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No. 17921

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 29, 1997

NATIONAL GAMBLING ACT, 1996 (ACT No. 33 OF 1996)

In terms of section 20 of the National Gambling Act, 1996 (Act No. 33 of 1996), I hereby determine **18 April 1997** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Fifteenth day of April, One thousand Nine hundred and Ninety-seven.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. ERWIN

Minister of the Cabinet

PROKLAMASIE*van die***President van die Republiek van Suid-Afrika****No. R. 29, 1997****NASIONALE DOBBELWET, 1996 (WET No. 33 VAN 1996)**

Kragtens artikel 20 van die Nasionale Dobbelwet, 1996 (Wet No. 33 van 1996), bepaal ek hierby **18 April 1997** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vyftiende dag van April Eenduisend Negehonderd Sewe-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

A. ERWIN**Minister van die Kabinet**

GOVERNMENT NOTICES

GOEWERMENSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE**No. R. 564****18 April 1997**

PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)

**DECIDUOUS FRUIT PLANT CERTIFICATION
SCHEME: AMENDMENT***

I, Angela Thokozile Didiza, Deputy Minister of Agriculture, acting under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), on behalf of the Minister of Agriculture, hereby amend the Deciduous Fruit Plant Certification Scheme published by Government Notice No. R. 1971 of 15 October 1993, to the extent set out in the Schedule.

A. T. DIDIZA**Deputy Minister of Agriculture**

* Amendments with regard to unit, phytosanitary and physical requirements of pome and stone fruit; and table and drying grapes.

SCHEDULE**Definition**

1. In the Schedule "the Scheme" means the Deciduous Fruit Plant Certification Scheme published by Government Notice No. R. 1971 of 15 October 1993, as corrected by Government Notice No. R. 453 of 22 March 1996.

Amendment of Part 2 of Schedule 1 of the Scheme

2. Part 2 of Schedule 1 of the Scheme is hereby amended—

- (a) by the substitution for the expression "5" in paragraphs 2.3.2.2 and 2.5.1 of the expression "3";
- (b) by the substitution for the expression "5 meter" in the Afrikaans text of paragraph 2.4.1 of the expression "3 meter wyd"; and

DEPARTEMENT VAN LANDBOU**No. R. 564****18 April 1997**

PLANTVERBETERINGSWET, 1976
(WET No. 53 VAN 1976)

**SAGTEVRUGTEPLANTSERTIFISERINGSKEMA:
WYSIGING***

Ek, Angela Thokozile Didiza, Adjunkminister van Landbou, handelende kragtens artikel 23 van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976), namens die Minister van Landbou, wysig hiermee die Sagtevrugteplantsertifiseringskema gepubliseer by Goewermenskennisgewing No. R. 1971 van 15 Oktober 1993, tot die mate in die Bylae uiteengesit.

A. T. DIDIZA**Adjunkminister van Landbou**

* Wysigings ten opsigte van eenheids-, fitosanitêre en fisiese vereistes van kern- en steenvrugte; en tafel- en droogdruwe.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Skema" die Sagtevrugteplantsertifiseringskema gepubliseer by Goewermenskennisgewing No. R. 1971 van 15 Oktober 1993, soos verbeter deur Goewermenskennisgewing No. R. 453 van 22 Maart 1996.

Wysiging van Deel 2 van Bylae 1 van die Skema

2. Deel 2 van Bylae 1 van die Skema word hierby gewysig—

- (a) deur die uitdrukking "5" in paragrawe 2.3.2.2 en 2.5.1 deur die uitdrukking "3" te vervang;
- (b) deur die uitdrukking "5 meter" in die Afrikaanse teks van paragraaf 2.4.1 deur die uitdrukking "3 meter wyd" te vervang; en

- (c) by the substitution for the expression "5" in the English text of paragraph 2.4.1 of the expression "3".

Amendment of paragraph 3.1.1.1 of Part 3 of Schedule 1 of the Scheme

3. Paragraph 3.1.1.1 of Part 3 of Schedule 1 of the Scheme is hereby amended—

- (a) by the substitution for the expression "Apple crinkle leaf" in the English text of the expression "Apple leaf pucker";
- (b) by the substitution for the expression "Apple russeting" in the English text of the expression "Apple russet ring";
- (c) by the substitution for the expression "Platycarpa dwarf" in the English text of the expression "Platycarpa scaly bark";
- (d) by the deletion of the expression "Peach rosette";
- (e) by the substitution for the expression "Pear russet mosaic" in the English text of the expression "Pear ring pattern mosaic"; and
- (f) by the addition of the expression "Pear vein yellows".

Amendment of paragraph 3.1.1.2 of Part 3 of Schedule 1 of the Scheme

4. Paragraph 3.1.1.2 of Part 3 of Schedule 1 of the Scheme is hereby amended—

- (a) by the substitution for the expression "*Xanthomonas campestris* pv. *pruni* (Bakteriese kanker)" in the Afrikaans text of the expression "*Xanthomonas campestris* pv. *pruni* (Bakteriese vlek)"; and
- (b) by the substitution for the expression "*Armillariella*" of the expression "*Armillaria*".

Amendment of paragraph 3.1.1.3 of Part 3 of Schedule 1 of the Scheme

5. Paragraph 3.1.1.3 of Part 3 of Schedule 1 of the Scheme is hereby amended by the deletion of the expression "*Pratylenchus* spp. (Root lesion nematode)".

Amendment of paragraph 3.1.2.2 of Part 3 of Schedule 1 of the Scheme

6. Paragraph 3.1.2.2 of Part 3 of Schedule 1 of the Scheme is hereby amended—

- (a) by the substitution for the expression "*Xanthomonas campestris* pv. *pruni* (Bakteriese kanker)" in the Afrikaans text of the expression "*Xanthomonas campestris* pv. *pruni* (Bakteriese vlek)";
- (b) by the substitution for the expression "*Armillariella*" of the expression "*Armillaria*";
- (c) by the substitution for the expression "Apple crinkle leaf" in the English text of the expression "Apple leaf pucker"; and
- (d) by the addition of the expression "Pear vein yellows".

- (c) deur die uitdrukking "5" in die Engelse teks van paragraaf 2.4.1 deur die uitdrukking "3" te vervang.

Wysiging van paragraaf 3.1.1.1 van Deel 3 van Bylae 1 van die Skema

3. Paragraaf 3.1.1.1 van Deel 3 van Bylae 1 van die Skema word hierby gewysig—

- (a) deur die uitdrukking "Apple crinkle leaf" in die Engelse teks deur die uitdrukking "Apple leaf pucker" te vervang;
- (b) deur die uitdrukking "Apple russeting" in die Engelse teks deur die uitdrukking "Apple russet ring" te vervang;
- (c) deur die uitdrukking "Platycarpa dwarf" in die Engelse teks deur die uitdrukking "Platycarpa scaly bark" te vervang;
- (d) deur die uitdrukking "Perskeroset" te skrap;
- (e) deur die uitdrukking "Pear russet mosaic" in die Engelse teks deur die uitdrukking "Pear ring pattern mosaic" te vervang; en
- (f) deur die uitdrukking "Peer nerfvergeling" by te voeg.

Wysiging van paragraaf 3.1.1.2 van Deel 3 van Bylae 1 van die Skema

4. Paragraaf 3.1.1.2 van Deel 3 van Bylae 1 van die Skema word hierby gewysig—

- (a) deur die uitdrukking "*Xanthomonas campestris* pv. *pruni* (Bakteriese kanker)" in die Afrikaanse teks deur die uitdrukking "*Xanthomonas campestris* pv. *pruni* (Bakteriese vlek)" te vervang; en
- (b) deur die uitdrukking "*Armillariella*" deur die uitdrukking "*Armillaria*" te vervang.

Wysiging van paragraaf 3.1.1.3 van Deel 3 van Bylae 1 van die Skema

5. Paragraaf 3.1.1.3 van Deel 3 van Bylae 1 van die Skema word hierby gewysig deur die uitdrukking "*Pratylenchus* spp. (Letselaalwurm)" te skrap.

Wysiging van paragraaf 3.1.2.2 van Deel 3 van Bylae 1 van die Skema

6. Paragraaf 3.1.2.2 van Deel 3 van Bylae 1 van die Skema word hierby gewysig—

- (a) deur die uitdrukking "*Xanthomonas campestris* pv. *pruni* (Bakteriese kanker)" in die Afrikaanse teks deur die uitdrukking "*Xanthomonas campestris* pv. *pruni* (Bakteriese vlek)" te vervang;
- (b) deur die uitdrukking "*Armillariella*" deur die uitdrukking "*Armillaria*" te vervang;
- (c) deur die uitdrukking "Apple crinkle leaf" in die Engelse teks deur die uitdrukking "Apple leaf pucker" te vervang; en
- (d) deur die uitdrukking "Peer nerfvergeling" by te voeg.

Amendment of paragraph 3.1.2.3. of Part 3 of Schedule 1 of the Scheme

7. Paragraph 3.1.2.3 of Part 3 of Schedule 1 of the Scheme is hereby amended by the deletion of the expression "Pratylenchus spp. (Root lesion nematode)".

Amendment of paragraph 3.1.2.4 of Part 3 of Schedule 1 of the Scheme

8. Paragraph 3.1.2.4 of Part 3 of Schedule 1 of the Scheme is hereby amended—

- (a) by the substitution for the expression "Apple russeting" in the English text of the expression "Apple russet ring"; and
- (b) by the deletion of the expression "Peach rosette".

Amendment of Part 2 of Schedule 2 of the Scheme

9. Part 2 of Schedule 2 of the Scheme is hereby amended—

- (a) by the substitution for the expression "1" in paragraphs 2.2.4.1 and 2.3.4.1 of the expression "2";
- (b) by the substitution for the expression "25" in paragraphs 2.2.4.2 and 2.3.4.2 of the expression "3"; and
- (c) by the substitution for the expression "5" in paragraphs 2.2.5, 2.3.5 and 2.5.4.1 of the expression "3".

Amendment of Part 4 of Schedule 2 of the Scheme

10. Part 4 of of the Scheme is hereby amended—

- (a) by the deletion of the proviso to paragraph 4.2.4; and
- (b) by the substitution for the expression "50 mm" in paragraphs 4.7.5 and 4.9.9 of the expression "100 mm".

Wysiging van paragraaf 3.1.2.3 van Deel 3 van Bylae 1 van die Skema

7. Paragraaf 3.1.2.3 van Deel 3 van Bylae 1 van die Skema word hierby gewysig deur die uitdrukking "Pratylenchus spp. (Letselaalwurm)" te skrap.

Wysiging van paragraaf 3.1.2.4 van Deel 3 van Bylae 1 van die skema

8. Paragraaf 3.1.2.4 van Deel 3 van Bylae 1 van die Skema word hierby gewysig—

- (a) deur die uitdrukking "Apple russeting" in die Engelse teks deur die uitdrukking "Apple russet ring" te vervang; en
- (b) deur die uitdrukking "Perskeroset" te skrap.

Wysiging van Deel 2 van Bylae 2 van die Skema

9. Deel 2 van Bylae 2 van die Skema word hierby gewysig—

- (a) deur die uitdrukking "1" in paragrawe 2.2.4.1 en 2.3.4.1 deur die uitdrukking "2" te vervang;
- (b) deur die uitdrukking "25" in paragrawe 2.2.4.2 en 2.3.4.2 deur die uitdrukking "3" te vervang; en
- (c) deur die uitdrukking "5" in paragrawe 2.2.5, 2.3.5 en 2.5.4.1 deur die uitdrukking "3" te vervang.

Wysiging van Deel 4 van Bylae 2 van die Skema

10. Deel 4 van Bylae 2 van die Skema word hierby gewysig—

- (a) deur die voorbehoudsbepaling by paragraaf 4.2.4 te skrap; en
- (b) deur die uitdrukking "50 mm" in paragrawe 4.7.5 en 4.9.9 deur die uitdrukking "100 mm" te vervang.

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 556**18 April 1997**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/825)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, to the extent set out in the Schedule hereto.

