



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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PRESIDENT'S OFFICE

No. 942. 18 July 1997

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 23 of 1997: Shipping General Amendment Act, 1997.

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KANTOOR VAN DIE PRESIDENT

No. 942. 18 Julie 1997

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 23 van 1997: Algemene Wysigingswet op Skeepvaart, 1997.

**GENERAL EXPLANATORY NOTE:**

[                      ] Words in bold type in square brackets indicate omissions from existing enactments.

                     Words underlined with a solid line indicate insertions in existing enactments.

## ACT

To amend the Merchant Shipping Act, 1951, so as to insert certain definitions, to amend others and to delete others; to further regulate occupational safety in relation to vessels; to further regulate the powers of certain officers and courts; to delete or replace certain obsolete expressions and references; to further regulate the reporting of and investigation into casualties and accidents on vessels; to further regulate the making of regulations by the Minister of Transport; to amend the text; and to repeal the Third, Fourth and Sixth Schedules to the said Act; to amend the Marine Traffic Act, 1981, so as to insert two definitions, amend one and replace ten; to provide anew for offences in respect of offshore installations; to empower the said Minister to determine safety zones for certain offshore installations; to delete certain obsolete expressions; to make other provision in respect of certain penalties; to further regulate the making of regulations by the said Minister; to make other provision in relation to court jurisdiction; and to extend the application of the said Act to the Prince Edward Islands; to amend the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, so as to insert certain definitions, to amend others, and to delete others; to make other provision for the control of operational discharges of oil and oily mixtures from ships and offshore installations; to extend certain powers and functions in relation to the prevention and combating of pollution of the sea by oil to other harmful substances; to make other provision in relation to court jurisdiction; to further regulate the making of regulations by the said Minister; to increase the maximum amount of fines that may be imposed for a contravention of the said Act; to extend the application of the said Act to the Prince Edward Islands; and to replace certain obsolete expressions and references; to amend the Carriage of Goods by Sea Act, 1986, so as to give effect to the Protocol of 1979 to amend the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading 1924, as amended by the Protocol of 1968; and to extend the application of the said Act to the Prince Edward Islands; to amend the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, so as to insert a certain definition, to amend another and to delete another; to give effect to the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil 1973, as amended by MEPC.49(31); to regulate anew the application and interpretation of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969 and the said Protocol; to regulate anew the making of regulations by the said Minister; to increase the maximum penalties for which may be provided by regulation; to make other provision in relation to court jurisdiction; and to extend the application of the said Act to the Prince Edward Islands; and to amend the

**ALGEMENE VERDUIDELIKENDE NOTA:**

[ ] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WET

Tot wysiging van die Handelskeepvaartwet, 1951, ten einde sekere omskrywings in te voeg, ander te wysig en ander te skrap; beroepsveiligheid met betrekking tot vaartuie verder te reël; die bevoegdhede van sekere beamptes en howe verder te reël; sekere verouderde uitdrukkings en verwysings te skrap of te vervang; die rapportering en ondersoek van ongevallen en ongelukke op vaartuie verder te reël; die uitvaardiging van regulasies deur die Minister van Vervoer verder te reël; die teks te verbeter; en die Derde, Vierde en Sesde Bylaes by genoemde Wet te herroep; tot wysiging van die Wet op Seeverkeer, 1981, ten einde twee omskrywings in te voeg, een te wysig en tien te vervang; opnuut vir misdrywe ten opsigte van see-installasies voorsiening te maak; genoemde Minister te magtig om veiligheidsones vir sekere see-installasies te bepaal; sekere verouderde uitdrukkings te skrap; ander voorsiening te maak ten opsigte van sekere strafbepalings; die uitvaardiging van regulasies deur genoemde Minister verder te reël; ander voorsiening te maak met betrekking tot regsbevoegdheid van howe; en die toepassing van genoemde Wet na die Prince Edward-eilande uit te brei; tot wysiging van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, ten einde sekere omskrywings in te voeg, ander te wysig en ander te skrap; ander voorsiening te maak vir die beheer oor operasionele uitlatings van olie en olie-mengsels uit skepe en see-installasies; sekere bevoegdhede en werksaamhede met betrekking tot die voorkoming en bestryding van besoedeling van die see deur olie na ander skadelike stowwe uit te brei; ander voorsiening te maak met betrekking tot regsbevoegdheid van howe; die uitvaardiging van regulasies deur genoemde Minister verder te reël; die maksimum bedrag van boetes wat by 'n oortreding van genoemde Wet opgelê kan word, te verhoog; die toepassing van genoemde Wet na die Prince Edward-eilande uit te brei; en sekere verouderde uitdrukkings en verwysings te vervang; tot wysiging van die Wet op Goederevervoer oor See, 1986, ten einde gevolg te gee aan die "Protocol of 1979 to amend the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading 1924, as amended by the Protocol of 1968"; en die toepassing van genoemde Wet na die Prince Edward-eilande uit te brei; tot wysiging van die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevallen wat Lei tot Oliebesoedeling, 1987, ten einde 'n sekere omskrywing in te voeg, 'n ander te wysig en 'n ander te skrap; gevolg te gee aan die "Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil 1973", soos deur MEPC.49(31) gewysig; die toepassing en uitleg van die "International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969" en genoemde Protokol opnuut te reël; die uitvaardiging van regulasies deur genoemde Minister opnuut te reël; die maksimum strawwe wat by regulasie voorgeskryf kan word, te verhoog; ander voorsiening te maak met betrekking tot regsbevoegdheid van howe; en die toepassing van genoemde Wet na die Prince Edward-eilande uit te brei; en tot wysiging van die Wet op Maritieme Sones, 1994,

**Maritime Zones Act, 1994, so as to amend a certain definition; and to provide for matters connected therewith.**

*(English text signed by the President.)  
(Assented to 2 July 1997.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

### CONTENTS OF ACT

Sections 1—18:	Amendment of Merchant Shipping Act, 1951	5
Sections 19—26:	Amendment of Marine Traffic Act, 1981	
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Sections 51—58 and Schedule 2:	Amendment of International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987	
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**Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959, section 31 of Act 69 of 1962, section 1 of Act 40 of 1963, section 1 of Act 13 of 1965, section 1 of Act 42 of 1969, section 1 of Act 24 of 1974, section 1 of Act 5 of 1976, section 1 of Act 3 of 1981, section 1 of Act 3 of 1982, section 1 of Act 25 of 1985, section 1 of Act 18 of 1992 and section 1 of Act 16 of 1995** 20

1. Section 2 of the Merchant Shipping Act, 1951, is hereby amended—

- (a) by the substitution in subsection (1) for the definitions of “cargo ship safety construction certificate” and “cargo ship safety equipment certificate” of the following definitions, respectively:
  - “ ‘cargo ship safety construction certificate’ means such a certificate, 25  
issued in conformity with the Safety Convention under subparagraph (a)  
of paragraph (1) or (2) of section 193, or deemed in accordance with the  
provisions of section 202(1)(b) to have been so issued;
  - ‘cargo ship safety equipment certificate’ means such a certificate, issued 30  
in conformity with the Safety Convention under subparagraph (b) of  
paragraph (1) or (2) of section 193, or deemed in accordance with the  
provisions of section 202(1)(b) to have been so issued;”;
- (b) by the insertion in subsection (1) after the definition of “cargo ship safety equipment certificate” of the following definition:
  - “ ‘cargo ship safety radio certificate’ means such a certificate, issued in 35  
conformity with the Safety Convention under subparagraph (b) of  
paragraph (3) or (4) of section 193, or deemed in accordance with the  
provisions of section 202(1)(b) to have been so issued;”;
- (c) by the deletion in subsection (1) of the definitions of “cargo ship safety radiotelegraphy certificate” and “cargo ship safety radiotelephony certi- 40  
cate”;



ten einde 'n sekere omskrywing te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 2 Julie 1997.)*

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

### INHOUD VAN WET

- |    |                 |   |
|----|-----------------|---|
| 5  | Artikels 1—18:  | Wysiging van Handelskeepvaartwet, 1951  |
|    | Artikels 19—26: | Wysiging van Wet op Seeverkeer, 1981  |
|    | Artikels 27—47: | Wysiging van Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981    |
|    | Artikels 48—50  | Wysiging van Wet op Goederevervoer Oor See, 1986  |
| 10 | en Bylae 1:     |   |
|    | Artikels 51—58  | Wysiging van Wet op die Internasionale Konvensie  |
|    | en Bylae 2:     | Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987 |
|    | Artikel 59:     | Wysiging van Wet op Maritieme Sones, 1994   |
| 15 | Artikel 60:     | Kort titel en inwerkingtreding  |

Wysiging van artikel 2 van Wet 57 van 1951, soos gewysig deur artikel 3 van Wet 30 van 1959, artikel 31 van Wet 69 van 1962, artikel 1 van Wet 40 van 1963, artikel 1 van Wet 13 van 1965, artikel 1 van Wet 42 van 1969, artikel 1 van Wet 24 van 1974, artikel 1 van Wet 5 van 1976, artikel 1 van Wet 3 van 1981, artikel 1 van Wet 20 3 van 1982, artikel 1 van Wet 25 van 1985, artikel 1 van Wet 18 van 1992 en artikel 1 van Wet 16 van 1995

1. Artikel 2 van die Handelskeepvaartwet, 1951, word hierby gewysig—
  - (a) deur in subartikel (1) die volgende omskrywing na die omskrywing van “algemene veiligheidsertifikaat” in te voeg:
 

25 “‘bedreiging’ ’n bron van of blootstelling aan gevaar;”;
  - (b) deur in subartikel (1) die omskrywing van “beroepsveiligheid” deur die volgende omskrywing te vervang:
 

30 “‘beroepsveiligheid’ die veiligheid van enige werknemer [aan boord van] wat op of in ’n skip werk en terwyl hy aan boord gaan of afstap van die skip;”;
  - (c) deur in subartikel (1) die omskrywing van “dinamies gesteunde vaartuig” deur die volgende omskrywing te vervang:
 

35 “‘dinamies gesteunde vaartuig’ enige lugkussingvoertuig, sywandvaartuig, skeerboot of [enige] ander [voorgeskrewe] soortgelyke vaartuig wat slegs of hoofsaaklik gebruik word vir [vervoer of enige ander doel op of bo die oppervlak van] navigasie op water;”;
  - (d) deur in subartikel (1) die omskrywing van “gevaarlike goedere” deur die volgende omskrywing te vervang:
 

40 “‘gevaarlike goedere’ goedere wat vanweë hul aard, hoeveelheid of manier van berging óf afsonderlik óf gesamentlik geneig is om die lewens of die gesondheid van mense op of naby die skip in gevaar te stel of om die skip in gevaar te bring, en omvat dit alle stowwe inbegrepe by ‘ontplofbare stowwe’ soos gebesig in die Wet op Ontploffbare Stowwe, 1956 (Wet No. 26 van 1956), en enige ander goedere wat [die Minister by kennisgewing in die Staatskoerant] in die regulasies as gevaarlike goedere [mag aandui] aangedui word;”;

45

- (d) by the substitution in subsection (1) for the definitions of “country to which the Load Line Convention applies” and “country to which the Safety Convention applies” of the following definitions, respectively:
- “ ‘country to which the Load Line Convention applies’ means a country in respect of which the Load Line Convention is for the time being in force, and includes any territory to which the said Convention applies in accordance with the relative Article thereof;
- ‘country to which the Safety Convention applies’ means a country in respect of which the Safety Convention is for the time being in force;”;
- (e) by the substitution in subsection (1) for the definition of “dangerous goods” of the following definition:
- “ ‘dangerous goods’ means goods which by reason of their nature, quantity or mode of stowage, are either singly or collectively liable to endanger the lives or health of persons on or near the ship or to imperil the ship, and includes all substances within the meaning of the expression ‘explosives’ as used in the Explosives Act, 1956 (Act No. 26 of 1956), and any other goods **[which the Minister by notice in the Gazette may specify]** specified in the regulations as dangerous goods;”;
- (f) by the substitution in subsection (1) for the definition of “dynamically supported craft” of the following definition:
- “ ‘dynamically supported craft’ means any air-cushion vehicle, sidewall craft, hydrofoil boat, or **[any]** other **[prescribed]** similar craft, used **[for transportation or for any other purpose on or above the surface of]** wholly or principally in navigation by water;”;
- (g) by the substitution in subsection (1) for the definition of “exemption certificate” of the following definition:
- “ ‘exemption certificate’ means such a certificate, issued in conformity with the Safety Convention under paragraph (c) of section 192, subparagraph (a) or (b) of paragraph (2) or subparagraph (a) of paragraph (4) of section 193, or deemed in accordance with the provisions of section 202(1)(a) or (b) to have been so issued;”;
- (h) by the insertion in subsection (1) after the definition of “goods” of the following definition:
- “ ‘hazard’ means a source of or exposure to danger;”;
- (i) by the substitution in subsection (1) for the definition of “International Collision Regulations Convention” of the following definition:
- “ ‘International Collision Regulations Convention’ means the **[convention set out in the Third Schedule to this Act]** Convention on the International Regulations for Preventing Collisions at Sea done at London on 20 October 1972, as modified by any amendment made under Article VI of that Convention that has entered into force for the Republic;”;
- (j) by the substitution in subsection (1) for the definitions of “international load line certificate” and “international load line exemption certificate” of the following definitions, respectively:
- “ ‘international load line certificate’ means such a certificate, issued in conformity with the Load Line Convention under paragraph (i) of section 207, or deemed in accordance with the provisions of section 215(1) to have been so issued, and includes an international load line exemption certificate;
- ‘international load line exemption certificate’ means such a certificate issued in conformity with the Load Line Convention under section 204(1)(a);”;
- (k) by the substitution in subsection (1) for the definition of “Load Line Convention” of the following definition:
- “ ‘Load Line Convention’ means the International Convention on Load Lines done at London on 5 April 1966, as modified by any amendment made under Article 29 of that Convention that has entered into force for the Republic;”;
- (l) by the substitution in subsection (1) for the definition of “nautical mile” of the following definition:
- “ ‘nautical mile’ means a distance of 1 852 metres; and ‘mile’ has a corresponding meaning;”;

- (e) deur in subartikel (1) die omskrywing van “houtvragregulasies” deur die volgende omskrywing te vervang:  
 “ ‘houtvragregulasies’ die regulasies wat kragtens **[paragraaf (c) van sub-artikel (2) van artikel driehonderd ses-en-vyftig]** artikel 356(2)(a) uitgevaardig is om gevolg te gee aan die toepaslike bepalings van die **[Laslynkonvensie]** Veiligheidskonvensie, of sodanige regulasies soos toegepas kragtens subartikel (3) van artikel **[driehonderd ses-en-vyftig]** 356;”;
- (f) deur in subartikel (1) die omskrywing van “internasionale laslynsertifikaat” deur die volgende omskrywing te vervang:  
 “ ‘internasionale laslynsertifikaat’ so ’n sertifikaat uitgereik ooreenkomstig die Laslynkonvensie kragtens paragraaf (i) van artikel 207, of wat ooreenkomstig die bepalings van artikel 215(1) geag word aldus uitgereik te gewees het, en ook ’n internasionale laslynvrystellingsertifikaat;”;
- (g) deur in subartikel (1) die omskrywing van “internasionale laslynvrystellingsertifikaat” deur die volgende omskrywing te vervang:  
 “ ‘internasionale laslynvrystellingsertifikaat’ so ’n sertifikaat uitgereik ooreenkomstig die Laslynkonvensie kragtens artikel 204(1)(a);”;
- (h) deur in subartikel (1) die omskrywing van “Konvensie insake Internasionale Regulasies in Verband met Botsings” deur die volgende omskrywing te vervang:  
 “ ‘Konvensie insake die Internasionale Regulasies in Verband met Botsings’ die **[konvensie waarvan ’n vertaling in die Derde Bylae by hierdie Wet opgeneem is]** ‘Convention on the International Regulations for Preventing Collisions at Sea’ aangegaan te Londen op 20 Oktober 1972, soos aangepas deur enige wysiging aangeneem kragtens Artikel VI van daardie Konvensie wat ten opsigte van die Republiek van krag is;”;
- (i) deur in subartikel (1) die omskrywings van “land waarop die Laslynkonvensie van toepassing is” en “land waarop die Veiligheidskonvensie van toepassing is” deur onderskeidelik die volgende omskrywings te vervang:  
 “ ‘land waarop die Laslynkonvensie van toepassing is’ ’n land ten opsigte waarvan die Laslynkonvensie voorlopig van toepassing is, en ook enige gebied waarop genoemde Konvensie ooreenkomstig die toepaslike Artikel daarvan van toepassing is;  
 ‘land waarop die Veiligheidskonvensie van toepassing is’, ’n land ten opsigte waarvan die Veiligheidskonvensie voorlopig van toepassing is;”;
- (j) deur in subartikel (1) die omskrywing van “Laslynkonvensie” deur die volgende omskrywing te vervang:  
 “ ‘Laslynkonvensie’ die ‘International Convention on Load Lines’ aangegaan te Londen op 5 April 1966, soos aangepas deur enige wysiging aangeneem kragtens Artikel 29 van daardie Konvensie wat ten opsigte van die Republiek van krag is;”;
- (k) deur in subartikel (1) die omskrywing van “passasierskipveiligheidsertifikaat” deur die volgende omskrywing te vervang:  
 “ ‘passasierskipveiligheidsertifikaat’ so ’n sertifikaat uitgereik ooreenkomstig die Veiligheidskonvensie kragtens paragraaf (a) of (c) van artikel 192, of wat ooreenkomstig die bepalings van artikel 202(1)(a) geag word aldus uitgereik te gewees het;”;
- (l) deur in subartikel (1) die volgende omskrywing na die omskrywing van “plaaslike veiligheid-vrystellingsertifikaat” in te voeg:  
 “ ‘Protokol van 1978 met betrekking tot die Veiligheidskonvensie’ die ‘Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974’, aangegaan te Londen op 17 Februarie 1978, waarvan ’n vertaling in die Tweede Bylae opgeneem is, soos aangepas deur enige wysiging aangeneem kragtens Artikel VIII van die ‘International Convention for the Safety of Life at Sea, 1974’, soos in daardie Protokol ingelyf deur Artikel II van daardie Protokol, wat ten opsigte van die Republiek van krag is;”;
- (m) deur in subartikel (1) die omskrywing van “seemyl” deur die volgende omskrywing te vervang:

- (m) by the substitution in subsection (1) for the definition of “occupational safety” of the following definition:  
 “ ‘occupational safety’ means the safety of any employee working on **[board]** or in a ship and whilst boarding or leaving the ship;”;
- (n) by the substitution in subsection (1) for the definition of “passenger ship safety certificate” of the following definition: 5  
 “ ‘passenger ship safety certificate’ means such a certificate, issued in conformity with the Safety Convention under paragraph (a) or (c) of section 192, or deemed in accordance with the provisions of section 202(1)(a) to have been so issued;”;
- (o) by the insertion in subsection (1) after the definition of “proper return port” of the following definition: 10  
 “ ‘Protocol of 1978 relating to the Safety Convention’ means the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, done at London on 17 February 1978, the English text of which is set forth in the Second Schedule, as modified by any amendment made under Article VIII of the International Convention for the Safety of Life at Sea, 1974, as incorporated in that Protocol by Article II of that Protocol, that has entered into force for the Republic;”;
- (p) by the substitution in subsection (1) for the definition of “safe” of the following definition: 20  
 “ ‘safe’ means free from any threat which may cause bodily injury, illness or death, and free from any hazard as far as practicable;”;
- (q) by the substitution in subsection (1) for the definition of “Safety Convention” of the following definition: 25  
 “ ‘Safety Convention’ means the International Convention for the Safety of Life at Sea done at London on 1 November 1974, the English text of which is set forth in the Second Schedule, as modified by any amendment made under Article VIII of that Convention that has entered into force for the Republic and, after the date on which the Protocol of 1978 relating to the Safety Convention enters into force for the Republic, as also modified by that Protocol;”;
- (r) by the substitution in subsection (1) for the definition of “safety convention certificate” of the following definition: 30  
 “ ‘safety convention certificate’ means a passenger ship safety certificate, a cargo ship safety construction certificate, a cargo ship safety equipment certificate, a cargo ship safety **[radiotelegraphy certificate, a cargo ship safety radiotelephony certificate]** radio certificate or an exemption certificate;”;
- (s) by the substitution in subsection (1) for the definition of “savings bank” of the following definition: 40  
 “ ‘savings bank’ means the Post Office Savings Bank, or a **[deposit-taking institution]** bank registered under the **[Deposit-taking Institutions Act]** Banks Act, 1990 (Act No. 94 of 1990), or, in respect of the allotment of premiums, a person registered or deemed to be registered as an insurer under the Insurance Act, 1943 (Act No. 27 of 1943), or any other body designated by the Minister;”;
- (t) by the substitution in subsection (1) for the definition of “ship” of the following definition: 45  
 “ ‘ship’ means any kind of vessel used in navigation by water, however propelled or moved, and includes—  
 (a) a barge, lighter or other floating vessel;  
 (b) a structure that is able to float or be floated and is able to move or be moved as an entity from one place to another; and  
 (c) a dynamically supported craft; 50  
 and ‘vessel’ has a corresponding meaning;”;
- (u) by the insertion in subsection (1) after the definition of “standard” of the following definition: 55  
 “ ‘STCW Convention’ means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers done at London on 7 July 1978, the English text of which is set forth in the Fifth Schedule, as modified by any amendment made under Article XII of that Convention that has entered into force for the Republic;”;



- “‘seemyl’ ’n afstand van 1 852 meter; en het ‘myl’ ’n ooreenstemmende betekenis;”;
- (n) deur in subartikel (1) die omskrywing van “skip” deur die volgende omskrywing te vervang:
- 5 “‘skip’ enige tipe vaartuig gebruik vir navigasie op water, hoe ook al aangedryf of beweeg, en ook—
- (a) ’n vragboot, ligter of ander drywende vaartuig;
- (b) ’n drywende struktuur of ’n struktuur wat drywend gemaak kan word en wat as ’n eenheid van een plek na ’n ander kan beweeg of
- 10 beweeg kan word; en
- (c) ’n dinamies gesteunde vaartuig; en het ‘vaartuig’ ’n ooreenstemmende betekenis;”;
- (o) deur in subartikel (1) die omskrywing van “spaarbank” deur die volgende omskrywing te vervang:
- 15 “‘spaarbank’ die Posspaarbank of ’n [**depositonemende instelling**] bank geregistreer kragtens die [**Wet op Depositonemende Instellings**] Bankwet, 1990 (Wet No. 94 van 1990), of ten aansien van die toewysing van premies, ’n persoon wat kragtens die Versekeringwet, 1943 (Wet No. 27 van 1943), as ’n versekeraar geregistreer is of geag word
- 20 geregistreer te wees, of enige ander liggaam deur die Minister aangewys;”;
- (p) deur in subartikel (1) paragraaf (a) van die omskrywing van “standaard” deur die volgende paragraaf te vervang:
- 25 “(a) bepaling wat voorkom in ’n spesifikasie, [**standaard-spesifikasie**] verpligte spesifikasie, gebruikskode of standaardmetode ooreenkomstig die bedoeling van die Wet op Standaarde, [**1982 (Wet No. 30 van 1982)**] 1993 (Wet No. 29 van 1993); of”;
- (q) deur in subartikel (1) die volgende omskrywing na die omskrywing van “standaard” in te voeg:
- 30 “‘STCW-konvensie’ die ‘International Convention on Standards of Training, Certification and Watchkeeping for Seafarers’ aangegaan te Londen op 7 Julie 1978, waarvan ’n vertaling in die Vyfde Bylae opgeneem is, soos aangepas deur enige wysiging aangeneem kragtens Artikel XII van daardie Konvensie wat ten opsigte van die Republiek van krag is;”;
- 35 (r) deur in subartikel (1) die omskrywing van “Tonnemaatkonvensie” deur die volgende omskrywing te vervang:
- 40 “‘Tonnemaatkonvensie’ die ‘International Convention on Tonnage Measurement of Ships’ aangegaan te Londen op 23 Junie 1969, soos aangepas deur enige wysiging aangeneem kragtens Artikel 18 van daardie Konvensie wat ten opsigte van die Republiek van krag is;”;
- (s) deur in subartikel (1) die omskrywing van “vaartuig” te skrap.
- (t) deur in subartikel (1) die omskrywing van “veilig” deur die volgende omskrywing te vervang:
- 45 “‘veilig’ vry van enige bedreiging wat liggaamlike besering, siekte of dood kan veroorsaak, en vry van enige bedreiging so ver doenlik;”;
- (u) deur in subartikel (1) die omskrywing van “Veiligheidskonvensie” deur die volgende omskrywing te vervang:
- 50 “‘Veiligheidskonvensie’ die ‘International Convention on the Safety of Life at Sea’ aangegaan te Londen op 1 November 1974, waarvan ’n vertaling in die Tweede Bylae opgeneem is, soos aangepas deur enige wysiging aangeneem kragtens Artikel VIII van daardie Konvensie wat ten opsigte van die Republiek van krag is en, na die datum waarop die
- 55 Protokol van 1978 met betrekking tot die Veiligheidskonvensie ten opsigte van die Republiek in werking tree, ook soos deur daardie Protokol aangepas;”;
- (v) deur in subartikel (1) die omskrywing van “veiligheidskonvensiesertifikaat” deur die volgende omskrywing te vervang:
- 60 “‘veiligheidskonvensiesertifikaat’ ’n passasierskipveiligheidsertifikaat, ’n vragskipveiligheidskonstruksiesertifikaat, ’n vragskipveiligheidsuitrustingsertifikaat, ’n [**vragskipveiligheidsradiotelegrafiesertifikaat**,

- (v) by the substitution in subsection (1) for paragraph (a) of the definition of "standard" of the following paragraph:
- “(a) any provision occurring in a specification, **[standard specification]**, compulsory specification, code of practice or standard method within the meaning of the Standards Act, **[1982 (Act No. 30 of 1982)] 1993 (Act No. 29 of 1993)**; or”;
- (w) by the substitution in subsection (1) for the definition of “timber cargo regulations” of the following definition:
- “ ‘timber cargo regulations’ means the regulations made under **[paragraph (c) of subsection (2) of section three hundred and fifty-six]** **section 356(2)(a)** to give effect to the relative provisions of the **[Load Line Convention]** Safety Convention, or such regulations as applied under subsection (3) of **[the said]** section 356;”;
- (x) by the substitution in subsection (1) for the definition of “Tonnage Convention” of the following definition:
- “ ‘Tonnage Convention’ means the International Convention on Tonnage Measurement of Ships done at London on 23 June 1969, as modified by any amendment made under Article 18 of that Convention that has entered into force for the Republic;”;
- (y) by the deletion in subsection (1) of the definition of “vessel”; and
- (z) by the substitution for subsection (4) of the following subsection:
- “(4) (a) In this Act references to a ship built or constructed before or after any date shall be construed as references to a ship the keel of which has been laid or which is at a similar stage of construction before or after that date, as the case may be.
- (b) In paragraph (a) ‘similar stage of construction’ means the stage at which—
- (i) construction identifiable with the ship has begun; and

(ii) assembly of the ship has commenced and comprises at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less.”.

