

SI. 48 of 1991

LICENCES ACT, 1986
(Act 3 of 1986)

Licences (Diving Business) Regulations, 1991.

in exercise of the powers conferred by sections 16(2) and of the Licences Act, 1986, the Minister of Finance hereby makes the following Regulations.

1. These Regulations may be cited as the Licences (Diving Business) Regulations, 1991 and shall come into operation on 1st September, 1991.

Citation and
commencement

2. In these Regulations —

Interpretation

"diving business" means the business of a dive centre or a dive operator for the provision of facilities for recreational diving;

"dive centre" means a person or a body of persons engaged in the teaching of diving;

"dive operator" means a person or a body of persons engaged in conducting diving excursions.

3.(1) An application for a licence to engage in a diving business shall be in the Form provided by the Authority.

Diving business
licence
and fees

(2) An application for a licence under subregulation (1) shall be accompanied by the fees set out in Schedule 1 and, where applicable, by the surcharge under regulation 8.

4.(1) An applicant for a diving business licence shall satisfy the Authority —

Qualification
for a licence

(a) in the case of a business of a dive centre, that he is, or has in his employment, an Open Water Instructor holding the qualifications specified in subregulation (2);

- (b) in the case of a business of a dive operator, that he is, or has in his employment, a Divemaster holding the qualifications specified in sub-regulation (3);
- (c) that he has taken out a policy of insurance to the satisfaction of the Authority covering his staff, those availing of his services and the public from personal injury or damage to their properties;
- (d) that the staff employed by him in the diving business, other than secretarial and office staff, has successfully completed a Rescue Technique Speciality Course approved by the Authority.

(2) An Open Water Instructor shall have the following qualifications —

- (a) a Teaching Status Open Water Scuba Instructor licence from an Association of Professional Diving Instructors;
- (b) an International First Aid Certificate;
- (c) a certificate of competence in Cardio Pulmonary Resuscitation,

approved by the Authority.

(3) A Divemaster shall have the following qualifications —

- (a) a Divemaster qualification from an Association of Professional Diving Instructors;
- (b) an International First Aid Certificate;
- (c) a certificate of competence in Cardio Pulmonary Resuscitation,

approved by the Authority.

Conditions of
a licence

5.(1) A holder of a diving business licence shall not engage any vessel in or for the purpose of the business unless —

- (a) it is licenced to operate as a hire craft under the Licences Act, 1986;
- (b) it displays Diving Flags in accordance with the International Regulations for the Prevention of Collisions at Sea, 1972 and as specified in Schedule 2;
- (c) it is equipped with anchors which could be instantly abandoned or it provides a Dive Tender Craft available instantly for surface rescue;
- (d) it is equipped with a crew fully aware of the special safety requirements for divers and capable of operating the vessel or the Dive Tender Crafts in an emergency and in attendance on the vessel whilst divers are in the water;
- (e) it carries a First Aid Kit including oxygen capable of being administered in the vessel.

(2) A holder of a diving business licence shall ensure that —

- (a) the diving business and its diving activity are supervised by a Divemaster or an Open Water Instructor, as the case may be, qualified under regulation 4;
- (b) all persons supervising any diving activity conducted by the business has access to appropriate means of rapid diver recall and are equipped with an Alternate Air Source, Depth Gauge, Divers Watch and Decompression Tables;
- (c) any person availing himself of facilities provided by the business, hereafter referred to as a "client", shall not dive alone;
- (d) all dives by clients, wherever practicable, shall be within the internationally recognised No-Decompression limits, and that the standard

safe speed of ascent and descent are observed at all times;

- (e) operations involving deep diving activities, in excess of 25 meters, shall utilise an ascent/descent line with spare tanks and multiple mouth-piece regulators at emergency decompression stop levels;
- (f) any client shall either hold an internationally recognised Open Water Certificate or a certificate of equivalent standard or is given a formal tuition and assessment programme by an Open Water Instructor referred to in regulation 4(1)
 - (a) in an area of confined water prior to open water activities;
- (g) a client who does not hold an internationally recognised Open Water Certificate or a certificate of equivalent standard is accompanied by an Open Water Instructor until, in the opinion of the Instructor, he completes his dives in good control without undue stress or anxiety and ensure that thereafter he is accompanied by a Divemaster or an Open Water Instructor;
- (h) any client who wishes to participate in unsupervised diving activities holds an internationally recognised Open Water Certificate or a certificate of equivalent standard and is accompanied by a diving partner holding a certificate of the same or higher standard;
- (i) all clients, other than those referred to in paragraph (h), are supervised by competent supervisors;
- (j) all clients use diving buoyancy control devices or life jackets and regulators fitted with a submersible pressure gauge;
- (k) diving equipment is not rented out to persons who do not possess an internationally recognised Open Water Certificate or a certificate of

