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**REPUBLIC OF SOUTH AFRICA**

# **GOVERNMENT GAZETTE**

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## **STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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**[No. 7061**

**OFFICE OF THE PRIME MINISTER**

**KANTOOR VAN DIE EERSTE MINISTER**

**No. 1149.**

**4 June 1980.**

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

**No. 73 of 1980: Dumping at Sea Control Act, 1980.**

**No. 1149.**

**4 Junie 1980.**

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

**No. 73 van 1980: Wet op Beheer van Storting ter See, 1980.**

# WET

## Om voorsiening te maak vir beheer oor die storting van stowwe in die see.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 27 Mei 1980.)

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

Woordomskrywing.

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet—
- (i) „gesagvoerder”, met betrekking tot enige vaartuig, enigiemand (behalwe ’n loods) in bevel van sodanige vaartuig; (ii) 5
  - (ii) „loods”, met betrekking tot ’n vliegtuig, enigiemand in bevel van sodanige vliegtuig; (v) 10
  - (iii) „Minister” die Minister van Nywerheidswese; (iv)
  - (iv) „regulasie” ’n regulasie kragtens artikel 8 uitgevaardig; (vi)
  - (v) „see” die territoriale waters van die Republiek soos omskryf in artikel 2 van die Wet op Territoriale Waters, 15 1963 (Wet No. 87 van 1963), en ook die see tussen die hoog- en laagwatermerk; (vii)
  - (vi) „Sekretaris” die Sekretaris van Nywerheidswese of iemand wat op sy gesag optree; (viii)
  - (vii) „stort”, met betrekking tot enige stof, opsetlik ter see 20 van ’n vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur deur verbranding of neersit in die see, wegdoen met, maar nie ook nie—
    - (a) ter see wegdoen met ’n stof wat bykomstig is by of afkomstig is van die gewone werking van ’n 25 vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur en die uitrusting daarvan, behalwe met ’n stof wegdoen van enige vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur wat bedien word met die doel 30 om met sodanige stof ter see weg te doen;
    - (b) ter see enige stof wettiglik neersit met ’n ander doel as bloot die wegdoen daarmee;
  - en het „storting” ’n ooreenstemmende betekenis; (ii)
  - (viii) „vaartuig” enige tipe vaartuig wat oor die water vaar, 35 hetsy selfaangedrewe of nie; (ix)
  - (ix) „vliegtuig” enige tipe vliegtuig wat deur die lug gaan, hetsy selfaangedrewe of nie. (i)
- (2) Met betrekking tot enige aangeleentheid wat die Spoorweg- en Hawe-administrasie raak, tree die Minister slegs op ingevolge 40 hierdie Wet met die instemming van die Minister van Vervoerwese.

# ACT

To provide for the control of dumping of substances in the sea.

*(Afrikaans text signed by the State President.)  
(Assented to 27 May 1980.)*

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

1. (1) In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) "aircraft" means airborne craft of any type whatsoever, whether self-propelled or not; (ix)
- (ii) "dump", in relation to any substance, means to deliberately dispose of at sea from any vessel, aircraft, platform or other man-made structure, by incinerating or
- 10 depositing in the sea, but does not include to—
- (a) dispose at sea of any substance incidental to or derived from the normal operations of any vessel, aircraft, platform or other man-made structure and its equipment, other than dispose of any substance
- 15 from any vessel, aircraft, platform or other man-made structure operated for the purpose of disposing of such substance at sea;
- (b) lawfully deposit at sea any substance for a purpose other than the mere disposal thereof;
- 20 and "dumping" has a corresponding meaning; (vii)
- (iii) "master", in relation to any vessel, means any person (other than a pilot) having charge of such vessel; (i)
- (iv) "Minister" means the Minister of Industries; (iii)
- (v) "pilot", in relation to any aircraft, means any person
- 25 having charge of such aircraft; (ii)
- (vi) "regulation" means a regulation made under section 8; (iv)
- (vii) "sea" means the territorial waters of the Republic as defined in section 2 of the Territorial Waters Act, 1963 (Act No. 87 of 1963), and includes the sea between the
- 30 high- and low-water marks; (v)
- (viii) "Secretary" means the Secretary for Industries or any person acting under his authority; (vi)
- (ix) "vessel" means waterborne craft of any type whatsoever, whether self-propelled or not. (viii)
- 35 (2) In relation to any matter affecting the Railways and Harbours Administration, the Minister shall only act in terms of this Act with the concurrence of the Minister of Transport Affairs.

## Wet No. 73, 1980

## WET OP BEHEER VAN STORTING TER SEE, 1980

Verbod of  
beperking op oplaai  
en storting.

