IMO - INTERNATIONAL MARITIME LAW INSTITUTE

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A LAW TO INCORPORATE THE INTERNATIONAL CONVENTION ON REGULATIONS FOR PREVENTING COLLISION AT SEA OF 1972, AS AMENDED, INTO THE LAWS OF THE STATE OF PALESTINE AND PROVIDE FOR THE EFFECTIVE IMPLEMENTATION THEREOF

A Legislation Drafting Project Submitted in Partial Fulfilment of the Requirements for the Award of the Degree of Master of Laws (LL.M.) in International Maritime Law at the IMO International Maritime Law Institute

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Explanation of the Palestinian legislative process and practice in respect of legislations adopted for the incorporation of an international convention and providing for an effective implementation of its provisions

This maritime legislation drafting project aims to incorporate the International Convention on Regulations for Preventing Collision at Sea of 1972, as amended (hereinafter COLREGs) into the laws of the State of Palestine (hereinafter Palestine) and provide for the effective implementation thereof. The four documents forming part of this project are presented in a particular sequence which is in accordance with the Palestinian legislative practice in cases where a legislation is adopted in light of the accession of the country to an international convention.

Palestine is not party to the COLREGs; therefore, the first step is to accede the Convention. Therefore, the first document submitted is a draft instrument of accession to COLREGs as amended.

The second document is the 'Law Approving the Accession to the COLREGs as amended', which is required to approve the accession of the State of Palestine to COLREGs. In accordance with the Palestinian legislative process practice, a law approving the accession to the international instrument will need to be adopted by the legislative authority when the said international instrument requires States Parties to promulgate domestic legislation for its implementation, which is the case at hand. The Law approving the accession of the State of Palestine to COLREGs, as amended will contain a provision expressing the legislative authority's approval. It should be noted however, that this Law is not meant to provide for the effective implementation of the COLREGs, as amended as the implementation of the Convention will be achieved through a different legal instrument.

After acceding to and approving the accession to COLREGs, the next step is to adopt a national law in order to incorporate the Convention into the country's legal system and to provide for its effective implementation. This explains the third and fourth documents, which are to be read together. The third document is an explanatory memorandum, in which the writer provides the reasons for the adoption of a law for the effective implementation of COLREGs, along with explanations of the provisions of the Law for the Prevention of Collisions at Sea No. (2) of 2021 A.D., which is the fourth document

Lastly, it should be noted that the Law for the Prevention of Collisions at Sea No. (2) of 2021 A.D. (Document 4) is referred to in the explanatory memorandum (Document 3) as simply the

Law for the Prevention of Collisions at Sea. It bears no number as law numbers are given on publication, after all discussions, readings and approvals necessary for adoption, which take place after the preparation of the explanatory memorandum.

Document 1

Instrument of Accession

To be signed by the President or Head of Government or Minister of Foreign Affairs, in accordance with the Constitutional Supreme Court Interpretive Judgement No. (2) of the Judicial Year (3) of the Constitutional Supreme Court Judgement No. (5) of 2017,[1] and to be deposited with the Secretary-General of IMO, London, in accordance to Article II(3) of the Convention on the International Regulations for Preventing Collisions at Sea.

[1] State of Palestine, *Palestine Gazette*, 'Interpretive Judgement No. (2) of the Judicial Year (3) of the Constitutional Supreme Court Judgement No. (5) of 2017 vol 141 (25 March 2018) 91 (Judgement of 2017)

INSTRUMENT OF ACCESSION

WHEREAS the Convention on the International Regulations for Preventing Collisions at Sea was adopted at London on 20 October 1972, by the International Conference on Revision of the International Regulations for Preventing Collisions at Sea,

AND WHEREAS the State of Palestine, being a State entitled to become a party to the said Convention by virtue of Article II(2) thereof,

NOW THEREFORE the Government of the State of Palestine having considered and approved the said Convention, hereby formally declares its accession to the Convention on the International Regulations for Preventing Collisions at Sea, as amended, with no reservation.

IN WITNESS WHEREOF I, Name and Title of the State of Palestine, have signed this Instrument of Accession and affixed the official seal.

DONE at East Jerusalem, this eighth day of December, two thousand and twenty-one.

Seal

Signature

Title

Document 2

Law Approving the Accession to the Convention on the International Regulations for Preventing Collisions at Sea of 1972, as Amended
No. (1) of 2021 A.D.

According to the Interpretive Judgement No. (2) of the Judicial Year (3) of the Constitutional Supreme Court Judgement No. (5) of 2017,[2] the approval of accession to an international convention is to be issued by the President.[3] However, conventions which require adoption of legislative instrument for implementation are an expressed exception, where in such situation it is the power of the Legislative Authority to approve such accession for domestic purpose, which is the case at hand, as Article I of COLREGs provides that States Parties must give effect of the rules and annexes provided within, which can only be made through the adoption of a legislative instrument for implementation.

[2] Judgement of 2017 (n 1) 96

[3] Approval of accession is a domestic procedure, which is different from ratification of an international convention as an expression of State's consent to be bound by an international convention.

Law Approving the Accession to the Convention on the International Regulations for Preventing Collisions at Sea of 1972, as amended

No. (1) of 2021 A.D.

The President of the State of Palestine;

The Chairman of the Executive Committee of the Palestine Liberation Organisation

In accordance with the Palestinian National Covenant of the Palestinian Liberation Organization

In accordance with the Amended Basic Law of 2003 as amended, particularly Article (41) thereunder;

Having reviewed the Interpretive Judgement No. (2) of the Judicial Year (3) of the Constitutional Supreme Court Judgement No. (5) of 2017;

Having reviewed the Convention on the International Regulations for Preventing Collisions at Sea adopted at London on 20 October 1972, as amended in 1981, 1987, 1989, 1993, 2001, 2007, and 2013;

Based upon the Legislative Council approval, in its session convened on 9 December 2021 A.D.;

In the name of the Arab Palestinian people,

I hereby promulgate the following Law:

Article (1)

This Law is to approve the accession of the State of Palestine made on 8 December 2021 to the Convention on the International Regulations for Preventing Collisions at Sea adopted at London on 20 October 1972, as amended.

Article (2)

All respective governmental bodies, each within its mandate, shall implement the provisions of this Law, which shall enter into force on the day of its publication in the Official Gazette.

Promulgated at East Jerusalem on 10 December 2021 *Anno Domini*

Corresponding to 6 Jumada Al-Awwal 1443 *Anno Hegira*

Name

President of the State of Palestine

The Chairman of the Executive Committee of the Palestine Liberation Organisation

Document 3

Explanatory Memorandum for the Law for the Prevention of Collisions at Sea

Explanatory Memorandum

'An ounce of prevention is worth a pound of cure.'
- Benjamin Franklin

1. INTRODUCTION

The world has witnessed a significant growth in maritime shipping, which due to its low cost, efficiency of carrying voluminous cargoes over long distances, and safety, occupies 80% of the world trade.[4] Although shipping is considered the safest way of carrying commodities around the world, still, the consequences of vessels collisions may lead to a large number of fatalities, huge economic losses, and irreparable marine pollution damage.[5]

'Collisions at sea' refers to any contact that occurs between two or more vessels whether underway, anchoring or moored, and under all circumstances and weathers, thereby, excluding incidents where a vessel makes contact with a rock, iceberg, any floating object, fixed platform, port installations, or wreck.

Several factors help minimizing the risk of vessels collision, such as advanced vessel designs and structures, new technologies including radars, high training standards for seafarers and the adoption of unified and generally accepted international regulations for the prevention of collisions at sea. Such regulations serve one goal, which is to reduce the possibilities of collisions at sea by creating unified rules, to be followed by the crew of every vessel, securing the highest level of seamanship. While national legislations provide for such regulations applicable by one country's vessels or to vessels within its territorial sea or inland waters, international conventions on the other hand aim to provide unified regulations for preventing collision at sea; such unification can ensure a higher level of safety at sea, especially on the high seas and in traffic separation schemes (hereinafter TSS), narrow channels and straits, where vessels from different countries come together.

[4] UNCTAD 'Review of Maritime Transport 2019' (31 January 2020) UNCTAD/RMT/2019/Corr.1 89

[5] Marie Lützen, 'Ship Collision Damage' (PhD thesis, Technical University of Denmark 2001) 28

1.1. History of the Regulations for Preventing Collisions at Sea

Statutory regulations for preventing collisions at sea were drawn up for the first time after the introduction of steam-powered ships in the mid-19th century by the Trinity House in London in 1840.[6] Later, many countries adopted their own regulations for preventing collisions at sea.

During the International Maritime Conference held in Washington in 1889, States pushed further their efforts for the adoption of unified international regulations for preventing collisions at sea.[7] Later, in 1910, another maritime Conference was held in Brussels, in which States adopted the International Convention for the Unification of Certain Rules of Law with respect to Collision between Vessels,[8] which provided regulations similar to the rules presented at Washington Conference.[9] In 1948,, after the invention of radars, States adopted the International Regulations for Preventing Collisions at Sea.[10]

In 1960, after the significant increase in the number of vessels and as well as the number of collisions at sea, the International Consultative Maritime Organization (hereinafter IMCO), which was renamed in 1982 as the International Maritime Organization (hereinafter IMO) held the International Conference on the Safety of Life at Sea in London, in which it adopted further developed rules in related to prevention of collisions at sea under the 1960 International Convention for the Safety of Life at Sea.

The year 1961 was a milestone in the development of regulations for preventing collisions at sea, as cooperation between the British, French and German Institutes of Navigation devised the first TSS for the Dover Strait.[11] Today's applicable regulations for preventing collisions at sea, 1972 COLREGs, is a stand-alone convention, adopted during the 1972 International Conference held by IMCO in London for the revision of the regulations related to collisions at sea. The Conference agreed upon further regulations in regard to the stand-on rule, look-out

[6] A. N. Cockcroft and J. N. F. Lameijer, *A Guide to the Collision Avoidance Rules* (7th edn Elsevier 2012) xi

[7] ibid xii

[8] International Convention for the Unification of Certain Rules of Law with respect to Collision between Vessels (adopted in Brussels on 23 September 1910, entered into force 1 March 1913)

[9] Cockcroft and Lameijir (n 6) xii

[10] International Regulations for Preventing Collisions at Sea (adopted 10 June 1948, entered into force 1 January 1954) 4 UKTS 1954

[11] Cockcroft and Lameijir (n 6) xii,xiii

requirements, safe speed, risk of collision and TSS,[12] explicitly replacing and abrogating the 1960 International Regulations for Preventing Collisions at Sea.[13]

COLREGs were amended in 1981, 1987, 1989, 1993, 2001, 2007, and 2013 and until December 2020, it had 161 State parties, with 98.97% of the world tonnage[14] and is nowadays recognized as generally accepted international regulations.[15]

The amendments of COLREGs were necessary to cover many developments and novelties which were not regulated by the existing rules. In 1981, the first and largest batch of amendments were adopted in relation to new issues, in specific issues related to TSS, and to amend other regulations which seemed to be unfit. Later in 1987 and 1989, two batches of amendments were presented, which mostly concerned TSS. Four years later, in 1993, few changes were made to Article 26, concerning fishing vessels. Another amendment was adopted which included rules relating to Wing-in Ground (hereinafter WIG crafts). The distress signals rules were rewritten in an amendment made to Annex IV in 2007. The last amendment to COLREGs was adopted in 2013 and entered into force in 2016 concerning the IMO Members States Audit Scheme as a mean of verification of compliance by State parties with COLREGs.

