Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 657 6 March Maart 2020 No. 43073

PART 1 OF 6

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

9 771682 584003 43073

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE OF OFFICE RELOCATION

government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

Private Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA
Tel: 012 748 6197, Website: www.gpwonline.co.za

URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologies for any inconvenience this might have caused.

Issued by GPW Communications

For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the gazette numbers in the righthand column:

Weekly Index

No.		Page No.	Gazette No.
	GOVERNMENT NOTICE		
Agriculture, Forestry and Fisheries, Department of			
R.179	Agricultural Product Standards Act (119/1990) :Regulations regarding departmental fees: Amendment	14	43033
182	Plant Breeders' Rights Act (15/1976) :Regulations relating to plant breeders' rights: Amendment	20	43035
183	Genetically Modified Organisms Act (15/1997) :Regulations: Amendments	22	43035
184	Customs and Excise Act, 1964 :Payment procedures for import permits under the Economic partnership agreement between EU and SADC	24	43035
185	Agricultural Product Standards Act (119/1990) :Regulations regarding the classification, packing and marking of edible ices destined for sale in the Republic of South Africa: Revision of the regulations: Invitation for public comments	25	43035
186	Customs and Excise Act, 1964 :Invitation to submit applications for DAFF quota import permits in terms of the rebate item 460.03/0207.14.9/01.07	26	43035
Defence, Department of			
196	Defence Act, 2002 (42/2002) :Notice in terms of section 62C (7)(b)	4	43040
Environmental Affairs, Department of			
199	National Environmental Management Act (107/1998) :Extension of Time to Comment on the draft Procedures to be followed for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes when applying for Environmental Authorisation	4	43046
Health, Department of			
187	Health Professions Act (56/1974) :Regulations relating to the conduct of inquiries into Alleged Unprofessional Conduct under the Health Professions Act, 1974: Amendment	31	43035
Higher Education and Training, Department of			
188	Skills Development Act (97/1998) :Revocation of Joint Communiqué 1 of 2016 Regarding Registration of Private Education and training provides offering qualifications and part-qualifications on the Occupational Qualifications Sub-framework	34	43035

Alle Proklamasies, Goewermentskennisgewings, Algemene Kennisgewings en Raadskennisgewings gepubliseer, word vir verwysingsdoeleindes in die volgende Inhoudopgawe ingesluit wat dus weeklikse indeks voorstel. Laat uself deur die Koerantnommers in die regterhandse kolom lei:

Weeklikse Indeks

No.		Bladsy No.	Koerant No.
	GOEWERMENTSKENNISGEWINGS		
Landbou, Bosbou en Visserye, Departement van			
R.179	Agricultural Product Standards Act (119/1990) :Regulations regarding departmental fees: Amendment	14	43033
182	Plant Breeders' Rights Act (15/1976) :Regulations relating to plant breeders' rights: Amendment	20	43035
183	Genetically Modified Organisms Act (15/1997) :Regulations: Amendments	22	43035
184	Customs and Excise Act, 1964 :Payment procedures for import permits under the Economic partnership agreement between EU and SADC	24	43035
185	Agricultural Product Standards Act (119/1990) :Regulations regarding the classification, packing and marking of edible ices destined for sale in the Republic of South Africa: Revision of the regulations: Invitation for public comments	25	43035
186	Customs and Excise Act, 1964 :Invitation to submit applications for DAFF quota import permits in terms of the rebate item 460.03/0207.14.9/01.07	26	43035
Verdediging, Departement van			
196	Defence Act, 2002 (42/2002) :Notice in terms of section 62C (7)(b)	4	43040
Omgewingsake, Departement van			
199	National Environmental Management Act (107/1998) :Extension of Time to Comment on the draft Procedures to be followed for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes when applying for Environmental Authorisation	4	43046
Gesondheid, Departement van			
187	Health Professions Act (56/1974) :Regulations relating to the conduct of inquiries into Alleged Unprofessional Conduct under the Health Professions Act, 1974: Amendment	31	43035
Hoër Onderwys en Opleiding, Departement van			
188	Skills Development Act (97/1998) :Revocation of Joint Communiqué 1 of 2016 Regarding Registration of Private Education and training provides offering qualifications and part-qualifications on the Occupational Qualifications Sub-framework	34	43035

No.		Page No.	Gazette No.
197	National Qualifications Act (67/2008) :Quality Council for Trades and Occupations	4	43041

Independent Communications Authority of South Africa

200	Independent Communications Authority of South Africa :Publication of the Conformity Assessment Framework for Equipment Authorisation	4	43047

Labour, Department of

R.180	Occupational Health and Safety Act (85/1993) :Invitation of public comments on Draft Commercial Diving Regulations	17	43033
194	Labour Relations Act (66/1995), as amended :Rules for the conduct of proceedings before the Commission for Conciliation Mediation and Arbitration	4	43038

National Treasury

198	Division of Revenue Act (16/2019) as amended by the Division of Revenue Amendment Act (30/2019) :Publication of allocations	4	43039

Rural Development and Land Reform, Department of

189	Restitution of Land Rights Act (22/1994) as amended :Kortbergrip 168 IT	39	43035
190	Restitution of Land Rights Act (22/1994) as amended :Trichardsfontein 140 IS	41	43035
191	Restitution of Land Rights Act (22/1994) as amended :Portion 178 of the Farm Loskop Suid 53 JS	43	43035

South African Reserve Bank

R.181	South African Reserve Bank Act (90/1989) :Directive for conduct within the national payment system in respect of domestic card transactions: Directive No. 1 of 2020	19	43033

Water and Sanitation, Department of

192	Department of Water and Sanitation :Request for proposals: External audit services for the financial years (2019/20; 2020/21 & 2021/22)	44	43035

GENERAL NOTICE

Higher Education and Training, Department of

108	Skills Development Act (SDA) :Advert for nomination of Accounting Authority members for the FP&M SETA	4	43037

Independent Communications Authority of South Africa

95	The Electronic Communications Act (36/2005) :Notice inviting Ccomments regarding the Draft Framework to Qualify to Operate a Secondary Geo-Location Spectrum Database	46	43035

No.		Page No.	Gazette No.
197	National Qualifications Act (67/2008) :Quality Council for Trades and Occupations	4	43041

Onafhanklike Kommunikasie-owerheid van Suid-Afrika

200	Independent Communications Authority of South Africa :Publication of the Conformity Assessment Framework for Equipment Authorisation	4	43047

Arbeid, Departement van

R.180	Occupational Health and Safety Act (85/1993) :Invitation of public comments on Draft Commercial Diving Regulations	17	43033
194	Labour Relations Act (66/1995), as amended :Rules for the conduct of proceedings before the Commission for Conciliation Mediation and Arbitration	4	43038

Nasionale Tesourie

198	Division of Revenue Act (16/2019) as amended by the Division of Revenue Amendment Act (30/2019) :Publication of allocations	4	43039

Landelike Ontwikkeling en Grondhervorming, Departement van

189	Restitution of Land Rights Act (22/1994) as amended :Kortbergrip 168 IT	39	43035
190	Restitution of Land Rights Act (22/1994) as amended :Trichardsfontein 140 IS	41	43035
191	Restitution of Land Rights Act (22/1994) as amended :Portion 178 of the Farm Loskop Suid 53 JS	43	43035

Suid-Afrikaanse Reserwebank

R.181	South African Reserve Bank Act (90/1989) :Directive for conduct within the national payment system in respect of domestic card transactions: Directive No. 1 of 2020	19	43033

Water en Sanitasie, Departement van

192	Department of Water and Sanitation :Request for proposals: External audit services for the financial years (2019/20; 2020/21 & 2021/22)	44	43035

ALGEMENE KENNISGEWINGS

Hoër Onderwys en Opleiding, Departement van

108	Skills Development Act (SDA) :Advert for nomination of Accounting Authority members for the FP&M SETA	4	43037

Onafhanklike Kommunikasie-owerheid van Suid-Afrika

95	The Electronic Communications Act (36/2005) :Notice inviting Ccomments regarding the Draft Framework to Qualify to Operate a Secondary Geo-Location Spectrum Database	46	43035

No.		Page No.	Gazette No.
96	Electronic Communications Act (36/2005) :Applications for transfer of an Individual Electronic Communications Service and Individual Electronic Communications Network Service Licences from Valley Junction Trading 70 CC to Africawide Mobile (Pty) Ltd	60	43035
97	Electronic Communications Act (36/2005), as amended :Applications for transfer of an Individual Electronic Communications Service and Individual Electronic Communications Network Service Licences from Valley Junction Trading 70 CC to Africawide Mobile (Pty) Ltd	63	43035
Justice and Constitutional Development, Department of			
98	Promotion of Access to Information Act (2/2000) :Description submitted in terms of section 15(1): Department of Human Settlements.....	66	43035
Non-Governmental Organization			
109	SABC Group Executive: Human Resources :5 Year Fixed Term Contract Position ...	4	43042
110	SABC Group Executive: Technology :Fixed Term Contract (5 years)	5	43042
111	SABC Group Executive: Commercial Enterprises :5 year fixed term contract position.....	6	43042
Rural Development and Land Reform, Department of			
99	Restitution of Land Rights Act (22/1994) :Erven 1076, 1071, 1069 and 3987, Simon's Town.....	71	43035
116	Upgrading of Land Tenure Rights Act, 1991 :Upgrading of Land Tenure Amendment Bill, 2020.....	4	43045
South African Reserve Bank			
100	Currency and Exchanges Act (9/1933), as amended :Notice and Order of Forfeiture: Mr Francois Johannes du Preez, Identity Number 4303195034081	72	43035
101	Currency and Exchanges Act (9/1933), as amended :Notice and Order of Forfeiture: Steelblue Investments (Pty) Limited	73	43035
The Presidency			
112	Remuneration of Public Office Bearers Act (20/1998) :Proclamation re determination of salaries and allowances of National Assembly & Permanent Delegates to National Council of Provinces	4	43043
113	Remuneration of Public Office Bearers Act (20/1998) :Publication re determiniation of salaries and allowances of Deputy President, Ministers & Deputy Ministers	7	43043
114	Remuneration of Public Office Bearers Act (20/1998) :Proclamation re determination of salaries and allowances of Premiers, Members of Executive Councils & Provincial Legislatures.....	10	43043

No.		Page No.	Gazette No.
96	Electronic Communications Act (36/2005) :Applications for transfer of an Individual Electronic Communications Service and Individual Electronic Communications Network Service Licences from Valley Junction Trading 70 CC to Africawide Mobile (Pty) Ltd	60	43035
97	Electronic Communications Act (36/2005), as amended :Applications for transfer of an Individual Electronic Communications Service and Individual Electronic Communications Network Service Licences from Valley Junction Trading 70 CC to Africawide Mobile (Pty) Ltd	63	43035
Justisie en Staatkundige Ontwikkeling, Departement van			
98	Promotion of Access to Information Act (2/2000) :Description submitted in terms of section 15(1): Department of Human Settlements.....	66	43035
Nie-Regeringsorganisasie			
109	SABC Group Executive: Human Resources :5 Year Fixed Term Contract Position ...	4	43042
110	SABC Group Executive: Technology :Fixed Term Contract (5 years).....	5	43042
111	SABC Group Executive: Commercial Enterprises :5 year fixed term contract position.....	6	43042
Landelike Ontwikkeling en Grondhervorming, Departement van			
99	Restitution of Land Rights Act (22/1994) :Erven 1076, 1071, 1069 and 3987, Simon's Town.....	71	43035
116	Upgrading of Land Tenure Rights Act, 1991 :Upgrading of Land Tenure Amendment Bill, 2020.....	4	43045
Suid-Afrikaanse Reserwebank			
100	Currency and Exchanges Act (9/1933), as amended :Notice and Order of Forfeiture: Mr Francois Johannes du Preez, Identity Number 4303195034081	72	43035
101	Currency and Exchanges Act (9/1933), as amended :Notice and Order of Forfeiture: Steelblue Investments (Pty) Limited	73	43035
Die Presidensie			
112	Remuneration of Public Office Bearers Act (20/1998) :Proclamation re determination of salaries and allowances of National Assembly & Permanent Delegates to National Council of Provinces	4	43043
113	Remuneration of Public Office Bearers Act (20/1998) :Publication re determiniation of salaries and allowances of Deputy President, Ministers & Deputy Ministers	7	43043
114	Remuneration of Public Office Bearers Act (20/1998) :Proclamation re determination of salaries and allowances of Premiers, Members of Executive Councils & Provincial Legislatures.....	10	43043

No.		Page No.	Gazette No.
Tourism, Department of			
102	Tourism Act (3/2014) :Regulations in respect of the National Tourism Information and Monitoring System	74	43035
Trade and Industry, Department of			
103	Standards Act (8/2008) :Standard matters	90	43035
104	International Trade Administration Commission of South Africa :Customs Tariff Applications: List 03/2020	95	43035
105	Standards Act (8/2008) :Standards matters: New Standards, Revision Standards and Cancelled Standards	98	43035
115	International Trade Administration Commission of South Africa :Initiation: Sunset review of anti-dumping duties on frozen bone-in portions exported from Germany, Netherlands & United Kingdom	4	43044
Transport, Department of			
106	Air Service Licensing Act (115/1990) :Application for the grant or amendment of Domestic Air Service Licence	103	43035
107	International Air Service Act (601/993) :Grant/amendment of international air service license	104	43035
	BOARD NOTICE		
21	Health Professions Act (56/1974) :Nominations of members of the Professional Boards: List of names of persons validly nominated for appointment to the Professional Boards	4	43054

No.		Page No.	Gazette No.
Toerisme, Departement van			
102	Tourism Act (3/2014) :Regulations in respect of the National Tourism Information and Monitoring System	74	43035
Handel en Nywerheid, Departement van			
103	Standards Act (8/2008) :Standard matters	90	43035
104	International Trade Administration Commission of South Africa :Customs Tariff Applications: List 03/2020	95	43035
105	Standards Act (8/2008) :Standards matters: New Standards, Revision Standards and Cancelled Standards	98	43035
115	International Trade Administration Commission of South Africa :Initiation: Sunset review of anti-dumping duties on frozen bone-in portions exported from Germany, Netherlands & United Kingdom	4	43044
Vervoer, Departement van			
106	Air Service Licensing Act (115/1990) :Application for the grant or amendment of Domestic Air Service Licence	103	43035
107	International Air Service Act (601/993) :Grant/amendment of international air service license	104	43035
	RAADSKENNISGEWINGS		
21	Health Professions Act (56/1974) :Nominations of members of the Professional Boards: List of names of persons validly nominated for appointment to the Professional Boards	4	43054

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Co-operative Governance and Traditional Affairs, Department of/ Samewerkende Regering en Tradisionele Sake, Departement van			
244	Disaster Management Act (57/2002): Guideline on concluding cooperation and mutual assistance agreements	43073	19
245	Disaster Management Act (57/2002): Guideline on conducting an initial on-site assessment	43073	20
246	Disaster Management Act (57/2002): Guideline for the classification of a disaster and the declaration of a state of disaster	43073	21
247	Disaster Management Act (57/2002): Guideline on Contingency Planning and Arrangements	43073	22
Home Affairs, Department of/ Binnelandse Sake, Departement van			
248	Births and Deaths Registration Act (51/1992): Alteration of surnames in terms of section 26	43073	23
249	Births and Deaths Registration Act (51/1992): Alteration of forenames in terms of section 24	43073	31
250	Births and Deaths Registration Act (51/1992): Alteration of surnames in terms of section 26	43073	41
251	Births and Deaths Registration Act (51/1992): Alteration of forenames in terms of section 24	43073	42
Rural Development and Land Reform, Department of/ Landelike Ontwikkeling en Grondhervorming, Departement van			
252	Restitution of Land Rights Act (22/1994): Remaining Extent of the Farm Hartbeestfontein 558 KQ	43073	43
253	Land Reform (Labour Tenants) Act (3/1996): Driefonteinen 952, uMgungundlovu	43073	44
254	Land Reform (Labour Tenants) Act (3/1996): Portion 0 of Wilgespruit No. 974, uMgungundlovu	43073	46
255	Land Reform (Labour Tenants) Act (3/1996): Cedara/Kwakhani, uMgungundlovu	43073	47
256	Land Reform (Labour Tenants) Act (3/1996): Portion 7 of Kleine Waterval No. 955, uMgungundlovu	43073	48
257	Land Reform (Labour Tenants) Act (3/1996): Various applications	43073	50
258	Restitution of Land Rights Act (22/1994) as amended: Zondagskraal 125 IS	43073	56
259	Restitution of Land Rights Act (22/1994) as amended: Driefontein 137 IS	43073	58
260	Restitution of Land Rights Act (22/1994) as amended: Wonderboom 249 JS	43073	60
261	Restitution of Land Rights Act (22/1994): Buti Paulus Mabena, Lot No. 1, Riverside	43073	61
262	Restitution of Land Rights Act (22/1994) as amended: Various applications	43073	62
263	Restitution of the Land Rights Act (22/1994): Witwater Forest Reserve 188 JT: Portion 0 (R/E)	43073	66
264	Land Reform (Labour Tenants) Act (3/1996): Portion 58 of Woodlands No. 876	43073	68
265	Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996): Ebernburg Farm No. 2210, uMgungundlovu	43073	70
266	Land Reform (Labour Tenants) Act (3/1996): Rosewood Farm	43073	72
267	Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"): Mulberry Hill, uMgungundlovu	43073	74
268	Land Reform (Labour Tenants) Act (3/1996): Portion 11 of Waterfall No. 1003, uMgungundlovu	43073	76
269	Restitution of Land Rights Act (22/1994) as amended: Waterval 385 KT	43073	77
South African Revenue Service/ Suid-Afrikaanse Inkomstediens			
270	Income Tax Act, 1962 (Act No. 58 of 1962): Determination of the Daily Amount in respect of Meals and Incidental Costs for Purposes of Section 8 (1) of the Act	43073	79
270	Inkomstebelastingwet, 1962 (Wet No. 58 van 1962): Bepaling van Dagtoelae ten opsigte van Etes en Toevallige Uitgawes vir Doeleindes van Artikel 8(1) van die Wet	43073	81
271	Income Tax Act (58/1962): Fixing of rate per kilometre in respect of motor vehicles for the purposes of section 8(1)(b)(ii) and (iii) of the Act	43073	88
271	Inkomstebelastingwte (58/1962): Bepaling van skaal per kilometer ten opsigte van motorvoertuie vir doeleindes van artikel 8(1)(b)(ii) en (iii) van die Wet	43073	91
Trade and Industry, Department of/ Handel en Nywerheid, Departement van			
272	Companies Act (71/2008): Deactivation of Third Party Channel	43073	100
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
Economic Development Department/ Ekonomiese Ontwikkeling Departement			
136	Competition Act (89/1998), as amended: Competition Tribunal: Notification of Complaint Referral: Complaint referrals listed below	43073	101

137 Competition Act (89/1998): Competition Tribunal: Notification decision to approve merger: Publication of following mergers ... 43073 101

Higher Education and Training, Department of/ Hoër Onderwys en Opleiding, Departement van

138 Continuing Education and Training Act, 2006: Post-School Education and Training Information Policy, 2019 ... 43073 102

Human Settlements, Department of/ Menslike Nedersettings, Departement van

139 Property Practitioners Regulations, 2020: For public comment ... 43073 103

Independent Communications Authority of South Africa/ Onafhanklike Kommunikasie-owerheid van Suid-Afrika

140 Electronic Communications Act (36/2005): Applications for Transfer of an Individual Electronic Communications Service and Individual Electronic Communications Network Service Licences from LPD Consulting (Pty) Ltd t/a Maxwell Technology (Pty) Ltd to Paratus Telecommunications (Pty) Ltd ... 43073 194

Non-Governmental Organization/ Nie-Regeringsorganisasie

141 National Nuclear Regulator Act (47/1999): Notice of application for Nuclear Vessel Licence in terms of Section 21 (3) of the Act ... 43073 197

Parliament of the Republic of South Africa/ Parlement van die Republiek van Suid-Afrika

142 Fiscal Responsibility Bill, 2020: Notice of intention to introduce a Private Member's Bill into Parliament ... 43073 198

Rural Development and Land Reform, Department of/ Landelike Ontwikkeling en Grondhervorming, Departement van

143 Restitution of Land Rights Act (22/1994) as amended: Erf 102605, Cape Town ... 43073 200

144 Restitution of Land Rights Act (22/1994) as amended: Erf no. 509, Montagu ... 43073 201

South African Reserve Bank/ Suid-Afrikaanse Reserwebank

145 Currency and Exchanges Act (9/1933), as amended: Notice and Order of Forfeiture: Mr Martyn John West, Identity Number 4407145056084 ... 43073 202

146 Currency and Exchanges Act (9/1933), as amended: Notice and Order of Forfeiture: Dieketseng Maria Mohloki (ID Number 8510250786084) ... 43073 203

147 Currency and Exchanges Act (9/1933), as amended: Notice and Order of Forfeiture: Murdoc Trading (Pty) Limited ... 43073 204

Transport, Department of/ Vervoer, Departement van

148 Merchant Shipping Bill, 2020: For public comments ... 43073 205

149 Air Service Licensing Act (115/1990): Application for the grant or amendment of domestic air service licence ... 43073 648

150 International Air Service Act (60/1993): Grant/amendment of international air service license ... 43073 649

BOARD NOTICES • RAADSKENNISGEWINGS

25 Auditing Profession Act (26/2005): Amendments to the Code of Professional Conduct for Registered Auditors relating to Registered Candidate Auditors ... 43073 650

26 Pharmacy Act (53/1974), as amended: Regulations relating to fees payable to Council ... 43073 651

27 Pharmacy Act (53/1974), as amended: Rules relating to the services for which a pharmacist may levy a fee and guidelines for levying such a fee or fees ... 43073 658

government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works* (*GPW*).

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*'. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as **@gpw.gov.za**

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at **www.gpwonline.co.za**
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: **Annamarie.DuToit@gpw.gov.za**

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: **Bonakele.Mbhele@gpw.gov.za**

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: **Daniel.Legoabe@gpw.gov.za**

Closing times for **ORDINARY WEEKLY** *GOVERNMENT GAZETTE* 2020

*The closing time is **15:00** sharp on the following days:*

- ➤ **24 December 2019,** Tuesday for the issue of Friday **03 January 2020**
- ➤ **03 January,** Friday for the issue of Friday **10 January 2020**
- ➤ **10 January,** Friday for the issue of Friday **17 January 2020**
- ➤ **17 January,** Friday for the issue of Friday **24 January 2020**
- ➤ **24 January,** Friday for the issue of Friday **31 January 2020**
- ➤ **31 February,** Friday for the issue of Friday **07 February 2020**
- ➤ **07 February,** Friday for the issue of Friday **14 February 2020**
- ➤ **14 February,** Friday for the issue of Friday **21 February 2020**
- ➤ **21 February,** Friday for the issue of Friday **28 February 2020**
- ➤ **28 February,** Friday for the issue of Friday **06 March 2020**
- ➤ **06 March,** Friday for the issue of Friday **13 March 2020**
- ➤ **13 March,** Thursday for the issue of Friday **20 March 2020**
- ➤ **20 March,** Friday for the issue of Friday **27 March 2020**
- ➤ **27 March,** Friday for the issue of Friday **03 April 2020**
- ➤ **02 April,** Thursday for the issue of Thursday **09 April 2020**
- ➤ **08 April,** Wednesday for the issue of Friday **17 April 2020**
- ➤ **17 April,** Friday for the issue of Friday **24 April 2020**
- ➤ **22 April,** Wednesday for the issue of Thursday **30 April 2020**
- ➤ **30 April,** Thursday for the issue of Friday **08 May 2020**
- ➤ **08 May,** Friday for the issue of Friday **15 May 2020**
- ➤ **15 May,** Friday for the issue of Friday **22 May 2020**
- ➤ **22 May,** Friday for the issue of Friday **29 May 2020**
- ➤ **29 May,** Friday for the issue of Friday **05 June 2020**
- ➤ **05 June,** Friday for the issue of Friday **12 June 2020**
- ➤ **11 June,** Thursday for the issue of Friday **19 June 2020**
- ➤ **19 June,** Friday for the issue of Friday **26 June 2020**
- ➤ **26 June,** Friday for the issue of Friday **03 July 2020**
- ➤ **03 July,** Friday for the issue of Friday **10 July 2020**
- ➤ **10 July,** Friday for the issue of Friday **17 July 2020**
- ➤ **17 July,** Friday for the issue of Friday **24 July 2020**
- ➤ **24 July,** Friday for the issue of Friday **31 July 2020**
- ➤ **31 July,** Thursday for the issue of Friday **07 August 2020**
- ➤ **06 August,** Thursday for the issue of Friday **14 August 2020**
- ➤ **14 August,** Friday for the issue of Friday **21 August 2020**
- ➤ **21 August,** Friday for the issue of Friday **28 August 2020**
- ➤ **28 August,** Friday for the issue of Friday **04 September 2020**
- ➤ **04 September,** Friday for the issue of Friday **11 September 2020**
- ➤ **11 September,** Friday for the issue of Friday **18 September 2020**
- ➤ **17 September,** Thursday for the issue of Friday **25 September 2020**
- ➤ **25 September,** Friday for the issue of Friday **02 October 2020**
- ➤ **02 October,** Friday for the issue of Friday **09 October 2020**
- ➤ **09 October,** Friday for the issue of Friday **16 October 2020**
- ➤ **16 October,** Friday for the issue of Friday **23 October 2020**
- ➤ **23 October,** Friday for the issue of Friday **30 October 2020**
- ➤ **30 October,** Friday for the issue of Friday **06 November 2020**
- ➤ **06 November,** Friday for the issue of Friday **13 November 2020**
- ➤ **13 November,** Friday for the issue of Friday **20 November 2020**
- ➤ **20 November,** Friday for the issue of Friday **27 November 2020**
- ➤ **27 November,** Friday for the issue of Friday **04 December 2020**
- ➤ **04 December,** Friday for the issue of Friday **11 December 2020**
- ➤ **10 December,** Thursday for the issue of Friday **18 December 2020**
- ➤ **17 December,** Thursday for the issue of Friday **24 December 2020**
- ➤ **23 December,** Wednesday for the issue of Friday **31 December 2020**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days **after** submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

Extraordinary Gazettes

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

Notice Submission Process

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 244 **06 MARCH 2020**

DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

GUIDELINE ON CONCLUDING COOPERATION AND MUTUAL ASSISTANCE AGREEMENTS

I, Mmaphaka Tau, in my capacity as the Head of the National Disaster Management Centre hereby, in terms of section 12(1)(a) read with section 22(a) of the Disaster Management Act, 2002 (Act No. 57 of 2002), to the extent set out in the guideline, give guidance in terms of concluding cooperation and mutual assistance agreements.

The guidelines is available at: http://www.ndmc.gov.za/Pages/Guidelines.aspx.

DR MMAPHAKA TAU
DEPUTY DIRECTOR-GENERAL (HEAD): NATIONAL DISASTER MANAGEMENT CENTRE
DATE: 04/02/2020

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 245 **06 MARCH 2020**

DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

GUIDELINE ON CONDUCTING AN INITIAL ON-SITE ASSESSMENT

I, Mmaphaka Tau, in my capacity as the Head of the National Disaster Management Centre hereby, in terms of section 12(1)(a) read with section 22(a) of the Disaster Management Act, 2002 (Act No. 57 of 2002), to the extent set out in the guideline, give guidance in terms of conducting an initial on-site assessment.

The guideline is available at: http://www.ndmc.gov.za/Pages/Guidelines.aspx.

DR MMAPHAKA TAU

DEPUTY DIRECTOR-GENERAL (HEAD): NATIONAL DISASTER MANAGEMENT CENTRE

DATE: 04/02/2020

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 246 **06 MARCH 2020**

DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

GUIDELINE ON THE CLASSIFICATION OF A DISASTER AND THE DECLARATION OF A STATE OF DISASTER

I, Mmaphaka Tau, in my capacity as the Head of the National Disaster Management Centre hereby, in terms of section 12(1)(a) read with section 22(a) of the Disaster Management Act, 2002 (Act No. 57 of 2002), to the extent set out in the guideline, give guidance in terms of the classification of a disaster and the declaration of a state of disaster.

The guideline is available at: http://www.ndmc.gov.za/Pages/Guidelines.aspx.

DR MMAPHAKA TAU
DEPUTY DIRECTOR-GENERAL (HEAD): NATIONAL DISASTER MANAGEMENT CENTRE
DATE: 04/02/2020

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 247 **06 MARCH 2020**

DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

GUIDELINE ON CONTINGENCY PLANNING AND ARRANGEMENTS

I, Mmaphaka Tau, in my capacity as the Head of the National Disaster Management Centre hereby, in terms of section 12(1)(a) read with section 22(a) of the Disaster Management Act, 2002 (Act No. 57 of 2002), to the extent set out in the guideline, give guidance in terms of contingency planning and arrangements.

The guideline is available at: http://www.ndmc.gov.za/Pages/Guidelines.aspx.

DR MMAPHAKA TAU
DEPUTY DIRECTOR-GENERAL (HEAD): NATIONAL DISASTER MANAGEMENT CENTRE
DATE: 04/02/2020

DEPARTMENT OF HOME AFFAIRS

NO. 248 **06 MARCH 2020**

ALTERATION OF SURNAMES IN TERMS OF SECTION 26 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The Director-General has authorized the following persons to assume the surnames printed in *italics*:

1. Sonto Valentia Zulu - 891022 0572 087 - D 880 Sigwegwe Road, KWA MASHU, 4359 - *Ngcamu*
2. Sindisiwe Petronella Shandu - 850627 0599 085 - CC 3676 Mission Road, MAYVILLE, 4091 - *Khwela*
3. Lebogang Sithebe - 891222 5229 085 - 1152 Nkosi Street, Zondi, ROODEPOORT, 1700 - *Khumalo*
4. Orapeleng Peter Mataboge - 870830 5917 080 - House no 375, Rasekoboane Section, KRAALHOEK, 0341 - *Moeletsi*
5. Mfundo Austin Ndlovu - 960126 6124 086 - 505592 No, INANDA, 4001 - *Magwaza*
6. Thabile Thabile - 970312 0813 084 - M 624 Umlazi Township, UMLAZI, 4020 - *Zwane*
7. Matlakala Judith Mashabe - 550406 0959 083 - 50024 Seweding, MAHIKENG, 2743 - *Moremi*
8. Humphrey Ofentse Malete - 930520 5242 088 - 1187 Block W, SOSHANGUVE, 0152 - *Setshedi*
9. Thembinkosi Bhekamazulu Shelembe - 991217 5582 086 - Othulinilwezulu Area, TUGELA FERRY, 3010 - *Majola*
10. Wendy Mcimbi - 990821 0388 083 - Nodalane Location, IZINGOLWENI, 4260 - *Ngcobo*
11. Fhulufhelo Nephiphidi - 970201 5864 087 - Mbilwi, THOHOYANDOU, 0950 - *Tshifura*
12. Mcebisi Lucky Sibisi - 931026 5141 089 - 48 Hunter Street, YEOVILLE, 2198 - *Dlamini*
13. Shaneze Orelia Simon - 970905 0265 088 - 32 Kleinberg Street, Hexpark, WORCESTER, 6850 - *Swartz*
14. Talitah Mercy Mampa - 991030 0062 081 - 55 Karneool Street, MIDDELBURG, 1050 - *Willis-Mampa*
15. Maxmillian Bhekumuzi Lekgatle - 810507 5881 085 - 291 Mngeni Street, Sobantu, PIETERMARITZBURG, 3200 - *Mabaso*
16. Reneilwe Thamane - 891228 0517 085 - Stand no 2167, Masanteng Section, SEHLAKWANE, 1047 - *Taba*
17. Andrew Thlanhla Moloi - 780605 6292 082 - 1848 Extension 1, Lakeside, ORANGE FARM, 1805 - *Hadebe*
18. Magadla Solly Alpheus Molefe - 840826 5270 089 - 63 Kirlyness Road, Extension 10, THE ORCHARDS, 0110 - *Mashinini*
19. Tisetso Kruger - 940819 5411 083 - 11270 Extension 7, Phase 2, ALBERTON, 1450 - *Mtoka*
20. Godfrey Maile Mphelo - 810905 5563 085 - Stand no 20, Sekgosese, GA-RAPAHENI, 0814 - *Mohale*
21. Nkosinathi Teviny Nxumalo - 970409 5198 089 - 432 RDP, STANDERTON, 2430 - *Dhlamini*
22. Sibusiso Bonginkosi Zakwe - 891027 5461 087 - Mpanza Ngome Area, GREYTOWN, 3250 - *Zondi*
23. Donovan Jason Barrie Powell - 970512 5433 081 - 38 Warner Complex, Sinatra Close, PRETORIA, 0001 - *Lombard*
24. Simphiwe Christinah Mthembu - 910414 0904 088 - 21 Verschuur Sareen, STANDERTON, 2430 - *Vilakazi*
25. Ntokozo Nkosinathi Mhlongo - 940102 5803 082 - Obuka Reserve, EMPANGENI, 3910 - *Mthembu*
26. Lesego Gideon Makgale - 960713 5301 086 - 342 Lenatong, PHOKENG, 0200 - *Boikanyo*
27. Gift Tshepo Mabasa - 970907 5201 084 - 396 Tsenelang Section, CENTURION, 0167 - *Legong*
28. Tebogo Cecil Molefe - 910308 5329 087 - 1214 SKweyiya Street, Duduza, NIGEL, 1496 - *Ndabezitha*
29. Thabo Jabulani Gule - 901105 5276 081 - 2428 Mosala Street, Protea North, SOWETO, 1717 - *Padi*
30. Request Khoza - 021203 5265 082 - P O Box 57, CASTEEL, 1370 - *Dhlamini*

31. Nokubonga Nomusa Mbonambi - 010917 1473 084 - P O Box 155, MBAZWANA, 3974 - *Zikhali*
32. Morakane Motshoane - 010816 1159 083 - 40 Lipela Street, KWA THEMA, 1500 - *Thipe*
33. Besty Malatji - 831021 5666 087 - Stand no 1621, Manadimo Park, MANKWENG, 0701 - *Mogodi*
34. Linda Fortune Malefo - 881217 5250 083 - 3923 Mlotjwa Street, DOBSONVILLE, 1863 - *Ntombela*
35. Tshilidzi Caster Kotha - 940916 5400 080 - Stand no 436, Saile Street, MAKHADO, 0920 - *Negota*
36. Kabo Olebogeng Chinoa Mathibe - 950210 5198 085 - House no 97, OR Tambo Street, POTCHEFSTROOM, 2531 - *Molete*
37. Nontokozo Sarah Nsimdi - 700307 1225 087 - 88 F Section 6, MADADENI, 2951 - *Msuntsha*
38. Andrew Marvin Gayapersadh - 681026 5128 088 - 97 Boundary Road, QUEENSBURGH, 4092 - *Plaatjies*
39. Veronica Williams - 630212 0181 080 - 2 Brass Street, Bloemendal, PORT ELIZABETH, 6001 - *George*
40. Bonkane Moses Mogake - 750417 5576 085 - 4 Podiges Street, RANDFONTEIN, 1760 - *Mohutsiwa*
41. Mari Rene Laas - 700629 0236 082 - 1977 Kelley Street, NORTHHAM, 0370 - *Jansen*
42. Noxolo Sigqala - 940628 0188 087 - 119 Ngqabe Street, Nu 8, MOTHERWELL, 6211 - *Memani*
43. Sindisiwe Penelope Shabalala - 860422 0686 084 - B 144 Malandela Road, Siyanda, KWAMASHU, 3600 - *Mthembu*
44. Thabani Bayanda Majola - 950727 5705 080 - 40 Arnold Road, Springfield, DURBAN, 4001 - *Mbatha*
45. Segomotsi Josephine Debeers - 931103 0788 089 - House no 257, Mapela, MOKOPANE, 0600 - *Legodi*
46. Bella Morufa Kgoroba - 990115 0170 082 - Mamitwa Village, MODJAJISKLOOF, 0835 - *Ngobeni*
47. Phumlani Somandla Ngubane - 990424 5787 084 - Guqa Area, TUGELA FERRY, 3010 - *Chonco*
48. Mtokozisi Themba Ramalepe - 911011 5512 087 - Mgaduzweni, BUSHBUCKRIDGE, 1280 - *Mona*
49. Ncedo Mangaliso Khave - 890909 5278 085 - 171 The Whisken, Whisken Avenue, JOHANNESBURG, 1685 - *Bilitane*
50. Nonhlanhla Evelyn Mashalaba - 861226 0848 084 - 1440 Matseme Street, KWA THEMA, 1440 - *Mahlangu*
51. Cindy Carol Bathabile Mashalaba - 000127 0207 085 - 1440 Matseme Street, KWATHEMA, 1441 - *Mahlangu*
52. Tertia Rendani Mandiwane - 920204 0490 081 - 1748 A Maluleke Street, TSHIAWELO, 1800 - *Matidze*
53. Phineas Moshokwa - 690906 6000 080 - Stand no 2017, Section E, EKANGALA, 1021 - *Jiyane*
54. Ntokozo Melvine Mazibuko - 940901 5531 084 - 131 Hadabe Street, Emkhatini Section, TEMBISA, 1632 - *Mahlangu*
55. Basandile Allen Dlamini - 950921 5924 086 - 3188 Cele Avenue, LAMONTVILLE, 4027 - *Mabaso*
56. Emely Ntswaki Molimi - 950605 0027 082 - 1056 Maboloka Section, BAFOKENG, 0197 - *Dhladhla*
57. Bongeka Bongiwe Ngobese - 010509 1120 086 - Hlazakazi Area, NQUTU, 3135 - *Mbhele*
58. Fhumulani Innocent Ester Magada - 010714 1017 080 - 13 Rooibos Street, Extension 4, MUSINA, 0900 - *Matabele*
59. Nokuthula Nandise - 010607 1260 082 - 2693 B, Morolong Section, VRYBURG, 8500 - *Theko*
60. Sibongile Lydia Thobejane - 010211 0986 084 - 19089 Jumika Street, DAVEYTON, 1520 - *Tshabalala*
61. Thembelihle Cleopatra Sidu - 010522 1248 088 - 4279 Thusi Village, Extension 3, ERMELO, 2351 - *Maseko*
62. Mojalefa Sipho Mohanoe - 821224 6006 087 - 1349 Rapwane Street, Seloseho, THABA NCHU, 9780 - *Mafabatho*
63. Fanelesibonge Thakasani Nyandeni - 010212 6349 087 - Nkodibe Area, MTUBATUBA, 3935 - *Mtshali*
64. Mthembeni Jali - 010801 6251 085 - P O Box 834, HARDING, 4680 - *Di*

65. Lucky Thokozani Masimula - 970108 5402 083 - 545 Mountain View, KWAMHLANGA, 1022 - *Mbonani*
66. Khululekani Mnengela - 000801 6382 080 - 4531 Extension 3, KANANA, 2500 - *Lutshaba*
67. Mduduzi Mahlangu - 000811 6156 087 - Sehlakwane, NEBO, 1051 - *Msiza*
68. Samkelo Mahlangu - 000531 6076 081 - Stand no B1033, Block C, NKOMAZI, 1348 - *Khoza*
69. Lungile Ntombi Daniso - 930217 0611 082 - 46475 Stop 8, INANDA, 4310 - *Mazibuko*
70. Petition Tshepho Tompane - 930402 5876 084 - 321 Du Toit Street, 4504 Casperhof, PRETORIA, 0001 - *Mgiba*
71. Bonginkosi Brandon Nhlanhla Ngwenya - 931106 5244 081 - 121 Moagi Section, HEBRON, 0193 - *Rakolle*
72. Wayne Lucas Lot - 911012 5179 083 - 9 de Laan 427, Bergsig, CALITZDORP, 6460 - *Gentle*
73. Lomahasha Decencia Dlamini - 920408 0525 081 - 4752 Extension 4, Thusi Village, ERMELO, 2350 - *Zikalala*
74. Rato Clington Mashale - 921022 5848 080 - P O Box 124, LETSITELE, 0885 - *Nkhwashu*
75. Osborn Simphiwe Mpho Mahlangu - 930618 5234 087 - 72 Siqalo Street, Wright Park, SPRINGS, 1560 - *Sello*
76. Nkosingiphile Mthembu - 901218 5882 087 - Mazimazana, RICHARDS BAY, 3900 - *Masinga*
77. Nthabiseng Annah Moholobela - 961229 0902 082 - 19463 Thabong, WELKOM, 9450 - *Mohale*
78. Deonito Verden Abdul - 980620 5180 087 - 7 Paton Place, VERGENOEG, 6164 - *Marthinus*
79. Linda Tsotetsi - 900926 5505 083 - 26 Damyanti Road, MARRIANHILL, 3610 - *Mbewana*
80. Amogelang Innocent Lengwasa - 960731 5201 080 - 989 Mothotlung, GA-RANKUWA, 0201 - *Van Wyk*
81. Mduduzi Gugu Shabangu - 011124 5181 081 - 8 Makaule Street, SPRINGS, 1375 - *Ngwenya*
82. Sifiso Honono - 830802 5368 084 - 24 Tuna Street, Delmore Gardens, BOKSBURG, 1404 - *Dlamini*
83. Nkosiyapha Ntuli - 780927 5002 084 - 11895 Turton Street, DAVEYTON, 1520 - *Mchunu*
84. Pumsani Emmauel Masilela - 911018 5359 088 - 4513 Extension 2, MHLUZI, 1053 - *Nkosi*
85. Katlego Sepeng - 860320 5520 086 - 6994 Extension 8, MAYFIELD, 1501 - *Malaza*
86. Thembinkosi Sydney Sibiya - 850311 5517 083 - P O Box 1121, ULUNDI, 3838 - *Mlambo*
87. Kenny Mtshwene - 881213 5690 089 - 4393 Mpondo Street, DAVEYTON, 1520 - *Mahlangu*
88. Innocentia Maud Mabona - 801229 0583 084 - 1 Komsberg Street, Eastvale, SPRINGS, 1559 - *Mokholo*
89. Precious Londy Ndhlovu - 011112 1276 088 - P O Box 101, BUSHBUCKRIDGE, 1280 - *Mhlava*
90. Sibongile Rejoice Singo - 010103 1509 082 - 706 Sokhulumi Village, BRONKHORSTSPRUIT, 1001 - *Nxumalo*
91. Tshepo Lehaha - 900115 5125 080 - 122 Bix Street, Phase 1, BRAAMFISCHER, 2001 - *Malange*
92. Shyma Moolla - 010122 1280 080 - 10 Iris Street, WITBANK, 1035 - *Alam*
93. Khaya Xaba - 010706 6268 080 - J 2 – 1670 Thendele Street, ESIKHAWINI, 3900 - *Ntshangase*
94. Xolani Siphesihle Sikuluma - 010717 6230 087 - Taylors Halt Location, PIETERMARITZBURG, 3200 - *Duma*
95. Londwayinkosi Senamile Cebolenkosi Simelane - 010418 1459 082 - Esiphambanweni Area, NONGOMA, 3950 - *Kunene*
96. Nokwanda Mdluli - 010605 0943 088 - Mission, NDWEDWE, 4450 - *Simamane*
97. Swabera Vandeyar - 540204 0183 082 - 22 Geum Street, ACORNHOEK, 1900 - *Khan*
98. John Brits - 560404 5234 089 - 4 School Street, Sirly Lowry's Pass, SOMERSET WEST, 7133 - *Magwebu*

99. Emmanuel Ontiretse Moloi - 970224 5868 080 - 1296 Kashe Street, Aghudi Location, VRYBURG, 8600 - *Africa*

100. Moratehi Mothoa - 000605 6230 086 - 1583 Muso Crescent, VOSLOORUS, 1475 - *Mohlamonyane*

101. Sizwe Malinga - 940429 6288 082 - Plangweni Area, ESTCOURT, 3310 - *Sithole*

102. College Reggy Maloyadihlare - 940706 6156 082 - Dichasing, BOLOBEDU, 0837 - *Pilusa*

103. Nkosinathi Clearance Dludlu - 961105 6032 084 - 6042 Extension 6, Mzinoni Township, BETHAL, 2310 - *Nkambule*

104. Enoch Magagula - 940921 5693 080 - 11435 Noko Street, MAMELODI EAST, 0127 - *Gumede*

105. Sakhele Nyawula - 830101 5785 086 - Zakhele Location, LADY FRERE, 5410 - *Baleni*

106. Mongezi Konyama - 001206 5938 081 - 15 Mlaaz Road, HAMMARSDALE, 3700 - *Nzimande*

107. Bless Thamsanqa Gwaza - 000414 5843 084 - 79 – 13th Street, Homelake, RANDFONTEIN, 1759 - *Latha*

108. Lucas Pana Manaso - 860202 5697 082 - Stand no 1055, Tafelkop, BOLEU, 0474 - *Maipushe*

109. Monwabisi Lucas Mndayi - 850104 5476 081 - 60 – 444 Kuyasa, KHAYELITSHA, 7784 - *Mhlaba*

110. Andile Calvin Nembambula - 881206 5414 088 - 803 Bafokeng Street, BOIPATONG, 1911 - *Nkosi*

111. Ernest Neo Mocwana - 860505 5222 085 - 14376 Ellen Khuzwayo, KIMBERLEY, 8300 - *Motsewabone*

112. Bhekizizwe Ngwenya - 880527 6164 088 - 1013 Hectorway, Lynville, WITBANK, 1039 - *Zwane*

113. Mokgaetse Louisa Marakalala - 890923 0412 086 - 592 Extension 9, Refilwe Manor, CULLINAN, 1003 - *Ramaleba*

114. Dimakatso Elsie Kewele - 820608 0681 088 - 71 Tau Crescent, LOTUS GARDENS, 0008 - *Kekana*

115. Simphiwe Ntame - 820314 5542 082 - Peddie Town, PEDDIE, 5640 - *Mvubu*

116. Ofentse Donald Makgoba - 991101 5136 087 - 17427 Extension 8 A, AKASIA, 0118 - *Themba*

117. Onicca Manyapye - 810401 1086 081 - 8178/41 Mohlakaneng, SESHEGO, 0742 - *Kupa*

118. Zolile Ncancashe - 731206 5896 088 - 78 Charles Street, Newlands, JOHANNESBURG, 2001 - *Tsawe*

119. Nduduzo Mbense - 971222 5529 081 - House no 1242, Section 2, MADADENI, 2952 - *Mazibuko*

120. Cherine Theunissen - 880325 0046 082 - 17 Sandhoogte Street, GROOT BRAKRIVER, 6525 - *Feneysey*

121. Phezisa Tyobeni - 020313 1135 089 - Baleni Area, BIZANA, 4800 - *Mgingi*

122. Phelisa Mabija - 920912 1278 087 - 37718 Phase 3, Scenery Park, WILSONIA, 5247 - *Gwegwe*

123. Nkateko Collins Mathebula - 010629 5418 086 - Stand no 15, ACORNHOEK, 1360 - *Mnisi*

124. Sifiso Vincent Msibi - 930109 5618 081 - Stand no E619, DUNDONALD, 2736 - *Mlambo*

125. Thulisile Theresa Sibanyoni - 890627 0354 087 - 2879 Mahlangu, DUDUZA, 1496 - *Mbonani*

126. Ntsako Zwane - 910114 5594 088 - New Forest B Area, THULAMAHASHE, 1365 - *Sambo*

127. Xolani Ntuli - 800201 5665 084 - 62 Grouper Gardens, NEWLANDS EAST, 4037 - *Kleinbooi*

128. Leonard Mohlekhu Mahibila - 850816 5562 087 - 39 Murray Street, ERMELO, 2350 - *Moloto*

129. Katlego William Radebe - 910810 5231 080 - 4530 A Zone 4, DIEPKLOOF, 1862 - *Katane*

130. Jereman Phosa - 960509 5593 080 - 4504 Zone 6, Zonkizizwe, KATLEHONG, 1431 - *Radebe*

131. Andiswa Nqunqa - 760101 2651 087 - Sgodlweni Area, BIZANA, 4800 - *Nommolo*

132. Lydia Dikgethe - 791019 0387 087 - 2803 Section J, PALMSPRINGS, 1984 - *Tsotetsi*

133. Jacominah Makgomo Vuma - 960127 0339 084 - 9569 Extension 5, SOSHANGUVE, 0152 - *Chimbiza*
134. Kgaugelo Abynar Motileng - 920615 5786 084 - Kekana Gardens, HAMMANSKRAAL, 0400 - *Lehutso*
135. Lerato Elizabeth Zwane - 920403 0374 085 - 568 Witogie Street, Die Wilgers, PRETORIA, 0001 - *Kekana*
136. Itumeleng Takalo - 961004 5260 087 - 31 Thompson AVenue, The Orchards, PRETORIA, 0001 - *Mogale*
137. Thabo Ebullent Tommy Phake - 930313 5239 084 - 3942 Tsotetsi Street, Duduza, NIGEL, 1479 - *Mazibuko*
138. Phikolomzi Lujiva - 810703 5436 083 - 75 Currie Road, 10 Elrose Court, Musgrave, DURBAN, 4001 - *Magadla*
139. Dumile Nompumelelo Xaba - 931118 0186 084 - 38 Quintus Van Der Walt, Norkerm Park, KEMPTON PARK, 1619 - *Gumede*
140. Tseko Randerson Mlangeni - 890815 6098 085 - 317 Tshiame, HARRISMITH, 9880 - *Motloung*
141. Nduduzo Siyabonga Ngubo - 950415 5886 080 - Ndindindi Area, NQUTU, 3135 - *Buthelezi*
142. Siyabonga Wiseman Gcaleka - 980607 5704 081 - Ntsikeni Location, UMZIMKULU, 3297 - *Madikane*
143. S'phesihle Mkhize - 000314 5460 089 - PrivateBag X99, ULUNDI, 3838 - *Mbatha*
144. Regopotswe Thomas Morwe - 920204 5884 080 - 32 Robecta Street, CHANENG, 0310 - *Moseki*
145. Khadima Patrick Mbalati - 820211 5410 080 - 6 Block W, SOSHANGUVE, 0152 - *Lekalakala*
146. Shirley Mosebo Matea - 940410 0423 081 - 711 Baithuti Street, Extension 37, OLIEVENHOUTBOSCH, 0175 - *Mulea*
147. Spiwe Buhle Mbedlashe - 010412 1377 089 - 679 New Payne Location, MTHATHA, 5099 - *Mlobeli*
148. Bruce Malatjie - 980223 6108 080 - B 47 Alaska, MAMELODI EAST, 0152 - *Thobela*
149. Joseph Maphanga - 000222 5791 082 - 163 Coromande, MASHISHING, 1123 - *Tonga*
150. Susanna Elizabeth Lisa Truter - 970905 0124 087 - Sanbona Wildlife, MONTAGU, 6720 - *Le Roux*
151. Andrew Keoagile Nyalungu - 810904 5854 081 - 28 Bonto Crescent, Extension 1, LAWLEY, 1830 - *Segone*
152. Karabo Monaise - 911015 5401 084 - 331 Peakok Lane, East Bank, ALEXANDRA, 2090 - *Langa*
153. Thabo Nkadimeng - 811204 5818 080 - 5801 Amatola Street, DIEPSLOOT, 2189 - *Makeketlane*
154. Lefa Clifford Maaba - 990204 5736 087 - N 1375, Extension 7, DIEPSLOOT, 2120 - *Mashilo*
155. Nkanyiso Ntsuntsha - 010624 5261 081 - 6 India Crescent, Extension 8, COSMO CITY, 2188 - *Cele*
156. Thokozani Innocent Masemola - 000727 5739 089 - 4912 Block F4, NEW EERSTERUS, 0407 - *Mabunda*
157. Siphesihle Lelingoana - 000724 5634 089 - P O Box 605, MBAZWANA, 3974 - *Ndlazi*
158. Gaba Pythagorus Mbopha - 800109 5932 083 - Mountain Location, UMZIMKULU, 3297 - *Bekwa*
159. Taylor Nikita Jack - 000420 0330 084 - 19 Starking Avenue, Pineview North, GRABOUW, 7160 - *October*
160. Tshepiso Patrick Hlakoane - 920708 5591 081 - Pesa Street, Thabong, WELKOM, 9463 - *Tshekelo*
161. Gomolemo Kgopori Reginald Segooa - 000226 5299 087 - 2905 Phokojoe Street, ALBERTON, 1426 - *Mothapo*
162. Tshegofatso Mogale Sathekge - 011230 5748 082 - PH 3188, PHomolong, SAULSVILLE, 0125 - *Makwela*
163. Hlengiwe Mzobe - 911017 0398 083 - 299 Masia Street, PROTEA NORTH, 1818 - *Tshabalala*
164. Tshegofatso Morulane - 001205 5445 089 - 78 Avenue, Zone 3, SESHEGO, 0100 - *Netsharotha*
165. Kgomotso William Matlala - 961126 5456 082 - 107 Marokolong, HAMMANSKRAAL, 0400 - *Ndhlovu*
166. Makgoka Radingwana - 950324 5789 080 - 29 Motlapi Street, LOTUS GARDENS, 0100 - *Raphela*

167. Getrude Sithole - 841231 0572 085 - 10187 Extension 36, OLIEVENHOUTBOSCH, 0157 - *Nkuna*

168. Samukele Cornelius Mdontswa - 900626 5444 081 - 47 Myiyo Street, Zone 7, PIMVILLE, 1809 - *Sithole*

169. Lucas Silinda - 960520 5681 080 - Stand no 148, Zwelisha Trust, NELSPRUIT, 1200 - *Nkosi*

170. Sfundo Ndumela - 000811 5393 087 - 350 Umthambeka Section, TEMBISA, 1010 - *Kheswa*

171. Danisile Nombuyiselo Olga Mdontswa - 940416 0235 086 - 47 Mviyo Street, Pimville, SOWETO, 1809 - *Sithole*

172. Thilivhadi Shawn Sifiso Miya - 981217 5823 086 - 17661/97 Protea Glen, Extension 18`, SOWETO, 1818 - *Tsiligi*

173. Tumisho Gladys Shakong - 010901 0250 081 - 2410 Zone 9, MEADOWLANDS, 1852 - *Mokone*

174. Simon Teboho Gwasi - 960213 5821 084 - 1665 Kwakwatsi, KOPPIES, 9540 - *Ramoseme*

175. Philani Madondo - 810109 5479 083 - 184 Sokwalisa Street, JABULANI, 1700 - *Buthelezi*

176. Tebatso Apathia Ntsoane - 010123 0603 082 - P O Box 896, MPHAHLELE, 0236 - *Lekgau*

177. Matlakoane Busi Ramoshu - 930317 5813 087 - Mahubitswane, MASEMOLA, 1060 - *Kau*

178. Conefedence Basani Mkhabele - 920228 1124 084 - Stand no 346, MAKHADO, 0900 - *Baloyi*

179. Treasure Hlengiwe Gumede - 800217 0408 080 - 58 Oakmont Boundry Road, Jackal Creek, RANDBURG, 2040 - *Mhlongo*

180. Kgaugelo Mc-Cathy Mahlaku - 890718 5759 089 - 72 Marulaneng , Ga-Chuene, CHUENIESPOORT, 0735 - *Bopape*

181. Julieta Onkgomoditse Sekgetho - 960920 0565 082 - 350 K Modimeng, TAUNG, 8584 - *Pitoro*

182. Rolivhuwa Oscar Nevhufumba - 910311 5679 089 - P O Box 3658, THOHOYANDOU, 0950 - *Radzindou*

183. Bongani Zeblon Mthembu - 820428 5769 089 - Mpukane Area, KWANGWANASE`, 3973 - *Mbuyisa*

184. Simangele Khawula - 010310 0421 082 - Ward 22, Madakane Location, MURCHISON, 4250 - *Mvuyana*

185. Michael Lucky Moalamedi - 870707 5645 087 - 6919 Extension 4, DELMAS, 2210 - *Mashiane*

186. Teboho Lucky Mthembu - 860725 5552 089 - 385 Boitumelo, SEBOKENG, 1983 - *Wiso*

187. Stanley Johannes Phiri - 700912 5982 086 - 4 Main Street, RANDBURG, 2194 - *Tshilongo*

188. Linda Mngoma - 860925 5274 086 - 37 – 7th Avenue, Welgedacht Road, SPRINGS, 1559 - *Ntshanga*

189. Tshepo Thari - 911223 5351 081 - 584 Kidglove Street, BRAAMFISCHER, 1724 - *Madondo*

190. Kamogelo Jerome Groenewaldt - 921031 5048 088 - 57 Tshosane Street, HERTZOGVILLE, 9482 - *Moloele*

191. Bokang Maruping - 930328 0554 089 - 79 A Matshego Street, PAMPIERSTAD, 8566 - *Mogashoa*

192. Duduzile Sithole - 910911 0334 083 - 3286 Silicon Crescent, Extension 7`, LENASIA, 1829 - *Vuma*

193. Kgotso Desmond Mashigoane - 830802 5734 087 - 32 Shirlandi, Halfway Gardens, MIDRAND, 1685 - *Lavisa*

194. Nelson Sibusiso Hlangoti - 890322 5808 085 - 2734 Extension 2, Protea Glen, SOWETO, 1819 - *Zulu*

195. Phillimon William Mashika - 700802 5734 084 - 2341 Section H, NKAMGALA, 1022 - *Mhlanga*

196. Fikile Kate Maphaini - 960226 1053 080 - 69 Shirley Village, ELIM HOSPITAL, 0960 - *Mbombi*

197. Sthembiso Sedibe - 830918 5877 088 - Mphenyatsatsi, BUSHBUCKRIDGE, 1280 - *Shongwe*

198. Elias Maluse Mokone - 700629 5335 087 - 412 Finetown, GRASMERE, 1830 - *Taukobong*

199. Tsietsi Meshack Mohapi - 720712 5330 088 - 505 Katavi Street, Tshenelong Ext 7, TEMBISA, 1632 - *Manenzhe*

200. Nonkululeko Innocentia Luthuli - 870302 0443 082 - Pencarrow Estate, TONGAAT, 4400 - *Khoza*

201. Zenzele Mntambo - 710404 5476 085 - Nhlanhleni Area, TUGELA FERRY, 3010 - *Mgubane*

202. Stanley Given Ndlovu - 821222 5364 085 - Stand no 743, Halfway Trust, KABOKWENI, 1245 - *Fakude*

203. Thoko Juliet Zwane - 770830 0735 082 - 7349 Ward 11, OSIZWENI, 2952 - *Thabethe*

204. Zwelethu Tshabalala - 831125 5801 089 - Masonwabe Location, NGCOBO, 5050 - *Letlaila*

205. Sam April Mahlangu - 820402 5566 084 - 2555 Dumisani Street, KAMEELRIVER, 0472 - *Skosana*

206. Mmatselana Francinah Rakgoale - 821028 0711 083 - Stand no 009795, Makotse East, LEBOWAKGOMO, 0734 - *Moremi*

207. Lesiba Jacky Langa - 911029 5657 082 - 66 Zone 1, SESHEGO, 0742 - *Moremi*

208. Philani Desmond Zungu - 850228 5484 082 - F 286 Ntonto Mkhize Road, UMLAZI, 4001 - *Mngadi*

209. Lesedi Tsoene - 030320 0569 083 - 1752 Metampelong, WEPENER, 9940 - *Lebaka*

210. Nomfundo Hope Ngcobo - 030611 1171 089 - No 2550, UMLAZI, 4001 - *Nkomo*

211. Athenkosi Ntantiso - 030531 5420 086 - 3152 Ratlou Section, THABA NCHU, 9780 - *Jantjie*

212. Ntombifuthi Dube - 020703 1402 085 - Dors Farm, MORGENSON, 2310 - *Dladla*

213. Amber Zoë Olivier - 000918 0708 084 - 29 Doman Road, Vanguard Estate, CAPE TOWN, 7764 - *Small*

214. Motlatso Sylvia Ramabetha - 730905 1109 088 - Stand No 1529, Mokwasele Village, BOLOBEDU, 0838 - *Kapa*

215. Marco Casarotto - 010502 5129 088 - 65 Galway Road, Kenmore, KRUGERSDORP, 1725 - *Schmid*

216. Siyabonga Sizwe Goqo - 991110 6317 083 - Dlabe Area, NKANDLA, 3800 - *Mkhize*

217. Ronald Makang Mabuela - 820126 5485 082 - 115-19th Avenue, 33 Block, ALEXANDRA, 2090 - *Phalane*

218. Mmekwa Two-Boy Ramushu- 690101 7472 088 -P O Box 664, MASEMOLA, 1060 - *Rapolai*

219. Ridwaan Khan- 850428 5271 089 -27 Nyala Road, GINGINDLOVU, 3800 - *Moodley*

220. Mokebe Florina Phara- 930624 0321 085 -1985 Phahameng, BRANDFORT, 9400 - *Stuurman*

221. Reuben Lehlogonolo Maboko- 980911 5425 089 -Stand No 1005, Stadium View, TAFELKOP, 0470 - *Malatji*

222. Mthanthaso Richert Shomaele- 811013 5526 084 -646 Ramakgari Location, THABANCHU, 9780 - *Kgosi*

223. Sebushi Johannes Seema- 850714 5298 085 -10058 Rainbow Street, Extension 9, Ivory Park, MIDRAND, 1685 - *Mphela*

224. Ponny Shoky Letsoalo- 000928 5516 085 -577 Rockdale, MIDDELBURG, 1050 - *Seoke*

225. Marvelous Alfred Mashigo- 830729 5572 086 -Stand No 566, Doornlaagte, MARBLE HALL, 0450 - *Nkadimeng*

226. Mogau Clement Leshilo- 840215 5569 080 -Marulaneng Village, GA-MPHAHLELE, 0736 - *Maredi*

227. Thandiwe Mahlangu- 010831 1199 088 -Stand No 3664, Unit B, LEBOWAKGOMO, 0737 - *Petja*

228. Railina Mbatsane- 970923 0583 087 -40 Beaconsfield Avenue, PRIMROSE, 1401 - *Tembe*

229. Jabulile Jibishi – 840703 0640 089 – and two minor children – Lebohang Happy Jibishi – 040515 5659 080 – Sphelele Usthandile Jubishi – 150718 5450 080 - 2101 Evaton North, EVATON, 1984 - *Nyandeni*

230. Matome Lammy Mapeko – 640405 5258 089 – your wife – Kgomotlokwa Miriam Mapeko – 660228 0238 087 - 2930 Zone Ii, 21 Avenue Street, SESHEGO, 0742 - *Tsoaledi*

231. Andrew Tshepo Mabule – 790813 5328 083 – your wife – Bonolo Yvonne Mabule – 920616 0619 080 - 1/182 Ramosotsi Section, CHANENG, 0310 - *Phatshwane*

232. June Abraham Msiya – 740613 5478 081 – your wife – Sibongile Sylvia Msiya – 801217 0466 087 – and a minor child – Bonolo Keitumetsi Msiya – 140118 0990 086 - 6530 Extension 7, Sakhile Location, STANDERTON, 2430 - *Mosia*

233. Keitumetse Sohlezi – 890629 0967 082 – and two minor children – Leungo Mathapelo Sohlezi – 100218 1095 089 – Irin Lethabo Sohlezi – 170423 0283 083 - 5643 Magashula Street, Mankurwane, KIMBERLEY, 8345 - *Motlhatlhedi*

234. Thapelo Stephen Mokoena – 810520 5509 085 – and three minor children – Oeaaraba Mokoena – 121009 1031 082 – Oratile Lehlohonolo Gugulethu Mokoena – 060114 5550 088 – HIelo'LuhleQhawekazi Mokoena – 181023 0900 087 - 5 Weldevy Street, Brackendowns, ALBERTON, 1450 - *Zikhali-*

235. Lufuno Bridget Tshikosi – 900328 0899 084 – and a minor child – Murunwa Tshikosi – 081105 6299 084 - Stand No D3, Tshitavha, VHULAUDZI, 0926 - *Radzilani*

236. Snenhlanhla Innocentia Shabane – 880819 0409 084 – and a minor child - Siyamthanda Shabane – 090102 5207 084 - 67 Kingsway Road, Extension 2, NIGEL, 1491 - *Dawe*

237. Saphina Hunadi Moloto – 901109 0659 085 – and a minor child – Surprise Moloto – 080103 6734 086 - Malokela Village, BURGERSFORT, 1150 - *Morafe*

238. Josephina Wanda Moloto – 880404 0656 081 – and a minor child – Richard Tumelo Moloto – 060625 5921 086 - Malokela Village, BURGERSFORT, 1150 - *Morafe*

239. Thembinkosi Bartholomew Mthiyane – 540920 5697 087 – your wife – Victoria Dumephi Mthiyane – 750810 1219 082 - Emabhalonini Area, ESTCOURT, 3310 - *Mkhize*

240. Tashwel Daniels – 870705 5086 088 – your wife – Siddeeqa Daniels – 891113 0195 084 - 92 Victoria Street, PAROW, 7500 - *Hartman*

241. Tholo Solomon Mangana – 660826 5347 082 – and a minor child – Lebogang Lucia Mangana – 171203 0664 089 - 1121 Block E, Moloto, KWAMHLANGA, 1022 - *Matjila*

242. Phalanndwa Thomas Mafunisa – 730529 5212 084 – and three minor children – Zwoluga Carol Mafunisa – 150703 0999 083 – Dakalo Waney Mafuntsa – 040107 5687 087 – Mulalo Wendy Mafunisa – 080430 0824 088 - Ha-Maelula Village, Block D14, MAKHADO, 0926 - *Raungedzani*

243. Mogamat Zahier Samsodien – 831024 5119 081 – your wife – Jamiela Samsodien – 870524 0026 084 – and two minor children – Mogamat Rayaan Samsodien – 110209 5701 085 – Mogamat Jawaad Samsodien – 170830 5478 080 - 27 Bloubekkie Street, MITCHELLS PLAIN, 7785 - *Faias*

244. Matsobane Joel Mashego – 730817 5557 081 – your wife – Merriam Mashego – 890527 1096 085 – and three minor children – Atlanta Mashego – 111019 1229 083 – Dias Mashego – 101015 5755 083 – Cesc Mashego – 160823 5713 087 - Stand No 4923, Mamphogo, MOGANYAKA, 0459 - *Masihla*

245. Diwe David Meshack Mphuthi – 570424 5333 085 – your wife – Julia Siphiwe Mphuthi – 621022 0326 085 - 10760 Selepe Street, Extension 14, VOSLOORUS, 1475 - *Kumalo*

246. Mbuso Abram Mthethwa – 751030 5869 084 – and three minor children – Mayibongwe Sean Mondleni Mthethwa – 031223 5429 080 – Ayanda Jabulile Alpha Mthethwa – 090901 0534 081 – Emmanuel Mthandazelwa Junior Mnqobi Mthethwa – 130925 6281 084 - 11438 Mtida Street, Orlando west, SOWETO, 1804 - *Mabuza*

247. Thapelo Letuka Phomane – 630202 7061 088 – your wife – Rudzana Maria Phomane – 680612 0868 082 – and two minor children – le – Lesedi Phomane – 080326 5768 082 - Katlego Phomane – 050301 0170 085 - 20 Cranbrook Road , PHOENIX, 4068 - *Smith*

248. Trevor Sanele Malishe – 830130 5296 083 – and a minor child – Enzokuhle Lunika – 180219 5883 085 - 22 Dan Pienaar Drive, PORT SHEPSTONE, 4240 - *Langazane*

249. Kutlwano Precious Tsokela – 950613 0813 089 – and a minor child – Reamogetse Katie Tsokela – 150502 0875 081 - 258 Eridanus Street, WATERKLOOF RIDGE, 0181 - *Seswike*

250. Koketso Dalene Molewa – 950827 0416 087 – and a minor child – Kgothalo Princess Molewa – 170723 0611 088 - 2823 Stinkwood 20, Olievenhoutbosch, CENTURION, 0175 - *Mathabatha*

251. Kwazi Elvis Hadebe – 750803 6115 082 – your wife – Princess Phumelephi Hadebe – 770607 0316 083 – and a minor child – Langelihle Sphesihle Kweyama – 131122 5648 088 - 27728 Mpola, Phase I, MARIANHILL, 3610 - *Dlomo*

252. Frank Molefe – 560704 5747 083 – your wife – Esther Kefeelakae Molefe – 530104 0721 083 - 1561 Buthelezi Street, Protea North, SOWETO, 1818 - *Mfolo*

253. David Kgaume Nkgudi – 721121 5504 081 – your wife – Nurse Monene Nkgudi – 740605 1497 081 – and three minor children – Nancy Lebogang Nkgudi – 041010 0388 082 – David Kgaume Junior Nkgudi – 130227 5208 089 – Violet Karabo Nkgudi – 080102 0891 082 - Unit A, Monsterus, NEBO, 1059 - *Moswana*

254. Phetogo Blessed Tshehla – 931120 0633 081 – and a minor child – Phetogo Blessing Tshehla – 150404 5686 086 - Moganyaka Village, GROBLERSDAL, 0737 - *Ngoatoana*

DEPARTMENT OF HOME AFFAIRS

NO. 249 **06 MARCH 2020**

ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The Director-General has authorized the following persons to assume the Forenames printed in *italics*:

1. Boitumelo Prudance Moganedi - 970628 0121 081 - Mashishing, JANE FURSE, 1085 - *Boitumelo Mashweu*
2. Mirriam Mifateko Baloyi - 920605 0620 081 - 7385/28 Block Vv, ,SOSHANGUVE, 0152 - *Mirriam Mikateko*
3. Justin Charles Neethling - 950811 5121 082 - 39 Shadblow Street, N2 Gateway, DELFT, 7100 - *Siraaj*
4. Mmaphuthego Digoro Digoro - 910812 0972 080 - Ga – Phasha, STEELPOORT, 0737 - *Mmaphuthego Precious*
5. Bansindawo George Seku - 800112 5736 082 - 41713 Gxotha Crescent, Mthatha, KHAYELITSHA, 7784 - *Bandindawo George*
6. Mulalo Pamela Makherana - 980518 0390 083 - Ha – Magidi, THOHOYANDOU, 0954 - *Mulalo Ethan*
7. Nosi Abigail Kola - 930826 0491 087 - Po Box 124, LEBOWAKGOMO, 0737 - *Mashadi Elizabeth*
8. Kelebogile Mary Mathibela - 971216 0236 080 - 21640 Ranamane Close, Mamelodi East, Extension 3, IKAGENG, 0122 - *Kelebogile Joanne Thandiwe*
9. Tshepo Pheme - 860415 5358 089 - 10 Roller Street, Burgerton, SPRINGS, 1560 - *Tshepo Kevin*
10. Frida Chuene Ngoepe - 870829 0844 083 - 3012 Unit 13, LEBOWAKGOMO, 0737 - *Manoko Fridah*
11. Boy Mcquilty Maselwa - 830401 5684 085 - 798 Sesing Street, Batho Location, BLOEMFONTEIN, 9700 - *Mvula*
12. Nicole Gopal - 001116 0152 085 - 87 Eland Street, Kewton, ATHLONE, 7764 - *Nabeelah*
13. Nkosazane Mntungwa - 780623 0436 084 - 417 Mnqadi Section, KATLEHONG , 1437 - *Nkosazane Goodness Nomsa*
14. Mmakgosi Trivia Mathebe - 790504 0882 089 - Stand No 48, Moshate Section, DENNILTON, 1030 - *Mmakgosi Tricia*
15. Lethukuthula Cyril Silangwe - 760712 5439 088 - Room 21, Block 56 , Glibulands, UMLAZI, 4066 - *Thokozani Cyril*
16. Manthekeleng Alinah Kholuma - 860528 0816 081 - 3970 Monyakeng , WESSELSBRON, 9680 - *Palesa*
17. Malid Gunjolwa Mathonsi - 600321 0771 083 - 3163 Njongwe Street, ORLANDO EAST, 1804 - *Maud Khunjulwa*
18. Lwazikazi Jewel Kwaza - 970808 0423 089 - 110 Stawart, Durban South Beach, DURBAN, 4001 - *Lwazikazi Genius Jewel*
19. Mpho Feledentia Gaolaolwe - 940602 0040 085 - House No 829, Extension 19, ATTERIDGEVILLE, 0198 - *Mpho Philadelphia*
20. Annacleta Mimosa Ntaopane - 831009 0275 087 - House No 575 , Extension 18, MAMELODI EAST, 0122 - *Majane Annacleta*

21. Siyabonga Fortune Sithole - 000113 5179 081 - 1427 Maduna Street, Tsakane, BRAKPAN, 1550 - *Sjijo Siyabonga*

22. Geraldine Baadjies - 830621 0255 082 - 1 Lodewyk Street, Bloemendal, PORT ELIZABETH, 6059 - *Khadijah*

23. Yegeshni Rajpar - 820114 0147 089 - Flat 12 , 40 Keswick Road, MORNING SIDE, 4001 - *Saffia*

24. Janine Van Der Fort - 820111 0119 084 - 61 Taaibos Street, BONTEHEUWEL, 7764 - *Zaina*

25. Hendrik Filander - 810907 5157 082 - Verfheuwel Farm, BREDASDORP, 7280 - *Jan Hendrik*

26. Sita Gangan - 790301 0153 086 - 4 Jacaranda Street, Parow Valley, CAPE TOWN, 7500 - *Seetha*

27. Jo – Ann Mary Calvert - 780529 0166 086 - 3 Misttral Close, BETHELSDORP, 6059 - *Gishma*

28. Faheem Naicker - 780412 5142 081 - 8 Summerfield Road, Bayview, CHARTWORTH, 4092 - *Karthigasen*

29. Naida Plaatjies - 780122 0175 081 - 22 Stamer Street, WOLSELEY, 6830 - *Nadia*

30. Johanna Margaret Lourens - 770324 0007 080 - Cromwell Street, Club One Number 5, KAMA PARK, 6000 - *Jana*

31. Tamryn Harvie - 880104 0138 086 - 3 Woodlads Road, BERGVLEIT, 7946 - *Tamryn Jardim*

32. Collette Ann Abrahams - 870911 0098 082 - 10 Natalie Cresent, MITCHELLS PLAIN, 7785 - *Nailah*

33. Duduzile Thobile Mlambo - 990803 1038 081 - Kwamboma Area, MBAZWANA, 3974 - *Thobile Ntandoyenkosi Duduzile*

34. Reitumetse Nkwe - 021029 5045 087 - 10053 Teme Section, LEKGALONG, 0300 - *Reitumetse Ratolwame*

35. Solomzi Christopher Langa - 530501 5658 089 - Bojanearea, NGCOBO, 5050 - *Christopher Solomzi Zamukululngisa*

36. Catherine Horne - 490828 0247 081 - 6 Greenoas , Counttesses Avenue, WINDSOR EAST, 2194 - *Cynthia*

37. Kenneth Mthembu - 490606 5877 080 - 1759 Rediivory Street , Extension 1, PROTEA GLEN, 1819 - *Kenneth Salim*

38. Dimarkosho Mabel Motha - 981113 1075 088 - Ezinkonjaneni, PIET RETIEF, 2380 - *Dimakatso Mabel*

39. Luzeka Mdingane - 980711 1016 084 - The Wolds Farm, PARRIES, 4700 - *Lizeka*

40. Zamekile Elizabeth Nxumalo - 760729 0282 081 - C 391 Inanda Newtown, INANDA, 4310 - *Zamaswazi Zamekile Elizabeth*

41. Choma Londrick Mosoane - 850225 5860 089 - Thabampshe, GA MASEMOLA, 1060 - *Mokeritle Londrick*

42. Sharon Mostert - 591111 0071 084 - 19 Manitoba Street, Conniston Park, MUIZENBURG, 7945 - *Sharifa*

43. Trish Blazey - 610506 0233 088 - Farm In Gulu, EAST LONDON, 5201 - *Lorraine Patricia*

44. Mabusetsa Walter Mohloboli - 890206 5317 082 - 15792 Phase 6, Bloemside, BLOEMFONTEIN, 9323 - *Mabusetsa Wow*

45. Japhta Mapena - 010228 6340 082 - 2925/10 Eatonside, SEBOKENG, 1984 - *Lucky Japhta*

46. Christinah Maditaba Tsoenyane - 010107 0917 089 - 2991 Section I, EKANGALA, 1021 - *Christinah Nkosazana*

47. Sanele Ndlovu - 010610 5960 087 - B 1545 Sambane Road, NTUZUMA, 4359 - *Sanele Konk'okuhle Brian*

48. Pikolomzi Nodlela - 920621 5583 083 - 3 Poinsesettic Road, Glen Hills, Durban North, DURBAN, 4051 - *Pikolomzi Dave*

49. Buyelekhaya Boyce - 900727 5955 082 - Thabo Mbeki, Phase 1, SLOVO PARK, 5166 - *Melikhaya*

50. Briana Lindsay Theresa Robyn - 921218 0217 087 - 2 De Grendel Close, MITCHELLS PLAIN, 7785 - *Mehnaz*

51. Nkanyiso Ntuli - 930420 5444 083 - Shakaville, STANGER, 4450 - *Nkanyiso Elso*

52. Mamorena Makwae Julia Hlalele - 910402 0141 082 - 2782 Zone 13, Sebokeng, VEREENIGING, 1983 - *Mamorena Julia*

53. Mariska Betscher - 910502 0039 085 - 19 Piet Retief Street, ZEERUST, 2865 - *Mariska Naquibah*

54. Florah Dlanga - 960427 0562 085 - Sompondo Location, ALICE, 5700 - *Nosibusiso Florah*

55. Thabiso Mbuso Nkuta - 990823 6267 089 - 25 Mundy Avenue, Westridge, DURBAN, 4001 - *Thabiso Gaius Mbuso*

56. Luyanda Nombe - 000916 6397 084 - 111 Mawethu Street, KHAYAMANDI, 7600 - *Lukho*

57. Minna Mokwene - 000112 1256 083 - 10871 Extension 28, VRYBURG, 5601 - *Keamogetse Minnah*

58. Siyavuya Candlovu - 001006 6153 080 - 17 Charlton Terrance Road, DOORNFONTEIN, 2094 - *Siyavuya Mlamli Bob*

59. Tlaishego Lan Mammekwa - 930423 0492 081 - 9523 Phungo Crescent, Extension 9, Ivory Park, MIDRAND, 1685 - *Rankoleng Lan*

60. Tiisetjo Maphutha - 930628 5670 081 - 5227 Amatolase Place, Lenasia South, JOHANNESBURG, 1829 - *Lekoko Terrence*

61. Kamogela Francis Mokhele - 940312 6111 084 - 691 Clement Street, BEKKERSDAL, 1779 - *Kamogelo Francis*

62. Modibe Teddy Ratabane - 940315 5915 082 - 2154 Lehapu Street, Klipfontein View, Extension 2, MIDRAND, 1685 - *Kenneth Agabus*

63. Sesethu Mzamomhle Monani - 920301 0412 089 - 127 Mzamomhle , Gonubie, EAST LONDON, 5357 - *Sesethu*

64. Nathan Eliyada Masina - 920418 5430 088 - 309 Beirut , MABOPANE, 0190 - *Musa Sipho*

65. Mpho Moroasui - 920810 0823 087 - 9 Keswick Close, Bendor Park, POLOKWANE, 0700 - *Kebotile Raisibe*

66. Peter Mpuang - 670827 5544 080 - 16 Ashton Manor, 80 Mulbarton Road, Lonehill, SANDTON, 2191 - *Kgosi Peter*

67. Evindece Nosipho Khumalo - 860424 0479 080 - 17 Bulwer Road, GLENWOOD, 4001 - *Nosipho Zabentungwa*

68. Disebo Mphulenyane - 940423 0400 082 - 1006 Tseki Village, WITSIESHOEK, 3870 - *Disebo Tshepiso Tsholofelo*

69. Shante Roxanne Myers - 920602 0171 082 - 35 Copier Street, Rocklands, MITCHELLS PLAIN, 7789 - *Ghaliyah*

70. Busaphi Noxolo Thabede - 970904 0291 087 - Muhhushulu Area, PONGOLA, 3170 - *Busenhle Noxolo*

71. Papanyana Tshupo Zeth Masoba - 930930 5315 083 - Corner Kerk And Nugget, Afcho Nukerk, JOHANNESBURG, 2000 - *Tshupo Zeth*

72. Robin Jerome Webber - 960221 5092 085 - 91 Suilivan Street, STEENBERG, 7945 - *Raeez*

73. Andiswa Nzuza - 970222 5678 087 - Eanest Clock Road, DURBAN, 4001 - *Andile*

74. Nondiyephi Cebisa - 971028 0899 084 - 4433 Ubuntu Street, PHILIPPI, 7785 - *Sinazo*

75. Aretha Maphanga - 980604 0900 087 - 7072 Extension 11, WITBANK, 1039 - *Baganang Aretha*

76. Lerato Tsibidi Mogapi - 950909 5692 084 - 567 Extension 1, JOUBERTON, 2574 - *Lerato Li*

77. Nontozimbi Juliet Mfumba - 900929 0176 082 - 16648 Extension 16, JOUBERTON, 2570 - *Juliet*

78. Ronell Janine Toffar - 940812 0139 080 - 70 C Manenberg Avenue, MANENBERG, 7764 - *Rushda*

79. Kgaogelo Mohambi - 900127 5582 087 - Makotse Village, LEBOWAKGOMO, 0737 - *Tsapa Kgaogelo*

80. Caroline Taemane Nong - 910906 0659 083 - 316 Ranong Section, MODIMOSANA , 2736 - *Maryam Caroline Taemane*

81. Victory Mohlala - 980203 0527 089 - Apara, MATIBIDI, 1274 - *Victoria Lefentse*

82. Karabo Seloga - 010608 0960 086 - Manganeng, JANE FURSE, 1085 - *Mmakgari Karabo*

83. Lee-Anne Pulquteria Orrie - 901029 0480 086 - 20 Waginoet Road, HERDEVELD, 7764 - *Nuhaa*

84. Fhatuwani Ranwedzi - 880507 5686 083 - Flat 405 Intaba View, 27 Kotze Street, Hillbrow, JOHANNESBURG, 2001 - *Fhatuwani Innocent*

85. Sirkeurro Jones - 990424 5083 088 - 52 Lainsberg Road, HEIDEVELD, 7764 - *Shakier*

86. Kamva Mtshukuma - 950514 0805 085 - 10 Dosert Street, Woodstock, CAPE TOWN, 8001 - *Kamva Cululethu*

87. Precious Ngwana Mathebula - 920611 0266 081 - 1016 Mokurwane Street, Extension 3, VOSLOORUS, 1472 - *Jeremiah Immanuel*

88. Mpho Sobane - 921030 5352 086 - 606 Extension 1, Zone 10, SEBOKENG, 1983 - *Mpho Orapeleng*

89. Moshoeshoe Simin Mofokeng - 901026 5363 085 - 1920 B Mphatlalatsane Street, NALEDI, 1868 - *Lebohang Moshoeshoe*

90. Lawrence Mojela - 951110 5326 083 - 130 Jouberton Street, Joubert Court 2, Pretoria, SUNNYSIDE, 0002 - *Mahlatse Lawrence*

91. Zamokwakhe Batsile Sibiya - 860812 5917 080 - 1025 Block U, MABOPANE, 0190 - *Ben Zamokwakhe Batsile*

92. Dzivhani Obvious Nedzingane - 961120 0857 089 - Tshakhumas, DZANANI, 0950 - *Rose Obvious*

93. Jean-Pierré Delanterro Stoffels - 950910 5240 080 - 19 Swartolien Laan, MONTAGU, 6720 - *Leeu*

94. Kgaogelo Motsweni - 930202 0760 089 - 213 Block Cv, MABOPANE, 0190 - *Dikeledi Kgaogelo*

95. Frans Nyalungu - 911110 5587 089 - Po Box 69, LEBOWAKGOMO, 0737 - *Piet Mokwakwa*

96. Nomabaso Vumazonke - 810610 1223 086 - Ny 64 G 49 Flat No 6, Section 2, GUGULETHU, 7750 - *Qwatamahle Praise*

97. Innocent Mhlanga - 831216 6147 083 - C 1362 Mashimane Road, Mpumalanga, HAMMARSDALE, 3699 - *Innocent Manqoba*

98. Jade Renata Jakoet - 950609 0348 084 - 108 Megen Street, Lost City, Tafelsig, MITCHELLS PLAIN, 7789 - *Qaadirah*

99. Nomhle Elsie Maseko - 991228 1036 084 - 4819 Extention 6, STANDERTON, 2430 - *Nomhle Loluthando*

100. Sihle Bobotyane - 000706 1380 080 - 7065 Komati Street, MFULENI, 7100 - *Siphesihle*

101. Pinkie April - 000305 1125 080 - 2452 Tienbank, STERKSPRUIT, 9760 - *Akhona*

102. Hamilton Phera - 800213 5708 087 - 6190 Ntungela Street, Kwazakhele, PORT ELIZABETH, 6205 - *Pitso Hamilton*

103. Sydwell Mashele - 850611 5599 084 - Po Box 580, GIYANI, 0826 - *Javulani Sydwell*

104. Brent Kyle Grootboom - 920124 5170 084 - 24 Black Bird, Palicon Park, WYNBERG, 7024 - *Shiraaj*

105. Masechaba Selema - 940901 0575 086 - 36 Jj Smith Street C W 4, VANDERBIJLPARK, 1911 - *Masechaba Bonolo*

106. Eva Refilwe Matthee - 921230 1038 081 - 692 Snake Park, Phuthanang, KIMBERLEY, 8300 - *Eva Refilwe Kelebogile*

107. Sandisiwe Maxabano - 920120 6485 083 - Tshepe Tshepe, HERMONUS, 7200 - *Sandisiwe Clifford*

108. Ivy Boniswa Buqwini - 850816 1175 082 - 588 Ncala Section, KATLEHONG, 1431 - *Boniswa Ashante*

109. Danasa Tshilande - 930116 0577 089 - Stand No 500 , MAKWARELA, 0970 - *Danasa Munaka*

110. Fhedzisani Yvonne Thobakgale - 810124 0426 088 - Stand No 420, Ramahantshe Village, SINTHUMULE, 0921 - *Phando Yvonne*

111. Thapelo Khoaele - 900613 5898 086 - Mapfontein Location, MATATIELE, 4730 - *Rapelang Thapelo*

112. William Mphela Matsekoleng - 000609 5641 087 - Stand No 465, Moteti B, MOTETI, 0477 - *William Monamoledi*

113. Reldajacolin Vollenhoven - 710228 0202 083 - 4 De Laan 44 Vlei View , CALEDON, 7230 - *Relda Jacolin*

114. Christopher Marshall - 001121 5071 082 - 18 Springbok Street, RANT EN DAL, 1739 - *Christopher Gurslave Phillippus*

115. Edwin Nkwana - 010621 5372 082 - I 17 Matlala, RAMOSHEBO, 0472 - *Edwin Tokollo*

116. Alfonsina Dirakiso Mofolo - 750629 0362 085 - 441 Kgala Street, Tswelelong Location, WOLMARANSSTAD, 2630 - *Alfonsina Dibakiso*