## 2. (1) Iemand wat—

- (a) 'n stof in Bylae 1 vermeld, stort;
- (b) (i) 'n stof in Bylae 2 vermeld, stort;
- (ii) so 'n stof op 'n vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur ter see laai om gestort te word; of
- (iii) met 'n vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur ter see opsetlik wegdoen,
- behalwe op gesag van en in ooreenstemming met die 10
- bepalings van 'n spesiale permit kragtens artikel 3; of
- (c) (i) enige ander stof stort; of
- (ii) so 'n stof op 'n vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur ter see laai om gestort te word,

behalwe op gesag van en in ooreenstemming met die 15  
bepalings van 'n algemene permit kragtens artikel 3,  
is aan 'n misdryf skuldig, tensy die betrokke stof gestort is om menselewe te red of die veiligheid van die betrokke of 'n ander vaartuig, vliegtuig, platform of ander deur die mens gemaakte 20  
struktuur ter see te verseker of om skade aan die betrokke of 'n ander vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur ter see te voorkom, en daardie storting vir dié doel noodsaaklik was of onder die omstandighede 'n redelike stap 25  
was om te doen.

(2) Die bewyslas om 'n uitsondering, vrystelling of kwalifikasie te bewys wat in subartikel (1) beoog word, rus op die beskuldigde.

(3) Indien 'n persoon wat 'n misdryf in subartikel (1) bedoel, pleeg, nie die gesagvoerder of eienaar van die betrokke vaartuig, of die loods of eienaar van die betrokke vliegtuig, of persoon in 30  
beheer of die eienaar van die betrokke platform of ander deur die mens gemaakte struktuur is nie, is die gesagvoerder van dié vaartuig of loods van dié vliegtuig of persoon aldus in beheer en, indien hy nie die eienaar van dié vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur is nie, ook die eienaar 35  
daarvan, benewens die persoon wat genoemde misdryf gepleeg het, aan 'n misdryf skuldig, tensy sodanige gesagvoerder of loods of persoon aldus in beheer, en sodanige eienaar, waar hy nie dié gesagvoerder of loods of persoon aldus in beheer is nie, bewys dat hy nie sodanige eersgenoemde misdryf veroorloof of oogluikend 40  
toegelaat het nie en dat hy alle redelike maatreëls, benewens 'n verbod daarop, getref het om die pleeg van so 'n misdryf te voorkom.

(4) Die bepalinge van subartikel (3) onthef nie die persoon wat 'n misdryf in subartikel (1) bedoel, pleeg van aanspreeklikheid om 45  
ten opsigte van sodanige misdryf skuldig bevind en gevonnissen te word nie.

(5) Waar storting plaasgevind het na aanleiding van 'n uitsondering, vrystelling of kwalifikasie in subartikel (1) beoog, moet die gesagvoerder van die betrokke vaartuig of die loods van 50  
die betrokke vliegtuig of die persoon in beheer van die betrokke platform of ander deur die mens gemaakte struktuur van sodanige storting onmiddellik op die wyse by regulasie voorgeskryf, aan die Sekretaris verslag doen en daaromtrent die inligting wat by regulasie voorgeskryf is, verstrek. 55

(6) Die bepalinge van subartikels (1) tot (5) is, ten opsigte van enige Suid-Afrikaanse vaartuig, vliegtuig of burger, *mutatis mutandis* ook in die oop see, met inbegrip van die visserysone soos omskryf in artikel 3 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), van toepassing. 60

(7) Indien iemand wat daarvan aangekla word dat hy 'n misdryf kragtens subartikel (1), soos by subartikel (6) toegepas, gepleeg het, binne die regsgebied van 'n hof in die Republiek gevind word wat jurisdiksie sou gehad het om die misdryf te verhoor indien dit binne genoemde gebied gepleeg was, het die hof jurisdiksie om 65  
die misdryf te verhoor.

(8) By die toepassing van hierdie artikel beteken—

„Suid-Afrikaanse vaartuig” 'n vaartuig wat in die Republiek ingevolge die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), geregistreer is of wat geag word aldus geregistreer te wees;

„Suid-Afrikaanse vliegtuig” 'n vliegtuig wat in die Republiek geregistreer is.