1.2. Factual Background

Palestine has two coasts, one on the Dead Sea, and another on the Mediterranean Sea. While the Dead Sea is an inland Salt Lake and not many international rules are applicable, the Mediterranean Sea is subject to many international rules including IMO Conventions and the United Nations Convention on the Law of the Sea (hereinafter UNCLOS).

Since the establishment of the first Palestinian government in 1996, huge efforts were made for the setting up of a Palestinian Seaport to connect Palestine with the world and *vice versa* by sea. Although numerous endeavors were made to launch a vibrant maritime sector, still, only few goals have been achieved, and only few legislations have been adopted in this field.

[12] Cockcroft and Lameijir (n 6) xiii

[13] Convention on the International Regulations for Preventing Collisions at Sea (adopted 20 October 1972, entered into force 15 July 1977) 1050 UNTS 16 art IV(5)

[14] All information on number of State parties provided in this document are as appearing in the Global Integrated Shipping Information System (GISIS) in 6 January 2021.

[15] Gaetano Librando, 'The International Maritime Organization and the Law of the Sea' in David Josef Attard, Malgosia Fitzmaurice and Norman A Martinez Gutiérrez (eds), *The IMLI Manual on International Maritime Law*, vol 1 (Oxford 2014) 591

Such legislations are limited to those concerning the establishment of a seaport authority,[16] legislation establishing the Seaport of Gaza,[17] and another legislation on fisheries protection.[18] As Palestine has not gained practical independence yet, it has never practiced sovereignty or jurisdiction over maritime areas, neither has ever operated a vessel in its waters for the purpose of shipping or carriage of persons or goods by sea. However, from a *de jure* perspective, Palestine has lawful rights to exercise such sovereignty in accordance with international law, in particular under the United Nations Charter and the well-established principle of self-determination.[19] Moreover, as a State, Palestine has the right to own vessels and to fix the conditions for the grant of its nationality to vessels in accordance with Article 91 of UNCLOS. It can be seen that it is a matter of time until Palestine starts granting nationality to vessels. Such rights are corollary to several duties for Palestine as a flag State; one of these duties is to take the measures necessary to ensure safety at sea for vessels flying its flag, including the use of signals, the maintenance of communications and the prevention of collisions.[20]

Since Palestine was granted non-observer State status in the United Nations in 2012, it acceded to UNCLOS in 2015, and recently in 2019, a declaration on its maritime boundaries was submitted to the United Nations Secretary-General. It is submitted that Palestine is making real efforts for the development of its maritime sector. Thus, it is the right time to consider the adoption of domestic legislations to regulate this vital sector and ensure that such legislations are sufficient to govern every facet of shipping, including maritime safety and security, facilitation of international trade, and protection of the marine environment.

[16] Palestinian National Authority, *Palestine Gazette*, 'Presidential Decree No. (47) of 1999 Concerning the Establishment of the Seaport Authority' vol 34 (30 September 2000) 38

[17] ibid 'Presidential Decree No. (1) of 2000 Concerning the Estalishment of the Seaport of Gaza' vol 33 (30 June 2000) 30

[18] ibid 'Decision of the Council of Ministers No. (243) of 2005 Concerning the Protection of Fisheries' vol 64 (31 May 2006) 425

[19] UNGA Res 73/158 (9 January 2019) UN Doc A/RES/73/158

[20] United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 512 (UNCLOS) art 94

2. REASONS FOR AND BENEFITS OF THE ADOPTION OF A LAW ON THE PREVENTION OF COLLISIONS AT SEA

Palestine is in need of this Law as such regulations are an essential element for the safety of navigation for the following reasons:

- Palestine's coast is concave and narrow, less than 21.5 nautical miles at its widest. As Palestine will probably operate one seaport, a large number of vessels will therefore operate in a small sea area. Thus, adopting regulations for preventing collisions is a must.
- Palestine's coast lies on the far east of the Mediterranean Sea which has 23 TSS,[21] including TSSs Off the Mediterranean coast of Egypt and in the Strait of Gibraltar.
- As part of the East Mediterranean Gas Organization, Palestine may establish joint development zones, and as massive gas fields are being discovered in the region, the number of vessels operating for the purpose of exploration and exploitation, or navigating through the region waters will significantly increase, which heightens in turn the necessity for the adoption and implementation of such regulations.
- It is recommended for new-born States to follow generally accepted international regulations. COLREGs are recognized worldwide and are considered generally accepted international rules,[22] with 161 State parties representing 98.97% of the world tonnage. One may argue that some provisions provided in COLREGs are already part of the international customary law.

With such necessity, the adoption of this Law will deliver many benefits, specially towards the achievement of many goals as follows:

- On the short-term:

This Law shall fill a legislative gap, which is the lack of regulations for the prevention of collisions at sea. Also, with the exception of Palestine, all Mediterranean countries are parties to COLREGs. Therefore, by acceding to COLREGs and adopting this law, Palestine will unify its prevention of collision at sea regulations with the region, which will overall make navigation in the Mediterranean Sea safer, especially since the Palestine's future seaport of Gaza will be

[21] International Maritime Organization, *Ships' Routeing*. (10th edn CPI 2010) Section III/ii

[22] Attard (n 15) 591

10 nautical miles away from Israel's seaport of Ashkelon, and 107 nautical miles away from the Egyptian Suez Canal.

- On the mid-term:

The adoption of this Law will constitute the adequate legal framework the implementation of which will contribute to Palestine fulfilling several international obligations under COLREGs and UNCLOS.[23]

- On the long-term:

This Law will promote safety of life and property at sea by minimizing the number of collisions. COLREGs, along with other international regulations as well as improvements in technology, have managed to consistently decrease the number of vessels collision by 84.96% in the past 10 years. For example in the period between November 2001 and November 2010, 153 collisions were reported for vessels over 100 gross tonnage,[24] while from 2011 to 2019, only 23 collisions were reported.[25] Furthermore, a study by the International Association of Institutes of Navigation emphasized the effectiveness of the regulations in regards to TSS, as between 1956 and 1960, 60 collisions occurred in the Strait of Dover, while 20 years later, after the adoption of a TSS, and despite the increase in the number and tonnage of vessels navigating in the Strait of Dover, the Strait witnessed only 16 collisions.[26] Moreover, such regulations are necessary for the safety of seafarers at sea, and the preservation of the marine environment, especially in Palestine's territorial waters, as such incidents usually lead to uncontrolled pollution and an irreparable damage to the marine environment, in other words, a true catastrophe considering the size of the Palestinian waters.

In addition, this Law is one of many legislations necessary for the implementation of the first policy of the Palestinian National Policies Agenda (2017-2022) as adopted by the Palestinian Government in February 2017, which provides that in order to strengthen the national and international efforts in ending the occupation, Palestine must exercise all forms of sovereignty over Palestinian territory, air space, and waters in accordance with the rules of international

[23] UNCLOS (n 20) art 94

[24] Allianz Global Corporate & Specialty, *Safety and Shipping Review* (January 2013) 11

[25] ibid (May 2019) 14

[26] <https://www.imo.org/en/About/Conventions/Pages/COLREG.aspx> accessed 7 February 2021

law, and to establish legal frameworks for the exercise of such sovereign rights.[27] The National Policy Agenda also provides in its second policy that Palestinian unity will be strengthened through the adoption of legislations which relate to current issues and which reflect the Palestinian commitment to its international obligations, in specific legislations that would replace the obsolete and outdated legislations inherited from the eras of the British mandate, the Jordanian and Egyptian administrations, and the Israeli prolonged occupation, as such outdated legislations are insufficient and do not meet the current needs.[28] It must be noted that such policies are of a long-term nature and although the mentioned National Policy Agenda is meant to be applied from 2017 to 2022, still, such policies will indeed be part of the next national policy agenda.

LAW ON THE PREVENTION OF COLLISIONS AT SEA

As aforementioned, this Law will incorporate the rules of COLREGs as amended, along with additional rules necessary for its effective implementation. Therefore, it is of great importance and value for Palestine to accede to COLREGs. In this context, although Palestine is not a member of United Nations, it still can be a party to COLREGs, as the Convention in Article II(2), allows members of any of the Specialized Agencies to accede to the treaty. Palestine is in fact a full member of the United Nations Educational, Scientific and Cultural Organization since 2011. It must be noted that an instrument of accession must be submitted to the Secretary-General of IMO to become party to COLREGs,[29] followed by a law concerning the approval of accession to COLREGs as required under the 2017 Judgement of the Palestinian Constitutional Supreme Court,[30] and lastly, the adoption of this Law to ensure effective implementation.

This Law shall incorporate COLREGs in the form of a regular law, to provide legally binding provisions applicable before domestic courts.[31] This Law will also delegate the authority to the respective Minister/s to promulgate regulations on specific issues as provided for in the Law

[27] State of Palestine, *2017-22 National Policy Agenda: Putting Citizens First* (December 2016) 5,6 available at: http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/palestine_draft_final_npa.pdf

[28] ibid 6,7

[29] COLREGs (n 13) art II(3)

[30] Judgement of 2017 (n 1) 96

[31] ibid 97

on the Prevention of Collisions at Sea itself. Furthermore, due to the fact that COLREGs is not regularly amended, and due to the flexibility and smoothness of the amendment procedures of the Palestinian Legislative Council; it was decided that no need for any regulations or bylaws to be adopted along with Law on the Prevention of Collisions at Sea and, should there be a future amendment to COLREGs, the Council can issue a law for the amendment of this Law. Such amending law will follow the Palestinian practice in regard of amendments of laws and will only address the amendments introduced by the amended Convention.

It must be noted that Palestine may opt to adopt this legislation without acceding to COLREGs. However, Palestine is encouraged to accede to COLREGs for several reasons including:

- Acceding to COLREGs will allow Palestine to benefit from the Integrated Technical Cooperation Programme "ITCP", provided by the Technical Cooperation Committee of IMO.
- Such accession will provide better chance of cooperation between Palestine and the other 161 States Parties to COLREGs, which have experts and have already developed experience in this field.
- Like any other State, Palestine has its own prospects on issues related to COLREGs, and to introduce and support such prospects, or to exert influence on international level based on these prospects, Palestine must first become State party to COLREGs.
- The accession to COLREGs may be the first step to be taken by Palestine to become a member of the IMO, which will allow unique chances for bilateral and multilateral cooperation and technical assistance, not only on COLREGs, but on any maritime matter.

2.1. Application Frameworks

This Law has specific temporal, geographical, and subject matter frameworks as follows:

2.1.1. Temporal Application

This Law shall enter into force from the date of publication in the Official Gazette. It is recommended that Palestine submit its instrument of accession on the same day of publication

of this Law; as the entry into force of COLREGs for States which accede thereto shall be on the date of deposit of the instrument of accession.[32]

2.1.2. Geographical Application

This Law has adopted a very simple scope of geographical application, primarily based on Articles 94(3)(c), 21(4) and 32 of UNCLOS, and shall apply as follows:

1. To all vessels in the Palestinian waters of the Dead Sea,[33] in accordance with the 4th of June 1967 borders as stipulated in the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip concluded on 28 September 1995,[34] recognized by the international community,[35] as prescribed in the Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan,[36] and the 1949 General Armistice Agreement.[37]
2. To all vessels in the territorial sea of Palestine on the Mediterranean Sea, as prescribed in the Declaration of the State of Palestine Regarding its Maritime Boundaries in accordance with the United Nations Convention on Law of the Sea, dated 24 September 2019.[38]
3. To all vessels registered in Palestine on the high seas.[39]
4. To foreign vessels when in Ports in Palestine.

