



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 429

Pretoria, 9 March 2001
Maart

No. 22119



AIDS HELPLINE: 0800-123-22 Prevention is the cure

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GENERAL NOTICES

NOTICE 480 OF 2001

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

DRAFT SHIP REGISTRATION 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. The regulations are enabled by section 56 of the Ship Registration Act, 1998 (Act No. 58 of 1998), and, once made, will complete the implementation of that Act.

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.

SCHEDULE

DRAFT SHIP REGISTRATION REGULATIONS

Arrangement of regulations

*Regulation
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PART 1

GENERAL

Title and commencement

1. These regulations are called the Ship Registration 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—

"address", in relation to—

- (a) a natural person, means the place at which, for the time being, the person resides;
- (b) a company incorporated in the Republic, means the place that is, for the time being, the registered office of the company; and
- (c) a person other than a person referred to in paragraph (a) or (b), means the place that is, for the time being, the principal place of business of the person in the Republic or, if that person has no place of business in the Republic, the principal place of business of that person;

"call sign", in relation to a ship, means the call sign for the time being of the radio station (if any), or the principal radio station, of the ship;

"certificate of competency" means—

- (a) a certificate as master issued under the Merchant Shipping Act, 1951; or
- (b) a certificate recognized for the purposes of that Act as equivalent to a certificate of the kind referred to in paragraph (a);

"corporation" means a person other than a natural person;

"home port", in relation to a ship, means the port that is, for the time being, entered in the Register as the home port of the ship;

"length", in relation to a ship, means the overall length of the ship as determined in accordance with regulation 4;

"moulded depth" of a part of a ship, means the vertical distance measured at that part of the ship from the top of the keel to the underside of the upper deck at side, except that—

- (a) if the ship is constructed of wood or composite material, the distance is measured from the lower edge of the keel rabbet; and
- (b) if the form of the lower part of the midship section of the ship is of a hollow character or if thick garboards are fitted, the distance is measured from the point at which the line of the flat of the bottom, continued inwards, intersects the side of the keel; and
- (c) if the ship has rounded gunwales, the distance is measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design; and
- (d) if the upper deck of the ship is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part;

"moulded depth amidships", in relation to a ship, means the moulded depth of the ship—

- (a) in the case of a ship other than a ship referred to in paragraph (b), in the vertical plane that intersects the centreline plane of the ship at right angles midway between the vertical lines referred to in regulation 4(1)(a) and (b); or
- (b) in the case of a ship in relation to which the Registrar has made a determination under regulation 4(2), in such vertical plane as the Registrar determines for the purposes of this paragraph in relation to that ship;

"name", in relation to—

- (a) a natural person, means the full given names and surname of the person;
- (b) a corporation, means the full name of the corporation;
- (c) a registered ship, means the name by which the ship is for the time being registered; or
- (d) an unregistered ship, means the name (if any) by which the ship is for the time being known;

"official number", in relation to a registered ship, means the number by which the ship is identified in the Register;

"place of construction", in relation to a ship, means the place at which construction of the hull commenced;

"prescribed characteristics", in relation to a ship, means the characteristics specified in Annex 1;

"repealed law" has the same meaning as in item 1(b) of Schedule 3 to the Act;

"the Act" means the Ship Registration Act, 1998 (Act No. 58 of 1998);

"tonnage certificate", in relation to a ship, means a certificate relating to the tonnage measurement of the ship issued under, or otherwise having effect by virtue of, the Merchant Shipping Act, 1951.

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

(3) For the purposes of these regulations, the construction of a ship is to be taken to have been completed when the ship becomes capable of navigation by water, whether under its own power or otherwise.

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

Ships prescribed for purposes of section 1(6)(b) of Act

3. For the purposes of section 1(6)(b) of the Act, there are prescribed the following classes of ships:

- (a) Fishing vessels;
- (b) ships other than fishing vessels, being—
 - (i) ships of less than 500 gross tonnage;
 - (ii) ships in respect of which the elapsed period of time determined from the year of build as indicated on the ship's documents is more than 15 years;
 - (iii) ships not propelled by mechanical means;
 - (iv) ships on bareboat charter where, in the opinion of the Registrar, the period of the bareboat charter is less than five years.

Determination of overall length

4. (1) For the purposes of these regulations, the overall length of a ship is, subject to subregulation (2), to be ascertained by measuring the distance between—

- (a) a vertical line passing through a point, being the foremost part of the stem; and
- (b) a vertical line passing through a point, being the aftermost part of the stern.

(2) Where, by reason of the nature of the constructional features of a ship, it is, in the opinion of the Registrar, impracticable to ascertain the overall length of the ship in accordance with subregulation (1), the overall length of the ship is to be ascertained in such manner as the Registrar determines.

Signature of documents

5. (1) Subject to this regulation, a document that is required by the Act or by these regulations to be lodged with, or produced to, the Registrar or a proper officer (including an

instrument of appointment for the purposes of subregulation (3) or (4)) is to be taken, for the purposes of these regulations, to have been duly signed by a person if—

- (a) the document is dated and is signed, in the presence of a witness—
 - (i) where that person is a natural person, by that person; or
 - (ii) where that person is a corporation, by an officer of the corporation; and
- (b) there is subscribed to the signature of the signatory referred to in paragraph (a)—
 - (i) the signature of the witness;
 - (ii) a legible statement of the name and address of the witness; and
 - (iii) where that signatory is a person referred to in subparagraph (a)(ii), a legible statement of the name and designation of the signatory.

(2) Nothing in subregulation (1) prevents the signature on behalf of a person of a document by an attorney under power; but, where a document is so signed, the power of attorney must be produced for noting upon the lodgment of the document in accordance with the Act or these regulations.

(3) Subject to subregulation (5), subregulations (1) and (2) apply in relation to a document that is required by a provision of these regulations to be duly signed by the owner of a ship as if the reference in that provision to the owner of the ship were a reference—

- (a) in the case of a ship that belongs to one person only, to that person or to a person appointed by that person in accordance with subregulation (4) for the purposes of this subregulation; or
- (b) in the case of a ship that belongs to more than one person, to a person appointed in accordance with subregulation (4) for the purposes of this subregulation by persons who are the owners of interests in the ship the sum of which is equal to not less than 33 shares in the property in the ship.

(4) The appointment of a person for the purposes of subregulation (3) must be in writing and—

- (a) must specify the ship to which it relates;
- (b) must be duly signed by each person making the appointment; and
- (c) may consist of several documents in like form, each duly signed by one or more of those persons.

(5) Where a document is signed by a person appointed for the purposes of subregulation (3), the instrument of appointment of that person must be produced for noting upon the lodgment or production of the first-mentioned document in accordance with the Act or these regulations.

Witnessing of documents

6. Where the signature on any document made under these regulations is required to be witnessed, any witness to the signature must be a person of full age and may not be the spouse of the signatory.

Specification of nationality of corporations

7. A requirement in these regulations for the specification in a document of the nationality of a person and the grounds on which the person claims the nationality so specified is satisfied—

- (a) in relation to a corporation, other than a corporation referred to in paragraph (b), (c) or (d), by the insertion in the document of a statement setting out the nature and place of incorporation of the corporation;
- (b) in relation to a trust, by the insertion in the document of a statement setting out—
 - (i) the nationality of each trustee together with a description of that person's powers as a trustee of the trust; and
 - (ii) the nationality of each beneficiary together with a description of that person's beneficial interests in the trust;
- (c) in relation to a Government authority, by the insertion in the document of the words "Government authority"; and
- (d) in relation to a body politic other than the Republic, by the insertion in the document of the words "Foreign Government".

Lodgment of documents

8. A document required by these regulations to be lodged with the Registrar is to be taken so to have been lodged if the document, addressed to the Registrar, is received, together with any fee payable on its lodgment—

- (a) at the Registration Office; or
- (b) except in the case of a bill of sale or a mortgage instrument, at a branch office.

Documents not in official language to be accompanied by translation

9. Any document that is not in an official language and is lodged or produced in support of any application under the Act or these regulations must be accompanied by an authentic translation of the document in the English language.

Service etc. of documents

10. (1) Subject to the Act and these regulations, a notice or other document that is required or permitted by the Act or these regulations to be given to, or served upon, a person by the Registrar may be so given or served by delivering it, or sending it by properly pre-paid post or by telegram or facsimile transmission, to the person at the address that is last-known to the Registrar as the address of that person.

(2) Service of a notice or other document that is sent to a person by telegram or facsimile in pursuance of subregulation (1) is to be taken, in the absence of evidence to the contrary, to have been effected at the time at which the telegram or facsimile would be received in the ordinary course of transmission.

PART 2**SOUTH AFRICAN SHIPS****National flag**

11. (1) An application under section 4(5) of the Act is to be made by lodging with the Registrar an application in writing signed in the manner specified in subregulation (2), being an application specifying—

- (a) the name of the ship;
- (b) the port at which the ship is usually berthed or moored;
- (c) a description of the ship, including any identifying markings;
- (d) the name, address and nationality of each person to whom the ship belongs;
- (e) if the application relates to a ship described in section 16(b)(ii) of the Act, the name, address and nationality of each operator of the ship; and
- (f) where a person, being—
 - (i) in the case of an application in relation to a ship described in section 16(a) or (b)(i) of the Act, the person, or one of the persons, to whom the ship belongs; or
 - (ii) in the case of an application in relation to a ship described in section 16(b)(ii) of the Act, the operator, or one of the operators, of the ship,

is not a South African national, information respecting the status of that person as a resident of the Republic.

(2) An application referred to in subregulation (1) is to be taken, for the purposes of that subregulation, to have been signed in the manner specified in this subregulation if—

- (a) in the case of an application in relation to a ship described in section 16(a) of the Act, it is duly signed—
 - (i) where the ship belongs to one person only, by that person or by a person appointed by that person in accordance with subregulation (3) for the purposes of this subregulation; or
 - (ii) where the ship belongs to more than one person, by a person appointed in accordance with subregulation (3) for the purposes of this subregulation by the persons to whom the ship belongs;
- (b) in the case of an application in relation to a ship described in section 16(b)(i) of the Act, it is duly signed—
 - (i) where the ship belongs to one person only, by that person or by a person appointed by that person in accordance with subregulation (3) for the purposes of this subregulation; or
 - (ii) where the ship belongs to more than one person, by a person appointed in accordance with subregulation (3) for the purposes of this subregulation by the persons to whom the ship belongs; or

(c) in the case of an application in relation to a ship described in section 16(b)(ii) of the Act, it is duly signed—

(i) where the ship is operated by one person only, by that person or by a person appointed by that person in accordance with subregulation (3) for the purposes of this subregulation; or

(ii) where the ship is operated by more than one person, by a person appointed in accordance with subregulation (3) for the purposes of this subregulation by the persons operating the ship.

(3) The appointment of a person for the purposes of subregulation (2) must be in writing and—

(a) must specify the ship to which it relates;

(b) must be duly signed by each person making the appointment; and

(c) may consist of several documents in like form, each duly signed by one or more of those persons.

(4) Where an application referred to in subregulation (2) is signed by a person appointed for the purposes of subregulation (3), the instrument of appointment of that person must be produced for noting upon the lodgment of the application.

(5) A certificate under section 4(5) of the Act must be signed by the Registrar and sealed with the seal of the Registration Office and must—

(a) specify the name of the ship and of the port at which it is usually berthed or moored;

(b) set out a description of the ship, including any identifying markings;

(c) set out the name, address and nationality of the person or persons to whom it is granted and indicate whether the certificate is granted to that person or those persons as owner or owners, or as operator or operators, of the ship; and

(d) where the person, or any of the persons, to whom the certificate is granted is not a South African national but is a resident of the Republic, contain a statement to that effect.

PART 3

REGISTRATION OF SHIPS

Division 1—Registration

Registration of certain ships prohibited

12. There is hereby prescribed the following classes of ships the registration of which is prohibited under the Act:

(a) Ships the registration of which is prohibited by section 19(1) of the Act;

(b) wooden ships of primitive build;

- (b) ships of less than three metres in length.

