

G E N E R A L N O T I C E
ALGEMENE KENNISGEWING

NOTICE 676 OF 2000

DEPARTMENT OF TRANSPORT

BILL, 2000

To provide for the establishment of a national maritime, aeronautical search and rescue organisation in accordance with certain international aviation and maritime conventions; and to provide for matters connected therewith.

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

Definitions

1. In this Act, unless the context otherwise indicates -

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| “aircraft” | means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface; |
| “air traffic service” | a generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service); |
| “alerting service” | means a service provided to notify appropriate institutions regarding aircraft and vessels in need of search and rescue aid and, where possible, to assist such institutions as required; |
| “area of responsibility ” | means an area of defined dimensions within which search and rescue services are provided; |
| “Conventions” | means the Convention on International Civil Aviation, 1944(Chicago Convention) and any relevant Annexes thereto, the Convention on the High Seas, 1958, the International Convention for the Safety of Life at Sea (SOLAS Convention), 1974, and the International Convention on Maritime Search and Rescue, 1979; |
| “department” | means the National Department of Transport ; |
| “Director-General” | means the Director-General: Transport; |
| “Flight Information Region” | an airspace of defined dimensions within which flight information service and alerting services are provided; |

“Head of SASAR”	means an official appointed as such by the Director-General and who is responsible for the overall co-ordination of search and rescue services in South Africa's search and rescue regions;
“International Civil Aviation Organisation”	means a specialised agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport;
“International Maritime Organisation”	means a specialised agency of the United Nations responsible for formulating standards for civilian maritime transport and for the safety of life at sea;
“mission control centre”	means a part of the satellite based system that accepts alert messages from the Local User Terminal(s) and other mission control centres to distribute to the appropriate Rescue Coordination Centres or other search and rescue points of contact;
“Minister”	means the Minister of Transport;
“National Sea Rescue Institute”	means a voluntary South African sea rescue organisation equipped to undertake sea rescue operations;
“person”	includes all institutions or organisations equipped to assist in a search and rescue operation, a government department, a government or an agency of the government of a foreign country;
“pilot-in-command”	means the pilot responsible for the operation and safety of an aircraft during flight time;
“prescribed”	means prescribed by regulation;
“rescue coordination centre ”	means a unit responsible for promoting the efficient organisation of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;

“rescue subcentre ”	means a suitable, appointed unit tasked to carry out duties of a rescue coordination centre , in instances where the rescue coordination centre cannot exercise direct and effective <i>control over search</i> and rescue facilities in certain parts of a search and rescue region, such as <ul style="list-style-type: none"> (i) where the communication facilities in a part of a search and rescue region are not adequate for direct and close coordination between the rescue coordination centre and the rescue units in that sector; and (ii) where the search and rescue region includes a number of states or territorial divisions of a state in which, for political, administrative or other reasons, local facilities can only be directed and controlled through designated local authorities;
“SA-CATS-ATS”	means a document on the South African Civil Aviation Standards relating to Air Traffic Services which is published by the Commissioner for Civil Aviation in terms of the Aviation Act, 1962(Act No74 of 1962);
“SASAR”	means the South African Search and Rescue Organisation established in terms of section 2;
“SASAR Manual”	a SASAR policy document
“search and rescue facilities”	means the human resources and equipment suitable for search and rescue operations drawn or developed from several sources;
“Search and Rescue Region”	an area in which the coordination of search is effected by a single Rescue Coordination Centre ;
“Search and Rescue Unit”	Any unit assigned by the search mission controller to perform search, rescue or similar operations during a search and rescue mission;
“this Act”	includes the regulations; and
“vessel”	means any kind of ship used in navigation by water, however propelled or moved, and includes-

speciality will determine on which Subcommittee they are to be represented.

- (6) The Secretariat consists of officials on the permanent staff establishment of the department who are responsible inter alia for secretarial duties for SASAR.
- (7) The Executive Committee is chaired by an official of the department who is designated as Head of SASAR by the Director-General.
- (8) The Chairpersons of the Subcommittees are known as the Head of Aeronautical Search and Rescue Operations and the Head of Maritime Search and Rescue Operations respectively, and must be appointed by the Director-General or a person appropriately authorised by him/her.
- (9) The Executive Committee heads, SASAR and determines and puts into effect the policy of SASAR.
- (10) The Subcommittees assess policy and make recommendations to the Executive Committee concerning policy changes.
- (11) The Maritime Subcommittee must deal with maritime search and rescue matters and the Aeronautical Subcommittee must deal with aeronautical search and rescue matters.