2.1.3. Subject Matter Application

This Law shall be read in light of other legislations related to navigation and maritime safety and security. It will incorporate COLREGs along with additional rules necessary for its effective implementation in Palestine, which will overall govern the conduct of vessels in order

[32] COLREGs (n 13) art IV(3)

[33] The Dead Sea is an inland closed body of water.

[34] UNGA Res 51/889 (5 May 1997) UN Doc A/51/889, S/1997/357

[35] UNGA Res 67/19 (4 December 2012) UN Doc A/RES/67/19

[36] Treaty of peace between the State of Israel and the Hashemite Kingdom of Jordan (Jordan-Israel) (26 October 1994) 2042 UNTS 351

[37] General Armistice Agreement (with annexes) (Jordan-Israel) (3 April 1949) 42 UNTS 303304

[38] UNCLOS (n 20) art 21(4); Declaration of the State of Palestine regarding its maritime boundaries in accordance with the United Nations Convention on Law of the Sea, 24 September 2019 available at: https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/PSE_Deposit_09-2019.pdf

[39] UNCLOS (n 20) art 94(3)(c)

to ensure higher level of prevention for any unintended collision at sea, and provide for smoother and safer navigation, not only in Palestine's territorial sea, but further to wherever vessels flying the Palestinian flag may navigate, especially on the high seas.

In particular, the Law shall provide for the following matters:

2.1.3.1. Chapter One: General Provisions (Articles 1 to 3)

Chapter one provides for general rules including definitions,[40] scope of application and exemptions,[41] and rules regarding the responsibility of the owner, the master, and the crew,[42] and rules indicating that the violation of these rules is not to be understood as a presumption of fault.[43]

Under Chapter one, the provisions regarding the non-presumption of fault, and the definition of ship of war and vessel registered in Palestine, were not provided in the text of the Convention, but were inserted for domestic implementation purposes.

2.1.3.2. Chapter Two: Steering and Sailing (Articles 4 to 19)

Chapter two concerns to steering and sailing rules, regulating the conduct of vessels as follows:

- In any condition of visibility, stipulating the following rules:
    - **Look-out**: the look-out rule sets an obligation on every crew to maintain sufficient watchkeeping by all means at all times, in order to be aware of the all the surrounding circumstances and to ensure the vessel can take necessary actions as early as possible. The look-out obligation is mandatory even though a vessel is equipped with operational radar.[44]
    - **Determination of a safe speed**: proceeding at safe speed is one of the key regulations for the prevention of collisions at sea, as it allows for sufficient time for the crew to take action, facilitates the control of the vessels movement and allows better maneuvering. There are several factors for the determination of

[40] COLREGs (n 13) art 3

[41] ibid art 1; see section 3.1.2

[42] COLREGs (n 13) art 2

[43] Simon Baughen, *Shipping law* (6th edn, Cavendish 2015) 350

[44] COLREGs (n 13) art 5; International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (adopted 7 July 1978, entered into force 28 April 1984) 1361 UNTS 2

safe speed, which differ from a situation to another, and from a vessel to another. Such factors include the vessel abilities, state of visibility, wind, sea and current, the drought and depth of the water, traffic density, and the presence of background light at night which can be either shore lights or a reflection of the vessel's lights indicating the presence of an object. Vessels with radars shall take additional factors into consideration while determining their safe speed, specifically information provided by the radar equipment, bearing in mind its efficiency and capability.[45]

- **Determination of a risk of collision scenario**: through appropriate look-out, radar system, surrounding factors and circumstances and other proper means, the vessel must be able to determine if a risk of collision exists, a doubt is enough for the vessel to act as if a risk of collision exists. Also, it is not enough to rely on one mean to determine the situation.[46]
- **Actions to be taken to avoid collision**: actions taken to avoid collision, such as alternation of course and/or speed, must be taken in accordance with the look-out, safe speed and risk of collision rules, and within sufficient time, and shall aim to passing at safe distance from the other vessel/s, until it/they are past. This is without prejudice to the obligation not to impede the passage of another vessel/s. The fact that any action taken to avoid collision must be taken in accordance with the respective rules was emphasized in the 2001 amendment of COLREGs.[47]
- **Rules governing navigation in narrow channels and TSS**: due to the limitation of sea room, there are specific rules to be followed to ensure safety and facilitation of navigation through narrow channels. Also, due to their great contribution towards minimizing collisions at sea, this Law will adopt the international rules for usage of or crossing TSS adopted by IMO. TSS are a traffic-management tool, in which pre-defined routes are indicated to be used in a specific zone, especially in zones that witnesses heavy traffic such as straits and canals, to ensure that all vessels are proceeding in one direction. Such route

[45] COLREGs (n 13) art 6

[46] ibid art 7

[47] COLREGs (n 13) art 8; IMO Res A.910 (22) (22 January 2002) A 22/Res.910 (IMO)

shall not be impeded by any vessels, especially fishing vessels.[48] Along with the rules provided for in COLREGs, this Law stipulates that rules applying to TSS are also applicable to sea lanes[49] within Palestine's territorial sea as provided previously.[50]

Article 10 includes as well provisions related to Master's obligations in regard to sea lanes and TSSs, provisions related to the adoption of sea lanes, and lastly the proposing and submission of TSS.

- Rules governing the conduct of vessels in sight of one another:
  - **Conduct of sailing vessels**: sailing vessels are restricted with their maneuvering abilities, thus, they require specific rules for prevention of collisions; such rules take into account the wind direction.[51]
  - **Overtaking**: the act of overtaking is the conduct of a vessel under safe circumstances to precede another, in other words, it is the act where the overtaking vessel which is navigating behind comes ahead of the vessel being overtaken. This rule shall govern such conduct from the point where a vessel decides to overtake another vessel, until the point where the vessel being overtaken is past and clear of the overtaking vessel.[52]
  - **Head-on situation**: power-driven vessels on reciprocal courses must alter their course to starboard, to the extent that ensures prevention of collision.[53]
  - **Crossing situation**: although overtaking, head-on and crossing are all situations where involving vessels are in sight of one another, still, each has its specific rules to be followed to prevent the collision. In a crossing situation, the vessel which has the other on her own starboard shall keep out of the way, while the other vessel, which has the other on her own port side shall proceed with its course. Also, if the circumstances of the case require, the vessel which has the other on her own starboard shall avoid crossing ahead of the other vessels.[54]

[48] ibid art 9

[49] COLREGs (n 13) arts 9, 10

[50] see section 3.1.2

[51] COLREGs (n 13) art 12

[52] ibid art 13

[53] ibid art 14

[54] ibid art 15

- **Actions by vessels either in a give-way or stand-on position**: in most of the situations, a vessel involved is either a give-way vessel, which has to take action to keep out of the way and keep well clear,[55] or a stand-on vessel, which has to keep its course and speed in a best-case scenario where the give-way vessel takes appropriate actions which are sufficient to ensure prevention of collision, otherwise the stand-on vessel may take specific actions to aid in preventing the collision.[56]
- **Other responsibilities between vessels**: there are unlimited scenarios at sea, and many do not fall under the aforementioned situations. This part provides further rules on responsibilities between vessels, in particular where specific vessels underway shall keep out of the way of others. In 2001, State parties amended this article to further include responsibilities of WIG crafts.[57] [58]

- In restricted visibility: restricted visibility restricts crew's ability to determine surrounding circumstances, thus making navigation less safe. Therefore, the Law provides specific rules, including reducing speed, to ensure the highest level of precaution, preparation and carefulness while navigating in restricted visibility.[59]

2.1.3.3. Chapter Three: Lights and Shapes (Articles 20 to 31)

Chapter three will regulate the exhibition of different standardized lights and shapes by vessels of different sizes and types, and under different situations, including while anchored,[60] underway,[61] towing and pushing,[62] fishing,[63] not under command or with restricted ability

[55] ibid art 16

[56] COLREGs (n 13) art 17

[57] IMO (n 47)

[58] COLREGs (n 13) art 18

[59] ibid art 19

[60] ibid art 30

[61] ibid arts 23,25

[62] ibid art 24

[63] ibid art 26

maneuver,[64] constrained by their draught,[65] along with similar rules for pilot vessels[66] and seaplanes.[67] In 2001 further regulations were adopted concerning lights and shapes to be exhibited by WIG crafts which when taking off, landing or flying near the water surface shall apply rules applicable to power-driven vessel underway, in addition to a high intensity all-round flashing red light.[68]

The light and shapes regulated in this Chapter are in fact a mean of communication between vessels, where the light/s and/or shape/s presented by the vessel tell what kind of vessel it is, and what situation it is in.

In 2001, WIG crafts were included within the provision of Article 31, allowing it where it is impracticable to comply with the specific rules related to positioning, to exhibit such lights and shapes as closely similar to the rules of this chapter as possible.[69]

2.1.3.4. Chapter Four: Sound and Light Signals **(**Articles 32 to 37)

Chapter four shall focus on rules related to standardized sound and light signals which are to be applied by vessels in different situations. Such sound and light signals shall reflect a vessel's intention to do specific action such as maneuvering or warning.[70] Also, the different sound signals applicable in restricted visibility circumstances,[71] are supposed to help other vessels in recognizing the presence of another vessel in the near zone. The Chapter also provides for other signals used to attract attention of another vessel, which shall not be similar to other signals provided for in this Law so that it would not be mistaken with the other signals.[72] Lastly, distress signals as described in Annex IV[73] are included as well.

[64] ibid art 27; Article 27(b)(i) to be understood in light of MSC.1/Circ.1260 (23 May 2014)

[65] COLREGs (n 13) art 28

[66] ibid art 29

[67] ibid art 31

[68] COLREGs (n 13) art 23(c); IMO (n 47)

[69] IMO (n 47)

[70] COLREGs (n 13) art 34

[71] ibid art 35

[72] ibid art 36

[73] ibid art 37

2.1.3.5.Chapter Five: Offences and Penalties (Articles 38)

Chapter five provides for offences and penalties to be imposed on Palestinian masters and crew members for operating a vessel in contravention of this Law,[74] without prejudice to the obligation to render assistance as provided in Article 98(1)(c) of UNCLOS in cases of collision.[75] It must be noted that this Chapter was not provided in the Convention and was inserted in the Law for domestic implementation purposes.

2.1.3.6. Chapter Six: Miscellaneous (Articles 39 to 43)

Chapter six will stipulate provisions on miscellaneous issues including exemptions of application for vessels that complies with the 1960 International Regulations for Preventing Collisions at Sea,[76] proof of compliance,[77] rules delegating to the respective Minister the authority to adopt subsidiary legislations under this Law where necessary, national inspection and other means for verification of compliance as required under COLREGs,[78] including those which were amended in 2013. [79] Similar to chapter five, except for the provisions on exemptions, the provisions of this Chapter were inserted for domestic implementation purposes.

2.1.3.7. Chapter Seven: Final Provisions (Articles 44 to 46)

Final provisions are important to indicate some formal procedures including date of entry into force of the Law, termination or subrogation of applicable Laws. Also, similar to chapter five and six, this chapter was inserted in the text for domestic implementation purposes.