Application for registration

13. (1) Application for the registration of a ship under the Act is to be made by—

- (a) lodging with the Registrar an application in writing for the registration of the ship in accordance with subregulation (3);
- (b) lodging with the Registrar—
 - (i) a document that satisfies, or documents that satisfy, the requirements of subregulation (5) respecting the description of the ship;
 - (ii) a document that satisfies, or documents that satisfy, the requirements of subregulation (6) respecting the ownership of the ship;
 - (iii) where the registration of the ship depends upon its being a ship on bareboat charter to a South African national, a copy of the charterparty;
 - (iv) a declaration of ownership and nationality in accordance with regulation 15;
 - (v) a notice in writing specifying the name and address of the person who will be the registered agent of the ship upon its being registered and duly signed by the owner of the ship and, where the owner is not the person whose name and address are so specified, by that person;
 - (vi) evidence in accordance with regulation 23 that the ship has been marked in accordance with that regulation with marks directed by the Registrar under section 20(1) of the Act; and
- (c) producing to the Registrar, for noting, the licence or other document (if any) authorizing the use of a call sign in relation to the ship.

(2) The documents referred to in subregulation (1)(b) and (c) must be lodged with, or produced to, the Registrar within six months after the lodgment of the application referred to in subregulation (1)(a).

(3) Subject to subregulation (4), an application referred to in subregulation (1)(a) must be duly signed by the owner of the ship and must specify—

- (a) the type of the ship (in terms of its purpose);
- (b) the method of propulsion of the ship;
- (c) the length of the ship;
- (d) the principal material of construction of the hull of the ship;
- (e) in order of preference, three proposed names for the ship;
- (f) the proposed home port of the ship;
- (g) the IMO number of the ship (if any);
- (h) where the ship has previously been registered (whether in the Republic or elsewhere), the year in which the ship was last so registered and the following information in relation to the ship when so registered—

- (i) the register on which the ship was registered;
- (ii) the official number of the ship;
- (iii) the registered name of the ship;
- (iv) the home port, or port of registry, of the ship; and
- (i) where the ship has not previously been registered in the Republic—
 - (i) the name of the builder of the ship;
 - (ii) the place of construction; and
 - (iii) the builder's identification of the ship or the name (if any) by which the ship is known.
- (4) A statement in an application under subregulation (1) to the effect that the owner of the ship is unable to supply the information, or any part of the information, referred to in paragraph (h) or (i) of subregulation (3), together with a statement of the reason for that inability, is to be taken, for the purposes of that subregulation, to satisfy the requirements of that paragraph.
- (5) For the purposes of subregulation (1)(b)(i), the requirements of this subregulation respecting the description of a ship are satisfied—
 - (a) where the ship has not previously been registered as mentioned in paragraphs (b) and (c)—
 - (i) by a builder's certificate in accordance with regulation 14; or
 - (ii) where the owner, after taking all reasonable action, is unable to obtain a builder's certificate, by a solemn declaration by a person acquainted with the facts of the matter specifying—
 - (aa) the prescribed particulars of the ship;
 - (bb) such of the other matters required by regulation 14(1) to be specified in a builder's certificate as are known to the person making the solemn declaration; and
 - (cc) the grounds on which that person asserts the veracity of matters specified in pursuance of items (aa) and (bb);
 - (b) where the ship has previously been registered in the Republic, whether under the Act or under Part II of the Merchant Shipping Act, 1951, by a solemn declaration by a person acquainted with the facts of the matter specifying the respects (if any) in which the description of the ship differs from the description of the ship appearing in the Register or a register book, as the case requires, immediately before the ship ceased or last ceased, to be so registered; or
 - (c) where the ship has previously been registered under the provisions of the law of a foreign country relating to the registration of ships in that country and the document (if any) issued under that law that corresponds with a registration certificate contains the information in respect of the ship that is required to be set out in a builder's certificate prepared in accordance with regulation 14 or any of that information, by—
 - (i) that document; and

- (ii) to the extent (if any) to which that document does not contain that information or the information contained in that document is in any respect incorrect, a solemn declaration by a person acquainted with the facts of the matter setting out so much of that information as is not contained, or is incorrectly stated, in that document.
- (6) For the purposes of subregulation (1)(b)(ii), the requirements of this subregulation respecting the ownership of a ship are satisfied—
- (a) where the ship has not previously been registered as mentioned in paragraphs (b) and (c), by—
 - (i) a builder's certificate in accordance with regulation 14; and
 - (ii) the relevant documents relating to any changes in the ownership of the ship, whether occurring before or after the date of that certificate;or, where the ship was built and acquired by the owner in a place outside the Republic and that certificate or those documents are unavailable, by the document by which the owner of the ship acquired the ownership of the ship;
 - (b) where the ship has previously been registered in the Republic, whether under the Act or under Part II of the Merchant Shipping Act, 1951, by the relevant documents relating to any changes in the ownership of the ship that have occurred since the ownership of the ship was as specified in the Register or a register book, as the case requires, immediately before the ship ceased, or last ceased, to be so registered; or
 - (c) where the ship has previously been registered under the provisions of the law of a foreign country relating to the registration of ships in that country, by any document that is, under that law, evidence of title to the ship.
- (7) A reference in subregulation (6) to the relevant documents in relation to any changes in the ownership of a ship is to be read, in relation to each such change, as a reference to—
- (a) a bill of sale or other document transferring ownership of the ship, being a bill of sale or document signed by each transferor and specifying the name of the ship, the nature and extent of the interest in the ship to which the bill of sale or document relates and the name and address of each transferor and transferee; and
 - (b) such of the documents evidencing change of ownership referred to in regulation 31(2) as would be applicable if, at the time of the change, the ship had been registered under the Act.
- (8) The requirements of subregulation (5) or (6) respecting the description or ownership of a ship are, for the purposes of subregulation (1)(b)(i) or (ii), as the case requires, to be taken to be satisfied in relation to any particulars of the description of the ship or of the history of the ownership of the ship in relation to which the applicant for registration is unable to produce a document (other than a solemn declaration) specified in that subregulation by a solemn declaration by a person acquainted with the facts of the matter setting out those particulars of the description of the ship or of the history of the ownership of the ship.
- (9) Where, by reason of the unavailability of a document (including a solemn declaration) referred to in subregulation (6) or (8), the requirements of subregulation (6) respecting the ownership of a ship to which an application under this regulation relates

cannot be satisfied, then, subject to subregulation (10), those requirements are, for the purposes of subregulation (1)(b)(ii), to be taken to be satisfied in relation to that ship by—

- (a) such (if any) of the documents referred to in subregulation (6) and (8) as are available in relation to the ship; and
- (b) a solemn declaration by the person who signed the application stating that, to the best of his or her knowledge, the person in whose name, or the persons in whose names, the ship will, if the application is successful, be registered are lawfully entitled to the ownership of the ship as specified in regulation 15(b) and setting out the grounds for that belief.

(10) The documents referred to in subregulation (9)(a) and (b) are not to be taken to satisfy the requirements of subregulation (6) respecting the ownership of a ship unless, not less than 30 days before the lodgment of the application, notice, in accordance with Form 1, of intention to make application for the registration of the ship was published in the *Gazette*.

Builder's certificate

14. (1) Subject to subregulation (2), a builder's certificate in relation to a ship must be duly signed by the builder of the ship and must specify—

- (a) the name (if any) of the ship;
- (b) the builder's identification of the ship;
- (c) the date of completion of the ship;
- (d) the place of construction of the ship;
- (e) the name and address of the builder;
- (f) the name and address of the person for whom the ship was built;
- (g) the date on which the ship was delivered or handed over to the person for whom the ship was built; and
- (h) particulars of the prescribed characteristics of the ship.

(2) Where a ship has been built in stages by more than one builder—

- (a) a builder's certificate in relation to the ship may consist of several documents in accordance with subregulation (1), each of which relates to one or more of those stages; and
- (b) a builder's certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, must be duly signed by all of the builders responsible for the building work carried out in those stages.

(3) Without limiting the generality of subregulation (2), where a ship that is the subject of an application for registration has been altered (whether by the builder or by another person) after its completion, the ship is to be taken, for the purposes of that subregulation, to have been built in stages by more than one builder.

Declaration of ownership and nationality

15. For the purposes of regulation 13(1)(b)(iv), a declaration of ownership and nationality must—

- (a) specify the ship to which it relates;
 - (b) specify, in relation to each person to whom the ship belongs—
 - (i) the name, address and nationality of the person;
 - (ii) the grounds on which the person claims the nationality so specified;
 - (iii) the extent of the interest of the person in the ship; and
 - (iv) the date on which that interest was acquired;
 - (c) where the registration of the ship under the Act depends upon its being a ship on bareboat charter to a South African national, specify, in relation to each charterer under the charterparty—
 - (i) the name, address and nationality of the charterer;
 - (ii) the grounds on which the charterer claims the nationality so specified; and
 - (iii) the extent of the interest of the charterer in the bareboat charter of the ship; and
 - (d) be duly signed by each person referred to in paragraph (b) or (c),
- and may consist of several documents in like form that, together, contain the information required by paragraphs (a), (b) and (c) and are signed in accordance with paragraph (d).

Inspection and tonnage measurement of ship before registration

16. (1) For the purposes of section 17(1)(a) of the Act, there is prescribed an inspection by a surveyor of ships, designated by the Registrar, to determine whether the ship complies with the relevant requirements of the Shipping Acts respecting—

- (a) the condition of the ship so far as relevant to its safety or any risk of pollution; and
- (b) the safety, health and welfare of persons employed or engaged on it.

(2) For the purposes of section 17(2) of the Act, there is prescribed a class of ships each of which is a ship to which the Tonnage Convention (within the meaning of section 2(1) of the Merchant Shipping Act, 1951) does not apply, being ships in respect of which a certificate relating to tonnage measurement—

- (a) has not been issued under that Act; or
- (b) does not otherwise have effect under that Act.

(3) For the purposes of section 18(1)(b) of the Act, there is prescribed a condition that the ship must have undergone the inspection prescribed under section 17(1)(a) of the Act within the period determined by the Registrar.

Entry of particulars in Register

17. (1) The Registrar is to register a ship by entering in the Register the following particulars respecting the ship:

- (a) A unique identifying number, to be known as the official number;
- (b) the name;
- (c) the home port;
- (d) the call sign (if any);
- (e) the IMO number (if any);
- (f) the year of registration;
- (g) the place of construction;
- (h) the year of completion;
- (i) the prescribed characteristics;
- (j) in the case of a ship to which section 17(1) of the Act applies—
 - (i) the gross tonnage;
 - (ii) the net tonnage; and
 - (iii) any alternative tonnages;as shown on the tonnage certificate;
- (k) subject to subregulation (4), in relation to each person to whom the ship belongs—
 - (i) the name, address and nationality of the person; and
 - (ii) the extent of the interest of the person in the ship;
- (l) in the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national, in relation to each charterer under the charterparty—
 - (i) the name, address and nationality of the charterer; and
 - (ii) the extent of the interest of the charterer in the bareboat charter of the ship.

(2) Where an entry is made in the Register under subregulation (1) in respect of a ship that has previously been registered under the Act, the number referred to in subregulation (1)(a) is the number that was the official number of the ship when it was so previously registered.

(3) Where an entry is made in the Register under subregulation (1) in respect of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national, the number referred to in subregulation (1)(a) is the ship's unique identifying number under the law of the state of primary registration.

(4) In the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national, no person is to be registered in the Register as an owner of ship.

Period of registration

18. (1) Subject to subregulation (2), the registration of a ship, unless terminated earlier under the Act or these regulations, is valid for a period of five years commencing on the date of registration specified in the registration certificate or the renewal certificate referred to in subregulation (6), as the case requires, and expires at the end of that period unless it is renewed in accordance with regulation 19.

(2) The registration of a ship on bareboat charter to a South African national, unless terminated earlier under the Act or these regulations, is valid for the period of the bareboat charter.

Renewal notices and time limit for renewal of registration

19. (1) Three months before the expiry of the registration of a ship, the Registrar must serve upon the registered agent of the ship a renewal notice.

(2) Application for the renewal of the registration of a ship is to be made during the last three calendar months of the current registration period.

Application for renewal of registration

20. (1) Application for the renewal of the registration of a ship is to be made by lodging with the Registrar an application in writing for the renewal of the registration of the ship in accordance with subregulation (2), accompanied by—

- (a) a declaration of ownership and nationality in accordance with subregulation (3); and
- (b) a declaration, in accordance with subregulation (4), respecting the registered particulars of the ship.

