

DEPARTMENT OF TRANSPORT

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**PUBLICATION OF THE AERONAUTICAL AND MARITIME SEARCH AND RESCUE
BILL, 2024**

The Minister of Transport, hereby publishes that draft Aeronautical and Maritime Search and Rescue Bill and the Memorandum on the objects of the Bill for public Comments and inputs within 30 days from the date of publication of this Notice.

Comments may be sent to the Director-General, Department of Transport for the attention of Mr. Terrence Mabuela, tel. no. 012 309 3070

By post to the following address: Department of Transport
Private Bag x 193
Pretoria
0001

By email: sasar@dot.gov.za / MabuelaT@dot.gov.za

By hand delivery at: Department of Transport
159 Struben Street (Cnr Bosman)
Pretoria

REPUBLIC OF SOUTH AFRICA

AERONAUTICAL AND MARITIME SEARCH AND RESCUE BILL

*(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill
published in Government Gazette No. of)
(The English Text is the official text of the Bill)*

(MINISTER OF TRANSPORT)

(B – 2024)

BILL

To provide for the establishment of the South African Search and Rescue Organization; to provide for the composition, membership, powers, functions of SASARO; to provide for the powers, functions, and appointment of members to the Executive Committee of SASARO; to provide for the powers and functions of the Management Committee; to provide for a National SAR Plan; to provide for the functions and duties of the Aeronautical and Maritime Sub-committees; to provide for the meetings of Committees of SASARO; to provide for personnel to perform certain functions connected with search and rescue services; to provide for designation of search and rescue regions; to provide for the establishment and functions of rescue coordination centres and rescue subcentres; to provide for the requisitioning of aircraft and vessels to assist in search and rescue operation; to provide for the recovery of certain expenses; to provide for search and rescue actions regarding aircraft and vessels; to provide for registration of emergency beacons; to provide for filing of disaster management and aerodrome emergency plans; to provide for reporting of aircraft and vessel in distress; to repeal the South African Maritime and Aeronautical Search and Rescue Act; to incorporate the International Convention on Maritime Search and Rescue, 1979, into South African law; to give the Minister the power to make regulations; and to provide for matters connected therewith.

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

ARRANGEMENT OF SECTIONS

1. Definitions
2. Object of Act
3. Establishment of South African Search and Rescue Organization
4. Composition of SASARO
5. Appointment of members of Executive Committee
6. Functions and powers of SASARO
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Definitions

1. In this Act, unless the context otherwise indicates, any word or expression to which a meaning is ascribed in the Conventions bears the same meaning and—

"aerodrome" means an aerodrome as defined in section 1 of the Civil Aviation Act, 2009 (Act No. 13 of 2009);

"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 surface of the earth;

"Conventions" means—

- (a) the Convention on the High Seas, done in Geneva on 29 April 1958;
- (b) the International Convention for the Safety of Life at Sea, done in London on 1 November 1974;
- (c) the International Convention on maritime search and rescue, done in Hamburg on 27 April 1979; and
- (d) the Convention on International Civil Aviation, done in Chicago on 7 December 1944;

"coastal aerodrome" means an aerodrome next to a sea;

"Department" means the national department responsible for Transport;

"Director-General" means the Director-General of the Department;

"Executive Committee" means the Executive Committee of SASARO contemplated in section 5 (1);

"Head of SASARO" means an official designated as the Head of SASARO by the Director-General as contemplated in section 5 (6);

"International Civil Aviation Organization" means a specialized 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, done at Chicago on 7 December 1944;

"International Maritime Organization" means a specialized 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 the International Maritime Organization, done at Geneva on 6 March 1948;

"Minister" means the Minister responsible for Transport;

"National Search and Rescue Plan" means the document detailing the role and function of SASARO role players and office bearers while providing a strategic guidance for the delivery of aeronautical and maritime search and rescue services within the

Republic's search and rescue region;

"National Search and Rescue Manual" means a manual that contains standards and recommended practices and provide guidance to SASARO and personnel who may be involved in the provision of search and rescue services;

"prescribed" means prescribed by regulation;

