OFFICE OF THE PRESIDENT

No. 991.

5 July 1995

NO. 16 OF 1995: TRANSPORT GENERAL AMENDMENT ACT, 1995.

It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

GENERAL EXPLANATORY NOTE:

** ** Words between two asterisks indicate omissions from existing enactments.

<< >> Words between two pointed brackets indicate insertions in existing enactments.

ACT

To amend the Merchant Shipping Act, 1951, so as to insert four definitions and to replace one; to further regulate the registration of ships; to make other provision for the determining in certain circumstances of the value of gold franc in South African currency; to replace certain obsolete expressions; to provide for the control over and the use of dynamically supported craft; to regulate the ratification of or accession to and incorporation of the international conventions relating to merchant shipping in accordance with the Constitution; to provide for the incorporation by the Minister of Transport of international shipping standards in the regulations; and to give effect to amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978; to amend the Aviation Act, 1962, so as to empower the said Minister to make regulations, for the purposes of that Act, regarding the designation of medical examiners, the certificates to be issued by such examiners and the designation of a body or institution to exercise control over aeromedical matters and standards; to amend the Road Traffic Act, 1989, so as to insert three definitions and to replace three; to further regulate the use of the left side of public roads; to further rationalise driver's licence codes; to permit driver's licence testing centres to issue learners' licences only; to delete the cut-off date for the exchange of certain invalid drivers' licences; to further regulate procedures for the control of professional driving permits; to provide that the period of suspension of a driver's licence commences from the date of sentence; and to define operators of motor vehicles anew; and to amend the International Air Services Act, 1993, so as to replace an incorrect expression; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 28 June 1995.)

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

Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959, section 31 of Act 69 of 1962, section 1 of Act 40 of 1963, section 1 of Act 13 of 1965, section 1 of Act 42 of 1969, section 1 of Act 24 of 1974, section 1 of Act 5 of 1976, section 1 of Act 3 of 1981, section 1 of Act 3 of 1982, section 1 of Act 25 of 1985 and section I of Act 18 of 1992

1. Section 2 of the Merchant Shipping Act, 1951, is hereby amended-

(a) by the insertion in subsection (1) after the definition of "accident" of the following definition:

"<<'air-cushion vehicle' means any craft of which the whole or a significant part of its weight can be supported, whether at rest or in motion, by a continuously generated cushion of air dependent for its effectiveness on the proximity of the surface over which the craft operates>>;";

(b) by the insertion in subsection (1) after the definition of "DirectorGeneral" of the following definition:

"<<'dynamically supported craft' means any air-cushion vehicle, side wall craft, hydrofoil boat or any other prescribed craft used for transportation or for any other purpose on or above the surface of water;>>";

(c) by the insertion in subsection (1) after the definition of "goods" of the following definition:

"'<<hydrofoil boat' means any craft which is supported above the surface of water in normal operating conditions by hydrodynamic forces generated on foils;>>";

(d) by the insertion in subsection (1) after the definition of "shore-based whaling boat" of the following definition:

"<<'side wall craft' means any air-cushion vehicle of which the walls extending along the sides are permanently immersed hard structures>>;"; and

(e) by the substitution in subsection (1) for the definition of "vessel" of the following definition:

" 'vessel' includes any ship, or any boat, small vessel or other description of vessel used or **designated** <<designed>> to be used in navigation, <<but excludes any dynamically supported craft;>>".

Amendment of section 11 of Act 57 of 1951, as amended by section 33 of Act 69 of 1962 and section 4 of Act 40 of 1963

2. Section 11 of the Merchant Shipping Act, 1951, is hereby amended(a) by the substitution for subsection (1) of the following subsection:

"(1)**No** <<A>> ship shall <<only> be registered in the Republic **unless** <<if>>-

<<(a)>> the whole of the ship is owned by the Government of the Republic or by persons to each of whom one or other of the following descriptions applies:

(a) <<(i)>> South African citizens;

(b)<<(ii)>> citizens of a treaty country (other than the Republic);

and

(c)<<(iii)>>corporate bodies established under and subject to the law in force in any treaty country and having their principal place of business in any treaty country;

<<and>>

<<(b) subject to subsection (1A) the ship is not registered elsewhere>>.";

and

(b) by the insertion after subsection (1) of the following subsection:

"<<(1A) Notwithstanding the provisions of subsection (1)(b) or section 20 (1) (e) a ship registered elsewhere may be registered in the Republic if-

(a) such ship was sold and transferred in terms of an order of court under section 9 of the Admiralty Jurisdiction Regulation Act, 1983 (Act No. 105 of 1983), to the Government of the Republic or to persons satisfying the requirements determined by paragraph (a) of subsection (1); and

(b) the said Government or persons produce proof that all reasonable steps to secure the termination of the registry elsewhere have been unsuccessful.>>".