**Amendment of section 3 of Act 57 of 1951, as amended by section 4 of Act 30 of 1959, section 32 of Act 69 of 1962, section 2 of Act 40 of 1963, section 2 of Act 13 of 1965, section 2 of Act 25 of 1985 and section 2 of Act 18 of 1992**

2. Section 3 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for paragraphs (c) and (d) of subsection (12) of the following paragraphs:

- “(c) every other person on board a vessel in the execution of his duties, or working on the exterior shell or appurtenances of a vessel, including the equipment used by such person, whether or not the vessel is afloat;
- (d) every working gear, lifting gear, anchor or cable, any machinery, every gangway or accommodation ladder, any equipment or every appurtenance in or on a vessel which forms a part of the construction or equipment of such vessel, **[excluding]** including any machinery or equipment brought on board a vessel and which does not form part of the equipment of such vessel.”.

**Amendment of section 5 of Act 57 of 1951, as substituted by section 5 of Act 30 of 1959 and amended by section 3 of Act 25 of 1985**

3. Section 5 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for subsection (3) of the following subsection:



**'n vragskipveiligheidsradiotelefoniesertifikaat]** vragskipveiligheidsradiosertifikaat of 'n vrystellingsertifikaat;”;

(w) deur in subartikel (1) die omskrywing van “vragskipveiligheidskonstruksiesertifikaat” deur die volgende omskrywing te vervang:

5 “‘vragskipveiligheidskonstruksiesertifikaat’ so ‘n sertifikaat uitgereik ooreenkomstig die Veiligheidskonvensie kragtens subparagraaf (a) van paragraaf (1) of (2) van artikel 193, of wat ooreenkomstig die bepaling van artikel 202(1)(b) geag word aldus uitgereik te gewees het;”;

(x) deur in subartikel (1) die volgende omskrywing na die omskrywing van “vragskipveiligheidskonstruksiesertifikaat” in te voeg:

10 “‘vragskipveiligheidsradiosertifikaat’ so ‘n sertifikaat uitgereik ooreenkomstig die Veiligheidskonvensie kragtens subparagraaf (b) van paragraaf (3) of (4) van artikel 193, of wat ooreenkomstig die bepaling van artikel 202(1)(b) geag word aldus uitgereik te gewees het;”;

15 (y) deur in subartikel (1) die omskrywings van “vragskipveiligheidsradiotelefoniesertifikaat” en “vragskipveiligheidsradiotelegrafiesertifikaat” te skrap;

(z) deur in subartikel (1) die omskrywing van “vragskipveiligheidsuitrustingsertifikaat” deur die volgende omskrywing te vervang:

20 “‘vragskipveiligheidsuitrustingsertifikaat’ so ‘n sertifikaat uitgereik ooreenkomstig die Veiligheidskonvensie kragtens subparagraaf (b) van paragraaf (1) of (2) van artikel 193, of wat ooreenkomstig die bepaling van artikel 202(1)(b) geag word aldus uitgereik te gewees het;”;

(aa) deur in subartikel (1) die omskrywing van “vrystellingsertifikaat” deur die volgende omskrywing te vervang:

25 “‘vrystellingsertifikaat’ so ‘n sertifikaat uitgereik ooreenkomstig die Veiligheidskonvensie kragtens paragraaf (c) van artikel 192, subparagraaf (a) of (b) van paragraaf (2) of subparagraaf (a) van paragraaf (4) van artikel 193, of wat ooreenkomstig die bepaling van artikel 202(1)(a) of (b) geag word aldus uitgereik te gewees het;” en

30 (bb) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) Verwysings in hierdie Wet na ‘n skip gebou of gekonstrueer voor of na een of ander datum, word uitgelê as verwysings na ‘n skip waarvan die kiel [al] na gelang van die geval voor of na daardie datum gelê is of wat in ‘n soortgelyke stadium van konstruksie is.

35 (b) In paragraaf (a) beteken ‘soortgelyke stadium van konstruksie’ die stadium waarin—

(i) konstruksie begin is wat met die skip identifiseerbaar is; en

(ii) die montering van die skip begin het en wat bestaan uit minstens 50 ton of een persent van die geraamde massa van al die struktuur-

40 materiaal, watter ook al die minste is.”.

**Wysiging van artikel 3 van Wet 57 van 1951, soos gewysig deur artikel 4 van Wet 30 van 1959, artikel 32 van Wet 69 van 1962, artikel 2 van Wet 40 van 1963, artikel 2 van Wet 13 van 1965, artikel 2 van Wet 25 van 1985 en artikel 2 van Wet 18 van 1992**

45 **2.** Artikel 3 van die Handelskeepvaartwet, 1951, word hierby gewysig deur paragrawe (c) en (d) van subartikel (12) deur die volgende paragrawe te vervang:

“(c) elke ander persoon aan boord van ‘n vaartuig in die uitvoering van sy pligte, of wat op die buitewand of toebehore van ‘n vaartuig werk, met inbegrip van die toerusting wat deur daardie persoon gebruik word, hetsy die vaartuig drywend is al dan nie;

50 (d) elke werkende toestel, hystoestel, anker of kabel, enige masjinerie, elke loopplank of akkommodasie-leer of enige toerusting of toebehore in of op ‘n vaartuig wat deel van sodanige vaartuig se konstruksie of toerusting uitmaak, [maar nie ook] met inbegrip van enige masjinerie of toerusting wat aan  
55 boord van ‘n vaartuig gebring is en wat nie deel van die vaartuig se toerusting uitmaak nie.”.

**Wysiging van artikel 5 van Wet 57 van 1951, soos vervang deur artikel 5 van Wet 30 van 1959 en gewysig deur artikel 3 van Wet 25 van 1985**

**3.** Artikel 5 van die Handelskeepvaartwet, 1951, word hierby gewysig deur  
60 subartikel (3) deur die volgende subartikel te vervang:

“(3) All powers conferred and all duties imposed upon the Director-General may be exercised or performed by the Director-General personally, or by an officer or organization or, with respect to conditions prescribed under section 68(3)(b), by a person or organization under a delegation or under the control or direction of the Director-General.”.

5

**Amendment of section 9 of Act 57 of 1951, as amended by section 7 of Act 30 of 1959 and section 3 of Act 18 of 1992**

4. Section 9 of the Merchant Shipping Act, 1951, is hereby amended by the deletion of “and” at the end of paragraph (vi), and of paragraph (vii), of subsection (1).

**Amendment of section 193 of Act 57 of 1951, as amended by section 11 of Act 13 of 1965**

5. Section 193 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the substitution in paragraph (3) for subparagraphs (a) and (b) of the following expression:

“a cargo ship safety radio certificate;”;

15

(b) by the substitution in paragraph (4) for subparagraphs (i) and (ii) of subparagraph (b) of the following expression:

“, a cargo ship safety radio certificate.”.

**Amendment of section 197 of Act 57 of 1951, as amended by section 14 of Act 13 of 1965 and section 6 of Act 3 of 1981**

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6. Section 197 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) An exemption certificate shall not remain in force for a period longer than the period of the passenger ship safety certificate, the cargo ship safety construction certificate, the cargo ship safety equipment certificate [the cargo ship safety radiotelegraphy certificate] or the cargo ship safety [radiotelephony certificate] radio certificate, and a local safety exemption certificate shall not remain in force for a period longer than the period of the local general safety certificate, issued in respect of the same vessel.”.

25

**Amendment of section 200 of Act 57 of 1951, as amended by section 31 of Act 40 of 1963 and section 16 of Act 13 of 1965**

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7. Section 200 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the substitution in subsection (1) for subparagraph (iii) of paragraph (c) of the following subparagraph:

“(iii) a cargo ship safety [radiotelegraphy certificate] radio certificate and if an exemption certificate has been issued, such exemption certificate; or”;

35

and

(b) by the deletion in subsection (1) of subparagraph (iv) of paragraph (c).

**Amendment of section 215 of Act 57 of 1951, as substituted by section 23 of Act 13 of 1965**

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8. Section 215 of the Merchant Shipping Act, 1951, is hereby amended by the substitution in subsection (1) for the expression “paragraph 1” of the expression “paragraph (i)”.

**Amendment of section 238 of Act 57 of 1951**

9. Section 238 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for the words “two thousand pounds” of the words “one thousand kilograms”.

45

- “(3) Alle bevoegdhede toegewys en alle pligte opgelê aan die Direkteur-generaal kan deur die Direkteur-generaal persoonlik uitgeoefen of verrig word of deur ’n beampte of organisasie of, ten opsigte van voorwaardes kragtens artikel 68(3)(b) voorgeskryf, deur ’n persoon of organisasie kragtens ’n delegasie van of onder die beheer of voorskrif van die Direkteur-generaal.”.

**Wysiging van artikel 9 van Wet 57 van 1951, soos gewysig deur artikel 7 van Wet 30 van 1959 en artikel 3 van Wet 18 van 1992**

4. Artikel 9 van die Handelskeepvaartwet, 1951, word hierby gewysig deur “en” aan die end van paragraaf (vi), en paragraaf (vii), van subartikel (1) te skrap.

**10 Wysiging van artikel 193 van Wet 57 van 1951, soos gewysig deur artikel 11 van Wet 13 van 1965**

5. Artikel 193 van die Handelskeepvaartwet, 1951, word hierby gewysig—  
(a) deur in paragraaf (3) subparagrafe (a) en (b) deur die volgende uitdrukking te vervang:

15 “’n vragskipveiligheidsradiosertifikaat uitreik;” en

(b) deur in paragraaf (4) subsubparagrafe (i) en (ii) van subparagraaf (b) deur die volgende uitdrukking te vervang:

“’n vragskipveiligheidsradiosertifikaat uitreik.”.

**20 Wysiging van artikel 197 van Wet 57 van 1951, soos gewysig deur artikel 14 van Wet 13 van 1965 en artikel 6 van Wet 3 van 1981**

6. Artikel 197 van die Handelskeepvaartwet, 1951, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

25 “(2) ’n Vrystellingsertifikaat bly nie geldig nie vir ’n langer tydperk as die tydperk van die passasierskipveiligheidsertifikaat, die vragskipveiligheidskonstruksiesertifikaat, die vragskipveiligheidsuitrustingsertifikaat [die vragskip veiligheidsradiotelegrafiesertifikaat] of die [vragskipveiligheidsradio telefoniesertifikaat] vragskipveiligheidsradiosertifikaat, en ’n plaaslike veiligheidsvrystellingsertifikaat bly nie geldig nie vir ’n langer tydperk as die plaaslike algemene veiligheidsertifikaat, wat ten aansien van dieselfde vaartuig uitgereik is.”.

**Wysiging van artikel 200 van Wet 57 van 1951, soos gewysig deur artikel 31 van Wet 40 van 1963 en artikel 16 van Wet 13 van 1965**

7. Artikel 200 van die Handelskeepvaartwet, 1951, word hierby gewysig—

35 (a) deur in subartikel (1) subparagraaf (iii) van paragraaf (c) deur die volgende subparagraaf te vervang:

“(iii) ’n [vragskipveiligheidsradiotelegrafiesertifikaat] vragskipveiligheidsradiosertifikaat en as ’n vrystellingsertifikaat uitgereik is daardie vrystellingsertifikaat; of”; en

(b) deur in subartikel (1) subparagraaf (iv) van paragraaf (c) te skrap.

**40 Wysiging van artikel 215 van Wet 57 van 1951, soos vervang deur artikel 23 van Wet 13 van 1965**

8. Artikel 215 van die Handelskeepvaartwet, 1951, word hierby gewysig deur in subartikel (1) die uitdrukking “paragraaf 1” deur die uitdrukking “paragraaf (i)” te vervang.

**45 Wysiging van artikel 238 van Wet 57 van 1951**

9. Artikel 238 van die Handelskeepvaartwet, 1951, word hierby gewysig deur die woorde “tweeënduisend pond” deur die woorde “eënduisend kilogram” te vervang.

**Amendment of section 259 of Act 57 of 1951, as substituted by section 15 of Act 18 of 1992**

10. Section 259 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the insertion after subsection (1) of the following subsection:

“(1A) (a) Whenever a stevedore, a shore contractor or incidental persons are involved in a casualty resulting in loss of life or serious injury to any person, or in an accident, their employer shall, in the form and stating the particulars referred to in subsection (1), forthwith report the event to the nearest proper officer by the fastest means of communication available.”

(b) In paragraph (a)—

‘incidental persons’ means persons other than the master and crew, and stevedores and shore contractors on board a vessel in the course and scope of their duties;

‘shore contractor’ means a person temporarily employed to effect general or specific repairs, alterations, renovations, improvements, painting, maintenance of vessel or machinery, tank or hatch cleaning and related tasks on or in a vessel;

‘stevedore’ means a person employed in the loading or unloading of a vessel or in related activities.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) [Subsection] Subsections (1) and (1A) shall, subject to subsection (3), apply to every ship which is registered or licensed in the Republic or which is in terms of this Act required to be so registered or licensed and to or in respect of or on board of which any such event as is referred to in [subsection] subsections (1) and (1A) has occurred anywhere, and [it] shall apply to a ship registered in a country other than the Republic only while [she] the ship is within the Republic or the territorial waters thereof and if any such event has occurred to or in respect of or on board of the ship during a voyage to a port in the Republic or within the Republic or the territorial waters thereof.”;

(c) by the addition to subsection (4) of the following paragraph the existing subsection becoming paragraph (a):

“(b) The owner or master of any ship concerned and any employee or user who learns about an event referred to in subsection (1A), shall forthwith notify the employer concerned of such event.”; and

(d) by the addition of the following subsection:

“(5) No person shall disturb or remove anything from the scene of an accident required to be reported in terms of this section unless permitted by the proper officer, or if a person has been appointed under section 264 to hold a preliminary enquiry into the accident, by that person.”.

**Amendment of section 261 of Act 57 of 1951, as amended by section 33 of Act 30 of 1959, section 7 of Act 25 of 1985 and section 4 of Act 16 of 1995**

11. (1) Section 261 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the substitution for paragraphs (a), (b) and (c) of subsection (1) of the following paragraphs:

“(a) if no claim for damages in respect of loss of or damage to property or rights arises, be liable for damages in respect of loss of life or personal injury to an aggregate amount exceeding [an amount equivalent to two thousand six hundred and thirty-five gold francs] 206,67 special drawing rights for each ton of the ship’s tonnage; or

(b) if no claim for damages in respect of loss of life or personal injury arises, be liable for damages in respect of loss of or damage to property or rights to an aggregate amount exceeding [an amount

**Wysiging van artikel 259 van Wet 57 van 1951, soos vervang deur artikel 15 van Wet 18 van 1992**

10. Artikel 259 van die Handelskeepvaartwet, 1951, word hierby gewysig—

(a) deur die volgende subartikel na subartikel (1) in te voeg:

5 “(1A) (a) Wanneer ’n stuwadoor, ’n kuskontrakteur of bykomstige persone betrokke is by ’n ongeval wat lewensverlies of ernstige besering van ’n persoon tot gevolg het, of by ’n ongeluk, moet die voorval onverwyld aan die naaste bevoegde beampte, in die vorm en met vermelding van die besonderhede in subartikel (1) bedoel, deur middel van die vinnigste beskikbare wyse van kommunikasie deur hul werkgewer gerapporteer word.

10 (b) In paragraaf (a) beteken—

15 ‘bykomstige persone’ ander persone as die gesagvoerder en bemanning en stuwadore en kuskontrakteurs aan boord van ’n vaartuig in die loop en omvang van hul pligte;

‘kuskontrakteur’ ’n persoon tydelik in diens geneem vir die verrigting van algemene of spesifieke herstelwerk, veranderings, opknappings, verbeterings, verfwerk, onderhoud van vaartuig of masjinerie, tenk- of luikskoonmaakwerk en verwante take op of in ’n vaartuig;

20 ‘stuwadoor’ ’n persoon in diens geneem vir die laai of aflaai van ’n vaartuig of aktiwiteite wat daarmee verband hou.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

25 “(2) Behoudens subartikel (3), geld [subartikel] subartikels (1) en (1A) vir elke skip wat in die Republiek geregistreer of gelisensieer is of wat ingevolge hierdie Wet aldus geregistreer of gelisensieer moet wees en ten aansien of aan boord waarvan [so] ’n voorval [as wat] in [subartikel] subartikels (1) en (1A) bedoel [word], op enige plek gebeur het, en dit geld alleen vir ’n skip wat in ’n ander land as die Republiek geregistreer is terwyl dit in die Republiek of in die Republiek se territoriale waters is en [as ’n] indien sodanige voorval ten aansien of aan boord van die skip gebeur het tydens ’n reis na ’n hawe in die Republiek of in die Republiek of in die Republiek se territoriale waters.”;

35 (c) deur die volgende paragraaf by subartikel (4) te voeg terwyl die bestaande subartikel paragraaf (a) word:

“(b) Die eienaar of gesagvoerder van ’n betrokke skip en ’n werknemer of gebruiker wat van ’n voorval bedoel in subartikel (1A) te wete kom, moet die betrokke werkgewer onverwyld van daardie voorval in kennis stel.”; en

40 (d) deur die volgende subartikel by te voeg:

45 “(5) Niemand mag die toneel van ’n ongeluk wat ingevolge hierdie artikel gerapporteer moet word, versteur of enigiets daarvan verwyder nie, tensy deur ’n bevoegde beampte, of indien daar iemand kragtens artikel 264 aangestel is om ’n voorlopige ondersoek na die ongeluk in te stel, deur daardie persoon toegelaat.”.

**Wysiging van artikel 261 van Wet 57 van 1951, soos gewysig deur artikel 33 van Wet 30 van 1959, artikel 7 van Wet 25 van 1985 en artikel 4 van Wet 16 van 1995**

11. (1) Artikel 261 van die Handelskeepvaartwet, 1951, word hierby gewysig—

50 (a) deur paragrawe (a), (b) en (c) van subartikel (1) deur die volgende paragrawe te vervang:

55 “(a) as daar geen eis om skadevergoeding weens verlies van of skade aan eiendom of regte ontstaan, aanspreeklik vir skade ten aansien van lewensverlies of persoonlike besering tot ’n totale bedrag van meer as [’n bedrag gelyk aan tweeduisend seshonderd vyf-en-dertig goue frank] 206,67 spesiale trekkingsregte vir elke ton van die skip se tonnemaat nie; of

60 (b) as daar geen eis om skadevergoeding weens lewensverlies of persoonlike besering ontstaan, aanspreeklik vir skade ten aansien van verlies van of skade aan eiendom of regte tot ’n totale bedrag van meer as [’n bedrag gelyk aan agthonderd-en-vyftig goue



**equivalent to eight hundred and fifty gold francs]** 66,67 special drawing rights for each ton of **[a]** the ship's tonnage; or

- (c) if claims for damages in respect of loss of life or personal injury and also claims for damages in respect of loss of or damage to property or rights arise, be liable for damages to an aggregate amount exceeding **[an amount equivalent to two thousand six hundred and thirty-five gold francs]** 206,67 special drawing rights for each ton of **[a]** the ship's tonnage: Provided that in such a case claims for damages in respect of loss of life or personal injury shall, to the extent of an aggregate amount equivalent to **[one thousand seven hundred and eighty-five gold francs]** 140 special drawing rights for each ton of the ship's tonnage, have priority over claims for damages in respect of loss of or damage to property or rights, and, as regards the balance of the aggregate amount equivalent to **[two thousand six hundred and thirty-five gold francs]** 206,67 special drawing rights for each ton of the ship's tonnage, the unsatisfied portion of the first-mentioned claims shall rank *pari passu* with the last-mentioned claims."; and

- (b) by the substitution for subsection (4) of the following subsection:

"(4) (a) The amounts mentioned in subsection (1) shall be converted into South African currency on the basis of the value of such currency on the date of the judgment or the date agreed upon by the parties.

(b) For the purpose of converting from special drawing rights into South African currency the amounts mentioned in subsection (1) in respect of which a judgment is given, one special drawing right shall be treated as equal to such a sum in South African currency as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—

- (i) the day on which the judgment is given; or  
(ii) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.

(c) A certificate given by or on behalf of the Treasury stating—

- (i) that a particular sum in South African currency has been so fixed for a particular day; or  
(ii) that no sum has been so fixed for that day and that a particular sum in South African currency has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day, shall be *prima facie* proof of those matters for the purposes of subsection (1); and a document purporting to be such a certificate shall, in any proceedings, be admissible in evidence and, in the absence of evidence to the contrary, be deemed to be such a certificate."

(2) Section 261 of the Merchant Shipping Act, 1951, as amended by subsection (1), shall not apply in respect of a cause of action that arose before the date of commencement of this section.

**Amendment of section 264 of Act 57 of 1951, as substituted by section 16 of Act 18 of 1992**

12. Section 264 of the Merchant Shipping Act, 1951, is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

"(2) The Director-General may request the Director-General of **[Manpower]** Labour to assign a person designated as an inspector under section **[20]** 28 of the **[Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983)]** Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), to assist a person appointed under subsection (1) to hold a preliminary enquiry."; and

- (b) by the addition of the following subsection:

"(3) A ship referred to in subsection (1)(a), (b) or (d) on board of which loss of life or serious injury to any person has occurred may be



**frank]** 66,67 spesiale trekkingsregte vir elke ton van die skip se tonnemaat nie; of

- (c) as eise om skadevergoeding weens lewensverlies of persoonlike beserings en ook eise om skadevergoeding weens verlies van of skade aan eiendom of regte ontstaan, aanspreeklik vir skade tot 'n totale bedrag van meer as [**'n bedrag gelyk aan tweeduisend seshonderd vyf-en-dertig goue frank]** 206,67 spesiale trekkingsregte vir elke ton van die skip se tonnemaat: Met dien verstande dat in so 'n geval aan eise om skadevergoeding weens lewensverlies of persoonlike besering voorkeur verleen word bo eise om skadevergoeding weens verlies van of skade aan eiendom of regte, tot 'n totale bedrag gelykstaande aan [**eenduisend sewehonderd vyf-en-tagtig goue frank]** 140 spesiale trekkingsregte vir elke ton van die skip se tonnemaat, en, wat betref die oorskot van die totale bedrag gelykstaande aan [**twee-duisend seshonderd vyf-en-dertig goue frank]** 206,67 spesiale trekkingsregte vir elke ton van die skip se tonnemaat, word die onvoldane deel van die eersvermelde eise gelykop met die laasvermelde eise gerangskik.”; en

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) Die bedrae in subartikel (1) vermeld, word in Suid-Afrikaanse betaalmiddele omgerek en op die grondslag van die waarde van sodanige betaalmiddele op die datum van die uitspraak of die datum waarop deur die partye ooreengekom is.