(2) An application referred to in subregulation (1) must be duly signed by the owner of the ship and must specify the name and official number of the ship.

(3) For the purposes of subregulation (1)(a), a declaration of ownership and nationality must—

- (a) specify the matters listed in paragraphs (a), (b) and (c) of regulation 15; and
- (b) be duly signed in accordance with paragraph (d) of that regulation,

and may consist of several documents in like form that, together, contain the information required by paragraph (a) and are signed in accordance with paragraph (b).

(4) For the purposes of subregulation (1)(b), a declaration respecting the registered particulars of the ship must be duly signed by the registered agent of the ship and must state that there have been no changes in the particulars entered in the Register in relation to the ship that have not been notified to the Registrar.

(5) A renewal certificate must be issued under the signature of the Registrar and the seal of the Registration Office in relation to every ship whose registration is renewed and must specify—

- (a) the name and official number of the ship; and

(b) the date of registration of the ship.

(6) Section 24 of the Act applies in relation to a renewal certificate issued under subregulation (5) as if it were a certificate to which that section applies otherwise than by virtue of this subregulation.

(7) Where no application for the renewal of the registration of a ship is made within the period specified in regulation 19(2), the Registrar must, upon the expiry of that period, make an entry in the Register to that effect, and the registration of the ship is, subject to subregulation (8), deemed to be closed.

(8) Where a ship in respect of which the Registrar has made an entry in the Register under subregulation (7) is subject to an unsatisfied mortgage or mortgages, subsection (4) to (9) of section 42 of the Act apply in relation to the ship as if it were a ship to which those subsections apply otherwise than by virtue of this subregulation.

Closure of registration

21. (1) Application for the closure of the registration of a registered ship, not being a ship to which section 44 or 45 of the Act applies, may be made by lodging with the Registrar—

(a) an application in writing for the closure of the registration of the ship duly signed—

(i) in the case of a ship that belongs to one person only, by that person or by a person appointed by that person in accordance with subregulation (2) for the purposes of this subparagraph;

(ii) in the case of a ship that belongs to more than one person, by a person appointed in accordance with subregulation (2) for the purposes of this subparagraph by persons who are the owners of interests in the ship the sum of which is equal to not less than 33 shares in the property in the ship; or

(iii) in the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national, by a person appointed in accordance with subregulation (2) by persons who are the charterers of the ship under the charterparty;

(b) where the application is signed by a person appointed for the purposes of paragraph (a), the document or documents constituting the appointment of that person; and

(c) the registration certificate or provisional registration certificate, as the case requires.

(2) The appointment of a person for the purposes of subregulation (1)(a) must be in writing and—

(a) must specify the ship to which it relates;

(b) must be duly signed by each person making the appointment; and

(c) where the appointment is made by more than one person, may consist of several documents in like form, each duly signed by one or more of those persons.

(3) An application under subregulation (1) must specify—

(a) the registered name of the ship;

(b) the official number of the ship; and

(c) the home port of the ship.

(4) Where the Registrar receives an application under subregulation (1) relating to a ship, the Registrar must make an entry in the Register to that effect, and the registration of the ship is, subject to subregulation (5), deemed to be closed.

(5) Where a ship in relation to which the Registrar has made an entry in the Register under subregulation (4) is subject to an unsatisfied mortgage or mortgages, subsections (4) to (9) of section 42 of the Act apply in relation to the ship as if it were a ship to which those subsections apply otherwise than by virtue of this subregulation.

Notification of foreign registries by Registrar (Ships on bareboat charter to South African nationals)

22. The Registrar must, in relation to a ship the registration of which under the Act depends, or depended, upon its being a ship on bareboat charter to a South African national, notify the authority responsible for the registration of ships in the state of primary registration when—

- (a) the ship has been registered under the Act;
- (b) the registration of the ship has terminated under these regulations by reason of the expiry of the ship's registration; or
- (c) the registration of the ship has otherwise been terminated under the Act.

Division 2—Identification

Marking of ships

23. (1) Subject to this regulation, a ship is, for the purposes of section 20 of the Act, to be marked as follows:

- (a) The name of the ship must be inscribed, in accordance with subregulation (2), on each bow;
- (b) the name of the ship and its home port must be inscribed, in accordance with subregulation (2)—
 - (i) on the stern; or
 - (ii) if the configuration of the stern is such that those names cannot legibly be displayed on the stern, on each side of the hull as near as practicable to the stern; or
 - (iii) if compliance with subparagraph (i) or (ii) is not practicable, on such other part or parts of the ship as the Registrar determines;
- (c) an inscription in accordance with subregulation (3) must be made, in a position in which it may readily be inspected, on the main beam of the ship or, if the ship has no main beam or it is impracticable so to make the inscription on the main beam, on another main structural member or integral part of the ship;

(d) a scale of metres denoting the ship's draught of water must be inscribed, in accordance with subregulation (4)—

- (i) on each side of the stem and stern post; and
- (ii) in the case of a ship of more than 25 metres in length, on each side of the ship within 300 millimetres of amidships.

(2) The inscriptions referred to in subregulation (1)(a) and (b) must be made in the following manner:

(a) All alphabetical characters must be in the form of—

- (i) upright sans serif block capital letters, not being expanded or condensed forms of those letters, the height of which is not less than 100 millimetres and the thickness of the strokes of which is not less than 20 per cent, and not more than 25 per cent, of their height; or
- (ii) lettering approved, either generally or in a particular case, by the Registrar, being lettering that is not less legible than lettering of the kind referred to in subparagraph (i);

(b) all numerals, whether Arabic or Roman, must be in a style matching that of the alphabetical characters;

(c) the inscription must be applied in waterproof paint of a colour that makes a distinct contrast with the colour of the background on which it appears.

(3) The inscription referred to in subregulation (1)(c) must consist of—

(a) the letters "O.N." followed by the official number of the ship; and

(b) either—

- (i) (aa) the letters "G.T." followed by the gross tonnage of the ship as shown on its tonnage certificate; and
- (bb) the letters "N.T." followed by the net tonnage of the ship as shown on its tonnage certificate; or
- (ii) where the ship is not a ship to which section 17(1) of the Act applies, the letters "L.O.A." followed by the length of the ship in metres taken to two decimal places,

being letters and figures—

(i) that—

- (aa) are incised into the surface of the portion of the ship to which they are applied; or
- (bb) form part of the fabric of that portion of the ship and project from the surrounding surface of that portion of the ship; and

(ii) the height of which is—

- (aa) not less than 100 millimetres; or
- (bb) where the portion of the ship to which they are applied is such that compliance with item (aa) is not practicable, the maximum practicable height.

(4) The inscription referred to in subregulation (1)(d) must be made in the following manner:

(a) The inscription must—

- (i) be divided into metre intervals denoted by the Arabic numeral, or numerals, corresponding to the draught in metres followed by the Roman letter "M"; and
- (ii) be subdivided into decimetre intervals, of which every second interval must be marked with the Arabic numeral, or numerals, appropriate to the division;

(b) all letters and figures must—

- (i) be incised into the surface of the portion of the ship to which they are applied; or
- (ii) form part of the fabric of that portion of the ship and project from the surrounding surface of that portion of the ship,

and—

(aa) be not less than 100 millimetres in height; or

(bb) where the portion of the ship to which they are applied is such that compliance with item (aa) is not practicable, be the maximum practicable height;

(c) the inscription must be applied in waterproof paint of a colour that makes a distinct contrast with the colour of the background on which it appears.

(5) Where, by reason of the nature of the constructional features of a ship, there is no part of the ship that is readily identifiable as a bow, or as the stern, of the ship, an inscription required by subregulation (1)(a), (b) or (d) to be made on a bow or on the stern of the ship, as the case requires, must be made on such part of the ship as the Registrar determines.

(6) Where, in the opinion of the Authority, it is unreasonable to require compliance, or compliance in full, with the requirements of subregulation (1)(a), (b), (c) or (d) in relation to a ship, or in relation to ships included in a class of ships, the Authority may, by instrument in writing, exempt the ship, or ships included in the class of ships, from the requirements specified in the instrument, subject to compliance with the conditions (if any) specified in the instrument.

(7) For the purposes of section 20(1) of the Act, a certificate in writing endorsed on or attached to a notice served upon the owner, or one of the owners, of a ship under that section, being a certificate that—

- (a) states that the ship to which the notice relates has been marked in accordance with the requirements of this regulation with marks directed by the Registrar by the notice;
 - (b) is duly signed by the owner, or one of the owners, of the ship; and
 - (c) is signed by a surveyor of ships designated by the Registrar for the purpose,
- is evidence that the ship has been marked in accordance with this regulation with marks directed by the Registrar under that section.

(8) Any marking appearing on a registered ship, not being a marking required—

- (a) by these regulations; or

(b) by or under an Act of Parliament,

must be obliterated or removed to the satisfaction of the Registrar.

(9) A person who contravenes subregulation (8) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Name of registered ship and change of name

24. (1) An application under section 21(2) of the Act for a change in the name of a registered ship is to be made by lodging with the Registrar a request in writing for approval of the change duly signed by the owner or registered agent of the ship and specifying—

- (a) the present name of the ship;
- (b) the official number of the ship; and
- (c) in order of preference, three proposed names for the ship.

(2) For the purposes of section 21(3) of the Act, there are prescribed the following classes of names:

- (a) Names of existing registered ships;
- (b) names approved by the Registrar in respect of ships in the course of registration;
- (c) names that, in the opinion of the Registrar, are likely to be confused with, or mistaken for—
 - (i) names referred to in paragraphs (a) and (b); or
 - (ii) a distress signal;
- (d) names that, in the opinion of the Registrar, are likely to be offensive to members of the public;
- (e) names that, in the opinion of the Registrar, falsely suggest connection with—
 - (i) the state or an organ of state;
 - (ii) the Commonwealth of Nations;
 - (iii) the Government of the Republic, of any other country or of any legal subdivision of another country;
 - (iv) the United Nations or an agency thereof;
 - (v) the South African National Defence Force or an arm thereof;
- (f) names that include a prefix comprising any letter or letters capable of indicating a type of ship;
- (g) names the use of which is prohibited under any other Act of Parliament.

Division 3—Registration certificates**Form of registration certificate**

25. A registration certificate granted under section 23 of the Act must be in accordance with Form 2.

New certificates and provisional certificates

26. (1) An application under section 25(1) of the Act for the grant of a new registration certificate in respect of a ship must—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number of the ship;
 - (ii) the reason why a new registration certificate is required; and
 - (iii) where that reason is that the registration certificate of the ship has been mislaid, lost or destroyed, the circumstances of the mislaying, loss or destruction;
- (c) be duly signed by the registered agent or the master of the ship; and
- (d) where the application is duly signed by the master of the ship, have affixed to it documentary evidence of the appointment of the master.

(2) A provisional registration certificate granted under section 25(2) or (7) of the Act must be in accordance with Form 2.

(3) A provisional registration certificate must not be granted under section 25(2) of the Act in relation to a ship unless—

- (a) there is lodged with the Registrar or the proper officer an application in writing duly signed by the registered agent or master of the ship specifying—
 - (i) the particulars of the ship, of its owners and of its registered agent as specified in the registration certificate; and
 - (ii) the circumstances of the mislaying, loss or destruction of the registration certificate; and
- (b) where the application is signed by the master of the ship, there is produced to the Registrar or the proper officer, for noting, documentary evidence of the appointment of the master and of his authority to sign the application.

(4) Where, after the grant in respect of a ship of a new registration certificate under section 25(1) or (7) of the Act by reason of the registration certificate in respect of that ship having been lost or mislaid, that registration certificate is found and is in the custody or control of a relevant person, that person must, before the expiration of the relevant period, lodge that registration certificate with the Registrar for cancellation.

(5) Where, after the grant in respect of a ship of a provisional registration certificate under section 25(2) or (7) of the Act by reason of the registration certificate in respect of that ship having been lost or mislaid, that registration certificate is found and is in the custody or

control of a relevant person, that person must, before the expiration of the relevant period, lodge with the Registrar notice in writing to that effect together with the provisional registration certificate.

