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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF TRANSPORT

No. R. 112

17 January 2003 No. R. 112

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

**MERCHANT SHIPPING
(LICENSING OF VESSELS)
REGULATIONS, 2002**

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

SCHEDULE

Title and commencement

1. These regulations are called the Merchant Shipping (Licensing of Vessels) Regulations, 2002, and come into operation on the date of commencement of the Ship Registration Act, 1998 (Act No. 58 of 1998).

Interpretation

2. (1) In these regulations "the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context indicates otherwise, any word or expression given a meaning in the Act has the meaning so given.

(2) A reference in these regulations to a numbered form is to be read as a reference to the form so numbered in the Annex.

(3) For the purposes of these regulations, strict compliance with a prescribed form is not required and substantial compliance is sufficient.

DEPARTEMENT VAN VERVOER

17 Januarie 2003

HANDELSKEEPVAARTWET, 1951
(WET NO. 57 VAN 1951)

**HANDELSKEEPVAART-
REGULASIES (LISENSIËRING
VAN VAARTUIE), 2002**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE

Titel en inwerkingtreding

1. Hierdie regulasies heet die Handelskeepvaartregulasies (Lisensiëring van Vaartuie), 2002, en tree in werking op die datum van inwerkingtreding van die Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998).

Uitleg

2. (1) In hierdie regulasies beteken "die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), en tensy dit uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg.

(2) 'n Verwysing in hierdie regulasies na 'n genommerde vorm moet gelees word as 'n verwysing na die vorm aldus genommer in die Aanhangsel.

(3) Vir doeleindes van hierdie regulasies word streng voldoening aan 'n voorgeskrewe vorm nie vereis nie en is wesenlike voldoening voldoende.

Application for licence

3. An application for a licence in terms of section 68 of the Act or for the renewal of a licence in terms of section 69 of the Act must be in accordance with Form 1.

Form of licence

4. For the purposes of section 70 of the Act, a licence must, where it does not form part of the relevant form of local safety certificate—

- (a) be in accordance with Form 2; and
- (b) be endorsed on the local safety certificate of the vessel concerned.

Conditions of licence

5. A licence issued in terms of these regulations ceases to be valid when the local safety certificate on which it is endorsed ceases to be valid.

Marking of vessels

6. The owner of a vessel to which section 68 of the Act applies must ensure that the official number assigned to the vessel by the proper officer and the name of the vessel (if any) are inscribed and continued, in the manner directed by the proper officer, on such features of the vessel as the proper officer may direct.

Aansoek vir lisensie

3. 'n Aansoek om 'n lisensie ingevolge artikel 68 van die Wet of om die hernuwing van 'n lisensie ingevolge artikel 69 van die Wet moet in ooreenstemming met Vorm 1 wees.

Vorm van lisensie

4. Vir doeleindes van artikel 70 van die Wet moet 'n lisensie, waar dit nie deel van die tersaaklike vorm plaaslike veiligheidsertifikaat uitmaak nie—

- (a) in ooreenstemming met Vorm 2 wees; en
- (b) op die plaaslike veiligheidsertifikaat van die betrokke vaartuig geëndosseer word.

Voorwaardes van lisensie

5. 'n Lisensie wat ingevolge hierdie regulasies uitgereik is, hou op om geldig te wees wanneer die plaaslike veiligheidsertifikaat waarop dit geëndosseer is, ophou om geldig te wees.

Merk van vaartuie

6. Die eienaar van 'n vaartuig waarop artikel 68 van die Wet van toepassing is, moet verseker dat die amptelike nommer wat deur die bevoegde beampte aan die vaartuig toegeken is en die naam van die vaartuig (as daar is) op die wyse wat die bevoegde beampete gelas, gemerk is en gemerk bly op sodanige dele van die vaartuig as wat die bevoegde beampte gelas.

Change of ownership of vessel

7. (1) If during the period of validity of a licence issued in terms of these regulations there is a change of ownership of the vessel to which that licence applies, the new owner of the vessel must report the change, in accordance with subregulation (2), to the nearest proper officer within a period of twenty-one days after the date on which the change occurred and the new owner must at the same time forward the applicable local safety certificate to the proper officer for endorsement of the change.

(2) A report referred to in subregulation (1) must be dated and signed by the new owner of the vessel and must specify—

- (a) the official number, name (if any) and designation of the vessel;
- (b) the full name and address of the previous owner;
- (c) the full name and address of the new owner; and
- (d) the date on which the change occurred.

(3) The proper officer is to return the local safety certificate duly endorsed to the new owner of the vessel.

