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GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN VERVOER.

No. 1895.] [20 November 1959.
MARINE-AFDELING.

REGULASIES OP DIE VERSKAFFING VAN AKKOMMODASIE VIR DIE BEMANNING.

Dit het die Minister van Vervoer behaag om, kragtens die bepalings van artikel *driehonderd ses-en-vyftig*, gelees met artikel *honderd een-en-sestig* van die Handelsskeepvaartwet, 1951 (Wet No. 57 van 1951), die volgende regulasies* uit te vaardig.

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* Hierdie regulasies tree in werking op die datum waarop Wet No. 57 van 1951 in werking tree. Die datum sal deur proklamasie in die *Staatskoerant* bekendgemaak word.

GOVERNMENT NOTICES.

DEPARTMENT OF TRANSPORT.

No. 1895.] [20 November 1959.
MARINE DIVISION.

REGULATIONS GOVERNING CREW ACCOMMODATION.

The Minister of Transport has been pleased, under the provisions of section *three hundred and fifty-six* read with section *one hundred and sixty-one* of the Merchant Shipping Act, 1951 (Act No 57 of 1951), to make the following regulations.*

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* These regulations will come into operation on the date on which Act No. 57 of 1951 comes into operation. This date will be notified by proclamation in the *Gazette*.

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1. TITEL VAN HIERDIE REGULASIES.

Hierdie regulasies word genoem die regulasies op akkommodasie vir bemanning, 1960.

(OPMERKING.—Hierdie regulasies is nie van toepassing op vissersbote, robbevaarders en walvisvaarders met landbasis of plesierjagte nie. Tot tyd en wyl regulasies vir hierdie vaartuie ontwerp is, moet eienaars en gesagvoerders tot tevredenheid van die bevoegde beampte akkommodasie verskaf. By die bepaling van wat redelik nodig is, moet die bevoegde beampte sover doenlik en soos hy dit nodig ag, deur hierdie regulasies gelei word.)

2. WOORDBETEKENIS.

In hierdie regulasies beteken die uitdrukking „die Wet” die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951) en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan daar in die Wet ’n betekenis toegeken is, wanneer dit in hierdie regulasies gebruik word, die aldus toegekende betekenis, en beteken—

- „leerling”, ook ’n leerlingoffisier, kadet of adelbors;
- „bemanning”, seelui en leerlinge;
- „herbou”, deeglik verander of herstel, en het herbouing ’n ooreenstemmende betekenis;
- „sanitêre akkommodasie”, wasakkommodasie en akkommodasie vir waterklosette en urinale;
- „slaapkamer”, sonder insluiting van ’n hospitaalsaal;
- „ton”, bruto registerton;
- „meganiese lugkokerstelsel”, ’n stelsel van ventilasie volgens die spesifikasies soos in Eerste Bylae uiteengesit;
- „wasakkommodasie”, sonder insluiting van—
 - (a) enige slaapkamer of hospitaalsaal, voorsien van ’n waskom, bad of stortbad of nie; of
 - (b) enige kamer wat slegs as ’n wassery gebruik word;
- „walvisvanger”, ’n walvisvaarder en ook ’n skip wat walvisse sleep;
- „waterdigte, gasdigte of oliedigte struktuur”, enige struktuur waarin openinge, uitgesonderd kokeropening wat nodig is vir die inlaat van lug van deurgange na sanitêre akkommodasie, wasserye, droëkamers of skeepskombuise, voorsien word deur middel van afsluiting waardeur sodanige openinge na gelang van die geval, waterdig, gasdig of oliedig gemaak kan word.

[OPMERKING.—Artikel twee van die Wet sluit die volgende woordbepalings in:—

- „akkommodasie vir die bemanning”, ook slaapkamers, pakkamers, skeepskombuise, eetkamers, sanitêre akkommodasie, hospitale en ruimtes vir ontspanning wat vir gebruik deur of tot voordeel van seelui of leerlingoffisiere verskaf word;
- „passasier”, ’n persoon wat op ’n skip vervoer word, behalwe—
 - (a) ’n persoon wat in enige hoedanigheid aan boord van die skip in verband met die besigheid van die skip in diens is of bedrywig is;

35. Non-deductible spaces.
36. Crew accommodation shared with passengers.
37. Maintenance and inspection of crew accommodation.
38. Inspection by the proper officer.
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 - First Schedule.—Trunked mechanical ventilation system.
 - Second Schedule.—Deck sheathings.
 - Third Schedule.—Insulating material for the underside of decks.
 - Fourth Schedule.—Marking.

1. TITLE OF THESE REGULATIONS.

These regulations are called the crew accommodation regulations, 1960.

(NOTE.—These regulations do not apply to fishing, sealing and shore-based whaling boats, nor to pleasure yachts. Until such time as regulations are drafted for these vessels, owners and masters shall provide accommodation to the satisfaction of the proper officer. In determining what is reasonably necessary, the proper officer shall as far as is practicable and in his view necessary, be guided by these regulations.)

2. INTERPRETATION.

In these regulations the expression “the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned, and—

- “apprentice” includes an apprentice-officer, cadet or midshipman;
- “crew” means seamen and apprentices;
- “reconstructed” means substantially altered or repaired and reconstruction has a corresponding meaning;
- “sanitary accommodation” means washing accommodation and accommodation containing water closets or urinals;
- “sleeping room” does not include a hospital ward;
- “tons” means gross register tons;
- “trunked mechanical ventilation system” means a system of ventilation complying with the specifications set forth in the First Schedule;
- “washing accommodation” does not include—
 - (a) any sleeping room or hospital ward whether or not provided with a wash-basin, bath or shower; or
 - (b) any room appropriated for use only as a laundry;
- “whale catcher” means a whaling boat, and includes a ship engaged in towing whales;
- “watertight, gastight or oiltight structure” means any structure in which the openings, other than ventilation openings necessary for the admission of air from passageways to sanitary accommodation, laundries, drying rooms or galleys, are provided with means of closure which will enable such openings to be made watertight, gastight or oiltight as the case may be.

[NOTE.—Section two of the Act includes the following definitions:—

- “crew accommodation” includes sleeping rooms, store rooms, galleys, mess rooms, sanitary accommodation, hospitals and recreation spaces provided for use by or for the benefit of seamen and apprentice-officers;
- “passenger” means any person carried in a ship, except—
 - (a) a person employed or engaged in any capacity on board the ship on the business of the ship;

(b) 'n persoon wat aan boord van die skip is of ingevolge die verpligting wat hierdie Wet die gesagvoerder opleë om skipbreukelinge, mense in nood of ander persone te vervoer, of vanweë enige omstandigheid wat nog die gesagvoerder nog die eienaar nog die bevrachter (as daar een is) kon voorkom het nie; en

(c) 'n kind wat onder een jaar oud is;

„passasierskip”, 'n skip wat meer as twaalf passasiers vervoer;

* „bevoegde beampte”, die beampte wat deur die Minister aangewys is as die bevoegde beampte by die plek en ten opsigte van die saak waarna verwys word in die bepaling in hierdie Wet waarin die uitdrukking voorkom; of as daar geen sodanige aanwysing gemaak is nie—

(a) by 'n plek in die Unie, die hoofdoanebeampte;

(b) by 'n plek buite die Unie maar in 'n deel van die Statebond, die persoon aan wie kragens die wet wat in daardie deel van die Statebond van krag is, die amp toevertrou is of die plig opgelê is waarna verwys word in die bepaling van hierdie Wet waarin die uitdrukking voorkom; of as daar geen sodanige persoon is nie, die persoon wat in paragraaf (c) van hierdie omskrywing aangedui word; of

(c) by 'n plek buite die Statebond in die volgende volgorde:—

(i) 'n Konsulêre verteenwoordiger van die Unie; of

(ii) 'n diplomatieke verteenwoordiger van die Unie; of

(iii) 'n konsulêre verteenwoordiger van 'n land (behalwe die Unie) wat lid is van die Statebond; of

(iv) 'n diplomatieke verteenwoordiger van 'n land (behalwe die Unie) wat lid is van die Statebond;

„Sekretaris”, die Sekretaris van Vervoer;

„skip”, enige soort vaartuig wat in navigasie gebruik word en nie deur middel van roeispane voortbeweeg word nie;

„opnemer”, 'n skeepsopnemer, ingenieur-opnemer of radio- of ander opnemer (in aanmerking genome die sake wat ondersoek word of ondersoek moet word) wat kragens paragraaf (b) van artikel vier erken of aangestel is;

„walvisvaarder”, 'n skip wat uitsluitend vir walvisvangs gebruik word, of waarop enige verwerking van die liggame of enige deel van die liggame van die walvisse wat deur ander walvisvaarders gevang word, plaasvind.

* Vir die doel van hierdie regulasies het die Minister die volgende amptenare as bevoegde beamptes in die Unie aangewys:—

Te Kaapstad en Durban—die Eerste Beampte van die Marine-afdeling;

Te Port Elizabeth, Oos-Londen, Mosselbaai, Port Nolloth, Lüderitz en Walvisbaai: Die Koopvaardymeester.]

3. TOEPASSING.

Hierdie regulasies is van toepassing op alle skepe wat in die Unie geregistreer is of aldus geag geregistreer te wees of wat ingevolge die Wet aldus geregistreer moet word, uitgesonderd vissersbote, robbevaarders, walvisvaarders met landbasis en plesierjagte.

4. PLANNE.

(1) Elke persoon volgens wie se bestelling 'n skip gebou word, moet op 'n dag nie later nie as die dag waarop die kiel van die skip gelê word, 'n plan van die skip op 'n skaal van minstens 1 op 100 aan die bevoegde beampte laat voorlê waarop die voorgestelde inrigting van die akkommodasie vir die bemanning en die voorgestelde plek met betrekking tot ander ruimtes daarin duidelik aangetoon word.

(b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented; and

(c) a child under one year of age;

“passenger ship” means a ship which carries more than twelve passengers;

* “proper officer” means the officer designated by the Minister to be the proper officer at the place and in respect of the matter to which reference is made in the provision of this Act in which the expression occurs; or if no such designation has been made—

(a) at a place in the Union, the chief officer of customs; or

(b) at a place outside the Union but within a part of the Commonwealth, the person who, in terms of the law in force in that part of the Commonwealth, is entrusted with the function or burdened with the duty to which reference is made in the provision of this Act in which the expression occurs; or if there be no such person, the person indicated in paragraph (c) of this definition; or

(c) at a place outside the Commonwealth, in the following order:—

(i) A consular representative of the Union; or

(ii) a diplomatic representative of the Union; or

(iii) a consular representative of a country (other than the Union) which is a member of the Commonwealth; or

(iv) a diplomatic representative of a country (other than the Union) which is a member of the Commonwealth;

“Secretary” means the Secretary of Transport;

“ship” means any kind of vessel used in navigation not propelled by oars;

“surveyor” means a ship surveyor, engineer surveyor or radio or other surveyor (having regard to the matters surveyed or to be surveyed) recognised or appointed in terms of paragraph (b) of section four;

“whaling boat” means any ship engaged exclusively in whale-catching, or on which any processing takes place of the bodies or any portion of the bodies of the whales caught by other whaling boats.

* For the purposes of these regulations, the Minister has designated the following officers as proper officers in the Union:—

At Cape Town and Durban—the Principal Officer of the Marine Division;

At Port Elizabeth, East London, Mossel Bay, Port Nolloth, Lüderitz and Walvis Bay: The Shipping Master.]

3. APPLICATION.

These regulations shall apply to all ships registered in the Union or deemed to be so registered or which in terms of the Act are required to be so registered, except to fishing boats, sealing boats, shore-based whaling boats and pleasure yachts.

4. PLANS.

(1) Every person to whose order a ship is being constructed shall cause a plan of the ship, on a scale not smaller than 1 in 100, to be submitted to the proper officer on a day not later than the day on which the keel of the ship is laid, showing clearly the proposed arrangement of the crew accommodation in the ship and its proposed position in relation to other spaces therein.

(2) Elke persoon na wie in paragraaf (1) verwys word, moet op 'n dag nie later nie as die dag waarop met die bou van enige deel van die akkommodasie vir die bemanning begin word, die volgende planne aan die bevoegde beampte laat voorlê:—

- (a) Planne van die voorgestelde akkommodasie vir die bemanning op 'n skaal van minstens 1 op 50 in die geval van 'n skip onder 500 voet lank en minstens 1 op 100 in die geval van enige ander skip, waarop die doel waarvoor elke ruimte daarin aangewend sal word, en die voorgestelde rangskikking van die meubelment, uitrusting en obstrukties daarin, duidelik aangetoon word; en
- (b) planne waarop die voorgestelde inrigting vir watervoorsiening in die akkommodasie vir die bemanning en die verwarming, beligting en ventilasie van die akkommodasie duidelik aangetoon word.

(3) Die eienaar van elke skip moet, voordat enige veranderinge of herbouing aan die akkommodasie vir die bemanning uitgevoer word, planne op die skaal en met die gegewens waarna in paragrawe (1) en (2) verwys word, in verband met die akkommodasie vir die bemanning soos verander of herbou, na gelang van die geval, aan die bevoegde beampte voorlê of laat voorlê: Met dien verstande dat indien as gevolg van nood of 'n ongeluk aan die skip dit nodig is om die akkommodasie vir die bemanning te verander of te herbou onder sodanige omstandighede dat planne nie voorgelê kan word nie, sodanige planne so gou moontlik aan die bevoegde beampte voorgelê moet word.

5. POSISIE VAN AKKOMMODASIE VIR BEMANNING.

(1) In elke skip moet die akkommodasie vir die bemanning, behalwe die pakkamers, heeltemal bokant die Somerlaslyn wees, as daar een is, soos op die skip gemerk ooreenkomstig die bepalings van die laslynregulasies.

Die Sekretaris kan—

- (a) enige skip onder 200 ton;
- (b) enige passasierskip;
- (c) enige walvisvanger;
- (d) enige sleepboot;
- (e) enige kabelskip;
- (f) enige bergingskip;
- (g) enige kraanskip;
- (h) enige baggerskip of enige skip wat vir die vervoer van die bagger gebruik word;
- (i) enige ander skip wat nie 'n skip is wat vir die vervoer van vrug gebruik word nie,

van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat nakoming van sodanige voorskrifte vanweë die grootte of bestemde diens van die skip, onredelik of onprakties is.

(2) In elke skip moet die akkommodasie vir die bemanning, behalwe pakkamers, midskeeps of agter op die skip wees. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat nakoming daarvan vanweë die grootte of bestemde diens van die skip, onredelik of onprakties is: Met dien verstande dat in skepe van 500 ton en groter geen deel van die akkommodasie vir die bemanning, behalwe pakkamers, voor die aanvaringsbeskot mag wees nie.

(3) Slaapkamers wat deel uitmaak van die akkommodasie vir die bemanning van 'n passasierskip mag nie onmiddellik onder 'n werksgang wees nie.

6. HOOGTE VAN AKKOMMODASIE VIR BEMANNING.

(1) In elke skip moet die hoogte van die akkommodasie vir die bemanning, gemeet vanaf die bopunt van die vloerbalke tot aan die bopunt van die kruinbalke, minstens as volg wees:—

In skepe onder 1,600 ton: 7 voet.

In skepe van 1,600 ton en groter: 7 voet 6 duim.

Die Sekretaris kan ten opsigte van pakkamers en sanitêre akkommodasie, enige skip van die voorskrifte van hierdie paragraaf vrystel.

(2) Every person referred to in paragraph (1), shall cause the following plans to be submitted to the proper officer on a day not later than the day on which the construction of any part of the crew accommodation is begun:—

- (a) Plans of the proposed crew accommodation, on a scale not smaller than 1 in 50 in the case of a ship under 500 feet in length and not smaller than 1 in 100 in the case of any other ship, showing clearly the purpose for which each space therein is to be appropriated and the proposed disposition of the furnishings, fittings and obstructions therein; and
- (b) plans showing clearly the proposed arrangements for supplying water to the crew accommodation and for heating, lighting and ventilating the accommodation.

(3) The owner of every ship shall submit or cause to be submitted to the proper officer before any alteration or reconstruction is carried out in the crew accommodation thereof plans on the scales and showing the information referred to in paragraphs (1) and (2), and relating to the crew accommodation as altered or reconstructed, as the case may be: Provided that if in consequence of an emergency or an accident to the ship, it is necessary to alter or reconstruct the crew accommodation in such circumstances that plans cannot be so submitted, such plans shall be submitted to the proper officer as soon as possible.

5. POSITION OF CREW ACCOMMODATION.

(1) In every ship the crew accommodation, other than store rooms, shall be wholly situated above the Summer load line, if any, marked on the ship in accordance with the provisions of the load line regulations.

The Secretary may exempt from the requirement of this paragraph—

- (a) any ship of under 200 tons;
- (b) any passenger ship;
- (c) any whale catcher;
- (d) any tug;
- (e) any cable ship;
- (f) any salvage ship;
- (g) any crane ship;
- (h) any dredger or any ship engaged in the conveyance of the spoil of dredging;
- (i) any other ship not being a ship engaged in the carriage of cargo,

if he is satisfied that compliance with such requirement is unreasonable or impracticable by reason of the size or intended service of the ship.

(2) In every ship the crew accommodation, other than store rooms, shall be situated amidships or aft. The Secretary may exempt any ship from the requirements of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship: Provided that in ships of 500 tons or over no part of the crew accommodation, other than store rooms, shall be forward of the collision bulkhead.

(3) Sleeping rooms forming part of the crew accommodation of a passenger ship shall not be situated immediately beneath a working passageway.

6. HEIGHT OF CREW ACCOMMODATION.

(1) In every ship the height of the crew accommodation measured from the top of the floor beams to the top of the crown beams shall be not less than the following:—

In ships of under 1,600 tons: 7 feet.

In ships of 1,600 tons or over: 7 feet 6 inches.

The Secretary may, in respect of store rooms and sanitary accommodation, exempt any ship from the requirements of this paragraph.

(2) Elke slaapkamer wat deel uitmaak van die akkommodasie vir die bemanning moet so gebou wees dat daar 'n oop kopruimte is van minstens 6 voet 3 duim by enige punt in die kamer wat vir vrye beweging beskikbaar is. Die Sekretaris kan enige skip onder 500 ton van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

7. BOU VAN BESKOTTE EN PANEELWERK.

(1) In elke skip moet alle beskotte wat enige gedeelte van die akkommodasie vir die bemanning omsluit of daarin is, behoorlik van staal of ander geskikte materiaal gemaak wees. As die beskotte aan wind en weer blootgestel is, moet hulle van 'n waterdigte en gasdigte konstruksie wees, en vir alle openinge in sulke beskotte moet daar sluitingsmiddels aangebring word sodat hulle waterdig gemaak kan word.

(2) Enige beskotte wat enige gedeelte van die akkommodasie vir die bemanning (behalwe 'n ontspanningsdeurruimte) skei van 'n ruimte wat gebruik word as—

- (a) 'n permanente steenkoolbunker;
- (b) 'n oliebrandstofbunker;
- (c) 'n vrag- of masjienruim;
- (d) 'n lamp- of verfkamer;
- (e) 'n pakkamer wat nie deel van die akkommodasie vir die bemanning uitmaak nie (behalwe 'n droëproviandpakkamer);
- (f) 'n kettingbak; of
- (g) 'n kofferdam,

moet gasdig wees, asook waterdig wees waar dit vir die beskerming van die akkommodasie vir die bemanning nodig is.

(3) Enige beskotte wat enige gedeelte van die akkommodasie vir die bemanning van 'n droëproviandpakkamer skei (of so 'n pakkamer deel uitmaak van die akkommodasie vir die bemanning of nie) moet gasdig wees.

(4) Behoudens die bepalings van paragraaf (5) van regulasie 28, moet enige beskotte wat enige gedeelte van die akkommodasie vir die bemanning van sanitêre akkommodasie of wassery of droogkamer, skeepskombuis of koelpakkamer skei (of sodanige sanitêre akkommodasie, wassery, droogkamer, skeepskombuis of koelpakkamer deel uitmaak van die akkommodasie vir die bemanning of nie) gasdig en waterdig wees, tot op so 'n hoogte as wat nodig is om die deurloop van water in die aangrensende ruimte te voorkom. In die besonder moet enige beskotte wat sanitêre akkommodasie van enige ander gedeelte van die akkommodasie vir die bemanning skei, behalwe in 'n deuropening, waterdig wees tot op 'n hoogte van minstens 9 duim bokant die vloer van die sanitêre akkommodasie. Met dien verstande dat die voorskrifte van hierdie paragraaf nie op beskotte wat onderstaande vanmekaar skei, van toepassing is nie—

- (a) sanitêre akkommodasie van ander sanitêre akkommodasie;
- (b) 'n wassery of droogkamer van 'n ander wassery of droogkamer;
- (c) 'n skeepskombuis van 'n ander skeepskombuis of spens;
- (d) 'n koelpakkamer van 'n ander koelpakkamer; of
- (e) sanitêre akkommodasie wat aangewys is vir die uitsluitende gebruik van een persoon van 'n slaapkamer wat regstreeks daarop uitgaan.

(5) Enige binnepaneelwerk in die akkommodasie vir die bemanning moet van laaghout of ander geskikte materiaal saamgestel word, met 'n oppervlak wat maklik skoongehou kan word. Geen beskotte of binnepaneelwerk mag met veer-en-groefplanke saamgestel word nie, of op so 'n wyse of met sulke materiaal dat insekte daarin kan indring.

8. BODEKKE.

(1) In elke skip wat van staal of ander materiaal gebou is, moet elke dek wat die kruin van enige gedeelte van die akkommodasie vir die bemanning uitmaak (in hierdie regulasie die „bodek” genoem), en aan wind en

(2) Every sleeping room forming part of the crew accommodation shall be so constructed as to provide a clear headroom of at least 6 feet 3 inches at every point in the room which is available for free movement. The Secretary may exempt any ship of under 500 tons from the requirement of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

7. CONSTRUCTION OF BULKHEADS AND PANELLING.

(1) In every ship all bulkheads enclosing or within any part of the crew accommodation shall be properly constructed of steel or other suitable material. If the bulkheads are exposed to the weather they shall be of watertight and gastight construction, and means of closure shall be provided for all openings in such bulkheads so as to enable them to be made watertight.

(2) Any bulkhead which separates any part of the crew accommodation (other than a recreation deck space) from a space used as—

- (a) a permanent coal bunker;
- (b) an oil fuel bunker;
- (c) a cargo or machinery space;
- (d) a lamp room or paint room;
- (e) a store room not forming part of the crew accommodation (other than a dry provision store room);
- (f) a chain locker; or
- (g) a cofferdam,

shall be gastight, and shall be watertight where necessary to protect the crew accommodation.

(3) Any bulkhead which separates any part of the crew accommodation from a dry provision store room (whether or not such store room forms part of the crew accommodation) shall be gastight.

(4) Subject to the provisions of paragraph (5) of regulation 28 any bulkhead which separates any part of the crew accommodation from sanitary accommodation or from a laundry or drying room, galley or cold store room (whether or not such sanitary accommodation, laundry, drying room, galley or cold store room forms part of the crew accommodation) shall be gastight, and shall be watertight to such height as is necessary to prevent the passage of water into the adjoining space. In particular any bulkhead separating sanitary accommodation from any other part of the crew accommodation shall, except in a doorway, be watertight to a height of at least 9 inches above the floor of the sanitary accommodation. Provided that the requirements of this paragraph shall not apply to bulkheads separating—

- (a) sanitary accommodation from other sanitary accommodation;
- (b) a laundry or drying room from another laundry or drying room;
- (c) a galley from another galley or a pantry;
- (d) a cold store room from another cold store room; or
- (e) sanitary accommodation appropriated for the sole use of one person from a sleeping room from which it may be directly entered.

(5) Any inside panelling in the crew accommodation shall be constructed of plywood or other suitable material with a surface which can be easily kept clean. Neither bulkheads nor inside panelling shall be constructed with tongued and grooved boarding or in a manner or with material likely to harbour vermin.

8. OVERHEAD DECKS.

(1) In every ship constructed of steel or other metal, every deck which forms the crown of any part of the crew accommodation (in this regulation referred to as an “overhead deck”) and is exposed to the weather, shall

weer blootgestel is, van staal of ander metaal saamgestel wees. Die Sekretaris kan enige skip van die voorskrif van hierdie paragraaf vrystel in sover hy oortuig is dat dit vanweë die bestemde diens van die skip nodig is.

(2) Die bokant van elke dek waarna in paragraaf (1) verwys word, moet met hout of met 'n materiaal wat voldoen aan die vereistes soos in die Tweede Bylae gespesifiseer, bedek word. Sodanige bedekking moet behoorlik aangebring word, en as dit plankbedekking is, moet dit behoorlik gekalfater word. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat die onderkante van die bodekke met 'n materiaal (behalwe hout) geïsoleer is en wat aan die vereistes soos in die Derde Bylae gespesifiseer voldoen, en wat so aangebring is dat dit, so ver moontlik, absorpsie van water, kondensasie, oorbring van geraas en die indringing van vuil en insekte sal voorkom.

(3) Elke houtbodek moet mistens $2\frac{1}{2}$ duim dik wees en elke plankbedekking minstens $2\frac{1}{4}$ duim. Die Sekretaris kan enige skip van enige van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

9. BEVLOERING.

(1) In elke skip moet die dekke wat in die akkommodasie vir die bemanning die vloere vorm, behoorlik gemaak word met 'n oppervlakte wat goeie voetsteun bied en wat maklik skoongehou kan word. Die vloerbekleding moet waterdig wees, asook oliedig as die dek bokant 'n olietank is.

(2) Houtdekke wat die vloere in die akkommodasie vir die bemanning vorm moet minstens $2\frac{1}{2}$ duim dik wees en moet behoorlik gelê en gekalfater word. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat die nakoming daarvan onder die omstandighede onredelik of onprakties is.

(3) Die oppervlakte van metaaldekke wat die vloere in die akkommodasie vir die bemanning vorm, met uitsondering van vloere in sanitêre akkommodasie, skepskombuise, pakkamers of wasserye, moet met linoleum of houtplanke bedek word, of met 'n materiaal wat voldoen aan die vereistes soos in die Tweede Bylae gespesifiseer. Die aansluitings van sodanige materiaal met die symure moet op so 'n wyse afgerond word dat dit splete voorkom. Sodanige linoleum, beplanking of materiaal moet behoorlik gelê word.

(4) Die vloere van die sanitêre akkommodasie, skepskombuise en wasserye in die akkommodasie vir die bemanning moet bedek word met terrasso, teëls, of ander harde materiaal wat vir vloei-stowwe ondeurdringbaar is. Die vloerbedekking moet behoorlik gelê word en 'n goeie voetsteun bied. Die aansluitings van die vloere met die symure moet op so 'n wyse afgerond word dat dit splete voorkom.

10. BESKERMING TEEN WIND EN WEER, ENS.

(1) In elke skip moet die toegange tot en die uitgange uit die akkommodasie vir die bemanning so gerangskik, aangebring en op so 'n plek geleë wees dat dit verseker dat die—

- bemanning soveel moontlik teen besering beskerm word;
- akkommodasie vir die bemanning teen wind, weer en see beskerm is;
- akkommodasie vir die bemanning van hitte en koue geïsoleer is;
- akkommodasie vir die bemanning teen vogtigheid weens kondensasie beskerm is;
- akkommodasie vir die bemanning van uitwaseming wat in ander ruimtes van die skip ontstaan, uitgesluit is; en
- akkommodasie vir die bemanning soveel moontlik van geraas wat in ander gedeeltes van die skip ontstaan, uitgesluit is.

be constructed of steel or other metal. The Secretary may exempt any ship from the requirement of this paragraph to the extent to which he is satisfied that it is necessary to do so by reason of the intended service of the ship.

(2) The upper side of every deck referred to in paragraph (1), shall be sheathed with wood or with a material which complies with the requirements specified in the Second Schedule. Such sheathing shall be properly laid and, if it consists of wood, shall be properly caulked. The Secretary may exempt any ship from the requirements of this paragraph to the extent to which he is satisfied that the undersides of the overhead decks are insulated with a material (other than wood) which complies with the requirements specified in the Third Schedule, and which is so fitted as to avoid, as far as possible, absorption of water, condensation, transmission of noise and harbouring of dirt and vermin.

(3) Every wooden overhead deck shall be at least $2\frac{1}{2}$ inches thick and every wooden sheathing shall be at least $2\frac{1}{4}$ inches thick. The Secretary may exempt any ship from either of the requirements of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

9. FLOORING.

(1) In every ship the decks which form the floors in the crew accommodation shall be properly constructed and shall have a surface which provides a good foothold and is capable of being easily kept clean. The floor covering shall be impervious to water and, if the deck is situated on the top of an oil tank, impervious to oil.

(2) Wooden decks which form the floors in the crew accommodation shall be at least $2\frac{1}{2}$ inches thick and shall be properly laid and caulked. The Secretary may exempt any ship from the requirements of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(3) The surface of metal decks which form the floors of the crew accommodation, not being floors in sanitary accommodation, galleys, store rooms or laundries, shall be covered with linoleum or wooden planking, or with a material which complies with the requirements specified in the Second Schedule. The joinings of such material with the side walls shall be rounded in a manner which will avoid crevices. Such linoleum, planking or material shall be properly laid.

(4) The floors of sanitary accommodation, galleys and laundries in the crew accommodation shall be covered with terrazzo, tiles, or other hard material which is impervious to liquids. The floor-covering shall be properly laid and shall provide a good foothold. The joinings of the floors with the side walls shall be rounded in a manner which will avoid crevices.

10. PROTECTION FROM WEATHER, ETC.

(1) In every ship the crew accommodation and the means of access thereto and egress therefrom shall be so arranged and constructed and situated in such a position as to ensure—

- the protection of the crew against injury to the greatest practicable extent;
- the protection of the crew accommodation against the weather and the sea;
- the insulation of the crew accommodation from heat and cold;
- the protection of the crew accommodation against moisture due to condensation;
- the exclusion from the crew accommodation of effluvia originating in other spaces in the ship; and
- the exclusion from the crew accommodation, to the greatest practicable extent, of noise originating in other spaces in the ship.

(2) Sonder om af te doen aan die algemene strekking van die voorgaande paragraaf—

- (a) moet elke opening van 'n oop dek na die akkommodasie vir die bemanning teen wind, weer en see beskerm wees;
- (b) moet die akkommodasie vir die bemanning te alle tye van die oop dek af toeganklik wees;
- (c) moet die toegang na slaapkamers, eetkamers, ontspanningkamers en studeerkamers, wat deel uitmaak van die akkommodasie vir die bemanning, uitgaan vanaf 'n deurgang wat, by enige ingange vanaf die oop dek, van 'n skarnierdeur voorsien is. Die Sekretaris kan enige skip van die voorskrifte van hierdie subparagraaf vrystel in sover hy oortuig is dat nakoming daarvan, vanweë die grootte of die bestemde diens van die skip, onredelik of onprakties is;
- (d) mag boegkluispype nie in die akkommodasie vir die bemanning geleë wees nie. Die Sekretaris kan enige skip onder 400 ton van die voorskrifte van hierdie subparagraaf vrystel;
- (e) mag stoomtoevoer- en -afblaaspype vir die stuurinrigting, wenasse en soortgelyke uitrusting nie deur die akkommodasie vir die bemanning gaan nie. Met dien verstande dat, indien in die geval van enige skip van 500 ton en groter, die Sekretaris oortuig is dat alternatiewe inrigtings onder die omstandighede onredelik of onprakties is, hy kan vergun dat sulke pype, indien behoorlik omhul, deur die deurgange, wat deel uitmaak van die akkommodasie vir die bemanning, mag gaan, onderworpe, in die geval van toevoerpype, aan onderstaande voorwaardes:—
 - (i) Die pype moet van soliede getrokke staal of ander materiaal gemaak wees;
 - (ii) die pype moet van 'n voldoende afmeting wees om die maksimum druk van die skip se stoomketelstelsel te weerstaan;
 - (iii) alle pype moet met aanloopflense aangesluit en behoorlik verbind wees; en
 - (iv) die pype moet van voldoende aftapinrigtings voorsien wees.

Die Sekretaris kan enige skip onder 500 ton van die voorskrifte van hierdie subparagraaf vrystel as hy oortuig is dat afdoende maatreëls getref is om die veiligheid van die bemanning te verseker.

- (f) Al die stoompype, warmwaterpype en warmtewisselaars in die akkommodasie vir die bemanning of wat dit bedien, moet doeltreffend beklee word waar bekleding vir die inhoud van hitte of die beskerming van die bemanning teen besering of ongerief nodig is. Al die kouwaterpype in die akkommodasie vir die bemanning moet doeltreffend beklee word, waar bekleding ter voorkoming van kondensasie nodig is.
- (g) Kettingkluisse en lugkokers na vragruimtes of tenks moet van staal of ander geskikte materiaal gemaak wees, en waar hulle deur enige gedeelte van die akkommodasie vir die bemanning gaan, moet hulle gasdig wees.
- (h) Batterie vir die werking van die skip se radioinstallasie, as daar is, mag nie in slaapkamers van die bemanning geplaas word nie, en voorsorgsmaatreëls moet getref word om te verseker dat dampe van sulke batterie nie enige deel van die akkommodasie vir die bemanning kan binnedring nie.
- (i) Die beskotte en die dele van die skip se boorde wat die akkommodasie vir die bemanning omsluit, moet op so 'n wyse geïsoleer word dat dit oorverhitting van die akkommodasie sal voorkom, en moet afgedek word met 'n beskermende bekleding wat kondensasie van vogtigheid sal voorkom. Die Sekretaris kan enige skip van die voorskrifte van hierdie subparagraaf vrystel vir sover hy oortuig is dat die akkommodasie vir die bemanning deur sy ligging en ventilasie teen oorverhitting en kondensasie afdoende beskerm is.

(2) Without prejudice to the generality of the foregoing paragraph—

- (a) every opening from an open deck into the crew accommodation shall be protected against the weather and the sea;
- (b) the crew accommodation shall be accessible at all times from the open deck;
- (c) access to sleeping rooms, mess rooms, recreation rooms and studies forming part of the crew accommodation shall be obtained from a passageway which shall be provided with a hinged door at any entrances from the open deck. The Secretary may exempt any ship from the requirements of this sub-paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable by reason of the size or intended service of the ship;
- (d) bow hawse pipes shall not be situated in the crew accommodation. The Secretary may exempt any ship of under 400 tons from the requirement of this sub-paragraph;
- (e) steam supply and exhaust pipes for steering gear, winches and similar equipment shall not pass through the crew accommodation: Provided that, if in the case of any ship of 500 tons or over, the Secretary is satisfied that alternative arrangements are unreasonable or impracticable in the circumstances, he may permit such pipes, if properly encased, to pass through passageways forming part of the crew accommodation subject, in the case of supply pipes, to the following conditions:—
 - (i) The pipes shall be constructed of solid drawn steel or other suitable material;
 - (ii) the pipes shall be of a scantling sufficient to withstand the maximum pressure from the ship's boiler system;
 - (iii) all connections in the pipes shall be by faced flanges properly jointed; and
 - (iv) the pipes shall be fitted with adequate drainage arrangements.

The Secretary may exempt any ship of under 500 tons from the requirements of this sub-paragraph if he is satisfied that adequate arrangements have been made to ensure the safety of the crew.

- (f) All steam pipes, hot water pipes and calorifiers in or serving the crew accommodation shall be efficiently lagged wherever lagging is necessary for the conservation of heat or the protection of the crew against injury or discomfort. All cold water pipes in the crew accommodation shall be efficiently lagged wherever lagging is necessary for the prevention of condensation.
- (g) Chain pipes, and ventilator trunks to cargo spaces or tanks, shall be made of steel or other suitable material and shall be gastight where they pass through any part of the crew accommodation.
- (h) Batteries for the operation of the ship's radio installation, if any, shall not be placed in any sleeping room provided for the crew, and precautions shall be taken which will ensure that fumes from such batteries cannot discharge into any part of the crew accommodation.
- (i) The bulkheads and the parts of the ship's side which enclose the crew accommodation shall be insulated in a manner which will prevent overheating of the accommodation, and shall be covered with protective covering which will prevent the condensation of moisture. The Secretary may exempt any ship from the requirements of this sub-paragraph to the extent to which he is satisfied that the crew accommodation is adequately protected by its position and ventilation against overheating and condensation.

(j) Elke beskot, afdekking en dek wat die akkommodasie vir die bemanning skei van ander ruimtes in die skip waarin hitte of koue ontwikkel mag word, moet op so 'n wyse geïsoleer word dat dit sal voorkom dat die akkommodasie vir die bemanning deur sodanige hitte of koue of deur kondensasie so getref word dat dit vir die gesondheid en gerief van die bemanning nadelig is.

(k) Elke skip wat gereeld reise na, binne of deur die die trope of die Persiese Golf tydelik onderneem, moet voorsien wees van sonskerms wat onderstaande sal afdek—

- (i) alle oopdekke en boonste dekke wat onmiddellik bokant enige gedeelte van die akkommodasie vir die bemanning geleë is;
- (ii) alle oop kante van skeepskombuise wat op 'n oop dek geleë is;
- (iii) sodanige gedeelte van die dekruimtes wat ooreenkomstig paragraaf (6) van regulasie 22 vir die ontspanning van die bemanning verskaf is, en wat 'n skaduplek van voldoende grootte sal verskaf, met inagneming van die aantal van die bemanning en enige skadu vir sulke ruimtes wat deur oorhangende dekke verskaf word.

Die sonskerms moet met style of op 'n ander geskikte wyse gestut word.

(l) Daar mag tussen die akkommodasie vir die bemanning (behalwe ontspanningsdekrumtes) en enige ruimte wat as 'n pakkamer vir masjienkamer- of dekadefelingsvoorrade gebruik word, geen regstreekse opening wees nie. Die Sekretaris kan—

- (i) enige skip onder 500 ton;
- (ii) enige walvisvanger,

van die voorskrifte van hierdie subparagraaf vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onprakties is.

(m) Daar mag tussen die akkommodasie vir die bemanning (behalwe ontspanningsdekrumtes) en ruimtes wat gebruik word as—

- (i) permanente steenkoolbunkers;
- (ii) oliebrandstofbunkers;
- (iii) vrag- of masjienruime;
- (iv) lamp- of verfkamers;
- (v) pakkamers wat nie deel uitmaak van die akkommodasie vir die bemanning nie (behalwe pakkamers vir masjienkamer- of dekadefelingsvoorrade);
- (vi) kettingbakke; of
- (vii) kofferdamme,

geen regstreekse opening wees nie.

Met dien verstande dat daar 'n regstreekse opening mag wees tussen masjienruime en sanitêre akkommodasie en kleedkamers wat vir die uitsluitende gebruik van offisiere en manskappe van die masjienkamerafdeling voorsien is.

Die Sekretaris kan enige skip van die voorskrifte van hierdie subparagraaf vrystel in sover dit betrekking het op 'n regstreekse opening tussen enige deurgang wat deel uitmaak van die akkommodasie vir die bemanning en engeen van voormelde ruimtes. Die Sekretaris kan verder enige walvisvanger van sodanige voorskrifte vrystel in sover dit betrekking het op 'n regstreekse opening tussen enige masjienruim en enige gedeelte van die akkommodasie vir die bemanning.

(n) Behoudens die bepalings van paragraaf (3) van regulasie 24, paragraaf (6) van regulasie 28 en paragraaf (16) van regulasie 32 mag daar tussen die akkommodasie vir die bemanning (behalwe die ontspanningsdekrumte of deurgange) en enige sanitêre akkommodasie, wassery of droogkamer geen regstreekse openinge wees nie (of sodanige sanitêre akkommodasie, wassery of droogkamer deel uitmaak van die akkommodasie vir die bemanning of nie). Met dien verstande dat niks in hierdie subparagraaf regstreekse openinge tussen ruimtes wat deel uitmaak van sanitêre akkommodasie, of tussen ruimtes wat aangewys is vir gebruik as wassery of droogkamers, belet nie.

(j) Every bulkhead, casing and deck separating the crew accommodation from other spaces in the ship in which heat or cold may be generated, shall be insulated in a manner which will prevent the crew accommodation being so affected by such heat or cold or by condensation as to prejudice the health or comfort of the crew.

(k) Every ship for the time being regularly engaged on voyages to, within or through the Tropics or the Persian Gulf shall be provided with awnings which will cover—

- (i) all exposed decks and house-tops situated immediately above any part of the crew accommodation;
- (ii) all exposed sides of galleys situated on an open deck;
- (iii) such portion of the deck spaces provided for the recreation of the crew in compliance with paragraph (6) of regulation 22 as will provide a shaded area adequate in extent having regard to the number of persons in the crew and to any shade provided for such spaces by overhanging decks.

The awnings shall be supported by stanchions or by other suitable means.

(l) There shall be no direct opening between the crew accommodation (other than recreation deck spaces) and any space used as a store room for engine room stores or deck department stores. The Secretary may exempt—

- (i) any ship of under 500 tons;
- (ii) any whale catcher,

from the requirement of this sub-paragraph to the extent to which he is satisfied that compliance therewith is impracticable in the circumstances.

(m) There shall be no direct opening between the crew accommodation (other than recreation deck spaces) and spaces used as—

- (i) permanent coal bunkers;
- (ii) oil fuel bunkers;
- (iii) cargo or machinery spaces;
- (iv) lamp rooms or paint rooms;
- (v) store rooms not forming part of the crew accommodation (other than store rooms for engine room or deck department stores);
- (vi) chain lockers; or
- (vii) cofferdams.

Provided that there may be a direct opening between machinery spaces and sanitary accommodation and changing rooms provided for the sole use of officers and ratings of the engine rooms department.

The Secretary may exempt any ship from the requirement of this sub-paragraph in so far as it relates to a direct opening between any passageway forming part of the crew accommodation and any of the aforesaid spaces. The Secretary may further exempt any whale catcher from such requirement in so far as it relates to a direct opening between any machinery space and any part of the crew accommodation.

(n) Subject to the provisions of paragraph (3) of regulation 24, paragraph (6) of regulation 28 and paragraph (16) of regulation 32 there shall be no direct opening between the crew accommodation (other than recreation deck spaces or passageways) and any sanitary accommodation, laundry or drying room (whether or not such sanitary accommodation, laundry or drying room forms part of the crew accommodation): Provided that nothing in this sub-paragraph shall prohibit direct openings between spaces forming part of sanitary accommodation, or between spaces appropriated for use as laundries or drying rooms.

- (o) Enige gedeelte van die akkommodasie vir die bemanning wat teen 'n tenk (behalwe die kruin) waarin olie in massa vervoer mag word, aangrensend is, moet, benewens die afskorting tussen die olietenk, ook nog deur 'n gasdigte staalfussenskot geskei word. Die Sekretaris kan enige skip van die voorskrifte van hierdie subparagraaf vrystel as hy oortuig is dat die afskorting tussen die olietenk onder dienstoestande waarskynlik oledig sal bly.
- (p) As enige deel van die akkommodasie vir die bemanning op 'n dek geleë is wat die kruin uitmaak van 'n ruimte waarin olie in massa vervoer mag word, moet sodanige dek oledig wees. Daar mag geen mangate of ander openinge na die olietens in die akkommodasie vir die bemanning wees nie. Die Sekretaris kan enige skip wat gebruik word vir die behandeling van walvisse of vir die vervoer van persone wat diens doen in die vangs of behandeling van walvisse, van die voorskrifte van hierdie subparagraaf vrystel in sover dit betrekking het op mangate of ander openinge in die olietens.
- (q) As enige gedeelte van die akkommodasie vir die bemanning geleë is op 'n dek wat deel uitmaak van die kruin van 'n permanente steenkoolbunker, moet sodanige dek gasdig wees.
- (r) Die toe- en uitgangsmiddels vanaf elke deel van die akkommodasie vir die bemanning moet so geleë wees dat ingeval van brand in enige lamp- of verfkamer in die skip, toe- en uitgang vanaf die akkommodasie vir die bemanning nie belemmer word nie.

11. VERWARMING.

(1) In elke skip, behalwe 'n skip wat uitsluitlik binne die trope of die Persiese Golf gebruik word, moet alle slaapkamers, eetkamers, ontspanningskamers, sanitêre akkommodasie, kantore, studeerkamers en hospitale, wat deel uitmaak van die akkommodasie vir die bemanning, voorsien word van 'n verwarmingstelsel wat blywend geïnstalleer is en in staat is om te verseker dat wanneer die ventilasiestelsel wat ter nakoming van hierdie regulasies vir sulke kamers of akkommodasie verskaf word, in werking is om minstens 15 kubieke voet vars lug per minuut vir elke persoon vir wie die kamer of akkommodasie ontwerp is om op 'n slag te huisves en die temperatuur van die ooplug 0° C. is, die temperatuur daarin op 20° C. in stand gehou kan word in die geval van 'n skip wat gereeld in diens is, behalwe as 'n kusvaarder, en op 15° C. in die geval van enige ander skip. Met dien verstande dat die temperatuur binne 'n waterkloset hoogstens 6° C. bokant die omgewingstemperatuur van die oop lug hoef te wees. As die temperatuur binne enige waterkloset deur warmte vanaf 'n aangrensende kompartement so in stand gehou kan word, is 'n verwarmingstelsel vir daardie waterkloset nie nodig nie.

Die Sekretaris kan—

- (i) enige skip onder 500 ton;
- (ii) enige skip bestem vir gebruik op reis na 'n plek binne die trope of die Persiese Golf met die doel vir uitsluitende diens in daardie gebiede,

van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat die akkommodasie vir die bemanning van stowe wat behoorlik geïnstalleer en voldoende beskut is, of van ander geskikte verwarmingsmiddels voorsien is. Die Sekretaris kan verder enige skip wat uitsluitlik vanaf 1 September tot en met 30 April en uitsluitlik as 'n kusvaarder in diens is, van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat daardie skip van geskikte verwarmingsmiddels deur stoom, warmwater, warmlug of elektrisiteit voorsien is.

(2) Die permanente verwarmingstelsel wat volgens voorgaande paragraaf voorgeskryf is moet met stoom, warmwater of elektrisiteit in werking gestel word, of 'n warmlugtoevoersisteam wees.

- (o) Any part of the crew accommodation which is adjacent to any part (other than the crown) of a tank in which oil may be carried in bulk, shall be separated therefrom by a gastight steel division additional to the division which retains the oil. The Secretary may exempt any ship from the requirement of this sub-paragraph if he is satisfied that the division which retains the oil is likely to remain oiltight under service conditions.
- (p) If any part of the crew accommodation is situated on a deck which forms the crown of a space in which oil may be carried in bulk, such deck shall be oiltight. No manholes or other openings to the oil tanks shall be situated in the crew accommodation. The Secretary may exempt any ship used in treating whales or for the carriage of persons employed in catching or treating whales from the requirements of this sub-paragraph in so far as they relate to manholes or other openings in the oil tanks.
- (q) If any part of the crew accommodation is situated on a deck forming the crown of a permanent coal-bunker, such deck shall be gastight.
- (r) The means of access to and egress from every part of the crew accommodation shall be so situated that in the event of fire in any lamp room or paint room in the ship, access to and egress from the crew accommodation will not be impeded.

11. HEATING.

(1) In every ship other than a ship employed solely within the Tropics or the Persian Gulf, all sleeping rooms, mess rooms, recreation rooms, sanitary accommodation, offices, studies and hospitals forming part of the crew accommodation shall be provided with a heating system which shall be permanently installed and capable of ensuring that, when the ventilation system provided for such rooms or accommodation in compliance with these regulations is working so as to furnish at least 15 cubic feet of fresh air per minute for each person whom the room or accommodation is designed to accommodate at one time and the temperature of the open air is 0° C., the temperature therein can be maintained at 20° C. in the case of a ship regularly employed otherwise than as a coasting ship and 15° C. in the case of any other ship: Provided that the temperature within a water closet shall not be required to be maintained at more than 6° C. above the ambient temperature in the open air. If the temperature within any water closet is capable of being so maintained by heat derived from an adjoining compartment, a heating system shall not be required to be provided in that water closet.

The Secretary may exempt from the requirements of this paragraph—

- (i) any ship of under 500 tons;
- (ii) any ship intended to be engaged on a voyage to a place within the Tropics or the Persian Gulf for the purpose of being employed solely in those areas,

if he is satisfied that the crew accommodation is fitted with stoves which are properly installed and adequately guarded, or with other suitable means of heating. The Secretary may further exempt any ship employed solely between 1st September and 30th April, inclusive, and solely as a coasting ship from the requirements of this paragraph if he is satisfied that the ship is fitted with suitable means of heating by steam, hot water, warm air or electricity.

(2) The permanent heating system required by the foregoing paragraph shall be operated by steam, hot water or electricity, or shall be a system supplying warm air.

(3) Die verwarmingsuitrusting moet so aangelê, geïnstalleer en, indien nodig, beskut word dat dit brandgevaar sal voorkom en op so 'n wyse dat dit vir die bemanning geen gevaar of ongerief uitmaak nie. In die besonder moet daar middels voorsien word, tensy die voorsiening onder die omstandighede onredelik of onprakties is, waardeur, sonder die gebruik van 'n stuk gereedschap of sleutel, die warmteuitstraling van die radiator of ander verwarmingsinrigting wat in enige ruimte aangelê is, aan- en afgesluit, asook verander kan word. Die verwarmingsuitrusting moet so aangelê word dat die werking daarvan nie deur die gebruik of nie-gebruik van enige stuurinrigting, dekmasjinerie, warmtewisselaars of kookuitrusting in die skip geraak word nie.

(4) Wanneer enige lede van die bemanning aan boord van die skip woon of werk en die omstandighede dit vereis, moet die verwarmingstelsel altyd in werking wees: Met dien verstande dat terwyl die skip in 'n hawe is, dit nie nodig is om die verwarmingstelsel in werking te stel nie mits doeltreffende tydelike middels van verwarming vir sulke dele van die akkommodasie vir die bemanning as wat in gebruik is, verskaf word.

12. VERLICHTING.

(1) In elke skip moet elke gedeelte van die akkommodasie vir die bemanning, behalwe spense, wasserye, droogkamers, sluitkaste en pakkamers, behoorlik met natuurlike lig verlig word: Met dien verstande dat as dit onprakties is om enige ruimte in 'n passasierskip of in 'n skip in diens van die walvisvangsbedryf van behoorlike natuurlike lig te voorsien, sodanige verligting, mits daar altyd voldoende elektriese verligting in daardie ruimte beskikbaar is, nie nodig is nie. Die Sekretaris kan enige skip met betrekking tot sanitêre akkommodasie en deurgange van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(2) Die natuurlike verligting in 'n slaapkamer, eetkamer, ontspanningskamer of hospitaalsaal word vir die doel van hierdie regulasie geskik geag as dit voldoende is vir 'n persoon met normale gesigsvermoë om 'n gewone nuusblad op enige punt in die kamer, wat vir vrye beweging oordag en in helder weer beskikbaar is, te lees.

(3) Elke patryspoort in 'n slaapkamer, eetkamer, rookkamer of ontspanningskamer in die akkommodasie vir die bemanning van 'n skip moet oopgemaak kan word: Met dien verstande dat hierdie paragraaf nie op enige patryspoort in 'n passasierskip wat ooreenkomstig die Regulasies in verband met Konstruksie van 'n nie-oopmaaktipe moet wees, van toepassing is nie.

(4) In elke skip van 3,000 ton of groter moet elke sodanige patryspoort minstens 12 duim in deursnee wees. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(5) In elke skip moet 'n elektriese stelsel geïnstalleer word met 'n vermoë om voldoende verligting in elke gedeelte van die akkommodasie vir die bemanning te verskaf. Die elektriese ligte moet so gerangskik word dat dit tot die grootste voordeel van die bemanning is, en in die besonder moet daar aan die koppen van elke bed 'n elektriese leeslamp aangebring word wat vanaf die bed aan- en afgeskakel kan word. 'n Gloeilamp met 'n uitstraling van minstens 200 lumen moet in elke sodanige leeslamp in 'n slaapkamer aangebring word en 'n gloeilamp met 'n uitstraling van minstens 400 lumen moet in elke sodanige lig in 'n hospitaalsaal aangebring word. 'n Doeltreffende alternatiewe stelsel van verligting of elektriese kragbron moet steeds vir verligting van die akkommodasie vir die bemanning beskikbaar wees. Die Sekretaris kan enige skip onder 500 ton van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is en dat ander geskikte kunsmatige verligting in die akkommodasie vir die bemanning verskaf is.

(3) The heating equipment shall be so constructed, installed and, if necessary, shielded as to avoid the risk of fire and not to constitute a source of danger or discomfort to the crew. In particular means shall be provided, unless the provision thereof is unreasonable or impracticable in the circumstances, by which, without the use of a tool or key, the heat emitted by the radiator or other heating device fitted in any space can be turned on and off and varied. The heating equipment shall be so constructed that its operation is not affected by the use or non-use of any steering-gear, deck machinery, calorifiers or cooking appliances in the ship.

(4) The heating system shall be in operation at all times when any members of the crew are living or working on board the ship and circumstances require its use: Provided that while the ship is in port the heating system shall not be required to be in operation if efficient temporary means of heating are provided for such parts of the crew accommodation as are in use.

12. LIGHTING.

(1) In every ship, every part of the crew accommodation other than pantries, laundries, drying rooms, lockers and store rooms, shall be properly lighted by natural light: Provided that if in any space in a passenger ship or in a ship engaged in the whaling industry it is impracticable to provide proper natural lighting, such lighting shall not be required if adequate electric lighting is always available in that space. The Secretary may exempt any ship from the requirements of this paragraph in relation to sanitary accommodation and passageways to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(2) The natural lighting of a sleeping room, mess room, recreation room or hospital ward, shall be deemed to be proper for the purposes of this regulation, if it is sufficient to enable an ordinary newspaper to be read by a person of normal vision at any point in the room, being a point available for free movement, during day time and in clear weather.

(3) Every side scuttle in a sleeping room, mess room, smoking room or recreation room in the crew accommodation of a ship shall be capable of being opened: Provided that this paragraph shall not apply to any side scuttle, being a side scuttle in a passenger ship which is in accordance with the Construction Regulations required to be of a non-opening type.

(4) In every ship of 3,000 tons or over, every such side scuttle shall be at least 12 inches in diameter. The Secretary may exempt any ship from the requirement of this paragraph to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(5) In every ship an electrical system shall be installed which is capable of providing adequate lighting in every part of the crew accommodation. The electric lights shall be so arranged as to give the maximum benefit to the crew, and in particular an electric reading light shall be fitted at the head of each bed and shall be capable of being switched on and off from the bed. A lamp emitting at least 200 lumens shall be fitted in every such reading light in a sleeping room, and a lamp emitting at least 400 lumens shall be fitted in every such light in a hospital ward. An efficient alternative system of lighting or source of electric power shall be always available for lighting the crew accommodation. The Secretary may exempt any ship of under 500 tons from the requirement of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances and that other suitable artificial lighting is provided in the crew accommodation.

(6) (a) Wanneer die lampe en verwerk nuut is, word die elektriese verligting van die ruimtes waarna in subparagraaf (c) verwys word, as voldoende geag as die verligting in die horisontale vlak, gemeet op die punte en op 'n wyse soos in subparagraaf (b) voorgeskryf, konstant is, en onderworpe aan 'n toelating van 10 persent, in stand gehou word teen 'n waarde van minstens dié wat vir elke sodanige ruimte voorgeskryf is.

(b) Die punte waarop verligting gemeet moet word, is as volg:—

- (i) Waar algemene meetpunte vir die verligting van 'n ruimte voorgeskryf word, moet metings geneem word by elke punt halfpad tussen 2 aangrensende lampe en by elke punt halfpad tussen elke lamp en enige posisie op enige grens van die ruimte: Steeds met dien verstande dat waar daar binne enige ruimte 'n deel van daardie ruimte (wat 'n deel uitmaak van daardie ruimte wat vir vrye beweging beskikbaar is) deur 'n inspringende hoek in die grens van die ruimte van die regstreekse strale van 'n lamp beskadu word, die sentrale punt van die gedeelte van die ruimte wat so beskadu word dan ook 'n algemene meetpunt moet wees; en
- (ii) waar besondere meetpunte ook vir 'n ruimte voorgeskryf word, moet die metings daarbenewens by elke sodanige punt geneem word.

In alle gevalle moet metings op 'n hoogte van 2 voet 9 duim bokant die vloer geneem word, behalwe dat in die geval van deurgange, toegangstrappe en oordekte ontspanningsdekrumtes, metings geneem mag word of op 'n hoogte van 2 voet 9 duim bokant die vloer of op die vloeroppervlak, mits dat in die geval van metings wat op 'n vloeroppervlak geneem word die refleksiefaktor van die vloeroppervlak minstens 40 persent moet wees. Verligting van proviandpakkamers moet gemeet word wanneer die kamers leeg is.

(c) Benewens enige ander ligte moet die ruimtes waarna in hierdie subparagraaf verwys word, in elke geval soos daarvoor gespesifiseer van verligting voorsien word:—

(i) *Slaap- en dagkamers.*

2 voetkerse onmiddellik voor enige laai, boekkas, kleresluitkas, klerekas en toiletspieël;

5 voetkerse by enige waskom;

6 voetkerse by enige sitplek by 'n skryftafel of tafel en by minstens die helfte van die oorblywende sitplekke in 'n slaapkamer vir die gebruik van meer as een persoon.

Vir die doel van hierdie ruimtes word leeslampe aan die kopponent van bedde by die bepaling van die verligting in 'n ruimte nie meegereken nie, behalwe in die geval van 'n slaapkamer vir die gebruik van slegs een persoon.

(ii) *Eetkamers.*

2 voetkerse by algemene meetpunte;

5 voetkerse by enige tafel en opwasbak.

(iii) *Ontspanning- en rookkamers.*

2 voetkerse by algemene meetpunte;

5 voetkerse by die ontspanningtafels;

6 voetkerse by enige sitplek by 'n lessenaar of tafel waarop skryfwerk gedoen word en by minstens die helfte van die oorblywende sitplekke.

(iv) *Hospitaalsale.*

2 voetkerse by algemene meetpunte;

5 voetkerse by enige waskom.

Benewens die elektriese leeslamp wat ooreenkomstig paragraaf (5) by die kopponent van elke bed aangebring moet word, moet daar minstens een vaste lamp geïnstalleer word. Die elektriese looplamp wat ooreenkomstig paragraaf (10) van regulasie 32 voorsien moet word, moet minstens 600 lumen uitstraal.

(6) (a) The electric lighting of the spaces referred to in sub-paragraph (c) shall be deemed to be adequate if, when the lamps and paintwork are new, the illumination in the horizontal plane when measured at the points and in the manner prescribed in sub-paragraph (b) is steady and, subject to a tolerance of 10 per cent, is maintained at a value not less than that prescribed for every such space.

(b) The points at which illumination shall be measured shall be as follows:—

- (i) Where general measurement points are prescribed for the illumination of a space, then measurements shall be taken at every point midway between every 2 adjacent lamps and at every point midway between every lamp and any position on any boundary of the space. Provided always that where within any space a part of that space (being a part of that space available for free movement) is shaded from the direct rays of a lamp by a re-entrant angle formed in the boundary of the space, then the central point of the part of the space so shaded shall also be a general measurement point; and
- (ii) where particular measurement points are also prescribed for a space, then measurements shall in addition be taken at every such point.

In all cases measurements shall be taken at a height of 2 feet 9 inches above the floor, except that in the case of passageways, companionways, and covered recreation deck spaces, measurements may be taken either at a height of 2 feet 9 inches above the floor or at floor level, provided that in the case of measurements taken at floor level the reflection factor of the floor surface shall not be less than 40 per cent. Illumination of provision store-rooms shall be measured when the rooms are empty.

(c) In addition to any other lights, the spaces referred to in this sub-paragraph shall be provided with the lighting in each case specified therefor:—

(i) *Sleeping rooms and day rooms.*

2-foot candles immediately in front of any drawer, bookcase, clothes locker, wardrobe and toilet mirror.

5-foot candles at any wash-basin.

6-foot candles at any seat at a writing desk or table, and at not less than half the remaining seats in a sleeping room provided for the use of more than one person.

For the purpose of these spaces, reading lights at the heads of beds shall not be taken into account in determining the illumination of a space except in the case of a sleeping room provided for the use of one person only.

(ii) *Mess rooms.*

2-foot candles at general measurement points.

5-foot candles at any table and sink.

(iii) *Recreation and Smoking Rooms.*

2-foot candles at general measurement points.

5-foot candles at the recreation tables.

6-foot candles at any seat at a writing position at a desk or table and at not less than half the remaining seats.

(iv) *Hospital Wards.*

2-foot candles at general measurement points.

5-foot candles at any wash-basin.

In addition to the electric reading lamp required to be provided at the head of each bed in accordance with paragraph (5), at least one fixed lamp shall be installed. The portable electric lamp required to be provided by paragraph (10) of regulation 32 shall emit at least 600 lumens.

Vir die doeleindes van hierdie ruimtes word leeslampe by die koppenent van bedde by die bepaling van verligting nie meegereken nie, behalwe in die geval van 'n hospitaalsaal vir die gebruik van slegs een persoon.

(v) *Kantore en studeerkamers.*

- 2 voetkerse onmiddellik voor enige laai en enige boekkas;
- 8 voetkerse by elke skryftafel of tafel waarop skryfwerk gedoen word.

(vi) *Sanitêre akkommodasie (met inbegrip van sanitêre akkommodasie in hospitale).*

- waterklosette—3 voetkerse vir verligting van die pot;
- stortbadde—2 voetkerse in die middel van die ruimte;

waskamers en badkamers—

- 3 voetkerse by algemene meetpunte;
- 5 voetkerse by enige waskom of wastrog en by of naby die koppenent van enige bad.

(vii) *Wasserye.*

- 3 voetkerse by algemene meetpunte;
- 5 voetkerse by enige wastrog.

(viii) *Droogkamers.*

- 2 voetkerse in die middel van die ruimte.

(ix) *Skeepskombuise (met inbegrip van bakkerie en spense).*

- 6 voetkerse by werkplekke.

Die lampe moet so gerangskik word dat die tafels vir die bereiding van voedsel, die bokant van die stoof, die opskeptafels en opwasbakke die maksimum hoeveelheid lig ontvang.

(x) *Proviandpakkamers, droë pakkamers.*

- 2 voetkerse by algemene meetpunte;
- 2 voetkerse onmiddellik voor rakke en enige muurkas.

Koelpakkamers: die helfte van die standaard wat vir 'n droë pakkamer voorgeskryf is.

(xi) *Deurgange, toegangstrappe en oordekte ontspanningsdeurruimtes.*

- 2 voetkerse by algemene meetpunte.

'n Lamp moet by of naby die bo-ent van elke trap of leer of luikopening en by of naby deure van enige kaste vir oliepakke of werksklere geplaas word.

13. VENTILASIE.

(1) In elke skip moet die omslote gedeeltes van die akkommodasie vir die bemanning geventileer word deur 'n stelsel wat die lug daarin gedurig suiwer sal hou en vir die gesondheid en gerief van die bemanning voldoende is. Die stelsel moet sodanig wees dat daar onder alle omstandighede van wind, weer en klimaat waaraan die skip gedurende die reise waarvoor hy bestem is om gebruik te word moontlik onderworpe mag wees, bo en behalwe enige patrysporte, boligte, kapluike, deure of ander openinge wat nie uitsluitend vir ventilasie bestem is nie, 'n voldoende lugbeweging gereël kan word.

(2) (a) Elke omslote ruimte wat deel uitmaak van die akkommodasie vir die bemanning en 'n ruimte is wat nie deur 'n meganiese lugkokerstelsel geventileer word nie, moet van 'n natuurlike stelsel van in- en uitlaatventilasie voorsien wees. Elke inlaatventilator wat deel uitmaak van sodanige stelsel en in die oop lug aangebring is, moet van die kaptipe of ander gelykwaardige tipe wees en so aangebring word dat dit, sover doenlik, nie in enige rigting van die wind afgesluit is nie. Geen ventilator mag reg bokant 'n deuropening, trap of uitlaatopening aangebring word nie.

(b) Die deursnee-oppervlak van elke gedeelte van die in- en uitlaatstelsel (behalwe die gedeelte wat slegs vir die droogkamer of sluitkas aangêel is) moet vir elke persoon vir wie se gebruik die ruimte op 'n slag toegewys is, minstens 6 vierkante duim wees, en in geheel minstens 19 vierkante duim op enige punt in die stelsel. Die effektiewe oppervlak van die in- en uitlaatstelsel vir elke

For the purposes of these spaces reading lights at the heads of beds shall not be taken into account in determining illumination except in the case of a hospital ward provided for the use of one person only.

(v) *Offices and Studies.*

- 2-foot candles immediately in front of any drawer and any bookcase.
- 8-foot candles at every writing position at a desk or table.

(vi) *Sanitary Accommodation (including sanitary accommodation in hospitals).*

Water Closets.—3-foot candles in way of the pan.

Shower Spaces.—2-foot candles in the centre of the space.

Washrooms and Bathrooms.

- 3-foot candles at general measurement points.
- 5-foot candles at any wash-basin or washing trough and at or near the head of any bath.

(vii) *Laundries.*

- 3-foot candles at general measurement points.
- 5-foot candles at any washing trough.

(viii) *Drying Rooms.*

- 2-foot candles in the centre of the space.

(ix) *Galleys (including Bakeries and Pantries).*

- 6-foot candles at working positions.

The lamps shall be so disposed as to ensure that the food preparation tables, the range top, the serving tables and the washing up sinks receive the maximum amount of light.

(x) *Provision Store Rooms, Dry Store Rooms.*

- 2-foot candles at general measurement points.
- 2-foot candles immediately in front of shelving and any cupboard.

Cold Store Rooms.—Half the standard prescribed for a Dry Store Room.

(xi) *Passageways, Companionways and covered Recreation Deck Spaces.*

- 2-foot candles at general measurement points.

A lamp shall be placed at or near the head of each stairway or ladder or hatchway and at or near doors of any lockers provided for oilskins or working clothes.

13. VENTILATION.

(1) In every ship the enclosed parts of the crew accommodation shall be ventilated by a system which will maintain the air therein in a state of purity adequate for the health and comfort of the crew. Such system shall be capable of being so controlled as to ensure a sufficiency of air movement under all conditions of weather and climate to which the ship is likely to be subjected during the voyages on which she is intended to be engaged, and shall be additional to any side scuttles, skylights, companions, doors or other apertures not intended solely for ventilation.

(2) (a) Every enclosed space forming part of the crew accommodation being a space not ventilated by a trunked mechanical ventilation system, shall be provided with a natural system of inlet and exhaust ventilation. Every inlet ventilator forming part of such system, being a ventilator situated in the open air, shall be of a cowl or other equally efficient type and shall be so situated that, as far as is practicable, it is not screened from the wind in any direction. No such ventilator shall be situated directly over a doorway, stairway or exhaust opening.

(b) The sectional area of every part of the inlet and exhaust system (other than a part serving only a drying room or locker) shall be at least 6 square inches for each person for whose use at any one time the space is appropriated, and shall not be less than 19 square inches in all at any point in the system. The effective area of the

ruimte moet so ingerig wees dat dit van vol oop na onder tot 'n minimum van 3 vierkante duim vir elke persoon wat die ruimte waarskynlik op 'n slag gebruik, verstel kan word.

