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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 410. 17 Maart 1976.

Hierby word bekend gemaak dat die Staatspresident sy oedkeuring geheg het aan die onderstaande Wet wat hierby of algemene inligting gepubliseer word:—

No. 5 van 1976: Wysigingswet op Handelskeepvaart, 1976.

No. 410. 17 March 1976.

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

No. 5 of 1976: Merchant Shipping Amendment Act, 1976.

WET

Om die bepalings van die Handelskeepvaartwet, 1951, te wysig met betrekking tot die woordskrywings; ten einde vir die doeleindes van die Wet metrieke mate in die plek van sekere ander mate te stel; die Minister te magtig om enigiemand van enige bepaling van die regulasies vry te stel; ander voorsiening te maak betreffende die samestelling en werksaamhede van die Nasionale Marine-adviesraad; aan die Minister sekere bevoegdhede betreffende sekere wrakke en skepe te verleen; die bedrae van sekere boetes te verhoog; die Minister se bevoegdheid om regulasies uit te vaardig, uit te brei en te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Maart 1976.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat, en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 57 van 1951, soos gewysig deur artikel 3 van Wet 30 van 1959, artikel 31 van Wet 69 van 1962, artikel 1 van Wet 40 van 1963, artikel 1 van Wet 13 van 1965, artikel 1 van Wet 42 van 1969 en artikel 1 van Wet 24 van 1974.

1. Artikel 2 (1) van die Handelskeepvaartwet, 1951 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van „doeanebeampte” deur die volgende omskrywing te vervang:
„doeanebeampte” ’n beampte soos daardie uitdrukking by artikel 1 van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), bepaal word;”;
- (b) deur die omskrywing van „geneesheer” deur die volgende omskrywing te vervang:
„geneesheer”—
 - (a) by ’n plek in die Republiek, iemand wat as sodanig ingevolge die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoepes, 1974 (Wet No. 56 van 1974), geregistreer is; of
 - (b) by ’n plek buite die Republiek, iemand wat ingevolge die wet wat op daardie plek van krag is, geregtig is om as sodanig te praktiseer;”;
- (c) deur die omskrywing van „hoër hof” deur die volgende omskrywing te vervang:
„hoër hof” ’n afdeling van die Hooggeregshof van Suid-Afrika;”;
- (d) deur die omskrywing van „internasionale laslynskip” deur die volgende omskrywing te vervang:
„internasionale laslynskip” ’n laslynskip van 24 meter of langer wat vir ’n internasionale reis gebruik word;”;

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ACT

To amend the provisions of the Merchant Shipping Act, 1951, relating to the definitions; so as to substitute metric measures for certain other measures for the purposes of the Act; to authorize the Minister to exempt any person from any provision of the regulations; to make different provision relating to the constitution and functions of the National Marine Advisory Council; to grant to the Minister certain powers in respect of certain wrecks and ships; to increase the amounts of certain fines; to extend and modify the power of the Minister to make regulations; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 4 March 1976.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 2 (1) of the Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959, section 31 of Act 69 of 1962, section 1 of Act 40 of 1963, section 1 of Act 13 of 1965, section 1 of Act 42 of 1969 and section 1 of Act 24 of 1974.

- (a) by the substitution for the definition of "clearance" of the following definition:

"'clearance' includes any clearance or transire referred to in the Customs and Excise Act, 1964 (Act No. 91 of 1964);

- (b) by the substitution for the definition of "international load line ship" of the following definition:

"'international load line ship' means a load line ship of 24 metres or more in length, which is engaged on an international voyage;";

- (c) by the substitution for the definition of "load line ship" of the following definition:

"'load line ship' means any ship of 14 metres or more in length, which is not solely engaged in fishing and is not a pleasure yacht;";

- (d) by the substitution for the definition of "local load line ship" of the following definition:

"'local load line ship' means a load line ship—

- (a) engaged on an international voyage and of less than 24 metres in length; or
 (b) not engaged on an international voyage;";

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- (e) deur die omskrywing van „laslynskip” deur die volgende omskrywing te vervang:

„laslynskip’ ’n skip van 14 meter of langer wat nie net vir visvang gebruik word nie en nie ’n plesierjag is nie;”;

- (f) deur die omskrywing van „plaaslike laslynskip” deur die volgende omskrywing te vervang:

„plaaslike laslynskip’ ’n laslynskip—

- (a) wat vir ’n internasionale reis gebruik word, en minder as 24 meter lank is; of

- (b) wat nie vir ’n internasionale reis gebruik word nie;”;

- (g) deur die omskrywing van „spaarbank” deur die volgende omskrywing te vervang:

„spaarbank’ die Posspaarbank of ’n bankinstelling geregistreer kragtens die Bankwet, 1965 (Wet No. 23 van 1965), of ’n bouvereniging geregistreer kragtens die Bouverenigingswet, 1965 (Wet No. 24 van 1965), of, ten aansien van die toewysing van premies, ’n persoon wat kragtens die Versekeringswet, 1943 (Wet No. 27 van 1943), as ’n versekeraar geregistreer is of geag word geregistreer te wees, of enige ander liggaam deur die Minister aangewys;” en

- (h) deur die omskrywing van „uitklaringsbewys” deur die volgende omskrywing te vervang:

„uitklaringsbewys’ ook ’n uitklaring of geleibiljet waarna in die Doeane- en Aksynswet, 1964, verwys word;”.