"rescue" means an operation to retrieve a person in distress, provide for their initial medical and other needs such as food, clothing, and transport, and deliver them to a place of safety;

"rescue coordination centre" means a unit responsible for promoting the 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" means a unit subordinate to a rescue coordination centre, established to complement the latter according to particular provisions of the responsible authorities;

"SASARO" means the South African Search and Rescue Organization contemplated in section 3;

"search" means an operation, normally coordinated by a rescue coordination centre or rescue subcentre, using available personnel and facilities to locate a person in distress;

"search and rescue region" means an area of defined dimensions, associated with a rescue coordination centre, within which search and rescue services are provided;

"search and rescue service" means the performance of distress monitoring, communication, coordination, and search and rescue functions, initial medical assistance or medical evacuation, through the use of public and private resources, including cooperating aircraft, vessels, and other craft and installations;

"South African Maritime and Aeronautical Search and Rescue Act" means the South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002);

"this Act" includes any Schedule to this Act or regulation made under this Act; and

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

Object of Act

2. The object of this Act is to provide for the establishment of SASARO to act on behalf of the Department as the authority responsible for the implementation of this Act as well as other legislation and conventions binding on the Republic regarding the provision of aeronautical and maritime search and rescue services.

Establishment of SASARO

3. (1) The South African Search and Rescue Organization is hereby established to replace the South African Search and Rescue Organisation established by section 4(1) of the South African Maritime and Aeronautical Search and Rescue Act.

(2) The objective of SASARO is to ensure coordination and effective provision of aeronautical and maritime search and rescue services within the Republic's search and rescue regions.

(3) A person appointed in terms of this Act or concerned with carrying out the provisions thereof must perform his or her functions pursuant to the objective of SASARO.

Composition of SASARO

4. (1) SASARO is composed of—

- (a) the Executive Committee;
- (b) the Management Committee;
- (c) the Aeronautical Sub-committee; and
- (d) the Maritime Sub-committee;
- (e) commercial and voluntary organizations who subscribe to the National Search and Rescue Plan.

(2) The Executive Committee is composed of the following organizations:

- (a) the Department;
- (b) the South African Maritime Safety Authority;

- (c) the Air Traffic and Navigation Services Company Limited;
- (d) the Department responsible for National Treasury;
- (e) the Department responsible for Defence;
- (f) the Department responsible for International Relations and Cooperation;
- (g) the Department responsible for Health;
- (h) the Department responsible for Home Affairs;
- (i) the Department responsible for Cooperative Governance and Traditional Affairs;
- (j) the Department responsible for Agriculture, Land Reform, and Rural Development;
- (k) the Department responsible for Forestry, Fisheries, and Environment;
- (l) the Department responsible for Communications and Digital Technologies;
- (m) the South African Police Service;
- (n) the Independent Communications Authority of South Africa;
- (o) the South African Civil Aviation Authority;
- (p) the Airports Company South Africa Limited;
- (q) South African National Space Agency;
- (r) the National Ports Authority (Pty) Ltd;
- (s) the South African Weather Service;
- (t) the Border Management Authority;
- (u) the Independent Communications Authority of South Africa;
- (v) the Airlines Association of Southern Africa.
- (w) Telkom SA SOC Limited;
- (x) South African Airways; and
- (y) the National Sea Rescue Institute.

(3) Membership of SASARO is open to any Government Department or State entity that, by way of a written declaration, subscribes to the National Search and Rescue Plan.

(4) Any other organization which is able to contribute services and facilities for use by SASARO, may also be invited to the meetings of SASARO.

(5) Each member organization shall be represented by a duly designated official who is mandated to make decisions on its behalf.

(6) Application for new membership must be made in writing to the SASARO Secretariat as prescribed.

(7) The Management Committee is composed of—

- (a) the Head of the SASARO Secretariat;
- (b) the Chief of the Maritime Rescue Co-ordination Centre;
- (c) the Chief of the Aeronautical Rescue Co-ordination Centre; and
- (d) a representative of the Department responsible for Defence.