(3) Elke omslote ruimte, behalwe koelpakkamer, wat deel uitmaak van die akkommodasie vir die bemanning van enige skip van 3,000 ton of groter, of 'n skip van onder 3,000 ton wat gereeld tydelik gebruik word op reise net binne die gebiede van die trope en die Persiese Golf, moet voorsien wees van 'n meganiese lugkokerstelsel wat voldoen aan die voorskrifte soos in die Eerste Bylae gespesifiseer: Met dien verstande dat sodanige stelsel nie in enige skeepskombuis wat op 'n oop dek geleë is en aan die voorend en die bak- en stuurboordkante aan wind en weer blootgestel is, vereis word nie. Die Sekretaris kan enige skip onder 500 ton van die voorskrifte van hierdie paragraaf vrystel. Die Sekretaris kan verder enige skip van die voorskrifte van hierdie paragraaf vrystel in sover dit betrekking het op die ventilasie van 'n pakkamer vir die bêre van droë proviand as hy oortuig is dat nakoming van die voorskrifte om rede van die ligging van die pakkamer onnodig is.

(4) In die akkommodasie vir die bemanning van elke skip, wat 'n skip is wat nie van 'n meganiese lugkokerstelsel voorsien is nie en 'n skip is wat gereeld tydelik slegs gebruik word op reise in breedtes benoorde noorderbreedte 53° of besuide suiderbreedte 45°, moet daar in elke slaapkamer, eetkamer, ontspanningskamer, studeerkamer, kantoor, skeepskombuis en spens, 'n elektriese waaiër aangebring word. Die Sekretaris kan enige skip onder 500 ton van die voorskrifte van hierdie paragraaf vrystel.

(5) Krag vir die werking van die meganiese lugkokerstelsel of waaiers, na gelang van die geval, moet altoos beskikbaar wees wanneer enige lede van die bemanning aan boord is en omstandighede dit vereis dat sodanige stelsel of waaiers gebruik moet word.

(6) Onderstaande vervangdele moet vir elke grootte elektriese motor wat gebruik word vir die werking van die meganiese lugkokerstelsels in die akkommodasie vir die bemanning verskaf word:—

Vir gelykstroommotors.

- 1 anker.
- 1 veldspoel.
- 1 stel laers.
- 1 stel koolborsels.
- 1 koolborselhouer.

Vir wisselstroommotors.

- 1 stel statorwikkellinge, kompleet met isolasiestukke.
- 1 stel laers.

Die vervangdele moet behoorlik vir opberg verpak wees.

14. WATERAFVOERLEIDING.

(1) In elke skip moet daar vir elke gedeelte van die akkommodasie vir die bemanning op 'n oop dek doeltreffende waterafvoerleidings deur middel van pype of kanale aangelê word, waar sodanige waterafvoerleiding wat uit die see inspoel, nodig is.

(2) Daar mag geen waterleiding uit enige bron (wat nie sanitêre akkommodasie is nie) na die sanitêre akkommodasie, wat deel uitmaak van die akkommodasie vir die bemanning, aangelê word nie.

(3) In elke ruimte wat vir die gebruik van sanitêre akkommodasie beskikbaar gestel is, moet daar een of meer spinpype aangelê word, wat nie vir enige ander ruimte behalwe sanitêre akkommodasie aangelê is nie. Die spinpype moet minstens 2 duim in deursnee wees en aangebring word waar water moontlik op die vloer van die ruimte opgaar: Met dien verstande dat geen spinpyp in wasakkommodasie wat slegs vir een persoon bestem is, vereis word nie.

15. VERFWERK, ENS.

(1) In elke skip moet die binnekante en plafonne van elke gedeelte van die akkommodasie vir die bemanning met enemmel, verf of ander geskikte materiaal geverf word. Die verf, enemmel of ander materiaal moet van 'n goeie kwaliteit en wit of lig van kleur wees.

inlet and exhaust system serving each space shall be capable of being adjusted from fully open down to a minimum of 3 square inches for each person likely to use the space at any one time.

(3) Every enclosed space, other than a cold store room, forming part of the crew accommodation of any ship of 3,000 tons or over, or a ship of under 3,000 tons for the time being regularly engaged only on voyages confined to the areas within the Tropics and the Persian Gulf, shall be provided with a trunked mechanical ventilation system complying with the requirements specified in the First Schedule. Provided that such a system shall not be required in any galley which is situated on an open deck and exposed to the weather on the fore-end and the port and starboard sides. The Secretary may exempt any ship of under 500 tons from the requirement of this paragraph. The Secretary may further exempt any ship from the requirement of this paragraph, in so far as it relates to the ventilation of a store room for the storage of dry provisions, if he is satisfied that compliance with that requirement is unnecessary by reason of the position of the store room.

(4) In the crew accommodation of every ship, being a ship not provided with a trunked mechanical ventilation system and not being a ship for the time being regularly engaged only on voyages in latitudes north of 53° North latitude or south of 45° South latitude, an electric fan shall be fitted in every sleeping room, mess room, recreation room, study, office, galley and pantry. The Secretary may exempt any ship of under 500 tons from the requirement of this paragraph.

(5) Power for the operation of the trunked mechanical ventilation system or fans, as the case may be, shall be available at all times when any members of the crew are on board the ship and circumstances require such system or fans to be used.

(6) The following spare gear shall be provided for each size of electric motor employed to operate a trunked mechanical ventilation system in the crew accommodation:—

For direct current motors.

- 1 armature.
- 1 field coil.
- 1 set of bearings.
- 1 set of carbon brushes.
- 1 brush holder.

For alternating current motors.

- 1 set of stator windings, complete with insulation pieces.
- 1 set of bearings.

The spare gear shall be properly packed for storage.

14. DRAINAGE.

(1) In every ship efficient drainage by pipes or channels shall be provided for every part of the crew accommodation situated on an open deck wherever such drainage is necessary for clearing water shipped from the sea.

(2) There shall be no drainage from any source (not being sanitary accommodation) into the sanitary accommodation forming part of the crew accommodation.

(3) Every space appropriated for use as sanitary accommodation shall be served by one or more scuppers which do not serve any space other than sanitary accommodation. The scuppers shall be at least 2 inches in diameter and shall be situated wherever water is likely to collect on the floor of the space. Provided that no scupper shall be required in washing accommodation appropriated for the sole use of one person.

15. PAINTING, ETC.

(1) In every ship the interior sides and ceilings of every part of the crew accommodation shall be covered with enamel, paint or other suitable material. The paint, enamel or other material shall be of good quality and white or light in colour.

(2) Witkalk of verf wat nitrosellulose bevat, mag nie in die akkommodasie vir die bemanning aangewend word nie.

(3) Die houtdele van meubels en toebehore in die akkommodasie vir die bemanning moet aan die buitekant met verf, vernis, politoer of deur ander geskikte metodes afgewerk word.

(4) Al die verf, politoer en ander afwerkings in die akkommodasie vir die bemanning moet maklik skoon-gemaak kan word en in 'n goeie toestand onderhou word.

16. AFMERKING.

(1) Elke slaapkamer wat deel uitmaak van die akkommodasie vir die bemanning moet binne die kamer, soos in Deel I van die Vierde Bylae gespesifiseer, met merke afgemerk word wat onder die omstandighede toepaslik is.

(2) Elke ruimte, behalwe 'n slaapkamer of 'n oop dek, wat deel uitmaak van die akkommodasie vir die bemanning van so 'n skip, moet of binne die ruimte of op of bokant die deur van so 'n ruimte met merke afgemerk word, soos in Deel II van die Vierde Bylae gespesifiseer, wat onder die omstandighede toepaslik is.

(3) Alle afmerkings wat volgens voorgaande, bepalings van hierdie regulasie voorgeskryf is, moet in duidelike kentekens en op 'n plek in die struktuur van die skip aangebring word wat maklik gesien kan word. Die afmerkings moet in die struktuur ingesny word of andersins op 'n gelykwaardige wyse blywend gemerk word.

(4) Geen ruimte wat deel uitmaak van die akkommodasie vir die bemanning, hetsy binne of buite die ruimte, mag met enige merke afgemerk word wat die indruk kan skep dat die ruimte beskikbaar gestel is vir die gebruik van persone wat in aantal of beskrywing verskil van die persone vir wie se gebruik die ruimte deur die opnemer gesertifiseer is.

17. SLAAPKAMERS.

(1) In elke skip, tensy die omstandighede sodanig is dat geen lede van die bemanning aan boord hoef te slaap nie, moet daar ooreenkomstig die bepalings van hierdie regulasie vir die bemanning slaapkamers verskaf word. Wanneer 'n groot verskil in die nasionale gewoontes en gebruike van groepe van persone in die bemanning dit vereis, moet afsonderlike en gepaste slaapkamers vir hulle verskaf word.

(2) (a) Elke een van onderstaande klasse van persone moet van slaapkamers voorsien word afgesonder van dié wat vir ander klasse verskaf word:—

- (i) Offisiere.
- (ii) Onderoffisiere.
- (iii) Leerlinge.
- (iv) Manskappe van die dekafdeling, behalwe onderoffisiere.
- (v) Manskappe van die masjienkamerafdeling, behalwe onderoffisiere.
- (vi) Manskappe van die spyseniersafdeling, behalwe onderoffisiere.

(b) Elke wag van manskappe moet voorsien word van slaapkamers afgesonder van dié van ander wagt.

Dagwerkers moet voorsien word van slaapkamers afgesonder van dié van waghouders.

Die Sekretaris kan van die voorskrifte van hierdie paragraaf vrystel—

- (i) enige skip onder 200 ton;
- (ii) enige walvisvanger;
- (iii) enige bergingskip; en
- (iv) enige ander skip in sover hy oortuig is dat nakoming van genoemde voorskrifte vanweë die grootte van die skip onredelik of onprakties is.

Die Sekretaris kan verder enige skip wat in die walvisvangsbedryf gebruik word, van die voorskrifte van subparagraaf (b) vrystel.

(3) Die maksimum aantal persone wat in slaapkamers gehuisves word, moet as volg wees:—

- (a) Offisiere met toesig oor 'n afdeling, navigasie-offisiere en offisier-masjiniste met toesig oor 'n wag, en Eerste- of enigste Radio-offisiere: 1 persoon per kamer.

(2) Lime wash or paint containing nitro-cellulose shall not be applied in the crew accommodation.

(3) The wooden parts of the furniture and fittings in the crew accommodation shall be finished externally with paint, varnish, polish or by other suitable means.

(4) All paint, varnish, polish and other finishes in the crew accommodation shall be capable of being easily kept clean and shall be maintained in good condition.

16. MARKING.

(1) Every sleeping room forming part of the crew accommodation shall be marked inside the room with whichever of the markings specified in Part I of the Fourth Schedule is appropriate in the circumstances.

(2) Every space, other than a sleeping room or an open deck, forming part of the crew accommodation of such a ship shall be marked either inside the space or on or over the door to such space with whichever of the markings specified in Part II of the Fourth Schedule is appropriate in the circumstances.

(3) All markings required by the foregoing provisions of this regulation shall be in clear characters and in a readily visible position on the ship's structure. The markings shall be cut into the structure or otherwise marked in an equally permanent manner.

(4) No space forming part of the crew accommodation shall be marked, whether inside or outside the space, with any marking which may be taken to indicate that the space is appropriated for use by persons differing in number or description from the persons for whose use the space has been certified by a surveyor.

17. SLEEPING ROOMS.

(1) In every ship, unless the circumstances are such that no members of the crew are required to sleep on board, sleeping rooms shall be provided for the crew in accordance with the provisions of this regulation. Separate and appropriate sleeping rooms shall be provided wherever required by the widely different national habits and customs of groups of persons in the crew.

(2) (a) Each of the following classes of persons shall be provided with sleeping rooms separate from those provided for the other classes:—

- (i) Officers.
- (ii) Petty Officers.
- (iii) Apprentices.
- (iv) Ratings of the deck department, other than petty officers.
- (v) Ratings of the engine room department, other than petty officers.
- (vi) Ratings of the catering department, other than petty officers.

(b) Every watch of ratings shall be provided with sleeping rooms separate from those of other watches.

Day-men shall be provided with sleeping rooms separate from those of watch-keepers.

The Secretary may exempt from the requirement of this paragraph—

- (i) any ship under 200 tons;
- (ii) any whale catcher;
- (iii) any salvage ship; and
- (iv) any other ship to the extent to which he is satisfied that compliance with the said requirement is unreasonable or impracticable by reason of the size of the ship.

The Secretary may further exempt any ship engaged in the whaling industry from the requirements of sub-paragraph (b).

(3) The maximum number of persons accommodated in sleeping rooms shall be as follows:—

- (a) Officers in charge of a department, navigating and engineer officers in charge of a watch, and First or only Radio Officers: 1 person per room.

- (b) Ander offisiere: Waar ook al prakties, 1 persoon per kamer, en in geen geval meer as 2 persone per kamer nie.
- (c) Leerlinge: Waar ook al prakties, nie meer as drie persone per kamer nie, en in geen geval meer as 4 persone per kamer nie.
- (d) Hoof- of enigste kelner en hoof- of enigste kok, in elk geval in 'n skip van 3,000 ton of groter wat gereeld anders as 'n kusvaarder gebruik word: 1 persoon per kamer.
- (e) Onderoffisiere, maar nie persone waarna in subparagraaf (d) verwys word nie: Waar ook al prakties 1 persoon per kamer, en in geen geval meer as 2 persone per kamer nie.
- (f) Ander manskappe: Waar ook al prakties: 2 of 3 persone per kamer, en in geen geval meer as 4 persone per kamer nie: Met dien verstande dat die Sekretaris in enige passasierskip meer as 4 persone kan toelaat, maar nie meer as 10 nie, en sodanige manskappe kan gehuisves word in een kamer as hy, na oorlegpleging met die eienaar van die skip of met sodanige organisasie wat vir hom verteenwoordigend blyk te wees van eienaars van Suid-Afrikaanse skepe, en met sodanige organisasie as wat vir hom verteenwoordigend blyk te wees van die betrokke manskappe, daarvan oortuig is dat die gerief van daardie manskappe daardeur verbeter sal word.

Die Sekretaris kan enige skip wat gebruik word vir die behandeling van walvisse of vir die vervoer van persone wat diens doen in die vangs of behandeling van walvisse, van die voorskrifte van hierdie paragraaf vrystel in sover as wat dit betrekking het op slaapakkommodasie vir persone wat nie vir die bestuur van die skip in diens is nie. Die Sekretaris kan verder enige walvisvanger van die voorskrifte van subparagraaf (a) vrystel; en enige skip onder 400 ton van die voorskrifte van subparagraaf (a) en (b).

4. (a) Behoudens die bepalings van subparagraaf (b) en (c) moet die minimum vloeroppervlak vir elke persoon in 'n slaapkamer, wat deel uitmaak van die akkomodasie vir die bemanning, as volg wees:—

	Vierkante voet.
In skepe onder 200 ton	12
In skepe van 200 ton of groter maar onder 400 ton	15
In skepe van 400 ton of groter maar onder 800 ton	20
In skepe van 800 ton of groter maar onder 3,000 ton	25
In skepe van 3,000 ton of groter	30

(b) Behoudens die bepalings van subparagraaf (c) moet die minimum vloeroppervlak in 'n slaapkamer in 'n passasierskip 24 vierkante voet per persoon wees as daar meer as 4 manskappe in daardie kamer gehuisves word.

(c) Behoudens die bepalings van hierdie subparagraaf moet die minimum vloeroppervlak vir elke persoon in 'n slaapkamer vir sulke manskappe as waarna in paragraaf (2) van regulasie 39 verwys word (in hierdie subparagraaf „spesiale manskappe” genoem), as volg wees:—

	Vierkante voet.
In skepe van onder 400 ton	14
In skepe van 400 ton of groter maar onder 3,000 ton	18
In skepe van 3,000 ton of groter	20

Die totale vloeroppervlak van die slaapkamers in die skip vir spesiale manskappe moet minstens wees soos volgens subparagraaf (a) voorgeskryf is om voorsien te word vir sodanige aantal manskappe as wat nodig is ter vervanging vir die spesiale manskappe as die spesiale manskappe deur ander manskappe vervang sou word.

- (b) Other Officers: Wherever practicable 1 person per room, and in no event more than 2 persons per room.
- (c) Apprentices: Wherever practicable not more than 3 persons per room, and in no event more than 4 persons per room.
- (d) Chief or only steward and chief or only cook, in either case in a ship of 3,000 tons or over regularly employed otherwise than as a coasting ship: 1 person per room.
- (e) Petty officers not being persons referred to in sub-paragraph (d): Wherever practicable 1 person per room, and in no event more than 2 persons per room.
- (f) Other ratings: Wherever practicable 2 or 3 persons per room, and in no event more than 4 persons per room: Provided that in any passenger ship the Secretary may permit more than 4, but not more than 10, such ratings to be accommodated in one room if he is satisfied, after consultation with the owner of the ship or with such organisation as appears to him to be representative of owners of South African ships, and with such organisation as appears to him to be representative of the ratings concerned, that the comfort of those ratings will thereby be increased.

The Secretary may exempt any ship used in treating whales or for the carriage of persons employed in catching or treating whales, from the requirements of this paragraph in so far as they relate to sleeping accommodation for persons not engaged to work the ship. The Secretary may further exempt any whale catcher from the requirements of sub-paragraph (a); and any ship of under 400 tons from the requirements of sub-paragraphs (a) and (b).

(4) (a) Subject to the provisions of sub-paragraphs (b) and (c), the minimum floor area provided for each person in a sleeping room forming part of the crew accommodation shall be as follows:—

	Square Feet.
In ships of under 200 tons	12
In ships of 200 tons or over but under 400 tons	15
In ships of 400 tons or over but under 800 tons	20
In ships of 800 tons or over but under 3,000 tons	25
In ships of 3,000 tons or over	30

(b) Subject to the provisions of sub-paragraph (c), the minimum floor area provided in a sleeping room in a passenger ship, shall be 24 square feet per person if more than 4 ratings are accommodated in that room.

(c) Subject to the provisions of this sub-paragraph the minimum floor area provided for each person in a sleeping room for such ratings as are referred to in paragraph (2) of regulation 39 (in this sub-paragraph referred to as “special ratings”) shall be as follows:—

	Square Feet.
In ships of under 400 tons	14
In ships of 400 tons or over but under 3,000 tons	18
In ships of 3,000 tons or over	20

The total floor area of the sleeping rooms provided in the ship for special ratings shall not be less than would be required by sub-paragraph (a) to be provided for such number of ratings as would be necessary in substitution for the special ratings if the special ratings were replaced by other ratings.

(d) By die bepaling van die vloeroppervlak van 'n kamer vir die doel van hierdie paragraaf moet ruimtes wat in beslag geneem word deur slaapplekke, kaste, sitplekke of klerekaste bygereken word, en ruimtes wat weens hul klein afmeting of onreëlmatige fatsoen geen meubels kan huisves en nie tot die beskikbare oppervlak vir vrye beweging bydra nie, moet nie bygereken word nie.

18. BEDDE.

(1) Elke slaapkamer in die akkommodasie vir die bemanning moet voorsien word van 'n bed vir elke persoon wat in die kamer gehuisves word.

(2) Die raamwerk van elke bed, en die voorborde of voorrelings daarvan, as daar is, moet van metaal of ander harde, gladde, korrosievaste materiaal gemaak wees. Die raamwerk moet so gemaak wees dat insekte nie daarin kan indring nie. As die raam van die bed van holpype gemaak is moet die raamwerk in die besonder heeltemal gedig en sonder gaatjies wees.

(3) Daar moet na minstens een kant van elke bed onbelemmerde toegang wees, en as die aangrensende kante van twee bedde in dieselfde kamer parallel met mekaar is, of wanneer geprojekteer 'n hoek van minder as 90° met mekaar maak, moet die afstand tussen die twee kante by enige punt minstens 2 voet 6 duim wees as albei bedde in een ry is, of 3 voet in elke ander geval.

(4) Waar bedde teenmekaar is, moet hulle met hout-skerm of ander geskikte materiaal van mekaar geskei word.

(5) Geen bed mag geplaas word—

(a) binne 4 duim van 'n lugkoker wat vir die sirkulasie van warm lug gebruik mag word nie, of

(b) binne 2 duim van 'n beskot of die kant van die skip, tensy die bed so gestut en die kamer so gemaak is om die indringing van vuil of insekte in of naby die bed te voorkom, sodat die bedde goed skoon en droog gehou kan word, en om die vuil word van verfwerk langs die bed so min moontlik te maak.

(6) Bedde mag nie in meer as twee rye gerangskik word nie.

(7) Bedde aan die kant van die skip moet in enkelrye geplaas word, behalwe in 'n kamer waar daar geen patryspoort is nie. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat die bedde in die slaapkamer van patryspoorte verwyder is, en die gerief van die bemanning daardeur verbeter sal word.

(8) (a) Geen bed mag minder as 1 voet vanaf die vloer van die kamer wees nie, gemeet vanaf die onderkant van die matras waarna in paragraaf (10) verwys word.

(b) Die boonste bed in 'n dubbelry moet minstens 2 voet 6 duim wees onder die onderste kant van die dekhoofbalke of ander obstrukties, gemeet vanaf die onderkant van die matras. Die onderkant van die matras in die onderste bed moet minstens 3 voet onder die onderkant van die matras in die boonste bed wees, as die hoogte van die slaapkamer 7 voet 6 duim of meer is, en minstens 2 voet 9 duim onder die onderkant van die matras in die boonste bed, as die hoogte van die slaapkamer minder as 7 voet 6 duim is. Vir die doeleindes van hierdie subparagraaf moet die hoogte van die kamer gemeet word vanaf die bokant van die vloerbalke tot aan die bokant van die kruinbalke.

(c) Die Sekretaris kan—

(i) enige skip onder 500 ton van enige van die voorskrifte van hierdie paragraaf vrystel;

(ii) enige skip van die voorskrifte van subparagraaf (b) van hierdie paragraaf vrystel in sover hy oortuig is dat dit onder die omstandighede onredelik of onprakties is om obstrukties bokant die bedde in die akkommodasie vir die bemanning van daardie skip te verwyder.

(d) In determining the floor area of a room for the purpose of this paragraph, spaces occupied by berths, lockers, seats or chests of drawers shall be taken into account and spaces which by reason of their small size or irregular shape cannot accommodate furniture and do not contribute to the area available for free movement, shall not be taken into account.

18. BEDS.

(1) Every sleeping room in the crew accommodation shall be fitted with a bed for each person accommodated in the room.

(2) The framework of each bed, and the leeboards or lee-rails thereof, if any, shall be constructed of metal or other material which is hard and smooth and unlikely to become corroded. The framework shall be so made as not to be likely to harbour vermin. In particular, if the bed is constructed with tubular frames, the frames shall be completely sealed and without perforations.

(3) There shall be unobstructed access to at least one side of each bed and in particular, if the adjacent sides of two beds in the same room are parallel to each other or when projected make an angle of less than 90° with each other, the distance between those sides at any point shall not be less than 2 feet 6 inches if both beds are in single tier or 3 feet in any other case.

(4) Where beds abut upon each other they shall be separated by screens made of wood or other suitable material.

(5) No bed shall be placed—

(a) within 4 inches of a ventilation trunk which may be used for circulating hot air; or

(b) within 2 inches of a bulkhead or the ship's side, unless the bed is so supported and the room so constructed as to avoid harbouring dirt and vermin in or near the bed, to enable the bedding to be kept clean and dry, and to minimise the soiling of paintwork in way of the bed.

(6) Beds shall not be arranged in tiers of more than two.

(7) Beds placed along the ship's side shall be in single tier, except in a room in which there is no side scuttle. The Secretary may exempt any ship from the requirement of this paragraph to the extent to which he is satisfied that the beds in the sleeping room are clear of side scuttles, and that the comfort of the crew will thereby be increased.

(8) (a) No bed shall be less than 1 foot from the floor of the room measured from the bottom of the mattress referred to in paragraph (10).

(b) The upper bed in a double tier shall be at least 2 feet 6 inches below the lower side of the deck head beams or other obstructions measured from the bottom of the mattress. The bottom of the mattress in the lower bed shall be at least 3 feet below the bottom of the mattress in the upper bed if the height of the sleeping room is 7 feet 6 inches or more, and at least 2 feet 9 inches below the bottom of the mattress in the upper bed if the height of the sleeping room is less than 7 feet 6 inches. For the purposes of this sub-paragraph the height of the room shall be measured from the top of the floor beams to the top of the crown beams.

(c) The Secretary may exempt—

(i) any ship of under 500 tons from any of the requirements of this paragraph;

(ii) any ship from the requirements of sub-paragraph (b) of this paragraph to the extent to which he is satisfied that it is unreasonable or impracticable in the circumstances to remove obstructions above the beds in the crew accommodation of that ship.

(9) (a) Behoudens die bepalinge van subparagraaf (b) moet die afmetings van die bedde vir die bemanning minstens 6 voet 3 duim by 2 voet 3 duim wees, gemeet vanaf die binnekant van die voorborde of voorrelings, as daar is, en reghoekig met mekaar.

(b) Die afmeting van die bedde wat in 'n skip van 3,000 ton of groter vir die Hooftnavigasie-offisier en die Eerste en Tweede offisiërmassjinniste verskaf word, moet minstens 6 voet 3 duim by 2 voet 9 duim wees in 'n passasierskip en minstens 6 voet 3 duim by 3 voet 6 duim in enige ander skip, in elke geval gemeet vanaf die binnekant van die voorborde of voorrelings, as daar is, en reghoekig met mekaar.

(10) Elke bed vir 'n lid van die bemanning moet van 'n veeronderkant of veerondermatras voorsien wees en met 'n matras van materiaal wat dampbestand is en waarin insekte nie maklik kan skuil nie. Elke bed wat bokant 'n ander bed geplaas word, moet aan die onderkant bekleed word met hout, seildoek of ander stofvry materiaal.

19. MEUBELS EN TOEBEHORE IN SLAAPKAMERS.

(1) Elke slaapkamer vir manskappe, behalwe onder-offisiëre, moet van onderstaande toerusting voorsien word:—

(a) Vir elke persoon wat in 'n kamer gehuisves word—

- (i) een laai met 'n ruimte van minstens 2 kubieke voet; en
- (ii) een kleresluitkas of klerekas, in elke geval minstens 5 voet 6 duim hoog met 'n binne-deursnecoppervlak van 315 vierkante duim; die sluitkas of klerekas moet voorsien wees van 'n rak van minstens 9 duim en hoogstens 15 duim onder sy bokant en met toebehore waarvan klere opgehang kan word;
- (iii) minstens een klerehaak, bo en behalwe enige klerehake wat in 'n kleresluitkas of klerekas aangebring is;

(b) 'n tafel van die vaste of klapbladtipe, of 'n skryftafel, of 'n skuifblad of blad bo-op 'n klerelaai-kas;

(c) gemaklike sitbanke, wat vir alle persone wat in die kamer gehuisves word, voldoende is om terselfdertyd op te sit. Sodanige sitbanke moet, bo en behalwe die bedde in die kamer, verskaf word. Die Sekretaris kan enige passasierskip of skip wat in die walvisvangsbedryf gebruik word van die voorskrifte van hierdie subparagraaf vrystel in sover hy oortuig is dat 'n kleiner aantal sitbanke onder die omstandighede voldoende is;

(d) 'n geskikte spieël vir toiletdoeleindes;

(e) 'n geskikte kistie waarin toiletbenodigdhede geplaas kan word;

(f) 'n boekrak;

(g) 'n loper van jute, klapperhaar of ander geskikte materiaal aan een kant van elke bed of ry bedde, na gelang van die geval;

(h) 'n gordyn aangebring by elke bed, tensy die kamer slegs een persoon huisves; en

(i) 'n gordyn aangebring by elke patryspoort, tensy die patryspoort van blindings of songordyne voorsien is.

Die Sekretaris kan enige walvisvanger van enige van die voorskrifte van subparagrafe (f), (g), (h) en (i) vrystel.

(2) Paragraaf (1) is van toepassing op slaapkamers vir onderoffisiëre, onderworpe aan die volgende wysigings en byvoegings:—

(a) vir elke persoon wat in die kamer gehuisves word, moet daar 'n tweede laai met 'n ruimte van minstens 2 kubieke voet verskaf word, bo en behalwe die laai waarna in subparagraaf (a) van paragraaf (1) verwys word;

(b) die kleresluitkaste of klerekaste moet van hardhout wees;

(9) (a) Subject to the provisions of sub-paragraph (b), the size of the beds provided for the crew shall be at least 6 feet 3 inches by 2 feet 3 inches, the measurements being taken inside the leeboards or lee-rails, if any, and at right angles to each other.

(b) The size of the beds provided in a ship of 3,000 tons or over for the Chief Navigating Officer and for the Chief and Second Engineer-Officers shall be at least 6 feet 3 inches by 2 feet 9 inches in a passenger ship and at least 6 feet 3 inches by 3 feet 6 inches in any other ship, the measurements in each case being taken inside the leeboards or lee-rails, if any, and at right angles to each other.

(10) Every bed provided for a member of the crew shall be fitted with a spring bottom or spring under-mattress, and with a mattress made of material which will resist damp and is unlikely to harbour vermin. A bottom of wood, canvas or other dust-proof material shall be fitted to every bed which is fitted above another bed.

19. FURNITURE AND FITTINGS IN SLEEPING ROOMS.

(1) Every sleeping room for ratings other than petty officers shall be provided with the following equipment:—

(a) for each person accommodated in the room—

(i) one drawer having a capacity of at least 2 cubic feet; and

(ii) one clothes locker or wardrobe, in either case at least 5 feet 6 inches in height and 315 square inches in internal sectional area; the locker or wardrobe shall be fitted with a shelf not less than 9 inches and not more than 15 inches below its top and with fittings on which clothes may be hung;

(iii) at least one coat hook in addition to any coat hooks fitted in a locker or wardrobe;

(b) a table of fixed or drop-leaf type, or a desk, or a sliding leaf or top fitted to a chest of drawers;

(c) comfortable seats sufficient to accommodate at one time all the persons accommodated in the room. Such seats shall be provided in addition to the beds in the room. The Secretary may exempt any passenger ship or ship engaged in the whaling industry from the requirements of this sub-paragraph to the extent to which he is satisfied that a lesser number of seats is adequate in the circumstances;

(d) a mirror suitable for toilet purposes;

(e) a cabinet suitable for containing toilet requisites;

(f) a book rack;

(g) a runner of jute, coir or other suitable material at one side of each bed or tier of beds, as the case may be;

(h) a curtain fitted to each bed, unless the room accommodates only one person; and

(i) a curtain fitted to each side scuttle, unless the side scuttle is fitted with blinds or jalousies.

The Secretary may exempt any whale catcher from any of the requirements of sub-paragraphs (f), (g), (h) and (i).

(2) Paragraph (1) shall apply to sleeping rooms for petty officers, subject to the following modifications and additions:—

(a) for each person accommodated in the room, a second drawer having a capacity of at least 2 cubic feet shall be provided in addition to the drawer referred to in sub-paragraph (a) of paragraph (1);

(b) the clothes lockers or wardrobes provided shall be made of hardwood;

(c) elke kamer moet voorsien word van—

(i) 'n geskikte rak waarin gehou kan word—

(a) een drinkwaterbottel; en

(b) een glas vir elke persoon wat in die kamer gehuisves is.

Die rak mag in die binnekant van die kassie vir toiletbenodigdhede aangebring word: Met dien verstande dat 'n rak waarin 'n drinkwaterbottel gehou word, in enige kamer waarin daar drinkwater aangelê is, nie nodig is nie;

(ii) 'n waskom van glasporselein of ander gelykwaardige higiëniese of duursame materiaal, wat toegerus is met 'n doeltreffende en higiëniese afvoer oor die kant of na 'n omslote tenk met 'n suigpyp met 'n meganiese-werkende pomp: Met dien verstande dat in 'n slaapkamer vir onderoffisiere waar wasakkommodasie vanaf die slaapkamer maklik toeganklik is, 'n waskom nie nodig is nie.

(3) In elke slaapkamer waarin daar meer as een onderoffisier of ander manskap gehuisves word, moet elke laai, sluitkas en klerekas van 'n veilige slot of kram en oorslag vir 'n hangslot voorsien word. In elke slaapkamer waarin daar slegs een onderoffisier of ander manskap gehuisves word, moet die sluitkas of klerekas van so 'n slot of kram en oorslag voorsien word.

(4) Behoudens die bepalings van paragraaf (5), moet elke slaapkamer vir offisiere van die volgende toerusting voorsien word:—

(a) Vir elke offisier wat in 'n kamer gehuisves word—

(i) minstens drie laaie met 'n totale ruimte van 10 kubieke voet, of so na moontlik daaraan as wat onder die omstandighede prakties is;

(ii) 'n klerekas van minstens 5 voet 6 duim hoog en met 'n binnedeursneeoppervlak van 460 vierkante duim;

(iii) minstens twee klerehake, bo en behalwe enige klerehake wat in die klerekas aangebring is;

(b) 'n skryftafel met laaie, indien prakties, bo en behalwe voornoemde laaie;

(c) 'n stoel met armleunings;

(d) 'n rusbank, minstens 6 voet lank, of so na moontlik daaraan as wat onder die omstandighede prakties is: Met dien verstande dat die Sekretaris die weglating van die rusbank kan vergun—

(i) as hy oortuig is dat 'n rusbank van voldoende afmeting nie sonder hindernis vir die gerief van die bewoners in die kamer geplaas kan word nie; of

(ii) as die Sekretaris, in die geval van 'n kamer waarin slegs een offisier gehuisves is, na oorleg met sodanige organisasie as wat vir hom verteenwoordigend blyk te wees van die klas van die betrokke offisier, oortuig is dat 'n ten volle gestoffeerde gemakstoel met vaste armleunings in die kamer verskaf is;

(e) 'n geskikte spieël vir toiletdoeleindes;

(f) 'n geskikte kassie waarin toiletbenodigdhede geplaas kan word;

(g) 'n geskikte rak waarin gehou kan word—

(i) een drinkwaterbottel, en

(ii) een glas vir elke offisier wat in die kamer gehuisves is.

Die rak mag in die binnekant van die kassie vir toiletbenodigdhede aangebring word: Met dien verstande dat 'n rak waarin 'n drinkwaterbottel gehou word, in enige kamer waarin daar drinkwater aangelê is, nie nodig is nie;

(h) 'n waskom van glasporselein of ander gelykwaardige higiëniese en duursame materiaal wat toegerus is met 'n doeltreffende en higiëniese afvoer oor die kant of na 'n omslote tenk met 'n suigpyp met 'n meganiese-werkende pomp: Met dien verstande dat in 'n slaapkamer waar wasgeriewe vanaf 'n slaapkamer maklik toeganklik is, 'n waskom nie nodig is nie;

(c) each room shall be provided with—

(i) a rack suitable for holding—

(a) one drinking-water bottle; and

(b) one tumbler for each person accommodated in the room.

The rack may be fitted inside the cabinet for toilet requisites: Provided that a rack for holding a drinking-water bottle shall not be required in any room in which a supply of drinkingwater is laid on;

(ii) a wash-basin of vitreous china or other equally hygienic and durable material, which shall be fitted with an efficient and hygienic discharge overside or to an enclosed tank with a suction pipe served by a mechanically operated pump: Provided that a wash-basin shall not be required to be fitted in a sleeping room for petty officers if washing accommodation is readily accessible from the sleeping room.

(3) In every sleeping room in which more than one petty officer or other rating is accommodated, every drawer, locker and wardrobe shall be fitted with a secure lock or hasp for a padlock. In every sleeping room in which only one petty officer or other rating is accommodated, the locker or wardrobe shall be fitted with such a lock or hasp.

(4) Subject to the provisions of paragraph (5), every sleeping room for officers shall be provided with the following equipment:—

(a) For each officer accommodated in the room—

(i) at least three drawers with a total capacity of 10 cubic feet or as near thereto as is practicable in the circumstances;

(ii) a wardrobe at least 5 feet 6 inches in height and 460 square inches in internal sectional area;

(iii) at least two coat hooks, in addition to any coat hooks fitted in the wardrobe;

(b) a writing desk fitted, if practicable, with drawers additional to the aforesaid drawers;

(c) a chair with arm rests;

(d) a settee at least 6 feet in length or as near thereto as is practicable in the circumstances: Provided that the Secretary may permit the settee to be dispensed with—

(i) if he is satisfied that a settee of adequate dimensions cannot be placed in the room without interfering with the comfort of the occupants; or

(ii) in the case of a room which accommodates only one officer, if the Secretary has consulted with such organisation as appears to him to be representative of the class of officer concerned and is satisfied that a fully upholstered easy chair with closed arms is provided in the room;

(e) a mirror suitable for toilet purposes;

(f) a cabinet suitable for containing toilet requisites;

(g) a rack suitable for holding—

(i) one drinking-water bottle; and

(ii) one tumbler for each officer accommodated in the room.

The rack may be fitted inside the cabinet for toilet requisites: Provided that a rack for holding a drinking-water bottle shall not be required in any room in which a supply of drinkingwater is laid on;

(h) a wash-basin of vitreous china or other equally hygienic and durable material, which shall be fitted with an efficient and hygienic discharge overside or to an enclosed tank with a suction pipe served by a mechanically operated pump: Provided that a wash-basin shall not be required to be fitted in a sleeping room if washing accommodation is readily accessible therefrom;

- (i) 'n spatplaat of ander geskikte middel om die muur bokant die waskom, as daar een is, te beskerm;
- (j) 'n tapytloper van wol of soortgelyke materiaal;
- (k) gordyne aangebring vir elke bed, tensy die kamer slegs een offisier huisves;
- (l) gordyne aangebring vir elke patryspoort, tensy die patryspoort van blindings of songordyne voorsien is;
- (m) 'n boekkas in elke kamer waarin 'n Hoofnavigasie-offisier, Eerste of Tweede offisiermasjini, of in die geval van 'n passasierskip, 'n Eerste Radio-offisier, gehuisves is, en
- (n) 'n boekkas of boekrak in 'n kamer waarin ander offisiere gehuisves is.

Die Sekretaris kan enige skip onder 400 ton van enige van die voorskrifte van subparagrafe (a), (b) en subparagrafe (k) tot en met (n) vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(5) Enige van die toerusting waarna in subparagrafe (b), (c), (d), (m) en (n) van paragraaf (4) verwys word, mag in 'n dagkamer wat vir die alleen gebruik van die betrokke offisiere beskikbaar is, verskaf word, in plaas van hulle slaapkamer. Enige van die uitrusting waarna in subparagrafe (e) tot en met (i) van voormelde paragraaf verwys word, mag in die waskamer wat vir die uitsluitlike gebruik van een offisier beskikbaar gestel is, verskaf word, in plaas van in die slaapkamer van daardie offisier.

(6) Slaapkamers vir leerlinge moet, vir sover dit onder die omstandighede redelik en prakties is, voorsien word van die toerusting waarna in paragraaf (4) verwys word (behalwe 'n boekkas): Met dien verstande dat enige van die toerusting waarna in subparagrafe (b), (c) en (d) van voormelde paragraaf verwys word, in 'n studeerkamer vir die alleen gebruik van die leerlinge verskaf mag word, in plaas van in hulle slaapkamers.

(7) Behoudens voorgaande bepalings van hierdie regulasie, moet alle sluitkaste, klerekaste, tafels, skryftafels, die ongestoffeerde dele van stoele en rusbanke en soortgelyke meublement gemaak wees van gepoleerde hardhout, roesvry metaal of ander gladde en ondeurdringbare materiaal wat nie maklik sal kraak, skeeftrek of roes nie. Alle meubelstukke wat in slaapkamers voorsien word, moet so gemaak wees dat insekte nie maklik daarin kan skuil nie.

20. EETKAMERS.

(1) In elke skip, tensy die omstandighede sodanig is dat geen lede van die bemanning op die dek moet eet nie, moet eetkamers vir die bemanning verskaf word, wat van sodanige afmetings is dat daar vir die grootste aantal persone wat dit op 'n slag gebruik, voldoende ruimte is. Wanneer 'n groot verskil in die nasionale gewoontes en gebruike van groepe van persone in die bemanning dit vereis, moet afsonderlike en gepaste eetkamers vir hulle verskaf word.

(2) Geen eetkamer mag met 'n slaapkamer gekombineer word nie. Die Sekretaris kan enige skip onder 300 ton van die bepalings van hierdie paragraaf vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(3) In elke skip van 500 ton of groter moet die eetkamers vir manskappe afsonderlik wees van dié van die gesagvoerder van die skip of vir offisiere.

(4) In elke skip van 1,000 ton of groter moet 'n enkeleetkamer vir alle offisiere in die skip wees: Met dien verstande dat afsonderlike eetkamers vir offisiere verskaf mag word as hulle slaapkamers in wyd verspreide gedeeltes van die skip is.

(5) In elke skip van 1,000 ton of groter moet daar vir elkeen van die volgende klasse van manskappe eetkamers verskaf word wat afsonderlik is van dié van die ander klasse:—

- (a) Onderoffisiere van die dekafdeling;
- (b) onderoffisiere van die masjienkamerafdeling;
- (c) ander manskappe van die dekafdeling;
- (d) ander manskappe van die masjienkamerafdeling.

- (i) a splash plate or other means of protection for the wall above the wash-basin, if any;
- (j) a carpet runner of wool or similar material;
- (k) curtains fitted to each bed, unless the room accommodates only one officer;
- (l) curtains fitted to each side scuttle, unless the side scuttle is fitted with blinds or jalousies;
- (m) a book case in any room which accommodates a Chief Navigating Officer, Chief Engineer-Officer or Second Engineer-Officer, or in the case of a passenger ship, a First Radio Officer; and
- (n) a book case or book rack in a room which accommodates other officers.

The Secretary may exempt any ship of under 400 tons from any of the requirements of sub-paragraphs (a), (b) and sub-paragraphs (k) to (n) inclusive, to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(5) Any of the equipment referred to in sub-paragraphs (b), (c), (d), (m) and (n) of paragraph (4) may be provided in a day room available for the sole use of the officers concerned, instead of in their sleeping room. Any of the equipment referred to in sub-paragraphs (e) to (i) inclusive of the said paragraph may be provided in washing accommodation appropriated for the exclusive use of one officer instead of in the sleeping room of that officer.

(6) Sleeping rooms for apprentices shall so far as is reasonable and practicable in the circumstances be provided with the equipment (other than a book case) referred to in paragraph (4): Provided that any of the equipment referred to in sub-paragraphs (b), (c) and (d) of the said paragraph may be provided in a study for the sole use of the apprentices instead of in their sleeping rooms.

(7) Subject to the foregoing provisions of this regulation, all lockers, wardrobes, tables, desks, the upholstered parts of chairs and settees and similar furnishings, shall be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded. All furniture provided in sleeping rooms shall be so made as not to be likely to harbour vermin.

20. MESS ROOMS.

(1) In every ship, unless the circumstances are such that no members of the crew are required to mess on board, mess rooms shall be provided for the crew and shall be of such dimensions as will be sufficient to accommodate the greatest number of persons likely to use them at any one time. Separate and appropriate mess rooms shall be provided wherever required by the widely different national habits and customs of groups of persons in the crew.

(2) No mess room shall be combined with a sleeping room. The Secretary may exempt any ship of under 300 tons from the provisions of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(3) In every ship of 500 tons or over the mess rooms provided for ratings shall be separate from those provided for the master of the ship or for officers.

(4) In every ship of 1,000 tons or over a single mess room shall be provided for all officers in the ship: Provided that the officers may be accommodated in separate mess rooms if their sleeping rooms are in widely separated portions of the ship.

(5) In every ship of 1,000 tons or over each of the following classes of ratings shall be provided with mess rooms separate from those provided for the other classes:—

- (a) Petty officers of the deck department;
- (b) petty officers of the engine room department;
- (c) other ratings of the deck department;
- (d) other ratings of the engine room department.

Die Sekretaris kan, behoudens die bepalings van paragraaf (1), die voorsiening van die volgende gekombineerde eetkamers in enige skip vergun:—

- (i) vir onderoffisiere van die dek- en masjienkamer-afdelings;
- (ii) vir onderoffisiere en ander manskappe van die selfde afdeling;
- (iii) vir alle manskappe (behalwe onderoffisiere) van die dek- en masjienkamerafdelings.

Die Sekretaris kan, behoudens die voormelde, vergun dat in enige skip 'n enkeleetkamer vir alle onderoffisiere en ander manskappe van alle afdelings verskaf word, as hy oortuig is dat sodanige reëling verkies word deur of die eienaar van die skip of 'n organisasie wat vir hom verteenwoordigend blyk te wees van eienaars van Suid-Afrikaanse skepe en deur 'n organisasie wat vir hom verteenwoordigend blyk te wees van die betrokke seelui.

(6) In elke skip van 3,000 ton of groter, wat of—

- (a) 'n skip, behalwe 'n kusvaarder is, of
- (b) 'n kusvaarder is met 'n verversingsafdeling van meer as 5 persone,

moet daar eetkamers vir manskappe van die verversingsafdeling verskaf word, wat afsonderlik is van dié wat vir manskappe van ander afdelings verskaf word, tensy die Sekretaris 'n gekombineerde eetkamer vir onderoffisiere en ander manskappe van alle afdelings ooreenkomstig die bepalings van paragraaf (5) vergun.

As daar in enige ander skip geen afsonderlike eetkamer vir manskappe van die verversingsafdeling verskaf is nie, moet daar vir hulle in eetkamers wat vir ander manskappe verskaf is, tafels aangebring word.

(7) Vir leerlinge moet daar 'n afsonderlike eetkamer verskaf word, of tafels in die offiserseetkamer.

(8) Die Sekretaris kan—

- (a) enige passasierskip;
- (b) enige skip wat in die walvisvangsbedryf gebruik word;

van die voorskrifte van hierdie regulasie vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

21. MEUBELS EN TOEBEHORE IN EETKAMERS.

(1) Elke eetkamer wat deel uitmaak van die akkomodasie vir die bemanning moet voorsien word van genoeg tafels om 'n spatie van minstens 20 duim gemeet langs die kant van 'n tafel toe te laat vir elke persoon wat die kamer moontlik terselfdertyd gebruik. Elke tafel moet minstens 24 duim breed wees as stoele aan albei kante van die tafel geplaas word, en minstens 15 duim breed met stoele slegs aan een kant van die tafel. Die tafel moet van so 'n grootte wees en so geplaas word dat dit maklik toeganklik is.

(2) Enkelstoele moet in die eetkamer vir elke persoon wat die kamer te enigertyd gebruik, verskaf word. Sodanige stoele moet van armleunings voorsien wees, tensy stoele met armleunings in 'n ontspanningskamer vir die persone wat die eetkamer gebruik, beskikbaar is: Met dien verstande dat stoele teenaan 'n beskot of die kant van die skip, deur rusbanke vervang mag word. Sodanige rusbanke moet minstens 15 duim breed wees, met gestoffeerde of opgestopte sitplekke, en beklee met materiaal wat teen deurdringing van vuilis en vogtigheid bestand is, en met gemaklike rûens. As die eetkamer beskikbaar gestel is vir die gebruik van offisiere of onderoffisiere, hetsy saam met of sonder ander manskappe, moet die rûens van die rusbanke ook opgestop of gestoffeer wees en beklee met materiaal wat teen deurdringing van vuilis of vogtigheid bestand is.

(3) Elke eetkamer vir persone wat nie hulle eie voedsel verskaf nie, moet voorsien wees van—

- (a) 'n sluitkas of -rak, in elke geval met 'n opbergruimte wat groot genoeg is vir voldoende menasiegerei vir daardie persone; of
- (b) 'n sluitkas met 'n opbergruimte van minstens 15 duim by 15 duim by 12 duim vir elkeen van daardie persone.

Subject to the provisions of paragraph (1), the Secretary may permit the provision in any ship of combined mess rooms as follows:—

- (i) For petty officers of the deck and engine room departments;
- (ii) for petty officers and other ratings of the same department;
- (iii) for all ratings (other than petty officers) of the deck and engine room departments.

Subject as aforesaid the Secretary may further permit the provision in any ship of a single mess room for all petty officers and other ratings of all departments, if he is satisfied that such an arrangement is preferred either by the owner of the ship or by an organisation which appears to the Secretary to be representative of owners of South African ships, and by an organisation which appears to him to be representative of the seamen concerned.

- (6) In every ship of 3,000 tons or over, being either—
- (a) a ship other than a coasting ship; or
- (b) a coasting ship with a catering department of more than 5 persons,

mess rooms shall be provided for ratings of the catering department which shall be separate from those provided for ratings of other departments, unless the Secretary permits a combined mess room for petty officers and other ratings of all departments in accordance with the provisions of paragraph (5).

If in any other ship a separate mess room is not provided for ratings of the catering department, messing accommodation shall be provided for them in mess rooms provided for other ratings.

(7) Apprentices shall be provided with a separate mess room, or with messing accommodation in the officers' mess room.

(8) The Secretary may exempt—

- (a) any passenger ship;
- (b) any ship engaged in the whaling industry;

from the requirements of this regulation to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

21. FURNITURE AND FITTINGS IN MESS ROOMS.

(1) Every mess room forming part of the crew accommodation shall be provided with sufficient tables to allow a space of at least 20 inches measured along the edge of a table, for each person likely to use the room at any one time. Each table shall be at least 24 inches wide if seats are provided on both sides of the table, and at least 15 inches wide if seats are provided only on one side of the table. The table shall be of such a size and so situated as to be readily accessible.

(2) Single chairs shall be provided in the mess room for each person using the room at any one time. Such chairs shall be fitted with arm rests unless chairs with arm rests are available in a recreation room for the persons using the mess room: Provided that settees may be substituted for chairs adjacent to a bulkhead or the ship's side. Such settees shall be at least 15 inches wide and shall be fitted with upholstered or padded seats covered with material impervious to dirt and moisture, and shall be provided with comfortably shaped backs. If the mess room is appropriated for use by officers or petty officers, whether or not together with other ratings, the backs of the settees shall also be padded or upholstered and shall be covered with material impervious to dirt and moisture.

(3) Every mess room provided for persons who do not provide their own food shall be fitted with either—

- (a) a storage locker or rack in either case capable of holding sufficient mess utensils for those persons; or
- (b) a storage locker at least 15 inches by 15 inches by 12 inches in size for each of those persons.

Elke eetkamer vir persone wat hulle eie voedsel verskaf, moet voorsien wees van 'n sluitkas vir elke persoon, met 'n opbergruimte wat groot genoeg is vir sy menasiegerie, tesame met sy voedselvoorraad vir minstens 7 dae. Al die opbergsluitkaste wat ingevolge hierdie paragraaf verskaf word, moet goed geventileer wees, en al sulke sluitkaste vir een persoon moet voorsien wees van 'n slot of kram en oorslag vir 'n hangslot, wat minstens 1 voet bokant die vloeroppervlakte moet wees:

Met dien verstande dat die sluitkaste of -rakke in 'n spens, pakkamer of ander geskikte plek buitekant 'n eetkamer wat maklik daaruit toeganklik is, aangebring mag word. Geen sluitkaste of -rakke wat bestem is vir die opbêre van voedsel, mag in 'n slaapkamer aangebring word nie, tensy dit 'n gekombineerde slaap- en eetkamer is.

(4) 'n Aanregbank, warmplaat, opwasbak en stoomketel of ander middels vanwaar kokende drinkwater altoos beskikbaar is, moet in elke eetkamer aangebring word, tensy sodanige toerusting in 'n spens aangebring is wat vanaf die eetkamer maklik toeganklik is of, in die geval van 'n skip onder 1,000 ton, 'n 'n skeepskombuis. Sodanige toerusting moet van voldoende grootte wees vir die aantal persone wat die kamer moontlik gelyktydig gebruik. As die aanregbank, in die geval van 'n eetkamer vir offisiere of onderoffisiere, in 'n spens aangebring is, moet daar in die eetkamer 'n buffet verskaf word. Vars water moet na die opwasbak en stoomketel aangelê word.

Die Sekretaris kan—

- (a) enige skip onder 1,000 ton van die voorskrif van 'n warmplaat vrystel;
- (b) enige skip onder 500 ton van enige van die voorskrifte van hierdie paragraaf vrystel.

(5) Alle tafels, sluitkaste, aanregbanke en die ongestoffeerde gedeelte van stoele en rusbanke in die eetkamer moet van gepoleerde hardhout, roesvry metaal of ander gladde en ondeurdringbare materiaal gemaak wees, wat nie maklik sal kraak, skeeftrek of roes nie. Alle meubels wat in slaapkamers voorsien word, moet so gemaak wees dat insekte nie maklik daarin kan skuil nie.

(6) Die Sekretaris kan—

- (a) enige passasierskip;
- (b) enige skip wat in die walvisvangsbedryf gebruik word,

van die voorskrifte van hierdie regulasie vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

22. ONTSPANNINGSRUIMTES EN STUDEERKAMERS.

(1) In elke skip van 3,000 ton of groter wat nie as 'n kusvaarder gebruik word nie, moet vir die ontspanning van die offisiere 'n rookkamer verskaf word wat nie met 'n eetkamer gekombineer mag wees nie. Die rookkamer moet van tafels voorsien word, elk met 'n blad met 'n oppervlak van omtrent 4 vierkante voet, en stoele met balievormige sitplekke of gemakstoele wat voldoende is vir minstens een-derde van die aantal offisiere wat dit tegelyk gebruik en vir wie se gebruik die kamer verskaf word, asook 'n boekkas.

(2) In elke kusvaarder van 300 ton of groter of 'n skip onder 3,000 ton wat gereeld anders as 'n kusvaarder gebruik word, moet die eetkamer wat vir die gebruik van die offisiere verskaf is, beskikbaar gestel en gemeubileer word as 'n rookkamer, tensy daar 'n afsonderlike rookkamer vir hulle gebruik beskikbaar is.

(3) In elke skip moet daar in 'n eetkamer of elders vir die manskappe ontspanningsakkommodasie wees wat gerieflik geleë en paslik gemeubileer is. Waar sodanige akkommodasie elders as 'n eetkamer verskaf word, moet daar genoeg sitplek wees vir minstens een-derde van die aantal manskappe wat dit tegelyk gebruik en vir wie die akkommodasie verskaf word. Die Sekretaris kan enige walvisvanger van die voorskrifte van hierdie paragraaf vrystel.

(4) As meer as twee leerlinge in een slaapkamer gehuisves word, moet daar in die skip 'n afsonderlike kamer vir hulle gebruik as studeerkamer beskikbaar gestel word, tensy daar vir hulle 'n ander geskikte plek vir studiedoeleindes beskikbaar is.

Every mess room provided for persons who provide their own food shall be fitted with a storage locker for each person which shall be of sufficient size to be capable of containing his mess utensils together with a supply of food sufficient for him for at least 7 days. All storage lockers provided in compliance with this paragraph shall be adequately ventilated and all storage lockers provided for one person shall be fitted with a lock or hasp for a padlock, and shall be so fixed as to clear the floor by at least 1 foot:

Provided that the lockers or racks may be fitted in a pantry, store room or other suitable place outside a mess room and readily accessible therefrom. No lockers or racks, being lockers or racks intended to contain food, shall be fitted in a sleeping room, not being a sleeping room combined with a mess room.

(4) A dresser, hot-press, sink and boiler or other means from which boiling drinking water shall always be available shall be fitted in each mess room, unless such equipment is fitted in a pantry readily accessible from the mess room or, in the case of a ship of under 1,000 tons, in a galley. Such equipment shall be adequate in size for the number of persons likely to use the room at any one time. If in the case of a mess room provided for officers or petty officers the dresser is fitted in a pantry, a sideboard shall be provided in the mess room. A supply of fresh water shall be laid on to the sink and boiler.

The Secretary may exempt—

- (a) any ship of under 1,000 tons from the requirement of a hot-press;
- (b) any ship of under 500 tons from any of the requirements of this paragraph.

(5) All tables, lockers, dressers and the upholstered parts of chairs and settees in the mess room shall be made of polished hardwood, rustproof metal or other smooth and impervious material not likely to crack, warp or become corroded. All furniture provided in the mess room shall be so made as not to be likely to harbour vermin.

(6) The Secretary may exempt—

- (a) any passenger ship;
- (b) any ship engaged in the whaling industry,

from the requirements of this regulation to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

22. RECREATION SPACES AND STUDIES.

(1) In every ship, being a ship of 3,000 tons or over employed otherwise than as a coasting ship, a smoking room shall be provided for the recreation of the officers, and shall not be combined with a mess room. The smoking room shall be provided with tables each having a top approximately 4 square feet in area and with tub chairs or easy chairs sufficient to accommodate at one time at least one-third of the number of officers for whose use the room is provided, and a bookcase.

(2) In every coasting ship of 300 tons or over or a ship of under 3,000 tons regularly employed otherwise than as a coasting ship, the mess room provided for the officers shall be available and furnished for use as a smoking room, unless a separate smoking room is provided for their use.

(3) In every ship recreation accommodation shall be provided in a mess room or elsewhere for ratings and shall be conveniently situated and appropriately furnished. Where such accommodation is provided elsewhere than in a mess room the seating provided shall be sufficient to accommodate at one time at least one-third of the number of ratings for whom that accommodation is provided. The Secretary may exempt any whale catcher from the requirements of this paragraph.

(4) If more than two apprentices are accommodated in one sleeping room, a separate room shall be provided in the ship for their use as a study, unless another suitable place is available to them for purposes of study.

(5) In elke skip van 500 ton of groter moet 'n boekkas vir alle lede van die bemanning en wat vir alle sodanige lede toeganklik is, verskaf word. Die Sekretaris kan enige walvisvanger van die voorskrifte van hierdie paragraaf vrystel.

(6) In elke skip moet daar op die oep dek vir die bemanning 'n ruimte vir ontspanningsdoeleindes beskikbaar gestel word. Met inagneming van die aantal persone in die bemanning moet die oppervlak van die ruimte, in sover die afmeting van die skip dit toelaat, groot genoeg wees.

(7) Wanneer 'n groot verskil in die nasionale gewoontes en gebruike van die groepe van persone in die bemanning dit vereis, moet afsonderlike en gepaste ontspanningskamers vir hulle verskaf word.

23. KANTOORAKKOMMODASIE.

In elke skip van 3,000 ton of groter, wat nie 'n skip is wat vir die verwerking van walvisse gebruik word of wat vir die vervoer van persone wat vir die vangs of verwerking van walvisse in diens is nie, moet daar twee afsonderlike kamers vir gebruik as kantore verskaf word, en vir dié doel paslik gemeubileer moet word. Een van die kamers moet vir die gebruik van die hoofnavigasie-offisier of die offisiere van die dekadefdeling beskikbaar gestel word, en die ander kamer vir die gebruik van die eerste offisiërmassjins of vir die offisiere van die masjienkameradefdeling. Die kantoorakkommodasie moet in 'n kamer wees wat vir geen ander doel behalwe vir studie-doeleindes gebruik word nie. Met dien verstande dat 'n kantoor wat uitsluitlik vir die gebruik van 'n individuele offisier beskikbaar gestel is, met die dagkamer van daardie offisier gekombineer mag word.

24. WASAKKOMMODASIE.

(1) In elke skip moet elkeen van ondervermelde klasse van persone van wasakkommodasie voorsien word wat afsonderlik is van dié van ander klasse:—

- (a) Offisiere en leerlinge;
- (b) onderoffisiere;
- (c) manskappe, behalwe onderoffisiere:

Met dien verstande dat die Sekretaris, vir die doeleindes van hierdie regulasie met betrekking tot enige skip, kan vergun dat enige kombinasie van voormelde klasse as een klas behandel kan word, as hy oortuig is dat die omstandighede dit vereis.

(2) Die wasakkommodasie moet naby die slaapakkommodasie van die persone wees vir wie se gebruik dit beskikbaar gestel is: Met dien verstande dat 'n gedeelte van die wasakkommodasie vir manskappe van die masjienkameradefdeling aan die masjienkamer en stookruim mag grens. Die Sekretaris kan enige walvisvanger van die voorskrifte van hierdie paragraaf vrystel.

(3) Toegang tot die wasakkommodasie mag nie regstreeks vanaf 'n eetkamer of 'n slaapkamer wees nie, en moet oral waar dit onder die omstandighede redelik en prakties is, vanaf 'n deurgang wees: Met dien verstande dat toegang tot die wasakkommodasie regstreeks mag wees vanaf nie meer as 2 slaapkamers nie waarin hoogstens 4 persone gehuisves is, mits die wasakkommodasie uitsluitlik beskikbaar gestel is vir die gebruik van die persoon of persone wat in daardie slaapkamers gehuisves is.

(4) Onderstaande toerusting moet in die wasakkommodasie van elke klas van persone na wie in paragraaf (1) verwys is, verskaf word:—

- Een bad of stortbad vir elke 8 persone;
- een waskom vir elke 6 persone; en
- een geskikte spieël vir toilet-doeleindes vir elke 6 persone.

en iedere sodanige klas moet van minstens een bad of stortbad en minstens een waskom voorsien word. 'n Addisionele bad of stortbad moet vir enige sodanige klasse waarin die totale aantal persone by 4 of meer 'n meervoud van 8 oorskry, verskaf word, en een addisionele waskom moet vir enige sodanige klasse waarin

(5) In every ship of 500 tons or over, a bookcase shall be provided for, and shall be accessible to, all members of the crew. The Secretary may exempt any whale catcher from the requirements of this paragraph.

(6) In every ship space shall be provided on an open deck for the use of the crew for recreational purposes. The space shall be adequate in area (in so far as the size of the ship allows) having regard to the number of persons in the crew.

(7) Separate and appropriate recreation rooms shall be provided wherever required by the widely different national habits and customs of groups of persons in the crew.

23. OFFICE ACCOMMODATION.

In every ship of 3,000 tons or over, not being a ship used in treating whales or engaged in the carriage of persons employed in catching or treating whales, two separate rooms shall be provided for use as offices and shall be appropriately furnished for that purpose. One of such rooms shall be appropriated for use by the Chief Navigating Officer or the officers of the deck department, and the other for use by the Chief Engineer Officer or for the officers of the engine room department. The office accommodation shall be in a room not used for any other purpose except study: Provided that an office appropriated solely for use by an individual officer may be combined with the day room of that officer.

24. WASHING ACCOMMODATION.

(1) In every ship, each of the following classes of persons shall be provided with washing accommodation separate from that provided for the other classes:—

- (a) Officers and apprentices;
- (b) petty officers;
- (c) ratings other than petty officers:

Provided that the Secretary may, in relation to any ship, permit any combination of the foregoing classes to be treated as one class for the purposes of this regulation, if he is satisfied that the circumstances so require.

(2) The washing accommodation shall be situated close to the sleeping accommodation of the persons for whose use it is appropriated: Provided that part of the washing accommodation for ratings of the engine room department may be adjacent to the engine room and stokehold. The Secretary may exempt any whale catcher from the requirement of this paragraph.

(3) Access to washing accommodation shall not be directly obtained from a mess room or a sleeping room and shall wherever reasonable and practicable in the circumstances be obtained from a passageway: Provided that access to washing accommodation may be obtained directly from not more than 2 sleeping rooms accommodating not more than 4 persons in all, if the washing accommodation is appropriated for use solely by the person or persons accommodated in those sleeping rooms.

(4) The following equipment shall be provided in the washing accommodation for each class of persons referred to in paragraph (1):—

- One bath or shower for every 8 persons;
- one wash-basin for every 6 persons; and
- one mirror suitable for toilet purposes for every 6 persons;

and each of such classes shall be provided with at least one bath or shower and at least one wash-basin. One additional bath or shower shall be provided for any of such classes in which the total number of persons exceeds by 4 or more a multiple of 8, and one additional wash-

die aantal persone by 3 of meer 'n meervoud van 6 oorskry, verskaf word. Vir die doeleindes van hierdie paragraaf—

- (a) word 'n gekombineerde bad en stortbad slegs as 'n bad beskou;
- (b) by die vasstelling van die aantal vereiste baddens en stortbadde, mag—
 - (i) enige private bad of stortbad; of
 - (ii) die persone vir wie se gebruik 'n private bad of stortbad beskikbaar gestel is, nie meegereken word nie;
- (c) by die vasstelling van die aantal vereiste waskomme, mag—
 - (i) enige private waskom; of
 - (ii) die persone vir wie se gebruik 'n private waskom beskikbaar gestel is, nie meegereken word nie;
- (d) 'n bad, stortbad of waskom word as privaat beskou as dit vir die uitsluitlike gebruik van hoogstens vier persone beskikbaar gestel is.

Die Sekretaris kan—

- (i) enige skip waarin die bemanning meer as 100 is;
 - (ii) enige passasierskip wat uitsluitlik gebruik word op reise wat normaal minder as 4 uur duur,
- van enige van die voorskrifte van hierdie paragraaf vrystel.

(5) Die waskomme moet van glasporselein of ander materiaal met 'n gladde en ondeurdringbare oppervlak gemaak wees, wat nie maklik sal kraak, skilfer of roes nie. Elke waskom wat in 'n passasierskip verskaf word en voorsien is van warm- en kouevarswaterkrane moet 'n inhoudsmaat hê van minstens een gelling. Elke ander waskom moet 'n inhoudsmaat hê van minstens $1\frac{1}{2}$ gelling. Vir die doel van hierdie paragraaf moet die inhoudsmaat van waskomme gemeet word tot op 'n vlak van minstens $1\frac{1}{2}$ duim onder die rand van die kom.

(6) Elke bad moet 'n inwendige lengte hê van minstens 4 voet 5 duim, tensy dit met 'n stortbad gekombineer is. Elke bad moet van brandemaljeyster of van 'n ander materiaal met 'n gladde en ondeurdringbare oppervlak wat nie maklik sal kraak, skilfer of roes nie, gemaak wees. Die vloeroppervlak van elke stortbadruimte moet minstens $6\frac{1}{4}$ vierkante voet wees, en elke kant van die ruimte moet minstens 2 voet 6 duim lank wees.

(7) Badde en stortbadde vir enige klas van persone moet aangebring word in of grens aan 'n kamer met waskomme wat vir daardie klas persone voorsien is. Vir privaatheid moet daar vir enige bad of stortbad wat in dieselfde kamer as 'n waskom of enige ander bad of stortbad is, skerms voorsien word, tensy die kamer vir die uitsluitlike gebruik van een persoon beskikbaar gestel is. Die skerms moet gemaak wees van sterk of ondeursigtige materiaal, en moet op minstens drie kante van elke bad en stortbadruimte stewig wees. Waar dit onder die omstandighede redelik en prakties is, moet die skerms voldoende ruimte afskort vir 'n persoon om hom daarin met gerief te ontklee en aan te klee.

(8) Elke waskom, bad en stortbad moet voorsien wees van 'n doeltreffende en higiëniese afloopstelsel en in die besonder moet die vuilwaterpipe so aangebring word dat daar 'n minimum gevaar van verstopping is en op so 'n wyse dat hulle maklik ontstop kan word. Elke stortbadruimte moet van 'n handreling, 'n rand en 'n afsonderlike waterafloop voorsien word. Elke bad en stortbadruimte moet van 'n roosterplank of mat voorsien word.