117. Tlhakatjwele Justice Mashiloane - 850416 5788 087 - Stand No 20103, Serageng, MARBLEHALL, 0450 - *Tshwaane Justice*

118. Nepo Sefoka - 000328 5532 085 - Thabampshe, MASEMOLA, 1060 - *Ngwanamathibe Nepo*

119. Nakedi Jaset Ntlekwana - 001110 5286 089 - Essaurinka Village, RADITSHABA, 0718 - *Matome Ginaro*

120. Thakgalo Pitsamano Masipa - 960131 5704 086 - Malotje, LEBOWAKGOMO, 0737 - *Thakgalo Mohlatlego*

121. Phafane Leamack Motjoadi - 971208 5879 089 - Po Box 1873, ,LEBOWAKGOMO, 0737 - *Mahlatji Leamack*

122. Okuhle Tsetse - 010925 1278 080 - 10 Jvatala Street, Fisantekraal, ,DURBANVILLE, 7550 - *Chulumanco Okuhle*

123. Tebogo David Thole - 960610 5727 080 - 187 Tshepo Section, TEMBISA, 1632 - *Matsobane David*

124. Chené Simone Olivier - 921005 6430 081 - 78 Daniel Malan, ROODEPOORT, 1709 - *Blake Dexter*

125. Bota Thuli Francis Tsolo - 980120 5520 085 - 8 Moseley Street, VANDERBIJLPARK, 1911 - *Bota Thulani Francis*

126. Legasa Odrie Mashabane - 960428 0432 089 - 36860 Ramokaka Street, MAMELODI EAST, 0122 - *Boitumelo Odrie*

127. Kgahlego Happiness Mokalapa - 000508 5701 083 - 1665 Reginald Street, MAMELODI EAST, 0122 - *Kgahlego Mariri*

128. Katlego Mafiri - 980815 5167 080 - Mashishing, JANE FURSE, 1085 - *Mabatane Katlego*

129. Precious Ramogohlo Mokomane - 960117 0793 083 - 14502 Ramapate, Rethabile, MAMELODI EAST, 0122 - *Precious Selaki*

130. Motlalentoa Moses Macheli - 001028 5980 081 - 22155 Bergman, ,BLOEMFONTEIN, 9323 - *Kabelo Moses*

131. Shimane Douglas Moretsi - 761224 5236 083 - 6957 Extension 3, Parkdekraal, RUSTENBURG, 0299 - *Douglas*

132. Buyisile Dlamini - 740110 0925 083 - 2151 Welbedacht East, CHATSWORTH, 4092 - *Buyisile Pretty*

133. Maria Mzima - 010310 1011 080 - Po Box 760, HAZYVIEW, 1242 - *Palesa Maria*

134. Mdendulo Mathews Shongwe - 000604 5963 086 - Stand No 1031, MACHADODORP, 1170 - *Mpendulo Mathews*

135. Halalisani Nkosi - 980723 6050 083 - Njomelwane Area, MAHLABATHINI, 3865 - *Halalisani Bongumusa*

136. Nariansamy Moodley - 771113 5029 085 - Po Box 1159, PORT SHEPSTONE, 4240 - *Mervyn*

137. Samkelo Langa - 910212 6353 080 - 1412 Rochester House , Cnr Man Maritzburg Street, JOHANNESBURG, 2001 - *Welcome Samkelo*

138. Phuthadinala Lesiba Nkale - 010810 6175 087 - 1286 Mugadisu C R, Extension 2, COSMO CITY, 2126 - *Neo*

139. Matsidiso Thomas Mamidza - 790826 5521 085` - Stand No 5044, Phumula Street , Extension 8, BRAYNSTON, 2189 - *Matsidiso Chad*

140. Maramokhele Moleli - 901030 1064 085 - 4 Ploughmans Crescent, SUMMER GREENS, 7441 - *Aphiwe Maramokhele*

141. Teboho Mbulelo Mtyolo - 900525 6362 088 - 181815 Thapelong, VANSTANDENSKOPUS, 9960 - *Mbulelo*

142. Boitumelo Xulu - 900201 1259 089 - Ikageleng Section, Dikonokana Village, LEHURUTSHE, 2868 - *Jabulile*

143. Timothy Michael Kotze - 020127 5756 082 - 6 Syfret Road, RONDEBOSCH , 7700 - *Tim Michael*

144. Jean Mkansi - 020721 0859 089 - Babanani Village, RITAVI, 0871 - *Jeanah*

145. Mosibudi Audrey Theka - 000627 1063 080 - 414 Motholung, BRITS, 0250 - *Boitshepiso Audrey*

146. Velaphi Lionel Ratshefola - 940601 6077 083 - 225 Gosforth Crescent, KYALANI ESTATE 49, 1684 - *Jaylen Velaphi Lionel Labius Rakola*

147. Boitumelo Joyce Mokgosi-Modise - 700426 0811 083 - 66 Goed Street, POTCHEFSTROOM, 2531 - *Boitumelo Zwide Joyce*

148. Vuyiseka Gude - 930220 1200 087 - Richmond, PATENSIE, 6325 - *Nandipha*

149. Nosipho Nyamza - 900129 0446 086 - 30 Orange Road, EMMARENTIA, 2195 - *Nosiphiwo*

150. Tshepang Mosehla - 020920 5351 080 - Caprive, Ga – Moloi, JANE FURSE, 1085 - *Kwelagobe Tshepang*

151. Siziwe Mphunyuka - 971226 6239 087 - Tinana Area, MOUNT FLETCHER, 4770 - *Someleze*

152. Makhethi Mdletshe - 950406 1236 081 - Nhlungwane Area Two, Mziki Road, INANDA, 4309 - *Thandolwethu Khethiwe*

153. Mongatane Gontse Ditsepu - 980822 1089 086 - Masehlaneng, SEKHUKHUNE, 1124 - *Makamele Gontse*

154. Grimilda Selwana - 980414 1344 081 - 6325 Khensani Street, Mayibuye, Extension 5, SWANEVILLE, 1754 - *Ntombikayise Grimilda*

155. Shahidi Assam Mnisi - 020218 6227 080 - 3235 Ndlovu Street, LETHABONG, 0263 - *Saidi Assam*

156. Jeremy Hirsch Bayer - 821028 1384 088 - Victory Park, KRUGERSDORP, 2195 - *Jenna Claire*

157. Mbali Michelle Gumede - 891129 6473 085 - 2054 Twala Street, ALBERTON, 1450 - *Michael Christinah Zimbali*

158. Ngcobile Motha - 990814 0988 085 - 1327 Proper Section, RETHABILE, 1026 - *Nqobile*

159. Mamosokotso Mosokotso - 950825 1195 080 - 103 Goniwe, Together Street, IVORY PARK, 1685 - *Mamosokotso Palesa*

160. Siyasanga Hafiyeko - 030621 5519 084 - 2182 Old Location, ELLIOT, 5460 - *Siyasanga Milile*

161. Nomacala Preshiyasi Sibeko - 030912 1309 087 - 8095 Shivovo, STANDERTON, 2431 - *Precious Xolisile*

162. Siphamandla Mbuyisa - 910502 5730 084 - 1099 Khabazela Road, AVOCA HILLS, 4051 - *Siphamandla Wandisa*

163. Zibuyisile Mkulisi - 990902 1312 080 - New City, UMZIMKULU, 3297 - *Thuliswa Zibuyille*

164. Lerato Renolda Mamogobo Makgalemele - 910422 0442 082 - 7404 Naledi Section, Makgato Street, MAMELODI WEST, 0122 - *Mary Lerato Renolda*

165. David Tom Tew - 960319 5170 081 - 17 Two Palms, Derwent Road, GARDENS, 8001 - *David*

166. Retsebile Cicia Moswane - 950914 0682 080 - 59 Desmond Tutu, LOTUS GARDENS, 0008 - *Cecilia*

167. Poti Effora Nkgapele - 941004 5798 081 - Thirteenth Avenue, BOKSBURG NORTH, 1459 - *Poti Effort*

168. Phomelelo Mogale - 940424 5811 083 - Jane Furse, Apel Cross, MASEMOLA, 1060 - *Magari Morwakoma*

169. Nothembinkosi Ndingane - 000416 1126 083 - 1174 Baqo Street, Kwazakhele, PORT ELIZABETH, 6205 - *Lindokuhle*

170. Mthuthuzeli Taitai - 000226 5735 080 - Lepota Village, STERKPRUIT, 9762 - *Lwandile*

171. Anastasia Truth Fischer - 680808 0042 088 - 51 Aldred Street, Albertsville, JOHANNESBURG, 2195 - *Anastasia Ruth*

172. Abraham David Coert - 460608 5555 084 - 51vlooitjie Street, MITCHELLS PLAIN, 7785 - *Adiel*

173. Sarina Christina Losper - 600812 0235 087 - 46d Athon Walk, HANOVER PARK, 7780 - *Zurina*

174. Mary Ann Harrison - 641227 0123 087 - 19 Association Road, Dawnview, GERMISTON, 1401 - *Mary-Ann*

175. Patricia Scholtz - 721227 0187 085 - 91 Madeliefie Street, LENTEGEUR, 7785 - *Nawaaz*

176. Johanna Maria Waskow - 730410 0263 085 - 12 Hollyhock Avenue, Primrose, GERMISTON, 1401 - *Marya*

177. Ronel Eksteen - 730716 0065 084 - 12 Palmiet Street, Moreleta Park, PRETORIA, 0181 - *Frances*

178. Alda Griffiths - 690115 0009 085 - 15 Queenswood, Calderwood Road, LONEHILL, 2190 - *Alda-Alida*

179. Camilla Lilly Waldman - 690222 0381 082 - Apartment 8 Old Riviera Mansions, 5 Main Avenue, RIVIERA, 2193 - *Camilla Lee*

180. Evaggelia Arsenopoulos - 700515 0083 089 - 3 Eland Street, Jordaan Park, HEIDELBERG, 1441 - *Evaggelia Lilly Jones*

181. Vinston Blom - 700708 5248 084 - 10 Maryland Crescent, ROCKLADS, 7798 - *Winston*

182. Cilesta Rene' Vlotman - 720829 0212 085 - 1938 Unit 2 A, Burnham Road, HENLEYONKLIP, 1962 - *Celeste´ Rene´*

183. Kailash Nadasen - 721220 0211 088 - 120 Hassen Flats, LENASIA, 1821 - *Saajidah*

184. John Appels - 570809 5096 080 - 209 David Curry Street, SEDGEFIELD, 6573 - *John Martin*

185. Laetitia Deolinda Theresa Burger - 631130 0173 080 - 141 Marshall Street, GOODWOOD, 7405 - *Latiefa*

186. Collin Grovers - 640521 5224 085 - 35 Waaihoek Street, TAFELSIG, 7789 - *Kashief*

187. Nokozola Ngqumshe - 920715 0586 081 - 609 Marikana West, RUSTENBURG, 0299 - *Nokuzola*

188. Patience Nonyameko Zazeka - 760816 0785 088 - 1947 Stoneridge Estate, Barclay Street, Noordwyk, MIDRAND, 1685 - *Nonyameko*

189. Fani Ginya - 900327 5270 085 - 1454 Tshabalala Street, DUDUZA, 1496 - *Fani Samkelo*

190. Danfred Francios Afrika - 920320 5226 088 - 32 Prospect Way, BELHAR, 7493 - *Naseer*

191. Lerato Lengweng - 930302 5332 080 - 8874b Hennessy Street, ORLANDO WEST, 1804 - *Roy*

192. Elizabeth Kufeni Mulula - 840709 0241 083 - Stand No 1250, Kamaqhekeza, KOMATIPOORT, 1346 - *Elizabeth Khosi*

193. Tswarelo Elvis Sedibe - 960523 5319 081 - 1962 First Street, Ext 4, WITBANK, 1035 - *Nkwane Elvis*

194. Method Rosphinah Thabane - 891231 0784 085 - 24 Kingfisher, KRIEL, 2271 - *Method Rorisang*

195. Thedi Malatsi - 000103 5669 082 - Stand No 58, MANYELETI, 1363 - *Provide*

196. Elfas Latelo Mofokeng - 920902 5302 082 - 599 Shabalala Street, VREDE, 9835 - *Jerusalem*

197. Meitah Nyathi - 820616 1229 088 - Timbalati Trust, MHALA, 1360 - *Meitah Adrecia*

198. Paul Makhavhu - 730924 5374 085 - Stand No 14, Barnard Street, MAKHADO, 0920 - *Nkhumeleni Paul*

199. Kanana Confidence Vanwyk - 910301 0435 082 - 4898 Kgotsong, BOTHAVILLE, 9660 - *Babalwa Confidence*

200. Shorty Msindo - 850527 5624 088 - 63 Delphinium Street, RAILTON, 6740 - *Buntu Shorty Abongile*

201. Edith Mokgadi Modiba - 970607 0377 083 - 3269 Swartwipens Street, Dawnpark, Ext 7, BOKSBURG, 1439 - *Boitumelo Edith Mokgadi*

202. Prudence Ziyanda Stoff - 990525 0914 083 - 213 Khumalo Valley, Mukhari Street, KATLEHONG, 1431 - *Ziyanda Gosiame*

203. Beverley Dibueng Basson - 000923 0081 086 - 6 Sesedi Street, KIMBERLEY, 8345 - *Beverley Khumo*

204. Nokuzola Binyela - 920626 0808 088 - 5 Petunia Street, Heinz Park, MITCHELLS PLAIN, 7785 - *Nandiswa*

205. Mmamajoniouross Mokoena - 780818 0328 087 - 10706 Ntsu Street, POTCHEFSTROOM, 2531 - *Mmamajoni Rose*

206. Tlhologelo Mkhondo - 000222 5706 080 - Kgautswana, OHGISTAD, 1122 - *Tlhologelo Joaka Othello*

207. Brain Tumelo Nkoana - 960921 5103 085 - 33728 Mohlware Street, MAMELODI EAST, 0122 - *Brian Tumelo*

208. Melissa Allison Mohamed - 920825 0234 085 - 129 Lavis Drive, BISHOP LAVIS, 7490 - *Mishqah*

209. Madira Julia Mampa - 900822 0752 087 - No 8 , Queen Anne Garden, TERENURF, 1619 - *Madira Tebogo Julia*

210. Makhawukani Emanuela Baloyi - 870903 0737 082 - Xigalo, MALAMULELE, 0982 - *Favour*

211. Mmamotswi Pax Mashabathakga - 840501 5194 080 - Erf 188 Sparaxis Street, Pine Ridge, 34-6th Avenue, ALEXANDRE, 1035 - *Zechariah Word Celebrated*

212. Onalenna Pearl Tonono - 871207 0492 089 - 1274 Merriman Street, DANIËLSKUIL, 8405 - *Onalenna Pearl Nokuchulumanca*

213. Makgatle Norah Sekhukhune - 600210 0488 089 - Mohlaletsi Village, TJATE, 1121 - *Maakgatle Norah*

214. Mmekwa Two-Boy Ramushu - 690101 7472 088 - P O Box 664, MASEMOLA, 1060 - *Mmekwane Two-Boy*

215. Ridwaan Khan - 850428 5271 089 - 27 Nyala Road, GINGINDLOVU, 3800 - *Clive*

216. Mokebe Florina Phara - 930624 0321 085 - 1985 Phahameng, BRANDFORT, 9400 - *Mokebe Sanelisiwe*

217. Reuben Lehlogonolo Maboko - 980911 5425 089 - Stand No 1005, Stadium View, TAFELKOP, 0470 - *Edia Lehlogonolo*

218. Mthanthaso Richert Shomaele - 811013 5526 084 - 646 Ramakgari Location, THABANCHU, 9780 - *Thapelo Richard*

219. Sebushi Johannes Seema - 850714 5298 085 - 10058 Rainbow Street, Extension 9, Ivory Park, MIDRAND, 1685 - *Clemence Mabarwa*

220. Ponny Shoky Letsoalo - 000928 5516 085 - 577 Rockdale, MIDDELBURG, 1050 - *Shoky Lebogang*

221. Marvelous Alfred Mashigo - 830729 5572 086 - Stand No 566, Doornlaagte, MARBLE HALL, 0450 - *Marvelous Mamojele*

222. Mogau Clement Leshilo - 840215 5569 080 - Marulaneng Village, GA-MPHAHLELE, 0736 - *Seputule Mogau Clement*

223. Thandiwe Mahlangu - 010831 1199 088 - Stand No 3664, Unit B, LEBOWAKGOMO, 0737 - *Thandiwe Newton*

224. Railina Mbatsane - 970923 0583 087 - 40 Beaconsfield Avenue, PRIMROSE, 1401 - *Railina Cláudia*

DEPARTMENT OF HOME AFFAIRS

NO. 250 **06 MARCH 2020**

ALTERATION OF SURNAMES IN TERMS OF SECTION 26 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The Director-General has authorized the following persons to assume the surnames printed in *italics*

Notice is hereby given of Government Gazette No.**42839** which, was published in Government Gazette No.**1466** dated **15 November 2019**, is hereby rectified to read as follows

1. Refilwe Jeanette Maiketsoane - 950519 0603 083 - House No 70517, Letlhabile Section, , LEDIG, 0316 - *Motaung*
2. Lihle Cele - 821111 6301 081 - Ward 7, Nkangwini Location, , HARDING, 4680 - *Jali*
3. Nthabeleng Theodora Pheladi Bembe - 010210 0134 083 - 1055 Limsinsi Street, Extension 5, , VOSLOORUS, 1475 - *Soafo*
4. Nandipha Nqeketo - 980811 0376 081 - 23 Protea Road, , , KLOOF, 3610 - *Thabethe*
5. Jabulani Ngobeni - 981003 5716 086 - Private Bag X5216, , , GIYANI, 0826 - *Hlongwani*
6. Celiwe Gugu Ntshembeni - 900502 1019 088 - P O Box 154, , , MTUBATUBA, 3935 - *Khumalo*

Notice is hereby given of Government Gazette No.**42956** which, was published in Government Gazette No.**26** dated **17 January 2020**, is hereby rectified to read as follows

1. Mapule Letta Phaladi - 950326 0418 086 - 3824 Block L, , , SOSHANGUVE, 0152 - *Mogwatseleng*
2. Tsholofelo Maria Sithole - 781209 0633 083 - 1054 Block B, , , LETLHABILE, 0264 - *Masango*
3. Thabelo Malindi Nkanyane - 910613 6224 082 - Ha-Matsa Village, , , NZHELELE, 0993 - *Mavhungu*

Notice is hereby given of Government Gazette No.**43015** which, was published in Government Gazette No.**128** dated **14 February 2020**, is hereby rectified to read as follows

1. Cornelius Bonginkosi Msenti - 570110 5747 081 - P O Box 165, , , ELANDSKOP, 3226 - *Madlala*

Notice is hereby given of Government Gazette No.**41141** which, was published in Government Gazette No.**1047** dated **29 September 2017**, is hereby rectified to read as follows

1. Shané Jo-Mari Towell – 970327 0315 088 – and a minor child – Quann Caleb Towell – 170302 6356 087 - 89 Diamond Street, Bellvue, , UPINGTON, 8801 - *Du Preez*

Notice is hereby given of Government Gazette No.**42956** which, was published in Government Gazette No.**26** dated **17 January 2020**, is hereby rectified to read as follows

1. Modise David Ntsane – 711227 5309 082 – and your wife – Boitumelo Maria Ntsane – 720423 0515 083 - and a minor child – Percy Ntsane – 080420 5102 085 - 2540 Judge Street, , , KIMBERLEY, 0531 - *Mpokotho*

DEPARTMENT OF HOME AFFAIRS

NO. 251 **06 MARCH 2020**

ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

Notice regarding the alteration of your forenames appeared in Government Gazette No. **42162** dated **18 January 2019** under Government Notice No. **9** is hereby rectified to read as follows

1. Liam Ross Joyce - 910514 5194 088 - 14 Buckingham Road, Bonela, DURBAN, 4091 - *Liam Karabo Mamphela*

Notice regarding the alteration of your forenames appeared in Government Gazette No. **42496** dated **31 May 2019** under Government Notice No. **814** is hereby rectified to read as follows

1. Bonisiwe Idah Shabangu - 871111 1469 080 - 7086 Tlou Street, Mayfield, DAVEYTON, 1520 - *Zanele Bonisiwe*

Notice regarding the alteration of your forenames appeared in Government Gazette No. **42839** dated **11 November 2019** under Government Notice No. **1467** is hereby rectified to read as follows

1. Nicolas Willem Nortje - 880502 5118 088 - 13 Valley View Flats, Fortgale, UMTATA, 5100 - *Joey Willem*

2. Martha Jacoba Elisabeth Prinsloo - 410714 0002 089 - 18 Chelsea Estate, Daffodil Close, BRACKENFELL, 7560 - *Martha Jacoba Elizabeth*

Notice regarding the alteration of your forenames appeared in Government Gazette No. **42861** dated **29 November 2019** under Government Notice No. **1535** is hereby rectified to read as follows

1. Levhuwani Josiah Manana - 940527 5136 085 - T 347 School Street, Moeleke Section, KATLEHONG, 1401 - *Lebohang Josiah*

Notice regarding the alteration of your forenames appeared in Government Gazette No. **37179** dated **27 December 2013** under Government Notice No. **1033** is hereby rectified to read as follows

1. Tshinyone Tyson Makhudu - 900305 6131 084 - Jane furse village, Jane furse, 1083 - *Tshinyane Tyson*

Notice regarding the alteration of your forenames appeared in Government Gazette No. **42902** dated **13 December 2019** under Government Notice No. **1594** is hereby rectified to read as follows

1. Aliyah Nhlanhla Loyiso Gold - 001016 5373 084 - 30 Extension 9, Milan Park, BETHAL, 2310 - *Nhlanhla Loyiso*

2. Mmanoko Morogoa Manamela - 000607 0362 089 - 1778 Tsiane Streettokologo, MIDDELBURG, 1030 - *Mmanoko Morongoa*

3. Aphelele Qhekeka - 971124 5923 084 - Mbongweni, MT AYLIFF, 5100 – *Bongokuhle*

Notice regarding the alteration of your forenames appeared in Government Gazette No. **42956** dated **17 January 2020** under Government Notice No. **25** is hereby rectified to read as follows

1. Thabelo Malindi Nkanyane - 910613 6224 082 - Ha-Matsa Village, NZHELELE, 0993 - *Thabelo Charles*

This gazette is also available free online at www.gpwonline.co.za

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGTHS ACT, 1994 (ACT NO. 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that a claim for restitution of land rights has been lodged by the deceased **Mr. MORUTI DAVID KONAITE,** in respect of the farm **HARTBEESTFONTEIN 558 KQ** and farm **WATERVAL 561 KQ** respectively, located in the **THABAZIMBI LOCAL MUNICIPALITY, WATERBERG DISTRICT, LIMPOPO.**

PROPERTIES	OWNERS	TITLE DEED NUMBERS	EXTENT (ha)	ENDORSEMENTS	HOLDERS	CLAIMANT
Remaining Extent of the farm Hartbeestfontein 558 KQ	ROBERT HOFFELDT FAMILIE TRUST	T6225/2007PTA	1295.6639	KQ,558PTA K751/1971RMPTA	NONE	MORUTI DAVID KONAITE
The farm Waterval 561 KQ	BAKGATLA BA MOSETLHA CPA	T77809/2018	2985.5408	KQ,561-BP	NONE	MORUTI DAVID KONAITE

The Commission on Restitution of Land Rights herein after the Commission received a land claim lodged by the deceased Mr. Moruti David Konaite on the **11th December 1998.** The Office is investigating this land claim. Any party that has an interest on the above-mentioned property is hereby invited to submit in writing, within **14 days** of publication of this notice, any comments or information or objection to the said notice under reference number **KRP 6276 and KRP 6295** to:

Submission may also be delivered to:

Office of the Regional Land Claims Commissioner: Limpopo
Private Bag X 9552
Polokwane
0700

First Floor, 96 Kagisho House
Corner Rissik & Schoeman Street
Polokwane
0700

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2020/02/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 253 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650; Fax: 033 – 3422103
File Reference: DC22/KZ222/64

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Mr. Sosobala Malinga	330314 5139 08 0
2.	Mr. Dumisani Sikholiwe Mhlakoana	530521 5527 08 4
3.	Ms. Reginah Khanyisile Ntombela	540627 0784 08 9
4.	Ms. Dorah Roselina Zuma	351128 0168 08 2
5.	Mr. Lephina Sikhakhane	440200 9338 08 2
6.	Mr. Nhlanhla Vitus Zuma	760106 5680 08 2
7.	Ms. Thombi Grammar Mabaso	491209 0403 08 2
8.	Mr. Mzilwa Hlombe	400510 5513 08 4
9.	Ms. Maria Theresa Sindisiwe Dzanibe	640312 0782 08 0
10	Ms. Thobile Dzanibe	651007 0396 08 2
11.	Mr. Poni Derrick Mchunu	550614 5392 08 1
12.	Mr. Mbekeni Patrick Zuma	570505 5505 08 4
13.	Ms. Norah Hadebe	600829 0657 08 6
14.	Ms. Thokozile Florence Zuma	520816 0463 08 3
15.	Mr. Zwelakhe Sithole	460715 5348 08 7
16.	Mr. Phillip Mbatha	650418 5683 08 8
17.	Mr. Sello Petros Mantoro	171014 5076 08 6

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	Driefonteinen 952	uMgungundlovu	T4392/1998	St Joseph's Theological Institute	n/a

For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**
SIGNED BY: _____
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 254 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the applicant, and in respect of the property set out in the schedule.

Any party who may have an interest in the above-mentioned application is hereby invited to make written representations to the Director General, within 30 days from the publication of this notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650;
Fax: 033 – 3422103
File Reference: DC22/KZ221/176

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Mr. Mikion Leni Bhengu	420112 5288 00 1

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	**Portion 0 of Wilgespruit No. 974**	uMgungundlovu	T31048/1998	WACKEM TRUST-TRUSTEES	n/a

SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 255 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650;
Fax: 033 – 3422103
File Reference: DC22/KZ222/188

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Ms. Margaret Thembani Mnikathi	530713 0827 08 6
2.	Mr. Mthenjwa Ernest Mshengu	541109 5688 08 5
3.	Ms. Zanele Florence Maduna	680505 0639 08 3
4.	Mr. Moses Sibusiso Hlatshwayo	710320 5872 08 3
5.	Ms. Nonhlanhla Thuleleni Hlatshwayo	n/a

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	Cedara/Kwakhani	uMgungundlovu	T4392/1998	Mr. M.A. Khan	n/a

SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 256 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650; Fax: 033 – 3422103
File Reference: DC22/KZ221/35

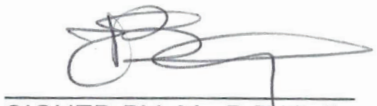
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Ms. Thandi M. Khumalo	620225 0531 08 0
2.	Ms. Fakazile J. Radebe	380109 0265 08 1
3.	Mr. Bantu Xulu	351012 5145 08 1
4.	Mr. Phumangekakhe Amos P. Zondi	420520 5317 08 5
5.	Ms. Khanyisile Zibuyile Zondi	n/a

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	Portion 7 of Kleine Waterval No. 955	uMgungundlovu	T58120/2002	Hillerman Brothers	n/a



SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 257 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that applications for acquisition of land or rights in land were lodged with the Director General of the erstwhile Department of Land Affairs by the Applicants, and in respect of the Property, described in the Schedule.

Any party who may have an interest in the applications appearing in the Schedule is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Ladysmith District Office
45 Beacon Road
Ladysmith
3370
Tel (036) 638 9400, Fax (036) 638 9406
Email: zizile.sibisi@drdlr.gov.za
File Reference: **See attachment**

For **DIRECTOR-GENERAL: RURAL DEVELOPMENT AND LAND REFORM**
SIGNED BY: _____
DIRECTOR: TENURE SYSTEMS IMPLEMENTATION
DULY AUTHORISED 20/01/2020

This gazette is also available free online at **www.gpwonline.co.za**

This gazette is also available free online at www.gpwonline.co.za

SCHEDULE

ADMIN DETAILS		DETAILS OF THE APPLICANTS		DETAILS OF THE PROPERTY				
No.	**File No / Reference**	**Name and Surname**	**Identity Number**	**Property Description**	**Locality (District)**	**Current Title Deed No**	**Current Owner**	**Bonds and Restrictive Conditions (Interdicts)**
1.	DC/23/KZ234/52	Bejane Memela Mvunge Petros Shange Matine Mgoza	271103 5159 08 6 630404 5685 08 6 370317 5252 08 5	Remaining Extent of weltervreden Portion 1 no. 1903 or Remaining Extent of Cliffdale no 3007	uThukela	T29025/1991	Roger Edward Turner	N/A
2.	12/3/1-KZN/3/A/13	Maswazi Robert Mazibuko Gqushu Simon Khoza	491103 5376 08 0 440818 5352 08 3	Wagenbeetjes Kop no 1253	uThukela	T10259/2003	Keeversfontein Boerdery (PTY) LTD	N/A
3.	12/3/1-KZN/4/D/1	Khulumile Dlamini Magazine Shezi Hlolisile Magubane Khosa Juliet Mngadi Kwenzakufani Khanyile Piyi Ngidi Vikimpi Joseph Hlela Christina Bonisiwe Majola	521227 0769 08 2 420509 5237 08 8 520516 0747 08 5 560316 0857 08 8 541203 5655 08 5 431122 5432 08 4 601007 5569 08 0 620615 0805 08 0	Cranham Farm No.13121	uMzinyathi	N/A	Nomalanga Pascal	N/A

		Khalo Nobukhosi xaba Nunu Conco	750914 0269 08 8 640603 5341 08 3					
4.	12/3/1-KZN/3/D/3	Mdumzeli Aaron Mazibuko Mthatheni Mkhize Bekani Shabalala Boyi Samuel Shabalala Sibusiso Thomas Shabalala	640930 5314 08 7 290201 5199 08 8 741201 5350 08 5 491129 5505 08 9 731007 5642 08 8	Zwartkop Farm No. 1091	uThukela	N/A	Peter Stockil	N/A
5.	12/3/1/A/S17/11	Msobeni Madondo Thandi Jennet Hadebe Thelekile Eunice Duma Sipho Alson Hadebe	520604 5313 08 5 590326 0699 08 7 631104 0248 08 5 640602 5518 08 8	Remainder of Farm Ennersdale No. 2101	uThukela	T31229/2018	Anzu Farming (Pty) LTD	N/A
6.	DC23/KZ235/192	Bernard Sukumani Buthelezi Irene Nolwandle Buthelezi Saraphine Khatheleni Dlamini Flora Zondeni Dlamini	681219 5527 08 2 410915 0259 08 8 500901 0711 08 9 681107 0670 08 2	Farm Vusisizwe No. 18109	uThukela	N/A	Marthinus Johannes Honiball	N/A

This gazette is also available free online at www.gpwonline.co.za

This gazette is also available free online at www.gpwonline.co.za

		Doreen Khanyisile Khumalo Thokozile Gladys Mabaso Nomkhomazi Msibi Thokozile Ndaba Elsina Nelisiwe Mazibuko Elias Bhekumuzi Mazibuko Khulu Bethwell Khumalo	660831 0298 08 2 460509 0195 08 4 520117 0800 08 9 460509 0195 08 4 610912 0590 08 1 690725 5433 08 8 630601 5282 08 5					
7.	Oppermanskraal	Mbudi Mhlanga	370330 5187 08 6	Farm Oppermanskraal No.1257	uThukela	T8823/1994	Gielie Jacobsz	N/A
8.	Mains	Mcondo Hanyana Kubheka	441004 5316 08 7	Mains No.2071	uThukela	T10417/1991	Willem Venter	N/A
9.	Strydpoort	Hleziphi Gerte Radebe Sibongile Gladys Kheswa	471221 0456 08 9 740304 1231 08 4	Farm Strydpoort No. 1136	uThukela	T60083/2002	R I D Farm CC	N/A
10.	KZ244/27/4/254	Kini Khoza Mgada Khoza Eric Mbongiseni Khoza Sidomu Funukwazi Khoza	450402 5340 08 1 6003155385 08 9 710806 5523 08 0 560425 5512 08 3	Portion 1 of Craigmiller No. 2971	uMzinyathi	T4373/1996	Maximillian Emile Friedenthal Britz	Land Bank

This gazette is also available free online at www.gpwonline.co.za

11.	KZ244/27/8/258	Fana Albert Manyoni Sibusiso Nkosingiphile Manyoni Sakhephi Moses Masikane Khayelihle Sithole Khangelani Vincent Sithole Dumisani Godfrey Ximba Nkosingiphile Gani Zulu Jabulani Ndodeni Buthelezi	470703 5354 08 9 710719 5583 08 9 470901 5437 08 2 671125 5275 08 9 610411 5532 08 1 630101 6434 08 5 780722 5721 08 5 551208 5318 08 6	Portion 3 of the Farm Craigmiller No.2971	uMzinyathi	T2014/2008	Christiaan Gerhardus Britz Patricia Joan Britz	Standard Bank of South Africa LTD
12.	KZ241/15/2/5/305	Kheli Eliam Ndebele Mhawukelwa Emmanuel Nkosi	231008 5110 08 9 460626 5230 08 6	Portion 2 of Brankfontein No.155	uMzinyathi	T6698/2002	Frik Vreken Trust-Trustees	ABSA Bank BPK
13.	Corby Rock	Zanele Pretty Mgwabi Zithulele Magwaza	710404 1439 08 7 440619 5199 08 3	Corby Rock No.11509	uMzinyathi	T29903/2012	Estie Rood Maths CC	Firstrand Bank Limited
14.	Spitskop	Pa Majola	480429 5238 08 4	Farm Spitskop No.495	uThukela	N/A	Kerneels Greyling Trust	N/A
15.	KZ241/39/1/301	Grace Melta Khaba Nyoni Mpostoli Dube Makhosi Masuku	520517 0340 08 7 370206 5114 08 9 580526 0687 08 9	Portion 1 of the Farm Eersteling No.17075	uMzinyathi	N/A	Philip Strauss Family Trust	N/A

		Mbizeni Absalom Masuku Thomas Nzuza	580326 5583 08 3 261125 5127 08 8					
16.	DC24/KZ234/52	Funumuzi Mehack Khuzwayo Duma Blom Mtshelwa Luke Khulu Sokesimbone Skhakhane Mvinjelwa Simon Magubane Sam Blom Simangele anna Khulu	650710 5669 08 7 540703 5330 08 5 420725 5491 08 3 650509 5238 08 7 610111 5493 08 2 541101 5328 08 5 540313 0366 08 2	Portion 9 (Remaining Extent) of Biggarsgat No.12753	uMzinyathi	T3467/2006	Carel Antonie Froneman	First Rand Bank Limited
17.	Dalry	Phumephi Lizie Luvuno	661029 0600 08 9 580813 5673 086	Dalry No. 2413	uMzinyathi	Unknown	Anna Magrietha Dannhauser	N/A

This gazette is also available free online at www.gpwonline.co.za

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 258 **06 MARCH 2020**

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Petros Mabule Phorah, ID No. 630202 5797 08 9 on behalf of Phora Family** on the following property mentioned hereunder situated under **Govan Mbeki Local Municipality, Gert Sibande District, Mpumalanga Province: KRP 274**

CURRENT PARTICULARS OF THE PROPERTY

ZONDAGSKRAAL 125 IS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 7	Govan Mbeki Municipality	T82511/1989	197.4196 ha	None	None	K121/1980PC K1820/1985S K257/1954PC K259/1954PC K2883/1977S K4520/1989 RM in favour of Opperman Broers Booerdery CC K4521/1989 RM in favour of Mun Kinross K48/1953PC K50/1953PC K686/2014S K818/1963S VA1275/983-K2883/977

						in favour of S VA7169/2004 in favour of Mun Kinross

NB: The Total hectors of property = 197.4196 ha and but the Phora Family land claim affects 197.4196 ha.

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X11330
Nelspruit
1200

CHECKED BY: RENALL SINGH
ACTING DEPUTY DIRECTOR LEGAL
OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 18/12/19

MR L H MAPHUTHA
THE REGIONAL LAND CLAIMS COMMISSIONER
COMMISSION ON RESTITUTION OF LAND RIGHTS
DATE: 2020/02/17

This gazette is also available free online at www.gpwonline.co.za

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 259 **06 MARCH 2020**

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED]

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a **Land claim** for **Restitution of Land Rights** has been lodged by the late **Mr Joseph Samuel Nkosi ID. NO. 540706 5413 082** on behalf of Nkosi family on the property mentioned here under situated in Govan Mbeki Local Municipality, Gert Sibande District in Mpumalanga Province (**KRP: 11774**)

CURRENT PARTICULARS OF THE PROPERTY (CONSOLIDATION FROM PORTION 26)

1. **DRIEFONTEIN 137 IS**

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 27	Govan Mbeki Local Municipality	T78283/1994	92.5899 hectares	None	None	• K1320/1992RM in favour of Randex Mining Co Ltd • K2001/1990S • K2541/1986RM • K2911/196S • K3846/1998S • K50/1962RM • K802/1991RM in favour of Inspan Beleggings Pty Ltd • VA2759/2015 in favour of Plaaslike Oorgangsraad

NB: The Total hectares affected by the claim = 92.5899 Ha

This gazette is also available free online at www.gpwonline.co.za

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED]

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a **Land claim** for **Restitution of Land Rights** has been lodged by the late **Mr Joseph Samuel Nkosi ID. NO. 540706 5413 082** on behalf of Nkosi family on the property mentioned here under situated in Govan Mbeki Local Municipality, Gert Sibande District in Mpumalanga Province (**KRP: 11774)**

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X 11330
Nelspruit
1200

TEL NO: 013 756 6000
FAX NO: 013 752 3859

CHECKED BY: RENALL SINGH
RESTITUTION ADVISOR
DATE: 18/02/19

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 2020/02/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 260 **06 MARCH 2020**

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by **Miss Lena Mtsweni [ID No. 2907090271085]** on her behalf of Mtsweni family on the property mentioned hereunder situated in **Steve Tshwete Local Municipality, Nkangala District in the Mpumalanga Province: [KRP: 1410]**

CURRENT PARTICULARS OF THE PROPERTY
WONDERBOOM 249 JS

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 2	Isadolph Pty Ltd [2013021877707]	T17200/2014	350.3887 ha	B758/2019	Firstrand Bank Ltd	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [Thirty days] from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X7201
Witbank
1035

CHECKED BY: MRS R SINGH
RESTITUTION ADVISOR
DATE: 13/2/19

MR. L. H. MAPHUTHA
COMMISSIONER FOR RESTITUTION OF LAND RIGHTS
DATE: 2020/02/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 261 **06 MARCH 2020**

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994
(ACT NO. 22 OF 1994)

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that claim/s for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	LOT NUMBER	DISTRICT	CURRENT OWNER LAND	INTERESTED PARTIES
VWV 027	Buti Paulus Mabena	Lot No. 1 Riverside	Lot No. 1 Riverside	Tshwane Metropolitan Municipality	Tshwane Metropolitan Municipality	Department of Rural Development and Land Reform Tshwane Metropolitan Municipality

has/have been submitted to the office of the Regional Land Claim Commission. The Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of Rule 5 of the Rules Regarding Procedure of Commission Established in terms of section 16 of Restitution of Land Rights Act as amended. Any interested party on the claim is hereby invited to submit, representations in terms of section 11A of the Restitution of Land Rights Act No. 22 of 1994 as amended within 90 (ninety) working days from the publication date of this notice, any comments/information may be send to:

MR. L.H. MAPHUTHA
The Regional Land Claims Commissioner
Gauteng Province
Private Bag X 03
ARCADIA
0007
TEL: (012) 310-6500/6620
FAX: (012) 323-2961

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 262 **06 MARCH 2020**

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994) AS AMENDED

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 as amended) that a claim has been lodged for restitution of land rights on:

REF NO.	CLAIMANTS	FARMS	PORTIONS	CURRENT LANDOWNERS	EXTENT	TITLE DEEDS	INTERESTED PARTIES
Z 0231 & P 0050	Mr. Sebatshelwa Matthews Litho and Mr. Patrick Mgoma Mahlangu	Bezuidenhoutskraal 166 JR	Portion 1 (RE)	Government of the Republic of South Africa	257.0952	T71966/1990 T164547/2007	Land beneficiaries; Current Landowners; National Department of Public Works; Department of Rural Development and Rural Development; Current Lessees; City of Tshwane Metropolitan Municipality; Dr JS Moroka Local Municipality Bela Bela Local Municipality; and Waterberg District Municipality
			Portion 2 (RE)	Government of the Republic of South Africa	498.8076	T3410/1991 T164547/2007	
			Portion 3	Government of the Republic of South Africa	1057.2610	T45177/1990 T164547/2007	
			Portion 4	Government of the Republic of South Africa	278.8597	T42085/1975 T61160/2016	
			Portion 6 (RE)	Government of the Republic of South Africa	248.7148	T3410/1991 T164547/2007	
			Portion 7	Government of the Republic of South Africa	257.9460	T3410/1991 T164547/2007	
			Portion 8	Government of the Republic of South Africa	257.9460	T71966/1990 T164547/2007	
			Portion 9	Government of the Republic of South Africa	535.6808	T42085/1975 T61160/2016	
			Portion 10	Government of the Republic of South Africa	9.5227	T49408/1987 T164547/2007	
			Portion 11	Government of the	13.2506	T49408/1987	

				Republic of South Africa		T164547/2007	
			Portion 12	Government of the Republic of South Africa	10.0878	T49408/1987 T164547/2007	
		Boschkloof 203 JR	Portion 1	Government of Kwandebele	640.6288	T50148/1990	
		Christiaansrus 182 JR	Portion 0	Government of the Republic of South Africa	1655.4583	T18478/1985 T4020/2015	
		Langesdam 176 JR	Portion 3	Government of the Republic of South Africa	140.3128	T22297/2015	
		Enkeldoornspoort 207 JR	Portion 1 (RE)	Government of the Republic of South Africa	777.3603	T55095/1989 T164547/2007	
			Portion 2	Government of the Republic of South Africa	25.1616	T55095/1989 T164547/2007	
			Portion 4 (RE)	Government of the Republic of South Africa	1400.2196	T79899/1991 T164547/2007	
			Portion 5	Government of the Republic of South Africa	948.9194	T79900/1991 T1523/2010	
		Kloppersdam 187 JR	Portion 3 (RE)	Government of the Republic of South Africa	542.0337	T69516/1989 T6003/2008 T7815/1990 T6003/2008	
			Portion 5	Government of the Republic of South Africa	397.6449	T22149/1985 T14113/2013	
			Portion 8	Government of Kwandebele	628.7129	T30704/1985	
			Portion 9	Government of Kwandebele	628.7131	T49159/1984	

This gazette is also available free online at www.gpwonline.co.za

			Portion 10	Government of Kwandebele	628.7132	T28949/1982	
			Portion 11 (RE)	Government of the Republic of South Africa	74.7939	T22149/1985 T14113/2013	
			Portion 12	Government of the Republic of South Africa	387.3595	T7815/1990 T6003/2008	
		Naauwpoort 208 JR	Portion 0 (RE)	Erichsen Wildsplaas Pty Ltd	2092.4590	T80876/2000	
			Portion 3	Nokeng Flourspar Mine (RF) Pty Ltd	332.4313	T54487/2018	
		Kroomdraai 209 JR	Portion 0 (RE)	Vergenoeg Mining Co Pty Ltd	393.4052	T98524/2005	
			Portion 2 (RE)	Vergenoeg Mining Co Pty Ltd	409.2933	T98524/2005	
			Portion 3	Vergenoeg Mining Co Pty Ltd	256.9596	T98524/2005	
			Portion 4	Lourens Jacobus Erasmus Nicolaas Stefanus Erasmus Willem Petrus Willemans Erasmus Levina Catharina Lourencina Prinsloo Vergenoeg Mining Co Pty Ltd Helletje Maria Potgieter Erichsen Wildsplaas Pty Ltd	569.2939	T10506/1921 T149043/2002 T35191/1982 T60994/2002 T60996/2002 T7292/1975 T73191/2008 T80876/2000 T98524/2005 T60992/2002	
			Portion 5	Snaport Pty Ltd	256.9596	T72407/2002	
			Portion 11	Nokeng Flourspar Mine Pty Ldt	100.0006	T36453/2011	
		Zaagkuilfontein 204 JR	Portion 1	Government of the Republic of South Africa	1225.2805	T40943/1989 T164547/2007	

This gazette is also available free online at www.gpwonline.co.za

			Portion 2 (R/E)	Government of the Republic of South Africa	1099.0277	T164550/2007	

Take further notice that the Commission on Restitution of Land Rights will conduct further investigations on the claim in terms of the provisions of section 12 read with Rule 5 of the Rules Regarding Procedure of Commission Established in terms of section 16 of Restitution of Land Rights Act as amended. Any interested party on the claim is hereby invited to submit, representations in terms of section 11A of the Restitution of Land Rights Act 22 of 1994 as amended within 90 (ninety) working days from the publication date of this notice, any comments/information may be send to:

Chief Directorate: Land Restitution Support Gauteng Province
Private Bag X03
ARCADIA
0007
Tel: (012) 310-6500
Fax: (012) 324-5812

MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2020/02/17

This gazette is also available free online at www.gpwonline.co.za

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 263 **06 MARCH 2020**

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Shube Mathonga Sam** [**ID No. 3206165131087**] on behalf of **Shube Family** on the property mentioned hereunder situated in **Mbombela Local Municipality, Ehlanzeni District in the Mpumalanga Province: [KRP: 9363]**

CURRENT PARTICULARS OF THE PROPERTY
Witwater Forest Reserve 188 JT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 0 (R/E)	Republic of South Africa	T26633/1965	2135.3985 ha **Affected hactares 4.7178h**	None	None	I-11934/1996C-K1207 I-11934/1996C-K1433 I-11934/1996C-T26633 K1207/1976 In favour of Lubbe Willem Gerhardus K1433/1967S K1697/2000S K3552/1997S VA2534/2002in favour of T26633/1965 VA2790/2015 in favour of T26633/1965 VA5016/2000 in favour of Republic Van Suid Afrika

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by **Mr. Shube Mathonga Sam [ID No. 3206165131087]** on behalf of **Shube Family** on the property mentioned hereunder situated in **Mbombela Local Municipality, Ehlanzeni District in the Mpumalanga Province: [KRP: 9363]**

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to:

30 Samora Machel Drive
Restitution House
Nelspruit
1200
TEL NO: 013 756 6000

CHECKED BY: MRS R SINGH
RESTITUTION ADVISOR
DATE: 10/02/2020

MR. L. H .MAPHUTHA
COMMISSIONER FOR RESTITUTION OF LAND RIGHTS
DATE: 2020/02/17

This gazette is also available free online at www.gpwonline.co.za

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 264 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650;
Fax: 033 – 3422103
File Reference: DC22/KZ222/105

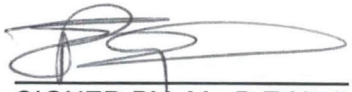
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Mr. John Mtshali	290519 5162 08 4
2.	Mr. Khuthazile Mtshali	310719 0187 08 8
3.	Ms. Limakaisomaria Radebe	251007 0195 08 2
(Hereinafter referred to as "the Applicants")		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	**Portion 58 of Woodlands No 876**	uMgungundlovu	T38342/1995	UPNOR INTERNATIONAL INC.	n/a



SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 265 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650; Fax: 033 – 3422103
File Reference: DC22/KZ222/145

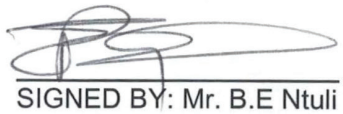
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Ms. Justina Fikelephi Cebekhulu	480307 0663 08 6
2.	Ms. Mfaniseni Vivian Sithole	N/A
3.	Ms. Peter A. Mlaba	580108 5361 08 3
4.	Ms. Sameson T. Mnikathi	660620 5282 08 8
5.	Mr. Kwemakufani S. Hlongwane	580405 5365 08 4
6.	Mr. Richard M. Mncube	650820 5807 08 0

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	**Ebernburg Farm No. 2210**	uMgungundlovu	T30640/1999	Baden Smythe Family Trust-Trustees	n/a



SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 266 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650; Fax: 033 – 3422103
File Reference: DC22/KZ226/9

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Dlamini Vuthela	470415 5354 08 0
2.	Dlamini Lindeni	
3.	Dlamini Thuli	
4.	Dlamini Thembelihle	
5.	Dlamini Lindelani	
6.	Dlamini Lungi	
7.	Dlamini Boni	
8.	Lushaba Muchitheki	471223 5287 08 9
9.	Ndlovu Lucia	
10.	Ndlovu Nomusa	
11.	Lushaba Maureen	
12	Lushaba Gene	
13.	Lushaba Goodman	

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	Rosewood farm	uMgungundlovu		Rosewood Farm Cc	n/a

SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 267 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650; Fax: 033 – 3422103
File Reference: DC22/KZ222/65

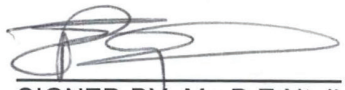
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Mr. Kweza Buthelezi	440602 5207 08 0
2.	Ms. Ncamsile Gladys Buthelezi	770925 0393 08 8
3.	Mr. Mbalekelwa Buthelezi	650620 5457 08 8
4.	Ms. Sibongile Agnes Buthelezi	441014 0457 08 6
5.	Ms. Bongekile Esther Buthelezi	750307 0601 08 9
6.	Mr. Sipho Robert Buthelezi	720604 5424 08 8
(Hereinafter referred to as "the Applicants")		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	**Mulberry Hill**	uMgungundlovu	n/a	LINDA & HARWYN	n/a



SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 268 **06 MARCH 2020**

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicant, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
199 Pietermaritz Street, 3rd Floor Legal wise building, Pietermaritzburg, 3201 Tel: 033 – 3920650;
Fax: 033 – 3422103
File Reference: DC22/KZ223/144

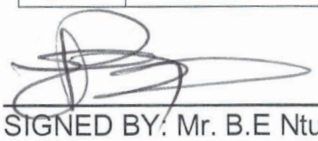
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Mr. Sonogake Tholane Dladla	500518 5346 08 1

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	Portion 11 of Waterfall no. 1003	uMgungundlovu	T26377/2001	Mr. Mfana Mbanjwa	n/a



SIGNED BY: Mr. B.E Ntuli
DIRECTOR: TENURE REFORM IMPLEMENTATION
DULY AUTHORISED
For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 269 **06 MARCH 2020**

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by Mr Madala Lawrance Maphanga **[ID No. 600421 5326 089]** on behalf of the Phadzimane Community on the properties mentioned hereunder situated in **Thaba Chweu Local Municipality under Ehlanzeni District Municipality in the Mpumalanga Province: [KRP: 2427]**

CURRENT PARTICULARS OF THE PROPERTIES

WATERVAL 385 KT

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 11	Pierre Lombard Boerdery CC ID No: 1999014703 23	T4047/2012	223.6236ha	B2287/2012	Firstrand Bank Ltd Language William Robert	• K557/2010S • K67/2013S in favour of Language William Robert
The Remaining Extent of Portion 15	Grobler Hendrik Frederik ID No: 4410235020085	T4109/2016	39.0762ha	B132/2010	Firstrand Bank Ltd	None
Portion 20	Kasteelberg Estate Pty Ltd (70/14540/07)	T140255/1998	348.5673ha	None	None	VA1690/2001-in favour of Kasteel berg Estate Pty Ltd
The Remaining Extent of Portion 22	Lombard Daniel Petrus ID No: (3911015029080) Lombard Anna Elizabeth ID No: (4306050078085)	T60393/2006	263.4131ha	B2288/2012	Language William Robert	VA418/2012-in favour of Lombard Daniel Petrus Johannes
Portion 26	Blaizepoint Trading 403 CC (2002026658 23)	T6455/2008	141.7175ha	B748/2014	Firstrand Bank Ltd	VA1457/2013 in favour of Blaizepoint Trading 403 CC

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended,** that a land claim for **Restitution of Land Rights** has been lodged by Mr Madala Lawrance Maphanga **[ID No. 600421 5326 089]** on behalf of the Phadzimane Community on the properties mentioned hereunder situated in **Thaba Chweu Local Municipality under Ehlanzeni District Municipality in the Mpumalanga Province: [KRP: 2427]**

The Restitution of Land Rights, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X 11330
Nelspruit
1200
Or 30 Samora Machel Drive
Restitution House
Nelspruit
1200
TEL NO: 013 756 6000
FAX NO: 013 752 3859

CHECKED BY: MRS R SINGH
RESTITUTION ADVISOR
DATE: 18/12/19

MR. L. H .MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2020/02/17

This gazette is also available free online at www.gpwonline.co.za

SOUTH AFRICAN REVENUE SERVICE

NO. 270 **06 MARCH 2020**

DETERMINATION OF THE DAILY AMOUNT IN RESPECT OF MEALS AND INCIDENTAL COSTS FOR PURPOSES OF SECTION 8(1) OF THE INCOME TAX ACT, 1962 (ACT NO. 58 OF 1962)

By virtue of the powers vested in me by section 8(1)*(c)*(ii) of the Income Tax Act, 1962 (Act No. 58 of 1962), I, Edward Christian Kieswetter, Commissioner for the South African Revenue Service, hereby determine in the Schedule hereto the amounts which shall be deemed to have been actually expended by a person in respect of meals and incidental costs for the purposes of section 8(1)*(a)*(i)*(bb)* of that Act.

The amounts determined in this notice apply in respect of years of assessment commencing on or after 1 March 2020.

EC KIESWETTER
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

1. Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Income Tax Act, 1962, bears the meaning so assigned.

2. The following amounts will be deemed to have been actually expended by a recipient to whom an allowance or advance has been granted or paid—

(a) where the accommodation, to which that allowance or advance relates, is in the Republic and that allowance or advance is paid or granted to defray—

(i) incidental costs only, an amount equal to R139 per day; or

(ii) the cost of meals and incidental costs, an amount equal to R452 per day; or

(b) where the accommodation, to which that allowance or advance relates, is outside the Republic and that allowance or advance is paid or granted to defray the cost of meals and incidental costs, an amount per day determined in accordance with the 'Table: Daily Amount for Travel Outside the Republic' under Notice 268 published in *Government Gazette* No. 42258 dated 1 March 2019.

SUID-AFRIKAANSE INKOMSTEDIENS

NO. 270 **06 MAART 2020**

BEPALING VAN DAGTOELAE TEN OPSIGTE VAN ETES EN TOEVALLIGE UITGAWES VIR DOELEINDES VAN ARTIKEL 8(1) VAN DIE INKOMSTEBELASTINGWET, 1962 (WET NO. 58 VAN 1962)

Kragtens die bevoegdheid aan my verleen deur artikel 8(1)*(c)*(ii) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), bepaal ek, Edward Christian Kieswetter, Kommissaris van die Suid-Afrikaanse Inkomstediens, hiermee in die Bylae hierby die bedrae wat geag word werklik deur 'n persoon aangegaan te gewees het ten opsigte van etes en toevallige uitgawes by die toepassing van artikel 8(1)*(a)*(i)*(bb)* van daardie Wet.

Die bedrae in hierdie kennisgewing bepaal is van toepassing ten opsigte van jare van aanslag wat op of na 1 Maart 2020 begin.

EC KIESWETTER
KOMMISSARIS VAN DIE SUID-AFRIKAANSE INKOMSTEDIENS

BYLAE

1. Tensy uit die samehang anders blyk, dra enige woord of uitdrukking waaraan ‘n betekenis in die Inkomstebelastingwet, 1962, toegeskryf is die betekenis aldus daaraan toegeskryf.

2. Die volgende bedrae word geag werklik deur ’n ontvanger aan wie ‘n toelae of voorskot toegestaan of betaal is, aangegaan te wees—

(a) waar die verblyf waarop die toelae of voorskot betrekking het in die Republiek is en daardie toelae of voorskot betaal of toegestaan is —

(i) om slegs toevallige uitgawes te bestry, ’n bedrag gelyk aan R139 per dag; of

(ii) om die koste van etes en toevallige uitgawes te delg, ’n bedrag gelyk aan R452 per dag ; of

(b) waar die huisvesting waarop daardie toelae of voorskot betrekking het, buite die Republiek is en daardie toelae of voorskot betaal of toegestaan word om die koste van etes en toevallige uitgawes te bestry, ´n bedrag per dag bepaal ooreenkomstig ‘Tabel A: Daaglikse bedrag vir reise buite die Republiek’ in Kennisgewing 268 gepubliseer in *Staatskoerant* No. 42258 gedateer 1 Maart 2019.

U TA MUTENGO WA ḒUVHA NGA ḒUVHA ZWI TSHI ELANA NA ZWIḽIWA NA MITENGO YA NDEME HU TSHI ITELWA KHETHEKANYO 8(1) YA MULAYO WA MUTHELO WA MBUELO WA, 1962 (MULAYO WA NOMBORO 58 WA 1962)

U ya nga maanḓa e nda hwedzwa kha khethekanyo 8(1)*(c)*(ii) ya Mulayo wa Muthelo wa Mbuelo wa, 1962 (Mulayo wa Nomboro. 58 wa 1962), nṋe, Edward Christian Kieswetter, Mukhomishinari wa Tshumelo ya Mbuelo ya Afrika Tshipembe, ndi ta kha Sheduḽu ya heḽi ḽiṅwalo mitengo ine ya tea u shumiswa nga muthu zwi tshi elana na zwiḽiwa na mitengo ya zwi songo lavhelelwaho hu tshi itelwa khethekanyo 8 (1)*(a)*(i)*(bb)* ya wonoyo mulayo.

Mitengo ye ya tiwa kha iyi nḓivhadzo i shuma zwi tshi elana na miṅwaha ya asesimennde ine ya ḓo thoma nga ḽa 1 Ṭhafamuhwe 2020.

EC KIESWETTER

MUKHOMISHINARI WA TSHUMELO YA MBUELO YA AFRIKA TSHIPEMBE

SHEDULḼU

1. Nga nnḓa ha musi zwo sumbedzwa nga iṅwe nḓila ipfi ḽiṅwe na ḽiṅwe ḽo ṋetshedzwaho ṱhalutshedzo kha Mulayo wa Muthelo wa Mbuelo wa, 1962, ḽo hwala ṱhalutshedzo yo ṋetshedzwaho.

2. Mitengo i tevhelaho i ḓo dzhiwa sa yo shumiswaho nga muṱanganedzi we a ṋetshedzwa gavhelo kana tshelede ine ya ṋetshedzwa kana u badelwa phanḓa ha u bva lwendo —

(a) hune vhudzulo, hune gavhelo kana tshelede ine ya badelelwa phanḓa ya elana naho, havha kha Riphabuḽiki, na gavhelo kana tshelede ine ya badelelwa phanḓa ya badelwa kana u ṋetshedzwa ya shumiswa kha—

(i) mitengo ya zwi songo lavhelelwaho, mutengo une wa lingana na R139 nga ḓuvha; kana

(ii) mutengo wa zwiḽiwa na mitengo ya zwi songo lavhelelwaho, mutengo une wa lingana na R452 nga ḓuvha; kana

(b) hune vhudzulo, hune gavhelo kana tshelede ine ya badelelwa phanḓa ya elana naho, ha vha nga nnḓa ha Riphabuḽiki, na gavhelo kana tshelede ine ya badelelwa phanda ya badelwa u shumiswa kha mitengo ya zwiliwa na mitengo ya zwi songo lavhelelwaho, mutengo nga ḓuvha wo tiwaho u ya nga ‘Thebuḽu: Mutengo wa ḓuvha nga ḓuvha wa uya nnḓa ha Riphabuḽiki’ kha

Ndivhadzo 268 yo ḓivhadzwaho kha *Gurannḓa ya Muvhuso* ya Nomboro ya 42258 ya 1 Ṱhafamuhwe 2019.

UKUBEKWA KWAMANANI OSUKU MAYELANA NOKUDLA NEZINDLEKO EZIVELAYO NGENHLOSO YESIGABA 8(1) SOMTHETHO WENTELA YEMIVUZO, KA-1962 (UMTHETHO ONGUNOMBOLO. 58 KA-1962)

Ngokwamandla engiwanikiwe ngokwesigaba 8(1)*(c)*(ii) soMthetho WeNtela YemiVuzo ka-1962 (UMthetho onguNombolo. 58 ka-1962), mina, Edward Christian Kieswetter, uKhomishana Wophiko Lwezimali Ezingenayo Eningizimu Afrika, ngibeka kwiSheduli elapha amanani azosetshenziswa ngumuntu mayelana nokudla nezindleko ezivelayo ngenhloso yesigaba 8(1)*(a)*(i)*(bb*) somthetho.

Amanani abekiwe lapha kulesi saziso aqala ukusebenza kusukela ngomhlaka-1 kuNdasa 2020.

EC KIESWETTER

UKHOMISHANA WOPHIKO LWEZIMALI EZINGENAYO ENINGIZIMU AFRIKA

ISHEDULI

1. Ngaphandle uma isimo sichaza, noma yiliphi igama noma isisho esinikezwe incazelo kuMthetho WeNtela YemiVuzo, ka-1962, siqukethe leyo ncazelo esiyinikiwe.

2. Lawa manani alandelayo azothathwa njengalawo asetshenziswe owamukeliswayo lowo imali noma isamba esithile osinikwe noma esikhokhwe kuye—

(a) uma indawo yokuhlala, lapho lesosibonelelo noma isamba sibhekiswe khona, ikwiRiphabhulikhi noma lesosibonelelo noma isamba sikhokhwe khona noma sinikelwe ukukhokhwa—

(i) izindleko ezivelayo kuphela, inani elilingana no-R139 ngosuku; noma

(ii) izindleko zokudla nezindleko zokungalindelekile, inani elilingana no-R452 ngosuku; noma

(b) uma indawo yokuhlala, lapho isibonelelo noma isamba sibhekiswe khona, ingaphandle kweRiphabhulikhi, inani ngosuku elibekwe kwitafula 'ITafula: Inani Losuku Lokuhambela Ngaphandle KweRiphabhulikhi' elishicilelwe *kwiPhephandaba likaHulumeni* yenombolo 42258 ngomhlaka 1 kuNdasa 2019.

SOUTH AFRICAN REVENUE SERVICE

NO. 271 **06 MARCH 2020**

FIXING OF RATE PER KILOMETRE IN RESPECT OF MOTOR VEHICLES FOR THE PURPOSES OF SECTION 8(1)*(b)*(ii) AND (iii) OF THE INCOME TAX ACT, 1962

Under section 8(1)*(b)*(ii) and (iii) of the Income Tax Act, 1962 (Act No. 58 of 1962), I, Tito Titus Mboweni, Minister of Finance, hereby determine that the rate per kilometre referred to in that section must be an amount determined in accordance with the Schedule hereto.

TT MBOWENI
Minister of Finance

SCHEDULE

1. Definition

In this Schedule, "**value**" in relation to a motor vehicle used by the recipient of an allowance as contemplated in section 8(1)*(b)*(ii) and (iii) of the Income Tax Act, 1962, means—

(a) where that motor vehicle (not being a motor vehicle in respect of which paragraph *(b)*(ii) of this definition applies) was acquired by that recipient under a *bona fide* agreement of sale or exchange concluded by parties dealing at arm's length, the original cost thereof to him/her, including any value-added tax but excluding any finance charge or interest payable by him/her in respect of the acquisition thereof;

(b) where that motor vehicle—

(i) is held by that recipient under a lease contemplated in paragraph *(b)* of the definition of "instalment credit agreement" in section 1 of the Value-Added Tax Act, 1991; or

(ii) was held by him/her under such a lease and the ownership thereof was acquired by him/her on the termination of the lease,

the cash value thereof as contemplated in the definition of "cash value" in section 1 of the Value-Added Tax Act; or

(c) in any other case, the market value of that motor vehicle at the time when that recipient first obtained the vehicle or the right of use thereof, plus an amount equal to value added tax which would have been payable in respect of the purchase of the vehicle had it been purchased by the recipient at that time at a price equal to that market value.

2. Determination of rate per kilometre

The rate per kilometre referred to in section 8(1)*(b)*(ii) and (iii) must, subject to the provisions of paragraph 4, be determined in accordance with the cost scale set out in paragraph 3, and must be the sum of—

(a) the fixed cost divided by the total distance in kilometres (for both private and business purposes) shown to have been travelled in the vehicle during the year of assessment: Provided that where the vehicle has been used for business purposes during a period in that year which is less than the full period of that year, the fixed cost must be an amount which bears to the fixed cost the same ratio as the period of use for business purposes bears to 365 days;

(b) where the recipient of the allowance has borne the full cost of the fuel used in the vehicle, the fuel cost; and

(c) where that recipient has borne the full cost of maintaining the vehicle (including the cost of repairs, servicing, lubrication and tyres), the maintenance cost.

3. Cost scale

Where the value of the vehicle—	Fixed Cost R	Fuel Cost c/km	Maintenance Cost c/km
does not exceed R95 000	31 332	105.8	37.4
exceeds R95 000 but does not exceed R190 000	55 894	118.1	46.8
exceeds R190 000 but does not exceed R285 000	80 539	128.3	51.6
exceeds R285 000 but does not exceed R380 000	102 211	138.0	56.4
exceeds R380 000 but does not exceed R475 000	123 955	147.7	66.2
exceeds R475 000 but does not exceed R570 000	146 753	169.4	77.8
exceeds R570 000 but does not exceed R665 000	169 552	175.1	96.6
exceeds R665 000	169 552	175.1	96.6

4. Simplified method

Where—

(a) the provisions of section 8(1)*(b)*(iii) are applicable in respect of the recipient of an allowance or advance; and

(b) no other compensation in the form of a further allowance or reimbursement (other than for parking or toll fees) is payable by the employer to that recipient,

that rate per kilometre is, at the option of the recipient, equal to 398 cents per kilometre.

5. Effective date

The rate per kilometre determined in terms of this Schedule applies in respect of years of assessment commencing on or after 1 March 2020.

SUID-AFRIKAANSE INKOMSTEDIENS

NO. 271 **06 MAART 2020**

BEPALING VAN SKAAL PER KILOMETER TEN OPSIGTE VAN MOTORVOERTUIE VIR DOELEINDES VAN ARTIKEL 8(1)*(b)*(ii) EN (iii) VAN DIE INKOMSTEBELASTINGWET, 1962

Kragtens artikel 8(1)*(b)*(ii) en (iii) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), bepaal ek, Tito Titus Mboweni, Minister van Finansies, hierby dat die skaal per kilometer in daardie artikel bedoel ’n bedrag is wat ooreenkomstig die Bylae hierby vasgestel word.

TT MBOWENI
Minister van Finansies

BYLAE

1. Omskrywing

In hierdie Bylae beteken **"waarde"**, met betrekking tot 'n motorvoertuig deur die ontvanger van 'n toelae gebruik soos in artikel 8(1)*(b)*(ii) en (iii) van die Inkomstebelastingwet, 1962, beoog—

(a) waar daardie motorvoertuig (synde nie 'n motorvoertuig ten opsigte waarvan paragraaf *(b)*(ii) van hierdie omskrywing van toepassing is nie) deur daardie ontvanger verkry is ingevolge 'n *bona fide* verkoop- of ruilooreenkoms gesluit tussen partye wat onder uiterste voorwaardes beding is, die oorspronklike koste daarvan vir hom/haar, met inbegrip van enige belasting op toegevoegde waarde maar uitgesluit enige finansieringskoste of rente deur hom/haar betaalbaar ten opsigte van die verkryging daarvan;

(b) waar daardie motorvoertuig—

(i) ingevolge 'n verhuringsooreenkoms soos beoog in paragraaf *(b)* van die omskrywing van "paaiement-kredietooreenkoms" in artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991, deur daardie ontvanger gehou is; of

(ii) ingevolge so 'n verhuringsooreenkoms deur hom/haar gehou was en eiendomsreg daarvan na afloop van die verhuringsooreenkoms deur hom/haar verkry is,

die kontantwaarde daarvan soos beoog in die omskrywing van "kontantwaarde" in artikel 1 van die Wet op Belasting op Toegevoegde Waarde; of

(c) in enige ander geval, die markwaarde van daardie motorvoertuig op die tydstip toe daardie ontvanger vir die eerste maal die voertuig of die reg van gebruik daarvan verkry het, tesame met 'n bedrag gelykstaande aan belasting op toegevoegde waarde wat ten opsigte van die aankoop van die voertuig betaalbaar sou gewees het indien dit op daardie tydstip teen 'n prys gelykstaande aan daardie markwaarde deur die ontvanger aangekoop sou gewees het.

2. Vasstelling van skaal per kilometer

Die skaal per kilometer in artikel 8(1)*(b)*(ii) en (iii) bedoel, word, behoudens die bepalings van paragraaf 4, bepaal ooreenkomstig die kosteskaal in paragraaf 3 vervat, en is die som van—

(a) die vaste koste gedeel deur die totale afstand in kilometers (vir beide private en besigheidsdoeleindes) wat bewys word gedurende die jaar van aanslag in die voertuig afgelê te gewees het: Met dien verstande dat waar die voertuig gedurende 'n tydperk in daardie jaar vir besigheidsdoeleindes gebruik is wat minder is as die volle tydperk van daardie jaar, sal die vaste koste 'n bedrag wees wat in dieselfde verhouding tot die vaste koste staan as die verhouding waarin die tydperk van gebruik vir besigheidsdoeleindes tot 365 dae staan;

(b) waar die ontvanger van die toelae die volle koste gedra het van die brandstof wat in die voertuig gebruik is, die brandstofkoste; en

(c) waar daardie ontvanger die volle koste gedra het van die instandhouding van die voertuig (met inbegrip van herstelwerk, diens, smering en bande), die instandhoudingskoste.

3. Kosteskaal

Waar die waarde van die voertuig—	Vaste koste R	Brand-stof koste c/km	Instand-houdings-koste c/km
R95 000 nie te bowe gaan nie	31 332	105.8	37.4
R95 000 te bowe gaan, maar nie R190 000 nie	55 894	118.1	46.8
R190 000 te bowe gaan, maar nie R285 000 nie	80 539	128.3	51.6
R285 000 te bowe gaan, maar nie R380 000 nie	102 211	138.0	56.4
R380 000 te bowe gaan, maar nie R475 000 nie	123 955	147.7	66.2
R475 000 te bowe gaan, maar nie R570 000 nie	146 753	169.4	77.8
R570 000 te bowe gaan, maar nie R665 000 nie	169 552	175.1	96.6
R665 000 te bowe gaan	169 552	175.1	96.6

4. Vereenvoudigde metode

Waar—

(a) die bepalings van artikel 8(1)*(b)*(iii) ten opsigte van ‘n ontvanger van ‘n toelae of voorskot van toepassing is; en

(b) geen ander vergoeding in die vorm van ’n verdere toelae of terugbetaling (behalwe vir parkering of tolgeld) deur die werkgewer aan die ontvanger betaalbaar is nie,

is die tarief per kilometer, na keuse van die ontvanger, gelykstaande aan 398 sent per kilometer.

5. Effektiewe datum

Die tarief per kilometer kragtens hierdie Bylae bepaal, is van toepassing ten opsigte van jare van aanslag wat op of na 1 Maart 2020 begin.

UPHIKO LWEZOKUQOQWA KWENTELA ENINGIZIMU AFRIKA

UKUNQUNYWA KWENDLELAKUBALA EZOSETSHENZISWA MAQONDANA NEKHILOMITHA NGALINYE NGOKWEZINHLOSO ZESIGABA 8(1)*(b)*(ii) NO (iii) SOMTHETHO WEZENTELA YENGENISO, KA-1962

Ngaphansi kwesigaba 8(1)*(b)*(ii) and (iii) soMthetho Wezentela Yengeniso, ka-1962 (uMthetho No. 58 ka-1962), mina, Tito Titus Mboweni, uNgqongqoshe Wezezimali, ngalokhu nginquma ukuthi indlelakubala ezosetshenziswa maqondana nekhilomitha ngalinye okukhulunywa ngalo kulesi sigaba kumele ibe yisibalo esinqunywe ngokuhambisana nale Sheduli elandelayo.

TT MBOWENI
UNgqongqoshe Wezezimali

ISHEDULI

1. Izincazelo zamagama asetshenzisiwe

Kule Sheduli, "**inani**" uma kukhulunywa ngemoto esetshenziswa umuntu othola isibonelelo njengoba kuhlinzekelwe esigabeni 8(1)*(b)*(ii) kanye no-(iii) soMthetho Wentela Yengeniso ka-1962, kushiwo—

(a) uma leyo moto (okungeyona imoto okukhulunywe ngayo endimeni *(b)*(ii) yalezi zincazelo) itholwe yilowo muntu ngaphansi kwesivumelwano esisemthethweni sokudayiselana noma sokunikana esisayinwe yizinhlangothi zombili ngokunikana inani layo, kubandakanya yonke intela eyengeziwe yentengo kodwa kungabandakanyi izindleko ze-akhawunti noma inzalo okufanele ikhokhwe uyena mayelana nokuthengwa kwaleyo moto;

(b) lapho leyo moto—

(i) isetshenziswa yilowo muntu ngaphansi kwesivumelwano sokuqashiselana okukhulunywe ngaso endimeni (b) yencazelo ye"sivumelwano sesikweletu esikhokhwa ngamancozuncozu" esigabeni 1 soMthetho Wentela Yentengo Eyengeziwe, ka-1991; noma

(iii) yayigcinwe uyena ngaphansi kwesivumelwano sokuqashiselana futhi ethole ubunikazi bayo uma sekuphele isivumelwano sokuqashiselana,

inani layo lemali njengoba kuhlinzekelwe encazelweni ye"inani lemali" esigabeni 1 soMthetho Wentela Yentengo Eyengeziwe; noma

(c) kunoma isiphi esinye isimo, inani lasemakethe laleyo moto ngesikhathi itholwa yilowo muntu okokuqala noma ethola ilungelo lokuyisebenzisa, nemali elingana nentela eyengeziwe yentengo ebizokhokhwa ngesikhathi kuthengwa leyo moto ukube leyo moto ithengwe yilowo muntu ngesikhathi nangemali elingana nentengo ebingathengwa ngayo endaweni okudayiswa kuyna izimoto.

2. Ukunqunywa kwendlelakubala ngekhilomitha ngalinye

Indlelakubala ezosetshenziswa maqondana nekhilomitha ngalinye okukhulunywe ngayo esigabeni 8(1)*(b)*(ii) no (iii), kuncike kokuhlinzekelwe endimeni 4, kufanele inqunywe ngokwezibalo ezinikezwe endimeni 3, futhi kumele ibe—

(a) imali yezindleko ezimile ehlukaniswa ngokwebanga elihanjiwe libalwa ngamakhilomitha (ngezinhloso zomsebenzi noma zangasese) okuvela ukuthi ahanjiwe ngemoto ngalowo nyaka wentela: Kuncike ekutheni uma imoto ibisetshenziselwa izinhloso zebhizinisi ngesikhathi esithile ngalowo nyaka kodwa kungewona wonke unyaka, izindleko ezimile kumele kube yisamba esiveza ezindlekweni ezimile izilinganiso ezifanayo nezangesikhathi imoto ebisetshenziselwa ngaso ibhizinisi esikhathini esiyizinsuku ezingu-365;

(b) lapho othola isibonelelo ethwale zonke izindleko zikaphethiloli/udizili osetshenziswe emotweni, izindleko zalowo phethiloli/udizili; futhi

(c) uma lowo muntu ethwale zonke izindleko zokunakekela imoto (kubandakanya izindleko zokuyikhanda, ukuyisevisa, ukuyifaka uwoyela namathayi), izindleko zokuyinakekela.

3. Izilinganiso zezindleko

Uma inani lemoto —	Izindleko ezimile R	Izindleko zikaphethiloli / zikadizili c/km	Izindleko zokuyinakekela c/km
lingeqile ku R95 000	31 332	105.8	37.4
leqe ku R95 000 kodwa lingeqile ku R190 000	55 894	118.1	46.8
leqe ku R190 000 kodwa lingeqile ku R285 000	80 539	128.3	51.6
leqe ku R285 000 kodwa lingeqile ku R380 000	102 211	138.0	56.4
leqe ku R380 000 kodwa lingeqile ku R475 000	123 955	147.7	66.2
leqe ku R475 000 kodwa lingeqile ku R570 000	146 753	169.4	77.8
leqe ku R570 000 kodwa lingeqile ku R665 000	169 552	175.1	96.6
leqe ku R665 000	169 552	175.1	96.6

4. Indlela elula

Lapho —

(a) okuhlinzekelwe esigabeni 8(1)*(b)*(iii) kusebenza mayelana nomuntu othola isibonelelo noma ukukhokhelwa okuthile; futhi

(b) singekho esinye isinxephezelo esiyisibonelelo noma ukubuyiselwa imali ethile (ngaphandle kwezimali zokupaka nezikhokhelwa imigwaqo engothelawayeka) okukhokhwa umqashi ekhokhela lowo muntu,

Isibalo ngekhilomitha ngalinye, ngokukhetha kwalowo muntu, singamasenti angu-398 ngekhilomitha.

5. Ukuqala ukusebenza kwalezi zibalo

Indlelakubala esetshenziswa maqondana nekhilomitha ngalinye enqunywe ngolwale Sheduli isebenza mayelana neminyaka ebalelwa intela kusukela noma ngemuva komhla ka 1 Mashi 2020.

TSHEBELETSO YA LEKENO YA AFRIKA BORWA

PEHO YA TJEHO YA KILOMITARA KA NNGWE MABAPI LE SEPALANGWANG BAKENG LA MAIKEMISETSO A KAROLO 8(1)*(b)*(ii) LE (iii) YA *INCOME TAX ACT, 1962*

Ka tlasa karolo 8(1)*(b)*(ii) le (iii) ya *Income Tax Act, 1962 (Act No. 58 of 1962)*, Nna, Tito Titus Mboweni, Letona la Ditjhelete, ke hlwaya hore tjeho ya kilomitara ka nngwe e hlalositsweng karolong eo e tshwanetse e be palo e hlwauweng ho latela Shejule se mona.

TT MBOWENI
Letona la Ditjhelete

SHEJULE

1. Tlhaloso

Sejuleng sena, "**boleng**" mabapi le sepalangwang se sebediswang ke moamohedi wa kuno e hlaloswang karolong 8(1)*(b)*(ii) le (iii) ya *Income Tax Act, 1962*, e hlalosa—

(a) moo sepalangwang seo (e se sepalangwang ho latela tlhaloso ya serapa *(b)*(ii) e sebetsang ka teng) se fumanwe ke moamohedi eo ka tlasa tumellano e lokileng ya thekiso kapa kgwebisano e phetetsweng ke mekga e mmedi e ikemetseng, tjeho ya mantlha ya sona ho yena, ho kenyeletsa lekgetho le leng le le leng la keketseho ya boleng empa ho sa kenyeletsa tjeho e nngwe le e nngwe kapa tswala e lefellwang ke yena mabapi le phumaneho ya sona;

(b) moo sepalangwang seo—

(i) se nkuwe ke moamohedi ka tlasa tumellano e hlalositsweng serapeng *(b)* ka tlhaloso ya "tumellano ya tefello ya mokitlane" e karolong 1 ya *Value-Added Tax Act, 1991*; kapa

(iv) se ne se nkuwe ke yena ka tlasa tumellano e jwalo ya kadimo le ho ba monga sona, se nkuwe ke yena ha tumellano ya kadimo e feela, boleng ba tjhelete ba teng jwalo ka ha ho totobaditswe tlhalosong ya "boleng ba tjhelete" karolong 1 ya Molao wa Lekgetho la Keketseho ya Boleng; kapa

(c) ntlheng e nngwe, boleng ba mmaraka ba sepalangwang seo ka nako eo moamohedi a fumanang sepalangwang kapa tokelo ya ho ka se sebedisa le palo e lekanang le lekgetho la keketseho ya boleng se ne se tla lefellwa ho latela theko ya sepalangwang ha e ne e ba se rekuwe ke moamohedi ka nako eo ka theko e lekanang le boleng ba mmaraka.

2. Ho hlwaya tjeho ya kilomitara ka nngwe

Ho ipapisitswe le nehelano ya serapa 4, tjeho ya kilomitara ka nngwe e hlalositsweng karolong 8(1)*(b)*(ii) le (iii) e tshwanetse ho hlwauwa ho latela sekala sa tjeho se hlalositsweng serapeng 3, mme e tshwanetse e be palong ya—

(a) tjeho e sa fetoheng e arotsweng ka bohole ba dikilomitara tse bontshitsweng di tsamauwe ke sepalangwang (bakeng la poraevete le mabaka a kgwebo) selemong sa hlahlobo: Ntle le moo sepalangwang se sebedisitswe mabakeng a kgwebo nakong ya selemo seo e le ka tlase ho nako e felletseng ya selemo seo, tjeho e sa fetoheng e tshwanetse e be palo e tsamaisanang le tjeho e sa fetoheng le palo e tshwanang le ya nako ya tshebediso ya mabaka a kgwebo a tsamaisanang le matsatsi a 365;

(b) moo moamohedi wa kuno a nkile tjeho yohle ya dibeso tse sebedisitsweng sepalangweng, tjheho ya dibeso; le

(c) moo moamohedi eo a nkileng tjeho yohle ya ho hlokomela sepalangwang (ho kenyeletsa tjeho ya tokiso, tsamaiso ya tlhokomelo, tlotso le mataere), tjeho ya tlhokomelo.

3. Sekala sa tjeho

Moo boleng ba sepalangwang-	Tjeho e sa fetoheng R	Tjeho ya Dibeso c/km	Tjeho ya Tlhoko-melo c/km
bo sa fete R95 000	31 332	105.8	37.4
bo feta R95 000 empa bo sa fete R190 000	55 894	118.1	46.8
bo feta R190 000 empa bo sa fete R285 000	80 539	128.3	51.6
bo feta R285 000 empa bo sa fete R380 000	102 211	138.0	56.4
bo feta R380 000 empa bo sa fete R475 000	123 955	147.7	66.2
bo feta R475 000 empa bo sa fete R570 000	146 753	169.4	77.8
bo feta R570 000 empa bo sa fete R665 000	169 552	175.1	96.6
bo feta R665 000	169 552	175.1	96.6

4. Mokgwa o bebofaditsweng

Moo—

(a) nehelano ya karolo 8(1)*(b)*(iii) e sebetsang ho latela moamohedi wa kuno kapa tjhelete e nehelwang pele ho tshebetso; mme

(b) ho senang moputso o mong o tla nehelwa ka mokgwa wa kuno kapa tlhapiso (ntle le bakeng la kemong ya dipalangwang le ditsela tse lefellwang) e lefellwang ke ramosebetsi ho moamohedi eo,

tjeho eo ya kilomitara ka nngwe e lekana le 398 sente kilomitara ka nngwe, ka kgetho ya moamohedi.

5. Letsatsi la qaleho

Tjheho ya kilomitara ka nngwe e hlauweng ho latela Shejule sena e sebetsa ho latela hlahlobo ya dilemo e qalang ka la kapa ka mora 1 Hlakubele 2020.

DEPARTMENT OF TRADE AND INDUSTRY

NO. 272 **06 MARCH 2020**

Companies and Intellectual Property Commission

a member of the dti group

IMPORTANT NOTICE

DEACTIVATION OF THIRD PARTY CHANNEL

In terms of Regulation 169(1) of the Companies Regulation, 2011, under the Companies Act of 2008 (Act 71 of 2008), the Companies and Intellectual Property Commission ("the Commission"), hereby gives notice that as from 1 October 2020, the electronic channel called Third Party Channel, will de-activated.

Thus from such date CIPC will no longer process any application submitted via such channel.

Adv. R Voller
Commissioner: CIPC
/2020

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE 136 OF 2020

COMPETITION TRIBUNAL

NOTIFICATION OF COMPLAINT REFERRAL

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the complaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in contravention of the Competition Act 89 of 1998.

Case No.	Complainant	Respondent	Date received	Sections of the Act
CRP151Feb20	Rishal Nulliah	The Royal Agricultural Society of Natal	06/02/2020	5(1)
CR152Feb20	Competition Commission	Passenger Agency of South Africa SOC Ltd and Autopax Passenger Services SOC Ltd	07/02/2020	8(a),8(b),8(c)

The Chairperson
Competition Tribunal

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE 137 OF 2020

COMPETITION TRIBUNAL

NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM116Oct19	ArcelorMittal South Africa Ltd	Highveld Structural Mill (Pty) Ltd	12/02/2020	Approved
LM143Jan20	Mahindra and Mahindra Ltd	Ardour Automotive Private Ltd	19/02/2020	Approved

The Chairperson
Competition Tribunal

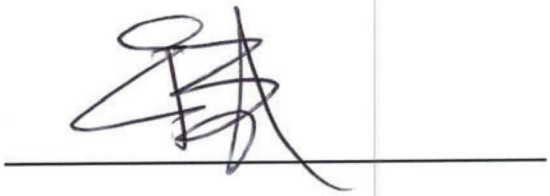
DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NOTICE 138 OF 2020

Post-School Education and Training Information Policy, 2019

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science and Technology, in terms of section 4 1B(1) and (4a) of the Continuing Education and Training Act, 2006; and Chapter 1 section 3 (1) and (2) of the Higher Education Act, 1997; read with Chapter 3 section 8(2)(b) of the National Qualifications Framework Act, 2008 and Chapter 2 section 5(1)(a)(i) of the Skills Development Act, 1998; hereby publish the Post-School Education and Training Information Policy as set out in the attached schedule. I hereby repeal the Higher Education and Training Information Policy, published in Notice No. 36973 of November 2013. The Post-School Education and Training Information Policy, 2019 is available on the Departmental website through the following link:

http://www.dhet.gov.za/SitePages/HRDPlanningNew.aspx



Dr BE Nzimande, MP
Minister of Higher Education, Science and Technology
Date: 18/12/2019

DEPARTMENT OF HUMAN SETTLEMENTS

NOTICE 139 OF 2020

1

PROPERTY PRACTITIONERS REGULATIONS, 2020

I, Lindiwe Nonceba Sisulu, Minister for Human Settlements, Water and Sanitation hereby publishes the draft Property Practitioners Regulations, 2020 for public comment. The draft Regulation is hereby attached

Any interested persons or institutions are hereby invited to submit written comments or representations with regard to the draft Regulations within 60 days of the date of publication of this notice. All comments or presentations must be submitted in writing in one of the following ways:

(a) By post to: The Director General

Department of Human Settlements

Private Bag x 644

Pretoria

0001

For attention: [Ms Rose Murray and Ms Lisa Masilo]

or

(b) Delivered to: The Director-General

Department of Human Settlements

260 Justice Mohamed Street

For attention: [Ms L Masilo and Ms R Murray]

or

(c) By electronic mail: [Lisa.Masilo@dhs.gov.za & Rose.Murray@dhs.gov.za]

Enquiries: [Ms L Masilo 012-444-9097 & Ms R Murray 012-4449283]

TABLE OF CONTENTS

CHAPTER 1: DEFINITIONS AND EXEMPTIONS ... 3

1 **DEFINITIONS ... 3**

2 **MANNER AND FORM OF APPLYING FOR EXEMPTION ... 5**

3 **MANNER AND FORM OF RAISING OBJECTION TO EXEMPTION ... 8**

4 **EXEMPTION FROM TRUST ACCOUNTS ... 9**

CHAPTER 2: TRANSFORMATION ... 12

5 ACCESS TO FINANCE AND EMPOWERMENT ... 13

CHAPTER 3: COMPLIANCE, ENFORCEMENT AND DISPUTE RESOLUTION ... 13

6 **FORMAT OF COMPLIANCE NOTICE ... 13**

7 **FORM FOR LODGING COMPLAINT ... 15**

8 **REFERRAL OF COMPLAINT TO MEDIATION ... 17**

9 **NOTICE OF MEDIATION ... 21**

10 **NOTICE OF ADJUDICATION ... 22**

11 **PROCEDURE FOR ADJUDICATION ... 23**

12 **RECORD OF ADJUDICATION PROCEEDINGS ... 33**

13 **LODGING AN APPEAL RE: OUTCOME OF ADJUDICATION ... 33**

14 **NOTICE OF APPEAL ... 35**

15 **PROCEDURE FOR APPEAL ... 36**

16 **RECORD OF APPEAL ... 41**

CHAPTER 4: FEES AND THE FIDELITY FUND ... 42

17 **FEES PAYABLE UNDER THE ACT ... 42**

18 **METHOD OF AUTOMATICALLY ESCALATING FEES ANNUALLY ... 43**

19 **CLAIMS FROM FIDELITY FUND ... 43**

20 **INQUIRIES RE: CLAIMS FROM FIDELITY FUND ... 45**

21 **CLAIMS OF TRUST MONIES BY PREVIOUSLY UNIDENTIFIED BENEFICIARIES ... 47**

22 **MAXIMUM PAY-OUTS FROM FIDELITY FUND ... 49**

CHAPTER 5: FIDELITY FUND CERTIFICATES ... 49

23 **FORM AND DEADLINE FOR APPLYING FOR FIDELITY FUND CERTIFICATES ... 49**

24 **FORMAT OF FIDELITY FUND CERTIFICATE ... 51**

25 **PENALTY FOR LATE FFC APPLICATIONS ... 52**

26 **DEADLINE FOR RESPONDING TO NOTICE OF AMENDMENT OF FFC ... 52**

CHAPTER 6: TRUST ACCOUNTS AND DETAILS OF AUDITOR ... 52

27 **INFORMATION ABOUT TRUST ACCOUNT ... 52**

28 **INFORMATION RE: SEPARATE SAVINGS ACCOUNT ... 53**

29 **BANK'S DECLARATION OF INTEREST ... 53**

30 **TRUST ACCOUNT ADMINISTRATION ... 54**

31 **WINDING UP TRUST ACCOUNTS ... 55**

32 **UPDATE OF AUDITOR'S DETAILS** **56**
CHAPTER 7: TRAINING, CONDUCT AND CONSUMER PROTECTION MEASURES **56**
33 **STANDARD OF TRAINING** **56**
34 **CODE OF CONDUCT : RESIDENTIAL PROPERTY PRACTITIONERS** **60**
35 **UNDESIRABLE BUSINESS PRACTICES** **69**
36 **MANDATORY DISCLOSURE** **70**
37 **WORDING ON LETTERHEADS AND IN AGREEMENTS** **73**
CHAPTER 8: ADMINISTRATIVE AND OTHER MATTERS **74**
38 **DISTINCTION BETWEEN MINOR AND MAJOR CONTRAVENTIONS** **74**
39 **CONTRAVENTIONS OF THE ACT ARE CLASSIFIED AS MINOR OR SUBSTANTIAL, AND ATTRACT THE MAXIMUM FINES AS SET OUT BELOW –** **74**
40 **SPECIFICATION OF OTHER SERVICES** **76**
41 **DOCUMENT RETENTION** **77**
42 **ADMINISTRATIVE MATTERS** **77**

CHAPTER 1: DEFINITIONS AND EXEMPTIONS

1 DEFINITIONS

1.1 Unless the context indicates otherwise, words that are defined in the Act shall be ascribed their meaning, and –

1.2 "Act" means the Property Practitioners Act, No 22 of 2019;

1.3 “appellant” means the person referred to in section 31 (1) of the Act;

1.4 "Authority" means the Property Practitioners Regulatory Authority established under section 5 of the Act;

1.5 "candidate property practitioner" means a person referred to in section 1 of the Act;

1.6 “case presenter” means the person appointed or designated in terms of regulation 15.m);

1.7 “charge” means a charge of sanctionable conduct which shall be brought against any property practitioner;

1.8 "client" means a person who has given a property practitioner a mandate, provided that should a property practitioner have conflicting mandates in respect of a particular immovable property, the person whose mandate has first been accepted by the property practitioner, is regarded as the client;

1.9 “code of conduct” means the code of conduct referred to in section 61 (1) of the Act; “compensatory award” means the compensation referred to in section 30 (7) (b)) of the Act;

1.10 “complainant” means any person who lodged a complaint against a property practitioner in terms of section 28 (1) of the Act;

1.11 “complaint” means a complaint concerning the conduct deserving of sanction against any property practitioner acting in his or her capacity as such;

1.12 "effective date" means the date upon which these regulations come into operation;

1.13 "Fidelity Fund" means the Property Practitioners Fidelity Fund contemplated in section 34 of the Act;

1.14 "franchise" means an agreement, arrangement or understanding between a franchisor and a franchisee property practitioner in terms of which the latter is entitled or required to operate under a trade name which is owned by, or which is associated with the business of, the franchisor or any other person;

1.15 "immovable property" means property as defined in section 1 of the Act;

1.16 "mandate" means an instruction or an authority given to, and accepted by, a property practitioner to render a service;

1.17 “mediator” means a mediator appointed in terms of section 29 (2) of the Act;

1.18 "Minister" means the Minister of Human Settlements and includes his or her successor in title;

1.19 “non-principal property practitioner” means any person referred to in paragraph (e) (ii) of the definition of ‘property practitioner’ in section 1 of the Act;

1.20 “notice of appeal” means the notice referred to in section 31 (1) of the Act;

1.21 “NQF” means the National Qualifications Framework as defined in section 1 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

1.22 “principal property practitioner” means any person referred to in paragraph (a) or paragraph (e) (i) of the definition of ‘property practitioner’ in section 1 of the Act;

1.23 “Professional Designation Examination” means an integrated test of knowledge for property practitioners agents contemplated in regulation 33.i);

1.24 "property practitioner" means a person defined in section 1 of the Act, including a candidate property practitioner;

1.25 “property practitioner charged” means the property practitioner as defined in the Property Practitioners Act.