Meetings

- 4 (1) The Executive Committee must meet at least twice a year or whenever considered necessary by the Chairperson of the Executive Committee.
- (2) A Subcommittee must meet at least twice a year or whenever considered necessary by the Chairperson of the Subcommittee

Functions and powers of SASAR

- 5 (1) SASAR must perform its functions in a manner consistent with the obligations of South Africa under any agreement concluded between South Africa and another country and in terms of the Conventions.

- (2) **SASAR** must within its means and capabilities coordinate available resources to -
- (a) search for, assist **and** where appropriate effect a rescue operation for -
- (i) **survivors** of civil aircraft accidents or forced landings;
 - (ii) the crew and passengers of civil vessels in distress;
 - (iii) survivors of maritime accidents or incidents; and
 - (iv) survivors of accidents or incidents involving military aircraft or vessels provided that they are not engaged in acts of war;
- (b) evacuate a seriously injured or ill person from a vessel at sea where the person's condition is such that he or she requires medical treatment sooner than the vessel concerned would be able to get him or her to a suitable medical facility, provided that the costs **pertaining** to such evacuation may be recovered.
- (3) The functions set out in subsection (2)(a) exclude salvage operations.
- (4) **SASAR** may provide its services both within and outside South Africa.
- (5) **SASAR** may, in consultation with the Minister or his or her authorised officials, requisition any civil or **military** aircraft or vessel and call out any holder of a South African flight or vessel crew **licence**, for aeronautical or maritime search and rescue operations, subject to compensation at such rate as may be prescribed.
- (6) If any aeronautical or maritime search and rescue operations are undertaken by **SASAR** in connection with any occurrence caused by the negligent or other unlawful actor omission of any person, the Minister or a person authorised by him or her may recover from the person who **performed** the actor omission the whole or any portion of the expenses incurred by **SASAR** in connection with such operations.
- (7) Any person who without lawful reason refuses or fails to comply with any order or instruction made or given in terms of the provisions of subsection (1) is guilty of an **offence**.
- (8) **SASAR**, in consultation with the Minister or a person authorised by him or her is responsible for carrying out the provisions of this Act and the Conventions.

- (a) a structure that is able to float or be floated and is able to move or be moved as an entity from one place to another; and
- (b) a dynamically supported craft

Establishment and objective of SASAR

- 2 (1) There is hereby established an organisation to be known as the South African Search and Rescue Organisation.
- (2) The objective of **SASAR** is to ensure a **co-ordinated** and effective maritime and aeronautical search and rescue service within the South African search and rescue regions.

Composition of SASAR

- 3 (1) **SASAR** is made up of representatives of those government departments and certain commercial and voluntary organisations that are signatories to the **SASAR** Manual and are able to **contribute** services and/or **facilities** for use by **SASAR**.
- (2) **SASAR** cannot sue or be sued in its own name.
- (3) **SASAR** consists of the following Committees and Subcommittees and a permanent Secretariat-
 - (a) Executive Committee;
 - (b) Aeronautical Subcommittee; and
 - (c) Maritime Subcommittee.
- (4) The Executive Committee consists of representatives of those government departments and non-governmental organisations that are signatories to the **SASAR** Manual and are considered to be major role players in terms of the resources they make available to **SASAR** , the size and constitution of which will be determined from time to time by the Executive Committee itself.
- (5) The members of the Subcommittees will be representatives of Government departments, voluntary organisations and certain non-governmental undertakings participating in **SASAR** and their areas of

- (9) Any person appointed under this Act or concerned with the carrying out of the provisions thereof, must perform his or her functions and exercise any discretion expressly or impliedly vested or conferred.

Duties of the Director-General

- (6) The Director-General must by way of notice in the relevant maritime and aeronautical publications as well as in the Gazette -
- (1) designate the search and rescue regions within which search and rescue services will be provided in accordance with the requirements of the Conventions;
 - (2) designate an appropriate area control centre to establish and maintain an Aeronautical Rescue Coordination Centre;
 - (3) designate an appropriate organisation to act as a Maritime Rescue Co-ordination Centre;
 - (4) designate an organisation which has the capability to act as a rescue sub-centre under the auspices of the Maritime Rescue Coordination Centre.
 - (5) designate a unit which has the capability to act as a rescue sub-centre under the auspices of the Aeronautical Rescue Coordination Centre.

Establishment **of rescue coordination centres and subcentres**

- 7 (1) Rescue Coordination Centres under the authority of the respective Heads of Aeronautical and Maritime Search and Rescue Operations must be established by the Director-General to ensure effective coordination of SASAR's assets and operations.
- (2) The following Rescue Coordination Centres and rescue subcentres must be established -
- (a) the Aeronautical Rescue Coordination Centre under the control of an Aeronautical Rescue Coordination Centre Chief.
 - (b) the Maritime Rescue Coordination Centre under the control of a Maritime Rescue Coordination Centre Chief; and
 - (c) Rescuesubcentres under the control of Rescue Subcentre Chiefs.