(9) Aftapkrane met veerbelasting vir warm- en kouevarswater moet teen 'n wand in elke waskamer vir manskappe aangebring word, tensy krane vir warm- en kouevarswater op elke waskom in daardie kamer aangebring

basin shall be provided for any of such classes in which the number of persons exceeds by 3 or more a multiple of 6. For the purposes of this paragraph—

- (a) a bath or shower combined shall be deemed to be only a bath;
- (b) no account shall be taken, in determining the number of baths and showers required, of—
 - (i) any private bath or shower; or
 - (ii) the persons for whose use a private bath or shower is appropriated;
- (c) no account shall be taken in determining the number of wash-basins required, of—
 - (i) any private wash-basin; or
 - (ii) the persons for whose use a private wash-basin is appropriated;
- (d) a bath, shower or wash-basin shall be deemed to be private if it is appropriated for the exclusive use of not more than four persons.

The Secretary may exempt from any of the requirements of this paragraph—

- (i) any ship in which the crew number more than 100;
- (ii) any passenger ship engaged solely on voyages which are normally of less than 4 hours' duration.

(5) The wash-basins shall be made of vitreous china or other material having a smooth and impervious surface not likely to crack, flake or become corroded. Every wash-basin provided in a passenger ship, being a basin fitted with hot and cold fresh-water taps, shall have a capacity of at least 1 gallon. Every other wash-basin shall have a capacity of at least $1\frac{1}{2}$ gallons. The capacity of wash-basins shall be measured for the purposes of this paragraph to a level at least $1\frac{1}{2}$ inches below the rim of the bowl.

(6) Every bath shall be at least 4 feet 5 inches in internal length unless it is combined with a shower. Every bath shall be made of vitreous enamelled iron, or other material having a smooth and impervious surface not likely to crack, flake or become corroded. The floor area of every shower space shall be at least $6\frac{1}{4}$ square feet, and each side of the space shall be at least 2 feet 6 inches long.

(7) Baths and showers provided for any class of persons shall be situated in or adjacent to a room containing wash-basins and provided for that class of persons. Screening shall be provided to ensure privacy for any bath or shower which is in the same room as any wash-basin or any other bath or shower unless the room is appropriated for the sole use of one person. The screening shall be made of robust or opaque material, and shall be rigid on at least three sides of every bath and shower space. The screening shall, wherever reasonable and practicable in the circumstances, enclose sufficient space to permit a person to dress and undress in comfort therein.

(8) Every wash-basin, bath and shower shall be fitted with an efficient and hygienic discharge system and in particular the waste pipes shall be fitted in a manner which will minimise the risk of obstruction and facilitate cleaning. Every shower space shall be provided with a handrail, a kerb and individual drainage. Every bath and shower space shall be provided with a grating or mat.

(9) Spring-loaded draw-off taps for hot and cold fresh water shall be fitted on a wall in every wash room provided for ratings, unless taps for hot and cold fresh water are fitted to each wash-basin in that room. Draw-off taps

is. Aftapkrane vir koue soutwater moet in elke sodanige waskamer aangebring word, tensy daar voldoende middele is om die kamer mee uit te was. Die Sekretaris kan—

- (a) enige skip onder 500 ton, en
- (b) enige walvisvanger,

van die voorskrifte van hierdie paragraaf betreffende warmwaterkrane vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(10) Niks in hierdie regulasie is van toepassing op wasakkommodasie wat deel uitmaak van 'n permanente hospitaal nie, en vir die doeleindes van paragraaf (4) word enige waskom, bad of stortbad in 'n permanente hospitaal nie meegerekend nie.

25. WATERTOEOVOER NA WASAKKOMMODASIE.

(1) In elke skip moet daar 'n toevoer van voldoende vars water vir die waskomme, badde en stortbadde beskikbaar wees. Die toevoer moet voorsien word uit tenks van 'n inhoudsmaat van minstens 10 gelling vir elke lid van die bemanning vir elke dag wat waarskynlik tussen opeenvolgende aanvullings van die water verloop, of op 'n ander ewe doeltreffende wyse. As dienstens vir daardie doel aangebring is, moet hulle direk op die skip se hoofwaswater- of hoofdrinkwateropgaartenks aangesluit wees. In skepe van 1,000 ton of groter moet die nodige uitpomp vir die toevoer van vars water met meganiese aangedrewe pompe gedoen word.

(2) Warm- en kouvarswater moet na alle waskomme, badde en stortbadde aangelê word: Met dien verstande dat—

- (a) in die geval van 'n gekombineerde bad en stortbad dit slegs nodig is om warm- en kouvarswater na die bad of na die stortbad aan te lê; en
- (b) dit nie nodig is om warm- en kouvarswater na die waskomme wat voorsien is vir die uitsluitlike gebruik van manskappe aan te lê nie as dit ooreenkomstig paragraaf (9) van regulasie 24 in dieselfde kamer na aftapkrane met veerbelasting aangelê is.

Kouvarswater moet na alle waskomme, bo en behalwe dié wat ingevolge hierdie regulasies voorgeskryf is en in slaapkamers aangebring is, aangelê word.

(3) Die warmvarswater moet 'n bestendige temperatuur hê van minstens 65° C. en deur termostatische beheerde verwarmingstoestelle of deur ander ewe veilige en doeltreffende wyse voorsien word. Elke stortbad moet voorsien wees van 'n anti-brandmengkraan wat so ingestel is dat die temperatuur van die stortbadwater (hetsy sout- of vars water) oor die strek van die temperatuur tussen die omgewingstemperatuur en 'n temperatuur van tussen 35° C. en 40° C., deur die persoon wat die stortbad gebruik, gereël en verander kan word.

(4) Die Sekretaris kan—

- (a) enige skip onder 500 ton; en
- (b) enige walvisvanger;

van die voorskrifte van hierdie regulasie met betrekking tot die voorsiening van warmwater vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

26. VOORSIENING VAN DRINKWATER.

(1) In elk skip moet daar uit tenks wat vir die doel groot genoeg is, of op 'n ander ewe doeltreffende wyse, drinkwater in die akkommodasie vir die bemanning verskaf word, met inagneming van die aantal persone in die bemanning en die tyd wat waarskynlik tussen opeenvolgende aanvullings van die water verloop. As dienstens vir daardie doel aangebring is, moet hulle direk op die skip se hoofdrinkwateropgaartenks aangesluit wees. In skepe van 3,000 ton of groter moet die nodige pomp vir die toevoer van drinkwater na die akkommodasie vir die bemanning met meganiese aangedrewe pompe gedoen word.

(2) Koudrinkwater moet na krane in die skeepskombuise en spense aangelê word, asook na die eetkamers vir daardie lede van die bemanning vir wie se gebruik en diens spense nie voorsien is nie.

for cold salt water shall be fitted in every such wash room unless there are other adequate means of washing down the room. The Secretary may exempt—

- (a) any ship of under 500 tons; and
- (b) any whale catcher

from the requirements of this paragraph relating to hot water taps to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(10) Nothing in this regulation shall apply to the washing accommodation forming part of a permanent hospital, and for the purposes of paragraph (4) no account shall be taken of any wash-basin, bath or shower fitted in a permanent hospital.

25. SUPPLY OF WATER TO WASHING ACCOMMODATION.

(1) In every ship there shall be available a supply of fresh water sufficient for the wash-basins, baths and showers. The supply shall be provided from tanks of a capacity of at least 10 gallons for each member of the crew for each day likely to elapse between successive replenishments of the water or by other equally efficient means. If service tanks are fitted for that purpose they shall be directly connected with the ship's main washing-water or drinking-water storage tanks. In ships of 1,000 tons or over any pumping necessary for the supply of fresh water shall be by mechanical power.

(2) Hot and cold fresh water shall be laid on to all wash-basins, baths and showers. Provided that—

- (a) in the case of a bath and shower combined, hot and cold fresh water shall be required to be laid on only to the bath or the shower; and
- (b) hot and cold fresh water shall not be required to be laid on to wash-basins provided for the sole use of ratings if it is laid on to spring-loaded draw-off taps in the same room in accordance with paragraph (9) of regulation 24.

Cold fresh water shall be laid on to any wash-basins which are additional to those required by these regulations and are fitted in sleeping rooms.

(3) The hot fresh water shall be at a constant temperature of at least 65° C. and shall be supplied by thermostatically controlled calorifiers or by other equally safe and efficient means. Every shower bath shall be provided with an anti-scalding mixing valve which shall be adjusted so that the temperature of the shower-water (whether salt or fresh) can be varied by the person using a shower over the range of temperatures between the ambient temperature and a temperature of between 35° C. and 40° C.

(4) The Secretary may exempt—

- (a) any ship of under 500 tons; and
- (b) any whale catcher;

from the requirements of this regulation relating to the supply of hot water to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

26. SUPPLY OF DRINKING WATER.

(1) In every ship, a supply of drinking water shall be provided in the crew accommodation from tanks of an adequate capacity for the purpose having regard to the number of persons in the crew and the time likely to elapse between successive replenishments of the water, or by other equally efficient means. If service tanks are fitted for that purpose they shall be directly connected with the ship's main drinking water storage tanks. In ships of 3,000 tons or over any pumping necessary for the supply of drinking water in crew accommodation shall be by mechanical power.

(2) Cold drinking water shall be laid on to taps in the galleys and pantries, and in the mess rooms provided for those members of the crew for whose use and service pantries are not provided.

(3) In elke skip van 1,000 ton of groter wat anders as 'n kusvaarder gebruik word, moet daar middels voorsien word waarby die bemanning tot drinkwater wat deur 'n koeltenk geloop het of op 'n ander geskikte wyse gekoel is, toegang kan kry.

27. WASSERYFASILITEITE, ENS.

(1) In elke skip van 500 ton of groter moet daar was-trôe of ander geskikte fasiliteite aangebring word ten einde die bemanning in staat te stel om hulle klerê te was, en wat vir daardie doel groot genoeg is en van 'n voldoende aantal moet wees. Sodanige trôe moet gemaak wees van of beklee wees met higiëniese en duursame materiaal met 'n gladde en ondeurdringbare oppervlak wat nie maklik sal kraak, skilfer of roes nie. Die trôe of ander fasiliteite moet in 'n kamer wees wat slegs as 'n wassery beskikbaar gestel is. Met dien verstande dat die trôe of ander fasiliteite in die wasakkommodasie van die bemanning mag wees as die verskaffing van 'n afsonderlike wassery onder die omstandighede onredelik of onprakties is. Die trôe of ander fasiliteite moet voorsien word van 'n voldoende toevoer warm- en kouarswater en so gerangskik wees dat dit oorboord of in 'n omslote tenk met 'n meganiese-aangedrewe suigpomp uitmond. Die Sekretaris kan enige walvisvanger van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat die waskompe wat daarin ingevolge regulasie 24 aangebring is, vir die was van klerê geskik is.

(2) In elke skip moet daar kamers wees vir die droogmaak van die klerê van die bemanning, en wat geskei moet wees van slaapkamers, eetkamers, ontspanningskamers, kantore, pakkamers, skepskombuise, spense, en hospitale, en voorsien moet wees van droograkke of -stawe met voldoende ruimte, met inagneming van die aantal persone in die bemanning en die duur van die reise waarop die skip vir gebruik bestem is. Die verwarming van sulke kamers moet onafhanklik van die verwarming van enige ander ruimte in die skip gekontroleer kan word. Die uitlaatventilasie van sulke kamers moet onafhanklik wees van die ventilasie van alle ander ruimtes en die skip, tensy dit 'n meganiese lugkokerstelsel voorsien is: Met dien verstande dat in skeep onder 500 ton 'n droogkamer deur droogkaste of ander geskikte fasiliteite vervang mag word.

(3) In elke skip moet daar goed geventileerde afdelings of sluitkaste wees vir die ophang van oliepakke en werksklere wat deur die bemanning gebruik word. Daar moet afsonderlike afdelings of sluitkaste vir offisiere en manskappe wees. Die afdelings of sluitkaste moet buitekant die slaapkamers van die bemanning wees en op 'n plek wat maklik daaruit bereikbaar is. Die Sekretaris kan enige skip onder 500 ton van enige van die voorskrifte van hierdie paragraaf vrystel.

28. WATERKLOSETTE.

(1) In elke skip moet elkeen van die volgende klasse persone van waterklosette wat afsonderlik van dié vir ander klasse moet wees voorsien word:—

- (a) Offisiere en leerlinge;
- (b) onderoffisiere;
- (c) manskappe, behalwe onderoffisiere:

Met dien verstande dat die Sekretaris, vir die doeleindes van hierdie regulasie, met betrekking tot enige skip kan vergun dat enige kombinasie van voormelde klasse as een klas behandel kan word as hy oortuig is dat omstandighede dit vereis.

(2) (a) Vir elke 8 persone in elkeen van voormelde klasse moet een waterkloset verskaf word, en elkeen van sodanige klasse moet van minstens een waterkloset voorsien word. Een addisionele waterkloset moet vir enige sodanige klasse waarin die totale aantal persone by 4 of meer 'n meervoud van 8 oorskry, verskaf word:

Met dien verstande dat—

- (i) by die vasstelling van die aantal waterklosette wat volgens hierdie subparagraaf voorgeskryf is—
 - (a) enige private waterkloset; of
 - (b) die persone vir wie se gebruik 'n private waterkloset beskikbaar gestel is, nie meegereken word nie;

(3) In every ship of 1,000 tons or over employed otherwise than as a coasting ship, means shall be provided whereby the crew shall obtain access to drinking water which has been cooled by passing through a cooling-tank or by other suitable means.

27. LAUNDRY FACILITIES, ETC.

(1) In every ship of 500 tons or over, washing troughs or other suitable facilities shall be provided to enable the crew to wash their clothes, and shall be adequate in size and sufficient in number for that purpose. Such troughs shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake or become corroded. The troughs or other facilities shall be situated in a room appropriated for use only as a laundry. Provided that the troughs or other facilities may be situated in the crew's washing accommodation if the provision of a separate laundry is unreasonable or impracticable in the circumstances. The troughs or other facilities shall be provided with an adequate supply of hot and cold fresh water, and shall be so arranged as to discharge overboard or into an enclosed tank served by a mechanically operated suction pump. The Secretary may exempt any whale catcher from the requirements of this paragraph if he is satisfied that the wash-basins provided therein in compliance with regulation 24 are suitable for washing clothes.

(2) In every ship, rooms for drying the crew's clothes shall be provided and shall be separate from sleeping rooms, mess rooms, recreation rooms, offices, store rooms, galleys, pantries and hospitals and shall be fitted with racks or rods with sufficient space having regard to the number of persons in the crew and the duration of the voyages on which the ship is intended to be engaged. The heating of such rooms shall be capable of being controlled independently of the heating of any other space in the ship. The exhaust ventilation of such rooms shall be independent of the ventilation of all other spaces in the ship unless it is provided by a trunked mechanical ventilation system: Provided that in ships of under 500 tons drying cabinets or other suitable facilities may be substituted for a drying room.

(3) In every ship, adequately ventilated compartments or lockers shall be provided for hanging oilskins and working clothes used by the crew. Separate compartments or lockers shall be provided for officers and ratings. The compartments or lockers shall be situated outside the sleeping rooms of the crew and in a position readily accessible therefrom. The Secretary may exempt any ship of under 500 tons from any of the requirements of this paragraph.

28. WATER CLOSETS.

(1) In every ship, each of the following classes of persons shall be provided with water closets separate from those provided for the other classes:—

- (a) Officers and apprentices;
- (b) petty officers;
- (c) ratings other than petty officers:

Provided that the Secretary may, in relation to any ship, permit any combination of the foregoing classes to be treated as one class for the purposes of this regulation if he is satisfied that the circumstances so require.

(2) (a) One water closet shall be provided for every 8 persons in each of the classes as aforesaid and each of such classes shall be provided with at least one water closet. One additional water closet shall be provided for any of such classes in which the total number of persons exceeds by 4 or more a multiple of 8:

Provided that—

- (i) in determining the number of water closets required by this sub-paragraph no account shall be taken of—
 - (a) any private water closet; or
 - (b) the persons for whose use a private water closet is appropriated;

(ii) as die aantal persone in enige klas meer as 100 is, moet die aantal waterklosette wat vir daardie klas verskaf word, groter as die volgende wees:—

(a) 13, of

(b) 10, tesame met 4 persent van die aantal persone wat 100 oorskry, bereken tot die volgende heelgetal.

Vir die doeleindes van hierdie subparagraaf word 'n waterkloset as privaat beskou as dit vir die uitsluitlike gebruik van hoogstens 4 persone beskikbaar gestel is.

Die Sekretaris kan enige passasierskip wat uitsluitlik vir reise gebruik word waarvan die normale duur 4 uur nie oorskry nie, van die voorskrifte van hierdie subparagraaf vrystel.

(b) Benewens die waterklosette wat volgens subparagraaf (a) voorgeskryf is, moet daar so 'n aantal waterklosette, indien enige, verskaf word as wat nodig is om die totale aantal waterklosette vir die bemanning as volg te vermeerder:—

In skepe van 500 ton maar onder 800 ton: 3.

In skepe van 800 ton maar onder 3,000 ton: 4.

In skepe van 3,000 ton of groter: 6.

(c) By die vasstelling van die aantal waterklosette wat volgens hierdie paragraaf voorgeskryf is, word enige waterkloset wat deel uitmaak van 'n permanente hospitaal nie meegereken nie.

(3) Die waterklosette moet naby die slaapkamers wees van die persone vir wie hulle verskaf is, en in die besonder moet daar 'n waterkloset naby die slaapkamers van enige radio-offisiere van die bemanning wees as sodanige slaapkamers ver van ander slaapkamers verwyder is.

(4) As die ingang tot 'n waterkloset vanaf 'n oop dek is, moet die ingang, indien prakties, behoorlik afgeskort word.

(5) As die ingang tot die waterklosette wat deel uitmaak van die akkommodasie vir die bemanning vanaf 'n deurgang is wat lei tot ander dele van die akkommodasie vir die bemanning, moet daar 'n voorportaal tje voor die ingang van die waterkloset wees, of waar so 'n voorportaal tje onprakties is, moet daar 'n selfsluitende deur aangebring word. Deure tussen 'n waterkloset en 'n deurgang moet dig afsluit en sonder openinge wees. Die Sekretaris kan enige skip van die voorskrif dat deure dig afsluitend en sonder opening moet wees, vrystel in sover hy oortuig is dat die uitlaatventilasie-inrigting uit die waterkloset die nakoming daarvan onnodig maak.

(6) Toegang tot waterklosette mag nie regstreeks uit 'n eetkamer of slaapkamer wees nie: Met dien verstande dat toegang tot 'n waterkloset regstreeks van hoogstens twee slaapkamers mag wees wat hoogstens vier persone huisves. As drie of vier persone so gehuisves is, moet die waterklosetvoetstuk so afgeskort word dat dit privaat is.

(7) Elke waterkloset moet heeltemal met beskotte omslote wees en van 'n uitlaatventilasie regstreeks na die oop lug voorsien word of na 'n ander waterkloset wat van ventilasie regstreeks na die oop lug voorsien is: Met dien verstande dat 'n waterkloset met 'n afskorting van staal of ander ondeursigtige en stewige materiaal, wat bo en onder oop is, geskei mag word van—

(a) 'n ander waterkloset;

(b) 'n urinaal; of

(c) wasakkommodasie, as die waterkloset voorsien is van 'n meganiese lugkokerstelsel wat die reuk daaruit doeltreffend verwyder.

(8) Elke waterkloset moet so gemaak wees dat dit die skoonmaak daarvan vergemaklik en geen vuilis of insekte daarin kan skuil nie.

(9) Behoudens die bepalinge van paragraaf (10) moet elke waterkloset van die volgende voorsien word:—

(a) 'n Waterklosetvoetstuk van die enkeltipe met—

(i) 'n pot van wit glasporselein of ander geskikte materiaal;

(ii) 'n sitplek van gepolyste hardhout of ander geskikte materiaal, met 'n opening van 4 duim aan die voorkant;

(ii) if the number of persons in any class exceeds 100, the number of water closets provided for that class shall be the greater of the following:—

(a) 13, or

(b) 10, together with 4 per cent of the number of persons in excess of 100, calculated to the next following whole number.

For the purpose of this sub-paragraph a water closet shall be deemed to be private if it is appropriated for the sole use of not more than 4 persons.

The Secretary may exempt from the requirements of this sub-paragraph any passenger ship engaged solely in voyages the normal duration of which does not exceed 4 hours.

(b) In addition to the water closets required by sub-paragraph (a), there shall be provided such number of water closets, if any, as is required to increase the total number of water closets provided for the crew to the following:—

In ships of 500 tons but under 800 tons: 3.

In ships of 800 tons but under 3,000 tons: 4.

In ships of 3,000 tons or over: 6.

(c) In determining the number of water closets required by this paragraph no account shall be taken of any water closet forming part of a permanent hospital.

(3) The water closets shall be situated close to the sleeping rooms of the persons for whom they are provided, and in particular a water closet shall be situated close to the sleeping rooms of any radio officers in the crew if such sleeping rooms are in a position remote from other sleeping rooms.

(4) If the entrance to a water closet is from an open deck, the entrance shall, if practicable, be properly screened.

(5) If the means of entry into water closets forming part of the crew accommodation is from a passageway leading to other parts of the crew accommodation, a lobby shall be provided at the entrance of the water closet, or, where a lobby is not practicable, a self-closing door. Any doors between a water closet and a passageway shall be close fitting and without apertures. The Secretary may exempt any ship from the requirement that the doors shall be close fitting and without apertures to the extent to which he is satisfied that the exhaust ventilation arrangements from the water closet render compliance therewith unnecessary.

(6) Access to water closets shall not be obtained directly from a mess room or sleeping room: Provided that access to a water closet may be obtained directly from not more than two sleeping rooms together accommodating not more than four persons. If the persons so accommodated are three or four in number, the water closet pedestal shall be so screened as to ensure privacy.

(7) Every water closet shall be completely enclosed by bulkheads and shall be provided with exhaust ventilation directly to the open air or to another water closet which is provided with ventilation directly to the open air: Provided that a water closet may be separated by a partition consisting of steel or other opaque and rigid material open at the top and bottom from—

(a) another water closet;

(b) a urinal; or

(c) washing accommodation if the water closet is served by a trunked mechanical ventilation system which effectively removes odours therefrom.

(8) Every water closet shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin.

(9) Subject to the provisions of paragraph (10), every water closet shall be provided with the following:—

(a) A water closet pedestal of single type with—

(i) a pan of white vitreous china or other suitable material;

(ii) a seat of polished hardwood or other suitable material, with an opening of 4 inches at the front;

- (iii) 'n sifon met 'n metaalinspeksieplaat, en
- (iv) 'n doeltreffende lugkoker op die uitlaat aangesluit;

(b) 'n voldoende waterspoeling wat altoos beskikbaar moet wees, en gelei moet word deur self-afsluitende nie-skudtoevoerklappe met 'n afneembare korrosievaste metaalsitplek;

(c) 'n klosetpyp van minstens 4 duim in deursnee en so gemaak dat dit maklik onstop kan word en so dat daar 'n minimum gevaar vir verstopping is; die pyp moet regstreeks oorboord uitmond en van 'n stormklep voorsien word, tensy dit op die hoofrioolafvoer met 'n doeltreffende en higiëniese stelsel aangesluit is;

(d) 'n klosetpapierhouer; en

(e) 'n handleuning of -greep.

(10) Elke waterkloset wat vir die uitsluitlike gebruik van sodanige manskappe as waarna in paragraaf (2) van regulasie 39 verwys word verskaf word moet so ontwerp en toegerus word dat dit aanpas by die nasionale gewoontes en gebruike van daardie manskappe en moet in die besonder voorsien word van—

(a) 'n waterklosetvoetstuk van die enkeltipe met 'n sifonpot van wit glasporselein of ander geskikte materiaal;

(b) 'n inrigting wat die pot met tussenpose van hoogstens 5 minute outomaties deurspoel en 'n voortdurende waterdruppeling voorsien; en

(c) 'n klosetpyp soos dié waarna in subparagraaf (c) van paragraaf (9) verwys word; die pyp moet voorsien wees van 'n metaalinspeksieplaat en voldoende ventilasie.

Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat die waterklosette wat vir voormelde manskappe verskaf is, aan die voorskrifte van paragraaf (9) voldoen en behoorlik geskik gemaak is om by die nasionale gewoontes en gebruike van daardie manskappe aan te pas.

(11) Die bepalings van hierdie regulasie is nie op waterklosette wat deel uitmaak van 'n permanente hospitaal van toepassing nie.

29. SKEEPSKOMBUIS.

(1) Elke skip moet vir die voorbereiding van voedsel vir die bemanning van 'n skeepskombuis voorsien wees, tensy die omstandighede sodanig is dat geen lede van die bemanning aan boord hoef te eet nie.

(2) Die skeepskombuis moet so na moontlik aan die eetkamers van die bemanning wees en enige nodige toerusting moet verskaf word ten einde die voedsel onder alle weersomstandighede in die eetkamers warm op te dis.

(3) Die skeepskombuis moet so geleë wees om sover doenlik te voorkom dat steenkoolstof van die steenkoolstortgeute of bunkerlaaihoofde daar inkom.

(4) Tussen die skeepskombuis en enige slaapkamer mag daar geen regstreekse opening wees nie. Die Sekretaris kan enige skip onder 500 ton van die voorskrifte van hierdie paragraaf vrystel.

(5) Enige skeepskombuis wat op 'n oop dek is, moet van weer-deure voorsien word wat horisontaal in twee verdeel is sodat die boonste helfte onafhanklik van die onderste helfte oopgemaak kan word, as so 'n verdeling vir die verligting, ventilasie of privaatheid van die skeepskombuis of vir die opdis van voedsel daaruit nodig is.

(6) Elke skeepskombuis moet, vir sover dit redelik en prakties is, met natuurlike lig vanaf al die kante en van bo-af verlig word.

(7) Elke skeepskombuis moet van minstens drie vaste punte van kunsmatige verligting voorsien word, een waarvan naby die kookstoof moet wees wat volgens hierdie regulasie vereis word. Die Sekretaris kan enige skip onder 1,000 ton van die voorskrifte van hierdie regulasie vrystel.

(iii) a trap with a metal inspection plate; and

(iv) an efficient ventilator connected to the outlet;

(b) an adequate flush of water, which shall be always available and supplied through self-closing non-concussive supply valves with a portable seating in metal which is not likely to become corroded;

(c) a soil pipe not less than 4 inches in diameter, so constructed as to facilitate cleaning and minimise the risk of obstruction; the pipe shall have a direct overboard outfall fitted with a storm-valve, unless it is connected with a main sewage outfall by an efficient and hygienic system;

(d) a device for holding toilet paper;

(e) a handrail or grip.

(10) Every water closet provided for the exclusive use of such ratings as are referred to in paragraph (2) of regulation 39 shall be designed and equipped in a manner suited to the national habits and customs of those ratings and in particular shall be provided with—

(a) a water closet pedestal of single type with a trapped pan of white vitreous china or other suitable material;

(b) an arrangement which automatically flushes the pan at intervals not exceeding 5 minutes and provides a continuous trickle of water; and

(c) a soil pipe such as is referred to in sub-paragraph (c) of paragraph (9); the pipe shall be provided with a metal inspection plate and efficient ventilation.

The Secretary may exempt any ship from the requirements of this paragraph if he is satisfied that the water closets provided for the aforesaid ratings comply with the requirements of paragraph (9) and have been properly adapted so as to be suited to the national habits and customs of those ratings.

(11) The provisions of this regulation shall not apply to water closets forming part of a permanent hospital.

29. GALLEYS.

(1) Every ship shall be provided with a galley for the preparation of food for the crew, unless the circumstances are such that no members of the crew are required to mess on board.

(2) The galley shall be situated as near as may be to the mess rooms provided for the crew and any necessary equipment shall be provided to enable food to be served hot in the mess rooms under all weather conditions.

(3) The galley shall be situated in a position which will prevent, as far as is practicable, the entry into the galley of coal dust from coal chutes or bunker hatchways.

(4) There shall be no direct opening between the galley and any sleeping room. The Secretary may exempt any ship of under 500 tons from the requirement of this paragraph.

(5) Any galley situated on an open deck shall be provided with weather doors which are horizontally divided into halves, so that the upper half can be opened independently of the lower half, if such a division is necessary for the lighting, ventilation or privacy of the galley or for the service of food therefrom.

(6) Every galley shall, so far as is reasonable and practicable, be lighted by natural lighting from all the sides and from overhead.

(7) Every galley shall be provided with at least three fixed points for artificial lighting, one of which shall be situated close to a cooking range required by this regulation. The Secretary may exempt any ship of under 1,000 tons from the requirements of this paragraph.

(8) As die skeepskombuis op 'n oop dek is, moet daar in die kante en ente van die kombuis vir ventilasiedoeleindes openinge gemaak en van stofdigte skerms voorsien word wat van staal of ander geskikte materiaal gemaak is. Die skerms moet vas aan die struktuur van die kombuis bevestig word. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(9) Elke skeepskombuis moet van suigwaaiers voorsien word wat die uitwaseming van die kooktoestelle daarin sal wegtrek en na die oop lug sal afvoer. Die Sekretaris kan—

(a) enige skip onder 1,000 ton;

(b) enige ander skip as hy oortuig is dat die skeepskombuis so geleë is dat die uitwaseming daaruit slegs na die oop lug afgevoer word; van die voorskrifte van hierdie paragraaf vrystel.

(10) Die vloer van die skeepskombuis moet van geute en spuipype voorsien word wat oorboord of in 'n omslote tenk met 'n meganisaangedrewe suigpomp uitmond. Die plek en aantal geute en spuipype moet sodanig wees dat dit die water op die vloeroppervlak doeltreffend kan afvoer.

(11) Die kooktoestelle in die skeepskombuis moet so gerangskik word dat dit die skoonmaak van die skeepskombuis sal vergemaklik.

(12) Alle kaste en aanrekte in die skeepskombuis moet gemaak word van materiaal wat vir vuilis en vogtigheid ondeurdringbaar is en maklik skoongehou kan word. Al die metaaldele van die kaste en aanrekte moet roesvry wees. Die kaste en aanrekte moet so gemaak wees dat geen vuilis of insekte maklik daar kan indring nie. Die bodems van alle kaste en aanrekte in die skeepskombuis moet of vlak met die dek wees of so aangebring word dat die dekrumte daaronder geredelik vir skoonmaakdoeleindes toeganklik is.

(13) Elke skeepskombuis moet voorsien word van sodanige toerusting dat dit moontlik is om voedsel in voldoende hoeveelhede behoorlik en geredelik voor te berei vir die persone vir wie se diens die skeepskombuis bestem is en om die kookgereedskap higiënies skoon te maak.

(14) Sonder om af te doen aan die algemene strekking van laaste voorgaande paragraaf moet—

(a) elke skeepskombuis voorsien word van een of meer kooktoestelle met—

(i) 'n totale oondkapasiteit van minstens $\frac{1}{4}$ kubieke voet geskik vir braai- en kookdoeleindes; en

(ii) 'n stoofboplaaf- of kooktafeloppervlak wat minstens $\frac{1}{3}$ vierkante voet behoort;

vir elke persoon vir wie se diens die skeepskombuis bestem is.

Die Sekretaris kan enige skip van enige van die voorskrifte van hierdie subparagraaf vrystel in sover dit betrekking het op kooktoestelle vir skeepskombuise wat vir die diens van meer as 60 persone bestem is, of aangaande die oppervlak van enige boplaaf of kooktafel waarin elektrisiteit of hitte-akkumulatie gebruik word, of aangaande die oppervlak van enige toestel waarvan die Sekretaris oortuig is dat dit van 'n buitengewone ontwerp is.

(b) Elke skeepskombuis moet voorsien word van minstens die getal oonde en vuurroosters soos in onderstaande tabel gespesifiseer:—

Getal persone vir wie se diens die skeepskombuis bestem is.	Getal oonde.	Getal vuurroosters.
Hoogstens 20.....	1	1
Meer as 20, maar hoogstens 30.....	2	1
Meer as 30, maar hoogstens 60.....	2	2
Meer as 60.....	3	2

(8) If the galley is situated on an open deck, openings shall be cut in the sides and ends of the galley for ventilation purposes and shall be fitted with dust-tight shutters made of steel or other suitable material and permanently attached to the structure of the galley. The Secretary may exempt any ship from the requirements of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(9) Every galley shall be provided with exhaust fans which will draw off fumes from the cooking appliances therein and discharge the fumes into the open air. The Secretary may exempt from the requirement of this paragraph—

(a) any ship of under 1,000 tons;

(b) any other ship, if he is satisfied that the galley is so situated that the fumes therefrom can discharge only into the open air.

(10) The floor of the galley shall be provided with gutters and with scuppers which shall be led overboard or to an enclosed tank served by a mechanical operated suction pump. The position and number of the gutters and scuppers shall be such as will ensure the efficient drainage of the floor.

(11) The cooking appliances in the galley shall be arranged in a manner which will facilitate the cleaning of the galley.

(12) All cupboards and dressers in the galley shall be made of material which is impervious to dirt and moisture and can easily be kept clean. All metal parts of the cupboards and dressers shall be rustproof. The cupboards and dressers shall be so made as not to be likely to harbour dirt or vermin. The bottoms of all cupboards and dressers in the galley shall either be flush with the deck or shall be so fitted as to enable the deck space beneath them to be readily accessible for cleaning.

(13) Every galley shall be provided with such equipment as will enable food in sufficient quantity to be properly and readily prepared for the persons whom the galley is intended to serve, and the cooking utensils to be hygienically cleaned.

(14) Without prejudice to the generality of the last preceding paragraph—

(a) every galley shall be provided with one or more cooking appliances with—

(i) a total oven capacity, suitable for roasting and baking, of at least $\frac{1}{4}$ cubic foot; and

(ii) an area of range top-plate or boiling table, amounting to at least $\frac{1}{3}$ square foot;

for each person whom the galley is intended to serve. The Secretary may exempt any ship from any of the requirements of this sub-paragraph in so far as they relate to cooking appliances in galleys intended to serve more than 60 persons, or to the area of any top-plate or boiling table in which electricity or heat-storage is employed, or to the area of any appliance which the Secretary is satisfied is of unusual design.

(b) Every galley shall be provided with at least the number of ovens and fire-grates specified in the following table:—

Number of persons whom the galley is intended to serve.	Number of ovens.	Number of fire-grates.
Not more than 20.....	1	1
More than 20, but not more than 30.....	2	1
More than 30, but not more than 60.....	2	2
More than 60.....	3	2

Met dien verstande dat in 'n skeepskombuis waarin daar slegs elektriese of gaskooktoestelle is, geen vuurooster nodig is nie. Die Sekretaris kan enige skip van die vereiste van 'n tweede vuurooster vrystel as hy oortuig is dat voldoende hitte geredelik van een vuurooster beskikbaar is en dat voldoende voorsiening vir vervangdele vir so 'n rooster en vir enige nodige toerusting vir sy behoorlike werking gemaak is.

- (c) Die boplaat van elke kookstoof moet op so 'n hoogte wees dat 'n persoon van normale lengte wat op die vloer van die skeepskombuis staan dit maklik kan bykom, tensy 'n afsonderlike kooktafel op so 'n hoogte aangebring is.

Die Sekretaris kan enige skip van enige van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat nakoming daarvan onnodig is vanweë die reise waarop die skip vir gebruik bestem is of vanweë die nasionale gewoontes en gebruike van die persone vir wie se diens die skeepskombuis bestem is.

(15) Soutwaterkrane mag nie oor 'n opwasbak van enige skeepskombuis of ander plek waar voedsel vir die bemanning voorberei word, aangebring word nie. Warm- en kouevarswater moet na die opwasbak in die skeepskombuis vir opwasdoeleindes aangelê word. In die skeepskombuis moet daar aan 'n waterpyp 'n aansluiting wees, en wat geskik is vir die aansluiting van 'n slang waarmee die vloer geskrop kan word.

30. DROËPROVIANDPAKKAMERS.

(1) In elke skip wat nie 'n skip is waarin elke lid van die bemanning sy eie voedsel voorsien nie, moet daar een of meer pakkamers aangebring word vir die opbêre van droë proviand vir die bemanning. Sodanige kamers moet voorsien word van voldoende rakke, kaste en bakke, met inagneming van die maksimum tydperk wat waarskynlik tussen die opeenvolgende aanvullings van voorrade sal verloop en die maksimum aantal persone vir wie daar voedsel verskaf moet word.

(2) Elke droëproviandpakkamer moet met beskotte van staal of ander geskikte materiaal omsluit word.

(3) Toegang tot elke droëproviandpakkamer moet vanaf 'n deurgang, skeepskombuis, spens of 'n ander pakkamer wees, of van 'n plek op 'n oop dek wat, vir so ver dit onder die omstandighede redelik en prakties is, 'n beskutte plek moet wees.

(4) Elke droëproviandpakkamer moet so geleë, gemaak en geventileer wees om te voorkom dat die voorrade deur hitte, trek of kondensasie of indringing van insekte bederf word.

(5) Sonder om af te doen aan die algemene strekking van voorgaande paragraaf mag geen droëproviandpakkamer bokant 'n ketelkamer of bokant enige ander ruimte waar hitte opgewek word, wees of aan 'n skeepskombuis of die ommanteling van masjinerie grens nie. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is en dat die droëproviandpakkamer voldoende geïsoleer is.

(6) Geen gedeelte van 'n droëproviandpakkamer mag vir die opbêre van beddegoed of weefstowwe gebruik word nie.

31. KOELPAKKAMERS EN KOELKAMERUITRUSTING.

(1) In elke skip wat gereeld anders as 'n kusvaarder gebruik word, moet daar koelkameruitrusting en koelpakkamers wees en moet, met inagneming van die tydperk wat waarskynlik tussen opeenvolgende aanvullings van voorrade sal verloop, vir die opbêre van bederfbare voorrade vir die bemanning voldoende wees. Die Sekretaris kan enige skip onder 1,000 ton van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat die skip voorsien is van voldoende alternatiewe uitrusting vir die opbêre van bederfbare voorrade.

(2) Toegang tot elke koelpakkamer moet vanaf 'n deurgang, skeepskombuis of spens of uit 'n ander pakkamer wees.

Provided that no fire-grate shall be required in a galley fitted only with electric or gas cooking appliances. The Secretary may exempt any ship from the requirement of a second fire-grate if he is satisfied that adequate heat is readily available from one fire-grate and that adequate provision of spare parts is made for such grate and for any equipment necessary for its proper operation.

- (c) The top-plate of every cooking range shall be at a height which will enable it to be conveniently used by a person of normal height standing on the floor of the galley, unless a separate boiling table is provided at such a height.

The Secretary may exempt any ship from any of the requirements of this paragraph, if he is satisfied that compliance therewith is unnecessary by reason of the voyages on which the ship is intended to be engaged or the national habits and customs of the persons whom the galley is intended to serve.

(15) Salt water taps shall not be fitted over a sink in any galley or other place in which food may be prepared for the crew. Hot and cold fresh water shall be laid on to a sink in the galley for washing-up purposes. A connection shall be provided on a water pipe within the galley, and shall be suitable for the connection of a hose with which the floor may be scoured.

30. DRY PROVISION STORE ROOMS.

(1) In every ship, not being a ship in which each member of the crew provides his own food, one or more store rooms shall be provided for the storage of dry provisions for the crew. Such rooms shall be fitted with sufficient shelves, cupboards and bins having regard to the maximum period likely to elapse between successive replenishments of stores and to the maximum number of persons for whom food is to be served.

(2) Every dry provision store room shall be enclosed by bulkheads constructed of steel or other suitable material.

(3) Access to every dry provision store room shall be obtained from a passageway, galley, pantry or another store room, or from a position on an open deck which, in so far as is reasonable and practicable in the circumstances, shall be a protected position.

(4) Every dry provision store room shall be so situated, constructed and ventilated as to avoid deterioration of the stores through heat, draught, condensation or infestation by insects or vermin.

(5) Without prejudice to the generality of the foregoing paragraph no dry provision store room shall be situated over a boiler room or any other space in which heat is generated; or shall adjoin a galley or machinery casing. The Secretary may exempt any ship from the requirements of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances and that the dry provision store room is adequately insulated.

(6) No part of a dry provision store room shall be used for the storage of bedding or textiles.

31. COLD STORE ROOMS AND REFRIGERATING EQUIPMENT.

(1) In every ship regularly employed otherwise than as a coasting ship, refrigerating equipment and cold store rooms shall be provided and shall be, having regard to the period likely to elapse between successive replenishments of stores, adequate for the storage of perishable provisions for the crew. The Secretary may exempt any ship of under 1,000 tons from the requirements of this paragraph if he is satisfied that the ship is provided with adequate alternative equipment for the storage of perishable provisions.

(2) Access to every cold store room shall be obtained from a passageway, galley or pantry or from another store room.

(3) Verkoelingsmasjinerie waarin metielchloried vir gebruik bestem is (of dit vir die koeling van enige ruimte in die akkommodasie vir die bemanning bestem is of nie) mag nie in die akkommodasie vir die bemanning aangelê word nie, maar slegs in 'n pakkamer of in 'n ruimte wat uitsluitlik vir daardie masjinerie afgesonder is. Die pakkamer of ander ruimte waarin die masjinerie aangelê is, moet so gekonstrueer word dat dit waar dit teenaan ander gedeeltes van die akkommodasie vir die bemanning kom, gasdig is, en moet deur minstens twee lugkokers na die oop lug voldoende geventileer word. Een van die lugkokers moet voorsien word van 'n suigwaaier met 'n inlaat naby die grondvlak van die kamer of ruimte. Die motor van die waaier en die elektriese aansluitings daarop moet met 'n vonkvrykas omsluit wees. Toegang tot sodanige pakkamer of ruimte moet, waar dit prakties is, deur 'n skarnierdeur van 'n oop dek af wees. As dit nie anders gereël kan word nie dan dat die deur op 'n deurgang of ander ruimte oopgaan waar lede van die bemanning dikwels aanwesig is, moet die deur veerbelas, saamgevoeg en gasdig wees.

(4) Elke blootgestelde pyp waarin metielchloried of ander giftige of ontvlambare gas mag wees, moet voldoende teen beskadiging beveilig word.

32. HOSPITALE.

(1) Elke skip, behalwe 'n walvisvanger of sleepboot, wat bestem is om by enige geleentheid vir 'n onafgebroke tydperk van meer as 3 dae met 'n bemanning van 15 of meer persone op see te wees, moet voorsien wees van 'n ruimte wat vir gebruik as 'n permanente hospitaal vir die bemanning beskikbaar gestel is. Die ruimte wat aldus beskikbaar gestel is, mag nie te eniger tyd vir 'n ander doel as die behandeling van siek persone gebruik word nie. Die Sekretaris kan enige skip wat slegs vir reise tussen hawens binne die Unie gebruik word, van die voorskrifte van hierdie paragraaf vrystel.

(2) In elke ander skip moet daar, indien nodig, 'n kamer beskikbaar gestel word vir gebruik as 'n tydelike hospitaal. Wanneer so 'n kamer as 'n hospitaal in gebruik is, mag dit nie vir enige ander doel as vir die behandeling van siek persone gebruik word nie. Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onnodig is.

(3) Elke hospitaal, of dit permanent of tydelik is, moet op 'n plek wees wat die grootste moontlike stilte en gerief vir die pasiënte sal verseker. Die hospitaal moet geredelik toeganklik wees en, in geval daar geen gekwalifiseerde geneesheer of behoorlik gekwalifiseerde verpleegster aan boord is wat uitsluitlik as sulks as lid van die bemanning in diens geneem is nie, moet dit op so 'n plek wees dat dit maklik toeganklik is vanaf die slaapakkommodasie van die gesagvoerder van die skip of die persoon wat deur die gesagvoerder aangestel is om vir die pasiënte te sorg. Die hospitaal moet so geleë wees dat dit die behoorlike behandeling van pasiënte onder alle weersomstandighede vergemaklik.

(4) Die minimum breedte van die ingang na elke permanente hospitaal moet 30 duim wees of so na daaraan as wat onder die omstandighede prakties is. Die hospitaal moet so ingerig wees dat 'n draagbaar maklik in die hospitaal ingedra kan word en langsaan minstens een enkelrybed daarin geplaas kan word.

(5) Die vloerbedekking in elke permanente hospitaal moet, sover dit prakties is, sonder voë wees.

(6) Elke permanente hospitaal moet 'n hospitaalsaal bevat wat aan minstens twee kante met patryspoorte toegerus is met 'n deursnee van minstens 12 duim. Die patryspoorte moet oopgemaak kan word: Met dien verstande dat as dit nie doenlik is om 'n patryspoort aan twee kante van die hospitaalsaal aan te bring nie, die patryspoort aan een kant van die saal met 'n dakvenster wat oopgemaak kan word en van 'n afmeting wat prakties so groot moontlik moet wees, vervang mag word. Alle patryspoorte in die hospitaal, en enige dakvenster daarin wat aan die direkte sonstrale blootgestel is, moet van gordyne, blindings of sonskerms voorsien word. Die Sekretaris kan—

(a) enige skip onder 1,000 ton;

(3) Refrigerating machinery in which methyl chloride is intended to be used (whether or not intended to cool any space in the crew accommodation) shall not be situated in the crew accommodation except in a store room or in a space appropriated solely to that machinery. The store room or other space in which the machinery is situated shall be so constructed as to be gastight where it abuts upon other parts of the crew accommodation and shall be adequately ventilated by at least two ventilators to the open air, one of which shall be fitted with an exhaust fan and shall have its inlet near the bottom of the room or space. The motor of the fan and the electrical connections thereto shall be enclosed in a spark-proof case. Access to such store room or space shall, wherever practicable, be by means of a hinged door from an open deck. If the door cannot be arranged otherwise than to open on to a passageway or other space frequented by members of the crew, the door shall be springloaded, jointed and gastight.

(4) Every exposed pipe which may contain methyl chloride or other toxic or inflammable gas shall be adequately protected from damage.

32. HOSPITALS.

(1) Every ship other than a whale catcher or a tug, which is intended to be at sea on any occasion for a continuous period of more than 3 days with a crew of 15 or more persons, shall be provided with a space appropriated for use as a permanent hospital for the crew. The space so appropriated shall not at any time be used for any purpose other than for the treatment of sick persons. The Secretary may exempt from the requirement of this paragraph any ship engaged only on coasting voyages wholly between ports within the Union.

(2) In every other ship a room shall be appropriated for use, when necessary, as a temporary hospital. When such room is in use as a hospital it shall not be used for any purpose other than the treatment of sick persons. The Secretary may exempt any ship from the requirements of this paragraph if he is satisfied that compliance therewith is unnecessary in the circumstances.

(3) Every hospital, whether permanent or temporary, shall be situated in a position which will ensure the greatest possible quiet and comfort for the patients. The hospital shall be readily accessible, and, in the case of a ship not carrying a duly qualified medical practitioner or duly qualified nurse exclusively so employed as a member of the crew, shall be so situated as to be easily accessible from the sleeping accommodation of the master of the ship or of a person appointed by the master to take charge of the patients. The hospital shall be so situated as to facilitate the proper treatment of patients in all weathers.

(4) The minimum width of the entrance to every permanent hospital shall be 30 inches or as near thereto as is practicable in the circumstances. The hospital shall be so arranged that a stretcher can easily be carried into the hospital and placed alongside at least one single-tier bed therein.

(5) The floor-covering in every permanent hospital shall, as far as is practicable be free from joints.

(6) Every permanent hospital shall include a hospital ward fitted on at least two sides with side scuttles at least 12 inches in diameter. The side scuttles shall be capable of being opened. Provided that, if it is not practicable to fit a side scuttle on two sides of the hospital ward, a skylight, capable of being opened and of as large a size as is practicable, may be substituted for a side scuttle on one side of the ward. All side scuttles in the hospital, and any skylight therein which is exposed to the direct rays of the sun, shall be provided with curtains, blinds or jalousies. The Secretary may exempt from the requirements of this paragraph—

(a) any ship of under 1,000 tons;

(b) enige ander skip as hy oortuig is dat die permanente hospitaal daarin ten volle van lugversorging of van 'n meganiese lugkokerstelsel voorsien is, van die voorskrifte van hierdie paragraaf vrystel.

(7) Bo en behalwe enige meganiese ventilasie wat volgens regulasie 13 vereis word, moet elke permanente hospitaal deur middel van lugkokers onafhanklik van die lugkokers in enige ander ruimte van die skip, van voldoende natuurlike lugtoevoer en uitlaatventilasie na die oop lug voorsien word. Die Sekretris kan enige skip van die voorskrifte van hierdie paragraaf vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(8) Elke permanente hospitaal moet van 'n elektriese waaier voorsien word, tensy dit van 'n meganiese lugkokerstelsel voorsien is.

(9) Enige radiators in 'n permanente hospitaal moet sover dit doenlik is, vanaf die koppenende van bedde geïnstalleer word.

(10) Bo en behalwe die verligting wat volgens regulasie 12 vereis word, moet elke hospitaal van 'n draagbare elektriese lamp en met die sulke bybehore wat vir sy gebruik nodig is, voorsien word.

(11) In elke skip wat volgens hierdie regulasie van 'n permanente hospitaal voorsien moet word, moet daar minstens een bed in 'n hospitaalsaal vir elke 50 of breuk van 50 lede van die bemanning verskaf word. Die Sekretris kan enige skip wat meer as 300 persone vervoer, van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(12) Minstens een enkelrybed moet in 'n saal in elke hospitaal verskaf word. Indien doenlik, moet die bed so geplaas word dat dit van albei kante en van die voeteneel toeganklik is. As enige bedde in die saal in dubbel rye geplaas word, moet die boonste ry geskarnier of wegneembaar wees. Behoudens die voorgaande bepalings van hierdie paragraaf, is die bepalings van paragrawe (2) tot en met (9) (a) en paragraaf (10) van regulasie 18 van toepassing op hospitaalbedde soos wat hulle op bedde in 'n slaapkamer van toepassing is.

(13) In elke saal in 'n permanente hospitaal moet een van elkeen van die volgende toerustingstems vir elke bed in die hospitaalsaal en binne bereik van daardie bed verskaf word:—

- (a) 'n Sluitkas, omtrent 1 voet vierkant by 2 voet hoog, en voorsien van 'n platblad en 'n rak;
- (b) 'n waterbottel; en
- (c) 'n drinkglas.

(14) In elke saal in 'n permanente hospitaal moet die volgende toerustingstems voorsien word:—

- (a) 'n Voldoende aantal sitbanke, met inagneming van die aantal bedde in die saal;
- (b) 'n klerekas, bo en behalwe dié wat volgens paragraaf (13) van hierdie regulasie vereis word en wat voldoen aan die spesifikasies soos uiteengesit in subparagraaf (a) (ii) van paragraaf (1) van regulasie 19;
- (c) 'n kasdeksel wat 'n bedpan sal bedek; en
- (d) elektriese drukklokkies wat so geplaas is dat dit binne bereik van elke bed en in verbinding is met die slaapkamer van 'n persoon onder wie se sorg die pasiënte is.

(15) 'n Waskom met 'n inhoudsmaat van minstens 1½ gelling moet in elke permanente hospitaal aangebring word. In skeep van 5,000 ton of groter moet 'n bad van minstens 4 voet 5 duim inwendige lengte in die wasakkommodasie wat deel uitmaak van die hospitaal en grensende aan die hospitaalsaal, aangebring word. Die waskom en die bad moet gemaak wees van of beklee wees met higiëniese en duursame materiaal met 'n gladde en ondeurdringbare oppervlak wat nie maklik sal kraak, skilfer of roes nie. Hulle moet van 'n doeltreffende en higiëniese afvoerstelsel voorsien word, indien moontlik

(b) any other ship, if he is satisfied that the permanent hospital therein is fully air-conditioned or served by a trunked mechanical ventilation system.

(7) In addition to any mechanical ventilation required by regulation 13, every permanent hospital shall be provided with adequate natural supply and exhaust ventilation to the open air by means of ventilators independent of the ventilators provided for any other space in the ship. The Secretary may exempt any ship from the requirement of this paragraph if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(8) Every permanent hospital shall be provided with an electric fan, unless it is served by a trunked mechanical ventilation system.

(9) Any radiators in a permanent hospital shall be installed as far as is practicable from the heads of beds.

(10) In addition to the lighting required by regulation 12, every permanent hospital shall be provided with a portable electric lamp and with such accessories as are necessary for its use.

(11) In every ship which is required by this regulation to be provided with a permanent hospital at least one bed shall be provided in a hospital ward for every 50, or fraction of 50, members of the crew. The Secretary may exempt from the requirement of this paragraph any ship carrying more than 300 persons, to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(12) At least one single-tier bed shall be provided in a ward in every permanent hospital. The bed shall, if practicable, be so arranged as to be accessible from both sides and from the foot. If any beds in the ward are arranged in double tiers, the upper tier shall be hinged or shall be removable. Subject to the foregoing provisions of this paragraph, the provisions of paragraphs (2) to (9) (a) inclusive and paragraph (10) of regulation 18 shall apply to hospital beds as they apply to beds in a sleeping room.

(13) In every ward in a permanent hospital one of each of the following items of equipment shall be provided for each bed in the hospital ward and shall be within reach of that bed:—

- (a) A locker approximately 1 foot square by 2 feet high, and fitted with a flat top and a shelf;
- (b) a water bottle; and
- (c) a tumbler.

(14) In every ward in a permanent hospital the following items of equipment shall be provided:—

- (a) Seats adequate in number, having regard to the number of beds in the ward;
- (b) a clothes locker additional to that required by paragraph (13) of this regulation, and complying with the specifications set forth in sub-paragraph (a) (ii) of paragraph (1) of regulation 19;
- (c) a box cover which will conceal a bed-pan; and
- (d) electric bell-pushes so arranged as to be within reach of each bed and communicating with the sleeping room of a person in charge of the patients.

(15) A wash-basin having a capacity of at least 1½ gallons shall be fitted in every permanent hospital. In ships of 5,000 tons or over a bath at least 4 feet 5 inches in internal length shall be fitted in washing accommodation forming part of the hospital and adjacent to the hospital ward. The wash-basin and bath shall be made of or coated with hygienic and durable material having a smooth and impervious surface not likely to crack, flake, or become corroded. They shall be fitted with an efficient and hygienic discharge system separate, if practicable.

afsonderlik van enige ander afvoerstelsel in die skip, en in die besonder moet die vuilwaterpype so aangebring word dat hulle maklik ontstop kan word. 'n Spuiyp van minstens 2 duim in deursnee moet in die laagste gedeelte van enige kamer (behalwe 'n saal) waarin die waskom of bad is, aangebring word. Die Sekretaris kan enige skip van die vereiste van 'n bad in die permanente hospitaal vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(16) (a) 'n Waterklosetvoetstuk moet as deel van elke permanente hospitaal aangebring word.

(b) Die waterklosetvoetstuk moet of in 'n waterkloset of in die wasakkommodasie wat deel van die hospitaal uitmaak, aangebring word.

(c) Toegang tot die waterklosetvoetstuk (of wasakkommodasie na gelang van die geval) moet regstreeks vanaf die hospitaalsaal wees of uit 'n voorportaal wat deel van die hospitaal uitmaak. Die Sekretaris kan enige skip van die voorskrifte van hierdie subparagraaf vrystel as hy oortuig is dat nakoming daarvan onder die omstandighede onprakties is en dat die waterkloset wat deel van die hospitaal uitmaak naby genoeg aan die saal is.

(d) Die kamer waarin die waterklosetvoetstuk aangebring is, moet van 'n selfsluitende gasdig-deur voorsien word, tensy dit van 'n meganiese stelsel van luguitlaat voorsien is, en moet so gemaak wees dat ontstopping maklik gedoen kan word en geen vuilis of insekte daarin kan skuil nie.

(e) Sodanige kamer moet op die wyse soos in paragraaf (7) van regulasie 28 gespesifiseer, geventileer word en moet voldoen aan die voorskrifte van paragraaf (9) of (10) van genoemde regulasie, watter een onder die omstandighede ook al van toepassing is.

(17) Die Sekretaris kan enige skip onder 500 ton van enige van die voorskrifte van hierdie regulasie vrystel.

33. MEDISYNEKAS.

(1) In elke skip moet daar 'n medisynekas aangebring word op 'n plek wat grens aan die permanente hospitaal (as daar een is) wat volgens regulasie 32 vereis word, of naby die slaapkamer van die persoon onder wie se sorg die siek persone aan boord is. Die medisynekas moet op 'n plek wat droog sal bly en ver van alle hittebronne af is, aangebring word.

(2) Die medisynekas moet van 'n afmeting, ontwerp en konstruksie wees wat geskik is vir die opbêre van die medisyne, mediese voorrade en voorskrifteboek (as daar een is) wat in die skip ten nutte van die seelui aan boord verskaf is. Die medisynekas moet in die besonder van die volgende voorsien word:—

(a) 'n Buitendeur met 'n goeie slot;

(b) 'n binnekas met 'n deur en 'n slot wat nie met die sleutel van die kas in subparagraaf (a) vermeld oopgesluit kan word nie, sodanige binnekas moet uitsluitlik gebruik word vir die opbêre van giftige medisyne;

(c) rakke wat so gemaak is dat medisyne wat daarop gebêre word, maklik uitgeken kan word;

(d) 'n medisyne-aanmaaktoonbank of -tafel, in albei gevalle met 'n blad wat maklik skoongemaak kan word;

(e) minstens twee laaie wat vir die opbêre van medisyne geskik is en uitsluitlik vir dié doel gebruik word;

(f) toestelle vir die dra van warmwatersakke in 'n hangende posisie;

(g) 'n geskikte rak vir die hou van apparate vir die afmeet van medisyne;

(h) waar van toepassing, 'n voorskrifteboek soos deur die mediese regulasies voorgeskryf.

Die Sekretaris kan enige skip van die voorskrifte van hierdie paragraaf vrystel in sover hy oortuig is dat nakoming daarvan, met inagneming van die grootte of die diens waarvoor die skip bestem is, onprakties is.

from any other discharge system in the ship and in particular the waste pipes shall be fitted in a manner which will facilitate cleaning. A scupper at least 2 inches in diameter shall be fitted in the lowest part of any room (other than a ward) which contains such wash-basin or bath. The Secretary may exempt any ship from the requirement of a bath in the permanent hospital, if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(16) (a) A water closet pedestal shall be fitted as part of every permanent hospital.

(b) The water closet pedestal shall be fitted either in a water closet or in washing accommodation forming part of the hospital.

(c) Access to the water closet pedestal (or washing accommodation, as the case may be) shall be obtained directly from the hospital ward or from a lobby forming part of the hospital. The Secretary may exempt any ship from the requirement of this sub-paragraph if he is satisfied that compliance therewith is impracticable in the circumstances, and that the water closet forming part of the hospital is situated sufficiently near to the ward.

(d) The room in which the water closet pedestal is installed shall be provided with a gas-tight self-closing door unless it is served by a mechanical system of exhaust ventilation, and shall be so constructed as to facilitate cleaning and not to harbour dirt or vermin.

(e) Such room shall be ventilated in the manner specified in paragraph (7) of regulation 28 and shall comply with the requirements of paragraph (9) or (10) of the said regulation, whichever shall be applicable in the circumstances.

(17) The Secretary may exempt any ship of under 500 tons from any of the requirements of this regulation.

33. MEDICAL CABINET.

(1) In every ship, a medical cabinet shall be provided in a position adjacent to the permanent hospital, if any, required by regulation 32 or near to the sleeping room of the person in charge of sick persons on board. The medical cabinet shall be fitted in a position in which it will remain dry and which is remote from all sources of heat.

(2) The medical cabinet shall be of a size, design and construction suitable for storing the medicines, medical stores and book of instruction (if any), provided in the ship for the benefit of the seamen on board. In particular, the medical cabinet shall be provided with the following:—

(a) An outer door fitted with an efficient lock;

(b) an inner cupboard fitted with a door and a lock which shall be incapable of being opened by the key to the lock referred to in sub-paragraph (a); such inner cupboard shall be used solely for the storage of poisonous drugs;

(c) shelves so constructed as to facilitate the identification of medicines stored thereon;

(d) a dispensing counter or dispensing table, in either case with a surface which can easily be kept clean;

(e) at least two drawers suitable for the storage of medical stores and used solely for that purpose;

(f) fittings which will enable hot water bottles to be carried in a hanging position;

(g) a rack suitable for holding devices for measuring medicines;

(h) where applicable, a book of instruction as prescribed under the medical regulations.

The Secretary may exempt any ship from the requirements of this paragraph to the extent to which he is satisfied that compliance therewith is impracticable, having regard to the size or intended service of the ship.

(3) Die medisynekas moet deur 'n elektriese lig wat binne of onmiddellik aan die buitekant van die kas is, verlig word, en wat toelaat dat die gehele inhoud van die kas by afwesigheid van lig van enige ander bron duidelik sigbaar is.

(4) Die medisynekas en die plek waar dit aangebring is, moet so geventileer word om te voorkom dat die inhoud van die kas bederf.

(5) Die Sekretaris kan enige skip onder 500 ton van enige van die voorskrifte van hierdie regulasie vrystel as dit 'n skip is wat slegs en uitsluitlik gebruik word vir reise tussen hawens binne die Unie en as hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

34. BESKERMING TEEN MUSKIETE.

(1) In elke skip wat gereeld gebruik word op reise na enige hawe waarop hierdie regulasie betrekking het, moet die akkommodasie vir die bemanning, behalwe skeeps-kombuise, pakkamers en ontspanningsruimtes op die oop dek, voorsien word van beskerming teen die inkom van muskiete. Sodanige beskerming moet verskaf word deur middel van skerms van roesvry draad of ander geskikte materiaal wat teenaan alle patryspoorte, natuurlike lugkokers, dakvensters en deure wat op die oopdek uitgaan, aangebring moet word.

(2) Enige deur waarteen sodanige skerms aangebring is en 'n deur is by die ingang van 'n permanente of tydelike hospitaal in 'n skip waarop hierdie regulasies van toepassing is, moet van 'n selfsluitende tipe wees.

(3) Die hawens waarop hierdie regulasie betrekking het, is die volgende:—

(a) Hawens tussen 20° noorderbreedte en 20° suiderbreedte op die kuste van—

- (i) Afrika, met uitsondering van Port Soedan en Massawa;
- (ii) Asië, insluitende die Oos-Indiese Eilandgroep en die Filippynse Eilande, maar uitgesonderd Aden, Bombaai, Madras, Vizagapatam, Colombo, Trincomalee, Singapoer, Penang en Port Swettenham;
- (iii) Nieu-Guinee, Nieu-Brittanje, Nieu-Ierland, Nieu-Hebride en die Solomon-eilande.

(b) Hawens aan die kus van Madagaskar.

35. NIE-AFTREKBARE RUIMTES.

By die maatneming van 'n skip ten einde die geregi-streerde tonnemaat vas te stel, word geen aftrekking toegelaat vir—

- (a) enige ruimte wat vir die opbêre van vars water vir die gebruik van die bemanning beskikbaar gestel is;
- (b) enige oormaat in volume van die ruimte wat vir die opbêre van proviand (behalwe vars water) vir die bemanning beskikbaar gestel is, wat meer is as 15 persent van die totale volume van die ander ruimte in die skip wat vir die akkommodasie van die bemanning en die akkommodasie van die gesagvoerder voorsien is;
- (c) enige ruimte wat deel uitmaak van die akkommodasie vir die bemanning wat nie voorheen by die maatneming van die skip se tonnemaat ingesluit is nie.

36. AKKOMMODASIE VIR DIE BEMANNING WAT MET PASSASIERE GEDEEL WORD.

(1) Geen akkommodasie vir die bemanning mag deur passasiers gebruik of vir hulle gebruik beskikbaar gestel word nie. Geen skeepskombuis of pakkamer wat ter voldoening van hierdie regulasies verskaf is, mag vir die voorbereiding of opbêre van voedsel vir passasiers gebruik of beskikbaar gestel word nie.

(2) Die Sekretaris kan enige skip van die voorskrifte van paragraaf (1), wat nie voorskrifte is met betrekking tot slaapkamers of kantoorakkommodasie nie, vrystel in sover hy oortuig is dat akkommodasie van 'n standaard gelyk aan of beter as die akkommodasie wat volgens hierdie regulasies voorgeskryf is vir die gebruik of diens van die bemanning saam met passasiers beskikbaar is.

(3) The medical cabinet shall be lighted by an electric light which shall be inside or immediately outside the cabinet, and which will enable all the contents of the cabinet to be clearly seen in the absence of light from any other source.

(4) The medical cabinet and the place in which it is fitted shall be so ventilated as to avoid deterioration of the contents of the cabinet.

(5) The Secretary may exempt from any of the requirements of this regulation any ship of under 500 tons, being a ship engaged only on voyages wholly between ports within the Union if he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

34. PROTECTION FROM MOSQUITOES.

(1) In every ship regularly engaged on voyages to any port to which this regulation relates, the crew accommodation, other than galleys, store rooms and recreation spaces on the open deck shall be provided with protection against the admission of mosquitoes. Such protection shall be provided by means of screens of rust-proof wire or other suitable material which shall be fitted to all side scuttles, natural ventilators, skylights, and doors leading to the open deck.

(2) Any door to which such screens are fitted, being a door at the entrance to a permanent or temporary hospital in a ship to which these regulations apply, shall be of a self-closing type.

(3) The ports to which this regulation relates are the following:—

(a) Ports between 20° North latitude and 20° South latitude on the coasts of—

- (i) Africa, excluding Port Sudan and Massawa;
- (ii) Asia, including the East Indian Archipelago and the Philippine Islands, but excluding Aden, Bombay, Madras, Vizagapatam, Colombo, Trincomalee, Singapore, Penang and Port Swettenham;
- (iii) New Guinea, New Britain, New Ireland, New Hebrides and the Solomon Islands.

(b) Ports on the coasts of Madagascar.

35. NON-DEDUCTIBLE SPACES.

In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed for—

- (a) any space appropriated for the storage of fresh water for the use of the crew;
- (b) any excess in volume of the space appropriated for the storage of provisions (other than fresh water) for the crew, over 15 per cent of the total volume of the other space provided in the ship as crew accommodation and accommodation for the master of the ship;
- (c) any space forming part of the crew accommodation which has not been first included in the measurement of the ship's tonnage.

36. CREW ACCOMMODATION SHARED WITH PASSENGERS.

(1) No crew accommodation shall be used, or appropriated for use, by passengers. No galley or store room provided in compliance with these regulations shall be used, or appropriated for use, for the preparation or storage of food for passengers.

(2) The Secretary may exempt any ship from the requirements of paragraph (1), not being requirements relating to sleeping rooms, or office accommodation, to the extent to which he is satisfied that accommodation equal or superior in standard to the accommodation required by these regulations is available for the use or service of the crew in common with passengers.

37. INSTANDHOUDING EN INSPEKSIE VAN DIE AKKOMMODASIE VIR DIE BEMANNING.

(1) Die akkommodasie vir die bemanning moet in elke skip in 'n skoon en bewoonbare toestand onderhou word, en alle toerusting en installasies moet in 'n goeie werkende toestand onderhou word. Elke deel van die akkommodasie vir die bemanning (wat nie 'n pakkamer is nie) moet vrygehou word van voorrade en ander eiendom wat nie behoort aan of vir die gebruik van persone verskaf is nie vir wie daardie gedeelte van die akkommodasie beskikbaar gestel is, en daar mag veral geen vrag in enige gedeelte van die akkommodasie vir die bemanning gehou word nie.