(6) For the purposes of subregulations (4) and (5)—

- (a) a person is a relevant person in relation to a ship if that person is the master or registered agent of the ship or the owner, or one of the joint owners, or owners in common, of one or more shares in the ship; and
- (b) the relevant period is the period of 30 days commencing on—
 - (i) the day on which the registration certificate was found; or
 - (ii) the day on which the registration certificate came into the custody or control of the relevant person,

whichever is later.

(7) A person who, without reasonable excuse, fails to comply with subregulation (4) or (5) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Provisional certificates for ships becoming entitled to be registered when abroad

27. (1) A provisional registration certificate granted under section 26(1) or (6), or section 27(1), (2) or (6) of the Act must be in accordance with Form 2.

(2) Subject to subregulation (3), a provisional registration certificate must not be granted by a proper officer under section 27(1) of the Act or by the Registrar under section 27(1) or (2) of the Act in relation to a ship unless—

- (a) there is lodged with the proper officer or the Registrar, as the case requires, an application in writing duly signed by the owner or the master of the ship specifying—
 - (i) the existing name (if any) of the ship;
 - (ii) where the ship is unnamed, the builder's identification of the ship;
 - (iii) the proposed name of the ship;
 - (iv) the proposed home port of the ship;
 - (v) the call sign (if any) of the ship;
 - (vi) the name and address of the builder of the ship;
 - (vii) the year of completion of the ship;
 - (viii) particulars of the prescribed characteristics of the ship;
 - (ix) if the ship is a ship to which section 17(1) of the Act applies and a tonnage certificate is not in force in relation to the ship—
 - (aa) an estimate of the gross tonnage of the ship;
 - (bb) an estimate of the net tonnage of the ship; and
 - (cc) the identity of the person by whom those estimates were made;

- (x) particulars of any previous registration of the ship;
- (xi) in relation to each person to whom the ship belongs—
 - (aa) the name, address and nationality of the person; and
 - (bb) the extent of the interest of the person in the ship;
- (xii) if the application is in respect of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national—
 - (aa) the name, address and nationality of each charterer under the charterparty; and
 - (bb) the extent of the interest of each charterer in the bareboat charter of the ship;
- (xiii) the date and manner of acquisition of the ship by the present owner;
- (xiv) the name, address and description of each of the persons from whom the ship was acquired;
- (xv) details of any application, being an application for the registration of the ship under regulation 13, that has been lodged in accordance with regulation 8; and
- (xvi) in relation to each person authorized by the owner to be, at any time during the currency of the provisional registration certificate, the master of the ship—
 - (aa) the name and address of the person; and
 - (bb) where, under the Merchant Shipping Act, 1951, the person is required to be the holder of a certificate of competency, the number of that certificate; and
- (b) there is produced to the proper officer or the Registrar, as the case requires, for noting—
 - (i) the instrument (if any) by which ownership of the ship passed to the owner named in the application;
 - (ii) where the application is signed by the master of the ship, documentary evidence of his appointment as master and of his authority to sign the application;
 - (iii) the tonnage certificate (if any) that is in force in relation to the ship;
 - (iv) where the registration of the ship under the Act depends upon its being a ship on bareboat charter to a South African national, documentary evidence that the competent authority of the state of primary registration consents to the registration of the ship under the Act;
 - (v) where the ship is a ship referred to in section 19(1)(a) of the Act, documentary evidence that all reasonable steps to secure the termination of the ship's registration under the relevant foreign law have been unsuccessful; and
 - (vi) where the ship, being a ship other than one referred to in subparagraph (iv) or (v), has, at any time, been registered under the law of a foreign country, documentary evidence that—
 - (aa) the ship is no longer registered under the law of that country; or

- (bb) steps have been taken, or are proposed to be taken, to close the registration of the ship under the law of that country on or before the grant of the provisional registration certificate.

(3) A statement in an application under subregulation (2) to the effect that the person signing the application is unable to supply the information referred to in subregulation (2)(a)(ii), (vi), (vii), or (x), together with a statement of the reason for that inability, is to be taken, for the purposes of that subregulation, to satisfy the requirements of that subregulation and, where that inability is in respect of the information referred to in subregulation (2)(a)(x), subregulation (2)(b)(iv), (v) and (vi) do not apply in relation to that application.

(4) Where a provisional registration certificate granted in respect of a ship ceases to have effect before the ship first arrives at, or returns to, a South African port after the grant, the person who has possession of the certificate must, within 30 days after the certificate so ceases to have effect, lodge the certificate with the Registrar.

(5) A person who, without reasonable excuse, fails to comply with subregulation (4) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Extension of period of provisional certificate

28. An application under section 25(5), 26(4) or 27(4) of the Act for the extension of the period during which a provisional registration certificate is in force in respect of a ship must—

- (a) be in writing;
- (b) specify—
 - (i) the name and official number (if any) of the ship;
 - (ii) the date and place of issue of the provisional registration certificate;
 - (iii) the name of the South African port at which it is expected that the ship will next arrive and the date on or near which it is expected that the ship will arrive at that port; and
 - (iv) the reason for making the application;
- (c) be duly signed by the owner or the master of the ship; and
- (d) be lodged with the Registrar.

Temporary passes

29. (1) Application for the grant of a temporary pass under section 29 of the Act is to be made by lodging with the Registrar an application in writing signed in accordance with subregulation (2), being an application specifying—

- (a) the name (if any) of the ship or, if the ship has no name, the builder's identification of the ship (if known to the applicant);
- (b) the year of completion of the ship (if known to the applicant);
- (c) the type of the ship (in terms of its purpose);

- (d) the method of propulsion of the ship;
- (e) the principal material of construction of the hull of the ship;
- (f) the length of the ship;
- (g) the name and address of the builder of the ship (if known to the applicant);
- (h) if the ship is a ship to which section 17(1) of the Act applies and a tonnage certificate is not in force in relation to the ship—
 - (i) the estimated gross tonnage of the ship;
 - (ii) the estimated net tonnage of the ship; and
 - (iii) the identity of the person by whom those estimates were made;
- (i) the name and address of each of the persons to whom the ship belongs;
- (j) where the application is signed as mentioned in subregulation (3), the name and address of each person who is a charterer under the charterparty;
- (k) the port at which it is proposed that the voyage be commenced;
- (l) the port at which it is proposed that the voyage be concluded;
- (m) the anticipated duration of the voyage;
- (n) in relation to each person authorized by the owner to be, at any time during the currency of the temporary pass, the master of the ship—
 - (i) the name and address of the person; and
 - (ii) where, under the Merchant Shipping Act, 1951, the person is required to be the holder of a certificate of competency, the number of that certificate; and
- (o) the reasons for seeking the grant of the pass.

(2) Subject to subregulation (3), an application under subregulation (1) must be duly signed by the owner of the ship or, where the proposed voyage is to be undertaken by the builder of the ship for the purposes of delivering the ship to the owner, by the builder.

(3) An application under subregulation (1) in relation to a ship that is on bareboat charter (whether to a South African national or not) is to be taken to be signed in accordance with subregulation (2) if it is duly signed—

- (a) by each of the charterers under the charterparty; or
- (b) by a person appointed for the purposes of this paragraph by instrument in writing duly signed by each of those charterers.

(4) There must be produced to the Registrar for noting, at the time of lodgment of an application under subregulation (1)—

- (a) where the application is signed as mentioned in subregulation (3), documentary evidence of the grant by the owner of permission for the undertaking by the ship of the voyage to which the application relates or of voyages of a class in which that voyage is included;
- (b) where the application is signed as mentioned in paragraph (b) of subregulation (3), the instrument referred to in that paragraph; and

(c) the tonnage certificate (if any) in force in relation to the ship.

(5) Upon receipt of an application under subregulation (1), the Registrar must forward the application, together with such other documents as he or she thinks fit, to the Authority for its consideration.

(6) A temporary pass granted under section 29 of the Act must be in accordance with Form 3.

(7) Subject to subregulation (8), where—

(a) a voyage specified in a temporary pass granted under section 29 of the Act is completed or abandoned; or

(b) the period of validity of such a pass expires,

the person who has possession of the pass must, within 10 days after the occurrence of the event referred to in paragraph (a) or (b), surrender the pass by—

(i) lodging it with the Registrar; or

(ii) delivering it to a proper officer.

(8) Where, by reason of circumstances beyond the control of the person referred to in subregulation (7), it is not practicable for that person to surrender the pass within the time specified in that subregulation, that person must surrender the pass as soon as it is practicable to do so.

(9) A person who, without reasonable excuse, fails to comply with subregulation (7) or (8) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

PART 4

PRIVATE LAW (SCHEDULE 1) PROVISIONS

Transfer of ship etc.

30. (1) A bill of sale for the purposes of item 3(1) of Schedule 1 to the Act must—

(a) be in accordance with Form 4; and

(b) be duly signed by each transferor.

(2) For the purposes of item 3(2)(a) of Schedule 1 to the Act, the prescribed application must consist of—

(a) the bill of sale, duly executed in accordance with subregulation (1); and

(b) a declaration of transfer made by the transferee under subregulation (3).

(3) A declaration of transfer for the purposes of subregulation (2)(b) must be made in accordance with subregulation (4) and, where the transferee is not the Government of the Republic, must include—

(a) in the case of the transfer of a ship, or a share in a ship, other than a small vessel—

- (i) a statement specifying the nationality of the transferee or, where the transferee is a body corporate, the country in which it was incorporated; and
 - (ii) a statement that, to the best of the knowledge and belief of the person making the declaration, the ship concerned will not cease to be a South African-owned ship by reason only of the transfer;
- (b) in the case of the transfer of a ship, or a share in a ship, being a small vessel—
- (i) a statement specifying the nationality of the transferee or, where the transferee is a body corporate, the country in which it was incorporated;
 - (ii) a statement specifying the normal place of residence of the transferee or, where the transferee is a body corporate, the principal place of business of the body corporate; and
 - (iii) a statement that, to the best of the knowledge and belief of the person making the declaration, the ship concerned will not cease to be a South African-owned ship or a ship described in section 16(b)(i) or (ii) of the Act by reason only of the transfer.
- (4) A declaration of transfer under subregulation (3) must—
- (a) be in writing;
 - (b) specify—
 - (i) the name and official number of the ship; and
 - (ii) the date of the bill of sale to which it relates;
 - (c) specify, in relation to each person who is a transferee under the bill of sale, in addition to the matters referred to in subregulation (3)—
 - (i) the grounds on which the person, if a natural person, claims the nationality specified in the declaration in relation to the person; and
 - (ii) the extent of the interest of the person in the ship; and
 - (d) be duly signed by each transferee.

(5) Where, by reason of the transfer of a ship or a share of a ship, there is a change in the person who is the registered agent of that ship, the bill of sale in relation to the transfer must, when lodged with the Registrar in accordance with item 3(2)(a) of Schedule 1 to the Act, be accompanied by a notice of change of the registered agent in accordance with section 40(3) of the Act.

Transmission of ship etc. by operation of law

31. (1) A declaration of transmission under item 4(1) of Schedule 1 to the Act must—

- (a) be in accordance with Form 5; and
- (b) be duly signed by each person to whom the ship or share is transmitted.

(2) For the purposes of item 4(1) of Schedule 1 to the Act, the following evidence of lawful transmission is prescribed evidence:

- (a) In the case of transmission upon the death of a joint owner—
 - (i) a certificate of death or of burial of the deceased person, letters of administration of the executor of the estate of that person, or an authentic copy of any such document; and
 - (ii) a solemn declaration by a person acquainted with the facts of the matter to the effect that the person referred to in subparagraph (i) is the same person as the joint owner named in the Register;
- (b) in the case of transmission upon the death of a sole owner or an owner in common—
 - (i) an instrument constituting a person the legal personal representative, or constituting persons the legal personal representatives, of the deceased person or an authentic copy of that instrument; and
 - (ii) an instrument identifying the person who is to become, by reason of the transmission, the owner, or one of the owners, of the ship or share;
- (c) in the case of transmission upon the insolvency of an owner, such evidence as is for the time being admissible in a court of law as proof of title of persons claiming under insolvency;
- (d) in the case of transmission upon marriage, legal evidence of the marriage and an authentic copy the antenuptial contract; and
- (e) in the case of transmission upon the making of an order by a court, an authentic copy of the order.