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[74] cf Republic of Malta, 'Merchant Shipping Act: Chapter 234' 143 art 293 available at: https://legislation.mt/eli/cap/234/eng/pdf; cf Commonwealth of Australia, 'Navigation Act No. 128, 2012, Compilation No. 11' (registered 13 September 2019) 145,146 available at: https://www.legislation.gov.au/Details/C2019C00268

[75] UNCLOS (n 20) art 98(1)(c)

[76] COLREGs (n 13) art 38; Although many of the exemptions provided in Article 38 are non-applicable anymore, still, some of them are permanent exemption. One might also argue that only few of these vessels exist nowadays, but still these exemptions are in fact a right to these vessels; therefore, it is important to include them within this Law.

[77] cf Dominion of Canada, 'Collision Regulations' (last amended 29 January 2014) C.R.C., c.1416 5,6 available at: https://laws-lois.justice.gc.ca/PDF/C.R.C._c._1416.pdf

[78] COLREGs (n 13) arts 39-41

[79] IMO Res A.1085(28) (4 December 2013) A 28/Res.1085

2.1.3.8. Annexes

This Law is accompanied by four technical Annexes as follows:

Annex 1 "Positioning and Technical Details of Lights and Shapes" which provide for the technical specifications of the lights (color specification and intensity) and shapes (dimensions and intensity) and their positioning in the vessel. Such specifications are related to the implementation of Chapter 3 of this Law, in particular Articles 20(e) and 22, along with Article 34(b)(iii) of Chapter 4.[80]

Annex 2 "Additional Signals for Fishing Vessels Fishing in Close Proximity" will provide additional signals that apply to fishing vessels while fishing in close proximity in reference to Article 26(d), especially for fishing vessels engaged in trawling or fishing with purse seine gear.

Annex 3 "Technical Details of Sound Signal Appliances" shall provide for the specifications of the sound signals appliances (whistle, bell or gong) referred to in Chapter 4 of this Law, which relate to the implementation of Articles 32, 33.

Annex 4 "Distress Signals" specifies what signals shall indicate the situation of distress or need of assistance, along with the technical specifications of such signals which are to be applied by vessels as provided for in Article 37.

It must be noted that as party to UNCLOS, Palestine shall give due publicity to this Law as required under Article 21(3) of UNCLOS, as it is related to the safety of navigation.

2.2.The Competent Authority

The Seaport Authority under the Ministry of Transportation shall be responsible for the implementation and administration of this Law and any subsidiary legislation that may be adopted in pursuance thereof, as the Seaport Authority is one of the Ministry's departments.[81]

Such responsibilities and duties include:

- To provide proof of compliance or to delegate such duty to recognized classification societies;

[80] Sections 3(b) and 9(b) to be understood in light of MSC.1/Circ.1577 (16 June 2017)

[81] Palestinian National Authority, *Palestine Gazette*, 'Decision of the Council of Ministers No. (46) of 2006 For Re-annexation of The Civil Aviation Authority and the Seaport Authority under the Ministry of Transportation' vol 68 (3 March 2007) 92

- To assign or designate the competent authority for inspections;
- To adopt subsidiary legislations as provided for in this Law;
- To provide exemptions as provided for in this Law;
- To inspect vessels' compliance with the provisions of this Law;
- To provide cooperation to facilitate the audit scheme conducted by the International Maritime Organization;
- To adopt sea lanes within the territorial sea on the Mediterranean Sea;
- To propose traffic separation schemes to be submitted to the International Maritime Organization.

2.3. Means to Ensure Compliance and Effective Implementation

The accession to COLREGs, the adoption of a law for the approval of accession thereto, and the adoption of the Law being drafted can ensure compliance by vessels only if accompanied with continuous observation by port State control. Therefore, this Law establishes in Chapter Six rules on domestic means for verification of compliance, such as examination of equipment (shapes, lights, sounds and signals) in the process of registration and licensing of a vessel and inspections carried out by port State control officers. It shall further allow cooperation to facilitate the conduct of IMO's periodic audits as required under Article 41 of COLREGs. Moreover, this Law shall stipulate offences and penalties in case of violation of its provisions.

3. EFFECTS OF THE ADOPTION OF THE LAW ON THE PREVENTION OF COLLISIONS AT SEA ON APPLICABLE LEGISLATIONS

The adoption of this Law will not have much effect on the applicable legislations in Palestine, as there are only few legislations concerning maritime issues. In fact, such legislations are limited to outdated Ottoman and British legislations, and Israeli military orders. While no legislation will be replaced, still, few legislations will be implicitly amended as follows:

3.1. Military Order concerning Licensing Vessels No. (495) of 1974

The Israeli military order of 1974 regulates the rules and procedures on vessels licensing. It should be noted that such rules are outdated and were meant to be used as a tool to observe the Palestinian fishing boats and prevent Palestinians from having sufficient fishing boats. The Order was never meant to provide for efficient criteria of licensing to ensure boats are seaworthy and in compliance with the international standards including those provided for in

COLREGs. The Law on the Prevention of Collisions at Sea requires that vessels navigating in Palestine's territorial water, or vessels registered in Palestine to have standardized shapes, lights, sounds and signals, which obviously shall become a requirement for vessels registration and licensing. Therefore, the licensing process as provided for in the Military Order of 1974 must now be understood in the light of the provisions of the Law on the Prevention of Collisions at Sea; in other words, the exhibition and positioning of the equipment required under the Law on the Prevention of Collisions at Sea must be seen as an additional requirement within the licensing process.

3.2. Law on Port Damages Caused by Boats No. (11) of 1939

The British Mandate in Palestine is the era where most of the existing maritime legislations were adopted. It must be noted that the majority of these legislations were meant to apply specifically to existing ports in Mandatory Palestine, which are the Ports of Haifa and Jaffa, which nowadays are claimed by another country. Thus, many of these legislations are not applicable in the State of Palestine.

Many provisions of the 1939 Law are still applicable, as it was adopted to apply to all ports. However, it must be noted that the 1939 Law regulates damage caused by contact incidents between vessels and the port, which is different in scope from "collisions" as provided for in this Law, which shall apply to contact incidents between two or more vessels with each other.

3.3. Decision of the Council of Ministers Concerning the Protection of Fisheries No. (243) of 2005

The regulations of the Law being drafted, in specific the Articles related to fishing and fishing vessels and additional signals shall be understood as a requirement for fishing activities provided under the 2005 Decision. In this respect, of importance are Articles 10 and 18 which regulate the licensing of fishing vessels.

4. FUTURE OF THE REGULATION FOR PREVENTION OF COLLISION AT SEA

Notwithstanding that autonomous vessels are the future,[82] and although IMO's Maritime Safety Committee already included the issue of marine autonomous surface vessels on its agenda since

[82] Rolls-Royce, *Autonomous ships The next step* (2016) available at: https://www.rolls-royce.com/~/media/Files/R/Rolls-Royce/documents/%20customers/marine/ship-intel/rr-ship-intel-aawa-8pg.pdf

its 98th session in 2017, it is early at this stage to talk about rules governing the conduct of the autonomous vessels at the Palestinian domestic level. One can see that due to the special character of the autonomous vessels, this Law is not intended to regulate the conduct of such vessels, nor is sufficient to.[83] In this context, reference is being made to the comment made by the International Maritime Pilots' Association made before the Maritime Safety Committee, in the commenting stage of the regulatory scoping exercise on Maritime Autonomous Surface Ship (MASS), which provides:

> General principle should be that the integrity and utility of COLREGS as a comprehensive collision avoidance system applying to all vessels should be maintained. MASS vessels of all degrees should comply with current COLREGS and have whatever alternative technology and systems are needed to enable/ensure compliance. Some additional lights, shapes and signal requirements may be needed to alert other vessels of MASS vessels/operations.[84]

[83] Harry Hirst, 'COLREGS: Still Fit for Purpose?' (The Maritime Executive, 7 March 2020) <https://www.maritime-executive.com/editorials/colregs-still-fit-for-purpose> accessed 7 February 2021

[84] Maritime Safety Committee, Maritime Autonomous Surface Ships (MASS), COLREGs second step: revision stage, provision comments available published on GISIS at: https://gisis.imo.org/Members/MASS/Instruments.aspx?ID=15

Document 4

Law on the Prevention of Collisions at Sea
No. (2) of 2021 A.D.

According to the Interpretive Judgement No. (2) of the Judicial Year (3) of the Constitutional Supreme Court Judgement No. (5) of 2017,[85] an international convention is not an applicable law by itself. Instead, it must be adopted in the form of a domestic legislation to become enforceable.

[85] Judgement of 2017 (n 1) 97

Note 1: The text of this Law is not a mere *mutatis mutandis* text of the 1972 COLREGs as amended, as it includes further provisions necessary for the effective implementation.

Note 2: Highlighted text indicate that such provision is not presented in the 1972 COLREGs as amended, but is necessary for the effective implementation.

Law on the Prevention of Collisions at Sea

No. (2) of 2021 A.D.

The President of the State of Palestine;

The Chairman of the Executive Committee of the Palestine Liberation Organisation

In accordance with the Palestinian National Covenant of the Palestinian Liberation Organization

In accordance with the Amended Basic Law of 2003 as amended, particularly Article (41) thereunder;

Having reviewed the Presidential Decree on the Establishment of the International Sea Port of Gaza No. (1) of 2000; Presidential Decree on the Establishment of Sea Port Authority No. (47) of 1999; Law of Sea Ports No. (16) of 1926; Regulations on Registration and Licensing of Boats of 1931; Law on Port Damages Caused by Boats No. (11) of 1939 and Military Order concerning Licensing Vessels No. (495) of 1974;

Having reviewed the Convention on the International Regulations for Preventing Collisions at Sea adopted at London on 20 October 1972, as amended in 1981, 1987, 1989, 1993, 2001, 2007, and 2013; and the instrument of accession submitted thereunder in 8 December 2021 to the Secretary-General of the International Maritime Organization;

Having reviewed the original draft Law submitted by the Council of Ministers to the Legislative Council on 7 December 2021 A.D.;

Based on what the Legislative Council approved during its session convened on 9 December 2021 A.D.;

And to provide for effective implementation of the Convention on the International Regulations for Preventing Collisions at Sea of 1972 as Amended

In the name of the Arab Palestinian people,

I hereby promulgate the following Law:

CHAPTER ONE: GENERAL PROVISIONS

Article (1)

Scope of Application

This Law shall apply as follows:

i. to all vessels in the Palestinian waters of the Dead Sea;
ii. to all vessels in the territorial sea of Palestine on the Mediterranean Sea
iii. to all vessels registered in Palestine while on the high seas;
iv. to all foreign vessels while in Palestine ports.

5. The Ministry of Transport in writing, can exempt vessels of special construction or purpose from compliance with certain provisions of this Law.

Article (2)

Responsibility and Non-Presumption of Fault

a) Nothing in the provisions of this Law shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply this Law, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

b) In construing and complying with the provisions of this Law, due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from provisions of this Law necessary to avoid immediate danger.

c) In case of collision:

i. a vessel is not taken to be at fault merely because of a contravention of the provisions of this Law; and
ii. the collision is not taken to have been caused by the wrongful act, neglect, or default of a seafarer of a vessel merely because of a contravention of the provisions of this Law.