- (3) Any air traffic service unit within the Republic of South Africa may be appointed as an aeronautical rescue subcentre on an ad hoc basis.
- (4) All neighboring territories within the aeronautical search and rescue region referred to in section must be considered to be under the jurisdiction of a permanent aeronautical rescue subcentre reporting to the Aeronautical Rescue Coordination Centre.
- (5) The Port Control and Vessel Traffic Service Centres of the ports of Walvis Bay, Saldanha Bay, Cape Town, Port Elizabeth, East London, Durban and Richards Bay must be appointed permanent maritime rescue subcentres.
- (6) The Harbour Master's Offices of Port Nolloth, Mossel Bay, Luderitz and the National Search and Rescue Institute bases must be appointed rescue subcentres secondary to the maritime rescue subcentres referred to in subsection (5).
- (7) Operational committees established and presided over by a Rescue Coordination Centre Chief or Rescue Subcentre Chief must discuss, evaluate and effect operational procedure.
- (8) The operational committee is made up of persons representing organisations controlling the assets available to the rescue coordination centre or rescue subcentre, concerned.
- (9) An operational committee must meet when considered necessary by the Rescue Coordination Centre Chief or Rescue Subcentre Chief concerned

Functions of Rescue Coordination Centres and subcentres

- 8 (1) The Aeronautical Rescue Coordination Centre is primarily responsible for coordinating available resources for the purpose of searching, assisting and where appropriate effecting a rescue operation in the aeronautical search and rescue region referred to in section 9(2).
- (2) The Maritime Rescue Coordination Centre is primarily responsible for coordinating available resources for the purpose of searching, assisting and where appropriate effecting a rescue operation in the maritime search and rescue region referred to in section 9(3).
- (3) The aeronautical rescue subcentres are tasked by the Aeronautical Rescue Coordination Centre to carry out certain duties of the Rescue

Coordination Centre on an ad hoc basis when required.

- (4) The maritime rescue subcentres support the Maritime Rescue Coordination Centre in carrying out operations in the coastal areas concerned.

Search and rescue regions

- 9 (1) SASAR's search and rescue region corresponds with that laid down by both the International Civil Aviation Organisation and the International Maritime Organisation.
- (2) The aeronautical search and rescue region covers the continental area and sovereign territory of the Republic of South Africa, the Republic of Namibia, the Kingdom of Lesotho, the Kingdom of Swaziland and associated flight information regions.
- (3) The maritime search and rescue region covers the sea area bordering the continental area mentioned in subsection (2) commencing at the position where international borders between Namibia and Angola coincide on the coast proceeding in a westerly direction to 18S 10W then to the South Pole, then to 50S 75E, then to 50S 45E, then to 30S 45E, then to 30S 40E, then to 26,52S 40 E, and then to a position where the international borders between Republic of South Africa and Mozambique coincide on the coast (26,52S 32,54E).
- (4) The definition of the search and rescue regions in subsection's (2) and (3) do not preclude one rescue coordination centre from delegating its authority to another such centre for a portion of or an entire search and rescue region if a situation arises where, in the opinion of the Chiefs of the Rescue Co-ordination Centres, this would be more practical.

Responsibilities of signatory organisations

- 10 (1) The responsibilities of each signatory organisation are set out in the SASAR Manual.
- (2) Each signatory organisation undertakes to execute and commits itself to its assumed responsibilities as set out in the SASAR Manual.

Search and rescue action

- 11 (1) Search and rescue action must be instituted automatically in respect of the following flights for which flight plans were filed prior to departure -
- (a) all flights between aerodromes where air traffic service units are in operation, unless otherwise published via the integrated aeronautical information publication system: and
 - (b) all flights conducted in controlled airspace, except for flights crossing an airway at right angles.
- (2) Search and rescue action must be instituted in respect of all internal and international flights to an aerodrome where an air traffic service unit is not in operation for which flight plans are filed prior to departure when such action is specifically requested by the pilot-in-command.
- (3) Search and rescue action must be instituted in respect of all flights for which flight plans are filed in flight when such action is specifically requested by the pilot-in-command.
- (4) Search and rescue action shall be undertaken in accordance with the requirements of SA-CATS-ATS.
- (5) Search and rescue action may be initiated in respect of a flight for which no flight plan has been filed, when information that the aircraft is overdue or missing is received from any source, an air traffic service unit, the aircraft operator, relatives of the pilot, or any other person; and in such the cases authorisation of the Head of SASAR or his or her assignee must be obtained prior to the commencement of a search and rescue operation and he or she must be kept informed of the progress made and the termination of the search and rescue action.