(b) Vir die doel van omrekening van die bedrae in subartikel (1) vermeld ten opsigte waarvan 'n uitspraak gelewer is van spesiale trekkingsregte in Suid-Afrikaanse betaalmiddele, word een spesiale trekkingsreg behandel as gelyk aan die som in Suid-Afrikaanse betaalmiddele wat die Internasionale Monetêre Fonds bepaal het as gelykstaande met een spesiale trekkingsreg vir—

- (i) die dag waarop die uitspraak gelewer is; of  
(ii) indien geen som aldus vir daardie dag bepaal is nie, die laaste dag voor daardie dag waarvoor 'n som aldus bepaal is.

(c) 'n Sertifikaat deur of ten behoeve van die Tesourie verstrek wat konstateer—

- (i) dat 'n besondere som in Suid-Afrikaanse betaalmiddele aldus vir 'n besondere dag bepaal is; of  
(ii) dat geen som aldus vir daardie dag bepaal is nie en dat 'n besondere som in Suid-Afrikaanse betaalmiddele aldus bepaal is vir 'n dag wat die laaste dag is waarvoor 'n som aldus voor die besondere dag bepaal is,

is vir die doeleindes van subartikel (1) *prima facie*-bewys van daardie aangeleentheid; en 'n dokument wat voorgee so 'n sertifikaat te wees, is toelaatbaar in getuienis in enige verrigtinge en word behoudens weerleggende getuienis geag so 'n sertifikaat te wees.”.

- (2) Artikel 261 van die Handelskeepvaartwet, 1951, soos deur subartikel (1) gewysig, is nie van toepassing nie ten opsigte van 'n skuldoorsaak wat voor die datum van inwerkingtreding van hierdie artikel ontstaan het.

#### Wysiging van artikel 264 van Wet 57 van 1951, soos vervang deur artikel 16 van Wet 18 van 1992

12. Artikel 264 van die Handelskeepvaartwet, 1951, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Direkteur-generaal kan die Direkteur-generaal van [**Mannekrag]** Arbeid versoek om 'n persoon wat kragtens die bepalings van artikel [20] 28 van die Wet op [**Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), aangestel is, aan te wys]** Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993), as 'n inspekteur aangewys is, af te staan om 'n persoon by te staan wat kragtens subartikel (1) aangestel is om 'n voorlopige ondersoek in te stel.”; en

- (b) deur die volgende subartikel by te voeg:

“(3) Wanneer lewensverlies gelyk is of 'n ernstige besering opgedoen is deur enige persoon aan boord van 'n skip in subartikel (1)(a), (b) of

detained for purposes in relation to the holding of a preliminary enquiry thereunder, provided the ship is not thereby unduly delayed.”.

**Amendment of section 265 of Act 57 of 1951, as amended by section 17 of Act 18 of 1992 and section 5 of Act 16 of 1995**

**13.** Section 265 of the Merchant Shipping Act, 1951, is hereby amended by the deletion of subsection (2). 5

**Amendment of section 335 of Act 57 of 1951**

**14.** Section 335 of the Merchant Shipping Act, 1951, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A proper officer may cause a vessel or a share in a ship or any goods which by this Act is declared to be liable to detention, to be detained.” 10

**Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of 1959, section 59 of Act 40 of 1963, section 6 of Act 24 of 1974, section 11 of Act 5 of 1976, section 19 of Act 3 of 1982, section 9 of Act 25 of 1985, section 32 of Act 18 of 1992 and section 7 of Act 16 of 1995** 15

**15.** Section 356 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the substitution for paragraph (i) of subsection (1) of the following paragraph:

“(i) [prescribing] for and in connection with, including the approval of, the books, forms and other documents to be used for the convenient and effective carrying out of the provisions of this Act, and of the particulars which shall be contained therein;” 20

(b) by the substitution for subparagraph (a) of paragraph (xxxviA) of subsection (1) of the following subparagraph:

“(a) requiring such life-saving appliances to comply with specifications determined by the South African Bureau of Standards mentioned in the Standards Act, [1982 (Act No. 30 of 1982)] 1993 (Act No. 29 of 1993); and” 25

(c) by the substitution for paragraph (xIA) of subsection (1) of the following paragraph:

“(xIA) as to the design, construction, [licensing] operation, use and maintenance of dynamically supported craft and any other matter which may be reasonably necessary for the safe and orderly operation of such craft;” 30

(d) by the substitution for paragraph (xliB) of subsection (1) of the following paragraph:

“(xliB) as to the safety measures to be taken [on] in relation to vessels by employers, employees, owners and users;” 35

(e) by the substitution for subsections (2) and (3) of the following subsections:

“(2) The Minister may make such notifications, declarations and regulations as may be reasonably necessary to give effect, subject to such exemptions, restrictions and modifications as may be desirable, to the provisions of—

(a) the Safety Convention;

(b) the International Collision Regulations Convention;

(c) the Load Line Convention; [and

(d) any other convention relating to merchant shipping ratified or acceded to on behalf of the Republic and set out in any Schedule to this Act] 45

(d) the Tonnage Convention; and

(e) the STCW Convention. 50

(d) bedoel, kan die betrokke skip aangehou word vir doeleindes met betrekking tot die instel van 'n voorlopige ondersoek daarkragtens, mits die skip nie daardeur onbehoorlik vertraag word nie.”.

**Wysiging van artikel 265 van Wet 57 van 1951, soos gewysig deur artikel 17 van Wet 18 van 1992 en artikel 5 van Wet 16 van 1995**

13. Artikel 265 van die Handelskeepvaartwet, 1951, word hierby gewysig deur subartikel (2) te skrap.

**Wysiging van artikel 335 van Wet 57 van 1951**

14. Artikel 335 van die Handelskeepvaartwet, 1951, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Bevoegde beampte kan 'n vaartuig of 'n aandeel in 'n skip of enige goedere wat by hierdie Wet aan aanhouding onderworpe verklaar is, laat aanhou.”.

**Wysiging van artikel 356 van Wet 57 van 1951, soos gewysig deur artikel 42 van Wet 30 van 1959, artikel 59 van Wet 40 van 1963, artikel 6 van Wet 24 van 1974, artikel 11 van Wet 5 van 1976, artikel 19 van Wet 3 van 1982, artikel 9 van Wet 25 van 1985, artikel 32 van Wet 18 van 1992 en artikel 7 van Wet 16 van 1995**

15. Artikel 356 van die Handelskeepvaartwet, 1951, word hierby gewysig—
- (a) deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:
- 20 “(i) [wat] vir en in verband met, met inbegrip van die goedkeuring van, die boeke, vorms en ander dokumente [voorskryf] wat gebruik moet word vir die gerieflike en doeltreffende uitvoering van die bepalings van hierdie Wet, en van die besonderhede wat daarin vervat moet wees;”;
- 25 (b) deur subparagraaf (a) van paragraaf (xxxviA) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(a) wat vereis dat bedoelde reddingstoestelle moet voldoen aan spesifikasies wat deur die Suid-Afrikaanse Buro vir Standaarde vermeld in die Wet op Standaarde, [1982 (Wet No. 30 van 1982)] 1993 (Wet No. 29 van 1993), bepaal word; en”;
- 30 (c) deur paragraaf (xIA) van subartikel (1) deur die volgende paragraaf te vervang:
- “(xIA) wat betref die ontwerp, konstruksie, [lisensiëring] werking, gebruik en onderhoud van dinamies gesteunde vaartuie en enige andere aangeleentheid wat redelikerwys noodsaaklik is vir die veiligheid en ordelike gebruik van sodanige vaartuie;”;
- 35 (d) deur paragraaf (xliB) van subartikel (1) deur die volgende paragraaf te vervang:
- “(xliB) wat betref die veiligheidsmaatreëls wat [op] met betrekking tot vaartuie deur werkgewers, werknemers, eienaars en gebruikers getref moet word;”;
- 40 (e) deur subartikels (2) en (3) deur die volgende subartikels te vervang:
- “(2) Die Minister kan die kennisgewings, verklarings en regulasies uitvaardig wat redelikerwys noodsaaklik is om onderworpe aan die vrystellings, beperkings, en wysigings wat wenslik is, gevolg te gee aan die bepalings van—
- 45 (a) die Veiligheidskonvensie;
- (b) die Konvensie insake die Internasionale Regulasies in Verband met Botsings;
- 50 (c) die Laslynkonvensie; [en
- (d) enige ander konvensie met betrekking tot handelskeepvaart wat namens die Republiek bekragtig is of waartoe toegetree is, en waarvan 'n vertaling en 'n Bylae in hierdie Wet opgeneem is]
- 55 (d) die Tonnemaatkonvensie; en
- (e) die STCW-konvensie.

The regulations made under this subsection may include other and more extensive provisions than those contained in the said conventions, provided they relate to the same or similar matters as are dealt with in the said conventions.

(3) The Minister may by regulation apply, subject to such exemptions, restrictions and modifications as may be desirable, [in] any of the regulations made under subsection (2), to ships to which and in circumstances in which the provisions of the [Safety Convention, the International Collision Regulations Convention, the Load Line Convention and any convention referred to in subsection (2)(d)] conventions mentioned in that subsection do not apply.”.

**Substitution of section 356bis of Act 57 of 1951, as substituted by section 8 of Act 16 of 1995**

16. The following section is hereby substituted for section 356bis of the Merchant Shipping Act, 1951:

**“Conventions in Schedules to have force of law**

**356bis.** (1) The provisions of the Safety Convention and the STCW Convention shall, subject to the provisions of this Act, have the force of law in the Republic.

(2) The Minister shall, as soon as practicable after the entry into force for the Republic of any amendment to the Safety Convention or the STCW Convention, by notice in the *Gazette* amend the appropriate Schedule to reflect such amendment.

(3) In interpreting the Safety Convention and the STCW Convention—

- (a) references to the Administration shall, in relation to ships of South African nationality, be construed as a reference to the Director-General or any officer or organization acting on his authority; and
- (b) the English text shall prevail in the event of conflict between the English and Afrikaans texts.”.

**Amendment of section 356ter of Act 57 of 1951, as inserted by section 34 of Act 18 of 1992**

17. Section 356ter of the Merchant Shipping Act, 1951, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) The provisions of section [33] 31 of the Standards Act, [1982 (Act No. 30 of 1982)] 1993 (Act No. 29 of 1993), shall not affect any incorporation of a safety standard or of any amendment or substitution of a safety standard, under this section.”.

**Repeal of Third, Fourth and Sixth Schedules to Act 57 of 1951**

18. The Third, Fourth and Sixth Schedules to the Merchant Shipping Act, 1951, are hereby repealed.

**Amendment of section 1 of Act 2 of 1981, as amended by section 1 of Act 5 of 1983, section 1 of Act 38 of 1993 and section 15 of Act 15 of 1994**

19. Section 1 of the Marine Traffic Act, 1981, is hereby amended—

- (a) by the substitution for the definition of “authorized person” of the following definition:

“ ‘authorized person’ means—

- (a) any officer as defined in section [1] 1(1) of the Public Service Act, [1957 (Act No. 54 of 1957)] 1994 (Proclamation No. 103 of 1994), designated by the Minister;
- (b) any officer of the South African Navy;

Die regulasies wat kragtens hierdie subartikel uitgevaardig word, kan ander en meer omvangryke bepalings insluit as dié wat in genoemde konvensies vervat is, mits hulle betrekking het op dieselfde of soortgelyke aangeleenthede as dié waaroor genoemde konvensies handel.

- 5 (3) Die Minister kan by regulasie enigeeen van die regulasies wat kragtens subartikel (2) uitgevaardig is, van toepassing maak, onderworpe aan die vrystellings, beperkings en wysigings wat wenslik is, op skepe waarop en in omstandighede waarin die bepalings van die
- 10 [Veiligheidskonvensie, die Konvensie insake die Internasionale Regulasies in Verband met Botsings, die Laslynkonvensie en enige konvensie in subartikel (2)(d) bedoel] konvensies in daardie subartikel vermeld nie van toepassing is nie.”

**Vervanging van artikel 356bis van Wet 57 van 1951, soos vervang deur artikel 8 van Wet 16 van 1995**

- 15 16. Artikel 356bis van die Handelskeepvaartwet, 1951, word hierby deur die volgende artikel vervang:

**“Konvensies in Bylaes het regsrag**

- 20 **356bis.** (1) Behoudens die bepalings van hierdie Wet, het die bepalings van die Veiligheidskonvensie en die STCW-konvensie regsrag in die Republiek.

(2) Die Minister moet, so gou doenlik nadat enige wysiging van die Veiligheidskonvensie of die STCW-konvensie ten opsigte van die Republiek in werking getree het, by kennisgewing in die *Staatskoerant* die toepaslike Bylae wysig om sodanige wysiging weer te gee.

- 25 (3) By die uitleg van die Veiligheidskonvensie en die STCW-konvensie—

(a) word verwysings na die Administrasie, met betrekking tot skepe van Suid-Afrikaanse nasionaliteit, uitgelê as 'n verwysing na die Direkteur-generaal of 'n beampte of organisasie wat op sy gesag optree; en

30 (b) geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid in die Engelse en Afrikaanse tekste.”

**Wysiging van artikel 356ter van Wet 57 van 1951, soos ingevoeg deur artikel 34 van Wet 18 van 1992**

- 35 17. Artikel 356ter van die Handelskeepvaartwet, 1951, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Die bepalings van artikel [33] 31 van die Wet op Standaarde, [1982 Wet No. 30 van 1982)] 1993 (Wet No. 29 van 1993), raak nie 'n inlywing van 'n veiligheidstandaard of van 'n wysiging of vervanging van 'n veiligheidstandaard kragtens hierdie artikel nie.”

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**Herroeping van Derde, Vierde en Sesde Bylaes by Wet 57 van 1951**

18. Die Derde, Vierde en Sesde Bylaes by die Handelskeepvaartwet, 1951, word hierby herroep.

**Wysiging van artikel 1 van Wet 2 van 1981, soos gewysig deur artikel 1 van Wet 5 van 1983, artikel 1 van Wet 38 van 1993 en artikel 15 van Wet 15 van 1994**

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19. Artikel 1 van die Wet op Seeverkeer, 1981, word hierby gewysig—

- (a) deur die omskrywing van “binnewaters” deur die volgende omskrywing te vervang:

50 “‘binnewaters’ nie ook daardie waters ten opsigte waarvan die reg op vrye en vreedsame deurvaart uit hoofde van artikel 3(3) van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994), van toepassing is nie;”;

- (b) deur in die omskrywing van “deurvaart” die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:



- (c) any member of the South African Police Service above the rank of sergeant;
- [(d) **any member of the South African Railways Police Force above the rank of sergeant;**]
- (e) any member of the South African National Defence Force above the rank of sergeant employed on police duties in terms of section 3(2) [(d)] (b) of the Defence Act, 1957 (Act No. 44 of 1957); 5
- (f) any person accompanying any person referred to in paragraph (a), (b), (c) [(d)] or (e) and acting under his instructions;";
- (b) by the substitution for the definition of "Director-General" of the following definition: 10  
 " 'Director-General' means the Director-General: Transport or any officer of the Department of Transport acting on his authority;";
- (c) by the insertion after the definition of "Director-General" of the following definition: 15  
 " 'exclusive economic zone' means the exclusive economic zone referred to in section 7 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);";
- (d) by the substitution for the definition of "fishing harbour" of the following definition: 20  
 " 'fishing harbour' means a fishing harbour as defined in section 1 of the Sea [Fisheries Act, 1973 (Act No. 58 of 1973)] Fishery Act, 1988 (Act No. 12 of 1988);";
- (e) by the substitution for the definition of "foreign" of the following definition: 25  
 " 'foreign', in relation to any ship, submarine or other underwater vehicle, means a ship, submarine or other underwater vehicle **[which is not registered or licensed in the Republic]** not having South African nationality by virtue of section 64 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951);";
- (f) by the substitution for the definition of "harbour" of the following definition: 30  
 " 'harbour' means a harbour of which Transnet Limited has become the owner in terms of section 3 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989);";
- (g) by the substitution for the definition of "internal waters" of the following definition: 35  
 " 'internal waters' excludes those waters in respect of which the right of innocent passage exists by virtue of section 3(3) of the Maritime Zones Act, 1994;";
- (h) by the substitution for the definition of "Minister" of the following definition: 40  
 " 'Minister' means the Minister of Transport **[Affairs]**;";
- (i) by the substitution for the definition of "offshore installation" of the following definition: 45  
 " 'offshore installation' means any of the following situated within the internal waters, territorial waters or the exclusive economic zone or on or above the continental shelf:  
 (a) Any installation, including a pipeline, which is used for the transfer of any substance to or from—  
 (i) a ship;  
 (ii) a research, exploration or production platform; or  
 (iii) the coast of the Republic; 50  
 (b) any exploration or production platform used in prospecting for or the mining of any substance;  
 (c) any exploration or production vessel used in prospecting for or the mining of any substance;  
 (d) a telecommunications line as defined in section 1 of the Post Office Act, 1958 (Act No. 44 of 1958); 55  
 (e) any vessel or appliance used for the exploration or exploitation of the seabed;";
- (j) by the substitution in the definition of "passage" for the words preceding paragraph (a) of the following words: 60  
 " 'passage' means navigation through the territorial waters in a continuous and expeditious manner **[on a normal and customary route]** for the purpose of—";



- “ ‘deurvaart’ vaart deur die territoriale waters op ’n onafgebroke en flinke wyse [op ’n gewone en gebruiklike roete] met die doel om—”;
- (c) deur paragraaf (b) van die omskrywing van “deurvaart” deur die volgende paragraaf te vervang:
- 5 “(b) na of van [’n hawe] binnewaters te vaar [hetsy deur binnewaters of nie] of so ’n rede of see-installasie aan te doen,”;
- (d) deur die omskrywing van “Direkteur-generaal” deur die volgende omskrywing te vervang:
- 10 “ ‘Direkteur-generaal’ die Direkteur-generaal: Vervoer of ’n beampte van die Departement van Vervoer wat op sy gesag optree,”;
- (e) deur die volgende omskrywing na die omskrywing van “Direkteur-generaal” in te voeg:
- 15 “ ‘eksklusiewe ekonomiese sone’ die eksklusiewe ekonomiese sone in artikel 7 van die Wet op Maritieme Sones, 1994, bedoel,”;
- (f) deur die omskrywing van “gemagtigde persoon” deur die volgende omskrywing te vervang:
- 20 “ ‘gemagtigde persoon’—
- (a) enige beampte soos omskryf in artikel [1] 1(1) van die Staatsdienswet, [1957 (Wet No. 54 van 1957)] 1994 (Proklamasie No. 103 van 1994), wat deur die Minister aangewys is;
- (b) enige offisier van die Suid-Afrikaanse Vloot;
- (c) enige lid van die Suid-Afrikaanse [Polisie] Polisie diens bo die rang van sersant;
- 25 [(d) enige lid van die Suid-Afrikaanse Spoorwegpolisiemag bo die rang van sersant;]
- (e) enige lid van die Suid-Afrikaanse Nasionale Weermag bo die rang van sersant wat in verband met polisiepligte gebruik word ingevolge artikel 3(2) [(d)] (b) van die Verdedigingswet, 1957 (Wet No. 44 van 1957);
- 30 (f) enigiemand wat ’n persoon in paragraaf (a), (b), (c) [(d)] of (e) bedoel, vergesel en volgens sy voorskrifte optree,”;
- (g) deur die omskrywing van “hawe” deur die volgende omskrywing te vervang:
- 35 “ ‘hawe’ ’n hawe waarvan Transnet Beperk kragtens artikel 3 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989), die eienaar geword het,”;
- (h) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:
- 40 “ ‘Minister’ die Minister van [Vervoerwese] Vervoer,”;
- (i) deur die omskrywing van “see-installasie” deur die volgende omskrywing te vervang:
- 45 “ ‘see-installasie’ enige van die volgende wat binne die binnewaters, territoriale waters of eksklusiewe ekonomiese sone of op of bo die vastelandsplat geleë is:
- (a) ’n Installasie, met inbegrip van ’n pyplyn, wat gebruik word vir die verplasing van enige stof na of van—
- (i) ’n skip;
- (ii) ’n navorsings-, eksplorasië- of produksieplatform; of
- (iii) die kus van die Republiek;
- 50 (b) ’n eksplorasië- of produksieplatform wat gebruik word by die prospektering na of myn van enige stof;
- (c) ’n eksplorasië- of produksievaartuig wat gebruik word by die prospektering na of myn van enige stof;
- (d) ’n telekommunikasielyn soos omskryf in artikel 1 van die Poswet, 1958 (Wet No. 44 van 1958);
- 55 (e) ’n vaartuig of toestel wat gebruik word vir die eksplorasië of eksplorasie van die seebedding,”;
- (j) deur die omskrywing van “territoriale waters” deur die volgende omskrywing te vervang:
- 60 “ ‘territoriale waters’ ook daardie waters ten opsigte waarvan die reg op vrye en vreedsame deurvaart uit hoofde van artikel 3(3) van die Wet op Maritieme Sones, 1994, van toepassing is,”;
- (k) deur die volgende omskrywing na die omskrywing van “territoriale waters” in te voeg:

- (k) by the substitution for paragraph (b) of the definition of “passage” of the following paragraph:
- “(b) proceeding to or from [a harbour, whether through] internal waters [or not,] or a call at any such roadstead or offshore installation,”;
- (l) by the insertion before the definition of “ship” of the following definition:
- “ ‘safety zone’ means—
- (a) the area within a distance of 500 meters measured outward from any point on the exterior side of an offshore installation referred to in paragraphs (a) and (b) of the definition of offshore installation (other than a pipeline); or
- (b) the area determined by the Minister under section 8C;”; and
- (m) by the substitution for the definition of “territorial waters” of the following definition:
- “ ‘territorial waters’ includes those waters in respect of which the right of innocent passage exists by virtue of section 3(3) of the Maritime Zones Act, 1994.”.

#### Substitution of section 8B of Act 2 of 1981, as inserted by section 2 of Act 38 of 1993

20. The following section is hereby substituted for section 8B of the Marine Traffic Act, 1981:

#### “Offences in respect of offshore installations

- 8B.** (1) (a) The master; or
- (b) any person on board a ship in charge of the navigation of such ship, shall be guilty of an offence if—
- (i) through his act or omission in connection with the navigation of the ship in question an offshore installation or any part thereof is damaged;
- (ii) the ship, except while rendering an emergency service or previously agreed service to the offshore installation in question, enters a safety zone, or drops or drags anchor nearer than 500 meters to a pipeline or a telecommunications line; or
- (iii) while engaged in fishing, the ship bottom trawls nearer than 500 meters to such a pipeline or telecommunications line.
- (2) No liability arises in terms of subsection (1) where the master or person on board the ship in charge of the navigation thereof acted for the purpose of securing the safety of the ship, any other ship or an offshore installation or of preventing damage to the ship, any other ship or the cargo thereof or an offshore installation, or of saving life, and such action was necessary for that purpose or was reasonable in the circumstances.”.

#### Insertion of section 8C in Act 2 of 1981

21. The following section is hereby inserted in the Marine Traffic Act, 1981, after section 8B:

#### “Minister may determine safety zone

**8C.** Subject to compliance with Article 60(5) of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982, the Minister may, in respect of an offshore installation referred to in paragraphs (a) and (b) of the definition of offshore installation (other than a pipeline), by notice in the *Gazette* determine that the area specified in the notice shall be the safety zone for the offshore installation in question.”.