(2) Die gesagvoerder van die skip of 'n offisier wat deur hom vir dié doel aangestel is, moet elke deel van die akkommodasie vir die bemanning met tussenpose van hoogstens tien dae inspekteer en by die inspeksie verslag word deur een of meer lede van die bemanning. Die gesagvoerder van die skip moet in die amptelike skeepsjoernaal 'n aantekening laat maak van—

- (a) die tyd en datum van die inspeksie;
- (b) die name en range van die persone deur wie die inspeksie gedoen word;
- (c) alle besonderhede aangaande die akkommodasie vir die bemanning of enige gedeelte daarvan ten opsigte waarvan enige van die persone wat die inspeksie doen, bevind dat dit nie aan hierdie regulasies voldoen nie.

38. INSPEKSIE DEUR DIE BEVOEGDE BEAMPTTE.

Die bevoegde beampte moet die akkommodasie vir die bemanning vir elke skip inspekteer of laat inspekteer telkens wanneer—

- (a) die skip in die Unie geregistreer of weer geregistreer word;
- (b) daar aan enige gedeelte van die akkommodasie vir die bemanning in die skip aansienlike veranderinge of herstellings aangebring is;
- (c) die aantal persone wat in enige slaapkamer gehuisves is, bo dié wat gemerk is ooreenkomstig paragraaf (1) van regulasie 16 vermeerder word;
- (d) daar volgens die mening van die bevoegde beampte, (hetsy as gevolg van 'n klagte al dan nie), rede bestaan om aan te neem dat enige bepalinge van hierdie regulasies ten opsigte van daardie skip oortree is of dat enige voorwaarde waarop die Sekretaris die skip van die voorskrifte van hierdie regulasies vrygestel het, nie nagekom is nie;
- (e) daar namens of deur die eienaar van die skip of deur enige organisasie wat vir die Sekretaris verteenwoordigend blyk te wees van die eienaars van Suid-Afrikaanse skepe of die betrokke seelui, 'n versoek gerig word aan die Sekretaris of die bevoegde beampte om die akkommodasie vir die bemanning te inspekteer; of
- (f) 'n klagte by die bevoegde beampte ingedien is en aan die volgende vereistes voldoen—
 - (i) die klagte moet deur drie of meer lede van die bemanning gedoen word;
 - (ii) die klagte moet aantoon in watter opsigte daar beweer word dat die akkommodasie vir die bemanning in die skip nie aan hierdie regulasies voldoen nie;
 - (iii) die klagte moet sonder onnodige vertraging ingedien word;
 - (iv) die klagte moet ingedien word, minstens 24 uur voordat die skip uitvaar, tensy die skip minder as 24 uur in die hawe is.

39. ADDISIONELE VRYSTELLINGS.

(1) Die Sekretaris kan op sulke voorwaardes as wat hy nodig ag—

- (a) enige skip in aanbou;
- (b) enige skip op proefvaart;
- (c) enige skip onder 200 ton;
- (d) enige sleepboot;

37. MAINTENANCE AND INSPECTION OF CREW ACCOMMODATION.

(1) The crew accommodation in every ship shall be maintained in a clean and habitable condition, and all equipment and installations shall be maintained in good working order. Every part of the crew accommodation (not being a store room) shall be kept free of stores and other property not belonging to or provided for the use of persons for whom that part of the accommodation is appropriated, and in particular no cargo shall be kept in any part of the crew accommodation.

(2) The master of the ship or an officer appointed by him for the purpose shall inspect every part of the crew accommodation at intervals not exceeding ten days, and shall be accompanied on the inspection by one or more members of the crew. The master of the ship shall cause to be entered in the ship's official log book a record of—

- (a) the time and date of the inspection;
- (b) the names and ranks of the persons making the inspection;
- (c) particulars of any respects in which the crew accommodation or any part thereof was found by any of the persons making the inspection not to comply with these regulations.

38. INSPECTION BY THE PROPER OFFICER.

The proper officer shall inspect the crew accommodation in every ship or cause it to be inspected whenever—

- (a) the ship is registered or re-registered in the Union;
- (b) any part of the crew accommodation in the ship undergoes substantial alterations or repairs;
- (c) the number of persons accommodated in any sleeping room is increased above that marked in accordance with paragraph (1) of regulation 16;
- (d) in the opinion of the proper officer there is reason to believe (whether or not in consequence of a complaint) that any of the provisions of these regulations have been contravened in respect of that ship, or that any condition subject to which the Secretary has exempted the ship from a requirement of these regulations has not been satisfied;
- (e) a request for an inspection of the crew accommodation has been made to the Secretary or to the proper officer by or on behalf of the owner of the ship or of any organisation which appears to the Secretary to be representative of the owners of South African ships or of the seamen concerned; or
- (f) a complaint has been lodged with the proper officer, and it complies with the following requirements—
 - (i) the complaint shall be made by three or more members of the crew;
 - (ii) the complaint shall specify the respects in which it is alleged that the crew accommodation in the ship does not comply with these regulations;
 - (iii) the complaint shall be lodged without undue delay;
 - (iv) the complaint shall be lodged at least 24 hours before the ship is due to sail, unless the ship is in port for less than 24 hours.

39. ADDITIONAL EXEMPTIONS.

(1) The Secretary may, on such conditions as he deems necessary, exempt—

- (a) any ship while under construction;
- (b) any ship while undergoing trials;
- (c) any ship of under 200 tons;
- (d) any tug;

- (e) enige skip wat volgens sy mening hoofsaaklik in 'n hawe, rivier, riviermond, meer of kanaal gebruik word;
- (f) enige passasierskip wat slegs dagreise doen;
- (g) enige skip wat in die walvisvangsbedryf gebruik word; en
- (h) enige kusvaarder;

van alle of enige voorskrifte van hierdie regulasies vrystel in sover hy oortuig is dat nakoming daarvan onder die omstandighede onredelik of onprakties is.

(2) Die Sekretaris kan enige skip waarop daar enige groepe van manskappe in diens geneem is wat die indiensneming van 'n aansienlike groter getal manskappe as wat andersins in diens sou gewees het, noodsaaklik gemaak het, van die voorskrifte van hierdie regulasies vrystel in sover hy oortuig is dat die skip voorsien is van akkommodasie vir die bemanning vir sodanige manskappe wat vir hulle onderskeie nasionale gewoontes en gebruike geskik is en wat, in die geval van eetkamers, sanitêre akkommodasie en hospitale, gelyk is aan of vergelyk kan word met die standaard van die akkommodasie vir die bemanning wat volgens hierdie regulasies voorgeskryf is.

(3) Die Sekretaris kan, na oorlegpleging met die eienaars van die skip of sulke organisasies as wat vir hom verteenwoordigend blyk te wees van eienaars van Suid-Afrikaanse skepe, en met sodanige organisasies as wat verteenwoordigend blyk te wees van seelui wat op Suid-Afrikaanse skepe diens doen, enige skip van enige van die voorskrifte van hierdie regulasies vrystel as hy oortuig is dat ooreenstemmende voordele op die skip verskaf is sodat die akkommodasie vir die bemanning, as geheel beskou, gelyk is aan of beter is as die standaard wat volgens hierdie regulasies voorgeskryf is.

Regulasies 2 en 13 (3).

EERSTE BYLAE.

MEGANIESE LUGKOKERSTELSE.

1. Die meganiese lugkokerstelsel waarna in regulasie 2 en in paragraaf (3) van regulasie 13 verwys word (in hierdie Bylae „die stelsel” genoem) moet met betrekking tot die ruimtes soos gespesifiseer in die tweede kolom van onderstaande Tabel I in staat wees om die werk volgens die onderskeie standaarde te verrig, soos in die derde of vierde kolom van daardie tabel gespesifiseer, watter standaard onder die omstandighede ook al die grootste is: Met dien verstande dat niks in Tabel I betrekking het op 'n ruimte soos in die tweede kolom van onderstaande Tabel II gespesifiseer nie.

2. Die stelsel moet met betrekking tot die ruimtes soos in die tweede kolom van Tabel II gespesifiseer, in staat wees om die werk volgens die onderskeie standaarde te verrig soos in die derde en vierde kolomme van daardie tabel gespesifiseer.

3. As enige pakkamer voorsien is van 'n waaier wat verwarmde lug aan enige ander ruimte verskaf, moet die pakkamer van 'n lugkoker voorsien word afsonderlik van dié wat vir sodanige ander ruimte diens doen.

4. Die binnewêrke oppervlak van die uitlaatopeninge wat saam met die stelsel verskaf is, moet voldoende wees om te verseker dat as die stelsel in werking is, die lug-snelheid by elke opening 1,000 voet per minuut nie oorskry nie.

5. Die snelheid van elke toevoerwaaier wat deel uitmaak van die stelsel moet, waar gelykstroombmotors gebruik word, verander kan word.

6. Die werking van die stelsel moet geruisloos wees.

7. Alle lugkokers wat deel uitmaak van die stelsel moet van terugslagklappe voorsien word waar sodanige klappe vir die afsluit van uitwaseming en die behoud van die gesondheid van die bemanning nodig is.

8. As die stelsel ontwerp is vir sirkulasie van verwarmde lug as die enigste middel vir verwarming van die akkommodasie vir die bemanning, moet die stelsel onderverdeel word in afdelings wat afsonderlik so gekontroleer kan word dat 'n behaaglike temperatuur in al die gedeeltes van die akkommodasie vir die bemanning in stand gehou kan word.

- (e) any ship which, in his opinion, is primarily employed in a harbour, river, estuary, lake or canal;
- (f) any passenger ship making day trips only;
- (g) any ship engaged in the whaling industry; and
- (h) any coasting ship,

from all or any of the requirements of these regulations to the extent to which he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances.

(2) The Secretary may exempt from the requirements of these regulations any ship in which there are employed any groups of ratings necessitating the employment of a substantially greater number of ratings than would otherwise be employed, to the extent to which he is satisfied that the ship is provided with crew accommodation for such ratings which is suited to their distinctive national habits and customs and, in the case of mess rooms, sanitary accommodation and hospitals, is equal or comparable in standard to the crew accommodation required by these regulations.

(3) The Secretary may, after consultation with the owners of the ship, or such organisations as appear to him to be representative of owners of South African ships, and with such organisations as appear to him to be representative of seamen employed in South African ships, exempt any ship from any of the requirements of these regulations, if he is satisfied that corresponding advantages are provided in the ship so that the crew accommodation considered as a whole, is equivalent or superior in standard to that required by these regulations.

Regulations 2 and 13 (3).

FIRST SCHEDULE.

TRUNKED MECHANICAL VENTILATION SYSTEM.

1. The trunked mechanical ventilation system referred to in regulation 2 and in paragraph (3) of regulation 13 (in this Schedule referred to as “the system”) shall in relation to the spaces specified in the second column of Table I annexed hereto, be capable of the respective standards of performance specified in the third or fourth column of that Table, whichever standard shall be the higher in the circumstances: Provided that nothing in Table I shall be taken to relate to a space specified in the second column of Table II annexed hereto.

2. The system shall, in relation to the spaces specified in the second column of Table II, be capable of the respective standards of performance specified in the third and fourth columns of that Table.

3. If any store room is served by a fan which provides warmed air for any other space, the store room shall be provided with ventilation trunking separate from that serving such other space.

4. The clear area of the exhaust openings provided in conjunction with the system shall be sufficient to ensure that the velocity of air at each exhaust opening does not exceed 1,000 feet per minute when the system is in operation.

5. The speed of every supply fan forming part of the system shall be capable of being varied, where direct current motors are used.

6. The system shall be quiet in operation.

7. All trunking forming part of the system shall be provided with non-return flaps where such flaps are necessary for the exclusion of effluvia and the preservation of the health of the crew.

8. If the system is designed to circulate heated air as the sole means of heating the crew accommodation, the system shall be sub-divided into sections which can be separately controlled to the extent necessary to enable a comfortable temperature to be maintained in all parts of the crew accommodation.

TABEL I.

1. Kategorie.	2. Ruimte.	3. Varslugveranderinge per uur.	4. Volume vars lug in kubieke voet per minuut vir elke persoon wat die kamer waarskynlik op 'n slag gebruik.
A	Kamers (behalwe kamers in kategorie C) in dekhuse bokant die bo- of skuldek— (1) buitekamers (behalwe kamers grensende aan skagte bo die masjienruim)..... (2) binnekamers en kamers grensende aan skagte bo die masjienruim.....	10 15	50 50
B	Kamers (behalwe kamers in kategorie C) in kant-teen-kant bobou bokant die bo- of skuldek— (1) buitekamers (behalwe kamers grensende aan skagte bo die masjienruim)..... (2) binnekamers en kamers grensende aan skagte bo die masjienruim.....	12 15	50 50
C	Eetkamers, rookkamers, ontspanningskamers (in elke geval bokant die bo- of skuldek)— (1) nie grensende aan skagte bo die masjienruim nie..... (2) grensende aan skagte bo die masjienruim.....	15 18	25 (a) 25 (a)
D	Deurgange grensende aan skagte bo die masjienruim.....	4	—
E	Kamers in tussendekke (insluitende skuiltussendekke) van skepe wat met binneverbrandings-masjienerie aangedryf word:— (1) Kamers opsy van skagte bo die masjienruim..... (2) Kamers langsaa maar nie grensende aan skagte bo die masjienruim nie..... (3) Kamers grensende aan skagte bo die masjienruim (behalwe eetkamers, rookkamers en ontspanningskamers)..... (4) Eetkamers, rookkamers en ontspanningskamers (in elke geval grensende aan skagte bo die masjienruim).....	12 12 15 18	50 50 60 25
F	Kamers in tussendekke (insluitende skuiltussendekke) van stoomskepe— (1) Kamers opsy van skagte bo die masjienruim..... (2) Kamers langsaa maar nie grensende aan skagte bo die masjienruim nie..... (3) Kamers onmiddellik bokant skagte bo die masjienruim of opsy van en grensende aan skagte bo die masjienruim (behalwe eetkamers, rookkamers en ontspanningskamers)..... (4) Eetkamers, rookkamers en ontspanningskamers (in elke geval grensende aan skagte bo die masjienruim).....	12 15 18 20	50 60 60 30 (b)

TABLE I.

1. Category.	2. Space.	3. Fresh air changes per hour.	4. Volume of fresh air, in cubic feet per minute for each person likely to use the room at any one time.
A.	Rooms (other than rooms in Category C) in deck-houses above the upper or shelter deck— (1) outside rooms (other than rooms adjoining machinery casing)..... (2) inside rooms and rooms adjoining machinery casing.....	10 15	50 50
B.	Rooms (other than rooms in Category C) in side-to-side superstructures above the upper or shelter deck— (1) outside rooms (other than rooms adjoining machinery casings)..... (2) inside rooms and rooms adjoining machinery casing.....	12 15	50 50
C.	Mess rooms, smoking rooms and recreation rooms (in each case above the upper or shelter deck)— (1) not adjoining machinery casing..... (2) adjoining machinery casing.....	15 18	25 (a) 25 (a)
D.	Passageways adjoining machinery casings.....	4	—
E.	Rooms in 'tween decks (including shelter 'tween decks) of ships propelled by internal combustion machinery— (1) Rooms clear of machinery casing..... (2) Rooms abreast of but not adjoining machinery casing..... (3) Rooms adjoining machinery casing (other than mess rooms, smoking rooms and recreation rooms)..... (4) Mess rooms, smoking rooms and recreation rooms (in each case adjoining machinery casing).....	12 12 15 18	50 50 60 25
F.	Rooms in 'tween decks (including shelter 'tween decks) of steamships— (1) Rooms clear of machinery casing..... (2) Rooms abreast of, but not adjoining machinery casing..... (3) Rooms immediately above machinery casing or abreast of and adjoining machinery casing (other than mess rooms, smoking rooms and recreation rooms)..... (4) Mess rooms, smoking rooms and recreation rooms (in each case adjoining machinery casing).....	12 15 18 20	50 60 60 30 (b)

(a) Watter aantal persone die kamer ook al waarskynlik op 'n slag gebruik, is dit geen vereiste dat die totale volume vars lug per minuut sodanig moet wees dat dit nodig is om meer as 20 varslugveranderinge per uur te maak nie.

(a) Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute shall not be required to be such as would result in more than 20 fresh air changes per hour.

(b) Watter aantal persone die kamer ook al waarskynlik op 'n slag gebruik, is dit geen vereiste dat die totale volume vars lug per minuut sodanig moet wees dat dit nodig is om meer as 25 varslugveranderinge per uur te maak nie.

(b) Whatever the number of persons likely to use the room at any one time, the total volume of fresh air per minute shall not be required to be such as would result in more than 25 fresh air changes per hour.

TABEL II.

1. Kategorie.	2. Ruimte.	3. 4. VARSLUGVERANDERINGE PER UUR.	
		Toevoer.	Uitlaat.
G.	Skeepskombuise.....	20 (c) (d)	40 (d)
H.	Sanitêre akkommodasie, droogkamers en spense.....	10	—
J.	Salie in permanente hospitale.....	12 of sodanige groter getal as wat nodig is vir die toevoer van minstens 50 ku- bieke voet vars lug per minuut vir elke bed in die kamer.	—
K.	Droëproviandpakkamers.....	Minstens 10 (e) en hoogstens 20	—

TABLE II.

1. Category.	2. Space.	3. 4. FRESH AIR CHANGES PER HOUR.	
		Supply.	Exhaust.
G.	Galley.....	20 (c) (d)	40 (d)
H.	Sanitary accommodation, drying rooms and pantries.....	10	—
J.	Wards in permanent hospitals.....	12 or such greater number as would result in the supply of not less than 50 cubic feet of fresh air per minute for each bed in the room.	—
K.	Dry provision store rooms.....	Not less than 10 (e) and not more than 20.	—

(c) 15, as minstens twee kante van die skepskombuis aan wind en weer blootgestel is.

(d) Die Sekretaris kan enige skip van hierdie voorskrifte vrystel in sover hy oortuig is dat nakoming daarvan vanweë die isolasie van die uitrusting in die skepskombuis onnodig is, of vanweë die afmeting van die skepskombuis.

(e) Behoudens die bepalings van regulasie 30 (4).

Regulasies 8 (2) en 9 (3).

TWEDE BYLAE.

DEKBEDEKKING.

1. Die materiaal waarna in paragraaf (2) van regulasie 8 en paragraaf (3) van regulasie 9 (in hierdie Bylae „die materiaal” genoem) verwys word, moet aan die volgende vereistes voldoen:—

(a) *Voetsteun*.—Die materiaal, droog of nat, moet 'n goeie voetsteun verskaf.

(b) *Termiese isolasie*.

(i) As die materiaal 'n dek bedek wat aan wind en weer blootgestel is, moet die termiese isolasie nie minder wees as dié wat deur 'n houtdek van 2½ duim dik verskaf word nie.

(c) 15, if at least two sides of the galley are exposed to the weather.

(d) The Secretary may exempt any ship from these requirements to the extent to which he is satisfied that compliance therewith is unnecessary by reason of the insulation of the equipment in the galley, or by reason of the size of the galley.

(e) Subject to the provisions of regulation 30 (4).

Regulations 8 (2) and 9 (3).

SECOND SCHEDULE.

DECK SHEATHINGS.

1. The material referred to in paragraph (2) of regulation 8 and paragraph (3) of regulation 9 (in this Schedule referred to as “the material”) shall comply with the following requirements:—

(a) *Foothold*.—The material, whether wet or dry, shall provide a good foothold.

(b) *Thermal Insulation*.

(i) If the material covers a deck exposed to the weather, it shall provide thermal insulation not less than that provided by a wooden deck 2½ inches thick.

- (ii) As die materiaal enige ander dek beklee, moet dit 'n warm en behaaglike oppervlak hê.
- (c) *Brandbestandheid*.—Die materiaal moet sodanig wees dat dit op die plek waar dit gelê is, nie maklik sal ontvlam nie.
- (d) *Waterabsorpsie*.—Die materiaal moet sodanig wees dat sy voggehalte, nadat dit 48 uur lank in water ingedompel was, nie meer as 7 persent van sy droë gewig is nie. Die Sekretaris kan enige skip van die voorskrifte van hierdie subparagraaf vrystel.
- (e) *Aanhegting*.—Die materiaal moet so gelê word dat dit onder alle dienstoestande aan die oppervlak waarop dit gelê is, stewig sal vaskleef.
- (f) *Korrosievas*.—Die materiaal mag geen stof bevat wat korrosie van die dek waarop dit gelê is, sal veroorsaak nie, tensy die dek doeltreffend teen korrosie beskerm is deur 'n bestryksel wat vir dié doel aangewend is.
- (g) *Gevaar vir persone*.—Die materiaal moet sodanig wees dat dit op persone wat daarmee in aanraking mag kom, geen nadelige gevolge sal hê nie.
- (h) *Bestandheid teen wind en weer*.—Die materiaal moet hard en sterk genoeg wees om alle dienstoestande te weerstaan en buigsaam genoeg wees om onder daardie toestande te voorkom dat dit kraak.

2. As die materiaal in 'n permanente hospitaal gelê word, moet dit materiaal wees wat waarskynlik nie deur chirurgiese spiritus of ander vloeistowwe wat in die hospitaal gebruik word, beskadig sal word nie.

3. As die materiaal op die kruin van 'n oliebrandstoftenk gelê word, moet dit sodanig wees dat as dit 24 uur lank in oliebrandstof op 'n temperatuur van 65° C. ingedompel was, die gewig van die materiaal met nie meer as 1 persent sal styg nie en die materiaal teen deurdringing van die olie bestand is.

Regulasie 8 (2).
DERDE BYLAE.

ISOLASIEMATERIAAL VIR DIE ONDERKANT
VAN DEKKE.

Die isolasiemateriaal waarna in paragraaf (2) van regulasie 8 verwys word (in hierdie Bylae „die materiaal” genoem), moet aan die volgende vereistes voldoen:—

- (a) *Termiese isolasie*.—Die materiaal moet termiese isolasie verskaf van minstens dié wat deur 'n houtdek van 2½ duim dik verskaf word.
- (b) *Brandbestandheid*.—Die materiaal moet sodanig wees dat dit op die plek waar dit gelê is, nie maklik sal ontvlam nie.
- (c) *Aanhegting*.—Die materiaal moet so gelê word dat dit onder alle dienstoestande aan die oppervlak waarop dit gelê is, stewig sal vaskleef.
- (d) *Korrosievas*.—Die materiaal mag geen stof bevat wat korrosie van die dek waaronder dit gelê is sal veroorsaak nie, tensy die dek doeltreffend teen korrosie beskerm is deur 'n bestryksel wat vir dié doel aangewend is.

Regulasie 16.
VIERDE BYLAE.

AFMERKING.

DEEL I.

AFMERKING VAN SLAAPKAMERS.

Gesertifiseer vir (*) seelui.
Gesertifiseer vir A (†) seelui.
Gesertifiseer vir (‡) seelui of A (†) seelui.

- (ii) If the material covers any other deck, it shall provide a warm and comfortable surface.

- (c) *Fire Resistance*.—The material shall be such as will not readily ignite in the position in which it is laid.
- (d) *Water Absorption*.—The material shall be such that, after being immersed in water for a period of 48 hours, the moisture content of the material will not exceed 7 per cent of its dry weight. The Secretary may exempt any ship from the requirement of this sub-paragraph.
- (e) *Adhesion*.—The material shall be so laid as to adhere closely under all conditions of service to the surface on which it is laid.
- (f) *Non-Corrosion*.—The material shall not contain any substance which may cause corrosion of the deck on which it is laid, unless the deck is effectively protected from corrosion by a coating applied for that purpose.
- (g) *Danger to Persons*.—The material shall be such as will not produce any injurious effect upon persons who may come in contact with it.
- (h) *Resistance to Wear and Weather*.—The material shall be sufficiently hard and strong to withstand all conditions of service and shall be sufficiently flexible to prevent cracking under those conditions.

2. If the material is laid in a permanent hospital, it shall be material not likely to be damaged by surgical spirit or other liquids which may be used in the hospital.

3. If the material is laid on the crown of an oil fuel tank, the material shall be such that if it is immersed in fuel oil for a period of 24 hours at a temperature of 65°C. the weight of the material will not increase by more than 1 per cent and the material will not be penetrated by the oil.

Regulation 8 (2).
THIRD SCHEDULE.

INSULATING MATERIAL FOR THE UNDERSIDE
OF DECKS.

The insulating material referred to in paragraph (2) of regulation 8 (in this Schedule referred to as “the material”) shall comply with the following requirements:—

- (a) *Thermal Insulation*.—The material shall provide thermal insulation not less than that provided by a wooden deck 2½ inches thick.
- (b) *Fire Resistance*.—The material shall be such as will not readily ignite in the position in which it is laid.
- (c) *Adhesion*.—The material shall be so laid as to adhere closely under all conditions of service to the deck under which it is laid.
- (d) *Non-corrosion*.—The material shall not contain any substance which may cause corrosion of the deck under which it is laid, unless the deck is effectively protected from corrosion by a coating applied for that purpose.

Regulation 16.
FOURTH SCHEDULE.

MARKING.

PART I.

MARKINGS FOR SLEEPING ROOMS.

Certified for (*) seamen.
Certified for A (†) seamen.
Certified for (‡) seamen or A (†) seamen.

DEEL II.

AFMERKING VIR RUIMTES BEHALWE SLAAPKAMERS.

Gesertifiseer vir Hoofnavigasie-offisier (†).
 Gesertifiseer vir Offisiere.
 Gesertifiseer vir Onderoffisiere.
 Gesertifiseer vir Leerlinge.
 Gesertifiseer vir Bemanning.

- (*) Hier moet ingevoeg word die maksimum getal seelui wat in die kamer ooreenkomstig hierdie regulasies gehuisves mag word, wanneer dit nie uitsluitlik vir die gebruik van sodanige manskappe as waarna in paragraaf (2) van regulasie 39 verwys word, beskikbaar gestel is nie.
- (†) Hier moet ingevoeg word die maksimum getal seelui wat in die kamer ooreenkomstig hierdie regulasies gehuisves mag word, wanneer dit uitsluitlik vir die gebruik van sodanige manskappe as waarna in paragraaf (2) van regulasie 39 verwys word, beskikbaar gestel is.
- (‡) In die geval van 'n kamer bestem vir die alleen gebruik van enige ander offisier, moet die rang van daardie offisier hier in vervanging aangedui word.

No. 1896.]

[20 November 1959.]

MARINE-AFDELING.

REGULASIES WAARIN DIE PROSEDURE VOORGESKRYF WORD WAT GEVOLG MOET WORD BY DIE VERHOOR VAN APPELLE DEUR OPNEMINGSHOWE WAT KRAGTENS DIE HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951) BYEENGEROEP WORD.

Dit het die Minister van Vervoer behaag om, kragtens die bepalings van paragraaf (XXXV) van subartikel (1) van artikel *driehonderd ses-en-vyftig* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die volgende regulasies* uit te vaardig.

INHOUD:

1. Opskrif van hierdie regulasies.
2. Woordbetekenis.
3. Ly's waaruit lede van die hof gekies moet word.
4. Kennisgewing van appèl.
5. Aanstelling van lede van die hof.
6. Bekendmaking van aanstelling as lid.
7. Toelaes betaalbaar aan lede.
8. Tyd wanneer en plek waar die appèl verhoor word.
9. Aanstelling en pligte van die klerk van 'n opnemingshof.
10. Partye tot die verrigtings.
11. Oproeping van getuies.
12. Verteenwoordiging van partye.
13. Getuienis.
14. Toesprake deur die partye.
15. Verdagings.
16. Bevele in verband met die betaling van koste.
17. Uitvoering van bevele in verband met die betaling van koste.
18. Rekord van verrigtings.
19. Versending van rekords aan die Sekretaris.
20. Verhoor van appèl wat na deskundiges verwys word.

* Hierdie regulasies tree in werking op die datum waarop Wet No. 57 van 1951 in werking tree. Die datum sal deur proklamasie in die *Staatskoerant* bekendgemaak word.

PART II.

MARKINGS FOR SPACES OTHER THAN SLEEPING ROOMS.

Certified for Chief Navigating Officer (†).
 Certified for Officers.
 Certified for Petty Officers.
 Certified for Apprentices.
 Certified for Crew.

- (*) There shall here be inserted the maximum number of seamen who may be accommodated in the room in accordance with these regulations when it is not appropriated for use solely by such ratings as are referred to in paragraph (2) of regulation 39.
- (†) There shall here be inserted the maximum number of seamen who may be accommodated in the room in accordance with these regulations when it is appropriated for use solely by such ratings as are referred to in paragraph (2) of regulation 39.
- (‡) In the case of a room intended for the sole use of any other officer, the rank of that officer shall here be substituted.

No. 1896.]

[20 November 1959.]

MARINE DIVISION.

REGULATIONS PRESCRIBING THE PROCEDURE TO BE FOLLOWED IN THE HEARING OF APPEALS BY COURTS OF SURVEY CONVENED IN TERMS OF THE MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951).

The Minister of Transport has been pleased, under the provisions of paragraph (XXXV) of sub-section (1) of section *three hundred and fifty-six* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951); to make the following regulations.*

CONTENTS.

1. Title of these Regulations.
2. Interpretation.
3. List from which Members of Court to be Selected.
4. Noting of Appeal.
5. Appointment of Members of Court.
6. Notification of Appointment as Member.
7. Allowances Payable to Members.
8. Time and Place for Hearing of Appeal.
9. Appointment and Duties of Clerk of a Court of Survey.
10. Parties to the Proceedings.
11. Summoning of Witnesses.
12. Representation of Parties.
13. Evidence.
14. Addresses by the Parties.
15. Adjournments.
16. Orders for Costs.
17. Enforcement of Orders for Costs.
18. Records of Proceedings.
19. Transmission of Records to Secretary.
20. Hearing of Appeal referred to Experts.

* These regulations will come into operation on the date on which Act No. 57 of 1951 comes into operation. This date will be notified by proclamation in the *Gazette*.

BYLAES.

- Bylae A.—Kennisgewing van appèl na 'n opnemingshof.
 Bylae B.—Toelaes vir onderhoud en vervoer betaalbaar aan lede van opnemingshowe.
 Bylae C.—Dagvaardingsvorm.
 Bylae D.—Verslag van opnemingshof.

(INLEIDINGSOPMERKING.)

Die aandag word gevestig op artikel *tweehonderd-en-tagtig* van Wet No. 57 van 1951 waarkragtens 'n opnemingshof of 'n deskundige of deskundiges na wie 'n appèl na 'n opnemingshof kragtens artikel *tweehonderd twee-en-tagtig* verwys word, gemagtig word om die prosedure te bepaal wat, behoudens die bepalings van die Wet en die regulasies wat daarkragtens uitgevaardig word, by die verhoor van die appèl sal geld. Vir sover enige kwessie van prosedure dus nie deur die Wet self of deur die regulasies wat hieronder volg, gedek word nie staan dit die hof of die deskundige of deskundiges vry om self die prosedure te bepaal wat gevolg sal word.

OPSKRIF VAN HIERDIE REGULASIES.

1. Onderstaande regulasies heet die Regulasies Betreffende Opnemingshowe, 1960.

WOORDBETEKENIS.

2. In hierdie regulasies beteken die uitdrukking „die Wet” die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan daar in die Wet 'n betekenis toegeken is, wanneer dit in hierdie regulasies gebruik word, die aldus toegekende betekenis, en beteken—

- (i) „appellant”, die persoon wat na 'n opnemingshof geappelleer het;
- (ii) „hof”, 'n opnemingshof wat kragtens artikel *tweehonderd vyf-en-sewentig* van die Wet byegeroep word;
- (iii) „klerk”, die klerk van 'n opnemingshof wat ooreenkomstig regulasie 9 aangestel word;
- (iv) „party”, 'n persoon wat by of ooreenkomstig regulasie 10 as 'n party tot die verrigtings van 'n hof verklaar word.

(LET WEL.—Artikel *twee* van die Wet sluit onderstaande woordbepalings in:—

- „Minister”, die Minister van Vervoer.
- „Sekretaris”, die Sekretaris van Vervoer.)

LYS WAARUIT LEDE VAN DIE HOF GEKIES MOET WORD.

3. (1) Die Sekretaris stel van tyd tot tyd 'n lys op van persone wat kragtens subartikel (2) van artikel *tweehonderd ses-en-sewentig* van die Wet bevoegd is om lede (behalwe die voorsitter) van 'n opnemingshof te wees.

(2) Die Sekretaris lê die lys wat ooreenkomstig paragraaf (1) van hierdie regulasie opgestel word vir sy goedkeuring aan die Minister voor. Die Minister kan na goeddunke name wat op die lys voorkom skrap en die name van persone wat bevoegd is soos hierbo vermeld, by die lys voeg.

(3) Wanneer die Minister so 'n lys wat aan hom voorgelê word, goedgekeur het, word die lys wat tot op daardie tyd in gebruik was, ingetrek.

(4) Teenoor elke naam wat op die lys voorkom, word die marine-, ingenieurs- of ander besondere vaardigheid, kennis of ervaring waaroor die persoon beskik, vermeld.

(5) Wanneer die Sekretaris deur 'n persoon wie se naam op so 'n lys voorkom, skriftelik versoek word om sy naam van die lys te verwyder, skrap die Sekretaris die persoon se naam van die lys.

(6) Elke persoon wie se naam voorkom op die lopende lys wat deur die Minister goedgekeur is, is verkiesbaar as 'n lid van 'n opnemingshof.

ANNEXES.

- Annex A.—Notice of Appeal to a Court of Survey.
 Annex B.—Allowances towards subsistence and transport payable to Members of Courts of Survey.
 Annex C.—Form of Subpoena.
 Annex D.—Report of Court of Survey.

(INTRODUCTORY NOTE.)

Attention is invited to section *two hundred and eighty* of Act No. 57 of 1951, which empowers a Court of Survey or an expert or experts to whom an appeal to a Court of Survey has been referred under section *two hundred and eighty-two* to determine the procedure to be followed at the hearing of the appeal, subject to the provisions of the Act and the regulations made thereunder. In so far, therefore, as any matter of procedure is not covered by the Act itself or the regulations following, the Court or the expert or experts are free to determine its or their own procedure.

TITLE OF THESE REGULATIONS.

1. These regulations are called the Courts of Survey Regulations, 1960.

INTERPRETATION.

2. In these regulations the expression “the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned, and—

- (i) “appellant” means the person who has noted an appeal to a Court of Survey;
- (ii) “Court” means a Court of Survey convened under section *two hundred and seventy-five* of the Act;
- (iii) “clerk” means the clerk of a Court of Survey appointed under regulation 9;
- (iv) “party” means a person declared by or under regulation 10 to be a party to the proceedings of a Court.

(NOTE.—Section *two* of the Act includes the following definitions:—

“Minister” means the Minister of Transport.

“Secretary” means the Secretary for Transport.)

LIST FROM WHICH MEMBERS OF COURT TO BE SELECTED.

3. (1) The Secretary shall from time to time frame a list of persons qualified in terms of sub-section (2) of section *two hundred and seventy-six* of the Act to be members (other than presiding officers) of Courts of Survey.

(2) The Secretary shall submit the list framed under paragraph (1) of this regulation to the Minister for approval. The Minister may in his discretion remove from the list any names appearing therein and insert therein any names of persons qualified as aforesaid.

(3) When the Minister has approved any such list submitted to him the list that up to that time had been in use shall be cancelled.

(4) Opposite every name appearing in the list shall be stated the kind of nautical, engineering or other special skill, knowledge or experience which the person named possesses.

(5) Upon receipt by the Secretary of a request in writing by any person whose name appears on any such list for the removal of his name from the list, the Secretary shall remove his name.

(6) Every person whose name appears in the current list approved by the Minister shall be eligible for selection as a member of a Court of Survey.

KENNISGEWING VAN APPEL.

4. (1) Wanneer daar kragtens subartikel (1) van artikel tweehonderd vier-en-sewentig van die Wet na 'n opnemingshof geappelleer word, geskied dit deur op die Sekretaris 'n kennisgewing van appel te dien in die vorm wat in Bylae A by hierdie regulasies uiteengesit word. Met dien verstande dat, as die skip in Kaapstad of Durban is, die kennisgewing van appel op die Eerste Beampte van die Marine-afdeling in die betrokke hawe gedien kan word; of as die skip in Port Elizabeth, Oos-Londen, Mosselbaai, Port Nolloth, Lüderitz of Walvisbaai is, op die Koopvaardymeester in daardie hawens.

(2) As die kennisgewing van appel ooreenkomstig paragraaf (1) van hierdie regulasie op 'n Eerste Beampte van die Marine-afdeling, of op 'n Koopvaardymeester gedien word, moet hy dit onverwyld aan die Sekretaris versend.

[LET WEL.—Wat betref die wyse waarop die kennisgewing gedien word, word die aandag gevestig op artikel driehonderd twee-en-veertig (a) en (b) van die Wet wat in die Opmerking by regulasie 11 uiteengesit word.]

AANSTELLING VAN LEDE VAN DIE HOF.

5. (1) Wanneer daar 'n reg van appel na 'n opnemingshof kragtens artikel tweehonderd vier-en-sewentig van die Wet is en appel behoorlik aangeteken is, roep die Minister behoudens die bepalinge van artikel tweehonderd twee-en-tagtig van die Wet 'n opnemingshof byeen om die appel te verhoor en stel hy 'n landdros aan as voorsitter en twee of vier ander persone as lede van die hof.

(2) Die lede, behalwe die voorsitter, word gekies uit die lopende lys wat ooreenkomstig regulasie 3 opgestel word, tensy dit na die mening van die Minister, weens die spesiale aard van die vraag wat by die appel betrokke is, raadsaam is om 'n persoon wie se naam nie op gemelde lys voorkom nie as 'n lid aan te stel.

BEKENDMAKING VAN AANSTELLING AS LID.

6. Die Sekretaris stel alle persone wat deur die Minister as lede van die hof aangestel is skriftelik in kennis van hul aanstelling, en stuur aan hulle afskrifte van die kennisgewing van appel en van alle bylaes daarby.

TOELAES BETAALBAAR AAN LEDE.

7. Elke lid van 'n hof ontvang, as hy in die diens van die Unie-regering (met inbegrip van die Spoorwegadministrasie) of die Administrasie van Suidwes-Afrika is, sodanige toelaes vir onderhoud en vervoer as wat voorgeskryf is (anders as kragtens die Wet), vir Staats-, Spoorweg- of Administrasie-dienare van sy klas, en as hy nie in die diens van die Unie-regering (met inbegrip van die Spoorwegadministrasie) of die Administrasie van Suidwes-Afrika is nie, of as geen sodanige toelaes vir Staats-, Spoorweg- of Administrasie-dienare van sy klas voorgeskryf is nie, ontvang hy die toelaes vir onderhoud en vervoer wat in Bylae B by hierdie regulasies uiteengesit word.

TYD WANNEER EN PLEK WAAR DIE APPEL VERHOOR WORD.

8. (1) Die voorsitter bepaal die tyd wanneer en die plek waar die appel verhoor sal word.

(2) Die klerk stel die Sekretaris en die appellant skriftelik in kennis van die gemelde tyd en plek.

(3) As die opneming in verband waarmee die appel ontstaan het, gemaak is as gevolg van 'n klagte deur 'n persoon ingedien, stel die klerk sodanige persoon in kennis van die gemelde tyd en plek vir die verhoor van die appel en stuur hy aan hom 'n afskrif van die kennisgewing van appel en van alle bylaes daarby.

AANSTELLING EN PLIGTE VAN DIE KLERK VAN 'N OPNEMINGSHOF.

9. (1) Die Sekretaris stel 'n persoon aan as klerk van die opnemingshof.

(2) Behoudens die bepalinge van regulasie 18 en enige opdragte van die voorsitter, notuleer die klerk die verrigtings van die hof en neem hy sodanige notule en enige dokumente wat tydens of in verband met die ondersoek voorgelê word, in sy bewaring.

NOTING OF APPEAL.

4. (1) An appeal to a Court of Survey under subsection (1) of section two hundred and seventy-four of the Act shall be noted by the service on the Secretary of a notice of appeal in the form set forth in Annex A to these regulations: Provided that if the ship is at Cape Town or Durban, the notice may be served on the Principal Officer of the Marine Division at the port; or if the ship is at Port Elizabeth, East London, Mossel Bay, Port Nolloth, Lüderitz or Walvis Bay, the notice may be served on the Shipping Master at the port.

(2) If the notice of appeal is served on a principal officer of the Marine Division or a shipping master in terms of paragraph (1) of this regulation, he shall forthwith transmit it to the Secretary.

[NOTE.—As to the method of service, attention is invited to section three hundred and forty-two (a) and (b) of the Act, set out in the note to regulation 11.]

APPOINTMENT OF MEMBERS OF THE COURT.

5. (1) Whenever an appeal to a Court of Survey lies in terms of section two hundred and seventy-four of the Act and has been duly noted the Minister shall, subject to the provisions of section two hundred and eighty-two of the Act, convene a Court of Survey to hear the appeal, and shall appoint a magistrate to be the presiding officer thereof and two or four other persons to be members thereof.

(2) The members, other than the presiding officer, shall be selected from the current list framed in terms of regulation 3, unless by reason of the special nature of the questions involved in the appeal it appears to the Minister expedient to appoint as a member a person whose name does not appear on that list.

NOTIFICATION OF APPOINTMENT AS MEMBER.

6. The Secretary shall by letter inform all persons appointed by the Minister to be members of the Court that they have been so appointed, and shall send to them copies of the notice of appeal and of all annexes thereto.

ALLOWANCES PAYABLE TO MEMBERS.

7. Every member of a Court shall, if he is in the employ of the Government of the Union (including the Railway Administration) or the Administration of South West Africa, be paid such allowances towards subsistence and transport as may be prescribed (otherwise than under the Act) for Government, Railway or Administration employees of his class, and if he is not in the employ of the Government of the Union (including the Railway Administration) or the Administration of South West Africa, or if no such allowances have been prescribed for Government, Railway or Administration employees of his class, he shall be paid the allowances towards subsistence and transport set forth in Annex B to these regulations.

TIME AND PLACE FOR HEARING OF APPEAL.

8. (1) The presiding officer shall appoint the time and place for the hearing of the appeal.

(2) The clerk shall by letter notify the Secretary and the appellant of the said time and place.

(3) If the survey in connection with which the appeal has arisen was made on the complaint of any person, the clerk shall notify him of the said time and place and shall send to him a copy of the notice of appeal and of all annexes thereto.

APPOINTMENT AND DUTIES OF CLERK OF A COURT OF SURVEY.

9. (1) The Secretary shall appoint a person to be clerk of the Court.

(2) The clerk shall, subject to the provisions of regulation 18 and to any instructions by the presiding officer, make minutes of the proceedings of the Court, and take such minutes and any documents produced during or in connection with the investigation into his custody.

PARTYE TOT DIE VERRIGTINGS.

10. Onderstaande persone is partye tot die verrigtings—

- (a) die Sekretaris;
- (b) die appellant; en
- (c) enige persoon wat op sy eie versoek deur die voorsitter as 'n party tot die verrigtings verklaar is.

OPROEPING VAN GETUIES.

11. (1) Wanneer die hof, by die uitoefening van sy bevoegdhede kragtens paragraaf (iii) van sub-artikel (1) van artikel *nege* van die Wet, 'n persoon oproep om voor hom te verskyn om ondervra te word of om enige boek, dokument of ding voor te lê, geskied dit by wyse van 'n dagvaarding in die vorm wat in Bylae C by hierdie regulasie uiteengesit word.

(2) So 'n dagvaarding kan aangevra word deur die Sekretaris of enige ander party wat verlang dat die getuie aanwesig moet wees, en dit word deur die klerk van die hof onderteken.

(3) Die dagvaarding kan op die persoon wat opgeroep word, gedien word deur die geregsbode van die landdroshof binne die regsgebied waarvan die opnemingshof sit, of deur enige ander persoon, en dit moet gedien word op 'n redelike tyd voordat die persoon se aanwesigheid verlang word.

(4) Aan die persoon wat die dagvaarding moet dien, moet, saam met die dagvaarding, net soveel afskrifte daarvan oorhandig word as die aantal getuies wat opgeroep moet word, asook sodanige bedrag of bedrae as wat die persoon wat die dagvaarding aanvra, bedoel dat die persoon wat die dagvaarding moet dien aan gemelde getuies onderskeidelik vir hul padgeld moet betaal of aanbied.

(5) Die diening van enige sodanige dagvaarding kan bewys word deur 'n beëdigde verklaring deur die persoon wat dit gedien het of deur sy getuienis onder eed voor die hof of, as die diening deur die geregsbode uitgevoer is, deur 'n relaas van diening onder sy handtekening.

(6) Vir die diening van enige dagvaarding wat deur 'n opnemingshof uitgereik word, is die geregsbode geregtig tot betaling van die gelde en koste wat aan hom betaalbaar sou wees as dit 'n dagvaarding was wat deur 'n landdroshof uitgereik is.

[LET WEL.—Wat betref die metode waarvolgens 'n dagvaarding gedien word, word die aandag gevestig op artikel *driehonderd twee-en-veertig* (a) en (b) van die Wet wat soos volg lui:—

„In die gevalle waar enige dokument by die toepassing van hierdie Wet op iemand gedien moet word, kan daardie dokument gedien word—

(a) in enige geval deur aflewering van 'n afskrif daarvan persoonlik aan die persoon op wie die dokument gedien moet word; of deur sodanige afskrif in 'n koevert waarop sy naam en adres geskryf is, aan hom per geregistreerde pos ooreenkomstig die regulasies te stuur; of deur sodanige afskrif vir hom te laat by 'n lid van sy huisgesin by sy woonplek; of as niemand wat tot sy huisgesin behoort aldaar gevind kan word nie, deur sodanige afskrif aan die hoofbuitendeur van gemelde woonplek of van enige plek waar hy werklik woon of (sover bekend is) laas gewoon het, te heg; of

(b) as die dokument gedien moet word op die gesagvoerder van 'n skip of op 'n persoon behorende tot 'n skip, deur 'n afskrif daarvan vir hom aan boord van daardie skip te laat by die persoon wat werklik of blykbaar gesag voer of toesig het oor die skip.”

Wat betref die gelde wat aan getuies betaalbaar is, word die aandag gevestig op artikel *tweehonderd vyf-en-tagtig* van die Wet, waarin bepaal word dat aan 'n getuie wat deur 'n opnemingshof opgeroep word sodanige getuiegelde betaal word as wat toegestaan word aan enige getuie wat aanwesig is of gedagvaar is om getuienis te gee in 'n siviele saak voor 'n landdroshof. Die huidige tarief van sodanige getuiegelde is voorgeskryf by Goewerments-

PARTIES TO THE PROCEEDINGS.

10. The following persons shall be parties to the proceedings:—

- (a) the Secretary;
- (b) the appellant; and
- (c) any person who on his own application has been declared by the presiding officer to be a party.

SUMMONING OF WITNESSES.

11. (1) The summoning by the Court, in the exercise of its powers under paragraph (iii) of sub-section (1) of section *nine* of the Act, of any person to appear before it to be interrogated or to produce any book, document or thing shall be by subpoena in the form set forth in Annex C to these regulations.

(2) Any such subpoena may be sued out by the Secretary or any other party desiring the attendance of the witness and shall be signed by the clerk.

(3) The subpoena may be served on the person to be summoned by the Messenger of the Magistrate's Court within whose area of jurisdiction the Court of Survey is held or by any other person, and the service shall be effected at a reasonable time before attendance is required.

(4) There shall be delivered to the person who is to effect service together with the subpoena so many copies thereof as there are witnesses to be summoned and also such sum or sums of money as the person issuing out the subpoena intends that the person who is to effect service shall pay or offer to the said witnesses respectively for their conduct money.

(5) The service of any such subpoena may be proved by the affidavit of the person who has effected the service or by his testimony upon oath before the Court, or, if the service was effected by the messenger, by a return of service under his hand.

(6) The messenger shall be entitled to be paid for the service of any subpoena the fees and charges that would be payable to him if the subpoena were a subpoena issued out of a Magistrate's Court.

[NOTE.—As to the method of service, attention is invited to section *three hundred and forty-two* (a) and (b) of the Act, which reads as follows:—

“Where for the purposes of this Act any document is to be served on any person, that document may be served—

(a) in any case by delivering a copy thereof personally to the person on whom the document is to be served; or by sending such copy to him, in accordance with the regulations, by registered post, enclosed in an envelope upon which is written his name and address; or by leaving such copy for him with a member of his household at his dwelling; or, if no person belonging to his household can be found there, then by affixing such copy to the principal outer door of the said dwelling or of any place where he actually resides or was last known to reside; or

(b) if the document is to be served on the master of a ship or on a person belonging to a ship, by leaving a copy thereof for him on board that ship with the person being or appearing to be in command or charge of the ship.”

As to the fees payable to witnesses, attention is invited to section *two hundred and eighty-five* of the Act, which provides that a witness summoned by a Court of Survey shall be paid such expenses as would be allowed to a witness attending or subpoenaed to give evidence in a civil case before a Magistrate's Court. The present tariff of such expenses is prescribed by Government Notice

kennisgewing No. 1113, gedateer 19 Mei 1950, soos gewysig by Goewermentskennisgewing No. 1612, gedateer 29 Junie 1951, wat soos volg lui:—

„Indeling.	Bedrag betaalbaar per dag.	
	(1) Waar die nood- saaklike afwe- sigheid van die getuie van sy woonplek of plek waar hy vertoef nie die huur van huisvesting vir die nag nood- saaklik maak nie.	(2) Waar die nood- saaklike afwe- sigheid van die getuie van sy woonplek of plek waar hy vertoef die huur van huisvesting vir die nag nood- saaklik maak.
	£ s. d.	£ s. d.
(a) Mediese praktisyns.....	1 10 0	1 10 0
(b) Getuies wat die hof bywoon om deskundige getuienis af- te lê of wat lede is van 'n beroep wat die Minister van Justisie van tyd tot tyd goedkeur.....	1 1 0	1 10 0
(c) Blanke getuies wat nie onder (a) of (b) ressorteer nie.....	0 10 0	0 17 6
(d) Asiate en kleurlinge, met uitsondering van inboor- ling-naturelle van Suid- Afrika, wat nie onder (a) of (b) hiervan ressorteer nie, en naturellekapteins en hoof- manne wat as sodanig deur die Regering erken word...	0 4 0	0 8 0
(e) Inboorling-naturelle van Suid-Afrika wat nie onder (a) of (b) hiervan ressorteer nie.....	0 2 6	0 5 0"

2. 'n Getuie wat onder groep (a) ressorteer en wat nie verder as vyf myl van die hof af woon of vertoef nie, word 'n toelaag van £1. 1s. per dag betaal.

3. Waar die reis na die hof per trein, poskar, publieke vervoer of skip onderneem word, word die werklike reiskoste aan die getuie betaal of terug-betaal.

4. Ingeval 'n getuie verder as drie myl van die hof woon of vertoef en enige vervoer (insluitende sy eie), met uitsondering van vervoer waarna in regulasie 3 hiervan verwys word, gebruik, word 'n toelaag ten opsigte van vervoerkoste vir sowel die heen- as die terugreis aan hom betaal teen 'n tarief van ses pennies (6d.) per myl ten opsigte van motorvoertuie behalwe motorfietsse en drie pennies (3d.) per myl ten opsigte van motorfietsse, trapfietsse en vervoer deur middel van diere: Met dien verstande dat waar twee of meer maniere van vervoer of roetes redelik beskikbaar is, die bedrag bereken moet word volgens die goedkoopste roete of manier van vervoer.

5. Kinders onder die ouderdom van twaalf jaar word teen die helfte van die tariewe wat onderskeidelik in regulasies 1 en 2 hiervan voorgeskryf is, betaal en 'n begeleide of oppasser wat so 'n kind moet vergesel, is geregtig tot betaling teen die tarief wat vir 'n getuie van sy klas voorgeskryf is.

6. Die onderhoudstoelae is betaalbaar ten opsigte van iedere tydperk van vier-en-twintig uur wat 'n getuie se noodsaaklike bywoning van die hof in beslag neem of wat hy noodsaaklikerwys afwesig is van sy woonplek of plek waar hy vertoef (gedeeltes van 'n dag word as 'n volle dag beskou), insluitende die tyd wat die reis na en van die hofsetel werklik in beslag geneem het: Met dien verstande dat die aantal dae wat vir die reis toegelaat word in geen geval die totale aantal dae, bereken teen die totale mylafstand na en van die hof, mag oorskry nie; ten opsigte van getuies wat per motorvoertuig reis, word tweehonderd myl of 'n gedeelte daarvan as 'n dag gereken, ses-en-dertig myl of 'n gedeelte daarvan as 'n dag ten opsigte van getuies wat per trapfiets, te perd of per voertuig wat deur diere getrek word, reis, en agtien myl of 'n gedeelte daarvan as 'n dag ten opsigte van

No. 1113, dated 19th May, 1950, as amended by Government Notice No. 1612, dated 29th June, 1951, which reads as follows:—

„Classification.	Amount payable per diem.	
	(1) Where the necessary absence of the Witness from his Resi- dence or Sojourn does not necessitate the Hiring of Night Accommodation.	(2) Where the necessary absence of the Witness from his Resi- dence or Sojourn does necessitate the Hiring of Night Accom- modation.
	£ s. d.	£ s. d.
(a) Medical practitioners.....	1 10 0	1 10 0
(b) Witnesses attending to give expert evidence or who are members of professions approved from time to time by the Minister of Justice..	1 1 0	1 10 0
(c) European witnesses not falling under (a) or (b) hereof.....	0 10 0	0 17 6
(d) Asiatics and coloured per- sons as distinguished from aboriginal natives of South Africa not falling under (a) or (b) hereof, and native chiefs and headmen recog- nised as such by the Govern- ment.....	0 4 0	0 8 0
(e) Aboriginal natives of South Africa not falling under (a) or (b) hereof.....	0 2 6	0 5 0"

2. A witness under class (a) residing or sojourning not more than five miles from the court shall be paid an allowance of £1. 1s. per diem.

3. Where the journey to the court is undertaken by means of the railway, post cart, public conveyance, or steamship, the actual fare shall be paid or refunded.

4. Where a witness resides or sojourns more than three miles from the court and uses any means of transport (including his own), but other than those referred to in regulation 3 hereof, he shall be paid an allowance in aid of transport expenses at the rate of sixpence (6d.) per mile for motor vehicles other than motor cycles and threepence (3d.) per mile for motor cycles, bicycles and animal transport for both the forward and return journey: Provided that where two or more modes or routes of transport are reasonably available, the one entailing the least expense shall be allowed for.

5. Children under twelve years of age shall be paid at one-half only of the rates laid down in regulation 1 hereof, and a necessary guardian or attendant accompanying will be entitled to payment according to the rates laid down for a witness of his class.

6. The subsistence allowance shall be paid for each period of twenty-four hours involved in necessary attendance at the court or necessary absence from the place of residence or sojourn of the witness (portions of a day to be counted as a whole day), including the time actually spent in travelling to and from the court: Provided that the days allowed for the period spent in travelling shall not exceed in any case the total number of days calculated on the aggregate mileage to and from the court, two hundred miles or fractions thereof being reckoned to the day for witnesses travelling by motor vehicles, thirty-six miles or fractions thereof to the day for witnesses travelling by bicycle, on horseback or by means of animal-drawn vehicles, and eighteen miles or fractions

getuies wat te voet reis: Met dien verstande verder dat in gevalle waar die reis per skip of boot of met 'n ander vervoermiddel onderneem word en die reisgelde die verskaffing van voedsel en slaapperiewe insluit, geen onderhoudstoelaag benewens sodanige reisgelde betaal mag word nie.

7. Toelae in verband met ondersoekke ter plaatse word op dieselfde basis as bywoning van die hof betaal.

8. As dieselfde persoon op dieselfde dag 'n getuie in meer as een saak in dieselfde hof is, is hy alleen tot die toelae ten opsigte van een saak geregtig en die toelae wat aldus betaal word, sal gelykop tussen sodanige sake verdeel word.

9. Staatsamptenare en amptenare van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens wat die hof as getuies bywoon, sal met die toelae en reisgelde wat hulle ontvang, handel soos voorgeskryf by hulle betrokke departementele regulasies of voorskrifte.

10. Die hof het die reg om die betaling van getuiegelde na goeddunke af te keur. Waar voorsiening gemaak word vir die betaling aan 'n getuie van onderhoud uit enige ander bron, word geen onderhoudstoelaag aan hom betaal nie.

11. Indien 'n prisoner of aangehoue persoon as 'n getuie nodig is, moet die betrokke tronk- of asielwet, -regulasies of -gebruik nagekom word.

12. Ondanks andersluidende bepalings in hierdie regulasies vervat, kan 'n landdros of 'n griffier van die Hooggeregshof die voorafgaande bepalings in buitengewone gevalle waar die tariewe 'n ontbering sal veroorsaak na goeddunke verander."

Die huidige tarief van gelde en koste betaalbaar aan 'n geregsbode is bevat in Tabel B van die Tweede Aanhangel aan die Magistraatshofreëls wat gepubliseer is by Goewermentskennisgewing No. 814, gedateer 15 Mei 1945, soos gewysig by Goewermentskennisgewings No. 362, gedateer 13 Februarie 1948, No. 1212, gedateer 18 Junie 1954, No. 1154, gedateer 25 Junie 1954, No. 918, gedateer 6 Mei 1955 en No. 802, gedateer 13 Junie 1958.]

VERTEENWOORDIGING VAN PARTYE.

12. (1) 'n Party kan deur 'n prokureur verteenwoordig word vir die doel om dagvaardings aan te vra en deur 'n advokaat of prokureur vir die doel om getuies te ondervra, onder kruisverhoor te neem of te herondervra of om die hof toe te spreek.

(2) Die Sekretaris kan vir gemelde doeleindes verteenwoordig word deur 'n persoon deur hom aangestel, hetsy so 'n persoon 'n advokaat of prokureur is of nie.

GETUIENIS.

13. (1) Voor die verhoor van die appèl stuur die Sekretaris aan die klerk, vir voorlegging as getuienis by die verhoor, 'n gewaarmerkte afskrif van die opnemer se verslag in verband waarmee die appèl ontstaan het.

(2) Nadat die hof geopen is, is elk van die partye daartoe geregtig om die hof toe te spreek vir die doel om die getuienis wat hy voornemens is om aan te voer, in te lei, en om getuies in te roep en te ondervra of om, met die goedkeuring van die voorsitter, enige van die getuies wat reeds ondervra is, terug te roep vir verdere ondervraging en om in die algemeen getuienis aan te voer. Die getuies kan deur die ander partye onder kruisverhoor geneem word in sodanige volgorde as wat die voorsitter mag gelas en kan daarna deur die party wat hulle ingeroep het, herondervra word. Die partye moet gehoor en hul getuies ondervra, onder kruisverhoor geneem en herondervra word in sodanige volgorde as wat die voorsitter mag gelas.

(3) Enige party wat getuies ingeroep het, kan in enige stadium van die ondersoek, met die goedkeuring van die voorsitter, verdere getuies inroep en ondervra, en dié getuies kan deur die ander partye onder kruisverhoor geneem word in sodanige volgorde as wat die voorsitter mag gelas en deur die party wat hulle ingeroep het, herondervra word.

thereof where witnesses travel on foot: Provided further, that, in case of travelling by ship or boat or other means of conveyance, in which the passage or fare includes the supply of food and sleeping accommodation, no subsistence allowance shall be payable in addition to such passage or fare.

7. Allowances in connection with inspections *in loco* shall be paid on the same basis as for court attendance.

8. When the same person is a witness in more cases than one in the same court on the same day, he shall be entitled to allowances as for one case only, which allowances shall be equally divided among such cases.

9. Public servants and servants of the South African Railways and Harbours Administration attending as witnesses shall deal with the allowances and conduct money received as may be prescribed in their respective departmental regulations or instructions.

10. The court shall have the power to disallow the payment of witness fees in its discretion. A witness whose subsistence is provided for from any other source shall not be paid an allowance towards subsistence.

11. Should a prisoner or detained person be required as a witness the relative prison or asylum law, regulations or practice shall be complied with.

12. Notwithstanding anything to the contrary in these regulations contained, it shall be in the discretion of a Magistrate or of a Registrar of the Supreme Court to vary the provisions of this tariff in extraordinary or exceptional cases where the tariff would operate as a hardship."

The present tariff of messengers' fees and charges is contained in Table B of the Second Annexure to the Magistrates' Courts Rules, published under Government Notice No. 814, dated 15th May, 1945, as amended by Government Notices Nos. 362, dated 13th February, 1948, 1212, dated 18th June, 1954, 1154, dated 25th June, 1954, 918, dated 6th May, 1955, and 802, dated 13th June, 1958.]

REPRESENTATION OF PARTIES.

12. (1) Any party may be represented by an attorney for the purpose of suing out subpoenas and by an advocate or attorney for the purposes of examining, cross-examining or re-examining witnesses or addressing the Court.

(2) The Secretary may be represented for the said purposes by any person appointed by him whether or not such person is an advocate or attorney.

EVIDENCE.

13. (1) Before the hearing of the appeal the Secretary shall transmit to the clerk, to be produced as evidence at the hearing, a certified copy of the surveyor's report in connection with which the appeal has arisen.

(2) After the Court has been opened, each of the parties shall be entitled to address the Court for the purpose of opening the evidence which he intends to adduce, and produce and examine witnesses or, with the approval of the presiding officer, recall any of the witnesses who have already been examined for further examination and generally adduce evidence. The witnesses may be cross-examined by the other parties in such order as the presiding officer may direct, and may then be re-examined by the party who has produced them. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the presiding officer may direct.

(3) Any party who has produced witnesses may at any stage of the investigation, with the approval of the presiding officer, produce and examine further witnesses, who may be cross-examined by the other parties in such order as the presiding officer may direct, and re-examined by the party who has produced them.

(4) Die wet in verband met die toelaatbaarheid van getuienis en die bevoegdheid, ondervraging, kruisverhoor en herondervraging van getuies in geregshofe is nie bindend op 'n opnemingshof nie, maar die voorsitter kan na eie goeddunke enige vraag wat 'n ander lid van die hof of 'n party voornemens is om aan 'n getuie te stel, verwerp op grond daarvan dat so 'n vraag nie ter sake is nie of dat dit om enige ander rede onbehoorlik sou wees om die vraag te stel, en hy kan, na eie goeddunke en om soortgelyke redes, beslis dat die voorlegging van 'n boek, dokument of ding wat deur 'n ander lid van die hof of deur 'n party verlang word nie toelaatbaar is nie.

(5) Beëdigde verklarings en statutêre verklarings kan, met die verlof van die voorsitter, as getuienis gebruik word.

TOESPRAKE DEUR DIE PARTYE.

14. Nadat al die getuienis aangevoer is, kan enige van die partye (behalwe die Sekretaris) wat verlang om dit te doen, die hof in sodanige volgorde as wat die voorsitter mag gelas, oor die getuienis toespreek, en die Sekretaris kan ten antwoord daarop die hof oor die hele saak toespreek.

VERDAGINGS.

15. Die hof kan die verhoor van tyd tot tyd en van plek tot plek verdaag, en wanneer 'n party tot die verrigtings vra dat die ondersoek verdaag word, kan die hof sodanige voorwaardes opleë in verband met die betaling van koste of andersins as wat hy billik mag ag as 'n voorwaarde waarop die verdagting toegestaan word.

BEVELE IN VERBAND MET DIE BETALING VAN KOSTE.

16. (1) Die hof kan sodanige bevel uitreik in verband met die betaling deur die Sekretaris of enige ander party—

(a) van die koste, of enige deel daarvan, wat billikerwyse deur die Sekretaris of enige ander party aangegaan is ten einde by die verhoor aanwesig te wees of deur 'n regs persoon by die verhoor verteenwoordig te word, of ten einde getuies in te roep of getuienis aan te voer; en

(b) van enige ander koste, of enige deel daarvan, wat billikerwyse deur die Sekretaris in verband met die ondersoek of verhoor aangegaan is,

as wat hy billik ag.

(2) Koste wat ooreenkomstig subparagraaf (a) van paragraaf (1) toegestaan word, word getakseer deur die klerk van die landdroshof binne die regsgebied waarvan die ondersoek plaasgevind het. Tensy die opnemingshof gelas dat dit op die hoër skaal gemaak word, word die koste getakseer op die gewone skaal wat geld vir die taksering van koste in 'n geding wat in 'n landdroshof verhoor word, asof dit 'n taksering van die koste van so 'n geding is, en dit kan in hersiening geneem word asof dit so 'n taksering is. Dieselfde gelde wat betaalbaar is op die taksering van 'n kosterekening in 'n landdroshof is betaalbaar ten opsigte van die taksering van enige koste wat aldus toegestaan word.

(3) Koste wat ooreenkomstig subparagraaf (b) van paragraaf (1) toegestaan word, word deur die voorsitter van die opnemingshof bereken.

UITVOERING VAN BEVELE IN VERBAND MET DIE BETALING VAN KOSTE.

17. 'n Bevel in verband met die betaling van koste wat ooreenkomstig regulasie 16 uitgereik word, het, wanneer dit ingedien word by die klerk van die landdroshof binne die regsgebied waarvan die opnemingshof die appel verhoor het, dieselfde krag as en kan uitgevoer word asof dit 'n siviele uitspraak is wat wettiglik in daardie landdroshof gegee is ten gunste van die persoon wat ooreenkomstig so 'n bevel geregtig verklaar word tot sodanige koste en teen die persoon wat ooreenkomstig so 'n bevel gelas word om sodanige koste te betaal. Met dien verstande dat, as die persoon wat ooreenkomstig so 'n bevel gelas word om sodanige koste te betaal 'n gesagvoerder, leerling-offisier of seaman is of was in die diens van die persoon wat ooreenkomstig so 'n bevel geregtig verklaar

(4) The law as to the admissibility of evidence and as to the competency, examination, cross-examination and re-examination of witnesses in courts of law shall not be binding upon a Court of Survey, but the presiding officer may, in his discretion, disallow any question which any other member of the Court or any party proposed to put to any witness, on the ground that such question is irrelevant or that for any other cause it would be improper that the question be put, and may, in his discretion and on similar grounds, rule that the production of any book, document or thing required by any other member of the Court or any party shall not be allowed.

(5) Affidavits and statutory declarations may, by permission of the presiding officer, be used as evidence.

ADDRESSES BY THE PARTIES.

14. After all the evidence has been adduced, any of the parties (other than the Secretary) who desires to do so may, in such order as the presiding officer may direct, address the Court upon the evidence, and the Secretary may address the Court in reply upon the whole case.

ADJOURNMENTS.

15. The Court may adjourn the hearing from time to time and from place to place, and where an adjournment is asked for by a party to the proceedings, the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

ORDERS FOR COSTS.

16. (1) The Court may make such order for the payment by the Secretary or any other party—

(a) of the costs, or any part thereof, reasonably incurred by the Secretary or any other party in attending or being legally represented at the hearing or in bringing witnesses or adducing evidence; and

(b) of any other costs, or any part thereof, reasonably incurred by the Secretary in connection with the investigation or hearing,

as may be just.