Appointment of members of Executive Committee

5. (1) The Executive Committee—

- (a) is comprised of mandatory member organizations listed in section 4(2); and
- (b) may include any other organization with suitably equipped search and rescue assets for conducting aviation or maritime search and rescue operation who may contribute towards the attainment of the SASARO objective.

(2) The Head of SASAR must confirm an organization referred to in subsection (1)(b) as a member of the Executive Committee in accordance with the prescribed procedure.

(3) A member organization must nominate a suitably qualified person to serve as its representative on the Executive Committee.

(4) The Head of SASARO must appoint a person referred to in subsection (3) as a representative of a member organization on the Executive Committee.

(5) A Member organization contemplated in subsection (1)(b) hold office for a period of five years, which is renewable for a further period of five years.

(6) The Director-General shall designate a Senior Official responsible for overseeing the provision of aeronautical and maritime search and rescue functions in the Department as the Head of SASARO.

(7) The Director in the Department, responsible for the execution of the

aeronautical and maritime search and rescue administrative and secretariat functions must serve as the Head of the SASARO Secretariat.

Functions and powers of SASARO

6. (1) SASARO must within its means and capabilities coordinate 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 and 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) coordinate 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) SASARO may, with the concurrence of the Minister, call on any provider of an electronic communications network service to lease or otherwise make available telecommunication facilities for use during a search and rescue operation.

(4) SASARO must perform its functions and utilize its resources in an efficient, economical, and effective manner.

(5) SASARO may perform its functions outside the Republic's search and rescue regions in accordance with the Conventions.

Functions and powers of Executive Committee

7. (1) The Executive Committee must—

- (a) develop and implement the National Search and Rescue Plan;
- (b) determine the size and composition of the Management Committee and

Aeronautical and Maritime Subcommittees, depending on the areas of expertise of the different members of SASARO; and

- (c) make recommendations to the Minister regarding aeronautical and maritime search and rescue matters.

(2) In pursuance of the powers referred to in subsection (1), the Executive Committee may establish a standing national forum to develop and maintain a National Strategic Search and Rescue Plan and must–

- (a) ensure effective coordination of administrative and operational aeronautical and maritime search and rescue matters;
- (b) provide an interface with other national, regional, and international organizations involved with emergency services;
- (c) oversee the implementation of the National Search and Rescue Plan and develop and maintain a national search and rescue manual;
- (d) promote effective use of all available facilities for search and rescue;
- (e) facilitate a cooperative forum for exchanging information and development of positions and policies of interest to search and rescue;
- (g) promote close cooperation and coordination between civilian and military authorities and organizations for the provision of effective aeronautical and maritime search and rescue services;
- (h) improve cooperation among aeronautical, maritime, and land search and rescue communities for the provision of effective aeronautical and maritime search and rescue services; and
- (i) determine other ways to enhance the overall effectiveness and efficiency of aeronautical and maritime search and rescue services within the Republic and to standardize aeronautical and maritime search and rescue procedures and equipment where practical.

- (3) The Executive Committee is accountable to the Director-General.

Functions and powers of Management Committee

8. (1) The Management Committee must–

- (a) advise the Executive Committee on any matter that may have policy or financial implications; and

- (b) deal with urgent daily administration matters that need to be sanctioned by the Executive Committee.

(2) The functions and duties of the Management Committee are to—

- (a) assess emerging technologies and other environmental changes and advise the Executive Committee accordingly;
- (b) advise the Executive Committee on the appropriateness and necessity for aeronautical and maritime search and rescue plans, legislation, policies, regulations, rules, treaties or agreements;
- (c) ensure a seamless administration of the aeronautical and maritime search and rescue services;
- (d) ensure that aeronautical and maritime search and rescue resources are used in an economical, efficient, and effective way;
- (e) ensure that aeronautical and maritime search and rescue operations are conducted in accordance with the standards and recommended practices as provided for in the aeronautical and maritime search and rescue policy, national search and rescue plan and the Conventions;
- (f) take decisions on operational and administrative issues that may not impact on aeronautical and maritime search and rescue policy, and does not necessarily need the approval of the Executive Committee; and
- (g) review and approve rescue coordination centre and rescue subcentre plans.

(3) The Management Committee is accountable to the Executive Committee.

