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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 982.

9 June 1976.

No. 982.

9 Junie 1976.

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

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

No. 77 of 1976: Saldanha Bay Harbour Construction Amendment Act, 1976.

No. 77 van 1976: Saldanhabaai-hawe-aanlegwysigingswet, 1976.

WET

Tot wysiging van die Saldanhabaai-hawe-aanlegwet, 1973, betreffende woordskrywings; om voorsiening te maak dat 'n gedeelte van die Saldanhabaai-hawe aan die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk toegewys kan word; en dat 'n gedeelte van die koste wat deur bedoelde Korporasie aangegaan word ten opsigte van die bou, toerusting, beheer, bestuur, besit en instandhouding van bedoelde gedeelte van die hawe, in sekere omstandighede deur die Staat of sekere ander persone gefinansier word; tot wysiging van genoemde Wet betreffende die bevoegdhede van bedoelde Korporasie ten opsigte van bedoelde gedeelte van die hawe; en die bevoegdhede van die Minister van Ekonomiese Sake om regulasies uit te vaardig; om terugwerkende krag aan Proklamasie R. 189 van 1975 te verleen; en om voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 1 Junie 1976.)

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

Vervanging van
artikel 1 van
Wet 29 van 1973.

1. Artikel 1 van die Saldanhabaai-hawe-aanlegwet, 1973 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Woordskrywings. 1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

„Administrasie' die gesag wat ingevolge die Spoorwegaadwet, 1962 (Wet No. 73 van 1962), die spoorweë en hawens van die Republiek administreer en eksploiteer;

„filiaalmaatskappy' 'n maatskappy, bedoel in artikel 1 van die Maatskappywet, 1973 (Wet No. 61 van 1973), waarvan die Korporasie 'n lid is;

„hawe' daardie gedeelte van die hawe, beoog in artikel 2 (1) (a), wat ingevolge artikel 2 (1) (b) aan die Korporasie toegewys is;

„Korporasie' die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk wat ingevolge die bepalings van artikel 1 van die Yster- en Staalnywerheid Wet, 1928 (Wet No. 11 van 1928), gestig is;

„Minister' die Minister van Ekonomiese Sake;

„persoon in beheer van die hawe' iemand wat deur die Minister vir dié doel aangewys is.”.

Vervanging van
artikel 2 van
Wet 29 van 1973.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

„Saldanhabaai-hawe.

2. (1) Die Staatspresident kan—

(a) by proklamasie die geheel of 'n omskrewe gedeelte van die baai bekend as Saldanhabaai, hetsy bo of onder die hoogwatermerk, tot 'n

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ACT

To amend the Saldanha Bay Harbour Construction Act, 1973, relating to definitions; to provide for the assignment of a part of the Saldanha Bay Harbour to the South African Iron and Steel Industrial Corporation, Limited; and that a part of the costs incurred by the said Corporation in respect of the construction, equipment, control, management, possession and maintenance of the said part of the harbour, in certain circumstances be financed by the State or certain other persons; to amend the said Act relating to the powers of the said Corporation in respect of the said part of the harbour; and the powers of the Minister of Economic Affairs to make regulations; to give retrospective effect to Proclamation R. 189 of 1975; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 1 June 1976.)

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

1. The following section is hereby substituted for section 1 of the Saldanha Bay Harbour Construction Act, 1973 (hereinafter referred to as the principal Act):

Substitution of
section 1 of
Act 29 of 1973.

“Definitions. 1. In this Act, unless the context otherwise indicates—

‘Administration’ means the authority which under the Railway Board Act, 1962 (Act No. 73 of 1962), administers and works the railways, ports and harbours of the Republic;

‘Corporation’ means the South African Iron and Steel Industrial Corporation, Limited, constituted under the provisions of section 1 of the Iron and Steel Industry Act, 1928 (Act No. 11 of 1928);

‘harbour’ means that part of the harbour, contemplated in section 2 (1) (a), which has been assigned under section 2 (1) (b) to the Corporation;

‘Minister’ means the Minister of Economic Affairs;

‘person in control of the harbour’ means any person designated by the Minister for the purpose;

‘subsidiary company’ means a company, referred to in section 1 of the Companies Act, 1973 (Act No. 61 of 1973), of which the Corporation is a member.”