1.26 “respondent” means a property practitioner against whom a complaint or a charge has been laid;

1.27 “record” means the record of the proceedings before the adjudication appeal committee;

1.28 "regulations" means these regulations, and "regulation" means a provision of these regulations;

1.29 "sanctionable conduct" means a sanctionable conduct as contemplated in the Act;

1.30 "service" means any service referred to in subparagraphs (i)-(vi) of paragraph (a) of the definition of "property practitioner" in section 1 of the Act; and

1.31 "sole mandate" means a mandate incorporating an undertaking on the part of the person giving the mandate, not to confer a similar mandate on another property practitioner before the expiry of a determined or determinable period.

2 MANNER AND FORM OF APPLYING FOR EXEMPTION

2.1 An application for exemption under section 4 of the Act must be submitted electronically in writing to the Authority.

2.2 The application for exemption must be made using form E1 below.

2.3 Any objection to an exemption must be made using form E2.

FORM E1– APPLICATION FOR EXEMPTION FROM PROVISIONS OF THE PROPERTY PRACTITIONERS ACT, 2019

Full names of the applicant:

If the applicant is a natural person:
South African identity number of the applicant:
If no South African identity number is available, then:
Passport number of the applicant:
Country of issue of passport:
State the place of residence of the applicant:
State the principal place of business of the applicant, if applicable:
State the name of the employer of the applicant, if applicable:

If the applicant is not a natural person:
State the form of the applicant (e.g. company, close corporation, trust):

Briefly state the reason exemption is applied for (full reasons may be attached separately):

If the applicant is or has at any time being the holder of a fidelity fund certificate issued by the Authority or its predecessor in title the Estate Agency Affairs Board, attach a copy of the most recent version of the fidelity fund certificate held by the applicant.

Please separately attach comprehensive reasons as to why exemption is being applied for and also provide all relevant supporting documentation.
If the applicant is not a natural person, also attach an authorising resolution by the board of directors, members or trustees or similar body exercising control of the applicant which authorises the signatory below to submit the exemption application on behalf of the applicant.

State the specific sections and subsections of the Property Practitioners Act, 2019 from which exemption is sought:

Signed at **on this** **day of** **20**
at

_____

For and on behalf of the applicant
Full names:

FORM E2 FORM E2– OBJECTION TO EXEMPTION GRANTED UNDER THE PROVISIONS OF THE PROPERTY PRACTITIONERS ACT, 2019

Full names of the objecting party:

If the objecting party is not a natural person:
State the form of the objecting party (e.g. company, close corporation, trust):
State the registration number of the objecting party, if applicable:
State the place of registration of the objecting party, if applicable:
State the principal place of business of the objecting party, if applicable:
Provide full details of the directors, members, trustees or similar persons exercising control over the objecting party (attached separately, if necessary):

Please also provide full details of shareholders, members, beneficiaries or other persons who have a direct financial interest in the objecting party (attached separately, if necessary):

Briefly state the basis of the objection (full reasons may be attached separately):

State the specific sections and subsections of the Property Practitioners Act, 2019 in respect of which exemption has been granted and to which objection is made:

If the objecting party is or has at any time being the holder of a fidelity fund certificate issued by the Authority or its predecessor in title the Estate Agency Affairs Board, attach a copy of the most recent version of the fidelity fund certificate held by the objecting party.

Please separately attach comprehensive reasons as to why exemption is being applied for and also provide all relevant supporting documentation.
If the applicant is not a natural person, also attach an authorising resolution by the board of directors, members or trustees or similar body exercising control of the applicant which authorises the signatory below to submit the exemption application on behalf of the applicant.

Signed at on this day of 20
at

_____
For and on behalf of the applicant
Full names:

3 MANNER AND FORM OF RAISING OBJECTION TO EXEMPTION

3.1 The objection contemplated in section 4 (4) (a) of the Act must be lodged using the following form –

SECTION A: DETAILS OF OBJECTOR (MARK "N / A) IF NOT APPLICABLE)		
1.	Full name	
2.	Legal form (eg. natural person, partnership, trust, close corporation, company, voluntary association etc.)	
3.	Identity, passport or registration number	
4.	Residential address	
5.	Business address	
6.	Full names of directors, members, trustees or similar persons exercising management control over Objector	
7.	Full names of shareholders or similar persons owning proprietary interests in Objector	

SECTION B: DETAILS OF OBJECTION (MARK "N / A" IF NOT APPLICABLE)			
1.	Against whom are you objecting? (Tick the appropriate box)	Person	
		Class of persons	
2.	Full name or full description of person or class of persons applying for exemption		
3.	Specific provision(s) of Act to which exemption application applies		
4.	Date on which notice of exemption application was published on the Authority's website		
5.	Please state the reasons for your objection as well as the desired result (attach additional page if necessary)		

Signed by Objector at _____ on _____

Signature of Objector_____

4 EXEMPTION FROM TRUST ACCOUNTS

4.1 Pursuant to the provisions of section 23 (1) of the Act, the following is prescribed –

4.1.1 A property practitioner is exempted from keeping a trust account if –

4.1.1.1 that property practitioner has never received any trust monies, other than as permitted in regulation 4.4; or

4.1.1.2 no longer receives any trust monies, other than as permitted in regulation 4.4; and

4.1.1.3 that property practitioner submits to the authority [, at the time of applying for a fidelity fund certificate,] an affidavit in the form of [Annexure E1 attached hereto] in terms of which affidavit the property practitioner asserts that –

4.1.1.3.1 they are compliant with the provisions of either regulation 4.1.1.1 or regulation 4.1.1.2;

4.1.1.3.2 they undertake that they will not receive any trust funds after the date of such affidavit other than as permitted in terms of regulation 4.4, without having first opened a trust account and having provided the Authority at least 60 days in advance of receiving any funds in trust, with full details of such trust account, including the financial institution with which such trust account is held and the trust account number; and

4.1.1.3.3 the property practitioner provides evidence to the Authority that any previously existing trust account (including any savings or interest-bearing account referred to in section 54 (2) operated by that property practitioner (other than as permitted in terms of regulation 4.4 has been finally closed and all funds held in that trust account have been disbursed in accordance with the requirements of law; provided that for this purpose any independent review or audit report which is compliant with regulation 4.2 below, if provided to the Authority will be sufficient evidence of compliance with the foregoing.

4.2 Where a property practitioner is exempted in terms of regulation 4.1.1, provided that such property practitioner has had any previously existing trust account reviewed in terms of section 23 (1) or audited in terms of section 54 (1) to (7) up to the date on which such trust account was closed, such property practitioner will not be required to again have such account reviewed or audited.

4.3 Where a property practitioner is exempted in terms of regulation 4.1.1 and has complied with regulation 4.2 foregoing, such property practitioner will be exempted from having to have its business and other accounts audited and will only be required to have such accounts independently reviewed by a registered accountant.

4.4 A property practitioner will further be exempted from operating a trust account if such property practitioner is otherwise compliant with the provisions of regulation 4.1.1 and if –

4.4.1 such property practitioner has mandated one or more other property practitioners that specialise in collecting and distributing trust payments (“the payment processing agents”) to process such trust payments on its behalf, in respect of all trust funds received by that property practitioner;

4.4.2 each payment processing agent mandated by that property practitioner operates a trust environment that complies with the Act and associated regulations;

4.4.3 each payment processing agent mandated by that property practitioner operates, within its trust environment, separately auditable client accounts, both in respect of each property practitioner to whom it provides such services and in respect of each client of each such property practitioner; and

4.4.4 the trust environment and each of the client accounts operated by the payment processing agents are audited annually in compliance with the Act and regulations, and the audit reports in respect thereof are submitted to the Authority in compliance with the Act and the regulations; and

4.4.5 the property practitioner concerned holds no trust monies whatever outside of the manner provided for in sub regulations 4.4.1 to 4.4.4 foregoing.

ANNEXURE E1

AFFIDAVIT BY BUSINESS PROPERTY PRACTITIONER IN RESPECT OF TRUST MONIES

1 I, [insert name] (identity number [insert identity number]), in my capacity as [insert capacity] of [insert the name of the business property practitioner concerned] (registration number [insert registration number]) (the "business property practitioner") solemnly affirm that –

1.1 I am duly authorised to make this affidavit on behalf of the business property practitioner;

1.2 the business property practitioner has never received any trust monies / no longer receives any trust monies (delete whichever is not applicable);

1.3 should these circumstances change, we undertake not to receive any trust monies after the date hereof without first –

1.3.1 opening a trust account;

1.3.2 giving the Authority no less than 60 days' notice prior to such receipt of any trust monies; and

1.3.3 furnishing all details pertaining to the trust account to the Authority, which details must comprise at least the name of the financial institution at which the trust account is held, and the trust account number.

_____ Signature

_____ Full name of signatory

_____ Identity or registration number of signatory

_____ Date of signature

CHAPTER 2: TRANSFORMATION

5 ACCESS TO FINANCE AND EMPOWERMENT

Access to finance

5.1 The Authority may appoint any suitable qualified person or persons to manage the transformation fund.

5.2 The Authority must allocate and make available a certain portion of the transformation fund for the following purposes:

5.2.1 development of SMME's from historically disadvantaged persons;

5.2.2 promotion of standard of training and development of property practitioners;

5.2.3 regularization of property practitioners to promote compliance with the Act;

5.2.4 consumer education and training;

5.3 The Authority must-

5.3.1 develop guidelines including assessment criteria to qualify for the grants stipulated in regulation 5.2.1 and 5.2.2;

5.3.2 develops guidelines for the regularization of property practitioners to promote compliance to the Act;

5.3.3 close corporations whose membership comprises solely natural persons; or

5.3.4 trusts whose beneficiaries and trustees comprise solely natural persons.

5.4 Subject to regulation 5.24, the Authority must develop a consumer education and training programme to be implemented annually and monitored periodically.

Empowerment

5.5 The Transformation fund must use no more than 50% of its income each financial year towards the following purposes –

Consumer awareness

5.5.1 The Transformation fund must host interactive roadshows, seminars and workshops at which members of the general public are invited.

5.5.2 The purpose of the foregoing is to educate the attendees about their rights under the Act, both generally and in the context of specific types of property transaction.

5.5.3 At least one of the events contemplated in regulation 5.5.1 must be held once a year in each capital city and regions of the provinces of the Republic. Should more than one event be held in a particular province, the second and all subsequent events must be held outside of the capital city of that province, so as to maximise the geographic impact of said events.

Regularisation

5.5.4 If a property practitioner –

5.5.4.1 was non-compliant with the Estate Agency Affairs Act, No 112 of 1976 immediately prior to its repeal and would be non-compliant with the Act immediately following its coming into operation, and such non-compliance does not relate to wilful misconduct in either case; and

5.5.4.2 belongs to a category of people envisaged in regulation 5.2.1 read with 5.3,

then that property practitioner may apply to the Transformation fund for a grant to assist with the legal or other expenses it would entail to regularise its affairs and align them with the Act. The Transformation fund must apply such means test and impose such conditions in respect of said grant as it deems appropriate in the circumstances.

CHAPTER 3: COMPLIANCE, ENFORCEMENT AND DISPUTE RESOLUTION

6. FORMAT OF COMPLIANCE NOTICE

a) The compliance notice contemplated in section 26 (4) of the Act shall be in the following format –

[*Insert Authority's letterhead*]
[*Insert date*]

[Insert addressee's relevant particulars]
BY HAND
BY EMAIL: *[insert email address]*

Dear *[Sirs / Sir / Madam]*

RE: COMPLIANCE NOTICE FOR MINOR CONTRAVENTIONS ISSUED BY THE PROPERTY PRACTITIONERS REGULATORY AUTHORITY (THE "AUTHORITY) IN TERMS OF SECTION 26 (4) OF THE PROPERTY PRACTITIONERS ACT, NO *22* OF 2019 (THE "ACT")

1 On *[insert date(s)]*, your premises from which you conduct the business of a property practitioner (as contemplated in section 1 of the Act) were visited by our *[insert name of inspector]*, who is duly appointed as an inspector in accordance with section 24 (a).

2 The inspection revealed that in contravention of [insert section number], you [insert particulars of contravention].

3 [*Alternatively to the foregoing] We have become aware that [insert details of the contravention*].

4 In light of this contravention, the Authority hereby issues this compliance notice directing you to *[describe remedial action(s) to be taken]* by no later than *[insert reasonable deadline]*. Should you fail to comply with this directive, in respect of either the remedial action or deadline herein indicated, such failure may, *inter alia*, constitute a breach of the code of conduct applicable to property practitioners, which failure in turn shall constitute sanctionable conduct as contemplated under section 62 (1) (e).

5 If you admit that you have failed to adhere to the Act in the manner aforesaid, you are further directed, in terms of section 26 (5) to (6) –

5.1 to pay a fine in the sum of *[insert sum]* to the Authority; and

5.2 to sign the attached acknowledgement, delivering the original signed acknowledgement together with a copy of this compliance notice (which you must initial) to the Authority,

by no later than *[insert deadline]*.

6 We further draw to your attention that if you do not admit that you have failed to adhere to the Act in the manner aforesaid, that you may make representations to the Authority as to why you dispute that you have failed to adhere to the Act in the manner aforesaid. Further, in the event that you do admit that you have failed to adhere to the Act in the manner aforesaid, you may also make representations to the Authority as to the extent of the fine imposed and to draw to the attention of the Authority any reasons as to why that fine should stand to be reduced.

7 In the event of your admitting that you failed to adhere to the Act in the manner aforesaid and not making representations as to the extent of the fine imposed, the fine must be paid into the following bank account using the following reference:

[*insert unique reference number of the Authority*]

[*insert banking details of the Authority*]

8 All communications in relation to this compliance must be either uploaded through the Authority's web portal or otherwise must be sent by the applicant to the Authority's email address at *[insert email address]* or otherwise sent by post or delivered by hand to the following address of the Authority –

Property Practitioners Regulatory Authority
63 Wierda Road East (Cnr Johan)
Wierda Valley
Sandton
Johannesburg
2196

Yours faithfully

_____
[INSERT NAME OF SIGNATORY]
Chief Executive Officer
Property Practitioners Regulatory Authority

ACKNOWLEDGEMENT BY PROPERTY PRACTITIONER IN TERMS OF SECTION 26 (5) OF THE PROPERTY PRACTITIONERS ACT, NO 22 OF 2019 (THE "ACT")

1 I, *[insert name]* (*[insert identity or registration number]*), admit to having contravened the Act in the manner set out in paragraph 2 of the compliance notice to which this acknowledgement is attached.

2 I further confirm my awareness of the fact that -

2.1 I may not be prosecuted in relation to the compliance notice; and

2.2 the contravention referred to in the compliance notice may not be considered in any other proceedings against me.

_____Signature of property practitioner

_____Name of property practitioner

_____Identity / registration number of property practitioner

_____Date of signature

7. FORM FOR LODGING COMPLAINT

a) A complaint contemplated in section 28 (1) of the Act must be lodged on the following form –

SECTION A: COMPLAINANT (MARK "N / A) IF NOT APPLICABLE)		
1	Full name	
2	Legal form (e.g. natural person, partnership, trust, close corporation, company, voluntary association etc.)	
3	Identity, passport or registration number	
4	Residential address	
5	Business address	

6	Full names of directors, members, trustees or similar persons exercising management control over Complainant	
7	Full names of shareholders or similar persons owning proprietary interests in Complainant	
SECTION B: PROPERTY PRACTITIONER (MARK "N / A" IF NOT APPLICABLE)		
1	Full name	
2	Legal form (e.g. sole proprietorship, partnership, trust, close corporation or company)	
3	Identity, passport or registration number	
4	Fidelity Fund certificate number (if known)	
5	Residential address	
6	Business address	
7	Full names of directors, members, trustees or similar persons exercising management control over Property Practitioner	
8	Full names of shareholders or similar persons owning proprietary interests in Property Practitioner	
SECTION C: DETAILS OF COMPLAINT		
1	Basis of complaint against respondent (i.e. financing, marketing, management, letting, hiring, sale or purchase)	
2	Brief description of incident(s) giving rise to complaint	

3	List of supporting documents, if any (must be attached hereto)	

Signed by Complainant at _____ on _____

Signature of Complainant_____

8. REFERRAL OF COMPLAINT TO MEDIATION

Lodging of complaints

a) Any person who feels aggrieved by any act or omission of a property practitioner may lodge a complaint with the Authority.

b) A complaint must be addressed to the Authority and shall-

i) be in writing;

ii) contain the name and address of the complainant and of the respondent (to the extent that the same are known to the complainant);

iii) contain details of the conduct complained of; and

iv) be signed by or on behalf of the complainant.

c) The Authority may of its own accord formulate a complaint in the manner prescribed by regulation b) if on good cause it has reason to believe that the conduct of a property practitioner may constitute conduct deserving of sanction.

Consideration of complaint and investigation thereof

d) The Authority may-

i) on receipt of a complaint referred to in regulation a) request the complainant to furnish it with such further information, in the form of an affidavit or otherwise, as it deems necessary;

ii) carry out, or cause to be carried out, any investigation in respect of a complaint as it deems necessary or appropriate; and

iii) notify the respondent in writing of a complaint and shall simultaneously with such notification –

1. furnish the respondent with a copy of the complaint in question;

2. request the respondent in writing to furnish the Authority with his or her comments on the complaint, if any, within the period referred to in regulation e); and

3. advise the respondent of the provisions of regulation f).

e) The respondent shall furnish the Authority with his or her comments, if any, within 30 days after the date of the Authority's request, or within such extended period as the Authority may allow.

f) Comments furnished to the Authority by the respondent in terms of paragraph (a) shall not be used against him or her in any legal proceedings relating to the complaint.

g) If the Authority is of the opinion that there is insufficient evidence to substantiate a complaint, the Authority shall in writing notify-

i) the complainant; and

ii) the respondent (if he or she has already been notified by the Authority of the complaint),

that the matter will not be proceeded with by the Authority.

h) The Authority may at any time and on good cause withdraw a complaint formulated by it in terms of regulation c) and shall forthwith thereafter notify the respondent of such decision in writing, if he or she has already received notification of the complaint in terms of regulation d)iii)).

i) Notwithstanding the provisions of regulations g) and h), the Authority may at any time after having taken any step referred to in those regulations and after

notification to the complainant and the respondent (if he or she has already received a notification), re-open the matter or revoke the withdrawal of the complaint, as the case may be, if new evidence has become available which, in the opinion of the Authority, justifies such reopening or revocation.

Mediation

j) The Authority may at any time attempt to resolve any dispute between the complainant and the respondent based on the complaint, by inviting the complainant and the respondent to participate in mediation proceedings.

k) When inviting the parties in terms of regulation j), the Authority-

i) shall notify both parties of the provisions of regulation o); and

ii) where mediation proceedings involves inter-property practitioners dispute –

1. the Authority will determine mediation costs payable by the parties;

2. the mediation costs shall be borne by the disputing parties on an equal basis;

3. The mediation proceedings shall not commence until the mediation costs have been paid-up by the parties or parties may conclude an agreement regarding the payment of the Authority's costs in respect of the mediation proceedings and the appointment of a mediator.

l) If the complainant and the respondent are willing to participate in mediation proceedings, the Authority (or its nominee) shall act as mediator in the matter.

m) The mediator shall determine the procedure to be followed in the mediation.

n) If through mediation the dispute between the complainant and the respondent is settled –

i) such settlement shall be recorded by the mediator in writing and shall be signed by both the complainant and the respondent as soon as is practicable; and

ii) the complainant in question, and the charge (if any) against the respondent shall be deemed to be withdrawn, unless the respondent fails to implement any obligation imposed upon him or her in terms of the settlement as recorded and signed in terms of regulation i).

o) Neither the complainant nor the respondent shall be obliged to participate in mediation proceedings and nothing said or done by either party in an attempt to settle the dispute through mediation shall be used in evidence in any legal proceedings relating to the complaint.

p) A person who has been appointed as mediator in terms of this regulation, may not be involved any party

q) Except where the parties are involved in inter-property practitioners' dispute, the mediation proceedings shall be free of charge.

r) Any costs incurred by the Authority in respect of the mediation proceedings and the appointment of a mediator shall be borne by the Authority, subject to the provisions of an agreement (if any) as referred to in regulation k)ii)).

s) The Authority may, if it has formulated a complaint as contemplated in regulation (c)) at any time attempt to settle the complaint through mediation, in which event regulations (m)) and (r)) shall apply *mutatis mutandis*.

Certificate of outcome

t) Upon completion of the mediation proceedings, the mediator must within seven working days issue a certificate of outcome to the complainant, respondent and the Authority ….

SCHEDULE 2: CERTIFICATE OF OUTCOME

I, *[insert name]*, certify that the dispute between

[insert name of complainant] (the "Complainant")

and

[insert name of respondent] (the "Respondent"),

which I mediated on *[insert date(s)]*

Failed, as the parties could not come to an agreement in respect of the complainant's complaint	
Was resolved by means of a settlement agreement between the parties (attached hereto)	
Tick whichever is applicable	

Full name of mediator _____

Signature of mediator _____

Place of signature _____

Date of signature _____

9. NOTICE OF MEDIATION

a) A notice of mediation contemplated in section 26 (4) of the Act must be in the following format -

[Insert Authority's letterhead]
[Insert date]

To: *[Insert name of complainant]* (the "**Complainant**")
[Insert address of complainant]

And

To: *[Insert name of respondent]* (the "**Respondent**")
[Insert address of respondent]

(the "**Parties**")

BY HAND

BY POST: *[insert business or residential address]*

Dear *[Sirs / Sir / Madam]*

RE: NOTICE OF MEDIATION IN TERMS OF SECTION 26 (4) OF THE PROPERTY PRACTITIONERS ACT, NO 22*]* OF 2019 (THE "ACT")

1 The Parties are hereby called upon to appear at *[insert location]* on *[insert date]*, at *[insert time]* before the undersigned mediator (the "**Mediator**") of the Property Practitioners Regulatory Authority (the "**Authority**"), for the purposes of mediating a complaint *[lodged by the Complainant]* / *[formulated by the Authority]* (delete whichever is inapplicable) of *[insert short description of nature of claim]* against the Respondent, in respect of which complaint the Parties have already been informed in writing delivered to them either personally, or by prepaid registered mail to their business or residential address as per the Authority's records.

2 The mediation will be conducted in accordance with the procedure determined by the Mediator and attached hereto.

3 The Parties are further notified that –

3.1 neither of them is obliged to attend the mediation; and

3.2 nothing said by the Parties during the mediation may be used against the Respondent in any other legal proceedings relating to the subject matter of the complaint against him / her / it.

Yours faithfully

_____

[INSERT NAME OF SIGNATORY]
Mediator
Property Practitioners Regulatory Authority

10. NOTICE OF ADJUDICATION

a) A notice of adjudication contemplated in section 30 (1) of the Act must be in the following format –

[Insert Authority's letterhead]

[Insert date]

To: *[Insert name of complainant]* (the "**Complainant**")
[Insert address of complainant]

And

To: *[Insert name of respondent]* (the "**Respondent**")
[Insert address of respondent]

(the "**Parties**")

BY HAND

BY POST: *[insert business or residential address]*

Dear Sirs

RE: NOTICE OF ADJUDICATION IN TERMS OF SECTION 30 (1) OF THE PROPERTY PRACTITIONERS ACT, NO *22* OF 2019 (THE "ACT")

1 The Parties are hereby called upon to appear at *[insert location]* on *[insert date]*, at *[insert time]* before an adjudicator of the Property Practitioners Regulatory Authority (the "**Authority**"), for the purposes of adjudicating a complaint *[lodged by the Complainant]* / *[formulated by the Authority]* of *[insert short description of nature of claim]* against the Respondent, in respect of which complaint the Parties have already been informed in writing delivered to them either personally, or by email or by prepaid registered mail to their business or residential address as per the Authority's records.

2 The adjudication will be conducted in accordance with the procedure prescribed in terms of section 30 (5) of the Act and attached hereto.

Yours faithfully

_____

[*INSERT NAME OF SIGNATORY*]

[*Insert designation*]

Property Practitioners Regulatory Authority

11. PROCEDURE FOR ADJUDICATION

Charge

a) The Authority may only bring a charge to be heard by an adjudicator if –

i) it is of the reasonable opinion that there is sufficient evidence to substantiate a complaint and there is a reasonable likelihood that an adjudicator will find that the complaint, if proved, constitutes sanctionable conduct; or

ii) the respondent to the complaint has failed to observe the terms of a compliance notice issued in terms of section 26 (4).

b) A charge shall be in writing, be dated and shall-

i) contain the name and address of both the complainant and the respondent;

ii) contain an exposition of the sanctionable conduct with which the respondent is charged;

iii) be accompanied by –

1. a summary of the procedure applicable to the adjudication; and

2. a copy of the complaint on which the charge is based, if such copy has not already been furnished to the respondent;

3. copies of all documents which are at that point in the possession of the Authority and which the Authority intends to submit in evidence at the adjudication; and

4. any other documents or information in the possession or under the control of the Authority which tend to prove or disprove the charges against the respondent;

iv) invite the respondent to furnish the Authority with an affidavit setting out his or her comments on the charge, if any, within 30 days;

v) notify the respondent that he or she is under no obligation to respond or to make any comments, and that any such comments may and shall be used as evidence against him or her at an adjudication; and

vi) notify the respondent that should he or she admit the charge within the period stated in regulation iv), he or she –

1. will not be required to appear at an adjudication; and

2. in the case of admitting the charge, may within the period mentioned in regulation (iv)) furnish the Authority with a written statement setting forth any mitigating circumstances.

c) The Authority may at any time and on good cause withdraw a charge and. shall forthwith thereafter in writing notify the complainant and the respondent of its decision and the reason therefor.

d) A charge contemplated in regulation a) and any notification referred to in regulation c) shall be delivered to the respondent personally or be sent to him or her by prepaid registered post at his or her business or residential address on record at the Authority.

Acknowledgement of Guilt

e) If a respondent admits the charge as contemplated in regulation b)vi), the Authority shall deliver to an adjudicator a copy of the charge and the statements, if any, referred to in regulation (b)iv)).

f) The adjudicator shall consider the charge and the respondent's statements, if any, and if it is satisfied that the conduct complained of constitutes sanctionable conduct and that the respondent is found guilty of such conduct, it shall-

i) find the respondent guilty on such charge; and

ii) make an appropriate order, having due regard to the respondent's statement referred to in regulation (b)vi)2, if any.

g) The Authority shall in writing notify the complainant and the respondent of the adjudicator's decision referred to in regulation f).

Authority's powers and duties in respect of adjudication

h) The Authority -

i) may appoint any appropriately qualified person, or designate any appropriately qualified staff member of the Authority, to perform the specific functions entrusted to a prosecutor in terms of the adjudication proceedings;

ii) shall cause such adjudication proceedings to be recorded;

Summoning of respondent and witness

i) The Authority -

j) shall, if the respondent does not admit the charge as contemplated in regulation b)vi), summon the respondent to appear before an adjudicator at a time and place specified in a notice of adjudication; and

k) may summon any witness of its own accord, or at the instance of the adjudicator or the respondent, to be present at the adjudication in order to give evidence.

l) A summons referred to in regulation j) shall be in the form specified in Annexure A, and a summons referred to in regulation k) shall be in the form specified in Annexure B.

m) A summons referred to in regulation i) shall be served on the respondent or a witness, as the case may be, by-

CONTINUES ON PAGE 130 - PART 2

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 657 6 March Maart 2020 No. 43073

PART 2 OF 6

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

9 771682 584003 43073

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

i) delivering it to him or her personally; or

ii) sending it to him or her by prepaid registered post at his or her business or residential address last known to the Authority; or

iii) delivering it at his or her place of employment, business or residential address to any person over the age of 16 years that resides or is employed at such address.

n) The Authority shall reimburse a witness who is present at an adjudication at the instance of the Authority or an adjudicator the expenses as the Authority may from time to time determine generally, or in any particular case.

o) The Authority may require the respondent to first deposit a reasonable sum of money sufficient to cover the costs of preparing and service of the summons for any witness who is summoned by the Authority at the instance of the respondent and any surplus amount shall be repaid without interest to the respondent.

Plea of guilty before adjudication is held

p) The respondent may, before commencement of an adjudication, notify the adjudicator in writing that he or she pleads guilty to the charge as set out in the summons referred to in regulation j), and may with such notification submit to the adjudicator a written statement setting forth any mitigating circumstances.

q) If, after having received a notification in terms of regulation p), the adjudicator is satisfied that the charge against the respondent can be disposed of without the holding of an adjudication -

i) the Authority shall in writing notify the respondent and the complainant and any person on whom a summons has been served in terms of regulation k)) that the adjudication in question will no longer be held; and

ii) the adjudicator shall, *mutatis mutandis* apply regulation f), having due regard to the respondent's statement in mitigation (if any) referred to in regulation (b)vi)2).

r) The Authority shall in writing notify the complainant and the respondent of the adjudicator's decision referred to in regulation (f)).

Proceedings at adjudication

s) At the commencement of an adjudication the adjudicator shall ask the respondent to plead guilty or not guilty to the charge as set out in the summons, and the plea shall be recorded.

t) If the respondent refuses or fails to plead to the charge, a plea of not guilty shall be recorded.

u) A respondent is entitled to be assisted at an adjudication by a legal representative.

v) Evidence at an adjudication shall be given orally or be tendered by way of affidavits, provided that no affidavit shall be admitted in evidence if the adjudicator acting reasonably is satisfied that there is sufficient grounds why it should not be admitted.

w) The adjudicator shall administer an oath to or accept an affirmation from any person called to give evidence.

x) If the respondent has pleaded guilty to the charge and the adjudicator is satisfied that-

i) the charge can be disposed of without hearing evidence;

ii) the act or omission with which the respondent is charged constitutes sanctionable conduct; and

iii) the respondent is guilty as charged,

it shall find the respondent guilty and such finding shall either be made known at the adjudication or be communicated in writing to the Authority by the adjudicator within 14 days of the date of the respondent's plea, whereafter the Authority shall in writing notify both the respondent and the complainant of the finding.

y) If the respondent has pleaded not guilty to the charge, or if the adjudicator decides to hear evidence on the charge notwithstanding a plea of guilty, the procedure to be followed in respect of the adjudication shall be determined by the adjudicator, having due regard to the requirements and principles of natural justice.

The adjudicator must-

i) allow the prosecutor (if appointed) to present evidence in support of the charge and to cross-examine the respondent and any witness called by the respondent; and

ii) allow the respondent or, if applicable, the respondent's legal representative, to present evidence rebutting the charge and to cross-examine any witness called by the prosecutor of the adjudicator.

z) In respect of each charge the adjudicator shall find the respondent either guilty or not guilty.

aa) The adjudicator may find the respondent not guilty even if he or she has pleaded guilty.

bb) If the adjudicator finds the respondent not guilty it shall determine whether or not to make an order as referred to in section 30 (7) of the Act.

cc) The adjudicator's decision referred to in regulations (z)) and bb) shall either be made known at the adjudication or be conveyed in writing to the Authority by the adjudicator within 60 days after all evidence in respect of the charge has been heard.

dd) The Authority shall forthwith after obtaining the adjudicator's decision in writing notify the complainant and the respondent-

i) of the decision referred to in regulation (z)); and

ii) of the adjudicator's order referred to in regulation bb), if such order has been made.

iii) If the adjudicator has found the respondent guilty of sanctionable conduct, it shall-

iv) determine whether the respondent has previously been convicted of a charge deserving of sanction;

v) give the respondent the opportunity of adducing evidence in mitigation; and

vi) give the respondent and the prosecutor (if appointed) the opportunity of addressing the adjudicator in connection with the appropriate penalty to be imposed.

ee) A computer-generated extract from the records of the Authority stating the particulars of any prior charge brought against the respondent, the conviction of the respondent and the penalty imposed by the Authority or an adjudicator, shall be *prima facie* proof that the respondent has previously been convicted of sanctionable conduct.

ff) After the requirements of regulation (dd)iii)) have been complied with, the adjudicator shall deliberate *in camera* to determine the appropriate penalty to be imposed on the respondent.

gg) The Authority shall in writing notify the complainant and the respondent of the penalty imposed on the respondent by the adjudicator.

hh) An adjudicator may for the proper performance of its functions in terms of these regulations obtain such legal or other advice and consult such person or persons as it may deem necessary or appropriate.

ii) Subject always to these regulations, the adjudicator may give directions to expedite the adjudication or settle any dispute between the complainant and the respondent relating to the subject-matter of the charge against the respondent.

Compensatory award

jj) In order to exercise the discretion conferred upon it in terms of section 30 (7) (b) of the Act, and to determine the amount referred to in that section and to whom such amount is to be paid, the adjudicator-

i) shall have due regard to the evidence adduced during the adjudication;

ii) may call any person as a witness or re-call any witness who has testified at the adjudication, and inquisitorially examine him or her on issues relevant to such determination;

iii) may allow the prosecutor (if appointed) and the respondent to lead evidence in respect of any matter pertaining to the determination of a compensatory award by the adjudicator, and to address the adjudicator on the desirability of such award, the amount to be awarded and to whom it should be awarded, if at all;

iv) may inquisitorially examine any witness called by the prosecutor or the respondent; and

v) may generally make such enquiries and accept such proof as it considers necessary or appropriate in order to determine the issues to be adjudicated upon.

kk) If the adjudicator has determined that a compensatory award is to made, the Authority shall in writing notify the complainant and the respondent of -

i) the amount of the Award; and

ii) the person to whom the award will be paid by the Authority in terms of section 30 (7) (b).

General

ll) The Authority may publish a notice in the Government Gazette or any other publication, or release to the news media in a notice, announcing the conviction of the respondent of sanctionable conduct, together with details of the charge and the penalty imposed, provided that if the respondent has filed an appeal or commenced review proceedings against such conviction in terms of section 31 (1), such notice may be published only if the appeal or review proceedings have been dismissed or have not been proceeded with.

mm) The complainant and the respondent may request the Authority in writing to furnish him or her with reasons for a decision of the adjudicator, provided such request-

i) shall be made to the Authority within 30 days after he or she has been informed, in writing by the Authority of the adjudicator's decision; and

ii) is accompanied by an amount determined by the Authority from time to time.

nn) If the Authority has received a request in terms of regulation mm), the reason in question shall be furnished in writing to the party making the request within 60 days thereafter.

oo) The Authority shall be entitled to make such reasonable charge for the furnishing of a copy of the record of the proceedings at any adjudication or a transcription thereof, as the Authority may determine from time to time, provided always that the aggregate cost of providing such copy of the record shall never exceed R 300.

pp) No person who has been-

i) duly summoned to be present at any adjudication, shall without lawful excuse fail to-

1. appear at an adjudication; or

2. remain present at an adjudication until he or she has been discharged by the adjudicator; and

3. called as a witness at an adjudication, shall without lawful excuse refuse to be sworn or to make an affirmation of to

produce any book or other document or to answer any question which he may lawfully be required to answer.

qq) No person shall disrupt the proceedings at an adjudication, or directly or indirectly threaten or insult any person involved in the adjudication in the performance of his or her function or duties as such, or act in a manner which, if the adjudication proceedings were to take place in a court of law, would constitute contempt of that court.

rr) The proceedings at any adjudication shall be open to the public, except in so far as these regulations provide otherwise.

ss) The adjudicator may on good cause-

i) direct any evidence adduced or to be adduced during an adjudication be heard *in camera*; and

ii) order that no person may at any time in any way publish any information which may reveal the identity of any particular person or party to the proceedings.

tt) The Authority shall record in its records full details of any decision, recommendation order or determination made by an adjudicator pursuant to these regulations or the Act.

ANNEXURE A

PROPERTY PRACTITIONERS ACT, NO 22 OF 2019

Form of summons referred to be issued to a respondent

To: ……..

You are hereby summoned to appear on.....

at……or so soon thereafter as the matter may be heard on that date,

at

.....

.

before adjudicator of the Authority for the purposes of an adjudication into sanctionable conduct by you and to produce the following books and documents at the said time and place:

……

The adjudication will be in respect of the charge which has already been delivered to you.

Should you fail without just cause, to comply with this summons or to remain present at the adjudication until lawfully discharged therefrom -

1 You will be guilty of an offence in terms of section 71 of the Property Practitioners Act, No 22 of 2019, and liable on conviction to a fine or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment; and

2. The Authority may, in terms of section 51 (1) (a) withdraw the fidelity fund certificate issued to you.

Signed at……. on this…… day of ....., ...

……

Chief Executive Officer

Property Practitioners Regulatory Authority

ANNEXURE B

PROPERTY PRACTITIONERS ACT, NO 22 OF 2019

Form of summons to be issued to a witness

To: .....

You are hereby summoned to appear on.....

at……. or so soon thereafter as the matter may be heard on that date,

at .....

before an adjudicator of the Property Practitioners Regulatory Authority in order to give evidence at an adjudication in respect of

sanctionable conduct involving..... and to produce the following books and documents at the said time and place:

……

Should you fail, without lawful excuse, to be present at the time and place stated above you will be guilty of an offence in terms of section 71 and liable on conviction to a fine or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment.

Signed at…… on this…… day of ....., ...

……

Chief Executive Officer

Property Practitioners Regulatory Authority

12. RECORD OF ADJUDICATION PROCEEDINGS

The record of proceedings referred to in section 30 (9) of the Act must comprise –

i) the form setting out the complainant's grievance against the respondent, contemplated in section 28 (1);

ii) the notice of mediation contemplated in section 29 (3) (a);

iii) the certificate contemplated in section 29 (4) (b) (i);

iv) any compliance notices issued to the respondent in terms of section 26;

v) the notice of adjudication contemplated in section 30 (1);

vi) a transcript of the adjudication;

vii) the adjudicator's written reasons for either upholding or dismissing the complaint, and written order; and

viii) the notice of appeal referred to in section 31 91).

13. LODGING AN APPEAL RE: OUTCOME OF ADJUDICATION

a) An appeal contemplated in section 31 (1) of the Act must be lodged on the following form –

APPEAL AGAINST OUTCOME OF ADJUDICATION PROCEEDINGS			
SECTION A: DETAILS OF APPELLANT			
1	Full name		
2	Postal address		
3	Telephone number		
4	Residential address		
5	Business address		
6	Place and date(s) of adjudication		
7	Adjudication case reference		
8	Name of adjudicator		
SECTION B: DETAILS OF APPEAL			
1	Reason for appeal (tick appropriate box)	Finding that the property practitioner was guilty	
2		Finding that the property practitioner was not guilty	
3		Fine imposed by adjudicator	
4		Order made against property practitioner	
5		Decision not to make an order against the property practitioner	
6		Other	
7	Decision sought from Adjudication Appeal Committee		
8	Copy of adjudication record requested?		

Signed by Appellant at _____ on _____

Signature of Appellant_____

14. NOTICE OF APPEAL

a) The notice of appeal contemplated in section 31 (3) (a) must be in the following format -

[Insert Authority's letterhead]

[Insert date]

To: *[Insert name]* (the "**Appellant**")
[Insert address]

And

To: *[Insert name]* (the "**Respondent**")
[Insert address]

(the "**Parties**")

BY HAND / BY REGISTERED POST

Dear *Sirs*

RE: NOTICE OF APPEAL IN TERMS OF SECTION 31 (3) (a) OF THE PROPERTY PRACTITIONERS ACT, NO 22 OF 2019 (THE "ACT")
CASE NO *[INSERT NUMBER]*

1 The Parties are hereby called upon to appear at *[insert location]* on *[insert date]*, at *[insert time]* before the Appeal Adjudication Committee of the Property Practitioners Regulatory Authority (the "**Authority**"), for the purposes of hearing an appeal lodged by the Appellant against the adjudicator's decision in respect of the above case number (the "**Appeal**"), which decision was communicated to the Parties in writing either personally, or by prepaid registered mail to their business or residential address as per the Authority's records.

2 The Appeal will be conducted in accordance with the procedure prescribed under section 31 (4) and regulation 15 of the procedure for appeal, N.B! and attached hereto.

Yours faithfully

_____
[INSERT NAME OF SIGNATORY]
Appeal Adjudication Committee
Property Practitioners Regulatory Authority

15. PROCEDURE FOR APPEAL

Notice of appeal

a) An appeal may be lodged by the Authority, the property practitioner concerned or the complainant and the appellant must deliver to the Authority a notice, dated and signed by the appellant, containing the following particulars -

i) the name, email address, mobile telephone number and residential address of the appellant;

ii) the place where and the date(s) when the appellant appeared before the adjudication appeal committee and, if known, the case reference number;

iii) whether the appeal is lodged in respect of-

1. the decision finding the property practitioner charged not guilty of conduct deserving of sanction;

2. the decision finding the property practitioner guilty of conduct deserving of sanction;

3. the penalty imposed by the adjudicator;

4. the order made in terms of section 30 (7) (a) of the Act;

5. the decision not to make an order contemplated in section 30 (6) (b) of the Act;

6. any other aspect of the adjudication appeal committee's decision or the proceedings thereat, not mentioned above;

iv) the decision sought from the Authority; and

v) whether or not the appellant requires a copy of the record or a proceedings.

b) If applicable, the notice of appeal must be accompanied the amount determined by the Authority from time to time as a charge for the furnishing of a copy of the record or a transcription thereof, which may not exceed R 300.

c) The notice of appeal must be delivered to the Authority not later than 30 days after the adjudication appeal committee has furnished the appellant with the reasons for its decision.

d) The Authority must after receipt of the notice of appeal deliver a copy thereof to-

i) the property practitioner charged, where such property practitioner is not the appellant; and

ii) the complainant, where the complainant is not the appellant.

e) The appeal is deemed to be lodged on the date that the Authority receives the notice of appeal.

f) A notice not containing the particulars referred to in regulation a) or, if applicable, not accompanied by the amount or deposit referred to in regulation b), is not a valid notice of appeal and delivery thereof to the Authority has no effect.

Determination of date of the appeal hearing and invitation to attend

g) The Authority must-

i) after receipt of the notice of appeal, determine the date on which the appeal will be heard, such date to be not later than 60 days after the appeal has been lodged;

ii) in writing notify the appellant and the property practitioner charged (where such property practitioner is not the appellant) of the date of the appeal hearing and invite them to be present at the hearing to submit oral or written arguments to the Authority should they wish to do so;

iii) invite the complainant to attend the appeal hearing, where the complainant is not appellant.

Summary of arguments

h) The appellant must not later than 30 days after the date of the notice of appeal or, if applicable, the date on which the appellant has been furnished with a copy of the record or a transcription thereof (whichever is the latest), deliver to the Authority a summary in which the appellant explains the reasons for the appeal.

i) The summary referred to in regulation h) must, where applicable-

i) refer to the relevant page number of the record and the document containing the adjudication appeal committee's reasons for its decision;

ii) clearly state whether, in the appellant's opinion, the adjudication appeal committee-

1. wrongly applied the law;

2. erred in how it interpreted the facts;

3. wrongly applied the code of conduct.

j) Where the appellant is not the property practitioner charged, the Authority must-

i) upon receipt of the summary referred to in regulation h) deliver a copy thereof to such property practitioner;

ii) invite such property practitioner to furnish the Authority with a reply within 21 days after delivery of the copy of the summary, should the property practitioner wish to do so; and

iii) furnish the appellant with a copy of the reply.

k) If the appellant fails to deliver to the Authority the summary contemplated in regulation h), the notice of appeal referred to in regulation a) lapses.

Authority's powers and duties in respect of appeal

l) The Authority-

i) may appoint any appropriately qualified person, or designate any appropriately qualified staff member of the Authority, to appear at the hearing of the appeal to counter the appellant's case or to perform such other function as the Authority may direct;

ii) must make a copy of the record or a transcription thereof available to any person, provided such person has requested a copy in writing and paid to the Authority the amount referred to in regulation b); and

iii) may, for the proper performance of its functions in terms of these regulations, obtain such legal or other advice as it may deem necessary or expedient.

Duties of the case presenter

m) The case presenter, if appointed, must not less than 21 days before the date of the appeal hearing deliver to the appellant and, in cases where they are not the appellant, the property practitioner charged and the complainant, a memorandum containing-

i) a reply to the appellant's summary referred to in regulation (j)ii));

ii) a response to the reply (if any) furnished by the property practitioner; and

iii) what order, in the case presenter's view, the Authority should make in the circumstances.

Hearing of appeal

n) The appeal takes the form of a reconsideration of the merits of the charge faced by the property practitioner before the adjudication appeal committee, but subject to regulation o), is confined to the record.

o) Neither the appellant nor the property practitioner charged (where such property practitioner is not the appellant) may introduce new facts or legal arguments not raised before the adjudicator, unless the appeal committee permits such in exceptional circumstances upon just cause being shown.

p) The appellant, the property practitioner charged and the complainant may attend the hearing of the appeal, with or without a legal representative, or be represented by a legal representative.

q) At the hearing the Authority must give the appellant the first opportunity to present arguments in support of the appeal, if the appellant is present or represented, whereafter the Authority must allow -

i) the property practitioner charged the opportunity to reply (where such property practitioner is not the appellant), if such property practitioner is present at the hearing or represented; and

ii) the case presenter (if appointed) to make submissions to the Authority.

r) The Authority may put questions to the appellant, the complainant and the property practitioner charged (if they are present at the hearing or represented) on any matter relevant to the appeal.

s) The chairperson at the appeal hearing may give directions in respect of the procedure to be followed at the hearing of the appeal, with due regard to the requirements of justice.

t) No member of the Authority who was involved in the adjudication may participate in any manner in the appeal hearing or be present thereat.

u) The Authority may proceed with the hearing in the absence of the appellant, the property practitioner agent charged and the complainant if any of them without

just cause fails to attend the appeal hearing after having been lawfully invited by the Authority to do so.

Decision of the adjudication appeal committee

v) The appeal adjudication committee must arrive at a decision referred to in section 31 (5) (a) of the Act, having regard to all relevant considerations including-

i) the arguments and submissions presented to it at the hearing, if any;

ii) the record;

iii) the papers referred to in regulations (a)), (h)), (j)ii)) and (m));

iv) the reasons given by the adjudicator for its decision;

v) the replies given to the questions (if any) put by the adjudication appeal committee to the appellant, the property practitioner charged and the complainant (as the case may be); and

vi) legal or other advice obtained in terms of regulation (l)iii)).

w) The adjudication appeal committee's decision shall be conveyed in writing to the appellant, the property practitioner charged and the complainant (as the case may be).

Service and delivery of notices

All documents and notices to be delivered or sent by the Authority in terms of these regulations shall be effectively served if delivered personally or sent -

i) in the case of the appellant, to the appellant's email address stated in the notice of appeal;

ii) in the case of the property practitioner charged (if such property practitioner is not the appellant), to the property practitioner's address on record with the Authority;

iii) in the case of the complainant (if the complainant is not the appellant), to the address last known to the Authority, unless such party has in writing furnished the Authority with another address to be used for such purpose, in which case all documents and notices shall be effectively served if sent by post to such address.

16. RECORD OF APPEAL

a) The record of appeal referred to in section 31 (7) of the Act must comprise –

i) the form setting out the complainant's grievance against the respondent, contemplated in section 28 (1);

ii) the notice of mediation contemplated in section 29 (3) (a);

iii) the certificate of outcome contemplated in section 29 (4) (b) (i);

iv) any compliance notices issued to the respondent in terms of section 26;

v) the notice of adjudication contemplated in section 30 (1);

vi) a transcript of the adjudication proceedings;

vii) the adjudicator's written reasons for either upholding or dismissing the complaint in terms of section 30 (8) and, if the complaint was upheld, the written order in terms of section 30 (7);

viii) the form applicable to lodging an appeal referred to in section 31 (1);

ix) the notice of appeal in terms of section 31 (3) (a);

x) a transcript of the appeal proceedings; and

xi) the appeal committee's written reasons for either upholding or dismissing the complaint in terms of section 31 (6) and, if the complaint was upheld, the order given in terms of section 31 (5) (b).

CHAPTER 4: FEES AND THE FIDELITY FUND

17. FEES PAYABLE UNDER THE ACT

a) Every property practitioners who is a natural person shall –

i) As of the calendar year 2020, pay to the Authority a levy of R2 340 set for the period of 3 years.

ii) Or therefrom pay R780 per annum.

iii) a candidate property practitioner as defined in the Act shall pay R380 in each year of his/her candidacy period;

iv) where the candidacy period has exceeded two years, the candidate property practitioner shall pay the same levy applicable to every property practitioner mentioned in 17.(a)(i)or 17.(a)(ii), N.B.

b) Every property practitioner who is a natural person shall, upon first becoming registered as a property practitioner pay to the Property Practitioners Fidelity Fund ("the Fidelity Fund") a contribution of R 400.

c) Every property practitioner to whom a fidelity fund certificate or registration certificate, as the case may be, has already been issued in respect of a specific calendar year, shall, unless he/she has ceased or will cease before the end of that year to operate as a property practitioner and has advised the Authority of such fact in writing, by not later than 31 October of that year, apply to the Authority for the issue to him/her of a fidelity fund certificate; or

d) Any person who intends to commence operating as a property practitioner during the course of any calendar year shall apply to the Authority for the issue to him/her of a fidelity fund certificate or registration certificate, as the case may be, in respect of the remainder of that year.

e) The applications referred to in regulation d) shall be accompanied by the levies referred to in regulation b) and by the contribution referred to in regulation c), if the contribution is applicable.

f) If the Authority is satisfied that the applicant concerned is not disqualified in terms of section 50 of the Act and that the requirements of regulations d) and e) have been complied with, the Authority shall issue to the applicant a fidelity fund certificate or a registration certificate, as the case may be, which certificate

shall be expressed to be valid until 31 December of the last year to which the application relates.

g) The holder of a fidelity fund certificate or a registration certificate, as the case may be, shall inform the Authority within fourteen (14) days of any change in the information supplied to the Authority at the time of applying for the issue to him/her of such certificate.

18. METHOD OF AUTOMATICALLY ESCALATING FEES ANNUALLY

All amounts determined under section 41 (1) of the Property Practitioners Act 22 of 2019 will be increased annually on 01 April of each year by a percentage equal to the percentage change in the Consumer Price Index "All items (CPI Headline)" from January of the preceding year to January of the current year as published by Statistics South Africa under Statistical Release P0141 or any other statistical release substituted by Statistics South Africa for Statistical Release P0141 from time to time.

19. CLAIMS FROM FIDELITY FUND

a) A claim from the Fidelity Fund contemplated in section 37 of the Act must be lodged on the following form –

SECTION A: CLAIMANT (MARK "N / A) IF NOT APPLICABLE)		
1.	Full name	
2.	Legal form (e.g. natural person, partnership, trust, close corporation, company, voluntary association etc.)	
3.	Identity, passport or registration number	
4.	Residential address	
5.	Business address	
6.	Email address	
7.	Mobile number	

8.	Work number		
SECTION B: RESPONDENT (MARK "N / A" IF NOT APPLICABLE)			
1.	Full name		
2.	Legal form (e.g. sole proprietorship, partnership, trust, close corporation or company)		
3.	Identity, passport or registration number		
4.	Fidelity Fund certificate number (if known)		
5.	Residential address		
6.	Business address		
7.	Full names of directors, members, trustees or similar persons exercising management control over Respondent		
8.	Full names of shareholders or similar persons owning proprietary interests in Respondent		
SECTION C: CLAIM			
1.	Basis of claim against respondent (tick appropriate box)	Theft of trust money in terms of section 35 (a) of the Act	
		Failure in relation to the opening of a trust account in terms of section 54 (1) of the Act	
		Failure to retain money in trust account until lawfully entitled to it or instructed to pay it to someone else in terms of section 54 (3)	
2.	Description of incident giving rise to claim (please provide in sufficient detail to allow the respondent to answer to the claim – attach additional pages if necessary)		

3.	List of supporting documents, if any (must be attached hereto)	Sale agreement / offer to purchase	
		Mandate	
		Lease agreement	
		Proof of monies paid	
		Other	
4.	Have you reported the incident to the South African Police Service? Please note: you may not claim from the Fidelity Fund without having first reported the matter to the police.		
5.	Case number		
6.	Investigating officer assigned to case		
7.	Have you taken any other action against the respondent?		

Signed by Claimant at _____ on _____

Signature of Claimant_____

20. INQUIRIES

RE: CLAIMS FROM FIDELITY FUND

Claims that may be entertained

a) The Authority must only consider a claim against the Fidelity Fund if –

i) the claim is lodged within 3 years of the incident giving rise thereto;

ii) the claim relates to pecuniary loss arising from the theft of trust monies, the failure to open a trust account or the failure to retain money in a trust account until lawfully entitled to it or instructed to pay such money to a third party;

iii) the theft or failures contemplated in regulation ii) were committed by a property practitioner;

iv) recommendation for the rejection or approval of the claim to the board of the Authority;

v) furnishes reasons for the rejection or approval of the claim;

Submission of claim form

b) The claim relates to --

Responsibility for handling claim

c) Should be revised as follows: The Authority must hold an inquiry consisted of... To determine —

i) Whether the claim as lodged complies with all legal requirements for the lodging of claims; and

ii) whether a valid claim was established against the Fund.

Consideration of merits and outcome of claim

d) Before considering the merits of the claim, the claims department must ensure that –

i) the claim complies with regulation a) and has been lodged in the manner required under regulation (b)); and

ii) the claimant has substantiated their claim with proof, which may comprise –

1. receipts;

2. bank statements;

3. correspondence between the claimant and the property practitioner in which reference is made to the subject matter of the claim;

4. proof of any civil or criminal action taken against the property practitioner; and

5. any other item of evidence that will assist the claims department in its consideration of the claim.

e) Within 90 days of lodgement of the claim, the claims department must consider the merits of the claim, notifying the claimant in writing as to whether their claim has been upheld or declined, and as to the reasons for declining it if it was declined.

f) At any point the 90 days have elapsed, the claims department may request the claimant to furnish it with further particulars or clarifications in respect of the claim –

i) to which request the claimant must respond within 14 days; and

g) Should the claims department uphold the claim, it must pay the claimant within 30 days' receipt of the claimant's proof of banking details.

21. CLAIMS OF TRUST MONIES BY PREVIOUSLY UNIDENTIFIED BENEFICIARIES

FORM FOR UNCLAIMED TRUST MONIES

SECTION A: CLAIMANT (MARK "N / A) IF NOT APPLICABLE)		
1	Full name	
2	Legal form (e.g. natural person, partnership, trust, close corporation, company, voluntary association etc.)	
3	Identity, passport or registration number	
4	Residential address	
5	Business address	
6	Email address	
7	Mobile number	
8	Work number	
SECTION B: PROPERTY PRACTITIONER		

(MARK "N / A" IF NOT APPLICABLE)			
1	Full name		
2	Legal form (e.g. sole proprietorship, partnership, trust, close corporation or company)		
3	Identity, passport or registration number		
4	Fidelity Fund certificate number (if known)		
5	Residential address		
6	Business address		
SECTION C: CLAIM			
1	Amount claimed		
2	Name of bank at which trust account was held		
3	Name of account		
4	Account number		
5	Branch at which account is held		
6	Branch code		
7	Reason for delay in lodging claim		
8	List of supporting documents, if any (must be attached hereto)	Sale agreement / offer to purchase	
		Mandate	
		Lease agreement	
		Proof of monies paid	
		Other	

Signed by Claimant at _____ on _____

Signature of Claimant_____

22. MAXIMUM PAY-OUTS FROM FIDELITY FUND

The maximum amount that the Fidelity Fund may pay a claimant in respect of each cause of action is R2 000 000.00.

Chapter 5: fidelity fund certificates

23. FORM AND DEADLINE FOR APPLYING FOR FIDELITY FUND CERTIFICATES

a) A property practitioner must lodge an application for the renewal of his, her or its Fidelity Fund certificate before 31 October each year.

b) All applications in respect of Fidelity Fund or registration certificates must be made by submitting to the Authority the following prescribed form -

APPLICATION FOR THE ISSUE OF A FIDELITY FUND CERTIFICATE OR REGISTRATION CERTIFICATE TO A PROPERTY PRACTITIONER

This application form must be completed and submitted to the Authority by –

- Property practitioners and persons employed by attorneys
- All directors of a company, members of a close corporation, partners of a partnership, and trustees of a trust and sole proprietors conducting the business of a property practitioner
- Under cover of a letter by his / her principal confirming his / her employment as indicated herein

Please note: the prescribed fee must accompany this application

Title				
Full name				
Date of birth				
Identity number				
Citizenship				
Residential address				
Postal address				
Telephone number				
What are you applying for (tick appropriate box)	Fidelity Fund certificate		Registration certificate	
State the capacity in which you are	Director	Partner	Employee of an	Member

applying (tick appropriate box)			attorney	
	Sole proprietor	Non-principal	Trustee	Candidate
State the full name, trading name, registration number and business address of the company, close corporation, partnership, sole proprietorship or trust with which you are associated or employed as a property practitioner				
Date from which you intend to act as a property practitioner				
Have you ever been issued with a Fidelity Fund or registration certificate before?	Yes		No	
If yes, state the type of certificate, date of issue, certificate number, and name under which certificate was issued				

DECLARATION BY APPLICANT		
I am a South African citizen and I lawfully reside in the Republic of South Africa	Yes	No
I have not in the preceding 5 years been found guilty of contravening either the Estate Agency Affairs Act, No 112 of 1976 or the Property Practitioners Act, No 22 of 2019	Yes	No
I have not been found in any civil or criminal proceedings by a court of law in any country to have acted fraudulently, dishonestly, unprofessionally, dishonourably or in breach of a fiduciary duty, or of any other offence for which I was sentenced to imprisonment without the option of a fine	Yes	No
I am not of unsound mind	Yes	No
I have not within the preceding 5 years been dismissed from a position of trust by reason of improper conduct	Yes	No
I am not an unrehabilitated insolvent	Yes	No
I am in possession of a valid tax clearance certificate	Yes	No
I am not prohibited by any legislation from being a property	Yes	No

practitioner or from occupying a position of trust		
I have never been found guilty by any court of unfair discrimination	Yes	No
I am in possession of a valid BEE certificate	Yes	No
I have not, nor has any director or manager of my company, any member of my close corporation, or any trustee of my trust (as the case may be) – • Failed to be in compliance with the prescribed standard of training (this does not apply to candidate property practitioners) • Failed to have the practical experience determined by the Authority • Been found guilty of any act or omission in respect of which the Fidelity Fund had to compensate any person • Been prohibited from operating a trust account	Yes	No
I do not trade under a name that confusingly similar to that of another property practitioner whose Fidelity Fund certificate has been withdrawn or lapsed, or who has already been issued with a Fidelity Fund certificate	Yes	No

Date	
Signature of applicant	
Place of signature	

24. FORMAT OF FIDELITY FUND CERTIFICATE

a) Pursuant to section 47 (3) of the Act, it is prescribed that the form of a Fidelity Fund certificate will be as follows -

FIDELITY FUND CERTIFICATE
issued under the provisions of the Property Practitioners Act 22 of 2019

[Insert logo of the authority]
Property Practitioners Regulatory Authority

Holder:
[Insert the full name of the holder of the fidelity fund certificate]
[Insert the geographical address of the holder of the fidelity fund certificate]

Valid from date of issue to 31 December of the undermentioned year
[insert the year at the end of which the fidelity fund certificate will expire]

Date of issue:
[insert the date of issue]

Certificate number:
[insert the number of the certificate]

_____

The Property Practitioners Regulatory Authority

25. PENALTY FOR LATE FFC APPLICATIONS

a) A property practitioner that fails to apply for a fidelity fund certificate when such person is obliged to do so under the provisions of the Property Practitioners Act *22* of 2019 shall pay a penalty in addition to the amount prescribed under section 32 (3) of R 125.00 in respect of each month or part of a month which has expired as between the date upon which such person was obliged to apply for a fidelity fund certificate and the date upon which they applied for a fidelity fund certificate; provided always that the aggregate amount of such penalty shall never exceed an amount equal to the amount prescribed under section 32 (3) as adjusted under the provisions of any regulations promulgated under the provisions of section 41 (2) from time to time.

26. DEADLINE FOR RESPONDING TO NOTICE OF AMENDMENT OF FFC

a) A property practitioner who receives a notice from the Authority in terms of section 51 (2) (a) to (b) of the Act of the Authority's intention to amend the property practitioner's Fidelity Fund certificate must, within a period of 30 days following receipt of such notice, respond in writing thereto.

Chapter 6: trust accounts and details of auditor

27. INFORMATION ABOUT TRUST ACCOUNT

a) Immediately after opening a trust account contemplated in section 54 (1) (a) of the Act, a property practitioner must in writing provide the Authority with the following information in connection with such trust account –

i) name of financial institution at which account is held;

ii) branch at which account is held and branch code;

iii) name of accountholder;

iv) account number; and

v) type of account.

b) Immediately after appointing an auditor in terms of section 54 (1) (b) of the Act, a property practitioner must in writing provide the Authority with the following information relating to such auditor -

i) full name;

ii) Independent Regulatory Board of Auditors certificate number;

iii) business address;

iv) postal address;

v) email address;

vi) mobile telephone number; and

vii) office telephone number.

28. INFORMATION RE: SEPARATE SAVINGS ACCOUNT

a) Should a property practitioner open a separate savings account in respect of trust monies that have no immediate purpose as permitted under section 54 (2) (b) of the Act, the property practitioner must immediately after opening such account notify the Authority of –

i) name of financial institution at which the account is held;

ii) branch at which the account is held and branch code;

iii) name of accountholder;

iv) account number; and

v) type of account.

29. BANK'S DECLARATION OF INTEREST

a) A declaration from a bank contemplated in section 54 (2) (b) must be made in the following format -

[Insert bank's letterhead]

[Insert date]

Property Practitioners Regulatory Authority
63 Wierda Road East (Corner of Johan Avenue)
Sandton 2196

BY POST

Dear Sir / Madam

RE: DECLARATION OF INTEREST EARNED BETWEEN *[INSERT RANGE OF DATES]* IN TRUST ACCOUNT(S) OF *[INSERT NAME]* (THE "ACCOUNTHOLDER") IN TERMS OF SECTION 54 (2) (b) OF THE PROPERTY PRACTITIONERS ACT, NO 22 OF 2019

1 We certify the following regarding the Accountholder's trust account(s) held with us -

DESCRIPTION OF ACCOUNT	ACCOUNT NUMBER	INTEREST EARNED	CREDIT BALANCE

2 Please contact us should you have any queries in the above regard.

Yours faithfully

_____
[NAME OF SIGNATORY]
[Designation]
[Name of bank]

30. TRUST ACCOUNT ADMINISTRATION

a) A property practitioner must administer his, her or its trust accounts using a digital or manual bookkeeping system.

b) Such bookkeeping system must –

i) at a minimum, enable the property practitioner to record all pertinent information regarding trust accounts and the movements of all trust monies, and must include general and subsidiary ledgers, cash books, and all other documents and books of entry necessary for the proper maintenance of trust accounts;

ii) include safeguards to protect the records thereon against unauthorised access, alteration, destruction or manipulation.

iii) be kept in a format that will render it readily retrievable should the Authority, an auditor or any other person entitled to the records on the bookkeeping system require to access them or make extracts or copies thereof.

31. WINDING UP OF TRUST ACCOUNTS

a) After (i) the occurrence of an event contemplated in section 54 (9) (a) to (d) of the Act or (ii) a property practitioner who operates a trust account becomes exempted from the requirement to do so in accordance with the Act -

i) no monies shall be withdrawn from or paid out of the trust account or savings or other interest-bearing account in question without the Authority's written consent;

ii) the property practitioner concerned shall –

1. if it is an event contemplated in section 54 (9) (c) of the Act, forthwith notify the Authority in writing thereof;

2. as soon as may be practicable in writing notify the bank referred to in section 54 (1) (a) with which he keeps the trust account or savings or other interest-bearing account in question of the occurrence of any such event and also that in future no monies may be withdrawn from or paid out of any such account without the consent in writing of the Authority, provided that the Authority itself may at any time so notify such bank;

3. as soon as may be practicable in writing furnish the Authority with the name of the persons entitled to any monies in any such account, the amount to which any such person is entitled and the reasons therefor;

4. having complied with the requirements of regulations 1, 2 and 3 and with the consent in writing of the Authority, pay to the persons referred to in regulation 3 and to such other persons who in the opinion of the Authority are entitled to any monies in such accounts, the monies to which they are entitled.

b) If no person has proved any claim in terms of regulation (a)ii)3) to the balance in question or any part thereof, the property practitioner concerned shall be entitled to such balance or after payment of any part of such balance to any person who has proved that he is entitled thereto, the property practitioner concerned shall be entitled to the remainder.

c) After all the monies in the accounts in question have been paid in terms of this regulation to the persons entitled thereto, the property practitioner concerned shall wind up such accounts and in writing notify the Authority thereof.

32. UPDATE OF AUDITOR'S DETAILS

a) A property practitioner must annually, before the end of his, her or its financial year –

i) confirm his, her its auditor's details; or

ii) update such details if they have changed,

on the Property Practitioners Regulatory Authority's online portal.

CHAPTER 7: TRAINING, CONDUCT AND CONSUMER PROTECTION MEASURES

33. STANDARD OF TRAINING

Candidate property practitioners

a) A person who, as from the effective date, intends to become a property practitioner must serve as a candidate property practitioner, under the supervision of a principal property practitioner or a qualified property practitioner of at least three years' experience, for a continuous period of 12 months from the date of the first issue to that person of a candidate fidelity fund certificate by the Authority.

b) In the event of a candidate property practitioner being absent from the service contemplated in regulation a), for any reason whatsoever, for a continuous period exceeding 30 days during the compulsory candidateship period -

i) the number of days of absence exceeding 30 days; and

ii) an additional number of days amounting to one half of the period of absence from service exceeding 30 days,

will be added to the compulsory candidateship period.

c) In the case of a candidate property practitioner having failed to comply with the educational requirements contemplated in these regulations during the compulsory candidateship period contemplated in regulation a), the candidateship period must be extended for a further period until such time as the candidate property practitioner has duly complied with educational requirements, after which a full status fidelity fund certificate may be issued to the candidate property practitioner by the Authority.

d) A candidate property practitioner may not perform any act as a property practitioner unless the candidate property practitioner -

i) has duly disclosed as far as practically possible in relation to the candidate property practitioner's activities as a property practitioner, excluding authorized advertisements in the press, that the candidate property practitioner is a candidate property practitioner; and

ii) is acting under the active supervision and control of a principal property practitioner or of a full status property practitioner, which supervision and control may be exercised either in person or by means of any electronic medium or application allowing the property practitioner to maintain immediate contact with the candidate property practitioner.

e) A candidate property practitioner may not -

i) in any way, directly or indirectly, hold himself or herself out as someone who or advertise that he or she has complied with the educational requirements contemplated in these regulations;

ii) in any manner act or hold himself or herself out as a full status property practitioner; or

iii) in his or her capacity as a candidate property practitioner, complete or draft any documentation relating to any transaction negotiated by him or her in his or her capacity as a candidate property practitioner, otherwise than under the supervision of a principal property practitioner or a property practitioner contemplated in regulation (g)i)), and who certifies on the documentation in question that the said documentation has been completed under his or her supervision.

f) The principal property practitioner contemplated in regulation (d)ii)) shall be responsible for all acts of a candidate property practitioner done in his or her capacity as such, of which the principal property practitioner is aware.

Registration

A person who, as from the effective date, intends to register as a property practitioner with the Authority must comply with the candidateship requirements referred to in regulation a) and with the educational requirements referred to in regulation a), as prescribed by the NQF in accordance with the regulations made under the South African Qualifications Authority Act, 1995 (Act 58 of 1995) under Government Notice R452 of 28 March 1998 and contained in Gazette No. 6140 of 28 March 1998.

Educational requirements

g) No person may perform the functions and activities of -

   i) a non-principal property practitioner, unless that person has completed the Further Education and Training Certificate: Real Estate (SAQA QUAL ID 59097); or

   ii) a principal property practitioner unless that person has completed the National Certificate: Real Estate (SAQA QUAL ID 201 88).

h) The Further Education and Training Certificate: Real Estate and the National Certificate: Real Estate referred to in regulation (g)i)) will be a prerequisite for admission to the Professional Designation Examination for property practitioners.

i) No person may be registered by the Authority as a full status property practitioner unless that person has also successfully completed the Professional Designation Examination conducted by the Authority.

Fidelity fund certificate

Subject to section 4 of the Act, no person may, as from the effective date, be issued with a full status fidelity fund certificate by the Authority unless such person has complied with the educational requirements referred to in regulation (g)(i).

Recognition of prior learning

j) A property practitioner who is already registered either as a non-principal property practitioner or a principal property practitioner, as at the effective date, will be required to undergo a process of Recognition of Prior Learning as contemplated in the NQF.

k) The process contemplated in regulation j), which includes the identification, assessment and acknowledgement of skills and knowledge that has been obtained by that property practitioner, will -

i) be undertaken within the context of the Further Education and Training Certificate: Real Estate (SAQA QUAL ID 59097) and the National Certificate: Real Estate (SAQA QUAL ID 20188) referred to in regulation (g)(i)g)i), whether such skills or knowledge have been obtained through -

1. formal training and education; or

2. informal or non-formal training and education, including on-the-job training and life experience; and

ii) be completed on or before such period as the Authority may, on reasonable grounds, determine.

Remedial Training

l) If, after completion of the Recognition of Prior Learning process contemplated in regulation j), a property practitioner fails to meet the required standard to be certified in respect of the educational requirements referred to in these regulations, the said property practitioner will be given an additional period of 2 years from the date of completion of the Recognition of Prior Learning process to undergo any remedial training that may be required to be certificated in respect of the relevant qualification;

m) A relevant SETA or any Recognition of Prior Learning Centre accredited by the Authority must, within 30 days of the registration of a candidate for the purpose of undergoing the Recognition of Prior Learning process, and in a manner and form determined by the Authority, inform the Authority of the registration of such candidate for assessment purposes to enable the Authority to determine the educational status of such property practitioner for the purpose of the issue by the Authority of a full status fidelity fund certificate to such candidate.

n) Despite regulation i), a property practitioner who, on the effective date, is registered as either a non-principal or principal property practitioner, will be exempted from the Professional Designation Examination, if the said property practitioner had continuously held a full status fidelity fund certificate, issued by the Authority, for a period of not less than 5 years.

o) The Recognition of Prior Learning process contemplated in regulation j) must be conducted in accordance with the guidelines developed by the Authority in accordance with the broad strategic guidelines captured in the Guideline Document published by SAQA in June 2004 under the title “Criteria and Guidelines for the Implementation of the Recognition of Prior Learning” (ISBN: 0-9584572-2-0);

p) Credits towards the educational qualifications referred to in regulation g) must be granted to a property practitioner whose knowledge and skills, after due assessment in accordance with the prescribed NQF procedures, matches the learning outcomes of either of the educational qualifications referred to in that regulation.

Continuing Professional Development

q) In addition to the educational qualifications referred in regulation g), the Authority may, at any time, prescribe any reasonable Continuing Professional Development requirements as contemplated in the NQF.

r) All property practitioners are required to do Continuing Professional Development, other than candidate property practitioners during the first two years of their candidacy.

34. CODE OF CONDUCT : RESIDENTIAL PROPERTY PRACTITIONERS

General duty to protect the public's interest

a) In terms of a property practitioners' general duty to members of the public and other persons or bodies, a property practitioner -

i) shall not in or pursuant to the conduct of his business do or omit to do any act which is or may be contrary to the integrity of property practitioners in general;

ii) shall protect the interests of his client at all times to the best of his ability, with due regard to the interests of all other parties concerned;

iii) shall not in his capacity as a property practitioner wilfully or negligently fail to perform any work or duties with such degree of care and skill as might reasonably be expected of a property practitioner;

iv) shall comply with both the Act and these regulations;

v) shall not through the medium of a company, close corporation or third party, or by using such company, close corporation or third party, or by using such company, close corporation or third party as a front or nominee do anything which would not be permissible for him to do if he were operating as a property practitioner;

vi) shall not have any interest, whether directly or indirectly in any legal practice that provides conveyancing services to the clients and customers of such property practitioner or any sole proprietorship,

partnership, company, close corporation, business trust or similar entity in which that property practitioner holds a direct or indirect interest.

Mandates

b) No property practitioner shall -

i) offer, purport or attempt to offer any immovable property for sale or to let or negotiate in connection therewith or canvass or undertake or offer to canvass a purchaser or lessee therefor, unless he has been given a mandate to do so by the seller or lessor of the property, or his duly authorised agent;

ii) on behalf of a prospective purchaser or lessee, offer, purport or attempt to offer to purchase or lease any immovable property or negotiate in connection therewith or canvass, or undertake or offer to canvass a seller or lessor therefor, unless he has been given a mandate to do so by such prospective purchaser or lessee, as the case may be, or his duly authorised agent;

iii) accept a sole mandate or the extension of the period of an existing sole mandate, unless -

1. all the terms of such mandate (or extension, as the case may be), are in writing and signed by the client; and

2. the expiry date of the mandate (or extension, as the case may be), which shall be expressed as a calendar date, is specifically recorded in the written sole mandate (or extension, as the case may be);

iv) accept a sole mandate which contains a provision conferring upon him -

1. an option to extend the sole mandate for a certain period after expiry of the sole mandate; or

2. a mandate to continue to render the same service referred to in the sole mandate, after expiry of the sole mandate, unless -

a. the client has prior to his signature of the sole mandate expressly consented in a written document executed independently of the said sole mandate, to the inclusion of such provisions (as the case may be); and

b. such document contains an explanation of the reasons for and implications of the inclusion of such provision; and

c. such document is signed by both the client and the property practitioner in question;

v) accept a sole mandate which also confers upon him a power of attorney to act on behalf of the person conferring the mandate, unless the intention and effect of such power of attorney is fully explained in the document embodying the sole mandate;

vi) include, or cause to be included, or accept the benefit of, any clause in a contract of sale or lease of immovable property negotiated by him, whereby a sole mandate is directly or indirectly conferred upon him to sell or let the said immovable property at any time after the conclusion of the said contract;

vii) accept any mandate or instructions for work in respect of immovable property if his interest therein would compete with his obligations towards an existing client in respect of the same immovable property without first disclosing such interest in writing to such client;

viii) knowingly or negligently make a material misrepresentation concerning the likely market value or rental income of immovable property to a seller or lessor thereof, in order to obtain a mandate in respect of such property;

ix) accept a mandate in respect of any immovable property if the performance of the mandate requires specialised skill or knowledge falling outside his field of competence, unless he will in the performance of the mandate be assisted by a person who has the required skill or knowledge and this fact is disclosed in writing to the client;

x) accept a sole mandate to sell or let immovable property, unless he has explained in writing to the client –

1. the legal implications should the client during the currency of the sole mandate or thereafter sell or let the property without the assistance of the property practitioner, or through the intervention of another property practitioner; and

2. what specific obligations in respect of the marketing of the property will be assumed by the property practitioner in his endeavour to perform the mandate,

provided that such explanations, if contained in a standard pre-printed or typed sole mandate document, shall be in lettering not smaller than that generally used in the remainder of the document.

Duty to disclose

c) A property practitioner shall -

i) convey to a purchaser or lessee or a prospective purchaser or lessee of immovable property in respect of which a mandate has been given to him to sell, let, buy or hire, all facts concerning such property as are, or should reasonably in the circumstances be, within his personal knowledge and which are or could be material to a prospective purchaser or lessee thereof;

ii) if he conducts his business in terms of a franchise, disclose clearly and unambiguously in all his correspondence, circulars, advertisements and other written documentation that he operates in terms of a franchise and state thereon his name and the name of the franchisor;

iii) if he conducts his business under a trade name or style other than his own name, clearly disclose his full name in all correspondence, circulars and other written documentation; and

iv) not perform or attempt to perform any mandate in respect of a particular property if a current prior mandate, which conflicts with the aforesaid mandate, has been accepted by him, unless he has disclosed to the person who has given the later mandate the existence of such prior mandate, and the fact that he will not be the property practitioner's client in respect of that property.

d) No property practitioner shall purchase directly or indirectly for himself, or acquire any interest in, or conclude a lease in respect of, any immovable property in respect of which he has a mandate, without the full knowledge and consent of the person who conferred the mandate, or sell or let his own immovable property or any immovable property in which he has any direct or indirect interest, to any prospective purchaser or lessee who has retained his services, without that purchaser or lessee having full knowledge of his ownership of, or interest in, such immovable property.

Duty not to make misrepresentations or false statements or to use harmful marketing techniques

e) No property practitioner shall -

i) in his capacity as a property practitioner publish or cause to be published any advertisement which could create the impression that it was published by the owner, seller or lessor of immovable property, or by a prospective purchase or lessee of immovable property;

ii) wilfully or negligently, in relation to his activities as a property practitioner, prepare, make or assist any other person to prepare or make any false statement, whether orally or in writing, or sign any false statement in relation thereto knowing it to be false, or knowingly or recklessly prepare or maintain any false books of account or other records;

iii) claim to be an expert or to have specialised knowledge in respect of any service if, in fact, he is not such an expert or does not have such special knowledge;

iv) advertise or otherwise market immovable property in respect of which he has been given a mandate to sell or let, at a price or rental other than that agreed upon with the seller or lessor of the property;

v) without derogating from the generality of the aforegoing –

1. wilfully or negligently mislead or misrepresent in regard to any matter pertaining to the immovable property in respect of which he has a mandate;

2. use any harmful or misleading marketing technique or method to influence any person to confer upon him a mandate to render any service or to sell, purchase, let or hire immovable property, having regard to the general experience which such person has concerning property transactions and the circumstances surrounding the transaction or proposed transaction;

vi) use any firm or trading name in respect of his business if such name may give rise to confusion on the part of the public in respect of the nature of the business carried on by him;

vii) inform a seller or purchaser, or prospective seller or purchaser, of immovable property in respect of which he has been given a mandate

to sell or purchase, that he has obtained an offer in respect of the property from a purchaser or seller (as the case may be), unless such offer –

1. is in writing;
2. has been signed by the offeror; and
3. is, to the knowledge of the property practitioner concerned, a *bona fide* offer;

viii) affix any board or notice to immovable property indicating that such property is for sale or hire or has been sold or let, unless –

1. the seller or lessor (as the case may be) has given his written consent to do so; and
2. the property practitioner concerned in fact has a mandate to sell or let the property, or in fact has sold or let the property, as the case may be.

Duties in respect of offers and contracts

f) No property practitioner -

i) who has a mandate to sell or purchase immovable property shall wilfully fail to present or cause to be presented to the seller or purchaser concerned, any offer to purchase or sell such property, received prior to the conclusion of a contract of sale in respect of such property, unless the seller or purchaser (as the case may be) has instructed him expressly not to present such offer;

ii) who has a mandate to sell immovable property, may present competing offers to purchase the property in such a manner as to induce the seller to accept any particular offer without regard to the advantages and/or disadvantages of each offer for the seller;

iii) shall amend any provision of a signed offer, prior to rejection thereof, or a written mandate or any contract of sale or lease, without the knowledge and express consent of the offeror or the parties to the contract, as the case may be.

g) A property practitioner shall -

i) explain to every prospective party to any written offer or contract negotiated or procured by him in his capacity as a property practitioner,

prior to signature thereof by such party, the meaning and consequences of the material provisions of such offer or contract, or, if he is unable to do so, refer such party to a person who can do so;

ii) if he knows that an offer submitted by him as a property practitioner to any party has been accepted, or has not been accepted by the expiry date thereof, forthwith notify the offeror of such fact; and

iii) without undue delay furnish every contracting party with a copy of an agreement of sale, lease, option or mandate with which he is concerned as a property practitioner, provided that the aforegoing shall also apply in respect of an offer to purchase or lease if the offeror specifically requests a copy thereof.

Remuneration

h) No property practitioner shall -

i) stipulate for, demand or receive directly or indirectly any remuneration, commission, benefit or gain arising from or connected with any completed, pending or proposed contract of sale or lease which is subject to -

1. a suspensive condition, until such time as that condition has been fulfilled; or

2. a resolutive condition, during the time that the transaction may fall away as a result of the operation of the said resolutive condition, provided that the aforegoing shall not apply if –

a. good cause exists; and

b. the party liable for the payment of the remuneration, commission, benefit or gain has expressly consented in a written document executed independently of the contract in question, to such payment at any time, notwithstanding the fact that the said contract is subject to a suspensive or resolutive condition, as the case may be; and

c. such document contains an explanation of the implications and financial risks for such party of such payment; and

d. such document is signed by such party and the property practitioner in question;

i) convey to his client or any other party to a completed or proposed transaction in which he acted or acts as a property practitioner, that he is precluded by law from charging less than a particular commission or fee, or that such commission or fee is prescribed by law, the authority or any institute or association of property practitioners or any other body;

j) introduce a prospective purchaser or lessee to any immovable property or to the seller or lessor thereof, if he knows, or has reason to believe, that such person has already been introduced to such property or the seller or lessor thereof by another property practitioner and that there is a likelihood that his client may have to pay commission to such other, or to more than one, property practitioner should the sale or lease be concluded through his intervention, provided that the aforegoing shall not apply if the property practitioner has informed his client of such likelihood and obtained his written consent to introduce such party to the property or the seller or lessor thereof;

k) include, or cause to be included, or accept the benefit of, any clause in a mandate or in a contract of sale or lease of immovable property, providing for payment to him by the seller or lessor of immovable property, of any remuneration, commission, benefit or gain arising from or connected with a contract of sale or lease, regardless of whether the purchaser or lessee is financially able to fulfill his obligations in terms of the said contract, provided that the aforegoing shall not apply if -

i) good cause exists; and

ii) the seller or lessor has, prior to his signature of the contract or mandate (as the case may be) consented in writing in a document executed independently of the said mandate and contract, to such payment; and

iii) such document contains an explanation of the implications and financial risks for the seller or lessor of such payment; and

iv) such document is signed by both the property practitioner and the seller or lessor; or

l) include, or cause to be included, or accept the benefit of, any clause in a contract of sale or lease of immovable property negotiated by him, entitling him to deduct from any money entrusted to him in terms of the contract, any remuneration, commission, benefit or gain arising from or connected with such contract, provided that the aforegoing shall not be so construed so as to prohibit

a property practitioner from making such deduction when such money is actually paid over by him to the party entitled thereto and such party is in terms of the said contract liable for the payment of such remuneration, commission, benefit or gain.

Trust money and interest

m) A property practitioner -

i) shall not solicit or influence any person entitled to trust funds under his control to make over or pay to the property practitioner directly or indirectly any interest on moneys deposited or invested in terms of section 54 (1) or 54 (2) of the Act;

ii) shall, if any money is invested by him pursuant to section 54 (2) of the Act or pursuant to an instruction by the party entitled to the interest on money held in trust by the property practitioner -

1. invest such money at the best interest rate available in the circumstances at the bank or building society where he normally keeps his trust account or accounts, and

2. pay the full amount of the interest which accrued on the investment to the party entitled to such interest, or the authority, as the case may be, subject to any written agreement in this regard between him and such party;

iii) shall not include, or cause to be included, or accept the benefit of, any clause in a contract of sale of immovable property negotiated by him, providing for payment to the seller, prior to registration of transfer of the property in the purchaser's name, of any portion of the purchase price entrusted to the property practitioner by the purchaser: Provided that the aforegoing shall not apply if -

1. good cause exists; and

2. the purchaser has prior to his signature of the contract in question, consented in writing in a document executed independently of the said contract, to such payment; and

3. such document contains an explanation of the implications and financial risks of such payment for the purchaser; and

4. such document is signed by both the seller and the purchaser and the property practitioner in question;

iv) shall not operate a trust account, other than in compliance with the Act and these regulations.

Confidentiality

n) No property practitioner shall, without just cause, divulge to any third party any confidential information obtained by him concerning the business affairs, trade secrets or technical methods or processes of a client or any party to a transaction in respect of which he acted as a property practitioner.

35. UNDESIRABLE BUSINESS PRACTICES

a) Pursuant to the provisions of section 63 (1) of the Act, the following business practices are prohibited –

i) The soliciting or acceptance of mandates for the sale of properties from members of the public by an attorneys' practice (whether such practice is on the attorney's own account, as a partner in a firm of attorneys or as a member of a professional company), save that this shall not apply to the existing clients of the practice;

ii) Any arrangement in terms of which any attorney or attorney's practice provides conveyancing services to any parties to a property transaction which has in any way been brokered or arranged either by such attorney or attorneys practice or by any property practitioner in which such attorney or any member of such attorney's practice or any person related to such attorney or member of an attorney's practice has any direct or indirect interest; and

iii) Any arrangement in terms of which any party or person that directly or indirectly controls or manages any property development, including any homeowners' association (the "managing organisation") –

1. receives money or any other reward in exchange for a benefit, advantage or other form of preferential treatment in respect of the marketing of properties in such property development;

2. requires that any property in such property development may only be disposed of through the agency of the managing organisation or a property practitioner designated by the managing organisation or which imposes any form of penalty in respect of a failure to do so;

3. requires that any property in such property development may only be disposed of to the managing organisation or a person or entity designated by the managing organisation;

4. effectively provides an advantage to any one property practitioner or group of property practitioners over and above any other property practitioners, in providing services in relation to properties in such property development; or

5. effectively excludes or disadvantages any property practitioner or group of property practitioners from being able to provide services in relation to properties in such property development.