Composition and appointment of members of Aeronautical and Maritime Subcommittees

9. (1) The Director-General shall designate suitable persons nominated by the management of institutions designated as rescue coordination centres to serve as the Chiefs of the Aeronautical and Maritime rescue coordination centres as well as Chairpersons of the Aeronautical and Maritime Subcommittees.

(2) The Aeronautical Subcommittee and the Maritime Subcommittee consist of representatives of organizations appointed by the Head of SASARO as prescribed.

Functions and duties of Aeronautical and Maritime Sub-committees

10. (1) The Aeronautical and Maritime Subcommittees must advise the Management Committee and the Executive Committee on technical and operational aspects that impacts on aeronautical and maritime search and rescue policy and recommend changes where necessary.

- (2) The Aeronautical and Maritime Subcommittees must–
- (a) assess emerging technologies and other environmental changes and make recommendations to the Management Committee and Executive Committee accordingly;
 - (b) develop and review aeronautical and maritime search and rescue operational plans;
 - (c) ensure the smooth running of the rescue coordination centres and rescue subcentres and advise the Management Committee and the Executive Committee on any matter that may hamper the smooth running thereof;
 - (d) ensure that aeronautical and maritime search and rescue resources are used in the most economic, efficient and effective way;
 - (e) ensure that aeronautical and maritime search and rescue operations are conducted in accordance with laid down standards and recommended practices as provided for in the Conventions.
 - (f) make decisions on operational issues that may not impact on the National Search and Rescue Plan and legislation and does not need the approval of the Management Committee and the Executive Committee; and
 - (g) oversee the development of aeronautical and maritime rescue coordination centres and rescue subcentres' search and rescue operation response plans.

(3) In the execution of their functions, the Aeronautical and Maritime Subcommittees are accountable to the Executive Committee.

Meetings of SASARO

11. (1) SASARO 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 SASARO must preside all meetings of SASARO.

(3) The Executive Committee must determine the rules of procedure at any meeting of SASARO.

Meetings of committees

12. (1) The meetings of a committee must be held at the times and places that such committee determines.

(2) A chairperson of a committee may at any time call a special meeting of a committee to be held at the time and place determined by such chairperson.

(3) All members of a committee must be notified in writing of any meeting of that committee.

(4) A majority, which consists of more than 50% of the total number of member organizations forms a quorum at any meeting of a committee and a decision agreed to in such meetings is binding.

(5) In the event of an equality of votes on any matter, a member presiding on the relevant meeting has a deliberative vote in addition to a casting vote.

(6) A chairperson of a committee must designate a person to act as chairperson if he or she is unable to perform the functions of a chairperson.

- (7) Each committee must meet at least twice within a financial year.

Personnel of SASARO

13. (1) All administrative work in connection with the performance of the functions of SASARO must be carried out by officers in the Department designated for that purpose by the Director-General.

(2) The Director in the Department responsible for the execution of the aeronautical and maritime search and rescue administrative and secretariat functions must serve as the Head of the Secretariat.

(3) Organizations designated as rescue coordination centres and rescue subcentres in accordance with section 15 must provide personnel to execute the daily business of these rescue coordination centres and rescue subcentres.

Search and rescue regions

14. (1) The Minister must, by notice in the *Gazette* as well as in the relevant aeronautical and maritime publications, publish the search and rescue regions within which aeronautical and maritime search and rescue services are provided.

(2) The search and rescue regions contemplated in subsection (1) must cover the areas of responsibility of the Republic laid down by the International Civil Aviation Organization and the International Maritime Organization.

Rescue coordination centres and rescue subcentres

- 15.** (1) Subject to subsection (2), the Minister must designate—
- (a) organizations to serve as aeronautical or maritime rescue co-ordination centres;
 - (b) organizations to serve as aeronautical or maritime rescue subcentres under the auspices of the rescue coordination centres;
 - (c) an aeronautical or maritime search and rescue region for which each rescue coordination centre is responsible; and
 - (d) organization to serve as registrar and custodian of registers of emergency locator

beacons contemplated in section 21.