2. The following section is hereby substituted for section 2 of the principal Act:

Substitution of
section 2 of
Act 29 of 1973.

“Saldanha Bay Harbour. 2. (1) The State President may—

(a) by proclamation declare the whole or any defined portion of the bay known as Saldanha Bay, whether above or below the high-water

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gebied verklaar waarin 'n hawe gebou kan word; en

- (b) in 'n proklamasie bedoel in paragraaf (a) of van tyd tot tyd in 'n later proklamasie, op die bedinge en voorwaardes wat hy bepaal, die bou, toerusting, beheer, bestuur, besit en instandhouding van 'n gedeelte van bedoelde hawe aan die Korporasie toewys:

Met dien verstande dat—

- (i) die herroeping, wysiging of intrekking, na gelang van die geval, van paragraaf (a) of 'n proklamasie wat kragtens paragraaf (a) uitgevaardig is; of
- (ii) die verkryging deur die Administrasie van die geheel of 'n gedeelte van die baai bekend as Saldanhabaai, hetsy bo of onder die hoogwatermerk,

nie afbreuk doen aan 'n toewysing wat kragtens paragraaf (b) gedoen is of aan die bevoegdheid om 'n toewysing kragtens paragraaf (b) te doen nie.

(2) 'n Toewysing ingevolge subartikel (1) behels die bevoegdheid om vaargeuls, draaikomme met bybehorende beboeiing, kaaie, dokke, hawekomme, hawe hoofde, piere, navigasiehulpmiddels, golfbrekers, terreine, spoorlyne, sylyne, geboue en ander geriewe of toebehore of bykomende werke wat vir die behoorlike werking van die hawe nodig is of daarmee in verband staan, te bou, toe te rus, te beheer, te bestuur, te besit en in stand te hou.”.

Vervanging van artikel 3 van Wet 29 van 1973.

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Koste van bou, toerusting, beheer, bestuur, besit en instandhouding van hawe.

3. Die koste van die bou, toerusting, beheer, bestuur, besit en instandhouding van die hawe word deur die Korporasie gefinansier: Met dien verstande dat indien enigiets wat aldus deur die Korporasie gefinansier is, tot die gemeenskaplike voordeel van die Korporasie en die Staat of 'n ander persoon strek, die Staat en daardie ander persoon verplig is om, ooreenkomstig die verhouding wat deur die Minister bepaal word, by te dra tot die koste wat aldus deur die Korporasie gefinansier is.”.

Wysiging van artikel 4 van Wet 29 van 1973.

4. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Die Korporasie het by die toepassing van hierdie Wet die bevoegdheid—”;

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

„(a) om die hawe te bou, toe te rus, te beheer, te bestuur, te besit en in stand te hou;”;

- (c) deur paragrawe (d) en (e) van subartikel (1) deur die volgende paragrawe te vervang:

„(d) om beheer, bestuur en toesig te voer oor die hawe, dokke of ander soortgelyke werke onder die beheer van die Korporasie, oor die persone wat daarin of daarop werk of hul andersins daarmee besig hou, asook oor die goedere en persone wat daar aankom of daarvandaan vertrek en, indien dit nodig geag word, om beperkings te stel op die reg om goedere binne die hawe aan wal te bring, in pakhuse te bêre, af te lewer of te verskeep;

- (e) om of self of deur sy behoorlik daartoe aangewese agente, goedere binne die hawe te stu, aan wal te bring of te verskeep, en sodanige goedere in pakhuse te bêre, af te lewer en af te haal, en om persone aan wal of aan boord te bring;”;

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mark, as an area in which a harbour may be constructed; and

- (b) in a proclamation referred to in paragraph (a) or from time to time in any later proclamation assign, on such terms and conditions as he may determine, the construction, equipment, control, management, possession and maintenance of any part of such harbour to the Corporation:

Provided that—

- (i) the repeal, amendment or withdrawal, as the case may be, of paragraph (a) or any proclamation made under paragraph (a); or

- (ii) the acquisition by the Administration of the whole or any portion of the bay known as Saldanha Bay, whether above or below the high-water mark,

shall not derogate from any assignment made under paragraph (b) or from the power to make any assignment under paragraph (b).