T. A. MANUEL**Minister of Finance****SCHEDULE**

Heading	Sub= heading	C D	Article Description	Statistical Unit	Rate of Duty	Anno= tations
76.04 and 76.05			By the substitution for headings Nos. 76.04 and 76.05 of the following:			
76.04			Aluminium bars, rods and profiles:			
	7604.10		- Of aluminium, not alloyed:			
	.35 0		- - Bars and rods, of a maximum cross-sectional dimension not exceeding 160 mm	kg	12%	
	.65 2		- - Profiles, of a maximum cross-sectional dimension not exceeding 370 mm	kg	12%	
	.90 3		- - Other	kg	free	
	7604.2		- Of aluminium alloys:			
	7604.21		- - Hollow profiles:			
	.15 7		- - - Of a maximum outside cross-sectional dimension not exceeding 370 mm	kg	12%	
	.90 4		- - - Other	kg	free	
	7604.29		- - Other:			
	.15 8		- - - Bars and rods, of a maximum cross-sectional dimension exceeding 7,5 mm but not exceeding 160 mm	kg	12%	
	.65 4		- - - Profiles, of a maximum cross-sectional dimension not exceeding 370 mm	kg	12%	
	.90 5		- - - Other	kg	free	
76.05			Aluminium wire:			
	7605.1		- Of aluminium, not alloyed:			
	7605.11		- - Of which the maximum cross-sectional dimension exceeds 7 mm:			
	.05 9		- - - Circular, in coils without spools, of a mass exceeding 800 kg/coil	kg	8%	
	.80 6		- - - Other, of a mass exceeding 20 kg/coil	kg	8%	
	.90 3		- - - Other	kg	free	

Heading	Sub-Heading	C D	Article Description	Statistical Unit	Rate of Duty	Anno-tations
	7605.19		- - Other:			
	.05	5	- - - Circular, in coils without spools, of a mass exceeding 800 kg/coil	kg	8%	
	.80	7	- - - Other, of a mass exceeding 20 kg/coil	kg	8%	
	.90	4	- - - Other	kg	free	
	7605.2		- Of aluminium alloys:			
	7605.21		- - Of which the maximum cross-sectional dimension exceeds 7 mm:			
	.05	3	- - - Circular, in coils without spools, of a mass exceeding 800 kg/coil, of a cross-sectional dimension of 9,5 mm or more but not exceeding 14,6 mm, containing, by mass, more than 0,3 per cent of magnesium	kg	free	
	.70	3	- - - Other, circular, in coils without spools, of a mass not exceeding 800 kg/coil	kg	8%	
	.80	0	- - - Other, of a mass exceeding 20 kg/coil	kg	8%	
	.90	8	- - - Other	kg	free	
	7605.29		- - Other:			
	.05	4	- - - Circular, in coils without spools, of a mass exceeding 800 kg/coil	kg	8%	
	.80	1	- - - Other, of a mass exceeding 20 kg/coil	kg	8%	
	.90	9	- - - Other	kg	free	
76.06			By the insertion after subheadig No. 7606.92.07 of the following:			
	"17	9	- - - Containing, by mass, not more than 99,9 per cent of aluminium, not coated or covered with paint, enamel or plastics [excluding non-slip flooring with patterns of plastics (excluding non-slip flooring with patterns in relief (thread plate) and those which are perforated]	kg	14%"	
76.08			By the substitution for heading No. 76.08 of the following:			
"76.08			Aluminium tubes and pipes:			
	7608.10	2	- Of aluminium, not alloyed	kg	12%	
	7608.20		- Of aluminium alloys:			
	.15	5	- - Of an outside cross-sectional dimension not exceeding 230 mm	kg	12%	
	.90	2	- - Other	kg	free	
76.12			By the substitution for subheading No. 7612.90.40 of the following:			
	"40	9	- - Cans of a capacity not exceeding 500 ml	kg	13%"	

No. R. 556

18 April 1997

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/825)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hiervan aangetoon.

T. A. MANUEL

Minister van Finansies

BYLAE

Pos	Subpos	T. S.	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno-tasies
76.04 en 76.05			Deur poste Nos. 76.04 en 76.05 deur die volgende te vervang:			
	"76.04		Aluminiumstawe, -stange en -profile:			
	7604.10		- Van aluminium, nie gelegeer nie:			
	.35 0		- - Stawe en stange, met 'n maksimum dwarsdeursnee-afmeting van hoogstens 160 mm	kg	12%	
	.65 2		- - Profile, met 'n maksimum dwarsdeursnee-afmeting van hoogstens 370 mm	kg	12%	
	.90 3		- - Ander	kg	vry	
	7604.2		- Van aluminiumlegerings:			
	7604.21		- - Hol profile:			
	.15 7		- - - Met 'n maksimum buitewarsdeursnee-afmeting van hoogstens 370 mm	kg	12%	
	.90 4		- - - Ander	kg	vry	
	7604.29		- - Ander:			
	.15 8		- - - Stawe en ander stange, met 'n maksimum dwarsdeursnee-afmeting van meer as 7,5 mm maar hoogstens 160 mm	kg	12%	
	.65 4		- - - Profile, met 'n maksimum dwarsdeursnee-afmeting van hoogstens 370 mm	kg	12%	
	.90 5		- - - Ander	kg	vry	
76.05			Aluminiumdraad:			
	7605.1		- Van aluminium, nie gelegeer nie:			
	7605.11		- - Waarvan die maksimum dwarsdeursnee-afmeting 7 mm oorskry:			
	.05 9		- - - Sirkelvormig, in rolle sonder spoele, met 'n massa van meer as 800 kg/rol	kg	8%	
	.80 6		- - - Ander, met 'n massa van meer as 20 kg/rol	kg	8%	
	.90 3		- - - Ander	kg	vry	

Pos	Subpos	T. S.	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg	Anno= tasies
	7605.19		- - Ander:			
	.05	5	- - - Sirkelvormig, in rolle sonder spoele, met 'n massa van meer as 800 kg/rol	kg	8%	
	.80	7	- - - Ander, met 'n massa van meer as 20 kg/rol	kg	8%	
	.90	4	- - - Ander	kg	vry	
	7605.2		- Van aluminiumlegerings:			
	7605.21		- - Waarvan die maksimum dwarsdeursnee-afmeting 7 mm oorskry:			
	.05	3	- - - Sirkelvormig, in rolle sonder spoele, met 'n massa van meer as 800 kg/rol met 'n dwarsdeursnee-afmeting van minstens 9,5 mm maar hoogstens 14,6 mm, wat, volgens massa, meer as 0,3 persent magnesium bevat	kg	vry	
	.70	3	- - - Ander, sirkelvormig, in rolle sonder spoele, met 'n massa van hoogstens 800 kg/rol	kg	8%	
	.80	0	- - - Ander, met 'n massa van meer as 20 kg/rol	kg	8%	
	.90	8	- - - Ander	kg	vry	
	7605.29		- - Ander:			
	.05	4	- - - Sirkelvormig, in rolle sonder spoele, met 'n massa van meer as 800 kg/rol	kg	8%	
	.80	1	- - - Ander, met 'n massa van meer as 20 kg/rol	kg	8%	
	.90	9	- - - Ander	kg	vry	
76.06			Deur na subpos No. 7606.92.07 die volgende in te voeg:			
	".17	9	- - - Wat, volgens massa, nie meer as 99,9 persent aluminium bevat nie, nie bestryk of bedek met verf, emalje of plastieke nie [uitgesonderd glyvaste bevoering met patrone wat verheve is (treeplaat) en dié wat geperforeer is]	kg	14%"	
76.08			Deur pos No. 76.08 deur die volgende te vervang:			
76.08			Aluminiumbulse en -pype:			
	7608.10	2	- Van aluminium, nie geleger nie	kg	12%	
	7608.20		- Van aluminiumlegerings:			
	.15	5	- - Met 'n buitewarsdeursnee-afmeting van hoogstens 230 mm	kg	12%	
	.90	2	- - Ander	kg	vry"	
76.12			Deur subpos No. 7612.90.40 deur die volgende te vervang:			
	".40	9	- - Blikke met 'n kapasiteit van hoogstens 500 ml	kg	13%"	

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 565**18 April 1997**

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT No. 54 OF 1972)

**REGULATIONS GOVERNING ACIDS, BASES AND SALTS AND THE AMOUNTS THEREOF THAT
FOODSTUFFS MAY CONTAIN: AMENDMENT**

The Minister of Health intends, in terms of section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments on the proposed regulations or representations they wish to make in regard thereto to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), within three months of the date of publication of this notice.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published under Government Notice No. R. 115 of 24 January 1986, as amended by Government Notices Nos. R. 1885 of 4 September 1987, R. 2128 of 31 July 1992, R. 1300 of 23 July 1993 and R. 330 of 25 February 1994.

Amendment of the Annex to the Regulations

2. The Annex to the Regulations is hereby amended by the insertion in the correct alphabetical position in column I under item "**12. MARINE FOODS**" and subitem "(a) *Canned fish and shellfish*" of the foodstuff "Shelf-stable tuna in a pouch" and opposite thereto in column II of the expression "sodium hydrogen carbonate" and in column III of the expression "GMP".

No. R. 565**18 April 1997**

**WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET No. 54
VAN 1972)**

**REGULASIES BETREFFENDE SURE, BASISSE EN SOUTE EN DIE HOEVEELHEDE DAARVAN WAT
VOEDINGSMIDDELS MAG BEVAT: WYSIGING**

Die Minister van Gesondheid is voornemens om kragtens artikel 15(1) van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), die regulasies in die Bylae uit te vaardig.

Belanghebbendes word versoek om binne drie maande na die datum van publikasie van hierdie kennisgewing gemotiveerde kommentaar oor of verhoë in verband met die voorgestelde regulasies in te dien by die Direkteur-generaal: Gesondheid, Privaat Sak X828, Pretoria, 0001 (vir aandag van die Direkteur: Voedselbeheer).

BYLAE

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 115 van 24 Januarie 1986, soos gewysig by Goewermentskennisgewings Nos. R. 1885 van 4 September 1987, R. 2128 van 31 Julie 1992, R. 1300 van 23 Julie 1993 en R. 330 van 25 Februarie 1994.

Wysiging van die Aanhangel van die Regulasies

2. Die Aanhangel van die Regulasies word hierby gewysig deur in kolom I onder die item "**15. SEEKOSSE**" en subitem "(a) *Ingemaakte vis en skulpdiere*" in die korrekte alfabetiese posisie die voedingsmiddel "Rakstabiele tuna in 'n sakkie" in te voeg en daarteenoor in kolom II die uitdrukking "natriumwaterstofkarbonaat" en in kolom III die uitdrukking "GVP".

No. R. 566**18 April 1997****HAZARDOUS SUBSTANCES ACT, 1973 (ACT No. 15 OF 1973)****ENFORCEMENT BY LOCAL AUTHORITIES**

I, Nkosazana Clarice Dlamini Zuma, Minister of Health, under section 24 (1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), hereby authorise the local authority listed in the Schedule to enforce the provisions of the regulations governing the conveyance of hazardous substances by road tanker as set out in Government Notice No. R. 73 of 11 January 1985, as amended by Government Notices Nos. R. 1554 of 10 July 1985, R. 3 of 3 January 1986, R. 647 of 4 April 1986, R. 1462 of 10 July 1987, R. 330 of 22 February 1991, R. 1701 of 26 June 1992, R. 127 of 29 January 1993, R. 1392 of 6 August 1993, R. 1825 of 1 October 1992, R. 547 of 25 March 1994 and R. 1441 of 26 August 1994, within its area of jurisdiction and through its duly authorised officers.

SCHEDULE

Municipality of Upington.

N. C. DLAMINI ZUMA**Minister of Health****No. R. 566****18 April 1997****WET OF GEVAARHOUDENDE STOWWE, 1973 (WET No. 15 VAN 1973)****TOEPASSING DEUR PLAASLIKE BESTURE**

Ek, Nkosazana Clarice Dlamini Zuma, Minister van Gesondheid, magtig hierby kragtens artikel 24 (1) van die Wet of Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973), die plaaslike bestuur in die Bylae hiervan vermeld, om binne sy regsgebied en deur middel van sy behoorlik gemagtigde beamptes die bepalings uit te voer van die regulasies betreffende die vervoer van gevaarhoudende stowwe per padtenkwa, soos uiteengesit in Goewermentskennisgewing No. R. 73 van 11 Januarie 1985, soos gewysig by Goewermentskennisgewings Nos. R. 1554 van 10 Julie 1985, R. 3 van 3 Januarie 1986, R. 647 van 4 April 1986, R. 1462 van 10 Julie 1987, R. 330 van 22 Februarie 1991, R. 1701 van 26 Junie 1992, R. 127 van 29 Januarie 1993, R. 1392 van 6 Augustus 1993, R. 1825 van 1 Oktober 1993, R. 547 van 25 Maart 1994 en R. 1441 van 26 Augustus 1994.

BYLAE

Munisipaliteit van Upington.

N. C. DLAMINI ZUMA**Minister van Gesondheid****No. R. 572****18 April 1997****REGULATIONS UNDER THE MEDICINES AND RELATED SUBSTANCES CONTROL ACT, 1965 (ACT No. 101 OF 1965): AMENDMENT**

The Minister of Health has, in terms of section 35 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), on the recommendation of the Medicines Control Council, made the regulations contained in the Schedule hereto.

Interested persons are invited to submit within three months of the date of this notice, any substantiated comments on the proposed regulations, or representations they wish to make in regard thereto, to the Director-General: Department of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Medicines Administration).

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 352 of 21 February 1975, as amended.

Substitution of regulation 35 of the Regulations

2. The following is hereby substituted for regulation 35 of the Regulations:

"FEES

35. The following fees shall be payable to the Registrar:

1. In respect of the submission of an application for the registration of:

- a medicine contemplated in section 14 (3) of the Act: R120;
- new chemical entities or highly technological products which have been processed by the abbreviated registration process (first strength, first dosage form): R12 000;
- strengths and dosage forms other than those referred to in subparagraph (b): R6 000;

- (d) new chemical entities, including highly technological products (first strength, first dosage form): R7 200;
 - (e) strengths and dosage forms other than those referred to in subparagraph (d): R5 400;
 - (f) all other products clinically evaluated: R5 400;
 - (g) the first strengths and first dosage forms of biological products: R5 400;
 - (h) generic products which will be processed by the abbreviated registration process: R5 000;
 - (i) generic products that appear on the essential drug list which will be evaluated by the fast tracking process: R2 500;
 - (j) generic products (pharmaceutical, analytical and bio-availability evaluated), all other biological, veterinary, homeopathic, dental and radio-pharmaceutical products: R2 500;
 - (k) any other medicine: per application (In the case of medicines in minute-dose form, the fee encompasses different dilutions and different volumes simultaneously for the same indications or intended use): R2 500.
2. In respect of the registration of a medicine, the registration of which has been approved by the Council in terms of section 15 (3) (in the case of medicines in minute-dose form, the fee encompasses different dilutions and different volumes, when submitted simultaneously for the same indications or intended use) and in respect of which an application fee has been paid: R500.
 3. Annually, in respect of the retention of the registration of a medicine, the registration of which has been approved by the Council in terms of section 15 (3): R420: Provided that this vision shall come into effect one year after the date on which the registration of the said medicine was approved by the Council in terms of section 15 (3): Provided further that the said fees payable during a particular calendar year shall be payable on or before the last working day of June of that year, failing which the registration shall be cancelled in terms of section 16 (4).
 4. In respect of all applications for the amendment of an entry in the register, including the transfer of a certificate of registration: R200 per application."