(2) Any designation contemplated in subsection (1) must be done as prescribed and must be published in the *Gazette* as well as in relevant aeronautical and maritime publications.

(3) Each Chief of a rescue subcentre must establish and preside over a rescue subcentre forum, reporting to the Aeronautical and Maritime Subcommittees, to ensure continued effectiveness of operational procedures within their designated area of responsibility.

(4) A rescue subcentre Forum must consist of members of the organizations controlling the resources available to that rescue subcentre.

Functions of rescue coordination centres and rescue subcentres

16. (1) A Chief of a rescue coordination centre or any person authorized by him or her is responsible for coordinating 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 coordination centre in carrying out assigned duties in a particular area or instance.

(3) The designation of a search and rescue region contemplated in section 15(1)(c) does not preclude a rescue coordination centre from—

- (a) operating in another search and rescue region; or
- (b) performing the tasks of another rescue coordination centre.

Requisitioning of aircraft and vessel

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

- (a) request the assistance of a civil or military aircraft or vessel; or
- (b) instruct a holder of a South African aircraft flight crew licence or the master of a

vessel to assist in search and rescue operation.

(2) Where the Minister contemplates requisitioning a civilian aircraft or vessel or instructing a civilian holder of a South African aircraft flight crew licence or the master of a vessel to assist in search and rescue operation, the Minister may do so only if–

- (a) human life is in imminent and grave danger; and
- (b) there are no other more convenient means available to conduct such operation.

Recovery of certain expenses

18. (1) If a search and rescue operation is undertaken by SASARO in connection with an occurrence caused by the unlawful act or omission by a person, the Minister may recover from that person the whole or a portion of the expenses incurred by SASARO in connection with that operation.

(2) The Minister may, after having recovered the expenses contemplated in subsection (1), compensate a person who has incurred loss or damage as a result of the operation.

National Search and Rescue Plan

19. (1) The Executive Committee is responsible for ensuring that the National Search and Rescue Plan is compiled and updated.

- (2) The National Search and Rescue Plan shall consist of–
- (a) Global search and rescue Concept-Delineation of the search and rescue region;
 - (b) search and rescue resources, facilities, and other responsibilities;
 - (c) duties and functions of search and rescue personnel;
 - (d) rescue coordination centre personnel's training, qualifications, certifications, duties, and functions;
 - (e) search and rescue communication;
 - (f) awareness, notification, and initial actions;
 - (g) operational procedures;

- (h) public relations-Search and Rescue Optimal Planning Systems;
- (i) conclusion, suspension, and reopening of search and rescue operations;
- (j) debriefing, reporting, and delegation; and
- (k) organizations involved with search and rescue.

(3) SASARO must furnish the Director-General and the Minister with copies of the National Search and Rescue Plan for noting and consideration.

Search and rescue actions regarding aircraft and vessel

20. (1) Subject to this Act, a search and rescue action must be undertaken in accordance with the National Search and Rescue Plan.

(2) The rescue coordination centre Chiefs must inform the Head of SASARO or his or her assignee of any search and rescue incident that needs immediate response to large numbers of persons in distress, such that the capabilities normally available to search and rescue authorities are inadequate.

(3) SASARO must forthwith institute a search and rescue action where a vessel or aircraft is reported missing or in distress.

Registration of emergency beacons

21. (1) An owner of an aircraft or vessel registered or licensed in the Republic and which carries an emergency locator beacon, must register such emergency locator beacon with an organization designated for that purpose.

(2) The procedure and requirements for registration, deregistration, and management of emergency locator beacons are as prescribed.

Filing of disaster management and aerodrome emergency plans

22. (1) A licence holder or an operator of an aerodrome and an airline charter operating agency must file emergency plans, and amendments thereto, with the aeronautical rescue coordination centre.

(2) A licence holder or an operator of a coastal aerodrome must file an emergency plan, and amendments thereto, with the maritime rescue coordination centre.

(3) A Head of disaster management agency established in terms of any law providing for the management of disasters must file an emergency plan in respect of aircraft incidents, and amendments thereto, with the aeronautical rescue coordination centre.

