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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER

No. R 1654

18 December 1998

MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951)

MERCHANT SHIPPING (SEAFARER COMPENSATION) REGULATIONS, 1998

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**Title of regulations**

1. These regulations are called the Merchant Shipping (Seafarer Compensation) Regulations, 1998

Interpretation

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

“property” means personal effects, instruments, technical books, and tools;

“seaman” has the meaning given in section 140(7) of the Act;

“ship” means a South African ship;

“the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

Compensation

3. (1) If by reason of the wreck, loss, abandonment, flooding, stranding, fire on board or collision of a ship on which a seaman is employed the seaman sustains the loss of any of or all his or her property, the seaman shall, subject to section 140(4) of the Act and subregulation (2), be entitled to compensation from the owner of the ship for such loss, as follows:

(a) If—

- (i) a detailed list of the property carried in the ship has been made; and

- (ii) the replacement value of the property has been agreed to and certified by the master or chief engineer officer, or other responsible person on board the ship; and
 - (iii) a copy of the list had been lodged with a proper officer or the owner of the ship, or a local representative of such owner, before the departure of the ship,
- the compensation payable by the owner to the seaman shall be the lesser of—
- (aa) the amount of the replacement value of the property lost as agreed to and certified in terms of subparagraph (ii); and
 - (bb) the applicable amount referred to in the relevant scale set forth in the annex; or
- (b) in the absence of compliance with paragraph (a)(i), (ii) and (iii), the compensation payable by the owner to the seaman shall, upon proof by the seaman of the loss of his or her property and of its replacement value to the satisfaction of any person referred to in paragraph (a)(ii), be the lesser of—
- (i) the amount of such replacement value of the property lost; and
 - (ii) 75 percent of the applicable amount referred to in the relevant scale set forth in the annex.
- (2) A seaman is not entitled to compensation under subregulation (1) in respect of any loss attributable to the seaman's own gross negligence or wilful misconduct.

Appeals

4. Whenever a dispute arises between anyone referred to regulation 3(1)(a)(ii) or an owner of a ship and a seaman in regard to the payment of compensation or the amount thereof, the matter shall be referred to the proper officer for decision. If such person, owner or seaman is not satisfied with the decision of the proper officer, the matter shall be submitted to the Authority.

Loss of life

5. In the event of a seaman losing his or her life by reason of the wreck, loss, abandonment, flooding, stranding, fire on board or collision of a ship on which the seaman was employed, compensation on the basis provided for in regulation 3 for the loss of his or her property shall be payable by the owner of the ship to the estate of the deceased seaman.

Repeal of regulations

6. The Compensation for Loss by Marine Peril Regulations, 1990, published by Government Notice No. R. 2904 of 14 December 1990, as amended by Government Notice No. R. 859 of 15 June 1995, are repealed.

ANNEX**TABLE OF MAXIMUM COMPENSATION FOR LOSS OF PERSONAL EFFECTS, INSTRUMENTS,
TECHNICAL BOOKS AND TOOLS**

Note 1—For the purposes of this annex, the following ranks or ratings on vessels other than fishing boats are considered equivalent:

Ratings

Trainee (any department)	Assistant Steward
General Purpose (GP) Rating	Catering Assistant, Assistant Steward, Utility Steward, 3rd Cook, Sailor, Greaser
Quartermaster	Efficient Deck Rating, Efficient Engine Room Rating, Watchkeeper, Steward, 2nd Cook, Lasher

Petty Officers

Bosun	Chef, Crane Driver, Pumpman, Donkeyman, Engine Room Leading Hand, Senior Steward, Handyman, Carpenter, Forklift Driver
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Officers

Junior Engineer	5th Engineer, 4th Deck Officer, Apprentice Officer, Cadet, Junior Radio Officer
3rd Deck Officer	4th Engineer Officer
2nd Deck Officer	3rd Engineer Officer, Purser, Electrical Officer, Electrician, Refrigerating Engineer, Radio Officer
Chief Deck Officer	1st Deck Officer, 2nd Engineer Officer, Senior Radio Officer, Senior Electrical Officer, Ship's Doctor, Ship's Surgeon
Master	Chief Engineer

Note 1A—The ranks of Electronics Electrical Officer and Maintenance Assistant have no equivalent.