N. C. D. ZUMA
Minister of Health

No. R. 572

18 April 1997

**REGULASIES KRAGTENS DIE WET OP DIE BEHEER VAN MEDISYNE EN VERWANTE STOWWE, 1965
(WET No. 101 VAN 1965): WYSIGING**

Die Minister van Gesondheid het kragtens artikel 35 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), op aanbeveling van die Medisynebeheerraad, die regulasies vervat in die Bylae hiervan, uitgevaardig.

Belanghebbende persone word versoek om binne drie maande na die datum van hierdie kennisgewing enige gemotiveerde kommentaar oor of versoë in verband met die voorgestelde regulasies in te dien by die Direkteur-generaal: Departement van Gesondheid, Privaatsak X828, Pretoria, 0001 (vir die aandag van die Direkteur: Medisyne Administrasie).

BYLAE

Woordomskriving

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermenskennisgewing No. R. 352 van 21 Februarie 1975, soos gewysig.

Vervanging van regulasie 35 van die Regulasies

2. Regulasie 35 van die Regulasies word hierby deur die volgende vervang:

"GELDE

35. Die volgende gelde is aan die Registrateur betaalbaar:

1. Ten opsigte van die indiening van 'n aansoek vir die registrasie van:
 - (a) 'n medisyne bedoel in artikel 14 (3) van die Wet: R120;
 - (b) nuwe chemiese entiteite of hoogs tegnologiese produkte wat deur die verkorte registrasieproses gaan (eerste sterkte, eerste doseervorm): R12 000;
 - (c) ander sterktes en doseervorme as die in subparagraaf (b) bedoel: R6 000;
 - (d) nuwe chemiese entiteite, insluitende hoogs tegnologiese produkte (eerste sterkte, eerste doseervorm): R7 200;
 - (e) ander sterktes en doseervorme as die in subparagraaf (d) bedoel: R5 400;
 - (f) alle ander produkte klinies geëvalueer: R5 400;
 - (g) die eerste sterkte en eerste doseervorm van biologiese middels: R5 400;
 - (h) generiese produkte wat deur die verkorte registrasieproses geprosesseer word: R5 000;
 - (i) generiese produkte wat op die "essential drug list" verskyn wat buite beurt geëvalueer word: R2 500;

- (j) generiese produkte (farmaseuties, analities en bio-beskikbaar geëvalueer), alle ander biologiese, veterinêre, homopatiëse, tandheelkundige en radio-farmaseutiese middels: R2 500;
- (k) enige ander produk: per aansoek (In die geval van medisyne in geringedosisvorm, sluit die fooi verskillende verdunnings en verskillende volumes in, wanneer tegelykertyd vir dieselfde indikasies of voorgenome gebruik ingedien word): R2 500;

2. Ten opsigte van die registrasie van 'n medisyne waarvan die registrasie ingevolge artikel 15 (3) deur die Raad goedgekeur is (in die geval van medisyne in geringedosisvorm, sluit die fooi verskillende verdunnings en verskillende volumes in, wanneer tegelykertyd vir dieselfde indikasies of voorgenome gebruik ingedien word) en waar daar aansoekfooie ten opsigte van die registrasie betaal is: R500.

3. Jaarliks, ten opsigte van die behoud van die registrasie van 'n medisyne waarvan die registrasie ingevolge artikel 15 (3) deur die Raad goedgekeur word: R420: Met dien verstande dat hierdie bepaling een jaar na die datum waarop die registrasie van bedoelde medisyne ingevolge artikel 15 (3) deur die Raad goedgekeur is, in werking tree: Met dien verstande voorts dat bedoelde gelde wat gedurende 'n spesifieke kalenderjaar betaalbaar is, voor of op die laaste werksdag van Junie van daardie jaar betaal moet word, by versuim waarvan die registrasie ingevolge artikel 16 (4) ingetrek sal word.

4. Ten opsigte van alle aansoeke om die wysiging van 'n inskrywing in die register, met inbegrip van die oordrag van 'n registrasiesertifikaat: R200 per aansoek.”.

N. C. D. ZUMA

Minister van Gesondheid

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 575

18 April 1997

LABOUR RELATIONS ACT, 1956

IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: EXTENSION OF SICK PAY FUND AGREEMENT

I, Dennis van der Walt, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 48 (4) (a) (i) of the Labour Relations Act, 1956, extend the periods fixed in Government Notices R. 1804 of 8 November 1996 and R. 2044 of 13 December 1996, by a further period ending 10 May 1998.

D. VAN DER WALT

Director: Collective Bargaining

No. R. 575

18 April 1997

WET OP ARBEIDSVERHOUDINGE, 1956

YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: VERLENGING VAN SIEKTEBYSTANDSFONDSOOREENKOMS

EK, Dennis van der Walt, Direkteur, Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Arbeidsverhoudinge, 1956, die tydperke vasgestel in Goewermentskennisgewings R. 1804 van 8 November 1996 en R. 2044 van 13 Desember 1996, met 'n verdere tydperk wat op 10 Mei 1998 eindig.

D. VAN DER WALT

Direkteur: Kollektiewe Bedinging

No. R. 576

18 April 1997

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY: AMENDMENT OF ADMINISTRATIVE AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 10 May 1998, upon the employers' organisations and the trade unions which entered into the said Agreement and upon the employers and employees who are members of the said organisations or unions; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (b), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 10 May 1998, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

T. T. MBOWENI**Minister of Labour****SCHEDULE****THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY****ADMINISTRATIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the
South African Motor Industry Employers' Association

and the

South African Vehicle Builders' and Repairers' Association

(hereinafter referred to as the "employees" or the "employers' organisations"), of the one part, and the

National Union of Metalworkers of South Africa

Motor Industry Employees' Union of South Africa

and the

Motor Industry Staff Association

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the National Industries Council for the Motor Industry,

to amend the Administrative Agreement published under Government Notice No. R. 1599 of 16 September 1994, as amended and extended by Government Notices Nos. R. 99 of 27 January 1995, R. 834 of 23 June 1995, R. 1042 of 21 July 1995, R. 2001 of 29 December 1995, R. 1395 of 23 August 1996 and R. 171 of 31 January 1997.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Motor Industry—

- (a) throughout the Republic of South Africa as it existed prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);
- (b) by the employers and the employees in the Motor Industry who are members of the employers' organisations and the trade unions, respectively.

(2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall apply to—

- (a) apprentices only in so far as they are not inconsistent with the provisions of or any conditions fixed under the Manpower Training Act, 1981; and
- (b) trainees undergoing training under the Manpower Training Act, 1981, only in so far as they are not inconsistent with the provisions of or any conditions fixed under that Act.

2. CLAUSE 11: RETURNS TO THE COUNCIL

(1) In subclause (6), substitute the expression "R1,60" for the expression "R1,15".

Signed at Randburg, on behalf of the parties, this 7th day of March 1997.

T. NIEUWOUDT

President of the Council

M. LOUW

Vice-President of the Council

B. G. DU PREEZ

General Secretary of the Council

No. R. 576

18 April 1997

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNYYWERHEID: WYSIGING VAN ADMINISTRATIEWE OOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, vanaf die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat genoemde Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (b), met ingang vanaf die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE

DIE NASIONALE NYWERHEIDSRAAD VIR DIE MOTORNYYWERHEID

ADMINISTRATIEWE OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

South African Motor Industry Employers' Association

en die

South African Vehicle Builders' and Repairers' Association

(hierna die "werkgewers" of die "werkgewersorganisasies" genoem), aan die een kant, en die

National Union of Metalworkers of South Africa

Motor Industry Employees' Union of South Africa

en die

Motor Industry Staff Association

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Nasionale Nywerheidsraad vir die Motornyywerheid,

tot wysiging van die Administratiewe Ooreenkoms gepubliseer by Goewermmentskennisgewing No. R. 1599 van 16 September 1994, soos gewysig en verleng by Goewermmentskennisgewings Nos. R99 van 27 Januarie 1995, R. 834 van 23 Junie 1995, R. 1042 van 21 Julie 1995, R. 2001 van 29 Desember 1995, R. 1395 van 23 Augustus 1996 en R. 171 van 31 Januarie 1997, te wysig.

1. TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet in die Motornyywerheid nagekom word—

- (a) oral in die Republiek van Suid-Afrika soos dit bestaan het onmiddellik voor die datum van inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

- (b) deur die werkgewers en die werknemers in die Motornywerheid wat lede is van onderskeidelik die werkgewers-organisasies en die vakverenigings.
- (2) Ondanks subklousule (1), is hierdie Ooreenkoms van toepassing op—
- (a) vakleerlinge slegs vir sover dit nie onbestaanbaar is met die Wet op Mannekragopleiding, 1981, of voorwaardes wat daarkragtens gestel is nie; en
- (b) kwekelinge wat opleiding ingevolge die Wet op Mannekragopleiding, 1981, ondergaan, slegs vir sover dit nie onbestaanbaar is met daardie Wet of voorwaardes wat daarkragtens gestel is nie.

2. KLOUSULE 11: OPGAWES AAN DIE RAAD

- (1) In subklousule (6) vervang die uitdrukking "R1,15" deur die uitdrukking "R1,60".

Namens die partye op hede die 7de dag van Maart 1997 te Randburg onderteken.

T. NIEUWOUDT

President van die Raad

M. LOUW

Visepresident van die Raad

B. G. DU PREEZ

Hoofsekretaris van die Raad

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER****No. R. 574****18 April 1997****MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951)****MERCHANT SHIPPING (DANGEROUS GOODS) REGULATIONS 1997**

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule.

SCHEDULE**Arrangement of regulations****Regulation
No.****PART 1. GENERAL**

1. Definitions
2. Application
3. Exemptions
4. Document of compliance, inspection and certification
5. Duty to report certain incidents involving packaged dangerous goods
6. General duties of shipowner, employer and master
7. General duties of employee aboard ship
8. Conduct endangering the ship or persons aboard ship

PART 2. CARRIAGE OF PACKAGED DANGEROUS GOODS

9. Documentation
10. Packing certificates
11. List, manifest or stowage plan
12. Packaging
13. Marking and labelling
14. Stowage
15. Carriage of explosives
16. Carriage of packaged dangerous goods in passenger ships

PART 3. CARRIAGE OF DANGEROUS GOODS IN BULK

17. Carriage in bulk
18. Documentation
19. List, manifest or stowage plan

PART 4. ENFORCEMENT, REPEAL OF REGULATIONS, AND SHORT TITLE AND COMMENCEMENT

20. Power to detain
21. Penalties and defences
22. Offences due to fault of another person
23. Repeal of regulations
24. Short title and commencement

PART 1. GENERAL

Definitions

1. In these regulations any word or expression given a meaning in the Act has that meaning and, unless the context indicates otherwise—

"1974 SOLAS Convention" means the International Convention for the Safety of Life at Sea done at London on 1 November 1974, as amended;

"approved" means approved by the Authority;

"Authority" means the Director-General or as respects his or her functions being discharged by another authority or person, that authority or person;

"BCH Code" means *IMO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*;

"Bulk Cargoes Code" means *IMO Code of Safe Practice for Solid Bulk Cargoes*;

"correct technical name" means a description of goods sufficient to identify their dangerous properties, including any proper shipping name described in the IMDG Code;

"dangerous goods" includes—

- (a) goods classified in the IMDG Code or in any other IMO publication referred to in these regulations as dangerous for carriage by sea, and any other substance or goods the properties of which might be dangerous if that substance or those goods were carried by sea;
- (b) empty receptacles and residues in empty tanks or cargo holds that have been used previously for the carriage of dangerous goods, unless such receptacles, empty tanks or cargo holds have been cleaned and dried, purged, gasfreed or ventilated, as appropriate or, in the case of radioactive materials, both cleaned and adequately closed,

but does not include goods forming part of the equipment or stores of the ship in which they are carried;

"dangerous goods declaration" means a certificate or declaration in writing, signed by the person making it that the shipment offered for carriage is properly classified, packaged, marked, labelled or placarded, as appropriate, in accordance with the IMDG Code and is in a proper condition for carriage by sea;

"durably marked" means marked so that the label or other marking in accordance with these regulations is such as to remain identifiable on packages surviving at least three months' immersion in the sea; and **"durable"** has a corresponding meaning;

"employee" means any person, including a master but excluding dock workers or shore-based repair or other workers temporarily employed on board the ship, employed—

- (a) in the deck, engine, radio, medical or catering department of a ship; or
- (b) in the provision of goods, services or entertainment on board;

"explosives" includes the articles and substances specified in Class 1 of the IMDG Code;

"flammable liquid" means a liquid the flash point of which is at or below 60 °C (closed cup) in respect of bulk cargoes and at or below 61 °C (closed cup) in respect of packaged dangerous goods;

"forwarder" means the person by whom dangerous goods are delivered to a ship or its agent;

"Gas Carrier Code" means *IMO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk*;

"Gas Carrier Code for Existing Ships" means *IMO Code for Existing Ships Carrying Liquefied Gases in Bulk*;

"handling" includes the operations of loading, unloading and transferring dangerous goods and cleaning, purging, gasfreeing, ullaging, sounding, sampling and similar operations required for the carriage of such goods in a ship;

"IBC Code" means IMO *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk*;

"IGC Code" means IMO *International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk*;

"IMDG Code" means IMO *International Maritime Dangerous Goods Code*;

"IMO" means the International Maritime Organization;

"in bulk" means directly and without intermediate form of containment in a hold, tank or cargo space that is a structural part of or permanently attached to a ship;

"package" means a package or receptacle described in the IMDG Code and includes a freight container or a portable tank or tank container or tank vehicle or other vehicle or other cargo transport unit containing dangerous goods for shipment, and **"packaged"** has a corresponding meaning;

"shipowner" includes—

(a) where the ship is chartered by demise, the demise charterer;

(b) where the ship is managed by a ship management company, the manager;

"shipper" means a person who, whether as principal or agent for another, consigns dangerous goods for carriage by sea;

"the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

"UN number" means the number allocated to the dangerous substance or article by the United Nations Committee of Experts on the Transport of Dangerous Goods specified in the latest edition of the publication entitled *Recommendations on the Transport of Dangerous Goods* published by the United Nations Organization.