## DUMPING AT SEA CONTROL ACT, 1980

Act No. 73, 1980

2. (1) Any person who—
- (a) dumps any substance mentioned in Schedule 1;
- (b) (i) dumps any substance mentioned in Schedule 2;
- 5 (ii) loads any such substance onto any vessel, aircraft, platform or other man-made structure at sea for dumping; or
- (iii) deliberately disposes at sea of any vessel, aircraft, platform or other man-made structure,
- 10 except under the authority of and in accordance with the provisions of a special permit under section 3; or
- (c) (i) dumps any other substance; or
- (ii) loads any such substance on to any vessel, aircraft, platform or other man-made structure at sea for dumping,
- 15 except under the authority of and in accordance with the provisions of a general permit under section 3,
- shall be guilty of an offence, unless the substance in question was dumped for the purpose of saving human life or of securing the safety of the vessel, aircraft, platform or other man-made structure
- 20 at sea in question or any other vessel, aircraft, platform or other man-made structure at sea or of preventing damage to the vessel, aircraft, platform or other man-made structure at sea in question or to any other vessel, aircraft, platform or other man-made structure at sea, and such dumping was necessary for such purpose or was a
- 25 reasonable step to take in the circumstances.
- (2) The onus of proving any exception, exemption or qualification contemplated in subsection (1) shall be upon the accused.
- (3) If any person who commits an offence referred to in subsection (1) is not the master or owner of the vessel, or the pilot
- 30 or owner of the aircraft, in question, or person in charge of or the owner of the platform or other man-made structure in question, the master of such vessel or pilot of such aircraft or person so in charge and, if he is not the owner of such vessel, aircraft, platform or other man-made structure, also the owner thereof, shall in
- 35 addition to the person who committed the said offence, be guilty of an offence, unless such master or pilot or person so in charge, and such owner, where he is not such master or pilot or person so in charge, proves that he did not permit or connive at such first-mentioned offence and that he took all reasonable measures,
- 40 in addition to forbidding it, to prevent such offence being committed.
- (4) The provisions of subsection (3) shall not relieve the person committing an offence referred to in subsection (1) of liability to be convicted and sentenced in respect of such offence.
- 45 (5) Where dumping has taken place in pursuance of any exception, exemption or qualification contemplated in subsection (1), the master of the vessel or the pilot of the aircraft or the person in charge of the platform or other man-made structure in question shall forthwith report such dumping to the Secretary in
- 50 such manner and furnish such information in regard thereto as may be prescribed by regulation.
- (6) The provisions of subsections (1) to (5) shall, in respect of any South African vessel, aircraft or citizen, apply *mutatis mutandis* also on the high seas, including the fishing zone as
- 55 defined in section 3 of the Territorial Waters Act, 1963 (Act No. 87 of 1963).
- (7) If any person charged with having committed an offence under subsection (1), as applied by subsection (6), is found within the area of jurisdiction of any court in the Republic which would
- 60 have had jurisdiction to try the offence if it had been committed within the said area, the court shall have jurisdiction to try the offence.
- (8) For the purposes of this section—
- “South African aircraft” means any aircraft registered in the
- 65 Republic;
- “South African vessel” means any vessel registered in the Republic in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), or deemed to be so registered.
- Loading and dumping prohibited or restricted.

## Wet No. 73, 1980

## WET OP BEHEER VAN STORTING TER SEE, 1980

Permitte.

3. (1) Na oorlegpleging met 'n Staande Komitee bestaande uit persone aangewys deur die Minister vir die doeleindes van hierdie artikel, kan die Sekretaris op aansoek en na inagneming van die faktore in Bylae 3 uiteengesit—

- (a) 'n spesiale permit verleen ter magtiging van— 5
  - (i) die storting, op die voorwaardes wat die Sekretaris na goeddunke ten opsigte van so 'n permit stel, van 'n stof in Bylae 2 vermeld;
  - (ii) die wegdoen ter see, op die voorwaardes wat die Sekretaris na goeddunke ten opsigte van so 'n 10 permit stel, met 'n vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur;
- (b) 'n algemene permit verleen ter magtiging van die storting, op die voorwaardes wat die Sekretaris na goeddunke ten opsigte van so 'n permit stel, van 'n 15 ander stof as dié in Bylae 1 of 2 vermeld.

(2) 'n Aansoek om so 'n permit moet op die wyse by regulasie voorgeskryf, gedoen word en moet die inligting bevat wat by regulasie voorgeskryf word.

(3) Indien iemand aan wie so 'n permit verleen is, skuldig 20 bevind word aan 'n misdryf in artikel 2 bedoel, kan die Sekretaris die permit rokeer of dit wysig deur die storting of wegdoen daardeur gemagtig, te beperk.

Verslag aan Minister.