(2) Any costs awarded in terms of sub-paragraph (a) of paragraph (1) shall be subject to taxation by the clerk of the Magistrate's Court within whose area of jurisdiction the investigation was held. His taxation shall, unless the Court of Survey has directed that it be made on the higher scale, be made on the ordinary scale applicable to the taxation of costs in an action tried in a Magistrate's Court, as though it was a taxation of the costs of such an action, and shall be subject to review as though it was such a taxation. The same fees as would be paid on the taxation of a bill of costs in a Magistrate's Court shall be paid in respect of the taxation of any costs so awarded.

(3) Any costs awarded in terms of sub-paragraph (b) of paragraph (1) shall be assessed by the presiding officer of the Court of Survey.

ENFORCEMENT OF ORDERS FOR COSTS.

17. An order for the payment of costs made under regulation 16 shall, on being filed with the clerk of the Magistrate's Court within the area of jurisdiction of which the Court of Survey has heard the appeal, have all the effects of and may be executed as if it were a civil judgment lawfully given in that Magistrate's Court in favour of the person who is by such order declared entitled to such costs and against the person who is by such order directed to pay such costs: Provided that if the person who is by such order directed to pay such costs is or was a master, apprentice-officer or seaman in the employ of the person who is by such order declared entitled to such

word tot sodanige koste, die bedrag van sodanige koste afgetrek kan word van enige lode wat aan sodanige gesagvoerder, leerling-offisier of seeman verskuldig mag wees.

REKORD VAN VERRIGTINGS.

18. (1) Die hof sien toe dat notule afgeneem word van—

- (a) enige *viva voce*-getuienis wat in die hof afgeleë word;
- (b) enige beswaar wat gemaak word teen enige getuienis wat ingewin of aangebied word;
- (c) die verrigtings van die hof in die algemeen, met inbegrip van die rekord van enige inspeksie *in loco*; en
- (d) die beslissings van die hof.

(2) Die hof laat 'n behoorlike merk aanbring op elke dokument wat as getuienis voorgelê word en teken sodanige merk in die rekord aan.

(3) Die afneem van die notule en merking van dokumente word deur die klerk gedoen, en as dit nie gedoen word deur die klerk of soos hieronder bepaal word nie, word dit deur die voorsitter gedoen.

(4) Die Sekretaris kan 'n snelskrywer aanstel om 'n snelskrif-aantekening van *viva voce*-getuienis en -verrigtings te maak.

(5) 'n Partye is geregtig tot 'n transkripsie van enige sodanige snelskrif-aantekening wat deur die snelskrywer as korrek gewaarmerk is, by betaling van 'n bedrag wat deur die Sekretaris, met inagneming van wat die transkripsie hom gekos het, vasgestel word.

VERSENDING VAN REKORDS AAN DIE SEKRETARIS.

19. (1) Die rekords wat kragtens artikel *tweehonderd ses-en-tagtig* van die Wet aan die Sekretaris versend word, word deur die klerk gewaarmerk.

(2) Die verslag waarvan in gemelde artikel melding gemaak word, moet in die vorm wees wat uiteengesit word in Bylae D by hierdie regulasies, met sodanige wysigings as wat in die omstandighede nodig mag wees.

VERHOOR VAN APPEL WAT NA DESKUNDIGES VERWYS WORD.

20. Wanneer 'n appel deur die Sekretaris kragtens artikel *tweehonderd twee-en-tagtig* van die Wet na een of meer deskundiges verwys word, geld die bepalings van hierdie regulasies *mutatis mutandis* vir die verhoor van die appel.

BYLAE A. T.V. 5/403.

KENNISGEWING VAN APPEL NA 'N OPNEMINGSHOF.

(REGULASIE 4.)

In die geval van die skip _____ (meld hier naam van skip) _____

Aan die Sekretaris van Vervoer.

Geliewe kennis te neem dat ek _____ (meld hier die naam) _____, van _____ (meld hier die adres) _____, synde die _____ (meld hier of u die eienaar of agent van die eienaar is, en indien u die eienaar van 'n aandeel in die skip is, meld watter aandeel besit word, of gesagvoerder) _____ van die skip _____ (meld hier naam van die skip) _____, van die hawe _____ (meld hier die hawe waar skip geregistreer is) _____, kragtens artikel *tweehonderd vier-en-sewentig* van die Handelskeepvaartwet, 1951, na 'n opnemingshof appel aanteken teen—

*(1) die verklaring bevat in die verslag deur _____ (meld hier die naam) _____, 'n opnemer, oor die ondersoek van gemelde skip deur hom uitgevoer. 'n Afskrif van hierdie verklaring word by hierdie kennisgewing van appel aangeheg;

of
(2) die kennisgewing deur _____ (meld hier die naam) _____, 'n opnemer, gegee kragtens *subartikel (2) van artikel *tweehonderd-en-veer-*

*Skrap die woorde wat nie van toepassing is nie.

costs, the amount of such costs may be deducted from any wages that may be due to such master, apprentice-officer or seaman.

RECORDS OF PROCEEDINGS.

18. (1) The Court shall cause minutes to be made of—

- (a) any *viva voce* evidence given in court;
- (b) any objection made to any evidence received or tendered;
- (c) the proceedings of the court generally, including the record of any inspection *in loco*; and
- (d) the decisions of the Court.

(2) The Court shall duly mark each document put in evidence and note such mark on the record.

(3) Such minutes and marks may be made by the clerk and, save where made by the clerk, or as hereinafter provided, they shall be made by the presiding officer.

(4) The Secretary may provide a shorthand writer to take down in shorthand a note of *viva voce* evidence and proceedings.

(5) Any party shall be entitled to a transcript of any such shorthand note certified as correct by the shorthand writer on payment of a fee to be fixed by the Secretary, having regard to the cost to the Secretary of such transcript.

TRANSMISSION OF RECORDS TO SECRETARY.

19. (1) The records transmitted to the Secretary in terms of section *two hundred and eighty-six* of the Act shall be certified by the clerk.

(2) The report referred to in the said section shall be in the form set forth in Annex D to these regulations, with such modifications as circumstances may require.

HEARING OF APPEAL REFERRED TO EXPERTS.

20. Whenever an appeal has been referred by the Secretary to one or more experts under section *two hundred and eighty-two* of the Act, the provisions of these regulations shall apply, *mutatis mutandis*, to the hearing of the appeal.

ANNEX A. T.V. 5/403.

NOTICE OF APPEAL TO A COURT OF SURVEY.

(REGULATION 4.)

In the matter of the ship _____ (here state name of ship)

To the Secretary for Transport.

Take notice that in terms of section *two hundred and seventy-four* of the Merchant Shipping Act, 1951, I _____ (here state the name) _____, of _____ (here state the address) _____, being the _____ (here state whether owner or agent of owner, and if owner of share in ship state what share owned, or master) _____ of the ship _____ (here state name of ship) _____ of the port _____ (here state port at which ship registered) _____, do appeal to a Court of Survey against—

*(1) the statement contained in the report by _____ (here state name) _____, a surveyor, of the inspection by him of the said ship, a copy of which statement is annexed to this notice of appeal,

or

(2) the notice given by _____ (here state name) _____, a surveyor, under *sub-section (2) of section *two hundred and fourteen*/sub-section (2) of section

*Delete inapplicable words.

ten/subartikel (2) van artikel tweehonderd-en-sestien/
subartikel (3) van artikel tweehonderd-en-sestien/
subartikel (1) van artikel tweehonderd drie-en-twintig
van bogenoemde Wet. 'n Afskrif van gemelde
kennisgewing word by hierdie kennisgewing van
appel aangeheg;

of

- (3) die weiering deur _____ (meld hier die
naam) _____, 'n opnemer, om die sertifikaat
waaryn in *subartikel (3) van artikel tweehonderd-
en-veertien/subartikel (4) van artikel tweehonderd-
en-sestien/subartikel (2) van artikel tweehonderd
drie-en-twintig van bogenoemde Wet melding gemaak
word, ten opsigte van gemelde skip uit te reik.

Die adres waar alle kennisgewings en dokumente op my
gedien kan word is _____ (meld hier die adres)

Gedateer te _____ hede die _____ dag van
_____ 19____

Appellant.

BYLAE B.

TOELAES VIR ONDERHOUD EN VERVOER BETAALBAAR AAN LEDE VAN OPNEMINGS- HOWE.

(REGULASIE 7.)

1. 'n Lid ontvang 'n toelae vir onderhoud teen die koers
van £1. 1s. vir elke uur of gedeelte van 'n uur van enige
dag waarop hy die ondersoek bywoon en waarop die saak
in sy geheel of gedeeltelik verhoor word: Met dien verstande
dat hy minstens £3. 3s. of hoogstens £5. 5s. vir enige
sodanige dag ontvang.

2. Die tydperk waarvoor betaling ooreenkomstig para-
graaf 1 gemaak word, word gereken vanaf die tyd wanneer
die lid aanwesig is tot die tyd wanneer die voorsitter hom
van verdere aanwesigheid vrystel.

3. Die lid ontvang 'n onderhoudstoelae van £1. 1s. vir
enige dag waarop hy die ondersoek bywoon maar waarop
die saak nie verhoor word nie.

4. 'n Lid ontvang ook 'n toelae teen 'n koers van een-
vier-en-twintigste van £5. 5s. vir elke voltooide uur (een-
vier-en-twintigste) van die tyd wat noodwendig in beslag
geneem word om na en van die plek te reis waar die
ondersoek plaasvind.

5. In geen geval ontvang 'n lid ooreenkomstig bostaande
paragrafe meer as £5. 5s. vir enige tydperk van middernag
tot middernag nie.

6. In gebiede wat deur die spoorweg of deur 'n spoor-
wegbus bedien word, word daar aan die lid 'n magbrief
uitgereik wat hom geregtig maak op die uitreiking van 'n
eersteklas-retoerkaartjie. Indien daar noodwendig van
enige ander vorm van openbare vervoer gebruik gemaak
word, word die reisegeld wat die lid uitbetaal het aan hom
terugbetaal. Vir enige deel van die reis na en van die plek
waar die ondersoek gehou word, wat nie deur die spoorweg
of 'n spoorwegbus of ander vorm van openbare vervoer
bedien word nie ontvang die lid 'n reistoelaag van een
shilling per myl.

BYLAE C.

T.V. 5/404.

OPNEMINGSHOF.

DAGVAARDING.

(REGULASIE 11.)

Aan—

- (1) _____ van _____
(2) _____ van _____
(3) _____ van _____
(4) _____ van _____

*Skrap die woorde wat nie van toepassing is nie.

two hundred and sixteen/sub-section (3) of section
two hundred and sixteen/sub-section (1) of section
two hundred and twenty-three of the above-mentioned
Act, a copy of which notice is annexed to this
notice of appeal,

or

- (3) the refusal of _____ (here state name) _____,
a surveyor, to give the certificate referred to in
*sub-section (3) of section two hundred and fourteen/
sub-section (4) of section two hundred and sixteen/
sub-section (2) of section two hundred and twenty-
three of the above-mentioned Act, in respect of the
said ship.

The address at which all notices and documents may be
served on me is _____ (here state address)

Dated at _____ this _____ day of _____ 19____

Appellant.

ANNEX B.

ALLOWANCES TOWARDS SUBSISTENCE AND TRANSPORT PAYABLE TO MEMBERS OF COURTS OF SURVEY.

(REGULATION 7.)

1. A member shall be paid an allowance towards sub-
sistence at the rate of £1. 1s. for every hour or part of an
hour of any day on which he attends the investigation
and on which the case is wholly or partly heard: Provided
that he shall not be paid less than £3. 3s. or more than
£5. 5s. for any such day.

2. The period for which payment shall be made in terms
of paragraph 1 shall be reckoned from the time when the
member attends to the time when he is released by the
presiding officer from further attendance.

3. The member shall be paid an allowance towards
subsistence of £1. 1s. for any day on which he attends the
investigation but on which the case is not heard.

4. A member shall also be paid at the rate of one-
twenty-fourth of £5. 5s. for every completed hour (one-
twenty-fourth) of the time necessarily spent in travelling
to and from the place at which the investigation is held.

5. In no case shall a member be paid under the foregoing
paragraphs more than £5. 5s. for any period from midnight
to midnight.

6. Where the railway or a railway bus serves, there shall
be issued to the member a warrant entitling him to the
issue of a first-class return ticket. If any other form
of public transport is necessarily used, the fare disbursed
by the member shall be refunded to him. For any part of
the journey to and from the place at which the investigation
is held which is not served by the railway or a railway
bus or other form of public transport the member shall be
paid a travelling allowance at the rate of one shilling a
mile.

ANNEX C.

T.V. 5/404.

COURT OF SURVEY.

SUBPOENA.

(REGULATION 11.)

To—

- (1) _____ of _____
(2) _____ of _____
(3) _____ of _____
(4) _____ of _____

*Delete inapplicable words.

U word hierby versoek om op die _____ dag van
19 _____ om _____ -uur,
te _____ persoonlik te verskyn voor die
opnemingshof wat aangestel is om die appèl te verhoor
wat aangeteken is deur _____ (meld hier die
naam van die appellant) _____ teen

*die verklaring gedoen deur _____ (meld hier
die naam van die opnemer) _____, 'n
opnemer,
of

die kennisgewing gegee deur _____ (meld
hier die naam van die opnemer) _____, 'n
opnemer,
of

die weiering deur _____ (meld hier die
naam van die opnemer) _____, 'n
opnemer, om 'n sertifikaat uit te reik ten opsigte
van die skip _____ (meld hier die naam
van die skip) _____

en om die verskillende dokumente in onderstaande lys
gespesifiseer met u saam te bring en aan die hof voor te
lê:—

Datum.	Beskrywing.	Oorspronklike of Afskrif.

Plek _____

Datum _____ Klerk van die Hof.

Die aandag word gevestig op artikel *nege*, gelees met
artikel *driehonderd-en-dertien* van die Handelskeepvaartwet,
1951, waarin bepaal word dat enige persoon wat in gebreke
bly om op die tyd en plek in 'n dagvaarding bepaal, te
verskyn en aanwesig te bly totdat hy deur die hof van
verdere aanwesigheid vrygestel word, of om alle vrae
wat wettiglik aan hom gestel word volledig en bevredigend,
na die beste van sy vermoë, te beantwoord, of om, as
hy daartoe gelas word, enige dokument in sy besit of
onder sy beheer voor te lê, strafbaar is met 'n boete van
hoogstens £100 of ses maande tronkstraf of met sowel
die boete as die tronkstraf.

BYLAE D.

T.V. 5/405.

VERSLAG VAN OPNEMINGSHOF.

(REGULASIE 19.)

In die geval van die appèl aangeteken deur _____
_____ teen die verklaring gemaak deur
_____, 'n opnemer (of die
kennisgewing gegee deur _____, 'n opnemer;
of die weiering deur _____, 'n opnemer,
om 'n sertifikaat uit te reik, na gelang van die geval) ten
opsigte van die skip _____, geregistreer by die
hawe _____

Beveel die hof, wat vir die verhoor van die appèl op
die _____ (meld hier al die dae waarop die hof gesit
het) _____ gesit het te _____, om die redes
in die Aanhangsel hiëraan uiteengesit, dat—†

*Skrap woorde wat nie van toepassing is nie.

†Wat betref die bevele wat 'n Opnemingshof bevoegd is om uit
te reik, word die aandag gevestig op artikel *twéehonderd agt-en-
sewentig* van Wet No. 57 van 1951.

You are hereby required to appear in person before the
Court of Survey at _____ on the _____ day of
_____, 19 _____, at the hour of _____ which has
been appointed to hear the appeal noted by _____
(here state the name of the appellant) _____
against—

*the statement made by _____ (here state the
name of the surveyor) _____, a surveyor,
or

the notice given by _____ (here state the name of
the surveyor) _____, a surveyor,
or

the refusal by _____ (here state the name of
the surveyor) _____, a surveyor, to give
a certificate in respect of the ship _____
(here state the name of the ship) _____,

and to bring with you and then produce to the Court the
several documents specified in the list hereunder:—

Date.	Description.	Original or Copy.

Place _____

Date _____ Clerk of the Court.

Attention is invited to section *nine*, read with section
three hundred and thirteen of the Merchant Shipping Act,
1951, which provides that any person who fails to attend
at the time and place specified in a subpoena and remain in
attendance until excused by the Court from further
attendance, or to answer fully and satisfactorily, to the
best of his ability, all questions lawfully put to him, or
upon his being required to do so to produce any document
in his possession or control, shall be liable to a penalty not
exceeding a fine of £100 or six months' imprisonment or
both such fine and imprisonment.

ANNEX D.

T.V. 5/405.

REPORT OF COURT OF SURVEY.

(REGULATION 19.)

In the matter of the appeal noted by _____
against the statement made by _____, a surveyor
(or the notice given by _____, a surveyor;
or the refusal by _____, a surveyor, to give a
certificate, as the case may be) in respect of the ship
_____, registered at the port of _____

The Court, having sat at _____ on the _____
(here state all the days on which the Court sat) _____
for the hearing of the appeal, makes, for the reasons stated
in the Appendix hereto, the following order:—†

*Delete inapplicable words.

†As to the orders which a Court of Survey is competent to make,
attention is invited to section *two hundred and seventy-eight* of
Act No. 57 of 1951.

Gedateer te _____ hede die _____ dag
van _____ 19 _____

Voorsitter.

Ons (of Ek) stem saam met bostaande verslag.

Lid.

Lid.

AANHANGSEL AAN DIE VERSLAG.

(Meld hier volledig die omstandighede van die geval en die redes vir die bevel deur die hof uitgereik.)

No. 1897.]

[20 November 1959.

MARINE-AFDELING.

REGULASIES WAARIN DIE PROSEDURE VOOR-
GESKRYF WORD WAT GEVOLG MOET WORD
DEUR 'N SEEHOF WAT KRAGTENS DIE
HANDELSKEEPVAARTWET, 1951 (WET No. 57
VAN 1951), BYEENGEROEP WORD OM ONDER-
SOEK IN TE STEL NA ONGEVALLE DEUR OF
AAN BOORD VAN SUID-AFRIKAANSE SKEPE
GELY, OF NA SAKE RAKENDE DIE BELANGE
VAN DIE EIENAARS VAN SODANIGE SKEPE
OF DIE VRAG DAARVAN, OF KLAGTES DEUR
GESAGVOERDERS OF DIE BEMANNING VAN
SODANIGE SKEPE, OF BEWERINGS VAN
ONBEVOEGDHEID OF WANGEDRAG TEEN
GESAGVOERDERS OF SKEEPSOFFISIERS VAN
SODANIGE SKEPE, EN APPELLE TEEN DIE
BESLISSINGS VAN 'N HOF.

Dit het die Minister van Vervoer behaag om, kragtens die bepalings van paragraaf (XXXV) van subartikel (1) van artikel *driehonderd ses-en-vyftig* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die volgende regulasies* uit te vaardig.

INHOUD.

1. Opskrif van hierdie regulasies.
2. Woordbetekenis.
3. Bekendmaking van aanstelling as lid.
4. Toelaes betaalbaar aan lede.
5. Tyd wanneer en plek waar die ondersoek plaasvind.
6. Aanstelling en pligte van klerk van 'n seehof.
7. Aanstelling van persoon om getuienis aan te voer.
8. Partye tot die verrigtings.
9. Oproeping van getuies.
10. Aanvang van verrigtings.
11. Verteenwoordiging van partye.
12. Formulering van vrae vir beslissing deur die hof.
13. Getuienis.
14. Toesprake tot die hof.
15. Verdagings.
16. Bevele in verband met die betaling van koste.
17. Bevele in verband met die betaling van vergoeding vir skade wat veroorsaak word deur beuselagtige of ongeregverdigde klagtes of bewerings.
18. Uitvoering van bevele in verband met die betaling van koste of skadevergoeding.

* Hierdie regulasies tree in werking op die datum waarop Wet No. 57 van 1951 in werking tree. Die datum sal deur proklamasie in die *Staatskoerant* bekendgemaak word.

Dated at _____ this _____ day of _____

Presiding Officer.

Member.

Member.

We (or I) concur in the above report.

APPENDIX TO THE REPORT.

(Here state fully the circumstances of the case and the reasons for the order made by the Court.)

No. 1897.]

[20 November 1959.

MARINE DIVISION.

REGULATIONS PRESCRIBING THE PROCEDURE
TO BE FOLLOWED IN INVESTIGATIONS BY
MARITIME COURTS CONVENED IN TERMS
OF THE MERCHANT SHIPPING ACT, 1951
(ACT No. 57 OF 1951), INTO CASUALTIES
SUFFERED BY OR ON BOARD SOUTH
AFRICAN SHIPS OR MATTERS AFFECTING
THE INTERESTS OF THE OWNERS OF SUCH
SHIPS OR OF THE CARGO THEREOF OR
COMPLAINTS BY MASTERS OR CREWS OF
SUCH SHIPS OR ALLEGATIONS OF INCOM-
PETENCY OR MISCONDUCT AGAINST
MASTERS OR SHIPS' OFFICERS OF SUCH
SHIPS AND APPEALS AGAINST THE DECIS-
IONS OF SUCH COURTS.

The Minister of Transport has been pleased, under the provisions of paragraph (XXXV) of sub-section (1) of section *three hundred and fifty-six* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), to make the following regulations.*

CONTENTS.

1. Title of these Regulations.
2. Interpretation.
3. Notification of Appointment as Member.
4. Allowances payable to Members.
5. Time, when, and Place, where, Investigation held.
6. Appointment and Duties of Clerk of a Maritime Court.
7. Appointment of Person to adduce Evidence.
8. Parties to the Proceedings.
9. Summoning of Witnesses.
10. Commencement of Proceedings.
11. Representation of Parties.
12. Formulation of Questions for Decision by Court.
13. Evidence.
14. Addresses to the Court.
15. Adjournments.
16. Orders for Costs.
17. Orders for Damages caused by Frivolous or Vexatious Complaint or Allegation.
18. Enforcement of Orders for Costs or Damages.

* These regulations will come into operation on the date on which Act No. 57 of 1951 comes into operation. This date will be notified by proclamation in the *Gazette*.

19. Rekord van verrigtings.
20. Versending van rekords aan die Sekretaris.
21. Appèl na hoër hof.
22. Herverhoor op las van die Minister.

BYLAES.

- Bylae A.—Toelaes vir onderhoud en vervoer betaalbaar aan lede van seehowe.
- Bylae B.—Dagvaardingsvorm.
- Bylae C.—Bevel in verband met die betaling van koste deur 'n party aangegaan.
- Bylae D.—Bevel in verband met die betaling van koste deur die Sekretaris van Vervoer aangegaan.
- Bylae E.—Verslag van seehof.

Aanhangsel aan Regulasies betreffende Seehowe.

INLEIDINGSOPMERKING.

Die aandag word gevestig op artikels *nege, tweehonderd-en-sewentig, tweehonderd een-en-sewentig, tweehonderd twee-en-sewentig, tweehonderd drie-en-sewentig, tweehonderd nege-en-sewentig, tweehonderd-en-tagtig, tweehonderd drie-en-tagtig, tweehonderd vier-en-tagtig, tweehonderd ses-en-tagtig, tweehonderd sewe-en-tagtig, tweehonderd agt-en-tagtig, tweehonderd nege-en-tagtig, tweehonderd-en-negentig, tweehonderd een-en-negentig en tweehonderd twee-en-negentig* van Wet No. 57 van 1951, wat gedruk word in die Aanhangsel aan hierdie regulasies. Daar sal opgemerk word dat dit 'n seehof kragtens artikel *tweehonderd-en-tagtig* vrystaan om, vir sover enige kwessie van prosedure nie deur die Wet self of deur die regulasies wat hieronder volg, gedek word nie, self die prosedure te bepaal wat gevolg sal word.

OPSKRIF VAN HIERDIE REGULASIES.

1. Hierdie regulasies heet die Regulasies Betreffende Seehowe, 1960.

WOORDBETEKENIS.

2. In hierdie regulasies beteken die uitdrukking „die Wet” die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951) en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan daar in die Wet 'n betekenis toegeken is, wanneer dit in hierdie regulasies gebruik word, die aldus toegekende betekenis, en beteken—

- (i) „hof”, 'n seehof wat kragtens artikel *tweehonderd-en-sewentig* van die Wet byeengeroep word;
- (ii) „klerk”, die klerk van 'n seehof wat ooreenkomstig regulasie 6 aangestel word of, as 'n klerk nie aangestel is nie, die voorsitter;
- (iii) „party”, 'n persoon wat ooreenkomstig regulasie 8 as 'n party tot die verrigtings van 'n hof verklaar word;
- (iv) „voorsitter”, die bevoegde beampte wat die hof byeengeroep of die persoon wat kragtens subartikel (5) van artikel *tweehonderd een-en-sewentig* van die Wet as voorsitter aangestel word.

[LET WEL.—

(1) Artikel *twee* van die Wet sluit onderstaande woordbepalings in:—

„Minister”, die Minister van Vervoer;

* „bevoegde beampte”, die beampte wat deur die Minister aangewys is as die bevoegde beampte by die plek en ten opsigte van die saak waarna verwys word in die bepaling in hierdie Wet waarin die uitdrukking voorkom; of as geen sodanige aanwysing gemaak is nie—

(a) by 'n plek in die Unie, die hoofdoanebeampte; of

19. Records of Proceedings.
20. Transmission of Records to Secretary.
21. Appeal to Superior Court.
22. Rehearing by Order of the Minister.

ANNEXES.

- Annex A.—Allowances towards Subsistence and Transport payable to Members of Maritime Courts.
- Annex B.—Form of Subpoena.
- Annex C.—Order for Payment of Costs incurred by a Party
- Annex D.—Order for Payment of Costs incurred by the Secretary for Transport.
- Annex E.—Report of Maritime Court.

Appendix to Maritime Court Regulations.

INTRODUCTORY NOTE.

Attention is invited to sections *nine, two hundred and seventy, two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-nine, two hundred and eighty, two hundred and eighty-three, two hundred and eighty-four, two hundred and eighty-six, two hundred and eighty-seven, two hundred and eighty-eight, two hundred and eighty-nine, two hundred and ninety, two hundred and ninety-one and two hundred and ninety-two* of Act No. 57 of 1951, which are printed in the Appendix to these regulations. It will be noted that, in terms of section *two hundred and eighty*, in so far as any matter of procedure is not covered by the Act itself or the regulations following, a Maritime Court is free to determine its own procedure.

TITLE OF THESE REGULATIONS.

1. These regulations are called the Maritime Courts Regulations, 1960.

INTERPRETATION.

2. In these regulations the expression “the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned, and—

- (i) “Court” means a Maritime Court convened under section *two hundred and seventy* of the Act;
- (ii) “clerk” means the clerk of a Maritime Court appointed under regulation 6, or, if no clerk has been appointed, means the presiding officer;
- (iii) “party” means a person who has, in terms of regulation 8, been declared to be a party to the proceedings of a Court;
- (iv) “presiding officer” means the proper officer who convenes the Court or the person appointed under sub-section (5) of section *two hundred and seventy-one* of the Act to be the presiding officer.

[NOTE.—

(1) Section *two* of the Act includes the following definitions:—

“Minister” means the Minister of Transport;

* “proper officer” means the officer designated by the Minister to be the proper officer at the place and in respect of the matter to which reference is made in the provision of this Act in which the expression occurs; or if no such designation has been made—

(a) at a place in the Union, the chief officer of customs; or

(b) by 'n plek buite die Unie maar in 'n deel van die Statebond, die persoon aan wie kragtens die Wet wat in daardie deel van die Statebond van krag is, die amp toevertrou is of die plig opgelê is waarna verwys word in die bepaling van hierdie Wet waarin die uitdrukking voorkom; of as daar geen sodanige persoon is nie, die persoon wat in paragraaf (c) van hierdie omskrywing aangedui word; of

(c) by 'n plek buite die Statebond, in die volgende volgorde:—

- (i) 'n Konsulêre verteenwoordiger van die Unie; of
- (ii) 'n diplomatieke verteenwoordiger van die Unie; of
- (iii) 'n konsulêre verteenwoordiger van 'n land (behalwe die Unie) wat lid is van die Statebond; of
- (iv) 'n diplomatieke verteenwoordiger van 'n land (behalwe die Unie) wat lid is van die Statebond;

„Sekretaris”, die Sekretaris van Vervoer;

„hoër hof”, 'n afdeling van die Hooggeregshof van Suid-Afrika of die Hoër Hof van Suidwes-Afrika;

„hierdie Wet”, ook enige plokklamasie, kennisgewing, reël of regulasie uitgereik of uitgevaardig kragtens hierdie Wet.

(2) In artikel drie (1) van die Wet word die Wet en die regulasies van toepassing gemaak op die gebied Suidwes-Afrika en die hawe en nedersetting Walvisbaai en word verklaar dat genoemde gebied by die toepassing van die Wet en van hierdie regulasies geag word 'n deel uit te maak van die Unie van Suid-Afrika.

* Vir die toepassing van hierdie regulasies het die Minister enige offisier in bevel van enige skip wat aan die vlootmagt van die Unie behoort of, in die afwesigheid van so 'n offisier, enige offisier in bevel van enige skip wat aan die vlootmagt behoort van enige ander land wat 'n lid van die Statebond is, aangewys as die bevoegde beampte by enige plek buite die Unie. Indien daar nie so 'n offisier by of naby die plek is waar 'n seehof kragtens die Wet of die regulasies saamgestel moet word nie moet daar verwys word na die omskrywing hierbo aangehaal om te bepaal wie as die bevoegde beampte beskou moet word.

Die aandag word gevestig op artikel driehonderd drie-en-veertig (1) van die Wet wat soos volg lui:—

„353. (1) Elke bepaling van hierdie Wet wat heet om 'n hof of ampsbekleër van enige deel van die Statebond (behalwe die Unie) of enige ander persoon as 'n Suid-Afrikaanse burger te gelas om enige gesag uit te oefen of enige handeling te verrig buite die Unie in verband met Suid-Afrikaanse skepe, hul eienaars, gesagvoerders, seelui of leerling-offisiere, word uitgelê dat dit slegs veroorlowend is en beteken dat enige sodanige hof of ampsbekleër of persoon daarby gemagtig word om aldus sodanige gesag uit te oefen of sodanige handeling te verrig.”

In artikel twee (2) van die Wet word bepaal dat enige verwysing in die Wet of die regulasies na die Statebond of 'n deel van die Statebond of 'n lid van die Statebond uitgelê moet word as omvattende 'n verwysing na die Republiek Ierland, asof die Republiek Ierland lid was van die Statebond.]

BEKENDMAKING VAN AANSTELLING AS LID.

3. Die aanstelling van elke lid van 'n seehof geskied by wyse van 'n brief wat deur die voorsitter geteken word en waarin die vrae uiteengesit word wat, met die inligting wat die voorsitter op daardie tyd tot sy beskikking het, deur die hof ondersoek moet word. Die voorsitter kan te eniger tyd voor die verhoor van die ondersoek enige van die vrae wat in die aanstellingsbrief gespesifiseer is, deur middel van 'n daaropvolgende brief wysig, daaraan toevoeg of weglaat.

TOELAES BETAALBAAR AAN LEDE.

4. Elke lid van 'n hof ontvang, as hy in die diens van die Unie-regering (met inbegrip van die Spoorwegadministrasie) of die Administrasie van Suidwes-Afrika is, sodanige toelaes vir onderhoud en vervoer as wat voorgeskryf is (anders as kragtens die Wet) vir Staats-, Spoorweg- of Administrasie-dienare van sy klas, en as hy nie

(b) at a place outside the Union but within a part of the Commonwealth, the person who, in terms of the law in force in that part of the Commonwealth, is entrusted with the function or burdened with the duty to which reference is made in the provision of this Act in which the expression occurs; or if there be no such person, the person indicated in paragraph (c) of this definition; or

(c) at a place outside the Commonwealth, in the following order:—

- (i) A consular representative of the Union; or
- (ii) a diplomatic representative of the Union; or
- (iii) a consular representative of a country (other than the Union) which is a member of the Commonwealth; or
- (iv) a diplomatic representative of a country (other than the Union) which is a member of the Commonwealth;

“Secretary” means the Secretary for Transport;

“superior court” means a division of the Supreme Court of South Africa or the High Court of South West Africa;

“this Act” includes any proclamation, notice, rule or regulation issued or made thereunder.

(2) Section three (1) of the Act applies the Act and the regulations to the Territory of South West Africa and the port and settlement of Walvis Bay and declares that the said Territory shall for the purposes of the Act and the regulations be deemed to form part of the Union of South Africa.

* For the purposes of these regulations the Minister has designated as the proper officer at any place outside the Union any officer in command of any ship belonging to the naval forces of the Union or, in the absence of such an officer, any officer in command of any ship belonging to the naval forces of any other country which is a member of the Commonwealth. If there is no such officer at or near the place at which, in terms of the Act or the regulations, a Maritime Court is to be constituted, reference must be made to the definition quoted above to determine who must be regarded as the proper officer.

Attention is invited to section, three hundred and fifty-three (1) of the Act, which reads as follows:—

“353. (1) Every provision of this Act which purports to require any court or functionary of any part of the Commonwealth other than the Union or any person other than a South African citizen to exercise any authority or perform any act outside the Union in relation to South African ships, their owners, masters, seamen or apprentice-officers shall be construed as being permissive only and to mean that any such court or functionary or person is thereby empowered so to exercise such authority or perform such act.”

Section two (2) of the Act provides that any reference in the Act or the regulations to the Commonwealth or a part of the Commonwealth or a member of the Commonwealth must be construed as including a reference to the Republic of Ireland, as though the Republic of Ireland had been a member of the Commonwealth.]

NOTIFICATION OF APPOINTMENT AS MEMBER.

3. The appointment of every member of a Maritime Court shall be by letter signed by the presiding officer and setting forth the questions which, on the information then in the possession of the presiding officer are to be investigated by the Court. The presiding officer may, at any time before the hearing of the investigation, by a subsequent letter, modify, add to or omit any of the questions specified in the letter of appointment.

ALLOWANCES PAYABLE TO MEMBERS.

4. Every member of a Court shall, if he is in the employ of the Government of the Union (including the Railway Administration) or the Administration of South West Africa, be paid such allowances towards subsistence and transport as may be prescribed (otherwise than under the Act) for Government, Railway or Administration

in die diens van die Unie-regering (met inbegrip van die Spoorwegadministrasie) of die Administrasie van Suidwes-Afrika is nie, of as geen sodanige toelaes vir Staats-, Spoorweg- of Administrasie-dienare van sy klas voorgeskryf is nie, ontvang hy die toelaes vir onderhoud en vervoer wat in Bylae A by hierdie regulasies uiteengesit word.

TYD WANNEER EN PLEK WAAR DIE ONDERSOEK PLAASVIND.

5. (1) Die voorsitter bepaal die tyd wanneer en die plek waar die ondersoek gehou sal word.

(2) Die klerk stel enige persoon wat voor die aanvang van die verrigtings as 'n party tot die verrigtings verklaar word skriftelik in kennis van die gemelde tyd en plek van die verrigtings.

AANSTELLING EN PLIGTE VAN KLERK VAN 'N SEEHOF.

6. (1) Die voorsitter kan, as hy dit goed ag, 'n persoon aanstel as klerk van die seehof.

(2) Behoudens die bepalings van regulasie 19 en enige opdragte van die voorsitter, notuleer die klerk die verrigtings van die hof en neem hy sodanige notule en enige dokumente wat tydens of in verband met die ondersoek voorgelê word, in sy bewaring.

AANSTELLING VAN PERSOON OM GETUIENIS AAN TE VOER.

7. Die voorsitter kan, as hy dit goed ag, 'n persoon aanstel om die hof te help met die aanvoering van getuienis vir die doeleindes van die ondersoek.

PARTYE TOT DIE VERRIGTINGS.

8. (1) Die voorsitter kan enige persoon wat volgens sy oortuiging regstreeks by die onderwerp van die ondersoek belang het, as 'n party tot die verrigtings verklaar.

(2) Die voorsitter kan 'n verklaring doen dat 'n persoon 'n party tot die verrigtings is op aanvraag deur die betrokke persoon of deur enige ander party, of hy kan dit vrywilliglik doen, en so 'n verklaring kan gedoen word te eniger tyd voor of na die aanvang van die ondersoek.

(3) 'n Verklaring deur die voorsitter dat 'n persoon 'n party tot die verrigtings is, kan gedoen word hetsy die betrokke persoon aanwesig is of nie; met dien verstande dat, as hy nie aanwesig is wanneer die verklaring gedoen word nie, die klerk hom skriftelik in kennis moet stel dat hy as 'n party tot die verrigtings verklaar is en wanneer en waar die volgende vergadering van die hof gehou sal word.

OPROEPING VAN GETUIES.

9. (1) Wanneer die hof, by die uitoefening van sy bevoegdhede kragtens paragraaf (iii) van subartikel (1) van artikel nege van die Wet, 'n persoon oproep om voor hom te verskyn om ondervra te word of om enige boek, dokument of ding voor te lê, geskied dit by wyse van 'n dagvaarding in die vorm wat in Bylae B by hierdie regulasies uiteengesit word.

(2) Die voorsitter kan vrywilliglik of op versoek van enige party, gelas dat 'n dagvaarding uitgereik word, en elke dagvaarding word deur die klerk van die hof onderteken.

(3) Die diening van die dagvaarding op die persoon wat opgeroep moet word, moet geskied op 'n redelike tyd voordat die aanwesigheid van die persoon verlang word.

(4) Aan die persoon wat die dagvaarding moet dien, moet, saam met die dagvaarding, soveel afskrifte daarvan oorhandig word as die aantal getuiens wat opgeroep moet word, asook sodanige bedrag of bedrae as wat die persoon op wie se aandrang of versoek die dagvaarding uitgereik word, bedoel dat die persoon wat die dagvaarding moet dien aan gemelde getuiens onderskeidelik vir hul padgeld moet betaal of aanbied.

(5) Die diening van enige sodanige dagvaarding kan bewys word deur 'n beëdigde verklaring deur die persoon wat dit gedien het of deur sy getuienis onder eed voor die hof.

employees of his class, and if he is not in the employ of the Government of the Union (including the Railway Administration) or the Administration of South West Africa, or if no such allowances have been prescribed for Government, Railway or Administration employees of his class, he shall be paid the allowances towards subsistence and transport set forth in Annex A to these regulations.

TIME WHEN AND PLACE WHERE INVESTIGATION HELD.

5. (1) The presiding officer shall appoint the time when and place where the investigation is to be held.

(2) The clerk shall by letter notify any person who before the commencement of the proceedings has been declared a party thereto of the said time and place.

APPOINTMENT AND DUTIES OF CLERK OF A MARITIME COURT.

6. (1) The presiding officer may, if he thinks fit to do so, appoint a person to be clerk of the Maritime Court.

(2) The clerk shall, subject to the provisions of regulation 19 and to any instructions by the presiding officer, make minutes of the proceedings of the Court, and take such minutes and any documents produced during or in connection with the investigation into his custody.

APPOINTMENT OF PERSON TO ADDUCE EVIDENCE.

7. The presiding officer may, if he thinks fit to do so, appoint any person to assist the Court in the adducing of evidence for the purposes of the investigation.

PARTIES TO THE PROCEEDINGS.

8. (1) The presiding officer may declare any person who he is satisfied has a direct interest in the subject of the investigation, to be a party to the proceedings.

(2) The presiding officer may make a declaration that any person is a party on the application of the person concerned or of any other party or of his own motion, and any such declaration may be made at any time before or after the commencement of the investigation.

(3) A declaration by the presiding officer that any person is a party may be made whether the person concerned is present or not; provided that if he is not present when the declaration is made, the clerk shall notify him in writing that he has been declared to be a party and when and where the next meeting of the Court will be held.

SUMMONING OF WITNESSES.

9. (1) The summoning by the Court, in the exercise of its powers under paragraph (iii) of sub-section (1) of section nine of the Act, of any person to appear before it to be interrogated or to produce any book, document or thing shall be by subpoena in the form set forth in Annex B to these regulations.

(2) The presiding officer may, of his own motion or at the request of any party, direct that a subpoena be issued, and every subpoena shall be signed by the clerk.

(3) Service of the subpoena shall be effected on the person to be summoned at a reasonable time before attendance is required.

(4) There shall be delivered to the person who is to effect service together with the subpoena so many copies thereof as there are witnesses to be summoned and also such sum or sums of money as the person on whose initiative or at whose request the subpoena is issued intends that the person who is to effect service shall pay or offer to the said witnesses respectively for their conduct money.

(5) The service of any such subpoena may be proved by the affidavit of the person who has effected the service or by his testimony upon oath before the Court.

[LET WEL.—Wat betref die metode waarvolgens 'n dagvaarding gedien word, word die aandag gevestig op artikel driehonderd twee-en-veertig (a) en (b) van die Wet wat soos volg lui:—

„In die gevalle waar enige dokument by die toepassing van hierdie Wet op iemand gedien moet word, kan daardie dokument gedien word—

- (a) in enige geval deur aflewering van 'n afskrif daarvan persoonlik aan die persoon op wie die dokument gedien moet word; of deur sodanige afskrif in 'n koevert waarop sy naam en adres geskryf is, aan hom per geregistreerde pos ooreenkomstig die regulasies te stuur; of deur sodanige afskrif vir hom te laat by 'n lid van sy huisgesin by sy woonplek; of as niemand wat tot sy huisgesin behoort aldaar gevind kan word nie, deur sodanige afskrif aan die hoofbuite deur van gemelde woonplek of van enige plek waar hy werklik woon of (sover bekend is) laas gewoon het, te heg; of
- (b) as die dokument gedien moet word op die gesagvoerder van 'n skip of op 'n persoon behorende tot 'n skip, deur 'n afskrif daarvan vir hom aan boord van daardie skip te laat by die persoon wat werklik of blykbaar gesag voer of toesig het oor die skip.”]

Wat betref die geld wat aan getuies betaalbaar is, word die aandag gevestig op artikel tweehonderd vyf-en-tagtig van die Wet waarin bepaal word dat aan 'n getuie wat deur 'n seehof opgeroep word sodanige getuiegelde betaal word as wat toegestaan word aan enige getuie wat aanwesig is of gedagvaar is om getuie te gee in 'n siviele saak voor 'n landdroshof. Die huidige tarief van sodanige getuiegelde is voorgeskryf by Goewermentskennisgewing No. 1113, gedateer 19 Mei 1950, soos gewysig by Goewermentskennisgewing No. 1612, gedateer 29 Junie 1951, wat soos volg lui:—

„ Indeling.	Bedrag betaalbaar per dag.	
	(1) Waar die noodsaaklike afwesigheid van die getuie van sy woonplek of plek waar hy vertoef nie die huur van huisvesting vir die nag noodsaaklik maak nie.	(2) Waar die noodsaaklike afwesigheid van die getuie van sy woonplek of plek waar hy vertoef die huur van huisvesting vir die nag noodsaaklik maak.
	£ s. d.	£ s. d.
(a) Mediese praktisyns.....	1 10 0	1 10 0
(b) Getuies wat die hof bywoon om deskundige getuie te lê of wat lede is van 'n beroep wat die Minister van Justisie van tyd tot tyd goedkeur.....	1 1 0	1 10 0
(c) Blanke getuies wat nie onder (a) of (b) ressorteer nie....	0 10 0	0 17 6
(d) Asiate en kleurlinge, met uitsondering van inboorling-naturelle van Suid-Afrika, wat nie onder (a) of (b) hiervan ressorteer nie, en naturellekapteins en -hoofmanne wat as sodanig deur die Regering erken word...	0 4 0	0 8 0
(e) Inboorling-naturelle van Suid-Afrika wat nie onder (a) of (b) hiervan ressorteer nie.....	0 2 6	0 5 0

2. 'n Getuie wat onder groep (a) ressorteer en wat nie verder as vyf myl van die hof af woon of vertoef nie, word 'n toelaag van £1. 1s. per dag betaal.

3. Waar die reis na die hof per trein, poskar, publieke vervoer of skip onderneem word, word die werklike reiskoste aan die getuie betaal of terugbetaal.

[NOTE.—As to the method of service of a subpoena, attention is invited to section *three hundred and forty-two* (a) and (b) of the Act, which reads as follows:—

“Where for the purposes of this Act any document is to be served on any person, that document may be served—

- (a) in any case by delivering a copy thereof personally to the person on whom the document is to be served; or by sending such copy to him, in accordance with the regulations, by registered post, enclosed in an envelope upon which is written his name and address; or by leaving such copy for him with a member of his household at his dwelling; or, if no person belonging to his household can be found there, then by affixing such copy to the principal outer door of the said dwelling or of any place where he actually resides or was last known to reside; or
- (b) if the document is to be served on the master of a ship or on a person belonging to a ship, by leaving a copy thereof for him on board that ship with the person being or appearing to be in command or charge of the ship.”]

As to the fees payable to witnesses, attention is invited to section *two hundred and eighty-five* of the Act, which provides that a witness summoned by a Maritime Court shall be paid such expenses as would be allowed to a witness attending or subpoenaed to give evidence in a civil case before a Magistrate's Court. The present tariff of such expenses is prescribed by Government Notice No. 1113, dated 19th May, 1950, as amended by Government Notice No. 1612, dated 29th June, 1951, which reads as follows:—

“ Classification.	Amount payable per diem.	
	(1) Where the necessary absence of the Witness from his Residence or Sojourn does not necessitate the Hiring of Night Accommodation.	(2) Where the necessary absence of the Witness from his Residence or Sojourn does necessitate the Hiring of Night Accommodation.
	£ s. d.	£ s. d.
(a) Medical practitioners.....	1 10 0	1 10 0
(b) Witnesses attending to give expert evidence or who are members of professions approved from time to time by the Minister of Justice..	1 1 0	1 10 0
(c) European witnesses not falling under (a) or (b) hereof.....	0 10 0	0 17 6
(d) Asiatics and coloured persons as distinguished from aboriginal natives of South Africa not falling under (a) or (b) hereof, and native chiefs and headmen recognised as such by the Government.....	0 4 0	0 8 0
(e) Aboriginal natives of South Africa not falling under (a) or (b) hereof.....	0 2 6	0 5 0

2. A witness under class (a) residing or sojourning not more than five miles from the court shall be paid an allowance of £1. 1s. per diem.

3. Where the journey to the court is undertaken by means of the railway, post cart, public conveyance, or steamship, the actual fare shall be paid or refunded.

4. Ingeval 'n getuie verder as drie myl van die hof woon of vertoef en enige vervoer (insluitende sy eie), met uitsondering van vervoer waarna in regulasie 3 hiervan verwys word, gebruik, word 'n toelaag ten opsigte van vervoerkoste vir sowel die heen as die terugreis aan hom betaal teen 'n tarief van ses pennies (6d.) per myl ten opsigte van motorvoertuie behalwe motorfiets en drie pennies (3d.) per myl ten opsigte van motorfiets, trapfiets en vervoer deur middel van diere. Met dien verstande dat waar twee of meer maniere van vervoer of roetes redelik beskikbaar is, die bedrag bereken moet word volgens die goedkoopste roete of manier van vervoer.

5. Kinders onder die ouderdom van twaalf jaar word teen die helfte van die tariewe wat onderskeidelik in regulasies 1 en 2 hiervan voorgeskryf is, betaal en 'n begeleide of oppasser wat so 'n kind moet vergesel, is geregtig tot betaling teen die tarief wat vir 'n getuie van sy klas voorgeskryf is.

6. Die onderhoudstoelae is betaalbaar ten opsigte van iedere tydperk van vier-en-twintig uur wat 'n getuie se noodsaaklike bywoning van die hof in beslag neem of wat hy noodsaaklikerwys afwesig is van sy woonplek of plek waar hy vertoef (gedeeltes van 'n dag word as 'n volle dag beskou), insluitende die tyd wat die reis na en van die hofsetel werklik in beslag geneem het. Met dien verstande dat die aantal dae wat vir die reis toegelaat word in geen geval die totale aantal dae, bereken teen die totale mylafstande na en van die hof, mag oorskry nie; ten opsigte van getuies wat per motorvoertuig reis, word tweehonderd myl of gedeelte daarvan as 'n dag gereken, ses-en-dertig myl of 'n gedeelte daarvan as 'n dag ten opsigte van getuies wat per trapfiets, te perd of per voertuig wat deur diere getrek word, reis, en agtien myl of 'n gedeelte daarvan as 'n dag ten opsigte van getuies wat te voet reis. Met dien verstande verder dat in gevalle waar die reis per skip of boot of met 'n ander vervoermiddel onderneem word en die reisgelde die verskaffing van voedsel en slaapperiewe insluit, geen onderhoudstoelaag benevens sodanige reisgelde betaal mag word nie.

7. Toelae in verband met ondersoek te plaatse word op dieselfde basis as bywoning van die hof betaal.

8. As dieselfde persoon op dieselfde dag 'n getuie in meer as een saak in dieselfde hof is, is hy alleen tot die toelae ten opsigte van een saak geregtig en die toelae wat aldus betaal word, sal gelykop tussen sodanige sake verdeel word.

9. Staatsamptenare en amptenare van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens wat die hof as getuies bywoon, sal met die toelae en reisgelde wat hulle ontvang, handel soos voorgeskryf by hulle betrokke departementele regulasies of voorskrifte.

10. Die hof het die reg om die betaling van getuiegeld na goeddunke af te keur. Waar voorsiening gemaak word vir die betaling aan 'n getuie van onderhoud uit enige ander bron, word geen onderhoudstoelaag aan hom betaal nie.

11. Indien 'n prisoner of aangehoue persoon as 'n getuie nodig is, moet die betrokke tronk- of asielwet, -regulasies of -gebruik nagekom word.

12. Ondanks andersluidende bepalings in hierdie regulasies vervat, kan 'n landdros of griffier van die hooggeregshof die voorafgaande bepalings in buitengewone gevalle waar die tariewe 'n ontbering sal veroorsaak na goeddunke verander."

AANVANG VAN VERRIGTINGS.

10. Op die tyd en plek wat vir die hou van die ondersoek bepaal is, kan die hof voortgaan met die ondersoek, hetsy die persone (indien enige) wat as partye tot die verrigtings verklaar is of enige van hulle aanwesig is of nie.

4. Where a witness resides or sojourns more than three miles from the court and uses any means of transport (including his own), but other than those referred to in regulation 3 hereof, he shall be paid an allowance in aid of transport expenses at the rate of a sixpence (6d.) per mile for motor vehicles other than motor cycles and threepence (3d.) per mile for motor cycles, bicycles and animal transport for both the forward and return journey: Provided that where two or more modes or routes of transport are reasonably available, the one entailing the least expense shall be allowed for.

5. Children under twelve years of age shall be paid at one-half only of the rates laid down in regulation 1 hereof, and a necessary guardian or attendant accompanying will be entitled to payment according to the rates laid down for a witness of his class.

6. The subsistence allowance shall be paid for each period of twenty-four hours involved in necessary attendance at the court or necessary absence from the place of residence or sojourn of the witness (portions of a day to be counted as a whole day), including the time actually spent in travelling to and from the court: Provided that the days allowed for the period spent in travelling shall not exceed in any case the total number of days calculated on the aggregate mileage to and from the court, two hundred miles or fractions thereof being reckoned to the day for witnesses travelling by motor vehicles, thirty-six miles or fractions thereof to the day for witnesses travelling by bicycle, on horseback or by means of animal-drawn vehicles, and eighteen miles or fractions thereof where witnesses travel on foot: Provided further that, in case of travelling by ship or boat or other means of conveyance, in which the passage or fare includes the supply of food and sleeping accommodation, no subsistence allowance shall be payable in addition to such passage or fare.

7. Allowance in connection with inspections in loco shall be paid on the same basis as for court attendance.

8. When the same person is a witness in more cases than one in the same court on the same day, he shall be entitled to allowances as for one case only, which allowances shall be equally divided among such cases.

9. Public servants and servants of the South African Railways and Harbours Administration attending as witnesses shall deal with the allowances and conduct money received as may be prescribed in their respective departmental regulations or instructions.

10. The court shall have the power to disallow the payment of witness fees in its discretion. A witness whose subsistence is provided for from any other source shall not be paid in allowance towards subsistence.

11. Should a prisoner or detained person be required as a witness the relative prison or asylum law, regulations, or practice shall be complied with.

12. Notwithstanding anything to the contrary in these regulations contained, it shall be in the discretion of a Magistrate or of a Registrar of the Supreme Court to vary the provisions of this tariff in extraordinary or exceptional cases where the tariff would operate as a hardship."

COMMENCEMENT OF PROCEEDINGS.

10. At the time and place appointed for holding the investigation, the Court may proceed with the investigation, whether the persons (if any) who have been declared to be parties or any of them are present or not.

VERTEENWOORDIGING VAN PARTYE.

11. Enige party kan deur 'n agent verteenwoordig word vir die doel om dagvaardings aan te vra en om getuies te ondervra, onder kruisverhoor te neem of te herondervra of om die hof toe te spreek.

FORMULERING VAN VRAE VIR BESLISSING DEUR DIE HOF.

12. (1) Nadat die hof geopen is, en voordat enige getuie is afgelê word, stel die voorsitter in die ope hof die vrae met betrekking tot die klagte, bewering, belange of voorval waaroor die hof moet beslis. By die formulering van die vrae waaroor die hof moet beslis, kan die voorsitter sodanige wysigings in, toevoegings tot of weglatings van die vrae maak wat uiteengesit is in die in regulasie 3 vermelde brief, soos ooreenkomstig daardie regulasie gewysig, as wat hy, met inagneming van die inligting wat hy op daardie tyd tot sy beskikking het, mag goeddink.

(2) Die voorsitter kan in enige stadium van die ondersoek sodanige verdere wysigings in, toevoegings tot of weglatings van enige van die vrae maak wat aldus geformuleer is as wat hy, met inagneming van enige getuie wat afgelê is, mag goeddink.

GETUIENIS.

13. (1) Nadat die vrae waaroor die hof moet beslis, ooreenkomstig paragraaf (1) van regulasie 12 geformuleer is, kan die lede van die hof, die persoon wat ooreenkomstig regulasie 7 aangestel is om die hof te help met die aanvoering van getuie, in elk van die partye getuies inroep en ondervra of, met die goedkeuring van die voorsitter, enige van die getuies wat reeds ondervra is, terugroep vir verdere ondervraging en in die algemeen getuie aanvoer. Die getuies kan deur enige van die genoemde persone (behalwe die persoon wat hulle ingeroep het) in sodanige volgorde as wat die voorsitter mag gelas, onder kruisverhoor geneem word en kan daarna deur die persoon wat hulle ingeroep het, herondervra word. Die persoon wat ooreenkomstig regulasie 7 aangestel is en enige party kan, voordat hy sy getuies inroep, die hof toespreek vir die doel om die getuie wat hy voornemens is om aan te voer, in te lei. Alle sodanige persone moet gehoor en hul getuies ondervra, onder kruisverhoor geneem en herondervra word in sodanige volgorde as wat die voorsitter mag gelas.

(2) Enige persoon wat getuies ingeroep het, kan in enige stadium van die ondersoek, met die goedkeuring van die voorsitter, verdere getuies inroep en ondervra, en die getuies kan deur die persoon wat ooreenkomstig regulasie 7 aangestel is en die partye in sodanige volgorde as wat die voorsitter mag gelas onder kruisverhoor geneem word en deur die persoon wat hulle ingeroep het, herondervra word.

(3) Die wet in verband met die toelaatbaarheid van getuie en die bevoegdheid, ondervraging, kruisverhoor en herondervraging van getuies in geregtelike is nie bindend op 'n seehof nie, maar die voorsitter kan na eie goeddunke enige vraag wat 'n ander lid van die hof of die persoon wat ooreenkomstig regulasie 7 aangestel is of 'n party voornemens is om aan 'n getuie te stel, verwerp op grond daarvan dat so 'n vraag nie ter sake is nie of dat dit om enige ander rede onbehoorlik sou wees om die vraag te stel, en hy kan, na eie goeddunke en om soortgelyke redes, beslis dat die voorlegging van 'n boek, dokument of ding wat deur 'n ander lid van die hof of die persoon wat aldus aangestel is of deur 'n party verlang word, nie toelaatbaar is nie.

(4) Beëdigde verklaarings en statutêre verklaarings kan, met die verloop van die voorsitter, as getuie gebruik word.

TOESPRAKE TOT DIE HOF.

14. Nadat al die getuie is aangevoer is, kan enige van die partye wat verlang om dit te doen die hof oor die getuie toespreek, en die persoon wat ooreenkomstig regulasie 7 aangestel is, kan ten antwoord daarop die hof oor die hele saak toespreek.

REPRESENTATION OF PARTIES.

11. Any party may be represented by an agent for the purposes of suing out subpoenas and of examining, cross-examining or re-examining witnesses or addressing the Court.

FORMULATION OF QUESTIONS FOR DECISION BY COURT.

12. (1) After the Court has been opened, and before any evidence is given, the presiding officer shall state in open court the questions in reference to the complaint, allegation, interest or event upon which the finding of the Court is required. In formulating the questions for the finding of the Court the presiding officer may make such modifications in, additions to, or omissions from the questions set forth in the letter referred to in regulation 3, as amended in terms of that regulation, as, having regard to the information then known to him, he may think fit.

(2) The presiding officer may at any stage of the investigation make such further modifications in, additions to or omissions from any of the questions so formulated as, having regard to any evidence which may have been given, he may think fit.

EVIDENCE.

13. (1) After the questions upon which the finding of the Court is required have been formulated in terms of paragraph (1) of regulation 12, the members of the court, the person appointed under regulation 7 to assist the Court in the adducing of evidence and each of the parties may produce and examine witnesses or, with the approval of the presiding officer, recall any of the witnesses who have already been examined for further examination and generally adduce evidence. The witnesses may be cross-examined by any of the persons mentioned (other than the person who has produced them) in such order as the presiding officer may direct, and may then be re-examined by the person who has produced them. The person appointed under regulation 7 and any party may, before producing his witnesses address the Court for the purpose of opening the evidence which he intends to adduce. All such persons shall be heard and their witnesses examined, cross-examined and re-examined in such order as the presiding officer may direct.

(2) Any person who has produced witnesses may at any stage of the investigation, with the approval of the presiding officer, produce and examine further witnesses, who may be cross-examined by the person appointed under regulation 7 and the parties in such order as the presiding officer may direct, and re-examined by the person who has produced them.

(3) The law as to the admissibility of evidence and as to the competency, examination, cross-examination and re-examination of witnesses in courts of law shall not be binding upon a Maritime Court, but the presiding officer may, in his discretion, disallow any question which any other member of the Court or the person appointed under regulation 7 or any party proposes to put to any witness, on the ground that such question is irrelevant or that for any other cause it would be improper that the question be put, and may, in his discretion and on similar grounds, rule that the production of any book, document or thing required by any other member of the Court or the person so appointed or any party shall not be allowed.

(4) Affidavits and statutory declarations may, by permission of the presiding officer, be used as evidence.

ADDRESSES TO THE COURT.

14. After all the evidence has been adduced, any of the parties who desires to do so may address the Court upon the evidence, and the person appointed under regulation 7 may address the Court in reply upon the whole case.

VERDAGINGS.

15. Die hof kan die ondersoek van tyd tot tyd en van plek tot plek verdaag, en wanneer 'n party tot die verrigtings vra dat die ondersoek verdaag word, kan die hof sodanige voorwaardes opleë in verband met die betaling van koste of andersins as wat hy billik mag ag as 'n voorwaarde waarop die verdaging toegestaan word.

BEVELE IN VERBAND MET DIE BETALING VAN KOSTE.

16. (1) Die hof kan sodanige bevel uitreik in verband met die betaling deur enige party—

- (a) aan enige ander party, van die koste, of enige deel daarvan, wat billikerwyse deur daardie ander party aangegaan is ten einde by die verhoor aanwesig te wees of deur 'n regspersoon by die ondersoek verteenwoordig te word, of ten einde getuienis in te roep of getuienis aan te voer; en
- (b) aan die Sekretaris, van enige koste, of enige deel daarvan, wat billikerwyse in verband met die ondersoek of verhoor aangegaan is,

as wat hy billik ag.

(2) Koste wat ooreenkomstig paragraaf (1) toegestaan word, word bereken deur die voorsitter wat, nadat hy die berekening gemaak het, 'n bevel uitreik in die vorm wat in Bylae C by hierdie regulasies uiteengesit word, in gevalle waar koste ooreenkomstig subparagraaf (a) van paragraaf (1) van hierdie regulasie toegestaan word, of in die vorm wat in Bylae D by hierdie regulasies uiteengesit word, in gevalle waar koste ooreenkomstig subparagraaf (b) van paragraaf (1) van hierdie regulasie toegestaan word.

BEVELE IN VERBAND MET DIE BETALING VAN VERGOEDING VIR SKADE WAT VEROORSAAK WORD DEUR BEUSELAGTIGE OF ONGEREGVERDIGDE KLAGTES OF BEWERINGS.

17. Indien die hof beslis dat die klagte of bewering vir die ondersoek waarvan die hof byeengeroep is, beuselagtig of ongeregverdig was, kan hy 'n bevel uitreik vir die betaling deur die party wat die klagte ingebring het of die bewering gemaak het van sodanige skadevergoeding vir enige verlies of vertraging daardeur veroorsaak as wat hy billik ag.

UITVOERING VAN BEVELE IN VERBAND MET DIE BETALING VAN KOSTE OF SKADEVERGOEDING.

18. 'n Bevel in verband met die betaling van koste of skadevergoeding wat ooreenkomstig onderskeidelik regulasie 16 of 17 uitgereik word, het, wanneer dit ingedien word by die klerk van die landdroshof binne die regsgebied waarvan die skip, in verband waarmee die ondersoek gehou is, geregistreer is, dieselfde krag as en kan uitgevoer word as of dit 'n siviele uitspraak is wat wettiglik in daardie landdroshof gegee is ten gunste van die persoon wat ooreenkomstig so 'n bevel geregtig verklaar word tot sodanige koste of skadevergoeding en teen die persoon wat ooreenkomstig so 'n bevel gelas word om sodanige koste of skadevergoeding te betaal: Met dien verstande dat, as die persoon wat ooreenkomstig so 'n bevel gelas word om sodanige koste of skadevergoeding te betaal 'n gesagvoerder, leerling-offisier of seeman is of was in die diens van die persoon wat ooreenkomstig so 'n bevel geregtig verklaar word tot sodanige koste of skadevergoeding, die bedrag van sodanige koste of skadevergoeding afgetrek kan word van enige lone wat aan sodanige gesagvoerder, leerling-offisier of seeman verskuldig mag wees.

REKORD VAN VERRIGTINGS.

19. (1) Die hof sien toe dat notule afgeneem word van—

- (a) enige *viva voce*-getuienis wat in die hof afgelê word;
- (b) enige beswaar wat gemaak word teen enige getuienis wat ingewin of aangebied word;
- (c) die verrigtings van die hof in die algemeen, met inbegrip van die rekord van enige inspeksie *in loco*; en
- (d) die beslissings van die hof.

ADJOURNMENTS.

15. The Court may adjourn the investigation from time to time, and from place to place, and where an adjournment is asked for by a party to the proceedings, the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

ORDERS FOR COSTS.

16. (1) The Court may make such order for the payment by any party—

- (a) to any other party of the costs, or any part thereof, reasonably incurred by that other party in attending or being represented by a legal practitioner at the investigation or in bringing witnesses or adducing evidence; and
 - (b) to the Secretary of any costs or any part thereof reasonably incurred in connection with the investigation or hearing,
- as may be just.

(2) Any costs awarded in terms of paragraph (1) shall be assessed by the presiding officer, who shall, after having made such assessment, issue an order in the form set forth in Annex C to these regulations, in the case of an award made under sub-paragraph (a) of paragraph (1) of this regulation, or in the form set forth in Schedule D to these regulations, in the case of an award made under sub-paragraph (b) of paragraph (1) of this regulation.

ORDERS FOR DAMAGES CAUSED BY FRIVOLOUS OR VEXATIOUS COMPLAINT OR ALLEGATIONS.

17. If the Court finds that the complaint or allegation for the investigation of which the Court was convened was frivolous or vexatious, it may make such order for the payment by the party who made the complaint or allegation of damages for any loss or delay caused thereby as may be just.

ENFORCEMENT OF ORDERS FOR COSTS OR DAMAGES.

18. An order for the payment of costs or damages made under regulation 16 or 17, respectively, shall, on being filed with the clerk of the Magistrate's Court within the area of jurisdiction of which the ship in connection with which the investigation took place is registered, have all the effects of and may be executed as if it were a civil judgment lawfully given in that Magistrate's Court in favour of the person who is by such order declared entitled to such costs or damages and against the person who is by such order directed to pay such costs or damages: Provided that if the person who is by such order directed to pay such costs or damages is or was a master, apprentice-officer or seaman in the employ of the person who is by such order declared entitled to such costs or damages, the amount of such costs or damages may be deducted from any wages that may be due to such master, apprentice-officer or seaman.

RECORDS OF PROCEEDINGS.

19. (1) The Court shall cause minutes to be made of—

- (a) any *viva voce* evidence given in court;
- (b) any objection made to any evidence received or tendered;
- (c) the proceedings of the court generally, including the record of any inspection *in loco*; and
- (d) the decisions of the Court.

(2) Die hof laat 'n behoorlike merk aanbring op elke dokument wat as getuienis voorgelê word en teken sodanige merk in die rekord aan.

(3) Die afneem van die notule en merking van dokumente word deur die klerk gedoen, en as dit nie gedoen word deur die klerk of soos hieronder bepaal word nie, word dit deur die voorsitter gedoen.

(4) Die voorsitter kan 'n snelskrywer aanstel om 'n snelskrif-aantekening van *viva voce*-getuienis en -verrigtings te maak.

(5) 'n Party is geregtig tot 'n transkripsie van enige sodanige snelskrif-aantekening wat deur die snelskrywer as korrek gewaarmerk is, by betaling van 'n bedrag wat deur die voorsitter, met inagneming van wat die transkripsie hom gekos het, vasgestel word.

(6) In gevalle waar appèl aangeteken en vir verhoor op die rol geplaas word, word 'n transkripsie van sodanige snelskrif-aantekening gemaak, vir sover dit op die appèl betrekking het, en deur die snelskrywer onder eed gewaarmerk as 'n ware weergawe van die verrigtings, en sodanige transkripsie maak daarna deel van die rekord uit.

(7) Enige party kan by die voorsitter aansoek doen om foute in die rekord te verbeter. Sodanige aansoek moet gedoen word hoogstens sewe dae nadat die beslissing van die hof bekendgemaak is: Met dien verstande dat, as aansoek gedoen word om die verbetering van foute in die snelskrif-aantekening van getuienis waarvan die transkripsie nie voltooi is voordat die hof se beslissing bekendgemaak word nie, dit gedoen moet word hoogstens sewe dae nadat die transkripsie voltooi is. As die voorsitter oortuig is dat die applikant aan al die ander belanghebbende partye redelike kennis van die aansoek gegee het, kan hy, na oorweging van enige verdoel wat deur enige sodanige party tot hom gerig mag word en, as hy dit nodig ag, na oorlegging met een of meer van die ander lede van die hof, sodanige foute verbeter.

(8) As al die betrokke partye voor die verhoor van die aansoek hul toestemming indien vir die verbetering van die foute wat aangevra word, word geen koste vir sodanige aansoek toegestaan nie; anders word koste toegestaan volgens die goëddunke van die voorsitter en geld die bepaling van paragraaf (2) van regulasie 16 en regulasie 18 ten opsigte van enige koste wat die voorsitter mag toestaan.