Application

2. Subject to section 235(4) of the Act, these regulations apply to every ship carrying dangerous goods in bulk or packaged form.

Exemptions

3. The Authority may, with or without conditions, grant exemption from any provision of these regulations for classes of cases or individual cases and may, subject to giving reasonable notice, amend or cancel any such exemption.

Document of compliance, inspection and certification

4. (1) No dangerous goods may be taken on board a ship built after 31 August 1984 unless the ship has on board a document of compliance, issued by the Authority or the competent authority of the country in which the ship is registered or, in the absence of registration, whose flag it is entitled to fly, to the effect that the spaces in which the goods are to be carried comply with the provisions of regulation II-2/41 or 54, as applicable, of the 1974 SOLAS Convention appropriate to the classification of those goods intended for stowage in or on those spaces.

(2) (a) Whenever dangerous goods are to be loaded at a port in the Republic, the shipowner or master must advise the proper officer at the port of loading of the intention to load dangerous goods and must furnish copies of all dangerous goods declarations relating to the goods to be loaded and a copy of the proposed special list, manifest or stowage plan detailing the location in the ship of any dangerous goods already on board, and to be loaded.

(b) The proper officer, after taking into account the type, quantity and proposed stowage of the dangerous goods, may, but in the case of explosives must, cause the ship to be inspected by a surveyor—

- (i) before loading to determine whether—
 - (aa) the ship is equipped and in all other respects suitable to carry such goods;
 - (bb) the proposed stowage complies with these regulations; and
- (ii) during loading and upon completion of loading to determine whether the goods are being and have been handled and stowed in accordance with these regulations and whether all reasonable and necessary precautions are being and have been taken to ensure the safety of the ship, its crew and other personnel during the voyage,

and, in both cases, the surveyor must, if he or she is satisfied with the arrangements, issue the master with a certificate of inspection.

- (3) If the shipowner or master fails to comply with this regulation he or she is guilty of an offence.

Duty to report certain incidents involving packaged dangerous goods

5. (1) (a) Where an incident occurs in relation to a ship involving the loss or likely loss overboard of packaged dangerous goods into the sea, the master of the ship must, without delay, notify the appropriate authority giving such particulars in relation to the incident as that authority requires. If the appropriate authority is not so notified the master is guilty of an offence.

(b) The appropriate authority is—

- (i) in relation to ships of South African nationality, the nearest proper officer and, where a foreign country is the nearest coastal state to the place where the incident occurred, the government of that foreign country;
- (ii) in relation to any other ship, the nearest proper officer.

(2) It is a good defence to a charge under subregulation (1) for a person to show that he or she was unable to comply with the subregulation in relation to the incident concerned.

(3) Where—

- (a) the master is unable to comply with subregulation (1) in relation to an incident; or
- (b) an incident occurs in circumstances in which the ship is abandoned,

the owner, charterer, manager or operator of the ship or an agent of the owner, charterer, manager, or operator of the ship must comply with subregulation (1) in relation to the incident. If this subregulation is not so complied with each of those persons is guilty of an offence.

(4) It is a good defence to a charge under subregulation (3) for a person to show—

- (a) that he or she was not aware of the incident concerned; or
- (b) in the case of an incident to which subregulation (3)(a) applies, that he or she neither knew nor suspected that the master was unable to comply with subregulation (1) in relation to the incident.

(5) If in pursuance of this regulation a person furnishes information that he or she knows or ought to know to be false or misleading in a material particular he or she is guilty of an offence.

General duties of shipowner, employer and master

6. (1) Every shipowner and employer of persons aboard a ship and every master of a ship must ensure, as far as is reasonably practicable, that when dangerous goods are being handled, stowed or carried in the ship nothing in the manner in which those goods are handled, stowed or carried is such as might pose a risk to the health or safety of any person.

(2) Without limiting the generality of the shipowner's or employer's or master's duty under subregulation (1)—

- (a) the matters to which the duty of the shipowner and the employer extends include, in particular—
 - (i) the provision and maintenance of the ship's structure, fittings and equipment for handling, stowage and carriage of dangerous goods that is, as far as is reasonably practicable, safe and without risk to health;

- (ii) the provision of such information, instruction, training and supervision as is necessary to ensure, as far as is reasonably practicable, the health and safety aboard ship of all employees in connection with the handling, stowage and carriage of dangerous goods in the ship; and
- (b) the duty of a master of a foreign ship includes the matters specified in paragraph (a)(i) and (ii).
- (3) If a shipowner or employer or master fails to comply with this regulation he or she is guilty of an offence.
- (4) It is a good defence to a charge under this regulation in relation to the handling of dangerous goods for a person to show that such handling was carried out in accordance with the latest edition of the *South African Ports Cargo Handling Code of Practice* referred to in Government Notice No. 753 of 26 May 1995.

General duties of employee aboard ship

- 7. (1) Every employee aboard ship must—
 - (a) take reasonable care regarding the health and safety of himself or herself and of other persons who may be affected by his or her acts or omissions in connection with the handling, stowage and carriage of dangerous goods in the ship; and
 - (b) as regards any duty or requirement imposed on his or her shipowner or employer by the Act with regard to the health and safety of persons aboard a ship to which these regulations apply, co-operate with the shipowner or employer as far as is necessary to enable that duty or requirement to be performed or complied with in connection with the handling, stowage and carriage of dangerous goods in the ship.
- (2) If an employee aboard a ship carrying dangerous goods fails to comply with this regulation he or she is guilty of an offence.

Conduct endangering the ship or persons aboard ship

- 8. (1) No person may, in connection with the handling, stowage and carriage of dangerous goods in a ship, knowingly or recklessly interfere with or misuse anything provided on or disobey instructions displayed on a ship of South African nationality in the interests of health or safety in pursuance of the Act.
- (2) If a person in a ship carrying dangerous goods fails to comply with this regulation he or she is guilty of an offence.

PART 2. CARRIAGE OF PACKAGED DANGEROUS GOODS

Documentation

- 9. (1) No packaged dangerous goods may be offered for carriage or taken on board a ship unless a dangerous goods declaration has been furnished to the shipowner or master.

(2) Such declaration must indicate the correct technical name of the goods followed by the words "MARINE POLLUTANT", where appropriate, their UN number (if any) and must indicate to which of the following classes the goods belong:

Class 1— Explosives

Class 2— Gases compressed, liquefied or dissolved under pressure, subdivided into three categories:

2.1 Flammable gases

2.2 Non-flammable gases, being compressed, liquefied or dissolved, but neither flammable nor poisonous

2.3 Poisonous gases

Class 3— Flammable liquids, subdivided into three categories:

- 3.1 Low flashpoint group of liquids having a flashpoint below -18 °C, closed cup test
- 3.2 Intermediate flashpoint group of liquids having a flashpoint of -18 °C up to but not including 23 °C, closed cup test
- 3.3 High flashpoint group of liquids having a flashpoint of 23 °C up to and including 61 °C, closed cup test
- Class 4.1— Flammable solids
- Class 4.2— Substances liable to spontaneous combustion
- Class 4.3— Substances that, in contact with water, emit flammable gases
- Class 5.1— Oxidising substances (agents)
- Class 5.2— Organic peroxides
- Class 6.1— Poisonous (toxic) substances
- Class 6.2— Infectious substances
- Class 7— Radioactive materials
- Class 8— Corrosives
- Class 9— Miscellaneous dangerous substances and articles that pose a danger not covered by other classes

Where there is doubt as to the appropriate classification of dangerous goods such goods must be classified by an approved classification authority.

(3) Such declaration must include the following information, where appropriate:

- (a) The number and type of packages;
- (b) the total quantity of packaged dangerous goods covered by the declaration (gross mass or volume);
- (c) any other information required by the IMDG Code.

(4) Such declaration must include a statement to the effect that the goods are packaged in accordance with these regulations.

(5) The shipper must furnish the shipowner or master with a declaration required by this regulation, unless he or she does not deliver the goods to the ship or its agent, in which case the shipper must furnish the forwarder with such a declaration.

(6) Where the shipper does not deliver the goods to the ship or its agent, the forwarder must furnish the shipowner or master with the declaration.

(7) If a shipper or a forwarder fails to furnish a declaration required by this regulation, or furnishes a declaration that he or she knows or ought to know to be false or misleading in a material particular, he or she is guilty of an offence.

(8) If a shipowner or master accepts for carriage, or takes or receives on board any packaged dangerous goods for which a declaration required by this regulation has not been furnished, he or she is guilty of an offence.

Packing certificates

10. (1) Where packaged dangerous goods have been packed into a freight container or into or onto a vehicle, the person responsible for packing such goods therein must furnish the shipowner or master of the ship with a signed packing certificate in accordance with the IMDG Code.

(2) If the person responsible for packing such goods fails to furnish the owner or the master of a ship with a signed packing certificate he or she is guilty of an offence.

(3) A shipowner or his or her agent or the master may not take on board a ship any freight container or vehicle containing dangerous goods without a signed packing certificate unless he or she is otherwise satisfied that the freight container or vehicle has been packed in accordance with the IMDG

Code. If a shipowner or his or her agent or the master fails to comply with this subregulation he or she is guilty of an offence.

List, manifest or stowage plan

11. (1) The master of a ship carrying packaged dangerous goods must cause a special list, manifest or stowage plan to be carried in the ship—

- (a) setting out details, obtained from the shipping documents submitted by the shipper, of the packaged dangerous goods on board, including the correct technical name of the goods, their classification in accordance with the regulation 9(2) and their mass or volume; and
- (b) showing details of the location in the ship where the goods are stowed.

(2) The master must also carry in the ship any additional special documents required by the IMDG Code for the carriage of packaged dangerous goods.

(3) Any such list, manifest or stowage plan and any additional special documents required for the acceptance of such goods for carriage in a ship must be kept available for reference or inspection on board the ship until the goods have been discharged from the ship.

(4) If the master of a ship carrying packaged dangerous goods fails to cause a list, manifest or stowage plan or additional special documents required by subregulation (2) to be carried in the ship or kept available as required by subregulation (3), he or she is guilty of an offence.

Packaging

12. (1) The packaging of dangerous goods must comply with the IMDG Code. Such packaging must, if required by the IMDG Code, be performance tested, as specified in the Code, by an approved testing authority.

(2) Packaged dangerous goods may not be taken on board a ship for carriage in that ship if the shipowner or master knows or ought to know that the goods are not packaged in such a manner as to withstand the ordinary risk of carriage by sea.

(3) If the shipowner or master or the shipper of such goods fails to comply with this regulation he or she is guilty of an offence.

Marking and labelling

13. (1) Packaged dangerous goods may not be taken on board a ship for carriage in that ship unless the following conditions are satisfied:

- (a) Packages containing dangerous goods must be durably marked in accordance with the IMDG Code and provided with labels or stencils of labels or placards where specified in the Code.
- (b) The method of marking the correct technical name and of affixing labels or applying stencils of labels or placards or marine pollutant marks, as appropriate, on packages containing dangerous goods must be such that the information marked, affixed or applied will remain legible after the package has been immersed in the sea for three months or, if the package itself disintegrates before the end of that period, for as long as the package will last. Where the outer material of the package is such that it will not survive at least three months' immersion in the sea, any inner receptacles that will survive such immersion must be durably marked by any suitable means, including an IMDG Code Class symbol or marine pollutant mark or both, of an appropriate size, to indicate the nature of the danger to which the goods give rise.
- (c) Without prejudice to the above conditions, where the goods are contained in a freight container, vehicle, portable tank or tank container, the cargo transport unit in which the goods are contained must bear conspicuously on its exterior distinctive placards or other appropriate marking in accordance with the IMDG Code.

(2) Any breach of this regulation relating to the marking, labelling or placarding of packaged dangerous goods is an offence on the part of the shipper of those goods.