Article (3)

Definitions

For the purpose of this Law, except where the context otherwise provides,

a) The word 'vessel' includes every description of water craft, including non- displacement craft, WIG craft and seaplanes, used or capable of being used as a means of transportation on water'.

b) The term 'power-driven vessel' means any vessel propelled by machinery.

c) The term 'sailing vessel' means any vessel under sail provided that propelling machinery, if fitted, is not being used.

d) The term 'vessel engaged in fishing' means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict manoeuvrability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict manoeuvrability.

e) The word 'seaplane' includes any aircraft designed to manoeuvre on the water.

f) The term 'vessel not under command' means a vessel which through some exceptional circumstance is unable to manoeuvre as required by these Articles and is therefore unable to keep out of the way of another vessel.

g) The term 'vessel restricted in her ability to manoeuvre' means a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Articles and therefore is unable to keep out of the way of another vessel.

   The term 'vessels restricted in their ability to manoeuvre' shall include but not be limited to:

   i. a vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;
   ii. a vessel engaged in dredging, surveying or underwater operations;
   iii. a vessel engaged in replenishment or transferring persons, provisions or cargo while underway;
   iv. a vessel engaged in the launching or recovery of aircraft;
   v. a vessel engaged in mineclearance operations;
   vi. a vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

h) The term 'vessel constrained by her draught' means a power-driven vessel which because of her draught in relation to the available depth and width of navigable water, is severely restricted in her ability to deviate from the course she is following.

i) The word 'underway' means that a vessel is not at anchor, or made fast to the shore, or aground.

j) The words 'length' and 'breadth' of a vessel mean her length overall and greatest breadth.

k) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.

l) The term 'restricted visibility' means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.

m) The term 'Wing-In-Ground (WIG) craft' means a multimodal craft which, in its main operational mode, flies in close proximity to the surface by utilizing surface- effect action.

n) ‘Ship of war’ means any vessel belonging to the armed forces of a State bearing the external marks distinguishing such vessels of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

o) ‘Vessel registered in Palestine’ means any vessel registered in Palestine in accordance with the Palestinian legislations, which possess the required documents granting it the right to fly the Palestinian flag.

CHAPTER TWO: STEERING AND SAILING

Section I: Conduct of Vessels in any Condition of Visibility

Article (4)

Scope of Application of this Section

This Section applies in any condition of visibility.

Article (5)

Look-out

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

Article (6)

Safe Speed

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed, the following factors shall be among those taken into account:

a) By all vessels:
    i. the state of visibility;
    ii. the traffic density including concentrations of fishing vessels or any other vessels;
    iii. the manoeuvrability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;
    iv. at night the presence of background light such as from shore lights or from back scatter of her own lights;
    v. the state of wind, sea and current, and the proximity of navigational hazards;
    vi. the draught in relation to the available depth of water.
b) Additionally, by vessels with operational radar:
    i. the characteristics, efficiency and limitations of the radar equipment;
    ii. any constraints imposed by the radar range scale in use;
    iii. the effect on radar detection of the sea state, weather and other sources of interference;
    iv. the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;
    v. the number, location and movement of vessels detected by radar;
    vi. the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

Article (7)

Risk of Collision

a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

d) In determining if risk of collision exists the following considerations shall be among those taken into account:

    i. such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

    ii. such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

Article (8)

Action to Avoid Collision

a) Any action to avoid collision shall be taken in accordance with the Articles of this Chapter and shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

b) Any alteration of course and/or speed to avoid collision, shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course and/or speed should be avoided.

c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

e) If necessary to avoid collision or allow more to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

f) Obligation not to impede:

i. a vessel which, by any of these Articles, is required not to impede the passage or safe passage of another vessel shall, when required by the circumstances of the case, take early action to allow sufficient sea room for the safe passage of the other vessel.

ii. a vessel required not to impede the passage or safe passage of another vessel is not relieved of this obligation if approaching the other vessel so as to involve risk of collision and shall, when taking action, have full regard to the action which may be required by the Articles of this part.

iii. a vessel the passage of which is not to be impeded remains fully obliged to comply with the Articles of this Chapter when the two vessels are approaching one another so as to involve risk of collision.

Article (9)

Narrow Channels

a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

b) A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel may use the sound signal prescribed in Article 34(d) if in doubt as to the intention of the crossing vessel.

e)

i. In a narrow channel or fairway when overtaking can take place only if the vessel to be overtaken has to take action to permit safe passing, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Article 34(c)(i). The vessel to be overtaken shall, if in

agreement, sound the appropriate signal prescribed in Article 34(c)(ii) and take steps to permit safe passing. If in doubt she may sound the signals prescribed in Article 34(d). This Article does not relieve the overtaking vessel of her obligation under Article 13.

ii. a vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Article 34(e).

f) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

Article (10)

Traffic Separation Schemes and Sea Lanes

a) This Article applies to traffic separation schemes adopted by the International Maritime Organization and does not relieve any vessel of her obligation under any other provision of this Law.

b) A vessel using a traffic separation scheme shall:

i. proceed in the appropriate traffic lane in the general direction of traffic flow for that lane;

ii. so far as practicable keep clear of a traffic separation line or separation zone;

iii. normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side shall do so at as small an angle to the general direction of traffic flow as practicable.

c) A vessel shall so far as practicable avoid crossing traffic lanes, but if obliged to do so shall cross on a heading as nearly as practicable at right angles to the general direction of traffic flow.

d) Usage of an inshore traffic zone:

i. A vessel shall not use an inshore traffic zone when she can safely use the appropriate traffic lane within the adjacent traffic separation scheme. However, vessels of less than 20 meters in length, sailing vessels and vessels engaged in fishing may use the inshore traffic zone.

ii. Notwithstanding subparagraph (d) (i), a vessel may use an inshore traffic zone when en route to or from a port, offshore installation or structure, pilot

station or any other place situated within the inshore traffic zone, or to avoid immediate danger.

e) A vessel, other than a crossing vessel, or a vessel joining or leaving a lane shall not normally enter a separation zone or cross a separation line except:
   i. in cases of emergency to avoid immediate danger;
   ii. to engage in fishing within a separation zone.

f) A vessel navigating in areas near the terminations of traffic separation schemes shall do so with particular caution.

g) A vessel shall so far as practicable avoid anchoring in a traffic separation scheme or in areas near its terminations.

h) A vessel not using a traffic separation scheme shall avoid it by as wide a margin as is practicable.

i) A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

j) A vessel of less than 20 meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

k) A vessel restricted in her ability to manoeuvre when engaged in an operation for the maintenance of safety of navigation in a traffic separation scheme is exempted from complying with this Article to the extent necessary to carry out the operation.

l) A vessel restricted in her ability to manoeuvre when engaged in an operation for the laying, servicing or picking up of a submarine cable, within a traffic separation scheme, is exempted from complying with this Article to the extent necessary to carry out the operation.

m) The Master of a vessel shall not sail on a voyage unless he is familiar with all the traffic separation schemes adopted by the International Maritime Organization, that the vessel will or might use.

n) Regulations under this Article shall be applicable, to the possible extent, to sea lanes in the territorial sea of Palestine on the Mediterranean Sea, as adopted by the Ministry of Transport, after publication in the Official Gazette.

o) The Ministry of Transport, when necessary, may propose traffic separation schemes to be submitted to the International Maritime Organization for adoption.

Section II: Conduct of Vessels in Sight of One Another

Article (11)

Scope of Application of this Section

This Section applies to vessels in sight of one another.

Article (12)

Sailing Vessels

a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows;
    i. when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;
    ii. when both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;
    iii. if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.
b) For the purposes of this Article the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

Article (13)

Overtaking

a) Notwithstanding anything contained in the Articles of Chapter Two, Sections I and II any vessel overtaking any other shall keep out of the way of the vessel being overtaken.
b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.
c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Articles or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

Article (14)

Head-on Situation

a) Notwithstanding anything contained in the Articles of Chapter Two, Sections I and II any vessel overtaking any other shall keep out When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.
b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night, she could see the masthead lights of the other in a line or nearly in a line and/or both sidelights and by day she observes the corresponding aspect of the other vessel.
c) When a vessel is in any doubt as to whether such a situation exists, she shall assume that it does exist and act accordingly.

Article (15)

Crossing Situation

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

Article (16)

Action by Give-way Vessel

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

Article (17)

Action by Stand-on Vessel

a)

i. where one of two vessels is to keep out of the way the other shall keep her course and speed.

ii. the latter vessel may however take action to avoid collision by her manoeuvre alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Articles.

b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

c) A power-driven vessel which takes action in a crossing situation in accordance with sub-paragraph (a)(ii) of this Article to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

d) This Article does not relieve the give-way vessel of her obligation to keep out of the way.

Article (18)

Responsibilities between Vessels

Except where Articles 9, 10 and 13 otherwise require:

a) A power-driven vessel underway shall keep out of the way of:

i. vessel not under command;

ii. a vessel restricted in her ability to manoeuvre;

iii. vessel engaged in fishing;

iv. a sailing vessel.

b) A sailing vessel underway shall keep out of the way of:

i. a vessel not under command;

ii. a vessel restricted in her ability to manoeuvre;

iii. a vessel engaged in fishing.

c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

   i. a vessel not under command;

   ii. a vessel restricted in her ability to manoeuvre.

d)

   i. any vessel other than a vessel not under command or a vessel restricted in her ability to manoeuvre shall, if the circumstances of the case admit, avoid impeding the safe passage of a vessel constrained by her draught, exhibiting the signals in Article 28.

   ii. a vessel constrained by her draught shall navigate with particular caution having full regard to her special condition.

e) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Articles of this Part.

f)

   i. a WIG craft shall, when taking off, landing and in flight near the surface, keep well clear of all other vessels and avoid impeding their navigation;

   ii. a WIG craft operating on the water surface shall comply with the Articles of this Chapter as a power-driven vessel.

Section III: Conduct of Vessels in Restricted Visibility

Article (19)

Conduct of Vessels in Restricted Visibility

a) This Article applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have engines ready for immediate manoeuvre.

c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the Articles of Section I of this Part.

d) A vessel which detects by radar alone the presence of another vessel shall determine if a close- quarters situation is developing and/or risk of collision exists. If so, she shall

take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

i. an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken;

ii. an alteration of course towards a vessel abeam or abaft the beam.

e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary, take all her way off and in any event navigate with extreme caution until danger of collision is over.

CHAPTER THREE: LIGHTS AND SHAPES

Article (20)

Application

a) This Chapter shall be complied with in all weathers.

b) The Articles concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Articles or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

c) The lights prescribed by these Articles shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

d) The Articles concerning shapes shall be complied with by day.

e) The lights and shapes specified in these Articles shall comply with the provisions of Annex I to this Law.