Amendment of section 20 of Act 57 of 1951, as amended by section 5 of Act 42 of 1969

3. Section 20 of the Merchant Shipping Act, 1951, is hereby amended by the addition to subsection (1) of the following paragraph:

"<<(e) if the ship was registered elsewhere, subject to section 11(1A), proof that the ship is no longer so registered.>>".

Amendment of section 261 of Act 57 of 1951, as amended by section 33 of Act 30 of1959 and section 7 of Act 25 of 1985

4. Section 261 of the Merchant Shipping Act, 1951, is hereby amended(a) by the substitution for subsection (4) of the following subsection:

"(4) For the purposes of this section-

<<(a)>> a gold franc **shall be taken to be** <<means>> a unit consisting of 65,5 milligrams of gold of millesimal fineness 900; <<and

(b) the value of such gold franc in South African currency shall be determined by the court seized of the case.>>"; and

(b) by the deletion of subsection (5).

Amendment of section 265 of Act 57 of 1951, as amended by section 17 of Act 18 of1992

5. Section 265 of the Merchant Shipping Act, 1951, is hereby amended by the addition to subsection (2) of the following proviso:

":<<Provided that the Director-General or a person authorised by him or her may, in his or her discretion, disclose information pertaining to the report to any authority or organisation having a direct or substantial interest in any matter to which that report relates.>>".

Amendment of section 324 of Act 57 of 1951

6. Section 324 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) From a determination or order of the Director-General under subsection (1), when the penalty imposed by him <<or her>> exceeds **one

hundred pounds**<<five hundred rand>>, an appeal shall lie to the Minister, whose decision shall be final.".

Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of1959, section 59 of Act 40 of 1963, section 6 of Act 24 of 1974, section 11 of Act 5 of 1976, section 19 of Act 3 of 1982, section 9 of Act 25 of 1985 and section 32 of Act 18 of 1992

7. Section 356 of the Merchant Shipping Act, 1951, is hereby amended(a) by the insertion in subsection (1) after paragraph (xl) of the following paragraph:

"<<(xlA) as to the design, construction, licensing, operation, use and maintenance of dynamically supported craft and any other matter which may be reasonably necessary for the safe and orderly operation of such craft;">>;

(b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"The Minister may make such notifications, declarations and regulations as may **appear to him to** be <<reasonably>> necessary to give effect, subject to such exemptions, restrictions and modifications as **appear to him to**<<may>> be desirable, to the provisions of-";

(c) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

"(d) any other convention relating to merchant shipping ratified <<or acceded to>> on behalf of the Republic and set out in any Schedule to this Act."; and

(d) by the substitution for subsection (3) of the following subsection:

"(3) The Minister may by regulation apply, subject to such exemptions, restrictions and modifications as **appear to him to**<<may>> be desirable, in any of the regulations made under subsection (2), to ships to which and in circumstances in which the provisions of the Safety Convention, the International Collision Regulations Convention, the Load Line Convention and any convention referred to in subsection (2)(d) do not apply.".

Substitution of section 356bis of Act 57 of 1951, as inserted by section 60 of Act 40 of 1963, substituted by section 20 of Act 3 of 1982 and amended by section 33 of Act 18 of 1992

8. The following section is hereby substituted for section 356bis of the Merchant Shipping Act, 1951:

"Application of conventions in Republic

356bis. <<Subject to the provisions of this Act, the conventions contained in the Schedules shall have the force of law and apply in the Republic.>>".

Insertion of section 356quat in Act 57 of 1951

9. The following section is hereby inserted in the Merchant Shipping Act, 1951, after section 356ter:

"Incorporation of international shipping standards in regulations

<<356quat. (1) The Minister may by notice in the Gazette

incorporate in the regulations any international shipping standard, or any part thereof, without stating the text thereof, by mere reference to the number, title and year of issue of that shipping standard or to any other particulars by which that shipping standard is sufficiently identified.

(2) The provisions of section 356ter (2) to (5) shall apply, mutatis mutandis, to any international shipping standard, or any part thereof, incorporated under subsection (1).

(3) In this section "international shipping standard" means any code, guideline, resolution or standard adopted and published by the International Maritime Organisation.>>".

