhlukile”-

‘Ukucwaniqwa kwamabhuku’ kusho inqubo ehlelekile, ezimele kanye nebhawle phansi ukuze kutholwe ubufakazi bocwaniqomabhuku kanye nokubucubungula ngendlela efanele ukuze kutholwe izinga okufezwa ngalo imibandela yokucwaniqwa kwamabhuku;

‘Uhlelo Lokucwaniqwa Kwamabhuku’ kushiwo uHlelo Lokucwaniqwa Kwamabhuku Lwezifundazwe ezingamaLungu e-IMO olusungulwe yiNhlangotho futhi lubheka imihlahlandlela ethuthukiswe yiNhlangotho [*] ;

[* Bheka Uhlaka kanye Nezingqubo Zohlelo Lokucwaniqwa Kwamabhuku Lwezifunda Selungu Le-IMO, olwamukelwe Inhlangotho ngesinqumo A.1067(28) .]

‘Izinga Lokucwaniqwa Amabhuku’ lisho Ikhodi Yokusetshenziswa;

‘Ikhodi Yokuqalisa’ isho Ikhodi Yokuqaliswa Kwezinsimbi ze-IMO (Ikhodi III) eyamukelwe yiNhlangotho ngesinqumo A.1070(28) . .

Umthetho 40**Isicelo**

Amaqembu Enkontileka azosebenzisa izinhlinzeko zeKhodi Yokusetshenziswa ekwenzeni izibopho zawo kanye nezibopho eziqokethwe kuSivumelwano samanje .

Umthetho 41**Ukuqinisekisa ukuhambisana**

- (a) Wonke Umuntu Osenkontilekeni uyohlolwa ngezikhathi ezithile yiNhlango ngokuhambisana nezinga lokucwaninga ukuze kuqinisekise ukuthotshelwa kanye nokuqaliswa kweNgqungquthela yamanje.
- (b) UNobhala-Jikelele Wenhlango uyoba nesibopho sokuphatha iSikimu Sokucwaningwa Kwamabhuku, ngokusekelwe eziqondisweni ezithuthukiswe yiNhlango [*]
- (c) Wonke Umuntu Okwenkontileka uzoba nesibopho sokusiza ukuqutshwa kocwaningomabhuku kanye nokusetshenziswa kohlelo lwezenzo zokubhekana nokutholiwe, ngokusekelwe kumhlahlandlela othuthukiswe yiNhlango [*].
- (d) Ukucwaningwa kwamabhuku awo wonke amaQembu Ezinkontileka kuzoba-
- (i) ngokusekelwe ohlelweni lunonke olwakiwe uNobhala-Jikelele Wenhlango, ecabangela iziqondiso ezakhiwe yiNhlango [*]; futhi
 - (ii) okwenziwa ngezikhathi ezithile, kucatshangelwa iziqondiso ezakhiwe yiNhlango [*]."

[* Bheka Uhlaka kanye Nezinqubo Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlango ngesinqumo A.1067(28).]

Ukuchitshiyelwa Kwesijobelelo IV (Izimpawu Zokucindezeleka) kuSijobelelo

4. Isijobelelo IV (Izimpawu Zokucindezeleka) kuSijobelelo sithi waphinde wachibiyela -

(a) ngokufaka esikhundleni isigaba (l) sesigaba 1 sale ndima elandelayo:

" Isexwayiso sokucindezeleka ngokusebenzisa i-digital selective call (DSC)

esakazwa ku- :

(i) Isiteshi se-VHF 70; noma

(ii) I-MF/HF kumafrikhwensi 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz noma 16804.5 kHz".

(b) ngokufaka esikhundleni sendima (m) yesigaba 1 sale ndima elandelayo:

' isixwayiso senhlekelele yomkhumbi uye ogwini esisakazwa i-Inmarsat yomkhumbi

noma enye insizakalo yesathelayithi ephathwayo etholakala emkhuniini' ' ;.

Isihloko esifushane

5. Le Mithetho ibizwa ngokuthi Imithetho Ehlobene Nokuthumela Kwabathengisi

(Izimpawu Zokushayisana Nokucindezeleka) Izichibiyelo Zomthetho, 2022.