Article (21)

Definitions

a) 'Masthead light' means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to

show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.

b) 'Sidelights' means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 meters in length the sidelights may be combined in one lantern carried on the fore and aft centreline of the vessel.

c) 'Sternlight' means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

d) 'Towing light' means a yellow light having the same characteristics as the 'sternlight' defined in paragraph(c) of this Article.

e) 'All round light' means a light showing an unbroken light over an arc of the horizon of 360 degrees.

f) 'Flashing light' means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

Article (22)

Visibility of Lights

The lights prescribed in these Articles shall have an intensity as specified in Section 8 Annex I to this Law so as to be visible at the following minimum ranges:

a) In vessels of 50 metres or more in length:
   - a masthead light, 6 miles;
   - a sidelight, 3 miles;
   - a sternlight, 3 miles;
   - a towing light, 3 miles;
   - a white, red, green or yellow all-round light, 3 miles.

b) In vessels of 12 metres or more in length but less than 50 m in length:
   - a masthead light, 5 miles; except that where the length of the vessel is less than 20 meters, 3 miles;
   - a sidelight, 2 miles;
   - a sternlight, 2 miles;

- a towing light, 2 miles;
- a white, red, green or yellow all-round light, 2 miles.

c) In vessels of less than 12 metres in length:
   - a masthead light, 2 miles,
   - a sidelight, 1 mile,
   - a sternlight, 2 miles,
   - a towing light, 2 miles;
   - a white, red, green or yellow all-round light, 2 miles.

d) In inconspicuous, partly submerged vessels or objects being towed; a white all- round light, 3 miles.

Article (23)

Power-driven Vessels underway

a) A power-driven vessel underway shall exhibit:
   i. a masthead light forward;
   ii. a second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 meters in length shall not be obliged to exhibit such light but may do so;
   iii. sidelights;
   iv. a sternlight.

b) An air-cushion vessel when operating in the non-displacement mode shall, in addition to the lights prescribed in paragraph (a) of this Article exhibit an all-round flashing yellow light.

c) A WIG craft only when taking off, landing and in flight near the surface shall, in addition to the lights prescribed in paragraph (a) of this Article, exhibit a high intensity all-round flashing red light.

d)
   i. a power-driven vessel of less than 12 meters in length may in lieu of the lights prescribed in paragraph (a) of this Article exhibit an all-round white light and sidelights:
   ii. a power-driven vessel of less than 7 meters in length whose maximum speed does not exceed 7 knots may in lieu of the lights prescribed in paragraph (a)

of this Article exhibit an all-round white light and shall, if practicable, also exhibit sidelights;

iii. the masthead light or all-round white light on a power-driven vessel of less than 12 meters in length may be displaced from the fore and aft centreline of the vessel if centreline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centreline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

Article (24)

Towing and Pushing

a) A power-driven vessel when towing shall exhibit:
   i. instead of the light prescribed in Article 23(a)(i) or (a)(ii), two masthead lights in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 metres, three such lights in a vertical line;
   ii. sidelights;
   iii. a sternlight;
   iv. a towing light in a vertical line above the sternlight;
   v. when the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in Article 23.

c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:
   i. instead of the light prescribed in Article 23(a)(i) or (a)(ii), two masthead lights in a vertical line;
   ii. sidelights;
   iii. a sternlight.

d) A power-driven vessel to which paragraph (a) or (c) of this Article applies shall also comply with Article 23(a)(ii).

e) A vessel or object being towed, other than those mentioned in paragraph (g) of this Article, shall exhibit:
    i. sidelights;
    ii. a sternlight;
    iii. when the length of the tow exceeds 200 metres, a diamond shape where it can best be seen.

f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel,
    i. a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights;
    ii. a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

g) An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, shall exhibit:
    i. if it is less than 25 metres in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;
    ii. if it is 25 metres or more in breadth, two additional all-round white lights at or near the extremities of its breadth;
    iii. if it exceeds 100 metres in length, additional all-round white lights between the lights prescribed in sub-paragraphs (i) and (ii) so that the distance between the lights shall not exceed 100 metres;
    iv. a diamond shape at or near the after most extremity of the last vessel or object being towed and if the length of the tow exceeds 200 metres an additional diamond shape where it can best be seen and located as far forward as is practicable.

h) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in paragraph (e) or (g) of this Article, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of such vessel or object.

i) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed in paragraph (a) or (c) of this Article, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall

be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by Article 36, in particular by illuminating the towline.

Article (25)

Sailing Vessels underway and Vessels under Oars

a) A sailing vessel underway shall exhibit:
    i. sidelights;
    ii. a sternlight.

b) In a sailing vessel of less than 20 metres in length the lights prescribed in paragraph (a) of this Article may be combined in one lantern carried at or near the top of the mast where it can best be seen.

c) A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this Article, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this Article.

d)
    i. A sailing vessel of less than 7 metres in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this Article, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
    ii. A vessel under oars may exhibit the lights prescribed in this Article for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex down wards.

Article (26)

Fishing Vessels

a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this Article.

b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

   i. two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other;

   ii. a masthead light abaft of and higher than the all-round green light; a vessel of less than 50 metres in length shall not be obliged to exhibit such a light but may do so;

   iii. when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

c) A vessel engaged in fishing, other than trawling, shall exhibit:

   i. two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other;

   ii. when there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear;

   iii. when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

d) The additional signals described in Annex II to these Regulations apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.

e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this Article, but only those prescribed for a vessel of her length.

Article (27)

Vessels not under Command or Restricted in their Ability to Manoeuvre

a) A vessel not under command shall exhibit:

   i. two all-round red lights in a vertical line where they can best be seen;

ii. two balls or similar shapes in a vertical line where they can best be seen;

iii. when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

b) A vessel restricted in her ability to manoeuvre, except a vessel engaged in mineclearance operations, shall exhibit:

i. three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

ii. three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

iii. when making way through the water, a masthead light or lights, sidelights and a sternlight in addition to the lights prescribed in subparagraph (i);

iv. when at anchor, in addition to the lights or shapes prescribed in sub-paragraphs (i) and (ii), the light, lights or shape prescribed in Article 30.

c) A power-driven vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course shall, in addition to the lights or shapes prescribed in Article 24(a), exhibit the lights or shapes prescribed in sub-paragraphs (b)(i) and (ii) of this Article.

d) A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall exhibit the lights and shapes prescribed in sub-paragraphs (b) (i),(ii) and (iii) of this Article and shall in addition, when an obstruction exists, exhibit:

i. two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

ii. two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass;

iii. when at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shape prescribed in Article 30.

e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this Article, the following shall be exhibited:

i. three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

ii. a rigid replica of the International Code flag "A" not less than 1 metre in height. Measures shall be taken to ensure its all-round visibility.

f) A vessel engaged in mineclearance operations shall in addition to the lights prescribed for a power-driven vessel in Article 23 or to the lights or shape prescribed for a vessel at anchor in Article 30 as appropriate, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach within 1000 metres of the mineclearance vessel.

g) Vessels of less than 12 metres in length, except those engaged in diving operations, shall not be required to exhibit the lights and shapes prescribed in this Article.

h) The signals prescribed in this Article are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these Regulations

Article (28)

Vessel Constrained by their Draught

A vessel constrained by her draught may, in addition to the lights prescribed for power-driven vessels in Article 23, exhibit where they can best be seen three all-round red lights in a vertical line, or a cylinder.

Article (29)

Pilot Vessels

a) A vessel engaged on pilotage duty shall exhibit:
   i. at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;
   ii. when underway, in addition, sidelight and a sternlight;
   iii. when at anchor, in addition to the lights prescribed in subparagraph (i), the light, lights or shape prescribed in Article 30 for vessels at anchor.

b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

Article (30)

Anchored Vessels and Vessels aground

a) A vessel at anchor shall exhibit where it can best be seen:
    i. in the fore part, an all-round white light or one ball;
    ii. at or near the stern and at a lower level than the light prescribed in sub-paragraph (i), an all-round white light
b) A vessel of less than 50 metres in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Article.
c) A vessel at anchor may, and a vessel of 100 metres and more in length shall, also use the available working or equivalent lights to illuminate her decks.
d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this Article and in addition, where they can best be seen:
    i. two all-round red lights in a vertical line;
    ii. three balls in a vertical line.
e) A vessel of less than 7 metres in length, when at anchor, not in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a), (b) of this Article.
f) A vessel of less than 12 metres in length, when aground, shall not be required to exhibit the lights or shapes prescribed in sub-paragraphs (d)(i) and (ii) of this Article.

Article (31)

Seaplanes

Where it is impracticable for a seaplane or a WIG craft to exhibit lights and shapes of the characteristics or in the positions prescribed in the Articles of this Chapter, she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

CHAPTER FOUR: SOUND AND LIGHT SIGNALS

Article (32)

Definitions

a) The word 'whistle' means any sound signalling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to this Law.
b) The term 'short blast' means a blast of about one second's duration.
c) The term 'prolonged blast' means a blast of from four to six seconds duration.

Article (33)

Equipment for Sound Signals

a) A vessel of 12 metres or more in length shall be provided with a whistle, a vessel of 20 metres or more in length shall be provided with a bell in addition to a whistle, and a vessel of 100 metres or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specification in Annex III to this Law. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the required signals shall always be possible.
b) A vessel of less than 12 metres in length shall not be obliged to carry the sound signalling appliances prescribed in paragraph (a) of this Article but if she does not, she shall be provided with some other means of making an efficient sound signal.

Article (34)

Manoeuvring and Warning Signals

a) When vessels are in sight of one another, a power-driven vessel underway, when manoeuvring as authorized or required by these Articles, shall indicate that manoeuvre by the following signals on her whistle:
    - one short blast to mean 'I am altering my course to starboard ';
    - two short blasts to mean 'I am altering my course to port ';
    - three short blasts to mean 'I am operating astern propulsion'.

b) Any vessel may supplement the whistle signals prescribed in paragraph (a) of this Article by light signals, repeated as appropriate, whilst the manoeuvre is being carried out:

   i. these light signals shall have the following significance:
      - one flash to mean 'I am altering my course to starboard ';
      - two flashes to mean 'I am altering my course to port ';
      - three flashes to mean 'I am operating astern propulsion';

   ii. the duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

   iii. the light used for these signals shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles and shall comply with the provisions of Annex I to this Law.

c) When in sight of one another in a narrow channel or fairway:

   i. a vessel intending to overtake another shall in compliance with Article 9(e)(i) indicate her intention by the following signals on her whistle:
      - two prolonged blasts followed by one short blast to mean 'I intend to overtake you on your starboard side';
      - two prolonged blasts followed by two short blasts to mean 'I intend to overtake you on your port side';

   ii. the vessel about to be overtaken when acting in accordance with Article 9(e)(i) shall indicate her agreement by the following signal on her whistle:
      - one prolonged, one short, one prolonged and one short blast, in that order.

d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. Such signal may be supplemented by a light signal of at least five short and rapid flashes.

e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. Such signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

f) If whistles are fitted on a vessel at a distance apart of more than 100 metres, one whistle only shall be used for giving manoeuvring and warning signals.

Article (35)

Sound Signals in Restricted Visibility

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Article shall be used as follows:

a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

c) A vessel not under command, a vessel restricted in her ability to manoeuvre, a vessel constrained by her draught, a sailing vessel, a vessel engaged in fishing and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b) of this Article sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.

d) A vessel engaged in fishing, when at anchor, and a vessel restricted in her ability to manoeuvre when carrying out her work at anchor, shall instead of the signals prescribed in paragraph (g) of this Article sound the signal prescribed in paragraph (c) of this Article.

e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Article.

g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 metres or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor

may in addition sound three blasts in succession, namely one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

h) A vessel aground shall give the bell signal and if required the gone signal prescribed in paragraph (g) of this Article and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

i) A vessel of 12 metres or more but less than 20 metres in length shall not be obliged to give the bell signals prescribed in paragraphs (g) and (h) of this Article. However, if she does not, she shall make some other efficient sound signal at intervals of not more than 2 minutes.

j) A vessel of less than 12 metres in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

k) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (g) of this Article sound an identity signal consisting of four short blasts.

