

DEPARTMENT OF TRANSPORT**NOTICE 2671 OF 2024****MERCHANT SHIPPING ACT, 1951 (ACT NO. 57 OF 1951)****AMENDMENTS TO REGULATIONS RELATING TO MERCHANT SHIPPING (COLLISION AND DISTRESS SIGNALS), 2024.**

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.



MS SINDISIWE CHIKUNGA, MP

MINISTER OF TRANSPORT

DATE: 2024/06/14

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 after Part E of the Annex of the following Rules:

“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 under 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); and

‘Framework and Procedures’ means the IMO Member State Audit Scheme adopted by the Organization by resolution A.1067(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 under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).

“(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 under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28).

“(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 under Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28); and
- (ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization under 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 (d) of section 1 of the following paragraph:

(d) a signal made **[by radiotelegraphy or]** by any signalling method consisting of the group ...---... (SOS) in the Morse Code;”;

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

“(l) **[the radiotelegraph alarm signal;]** 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.”.

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

“(m) **[the radiotelephone alarm signal;]** ship-to-shore distress alert transmitted by the ship’s Inmarsat or other mobile satellite service located on board ship.”.

(d) by the substitution for paragraph (n) of section 1 of the following paragraph:

“(n) signals transmitted by the emergency position-indicating radio beacons; and;”

Repeal of Amendment Regulations

5. The Amendments to Regulations, relating to the Merchant Shipping (Collision and Distress Signals), 2022 published in the Government Gazette No.47448 under Notice No.1384 are hereby repealed.

Short title

6. These Regulations are called Regulations Relating to Merchant Shipping (Collision and Distress Signals) Amendment Regulations, 2024.

UMNYANGO WEZOKUTHUTHA**Umthetho wokuthuthwa kwempahla, wango 1951**

Ukuchibiyelwa kwalomthetho omayelana nokuthuthwa kwempahla (okwimpawu zokungqubuzana kanye nokucindazeleka) 2024.

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



NKK SINDISIWE CHIKUNGA, MP

UNGQONGQOSHE WEZOKUTHUTHA

USUKU: 2024/06/14

UHLELO

INCAZELO EJWAYELEKILE:

[] Amagama abhalwe ngokugqamile 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-

'Ukucwangingwa kwamabhuku' kusho ingubo ehlelekile, ezimele kanye nebhalwe phansi ukuze kutholwe ubufakazi bocwangingomabhuku kanye nokubucubungula ngendlela efanele ukuze kutholwe izinga okufezwa ngalo imibandela yokucwangingwa kwamabhuku;

'Uhlelo Lokucwangingwa Kwamabhuku' kushiwo uHlelo Lokucwangingwa Kwamabhuku Lwezifundazwe ezingamaLungu e-IMO olusungulwe yiNhlango futhi lubheka imihlahlandlela ethuthukiswe yiNhlango Uhlaka kanye Nezinqubo Zohlelo Lokucwangingwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlango ngesinqumo A.1067(28);

'Izinga Lokucwangingwa Amabhuku' lisho Ikhodi Yokusetshenziswa;

'Ikhodi Yokuqalisa' isho Ikhodi Yokuqaliswa Kwezinsimbi ze-IMO (Ikhodi III) eyamukelwe yiNhlango ngesinqumo A.1070(28); futhi

'Uhlaka kanye Nezingubo' kusho uHlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO olwamukelwe yiNhlango ngesinqumo A.1067(28)."

Umthetho 40

Isicelo

Amaqembu Enkontileka azosebenzisa izinhlinzeko zeKhodi Yokusetshenziswa ekwenzeni izibophu zawo kanye nezibophu eziqokethwe kuSivumelwano samanje.

Umthetho 41

Ukuqinisekisa ukuhambisana

"(a) Wonke Umuntu Osenkontilekeni uyohlolwa ngezikhathi ezithile yiNhlango ngokuhambisana nezinga lokucwaningwa ukuze kuqinisekise ukuthotshelwa kanye nokuqaliswa kweNqungquthela yamanje.

(b) UNobhala-Jikelele Wenhlango uyoba nesibophu sokuphatha iSikimu Sokucwaningwa Kwamabhuku, ngokusekelwe eziqondisweni ezithuthukiswe yiNhlango Uhlaka kanye Nezingubo Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlango ngesinqumo A.1067(28).

(c) Wonke Umuntu Okwenkontileka uzoba nesibophu sokusiza ukuqhutshwa kocwaningomabhuku kanye nokusetshenziswa kohlelo lwezenzo zokubhekana nokutholiwe, ngokusekelwe kumhlahlandlela othuthukiswe yiNhlango Uhlaka kanye Nezingubo Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlango ngesinqumo A.1067(28).

(d) Ukucwaningwa kwamabhuku awo wonke amaQembu Ezinkontileka kuzoba-

- (i) ngokusekelwe ohlelweni lulonke olwaxhiwe uNobhala-Jikelele Wenhlango, ecabangela iziqondiso ezaxhiwe yiNhlango Uhlaka kanye Nezingubo

Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlangano ngesinqumo A.1067(28); futhi

- (ii) okwenziwa ngezikhathi ezithile, kucatshangelwa iziqondiso ezakhiwe yiNhlangano Uhlaka kanye Nezinqubo Zohlelo Lokucwaningwa Kwamabhuku Lwesifunda Selungu Le-IMO, olwamukelwe Inhlangano ngesinqumo A.1067(28) .".

Ukuchitshiyelwa Kwesijobelelo IV (Izimpawu Zokucindezeleka) kuSijobelelo

4. Isijobelelo IV (Izimpawu Zokucindezeleka) kuSijobelelo sithi –

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

“(d) eyenziweE [nge-radiotelegraphy noma] nganoma iyiphi indlela yokusayina ehlanganisa iqembu---...(SOS) ku-Morse Code;”.

(b) ngokufaka esikhundleni indima (l) sesigaba 1 sale ndima elandelayo:

" (l) [isignali ye-alamu ye-radiotelegraph;] 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."

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

“(m) [isiginali ye-alamu ye-radiotelephone;] isixwayiso senhlekelele yomkhumbi uye oqwini esisakazwa i-Inmarsat yomkhumbi noma enye insizakalo yesathelayithi ephathwayo etholakala emkhunjini;”.

(d) Ngokufaka esikhundleni sendima (n) yesigaba 1 sale ndima elandelayo:

“(n) amasignali asakazwa amabhakhoni omsakazo akhombisa indawo yesimo esiphuthumayo; futhi;”

Ukuchitshiyelwa Kwemithethonqubo

5. Izichibiyelo Zemithethonqubo, eziphathelene Nokuthunyelwa Kwempahla Yokuthengisa (Izimpawu Zokushayisana Nezinhlekelele), 2022 ezishicilelwe kuGazethi Kahulumeni No.47448 ngaphansi kweSaziso No.1384 ngalokhu ziyachithwa.

Isihloko esifushane

6. Le Mithetho ibizwa ngokuthi Imithetho Ehlobene Nokuthumela Kwabathengisi (Izimpawu Zokushayisana Nokucindezeleka) Izichibiyelo Zomthetho, 2024.