Wysiging van artikel 4 van Wet 57 van 1951, soos gewysig deur artikel 2 van Wet 42 van 1969.

2. Artikel 4 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (c) in te voeg:

„(cA) onderworpe aan die voorwaardes wat hy bepaal enigiemand van enige van of al die bepalings van die regulasies uitgevaardig kragtens artikel 356 vrystel;”.

Wysiging van artikel 6 van Wet 57 van 1951, soos gewysig deur artikel 4 van Wet 30 van 1959 en artikel 2 van Wet 40 van 1963.

3. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Daar is ’n Nasionale Marine-adviesraad, bestaande uit hoogstens twaalf lede, van wie ten minste een (wat die voorsitter is) ’n lid van die staatsdiens moet wees, en van wie agt benoem word deur die liggame en verenigings wat deur die Minister erken word as verteenwoordigend van die belange in handelskeepvaart in die Republiek.”; en

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

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- (e) by the substitution for the definition of "medical practitioner" of the following definition:

"'medical practitioner' means—

- (a) at a place in the Republic, a person registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); or
- (b) at a place outside the Republic, a person who is entitled to practise as such under the law in force in that place;"

- (f) by the substitution for the definition of "officer of customs" of the following definition:

"'officer of customs' means an officer as that expression is defined by section 1 of the Customs and Excise Act, 1964 (Act No. 91 of 1964);" ;

- (g) by the substitution for the definition of "savings bank" of the following definition:

"'savings bank' means the Post Office Savings Bank, or a banking institution registered under the Banking Act, 1965 (Act No. 23 of 1965), or a building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965), or, in respect of the allotment of premiums, a person registered or deemed to be registered as an insurer under the Insurance Act, 1943 (Act No. 27 of 1943), or any other body designated by the Minister;" ; and

- (h) by the substitution for the definition of "superior court" of the following definition:

"'superior court' means a division of the Supreme Court of South Africa;" .

2. Section 4 of the principal Act is hereby amended by the insertion after paragraph (c) of the following paragraph:

- "(cA) subject to such conditions as may be determined by him exempt any person from any of or all the provisions of the regulations made under section 356;" .

Amendment of section 4 of Act 57 of 1951, as amended by section 2 of Act 42 of 1969.

3. Section 6 of the principal Act is hereby amended—

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

"(1) There shall be a National Marine Advisory Council, consisting of not more than twelve members, of whom at least one (who shall be the chairman) shall be a member of the public service, and of whom eight shall be nominated by such bodies and associations as may be recognized by the Minister as being representative of the interests in merchant shipping in the Republic;" ; and

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

Amendment of section 6 of Act 57 of 1951, as amended by section 4 of Act 30 of 1959 and section 2 of Act 40 of 1963.

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„(4) Die Nasionale Marine-adviesraad dien die Minister van advies met betrekking tot aangeleenthede—

(a) wat uit die toepassing van hierdie Wet voortspuit

(b) wat in verband staan met handelskeepvaart in die Republiek of, indien deur die Minister na hom verwys, handelskeepvaart oor die algemeen.”.

Wysiging van artikel 73 van Wet 57 van 1951, soos gewysig deur artikel 15 van Wet 30 van 1959, artikel 37 van Wet 69 van 1962 en artikel 11 van Wet 40 van 1963.

4. Artikel 73 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

„(1) Behoudens die bepalings van hierdie artikel, moet die eienaar en die gesagvoerder van elke—

(a) Suid-Afrikaanse skip wat van enige hawe waar ook al, uitvaar; of

(b) skip (wat nie 'n Suid-Afrikaanse skip is nie) wat passasiers by 'n hawe in die Republiek aan boord neem en vandaar uitvaar,

indien die skip van vyf-en-twintig of meer bruto-registerton is, en tot die kategorie behoort wat in Kolom 2 van 'n item in die Tabel hieronder aangedui word, en van die tonnemaat of krag is wat in Kolom 3 van daardie item aangedui word, sorg dat aan boord van daardie skip in hul toepaslike werkkringe die aantal offisiere of ander persone, behoorlik kragtens hierdie Wet gediplomeerd of geag gediplomeerd te wees soos in Kolomme 4 en 5 van daardie item aangedui word, werksaam is:

Kolom 1	Kolom 2	Kolom 3	Kolom 4	Kolom 5
Item No.	Kategorie van skip	Bruto-registertonnemaat of krag	Getal offisiere of ander persone wat in diens moet wees	Sertifikate wat die persone wat in Kolom 4 aangedui word, moet besit, en paragrawe van artikel 75 (1) waarby toekenning van sertifikate gemagtig word
1	Skip op vreemde vaart	Enige	Een Een Een	Gesagvoerder: par. (a) Hoof-navigasie-offisier: par. (b) Tweede navigasie-offisier: par. (c)
2	Kusvaarder	100 of meer ton	Een Een	Gesagvoerder: par. (d) Navigasie-offisier: par. (e)
3	Vissersboot of robbevaarder of walvisvaarder met landbasis	100 of meer ton	Een Een Een	Skipper: par. (f) Stuurman: par. (g) Bootsman: par. (h)
4	Kusvaarder of vissersboot, robbevaarder of walvisvaarder met landbasis	50 of meer maar minder as 100 ton	Een Een	Skipper: par. (i) Stuurman: par. (j)
5	Kusvaarder of robbevaarder of walvisvaarder met landbasis	Minder as 50 ton	Een Een	Skipper: par. (i) Stuurman: par. (j)
6	Vissersboot	Minder as 50 ton	Een	Stuurman: par. (j)

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“(4) The National Marine Advisory Council shall advise the Minister relating to matters—

- (a) arising out of the application of this Act;
- (b) connected with merchant shipping in the Republic or, if referred to it by the Minister, merchant shipping in general.”.

4. Section 73 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) Subject to the provisions of this section, the owner and the master of every—

- (a) South African ship going to sea from any port whatsoever; or
- (b) ship (other than a South African ship) embarking passengers at, and going to sea from, any port in the Republic,

shall, if the ship is of twenty-five or more gross register tons, and is of the class shown in Column 2 of any item in the Table hereunder and of the tonnage or power shown in Column 3 of that item, ensure that there are employed on board that ship in their appropriate capacities the number of officers or other persons, duly certificated or deemed to be certificated under this Act, as shown in Columns 4 and 5 of that item:

Amendment of section 73 of Act 57 of 1951, as amended by section 15 of Act 30 of 1959, section 37 of Act 69 of 1962 and section 11 of Act 40 of 1963.

Column 1	Column 2	Column 3	Column 4	Column 5
Item No.	Class of ship	Gross register tonnage or power	Numbers of officers or other persons to be employed	Certificates to be held by persons shown in Column 4, and paragraphs of section 75 (1) by which grant of certificates is authorized.
1	Foreign-going ship	Any	One One One	Master: para. (a). Chief navigating officer: para. (b). Second navigating officer: para. (c).
2	Coasting ship	100 or more tons	One One	Master: para. (d). Navigating officer: para. (e).
3	Fishing, sealing or shore-based whaling boat	100 or more tons	One One One	Skipper: para. (f). Mate: para. (g). Boatswain: para. (h).
4	Coasting ship or fishing, sealing or shore-based whaling boat	50 or more but less than 100 tons	One One	Skipper: para. (i). Mate: para. (i)
5	Coasting ship or sealing or shore-based whaling boat	Less than 50 tons	One One	Skipper: para. (i). Mate: para. (j)
6	Fishing boat	Less than 50 tons	One	Mate: para. (j).

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Kolom 1	Kolom 2	Kolom 3	Kolom 4	Kolom 5
Item No.	Kategorie van skip	Bruto-register- tonnemaat of krag	Getal offisiere of ander persone wat in diens moet wees	Sertifikate wat die persone wat in Kolom 4 aangedui word, moet besit, en paragrawe van artikel 75 (1) waarby toekenning van sertifikate gemagtig word
7	Skip op vreemde vaart (behalwe 'n walvis- vaarder)	750 kW of meer	Een Een	Hoof-ingenieuroffisier: par. (k) Tweede ingenieuroffisier: par. (l)
8	Kusvaarder	1 125 kW of meer	Een	Hoof-ingenieuroffisier: par. (k) <i>bis</i>
9	Walvis- vaarder (behalwe 'n walvisvaarder met landbasis)	750 kW of meer	Een	Hoof-ingenieuroffisier: par. (k)
10	Kusvaarder	Minder as 1 125 kW	Een	Tweede ingenieuroffisier: par. (l) <i>bis</i>
11	Skip op vreemde vaart (behalwe 'n walvis- vaarder)	Minder as 750 kW	Een	Tweede ingenieuroffisier: par. (l)
12	Walvis- vaarder (behalwe 'n walvisvaarder met landbasis)	Minder as 750 kW	Een	Tweede ingenieuroffisier: par. (l)
13	Vissersboot of robbevaarder of walvisvaarder met landbasis wat meganies voortbeweeg word	Meer as 225 kW	Een Een	See-masjinis: par. (m) Assistent-seemasjinis: par. (n)
14	Vissersboot of robbevaarder of walvisvaarder met landbasis wat meganies voortbeweeg word.	225 kW of minder	Een	Assistent-seemasjinis: par. (n)