(3) If a shipowner or master accepts dangerous goods to be taken on board a ship in any package that has not been marked and labelled or placarded in accordance with this regulation, he or she is guilty of an offence.

Stowage

14. (1) Packaged dangerous goods must be stowed, segregated and secured in accordance with the IMDG Code.

(2) Where packaged dangerous goods are shipped in or on a vehicle or freight container that was loaded after those goods left the premises or control of the shipper, it is the duty of the person responsible for loading that vehicle or freight container to ensure that the stowage, segregation and securing of those goods in the vehicle or freight container is adequate and complies with the IMDG Code.

(3) If a shipowner or master or the person responsible for packing goods in a freight container or vehicle or for stowing the goods in a ship fails to comply with this regulation, he or she is guilty of an offence.

Carriage of explosives

15. (1) No explosives that a shipowner or master knows or ought to know pose a serious risk when carried in a ship may be taken on board a ship unless—

- (a) such explosives are stowed in a compartment in which any electrical apparatus and cables are so designed and used as to minimise the risk of fire or explosion;
- (b) detonators are effectively segregated from all other explosives;
- (c) the stowage and segregation of explosives complies with the IMDG Code; and
- (d) where such explosives are required to be stowed in a magazine—
 - (i) such magazine has been approved; and
 - (ii) such magazine is kept securely closed while the ship is at sea.

(2) If a shipowner or master fails to comply with this regulation he or she is guilty of an offence.

Carriage of packaged dangerous goods in passenger ships

16. (1) Stowage and segregation of all packaged dangerous goods carried aboard a passenger ship must comply with the IMDG Code.

(2) Explosives in Class 1, division 1.4, compatibility group S, may be carried in any amount in passenger ships. No other explosives may be carried in a passenger ship with more than 12 passengers, except any one of the following:

- (a) Explosive articles for life-saving purposes, if the total net explosives mass of such articles does not exceed 50 kg per ship;
- (b) explosives in compatibility groups C, D and E, if the total net explosives mass does not exceed 10 kg per ship;
- (c) explosive articles in compatibility group G, other than those requiring special stowage, if the total net explosives mass does not exceed 10 kg per ship; or
- (d) explosive articles in compatibility group B, if the total net explosives mass does not exceed 5 kg per ship.

(3) In this regulation, references to "compatibility groups" and "division" are references to compatibility groups and divisions for explosives specified in the IMDG Code.

(4) If a shipowner or master fails to comply with this regulation he or she is guilty of an offence.

PART 3. CARRIAGE OF DANGEROUS GOODS IN BULK**Carriage in bulk**

17. (1) Dangerous goods may not be handled or carried in bulk in any ship if the shipowner has reason to believe that such goods may not be so handled or carried in bulk safely in that ship.

(2) Without limiting the generality of subregulation (1)—

- (a) where the dangerous goods in question are goods listed in Chapter VI of the BCH Code, or in Chapter 17 of the IBC Code, or in Chapter XIX of the Gas Carrier Code for Existing Ships, or in Chapter XIX of the Gas Carrier Code, or in Chapter 19 of the IGC Code, or are classified dangerous goods listed in Appendix B of the Bulk Cargoes Code, they must be handled and carried in accordance with the requirements of whichever of the codes is appropriate; or
 - (b) where the dangerous goods in question consist of a liquid chemical or a liquefied gas that is not listed in the codes specified in paragraph (a), they must be handled and carried in accordance with an approval given by the Authority. Any such approval must be given in writing and must specify the date on which it takes effect and the conditions (if any) on which it is given.
- (3) If there is any breach of this regulation the shipowner and the master are guilty of an offence.

Documentation

18. (1) The shipper of dangerous goods to be carried in bulk must furnish the shipowner or the master with notification in writing stating the nature of the goods and, in the case of liquid goods with a flashpoint at or below 60 °C (closed cup), specifying the flashpoint of those goods. Such notification must specify the correct technical name of the goods, their UN number (if any) and, for dangerous goods carried in solid form in bulk, their classification in accordance with regulation 9(2).

(2) If a shipper of dangerous goods in bulk fails to furnish the shipowner or master with such notification in writing, or furnishes notification that he or she knows or ought to know to be false or misleading in a material particular, he or she is guilty of an offence.

List, manifest or stowage plan

19. (1) The master of a ship carrying dangerous goods in bulk must cause a special list, manifest or stowage plan to be carried in the ship—

(a) setting out details, obtained from the shipping documents submitted by the shipper, of the dangerous goods carried aboard the ship for the voyage on which it is currently engaged, including the correct technical name of the goods, their mass or volume and, where the dangerous goods appear in Appendix B of the Bulk Cargoes Code, their classification in accordance with regulation 9(2); and

(b) showing details of the location in the ship where the goods are stowed.

(2) The master must also carry in the ship any additional special documents required by the Bulk Cargoes Code, the BCH or IBC Codes, or the IGC or Gas Carrier Codes for the carriage of dangerous goods.

(3) Any such list, manifest or stowage plan and any additional special documents required for the acceptance of such goods for carriage in a ship must be kept available for reference or inspection on board the ship until the goods have been discharged from the ship.

(4) If the master of a ship carrying dangerous goods in bulk fails to cause a list, manifest or stowage plan or additional special documents required for the acceptance of such goods for carriage to be carried in the ship or kept available as required by subregulation (3), he or she is guilty of an offence.

PART 4. ENFORCEMENT, REPEAL OF REGULATIONS, AND SHORT TITLE AND COMMENCEMENT

Power to detain

20. A ship that fails to comply with these regulations, including any condition imposed thereunder, may be detained in pursuance of section 243 of the Act.

Penalties and defences

21. (1) A person guilty of an offence under these regulations is punishable on conviction by a fine or by imprisonment for a period not exceeding 12 months.

(2) It is a good defence to a charge under Part 2 or 3 for a person to show—

(a) that he or she took all reasonable steps to ensure compliance with the regulations;

- (b) that he or she did not know nor ought to have known nor had reasonable grounds for suspecting the goods to be dangerous goods;
- (c) that the goods were handled and carried in accordance with the provisions of the IMDG Code, where applicable;
- (d) if the person charged is the shipowner or master, in the case of goods packed in a freight container or vehicle, that before the freight container or vehicle was taken on board the ship the person responsible for packing the goods into the freight container or vehicle had furnished the shipowner or master of the ship with a signed packing certificate certifying that the goods had been properly packed in the freight container or vehicle;
- (e) that the goods, being solid dangerous goods in bulk, were handled and carried in accordance with the Bulk Cargoes Code;
- (f) that the goods, being liquid chemical or gaseous dangerous goods in bulk, were handled and carried in accordance with the relevant requirements of the BCH Code, the IBC Code, the Gas Carrier Code, the Gas Carrier Code for Existing Ships and the IGC Code;
- (g) that the goods were handled and carried in accordance with the conditions imposed under regulation 3 or 17(2)(b).

Offences due to fault of another person

22. Where the commission by any person of an offence under Part 1, 2 or 3 is due to an act or omission of some other person, that other person is also guilty of the offence and may be charged with and convicted of the offence in terms of this regulation, whether or not the first-mentioned person is prosecuted.

Repeal of regulations

23. Regulations 25 to 37 and Annex 2 of the Safety of Navigation Regulations, 1968, published by Government Notice No. R. 651 of 19 April 1968, as amended by Government Notice No. R. 2483 of 15 December 1978, are repealed.

Short title and commencement

24. These regulations are called the **Merchant Shipping (Dangerous Goods) Regulations 1997**, and come into operation on 1 May 1997.

No. R. 574

18 April 1997

HANDELSKEEPVAARTWET, 1951 (WET NO. 57 VAN 1951)**HANDELSKEEPVAARTREGULASIES (GEVAARLIKE GOEDERE) 1997**

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig.

BYLAE**Indeling van regulasies****Regulasie
No.****DEEL 1. ALGEMEEN**

1. Woordoms krywing
2. Toepassing
3. Vrystellings
4. Dokument van voldoening, inspeksie en sertifisering
5. Plig om sekere voorvalle waarby gepakketteerde gevaarlike goedere betrokke is, aan te meld
6. Algemene pligte van skeepseienaar, werkgewer en gesagvoerder
7. Algemene pligte van werknemer aan boord van 'n skip
8. Gedrag wat die skip of persone aan boord daarvan in gevaar stel

DEEL 2. VERVOER VAN GEPAKKETTEERDE GEVAARLIKE GOEDERE

9. Dokumentering
10. Verpakkingsertifikaat
11. Lys, manifes of stuwingsplan
12. Pakkettering
13. Merking en etikettering
14. Stuwings
15. Vervoer van plofstowwe
16. Vervoer van gepakketteerde gevaarlike goedere aan boord van passasierskepe

DEEL 3. VERVOER VAN GEVAARLIKE GOEDERE IN MASSA

17. Vervoer in massa
18. Dokumentering
19. Lys, manifes of stuwingsplan

DEEL 4. AFDWINGING, HERROEPING VAN REGULASIES, EN KORT TITEL EN INWERKING-TREDING

20. Bevoegdheid om aanhouding
21. Strawwe en verwere
22. Misdrywe weens toedoen van iemand anders
23. Herroeping van regulasies
24. Kort titel en inwerkingtreding

DEEL 1. ALGEMEEN**Woordomskrywing**

1. In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wet 'n betekenis toegeken is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

"1974-SOLAS-konvensie" die Internasionale Konvensie vir die Beveiliging van Menselewens op See, op 1 November 1974 te Londen gedoen, soos gewysig;

"BCH-kode" IMO se *"Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk"*;

"die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951);

"Gasvragvaarderkode" IMO se *"Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk"*;

"Gasvragvaarderkode vir Bestaande Skepe" IMO se *"Code for Existing Ships Carrying Liquefied Gases in Bulk"*;

"gevaarlike goedere" ook—

- (a) goedere wat in die IMDG-kode of in 'n ander IMO-publikasie waarna in hierdie regulasies verwys word as gevaarlik vir vervoer ter see geklassifiseer en enige ander stof of goedere waarvan die eienskappe gevaarlik kan wees indien daardie stof of daardie goedere ter see vervoer sou word;
- (b) leë bevatters en reste in leë tenks of vragruime wat voorheen gebruik is vir die vervoer van gevaarlike goedere, tensy sodanige bevatters, leë tenks of vragruime skoongemaak en drooggemaak, gesuiwer, ontgas of geventileer is, soos toepaslik of, in die geval van radioaktiewe stowwe, sowel skoongemaak as afdoende toegemaak is,

maar sluit nie goedere in wat deel uitmaak van die uitrusting of voorraad van die skip waarin dit vervoer word nie;

"goedgekeur" goedgekeur deur die Owerheid;

"hantering" ook die uitvoer van inskeping, ontskeping en oorbring van gevaarlike goedere, en skoonmaak-, suiwerings-, ontgassings-, uitsitruimtepeilings-, dieptepeilings-, monsternemings- en soortgelyke handelinge wat vereis word vir die vervoer van sodanige goedere aan boord van 'n skip;

"IBC-kode" IMO se *"International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk"*;

"IGC-kode" IMO se *"International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk"*;

"IMDG-kode" IMO se *"International Maritime Dangerous Goods Code"*;

"IMO" die Internasionale Maritieme Organisasie;

"in massa" regstreeks en sonder 'n tussenvorm van behouering in 'n ruim, tenk of vragruimte wat 'n strukturele deel is van of permanent bevestig is aan 'n skip;

"korrekte tegniese benaming" 'n beskrywing van goedere wat genoegsaam is om hul gevaarlike eienskappe te identifiseer, met inbegrip van 'n behoorlike skeepvaartbenaming beskryf in die IMDG-kode;

"Massavragkode" IMO se *"Code of Safe Practice for Solid Bulk Cargoes"*;

"ontvlambare vloeistof" 'n vloeistof waarvan die flitspunt 60 °C (geslote bakkie) of minder is ten opsigte van massavragte en 61 °C (geslote bakkie) of minder is ten opsigte van gepakketteerde gevaarlike goedere;

"onuitwisbaar gemerk" so gemerk dat die etiket of ander merking ooreenkomstig hierdie regulasies op die pakkette identifiseerbaar bly vir minstens drie maande se indompeling in die see; en het **"onuitwisbaar"** 'n ooreenstemmende betekenis;

"Owerheid" die Direkteur-generaal: Vervoer of ten opsigte van die uitvoering van sy of haar pligte deur enige ander owerheid of persoon, daardie owerheid of persoon;

"pakket" 'n pakket of bevatte beskryf in die IMDG-kode en ook 'n vraghouer of 'n verplaasbare tenk of tenkhouer of tenkvervoermiddel of ander vervoermiddel of ander vragvervoereenheid wat gevaarlike goedere vir verskeping bevat, en het **"gepakketteer"** 'n ooreenstemmende betekenis;

"plofstowwe" ook die artikels en stowwe gespesifiseer in Klas 1 van die IMDG-kode;

"skeepseienaar" ook—

(a) waar die skip by oordragcharter bevrage word, die oordragbevrager;

(b) waar die skip deur 'n skeepsbestuurmaatskappy bestuur word, die bestuurder;

"verskeper" iemand wat, hetsy as hoof of as agent vir iemand anders, gevaarlike goedere versend vir vervoer ter see;

"verklaring van gevaarlike goedere" 'n sertifikaat of skriftelike verklaring, onderteken deur die persoon wat dit uitreik, dat die besending wat vir vervoer aangebied word, behoorlik geklassifiseer, gepakketteer, gemerk, geëtiketteer of van 'n aanplakbiljet voorsien is, soos toepaslik, ooreenkomstig die IMDG-kode en in 'n behoorlike toestand is vir vervoer ter see;

"versender" die persoon deur wie gevaarlike goedere aan 'n skip of sy agent gelewer word;

"VN-nommer" die nommer toegeken aan 'n gevaarlike stof of artikel deur die Verenigde Nasies se komitee van deskundiges oor die vervoer van gevaarlike goedere en gespesifiseer in die mees onlangse uitgawe van die publikasie *"Recommendations on the Transport of Dangerous Goods"*, gepubliseer deur die Verenigde Nasies-Organisasie;

"werknemer" iemand, met inbegrip van die gesagvoerder maar uitgesonderd dokwerkers of herstel- of ander werkers met landbasis wat tydelik in diens is aan boord van die skip, in diens—

(a) in die dek-, masjien-, radio-, mediese of spysenieringsafdeling van 'n skip; of

(b) vir die lewering van goedere, dienste of vermaak aan boord.