4. Binne 30 dae na die einde van elke kalenderjaar moet die Sekretaris, vir sover hy daartoe in staat is, aan die Minister 25 omtrent dié jaar 'n verslag verstrek aangaande—

- (a) die getal permitte kragtens artikel 3 verleen;
- (b) die aard en hoeveelhede van alle stowwe of artikels—
  - (i) by dié permitte gemagtig om gestort of mee weggedoen te word; 30
  - (ii) van die storting waarvan ingevolge artikel 2 (5) verslag gedoen is;
  - (iii) wat of waarmee ter oortreding van die bepalings van artikel 2 gestort of weggedoen is, en die plek, tyd en wyse van die betrokke storting of 35 wegdoening.

Bevoegdhede om ondersoek in te stel.

5. (1) Die bekleër van 'n amp wat die Minister by kennisgewing in die *Staatskoerant* aanwys en enige polisie-beampte soos in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977), omskryf, kan— 40

- (a) enige plek, perseel, vaartuig of vliegtuig waarop of waarin hy vermoed enige stof wat bewys van 'n oortreding van hierdie Wet kan lewer, gehou of opgelaa word, betree of aan boord daarvan gaan, so 'n stof wat gevind word op of in so 'n plek, perseel, vaartuig of 45 vliegtuig wat aldus betree of aan boord waarvan daar gegaan is, ondersoek en enige artikel waarin hy vermoed so 'n stof is, oopmaak of laat oopmaak;
- (b) alle boeke en stukke op of in so 'n plek, perseel, vaartuig of vliegtuig wat hy rede het om te dink dat dit 50 betrekking het op sodanige stof, nagaan, afskrifte van of uittreksels uit sodanige boeke en stukke maak en van die eienaar van so 'n boek of stuk of van die persoon wat dit in sy bewaring het 'n verduideliking van 'n aantekening of inskrywing daarin eis; 55
- (c) indien daar 'n redelike vermoede bestaan dat 'n misdryf kragtens hierdie Wet of 'n poging tot die pleeg van so 'n misdryf, uit of ten opsigte van 'n vaartuig of vliegtuig gepleeg of gedoen is of gepleeg of gedoen staan te word, die gesagvoerder of loods of eienaar van die 60 vaartuig of vliegtuig aansê om die vaartuig of vliegtuig te verwyder of te bestuur of te laat verwyder of bestuur na 'n hawe of vliegveld wat aangewys is of, behoudens die voorwaardes wat by regulasie voorgeskryf word, die vaartuig of vliegtuig aanhou in afwagting van 'n 65 ondersoek vir die doeleindes van hierdie Wet.

(2) Die bekleër van 'n amp kragtens subartikel (1) aangewys wat kragtens daardie subartikel optree, moet op versoek van iemand wat daardeur geraak word, die bewys van sy identiteit by regulasie voorgeskryf, toon.

## DUMPING AT SEA CONTROL ACT, 1980

Act No. 73, 1980

3. (1) After consultation with a Standing Committee consisting of persons appointed by the Minister for purposes of this section, the Secretary may on application and after taking into account the factors set out in Schedule 3, grant—
- 5 (a) a special permit authorizing—
- (i) the dumping, on such conditions as the Secretary may think fit to attach to such permit, of any substance mentioned in Schedule 2;
- 10 (ii) the disposal at sea, on such conditions as the Secretary may think fit to attach to such permit, of any vessel, aircraft, platform or other man-made structure;
- (b) a general permit authorizing the dumping, on such conditions as the Secretary may think fit to attach to such permit, of any substance other than that mentioned in Schedule 1 or 2.
- 15 (2) An application for any such permit shall be made in such manner and contain such information as may be prescribed by regulation.
- 20 (3) If any person to whom any such permit has been granted is convicted of an offence referred to in section 2, the Secretary may cancel such permit or amend it by restricting the dumping or disposal authorized by it.
4. Within 30 days after the end of each calendar year the Secretary shall, as far as he is able to do so, furnish the Minister with a report regarding such year as to—
- 25 Report to Minister.
- (a) the number of permits granted under section 3;
- (b) the nature and quantities of all substances or articles—
- 30 (i) authorized by such permits to be dumped or disposed of at sea;
- (ii) the dumping of which was reported in terms of section 2 (5);
- (iii) dumped or disposed of at sea in contravention of the provisions of section 2,
- 35 and the location, time and method of the dumping or disposal in question.
5. (1) The holder of any office designated by the Minister by notice in the *Gazette* and any police official as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), may—
- 40 Powers of inspection.
- (a) enter upon or board any place, premises, vessel or aircraft on or in which he suspects any substance which may afford evidence of a contravention of this Act is kept or loaded, inspect any such substance found on or in such place, premises, vessel or aircraft so entered upon or boarded and open or cause to be opened any article in which he suspects any such substance to be;
- 45 (b) examine all books and documents on or in any such place, premises, vessel or aircraft which he has reason to believe relate to such substance, make copies of or extracts from such books and documents and demand from the owner or custodian of any such book or document an explanation of any record or entry therein;
- 50 (c) if reasonable suspicion exists that an offence under this Act has been committed or attempted or is about to be committed or attempted from or in respect of any vessel or aircraft, require the master or pilot or owner of such vessel or aircraft to move or fly or cause to be moved or flown the vessel or aircraft to any specified harbour or airfield, or, subject to such conditions as may be prescribed by regulation, detain such vessel or aircraft, pending any investigation for the purposes of this Act.
- 55 (2) The holder of any office designated under subsection (1) who acts under that subsection, shall at the request of any person affected thereby, produce such proof of his identity as may be prescribed by regulation.
- 60
- 65