(2) Die Minister kan by kennisgewing in die *Staatskoerant* vereis dat meer of hoër gediplomeerde offisiere of ander persone as wat deur subartikel (1) voorgeskryf word, aan boord van 'n kategorie van skepe van 'n tonnemaat of krag wat in daardie kennisgewing gemeld word, in diens moet wees; en na publikasie van so 'n kennisgewing sorg die eienaar van 'n skip waarvoor dit geld, dat aan boord van daardie skip die aantal offisiere of ander persone wat by daardie kennisgewing voorgeskryf word, behoorlik kragtens hierdie Wet gediplomeerd of geag gediplomeerd te wees, in diens is."

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Column 1	Column 2	Column 3	Column 4	Column 5
Item No.	Class of ship	Gross register tonnage or power	Numbers of officers or other persons to be employed	Certificates to be held by persons shown in Column 4, and paragraphs of section 75 (1) by which grant of certificates is authorized.
7	Foreign-going ship, other than a whaling boat	750 kW or more	One One	Chief engineer-officer: para. (k). Second engineer-officer: para. (l).
8	Coasting ship	1 125 kW or more	One	Chief engineer-officer: para. (k) <i>bis</i> .
9	Whaling boat, other than a shore-based whaling boat	750 kW or more	One	Chief engineer-officer: para. (k).
10	Coasting ship	Less than 1 125 kW	One	Second engineer-officer: para. (l) <i>bis</i> .
11	Foreign-going ship, other than a whaling boat	Less than 750 kW	One	Second engineer-officer: para. (l).
12	Whaling boat, other than a shore-based whaling boat	Less than 750 kW	One	Second engineer-officer: para. (l).
13	Power-driven fishing, sealing or shore-based whaling boat	More than 225 kW	One One	Marine engineman: para. (m). Assistant marine engineman: para. (n).
14	Power-driven fishing, sealing or shore-based whaling boat	225 kW or less	One	Assistant marine engineman: para. (n).

(2) The Minister may by notice in the *Gazette* require that more or more highly certificated officers or other persons than are prescribed by subsection (1) shall be employed on board any class of ships of any tonnage or power specified in that notice; and after the publication of any such notice the owner of any ship to which it applies shall ensure that there are employed on board that ship the number of officers or other persons prescribed by that notice, duly certificated or deemed to be certificated under this Act."

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Wysiging van artikel 80 van Wet 57 van 1951, soos gewysig deur artikel 16 van Wet 30 van 1959, artikel 14 van Wet 40 van 1963 en artikel 7 van Wet 42 van 1969.

5. Artikel 80 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) as die aansoek kragtens subartikel (1) (a) gedoen word, 'n paslike dienssertifikaat toestaan wat hom magtig om as gesagvoerder, navigasie-offisier of ingenieur-offisier, al na die geval, van 'n skip van hoogstens eenduisend bruto-registerton (in die geval van 'n gesagvoerder of navigasie-offisier) of van hoogstens 750 kW aangegeewe krag (in die geval van 'n ingenieur-offisier) op te tree; of”.

Vervanging van artikel 157 van Wet 57 van 1951.

6. Artikel 157 van die Hoofwet word hierby deur die volgende artikel vervang:

„Meet-instrumente aan boord. 157. Die gesagvoerder van 'n Suid-Afrikaanse skip hou behoorlike meetinstrumente aan boord om die hoeveelheid van die onderskeie soorte proviand en artikels wat uitgereik word, te bepaal, en as daar 'n geskil oor die hoeveelheid wat uitgereik is, ontstaan, laat hy die hoeveelheid in die aanwezigheid van 'n getuie meet deur van bedoelde meetinstrumente gebruik te maak.”.

Wysiging van artikel 294 van Wet 57 van 1951.

7. Artikel 294 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) 'n Aanstelling as bergingsbeampte is ten aansien van 'n omskrewe gebied; en as daar te eniger tyd geen bergingsbeampte vir 'n gebied is nie, is die Kontroleur van Doenae en Aksyns by die vernaamste hawe in daardie gebied die bergingsbeampte vir daardie gebied.”.