Reporting of aircraft or vessel in distress

23. (1) A person who knows or has reason to believe that an aircraft or vessel is in distress must report such occurrence at a police station, rescue coordination centre, harbour master, air traffic services unit, or coastal radio station nearest to that person.

(2) A report contemplated in subsection (1) may also be made to any dedicated emergency contact numbers.

(3) The Minister must publish the addresses and telephone numbers of the offices or facilities contemplated in subsection (1)–

- (a) by notice in the *Gazette*; and
- (b) by means of printed and electronic media to ensure wide publicity.

Cooperation between aeronautical and maritime rescue coordination centres

24. (1) The aeronautical and maritime rescue coordination centres must exchange information freely and regularly to ensure the effective and efficient provision of aeronautical and maritime search and rescue services.

(2) The aeronautical and maritime rescue coordination centres must, with the prior approval of the Executive Committee, hold joint exercises at least once a year to–

- (a) foster and maintain close cooperation; and
- (b) test SASARO's capability to deal with aeronautical and maritime search and rescue operations of any magnitude.

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

(4) The Head of SASARO must ensure that the exercises contemplated in subsections (2) and (3) are organized in conjunction with both the aeronautical and maritime rescue coordination centres.

Delegation and assignment

25. (1) The Minister may delegate powers conferred or assign a duty imposed upon the Minister by this Act to an officer of the Department, except the power to make regulations.

(2) The Minister may, at any time, withdraw a delegation or assignment effected in terms of subsection (1).

SASARO Annual Report

26. (1) SASARO must furnish the Minister with an annual report on its activities not later than three months after the end of the financial year.

(2) The Minister must submit, for tabling, a copy of SASARO's annual report in Parliament within 30 days after it has been received if Parliament is in session, sitting and if Parliament is not in session, within 14 days after the start of the next session.

Regulations

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

- (a) aeronautical and maritime search and rescue standards and practices;
- (b) aeronautical and maritime search and rescue governance, administrative, coordination, and oversight;
- (c) aeronautical and maritime search and rescue procedures and processes;
- (d) aeronautical and maritime search and rescue communications and associated

- technological developments;
- (e) offences and sanctions for contravention of certain provisions of this Act;
 - (f) designation of persons necessary for the implementation of this Act;
 - (g) funding model for search and rescue services;
 - (h) financial assistance to voluntary organizations providing essential aeronautical and maritime search and rescue services;
 - (i) establishment of committees, subcommittees, and working groups necessary for the effective provision of search and rescue services; and
 - (j) any matter which by this Act is required or permitted to be prescribed or which the Minister considers necessary or expedient to prescribe for purposes of this Act or that the provisions of this Act may be effectively administered.

(2) The regulations may prescribe penalties for a contravention of the provisions thereof for—

- (a) a fine not exceeding the amount that, in terms of the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), may be imposed as an alternative to imprisonment for a period of six months; or
- (b) instead of payment of a fine referred to in paragraph (a), imprisonment for a period not exceeding six months.

(3) A regulation regarding financial matters made in terms of this Act must be made after consultation with the Minister responsible for National Treasury.

Transitional provisions

28. (1) A person who occupied a post or served in a particular capacity in the institution known as SASAR immediately prior to the commencement of this Act continues to occupy or to serve in the corresponding post or capacity in SASARO, except for persons appointed in terms of section 5 (7)(b) and (c) of South African Maritime and Aeronautical Search and Rescue Act as head of aeronautical search and rescue operations and as head of maritime search and rescue operations, respectively.

(2) A person who received an allowance, remuneration or other benefit or privilege by virtue of a post or capacity contemplated in subsection (1) shall 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.

(3) Unless otherwise provided for in this Act, a committee or subcommittee of the institution known as SASAR which existed immediately prior to the commencement of this Act continues to exist as if it were a committee or subcommittee referred to in section 4(7).

(4) Anything done in terms of a law repealed by section 29 and which could have been done in terms of this Act, is regarded as having been done in terms of this Act.

Repeal of legislation

29. The South African Maritime and Aeronautical Search and Rescue Act is hereby repealed.

Enactment of International Convention on Maritime Search and Rescue

30. (1) The International Convention on maritime search and rescue, contained in Schedule 2, has, subject to this Act, the force of law in the Republic.