Mortgage of ship etc.

32. For the purposes of item 9(2) of Schedule 1 to the Act, an instrument of mortgage of a ship or a share in a ship must—

- (a) be in accordance with Form 6; and
- (b) be duly signed by each mortgagor.

Transfer of mortgage

33. An instrument of transfer under item 12(1) of Schedule 1 to the Act must—

- (a) be in accordance with Form 6;
- (b) be duly signed by each transferor; and
- (c) be affixed to the instrument of mortgage to which it relates.

Transmission of mortgage by operation of law

34. (1) A declaration of transmission under item 13(1) of Schedule 1 to the Act must—

- (a) be in accordance with Form 5; and

- (b) be duly signed by each person to whom the interest is transmitted.
- (2) For the purposes of item 13(1) of Schedule 1 to the Act, the following evidence of lawful transmission is prescribed evidence:
 - (a) In the case of transmission upon the death of a joint mortgagee—
 - (i) a certificate of death or of burial of the deceased person, letters of administration of the executor of the estate of that person, or an authentic copy of any such document; and
 - (ii) a solemn declaration by a person acquainted with the facts of the matter to the effect that the person referred to in subparagraph (i) is the same person as the joint mortgagee named in the Register;
 - (b) in the case of transmission upon the death of a sole mortgagee, an instrument constituting a person the legal personal representative, or constituting persons the legal personal representatives, of the deceased person or an authentic copy of that instrument;
 - (c) in the case of transmission upon the insolvency of a mortgagee, such evidence as is for the time being admissible in a court of law as proof of title of persons claiming under insolvency;
 - (d) in the case of transmission upon marriage, legal evidence of the marriage and an authentic copy of the antenuptial contract; and
 - (e) in the case of transmission upon the making of an order by a court, an authentic copy of the order.

Discharge of mortgage

35. (1) For the purposes of item 14(2) of Schedule 1 to the Act, the prescribed evidence of the discharge of a mortgage is a memorandum to that effect endorsed on, or firmly affixed to, the instrument of mortgage and duly signed by each mortgagee under the mortgage.

(2) For the purposes of item 14(4) of Schedule 1 to the Act, the prescribed particulars relating to the ship in respect of which a mortgage was given, the mortgage and its discharge are the following particulars:

- (a) The name and official number of the ship;
- (b) the name and address of each mortgagor;
- (c) the name and address of each mortgagee;
- (d) the date of the mortgage;
- (e) the date and time of entry of particulars of the mortgage in the Register;
- (f) the date of discharge of the mortgage;
- (g) the reason why the instrument of mortgage cannot be lodged with the Registrar.

PART 5

THE REGISTER

Division of Register

36. (1) The Register may be divided into such parts as the Registrar determines.
- (2) No ship may be registered on more than one part of the Register at any one time.

Entries in Register

37. The Register must contain in respect of each entry of a matter under section 33(1) of the Act—

- (a) the date and time the entry was made; and
- (b) authentication of the entry, by signature or other suitable means, by the Registrar or a Deputy Registrar.

Obsolete or incorrect entries in Register

38. The prescribed period for the purposes of section 35(1)(a) of the Act is 30 days.

PART 6

MISCELLANEOUS PROVISIONS

Change of name, address or nationality

39. (1) Where a change occurs in—

- (a) the name, address or nationality of a person whose name appears in the Register as that of an owner or charterer of a ship; or
- (b) the name of the person whose name appears in the Register as that of the registered agent of a ship,

the registered agent of that ship must, within 14 days after the change occurs, comply with the requirements of subregulation (3).

(2) Where a change occurs in the name or address of a person whose name appears in the Register as that of a mortgagee of a ship, that person must, within 14 days after the change occurs, comply with the requirements of subregulation (3).

(3) The requirements referred to in subregulations (1) and (2) are as follows:

- (a) To lodge with the Registrar—
 - (i) a notice of the change; and

- (ii) in the case of a change in the name of a natural person, a solemn declaration by a person acquainted with the facts of the matter, and not having any direct or indirect interest in the ship or its operation, to the effect that the person whose name has changed is the same person as the person referred to in subregulation (1)(a) or (b), or subregulation (2), as the case requires, and that the qualifications of the declarant are as specified in this subparagraph;
- (b) to produce to the Registrar for noting—
 - (i) in the case of a change in the name of a natural person upon marriage, an authentic copy of the relevant marriage certificate;
 - (ii) in the case of a change in the name of a natural person by some other lawful means, an authentic copy of the law or instrument by which the change was effected;
 - (iii) in the case of a change in the name of a body corporate incorporated under a law relating generally to the incorporation of companies, co-operative societies or other bodies corporate, a certificate of the change of name issued under that law; or
 - (iv) in the case of a change in the name of a person other than a person referred to in subparagraph (i), (ii) or (iii), an authentic copy of the law or instrument by which the change was effected.
- (4) A notice lodged with the Registrar in pursuance of subregulation (3) with respect to a change in the nationality of a person must set out particulars of the manner in which the change occurred.
- (5) A person who, without reasonable excuse, fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Registered agent

40. (1) For the purposes of section 40(3) of the Act, there is prescribed the following information:

- (a) The name and official number of the ship;
- (b) the name and address of the registered agent as appearing in the Register;
- (c) the name and address of the registered agent as changed;
- (d) the date on which the change occurred.

(2) In subregulation (1)(c) "address" has the same meaning as in section 40 of the Act.

Alterations to ships

41. (1) The prescribed manner, for the purposes of section 41 of the Act, for the giving of notice of an alteration to a ship is the lodging with the Registrar of a notice in writing that—

- (a) specifies—
 - (i) the name and official number of the ship; and
 - (ii) the nature of the alteration;
- (b) is duly signed by the registered agent of the ship; and
- (c) is accompanied by—
 - (i) a builder's certificate in accordance with subregulation (2) in relation to the alteration of the ship;
 - (ii) where, by reason of the alteration of the ship, the tonnage certificate (if any) applicable to the ship immediately before the making of the alteration is no longer correct in every particular or the ship has become a ship to which section 17(1) of the Act applies, the tonnage certificate (if any) in force in relation to the ship as altered; and
 - (iii) the registration certificate, or provisional registration certificate, applicable in respect of the ship.

(2) Subject to subregulation (3), a builder's certificate in relation to the alteration of a ship must be duly signed by the builder, or, where the alteration relates only to the engines of the ship, by the installer who undertook the alteration of the ship and must specify—

- (a) the name and registered number of the ship;
 - (b) the date of completion of the alteration of the ship;
 - (c) the place at which the alteration of the ship was undertaken;
 - (d) the name and address of the builder or installer who undertook the alteration of the ship;
 - (e) the name and address of the person for whom the alteration of the ship was undertaken;
 - (f) particulars of the prescribed characteristics of the ship as altered; and
 - (g) if—
 - (i) by reason of the alteration of the ship, the tonnage certificate (if any) applicable to the ship immediately before the making of the alteration is no longer correct in every particular or the ship has become a ship to which section 17(1) of the Act applies; and
 - (ii) a tonnage certificate is not in force in relation to the ship as altered,
- the gross tonnage, and the net tonnage, of the ship as altered, as estimated by the builder or installer who undertook the alterations.

(3) Where the alteration of a ship has been carried out in stages by more than one builder or, where the alteration relates only to the engines of the ship, by more than one installer—

- (a) a builder's certificate in relation to the alteration of the ship may consist of several documents in accordance with subregulation (2), each of which relates to one or more of those stages; and
- (b) a builder's certificate that relates to all of those stages, or a document referred to in paragraph (a) that relates to more than one of those stages, must be duly signed by all

of the builders or installers, as the case requires, responsible for the work carried out in those stages.

(4) The time within which notice must be given for the purposes of section 41 of the Act is the period ending 14 days after the completion of the alteration.

(5) Where a ship is so altered as not to correspond with the particulars relating to its net tonnage contained in the Register, the Registrar must not enter the alteration in the Register under section 41 of the Act unless the portion of the inscription referred to in regulation 23(1)(c) that relates to the net, or register, tonnage of the ship has been altered to correspond with the net tonnage of the ship as so altered.

Ship lost etc. or ceasing to be entitled to be registered

42. (1) Delivery of the registration certificate or provisional registration certificate relating to a ship to the Registrar or a proper officer under section 42(10) of the Act must be effected within 30 days after the giving by the Registrar of a notice in writing in accordance with subregulation (2) to a person whose name appeared in the Register, immediately before the registration of the ship was closed or deemed to be closed under that section, as the owner, or one of the owners, of the ship.

(2) A notice of the kind referred to in subregulation (1) must—

- (a) identify the ship to which it relates;
- (b) set out particulars of the closure, or deemed closure, of the registration of the ship; and
- (c) contain a statement of the obligations, in the circumstances, of the person having possession of the registration certificate or provisional registration certificate.

Ships exempted from section 44 of Act

43. For the purposes of section 44(4) of the Act, there are prescribed the following class of ships, being ships making voyages exclusively within waters comprising—

- (a) the internal and territorial waters of the Republic; and
- (b) the exclusive economic zone of the Republic.

Admissibility of documents in evidence

44. For the purposes of section 54(1) of the Act, a certificate or pass issued under the Act is hereby declared to be admissible in evidence.

Home ports

45. (1) The port that may be selected as the home port of a registered ship must be one of the following South African ports:

- (a) Cape Town;

- (b) Durban;
- (c) East London;
- (d) Mossel Bay;
- (e) Port Elizabeth;
- (f) Richards Bay;
- (g) Saldanha Bay.

(2) Application may be made for a change in the home port of a registered ship by lodging with the Registrar a request in writing that—

- (a) specifies—
 - (i) the name and official number of the ship;
 - (ii) the present home port of the ship; and
 - (iii) the proposed home port of the ship; and
- (b) is duly signed by the registered agent of the ship.

(3) Upon the receipt of an application under subregulation (2), the Registrar must, if the proposed home port is a port referred to in subregulation (1), give notice in writing to the registered agent to the effect that registration of the change of home port in relation to the ship may proceed upon that part of the inscription referred to in regulation 23(1)(b) that relates to the home port of the ship being altered accordingly.

(4) Where the Registrar gives a notice to the registered agent of a ship under subregulation (3), the registered agent must, within 30 days after the date of the notice, lodge with the Registrar a certificate in writing endorsed on that notice and duly signed by the registered agent stating that that part of the marking on the ship relating to the name of its home port has been altered in a manner that complies with regulation 23.

(5) The registered agent of a ship who, without reasonable excuse, fails to comply with subregulation (4) commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

- (6) Upon the receipt of—
 - (a) the certificate referred to in subregulation (4); and
 - (b) the ship's registration certificate;

the Registrar must—

- (i) cause the new home port to be entered in the Register in relation to the ship; and
- (ii) endorse the change of home port on the ship's registration certificate and return it to the registered agent.

Verification of particulars (registers kept under repealed law etc.)

46. The prescribed period for the purposes of item 8(3) of Schedule 3 to the Act is five years.

Certificates etc. in respect of ships deemed registered under Act

47. (1) In this regulation—

"relevant document" means a certificate granted, or other document granted or issued, under these regulations;

"relevant record" means an entry or record that, immediately before the day fixed under section 62 of the Act, appeared in the register book kept at a port in the Republic under the repealed law in relation to a ship that is deemed, on and from that day, to be registered under the Act.

(2) Where a relevant document includes information in relation to a ship that is expressed in terms of measurements other than measurements in terms of which that information is required by these regulations to be expressed, that information may be expressed in a relevant document in relation to that ship in terms of either or both of those measurements.

(3) Where a relevant record includes information in relation to a ship that is not required by the Act or these regulations to be entered in the Register, that information must be omitted from a relevant document in relation to that ship.

(4) Where a relevant record does not include information in relation to a ship that is required by the Act or these regulations to be entered in the Register—

- (a) the Registrar may take such action as is reasonable for the purpose of obtaining that information; and
- (b) the failure to include that information in a relevant document granted or issued in relation to that ship at a time when the Registrar is not in possession of that information does not affect the validity of that document.