36. MANDATORY DISCLOSURE

a) The mandatory disclosure referred to in section 67 of the Act shall be in the following format -

IMMOVABLE PROPERTY CONDITION REPORT

1 **Disclaimer**

This condition report concerns the immovable property situated at *[insert deeds office and physical description]* (the "Property"). This report does not constitute a guarantee or warranty of any kind by the owner of the Property or by the property practitioners representing that owner in any transaction. This report should, therefore, not be regarded as a substitute for any inspections or warranties that prospective purchasers may wish to obtain prior to concluding an agreement of sale in respect of the Property.

2 **Definitions**

In this form -

2.1 "to be aware" means to have actual notice or knowledge of a certain fact or state of affairs; and

2.2 "defect" means any condition, whether latent or patent, that would or could have a significant deleterious or adverse impact on, or affect, the value of the property, that would or could significantly impair or impact upon the health or safety of any future occupants of the property or that, if not repaired, removed or replaced, would or could significantly shorten or adversely affect the expected normal lifespan of the Property.

3 **Disclosure of information**

The owner of the Property discloses the information hereunder in the full knowledge that, even though this is not to be construed as a warranty, prospective purchasers of the Property may rely on such information when deciding whether, and on what terms, to purchase the Property. The owner hereby authorises the appointed property practitioner marketing the Property for sale to provide a copy of this statement, and to disclose any information contained in this statement, to any person in connection with any actual or anticipated sale of the Property.

4 **Provision of additional information**

The owner represents that to the best of his or her knowledge the responses to the statements in respect of the Property contained herein have been accurately noted as "yes", "no" or "not applicable". Should the owner have responded to any of the statements with a "yes", the owner shall be obliged to provide, in the additional information area of this form, a full explanation as to the response to the statement concerned.

5 **Statements in connection with Property**

	YES	**NO**	**N / A**
I am aware of the defects in the roof			
I am aware of the defects in the electrical systems			
I am aware of the defects in the plumbing system, including in the swimming pool (if any)			
I am aware of the defects in the heating and air conditioning systems, including the air filters and humidifiers			
I am aware of the septic or other sanitary disposal systems			
I am aware of any defects to the property and/or in the basement or foundations of the property, including cracks, seepage and bulges. Other such defects include, but are not limited to, flooding, dampness or wet walls and unsafe concentrations of mould or defects in drain tiling or sump pumps			
I am aware of structural defects in the Property			
I am aware of boundary line dispute, encroachments or encumbrances in connection with the Property			
I am aware that remodelling and refurbishment have affected the structure of the Property			
I am aware that any additions or improvements made to or any erections made on the property, have been done or were made, only after the required consents, permissions and permits to do so were properly obtained.			

I am aware that a structure on the Property has been earmarked as a historic structure or heritage site			
ADDITIONAL INFORMATION			

6 **Owner's certification**

The owner hereby certifies that the information provided in this report is, to the best of the owner's knowledge and belief, true and correct as at the date when the owner signs this report.

7 **Certification by person supplying information**

If a person other than the owner of the property provides the required information that person must certify that he/she is duly authorised by the owner to supply the information and that he/she has supplied the correct information on which the owner relied for the purposes of this report and, in addition, that the information contained herein is, to the best of that person's knowledge and belief, true and correct as at the date on which that person signs this report.

8 **Notice regarding advice or inspections**

Both the owner as well as potential buyers of the property may wish to obtain professional advice and/or to undertake a professional inspection of the property. Under such circumstances adequate provisions must be contained in any agreement of sale to be concluded between the parties pertaining to the obtaining of any such professional advice and/or the conducting of required inspections and/or the disclosure of defects and/or the making of required warranties.

9 **Buyer's acknowledgement**

□ The prospective buyer acknowledges that he/she has been informed that professional expertise and/or technical skill and knowledge may be required to detect defects in, and non-compliance aspects concerning, the property.

□ The prospective buyer acknowledges receipt of a copy of this statement.

10 **Signatures**

Signed at _____ on _____

Signature of owner _____

Signature of purchaser _____

Signature of property practitioner_____

37. WORDING ON LETTERHEADS AND IN AGREEMENTS

a) The following wording must appear on all letterheads or marketing material pertaining to a property practitioner: *"Holds a Fidelity Fund certificate issued by the Property Practitioners Regulatory Authority"* and where a candidate property practitioner is making use of such letterheads or is referenced in such marketing material, the fact that such individual is a candidate property practitioner must be clearly stated.

b) Any agreement in connection with a property transaction to which the property practitioner is a party must contain a clause in the following terms: *"[Insert name of property practitioner as defined in the agreement] hereby warrants the validity of his / her / its Fidelity Fund certificate as at the date of signature of this Agreement."*

CHAPTER 8: ADMINISTRATIVE AND OTHER MATTERS

38. DISTINCTION BETWEEN MINOR AND MAJOR CONTRAVENTIONS

39. CONTRAVENTIONS OF THE ACT ARE CLASSIFIED AS MINOR OR SUBSTANTIAL, AND ATTRACT THE MAXIMUM FINES AS SET OUT BELOW –

NO	SECTION REFERENCE	CONTRAVENTION MINOR OR SUBSTANTIAL	MAXIMUM FINE
1.	23 (1)	Minor	R 5 000
2.	41 (1)	Minor	R 5 000
3.	47 (1)	Substantial	R 15 000
4.	47 (2)	Substantial	R 10 000
5.	47 (4)		R 450 per full month
6.	47 (5)	Minor	R 1 500
7.	47 (6)	Minor	R 500
8.	47 (7)	Minor	R 2 000
9.	48 (1)	Substantial	R 25 000
10.	48 (4)	Substantial	R 10 000, in respect of the failure to effect a repayment when requested to do so.
11.	51 (5)	Minor	R 1 500
12.	52 (2)	Substantial	R 1 500
13.	52 (6)	Substantial where withdrawn, minor where lapsed.	R 25 000 where withdrawn R 7 500 where lapsed.
14.	52 (7)	Substantial where withdrawn, minor where lapsed	R 25 000 where substantial R 7 500 where minor
15.	53 (1) (a) to (c)	Substantial	R 1 500

NO	SECTION REFERENCE	CONTRAVENTION MINOR OR SUBSTANTIAL	MAXIMUM FINE
16.	54 (1) (a) to (c)	Minor	R 7 500
17.	54 (2) (a) to (b)	Minor	In respect of subparagraph (a) R 750 and in respect of subparagraph (b) R 1 500.
18.	54 (3) (a) to (b)	Substantial in respect of subparagraph (a) and minor in respect of subparagraph (b).	R 40 000 in respect of subparagraph (a) and R 7 500 respect of subparagraph (b).
19.	54 (5) (a) to (c)	Minor	R 25 000
20.	54 (6)	Minor	R 20 per day in respect of each day (but subject to a maximum of R 5 000).
21.	54 (7)	Minor	R 1 500
22.	54 (9) (a) to (d)	Minor	R 7 500
23.	54 (10)	Substantial	R 25 000
24.	54 (14)	Minor	R 1 000
25.	55 (1) (a) to (f)	Substantial (is stated in the Act as being an offence)	R 1 500 per annum
26.	55 (4) (a) to (b)	Minor	R 7 500
27.	56 (1)	Minor	R 7 500
28.	56 (2)	Minor	R 7 500
29.	56 (3)	Minor	R 7 500
30.	56 (5)	Minor	R 7 500
31.	57 (1)	Minor	R 2 500
32.	58 (1) (a) to (b)	Substantial in respect of (a) and minor in respect of (b).	R 25 000 in respect of (a) and R 2 500 in respect of (b).

NO	SECTION REFERENCE	CONTRAVENTION MINOR OR SUBSTANTIAL	MAXIMUM FINE
33.	59 (1) (a) to (c)	Substantial	R 5 000
34.	61 (3)	Minor	R 750
35.	62 (1) (a) (k)	Substantial in respect of subparagraph (h). Minor in respect of all other subparagraphs.	R 25 000 in respect of subparagraph (h). R 5 000 in respect of subparagraphs (a), (f), (g) and (j). R 1 500 in respect of each other subparagraph, other than (k). In respect of (k), as may be provided for in the Act or otherwise under this regulation.
36.	64 (1) and (2)	Minor	R 1 500
37.	64 (4)	Minor	R 1 500
38.	65 (1)	Substantial	R 25 000
39.	65 (2)	Minor	R 1 500
40.	66 (1) (a) to (d)	Substantial (is stated in the Act as being an offence)	R 25 000
41.	67 (1)	Minor	R 15 000
42.	69 (2)	Minor	R 1 500

40. SPECIFICATION OF OTHER SERVICES

a) Pursuant to the provisions of subsection (a) (vi) of the definition of "property practitioner" in the Act, the following service is specified: the sale, by auction or otherwise, by any person as part of the activities of operating a property

development business, of any property or any interest, right or title in or to a property or a property development: provided that the foregoing shall not apply in circumstances where such sale, auction or other activity is conducted solely through the auspices of a property practitioner falling within subsection (a) (i) of the definition of "property practitioner" who is the holder of a current fidelity fund certificate issued under the provisions of the Act

41. DOCUMENT RETENTION

a) In terms of section 55 (1) (f) of the Property Practitioners Act [insert] of 2019, it is prescribed that the following documents must be retained in accordance with the provisions of section 55 –

i) copies of all electronic communications sent or received by the property practitioner to and from members of the public in the course of carrying out its activities as a property practitioner, other than in circumstances where a property practitioner is acting in the course and scope of his or her employment by a person or entity that is a registered property practitioner in terms of the Property Practitioners Act [insert] of 2019; and

ii) where a property practitioner employs any other property practitioner, copies of all electronic communications sent or received by such employee property practitioner to or from members of the public in the course and scope of carrying out his or her employment duties,

provided that such obligation shall not extend to electronic communications on social media which are generally accessible by members of the public.

42. ADMINISTRATIVE MATTERS

In terms of section 70 (1) (a) of the Act, incidental matters of a procedural or administrative nature are prescribed as set out in the schedules hereto.

SCHEDULE 1

ADMINISTRATIVE MATTERS RELATING TO EXEMPTIONS

Manner and Form of Application

a) For the purposes of section 4 of the Property Practitioners Act *[insert]* of 2019 ("**Act**"), the following is prescribed –

i) An application for exemption under section 4 of the Act must be submitted in writing to the Authority either by email or by hand delivery to the offices of the Authority as set out further below.

ii) The application for exemption must be made using form E1 below.

iii) Any objection to an exemption must be made using form E2 below.

Process Pertaining to Exemptions

b) Where application has been made for exemption in respect of any matter contemplated in the Act, no action will be taken against the applicant in relation to non-compliance with the matter in relation to which exemption is sought, until such exemption application has been finalised in accordance with the process set out in this Schedule 1. If such any exemption application is refused, notice of such refusal together with the reasons therefor must be given to the applicant and the applicant must be given a reasonable period of time within which to bring about compliance with the matter which is the subject of such exemption application in which regard the Authority must, if it requires such compliance, issue a compliance notice as contemplated in section 26. The aforegoing shall only apply where the exemption application precedes the action taken. It shall in no way affect any action that had already been mounted or proceedings against the applicant that are already underway on the date on which the application was lodged.

c) An application for exemption must be either uploaded through the Authority's web portal or otherwise must be sent by the applicant to the Authority's email address at *[insert email address]* or otherwise sent by post or delivered by hand to the following address of the Authority -

Property Practitioners Regulatory Authority
63 Wierda Road East (Cnr Johan)
Wierda Valley
Sandton
Johannesburg
2196

d) The Authority must, within 60 working days, consider any application for exemption submitted to it which is compliant with the provisions of this Regulation, unless the Authority, on good grounds in writing, informs the applicant of the reasons why that period is to be extended, provided that such extension may not exceed 20 working days.

e) The period of 60 working days referred to in regulation d) foregoing commences afresh if the Authority requests the applicant to submit additional information or to correct said application.

f) If the Authority fails to comply with regulation d) foregoing, the application is deemed to have been approved and the Authority may not take any action against the applicant in relation to non-compliance with the matter which has been the subject of such exemption application, for so long as the exemption remains of force and effect.

g) An application for exemption may be made by any person or organisation, whether such person or organisation is a property practitioner or not. Without limiting the foregoing, an application for exemption may be made by a representative organisation or association on behalf of its members or membership.

Administration of Exemption Applications

h) As a matter of practice, exemptions should be granted in circumstances where none of the considerations in section 4 (5) (a), (b), (c) or (e) arises and, having regard to any considerations as referred to in section 4 (5) (d), such exemption will not have a material adverse effect upon consumers rights.

i) As a matter of practice, exemptions from the provisions of section 58 (1) (b) should be granted (a) in circumstances where it can be shown on a balance of probabilities that such will be to the benefit of consumers or members of the public or (b) otherwise in circumstances where good and sufficient cause exists for such exemption.

j) Where natural persons apply for exemption from either or both provisions of section 50 (a) (vii) and 50 (a) (x), such exemptions should ordinarily be granted. Applications for exemption from the provisions of 50 (a) (vii) and 50 (a) (x) may be submitted simultaneously with any application for registration as a property practitioner, for a fidelity fund certificate or for renewal of a fidelity fund certificate.

k) In considering whether an exemption should be granted, regard should be had to the administrative burden on the Authority of not granting such exemption.

l) In considering any exemption application, due regard should be had to the legitimate expectations of the applicant, regard being had to previous practice in regard to exemption applications of the kind in question.

m) An exemption application may be submitted simultaneously with an application for registration as a property practitioner or with an application for a fidelity fund certificate and, in such event, such application must be dealt with simultaneously if the granting of such registration or the issue of such fidelity fund certificate is or may reasonably be considered to be, contingent upon the exemption application being granted.

n) Any person who applies for registration or a fidelity fund certificate may be exempted from the obligation to pay any prescribed fees pertaining thereto or otherwise be permitted by the Authority to discharge such fees over such period of time as the Authority may consider reasonable in the circumstances if either (a) such applicant provides the Authority with reasonable proof of financial hardship or (b) the interests of justice so require.

o) Where a party that applies for exemption acts solely as a conduit or platform for the placing of advertisements by property practitioners, such exemption should in the absence of other considerations relating to protecting the interests of consumers, be granted.

p) Where it is alleged that a property practitioner that is a partnership, company, trust, close corporation or similar organisational entity (a "**business property practitioner**") has a partner, director, trustee or member that does not hold a fidelity fund certificate as required in terms of section 48 (2), written confirmation from the auditors or attorneys of the business property practitioner concerned that such partner, director, trustee or member (the "**non-compliant executive member**") has subsequently been removed, has resigned or has withdrawn from such position will be proof of such fact, provided that it is accompanied by an affidavit by a partner, director trustee or member of the business property practitioner concerned as follows –

I, [insert name] with identity number [insert details] [alternatively, insert passport number and details of the issuing country], being a [insert capacity] of [insert the full name of the business property practitioner concerned] (with registration number [insert details]) [delete the reference to the registration number if the property practitioner in question does not have a registration number], do hereby state and make oath/affirm that [insert the full name of the non-compliant executive member] (with identity number [insert details]) [alternatively, insert passport number and details of the issuing country], has as of [insert date] ceased to act as a [insert the relevant capacity] of [insert the full name of the business property practitioner concerned] or to have any involvement with the management of or the direction of the affairs of [insert the full name of the business property practitioner concerned].

q) Where a property practitioner that is a partnership, company, trust, close corporation or similar organisational entity (a "**business property practitioner**") has non-executive directors or has finance, marketing, information technology or human resource directors or any other director who is not directly concerned with the management and oversight of individual property practitioners, exemption should ordinarily be granted from the provisions of section 48 (1) (b) and 48 (2) in respect of such persons, upon application being made to the Authority.

r) Where an exemption application has or is likely to have an effect on significant numbers of property practitioners, the Authority must consult with industry bodies representing property practitioners before considering and finalising such exemption application.

FORM E1– APPLICATION FOR EXEMPTION FROM PROVISIONS OF THE PROPERTY PRACTITIONERS ACT, 2019

Full names of the applicant:

If the applicant is a natural person:
South African identity number of the applicant:
If no South African identity number is available, then:
Passport number of the applicant:
Country of issue of passport:
State the place of residence of the applicant:
State the principal place of business of the applicant, if applicable:
State the name of the employer of the applicant, if applicable:

If the applicant is not a natural person:
State the form of the applicant (e.g. company, close corporation, trust, association):
State the registration number of the applicant, if applicable:
State the place of registration of the applicant, if applicable:
State the principal place of business of the applicant, if applicable:
Provide full details of the directors, members, trustees or similar persons exercising control over the applicant (attached separately, if necessary):

Please also provide full details of shareholders, members, beneficiaries or other persons who have a direct financial interest in the applicant (attached separately, if necessary):

Briefly state the reason exemption is applied for (full reasons may be attached separately):

If the applicant is or has at any time been the holder of a fidelity fund certificate issued by the Authority or its predecessor in title the Estate Agency Affairs Board, attach a copy of the most recent version of the fidelity fund certificate held by the applicant.

Please separately attach comprehensive reasons as to why exemption is being applied for and also provide all relevant supporting documentation.

State the specific sections and subsections of the Property Practitioners Act, 2019 from which exemption is sought:

If the applicant is not a natural person, also attach an authorising resolution by the board of

State the period for which exemption is sought:

directors, members or trustees or similar body exercising control of the applicant which authorises the signatory below to submit the exemption application on behalf of the applicant.

Signed at **on this** **day of** **20**

at

_____

For and on behalf of the applicant

Full names:

FORM E2 FORM E1– OBJECTION TO EXEMPTION GRANTED UNDER THE PROVISIONS OF THE PROPERTY PRACTITIONERS ACT, 2019

Full names of the objecting party:

If the objecting party is a natural person:
South African identity number of the objecting party:
If no South African identity number is available, then:
Passport number of the objecting party:
Country of issue of objecting party:
State the place of residence of the objecting party:
State the principal place of business of the objecting party, if applicable:
State the name of the employer of the objecting party, if applicable:

If the objecting party is not a natural person:
State the form of the objecting party (e.g. company, close corporation, trust, association):
State the registration number of the objecting party, if applicable:
State the place of registration of the objecting party, if applicable:
State the principal place of business of the objecting party, if applicable:
Provide full details of the directors, members, trustees or similar persons exercising control over the objecting party (attached separately, if necessary):

Please also provide full details of shareholders, members, beneficiaries or other persons who have a direct financial interest in the objecting party (attached separately, if necessary):

Briefly state the basis of the objection (full reasons may be attached separately):

State the specific sections and subsections of the Property Practitioners Act, 2019 in respect of which exemption has been granted and to which objection is made:

If the objecting party is or has at any time been the holder of a fidelity fund certificate issued by the Authority or its predecessor in title the Estate Agency Affairs Board, attach a copy of the most recent version of the fidelity fund certificate held by the objecting party.

Please separately attach comprehensive reasons as to why exemption is objected to and also provide all relevant supporting documentation.

If the objecting party is not a natural person, also attach an authorising resolution by the board of directors, members or trustees or similar body exercising control of the applicant which authorises the signatory below to submit the objection on behalf of the objecting party.

Signed at **on this** **day of** **20**

at

_____

For and on behalf of the objecting party

Full names:

SCHEDULE 2

ADMINISTRATIVE MATTERS RELATING TO REGISTRATIONS AND FIDELITY FUND CERTIFICATES

s) Where a natural person acts as a property practitioner in different capacities, a single fidelity fund certificate shall be issued to that natural person in respect of all capacities in which they act as a property practitioner.

t) A fidelity fund certificate will not state the capacity in which the holder holds that fidelity fund certificate.

u) The Authority may not as a precondition to issuing a fidelity fund certificate require a property practitioner to bring into compliance any matter pertaining to any period preceding the date upon which a fidelity fund certificate was previously issued to the property practitioner concerned, unless either (a) that fidelity fund certificate was issued subject to the property practitioner bringing such specific matter into compliance or (b) a complaint has been lodged with the Authority in relation to any such non-compliance by the property practitioner concerned

v) All fidelity fund certificates, and registration certificates will be issued by uploading the same to the Authority's web portal and making such accessible to the property practitioner concerned. A fidelity fund certificate or a registration certificate will be issued to and come into the possession of a property practitioner once such certificate is made available on the Authority's web portal, such that a copy of it is capable of being downloaded by the property practitioner concerned. Should the Authority not observe the time period contemplated in section 49 (1), then in accordance with section 49 (3), an application for a fidelity fund certificate is deemed to have been approved by the Authority which must, upon the applicant's written request, issue the fidelity fund certificate within 10 working days. Furthermore, the property practitioner will be deemed to be compliant with all provisions of the Act requiring possession of a fidelity fund certificate, and no action relating to non-possession of a fidelity fund certificate may be taken against such property practitioner.

w) A fidelity fund certificate downloaded from the Authority's web portal will, if saved and retained in the original file format together with its original properties, constitute an original fidelity fund certificate for the purposes of the Act and will retain that character if sent unaltered as part of an electronic message as contemplated in the Electronic Communications and Transactions Act, 25 of 2002. A fidelity fund certificate may in accordance with the foregoing be

provided electronically to a conveyancer for the purposes of compliance with section 56 (5).

x) Prior to withdrawing a fidelity fund certificate (whether in terms of section 52 (1) or otherwise) and without derogating from the requirements of administrative law, the Authority must –

i) give notice of its intention to withdraw such fidelity fund certificate; and

ii) first grant the person in question an opportunity to make representations within a period of 30 days as to why such fidelity fund certificate should not be withdrawn; and

iii) first grant the person in question an opportunity to apply within a period of 30 days for exemption, should they wish to do so.

SCHEDULE 3

GRANTS FROM THE FIDELITY FUND

y) For the purposes of section 39 (1) grants from the Fidelity Fund may not without ministerial consent cause the Fidelity Fund to be reduced to a sum of less than R 500,000,000 (five hundred million Rand), provided always that the aforesaid amount will be escalated annually on 01 January of each year by the increase in CPI over the preceding year, with the first such escalation occurring on 01 January 2020

z) For the purposes of the foregoing "CPI" means the consumer price index, statistical release P0141 as published from time to time by Statistics South Africa from time to time provided that if, at any time, such index shall cease to be published then there will be used other official information or index as may published by Statistics South Africa from time to time in lieu of statistical release P0141.

aa) All amounts not required for the purposes referred to in Section 39 of the Property Practitioners Act shall be allocated to and paid over to the Transformation Fund for utilisation by the Transformation Fund in accordance with the provisions of the Act as read with these Regulations.

SCHEDULE 4

GENERAL ADMINISTRATIVE MATTERS

bb) For the purposes of section 54 (14), the relevant confirmation or update must be uploaded to the Authority's web portal, provided always that a property practitioner may send such confirmation or update to the email address or deliver such confirmation update by post or by hand to the physical address provided for in regulation c) of Schedule 1 (Administrative Matters Relating to Exemptions).

cc) Where an property practitioner who is a natural person acts on behalf of any property practitioner that is a partnership, company, trust, close corporation or similar organisational entity (a "**business property practitioner**"), that natural person property practitioner must reflect on all emails, letters, contracts, business cards, marketing materials and similar forms of communication the full name, physical address, email address and telephone number of the business property practitioner on behalf of whom that natural person property practitioner is acting.

dd) All emails, letters, contracts, business cards, marketing materials and similar forms of communications must, in addition to the matters prescribed for in terms of section 53 (1) further reflect, in respect of each property practitioner –

i) that is a sole proprietorship, partnership, company, close corporation or trust (a "**business property practitioner**") that such holds a fidelity fund certificate in the capacity of a business property practitioner;

ii) whether or not that business property practitioner operates a trust account;

iii) in respect of each natural person that is associated with or operates under the auspices of that business property practitioner, the name of such natural person together with a statement that such natural person holds a fidelity fund certificate and the capacity in which such person acts as a property practitioner in relation to that business property practitioner, being either a principal, a full status property practitioner or an intern.

ee) For the purposes of section 62 (2) (1) (d), the Authority must grant a property practitioner a period of at least 30 days to provide the relevant requested information, calculated from the date upon which that property practitioner first receives such request for information.

ff) A person who wishes to claim for compensation from the Property Practitioners Fidelity Fund in respect of theft of trust money by a property practitioner shall not be required to take any steps against the property practitioner concerned, other than as provided for in section 37 (2) of the Act.

gg) The financial statements of a property practitioner must either be prepared in accordance with a recognised financial reporting framework or a basis of accounting as determined by the property practitioner taking cognisance of other applicable laws and regulations which may prescribe the financial reporting framework to be applied in the preparation of the financial statements based on the type of business through which the property practitioner practices.

hh) An audit report required under the provisions of the Act (as read together with these regulations) shall be in such form as is determined by the auditor carrying out said audit as being most appropriate in the circumstances, provided that if the South African Institute of Chartered Accountants (or its successor in title) determines one or more forms of audit report to be used for the purposes of the Act (as read together with these regulations), then the auditor shall use such form of report, provided further that –

i) in carrying out his obligations the auditor shall comply with the auditing pronouncements in terms of the Auditing Profession Act, 26 of 2005; and

ii) if the auditor is unable to furnish an unqualified report, the fact thereof and the reasons therefor will be fully set out in the report and all alterations to an audit report must be signed by the auditor concerned.

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 140 OF 2020

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)

APPLICATIONS FOR TRANSFER OF AN INDIVIDUAL ELECTRONIC COMMUNICATIONS SERVICE AND INDIVIDUAL ELECTRONIC COMMUNICATIONS NETWORK SERVICE LICENCES FROM LPD CONSULTING (PTY) LTD T/A MAXWELL TECHNOLOGY (PTY) LTD TO PARATUS TELECOMMUNICATIONS (PTY) LTD

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it has received applications from LPD Consulting (Pty) Ltd t/a Maxwell Technology (Pty) Ltd for the transfer of its Individual Electronic Communications Service ("I-ECS") and Individual Electronic Communications Network Service ("I-ECNS") licences. The applications were submitted in terms of Regulation 11 of the Processes and Procedures Regulations for Individual Licences, 2010 published in Government Gazette No. 33293 of 14 June 2010, as amended by the Amendment Individual Processes and Procedures Regulations 2015 published in Government Gazette No.39871 of 30 March 2016 ("Processes and Procedures Regulations") read with section 13 of the Electronic Communications Act No. 36 of 2005, as amended ("the ECA").

2. The transfer applications seek approval from the Authority to transfer the I-ECNS and I-ECS licences held by LPD Consulting (Pty) Ltd t/a Maxwell Technology (Pty) Ltd ("the Applicant") to Paratus Telecommunications (Pty) Ltd ("the Transferee") and will be evaluated on the basis of the following criteria:
   a. promotion of competition in the ICT sector;
   b. interests of consumers; and
   c. equity ownership by Historically Disadvantaged Persons ("HDPs").

3. The Applicant submits that 30% of the Transferee's equity shareholding is held by HDPs.

4. The applications, relevant schedule and any representations received pursuant to this notice will be made available and open for inspection by any interested party in the Authority's library, during the Authority's office hours.

5. Any interested party is invited to lodge written representations to the applications within fourteen (14) working days from the date of publication of this notice in the Government Gazette.

6. Any person who makes written representations must indicate whether they require an opportunity to make oral representations in the event that the Authority decides to hold public hearings.

7. All written representations, responses and other correspondence in terms of this notice must be directed to Mr Peter Mailula at ECNS, ECS and Postal Licensing Unit, Licensing Division, at Block B, 350 Witch – Hazel Avenue, Eco Point Office Park, Eco Park, Centurion **OR** Private Bag X10, Highveld Park, 0169 **OR** by fax no. (012) 568 3658 **OR** by e-mail: PMailula@icasa.org.za

8. Any person who may lodge representations in terms of this notice, must also furnish proof that a copy of the representation has been delivered by hand to Mr Albertus Johannes Carlsen at LPD Consulting (Pty) Ltd t/a Maxwell Technology (Pty) located at Plot 70, Goedehoop Road, Doornkloof East, Pretoria, **OR** sent by e-mail to kallie.carlsen@paratus.africa

9. LPD Consulting (Pty) Ltd t/a Maxwell Technology (Pty) has the right to respond in writing to written representations made by any interested person on the transfer applications. The written responses must be lodged with the Authority within twenty-one (21) working days from the date of publication of this notice in the Government Gazette.

10. LPD Consulting (Pty) Ltd t/a Maxwell Technology (Pty) must, at the time of lodging the written response, furnish proof to the Authority's satisfaction that it has delivered a copy of the response by hand, **OR** has sent a copy thereof by facsimile **OR** by e-mail to the relevant person having made the written representations.

DR. KEABETSWE MODIMOENG

ACTING CHAIRPERSON

NON-GOVERNMENTAL ORGANIZATION

NOTICE 141 OF 2020

NOTICE

NOTICE OF APPLICATION FOR NUCLEAR VESSEL LICENCE IN TERMS OF SECTION 21 (3) OF THE NATIONAL NUCLEAR REGULATOR ACT (ACT No 47 OF 1999)

Notice is hereby given that Eskom has made an application for a Nuclear Vessel Licence to enable a non-nuclear powered vessel to dock in Cape Town harbour for two days over the period in September 2020, for the purposes of transporting nuclear fuel destined for Koeberg Nuclear Power Station.

In terms of Section 21(4) of the National Nuclear Regulator Act, representations related to health, safety and environmental issues may be made by persons affected by the granting of such a Nuclear Vessel Licence, to the Board of the National Nuclear Regulator within 30 days from the date of publication.

Written representations must be addressed to:

1. The Programme Manager: Nuclear Power Plants, National Nuclear Regulator, PO Box 7106, Centurion, 0046, Telephone +27 12 674 7100, Facsimile: +27 12 663 5513
2. Copies of written representations may also be hand delivered to the offices of the National Nuclear Regulator, Block G, Eco Glades Office Park 2, 420 Witch Hazel Avenue, Highveld Ext 75, Eco Park, Centurion and marked for the attention of The Programme Manager: Nuclear Power Plants
3. Written representations may also be e-mailed to pbester@nnr.co.za
4. Copies of written representations may also be hand delivered to the offices of the National Nuclear Regulator, 12 Raatz Drive, Delphi Arch Building, Table View 7441

Eskom Holdings SOC Ltd Reg No 2002/015527/30

Eskom | Powering your world

www.eskom.co.za

2020403

WWW.BASADZI.CO.ZA BASADZI MEDIA - ADVERTISING

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 142 OF 2020

MR GEORDIN HILL-LEWIS, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL NAMELY THE FISCAL RESPONSIBILITY BILL, 2020

Mr Geordin Hill-Lewis, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Fiscal Responsibility Bill, 2020, in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)*(c)* of the Rules of the National Assembly (9th Edition).

South Africa's debt levels have risen rapidly as a percentage of GDP between 2008/2009 and 2019.

In 2008/2009, the national debt, measured as net loan debt, amounted to R525,6 billion or 21.8% of GDP. However, by the end 2020/2021, the national debt, measured as net loan debt, will increase to R3.35 trillion, or 60.7% of GDP and will reach 67.5% of GDP in 2023/2024.

As a result, debt service costs are set to increase to R232.8 billion in 2020/2021, R264.6 billion in 2021/2022 and R299.1 billion in 2022/23.
In 2020/2021, R232.8 billion will be spent on debt service costs, which is:

- R120 billion more than what will be spent on higher education;
- R115 billion more than what will be spent on police services;
- R20 billion more than what will be spent on social grants; and
- R8 billion more than what will be spent on health.

The Fiscal Responsibility Bill, 2020 ("the Draft Bill"), will therefore introduce statutory fiscal rules aimed at containing national debt and debt service costs in South Africa.
The Draft Bill will provide for:

- a fiscal rule prescribing that, for each financial year from 2020/2021 to 2023/2024, consolidated net loan debt expressed as a percentage of GDP must not be more than it was the previous year;
- a fiscal rule prescribing that, for each of the financial years from 2020/2021 to 2023/2024, aggregated government guarantees must not be more than they were for the financial year 2020/2021;
- a review of the fiscal rules by the National Assembly every four years, beginning in 2023/2024 by either amending, renewing or terminating the fiscal rules by way of an Amendment Bill;
- an exemption from the fiscal rules to be granted in respect of a specific financial year by the National Assembly upon application by the Minister of Finance, with good cause having been shown and on the recommendation of the Standing Committee of Finance; and

- an annual Fiscal Responsibility Report to be tabled by the Minister of Finance at the same time as the budget being tabled, setting out whether the fiscal rules were complied with or not, together with reasons for those outcomes, and recovery plans in the event of a failure to comply with the rules.

The Bill may, after introduction, be obtained from:

The Democratic Alliance
PO Box 15, Cape Town, 8000
Attention: Mr Enocent Nemuramba
Telephone: 021 403 8641 / 021 403 3567
Facsimile: 021 466 8394
E-mail: Enocentn@da.org.za

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 143 OF 2020

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights have been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding the claim are as follows:

Project Name : **Osman Family claim**

Number of Claims : **1**

Reference Number : **H232**

Area : **Lansdowne**

Property : **As reflected below**

Date Submitted : **06 February 1997**

REF NO	CLAIMANT INITIALS & SURNAME	PROPERTY DESCRIPTION	CURRENT OWNER
KRK6/2/3/A/6/0/1389/0/1 (H232)	Yusuf Hendricks	Erf 102605, Cape Town	City of Cape Town

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned property is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commissioner: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021)409-0300
Fax: (021)424-5146

CHECKED.....

MR B.MARS
SENIOR ADMIN OFFICER: LEGAL
DATE 03/6/2016

APPROVED.....

MR L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2020/02/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 144 OF 2020

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, (ACT No. 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights had been submitted to the Regional Land Claims Commission: Western Cape. The particulars regarding this claim is as follows:

Project Name	:	VGK Montagu
Number of Claims	:	1
Area	:	Montagu
Property	:	Erf no. 509, Montagu [currently known as erf no. 3428, Montagu after being consolidated with 3427, Montagu]
The claimant	:	Abie Allan George Blaauw (on behalf of the Verenigende Gereformeerde Kerk, Montagu)
Date submitted	:	Before 31 December 1998
Current Owner	:	Apostoliese Geloofsending van Suid-Afrika
Option	:	Financial compensation

No.	Ref No.	Surname & Initial	Identity Number	Property Description	Area	Extent	Dispossessed Person
1.	M1663	A.A.G. Blaauw	560116 5128 083	Erf no. 509	Montagu	907m²	Verenigende Gereformeerde Kerk, Montagu

The Regional Land Claims Commission: Western Cape will investigate these claims in terms of the provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments/information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
CAPE TOWN, 8000
Tel: 021 – 409 0300
Fax: 021 – 424 5146

Mr. L.H. Maphutha
Regional Land Claims Commissioner

APPROVED .....

DATE 2020/02/19

CHECKED .....

DATE 03/02/20

SOUTH AFRICAN RESERVE BANK

NOTICE 145 OF 2020

Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

Mr Martyn John West, identity number 4407145056084, hereinafter referred to as the 'Respondent',

of:

28 Bird Street
Beacon Bay
East London
5241

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Governor or Deputy Governors of the South African Reserve Bank.

2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:

   2.1 the amount of R628 437.15 being capital standing to the credit of the Respondent, together with any interest thereon and/or other accrual thereto, transferred into a Bidvest Bank Limited blocked account number 11300001164, for the benefit of the Respondent;

   2.2 the amount of R284 411.33 being capital standing to the credit of the Respondent, together with any interest thereon and/or other accrual thereto, transferred into a Bidvest Bank Limited blocked account number 11300001164, for the benefit of the Respondent; and

   2.3 the amount of R231.29 being capital standing to the credit of the Respondent, together with any interest thereon and/or other accrual thereto, transferred into a Bidvest Bank Limited blocked account number 11300001164, for the benefit of the Respondent.

3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice and order of Forfeiture is published in this Gazette.

4. The money specified in 2 above shall be disposed of by depositing it into the National Revenue Fund.

5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.

6. Signed at Pretoria on this _____ day of _____ 2020.

K Naidoo
Deputy Governor
South African Reserve Bank

SOUTH AFRICAN RESERVE BANK

NOTICE 146 OF 2020

Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

Dieketseng Maria Mohloki (ID number 8510250786084)(hereinafter referred to as the respondent)

of:

8 Albrecht Street
Westonaria
1779

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Regulation 22E of the Exchange Control Regulations delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to the Governor or Deputy Governors of the South African Reserve Bank.

2. By virtue of the functions, powers and/or duties vested in me, in my capacity as a Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:

   2.1 The amount of R530810-72, being capital standing to the credit in the name of the Respondent, in account number 155700034 styled SARB Blocked Account Funds, held with Nedbank Limited, together with any interest thereon and/or accrual to such capital.

3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice and Order of Forfeiture is published in this Gazette.

4. The money specified in 2 above shall be disposed of by depositing it into the National Revenue Fund.

5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.

6. Signed at Pretoria on this 14 day of FEBRUARY 2020.

K Naidoo
Deputy Governor
South African Reserve Bank

SOUTH AFRICAN RESERVE BANK

NOTICE 147 OF 2020

Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

Murdoc Trading (Pty) Limited
(Registration number 2016/173195/07)

of:

295 Florida Road
Morningside
Durban
Kwa-Zulu Natal
4001

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Exchange Control Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Exchange Control Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Governor or the Deputy Governor of the South African Reserve Bank.

2. By virtue of the functions, powers and/or duties vested in me, in my capacity as the Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:

   2.1 the amounts of USD450 000,00 being capital standing to the credit of Murdoc Trading (Pty) Limited, in CFC account number 5000020782 and R712 362.30 standing to the credit of Murdoc Trading (Pty) Limited in account number 4000609823, both accounts held with Mercantile Bank Limited, together with any interest thereon and/or other accrual thereto.

3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.

4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.

5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.

6. Signed at Pretoria on this 21 day of FEBRUARY 2020.

K Naidoo
Deputy Governor
South African Reserve Bank

DEPARTMENT OF TRANSPORT

NOTICE 148 OF 2020

MERCHANT SHIPPING BILL, 2020

The Merchant Shipping Bill 2020 is hereby published for public comments. Interested persons are requested to submit written comments in connection with the Merchant Shipping Bill, 2020 within 60 days from the date of publication of this notice in the Government Gazette.

All comments should be posted or emailed to the Director-General Department of Transport for attention of Mr Dumisani T Ntuli :-

Department of Transport
Private Bag X 193
Pretoria
0001

E-mail: ntulid@dot.gov.za and machakam@dot.gov.za
Tel: 012 309 3331 and 012 309 3676

REPUBLIC OF SOUTH AFRICA

MERCHANT SHIPPING BILL

(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill published in Government Gazette No. 43073 of 6 March 2020.)
(The English text is the official text of the Bill)

(MINISTER OF TRANSPORT)

[B — 2020]

041118lt

BILL

To provide for the powers and duties of the Minister and the South African Maritime Safety Authority in the administration of this Act, to provide for the registration and licensing of ships in the Republic; to provide for the application of the labour laws to seafarers, to provide for the conditions of employment of seafarers and the health and well-being of seafarers on board a vessel; to promote the safety of life at sea; to establish inspection and enforcement mechanisms including those for marine casualties and crimes committed on ships; to provide for the regulation of marine traffic, to provide for legal proceedings and jurisdictional matters, to recognise and incorporate international conventions to which the Republic is bound in terms of the provisions of the Constitution and its incorporation into domestic law in terms of laws repealed by this Act; to provide a transition framework to the new requirements of this Act; and to provide for matters incidental thereto.

Preamble

Whereas maritime transport is essential to the South African economy;

Whereas maritime trade is essential to the growth and development of not only the Republic, but also the Southern African region and its geographic location makes it imperative that maritime transport is as efficient as possible;

Whereas the Comprehensive Maritime Transport Policy for South Africa as published in the government gazette no.40904 of 12 June 2017 provides an elaboration to the declared policy directives as of the White Paper on National

Transport Policy of 1996 and the subsequent macro national policies, the National Development Plan and the other coterie of interventionist programmes including Operation Phakisa in the ocean economy;

Whereas the Comprehensive Maritime Transport Policy has identified desired outcomes pertaining to the growth and development of the sector through statutory mechanisms;

Whereas it is necessary to ensure that South Africa can meet its international obligations under bilateral and multilateral agreements and duly adopted conventions with respect to navigation and shipping matters in general;

Whereas this Act is an integral part of a suite of legislation that gives effect to the vision of the Comprehensive Maritime Transport Policy;

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

ARRANGEMENT OF SECTIONS

CHAPTER 1

DEFINITIONS, INTERPRETATION AND IMPLEMENTATION OF ACT

1. Definitions and interpretation
2. Interpretation of provisions of Act
3. Application of Act

CHAPTER 2
ADMINISTRATION

4. Powers of Minister
5. Powers of Authority
6. Technical standards for maritime transport
7. Authority responsible for administration of Act
8. Duty of proper officer, surveyor, marine safety investigator, court of marine enquiry, maritime court, court of survey, marine accident and incident investigation or other officer appointed in terms of Act to ensure compliance with Act
9. Survey of ship
10. Powers relating to inspection of hull
11. Powers relating to workplace
12. Advisory committee

CHAPTER 3
SHIP REGISTRATION, TONNAGE, LICENSING OF VESSELS AND NOTIFICATIONS OF INTENTION TO BUILD VESSELS

Part 1
Ship Registration

13. South African ship
14. South African-owned ship
15. National Flag
16. Declaration of ship's nationality before clearance
17. South African Ship Registration Office
18. Registrar and Deputy Registrars of Ships
19. Powers and duties of Registrar
20. Appointment of staff
21. Seal of Registration Office and signature of Registrar
22. Registration of property in ship
23. Ships entitled to be registered
24. Inspection and tonnage measurement of ship before registration
25. Refusal of registration
26. Prohibition on dual registration
27. Marking of ship
28. Ship identity number
29. Continuous synopsis record
30. Name of registered ship and change of name
31. Power of Minister to disallow proposed name for ship
32. Registration certificate
33. Status and custody of registration certificate
34. New certificate and provisional certificate
35. Provisional certificate for ship becoming entitled to be registered while abroad
36. Provisional certificate issued by Registrar
37. Provisional certificate not to be issued in certain circumstances
38. Temporary pass
39. Improper use of certificate
40. South African Ships Register
41. Access to Register
42. Obsolete or incorrect entries in Register
43. Correction of clerical errors in Register
44. Rectification of Register
45. False entries in Register
46. Private law matters

47. Liability of person with beneficial interest
48. Interpretation
49. Registered agent
50. Alterations to ship
51. Ship lost or ceasing to be entitled to be registered
52. Power to remove ship from Register
53. Unregistered ship entitled to be registered not to leave Republic
54. Unregistered ship entitled to be registered not to leave foreign port
55. Effects of non-registration
56. Notice to consular representative
57. Forfeiture
58. Detention of ships
59. Co-operation with officials
60. False statements

Part 2

Tonnage

61. Tonnage once ascertained to be tonnage of ship
62. Tonnage of ships of other countries

Part 3

Licensing of Vessels

63. Application of Part 3
64. Prohibition on coastwise traffic
65. Certain vessels to be licensed
66. Renewal of coastal ship licence
67. Issue and period of validity of coastal ship licence
68. Cancellation of coastal ship licence
69. Unlicensed vessels not to be used
70. Measures to support South African ship ownership for coastwise traffic purposes

Part 4

Notification of Intention to Build Vessel

71. Notification of intention to build vessel

CHAPTER 4
SEAFARERS

Part 1
Application

72. Application of Chapter 4

Part 2
Application of Labour Laws to Seafarers

73. Application of Basic Conditions of Employment Act, 1997
74. Application of Labour Relations Act, 1995
75. Application of Occupational Health and Safety Act, 1993
76. Application of Compensation for Occupational Injuries and Diseases Act, 1993

Part 3

Cadets

77. Cadets
78. Prohibition on number of cadets to be engaged

Part 4

Manning, training and certification

79. Manning of ships
80. Prohibition of going to sea undermanned
81. Unqualified seafarers going to sea
82. Certificate of competency and certificate of proficiency
83. Production of certificate or other document
84. Authority may vary requirements as to certificates
85. Certificates granted by competent foreign authorities
86. Cancellation and suspension of certificates

Part 5

Employment of Seafarers

87. Medical examination of crew prior to engagement
88. Role of Authority
89. Crew agreement
90. Certificate as to crew agreement relating to foreign-going South African ship
91. Production of certificate as to crew agreement relating to foreign-going South African ship to customs officer
92. Surrender of certificate as to crew agreement
93. Crew list and changes in complement of seafarers
94. Prohibition of employment of children
95. Work of young person

Part 6

Wages

96. Application of Part 6
97. Payment of wages
98. Allotment notes
99. Rights to wages and provisions and when such are to commence
100. Payment advice
101. Deductions and reduction in wages
102. Payment of wages upon termination of employment of seafarer and settlement of wages
103. Agreement to forfeit lien for wages is void
104. Restrictions on assignment of wages
105. Wages not to depend on freight
106. Wages when employment terminated before date of termination in crew agreement
107. Compensation in event of loss of seafarer's property
108. Compensation to a seafarer improperly discharged
109. Rights, remedies and liens of master

Part 7

Other Conditions of Service

110. Entitlement to leave

Part 8

Repatriation and Discharge of and Desertion by Seafarers

111. Repatriation of seafarers whose service terminates elsewhere than at proper return port
112. Discharge of seafarer on change of ownership
113. Discharge and leaving of seafarers behind
114. Leaving seafarers behind
115. Wages and other property of seafarer left behind

Part 9

Deceased Seafarers

116. Procedures following the death of seafarer or if seafarer is lost

117. Property of deceased seafarer may be recovered as wages

Part 10

Distressed Seafarers: Repatriation and Relief Costs

118. Relief and maintenance of distressed seafarers

Part 11

Provisions, Accommodation and Health

Division 1

Provisions

119. Free provisions
120. Provisions adequate for voyage
121. Adequate food catering facilities to be provided
122. Compensation if short or bad provisions provided

Division 2

Accommodation

123. Crew accommodation

Division 3

Health

124. Medicines to be provided and kept on board certain ships
125. Owner liable for medical attention
126. Owner liable for medical attention where master or seafarer removed from ship
127. Owner liable for medical attention on board ship
128. Other expenses to be paid by master or seafarer
129. Benefit in terms of Compensation for Occupational Injuries and Diseases Act, 1993
130. Application of sections 125, 126, and 127
131. Recovery of expenses from owner

Division 4

Inspection of provisions, water, accommodation, medicines and medical appliances

132. Powers of inspection of provisions, water, accommodation, medicines and medical appliances and first aid equipment
133. Inspection of provisions, water and accommodation at sea

Part 12

Misconduct and Offences by Master and Seafarers

134. Conduct by master or seafarer endangering ship or individual
135. Breach by seafarer of code of conduct
136. Impairment of seafarer's ability to carry out duties
137. Blood alcohol level and drug present in blood of seafarer
138. Desertion
139. Absence without leave
140. Notice to Authority of absence of seafarer at time of sailing
141. Unseaworthiness of ship as defence to charge of desertion or absence without leave
142. Deserters from foreign ships
143. Breach of crew agreement or misconduct by seafarer

Part 13

Documentation

144. Official logbooks to be kept
145. Unlawful entries or alterations in official logbooks
146. Entry of offences in official log
147. Delivery of official logbooks to Authority
148. Transmission of official logbooks to Authority
149. Documents to be handed to successor on change of master
150. Births and deaths

Part 14

Safety Officers, Appointees, Committees and Representatives

151. Appointment of safety officers, safety appointees and safety committees and election of safety representatives
152. Exemption from liability

Part 15

Security Officers

153. Appointment of security officer

Part 16

General Provisions

154. Mechanisms for making complaints

Part 17

Seafarers' Identity Documents

155. Seafarers' Identity Documents
156. Application for seafarer's identity document
157. Issuing of seafarer's identity document by Authority
158. Period of validity of seafarer's identity document
159. Cancellation of seafarer's identity document
160. Surrender of expired or cancelled seafarer's identity document

Part 18

Financial Security for Loss of Life and Personal Injury

161. Application of Part 18
162. Owner to maintain insurance or other financial security
163. Insurance certificates
164. Insurance certificates to be carried on ships

165. Additional liability of owner
166. Other benefits to reduce compensation
167. Liability for damages not affected
168. Recovery of compensation paid from third parties
169. Certain dealings with compensation prohibited
170. Cession or relinquishment of benefits void
171. Compensation not to form part of deceased seafarer's estate
172. Threats and compulsion
173. Equivalent arrangements

CHAPTER 5
MARITIME SAFETY

Part 1
Application of Chapter

174. Application of Chapter 5
175. Definition of "safety certificate" and "exemption certificate" for purposes of Chapter

Part 2

Safety Certification of Ships in General

176. Only certificated ship permitted to go to sea
177. Application for safety certificate or exemption certificate by owner
178. Issuing of safety certificate or exemption certificate by Authority
179. Period of validity of safety certificate and exemption certificate
180. Application for renewal of safety certificate or exemption certificate by owner
181. Cancellation of safety certificate or exemption certificate
182. Surrender of expired or cancelled safety certificate

Part 3

Ships to which the Safety Convention Applies

183. Application of Part 3
184. Inspection and survey by surveyor
185. Survey of passenger ship
186. Survey of cargo ship

Part 4

Local Safety Certificates

187. Application of Part 4
188. Survey of ship to which this Part applies

Part 5

Fishing Vessels

189. Application of Part 5
190. Inspection and survey of ship
191. Survey of fishing vessel
192. Exemption

Part 6

General Matters

193. Maintenance of conditions after survey of passenger ship and cargo ship
194. Modification of safety convention certificates as respects lifesaving appliances
195. Carrying persons in excess

Part 7

Safety certificates not issued by Authority in respect of ship not registered or licensed in the Republic while it is in the Republic and Safety Convention certificates issued at request of parties to Safety Convention

196. Recognition of safety certificate issued by country which is party to Safety Convention
197. Recognition of certificate relating to safety issued by country which is not party to Safety Convention
198. Issue of safety convention certificate by one government at request of another

Part 8

Load Lines

199. Application of Part 8
200. Exemptions from Part 8
201. Only marked and certificated ship permitted to go to sea
202. Application for international load line certificate or an international load line exemption certificate by owner
203. Issuing of load line certificate or load line exemption certificate by Authority
204. Period of validity of international load line certificate and international load line exemption certificate
205. Application for renewal of international load line certificate and international load line exemption certificate
206. Cancellation of international load line certificate or international load line exemption certificate
207. Surrender of expired or cancelled international load line certificate or international load line exemption certificate
208. Inspection and survey of ship

209. Maintenance of conditions after survey of ship

210. Entry of load line particulars in official logbook

211. Submersion of load line on South African ships

Part 9Load line certificate not issued by Authority in respect of ship not registered in the Republic while it is in the Republic and Load Line Convention certificates issued at request of parties to Load Line Convention

212. Issue of international load line certificate by one government at request of another
213. Inspection and control of ship not registered in the Republic
214. Issue of special load line certificate in respect of ship not registered in the Republic
215. Recognition of certificates as to load lines issued in other countries
216. Ship not registered in Republic not to be taken to sea without load line certificate
217. Submersion of load line on ship not registered in the Republic

Part 10

Safety of Navigation

218. Ship's complement
219. Surveyor may direct that defects be made good
220. Display of safety convention certificate, local safety certificate or load line certificate
221. Information about stability of ship
222. Production of certificates to customs officer
223. Registration of private code or signals
224. Signals of distress
225. Report of alteration or damage affecting seaworthiness, efficiency or compliance with regulations
226. Unseaworthy ships not permitted to leave port
227. Obligation to secure seaworthiness of ship
228. Sending unseaworthy ship to sea in special circumstances
229. Unseaworthy ships to be detained
230. Ships may be inspected
231. Complaint as to seaworthiness to be in writing
232. Authority to pay compensation for damage if ship is seaworthy

233. Expenses to be paid by owner if complaint founded
234. Reports of dangers to navigation
235. Safe navigation and avoidance of dangerous situations
236. Safety certificates and memoranda issued before commencement of Act
237. Provisions of this Chapter not to be applied to ships not registered in the Republic driven into Republic ports by stress of weather
238. Admissibility in evidence of safety and load line certificates and surveyor's reports

Part 11

Carriage of Grain

239. Application of Part 11
240. Carriage of grain

Part 12

Carriage of Dangerous Goods

241. Application of Part 12
242. Requirements for carriage of dangerous goods
243. Exemption from Part 12

Part 13

Nuclear Ships

244. Application of Part 13
245. Entry into port
246. Environmental hazard
247. Exemption from Part 13

Part 14

Cargoes in General

248. Carriage of timber deck cargo
249. Marking of heavy packages or objects
250. Requirements for packaging of containers

Part 15

Management for the Safe Operation of Ships

251. Application of Part 15
252. Safety management system

Part 16

Safety Measures for High-Speed Craft

253. Definition of high-speed craft
254. Application of Part 16
255. Requirements for high-speed craft

Part 17

Special Measures to Enhance Maritime Security

256. Application of Part 17
257. Powers and duties of Minister with respect to security
258. Duties of owner and master
259. Master's discretion for ship safety and security
260. Ship security alert system

Part 18

Additional Safety Measures for Bulk Carriers

261. Additional requirements

Part 19

Collisions, Accidents at Sea and Limitation of Liability

262. Division of loss in case of collision
263. Damages for personal injury
264. Right of contribution
265. Report to Authority of marine casualty and other accidents to and on board ship
266. Notice to Authority of loss of ship
267. Limitation of owner's liability
268. Calculation of tonnage
269. Application of this Part to persons other than the owners

CHAPTER 6

MARINE CASUALTY AND MARINE INCIDENT INVESTIGATIONS

Part 1

Application

270. Application of Chapter 6
271. Application of Chapter to certain ships
272. Matters to be investigated

Part 2

Powers of officers, marine safety investigators, courts and persons appointed in terms of this Chapter

273. General powers of officers, marine safety investigators, courts and persons appointed in terms of this Chapter

274. Powers of proper officer relating to cause of death on board ship
275. Powers of member of South African Police Service relating to marine casualties

Part 3

Summons and Evidence

276. Summoning of witnesses
277. Evidentiary procedures for marine accident and incident investigation unit and court of marine enquiry
278. Preservation of evidence

Part 4

Marine Safety Investigation

279. Preliminary enquiry and marine safety investigation
280. Marine accident and incident investigation unit
281. Assignment of inspector or competent person to marine accident and incident investigation unit
282. Duty of marine accident and incident investigation unit to inform master, owner or ship's agent of marine safety investigation
283. Power of Authority and marine accident and incident unit to detain ship

Part 5

Courts of Marine Enquiry

284. Establishment and convening of court of marine enquiry in Republic
285. Constitution of court of marine enquiry
286. Procedure at court of marine enquiry
287. Decisions of court of marine enquiry
288. Powers of court of marine enquiry
289. Court of record
290. Report to Minister
291. Appeals against decisions of courts of marine enquiry

Part 6

Maritime Courts

292. Convening of maritime court outside Republic
293. Establishment and constitution of maritime court
294. Procedure to be followed by maritime court
295. Decisions of maritime court
296. Powers of maritime court
297. Court of record
298. Submission of report
299. Appeals against decisions of maritime courts

Part 7

Courts of Survey

300. Appeal from surveyor to court of survey
301. Establishment and convening of court of survey
302. Constitution of court of survey
303. Procedure at court of survey
304. Manner of arriving at decisions by court of survey
305. Powers of court of survey
306. Court of survey may cause ship to be surveyed
307. Court of record
308. Submission of report

Part 8

General Matters

309. Rehearing of formal enquiry
310. Payment of allowances to person appointed to conduct preliminary enquiry into marine casualty, to marine safety investigator, member of court of marine enquiry, maritime court, court of survey and assessor

CHAPTER 7
MARINE TRAFFIC

Part 1
General matters related to Marine Traffic

311. Application of Part A
312. Entry into or departure from internal water
313 Right of innocent passage
314. Passage considered to be not innocent
315 Authority's powers relating to ship on non-innocent passage
316. Certain vessels to show flag
317. Immobilising, laying-up, stopping or anchoring
318. Ships and wreckage not to be sunk or abandoned
319. Suppression of illicit traffic in drugs on board foreign ships in territorial waters
320. Prohibitions in respect of offshore installations
321. Minister may determine safety zone for offshore installation
322. Notice to be given of proceedings in respect of foreign ships
323. Agreement with government of certain state or territory
324. Suspension of passage

Part 2
Aids to Navigation

325. Establishment of aid to navigation
326. Vesting of aid to navigation
327. Determination of standards by Authority
328. Hazard created by light
329. Hazard created by new building, structure or other obstruction
330. Making fast to aid to navigation
331. Obligation to report damage
332. Obligation to report navigation hazard
333. Authorisation to provide aid to navigation

334. Period of validity, amendment, renewal suspension and cancellation of authorization
335. Auditing of national accountable aids to navigation party and local accountable aids to navigation party
336. Application for accreditation as an aids to navigation training organisation
337. Period of validity, amendment, renewal, suspension and cancellation of accreditation

Part 3

Vessel Traffic Services

Division 1

Application

338. Application of Part 3

Division 2

Duties of masters of vessels

339. Entering, leaving or proceeding within vessel traffic service zone
340. If master of vessel is unable to communicate
341. Communication and obtaining clearance
342. Equipment failure
343. Masters to provide information required and comply with instructions by vessel traffic service operator

Division 3

Vessel traffic service operator

344. Vessel traffic service operator
345. Powers of vessel traffic service operator

Division 4

Vessel traffic service authority

346. Provision of vessel traffic services
347. Duties of vessel traffic service authority
348. Vessel traffic service zone
349. Authorisation to provide vessel traffic service
350. Period of validity, amendment, renewal, suspension and cancellation of authorisation
351. Auditing vessel traffic service authority

Division 5

Vessel traffic service training organisations

352. Application for accreditation as a vessel traffic service training organisation
353. Period of validity, amendment, renewal, suspension and cancellation of accreditation
354. Auditing vessel traffic service training organisations

CHAPTER 8
OFFENCES AND PENALTIES

Part 1
Offences and Penalties in respect of Registration of ships

355. Offences relating to South African character of ship
356. General offences relating to registration of ships
357. Penalties in respect of offences relating to registration of ships

Part 2
Offences and Penalties in respect of Licensing of Vessels

358. Offences in respect of vessel to be licensed
359. Offences in respect of vessel not to be used
360. Penalties in respect of offences regarding licensing of vessels

Part 3
Offences and Penalties in respect of Seafarers

361. Offences in respect of number of or unqualified person going to sea
362. Offences in respect of certificates in general
363. Offences in respect of medical certificate
364. Offences in respect of crew agreement and certificate of crew agreement
365. Offences in respect of cadets and the employment of children and young persons
366. Offences in respect of deduction from wages for payment of fine
367. Offences in respect of discharge and leaving behind of seafarer
368. Offences in respect of conduct endangering ship or individual
369. Offences in respect of blood alcohol level and drug present in blood of seafarer
370. Offences in respect of entries or alterations in official logbook
371. Offences in respect of property of seafarer and insurance or other security
372. Penalties in respect of offences regarding seafarers

Part 4

Offences and Penalties in respect of Maritime Safety

373. Offences in respect of manning of ship
374. Offences in respect of ship involved in collision
375. Penalties in respect of offences regarding safety of ships

Part 5

Offences and Penalties in respect of Marine Traffic

376. Offences in respect of marine traffic in general
377. Offences in respect of aids to navigation
378. Offences in respect of vessel traffic services
379. Penalties in respect of offences regarding marine traffic

Part 6

Offences and Penalties in respect of Passenger Ships

380. Offences in respect of passenger ships
381. Penalties in respect of passenger ships

Part 7

General Prohibitions

382. Bribery
383. Forgery and other fraudulent acts
384. Obstructing administration of Act
385. Stowaways
386. Ships not to be boarded without authority
387. Obstruction of navigation of ship
388. Penalties in respect of offences regarding prohibitions in Part 6

Part 8

Offences in General

389. Offences not expressly mentioned

390. Penalties for offences

391. Determination of fines

CHAPTER 9
PROCEEDINGS BY AUTHORITY AND LEGAL PROCEEDINGS

Division 1
Jurisdiction

392. Jurisdiction of Authority in respect of administrative penalty on admission of guilt
393. Jurisdiction of Authority in respect of release from forfeiture or mitigation of penalties
394. Jurisdiction in respect of offences committed outside the Republic
395. Jurisdiction of magistrates' courts to impose punishment

Division 2
Conveyance of accused persons, witnesses and deserters and return of offenders

396. Conveyance of accused persons and witnesses to the Republic
397. Conveyance of deserter on board ship
398. Imprisoned seafarers may be sent back on board

Division 3
Forfeiture of ships, shares in ships and goods and detention of ships

399. Forfeiture of ships, shares in ships and goods
400. Method of detaining vessel or share in ship or goods
401. Procedure in forfeiture of ship, a share in a ship or goods
402. Seizure of a ship, a share in a ship or goods detained or liable to forfeiture
403. No clearance to be granted to detained ship
404. Detention of foreign ship that has occasioned damage
405. Notice to be given to consular representative of proceedings taken in respect of foreign ships

Division 4

Special evidential provisions

406. Mode of making declaration
407. Power to dispense with declarations and other evidence
408. Admissibility of documents in evidence
409. Evidence as to agreement with crew

Division 5

Presumptions

410. Presumption in case of collision

Division 6

Acts done by courts and functionaries of the Republic and other treaty countries

411. Acts done by courts and functionaries of the Republic in relation to treaty ships other than South African ships
412. Acts done by courts and functionaries of other treaty countries in relation to South African ships

Division 7

Prescription

413. Prescription

Division 8

Service of documents

414. Service of documents

Division 9

Satisfying award of compensation by court

415. Appropriation of wages to satisfy award of compensation in offences against discipline

CHAPTER 10

REGULATIONS

Part 1

Regulations Regarding Ship Registration

416. Matters regarding registration of ships to be prescribed
417. Fees to be imposed for purposes of Chapter 3
418. Matters regarding registration of ships to be prescribed

Part 2

Regulations Regarding Seafarers

419. Matters regarding manning, training and certification to be prescribed
420. Matters regarding crew agreement to be prescribed
421. Matters regarding wages to be prescribed
422. Matters regarding allotment notes to be prescribed
423. Matters regarding crew accommodation to be prescribed
424. Regulations relating to provision of food and water
425. Matters regarding alcohol and drugs to be prescribed
426. General matters regarding seafarers to be prescribed

Part 3

Regulations Regarding Safety of Life at Sea

427. General matters regarding safety of life at sea to be prescribed
428. Matters regarding the carriage of grain to be prescribed
429. Matters regarding the carriage of maritime dangerous goods to be prescribed
430. Nuclear Ships
431. Matters regarding management for the safe operation of ships to be prescribed
432. Matters relating to high-speed craft to be prescribed
433. Special measures to enhance maritime safety to be prescribed
434. Additional safety measures for bulk carriers to be prescribed
435. Matters regarding vessels less than three metres in length to be prescribed

Part 4

Regulations Regarding Investigation of Allegations and Marine Casualty and Marine Incident Investigations

436. General matters regarding investigations of allegations marine safety investigations, formal enquiries and appeals to be prescribed

Part 5

Regulations Regarding Marine Traffic

437. Matters regarding aids to navigation to be prescribed
438. Matters regarding marine traffic to be prescribed

Part 6

Regulations Regarding Ship Security

439. Matters regarding ship security to be prescribed

Part 7

Regulations Regarding Small Vessels and Inland Waters

440. Matters regarding small vessels and inland waters to be prescribed

Part 8

Regulations Regarding International Conventions

441. Matters regarding international conventions to be prescribed

Part 9

General Provisions Regarding Regulations

442. General matters to be prescribed
443. Procedure for making regulations

CHAPTER 11
GENERAL PROVISIONS

444. Prohibition of use of vessels of less than three metres in length
445. Indemnification of State and Authority and certain persons in employ of State and Authority
446. Delegation of powers
447. Transitional provisions
448. International conventions to have force of law
449. Amendment and repeal of law
450. Short title and commencement

CHAPTER 1

DEFINITIONS, INTERPRETATION AND IMPLEMENTATION OF ACT

Definitions and interpretation

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

"accident", in relation to a vessel, includes—

(a) the collapse or overturning of any lift, crane, davit, derrick, mobile powered access platform, access equipment, staging or bosun's chair or the failure of any loadbearing part thereof;

(b) the explosion, collapse or bursting of any closed container, including a boiler or boiler tube, in which there is any gas (including air), liquid or any vapour at a pressure greater than atmospheric pressure;

(c) any electrical short circuit or overload resulting in fire or explosion;

(d) the sudden, uncontrolled release of flammable liquid or gas from any system, plant or pipeline;

(e) the uncontrolled release or escape of any harmful substance;

(f) either of the following occurrences in respect of any pipeline, valve or any piping system in a vessel—

(i) the bursting, explosion or collapse of a pipeline;

(ii) the accidental ignition of anything in a pipeline or of anything which, immediately before it ignited, was in a pipeline;

(g) any contact of the human body with loose asbestos fibre;

(h) the failure of any lashing wire, chain or appliance

(i) any collapse or significant movement of cargo;

(j) the malfunctioning of any hatch cover, hatch cover control wire or other mechanism;

(k) any person falling overboard;

(l) the parting of a towrope; and

(m) the failure of bilge pumping arrangements or lifesaving or firefighting equipment to operate, and for the purposes of Part 18 of Chapter 4 only, resulting in a seafarer suffering loss of life or personal injury;

"Admiralty Jurisdiction Regulation Act" means the Admiralty Jurisdiction Regulation Act, 1983 (Act No. 105 of 1983);

"aid to navigation" means any device or system that is, with the exception of a lightship, external to a vessel, and is designed and operated to enhance the safe and efficient navigation of vessels and vessel traffic and includes, but is not limited to—

(a) visual aid to navigation, a fixed and floating aid to navigation such a lighthouse, lightship, beacon, day-mark, leading line, sector light and auxiliary mark, the categories of buoys listed in the Maritime Buoyage System and other Aids to Navigation for Region A published by the International Association of Marine Aids to Navigation and Lighthouse Authorities or any other light, signal or mark established to aid marine navigation and includes any building, mooring and other works associated therewith;

(b) e-navigation navigation system, such as, but not limited to, radio navigation aid, electronic position fixing system which includes any global navigation satellite system, differential global navigation satellite system and satellite-based augmentation system, positioning, navigation, and timing device or system, positioning, velocity and timing device or system, radar aid to

navigation, automatic identity system and automatic identity system aid to navigation, vessel traffic service and traffic separation scheme; and

(c) any other light, signal or mark, fixed, or floating, device or apparatus that is a marine aid to navigation and includes any building, mooring and other works associated therewith, but does not include any device or apparatus that forms part of the equipment of a vessel, unless the vessel is a lightship;

"Authority" means the South African Maritime Safety Authority established by section 2 of the South African Maritime Safety Authority Act;

"bareboat charter", in relation to a ship, means the charter of the ship for a fixed period on terms that give the charterer possession and control of the ship, including the right to appoint the master and crew;

"Basic Conditions of Employment Act" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

"Basic wages" means the amount a seafarer earns before additional payments such as overtime;

"beneficial interest" includes any interest in a ship arising under contract, testamentary disposition or otherwise, but does not include any interest held by way of a mortgage;

"berth" means a designated location in a port or harbour used for mooring a vessel when not at sea that facilitates the unloading or loading of cargo or persons from that vessel;

"cadet" means a person appointed as an apprentice to a vessel to perform specified tasks under supervision of a qualified seafarer;

"cargo" means any cargo, except liquids in bulk and gases in bulk, that may require special precautions owing to its particular hazard to ships or persons on board;

"cargo ship safety certificate" means a certificate, issued in conformity with the Safety Convention under section 186(4);

"carrier" includes the owner of the charterer who enters into a contract of carriage with a shipper;

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

"coastal cargo" means goods, including oil, liquid fuel and gas, conveyed by a South African owned coastal ship licence vessel engaged in coastwise traffic;

"coastal ship licence" means a licence issued to a coastal ship licence vessel by the Authority under section 65;

"coastal ship licence vessel" means a South African owned ship contemplated in section 14 that conveys coastal cargo, but does not include any fishing vessel;

"coastwise traffic" means the conveyance of coastal cargo by a ship between the ports in the Republic and the transfer of bunker or oil cargo from a ship or tanker to any other ship or tanker, including a ship arriving from a place outside the Republic, bound for more than one port in the Republic and a ship clearing from any port in the Republic for a port outside the Republic, although bound for one or more intermediate ports in the Republic,

"collision regulations" means the regulations made under section 441 to give effect to the relative provisions of the International Collision Regulations Convention and Annexures thereto, or such regulations as applied under that section;

"Compensation for Occupational Injuries and Diseases Act" means the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);

"competent authority" means the Minister, Authority or other organ of state having power to issue and enforce regulations and technical standards that have the force of law in respect of the subject matter of the provision concerned;

"conditions of assignment" means such of the load line regulations as are made to give effect to the relative provisions of the Load Line Convention and Annexes thereto, or such regulations as applied under section 441;

"construction regulations" means the regulations made under section 441 to give effect to the relative provisions of the Safety Convention, or such regulations as applied under that section;

"constructively lost" in relation to a ship means—

(a) a ship that is reasonably abandoned for the reason that its actual total loss appears to be unavoidable;

(b) a ship that cannot be preserved from actual total loss without an expenditure that would exceed its value when the expenditure has been incurred; or

(c) a ship that has been damaged to the extent that the cost of repairing the damage would exceed its value when repaired;

“Continuous synopsis record” is a form of log book issued by the Authority that stays with the ship for its whole life, and records all changes of owner, flag, name, Class.

"contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same;

"country to which the Load Line Convention applies" means a country in respect of which the Load Line Convention is for the time being in force, and includes any territory to which the said Convention applies in accordance with the relative Article thereof;

"country to which the Safety Convention applies" means a country in respect of which the Safety Convention is for the time being in force;

"court" means a court of competent jurisdiction;

"court of marine enquiry" means a court of marine enquiry established under Chapter 6 of this Act;

"court of survey" means a court of survey established under Chapter 6 of this Act;

"crew" means all seafarers on board a ship;

"crew accommodation" includes sleeping rooms, store rooms, galleys, mess rooms, sanitary accommodation, hospitals and recreation spaces provided for use by or for the benefit of seafarers;

"Criminal Procedure Act" means the Criminal Procedure Act, 1977 (Act No 51 of 1997);

"customs officer" means an officer as defined in section 1 of the Customs and Excise Act;

"dangerous goods" means any dangerous goods classified or defined in the regulations as dangerous goods;

"data" means electronic representations of information in any form;

"deck line" means a mark on each side of a ship indicating the position of the uppermost complete deck, as defined by the load line regulations;

"Defence Act" means the Defence Act, 2002 (Act No. 42 of 2002);

"department" means the department responsible for maritime transport;

"dependant", in relation to a deceased seafarer, means—

(a) a widow or widower who at the time of the seafarer's death was married to the seafarer according to civil law;

(b) a widow or widower who at the time of the seafarer's death was a party to a marriage to the seafarer according to indigenous law or custom, if neither the husband nor the wife was a party to a subsisting civil marriage;

(c) if there is no widow or widower referred to in paragraph *(a)* or *(b)*, a person with whom the seafarer was at the time of the seafarer's death living in a permanent heterosexual or same-sex life partnership;

(d) a child under the age of 18 years of the seafarer or of his or her spouse or permanent life partner, and includes a posthumous child, step-child, an adopted child and an illegitimate child; or

(e) a child over the age of 18 years of the seafarer or of his or her spouse or permanent life partner, and a parent or any person who was acting in the place of a parent, a brother, a sister, a half-brother or half-sister, a grandparent or a grandchild of the seafarer, and who was at the time of the seafarer's death wholly or partly financially dependent on the seafarer;

"distressed seafarer" includes any master or seafarer—

(a) who is a South African citizen and who by reason of having been discharged or left behind from or shipwrecked in any ship other than a South African ship at a place outside the Republic, is in distress at that place; or

(b) whether he or she is a South African citizen or not, who, by reason of having been discharged or left behind from or shipwrecked in any South African ship at a place outside the Republic, is in distress at that place;

"dynamically supported craft" means any aircushion vehicle, sidewall craft, hydrofoil boat, or other similar craft, used wholly or principally in navigation by water;

"electronic communication" means electronic communication as defined in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

"employee" means any person on board a vessel, including a member of the crew, who is employed by or working for an employer and receives or is entitled to receive any remuneration, or who works under the direction or supervision of an employer, or any other person who on board a vessel in any manner assists in the carrying on or the conducting of the business of an employer, except as provided otherwise by regulation;

"employer" means any person, including the owner or master of a vessel, who employs any person or provides work for him or her on a vessel and who remunerates that person or expressly or tacitly undertakes to remunerate him or her, except as provided otherwise by regulation;

"e-navigation" is the harmonised collection, integration, exchange, presentation and analysis of maritime information on-board and ashore by electronic means to enhance berth to berth navigation and related services, for safety and security at sea and protection of the marine environment;

"equipment" includes boats, tackle, pumps, apparel, furniture, lifesaving appliances of every description, spars, masts, rigging and sails, fog signals, lights and signals of distress, medicines and medical and surgical stores and appliances, charts, radio apparatus, apparatus for preventing, detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gear and apparatus of all kinds,

and all other stores or articles belonging to or to be used in connection with, or necessary for, the navigation and safety of a ship;

"excepted expenses" means repatriation expenses incurred in cases where the cause of the seafarer's being left behind is desertion or absence without leave or imprisonment for misconduct;

"exclusive economic zone" means the exclusive economic zone referred to in section 7 of the Maritime Zones Act 1994 (Act No.15 of 1994);

"exemption certificate" means such a certificate, issued in conformity with the Safety Convention under section 175 *(b)* (i) and (ii);

"existing ship" for purposes of Part 8 of Chapter 5, means a ship which is not a new ship;

"fishing vessel" means any vessel, boat, ship or other craft which is used for, equipped to be used for or of a type that is normally used for fishing or related activities, and includes all gear, equipment, stores, cargo and fuel on board the vessel, but excludes a fishing vessel used for sport or recreation;

"foreign", in relation to any ship, submarine or other underwater vehicle, means a ship, submarine or other underwater vehicle not having South Africa nationality by virtue of section 13;

"foreign country" means a country which is not a treaty country;

"foreign-going ship" means a ship plying between a port in one country and a port in another country;

"foreign port" means any place in another state, whether proclaimed a public harbour or not, to which ships may resort for shelter or to ship or unship goods or passengers;

"foreign ship" means a ship other than a treaty ship;

"freight" includes passage money and hire;

"**general navigation**" in this context means all navigation that does not involve entry or departure into a port or harbour;

"goods" includes all animals and movable property;

"gross tonnage" means the gross tonnage of a ship calculated as prescribed;

"hazard" means a source of or exposure to danger;

"High Court" means any division of the High Court of the Republic;

"hydrofoil boat" means any craft which is supported above the surface of water in normal operating condition by hydrodynamic forces generated on foils;

"inland waters" consist of dams, lagoons, lakes, rivers and wetlands, but do not include tidal lagoons and tidal rivers within the meaning of "sea" in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

"immobilise" means to render a ship temporarily incapable of sailing or manoeuvering under her own power;

"incidental person" for purposes of section 265, means persons other than the master and crew, and stevedores and shore contractors on board a vessel in the course and scope of their duties;

"innocent passage" means passage which is not prejudicial to the peace, good order or security of the Republic;

"internal waters" means the internal waters contemplated in section 3 of the Maritime Zones Act;

"International Collision Regulations Convention" means the Convention on the International Regulations for Preventing Collisions at Sea done at London on 20 October 1972, including any annexes, regulations, codes and protocols which are

issued in terms thereof; as modified by any amendment made under Article VI of that Convention that has entered into force for the Republic as contemplated in section 448;

"international load line certificate" means such a certificate, issued in conformity with the Load Line Convention under section 203, and includes an international load line exemption certificate;

"international load line exemption certificate" means such a certificate issued in conformity with the Load Line Convention under section 203;

"international voyage", when used with reference to ships registered in a country to which the Load Line Convention applies, means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Load Line Convention applies, and when used with reference to ships registered in a country to which the Safety Convention applies, means a voyage from a port in one country to a port in another country either of those countries being a country to which the Safety Convention applies;

"Labour Relations Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995);

"lay-up" means to anchor or moor a ship which is temporarily withdrawn from service;

"licence" in relation to a ship, means a licence contemplated in section 65 and "licensed" must be construed accordingly;

"lifesaving equipment regulations" means the regulations made under section 441 to give effect to the relative provisions of the Safety Convention, or such regulations as applied under that section;

"load line certificate" means an international load line certificate or a local load line certificate issued by the Authority under Chapter 5;

"Load Line Convention" means the International Convention on Load Lines done at London on 5 April 1966, including any annexes, regulations, codes and protocols which are issued in terms thereof; as modified by any amendment made under Article 29 of that Convention that has entered into force for the Republic as contemplated in section 448;

"load line exemption certificate" means an international load line exemption certificate or a local load line exemption certificate issued by the Authority under Chapter 5;

"load line regulations" means the regulations made under section 441 to give effect to the relative provisions of the Load Line Convention and Annexes thereto, or such regulations as applied under that section;

"load lines" means the marks indicating the several maximum depths to which a ship is entitled to be loaded in various circumstances prescribed by the load line regulations;

"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;

"**local accountable aid to navigation party**" means an organ of state, a public or private entity, applicable body corporate, boat club, private lodge or estate and any other entity or body that need to establish an aid to navigation for the purpose to improve safety of navigation in their local area of jurisdiction;

"local load line certificate" means a certificate issued under section 203(2) and includes a local load line exemption certificate;

CONTINUES ON PAGE 258 - PART 3

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 657 6 March Maart 2020 No. 43073

PART 3 OF 6

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

9 771682 584003 43073

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

"local load line exemption certificate" means a certificate issued under section 203(2);

"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;

"local safety certificate" means a local general safety certificate or a local safety exemption certificate as contemplated in section 175*(a)*(iii) and *(b)*(iii);

"local safety exemption certificate" means a certificate contemplated under section 175(1) *(b)* ;

"machinery" means any appliance or combination of appliances assembled, arranged or connected and which is used or intended to be used for converting any form of energy to perform work, or which is used or intended to be used, whether incidental thereto or not, for generating, receiving, storing, containing, transforming, transmitting, transferring or controlling any form of energy;

"marine accident and incident investigation unit" means the marine accident and investigation unit established by the Authority under Chapter 6 of this Act;

"marine casualty" means an event, or sequence of events which has resulted in any of the following and which has occurred directly in connection with the operation of a ship:

(a) The death of, or serious injury to, a person;

(b) the loss of a person from a ship;

(c) the loss, presumed loss or abandonment of a ship;

(d) material damage to the structure of a ship;

(e) the stranding or disabling of a ship, or the involvement of a ship in a collision;

(f) material damage to marine infrastructure external to a ship; or

(g) severe damage to the environment, or the potential for severe damage to the environment, brought about by a ship or ships;

"marine incident" means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operation of a ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment;

"Marine Living Resources Act" means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

"marine safety investigator" means any competent person appointed or designated by the Authority to conduct a marine safety investigation in terms of this Act;

"maritime court" means a maritime court established under Chapter 6 of this Act;

"Maritime Fund" means the Maritime Fund established by section 38 of the South African Maritime Safety Authority Act;

"Maritime Labour Convention" means the Maritime Labour Convention, 2006, done at Geneva on 7 February 2006, including any annexes, regulations, codes and protocols which are issued in terms thereof; and as modified by any amendment made under Article XIV of that Convention that has entered into force for the Republic as contemplated in section 448;

"maritime safety" means the safety of life, ships, goods and the environment arising from activities that may occur at sea, coastal or inland waterways;

"master" means, in relation to a ship, any person, other than a pilot, having charge or command of such ship;

"material damage" in relation to a marine casualty means the destruction of the marine infrastructure or ship or damage that—

(a) significantly affects the structural integrity, performance or operational characteristics of marine infrastructure or a ship; and

(b) requires major repair or replacement of a major component or components of such marine infrastructure or ship;

"medical practitioner" means—

(a) at a place in the Republic, a person registered as such under the Health Professions Act, 1974 (Act No. 56 of 1974); wers

(b) at a place in the Republic for a vessel, other than a vessel used for sport or recreation, of less than 25 gross tons, a person registered as a medical practitioner, an occupational health nurse or community health nurse under the Health Professions Act, 1974 (Act No. 56 of 1974); and

(c) at a place outside the Republic, a person who is entitled to practice as such under the law in force in that place;

"Merchant Shipping Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

"Minister" means the Minister responsible for transport;

“Month” means a period of time between the same dates in successive calendar months;

"mooring" means any permanent structure to which a vessel may be secured and includes a quay, wharf, jetty, pier, anchor buoy and mooring buoy;

"mortgage" means a mortgage registered in terms of item 9 of Schedule 1;

"national accountable aid to navigation party" means an organ of state, statutory or other aid to navigation service provider and any other entity or body that needs to establish an aid to navigation for the purpose to improve safety of navigation on a national basis;

"National Flag" means the national flag of the Republic in terms of section 5 of the Constitution;

"National Hydrographer" means the organ of state that provide hydrographic and survey services in accordance with legislation promulgated by Parliament;

"National Ports Act" means the National Ports Act, 2005 (Act No. 12 of 2005);

"National Ports Authority of South Africa" means the National Ports Authority of South Africa as defined in terms of section 1 of the National Ports Act, 2005;

"nautical mile" means a distance of 1 852 metres;

"net tonnage" means the net tonnage of a ship calculated as prescribed;

"new ship" for purposes of Part 8 of Chapter 5 means a ship the keel of which was laid, or which was at a similar stage of construction, on or after 21 July 1968;

"night" for purposes of section 95, means a period of at least nine hours, starting no later than midnight ship's time and ending not earlier than 05:00 ship's time;

"novel kind" means a ship design that is so new and original that it has never been seen, used or even thought of before.