(2) The Minister may by notice in the *Gazette* amend Schedule 2 to reflect any changes made to the Convention if those changes are binding on the Republic in terms of section 231 of the Constitution.

Short title and commencement

31. This Act is called the Aeronautical and Maritime Search and Rescue Act, 2024 and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE
DRAFT AERONAUTICAL AND MARITIME SEARCH AND RESCUE (AMSAR)
BILL, 2024**

1. BACKGROUND AND PURPOSE

The South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002) (hereinafter referred to as “SASAR Act”) was promulgated over two decades ago. The search and rescue environment has since evolved fundamentally during the past twenty years and required the review of the National Search and Rescue Policy in order to address global and domestic developments. The above-mentioned Act has since been surpassed by these changes hence the call for the proposal to repeal the Act to respond to the ever-evolving search and rescue environment.

The Bill proposes to repeal the SASAR Act so as to bring the regulation of search and rescue in line with the global developments, thereby creating an enabling environment for the efficient conduct of search and rescue in the Republic of South Africa.

2. OBJECTIVE

The objective of the Aeronautical and Maritime Search and Rescue (AMSAR) Bill is to repeal the SASAR Act so as to give effect to the fundamental and structural changes introduced since the SASAR Act came into operation. The Bill seeks to prescribe prerequisites for membership to the South African Search and Rescue Organization (SASARO), to describe how members are appointed to the SASARO Committees and to empower the Minister to promulgate regulations, prescribe penalties as well as to provide for matters connected therewith.

3. CLAUSE-BY-CLAUSE ANALYSIS OF BILL

3.1 Clause 1: Definitions

Clause 1 contains various definitions aimed at facilitating the interpretation of the Bill.

3.2 Clause 2: Principal objects of the Bill

Clause 2 provides for principal object of the Bill.

3.3 Clause 3: Establishment and objective of SASARO

Clause 3 provides for the establishment and objective of SASARO.

3.4 Clause 4: Composition of and membership of SASARO

Clause 4 provides for the composition of SASARO, details of statutory member organizations, and provides further information for any other organization that may become a member of SASARO.

3.5 Clause 5: Appointment of members to the Executive Committee

Clause 5 provides for the appointment of members of Executive Committee and term of office and procedure for appointment of member organizations representative to the Executive Committee.

3.6 Clause 6: Functions and powers of SASARO

Clause 6 defines the functions and powers of SASARO.

3.7 Clause 7: Functions and powers of Executive committee

Clause 7 provides for the functions and powers of the Executive committee.

3.8 Clause 8: Functions and powers of Management committee

Clause 8 provides for the functions and powers of the Management

Committee.

3.9 Clause 9: Composition and appointment of members to the Aeronautical and Maritime Subcommittees

Clause 9 provides for the composition and appointment of members of the Aeronautical and Maritime Subcommittees.

3.10 Clause 10: Functions and powers of Aeronautical and Maritime Subcommittees

Clause 10 provides for the functions and powers of the Aeronautical and Maritime Subcommittees.

3.11 Meetings of SASARO

Clause 11 provides for general provisions regarding meetings of SASARO.

3.12 Clause 12: Meetings of Committees

Clause 12 provides procedures for convening, frequency, and conduct of meetings of any SASARO Committee. The clause further stipulates the quorum for a meeting and the threshold for making a decision.

3.13 Clause 13: Personnel of SASARO

Clause 13 provides for personnel required to provide administrative and operational functions for search and rescue services under the auspices of SASARO.

3.14 Clause 14: Search and Rescue Region

Clause 14 empowers the Minister to designate and publish in the gazette or other publication the search and rescue regions for which aeronautical and maritime search and rescue services will be provided.

3.15 Clause 15: Rescue Co-ordination Centres and Sub-Centres

Clause 15 empowers the Minister to designate rescue co-ordination centres,

rescue sub-centres, specific area of responsibility, as well as registrars and custodians of emergency beacons database.