Change of name, designation or operation of vessel

8. (1) If during the period of validity of a licence issued in terms of these regulations there is a change in the name, designation or operation of the vessel to which that licence applies, the owner of the vessel must report the change, in accordance with subregulation

Verandering van eienaarskap van vaartuig

7. (1) Indien gedurende die tydperk van geldigheid van 'n lisensie wat ingevolge hierdie regulasies uitgereik is, daar 'n verandering van eienaarskap is van die vaartuig waarop daardie lisensie van toepassing is, moet die nuwe eienaar van die vaartuig die verandering in ooreenstemming met subregulasie (2) by die naaste bevoegde beampete aanmeld binne 'n tydperk van een en twintig dae na die datum waarop die verandering plaasgevind het, en die nuwe eienaar moet terselfdertyd die toepaslike plaaslike veiligheidsertifikaat aan die bevoegde beampete deurstuur vir endossering van die verandering.

(2) 'n Aanmelding in subregulasie (1) bedoel, moet gedateer en onderteken word deur die nuwe eienaar van die vaartuig en moet die volgende vermeld:

- (a) die amptelike nommer, naam (as daar is) en kennommer van die vaartuig;
- (b) die volle naam en adres van die vorige eienaar;
- (c) die volle naam en adres van die nuwe eienaar; en
- (d) die datum waarop die verandering plaasgevind het.

(3) Die bevoegde beampete moet die plaaslike veiligheidsertifikaat, behoorlik geëndosseer, aan die nuwe eienaar van die vaartuig terugbesorg.

Verandering van naam, kennommer of bedrywigheid van vaartuig

8. (1) Indien gedurende die tydperk van geldigheid van 'n lisensie wat ingevolge hierdie regulasies uitgereik is, 'n verandering plaasvind in die naam, kennommer of bedrywigheid van die vaartuig waarop daardie lisensie betrekking het, moet die eienaar van die

(2), to the nearest proper officer within a period of twenty-one days after the date on which the change occurred.

(2) A report referred to in subregulation (1) must be dated and signed by the owner of the vessel and must specify—

- (a) the official number of the vessel;
- (b) the previous name, designation or operation of the vessel;
- (c) the new name, designation or operation of the vessel;
- (d) the full name and address of the owner; and
- (e) the date on which the change occurred.

vaartuig die verandering in ooreenstemming met subregulasie (2) by die naaste bevoegde beamppte aanmeld binne 'n tydperk van een en twintig dae na die datum waarop die verandering plaasgevind het.

(2) 'n Aanmelding in subregulasie (1) bedoel, moet gedateer en onderteken word deur die eienaar van die vaartuig en moet die volgende vermeld:

- (a) die amptelike nommer van die vaartuig;
- (b) die vorige naam, kennommer of bedrywigheid van die vaartuig;
- (c) die nuwe naam, kennommer of bedrywigheid van die vaartuig;
- (d) die volle naam en adres van die eienaar; en
- (e) die datum waarop die verandering plaasgevind het.

Permanent transfer of vessel, etc

9. (1) If during the period of validity of a licence issued in terms of these regulations a vessel to which that licence applies—

- (a) is permanently transferred from one place to another; or
- (b) for any reason, ceases to be a vessel to which section 68 of the Act applies,

the owner of the vessel must report the transfer or the event contemplated in paragraph (b), as the case requires, in accordance with subregulation (2) to the nearest proper officer within a period of twenty-one days after the date on which the transfer or event occurred.

(2) A report referred to in subregulation (1) must be dated and signed by the owner of the vessel and

Permanente oorplasing van vaartuig, ens

9. (1) Indien gedurende die tydperk van geldigheid van 'n lizensie wat ingevolge hierdie regulasies uitgereik is, 'n vaartuig waarop daardie lizensie betrekking het—

- (a) permanent van een plek na 'n ander oorgeplaas word; of
- (b) om enige rede ophou om 'n vaartuig te wees waarop artikel 68 van die Wet van toepassing is,

moet die eienaar van die vaartuig die oorplasing of die gebeurtenis in paragraag (b) bedoel, na gelang van die geval, ooreenkomsdig subregulasie (2) by die naaste bevoegde beamppte aanmeld binne 'n tydperk van een en twintig dae na die datum waarop die oorplasing of gebeurtenis plaasgevind het.