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

"offshore installation" means any of the following situated within the internal waters, territorial waters or the exclusive economic zone or on or above the continental shelf:

(a) Any installation, including a pipeline, which is used for the transfer of any substance to or from—

(i) a ship;

(ii) a research, exploration or production platform; or

(iii) the coast of the Republic;

(b) any exploration or production platform used in prospecting for or the mining of any substance;

(c) any exploration or production vessel used in prospecting for or the mining of any substance;

(d) a telecommunications line as defined in section 1 of the Post and Telecommunications Matters Act, 1958 (Act No. 44 of 1958);

(e) any vessel or appliance used for the exploration or exploitation of the seabed; and

(f) aquaculture;

"organ of state" means an organ of state as defined in section 239 of the Constitution;

"Organization" means the International Maritime Organization (IMO), a specialized United Nations organization established on 17 March 1948 in terms of the International Maritime Organization Convention of the United Nations concluded in London, United Kingdom in 1948;

"Overtime**" means time worked in addition to seafarer's normal working hours;**

"oversight" means to monitor, inspect, audit and make recommendations pertaining to statutory compliance to organs of state and other persons who exercise and perform powers and duties in terms of this Act;

"owner" means any person to whom a ship or a share in a ship belongs, except if prescribed otherwise; except as provided in section 49 and for the purposes of section 267, includes any charterer of the ship, any person interested in or in possession of the ship, any manager or operator of the ship;

"passage" means navigation through the territorial waters in a continuous and expeditious manner for the purpose of —

(a) traversing those waters without entering internal waters or calling at a roadstead or offshore installation outside internal waters; or

(b) proceeding to or from internal waters or a call at any such roadstead or offshore installation, and includes stopping and anchoring, in so far as such stopping or such anchoring is incidental to ordinary navigation or is rendered necessary by vis major or distress or is for the purpose of rendering assistance to persons, ships or aircraft in danger or distress;

"passenger" means any person carried in a ship, except—

(a) a person employed or engaged in any capacity on board the ship on the business of the ship;

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

(c) a child under one year of age;

"passenger ship" means a ship which carries more than 12 passengers;

"passenger ship safety certificate" means such a certificate, issued in conformity with the Safety Convention under section 175*(a)*;

"person" includes a trust;

"pilot" means a person licensed in terms of section 77 of the National Ports Act, 2005 to provide pilotage services;

"port" in relation to—

(a) a port in a country other than the Republic, means a place, whether proclaimed a public harbour or not, and whether natural or artificial, to which ships may resort for shelter or to ship or unship goods or passengers; and

(b) a port in the Republic, means any of the ports of Richards Bay, Durban, East London, Ngqura, Port Elizabeth, Mossel Bay, Cape Town, Saldanha Bay, Port Nolloth or a port which has been determined as such in terms of section 10(2) of the National Ports Act; a harbour, a fishing harbour as defined in section 1 of the Marine Living Resources Act, , or any place which has under this Act or any other law been designated as a place from or at which any vessel or a vessel of a particular type may be launched, beached, moored or berthed;

"prescribed" means prescribed by the Minister by regulation in terms of Chapter 10;

"principal officer" means the officer in charge of the office of the Authority at a port;

"proper officer" means an officer appointed by the Authority under the South African Maritime Safety Authority Act and designated by it to be the proper officer at the place or in respect of the area and in respect of the matter to which reference is made in the provision of this Act in which the expression occurs or if no such designation has been made—

(a) at a place in the Republic, a principal officer or, where there is no principal officer, a customs officer;

(b) at a place outside the Republic but within a treaty country, in the following order:

(i) A career consular representative of the Republic;

(ii) a diplomatic representative of the Republic;

(iii) the person who, in terms of the law in force in the treaty country, is entrusted with the function or charged with the duty to which reference is made in the provision of this Act in which the expression occurs;

(iv) a consular representative of a treaty country other than the Republic;

(v) a diplomatic representative of a treaty country other than the Republic;

(c) at a place outside any treaty country, the person, and in the order, indicated in subparagraphs (i), (ii), (iv) and (v) of paragraph *(b)*; or

(d) at a place outside the Republic, where there is no proper officer as defined in paragraph *(b)* or *(c)*, any master of a South African ship who is specially authorised in writing to act as proper officer by the Authority, but only in relation to the functions and duties in respect of which, and subject to the conditions subject to which, he or she has been so authorised to act;

"proper return port", in relation to a master or seafarer discharged or left behind, means—

(a) the port at which the master or seafarer was engaged;

(b) a port in a country in which the master or seafarer is domiciled; or

(c) a port agreed to as such by the master or seafarer,

as determined by the Authority;

"provisions" means the supply with food, drink, or equipment to seafarers;

"provisional registration certificate" 'means a provisional registration certificate issued in terms of section 33, 34 or 35;

"radio" means a general term applied to the use of electromagnetic waves of frequencies arbitrarily lower than 3 000 GHz, propagated in space without artificial guide;

"radio regulations" means the regulations made under section 441 to give effect to the relative provisions of the Safety Convention, or such regulations as applied under that section;

"rating" means a seafarer other than a master or an officer;

"recognised non-South African", used in relation to a safety convention certificate or an international load line certificate, signifies that the certificate has been issued

by the authority of the Government of a country other than the Republic to which the Safety Convention or the Load Line Convention, as the case may be, applies, and that the certificate complies with the regulations made under Chapter 10 to give effect to the relative provisions of the Safety Convention or with those made under section 441 to give effect to the relative provisions of the Load Line Convention, respectively;

"Register" means the South African Ships Register, established by section 40;

"registered", in relation to a ship (except with reference to the law of another country), means registered or considered to be or regarded as registered under Chapter 3;

"registered agent", in relation to a ship, means the person whose name and address are entered in the Register in respect of the ship in terms of section 49;

"Registrar" means the Registrar of Ships referred to in section 18;

"registration certificate", except as provided in section 32, means a registration certificate issued in terms of this Act, but does not include a provisional registration certificate;

"regulation" means a regulation made by the Minister under Chapter 10 of this Act;

"relevant insurance certificate", in relation to a ship, means—

(a) a certificate of the kind referred to in section 163(1); or

(b) a document that, under the regulations, is taken, for the purposes of this paragraph, to be a relevant insurance certificate in relation to the ship;

"repatriation expenses" means expenses incurred in returning a distressed seafarer to a proper return port and in providing him or her with the necessary clothing and maintenance until his or her arrival at such port and includes, in the case of a shipwrecked seafarer, the repayment of expenses incurred in conveying

him or her to port after shipwreck and maintaining him or her while being so conveyed;

"Republic" means the Republic of South Africa and includes the territorial waters;

"safe" means free from any threat which may cause bodily injury, illness or death, and free from any hazard as far as practicable;

"safety appointee" means any person appointed in terms of section 151(1)*(a)*;

"safety committee" means a committee appointed in terms of section 151(1)*(a)*;

"Safety Convention" means the International Convention for the Safety of Life at Sea done at London on 1 November 1974, including any annexes, regulations, codes and protocols which are issued in terms thereof as modified by any amendment made under Article VIII of that Convention that has entered into force for the Republic as contemplated in section 448;

"safety convention certificate" means a passenger ship safety certificate, a cargo ship safety construction certificate, a cargo ship safety equipment certificate, a cargo ship safety radio certificate or an exemption certificate;

"safety of navigation" is the process of planning, recording and controlling the movement of a craft safely from one place to another;

"safety representative" means any person elected in terms of section 151(1)*(b)*;

"safety zone" means—

(a) the area within a distance of 500m measured outward from any point on the exterior side of an offshore installation referred to in paragraphs *(a)* and *(b)* of the definition of offshore installation other than a pipeline; or

(b) the area determined by the Minister under section 321;

"salvor" means any person conducting a salvage operation as defined in Article 1 of the International Convention on Salvage, 1989, as amended, being the Schedule to

the Wreck and Salvage Act, 1996 (Act No. 94 of 1996), provided that the service must be rendered in relation to a ship;

"seafarer" means any person who is employed or engaged or works in any capacity on board a ship to which this Act applies and in the case of a deceased seafarer as contemplated in Part 18 of Chapter 4, includes his or her dependents;

"security" means to protect South African sovereignty, to safeguard maritime resources and marine living resources against unlawful interference, to support free and open seaborne commerce by pre-empting intentional, unauthorised acts designed to cause harm, damage or disruption, to counter maritime-related terrorism, weapons proliferation, human trafficking and other transnational crimes, piracy, environmental destruction and illegal seaborne immigration;

"senior surviving deck officer" means a certificated deck officer as prescribed;

"serious injury" an injury which is sustained by a person, resulting in incapacitation where the person is unable to function normally for more than 72 hours, commencing within seven days from the date when the injury was suffered;

"severe damage to the environment" means damage to the environment which produces a major deleterious effect upon the environment;

"share", in relation to a ship, means one of the shares into which the property right in the ship is divided in terms of section 22;

"sheltered waters" means any of the following:

(a) A tidal lagoon or a tidal river within the meaning of "sea" in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

(b) the waters within the breakwaters of any port in the Republic; and

(c) inland waters;

"ship" means any kind of vessel used in navigation by water, however propelled or moved, and includes—

(a) a barge, lighter or other floating vessel, including a floating dock;

(b) a structure that is able to float or be floated and is able to move or be moved as an entity from one place to another; and

(c) a dynamically supported craft;

and includes all gear, equipment, stores, cargo and fuel aboard the ship, and any article belonging to or to be used in connection with or necessary for the operation and safety of the ship and "vessel" has a corresponding meaning;

"ship entitled to be registered" means a ship entitled to be registered in terms of section 23;

"Ship Registration Act" means Ship Registration Act, 1998 (Act No. 58 of 1998);

"Shipping Acts" mean the Marine Pollution (Control and Civil Liability) Act, 1981 (Act No. 6 of 1981), the Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act No. 2 of 1986), the Marine Pollution (Intervention) Act, 1987 (Act No. 64 of 1987), and this Act;

“Shipping information Centre” means an electronic information centre established by the Department to attend to the needs of ship owners including those with shipping aspirations as prescribed;

"ship’s officer" means a deck officer, other than the master, electro-technical officer or engineer officer, defined as prescribed, whether certificated or uncertificated, employed as such on board a ship, and any reference to a ship’s officer must, in its application to a ship in which a navigating officer, mate, boatswain, marine engineman or assistant marine engineman is employed, be construed as including a

reference to a navigating officer, mate, boatswain, marine engineman or assistant marine engineman;

"shore contractor" for purposes of section 265, means a person temporarily employed to effect general or specific repairs, alterations, renovations, improvements, painting, maintenance of vessel or machinery, tank or hatch cleaning and related tasks on or in a vessel;

"small vessel" means a vessel of less than 25 gross tons and of more than three metres in length;

"South African Maritime Safety Authority Act", means the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);

"South African national" means—

(a) a South African citizen in terms of the South African Citizenship Act, 1995 (Act No. 88 of 1995);

(b) a company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008), of which the majority of shareholders are South African nationals;

(c) a close corporation in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984) established before the commencement of the Companies Act, 2008 (Act No. 71 of 2008), of which the majority of members are South African nationals;

(d) a trust in which—

(i) the majority of trustees having the controlling power at any given time are South African nationals referred to in paragraphs *(a)* and *(b)*; and

(ii) a majority of the beneficial interests are held by such South African nationals;

(e) a co-operative registered in terms of the Co-operatives Act, 2005 (Act No. 14 of 2005), of which all the members are South African nationals but, where any member is a juristic person, such person's principal place of business must be in the Republic; and

(f) the Government of the Republic;

"South African Police Service Act" means South African Police Service Act, 1995 (Act No. 68 of 1995);

"South African resident" means—

(a) a natural person whose permanent place of abode is in the Republic, whether or not he or she is from time to time temporarily absent from the Republic;

(b) a natural person who is in possession of a permanent residence permit as defined in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002);

(c) a body corporate, wherever incorporated, that is registered in terms of section 23 of the Companies Act, 2008 (Act No. 71 of 2008), and has its principal office, as contemplated in that Act, in the Republic; and

(d) a trust in which—

(i) the majority of trustees having the controlling power at any given time are South African residents referred to in paragraphs *(a)*, *(b)* and *(c)*; and

(ii) a majority of the beneficial interests are held by such South African residents;

"South African ship" means a ship that has South African nationality in terms of section 13 or is licensed in the Republic in terms of section 65;

"special load line certificate" means a certificate issued under section 214;

"sport or recreation" means any sporting or recreational activity carried on in, on or under the water, irrespective of whether that activity is of a competitive nature or whether prizes are involved, provided it is not carried on for commercial purposes;

"standard" means—

(a) any provision occurring in a specification, compulsory specification, code of practice or standard method within the meaning of the Standards Act;

(b) any provision occurring in any specification, code or any other directive having standardisation as its aim and issued by an institution or organisation inside or outside the Republic which, whether generally or with respect to any particular article or matter and whether internationally or in any particular country or territory, seeks to promote standardisation; or

(c) any type approval by the International Maritime Organisation, European Union or other flag state administration, as approved by the Authority;

"Standards Act" means the Standards Act, 2008 (Act No. 8 of 2008);

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers done at London on 7 July 1978, including any annexes, regulations, codes and protocols which are issued in terms thereof as modified by any amendment made under Article XII of that Convention that has entered into force for the Republic as contemplated in section 448;

"STCW-F Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, including any annexes, regulations, codes and protocols which are issued in terms thereof; which entered into force on 29 September 2012, as modified by Article 10 of that Convention that has entered into force for the Republic as contemplated in section 448;

"stevedore" for purposes of section 265, means a person employed in the loading or unloading of a vessel or in related activities;

"surveyor" means any person recognised or appointed in terms of section 5*(b)*;

"technical standard" means a standard that specifies the technical requirements, data, information or guidance relating to an acceptable means of compliance to this Act;

"temporary pass" means a temporary pass issued in terms of section 38;

'territorial waters" means the territorial waters contemplated in section 4 of the Maritime Zones Act;

"this Act" includes any proclamation, notice, rule or regulation issued or made thereunder;

"timber cargo regulations" means the regulations made under section 441 to give effect to the relative provisions of the Safety Convention, or such regulations as applied under that section;

"Tonnage Convention" means the International Convention on Tonnage Measurement of Ships done at London on 23 June 1969, including any annexes, regulations, codes and protocols which are issued in terms thereof, as modified by any amendment made under Article 18 of that Convention that has entered into force for the Republic as contemplated in section 448;

"tons" or **"tonnage"** means the tons or tonnage of a ship calculated as prescribed;

"treaty country" in relation to any provision of this Act, means the Republic and any country which is a party to any bilateral treaty or agreement entered into by the Republic in connection with any matter dealt with in such provision;

"treaty ship" means a ship registered at any place in a treaty country under the relative laws in force at that place or any ship which by the law of a treaty country is recognised as a ship belonging to that treaty country;

"unregistered", in relation to a ship, means not registered in terms of this Act or in terms of the law of another state;

"unseaworthy", used in relation to a vessel, means that she—

(a) is not in a fit state as to the condition of her hull, equipment or machinery, the stowage of her cargo or ballast, or the number or qualifications of her master or crew, or in any other respect, to encounter the ordinary perils of the voyage upon which she is engaged or is about to enter;

(b) does not comply with the conditions of assignment as contemplated in section 203; or

(c) is loaded beyond the limits allowed—

(i) by a load line certificate issued in the Republic under this Act;

(ii) if she is a load line ship, registered in a country in which the Load Line Convention applies, by a recognised non-South African international load line certificate; or

(iii) by a load line certificate to which a notice issued under section 215 applies:

Provided that a safety convention ship not registered in the Republic, in respect of which a recognised non-South African safety convention certificate is produced, must not be considered unseaworthy, as regards the condition of her hull, equipment or machinery, unless it appears, on the report of a surveyor, that she cannot proceed to sea without danger to human life owing

to the fact that the actual condition of the hull, equipment or machinery does not correspond substantially with the particulars stated in the certificate;

"user", in relation to machinery, means any person who uses machinery on a vessel for his or her own benefit;

"very serious marine casualty" means a marine casualty involving the total loss of the ship, a death or severe damage to the environment;

"vessel traffic service" means a service implemented by a competent authority, designed to improve the safety and efficiency of vessel traffic and to protect the environment and has the capability to interact with the traffic and respond to traffic situations developing in the vessel traffic service zone;

"vessel traffic service authority" means the National Ports Authority of South Africa or other entity authorised by the Authority in terms of section 349 to provide a vessel traffic service;

"vessel traffic service operator" means a person who is responsible for remotely monitoring and directing the movements of vessels as part of a system of vessel traffic services;

"vessel traffic service zone" means a vessel traffic service zone established in terms of section 348 for which a vessel traffic service must be provided by a vessel traffic service authority;

"wage" means the amount of money paid or payable to an employee in respect of ordinary hours of work;

"warship" means a ship belonging to the armed forces of a state bearing the external marks distinguishing such ship of its nationality, under command of an officer duly commissioned by the government of the state, and whose name appears

in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;

"watchkeeping personnel" means everyone forming part of a navigational or engineering watch on a ship;

"Work in Fishing Convention" means the Work in Fishing Convention, 2007, done at Geneva on 30 May 2007, including any annexes, regulations, codes and protocols which are issued in terms thereof, as modified by any amendment made under article 45 of that Convention that has entered into force for the Republic as contemplated in section 448;

"workplace" means any place on a vessel where an employee performs work in the course of his or her employment;

"wreck" following upon a maritime casualty, means:

(a) A sunken or stranded ship;

(b) any part of a sunken or stranded ship, including any object that is or has been on board such a ship;

(c) any object that is lost at sea from a ship and that is stranded, sunken or adrift at sea; or

(d) a ship that is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger are not already being taken;

"Wreck and Salvage Act" means the Wreck and Salvage Act, 1996 (Act No. 94 of 1996);

"year" means a calendar year, but for the purpose of the inspection of vessels required by this Act it means 12 calendar months from the date of the certificate of inspection or survey; and

"young person" means a person who is under the age of 18 years but no younger than 16 years of age.

Interpretation of provisions of Act

2. (1) Whenever in this Act reference is made to—

(a) an act or omission by or a duty resting upon or a fault committed by a vessel;

(b) damage or loss suffered by a vessel; or

(c) a liability resting upon a vessel,

such reference must, unless the context indicates otherwise, be construed as a reference to—

(i) an act or omission by or a duty resting upon or a fault committed by the person responsible for the navigation of the vessel in connection with the navigation thereof;

(ii) damage or loss suffered by the owner or the person having an interest in the vessel or her cargo or freight, in connection with the vessel or her cargo or freight; or

(iii) a liability resting upon the person in charge of the vessel or upon the person who in law is answerable for the conduct of the person in charge of the vessel, in connection with such conduct, respectively.

(2) In this Act references to a ship built or constructed before or after any date must be construed as references to a ship the keel of which has been laid or which is at a similar stage of construction before or after that date, as the case may be.

(3) In subsection (2) 'similar stage of construction' means the stage at which—

(a) construction identifiable with the ship has begun; and

(b) assembly of the ship has commenced and comprises at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less.

(4) Any reference in this Act to an entry of an occurrence or other fact in the official logbook of a ship must, in the application of the provision in which the reference occurs to a ship for which no official logbook is kept, be construed as a reference to a record of such occurrence or fact made otherwise than in an official logbook.

(5) Any reference in this Act to any order or entry made or document issued under any provision of this Act must, unless otherwise indicated, must be construed as including a reference to an order or entry made or document issued under the corresponding provision of any law repealed by section 449.

Application of Act

3. (1) This Act, in addition to the Republic, also applies to Marion Island and Prince Edward Island: Provided that in its application voyages between ports in the Republic and ports in those islands must be considered to be voyages between ports in the Republic and ports outside the Republic.

(2) This Act binds the State: Provided that the Minister may by notice direct that sections 89, 90, 92, 93, 97, 99,100, 101, 102, 103 and 113 must not apply in respect of the master or seafarers of any ship named in the notice and belonging to an organ of state or to the National Ports Authority of South Africa

whose conditions of service are governed by laws other than this Act or statutory regulations other than regulations made under this Act.

(3) Unless otherwise indicated, those provisions of this Act which apply to vessels which are registered or licensed in the Republic or which in terms of this Act are required to be so licensed, apply wherever such vessels may be.

(4) Unless otherwise indicated, provisions of this Act which apply to vessels other than those referred to in subsection (3) apply only while such vessels are within the Republic or the territorial waters thereof.

(5) The provisions of this Act do not apply to ships belonging to—

(a) the services in the South African National Defence Force contemplated in section 12 of the Defence Act;

(b) the South African Police Service Act; or

(c) a warship of any other country.

(6) Except as otherwise prescribed, the provisions of this Act shall apply to any vessel contemplated in section 63(2)*(b)* as if such vessel were licensed in terms of this Act.

(7) The Minister may by notice in the *Gazette* declare that any of the provisions of this Act which are by that notice specified, subject to the exemptions, modifications and restrictions so specified, and which do not by virtue of the other provisions of this Act apply to a particular ship or to ships of a particular class, category or tonnage, apply to that ship or to ships of that class, category or tonnage: Provided that provisions which in terms of this Act apply only to South African ships must not by any such notice be applied also to ships not registered in the Republic and vice versa.

(8) The Minister may by notice in the *Gazette* declare that any of the provisions of this Act which are by that notice specified, subject to the exemptions, modifications and restrictions so specified, apply to any inland waters so specified.

(9) If the Minister is satisfied that—

(a) ships registered in any country other than the Republic are required by the law in force in that country to comply with provisions which are substantially the same as, or equally effective with, any of the provisions of this Act which apply to such ships while they are within the Republic or the territorial waters thereof; and

(b) that country has made or has undertaken to make provision for the exemption of South African ships while they are within that country or the territorial waters thereof from the corresponding requirements of the law of that country,

the Minister may by notice in the *Gazette* declare that the said provisions of this Act does not apply to any ship of that country, while she is within the Republic, if it is proved that the ship complies with the corresponding provisions of the law in force in that country and thereafter upon such proof being furnished, the said provisions of this Act does not apply to such ship.

(10) Unless otherwise indicated, only the provision of sections 11(1), 151, 152, 219, 265, 279, 390 and Chapter 10 shall apply to—

(a) every owner and master of any vessel, and every user, employer and employee;

(b) all crew on board a vessel who have entered into a contract of employment with the master or with the owner or operator of such vessel, or any person

who in the case of a vessel of less than 100 gross tons can be regarded as crew on board such vessel;

(c) every other person on board a vessel in the execution of his or her duties, or working on the exterior shell or appurtenances of a vessel, including the equipment used by such person, whether or not the vessel is afloat; and

(d) every working gear, lifting gear, anchor or cable, any machinery, every gangway or accommodation ladder, any equipment or every appurtenance in or on a vessel which forms a part of the construction or equipment of such vessel, including any machinery or equipment brought on board a vessel and which does not form part of the equipment of such vessel.

(11) The provisions referred to in subsection (10) do not apply to a vessel while it is being constructed or dismantled.

CHAPTER 2

ADMINISTRATION

Powers of Minister

4. The Minister may—

(a) make regulations regarding any matter contemplated, required or permitted to be prescribed by the Minister in terms of this Act, for the incorporation of any international convention defined in this Act and generally for the effective administration and achievement of the objects of this Act;

(b) following the conducting of a benchmarking study by the Department and after consultation with the Minister responsible for Trade, Mineral Resources and

National Treasury make regulations establishing the criteria for designation of a national shipping company;

(c) following the results of a socio economic impact assessment by the Department and after consultation with Cabinet, make regulations on measures to promote export of certain strategic minerals using South African ships;

(d) make regulations establishing the Shipping information Centre;

(e) with the exception of the power to make regulations, delegate or assign any duty to any official of the department in regard to any matter dealt with by this Act;

(f) monitor the impact of any mechanisms, programs or interventions anticipated in section 70;

(g) monitor the impact of any international convention that is incorporated into law by means of the mechanisms provided for in section 448;

(h) monitor the impact of any technical standard that may be issued by the Authority under section 6;

(i) in accordance with the provisions of the Constitution, conclude any bi-lateral merchant shipping agreement after consultation with any relevant organ of state; and

(j) appoint, any advisory panel, committee advising him or her in regard to any particular matter dealt with by this Act.

Powers of Authority

5. The Authority may—

(a) appoint such officers as it considers necessary for the administration of this Act as contemplated in section 27 of the South African Maritime Safety Authority Act;

(b) recognise or appoint as a ship surveyor, engineer surveyor or radio or other surveyor any qualified person whom the Authority considers fit to act as such for the purposes of this Act;

(c) subject to such conditions as may be determined by the Authority, and with the concurrence of the Minister, exempt any person from any of or all the provisions of the regulations made under Chapter 10;

(d) issue technical standards as contemplated in section 6; and

(e) acquire as appropriate systems, equipment; marine and aerial surveillance crafts to promote the implementation of this Act

Technical standards for maritime transport

6. (1) The Authority must issue technical standards for maritime transport on such matters as may be prescribed by regulation.

(2) The manner in which any technical standard for maritime transport must be issued, published, amended or withdrawn, and the procedure to be followed by the Authority in respect of any such issue, publication, amendment or withdrawal, must be as prescribed.

(3) A technical standard has the force of law.

(4) If a provision of a technical standard issued by the Authority in terms of this section differs in any way to any provision of this Act, this Act must apply.

Authority responsible for administration of Act

7. (1) The Authority is responsible for the administration of this Act, and must exercise and perform all powers and duties incidental thereto.

(2) The Authority must, subject to the provisions of this Act or any other law, have such powers and perform such duties as are assigned to it by the Minister.

(3) All powers conferred and all duties imposed upon the Authority shall be exercised or performed by the Authority, or by a person or organisation under a delegation from or under the control or direction of the Authority.

Duty of proper officer, surveyor, marine safety investigator, court of marine enquiry, maritime court or court of survey, marine accident and incident investigation or other officer appointed in terms of Act to ensure compliance with Act

8. (1) If a proper officer has reason to suspect that this Act is or has not been complied with in respect of any ship within the Republic or the territorial waters of the Republic, which is not registered in the Republic, or in respect of any South African ship wherever she may be, the proper officer must take such steps as

in his or her opinion are necessary including judicial authorisation to ensure compliance with the said provisions.

(2) The marine accident and incident investigation unit, any court of marine enquiry, maritime court, court of survey, marine safety investigator, proper officer, surveyor, or any other persons authorised by this Act, or required by the Authority, to make any survey or inspection or conduct any investigation, may—

(a) board any South African ship wherever she may be, or any ship other than a South African ship while she is in a port in or the territorial waters of the Republic, and inspect same or any part thereof, or any equipment thereof, or any articles on board, or any logbooks, certificates, other documents or any electronic communication or data relating to the ship or the crew thereof, and muster the crew of the ship and interrogate them, and require the master and crew to demonstrate the related competency at their place or places of duty;

(b) subject to paragraphs *(c)* and *(d)*, at any reasonable time, and with judicial authorisation, enter and inspect any land, building or premises for the purpose of ensuring compliance with this Act;

(c) may at any reasonable time and after reasonable notice has been given to the owner or occupier of the land or building and after obtaining judicial authorisation, enter and inspect a private dwelling for the purpose of ensuring compliance with this Act; and

(d)

(3) The marine accident and incident investigation unit, any court of marine enquiry, maritime court, court of survey, marine safety investigator, proper officer, surveyor, or other person authorised under this Act, or required by the Authority, to make any survey or inspection or conduct any investigation, is not

required to give reasonable or any notice to enter land or a building other than a private dwelling and may conduct an inspection or take enforcement action without the consent of the owner or occupier of such land or building and without a warrant if—

(a) he or she believes on reasonable grounds that a warrant will be issued to him, her or it; and

(b) the delay in obtaining the warrant would defeat the object of the inspection and enforcement action.

(4) The marine accident and incident investigation unit, any court of marine enquiry, maritime court, court of survey, marine safety investigator, proper officer, surveyor, or other person authorised under this Act, or authorised by the Authority, to make any survey or inspection or conduct any investigation, may not investigate a matter in which he or she or a member or an employee has a direct or indirect personal or private interest.

(5) In ascertaining compliance with this Act, the marine accident and incident investigation unit, any court of marine enquiry, maritime court, court of survey, marine safety investigator, proper officer, surveyor, or any other person authorised under this Act, or required by the Authority, to make any survey or inspection or conduct any investigation, may—

(a) be accompanied by an interpreter, a police officer, a peace officer or any other person who may be able to assist with the inspection;

(b) question any person who is or was on that land and who, in the opinion of the authorised person, may be able to furnish information on a matter to which this Act relates;

(c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute a contravention of this Act;

(d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant to the investigation;

(e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;

(f) require a person to produce or to deliver to a place specified by the proper officer, surveyor, marine safety investigator, court or other officer appointed in terms of this Act, any document, book, record, or any written or electronic information referred to in paragraph *(e)* for inspection;

(g) require from such person an explanation of any entry in such document, book, record or written or electronic information;

(h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;

(i) seize any book, record or other document, details or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this Act, provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;

(j) direct any person to appear before him, her or it at such time and place as may be determined by the proper officer, surveyor, marine safety investigator, court or other officer appointed in terms of this Act and question such person either alone or in the presence of any other person on any matter to which this Act relates; and

(k) take photographs or make audio visual recordings or tape recordings of any person or anything for the purpose of his, her or its investigation.

(6) If the marine accident and incident investigation unit, any court of marine enquiry, maritime court, court of survey, marine safety investigator, proper officer, surveyor, or any other person authorised under this Act, or required by the Authority to make any survey or inspection or conduct any investigation, removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, he, she or it must issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

(7) Where the marine accident and incident investigation unit, any court of marine enquiry, maritime court, court of survey, marine safety investigator, proper officer, surveyor, or any other person authorised under this Act, or required by the Authority, to make any survey or inspection or conduct any investigation, enters any ship or land in terms of section (2)*(a)* or *(b)*, the master or a person who controls or manages the land must at all times provide such facilities as are reasonably required by him, her or it, to enable him, her or it to perform his, her or its functions effectively and safely under this Act.

(8) Any employee of the marine accident and incident investigation unit, member of any court of marine enquiry, maritime court, court of survey, marine

safety investigator, proper officer, surveyor, or other person authorised by this Act, or required by the Authority, to make any survey or inspection or conduct any investigation, who enters and searches any ship, land or private dwelling under this section, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.

(9) Every person must—

(a) upon demand, assist to the best of his or her ability any person in the exercise of any of the powers conferred by this section;

(b) answer fully and satisfactorily, to the best of his or her ability, all questions lawfully put to him or her by a person in the exercise of any of the powers conferred by this section, and, upon being required to do so, produce any book, document or thing in his or her possession or under his or her control: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing to any such person, the law relating to privilege, as applicable to a witness summoned to give evidence or produce any book, document or thing before a court of law applies.

Survey of ship

9. Subject to the provisions of this Act, a surveyor may inspect any South African ship wherever it may be or any ship not registered in the Republic while she is within the Republic for the purpose of ascertaining whether it complies with the provisions of this Act.

Powers relating to inspection of hull

10. A proper officer may in the execution of his or her duties or in the exercise of his or her functions under this Act, if he or she considers it necessary to do so, direct that any South African ship wherever she may be, or any ship other than a South African ship while she is within the Republic or the territorial waters of the Republic, be taken into dock at the owner's expense, in order that every part of the hull thereof may be inspected.

Powers relating to workplace

11. (1) Subject to subsection (2), when—

(a) an employer performs an act or requires or permits an act to be performed which in the opinion of the Authority threatens or is likely to threaten the safety of any person at a workplace or in the course of his or her employment, the Authority may by notice in the prescribed form prohibit that employer from—

(i) continuing or commencing with the performance of that act; or

(ii) requiring or permitting that act to be continued or commenced with;

(b) a user uses any machinery or proposes to use it in a manner or in circumstances which in the opinion of the Authority threatens or is likely to threaten the safety of any person who works with such machinery or who is or may come in the vicinity thereof, the Authority may by notice in the prescribed form prohibit that user from—

(i) continuing or commencing with the use of such machinery; or

(ii) the use of such machinery in that manner or those circumstances.

(2) A prohibition imposed under subsection (1) may be revoked in writing by the Authority if arrangements to the satisfaction of the Authority have been made to dispose of the threat which gave rise to the imposition of the prohibition.

(3) When the Authority is of the opinion that the safety of any person at a workplace or in the course of his or her employment or in connection with the use of machinery is threatened on account of the refusal or failure of an employer or a user to take reasonable steps in the interest of such person's safety, the Authority may by notice in the prescribed form direct that employer or user to take such steps as are specified in the notice, within a specified period.

(4) When on board a vessel in the vicinity of a workplace there is any nuisance which in the opinion of the Authority threatens or is likely to threaten the safety of an employee performing work at that workplace, the Authority may by notice in the prescribed form direct the person responsible for such nuisance or the owner or master of such vessel to remove the nuisance within a specified period.

(5) When the Authority is of the opinion that an employer or a user has failed to comply with a provision of a regulation applying to him or her, the Authority may by notice in the prescribed form direct that employer or user to take, within a period specified in the notice, such steps which in the opinion of the Authority are necessary to comply with the said provision and as are specified in the notice.

(6) The period contemplated in subsections (3), (4) or (5) may be extended by the Authority by notice in the prescribed form to the person concerned.

(7) The Authority may by notice in the prescribed form prohibit an employer from requiring or permitting employees or any employee belonging to a

category of employees specified in the notice, to be exposed in the course of their employment for a longer period than a period specified in the notice to any article or condition which in the opinion of the Authority threatens or is likely to threaten the safety of such employees or the employee belonging to such category of employees.

(8) An employer must forthwith bring the contents of a notice contemplated in subsection (7) to the attention of the employees or employee concerned.

Advisory committee

12. (1) The Minister may appoint a committee to advise the Minister in regard to a particular matter dealt with by this Act.

(2) Members of any committee contemplated in subsection (1) must be appointed by the Minister as prescribed.

(3) Members of a committee appointed under subsection (1) must be paid allowances towards subsistence and transport as may be prescribed, or, if they are members of the public service, allowances towards subsistence and transport as are prescribed by the laws governing the public service.

CHAPTER 3

SHIP REGISTRATION, TONNAGE, LICENSING OF VESSELS AND NOTIFICATIONS OF INTENTION TO BUILD VESSELS

Part 1

Ship Registration

Division 1

South African ships

South African ship

13. A South African ship is a ship that has South African nationality and is—

(a) a registered ship; or

(b) a ship that is not registered but is entitled to be registered in terms of section 23*(a)* or *(b)*; and

(c) a ship engaged in coastwise traffic.

South African-owned ship

14. (1) A South African-owned ship is—

(a) a fishing vessel that is owned, or owned and controlled, as provided in the definition of local fishing vessel in section 1 of the Marine Living Resources Act;

(b) any ship, other than a fishing vessel, that—

(i) is wholly owned by one or more South African nationals;

(ii) is owned by three or more persons as joint owners of the ship, where the majority of those persons are South African nationals; or

(iii) is owned by two or more persons as owners in common, where the majority of the shares in the ship are owned by South African nationals; or

(c) a ship engaged in coastwise traffic that—

(i) is wholly owned by one or more South African nationals; or

(ii) is owned by three or more persons as joint owners of the ship where the majority of those persons are South African nationals.

(2) For purposes of subsection (1)*(b)*(iii), where two or more persons are joint owners of a share or shares in a ship—

(a) in the case of two or more shares that are owned by the same persons, the interest of each owner in the shares is ascertained by dividing the number of the shares by the number of the owners of the shares; or

(b) in the case of a share to which paragraph *(a)* does not apply, the interest of each owner in the share is ascertained by dividing the number one by the number of the owners of the share,

and, if the sum of the interests so ascertained in respect of all jointly-owned shares in the ship as being the interests of South African nationals is a whole number or a whole number and a fraction, the number of those shares that are equal to that whole number is considered to be owned by South African nationals.

National Flag

15. (1) Every South African ship is entitled to fly the National Flag, without any defacement or modification.

(2) The master of a South African ship must cause the National Flag to be hoisted—

(a) on a signal being made to the ship by any ship in the naval service of the Republic;

(b) on entering or leaving any foreign port; and

(c) if the ship is of 50 or more gross tons, on entering or leaving any South African port.

(3) No person on board a South African ship may hoist—

(a) any distinctive national colours except the National Flag and a courtesy flag of the country in which the ship may be;

(b) any colours usually worn by ships in the naval service of the Republic or colours resembling such colours; or

(c) any pennant usually carried by ships in the naval service of the Republic or any pennant resembling such pennant.

(4) On application in the prescribed manner by the owner of a ship contemplated in section 13*(b)*, the Registrar may issue a certificate to that owner stating that the ship is entitled to fly the National Flag in terms of this section.

Declaration of ship's nationality before clearance

16. (1) A customs officer may not grant a clearance in respect of any ship until the master of the ship has declared to that officer the nationality of the ship, which declaration the officer must record on the clearance certificate.

(2) A ship that attempts to proceed to sea without a clearance contemplated in subsection (1) may be detained by a customs officer or the Authority until the relevant declaration is made.

Division 2

Registrar and Registration Office

South African Ship Registration Office

17. (1) The South African Ship Registration Office established in terms of section 7 of the Ship Registration Act, continues to exist and is considered to be established in terms of this Act.

(2) The Authority may establish branch offices of the Registration Office and any branch office established in terms of the Ship Registration Act, is construed to be a branch office established in terms of this Act.

(3) The South African Ship Registration Office and its branch offices are at the respective places in the Republic that the Authority has determined in terms of the Ship Registration Act.

Registrar and Deputy Registrars of Ships

18. (1) The chief executive officer of the Authority is the Registrar.

(2) The Registrar may appoint a Deputy Registrar of Ships from the staff of the Authority appointed in terms of section 27 of the South African Maritime Safety Authority Act.

Powers and duties of Registrar

19. (1) The Registrar must do all things necessary in connection with, or incidental to the exercise of the Registrar's powers in terms of this Act or any other law, including the powers that may be prescribed in relation to furnishing of information and documents, as well as the delivery of certificates and other documents granted or issued in terms of this Act.

(2) The Registrar must maintain the Register and must for that purpose—

(a) receive and record all information and documents required or permitted to be lodged with the Registrar in terms of this Act;

(b) grant, issue, vary or revoke certificates and other documents required to be issued in terms of this Act; and

(c) issue copies of and extracts from—

(i) any certificate or other document contemplated in paragraph *(b)*; and

(ii) any entry in the Register.

Appointment of staff

20. (1) The staff appointed by the Authority in terms of the Ship Registration Act, are considered to be appointed in terms of this Act.

(2) The Authority may appoint additional staff for the Registration Office or any branch office from its staff appointed in terms of section 27 of the South African Maritime Safety Authority Act.

Seal of Registration Office and signature of Registrar

21. (1) The seal of the Registration Office approved by the Minister in terms of the Ship Registration Act, is considered to be the seal approved by the Minister in terms of this Act.

(2) The Minister may in the prescribed manner approve the form for the seal of the Registration Office if the form of that seal changes

(3) The seal of the Registration Office is under the control of the Registrar.

(4) In all judicial proceedings judicial notice must be taken of the impression of the seal of the Registration Office on a document and it must be presumed, in the absence of evidence to the contrary, that the seal was duly impressed.

(5) If a signature on a document purports to be the signature of the Registrar or of a person authorised to sign the document by virtue of a delegation in terms of section 446, it must be presumed, in the absence of evidence to the contrary, that the signature is that of a person who at the relevant time was holding

the office of Registrar or was performing the duties of the office of the Registrar, or was empowered to sign that document.

Division 3

Registration of South African Ships

Registration of property in ship

22. (1) For the purposes of the registration of a ship—

(a) the property in a ship is divided into 64 shares;

(b) subject to paragraph *(c)*, subsection (2) and item 4 of Schedule 1, the number of persons registered as owners of a ship may not at any time exceed 64;

(c) any number of persons not exceeding five may be registered as joint owners of a ship or of one or more shares in a ship;

(d) a joint owner of a ship or of one or more shares in a ship may not dispose of his or her interest separately;

(e) a person may not be registered as the owner of a fractional part of a share in a ship;

(f) a body corporate is registered as an owner by its corporate name; and

(g) a trust is registered as an owner in the name of the trust.

(2) For the purposes of subsection (1)*(b)*, where a share in a ship is jointly owned or two or more shares in a ship are jointly owned by the same persons, the joint owners of that share or of those shares, must be regarded as one person.

Ships entitled to be registered

23. Subject to this Chapter, the following ships are entitled to be registered:

(a) South African-owned ships;

(b) small vessels, other than fishing vessels, that are—

(i) wholly owned by South African residents or South African residents and South African nationals; or

(ii) operated solely by South African residents or South African nationals or both such residents and such nationals; and

(c) ships on bareboat charter to South African nationals.

Inspection and tonnage measurement of ship before registration

24. (1) No ship may be registered, unless—

(a) that ship has undergone the prescribed inspection; and

(b) a certificate relating to the tonnage measurement of the ship issued in terms of this Act has been lodged with the Registrar.

(2) Subsection (1)*(b)* does not apply to a prescribed ship, or ships of a prescribed class or description.

Refusal of registration

25. (1) Despite a ship being entitled to be registered, the Registrar may refuse to register the ship if the Registrar is satisfied that—

(a) it would be inappropriate for the ship to be registered having regard—

(i) to the relevant requirements of the Shipping Acts in respect of—

(aa) the condition of the ship in respect of its safety or any risk of pollution; and

(bb) the safety, health and welfare of persons employed or engaged on the ship; or

(ii) to the interests of the Republic or international merchant shipping;

(b) the applicant does not comply with the prescribed requirements for ownership;

(c) the prescribed conditions have not been complied with, including conditions which limit the tonnage or age of the ship; or

(d) the registration of the ship is prohibited in terms of regulations made under Chapter 10.

(2) If the Registrar refuses in terms of this section to register a ship, the Registrar must serve a notice on the applicant stating that registration is refused and the reasons for such refusal. .

Prohibition on dual registration

26. (1) The Registrar may not register a ship in terms of this Act if it is registered in terms of the law of another state, unless—

(a) in the case of a South African-owned ship, it was acquired pursuant to an order of court in terms of section 9 of the Admiralty Jurisdiction Regulation Act, and the evidence contemplated in subsection (2)*(c)* has been lodged with the Registrar; or

(b) in the case of a ship on bareboat charter to a South African national, the evidence contemplated in subsection (2) *(d)* has been lodged with the Registrar.

(2) If, in respect of a ship that has at any time been registered in terms of the law of another state, an application is made for the registration of the ship in terms of this Act, the application must be accompanied by the evidence required by the Registrar to establish—

(a) that the ship is no longer registered in terms of the law of another state;

(b) that steps have been taken or are proposed to terminate registration in terms of the law of another state before the ship is registered in terms of this Act;

(c) in the case of a ship referred to in subsection (1)*(a)*, that all reasonable steps to secure the termination of the ship's registration in terms of the law of that other state have been unsuccessful; or

(d) in the case of a ship referred to in subsection (1)*(b)*, that the owner of the ship and the competent authority of the state of primary registration consent to the ship's registration in terms of this Act.

(3) A ship on bareboat charter to a South African national referred to in subsection (1)*(b)* is a ship that—

(a) is registered in terms of the law of another state;

(b) is not a prescribed ship or a ship of a prescribed class or description; and

(c) is on bareboat charter to one or more South African nationals, and to no other person.

Identity

Marking of ship

27. (1) A ship may not be registered until it has been marked in the prescribed manner with the marks directed by the Registrar by notice in writing served on the owner or one of the owners, and the prescribed evidence that the ship has been so marked is lodged with the Registrar.

(2) Subject to subsection (4), if the markings placed on a registered ship in accordance with the requirements of subsection (1) are not maintained, the owner and master of the ship are each guilty of an offence.

(3) Subject to subsection (4), no person may conceal, remove, alter, deface obliterate, or allow any person under his or her control to conceal, remove, alter, deface or obliterate any marking that is on a registered ship in accordance with the requirements of subsection (1).

(4) Subsections (2) and (3) do not apply in respect of anything authorised by the regulations or done for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

Ship identity number

28. (1) Section 28 applies to all passenger ships of 100 gross tonnage and upwards and to all cargo ships of 300 gross tonnage and upwards.

(2) The Authority must provide every ship with an identity number which conforms to the International Maritime Organisation's ship identification number scheme.

(3) The ship's identification number must also be inserted on the certificates.

(4)

Continuous synopsis record

29. (1) The Authority must issue a continuous synopsis record to every South African ship to which this Part applies.

(2) The continuous synopsis record must provide an on-board record of the history of the ship with respect to the prescribed information contained therein.

(3) The continuous synopsis record must be in the format and guidelines for its maintenance as prescribed by the Organization.

Name of registered ship and change of name

30. (1) A registered ship may not be described by any name other than the name by which the ship is for the time being registered.

(2) An application may be made to the Registrar in terms of section 31, in the prescribed manner for a change in the name of a registered ship.

(3) The Registrar must disallow a name if—

(a) the name proposed for a ship in an application for the registration of the ship; or

(b) the new name proposed for a registered ship in an application in terms of subsection (2), and is a prescribed name, or a name included in a prescribed class of names.

(4) If the Registrar grants an application in terms of subsection (2)—

(a) the Registrar must cause the new name of the ship to be entered in the Register and endorsed on the ship's registration certificate; and

(b) section 27 applies in respect of the marking of the new name on the ship as if the ship had been registered by that name.

Power of Minister to disallow proposed name for ship

31. If the Minister has reason to believe that the description of a ship by a certain name is likely to prejudice the Republic's international relations, the Minister may, by notice in writing to the Registrar, disallow—

(a) the name proposed for a ship in an application for the registration of the ship; or

(b) the new name proposed for a registered ship in an application in terms of section 30(2).

Registration certificates

Registration certificate

32. (1) On completion of the registration of a ship, the Registrar must issue a registration certificate in respect of the ship in the prescribed form.

(2) The certificate contemplated in subsection (1) must contain the particulars entered in the Register in respect of the ship, and any other matter that may be prescribed.

Status and custody of registration certificate

33. (1) In this section, 'registration certificate' includes a provisional registration certificate.

(2) A registration certificate may be used only for the lawful navigation of a ship, and may not be detained to secure any civil right or claim.

(3) A person who has possession or control of a registration certificate may not fail, without reasonable grounds, to deliver the certificate on demand to—

(a) the person entitled to the custody thereof for the purposes of the lawful navigation of the ship;

(b) the Registrar, a Deputy Registrar or a proper officer;

(c) a customs officer; or

(d) any other person entitled by law to require its delivery.

(4) If the person required by subsection (3) to deliver a registration certificate is outside the Republic, or persists in not delivering the certificate, the certificate must be regarded as lost and section 34 (1) *(a)* is applicable.

(5) If in any criminal proceedings in respect of a contravention of this section a court is of the opinion that a certificate is lost, the court must make an order to that effect and cause a copy of the order to be served on the Registrar.

New certificate and provisional certificate

34. (1) If a registration certificate is —

(a) mislaid, lost or destroyed; or

(b) lodged with the Registrar,

the Registrar must, on application in the prescribed manner, issue a new certificate in substitution for that certificate.

(2) If an event contemplated in subsection (1)*(a)* occurs while the ship concerned is —

(a) at a foreign port at which there is a proper officer; or

(b) at sea or at a foreign port at which there is no proper officer and, subsequently, but before arriving at a South African port, the ship arrives at a foreign port at which there is a proper officer,

the Registrar or the proper officer at that port must, subject to the regulations, on application to him or her, issue a provisional registration certificate in respect of that ship in the prescribed form.

(3) Subject to subsection (5), a provisional registration certificate issued in terms of subsection (2) must be regarded as a registration certificate until—

(a) the ship arrives at a South African port; or

(b) the expiration of a period of six months, calculated from the date on which the certificate was issued, whichever may occur first.

(4) A proper officer who issues a provisional registration certificate in terms of this section must forward a copy of the certificate to the Registrar.

(5) If, while a provisional registration certificate issued in terms of subsection (2) is valid, an application is made in the prescribed manner, the Registrar may by notice in writing served on the applicant extend the period referred to in subsection (3)*(b)*, and in that event the reference in that provision to a period of six months must be regarded as a reference to such extended period.

(6) A person who has possession of a provisional registration certificate issued in terms of subsection (2) must lodge that certificate with the Registrar within 10 days after the ship's arrival at a South African port.

(7) On lodgement of a provisional registration certificate in terms of subsection (6), the Registrar may issue—

(a) a further provisional registration certificate in respect of that ship; or

(b) a new registration certificate in respect of that ship.

(8) A provisional registration certificate issued in terms of subsection (7)*(a)* must from the date on which it was issued, be regarded as a registration certificate for the period that the Registrar may determine in that certificate.

Provisional certificate for ship becoming entitled to be registered while abroad

35. (1) If, while a ship—

(a) is at a foreign port at which there is a proper officer, but before arriving at a South African port, it becomes a ship entitled to be registered; or

(b) is at sea or at a foreign port at which there is no proper officer, it becomes a ship entitled to be registered and, subsequently, but before arriving at a South African port, the ship arrives at a foreign port at which there is a proper officer,

the proper officer at that port may, subject to the regulations, on application to the proper officer, issue a provisional registration certificate in respect of that ship in the prescribed form.

(2) Subject to subsection (4), a provisional registration certificate issued in terms of this section must be regarded as a registration certificate until—

(a) the ship arrives at a South African port; or

(b) the expiration of a period of six months, calculated from the date on which the certificate was issued, whichever may occur first.

(3) A proper officer who issues a provisional registration certificate in terms of this section must forward a copy of the certificate to the Registrar.

(4) If, while a provisional registration certificate issued in terms of subsection (1) is valid, an application is made in the prescribed manner, the Registrar may by notice in writing served on the applicant extend the period referred to in subsection (2)*(b)*, and in that event the reference in that provision to a period of six months must be regarded as a reference to such extended period.

(5) A person who has possession of a provisional registration certificate issued in terms of subsection (1) must lodge the certificate with the Registrar within 10 days after the ship's arrival at a South African port.

(6) On lodgement of a provisional registration certificate in terms of subsection (5), the Registrar may issue a further provisional registration certificate in respect of that ship.

(7) A provisional registration certificate issued in terms of subsection (6) must with effect from the date on which it was issued be regarded as a registration certificate for the period that the Registrar may determine in that certificate.

Provisional certificate issued by Registrar

36. (1) If, while a ship is at sea or at a foreign port, it becomes a ship entitled to be registered, the Registrar may, subject to the regulations, on application to the Registrar, issue a provisional registration certificate in respect of that ship in the prescribed form.

(2) If, while a ship is at a South African port, it becomes a ship entitled to be registered, the Registrar may, subject to the regulations, on application to him or her, if the Registrar is satisfied that it is the intention of the owner of the ship that the ship will depart from that port to a place outside the Republic, issue a provisional registration certificate in respect of that ship in the prescribed form.

(3) Subject to subsection (4), a provisional registration certificate issued in terms of this section must be regarded as a registration certificate until—

(a) in the case of a ship in respect of which a certificate was issued in terms of subsection (1) the—

(i) ship arrives at a South African port; or

(ii) expiration of a period of six months, calculated from the date on which the certificate was issued, whichever may occur first; or

(b) in the case of a ship in respect of which a certificate was issued in terms of subsection (2) the—

(i) ship returns from a place outside the Republic to a South African port; or

(ii) expiration of a period of six months, calculated from the date on which the certificate was issued, whichever may occur first.

(4) If, while a provisional registration certificate issued in terms of subsection (1) or (2) is valid, an application is made in the prescribed manner, the Registrar may by notice in writing served on the applicant extend the period referred to subsection (3)*(a)*(ii) or *(b)*(ii), as the case may be, and in that event the reference in the relevant provision to a period of six months must be regarded as a reference to such extended period.

(5) A person who has possession of a provisional registration certificate issued in terms of subsection (1) or (2) must lodge the certificate with the Registrar—

(a) if the certificate was issued in terms of subsection (1), within 10 days after the ship's arrival at a South African port; or

(b) if the certificate was issued in terms of subsection (2), within 10 days after the ship's return from a place outside the Republic to a South African port.

(6) On lodgement of a provisional registration certificate in terms of subsection (5), the Registrar may issue a further provisional registration certificate in respect of that ship.

(7) A provisional registration certificate issued in terms of subsection (6) must from the date on which it was issued, be regarded as a registration certificate for the period that the Registrar may determine in that certificate.

Provisional certificate not to be issued in certain circumstances

37. A provisional registration certificate may not be issued by a proper officer in terms of section 35(1), or by the Registrar in terms of section 36(1) or (2), unless the person who issues the certificate is satisfied that, at the time when he or she issues the certificate, an application for registration of the ship has been lodged with the Registrar and that the application has yet to be dealt with.

Temporary pass

38. (1) The Authority may direct the Registrar to issue a temporary pass in respect of an unregistered ship entitled to be registered if the Authority is satisfied that by reason of special circumstances permission should be granted for the ship to travel from—

(a) a South African port to a foreign port; or

(b) a foreign port to another foreign port or to a South African port.

(2) The Registrar must issue the pass contemplated in subsection (1) in the prescribed form and may determine in the pass the—

(a) voyage that the ship is authorised to make; and

(b) date of expiry of the pass.

(3) Subject to the matters that may be determined in the pass, a temporary pass issued in terms of this section must be regarded as a registration certificate.

Improper use of certificate

39. A person who, in relation to a ship, whether or not it is a registered ship, uses or permits the use of an invalid registration certificate, provisional registration certificate or temporary pass, is guilty of an offence.

Division 4

The Register

South African Ships Register

40. (1) The South African Ships Register established in terms of section 33 of the Ship Registration Act, continues to exist and is considered to be established in terms of this Act.

(2) All matters required or permitted by this Act to be entered in the Register must be so entered.

(3) The Register may be divided into parts so as to distinguish between classes or descriptions of ships or the services and trade they provide.

(4) The Register and copies of the Register, or of such part or parts of the Register that the Authority may direct, must be kept at the Registration Office or at the branch offices that the Authority may direct.

Access to Register

41. Any person may have access to the Register at any reasonable time during the hours when the Registration Office, or a branch office is open for business, and is entitled against payment of the prescribed fee to be furnished with a copy of or extract from any entry in the Register.

Obsolete or incorrect entries in Register

42. (1) The Registrar may, by notice in writing served on the registered agent or any owner of a ship, require the registered agent or any owner of a ship to furnish the Registrar within a period determined in the notice, but not less than 30 days after the date of service of the notice, with the information and documents relating to the ship that are determined in the notice, if—

(a) in respect of the particular ship, no entry or amendment of an entry has been made in the Register for the prescribed period;

(b) the Registrar has reason to suspect that—

(i) any particular entered in the Register in respect of that ship, other than particulars relating to a mortgage, are incorrect;

(ii) in respect of that ship, any notice, information or document in respect of which an entry in the Register is required by this Act to be made has not been lodged with the Registrar within the period contemplated in paragraph *(a)*; or

(iii) the ship has been either actually or constructively lost, taken by an enemy, burnt or broken up.

(2) If a person on whom a notice is served in terms of subsection (1)—

(a) fails to furnish the Registrar within the period determined in the notice with the information and documents determined in the notice; or

(b) furnishes information or documents that in the opinion of the Registrar justify the closure of the registration of the ship or the alteration of any entry made in the Register in respect of that ship,

the Registrar must inform the Authority of that failure or furnish the Authority with that information or those documents.

(3) If the Authority is of the opinion that the failure of a person to comply with a notice served on him or her in terms of subsection (1), or any information or document it was furnished with by the Registrar justifies further action, the Authority may by notice in writing give the Registrar the directions that it considers fit in respect of the closure of the registration of the ship or in respect of any entry or amendment of an entry to be made in the Register.

(4) The Registrar must comply with any direction given in terms of subsection (3) and, where the Authority directs the closure of the registration of the ship—

(a) if the Authority states in the direction that it is of the opinion that the ship has been either actually or constructively lost, taken by an enemy, burnt or broken up, the Registrar must make an entry in the Register of that statement, and the registration of the ship must be regarded as closed, except in so far as it relates to any unsatisfied mortgage of the ship; or

(b) in any case other than contemplated in paragraph *(a)*, the directions contemplated in subsection (3) must be regarded as a notice in terms of section 51(1)*(b)*, and section 51 is applicable.

Correction of clerical errors in Register

43. The Registrar may correct or cause to be corrected, without deleting, any clerical error or obvious mistake in the Register.

Rectification of Register

44. (1) In this section, 'court' means any division of the High Court within its area of jurisdiction.

(2) If an entry—

(a) is omitted from the Register;

(b) is made in the Register without sufficient cause;

(c) wrongly exists in the Register; or

(d) in the Register contains an error or defect,

whether or not by reason of a decision of an officer, including a decision that the officer was empowered in terms of this Act to make, any interested person or the

Registrar may apply to a court for rectification of the Register, and that court may make the order that it considers fit in respect of the rectification of the Register.

(3) Without prejudice to the generality of subsection (2)*(a)*, the reference in that provision to an entry omitted from the Register includes a reference to a matter that is required or permitted by this Act to be entered or to remain in the Register, but is not entered in or is removed from the Register.

(4) A court may in proceedings in terms of this section decide any question that is necessary or expedient to decide in connection with the rectification of the Register.

(5) Notice of an application in terms of this section by an interested person must be served on the Registrar, who must appear and be heard in court if so directed by the court.

(6) A copy of an order in terms of this section must be served on the Registrar, and on receipt of the order the Registrar must rectify the Register accordingly.

False entries in Register

45. No person may intentionally make a false entry or cause a false entry to be made in the Register.

Division 5

Private Law Provisions for registered ships

Private law matters

46. (1) Despite anything to the contrary in any other law, but subject to subsection (2), a registered ship or a share in a registered ship may not, after the coming into operation of this Act, be mortgaged by a bond registered in a deeds registry, and no bond so registered—

(a) before such coming into operation, shall, after the expiration of 60 days from such coming into operation; or

(b) after such coming into operation,

confer upon the mortgagee any preference against other creditors.

(2) The mortgagee under any bond by which a registered ship or a share in a registered ship is hypothecated and that is registered in a deeds registry at the coming into operation of this Act may produce to the Registrar within 60 days after such coming into operation or within any further period the Registrar may allow in special circumstances a copy of the duplicate original of the bond filed in the deeds registry certified by the registrar of deeds in charge of that registry; and the Registrar must thereupon record the mortgage in the Register, where after the provisions of this Act relating to the mortgage of ships and shares in ships apply in respect of that mortgage: Provided that for the purposes of item 10 of Schedule 1 the mortgage must be regarded to have been registered in the Register on the date on which and at the time at which the said bond was registered in the deeds registry.

(3) Whenever the Registrar records any mortgage in terms of subsection (2), he or she must send written notice thereof to the registrar of deeds in charge of the deeds registry in which the bond was registered, and on receipt of that notice the registrar must endorse on the duplicate original of the bond filed in the deeds registry the fact that the mortgage has been so recorded.

(4) Subsections (1), (2) and (3) do not apply in respect of any bond that is valid in accordance with the law of the state in which the ship is registered.

(5) Subject to subsection (6), a mortgage of a registered ship or of a share in a registered ship is considered to be a special mortgage as defined in section 2 of the Insolvency Act, 1936 (Act No. 24 of 1936), and ranks and is dealt with as if it were a mortgage bond hypothecating immovable property situate in the Republic.

(6) For the purposes of subsection (5)—

(a) 'mortgage', in relation to a ship or a share in a ship, means a registered mortgage executed and valid in accordance with the law of the state in which the ship is registered; and

(b) 'registered' includes being registered in terms of the law of another state.

(7) Subject to subsections (8) and (9), Schedule 1 applies in respect of—

(a) the creation, transfer, transmission or discharge of a mortgage of a ship or a share in a ship;

(b) the transfer or transmission of rights in a ship or a share in a ship; and

(c) any matter incidental to paragraphs *(a)* and *(b)*.

(8) Schedule 1 does not apply in respect of a ship excluded from its application by regulations made under Chapter 10.

(9) Schedule 1 and regulations made for the purposes of Schedule 1, or the provisions of the regulations made under Chapter 10, do not apply to ships registered in terms of section 23*(c)*, and any matter or question in respect of such ships corresponding to those provisions are determined by reference to the law of the state of primary registration.

Liability of person with beneficial interest

47. (1) A person who has a beneficial interest in any ship or a share in a ship which is registered in the name of another person as owner, will be liable, together with the registered owner for any pecuniary penalty imposed on the owners of registered ship in terms of the Shipping Acts or any other law.

(2) The Authority may institute civil proceedings for the enforcement of any such penalty against both the person so interested and the owner, or either of them, jointly or jointly and severally.

Division 6

General Provisions

Interpretation

48. In division 6, 'owner', except in sections 49 and 355, means—

(a) in relation to a ship registered in terms of section 23 *(a)* or *(b)*(i), the registered owner of the ship; and

(b) in relation to a ship registered in terms of section 23 *(b)* (ii) or *(c)*, the registered agent of the ship.

Registered agent

49. (1) The name and address of the registered agent of a registered ship must be entered into the Register.

(2) The registered agent of a ship must be—

(a) in the case of a ship referred to in section 23 (b)(ii), the operator or one of the operators of the ship;

(b) in the case of a ship referred to in section 23*(c)*, the charterer or one of the charterers of the ship;

(c) in the case of a ship without a managing owner, other than a ship referred to in paragraph *(a)* or *(b)*, the person or one of the persons who is a ship's agent in respect of the ship or a person managing the ship; or

(d) in any other case, the managing owner or one of the managing owners.

(3) If a change occurs in the person or the address of the registered agent, a notice of the change, containing the prescribed information, must be lodged with the Registrar within 14 days after the change has occurred—

(a) by the person whose name appears as the registered agent in the Register if that person is not the owner of the ship; or

(b) in any case other than paragraph *(a)*, the owner of the ship.

(4) A reference in subsections (1) and (3) to the address of a person is a reference to—

(a) in the case of a natural person—

(i) the address of the place in the Republic at which the person ordinarily resides; or

(ii) if the person does not ordinarily reside in the Republic, the address in the Republic to which all communications to that person should be sent in terms of subsection (5); or

(b) in the case of any other person, the address of the principal place of business of that person in the Republic.

(5) Any document required or permitted to be served in terms of the Shipping Acts, or required or permitted to be served in terms of any other law for the purpose of the institution of, or otherwise in connection with, proceedings for the contravention of any provision of the Shipping Acts, or in terms of any instrument in terms of those Acts, on the owner of a ship, must be regarded as duly served on that owner if—

(a) delivered to the registered agent;

(b) sent to the registered agent by post at the last address notified in terms of subsection (3); or

(c) left for the registered agent at the address contemplated in paragraph *(b)*.

Alterations to ship

50. If a registered ship has been altered to the extent that it no longer corresponds with the particulars relating to the ship's tonnage or description contained in the Register, the registered agent must give notice of the alteration to the Registrar in the prescribed manner and within the prescribed period, and the Registrar must, subject to sections 24 and 27, enter the alteration in the Register as

prescribed and issue a new registration certificate in respect of the ship as if the ship were not registered.

Ship lost or ceasing to be entitled to be registered

51. (1) If a registered ship—

(a) is either actually or constructively lost, taken by an enemy, burnt or broken up; or

(b) ceases to be entitled to be registered, the owner of the ship must, immediately after obtaining knowledge of the event, give notice of the event in writing to the Registrar.

(2) When the Registrar receives a notice contemplated in subsection (1), the Registrar must make an entry of the event to which the notice relates in the Register.

(3) Where an entry has been made in the Register in terms of subsection (2), the registration of the ship must be regarded as closed, except in so far as it relates to any unsatisfied mortgage of the ship.

(4) If a ship in respect of which the Registrar has received notice in terms of subsection (1) is subject to an unsatisfied mortgage—

(a) the registration of the ship, in so far as it relates to the mortgage, but subject to subsections (5) and (6), is not closed; and

(b) the Registrar must give notice in writing to each mortgagee that he or she has received notice in terms of subsection (1) of the event so referred to.

(5) Subject to subsection (6), where the Registrar gives notice in terms of subsection (4), the registration of the ship, in so far as it relates to the

mortgage, must be regarded as closed on the expiration of a period of 60 days after the date of the notice.

(6) If a mortgagee makes an application to a court within 60 days after the date of the notice in terms of subsection (4) or within the extended period that the court may allow, on application made either before or after the expiration of that period, the court may—

(a) order that the ship and the ship's equipment be sold;

(b) make any other order for and in respect of the distribution of the proceeds of the sale that the court considers fit; and

(c) make orders and give direction with respect to the closure of the registration of the ship that it deems fit, including, in the case of an application for an extension of time, an order that the registration may not be regarded as closed for the period that the court may determine.

(7) Notice of an application made in terms of subsection (6), including an application for an extension of time, must be served on the Registrar.

(8) An order in terms of subsection (6) may be on the terms and conditions as to costs and otherwise that the court considers fit.

(9) The Registrar must give effect to any order or direction given by the court in terms of this section in so far as such order relates to the Register.

(10) Where the registration of a ship is closed or regarded as closed in terms of this section, the person having possession of the registration certificate or provisional registration certificate relating to that ship must deliver the certificate to the Registrar or a proper officer in accordance with the regulations.

Power to remove ship from Register

52. (1) Where the Authority—

(a) has reason to suspect that a registered ship is not entitled to be registered;

(b) is satisfied that a registered ship has contravened the prescribed conditions of registration; or

(c) is satisfied that, having regard to the matters referred to in section 25(1), it would be inappropriate for a registered ship to continue to be registered,

it may serve a notice in terms of subsection (2) on the registered agent of the ship.

(2) A notice contemplated in subsection (1) must state that the Authority—

(a) is not satisfied that the ship in question is entitled to be registered or to continue to be registered, as the case may be; and

(b) intends on the expiration of a period of 30 days after the date of service of the notice to direct that the ship's registration be closed, unless it is satisfied that it would be inappropriate to do so in view of representations that may be made to it by the registered agent within that period.

(3) If, after consideration of the representations contemplated in subsection (2), the Authority is of the opinion that the ship should be deregistered, the Authority must deregister that ship and the provisions of section 51 applies with the necessary changes that the context may require.

Unregistered ship entitled to be registered not to leave Republic

53. (1) An unregistered ship entitled to be registered may not depart from a South African port to a place outside the Republic.

(2) The master of a ship that departs from a South African port in contravention of subsection (1), and any owner of that ship who orders or permits such departure, are each guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years.

(3) A customs officer may not grant a clearance in respect of an unregistered ship entitled to be registered, that is about to depart from a South African port to a place outside the Republic.

(4) Subsections (1) and (3) do not apply to a prescribed ship, or a ship of a prescribed class or description.

Unregistered ship entitled to be registered not to leave foreign port

54. (1) Where an unregistered ship entitled to be registered is at a foreign port at which there is a proper officer, the ship may not depart from that port on a voyage unless and until a registration certificate, provisional registration certificate or temporary pass is issued in respect of that ship.

(2) The master of a ship that departs from a foreign port in contravention of subsection (1) and any owner of that ship who orders or permits such departure are each guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years.

(3) Subsection (1) does not apply to a prescribed ship, or a ship of a prescribed class or description.

Effects of non-registration

55. (1) A ship contemplated in section 53(2) or 54(2)—

(a) is not recognised as a South African ship; and

(b) is not entitled to any benefit, privilege, advantage or protection usually enjoyed by a registered ship.

(2) A ship to which subsection (1) applies, is dealt with in the same manner as if the ship were registered for the purposes of any law providing for—

(a) the payment of levies, fees or other charges;

(b) the liability for fines, detention and forfeiture; and

(c) the punishment of offences committed on board a ship or by any person belonging to a ship.

Notice to consular representative

56. If any foreign ship is detained in terms of this Act, or if any criminal proceedings are instituted in terms of this Act against the master or owner of any foreign ship, notice must forthwith be served by the Authority on the consular representative of the flag state at or nearest to the port where the ship is for the time being, and such notice must state the grounds on which the ship has been detained or the proceedings have been taken.

Forfeiture

57. (1) In this section, 'officer' means—

(a) an officer of the Authority appointed in writing to be an officer for the purposes of this section;

(b) a member of the South African Police Service; or

(c) a member of the South African National Defence Force.

(2) Where a ship is subject to forfeiture in terms of this Act, the Authority may seize and detain the ship and the Minister may apply to a court for an order contemplated in subsection (3).

(3) On application being made in terms of subsection (2), the court may order a ship and its equipment to be forfeited to the State.

(4) Anything forfeited in terms of this section becomes the property of the State and may be sold or otherwise dealt with as the Minister considers fit.

(5) Notwithstanding the provisions of this section, the provisions of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998) must apply to any forfeiture which is permitted in terms of that Act.

Detention of ships

58. (1) Where provision is made in this Act for the detention of a ship, the ship may be detained by the Authority.

(2) Where a ship detained in terms of this Act goes to sea before it is released from detention by the Authority, the master and any owner of that ship who orders or permits such action are each guilty of an offence.

(3) A customs officer may not grant a clearance in respect of a ship that is detained in terms of this Act.

Co-operation with officials

59. (1) If an officer is taken to sea in a ship without his or her consent, the master, and any owner of the relevant ship who orders or permits such action, are each guilty of an offence and, in addition to any penalty for that offence, are jointly and severally liable to pay all expenses incidental to the officer's return.

(2) The master and each member of the crew of any ship must—

(a) immediately comply with any lawful instruction given or request made by an officer and must facilitate safe boarding and inspection of the ship; and

(b) take all measures to ensure the safety of an officer in the performance of his or her duties.

False statements

60. (1) A person is guilty of an offence if that person —

(a) by means of a statement that he or she knows to be false or misleading; or

(b) by means of a document that to his or her knowledge contains information that is false or misleading, causes or attempts to cause an officer to do or refrain from doing any act or thing in the exercise of the officer’s powers or the performance of the officer’s duties in terms of this Act.

(2) No person may—

(a) make a statement to an officer, whether orally or in writing; or

(b) present a statement in writing to an officer,

knowing it to be false or misleading in a material aspect.

(3) For the purposes of the application of this section in respect of a body corporate, but without prejudice to the liability of any person other than the body corporate—

(a) a statement made or presented or otherwise used by a person acting on behalf of a body corporate is considered to have been made, presented or otherwise used by the body corporate; and

(b) the knowledge of any person employed by or concerned in the management of a body corporate is considered to be knowledge of the body corporate.

Part 2

Tonnage

Tonnage once ascertained to be tonnage of ship

61. (1) Whenever the tonnage of a ship has been ascertained and recorded in accordance with this Act, that tonnage must be the tonnage of the ship.

(2) In the event that —

(a) any alteration is made in the form or capacity of the ship;

or

(b) it is discovered that the tonnage of the ship has been erroneously computed,

the ship must be resurveyed, and her tonnage re-determined in accordance with this Act.

Tonnage of ships of other countries

62. (1) Whenever the Minister is satisfied that provisions substantially the same as those of this Act relating to the measurement of the tonnage of ships are in force in any other country, the Minister may, by notice in the *Gazette,* direct that ships registered in that country must without being resurveyed in the Republic be presumed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry of a South African ship is presumed to be the tonnage of that ship, and that the space shown by the certificate of registry or other national papers of any ship registered in such other country, as deducted from tonnage on account of being occupied by seafarers and appropriated to their use, must for the purpose of determining her tonnage be presumed to have been certified by a surveyor under section 268 to comply with those of the provisions of this Act which apply to such a space in the case of a South African ship.

(2) Whenever the Minister has given any such direction as is mentioned in subsection (1), the presumptions referred to must apply in respect of any ship registered in the country to which the direction relates.

(3) If any question arises as to whether the tonnage of any ship registered in any country to which any such direction relates, as denoted in her certificate of registry or other national papers, materially differs from that which would be her tonnage if measured under this Act, or as to whether the construction and the equipment of any ship so registered as regards the said space do for the purpose of determining the tonnage of the ship conform to the standards required under this Act, the Authority may direct that a surveyor inspect the ship.

(4) If from the report of a surveyor so directed to inspect a ship it appears to the Authority that the tonnage of that ship, as so denoted, materially differs from that which would be her tonnage if measured under this Act or that her construction and equipment as regards the said space do not, for the purpose of determining her tonnage conform to the said standards, or if for any reason it appears to the Authority that the tonnage of any ship so registered has been erroneously computed, the Authority may order that, notwithstanding any direction for the time being in force under this section, that ship or any ship registered in the country to which the direction relates must, for all or any of the purposes of this Act or the Ship Registration Act, be surveyed in accordance with this Act.

Part 3

Licensing of Vessels

Application of Part 3

63. (1) Part 3 applies to all South African owned ships engaged in coastwise traffic.

(2) Part 3, with the exception of section 64 (1), do not apply to any vessel—

(a) if the vessel is entitled to be registered in the Republic in terms of section 23 *(a)* or *(b)*;

(b) of less than 100 gross tons used solely for sport or recreation.

Prohibition on coastwise traffic

64. (1) No ship, other than a South African owned ship referred to in section 14(1) *(c)*, is permitted to engage in coastwise traffic.

(2) No coastal cargo is to be carried on a ship other than a South African owned ship referred to in section 14(1)*(c)*.

Certain vessels to be licensed

65. (1) The owner or the master of—

(a) a South African owned ship engaged in coastwise traffic; or

(b) a prescribed ship, must be in possession of a coastal ship licence issued to the owner or master in terms of this Act by the Authority.

(2) An application for a coastal ship licence in terms of subsection (1), must be made in the prescribed form and be accompanied by the prescribed documents and fees.

Renewal of coastal ship licence

66. (1) The owner or master of any vessel which in terms of section 65 is required to be licensed, and in respect of which a coastal ship licence has been issued, must before or at the expiration of the period for which the coastal ship licence was issued or renewed, apply to the Authority for a renewal thereof.

(2) The provisions of section 65 (2) must apply, with the necessary changes required by the context, to any application for the renewal of a coastal ship licence.

Issue and period of validity of coastal ship licence

67. (1) The Authority shall issue a coastal ship licence in the prescribed form and subject to such conditions as may be prescribed.

(2) A coastal ship licence issued under this Part shall be valid for a minimum period of 10 years calculated from the date of issue unless such coastal ship licence is cancelled in terms of section 68.

Cancellation of coastal ship licence

68. (1) If the Authority is satisfied that a coastal ship licence issued under this Act was obtained fraudulently or on wrong information the Authority may cancel the coastal ship licence.

(2) If by reason of the contents of a report by a surveyor, or for any other reason, the Authority is satisfied that—

(a) material alterations which affect the seaworthiness of a coastal ship licence vessel which has been licensed under this Act have taken place since the coastal ship licence was issued;

(b) the lifesaving appliances have not been maintained on such coastal ship licence vessel in an effective condition; or

(c) the master of such a coastal ship licence vessel is not a fit and proper person to operate the coastal ship licence vessel,

the Authority may —

(i) cause the coastal ship licence vessel to be detained;

(ii) direct that the deficiency or other cause for the detention of the coastal ship licence vessel be remedied; and

(iii) suspend the coastal ship licence.

(3) If the Authority is satisfied that —

(a) the deficiency or other cause for the detention of the coastal ship licence vessel is remedied, the Authority may re-instate the coastal ship licence; or

(b) after due notice, the directions of the Authority are not complied with, the coastal ship licence must be cancelled.

Unlicensed vessels not to be used

69. No person shall use a coastal ship licence vessel which in terms of section 65 is required to be licensed, for any purpose whatsoever, unless the owner or master of the coastal ship licence vessel holds a valid and current coastal ship licence issued in respect thereof.

Measures to support South African ship ownership

70. The Minister, in consultation with the Ministers responsible for trade and industry, Mineral Resources and National Treasury, must identify existing programmes and interventions to be utilised and extended or recommend the development of new programmes to support and promote South African ship ownership.

Part 4

Notification of Intention to Build Vessel

Notification of intention to build vessel

71. (1) A person who, after commencement of this Act, intends to build a vessel which, when completed must be registered or licensed in the Republic, must, before beginning to build the vessel, furnish to the Authority such written particulars of the vessel as may be prescribed.

(2) The person on whose account a vessel is built, is for the purposes of subsection (1), considered to have built that vessel.

CHAPTER 4

SEAFARERS

Part 1

Application

Application of Chapter 4

72. (1) This Chapter applies to every South African ship wherever it may be and the owner who for the purposes of this section is deemed an employer of and seafarers employed on such ship.

(2) Part 4 applies to every ship referred to in subsection (1) and every ship registered under the law of a country other than South Africa, to which the STCW Convention applies which calls at any port in South Africa.

(3) If there is a collective agreement in place between employers and seafarers of fishing vessels which provides for wages and other conditions of employment agreed to under a registered bargaining council or statutory council in terms of the Labour Relations Act, then the terms of that agreement apply to the employment of the seafarer concerned.

(4) The provisions of this Chapter that are not provided for in the collective agreement referred to in subsection (3) continue to apply to the employers and seafarers who are party to that collective agreement.

Part 2

Application of Labour Laws to Seafarers

Application of Basic Conditions of Employment Act

73. (1) The provisions of the Basic Conditions of Employment Act, except section 41 of that Act, do not apply to this Chapter except to the extent which may be provided for in a sectoral determination under that Act.

(2) Any sectoral determination under the Basic Conditions of Employment Act, which is binding in respect of seafarers employed on board any—

(a) South African ship; or

(b) ship which is not registered in the Republic and which is wholly engaged in plying between ports in the Republic, while that ship is in the Republic, must be binding in respect of such seafarers while that ship is outside the Republic.

(3) The Minister may prescribe the minimum conditions of employment to apply to a —

(a) coastal ship licence vessel;

(b) South African owned ship; and

(c) South African registered ship, including special conditions of employment that relate to female seafarers, the normal hours of work and the hours of rest.

Application of Labour Relations Act

74. (1) *(a)* Save to the extent provided in this section, nothing in this Act must affect the application of the provisions of the Labour Relations Act to seafarers in respect of their employment on any South African ship irrespective of—

(i) where the agreement was concluded;

(ii) any contractual terms to the contrary;

(iii) where the employer resides; or

(iv) where the work is performed.

(b) The Commission for Conciliation, Mediation and Arbitration and the Labour Court must have jurisdiction, as provided in the Labour Relations Act, in respect of seafarers employed on South African ships.

(2) To the extent to which any provision of this Act which, but for the provisions of this section, would apply to a seafarer is inconsistent with any agreement or award under the Labour Relations Act, which is binding in respect of those seafarers, the provisions of this Act referred to must not apply in respect of those seafarers.

(3) Any agreement or award under the Labour Relations Act, which is binding in respect of any seafarers employed on board any—

(a) South African ship; or

(b) ship which is not registered in the Republic and which is wholly engaged in plying between ports in the Republic, while that ship is in the Republic, must be binding in respect of such seafarers while that ship is outside the Republic.

(4) Notwithstanding any provision to the contrary in the Labour Relations Act, the following provisions must apply to a seafarer employed on a South African ship, as well as to a seafarer employed on a ship which is not registered in the Republic, but which is wholly engaged in plying between ports in the Republic while in the Republic:

(a) A seafarer must only be permitted to participate in or support any form of strike while on board a ship if the ship is safely moored at a safe berth and there is no risk of the strike endangering the ship or the lives of the crew on board that ship;

(b) any seafarer who supports or participates in a strike in the manner as permitted in this subsection shall not be guilty of any offence in terms of this Act merely by reason of the fact that he or she has taken part in such strike;

(c) watchkeeping personnel indicated in the prescribed safe manning document are considered to render an essential service and are precluded from participating in a strike;

(d) a fixed term contract, regardless of the duration thereof, must be permissible in respect of a seafarer employed in terms of this Chapter; and

(e) the provisions of section 186(1) *(b)* of the Labour Relations Act must not be applicable to seafarers employed in terms of this Chapter.

Application of Occupational Health and Safety Act

75. (1) The Minister must prescribe minimum occupational health and safety standards to apply on a ship regulated in terms of this Act.

(2) The Occupational Health and Safety Act does not apply to any owner, master or seafarer engaged or employed on a ship or to any ship regulated in terms of this Act, other than as may be prescribed.

Application of Compensation for Occupational Injuries and Diseases Act

76. (1) No provision in this Chapter relating to the compensation of a seafarer for an injury sustained within the ambit of this Chapter must deprive that seafarer of any right to compensation to which he or she may be entitled in terms of Part 18 of this Chapter or the Compensation for Occupational Injuries and Diseases Act—

(a) for temporary partial disablement or temporary total disablement in respect of any period for which he or she has not been paid wages in terms of this section;

(b) for permanent disablement; or

(c) serious disfigurement.

(2) A seafarer is not entitled to receive any compensation under Part 18 of this Chapter or the Compensation for Occupational Injuries and Diseases Act, for temporary partial disablement or temporary total disablement in respect of any period for which he or she has been paid wages in terms of this section; but his

or her employer who has paid such wages to him or her for that period must, if he or she has paid all assessments for the payment of which he or she is liable under that Act, be entitled to recover under Part 18 of this Chapter or that Act, an amount equal to the compensation that would, but for the provisions of this section, have been payable to the seafarer under part 18 of this Chapter or that Act in respect of that period.

Part 3

Cadets

Cadets

77. (1) No person must be engaged as a cadet on board any South African ship unless he or she—

(a) is a South African citizen;

(b) has attained the age of 16 years;

(c) has passed the prescribed colour and form vision tests;

(d) has been certified physically fit for the sea service by a medical practitioner approved by the Authority; and

(e) has obtained an undertaking from the master of the ship to train him or her or cause him or her to be trained in navigation and as a seafarer or in engineering and in the duties of a ship's officer.

(2) No crew agreement may be signed by the owner or master of any South African ship for the engagement of a person as a cadet unless that person complies with the provisions of subsection (1).

(3) The Minister may prescribe training and certification requirements pertaining to cadets.

Prohibition on number of cadets to be engaged

78. No person must engage or permit cadets to serve on board a South African ship in excess of the prescribed number.

Part 4

Manning, training and certification

Manning of ships

79. (1) Subject to the provisions of this Part, the owner and the master of every ship to which this Chapter applies, must ensure that the ship has a sufficient number of seafarers on board to ensure that she is operated safely, efficiently and with due regard to security as prescribed and that seafarers are duly certificated as prescribed or considered to be so certificated and are employed in their appropriate capacities.

(2) An unmanned ship defined as prescribed, must not be required to comply with the provisions of this Act relating to seafarers.

(3) The owner and the master of every coasting ship engaged in coastal traffic contemplated in Part 3 of Chapter 3 must ensure that, in addition to the requirements in subsection (1), the seafarers employed on board that ship are South

African nationals as defined in paragraph *(a)* of the definition of "South African national" as contemplated in section 1.

Prohibition of going to sea undermanned

80. No owner or master of a ship to which this Chapter applies must cause that ship to go to sea or attempt to go to sea without carrying the number of officers and other persons as required under section 79(1) or a notice issued in terms of section 140.

Unqualified seafarers going to sea

81. (1) No person must go to sea as a certificated officer or rating of any description unless he or she is the holder of a certificate issued in terms of section 82.

(2) No owner or master of a ship must employ any person as an officer or rating unless he or she has satisfied himself that the person is the holder of a certificate issued in terms of section 82.

Certificate of competency and certificate of proficiency

82. (1) No person must go to sea as a—

(a) master of a ship to which this Part applies, unless he or she is the holder of a valid certificate of competency;

(b) officer of a ship to which this Part applies, unless he or she is the holder of a valid certificate of competency; or

(c) rating of a ship to which this Part applies, unless he or she is the holder of a valid certificate of proficiency, issued in terms of this Act.

(2) A certificate issued in terms of subsection (1) *(a)* or *(b)* must be of a grade appropriate to the ship in which the master or officer is employed and to his or her station in the ship, or of a higher grade.

(3) Whenever the question arises whether any certificate is of a higher grade than any other certificate, that question must be determined by the Authority, in accordance with the regulations relative thereto, if any.

Production of certificate or other document

83. (1) Any person employed or engaged to serve in any ship to which this Part applies who holds a certificate or other document which is evidence that he or she is qualified for the purposes of section 82 must, on demand, produce the certificate or other document to the Authority, any surveyor of ships or proper officer and, if he or she is not himself or herself the master, to the master of the ship.

(2) The master of a ship to which this Part applies must produce to the functionary from whom he or she requests a clearance for the ship, the certificates of competency and proficiency which the master, officers and other persons on board the ship are required to hold under section 82.

Authority may vary requirements as to certificates

84. Notwithstanding the provisions of section 79, the Authority may, in its discretion and for such periods and under such conditions as it may specify if it is satisfied that no suitable holder of a certificate of the required grade and granted under this Act or referred to in section 85 is available, permit a South African ship to go to sea from any port whatsoever or a ship other than a South African ship to go to sea from a port in the Republic without the prescribed number of certificated officers or other persons, and while any such permission remains in force any person who acts in terms thereof must not, if the conditions under which it was granted are complied with, be considered to have contravened the provisions of section 79.

Certificates granted by competent foreign authorities

85. (1) A master or a ship's officer who holds a valid certificate of competency granted to him or her by a competent authority in another country must not be engaged as such on a South African ship, except as authorised under subsection (2) or as prescribed and while any such authorisation remains in force, and if the conditions under which it was granted are complied with, the person so engaged must be considered duly certificated under this Act in respect of such ship, provided his or her certificate is of a grade appropriate to his or her station in such ship, or of a higher grade.

(2) If the Authority is satisfied that a certificate referred to in subsection (1) is of corresponding value to any certificate of competency granted

under this Act, the Authority may, with or without conditions, permit the engagement on a South African ship of a person who is the holder of such a certificate, and who has knowledge of a language sufficient to enable him or her to communicate effectively in the performance of his or her duties, or to communicate bridge to bridge or bridge to shore if such communication is part of his or her duties.

(3) If an agreement has been entered into between the Authority and one or more foreign authorities recognising that a certificate referred to in subsection (1), which has been issued by such foreign authority, is of corresponding value to any certificate of competency granted under this Act, the Authority must, with or without conditions, permit the engagement on a South African Ship of a person who is the holder of such a certificate, and who possesses knowledge of a language sufficient to enable him or her to communicate effectively in the performance of his or her duties, or to communicate from bride to bridge or bridge to shore if such communication is part of his or her duties.

(4) Subsections (1), (2) and (3) do not apply to any coastal ship licence vessel engaged in coastal traffic.

Cancellation and suspension of certificates

86. (1) Notwithstanding anything contained in this Act, the Authority may cancel or suspend a certificate of competency, service or qualification, after following the prescribed due process if —

(a) the holder has been convicted of any offence and sentenced to imprisonment without the option of a fine, or has been convicted of any offence under this Act; or

(b) any court in any country, the Commission for Conciliation, Mediation and Arbitration or a bargaining council in the Republic has found that the holder breached a provision of the Act or intentionally or negligently failed to perform his or her duties as a Master or seafarer; or

(c) the holder obtained the certificate on erroneous information.

(2) An owner of a South African ship who is aware of a conviction, finding or circumstance contemplated in subsection (1), is required to report such to the Authority together with any available evidence.

Part 5

Employment of Seafarers

Medical examination of crew prior to engagement

87. (1) The master of a South African ship must not employ a seafarer unless a medical certificate referred to in subsection (2) is submitted by or on behalf of a seafarer to the master.

(2) A medical certificate referred to in subsection (1) must —

(a) be signed by a medical practitioner approved by the Authority;

(b) indicate that the seafarer has been examined in the prescribed manner by that medical examiner and found to comply with the prescribed medical standards; and

(c) be valid for the prescribed period.

(3) If required to do so by the Authority, the master must produce the medical certificate referred to in subsection (1), and if the master fails to do so, the Authority may refuse to permit the employment of the seafarer concerned.

(4) The Authority may on the ground of urgency authorise the employment of a seafarer for a single voyage or for the prescribed period, notwithstanding the fact that a medical certificate has not been submitted to the master as required by subsection (1).

(5) Any medical examination for the purpose of this section must be at the expense of the owner of the ship concerned and any subsequent medical examination taken by the seafarer due to the fact that he or she did not obtain the medical certificate on the initial medical examination, must be at the expense of the seafarer.

(6) The provisions of this section must apply, with the changes required by the context, to the engagement of a master.

Role of Authority

88. The Authority may refuse to allow the employment of a seafarer who—

(a) has not completed any period of prescribed pre-sea training; or

(b) does not possess knowledge of a language sufficient to enable him or her to understand fully any necessary orders given to him or her in that language in the performance of his or her duties, or to communicate ship to shore or bridge to shore if such communication is part of his or her duties.

Crew agreement

89. (1) No person must be employed as a seafarer on any South African ship unless he or she enters into a crew agreement relating to that South African ship as contemplated in this Part.

(2) The master of every South African ship must conclude a crew agreement with every seafarer whom he or she employs to serve on that ship, on behalf of the employer provided that the proper office may refuse to allow the engagement of the seafarer.

(3) The owner or master of a South African ship must not take the ship to sea or cause or permit another person to take that ship to sea, if a crew agreement is not in force in relation to every seafarer on board.

(4) The crew agreement may be a separate contract concluded with each seafarer individually or a collective crew agreement concluded with all seafarers jointly, the crew agreement must contain provisions for health and social security protection benefits.

(5) The amount of seafarer entitlement to annual leave or where applicable, the formula used for calculating the annual leave and the remuneration payable during that period of leave.

(6) The agreement should include wages which the seafarer is to receive, and which must include particulars of the basic wages to be paid, payment to be made for overtime, bonuses, allowances paid, paid leave or any other

additional payments, or in the case of fishing vessels the basic daily rate and commission scales.

(7) If the master of a South African ship engages a seafarer and there is a valid collective agreement in existence in respect of that ship, the master must, notwithstanding that collective agreement, enter into a separate agreement with that seafarer.

(8) The crew agreement must be in the prescribed form and comply with the prescribed requirements.

(9) The owner or master of every South African ship must provide each seafarer with a copy of the applicable crew agreement as soon as practicable after the conclusion thereof but no later than when that seafarer joins the vessel.

(10) No person must—

(a) fraudulently alter a crew agreement;

(b) make a false entry in a crew agreement; or

(c) give a false copy of a crew agreement to another person.

Certificate as to crew agreement relating to foreign-going South African ship

90. The master of a foreign-going South African ship must issue a certificate indicating that—

(a) a crew agreement has been duly concluded with the crew of that ship; or

(b) in the case of a collective crew agreement, he or she has complied with the prescribed provisions.

Production of certificate as to crew agreement relating to foreign-going South African ship to customs officer

91. The master of a foreign-going South African ship must before proceeding to sea from a port in the Republic produce to the customs officer, if that officer should so require, the certificate referred to in section 90, and any such ship may be detained until the certificate is so produced.

Surrender of certificate as to crew agreement

92. The owner or master of a South African ship, including a coasting ship and fishing vessel must hand over a crew agreement that has expired in accordance with the prescribed requirements.

Crew list and changes in complement of seafarers

93. (1) The owner or master of a South African ship must, at all times, keep a full and accurate crew list specifying details of, and such details of changes in the complement of the ship's seafarers.

(2) The crew list must contain the full names, ages, gender, and places of birth of all the crew, including the master their ratings on board, their last ships or other employments and the dated and places of their joining the ship.

(2) The master must provide the Authority with a copy of the crew list prior to departure in the manner determined by the Authority.

(3) If a South African ship is lost or abandoned, the master or owner thereof must, as soon as possible, deliver or transmit to the Authority the list of the crew, duly made out to the time of the loss or abandonment.

Prohibition of employment of children

94. The owner or master of a South African ship engaged in coastwise traffic must not employ, permit to be employed or retain the employment of any child under the age of 18 years in any capacity on board the ship.

Work of young person

95. (1) The owner or master of a South African ship must not permit a young person to perform any work—

(a) that is inappropriate for a person of that age;

(b) that places the young person's well-being, education, physical or mental health, or spiritual, moral or social development at risk; and

(c) at night unless—

(i) such work is on a school-ship or training-ship, if the work is of a kind approved by the Authority and is carried on subject to supervision by officers approved or appointed by it;

(ii) the effective training of the young person concerned would be impaired if he or she did not work at night; or

(iii) the specific nature of the training requires that the young person must perform duties at night.

(2) The guardian of a young person must not cause or permit the young person to work in contravention of the terms of this section.

(3) The Minister may prescribe any matter pertaining to the work of young persons.

Part 6

Wages

Application of Part 6

96. This Part does not apply to any owner or master of and a seafarer employed on a South African ship if that owner, master and seafarer has concluded an agreement in terms of which that seafarer must be wholly compensated by a share in the profits earned by the employment of that ship.

Payment of wages

97. (1) An owner of a South African ship must pay a seafarer employed by him or her the wages agreed on—

(a) in money in South African currency; or

(b) in money in a foreign currency at the prescribed rate of exchange; and

(c) in cash to the seafarer, by direct deposit or electronic fund transfer into a bank account designated by the seafarer or by allotment note.

(2) The owner or master of a South African ship must not pay or agree to pay in advance to or on account of any seafarer in respect of wages an amount in excess of one month's wages.

(3) Any agreement for the payment in advance of wages to or on account of any seafarer in contravention of subsection (2) is void, and any money paid pursuant to any such agreement must not be deducted from the seafarer's wages, and no person must have any right of action or setoff against the seafarer or his or her assignee in respect of any money so paid.

(4) A seafarer is entitled to claim wages for any period during which the seafarer has not performed his or her duties if he or she was incapable of doing so by reason of illness or injury, unless the contrary is proved.

(5) The circumstances under which a seafarer of a South African ship is not entitled to wages must be prescribed.

Allotment notes

98. (1) Subject to the provisions of this section a seafarer engaged on a South African ship may before the commencement of a voyage make stipulations for the payment during his or her absence by means of an allotment note to a near relative or a savings bank or a body engaged in the promotion of the welfare of seafarers and registered under the advisory board on Social Development Act 2001 act 3 of 2001 of any portion of the wages which he or she may earn during the voyage.

(2) Allotment notes may provide for any portion or all of a seafarer wages to any person designated by him or her to be a recipient of such wages or part thereof..

(3) The master, owner or authorized agent of the owner shall bear the costs incurred in effecting payment of the allotment of all or part of a seafarer's wages.

(2) A person to whom any part of a seafarer's wages has been allotted by an allotment note issued in terms of subsection (1) must have the right to recover that part in his or her own name and for that purpose must have the same remedies as the seafarer has for the recovery of his or her wages.