Note 2—For the purposes of this annex, the following ranks or ratings on fishing boats of 100 or more gross tons are considered equivalent:

Spare hand	Factory hand
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Deckhand	Greaser, Second Cook
Bosun	Cook, Cadet, 4th Engineer
Mate	Factory Manager, 2nd Engineer
Skipper	Chief Engineer

Note 2A—The ranks of 3rd Engineer and Galley Boy have no equivalent.

Note 3—For the purposes of this annex, the following ranks or ratings on fishing boats of less than 100 gross tons are considered equivalent:

Crewman	Assistant Marine Engineman (AME), Assistant Driver, Second Driver
Mate	Marine Engineman, Driver

Note 3A—The ranks of Skipper and Galley Boy have no equivalent.

SCALE OF COMPENSATION

(A) All ships of 1500 or more gross tons

<i>Ranking/Rating</i>	<i>Personal effects</i>	<i>Instruments, technical books, and tools</i>
	R	R
Trainee	975	524
General Purpose Rating	1 275	555
Quartermaster	1 575	824
Bosun	1 949	824
Maintenance Assistant	2 549	1 275
Junior Engineer Officer	2 775	1 424
3rd Deck Officer	2 924	1 500
2nd Deck Officer	3 149	1 575
Electronics Electrical Officer	3 224	1 588
Chief Deck Officer	3 300	1 649
Master	3 900	1 949

(B) Ships of 100 or more gross tons, but less than 1 500 gross tons

<i>Rank/Rating</i>	<i>Personal effects</i>	<i>Instruments, technical books, and tools</i>
	R	R
Trainee	824	389
General Purpose Rating	975	486
Quartermaster	1 169	584
Bosun	1 455	720
3rd Deck Officer	2 189	1 080
2nd Deck Officer	2 340	1 169
Chief Deck Officer	2 475	1 237
Master	2 924	1 455

(C) Fishing boats of 100 or more gross tons

<i>Rank/Rating</i>	<i>Personal effects</i>	<i>Instruments, technical books, and tools</i>
	R	R
Galley Boy	675	—
Spare hand	824	389
Deckhand	1 064	540
3rd Engineer	1 575	824
Bosun	1 755	869
Mate	2 249	974
Skipper	2 340	1 169

(D) Ships of 50 or more gross tons, but less than 100 gross tons

<i>Rank/Rating</i>	<i>Personal effects</i>	<i>Instruments, technical books, and tools</i>
	R	R
Galley Boy	675	—
Crewman	824	—
Mate	1 575	389
Skipper	1 949	584

(E) Ships of 25 or more gross tons, but less than 50 gross tons

<i>Rank/Rating</i>	<i>Personal effects</i>	<i>Instruments, technical books and tools</i>
	R	R
Crewman	389	—
Mate	824	—
Skipper	975	375

No. R 1654

18 Desember 1998

HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

HANDELSKEEPVAARTREGULASIES (VERGOEDING VAN SEELUI), 1998

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

BYLAE**Titel van regulasies**

1. Hierdie regulasies heet die Handelskeepvaartregulasies (Vergoeding van Seelui), 1998.

Uitleg

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

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

“eiendom” persoonlike besittings, instrumente, tegniese boeke, en gereedskap;

“seeman” 'n seeman bedoel in artikel 140(7) van die Wet;

“skip” 'n Suid-Afrikaanse skip.