“veiligheidsone” —

- (a) die gebied binne 'n afstand van 500 meter buitewaarts gemeet vanaf enige punt aan die buitekant van 'n see-installasie bedoel in paragrawe (a) en (b) van die omskrywing van see-installasie (behalwe 'n pyplyn); of
- (b) die gebied kragtens artikel 8C deur die Minister bepaal;”;
- (l) deur die omskrywing van “vissershawe” deur die volgende omskrywing te vervang:
- “vissershawe” 'n vissershawe soos omskryf in artikel 1 van die Wet op [Seevisserye, 1973 (Wet No. 58 van 1973)] Seevisserye, 1988 (Wet No. 12 van 1988);”; en
- (m) deur die omskrywing van “vreemd” deur die volgende omskrywing te vervang:
- “vreemd”, met betrekking tot 'n skip, duikboot of ander onderwater-voertuig, 'n skip, duikboot of ander onderwater-voertuig wat nie [in die Republiek geregistreer of gelisensieer is] Suid-Afrikaanse nasionaliteit uit hoofde van artikel 64 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), het nie;”.

#### Vervanging van artikel 8B van Wet 2 van 1981, soos ingevoeg deur artikel 2 van Wet 38 van 1993

20. Artikel 8B van die Wet op Seeverkeer, 1981, word hierby deur die volgende artikel vervang:

#### “Misdrywe ten opsigte van see-installasies

- 8B. (1) (a) Die gesagvoerder; of
- (b) iemand aan boord van 'n skip wat in bevel is van die navigasie van die skip, is aan 'n misdryf skuldig indien—
- (i) weens 'n handeling of versuim van hom in verband met die navigasie van die betrokke skip, 'n see-installasie of 'n gedeelte daarvan beskadig word;
- (ii) die skip, behalwe terwyl dit 'n nooddiens of vooraf ooreengekome diens aan die betrokke see-installasie lewer, 'n veiligheidsone binnevaar, of nader as 500 meter aan 'n pyplyn of 'n telekommunikasielyn anker gooi of sleep; of
- (iii) terwyl die skip besig is met visvang, dit nader as 500 meter aan so 'n pyplyn of telekommunikasielyn bodemtreil.
- (2) Geen aanspreeklikheid ontstaan ingevolge subartikel (1) nie waar die gesagvoerder of iemand aan boord van die skip wat in bevel is van die navigasie daarvan opgetree het om die skip, enige ander skip of 'n see-installasie se veiligheid te verseker of om skade aan die skip, enige ander skip of die vraag daarvan of 'n see-installasie te verhoed, of om lewens te red, en sodanige optrede nodig was vir dié doel of in die omstandighede redelik was.”.

#### Invoeging van artikel 8C in Wet 2 van 1981

21. Die volgende artikel word hierby in die Wet op Seeverkeer, 1981, na artikel 8B ingevoeg:

#### “Minister kan veiligheidsone bepaal

- 8C. Behoudens die nakoming van Artikel 60(5) van die ‘United Nations Convention on the Law of the Sea’ aangegaan te Montegobaai op 10 Desember 1982, kan die Minister, ten opsigte van 'n see-installasie bedoel in paragrawe (a) en (b) van die omskrywing van see-installasie (behalwe 'n pyplyn), by kennisgewing in die Staatskoerant bepaal dat die gebied wat in die kennisgewing gespesifiseer word die veiligheidsone van die betrokke see-installasie is.”.

**Amendment of section 9 of Act 2 of 1981, as amended by section 9 of Act 5 of 1983**

22. Section 9 of the Marine Traffic Act, 1981, is hereby amended by the substitution in subsection (5) for the expression "State Revenue Fund" of the expression "National Revenue Fund".

**Substitution of section 11 of Act 2 of 1981, as amended by section 10 of Act 5 of 1983 and section 3 of Act 38 of 1993** 5

23. The following section is hereby substituted for section 11 of the Marine Traffic Act, 1981:

**"Penalties**

11. (1) Any person shall be liable on conviction of— 10
- (a) any offence [under] in terms of section 3(2), to a fine [not exceeding R5 000] or to imprisonment for a period not exceeding twelve months [or to both such fine and such imprisonment]; 10
  - (b) any offence [under] in terms of section 4(2) or 5(4), to a fine [not exceeding R10 000] or to imprisonment for a period not exceeding two years [or to both such fine and such imprisonment]; 15
  - (c) any offence [under] in terms of section 6(2) or 7(3), to a fine [not exceeding R1 000] or to imprisonment for a period not exceeding three months [or to both such fine and such imprisonment]; 15
  - (d) any offence [under] in terms of section 8B(1), to a fine [not exceeding R200 000], or to imprisonment for a period not exceeding [10] five years or to both such fine and such imprisonment. 20
- (2) If any person—
- (a) admits to the Director-General that he has contravened or failed to comply with any provision of this Act, which contravention or failure constitutes an offence; 25
  - (b) agrees to abide by the decision of the Director-General; and
  - (c) deposits with the Director-General such sum as that officer may require of him, but not exceeding the maximum fine which may be imposed upon a conviction for the contravention or failure in question, 30
- the Director-General may, after such enquiry as he deems necessary, determine the matter summarily and may, without legal proceedings, order the whole or any part of the said deposit to be forfeited by way of a fine.
- (3) There shall be a right of appeal to the Minister from a determination or order by the Director-General under subsection (2) whereby a fine exceeding R2 000 is imposed, provided such right is exercised within a period of three months from the date of such determination or order. 35
- (4) The imposition of a fine under subsection (2) shall be deemed not to be a conviction for an offence, but no prosecution in respect of the offence in question may thereafter be instituted." 40

**Insertion of section 11A in Act 2 of 1981**

24. The following section is hereby inserted in the Marine Traffic Act, 1981, after section 11:

**"Jurisdiction**

- 11A. (1) Any offence in terms of this Act shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed 45

### Wysiging van artikel 9 van Wet 2 van 1981, soos gewysig deur artikel 9 van Wet 5 van 1983

22. Artikel 9 van die Wet op Seeverkeer, 1981, word hierby gewysig deur in subartikel (5) die uitdrukking "Staatsinkomstefonds" deur die uitdrukking "Nasionale 5 Inkomstefonds" te vervang.

### Vervanging van artikel 11 van Wet 2 van 1981, soos gewysig deur artikel 10 van Wet 5 van 1983 en artikel 3 van Wet 38 van 1993

23. Artikel 11 van die Wet op Seeverkeer, 1981, word hierby deur die volgende artikel vervang:

#### 10 "Strawwe

11. (1) Iemand is strafbaar by skuldigbevinding aan—

- (a) 'n misdryf [kragtens] ingevolge artikel 3(2) met 'n boete [van 15 hoogstens R5 000] of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande [of met sodanige boete sowel as sodanige gevangenisstraf];
- (b) 'n misdryf [kragtens] ingevolge artikel 4(2) of 5(4), met 'n boete [van hoogstens R10 000] of met gevangenisstraf vir 'n tydperk van 20 hoogstens twee jaar [of met sodanige boete sowel as sodanige gevangenisstraf];
- (c) 'n misdryf [kragtens] ingevolge artikel 6(2) of 7(3), met 'n boete [van hoogstens R1 000] of met gevangenisstraf vir 'n tydperk van 25 hoogstens drie maande [of met sodanige boete sowel as sodanige gevangenisstraf];
- (d) 'n misdryf [kragtens] ingevolge artikel 8B(1) met 'n boete van 30 hoogstens R200 000 of met gevangenisstraf vir 'n tydperk van hoogstens [10] vyf jaar of met sodanige boete sowel as sodanige gevangenisstraf.

(2) Indien iemand—

- (a) aan die Direkteur-generaal erken dat hy enige bepaling van hierdie 35 Wet oortree het of versuim het om daaraan te voldoen, welke oortreding of versuim 'n misdryf uitmaak;
- (b) instem om hom of haar aan die Direkteur-generaal se beslissing te onderwerp; en
- (c) die bedrag by die Direkteur-generaal deponeer wat daardie beamppte 40 van hom vereis, maar nie meer as die maksimum boete wat by 'n skuldigbevinding weens die betrokke oortreding of versuim opgelê kan word nie,

kan die Direkteur-generaal, na die ondersoek wat hy nodig ag, die saak summier beslis en sonder regsgeding beveel dat die geheel of enige gedeelte van genoemde deposito by wyse van boete verbeur word.

(3) Daar is 'n reg van appèl na die Minister teen 'n beslissing of bevel deur die Direkteur-generaal kragtens subartikel (2) waarby 'n boete van hoër as R2 000 opgelê word, mits sodanige reg binne 'n tydperk van drie 45 maande vanaf die datum van dié beslissing of bevel uitgeoefen word.

(4) Die oplegging van 'n boete kragtens subartikel (2) word geag nie 'n skuldigbevinding aan 'n misdryf te wees nie, maar geen vervolging ten opsigte van die betrokke misdryf kan daarna ingestel word nie."

### Invoeging van artikel 11A in Wet 2 van 1981

24. Die volgende artikel word hierby in die Wet op Seeverkeer, 1981, na artikel 11 50 ingevoeg:

#### "Regsbevoegdheid

11A. (1) 'n Misdryf ingevolge hierdie Wet word vir doeleindes betreffende regsbevoegdheid van 'n hof om die misdryf te verhoor, geag



within the area of jurisdiction of the court in which the prosecution is instituted.

(2) Notwithstanding anything to the contrary in any law contained, a magistrates' court shall have jurisdiction to impose any penalty prescribed by this Act."

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#### **Amendment of section 14 of Act 2 of 1981**

**25.** Section 14 of the Marine Traffic Act, 1981, is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

"(a) regulating marine traffic in the territorial and internal waters, including the prescribing of ship reporting procedures, sea lanes and traffic separation schemes for ships in general or for any class of ship or for ships carrying nuclear or other dangerous or noxious substances;"

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(b) by the insertion after paragraph (b) of the following paragraph:

"(bA) prescribing measures to be taken on or in respect of offshore installations, including the equipment to be installed and maintained thereon, in the interests of the safety of navigation;"

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(c) by the substitution for the words following paragraph (d) of the following words:

"and, in general, [as to all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved] for the better achievement of the objects of this Act."; and

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(d) by the addition of the following subsection the existing section becoming subsection (1):

"(2) Regulations made under subsection (1) may—

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(a) prescribe for any contravention thereof or failure to comply therewith a penalty of a fine or imprisonment for a period not exceeding two years;

(b) be applicable outside the Republic."

#### **Insertion of section 17A in Act 2 of 1981**

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**26.** The following section is hereby inserted in the Marine Traffic Act, 1981, after section 17:

##### **"Application of Act to Prince Edward Islands**

**17A.** This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), and any reference in this Act to the Republic shall include a reference to those Islands."

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#### **Amendment of section 1 of Act 6 of 1981, as amended by section 1 of Act 9 of 1990**

**27.** Section 1 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

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(a) by the substitution in subsection (1) for the definition of "area of the Republic" of the following definition:

" 'area of the Republic' includes the internal waters and the territorial waters [of the Republic];"

(b) by the substitution in subsection (1) for the definition of "discharge" of the following definition:

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" 'discharge', in relation to a harmful substance, means any release, howsoever caused, from a ship, a tanker or an offshore installation into a part of the sea which is a prohibited area, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying; and 'discharge', when used as a verb, has a corresponding meaning;"

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gepleeg te gewees het binne die regsgebied van die hof waarin die vervolging ingestel word.

(2) Ondanks enige andersluidende wetsbepaling, het 'n landdroshof regsbevoegdheid om enige straf wat by hierdie Wet voorgeskryf word, op te lê.”

#### Wysiging van artikel 14 van Wet 2 van 1981

25. Artikel 14 van die Wet op Seeverkeer, 1981, word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) wat seeverkeer in die territoriale waters en binnewaters reël, met inbegrip van die voorskryf van skeepsrapporteringsprosedures, seeweë en verkeersverdelingskemas vir skepe in die algemeen of vir enige klas skip of skepe wat kernstowwe of ander gevaarlike of skadelike stowwe vervoer;”;

(b) deur die volgende paragraaf na paragraaf (b) in te voeg:

“(bA) wat die maatreëls, met inbegrip van die toerusting wat daarop geïnstalleer en onderhou moet word, voorskryf wat op of ten opsigte van see-installasies in die belang van die veiligheid van navigasie getref moet word;”;

(c) deur die woorde wat op paragraaf (d) volg deur die volgende woorde te vervang:

“en, in die algemeen, **[aangaande alle aangeleenthede wat hy dit nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik]** vir die beter verwesenliking van die oogmerke van hierdie Wet.”; en

(d) deur die volgende subartikel by te voeg terwyl die bestaande artikel subartikel (1) word:

“(2) Regulasies kragtens subartikel (1) uitgevaardig, kan—

(a) vir 'n oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf van 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar;

(b) buite die Republiek van toepassing wees.”.

#### Invoeging van artikel 17A in Wet 2 van 1981

26. Die volgende artikel word hierby in die Wet op Seeverkeer, 1981, na artikel 17 ingevoeg:

#### 35 “Toepassing van Wet op Prince Edward-eilande

17A. Hierdie Wet is ook van toepassing op die Prince Edward-eilande bedoel in artikel 1 van die Wet op die Prince Edward-eilande, 1948 (Wet No. 43 van 1948), en enige verwysing in hierdie Wet na die Republiek sluit 'n verwysing na daardie Eilande in.”.

#### 40 Wysiging van artikel 1 van Wet 6 van 1981, soos gewysig deur artikel 1 van Wet 9 van 1990

27. Artikel 1 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van “aardolie” te skrap;

(b) deur in subartikel (1) die volgende omskrywing voor die omskrywing van “Direkteur-generaal” in te voeg:

“ ‘binnewaters’ ook die land tussen die hoog- en laagwatermerke;”;

(c) deur in subartikel (1) die omskrywing van “eienaar” deur die volgende omskrywing te vervang:

“ ‘eienaar’, met betrekking tot 'n skip of 'n tenkskip, die persoon of persone wat as die eienaar van die skip of tenkskip geregistreer is of, by ontstentenis van registrasie, die persoon of persone aan wie die skip of tenkskip behoort, maar, met betrekking tot 'n skip of tenkskip wat aan 'n Staat behoort en wat deur 'n persoon wat as die skip of tenkskip se

- (c) by the insertion in subsection (1) after the definition of "discharge" of the following definitions:
- " 'exclusive economic zone' means the exclusive economic zone referred to in section 7 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);
- 'harmful substance' means any substance which, if introduced into the sea, is likely to create a hazard to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea, and includes oil and any other substance subject to control by MARPOL 1973/78, and mixtures of such substances and water or any other substance;";
- (d) by the insertion in subsection (1) after the definition of "incident" of the following definition:
- " 'internal waters' includes the land between the high-water and low-water marks;";
- (e) by the substitution in subsection (1) for the definition of "low-water mark" of the following definition:
- " 'low-water mark' means the low-water line as defined in section 1 of the Maritime Zones Act, 1994;";
- (f) by the insertion in subsection (1) after the definition of "low-water mark" of the following definitions:
- " 'Marine Pollution Acts' means the Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act No. 2 of 1986), including any instrument made thereunder, and this Act;
- 'MARPOL 1973/78' means the convention contained in the Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act, 1986;";
- (g) by the substitution in subsection (1) for the definition of "Minister" of the following definition:
- " 'Minister' means the Minister of Transport [Affairs];";
- (h) by the insertion in subsection (1) after the definition of "Minister" of the following definition:
- " 'National Revenue Fund' means the National Revenue Fund established by section 213 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);";
- (i) by the deletion in subsection (1) of the definition of "natural oil";
- (j) by the substitution in subsection (1) for the definition of "offshore installation" of the following definition:
- " 'offshore installation' means a facility situated wholly or partly within the prohibited area and which is used for the transfer of [oil] harmful substances from a ship or a tanker to a point on land or from a point on land to a ship or tanker or from a bunkering vessel to a ship or a tanker, and includes any exploration or production platform situated within the prohibited area and used in prospecting for or the mining of natural oil;";
- (k) by the substitution in subsection (1) for the definition of "oil" of the following definition:
- " 'oil', in relation to—
- (a) a discharge of oil from a ship, a tanker or an offshore installation, means oil as defined in regulation 1 of Annex I to MARPOL 1973/78, and includes an oily mixture as defined in that regulation; and
- (b) loss or damage caused as contemplated in section 9(1)(a) where the discharge in question took place from a tanker, and for the purposes of section 13(1), means oil as defined in paragraph 5 of Article 1 of the Convention;";
- (l) by the substitution in subsection (1) for the definition of "owner" of the following definition:
- " 'owner', in relation to a ship or a tanker, means the person or persons registered as the owner of such ship or tanker or, in the absence of registration, the person or persons to whom such ship or tanker belongs, but, in relation to a ship or tanker belonging to a State which is operated by a person registered as the ship's or tanker's operator, 'owner' means the person so registered;";

- operateur geregistreer is, bedryf word, beteken 'eienaar' die persoon aldus geregistreer;"
- (d) deur in subartikel (1) die volgende omskrywing na die omskrywing van "eienaar" in te voeg:
- 5 " 'eksklusiewe ekonomiese sone' die eksklusiewe ekonomiese sone bedoel in artikel 7 van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994);";
- (e) deur in subartikel (1) die omskrywing van "gebied van die Republiek" deur die volgende omskrywing te vervang:
- 10 " 'gebied van die Republiek' ook die binnewaters en die territoriale waters [van die Republiek]";
- (f) deur in subartikel (1) die omskrywing van "laagwatermerk" deur die volgende omskrywing te vervang:
- 15 " 'laagwatermerk' die laagwaterlyn soos omskryf in artikel 1 van die Wet op Maritieme Sones, 1994";
- (g) deur in subartikel (1) die volgende omskrywings na die omskrywing van "laagwatermerk" in te voeg:
- 20 " 'Marienebesoedelingswette' die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe), 1986 (Wet No. 2 van 1986), met inbegrip van enige instrument daarkragtens uitgevaardig, en hierdie Wet; 'MARPOL 1973/78' die konvensie waarvan 'n vertaling in die Bylae by die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe), 1986, opgeneem is;"
- 25 (h) deur in subartikel (1) die omskrywing van "Minister" deur die volgende omskrywing te vervang:
- " 'Minister' die Minister van [Vervoerwese] Vervoer;"
- (i) deur in subartikel (1) die volgende omskrywing na die omskrywing van "Minister" in te voeg:
- 30 " 'Nasionale Inkomstefonds' die Nasionale Inkomstefonds ingestel by artikel 213 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);";
- (j) deur in subartikel (1) die omskrywing van "olie" deur die volgende omskrywing te vervang:
- 35 " 'olie', met betrekking tot—
- (a) 'n uitlating van olie uit 'n skip, 'n tenkskip of 'n see-installasie, olie soos omskryf in regulasie 1 van Aanhangsel 1 by MARPOL 1973/78, en ook 'n olierige mengsel soos in daardie regulasie omskryf; en
- 40 (b) verlies of skade veroorsaak soos beoog in artikel 9(1)(a), waar die betrokke uitlating uit 'n tenkskip plaasgevind het, en by die toepassing van artikel 13(1), olie soos omskryf in paragraaf 5 van Artikel 1 van die Konvensie;"
- (k) deur in subartikel (1) die omskrywing van "see-installasie" deur die volgende omskrywing te vervang:
- 45 " 'see-installasie' 'n fasiliteit wat geheel en al of gedeeltelik binne die verbode gebied geleë is en wat gebruik word om [olie] skadelike stowwe vanaf 'n skip of 'n tenkskip na 'n punt op land of vanaf 'n punt op land na 'n skip of tenkskip of vanaf 'n bunkervaartuig na 'n skip of
- 50 'n tenkskip oor te plaas, en ook 'n eksplorasië- of produksieplatform wat binne die verbode gebied geleë is en wat gebruik word by die prospekter na of ontginning van aardolie;"
- (l) deur in subartikel (1) die volgende omskrywing na die omskrywing van "sertifikaat" in te voeg:
- 55 " 'skadelike stof' enige stof wat, indien dit in die see ingelaat word, waarskynlik 'n bedreiging sal inhou vir menslike gesondheid, lewende bronne en die marienelewe benadeel, geriewe beskadig of inbreuk maak op ander wettige gebruike van die see, en ook olie en ander stowwe onderworpe aan beheer deur MARPOL 1973/78, en mengsels van
- 60 sodanige stowwe en water of enige ander stof;"
- (m) deur in subartikel (1) die omskrywing van "Staatsinkomstefonds" te skrap;
- (n) deur in subartikel (1) die omskrywing van "territoriale waters van die Republiek" te skrap;

- (m) by the substitution in subsection (1) for the definition of “prohibited area” of the following definition:
  - “ ‘prohibited area’ means the internal waters, the territorial waters and the exclusive economic zone and, in relation to an offshore installation, includes the sea within the limits of the continental shelf;”;
- (n) by the deletion in subsection (1) of the definition of “State Revenue Fund”;
- (o) by the deletion in subsection (1) of the definition of “territorial waters of the Republic.”.

#### Repeal of section 2 of Act 6 of 1981

28. Section 2 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby repealed.

#### Amendment of section 3 of Act 6 of 1981

29. Section 3 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in subsection (1) for the word “oil” of the words “any harmful substance”;
- (b) by the substitution in subsection (2) for the word “oil” where it—
  - (i) first appears of the words “any harmful substance”; and
  - (ii) thereafter appears of the words “harmful substances”; and
- (c) by the substitution in subsection (3) for the word “oil” of the word “a harmful substance”.

#### Substitution of section 4 of Act 6 of 1981

30. The following section is hereby substituted for section 4 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981:

#### “Powers of Minister to take steps to prevent pollution of sea where harmful substance is being or is likely to be discharged

4. (1) If any [oil] harmful substance is being discharged or is in the opinion of the Minister likely to be discharged from a ship or a tanker, the Minister may, with a view to preventing the pollution or further pollution of the sea by such [oil] substance, require the master or the owner of such ship or tanker or both such master and owner—

- (a) (i) to unload the [oil] harmful substance from the ship or tanker or [oil] any such substance from a specified part of the ship or tanker;
- (ii) to transfer [oil] any harmful substance from a specified part of the ship or tanker to another specified part of the ship or tanker;
- (iii) to dispose of any [oil] harmful substance so unloaded or transferred, in such manner and within such period as the Minister may direct if he deems fit to do so;
- (b) to move the ship or tanker or cause the ship or tanker to be moved to a place specified by the Minister;
- (c) not to move the ship or tanker from a place specified by the Minister, except with the approval of the Minister and in accordance with the conditions subject to which such approval was granted;
- (d) not to unload any cargo or [oil] harmful substance, or any cargo or [oil] harmful substance specified by the Minister, from the ship or tanker

- (o) deur in subartikel (1) die omskrywing van “uitlating” deur die volgende omskrywing te vervang:
- “ ‘uitlating’, met betrekking tot ’n skadelike stof, enige uitleting, hoe ook al veroorsaak, uit ’n skip, ’n tenkskip of ’n see-installasie in ’n deel van die see wat ’n verbode gebied is, en ook enige ontsnapping, beskikking, storting, uitlekking, uitpomp, afskeiding of leegmaking; en het ‘uitlaat’ wanneer as ’n werkwoord gebesig ’n ooreenstemmende betekenis;”; en
- (p) deur in subartikel (1) die omskrywing van “verbode gebied” deur die volgende omskrywing te vervang:
- “ ‘verbode gebied’ die binnewaters, die territoriale waters en die eksklusiewe ekonomiese sone en, met betrekking tot ’n see-installasie, ook die see binne die perke van die vastelandsplat;”.

### Herroeping van artikel 2 van Wet 6 van 1981

28. Artikel 2 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby herroep.

### Wysiging van artikel 3 van Wet 6 van 1981

29. Artikel 3 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig—
- (a) deur in subartikel (1) die woord “olie” deur die woorde “’n skadelike stof” te vervang;
- (b) deur in subartikel (2) die woord “olie” waar dit—
- (i) eerste voorkom deur die woorde “’n skadelike stof” te vervang; en
- (ii) daarna voorkom deur die woorde “skadelike stowwe” te vervang; en
- (c) deur in subartikel (3) die woord “olie” deur die woorde “’n skadelike stof” te vervang.