(3) In any proceedings brought by a person named in such an allotment note as the person to whom any part of a seafarer's wages has been allotted, it must be construed, unless the contrary is shown, that the seafarer is entitled to the wages specified in the note and that the allotment has not been varied or cancelled.

Rights to wages and provisions and when such are to commence

99. The rights of a seafarer of a South African ship to wages and provisions must begin either at the time at which he or she commences work or at the time specified in the crew agreement, for his or her commencement of work or presence on board, whichever happens first.

Payment advice

100. (1) The master or the owner of a South African ship must provide each seafarer employed on that ship with a payment advice which must contain a full and true account of the seafarer's wages in a form approved by the Authority.

(2) The frequency of providing a payment advice must be at least every 30 days or as may be agreed in the crew agreement, which agreement must require a payment advice at least every 30 days.

(3) The contents of a payment advice must be prescribed.

Deductions and reduction in wages

101. (1) A deduction from the wages of a seafarer employed on a South African ship is only permitted if it is—

(a) included in a payment advice referred to in section 100; or

(b) deducted in terms of this section.

(2) If a limit on the amount of deductions which may be made has been prescribed, that amount may not be exceeded during the period provided for.

(3) The master of the ship must keep a record of deductions and reductions as prescribed.

Payment of wages upon termination of employment of seafarer and settlement of wages

102. The time of payment and the amount of wages in the case of a seafarer whose employment on a foreign-going South African ship is completed or terminated or time of payment of wages of a seafarer who is discharged from a coasting ship or a fishing vessel and the process for the settlement of wages must be concluded within 30 days or as agreed in the crew agreement.

Agreement to forfeit lien for wages is void

103. A seafarer of a South African ship must not by agreement forfeit his or her lien on the ship for his or her wages, or be deprived of any remedy for the recovery of wages to which in the absence of the agreement he or she would be entitled, or abandon his or her right to wages in the case of the loss of the ship and every stipulation in any crew agreement inconsistent with the provisions of this section is void.

Restrictions on assignment of wages

104. (1) The following provisions apply to wages due or to become due to a seafarer of a South African ship:

(a) It is not liable to attachment or subjected to any form of execution under a judgment or order of any court;

(b) an assignment or hypothecation thereof does not bind the person making the same;

(c) a power of attorney or authority for the receipt thereof is not irrevocable; and

(d) a payment of wages to a seafarer must be valid in law, notwithstanding any previous assignment or hypothecation of those wages, or any attachment of or execution upon those wages.

(2) Nothing in this section affects the provisions of this Act regarding allotment notes or those of section 415 of this Act or those of sections 99 and 100 of the Income Tax Act, 1962 (Act No. 58 of 1962).

Wages not to depend on freight

105. The right to wages does not depend on the earning of freight, and every seafarer of a South African ship who would be entitled to demand and recover wages if the ship in which he or she has served had earned freight is, subject to all other laws and conditions applicable, entitled to recover the wages notwithstanding that freight has not been earned.

Wages when employment terminated before date of termination in crew agreement

106. (1) If in the prescribed circumstances, the employment of a seafarer of a South African ship is terminated before the date contemplated in the crew agreement, the seafarer is entitled to receive wages at the rate provided in the crew

agreement for the period from the date his or her services are so terminated until he or she is returned to and arrives at a proper return port.

(2) The minimum and maximum period for which the seafarer is entitled to receive wages and the circumstances in which he or she is not entitled to receive the maximum or minimum wages, must be prescribed.

Compensation in event of loss of seafarer's property

107. A seafarer who suffers a loss of any or all of his or her property on board the ship on which he or she is employed by reason of the wreck, loss, abandonment, flooding, stranding, fire on board or collision of that ship, is entitled, as prescribed, to compensation from the owner of the ship for such loss.

Compensation to a seafarer improperly discharged

108. If a seafarer of a South African ship is discharged otherwise than in accordance with the terms of the crew agreement—

(a) before the commencement of the voyage; or

(b) before one month's wages are earned, without fault on his or her part justifying that discharge and without his or her consent,

the seafarer is, without prejudice to his or her rights under the Labour Relations Act, entitled to receive from the owner or master, in addition to any wages which he or she may have earned, compensation not exceeding one month's wages for any damage caused to him or her by the discharge, and may recover that compensation as if it were wages duly earned.

Rights, remedies and liens of master

109. (1) The master of a South African ship has the same rights, liens and remedies for the recovery of his or her wages as a seafarer has under this Part or by any law or custom.

(2) The master of a South African ship has the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him or her on account of the ship as a master has for the recovery of his or her wages.

(3) If in any proceedings in any court hearing the claim of a master in respect of wages or of disbursements or liabilities properly made or incurred on account of the ship any right of setoff or counterclaim is set up, the court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and may direct payment of any balance found to be due.

Part 7

Other Conditions of Service

Entitlement to leave

110. Every seafarer employed on a South African ship is entitled to leave accrued at the rate of at least 2.5 days per month of employment except in the case of a seafarer employed on board a fishing vessel.

A seafarer employed on board a fishing vessel is entitled to leave as stipulated in an agreement concluded with a registered bargaining or statutory council.

Leave commences when the seafarer arrives at his or her proper return port.

In this section month means a period of 30 days , and includes Saturdays, Sundays and public holiday, as defined in section 1 of the Public Holidays Act , 1994 act no. 86 of 1994

Part 8

Repatriation and Discharge of and Desertion by Seafarers

Repatriation of seafarers whose service terminates elsewhere than at proper return port

111. (1) For the purposes of this section "repatriation" means to make provision for the maintenance of the seafarer according to his or her rank or rating, and for the return of that seafarer to a proper return port.

(2) A seafarer employed on a South African ship must be repatriated at the cost of the owner of that ship in the following circumstances:

(a) If the seafarer's crew agreement expires while the ship is not in the Republic;

(b) if the seafarer's crew agreement is terminated by the owner or the seafarer and the termination is a valid termination; or

(c) if the seafarer is no longer able to carry out his or her duties under their crew agreement or circumstances are present that prevents the seafarer from carrying out his or her duties.

(3) An owner of a South African ship must not—

(a) require any seafarer to contribute in advance to the cost of repatriation at the commencement of the crew agreement; or

(b) deduct the cost of repatriation from the seafarer's wages or other entitlements, unless the seafarer is found to be in serious contravention of his or her crew agreement.

Discharge of seafarer on change of ownership

112. (1) If a South African ship is transferred or disposed of while she is at or on a voyage to any port outside the Republic every seafarer employed on that ship must be discharged at that port and repatriated as prescribed, unless he or she consents in writing to complete the voyage in the transferred ship if continued.

(2) Every seafarer discharged in terms of subsection (1) must, if the voyage for which he or she was engaged is not continued, be entitled to the wages to which he or she would have been entitled if his or her service had been wrongfully terminated by the owner before the expiration of the period for which the seafarer was engaged.

(3) If a seafarer is discharged from a South African ship in terms of subsection 1, the provisions of section 106 shall apply as if the service of the seafarer had remained without his or her consent and before the expiration of the period for which the seafarer was engaged and the provisions of the said section shall not withstanding subsection 3 thereof be applicable whatever maybe his or her nationality and where ever maybe situated the port where he or she was engaged.

Discharge and leaving of seafarers behind

113. (1) The master of a South African ship must not—

(a) discharge a seafarer before the expiration of the period for which he or she was engaged, unless the seafarer consents to his or her discharge; or

(b) except in circumstances beyond his or her control, leave a seafarer behind, without the approval of the Authority or proper officer.

(2) The Minister must prescribe the procedure to be followed in the case where a seafarer is missing and is left behind outside the Republic otherwise than on being discharged from the ship.

Leaving seafarers behind

114. No person must cause a seafarer to be wrongfully left behind—

(a) at any place in the Republic, in the case of a ship other than a South African ship; or

(b) at any place in the case of a South African ship.

(c) without the authority of the proper officer, who shall certify on the agreement with the crew that he has granted such authority, and also the reason for the seafarer being discharged or the seafarer or apprentice-officer being left behind.

Wages and other property of seafarer left behind

115. If a seafarer belonging to a South African ship is left behind, the master of the ship must enter in the official logbook a statement of the amount due to the seafarer in respect of wages at the time when he or she was left behind and of all property left on board by him or her, and must take such property into his or her charge and deliver such statement and property to the Authority as soon as practicable.

Part 9

Deceased Seafarers

Procedures following the death of seafarer or if seafarer is lost

116. (1) If a seafarer employed on a South African ship dies whilst on the ship, the master must in the prescribed manner—

(a) record the death and other particulars as contemplated in section 115;

(b) dispose of the body;

(c) report the death to the Authority; and

(d) inform the next-of-kin of the seafarer of his or her death.

(2) If a seafarer employed on a South African ship dies and leaves property on board the ship or if the seafarer is lost with the ship, property belonging to the seafarer must be dealt with in the prescribed manner.

(3) The Minister must prescribe the circumstances in which a ship will be considered as lost and the documents that would constitute sufficient proof of the seafarers on board the ship when lost for purposes of any proceedings for the recovery of wages in terms of subsection (2).

(4) For the purposes of Part 9 "property" include money, wages due or balance of wages due and any other property of the seafarer.

Property of deceased seafarer may be recovered as wages

117. Section 106 applies, with the necessary changes that the context may require, in respect of the property of a deceased seafarer.

Part 10

Distressed Seafarers, Repatriation and Relief Costs

Relief and maintenance of distressed seafarers

118. (1) The Authority must on application made by a distressed seafarer, provide for the return of that seafarer to a proper return port as prescribed.

(2) A distressed seafarer shall not have any right to be maintained or sent to a proper return port except to the extent and on the conditions provided for in the regulations.

(3) All repatriation expenses, other than excepted expenses, incurred by or on behalf of the State in accordance with the provisions of this Act constitute a debt due to the State, for which the owner of the ship to which the seafarer in respect of whom the expenses were incurred belonged at the time of his or her discharge or other event which resulted in the seafarer becoming a distressed seafarer, must be liable.

(4) The owner of the ship is not entitled to recover from the seafarer any amount paid by the owner to the State in settlement or part settlement of such debt in terms of subsection (3).

(5) All excepted expenses incurred by or on behalf of the State in respect of the distressed seafarer in accordance with the provisions of this Act constitute a debt due to the State for which the distressed seafarer and the owner of the ship to which that seafarer belonged at the time of his or her discharge or other

event which resulted in him or her becoming a distressed seafarer are jointly and severally liable.

(6) The owner is entitled to recover from the seafarer any amount paid by the owner to the State in settlement or part settlement of such debt, and may apply to the satisfaction of the owner's claim so much as may be necessary of any wages due to the seafarer.

(7) All excepted expenses incurred in accordance with the provisions of this Act in respect of any distressed seafarer by the owner of the ship to which he or she belonged at the time of his or her discharge or other event which resulted in him or her becoming a distressed seafarer must constitute a debt due to the owner for which the seafarer is liable.

(8) The owner may apply to the satisfaction of the owner's claim so much as may be necessary of any wages due to the seafarer.

(9) The owner is not entitled to recover from the seafarer any repatriation expenses other than excepted expenses.

(10) In any proceedings for the recovery of expenses which in terms of subsection (3) or (5) are a debt due to the State, the production of an account of the expenses and proof of payment by or on behalf of or under the direction of the Authority is, on the face of it, evidence that the expenses were incurred or repaid in accordance with the provisions of this Act by or on behalf of the State.

Part 11

Provisions, Accommodation and Health

Division 1

Provisions

Free provisions

119. The owner of a prescribed ship must provide or ensure the provision of free provisions to the seafarers employed on that ship for the period of employment.

Provisions adequate for voyage

120. The master of a prescribed ship must not take the ship to sea or cause or permit that ship to be taken to sea, unless the ship is carrying:

(a) Drinking water of suitable quality and quantity;

(b) food of suitable quality, quantity, nutritive value and variety; and

(c) provisions other than referred to in paragraph *(a)* or *(b)* that may be prescribed, having regard to the nature and duration of the voyage and the number, and cultural and religious backgrounds, of the seafarers employed on the ship.

Adequate food catering facilities to be provided

121. The owner of a prescribed ship must not take the ship to sea or cause or permit that ship to be taken to sea, unless that ship has catering facilities that are arranged and equipped so as to enable proper meals to be served to the seafarers employed on the ship.

Compensation if short or bad provisions provided

122. (1) Any seafarer employed on a South African ship is entitled to compensation for the reduction or bad quality of provisions, if any of the provisions which the master of a South African ship is required to provide is reduced, or any of those provisions are bad in quality, for an amount which the court or the Authority considers reasonable, having regard to all the circumstances.

(2) The compensation contemplated in terms of subsection (1) may be recovered in money.

Division 2

Accommodation

Crew accommodation

123. (1) The owner of a South African ship must provide the prescribed crew accommodation to the satisfaction of the Authority.

(2) The owner of a South African ship must not take that ship or cause or permit that ship to be taken to sea, if that ship does not comply with the accommodation prescribed in terms of subsection (1).

Division 3

Health

Medicines to be provided and kept on board certain ships

124. The owner and master of a South African ship of any prescribed class must ensure that there is on board that ship an adequate supply, according to the prescribed scales, of antiscorbutic, medicines and appliances for the treatment and prevention of diseases and accidents likely to occur at sea and of the prescribed first aid equipment.

Owner liable for medical attention

125. (1) This section applies if a master or seafarer of a South African ship who is not at his or her proper return port:

(a) Is injured or contracts a disease;

(b) suffers from any illness; or

(c) requires essential dental care.

(2) Expenses for the following are to be paid by the owner of the ship—

(a) providing the available necessary surgical and medical advice and attendance, and medicine, until the master or seafarer is cured, dies or arrives at his or her proper return port;

(b) the maintenance of the master or seafarer until he or she is cured, dies or arrives at his or her proper return port;

(c) the conveyance of the seafarer to his or her proper return port; and

(d) if the seafarer or master dies before arriving at his or her proper return port, his or her burial or, if the master's or seafarer's body is conveyed to that port at the request of a member of his or her family, the conveyance of the master's or seafarer's body to that port.

(3) Expenses paid by the owner of the ship must not be deducted from the wages of the master or the seafarer concerned.

(4) The owner of the ship shall not be liable in respect of:

(a) Any injury sustained otherwise than in the service of the ship;

(b) injury, sickness or death due to the wilful misconduct of the sick, injured or deceased seafarer; or

(c) sickness or infirmity intentionally concealed when the crew agreement is concluded.

Owner liable for medical attention where master or seafarer removed from ship

126. (1) This section applies if a master or seafarer of a South African ship —

(a) Is suffering from a disease or illness or requires essential dental care; and

(b) is temporarily removed from the ship for the purpose of preventing infection or otherwise for the convenience of the ship.

(2) The owner of the ship must pay for the —

(a) removal of the master or seafarer from, and the master's and seafarer's return to, the ship;

(b) available necessary surgical and medical advice and attendance, essential dental care and medicine, while the master or seafarer is away from the ship; and

(c) maintenance of the master or seafarer while he or she is away from the ship.

(3) The payment by the owner of the ship in respect of subsection (2) must not be deducted from the wages of the master or the seafarer concerned.

Owner liable for medical attention on board ship

127. Expenses for all medicine, surgical and medical advice and attendance, and essential dental care, given to a master or seafarer of a South African ship whilst on board the ship must be paid by the owner of the ship, without any deduction from the wages of the master or seafarer concerned.

Other expenses to be paid by master or seafarer

128. Any reasonable expenses duly incurred by the owner for any master or seafarer in respect of illness or burial of that master or seafarer that are not expenses required to be paid by the owner under sections 125, 126, and 127 may, if

proved to the satisfaction of the Authority, be deducted from the salary or wages of the master or seafarer.

Benefit in terms of Compensation for Occupational Injuries and Diseases Act

129. (1) Nothing contained in sections 125, 126, and 127 may deprive a person of any benefit to which he or she may be entitled under the provisions of Part 18 of this Chapter or the Compensation for Occupational Injuries and Diseases Act, if Part 18 is not applicable, and to which sections 125, 126, and 127 does not entitle him or her.

(2) *(a)* A seafarer is not entitled to receive the same benefit under sections 125, 126, and 127, Part 18of this Chapter and also under the Compensation for Occupational Injuries and Diseases Act.

(b) *An* employer who has incurred any expense relating to a seafarer under sections 125, 126, and 127 which the insurer or Compensation Commissioner would, but for the provisions of this section, have been liable to defray, must, if the employer has paid all assessments for the payment of which the employer is liable under that Act, be entitled to recover that expense from the insurer or the Compensation Commissioner.

Application of sections 125, 126, and 127

130. In sections 125, 126, and 127, in the case of a ship which is engaged in sea fishing for financial gain or reward, the expression seafarer does not include

any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

Recovery of expenses from owner

131. If any expenses payable by the owner of a South African ship in terms of sections 125, 126, and 127 are paid by any other person, those expenses must be repaid to that person by the owner, and if not repaid, these expenses will constitute a debt recoverable in any competent court from the owner.

Division 4

Inspection of provisions, water, accommodation, medicines and medical appliances

Powers of inspection of provisions, water, accommodation, medicines and medical appliances and first aid equipment

132. (1) A port health officer, district surgeon or other medical officer of the Department of Health in the Republic, or any medical practitioner outside the Republic, or a surveyor may at the request of the Authority board any South African ship and inspect—

(a) the provisions and water provided for the use of the seafarers or passengers;

(b) the crew accommodation and the accommodation for passengers; and

(c) the medicines, medical appliances and first aid equipment carried,

for the purpose of ascertaining whether it complies with this Act, the prescribed requirements or any other applicable law.

(2) The duties and findings of a person making an inspection contemplated as referred to in subsection (1) and the duties of the master upon receipt of such findings must be prescribed.

(3) A ship which has been inspected may be detained until the master takes the necessary steps to effect the findings of the person who inspected the ship in terms of this section.

(4) The provisions of this section must not in any way derogate from or modify the powers and duties of a port health officer under the National Health Act, 2003 (Act No. 61 of 2003).

Inspection of provisions, water and accommodation at sea

133. (1) The master of a South African ship which is at sea must ensure that provisions and water provided for the use of the seafarers and passengers and the crew accommodation and the accommodation for passengers be inspected, at least once in every ten days, to determine whether it is maintained in accordance with the provisions of this Act, the prescribed requirements and any other applicable law.

(2) The person making the inspection must enter a statement of the result of the inspection in the official logbook.

(3) if a seafarer of a South African ship considers -

(a) that the provisions or water for the use of the seafarer are at any time of bad quality or deficient in quantity

(b) that the crew accommodation is unsanitary or is not in accordance with the regulations or that in any other respect the conditions under which the seafarer is leaving on board ship are not of a reasonably good standard, he or she may complain therefore to the proper officer who shall investigated the complaint or cause it to be investigated.

(4) If the proper officer or person making the investigation finds that the living conditions are not of a reasonably good standard, as the case may be, he shall communicate that finding in writing to the master.

(5) Upon the finding being communicated to him or her the master shall forthwith-

(a) if the finding is in terms of paragraph (a) of subsection (2), provide other provisions

or water of good quality or sufficient in quantity, as the case may be, and shall not

permit any provisions or water so found to be of bad quality to be used on board the

ship; or

(b) if the finding is in terms of paragraph (b) of subsection (2), take steps to the satisfaction of the proper officer to provide crew accommodation that is sanitary and

in accordance with the regulations; or

(c) if the finding is in terms of paragraph (c) of subsection (2), take steps to the satisfaction of the proper officer to ensure that the living conditions of the seamen and

apprentice-officers are of a reasonably good standard;

and the ship shall be detained until this has been done.

Part 12

Misconduct and Offences by Master and Seafarers

Conduct by master or seafarer endangering ship or individual

134. (1) No master of or seafarer employed on or belonging to any ship wherever registered must—

(a) do anything tending to the immediate loss, destruction or serious damage of the ship, or tending to endanger the life of or to cause injury to any person belonging to or on board the ship; or

(b) refuse or omit to do any lawful act proper and requisite to be done by him or her for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or from injury.

(2) Subject to the provisions of section 74(4), no seafarer employed on or belonging to a South African ship must—

(a) report for duty or carry out his or her duties under the influence of alcohol or drugs as contemplated in section 136 and 137;

(b) wilfully disobey any lawful command or neglect his or her duty;

(c) be guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty;

(d) combine with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or retard the progress of the voyage;

(e) assault any person on board;

(f) prevent, hinder, and retard the loading, unloading or departure of the ship; or

(g) wilfully damage the ship, misappropriate, make any improper use of, or wilfully damage any of the ship's stores, equipment or cargo.

(3) No seafarer on or before being employed to serve on a South African ship must make a false statement of the name of his or her last ship or alleged last ship, or make a false statement of his or her own name.

Breach by seafarer of code of conduct

135. (1) The Minister may prescribe the minimum requirements to be contained in a code of conduct for the purpose of maintaining discipline on board a South African ship and may provide for the hearing on shore by a disciplinary body of a complaint by the master or owner of a South African ship against a seafarer.

(2) The owner or master of a South African ship may submit complaint to a disciplinary body against a seafarer alleging that the seafarer breached a provision of the code of conduct during his or her employment on that ship, whether the seafarer was on board the ship or not and in the Republic or elsewhere.

(3) The proceedings and decisions of a disciplinary body and a seafarer's right to appeal may be prescribed.

Impairment of seafarer's ability to carry out duties

136. No seafarer employed on a South African ship or a foreign ship must report for duty or carry out his or her duties on board that ship, if that seafarer is under the influence of alcohol or any other drug, medicinal or otherwise, to such an extent that the seafarer's ability to carry out the duties of such seafarer is impaired.

Blood alcohol level and drug present in blood of seafarer

137. (1) No seafarer employed on a South African ship or a foreign ship must report for duty or carry out his or her duties on board that ship, including operating any machinery or equipment, if—

(a) the blood alcohol level of that seafarer is equal to or exceeds the prescribed blood alcohol level; or

(b) a drug having a narcotic effect is present in the blood of the seafarer as prescribed in terms of Chapter 10.

(2) No owner or master of a South African ship or a foreign ship must permit or require a seafarer to carry out or continue to carry out his or her duties on board the ship, if the owner or master is aware that the seafarer's ability to carry out those duties is impaired by the influence of alcohol or a drug having a narcotic effect.

(3) The Authority may require a seafarer employed on a South African ship or a foreign ship to undergo a prescribed test for the purpose of determining—

CONTINUES ON PAGE 386 - PART 4

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 657 6 March Maart 2020 No. 43073

PART 4 OF 6

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

(a) the blood alcohol level of that seafarer; or

(b) the presence of a drug having a narcotic effect in the blood of that seafarer.

(4) The Authority may not exercise a power under subsection (3) in relation to a seafarer of a foreign ship unless the ship is—

(a) in a port in the Republic;

(b) entering or leaving a port in the Republic;

(c) in the internal waters of South Africa; or

(d) in the territorial waters of South Africa, other than in the course of innocent passage.

(5) As soon as practicable after a seafarer has undergone a blood or a drug test contemplated in subsection (3), the person who conducted the test must give the Authority and the seafarer a written statement specifying the test result and the date and time of the test and issue a prescribed certificate.

Desertion

138. (1) Subject to the provisions of section 74 (4), no seafarer employed on or belonging to a treaty ship must without reasonable cause—

(a) at a port in the Republic, in the case of a treaty ship other than a South African ship; or

(b) at any place whatsoever, in the case of a South African ship, absent himself from his or her ship with the intention of not returning thereto.

(2) Any person who contravenes the provisions of subsection (1) must be guilty of desertion.

(3) If it is shown to the satisfaction of the Authority that a seafarer employed on or belonging to a South African ship has been found guilty of desertion, the Authority may direct that the seafarer's certificates of discharge be withheld as prescribed.

(4) No person must harbour or secrete a seafarer who has contravened or is contravening the provisions of subsection (1).

Absence without leave

139. (1) Subject to the provisions of section 74(4), no seafarer employed on or belonging to a treaty ship must without reasonable cause—

(a) at a port in the Republic, in the case of a treaty ship other than a South African ship; or

(b) at any place whatsoever, in the case of a South African ship,

fail or refuse to join his or her ship or to proceed to sea therein, or be absent without leave from his or her ship or from his or her duty, either at the commencement or during the progress of a voyage.

(2) Any person who contravenes the provisions of subsection (1), except when if his or her conduct does not amount to desertion, as defined in section 138 is guilty of absence without leave.

(3) If it is shown to the satisfaction of the Authority that a seafarer employed on or belonging to a South African ship has been guilty of absence without leave, the Authority may direct that the seafarer's certificates of discharge be withheld as prescribed.

(4) No person must knowingly harbour or secrete a seafarer who has contravened or is contravening the provisions of subsection (1).

Notice to Authority of absence of seafarer at time of sailing

140. If a seafarer employed on or belonging to a treaty ship is not on board that ship at the time of sailing—

(a) from a port in the Republic, in the case of a treaty ship other than a South African ship; or

(b) from any port whatsoever, in the case of a South African ship,

the master of the ship must, as soon as possible, give written notice of the fact in the prescribed form and manner to the Authority.

Unseaworthiness of ship as defence to charge of desertion or absence without leave

141. (1) For the purpose of sections 113, 138 and 139, the fact that the ship on which a seafarer is employed or to which he or she belongs is unseaworthy must be considered to be reasonable cause: Provided the seafarer has, before absenting himself or being absent from, or failing or refusing to join, or to proceed to sea in his or her ship, complained to the master or the Authority that the ship is unseaworthy.

(2) If the Authority has reason to believe that the applicable ship is unseaworthy and that ship is at any port in the Republic, the Authority must, whether

or not that ship is registered in the Republic, detain it until he or she is satisfied that it is in a seaworthy state.

(3) Whenever in any proceedings against any seafarer on a charge of desertion or absence without leave the defence referred to in subsection (1) is raised, the court may order the ship to be inspected by a surveyor.

(4) If it is not proved that the ship was unseaworthy, the expenses incurred in connection with any such inspection must be paid to the Authority by the seafarer by whom the said defence has been raised, and upon demand by the Authority the unpaid amount of such expenses must be deducted by the master or owner of the ship out of the wages due or to become due to the said seafarer and paid over to the Authority.

(5) If it is proved that the ship was unseaworthy, the expenses incurred in connection with the inspection must be paid to the Authority by the master or owner of the ship, who must also pay to the seafarer charged, such compensation for the damage suffered by the seafarer by reason of the charge having been made against the seafarer as the court may award.

Deserters from foreign ships

142. (1) If the Minister is satisfied that due facilities are or will be given by the Government of any foreign country for apprehending seafarers who desert or are absent without leave from South African ships in that country, the Minister may by notice in the *Gazette* declare that the provisions of subsection (2) must apply to seafarers belonging to ships of that country.

(2) If the provisions of this subsection have in terms of subsection (1) been applied to seafarers belonging to ships of any foreign country, any magistrate may, on application by the master of a ship of that country, if he or she is satisfied from information taken on oath that reasonable grounds exist for suspecting that any seafarer has deserted or is absent without leave from that ship, issue a warrant for the apprehension of that seafarer and for bringing him or her before a judicial officer, and such warrant must be executed in the same manner as a warrant issued under section 43 of the Criminal Procedure Act.

(3) A judicial officer before whom the seafarer is brought in terms of subsection (2) may, on proof that the seafarer has deserted or is absent without leave from that ship, order that the seafarer be conveyed on board that ship or delivered to the master or a ship's officer or the owner of that ship, to be so conveyed, and any such order must be duly executed.

(4) No person must harbour or secrete any person liable to be apprehended under the provisions of this section.

Breach of crew agreement or misconduct by seafarer

143. (1) Should a seafarer commit an incident of misconduct or commit a serious breach of his or her crew agreement, the master of a South African ship may—

(a) require that the seafarer be subjected to an on-board disciplinary process; or

(b) after a procedurally and substantively fair process, require that the seafarer be immediately or subsequently discharged from the ship and, where applicable in terms of this Act, repatriated.

(2) The master must, in each such case referred to in subsection (1), enter a statement regarding the disciplinary incident into the official logbook and must provide the seafarer concerned with a copy of the entry.

Part 13

Documentation

Official logbooks

144. (1) The master of every South African ship of—

(a) more than 25 gross tons; or

(b) 25 gross tons or less who has entered into a crew agreement of the ship must keep an official logbook in the prescribed form and in one of the official languages of the Republic.

(2) The regulations may make provisions in relation to the keeping of logbooks, including but not limited to—

(a) whether the official logbook may be separate or part of the ordinary ship's logbook;

(b) the entries that are to be made in a logbook and the circumstances in which those entries are to be made;

(c) the manner in which the official logbook must be completed;

(d) the period within which entries are to be made in the logbook; and

(e) requiring entries in the logbook to be signed.

(3) Every entry in an official logbook that is made in the manner provided by this Act and prescribed must be admissible in evidence.

Unlawful entries or alterations in official logbooks

145. (1) No person shall 24 hours after the arrival of a South African ship at its final port of destination of a voyage make any entry in the official logbook of that ship respecting an occurrence prior to the arrival of the ship at that port.

(2) No person must wilfully destroy, mutilate or render illegible an entry in an official log book, wilfully make a false entry in such book, or wilfully fail to make any entry which it is his or her duty to make in such book.

Entry of offences in official log

146. If, in or in respect of any South African ship, any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and for which it is intended to enforce the fine—

(a) an entry of the offence or act must be made by the master in the official logbook, and signed by him or her and also by a ship's officer or one of the crew;

(b) the offender, if still in the ship, must, before the next subsequent arrival of the ship at any port, or, if the ship is at the time in port, before her departure therefrom, either be furnished by the master with a copy of the entry or have the same read over distinctly and audibly to him or her in one of the official languages selected by the offender, and the offender may thereupon make such reply thereto as he or she thinks fit;

(c) a statement that a copy of the entry has been so furnished or that the entry has been so read over, and of the offender's reply must be entered and signed in manner aforesaid; and

(d) in any subsequent legal proceedings the entries required by this section must, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct.

Delivery of official logbooks to Authority

147. The owner or master of every ship on board which an official logbook is required to be kept in terms of this Act, must ensure that the official logbook is delivered to the Authority when required.

Transmission of official logbooks to Authority

148. (1) If for any reason the official logbook ceases to be required in respect of a South African ship, the master or owner of the ship, must, if the ship is then in the Republic, within one month, and if it is elsewhere, within six months, after the cessation, deliver or transmit to the Authority the official logbook duly completed up to the time of the cessation.

(2) If a ship is lost or abandoned the master or owner thereof must, as soon as possible, deliver or transmit to the Authority the official logbook duly completed up to the time of the loss or abandonment.

Documents to be handed to successor on change of master

149. If, at any time before or during the progress of a voyage, the master of a South African ship is removed or superseded, or, for any other reason, is succeeded in the command by another person, the master must deliver to his or her successor the prescribed documents in the masters custody relating to the navigation of the ship and to the crew and his or her successor must immediately on assuming the command of the ship enter in the official logbook a list of such documents.

Births and deaths

150. (1) If, on a South African ship—

(a) a person carried on that ship gives birth to a child, dies or disappears; or

(b) a seafarer employed on or person belonging to that ship, is injured or contracts an illness that incapacitates him or her from the performance of his or her duty,

the master of that ship must record the occurrence in the official logbook of the ship together with such particulars with respect to the occurrence as are prescribed and the master must, within the prescribed period, provide or submit the particulars of the occurrence in the prescribed form to the Authority.

(2) The Authority must, upon receipt of the prescribed form, submit the form to the registrar or assistant registrar of births and deaths within whose area the port is situated

Part 14

Safety Officers, Appointees, Committees and Representatives

Appointment of safety officers, safety appointees and safety committees and election of safety representatives

151. (1) For the purposes of safety on board prescribed vessels—

(a) an employer must appoint a safety officer, a safety appointee and a safety committee in the prescribed manner; and

(b) a group of employees may from their number elect a safety representative in the prescribed manner.

(2) A safety officer, safety appointee and safety committee must, subject to the provisions of section 152, perform such functions as may be prescribed.

(3) A safety representative may in the manner prescribed by regulation, and subject to the provisions of section 152, on behalf of the employees which he or she represents make representations and submit requests to and consult with any employer, safety officer, safety appointee or safety committee.

(4) An employer must comply with the requirements prescribed by regulations to enable a safety officer, safety appointee, safety committee and safety representative to perform their duties.

(5) Nothing in this section must be construed as conferring a right upon any person to inspect any place, article, substance or document which is subject to restrictions on the grounds of national security, unless he or she satisfies

any test or complies with any requirement imposed on account of such restrictions by or on behalf of the State.

Exemption from liability

152. A safety officer, a safety appointee, a safety representative, a safety committee or any member thereof, as referred to in section 151, must not incur any civil liability by reason of the fact that he or she failed to exercise or perform any power or duty under this Act.

Part 15

Security Officers

Appointment of security officer

153. (1) For the purposes of security on board prescribed vessels, an employer must appoint a ship security officer in the prescribed manner.

(2) A security officer must perform such functions as may be prescribed.

Part 16

General Provisions

Mechanisms for making complaints

154. (1) A master or owner of a South African ship must draw up and keep on board a complaints procedure, not in conflict with the provisions of this Act, and must make such complaints procedure available to all seafarers.

(2) If a seafarer of a South African ship considers that his or her rights in terms of the Maritime Labour Convention have been breached, he or she may lodge a complaint with the master.

(3) Upon receiving a complaint from a seafarer made in terms of subsection (2), the master must—

(a) record the complaint in the official logbook;

(b) investigate the complaint or cause it to be investigated;

(c) attempt to resolve the complaint within 24 hours; and

(d) record his or her findings and any action taken in the official logbook.

(4) If the situation remains unresolved or if the breach of the seafarer's rights is still considered to exist, the seafarer may lodge a complaint with the Authority, who will adjudicate the complaint.

Part 17

Seafarers' Identity Documents

Seafarers' Identity Documents

155. (1) Each seafarer employed on board a ship to which this Chapter applies, must hold a valid seafarer's identity document issued in terms of this Part.

(2) For the purposes of this section, "valid" means the seafarer's identity document has not expired or been cancelled by the Authority or been surrendered by the seafarer.

Application for seafarer's identity document

156. A seafarer must apply to the Authority for a seafarer's identity document and the application must be on the prescribed form and be accompanied by—

(a) the prescribed documents;

(b) the number, size and colour of photographs of the applicant as may be prescribed;

(c) the prescribed fee; and

(d) any other information that the Authority may require.

Issuing of seafarer's identity document by Authority

157. (1) The Authority must, on receipt of an application for a seafarer's identity document, consider the application and if it is satisfied that the applicant qualifies for such identity document issue the applicant with a seafarer's identity document in the prescribed form containing the prescribed particulars.

(2) If the applicant does not comply with the requirements in this Chapter or as may be prescribed, the Authority may refuse to issue the applicant with a seafarer's identity document.

(3) If the Authority refuses to issue a seafarer's identity document it must provide reasons for that refusal.

Period of validity of seafarer's identity document

158. The period of validity of a seafarer's identity document is five years and the seafarer must, within the prescribed period, apply to the Authority in the prescribed manner for a renewal of his or her seafarer's identity document.

Cancellation of seafarer's identity document

159. (1) The Authority may cancel a seafarer's identity document, if it is satisfied that it was obtained fraudulently or on wrong information or when the seafarer no longer meets the conditions of its issue.

(2) When a seafarer's identity document is cancelled by the Authority, the Authority must notify the owner or master of the ship of the cancellation.

Surrender of expired or cancelled seafarer's identity document

160. A seafarer's identity document which has expired or has been cancelled must on demand be surrendered to the Authority by the seafarer.

Part 18

Financial Security for Loss of Life and Personal Injury

Application of Part 18

161. (1) This Part applies to the following ships:

(a) Ships that are registered or licensed in the Republic, or required to be so registered or licensed; or

(b) ships contemplated in section 187(1) that are required to have a local safety certificate.

(2) Notwithstanding subsection (1), this Part does not apply to—

(a) a ship that is used solely for sport or recreation; or

(b) any other ship, or class of ships, prescribed for the purposes of this paragraph.

(3) For the purposes of this Part, an accident must be considered to have arisen out of and in the course of the employment or engagement of a seafarer

notwithstanding that the seafarer was at the time of the accident acting contrary to any law applicable to the seafarer's employment or engagement or to any order by or on behalf of his or her employer or the owner of the ship, or that the seafarer was acting without any order of his or her employer or the owner of the ship, or an agent or servant of the owner of the ship, if the seafarer was so acting for the purposes of or in the interests of or in connection with the business of the ship.

(4) For the purposes of this Part, the conveyance of a seafarer free of charge to or from his or her place of employment or engagement for the purposes of his or her employment or engagement by means of a vehicle driven by the employer or the owner of the ship, or an agent or servant of the owner of the ship, must be considered to take place in the course of the seafarer's employment or engagement.

Owner to maintain insurance or other financial security

162. (1) The owner of a ship must maintain insurance or other financial security as prescribed to provide compensation for every seafarer belonging to the ship who suffers loss of life or personal injury as a result of an accident.

(2) To avoid doubt, the regulations may prescribe when a seafarer must be taken, for the purposes of subsection (1), to belong to a ship.

(3) No owner of a ship must demand or receive a contribution from a seafarer towards the cost of insurance or other financial security required to be maintained in terms of this section.

Insurance certificates

163. (1) The insurance or other financial security referred to in section 162 must be evidenced by a certificate in the prescribed form that—

(a) is issued by the person providing the insurance or security;

(b) comes into force on the day specified in the certificate; and

(c) remains in force, subject to the regulations, until the expiration of the day specified in the certificate, being the earlier of the following days—

(i) the day that is the last day in the period of 12 months beginning on the day on which the certificate comes into force;

(ii) the day that is the last day in the balance of the period during which the relative insurance or security is to remain in force.

(2) The owner of a ship must lodge with the Authority, in the prescribed manner and time, an authenticated copy of each certificate issued in terms of subsection (1) in relation to the ship.

(3) A relevant insurance certificate and any other document relating to insurance or other financial security that is evidenced by such a certificate must be admissible in evidence.

Insurance certificates to be carried on ships

164. (1) The master and the owner of a ship must ensure that the relevant insurance certificate is carried on board the ship at all times.

(2) The master and the owner of a ship that enters or leaves, or attempts to enter or leave, a port must ensure that the relevant insurance certificate that is in force in relation to the ship is on board that ship.

(3) The Authority may require the master or other person in charge of a ship to produce a relevant insurance certificate that is in force in relation to the ship.

(4) If the Authority believes on reasonable grounds that the master or other person in charge of a ship is attempting to take the ship out of a port in the Republic at a time when the ship does not have on board a relevant insurance certificate, the Authority may detain the ship until such time as such a certificate is obtained or produced to the Authority.

(5) This section commences 90 days after the commencement of section 162.

Additional liability of owner

165. (1) In this section 'relevant incident' means any occurrence in respect of which this Part requires compensation to be paid but in respect of which compensation is not available, or not fully available, because—

(a) the person providing insurance or other financial security in terms of section 162 is financially incapable of meeting that person's obligations in terms of the insurance or security; or

(b) the owner concerned has failed to maintain insurance or other financial security in terms of section 162.

(2) If a relevant incident occurs in relation to a ship, the owner of the ship at the time of the incident or, if the incident consists of a series of occurrences, the owner of the ship at the time of the first occurrence is be liable to pay to a seafarer so much of any benefit that would have been payable to the seafarer under an insurance or other financial security in terms of section 162 which remains unpaid because of the incident.

(3) Section 267 does not apply to liability in terms of this section.

Other benefits to reduce compensation

166. (1) A seafarer is not entitled to receive the same benefit under this Part and also under—

(a) another provision of this Act;

(b) the Compensation for Occupational Injuries and Diseases Act;

(c) the Road Accident Fund Act, 1996 (Act No. 56 of 1996); or

(d) any other law.

(2) A person who has paid a benefit in terms of this Part may recover from any other person providing the same benefit under a law referred to in subsection (1) so much of the benefit as that other person would, but for this section, have been liable to pay.

Liability for damages not affected

167. (1) To avoid doubt, nothing in this Part affects any liability for damages in respect of loss of life or personal injury suffered by a seafarer as a result of an accident.

(2) However, in awarding damages a court must take account of compensation paid in terms of this Part.

Recovery of compensation paid from third parties

168. (1) If loss of life or personal injury in respect of which compensation is payable in terms of this Part was caused in circumstances resulting in some person other than the owner of the ship concerned in this section referred to as 'the third party' being liable for damages in respect of the loss of life or personal injury, the person liable to pay the compensation may bring an action against the third party for the recovery of any compensation payable in terms of this Part.

(2) In an action referred to in subsection (1), the amount recoverable must not exceed the amount of damages, if any, that in the opinion of the court would, but for section 169(2), have been awarded to the seafarer concerned.

Certain dealings with compensation prohibited

169. (1) Despite anything to the contrary in any law, compensation in terms of this Part, other than compensation that forms part of a deceased seafarer's estate, must not—

(a) be ceded or pledged;

(b) be capable of attachment or any form of execution under a judgment or order of a court of law; or

(c) be set off against any debt of the person entitled to the compensation.

(2) However, the person liable to pay compensation in terms of this Part may pay the compensation in whole or in part to the owner of a ship to the extent that the owner has, for the purposes contemplated in section 165, made or undertaken to make voluntary payments to a seafarer.

Cession or relinquishment of benefits void

170. Any provision of an agreement existing at the commencement of this section or concluded thereafter in terms of which a seafarer cedes or purports to cede or relinquishes or purports to relinquish any right to compensation in terms of this Part must be void.

Compensation not to form part of deceased seafarer's estate

171. If a seafarer has dependents, compensation in terms of this Chapter for loss of life must not form part of the deceased seafarer's estate.

Threats and compulsion

172. No person must threaten a seafarer or in any way compel or influence a seafarer to do something resulting in or directed at the deprivation of that seafarer's right to compensation in terms of this Part.

Equivalent arrangements

173. (1) If the owner of a ship makes arrangements to provide compensation for loss of life and personal injury which, in the opinion of the Authority is not less favourable to seafarers than that required by this Part, the Authority may, subject to such conditions as the Authority may determine, approve the arrangements in writing.

(2) If the Authority has approved the arrangement referred to in subsection (1)—

(a) the seafarers concerned must be entitled to compensation for loss of life and personal injury in accordance with the arrangements; and

(b) the owner concerned must not be required to maintain insurance or other financial security in terms of this Part.

(3) The Authority may at any time in writing withdraw the approval or amend the conditions referred to in subsection (1).

(4) The arrangements established by the Compensation for Occupational Injuries and Diseases Act, are considered to have been approved by the Authority under subsection (1).

CHAPTER 5

MARITIME SAFETY

Part 1

Application of Chapter

Application of Chapter 5

174. (1) This Chapter applies to—

(a) a ship to which the Safety Convention applies;

(b) a ship to which the Safety Convention does not apply but which must comply with the applicable provisions of this Chapter;

(c) a fishing vessel; and

(d) a ship which is not provided for in this Chapter but which may be prescribed by the Minister.

(2) A ship to which the Safety Convention applies as contemplated in subsection (1)*(a)* is a ship contemplated in section 183.

(3) A ship to which the Safety Convention does not apply as contemplated in subsection (1)*(b)*, is—

(a) a passenger ship which is not intended to be or is engaged in an international voyage; or

(b) any ship, other than a passenger ship, of whatever size—

(i) which is intended to be, or is engaged in an international voyage; or

(ii) which is, or is to be registered or licensed in the Republic, which is not intended to be or is engaged in an international voyage.

(4) For the purposes of subsection (1)*(c)*, if the Minister makes this Chapter applicable to a ship by means of regulations, that ship must comply with the sections in this Chapter so made applicable and any other requirements which the Minister may prescribe.

Definition of "safety certificate" and "exemption certificate" for purposes of this Chapter

175. In this Chapter, unless the context indicates otherwise—

(a) a "safety certificate" means—

(i) a passenger ship safety certificate issued by the Authority in terms of Part 3;

(ii) a cargo ship safety certificate issued by the Authority in terms of Part 3;

(iii) a local safety certificate issued by the Authority in terms of Part 4; and

(iv) a fishing vessel safety certificate issued by the Authority in terms of Part 5;

(b) an "exemption certificate" means—

(i) a passenger ship exemption certificate issued by the Authority in terms of Part 3;

(ii) a cargo ship exemption certificate issued by the Authority in terms of Part 3;

(iii) a local exemption certificate issued by the Authority in terms of Part 4; and

(iv) a fishing vessel exemption certificate issued by the Authority in terms of Part 5.

Part 2

Safety Certification of Ships in General

Certificated ship

176. (1) The owner of a ship must only take the ship to sea, or require or permit any other person to take that ship to sea, if—

(a) that ship has a safety certificate of a specified type or an exemption certificate or such certificate as required by this Act; and

(b) that safety certificate or exemption certificate is valid.

(2) For the purposes of this section, "valid" means the safety certificate or exemption certificate has not expired or been cancelled by the Authority or been surrendered by the owner.

Application for safety certificate or exemption certificate by owner

177. (1) Any owner of a ship who is required to be holder of a valid safety certificate or exemption certificate, must apply to the Authority for such safety certificate or exemption certificate.

(2) An application for a safety certificate or exemption certificate must be on the prescribed form and be accompanied by—

(a) the prescribed documents;

(b) the prescribed fee; and

(c) any other information that the Authority may require.

Issuing of safety certificate or exemption certificate by Authority

178. (1) The Authority must, on receipt of an application for a safety certificate or exemption certificate, survey the ship to determine if it complies with the requirements of this Chapter and the prescribed requirements.

(2) The Authority may, after consideration of the report of the surveyor—

(a) issue a safety certificate in the prescribed form if it is satisfied that the ship is constructed and equipped in accordance with all the requirements of this Act; or

(b) issue an exemption certificate in the prescribed form; or

(c) refuse to issue a safety certificate or an exemption certificate.

(3) If the Authority refuses to issue a safety certificate or an exemption certificate, the Authority must provide reasons for that refusal.

Period of validity of safety certificate and exemption certificate

179. (1) The period of validity of a safety certificate is:

(a) If that safety certificate is a Safety Convention certificate for a ship contemplated in section 174(2)—

(i) in the case of a passenger ship, 12 months;

(ii) in the case of a cargo ship, as prescribed;

(b) if that safety certificate is a local safety certificate for a ship contemplated in section 174(3), as prescribed; or

(c) if it is a safety certificate for a prescribed ship contemplated in section 174(4).

(2) An exemption certificate must not be valid for longer than the period of validity of the safety certificate to which it refers.

Application for renewal of safety certificate or exemption certificate by owner

180. (1) Any holder of a safety certificate or exemption certificate must apply to the Authority for the renewal of the safety certificate or exemption certificate, within the prescribed period.

(2) The provisions of sections 185 and 186 relating to the surety of ships apply, with the necessary changes required by context, to the renewal of a safety certificate or an exemption certificate.

Cancellation of safety certificate or exemption certificate

181. (1) The Authority must cancel a safety certificate or an exemption certificate, if, by reason of the contents of a report by a surveyor, or for any other reason, the Authority is satisfied that—

(a) the certificate was obtained fraudulently or on wrong information; or

(b) subsequent to the issue of the safety certificate or exemption certificate—

(i) the hull, equipment or machinery of the ship has, for any reason, become insufficient;

(ii) the ship has, for any reason, become unseaworthy; or

(iii) the ship no longer complies with the requirements of this Act to the same extent that she complied when that certificate was issued

(2) When a safety certificate or exemption certificate is cancelled by the Authority, the Authority must notify the owner or master of the ship of the cancellation.

Surrender of expired or cancelled safety certificate

182. (1) A certificate which has expired or has been cancelled must on demand be surrendered by the owner or master of the ship to the Authority.

(2) If any certificate required to be surrendered under subsection (1) is not surrendered, the Authority may cause the ship to be detained until the certificate is surrendered.

Part 3

Ships to which the Safety Convention Applies

Application of Part 3

183. (1) This Part applies to a ship to which the Safety Convention applies as contemplated in section 174 (2).

(2) This Part does not apply, unless expressly provided otherwise in this Part or made applicable as prescribed, to—

(a) a cargo ship of less than 500 gross tonnage;

(b) a ship not propelled by mechanical means;

(c) a wooden ship of primitive build;

(d) a pleasure yacht not engaged in trade; or

(e) a fishing vessel.

Inspection and survey by surveyor

184. (1) A ship must be inspected and surveyed by a surveyor to determine if the ship complies with the requirements of this Act and for purposes of issuing a safety certificate in terms of this Chapter.

(2) Every surveyor who inspects and surveys a vessel in terms of this section must after such inspection and survey submit a report in the prescribed form to the Authority and the report must contain the prescribed particulars.

Survey of passenger ship

185. (1) The Authority must, to ensure that the workmanship of all parts of the ship and its equipment is in all respects satisfactory—

(a) conduct the following surveys for a passenger ship:

(i) A survey of the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances;

(ii) a survey of the main and auxiliary machinery;

(iii) a survey of the electrical installation;

(iv) a survey of the radio installations including those used in lifesaving appliances;

(v) a survey of the fire protection, fire safety systems and appliances;

(vi) a survey of the life-saving appliances and arrangements;

(vii) a survey of the shipborne navigational equipment;

(viii) a survey of the nautical publications; and

(ix) a survey of the means of embarkation for pilots and other equipment; and

(b) conduct an inspection of the ship to ensure that it is equipped with the lights, shapes, means of making sound signals and distress signals as required by this Act.

(2) The Authority must conduct the survey and inspection referred to in subsection (1), for the purpose, in the manner, containing such content and at such intervals as may be prescribed.

Survey of cargo ship

186. (1) The Authority must conduct the following surveys for a cargo ship:

(a) A safety equipment survey;

(b) a safety radio survey; and

(c) safety construction survey.

(2) For the purposes of subsection (1)—

(a) a safety equipment survey is a survey of the cargo ship's life-saving appliances and arrangements and fire safety systems and appliances;

(b) a safety radio survey is a survey of a ship's radon installation; and

(c) a safety construction survey is a survey of a survey of its structure, machinery and equipment.

(3) The Authority must conduct the surveys referred to in subsection (1), for the purpose, in the manner, containing such content and at such intervals as may be prescribed.

(4) A single Cargo Ship Safety Certificate may be issued in the prescribed form instead of certificates issued in terms of the construction regulations, the lifesaving equipment regulations, and the collision regulations and a cargo ship safety certificate must replace the latter certificates within three years of this Act coming into operation.

Part 4

Local Safety Certificates

Application of Part 4

187. (1) This Part applies to a ship contemplated in section 174 (1) *(b)* and (3) and any reference to a ship in this Part is a reference to a ship provided for in that section.

(2) If a ship contemplated in section 174 (1) *(b)* and (3) has a safety certificate issued in terms of Part 3, it does not have to apply for a local safety certificate in terms of this Part.

Survey of ship to which this Part applies

188. (1) The Authority must conduct such surveys, for such purposes, in the manner, containing such content and at such intervals as may be prescribed.

(2) A ship must be inspected and surveyed by a surveyor to determine if the ship complies with the requirements of this Act and for purposes of issuing a local safety certificate in terms of this Chapter.

(3) Every surveyor who inspects and surveys a ship in terms of this section, must after such inspection and survey submit a report in the prescribed form to the Authority.

Part 5

Fishing Vessels

Application of Part 5

189. This Part applies to any prescribed fishing vessel.

Inspection and survey of ship

190. (1) The Authority must conduct surveys, for the purposes, in the manner, containing such content and at such intervals as may be prescribed.

(2) A fishing vessel must be inspected and surveyed by a surveyor to determine if the fishing vessel complies with the requirements of this Chapter and as prescribed, for purposes of issuing a fishing vessel safety certificate in terms of this Chapter.

(3) Every surveyor who inspects and surveys a fishing vessel in terms of this section must after such inspection and survey submit a report in the prescribed form to the Authority.

Survey of fishing vessel

191. The Minister must prescribe the requirements for—

(a) the hull, equipment and machinery of a fishing vessel of any description and the description may include a reference to an area in which the vessel operates or the dates on which they were first registered in terms of the Ship Registration Act; and

(b) the safety equipment life-saving radio and navigational equipment.

Exemption

192. (1) The Minister may exempt any fishing vessel or a description of a fishing vessel from any requirement in this Chapter or as may be prescribed.

(2) An exemption by the Minister may be generally or for a specified time or with respect to a specified voyage.

Part 6

General Matters

Maintenance of conditions after survey of passenger ship and cargo ship

193 (1) The condition of a passenger or cargo ship and its equipment must be maintained to comply with the provisions of this Act to ensure that the ship

in all respects will remain fit to proceed to sea without danger to the ship or persons on board.

(2) No person must make a change in or to the structural arrangements, machinery, equipment and other items inspected and included in a survey in terms of this Part after that inspection and survey has been completed, unless the Authority has approved such change.

(3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, the master or owner of the ship must, as soon as is practicable, report that accident or defect to the Authority and the Authority must investigate the accident or defect to determine whether a survey contemplated in this Part is necessary.

(4) If the ship is in a port of a country other than South Africa, the master or owner must report the accident or defect referred to in subsection (3) to the Authority and the appropriate authority of that country at which port the ship is in.

Modification of safety convention certificates as respects lifesaving appliances

194. (1) If, on any international voyage, a passenger ship registered in the Republic, in respect of which a safety convention certificate is in force, has on board a total number of persons less than the number stated in that certificate to be the number for which the lifesaving appliances on the ship provides, the Authority may, at the request of the master of the ship, issue a memorandum stating the total number of persons carried on the ship on that voyage, and the consequent modification which may be made for the purpose of that voyage in the particulars

with respect to lifesaving appliances stated in the certificate, and that memorandum must be annexed to the certificate.

(2) The master of the ship in respect of which any such memorandum has been issued must return it to the Authority at the end of the voyage to which it relates.

(3) If a recognised non-South African safety convention certificate is produced in respect of a passenger ship not registered in the Republic, and there is attached to the certificate a memorandum which —

(a) has been issued by the authority of the Government of the country in which the ship is registered; and

(b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to lifesaving appliances,

the certificate must have effect for the purpose of that voyage as if were modified in accordance with the memorandum.

Carrying persons in excess

195. No master or owner of any vessel registered or licensed in the Republic must anywhere, and no master of any vessel not registered or licensed in the Republic must in the Republic, permit persons to be on board or on or in any part of the vessel in excess of the number permitted by the vessel's safety certificate, certificate referred to in section 194 or any other certificate or document required in terms of section 196 or 197: Provided that the master may, for the purpose of enabling persons to be moved from any place in consequence of a threat to their

lives or in the event of force majeure, carry more persons on board a ship than are permitted by the said certificate or memorandum and such carriage must not constitute a contravention of the provisions of this section.

Part 7

Safety certificates not issued by Authority in respect of ship not registered or licensed in the Republic while it is in the Republic and Safety Convention certificates issued at request of parties to Safety Convention

Recognition of safety certificate issued by country which is party to Safety Convention

196. (1) The provisions of this section apply to a ship that is registered or licensed in a country that is a party to the Safety Convention, while it is in the Republic.

(2) A valid safety convention certificate issued in respect of a ship referred to in subsection (1) by the country referred to in that subsection, must have the same effect as a corresponding certificate issued by the Authority under section 176.

(3) A surveyor of a ship to which this section applies, must only verify whether the safety convention certificate is valid, unless there are clear grounds for believing that—

(a) the condition of the ship or of its equipment does not correspond substantially with the particulars of the certificate; or

(b) the ship and its equipment are not in compliance with the provisions of the Safety Convention to ensure that the ship has in all respects remained fit to proceed to sea without danger to the ship or persons on board,

and if either of the circumstances in paragraph *(a)* or *(b)* is present, the surveyor may inspect the ship —

(i) for the purpose of determining the maximum number of persons that the ship is fit to carry;

(ii) for the purpose of verifying that the ship is in the condition of seaworthiness indicated in the safety certificate produced; or

(iii) if the safety of life at sea require that it be investigated.

(4) On receipt of the report of a surveyor of an inspection made under subsection (3)*(a)*, the Authority must issue a certificate stating the maximum number of persons which the ship is fit to carry.

(5) The Authority may dispense with an inspection of the ship for the purpose of determining the maximum number of persons that it is fit to carry as contemplated in subsection (3)*(a)*, if the safety certificate referred to in subsection (2) or an additional certificate issued by the government of the country referred to in subsection (2)—

(a) stating the maximum number of persons that the ship is fit to carry; and

(b) the Authority is satisfied that the number has been determined substantially in the same manner as it would have been determined in the case of a ship registered in the Republic,

(6) If, after an inspection by a surveyor of an inspection made under subsection (3)*(b)*, the Authority is satisfied that a ship contemplated in subsection (2) is unseaworthy, it may direct that the safety convention certificate of that ship not be

recognised in the Republic, and thereafter the safety certificate must have no effect in the Republic.

Recognition of certificate relating to safety issued by country which is not party to Safety Convention

197. (1) The provisions of this section apply to a ship that is registered or licensed in a country that is not a party to the Safety Convention, while it is in the Republic.

(2) A valid certificate relating to safety issued in respect of a ship referred to in subsection (1), must have the same effect as a certificate issued by the Authority under section 176.

(3) The Authority may, after an inspection by a surveyor, if it is satisfied that the ship referred to in subsection (1) is not seaworthy, direct that the certificate relating to safety of that ship not be recognised in the Republic, and thereafter the certificate relating to safety must have no effect in the Republic.

Issue of safety convention certificate by one government at request of another

198. (1) The Authority may request the government of a country who is a party to the Safety Convention to issue an appropriate safety convention certificate in respect of a ship registered in the Republic and a certificate issued in pursuance of

such a request must contain a statement that it has been so issued and must be considered to have been issued—

(a) in the case of a passenger ship, under section 175 *(a)* (i); or

(b) in the case of a cargo ship, under section 175 *(a)* (ii).

(2) The Authority may, at the request of the government of a country to which the Safety Convention applies, cause an appropriate safety convention certificate to be issued in respect of a ship registered in that country, if it is satisfied in like manner as in the case of a ship registered in the Republic, that the certificate can properly be issued: Provided that it may cause the certificate to be issued if it is satisfied that the ship is constructed and equipped in accordance with all the requirements of the construction regulations, the lifesaving equipment regulations, the radio regulations and any other regulations which may have been made and which are applicable to the ship and to the voyages on which it is to be engaged, in so far as those requirements are requirements of the Safety Convention applicable as aforesaid, notwithstanding the fact that it is not constructed or equipped in accordance with any requirements of the said regulations that are not applicable requirements of the Safety Convention, and that it is equipped in accordance with the requirements of the collision regulations.

(3) A certificate issued in pursuance of a request referred to in subsection (2) must contain a statement that it has been so issued and must have effect as if it had been issued by the government of the country in which the ship is registered.

Part 8

Load Lines

Division 1

Application of Part 8

Application of Part 8

199. (1) This Part applies to a ship registered in the Republic and—

(a) engaged on an international voyage and that is not a ship referred to in paragraph *(b) (c)* and *(d)*;

(b) engaged on an international voyage and that ship is a new ship of more than 14 metres but less than 24 metres in length;

(c) engaged on an international voyage and that ship is an existing ship of less than 150 gross tons; and

(d) not engaged on an international voyage, if that ship is more than 14 metres in length.

(2) This Part does not apply to a ship referred to in subsection (1) if that ship is—

(a) a fishing vessel; or

(b) a pleasure yacht not engaged in trade.

Exemptions from Part 8

200. The Authority may, on application contemplated in division 2 of this Part, exempt a ship—

(a) which embodies a feature of a novel kind, from a provision of this Part or prescribed requirements, if the application of a provision of this Part or a prescribed requirement, could seriously impede research into the development of such a feature and its incorporation in ships engaged on international voyages, provided that the ship complies with the safety requirements, which, in the opinion of the Authority are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship;

(b) which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage, provided that the ship complies with safety requirements which, in the opinion of the Authority is adequate for the voyage which is to be undertaken by the ship.

Division 2

Load Line Certification of Ships in General

Only marked and certificated ship permitted to go to sea

201. (1) No owner or master of a ship must take the ship to sea, or require or permit any other person to proceed to sea from a port within or outside the Republic unless—

(a) that ship has been surveyed and marked as prescribed;

(b) has on board the applicable load line certificate or the applicable load line exemption certificate; and

(c) that load line certificate or load line exemption certificate is valid.

(2) If a ship has a valid international load line certificate or international load line exemption certificate that was issued in terms of this Part and has not expired or been cancelled by the Authority or been surrendered by the owner in place but it only engages on voyages in the Republic, that international load line certificate or international load line exemption certificate is considered to be a local load line certificate or local load line exemption certificate for the period of validity for which it was issued,

Application for international load line certificate or an international load line exemption certificate by owner

202. (1) Any owner of a ship who is required to be holder of an international load line certificate or an international load line exemption certificate, must apply to the Authority for such certificate.

(2) An application for an international load line certificate or an international load line exemption certificate must be on the prescribed form and be accompanied by the—

(a) prescribed documents, including a special power of attorney if the application is submitted on behalf of the owner;

(b) prescribed fee; and

(c) any other information that the Authority may require.

Issuing of load line certificate or load line exemption certificate by Authority

203. (1) The Authority must, on receipt of an application for a load line certificate or a load line exemption certificate, survey the ship to determine if it complies with the requirements of this Chapter and the prescribed requirements.

(2) The Authority must, after consideration of the report of the surveyor, if it is satisfied that—

(a) the ship is marked with deck lines and load lines of the description and number prescribed;

(b) the ship's load lines are in the position required by the load line regulations; and

(c) the ship complies with the conditions of assignment, the Authority must —

(i) if it is a ship referred to in section 199(1)*(a)*, issue an international load line certificate in the prescribed form;

(ii) if it is a ship referred to in section 199 (1)*(b)* or *(c)*, issue a local load line certificate in the prescribed form;

(iii) if it is a ship referred to in section 199(1)*(a)*, issue an international load line exemption certificate in the prescribed form; or

(iv) if it is a ship referred to in section 199(1)*(b)* or *(c)*, issue a local load line exemption certificate in the prescribed form.

(3) If a ship to which the provisions of this Chapter apply, does not comply with the provisions of paragraph *(a)*, *(b)* or *(c)*, refuse to issue a load line certificate or a load line exemption certificate.

(4) If the Authority refuses to issue a load line certificate or a load line exemption certificate, it must provide reasons for that refusal.

Period of validity of international load line certificate and international load line exemption certificate

204. (1) The period of validity of an international load line certificate must, subject to subsection (4), be as prescribed and must not exceed five years from the date of issue.

(2) The period of validity of an international load line exemption certificate must be as prescribed but that period must not exceed five years from the date of issue.

(3) If, after a survey referred to in section 208, the Authority is not in a position to issue a new international load line certificate or international load line exemption certificate before the expiry of the current certificate in place for that ship, the Authority may extend the period of validity of the original certificate for a period that must not exceed five months.

(4) An extension of the period of validity of an international load line certificate or international load line exemption certificate under subsection (4) must—

(a) be granted only where there have been no alterations in the structure, equipment, arrangements, material or scantlings which affect the ship's freeboard; and

(b) be endorsed on the original certificate.

Application for renewal of international load line certificate and international load line exemption certificate

205. (1) Any holder of an international load line certificate or international load line exemption certificate must apply to the Authority for the renewal of safety certificate or exemption certificate, within the prescribed period.

(2) The provisions of sections 202, 203 and 204 apply, with the necessary changes required by context, to the renewal of an international load line certificate or international load line exemption certificate.

Cancellation of international load line certificate or international load line exemption certificate

206. (1) The Authority must cancel an international load line certificate or international load line exemption certificate, if, by reason of the contents of a report by a surveyor, or for any other reason, it is satisfied that—

(a) it was obtained fraudulently or on wrong information;

(b) since it was issued, structural alterations including the renewal of any part thereof, which affect the position of the load lines, have taken place in the hull or superstructures of the ship;

(c) the fittings and appliances for the protection of an opening, a guard rail, a freeing port and a means of access to crew accommodation are not maintained in an effective condition;

(d) the certificate is not endorsed to show that the ship has been inspected;

(e) the structural strength of the ship is lowered to such an extent that the ship is unsafe; or

(f) the marking of the deck lines and load lines on the ship have not been properly maintained.

(2) When a load line certificate or load line exemption certificate is cancelled by the Authority, it must notify the owner or master of the ship of the cancellation.

Surrender of expired or cancelled international load line certificate or international load line exemption certificate

207. (1) A load line certificate or load line exemption certificate which has expired or has been cancelled must, on demand be surrendered by the owner or master of the ship to the Authority.

(2) If any certificate required to be surrendered under subsection (1) is not surrendered, the Authority may cause the ship to be detained until the certificate is surrendered.

Division 3

Inspection and survey

Inspection and survey of ship

208. (1) The Authority must, to ensure that the arrangements, material and scantlings fully comply with the prescribed requirements and to ensure that alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line, ensure that a surveyor conducts such surveys and inspections for the purpose of issuing a load line certificate or load line exemption certificate , in the manner, containing such content and at such intervals as may be prescribed.

(2) Every surveyor who inspects and surveys a vessel in terms of this section must after such inspection and survey submit a report in the prescribed form to the Authority.

Division 4

General matters

Maintenance of conditions after survey of ship

209. (1) The owner and the master of a load line ship registered in the Republic must maintain the marking of her deck lines and load lines in the position specified in the load line certificate in force in respect of that ship or if the Authority approved the alteration of the position of the deck lines or load line, in the position approved.

(2) No person must conceal, remove, alter, deface or obliterate, or cause or instruct any person under his or her control to conceal, remove, alter, deface or obliterate any mark placed on any ship in accordance with the provisions of this Act, except with the approval of the Authority or except for the purpose of escaping unlawful capture by an enemy or by a foreign ship.

Entry of load line particulars in official logbook

210. (1) When a load line certificate has been issued in terms of this Act in respect of a load line ship registered in the Republic, the master, before making

any other entry in the official logbook must enter therein the particulars as to the position of the deck line and load lines specified in the certificate.

(2) Before any load line ship registered in the Republic leaves any port within or outside the Republic, or before any passenger ship not registered in the Republic and plying between ports in the Republic or between a port in the Republic and any other port, leaves any port in the Republic, for the purpose of proceeding to sea, the master must—

(a) enter in the official logbook the prescribed particulars relating to the depth to which the ship is for the time being loaded; and

(b) cause a notice in the prescribed form, and containing such of the said particulars as may be prescribed, to be displayed in some conspicuous place on board the ship and to be kept so displayed and legible until the ship arrives at some other port.

Submersion of load line on South African ships

211. (1) The master of a load line ship registered in the Republic must not—

(a) so load the ship;

(b) cause the ship to be so loaded; or

(c) bring the ship into any port in the Republic so loaded,

as to submerge in salt water, when the ship has no list, the load line on each side of the ship appropriate to the circumstances then existing.

(2) Any surveyor who finds upon inspection that the ship is loaded in contravention of subsection (1), must give notice in writing to that effect to the

master, pointing out the extent of the overloading, and requiring that the matter be rectified.

(3) A copy of every notice so given must be transmitted by the surveyor to the proper officer at any port at which a clearance for that ship may be requested, and a clearance must not be granted, and the ship must be detained, until a certificate under the hand of a surveyor is produced stating that the deficiency has been made good.

Part 9

Load line certificate not issued by Authority in respect of ship not registered in the Republic while it is in the Republic and Load Line Convention certificates issued at request of parties to Load Line Convention

Issue of international load line certificate by one government at request of another

212. (1) The Authority may request the government of a country to which the Load Line Convention applies to issue an international load line certificate in respect of a load line ship registered in the Republic and a certificate issued in pursuance of such a request must contain a statement that it has been so issued, and must be considered to have been issued under section 203.

(2) The Authority may, at the request of the government of a country to which the Load Line Convention applies, issue an international load line convention certificate in respect of a load line ship registered in that country, after a survey and inspection of the ship contemplated in this Part and if it is satisfied that

the ship is marked with deck lines and load lines of the description and number and in the position required in terms of the Load Line Convention.

(3) A certificate issued in terms of subsection (2) must contain a statement that it has been so issued, and must have effect as if it had been issued by the Government of the country in which the ship is registered.

Inspection and control of ship not registered in the Republic

213. (1) If a ship which is registered in a country to which the Load Line Convention applies other than the Republic, is within the Republic and a valid international load line certificate or international load line exemption certificate issued by that country in respect of that ship is in place, a surveyor's powers of inspecting the ship with respect to load line must be limited to ascertaining whether—

(a) the ship is loaded beyond the limits allowed by the certificate;

(b) the position of the load lines on the ship corresponds with the position specified in the certificate;

(c) since the certificate was issued any structural alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; and

(d) the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew accommodation have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(2) If a surveyor finds on inspection that the ship is loaded beyond the limits allowed by the certificate, he or she must give notice in writing to that effect

to the master, pointing out the extent of the overloading and requiring that the matter be rectified.

(3) If a surveyor finds on inspection that the load lines of the ship are not in the position specified in the certificate, he or she must give notice in writing to that effect to the owner or master, pointing out the defects and requiring the same to be made good.

(4) A copy of every notice given under subsection (2) or (3) must be transmitted by the surveyor to the proper officer at any port at which a clearance for that ship may be requested, and a clearance must not be granted, and the ship must be detained, until a certificate under the hand of a surveyor is produced stating that the matter has been rectified or the deficiency made good.

(5) If no valid or no certificate contemplated in subsection (1), is produced to the surveyor on such demand as aforesaid, the surveyor must have all the powers and duties with regard to that ship granted to a surveyor in terms of this Part as if that ship is registered in South Africa.

(6) For the purposes of this section a ship must be considered to be loaded beyond the limits allowed by the certificate if it is so loaded as to submerge in salt water, when the ship has not list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

Issue of special load line certificate in respect of ship not registered in the Republic

214. (1) The Authority may issue a special load line certificate in respect of any ship that is not registered in the Republic, if that ship—

(a) is more than 14 metres in length; or

(b) is not a fishing vessel or pleasure yacht engaged in trade.

(2) The provisions of this Chapter relating to the issue, effect, duration, renewal and cancellation of a local load line certificate must apply, with the necessary changes as the context may require, to a special load line certificate:

Provided that—

(a) if the ship contemplated in subsection (1) is registered in a country to which the Load Line Convention does not apply, the special load line certificate must be available in respect of international voyages as well as other voyages;

(b) if the ship contemplated in subsection (1) is registered in a country to which the Load Line Convention applies, the special load line certificate must only be valid if the ship is not plying on international voyages, and must be endorsed with a statement to that effect, and may be cancelled by the Authority if it is satisfied that the ship is so plying; and

(c) a survey for the purpose of ascertaining whether the certificate should remain in force must take place whenever the Authority so requires.

Recognition of certificates as to load lines issued in other countries

215. If the Minister is satisfied—

(a) either—

(i) that, by the law in force in any treaty country other than the Republic provision has been made for the fixing, marking and certifying of load lines on ships or any class or description of ships registered in that treaty country; or

(ii) that such provision has been made by the law in force in any foreign country with respect to ships or any class or description of ships registered in that country, and has also been so made or it has been agreed that provision must be so made for recognising load line certificates issued in the Republic as having the same effect in ports of that country as certificates issued under the said provision; and

(b) that the provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Chapter and of the load line regulations and is equally effective,

he or she may, by notice in the *Gazette*, direct that certificates issued in pursuance of that provision in respect of ships or that class or description of ships registered in that treaty country or in respect of ships or that class or description of ships registered in that foreign country, must have the same effect, for the purposes of this Chapter as special load line certificates.

Ship not registered in Republic not to be taken to sea without load line certificate

216. The master of a ship not registered in the Republic must not cause or permit her to proceed to sea from a port in the Republic unless there is load line certificate on board and in force in respect of that ship—

(a) if it is registered in a country, other than the Republic, to which the Load Line Convention applies, and—

(i) is engaged in an international voyage, an international load line certificate recognised by the Authority or issued by it in terms of this Chapter*;* or

(ii) is not engaged in an international voyage, an international load line certificate recognised by the Authority, a special load line certificate issued in terms of section 214 or a certificate which in terms of a notice issued under section 215 has the same effect as a special load line certificate; or

(b) if it is not registered in a country to which the Load Line Convention applies a special load line certificate or a certificate which in terms of a notice issued under section 215 has the same effect as a special load line certificate.

Submersion of load line on ship not registered in the Republic

217. The provisions of section 211 must, with the necessary changes that the context may require, apply to a ship not registered in the Republic, while it is at

any port in the Republic: Provided that in the application of section 211, the expression "the load line" must mean—

(a) in the case of a ship in respect of which there is a produced international load line certificate recognised by the Authority, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded;

(b) in the case of a ship in respect of which there is produced certificate which, in terms of a notice issued under section 215, has the same effect for the purposes of this Chapter as a special load line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled, under the law in force in the country in which the ship is registered, to be loaded; or

(c) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line regulations to be loaded, or if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Part 10

Safety of Navigation

Ship's complement

218. (1) The owner and the master of every South African ship operating at a port in the Republic or going to sea from any port must ensure that, the

prescribed number of ship's officers and other persons are employed on board that ship.

(2) Subject to subsection (3), the owner and the master of every ship other than a South African ship operating at a port in the Republic or going to sea from any such port must ensure that, in addition to the ship's officers and other persons must be employed on board that ship, there are employed as crew the number and descriptions of persons prescribed by the law of the flag of the ship.

(3) Notwithstanding subsection (2), subsection (1) must apply to a ship referred to in that paragraph, as if it were a South African ship, if—

(a) the matters contemplated in that paragraph are not prescribed by the law of the flag of the ship; or

(b) having regard to—

(i) the complement normally carried by similar ships on similar voyages;

(ii) the complement which the ship in question has recently carried on previous voyages; and

(iii) the nature and place of the service for which the ship is intended,

the Authority has reason to believe that the ship is not sufficiently and efficiently manned.

Surveyor may direct that defects be made good

219. (1) If upon the inspection of a vessel a surveyor finds that the prescribed provisions regarding maritime occupational safety, or that the vessel is not equipped as required by the construction regulations, lifesaving equipment, radio, collisions or any other applicable regulations which may have been made or

not marked as required by the load line regulations, or that the equipment is not in good condition, or that the deck lines or load lines are not being properly maintained, or that the master and crew cannot demonstrate the related competency at their place or places of duty, he or she must give notice in writing to that effect to the owner or master, pointing out the deficiencies or defects and requiring that they be made good.

(2) A copy or every notice so given must be transmitted by the surveyor to the proper officer at any port at which a clearance for that vessel may be requested, and a clearance must not be granted, and the vessel must be detained, until a certificate under the hand of a surveyor is produced stating that the deficiencies or defects have been supplied or made good.

Display of safety convention certificate, local safety certificate or load line certificate

220. Immediately after receipt of a safety convention certificate, a local safety certificate or a load line certificate, the owner or master must cause it to be framed and displayed in some conspicuous place on board the vessel for the information of all on board, and must cause it to be kept so framed and displayed so long as it remains in force and the vessel is in use: Provided that this section must not apply to ships which have been exempted from these provisions.

Information about stability of ship

221. (1) The owner of every South African ship of the class or tonnage prescribed by regulation built after the coming into operation of this section must cause to be kept on board the ship such information in writing about the stability of the ship as is necessary for the guidance of the master in loading, ballasting the ship and under varying conditions of service the ship.

(2) The information required in terms of subsection (1) must be determined by regulation, and must be based upon the determination of the stability of the ship by means of an inclining test of the ship: Provided that the Authority may allow the information to be based on a similar determination of the stability of a sister ship.

(3) When any such information is provided concerning a ship, the owner of the ship must send a copy of such information to the Authority: Provided that the owner must not be required to send a copy of any information to the Authority if a copy of the same information has been previously sent to the Authority.

(4) For the purposes of section 149 every document containing such information as is referred to in this section must be considered as a document relating to the navigation of the ship.

Production of certificates to customs officer

222. (1) The master of any ship which is at any port in the Republic must produce to the customs officer from whom a clearance for that ship is requested—

(a) if it is a ship to which section 203 or 214 applies, the certificate or certificates which in terms of those sections must be on board that ship;

(b) if it is a load line ship registered in the Republic, the certificate which in terms of section 176 must be on board that ship;

(c) if it is a load line ship not registered in the Republic, the certificate which in terms of section 215 must be on board that ship; or

(d) if it is a load line ship carrying a deck cargo of timber, a certificate issued under section 248(1).

(2) If the certificate or certificates required to be produced under subsection (1) are not produced, the ship must be detained until such certificate or certificates are produced.

Registration of private code or signals

223. (1) If the owner of a ship, wherever registered, desires to use any signals for the purpose of a private code he or she may register them with the Authority, who may publish a list of the signals registered.

(2) The Authority may refuse to register any signals which, in its opinion, cannot easily be distinguished from signals generally used as signals of distress, signals for pilots, signals of urgency, signals prescribed for indicating that a message is about to be sent relating to a danger, or from signals registered in the name of any other person.

(3) The Authority may, if it thinks fit, cancel the registration of any signal at any time.

(4) No person must—

(a) use a signal registered, except by the authority of the person in whose name it is registered; or

(b) use any signal the registration of which has been cancelled by the Authority.

Signals of distress

224. (1) The master of a vessel which is registered or licensed in the Republic or which, in terms of this Act, is required to be so licensed must not, within or outside the Republic, and the master of any other vessel must not, within the Republic or the territorial waters thereof, use or display or cause or permit any person under his authority to use or display, and no person must use or display at a place on land within the Republic from which it can be seen from the sea—

(a) any signal which by regulation is declared to be a signal of distress, except in the circumstances and for the purpose prescribed; or

(b) any private signal, whether registered or not, which is likely to be mistaken for any such signal of distress.

(2) Any person convicted of contravening subsection (1) must be liable, in addition to any penalty imposed under Chapter 10, to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal used or displayed having been taken to be a signal of distress.

(3) Such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable in terms of this Act.

Report of alteration or damage affecting seaworthiness, efficiency or compliance with regulations

225. (1) If any alteration including any renewal of any part thereof has been made in, or any damage has been sustained by, a South African ship so material as to affect her seaworthiness or her efficiency, whether in her hull, equipment or machinery, or her compliance with such of the construction regulations, the lifesaving equipment regulations, the radio regulations, the collision regulations, the load line regulations or any other regulations which may have been made, as apply to her, the owner or master must, as soon as possible, forward a report to the Authority, giving full particulars of the alteration or damage.

(2) If, by reason of the contents of a report made in terms of subsection (1), or for any other reason, the Authority is of the opinion or suspects that—

(a) a South African ship is unseaworthy; or

(b) the hull, equipment or machinery of a South African ship is insufficient; or

(c) a South African ship does not comply with such of the regulations referred to in subsection (1) as apply to her,

it may give special directions for the inspection of the ship by a surveyor, notwithstanding the fact that a safety convention certificate, a local safety certificate or a load line certificate is still in force in respect of that ship.

(3) Any ship in respect of which any such directions as are referred to in subsection (2)(4) have been given may be detained by the Authority.

(4) If any such directions are not complied with, the Authority may cancel any certificates issued in respect of that ship under this Chapter.

Unseaworthy ships not permitted to leave port

226. No person, including the owner or master, must cause or permit—

(a) any ship other than a ship of South African nationality to be navigated away from any port in the Republic; or

(b) any ship of South African nationality to be navigated away from any port,

in an unseaworthy state and unless there is a valid safety certificate or safety exemption certificate in place in respect of that ship.

Obligation to secure seaworthiness of ship

227. (1) In every contract of service, express or implied, between the owner of a ship and the master and in every agreement between the master and the crew there must be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner and the master and every agent charged with the loading, preparing for sea or sending to sea of the ship must use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage and during the voyage.

(2) This section must apply in respect of every contract to serve on a South African ship and in respect of every contract to serve on a ship not registered in the Republic, if the contract is entered into in the Republic.

Sending unseaworthy ship to sea in special circumstances

228. Nothing in sections 226 and 227 contained must subject the owner or master of any ship to any liability, civil or criminal, by reason of the ship being sent or taken to sea in an unseaworthy state, if it be proved that—

(a) the owner used all reasonable means to ensure the seaworthiness of the ship; and

(b) owing to special circumstances, the sending or taking of the ship to sea in such an unseaworthy state was reasonable and justifiable.

Unseaworthy ships to be detained

229. If, on complaint made to the Authority in accordance with the provisions hereinafter contained, or without any complaint but after an inspection by the Authority of a ship at any port in the Republic, it must, whether or not the ship is registered in the Republic, detain it, if it is found to be unseaworthy, until it is satisfied that it is in a seaworthy state.

Ships may be inspected

230. (1) If any ship is detained in terms of section 229, the Authority may, before releasing it, require those defects or deficiencies which are believed or alleged to exist to be inspected by a surveyor.

(2) The surveyor who makes the inspection under this section, must report fully to the Authority who detained the ship on such supposed or alleged defects or deficiencies.

(3) The Authority must transmit a copy of the surveyor's report to the master of the ship.

Complaint as to seaworthiness to be in writing

231. Every complaint in respect of the seaworthiness of a ship must be in writing, stating the name and address of the complainant, and if the ship be detained, a copy of the complaint, including the name and address of the complainant, must be served on the master of the ship together with the notice of detention issued under section 400.

Authority to pay compensation for damage if ship is seaworthy

232. If, on inspection it is determined that any ship detained under the provisions of section 229 is seaworthy, the Authority must pay to the owner compensation for any damage suffered by the owner by reason of the detention if it is proved that there was not reasonable cause, by reason of the condition of the ship or the act or default of the owner or master, for the detention of the ship.

Expenses to be paid by owner if complaint founded

233. If, on inspection, it is found that any complaint in respect of a ship detained under section 229 was well founded, the owner must pay to the Authority all expenses incurred in connection with the inspection and the ship must not be released until such expenses are paid.

Reports of dangers to navigation

234. (1) The master of a South African ship on meeting with dangerous ice, a dangerous derelict, dangerous storm or any other direct danger to navigation, must forthwith send information accordingly by all means of communication at his or her disposal and in accordance with the regulations, to ships in the vicinity and to such authorities on shore as may be prescribed.

(2) Any person in charge of a radio station which is under the control of the Independent Communications Authority of South Africa established in terms of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), or which is carried on under licence issued by it, must on receiving the prescribed signal that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and must transmit the message in such manner as may be required by the Authority.

(3) Compliance with this subsection is a necessary condition of every licence granted by the Independent Communications Authority of South Africa under the Electronic Communications Act, 2005 (Act No. 36 of 2005), or any amendment.

(4) Nothing in subsection (3) must interfere with the transmission by radio of any signal which by regulation has been declared to be a signal of distress.

(5) For the purpose of this section, the expression "dangerous storm" means a hurricane, typhoon, cyclone, or other storm of a similar nature and the master of a ship must be considered to have met with a dangerous storm if he or she has reason to believe that there is such a storm in his or her vicinity.

Safe navigation and avoidance of dangerous situations

235. (1) Prior to proceeding to sea, the master must ensure that the intended voyage has been planned using the appropriate nautical charts and nautical publications for the area concerned, taking into account the guidelines and recommendations determined by the Authority:

(a) The voyage plan must identify a route which:

(i) Takes into account any relevant ships' routing systems;

(ii) ensures sufficient sea room for the safe passage of the ship throughout the voyage;

(iii) anticipates all known navigational hazards and adverse weather conditions; and

(iv) takes into account the marine environmental protection measures that apply and avoids, as far as possible, actions and activities which could cause damage to the environment.

(2) The master must navigate carefully and at appropriate speed.

(3) The owner or any other person must not prevent or restrict the master of the ship from taking or executing any decision which, in the master's

professional judgment, is necessary for safe navigation and protection of the marine environment.

Safety certificates and memoranda issued before commencement of Act

236. Any certificate or memorandum issued under the authority of the Government of the Republic before the coming into operation of this section, and being of a similar nature to any certificate or memorandum for the issue of which provision is made by this Chapter, must, during the period for which it is expressed to be valid, be considered to have been issued under this Act.

Provisions of this Chapter not to be applied to ships not registered in the Republic driven into Republic ports by stress of weather

237. Notwithstanding the fact that any provision of this Chapter is expressed to apply to ships not registered in the Republic while they are within the Republic or within the territorial waters thereof, that provision must not be applied to a ship not registered in the Republic if she would not have been within the Republic or within the territorial waters thereof but for stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

Admissibility in evidence of safety and load line certificates and surveyor's reports

238. Every safety convention certificate, local safety certificate, and load line certificate and every report made by a surveyor in terms of any provision of this Act must be admissible in evidence.

Part 11

Carriage of Grain

Application of Part 11

239. This Part applies to—

(a) every South African ship wherever it may be; and

(b) any other ship while within any port in the Republic, or while embarking or disembarking passengers within the territorial waters of the Republic, or while loading or discharging cargo or fuel within those waters.

Carriage of grain

240. (1) No person must carry in any ship, except as prescribed, grain as cargo.

(2) Whenever grain is loaded in any port in the Republic on board any ship, wherever it may be registered, or is loaded on board a South African ship in any port outside the Republic, the owner or the master of the ship, or any agent of the owner who is charged with the loading or with sending the ship to sea laden with the grain, must take all precautions prescribed by regulation to prevent the grain from shifting and in addition must take all other precautions to prevent the grain from

shifting which in the circumstances are necessary and reasonable and if all such precautions are not taken, the ship must be considered to be unseaworthy.

(3) Whenever any ship, wherever it may be registered, having been loaded with grain outside the Republic without the taking of all such precautions as are referred to in subsection (1), enters any port in the Republic so laden, the owner or master of the ship must be guilty of an offence and the ship must be considered unseaworthy: Provided that this subsection must not have effect if the ship would not have entered any such port but for stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(4) Subsections (1) and (2) must not apply in respect of a ship loaded in all respects in accordance with any provisions approved by the Authority in the special case.

(5) On the arrival at a port in the Republic from a port outside the Republic of any ship, wherever it may be registered, carrying a cargo of grain, the master must cause to be delivered to the Authority a notice stating—

(a) the draught of water and freeboard of the said ship after the loading of her cargo was completed at the final port of loading; and

(b) the following particulars of the grain are carried, namely—

(i) the kind of grain and the quantity thereof, stated in cubic feet, bushels, or tons weight;

(ii) the mode in which the grain is stowed; and

(iii) the precautions taken to prevent the grain from shifting.

Part 12

Carriage of Dangerous Goods

Application of Part 12

241. (1) This Part applies to—

(a) every South African ship; and

(b) any other ship while within any port in the Republic, or while embarking or disembarking passengers within the territorial waters of the Republic, or while loading or discharging cargo or fuel within those waters.

(2) The provisions of this Part must not apply to—

(a) a ship's distress signals;

(b) the carriage of naval or military stores for the public service under conditions authorised by the Authority; or

(c) a ship's stores and equipment or to a particular cargo carried in a ship specially built or converted as a whole for that purpose as determined by the Authority.

Requirements for carriage of dangerous goods

242. (1) No person must send by or carry in any ship, except as prescribed, as cargo or ballast, any dangerous goods.

(2) No person must send by any ship, or, if he is not the master or owner of a ship carry in that ship, any dangerous goods without hazard warning placarding and distinctly marking, in English, their nature on the outside of the

package containing the same, as prescribed, and without giving written notice of the nature of such goods and of the name and address of the sender thereof to the master or owner of a ship at or before the time of sending the same to be taken on board the ship.

(3) The master or owner of a ship may refuse to take on board any package or parcel which the master or owner of a ship suspects to contain dangerous goods, and may require such package or parcel to be opened to ascertain the fact.

Exemption from Part 12

243. The Authority must not, in any circumstances, grant a ship an exemption from the provisions of this Part and the prescribed requirements.

Part 13

Nuclear Ships

Application of Part 13

244. (1) Part 13 applies—

(a) to every nuclear South African ship wherever it may be;

(b) to any other nuclear ship while within any port in the Republic, or while embarking or disembarking passengers within the territorial waters of the Republic, or while loading or discharging cargo or fuel within those waters; and

(c) in addition to the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999) and the Nuclear Energy Act, 1999 (Act No. 46 of 1999).

(2) A "nuclear ship" means a ship provided with a nuclear power plant.