Extension of time

48. (1) The Registrar may extend the time for the lodgment of a document required by these regulations to be lodged with him or her, and may so extend that time although that time has expired.

(2) A request for an extension of time under this regulation—

- (a) must be in writing duly signed by the person making the request;
- (b) must set out the grounds of the request; and
- (c) must be lodged with the Registrar.

Verification of information etc.

49. (1) Subject to the Act and these regulations, the Registrar may, in relation to any document lodged with him or her or produced to him or her for noting—

- (a) require the verification, by solemn declaration or otherwise, of—
 - (i) the authenticity of the document; or

- (ii) any information contained in the document;
- (b) require the submission to him or her of such further documents or information as appear to the Registrar to be necessary in support of, or in substitution for, a document, or information, referred to in paragraph (a); and
- (c) refuse to make an entry in the Register, or to perform any function or exercise any power under the Act, to which a requirement under paragraph (a) relates until that requirement is satisfied.

(2) A requirement under subregulation (1)(a) or (b) must be set out in a notice in writing signed by or on behalf of the Registrar and given to—

- (a) the person by whom the document to which the requirement relates was lodged with, or produced to, the Registrar; or
- (b) the person, or any one of the persons, in whose interest that document was so lodged or produced.

(3) A notice setting out a requirement under subregulation (1) for the verification of information relating to the identity, nationality or residential status of a person may require—

- (a) that the verification be by a solemn declaration by a person other than the person to whom it relates who has known the last-mentioned person for a period of no less duration than that specified in the notice; and
- (b) that such a solemn declaration specify the period during which the declarant has known the person to whom it relates.

ANNEX 1

(Regulation 2(1))

PRESCRIBED CHARACTERISTICS OF SHIPS

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------|--|
| Item | Characteristic |
| 1 | Type of ship (in terms of purpose) |
| 2 | Method of propulsion, including— (a) number and type of boilers; (b) number and type of engines; and (c) means of power transmission (including number of screws, paddles, or jets) |
| 3 | Number of decks |
| 4 | Number of bulkheads |
| 5 | Number of masts |
| 6 | Stem |
| 7 | Stern |
| 8 | Build |
| 9 | Rigging |
| 10 | Principal material of construction of hull |
| 11 | Length |
| 12 | Maximum breadth |
| 13 | Moulded depth amidships |
| 14 | Power, being whichever of the following is or are applicable: (a) brake power; (b) indicated power; (c) shaft power |
| 15 | Estimated speed |

ANNEX 2

(Regulation 2(4))

PRESCRIBED FORMS**FORM 1**

(Regulation 8(10))

Ship Registration Act, 1998 (Act No. 58 of 1998)

NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of (Name(s) and address(es) of owner(s)) to apply, after the expiration of the period of 30 days commencing on the date of publication of this notice, for the registration under the abovementioned Act of the ship particulars of which are set out below. Objections to the registration of the ship in the name(s) of the abovementioned person(s), by persons claiming a proprietary right in respect of the ship, should, together with any relevant documents that will verify the claim, be delivered to the Registrar of Ships at the South African Ship Registration Office, (street address), or sent by properly prepaid post to the Registrar of Ships at (postal address) before the expiry of the period referred to above.

Particulars of ship

Present name (if any):

Former names (if any):

Former number (if previously registered):

Present whereabouts:

Length (in metres):

Principal material of construction of hull:

Type of ship:

FORM 2

(Regulations 25, 26(2) and 27(1))

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

REGISTRATION CERTIFICATE

| Official No. | IMO No. | Call sign | Name of ship | No., date of registration and home port | No., date of registration and previous home port (if any), and date of cancellation thereof |
|-------------------------|-----------------------|----------------|-----------------------------|---|---|
| | | | | | |
| Type of ship | Place of construction | When completed | Name and address of builder | | |
| | | | | | |
| Length | | | | Gross tonnage | |
| Max. breadth | | | | Net tonnage | |
| Moulded depth amidships | | | | No. of decks | |
| Material of hull | | | | No. bulkheads | |
| Build | | | | Stem | |
| No. of masts | | | | Stern | |
| Rigging | | | | | |

| Method of propulsion | No. of engines | Make and model | Shaft, brake, indicated power | Estimated speed |
|----------------------|----------------|----------------|-------------------------------|-----------------|
| | | | | |

| *Name of owner(s)/charterer(s) | **No. of shares | Nationality | Address |
|--------------------------------|-----------------|-------------|---------|
| | | | |

- * The name(s) of the charterer(s) is to be inserted in the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national.
 ** Omit in the case of a ship referred to in *.

The period of validity of this registration certificate expires on

I, the undersigned, hereby certify that the above particulars are in accordance with those entered in the Register.

Place

Date

Registrar/Proper officer

Designation of proper officer

Notes:

1. Certificate to be endorsed "BAREBOAT CHARTER" in the case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter to a South African national.
2. Certificate to be endorsed "PROVISIONAL" where issued in respect of a provisionally registered ship.

FORM 3
(Regulation 29(6))

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

TEMPORARY PASS

| | | | | | | |
|--|----------------|---|------------------|--------|---------------|-------------|
| Name of ship/ Builder's identification | Type of ship | Method of propulsion | Material of hull | Length | Gross tonnage | Net tonnage |
| | | | | | | |
| Place of construction | When completed | Name and address of builder | | | | |
| | | | | | | |
| Name of master | | No. of master's certificate of competency | | | | |
| | | | | | | |
| Description of voyage: | | | | | | |
| I, the undersigned, hereby certify— | | | | | | |
| (1) that the South African Maritime Safety Authority has authorized me to grant this temporary pass to enable the ship described above to make the voyage so described, subject to the following conditions: | | | | | | |
| | | | | | | |
| (2) that to the best of my knowledge and belief the above description of the ship is correct; | | | | | | |
| (3) that the following is the name and address of the *owner(s) of the ship: | | | | | | |
| Name of owner(s) | | | Address in full | | | |
| | | | | | | |
| (4) **that the following is the name and address of the bareboat charterer(s) of the ship: | | | | | | |
| Name of charterer(s) | | | Address in full | | | |
| | | | | | | |
| * If more than one owner, all owners must be listed, stating their respective interests in the ship. | | | | | | |
| ** When the application for a Temporary Pass is signed by or on behalf of the bareboat charterers of the ship. | | | | | | |
| (5) that the period of validity of this temporary pass expires on | | | | | | |

Place

Date

Registrar

FORM 4
(Regulation 30(1)(a))

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

BILL OF SALE

Entered in the Register this _____ day of _____
at _____ a.m./p.m.
Registrar

| Official No. | IMO No. | Name of ship | No., date of registration and home port | Gross tonnage | Net tonnage |
|---|---------|--------------|---|---------------|-------------|
| | | | | | |
| The above general description of the ship is correct. This ship is described more fully in the tonnage certificate (if any) and the Register. | | | | | |
| *Name(s) of registered owner(s)/transferor(s) | | | Address in full | | |
| | | | | | |
| State special circumstances | | | | | |



Please see attached sheet

No. of shares**** transferred

for the sum of

| | |
|--|--|
| Name of purchaser(s)**/transferee(s)*** | Address in full |
| | |
| <p>* If required, a separate sheet by each registered owner may be attached. ** If required, a separate sheet listing all other transferees may be attached. *** Where there is more than one transferee, the transferees are joint owners. **** 64 shares represent 100% ownership of a South African ship.</p> | |
| <p>I/We, the transferor(s), in consideration of the sum mentioned above paid to us by the transferee(s), the receipt of which is hereby acknowledged, transfer to the transferee(s) the above number of shares in the ship described above, and in its boats and appurtenances. Further, the transferor(s) warrant to the transferee(s) that the transferor(s) have the power to transfer the ship, its boats and appurtenances, and that they are free of encumbrances <i>except as appears on the register of the ship.</i> (delete if not applicable)</p> | |
| <p>Dated at _____ on the _____ day of _____</p> | |
| IN THE PRESENCE OF | INDIVIDUAL |
| Signature | Signature of registered owner/transferor |
| Name and title (please print) | CORPORATION |
| Address | Name of corporation (please print) |
| | Signature |
| | Name and designation of signatory (please print) |

Notes:

1. The expressions "transferor" and "transferee" used in this form include their heirs, successors, assigns, executors and administrators and any other legal representative.
2. If jointly owned, all the joint owners must act together.
3. In the case of a corporation, this Bill of Sale must be made on behalf of the corporation by a duly authorized officer of the corporation.

FORM 5
(Regulations 31(1)(a) and 34(1)(a))

REPUBLIC OF SOUTH AFRICA**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)

**REPUBLIEK VAN SUID-AFRIKA****SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

DECLARATION OF TRANSMISSION

| Official No. | IMO No. | Name of ship | No., date of registration and home port | Gross tonnage | Net tonnage |
|--------------|---------|--------------|---|---------------|-------------|
| | | | | | |

| | |
|--------------------------------|-----------------|
| DETAILS OF TRANSMISSION | |
| I (full names) | Address in full |

DECLARE AS FOLLOWS:

1. The above general description of the ship is correct. (This ship is described more fully in the tonnage certificate (if any) and the Register.)

2. **A** In the case of transmission of registered owner's interest:

B In the case of transmission of registered mortgagee's interest:

INDIVIDUAL

I am ☐ a South African citizen within the meaning of Chapter 2 of the South African Citizenship Act, 1995 (Act 88 of 1995); OR

☐ *a South African resident within the meaning of paragraph (a) or (b) of the definition of "South African resident" in section 1(1) of the Act,

and I am entitled to be registered as:

| | | | | |
|----------|--------------------------|---|----|---|
| A | <input type="checkbox"/> | Insert owner, executor, administrator, trustee as appropriate | of | Shares (64 shares represent 100% ownership of a South African ship) |
| | <input type="checkbox"/> | Insert joint owner, joint executor, joint administrator or joint trustee as appropriate | of | Shares (64 shares represent 100% ownership of a South African ship) |
| B | <input type="checkbox"/> | Mortgagee of | | Shares (64 shares represent 100% ownership of a South African ship) |
| | <input type="checkbox"/> | Joint mortgagee of | | Shares (64 shares represent 100% ownership of a South African ship) |

CORPORATION

☐ A corporation to which paragraph (b), (c) or (d) of the definition of "South African national" in section 1(1) of the Act applies; OR

☐ *A corporation to which paragraph (c) or (d) of the definition of "South African resident" in section 1(1) of the Act applies; OR

☐ **A corporation to which paragraph (c) of the definition of "local fishing vessel" in section 1 of the Marine Living Resources Act, 1998 (Act 18 of 1998), applies; OR

☐ **A corporation to which paragraph (b) or (c) of the definition of "South African person" in section 1 of the Marine Living Resources Act, 1998 (Act 18 of 1998), applies.

The corporation is entitled to be registered as:

| | | | | |
|----------|--------------------------|---|----|---|
| A | <input type="checkbox"/> | Insert owner, executor, administrator, trustee as appropriate | of | Shares (64 shares represent 100% ownership of a South African ship) |
| | <input type="checkbox"/> | Insert joint owner, joint executor, joint administrator or joint trustee as appropriate | of | Shares (64 shares represent 100% ownership of a South African ship) |
| B | <input type="checkbox"/> | Mortgagee of | | Shares (64 shares represent 100% ownership of a South African ship) |
| | <input type="checkbox"/> | Joint mortgagee of | | Shares (64 shares represent 100% ownership of a South African ship) |

3. The shares in the ship described above have been transmitted in the following manner:

☐ on death ☐ on marriage ☐ on insolvency ☐ by lawful means other than a transfer under the Act

| |
|---|
| 4. State the manner in which the property has been transmitted |
| 5. To the best of my knowledge and belief, the ship described above will not, by reason only of the transmission, cease to be: |
| <input type="checkbox"/> a South African-owned ship; OR <input type="checkbox"/> *a small vessel to which section 16(b)(i) or (ii) of the Act applies. |

- * Only applicable to registered small vessels.
- ** Only applicable to registered fishing vessels.

| | |
|---|---|
| DECLARED BEFORE ME at _____ this _____ day of _____ _____ <div style="text-align: center;">Signature</div> _____ <div style="text-align: center;">Name and title (please print)</div> _____ <div style="text-align: center;">Address</div> | INDIVIDUAL _____ <div style="text-align: center;">Signature</div> CORPORATION _____ <div style="text-align: center;">Name of corporation (please print)</div> _____ <div style="text-align: center;">Signature</div> _____ <div style="text-align: center;">Name and designation of signatory (please print)</div> |
|---|---|

Notes:

1. If there is more than one owner, whether individual or joint, a separate Declaration must be completed by each owner
2. Declarations must be made before the Registrar, a Commissioner of Oaths or any other person authorized by law to administer oaths in the territory of the Republic or the country where the declaration is made.
3. In the case of a corporation, this Declaration must be made on behalf of the corporation by a duly authorized officer of the corporation.