## Wet No. 73, 1980

## WET OP BEHEER VAN STORTING TER SEE, 1980

(3) Geen doeanebeampte wat gemagtig is om uitklaring aan 'n vaartuig of vliegtuig te verleen, mag uitklaring verleen aan 'n vaartuig of vliegtuig solank dit ingevolge hierdie artikel aangehou word nie.

(4) Iemand wat—

- (a) 'n persoon of polisiebeampte in subartikel (1) bedoel, hinder, dwarsboom of aanrand; of
- (b) opsetlik versuim om te voldoen aan 'n wettige vereiste deur sodanige persoon of beampte by die verrigting van sy pligte of die uitoefening van sy bevoegdhede gestel, is aan 'n misdryf skuldig.

Strawwe.

6. (1) Iemand is strafbaar by skuldigbevinding aan—

- (a) 'n misdryf kragtens artikel 2 (1) (a), met 'n boete van hoogstens R250 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sodanige boete sowel as sodanige gevangenisstraf en daarenewens, indien die misdryf gepleeg is oor 'n tydperk van langer as een dag, met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande ten opsigte van elke dag waartydens die misdryf voortgeduur het;
  - (b) 'n misdryf kragtens artikel 2 (1) (b), met 'n boete van hoogstens R100 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangenisstraf en daarenewens, indien die misdryf gepleeg is oor 'n tydperk van langer as een dag, met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee maande ten opsigte van elke dag waartydens die misdryf voortgeduur het;
  - (c) 'n misdryf kragtens artikel 2 (1) (c) of (5) of 5 (4), met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf en daarenewens, in die geval van 'n misdryf kragtens artikel 2 (1) (c), indien die misdryf gepleeg is oor 'n tydperk van langer as een dag, met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens 18 dae ten opsigte van elke dag waartydens die misdryf voortgeduur het.
- (2) 'n Gesagvoerder, loods, eienaar of persoon in beheer in artikel 2 (3) vermeld, is by skuldigbevinding aan die misdryf kragtens daardie artikel strafbaar, waar die skuldigbevinding geskied na aanleiding van 'n misdryf deur iemand anders—
- (a) kragtens artikel 2 (1) (a), met die strawwe by subartikel (1) (a) van hierdie artikel voorgeskryf;
  - (b) kragtens artikel 2 (1) (b), met die strawwe by subartikel (1) (b) van hierdie artikel voorgeskryf;
  - (c) kragtens artikel 2 (1) (c), met die strawwe by subartikel (1) (c) van hierdie artikel voorgeskryf in die geval van 'n misdryf kragtens artikel 2 (1) (c).

Jurisdiksie en bewyslewing.

7. (1) Indien iemand daarvan aangekla word dat hy 'n misdryf kragtens hierdie Wet op of in die see gepleeg het, kan 'n hof waarvan die regsgebied aan die see grens of 'n deel daarvan insluit, die aanklag verhoor, en word die misdryf, vir alle doeleindes wat in verband staan met of voortspruit uit die verhoor van die aanklag, geag in die regsgebied van die hof wat dit aldus verhoor, gepleeg te gewees het.

(2) By 'n vervolging weens 'n oortreding van hierdie Wet—

- (a) gegrond op 'n handeling na bewering binne 'n bepaalde gebied verrig, word die betrokke handeling geag binne daardie gebied verrig te wees;
- (b) word die gegewens verkry deur middel van 'n instrument of kaart wat gebruik is om enige afstand of diepte te bepaal, geag juis te wees,

tensy die teendeel bewys word.

Regulasies.