Entry into port

245. The master of a nuclear ship must, before entering a port in the Republic—

(a) notify the Authority of his or her intention to enter that port;

(b) confirm that there is on board a valid nuclear ship safety certificate;

(c) confirm that there is on board a valid nuclear installation licence, if applicable, or a nuclear vessel licence issued in terms of the National Nuclear Regulator Act; and

(d) confirm that the exposure or hazards at sea or in port, to the crew, passengers or public, or to the waterways or food or water resources is within the prescribed limits as reflected in Annexure 2 of the National Nuclear Act 4 of 1999 as appropriate.

Environmental hazard

246. In the event of any marine casualty or accident likely to lead to an environmental hazard the master of a nuclear ship must immediately inform the Authority and if the ship is a South African ship, the master must also immediately inform the competent authority of the country in whose waters the ship may be, or whose waters the ship approaches in a damaged condition.

Exemption from Part 13

247. The Authority must not, in any circumstances, grant a ship an exemption from the provisions of this Part and the prescribed requirements.

Part 14

Cargoes in General

Carriage of timber deck cargo

248. (1) Whenever a deck cargo of timber is loaded on a load line ship at a port in the Republic the owner or master must cause the ship to be inspected by a surveyor who, if satisfied that the ship is suitable for the carriage of deck cargoes of timber and that such cargo is properly stowed and secured in accordance with the timber cargo regulations, must issue a certificate to that effect.

(2) Neither the owner nor the master of any such ship must cause or permit her to proceed to sea from a port in the Republic unless there is on board a certificate issued under subsection (1) in force in respect of that ship.

(3) In any proceedings against an owner or master in respect of a contravention of the timber cargo regulations, it must be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer if any could have prevented or forestalled.

(4) This section must apply to all ships.

Marking of heavy packages or objects

249. No person must in the Republic consign to be loaded on any ship, and no owner or master of any ship in the Republic, must cause or permit to be loaded on that ship any package or object of a gross weight of one thousand kilograms or more, unless its weight is plainly and durably marked on the outside of the package or object: Provided that in the case of a package or object of such a character that its exact weight would be difficult to ascertain an approximate weight may be so marked accompanied by the word "approximate" or any reasonable abbreviation thereof.

Requirements for packaging of containers

250. (1) Whenever containers are packed in the Republic, the shipper, packer or consignor are obliged to ensure the container is packed properly with appropriate use of blocking, bracing and lashing to ensure the cargo does not move in the container while it is being transported.

(2) No container may be packed beyond the maximum permitted gross mass for that particular container.

(3) No container which does not have a valid safety approval plate may be packed with cargo intended for transport.

(4) Only a container which is suitable for the safe carriage of the particular cargo intended to be loaded in the container may be loaded with that particular cargo.

(5) All cargo packed in containers is to be suitably stowed and securely lashed, as prescribed.

(6) Prior to loading containers on board ships, the shipper must ensure that the gross mass of such is in accordance with the verified gross mass declared on the shipping documents.

(7) The shipper is responsible for obtaining and providing the verified gross mass of a packed container in terms of prescribed methods.

(8) A container partially or fully packed should not be loaded onto a ship applies unless the Master or his or her representative and the representative of the terminal at which the container will be loaded have obtained, in advance of a vessel loading, the verified gross mass of the container.

Part 15

Management for the Safe Operation of Ships

Application of Part 15

251. (1) Part 15 applies to South African ships regardless of the date of construction as follows—

(a) passenger ships including passenger high-speed craft;

(b) oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft of 500 gross tonnage and upwards; and

(c) other cargo ships and mobile offshore drilling units of 500 gross tonnage and upwards.

(2) This Part must not apply to a ship operated by an organ of state for non-commercial purposes.

Safety management system

252. (1) The owner of a ship to which this Part applies must comply with the prescribed requirements regarding safety management and must maintain a safety management system in accordance therewith.

(2) The Authority must issue a safety management certificate in the manner and form prescribed.

(3) The Authority must conduct the prescribed inspections to verify the proper functioning of the safety management system of the ship.

Part 16

Safety Measures for High-Speed Craft

Definition of high-speed craft

253. For the purposes of Part 16, a "high-speed craft" means a craft that is capable of a maximum speed, in metres per second equal to or exceeding:

$3.7\ \nabla^{0.1667}$

Where ∇ = volume of displacement corresponding to the design waterline (m^3), excluding craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect.

Application of Part 16

254. (1) Part 16 applies to South African high-speed craft constructed on or after 1 January 1996 as follows—

(a) passenger craft which do not proceed in the course of their voyage more than 4 hat operational speed from a place of refuge when fully laden; and

(b) cargo craft of 500 gross tonnage and upwards which do not proceed in the course of their voyage more than 8 hat operational speed from a place of refuge when fully laden.

(2) Any craft, irrespective of the date of construction, which undergoes repairs, alterations, modifications and outfitting related must continue to comply with at least the prescribed requirements previously applicable to the craft.

(3) Repairs, alterations and modifications of a major character, and outfitting related, must meet the prescribed requirements for a craft constructed on or after 1 July 2002 in so far as the Authority considers reasonable and practicable.

Requirements for high-speed craft

255. A high-speed craft must comply with all prescribed requirements.

Part 17

Special Measures to Enhance Maritime Security

Application of Part 17

256. Part 17 must apply to the following types of South African ships engaged on international voyages—

(a) a passenger ship, including a high-speed passenger craft;

(b) a cargo ship, including high-speed craft, of 500 gross tonnes or heavier; and

(c) a mobile offshore drilling unit that is not on location.

Powers and duties of Minister with respect to security

257. (1) The Minister must determine the security level and ensure the provision of security-level information to ships entitled to fly the South African flag.

(2) If any change in the security level occurs, the Minister must update the security-level information if it considers it necessary.

(3) The Minister may prescribe such matters as may be necessary to ensure ship and port security.

Duties of owner and master

258. (1) If there is a change in the security level contemplated in section 257 and a higher level is determined, the master must respond without undue delay to any such change.

(2) If the ship cannot comply with the requirements of the security level determined by the Authority, the master must inform the Authority before that ship communicates with the port or enters a port, whichever occurs earlier.

(3) The owner must ensure that, at all times, there is available on board the ship information to enable the Authority to establish—

(a) who is responsible for appointing the seafarers or other persons employed or engaged on board the ship in any capacity on the business of that ship;

(b) who is responsible for deciding employment of the ship; and

(c) in cases where the ship is engaged on bareboat charter, who the parties are to such charter.

Master's discretion for ship safety and security

259. (1) The master must have, to the exclusion of the owner of the ship, charterer or any other person, the power to make any decision, if in the master's opinion, it is necessary to maintain the safety and security of the ship.

(2) The power referred to in subsection (1), includes the power to

(a) deny a person, other than a person appointed by the Authority or a peace officer appointed in terms of the Criminal Procedure Act, access to the ship; or

(b) refuse to load cargo, including containers or other closed cargo units.

(3) If, in the opinion of the master, a conflict between any safety and security requirement arises during its operations, the master must give effect to those requirements necessary to maintain the safety of the ship.

Ship security alert system

260. (1) A ship must be provided with a ship security alert system.

(2) A ship security alert system must—

(a) be capable of being activated from the navigation bridge and in at least one other location; and

(b) comply with the prescribed requirements and standards of performance.

Part 18

Additional Safety Measures for Bulk Carriers

Additional requirements

261. The Authority may prescribe any requirements for South African ships that are bulk carriers and such requirements must apply in addition to other requirements in this Act.

Part 19

Collisions, Accidents at Sea and Limitation of Liability

Division of loss in case of collision

262. (1) Whenever by the fault of two or more ships damage or loss is caused to one or more of them or to the cargo or freight of one or more of them or to any property on board one or more of them, the liability to make good the damage or loss must be in proportion to the degree in which each ship was at fault: Provided that—

(a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability must be apportioned equally;

(b) nothing in this section must operate so as to render any ship liable for any loss or damage to which her fault has not contributed; and

(c) nothing in this section must affect the liability of any person under any contract, or must be construed as imposing any liability upon any person from which he or she is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his or her liability in the manner provided by law.

(2) For the purposes of this Chapter, references to damage or loss caused by the fault of a ship must be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

Damages for personal injury

263. (1) Whenever loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships concerned must be joint and several.

(2) Nothing in this section must be construed as depriving any person of any right of defence on which, independently of this section, such person might have relied in an action brought against him or her by the person injured, or any person entitled to sue in respect of such loss of life, or must affect the right of any person to limit his or her liability in cases to which this section relates in the manner provided by law.

Right of contribution

264. (1) Whenever loss of life or personal injuries are suffered by a person on board a ship owing to the fault of that ship and of any other ship or ships, and a proportion of the damages is recovered against the owner of one of the ships which exceeds the proportion in which it was in fault, the said owner may recover by way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively in fault: Provided that no amount must be so recovered which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

(2) In addition to any other remedy provided by law, the person entitled to any contributions under subsection (1) must, for the purpose of recovering the contribution, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

Report to Authority of marine casualty and other accidents to and on board ship

265. (1) The owner or master of any ship which—

(a) has been involved in a marine casualty or marine incident; or

(b) has been in a position of great peril either from the action of some other ship or for any other reason; or

(c) having left any port in the Republic, has put back to that port; or

(d) has fouled or done any damage to any harbour, dock or wharf or to any lightship, buoy, beacon or sea mark,

must as soon as practicable and using the fastest means of communication available, report the event to the Authority in the form prescribed, stating the nature of the event and of the probable cause thereof, the name of the ship, its official number, the port to which it belongs, the place where the event occurred and the place where the ship then is, and giving all other available relevant information.

(2) Whenever a stevedore, a shore contractor or incidental persons are involved in a very serious marine casualty or resulting in serious injury to any person, or in an accident, their employer must, in the form and stating the particulars referred to in subsection (1), forthwith report the event to the nearest Authority by the fastest means of communication available.

(3) Subsection (1) must, subject to subsection (4), apply to every ship which is registered or licensed in the Republic or which is in terms of this Act required to be so licensed and to or in respect of or on board of which any such event as is referred to in subsection (1) has occurred anywhere, and it must apply to a ship registered in a country other than the Republic only while it is within the Republic or the territorial waters thereof and if any such event has occurred to or in respect of or on board of the ship during a voyage to a port in the Republic or within the Republic or the territorial waters thereof.

(4) Subsection (1)*(f)* must not apply to any vessel belonging to National Ports Authority of South Africa and used by that authority in connection with the working of its harbours.

(5) Any employee, employer or user who learns about an event referred to in subsection (1), must forthwith notify the owner or master concerned of such event.

(6) The owner or master of any ship concerned and any employee or user who learns about an event referred to in subsection (2), must forthwith notify the employer concerned of such event.

(7) No person must disturb or remove anything from the scene of a marine casualty or an accident required to be reported in terms of this section unless permitted by the Authority or the independent marine casualty investigation unit in order to hold a preliminary enquiry or marine safety investigation into the marine casualty or accident, by that person.

Notice to Authority of loss of ship

266. If the owner or the agent of the owner of a South African ship or of a ship plying between ports in the Republic or between a port in the Republic and any other port has reason, owing to the non-appearance of the ship or to any other circumstances, to believe or to fear that the ship has been wholly lost, he or she must as soon as practicable notify the Authority in writing of the loss or the feared loss and of the probable occasion thereof, stating the name of the ship, its official number, the port to which it belongs, and giving all other available relevant information.

Limitation of owner's liability

267. (1) The owner or salvor of a ship, whether registered in the Republic or elsewhere, must not, if any loss of life or personal injury to any person, or any loss of or damage to any property or rights of any kind, whether movable or immovable, has occurred on board or in direct connection with the operation of a ship or with salvage operations, and consequential loss resulting therefrom—

(a) if no claim for damages in respect of loss of or damage to property or rights arises, be liable for damages in respect of loss of life or personal injury to an aggregate amount exceeding an amount determined by the Minister by notice in the *Gazette* and, until the time that the amount is so determined, must not be liable for such damages to an aggregate amount exceeding—

(i) three million and twenty thousand special drawing rights for a ship with a tonnage not exceeding 2 000 tons; and

(ii) for a ship with a tonnage over 2 000 tons, three million and twenty thousand special drawing rights together with the following additional amount—

(aa) for each ton from 2 001 to 30 000 tons, one thousand two hundred and eight special drawing rights;

(bb) for each ton from 30 001 to 70 000 tons, nine hundred and six special drawing rights; and

(cc) for each ton over 70 000 tons, six hundred and four special drawing rights; or

(b) if no claim for damages in respect of loss of life or personal injury arises, be liable for damages in respect of loss of or damage to property or rights to an aggregate amount exceeding an amount determined by the Minister by notice in the *Gazette* and, until the time that the amount is so determined, must not be liable for such damages to an aggregate amount exceeding—

(i) one million five hundred and ten million special drawing rights for a ship with a tonnage not exceeding 2 000 tons; and

(ii) for a ship with a tonnage over 2 000 tons, one million five hundred and ten special drawing rights together with the following additional amount—

(aa) for each ton from 2 001 to 30 000 tons, six hundred and four special drawing rights;

(bb) for each ton from 30 001 to 70 000 tons, four hundred and fifty three special drawing rights; and

(cc) for each ton over 70 000 tons, three hundred and two special drawing rights; or

(c) if claims for damages in respect of loss of life or personal injury and also claims for damages in respect of loss of or damage to property or rights arise, be liable for damages to an aggregate amount exceeding the amount worked out in accordance with paragraph *(a)*: Provided that—

(i) the amount by which the amount worked out in accordance with paragraph *(a)* exceeds the amount worked out in accordance with paragraph *(b)* must be applied only to claims for damages in respect of loss of life or personal injury;

(ii) the amount worked out in accordance with paragraph *(b)* must be applied *pro rata* to the balance of the claims for damages in respect of loss of life or personal injury and the claims for damages in respect of loss of or damage to property or rights;

(iii) in any event, the amount to be applied to claims for damages in respect of loss of or damage to property or rights must not exceed the amount worked out in accordance with paragraph *(b)* for those claims; and

(iv) subject to the paragraphs in this section, all claims rank on equal footing, without preference.

(2) However, the owner of a ship is not entitled to the benefit of the limits of liability in subsection (1) if it is proved that the loss, injury or damage in question resulted from the owner's personal act or omission, committed either with intent to cause the loss, injury or damage or recklessly and with knowledge that the

loss, injury or damage would probably result. The onus of proving that this subsection applies is on the person alleging its application.

(3) To avoid doubt, the liability limits in terms of subsection (1) must apply only in respect of claims arising after the commencement of the provision establishing the applicable limits.

(4) The provisions of this section must apply only to claims in respect of loss of life or personal injury or any loss of or any damage to any property or rights occurring on board or in direct connection with the operation of a ship or with salvage operations in relation to a ship and consequential loss resulting therefrom—

(a) arising on any single occasion, and in the application of the said provisions claims for damages in respect of loss, injury or damage arising out of two or more distinct occasions must not be combined; or

(b) falling within the definition of 'maritime claim' in section 1 of the Admiralty Jurisdiction Regulation Act.

(5) *(a)* (i) The amounts mentioned in subsection (1) must be converted into South African currency or any other currency that may be applicable on the basis of the value of the currency on the date of the occasion on which the claim arose, and

(ii) The Court may, at any time, give the directions it thinks fit about the currency, or currencies, that are to be applicable and about the ascertainment, subject to paragraphs *(b)* and *(c)*, of the value of any applicable currency on the relevant date.

(b) For the purpose of converting from special drawing rights into South African currency the amounts mentioned in subsection (1), one special

drawing right must be treated as equal to such a sum in South African currency as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—

(i) the relevant date under paragraph *(a)*; or

(ii) if no sum has been so fixed for that date, the last preceding date for which a sum has been so fixed, and

(c) A certificate given by or on behalf of the National Treasury stating—

(i) that a particular sum in South African currency has been fixed as mentioned in paragraph *(b)* for a particular date; or

(ii) that no sum has been so fixed for that date and that a particular sum in South African currency has been so fixed for a date which is the last preceding date for which a sum has been so fixed,

is, on the face of it and unless rebutted, evidence of those matters for the purposes of subsection (1); and a document purporting to be a such a certificate must, in any proceedings, be admissible in evidence and, in the absence of evidence to the contrary, be considered to be such a certificate.

(6) If any claims set out in subsection (1) above are made against any person for whose act, neglect or default the owner or salvor is responsible, such person must be entitled to avail himself or herself of the limitation of liability provided for in this section.

(7) The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which, he is rendering salvage services must be calculated according to a tonnage of 1,500 tons.

(8) The provisions of subsections (1) to (7) must not apply to claims—

(a) for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage, 1989, as amended, being the Schedule to the Wreck and Salvage Act, 1996, or contribution in general average;

(b) for oil pollution damage;

(c) for nuclear damage;

(d) by servants of the owner of a ship or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependents or other persons entitled to make such claims;

(e) for wreck removal.

Calculation of tonnage

268. (1) For the purpose of section 267, the tonnage of a ship must be her gross tonnage.

(2) There must not be included in such tonnage any space occupied by seafarers and appropriated to their use which has been certified by a surveyor to comply in all respects with the requirements of this Act.

(3) The measurement of such tonnage must be in the case of—

(a) a South African ship, as prescribed;

(b) a treaty ship registered elsewhere than in the Republic, according to the law of the treaty country where the ship is registered; or

(c) a foreign ship, according to the law of the Republic, if capable of being so measured.

(4) In the case of any foreign ship, which is incapable of being measured under the law of the Republic, the Authority must, after consideration of the available evidence concerning the dimensions of the ship, give a certificate stating what would, in its opinion, have been the tonnage of the ship if it had been duly measured according to the law of the Republic and the tonnage so stated in such certificate must, for the purpose of section 267, be considered to be the tonnage of the ship.

Application of this Part to persons other than the owners

269. Any obligation imposed by Part 19 upon any owner of a ship must be imposed also upon any person other than the owner who is responsible for the fault of the ship and in any case where, by virtue of any charter or lease, or for any other reason, the owner is not responsible for the navigation and management of the ship, this Part must be construed to impose any such obligation upon the charterer or other person for the time being so responsible, and not upon the owner.

CHAPTER 6

MARINE CASUALTY AND MARINE INCIDENT INVESTIGATIONS

Part 1

Application

Application of Chapter 6

270. (1) Chapter 6 applies to—

(a) preliminary enquiry conducted by the Authority;

(b) a marine safety investigation conducted by the independent accident and incident unit established in terms of Part 4;

(c) a formal enquiry conducted by a court of marine enquiry convened in terms of Part 5;

(d) a formal enquiry conducted by a maritime court convened in terms of Part 6; or

(e) an appeal conducted by a court of survey convened in terms of Part 7; and

(2) The sole objective of the proceedings specified in subsection (1) must be the prevention of future accidents through the ascertainment of its causes and circumstances. It must not be the purpose of such proceedings to determine liability nor, except so far as is necessary to achieve its objective, to apportion blame.

Application of Chapter to certain ships

271. (1) A preliminary enquiry or a marine safety investigation or both such enquiry and investigation may be conducted in respect of—

(a) any ship registered or licensed under this Act;

(b) any ship which must be licensed in terms of section 65;

(c) any ship registered in a foreign country where a marine casualty or incident occurred in the territorial waters of the Republic;

(d) any ship registered in a foreign country—

(i) where such ship is involved in a marine casualty in a port or waters other than a port in or the territorial waters of the Republic; and

(ii) the first port where that ship arrives at after the marine casualty occurred, is a port in the Republic; and

(iii) no investigation was conducted by any competent court or other investigatory body of the country where the marine casualty occurred;

(a) any ship registered in a foreign country wherever it may be, on board which a South African citizen dies or sustains a serious injury; and

(b) any vessel in inland waters.

(2) Subject to subsection (3), a preliminary enquiry and a marine safety investigation into a marine casualty may not be conducted in respect of a ship registered in any treaty country other than the Republic unless the government of that treaty country requests the Authority to conduct such investigation.

(3) Notwithstanding subsection (2), a preliminary enquiry and a marine safety investigation into a marine casualty may be conducted in respect of a

ship referred to in that subsection if the ship is wholly engaged in plying between ports in the Republic.

Matters to be investigated

272. Chapter 6 applies to—

(a) a preliminary enquiry conducted by the Authority and a marine safety investigation conducted by the marine accident and incident unit and a formal enquiry conducted by a marine court of enquiry or maritime court regarding—

(i) an allegation of a breach of the obligations of the owner in terms of this Act or an allegation of incompetency or misconduct of a master or crew;

(ii) a marine casualty;

(iii) a marine incident;

(iv) a complaint by the master or any member of the crew of a South African ship; or

(v) the protection of the interest of the owner of a South African ship or of the cargo; and

(b) an appeal to the Authority regarding the outcome of an inspection of a vessel by a surveyor.

Part 2

Powers of officers, marine safety investigators, courts and persons appointed in terms of this Chapter

General powers of officers, marine safety investigators, courts and persons appointed in terms of this Chapter

273. (1) Any—

(a) marine safety investigator, proper officer or surveyor;

(b) marine accident and incident investigation unit;

(c) court of marine enquiry, maritime court;

(d) court of survey; or

(e) any other person authorised by this Act, or required by the Authority, to make any survey or inspection or conduct any investigation,

may, in the execution of his, her or its duty or the exercise of his, her or its functions, in addition to the powers granted in terms of section 8—

(i) administer an oath or affirmation to any person appearing in obedience to any summons or otherwise, and interrogate him or her and inspect and detain any book, document or thing produced;

(ii) require any person interrogated to subscribe to a declaration of the truth of the statement made by him or her;

(iii) direct any person not to destroy, amend or in any way alter the content or appearance of any document or other item of evidence;

(iv) require any person who is not usually resident in the Republic and who may be required to attend as a witness at a marine safety investigation or a court of marine enquiry to sign an undertaking in the prescribed form that he or she will return to the Republic to give evidence at such marine safety investigation or court of marine enquiry upon receipt of a summons or order and to furnish a physical address at which service of charges, or a summons can be made, and such address must be within 20 kilometers of the city centre of any city in which a Court equivalent to the High Court of South Africa is situated;

(v) take steps to prevent any person referred to in paragraph (iv) from leaving the Republic until security has been provided by the person on his or her behalf in an amount and form to be determined by the Authority, but such amount must not exceed the prescribed amount; and

(vi) take steps to prevent the sailing of any ship—

(aa) on which a person referred to in paragraph (iv) has been serving if that person is unable to furnish the security required by the Authority, until the owner or operator of such ship provides security to the satisfaction of the Authority to cover the living expenses, repatriation costs and salary of such person whilst he or she remains in the Republic; and

(bb) in respect of which a marine casualty or marine incident has occurred.

(2) Every person—

(a) must upon demand, assist to the best of his or her ability any person or court in the exercise of any of the powers conferred by subsection (1);

(b) summoned to give information whose prescribed expenses have been paid or will be paid after attendance, must attend at the time and place specified, and remain in attendance until excused by the person from further attendance;

(c) must take the oath or affirmation administered to him or her by a person or court referred to in subsection (1);

(d) must answer fully and satisfactorily, to the best of his or her ability, all questions lawfully put to him or her, and, upon being required to do so, produce any book, document or thing in his or her possession or under his or her control: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing to any such person, the law relating to privilege, as applicable to a witness summoned to give evidence or produce any book, document or thing before a court of law must apply;

(e) upon being required to do so, must subscribe to a declaration of the truth of any statement made by him or her;

(f) may not be entitled to refuse to answer any question upon the ground that the answer would tend to expose him or her to a criminal charge;

(g) directed in terms of subsection (1)*(d)*(iii) not to destroy, amend or in any way alter the content or appearance of any document or other item of evidence must take all such steps as are reasonable and necessary to preserve such document or item of evidence;

(h) who has signed an undertaking contemplated in subsection (1)*(d)*(iv) or provided security as contemplated in subsection (1)*(d)*(v) must, if subsequently requested to attend a marine safety investigation or a court of marine enquiry, and whose reasonable expenses have been paid or offered to him or her in respect of such marine safety investigation or court of marine enquiry, attend at the time and place specified, or make himself available to give evidence, whether in person or on commission or by such other means

directed by the presiding officer and remain in attendance or available until excused by the presiding officer or other person or court from further attendance or remaining available.

(3) A person who is required to establish security in terms of subsection (1)*(d)*(v) must provide such security which—

(a) must, if it is in cash, be held in an interest bearing account by the Authority and earn interest for the benefit of the person who has deposited such security;

(b) may be used by the Authority to cover any living expenses of such person;

(c) may be forfeited to the Authority should the person fail to comply with his or her obligations;

(d) must be returned to the person who provided the security, together with any applicable interest and after deducting the living expenses, repatriation costs and salary contemplated in subsection (1)*(d)*(v) as soon as the marine safety investigation or court of marine enquiry has commenced its first sitting.

(4) Security which is forfeited to the Authority as contemplated in subsection (3)*(c)* must be paid into the Maritime Fund.

(5) Any person who, after being sworn in by a person in the exercise of the said powers under this section, gives a false answer to any question put to him or her, or makes a false statement on any matter, knowing that answer or statement to be false, must be guilty of perjury.

Powers of proper officer relating to cause of death on board ship

274. (1) If a person dies on board any foreign-going South African ship the proper officer at the port where the crew of the ship is discharged, or the proper officer at any earlier port of call in the Republic, must, on the arrival of the ship at that port, inquire into the cause of the death, and must make in the official logbook an endorsement to the effect, either that the statement of the cause of death in the book is in his or her opinion true, or the contrary, according to the result of his or her inquiry.

(2) If in the course of an inquiry it appears to the proper officer that a death has been caused on board the ship by violence or other improper means, the proper officer must either report the matter to the Authority, or if the emergency of the case so requires, take immediate steps to bring the offender to justice by reporting the matter to the police.

Powers of member of South African Police Service relating to marine casualties

275. A member of the South African Police Service—

(a) may investigate any marine incident or marine casualty if he or she has reason to believe that a crime was committed and that crime constituted or was the cause of the marine incident or the marine casualty; and

(b) may exercise any power or duty afforded to a marine safety investigator in terms of this Act and afforded to him or her in terms of the South African Police Services Act, 1995, and the Criminal Procedure Act, 1977.

Part 3

Summons and Evidence

Summoning of witnesses

276. (1) The Authority, marine accident and incident investigation unit, court of marine enquiry, maritime court or court of survey, may, for purposes of a marine safety investigation, formal enquiry, investigation or hearing under this Chapter, issue a summons in the exercise of its powers under section 273 in the prescribed form and serve it as prescribed.

(2) If a person refuses to obey a summons, the Authority, marine accident and incident investigation unit, court of marine enquiry, maritime court or court of survey may request a court of competent jurisdiction to compel compliance with the summons.

(3) Any court of competent jurisdiction may, in the case of refusal to obey a summons, issue an order requiring compliance with the summons and failure to obey the order may be punished by the court as contempt.

(4) A witness must be paid the prescribed expenses which may not be more than what a witness attending or summoned to give evidence in a civil case before a magistrate's court is entitled to.

Evidentiary procedures for marine accident and incident investigation unit and court of marine enquiry

277. (1) Any person summoned to appear at the marine safety investigation of the marine accident and incident investigation unit or a court of marine enquiry must not be entitled to refuse to answer any question upon the ground that the answer would tend to incriminate him or her or upon the ground that he or she may be tried on a criminal charge and may be prejudiced at such a trial by his or her answer.

(2) No evidence regarding any questions and answers contemplated in subsection (1) must be admissible in any other proceedings, criminal or otherwise, except in criminal proceedings where the person concerned stands trial on a charge relating to the administering or taking of an oath or the administering or making of an affirmation or the giving of false evidence or the making of a false statement in connection with such questions and answers.

(3) Any person called upon to give evidence at a hearing may be assisted at his or her interrogation by counsel, an attorney or agent.

Preservation of evidence

278. (1) The owner or master, or if the master of the ship has not survived, the senior surviving deck officer, of a ship involved in a marine casualty which must be reported in terms of section 265, must, following such marine casualty, as far as is practicable, ensure that all—

(a) charts;

(b) log books;

(c) electronic and magnetic recording and video tapes, including information from a voyage data recorder or any other recording system relating to all relevant periods preceding, during and after the accident, but in any event including periods of no less than six hours preceding and after the accident; and

(d) all documents or other records which might reasonably be considered pertinent to the accident, are kept and that no alteration is made to any recordings or entries in them.

(2) In the case of an accident involving a South African ship, the owner or master, or if the master of the ship has not survived, the senior surviving deck officer, of a ship must ensure that—

(a) all information from a voyage data recorder or any other recording system relating to the circumstances of an accident is saved and preserved, in particular by taking steps, where necessary, to prevent such information from being overwritten; and

(b) any other equipment which might reasonably be considered pertinent to the investigation of the accident is so far as practicable left undisturbed.

(3) The duty under subsection (1) to ensure that documents, information or records are kept and not altered and to ensure under subsection (2) that information is saved and preserved, or that equipment is left undisturbed, must continue until—

(a) notification is received from the Authority, proper officer or surveyor that no investigation is to take place or that the investigation has been completed; or

(b) the Authority or a proper officer or surveyor carrying out the investigation gives written notification in the prescribed form, that he or she no longer requires them.

(4) Following a marine casualty in South African waters involving any ship, the persons referred to in subsection (1) must comply with the requirements of that subsection and subsection (2) if directed to do so by the Authority.

(5) A proper officer or surveyor may, pending the outcome of any investigation conducted in terms of this Act, or pending notification from the proper officer that no investigation will be held, prohibit persons from gaining access to, or interfering with, any ship, ship's boat or other equipment involved in a marine casualty, subject to section 5(5) of the Admiralty Jurisdiction Regulation Act.

(6) A proper officer or surveyor may take into his or her possession original documents referred to in subsection (1) and retain same as long as a vessel is detained by the Authority and may make copies of and retain any document referred to in subsection (1) and, subject to any applicable rules of evidence, tender the documents in evidence at any marine safety investigation, conducted by the Authority, court of marine enquiry or maritime court.

Part 4

Marine Safety Investigation

Preliminary enquiry and marine safety investigation

279. (1) The marine accident and incident unit contemplated in section 280 must, as soon as practicable after receipt of an allegation or reasonable suspicion in respect of or the occurrence of a marine casualty or marine incident on or involving a ship referred to in section 271, conduct a preliminary enquiry into that allegation, marine casualty or marine incident.

(2) A preliminary enquiry conducted in terms of this Part is independent from a criminal investigation or other investigation conducted by a court of marine enquiry or maritime court or conducted by a court of competent jurisdiction in order to determine the fault and liability of persons.

(3) A preliminary enquiry report must—

(a) include only findings of fact, supported as may be by whatever documents or other evidence were available to the marine safety investigator;

(b) not be used in evidence in any legal proceedings, except for a court of marine enquiry;

(c) make recommendations, if appropriate, that the allegation, marine casualty or marine incident be investigated by the marine accident and incident investigation unit; and

(d) make such other recommendations as may be competent in terms of this Act.

(4) The report of a preliminary enquiry must be submitted, without delay, by the marine accident and incident investigation unit to the Minister who may, upon receipt thereof:

(a) convene a court of marine enquiry; or

(b) take such other action as may be competent in terms of this Act.

(5) If the South African Police Service or the National Prosecuting Authority have notified the marine accident and incident unit that an investigation or criminal proceedings regarding the relevant event has been initiated, the marine accident and incident unit must ensure that the investigation or criminal proceedings is not hindered because of the investigation conducted by it.

Marine accident and incident investigation unit

280. (1) For the purpose of conducting marine safety investigations in marine casualties and such other matters as may be considered necessary and appropriate, the Authority must—

(a) establish a marine accident and incident investigation unit as prescribed;

(b) appoint or contract any competent person as a marine safety investigator to that unit; or

(c) request a department referred to in section 281, to assign an inspector or other competent person to the unit to assist a marine safety investigator with a marine safety investigation of a very serious marine casualty.

(2) The Minister must, after consultation with the Authority, appoint a person as the chief marine safety investigator of the marine accident and incident investigation unit.

(3) The marine accident and incident investigation unit must exercise its powers and duties in the prescribed manner and conduct its marine safety investigation—

(a) in accordance with any prescribed requirements, the provisions of this Act and any applicable international norms and standards;

(b) in an independent, impartial and objective manner without fear, favour or prejudice; and

(c) with the objective of preventing subsequent marine casualties and marine incidents and maintaining standards of safety and competence.

(4) The marine accident and incident investigation unit must, on conclusion of a marine safety investigation, without delay, report its findings and recommendations in the prescribed form, to the Minister.

(5) A report of the marine accident and incident investigation unit must—

(a) not include a finding which determines liability or apportions blame;

(b) not be used in evidence in any legal proceedings, except for a court of marine enquiry;

(c) make recommendations with the objective of preventing future marine casualties and marine incidents only; and

(d) not include any recommendation for the dis-rating of a seafarer, the suspension of a certificate, the imposition of a fine or other sanction.

(6) A recommendation of the marine accident and incident investigation unit may include a recommendation—

(a) that the Authority issue a technical standard in terms of section 6 of this Act or to amend a technical standard that was so issued in an endeavour to prevent future marine casualties and marine incidents;

(b) that the Minister convenes a marine court of enquiry or a maritime court;

(c) that legislation is amended in an endeavour to prevent future marine casualties and marine incidents;

(d) indicating the time period in which implementation of the measures specified in the recommendations is preferable; and

(e) to implement any other recommendation that relates to the improvement of maritime safety.

(7) After receipt of the report of the marine accident and incident unit, the Minster must without delay—

(a) if the Minister established a commission in terms of section 51 of the South African Maritime Safety Authority Act, submit the report to that commission;

(b) notify the Authority to implement the recommendations of the marine accident and incident unit that relates to the exercise of its powers and duties; and

(c) implement the recommendations that relates to the exercise of his or her powers and duties.

(8) In order to prevent similar marine casualties and incidents, in addition to an investigation the marine accident and incident investigation unit may collect and analyse data related to maritime safety, unless it jeopardises the independence of the unit.

(9) The marine accident and incident investigation unit must only be dissolved by an act of Parliament.

Assignment of inspector or competent person to marine accident and incident investigation unit

281. (1) The marine accident and incident unit may request the Director-General of the department of labour to assign a person designated as an inspector under section 28 of the Occupational Health and Safety Act to assist the marine accident and incident investigation unit to conduct a marine safety investigation of a marine casualty which relates to any matter in respect of which the Authority and the Director-General of department responsible for Labour would both have jurisdiction.

(2) The marine accident and incident unit may request the Director-General of the department responsible for environmental affairs to assign a person designated as an environmental management inspector under the National Environmental Management Act, 1998 (Act No. 107 of 1998) or other official with the appropriate expertise employed in the department responsible for environmental affairs, to assist the marine accident and incident investigation unit to conduct a marine safety investigation of a marine casualty that has resulted in significant pollution or degradation of any part of the coast or territorial waters of the Republic.

Duty of marine accident and incident investigation unit to inform master, owner or ship's agent of marine safety investigation

282. The marine accident and incident unit must, as soon as is practicable, inform the master or owner of a ship referred to in section 271, or the ship's agent, of the—

(a) allegation, marine casualty or marine incident to be investigated by the marine accident and incident investigation unit;

(b) time and place where the marine safety investigation will commence;

(c) name and contact details of the marine accident and incident investigation unit;

(d) legislation under which the marine safety investigation is to be conducted;

(e) rights and obligations of the parties; and

(f) rights and obligations of the Minister.

Power of Authority and marine accident and incident unit to detain ship

283. Subject to the provisions of this Chapter, the Authority and the marine accident and incident unit have the right to detain a ship to conduct a preliminary enquiry and a marine safety investigation, provided the ship is not unduly delayed.

Part 5

Courts of Marine Enquiry

Establishment and convening of court of marine enquiry in Republic

284. (1) The court of marine enquiry is hereby established.

(2) The Minister, independent of any marine safety investigation that may have been conducted by the marine accident and incident investigation unit in terms of section 280, may convene a marine court of enquiry to conduct a formal

enquiry into any allegation referred to in section 272 *(a)*(i), marine casualty or marine incident.

(3) Within one month after receipt of a recommendation from the marine accident and investigation unit to convene a court of marine enquiry as contemplated in this section, the Minister must notify the unit of his or her decision on whether or not to convene a court of marine enquiry.

(4) The court of marine enquiry must be convened by the Minister no later than three months after issue of the notice of decision contemplated in subsection (3).

Constitution of court of marine enquiry

285. (1) A court of marine enquiry must consist of a presiding officer and either two other members.

(2) The Minister must prescribe—

(a) the manner of selection and appointment of members to the court of marine enquiry;

(b) the general qualifications and ineligibility of persons to be appointed as, vacation of office by, conflicts and disclosure of interest by, remuneration and benefits of members of the marine court of enquiry;

(c) qualifications of the presiding officer of the marine court of enquiry;

(d) the powers and duties of the presiding officer and other members;

(e) procedure for decisions of the court of marine enquiry;

(f) staff of the marine court of enquiry; and

(g) any other matter for the effective functioning of a marine court of enquiry.

(3) No member of a marine court of enquiry is liable for any report, finding, point of view or recommendation that is given in good faith and is submitted to the Minister or made known under this Act.

Procedure at court of marine enquiry

286. (1) A court of marine enquiry may, subject to the provisions of this Act, determine the procedure to be followed at the formal enquiry.

(2) Every formal enquiry must, unless the court decides otherwise, be held in open court and the decision or finding, with the reasons thereof, must, at the conclusion of the enquiry, or as soon as possible thereafter, be delivered in open court.

Decisions of court of marine enquiry

287. (1) No decision taken by the court of marine enquiry will be invalid merely by reason of a vacancy or of the fact that any person not entitled to sit as a member of the court of marine enquiry, sat as such a member at the time when the decision was taken, if the decision was taken by the majority of the members of the court of marine enquiry present at the time and who were entitled to sit as members of the court of marine enquiry.

(2) The decision of a court of marine enquiry must—

(a) not include a finding which determines liability or apportions blame;

(b) not be used in evidence in any legal proceedings;

(c) make recommendations with the objective of preventing future marine casualties and marine incidents only; or

(d) not include any recommendation for the disrating of a seafarer, the suspension of a certificate, the imposition of a fine or other sanction.

Powers of court of marine enquiry

288. A court of marine enquiry may, during the formal enquiry, order any person who in its opinion may be able to give information which is likely to assist it in the carrying out of its duties, or who it suspects or believes has in his or her possession or custody or under his or her control any book, document or thing the inspection of which is likely to assist it in the carrying out of its duties, to produce such information, book, document or thing.

Court of record

289. The court of marine enquiry is a court of record.

Report to Minister

290. (1) The presiding officer of the marine court of enquiry must upon conclusion of the formal inquiry submit to the Minister the notes of evidence and as many copies as the Minister may require of the record of the proceedings, the report, decision, any dissenting decision and the reasons for the decision and dissenting decision.

(2) The Minister must, within 30 days of receipt of the report of the court of marine enquiry, publish that report on the official website of the department responsible for transport.

(3) When the investigation affects a master or member of the crew of a ship other than a South African ship the Minister must transmit a copy of the court's decision, together with the notes of the evidence, to the proper authority in the country where the ship is registered.

Appeals against decisions of courts of marine enquiry

291. There must be no right to appeal a decision of a court of marine enquiry.

Part 6

Maritime Courts

Convening of maritime court outside Republic

292. A proper officer may convene a maritime court to investigate—

(a) a complaint which appears to a proper officer outside the Republic to require immediate investigation is made to him or her by the master or any member of the crew of a South African ship;

(b) the interest of the owner of a South African ship or of the cargo thereof if it appears to such an officer to require it;

(c) an allegation of incompetency or misconduct which is made to him or her against the master or any of the ship's officers of a South African ship;

(d) any marine casualty involving a South African ship near the place where a proper officer may be or whenever the crew or part of the crew of any South African ship which has been involved in a marine casualty arrives at that place; or

(e) an allegation that the actions or omissions of any owner of any ship have in any way contributed directly or indirectly to a very serious marine casualty of or on board a South African ship.

Establishment and constitution of maritime court

293. (1) The maritime court is hereby established.

(2) A maritime court must consist of the proper officer who convenes it and either two or four other members appointed by the proper officer.

(3) The proper officer who convenes the maritime court must be the presiding officer.

(4) The Minister must prescribe—

(a) the manner of selection and appointment of members to the maritime court;

(b) the general qualifications and ineligibility of persons to be appointed as, vacation of office by, conflicts and disclosure of interest by, remuneration and benefits of members of the maritime court;

(c) the manner in which the seat of a presiding officer may be filled, if the proper officer, for any reason, cannot act as presiding officer;

(d) the powers and duties of the presiding officer and other members;

(e) procedure for decisions of the court of marine enquiry; and

(f) any other matter for the effective functioning of a maritime court.

(4) No member of a maritime court is liable for any report, finding, point of view or recommendation that is given in good faith and is submitted to the Authority or made known under this Act.

Procedure to be followed by maritime court

294. (1) A maritime court enquiry may, subject to the provisions of this Act, determine the procedure to be followed at the investigation.

(2) Every investigation must, unless the court decides otherwise, be held in open court and the decision or finding, together with the reason therefor, must, at the conclusion of the investigation, or as soon as possible thereafter, be delivered in open court.

Decisions of maritime court

295. (1) No decision taken by the maritime court will be invalid merely by reason of a vacancy or of the fact that any person not entitled to sit as a member of the court of marine enquiry, sat as such a member at the time when the decision was taken, if the decision was taken by the majority of the members of the court of marine enquiry present at the time and who were entitled to sit as members of the court of marine enquiry.

(2) The decision of a maritime court must—

(a) not include a finding which determines liability or apportions blame;

(b) not be used in evidence in any legal proceedings;

(c) make recommendations with the objective of preventing future marine casualties and marine incidents only; and

(d) not include any recommendation for the dis-rating of a seafarer, the suspension of a certificate, the imposition of a fine or other sanction.

Powers of maritime court

296. A maritime court may order any person, who in its opinion may be able to give information which is likely to assist it in the carrying out of its duties, or who it suspects or believes has in his or her possession or custody or under his or her control any book, document or thing the inspection of which is likely to assist it in the carrying out of its duties, to produce such information, book, document or thing.

Court of record

297. The maritime court is a court of record.

Submission of report

298. (1) The presiding officer of the maritime court must upon conclusion of the investigation submit to the Authority the notes of evidence and as many copies as the Authority may require of the record of the proceedings, the report, decision, any dissenting decision and the reasons for the decision and dissenting decision.

(2) The Minister must, within 30 days of receipt of the report of the maritime court, publish that report on the official website of the department responsible for transport.

(3) When the investigation affects a master or member of the crew of a ship other than a South African ship the Authority must transmit a copy of the court's decision, together with the notes of the evidence, to the proper authority in the country where the ship is registered.

Appeals against decisions of maritime courts

299. There must be no right to appeal a decision of a maritime court.

Part 7

Courts of Survey

Appeal from surveyor to court of survey

300. (1) An owner or the master of a vessel may, subject to subsection (2), appeal to the Authority if he or she is aggrieved by—

(a) a statement in the report of inspection;

(b) a notice given under Chapter 5; or

(c) a refusal to give a certificate under Chapter 5,

by a surveyor who has inspected that vessel.

(2) Whenever a surveyor inspects any vessel, a surveyor must, if the owner or the master of the vessel so requires, be accompanied on the inspection

by a person nominated by the owner or the master and if the person so nominated agrees with the surveyor as to the statement, notice or refusal referred to in subsection (1), the owner or the master of the vessel must have no right of appeal.

(3) For purposes of this section, the owner of a vessel may be represented by an agent.

Establishment and convening of court of survey

301. (1) The court of survey is hereby established.

(2) Whenever an appeal is submitted the Authority in terms of section 301 and that appeal has been duly noted, the Authority must convene a court of survey.

Constitution of court of survey

302. (1) A court of survey must consist of a presiding officer and either two or four members.

(2) If, in the opinion of the Authority, an appeal involves a question of construction or design or of scientific difficulty or an important principle, the Authority must appoint one or more persons with competence and experience in that construction, design, scientific field or principle to serve as a member of the court of survey.

(3) The Minister must prescribe—

(a) the manner of selection and appointment of members to the court of survey;

(b) the general qualifications and ineligibility of persons to be appointed as, vacation of office by, conflicts and disclosure of interest by, remuneration and benefits of members of the court of survey;

(c) qualifications of the presiding officer of the court of survey; and

(d) any other matter for the effective functioning of a court of survey.

(4) Whenever a foreign ship is the subject of an appeal the Authority may consult a diplomatic or consular representative of the country in which that ship is registered before appointing the members to the court of survey.

(5) No member of a court of survey is liable for any report, finding, point of view or recommendation that is given in good faith and is submitted to the Authority or made known under this Act.

Procedure at court of survey

303. (1) A court of survey may, subject to the provisions of this Act, determine the procedure to be followed at the hearing of the appeal.

(2) Every appeal must, unless the court decides otherwise, be held in open court and the decision or finding must, at the conclusion of the appeal, or as soon as possible thereafter, be delivered in open court.

Manner of arriving at decisions by court of survey

304. (1) The decision of the majority of the members of a court of survey must be the decision of the court.

(2) The decision of the court of survey must be declared by one of the members concurring in that decision together with the reasons for that decision.

(3) Any member who dissents from the decision of the court of marine enquiry may declare his or her dissent and reasons therefor.

(4) If the members of the court of survey are unable to reach a unanimous decision or a decision by majority, the presiding officer must report that fact to the Authority, and thereupon the Authority may refer the appeal back to the court for reconsideration or may discharge the members of the court and appoint another court of survey to hear the appeal.

(5) Notwithstanding the provisions of this section, if a ship has been detained or it is proposed to detain a ship by reason of a report made or a notice given by a surveyor, or by reason of a refusal by a surveyor to grant a certificate, and appeal is made against the making of the report or the giving of the notice or the refusal to grant the certificate, the ship must, if it has been detained, be released, and if it has not yet been detained, must not be detained after the first meeting of the court, unless a majority of the members of the court are in favour of her being detained.

Powers of court of survey

305. A court of survey may, if the appeal is against—

(a) any statement in a report by a surveyor, dismiss the appeal, in which event the statement must stand, or uphold the appeal and cancel or vary the statement; or

(b) any notice given by a surveyor, dismiss the appeal and confirm that notice or uphold the appeal and set aside the notice; or

(c) the refusal by a surveyor to grant a certificate, dismiss the appeal and confirm that refusal or uphold the appeal and grant the certificate.

Court of survey may cause ship to be surveyed

306. (1) A court of survey may appoint a surveyor to inspect the ship which is the subject of appeal and report to the court.

(2) The owner and master of the ship and any person, appointed by the owner or master, and also any person appointed by the Authority, may attend at any inspection made in terms of this section.

Court of record

307. The court of survey is a court of record.

Submission of report

308. (1) The presiding officer of the court of survey must upon conclusion of the hearing submit to the Authority the notes of evidence and as many copies as the Authority may require of the record of the proceedings, the report, decision, any dissenting and the reasons for the decision and dissenting decision.

(2) When the hearing affects a master or member of the crew of a ship other than a South African ship the Authority must transmit a copy of the court's decision, together with the notes of the evidence, to the proper authority in the country where the ship is registered.

Part 8:

General Matters

Rehearing of formal enquiry

309. (1) The Minister may, after submission of the finding of the marine court of enquiry or a maritime court contemplated in sections 290 and 308, and if—

(a) new and vital evidence which could not be produced during the formal enquiry or investigation has been discovered;

(b) if, in the opinion of the Minister, there is ground for suspicion that a miscarriage of justice has occurred; or

(c) if, in the opinion of the Minister, there are other compelling reasons which necessitate a rehearing,

the Minister may order that the case be reheard.

(2) The court of marine enquiry or maritime court may be constituted by the same members that conducted the formal enquiry or investigation in the first instance or other members appointed by the Minister.

(3) The Minister may order that the investigation conducted by the maritime court be reheard by a court of marine enquiry.

(4) The provisions of this Chapter must apply to any formal enquiry that is reheard.

CONTINUES ON PAGE 514 - PART 5

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 657 6 March Maart 2020 No. 43073

PART 5 OF 6

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

9 771682 584003 43073

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

Payment of allowances to person appointed to conduct preliminary enquiry into marine casualty, to marine safety investigator, member of court of marine enquiry, maritime court, court of survey and assessor

310. Any person appointed by the Authority to conduct a preliminary enquiry, any marine safety investigator, member of a court of marine enquiry, maritime court, court of survey or any assessors must, if he or she is in the employ of the government in any sphere of government, be paid such allowances towards subsistence and transport as may be prescribed (otherwise than under this Act) for employees of his or her class, and if he or she is not in the employ of the government of the Republic, or if no such allowances have been prescribed for government employees of his or her class, he or she must be paid such allowances towards subsistence and transport as may be prescribed.

CHAPTER 7

MARINE TRAFFIC

Part 1

General matters related to Marine Traffic

Application of Part 1

311. Part 1 must not apply to—

(a) ships owned or used by the Government of the Republic for non-commercial purposes; or

(b) any other ship or class of ship exempted by the Minister by regulation.

Entry into or departure from internal water

312. Subject to the provisions of this Part, the master of any ship must not, except as prescribed, cause it to enter or leave internal waters of the Republic other than a harbour or a fishing harbour.

Right of innocent passage

313. Subject to the provisions of this Chapter, every ship must enjoy the right of innocent passage through the territorial waters.

Passage deemed to be not innocent

314. Notwithstanding the provisions of section 313, the passage of a ship which carries or has on board in the territorial waters cargo or any appliance or apparatus the use of which or persons who may constitute a threat against the sovereignty, territorial integrity or political independence of the Republic, must be deemed to be not innocent, and that ship and cargo and those persons may be dealt with as provided by section 315.

Authority's powers relating to ship on non-innocent passage

315. (1) The Authority may require the master of a ship of which the passage is in terms of section 314 deemed to be not innocent or is believed by the Authority to be not innocent—

(a) to stop or anchor the ship;

(b) to declare the ship's name, official number, flag, type, gross tonnage, destination and cargo;

(c) to move the ship to a place specified by the Authority;

(d) to produce for inspection by an authorised person all papers or documents relative to the ship and its cargo and allow him or her to make copies thereof;

(e) to allow authorised persons on board the ship to inspect the ship, its equipment and cargo; or

(f) to deliver any person referred to in section 314 to an authorised person having powers of arrest, in order to be dealt with according to the law.

(2) If the master of the ship fails to perform, within the time specified by the Authority, any act which the master has in terms of subsection (1) been required to perform, the Authority may cause such act to be performed, with the employment of such force as may be necessary.

(3) If the Authority is satisfied that the passage of the ship is not innocent, it may cause the ship and its cargo or part thereof, to be detained on such conditions as may be prescribed, for a period not exceeding seven days or such further period as an order of a division of the High Court of South Africa may authorise.

(4) The Authority may, in respect of the ship and its cargo or part thereof detained in terms of subsection (3)—

(a) cause the ship and cargo or part thereof to be released from such detention; and

(b) subject to any order referred to in subsection (3), cause the ship and cargo or part thereof, to be seized and dealt with in such manner as may be directed by it.

(5) If the ship and cargo or part thereof, or the ship or cargo or part thereof, is sold by virtue of the provisions of subsection (4)*(b)*, the proceeds of such sale must be paid into the Maritime Fund.

(6) Notwithstanding the provisions of subsections (1) and (2), the Authority may require the master of a ship referred to in subsection (1), or who fails to comply with any provision of this Act or any other law, to remove his or her ship from the territorial waters immediately.

(7) The provisions of this section, save subsection (6), do not apply to a warship of a country other than South Africa or a foreign ship owned or used by a government for non-commercial purposes.

(8) For the purpose of this section, "authorised person" means—

(a) any officer appointed in terms of the Public Service Act 1994(Act No. 103 of 1994)any officer of the South African Navy;

(b) any member of the South African Police Service above the rank of sergeant;

(c) any officer designated or appointed by the Authority;

(d) any member of the South African National Defence Force above the rank of sergeant employed on police duties in terms of section 3(2)*(b)* of the Defence Act;

(e) any person accompanying any person referred to in paragraph *(a)*, *(b)*, *(c)*, *(d)* or *(d)* and acting under his or her instructions.

Certain vessels to show flag

316. Unless otherwise authorised by the Authority, the master of any foreign submarine or other foreign underwater vehicle must not cause it to navigate the territorial waters or internal waters otherwise than on the surface and with its flag being shown.

Immobilising, laying-up, stopping or anchoring

317. (1) Except with the permission of the Authority and in accordance with any prescribed condition or condition imposed by the Authority in a particular case, no person must within the territorial waters or internal waters immobilise or lay-up a ship.

(2) The Authority may require the master or owner of a ship immobilised or laid-up or to be immobilised or laid-up to find security to the satisfaction of the Authority in an amount determined by it for the recovery of any costs incurred by the Authority in enforcing any condition applicable to the immobilising or laying-up of the ship, or in the exercise of its powers under this Act.

(3) No person must stop or anchor a ship for repairs within the territorial waters or internal waters except with the main engine thereof kept in readiness for immediate use and in accordance with any prescribed condition or condition imposed by the Authority in a particular case.

Ships and wreckage not to be sunk or abandoned

318. No person must within the territorial waters or internal waters intentionally—

(a) sink, dump or dispose of, or cause to be sunk, dumped or disposed of, a ship, a wreck or a hulk except at a place agreed to by the Authority; or

(b) abandon a ship which is not in distress, a wreck, a hulk or an object which may interfere with navigation.

Suppression of illicit traffic in drugs on board foreign ships in territorial waters

319. If the Authority on reasonable grounds suspects that the provisions of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) relating to dependence-producing drugs are or have been contravened by any person on board a foreign ship in the territorial waters or in relation to any such drug carried by or on board such ship, such ship and its cargo and such person may for the purpose of applying the said provisions be dealt with as provided in section 315(1) and (2), with the necessary changes as required by context.

Prohibitions in respect of offshore installations

320. (1) The master or a person on board a ship in charge of the navigation of the ship, may not—

(a) through his or her act or omission in connection with the navigation of that ship, damage an offshore installation or any part thereof;

(b) enter a safety zone, drag or drop anchor nearer than 500m to a pipeline or a telecommunications line, except if rendering an emergency service or a previously agreed service to the offshore installation; and

(c) cause the ship bottom to trawl nearer than 500m to a pipeline or telecommunications line while fishing.

(2) No liability arises in terms of subsection (1) where the master or person on board the ship in charge of the navigation thereof acted for the purpose of—

(a) securing the safety of the ship;

(b) any other ship or an offshore installation;

(c) preventing damage to the ship;

(d) any other ship or the cargo thereof or an offshore installation,

(e) saving life, and such action was necessary for that purpose or was reasonable in the circumstances.

Minister may determine safety zone for offshore installation

321. Subject to compliance with Article 60(5) of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982, the Minister may, in respect of an offshore installation referred to in paragraphs *(a)* and *(b)* of the definition of safety zone, by notice in the *Gazette*, determine that the area specified in the notice must be the safety zone for the offshore installation in question.

Notice to be given of proceedings in respect of foreign ships

322. If any action in terms of this Act is contemplated or taken in respect of any foreign ship, or if any proceedings in terms of this Act are contemplated or taken against the master or owner or a member of the crew of or any person on board of any foreign ship, the Authority must, if the master of the ship so requests, forthwith advise the agents of the ship and the consular representative of the country whose flag the ship flies at the nearest harbour to such ship, of the action or proceedings taken or contemplated and of the grounds thereof.

Agreement with government of certain state or territory

323. If agreed upon between the Government of the Republic and the government of any other state or territory of which the territorial waters are contiguous to the territorial waters of the Republic, the Authority may for and in respect of that state or territory perform any function which it would be capable of

performing in the Republic in terms of this Chapter, as if that state or territory formed part of the Republic.

Suspension of passage

324. Notwithstanding the provisions of this Act, if the Minister after consultation with the Minister of Defence considers it essential for the protection of the security of the Republic, the Minister may, for a specified period, by notice in the *Gazette*, suspend the passage of ships in specified areas of the territorial waters or prohibit entry into internal waters.

Part 2

Aids to Navigation

Establishment of aid to navigation

325. (1) Subject to subsection (2), in order to assist with safe navigation within port limits, along the coast of the Republic, within any fishing harbour, small harbour or marina, on offshore installations, on wrecks, sheltered waters and any other place or area where it is considered necessary for an aid to navigation to be established, the Authority, as the competent authority, must ensure that to the extent necessary and practical, an aid to navigation is erected or installed operated and maintained as the volume of traffic justifies and the degree of risk requires, taking into account any standards determined by the Authority and international guidelines and recommendations.

(2) The Authority must determine standards to assist the navigation of vessels within port limits and along the coast of the Republic and may exercise and perform all powers and duties necessary to ensure adherence to such standards.

(3) Privately owned aids to navigation must be established and maintained in accordance with the provisions of this Act.

(4) The Authority may, after consultation with the Minister, by notice in the *Gazette*, determine a geographical area, other than a port defined in section 1 of the National Ports Act, where an aid to navigation may be erected or installed.

Vesting of aid to navigation

326. (1) Any aid to navigation as contemplated in section 325 must vest as prescribed.

(2) The National Ports Authority of South Africa must continue to operate and maintain any aid to navigation which vests in it or which it erects or installs in terms of the National Ports Act.

Determination of standards by Authority

327. (1) The Authority must, after consultation with the Minister, by notice in the *Gazette*, determine standards to ensure the standardisation, harmonisation and compliance of all aids to navigation which are erected, installed, operated, maintained, altered or discontinued in the Republic, including sheltered waters—

(a) in a geographical area determined by the Authority in terms of section 346(2);

(b) which vests in or is erected or installed by the National Ports Authority of South Africa in terms of the National Ports Act; or

(c) which are owned by any national accountable aids to navigation party or local accountable aids to navigation party.

(2) No aid to navigation must be established, discontinued or have its lighting characteristics or any other distinguishing feature altered, without the prior written consent of the Authority.

Hazard created by light

328. (1) No person must show a light, including light from a fire, in such a place or manner as to mislead vessels navigating in the waters of South Africa, including sheltered waters.

(2) The Authority may, if it is desirable for the safety of navigation to do so, by notice in the prescribed form, require the owner of an aid to navigation or any other type of light—

(a) to remove it or to move it to another position within the period determined in the notice;

(b) to modify it or to alter its character to such an extent and in such a manner as the Authority may require in the notice, within the period determined in the notice; or

(c) in the case of a light, with effect from a date determined in the notice—

(i) to effectively screen the light; or

(ii) to refrain from lighting the light.

(3) The period specified in a notice referred to in subsection (1)*(c)* must be at least 14 days, other than in exceptional circumstances relating to the safety of persons or vessels.

(4) If the owner does not comply with the notice referred to in subsection (1), the Authority may do in regard to the aid to navigation or light anything that the owner was required by the notice to do and for that purpose a person authorised by the Authority may enter the place where such light is situated and forthwith extinguish or screen the same without causing unnecessary damage.

(5) Any expense incurred by the Authority under this section may be recovered by the Authority from the owner, as a debt due by the owner to the Authority.

(6) For the purpose of this section, the owner, of an aid to navigation or light, includes an organ of state that has the control or management of that aid to navigation or light.

Hazard created by new building, structure or other obstruction

329. (1) If a new building, structure or other obstruction may possibly obscure or interfere with an aid to navigation, the Authority may, if it is desirable for the safety of navigation to do so, by notice in the prescribed form, require the owner or service provider of any construction of that building, structure or other obstruction, to modify the design in order to alleviate the obscuring of or interference with that aid to navigation.

(2) If the owner or service provider does not comply with the notice referred to in subsection (1), the Authority may do in regard to the building, structure or other obstruction that the owner was required by the notice to do.

(3) Any expense incurred by the Authority under this section may be recovered by the Authority from the owner or his or her service provider, as a debt due by the owner to the Authority.

(4) For the purpose of this section, the owner of such building, structure or other obstruction, includes an organ of state that has the control or management of that construction.

Making fast to aid to navigation

330. No vessel may be made fast to any aid to navigation.

Obligation to report damage

331. (1) If a vessel, or anything towed by a vessel, runs down, fouls, moves, damages or destroys an aid to navigation in the territorial waters or inland waters of the Republic, the person in charge of the vessel must—

(a) immediately report the occurrence to the national accountable aids to navigation party or a local accountable aids to navigation party which has jurisdiction in the port or area where the aid to navigation is situated or report the occurrence to the Authority;

(b) within 24 hours of that occurrence, submit a written report setting out the circumstances of the occurrence to that national accountable aids to

navigation party or a local accountable aids to navigation partyor to the Authority; and

(c) furnish any other particulars that may be requested by that national accountable aids to navigation party or a local accountable aids to navigation party or the Authority.

(2) If an aid to navigation has failed or has moved out of position as a result of a vessel colliding with it, the national accountable aids to navigation party or a local accountable aids to navigation party or the Authority, must inform the National Hydrographer accordingly.

(3) The owner of a vessel that runs down, fouls, moves, damages or destroys an aid to navigation is responsible for the damages and the associated costs for reinstating the aid to navigation.

Obligation to report navigation hazard

332. (1) A person in charge of a vessel in the territorial or inland waters of the Republic who discovers an uncharted hazard to navigation, or discovers that an aid to navigation is missing, out of position or malfunctioning, must without delay, report it to the vessel traffic service authority which has jurisdiction in the port or area where the aid to navigation is situated, the Authority or the National Hydrographer.

(2) The vessel traffic service authority or the Authority must, upon receipt of a report contemplated in subsection (1), notify the National Hydrographer thereof.

Authorisation to provide aid to navigation

333. The Authority must determine, on prescribed terms, the authorisation to act as a national accountable aids to navigation party or a local accountable aids to navigation party.

Period of validity, amendment, renewal suspension and cancellation of authorisation

334. The period of validity, amendment, renewal, suspension and cancellation of an authorisation must be as prescribed.

Auditing of national accountable aids to navigation party and local accountable aids to navigation party

335. (1) The Authority may conduct an audit of—

(a) the operations of the applicant for authorisation to determine if it meets the prescribed criteria before it approves the application; and

(b) a national accountable aids to navigation party or a local accountable aids to navigation party at any time to determine if it complies with the conditions to which its authorisation is subject.

(2) An audit may review all aspects of the operation of a national accountable aids to navigation party or a local accountable aids to navigation party that are relevant to its provision of aids to navigation, as may be prescribed.

(3) A national accountable aids to navigation party or a local accountable aids to navigation party that is the subject of an audit must comply with all reasonable requests made by an auditor for the conduct of the audit.

(4) The Authority may appoint a competent person to conduct audits on its behalf.

Application for accreditation as an aids to navigation training organisation

336. (1) No person may conduct or provide training pertaining to aids to navigation unless he or she is accredited in terms of this Part to provide such training.

(2) A person may apply to the Authority for accreditation as an aid to navigation service training organisation.

(3) The application for accreditation must be made on the form and in the manner prescribed and be accompanied by the prescribed documents and fees.

(4) The application for accreditation may be approved or denied by the Authority or may be approved subject to such conditions as it may consider necessary.

(5) When considering an application for accreditation the Authority must apply the prescribed criteria.

(6) If an application for accreditation is approved, the certificate of accreditation must be issued in the prescribed form.

Period of validity, amendment, renewal, suspension and cancellation of accreditation

337. The period of validity, amendment, renewal, suspension and cancellation of an accreditation must be as prescribed.

Part 3

Vessel Traffic Services

Division 1

Application

Application of Part 3

338. Part 3 of this Chapter applies to—

(a) a master of a vessel of the prescribed type or class;

(b) a vessel traffic service operator; and

(c) each of the following entities—

(i) an entity that applies to the Authority for authorisation to provide a vessel traffic service;

(ii) National Ports Authority of South Africa;

(iii) a vessel traffic service authority that is the holder of an authorisation issued by the Authority;

(iv) an entity that applies to the Authority for accreditation as a vessel traffic service training organisation; and

(v) a vessel traffic service training organisation.

Division 2

Duties of masters of vessels

Entering, leaving or proceeding within vessel traffic service zone

339. (1) Unless the master is unable to establish or maintain communication as contemplated in section 340, no vessel of a prescribed type or class must—

(a) enter, leave or proceed within a vessel traffic service zone without a clearance being obtained from the vessel traffic service authority providing vessel traffic services in that vessel traffic service zone; and

(b) proceed within a vessel traffic service zone unless able to maintain direct communication with a vessel traffic service operator as prescribed.

(2) If the clearance referred to in subsection (1) is required for a vessel traffic services zone—

(a) administered by the National Ports Authority of South Africa in terms of the National Ports Act, the clearance must be obtained in terms of the provisions of that Act; or

(b) administered by the Authority in terms of this Chapter, the clearance must be obtained as prescribed.

(3) The Ports Rules which apply in a vessel traffic service zone described in Schedule 2 of this Act, supersede any section in this Part or any regulations which may be prescribed in terms of this Act;

(4) Ports Rules means the Ports Rules made by the National Ports Authority (Pty) Ltd, approved and published by the Minister under section 80 (2) of the National Ports Act, in the *Gazette*

If master of vessel is unable to communicate

340. If the master of a vessel—

(a) is unable to obtain a clearance required in terms of section 339 because of an inability to establish direct communication with a vessel traffic services operator, or

(b) after obtaining a clearance, is unable to maintain direct communication with a vessel traffic services operator,

the vessel may, subject to section 341, nevertheless proceed on its route.

Communication and obtaining clearance

341. The master must—

(a) in the circumstances described in section 340, take all reasonable measures to communicate with a vessel traffic services operator as soon as possible; and

(b) in the circumstances described in section 340*(a)*, obtain a clearance as soon as possible after direct communication is established.

Equipment failure

342. In the circumstances described in section 340, if the master is unable to establish or maintain direct communication because of an equipment failure on the vessel, the vessel must—

(a) if it is in a port or anchorage where the equipment can be repaired, remain there until it is able to establish communication as prescribed; and

(b) if it is not in a port or anchorage where the equipment can be repaired, proceed to the nearest reasonably safe port or anchorage on its route when it is safe to do so and remain there until it is able to establish communication as prescribed.

Masters to provide information required and comply with instructions by vessel traffic service operator

343. The master of a vessel must—

(a) provide any pertinent information required by a vessel traffic service operator; and

(b) comply with each instruction of the movement of a vessel given to the vessel by a vessel traffic service operator.

Division 3

Vessel traffic service operator

Vessel traffic service operator

344. A vessel traffic service authority may appoint any person who complies with the prescribed requirements, as a vessel traffic service operator.

Powers of vessel traffic service operator

345. Subject to any other Act of Parliament governing ports or harbours and to the regulations made under such an Act, for the purpose of promoting safe and efficient navigation or environmental protection, a vessel traffic service operator may, with respect to any vessel of a prescribed type or class that is about to enter or is within a vessel traffic service zone—

(a) grant a clearance to the vessel to enter, leave or proceed within the vessel traffic service zone;

(b) direct the master, pilot or person in charge of the deck watch of the vessel to provide, in the manner and at any time that may be specified in the direction, any pertinent information in respect of the vessel that may be specified in the direction;

(c) direct the vessel to use any radio frequencies in communications with coast stations or any other vessel that may be specified in the direction; and

(d) direct the vessel, at the time, between the times or before or after any event that may be specified in the direction—

(i) to leave the vessel traffic service zone;

(ii) to leave or refrain from entering any area within the vessel traffic service zone that may be specified in the direction, or

(iii) to proceed to or remain at any location within the vessel traffic service zone that may be specified in the direction.

Division 4

Vessel traffic service authority

Provision of vessel traffic services

346. (1) Vessel traffic services must be provided by a vessel traffic service authority in a vessel traffic service zone.

(2) If the Authority establishes a vessel traffic service for a geographic area determined by it, the Authority is considered to be an authorised vessel traffic service authority for purposes of this Part.

(3) Where the National Ports Authority of South Africa is the vessel traffic service authority for a vessel traffic service zone described in Schedule 2 of this Act, the National Ports Authority of South Africa is considered to be an authorised vessel traffic service authority for purposes of this Part and does not have to obtain authorisation from the Authority in terms of this Part, but is subject to an inspection and audit conducted in terms of this Part.

(4) The National Ports Authority of South Africa must implement any recommendation made pursuant to an audit referred to in subsection (2) if that recommendation pertains to a safety standard.

(5) No person or entity may provide vessel traffic services unless that person or entity is authorised in subsection (2) or is authorised by the Authority in terms of this Part to do so.

Duties of vessel traffic service authority

347. In operating a vessel traffic service the vessel traffic service authority must—

(a) ensure that the objectives of the vessel traffic service are met;

(b) ensure that the standards set by the Authority for levels of services and vessel traffic service operators' qualifications and vessel traffic service equipment are met;

(c) ensure that the vessel traffic service operations are harmonised with, where appropriate, ship reporting and routing measures, aids to navigation, pilotage and port operations;

(d) consider, where appropriate, the participation of the pilot both as a user and provider of information;

(e) ensure that a continuous listening watch on the designated radio frequencies is kept and that all published services are available during the operational hours of the vessel traffic service;

(f) ensure that operating procedures for routine and emergency situations are established; and

(g) in a timely manner, provide seafarers with full details of the requirements to be met and the procedures to be followed in the vessel traffic service zone.

Vessel traffic service zone

348. For purposes of this Part, the Authority must, by notice in the *Gazette*, determine any new vessel traffic service zone for an area other than the vessel traffic service zone described in Schedule 2 of this Act.

Authorisation to provide vessel traffic service

349. The Authority must determine, on terms prescribed, the requirements for the establishment of any new vessel traffic zone and applications for authorisation to act as a vessel traffic service authority for a new vessel traffic zone.

Period of validity, amendment, renewal, suspension and cancellation of authorisation

350. The period of validity, amendment, renewal, suspension and cancellation of an authorisation must be prescribed.

Auditing vessel traffic service authority

351. (1) The Authority must exercise oversight over all vessel traffic services in the prescribed manner and may conduct an inspection and audit of—

(a) the operations of the applicant for authorisation to determine if it meets the prescribed criteria before it approves the application; and

(b) the vessel traffic service authority at any time to determine if it complies with the conditions to which its authorisation is subject.

(2) An audit may review all aspects of the operation of a vessel traffic services authority that are relevant to its provision of the vessel traffic service, as may be prescribed.

(3) A vessel traffic services authority that is the subject of an audit must comply with all reasonable requests made by an auditor for the conduct of the audit.

(4) The Authority may appoint a competent person to conduct an inspection and audit on its behalf.'

Division 5

Vessel traffic service training organisations

Application for accreditation as a vessel traffic service training organisation

352. (1) No person may conduct or provide training pertaining to vessel traffic services unless such person is accredited in terms of this Part to provide such training.

(2) A person may apply to the Authority for accreditation as a vessel traffic service training organisation.

(3) The application for accreditation must be made on the form and in the manner prescribed and be accompanied by the prescribed documents and fees.

(4) The application for accreditation may be approved or denied by the Authority or may be approved subject to such conditions as it may consider necessary.

(5) When considering an application for accreditation the Authority must apply the prescribed criteria.

(6) If an application for accreditation is approved, the certificate of accreditation must be issued in the prescribed form.

Period of validity, amendment, renewal, suspension and cancellation of accreditation

353. The period of validity, amendment, renewal, suspension and cancellation of an accreditation must be prescribed.

Auditing vessel traffic service training organisations

354. (1) The Authority may conduct an audit of—

(a) the operations of the applicant for accreditation as a vessel traffic service training organisation to determine if it meets the prescribed criteria before it approves the application; and

(b) the vessel traffic service training organisation to determine if it complies with the conditions to which its accreditation is subject.

(2) An audit may review all aspects of the operation of a vessel traffic service training organisation that are relevant to its provision of the vessel traffic service training.

(3) A vessel traffic service training organisation that is the subject of an audit must comply with all reasonable requests made by an auditor for the conduct of the audit.

(4) The Authority may appoint a competent person to conduct an audit on the Authority's behalf.

CHAPTER 8

OFFENCES AND PENALTIES

Part 1

Offences and Penalties in respect of Registration of ships

Offences relating to South African character of ship

355. (1) Subject to subsection (2), if the master or owner of a ship that is not a South African ship does anything, or permits anything to be done, to cause the ship to appear to be a South African ship, that ship is subject to forfeiture in terms of this Act, and the master or owner commits an offence.

(2) Subsection (1) does not apply—

(a) where the assumption of South African nationality has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right; or

(b) in respect of any prescribed mark displayed on a ship within a period of 14 days after the date of termination of that ship's registration in terms of any provision of this Act.

(3) If the master or owner of a South African ship does anything, or permits anything to be done, for the purpose of—

(a) concealing the nationality of the ship from any person entitled by law to inquire into the nationality of the ship;

(b) deceiving a person contemplated in paragraph *(a)*; or

(c) causing the ship to appear not to be a South African ship,

that ship is subject to forfeiture in terms of this Act, and the master or owner, is guilty of an offence.

(4) Without prejudice to the generality of subsections (1) and (3), those subsections apply in particular to acts or deliberate omissions relating to—

(a) the flying of a National Flag;

(b) the carrying or production of registration certificates or other documents relating to the nationality of a ship; and

(c) the display of marks required by the law of any state.

General offences relating to registration of ships

356. (1) Any person who fails to comply with or contravenes section 15(2) or (3), 27 3), 30(1), 33(2) or (3), 34(6), 35(5), 37 45, 51(10), 59(2) or 60(2) or item 4(1), 12(2), 13(1) or 14(2) of Schedule 1 commits an offence.

(2) A person who is guilty of an offence under this Act which is not provided for in this Part shall on conviction be liable to a fine or to imprisonment for a period not exceeding two years.

Penalties in respect of offences relating to registration of ships

357. (1) Any person who fails to comply with or contravenes section 27(2), 50 or 51(1) or item 8(1) or (2) of Schedule 1 is, in respect of each day on which that person contravenes that section or item, guilty of an offence, including the day of a conviction for an offence in terms of this subsection or any subsequent day, and liable on conviction to a fine or to imprisonment for a period not exceeding three months.

(2) A person who has been convicted of a contravention of section 355(1) or (3), 33, 39 or 60(1) or (2) is liable on conviction to a fine or to imprisonment for a period not exceeding five years.

(3) Where a body corporate is guilty of an offence in terms of this Act, a director, manager, secretary or other officer of the body corporate who is in any way, by act or omission, directly or indirectly, concerned in or a party to the offence, is also guilty of that offence and is punishable accordingly.

Part 2

Offences and Penalties in respect of Licensing of Vessels

Offences in respect of vessel to be licensed

358. The owner or the master of a coastal ship licence vessel contemplated in section 65 which operates at or from a port in or from anywhere else on the coast

of the Republic without a coastal ship licence issued in terms of that section, commits an offence.

Offences in respect of vessel not to be used

359. A person who uses a coastal ship licence vessel which is required to be licensed in terms of section 65 for purposes of coastwise traffic without being in possession in a valid coastal ship licence, commits an offence.

Penalties in respect of offences regarding licensing of vessels

360. (1) A person who commits an offence in terms of section 358 or 359 shall, upon first conviction, be liable to a fine or imprisonment for a period not exceeding six months.

(2) The owner or master of a vessel who is a repeat offender or who commits and offence in terms of section 358 or 359 on a continuous basis, shall be liable to a fine or imprisonment for a period not exceeding 5 years and the vessel is subject to forfeiture.

(3) A person who is guilty of an offence under this Act which is not provided for in this Part shall on conviction be liable to a fine, or to imprisonment for a period not exceeding three months.

Part 3

Offences and Penalties in respect of Seafarers

Offences in respect of number of or unqualified person going to sea

361. (1) If a ship goes to sea or attempts to go to sea and the master and seafarers employed in that ship are not the prescribed number or are not qualified as contemplated in Part 4 of Chapter 4, the owner and the master commits an offence.

(2) Where a person goes to sea as a qualified officer or seafarer of any description without being such a qualified officer or seafarer as contemplated in Part 4 of Chapter 4, he or she commits an offence.

Offences in respect of certificates in general

362. (1) Any person employed or engaged to serve in any ship to which Chapter 4 applies, who holds a certificate or other document which is evidence that he or she is qualified for the purposes of section 82 shall, on demand, produce it to the Authority, any surveyor or proper officer and, if he or she is not the master, then he or she must produce such document or certificate to the master of the ship.

(2) Where, without reasonable excuse, a person fails to comply with subsection (1), he or she commits an offence.

Offences in respect of medical certificate

363. (1) The master or owner of a South African ship who employs a seafarer who has not submitted a medical certificate to the master, commits an offence.

(2) The owner of a South African ship who employs a master who has not submitted a medical certificate to him or her, commits an offence.

Offences in respect of crew agreement and certificate of crew agreement

364. (1) Any person who fraudulently alters or makes a false entry in a crew agreement or gives a false copy of that crew agreement to another person, commits an offence.

(2) Any master who does not—

(a) issue a certificate contemplated in section 91;

(b) produce the certificate referred to in paragraph *(a)* to a customs officer; or

(c) hand over an expired crew agreement as contemplated in section 92,

commits an offence.

Offences in respect of cadets and the employment of children and young persons

365. (1) Any person who engages or permits a cadet to serve on board a South African ship contrary to the provisions of section 77 or who engages or

permits cadets to serve on board that ship in excess of the prescribed number, commits an offence.

(2) A person who requires or permits a child or young person to work in contravention of section 94 or 95, commits an offence.

Offences in respect of deduction from wages for payment of fine

366. (1) If a master or owner fails without reasonable cause to pay over to the Authority or the proper officer any fine as required by section 146, the master or owner commits an offence.

(2) An act of misconduct for which a fine has been imposed and deducted from the wages of the seafarer shall not be otherwise punished under this Act.

Offences in respect of discharge and leaving behind of seafarer

367. (1) The master of a South African ship who discharges or leaves a seafarer behind contrary to the provisions of section 113(1) or 114, commits an offence.

(2) The master of a ship contemplated in section 140 who does not give written notice as required in that section, commits and offence.

Offences in respect of conduct endangering ship or individual

368. (1) A master or seafarer who contravenes the provisions of section 134(1), commits an offence.

(2) A seafarer who—

(a) continually and wilfully disobeys a lawful command or continually neglects his or her duties;

(b) together with the crew continually and wilfully disobeys a lawful command, continually neglects his or her duties, impedes the navigation of this ship or retards the progress of the voyage;

(c) prevents, hinders, retards the loading or unloading or departure of the ship; or

(d) wilfully damages the ship, or misappropriates, or makes any improper use of, or wilfully damages, any of the ship's stores, equipment or cargo; or

(e) makes a false statement of the name of his or her last ship or alleged last ship, or of his or her own name,

commits an offence.

Offences in respect of blood alcohol level and drug present in blood of seafarer

369. (1) A seafarer employed on a ship contemplated in section 137(1) and who reports for duty or who carries out his or her duties on board that ship with—

(a) a blood alcohol level equal to or exceeding the prescribed blood alcohol level; or

(b) a drug having a narcotic effect, as prescribed, present in his or her blood, is guilty of an offence.

(2) The owner and master of a South African ship or a foreign ship who permits or requires a seafarer to carry out or continue his or her duties on board that ship while he or she is aware that the seafarer's ability to carry out those duties is impaired by the influence of alcohol or a drug having a narcotic effect, commits an offence.

(3) A seafarer who refuses or fails to undergo an alcohol or drug test contemplated in section 137(3), commits an offence.

Offences in respect of entries or alterations in official logbook

370. A person who makes an entry into an official logbook after the period referred to in section 145(1) or who wilfully destroys or mutilates or renders illegible an entry in an official log book, or wilfully makes a false entry in such book, or wilfully fails to make any entry which it is his or her duty to make, commits an offence.

Offences in respect of property of seafarer and insurance or other security

371. (1) An owner of a ship who demands or receives from a seafarer a contribution towards the cost of insurance or other financial security required to be maintained in terms of Part 18 of Chapter 4, commits an offence.

(2) If a certificate of insurance is not lodged in accordance with section 163(2), the owner commits an offence for each day that it is not so lodge.

(3) If a ship enters or leaves, or attempts to enter or leave, a port in the Republic without having on board a relevant insurance certificate that is in force in relation to the ship as contemplated in section 161(1), the master and the owner of the ship commits an offence.

(4) If a ship referred to in Part 18 of Chapter 4 does not carry a certificate of insurance other than as contemplated in subsection (4) on board the ship, the master and the owner of that ship commits an offence.

(5) If the Authority requires the master or other person in charge of a ship to produce an insurance certificate that is in force in relation to the ship and, if the master or other person refuses or fails to produce the certificate to the Authority, the master or other person commits an offence.

(6) Any person who threatens a seafarer or in any way compels or influences a seafarer to do something resulting in or directed at the deprivation of that seafarer's right to compensation in terms of this Part shall be guilty of an offence.

Penalties in respect of offences regarding seafarers

372. (1) A person who commits an offence in terms of a section referred to in Column 1 of Table 1 hereunder, shall be liable, upon conviction, to a penalty not exceeding the penalty indicated in Column 2 of Table 1 hereunder, for that particular offence.

(2) A person who is guilty of an offence under this Act which is not provided for in this Part shall on conviction be liable to a fine, or to imprisonment for a period not exceeding three months.

TABLE 1

Section in terms of which offence is committed	Penalty
367(2), 369(1), (2) and (3) and 371(3)	Fine
363, 364, 365, 366, 367	Fine or imprisonment for a period not exceeding three months
368(1), 369(2)*(a)* and *(b)* and 370	Fine or imprisonment for a period not exceeding six months
361(1) and (2), 368(2)*(c)*, *(d)* and *(e)* and 371(6)	Fine or imprisonment for a period not exceeding 12 months
368(1), 371(2), (5) and (6)	Fine or imprisonment for a period not exceeding 24 months
371(4)	Fine or imprisonment for a period not exceeding five years

Part 4

Offences and Penalties in respect of Maritime Safety

Offences in respect of manning of ship

373. If a ship goes to sea or attempts to go to sea without carrying such seafarers as it is required to carry under section 79, the owner or master commits an offence.

Offences in respect of ship involved in collision

374. A person who, being the master of a ship involved in a collision, fails to comply with the provisions of Part 19 of Chapter 5 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, commits an offence.

Penalties in respect of offences regarding safety of ships

375. (1) A person who commits an offence in terms of a section referred to in Column 1 of Table 2 hereunder, shall be liable, upon conviction, to a penalty not exceeding the penalty indicated in Column 2 of Table 2 hereunder, for that particular offence

(2) A person who is guilty of an offence under this Act which is not provided for in this Part shall on conviction be liable to a fine or imprisonment for a period not exceeding three months.

TABLE 2

Section in terms of which offence is committed	**Penalty**
195	Fine or imprisonment for a period not exceeding three months, and in addition, for every passenger in excess of the number permitted by the certificate or memorandum, a fine double the highest fare payable by any passenger on board
176(1)*(a)* or *(b)*, 201*(b)*, 209, 216*(a)*(ii), 224(1) and 235(2)	Fine or imprisonment for a period not exceeding six months
176(1)*(a)* or *(b)*, 201*(a)*, 216*(a)*(i) or *(b)*, 218(1), 240, 242(1) or (2), 248(1) or (2)	Fine or imprisonment for a period not exceeding 12 months
203(3)	Fine or imprisonment for a period not exceeding two years
211(1)	Fine, or imprisonment for a period not exceeding two years, and in addition, a fine 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 no list.
226	For vessels of less than 25 gross tons, a fine, or imprisonment for a period not exceeding six months.
	For vessels of 25 gross tons and over but less than 100 gross tons, a fine, or

	imprisonment for a period not exceeding one year.
	For vessels of 100 gross tons and over but less than 500 gross tons, a fine, or imprisonment for a period not exceeding two years.
	For vessels of 500 gross tons and over but less than 1 000 gross tons, a fine, or imprisonment for a period not exceeding three years.
	For vessels of over 1 000 gross tons, a fine, or imprisonment for a period not exceeding four years.
265(1)*(a)*	Fine, or imprisonment for a period not exceeding three years.

Part 5

Offences and Penalties in respect of Marine Traffic

Offences in respect of marine traffic in general

376. (1) The master of any foreign submarine or other foreign underwater vehicle who contravenes the provisions of section 316, commits an offence.

(2) Any person who contravenes the provisions of section 317(1) or (3) commits an offence.

(3) Any person who contravenes the provisions of section 318 commits an offence.

(4) The master or a person on board a ship in charge of the navigation of the ship, who contravenes the provisions of section 320, commits an offence.

(5) The master of a ship who willfully fails to observe a suspension or prohibition of passage, published by the Minister in the *Gazette* in terms of section 324, commits an offence.

Offences in respect of aids to navigation

377. (1) The master of a vessel who fails to comply with his or her duties as master of that vessel contemplated in section 330 and 331, commits an offence.

(2) A person or persons who makes fast to any aid to navigation in contravention of section 330 or damages it and fails to report it as required in terms of section 331, commits an offence.

(3) Any person who provides aids to navigation or performs aids to navigation services without an authorisation as contemplated in section 333, commits an offence.

(4) Any person who gives, conducts or undertakes aids to navigation training in contravention of section 336, commits an offence.

(5) Any owner who refuses to adhere to section 329, commits an offence.

(6) Any person who wilfully or negligently does anything which causes the view of an aid to navigation to be obstructed in such a manner as to lessen its efficiency, commits an offence.

(7) Any person who—

(a) wilfully or negligently damages, destroys, removes or allows a vessel to foul an aid to navigation;

(b) wilfully, negligently or without lawful authority does anything which interferes with an aid to navigation so as to hinder the effective use of that aid;

(c) trespasses on or without lawful excuse, is found in or on—

(i) an aid to navigation; or

(ii) on any land upon which an aid to navigation is situated; and

(d) fails to notify the National Hydrographer as soon as practicable after an aid to navigation has failed, is damaged, destroyed or fouled,

commits an offence.

Offences in respect of vessel traffic services

378. (1) The master of a vessel who fails to comply with his or her duties as master of that vessel contemplated in section 339, 340, 341, 342 and 343, commits an offence.

(2) Any person or entity who provides vessel traffic services contrary to the provisions of section 348, commits an offence.

(3) Any person who gives, conducts or undertakes vessel traffic service training in contravention of section 352, commits an offence.

Penalties in respect of offences regarding marine traffic

379. (1) A person who commits an offence in terms of a section referred to in Column 1 of Table 3 hereunder, shall be liable, upon conviction, to a penalty not exceeding the penalty indicated in Column 2 of Table 3 hereunder, for that particular offence.

(2) A person who is guilty of an offence under this Act which is not provided for in this Part shall on conviction be liable to a fine, or to imprisonment for a period not exceeding three months.

TABLE 3

Section in terms of which offence is committed	Penalty
376(4)	Fine or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.
376(3) or (4), 377 or 378(1), (2) or (3)	Fine or imprisonment for a period not exceeding three months
376(1)	Fine or imprisonment for a period not exceeding 12 months
376(2) or (5)	Fine or imprisonment for a period not exceeding two years

Part 6

Offences and Penalties in respect of Passenger Ships

Offences in respect of passenger ships

380. (1) No person shall—

(a) if, on account of his or her being drunk or disorderly, he or she has been refused admission to a passenger ship by the owner thereof or any person in his or her employ, and if he or she has received or been tendered a refund of his or her fare, go on board the ship;

(b) if, on account of his or her being drunk or disorderly on board any passenger ship, he or she has been requested by the master or any other person employed in the ship to leave the ship at any place in the Republic at which

he or she can conveniently do so, and if he or she has received or been tendered a refund of his fare, refuse or fail to comply with the request;

(c) after having been refused admission to a passenger ship by the owner thereof or any person in his or her employ on account of the ship being full, and having received or been tendered a refund of his or her fare, go on board the ship;

(d) if, having gone on board a passenger ship at any place in the Republic, he or she has been requested, on account of the ship being full, by the master of or any other person employed in the ship to quit the ship, before it has left that place, and has received or been tendered a refund of his or her fare, refuse or fail to comply with the request;

(e) travel in any passenger ship without first paying his or her fare, and with intent to evade payment thereof;

(f) if he or she has paid his or her fare for a certain distance, proceed in a passenger ship beyond that distance without first paying the additional fare for the additional distance, and with intent to evade payment thereof;

(g) if he or she has arrived in a passenger ship at a place to which he or she has paid his or her fare, refuse or fail to quit the ship;

(h) being on board a passenger ship, and being requested by the master of or any other person employed in the ship, either to pay his or her fare or exhibit his or her ticket or other document showing payment of his or her fare, refuse or fail to comply with the request; or

(i) being on board a passenger ship, and being requested by the master or any other person employed in the ship to furnish his or her name and address, refuse or fail to comply with the request or furnish a false name or address.