Vervanging van artikel 301 van Wet 57 van 1951, soos gewysig deur artikel 37 van Wet 30 van 1959.

8. Artikel 301 van die Hoofwet word hierby deur die volgende artikel vervang:

„Bergloon betaalbaar vir berging van wrak. 301. Wanneer enige skip skipbreuk gely of gestrand het, verlaat is of in nood verkeer of enige wrak gevind word binne die territoriale waters van of op of naby die kuste van die Republiek en dienste deur iemand anders as 'n bergingsbeampte of sy gemagtigde verteenwoordiger met die redding van sodanige skip of wrak gelewer word, word daar aan daardie persoon 'n redelike bedrag aan bergloon betaal, behoudens die bepalings van artikel 300 (2), deur die eienaar van die skip of wrak of deur die Sekretaris van Doenae en Aksyns as die skip of wrak deur hom kragtens artikel 112 (3) van die Doenae- en Aksynswet, 1964 (Wet No. 91 van 1964) oor beskik is.”.

Invoeging van artikel 304A in Wet 57 van 1951.

9. Die volgende artikel word hierby in die Hoofwet na artikel 304 ingevoeg:

„Bevoegdhede van Minister ten opsigte van sekere wrakke en skepe. 304A. (1) (a) Wanneer 'n skip binne die territoriale waters van of op of naby die kuste van die Republiek skipbreuk gely het, gestrand het of in nood verkeer, kan die Minister die gesagvoerder of eienaar van bedoelde skip, of daardie gesagvoerder sowel as daardie eienaar, hetsy mondeling of skriftelik gelas om daardie skip te verskuif na 'n plek wat die Minister bepaal of om die handeling wat die Minister bepaal ten opsigte van bedoelde skip te verrig.

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5. Section 80 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

Amendment of section 80 of Act 57 of 1951, as amended by section 16 of Act 30 of 1959, section 14 of Act 40 of 1963 and section 7 of Act 42 of 1969.

“(a) if the application is made under subsection (1) (a), an appropriate certificate of service authorizing him to act as master, navigating officer or engineer-officer, as the case may be, of a ship of not more than one thousand gross register tons (in the case of a master or navigating officer) or of not more than 750 kW indicated power (in the case of an engineer-officer); or”.

6. The following section is hereby substituted for section 157 of the principal Act:

Substitution of section 157 of Act 57 of 1951.

“Measuring instruments on board.

157. The master of a South African ship shall keep on board proper measuring instruments for determining the quantities of the several provisions and articles served out, and in the event of any dispute as to the quantities served out, shall cause the quantities to be measured in the presence of a witness by using such measuring instruments.”.

7. Section 294 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 294 of Act 57 of 1951.

“(2) An appointment as salvage officer shall be in respect of a defined area; and if at any time there is no salvage officer for any area, the Controller of Customs and Excise at the principal port in that area shall be the salvage officer for that area.”.

8. The following section is hereby substituted for section 301 of the principal Act:

Substitution of section 301 of Act 57 of 1951, as amended by section 37 of Act 30 of 1959.

“Salvage payable for saving wreck.

301. When any ship is wrecked, stranded, abandoned or in distress or any wreck is found within the territorial waters of or on or near the coasts of the Republic, and services are rendered by any person other than a salvage officer or his authorized representative in saving such ship or wreck, there shall, subject to the provisions of section 300 (2), be paid to that person by the owner of the ship or wreck, or by the Secretary for Customs and Excise if the ship or wreck is disposed of by him in terms of section 112 (3) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), a reasonable amount of salvage.”.

9. The following section is hereby inserted in the principal Act after section 304:

Insertion of section 304A in Act 57 of 1951.

“Powers of Minister in respect of certain wrecks and ships.

304A. (1) (a) When a ship is wrecked, stranded or in distress within the territorial waters of or on or near the coasts of the Republic, the Minister may direct the master or owner of such ship, or both such master and such owner, either orally or in writing to move such ship to a place specified by the Minister or to perform such an act in respect of such ship as may be specified by the Minister.

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(b) Indien die gesagvoerder of eienaar van 'n skip in paragraaf (a) vermeld, versuim om binne die tydperk wat die Minister bepaal 'n handeling te verrig wat hy ingevolge daardie paragraaf aangesê is om te verrig, kan die Minister daardie handeling laat verrig.

(2) Indien die Minister van oordeel is dat 'n wrak of 'n skip wat skipbreuk gely of gestrand het of verlaat is, 'n gevaar of potensiele gevaar vir navigasie binne die territoriale waters van die Republiek uitmaak, kan hy, ondanks die bepalinge van subartikel (1), daardie wrak of skip of enige gedeelte daarvan laat uithaal, verwyder of vernietig of op die wyse wat hy goedvind mee laat handel.