Amendment of Fifth Schedule to Act 57 of 1951

10. The Fifth Schedule to the Merchant Shipping Act, 1951, is hereby amended to the extent indicated in the Schedule.

Amendment of section 22 of Act 74 of 1962, as amended by section 5 of Act 12 of 1965, section 3 of Act 83 of 1969, section 25 of Act 62 of 1973, section 7 of Act 4 of 1982, section 2 of Act 1 of 1984, section 5 of Act 16 of 1992, section 25 of Act 44 of 1993 and section 17 of Act 45 of 1993

11. Section 22 of the Aviation Act, 1962, is hereby amended by the insertion after paragraph (g) of the following paragraphs:

"<<(gA) the designation of medical examiners for the purposes of this Act, including-

(i) the manner in which and person by whom such designation may take place;

(ii) the suspension or withdrawal of such designation;

(iii) the conditions, requirements and qualifications for such designation; and

(iv) the certificates issued by medical examiners and the conditions and requirements for such issue;

(gB) the designation of a body or institution for the purposes of this Act(i) to exercise control over medical examinations and tests, and over the persons performing such examinations and tests;

(ii) to determine standards for medical examinations and tests and for the training of medical examiners;

(iii) to issue, suspend or withdraw medical certificates and keep all documents and books concerning medical examinations and tests;

(iv) to advise the Commissioner concerning the training of the prescribed persons in first aid; and

(v) to advise the Commissioner on any matter connected with medical examiners or medical examinations and tests;>>".

Amendment of section 1 of Act 29 of 1989, as amended by section 1 of Act 73 of 1991, section 1 of Act 40 of 1992 and section 1 of Act 39 of 1993

12. Section 1 of the Road Traffic Act, 1989, is hereby amended(a) by the insertion after the definition of "driver's licence testing centre" of the following definition:

" <<'edge of the roadway' means the boundary between the roadway and the shoulder, which is indicated by an appropriate road traffic sign, or in the absence of such sign(a) in the case of a road with a bituminous or concrete surface, the edge of such surface; or

(b) in the case of any other road, the edge of the improved part of the road intended for vehicular use;>>";

(b) by the insertion after the definition of "intersection" of the following definition:

" <<'kerb line' means the boundary between the shoulder and the verge>>;";

(c) by the substitution for the definition of "roadway" of the following definition:

" 'roadway' means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic **and includes those portions commonly known as the shoulders** <<which is between the edges of the roadway>>;";

(d) by the insertion after the definition of "semi-trailer" of the following definition:

"<<'shoulder' means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;>>";

(e) by the substitution for the definition of "verge" of the following definition:

" 'verge' means that portion of **the** <<a>> road, street or thoroughfare, <<including the sidewalk>>, which is not the roadway <<or the shoulder>>;";

and

(f) by the substitution in the Afrikaans text for the definition of "verkeersbaan" of the following definition:

"**'verkeersbaan'** <<'verkeerslaan'>> 'n oorlangse verdeling van 'n openbare pad wat breed genoeg is om 'n enkele ry voertuie te laat deurgaan;".

Amendment of section 18 of Act 29 of 1989

13. Section 18 of the Road Traffic Act, 1989, is hereby amended by the substitution for subparagraph (i) of paragraph (a) of subsection (1) of the following subparagraph:

"(i) in the case of any licence for a motor cycle, **without a side-car** <<motor tricycle or motor quadrucycle>> having an engine with a cylinder capacity not exceeding **50** <<125>> cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of 'motor vehicle', is under the age of 16 years;".

Amendment of section 20 of Act 29 of 1989

14. Section 20 of the Road Traffic Act, 1989, is hereby amended by the addition of the following subsection:

"<<(3) A driver's licence testing centre may, under the prescribed conditions, be registered and graded to test applicants for learners' licences only>>.".

Amendment of section 24 of Act 29 of 1989, as amended by section 8 of Act 73 of 1991

15. Section 24 of the Road Traffic Act, 1989, is hereby amended by the substitution for paragraphs (a) and (b) of subsection (5) of the following paragraphs:

"(a) in the case where the applicant has in terms of subsection (3) provided a motor vehicle equipped with an automatic **or semi-automatic** transmission <<or the motor vehicle is electrically powered>>, endorse the driver's licence to the effect that authorization is granted only for the driving of a motor vehicle equipped with an automatic **or semi-automatic** transmission <<or which is electrically powered, as the case may be>>; and

(b) in the case where the applicant is found to be competent to drive with the aid of glasses <<or contact lenses,>> an artificial limb or other physical aid, endorse the licence accordingly.".

Amendment of section 24B of Act 29 of 1989, as inserted by section 1 of Act 66 of 1993

16. Section 24B of the Road Traffic Act, 1989, is hereby amended by the deletion of subsection (4).

Amendment of section 41 of Act 29 of 1989, as amended by section 10 of Act 73 of 1991 and section 13 of Act 40 of 1992

17. Section 41 of the Road Traffic Act, 1989, is hereby amended by the insertion after subsection (1) of the following subsection:

"<<(2) The-

(a) categories of;

(b) nature and extent of the authority granted by;

(c) period of validity of;

(d) form and content of;

(e) application for and issue of;

(f) fees payable in respect of;

(g) suspension and cancellation of;

(h) incorporation in any other document of; and

(i) other necessary or expedient matter in relation to, professional driving permits, shall be as prescribed.>>".