### Vervanging van artikel 4 van Wet 6 van 1981

30. Artikel 4 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby deur die volgende artikel vervang:

- “Bevoegdhede van Minister om stappe te doen om besoedeling van see te voorkom waar skadelike stof uitgelaat word of waarskynlik uitgelaat sal word

4. (1) Indien [olie] ’n skadelike stof uit ’n skip of ’n tenkskip uitgelaat word of, na die oordeel van die Minister, waarskynlik uitgelaat sal word, kan die Minister, met die oog op voorkoming van die besoedeling of verdere besoedeling van die see deur daardie [olie] stof, eis dat die gesagvoerder of die eienaar van daardie skip of tenkskip of dié gesagvoerder sowel as dié eienaar—
- (a) op die wyse en binne die tydperk wat die Minister gelas indien hy goedgevind om dit te doen—
- (i) die [olie] skadelike stof van die skip of tenkskip, of [olie] enige sodanige stof van ’n vermelde gedeelte van die skip of tenkskip, aflaai;
- (ii) [olie] ’n skadelike stof van ’n vermelde gedeelte van die skip of tenkskip na ’n ander vermelde gedeelte van die skip of tenkskip oorplaas;
- (iii) beskik oor [olie] ’n skadelike stof wat aldus afgelaai of oorgeplaas is;
- (b) die skip of tenkskip verskuif of laat verskuif na ’n plek wat die Minister bepaal;
- (c) nie die skip of tenkskip verskuif nie van ’n plek wat die Minister bepaal, behalwe met die goedkeuring van die Minister en ooreenkomstig die voorwaardes waarop die goedkeuring verleen is;
- (d) geen vrag of [olie] skadelike stof, of geen vrag of [olie] skadelike stof wat die Minister bepaal, van die skip of tenkskip aflaai nie, behalwe



- except with the approval of the Minister and in accordance with the conditions subject to which such approval was granted;
- (e) to carry out such operations for the sinking or destruction of the ship or tanker, or any part thereof, or the destruction of the [oil on] harmful substances in the ship or tanker, or such quantity thereof, as the Minister may specify; 5
  - (f) to steer such course, while the ship or tanker is within the prohibited area, as the Minister may specify;
  - (g) to obtain the services of one or more suitable vessels to stand by such ship or tanker during a period determined by the Minister; 10
  - (h) to take such other steps in regard to the ship or tanker or its cargo or the [oil] harmful substances therein or both the ship or tanker and its cargo or the [oil] harmful substances therein as may be specified by the Minister, to prevent the discharge or further discharge of [oil] any such substance from the ship or tanker. 15
- (2) (a) If, in the opinion of the Minister, the master and the owner of the ship or tanker in question are or would be incapable of complying with a requirement made or contemplated in terms of subsection (1) or could not reasonably be expected to comply with such requirement, or the powers conferred upon the Minister [in terms of] by subsection (1) are inadequate 20 for the purpose contemplated in that subsection, the Minister may cause any such steps to be taken as he has power to require to be taken in terms of the said subsection.
- (b) Any reference in paragraph (a) to the power of the Minister to require steps to be taken [in terms of] under subsection (1), includes a reference to the power of the Minister [in terms of] under that subsection to require that a specified step be not taken. 25
- (c) If any person performs salvage operations in connection with a ship or tanker, any requirement of the Minister [in terms of] under subsection (1) in connection with such ship or tanker or its cargo or [oil] the harmful substances therein shall also be made known to such salvor, and any such requirement that a specified step be not taken shall thereafter, unless the Minister otherwise directs, also be binding upon such salvor and any such requirement that a specified act be performed shall, unless the Minister otherwise directs, also be construed as a requirement [in terms of] under 30 that subsection and binding upon such salvor that no steps be taken by such salvor which would obstruct or be likely to obstruct the performance of the specified act. 35
- (3) If the owner of a ship or a tanker, in complying with a requirement of the Minister in terms of subsection (1), incurs any expenses and— 40
- (a) the discharge or likelihood of a discharge of the [oil] harmful substance in question was due wholly to the fault of the State; or
  - (b) the discharge or likelihood of a discharge of the [oil] harmful substance in question was due partly to the fault of the State,
- the amount of such expenses, in the event contemplated in paragraph (a), or the applicable proportion of the amount of such expenses determined in accordance with the provisions of the Apportionment of Damages Act, 1956 (Act No. 34 of 1956), in the event contemplated in paragraph (b), shall become payable to the owner by the State. 45
- (4) The provisions of subsections (1)(a), (d), (g) and (h), (2)(a) and (b) and (3) shall *mutatis mutandis* apply in respect of [oil] harmful substances discharged or, in the opinion of the Minister, likely to be discharged from an offshore installation.” 50

#### Substitution of section 5 of Act 6 of 1981

31. The following section is hereby substituted for section 5 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981: 55

met die goedkeuring van die Minister en ooreenkomstig die voorwaardes waarop die goedkeuring verleen is;

- (e) die bedrywighede uitvoer wat die Minister bepaal om die skip of tenkskip, of 'n gedeelte daarvan, te kelder of te vernietig, of die **[olie op]** skadelike stowwe in die skip of tenkskip of die hoeveelheid daarvan wat die Minister bepaal, te vernietig;
- (f) op die koers vaar, terwyl die skip of tenkskip binne die verbode gebied is, wat die Minister bepaal;
- (g) die dienste verkry van een of meer geskikte vaartuie om by daardie skip of tenkskip gereed te staan vir die tydperk wat die Minister bepaal;
- (h) die ander stappe doen met betrekking tot die skip of tenkskip of die vrag daarvan of die **[olie]** skadelike stowwe daarin of die skip of tenkskip sowel as die vrag daarvan of die **[olie]** skadelike stowwe daarin, wat die Minister bepaal om die uitlating of verdere uitlating van **[olie]** so 'n stof uit die skip of tenkskip te voorkom.

(2) (a) Indien, volgens die oordeel van die Minister, die gesagvoerder en die eienaar van die betrokke skip of tenkskip nie in staat is of sal wees om te voldoen aan 'n eis wat ingevolge subartikel (1) gestel is of beoog word nie, of daar nie redelikerwys van hom verwag kan word om aan so 'n eis te voldoen nie, of die bevoegdhede wat **[ingevolge]** by subartikel (1) aan die Minister verleen is, onvoldoende is vir die doeleindes wat in daardie subartikel beoog word, kan die Minister die een of ander van die stappe laat doen ten opsigte waarvan hy ingevolge genoemde subartikel kan eis dat hulle gedoen word.

(b) 'n Verwysing in paragraaf (a) na die bevoegdheid van die Minister om **[ingevolge]** kragtens subartikel (1) te eis dat stappe gedoen word, behels ook 'n verwysing na die bevoegdheid van die Minister **[ingevolge]** om kragtens daardie subartikel **[om]** te eis dat 'n bepaalde stap nie gedoen word nie.

(c) Indien enige persoon bergingswerk in verband met 'n skip of tenkskip verrig, moet enige eis **[ingevolge]** kragtens subartikel (1) deur die Minister gestel in verband met daardie skip of tenkskip of sy vrag of **[olie]** die skadelike stowwe daarin ook aan daardie berger bekend gemaak word, en **[enige sodanige]** so 'n eis dat 'n bepaalde stap nie gedoen word nie, is daarna, tensy die Minister anders gelas, ook vir daardie berger bindend, en **[enige sodanige]** so 'n eis dat 'n bepaalde handeling verrig moet word, word, tensy die Minister anders gelas, ook uitgelê as 'n eis **[ingevolge]** kragtens daardie subartikel en bindend vir sodanige berger dat geen stappe deur bedoelde berger gedoen mag word nie wat die verrigting van die bepaalde handeling sou belemmer of waarskynlik sou belemmer.

(3) Indien die eienaar van 'n skip of 'n tenkskip uitgawes aangaan by voldoening aan 'n eis van die Minister ingevolge subartikel (1) en—

- (a) die uitlating of waarskynlike uitlating van die betrokke **[olie]** skadelike stof geheel en al aan die skuld van die Staat toe te skryf was; of
  - (b) die uitlating of waarskynlike uitlating van die betrokke **[olie]** skadelike stof deels aan die skuld van die Staat toe te skryf was,
- word die bedrag van daardie uitgawes, in die geval in paragraaf (a) beoog, of die toepaslike deel van die bedrag van daardie uitgawes bepaal ooreenkomstig die bepalinge van die Wet op Verdeling van Skadevergoeding, 1956 (Wet No. 34 van 1956), in die geval in paragraaf (b) beoog, deur die Staat aan die eienaar betaalbaar.

(4) Die bepalinge van subartikels (1)(a), (d), (g) en (h), (2)(a) en (b) en (3) is *mutatis mutandis* van toepassing ten opsigte van **[olie]** skadelike stowwe uitgelaat, of wat, na die oordeel van die Minister, waarskynlik uitgelaat sal word, uit 'n see-installasie.”.

### Vervanging van artikel 5 van Wet 6 van 1981

31. Artikel 5 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby deur die volgende artikel vervang:

**“Prevention or removal of pollution of sea by harmful substances**

5. (1) If in the opinion of the Minister [oil] a harmful substance is likely to be discharged from a ship or a tanker, he may take such measures, including the destruction, burning or disposal in any other manner of [oil] the harmful substance in such ship or tanker, as he may deem fit to guard 5 against or to prevent pollution of the sea by such [oil] harmful substance.

(2) If any [oil] harmful substance is discharged from a ship or a tanker the Minister may cause any pollution of the sea caused thereby to be removed.

(3) If the Minister takes measures [in terms of] under subsection (1) or causes any pollution to be removed [in terms of] under subsection (2), he 10 may order any person who—

(a) is capable of supplying any goods or services; or

(b) is capable of manufacturing, producing, processing or treating any goods; or

(c) is the owner of or has the power to dispose of or has in his possession 15 or under his control any goods, or is a supplier of any service,

which may be required for the purpose of such measures or the removal of such pollution, to supply or deliver or sell such goods or a specified quantity or number thereof, or to supply such service, to the Minister or a specified person, or to manufacture, produce, process or treat a specified quantity or 20 number of such goods and to supply or deliver or sell it to the Minister or to a specified person, within a specified period and at a specified place, as the case may be.

(4) Any person who has received an order under subsection (3) shall, in the absence of evidence to the contrary, be deemed to be capable of performing the act which he has been ordered to perform [ **unless he proves that he is not so capable**]. 25

(5) In respect of any goods supplied, delivered, sold, manufactured, produced, processed or treated or any service supplied in terms of this section, the person concerned shall, when called upon to do so, declare and 30 certify the cost to him of every item invoiced, in addition to stating the selling price, in the case of goods, and the amount of the compensation, in the case of a service, claimed by him.

(6) The Minister may institute, through an independent chartered accountant designated by him for that purpose, a cost investigation in 35 connection with any goods or service in respect of which an order has been issued [in terms of] by him under subsection (3).

(7) In every contract resulting from an order issued [in terms of] under subsection (3), or from the acceptance, by or on behalf of the Minister, of an offer for the manufacture, production, processing, treating or supply of any 40 goods or for the supply of any service, there shall be deemed to be incorporated a condition that the price or compensation stipulated by the seller or supplier concerned shall be subject to confirmation or adjustment by the Minister.

(8) Every person who supplies any service, or supplies, delivers, sells, 45 manufactures, produces, processes or treats any goods, in accordance with an order issued [in terms of] under subsection (3), shall, in the absence of agreement, be paid by the Minister or the person concerned, as the case may be, compensation or a price equal to the amount of the cost to him of the supply of the service in question, or of the goods in question, or of the 50 manufacture, production, processing or treating thereof, plus a percentage of such cost or an amount fixed in the notice in question, or, where the

**“Voorkoming of verwydering van besoedeling van die see deur skadelike stowwe**

5           5. (1) Indien na die oordeel van die Minister [olie] 'n skadelike stof waarskynlik uit 'n skip of 'n tenkskip uitgelaat sal word, kan hy die maatreëls tref, met inbegrip van die vernietiging of verbranding van of beskikking op enige ander wyse oor [olie] die skadelike stof in sodanige skip of tenkskip, wat hy goedvind ten einde te waak teen besoedeling van die see deur daardie [olie] skadelike stof of ten einde sodanige besoedeling te voorkom.

10           (2) Indien [olie] 'n skadelike stof uit 'n skip of 'n tenkskip uitgelaat word, kan die Minister besoedeling van die see wat daardeur veroorsaak is, laat verwyder.

15           (3) Indien die Minister [ingevolge] kragtens subartikel (1) maatreëls tref of [ingevolge] kragtens subartikel (2) besoedeling laat verwyder, kan hy iemand wat—

(a) in staat is om goedere of dienste te verskaf; of  
(b) in staat is om goedere te vervaardig, te produseer, te verwerk of te behandel; of

20           (c) die eienaar is van of die bevoegdheid besit om te beskik oor goedere, of goedere in sy besit of onder sy toesig het of wat 'n verskaffer van 'n diens is,

25           wat vir die doeleindes van daardie maatreëls of die verwydering van daardie besoedeling nodig is, gelas om, binne 'n gestelde tydperk en op 'n vermelde plek, na gelang van die geval, daardie goedere of 'n vermelde hoeveelheid of getal daarvan aan die Minister of 'n vermelde persoon te verskaf, te lewer of te verkoop, of daardie diens aan die Minister of so 'n persoon te verskaf, of 'n vermelde hoeveelheid of getal van daardie goedere te vervaardig, te produseer, te verwerk of te behandel en dit aan die Minister of 'n vermelde persoon te verskaf, te lewer of te verkoop.

30           (4) Iemand wat 'n bevel kragtens subartikel (3) ontvang het, word, behoudens weerleggende getuienis, geag in staat te wees om die handeling te verrig wat hy gelas is om te verrig [**tensy hy bewys dat hy nie aldus in staat is nie**].

35           (5) Die betrokke persoon moet, wanneer hy aangesê is om dit te doen, ten opsigte van goedere verskaf, gelewer, verkoop, vervaardig, geproduseer, verwerk of behandel of enige diens verskaf ingevolge hierdie artikel, die koste vir hom van elke gefaktureerde item verklaar en sertifiseer, benewens die verkoopprijs, in die geval van goedere, en die bedrag van die vergoeding, in die geval van 'n diens, wat hy eis, vermeld.

40           (6) Die Minister kan deur middel van 'n onafhanklike geëksperteerde rekenmeester deur hom vir die doel aangewys, 'n koste-ondersoek instel in verband met enige goedere of 'n diens ten opsigte waarvan hy 'n bevel [ingevolge] kragtens subartikel (3) uitgereik het.

45           (7) In elke kontrak wat ontstaan uit 'n bevel uitgereik [ingevolge] kragtens subartikel (3), of uit die aanname, deur of namens die Minister, van 'n aanbod vir die vervaardiging, produsering, verwerking, behandeling of verskaffing van goedere of vir die verskaffing van 'n diens, word geag 'n voorwaarde ingelyf te wees dat die prys of vergoeding deur die betrokke verkoper of verskaffer gestipuleer, onderworpe is aan bevestiging of aanpassing deur die Minister.

50           (8) Elkeen wat 'n diens verskaf of goedere verskaf, lewer, verkoop, vervaardig, produseer, verwerk of behandel ooreenkomstig 'n bevel uitgereik [ingevolge] kragtens subartikel (3), word, by ontstaan van ooreenkoms, deur die Minister of die betrokke persoon, na gelang van die geval, vergoeding of 'n prys betaal gelyk aan die bedrag wat die verskaffing van die betrokke diens of die betrokke goedere, of die vervaardiging, produsering, verwerking of behandeling daarvan, hom gekos het, plus 'n persentasie van sodanige koste of 'n bedrag vasgestel in die betrokke kennisgewing of, waar die Minister 'n koste-ondersoek



Minister has instituted a cost investigation in terms of subsection (6), the compensation or price determined by the Minister.

(9) If the discharge or **[likelihood of the] likely discharge [of the oil]** in question **relates to oil and** was due—

(a) wholly to the fault of the State, the owner of the ship or tanker in question shall not be liable **[under] in terms of** the provisions of section 9(1)(b) for any expenditure incurred by the Minister by virtue of the provisions of this section; 5

(b) partly to the fault of the State, the amount of any expenditure so incurred by the Minister and recoverable from the owner concerned in terms of the provisions of section 9(1)(b), shall be reduced to such extent as is just and equitable regard being had to the degree in which the State was at fault in relation to the discharge or likely discharge. 10

(10) The provisions of this section, excluding the provisions of subsection (1), shall *mutatis mutandis* apply in respect of a discharge of **[oil] harmful substances** from an offshore installation.”. 15

#### **Amendment of section 6 of Act 6 of 1981**

32. Section 6 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended by the substitution for the word “oil” of the words “a harmful substance”. 20

#### **Substitution of section 7 of Act 6 of 1981**

33. The following section is hereby substituted for section 7 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981:

#### **“Inspection of ship or tanker and of records, and taking samples of harmful substances”** 25

7. Any person authorized thereto by the Minister and any member of the South African Police Service or of the **[police force of the South African Railways and Harbours Administration]** South African National Defence Force may go on board any ship or tanker in any part of the prohibited area to ascertain whether any document required by **[this Act]** the Marine Pollution Acts to be carried on board such ship or tanker is so carried on board or, if he has reasonable grounds for believing that any provision of **[this Act]** those Acts has been or is being contravened in connection with such ship or tanker, may so go on board and inspect such ship or tanker or any part or cargo thereof, inspect and make copies of any documents or records kept in respect of such ship or tanker or in respect of its cargo or **[oil]** the harmful substances on board thereof, take samples of any **[oil]** harmful substance on board such ship or tanker, take soundings of tanks, spaces and bilges and test any equipment on board such ship or tanker which is intended for use in preventing a discharge of **[oil]** harmful substances from such ship or tanker.”. 30 35 40

#### **Amendment of section 8 of Act 6 of 1981, as amended by section 2 of Act 9 of 1990**

34. Section 8 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words: 45

“Any person or member referred to in section 7 and any other person authorized thereto by the Minister may enter upon any land with such workmen, machinery, vehicles, equipment, appliances, instruments and other articles, and may perform all such acts thereon, as may be necessary for the purpose of complying with any provision of this Act, or for the purpose of making any enquiries or undertaking any 50



ingevolge subartikel (6) ingestel het, dié vergoeding of prys wat die Minister bepaal.

(9) Indien die betrokke uitlating of waarskynlike uitlating [**van die betrokke**] op olie **betrekking** het en—

(a) geheel en al aan die skuld van die Staat toe te skryf was, is die eienaar van die betrokke skip of tenkskip nie [**kragtens**] **ingevolge** die bepalings van artikel 9(1)(b) aanspreeklik vir uitgawes deur die Minister uit hoofde van die bepalings van hierdie artikel aangegaan nie;

(b) deels aan die skuld van die Staat toe te skryf was, word die bedrag van enige uitgawes aldus deur die Minister aangegaan en wat ingevolge dié bepalings van artikel 9(1)(b) op die betrokke eienaar verhaalbaar is, in so 'n mate verminder as wat, met inagneming van die mate van die Staat se skuld met betrekking tot die uitlating of waarskynlike uitlating, regverdig en billik is.

(10) Die bepalings van hierdie artikel, uitgesonderd die bepalings van subartikel (1), is *mutatis mutandis* van toepassing met betrekking tot 'n uitlating van [**olie**] **skadelike stowwe** uit 'n see-installasie.”.

#### Wysiging van artikel 6 van Wet 6 van 1981

- 20 32. Artikel 6 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig deur die woord “olie” deur die woorde “'n skadelike stof” te vervang.

#### Vervanging van artikel 7 van Wet 6 van 1981

- 25 33. Artikel 7 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby deur die volgende artikel vervang:

#### “Ondersoek van skip of tenkskip en van aantekeninge, en neem van monsters van skadelike stowwe

7. Iemand wat deur die Minister daartoe gemagtig is, en 'n lid van die Suid-Afrikaanse [**Polisie**] **Polisiediens** of van die [**polisiemag van die Suid-Afrikaanse Spoorweg- en Hawe-administrasie**] **Suid-Afrikaanse Nasionale Weermag** kan aan boord gaan van enige skip of tenkskip in enige gedeelte van die verbode gebied ten einde vas te stel of enige dokument wat ingevolge [**hierdie Wet**] die Marienebesoedelingswette aan boord van daardie skip of tenkskip moet wees, aldus aan boord is of kan, indien hy redelike gronde het om te vermoed dat 'n bepaling van [**hierdie Wet**] daardie Wette oortree is of word in verband met daardie skip of tenkskip, aldus aan boord gaan en daardie skip of tenkskip of enige gedeelte of vrag daarvan ondersoek, enige dokumente of aantekeninge wat ten opsigte van daardie skip of tenkskip of ten opsigte van sy vrag of [**olie**] die skadelike stowwe aan boord daarvan gehou word, ondersoek en afskrifte daarvan maak, monsters neem van [**olie**] **skadelike stowwe** wat op die skip of tenkskip is, peilings doen van tenke, ruimtes en buike en enige toerusting aan boord van daardie skip of tenkskip wat bestem is vir gebruik by die voorkoming van 'n uitlating van [**olie**] **skadelike stowwe** uit daardie skip of tenkskip toets.”.

#### Wysiging van artikel 8 van Wet 6 van 1981, soos gewysig deur artikel 2 van Wet 9 van 1990

34. Artikel 8 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“'n Persoon of lid bedoel in artikel 7 en enige ander persoon wat deur die Minister daartoe gemagtig is, kan enige grond met die nodige werksmense, masjinerie, voertuie, toerusting, toestelle, instrumente en ander artikels betree en aldaar die handeling verrig wat nodig is ten einde aan 'n bepaling van hierdie Wet te voldoen of ten einde navrae te doen of ondersoek in te stel om te bepaal of

investigations with a view to determining whether any pollution of the sea by [oil] a harmful substance has occurred and whether the removal of such pollution is feasible, or for the purpose of erecting camps or other temporary works which may be considered necessary in connection with the removal of such pollution [of the sea by oil], or for the purpose of ascertaining whether or not any provision of [this Act] the Marine Pollution Acts or condition imposed thereunder is being complied with, and may, for the purpose of gaining access to such land, enter upon and cross any other land with the said workmen, machinery, vehicles, equipment, appliances, instruments and other articles.”.

#### **Amendment of section 9 of Act 6 of 1981**

**35.** Section 9 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 

“Subject to the provisions of this Act, the owner of any ship, tanker or offshore installation at the time of the incident, or, where the incident consists of a series of occurrences, at the time of the first such occurrence shall be liable for—”; and
- (b) by the substitution for subparagraph (ii) of paragraph (b) of subsection (2) of the following subparagraph:
 

“(ii) an amount deemed by the Director-General to be sufficient to compensate the South African National Foundation for the Conservation of Coastal Birds, an organization registered [under] in terms of the National Welfare Act, [1965 (Act No. 79 of 1965)] 1978 (Act No. 100 of 1978), as a welfare organization, or any similar organization approved by the Minister, for expenses incurred in rescuing, conveying, treating, feeding, cleaning and rehabilitating coastal birds polluted by oil discharged from the ship, tanker or offshore installation in question.”.

#### **Amendment of section 10 of Act 6 of 1981**

**36.** Section 10 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in subsection (5) for the word “oil” where it—
  - (i) first appears of the words “a harmful substance”; and
  - (ii) thereafter appears of the words “harmful substances”; and
- (b) by the substitution in subsection (6) for the word “oil” of the words “a harmful substance”.

#### **Amendment of section 20 of Act 6 of 1981, as amended by section 1 of Act 63 of 1987**

**37.** Section 20 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended by the substitution for subsection (4) of the following subsection:

- “(4) Any offence [under] in terms of this Act shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed [at any place where the accused happens to be] within the area of jurisdiction of the court in which the prosecution is instituted.”.

#### **Substitution of section 21 of Act 6 of 1981**

**38.** The following section is hereby substituted for section 21 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981:

**“Minister’s permission required for transfer of certain harmful substances or for certain other acts in respect of ships or tankers**

**21.** (1) No person shall—

5 besoedeling van die see deur [olie] 'n skadelike stof plaasgevind het en of die  
 verwydering van sodanige besoedeling uitvoerbaar is, of ten einde kampe of ander  
 tydelike werke op te rig wat in verband met die verwydering van sodanige  
 besoedeling [van die see deur olie] nodig geag mag word, of ten einde vas te stel  
 10 of daar aan 'n bepaling van [hierdie Wet] die Marienebesoedelingswette of aan  
 enige voorwaarde daarkragtens opgelê, voldoen word al dan nie en kan, ten einde  
 toegang tot sodanige grond te verkry, enige ander grond met genoemde werks-  
 mense, masjinerie, voertuie, toerusting, toestelle, instrumente en ander artikels  
 betree en daarvoor gaan.”