(2) An assignment under subsection (1) shall include the power to construct, equip, control, manage, possess and maintain navigational channels, turning basins with accompanying buoying, wharves, docks, basins, jetties, piers, navigational aids, breakwaters, yards, railway lines, sidings, buildings and other facilities or appurtenances or additional works necessary for or incidental to the proper working of the harbour.”.

3. The following section is hereby substituted for section 3 of the principal Act: Substitution of section 3 of Act 29 of 1973.

“Costs of construction, equipment, control, management, possession and maintenance of harbour.

3. The costs of the construction, equipment, control, management, possession and maintenance of the harbour shall be financed by the Corporation: Provided that if anything financed by the Corporation as aforesaid, is for the common benefit of the Corporation and the State or any other person, the State and such other person shall be obliged to contribute, in accordance with a ratio determined by the Minister, to the costs financed by the Corporation as aforesaid.”.

4. Section 4 of the principal Act is hereby amended—

Amendment of section 4 of Act 29 of 1973.

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

“The Corporation shall for the purposes of this Act have the power—”;

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

“(a) to construct, equip, control, manage, possess and maintain the harbour;”;

- (c) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs:

“(d) to control, manage and superintend the harbour, docks or other similar works under the control of the Corporation, the persons working or otherwise engaged therein or thereon, the goods and persons arriving thereat or departing therefrom and, if deemed necessary, to limit the right to land, warehouse, deliver or ship any goods within the harbour;

- (e) to stevedore, land or ship goods within the harbour, and to warehouse, deliver and collect any such goods and to land or ship persons, either by itself or through its duly constituted agents;”;

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(d) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:

„(h) om vir die doeleindes van die hawe telegrafiese of telefoniese verbinding met of sonder drade aan te lê en in stand te hou;”;

(e) deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang:

„(j) om kaaigelde, tariewe en ander koste en betalings by die hawe te bepaal en van tyd tot tyd te wysig;”;

(f) deur subartikels (2) en (3) deur die volgende subartikels te vervang:

„(2) 'n Bestaande filiaalmaatskappy van die Korporasie of 'n maatskappy wat die Korporasie vir dié doel kan oprig, kan—

(a) die hawe bou, toerus, beheer, bestuur, besit en in stand hou; of

(b) die Korporasie met die bou, toerusting, beheer, bestuur, besit, instandhouding of enige ander aspek van die hawe behulpsaam wees; of

(c) ten behoeve van die Korporasie 'n bevoegdheid uitoefen wat by hierdie Wet aan die Korporasie verleen is.

(3) Die bevoegdhede by hierdie artikel verleen, word deur die Korporasie uitgeoefen slegs vir sy eie doeleindes of vir die doeleindes van 'n filiaalmaatskappy van die Korporasie of vir die hantering van enige ander verkeer waaroor met die Administrasie ooreengekom is.”.

„(4) Die Korporasie kan met die instemming van die Minister, en op die voorwaardes wat hy met sodanige instemming bepaal, 'n gedeelte van die hawe aan 'n filiaalmaatskappy van die Korporasie toewys, en daarop oefen daardie filiaalmaatskappy ten opsigte van daardie gedeelte dieselfde bevoegdhede uit wat die Korporasie voor sodanige toewysing ten opsigte daarvan kon uitgeoefen het.”.

Wysiging van
artikel 5 van
Wet 29 van 1973.

5. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) te skrap;

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

„(b) die behoorlike beheer en bestuur van die hawe, en die beveiliging teen skade van werke, boeie, baggermasjiene, skepe of ander daarmee verbonde sake;”;

(c) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

„(e) die reëling van die stuwassie, ontskeping, inskeping, aflewering, afhaal en opslag van goedere by die hawe, en die aangifte van die tonnemaat en waarde van ingevoerde of uitgevoerde goedere en die nodige tot staving daarvan dienende verklarings en opgawes;”;

(d) deur paragraaf (f) van subartikel (1) te skrap;

(e) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

„(g) die vasstelling van kaaigelde en ander haweregte en -koste, en die betaling en kwytskelding of wysiging betreffende die betaling daarvan;”;

(f) deur paragrawe (h), (i) en (j) van subartikel (1) te skrap;

(g) deur paragraaf (k) van subartikel (1) deur die volgende paragraaf te vervang:

„(k) die reëling van die gebruik van alle landingsplekke, laaikaai, oliesteiers, skeepslaaiers, skeepshellings, dokke, hystoestelle, krane, ligte, meertoue en trosse, steenkoollaai- of ander toestelle, en voor-

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

“(h) to construct and maintain, for the purposes of the harbour, telegraphic or telephonic communication with or without wires;”;

(e) by the substitution for paragraph (j) of subsection (1) of the following paragraph:

“(j) to fix and from time to time to alter wharf dues, rates and other dues and charges at the harbour;”;

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

“(2) An existing subsidiary company of the Corporation or a company which the Corporation may form for that purpose may—

(a) construct, equip, control, manage, possess and maintain the harbour; or

(b) assist the Corporation with the construction, equipment, control, management, possession, maintenance or any other aspect of the harbour; or

(c) exercise on behalf of the Corporation any power conferred on the Corporation by this Act.

(3) The powers conferred by this section shall be exercised by the Corporation for its own purposes or for the purposes of any subsidiary company of the Corporation or for the handling of any other traffic agreed upon with the Administration only.”.

“(4) The Corporation may with the concurrence of the Minister, and on such conditions as it may determine with such concurrence, assign any part of the harbour to a subsidiary company of the Corporation, and thereupon such subsidiary company shall exercise in respect of such part the same powers which the Corporation could have exercised in respect thereof before such assignment.”.

5. Section 5 of the principal Act is hereby amended—

Amendment of
section 5 of
Act 29 of 1973.

(a) by the deletion of paragraph (a) of subsection (1);

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

“(b) the proper control and management of the harbour, and the preservation from injury of any works, buoys, dredgers, ships or other property connected therewith;”;

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

“(e) the regulation of the stevedoring, landing, shipping, delivery, collection and warehousing of goods at the harbour, and the declaration of the tonnage and valuation of goods imported or exported and the necessary declarations and statements in support thereof;”;

(d) by the deletion of paragraph (f) of subsection (1);

(e) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) the fixing and determining of wharfage dues and other harbour dues and charges, and the payment and the exemption from or variation of the payment thereof;”;

(f) by the deletion of paragraphs (h), (i) and (j) of subsection (1);

(g) by the substitution for paragraph (k) of subsection (1) of the following paragraph:

“(k) the regulation of the use of all landing places, loading jetties, oil trestles, shiploaders, slips, docks, shears, cranes, lights, mooring ropes and warps, coaling or other appliances, and provision

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siening vir die reëling van die verkeer in dokke of op kaaie of hawehoofde binne die hawe;";

(h) deur paragraaf (p) van subartikel (1) deur die volgende paragraaf te vervang:

„(p) die voorkoming van skade of letsels aan 'n dok, kaai, hawehoof, landingsplek of ander werke en persele, of aan skepe, rollende materiaal of goed van watter aard ook al;";

(i) deur paragraaf (r) van subartikel (1) deur die volgende paragraaf te vervang:

„(r) die omskrywing, vir die doeleindes van hierdie Wet, van gevaarlike of hinderlike goedere en die voorwaardes waarop en die tye wanneer daardie klasse goedere vervoer, ontskep of verskep kan word, en die verbod op die vervoer, ontskeping of verskeping van daardie klasse goedere, en voorsiening vir, of vergunning tot, die verwydering of vernietiging daarvan;";

(j) deur paragraaf (u) tot en met (bb) van subartikel (1) te skrap;

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

„(2) Verskillende regulasies kan uitgevaardig word ten opsigte van verskillende gedeeltes van die hawe.”.