Repeal of sections 42, 43, 44, 45, 46, 47, 48 and 49 of Act 29 of 1989

18. Sections 42, 43, 44, 45, 46, 47, 48 and 49 of the Road Traffic Act, 1989, are hereby repealed.

Amendment of section 55A of Act 29 of 1989, as inserted by section 10 of Act 39 of1993

19. Section 55A of the Road Traffic Act, 1989, is hereby amended-

(a) by the substitution for the words following paragraph (iii) of subsection (1) of the following words:

"calculated from the date of **conviction** <<sentence.>>";

(b) by the substitution for subsection (2), of the following subsection:

"(2) Subject to subsection (3), any person who is not the holder of a driver's licence or of a licence and permit, shall, on conviction of an offence referred to in subsection (1), be disqualified for **a period** <<the periods>> mentioned in **subparagraphs** <<paragraphs>> (i) to (iii) of subsection (1) <<calculated from the date of sentence>>, from obtaining a learner's or driver's licence or a licence and permit.";

and

(c) by the substitution for subsection (4) of the following subsection:

"(4) A court convicting any person of an offence referred to in subsection (1) shall, <<before imposing sentence>>, bring the provisions of subsection (1) or (2), as the case may be, and of subsection (3), to the notice of such person.".

Amendment of section 74 of Act 29 of 1989, as amended by section 17 of Act 73 of 1991, section 19 of Act 40 of 1992 and section 12 of Act 39 of 1993.

20. Section 74 of the Road Traffic Act, 1989, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) <<(a) Subject to paragraph (b), the owner of a motor vehicle of a prescribed class is the operator of such motor vehicle, and shall be registered as such in terms of subsection (6).

(b) Notwithstanding the provisions of paragraph (a) a person who is not a manager, employee or agent of the owner of a motor vehicle referred to in subsection (1) and who enters into a written agreement providing that such motor vehicle may be operated by such person for a period-

(i) in excess of three months, is the operator of such motor vehicle, and shall be registered as such in terms of subsection (6);

(ii) of three months or less, is deemed to be the operator of such motor vehicle for that period for the purposes of section 78(c), (d), (e), (f) and (g)>>.".

Amendment of section 91 of Act 29 of 1989, as amended by section 23 of Act 40 of 1992

21. Section 91 of the Road Traffic Act, 1989, is hereby amended by the substitution in subsection (1) for the words preceding the first proviso of the following words:

"Subject to the provisions of subsections (2) and (4) and section 89, the driver of a vehicle intending to pass any other vehicle proceeding in the same direction on a public road shall pass to the right thereof at a safe distance and shall not again **drive on the left side of the roadway** <<move to the left>> until safely clear of the vehicle so passed:".

Insertion of section 91A in Act 29 of 1989

22. The following section is hereby inserted in the Road Traffic Act, 1989, after section 91:

"Prohibition on driving on shoulder of public road, except in certain circumstances.

<<91A. (1) Subject to subsection (2) and section 91(1)(e), no person shall drive a motor vehicle on the shoulder of a public road.

(2) Notwithstanding the provisions of subsection (1), the driver of a motor vehicle may, during the period between sunrise and sunset, drive such motor vehicle on the shoulder of a public road which is designed for one lane of traffic in each direction-

(a) while such motor vehicle is being overtaken by another vehicle; and

(b) if he or she can do so without endangering himself or herself, other traffic, pedestrians or property on such public road; and

(c) if persons and vehicles upon the public road are clearly discernible at a distance of at least 150 metres.>>".

Amendment of section 95 of Act 29 of 1989

23. Section 95 of the Road Traffic Act, 1989, is hereby amended(a) by the substitution for subsection (1) of the following subsection:

"(1) The driver of a vehicle on a public road who desires to turn to the left shall, having due regard to the provisions of section 94, before reaching the point at which he <<or she>> intends to turn, indicate, in the prescribed manner, his <<or her>> intention to turn and shall steer his <<or her>> vehicle as near to the left **side** <<edge>> of the roadway on which he <<or she>> is travelling as circumstances may permit and shall make such turn with due care and merge into such traffic stream as may at the time be proceeding along, towards or into the public road into which he or she desires to turn."; and

(b) by the substitution for subparagraph (i) of paragraph (b) of subsection (2) of the following subparagraph:

"(i) he <<or she>> shall steer such vehicle as near as circumstances permit to the right **side** <<edge>> of such roadway; and",

Amendment of Afrikaans text of section 97 of Act 29 of 1989

24. The Afrikaans text of section 97 of the Road Traffic Act, 1989, is hereby amended by the substitution for paragraph (e) of the following paragraph:

"(e) aan die **regterkant** <<regtergedeelte>> van daardie ryvlak met sy voorkant in die rigting van die naderende verkeer gekeer nie;".