#### 10 Wysiging van artikel 9 van Wet 6 van 1981

35. Artikel 9 van die Wet op die Voorkoming en Bestryding van Besoedeling van die  
 See deur Olie, 1981, word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die  
 volgende woorde te vervang:
- 15 “Die eienaar van 'n skip, tenkskip of see-installasie ten tyde van 'n  
gebeurtenis, of waar die gebeurtenis bestaan uit 'n reeks voorvalle, ten  
tyde van die eerste sodanige voorval, is, behoudens die bepalinge van  
hierdie Wet, aanspreeklik vir—”; en
- (b) deur subparagraaf (ii) van paragraaf (b) van subartikel (2) deur die volgende  
 20 subparagraaf te vervang:
- “(ii) 'n bedrag wat deur die Direkteur-generaal geag word voldoende te  
 wees om die Suid-Afrikaanse Nasionale Stigting vir die Bewaring  
 van Kusvoëls, 'n organisasie wat [kragtens] ingevolge die Nasio-  
 nale Wetsynswet, [1965 (Wet No. 79 van 1965)] 1978 (Wet No.  
 25 100 van 1978), as 'n wetsynsorganisasie geregistreer is, of enige  
 soortgelyke organisasie wat deur die Minister goedgekeur is, te  
 vergoed vir uitgawes aangegaan by die redding, vervoer, behan-  
 deling, voeding, skoonmaak en rehabilitering van kusvoëls wat  
 bevuil is met olie wat uit die betrokke skip, tenkskip of see-  
 30 installasie uitgelaat is.”

#### Wysiging van artikel 10 van Wet 6 van 1981

36. Artikel 10 van die Wet op die Voorkoming en Bestryding van Besoedeling van  
 die See deur Olie, 1981, word hierby gewysig—

- (a) deur in subartikel (5) die woord “olie” waar dit—
- 35 (i) eerste voorkom deur die woorde “'n skadelike stof” te vervang; en  
 (ii) daarna voorkom deur die woorde “skadelike stowwe” te vervang; en
- (b) deur in subartikel (6) die woord “olie” deur die woorde “'n skadelike stof”  
 te vervang.

#### 40 Wysiging van artikel 20 van Wet 6 van 1981, soos gewysig deur artikel 1 van Wet 63 van 1987

37. Artikel 20 van die Wet op die Voorkoming en Bestryding van Besoedeling van  
 die See deur Olie, 1981, word hierby gewysig deur subartikel (4) deur die volgende  
 subartikel te vervang:

- “(4) 'n Misdryf [kragtens] ingevolge hierdie Wet word vir doeleindes  
 45 betreffende regsbevoegdheid van 'n hof om die misdryf te verhoor, geag gepleeg  
 te gewees het [op enige plek waar die beskuldigde hom bevind] binne die  
 regsgebied van die hof waarin die vervolging ingestel word.”

#### Vervanging van artikel 21 van Wet 6 van 1981

38. Artikel 21 van die Wet op die Voorkoming en Bestryding van Besoedeling van  
 50 die See deur Olie, 1981, word hierby deur die volgende artikel vervang:

“Minister se toestemming nodig vir oorpasing van sekere skadelike  
 stowwe of vir sekere ander handelinge ten opsigte van skepe of  
 tenkskepe

21. (1) Niemand mag—

- (a) outside any harbour [as defined in section 1(1) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957)] of which Transnet Limited has become the owner in terms of section 3 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989), or a fishing harbour as defined in section 1 of the Sea Fisheries Act, 1973 (Act No. 58 of 1973)] Fishery Act, 1988 (Act No. 12 of 1988), and within the prohibited area, render any ship having oil or any other prescribed harmful substance on board (whether as cargo or otherwise), or any tanker, incapable of sailing or manoeuvring under its own power;
- (b) within the prohibited area transfer any oil or other prescribed harmful substance from any ship or tanker to any other ship or tanker or to an offshore installation or from such offshore installation to any ship or tanker,
- except with the permission of the Minister and in accordance with the provisions of this Act.

(2) In giving his permission for the performance of any act referred to in subsection (1), the Minister may impose any conditions subject to which such act shall be performed, and such conditions may include the obligation to obtain the services of one or more tugs, spray boats or other vessels to stand by during a period determined by the Minister.”.

#### Amendment of section 25 of Act 6 of 1981

39. Section 25 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended by the substitution in subsection (2) for the word “oil” where it—

- (a) first appears of the words “a harmful substance”; and
- (b) thereafter appears of the words “harmful substance”.

#### Amendment of section 26 of Act 6 of 1981, as substituted by section 3 of Act 9 of 1990

40. Section 26 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in paragraph (d) of subsection (1) for the word “oil” of the words “a harmful substance”;
- (b) by the substitution in paragraph (a) of subsection (2) for the word “oil” of the words “harmful substances”;
- (c) by the substitution in paragraph (b) of subsection (2) for the word “oil” of the words “harmful substances”;
- (d) by the substitution in paragraph (d) of subsection (2) for the word “oil” of the words “harmful substances”;
- (e) by the substitution in paragraph (f) of subsection (2) for the word “oil” of the words “harmful substances”; and
- (f) by the substitution in subsection (2) in the words following paragraph (h) for the word “oil” of the words “harmful substances”.

#### Amendment of section 27 of Act 6 of 1981, as amended by section 4 of Act 9 of 1990

41. Section 27 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in subsection (4) for the word “oil” of the words “harmful substances”; and
- (b) by the substitution for subsection (6) of the following subsection:
- “(6) The Minister may cause steps not in conflict with the provisions of the Marine Pollution (Intervention) Act, 1987 (Act No. 64 of 1987), to be taken to remove or prevent pollution of the sea by [oil] harmful substances outside the prohibited area in such circumstances and on such conditions as he may deem fit.”.

- (a) buite 'n hawe [soos omskryf in artikel 1(1) van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957)] waarvan Transnet Beperk die eienaar geword het ingevolge artikel 3 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989), of 'n vissershawe soos omskryf in artikel 1 van die Wet op [Seevisserye, 1973 (Wet No. 58 van 1973)] Seevisserye, 1988 (Wet No. 12 van 1988), en binne die verbode gebied, 'n skip wat olie of enige ander voorgeskrewe skadelike stof (hetsy as vrag of andersins), of 'n tenkskip, onbekwaam maak om op eie krag te vaar of te manoevreer nie;
- (b) binne die verbode gebied enige olie of ander voorgeskrewe skadelike stof vanaf 'n skip of tenkskip na 'n ander skip of tenkskip of na 'n see-installasie, of vanaf so 'n see-installasie na 'n skip of tenkskip, oorplaas nie,
- behalwe met die toestemming van die Minister en ooreenkomstig die bepalinge van hierdie Wet.
- (2) By die gee van sy toestemming vir die verrigting van 'n handeling bedoel in subartikel (1), kan die Minister enige voorwaardes opleë onderworpe waaraan die handeling verrig moet word, en by sodanige voorwaardes kan die verpligting inbegrepe wees om die dienste te verkry van een of meer sleepbote, spuitbote of ander vaartuie om vir die tydperk wat die Minister bepaal, gereed te staan."

#### Wysiging van artikel 25 van Wet 6 van 1981

39. Artikel 25 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig deur in subartikel (2) die woord "olie" waar dit—
- (a) eerste voorkom deur die woorde "'n skadelike stof" te vervang; en
- (b) daarna voorkom deur die woorde "skadelike stof" te vervang.
40. Wysiging van artikel 26 van Wet 6 van 1981, soos vervang deur artikel 3 van Wet 9 van 1990

40. Artikel 26 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig—
- (a) deur in paragraaf (d) van subartikel (1) die woord "olie" deur die woorde "'n skadelike stof" te vervang;
- (b) deur in paragraaf (a) van subartikel (2) die woord "olie" deur die woorde "skadelike stowwe" te vervang;
- (c) deur in paragraaf (b) van subartikel (2) die woord "olie" deur die woorde "skadelike stowwe" te vervang;
- (d) deur in paragraaf (d) van subartikel (2) die woord "olie" deur die woorde "skadelike stowwe" te vervang;
- (e) deur in paragraaf (f) van subartikel (2) die woord "olie" deur die woorde "skadelike stowwe" te vervang; en
- (f) deur in subartikel (2) in die woorde wat op paragraaf (h) volg die woord "olie" deur die woorde "skadelike stowwe" te vervang.

#### Wysiging van artikel 27 van Wet 6 van 1981, soos gewysig deur artikel 4 van Wet 9 van 1990

41. Artikel 27 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig—
- (a) deur in subartikel (4) die woord "olie" deur die woorde "skadelike stowwe" te vervang; en
- (b) deur subartikel (6) deur die volgende subartikel te vervang:
- "(6) Die Minister kan stappe wat nie in stryd met die bepalinge van die Wet op Mariene Besoedeling (Intervensie), 1987 (Wet No. 64 van 1987), is nie, laat doen om, in die omstandighede en op die voorwaardes wat hy goedvind, besoedeling van die see deur [olie] skadelike stowwe buite die verbode gebied te verwyder of te voorkom."



**Amendment of section 28 of Act 6 of 1981**

**42.** Section 28 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in paragraph (b) of subsection (1) for the word “oil” where it—
  - (i) first appears of the words “harmful substances”; and
  - (ii) thereafter appears of the words “any such substance”;
- (b) by the substitution in paragraph (c) of subsection (1) for the word “oil” of the words “harmful substances”; and
- (c) by the substitution for subsection (2) of the following subsection:
  - “(2) Regulations made under subsection (1) may—
    - (a) prescribe, for any contravention thereof or failure to comply therewith, penalties not exceeding the penalties prescribed in section 30(2)(a);
    - (b) be applicable outside the Republic.”.

**Amendment of section 30 of Act 6 of 1981, as amended by section 2 of Act 63 of 1987 and section 5 of Act 9 of 1990**

**43.** Section 30 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in paragraph (a) of subsection (2) for the expression “R10 000” of the expression “R25 000”;
- (b) by the substitution in paragraph (b) of subsection (2) for the expression “R20 000” of the expression “R50 000”;
- (c) by the substitution in paragraph (c) of subsection (2) for the expression “R40 000” of the expression “R90 000”;
- (d) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
  - “(d) section [2(1) or] 13(6) or subsection (1)(b)(i) or [(b)] (ii), shall be liable to a fine not exceeding [R200 000] R500 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.”; and
- (e) by the substitution for subsection (4) of the following subsection:
  - “(4) There shall be a right of appeal to the Minister [whose decision shall be final] from a determination or order of the Director-General under subsection (3) whereby a penalty exceeding [R500] R2 000 is imposed, provided such right is exercised within a period of three months from the date of such determination or order.”.

**Insertion of section 30A in Act 6 of 1981**

**44.** The following section is hereby inserted in the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, after section 30:

**“Application of Act to Prince Edward Islands**

**30A.** This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), and any reference in this Act to the Republic shall include a reference to those Islands.”.

**Substitution of section 32 of Act 6 of 1981**

**45.** The following section is hereby substituted for section 32 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981:

**“Short title**

**32.** This Act shall be called the [Prevention and Combating of Pollution of the Sea by Oil Act] Marine Pollution (Control and Civil Liability) Act, 1981 [and shall come into operation on a date fixed by the State President by proclamation in the Gazette].”.

**Wysiging van artikel 28 van Wet 6 van 1981**

42. Artikel 28 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig—

- (a) deur in paragraaf (b) van subartikel (1) die woord “olie” waar dit—
  - (i) eerste voorkom deur die woorde “skadelike stowwe” te vervang; en
  - (ii) daarna voorkom deur die woorde “so ’n stof” te vervang;
- (b) deur in paragraaf (c) van subartikel (1) die woord “olie” deur die woorde “skadelike stowwe” te vervang; en
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
  - “(2) Regulasies kragtens subartikel (1) uitgevaardig, kan—
    - (a) vir ’n oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf wat nie die strawwe te bowe gaan wat by artikel 30(2)(a) voorgeskryf word nie;
    - (b) buite die Republiek van toepassing wees.”.

15 **Wysiging van artikel 30 van Wet 6 van 1981, soos gewysig deur artikel 2 van Wet 63 van 1987 en artikel 5 van Wet 9 van 1990**

43. Artikel 30 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (2) die uitdrukking “R10 000” deur die uitdrukking “R25 000” te vervang;
- (b) deur in paragraaf (b) van subartikel (2) die uitdrukking “R20 000” deur die uitdrukking “R50 000” te vervang;
- (c) deur in paragraaf (c) van subartikel (2) die uitdrukking “R40 000” deur die uitdrukking “R90 000” te vervang;
- (d) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:
  - “(d) artikel [2(1) of] 13(6) of subartikel (1)(b)(i) of [(b)] (ii), is strafbaar met ’n boete van hoogstens [R200 000] R500 000 of met gevangenisstraf vir ’n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.”; en
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
  - “(4) Daar is ’n reg van appèl na die Minister [wie se beslissing afdoende is] teen ’n beslissing of bevel van die Direkteur-generaal kragtens subartikel (3) waarby ’n boete van hoër as [R500] R2 000 opgelê is, mits sodanige reg binne ’n tydperk van drie maande vanaf die datum van dié beslissing of bevel uitgeoefen word.”.

**Invoeging van artikel 30A in Wet 6 van 1981**

44. Die volgende artikel word hierby in die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, na artikel 30 ingevoeg:

**“Toepassing van Wet op Prince Edward-eilande**

- 40 **30A.** Hierdie Wet is ook van toepassing op die Prince Edward-eilande bedoel in artikel 1 van die Wet op die Prince Edward-eilande, 1948 (Wet No. 43 van 1948), en enige verwysing in hierdie Wet na die Republiek sluit ’n verwysing na daardie Eilande in.”.

**Vervanging van artikel 32 van Wet 6 van 1981**

- 45 **45.** Artikel 32 van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby deur die volgende artikel vervang:

**“Kort titel**

- 50 **32.** Hierdie Wet heet die Wet op [die Voorkoming en Bestryding van Besoedeling van die See deur Olie] Mariene Besoedeling (Beheer en Siviele Aanspreeklikheid), 1981 [en tree in werking op ’n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal].”.

**Substitution of certain expressions in Act 6 of 1981**

46. The Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended by the substitution for the expressions "State Revenue Fund" and "territorial waters of the Republic", wherever they occur, of the expressions "National Revenue Fund" and "territorial waters", respectively.

5

**Substitution of long title of Act 6 of 1981**

47. The following long title is hereby substituted for the long title of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981:

**"ACT**

To provide for the protection of the marine environment from pollution by oil and other harmful substances, and for that purpose to provide for the prevention and combating of pollution of the sea by oil and other harmful substances; to determine liability in certain respects for loss or damage caused by the discharge of oil from ships, tankers [or] and offshore installations; and to provide for matters connected therewith."

15

**Insertion of section 2A in Act 1 of 1986**

48. The following section is hereby inserted in the Carriage of Goods by Sea Act, 1986, after section 2:

**"Units of account and conversion**

2A. (1) The amounts mentioned in paragraph 5(a) of Article IV of the Rules shall be converted into South African currency on the basis of the value of such currency on the date of the judgment or the date agreed upon by the parties.

20

(2) For the purpose of converting from special drawing rights into South African currency the amounts mentioned in paragraph 5(a) of Article IV of the Rules in respect of which a judgment is given, one special drawing right shall be treated as equal to such a sum in South African currency as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—

25

(a) the day on which the judgment is given; or  
(b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.

30

(3) A certificate given by or on behalf of the Treasury stating—

(a) that a particular sum in South African currency has been so fixed for a particular day; or  
(b) that no sum has been so fixed for that day and that a particular sum in South African currency has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day, shall be *prima facie* proof of those matters for the purposes of Article IV of the Rules; and a document purporting to be such a certificate shall, in any proceedings, be admissible in evidence and, in the absence of evidence to the contrary, be deemed to be such a certificate."

35

40

**Insertion of section 3A in Act 1 of 1986**

49. The following section is hereby inserted in the Carriage of Goods by Sea Act, 1986, after section 3:

45

**"Application of Act to Prince Edward Islands**

3A. This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), and

**Vervanging van sekere uitdrukings in Wet 6 van 1981**

46. Die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby gewysig deur die uitdrukings "Staatsinkomstefonds" en "territoriale waters van die Republiek" waar hulle ook al voorkom deur onderskeidelik die uitdrukings "Nasionale Inkomstefonds" en "territoriale waters" te vervang.

**Vervanging van lang titel van Wet 6 van 1981**

47. Die lang titel van die Wet op die Voorkoming en Bestryding van Besoedeling van die See deur Olie, 1981, word hierby deur die volgende lang titel vervang:

**"WET**

10 Om voorsiening te maak vir die beskerming van die mariene-omgewing teen  
besoedeling deur olie en ander skadelike stowwe, en te dien einde voorsiening te  
maak vir die voorkoming en bestryding van besoedeling van die see deur olie en  
15 ander skadelike stowwe; om aanspreeklikheid in sekere opsigte vir verlies of  
skade veroorsaak deur die uitlating van olie uit skepe, tenkskepe [of] en  
see-installasies te bepaal; en om voorsiening te maak vir aangeleenthede wat  
daarmee in verband staan."

**Invoeging van artikel 2A in Wet 1 van 1986**

48. Die volgende artikel word hierby in die Wet op Goederevervoer oor See, 1986, na artikel 2 ingevoeg:

**20 "Rekeneenhede en omrekening**

2A. (1) Die bedrae in paragraaf 5(a) van Artikel IV van die Reëls  
vermeld, word in Suid-Afrikaanse betaalmiddele omgerekend op die  
grondslag van die waarde van sodanige betaalmiddele op die datum van  
die uitspraak of die datum waarop deur die partye ooreengekom is.  
25 (2) Vir die doel van omrekening van spesiale trekkingsregte in Suid-  
Afrikaanse betaalmiddele van die bedrae in paragraaf 5(a) van Artikel IV  
van die Reëls vermeld ten opsigte waarvan 'n uitspraak gelewer is, word  
een spesiale trekkingsreg behandel as gelyk aan die som in Suid-  
Afrikaanse betaalmiddele wat die Internasionale Monetêre Fonds bepaal  
30 het as gelykstaande met een spesiale trekkingsreg vir—  
(a) die dag waarop die uitspraak gelewer is; of  
(b) indien geen som aldus vir daardie dag bepaal is nie, die laaste dag  
voor daardie dag waarvoor 'n som aldus bepaal is.  
(3) 'n Sertifikaat deur of ten behoeve van die Tesourie verstrek wat  
35 konstateer—  
(a) dat 'n besondere som in Suid-Afrikaanse betaalmiddele aldus vir 'n  
besondere dag bepaal is; of  
(b) dat geen som aldus vir daardie dag bepaal is nie en dat 'n besondere  
som in Suid-Afrikaanse betaalmiddele aldus bepaal is vir 'n dag wat  
40 die laaste dag is waarvoor 'n som aldus voor die besondere dag bepaal  
is,  
is vir die doeleindes van Artikel IV van die Reëls *prima facie*-bewys van  
daardie aangeleenthede; en 'n dokument wat voorgee so 'n sertifikaat te  
wees, is toelaatbaar in getuienis in enige verrigtinge en word behoudens  
45 weerleggende getuienis geag so 'n sertifikaat te wees."

**Invoeging van artikel 3A in Wet 1 van 1986**

49. Die volgende artikel word hierby in die Wet op Goederevervoer oor See, 1986, na artikel 3 ingevoeg:

**"Toepassing van Wet op Prince Edward-eilande**

50 3A. Hierdie Wet is ook van toepassing op die Prince Edward-eilande  
bedoel in artikel 1 van die Wet op die Prince Edward-eilande, 1948 (Wet

any reference in this Act to the Republic shall include a reference to those Islands.”.

#### **Amendment of Schedule to Act 1 of 1986**

**50.** The Schedule to the Carriage of Goods by Sea Act, 1986, is hereby amended to the extent indicated in Schedule 1. 5

#### **Amendment of section 1 of Act 64 of 1987**

**51.** Section 1 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, is hereby amended—

- (a) by the substitution for the definition of “Convention” of the following definition: 10

“ ‘Convention’ means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties done at Brussels on 29 November 1969, the English text of which is set forth in Schedule 1;”;

- (b) by the deletion of the definition of “Minister”; and 15

- (c) by the insertion before the definition of “regulation” of the following definition:

“ ‘Protocol’ means the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil done at London on 2 November 1973, the English text of which is set forth in Schedule 2, as modified by any amendment made under Article III of that Protocol that has entered into force for the Republic;”.

#### **Substitution of section 2 of Act 64 of 1987**

**52.** The following section is hereby substituted for section 2 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 25

##### **“Application and interpretation of Convention and Protocol**

**2.** (1) Subject to the provisions of this Act, the Convention and Protocol shall have the force of law in the Republic.

(2) The Minister shall, as soon as practicable after any amendment of the Protocol has entered into force for the Republic, by notice in the *Gazette* amend Schedule 2 to reflect such amendment. 30

(3) Unless the context indicates otherwise, a reference in the Convention and Protocol to a State or State Party shall, in relation to the Republic, be construed as a reference to the Minister of Transport or any officer of the Department of Transport acting on the authority of that Minister, and any reference to a Party shall be construed accordingly. 35

(4) The English text of the Convention and Protocol shall prevail in the event of conflict between the English and Afrikaans texts.”.

#### **Substitution of section 3 of Act 64 of 1987**

**53.** The following section is hereby substituted for section 3 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 40

##### **“Regulations**

**3.** (1) The Minister of Transport may make regulations relating to the carrying out of, and giving effect to, the provisions of the Convention and 45



No. 43 van 1948), en enige verwysing in hierdie Wet na die Republiek sluit 'n verwysing na daardie Eilande in."

#### Wysiging van Bylae by Wet 1 van 1986

50. Die Bylae by die Wet op Goederevervoer oor See, 1986, word hierby gewysig in die mate in Bylae 1 aangedui.

#### Wysiging van artikel 1 van Wet 64 van 1987

51. Artikel 1 van die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987, word hierby gewysig—

- 10 (a) deur die omskrywing van "Konvensie" deur die volgende omskrywing te vervang:
- " 'Konvensie' die 'International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties' aangegaan te Brussels op 29 November 1969, waarvan 'n vertaling in Bylae 1 opgeneem is;";
- 15 (b) deur die omskrywing van "Minister" te skrap; en
- (c) deur die volgende omskrywing voor die omskrywing van "regulasie" in te voeg:
- " 'Protokol' die 'Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil' aangegaan te Londen op 2 November 1973, waarvan 'n vertaling in Bylae 2 opgeneem is, soos aangepas deur enige wysiging aangeneem kragtens Artikel III van daardie Protokol wat ten opsigte van die Republiek van krag is;".
- 20

#### 25 Vervanging van artikel 2 van Wet 64 van 1987

52. Artikel 2 van die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987, word hierby deur die volgende artikel vervang:

##### "Toepassing en uitleg van Konvensie en Protokol

- 30 2. (1) Behoudens die bepalings van hierdie Wet het die Konvensie en Protokol regskrag in die Republiek.
- (2) Die Minister moet, so gou doenlik nadat enige wysiging van die Protokol ten opsigte van die Republiek in werking getree het, Bylae 2 by kennisgewing in die *Staatskoerant* wysig om sodanige wysiging weer te gee.
- 35 (3) Tensy uit die samehang anders blyk, word 'n verwysing in die Konvensie en Protokol na 'n Staat of Staat-party met betrekking tot die Republiek uitgelê as 'n verwysing na die Minister van Vervoer of 'n beamppte van die Departement van Vervoer wat op die gesag van daardie Minister handel, en word 'n verwysing na 'n Party dienooreenkomstig uitgelê.
- 40 (4) Die Engelse teks van die Konvensie en Protokol geniet voorrang in die geval van 'n teenstrydigheid in die Engelse en Afrikaanse tekste."

#### Vervanging van artikel 3 van Wet 64 van 1987

45 53. Artikel 3 van die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987, word hierby deur die volgende artikel vervang:

##### "Regulasies

- 50 3. (1) Die Minister van Vervoer kan regulasies uitvaardig met betrekking tot die uitvoering van, en die gevolg gee aan, die bepalings van die

Protocol, and generally for the better achievement of the objects of this Act.