Vervanging van lang titel van Wet 29 van 1973.

6. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

„WET

Om voorsiening te maak vir die oprigting van 'n hawe te Saldanhabaai; vir die toewysing van die bou, toerusting, beheer, bestuur, besit en instandhouding van 'n gedeelte van bedoelde hawe aan die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk; en vir bykomstige aangeleenthede.”.

Datum van inwerkingtreding van Proklamasie R.189 van 1975.

7. Proklamasie R. 189 van 1975 word vir alle doeleindes geag op die datum van inwerkingtreding van die Hoofwet in werking te getree het.

Kort titel.

8. Hierdie Wet heet die Saldanhabaaihawe-aanlegwysigingswet, 1976.

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for the regulation of the traffic within any docks or along any wharves, jetties or quays within the harbour;”;

- (h) by the substitution for paragraph (p) of subsection (1) of the following paragraph:

“(p) the prevention of any damage or injury to any dock, wharf, jetty, landing-place or other works and premises, or to ships, rolling stock or any property whatsoever;”;

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

“(r) the definition, for the purposes of this Act, of dangerous or offensive goods and the conditions under which and the times when those classes of goods shall be transported, landed or shipped, and the prohibition of the transport, landing or shipping of those classes of goods, and provision for or sanctioning of the removal or destruction of the same;”;

- (j) by the deletion of paragraphs (u) up to and including (bb) of subsection (1);

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

“(2) Different regulations may be made in respect of different parts of the harbour.”.

6. The following long title is hereby substituted for the long title of the principal Act:

Substitution of long title of Act 29 of 1973.

“ACT

To provide for the establishment of a harbour at Saldanha Bay; for the assignment of the construction, equipment, control, management, possession and maintenance of any part of such harbour to the South African Iron and Steel Industrial Corporation, Limited; and for matters incidental thereto.”.

7. Proclamation R. 189 of 1975 shall for all purposes be deemed to have come into operation on the date of commencement of the principal Act.

Date of commencement of Proclamation R.189 of 1975.

8. This Act shall be called the Saldanha Bay Harbour Construction Amendment Act, 1976.

Short title.

SALDANHA BAY HARBOUR CONSTRUCTION AMENDMENT ACT, 1936

for the regulation of the traffic within any dock or along any wharves, jetties or quays within the harbour;

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

"(a) the prevention of any damage or injury to any block, wharf, jetty, landing-place or other works and premises, or to ships, rolling stock or any property whatsoever;

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

"(a) the definition, for the purposes of this Act, of dangerous or offensive goods and the conditions under which and the times when those classes of goods shall be transported, landed or shipped, and the prohibition of the transport, landing or shipping of those classes of goods, and provision for or sanctioning of the removal or destruction of the same;

(d) by the deletion of paragraph (b) up to and including paragraph (1);

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

"(2) Different regulations may be made in respect of different parts of the harbour."

6. The following words in the Act are hereby substituted for the long Subsection of this of the principal Act:

"Act"

To provide for the establishment of a harbour at Saldanha Bay, for the assignment of the construction, equipment, control, management, possession and maintenance of any part of such harbour to the South African Iron and Steel Industrial Corporation Limited; and for matters incidental thereto."

7. Proclamation K. 189 of 1935 shall for all purposes be deemed to have come into operation on the date of commencement of the principal Act.

8. This Act shall be called the Saldanha Bay Harbour Construction Amendment Act, 1936.