(2) 'n Aanmelding in subregulasie (1) bedoel, moet gedateer en onderteken

must specify the official number, name (if any) and designation of the vessel and—

- (a) in the case of a vessel that has been permanently transferred from one place to another—
 - (i) the previous home port of the vessel;
 - (ii) the new home port of the vessel; and
 - (iii) the date on which the transfer occurred; or
- (b) in the case of a vessel that, for any reason, has ceased to be a vessel to which section 68 of the Act applies—
 - (i) the home port of the vessel;
 - (ii) the date on which the vessel so ceased; and
 - (iii) the reason for the vessel so ceasing.

word deur die eienaar van die vaartuig en moet die amptelike nommer, naam (as daar is) en kennommer van die vaartuig vermeld, asook—

- (a) in die geval van 'n vaartuig wat permanent van een plek na 'n ander oorgeplaas is—
 - (i) die vorige tuishawe van die vaartuig;
 - (ii) die nuwe tuishawe van die vaartuig; en
 - (iii) die datum waarop die oorplasing plaasgevind het; of
- (b) in die geval van 'n vaartuig wat om enige rede opgehou het om 'n vaartuig te wees waarop artikel 68 van die Wet van toepassing is—
 - (i) die tuishawe van die vaartuig;
 - (ii) die datum waarop die vaartuig aldus opgehou het; en
 - (iii) die rede waarom die vaartuig aldus opgehou het.

Offences and penalties

10. A person who contravenes, or fails or refuses to comply with, regulation 6, 7(1), 8(1) or 9 (1) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding three months.

Defence

11. It is a defence for a person charged under regulation 10 to show that he or she took reasonable precautions and exercised due diligence to avoid the commission of the offence.

Misdrywe en strawwe

10. 'n Persoon wat regulasie 6, 7(1), 8(1) of 9(1) oortree of versuim of weier om daaraan te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Verweer

11. Dit is 'n verweer vir 'n persoon wat ingevolge regulasie 10 aangekla word, om aan te toon dat hy of sy redelike voorsorgmaatreëls getrefhet en die nodige noulettendheid toegepas het om die begaan van die misdryf te vermy.

Transitional (Licences issued before commencement of regulations)

12. A licence issued in terms of section 70 of the Act before the commencement of these regulations is to be taken to have been issued in terms of these regulations and, subject to the terms and conditions of its issue, to be valid for the period for which it was issued.

Transitional (Applications made before commencement of regulations)

13. An application for a licence in terms of section 68 of the Act or for the renewal of a licence in terms of section 69 of the Act, being an application made, but not finally dealt with, before the commencement of these regulations, is to be treated as if it had been made in terms of these regulations.

Oorgangsbepling (Lisensies uitgereik voor inwerkingtreding van regulasies)

12. 'n Licensie wat ingevolge artikel 70 van die Wet uitgereik is voor die inwerkingtreding van hierdie regulasies, word geag ingevolge hierdie regulasies uitgereik te wees en, behoudens die bedinge en voorwaardes van die uitreiking daarvan, geldig te wees vir die tydperk waarvoor dit uitgereik is.

Oorgangsbepling (Aansoek gedoen voor inwerkingtreding van regulasies)

13. 'n Aansoek om 'n lisensie ingevolge artikel 68 van die Wet of om die hernuwing van 'n lisensie ingevolge artikel 69 van die Wet, synde 'n aansoek gedoen maar nie finaal afgehandel nie, voor die inwerkingtreding van hierdie regulasies, word geag ingevolge hierdie regulasies gedoen te wees.

ANNEX / AANHANGSEL

PRESCRIBED FORMS / VOORGESKREWE VORMS

FORM / VORM 1

(Regulation / Regulasie 3)

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Merchant Shipping Act, 1951 (Act 57 of 1951)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID

Handelskeepvaartwet, 1951 (Wet 57 van 1951)

APPLICATION FOR LICENCE / AANSOEK OM LISENSIE

(Section 68 / Artikel 68)

1. I hereby apply for a licence for the vessel the particulars of which are furnished in this form.
Hierby doen ek aansoek om 'n lisensie vir die vaartuig waarvan die besonderhede in hierdie vorm verstrek word.
2. I declare that the particulars as furnished hereunder are to the best of my knowledge and belief true and correct:
Ek verklaar dat die besonderhede soos hieronder verstrek na my beste wete en oortuiging waar en juis is:

PARTICULARS / BESONDERHEDE

- (a) Official number of vessel
Amptelike nommer van vaartuig
- (b) Name of vessel
Naam van vaartuig
- (c) Home port
Tuishawe
- (d) Description of vessel
Beskrywing van vaartuig
- (e) Intended operation of vessel
Voorgestelde bedrywigheede van vaartuig
- (f) Number of crew including master
Getal van bemanning met inbegrip van gesagvoerder
- (g) Full name and address of owner
Volle naam en adres van eienaar
- (h) Full name and address of applicant (if he or she is not the owner)
Volle naam en adres van applikant (indien hy of sy nie die eienaar is nie)

Date
DatumSignature of applicant
Handtekening van applikant

FORM / VORM 2
(Regulation / Regulasie 4(a))

LICENCE UNDER SECTION 68 OF ACT 57 OF 1951
LISENSIE KRAGTENS ARTIKEL 68 VAN WET 57 VAN 1951

Official No.
Amptelike Nr.