Article (36)

Signals to Attract Attention

If necessary to attract the attention of another vessel any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Articles, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel. Any light to attract the attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this Article the use of high intensity intermittent or revolving lights, such as strove lights, shall be avoided.

Article (37)

Distress Signals

When a vessel is in distress and requires assistance, she shall use or exhibit the signals described in Annex IV to this Law.

CHAPTER FIVE: OFFENCES AND PENALTIES

Article (38)

Offences and Penalties

a) If the owner/s and master/s knowingly or carelessly or recklessly operate a vessel or cause or permit another person to operate a vessel in contravention to this Law, each must be punished by imprisonment from 3 months up to 2 years.

b) This Article is without prejudice to the decision of the competent authority in regard to administrative penalties against the vessel, her crew, owner or master, including revocation of licenses and certificates.

c) This Article is without prejudice to the responsibility of the owner/s and master/s towards any damages occurring as a result of the operation prescribed in paragraph (a).

b) This Article is without prejudice to the obligation of the master of a Palestinian vessel, in so far as he can do so without serious danger to the vessel, the crew or the passengers, after a collision, to render assistance to the other vessel, its crew and its passengers and, where possible, to inform the other vessel of the name of his own vessel, its port of registry and the nearest port at which it will call.

CHAPTER SIX: MISCELLANEOUS

Article (39)

Exceptions

Any vessel (or class of vessels) provided that she complies with the requirements of the International Regulations for Preventing Collisions at Sea, 1960, the keel of which is laid or which is at a corresponding stage of construction before the entry into force of this Law may be exempted from compliance therewith as follows:

a) The repositioning of lights as a result of conversion from Imperial to metric units and rounding off measurement figures.

b) The repositioning of masthead lights on vessels of less than 150 meters in length, resulting from the prescriptions of Section 3(a) of Annex I to this Law.

Article (40)

Proof of Compliance

a) Each light, shape, sound-signalling appliance required by the Law to be carried or exhibited on a vessel, shall have a proof of compliance stating that the light, shape, sound-signalling appliance meets the standards as provided in this Law, including its annexes.

b) The proof of compliance shall be in the form of

i. a document that is carried on board the vessel in a readily accessible location; or

ii. a label that is securely affixed, in a readily visible location, to the light, shape, sound-signalling appliance or radar reflector.

c) A proof of compliance issued in a language other than Arabic or English shall be accompanied by an Arabic or English translation.

d) The proof of compliance shall be issued by

i. The Palestinian government; or

ii. A classification society recognized by the government of Palestine; or

iii. a government that is a Contracting State to the Convention on the International Regulations for Preventing Collisions at Sea, 1972 as amended; or

iv. a classification society recognized by a government referred to in paragraph (iii) above; or

v. an independent testing establishment recognized by the Minister or by a government referred to in paragraph (iii).

e) No vessel shall be registered or licenced in Palestine, unless it provides appropriate proofs of compliance as required by this Law.

Article (41)

Inspection

Port State Control Officers, as appointed by the Sea Port Authority, under the Ministry of Transportation shall have the power, to inspect vessels' compliance with the provisions of this Law, and take the appropriate actions to ensure compliance with the provisions of this Law, including the power to prevent such vessels from sailing until they can proceed to sea or leave port for the purpose of proceeding to the appropriate repair yad without danger to the vessel or person on board.

Article (42)

Subsidiary Legislations

The Minister of Transport, where necessary, shall have the authority to adopt any subsidiary legislations under this Law.

Article (43)

International Maritime Organization Audit Scheme

The Minister of Transport shall, to the extent possible, facilitate the audit scheme conducted by the International Maritime Organization.

CHAPTER SEVEN: FINAL PROVISIONS

Article (44)

Provisions in contradiction of this Law

Any existing legal provision which contradicts the provisions of this Law shall be repealed.

Article (45)

Implementation and Entry into Force

All the parties concerned, each one within its sphere of jurisdiction, shall implement the provisions of this Law which shall enter into force on the day of its publication in the Official Gazette.

Article (46)

Annexes

The annexes attached thereto shall constitute an integral part of this Law.

Promulgated at East Jerusalem on 11 December 2021 *Anno Domini*

Corresponding to 7 Jumada Al-Awwal 1443 *Anno Hegira*

Name

President of the State of Palestine

The Chairman of the Executive Committee of the Palestine Liberation Organisation

ANNEX I

POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

1. Definition

The term 'height above the hull' means height above the uppermost continuous deck. This height shall be measured from the position vertically beneath the location of the light.

2. Vertical positioning and spacing of lights

a) On a power-driven vessel of 20 metres or more in length the masthead lights shall be placed as follows:
    i. the forward masthead light, or if only one masthead light is carried, then that light, at a height above the hull of not less than 6 meters, and, if the breadth of the vessel exceeds 6 meters, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 12 metres;
    ii. when two masthead lights are carried the after one shall be at least 4.5 metres vertically higher than the forward one.

b) The vertical separation of mastheadlights of power-driven vessels shall be such that in all normal conditions of trim the after light will be seen over and separate from the forward light at a distance of 1,000 meters from the stem when viewed from sea level.

c) The masthead light of a power-driven vessel of 12 metres but less than 20 metres in length shall be placed at a height above the gunwale of not less than 2.5 metres.

d) A power-driven vessel of less than 12 metres in length may carry the uppermost light at a height of less than 2.5 metres above the gunwale. When however, a masthead light is carried in addition to sidelights and a sternlight or the all-round light prescribed in Article 23(c) (i) is carried in addition to sidelights, then such masthead light or all-round light shall be carried at least 1 metre higher than the sidelights.

e) One of the two or three masthead lights prescribed for a power-driven vessel when engaged in towing or pushing another vessel shall be placed in the same position as either the forward masthead light or the after masthead light: provided that, if carried

on the aftermast, the lowest after masthead light shall be at least 4.5 metres vertically higher than the forward masthead light.

f)

i. The masthead lights prescribed in Article 23(a) shall be so placed as to be above and clear of all other lights and obstructions except as described in sub- paragraph (ii)

ii. When it is impracticable to carry the all-round lights prescribed by Article 27(b)(i) or Article 28 below the masthead lights, they may be carried above the after masthead light(s) or vertically in between the forward masthead light(s) and after masthead light(s), provided that in the latter case the requirement of Section 3(c) of this Annex shall be complied with.

g) The sidelights of a power-driven vessel shall be placed at a height above the hull not greater than three quarters of that of the forward masthead light. They shall not be so low as to be interfered with by deck lights.

h) The sidelights, if in a combined lantern and carried on a power-driven vessel of less than 20 metres in length, shall be placed not less than 1 metre below the masthead light.

i) When the Articles prescribe two or three lights to be carried in a vertical line, they shall be spaced as follows:

i. on a vessel of 20 metres in length or more such lights shall be spaced not less than 2 metres apart, and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 4 m above the hull;

ii. on a vessel of less than 20 metres in length such lights shall be spaced not less than 1 metre apart and the lowest of these lights shall, except where a towing light is required, be placed at a height of not less than 2 metres above the gunwale.

iii. when three lights are carried, they shall be equally spaced.

j) The lower of the two all-round lights prescribed for a vessel when engaged in fishing shall be at a height above the sidelights not less than twice the distance between the two vertical lights.

k) The forward anchor light prescribed in Article 30(a)(i), when two are carried, shall not be less than 4.5 metres above the after one. On a vessel of 50 metres or more in length

this forward anchor light shall be placed at a height of not less than 6 metres above the hull.

3. Horizontal positioning and spacing of lights

a) When two masthead lights are prescribed for a power-driven vessel, the horizontal distance between them shall not be less than one half of the length of the vessel but need not be more than 100 m. The forward light shall be placed not more than one quarter of the length of the vessel from the stem.

b) On a power-driven vessel of 20 m or more in length the sidelights shall not be placed in front of the forward masthead lights. They shall be placed at or near the side of the vessel.

c) When the lights prescribed in Article 27(b)(i) or Article 28 are placed vertically between the forward masthead light(s) and the after masthead light(s) these all-round lights shall be placed at a horizontal distance of not less than 2 m from the fore and after centreline of the vessel in the athwartship direction.

d) When only one masthead light is prescribed for a power driven vessel, this light shall be exhibited forward of amidships; except that a vessel of less than 20 m in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable.

4. Details of location of direction-indicating lights for fishing vessels, dredgers and vessels engaged in underwater operations

a) The light indicating the direction of the outlying gear from a vessel engaged in fishing as prescribed in Article 26(c)(ii) shall be placed at a horizontal distance of not less than 2 metres and not more than 6 metres away from the two all-round red and white lights. This light shall be placed not higher than the all-round white light prescribed in Article 26(c)(i) and not lower than the sidelights.

b) The lights and shapes on a vessel engaged in dredging or underwater operations to indicate the obstructed side and/or the side on which it is safe to pass, as prescribed in Article 27(d)(i) and (ii), shall be placed at the maximum practical horizontal distance, but in no case less than 2 metres, from the lights or shapes prescribed in Article 27(b)(i) and (ii). In no case shall the upper of these lights or shapes be at a greater height than the lower of the three lights or shapes prescribed in Article 27(b)(i) and (ii).

5. Screens for sidelights

The sidelights of vessels of 20 metres or more in length shall be fitted with inboard screens painted matt black, and meeting the requirements of Section 9 of this Annex. On vessels of less than 20metres in length the sidelights, if necessary to meet the requirements of Section 9 of this Annex, shall be fitted with inboard matt black screens. With a combined lantern, using a single vertical filament and a very narrow division between the green and red sections, external screens need not be fitted.

6. Shapes

a) Shapes shall be black and of the following sizes:
    i. a ball shall have a diameter of not less than 0.6 metre;
    ii. a cone shall have a base diameter of not less than 0.6 metre and a height equal to its diameter;
    iii. a cylinder shall have a diameter of at least 0.6 metre and a height of twice its diameter;
    iv. a diamond shape shall consist of two cones as defined in (ii) above having a common base.
b) The vertical distance between shapes shall be at least 1.5 metres.
c) In a vessel of less than 20 metres in length shapes of lesser dimensions but commensurate with the size of the vessel may be used and the distance apart may be correspondingly reduced.

7. Colour specification of lights

The chromaticity of all navigation lights shall conform to the following standards, which lie within the boundaries of the area of the diagram specified for each colour by the International Commission on Illumination (CIE).

The boundaries of the area for each colour are given by indicating the corner co- ordinates, which are as follows;

i. White

x 0.525 0.525 0.452 0.310 0.310 0.443

y 0.382 0.440 0.440 0.348 0.283 0.382

ii. Green

x 0.028 0.009 0.300 0.203

y 0.385 0.723 0.511 0.356

iii. Red

x 0.680 0.660 0.735 0.721

y 0.320 0.320 0.265 0.259

iv. Yellow

x 0.612 0.618 0.575 0.575

y 0.382 0.382 0.425 0.406

8. Intensity of lights

a) The minimum luminous intensity of lights shall be calculated by using the formula:

$I = 3.43 \times 10^{6} \times T \times D^{2} \times K^{-D}$

where I is luminous intensity in candelas under service conditions,

T is threshold factor 2×10^{-7} lux,

D is range of visibility (luminous range) of the light in nautical miles,

K is atmospheric transmissivity.