Vergoeding

3. (1) Wanneer as gevolg van die skipbreuk, verlies, verlating, oorstroming, stranding, brand aan boord of botsing van 'n skip waarop 'n seeman in diens is, die seeman enige van of al sy of haar eiendom verloor het, is die seeman, behoudens artikel 140(4) van die Wet en subregulasie (2), geregtig op vergoeding deur die eienaar van die skip vir sodanige verlies, soos volg:

(a) Indien—

- (i) 'n gespesifiseerde lys van die eiendom wat aan boord was, opgestel is; en
- (ii) die gesagvoerder, hoofingenieuroffisier, of ander verantwoordelike persoon aan boord van die skip ingestem het tot die vervangingswaarde van die eiendom en dit gesertifiseer het; en

- (iii) 'n afskrif van die lys by 'n bevoegde beampte of die eienaar van die skip, of 'n plaaslike verteenwoordiger van sodanige eienaar, ingedien is voordat die skip vertrek het, is die vergoeding betaalbaar deur die eienaar aan die seeman, die minder van—
- (aa) die bedrag van die vervangingswaarde van die verlore eiendom soos ingestem en gesertifiseer ingevolge subparagraaf (ii); en
- (bb) die toepaslike bedrag bedoel in die betrokke skaal wat in die aanhangsel uiteengesit word; of
- (b) indien daar nie aan paragraaf (a)(i), (ii) en (iii) voldoen word nie, is die vergoeding betaalbaar deur die eienaar aan die seeman, na bewys deur die seeman van die verlies van sy of haar eiendom en van die vervangingswaarde daarvan tot bevrediging van enige persoon bedoel in paragraaf (a)(ii), die minder van—
 - (i) die bedrag van sodanige vervangingswaarde van die verlore eiendom; en
 - (ii) 75 persent van die toepaslike bedrag bedoel in die betrokke skaal wat in die aanhangsel uiteengesit word.
- (2) 'n Seeman is nie op vergoeding kragtens subregulasie (1) geregtig nie ten opsigte van enige verlies wat toegeskryf kan word aan die seeman se eie growwe nalatigheid of opsetlike wangedrag.

Appèlle

4. Wanneer daar 'n geskil ontstaan tussen iemand bedoel in regulasie 3(1)(a)(ii) of 'n eienaar van 'n skip en 'n seeman in verband met die betaling van vergoeding of die bedrag daarvan, word die saak na 'n bevoegde beampte vir beslissing verwys. Indien sodanige persoon, eienaar of seeman nie tevrede is met die beslissing van die bevoegde beampte nie, word die saak voorgelê aan die Owerheid.

Lewensverlies

5. In die geval waar 'n seeman sy of haar lewe verloor weens die skipbreuk, verlies, verlaten, oorstroming, stranding, brand aan boord of botsing van 'n skip waarop die seeman in diens was, word vergoeding vir die verlies van die seeman se eiendom op die basis waarvoor in regulasie 3 voorsiening gemaak word, deur die eienaar van die skip aan die boedel van die oorlede seeman betaal.

Herroeping van regulasies

6. Die Regulasies Betreffende die Betaling van Vergoeding vir Verlies as gevolg van Risiko's ter See, 1990, gepubliseer by Goewermentskennisgewing No. R. 2904 van 14 Desember 1990, soos gewysig by Goewermentskennisgewing No. R. 859 van 15 Junie 1995, word herroep.

AANHANGSEL**SKAAL VAN MAKSIMUM VERGOEDING VIR VERLIES VAN PERSOONLIKE BESITTINGS,
INSTRUMENTE, TEGNIESE BOEKE, EN GEREEDSKAP**

Opmerking 1—By die toepassing van hierdie aanhangsel word die volgende range of graderings op vaartuie, uitgesonderd vissersbote, as gelykwaardig beskou:

Graderings

Leerling (enige afdeling)	Assistent-kelner
Utiliteitseeman	Spyseniersassistent, Assistent-kelner, Utiliteitskleiner, 3de Kok, Seeman, Smeerder
Kwartiermeester	Bekwame Dekseeman, Bekwame Masjienkamerseeman, Waghouer, Kelner, 2de Kok, Knoper

Onderoffisiere

Bootsman	Hoofkok, Kraandrywer, Pomppasser, Hulpmasjini, Masjienkamervoorman, Senior Kelner, Nutsman, Skrynwerker, Vurkhysterdrywer
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Offisiere

Junior Ingenieur	5de Ingenieur, 4de Dekoffisier, Leerlingoffisier, Kadet, Junior Radio-offisier
3de Dekoffisier	4de Ingenieur-offisier
2de Dekoffisier	3de Ingenieur-offisier, Betaalmeester, Elektriese Offisier, Elektriesien, Verkoelingsingenieur, Radio-offisier
Hoofdekoffisier	1ste Dekoffisier, 2de Ingenieur-offisier, Senior Radio-offisier, Senior Elektriese Offisier, Skeepsdokter, Skeepschirurg
Gesagvoerder	Hoofingenieur

Opmerking 1A—Die range van Elektroniese Elektriese Offisier en Onderhoudsassistent het geen ekwivalente nie.