(9) In hierdie regulasie sluit die woord „party” die persoon in wat ooreenkomstig regulasie 7 aangestel word.

VERSENDING VAN REKORDS AAN DIE SEKRETARIS.

20. (1) Die rekords wat kragtens artikel *tweehonderd ses-en-tagtig* van die Wet aan die Sekretaris versend word, word deur die klerk gewaarmerk.

(2) Die verslag waarvan in gemelde artikel melding gemaak word, moet in die vorm wees wat uiteengesit word in Bylae „E” by hierdie regulasies, met sodanige wysigings as wat in die omstandighede nodig mag wees.

APPEL NA HOËR HOF.

21. (1) 'n Persoon wat hom veronreg voel deur 'n beslissing van 'n seehof en wat voornemens is om kragtens artikel *tweehonderd twee-en-negentig* van die Wet na 'n hoër hof te appelleer, kan by die Sekretaris aansoek doen om 'n afskrif van die verslag wat kragtens artikel *tweehonderd ses-en-tagtig* aan hom versend is. So 'n aansoek moet skriftelik gerig word, moet 'n adres bevat waarheen die verslag geos kan word of die naam van die persoon aan wie dit afgelewer kan word, en moet by die kantoor van die Sekretaris ingedien word of aan hom geos word sodat dit hom bereik hoogstens dertig dae nadat die hof aan die einde van die ondersoek sy beslissing gegee het. Die Sekretaris sien toe dat, by betaling deur die applikant van 'n bedrag van 1s. vir die eerste 100 woorde, en 6d. vir elke addisionele 100 woorde of deel daarvan, 'n afskrif van die verslag aan die applikant geos word na die adres in die aansoek vermeld of dat dit aan die gemelde persoon afgelewer word.

(2) The Court shall duly mark each document put in evidence and note such mark on the record.

(3) Such minutes and marks may be made by the clerk, and, save where made by the clerk, or as hereinafter provided, they shall be made by the presiding officer.

(4) The presiding officer may appoint a shorthand writer to take down in shorthand a note of *viva voce* evidence and proceedings.

(5) Any party shall be entitled to a transcript of any such shorthand note certified as correct by the shorthand writer on payment of a fee to be fixed by the presiding officer, having regard to the cost of such transcript.

(6) In the event of an appeal being noted and set down for hearing such shorthand note shall, so far as relevant to the appeal, be transcribed and certified on oath by such shorthand writer as a true record of the proceedings and such transcript shall thereafter form part of the record.

(7) Any party may apply to the presiding officer to correct any errors in the record. Such application shall be made not later than seven days after the decision of the Court has been declared; provided that if the application is for a correction of any errors in the shorthand note of evidence the transcript of which has not been completed before the decision of the Court is declared, it shall be made not later than seven days after the transcript has been completed. Upon being satisfied that reasonable notice of the application has been given by the applicant to every other interested party, the presiding officer may, after consideration of any representations that may be made to him by any such party, and, if he thinks it necessary, after consultation with one or more of the other members of the Court, correct any such errors.

(8) If, before the hearing of the application, all parties affected file a consent to the corrections claimed, no costs of such application shall be allowed; otherwise, costs shall be in the discretion of the presiding officer, and the provisions of paragraph (2) of regulation 16 and regulation 18 shall apply in respect of any award by him of such costs.

(9) In this regulation the word “party” includes the person appointed under regulation 7.

TRANSMISSION OF RECORDS TO SECRETARY.

20. (1) The records transmitted to the Secretary in terms of section *two hundred and eighty-six* of the Act shall be certified by the clerk.

(2) The report referred to in the said section shall be in the form set forth in Annex E to these regulations, with such modifications as circumstances may require.

APPEAL TO SUPERIOR COURT.

21. (1) Any person aggrieved by a decision of a Maritime Court who contemplates appealing to a Superior Court under section *two hundred and ninety-two* of the Act may apply to the Secretary for a copy of the report transmitted to him in terms of section *two hundred and eighty-six*. Such application shall be made in writing, shall state an address to which the report may be posted or the name of the person to whom it may be delivered and shall be delivered at the office of the Secretary or posted so as to reach him not later than thirty days after the delivery of the decision of the Court at the conclusion of the investigation. The Secretary shall cause a copy of the report to be posted to the applicant at the address stated or to be delivered to the person named, upon payment by the applicant of a fee of 1s. for the first 100 words, and 6d. for each additional 100 words or part thereof.

(2) Enige persoon, behalwe die Sekretaris, kan appèl aanteken binne dertig dae nadat die afskrif van die verslag aan die persoon gepos of aan hom afgelewer is, en die Sekretaris kan appèl aanteken binne dertig dae nadat hy die verslag van die voorsitter ontvang het.

(3) Appèl word aangeteken deur 'n kennisgewing van appèl op die Sekretaris en elke ander persoon wat 'n party tot die verrigtings was, te dien, en, tensy die hof waarna geappelleer word anders gelas, deur tot bevrediging van die registrateur van daardie hof sekuriteit ten bedrae van veertig pond vir die verweerder se koste van appèl te gee: Met dien verstande dat sekuriteit nie van die Staat geëis word nie.

(4) In 'n kennisgewing van appèl word vermeld—

- (a) die hoër hof waarna geappelleer word;
- (b) of daar teen die beslissing in sy geheel of slegs teen 'n gedeelte daarvan geappelleer word en, indien slegs teen 'n gedeelte, watter gedeelte;
- (c) die gronde vir die appèl, met 'n uiteensetting van die feitebevindings of regsbeslissings waarteen daar geappelleer word.

(5) Wanneer daar appèl aangeteken word, stuur die Sekretaris onverwyld 'n afskrif van die kennisgewing van appèl aan die persoon wat as voorsitter van die hof opgetree het, en binne sewe dae na ontvangs daarvan stuur die persoon wat as voorsitter opgetree het aan die Sekretaris 'n skriftelike verklaring waarin die volgende angedui word (vir sover dit nodig mag wees, met inagneming van enige skriftelike beslissing wat reeds deur hom of deur die hof gegee is en van die in regulasie 20 vermelde verslag)—

- (i) die feite wat volgens die beslissing van die hof bewys is;
- (ii) die gronde waarop die hof tot enige feitebevinding geraak het waarteen daar volgens die kennisgewing van appèl geappelleer word; en
- (iii) sy redes vir enige regsbeslissing waarteen daar volgens die kennisgewing van appèl geappelleer word.

Die verklaring word deel van die rekord.

(6) Enige party kan by die Sekretaris aansoek doen om 'n afskrif van die in paragraaf (5) van hierdie regulasie vermelde verklaring. Die aansoek moet skriftelik gerig word, moet 'n adres bevat waarheen die verklaring gepos kan word of die naam van die persoon aan wie dit afgelewer kan word, en moet vergesel gaan van 'n bedrag van drie pond. Die Sekretaris sien toe dat 'n afskrif van die verklaring gepos word aan die applikant na die adres in die aansoek vermeld of dat dit aan die gemelde persoon afgelewer word.

(7) Binne sewe dae nadat hy kennis ontvang het dat die appèl vir verhoor op die rol geplaas is, sien die Sekretaris toe dat die rekord van die verrigtings voor die seehof, met inbegrip van die aantekeninge van die getuienis, die beslissings, die verslag van die voorsitter en enige beredenerings en ander dokumente wat kragtens artikel tweehonderd ses-en-tagtig van die Wet aan die Sekretaris versend is, en die in paragraaf (5) van hierdie regulasie vermelde verklaring, aan die registrateur van die hoër hof versend word.

(8) Behoudens die bepalings van hierdie regulasie, word 'n appèl ingestel binne die tydperk en ooreenkomstig die gebruik en reëls wat in die hoër hof waarna geappelleer word, geld ten aansien van appèlle in siviele sake vanuit landdroshowe, en as daar geappelleer word na 'n Plaaslike Afdeling van die Hooggeregshof wat geen regsbevoegdheid het om appèlle in siviele sake vanuit landdroshowe te verhoor nie, word die appèl ingestel binne die tydperk en ooreenkomstig die gebruik en reëls wat geld ten aansien van sodanige appèlle in die Provinsiale Afdeling van die Provinsie waarin daardie Plaaslike Afdeling regsbevoegdheid uitoefen, en by verstek van sodanige instelling word geag dat die appèl verval het, tensy daardie hoër hof dit goed ag om 'n andersluidende bevel uit te vaardig.

(2) An appeal may be noted by any person other than the Secretary within thirty days after the posting to him or the delivery to the person named of the copy of the report, and by the Secretary within thirty days after the receipt by him of the report from the presiding officer.

(3) An appeal shall be noted by the service upon the Secretary and every person who was a party to the proceedings of a notice of appeal and, unless the Superior Court to which appeal is made otherwise directs, by giving security to the satisfaction of the Registrar of that Court for the respondents' costs of appeal to the amount of forty pounds; provided that no security shall be required from the State.

(4) A notice of appeal shall state—

- (a) the Superior Court to which the appeal is noted;
- (b) whether the whole or part only of the decision is appealed against, and if part only, then what part;
- (c) the grounds of appeal, specifying the findings of fact or rulings of law appealed against.

(5) Whenever an appeal has been noted, the Secretary shall forthwith transmit a copy of the notice of appeal to the person who was the presiding officer of the Court, who shall, within seven days of the receipt thereof by him, transmit to the Secretary a statement, in writing, showing (so far as may be necessary having regard to any written decision already delivered by him or by the Court and to the report referred to in regulation 20)—

- (i) the facts the Court found to be proved;
- (ii) the grounds upon which the Court arrived at any finding of fact specified in the notice of appeal as appealed against; and
- (iii) his reasons for any ruling of law so specified as appealed against.

The statement shall become part of the record.

(6) Any party may apply to the Secretary for a copy of the statement referred to in paragraph (5) of this regulation. The application shall be made in writing, shall state an address to which the statement may be posted or the name of the person to whom it may be delivered, and shall be accompanied by a fee of three pounds. The Secretary shall cause a copy of the statement to be posted to the applicant at the address stated or to be delivered to the person named.

(7) The Secretary shall, within seven days after he receives notice that the appeal has been set down for hearing, cause to be transmitted to the Registrar of the Superior Court the record of the proceedings before the Maritime Court, including the notes of evidence, the decisions, the report by the presiding officer and any reasons and other documents transmitted to the Secretary in terms of section two hundred and eighty-six of the Act, and the statement referred to in paragraph (5) of this regulation.

(8) Subject to the provisions of this regulation, an appeal shall be prosecuted within the period and in accordance with the practice and rules which apply in the Superior Court to which appeal is made in respect of appeals in civil cases from Magistrate's Courts, and if the appeal is to a Local Division of the Supreme Court which has no jurisdiction to hear appeals in Civil cases from Magistrate's Courts, the appeal shall be prosecuted within the period and in accordance with the practice and rules which apply in respect of such appeals in the Provincial Division of the Province within which that Local Division exercises jurisdiction, and in default of such prosecution, the appeal shall be deemed to have lapsed, unless that Superior Court shall see fit to make an order to the contrary.

(9) Die uitspraak van die hoër hof waarna geappelleer word, kan gehandhaaf word asof dit gegee was in die hof vanwaar geappelleer word.

HERVERHOOR OP LAS VAN DIE MINISTER.

22. Wanneer die Minister kragtens die bepalings van artikel tweehonderd een-en-negentig van die Wet gelas het—

- (a) dat 'n saak deur 'n seehof opnuut verhoor moet word, is die bepalings van hierdie regulasies van toepassing op sodanige herverhoor; of
- (b) dat 'n saak wat deur 'n seehof verhoor is deur 'n hof van marine-onderzoek opnuut verhoor moet word, is die bepalings van die Regulasies Betreffende 'n Hof van Marine-onderzoek van toepassing op sodanige herverhoor.

BYLAE A.

TOELAES VIR ONDERHOUD EN VERVOER BETAALBAAR AAN LEDE VAN SEEHOWE.

(REGULASIE 4.)

1. 'n Lid ontvang 'n toelae vir onderhoud teen die koers van £1. 1s. vir elke uur of gedeelte van 'n uur van enige dag waarop hy die ondersoek bywoon en waarop die saak in sy geheel of gedeeltelik verhoor word: Met dien verstande dat hy minstens £3. 3s. of hoogstens £5. 5s. vir enige sodanige dag ontvang.

2. Die tydperk waarvoor betaling ooreenkomstig paragraaf 1 gemaak word, word gereken vanaf die tyd wanneer die lid aanwesig is tot die tyd wanneer die voorsitter hom van verdere aanwesigheid vrystel.

3. Die lid ontvang 'n onderhoudstoelae van £1. 1s. vir enige dag waarop hy die ondersoek bywoon maar waarop die saak nie verhoor word nie.

4. 'n Lid ontvang ook 'n toelae teen 'n koers van een-vier-en-twintigste van £5. 5s. vir elke volle uur (een-vier-en-twintigste) van die tyd wat noodwendig in beslag geneem word om na en van die plek te reis waar die ondersoek plaasvind.

5. In geen geval ontvang 'n lid ooreenkomstig bostaande paragrafe meer as £5. 5s. vir enige tydperk van middernag tot middernag nie.

6. In gebiede wat deur die spoorweg of deur 'n spoorwegbus bedien word, word daar aan die lid 'n magbrief uitgereik wat hom geregtig maak tot die uitreiking van 'n eerste-klas-retoerkaartjie. Indien daar noodwendig van enige ander vorm van openbare vervoer gebruik gemaak word, word die reisgeld wat die lid uitbetaal het aan hom terugbetaal. Vir enige deel van die reis na en van die plek waar die ondersoek gehou word, wat nie deur die spoorweg of 'n spoorwegbus of ander vorm van openbare vervoer bedien word nie, ontvang die lid 'n reistoelaag van een shilling per myl.

BYLAE B.

T.V. 5/406

SEEHOF.

DAGVAARDING.

(REGULASIE 9.)

Aan—

- (1) _____ van _____
- (2) _____ van _____
- (3) _____ van _____
- (4) _____ van _____

U word hierby versoek om op die _____ dag van _____ 19____, om _____ uur, te _____

_____ persoonlik te verskyn voor die Seehof wat aangestel is om ondersoek in te stel na _____

(9) The judgment of the Superior Court to which appeal is made may be enforced as if it had been given in the Court appealed from.

REHEARING BY ORDER OF THE MINISTER.

22. Whenever the Minister has directed under the provisions of section two hundred and ninety-one of the Act—

- (a) that a case be reheard by a Maritime Court, the provisions of these regulations shall apply to such rehearing; or
- (b) that a case heard by a Maritime Court be reheard by a Court of Marine Enquiry, the provisions of the Courts of Marine Enquiry Regulations shall apply to such rehearing.

ANNEX A.

ALLOWANCES TOWARDS SUBSISTENCE AND TRANSPORT PAYABLE TO MEMBERS OF MARITIME COURTS.

(REGULATION 4.)

1. A member shall be paid an allowance towards subsistence at the rate of £1. 1s. for every hour or part of an hour of any day on which he attends the investigation and on which the case is wholly or partly heard: Provided that he shall not be paid less than £3. 3s. or more than £5. 5s. for any such day.

2. The period for which payment shall be made in terms of paragraph 1 shall be reckoned from the time when the member attends to the time when he is released by the presiding officer from further attendance.

3. The member shall be paid an allowance towards subsistence of £1. 1s. for any day on which he attends the investigation but on which the case is not heard.

4. A member shall also be paid at the rate of one-twenty-fourth of £5. 5s. for every completed hour (one-twenty-fourth) of the time necessarily spent in travelling to and from the place at which the investigation is held.

5. In no case shall a member be paid under the foregoing paragraphs more than £5. 5s. for any period from midnight to midnight.

6. Where the railway or a railway bus serves, there shall be issued to the member a warrant entitling him to the issue of a first-class return ticket. If any other form of public transport is necessarily used, the fare disbursed by the member shall be refunded to him. For any part of the journey to and from the place at which the investigation is held which is not served by the railway or a railway bus or other form of public transport the member shall be paid a travelling allowance at the rate of one shilling a mile.

ANNEX B.

T.V. 5/406.

MARITIME COURT.

SUBPOENA.

(REGULATION 9.)

To—

- (1) _____ of _____
- (2) _____ of _____
- (3) _____ of _____
- (4) _____ of _____

You are hereby required to appear in person before the Maritime Court at _____ on the _____ day of _____ 19____, at the hour of _____ which has been appointed to investigate _____

(meld hier kortliks die onderwerp van die ondersoek)

en om die verskillende dokumente in onderstaande lys gespesifiseer, met u saam te bring en aan die Hof voor te lê:—

Datum.	Beskrywing.	Oorspronklike of Afskrif.

Plek _____
Datum _____

*Voorsitter.
Klerk van die Hof.

*Skrap die woorde wat nie van toepassing is nie.

Die aandag word gevestig op artikel *nege*, gelees met artikel *driehonderd-en-dertien* van die Handelskeepvaartwet, 1951, waarin bepaal word dat enige persoon wat in gebreke bly om op die tyd en plek in 'n dagvaarding bepaal, te verskyn en aanwesig te bly totdat hy deur die hof van verdere aanwesigheid vrygestel word, of om alle vrae wat wettiglik aan hom gesel word volledig en bevredigend, na die beste van sy vermoë, te beantwoord, of om, as hy daartoe gelas word, enige dokument in sy besit of onder sy beheer voor te lê, strafbaar is met 'n boete van hoogstens £100 of ses maande tronkstraf of met sowel die boete as die tronkstraf.

BYLAE C. T.V. 5/407.

BEVEL IN VERBAND MET DIE BETALING VAN KOSTE DEUR 'N PARTY AANGEGAAN.

(REGULASIE 16.)

In die geval van 'n seehof wat gehou is te _____ (meld hier die plek waar die hof gesit het) _____ op die _____ (meld hier al die dae waarop die hof gesit het) _____ om ondersoek in te stel na _____

(meld hier kortliks die onderwerp van die ondersoek).

Beveel die hof dat _____, van _____, aan _____, van _____, die bedrag van _____ betaal as betaling (of gedeeltelike betaling, na gelang van die geval) van die koste deur gemelde _____ aangegaan ten einde by die ondersoek aanwesig te wees of deur 'n regs persoon daarby verteenwoordig te wees, en ten einde getuies in te roep of getuienis aan te voer (skrap die woorde wat nie van toepassing is nie).

Gegee onder my handtekening te _____ hede die _____ dag van _____ 19 _____.

Voorsitter.

BYLAE D. T.V. 5/408.

BEVEL IN VERBAND MET DIE BETALING VAN KOSTE DEUR DIE SEKRETARIS VAN VERVOER AANGEGAAN.

(REGULASIE 16.)

In die geval van 'n seehof wat gehou is te _____ (meld hier die plek waar die hof gesit het) _____ op die _____ (meld hier al die dae waarop die hof gesit het) _____ om ondersoek in te stel na _____ (meld hier kortliks die onderwerp van die ondersoek).

(here state briefly the subject of investigation)

and to bring with you and then produce to the Court the several documents specified in the list hereunder:—

Date.	Description.	Original or Copy.

*Presiding Officer.
Clerk of the Court.

Place _____
Date _____

*Delete inapplicable words.

Attention is invited to section *nine*, read with section *three hundred and thirteen* of the Merchant Shipping Act, 1951, which provides that any person who fails to attend at the time and place specified in a subpoena and remain in attendance until excused by the Court from further attendance, or to answer fully and satisfactorily, to the best of his ability, all questions lawfully put to him, or upon his being required to do so to produce any document in his possession or control, shall be liable to a penalty not exceeding a fine of £100 or six months' imprisonment or both such fine and imprisonment.

ANNEX C. T.V. 5/407.

ORDER FOR PAYMENT OF COSTS INCURRED BY A PARTY.

(REGULATION 16.)

In the matter of an investigation by a Maritime Court held at _____ (here state the place where the Court sat) _____ on the _____ (here state all the days on which the Court sat) _____ into the _____ (here state briefly the subject of investigation)

The Court orders that _____ of _____, do pay to _____ of _____, the sum of _____ in payment (or in part payment, as the case may be) of the costs incurred by the said _____ in attending or being legally represented at the investigation and in bringing witnesses or adducing evidence (delete words not applicable).

Given under my hand at _____ this _____ day of _____, 19 _____.

Presiding Officer.

ANNEX D. T.V. 5/408.

ORDER FOR PAYMENT OF COSTS INCURRED BY THE SECRETARY FOR TRANSPORT.

(REGULATION 16.)

In the matter of an investigation by a Maritime Court held at _____ (here state the place where the Court sat) _____ on the _____ (here state all the days on which the Court sat) _____ into the _____ (here state briefly the subject of investigation)

Beveel die hof dat _____, van _____
aan die Sekretaris van Vervoer van die Unie van Suid-Afrika die bedrag van _____ betaal as betaling (of gedeeltelike betaling, na gelang van die geval) van die koste wat billikerwyse deur genoemde Sekretaris aangegaan is in verband met die ondersoek of verhoor.

Gegee onder my handtekening te _____
hede die _____ dag van _____ 19 _____

Voorsitter.

BYLAE E. T.V. 5/409

_____ VERSLAG VAN SEEHOF.

(REGULASIE 20.)

In die geval van 'n seehof gehou te _____
(meld hier die plek waar die hof gesit het) _____
op die _____ (meld hier al die dae waarop
die hof gesit het) _____
Voorsitter, en _____ en _____
Lede, om ondersoek in te stel na die _____
(meld hier kortliks die onderwerp van ondersoek) _____

Beslis die hof, nadat hy noukeurig ondersoek ingeste _____
het na die omstandighede van die saak wat ondersoek
moes word, om die redes in die Aanhangsel hieraan uiteen-
gesit, dat die _____ (meld hier die
beslissing van die hof) _____

Gedateer te _____, hede die _____ da^g
van _____ 19 _____

Voorsitter.

Ons (of Ek) stem saam met die bostaande verslag.

Lid.

Lid.

AANHANGSEL AAN DIE VERSLAG.

(Meld hier volledig die omstandighede van die saak, die
opinie van die hof rakende die waarheid van die bewering
of oorsake van die voorval en die gedrag van enige persone
wat daarby betrokke is, en of die sertifikaat van enige
offisier opgeskort is, en die redes vir die gemelde
opinie, en as die sertifikaat van enige offisier opgeskort is,
die redes vir sodanige opskorting.)

AANHANGSEL AAN REGULASIES BETREFFENDE SEEHOWE.

Artikels van Handelskeepvaartwet, 1951 (Wet No. 57
van 1951), herdruk vir gerieflike naslaandoeleindes.

BEVOEGDHEDE VAN BEAMPTES EN HOWE.

9. (1) Enige—

- (a) bevoegde beampte of opnemer; of
- (b) hof van marine-ondersoek, seehof of opnemingshof;
of
- (c) persoon wat kragtens artikel tweehonderd vier-en-
estig of subartikel (1) van artikel tweehonderd
een-en-tagtig aangestel is, of na wie 'n appèl krag-
tens subartikel (1) of (2) van artikel tweehonderd
twee-en-tagtig verwys is; of
- (d) ander persoon gemagtig of verplig deur of kragtens
hierdie Wet of oor die algemeen of in besonder
deur die Sekretaris gemagtig of gelas om 'n opname
of inspeksie te maak of 'n ondersoek te doen,

The Court orders that _____, of _____
do pay to the Secretary for Transport of the Union of
South Africa the sum of _____
in payment (or in part payment, as the case may be) of
the costs reasonably incurred by the said Secretary in
connection with the investigation or hearing.

Given under my hand at _____
this _____ day of _____, 19 _____

Presiding Officer.

ANNEX E. T.V. 5/409.

REPORT OF MARITIME COURT.

(REGULATION 20.)

In the matter of an investigation by a Maritime Court
held at _____ (here state the place where the
Court was held) _____ on the _____ (here
state all the days on which the Court sat) _____
before _____, Presiding Officer, and _____
and _____, Members, into the
_____ (here state briefly the subject of
investigation) _____

The Court, having carefully inquired into the circum-
stances attending the matter to be investigated, finds for
the reasons stated in the Appendix hereto, that the _____
(here state the finding of the Court) _____

Dated at _____ this _____ day of _____

Presiding Officer.

We (or I) concur in the above report.

Member.

Member.

APPENDIX TO THE REPORT.

(Here state fully the circumstances of the case, the
opinion of the Court touching the truth of the allegation
or the causes of the event and the conduct of any persons
implicated therein, and whether the certificate of any
officer has been suspended, and the reasons for the said
opinion, and if the certificate of any officer has been
suspended the reasons for such suspension.)

APPENDIX TO MARITIME COURTS REGULATIONS.

Sections of Merchant Shipping Act, 1951 (Act No. 57
of 1951), reprinted for convenience of reference.

POWERS OF OFFICERS AND COURTS.

9. (1) Any—

- (a) proper officer or surveyor; or
- (b) court of marine enquiry, maritime court or court of
survey; or
- (c) person appointed in terms of section two hundred
and sixty-four or sub-section (1) of section two
hundred and eighty-one, or to whom an appeal is
referred in terms of sub-section (1) or (2) of section
two hundred and eighty-two; or
- (d) other person authorised or required by or under
this Act, or generally or specially authorised or
required by the Secretary, to make any survey or
inspection or conduct any investigation,

kan in die uitvoering van sy plig of die uitoefening van sy werksaamhede—

- (i) aan boord gaan van 'n Suid-Afrikaanse skip, waar dit ookal is, of 'n ander skip as 'n Suid-Afrikaanse skip terwyl die skip in die Unie of die Unie se territoriale waters is, en die skip of enige deel daarvan, of uitrusting daarvan, of enige artikels aan boord daarvan, of enige skeepsjoernale, sertifikate of ander dokumente wat op die skip of die skip se bemanning betrekking het, inspekteer, en die skip se bemanning monster en ondervra;
- (ii) enige perseel, met inbegrip van enige grond, bouwerk, voertuig of vaartuig, betree en die perseel of enige artikels daarin ondersoek;
- (iii) by skriftelike kennisgewing of andersins enige persoon oproep wat na sy mening in staat mag wees om inligting te verstrek wat hom waarskynlik sal help om sodanige plig uit te voer, of wat na sy vermoede of mening enige boek, dokument of ding in sy besit of bewaring of onder sy beheer het wat by insae hom waarskynlik in die uitvoering van sodanige plig sal help, om voor hom te verskyn op 'n bepaalde tyd en plek om ondervra te word of om daardie boek, dokument of ding oor te lê;
- (iv) 'n eed afneem van enige persoon wat ingevolge 'n oproep of andersins verskyn en hom ondervra en enige boek, dokument of ding wat oorgelê word, ondersoek en agterhou;
- (v) enige persoon wat ondervra is, 'n verklaring van die waarheid van die verklaring deur hom afgelê, laat onderteken; en
- (vi) 'n afskrif maak van enige dokument wat deur hom ingesien of aan hom getoon is.

(2) Iedere persoon—

- (a) help enige beampte of ander persoon of hof op versoek na die beste van sy vermoë in die uitoefening van enigeen van die bevoegdhede deur subartikel (1) verleen;
- (b) wat kragtens paragraaf (iii) van subartikel (1) opgeroep is, en wie se redelike koste aan hom betaal of aangebied is, verskyn op die bepaalde tyd en plek en bly aanwesig totdat die beampte of ander persoon of hof hom vrystel van verdere aanwesigheid;
- (c) lê die eed af wat kragtens paragraaf (iv) van subartikel (1) deur 'n beampte of ander persoon of hof van hom afgeneem word;
- (d) beantwoord volledig en bevredigend, na die beste van sy vermoë, alle vrae wat wettiglik deur 'n beampte of ander persoon of hof kragtens paragraaf (i) of (iv) van subartikel (1) aan hom gestel word, en as hy daartoe gelas word, oorlê hy enige boek, dokument of ding in sy besit of onder sy beheer: Met dien verstande dat die regsreëls betreffende privilegie soos van toepassing op 'n getuie wat gedagvaar is om voor enige geregshof getuie te lê van enige boek, dokument of ding oor te lê van toepassing is op die ondervraging van so 'n persoon deur, of die oorleging van so 'n boek, dokument of ding aan, so 'n beampte of ander persoon of hof; en
- (e) as hy daartoe gelas word, onderteken 'n verklaring van die waarheid van 'n verklaring wat hy afgelê het.

(3) Enigeen wat onder eed gestel is deur 'n beampte of ander persoon, of hof in die uitoefening van genoemde bevoegdhede en 'n valse antwoord op enige vraag wat aan hom gestel is, gee, of 'n valse verklaring oor enige saak doen wetende dat daardie antwoord of verklaring vals is, word gegag aan meenede skuld te wees.

may, in the execution of his or its duty or the exercise of his or its functions—

- (i) board any South African ship wherever she may be, or any ship other than a South African ship while she is within the Union or the territorial waters of the Union, and inspect the same or any part thereof, or any equipment thereof, or any articles on board, or any log-books, certificates or other documents relating to the ship or the crew thereof, and muster the crew of the ship and interrogate them;
- (ii) enter any premises, including any land, structure, vehicle or vessel, and inspect the same or any articles therein;
- (iii) by written notice or otherwise summon any person who in his or its opinion may be able to give information which is likely to assist him or it in the carrying out of such duty, or who he or it suspects or believes has in his possession or custody or under his control any book, document or thing the inspection of which is likely to assist him or it in the carrying out of such duty, to appear before him or it at a time and place specified, to be interrogated or to produce that book, document or thing;
- (iv) administer an oath to any person appearing in obedience to any summons or otherwise, and interrogate him and inspect and detain any book, document or thing produced;
- (v) require any person interrogated to subscribe to a declaration of the truth of the statement made by him; and
- (vi) copy any document inspected by or produced to him or it.

(2) Every person—

- (a) shall upon demand assist to the best of his ability any officer or other person or court in the exercise of any of the powers conferred by sub-section (1);
- (b) summoned under paragraph (iii) of sub-section (1) whose reasonable expenses have been paid or offered to him shall attend at the time and place specified, and remain in attendance until excused by the officer or other person or court from further attendance;
- (c) shall take the oath administered to him by any officer or other person or court under paragraph (iv) of sub-section (1);
- (d) shall answer fully and satisfactorily, to the best of his ability, all questions lawfully put to him by any officer or other person or court under paragraph (i) or (iv) of sub-section (1) and, upon being required to do so, produce any book, document or thing in his possession or under his control: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing to any such officer or other person or court, the law relating to privilege, as applicable to a witness summoned to give evidence or produce any book, document or thing before a court of law shall apply; and
- (e) upon being required to do so, shall subscribe to a declaration of the truth of any statement made by him.

(3) Any person who, after being sworn by an officer or other person or court in the exercise of the said powers, gives a false answer to any question put to him, or makes a false statement on any matter, knowing that answer or statement to be false, shall be deemed to be guilty of perjury.

(4) Enige persoon of hof bedoel in paragraaf (a), (b) of (c) van subartikel (1) kan in die uitvoering van sy plig of die uitoefening van sy werksaamhede, as hy dit nodig ag, gelas dat 'n Suid-Afrikaanse skip, waar dit ookal is, of 'n ander skip as 'n Suid-Afrikaanse skip terwyl die skip in die Unie of die Unie se territoriale waters is, op die eienaar se koste in 'n dok gebring word sodat elke deel van die romp ondersoek kan word.

BYEENROEPING VAN SEEHOWE BUITE DIE UNIE.

270. Wanneer—

- (a) 'n klagte wat 'n bevoegde beampte buite die Unie voorkom as 'n klagte wat onmiddellike ondersoek vereis, aan hom gemaak word deur die gesagvoerder of 'n lid van die bemanning van 'n Suid-Afrikaanse skip; of
- (b) dit vir so 'n beampte voorkom dat die belange van die eienaar van 'n Suid-Afrikaanse skip of van die vrag daarvan dit vereis; of
- (c) 'n bewering van onbevoegdheid of wangedrag teen die gesagvoerder of enigeen van die skeepsoffisiere van 'n Suid-Afrikaanse skip aan hom gemaak word; of
- (d) 'n Suid-Afrikaanse skip verlore gaan, verlaat word of strand op of naby die plek waar so 'n beampte mag wees, of wanneer die bemanning of deel van die bemanning van 'n Suid-Afrikaanse skip wat verlore gegaan het, verlaat is of gestrand het, op daardie plek aankom; of
- (e) lewensverliese of ernstige besering van enige persoon aan boord van 'n Suid-Afrikaanse skip op of naby daardie plek plaasgevind het,

kan hy na goëddunke 'n hof byeenroep (hierna 'n seehof genoem) om ondersoek in te stel na genoemde klagte of bewering of die saak rakende genoemde belang of die oorsaak van die verlies, verlaten of stranding van die skip of van die lewensverlies of van die besering van die persoon.

SAMESTELLING VAN SEEHOWE.

271. (1) 'n Seehof bestaan uit die bevoegde beampte wat dit byeengeroep het, en òf twee òf vier ander lede.

(2) Die ander lede van die hof word aangestel deur die bevoegde beampte wat dit byeenroep, en hulle moet persone wees met geskikte marine-, ingenieurs- of ander besondere vaardigheid, kennis of ervaring, en waar moontlik, moet minstens een lid in aktiewe seediens wees.

(3) As die getal lede van die hof verminder word deur dood, bedanking of enige ander oorsaak, tot nie minder as twee nie, maak die oorblywende lede die hof uit.

(4) As die hof, soos oorspronklik saamgestel of soos verminder om enige in subartikel (3) bedoelde rede, uit drie lede bestaan, is twee lede 'n kworum; en as dit bestaan uit meer as drie lede, is drie lede 'n kworum.

(5) Die bevoegde beampte wat die hof byeengeroep het, moet as voorsitter optree, behalwe wanneer om een of ander van die in subartikel (3) bedoelde redes hy ophou om lid van die hof te wees, in welk geval die bevoegde beampte (of sy opvolger) een van die ander lede van die hof as voorsitter moet aanstel.

HOE BESLISSINGS VAN SEEHOWE BEREIK EN BEKENDGEMAAK WORD.

272. (1) Die beslissing van die meerderheid van die lede van 'n seehof is, behoudens die bepalings van paragrafe (a) en (b) van sub-artikel (1) van artikel tweehonderd drie-en-sewentig die beslissing van die hof.

(2) Die beslissing van die hof word bekendgemaak deur een van die lede wat met daardie beslissing saamstem, en die redes daarvoor word deur minstens een sodanige lid verklaar. 'n Lid wat van die hof se beslissing verskil, kan die feit dat hy verskil, bekendmaak, en sy redes daarvoor gee.

(4) Any person or court referred to in paragraph (a), (b) or (c) of sub-section (1) may in the execution of his or its duty or the exercise of his or its functions, if he or it deems it necessary to do so, direct that any South African ship wherever she may be, or any ship other than a South African ship while she is within the Union or the territorial waters of the Union, be taken into dock at the owner's expense, in order that every part of the hull thereof may be inspected.

CONVENING OF MARITIME COURTS OUTSIDE THE UNION.

270. Whenever—

- (a) a complaint which appears to a proper officer outside the Union to require immediate investigation is made to him by the master or any member of the crew of a South African ship; or
- (b) the interest of the owner of a South African ship or of the cargo thereof appears to such an officer to require it; or
- (c) an allegation of incompetency or misconduct is made to him against the master or any of the ship's officers of a South African ship; or
- (d) any South African ship is lost, abandoned or stranded at or near the place where such an officer may be, or whenever the crew or part of the crew of any South African ship which has been lost, abandoned or stranded arrives at that place; or
- (e) any loss of life or any serious injury to any person has occurred on board a South African ship at or near that place,

he may, in his discretion, convene a court (hereinafter referred to as a maritime court) to investigate the said complaint or allegation or the matter affecting the said interest or the cause of the loss, abandonment or stranding of the ship or of the loss of life or of the injury to the person.

CONSTITUTION OF MARITIME COURTS.

271. (1) A maritime court shall consist of the proper officer who convenes it and either two or four other members.

(2) The other members of the court shall be appointed by the proper officer who convenes it, and shall be persons of suitable nautical, engineering or other special skill, knowledge or experience, and, whenever possible, at least one member shall be in active sea-going service.

(3) If by death, resignation or any other cause the number of members of the court is reduced to not less than two, the remaining members shall constitute the court.

(4) If the court, as originally constituted, or as reduced for any reason referred to in sub-section (3), consists of three members, two members shall form a quorum; and if it consists of more than three members, three members shall form a quorum.

(5) The proper officer who convened the court shall be the presiding officer unless for any reason referred to in sub-section (3) he ceases to be a member of the court, in which event the proper officer (or his successor) shall appoint one of the other members of the court to be the presiding officer.

HOW DECISIONS OF MARITIME COURTS ARE REACHED AND ANNOUNCED.

272. (1) The decision of the majority of the members of a maritime court shall, subject to the provisions of paragraphs (a) and (b) of sub-section (1) of section two hundred and seventy-three, be the decision of the court.

(2) The decision of the court shall be declared by one of the members concurring in that decision, and the reasons therefor shall be stated by at least one such member. Any member who dissents from the decision of the court may declare his dissent and his reasons therefor.

(3) As die meerderheid van die lede van die hof (of as die hof uit net twee lede bestaan, albei lede) om enige rede nie saamstem oor enige saak waaroor 'n beslissing nodig is om die ondersoek te kan voltooi nie, moet die voorsitter, as hy die bevoegde beampte is, die lede van die hof ontslaan, en as hy dit goeddink, kan hy 'n ander seehof saamroep om die ondersoek waar te neem, of, as hy nie die bevoegde beampte is nie, rapporteer hy die feit aan die bevoegde beampte, en daarop kan die bevoegde beampte die saak terugverwys na die hof vir heroorweging of kan hy die lede van die hof ontslaan en as hy dit goed vind, kan hy 'n ander seehof saamroep om die ondersoek waar te neem.

BEVOEGDHEID VAN SEEHOWE.

273. (1) 'n Seehof kan na die verhoor en ondersoek van 'n saak en behoudens die bepalinge van artikel tweehonderd drie-en-tagtig—

- (a) as die hof dit eens is dat die veiligheid van 'n Suid-Afrikaanse skip of sy wag of bemanning of die belange van die eienaar van 'n Suid-Afrikaanse skip of van die wag daarvan dit vereis, die gesagvoerder verwyder en 'n ander bevoegde persoon aanstel om in sy plek op te tree;
- (b) as die hof dit eens is dat 'n gesagvoerder of skeeps-offisier van 'n Suid-Afrikaanse skip onbevoeg is of hom skuldig gemaak het aan 'n daad van wangedrag, of dat die verlies, verlating of stranding van of ernstige skade aan 'n skip of lewensverlies of ernstige besering van 'n persoon veroorsaak is deur die wederregtelike daad of versuim van 'n gesagvoerder of skeeps-offisier van 'n Suid-Afrikaanse skip, die bekwaamheid- of dienssertifikaat van daardie gesagvoerder of skeeps-offisier vir 'n bepaalde tydperk opskort;
- (c) 'n seeman uit diens op 'n Suid-Afrikaanse skip ontslaan en gelas dat die loon van 'n aldus ontslane seeman of enige deel van sy loon verbeur word;
- (d) enige vrae aangaande loon of boetes of verbeurings wat tussen enige van die partye by die verrigtings ontstaan, beslis;
- (e) gelas dat enige of al die koste opgeloop deur die gesagvoerder of eienaar van 'n Suid-Afrikaanse skip ten einde die opsluiting van 'n seeman of leerling-offisier in 'n hawe buite die Unie te bewerkstellig, of in verband met sy onderhoud terwyl hy so opgesluit was, betaal moet word uit en afgetrek moet word van die loon van daardie seeman of leerling-offisier, hetsy dit toe of later verdien is;
- (f) dieselfde magte uitoefen ten aansien van persone wat voor die hof aangekla word van oortredings op see of in die buiteland soos konsulêre verteenwoordigers kragtens artikel driehonderd een-en-veertig kan doen;
- (g) 'n gesagvoerder of lid van die bemanning van 'n Suid-Afrikaanse skip ten aansien van wie se gedrag 'n klagte voor die hof gebring is oor 'n oortreding teen hierdie Wet, waarvan hy deur die hof skuldig bevind is, straf, en besit vir daardie doel dieselfde magte as wat 'n magistratshof sou gehad het as die saak in die Unie verhoor was: Met dien verstande dat waar 'n oortreder tot gevangenisstraf veroordeel word, die bevoegde beampte die plek van gevangenskap goedkeur, hetsy op land of aan boord van 'n skip: Met dien verstande, voorts, dat die hof kan gelas dat enige geldboete wat aan 'n oortreder opgelê word, betaal moet word uit en afgetrek moet word van sy loon en aan die bevoegde beampte oorbetal moet word, wat dit aan die Sekretaris moet stuur;
- (h) as dit so 'n stap dienstig ag, gelas dat 'n opneming van 'n Suid-Afrikaanse skip wat die voorwerp van ondersoek is, gemaak moet word;

(3) If for any reason a majority of the members of the court (or, if the court consists of only two members, both members) are not agreed upon any matter upon which a decision is necessary in order that the investigation may be completed, the presiding officer, if he is the proper officer, shall discharge the members of the court, and, if he thinks fit, he may summon another maritime court to hold the investigation, or, if he is not the proper officer, he shall report the fact to the proper officer, and thereupon the proper officer may refer the matter back to the court for reconsideration or may discharge the members of the court, and, if he thinks fit, summon another maritime court to hold the investigation.

POWERS OF MARITIME COURTS.

273. (1) A maritime court may, after hearing and investigating the case, and subject to the provisions of section two hundred and eighty-three—

- (a) if unanimous that the safety of a South African ship or her cargo or crew or the interest of the owner of a South African ship or of the cargo thereof requires it, remove the master and appoint another qualified person to act in his stead;
- (b) if unanimous that any master or ship's officer of a South African ship is incompetent or has been guilty of any act of misconduct, or that loss, abandonment or stranding of or serious damage to any ship or loss of life or serious injury to any person has been caused by the wrongful act or default of any master or ship's officer of a South African ship, suspend the certificate of competency or service of that master or ship's officer for a stated period;
- (c) discharge a seaman from a South African ship and order the wages of any seaman so discharged or any part of those wages to be forfeited;
- (d) decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings;
- (e) direct that any or all of the costs incurred by the master or owner of a South African ship in procuring the imprisonment of any seaman or apprentice-officer in a port outside the Union, or in his maintenance while so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice-officer, whether then or subsequently earned;
- (f) exercise the same powers with regard to persons charged before it with the commission of offences at sea or abroad as consular representatives can in terms of section three hundred and forty-one;
- (g) punish any master or member of the crew of a South African ship respecting whose conduct a complaint is brought before it for any offence under this Act of which he has been found guilty by the court and shall for that purpose have the same powers as a magistrate's court would have if the case were tried in the Union: Provided that where an offender is sentenced to imprisonment, the proper officer shall approve the place of imprisonment, whether on land or on board ship: Provided, further, that the court may direct that any fine imposed upon an offender shall be paid out of and deducted from his wages and paid over to the proper officer, who shall transmit it to the Secretary;
- (h) if it considers such a step expedient, order a survey to be made of any South African ship which is the subject of investigation;

(2) Alie bevele van 'n seehof word, waar dit doenlik is, aangeteken in die amptelike skeepsjoernaal van die skip wat die onderwerp van die ondersoek uitmaak of aan boord waarvan die ongeval of voorval of gedrag wat ondersoek word, plaasgevind het, en word deur die voorsitter van die hof onderteken.

BELANGHEBBENDES DIEN NIE IN HOWE VAN MARINE-ONDERSOEK, SEEHOWE OF OPNEMINGSHOWE NIE.

279. (1) Niemand wat regstreeks of onregstreeks verband het met die skip wat die onderwerp van 'n ondersoek deur 'n hof van marine-ondersoek of 'n seehof uitmaak of wat die onderwerp van 'n appèl na 'n opnemingshof uitmaak, of aan boord waarvan die ongeval of gebeurtenis of gedrag wat deur 'n hof van marine-ondersoek of 'n seehof ondersoek moet word plaasgevind het, of met die eienaars van daardie skip, word as 'n lid van daardie hof of kragtens artikel tweehonderd twee-en-tagtig aangestel nie.

(2) Die bepalings van subartikel (1) verbied nie die aanstelling as lid van 'n hof van marine-ondersoek of 'n seehof of 'n opnemingshof of kragtens artikel tweehonderd twee-en-tagtig van enigiemand wat in die diens is of geregtig is om 'n pensioen te ontvang van die Unieregering, bloot op grond daarvan dat die gemelde Regering die eienaar van die in subartikel (1) bedoelde skip is nie.

PROSEDURE VAN HOF VAN MARINE-ONDERSOEK OF SEEHOF OF OPNEMINGSHOF.

280. (1) 'n Hof van marine-ondersoek, 'n seehof of 'n opnemingshof, of 'n deskundige of deskundiges na wie 'n appèl kragtens artikel tweehonderd twee-en-tagtig verwys is, kan met inagneming van die bepalings van hierdie Wet die prosedure bepaal wat by die ondersoek of die verhoor van die appèl sal geld.

(2) Elke sodanige ondersoek vind, tensy die hof anders beslis, in die ope hof plaas en die verhoor van elke sodanige appèl vind in die ope hof plaas; en die bevinding of beslissing word by die voltooiing van die ondersoek of verhoor, of so gou moontlik daarna, in die ope hof bekendgemaak.

GELEENTHEID VIR VERWEER.

283. (1) As daar by 'n ondersoek deur 'n hof van marine-ondersoek of 'n seehof beweer of aan die hand gedoen word dat die gedrag van enige persoon 'n strafbare handeling of versuim uitmaak, word aan daardie persoon 'n redelike geleentheid gegee om homself te verweer.

(2) 'n Hof van marine-ondersoek kanselleer of skort nie 'n sertifikaat op nie, en 'n seehof skort nie 'n sertifikaat op nie—

(a) tensy die houër van die sertifikaat aanwesig was by die aanhoor van enige getuienis waarop die hof se besluit om sy sertifikaat te kanselleer of op te skort gebaseer is, of, as hy nie aldus aanwesig was nie, tensy 'n afskrif van die aantekeninge van sodanige getuienis minstens agt-en-veertig uur voordat 'n oproep op hom gedoen word om homself te verweer, aan hom verskaf is; en

(b) tensy afskrifte van enige geskrewe getuieverklarings of verslae waarop sodanige besluit gebaseer is, aan hom verskaf is, en 'n afskrif van die aanklagte teen hom op die voorgeskrewe wyse op hom gedien is minstens agt-en-veertig uur voordat 'n oproep op hom gedoen word om homself te verweer en indien, nadat 'n afskrif van 'n aanklag teen hom op hom gedien is, die aanklag gewysig word, 'n redelike geleentheid aan hom gegee is om homself teen die gewysigde aanklag te verweer.

(2) All orders made by a maritime court shall, whenever practicable, be entered in the official log-book of the ship which forms the subject of investigation or on board which the casualty or occurrence or conduct investigated took place, and be signed by the presiding officer of the court.

INTERESTED PERSONS NOT TO SERVE ON COURTS OF MARINE ENQUIRY, MARITIME COURTS OR COURTS OF SURVEY.

279. (1) No person who is connected, directly or indirectly, with the ship which forms the subject of investigation by a court of marine enquiry or a maritime court, or which forms the subject of an appeal to a court of survey, or on board which the casualty or occurrence or conduct to be investigated by a court of marine enquiry or a maritime court took place, or with the owners of that ship, shall be appointed as a member of that court or under section two hundred and eighty-two.

(2) Nothing in sub-section (1) contained shall prohibit the appointment as a member of a court of marine enquiry or a maritime court or a court of survey, or under section two hundred and eighty-two of any person who is in the employ of or entitled to receive a pension from the Government of the Union, merely on the ground that the said Government is the owner of the ship referred to in sub-section (1).

PROCEDURE AT COURT OF MARINE ENQUIRY OR MARITIME COURT OR COURT OF SURVEY.

280. (1) A court of marine enquiry, a maritime court or a court of survey, or an expert or experts to whom an appeal has been referred under section two hundred and eighty-two may, subject to the provisions of this Act, determine the procedure to be followed at the investigation or the hearing of the appeal.

(2) Every such investigation shall, unless the court decide otherwise, be held in open court, and the hearing of every such appeal shall be held in open court; and the decision or finding shall, at the conclusion of the investigation or hearing, or as soon afterwards as possible, be delivered in open court.

OPPORTUNITY OF MAKING A DEFENCE.

283. (1) If at an investigation by a court of marine enquiry or a maritime court it is alleged or suggested that the conduct of any person has amounted to a punishable act or omission, that person shall be given a reasonable opportunity for making a defence.

(2) A court of marine enquiry shall not cancel or suspend a certificate, and a maritime court shall not suspend a certificate—

(a) unless the holder of the certificate has been present at the hearing of any evidence on which the decision of the court to cancel or suspend his certificate is based, or, if he has not been so present, unless a transcript of the notes of such evidence has been furnished to him at least forty-eight hours before he is called upon to make his defence; and

(b) unless copies of any written depositions or reports upon which such decision is based have been furnished to him and a copy of the charges laid against him has been served upon him in the manner prescribed, at least forty-eight hours before he is called upon to make his defence and if after a copy of a charge laid against him has been served upon him the charge is amended, he has been given a reasonable opportunity of making a defence to the amended charge.

(3) Indien die houer van die betrokke sertifikaat gedagvaar is om voor die hof te verskyn en in gebreke gebly het om dit te doen, of indien, nadat aan hom skriftelik of andersins gevra is of hy verlang om homself te verweer, hy nie geantwoord het dat hy dit wel wil doen nie, is dit nie nodig om aan hom die in subartikel (2) bedoelde aantekeninge, getuieverklarings of verslae te verskaf nie.

HOF KAN TYDENS ONDERSOEK INLEWERING VAN SETIFIKAAT GELAS.

284. 'n Hof van marine-onderzoek of 'n seehof kan te eniger tyd tydens 'n onderzoek 'n gesagvoerder of skeeps-offisier wat in die onderzoek betrokke is, gelas om sy sertifikaat onmiddellik by die hof in te lewer.

VERSENDING AAN SEKRETARIS VAN REKORD EN BESLISSING VAN HOF VAN MARINE-ONDERSOEK, SEEHOF OF OPNEMINGSHOF.

286. (1) Die voorsitter van 'n hof van marine-onderzoek, seehof of opnemingshof of van die deskundiges na wie 'n appèl kragtens artikel tweehonderd twee-en-tagtig verwys is, of na 'n appèl na slegs een deskundige verwys is, daardie deskundige, versend aan die einde van die onderzoek of verhoor aan die Sekretaris die aantekeninge van die getuienis en soveel afskrifte as wat die Sekretaris gelas, van die rekord van die verrigtings en die verslag en beslissings; en enige lid van die hof of enigeen van die deskundiges wat van 'n beslissing verskil kan sy geskrewe redes waarom hy aldus verskil aan die rekord heg, en die voorsitter versend sodanige geskrewe redes saam met die rekord.

(2) Wanneer die onderzoek 'n gesagvoerder of skeeps-offisier van 'n skip wat nie 'n Suid-Afrikaanse skip is nie raak, stuur die Sekretaris 'n afskrif van die hof se bevinding of beslissing tesame met die aantekeninge van die getuienis aan die bevoegde gesag in die land waar die skip geregistreer is.

GEVOLGE VAN KANSELLERING OF OPSKORTING VAN SERTIFIKAAT.

287. Die kansellering of opskorting van 'n sertifikaat deur die Minister of 'n hof van marine-onderzoek of die opskorting van 'n sertifikaat deur 'n seehof is—

- (a) as die sertifikaat in die Unie uitgereik is, orals en ten aansien van alle skepe van krag; en
- (b) as die sertifikaat elders as in die Unie uitgereik is, van krag—
 - (i) in die Unie en die Unie se territoriale waters ten aansien van alle skepe; en
 - (ii) buite die Unie en die Unie se territoriale waters net ten aansien van Suid-Afrikaanse skepe.

AFLEWERING VAN UNIE-SERTIFIKATE WAT GEKANSELLEER OF OPSKORT IS.

288. 'n Gesagvoerder of skeeps-offisier wat die houer is van 'n sertifikaat wat in die Unie uitgereik is, lewer sy sertifikaat op aanvraag aan die Minister of hof af, of as dit nie deur die Minister of hof opgeëis word nie, aan die Sekretaris, indien sodanige sertifikaat deur die Minister of 'n hof van marine-onderzoek gekanselleer of opgeskort is of deur 'n seehof opgeskort is.

OPGESKORTE SERTIFIKAAT WORD NIE GEËNDOSSEER NIE.

289. As die sertifikaat van 'n gesagvoerder of skeeps-offisier deur die Minister of 'n hof van marine-onderzoek of 'n seehof opgeskort is, of as opdrag deur die Minister kragtens subartikel (2) van artikel sewe-en-tagtig met betrekking tot 'n houer van 'n sertifikaat gegee is, maak niemand enige endossement te dien effekte op genoemde sertifikaat nie.

(3) If the holder of the certificate concerned has been summoned to attend before the court and has not done so, or if upon being asked in writing or otherwise whether he wishes to make a defence he has not replied that he wishes to do so, it shall not be necessary to furnish to him the notes, depositions or reports referred to in sub-section (2).

COURT MAY REQUIRE DELIVERY OF CERTIFICATE DURING COURSE OF INVESTIGATION.

284. A court of marine enquiry or a maritime court may at any time during the progress of the investigation order any master or ship's officer affected by the investigation to deliver his certificate to the court forthwith.

TRANSMISSION TO SECRETARY OF RECORD AND DECISION OF COURT OF MARINE ENQUIRY, MARITIME COURT OR COURT OF SURVEY.

286. (1) The presiding officer of a court of marine enquiry, maritime court or court of survey or body of experts to whom an appeal has been referred under section two hundred and eighty-two, or, if an appeal has been referred to only one expert that expert shall, at the conclusion of the investigation or hearing transmit to the Secretary the notes of evidence and as many copies as the Secretary may require of the record of the proceedings and the report and decisions; and any member of the court or any one of the experts who dissents from any decision may attach to the record his written reasons for so dissenting, and the presiding officer shall transmit such written reasons with the record.

(2) When the investigation affects a master or ship's officer of a ship other than a South African ship the Secretary shall transmit a copy of the courts finding or decision, together with the notes of the evidence, to the proper authority in the country where the ship is registered.

EFFECT OF CANCELLATION OR SUSPENSION OF CERTIFICATE.

287. The cancellation or suspension of a certificate by the Minister or a court of marine enquiry, or the suspension of a certificate by a maritime court shall—

- (a) if the certificate was issued in the Union, be effective everywhere and in respect of all ships; and
- (b) if the certificate was issued elsewhere than in the Union, be effective—
 - (i) within the Union and the territorial waters of the Union in respect of all ships; and
 - (ii) outside the Union and the territorial waters of the Union in respect of South African ships only.

DELIVERY OF UNION CERTIFICATE CANCELLED OR SUSPENDED.

288. A master or ship's officer who is the holder of a certificate issued in the Union shall, if such certificate has been cancelled or suspended by the Minister or a court of marine enquiry or suspended by a maritime court, deliver his certificate to the Minister or court on demand, or if it is not demanded by the Minister or court, to the Secretary.

SUSPENDED CERTIFICATE NOT TO BE ENDORSED.

289. If the certificate of a master or ship's officer is suspended by the Minister or a court of marine enquiry or a maritime court, or if a direction is given by the Minister under sub-section (2) of section eighty-seven in respect of the holder of a certificate, no person shall make any endorsement to that effect on the said certificate.

BEVOEGDHEDE VAN MINISTER TEN AANSIEN VAN GEKANSELLEERDE OF OPGESKORTE SERTIFIKAAT.

290. Die Minister kan, as hy dit in die omstandighede van die geval billik ag—

- (a) die opskorting van 'n sertifikaat deur 'n hof van marine-ondersoek of 'n seehof tersyde stel, of die tydperk van opskorting van 'n aldus opgeskorte sertifikaat verkort of verleng of 'n aldus opgeskorte sertifikaat kanselleer; of
- (b) 'n nuwe sertifikaat van dieselfde of 'n laer graad uitreik in die plek van 'n sertifikaat deur 'n sodanige hof gekanselleer, as die sertifikaat in die Unie uitgereik is, of 'n sertifikaat wat aldus gekanselleer is, teruggee as dit elders as in die Unie uitgereik is.

HERVERHOOR.

291. (1) Wanneer 'n hof van marine-ondersoek of 'n seehof ondersoek gedoen het, kan die Minister gelas dat die saak opnuut verhoor word, of in die algemeen of ten aansien van 'n gedeelte daarvan, en moet hy dit gelas—

- (a) as nuwe en belangrike getuienis wat nie by die ondersoek gelewer kon word nie, ontdek is; of
- (b) as daar om 'n ander rede na sy mening aanleiding is vir 'n vermoede dat 'n geregtelike dwaling plaasgevind het.

(2) Die Minister kan gelas dat die saak opnuut verhoor word deur die hof van marine-ondersoek of die seehof, na gelang van die geval, bestaande (as dit doenlik is) uit dieselfde lede, of ander lede as dié wat die hof uitgemaak het toe dit die ondersoek in die eerste instansie gehou het; en as die ondersoek deur 'n seehof gehou is, kan hy gelas dat dit opnuut verhoor word deur 'n hof van marine-ondersoek.

APPELLE TEEN BESLISSINGS VAN HOWE VAN MARINE-ONDER- SOEK EN SEEHOWE.

292. (1) 'n Persoon wat hom veronreg voel, deur 'n beslissing van 'n hof van marine-ondersoek of 'n seehof, kan appelleer na die hoër hof in die regsgebied waarvan—

- (a) in die geval van 'n hof van marine-ondersoek, die hof gesit het; of
- (b) in die geval van 'n seehof, die skip wat die onderwerp van ondersoek was of aan boord waarvan die ongeval of gebeurtenis, wat deur die hof ondersoek is, plaasgevind het, geregistreer is.

(2) 'n Appèl na 'n hoër hof word deur 'n regter van die hof verhoor as die appèl slegs oor 'n regspunt gaan, en in elke ander geval deur 'n regter van daardie hof bygestaan deur minstens een assessor wat in 'n raadgewende hoedanigheid optree en wat 'n persoon met geskikte marine-, ingenieurs- of ander besondere vaardigheid, kennis of ervaring moet wees wat deur die regter vir daardie doel opgeroep is.

(3) Die hof waarna geappelleer word, kan die beslissing waarteen geappelleer word, bekragtig of tersyde stel of wysig, of dit kan die saak vir herverhoor terugverwys na die hof van waar geappelleer is, of in die algemeen of ten aansien van enige deel daarvan, en die hof van herverhoor bestaan (as dit doenlik is) uit dieselfde lede, of ander lede as dié wat daardie hof uitgemaak het toe dit die ondersoek in die eerste instansie gehou het.

(4) 'n Appèl kragtens hierdie artikel word gevoer op die wyse en met inagneming van die voorwaardes en volgens die bepalings wat in die regulasies voorgeskryf is.

POWERS OF MINISTER IN RESPECT OF CANCELLED OR SUSPENDED CERTIFICATES.

290. The Minister may, if he thinks the justice of the case requires it—

- (a) set aside the suspension of a certificate suspended by a court of marine enquiry or a maritime court, or shorten or lengthen the period of suspension of, or cancel, a certificate so suspended; or
- (b) grant a new certificate of the same or any lower grade in the place of a certificate cancelled by any such court, if the certificate was issued in the Union, or return any certificate so cancelled, if it was issued elsewhere than in the Union.

REHEARING.

291. (1) Whenever an investigation has been held by a court of marine enquiry or a maritime court, the Minister may order the case to be reheard, either generally or as to any part thereof, and shall so order—

- (a) if new and important evidence which could not be produced at the investigation has been discovered; or
- (b) if for any other reason there has been in his opinion ground for suspicion that a miscarriage of justice has occurred.

(2) The Minister may order the case to be reheard by the court of marine enquiry or the maritime court, as the case may be, consisting (if such is practicable) of the same members who, or other members than, constituted the court when it held the investigation in the first instance; and may, if the investigation was held by a maritime court, order the case to be reheard by a court of marine enquiry.

APPEALS AGAINST DECISIONS OF COURTS OF MARINE ENQUIRY AND MARITIME COURTS.

292. (1) Any person aggrieved by any decision of a court of marine enquiry or a maritime court may appeal to the superior court within the area of jurisdiction of which—

- (a) in the case of a court of marine enquiry, the court was held; or
- (b) in the case of a maritime court, the ship which formed the subject of investigation, or on board which the casualty or occurrence investigated by the court took place, is registered.

(2) An appeal to a superior court shall, if the appeal is made merely on a point of law, be heard by a judge of that court, and in every other case by a judge of that court assisted by at least one assessor acting in an advisory capacity, who shall be a person of suitable nautical, engineering or other special skill, knowledge or experience summoned by the judge for the purpose.

(3) The court to which the appeal is made may confirm or quash or vary the decision appealed from, or remit the case for rehearing either generally or as to any part thereof by the court from whose decision the appeal is brought, consisting (if such is practicable) of the same members who, or other members than, constituted that court when it held the investigation in the first instance.

(4) An appeal under this section shall be made in the manner and subject to the conditions and in accordance with the provisions laid down in the regulations.

No. 1898.]

[20 November 1959.]

MARINE-AFDELING.

REGULASIES WAARIN DIE PROSEDURE VOOR-
GESKRYF WORD WAT GEVOLG MOET WORD
DEUR 'N HOF VAN MARINE-ONDERSOEK
WAT KRAGTENS DIE HANDELSKEEPVAART-
WET, 1951 (WET No. 57 VAN 1951), BYEENGE-
ROEP WORD OM ONDERSOEK IN TE STEL
NA SKEEPSONGEVALLE OF BEWERINGS VAN
ONBEVOEGDHEID OF WANGEDRAG TEEN
GESAGVOERDERS OF SKEEPSOFFISIERS, EN
APPELLE TEEN DIE BESLISSINGS VAN SO 'N
HOF.

Dit het die Minister van Vervoer behaag om, kragtens
die bepalings van paragraaf (XXXV) van subartikel (1)
van artikel *driehonderd ses-en-vyftig* van die Handel-
skeepvaartwet, 1951 (Wet No. 57 van 1951), die volgende
regulasies* uit te vaardig.

INHOUD.

1. Opskrif van hierdie regulasies.
2. Woordbetekenis.
3. Lys waaruit lede van 'n hof gekies moet word.
4. Aanstelling van lede van 'n hof.
5. Bekendmaking van aanstelling as lid.
6. Toelaes betaalbaar aan lede.
7. Tyd wanneer en plek waar die ondersoek plaasvind.
8. Aanstelling en pligte van die klerk van 'n hof van
marine-ondersoek.
9. Partye tot die verrigtings.
10. Oproeping van getuies.
11. Aanvang van verrigtings.
12. Verteenwoordiging van partye.
13. Formulering van vrae vir beslissing deur die hof.
14. Getuienis.
15. Toesprake deur die partye.
16. Verdagings.
17. Bevele in verband met die betaling van koste.
18. Bevele in verband met die betaling van vergoeding vir
skade wat veroorsaak word deur beuselagtige of
ongeregverdigde bewerings.
19. Uitvoering van bevele in verband met die betaling van
koste of skadevergoeding.
20. Rekord van verrigtings.
21. Versending van rekords aan die Sekretaris.
22. Appèl na hoër hof.
23. Herverhoor op las van die Minister.

BYLAES.

Bylae A.—Toelaes vir onderhoud en vervoer betaalbaar
aan lede van 'n hof van marine-ondersoek.

Bylae B.—Dagvaardingsvorm.

Bylae C.—Verslag van hof van marine-ondersoek.

* Hierdie regulasies tree in werking op die datum waarop Wet
No. 57 van 1951 in werking tree. Die datum sal deur proklamasie
in die *Staatskoerant* bekendgemaak word.

No. 1898.]

[20 November 1959.]

MARINE DIVISION.

REGULATIONS PRESCRIBING THE PROCEDURE
TO BE FOLLOWED IN INVESTIGATIONS BY
COURTS OF MARINE ENQUIRY CONVENED
IN TERMS OF THE MERCHANT SHIPPING
ACT, 1951 (ACT No. 57 OF 1951), INTO SHIPPING
CASUALTIES OR ALLEGATIONS OF INCOM-
PETENCY OR MISCONDUCT AGAINST
MASTERS OR SHIPS' OFFICERS AND
APPEALS AGAINST THE DECISIONS OF SUCH
COURTS.

The Minister of Transport has been pleased, under the
provisions of paragraph (XXXV) of sub-section (1) of
section *three hundred and fifty-six* of the Merchant
Shipping Act, 1951 (Act No. 57 of 1951), to make the
following regulations.*

CONTENTS.

1. Title of these Regulations.
2. Interpretation.
3. List from which Members of Court to be Selected.
4. Appointment of Members of Court.
5. Notification of Appointment as Member.
6. Allowances Payable to Members.
7. Time when and Place where Investigation Held.
8. Appointment and Duties of Clerk of a Court of
Marine Enquiry.
9. Parties to the Proceedings.
10. Summoning of Witnesses.
11. Commencement of Proceedings.
12. Representation of Parties.
13. Formulation of Questions for Decision by Court.
14. Evidence.
15. Addresses by the Parties.
16. Adjournments.
17. Orders for Costs.
18. Orders for Damages Caused by Frivolous or Vexa-
tious Allegation.
19. Enforcement of Orders for Costs or Damages.
20. Records of Proceedings.
21. Transmission of Records to Secretary.
22. Appeal to Superior Court.
23. Rehearing By Order of the Minister.

ANNEXES.

Annex A.—Allowances towards Subsistence and Trans-
port payable to Members of Courts of Marine
Enquiry.

Annex B.—Form of Subpoena.

Annex C.—Report of Court of Marine Enquiry.

* These regulations will come into operation on the date on
which Act No. 57 of 1951 comes into operation. This date will
be notified by proclamation in the *Gazette*.

(INLEIDINGSOPMERKING.)

Die aandag word gevestig op artikel *tweehonderd-en-tagtig* van Wet No. 57 van 1951, waarkragtens 'n hof van marine-onderzoek gemagtig word om, behoudens die bepalinge van die Wet en die regulasies wat daarkragtens uitgevaardig word, die prosedure te bepaal wat by die ondersoek sal geld. Vir sover enige kwessie van prosedure dus nie deur die Wet self of deur die regulasies wat hieronder volg, gedek word nie, staan dit die hof vry om self die prosedure te bepaal wat gevolg sal word.

OPSKRIF VAN HIERDIE REGULASIES.

1. Hierdie regulasies heet die regulasies betreffende Howe van Marine-onderzoek, 1960.

WOORDBETEKENIS.

2. In hierdie regulasies beteken die uitdrukking „die Wet” die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951) en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan daar in die Wet 'n betekenis toegeken is, wanneer dit in hierdie regulasies gebruik word, die aldus toegekende betekenis, en beteken—

- (i) „hof” 'n hof van marine-onderzoek wat kragtens artikel *tweehonderd ses-en-sestig* van die Wet byeengeroep word;
- (ii) „klerk” die klerk van 'n hof van marine-onderzoek wat ooreenkomstig regulasie 8 aangestel word;
- (iii) „party” 'n persoon wat by of ooreenkomstig regulasie 9 as 'n party tot die verrigtinge van 'n hof verklaar word.