- equivalent standard and who are not accompanied by another person who holds a certificate of the same or higher standard;
- (l) all diving equipment used or hired by the business is in good repair;
 - (m) all cylinders used by the business conform to appropriate standards and are hydrostatically tested and are internally inspected by visual means every 12 months by an officer or a test center approved by the Authority;
 - (n) all diving cylinders used by the business are not filled unless they are within the test period appropriate to the specifications of the cylinders;
 - (o) all cylinders used by the business in air bank installations are periodically inspected and tested as required by the specifications of the cylinders;
 - (p) in static compressor installations and in mobile installations, where possible, cylinders used by the business are filled in a reinforced tank and immersed in circulating cold water;
 - (q) all diving regulators used by the business are fitted with submersible pressure gauges for monitoring air supply;
 - (r) Scuba cylinders are filled at a dive centre only for persons who hold an internationally recognised Open Water Certificate or a certificate of a higher standard;
 - (s) all compressors used for supply of breathing air conform to appropriate standards;
 - (t) all supplies by the business of breathing air utilise filter systems to the appropriate standards and the filters replaced and the quality of air tested when requested by an officer of the Authority;

- (u) all air compressors used by the business are placed in an area offering adequate ventilation and those driven by petroleum products have the intake in clean air;
- (v) all compressors used by the business are operated by trained operators conversant with possible dangers involved with the filling of high pressure Scuba cylinders and capable of operating the safety procedures and emergency shut down of the compressors;
- (w) a proper log of hours run and oil and filter changes is kept for each compressor and made available for inspection;
- (x) he or his clients do not remove any shell, coral or any marine organism or hinder or molest any sea creature;
- (y) no damage is caused to the sea bed and to corals in anchoring boats or in engaging in diving activities;
- (z) no litter is thrown overboard or that nothing is done that would constitute pollution or defacement of the environment by the clients or its staff;
- (aa) all laws relating to national parks and nature reserves are complied with;
- (bb) all vessels engaged in or for the purpose of the business are not left unattended while being used in the business;
- (cc) the policy of insurance referred to in regulation 4(1) (c) is kept in force during the validity of the licence.

6. A diving business licence granted under these Regulations is valid for 12 months from the date of grant unless revoked earlier by the Authority and is not transferable except with the prior written consent of the Authority.

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7.(1) Any person authorised by the Authority may at any time enter and search any premises used by the holder of the licence for the diving business and inspect any equipment used by the business or take extracts from any records or documents kept by the business.

Powers of
entry

(2) No person shall prevent, hinder or obstruct any person in the exercise of his functions under subregulation (1).

8.(1) A person who was the holder of a diving business licence and who applies after the expiration of the licence for the same type of licence, shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to carry on the diving business, be liable, in addition to the licence fee under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of expiration of the previous licence and the date of the lodging of his application.

Surcharge
and refund o
fees

(2) Where an application for a diving business licence under these Regulations is refused, the Authority shall refund the licence fee and surcharge to the applicant.

9.(1) A licence to engage in the business of a dive centre shall enable the holder of the licence to engage in the business of a dive operator.

Scope of
licence

(2) A licence granted under these Regulations shall specify the activity for which the licence is granted.

10.(1) No person shall bring a vessel within a radius of 150 metres of a vessel displaying the Diving Flags referred to in regulation 5(1) (b) or a surface marker buoy displaying the flags.

Offence

(2) Any person who contravenes subregulation (1) is guilty of an offence and is liable on conviction to a fine of R5000.

SCHEDULE 1

Reg. 3

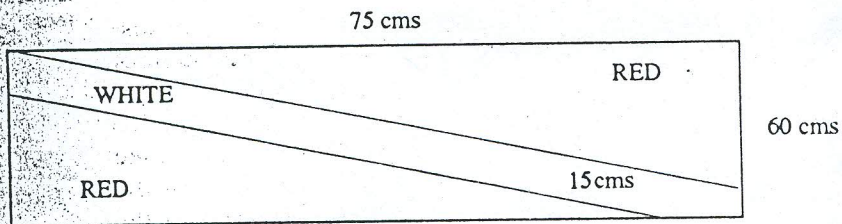
FEES

- | | | |
|----|---|------|
| 1. | Processing an application for a licence — | R 50 |
| 2. | Licence fee for a Diving Business Licence — | |
| | (i) as a dive operator — | R20 |
| | (ii) as a dive centre — | R50 |

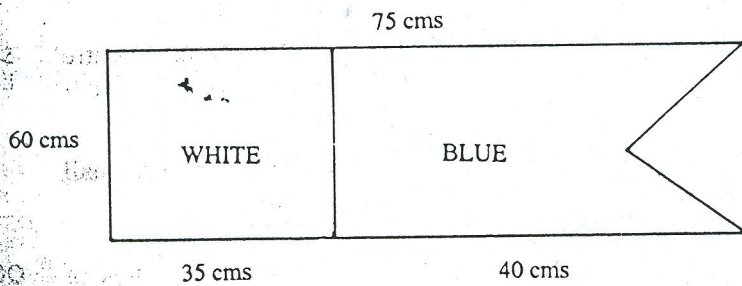
SCHEDULE 2

Reg. 5(1)(b)

- A. International Sports Diver Flag to be displayed by vessels with Sport Divers internationally. To be hoisted on a different halyard from that bearing the International Code Flag.



- B. International Code Flag to be displayed by all vessels and divers in international and foreign waters. To be hoisted on a different halyard from that bearing the International Sports Diver Flag.



MADE this 2nd day of August, 1991.

J. MICHEL
MINISTER OF FINANCE