Opmerking 2—By die toepassing van hierdie aanhangsel word die volgende range of graderings op vissersbote van 100 of meer bruto ton as gelykwaardig beskou:

Reserwehand	Fabriekshand
Dekhand	Smeerder, Tweede Kok
Bootsman	Kok, Kadet, 4de Ingenieur
Stuurman	Fabrieksbestuurder, 2de Ingenieur
Skipper	Hoofingenieur

Opmerking 2A—Die range van 3de Ingenieur en Galeiseun het geen ekwivalente nie.

Opmerking 3—By die toepassing van hierdie aanhangsel word die volgende range of graderings op vissersbote van minder as 100 bruto ton as gelykwaardig beskou:

Skeepsman	Assistent-see-masjinis, Assistent-drywer, Tweede Drywer
Stuurman	Seemasjinis, Drywer

Opmerking 3A—Die range van Skipper en Galeiseun het geen ekwivalente nie.

SKAAL VAN VERGOEDING

(A) Alle skepe van 1500 of meer bruto ton

<i>Range/Graderings</i>	<i>Persoonlike besittings</i>	<i>Instrumente, tegniese boeke, en gereedskap</i>
	R	R
Leerling	975	524
Utiliteitseeman	1 275	555
Kwartiermeester	1 575	824
Bootsman	1 949	824
Onderhoudsassistent	2 549	1 275
Junior Ingenieursoffisier	2 775	1 424
3de Dekoffisier	2 924	1 500
2de Dekoffisier	3 149	1 575
Elektroniese Elektriese Offisier	3 224	1 588
Hoofdekoffisier	3 300	1 649
Gesagvoerder	3 900	1 949

(B) Skepe van 100 of meer bruto ton, maar minder as 1 500 bruto ton

<i>Range/Graderings</i>	<i>Persoonlike besittings</i>	<i>Instrumente, tegniese boeke, en gereedskap</i>
	R	R
Leerling	824	389
Utiliteitseeman	975	486
Kwartiermeester	1 169	584
Bootsman	1 455	720
3de Dekoffisier	2 189	1 080
2de Dekoffisier	2 340	1 169
Hoofdekoffisier	2 475	1 237
Gesagvoerder	2 924	1 455

(C) Vissersbote van 100 of meer bruto ton

<i>Range/Graderings</i>	<i>Persoonlike besittings</i>	<i>Instrumente, tegniese boeke, en gereedskap</i>
	R	R
Galeiseun	675	—
Reserwehand	824	389
Dekhand	1 064	540
3de Ingenieur	1 575	824
Bootsman	1 755	869
Stuurman	2 249	974
Skipper	2 340	1 169

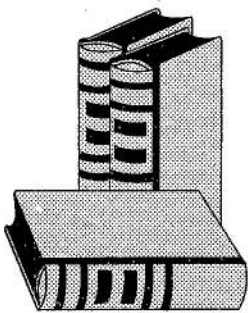
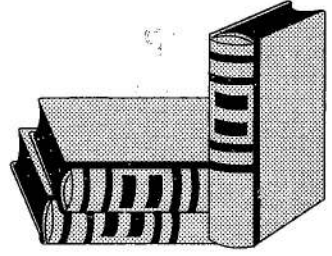
(D) Skepe van 50 of meer bruto ton, maar minder as 100 bruto ton

<i>Range/Graderings</i>	<i>Persoonlike besittings</i>	<i>Instrumente, tegniese boeke, en gereedskap</i>
	R	R
Galeiseun	675	—
Skeepsman	824	—
Stuurman	1 575	389
Skipper	1 949	584

(E) Skepe van 25 of meer bruto ton, maar minder as 50 bruto ton

<i>Range/Graderings</i>	<i>Persoonlike besittings</i>	<i>Instrumente, tegniese boeke, en gereedskap</i>
	R	R
Skeepsman	389	—
Stuurman	824	—
Skipper	975	375

Where is the largest amount of meteorological information in the whole of South Africa available?