3.16 Clause 16: Functions of Rescue Co-ordination Centres and Subcentres

Clause 16 authorizes the aeronautical search and rescue services under the authority of the RCC and RSC Chiefs to be provided within the South African Search and Rescue Regions and in other regions.

3.17 Clause 17: Requisition of aircraft and vessels

Clause 17 authorizes the Minister to requisition aircraft and vessels for the provision of SAR services, and to instruct licensed personnel to provide search and rescue services.

3.18 Clause 18: Recovery of certain expenses

Clause 18 empowers the Minister to recover expenses regarding aeronautical search and rescue operations that were caused by unlawful acts or omission by any person.

3.19 Clause 19: National SAR Plan

Clause 19 requires SASARO to compile and update a national SAR plan pertaining to aeronautical and maritime search and rescue services.

3.20 Clause 20: Search and Rescue actions regarding aircraft and vessels

Clause 20 requires the AMSAR service to be conducted in accordance with a National SAR plan and for the Head of SASARO to be advised on all mass rescues operations being co-ordinated within the South African Search and Rescue regions.

3.21 Clause 21: Registration of Emergency Beacons

Clause 21 requires the owners of aircraft and vessels which carry emergency beacons whether legislated or on voluntary basis to ensure those beacons are registered with the institutions designated as registrars.

3.22 Clause 22: Filing of disaster management and aerodrome emergency plans

Clause 22 requires an aerodrome licence holder and an airline charter operator agency to file emergency response plans with the RCC as appropriate. It further requires collaboration between disaster management agencies and the rescue co-ordination centres.

3.23 Clause 23: Reporting of aircraft and vessel in distress

Clause 23 requires any person who knows or has reason to believe that an aircraft or vessel is in distress to report this with an appropriate alerting post. The Minister is required to publish the contact details of the alerting posts in the appropriate gazette or media.

3.24 Clause 24: Co-operation between the aeronautical and maritime co-ordination centres

Clause 24 requires the Head of SASARO to ensure co-operation and collaboration between the RCCs relating to aeronautical and maritime search and rescue operations and exercises nationally and internationally.

3.25 Clause 25: Delegation and Assignment

Clause 25 empowers the Minister to delegate or withdraw delegation of power conferred by this Bill to an officer of the Department.

3.26 Clause 26: SASARO Annual Report

Clause 26 stipulates the requirement for SASARO to submit annual report to the Minister and for the Minister to submit the report to Parliament for tabling.

3.27 Clause 27: Regulations

Clause 27 empowers the Minister to make regulation on aeronautical and maritime search and rescue matters.

3.28 Clause 28: Transitional provisions

Clause 28 provides for transitional provisions and arrangements

3.29 Clause 29: Repeal of Legislation

Clause 29 seeks to repeal the SASAR Act, 2002 (Act No. 44 of 2002)

3.30 Clause 30: Enactment of the Convention

Clause 30 provides for the enactment of the International Convention on Maritime Search and Rescue

3.31 Clause 31: Short Title and commencement

Clause 31 provides the short title of the Act as the Aeronautical and Maritime Search and Rescue Act.

4. CONSULTATION

- SASAR Member Organizations;
- SAR Document Working Group; involving of Department of Transport Officials, Air Traffic Navigation Service, South African Maritime Safety Authority and South African Civil Aviation Authority
- Department of Transport Legal Services;
- Office of the Chief State Law Adviser;
- The South African National Space Agency (SANSA);
- The Global and Continental Affairs Committee (GCAC);
- Development Committee (DEVCOM);
- Justice, Crime Prevention and Security (JCPS) Cluster;
- International Cooperation, Trade and Security (ICTS) Cluster;
- Economic Sectors, Investment, Employment and Infrastructure Development (ESEID) Cluster; and
- Department of Performance, Monitoring and Evaluation.

5. FINANCIAL IMPLICATIONS

Translation and publication costs

6. CONSTITUTIONAL IMPLICATIONS

None.

7. COMMUNICATION IMPLICATIONS

If approved, the Bill will be published in government gazette.

8. PARLIAMENTARY PROCEDURES

The Bill will be dealt with in accordance with the procedure established by Section 76 of the Constitution.