Toepassing

2. Behoudens artikel 235(4) van die Wet is hierdie regulasies van toepassing op elke skip wat gevaarlike goedere in massa of gepakketteerde vorm vervoer.

Vrystellings

3. Die Owerheid kan, met of sonder voorwaardes, vrystelling verleen van enige bepaling van hierdie regulasies vir klasse van gevalle of individuele gevalle en kan, onderworpe aan redelike kennisgewing, enige sodanige vrystelling wysig of kanselleer.

Dokument van voldoening, inspeksie en sertifisering

4. (1) Geen gevaarlike goedere mag aan boord geneem word van 'n skip wat na 31 Augustus 1984 gebou is nie, tensy die skip 'n dokument van voldoening aan boord het wat uitgereik is deur die Owerheid of die bevoegde owerheid van die land waarin die skip geregistreer is of, by ontstentenis van registrasie, wie se vlag die skip mag voer, ten effekte dat die ruimtes waarin die goedere vervoer moet word, voldoen aan die bepalings van regulasie II-2/41 of 54, soos toepaslik, van die 1974-SOLAS-konvensie van toepassing op die klassifikasie van daardie goedere bedoel vir stuwingsplan in of op daardie ruimtes.

(2) (a) Wanneer ook al gevaarlike goedere ingeskeep word in 'n hawe in die Republiek, moet die skeepseienaar of gesagvoerder die bevoegde beampte by die inskeephawe in kennis stel van die bedoeling om gevaarlike goedere in te skeep en moet afskrifte van verklarings van alle gevaarlike goedere ingedien word betreffende die goedere wat ingeskeep staan te word en 'n afskrif van die voorgestelde spesiale lys, manifes of stuwingsplan wat die ligging aan boord van die skip van enige gevaarlike goedere wat reeds aan boord is, en wat ingeskeep staan te word, in besonderhede uiteensit.

(b) Die bevoegde beampte kan in die geval van gevaarlike goedere, met inagneming van die soort, hoeveelheid en voorgestelde stuwingsplan, maar moet in die geval van plofstowwe die skip laat inspekteer deur 'n opnemer—

- (i) voor inskeping om te bepaal of—
 - (aa) die skip toegerus is en in alle ander opsigte geskik is om sodanige goedere te vervoer;
 - (bb) die voorgestelde stuwingsplan aan hierdie regulasies voldoen; en
- (ii) gedurende inskeping en by voltooiing van inskeping om te bepaal of die goedere gehanteer en gestu word of is ooreenkomstig hierdie regulasies en of alle redelike en nodige voorsorg getref word en is om die veiligheid van die skip, sy bemanning en ander personeel gedurende die vaart te verseker,

en in albei gevalle moet die opnemer, indien hy of sy tevrede is met die reëlins, aan die gesagvoerder 'n inspeksiesertifikaat uitreik.

(3) Indien die skeepseienaar of gesagvoerder versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

Plig om sekere voorvalle waarby gepakketteerde gevaarlike goedere betrokke is, aan te meld

5. (1) (a) Waar 'n voorval ten opsigte van 'n skip plaasvind waarby die verlies of waarskynlike verlies van gepakketteerde gevaarlike goedere oorboord in die see betrokke is, moet die gesagvoerder van die skip onverwyld die toepaslike owerheid daarvan in kennis stel en sodanige besonderhede ten opsigte van die voorval verstrek as wat die owerheid verlang. Indien die toepaslike owerheid nie aldus in kennis gestel word nie, is die gesagvoerder skuldig aan 'n misdryf.

(b) Die toepaslike owerheid is—

- (i) ten opsigte van skepe van Suid-Afrikaanse nasionaliteit, die naaste bevoegde beampte en, waar 'n vreemde land die naaste kusstaat is aan die plek waar die voorval plaasgevind het, die regering van daardie vreemde land;
- (ii) ten opsigte van enige ander skip, die naaste bevoegde beampte.

(2) Dit is 'n goeie verweer op 'n aanklag ingevolge subregulasie (1) as iemand kan aantoon dat hy of sy nie aan die subregulasie ten opsigte van die betrokke voorval kon voldoen nie.

(3) Waar—

(a) die gesagvoerder nie aan subregulasie (1) ten opsigte van 'n voorval kan voldoen nie; of

(b) 'n voorval plaasvind in omstandighede waarin die skip verlaat word,

moet die eienaar, bevrachter, bestuurder of operateur van die skip of 'n agent van die eienaar, bevrachter, bestuurder of operateur voldoen aan subregulasie (1) ten opsigte van die voorval. Indien daar nie aldus aan hierdie subregulasie voldoen word nie, is elk van daardie persone skuldig aan 'n misdryf.

(4) Dit is 'n goeie verweer op 'n aanklag ingevolge subregulasie (3) as iemand kan aantoon—

(a) dat hy of sy nie bewus was van die betrokke voorval nie; of

(b) in die geval van 'n voorval waarop subregulasie (3)(a) van toepassing is, dat hy of sy nóg geweet nóg vermoed het dat die gesagvoerder nie aan subregulasie (1) ten opsigte van die voorval kon voldoen nie.

(5) Indien iemand ingevolge hierdie regulasie inligting verskaf wat hy of sy weet of behoort te weet vals of misleidend ten opsigte van 'n wesenlike besonderheid is, is hy of sy skuldig aan 'n misdryf.

Algemene pligte van skeepseienaar, werkgewer en gesagvoerder

6. (1) Elke skeepseienaar en werkgewer van persone aan boord van 'n skip en elke gesagvoerder van 'n skip moet verseker, vir sover dit redelik uitvoerbaar is, dat wanneer gevaarlike goedere aan boord van die skip gehanteer, gestu of vervoer word, die wyse waarop sodanige goedere gehanteer, gestu of vervoer word sodanig is dat dit in geen opsig 'n risiko vir iemand se gesondheid of veiligheid inhou nie.

(2) Sonder om afbreuk te doen aan die algemeenheid van die skeepseienaar of werkgewer of gesagvoerder se plig kragtens subregulasie (1)—

(a) sluit die aangeleenthede waartoe die plig van die skeepseienaar en van die werkgewer uitgebrei word, veral in—

- (i) die verskaffing en instandhouding van die skeepstruktuur, -toebehore en -uitrusting vir die hantering, stuwing en vervoer van gevaarlike goedere wat, vir sover dit redelik uitvoerbaar is, veilig en sonder gesondheidsrisiko is;
 - (ii) die verskaffing van sodanige inligting, onderrig, opleiding en toesig as wat nodig is om, vir sover dit redelik uitvoerbaar is, die gesondheid en veiligheid van alle werknemers aan boord van 'n skip te verseker ten aansien van die hantering, stuwing en vervoer van gevaarlike goedere aan boord van die skip; en
- (b) sluit die plig van 'n gesagvoerder van 'n vreemde skip die aangeleenthede genoem in paragraaf (a)(i) en (ii) in.

(3) Indien 'n skeepseienaar of werkgewer of gesagvoerder versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

(4) Dit is 'n goeie verweer op 'n aanklag ingevolge hierdie regulasie ten opsigte van die hantering van gevaarlike goedere as iemand kan aantoon dat sodanige hantering geskied het ooreenkomstig die jongste uitgawe van die "South African Ports Cargo Handling Code of Practice" genoem in Goewermentskennisgewing No. 753 van 26 Mei 1995.

Algemene pligte van werknemer aan boord van 'n skip

7. (1) Elke werknemer aan boord van 'n skip moet—
- (a) redelike sorg dra ten opsigte van die gesondheid en veiligheid van hom- of haarself en van dié van ander persone wat geraak kan word deur sy of haar handelinge of versuime in verband met die hantering, stuwing en vervoer van gevaarlike goedere aan boord van die skip; en
 - (b) betreffende enige plig of vereiste wat sy of haar skeepseienaar of werkgewer deur die Wet opgelê word ten opsigte van die gesondheid of veiligheid van persone aan boord van 'n skip waarop hierdie regulasies van toepassing is, met die skeepseienaar of werkgewer saamwerk vir sover dit nodig is om dit moontlik te maak om daardie plig uit te voer of vereiste na te kom in verband met die hantering, stuwing en vervoer van gevaarlike goedere aan boord van die skip.

(2) Indien 'n werknemer aan boord van 'n skip wat gevaarlike goedere vervoer, versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

Gedrag wat die skip of persone aan boord daarvan in gevaar stel

8. (1) Niemand mag in verband met die hantering, stuwing en vervoer van gevaarlike goedere aan boord van 'n skip doelbewus of roekeloos met enigiets wat aan boord van 'n skip verskaf word, inmeng of dit misbruik nie, of instruksies veronagsaam nie wat aan boord van 'n skip van Suid-Afrikaanse nasionaliteit in die belang van gesondheid of veiligheid ingevolge die Wet vertoon word.

(2) Indien iemand aan boord van 'n skip wat gevaarlike goedere vervoer, versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

DEEL 2. VERVOER VAN GEPAKKETTERDE GEVAARLIKE GOEDERE

Dokumentering

9. (1) Geen gepakketteerde gevaarlike goedere mag aangebied word vir vervoer of aan boord van 'n skip geneem word nie, tensy 'n verklaring van gevaarlike goedere aan die skeepseienaar of gesagvoerder voorsien is nie.

(2) Sodanige verklaring moet die korrekte tegniese benaming van die goedere aandui gevolg deur die woorde "MARINE POLLUTANT", waar toepaslik, en hul VN-nommer (as daar is) en moet aandui tot watter van die volgende klasse die goedere behoort:

Klas 1— Plofstowwe

Klas 2— Gasse wat saamgepers, vervloei of onder druk opgelos is, onderverdeel in drie kategorieë:

2.1 Ontvlambare gasse

- 2.2 Nie-ontvlambare gasse wat saamgepers, vervloei of opgelos is, maar wat nóg ontvlambaar nóg giftig is
- 2.3 Giftige gasse
- Klas 3— Ontvlambare vloeistowwe, onderverdeel in drie kategorieë:
- 3.1 Laeflitspuntgroep vloeistowwe met 'n flitspunt onder -18 °C, geslotebakkietoets
- 3.2 Tussenflitspuntgroep vloeistowwe met 'n flitspunt van -18 °C tot, maar met uitsluiting van, 23 °C, geslotebakkietoets
- 3.3 Hoëflitspuntgroep vloeistowwe met 'n flitspunt van 23 °C tot 61 °C, geslotebakkietoets
- Klas 4.1— Ontvlambare vaste stowwe
- Klas 4.2— Stowwe wat in staat is tot selfontbranding
- Klas 4.3— Stowwe wat ontvlambare gasse afgee wanneer dit met water in aanraking kom
- Klas 5.1— Oksiderende stowwe (oksideermiddels)
- Klas 5.2— Organiese peroksiede
- Klas 6.1— Giftige (toksiese) stowwe
- Klas 6.2— Besmetlike stowwe
- Klas 7— Radioaktiewe materiale
- Klas 8— Bytende stowwe
- Klas 9— Diverse gevaarlike stowwe en artikels wat 'n gevaar inhou wat nie deur die ander klasse gedek word nie

Waar onsekerheid bestaan betreffende die toepaslike klassifikasie van gevaarlike goedere, moet sodanige goedere deur 'n goedgekeurde klassifikasiewerheid geklassifiseer word.

(3) Sodanige verklaring moet die volgende inligting, waar toepaslik, insluit:

- (a) Die getal en soort pakkette;
- (b) die totale hoeveelheid gepakketteerde gevaarlike goedere gedek deur die verklaring (bruto massa of volume);
- (c) enige ander inligting vereis deur die IMDG-kode.
- (4) Sodanige verklaring moet 'n verklaring insluit ten effekte dat die goedere verpak is ooreenkomstig hierdie regulasies.

(5) Die verskeper moet die skeepseienaar of gesagvoerder voorsien van 'n verklaring vereis by hierdie regulasie, tensy hy of sy nie die goedere aan die skip of sy agent lewer nie, in welke geval die verskeper die versender moet voorsien van sodanige verklaring.

(6) Waar die verskeper nie die goedere aan die skip of sy agent lewer nie, moet die versender die skeepseienaar of gesagvoerder voorsien van die verklaring.