(2) Regulations made under subsection (1) may—

(a) prescribe, for any contravention thereof or failure to comply therewith, penalties of a fine not exceeding R500 000, or imprisonment for a period not exceeding five years, or such fine as well as such imprisonment;

(b) be applicable outside the Republic.”.

#### **Amendment of section 4 of Act 64 of 1987**

54. Section 4 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, is hereby amended by the substitution for subsection (1) of the following subsection: 10

“(1) Any offence in terms of this Act shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed within the area of jurisdiction of the court in which the prosecution is instituted.”.

#### **Insertion of section 4A in Act 64 of 1987**

55. The following section is hereby inserted in the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, after section 4:

##### **“Application of Act to Prince Edward Islands**

4A. This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), and any reference in this Act to the Republic shall include a reference to those Islands.”. 20

#### **Substitution of section 5 of Act 64 of 1987**

56. The following section is hereby substituted for section 5 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 25

##### **“Short title**

5. This Act shall be called the [International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act] Marine Pollution (Intervention) Act, 1987.”. 30

#### **Addition of Schedule to Act 64 of 1987**

57. The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, is hereby amended by the addition of the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil 1973, as amended by MEPC.49(31), set forth in Schedule 2, as Schedule 2 to the Act, the existing Schedule becoming Schedule 1. 35

#### **Substitution of long title of Act 64 of 1987**

58. The following long title is hereby substituted for the long title of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 40

##### **“ACT**

To [provide for the application in the Republic of] give effect to the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, and to the Protocol Relating to Intervention on the High Seas in Cases 45

Konvensie en Protokol, en in die algemeen vir die beter verwesenliking van die oogmerke van hierdie Wet.

(2) Regulasies kragtens subartikel (1) uitgevaardig, kan—

- 5 (a) vir 'n oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf van 'n boete van hoogstens R500 000, of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met so 'n boete sowel as sodanige gevangenisstraf;
- (b) buite die Republiek van toepassing wees.”.

#### Wysiging van artikel 4 van Wet 64 van 1987

- 10 54. Artikel 4 van die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Gevalle van Ongevalle wat Lei tot Oliebesoedeling, 1987, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 15 “(1) 'n Misdryf ingevolge hierdie Wet word vir doeleindes met betrekking tot regsbevoegdheid van 'n hof om die misdryf te verhoor, geag gepleeg te gewees het binne die regsgebied van die hof waarin die vervolging ingestel word.”.

#### Invoeging van artikel 4A in Wet 64 van 1987

55. Die volgende artikel word hierby in die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987, na artikel 4 ingevoeg:

- 20 “Toepassing van Wet op Prince Edward-eilande

4A. Hierdie Wet is ook van toepassing op die Prince Edward-eilande bedoel in artikel 1 van die Wet op die Prince Edward-eilande, 1948 (Wet No. 43 van 1948), en enige verwysing in hierdie Wet na die Republiek sluit 'n verwysing na daardie Eilande in.”.

#### 25 Vervanging van artikel 5 van Wet 64 van 1987

56. Artikel 5 van die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987, word hierby deur die volgende artikel vervang:

#### “Kort titel

- 30 5. Hierdie Wet heet die Wet op [die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling] Mariene Besoedeling (Intervensie), 1987.”.

#### Byvoeging van Bylae by Wet 64 van 1987

- 35 57. Die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987, word hierby gewysig deur die “Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil 1973”, soos gewysig deur MEPC.49(31), waarvan 'n vertaling in Bylae 2 opgeneem is, as Bylae 2 by die Wet te voeg, terwyl die bestaande Bylae Bylae 1 word.

#### 40 Vervanging van lang titel van Wet 64 van 1987

58. Die lang titel van die Wet op die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling, 1987, word hierby deur die volgende lang titel vervang:

#### “WET

- 45 Om [voorsiening te maak vir die toepassing in die Republiek van die Internasionale Konvensie Betreffende Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling] gevolg te gee aan die ‘International

of Marine Pollution by Substances Other than Oil 1973; and to provide for matters incidental thereto.”.

**Amendment of section 1 of Act 15 of 1994, as amended by section 3 of Act 74 of 1995**

**59.** Section 1 of the Maritime Zones Act, 1994, is hereby amended by the substitution for paragraph (f) of the definition of “installation” of the following paragraph:

“(f) Any [area situated within a distance of 500 metres measured from any point on the exterior side of an installation referred to in paragraph (a) or (b) other than a pipeline] safety zone as defined in section 1 of the Marine Traffic Act, 1981 (Act No. 2 of 1981).”.

**Short title and commencement**

**60.** This Act shall be called the Shipping General Amendment Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties', en aan die 'Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil 1973'; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan."

**5 Wysiging van artikel 1 van Wet 15 van 1994, soos gewysig deur artikel 3 van Wet 74 van 1995**

**59.** Artikel 1 van die Wet op Maritieme Sones, 1994, word hierby gewysig deur paragraaf (f) van die omskrywing van "installasie" deur die volgende paragraaf te vervang:

- 10 "(f) Enige [gebied wat geleë is binne 'n afstand van 500 meter gemeet vanaf enige punt aan die buitekant van 'n installasie bedoel in paragraaf (a) of (b) en wat nie 'n pyplyn insluit nie] veiligheidsone soos omskryf in artikel 1 van die Wet op Seeverkeer, 1981 (Wet No. 2 van 1981)."

**15 Kort titel en inwerkingtreding**

**60.** Hierdie Wet heet die Algemene Wysigingswet op Skeepvaart, 1997, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.



**Schedule 1****(Section 50)**

AMENDMENT OF THE SCHEDULE TO THE CARRIAGE OF GOODS BY SEA ACT, 1986: PROTOCOL OF 1979 TO AMEND THE INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES OF LAW RELATING TO 5  
BILLS OF LADING 1924, AS AMENDED BY THE PROTOCOL OF 1968

**Definition**

1. In this Schedule "the Rules" means the Hague Rules as amended by the Brussels Protocol of 1968, as contained in the Schedule to the Carriage of Goods by Sea Act, 1986 (Act No. 1 of 1986). 10

**Amendment of Article IV of Rules**

2. Article IV of the Rules is hereby amended—

- (a) by the substitution for subparagraph (a) of paragraph 5 of the following subparagraph: 15  
 "(a) Unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading, neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the goods in an amount exceeding [the equivalent of 10 000 francs] 666.67 units of account per package or unit or [30 francs per kilo] two units of account per kilogramme of gross weight of the goods lost or damaged, whichever is the higher."; and 20
- (b) by the substitution for subparagraph (d) of paragraph 5 of the following subparagraph: 25  
 "(d) The unit of account mentioned in this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in sub-paragraph (a) of this paragraph shall be converted into national currency on the basis of the value of that currency on a date to be determined by the law of the Court seized of the case.".

**Schedule 2**

30

**(Section 57)**

ADDITION OF SCHEDULE 2 TO THE MARINE POLLUTION (INTERVENTION) ACT, 1987: PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF MARINE POLLUTION BY SUBSTANCES OTHER THAN OIL 1973, AS AMENDED BY MEPC.49(31) 35

**"Schedule 2****PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF MARINE POLLUTION BY SUBSTANCES OTHER THAN OIL 1973<sup>1</sup>**

*Note:* 40  
 The present text incorporates the original text as amended by the following:  

<i>Amendments</i>	<i>Date of entry into force</i>	
1991 (Annex) amendments (MEPC.49(31))	24 July 1992	45

*The Parties to the present Protocol,*

*Being Parties to the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, done at Brussels on 29 November 1969,*

1. The Protocol entered into force on 30 March 1983.

**Bylae 1****(Artikel 50)**

WYSIGING VAN DIE BYLAE BY DIE WET OP GOEDEREVERVOER OOR SEE, 1986: PROTOKOL VAN 1979 TOT WYSIGING VAN DIE INTERNASIONALE  
 5 KONVENSIE VIR DIE UNIFIKASIE VAN SEKERE REGSREËLS MET BETREK-  
 KING TOT SKEEPVAARTBRIEWE 1924, SOOS GEWYSIG DEUR DIE PRO-  
 TOKOL VAN 1968

**Omskrywing**

1. In hierdie Bylae beteken "die Reëls" die Haagse Reëls soos gewysig deur die  
 10 Brussel-protokol van 1968, waarvan 'n vertaling in die Bylae by die Wet op  
 Goederevervoer Oor See, 1986 (Wet No. 1 van 1986), opgeneem is.

**Wysiging van Artikel IV van Reëls**

2. Artikel IV van die Reëls word hierby gewysig—

15 (a) deur subparagraaf (a) van paragraaf 5 deur die volgende subparagraaf te  
 vervang:

“(a) Tensy die aard en waarde van sodanige goedere deur die verskeper  
 voor inskeping verklaar en in 'n skeepsvragbrief opgeneem is, is of  
 word nóg die vervoerder nóg die skip in enige geval aanspreeklik  
 20 vir enige verlies of skade aan of in verband met die goedere tot 'n  
 bedrag van meer as [die ekwivalent van 10 000 frank] 666,67  
rekeneenhede per pakket of eenheid of [30 frank per kilo] twee  
rekeneenhede per kilogram van die bruto gewig van die verlore of  
 beskadigde goedere, wat ook al die hoogste is.”; en

25 (b) deur subparagraaf (d) van paragraaf 5 deur die volgende subparagraaf te  
 vervang:

“(d) Die rekeneenheid in hierdie Artikel bedoel, is die Speciale  
 Trekkingsreg soos omskryf deur die Internasionale Monetêre  
 Fonds. Die bedrae in subparagraaf (a) van hierdie paragraaf  
 30 vermeld, word in nasionale betaalmiddele omgerekend op grond van  
 die waarde van daardie betaalmiddele op 'n datum vasgestel  
 ooreenkomstig die reg van die Hof aan die saak gebonde.”.

**Bylae 2****(Artikel 57)**

35 BYVOEGING VAN BYLAE 2 BY DIE WET OP MARIENE BESOEDELING  
 (INTERVENSIE), 1987: PROTOKOL BETREFFENDE INTERVENSIE OP DIE OOP  
 SEE IN GEVAL VAN MARIENE BESOEDELING DEUR ANDER STOWWE AS  
 OLIE 1973, SOOS GEWYSIG DEUR MEPC.49(31)

**“Bylae 2**

40 **PROTOKOL BETREFFENDE INTERVENSIE OP DIE OOP SEE IN GEVAL  
 VAN MARIENE BESOEDELING DEUR ANDER STOWWE AS OLIE 1973<sup>1</sup>**

**Nota:**

Hierdie teks sluit die oorspronklike teks in soos volg gewysig:

<b>Wysigings</b>	<b>Datum van inwerkingtreding</b>
45 1991 (Aanhangsel) wysigings (MEPC.49(31))	24 Julie 1992

*Die Partye by hierdie Protokol,*

*Wat Partye is by die Internasionale Konvensie Betreffende die Intervensie op die*

1. Die Protokol het op 30 Maart 1983 in werking getree.

*Taking into account* the Resolution on International Co-operation Concerning Pollutants other than Oil adopted by the International Legal Conference on Marine Pollution Damage, 1969,

*Further taking into account* that pursuant to the Resolution, the Inter-Governmental Maritime Consultative Organization<sup>2</sup> has intensified its work, in collaboration with all interested international organizations, on all aspects of pollution by substances other than oil, 5

*Have agreed* as follows:—

#### ARTICLE I

1. Parties to the present Protocol may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution by substances other than oil following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences. 10

2. 'Substances other than oil' as referred to in paragraph 1 shall be— 15

- (a) those substances enumerated in a list which shall be established by an appropriate body designated by the Organization and which shall be annexed to the present Protocol, and
- (b) those other substances which are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea. 20

3. Whenever an intervening Party takes action with regard to a substance referred to in paragraph 2(b) above that Party shall have the burden of establishing that the substances, under the circumstances present at the time of the intervention, could reasonably pose a grave and imminent danger analogous to that posed by any of the substances enumerated in the list referred to in paragraph 2(a) above. 25

#### ARTICLE II

1. The provisions of paragraph 2 of Article I and of Articles II to VIII of the Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969, and the Annex thereto as they relate to oil, shall be applicable with regard to the substances referred to in Article I of the present Protocol. 30

2. For the purpose of the present Protocol the list of experts referred to in Articles III(c) and IV of the Convention shall be extended to include experts qualified to give advice in relation to substances other than oil. Nominations to the list may be made by Member States of the Organization and by Parties to the present Protocol. 35

#### ARTICLE III

1. The list referred to in paragraph 2(a) of Article I shall be maintained by the appropriate body designated by the Organization.

2. Any amendment to the list proposed by a Party to the present Protocol shall be submitted to the Organization and circulated by it to all Members of the Organization and all Parties to the present Protocol at least three months prior to its consideration by the appropriate body. 40

3. Parties to the present Protocol whether or not Members of the Organization shall be entitled to participate in the proceedings of the appropriate body.

4. Amendments shall be adopted by a two-thirds majority of only the Parties to the present Protocol present and voting. 45

5. If adopted in accordance with paragraph 4 above, the amendment shall be communicated by the Organization to all Parties to the present Protocol for acceptance.

6. The amendment shall be deemed to have been accepted at the end of a period of six months after it has been communicated, unless within that period an objection to the 50

2. The name of the Organization was changed to the 'International Maritime Organization (IMO)' by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling wat op 29 November 1969 te Brussel aangeneem is,

*Met inagneming van die Resolusie op Internasionale Samewerking betreffende Ander Besoedelstowwe as Olie aangeneem deur die Internasionale Regskonferensie oor Skade deur Mariene Besoedeling, 1969,*

*Met inagneming daarvan voorts dat, uit hoofde van die Resolusie, die Interstaatlike Maritieme Raadplegende Organisasie<sup>2</sup> sy werk in samewerking met al die belanghebbende internasionale organisasies verskerp het ten opsigte van besoedeling deur ander stowwe as olie,*

10 *Het soos volg ooreengekom:—*

## ARTIKEL I

1. Partye by hierdie Protokol kan die maatreëls op die oop see tref wat nodig mag wees om ernstige en naderende gevaar vir hulle kuslyn of verwante belange weens besoedeling of bedreiging van besoedeling deur ander stowwe as olie, wat op 'n maritieme ongeval of handelinge wat met so 'n ongeval verband hou, volg en wat redelikerwys verwag kan word om groot skadelike gevolge te hê, te voorkom, te matig of uit te skakel.

2. 'Ander stowwe as olie' bedoel in paragraaf 1 is—

(a) daardie stowwe opgenoem in 'n lys wat opgestel moet word deur 'n gepaste liggaam deur die Organisasie aangewys en wat by hierdie Protokol aangeheg moet word, en

(b) daardie ander stowwe wat 'n gesondheidsgevaar vir mense kan skep, lewende hulpbronne en seelewe skade kan berokken, geriewe kan beskadig of met ander wettige gebruike van die see kan inmeng.

3. Wanneer ook al 'n Party wat ingryp, 'n saak aanhangig maak ten opsigte van 'n stof bedoel in paragraaf 2(b) *supra*, rus op daardie Party die onus om te bewys dat die stowwe, onder die omstandighede teenwoordig ten tyde van die intervensie, redelikerwys 'n ernstige en naderende gevaar kan inhou ooreenkomstig dié wat ingehou word deur enige van die stowwe in die lys bedoel in paragraaf 2(a) opgenoem.

## ARTIKEL II

1. Die bepalings van paragraaf 2 van Artikel I en van Artikels II tot VIII van die Konvensie Betreffende die Intervensie op die Oop See in Geval van Ongevalle wat Lei tot Oliebesoedeling 1969, en die Aanhangsel daarby soos hulle op olie betrekking het, is van toepassing op die stowwe bedoel in Artikel I van hierdie Protokol.

2. Vir die doel van hierdie Protokol moet die lys van deskundiges bedoel in Artikels III(c) en IV van die Konvensie uitgebrei word om deskundiges in te sluit wat bevoeg is om raad te gee met betrekking tot ander stowwe as olie. Benoemings vir die lys kan deur Lidstate van die Organisasie en deur Partye by hierdie Protokol gemaak word.

## ARTIKEL III

1. Die lys bedoel in paragraaf 2(a) van Artikel I moet bygehou word deur die gepaste liggaam deur die Organisasie aangewys.

2. Enige wysiging van die lys voorgestel deur 'n Party by hierdie Protokol moet aan die Organisasie voorgelê word en minstens drie maande voor die oorweging daarvan deur die gepaste liggaam deur die Organisasie aan al die lede van die Organisasie en al die Partye by hierdie Protokol gestuur word.

3. Partye by hierdie Protokol, hetsy lede van die Organisasie al dan nie, is daarop geregtig om deel te neem aan die verrigtinge van die gepaste liggaam.

4. Wysigings word aangeneem deur 'n meerderheid van twee derdes van slegs die Partye by hierdie Protokol wat teenwoordig is en stem.

5. Indien ooreenkomstig paragraaf 4 *supra* aangeneem, moet die wysiging deur die Organisasie vir aanneming aan al die Partye by hierdie Protokol gekommunikeer word.

6. Die wysiging word geag aan die einde van 'n tydperk van ses maande nadat dit gekommunikeer is, aangeneem te gewees het, tensy daar binne daardie tydperk 'n

2. Die naam van die Organisasie is verander na die Internasionale Maritieme Organisasie (IMO) as gevolg van wysigings aan dié Organisasie se Konvensie wat op 22 Mei 1982 in werking getree het.

amendment has been communicated to the Organization by not less than one-third of the Parties to the present Protocol.

7. An amendment deemed to have been accepted in accordance with paragraph 6 above shall enter into force three months after its acceptance for all Parties to the present Protocol, with the exception of those which before that date have made a declaration of non-acceptance of the said amendment. 5

#### ARTICLE IV

1. The present Protocol shall be open for signature by the States which have signed the Convention referred to in Article II or acceded thereto, and by any State invited to be represented at the International Conference of Marine Pollution 1973. The Protocol shall remain open for signature from 15 January 1974 until 31 December 1974 at the Headquarters of the Organization. 10

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4, this Protocol shall be open for accession by States which did not sign it. 15

4. The present Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the Convention referred to in Article II.

#### ARTICLE V

20

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment. 25

#### ARTICLE VI

1. The present Protocol shall enter into force on the ninetieth day following the date on which fifteen States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, provided however that the present Protocol shall not enter into force before the Convention referred to in Article II has entered into force.<sup>3</sup> 30

2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument. 35

#### ARTICLE VII

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General of the Organization. 40

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the Convention referred to in Article II by a Party shall be deemed to be a denunciation of the present Protocol by that Party. Such denunciation shall take effect on the same day as the denunciation of the Convention takes effect in accordance with paragraph 3 of Article XII of the Convention. 45

#### ARTICLE VIII

1. A conference for the purpose of revising or amending the present Protocol may be convened by the Organization. 50

<sup>3</sup> The Protocol entered into force on 30 March 1983.



beswaar teen die wysiging aan die Organisasie deur minstens een derde van die Partye by hierdie Protokol gekommunikeer is.

7. 'n Wysiging wat geag word ooreenkomstig paragraaf 6 *supra* aangeneem te gewees het, tree in werking drie maande na die aanneming daarvan vir al die Partye by hierdie Protokol, uitgesonderd diegene wat voor daardie datum 'n verklaring van nie-aanvaarding van genoemde wysiging gemaak het.

#### ARTIKEL IV

1. Hierdie Protokol is oop vir ondertekening deur die State wat die Konvensie bedoel in Artikel II onderteken het of daartoe toegetree het, en deur 'n Staat wat uitgenooi is om verteenwoordig te wees by die Internasionale Konferensie oor Mariene Besoedeling 1973. Die Protokol bly van 15 Januarie 1974 tot 31 Desember 1974 oop vir ondertekening by die Hoofkwartier van die Organisasie.

2. Behoudens paragraaf 4 van hierdie Artikel is hierdie Protokol onderworpe aan ratifikasie, aanvaarding of goedkeuring deur die State wat dit onderteken het.

3. Behoudens paragraaf 4 is hierdie Protokol oop vir toetrede daartoe deur State wat dit nie onderteken het nie.

4. Hierdie Protokol kan geratifiseer, aanvaar of goedgekeur of daar kan daartoe toegetree word slegs deur State wat die Konvensie bedoel in Artikel II geratifiseer, aanvaar, goedgekeur of daartoe toegetree het.

20

#### ARTIKEL V

1. Ratifikasie, aanvaarding, goedkeuring of toetrede word bewerkstellig deur 'n formele dokument met dié strekking by die Sekretaris-generaal van die Organisasie te deponeer.

2. 'n Dokument van ratifikasie, aanvaarding, goedkeuring of toetrede wat gedeponeer word na die inwerkingtreding van 'n wysiging van hierdie Protokol ten opsigte van alle bestaande Partye of na die voltooiing van alle maatreëls wat vereis word vir die inwerkingtreding van 'n wysiging ten opsigte van alle bestaande Partye, word geag van toepassing te wees op die Protokol soos deur die wysiging verander.

#### ARTIKEL VI

1. Hierdie Protokol tree in werking op die negentigste dag wat volg op die datum waarop vyftien State dokumente ten opsigte van ratifikasie, aanvaarding, goedkeuring of toetrede by die Sekretaris-generaal van die Organisasie gedeponeer het met dien verstande egter dat hierdie Protokol nie in werking tree voordat die Konvensie in Artikel II bedoel, in werking getree het nie.<sup>3</sup>

2. In die geval van elke Staat wat hierdie Protokol daarna ratifiseer, aanvaar, goedkeur of daartoe toetree, tree hierdie Protokol in werking op die negentigste dag nadat sodanige Staat die toepaslike dokument gedeponeer het.

#### ARTIKEL VII

1. Hierdie Protokol kan te eniger tyd na die datum waarop die Protokol in die geval van daardie Party in werking getree het, deur enigeen van die Partye opgesê word.

2. Opsegging word bewerkstellig deur 'n dokument met daardie strekking by die Sekretaris-generaal van die Organisasie te deponeer.

3. Opsegging tree in werking een jaar, of die langer tydperk wat in die opseggingsdokument vermeld word, nadat die dokument by die Sekretaris-generaal van die Organisasie gedeponeer is.

4. Opsegging van die Konvensie bedoel in Artikel II deur 'n Party word geag opsegging van hierdie Protokol deur daardie Party te wees. Sodanige opsegging tree in werking op dieselfde dag as wat die opsegging van die Konvensie ooreenkomstig paragraaf 3 van Artikel XII van die Konvensie in werking tree.

50

#### ARTIKEL VIII

1. Die Organisasie kan 'n konferensie belê met die doel om hierdie Protokol te hersien of te wysig.

3. Die Protokol het op 30 Maart 1983 in werking getree.

2. The Organization shall convene a conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

#### ARTICLE IX

1. The present Protocol shall be deposited with the Secretary-General of the Organization. 5
2. The Secretary-General of the Organization shall—
  - (a) inform all States which have signed the present Protocol or acceded thereto of—
    - (i) each new signature or deposit of an instrument together with the date thereof; 10
    - (ii) the date of entry into force of the present Protocol;
    - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;
    - (iv) any amendments to the present Protocol or its Annex and any objection or declaration of non-acceptance of the said amendment; 15
  - (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

#### ARTICLE X

As soon as the present Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations. 20

#### ARTICLE XI

The present Protocol is established in a single original in the English, French, Russian and Spanish languages, all four texts being equally authentic. 25

*In witness whereof* the undersigned<sup>4</sup>, being duly authorized for that purpose, have signed the present Protocol.

*Done at London* this second day of November one thousand nine hundred and seventy-three. 30

#### ANNEX<sup>5</sup>

##### LIST OF SUBSTANCES

##### **Appendix 1—Oil carried in bulk as listed in Appendix I to Annex I of MARPOL 73/78 other than those covered by the 1969 Intervention Convention**

<i>Asphalt solutions</i>	<i>Distillates</i>	35
Blending stocks	Straight run	
Roofers flux	Flashed feed stocks	
Straight run residue		
<i>Oils</i>	<i>Gas oil</i>	40
	Cracked	
Clarified	<i>Naphtha</i>	
Road oil		
Transformer oil		
Aromatic oil (excluding vegetable oil)	Solvent	45
Mineral oil	Petroleum	

4. Signatures omitted.

5. The Annex to this Protocol was adopted by the Marine Environment Protection Committee by resolution MEPC.1(II) of 21 November 1974. The list of substances was revised by resolution MEPC.49(31) of 4 July 1991.

2. Op versoek van ten minste een derde van die Partye moet die Organisasie 'n konferensie van Partye by hierdie Protokol belê met die doel om hierdie Protokol te hersien of te wysig.