(LET WEL.—Artikel *twee* van die Wet sluit onderstaande woodbepalinge in:—

- „Minister”, die Minister van Vervoer;
- „Sekretaris”, die Sekretaris van Vervoer;
- „hoër hof”, 'n afdeling van die Hooggeregshof van Suid-Afrika of die Hoë Hof van Suidwes-Afrika.)

LYS WAARUIT LEDE VAN 'N HOF GEKIES MOET WORD.

3. (1) Die Sekretaris stel van tyd tot tyd 'n lys op van persone wat kragtens subartikel (2) van artikel *tweehonderd sewe-en-sestig* van die Wet bevoegd is om lede (behalwe die voorsitter) van 'n hof van marine-onderzoek te wees.

(2) Die Sekretaris lê die lys wat ooreenkomstig paragraaf (1) van hierdie regulasie opgestel word, vir goedkeuring aan die Minister voor. Die Minister kan na goedgekeurde name wat op die lys voorkom, skrap en die name van persone wat bevoegd is soos hierbo vermeld by die lys voeg.

(3) Wanneer die Minister so 'n lys wat aan hom voorgelê word, goedgekeur het, word die lys wat tot op daardie tyd in gebruik was, ingetrek.

(4) Teenoor elke naam wat op die lys voorkom, word die marine-, ingenieurs- of ander besondere vaardigheid, kennis of ervaring waarvoor die persoon beskik, vermeld.

(5) Wanneer die Sekretaris deur 'n persoon wie se naam op so 'n lys voorkom, skriftelik versoek word, om sy naam van die lys te verwyder, skrap die Sekretaris die persoon se naam van die lys.

(6) Elke persoon wie se naam voorkom op die lopende lys wat deur die Minister goedgekeur is, is verkiesbaar as 'n lid (behalwe as voorsitter) van 'n hof van marine-onderzoek.

(INTRODUCTORY NOTE.)

Attention is invited to section *two hundred and eighty* of Act No. 57 of 1951, which empowers a Court of Marine Enquiry, subject to the provisions of the Act and the regulations made thereunder, to determine the procedure to be followed at the investigation. In so far, therefore, as any matter of procedure is not covered by the Act itself or the regulations following, the Court is free to determine its own procedure.

TITLE OF THESE REGULATIONS.

1. These regulations are called the Courts of Marine Enquiry Regulations, 1960.

INTERPRETATION.

2. In these regulations the expression “the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned, and—

- (i) “Court” means a Court of Marine Enquiry convened under section *two hundred and sixty-six* of the Act;
- (ii) “clerk” means the clerk of a Court of Marine Enquiry appointed under regulation 8;
- (iii) “party” means a person declared by or under regulation 9 to be a party to the proceedings of a Court.

(NOTE.—Section *two* of the Act includes the following definitions:—

- “Minister” means the Minister of Transport;
- “Secretary” means the Secretary for Transport;
- “superior court” means a division of the Supreme Court of South Africa or the High Court of South West Africa).

LIST FROM WHICH MEMBERS OF COURT TO BE SELECTED.

3. (1) The Secretary shall from time to time frame a list of persons qualified in terms of sub-section (2) of section *two hundred and sixty-seven* of the Act to be members (other than presiding officers) of Courts of Marine Enquiry.

(2) The Secretary shall submit the list framed under paragraph (1) of this regulation to the Minister for approval. The Minister may in his discretion remove from the list any names appearing therein and insert therein any names of persons qualified as aforesaid.

(3) When the Minister has approved any such list submitted to him, the list that up to that time, had been in use shall be cancelled.

(4) Opposite every name appearing in the list shall be stated the kind of nautical, engineering or other special skill, knowledge or experience which the person named possesses.

(5) Upon receipt by the Secretary of a request in writing by any person whose name appears on any such list for the removal of his name from the list, the Secretary shall remove his name.

(6) Every person whose name appears in the current list approved by the Minister shall be eligible for selection as a member (other than a presiding officer) of a Court of Marine Enquiry.

[LET WEL.—In artikel tweehonderd sewē-en-sestig (2) van die Wet word bepaal dat alle lede, behalwe die voorsitter, persone moet wees met geskikte marine-, ingenieurs- of ander besondere vaardigheid, kennis of ervaring, en dat, waar moontlik, minstens een lid in aktiewe seediens moet wees.]

AANSTELLING VAN LEDE VAN 'N HOF.

4. (1) Wanneer die Minister besluit het dat 'n hof van marine-onderzoek byeengeroep moet word, stel hy 'n magistraat aan as voorsitter van die hof en twee of vier ander persone as lede van die hof.

(2) Die lede, behalwe die voorsitter, word gekies uit die lopende lys wat ooreenkomstig regulasie 3 opgestel word, tensy dit na die mening van die Minister weens die spesiale aard van die ondersoek raadsaam is om 'n persoon wie se naam nie op gemelde lys voorkom nie as 'n lid aan te stel.

BEKENDMAKING VAN AANSTELLING AS LID.

5. Die Sekretaris stel alle persone wat deur die Minister as lede van die hof aangestel word skriftelik in kennis van hul aanstelling, asook van die vrae wat, met die inligting wat die Minister op daardie tyd tot sy beskikking het, deur die hof ondersoek moet word. Die Sekretaris kan te eniger tyd voor die verhoor van die ondersoek enige van die vrae wat in die aanstellingsbrief gespesifiseer is deur middel van 'n daaropvolgende brief wysig, daaraan toevoeg of weglaat.

TOELAES BETAALBAAR AAN LEDE.

6. Elke lid van 'n hof ontvang, as hy in die diens van die Unie-regering (met inbegrip van die Spoorwegadministrasie) of die Administrasie van Suidwes-Afrika is, sodanige toelaes vir onderhoud en vervoer as wat voorgeskryf is (anders as kragtens die Wet) vir Staats-, Spoorweg- of Administrasie-dienare van sy klas, en as hy nie in die diens van die Unie-regering (met inbegrip van die Spoorwegadministrasie) of die Administrasie van Suidwes-Afrika is nie, of as geen sodanige toelaes vir Staats-, Spoorweg- of Administrasie-dienare van sy klas voorgeskryf is nie, ontvang hy die toelaes vir onderhoud en vervoer wat in Bylae A by hierdie regulasies uiteengesit word.

TYD WANNEER EN PLEK WAAR DIE ONDERSOEK PLAASVIND.

7. (1) Die voorsitter bepaal die tyd wanneer en die plek waar die ondersoek gehou sal word.

(2) Die klerk stel die Sekretaris en enige ander persoon wat voor die aanvang van die verrigtings as 'n party tot die verrigtings verklaar word skriftelik in kennis van gemelde tyd en plek van die verrigtings.

AANSTELLING EN PLIGTE VAN DIE KLERK VAN 'N HOF VAN MARINE-ONDERSOEK.

8. (1) Die Sekretaris stel 'n persoon aan as klerk van die hof van marine-onderzoek.

(2) Behoudens die bepalings van regulasie 20 en enige opdragte van die voorsitter, notuleer die klerk die verrigtings van die hof en neem hy sodanige notule en enige dokumente wat tydens of in verband met die ondersoek voorgelê word, in sy bewaring.

PARTYE TOT DIE VERRIGTINGS.

9. (1) Onderstaande persone is partye tot die verrigtings:—

(a) die Sekretaris; en

(b) enige persoon wat volgens die oortuiging van die voorsitter regstreeks by die onderwerp van die ondersoek belang het en wat deur die voorsitter as 'n party tot die verrigtings verklaar is.

(2) Die voorsitter kan 'n verklaring doen dat 'n persoon 'n party is, op aanvraag deur die betrokke persoon of deur enige ander party, of hy kan dit vrywillig doen, en so 'n verklaring kan gedoen word te eniger tyd nadat die voorsitter aangestel is en voor of na die aanvang van die ondersoek.

[NOTE.—Section two hundred and sixty-seven (2) of the Act provides that all members, other than the presiding officer, shall be persons of suitable nautical, engineering or other special skill, knowledge or experience, and, whenever possible, at least one member shall be in active sea-going service.]

APPOINTMENT OF MEMBERS OF COURT.

4. (1) Whenever the Minister has decided that a Court of Marine Enquiry be convened, he shall appoint a magistrate to be the presiding officer thereof and two or four other persons to be members thereof.

(2) The members, other than the presiding officer, shall be selected from the current list framed in terms of regulation 3, unless by reason of the special nature of the investigation it appears to the Minister expedient to appoint as a member a person whose name does not appear on that list.

NOTIFICATION OF APPOINTMENT AS MEMBER.

5. The Secretary shall by letter inform all persons appointed by the Minister to be members of the Court that they have been so appointed, and of the questions which, on the information then in the possession of the Minister, are to be investigated by the Court. The Secretary may, at any time before the hearing of the investigation, by a subsequent letter, modify, add to or omit any of the questions specified in the letter of appointment.

ALLOWANCES PAYABLE TO MEMBERS.

6. Every member of the Court shall, if he is in the employ of the Government of the Union (including the Railway Administration) or the Administration of South West Africa be paid such allowances towards subsistence and transport as may be prescribed (otherwise than under the Act) for Government, Railway or Administration employees of his class, and if he is not in the employ of the Government of the Union (including the Railway Administration) or the Administration of South West Africa, or if no such allowances have been prescribed for Government, Railway or Administration employees of his class, he shall be paid the allowances towards subsistence and transport set forth in Annex A to these regulations.

TIME WHEN AND PLACE WHERE INVESTIGATION HELD.

7. (1) The presiding officer shall appoint the time when and place where the investigation is to be held.

(2) The clerk shall by letter notify the Secretary and any other person who before the commencement of the proceedings has been declared a party thereto of the said time and place.

APPOINTMENT AND DUTIES OF CLERK OF A COURT OF MARINE ENQUIRY.

8. (1) The Secretary shall appoint a person to be clerk of the Court of Marine Enquiry.

(2) The clerk shall, subject to the provisions of regulation 20 and to any instructions by the presiding officer, make minutes of the proceedings of the Court, and take such minutes and any documents produced during or in connection with the investigation into his custody.

PARTIES TO THE PROCEEDINGS.

9. (1) The following persons shall be parties to the proceedings:—

(a) the Secretary; and

(b) any person who the presiding officer is satisfied has a direct interest in the subject of the investigation and who has been declared by the presiding officer to be a party.

(2) The presiding officer may make a declaration that any person is a party on the application of the person concerned or of any other party or of his own motion, and any such declaration may be made at any time after the presiding officer has been appointed and before or after the commencement of the investigation.

(3) 'n Verklaring deur die voorsitter dat 'n persoon 'n party is, kan gedoen word gedurende 'n sitting van die hof of andersins, en indien so 'n verklaring gedoen word anders as tydens 'n sitting van die hof waarop die betrokke persoon aanwesig is, stel die klerk die persoon skriftelik in kennis dat hy as 'n party verklaar is en wanneer en waar die volgende vergadering van die hof gehou sal word.

OPROEPING VAN GETUIES.

10. (1) Wanneer die hof, by die uitoefening van sy bevoegdhede kragtens paragraaf (iii) van subartikel (1) van artikel *nege* van die Wet, 'n persoon oproep om voor hom te verskyn om ondervra te word of om enige boek, dokument of ding voor te lê, geskied dit by wyse van 'n dagvaarding in die vorm wat in Bylae B by hierdie regulasies uiteengesit word.

(2) So 'n dagvaarding kan aangevra word deur die Sekretaris of enige ander party wat verlang dat die getuie aanwesig moet wees en dit word deur die klerk van die hof onderteken.

(3) Die dagvaarding kan op die persoon wat opgeroep word gedien word deur die geregsbode van die magistratshof binne die regsgebied waarvan die hof van marine-ondersoek sit, of deur enige ander persoon, en dit moet gedien word op 'n redelike tyd voordat die persoon se aanwesigheid verlang word.

(4) Aan die persoon wat die dagvaarding moet dien, moet, saam met die dagvaarding, net soveel afskrifte daarvan oorhandig word as die aantal getuiers wat opgeroep moet word, asook sodanige bedrag of bedrae as wat die persoon wat die dagvaarding aanvra, bedoel dat die persoon wat die dagvaarding moet dien, aan gemelde getuiers onderskeidelik vir hul padgeld moet betaal of aanbied.

(5) Die diening van enige sodanige dagvaarding kan bewys word deur die beëdigde verklaring deur die persoon wat dit bedien het of deur sy getuienis onder eed voor die hof, of, as die diening deur die geregsbode uitgevoer is, deur 'n relaas van diening onder sy handtekening.

(6) Vir die diening van enige dagvaarding wat deur 'n hof van marine-ondersoek uitgereik word, is die geregsbode geregtig tot betaling van die gelde en koste wat aan hom betaalbaar sou wees as dit 'n dagvaarding was wat deur 'n magistratshof uitgereik is.

[LET WEL.—Wat betref die metode waarvolgens 'n dagvaarding gedien word, word die aandag gevestig op artikel *driehonderd twee-en-veertig* (a) en (b) van die Wet wat soos volg lui:—

„In die gevalle waar enige dokument by die toepassing van hierdie Wet op iemand gedien moet word, kan daardie dokument gedien word—

(a) in enige geval deur aflewering van 'n afskrif daarvan persoonlik aan die persoon op wie die dokument gedien moet word; of deur sodanige afskrif in 'n koevert waarop sy naam en adres geskryf is, aan hom per geregistreerde pos ooreenkomstig die regulasies te stuur; of deur sodanige afskrif vir hom te laat by 'n lid van sy huisgesin by sy woonplek; of as niemand wat tot sy huisgesin behoort aldaar gevind kan word nie, deur sodanige afskrif aan die hoofbuite deur van gemelde woonplek of van enige plek waar hy werklik woon of (sover bekend is) laas gewoon het, te heg; of

(b) as die dokument gedien moet word op die gesagvoerder van 'n skip of op 'n persoon behorende tot 'n skip, deur 'n afskrif daarvan vir hom aan boord van daardie skip te laat by die persoon wat werklik of blykbaar gesag voer of toesig het oor die skip.”

Wat betref die gelde wat aan getuiers betaalbaar is, word die aandag gevestig op artikel *tweehonderd vyf-en-tagtig* van die Wet, waarin bepaal word dat aan 'n getuie wat deur 'n hof van marine-ondersoek opgeroep word sodanige getuigelde betaal word as wat toegestaan word aan enige getuie wat aanwesig is of gedagvaar is om getuienis te gee in 'n siviele saak voor 'n magistratshof. Die huidige

(3) A declaration by the presiding officer that any person is a party may be made during a sitting of the Court or otherwise, and if such a declaration is made otherwise than during a sitting of the Court at which the person concerned is present, the clerk shall notify him in writing that he has been declared to be a party and when and where the next meeting of the Court will be held.

SUMMONING OF WITNESSES.

10. (1) The summoning by the Court, in the exercise of its powers under paragraph (iii) of sub-section (1) of section *nine* of the Act, of any person to appear before it to be interrogated or to produce any book, document or thing shall be by subpoena in the form set forth in Annex B to these regulations.

(2) Any such subpoena may be sued out by the Secretary or any other party desiring the attendance of the witness and shall be signed by the clerk.

(3) The subpoena may be served on the person to be summoned by the Messenger of the Magistrate's Court within whose area of jurisdiction the Court of Marine Enquiry is held or by any other person, and the service shall be effected at a reasonable time before attendance is required.

(4) There shall be delivered to the person who is to effect service together with the subpoena so many copies thereof as there are witnesses to be summoned and also such sum or sums of money as the person suing out the subpoena intends that the person who is to effect service shall pay or offer to the said witnesses respectively for their conduct money.

(5) The service of any such subpoena may be proved by the affidavit of the person who has effected the service or by his testimony upon oath before the Court, or, if the service was effected by the Messenger, by a return of service under his hand.

(6) The Messenger shall be entitled to be paid for the service of any subpoena the fees and charges that would be payable to him if the subpoena were a subpoena issued out of a Magistrate's Court.

[NOTE.—As to the method of service of a subpoena attention is invited to section *three hundred and forty-two* (a) and (b) of the Act, which reads as follows:—

“Where for the purposes of this Act any document is to be served on any person, that document may be served—

(a) in any case by delivering a copy thereof personally to the person on whom the document is to be served; or by sending such copy to him, in accordance with the regulations, by registered post, enclosed in an envelope upon which is written his name and address; or by leaving such copy for him with a member of his household at his dwelling; or, if no person belonging to his household can be found there, then by affixing such copy to the principal outer door of the said dwelling or of any place where he actually resides or was last known to reside; or

(b) if the document is to be served on the master of a ship or on a person belonging to a ship, by leaving a copy thereof for him on board that ship with the person being or appearing to be in command or charge of the ship.”

As to the fees payable to witnesses, attention is invited to section *two hundred and eighty-five* of the Act, which provides that a witness summoned by a Court of Marine Enquiry shall be paid such expenses as would be allowed to a witness attending or subpoenaed to give evidence in a civil case before a Magistrate's Court. The present tariff

tarief van sodanige getuiegelde is voorgeskryf by Goewermentskennissgewing No. 1113, gedateer 19 Mei 1950, soos gewysig by Goewermentskennissgewing No. 1612, gedateer 29 Junie 1951, wat soos volg lui:—

„Indeling.	Bedrag betaalbaar per dag.	
	(1) Waar die noodsaaklike afwesigheid van die getuie van sy woonplek of plek waar hy vertoef nie die huur van huisvesting vir die nag noodsaaklik maak nie.	(2) Waar die noodsaaklike afwesigheid van die getuie van sy woonplek of plek waar hy vertoef die huur van huisvesting vir die nag noodsaaklik maak.
	£ s. d.	£ s. d.
(a) Mediese praktisyns.....	1 10 0	1 10 0
(b) Getuies wat die hof bywoon om deskundige getuienis af te lê of wat lede is van 'n beroep wat die Minister van Justisie van tyd tot tyd goedkeur.....	1 1 0	1 10 0
(c) Blanke getuies wat nie onder (a) of (b) ressorteer nie.....	0 10 0	0 17 6
(d) Asiëte en kleurlinge, met uitsondering van inboorling-naturelle van Suid-Afrika, wat nie onder (a) of (b) hiervan ressorteer nie, en naturellekapteins en -hoofmanne wat as sodanig deur die Regering erken word...	0 4 0	0 8 0
(e) Inboorling-naturelle van Suid-Afrika wat nie onder (a) of (b) hiervan ressorteer nie.....	0 2 6	0 5 0"

2. 'n Getuie wat onder groep (a) ressorteer en wat nie verder as vyf myl van die hof af woon of vertoef nie, word 'n toelaag van £1. 1s. per dag betaal.

3. Waar die reis na die hof per trein, poskar, publieke vervoer of skip onderneem word, word die werklike reiskoste aan die getuie betaal of terugbetaal.

4. Ingeval 'n getuie verder as drie myl van die hof woon of vertoef en enige vervoer (insluitende sy eie), met uitsondering van vervoer waarna in regulasie 3 hiervan verwys word, gebruik, word 'n toelaag ten opsigte van vervoerkoste vir sowel die heen- as die terugreis aan hom betaal teen 'n tarief van ses pennies (6d.) per myl ten opsigte van motorvoertuie behalwe motorfietse en drie pennies (3d.) per myl ten opsigte van motorfietse, trapfietse en vervoer deur middel van diere: Met dien verstande dat waar twee of meer maniere van vervoer of roetes redelik beskikbaar is, die bedrag bereken moet word volgens die goedkoopste roete of manier van vervoer.

5. Kinders onder die ouderdom van twaalf jaar word teen die helfte van die tariewe wat onderskeidelik in regulasies 1 en 2 hiervan voorgeskryf is, betaal en 'n begeleide of oppasser wat so 'n kind moet vergeesel, is geregtig tot betaling teen die tarief wat vir 'n getuie van sy klas voorgeskryf is.

6. Die onderhoudstoelae is betaalbaar ten opsigte van iedere tydperk van vier-en-twintig uur wat 'n getuie se noodsaaklike bywoning van die hof in beslag neem of wat hy noodsaaklikerwys afwesig is van sy woonplek of plek waar hy vertoef (gedeeltes van 'n dag word as 'n volle dag beskou), insluitende die tyd wat die reis na en van die hofsetel werklik in beslag geneem het: Met dien verstande dat die aantal dae wat vir die reis toegelaat word in geen geval die totale aantal dae, bereken teen die totale mylafstand na en van die hof, mag oorskry nie; ten opsigte van getuies wat per motorvoertuig reis, word tweehonderd myl of 'n gedeelte daarvan as 'n dag gereken, ses-entertig myl of 'n gedeelte daarvan as 'n dag ten opsigte van getuies wat per trapfiets, te perd of per voertuig wat deur diere getrek word, reis, en agtien myl of 'n

of such expenses is prescribed by Government Notice No. 1113, dated 19th May, 1950, as amended by Government Notice No. 1612, dated 29th June, 1951, which reads as follows:—

„Classification.	Amount payable per diem.	
	(1) Where the necessary absence of the Witness from his Residence or Sojourn does not necessitate the Hiring of Night Accommodation.	(2) Where the necessary absence of the Witness from his Residence or Sojourn does necessitate the Hiring of Night Accommodation.
	£ s. d.	£ s. d.
(a) Medical practitioners.....	1 10 0	1 10 0
(b) Witnesses attending to give expert evidence or who are members of professions approved from time to time by the Minister of Justice..	1 1 0	1 10 0
(c) European witnesses not falling under (a) or (b) hereof.....	0 10 0	0 17 6
(d) Asiatics and coloured persons as distinguished from aboriginal natives of South Africa not falling under (a) or (b) hereof, and native chiefs and headmen recognised as such by the Government.....	0 4 0	0 8 0
(e) Aboriginal natives of South Africa not falling under (a) or (b) hereof.....	0 2 6	0 5 0"

2. A witness under class (a) residing or sojourning not more than five miles from the court shall be paid an allowance of £1. 1s. per diem.

3. Where the journey to the court is undertaken by means of the railway, post cart, public conveyance, or steamship, the actual fare shall be paid or refunded.

4. Where a witness resides or sojourns more than three miles from the court and uses any means of transport (including his own), but other than those referred to in regulation 3 hereof, he shall be paid an allowance in aid of transport expenses at the rate of sixpence (6d.) per mile for motor vehicles other than motor cycles and threepence (3d.) per mile for motor cycles, bicycles and animal transport for both the forward and return journey: Provided that where two or more modes or routes of transport are reasonably available, the one entailing the least expense shall be allowed for.

5. Children under twelve years of age shall be paid at one-half only of the rates laid down in regulation 1 hereof, and a necessary guardian or attendant accompanying will be entitled to payment according to the rates laid down for a witness of his class.

6. The subsistence allowance shall be paid for each period of twenty-four hours involved in necessary attendance at the court or necessary absence from the place of residence or sojourn of the witness (portions of a day to be counted as a whole day), including the time actually spent in travelling to and from the court: Provided that the days allowed for the period spent in travelling shall not exceed in any case the total number of days calculated on the aggregate mileage to and from the court, two hundred miles or fractions thereof being reckoned to the day for witnesses travelling by motor vehicles, thirty-six miles or fractions thereof to the day for witnesses travelling by bicycle, on horseback or by means of animal.

gedeelte daarvan as 'n dag ten opsigte van getuies wat te voet reis: Met dien verstande verder dat gevalle waar die reis per skip of boot of met 'n ander vervoermiddel onderneem word en die reisgelde die verskaffing van voedsel en slaapperiewe insluit, geen onderhoudstoelaag benewens sodanige reisgelde betaal mag word nie.

7. Toelae in verband met ondersoekte ter plaatse word op dieselfde basis as bywoning van die hof betaal.

8. As dieselfde persoon op dieselfde dag 'n getuie in meer as een saak in dieselfde hof is, is hy alleen tot die toelae ten opsigte van een saak geregtig en die toelae wat aldus betaal word, sal gelykop tussen sodanige sake verdeel word.

9. Staatsamptenare en amptenare van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens wat die hof as getuies bywoon, sal met die toelae en reisgelde wat hulle ontvang, handel soos voorgeskryf by hulle betrokke departementele regulasies of voorskrifte.

10. Die hof het die reg om die betaling van getuiegelde na goedgekenke af te keur. Waar voorsiening gemaak word vir die betaling aan 'n getuie van onderhoud uit enige ander bron, word geen onderhoudstoelaag aan hom betaal nie.

11. Indien 'n prisoner of aangehoue persoon as 'n getuie nodig is, moet die betrokke tronk- of asielwet, -regulasies of -gebruik nagekom word.

12. Ondanks andersluidende bepalings in hierdie regulasies vervat, kan 'n magistraat of 'n griffier van die hooggeregshof die voorafgaande bepalings in buitengewone gevalle waar die tariewe 'n ontbering sal veroorsaak na goedgekenke verander."

Die huidige tarief van gelde en koste betaalbaar aan 'n geregsbode is bevat in Tabel B van die Tweede Aanhangsel aan die Magistraatshofreëls wat gepubliseer is by Goewermenskennisgewing No. 814, gedateer 15 Mei 1945, soos gewysig by Goewermenskennisgewings No. 362, gedateer 13 Februarie 1948, No. 1212, gedateer 18 Junie 1954, No. 1154, gedateer 25 Junie 1954, No. 918, gedateer 6 Mei 1955 en No. 802, gedateer 13 Junie 1958.]

AANVANG VAN VERRIGTINGS.

11. Op die tyd en plek wat vir die hou van die ondersoek bepaal is, kan die hof van marine-ondersoek voortgaan met die ondersoek, hetsy die partye of enige van die partye aanwesig is of nie.

VERTEENWOORDIGING VAN PARTYE.

12. (1) 'n Party kan deur 'n prokureur verteenwoordig word vir die doel om dagvaardings aan te vra en deur 'n advokaat of prokureur vir die doel om getuies te ondervra, onder kruisverhoor te neem of te herondervra of om die hof toe te spreek.

(2) Die Sekretaris kan vir gemelde doeleindes en vir die in regulasie 13 vermelde doeleindes verteenwoordig word deur 'n persoon deur hom aangestel, hetsy so 'n persoon 'n advokaat of prokureur is of nie.

FORMULERING VAN VRAE VIR BESLISSING DEUR DIE HOF.

13. (1) Nadat die hof geopen is, en voordat enige getuie-nis afgelê word, stel die Sekretaris in die ope hof die vrae met betrekking tot die bewering of voorval waaroor die hof moet beslis. By die formulering van die vrae waaroor die hof moet beslis, kan die Sekretaris sodanige wysigings in, toevoegings tot of weglatings van die vrae maak wat uiteengesit is in die in regulasie 5 vermelde brief, soos ooreenkomstig daardie regulasie gewysig, as wat hy, met inagneming van die inligting wat hy op daardie tyd tot sy beskikking het, mag goedgekenk.

(2) Die Sekretaris kan in enige stadium van die ondersoek, met die goedkeuring van die voorsitter, sodanige verdere wysigings in, toevoegings tot of weglatings van enige van die vrae maak wat aldus geformuleer is as wat hy, met inagneming van enige getuie-nis wat afgelê is, mag goedgekenk.

drawn vehicles, and eighteen miles or fractions thereof where witnesses travel on foot: Provided, further, that, in case of travelling by ship or boat or other means of conveyance, in which the passage or fare includes the supply of food and sleeping accommodation, no subsistence allowance shall be payable in addition to such passage or fare.

7. Allowances in connection with inspections *in loco* shall be paid on the same basis as for court attendance.

8. When the same person is a witness in more cases than one in the same court on the same day, he shall be entitled to allowances as for one case only, which allowances shall be equally divided among such cases.

9. Public servants and servants of the South African Railways and Harbours Administration attending as witnesses shall deal with the allowances and conduct money received as may be prescribed in their respective departmental regulations or instructions.

10. The court shall have the power to disallow the payment of witness fees in its discretion. A witness whose subsistence is provided for from any other source shall not be paid an allowance towards subsistence.

11. Should a prisoner or detained person be required as a witness the relative prison or asylum law, regulations, or practice shall be complied with.

12. Notwithstanding anything to the contrary in these regulations contained, it shall be in the discretion of a Magistrate or of a Registrar of the Supreme Court to vary the provisions of this tariff in extraordinary or exceptional cases where the tariff would operate as a hardship."

The present tariff of messengers' fees and charges is contained in Table B of the Second Annexure to the Magistrates' Courts' Rules published under Government Notice No. 814, dated 15th May, 1945, as amended by Government Notices Nos. 362, dated 13th February, 1948, 1212, dated 18th June, 1954, 1154, dated 25th June, 1954, 918, dated 6th May, 1955, and 802, dated 13th June, 1958.]

COMMENCEMENT OF PROCEEDINGS.

11. At the time and place appointed for holding the investigation, the Court may proceed with the investigation, whether the parties or any of them are present or not.

REPRESENTATION OF PARTIES.

12. (1) Any party may be represented by an attorney for the purpose of suing out subpoenas and by an advocate or attorney for the purposes of examining, cross-examining or re-examining witnesses or addressing the Court.

(2) The Secretary may be represented for the said purposes and for the purposes mentioned in regulation 13 by any person appointed by him whether or not such person is an advocate or attorney.

FORMULATION OF QUESTIONS FOR DECISION BY COURT.

13. (1) After the Court has been opened, and before any evidence is given, the Secretary shall state in open court the question in reference to the allegation or event upon which the finding of the Court is required. In formulating the questions for the finding of the Court the Secretary may make such modifications in, additions to, or omissions from the questions set forth in the letter referred to in regulation 5, as amended in terms of that regulation, as, having regard to the information then known to him, he may think fit.

(2) The Secretary may at any stage of the investigation, with the approval of the presiding officer, make such further modifications in, additions to or omissions from any of the questions so formulated as, having regard to any evidence which may have been given, he may think fit.

GETUIENIS.

14. (1) Nadat die vrac waaroor die hof moet beslis, ooreenkomstig paragraaf (1) van regulasie 13 geformuleer is, is elk van die partye daartoe geregtig om die hof toe te spreek vir die doel om die getuienis wat hy voornemens is om aan te voer, in te lei, en om getuienis in te roep en te ondervra of om, met die goedkeuring van die voorsitter, enige van die getuies wat reeds ondervra is, terug te roep vir verdere ondervraging of om in die algemeen getuienis aan te voer. Die getuies kan deur die ander partye onder kruisverhoor geneem word in sodanige volgorde as wat die voorsitter mag gelas en kan daarna deur die party wat hulle ingeroep het, herondervra word. Die partye moet gehoor en hul getuies ondervra, onder kruisverhoor geneem en herondervra word in sodanige volgorde as wat die voorsitter mag gelas.

(2) Enige party wat getuies ingeroep het, kan in enige stadium van die ondersoek, met die goedkeuring van die voorsitter, verdere getuies inroep en ondervra, en dié getuies kan deur die ander partye onder kruisverhoor geneem word in sodanige volgorde as wat die voorsitter mag gelas en deur die party wat hulle ingeroep het, herondervra word.

(3) Die wet in verband met die toelaatbaarheid van getuienis en die bevoegdheid, ondervraging, kruisverhoor en herondervraging van getuies in geregshoue is nie bindend op 'n hof van marine-ondersoek nie, maar die voorsitter kan na eie goeddunke enige vraag wat 'n ander lid van die hof of 'n party voornemens is om aan 'n getuie te stel, verwerp op grond daarvan dat so 'n vraag nie ter sake is nie of dat dit om enige ander rede onbehoorlik sou wees om die vraag te stel, en hy kan, na eie goeddunke en om soortgelyke redes, beslis dat die voorlegging van 'n boek, dokument of ding wat deur 'n ander lid van die hof of deur 'n party verlang word nie toelaatbaar is nie.

(4) Beëdigde verklarings en statutêre verklarings kan, met die verloop van die voorsitter, as getuienis gebruik word.

TOESPRAKE DEUR DIE PARTYE.

15. Nadat al die getuienis aangevoer is, kan enige van die partye (behalwe die Sekretaris) wat verlang om dit te doen, die hof, in sodanige volgorde as wat die voorsitter mag gelas, oor die getuienis toesprek, en die Sekretaris kan ten antwoord daarop die hof oor die hele saak toesprek.

VERDAGINGS.

16. Die hof kan die ondersoek van tyd tot tyd en van plek tot plek verdaag, en wanneer 'n party tot die verrigtings vra dat die ondersoek verdaag word, kan die hof sodanige voorwaardes opleë in verband met die betaling van koste of andersins as wat hy billik mag ag as 'n voorwaarde waarop die verdaging toegestaan word.

BEVELE IN VERBAND MET DIE BETALING VAN KOSTE.

17. (1) Die hof kan sodanige bevel uitreik in verband met die betaling deur die Sekretaris of enige ander party—

(a) van die koste, of enige gedeelte daarvan, wat billikerwyse deur die Sekretaris of enige ander party aangegaan is ten einde by die verhoor aanwesig te wees of deur 'n regs persoon by die verhoor verteenwoordig te word, of ten einde getuies in te roep of getuienis aan te voer; en

(b) van enige ander koste, of enige gedeelte daarvan, wat billikerwyse deur die Sekretaris in verband met die ondersoek of verhoor aangegaan is,

as wat hy billik ag.

(2) Koste wat ooreenkomstig subparagraaf (a) van paragraaf (1) toegestaan word, word getakseer deur die klerk van die landdroshof binne die regsgebied waarvan die ondersoek plaasgevind het. Tensy die hof van marine-ondersoek gelas dat dit op die hoër skaal gemaak word, word die koste getakseer op die gewone skaal wat geld vir die taksering van koste in 'n geding wat in 'n landdroshof verhoor word, asof dit 'n taksering van die koste van so 'n geding is, en dit kan in hersiening geneem word asof dit so 'n taksering is. Dieselfde gelde wat

EVIDENCE.

14. (1) After the questions upon which the finding of the Court is required have been formulated in terms of paragraph (1) of regulation 13, each of the parties shall be entitled to address the Court for the purpose of opening the evidence which he intends to adduce, and produce and examine witnesses or, with the approval of the presiding officer, recall any of the witnesses who have already been examined for further examination and generally adduce evidence. The witnesses may be cross-examined by the other parties in such order as the presiding officer may direct, and may then be re-examined by the party who has produced them. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the presiding officer may direct.

(2) Any party who has produced witnesses may at any stage of the investigation, with the approval of the presiding officer, produce and examine further witnesses, who may be cross-examined by the other parties in such order as the presiding officer may direct, and re-examined by the party who has produced them.

(3) The law as to admissibility of evidence and as to the competency, examination, cross-examination and re-examination of witnesses in courts of law shall not be binding upon a Court of Marine Enquiry, but the presiding officer, may, in his discretion, disallow any question which any other member of the Court or any party proposes to put to any witness, on the ground that such question is irrelevant or that for any other cause it would be improper that the question be put, and may, in his discretion and on similar grounds, rule that the production of any book, document or thing required by any other member of the Court or any party shall not be allowed.

(4) Affidavits and statutory declarations may, by permission of the presiding officer, be used as evidence.

ADDRESSES BY THE PARTIES.

15. After all the evidence has been adduced, any of the parties (other than the Secretary) who desires to do so may, in such order as the presiding officer may direct, address the Court upon the evidence, and the Secretary may address the Court in reply upon the whole case.

ADJOURNMENTS.

16. The Court may adjourn the investigation from time to time and from place to place, and where an adjournment is asked for by a party to the proceedings, the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

ORDERS FOR COSTS.

17. (1) The Court may make such order for the payment by the Secretary or any other party—

(a) of the costs or any part thereof reasonably incurred by the Secretary or any other party in attending or being legally represented at the hearing or in bringing witnesses or adducing evidence; and

(b) of any other costs or any part thereof reasonably incurred by the Secretary in connection with the investigation or hearing,

as may be just.

(2) Any costs awarded in terms of sub-paragraph (a) of paragraph (1) shall be subject to taxation by the clerk of the Magistrate's Court within whose area of jurisdiction the investigation was held. His taxation shall, unless the Court of Marine Enquiry has directed that it be made on the higher scale, be made on the ordinary scale applicable to the taxation of costs in an action tried in a Magistrate's Court, as though it was a taxation of the costs of such an action, and shall be subject to review as though it was such

betalbaar is op die taksering van 'n kosterekening in 'n landdroshof is betaalbaar ten opsigte van die taksering van enige koste wat aldus toegestaan word.

(3) Koste wat ooreenkomstig subparagraaf (b) van paragraaf (1) van hierdie regulasie toegestaan word, word deur die voorsitter van die hof van marine-onderzoek bereken.

BEVELE IN VERBAND MET DIE BETALING VAN VERGOEDING — VIR SKADE WAT VEROORSAAK WORD DEUR BEUSELAGTIGE OF ONGEREGVERDIGDE BEWERINGS.

18. Indien die hof beslis dat die bewering vir die ondersoek waarvan die hof byeengeroep is, beuselagtig of ongeregverdig was, kan hy 'n bevel uitreik vir die betaling deur die party wat die bewering gemaak het van sodanige skadevergoeding vir enige verlies of vertraging daardeur veroorsaak as wat hy billik ag.

UITVOERING VAN BEVELE IN VERBAND MET DIE BETALING VAN KOSTE OF SKADEVERGOEDING.

19. 'n Bevel in verband met die betaling van koste of skadevergoeding wat ooreenkomstig onderskeidelik regulasie 17 of 18 uitgereik word, het, wanneer dit ingedien word by die klerk van die landdroshof binne die reggebied waarvan die hof van marine-onderzoek gesit het, dieselfde krag as en kan uitgevoer word asof dit 'n siviele uitspraak is wat wettiglik in daardie landdroshof gegee is ten gunste van die persoon wat ooreenkomstig so 'n bevel geregtig verklaar word tot sodanige koste of skadevergoeding en teen die persoon wat ooreenkomstig so 'n bevel gelas word om sodanige koste of skadevergoeding te betaal: Met dien verstande dat, as die persoon wat ooreenkomstig so 'n bevel gelas word om sodanige koste of skadevergoeding te betaal 'n gesagvoerder, leerling-offisier of seeman is of was in die diens van die persoon wat ooreenkomstig so 'n bevel geregtig verklaar word tot sodanige koste of skadevergoeding, die bedrag van sodanige koste of skadevergoeding afgetrek kan word van enige loon wat aan sodanige gesagvoerder, leerling-offisier of seeman verskuldig mag wees.

REKORD VAN VERRIGTINGS.

20. (1) Die hof sien toe dat notule afgeneem word van—

- (a) enige *viva voce*-getuienis wat in die hof afgelê word;
- (b) enige beswaar wat gemaak word teen enige getuienis wat ingewin of aangebied word;
- (c) die verrigtings van die hof in die algemeen, met inbegrip van die rekord van enige inspeksie *in loco*; en
- (d) die beslissings van die hof.

(2) Die hof laat 'n behoorlike merk aanbring op elke dokument wat as getuienis voorgelê word en teken sodanige merk in die rekord aan.

(3) Die afneem van die notule en merking van dokumente word deur die klerk gedoen, en as dit nie gedoen word deur die klerk of soos hieronder bepaal word nie, word dit deur die voorsitter gedoen.

(4) Die Sekretaris kan 'n snelskrywer aanstel om 'n snelskrif-aantekening van *viva voce*-getuienis en -verrigtings te maak.

(5) 'n Party is geregtig tot 'n transkripsie van enige sodanige snelskrif-aantekening wat deur die snelskrywer as korrek gewaarmerk is, by betaling van 'n bedrag wat deur die Sekretaris, met inagneming van wat die transkripsie hom gekos het, vasgestel word.

(6) In gevalle waar appèl aangeteken word en vir verhoor op die rol geplaas word, word 'n transkripsie van sodanige snelskrif-aantekening gemaak, vir sover dit op die appèl betrekking het en deur die snelskrywer onder eed gewaarmerk as 'n ware weergawe van die verrigtings, en sodanige transkripsie maak daarna deel van die rekord uit.

(7) Enige party kan by die voorsitter aansoek doen om foute in die rekord te verbeter. Sodanige aansoek moet gedoen word hoogstens sewe dae nadat die beslissing van die hof bekendgemaak is: Met dien verstande dat, as

a taxation. The same fees as would be paid on the taxation of a bill of costs in a Magistrate's Court shall be paid in respect of the taxation of any costs so awarded.

(3) Any costs awarded in terms of sub-paragraph (b) of paragraph (1) of this regulation shall be assessed by the presiding officer of the Court of Marine Enquiry.

ORDERS FOR DAMAGES CAUSED BY FRIVOLOUS OR VEXATIOUS ALLEGATION.

18. If the Court finds that the allegation for the investigation of which the Court was convened was frivolous or vexatious, it may make such order for the payment by the party who made the allegation of damages for any loss or delay caused thereby as may be just.

ENFORCEMENT OF ORDERS FOR COSTS OR DAMAGES.

19. An order for the payment of costs or damages made under regulation 17 or 18, respectively, shall, on being filed with the clerk of the Magistrate's Court within the area of jurisdiction of which the Court of Marine Enquiry has held the investigation, have all the effects of and may be executed as if it were a civil judgment lawfully given in that Magistrate's Court in favour of the person who is by such order declared entitled to such costs or damages and against the person who is by such order directed to pay such costs or damages: Provided that if the person who is by such order directed to pay such costs or damages is or was a master, apprentice-officer or seaman in the employ of the person who is by such order declared entitled to such costs or damages, the amount of such costs or damages may be deducted from any wages that may be due to such master, apprentice-officer or seaman.

RECORDS OF PROCEEDINGS.

20. (1) The Court shall cause minutes to be made of—

- (a) any *viva voce* evidence given in court;
- (b) any objection made to any evidence received or tendered;
- (c) the proceedings of the court generally, including the record of any inspection *in loco*; and
- (d) the decisions of the Court.

(2) The Court shall duly mark each document put in evidence and note such mark on the record.

(3) Such minutes and marks may be made by the clerk and, save where made by the clerk, or as hereinafter provided, they shall be made by the presiding officer.

(4) The Secretary may provide a shorthand writer to take down in shorthand a note of *viva voce* evidence and proceedings.

(5) Any party shall be entitled to a transcript of any such shorthand note certified as correct by the shorthand writer on payment of a fee to be fixed by the Secretary, having regard to the costs to the Secretary of such transcript.

(6) In the event of an appeal being noted and set down for hearing such shorthand note shall, so far as relevant to the appeal, be transcribed and certified on oath by such shorthand writer as a true record of the proceedings and such transcript shall thereafter form part of the record.

(7) Any party may apply to the presiding officer to correct any errors in the record. Such application shall be made not later than seven days after the decision of the Court has been declared: Provided that if the applica-

aansoek gedoen word om die verbetering van foute in die snelskrif-aantekening van getuienis waarvan die transkripsie nie voltooi is voordat die hof se beslissing bekendgemaak is nie, dit gedoen moet word hoogstens sewe dae nadat die transkripsie voltooi is. As die voorsitter oortuig is dat die applikant aan al die ander belanghebbende partye redelike kennis van die aansoek gegee het, kan hy, na oorweging van enige verhoë wat deur enige sodanige party tot hom gerig mag word en, as hy dit nodig ag, na oorlegpleging met een of meer van die ander lede van die hof, sodanige foute verbeter.

(8) As al die betrokke partye voor die verhoor van die aansoek hul toestemming indien vir die verbetering van die foute wat aangevra word, word geen koste vir sodanige aansoek toegestaan nie; anders word koste toegestaan volgens die goeddunke van die voorsitter en geld die bepalinge van paragraaf (2) van regulasie 17 en regulasie 19 ten opsigte van enige koste wat die voorsitter mag toestaan.

VERSENDING VAN REKORDS AAN DIE SEKRETARIS.

21. (1) Die rekords wat kragtens artikel tweehonderd ses-en-tagtig van die Wet aan die Sekretaris versend word, deur die klerk gewaarmerk.

(2) Die verslag waarvan in gemelde artikel melding gemaak word, moet in die vorm wees wat uiteengesit word in Bylae C by hierdie regulasies, met sodanige wysigings as wat in die omstandighede nodig mag wees.

APPEL NA HOËR HOF.

22. (1) 'n Persoon wat hom veronreg voel deur 'n beslissing van 'n hof van marine-ondersoek en wat voornemens is om kragtens artikel tweehonderd twee-en-negentig van die Wet na 'n hoër hof te appelleer, kan by die Sekretaris aansoek doen om 'n afskrif van die verslag wat kragtens artikel tweehonderd ses-en-tagtig aan hom versend is. So 'n aansoek moet skriftelik gerig word, moet 'n adres bevat waarheen die verslag geos kan word of die naam van die persoon aan wie dit afgelewer kan word, en moet by die kantoor van die Sekretaris ingedien word of aan hom geos word sodat dit hom bereik hoogstens veertien dae nadat die hof aan die einde van die ondersoek sy beslissing gegee het. Die Sekretaris sien toe dat, by betaling deur die applikant van 'n bedrag van 1s. vir die eerste 100 woorde en 6d. vir elke addisionele 100 woorde of deel daarvan, 'n afskrif van die verslag aan die applikant geos word na die adres in die aansoek vermeld of dat dit aan die gemelde persoon afgelewer word.

(2) Enige persoon, behalwe die Sekretaris, kan appèl aanteken binne dertig dae nadat die afskrif van die verslag aan die persoon geos of aan hom afgelewer is, en die Sekretaris kan appèl aanteken binne dertig dae nadat hy die verslag van die voorsitter ontvang het.

(3) Appèl word aangeteken deur 'n kennisgewing van appèl te dien op die Sekretaris en elke ander persoon wat 'n party tot die verrigtings was, en tensy die hoër hof waarna geappelleer word anders gelas, deur tot bevrediging van die registrateur van daardie hof sekuriteit ten bedrae van veertig pond vir die verweerder se koste van appèl te gee: Met dien verstande dat sekuriteit nie van die Staat geëis word nie.

(4) In 'n kennisgewing van appèl word vermeld—

- (a) die hoër hof waarna geappelleer word;
- (b) of daar teen die beslissing in sy geheel of slegs teen 'n gedeelte daarvan geappelleer word en, indien slegs teen 'n gedeelte, watter gedeelte;
- (c) die gronde vir die appèl, met 'n uiteensetting van die feitebevindings of regsbeslissings waarteen daar geappelleer word.

(5) Wanneer daar appèl aanteken word, stuur die Sekretaris onverwyld 'n afskrif van die kennisgewing van appèl aan die landdros wat as voorsitter van die hof opgetree het, en binne sewe dae na ontvangs daarvan stuur die landdros aan die Sekretaris 'n skriftelike verklaring waarin die volgende aangedui word (vir sover dit nodig

tion is for a correction of any errors in the shorthand note of evidence the transcript of which has not been completed before the decision of the Court is declared, it shall be made not later than seven days after the transcript has been completed. Upon being satisfied that reasonable notice of the application has been given by the applicant to every other interested party, the presiding officer may, after consideration of any representations that may be made to him by any such party, and, if he thinks it necessary, after consultation with one or more of the other members of the Court, correct any such errors.

(8) If, before the hearing of the application, all parties affected file a consent to the corrections claimed, no costs of such application shall be allowed; otherwise, costs shall be in the discretion of the residing officer, and the provisions of paragraph (2) of regulation 17 and regulation 19 shall apply in respect of any award by him of such costs.

TRANSMISSION OF RECORDS TO SECRETARY.

21. (1) The records transmitted to the Secretary in terms of section two hundred and eighty-six of the Act shall be certified by the clerk.

(2) The report referred to in the said section shall be in the form set forth in Annex C to these regulations, with such modifications as circumstances may require.

APPEAL TO SUPERIOR COURT.

22. (1) Any person aggrieved by a decision of a Court of Marine Enquiry who contemplates appealing to a Superior Court under section two hundred and ninety-two of the Act may apply to the Secretary for a copy of the report transmitted to him in terms of section two hundred and eighty-six. Such application shall be made in writing, shall state an address to which the report may be posted or the name of the person to whom it may be delivered and shall be delivered at the office of the Secretary or posted so as to reach him not later than fourteen days after the delivery of the decision of the Court at the conclusion of the investigation. The Secretary shall cause a copy of the report to be posted to the applicant at the address stated or to be delivered to the person named, upon payment by the applicant of a fee of 1s. for the first 100 words, and 6d. for each additional 100 words or part thereof.

(2) An appeal may be noted by any person other than the Secretary within thirty days after the posting to him or the delivery to the person named of the copy of the report, and by the Secretary within thirty days after the receipt by him of the report from the presiding officer.

(3) An appeal shall be noted by the service upon the Secretary and every other person who was a party to the proceedings of a notice of appeal and, unless the Superior Court to which appeal is made otherwise directs, by giving security to the satisfaction of the Registrar of that Court for the respondents' costs of appeal to the amount of forty pounds: Provided that no security shall be required from the State.

(4) A notice of appeal shall state—

- (a) the Superior Court to which the appeal is noted;
- (b) whether the whole or part only of the decision is appealed against, and if part only, then what part;
- (c) the grounds of appeal, specifying the findings of fact or rulings of law appealed against.

(5) Whenever an appeal has been noted, the Secretary shall forthwith transmit a copy of the notice of appeal to the Magistrate who was the presiding officer of the Court, who shall within seven days of the receipt thereof by him transmit to the Secretary a statement, in writing,

mag wees, met inagneming van enige skriftelike beslissing wat reeds deur hom of deur die hof gegee is en van die in regulasie 21 vermelde verslag):—

- (i) die feite wat volgens die beslissing van die hof bewys is;
- (ii) die gronde waarop die hof tot enige feitebevinding geraak het waarteen daar volgens die kennisgewing van appèl geappelleer word; en
- (iii) sy redes vir enige regsbeslissing waarteen daar volgens die kennisgewing van appèl geappelleer word.

Die verklaring word deel van die rekord.

(6) Enige party kan by die Sekretaris aansoek doen om 'n afskrif van die in paragraaf (5) van hierdie regulasie vermelde verklaring. Die aansoek moet skriftelik gerig word, moet 'n adres bevat waarheen die verklaring gepos kan word of die naam van die persoon aan wie dit afgelewer kan word, en moet vergesel gaan van 'n bedrag van drie pond. Die Sekretaris sien toe dat 'n afskrif van die verklaring gepos word aan die applikant na die adres in die aansoek vermeld of dat dit aan die gemelde persoon afgelewer word.

(7) Binne sewe dae nadat hy kennis ontvang het dat die appèl vir verhoor op die rol geplaas is, sien die Sekretaris toe dat die rekord van die verrigtings voor die hof van marine-onderzoek, met inbegrip van die aantekeninge van die getuienis, die beslissings, die verslag van die voorsitter en enige beredenerings en ander dokumente wat kragtens artikel tweehonderd ses-en-tagtig van die Wet aan die Sekretaris versend is, en die in paragraaf (5) van hierdie regulasie vermelde verklaring, aan die registrateur van die hoër hof versend word.

(8) Behoudens die bepalings van hierdie regulasie, word 'n appèl ingestel binne die tydperk en ooreenkomstig die gebruik en reëls wat in die hoër hof waarna geappelleer word, geld ten aansien van appèlle in siviele sake vanuit landdroshoe, en as daar geappelleer word na 'n Plaaslike Afdeling van die Hooggeregshof wat geen regsbevoegdheid het om appèlle in siviele sake vanuit landdroshoe te verhoor nie, word die appèl ingestel binne die tydperk en ooreenkomstig die gebruik en reëls wat geld ten aansien van sodanige appèlle in die Provinsiale Afdeling van die Provinsie waarin daardie Plaaslike Afdeling regsbevoegdheid uitoefen, en by verstek van sodanige instelling word geag dat die appèl verval het, tensy daardie hoër hof dit goed ag om 'n andersluidende bevel uit te vaardig.

(9) Die uitspraak van die hoër hof waarna geappelleer word, kan gehandhaaf word asof dit gegee was in die hof vanwaar geappelleer word.

HERVERHOOR OP LAS VAN DIE MINISTER.

23. Wanneer die Minister kragtens die bepalings van artikel tweehonderd een-en-negentig van die Wet gelas het dat 'n saak wat deur 'n hof van marine-onderzoek verhoor is deur so 'n hof opnuut verhoor word of dat 'n saak wat deur 'n seehof verhoor is deur 'n hof van marine-onderzoek opnuut verhoor word, is die bepalings van hierdie regulasies van toepassing op sodanige herverhoor.

BYLAE A.

TOELAES VIR ONDERHOUD EN VERVOER BETAALBAAR AAN LEDE VAN 'N HOF VAN MARINE-ONDERSOEK.

(REGULASIE 6.)

1. 'n Lid ontvang 'n toelae vir onderhoud teen die koers van £1. 1s. vir elke uur of gedeelte van 'n uur van enige dag waarop hy die ondersoek bywoon en waarop die saak in sy geheel of gedeeltelik verhoor word: Met dien verstande dat hy minstens £3. 3s. of hoogstens £5. 5s. vir enige sodanige dag ontvang.

2. Die tydperk waarvoor betaling ooreenkomstig paragraaf 1 gemaak word, word gereken vanaf die tyd wanneer die lid aanwesig is tot die tyd wanneer die voorsitter hom van verdere aanwesigheid vrystel.

showing (so far as may be necessary having regard to any written decision already delivered by him or by the Court and to the report referred to in regulation 21)—

- (i) the facts the Court found to be proved;
- (ii) the grounds upon which the Court arrived at any finding of fact specified in the notice of appeal as appealed against; and
- (iii) his reasons for any ruling of law so specified as appealed against.

The statement shall become part of the record.

(6) Any party may apply to the Secretary for a copy of the statement referred to in paragraph (5) of this regulation. The application shall be made, in writing, shall state an address to which the statement may be posted or the name of the person to whom it may be delivered, and shall be accompanied by a fee of three pounds. The Secretary shall cause a copy of the statement to be posted to the applicant at the address stated or to be delivered to the person named.

(7) The Secretary shall, within seven days after he receives notice that the appeal has been set down for hearing, cause to be transmitted to the Registrar of the Superior Court the record of the proceedings before the Court of Marine Enquiry, including the notes of evidence, the decisions, the report by the presiding officer and any reasons and other documents transmitted to the Secretary in terms of section two hundred and eighty-six of the Act, and the statement referred to in paragraph (5) of this regulation.

(8) Subject to the provisions of this regulation, an appeal shall be prosecuted within the period and in accordance with the practice and rules which apply in the Superior Court to which appeal is made in respect of appeals in civil cases from Magistrates' Courts, and if the appeal is to a Local Division of the Supreme Court which has no jurisdiction to hear appeals in civil cases from the Magistrates' Courts, the appeal shall be prosecuted within the period and in accordance with the practice and rules which apply in respect of such appeals in the Provincial Division of the Province within which that Local Division exercises jurisdiction, and in default of such prosecution, the appeal shall be deemed to have lapsed, unless that Superior Court shall see fit to make an order to the contrary.

(9) The judgment of the Superior Court to which appeal is made may be enforced as if it had been given in the Court appealed from.

REHEARING BY ORDER OF THE MINISTER.

23. Whenever the Minister has directed under the provisions of section two hundred and ninety-one of the Act that a case heard by a Court of Marine Enquiry be reheard by such a Court or that a case heard by a Maritime Court be reheard by a Court of Marine Enquiry, the provisions of these regulations shall apply to such rehearing.

ANNEX A.

ALLOWANCES TOWARDS SUBSISTENCE AND TRANSPORT PAYABLE TO MEMBERS OF COURTS OF MARINE ENQUIRY.

(REGULATION 6.)

1. A member shall be paid an allowance towards subsistence at the rate of £1. 1s. for every hour or part of an hour of any day on which he attends the investigation and on which the case is wholly or partly heard: Provided that he shall not be paid less than £3. 3s. or more than £5. 5s. for any such day.

2. The period for which payment shall be made in terms of paragraph 1 shall be reckoned from the time when the member attends to the time when he is released by the presiding officer from further attendance.

3. Die lid ontvang 'n onderhoudstoelae van £1. 1s. vir enige dag waarop hy die ondersoek bywoon maar waarop die saak nie verhoor word nie.

4. 'n Lid ontvang ook 'n toelae teen 'n koers van een-vier-en-twintigste van £5. 5s. vir elke volle uur (een-vier-en-twintigste) van die tyd wat noodwendig in beslag geneem word om na en van die plek te reis waar die ondersoek plaasvind.

5. In geen geval ontvang 'n lid ooreenkomstig bostaande paragrawe meer as £5. 5s. vir enige tydperk van middernag tot middernag nie.

6. In gebiede wat deur die spoorweg of deur 'n spoorwegbus bedien word, word daar aan die lid 'n magbrief uitgereik wat hom geregtig maak op die uitreiking van 'n eerste-klas-retoerkaartjie. Indien daar noodwendig van enige ander vorm van openbare vervoer gebruik gemaak word, word die reisgeld wat die lid uitbetaal het aan hom terugbetaal. Vir enige deel van die reis na en van die plek waar die ondersoek gehou word, wat nie deur die spoorweg of 'n spoorwegbus of ander vorm van openbare vervoer bedien word nie, ontvang die lid 'n reistoelaag van een sjieling per myl.

BYLAE B.

T.V. 5/401.

HOF VAN MARINE-ONDERSOEK.

DAGVAARDING.

(REGULASIE 10.)

Aan—

- (1) _____ van _____
 (2) _____ van _____
 (3) _____ van _____
 (4) _____ van _____

U word hierby versoek om op die _____ dag van _____ 19____, om _____ -uur, te _____ persoonlik te verskyn voor die hof van marine-ondersoek wat aangestel is om ondersoek in te stel na die omstandighede in verband met die _____

en om die verskillende dokumente in onderstaande lys gespesifiseer, met u saam te bring en aan die hof voor te lê:—

Datum.	Beskrywing.	Oorspronklike of Afskrif.

Plek _____

Datum _____ Klerk van die hof.

Die aandag word gevestig op artikel *nege*, gelees met artikel *driehonderd-en-dertien* van die Handelskeepvaartwet, 1951, waarin bepaal word dat enige persoon wat in gebreke bly om op die tyd en plek in 'n dagvaarding bepaal, te verskyn en aanwesig te bly totdat hy deur die hof van verdere aanwesigheid vrygestel word, of om alle vrae wat wettiglik aan hom gestel word volledig en bevredigend, na die beste van sy vermoë, te beantwoord, of om, as hy daartoe gelas word, enige dokument in sy besit of onder sy beheer voor te lê, strafbaar is met 'n boete van hoogstens £100 of ses maande tronkstraf, of met sowel die boete as die tronkstraf.

3. The member shall be paid an allowance towards subsistence of £1. 1s. for any day on which he attends the investigation but on which the case is not heard.

4. A member shall also be paid at the rate of one-twenty-fourth of £5. 5s. for every completed hour (one-twenty-fourth) of the time necessarily spent in travelling to and from the place at which the investigation is held.

5. In no case shall a member be paid under the foregoing paragraphs more than £5. 5s. for any period from midnight to midnight.

6. Where the railway or a railway bus serves, there shall be issued to the member a warrant entitling him to the issue of a first-class return ticket. If any other form of public transport is necessarily used, the fare disbursed by the member shall be refunded to him. For any part of the journey to and from the place at which the investigation is held which is not served by the railway or a railway bus or other form of public transport the member shall be paid a travelling allowance at the rate of one shilling per mile.

ANNEX B.

T.V. 5/401.

COURT OF MARINE ENQUIRY.

SUBPOENA.

(REGULATION 10.)

To—

- (1) _____ of _____
 (2) _____ of _____
 (3) _____ of _____
 (3) _____ of _____
 (4) _____ of _____

You are hereby required to appear in person before the Court of Marine Enquiry at _____ on the _____ day of _____, 19____, at the hour of _____, which has been appointed to investigate the circumstances attending the _____

and to bring with you and then produce to the Court the several documents specified in the list hereunder:—

Date.	Description.	Original or Copy.

Place _____

Date _____ Clerk of the Court.

Attention is invited to section *nine*, read with section *three hundred and thirteen* of the Merchant Shipping Act, 1951, which provides that any person who fails to attend at the time and place specified in a subpoena and remain in attendance until excused by the Court from further attendance, or to answer fully and satisfactorily, to the best of his ability, all questions lawfully put to him, or upon his being required to do so to produce any document in his possession or control, shall be liable to a penalty not exceeding a fine of £100 or six months' imprisonment or both such fine and imprisonment.

BYLAE C.

T.V. 5/402.

VERSLAG VAN HOF VAN MARINE-ONDERSOEK.

(REGULASIE 21.)

In die geval van 'n formele ondersoek deur 'n hof van marine-ondersoek gehou te _____ op die (meld hier al die dae waarop die Hof gesit het) _____ voor _____, Voorsitter, en _____ en _____, Lede, na die omstandighede in verband met die _____ (meld hier kortliks die inhoud van die bewering of beskryf die voorval vir die ondersoek waarvan die hof byeengeroep is) _____

Beslis die hof, nadat hy noukeurig ondersoek ingestel het na die omstandighede in verband met die saak wat ondersoek moes word, om die redes in die Aanhangsel hieraan uiteengesit, dat die _____ (meld hier die beslissing van die hof) _____

Gedateer te _____ hede die _____ dag van _____ 19 _____

Voorsitter.

Ons (of Ek) stem saam met bostaande verslag.

Lid.

Lid.

AANHANGSEL AAN DIE VERSLAG.

(Meld hier volledig die omstandighede van die saak, die opinie van die hof rakende die waarheid van die bewering of die oorsake van die voorval en die gedrag van enige persone wat daarby betrokke is, en of die sertifikaat van enige offisier of opgeskort of gekanselleer is, en die gronde vir die genoemde opinie, en indien die sertifikaat van enige offisier opgeskort of gekanselleer is, die redes vir sodanige opskorting of kansellering.)

No. 1899.]

[20 November 1959.

MARINE-AFDELING.

REGULASIES IN VERBAND MET DIE INNEEM VAN STEENKOOL EN DIE LAAI EN A/LAAI VAN SKEPE.

Dit het die Minister van Vervoer behaag om, kragtens die bepalings van artikel *driehonderd ses-en-vyftig* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die volgende regulasies* uit te vaardig.

INHOUD.

HOOFSTUK I.—ALGEMEEN.

1. Titel van hierdie regulasies.
2. Woordomskrywing.
3. Toepassing.

HOOFSTUK II.—TOEGANGSMIDDELE.

4. Verantwoordelikheid kragtens Hoofstuk II.
5. Toegang van skip tot land.
6. Toegang van skip tot skip.
7. Toegang van dek tot ruim.
8. Verligting.
9. Hystoerusting vir luikbalke.
10. Die merk van luikdeksels.
11. Instandhouding van luikdeksels.
12. Grepe aan luikdeksels.
13. Verwydering en terugplasing van luikdeksels.

* Hierdie regulasies tree in werking op die datum waarop Wet No. 57 van 1951 in werking tree. Die datum sal deur proklamasie in die *Staatskoerant* bekendgemaak word.

ANNEX C.

T.V. 5/402.

REPORT OF COURT OF MARINE ENQUIRY.

(REGULATION 21.)

In the matter of a formal investigation by a Court of Marine Enquiry held at _____ on the _____ (here state all the days on which the Court sat) _____ before _____, Presiding Officer, and _____ and _____, Members, into the circumstances attending the _____ (here state briefly the substance of the allegation or describe the event for the investigation of which the Court was convened) _____

The Court, having carefully inquired into the circumstances attending the matter to be investigated, finds for the reasons stated in the Appendix hereto, that the _____ (here state the finding of the Court) _____

Dated at _____ this _____ day of _____, 19 _____

Presiding Officer.

We (or I) concur in the above report.

Member.

Member.

APPENDIX TO THE REPORT.

(Here state fully the circumstances of the case, the opinion of the Court touching the truth of the allegation or the causes of the event and the conduct of any person implicated therein, and whether the certificate of any officer has been either suspended or cancelled, and the reasons for the said opinion, and if the certificates of any officer has been suspended or cancelled the reasons for such suspension or cancellation.)

No. 1899.]

[20 November 1959.

MARINE DIVISION.

REGULATIONS GOVERNING THE LOADING, UNLOADING AND COALING OF SHIPS.

The Minister of Transport has been pleased, under the provisions of section *three hundred and fifty-six* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), to make the following regulations.*

CONTENTS.

CHAPTER I.—GENERAL.

1. Title of these regulations.
2. Interpretation.
3. Application.

CHAPTER II.—MEANS OF ACCESS.

4. Responsibility under Chapter II.
5. Access from ship to shore.
6. Access from ship to ship.
7. Access from deck to hold.
8. Lighting.
9. Lifting gear for hatch beams.
10. Marking of hatch coverings.
11. Maintenance of hatch coverings.
12. Hand grips for hatch coverings.
13. Removal and replacement of hatch coverings.

* These regulations will come into operation on the date on which Act No. 57 of 1951 comes into operation. This date will be notified by proclamation in the *Gazette*.

HOOFTSTUK III.—TOETS EN ONDERSOEK VAN TOERUSTING.

14. Verantwoordelikheid kragtens Hoofstuk III.
15. Hysmasjinerie.
16. Kettings, ringe ens. wat by ophysing of neerlating gebruik word.
17. Toue wat by ophysing of neerlating gebruik word.
18. Betekenis van „gekwalifiseerde persoon”.
19. Sertifikate.
20. Minderwaardige toerusting mag nie gebruik word nie.

HOOFTSTUK IV.—VEILIGHEIDSVOORSORG-MAATREËLS.

21. Verantwoordelikheid kragtens Hoofstuk IV.
22. Veilige werkklas van katrolle.
23. Veilige werkklas vir kettings en draadtoustroppe.
24. Beskerming van kettings.
25. Omrastering van motore, kamratte, ens.
26. Veilige ophysing of neerlating van vrag deur hyskraan of wenas.
27. Die merk van veilige werkklas op hyskraan en laai-boom.
28. Beheer van stoom na en van hyskraan of wenas.
29. Voet van laaiboom.
30. Ontkoming van werkers.
31. Veiligheid van vragte.
32. Bediener van hyskraan of wenas.
33. Deksteiers en vragsteiers.
34. Omrastering of bedekking van luik.
35. Laai of aflaai van vrag met 'n loper of strop.
36. Hake waarmee katoenbale, ens. gelig of neergelaat word.
37. Steierwerk ten opsigte van skeletdek.
38. Opstapeling, afpakking, opberging of uitlaai van vrag.
39. Vasmaak van luikbalke.
40. Seiner.
41. Vervoer na 'n skip of van 'n skip af.

HOOFTSTUK V.—VEILIGHEIDSBEPERKINGS.

42. Verantwoordelikheid kragtens Hoofstuk V.
43. Verwydering van of gepeuter met omrasterings, loop-brûe, ens.
44. Die gebruik van toegangsmiddele.
45. Langsmarkels en dwarsseepse balke.

BYLAE: Wyse waarop hysmasjinerie en -toerusting getoets en ondersoek word voor die ingebruik-neming daarvan.

HOOFTSTUK I.—ALGEMEEN.

1. TITEL VAN HIERDIE REGULASIES.

Hierdie regulasies word genoem die Handelskeepvaart-regulasies in verband met die inneem van steenkool en die laai en aflaai van skepe, 1960.