(7) Indien 'n verskeper of 'n versender versuim om 'n verklaring vereis by hierdie regulasie te voorsien, of 'n verklaring voorsien wat hy of sy weet of behoort te weet vals of misleidend ten opsigte van 'n wesenlike besonderheid is, is hy of sy skuldig aan 'n misdryf.

(8) Indien 'n skeepseienaar of gesagvoerder enige gepakketteerde gevaarlike goedere waarvoor 'n verklaring vereis by hierdie regulasie nie voorsien is nie vir vervoer aanvaar of aan boord neem of ontvang, is hy of sy skuldig aan 'n misdryf.

Verpakkingsertifikaat

10. (1) Waar gepakketteerde gevaarlike goedere verpak is in 'n vraghouer of in of op 'n vervoermiddel, moet die persoon verantwoordelik vir die verpakking van sodanige goedere daarin of daarop die skeepseienaar of gesagvoerder van die skip voorsien van 'n verpakkingsertifikaat ooreenkomstig die IMDG-kode.

(2) Indien die persoon verantwoordelik vir die verpakking van sodanige goedere versuim om die skeepseienaar of die gesagvoerder van 'n skip van 'n ondertekende verpakingsertifikaat te voorsien, is hy of sy skuldig aan 'n misdryf.

(3) 'n Skeepseienaar of sy of haar agent of die gesagvoerder mag nie 'n vraghouer of vervoermiddel wat gepakketteerde gevaarlike goedere bevat sonder 'n ondertekende verpakingsertifikaat aan boord van 'n skip neem nie tensy hy of sy oortuig is dat die vraghouer of voertuig verpak is ooreenkomstig die IMDG-kode. Indien 'n skeepseienaar of sy of haar agent of die gesagvoerder versuim om te voldoen aan hierdie subregulasie, is hy of sy skuldig aan 'n misdryf.

Lys, manifes of stuwingsplan

11. (1) Die gesagvoerder van 'n skip wat gepakketteerde gevaarlike goedere vervoer, moet 'n spesiale lys, manifes of stuwingsplan laat opstel wat aan boord van die skip gehou moet word en wat—

(a) die besonderhede, verkry van die verskepingsdokumente voorgelê deur die verskeper, van die gepakketteerde gevaarlike goedere aan boord uiteensit, met inbegrip van die korrekte tegniese benaming van die goedere, hul klassifikasie ooreenkomstig regulasie 9(2) en hul massa of volume; en

(b) besonderhede toon van die plek waar die goedere aan boord van die skip gestu word.

(2) Die gesagvoerder moet aan boord van die skip ook enige bykomende spesiale dokumente hou wat deur die IMDG-kode vereis word vir die vervoer van gepakketteerde gevaarlike goedere.

(3) Enige sodanige lys, manifes of stuwingsplan en enige bykomende spesiale dokumente vereis vir die aanvaarding van sodanige goedere vir vervoer aan boord van 'n skip moet vir verwysing of inspeksie aan boord van die skip beskikbaar gehou word totdat die goedere van die skip afgelaai is.

(4) Indien die gesagvoerder van 'n skip wat gepakketteerde gevaarlike goedere vervoer, versuim om 'n lys, manifes of stuwingsplan of bykomende spesiale dokumente vereis deur subregulasie (2) aan boord van die skip te laat hou of beskikbaar te hê soos vereis by subregulasie (3), is hy of sy skuldig aan 'n misdryf.

Pakkettering

12. (1) Die verpakking van gevaarlike goedere moet voldoen aan die IMDG-kode. Sodanige verpakking moet, indien deur die IMDG-kode vereis, prestasiegetoets wees, soos gespesifiseer in die IMDG-kode, deur 'n goedgekeurde toetsowerheid.

(2) Gepakketteerde gevaarlike goedere mag nie aan boord van 'n skip vir vervoer aan boord van daardie skip geneem word nie indien die skeepseienaar of gesagvoerder weet of behoort te weet dat die goedere nie op so 'n wyse verpak is dat dit die gewone risiko's van vervoer ter see kan weerstaan nie.

(3) Indien die skeepseienaar of gesagvoerder of die verskeper van sodanige goedere versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

Merking en etikettering

13. (1) Gepakketteerde gevaarlike goedere mag nie aan boord van 'n skip vir vervoer aan boord van daardie skip geneem word nie, tensy daar aan die volgende voorwaardes voldoen word:

(a) Pakkette wat gevaarlike goedere bevat, moet onuitwisbaar gemerk wees ooreenkomstig die IMDG-kode en van etikette of stensils van etikette of aanplakbiljette voorsien wees waar in die IMDG-kode gespesifiseer.

(b) Die metode om die korrekte tegniese benaming te merk en om etikette te heg aan of stensils van etikette of aanplakbiljette of seebesoedelstofmerke, soos toepaslik, aan te bring op pakkette wat gevaarlike goedere bevat, moet sodanig wees dat die inligting gemerk, geheg of aangebring leesbaar sal bly nadat die pakket drie maande lank in die see ingedompel was of, indien die pakket voor die einde van daardie tydperk disintegreer, vir so lank as wat die pakket sal hou. Waar die buit materiaal van die pakket sodanig is dat dit nie minstens drie maande se indompeling in die see sal deurstaan nie, moet enige binnebevatters wat sodanige indompeling sal deurstaan, onuitwisbaar gemerk wees op enige geskikte manier, met inbegrip van 'n IMDG-kodeklassimbool of seebesoedelstofmerk of albei, van 'n geskikte grootte, om die aard van die gevaar waartoe die goedere aanleiding gee, aan te dui.

(c) Sonder om afbreuk te doen aan bovermelde voorwaardes, waar die goedere bevat word in 'n vraghouer, vervoermiddel, verplaasbare tenk of tenkhouer, moet die vragvervoereenheid waarin die goedere bevat word, kenmerkende aanplakbiljette of ander geskikte merke ooreenkomstig die IMDG-kode opsigtelik aan sy buitekant dra.

(2) Enige oortreding van hierdie regulasie betreffende die merking of etikettering van of aanplakbiljetaanbringings aan gepakketteerde gevaarlike goedere is 'n misdryf deur die verskeper van daardie goedere.

(3) Indien 'n skeepseienaar of gesagvoerder gevaarlike goedere aan boord van 'n skip aanvaar in enige pakket wat nie ooreenkomstig hierdie regulasie gemerk, geëtiketteer of van 'n aanplakbiljet voorsien is nie, is hy of sy skuldig aan 'n misdryf.

Stuwing

14. (1) Gepakketteerde gevaarlike goedere moet gestu, geskei en bevestig word ooreenkomstig die IMDG-kode.

(2) Waar gepakketteerde gevaarlike goedere verskeep word in of op 'n vervoermiddel of vraghouer wat gelaai is nadat daardie goedere die perseel of beheer van die verskeper verlaat het, is dit die plig van die persoon verantwoordelik vir die laai van daardie vervoermiddel of vraghouer om te verseker dat die stuwing, skeiding en bevestiging van daardie goedere in die vervoermiddel of vraghouer toereikend is en voldoen aan die IMDG-kode.

(3) Indien 'n skeepseienaar of gesagvoerder of die persoon verantwoordelik vir die verpakking van goedere in 'n vraghouer of vervoermiddel of vir die stuwing van goedere aan boord van 'n skip versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

Vervoer van plofstowwe

15. (1) Geen plofstowwe wat 'n skeepseienaar of gesagvoerder weet of behoort te weet dat dit 'n ernstige risiko inhou wanneer dit aan boord van 'n skip vervoer word, mag aan boord van 'n skip geneem word nie, tensy—

- (a) sodanige plofstowwe in 'n kompartement gestu word waarin enige elektriese apparaat en kables so ingerig en gebruik word dat die risiko van brand of ontploffing tot die minimum beperk word;
- (b) slagdoppies doeltreffend van alle ander plofstowwe geskei is;
- (c) die stuwing en skeiding van plofstowwe voldoen aan die IMDG-kode; en
- (d) waar sodanige plofstowwe gestu moet word in 'n magasyn—
 - (i) sodanige magasyn goedgekeur is; en
 - (ii) sodanige magasyn veilig toegehou word terwyl die skip ter see is.

(2) Indien 'n skeepseienaar of gesagvoerder versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

Vervoer van gepakketteerde gevaarlike goedere aan boord van passasierskepe

16. (1) Die stuwing en skeiding van alle gepakketteerde gevaarlike goedere wat aan boord van 'n passasierskip vervoer word, moet voldoen aan die IMDG-kode.

(2) Plofstowwe in Klas 1, afdeling 1.4, versoenbaarheidsgroep S, kan in enige hoeveelheid aan boord van passasierskepe vervoer word. Geen ander plofstowwe mag aan boord van 'n passasierskip met meer as 12 passasiers vervoer word nie, uitgesonderd enigene van die volgende:

- (a) Ontploffbare artikels vir lewensreddingsdoeleindes, indien die totale netto plofstofmassa van sodanige artikels nie 50 kg per skip te bowe gaan nie;
- (b) plofstowwe in versoenbaarheidsgroepe C, D en E, indien die totale netto plofstofmassa nie 10 kg per skip te bowe gaan nie;
- (c) ontploffbare artikels in versoenbaarheidsgroep G, uitgesonderd dié wat spesiale stuwing vereis, indien die totale netto plofstofmassa nie 10 kg per skip te bowe gaan nie; of

(d) ontplofbare artikels in versoenbaarheidsgroep B, indien die totale netto plofstofmassa nie 5 kg per skip te bowe gaan nie.

(3) In hierdie regulasie is verwysings na "versoenbaarheidsgroepe" en "afdeling" verwysings na versoenbaarheidsgroepe en afdelings gespesifiseer in die IMDG-kode.

(4) Indien 'n skeepseienaar of gesagvoerder versuim om te voldoen aan hierdie regulasie, is hy of sy skuldig aan 'n misdryf.

DEEL 3. VERVOER VAN GEVAARLIKE GOEDERE IN MASSA

Vervoer in massa

17. (1) Gevaarlike goedere mag nie gehanteer word of aan boord van 'n skip in massa vervoer word indien die skeepseienaar rede het om te glo dat sodanige goedere nie aldus veilig gehanteer of in massa aan boord van daardie skip vervoer kan word nie.

(2) Sonder om die algemeenheid van subregulasie (1) te beperk—

(a) waar die tersaaklike gevaarlike goedere gelys word in Hoofstuk VI van die BCH-kode, of in Hoofstuk 17 van die IBC-kode, of in Hoofstuk XIX van die Gasvragvaarderkode vir Bestaande Skepe, of in Hoofstuk XIX van die Gasvragvaarderkode, of in Hoofstuk 19 van die IGC-kode, of geklassifiseerde gevaarlike goedere gelys in Aanhangel B van die Massavragkode is, moet dit gehanteer en vervoer word ooreenkomstig die vereistes van watter toepaslike kode ook al; of

(b) waar die tersaaklike gevaarlike goedere bestaan uit 'n vloeibare chemikalie of 'n vervloeide gas wat nie in die kodes genoem in paragraaf (a) gelys is nie, moet dit gehanteer en vervoer word ooreenkomstig goedkeuring verleen deur die Owerheid. Enige sodanige goedkeuring moet skriftelik gegee word en moet die datum waarop dit in werking tree en die voorwaardes (as daar is) waaronder dit gegee word, spesifiseer.

(3) Indien daar 'n oortreding van hierdie regulasie is, is die skeepseienaar en die gesagvoerder skuldig aan 'n misdryf.

Dokumentering

18. (1) Die verskeper van gevaarlike goedere wat in massa vervoer staan te word, moet die skeepseienaar of die gesagvoerder voorsien van 'n skriftelike kennisgewing wat die aard van die goedere en, in die geval van vloeistowwe met 'n flitspunt van 60 °C of minder (geslote bakkie), die flitspunt van daardie vloeistowwe spesifiseer. Sodanige kennisgewing moet die goedere se korrekte tegniese benaming, hul VN-nommer (as daar is) en, vir gevaarlike goedere wat in vaste vorm in massa vervoer word, hul klassifikasie ooreenkomstig regulasie 9(2) spesifiseer.

(2) Indien 'n verskeper van gevaarlike goedere in massa versuim om die skeepseienaar of gesagvoerder van sodanige skriftelike kennisgewing te voorsien, of van 'n kennisgewing voorsien wat hy of sy weet of behoort te weet vals of misleidend ten opsigte van 'n wesenlike besonderheid is, is hy of sy skuldig aan 'n misdryf.

Lys, manifes of stuwingsplan

19. (1) Die gesagvoerder van 'n skip wat gevaarlike goedere in massa vervoer, moet 'n spesiale lys, manifes of stuwingsplan aan boord van die skip laat hou wat—

(a) besonderhede, verkry van die skeepsdokumente voorgelê deur die verskeper, uiteensit van die gevaarlike goedere wat aan boord van die skip vervoer word op die vaart waarmee die skip besig is, met inbegrip van die korrekte tegniese benaming van die goedere, hul massa of volume en, waar die gevaarlike goedere in Aanhangel B van die Massavragkode verskyn, hul klassifikasie ooreenkomstig regulasie 9(2); en

(b) besonderhede toon van die plek waar die goedere aan boord van die skip gestu word.

(2) Die gesagvoerder moet aan boord van die skip ook enige bykomende spesiale dokumente hou wat vereis word deur die Massavragkode, die BCH- of die IBC-kodes, of die IGC- of Gasvragvaarder-kodes vir die vervoer van gevaarlike goedere.