Amendment of section 98 of Act 29 of 1989, as amended by section 7 of Act 71 of 1991

25. Section 98 of the Road Traffic Act, 1989, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) No person shall park a vehicle on any portion of the roadway **excluding** <<or>> the shoulders of a public road outside an urban area

or with any part of such vehicle within one metre of the edge of such roadway except in a parking place demarcated by an appropriate road traffic sign.".

Amendment of certain expression in Afrikaans text of Act 29 of 1989, as amended by Act 73 of 1991, Act 17 of 1992, Act 40 of 1992, Act 39 of 1993 and Act 66 of 1993.

26. The Road Traffic Act, 1989, is hereby amended by the substitution in the Afrikaans text for the word "verkeersbaan" of the word "verkeerslaan" wherever it occurs.

Amendment of section 47 of Act 60 of 1993

27. The International Air Services Act, 1993, is hereby amended by the substitution for subsection (2) of section 47 of the following subsection:

"(2) The council may, in its discretion, exempt the holder of an air carrier's licence referred to in subsection (1) from furnishing the particulars or the information referred to in section **15(4)** <<15(3)>> if such holder applies for the issuing of a licence in terms of section 15.".

Short title and commencement

28. This Act shall be called the Transport General Amendment Act, 1995, and sections 12, 17, 18, 21, 22, 23, 24, 25 and 26 shall come into operation on a date fixed by the President by proclamation in the Gazette.

SCHEDULE

AMENDMENT OF FIFTH SCHEDULE TO THE MERCHANT SHIPPING ACT, 1951: INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, TO GIVE EFFECT TO THE AMENDMENTS ADOPTED BY THE INTERNATIONAL MARITIME ORGANIZATION BY RESOLUTION MSC. 21(59), WHICH ENTERED INTO FORCE ON I DECEMBER 1992

(Section 10)

Definition

1. In this Schedule "the Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as contained in the Fifth Schedule to the Merchant Shipping Act, 1951.

Amendment of Regulation 1/1 of Chapter 1 of Annex to Convention

2. Regulation 1/1 of Chapter 1 of the Annex to the Convention is hereby amended(a) by the substitution for paragraph (k) of the following paragraph:

"(k) <<'radio operator' means a person holding an appropriate certificate related to the global maritime distress and safety system issued or recognized by an Administration under the provisions of the Radio Regulations;>>";

(b) by the deletion of paragraph (1) ;

(c) by the substitution in paragraph (p) for the expression "IMCO recommendations" of the expression "recommendations of the Organization";

(d) by the deletion in paragraph (r) of the expression "IMCO";

(e) by the deletion in paragraph (s) of the expression "IMCO"; and

(f) by the renumbering of paragraphs (m), (n), (o), (p), (q), (r) and (s) to (l), (m), (n), (o), (p), (q) and (r), respectively.

Amendment of Regulation 1/2 of Chapter I of Annex to Convention

3. Regulation 1/2 of Chapter I of the Annex to the Convention is hereby amended by the substitution in paragraph 2 for the words preceding subparagraph (a) of the following words:

"In respect of radio **officers and radiotelephone** operators, Administrations may-".

Amendment of Regulation 1/4 of Chapter I of Annex to Convention

4. Regulation 1/4 of Chapter I of the Annex to the Convention is hereby amended by the substitution in paragraph 3 for the expression "radio officer" of the expression "radio operator".

Addition of Regulation 115 to Chapter I of Annex to Convention

5. The Convention is hereby amended by the addition to Chapter I of the Annex to the Convention of the following Regulation:

"REGULATION I/5

Conduct of trials

<<1. These Regulations shall not prevent an Administration from authorizing ships entitled to fly its flag to participate in trials.

2. For the purposes of this Regulation, the term "trial" means an experiment or series of experiments, conducted over a limited period, which may involve the use of automated or integrated systems in order to evaluate alternative methods of performing specific duties or satisfying particular arrangements prescribed by this Convention, which would provide at least the same degree of safety and pollution prevention as provided by these Regulations.

3. The Administration authorizing ships to participate in trials shall be satisfied that such trials are conducted in a manner that provides at least the same degree of safety and pollution prevention as provided by these Regulations. Such trials shall be conducted in accordance with guidelines adopted by the Organization.

4. Details of such trials shall be reported to the Organization as early as practicable but not less than six months before the date on which the trials are scheduled to commence. The Organization shall circulate such particulars to all Parties.

5. The results of trials authorized under paragraph 1, and any recommendations the Administration may have regarding those results, shall be reported to the Organization, which shall circulate such results and recommendations to all Parties.

6. Any Party having any objection to particular trials authorized in accordance with this Regulation should communicate such objection to the Organization as early as practicable. The Organization shall circulate details of the objection to all Parties.

7. An Administration which has authorized a trial should respect objections received from other Administrations relating to such trial by directing ships entitled to fly its flag not to engage in a trial while navigating in the waters of a coastal State which has communicated its objection to the

Organization.