2. WOORDOMSKRYWING.

In hierdie regulasies word met „die Wet” die Handel-skeepvaartwet, 1951 (Wet No. 57 van 1951), bedoel, en tensy uit die samehang anders blyk, het enige uitdrukking wat in hierdie regulasies voorkom en waaraan 'n betekenis in die Wet geheg word, dié betekenis, en beteken—

- „luik” 'n opening in 'n dek wat vir die uitvoering van die prosesse of vir trim of vir ventilasie gebruik word;
- „luikopening” die hele ruimte binne die vierkant van die luik van die boonste dek af tot op die bodem van die ruim;
- „hysmasjinerie” hyskrane, wenasse, hystoestelle, laai-bome, laaiboom- en masbande, gansnekke, oogboute en alle ander permanente hegstukke aan die laai-bome, maste en dekke wat by ophysing of neerlating in ver-band met die prosesse gebruik word;
- „persoon in diens” die gesagvoerder van die skip, 'n lid van die bemanning en enige persoon wat by die prosesse werksaam gestel word;
- „prosesse” die inneem van steenkool en die laai en aflaai van 'n skip in enige hawe van die Unie of Suidwes-Afrika;
- „katrolblok” die katrol, blok, gymblok en soortgelyke toerusting, uitgesonderd 'n hyskraanblok wat spesiaal gebou is vir gebruik tesame met 'n hyskraan waar-aan dit permanent vasgeheg is.

CHAPTER III.—TESTING AND EXAMINATION OF EQUIPMENT.

14. Responsibility under Chapter III.
15. Lifting machinery.
16. Chains, rings, etc., used in hoisting or lowering.
17. Ropes used in hoisting or lowering.
18. Meaning of “qualified person”.
19. Certificates.
20. Inferior equipment not to be used.

CHAPTER IV.—SAFETY PRECAUTIONS.

21. Responsibility under Chapter IV.
22. Safe working load of pulley blocks.
23. Safe working load for chains and wire rope slings.
24. Protection of chains.
25. Fencing of motors, cog-wheels, etc.
26. Safe raising or lowering of load by crane or winch.
27. Marking of safe working load on crane and derrick.
28. Controlling of steam from crane or winch.
29. Foot of derrick.
30. Escape of workers.
31. Safety of loads.
32. Driver of crane or winch.
33. Deck-stages and cargo-stages.
34. Fencing or covering of hatches.
35. Loading or unloading of cargo by fall or sling.
36. Hooks used for raising or lowering bales of cotton, etc.
37. Staging in respect of skeleton deck.
38. Stacking, unstacking, stowing or unstowing of cargo.
39. Securing of beams of hatches.
40. Signaller.
41. Transportation to or from a ship.

CHAPTER V.—SAFETY RESTRICTIONS.

42. Responsibility under Chapter V.
43. Removal of or interference with fencing, gangway, etc.
44. Use of means of access.
45. Fore and aft beams and thwartship beams.

SCHEDULE: Manner of testing and examining before taking lifting machinery and gear into use.

CHAPTER I.—GENERAL.

1. TITLE OF THESE REGULATIONS.

These regulations are called the Merchant Shipping Loading, Unloading and Coaling Regulations, 1960.

2. INTERPRETATION.

In these regulations the expression “the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned, and—

- “hatch” means an opening in a deck used for the purpose of the processes or for trimming or for ventilation;
- “hatchway” means the whole space within the square of the hatches, from the top deck to the bottom of the hold;
- “lifting machinery” means cranes, winches, hoists, derrick booms, derrick and mast bands, goose necks, eyebolts and all other permanent attachments to the derricks, masts and decks used in hoisting or lower-ing in connection with the processes;
- “person employed” means the master of the ship, any member of the crew and any person employed in the processes;
- “processes” means the loading, unloading and coaling of any ship in any part of the Union or South West Africa;
- “pulley block” means the pulley, block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it is permanently attached.

[OPMERKING.—Artikel twee van die Wet sluit die volgende woordskrywings in, en daarvolgens beteken—

- „gesagvoerder”, ten opsigte van ’n skip, iemand (behalwe ’n loods) wat toesig het of gesag voer oor bedoelde skip;
- „eienaar” iemand aan wie ’n skip of ’n aandeel in ’n skip behoort;
- „hawe” ’n plek, onverskillig of dit as ’n openbare hawe geproklameer is al dan nie en of dit natuurlik of kunsmatig is, waarheen skepe vir skuiling kan gaan of om goedere of passasiers te laai of af te laai;
- „bevoegde beampte” die beampte wat deur die Minister aangewys is as die bevoegde beampte by die plek en ten opsigte van die saak waarna verwys word in die bepaling in hierdie Wet waarin die uitdrukking voorkom;
- „registerton” en „registertonnemaat”, ten opsigte van ’n Suid-Afrikaanse skip, die tonnemaat van die skip, of bruto, of netto, na gelang van die geval, wat aangegeven staan in die register vermeld in artikel vyftien; en ten opsigte van ’n ander skip, die tonnemaat wat deur die Minister, Sekretaris of bevoegde beampte aanvaar of vasgestel is;
- „skip” enige soort vaartuig wat in navigasie gebruik word en nie deur middel van roeispanne voortbeweeg word nie;
- „opnemer” ’n skeepsopnemer, ingenieur-opnemer of radio- of ander opnemer (in aanmerking genome die sake wat ondersoek word of ondersoek moet word) wat kragtens paragraaf (b) van artikel vier erken of aangestel is;
- „vaartuig” ook enige skip of boot of enige ander soort vaartuig wat gebruik word of ontwerp is vir gebruik in navigasie.

* Vir die toepassing van hierdie regulasies het die Minister die volgende beamptes as „bevoegde beamptes” in die Unie aangewys:—

By Kaapstad en Durban: Die Eerste Beampte van die Marine-afdeling;

by Port Elizabeth, Oos-Londen, Mosselbaai, Port Nolloth, Lüderitz en Walvisbaai: Die Koopvaardymeester.]

3. TOEPASSING.

(1) Behoudens die bepalings van paragrafe (2), (3) en (4), is hierdie regulasies van toepassing op elke skip in enige hawe van die Unie of van Suidwes-Afrika, wat nie ’n skip is wat aan die Spoorwegadministrasie behoort en wat deur daardie Administrasie in verband met sy hawebedryf gebruik word nie.

(2) Hierdie regulasies is nie van toepassing op die aflaai van vis van ’n skip wat vir vissery gebruik word nie.

(3) Regulasies 5 en 6 vir sover hulle betrekking het op die verpligting om toegangsmiddele te voorsien, regulasies 7, 9, 10, 12 en 13, paragraaf (1) van regulasie 34, en regulasie 45 is nie op ’n trekskuit of ligter van toepassing nie.

(4) Paragraaf (1) van regulasie 15, paragraaf (1) van regulasie 16, paragraaf (1) van regulasie 17 en paragraaf (1) van regulasie 19 is nie van toepassing ten opsigte van masjinerie, ketting- en ander toerusting wat in gebruik geneem is of ten opsigte van draadtoe wat aangeskaf is voordat hierdie regulasies in werking getree het nie.

HOOFSTUK II.—TOEGANGSMIDDELE.

4. VERANTWOORDELIKHEID KRAGTENS HOOFSTUK II.

Die is die plig van die eienaar, gesagvoerder of verantwoordelike beampte van die skip om aan die bepalings van Hoofstuk II te voldoen: Met dien verstande dat indien die eienaar, gesagvoerder of beampte versuim om aan regulasie 5, 6 of 8 te voldoen, dit ook die plig is van die werkgewers van die persone in diens vir wie se gebruik die toegangsmiddele en die ligte aangebring moet word, om so gou redelik doenlik ná die versuim die vereistes van genoemde regulasies na te kom.

[NOTE.—Section two of the Act includes the following definitions:—

- “master” means, in relation to a ship, any person (other than a pilot) having charge or command of such ship;
- “owner” means any person to whom a ship or a share in a ship belongs;
- “port” means a place, whether proclaimed a public harbour or not, and whether natural or artificial, to which ships may resort for shelter or to ship or unship goods or passengers;
- “proper officer” means the officer designated by the Minister to be the proper officer at the place and in respect of the matter to which reference is made in the provision of this Act in which the expression occurs;
- “register tons” and “register tonnage” mean, in relation to a South African ship, the tonnage of the ship, either gross or net as the case may be, recorded in the register mentioned in section fifteen; and in the case of any other ship, the tonnage accepted or determined by the Minister, Secretary or proper officer;
- “ship” means any kind of vessel used in navigation not propelled by oars;
- “surveyor” means a ship surveyor, engineer surveyor or radio or other surveyor (having regard to the matters surveyed or to be surveyed) recognised or appointed in terms of paragraph (b) of section four;
- “vessel” includes any ship or boat or any other description of vessel used or designed to be used in navigation.

* For the purposes of these regulations the Minister has designated the following officers as proper officers in the Union:—

At Cape Town and Durban: The Principal Officer of the Marine Division;

at Port Elizabeth, East London, Mossel Bay, Port Nolloth, Lüderitz and Walvis Bay: The Shipping-Master.]

3. APPLICATION.

(1) Subject to the provisions of paragraphs (2), (3) and (4), these regulations shall apply to every ship in any port of the Union or of South West Africa; not being a ship belonging to the Railway Administration and used by that Administration in connection with the working of its harbours.

(2) These regulations shall not apply to the unloading of fish from a ship employed in the catching of fish.

(3) Regulations 5 and 6 so far as liability to provide means of access is concerned, regulations 7, 9, 10, 12, 13, paragraph (1) of regulation 34 and regulation 45, shall not apply to a barge or lighter.

(4) Paragraph (1) of regulation 15, paragraph (1) of regulation 16, paragraph (1) of regulation 17 and paragraph (1) of regulation 19, shall not apply to machinery, chain or other gear taken into use, or to wire rope purchased, before these regulations came into force.

CHAPTER II.—MEANS OF ACCESS.

4. RESPONSIBILITY UNDER CHAPTER II.

It shall be the duty of the owner, master or officer in charge of the ship to comply with the provisions of Chapter II: Provided that if such owner, master or officer fails to comply with regulation 5, 6 or 8, it shall also be the duty of the employers of the persons employed for whose use the means of access and the lights are required, to comply with the said regulations within the shortest time reasonably practicable after such failure.

5. TOEGANG VAN SKIP TOT LAND.

(1) Wanneer 'n skip by 'n kaai lê om gelaai, afgelaai of van steenkool voorsien te word, moet, behoudens die bepalings van paragrawe (2) en (3), veilige toegangsmiddele voorsien word vir persone in diens om te gebruik wanneer hulle van die skip af aan land of van die land af aan boord moet gaan. Hierdie toegangsmiddele bestaan—

(a) waar redelik doenlik uit die skeepsvalreepeler of 'n loopbrug of soortgelyke inrigting minstens twee-entwintig duim wyd, behoorlik vasgemaak en aan-eenlopend aan die kante tot 'n vry hoogte van twee voet nege duim omraster met bo- en onder-relings, styfgespanne toue of kettings, of met 'n ander middel wat ewe doeltreffend is, maar in die geval van die skeepsvalreepeler is die relingwerk slegs aan die een kant nodig indien die ander kant behoorlik deur die skeepsboord beveilig is, of

(b) in ander gevalle uit 'n leer wat uit stewige materiaal gemaak is, wat lank genoeg is en wat behoorlik vasgemaak is sodat dit nie kan gly nie.

(2) Paragraaf (1) is nie van toepassing op steiers of loopbrûe vir vrage nie mits ander behoorlike toegangsmiddele in ooreenstemming met hierdie regulasies aangebring is.

(3) Hierdie regulasie is nie van toepassing op enige seilskip van 250 netto registerton of minder of op enige stoomskip van 150 bruto registerton of minder nie, mits en terwyl die omstandighede sodanig is dat daar sonder buitensporige gevaar en sonder hulp van spesiale toerusting na en van die skip gegaan kan word.

6. TOEGANG VAN SKIP TOT SKIP.

(1) Indien 'n skip langs enige ander vaartuig is en persone in diens van die een na die ander moet gaan, moet veilige toegangsmiddele vir hul gebruik voorsien word, tensy die omstandighede van so 'n aard is dat dit moontlik is om van die een na die ander te gaan sonder buitensporige gevaar en sonder hulp van enige spesiale toerusting.

(2) Indien een van hierdie skepe of vaartuie 'n trek-skuit, 'n ligter of 'n ander soortgelyke vaartuig met 'n betreklik lae vryboord is, word die toegangsmiddele deur die skip met die hoogste vryboord voorsien.

7. TOEGANG VAN DEK TOT RUIM.

(1) Indien die diepte tussen die dekvak en die bodem van die ruim meer as vyf voet is, moet veilige toegangsmiddele instandgehou word vanaf die dek tot in die ruim waarin gewerk word.

(2) Behoudens soos later hierin bepaal, word sodanige toegang verleen deur 'n leer en leerklampe of klempotte op die luikhoofde, en die toegang word nie veilig geag nie—

(a) tensy die lere tussen die onderste dekke in 'n lyn is met die lere van die boonste dek af, indien hierdie voorskrif prakties uitvoerbaar is met inagneming van die plek van die onderste luik of luike;

(b) tensy elke leer, tesame met die ruimte agter die leer, 'n vastrapplek van minstens $4\frac{1}{2}$ duim diep oor 'n wydte van 10 duim en 'n stewige vashouplek het;

(c) tensy die klampe of klempotte wat aan luikhoofde aangebring is, (i) tesame met die ruimte agter die klampe of klempotte, 'n vastrapplek van minstens $4\frac{1}{2}$ duim diep oor 'n wydte van 10 duim en 'n stewige vashouplek het; (ii) van so 'n aard is dat 'n mens se voet nie aan die kant sal afgly nie; (iii) vertikaal bokant mekaar geplaas is in 'n lyn met die lere waartoe hulle toegang verleen;

(d) tensy die vrag so ver van die leer af gestu is dat by elke sport van die leer met inbegrip van die ruimte agter die leer 'n vastrapplek van minstens $4\frac{1}{2}$ duim diep oor 'n wydte van 10 duim en 'n stewige vashouplek gelaat is;

5. ACCESS FROM SHIP TO SHORE.

(1) Subject to the provisions of paragraphs (2) and (3), when any ship is lying at a wharf or quay for the purpose of loading or unloading or coaling, safe means of access shall be provided for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship. Such means of access shall consist of—

(a) where reasonably practicable, the ship's accommodation ladder or a gangway or a similar construction not less than twenty-two inches wide, which shall be properly secured and fenced throughout on each side to a clear height of two feet nine inches by means of upper and lower rails, taut ropes or chains or by other equally safe means, except that in the case of the ship's accommodation ladder such fencing shall be necessary on one side only if the other side is properly protected by the ship's side; or

(b) in other cases, a ladder of sound material and adequate length which shall be properly secured to prevent slipping.

(2) Paragraph (1) shall not apply to cargo stages or cargo gangways if other proper means of access are provided in conformity with these regulations.

(3) This regulation shall not apply to any sailing ship of 250 net register tons or less or to any steam ship of 150 gross register tons or less, if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

6. ACCESS FROM SHIP TO SHIP.

(1) If a ship is alongside any other vessel, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance.

(2) If one of such ships or vessels is a barge, lighter or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

7. ACCESS FROM DECK TO HOLD.

(1) If the depth from the level of the deck to the bottom of the hold exceeds five feet, safe means of access shall be maintained from the deck to the hold in which work is being performed.

(2) Save as hereinafter provided, such access shall be afforded by ladder, and by ladder cleats or cups on the coamings, and shall not be deemed to be safe—

(a) unless the ladders between the lower decks are in the same line as the ladder from the top deck, if such is practicable having regard to the position of the lower hatch or hatches;

(b) unless the ladders provide a foothold of a depth including any space behind the ladder of not less than $4\frac{1}{2}$ inches for a width of 10 inches, and a firm handhold;

(c) unless the cleats or cups provided on coamings: (i) provide a foothold of a depth including any space behind the cleats or cups of not less than $4\frac{1}{2}$ inches for a width of 10 inches and a firm handhold; (ii) are so constructed as to prevent a man's foot slipping off the side; (iii) are placed vertically one above the other and in the same line as the ladders to which they give access;

(d) unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder a foothold of a depth including any space behind the ladder of not less than $4\frac{1}{2}$ inches for a width of 10 inches and a firm handhold;

- (e) tensy daar 'n deurgangplek is tussen 'n wenas of ander versperrende voorwerp en die luikhoofde by die plek waar die leer van die dek af strek;
- (f) indien die leer dieper onder die dek ingelaat is as wat redelik nodig is om die leer vry van die luikopening te hou.

Met dien verstande dat sodanige toegang verleen kan word—

- (i) waar aangetoon word dat dit nie redelik uitvoerbaar is om 'n leer op 'n beskot of in 'n luikskag te voorsien nie, deur klampe of klempotte wat aan die vereistes van subparagraaf (c) voldoen;
 - (ii) deur 'n leer of 'n trap weg van enige luikopening of wat skuins van dek tot dek strek, as so 'n leer of trap aan die vereistes van subparagrafe (b), (d) en (e) voldoen.
- (3) Skagtonnels moet met doeltreffende vashou- en vas-trapplekke aan elke kant toegerus wees.

8. VERLIGTING.

Wanneer prosesse uitgevoer word, moet—

- (a) al die plekke in die ruim en op die dekke waar gewerk word;
- (b) die toegangsmiddele wat ingevolge regulasies 5 en 6 aangebring is; en
- (c) alle dele van die skip waarheen persone in diens in die loop van hul werksaamhede moet gaan,

doeltreffend verlig wees, met behoorlike inagneming van die veiligheid van die skip en sy vrag, van alle persone in diens, van die navigasie van ander vaartuie, en van die haweregulasies uitgevaardig kragtens artikel drie van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957).

9. HYSTOERUSTING VIR LUIKBALKE.

Alle langsmarkels en dwarsskepe balke wat as luikbedekking gebruik word, moet voorsien word van geskikte toerusting waarmee hulle gelig en neergelaat kan word sonder dat dit vir enigen nodig is om op hulle te klim om die toerusting te skik.

10. DIE MERK VAN LUIKDEKSELS.

(1) Alle luikdeksels moet duidelik gemerk wees om aan te toon tot watter dek en luik hulle behoort en waar hulle plek daarop is; met dien verstande dat hierdie regulasie nie van toepassing is in gevalle waar al die luikdeksels van 'n skip verwisselbaar is of, ten opsigte van die aanduiding van plek, waar al die luikdeksels van 'n luik verwisselbaar is nie.

(2) Paragraaf (1) is van toepassing op langsmarkels en op dwarsskepe balke net soos dit op luikdeksels van toepassing is.

11. INSTANDHOUDING VAN LUIKDEKSELS.

Alle langsmarkels, asook dwarsskepe balke wat as luikbedekking gebruik word, en alle luikdeksels moet in 'n goeie toestand gehou word.

12. GREPE AAN LUIKDEKSELS.

Doeltreffende grepe moet aan alle luikdeksels, met inagneming van hul grootte en gewig, aangebring word, tensy die bou van die luik of die luikdeksels van so 'n aard is dat die aanbring van grepe onnodig is.

13. VERWYDERING EN TERUGPLASING VAN LUIKDEKSELS.

Waar die werkruimte rondom 'n luik minder as twee voet wyd is, moet middele verskaf word wat persone in diens in staat sal stel om met veiligheid alle langsmarkels en dwarsskepe balke wat as bedekking vir luik gebruik word, asook alle luikdeksels te verwyder en terug te plaas.

(e) unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck,

(f) if the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway.

Provided that such access may be afforded—

- (i) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of sub-paragraph (c);
- (ii) by ladders or steps, separate from any hatchway or sloping from deck to deck, if such ladders or steps comply with the requirements of sub-paragraphs (b), (d) and (e).

(3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

8. LIGHTING.

When processes are being conducted—

- (a) the places in the hold and on the decks where work is being performed;
- (b) the means of access provided in accordance with regulations 5 and 6; and
- (c) all parts of the ship to which persons employed may be required to proceed in the course of their employment,

shall be adequately lighted, due regard being had to the safety of the ship and cargo, to all persons employed and to the navigation of other vessels and to the harbour regulations made under section three of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).

9. LIFTING GEAR FOR HATCH BEAMS.

All fore and aft beams and thwartship beams used for hatch covering shall be provided with suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

10. MARKING OF HATCH COVERINGS.

(1) All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein; provided that this regulation shall not apply in cases where all the hatch coverings of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable.

(2) Paragraph (1) shall apply to fore and aft beams and to thwartship beams as it applies to hatch coverings.

11. MAINTENANCE OF HATCH COVERINGS.

All fore and aft beams, and thwartship beams used for hatch covering and all hatch coverings shall be maintained in good condition.

12. HAND GRIPS FOR HATCH COVERINGS.

Adequate hand grips shall be provided on all hatch coverings, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of hand grips unnecessary.

13. REMOVAL AND REPLACEMENT OF HATCH COVERINGS.

Where the working space around a hatch is less than two feet wide, such provision shall be made as will enable persons employed to remove and replace in safety all fore and aft beams and thwartship beams used for hatch covering and all hatch coverings.

HOOFSTUK III.—TOETS EN ONDERSOEK VAN TOERUSTING.

14. VERANTWOORDELIKHEID KRAGTENS HOOFSTUK III.

Dit is die plig van die eienaar van die masjinerie of installasie wat by die prosesse gebruik word, en in die geval van masjinerie of installasie aan boord van 'n skip gehou wat nie in die Unie gelisensieer is nie, ook die plig van die gesagvoerder van die skip om aan die vereistes van Hoofstuk III te voldoen.

15. HYSMASJINERIE.

(1) Voor die ingebruikneming daarvan moet alle hysmasjinerie deur 'n gekwalifiseerde persoon getoets en ondersoek word op die wyse wat in die Bylae hiervan uiteengesit word.

(2) (a) Alle laaibome en permanente hegstukke, met inbegrip van kettingspruite, aan die laaiboom, mas en dek, wat by ophysing of neerlating gebruik word, moet jaarliks geïnspekteer en vierjaarliks deeglik ondersoek word.

(b) Alle ander hysmasjinerie moet minstens elke twaalf maande deeglik ondersoek word.

(c) Vir die toepassing van hierdie regulasie beteken 'n deeglike ondersoek 'n visuele ondersoek, indien nodig aangevul deur ander middele soos 'n hamertoets, so stiptelik uitgevoer as wat onder die omstandighede moontlik is, om tot 'n betroubare gevolgtrekking te geraak in verband met die veiligheid van die ondersoekte dele; en indien hiervoor nodig, kan dele van die masjinerie en toerusting uitmekaargehaal word.

16. KETTINGS, RINGE, ENS. WAT BY OPHYSING OF NEERLATING GEBRUIK WORD.

(1) Voor ingebruikneming vir ophysing of neerlating moet alle kettings, ringe, hake, sluitskakels, draai- of katrolblokke deur 'n gekwalifiseerde persoon getoets en ondersoek word op die wyse wat in die Bylae hiervan uiteengesit word.

(2) Alle kettings, uitgesonderd kettingspruite geheg aan laaibome en maste; en alle ringe, hake, sluitskakels en draaiblokke wat by ophysing of neerlating gebruik word, moet, tensy hulle aan sodanige ander behandeling onderwerp is as wat voorgeskryf mag word, onder die toesig van 'n gekwalifiseerde persoon en met die volgende tussenpose doeltreffend uitgegloeï word:—

(a) Kettings, ringe, hake, sluitskakels en draaiblokke van 'n halfdium en kleiner wat algemeen gebruik word—minstens elke ses maande;

(b) alle ander kettings, ringe, hake, sluitskakels en draaiblokke wat algemeen gebruik word—minstens elke twaalf maande.

Met dien verstande dat in die geval van sodanige toerusting wat uitsluitlik gebruik word by hyskrane en ander hystoestelle wat met die hand bedien word, ses maande in subparagraaf (a) deur twaalf maande vervang word, en twaalf maande in subparagraaf (b) deur twee jaar vervang word.

Met dien verstande verder dat waar die bevoegde beampte van oordeel is dat weens die grootte, ontwerp, materiaal of seldsame gebruik van enige sodanige toerusting of toerustingsoort die uitgloeïingsvereiste van hierdie regulasie nie vir die beskerming van persone in diens nodig is nie, hy 'n sertifikaat kan uitreik om sodanige toerusting of toerustingsoort van hierdie vereiste vry te stel onderworpe aan sodanige voorwaardes as wat hy in genoemde sertifikaat mag aandui. Die bevoegde beampte kan die sertifikaat terugtrek wanneer hy dit nodig ag.

(3) Alle kettings, uitgesonderd kettingspruite geheg aan laaibome of maste, en alle ringe, hake, sluitskakels, draai- en katrolblokke moet elke keer deur 'n gekwalifiseerde persoon geïnspekteer word onmiddellik voordat hulle vir ophysing of neerlating gebruik word, tensy hulle gedurende die voorafgaande drie maande geïnspekteer is.

CHAPTER III.—TESTING AND EXAMINATION OF EQUIPMENT.

14. RESPONSIBILITY UNDER CHAPTER III.

It shall be the duty of the owner of the machinery or plant used in the processes, and, in the case of machinery or plant carried on board a ship not being a ship registered or licenced in the Union, it shall also be the duty of the master of such ship, to comply with the provisions of Chapter III.

15. LIFTING MACHINERY.

(1) All lifting machinery shall, before being taken into use, be tested and examined by a qualified person in the manner set forth in the Schedule hereto.

(2) (a) All derricks and permanent attachments, including bridle chains, to the derrick, mast and deck, used in hoisting or lowering shall be inspected annually and be thoroughly examined every four years.

(b) All other lifting machinery shall be thoroughly examined at least every twelve months.

(c) For the purposes of this regulation, a thorough examination means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; and if necessary for the purpose, parts of the machines and gear shall be dismantled.

16. CHAINS, RINGS, ETC., USED IN HOISTING OR LOWERING.

(1) Every chain, ring, hook, shackle, swivel or pulley block shall, before being taken into use for purposes of hoisting or lowering, be tested and examined by a qualified person in the manner set forth in the Schedule hereto.

(2) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles and swivels used in hoisting or lowering shall, unless they have been subjected to such other treatment as may be prescribed, be effectually annealed under the supervision of a qualified person and at the following intervals:—

(a) Half inch and smaller chains, rings, hooks, shackles and swivels in general use—at least every six months;

(b) all other chains, rings, hooks, shackles and swivels in general use—at least every twelve months.

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in sub-paragraph (a), and two years for twelve months in sub-paragraph (b).

Provided further that where the proper officer is of the opinion that, owing to the size, design, material or infrequency of use of any such gear or class of such gear, the requirement of this regulation as to annealing is not necessary for the protection of persons employed, he may issue a certificate exempting such gear or class of such gear from such requirement subject to such conditions as he may specify in such certificate. The proper officer may revoke such certificate as and when he deems it necessary.

(3) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles, swivels and pulley blocks shall be inspected by a qualified person immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months.

(4) Alle kettings, ringe, hake, sluitskakels of draai-blokke wat by ophysing of neerlating gebruik word en wat deur sweising verleng, verander of herstel is, moet doeltreffend getoets en herondersoek word voordat dit weer gebruik word.

17. TOUE WAT BY OPHYSING OF NEERLATING GEBRUIK WORD.

(1) Geen tou word vir ophysing of neerlating in gebruik geneem nie tensy—

(a) dit van geskikte kwaliteit en klaarblyklik vry van defekte is; en

(b) in die geval van draadtou, dit deur 'n gekwalifiseerde persoon ondersoek en getoets is op die wyse wat in die Bylae hiervan uiteengesit is.

(2) Elke draadtou wat algemeen gebruik word vir ophysing of neerlating moet minstens elke drie maande deur 'n gekwalifiseerde persoon geïnspekteer word, maar as daar 'n draad in so 'n tou gebreek het, moet dit minstens elke maand geïnspekteer word.

(3) Geen draadtou word by ophysing of neerlating gebruik as die totale getal sigbare gebreekte drade in 'n lengte van agt maal die omtrek meer as tien persent van die totale getal drade is, of as die tou tekens toon van buitensporige slytasie, korrosie of ander defek wat dit volgens die oordeel van die persoon wat dit inspekteer, ongeskik vir gebruik maak.

(4) Om 'n kous- of oogsplitsing in enige draadtou te maak, moet 'n hele string minstens drie maal en die tou met die helfte van die drade van elke string weggesny, tweemaal deurgesteek word. In elke geval word die stringe teen die slag van die tou deurgesteek: Met dien verstande dat die bepalinge van hierdie paragraaf nie verhinder dat 'n ander vorm van splitsing uitgevoer word nie as aangetoon kan word dat dit net so doeltreffend is as die metode wat in hierdie paragraaf voorgeskryf word.

18. BETEKENIS VAN „GEKWALIFISEERDE PERSOON”.

Vir die toepassing van regulasies 15, 16 en 17 word 'n persoon nie 'n gekwalifiseerde persoon geag nie indien die bevoegde beampte skriftelik kennis gegee het dat sodanige persoon volgens sy oordeel nie tegnies gekwalifiseerd is om die toets, ondersoek of uitvloeiing wat deur hierdie regulasies vereis word, uit te voer nie:

Met dien verstande dat 'n persoon wat aldus deur die bevoegde beampte nie-gekwali-fiseerd verklaar is, die reg van appèl teen sodanige verklaring het by die Sekretaris van Vervoer, wie se besluit finaal is.

19. SERTIFIKATE.

(1) Na uitvoering van die toets, ondersoek, inspeksie, uitvloeiing of ander behandeling deur regulasie 15, paragrafe (1) en (2) van regulasie 16 en paragrafe (1) en (2) van regulasie 17 vereis, reik die gekwalifiseerde persoon 'n sertifikaat uit waarin die resultate van sodanige toets, ondersoek, inspeksie, uitvloeiing of ander behandeling uiteengesit is. Hierdie resultate word ingeskryf in, of die sertifikaat geheg aan, 'n opgawe van toerusting voordat die masjinerie, ketting-, tou- of ander toerusting waarop die sertifikaat betrekking het, in verband met die prosesse in gebruik geneem word.

(2) Die opgawe van toerusting met die resultate wat in die sertifikaat aangeteken is, waarin ingeskryf of met die sertifikaat daarby aangeheg soos deur paragraaf (1) vereis, word op die skip gehou tensy 'n ander plek skriftelik deur die bevoegde beampte goedgekeur is.

(3) Die opgawe van toerusting tesame met die sertifikaat van die skip se register moet op aanvraag van die opnemer deur die persoon wat as dan vir die skip verantwoordelik is, getoon word.

20. MINDERWAARDIGE TOERUSTING MAG NIE GEBRUIK WORD NIE.

Geen werkgewer mag enige persoon toelaat om masjinerie of toerusting te gebruik wat nie aan die vereistes van Hoofstuk III voldoen nie.

(4) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall before being again taken into use be adequately tested and re-examined.

17. ROPES USED IN HOISTING OR LOWERING.

(1) No rope shall be taken into use for purposes of hoisting or lowering unless—

(a) it is of suitable quality and free from patent defect; and

(b) in the case of wire rope, it has been examined and tested by a qualified person in the manner set forth in the Schedule hereto.

(2) Every wire rope in general use for hoisting or lowering shall be inspected by a qualified person at least every three months, provided that when any wire has broken in such rope it shall be inspected at least monthly.

(3) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceeds ten per cent of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(4) A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of the rope and two tucks with one half of the wires cut out of each strand. The strands in all cases shall be tucked against the lay of the rope: Provided that the provisions of this paragraph shall not prevent the use of another form of splice which can be shown to be as effective as that laid down in this paragraph.

18. MEANING OF “QUALIFIED PERSON”.

For the purposes of regulations 15, 16 and 17, a person shall not be deemed to be a qualified person if and in so far as the proper officer has given notice in writing declaring that such person is in his opinion not technically qualified to carry out the tests, examinations or annealing required by these regulations: Provided that any person whom the proper officer may thus declare not to be qualified, shall have the right to appeal against such declaration to the Secretary for Transport, whose decision shall be final.

19. CERTIFICATES.

(1) The qualified person shall upon completion of the test, examination, inspection, annealing or other treatment required by regulation 15, paragraphs (1) and (2) of regulation 16 and paragraphs (1) and (2) of regulation 17, issue a certificate setting forth the results of such test, examination, inspection, annealing or other treatment. Such results shall be entered in or the certificate attached to a record of equipment, before the machinery, chain, rope or other gear to which the certificate relates is subsequently taken into use in connection with the processes.

(2) The record of equipment with the results recorded in the certificate entered therein or the certificate attached thereto as required by paragraph (1), shall be kept on the ship unless some other place has been approved in writing by the proper officer.

(3) The record of equipment together with the certificate of the ship's register, shall on application by the surveyor, be produced by the person for the time being in charge of the ship.

20. INFERIOR EQUIPMENT NOT TO BE USED.

No employer shall allow any person to use machinery or gear which does not comply with Chapter III.

HOOFSTUK IV.—VEILIGHEIDSVOORSORG- MAATREËLS.

21. VERANTWOORDELIKEID KRAGTENS HOOFSTUK IV.

(1) Behoudens die bepalings van paragraaf (2) is dit die plig van elke persoon wat by die prosesse werk- saam is, en van enigeen van sy agente en ander persone wat deur hom in diens geneem is om by die prosesse werksaam te wees, om aan die bepalings van Hoofstuk IV te voldoen.

(2) Waar die prosesse deur 'n stuwadoor of ander persoon uitgevoer word wat nie die eienaar van die skip is nie, is dit die plig van die eienaar, gesagvoerder of verantwoordelike beampte van die skip om aan regulasie 34 te voldoen, vir sover dit betrekking het op—

(a) enige luik wat nie deur die genoemde stuwadoor of ander persoon oorgeneem is vir die uitvoering van die prosesse nie; en

(b) enige luik wat, nadat dit deur die genoemde stuwadoor of ander persoon vir die uitvoering van die prosesse oorgeneem is—

(i) deur skriftelike kennisgewing aan die eienaar, gesagvoerder of verantwoordelike beampte van die skip deur en ten behoeve van die genoemde stuwadoor of ander persoon aangegee is as 'n luik waarby die prosesse uitgevoer is of voorlopig uitgevoer is; en

(ii) of omraster gelaat of bedek is deur die genoemde stuwadoor of ander persoon soos deur regulasie 34 vereis, of deur die eienaar of ten behoeve van die eienaar van die skip in gebruik geneem is, en in enigeen van die gevalle aldus deur skriftelike kennisgewing aangegee is soos hierbo vermeld.

(3) Dit is die plig van die eienaar, gesagvoerder of verantwoordelike beampte van die skip om onmiddellik die ontvangs van die kennisgewing in paragraaf (2) genoem, skriftelik te erken.

22. VEILIGE WERKLAS VAN KATROLLE.

Geen katrol moet by ophysing of neerlating gebruik word nie tensy die veilige werkklas duidelik daarop gestempel is.

23. VEILIGE WERKLAS VIR KETTINGS EN DRAADTOUSTROPPE.

Maatreëls moet getref word sodat enige persoon wat 'n ketting of draadtoustop gebruik, die veilige werkklas vir so 'n ketting of strop vir die toestande waaronder dit gebruik kan word, kan vasstel. Hierdie maatreëls bestaan—

(a) in die geval van kettingstroppe, uit die merk van die veilige werkklas in duidelike syfers of letters op die strop of op 'n beskrywingsplaat of ring van duursame materiaal wat stewig aan die strop vasgeheg is;

(b) in die geval van draadtoustoppe, of uit die maatreël in subparagraaf (a) uiteengesit, of uit die vertoning van 'n kennisgewing of van kennisgewings op so 'n wyse dat dit maklik deur enige betrokke persoon gelees kan word en waarop die veilige werkklas vir die verskillende groottes draadtoustoppe wat gebruik word, aangegee is.

24. BESKERMING VAN KETTINGS.

Kettings moet nie verkort word deur knope in hulle te bind nie; en geskikte verpakkingsmiddele moet voorsien word om te verhoed dat die skakels in aanraking kom met skerp kante van vragte harde materiaal.

25. OMRASTERING VAN MOTORE, KAMRATTE, ENS.

Alle motore, kamratte, ketting- en wrywingstoerusting, skagwerk, lewendige elektriese geleiers en stoompype moet, sover prakties uitvoerbaar sonder om die veilige bediening van die skip te belemmer en sonder om inbreuk te maak op enige ander vereiste van die Sekretaris van Vervoer, stewig omraster word, tensy daar aangetoon kan word dat hulle vanweë hul posisie en bou vir alle persone in diens net so veilig sonder as met omrastering is.

CHAPTER IV.—SAFETY PRECAUTIONS.

21. RESPONSIBILITY UNDER CHAPTER IV.

(1) Subject to the provisions of paragraph (2), it shall be the duty of every person who is engaged in the processes, and of any of his agents and other persons employed by him to engage in the processes, to comply with the provisions of Chapter IV.

(2) Where the processes are carried out by a stevedore or other person not being the owner of the ship, it shall be the duty of the owner, master or officer in charge of the ship to comply with regulation 34, so far as it concerns—

(a) any hatch not taken over by the said stevedore or other person for the purpose of the processes; and

(b) any hatch which, after having been taken over by the said stevedore or other person for the purpose of the processes—

(i) has been reported by written notice to the owner, master or officer in charge of the ship, by and on behalf of the said stevedore or other person, as being a hatch at which the processes have been completed or completed for the time being; and

(ii) has either been left fenced or covered by the said stevedore or other person as required by regulation 34, or has been taken into use by or on behalf of the owner of the ship, and in either case has been so reported by such written notice as aforesaid.

(3) It shall be the duty of the owner, master or officer in charge of the ship to, immediately acknowledge in writing the receipt of the notice referred to in paragraph (2).

22. SAFE WORKING LOAD OF PULLEY BLOCKS.

No pulley block shall be used in hoisting or lowering unless the safe working load is clearly stamped thereon.

23. SAFE WORKING LOAD FOR CHAINS AND WIRE ROPE SLINGS.

Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling for the conditions under which it may be used. Such means shall consist—

(a) in the case of chain slings, of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material attached securely thereto;

(b) in the case of wire rope slings, of either the means specified in sub-paragraph (a) or of a notice or notices, so exhibited as to be easily read by any person concerned and stating the safe working loads for the various sizes of wire rope slings used.

24. PROTECTION OF CHAINS.

Chains shall not be shortened by tying knots in them; and suitable packing shall be provided to prevent the links coming into contact with sharp edges of loads of hard material.

25. FENCING OF MOTORS, COG-WHEELS, ETC.

All motors, cog-wheels, chain and friction gearing, shafting, live electric conductors and steam pipes shall so far as is practicable without impeding the safe working of the ship and without infringing any other requirement of the Secretary for Transport, be securely fenced, unless it can be shown that by their position and construction they are equally safe to every person employed as they would be if so fenced.

26. VEILIGE OPHYSING OF NEERLATING VAN VRAG DEUR HYSKRAAN OF WENAS.

Hyskrane en wenasse moet van middele voorsien word wat die gevaar dat 'n vrag per ongeluk kan neerstort terwyl dit gelig of neergelaat word, tot 'n minimum beperk; in die besonder moet die hefboom wat die hyskraan of wenasse trurat met skakelbeweging beheer, voorsien word van 'n geskikte veer- of ander afsluitingsreëling.

27. DIE MERK VAN VEILIGE WERKLAS OP HYSKRAAN EN LAABOOM.

Die veilige werkklas moet duidelik op elke hyskraan en laaboom gemerk wees.

28. BEHEER VAN STOOM NA EN VAN HYSKRAAN OF WENAS.

Doeltreffende maatreëls moet getref word om te verhoed dat uitlaatstoom vanaf 'n hyskraan of wenasse en, sover doenlik, lewendige stoom na 'n hyskraan of wenasse, enige deel van die dekke, loopbrûe of steiers waar enige persoon by die prosesse werksaam is, onduidelik maak.

29. VOET VAN LAABOOM.

Gepaste maatreëls moet getref word om te verhoed dat die voet van 'n laaboom per ongeluk uit sy klempot of steunstuk gelig word.

30. ONTKOMING VAN WERKERS.

Voorsorgmaatreëls moet getref word om die ontkoming van werkers te vergemaklik wat in 'n ruim of tussendeke besig is met die hanteer van steenkool of ander grootmaatvrag.

31. VEILIGHEID VAN VRAGTE.

(1) Geen hysmasjinerie, kettings of ander hysinrigting moet bo die veilige werkklas belaaï word nie.

(2) Geen vrag moet aan 'n hyskraan, wenasse of ander hystoestel laat hang word tensy 'n bevoegde persoon op die plek vir die toestel verantwoordelik is onderwyl die vrag aldus gelaat is.

32. BEDIENER VAN HYSKRAAN OF WENAS.

Niemand onder die leeftyd van sestion jaar en niemand wat nie bekwaam en betroubaar genoeg is nie moet in diens geneem word as 'n bediener van 'n hyskraan of 'n wenasse, hetsy met meganiese krag of op 'n ander wyse aangedrywe, of om seine aan 'n bediener te gee of om vraglopers aan die kop of huis van wenasse te bedien.

33. DEKSTEIERS EN VRAGSTEIERS.

(1) Geen deksteiers of vragsteiers moet by die prosesse gebruik word tensy dit sterk en stewig gebou en doeltreffend gesteun is en waar nodig stewig vasgemaak is.

(2) Enige steier wat glibberig is, moet veilig gemaak word deur die gebruik van sand of op 'n ander wyse.

34. OMRASTERING OF BEDEKKING VAN LUIKE.

(1) Indien enige luik van 'n ruim wat vir enige persoon in diens toeganklik is en waarvan die diepte meer as vyf voet is, gemeet vanaf die dekvlak waarin die luik geleë is tot by die bodem van die ruim, nie in gebruik is vir die deurlating van vrag of ander materiaal of vir trim nie, en die luikhoof minder as twee voet ses duim hoog is, moet so 'n luik of drie voet hoog omraster word of stewig toegemaak word: Met dien verstande dat hierdie vereiste nie van toepassing is nie (a) op enige skip van 200 netto registerton of minder wat slegs een luikopening het; of (b) op enige skip tydens etenstye of ander kort werkpouses gedurende die dienstdaag.

(2) Luikdeksels moet nie by die oprigting van dek- of vragsteiers of vir enige ander doel wat hulle aan beskadiging kan blootstel, gebruik word nie.

(3) Luikdeksels moet teruggeplaas word op die luik in die posisies wat ingevolge regulasie 10 deur merke daarop aangedui is.

26. SAFE RAISING OR LOWERING OF LOAD BY CRANE OR WINCH.

Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered; in particular, the lever controlling the link motion reversing gear of a crane or winch shall be provided with a suitable spring or other locking arrangement.

27. MARKING OF SAFE WORKING LOAD ON CRANE AND DERRICK.

Every crane and derrick shall have the safe working load plainly marked on it.

28. CONTROLLING OF STEAM FROM CRANE OR WINCH.

Adequate measures shall be taken to prevent exhaust steam from, and, so far as is practicable, live steam to any crane or winch obscuring any part of the decks, gangways or stages where any person is employed in the processes.

29. FOOT OF DERRICK.

Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

30. ESCAPE OF WORKERS.

Precautions shall be taken to facilitate the escape of workers who are employed in a hold or on 'tween decks in dealing with coal or other bulk cargo.

31. SAFETY OF LOADS.

(1) No lifting machinery, chains or other lifting appliance shall be loaded beyond the safe working load.

(2) No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

32. DRIVER OF CRANE OR WINCH.

No person under the age of sixteen years and no person who is not sufficiently competent and reliable shall be employed as driver of a crane or winch, whether driven by mechanical power or otherwise, or to give signals to a driver or to attend to cargo falls on winch-ends or winch-bodies.

33. DECK-STAGES AND CARGO-STAGES.

(1) No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed and adequately supported, and, where necessary securely fastened.

(2) Any stage which is slippery shall be made safe by the use of sand or some other method.

34. FENCING OR COVERING OF HATCHES.

(1) If any hatch of a hold accessible to any person employed and exceeding five feet in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of cargo or other material, or for trimming, and the coamings are less than two feet six inches in height, such hatch shall either be fenced to a height of three feet or be securely covered: Provided that this requirement shall not apply (a) to any ship of 200 net register tons or less which has only one hatchway, or (b) to any ship during meal times or other short interruptions of work during the period of employment.

(2) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

(3) Hatch coverings shall be replaced on the hatches in the positions indicated by the markings made thereon in accordance with regulation 10.

35. LAAI OF AFLAAI VAN VRAG MET 'N LOPER OF STROP.

Geen vrag moet met 'n looper of strop by enige tussendek gelaai of afgelaai word nie tensy of die luik by daardie dek stewig toegemaak is of 'n stewige landingsplatform wat minstens so breed is soos een seksie luikbedekking daaroor geplaas is: Met dien verstande dat hierdie regulasie nie van toepassing is op enige aflaaiproses waarvan die hele proses binne 'n halfuur uitgevoer sal wees nie.

36. HAKE WAARMEE KATOENBALE, ENS. GELIG OF NEER-GELAAT WORD.

(1) Behoudens die bepalings van paragraaf (2), moet hake nie vasgemaak word in die bande of toemaakmiddels van bale katoen, wol, kurk, goingsak of ander soortgelyke goedere wanneer die werkrumte in 'n ruim beperk is tot die vierkant van die luik nie, en ook moet skinkelhake nie gebruik word om 'n vat te lig of neer te laat nie wanneer hul gebruik onveilig sal wees vanweë die bou of toestand van die vat of die hake.

(2) Hierdie regulasie is nie van toepassing op die uitbreek of opmaak van stroppe nie.

37. STEIERWERK TEN OPSIGTE VAN SKELETDEK.

Wanneer werk op enige skeletdek uitgevoer word, moet doeltreffende steierwerk voorsien word tensy die ruimte onder die dek met vrag opgevol is tot twee voet van sodanige dek af.

38. OPSTAPELING, AFPAKKING, OPBERGING OF UITLAAI VAN VRAG.

Waar opstapeling, afpakking, opberging of uitlaai van vrag of hanteerwerk in verband daarmee nie met veiligheid uitgevoer kan word sonder dat dit inmeekaarstort nie, moet redelike voorsorgmaatreëls teen ongelukke deur middel van stut- of ander werk getref word.

39. VASMAAK VAN LUIKBALKE.

Die balke van enige luik wat by die proses in gebruik is, moet indien hulle nie verwyder word nie, doeltreffend vasgemaak word om te verhoed dat hulle skuif.

40. SEINER.

Wanneer vrag by 'n loopbrug met 'n looper gelaai of afgelaai word, moet 'n seiner gebruik word, en as meer as een looper by 'n loopbrug in werking is, moet 'n afsonderlike seiner gebruik word om elke looper te bedien: Met dien verstande dat—

- hierdie regulasie nie van toepassing is waar 'n trekskuit, ligter of ander soortgelyke vaartuig gelaai of afgelaai word nie, indien die hyskraan- of wenasbediener wat die looper bedien 'n duidelike en onbelemmerde uitsig het op daardie dele van die ruim waar werk verrig word;
- waar die bevoegde beampte van oordeel is dat, vanweë die aard van die hyskraan of wenas of ander toerusting in gebruik, of as gevolg van enige spesiale reëlins, die voorskrifte van hierdie regulasie nie nodig is vir die veiligheid van persone in diens nie, hy 'n sertifikaat kan uitreik waarvolgens die vereistes opgeskort word onderworpe aan enige voorwaardes wat hy in die sertifikaat mag aandui. Die bevoegde beampte kan so 'n sertifikaat intrek wanneer hy dit nodig ag.

41. VERVOER NA 'N SKIP OF VAN 'N SKIP AF.

Wanneer enige persoon in diens oor water na of van 'n skip moet gaan om die prosesse uit te voer, moet behoorlike maatreëls getref word om vir sy veilige vervoer voorsiening te maak. Vaartuie wat vir hierdie doel gebruik word, moet in bevel van 'n bevoegde persoon wees, moet nie oorlaai word nie en moet behoorlik vir veilige vaart toegerus wees en in 'n goeie toestand gehou word.

35. LOADING OR UNLOADING OF CARGO BY FALL OR SLING.

No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it: Provided that this regulation shall not apply to any process of unloading the whole of which will be completed within a period of half an hour.

36. HOOKS USED FOR RAISING OR LOWERING BALES OF COTTON, ETC.

(1) Subject to the provisions of paragraph (2), when the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods, nor shall can hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe.

(2) This regulation shall not apply to breaking out or making up of slings.

37. STAGING IN RESPECT OF SKELETON DECK.

When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of two feet of such deck.

38. STACKING, UNSTACKING, STOWING OR UNSTOWING OF CARGO.

Where stacking, unstacking, stowing or unstowing of cargo or handling in connection therewith cannot be safely carried out without it collapsing, reasonable measuring to guard against accident shall be taken by shoring or otherwise.

39. SECURING OF BEAMS OF HATCHES.

The beams of any hatch in use for the process shall, if not removed, be adequately secured to prevent their displacement.

40. SIGNALLER.

When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed, and where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall: Provided that—

- this regulation shall not apply in cases where a barge, lighter or other similar vessel is being loaded or unloaded if the driver of the crane or winch working the fall has a clear and unrestricted view of those parts of the hold where work is being performed;
- where the proper officer is of the opinion that, owing to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements of this regulation are not necessary for the safety of persons employed, he may issue a certificate suspending such requirements subject to such conditions as he may specify in such certificate. The proper officer may revoke such certificate as and when he deems it necessary.

41. TRANSPORTATION TO OR FROM A SHIP.

When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessels used for this purpose shall be in charge of a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

HOOFSTUK V.—VEILIGHEIDSBEPERKINGS.

42. VERANTWOORDELIKHEID KRAGTENS HOOFSTUK V.

Dit is die plig van alle persone, hetsy eienaars, okkuperders of persone in diens, om aan die voorskrifte van Hoofstuk V te voldoen.

43. VERWYDERING VAN OF GEPEUTER MET OMRASTERINGS, LOOPBRÛE, ENS.

Niemand mag, tensy hy behoorlik daartoe gemagtig of daartoe genoodsaak is, enige omrastering, loopbrug, toerusting, leer, luikdeksel, reddingsmiddele of -uitrusting, ligte, merke, steiers of enigiets anders hoegenaamd wat kragtens hierdie regulasies voorsien moet word, verwyder of daarmee peuter nie. Indien enigiets verwyder word, moet dit teruggeplaas word aan die einde van die tydperk wat die verwydering nodig was deur die persone wat die laaste met die werk besig was wat hul verwydering nodig gemaak het.

44. DIE GEBRUIK VAN TOEGANGSMIDDELE.

Elke persoon in diens moet gebruik maak van die toegangsmiddele wat ooreenkomstig regulasies 5, 6 en 7 voorsien is, en niemand mag 'n persoon magtig of beveel om ander toegangsmiddele te gebruik as dié wat ingevolge daarvan voorsien is.

45. LANGSMERKELS EN DWARSSKEEPSE BALKE.

Niemand mag op die langsmarkels of dwarskeepse balke klim om die toerusting waarmee hulle op- en afgelig word, te skik nie, en ook mag niemand 'n ander persoon magtig of beveel om dit te doen nie.

[Regulasies 15 (1), 16 (1) en 17 (1).]

BYLAE.

WYSE WAAROP HYSMASJINERIE EN -TOERUSTING GETOETS EN ONDERSOEK WORD VOOR DIE INGEBRUIKNEMING DAARVAN.

(1) Elke wenas tesame met al die toerusting wat daarby behoort (met inbegrip van laaibome, gansnekke, oogplate, oogboute of ander hegstukke) moet getoets word met 'n proeflas wat die veilige werkklas soos volg oorskry:—

Veilige werkklas.

Proeflas.

Tot en met 20 ton ... 25 persent meer.

Meer as 20 ton tot en met 50

ton ... 5 ton meer.

Meer as 50 ton ... 10 persent meer.

Die proeflas moet toegepas word (i) deur beweegbare gewigte te lig, of (ii) deur middel van 'n veer- of hidrouliese balans of soortgelyke toestel, met die laaiboom op 'n hoek bo die horisontaal wat in die toetsertifikaat aangegee moet word. In eersgenoemde geval moet die laaiboom so ver moontlik in albei rigtings geswaai word nadat die beweegbare gewigte opgehys is. In die tweede geval moet die proeflas toegepas word met die laaiboom sover prakties moontlik eers in die een rigting en dan in die ander geswaai.

CHAPTER V.—SAFETY RESTRICTIONS.

42. RESPONSIBILITY UNDER CHAPTER V.

It shall be the duty of all persons, whether owners, occupiers or persons employed, to comply with the provisions of Chapter V.

43. REMOVAL OF OR INTERFERENCE WITH FENCING, GANGWAY, ETC.

No person shall, unless duly authorised to do so or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, hatch covering, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these regulations to be provided. If removed, such things shall be restored at the end of the period during which their removal was necessary by the persons last engaged in the work that necessitated such removal.

44. USE OF MEANS OF ACCESS.

Every person employed, shall use the means of access provided in accordance with regulations 5, 6 and 7, and no person shall authorise or order another to use means of access other than those provided in accordance therewith.

45. FORE AND AFT BEAMS AND THWARTSHIP BEAMS.

No person shall go upon the fore and aft beams or thwartship beams for the purpose of adjusting the gear for lifting them on and off, nor shall any person authorise or order another to do so.

[Regulations 15 (1), 16 (1) and 17 (1).]

SCHEDULE.

MANNER OF TESTING AND EXAMINING BEFORE TAKING LIFTING MACHINERY AND GEAR INTO USE.

(1) Every winch with the whole of the gear accessory thereto (including derricks, goose necks, eye-plates, eye-bolts or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:—

Safe Working Load.

Proof Load.

Up to and including 20 tons 25 per cent in excess.

Over 20 tons up to and including 50 tons ... 5 tons in excess.

Over 50 tons ... 10 per cent in excess.

The proof load shall be applied either (i) by hoisting movable weights or (ii) by means of a spring or hydraulic balance or similar appliance, with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions. In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

(2) Elke hyskraan en ander hysmasjiën tesame met die toerusting wat daarby behoort moet getoets word met 'n proefklas wat die veilige werkklas soos volg oorskry:—

<i>Veilige werkklas.</i>	<i>Proefklas.</i>
Tot en met 20 ton	25 persent meer.
Meer as 20 ton tot en met 50 ton	5 ton meer.
Meer as 50 ton	10 persent meer.

Die genoemde proefklas moet opgehys en so ver as moontlik in albei rigtings geswaai word. In die geval van 'n boomhyskraan, indien die boom 'n reëlbare straal het, moet dit getoets word met 'n proefklas soos hierbo aangedui by die maksimum en minimum strale van die boom. In die geval van hidrouliese hyskrane of hystoestelle waar dit weens beperkte druk nie moontlik is om 'n gewig wat 25 persent meer as die veilige werkklas is op te hys nie, is dit voldoende om die grootste moontlike gewig te hys.

(3) Elke los stuk toerusting (of dit 'n bybehore by die masjiën is al dan nie) moet met 'n proefklas getoets word minstens gelyk aan dié wat teenoor die stuk toerusting in onderstaande tabel aangegee is:—

<i>Toerusting.</i>	<i>Proefklas.</i>
Ketting..... Ring..... Haak..... Sluitskake..... Draaiblok.....	Dubbel die veilige werkklas.
Katrolblokke— Enkelskyfblok.....	Viermaal die veilige werkklas.
Meervoudige skyfblok met veilige werkklas tot en met 20 ton.....	Dubbel die veilige werkklas.
Meervoudige skyfblok met veilige werkklas meer as 20 ton tot en met 40 ton.....	Twintig ton meer as die veilige werkklas.
Meervoudige skyfblok met veilige werkklas meer as 40 ton.....	Een en 'n half keer die veilige werkklas.

Met dien verstande dat waar die bevoegde beampte van oordeel is dat, vanweë die grootte, ontwerp, bou, materiaal of gebruik van enige sodanige los toerusting of toerustingsoort, enigeen van die bogenoemde vereistes nie nodig is vir die beskerming van persone in diens nie, hy 'n sertifikaat kan uitreik om sodanige toerusting of toerustingsoort van die vereistes vry te stel, onderworpe aan enige voorwaardes wat hy in die sertifikaat mag aandui. Die bevoegde beampte kan so 'n sertifikaat intrek wanneer hy dit nodig ag.

(4) Nadat hulle onderwerp is aan 'n toets soos in hierdie Bylae uiteengesit, moet alle masjiene met al die toerusting wat daarby behoort en alle los toerusting ondersoek word om vas te stel of enige deel beskadig of blywend deur die toets verwring is. Die skywe en penne van die katrolblokke word vir dié doel verwyder.

(5) In die geval van draadtoue moet 'n monster tot breekpunt getoets word en die veilige werkklas moet dan nie meer wees as een-vyfde van die breekpuntlas van die getoetste monster nie.

(2) Every crane and other hoisting machine with its accessory gear shall be tested with a proof load which shall exceed the safe working load as follows:—

<i>Safe Working Load.</i>	<i>Proof Load.</i>
Up to and including 20 tons	25 per cent in excess.
Over 20 tons up to and including 50 tons	5 tons in excess.
Over 50 tons	10 per cent in excess.

The said proof load shall be hoisted and swung as far as possible in both directions. In the case of a jib-crane, if the jib has a variable radius, it shall be tested with a proof load as set out above at the maximum and minimum radii of the jib. In the case of hydraulic cranes or hoists, where, owing to the limitation of pressure, it is impossible to hoist a load 25 per cent in excess of the safe working load, it shall be sufficient to hoist the greatest possible load.

(3) Every article of loose gear (whether it is an accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table:—

<i>Article of Gear.</i>	<i>Proof Load.</i>
Chain..... Ring..... Hook..... Shackle..... Swivel.....	Twice the safe working load.
Pulley blocks— Single sheave block.....	Four times the safe working load.
Multiple sheave block with safe working load up to and including 20 tons.....	Twice the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons....	Twenty tons in excess of the safe working load.
Multiple sheave block with safe working load over 40 tons..	One and a half times the safe working load.

Provided that where the proper officer is of the opinion that, owing to the size, design, construction, material or use of any such loose gear or class of such gear, any of the above requirements are not necessary for the protection of persons employed, he may issue a certificate exempting such gear or class of such gear from such requirements, subject to such conditions as he may specify in such certificate. The proper officer may revoke such certificate as and when he deems it necessary.

(4) After being tested as set forth in this Schedule, all machines with the whole of the gear accessory thereto and all loose gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part is injured or permanently deformed by the test.

(5) In the case of wire ropes, a sample shall be tested to destruction and the safe working load shall not exceed one-fifth of the breaking load of the sample tested.

No. 1900.]

[20 November 1959.]

MARINE-AFDELING.

REGULASIES BETREFFENDE ALGEMENE DIENSURE, EKSTRA EN SPESIALE DIENSGELDE.

Dit het die Minister van Vervoer behaag om, kragtens die bepalings van subartikel (1) van artikel *driehonderd ses-en-vyftig* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die volgende regulasies* uit te vaardig.

INHOUD.

1. Opskrif van hierdie regulasies.
2. Woordbetekenis.
3. Algemene diensure.
4. Gelde vir spesiale en ekstra diens.
5. Pligte van amptenare.
6. Ondersoeke buite die Unie.

OPSKRIF VAN HIERDIE REGULASIES.

1. Hierdie regulasies heet die Ekstra en Spesiale Diensgelde-regulasies 1960.

WOORDBETEKENIS.

2. In hierdie regulasies beteken die uitdrukking „die Wet” die Handelskeepvaartwet 1951 (Wet No. 57 van 1951) en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan in die Wet ’n betekenis toegeken is, wanneer dit in hierdie regulasies gebruik word, die aldus toegekende betekenis.

[LET WEL.—Subartikel (1) van artikel *twee* van die Wet sluit onderstaande woordbepalings in:—

„Sekretaris” die Sekretaris van Vervoer;

† „bevoegde beampte” die beampte wat deur die Minister aangestel is as die bevoegde beampte by die plek en ten opsigte van die saak waarna verwys word in die bepalings in hierdie Wet (met inbegrip van die regulasies) waarin die uitdrukking voorkom;

„opnemer” die persoon wat as sodanig aangestel word kragtens artikel *vier (b)* van die Wet.

† Vir die toepassing van hierdie regulasies het die Minister die volgende beamptes as „bevoegde beamptes” aangewys:—

By Kaapstad en Durban: Die Eerste Beampte van die Marine-afdeling.

By Port Elizabeth, Oos-Londen, Mosselbaai, Port Nolloth, Lüderitz en Walvisbaai: Die Koopvaardymeester.]

ALGEMENE DIENSURE.

3. Die algemene diensure vir bevoegde beamptes, vir die gerief van die publiek, is soos volg, behalwe op Sondag en openbare vakansiedae of waar andersins vermeld:—

By Kaapstad, Durban, Port Elizabeth, Oos-Londen, Mosselbaai, Port Nolloth, Walvisbaai en Lüderitz:—

- (i) Vir ontvangs van gelde kragtens die Wet en ander inkomste: 9 vm. tot 12.30 nm.; Saterdag 9 vm. tot 12 middag.
- (ii) Vir gewone sake: 8.30 vm. tot 4.30 nm.; Saterdag 8.30 vm. tot 12.30 nm.

GELDE VIR SPESIALE EN EKSTRA DIENS.

4. (1) Waar die dienste van ’n amptenaar op Sondag of openbare vakansiedae of op enige ander tyd wat nie in die ure voorgeskryf by regulasie 3, val nie, of vir spesiale diens binne daardie ure, moet die persoon wat sulke dienste verlang, by die bevoegde beampte aansoek doen

* Hierdie regulasies tree in werking op die datum waarop Wet No. 57 van 1951 in werking tree. Die datum sal deur proklamasie in die *Staatskoerant* bekendgemaak word.

No. 1900.]

[20 November 1959.]

MARINE DIVISION.

REGULATIONS GOVERNING THE HOURS OF GENERAL ATTENDANCE, CHARGES FOR EXTRA AND SPECIAL ATTENDANCE.

The Minister of Transport has been pleased, under the provisions of sub-section (1) of section *three hundred and fifty-six* of the Merchant Shipping Act, 1951, Act No. 57 of 1951, to make the following regulations.*

CONTENTS.

1. Title of these regulations.
2. Interpretation.
3. Hours of general attendance.
4. Charges for special and extra attendance.
5. Duties of officers.
6. Surveys outside the Union.

TITLE OF THESE REGULATIONS.

1. These regulations are called the Extra and Special Attendance Fees Regulations, 1960.

INTERPRETATION.

2. In these regulations the expression “the Act” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and, unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned.

[NOTE.—Sub-section (1) of section *two* of the Act includes the following definitions:—

“Secretary” means the Secretary for Transport;

† “proper officer” means the officer designated by the Minister to be the proper officer at the place and in respect of the matter to which reference is made in the provisions of this Act (including the regulations) in which the expression occurs;

“surveyor” means the person appointed as such in terms of section *four (b)* of the Act.

† For the purposes of these regulations the Minister has designated the following officers as proper officers:—

At Cape Town and Durban: The Principal Officer of the Marine Division.

At Port Elizabeth, East London, Mossel Bay, Port Nolloth, Lüderitz and Walvis Bay: The Shipping Master.]

HOURS OF GENERAL ATTENDANCE.

3. The hours of general attendance of proper officers, except on Sundays and public holidays, or where otherwise stated, for the convenience of the public shall be as follows:—

For Cape Town, Durban, Port Elizabeth, East London, Mossel Bay, Port Nolloth, Walvis Bay and Lüderitz:—

- (i) For receipt of fees under the Act and other revenue: 9 a.m. to 12.30 p.m.; Saturdays, 9 a.m. to 12 noon.
- (ii) For ordinary business: 8.30 a.m. to 4.30 p.m.; Saturdays, 8.30 a.m. to 12.30 p.m.

CHARGES FOR SPECIAL AND EXTRA ATTENDANCE.

4. (1) Where the attendance of an officer is required on Sundays or public holidays or at any other time not covered by the hours prescribed in regulation 3 or for any special service within those hours, the person requiring such attendance must make application to the proper

* These regulations will come into operation on the date on which Act No. 57 of 1951 comes into operation. This date will be notified by proclamation in the *Gazette*.

op die vorm deur die Sekretaris goedgekeur, en betaling waarborg van die gelde voorgeskryf by paragraaf (2) van hierdie regulasie, en die gelde onmiddellik op aanvraag betaal. Die bevoegde beampte kan, na goëddunke, voordat hy sulke dienste toestaan, 'n storting van 'n bedrag vorder wat voldoende is om die koste te dek.

(2) Vir spesiale of ekstra dienste is die gelde 15s. vir elke amptenaar per uur of gedeelte daarvan.

(3) Alle gelde wat vir ekstra en spesiale dienste ontvang word, moet as inkomste inbetaal word.

PLIGTE VAN AMPTENARE.

5. (a) 'n Amptenaar kan te eniger tyd, indien dit nodig is, aangesê word om tydelik ander diens te verrig as dié wat onder gewone omstandighede aan sy klas en graad verbonde is. Amptenare in die algemene afdeling kan te eniger tyd aangesê word om, benewens hulle buitendienste, ook klerklike werk te verrig, na gelang die Sekretaris mag besluit.

(b) 'n Amptenaar mag nie, sonder genoegsame rede, weier om ekstra diens te doen wanneer hy deur die bevoegde beampte daartoe aangesê word nie.

ONDERSOEKE BUITE DIE UNIE.

6. (1) Waar die dienste van 'n opnemer buite die Unie verlang word, moet die persoon wat sulke dienste verlang, bo en behalwe die opnemer se reiskoste en verblyf-toelae, spesiale gelde van £25 betaal vir elke 24 uur of deel van 24 uur waarin die opnemer afwesig is van die hawe waar hy gestasioneer is.

(2) Die Sekretaris kan, na goëddunke, voordat hy sulke dienste toestaan, 'n storting van 'n bedrag vorder wat voldoende is om die koste te dek.

officer on the form approved by the Secretary, and must guarantee the payment of the fees prescribed in paragraph (2) of this regulation, and shall pay the same immediately on demand. The proper officer may, in his discretion previous to allowing such attendance, demand a deposit of an amount sufficient to cover the charges that will be incurred.

(2) The fees for special or extra attendance shall be 15s. per officer per hour or part thereof.

(3) All fees recovered for extra and special attendance shall be paid into revenue.

DUTIES OF OFFICERS.

5. (a) Any officer may at any time, should the necessity arise, be called upon to perform temporarily duties other than those ordinarily appertaining to his class and grade. General division officers may also be called upon at any time to perform in addition to their outdoor duties such clerical work as the Secretary may decide.

(b) An officer shall not, without sufficient cause, refuse to undertake extra attendance when called upon to do so by the proper officer.

SURVEYS OUTSIDE THE UNION.

6. (1) Where the attendance of a surveyor is required outside the Union, the person requiring such attendance shall, in addition to the surveyor's travelling expenses and subsistence allowance, pay a special fee of £25 for every 24 hours, or part of 24 hours during which the surveyor is absent from the port at which he is stationed.

(2) The Secretary may, in his discretion previous to allowing such attendance, demand a deposit of an amount sufficient to cover the charges that will be incurred.

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