(3) Indien die Minister uitgawes aangegaan het in verband met die uitoefening van 'n bevoegdheid ingevolge subartikel (1) (b) of (2), kan die Minister daardie uitgawes verhaal op die eienaar van die betrokke wrak of skip of, in die geval van 'n verlate skip of wrak, op die persoon wat tydens die verlating die eienaar daarvan was.

(4) Indien die Minister uitgawes aangegaan het of sal aangaan in verband met die uitoefening van 'n bevoegdheid ingevolge subartikel (1) (b) of (2) ten opsigte van 'n wrak of skip, kan hy enige goedere van bedoelde wrak of skip laat verwyder.

(5) Die Minister kan—

(a) 'n wrak of skip ten opsigte waarvan 'n bevoegdheid ingevolge subartikel (1) (b) of (2) uitgeoefen is, enige gedeelte van daardie wrak of skip en enige goedere wat ingevolge subartikel (4) daarvan verwyder is, verkoop en die opbrengs van die verkoping aanwend ter bestryding van onkoste wat in verband met die uitoefening van bedoelde bevoegdheid aangegaan is; of

(b) bedoelde wrak, skip of goedere laat aanhou tot dat sekerheid ten genoë van die Minister vir die betaling van bedoelde uitgawes gestel is.

(6) Indien enige wrak, skip of goedere ingevolge subartikel (5) verkoop word en die opbrengs van die verkoping die bedrag van die uitgawes vermeld in daardie subartikel oorskry, word die oorskot aan die eienaar van die betrokke wrak, skip of goedere oorbetal na aftrekking daarvan van enige reg wat ten opsigte van bedoelde wrak, skip of goedere betaalbaar is ingevolge die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964).

(7) Die Minister of iemand wat kragtens die gesag van die Minister optree, is nie aanspreeklik ten opsigte van iets wat te goeder trou ingevolge die bepalinge van hierdie artikel gedoen is nie.”

Vervanging van artikel 313 van Wet 57 van 1951.

10.⁸ Artikel 313 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strawwe vir misdrywe.

313. (1) Iedereen wat skuldig is aan 'n misdryf ingevolge hierdie Wet waarvoor geen straf spesiaal in subartikel (2) of (3) van hierdie artikel of artikel 323 (4) of kragtens artikel 356 (5) voorgeskryf is nie, is by skuldigbevinding strafbaar met 'n boete van hoogstens R200.

(2) Iedereen wat skuldig is aan 'n misdryf ingevolge hierdie Wet wat in Kolom 1 hieronder gemeld word, is by skuldigbevinding strafbaar met 'n straf wat nie die straf wat in Kolom 2 hieronder teenoor die misdryf gemeld word, te bowe gaan nie:

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(b) If the master or owner of a ship referred to in paragraph (a) fails to perform within the time specified by the Minister any act which he has in terms of that paragraph been required to perform, the Minister may cause such act to be performed.

(2) If the Minister is of the opinion that any wreck or any wrecked, stranded or abandoned ship constitutes a danger or potential danger to navigation in the territorial waters of the Republic, he may, notwithstanding the provisions of subsection (1), cause such wreck or ship or any part thereof to be raised, removed or destroyed or dealt with in such manner as he may deem fit.

(3) If the Minister incurred any expenses in connection with the exercise of any power in terms of subsection (1) (b) or (2), the Minister may recover such expenses from the owner of the wreck or ship in question or, in the case of an abandoned wreck or ship, from the person who was the owner thereof at the time of the abandonment.

(4) If the Minister incurred or will incur any expenses in connection with the exercise of any power in terms of subsection (1) (b) or (2) in respect of any wreck or ship, he may cause any goods to be removed from such wreck or ship.

(5) The Minister may—

(a) sell any wreck or ship in respect of which any power has been exercised in terms of subsection (1) (b) or (2), any part of such wreck or ship and any goods removed therefrom in terms of subsection (4), and apply the proceeds of the sale towards the defrayal of any expenses incurred in connection with the exercise of such power; or

(b) cause any such wreck, ship or goods to be detained until security to the satisfaction of the Minister has been given for the payment of such expenses.

(6) If any wreck, ship or goods are sold in terms of subsection (5) and the proceeds of the sale exceed the amount of the expenses referred to in that subsection, the surplus shall be paid to the owner of the wreck, ship or goods in question after deducting therefrom the amount of any duty payable in respect of such wreck, ship or goods in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964).

(7) The Minister or any person acting under the authority of the Minister shall not be liable in respect of anything done in good faith in terms of the provisions of this section.”.

10. The following section is hereby substituted for section 313 of the principal Act:

Substitution of
section 313 of
Act 57 of 1951.