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Signature and designation
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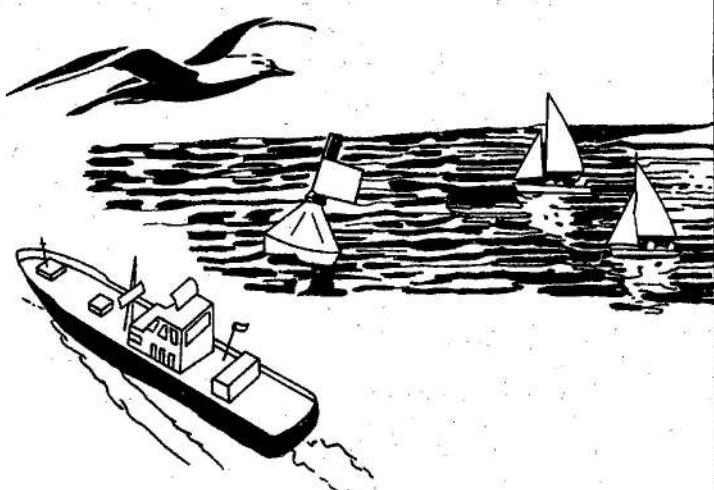
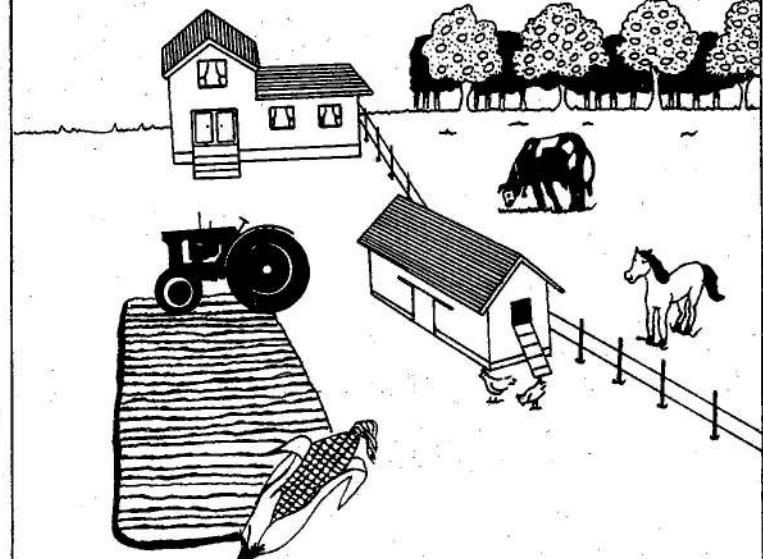
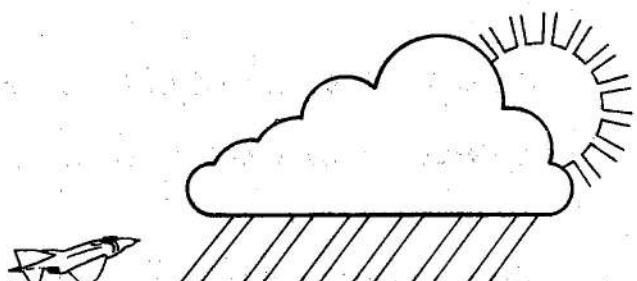
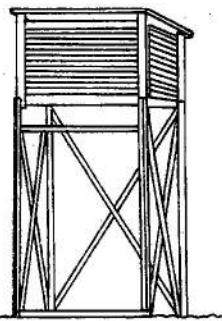
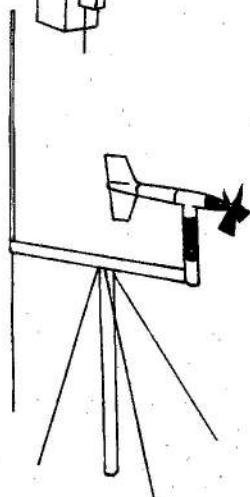
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