FORM 6
(Regulations 32(a) and 33(a))

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN MARITIME
SAFETY AUTHORITY**

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

**SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOWERHEID**

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

☐ **MORTGAGE**

☐ **TRANSFER OF
MORTGAGE**

Entered in the Register this _____ day of
_____ at _____ a.m./p.m.
_____ Registrar

| | | | |
|---|---------|---|---|
| Official No. | IMO No. | Name of ship | No., date of registration and home port |
| Method of propulsion | | Gross tonnage | Net tonnage |
| (This ship is described more fully in the tonnage certificate (if any) and the Register.) | | | |
| A—MORTGAGE | | | |
| Name of registered owner/mortgagor | | Address in full | |
| Description of the nature of consideration (enter principal sum or state that there is a line of credit, giving details of the interest and method of payment or refer to a collateral agreement and give the date the agreement was executed) | | | |
| Number of shares (64 shares represents 100% ownership of a South African ship) | | | |
| Name of mortgagee | | Address in full | |
| <p>I/We, the mortgagor(s), in consideration of the above now undertake to pay to the mortgagee(s) the sums for the time being due on this security, whether by way of principal or interest, at the times and in the manner set out. For the purpose of better securing payment to the mortgagee(s), the mortgagor(s) hereby mortgage to the mortgagee(s) the number of shares mentioned above of which the mortgagor(s) are the owner(s) in the ship described above, and in its boats and appurtenances. Further, the mortgagor(s) warrant to the mortgagee(s) that the mortgagor(s) have the power to mortgage the shares and that they are free of encumbrances <i>except as appear on the register of the ship.</i> (delete if not applicable)</p> | | | |
| B—TRANSFER OF MORTGAGE | | | |
| I/We _____ | | (the mortgagee(s)) | |
| in consideration of _____ | | | |
| paid to me/us by _____ | | (full name and address) | |
| hereby transfer to the above named persons the benefit of the mortgage described above. | | | |
| C—ATTESTATION/SIGNATURE(S) | | | |
| Dated at _____ on this _____ day of _____ | | | |
| IN THE PRESENCE OF | | INDIVIDUAL | |
| Signature _____ | | Signature of registered owner/mortgagor/mortgagee _____ | |
| Name and title (please print) _____ | | CORPORATION | |
| Address _____ | | Name of corporation (please print) _____ | |
| | | Signature _____ | |
| | | Name and designation of signatory (please print) _____ | |

Notes:

- The expressions "mortgagee" and "mortgagor" used in this form include their heirs, successors, assigns, executors and administrators and any other legal representative.
- This Mortgage must be completed by all the owners. If jointly owned, all the joint owners must act together.
- In the case of a corporation, this Mortgage must be made on behalf of the corporation by a duly authorized officer of the corporation.

RECEIPT FOR MORTGAGE MONEY

| | |
|---|-----------------|
| Received the sum of _____ in discharge of the above security. | |
| Date _____ | Signature _____ |

NOTICE 481 OF 2001**SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT AMENDMENT OF TONNAGE REGULATIONS, 1986: 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 amending regulations are consequent upon the Ship Registration Act 1998 (Act No. 58 of 1998), and the proposed Ship Registration Regulations to be made under that Act. The substantive effect of the amending regulations is to abolish tonnage measurement in respect of vessels under 14 metres in tonnage length. The balance of the amendments are of a house-keeping nature, simply aligning references in the principal regulations with the administrative changes brought about by the establishment of the South African Maritime Safety Authority.

SCHEDULE**DRAFT AMENDMENT OF TONNAGE REGULATIONS, 1986****Interpretation**

1. In these regulations "the Regulations" means the Tonnage Regulations, 1986, published by Government Notice No. R. 1129 of 6 June 1986, as amended by Government Notices Nos. R.100 of 29 January 1988 and R. 2438 of 19 October 1990.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended—

- (a) by the substitution for the definition of "approved" of the following definition:

" 'approved' means approved by the Authority;";
- (b) by the insertion after the definition of "excluded spaces" of the following definition:

" 'existing ship' means a ship that is not a new ship;";
- (c) by the insertion after the definition of "moulded depth" of the following definition:

" 'new ship' means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of commencement of these regulations;"; and
- (d) by the insertion after the definition of "upper deck" of the following definition:

" 'waters under South African jurisdiction' means—

- (a) the internal and territorial waters of the Republic; and
- (b) the waters comprising the exclusive economic zone of the Republic;"

Amendment of regulation 3 of Regulations

3. Regulation 3 of the Regulations is amended—

- (a) by the substitution for the words preceding paragraph (a) of the following words:

"These regulations apply to the following ships:";
- (b) by the substitution for paragraph (a) of the following paragraph:

"(a) Every ship of 14 metres or more in length that is or is to be registered in the Republic;"
- (c) by the substitution in paragraph (c) for the words "the Director-General" and "South African Transport Services" of the words "the Authority" and "Portnet, a division of Transnet Limited", respectively;
- (d) by the deletion of paragraphs (d), (e) and (f); and
- (e) by the addition of the following subregulation, the existing regulation becoming subregulation (1):

"(2) The provisions of these regulations are without prejudice to the provisions of the exception in Article 3, paragraph (2)(d) of the Tonnage Convention."

Substitution of regulation 4 of Regulations

4. The following regulation is substituted for regulation 4 of the Regulations:

"MEASUREMENT OF SHIPS

4. The tonnage of a ship to which these regulations shall be ascertained in accordance with the tonnage measurement provisions set out in these regulations: Provided that net tonnage shall not be computed in respect of ships of less than 24 metres in length."

Amendment of regulation 7 of Regulations

5. Regulation 7 of the Regulations is amended by the substitution for the words "the Director-General" and "he" of the words "the Authority" and "it", respectively.

Amendment of regulation 8 of Regulations

6. Regulation 8 of the Regulations is amended by the substitution in paragraph (b) of subregulation (3) for the words "the Director-General" of the words "the Authority".

Amendment of regulation 10 of Regulations

7. Regulation 10 of the Regulations is amended by the substitution in subregulation (4) for the words "the Director-General", "his" and "he" of the words "the Authority", "its" and "it", respectively.

Amendment of Annex 1 to Regulations

8. The Regulations are amended by the substitution for the form of International Tonnage Certificate set out in Annex 1 to the Regulations of the form set out in Annex 1 to these regulations.

Amendment of Annex 2 to Regulations

9. The Regulations are amended by the substitution for the form of Local Tonnage Certificate set out in Annex 2 to the Regulations of the form set out in Annex 2 to these regulations.

ANNEX 1

(Regulation 8)

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)

INTERNATIONAL TONNAGE CERTIFICATE (1969)
INTERNASIONALE TONNEMAATSERTIFIKAAT (1969)

Issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, under the authority of the Government of the Republic of South Africa for which the Convention came into force on 24 FEBRUARY 1983 by the South African Maritime Safety Authority.

Uitgereik ingevolge die bepalings van die Internasionale Konvensie insake die Tonnemaatberekening van Skepe, 1969, op gesag van die Regering van die Republiek van Suid-Afrika waarvoor die Konvensie op 24 FEBRUARIE 1983 in werking getree het deur die Suid-Afrikaanse Maritieme Veiligheidsowerheid.

| Name of ship Naam van skip | Official No. Amptelike No. | Port of Registry Registrasiehawe | *Date *Datum |
|-------------------------------|-------------------------------|-------------------------------------|-----------------|
| | | | |

*Date on which keel was laid or the ship was at a similar stage of construction [Article 2(6)], or date on which the ship underwent alterations or modifications of a major character [Article 3(2)(b)], as appropriate.

*Datum waarop kiel gelê is of die skip in 'n dergelike stadium van konstruksie was [Artikel 2(6)], of datum waarop die skip verbouings of modifiserings van 'n grootskaalse aard ondergaan het [Artikel 3(2)(b)], na gelang van die geval.

MAIN DIMENSIONS—HOOFAFMETINGS

| Length Lengte [Article/Artikel 2(8)] | Breadth Breedte [Regulation/Regulasie 2(3)] | Moulded depth amidships to upper deck Gevormde diepte midskeeps tot bodek [Regulation/Regulasie 2(2)] |
|--|---|---|
| | | |

The tonnages of the ship are:

Die skip se tonnemate is die volgende:

Gross tonnage/Bruto tonnemaat

Net tonnage/netto tonnemaat

This is to certify that the tonnages of this ship have been determined in accordance with the provisions of the International Convention on Tonnage Measurement of ships, 1969.

Hiermee word gesertifiseer dat die skip se tonnemate bereken is ooreenkomstig die bepalings van die Internasionale Konvensie insake die Tonnemaatberekening van Skepe, 1969.

Issued at

Uitgereik te

on

op

Principal Officer
Eerste Beampte

**SPACES INCLUDED IN TONNAGE
RUITES BY TONNEMAAT INGESLUIT**

| Gross tonnage Bruto tonnemaat | | | Net Tonnage Netto tonnemaat | | |
|---|---------------------|------------------|---|---------------------|------------------|
| *Name of space *Naam van ruimte | Location Ligging | Length Lengte | *Name of space *Naam van ruimte | Location Ligging | Length Lengte |
| Underdeck Onderdeks | | | | | |
| EXCLUDED SPACES UITGESLOTE RUITES [Regulation/Regulasie 2(5)] | | | NUMBER OF PASSENGERS GETAL PASSASIERE [Regulation/Regulasie 4(1)] | | |
| | | | No. of passengers in cabins with not more than 8 berths Getal passasiers in kajuite met hoogstens 8 slaapbanke | | |
| | | | No. of other passengers Getal ander passasiers | | |
| EXCLUDED SPACES UITGESLOTE RUITES [Regulation/Regulasie 2(5)] | | | MOULDED DRAUGHT GEVORMDE DIEPGANG [Regulation/Regulasie 4(2)] | | |
| | | | | | |

Date and place of original measurement
Datum en plek van aanvanklike opmeting

Date and place of last remeasurement
Datum en plek van jongste heropmeting

Remarks:
Opmerkings:

*Indicate spaces which comprise of both enclosed and excluded spaces.
*Dui ruimtes aan wat uit ingeslote sowel as uitgeslote ruimtes bestaan.

ANNEX 2

(Regulation 9)

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)

LOCAL TONNAGE CERTIFICATE (1969)
PLAASLIKE TONNEMAATSERTIFIKAAT (1969)

| Name of ship Naam van skip | Official No. Amptelike No. | Port of Registry Registrasiehawe | *Date *Datum |
|-------------------------------|-------------------------------|-------------------------------------|-----------------|
| | | | |

*Date on which keel was laid or the ship was at a similar stage of construction, or date on which the ship underwent alterations or modifications of a major character.

*Datum waarop kiel gelê is of die skip in 'n dergelike stadium van konstruksie was, of datum waarop die skip verbouings of modifiërings van 'n grootskaalse aard ondergaan het.

MAIN DIMENSIONS—HOOFAFMETINGS

| Registered length Geregistreerde lengte | Moulded breadth Gevormde breedte | Moulded depth amidships to upper deck Gevormde diepte midskeeps tot bodek |
|--|-------------------------------------|--|
| | | |

| | Tonnage Tonnemaat | Cubic metres Kubieke meter |
|----------------|----------------------|-------------------------------|
| Gross Bruto | | |
| Net Netto | | |

I, the undersigned surveyor, duly authorized by the South African Maritime Safety Authority, hereby certify that the abovenamed ship has been measured in accordance with the provisions of the Tonnage Regulations, 1986, and that the tonnages are as stated above.