“Penalties
for offences.

313. (1) Every person who is guilty of an offence under this Act for which no penalty is specially provided in subsection (2) or (3) of this section or section 323 (4) or under section 356 (5) shall on conviction be liable to a fine not exceeding R200.

(2) Every person who is guilty of an offence under this Act mentioned in Column 1 hereunder shall on conviction be liable to a penalty not exceeding the penalty mentioned in Column 2 hereunder opposite the offence:

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Kolom 1	Kolom 2
Oortreding van of versuim om aan die volgende bepalings te voldoen.	Straf.
Artikel 201.	Boete van R80 en daarbenewens, ten opsigte van elke passasier meer as die aantal wat deur die sertifikaat of memorandum veroorloof is, 'n boete van twee maal die hoogste bedrag wat deur enige passasier aan boord aan passasiersgeld betaalbaar is.
Artikel 16, 19 (2), 36 (2), 65 (2), 68, 72, 117 (1), 118, 172, 213, 232 (1) of 250.	Boete van R400.
Artikel 9 (2), 174 (2) (c) of (e), 200 (1) (c) of (d), 212 (b), 219 (a) (ii), 228 (1) of 303 (1).	Boete van R400 of gevangenisstraf van ses maande of beide sodanige boete en gevangenisstraf.
Artikel 32 (2).	Boete van R400 of gevangenisstraf van ses maande of beide sodanige boete en gevangenisstraf, en daarbenewens 'n boete van R20 vir elke dag wat die oortreding na skuldigbevinding voortduur.
Artikel 73 (1), 174 (2) (d), (f) of (g), 200 (1) (a) of (b), 212 (a), 219 (a) (i) of (b), 221 (1), 235 (1) of (2), 236 (1), 237 (1) of (2), 316 (a), (b), (e), (f), (g) of (h) of 320.	Boete van R800 of gevangenisstraf van een jaar of beide sodanige boete en gevangenisstraf.
Artikel 9 (3), 11 (2), 25, 65 (3), 66, 67, 174 (1), 204 (3), 234 (1) of (2), 296, 299 (2), 314, 315 of 316 (c).	Boete van R2 000 of gevangenisstraf van twee jaar of beide sodanige boete en gevangenisstraf.
Artikel 214 (1).	Boete van R2 000 of gevangenisstraf van twee jaar of beide sodanige boete en gevangenisstraf, en daarbenewens 'n boete van R800 vir elke 25 mm of gedeelte daarvan waarmee die toepaslike laslyn aan weerskante van die skip onder die water was of onder die water sou gewees het as die skip nie oorgehel het nie.
Artikel 240.	Boete van R4 000 of gevangenisstraf van drie jaar of beide sodanige boete en gevangenisstraf.
Artikel 316 (d).	Boete van drie maal die waarde van die skip of goedere wat ontvang is of wat in besit gewees het, of R4 000, watter ookal die grootste is, of gevangenisstraf van drie jaar of beide sodanige boete en gevangenisstraf.

(3) Iedereen wat die gesagvoerder is van 'n skip wat in 'n botsing betrokke is, en wat in gebreke bly om aan die bepalings van artikel 258 (1) te voldoen, of wat die gesagvoerder van 'n skip is waarop enige bepaling van die regulasies in verband met botsings van toepassing is, en wat sonder redelike oorsaak daardie bepaling oortree of in gebreke bly om daaraan te voldoen, is by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met beide sodanige boete en sodanige gevangenisstraf."

Wysiging van artikel 356 van Wet 57 van 1951, soos gewysig deur artikel 42 van Wet 30 van 1959,

11. Artikel 356 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (xxxvi) van subartikel (1) deur die volgende paragraaf te vervang:

„(xxxvi) wat die standaard van seewaardigheid wat nagekom moet word ten aansien van vaartuie waarop