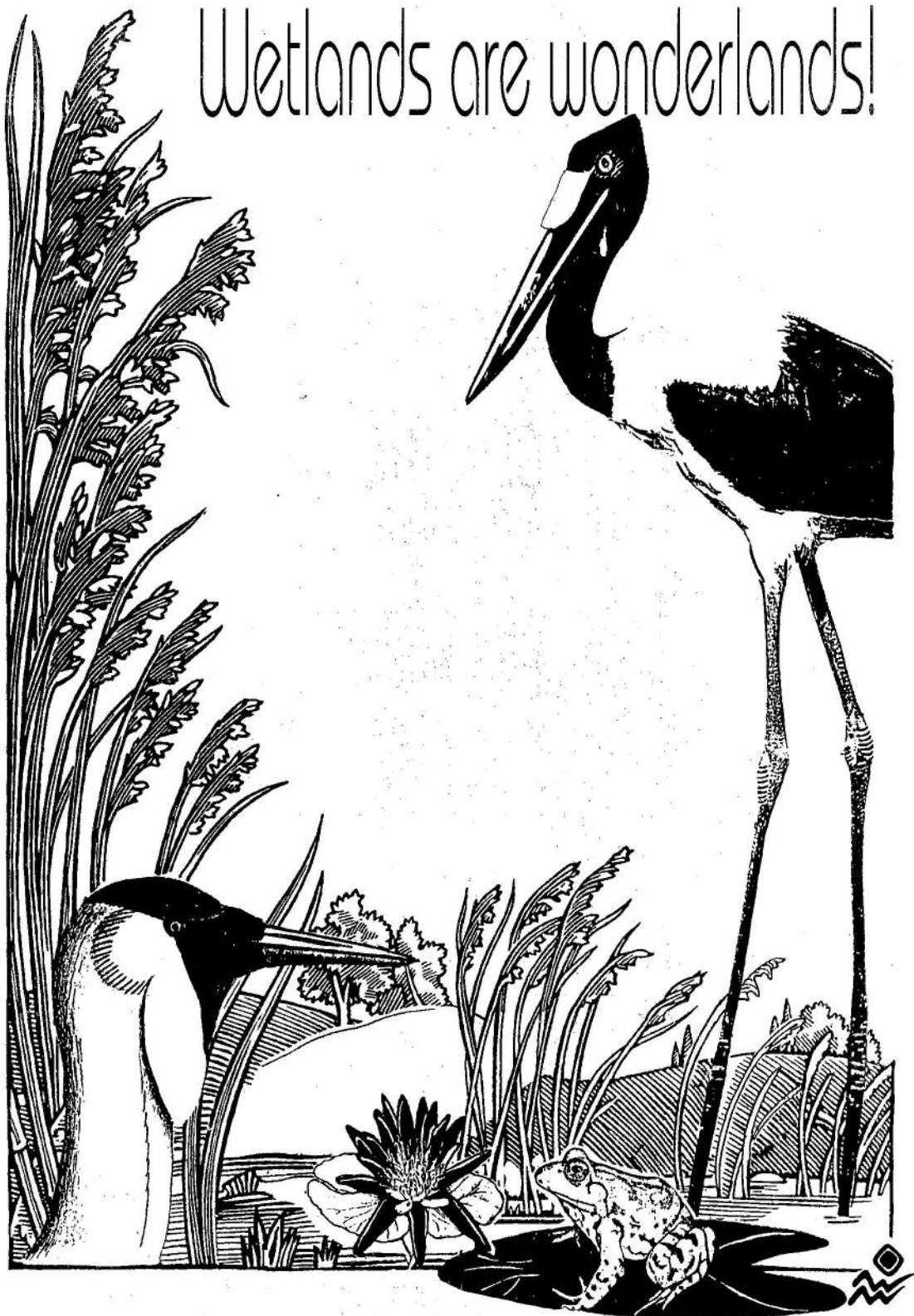
Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme

