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CONTENTS

No.		Page No.	Gazette No.
	GENERAL NOTICE		
	Transport, Department of		
	General Notice		
483	Draft Merchant Shipping (INF Code) Regulations: Publication for comment.....	3	22120

GENERAL NOTICE

NOTICE 483 OF 2001

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

DRAFT MERCHANT SHIPPING (INF CODE) REGULATIONS: PUBLICATION FOR COMMENT

The South African Maritime Safety Authority gives notice of its intention to recommend to the National Department of Transport the measures set out in the accompanying draft regulations. Interested persons are invited to submit written comment on the regulations not later than 2 April 2001. Submissions should be marked for the attention of Mr C Briesch and may either be mailed to the South African Maritime Safety Authority, PO Box 13186, Hatfield 0028, or faxed to (012) 342 3160. Enquiries can be directed to Mr C Briesch on (012) 342 3049.

The regulations implement amendments to Chapter VII (Carriage of Dangerous Goods) of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended, adopted by the Maritime Safety Committee of the International Maritime Organization on 27 May 1999 by resolution MSC.87(71). The purpose of these amendments is to give effect to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships ("the INF Code"), which was adopted by Maritime Safety Committee by resolution MSC.88(71). The text of the Code appears as an Annex to that resolution.

The regulations will apply to all ships, regardless of size, engaged in the carriage of packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes. Ships are required to hold a valid International Certificate of Fitness, which will be issued in respect of ships of South African nationality by the South African Maritime Safety Authority (SAMSA), certifying that they have been constructed to certain standards including such matters as strength and stability, fire protection, cargo securement and temperature control, and integrity of power supplies.

SCHEDULE

DRAFT MERCHANT SHIPPING (INF CODE) REGULATIONS

Title and commencement

1. These regulations are called the Merchant Shipping (INF Code) Regulations, 2001, and come into operation on <<date>>.

Interpretation

2. (1) In these regulations any word or expression given a meaning in the Act has the meaning so given and, unless the context indicates otherwise—

"Certificate of Fitness" means the International Certificate of Fitness for the Carriage of INF Cargo, as provided for in the INF Code, issued—

(a) in respect of ships of South African nationality, by the Authority; and

- (b) in respect of other ships, by or on behalf of the competent maritime authority of the State whose flag the ship is entitled to fly;

"high-level radioactive wastes" means liquid wastes resulting from the operation of the first stage extraction system or the concentrated wastes from subsequent extraction stages, in a facility for reprocessing irradiated nuclear fuel, or solids into which such liquid wastes have been converted;

"IMDG Code" means the 2000 edition of the IMO International Maritime Dangerous Goods Code;

"IMO" means the International Maritime Organization;

"INF cargo" means any of the following carried as cargo:

- (a) high-level radioactive wastes;
- (b) packaged irradiated nuclear fuel;
- (c) plutonium;

"INF Code" means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships annexed to IMO resolution MSC.88(71);

"irradiated nuclear fuel" means material containing uranium, thorium or plutonium isotopes, that has been used to maintain a self-sustaining nuclear chain reaction;

"operator", in relation to a ship, includes any owner, charterer, manager or agent of the ship;

"packaged" means contained in packaging complying with the requirements of Class 7 of the IMDG Code, schedules 10, 11, 12, 13 or 14;

"plutonium" means the resultant mixture of isotopes of that material extracted from the reprocessing of irradiated nuclear fuel;

"the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

(2) In interpreting the INF Code—

- (a) the requirements of the INF Code having been made mandatory under regulation 4, the language thereof is to be construed accordingly, and in particular "should" is to be read as "shall";
- (b) references to the Administration are, in relation to ships of South African nationality, to be read as references to the Authority.

Application

3. These regulations apply to—

- (a) ships of South African nationality wherever they may be; and
- (b) other ships while they are in the Republic or its territorial waters, when engaged in the carriage of an INF Cargo.

Duty to comply with INF Code

4. Every ship to which these regulations apply must be constructed, equipped, inspected and surveyed in accordance with the requirements of the INF Code.

Duty to hold Certificate of Fitness

5. (1) No ship to which these regulations apply may load or carry an INF cargo unless there is on board and in force in respect of that ship a valid Certificate of Fitness covering the INF cargo that the ship is loading or carrying and the loading and carrying is carried out in accordance with the terms of that Certificate and the requirements of the INF Code.

(2) The Authority is, on the application of the operator of a ship of South African nationality, if the Authority is satisfied that the ship complies with the requirements of the INF Code, to issue to the operator a Certificate of Fitness certifying compliance with the INF Code.

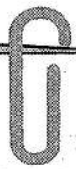
Offences and penalties

6. (1) If there is a breach of regulation 4 or 5, the operator and master each commit an offence and are liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

(2) Where the commission by any person of an offence in terms of subregulation (1) is due to the act or default of some other person, that other person also commits the offence and may be charged with and convicted of the offence by virtue of this subregulation, whether or not proceedings are taken against the first-mentioned person.

Defence

7. It is a defence for a person charged under these regulations to show that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.



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