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Column 1	Column 2
Contravening or failing to comply with the following provisions.	Penalty.
Section 201.	Fine of R80 and, in addition, for every passenger in excess of the number permitted by the certificate or memorandum, a fine of double the highest fare payable by any passenger on board.
Section 16, 19 (2), 36 (2), 65 (2), 68, 72, 117 (1), 118, 172, 213, 232 (1) or 250.	Fine of R400.
Section 9 (2), 174 (2) (c) or (e), 200 (1) (c) or (d), 212 (b), 219 (a) (ii), 228 (1) or 303 (1).	Fine of R400 or six months' imprisonment or both such fine and imprisonment.
Section 32 (2).	Fine of R400 or six months' imprisonment or both such fine and imprisonment and, in addition, a fine of R20 for every day during which the offence continues after conviction.
Section 73 (1), 174 (2) (d), (f) or (g), 200 (1) (a) or (b), 212 (a), 219 (a) (i) or (b), 221 (1), 235 (1) or (2), 236 (1), 237 (1) or (2), 316 (a), (b), (e), (f), (g) or (h) or 320.	Fine of R800 or one year's imprisonment or both such fine and imprisonment.
Section 9 (3), 11 (2), 25, 65 (3), 66, 67, 174 (1), 204 (3), 234 (1) or (2), 296, 299 (2), 314, 315 or 316 (c).	Fine of R2 000 or two years' imprisonment or both such fine and imprisonment.
Section 214 (1).	Fine of R2 000 or two years' imprisonment, or both such fine and such imprisonment, and, in addition, a fine of R800 for every 25 mm or fraction thereof by which the appropriate load line on each side of the ship was submerged or would have been submerged if the ship had had no list.
Section 240.	Fine of R4 000 or three years' imprisonment or both such fine and imprisonment.
Section 316 (d).	Fine of treble the value of the ship or goods received or had in possession or R4 000, whichever is the greater, or three years' imprisonment or both such fine and imprisonment.

(3) Every person who, being the master of a ship involved in a collision, fails to comply with the provisions of section 258 (1) or who, being the master of a ship to which any provision of the collision regulations applies, without reasonable cause contravenes or fails to comply with that provision, shall on conviction be liable to a fine not exceeding R2 000 or imprisonment for a period not exceeding two years, or both such fine and imprisonment.”.

11. Section 356 of the principal Act is hereby amended—

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

“(xxxvi) prescribing the standards of seaworthiness to be observed in respect of vessels to which the Safety

Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of 1959,

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artikel 59 van
Wet 40 van 1963
en artikel 6 van
van Wet 24 van
1974.

die Veiligheidskonvensie nie van toepassing is nie, voorskryf en aangaande die merk en inspeksie van sodanige vaartuie en die reddingstoestelle en noodhulputrusting waarvan sodanige vaartuie voorsien moet wees;";

(b) deur die volgende paragraaf na paragraaf (xxxvi) van subartikel (1) in te voeg:

„(xxxviA) (a) wat vereis dat bedoelde reddingstoestelle moet voldoen aan spesifikasies wat deur die Suid-Afrikaanse Buro vir Standaarde vermeld in die Wet op Standaarde, 1962 (Wet No. 33 van 1962), bepaal word; en

(b) wat die omstandighede bepaal waarin bedoelde reddingstoestelle by die toepassing van hierdie Wet geag sal word aan bedoelde spesifikasies te voldoen;"; en

(c) deur paragrawe (xxxix), (x1) en (x1i) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:

„(xxxix) wat die klas of klasse skepe voorskryf waarop voorrade skeurbuikwerende middels, medisyne en toerusting vir die behandeling en voorkoming van siektes en ongelukke wat op see verwag kan word en noodhulptoerusting moet wees;

(x1) wat die skale voorskryf waarvolgens voorrade skeurbuikwerende middels, medisyne en toerusting vir die behandeling en voorkoming van siektes en ongelukke wat op see verwag kan word en noodhulptoerusting op 'n skip van 'n voorgeskrewe klas moet wees;

(x1i) wat die noodhulptoerusting voorskryf wat op 'n skip van 'n voorgeskrewe klas moet wees;".

Kort titel.

12. Hierdie Wet heet die Wysigingswet op Handelskeepvaart, 1976.

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Convention does not apply, and regarding the marking and inspection of such vessels and the life-saving appliances and first-aid apparatus with which such vessels shall be equipped;”;

section 59 of Act 40 of 1963 and section 6 of Act 24 of 1974.

- (b) by the insertion after paragraph (xxxvi) of subsection (1) of the following paragraph:

“(xxxviA) (a) requiring such life-saving appliances to comply with specifications determined by the South African Bureau of Standards mentioned in the Standards Act, 1962 (Act No. 33 of 1962); and

(b) determining the circumstances under which such life-saving appliances shall for the purposes of this Act be deemed to comply with such specifications; and

- (c) by the substitution for paragraphs (xxxix), (xl) and (xli) of subsection (1) of the following paragraphs, respectively:

“(xxxix) prescribing the class or classes of ships on which supplies of antiscorbutics, medicines and appliances for the treatment and prevention of diseases and accidents likely to occur at sea and of first-aid equipment are to be carried;

(xl) prescribing scales according to which supplies of antiscorbutics, medicines and appliances for the treatment and prevention of diseases and accidents likely to occur at sea and of first-aid equipment are to be carried on board a ship of a prescribed class;

(xli) prescribing the first-aid equipment to be carried on board a ship of a prescribed class;”.

12. This Act shall be called the Merchant Shipping Amendment Act, 1976. Short title.