8. An Administration which concludes, on the basis of a trial, that a particular system will provide at least the same degree of safety and pollution prevention as provided by these Regulations may authorize ships entitled to fly its flag to continue to operate with such a system indefinitely, subject to the following requirements:

(a) The Administration shall, after results of the trial have been submitted in accordance with paragraph 5, provide details of any such authorization, including identification of the specific ships which may be subject to the authorization, to the Organization, which will circulate this information to all Parties;

(b) any operations authorized under this paragraph shall be conducted in accordance with guidelines as may be developed by the Organization, to the same extent as they apply during a trial;

(c) such operations shall respect any objections received from other Administrations in accordance with paragraph 7, to the extent such objections have not been withdrawn; and

(d) an operation authorized under this paragraph shall only be permitted pending a determination by the Maritime Safety Committee as to whether an amendment to the Convention would be appropriate, and, if so, whether the operation should be suspended or permitted to continue before the amendment enters into force. At the request of any Party, the Maritime Safety Committee shall establish a date for consideration of the trial results and for the appropriate determinations.>>".

Amendment of Appendix to Regulation II/2 of Chapter II of Annex to Convention

6. The Appendix to Regulation II/2 of Chapter II of the Annex to the Convention is hereby amended-

(a) by the substitution for subparagraph (j) of paragraph 7 of the following subparagraph:

"(j) precautions in manoeuvring for launching **boats or liferafts** <<survival craft or rescue boats>> in bad weather;";

(b) by the substitution for subparagraph (k) of paragraph 7 of the following subparagraph:

"(k) methods of taking on board survivors from **lifeboats or liferafts** <<survival craft or rescue boats>>;";

(c) by the substitution for subparagraph (e) of paragraph 8 of the following subparagraph:

"(e) Knowledge of **IMCO** <<the>> recommendations <<of the Organization concerning>> ship stability.";

(d) by the substitution for the heading of paragraph 16 of the following heading:

"**Communications** <<Radiocommunications and visual signalling>>";

(e) by the substitution for subparagraphs (b) and (c) of paragraph 16 of the following subparagraphs:

"(b) Knowledge of procedures used in **radiotelephone communications** <<radiocommunications>> and ability to use **radiotelephones in particular with respect to** <<radio equipment for>> distress, urgency, safety and navigational messages.

(c) A knowledge of the procedures for emergency distress signals **by radiotelegraphy** as prescribed in the Radio Regulations.";

(f) by the substitution for paragraph 17 of the following paragraph:

"17. Life-saving.

A thorough knowledge of life-saving appliance regulations (International Convention for the Safety of Life at Sea), organization of abandon ship drills, **lifeboats, liferafts** <<survival craft, rescue boats>> and other life-saving equipment.":

(g) by the deletion in paragraph 18 of the expression "IMCO"; and

(h) by the substitution for subparagraph (f) of paragraph 19 of the following subparagraph:

"(f) Life-saving:

Launching and handling of **lifeboats** <<survival craft, rescue boats>> and other life-savings appliances, including the donning of life-jackets.".

Amendment of Appendix to Regulation 11/4 of Chapter 11 of Annex to Convention

7. The Appendix to Regulation 11/4 of Chapter 11 of the Annex to the Convention is hereby amended-

(a) by the substitution for the heading of paragraph 10 of the following heading:

"**Radiotelephony** <<Radiocommunications>> and visual signalling";

(b) by the substitution for subparagraph (c) of paragraph 10 of the following subparagraph:

"(c) Knowledge of procedures used in **radiotelephone communications** <<radio-communications>> and ability to use **radiotelephones, in particular with respect to** <<radio equipment for>> distress, urgency, safety and navigational messages.";

(c) by the substitution for paragraph 12 of the following paragraph:

"12. Life-saving.

Ability to organize abandon ship drills and knowledge of the operation of **lifeboats, liferafts, buoyant apparatus and similar life-saving appliances along with** <<survival craft and rescue boats, their launching appliances and arrangements, and>> their equipment, including **portable radio apparatus and** <<radio life-saving appliances, satellite>> emergency position-indicating radio beacons (EPIRBs), <<immersion suits and thermal protective aids>>. Knowledge of survival at sea techniques.";

(d) by the substitution in paragraph 13 for the expression "ILO/IMCO" of the expression "ILO/IMO";

(e) by the deletion in paragraph 16 of the expression "IMCO" ; and

(f) by the deletion in paragraph 20 of the expression "IMCO".

Amendment of Regulation II/6 of Chapter II of Annex to Convention

8. Regulation 11/6 of Chapter II of the Annex to the Convention is hereby amended by the substitution for item (vii) of subparagraph (d) of paragraph 2 of the following item:

"(vii) knowledge of **pyrotechnic distress** <<rocket parachute flares, hand flares and buoyant smoke>> signals;".