(3) Enige sodanige lys, manifes of stuwingsplan en enige bykomende spesiale dokumente vereis vir die aanvaarding van sodanige goedere vir vervoer aan boord van 'n skip moet vir verwysing of inspeksie aan boord van die skip beskikbaar gehou word totdat die goedere van die skip afgelaai is.

(4) Indien die gesagvoerder van 'n skip wat gevaarlike goedere in massa vervoer, versuim om 'n lys, manifes of stuwingsplan of bykomende spesiale dokumente vereis deur subregulasie (2) aan boord van die skip te laat hou of beskikbaar te hê soos vereis by subregulasie (3), is hy of sy skuldig aan 'n misdryf.

DEEL 4. AFDWINGING, HERROEPING VAN REGULASIES, EN KORT TITEL EN INWERKING-TREDING

Bevoegdheid om aanhouding

20. 'n Skip wat nie aan hierdie regulasies, met inbegrip van enige voorwaarde daarkragtens opgelê, voldoen nie, kan ingevolge artikel 243 van die Wet aangehou word.

Strawwe en verwere

21. (1) Iemand wat kragtens hierdie regulasies skuldig is aan 'n misdryf, is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

(2) Dit is 'n goeie verweer op 'n aanklag ingevolge Deel 2 of 3 as iemand kan aantoon—

- (a) dat hy of sy alle redelike stappe gedoen het om voldoening aan hierdie regulasies te verseker;
- (b) dat hy of sy nie geweet het nie, nie behoort te geweet het nie of geen redelike gronde gehad het om te vermoed dat die goedere gevaarlike goedere was nie;
- (c) dat die goedere gehanteer en vervoer is ooreenkomstig die bepalings van die IMDG-kode, waar toepaslik;
- (d) indien die persoon wat aangekla word die skeepseienaar of gesagvoerder is, in die geval van goedere verpak in 'n vraghouer of vervoermiddel, dat, voordat die vraghouer of vervoermiddel aan boord van die skip geneem is, die persoon verantwoordelik vir die verpakking van die goedere in die vraghouer of vervoermiddel die skeepseienaar of gesagvoerder van die skip voorsien het van 'n ondertekende verpakkingsertifikaat waarin gesertifiseer is dat die goedere behoorlik verpak is in die vraghouer of vervoermiddel;
- (e) dat die goedere, synde vaste gevaarlike goedere in massa, gehanteer en vervoer is ooreenkomstig die Massavragkode;
- (f) dat die goedere, synde vloeibare chemiese of gasagtige gevaarlike goedere in massa, gehanteer en vervoer is ooreenkomstig die tersaaklike vereistes van die BCH-kode, die IBC-kode, die Gasvragvaarderkode, die Gasvragvaarderkode vir Bestaande Skepe en die IGC-kode;
- (g) dat die goedere gehanteer en vervoer is ooreenkomstig die voorwaardes opgelê kragtens regulasie 3 of 17(2)(b).

Misdrywe weens toedoen van iemand anders

22. Waar die pleging deur 'n persoon van 'n misdryf kragtens Deel 1, 2 of 3 toegeskryf word aan 'n handling of versuim van iemand anders, is daardie ander persoon ook skuldig aan 'n misdryf en kan aangekla word van en skuldig bevind word aan die misdryf ingevolge hierdie regulasie, ongeag of eersgenoemde persoon vervolg word of nie.

Herroeping van regulasies

23. Regulasies 25 tot 37 en Aanhangsel 2 van die Regulasies in verband met die Veiligheid van die Navigasie, 1968, afgekondig by Goewermentskennisgewing No. R. 651 van 19 April 1968, soos gewysig deur Goewermentskennisgewing No. R. 2483 van 15 Desember 1978, word herroep.

Kort titel en inwerkingtreding

24. Hierdie regulasies heet die **Handelskeepvaartregulasies (Gevaarlike Goedere) 1997**, en tree in werking op 1 Mei 1997.

**MINISTRY FOR SAFETY AND SECURITY
MINISTERIE VIR VEILIGHEID EN SEKURITEIT**

No. R. 555**18 April 1997**

ARMS AND AMMUNITION ACT, 1969 (ACT No. 75 OF 1969)

AMENDMENT OF ARMS AND AMMUNITION REGULATIONS, 1994

The Deputy Minister for Safety and Security, acting on behalf of and on assignment by the Minister for Safety and Security, has, under section 43 of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), made the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the Arms and Ammunition Regulations published by Government Notice No. R. 787 of 22 April 1994 as amended by Government Notice No. R. 931 of 6 May 1994 and General Notice No. 15735 of 6 May 1994.

Amendment of English text of regulation 8 of Regulations

2. Regulation 8 of the Regulations is hereby amended by the substitution in line 6 of paragraph (e) of subregulation (2) for the word "more" of the word "less", and by the substitution in line 7 of paragraph (e) of subregulation (2) for the word "less" of the word "more".

Amendment of English text of regulation 13 of Regulations

3. Regulation 13 of the Regulations is hereby amended—

- (a) by the substitution in line 2 of subregulation (1) for the word "in" of the word "or"; and
- (b) by the substitution in line 2 of subregulation (11) for the word "of" of the word "or".

Substitution of regulation 27 of Regulations

4. The following regulation is hereby substituted for regulation 27 of the Regulations:

"Application for declaration as bona fide hunter and bona fide sportsman"

27. The provisions of regulations 20, 21, 22, 23 and 24 shall apply *mutatis mutandis* in respect of hunters and sportsmen."

Signed at Cape Town on this 27th day of March 1997.

V. J. MATTHEWS**Deputy Minister for Safety and Security****No. R. 555****18 April 1997**

WET OP WAPENS EN AMMUNISIE, 1969 (WET No. 75 VAN 1969)

WYSIGING VAN REGULASIES OP WAPENS EN AMMUNISIE, 1994

Die Adjunkminister vir Veiligheid en Sekuriteit, handelende namens en in opdrag van die Minister vir Veiligheid en Sekuriteit, het, kragtens artikel 43 van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordbepaling**

1. In hierdie Bylae beteken "die Regulasies" die Regulasies op Wapens en Ammunisie gepubliseer by Goewermmentskennisgewing No. R. 787 van 22 April 1994 soos gewysig deur Goewermmentskennisgewing No. R. 931 van 6 Mei 1994 en Algemene Kennisgewing No. 15735 van 6 Mei 1994.

Wysiging van Engelse teks van regulasie 8 van Regulasies

2. Regulasie 8 van die Regulasies word hierby gewysig deur in die Engelse teks in lyn 6 van paragraaf (e) van subregulasie (2) die woord "more" deur die woord "less" te vervang, en deur in lyn 7 van paragraaf (e) van subregulasie (2) die woord "less" deur die woord "more" te vervang.

Wysiging van Engelse teks van regulasie 13 van Regulasies

3. Regulasie 13 van die Regulasies word hierby gewysig in die Engelse teks—

- (a) deur in lyn 2 van subregulasie (1) die woord "in" deur die woord "or" te vervang; en
- (b) deur in lyn 2 van subregulasie (11) die woord "of" deur die woord "or" te vervang.

Vervanging van regulasie 27 van die Regulasies

4. Regulasie 27 van die Regulasies word hierby deur die volgende regulasie vervang:

"Aansoek om verklaring tot *bona fide*-jagter en *bona fide*-sportman

27. Die bepalings van regulasies 20, 21, 22, 23 en 24 is *mutatis mutandis* van toepassing ten opsigte van jagters en sportmanne."

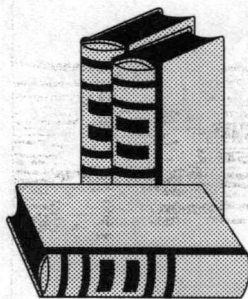
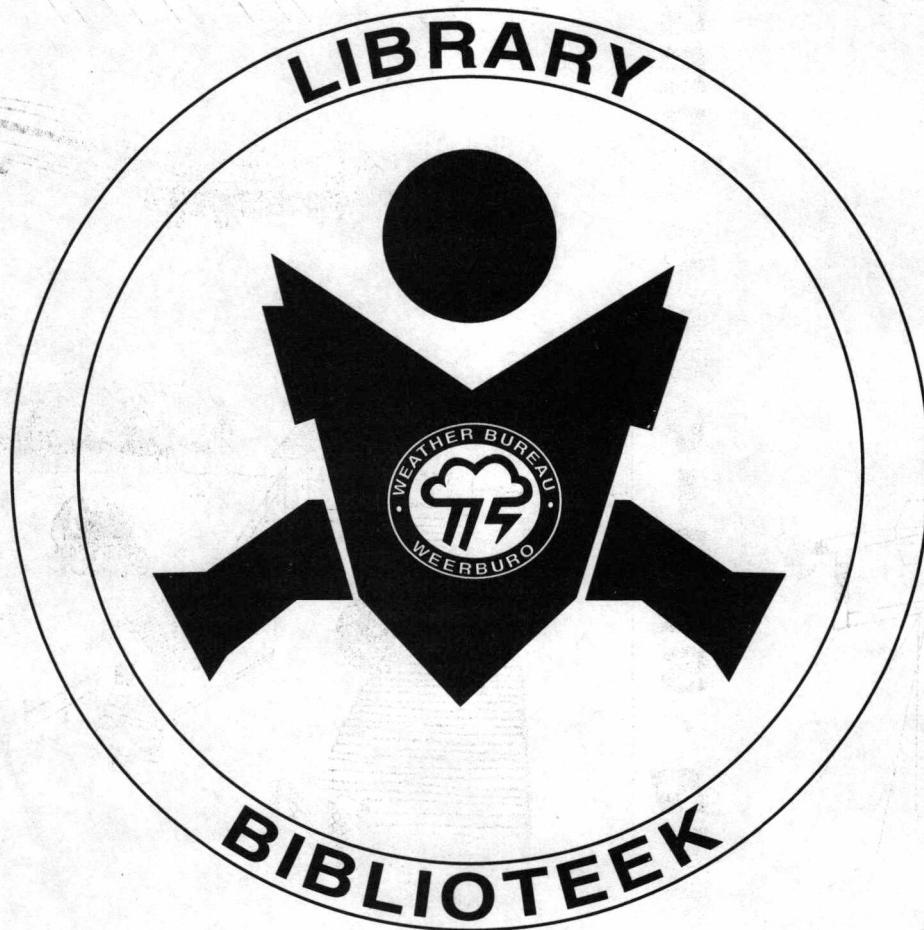
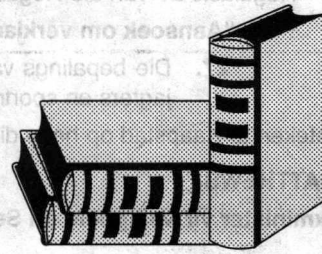
Geteken te Kaapstad op hede die 27ste dag van Maart 1997.

V. J. MATTHEWS

Adjunkminister vir Veiligheid en Sekuriteit

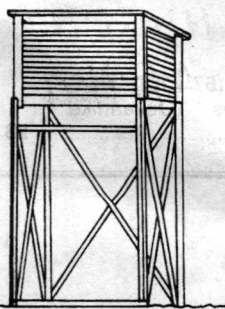
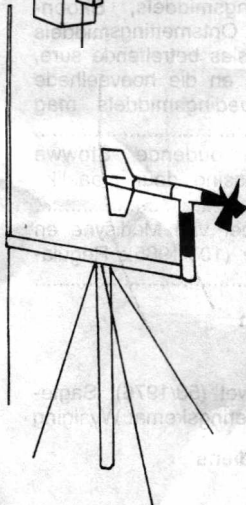


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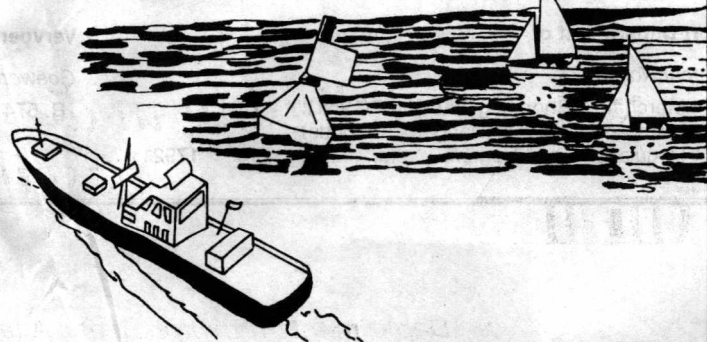
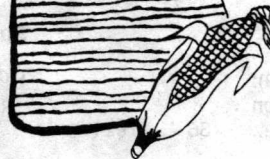
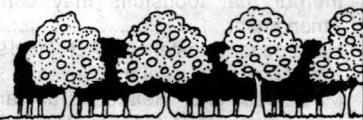
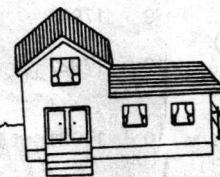
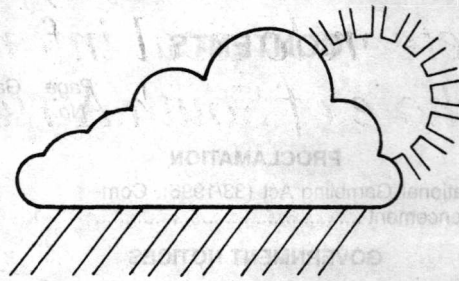


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