Ek, die ondergetekende opnemer, behoorlike daartoe gematig deur die Suid-Afrikaanse Maritieme Veiligheidsowerheid, sertifiseer hierby dat bogenoemde skip opgemeet is ooreenkomstig die bepalings van die Tonnemaatreglasies, 1986, en dat die tonnemaat is soos hierbo vermeld.

Issued at

Uitgereik te

Date

Datum

.....
Signature
Handtekening

**SPACES INCLUDED IN TONNAGE
RUIMTES BY TONNEMAAT INGESLUIT**

| Gross tonnage Bruto tonnemaat | | | Net Tonnage Netto tonnemaat | | |
|---------------------------------------|---------------------|------------------|---|---------------------|------------------|
| *Name of space *Naam van ruimte | Location Ligging | Length Lengte | *Name of space *Naam van ruimte | Location Ligging | Length Lengte |
| Underdeck Onderdeks | | | | | |
| EXCLUDED SPACES UITGESLOTE RUIMTES | | | NUMBER OF PASSENGERS GETAL PASSASIER | | |
| | | | No. of passengers in cabins with not more than 8 berths Getal passasiers in kajuite met hoogstens 8 slaapbanke | | |
| | | | No. of other passangers Getal ander passasiers | | |
| | | | MOULDED DRAUGHT GEVORMDE DIEPGANG | | |

Date and place of original measurement
Datum en plek van aanvanklike opmeting

Date and place of last remeasurement
Datum en plek van jongste heropmeting

Remarks:
Opmerkings:

- *Indicate spaces which comprise of both enclosed and excluded spaces.
*Dui ruimtes aan wat uit ingeslote sowel as uitgeslote ruimtes bestaan.

NOTICE 482 OF 2001**SOUTH AFRICAN MARITIME SAFETY AUTHORITY****DRAFT MERCHANT SHIPPING (NOTIFICATION OF BUILDING OF VESSELS) 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 repeal the Registration of Ships Regulations, 1989, and re-implement section 10 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), the implementation of which is currently provided for in the latter regulations. The present regulations are necessary in consequence of the amendments to the Merchant Shipping Act, 1951, contained in Schedule 2 to the Ship Registration Act, 1998 (Act No. 58 of 1998). The implementation of these regulations will be co-ordinated to coincide with the implementation of the latter Act.

SCHEDULE**DRAFT MERCHANT SHIPPING (NOTIFICATION OF BUILDING OF VESSELS) REGULATIONS****Title and commencement**

1. These regulations are called the Merchant Shipping (Notification of Building of Vessels) Regulations, 2001, and come into operation on <<date>>.

Interpretation

2. 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.

Particulars prescribed for purposes of section 10(1) of Act

3. The written particulars to be furnished in terms of section 10(1) of the Act must be in accordance with the form set out in the Annex.

Repeals

4. The Registration of Ships Regulations, 1989, published by Government Notice No. R. 36 of 10 January 1989, as amended by Government Notices Nos. R. 74 of 20 January 1989 and R. 2438 of 19 October 1990, are repealed.

ANNEX

(Regulation 3)

REPUBLIC OF SOUTH AFRICA

SOUTH AFRICAN MARITIME
SAFETY AUTHORITY

Ship Registration Act, 1998 (Act 58 of 1998)



REPUBLIEK VAN SUID-AFRIKA

SUID-AFRIKAANSE MARITIEME
VEILIGHEIDSOEWERHEID

Wet op Skeepsregistrasie, 1998 (Wet 58 van 1998)

**NOTIFICATION OF BUILDING OR OF INTENTION TO BUILD A VESSEL
AANMELDING VAN DIE BOU VAN OF VAN VOORNEME OM 'N VAARTUIG TE BOU**

Name of owner
Naam van eienaar

Address of owner
Adres van eienaar

Name of builder
Naam van bouer

Address of builder
Adres van bouer

Type of vessel (e.g. cargo, tanker, tug, fishing boat, etc.)
Tipe vaartuig (bv. Vragskip, tenkskip, sleepboot, vissersboot, ens.)

Builder's dimensions (length, breadth, depth)
Afmetings van bouer (lengte, breedte, diepte)

Steam or motor engine (if any)
Stoom- of motormasjien (as daar is)

Power of engines (state shaft power or indicated power)
Drywing van masjiene (meld asdrywing of indikateurdrywing)

Number of propellers
Getal skroewe

Value of vessel (estimated)
Waarde van vaartuig (beraamd)

Intended port of *registration/licence
Voorgenome *registrasie-/lisensiehawe

†Proposed name of vessel
†Voorgestelde naam van vaartuig

Proposed date of completion
Voorgestelde voltooiingsdatum

THE FOLLOWING INFORMATION MUST BE SUPPLIED IN RESPECT OF VESSELS (INCLUDING TRAWLERS) OTHER
THAN FISHING BOATS
ONDERSTAANDE INLIGTING MOET VERSKAF WORD TEN OPSIGTE VAN VAARTUIE (MET INBEGRIIP VAN
TREILERS) UITGESONDERD VISSERSBOTE

Number of decks
Getal dekke

Number of masts
Getal maste

Stem (straight or raked)
Voorstewe (reguit of hellend)

Stern (transom, cruiser, etc.)

Agterstewe (helbalk, kruiser, ens.)

Material of hull

Materiaal van romp

Number of watertight bulkheads

Aantal waterdigte beskotte

DECLARATION—VERKLARING

I,, the undersigned, hereby declare that I *intend to build/am building a vessel, particulars of which appear above, which when completed will be *registered/licensed in the Republic.

Ek,, die ondergetekende, verklaar hierby dat ek *voornemens is om n' vaartuig te bou/n vaartuig bou, waarvan besonderhede hierbo verskyn, en wat by voltooiing in die Republiek *geregistreer/gelisensieer word.

Date

Datum

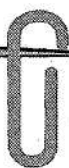
.....
*Signature of declarant**Handtekening van verklaarder*

*Delete words that do not apply

*Skrap woorde wat nie van toepassing is nie.

†Ships that are to be registered should have their names approved

†Goedkeuring moet verkry word vir die name van skeep wat gerigistreer gaan word.



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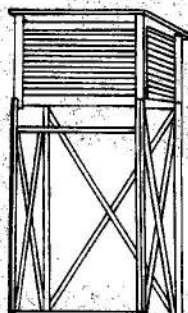
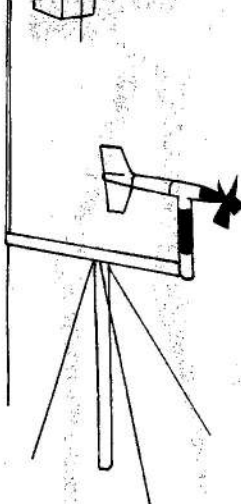
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Wetlands are wonderlands!

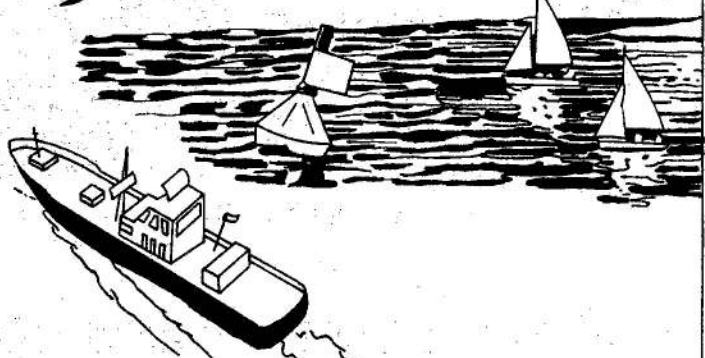
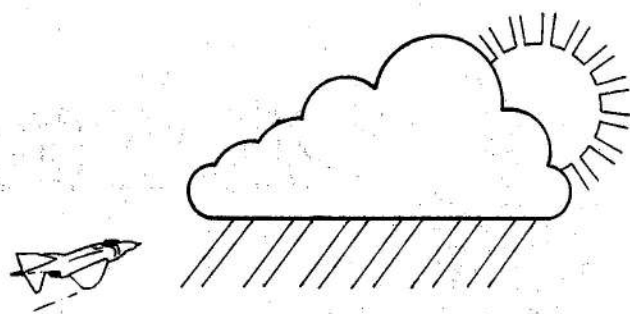


Department of Environmental Affairs and Tourism

SA WEATHER BUREAU SA WEERBURO

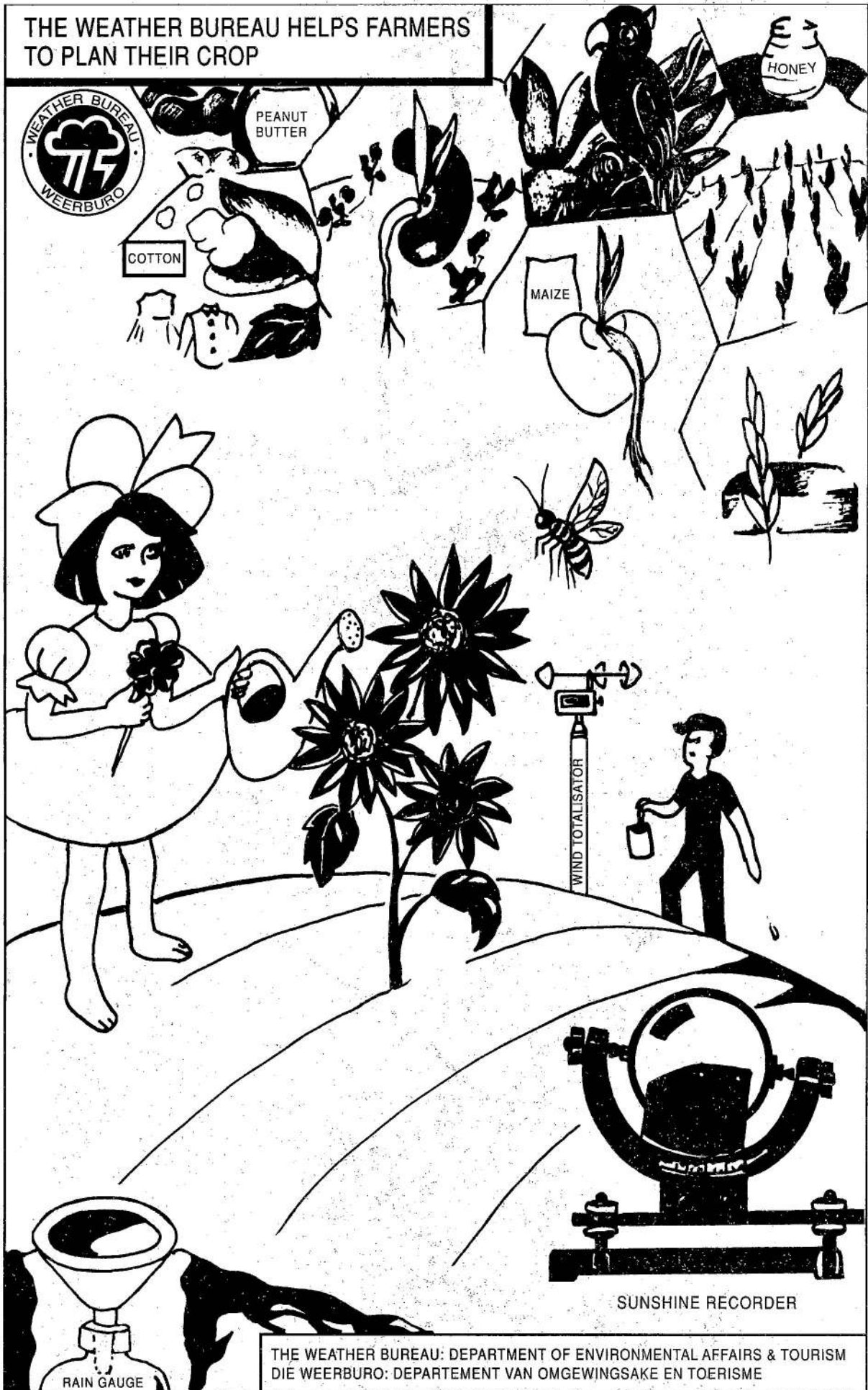


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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

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