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PRESIDENT'S OFFICE

No. 1536.

6 October 1995

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

No. 73 of 1995: Dumping at Sea Control Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1536.

6 Oktober 1995

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

No. 73 van 1995: Wysigingswet op Beheer van Storting ter See, 1995.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Dumping at Sea Control Act, 1980, so as to insert, amend or delete certain definitions; and to replace an obsolete provision and word; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 28 September 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 73 of 1980

1. Section 1 of the Dumping at Sea Control Act, 1980 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of “aircraft” of the following definition:

“‘director-general’ means the Director-General: Environmental Affairs and Tourism or any officer of the Department of Environmental Affairs and Tourism acting on his or her authority;”;

- (b) by the substitution for the definition of “dump” of the following definition:

“‘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 depositing in the sea and includes the disposal of any vessel, aircraft, platform or other man-made structure at 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 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;

- (c) dispose at sea of wastes or other matter directly arising from or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources;

and ‘dumping’ has a corresponding meaning;”;

- (c) by the substitution for the definition of “Minister” of the following definition:

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Beheer van Storting ter See, 1980, ten einde sekere omskrywings in te voeg, te wysig of te skrap; en 'n verouderde bepaling en woord te vervang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 28 September 1995.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 73 van 1980

1. Artikel 1 van die Wet op Beheer van Storting ter See, 1980 (hieronder die 5 Hoofwet genoem), word hierby gewysig—

- (a) deur voor die omskrywing van “gesagvoerder” die volgende omskrywing in te voeg:
- “ ‘direkteur-generaal’ die Direkteur-generaal: Omgewingsake en Toerisme of 'n beampte van die Departement van Omgewingsake en Toerisme wat op sy of haar gesag optree;”;
- 10 (b) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:
- “ ‘Minister’ die Minister van [Nywerheidswese] Omgewingsake en Toerisme;”;
- 15 (c) deur die omskrywing van “see” deur die volgende omskrywing te vervang:
- “ ‘see’ die binnewaters, die territoriale waters en die waters in die eksklusiewe ekonomiese sone van die Republiek soos [omskryf in artikel 2 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), en ook die see tussen die hoog- en laagwatermerk] bedoel in onderskeidelik artikels 3, 4 en 7 van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994);
- 20 (d) deur die omskrywing van Sekretaris te skrap;
- (e) deur die omskrywing van “stort” deur die volgende omskrywing te vervang:
- 25 “ ‘stort’, met betrekking tot enige stof, opsetlik ter see van 'n vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur deur verbranding of neersit in die see, wegdoen met, en ook die wegdoening ter see van enige vaartuig, vliegtuig, platform of ander mensgemaakte struktuur, maar nie ook nie—
- 30 (a) ter see wegdoen met 'n stof wat bykomstig is by of afkomstig is van die gewone werking van 'n vaartuig, vliegtuig, platform of ander deur die mens gemaakte struktuur en die uitrusting daarvan, behalwe met 'n stof wegdoen van enige vaartuig,

“ ‘Minister’ means the Minister of **[Industries]** Environmental Affairs and Tourism;”;

- (d) by the substitution for the definition of “sea” of the following definition: 5
“ ‘sea’ means the internal waters, the territorial waters and the waters contained in the exclusive economic zone of the Republic as 5
[defined in section 2 of the Territorial Waters Act, 1963 (Act No. 87 of 1963), and includes the sea between the high- and low-water marks] referred to in sections 3, 4 and 7, respectively, of the Maritime Zones Act, 1994 (Act No. 15 of 1994);”; and
(e) by the deletion of the definition of “Secretary”. 10

Amendment of section 2 of Act 73 of 1980

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6)The provisions of subsections (1) to (5) shall, in respect of any South African vessel, aircraft or citizen, apply *mutatis mutandis* also on 15
the high seas, including the fishing zone as defined in section **[3 of the Territorial Waters Act, 1963 (Act No. 87 of 1963)]** 1 of the Sea Fishery Act, 1988 (Act No. 12 of 1988).”.

Substitution of word in Act 73 of 1980

3. The principal Act is hereby amended by the substitution for the word 20
“Secretary”, wherever it occurs, of the word “director-general”.

Short title

4. This Act shall be called the Dumping at Sea Control Amendment Act, 1995.

- 5 vliegtuig, platform of ander deur die mens gemaakte struktuur wat bedien word met die doel om met sodanige stof ter see weg te doen;
- 5 (b) ter see enige stof wettiglik neersit met 'n ander doel as bloot die wegdoen daarmee;
- 10 (c) wegdoen ter see met afval of enige ander stof direk afkomstig van of wat in verband staan met die ontdekking, ontginning en gepaardgaande seewaartse verwerkingswerkzaamhede van minerale hulpbronne op die seabodem;
- 10 en het 'storting' 'n ooreenstemmende betekenis;”.

Wysiging van artikel 2 van Wet 73 van 1980

2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

- 15 “(6) Die bepalings 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)] 1 van die Wet op Seevissery, 1988 (Wet No. 12 van 1988), van toepassing.”.

Vervanging van woord in Wet 73 van 1980

- 20 3. Die Hoofwet word hierby gewysig deur die woord “Sekretaris” oral waar dit voorkom deur die woord “direkteur-generaal” te vervang.

Kort titel

4. Hierdie Wet heet die Wysigingswet op Beheer van Storting ter See, 1995.