Facilities and equipment of rescue units

- 12 (1) A rescue unit may only be deployed within its capability and limitations
- (2) Containers or packages containing survival equipment for dropping to survivors must have the general nature of their contents indicated by a colour code in accordance with the provisions of the Conventions.
- (3) Where supplies of a mixed nature are dropped in one container or package, the colour codes should be used in combination.

- (4) Instructions on the use of the survival equipment must be enclosed in each of the **droppable** containers or packages, and must be printed in at least the English language.

Registration of locator beacons

- 13**
- (1) All South African aircraft must register their emergency locator beacons with the South African Civil Aviation Authority, which must be the custodian of such a register and make the data available to the Rescue Coordination Centres and the appropriate mission control centre.
- (2) All South African vessels must register the emergency position-indicating radio beacon with the Maritime Rescue Coordination Centre which must **be** the custodian of such register and make the data available to the Aeronautical Rescue Coordination Centre and the appropriate mission control centre.

Filing of disaster management and **aerodrome** emergency plans

- 14
- (1) All **aerodromes** must file their emergency plans and amendments thereto with the Aeronautical Rescue Coordination Centre.
- (2) All provinces must file their emergency plans and amendments thereto with the Aeronautical Rescue Coordination Centre.

Reporting on search and rescue incidents

- 15
- Any person who is aware or reasonably believes an aircraft or vessel to be in distress, must notify the nearest search and rescue agency or police station.
- (1) The Heads of Maritime and Aeronautical Search and Rescue Operations must report serious incidents to the Head of SASAR, and in his or her absence his or her assignee.
- (2) The responsible Rescue Co-ordination Centres must report any incident or make available any information to the head of the relevant search and rescue operations in the format and according to the procedures laid down in the SASAR Manual.
- (3) Any additional information requested by the officers referred to in subsections (1) and (2) must be made available to them by the relevant Rescue Coordination Centre or rescue subcentre.

Co-operation Between Aeronautical Rescue Coordination Centre and Maritime Rescue Coordination Centre

- 16
- (1) There must be close cooperation and coordination between the Aeronautical Rescue Coordination **Centre** and the Maritime Rescue Coordination **Centre**.
 - (2) Relevant information must be exchanged freely and regularly between the Aeronautical Rescue Coordination **Centre** and the Maritime Rescue Coordination **Centre** to ensure effective and efficient provision of a search and rescue service.
 - (3) The Aeronautical Rescue Coordination **Centre** and Maritime Rescue Coordination **Centre** must hold joint exercises at least once a year to foster and maintain close cooperation as well as to test **SASAR's** capability to deal with search and rescue operations of any magnitude.
 - (4) The exercises contemplated in subsection (3) maybe extended to include foreign countries if this is considered necessary during the planning phase of the exercises. Both the Aeronautical Rescue Coordination **Centre** and the Maritime Rescue Coordination **Centre** must be involved in the planning.
 - (5) The **department** is responsible for organizing such exercises in conjunction with both the Aeronautical Rescue Coordination **Centre** and the Maritime Rescue Coordination **Centre**.
 - (6) Practical exercises must be approved by the **SASAR** Executive Committee during one of their scheduled meetings or at a special Executive Committee meeting convened for this purpose before they can take place.

Delegation

- 17 The Minister, may-
- (a) delegate any power, duty or function conferred or imposed upon him or her under this Act to the Deputy Minister of Transport or the incumbent of a designated post in the department; and
 - (b) at any time, withdraw a delegation effected in terms of this section.

Regulations

- 18** The Minister may, by notice in the **Gazette**, make regulations regarding-
- (a) anything which must or maybe prescribed in terms of this Act;
 - (b) any matters which it is **necessary** or expedient to prescribe for the effective carrying out and implementation of the provisions and objectives of this Act.

Transitional provisions

- 19** Any act, steps taken or decisions made in terms of any other Act, regulation or convention must continue to have effect as if they were made, done or taken by the appropriate person in terms of this Act.

Repeal of legislation

- 20** The legislation specified in the Schedule are repealed to the extent indicated in the third column thereof.

Short title

- 21** This Act is called the National Maritime, Aeronautical Search and Rescue Act, 2000.

SCHEDULE

No and Year of Legislation	Short title	Extent of repeal
No. 74 of 1962	Aviation Act, 1962	Repeal of Section 17 and 22(m) (vii).
No. R.1753 of September 1972	Rules of the Air, Air Traffic Services, Search and Rescue and Overflight Regulations, 1975	Repeal of Chapters 8 and 9 Repeal of Section 2.1 A(d) (vi).
Government Notice No R.1219 of 26 September 1997	Civil Aviation Regulations, 1997	Repeal of Part 172 Subpart 4