8. (1) Die Minister kan regulasies uitvaardig—

- (a) wat die vorm van aansoeke om permitte en ander stukke wat nodig mag wees vir die uitvoering van die bepalings van hierdie Wet voorskryf;

## DUMPING AT SEA CONTROL ACT, 1980

Act No. 73, 1980

(3) No customs officer authorized to grant clearance to any vessel or aircraft shall grant clearance to any vessel or aircraft while detained in terms of this section.

(4) Any person who—

- 5 (a) hinders, obstructs or assaults a person or police official referred to in subsection (1); or  
 (b) wilfully fails to comply with any lawful demand made by such person or official in the performance of his duties or the exercise of his powers,  
 10 shall be guilty of an offence.

6. (1) Any person shall be liable on conviction of—

Penalties.

- 15 (a) any offence under section 2 (1) (a), to a fine not exceeding R250 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment and in addition, if the offence was committed over a period of more than one day, to a fine not exceeding R5 000 or to imprisonment for a period not exceeding six months in respect of every day during which the offence continued;  
 20 (b) any offence under section 2 (1) (b), to a fine not exceeding R100 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment and in addition, if the offence was committed over a period of more than one day, to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two months in respect of every day during which the offence continued;  
 25 (c) any offence under section 2 (1) (c) or (5) or 5 (4), to a fine not exceeding R5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment and in addition, in the case of an offence under section 2 (1) (c), if the offence was committed over a period of more than one day, to a fine not exceeding R500 or to imprisonment for a period not exceeding 18 days in respect of every day during which the offence continued.

(2) Any master, pilot, owner or person in charge mentioned in section 2 (3) shall be liable on conviction of the offence under that section, where such conviction is in pursuance of an offence by  
 40 any other person—

- (a) under section 2 (1) (a), to the penalties prescribed by subsection (1) (a) of this section;  
 (b) under section 2 (1) (b), to the penalties prescribed by subsection (1) (b) of this section;  
 45 (c) under section 2 (1) (c), to the penalties prescribed by subsection (1) (c) of this section in the case of an offence under section 2 (1) (c).

7. (1) If any person is charged with having committed any offence under this Act on or in the sea, any court whose area of  
 50 jurisdiction abuts on or includes any part of the sea may try the charge, and the offence shall, for all purposes incidental to or consequential upon the trying of the charge, be deemed to have been committed within the area of jurisdiction of the court so hearing it.

55 (2) In any prosecution for a contravention of this Act—

- (a) based on any act alleged to have been performed in a particular area, the act in question shall be deemed to have been performed in such area;  
 (b) any information obtained by means of any instrument or chart used to determine any distance or depth, shall be deemed to be correct,  
 60 unless the contrary is proved.

8. (1) The Minister may make regulations—

Regulations.

- (a) prescribing the form of applications for permits and other documents which may be necessary for the carrying out of the provisions of this Act;

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- (b) wat die vorm van daardie permitte en stukke, die tydperk waarvoor hulle geldig is en, na raadpleging met die Minister van Finansies, die gelde of ander voorderings wat in verband daarmee en met genoemde aansoeke betaalbaar is, voorskryf; 5
- (c) wat die wyse voorskryf waarop met water of 'n ander stof wat vir die skoonmaak van 'n vaartuig of vliegtuig gebruik is, weggedoen kan word;
- (d) wat die seine voorskryf wat met betrekking tot storting kragtens 'n spesiale of algemene permit kragtens artikel 10 3 (1) (a) (i) of (b) verleen, gebruik of vertoon moet word;
- (e) aangaande aangeleenthede wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word,

en, in die algemeen, aangaande alle aangeleenthede wat hy dit 15 nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik.

(2) 'n Regulasie kan strawwe wat 'n boete van R5 000 of gevangenisstraf vir 'n tydperk van ses maande nie oorskry nie, voorskryf vir 'n oortreding van of versuim om te voldoen aan 20 die bepalings daarvan.

Wysiging van  
Bylaes.

9. Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* enige Bylae by hierdie Wet wysig deur enige opneming daarin of skraping daaruit.

Werkings van Wet  
met betrekking  
tot ander wette.

10. Die bepalings van hierdie Wet geld benewens enige ander 25 wet wat nie met hierdie Wet strydig of onbestaanbaar is nie, en dien nie ter vervanging daarvan nie.

Toepassing van  
Wet.

11. Hierdie Wet en 'n wysiging daarvan is ook van toepassing ten opsigte van die Prince Edward-eilande soos beskryf in artikel 1 van die Wet op die Prince Edward-eilande, 1948 (Wet No. 43 30 van 1948).

Kort titel en  
inwerkingtreding.