For prescribed lights the value of K shall be 0.8, corresponding to a meteorological visibility of approximately 13 nautical miles.

b) A selection of figures derived from the formula is given in the following table:

Range of visibility (luminous range) of light in nautical miles	**Luminous intensity of light in candelas for K = 0.8**
D	**I**
1	0.9
2	4.3
3	12
4	27
5	52
6	94

NOTE: The maximum luminous intensity of navigation lights should be limited to avoid undue glare. Also, this shall not be achieved by a variable control of the luminous intensity.

9. Horizontal sectors

a)

i. In the forward direction, sidelights as fitted on the vessel shall show the minimum required intensities. The intensities must decrease to reach practical cut-off between 1 degree and 3 degrees outside the prescribed sectors.

ii. For sternlights and masthead lights and at 22.5 degrees abaft the beam for sidelights, the minimum required intensities shall be maintained over the arc of the horizon up to 5 degrees within the limits of the sectors prescribed in Article 21. From 5 degrees within the prescribed sectors the intensity may decrease by 50 percent up to the prescribed limits; it shall decrease steadily to reach practical cut-off at not more than 5 degrees outside the prescribed sectors.

b)

i. All-round lights shall be so located as not to be obscured by masts, topmasts or structures within angular sectors of more than 6 degrees,

except anchor lights prescribed in Article 30, which need not be placed at an impracticable height above the hull.

ii. If it is impracticable to comply with paragraph (b)(i) of this section by exhibiting only one all-round light, two all-round lights shall be used suitably positioned or screened so that they appear, as far as practicable, as one light at a distance of one mile.

10. Vertical sectors

a) The vertical sectors of electric lights as fitted, with the exception of lights on sailing vessels underway shall ensure that:
   i. at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;
   ii. at least 60 per cent of the required minimum intensity is maintained from 7.5 degrees above to 7.5 degrees below the horizontal.

b) In the case of sailing vessels underway the vertical sectors of electric lights as fitted shall ensure that:
   i. at least the required minimum intensity is maintained at all angles from 5 degrees above to 5 degrees below the horizontal;
   ii. at least 50 per cent of the required minimum intensity is maintained from 25 degrees above to 25 degrees below the horizontal.

c) In the case of lights other than electric these specifications shall be met as closely as possible.

11. Intensity of non-electric lights

Non-electric lights shall so far as practicable comply with the minimum intensities, as specified in the Table given in Section 8 of this Annex.

12. Manoeuvring light

Notwithstanding the provisions of paragraph 2(f) of this Annex the manoeuvring light described in Article 34(b) shall be placed in the same fore and aft vertical plane as the masthead light or lights and, where practicable, at a minimum height of 2 metres vertically above the

forward masthead light, provided that it shall be carried not less than 2 meters vertically above or below the after masthead light. On a vessel where only one masthead light is carried the manoeuvring light, if fitted, shall be carried where it can best be seen, not less than 2 metres vertically apart from the masthead light.

13. High Speed Craft

In reference to the International Code of Safety for High-Speed Craft, 1994 and the International Code of Safety for High-Speed Craft, 2000.

a) The masthead light of high-speed craft may be placed at a height related to the breadth of the craft lower than that prescribed in paragraph 2(a)(i) of this annex, provided that the base angle of the isosceles triangles formed by the sidelights and masthead light, when seen in end elevation, is not less than 27 degrees.
b) On high-speed craft of 50 metres or more in length, the vertical separation between foremast and mainmast light of 4.5 metres required by paragraph 2(a)(ii) of

this annex may be modified provided that such distance shall not be less than the value determined by the following formula:

$$y = \frac{(a + 17\psi)C}{1000} + 2$$

where:

y is the height of the mainmast light above the fore mast light in metres;

a is the height of the foremast light above the water surface in service condition in metres;

Ψ is the trim in service condition in degrees;

C is the horizontal separation of masthead lights in metres.

14. Approval

The construction of lanterns and shapes and the installation of lanterns on board the vessel shall be to the satisfaction of the appropriate authority of the State whose flag the vessel is entitled to fly.

ANNEX II

ADDITIONAL SIGNALS FOR FISHING VESSELS FISHING IN CLOSE PROXIMITY

1. General

The lights mentioned herein shall, if exhibited in pursuance of Article 26(d), be placed where they can best be seen. They shall be at least 0.9 metre apart but at a lower level than lights prescribed in Article 26(b)(i) and (c)(i). The lights shall be visible all round the horizon at a distance of at least 1 mile but at a lesser distance than the lights prescribed by these Articles for fishing vessels.

2. Signals for trawlers

a) Vessels of 20 m of more in length when engaged in trawling, whether using demersal or pelagic gear shall exhibit:
    i. when shooting their nets: two white lights in a vertical line;
    ii. when hauling their nets: one white light over one red light in a vertical line;
    iii. when the net has come fast upon an obstruction: two red lights in a vertical line.

b) Each vessel of 20 m or more in length engaged in pair trawling shall exhibit:
    i. by night, a searchlight directed forward and in the direction of the other vessel of the pair;
    ii. when shooting or hauling their nets or when their nets have come fast upon an obstruction, the lights prescribed in 2(a) above.

c) A vessel of less than 20 m in length engaged in trawling, whether using demersal or pelagic gear or engaged in pair trawling, may exhibit the lights prescribed in paragraphs (a) or (b) of this section, as appropriate.

3. Signals for purse seiners

Vessels engaged in fishing with purse seine gear may exhibit two yellow lights in a vertical line. These lights shall flash alternately every second and with equal light and occultation duration. These lights may be exhibited only when the vessel is hampered by its fishing gear.

ANNEX III

TECHNICAL DETAILS OF SOUND SIGNAL APPLIANCES

1. Whistles

a) Frequencies and range of audibility.

The fundamental frequency of the signal shall lie within the range 70-700Hz. The range of audibility of the signal from a whistle shall be determined by those frequencies, which may include the fundamental and/or one or more higher frequencies, which lie within the range 180-700Hz (+/-1%) for a vessel of 20 metres or more in length, or 180-2100Hz (+/-1%) for a vessel of less than 20 metres in length and which provide the sound pressure levels specified in paragraph 1(c) below.

b) Limits of fundamental frequencies.

To ensure a wide variety of whistle characteristics, the fundamental frequency of a whistle shall be between the following limits:

i. 70 - 200 Hz, for a vessel 200 metres or more in length;

ii. 130 - 350 Hz, for a vessel 75 metres but less than 200 metres in length;

iii. 250 - 700 Hz, for a vessel less than 75 metres in length.

c) Sound signal intensity and range of audibility.

A whistle fitted in a vessel shall provide, in the direction of maximum. intensity of the whistle and at a distance of 1 metre from it, a sound pressure level in at least one 1/3rd-octave band within the range of frequencies 180-700Hz (+/-1%) for a vessel of 20 metres or more in length, or 180-2100Hz (+/-1%) for a vessel of less than 20 metres in length, of not less than the appropriate figure given in the table below.

Length of vessel in metres	1/3rd-octave band level at 1 metre in dB referred to 2 x 10^{-5} N/m^2	Audibility range in nautical miles
200 or more	143	2
75 but less than 200	138	1.5
20 but less than 75	130	1
Less than 20	120*	0.5
	115**	
	111***	

* When the measured frequencies lie within the range 180-450Hz

** When the measured frequencies lie within the range 450-800Hz

*** When the measure frequencies lie within the range 800-2100Hz

d) Directional properties.

The sound pressure level of a directional whistle shall be not more than 4 dB below the prescribed sound pressure level on the axis at any direction in the horizontal plane within ±45 degrees of the axis. The sound pressure level at any other direction in the horizontal plane shall be not more than 10 dB below the prescribed sound pressure level on the axis, so that the range in any direction will be at least half the range on the forward axis. The sound pressure level shall be measured in that 1/3rd-octave band which determines the audibility range.

e) Positioning of whistles.

When a directional whistle is to be used as the only whistle on a vessel, it shall be installed with its maximum intensity directed straight ahead.

A whistle shall be placed as high as practicable on a vessel, in order to reduce interception of the emitted sound by obstructions and also to minimize hearing damage risk to personnel. The sound pressure level of the vessel's own signal at listening posts shall not exceed 110 dB (A) and so far as practicable should not exceed 100 dB (A).

f) Fitting of more than one whistle.

If whistles are fitted at a distance apart of more than 100 m, it shall be so arranged that they are not sounded simultaneously.

g) Combined whistle systems.

If due to the presence of obstructions the sound field of a single whistle or of one of the whistles referred to in paragraph 1(f) above is likely to have a zone of greatly reduced signal level, it is recommended that a combined whistle system be fitted so as to overcome this reduction. For the purposes of the Articles a combined whistle system is to be regarded as a single whistle. The whistles of a combined system shall be located at a distance apart of not more than 100metres and arranged to be sounded simultaneously. The frequency of any one whistle shall differ from those of the others by at least 10 Hz

2. Bell or gong

a) Intensity of signal

A bell or gong, or other device having similar sound characteristics shall produce a sound pressure level of not less than 110 dB at a distance of 1 metre from it.

b) Construction

Bells and gongs shall be made of corrosion-resistant material and designed to give a clear tone. The diameter of the mouth of the bell shall be not less than 300 mm for vessels of 20 metres or more in length. Where practicable, a power-driven bell striker is recommended to ensure constant force but manual operation shall be possible. The mass of the striker shall be not less than 3 per cent of the mass of the bell.

3. Approvals

The construction of sound signal appliances, their performance and their installation on board the vessel shall be to the satisfaction of the appropriate authority of the State whose flag the vessel is entitled to fly.

ANNEX IV

DISTRESS SIGNALS

1. The following signals, used or exhibited either together or separately, indicate distress and need of assistance:
    a) a gun or other explosive signal fired at intervals of about a minute;
    b) a continuous sounding with any fog-signalling apparatus;
    c) rockets or shells, throwing red stars fired one at a time at short intervals;
    d) a signal made by radiotelegraphy or by any other signalling method consisting of the group ...---... (SOS) in the Morse Code;
    e) a signal sent by radiotelephony consisting of the spoken word "Mayday";
    f) the International Code Signal of distress indicated by N. C.;
    g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
    h) flames on the vessel (as from a burning tar barrel, oil barrel, etc.);
    i) a rocket parachute flare or a hand flare showing a red light;
    j) a smoke signal giving off orange-coloured smoke;
    k) slowly and repeatedly raising and lowering arms outstretched to each side;
    l) a distress alert by means of digital selective calling (DSC) transmitted on:
        i. VHF channel 70, or
        ii. MF/HF on the frequencies 2187.5 kHz, 8414.5 kHz, 4207.5 kHz, 6312 kHz, 12577 kHz or 16804.5 kHz;
    m) a ship-to-shore distress alert transmitted by the ship’s Inmarsat or other mobile satellite service provider ship earth station;
    n) signals transmitted by emergency position-indicating radio beacons.
    o) approved signals transmitted by radiocommunication systems, including survival craft radar transponders.
2. The use or exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.
3. Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

a) a piece of orange-coloured canvas with either a black square and circle or other appropriate symbol (for identification from the air);
b) a dye marker.