Substitution of Chapter IV of Annex to Convention

9. The following Chapter is hereby substituted for Chapter IV of the Annex to the Convention:

"CHAPTER IV

RADIO **DEPARTMENT** <<PERSONNEL>>

RADIO WATCHKEEPING AND MAINTENANCE

Explanatory note

<<Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and in the International Convention for the Safety of Life at Sea, 1974, as amended. Provisions for radio maintenance are set forth in the International Convention for the Safety of Life at Sea, 1974, as amended, and the guidelines adopted by the Organization.

REGULATION IV/1

Application

1. The provisions of this Chapter shall apply to radio personnel in a ship operating in the global maritime distress and safety system (GMDSS) as prescribed by the International Convention for the Safety of Life at Sea, 1974, as amended.

2. Until 1 February 1999, radio personnel on a ship complying with the provisions of the International Convention for the Safety of Life at Sea, 1974, in force prior to 1 February 1992, shall comply with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, in force prior to 1 December 1992.>>

REGULATION **IV/1** <<IV/2>>

Mandatory minimum requirements for certification of <<GMDSS>> radio **officers**

<<personnel>>

1. Every radio **officer** <<operator>> in charge of, or performing, **radio** <<radiocommunication duties>> **in** <<on>> a ship shall hold an appropriate certificate or certificates issued or recognized by the Administration under the provisions of the Radio Regulations **,and have adequate qualifying service**.

2. In addition, a radio **officer** <<operator on a ship which is required by the International Convention for the Safety of Life at Sea, 1974, as amended, to have a radio installation,>> shall-

(a) be not less that 18 years of age;

(b) satisfy the Administration as to medical fitness, particularly regarding eyesight, hearing and speech;

(c) meet the requirements of the Appendix to this Regulation.

3. Every candidate for a certificate shall be required to pass an examination or examinations to the satisfaction of the Administration **concerned**.

4. The level of knowledge required for certification shall be sufficient for **the** radio **officer** <<operators>> to carry out **his radio** <<their radiocommunication>> duties safely and efficiently. <<The knowledge required for obtaining each type of certificate defined in the Radio Regulations shall be in accordance with those Regulations. In addition, for all types of certificates defined in the Radio Regulations, the required knowledge and training shall include the subjects listed in the Appendix to this Regulation. In determining the appropriate level of knowledge and training, the Administration shall also take into account the relevant recommendations of the Organization.>>

APPENDIX TO REGULATION **IV/1** <<IV/2>>

Minimum additional knowledge and training requirements for radio **officers** <<personnel>>

1. In addition to satisfying the requirements for the issue of a certificate in compliance with the Radio Regulations, radio **officers** <<operators>> shall have knowledge and training, including practical training, in the following:

(a) The provision of radio services in emergencies, including-

(i) abandon ship;

(ii) fire aboard ship;

(iii) partial or full breakdown of the radio **station** <<installations;>>

(b) the operation of **lifeboats, liferafts, buoyant apparatus** <<survival craft and rescue boats>> and their equipment, with special reference to (portable and fixed lifeboat** radio **apparatus and emergency position-indicating radio beacons** <<life-saving appliances>>

(c) survival at sea;

(d) first aid;

(e) fire prevention and fire-fighting, with particular reference to the radio installations;

(f) preventive measures for the safety of ship and personnel in connection with hazards related to radio equipment, including electrical, radiation, chemical and mechanical hazards;

(g) the use of the **IMCO** Merchant Ship Search and Rescue Manual (MERSAR) with particular reference to radiocommunications;

(h) ship position-reporting systems and procedures;

(i) the use of the International Code of Signals and the **IMCO** Standard Marine Navigational Vocabulary;

(j) radio medical systems and procedures.

<<2. The Administration may vary, as appropriate, the knowledge and training required by paragraph I for the issue of a radio operator's certificate to a holder of a certificate issued under the provisions of Chapter II, III or VI, provided the Administration is satisfied that the standard of training or level of knowledge for the issue of the certificate held is adequate>>.

REGULATION **IV/2** <<IV/3>>

Mandatory minimum requirements to ensure the continued proficiency and updating of knowledge for <<GMDSS>> radio **officers** <<personnel>>

1. Every radio **officer** <<operator>> holding a certificate or certificates issued or recognized by the Administration shall, in order to continue to qualify for seagoing service, be required to satisfy the Administration as to the following:

(a) Medical fitness, particularly regarding eyesight, hearing and speech, at regular intervals not exceeding five years; and

(b) professional competence-

(i) <<by performing radio service in a seagoing ship with no single service interruption exceeding five years; or

(ii) by virtue of having performed functions relating to the duties appropriate to the grade of certificate held which are considered to be at least equivalent to the seagoing service required in paragraph 1(b)(i); or

(iii) by passing an approved test or successfully completing an approved training course or courses at sea or ashore which shall include those elements which are of direct relevance to the safety of life at sea, and which are applicable for the certificate that the person is holding, in accordance with the requirements of the International Convention for the Safety of Life at Sea, 1974, as amended, and the Radio Regulations.>>

2. When new modes, equipment or practices are **being introduced** <<to mandatory>> aboard ships entitled to fly **its** <<the>> flag <<of a Party>>, the Administration may require radio **officers** <<operators>> to pass an approved test or successfully complete an appropriate training course or courses, at sea or ashore, with particular reference to safety duties.