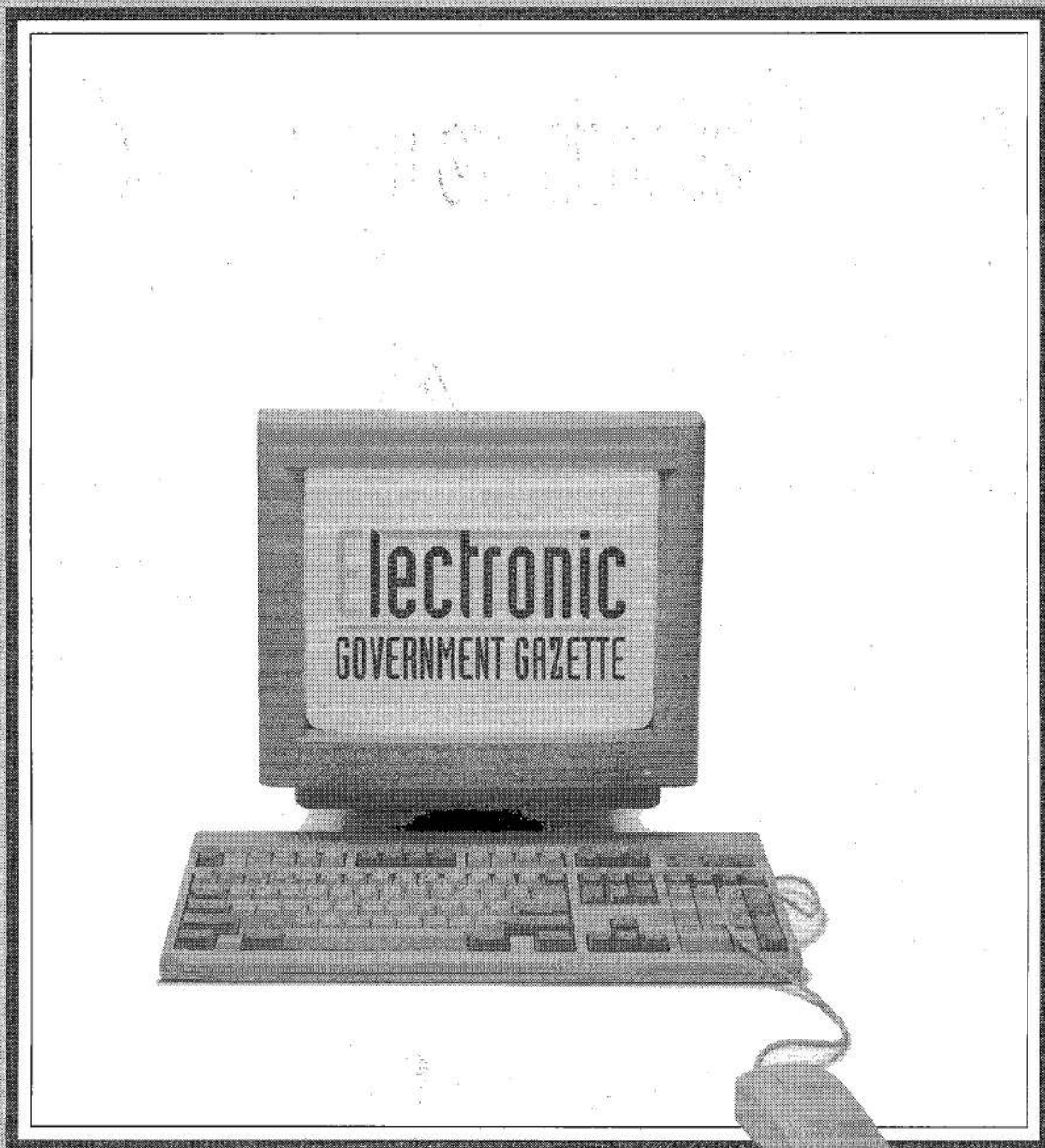


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