12. Hierdie Wet heet die Wet op Beheer van Storting ter See, 1980, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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- (b) prescribing the form of such permits and documents, the periods for which they shall be valid and, after consultation with the Minister of Finance, the fees or other charges which shall be paid in connection therewith and with the said applications;
- 5 (c) prescribing the manner in which water or any other substance used for the cleaning of any vessel or aircraft may be disposed of;
- (d) prescribing the signals to be used or displayed with regard to any dumping under a special or general permit granted under section 3 (1) (a) (i) or (b);
- 10 (e) as to any matters which in terms of this Act are required or permitted to be prescribed by regulation, and, in general, as to all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.
- 15 (2) A regulation may prescribe penalties for any contravention of or failure to comply with its provisions, not exceeding a fine of R5 000 or imprisonment for a period of six months.
- 20 9. The Minister may from time to time by notice in the *Gazette* amend any Schedule to this Act by any inclusion therein or deletion therefrom. Amendment of Schedules.
10. The provisions of this Act shall be in addition to and not in substitution for any other law which is not in conflict with or inconsistent with this Act. Operation of Act in relation to other laws.
- 25 11. This Act and any amendment thereof shall apply also in respect of the Prince Edward Islands as described in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948). Application of Act.
- 30 12. This Act shall be called the Dumping at Sea Control Act, 1980, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.
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**Bylae 1**  
**(Artikel 2)****VERBODE STOWWE**

1. Organohaloeenverbindings.
2. Kwik en sy verbindings.
3. Kadmium en sy verbindings.
4. Nablywende plastiekstowwe en ander nablywende sintetiese stowwe.
5. Hoëpeil-radioaktiewe afval of ander hoëpeil-radioaktiewe materie met die instemming van die Minister van Mineraal- en Energiesake by regulasie voorgeskryf.
6. Stowwe in watter vorm ook al wat vir biologiese en skeikundige oorlogvoering geproduseer word.

**Bylae 2**  
**(Artikel 2)****BEPERKTE STOWWE**

1. Arseen en sy verbindings.
2. Lood en sy verbindings.
3. Koper en sy verbindings.
4. Sink en sy verbindings.
5. Organosilikonverbindings.
6. Sianides.
7. Fluorides.
8. Plaagbestrydingsmiddels en hul neweprodukte wat nie in Bylae 1 inbegrepe is nie.
9. Berillium en sy verbindings.
10. Chroom en sy verbindings.
11. Nikkel en sy verbindings.
12. Vanadium en sy verbindings.
13. Houers, afvalmetaal en stowwe of voorwerpe wat vanweë hul grootte visvangs of skeepvaart kan belemmer.
14. Radioaktiewe afval of ander radioaktiewe materie wat nie in Bylae 1 inbegrepe is nie.
15. Ammunisie.

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**Schedule 1**  
**(Section 2)**

## PROHIBITED SUBSTANCES

1. Organohalogen compounds.
2. Mercury and its compounds.
3. Cadmium and its compounds.
4. Persistent plastics and other persistent synthetic materials.
5. High-level radio-active waste or other high-level radio-active matter prescribed by regulation with the concurrence of the Minister of Mineral and Energy Affairs.
6. Substances in whatever form produced for biological and chemical warfare.

**Schedule 2**  
**(Section 2)**

## RESTRICTED SUBSTANCES

1. Arsenic and its compounds.
2. Lead and its compounds.
3. Copper and its compounds.
4. Zinc and its compounds.
5. Organosilicon compounds.
6. Cyanides.
7. Fluorides.
8. Pesticides and their by-products not included in Schedule 1.
9. Beryllium and its compounds.
10. Chromium and its compounds.
11. Nickel and its compounds.
12. Vanadium and its compounds.
13. Containers, scrap metal and any substances or articles that by reason of their bulk may interfere with fishing or navigation.
14. Radio-active waste or other radio-active matter not included in Schedule 1.
15. Ammunition.

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### Bylae 3 (Artikel 3)

#### FAKTORE WAT BY VERLENING VAN PERMITTE IN AG GENEEM MOET WORD

##### A. EIENSKAPPE EN SAMESTELLING VAN STOF

1. Totale hoeveelheid en deursnee-samestelling van stof wat gestort is (soos per jaar).
2. Uiterlike voorkoms—hetsy vaste stof, slyk, vloeistof of gasagtig.
3. Kenmerke, naamlik, fisies (soos oplosbaarheid en digtheid), skeikundig en biochemies (soos behoefte aan suurstof, voedingstowwe) en biologies (soos aanwesigheid van virusse, bakterieë, giste en parasiete).
4. Giftigheid.
5. Werkingsduur, naamlik, op fisiese, skeikundige en biologiese gebied.
6. Akkumulاسie en biotransformasie wat betref biologiese stowwe of neerslag.
7. Vatbaarheid vir fisiese, skeikundige en biochemiese veranderinge en wisselwerking in die wateromgewing met ander opgeloste organiese en anorganiese stowwe.
8. Waarskynlikheid van die voortbrenging van besmetting of ander veranderinge wat die verkoopbaarheid van hulpbronne soos vis en skulpvis verminder.