3. Every radio **officer shall** <<operator, in order>> to continue to qualify for seagoing service on board particular types of ships for which special training requirements have been internationally agreed upon, <<shall>> successfully complete approved relevant training or examinations which shall take into account relevant international regulations and recommendations.

4. The Administration shall ensure that the texts of recent changes in international regulations relating to radiocommunications and relevant to the safety of life at sea, are available to ships **under** <<entitled to fly>> its **jurisdiction** <<flag.>>

5. Administrations are encouraged, in consultation with those concerned, to formulate or promote the formulation of a structure of refresher and updating courses, either voluntary or mandatory, as appropriate, at sea or ashore, for

radio **officers** <<operators>> who are serving at sea and especially for re-entrants to seagoing service. The course or courses **shall** <<should>> include elements that are of direct relevance to radio duties and include changes in marine radiocommunication technology and relevant international regulations and recommendations concerning the safety of life at sea.".

Amendment of Regulation VI/1 of Chapter VI of Annex to Convention

10. Regulation VI/1 of Chapter VI of the Annex to the Convention is hereby amended(a) by the substitution for the heading of the following heading:

"Mandatory minimum requirements for the issue of certificates of proficiency in survival craft <<and rescue boats>>";

(b) by the substitution for subparagraphs (iii), (iv) and (v) of paragraph (e) of the following subparagraphs:

"(iii) interpret the markings on survival craft <<and rescue boats>> with respect to the number of persons they are permitted to carry;

(iv) make the correct commands required for launching and boarding the survival craft <<and rescue boats>>, clearing the ship and handling and disembarking from the survival craft <<or rescue boats>>;

(v) prepare and launch survival craft <<and rescue boats>> safely into the water and clear the ship's side quickly;";

(c) by the substitution for subparagraphs (viii) and (ix) of paragraph (e) of the following subparagraphs:

"(viii) use signalling equipment, including **pyrotechnics** <<rocket parachute flares, hand flares and buoyant smoke signals>>;

(ix) use **portable** radio **equipment for survival craft** <<life-saving appliances>>;"; and

(d) by the addition to paragraph (e) of the following subparagraph:

"<<(x) don and use an immersion suit; use a thermal protective aid>>.".

Amendment of Appendix to Regulation VI/1 of Chapter VI of Annex to Convention

11. The Appendix to Regulation VI/1 of Chapter VI of the Annex to the Convention is hereby amended-

(a) by the substitution for the heading of the following heading:

"Minimum knowledge required for the issue of certificates of proficiency in survival craft <<and rescue boats>>";

(b) by the substitution for subparagraph (c) of paragraph 2 of the following subparagraph:

"(c) actions to be taken when called to survival craft <<and rescue boat>> stations;";

(c) by the substitution for subparagraph (f) of paragraph 2 of the following subparagraph:

"(f) actions to be taken when aboard a survival craft or rescue

boat;";

(d) by the substitution for paragraphs 5, 6, 7 and 8 of the Following paragraphs:

"5. Construction and outfit of survival craft <<and rescue boats>> and individual items of their equipment.

6. Particular characteristics and facilities of survival craft <<and rescue boats>>.

7. Various types of devices used for launching survival craft <<and rescue boats>>.

8. Methods of launching survival craft **into a** <<and rescue boats in>> rough sea.";

(e) by the substitution for paragraph 10 of the following paragraph:

"10. Handling survival craft <<and rescue boats>> in rough weather."; and

by the substitution for paragraphs 15, 16, 17, 18 and 19 of the following paragraphs:

"15. Radio **devices** <<life-saving appliances>> carried in survival craft <<and rescue boats>>, including <<satellite>> emergency position-indicating radio beacons.

16. Effects of hypothermia and its prevention; use of protective covers and protective garments, <<including immersion suits and thermal protective aids>>.

17. Methods of starting and operating a survival craft <<or rescue boat>> engine and its accessories together with the use of the <<fire>> extinguisher provided.

18. Use of **emergency** <<rescue>> boats and **motor** lifeboats for marshalling liferafts and rescue of survivors and persons in the sea.

19. Beaching **a** survival craft <<and rescue boats>>.".