#### ARTIKEL IX

- 5 1. Hierdie Protokol moet by die Sekretaris-generaal van die Organisasie gedeponeer word.
2. Die Sekretaris-generaal van die Organisasie moet—
- (a) al die State wat hierdie Protokol onderteken het of daartoe toegetree het, in kennis stel van—
- 10 (i) elke nuwe ondertekening of deponering van 'n dokument, tesame met die datum daarvan;
- (ii) die datum van die inwerkingtreding van hierdie Protokol;
- (iii) die deponering van enige opseggingsdokument van hierdie Protokol, tesame met die datum waarop die opsegging in werking tree;
- 15 (iv) enige wysigings van hierdie Protokol of sy Aanhangsel, en enige beswaar of verklaring van nie-aanvaarding van genoemde wysiging;
- (b) gewaarmerkte ware kopieë van hierdie Protokol deurstuur aan alle State wat hierdie Protokol onderteken het of daartoe toegetree het.

#### ARTIKEL X

- 20 Sodra hierdie Protokol in werking tree, moet die Sekretaris-generaal van die Organisasie 'n gewaarmerkte ware kopie daarvan deurstuur aan die Sekretariaat van die Verenigde Nasies vir registrasie en publikasie ooreenkomstig Artikel 102 van die Handves van die Verenigde Nasies.

#### ARTIKEL XI

- 25 Hierdie Protokol is opgestel in 'n enkele oorspronklike in die Engelse, Franse, Russiese en Spaanse tale, en al vier tekste is ewe outentiek.
- Ten bewyse waarvan* die ondergetekendes<sup>4</sup>, behoorlik daartoe gemagtig, hierdie Protokol onderteken het.
- Aangegaan te Londen* hede die tweede dag van November 1973.

#### 30 AANHANGSEL<sup>5</sup>

#### LYS VAN STOWWE

**Byvoegsel 1—Olie in groot maat vervoer, soos gelys in Byvoegsel I van Aanhangsel I van MARPOL 73/78, uitgesonderd dié gedek deur die 1969 Intervensie Konvensie**

35	<i>Asfaltoplossings</i>	<i>Distillate</i>
	Mengmateriale	Enkeldistillaat
	Roofers flux	Snelgedistilleerde voermateriale
	Enkeldistillaatresidu	
		<i>Gasolie</i>
40	<i>Olies</i>	Gekraakte olie
	Verhelderde olie	
	Pad-olie	<i>Nafta</i>
	Transformator-olie	
45	Aromatiese olie (uitgesonderd plantolie)	Oplosmiddel
	Minerale olie	Petroleum

4. Handtekeninge weggelaat.

5. Die Aanhangsel by hierdie Protokol is deur die Mariene-omgewingsbeskermingskomitee by resolušie MEPC.1(II) van 21 November 1974 aanvaar. Die lys van stowwe is by resolušie MEPC.49(31) van 4 Julie 1991 hersien.

## Act No. 23, 1997

## SHIPPING GENERAL AMENDMENT ACT, 1997

Motor oil	Heartcut distillate oil	
Penetrating oil		
Spindle oil	<i>Gasolines blending stocks</i>	
Turbine oil		
Polymer-fuel	Alkylates-fuel	5
	Reformats	
	Fuel oil No. 2	
	Fuel oil No. 2-D	
<i>Gasolines</i>		
Cashinghead (natural)	<i>Jet fuels</i>	
Automotive		10
Aviation	JP-1 (Kerosene)	
Straight run	JP-3	
Fuel oil No. 1 (Kerosene)	JP-5 (Kerosene, heavy)	
Fuel oil No. 1-D	Turbo fuel	
	Kerosene	15
	Mineral spirit	

**Appendix 2—Noxious liquid substances carried in bulk**

Acetone cyanohydrin	
Acetic anhydride	
Acrylonitrile	20
Alcohol (C12-C15) poly (1-3) ethoxylates	
Alcohol (C12-C15) poly (3-11) ethoxylates	
Alcohol (C6-C17)(secondary) poly (3-6) ethoxylates	
Alcohol (C6-C17)(secondary) poly (7-12) ethoxylates	
Allyl alcohol	25
Allyl chloride	
Ammonium sulphide solution (45% or less)	
Aniline	
Benzene and mixtures having 10% benzene or more	
Benzyl chloride	30
Butene oligomer	
n-Butyl acrylate	
Butylbenzenes (all isomers)	
Butyl benzyl phthalate	
n-Butyraldehyde	35
Calcium hypochlorite solution (more than 15%)	
Calcium naphthenate in mineral oil	
Camphor oil	
Carbolic oil	
Carbon disulphide	40
Carbon tetrachloride	
Chlorinated paraffins (C10-C13)	
Chlorobenzene	
Chloroform	
o-Chloronitrobenzene	45
m-Chlorotoluene	
o-Chlorotoluene	
p-Chlorotoluene	
Chlorotoluene (mixed isomers)	
Coal tar	50
Coal tar naphtha solvent	
Cobalt naphthenate in solvent naphtha	
Creosote (coal tar)	
Creosote (wood)	
Cresols (all isomers)	55
Cresylic acid, sodium salt solution	
Crotonaldehyde	
Cyclohexyl acetate	
1,3-Cyclopentadiene dimer (molten)	
Cyclopentene	60
Decene	
Decyl acrylate	

Motorolie	Kernfraksiedistillaat-olie
Penetreerolie	
Spilsmeer-olie	<i>Petrol-mengmateriale</i>
Turbine-olie	
5 Polimeer-brandstof	Alkilate-brandstof
	Reformate
	Brandstofolie No. 2
	Brandstofolie No. 2-D
<i>Petrol</i>	
Putgas (natuurlik)	<i>Stralerbrandstof</i>
10 Motor	
Vliegtuig	JP-1 (Kerosen)
Enkeldistillaat	JP-3
Brandolie No. 1 (Kerosen)	JP-5 (Kerosen, swaar)
Brandolie No. 1-D	Turbobrandstof
15	Kerosen
	Mineraalspiritus

**Byvoegsel 2—Skadelike vloeistowwe wat in groot maat vervoer word**

	Asetoonsiaanhydrien
	Asynsuuranhydried
20	Akronitriël
	Alkohol (C12-C15) poli(1-3)etoksilate
	Alkohol (C12-C15) poli(3-11)etoksilate
	Alkohol (C6-C17) (sekondêre) poli(3-6)etoksilate
	Alkohol (C6-C17) (sekondêre) poli(7-12)etoksilate
25	Allielalkohol
	Allielchloried
	Ammoniumsulfiedoplossing (45% of minder)
	Anilien
	Benseen en mengsels met 10% of meer benseen
30	Bensielchloried
	Buteenoligomeer
	n-Butielakrilaat
	Butielbensene (alle isomere)
	Butielbensielftalaat
35	n-Butiraldehyd
	Kalsiumhipochlorietmengsel (meer as 15%)
	Kalsiumnaftenaat in minerale olie
	Kamferolie
	Karbololie
40	Koolstofdisulfied
	Koolstoftetrachloried
	Gechlloreerde paraffiene (C10-C13)
	Chloorbenseen
	Chloroform
45	o-Chloornitrobenseen
	m-Chloortolueen
	o-Chloortolueen
	p-Chloortolueen
	Chloortolueen (gemengde isomere)
50	Koolteer
	Koolteernaftaoplosmiddel
	Kobaltnaftenaat in naftaoplosmiddel
	Kreosoot (koolteer)
	Kreosoot (hout)
55	Kresols (alle isomere)
	Kresielsuur, natriumsout-oplossing
	Krotonaldehyd
	Sikloheksielasetaat
	1,3-Siklopentadieendimeer (gesmelt)
60	Siklopenteen
	Deseen
	Desielakrilaat



Decyl alcohol (all isomers)	
Dibutyl phthalate	
Dichlorobenzenes (all isomers)	
1,1-Dichloroethane	
Dichloroethyl ether	5
1,6-Dichlorohexene	
2,4-Dichlorophenol	
2,4-Dichlorophenoxyacetic acid, diethanolamine salt solution	
2,4-Dichlorophenoxyacetic acid, dimethylamine salt solution (70% or less)	
2,4-Dichlorophenoxyacetic acid, triisopropanolamine salt solution	10
1,1-Dichloropropane	
1,2-Dichloropropane	
1,3-Dichloropropane	
1,3-Dichloropropene	
Dichloropropene/Dichloropropane mixtures	15
Diethyl sulphate	
Diglycidyl ether of bisphenol A	
Diglycidyl ether of bisphenol F	
Di-n-hexyl adipate	
Diisobutylene	20
Diisobutyl phthalate	
Diisopropylbenzene (all isomers)	
Dimethyl adipate	
Dimethylamine solution (45% or less)	
Dimethylamine solution (greater than 45% but not greater than 55%)	25
Dimethylamine solution (greater than 55% but not greater than 65%)	
Dinitrotoluene (molten)	
Diphenyl	
Diphenyl/Diphenyl ether mixtures	
Diphenyl ether	30
Diphenyl ether/Diphenyl phenyl ether mixture	
Diphenylmethane diisocyanate	
Diphenylol propane-epichlorohydrin resins	
Dodecene (all isomers)	
Dodecyl alcohol	35
Dodecyl diphenyl ether disulphonate solution	
Dodecyl phenol	
Drilling brines, containing Zinc salts	
Epichlorohydrin	
Ethyl acrylate	40
Ethylene chlorohydrin	
Ethylene dibromide	
Ethylene dichloride	
2-Ethylhexyl acrylate	
2-Ethylhexylamine	45
Ethylidene norbornene	
o-Ethylphenol	
2-Ethyl-3-propylacrolein	
Ethyltoluene	
Fluorosilicic acid	50
Fumaric adduct of rosin, water dispersion	
Glycidyl ester of C10 trialkylacetic acid	
Heptyl acetate	
Hexyl acetate	
2-Hydroxyethyl acrylate	55
Isobutyl acrylate	
Isophorone diisocyanate	
Isopropylbenzene	
Lactonitrile solution (80% or less)	
Lauric acid	60
Mercaptobenzothiazol, sodium salt solution	
Metam sodium solution	
Methacrylic resin in 1,2-Dichloroethane solution	

- Desielalkohol (alle isomere)
- Dibutielftalaat
- Dichloorbensene (alle isomere)
- 1,1-Dichlooretaan
- 5 Dichlooretieleter
  - 1,6-Dichloorhekseen
  - 2,4-Dichloorfenol
  - 2,4-Dichloorfenoksiasynsuur, diëtanolamiensout-oplossing
  - 2,4-Dichloorfenoksiasynsuur, dimetielamiensout-oplossing (70% of minder)
- 10 2,4-Dichloorfenoksiasynsuur, triisopropanolamiensout-oplossing
  - 1,1-Dichloorpropaan
  - 1,2-Dichloorpropaan
  - 1,3-Dichloorpropaan
  - 1,3-Dichloorpropeen
- 15 Dichloorpropeen/Dichloorpropaanmengsels
  - Diëtielsulfaat
  - Diglisiedieleter van bisfenol A
  - Diglisiedieleter van bisfenol F
  - Di-n-heksieladipaat
- 20 Diisobutileen
  - Diisobutielftalaat
  - Diisopropielbenseen (alle isomere)
  - Dimetieladipaat
  - Dimetielamienoplossing (45% of minder)
- 25 Dimetielamienoplossing (meer as 45% maar hoogstens 55%)
  - Dimetielamienoplossing (meer as 55% maar hoogstens 65%)
  - Dinitrotolueen (gesmelt)
  - Difeniel
  - Difeniel/Difenieletermengsel
- 30 Difenieleter
  - Difenieleter/Difeniefenieletermengsels
  - Difenielmetaandiisosianaat
  - Difenilolpropaan-epichloorhidrien-harse
  - Dodeseen (alle isomere)
- 35 Dodekielalkohol
  - Dodekiel-difenieleterdisulfonaatoplossing
  - Dodekielfenol
  - Boorpekkel wat sinkoute bevat
  - Epichloorhidrien
- 40 Etielakrilaat
  - Etileenchloorhidrien
  - Etileendibromied
  - Etileendichloried
  - 2-Etielheksielakrilaat
- 45 2-Etielheksielamien
  - Etilideennorborneen
  - o-Etielfenol
  - 2-Etiel-3-propielakroleien
  - Etieltolueen
- 50 Fluorosilikonsuur
  - Fumaaradduk van hars, waterdispersie
  - Glisidielester van C10-trialkielasynsuur
  - Heptielasetaat
  - Heksielasetaat
- 55 2-Hidroksiëtielakrilaat
  - Isobutiellakrilaat
  - Isoforoondiisosianaat
  - Isopropielbenseen
  - Laktonitrieloplossing (80% of minder)
- 60 Louriensuur
  - Mercaptobensotiasool, natriumsout-oplossing
  - Metamnatriumoplossing
  - Metakrielharpuis in 1,2-Dichlooretaanoplossing

Methacrylonitrile	
Methyl acrylate	
Methylcyclopentadiene dimer	
2-Methyl-5-ethyl pyridine	
Methyl heptyl ketone	5
Methylnaphthalene	
2-Methylpyridine	
4-Methylpyridine	
N-Methyl 2-pyrrolidone	
Methyl salicylate	10
alpha-Methylstyrene	
Motor fuel anti-knock compounds	
Naphthalene (molten)	
Naphthenic acids	
Nitrobenzene	15
o-Nitrophenol (molten)	
Nonene	
Nonylphenol	
Nonylphenol poly (4-12) ethoxylates	
Octane (all isomers)	20
Octene (all isomers)	
Octyl aldehydes	
Octyl nitrates (all isomers)	
Olefin mixtures (C5-C15)	
Oleum	25
alpha-Olefins (C6-C18) mixtures	
Pentachloroethane	
Perchloroethylene	
Phenol	
Phosphorus, yellow or white	30
Pinene	
n-Propyl chloride	
Propylene tetramer	
Propylene trimer	
Rosin	35
Rosin soap (disproportionated) solution	
Sodium hydrosulphide/Ammonium sulphide solution	
Sodium hydrosulphide solution (45% or less)	
Sodium sulphide solution	
Sodium nitrite solution	40
Sodium thiocyanate solution (56% or less)	
Styrene monomer	
Tall oil (crude and distilled)	
Tall oil soap (disproportionated) solution	
Tetrachloroethane	45
Toluene	
Toluene diisocyanate	
Tributyl phosphate	
1,2,4-Trichlorobenzene	
1,1,1-Trichloroethane	50
1,1,2-Trichloroethane	
Trichloroethylene	
1,2,3-Trichloropropane	
Tricresyl phosphate (containing less than 1% ortho-isomer)	
Tricresyl phosphate (containing 1% or more ortho-isomer)	55
Triethylbenzene	
Trimethyl benzenes (all isomers)	
Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4-isomers)	
Trixylyl phosphate	
Turpentine	60
1-Undecene	
Undecyl alcohol	
Vinylidene chloride	

- Metakrilonitriël
- Metielakrilaat
- Metielsiklopentpentadiëndimeer
- 2-Metiel-5-etielpiridien
- 5 Metielheptielketoon
- Metielnaftaleen
- 2-Metielpiridien
- 4-Metielpiridien
- N-Metiel-2-pirrolidoon
- 10 Metielsalisilaat
- alfa-Metielstireen
- Klopweermiddels vir motorbrandstof
- Naftaleen (gesmelt)
- Nafteensure
- 15 Nitrobenseen
- o-Nitrofenol (gesmelt)
- Noneen
- Nonielfenol
- Nonielfenolpoli(4-12)etoksilate
- 20 Oktaan (alle isomere)
- Okteen (alle isomere)
- Oktielaldehiede
- Oktielnitrate (alle isomere)
- Olefiene (C5-C15-mengsels)
- 25 Oleum
- alfa-Olefiene (C6-C18-mengsels)
- Pentachlooretaan
- Perchlooretileen
- Fenol
- 30 Fosfor, geel of wit
- Pineen
- n-Propielchloried
- Propileentetrameer
- Propileentrimereer
- 35 Hars
- Harpuisseepoplossing (gedisproporsioneer)
- Natriumhidrosulfied/Ammoniumsulfied-oplossing
- Natriumhidrosulfiedoplossing (45% of minder)
- Natriumsulfiedoplossing
- 40 Natriumnitrietoplossing
- Natriumtiosianaatoplossing (56% of minder)
- Stireenmonomeer
- Dennepulpolie, ru en gedistilleer
- Dennepulpolieseepoplossing (gedisproporsioneer)
- 45 Tetrachlooretaan
- Tolueen
- Tolueendiisosianaat
- Tributielfosfaat
- 1,2,4-Trichloorbenseen
- 50 1,1,1-Trichlooretaan
- 1,1,2-Trichlooretaan
- Trichlooretileen
- 1,2,3-Trichloorpropaan
- Trikresielfosfaat (wat minder as 1% ortoïsomeer bevat)
- 55 Trikresielfosfaat (wat 1% of meer ortoïsomeer bevat)
- Triëtielbenseen
- Trimetielbensene (alle isomere)
- Trimetielheksametileendiisosianaat (2,2,4- en 2,4,4-isomere)
- Trixieliefosfaat
- 60 Terpentyn
- 1-Hendeseen
- Hendesiëlalkohol
- Vinielideenchloried

Vinyl neodecanoate  
 Vinyltoluene  
 White spirit, low (15-20%) aromatic  
 Xylenol

### Appendix 3—Harmful substances carried in packaged form 5

Binapacryl	
Cadmium compounds, except Cadmium selenide and Cadmium sulphide	
Chlorinated paraffins (C10-C13)	
Chlorophenates	
Copper cyanide	10
Coumarin derivative pesticides as follows:	
Brodifacoum	
Coumaphos	
Cresyl diphenyl phosphate	
Cypermethrin	15
Diphenylamine chloroarsine	
Diphenylchloroarsine	
Dodecylphenol	
Ethylchloroarsine	
Fenpropathrin	20
Hexachlorobutadiene	
Mercuric arsenate	
Mercuric chloride	
Mercuric nitrate	
Mercuric potassium cyanide	25
Mercurous nitrate	
Mercury acetates	
Mercury ammonium chloride	
Mercury based pesticides	
Mercury benzoate	30
Mercury bromides	
Mercury compounds, except Mercuric sulphide and Mercury iodide	
Mercury cyanide	
Mercury gluconate	
Mercury nucleate	35
Mercury oleate	
Mercury oxide	
Mercury oxycyanide desensitized	
Mercury potassium iodide	
Mercury salicylate	40
Mercury sulphates	
Mercury thiocyanate	
Nickel cyanide	
Nickel carbonyl	
Organochlorine pesticides as follows:	45
Aldrin	
Camphechlor	
Chlordane	
DDT	
Dieldrin	50
Endosulfan	
Endrin	
Heptachlor	
Lindane (gamma-BCH)	
Organophosphorus pesticides as follows:	55
Azinphos-methyl	
Azinphos-ethyl	
Bromophos-ethyl	
Carbophenothion	
Chlorpyrifos	60
Chlorthiophos	



Vinielneodekanoaat  
Vinieltolueen  
Witspirit, lae aromasiteit (15%-20%)  
Xilenol

**5 Byvoegsel 3—Skadelike stowwe wat in verpakte vorm vervoer word**

- Binapakriel  
Kadmiumverbindings, uitgesonderd kadmiumselenied en kadmiumsulfied  
Gechlorineerde paraffiene (C10-C13)  
Chloorfenolate
- 10 Kopersianied  
Kumarienderivaatplaagdoders soos volg:  
    Brodifakum  
    Kumafos  
Kresieldifenielfosfaat
- 15 Sipermetrien  
Difenielamienchloorarsien  
Difenielchloorarsien  
Dodekielfenol  
Etielchloorarsien
- 20 Fenpropatrien  
Heksachloorbutadeien  
Merkuri-arsenaat  
Merkurichloor  
Merkurintraat
- 25 Merkurikaliumsianied  
Merkuronitraat  
Kwikasetate  
Kwikammoniumchloried  
Kwikgebaseerde plaagdoders
- 30 Kwikbensoaat  
Kwikbromiedes  
Kwikverbindings, uitgesonderd merkurisulfied en kwikjodied  
Kwiksianied  
Kwikglukonaat
- 35 Kwiknuleaat  
Kwikoleaat  
Kwikoksied  
Kwikoksisianied gedesensitiseer  
Kwikkaliumjodied
- 40 Kwiksilisilaat  
Kwiksulfate  
Kwiktiesianate  
Nikkelsianied  
Nikkelkarboniel
- 45 Organochloorplaagdoders soos volg:  
    Aldrien  
    Kamfechloor  
    Chlorodaan  
    DDT
- 50 Dielidien  
Endosulfaan  
Endrien  
Heptachloor  
Lindaan (gamma-BCH)
- 55 Organofosforplaagdoders soos volg:  
    Asienfosmetiel  
    Asienfosetiel  
    Bromofosetiel  
    Karbofenotion
- 60 Chloorpirifos  
Chloortiofos

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Dialifos	
Diazinon	
Dichlofenthion	
Dichlorvos	
Dimethoate	5
EPN	
Ethion	
Fenitrothion	
Fenthion	
Fonofos	10
Isoxathion	
Mevinphos	
Parathion	
Parathion-methyl	
Pirimiphos ethyl	15
Phenthoate	
Phorate	
Phosalone	
Phosphamidon	
Pyrazophos	20
Sulprophos	
Terbufos	
Organotin compounds	
Organotin pesticides	
Osmium tetroxide	25
Pentachlorophenol	
Phenylmercuric acetate	
Phenylmercuric compounds	
Phenylmercuric nitrate	
Phosphorus, white or yellow	30
Polychlorinated biphenyls or terphenyls	
Polyhalogenated biphenyls or terphenyls	
Potassium cuprocyanide	
Silver arsenite	
Sodium cuprocyanide	35
Sodium pentachlorophenate	
Triaryl phosphates	
Tricresyl phosphates, more than 1% ortho-isomer	
Zinc cyanide	

#### Appendix 4—Radioactive materials 40

Radioactive materials which are transported in type B packages, or as fissile materials, or under special arrangement, as covered by the provisions of Schedules 10 to 13 of Class 7 of the International Maritime Dangerous Goods Code.

#### Appendix 5—Liquefied gases carried in bulk

Acetaldehyde	45
Anhydrous Ammonia	
Chlorine	
Dimethylamine	
Ethyl chloride	
Ethylene oxide	50
Hydrogen chloride, anhydrous	
Hydrogen fluoride, anhydrous	
Methyl bromide	
Methyl chloride	
Sulphur dioxide	55
Vinyl chloride monomer."	

- Dialifos
- Diasinon
- Dichlofention
- Dichloorvos
- 5 Dimetootaat
- EPN
- Etion
- Fenitrothion
- Fention
- 10 Fonofos
- Isoksation
- Mevinfos
- Paration
- Parationmetiel
- 15 Pirimifosetiel
- Pentootaat
- Foraat
- Fosaloon
- Fosfamidon
- 20 Pirasofos
- Sulprofos
- Terbufos
- Organotienverbindings
- Organotienplaagdoders
- 25 Osmiumtetroksied
- Pentachloorfenol
- Fenielmerkuri-asetaat
- Fenielmerkuri-verbindings
- Fenielmerkuri-nitraat
- 30 Fosfor, wit of geel
- Polichloorbifeniele of -terfeniele
- Polihalogeënbifeniele of -terfeniele
- Kaliumkuproasianied
- Silwerarseniet
- 35 Natriumkuproasianied
- Natriumpentachloorfenaat
- Triarielfosfate
- Trikresielfosfate, meer as 1% ortoïsoomeer
- Sinksianied

#### 40 Byvoegsel 4—Radioaktiewe stowwe

Radioaktiewe stowwe wat vervoer word in tipe B-verpakkings, of as kloofbare stowwe, of kragtens spesiale reëling, soos gedek deur die bepalings van Bylaes 10 tot 13 van Klas 7 van die Internasionale Maritieme Kode betreffende Gevaarlike Goedere.

#### Byvoegsel 5—Vloeibare gasse wat in groot maat vervoer word

- 45 Asetaldehid
- Anhidriese ammoniak
- Chloor
- Dimetielamien
- Etielchloried
- 50 Etilleenoksied
- Waterstofchloried, anhidries
- Waterstoffluoried, anhidries
- Metielbromied
- Metielchloried
- 55 Swaeldioksied
- Vinielchloriedmonomeer.”.