##### B. EIENSKAPPE VAN TERREIN WAAR GESTORT OF WEGGEDOEN WORD EN METODE VAN NEERSIT

1. Plek (soos koördinate van gebied waar gestort of weggedoen word, diepte en afstand van die kus) en plek met betrekking tot ander gebiede (soos ontspanningsgebiede, broeiplekke en kweekplekke vir vis en visvanggebiede en hulpbronne wat benut kan word).
2. Tempo van wegdoening in 'n bepaalde tydperk (soos hoeveelheid per dag, per week, per maand).
3. Metodes van verpakking en behouering, as daar is.
4. Aanvanklike verdunning behaal deur voorgename metode van vrylating.
5. Kenmerke van wegdoening (soos uitwerking van strome, getye en wind op horisontale vervoer en vertikale vermenging).
6. Watereienskappe (soos temperatuur, pH, soutgehalte, stratifikasie, suurstofindekse van besoedeling—opgeloste suurstof („DO”), skeikundige behoefte aan suurstof („COD”), biochemiese behoefte aan suurstof („BOD”), stikstof wat in organiese en mineraalvorm aanwesig is, met inbegrip van ammoniak, swewende stowwe, ander voedingstowwe en produktiwiteit).
7. Bodemeienskappe (soos topografie, geochemiese en geologiese eienskappe en biologiese produktiwiteit).
8. Bestaan en uitwerking van ander stortings of wegdoenings wat in die gebied waar gestort of weggedoen word, gedoen is (soos die agtergrondlesing vir swaar metaal en organiese koolstofinhoud).
9. Bestaan, as daar is, van toereikende wetenskaplike grondslag ter raming van die gevolge van die storting of wegdoen waarvoor permit verlang word, soos in hierdie Bylae geskets, met inagneming van seisoenskommelinge.

##### C. ALGEMENE OORWEGINGS

1. Moontlike uitwerking op geriewe (soos aanwesigheid van drywende of gestrande materiaal, troebelheid, slegte reuk, verkleuring en skuimvorming).
2. Moontlike uitwerking op seelewe, kweking van vis en skulpvis, visstapels en visserye, inoes en kweking van seewier.
3. Moontlike uitwerking op ander gebruike van die see (soos die verlaging van watergehalte vir nywerheidsgebruik, onderrse korrosie van strukture, belemmering van skeepsbedrywighede deur drywende stowwe, belemmering van visvangs of skeepvaart deur die neersit van afval of vaste voorwerpe op die seabodem en beskerming van gebiede van besondere belang vir natuurwetenskaplike of bewaringsdoeleindes).
4. Die beskikbaarheid in die praktyk van alternatiewe metodes op land van behandeling, wegdoening of uitskakeling, of van behandeling om die stof minder skadelik vir storting of wegdoening ter see te maak.

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**Schedule 3**  
(Section 3)

## FACTORS TO BE TAKEN INTO ACCOUNT IN GRANTING PERMITS

## A. CHARACTERISTICS AND COMPOSITION OF SUBSTANCE

1. Total amount and average composition of substance dumped (such as per year).
2. Form—whether solid, sludge, liquid or gaseous.
3. Properties, namely, physical (such as solubility and density), chemical and biochemical (such as oxygen demand, nutrients) and biological (such as presence of viruses, bacteria, yeasts and parasites).
4. Toxicity.
5. Persistence, namely, physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources such as fish and shellfish.

## B. CHARACTERISTICS OF DUMPING OR DISPOSAL SITE AND METHOD OF DEPOSIT

1. Location (such as co-ordinates of the dumping or disposal area, depth and distance from the coast) and location in relation to other areas (such as amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (such as quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Disposal characteristics (such as effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (such as temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD), nitrogen present in organic and mineral form, including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (such as topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings or disposals which have been made in the dumping or disposal area (such as heavy metal background reading and organic carbon content).
9. Existence, if any, of adequate scientific basis for assessing the consequences of the dumping or disposal for which permit is sought, as outlined in this Schedule, taking into account seasonal variations.

## C. GENERAL CONSIDERATIONS

1. Possible effects on amenities (such as presence of floating or stranded material, turbidity, objectionable odour, discoloration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (such as impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating substances, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping or disposal at sea.