(2) If a crime which has been committed on board a passenger ship is reported to the master and the master fails to take reasonable steps to report the crime to the Authority and South African Police Service, the Master commits an offence.

(3) The master of any passenger ship to which this Part applies, and all persons called by the master to his or her assistance, may, without any warrant, detain any person who commits a crime and deliver that person to the South African Police Service.

(4) If a master fails to exercise his or her power in terms of subsection (3) and in so doing, unreasonably places the safety of any seafarer or passenger at risk, the master commits an offence.

(5) The provisions of subsection (1) to (4) shall apply in respect of all passenger ships wherever registered while they are in the Republic or when the majority of passengers aboard the ship originally embarked and plan to finally disembark in a South African port

(6) For the purposes of this section, a crime means a crime contemplated in Schedule 1 of the Criminal Procedure Act.

Penalties in respect of passenger ships

381. A person who commits an offence in terms of section 380 shall be liable, upon conviction, to a fine or to imprisonment for a period not exceeding three months.

Part 7

General Prohibitions

Bribery

382. A person who, in respect of a matter relating to this Act—

(a) not being authorised so to do, gives or promises to give, directly or indirectly, any reward to an officer or a person who is employed by an organ of state, or upon whom any duty is imposed or to whom any function is entrusted under this Act, in respect of the performance or non-performance, by any such officer or person, of his or her employment, duty or function;

(b) agrees with or proposes to any such officer or person to do, or permit anything in contravention or evasion of this Act; or

(c) being an officer or a person referred to in paragraph *(a)*—

(i) demands or receives, except from or through the organ of state or in accordance with the provisions of this Act, any reward in respect of the performance or non-performance of his or her employment, duty or function; or

(ii) by any wilful act, neglects or defaults do or permit or agree to do or permit anything in contravention or evasion of this Act, commits an offence.

Forgery and other fraudulent acts

383. A person who—

(a) forges any document issued under this Act;

(b) makes any false representation for the purpose of procuring the issue of any document under this Act, or for the purpose of inducing any person to do any acts which by this Act he or she is authorised to do;

(c) produces or otherwise puts off any forged document purporting to be a document issued under this Act, which he or she knows to be forged;

(d) produces or otherwise uses any document issued under this Act which has been cancelled or suspended or which has expired or to which he or she is not entitled;

(e) makes in any document, produced or delivered to any person authorised to receive it under this Act, any statement which he or she knows is untrue in any particular;

(f) produces or delivers any document which contains any statement which he or she knows is untrue in any particular to any person authorised to receive it under this Act; or

(g) lends to any person who he or she knows is not entitled to a document issued under this Act or allow any such document to be used by any such person,

commits an offence.

Obstructing administration of Act

384. person who—

(a) damages, destroys, conceals or disposes of any vessel or goods to prevent the detention, forfeiture or seizure thereof under this Act;

(b) rescues, damages or destroys any vessel or goods detained, forfeited or seized under this Act;

(c) being the owner or master of a vessel which has been detained under this Act, or any other person under the control of either of them, causes or permits the vessel to proceed to sea without the permission of the Authority;

(d) receives or has in his or her possession any vessel or goods forfeited under this Act;

(e) being the master of a vessel proceeding to sea, wrongfully takes to sea any officer authorised to detain the vessel or any surveyor or other officer when on board the vessel in the execution of his or her duty;

(f) insults, resists, hinders or misleads any person or court upon whom any duty is imposed or any power is conferred or to whom any function is entrusted under this Act, in the discharge of that duty or the exercise of that power or the performance of that function, or refuses or fails to give all reasonable assistance, when called upon to do so, to any such person or court in such discharge, exercise or performance, or hinders or prevents any other person from assisting any such person or court in such discharge, exercise or performance;

(g) harbours or secretes a seafarer who has contravened or is contravening the provisions of section 138(1) or who is liable to be apprehended under the provisions of section 142;

(h) hinders or prevents any witness from attending in obedience to any summons issued under this Act; or

(i) hinders or prevents the service of any document under this Act,

commits an offence.

Stowaways

385. (1) No person shall go to sea in a ship without the consent of the owner, master, a ship's officer or some other person entitled to give that consent, or secrete himself or herself for the purpose of going to sea without that consent.

(2) A person who goes to sea in a ship without the consent mentioned in subsection (1) commits an offence.

(3) A person who goes to sea in a ship without the consent mentioned in subsection (1) shall, so long as he or she remains in the ship, be considered to belong to the ship and be subject to the same laws and regulations for preserving discipline as if he or she were a member of the crew and had signed the agreement with the crew.

(4) Subsections (1) and (2) shall apply to any person who goes to sea or secretes himself or herself for the purpose of going to sea—

(a) in a South African ship going to sea from any port ; or

(b) in a ship other than a South African ship going to sea from a port in the Republic; or

(c) in a ship other than a South African ship going to sea from a port outside the Republic and bound for a port in the Republic.

(5) The master of any South African ship arriving at any port within or outside the Republic, and the master of any ship other than a South African ship arriving at a port in the Republic, shall, if any person has gone to sea in that ship without the consent mentioned in subsection (1), report the fact in writing to the Authority as soon as practicable after the arrival of the ship.

Ships not to be boarded without authority

386. A person who, is not duly authorised under this Act or any other law but who—

(a) goes on board any ship, whether registered in the Republic or not, which is about to arrive, is arriving or has arrived in the Republic, without the permission of the owner or master; or

(b) remains on board any such ship at a port in the Republic, after being required to leave by the owner or master or by a member of the South African Police Service, a customs officer or the Authority,

commits an offence.

Obstruction of navigation of ship

387. A person who, without reasonable excuse, does anything to obstruct or injure any of the equipment of any ship wherever registered, or obstructs, impedes or

molests any of the crew in the navigation and management of the ship or otherwise in the execution of their duties about the ship, commits an offence.

Penalties in respect of offences regarding prohibitions in Part 6

388. (1) A person who commits an offence in terms of a section referred to in Column 1 of Table 4 hereunder, shall be liable, upon conviction, to a penalty not exceeding the penalty indicated in Column 2 of Table 4 hereunder, for that particular offence.

(2) A person who is guilty of an offence under this Act which is not provided for in this Part shall on conviction be liable to a fine, or to imprisonment for a period not exceeding three months.

TABLE 4

Section in terms of which offence is committed	**Penalty**
383 and 384*(a)*, *(b)*, *(e)*, *(f)*, *(g)* or *(h)*	Fine or imprisonment for a period not exceeding 12 months
383, 384*(c)* and 387	Fine or imprisonment for a period not exceeding two years
384*(d)*	Fine or imprisonment for a period not exceeding three years

Part 8

Offences in General

Offences not expressly mentioned

389. Any person who contravenes any provision of this Act or who fails to comply with any provision hereof with which it was his or her duty to comply and for which no provision is made in Parts A to H, commits an offence.

Penalties for offences

390. A person who is guilty of an offence under this Act for which no penalty is specially provided under this Chapter shall on conviction be liable to a fine, or to imprisonment for a period not exceeding three months.

Determination of fines

391. (1) When the monetary value of a fine is determined for purposes of this Chapter, the fine may be determined on sliding scale based on the size of the vessel.

(2) The Authority shall review the monetary values of fines prescribed by regulations on an annual basis and may make an adjustment upwards by no more than the Annual Consumer Price Inflation rate published by Statistics South Africa and such adjustments shall be effected by publication in the *Gazette*.

CHAPTER 9

PROCEEDINGS BY AUTHORITY AND LEGAL PROCEEDINGS

Division 1

Jurisdiction

Jurisdiction of Authority in respect of administrative penalty on admission of guilt

392. (1) If any person—

(a) admits to the Authority that he or she has contravened a provision of this Act or failed to comply with any such provision with which it was his or her duty to comply, which contravention or failure constitutes an offence;

(b) agrees to abide by the decision of the Authority; and

(c) deposits with the Authority such sum as may be required of him or her, but not exceeding the maximum fine which may be imposed upon a conviction for the contravention or failure in question,

the Authority may, after such enquiry as it considers necessary, determine the matter summarily and may, without legal proceedings, order by way of penalty the whole or any part of the said deposit to be forfeited.

(2) In the event where the Authority makes a determination or an order by imposing a penalty under subsection (1), the aggrieved party has a right of appeal to the Minister within a period of three months from the date of such determination or order, if:

(a) in the case of a small vessel penalty exceeds R2 000,

(b) in the case of a vessel larger than a small vessel exceeds R10 000

(3) The imposition of a penalty under subsection (1) must not be considered to be a conviction of a criminal offence, but no prosecution for the relative offence must thereafter be competent.

(4) Nothing in this section must in any way affect liability to forfeiture of ships, shares therein or goods.

Jurisdiction of Authority in respect of release from forfeiture or mitigation of penalties

393. The Authority may—

(a) direct that any ship or any share in a ship or any goods detained, seized or forfeited under this Act, be released or delivered to the owner thereof; or

(b) mitigate or remit any penalty incurred under this Act, not being a sentence imposed after conviction by a court of law,

on such conditions as to it appear proper: Provided that if the owner of any ship, share or goods referred to in paragraph *(a)* accepts such conditions he or she must not thereafter be entitled to institute or maintain any action or other proceedings for damages on account of the detention, seizure or forfeiture.

Jurisdiction in respect of offences committed outside the Republic

394. (1) If a person being a South African citizen, is charged with having committed an offence on board a South African ship, wherever she may be, any court in the Republic which would have had jurisdiction to try the offence if it had been committed within the court's territorial jurisdiction, must have jurisdiction to try the offence.

(2) If a person is charged with having committed an offence on board a ship, at any place outside the Republic any court in the Republic which would have had jurisdiction to try the offence if it had been committed within the court's territorial jurisdiction, must have jurisdiction to try the offence if:

(a) The flag state of the vessel on which the alleged offence occurred or the state in whose territory the alleged offence occurred declines to exercise its jurisdiction, or fails to do so upon reasonable notice;

(b) the offence carries a potential prison sentence of ten or more years if convicted by a court in the Republic;

(c) the accused is arrested in the Republic, or is extradited to the Republic;

(d) the crime was committed by or against a South African citizen, or while the vessel was on a voyage where her next port of call was in the Republic; and

(e) the institution of the prosecution is authorised in writing by the National Director of Public Prosecutions.

(3) If a South African citizen—

(a) is charged with having committed an offence on board a South African ship during a voyage to a port in a treaty country other than the Republic, or on

board a South African ship in a port in a treaty country other than the Republic; or

(b) who is a seafarer belonging to a South African ship which is in a port in a treaty country other than the Republic, is charged with having committed an offence in that treaty country,

and he or she is found within the area of jurisdiction of any court in that treaty country which, according to the laws in force in that treaty country, would have had jurisdiction to try the offence if the act or omission which under the laws in force in the Republic constitutes the offence were also punishable under the criminal law in force in that treaty country, and if the act had been committed or the omission had occurred on board a ship registered in that treaty country or within the said area, that court must have jurisdiction to try the offence, provided the Minister has generally or in the particular case requested that the courts of that treaty country must exercise such jurisdiction.

(4) The Minister may by notice in the *Gazette* declare that the provisions of subsection (2) must apply in respect of the courts of any foreign country mentioned in that notice as if that foreign country were a treaty country and thereupon the said provisions must apply in respect of the courts of that foreign country as if it were a treaty country.

(5) In this section the expression "offence" means any act or omission which is punishable under the criminal law in force in the Republic.

Jurisdiction of magistrates' courts to impose punishment

395. Notwithstanding anything to the contrary contained in any other law, a magistrate's court must have jurisdiction to impose any punishment prescribed by this Act: Provided that this section must not apply in respect of any compensation referred to in section 414 or to any forfeiture under section 413 and 399 respectively.

Division 2

Conveyance of accused persons, witnesses and deserters and return of offenders

Conveyance of accused persons and witnesses to the Republic

396. (1) Whenever any complaint is made to any consular representative of the Republic or of any other treaty country—

(a) that any offence against property or person has been committed at any place, either ashore or afloat, outside any treaty country by any master or seafarer who at the time when the offence was committed, or within three months before that time, was employed in any South African ship; or

(b) that any offence on the high seas has been committed by any master or seafarer belonging to any South African ship,

that consular representative may inquire into the case and may, if in his or her opinion reasonable grounds of suspicion exist against the alleged offender, take any steps in his or her power for the purpose of placing the master or seafarer under the

necessary restraint and of sending him or her as soon as practicable in safe custody to the Republic.

(2) Upon arrival in the Republic the alleged offender must be handed over to a member of the South African Police Service who must take him or her to a police station or charge office.

(3) The alleged offender must thereafter be detained until a warrant is obtained for his or her further detention upon a charge of an offence or until the offender is released by reason that no charge is to be brought against him or her, and unless so released the offender must as soon as possible be brought before a judicial officer upon a charge of an offence: Provided that he or she must not be so detained for a longer period than 48 hours unless a warrant for his or her further detention is obtained.

(4) The expense of imprisoning any such alleged offender and of conveying the offender and the witnesses to a port in the Republic in any manner other than in the ship to which they respectively belong, must be paid out of moneys provided by Parliament for that purpose.

Conveyance of deserter on board ship

397. Whenever any seafarer of a South African ship or other treaty ship is convicted by any court of the Republic, or any seafarer of a South African ship is convicted by a court of a treaty country other than the Republic, of desertion or absence without leave or other breach of discipline, the court must, if the voyage has not yet been completed, and if the master or any ship's officer or the owner or his or her agent so requires, instead of imposing upon him or her any fine or sentence of

imprisonment, cause him or her to be conveyed on board for the purpose of proceeding on the voyage: Provided that the court may decline to exercise this power in any particular case, if for any reason it thinks it advisable so to decline.

Imprisoned seafarers may be sent back on board

398. If a seafarer of a South African ship or other treaty ship is undergoing a sentence of imprisonment in the Republic, or if a seafarer of a South African ship is undergoing a sentence of imprisonment in a treaty country other than the Republic, for the offence desertion or absence without leave or other breach of discipline, any person who is a judicial officer of a court within whose area of jurisdiction the place of imprisonment is situated may, during his or her imprisonment, and before his or her employment is at an end, and on the application of the master or owner or agent of the ship, and notwithstanding that the period of imprisonment has not concluded, cause the seafarer to be conveyed on board his or her ship for the purpose of proceeding on the voyage, and the seafarer must not thereafter be required to serve the remaining portion of the period of imprisonment.

Division 3

Forfeiture of ships, shares in ships and goods and detention of ships

Forfeiture of ships, shares in ships and goods

399. All ships, shares or interests in ships of goods which are dealt with contrary to the provisions of this Act, may be seized—

(a) under Part 1 of Chapter 3,

(b) by means of which any offence under this Act is committed,

(c) in connection with which or concerning which any false statement is made or any forged document or any document containing any false statement is produced or used for any purpose of this Act; or

(d) in connection with which an offence is committed under section 225 or 382 read with section 388,

must be liable for forfeiture.

Method of detaining vessel or share in ship or goods

400. (1) A proper officer may cause to be detained a vessel or share in a ship or any goods which by this Act is declared to be liable to detention.

(2) The detention must be effected by the service of a notice of detention in accordance with the provisions of this section.

(3) A notice of detention must be in the prescribed form, must be signed by the proper officer, must declare that the vessel or share or goods are thereby detained, and must set forth the grounds of detention.

(4) A notice of detention of a vessel or share in a ship must be served upon the master of the vessel, and a notice of detention of goods must be served upon the person in whose physical possession they are, and thereupon the vessel or share or goods must be considered to be detained for the purposes of this Act.

(5) A copy of every notice of detention must forthwith be transmitted by the officer who issued it to the Authority.

(6) Whenever the Authority directs the proper officer to release a detained vessel or share in a ship or any detained goods, the proper officer must issue a notice declaring that vessel or share or those goods are released.

(7) A notice of release must be in the prescribed form and must be signed by the proper officer.

(8) A notice of release of a vessel or a share in a ship must be served upon the master of the vessel, and a notice of release of goods must be served upon the person in whose possession they are, and thereupon the vessel or share or goods must be considered to be released.

Procedure in forfeiture of ship, a share in a ship or goods

401. (1) Whenever under section 399, a ship or a share in a ship is or any goods are liable to forfeiture, the Authority may direct the proper officer to issue a notice of forfeiture of that ship or share or those goods in pursuance of that provision.

(2) A notice of forfeiture must—

(a) be in the prescribed form;

(b) be signed by the proper officer;

(c) set forth the grounds on which, and refer to the provisions of this Act under which, the forfeiture is claimed;

(d) state that unless the ship or share is or the goods are released in accordance with the provisions of subsection (8) or under an order of court, the ship, share or goods will be forfeited; and

(e) be served, in the case of a ship or share in a ship, upon the master of the ship, and, in the case of goods, upon the owner or if he or she is not within the Republic or his or her address is not known, upon the person in whose physical possession they are.

(3) The owner or any other person interested in any ship, share in a ship or goods in respect of which a notice of forfeiture has been issued, who objects to the forfeiture thereof, must, within the period of 30 days from the date upon which the notice of forfeiture was served, or within such further period as may be fixed by the court under subsection (7), give notice in writing to the Authority or to the proper officer who issued the notice, that he or she claims the release of the ship, share or goods.

(4) If notice is not given by the owner or interested person in terms of subsection (3), no legal proceedings must be instituted by the owner against the State, the Minister, the Authority, the Authority or any other officer for the release of the ship, share or goods or based merely upon the detention, seizure or forfeiture thereof.

(5) When notice has been given in terms of subsection (3), the person giving such notice may, within the period of 90 days from the date on which it was delivered to the Authority, or within such further period as may be fixed by the court under subsection (7), but not earlier than 30 days from the date upon which the said notice was so delivered, institute proceedings in a court of competent jurisdiction for the release of the ship, share or goods.

(6) If—

(a) notice is not given in terms of subsection (3) ;

(b) such notice having been given, proceedings are not instituted in terms of subsection (5);

(c) such proceedings having been instituted, the court dismisses the claim for release, the ship, share or goods must be forfeited and become the property of the State—

(i) upon expiry of the period of 30 days from the date upon which the notice of forfeiture was served, or upon expiry of such further period as may be fixed by the court under subsection (7);

(ii) upon expiry of the period of 90 days from the said date, or upon expiry of such further period as may be fixed by the court under subsection (7); or

(iii) upon dismissal by the court of the claim for release, respectively.

(7) A court having jurisdiction to try a claim for the release of the ship, share or goods, may, before or after the expiry of the period referred to in subsection (3) or (5), extend such period, if it thinks that the interests of justice so require.

(8) The Authority may at any time before the forfeiture has become effective in terms of subsection (6) direct that a notice of forfeiture be withdrawn, and thereupon the provisions of sections 399(6), (7) and (8) must, with the changes required by context, apply.

Seizure of a ship, a share in a ship or goods detained or liable to forfeiture

402. (1) The Authority or proper officer may, if the Authority or proper officer considers it expedient to do so, in order that any ship, share in a ship or

goods in respect of which a notice of detention or of forfeiture has been served in terms of section 400 or 401, or in respect of which it is intended to cause such a notice to be so served, may be secured against damage, destruction, concealment, removal or rescue, cause that ship or share or those goods, to be seized by a person authorised for the purpose.

(2) The seizure of a ship or goods must be effected by the physical taking possession thereof, and the seizure of a share in a ship must be effected by the physical taking possession of that ship.

(3) The person effecting seizure of any ship, share in a ship or goods must, upon demand, exhibit his or her written authority to do so, and, if at the time of seizure a notice of detention or forfeiture has not yet been served, must serve upon the person in whose possession the ship or goods are seized a notice setting forth that it is intended to cause a notice of detention or forfeiture to be served and the grounds on which that intention is based.

No clearance to be granted to detained ship

403. Whenever in terms of this Act a ship—

(a) must be or has been detained, a customs officer must refuse to grant a clearance to that ship.

(b) may be detained under this Act, a customs officer may refuse to grant clearance to that ship

Detention of foreign ship that has occasioned damage

404. (1) Whenever injury has in any part of the world been caused to property belonging to the Government of the Republic or the Government of any other treaty country or to a South African citizen or a citizen of any treaty country (other than the Republic) by a foreign ship, and at any time that ship is found within the Republic or the territorial waters thereof, a High Court may, upon the application of any person who alleges that the injury was caused by the misconduct or want of skill of the master or any member of the crew of the ship, issue an order directed to any proper officer or other officer named, requiring that officer to detain the ship until such time as the owner, master or consignee thereof has satisfied any claim in respect of the injury, or has given security to the satisfaction of the court, to pay all costs and damages that may be awarded in any legal proceedings that may be instituted in respect of the injury.

(2) Any proper officer or other officer to whom the order of the High Court referred to in subsection (1), is directed must detain the ship accordingly.

(3) Whenever it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the Republic or the territorial waters thereof, any proper officer may detain the ship for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer must not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(4) In any legal proceedings in relation to any such injury aforesaid, the person giving security must be made defendant and must be stated to be the owner of the ship that has occasioned the damage.

Notice to be given to consular representative of proceedings taken in respect of foreign ships

405. If any foreign ship is detained under this Act, or if any proceedings are taken under this Act against the master or owner of any foreign ship, notice must forthwith be served on the consular representative of the country in which the ship is registered at or nearest to the port where the ship is for the time being, and such notice must specify the grounds on which the ship has been detained or the proceedings have been taken.

Division 4

Special evidential provisions

Mode of making declaration

406. Declarations required by this Act must be made in the Republic before a proper officer or commissioner of oaths, and outside the Republic before a proper officer or any person who by the law of the place where it is made is authorised to administer an oath, and may be made on behalf of a corporate body by the secretary or any other officer of that body authorised by it for the purpose.

Power to dispense with declarations and other evidence

407. When in terms of this Act any person is required to make a declaration, or any documentary or oral evidence is required to be produced to the proper officer,

and it is shown to the satisfaction of that officer that for reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the said officer may, with the approval of the Authority and on the production of such other evidence, and subject to such terms as he or she may think fit, dispense with the declaration or evidence.

Admissibility of documents in evidence

408. (1) Any document that is admissible in evidence in terms of this Act, is on mere production thereof admissible in evidence in any proceedings which, on the face of it, is evidence of the particulars stated therein in pursuance of this Act or in pursuance of any duty under this Act and of the fact that it was signed by the person by whom it purports to be signed.

(2) The Registrar may, subject to Chapter 3 of this Act, supply a copy of or extract from any entry in the Register or any document forming part of or associated with the Register, and certify them in writing, signed by him or her.

(3) The person to whose custody a document referred to in subsection (1), other than a copy or extract referred to in subsection (2), is entrusted, must against payment of the relevant charge, supply a copy of or extract from the document, certified in writing and signed by him or her, to any person applying for such a copy or extract.

(4) A document purporting to be a copy or extract supplied in terms of subsection (2) or (3) is admissible in evidence.

(5) A copy of or extract from any such document must also be admissible in evidence and is, on the face of it, evidence of the particulars stated in

such copy or extract, if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document has been entrusted and that officer must, upon payment of the prescribed fee, furnish a copy or extract so certified to any person applying for it.

Evidence as to agreement with crew

409. In any legal or other proceedings a seafarer may bring forward evidence to prove the contents of any agreement with the crew, without producing or giving notice to produce the agreement or any copy thereof.

Division 5

Presumptions

Presumption in case of collision

410. If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage must be considered to have been caused by the person in charge of the deck of the ship at the time, unless it is proved that the circumstances of the case made a departure from the regulations necessary.

Division 6

Acts done by courts and functionaries of the Republic and other treaty countries

Acts done by courts and functionaries of the Republic in relation to treaty ships other than South African ships

411. Whenever any law enacted before or after the coming into operation of this section and in force in any treaty country other than the Republic provides that any court or functionary of the Republic may or must exercise any authority or perform any act in relation to ships registered or entitled to be registered in that treaty country, their owners, masters, seafarers, such court or functionary may exercise any such authority or perform any such act, and all things done by such court or functionary under this section must have the same effect as if that law had been enacted in the Republic.

Acts done by courts and functionaries of other treaty countries in relation to South African ships

412. (1) Every provision of this Act which purports to require any court or functionary of any treaty country other than the Republic or any person other than a South African citizen to exercise any authority or perform any act outside the Republic in relation to South African ships, their owners, masters or seafarers must be construed as being permissive only and to mean that any such court or

functionary or person is thereby empowered so to exercise such authority or perform such act.

(2) If a court or functionary of any treaty country other than the Republic exercises any authority or performs an act in relation to a ship registered or entitled to be registered in the Republic, her owner, master or seafarers, which by any statutory enactment in force in that treaty country such court or functionary is empowered to exercise or perform, all things done outside the Republic by such court or functionary in accordance with the said enactment must have the same effect as if they had been done in accordance with an Act of the Parliament of the Republic, provided the Minister has generally or in the particular case requested that the courts or functionaries of that treaty country must exercise such authority or perform such act or has in manner prescribed by regulation recognised the exercise of the authority or the performance of the act or adopted any decision made in the exercise of the authority.

Division 7

Prescription

Prescription

413. (1) The period of extinctive prescription in respect of legal proceedings to enforce any claim or lien against a ship or its owners in respect of any damage to or loss of another ship, its cargo or freight, or any goods on board such other ship, or damage for loss of life or personal injury suffered by any person on board such other ship, caused by the fault of the former ship, whether such ship

be wholly or partly in fault, must be two years and must begin to run on the date when the damage or loss or injury was caused.

(2) The period of extinctive prescription in respect of legal proceedings under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injury must be one year and must begin to run on the date of payment.

(3) Any court having jurisdiction to try proceedings referred to in subsection (1) or (2) must, before or after the expiry of such period, if it satisfied that owing to the absence of the defendant ship from the Republic and its territorial waters and from the country to which the plaintiff's ship belongs or in which the plaintiff resides or carries on business and its territorial waters, the plaintiff has not during such period had a reasonable opportunity of arresting the defendant ship, extend such period sufficiently to give him or her such reasonable opportunity.

Division 8

Service of documents

Service of documents

414. Where for the purposes of this Act any document is to be served on any person, that document may be served—

(a) in any case by delivering a copy thereof personally to the person on whom the document is to be served, or by sending such copy to him or her, in accordance with the regulations, by registered post, enclosed in an envelope upon which is written his or her name and address, or by leaving such copy

for him or her with an 18 years old or more years member of his or her household at his or her dwelling, or, if no person belonging to his or her household can be found there, then by affixing such copy to the principal outer door of the said dwelling or of any place where he or she actually resides or was last known to reside or by electronic mail to an electronic address provided by the person concerned; or

(b) if the document is to be served on the master of a ship or on a person belonging to a ship, by leaving a copy thereof for him or her on board that ship with the person being or appearing to be in command or charge of the ship or by electronic mail to an electronic address provided by the person concerned; and

(c) if the document is to be served on the master of a ship, and there is no master, and the ship is within the Republic or the territorial waters thereof, by serving it on the owner of the ship, if he or she is within the Republic, or on an agent of the owner residing in the Republic, or if no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Division 9

Satisfying award of compensation by court

Appropriation of wages to satisfy award of compensation in offences against discipline

415. When a seafarer has been convicted of desertion as defined by section 137 or of absence without leave as defined by section 138 or of contravening any of the provisions of section 133(1), (2) or (3), and the court trying the case has made an

award of compensation under section 300 of the Criminal Procedure Act, any wages that have accrued or that may thereafter accrue to him or her may be applied to the satisfaction of the award.

CHAPTER 10

REGULATIONS

Part 1

Regulations Regarding Ship Registration

Matters regarding registration of ships to be prescribed

416. (1) The Minister may make regulations on any matter arising from or relating to the registration of ships, including but not limited to—

(a) the persons by whom, the manner in which and the period within which applications in connection with registration and the issue of any certificate or pass are to be made;

(b) the information and evidence to be provided in connection with the applications contemplated in paragraph *(a)* and any supplementary information and evidence that may be required by any specified authority;

(c) the restriction and regulation of the names of ships registered or to be registered;

(d) conditions relating to persons who qualify to own ships;

(e) the marking of ships registered or to be registered;

(f) the survey and inspection of ships registered or to be registered and the recording of their tonnage as ascertained or re-ascertained in terms of this Act;

(g) the limitation of the age or tonnage of a ship;

(h) the period for which the registration of a ship is to remain effective without renewal;

(i) the refusal, suspension and closure of registration in specified circumstances;

(j) matters arising out of the expiration, suspension and closure of registration, including the removal of marks and the surrender and cancellation of certificates;

(k) the registration of ships on bareboat charter to South African nationals;

(l) the registration of registered ships on bareboat charter to persons other than South African nationals or South African residents;

(m) the re-registration of ships entitled to be registered, which have been abandoned or whose registration in terms of this Act, or in terms of any law repealed by this Act, has been closed;

(n) the keeping of the Register and copies of the Register, or a part or parts of the Register;

(o) the entries to be made in the Register;

(p) the manner in which and the period within which documents and information are to be lodged, including provisions empowering the Registrar—

(i) to direct a person who has lodged, or is seeking to lodge, any document or information to do anything that is necessary to ensure that it is in accordance with the requirements of this Act; or

(ii) to treat any document or information as not having been lodged until it is in accordance with the requirements of this Act;

(q) the registration, whether by way of entry in the Register or otherwise, of documents and information;

(r) the verification of information and documents required for the purposes of this Act;

(s) the qualifications required of, and other requirements relating to, registered agents;

(t) the retention or return by the Registrar of documents lodged in accordance with this Act;

(u) the selection and change of home ports for registered ships;

(v) the matters to be recorded or endorsed on registration certificates, provisional registration certificates and temporary passes;

(w) the making of any declaration or the doing of anything required or permitted by this Act to be made or done in the name and on behalf of a person incapable of making such a declaration or doing any such thing by reason of minority, mental disorder or defect, or other cause;

(x) the manner in which instruments, notices and other documents in terms of this Act may be given to, or served on, persons;

(y) the payment of fees and expenses to persons required in terms of this Act to attend and give evidence or make declarations before the Registrar or other persons;

(z) the conduct of any matter relating to the Registration Office;

(za) the declaration of specified documents, or of documents included in specified classes of documents, to be admissible in evidence; and

(zb) the form of any instrument, notice or other document permitted or required to be issued, furnished, lodged or registered for the purposes of this Act.

(2) The regulations may—

(a) make different provision for different classes or descriptions of ships and for different circumstances;

(b) without prejudice to the generality of paragraph *(a)*, make provision for the granting of exemptions or dispensations by the Authority from specified requirements of the regulations, subject to any condition that it may consider fit to impose;

(c) make provision for the registration of any class or description of ships to be such as to exclude the application of Schedule 1 and may regulate the transfer, transmission or mortgaging of ships of the class or description so excluded;

(d) prohibit the registration of any class or description of ships; and

(e) make the incidental or supplementary provisions that appear to the Minister to be necessary or expedient, including provisions authorising investigations and conferring powers of inspection.

Fees to be imposed for purposes of Chapter 3

417. The Authority may, for the purposes of Chapter 3 of this Act, impose fees under section 44 of the South African Maritime Safety Authority Act, in respect of—

(a) applications in terms of this Act;

(b) the lodging and registration of documents or information;

(c) the registration and re-registration of ships based on the net tonnage of the ship with the minimum and maximum fee to be imposed;

(d) the issue of registration certificates, provisional registration certificates, temporary passes and certificates contemplated in section 31(5);

(e) the supplying of copies of or extracts from entries in the Register or documents forming part of or associated with the Register; and

(f) the inspection of ships.

Matters regarding registration of ships to be prescribed

418. (1) The Minister may make regulations on any matter arising from or relating to the licensing of ships, including but not limited to—

(a) the persons by whom, the manner in which and the period within which applications in connection with the licensing and the issue of any licence are to be made;

(b) the information and evidence to be provided in connection with the applications contemplated in paragraph *(a)* and any supplementary information and evidence that may be required by the Authority;

(c) the keeping of a register;

(d) the manner in which and the period within which documents and information are to be lodged;

(e) the verification of information and documents required for the purposes of this Act;

(f) the matters to be recorded or endorsed on the licences; and

(g) the payment of fees;

(2) The regulations may—

(a) make different provision for different classes or descriptions of ships and for different circumstances;

(b) without prejudice to the generality of paragraph *(a)*, make provision for the granting of exemptions or dispensations by the Authority from specified requirements of the regulations, subject to any condition that it may consider fit to impose;

(c) prohibit the licensing of any class or description of ships; and

(d) make the incidental or supplementary provisions that appear to the Minister to be necessary or expedient, including provisions authorising investigations and conferring powers of inspection.

Part 2

Regulations Regarding Seafarers

Matters regarding training certification and manning, to be prescribed

419. (1) The Minister may make regulations on any matter arising from or relating to training certification and manning, including but not limited to—

(a) The manner and extent to which a ship may be manned;

(b) requiring ships to carry such number of qualified officers of any description and such number of other seafarers of any description as may be prescribed;

(c) the classes of South African ships on which cadets may be employed as such, the maximum number of cadets which may be employed as such on different classes of South African ships;

(d) prescribing the qualifications which any person employed on board a ship in a particular capacity is required to hold;

(e) prescribing standards of competence to be attained and other conditions to be satisfied by officers and other seafarers of any description in order to be qualified for the purposes of Part 4 of Chapter 4;

(f) Prescribing what proportion of several classes of seafarers comprising the crew of a South African ship must be South African citizens;

(g) prescribing medical fitness requirements for officers and seafarers and the medical examination of persons engaged to serve in ships, including the particulars to be contained in medical certificates;

(h) the age and qualifications of the candidates, including the service at sea and other service which they must have performed and the training which they must have undergone;

(i) prescribing the period of training required of seafarers prior to any training at sea;

(j) the fees to be paid by candidates for examination;

(k) the standards required for passing and the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;

(l) the scope and conduct of any examinations and re-examinations, the conditions for admission to them and the appointment and remuneration of examiners;

(m) the qualifications of examiners and the conditions under which they are appointed, including the remuneration to be paid to them;

(n) as to the approval by specified persons of seafarer training institutions and training courses;

(o) the issue, form and recording of certificates and other documents, and different provisions may be made or enabled to be made for different circumstances;

(p) regulating the recognition of certificates of competency or service granted by other competent authorities;

(q) the inspection of certificates which in terms of this Act any person employed on board a ship in any particular capacity is required to hold;

(r) prescribing the circumstances under which a certified copy of a certificate may be issued;

(s) regarding the procedure to be followed in the event of a certificate issued under Chapter 4 being mislaid, lost or destroyed;

(t) prescribing when a certificate may be cancelled or suspended and the right of appeal against the cancellation or suspension of a certificate; and

(u) any other matter regarding manning, training or certification which is required or permitted to be prescribed in terms of Chapter 4 of the Act, and, in general, for the better achievement of the objects of Chapter 4 of the Act.

(2) In making regulations under this section, the Minister must have due regard to the STCW Convention and STCW- F Convention.

(3) Regulations under this section may make different provisions for different descriptions of ship or for ships of the same description in different circumstances.

Matters regarding crew agreement to be prescribed

420. The Minster may prescribe matters arising from or relating to crew agreements, including but not limited to, the following—

(a) the minimum terms of a crew agreement;

(b) any additional requirements for a crew agreement relating to a foreign-going South African ship;

(c) any additional requirements for a crew agreement relating to a coasting ship or a fishing vessel registered in the Republic;

(d) the right of a seafarer to review, and seek advice on, a crew agreement before signing it;

(e) the information or documents in relation to the conditions of employment of seafarers that the owner of the ship is required to give or make available to and the manner and form, including electronic form, in which the prescribed information or documents must be given or made available;

(f) any amendment to a crew agreement;

(g) the termination of a crew agreement;

(h) keeping records of a crew agreement and retaining such records;

(i) the manner and form of display of a crew agreement;

(j) the period within and person to whom an expired crew agreement must be handed over by an owner or master of a vessel; and

(k) any other matter regarding crew agreements which is required or permitted to be prescribed in terms of Chapter 4 of the Act, and, in general, for the better achievement of the objects of Chapter 4 of the Act.

Matters regarding wages to be prescribed

421. The Minster may prescribe matters arising from or relating to wages, including but not limited to the circumstance under which the master of a South African ship is to give facilities to seafarers for remitting wages.

Matters regarding allotment notes to be prescribed

422. The Minster may prescribe matters arising from or relating to allotment notes, including but not limited to, the following—

(a) limit the circumstances in which an allotment note may be made;

(b) limit, the part of the wages that may be allotted and the number of persons to whom it may be allotted and may prescribed the method by which that part is to be calculated;

(c) identify the category of persons to whom allotments may be made;

(d) provide for the times and the intervals at which payment under an allotment note is to be made; and

(e) provide for any evidentiary matters in proceedings before the court.

Matters regarding crew accommodation to be prescribed

423. (1) The Minister may make regulations arising from or relating to accommodation to be provided for seafarers on prescribed ships.

(2) Without limiting subsection (1), the regulations may prescribe different requirements for male and female seafarers and make provision for the following—

(a) the minimum amount of space to be provided for each seafarer;

(b) regarding the circumstances under which the Authority may vary the requirements to provide the accommodation on board a ship necessary to accommodate the numbers of officers or other persons;

(c) the maximum number of seafarers to be accommodated in a specified part of a vessel;

(d) the part of a vessel in which the whole or a part of the accommodation is to be provided;

(e) the requirements for the construction, furnishing and equipment of the accommodation, including heating, lighting and ventilation;

(f) the maximum levels of noise, vibration and other ambient factors;

(g) the maintenance and repair of the accommodation;

(h) the prohibition or restriction of the use of accommodation for a purpose other than that specified;

(i) the provision of hot and cold fresh water;

(j) the provision of bedding, mess utensils, towels and other articles for personal use;

(k) the submission of plans and specifications relating to the provision or alteration of accommodation;

(l) circumstances when accommodation must be provided to master and seafarers when they are not on board ship.

(m) mechanisms for making and dealing with complaints about accommodation and duties of master of ship.

Regulations relating to provision of food and water

424. (1) The Minister may make regulations arising from or relating to the provision of food and drinking water on board prescribed ships.

(2) Without limiting subsection (1), the regulations may make provision for the following—

(a) the quantity and quality of food and drinking water to be carried and made available on board prescribed ships;

(b) measuring instruments for determining quantities of provisions served;

(c) provision of a refrigerating chamber;

(d) mechanisms for making and dealing with complaints about the quantity and quality of food and drinking water and duties of the master of the ship; and

(e) circumstances when provisions must be provided to master and seafarers when they are not on board ship.

Matters regarding alcohol and drugs to be prescribed

425. The Minister may prescribe matters arising from or relating to alcohol and drugs, including but not limited to, the following—

(a) The permissible blood alcohol level of a seafarer;

(b) any drug which may not be present in the blood of a seafarer;

(c) the authorisation of persons—

(i) to conduct alcohol tests and drug tests; and

(ii) to operate devices equipment for that purpose;

(d) the conduct of alcohol tests and drug tests, including random tests and tests with notice;

(e) the devices used in conducting alcohol tests and drug tests, including the calibration, inspection and testing of those devices;

(f) the approval of persons to conduct analyses in connection with such tests;

(g) the procedure for the handling and analysis of samples;

(h) the confidentiality of test results;

(i) the storage and destruction of samples; and

(j) the issuing of a certificate by the person referred to in paragraph *(c)* and the evidentiary value of such certificate in any proceedings relating to Part 11 of Chapter 4.

General matters regarding seafarers to be prescribed

426. The Minister may prescribe general matters relating to seafarers, including but not limited to, the following—

(a) regarding the holder of a certificate who is unfit to perform his or her duties as a result of ill health or mental or physical defect;

(b) as to the relief, maintenance and return to a proper return port of shipwrecked seafarers and seafarers found otherwise in distress in any place outside the Republic;

(c) as to the licensing and conduct and inspection of houses in which seafarers are lodged, the charges that may be made in such houses for food and lodging, and the payment of fees for such licences;

(d) providing for the care and treatment of sick seafarers (including masters) in hospitals, and for the recovery of expenses in connection therewith;

(e) providing for the maintenance by the master in respect of every seafarer on his or her ship of a card on which must be made a copy of every entry made in respect of the seafarer in the official logbook in terms of section 143;

(f) providing for all matters regarding seafarers' identity documents; and

(g) providing for the vaccinations and inoculation such as those against smallpox, yellow fever and typhoid fever of seafarers including masters and cadets at the expense of the owner of the ship on which they serve.

Part 3

Regulations Regarding Safety of Life at Sea

General matters regarding safety of life at sea to be prescribed

427. (1) The Minister may prescribe general matters relating to safety of life at sea and safety of navigation, including but not limited to, the following—

(a) the manner in which a ship must be inspected, surveyed and measured for any purpose under this Act, and the particulars and statements which must be contained in the report or certificate of a surveyor;

(b) the accommodation for passengers to be provided on board a South African ship;

(c) the class or classes of ships on which qualified and approved medical practitioners must be employed as such;

(d) radio and other navigational aids;

(e) adjusting and maintenance of navigational equipment, including compasses;

(f) employment, certification and requirements for radio officers and operators;

(g) electromagnetic compatibility of equipment on or in the vicinity of the bridge;

(h) nautical chart equipment of mobile offshore drilling units;

(i) record-keeping and voyage data recorders on ships;

(j) automatic tracking of ships;

(k) life-saving appliances, fire safety systems and fire-fighting equipment on ships and the life-saving appliances to comply with the specifications determined by the South African Bureau of Standards mentioned in the Standards Act and circumstances under which those life-saving appliances are considered to comply;

(l) boat and fire drills and testing drills, including nature, frequency and recording thereof;

(m) notices and diagrams, as well as the exhibition thereof, related to location and operation of life-saving and fire-fighting equipment;

(n) watch-keeping requirements;

(o) safe navigation, and requirements for navigation in particular conditions such as where ice is reported;

(p) the design, manufacture, construction, installation, operation, use, handling, alteration, repair, maintenance and conveyance of machinery and safety equipment on vessels;

(q) construction and equipment of mobile offshore drilling units;

(r) special purpose ships;

(s) the safety equipment and other facilities to be provided or installed on vessels by employers, owners and users, the persons to whom they are to be provided and the circumstances in which they are to be provided or installed and the application thereof;

(t) safety measures to be taken in relation to vessels by employers, employees, owners and users;

(u) performance of work on vessels in hazardous or potentially hazardous conditions or circumstances;

(v) safe carriage of solid bulk cargoes, packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes and timber deck cargoes;

(w) cargo stowage and securing;

(x) ships using gases or other low-flashpoint fuels;

(y) carriage of cargoes and persons by offshore supply vessels;

(z) intact stability;

(za) first aid and medical equipment to be kept available on vessels by owners, employers and users, the places where such equipment are to be kept, the requirements with which such equipment must comply, the inspection of such equipment, the application of first aid and the qualifications which persons applying first aid must possess;

(zb) safety management and the compilation by employers of safety directives in respect of vessels, the matters to be dealt with in such directives and the manner in which such directives must be brought to the attention of employees and other persons at a workplace;

(zc) 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;

(zd) 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; and

(ze) precautions to be taken in connection with the design and construction of ships and in respect of other matters to prevent the entrance of vermin and contaminants into ships;

(zf) ventilation to be provided when coal is loaded or carried in a ship as cargo or ballast;

(zg) dissemination of information concerning dangers to navigation;

(zh) what signals are to be regarded as signals of distress, and the circumstances in and the purposes for which such signals are to be used;

(zi) signalling lamps;

(zj) class or quantity of goods which may be carried in ships, and the manner in which such goods may be so carried;

(zk) requirements and precautions regarding the carriage of ballast;

(zl) conditions governing the installation, working and use of any anchors, chains, cables, and loading and discharging gear and any other machinery on board or in connection with ships, and the strength and quality thereof, and the precautions to be taken to prevent persons being injured thereby or by falling articles;

(zm) standards of seaworthiness to be observed in respect of vessels to which the Safety Convention does not apply, and regarding the marking and inspection of such vessels and the lifesaving appliances and first aid apparatus with which such vessels must be equipped;

(zn) requiring ships, vessels or other craft which are not by this Act required to comply with any of its provisions, to comply with such of the said provisions as may be specified, subject to such exemptions, restrictions or modifications as may be prescribed;

(zo) the design, construction, operation, use and maintenance of dynamically supported craft and any other matter which may be reasonably necessary for the safe and orderly operation of such craft;

(zp) international ship security; and

(zq) any other matter regarding safety of life at sea which is required or permitted to be prescribed in terms of Chapter 5 of the Act, and, in general, for the better achievement of the objects of Chapter 5 of the Act.

(2) In making regulations under this section, the Minister must have due regard to the Safety Convention and any regulation or code issued thereunder.

Matters regarding the carriage of grain to be prescribed

428. The Minister may prescribe matters regarding the safe carriage of grain in bulk, including but not limited to—

(a) requirements regarding the trimming of grain;

(b) intact stability requirements;

(c) longitudinal divisions and saucers;

(d) requirements for securing grain;

(e) effects of feeders and trunks, if fitted;

(f) combination arrangements when loading lower holds and between-deck spaces;

(g) issuing of authorisation by the Authority when a ship is loaded in accordance with Part 6 of Chapter 5; and

(h) sufficient grain loading information to enable the master to determine the heeling moments due to grain shift; and

(i) any other matter relating to the carriage of grain.

Matters regarding the carriage of maritime dangerous goods to be prescribed

429. The Minister may prescribe matters regarding maritime dangerous goods, including but not limited to—

(a) the safe packing and stowage requirements of specific dangerous goods or categories of dangerous goods which must include any precautions necessary in their relation to other cargo;

(b) the classification of dangerous goods;

(c) the packing requirements of dangerous goods;

(d) the marking and labelling of each receptacle containing dangerous goods;

(e) documents that must be carried in the required format by a ship carrying dangerous goods;

(f) accreditation of certain persons involved in the conveyance of dangerous goods;

(g) the type of explosives which may be carried in passenger ships; and

(h) any other matter relating to the carriage of maritime dangerous goods and vessels carrying dangerous goods.

Nuclear Ships

430. The Minister may prescribe matters regarding nuclear ships, including but not limited to—

(a) requirements for the approval of the design, construction and standards of inspection and assembly of the reactor installation;

(b) the suitability of the reactor installation for service on board a ship;

(c) radiation safety measures;

(d) the safety assessment that needs to be undertaken by any nuclear ship which intends to enter the Republic;

(e) the development and approval of an operating manual;

(f) the extent and frequency of surveys;

(g) the manner of application for and inspections and surveys required for issue of a nuclear passenger ship safety certificate and a nuclear cargo ship safety certificate; and

(h) any other matter relating to nuclear ships.

Matters regarding management for the safe operation of ships to be prescribed

431. The Minister may prescribe matters regarding the safe operation of ships and for pollution prevention, including but not limited to—

(a) the applicability of Part 16 of Chapter 5 to a ship or class of ship;

(b) the requirements for the safe operation of ships;

(c) the manner and form of application for a safety management certificate and the inspection and issue of such certificate; and

(d) any other matter relating to the safe operation of ships.

Matters relating to high-speed craft to be prescribed

432. The Minister may prescribe matters regarding the safety measures for high-speed craft, including but not limited to—

(a) the certification of high speed craft;

(b) the surveys conducted for purposes of certification of high-speed craft; and

(c) any other matter relating to the safety measures for high-speed craft.

Special measures to enhance maritime safety to be prescribed

433. The Minister may prescribe matters regarding the Special measures to enhance maritime safety, including but not limited to—

(a) enhanced surveys;

(b) ship identity number;

(c) continuous synopsis record; and

(d) any other matter relating to maritime safety.

Additional safety measures for bulk carriers to be prescribed

434. The Minister may prescribe additional safety measures for bulk carriers, including but not limited to—

(a) safe loading and unloading of bulk carriers;

(b) damage stability requirements applicable to bulk carriers

(c) structural strength of bulk carriers

(d) structural and other requirements for bulk carriers

(e) survey of the cargo hold structure of bulk carriers

(f) information on compliance with requirements for bulk carriers

(g) requirements for bulk carriers not being capable of complying with certain requirements due to the design configuration of their cargo holds

(h) solid bulk cargo density declaration

(i) loading instrument

(j) hold, ballast and dry space water level detectors

(k) availability of pumping systems; and

any other matter relating to safety measures for bulk carriers.

Matters regarding vessels less than three metres in length to be prescribed

435. The Minister may prescribe matters relating to vessels less than three metres in length, including but not limited to, the following—

(a) prescribe the purpose for and the area in which a vessel of less than three metres in length may be used; and

(b) prescribe the conditions subject to which any such vessel may so be used.

Part 4

Regulations Regarding Investigation of Allegations and Marine Casualty and Marine Incident Investigations

General matters regarding investigations of allegations marine safety investigations, formal enquiries and appeals to be prescribed

436. The Minister may prescribe general matters arising from or relating to allegations, marine safety investigations conducted by the marine accident and incident investigation unit or the Courts of Marine Enquiry, Maritime Courts and Courts of Survey, including but not limited to, the following:

(a) Preservation of evidence;

(b) application of international standards and guidelines relating to marine safety investigations;

(c) the purpose of marine safety investigations;

(d) safeguarding the independence of the marine accident and incident investigation unit;

(e) powers and duties of the marine accident and incident investigation unit; and

(f) rules to be followed in respect of—

(i) the convening of courts of marine enquiry, maritime courts and courts of survey;

(ii) the appointment of the members of such courts and technical advisors; and

(iii) the noting and prosecution of appeals from courts of marine enquiry of maritime courts to High Courts, and prescribing the procedure to be followed by courts of marine enquiry, maritime courts and courts of survey.

Part 5

Regulations Regarding Marine Traffic

Matters regarding aids to navigation to be prescribed

437. The Minister may prescribe general matters arising from or relating to aids to navigation, including but not limited to, the following:

(a) The establishment, maintenance, repair removal, discontinuance, positioning, variance, or inspection of aids to navigation;

(b) removing obstructions to aids to navigation, and giving directions in respect of the removal of aids to navigation;

(c) offences related to interference with aids to navigation;

(d) protection of aids to navigation; and

(e) marking of navigational hazards.

Matters regarding marine traffic to be prescribed

438. (1) The Minister may prescribe matters arising from or relating to marine traffic, including but not limited to, the following—

(a) regulating marine traffic in the territorial and sheltered waters, including the prescribing of ship reporting procedures, sea lanes and traffic separation schemes for ships in general or for any class of ship or for ships carrying nuclear or other dangerous or noxious substances;

(b) providing for the protection of offshore installations;

(c) prescribing measures to be taken on or in respect of offshore installations, including the equipment to be installed and maintained thereon, in the interests of the safety of navigation and the establishment of safety zones in respect thereof;

(d) the information to be provided and the procedures and practices to be followed by vessels that are entering, leaving or proceeding within different maritime zones or a vessel traffic service zone determined by the Authority in terms of Chapter 7; and

(e) regulating or prohibiting the navigation, anchoring, mooring or berthing of vessels for the purposes of promoting the safe and efficient navigation of vessels and protecting the public interest and the environment.

(2) Regulations made under subsection (1) may—

(a) prescribe for any contravention thereof or failure to comply therewith a penalty of a fine or imprisonment for a period not exceeding two years; and

(b) be applicable outside the Republic.

Part 6

Regulations Regarding Ship Security

Matters regarding ship security to be prescribed

439. The Minister may prescribe matters relating to ship security, including but not limited to—

(a) security levels and security directions to be determined;

(b) security-level information to be provided to ships registered in South Africa;

(c) security regulated ports and port operators;

(d) information to be provided to ships;

(e) compliance with security levels by ship;

(f) maritime security plans;

(g) ship security plans and records and international ship security certificates;

(h) reporting of maritime transport security incidents;

(i) ship security alert system;

(j) control and compliance measures;

(k) communication of information;

(l) record; and

(m) surveys.

Part 7

Regulations Regarding Small Vessels and Inland Waters

Matters regarding small vessels and inland waters to be prescribed

440. The Minister may prescribe matters relating to small vessels and inland waters, including but not limited to safety and security of maritime facilities and aids to navigation in inland waters.

Part 8

Regulations Regarding International Conventions

Matters regarding international conventions to be prescribed

441. (1) The Minister may make such notifications, declarations and regulations as may be necessary to give effect, after the commencement of this Act, subject to such exemptions, restrictions and modifications as may be desirable, to the provisions of —

(a) the Safety Convention;

(b) the International Collision Regulations Convention;

(c) the Load Line Convention;

(d) the Tonnage Convention;

(e) the STCW Convention;

(f) the STCW-F Convention;

(g) the Maritime Labour Convention;

(h) the Work in Fishing Convention; and

(i) any international convention not mentioned in paragraphs *(a)* to *(h)* that enters into force in the Republic after commencement of this Act in terms of section 231 of the Constitution.

(2) The regulations made under subsection (1) may include other and more extensive provisions than those contained in the Conventions contemplated in that subsection, provided they relate to the same or similar matters as are dealt with in those Conventions.

(3) The Minister may by regulation apply, subject to such exemptions, restrictions and modifications as may be desirable, any of the regulations made under subsection (1), to ships to which and in circumstances in which the provisions of the conventions mentioned in that subsection do not apply.

(4) Any regulation made under subsection (1) may make provision in terms of any document which the Minister or any person considers relevant, without stating the text thereof, by mere reference to the number, title and year of issue of that document or to any other particulars by which that document is sufficiently identified.

(5) A reference in the regulations to any document contemplated in subsection (4) must, unless expressly stated otherwise, be a reference to that document as revised or reissued.

Part 9

General Provisions Regarding Regulations

General matters to be prescribed

442. (1) The Minster may prescribe general matters arising from or relating to this Act and not provided for in this Chapter, including but not limited to, the following—

(a) for and in connection with, including the approval of, the books, forms and other documents to be used for the convenient and effective carrying out of the provisions of this Act, and of the particulars which must be contained therein;

(b) prescribing the powers and duties of officers or other persons employed in the administration of this Act;

(c) prescribing the services rendered or work done in pursuance of this Act for which fees must be paid, the amount of such fees, and when and by whom such fees must be paid;

(d) the duties of owners, masters and employers;

(e) regarding the appointment and functions of safety officers, safety appointees and safety committees and the election, training and functions of safety representatives; and

(f) prescribing such other matters as are necessary or useful to be prescribed for carrying out the purposes of this Act.

(2) The provisions of section 28 of the Standards Act, must not affect the operation of this Chapter.

(3) *(a)* A regulation made under this Chapter which incorporates another document, does not have to include the text of that document and may incorporate that document by mere reference to the number, title and year of issue of that document or to any other particulars by which that document is sufficiently identified;

(b) references in the regulations to any such document must, unless expressly stated otherwise, be references to that document as revised or reissued; and

(c) a copy of the complete text of each such document, as revised or reissued, must be kept at such places in the Republic as the Authority directs and must be available for public inspection after a date stated in the regulations.

(4) Any regulation made under this Chapter may prescribe penalties for contravention thereof or failure to comply therewith, of a fine, or imprisonment for a period not exceeding one year: Provided that if by any such regulation a penalty is prescribed for any act or omission for which a different penalty is prescribed under Chapter 9, the provisions of that Chapter must prevail.

(5) Different regulations may be made under this Chapter in respect of ships falling within different classes or categories or of different tonnage or in respect of ships built before or after a date stated in the regulations.

Procedure for making regulations

443. (1) The Minister may make regulations to facilitate the implementation of this Act, including regulations—

(a) that must or may be prescribed in terms of this Act;

(b) to provide for other procedural or administrative matters that are necessary to implement the provisions of this Act.

(2) The Minister may not make a regulation unless the he or she has published a draft of the regulation in the *Gazette* together with a notice inviting submissions in relation to the regulation within a specified period.

(3) The period allowed for making submissions referred to in subsection (2) must be at least 30 days.

(4) If a Minister intends, whether or not as a result of a consultation process, to make a regulation in a materially different form from the draft regulation published in terms of subsection (2), the Minister must, before making the regulation, repeat the process referred to in subsection (2).

(5) This section does not prevent the Minister from engaging in consultations in addition to those required in terms of this section.

CHAPTER 11

GENERAL PROVISIONS

Prohibition of use of vessels of less than three metres in length

444. (1) No vessel of less than three metres in length must go to sea from any port in or from anywhere else on the coast of the Republic.

(2) Notwithstanding the provisions of subsection (1), a vessel of less than three metres may go to sea as contemplated in the subsection subject to such conditions as may be prescribed.

Indemnification of State and Authority and certain persons in employ of State and Authority

445. Notwithstanding anything to the contrary in any law contained, the State and the Authority and their officers and employees acting in the performance of their duties must not be liable for—

(a) any loss or damage caused by the death of, or injury to, any person while conveyed in any vessel owned, operated or chartered by the State through its Department of Transport or by the Authority, or while entering or embarking upon or being in such vessel for the purpose of being conveyed in it, or while being in or alighting from such vessel after having been conveyed in it, if that person was so conveyed or to be so conveyed otherwise than in the

performance of his or her duties as an officer or employee of the State or the Authority and otherwise than for reward; or

(b) any loss of or damage to any goods conveyed in such a vessel otherwise than in the interests of the State or the Authority and otherwise than for reward.

Delegation of powers

446. The Minister may delegate any power conferred upon him or her by this Act, other than the power to make regulations, to one or more persons in the service the Department, an organ of state or the Authority, but must not thereby be divested of any power so delegated and may amend or withdraw any decision of any such person or Authority.

Transitional provisions

447. (1) Notwithstanding the repeal of the Merchant Shipping Act, in terms of the provisions of section 449—

(a) any valid certificate of competency, service or training issued or considered to have been issued under the Merchant Shipping Act, must continue in force as if issued under this Act, but must be valid only for the purpose for which, and the extent to which, it would have been valid in accordance with the provisions of the abovementioned Act;

(b) any licence issued in terms of section 68 of the Merchant Shipping Act, must continue in force as if issued under this Act, but must be valid only for the

purpose for which, and the extent to which, it would have been valid in accordance with the provisions of the abovementioned Act;

(c) a notice, designation or certificate issued in terms of the Merchant Shipping Act, in respect of any matter dealt with in that Act, is considered to have been issued in terms of this Act but must be valid only for the purpose for which, and the extent to which, it would have been valid in accordance with the provisions of the abovementioned Act;

(d) any regulation made in terms of the Merchant Shipping Act, in respect of any matter which may have been prescribed in terms of that Act, is considered to have been made in terms of this Act and remains in force until repealed by the Minister.

(e) a specification, code of conduct, code of practice, standard or document which is in force in terms of the Merchant Shipping Act, is considered to be a specification, code of conduct, code of practice, standard or document made in terms of this Act and remains in force until repealed by the Minister.

(f) a safety officer, safety appointee, safety committee and safety representative appointed and elected in terms of the Merchant Shipping Act, must remain in office for the unexpired term of his or her appointment or election.

(2) Notwithstanding the repeal of the Marine Traffic Act, in terms of the provisions of section 449, any regulation made in terms of that Act in respect of any matter which may have been prescribed in terms of that Act, is considered to have been made in terms of this Act and remains in force until repealed by the Minister.

(3) Notwithstanding the repeal of the Ship Registration Act, in terms of the provisions of section 449—

(a) the Registrar and Deputy Registrars appointed by the Minister under section 9 of the Ship Registration Act, continue in office until their appointment expires or is withdrawn by the Minister and the provisions of section 18 of this Act commences when the appointment expires or is withdrawn.

(b) any regulation made in terms of that Act in respect of any matter which may have been prescribed in terms of that Act, is considered to have been made in terms of this Act and remains in force until repealed by the Minister;

(c) every ship entitled to be registered that was, immediately before the date of commencement of this Act, registered in terms of the Ship Registration Act is considered to be registered in terms of this Act;

(d) any entry or record in respect of a ship entitled to be registered, that immediately before the before the date of commencement of this Act, appeared in a register book kept at a South African port in terms of the Ship Registration Act, is considered to be an entry or record in the Register in respect of that ship and to have been made on the date on which and at the time when it was made in terms of the Ship Registration Act;

(e) any—

(i) instrument or other document, other than a certificate of mortgage or certificate of sale granted in terms of the Ship Registration Act and in effect immediately before the date of commencement of this Act; and

(ii) endorsement, memorandum or other note made in terms of the Ship Registration Acton any such instrument or document and in effect immediately before the date of commencement of this Act,

continue to have effect on and after that date as if it had been made in terms of the corresponding provision of this Act: Provided that the Registrar may

refuse to accept instrument, document, endorsement, memorandum or note for purposes of this Act, if he or she is of the opinion that—

(aa) the instrument or document does not sufficiently comply with the requirements of this Act; or

(bb) it would be inappropriate to accept the instrument or document for the purposes of this Act,

(f) an application made in terms of the Ship Registration Act, submitted before the date of commencement of this Act but not finalised is considered to be an application submitted in terms of this Act if the Registrar is satisfied that the requirements of this Act in respect of an application of the same kind are substantially similar to the requirements of the Ship Registration Act;

(g) the Registrar may recall the certificate of registry issued in terms of the Ship Registration Act in respect of a ship for the purpose of the issue of a registration certificate in terms of this Act;

(h) each register kept at a South African port in terms of the Ship Registration Act is considered to be part of the Register to be kept in terms of this Act, and any documents retained in terms of that Act that are associated with the register book kept in terms thereof must be retained by the Registrar;

(i) the Registrar may, by notice in the prescribed form served on the registered agent of a ship considered to be registered, or if there is no registered agent entered in the Register in respect of that ship, the registered owner of that ship, require him or her to—

(i) verify, in the manner determined in the notice, any matter or particular appearing in the Register under the Ship Registration Act;

(ii) furnish the information and documents relating to the ship and its owner determined in the notice that would be submitted in connection with or in support of an application for registration, or to do that verification as well as to furnish that information and documents, within a determined period, but not less than 30 days after the date of service of the notice;

(j) the Authority may, by notice in the prescribed form, to the Registrar, direct that the registration of the ship be closed if a person contemplated in paragraph *(h)* fails to furnish information or document or to verify a matter unless it has reason to believe that the ship may still be entitled to be registered;

(k) where no entry or amendment of an entry has been made in respect of a ship in the Register for the prescribed period, the Registrar may, by notice in the *Gazette* containing the prescribed content, determine that, unless the Registrar is contacted by the registered owner, the registered agent, or another person having knowledge of the whereabouts of either the ship or the registered owner or registered agent, the Registrar must close the registration of the Ship; and

(l) the Registrar must, if he or she has reason to suspect that a ship regarded as registered on date of commencement of this Act, was not on that date entitled to be registered, serve notice of that fact on the owner and any mortgagee of the ship and he or she may close the registration of that ship if satisfactory evidence that the ship should remain registered is not submitted to him or her within three months from the date on which the notice was served.

(4) At commencement of this Act, any person—

(a) who is building a vessel; or

(b) on whose account a vessel is being built,

which vessel, when completed, must be registered or licensed in the Republic, must, within 60 days after the commencement of this Act, furnish to the proper officer at the port where the vessel will be registered or licensed or to the Authority such written particulars of the vessel as may be prescribed.

(5) The Minister may by regulation make provision for any matter arising from, consequential to or otherwise connected with the operation of this section and any regulations so made may have retrospective effect to the date of commencement of this Act.

(6) Any regulation made under subsection (4) may make provision in terms of any document which the Minister or any person considers relevant, without stating the text thereof, by mere reference to the number, title and year of issue of that document or to any other particulars by which that document is sufficiently identified.

International conventions to have force of law

448. (1) The international conventions referred to in subsection (2) must—

(a) at date of commencement of this Act—

(i) if incorporated into the law of the Republic in terms of section 356*bis* of the Merchant Shipping Act, continue to have the force of law, subject to regulations made by the Minister in terms of section 356(2) of that Act;

(ii) if given effect to in terms of section 356(2) of the Merchant Shipping Act, continue to have such effect, subject to such exemptions, restrictions and modifications as may have been determined by the Minister under that section;

(iii) if acceded to by the Republic, but not yet given effect to as contemplated in section 132(4) of the Constitution read with section 356(2) of the Merchant Shipping Act, have the force of law when it is effected by the Minister as contemplated in section 441 of this Act; and

(b) after date of commencement of this Act, if any international convention is modified by an amendment made under the enabling clause or article of that international convention, the Minster must, as soon as practicable after the entry into force of that amendment, give effect to by—

(i) amending any relevant section of this Act, if applicable; and

(ii) promulgating new or amending existing regulations as contemplated in section 441 of this Act.

(2) The international conventions contemplated in subsection (1) are—

(a) International Collision Regulations Convention;

(b) Load Line Convention;

(c) Maritime Labour Convention;

(d) Safety Convention;

(e) STCW Convention;

(f) STCW-F Convention;

(g) Tonnage Convention; and

(h) Work in Fishing Convention.

(3) The Minister must ensure that a copy of the complete text of each an international convention referred to in subsection (2), as revised or amended, is kept at such places as he or she may determine, and in particular, is published on the official website of the Department of Transport, and he or she may direct the Authority to keep such copies at such places as it considers necessary and such copies must be available for public inspection.

(4) If the provisions of this Act, regulations made in terms hereof or any technical standard issued by the Authority differ in any way to the provisions of an international convention, the provisions of this Act and regulations or the technical standard must apply provided that the technical standards issued by the Authority are not lower than the minimum technical standards established by that international convention.

(5) In interpreting an international convention —

(a) a reference to the Administration must, in relation to a ship of South African nationality, be construed as a reference to the Authority or any officer or organisation acting on its authority; and

(b) in the event of an inconsistency between different texts of a notice, certificate or regulation made by the Minister in terms of Chapter 10 or considered to have been made by the Minister in terms thereof, the English text prevails.

Amendment and repeal of law

449. The laws mentioned in Schedule 3 are hereby amended or repealed to the extent set out in that Schedule.

Short title and commencement

450. (1) This Act must be called the Merchant Shipping Act, 2019, and must come into operation on a date fixed by the President by proclamation in the *Gazette*.

(2) The President may fix different dates in respect of different sections, parts or Chapters of this Act and the dates so fixed may differ in respect of different classes of ships.

MEMORANDUM OF OBJECTS OF THE MERCHANT SHIPPING BILL, 2020

1. Background and purpose

Cabinet approved the Comprehensive Maritime Transport Policy (CMTP) in 2017 and it is an overarching policy to guide the integrated governance, regulation and development broadly of the ocean economy and in particular of maritime transportation in South Africa. There are several policy statements in the CMTP that need to be captured in legislation in order to achieve the necessary outcomes identified therein. Not all of the policy statements in the CMTP require legislation to give effect to it and not all of the policy statements in the CMTP are absorbed into the Merchant Shipping Bill. The Merchant Shipping Bill is but one in a suite of laws to be drafted or amended to give effect to the vision of government to revive the maritime transport sector and enhance its contribution to the growth and radical transformation of the South African economy. Since the Merchant Shipping Act, 1951 was first enacted, over 60 years ago, it has been amended in a piecemeal fashion over 32 times, inter alia to align with Republic's evolving international obligations. The Department has recognised that this approach has compromised the coherence of the Merchant Shipping Act, 1951 and accordingly has overhauled it to ensure inter alia that it aligns with IMO conventions ratified by the Republic, the Constitution of the Republic of South Africa, 1996, and the CMTP.

2. Objects of Bill

The Bill seeks to:

(a) provide for the powers and duties of the Minister and the South African Maritime Safety Authority in the administration of this Act,

(b) provide for the registration and licensing of ships in the Republic;

(c) provide for the application of the labour laws to seafarers, the conditions of employment of seafarers and the health and well-being of seafarers on board a vessel;

(d) promote the safety of life at sea and to establish inspection and enforcement mechanisms including those for marine casualties and crimes committed on ships;

(e) provide for the regulation of marine traffic and for legal proceedings and jurisdictional matters,

(f) recognise and incorporate international conventions to which the Republic is bound in terms of the provisions of the Constitution and its incorporation into domestic law in terms of laws repealed by this Act.

3. Discussions

CHAPTER 1
INTERPRETATION

This chapter assigns technical meaning to words of a technical nature referred to in the Bill and in order to avoid possible mis-interpretations of some phrases or context in this Act guidance on the interpretational approach to this bill is provided.

CHAPTER 2

ADMINISTRATION

This chapter provides for the powers of the Minister to make regulations; for the incorporation of any international convention defined in this Act and generally for the effective administration and achievement of the objects of this Act; delegate any duty; monitor the impact of any international convention and technical standard; monitor the impact of any mechanisms, programs or interventions to promote ship ownership criteria for designation of a national shipping company; measures to promote export of certain strategic minerals using South African ships; establishing the Shipping information Centre; conclude bi-lateral agreements; and appoint advisory panel and committee. The Authority is also empowered to appoint officers and surveyors; and to issue technical standards. In order to streamline and ensure highest maritime safety standards, the chapter provides for the condition of technical standards for maritime transport to be issued by the Authority; acquire as appropriate systems, equipment; marine and aerial surveillance crafts to promote the implementation of this Act.

CHAPTER 3
SHIP REGISTRATION, TONNAGE, LICENSING OF VESSELS AND NOTIFICATIONS OF INTENTION TO BUILD VESSELS

Part A of this chapter provides for Ship Registration of a South African ship and the meaning of a South African-owned ship. There are also special provisions under which the national flag

can be used and the requirements for declaration of ship's nationality before clearance. The creation of the South African Ship Registration Office and the appointment of the Registrar and Deputy Registrars of Ships including the powers and duties of Registrar and the appointment of staff.

The Chapter also provides for the requirements for the inspection and tonnage measurement of ship before registration and the illegality of refusal of registration of a ship and the consequences thereof. Dual registration of a South African ship is prohibited under this chapter. The Minister has power to disallow proposed name for ship. There are also special circumstances when the ship may be granted or not granted provisional certificate for ship becoming entitled to be registered while abroad. The South African Ships Register is also established under this chapter.

Under this chapter there is also provision for private law matters connected with liability of person with beneficial interest on the ship including requirements for Registered agent and as well as ship lost or ceasing to be entitled to be registered. There are also provisions for circumstances that may arise resulting in forfeiture and detention of ships and how the Authority will cooperate with officials in investigations under this section.

Part B provides for the measurement of Tonnage of the ship prior registration as well as the recognition of tonnage of ships of other countries

Part C under this chapter provides for Licensing of Vessels and prohibition on coastwise traffic and certain vessels to be licensed; the issuing and period of validity of coastal ship licence including the conditions for the renewal of coastal ship licence and cancellation of a coastal ship licence. The Chapter provides for special measures to support South African ship ownership for coastwise traffic. This provision is critical as an enabler and support to domestic ship ownership.

Part D provides for notification that must be made to the Authority of Intention to Build Vessel. This provision is critical in making sure that vessels to be built comply with the maritime safety standards.

CHAPTER 4
SEAFARERS

Part A, provides for application of Chapter 4 and Part B provides for application of Labour a*pplication of Labour Laws to Seafarers.*

Part C provides for Cadets including prohibition on number of cadets to be engaged that may be engaged in South African ship.

Part D provides for Manning, training and certification of seafarers by incorporating the provisions of the International Convention of Standards of Training, certification and Watchkeeping for seafarers. This ensures that our legislation is on par with the rest of the world.

Part E provide for the employment of seafarers including Medical examination of crew prior to engagement. The chapter also aligns our legislation with the international best practice for instruments required for engagement of seafarers before joining the ship and prohibition of work by children and circumstances under which the employment of young person is regulated.

Part F and **G**, provide for rights to wages and provisions and when such are to commence payment of Wages to seafarers. There are also provisions for entitlement of seafarers to leave. The right to leave is important to seafarers taking into account the long hours of work and extended absence from their families.

Part H *provide for the discharge of seafarer* whose service terminates elsewhere other than at proper return port ***or d***ischarge of seafarer on change of ownership and circumstances seafarers may be left behind and care that must be given to wages and other property of seafarer left behind.

Part I and **J** and **K** provides for the management procedure following the death of seafarer or if seafarer is lost and Distressed Seafarers: Repatriation and Relief Costs respectively and as well as crew accommodation and health of seafarers. In order to deal with discipline on board ship, there are specific provisions for a code of conduct applicable to all seafarers including the master and how their conduct including misconduct will be regulated.

Part M and **Q** provides for the carrying of documentation that must always be available for inspection by authorities in South Africa and abroad including the application and issue of seafarers Identity document by the Authority. The Chapter in Part R provides for financial

security for loss of life and personal injury by imposing of an obligation to owner to maintain insurance to cover these losses and the obligation to carry licenses for inspection.

CHAPTER 5
MARITIME SAFETY

This Chapter entrenches the zero tolerance of unseaworthy vessels along South Africa coast and provide for only certificated ship permitted to go to sea and that all these ships must have been issued with safety certificates prior going to sea. The chapter incorporates international rules and best practice in relation to inspections, survey of ships and cargo. There are also provisions for Local safety certificates for vessels including fishing vessels operating the domestic waters including. There are also specific provisions for the measurement of load line for all ships using provisions contained in the international load line convention.

The chapter further provides for maritime security for ports and ships by incorporating the provisions of Convention on Safety of Life at Sea codes and international practices to enhance maritime security. Under this chapter there are also provisions for division of loss in case of collision and damages for personal injury and the limitation of owner's liability.

CHAPTER 6
MARINE CASUALTY AND MARINE INCIDENT INVESTIGATIONS

This chapter provides for marine casualty investigations in relation to the general powers of officers, marine safety investigators, courts and persons appointed in terms of this Chapter. It also provides for different levels of investigations following a casualty incident. In order to deal with the question of independence of investigations, a Marine accident and incident investigation unit is established.

CHAPTER 7
MARINE TRAFFIC

This chapter provide for entry and departure of ships on South African waters including, ships and wreckage not to be sunk or abandoned and suppression of illicit traffic in drugs on board foreign ships in territorial waters and certain prohibitions in respect of offshore installations. The Minister has the power to determine safety zone for offshore installation. The Minister has the power to guarantee and or suspend navigation passage under stated circumstances.

Under this chapter the Authority has overall responsibility to ensure the regulation and maintenance of Aids to navigation. The Chapter determines the vesting of aid to navigation and the Authority's obligation to determine the standards of aids to navigation and as well as vessel traffic service regulation including the auditing of vessel traffic service authorities including training providers.

CHAPTER 8
OFFENCES AND PENALTIES

This chapter provide for offences and penalties.

CHAPTER 9

PROCEEDINGS BY AUTHORITY AND LEGAL PROCEEDINGS

This chapter provides for the jurisdiction of Authority in respect of administrative penalty on admission of guilt; release from forfeiture or mitigation of penalties; offences committed outside the Republic and magistrates' courts to impose punishment. The chapter also provides for cases where persons have to be transported of accused persons and witnesses to the Republic including deserter on board ship. Division 3 of the chapter provides for the forfeiture of ships including procedure thereof, shares in ships and goods and method of detaining vessel or share in ship or goods.

CHAPTER 10
REGULATIONS

This chapter provide for list of all matter requiring regulations and these include matters related to the registration of ships as provided in the relevant chapter. Matters regarding manning, training and certification to be prescribed including crew; Matters regarding wages to be prescribed; Matters regarding crew accommodation to be prescribed; General matters regarding safety of life at sea; Matters regarding the carriage of grain; Matters regarding the carriage of maritime dangerous goods; Matters regarding Nuclear Ships; Matters regarding management for the safe operation of ships; Matters relating to high-speed craft; Special measures to enhance maritime safety and additional safety measures for bulk carriers; General matters regarding investigations of allegations marine safety investigations, formal enquiries and appeals; Matters regarding aids to navigation; Matters regarding marine traffic;

Matters regarding ship security and Matters regarding small vessels and inland waters; and Matters regarding international conventions.

CHAPTER 11
GENERAL PROVISIONS

This chapter provides for prohibition of use of vessels of less than three metres in length; the indemnification of State and Authority and certain persons in employ of State and Authority; Delegation of powers, Transitional provisions for a structured implementation of the legislation; The chapter also provides for the incorporation of International conventions to have force of law in South Africa.

4. Consultation

The draft Merchant Shipping Bill was presented and discussed in stakeholders meetings convened nationally by the Department throughout 2018-2019. The Bill was tabled and approved by the Director Generals Cluster of International Cooperation, Trade and Security Cluster and the Economic Cluster.

5. Financial implications

There will be financial implications for the approval of the Bill for public comments and these will be limited to the cost of publication for public comments. There are funds set aside to cover the cost of publication. The cost of implementation is provided for under the relevant provisions of the South African Maritime Safety Authority Act and the South African Maritime Safety Levies Act. Other interventions may require to be funded indirectly through the broader financing by existing programs set aside for industry development.

6. Parliamentary procedure

The Department is of the opinion that this Bill must be dealt with in terms of Section 75 of the Constitution since it contains no provision to which the procedure set out in Section 74 and 76 of the Constitution applies.

SCHEDULE 1

PRIVATE LAW PROVISIONS FOR REGISTERED SHIPS

Definitions

1. In this Schedule—

(a) **'bill of sale'** means a bill of sale referred to in item 3;

(b) **'ship'** means a registered ship; and

(c) **'Register'** means South African Ships Register established by section 40 of this Act.

General

2.1 No record of any interest in a ship or in a share in a ship, other than by way of ownership or mortgage, may be made in the Register and, subject to this Act and to any rights and powers appearing in the Register to be vested in any other person, the right of an owner of a ship or of a share in a ship to dispose of the ship or share is not affected by this Act.

2.2 Subject to sub item 2.1, any beneficial interest may be enforced by or against the owner or mortgagee of a ship or of a share in a ship in respect of his or her interest in the ship or share in the same manner as in the case of any other movable property, or as permitted by law.

Transfer of ship

3.1 Subject to item 4, a ship or a share in a ship is transferred by registration of a bill of sale made in the prescribed form, unless the transfer will result in the ship ceasing to be entitled to be registered.

3.2 The transferee under a bill of sale contemplated in sub item 3.1 may not be registered as the owner of the ship or share unless—

(a) he or she has lodged the prescribed application with the Registrar; and

(b) the Registrar is satisfied that the ship continues to be entitled to be registered and that he or she would not refuse to register the ship in terms of this Act.

3.3 If an application in terms of sub item 3.2 is granted by the Registrar, the Registrar must register the bill of sale by entering in the Register the name of the transferee as owner of the ship or share and must endorse on the bill of sale that such entry has been made, with the date and time of entry.

3.4 Bills of sale lodged in terms of this item must be registered in the order of their lodgement.

Transmission by operation of law

4.1 Where any interest in a ship or a share in a ship is transmitted to a person by any lawful means other than by a transfer in terms of item 3 and the ship continues to be entitled to be registered, that person must make a declaration of transmission in the prescribed form and must lodge that declaration,

together with the evidence of the transmission that may be prescribed, with the Registrar within 14 days of that transmission taking place or within the further period that the Registrar may allow in special circumstances.

4.2 If the Registrar is satisfied that the ship continues to be entitled to be registered and that he or she would not refuse to register the ship in terms of this Act, the Registrar must thereupon enter in the Register the name of that person as owner of the ship or share.

Order for sale on transmission where ship ceases to be entitled to be registered

5.1 Where any interest in a ship or share in a ship is transmitted to a person by any lawful means other than by a transfer in terms of item 3, but as a result thereof the ship is no longer entitled to be registered, the Authority may, on application by or on behalf of that person, order a sale of the property so transmitted and direct that the proceeds of the sale, after deducting the expenses of the sale, be paid to that person.

5.2 If an application is made to the Authority in terms of sub item 5.1, it must cause notice of that application to be published in the *Gazette* and in the newspapers and be served on the persons that it may determine.

5.3 A notice contemplated in sub item 5.2 must be in a form approved by the Authority and must call on all persons who may object to the order being made to lodge their objections in writing with the Authority within the period determined in the notice.

5.4 On proof of the publication and service of the notice contemplated in sub item 5.2, and—

(a) if no objection in writing has been lodged with the Authority within the period mentioned in the notice; and

(b) if the Authority is satisfied of the legality of the applicant's claim,

it must make the order contemplated in sub item 5.1.

5.5 If an objection in writing is lodged with the Authority within the period determined in the notice or if it is not satisfied of the legality of the applicant's claim, it must refuse to make the order.

5.6 If the Authority refuses to make an order contemplated in sub item 5.1, the applicant may apply to a court for such an order.

5.7 The court may require any evidence in support of the application it considers necessary, and may make the order on the terms and conditions it considers fit, or may refuse to make the order.

5.8 Any application contemplated in sub item 5.1 must be made to the Authority within 30 days of the transmission taking place, or within the further period, not exceeding one year, that the Authority may allow, and any application contemplated in sub item 5.6 must be made to the court within 30 days after the refusal by the Authority to make the order, or within the further period, not exceeding one year, that the court may allow.

5.9 A ship or a share in a ship is subject to forfeiture under this Act if-

(a) an application is not made within the period allowed in terms of sub item 5.8; or

(b) the court refuses to make the required order.

Transfer of ship by order of Authority or court

6.1 Where the Authority or a court orders the sale of any ship or share in a ship in terms of this Act, the order must contain a declaration vesting in a named person the right to transfer the ship or share.

6.2 The person contemplated in sub item 6.1 is entitled to transfer the ship or share in the same manner and to the same extent as if he or she were the registered owner of the ship or share.

6.3 The Registrar must deal with any application relating to the transfer of the ship or share made by the person contemplated in sub item 6.1 as if that person was the registered owner.

Power of court to prohibit transfer

7.1 A court may, if it considers it necessary, without prejudice to the exercise of any other power, on the application of any interested person, make an order prohibiting any dealing with a ship or a share in a ship for a determined period.

7.2 A court may make the order contemplated in sub item 7.1 on the terms and conditions it considers fit, or may refuse to make the order.

7.3 When a copy of an order contemplated in sub item 7.1 is served on the Registrar, it is binding on him or her whether or not the Registrar was a party to the proceedings.

Endorsement of registration certificate on change of ownership

8.1 Where a ship or a share in a ship is transferred to a person by a bill of sale or transmitted to a person by any other lawful means, the person who has possession or control of the ship's registration certificate must deliver the certificate to the person to whom the ship or share is transferred or transmitted—

(a) if the ship is at a South African port at the time of the transfer or transmission, within ten days after the transfer or transmission; or

(b) in any other case, as soon as is practicable after the transfer or transmission.

8.2 Where a registration certificate is delivered to a person in terms of sub item 8.1, that person must immediately deliver the certificate to the Registrar.

8.3 Where a registration certificate is delivered to the Registrar in terms of sub item 8.2, the Registrar must, subject to item 3.2 or 4.2—

(a) endorse the registration certificate with the particulars of change of ownership of the ship or share; and

(b) cause the endorsed certificate to be returned to the registered agent of the ship or to the person that the registered agent directs.

Mortgage of ship

9.1 A ship or a share in a ship may be mortgaged as security for the discharge of an obligation in terms of this Act.

CONTINUES ON PAGE 642 - PART 6

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 657 6 March Maart 2020 No. 43073

PART 6 OF 6

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

9 771682 584003 43073

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

9.2 A mortgage contemplated in sub item 9.1 is created by the registration of a mortgage instrument made in the prescribed form.

9.3 Subject to sub item 9.4, on lodgement of a prescribed mortgage instrument, the Registrar must register the mortgage instrument by entering its particulars in the Register and must endorse the fact that such entry has been made on the instrument, with the date and time of entry.

9.4 The Registrar may not register a subsequent mortgage instrument without the written consent of the existing mortgagees under all prior mortgages of the ship or share in question.

9.5 Mortgage instruments lodged in terms of this item must be registered in the order of their lodgement.

Priority of mortgages

10. Where two or more mortgages are registered in respect of the same ship or share in a ship, the priority among the mortgagees is in accordance with the order of registration of the mortgages.

Rights of mortgagee

11.1 The mortgagee must have the power to dispose of the ship or share in a ship but where there is more than one mortgagee of the same ship or share, a subsequent mortgagee may not sell the ship or share without the concurrence of every prior mortgagee, except if a court orders such sale.

11.2 The mortgagee under a mortgage of a ship or of a share in a ship may recover any amount due under the mortgage in a court and, when giving

judgment or thereafter, the court may direct that the ship or share in question be sold in execution of the judgment.

11.3 Except as may be necessary for making a mortgaged ship or any share therein available as security for the mortgage debt, the mortgagee must not, by reason of the mortgage, be considered to be the owner of the ship or share, nor must the mortgagor be considered to have ceased to be the owner thereof.

Transfer of mortgage

12.1 A mortgage of a ship or of a share in a ship is transferred by an instrument of transfer made in the prescribed form.

12.2 Where a mortgage is transferred as contemplated in sub item 12.1, the transferee must lodge the instrument of transfer, together with the relative mortgage instrument, with the Registrar within 14 days after execution of the instrument of transfer or within the further period that the Registrar may allow in special circumstances.

12.3 The Registrar must enter in the Register the name of the transferee as the mortgagee of the ship or share which is the subject of the mortgage and must endorse the fact that such entry has been made on the instrument of transfer, with the date and time of entry.

12.4 A transferee of a mortgage in terms of this Act enjoys the same right of preference that was enjoyed by the transferor.

Transmission of mortgage by operation of law

13.1 Where the interest of a mortgagee in a mortgage of a ship or of a share in a ship is transmitted to a person by any lawful means other than by a transfer in terms of item 12, that person must make a declaration of transmission in the prescribed form and must lodge that declaration, together with the evidence of the transmission that may be prescribed, with the Registrar within 14 days of that transmission taking place or within the further period that the Registrar may allow in special circumstances.

13.2 The Registrar must enter in the Register the name of the person contemplated in sub item 13.1 as mortgagee of the ship or share.

Discharge of mortgage

14.1 In this item, 'mortgagor', in relation to a ship or a share in a ship, includes any person in whom, having regard to any intervening act and circumstances, the interest of the mortgagee would have been vested had the mortgage not been made.

14.2 Where a mortgage is discharged, the mortgagor must lodge the mortgage instrument, together with the evidence of the discharge of the mortgage that may be prescribed, with the Registrar within 14 days after the discharge or within the further period that the Registrar may allow in special circumstances.

14.3 The Registrar must make an entry in the Register to the effect that the mortgage has been discharged and, on that entry being made, any interest of the mortgagee under the mortgage vests in the mortgagor.

14.4 Where the mortgage instrument cannot, for any reason, be lodged with the Registrar, the mortgagor must make and lodge with the Registrar a declaration setting out the particulars relating to the ship in respect of which the mortgage was given, the mortgage and its discharge and the particulars that may be prescribed for the purposes of this item.

SCHEDULE 2

VESSEL TRAFFIC SERVICE ZONES

Number	Column 1	Column 2
1.	Saldanha Bay and approaches	All South African waters contained within-017°50'.9 E Cape Columbine 32°49'.6 S 33°00'.0 S 017°30'.0 E
2.	Table Bay and approaches	All South African waters contained within- A. Bok Point 33°34'.0 S 018°18'.4 E B. 33°45'.0 S 018°02'.5 E C. 34°00'.0 S 018°10".0 E
3.	Port Elizabeth and approaches	A1 34°01.7' S 25°47.4' E, a line to St. Croix Island bearing 330° *(t)* to the shore high water mark. B1 33°54.3' S 25°50.0' E, a line to Cape Recife bearing 270° *(t)* to the shore high water mark.
4.	Durban and approaches	A radius of 12 nautical miles from 29°50.2' S and 31°05.8' E to the shore high water mark.
5.		A radius of 15 nautical miles from south breakwater position 28°48.86' S and 32°05.85' E to the shore high water mark.
6.	Mossel Bay and	A radius of 6 nautical miles and 12

	approaches	nautical miles from East Breakwater Light, 34°10.50'S 022° 08.82'E to the high water mark
7.	East London and approaches	A radius of 10 nautical miles from South Breakwater Light, 33° 01.51'S 027° 55.50'E to the high water mark

SCHEDULE 3

AMENDMENT AND REPEAL OF LAWS

No. and year of law	**Short title**	**Extent of amendment or repeal**
57 of 1951	Merchant Shipping Act	Repeal of the whole
2 of 1981	Marine Traffic Act	Repeal of the whole
58 of 1998	Ship Registration Act	Repeal of the whole
12 of 2005	National Ports Act	Definition of "port" in section 1 is amended by replacing the word "Nqura" with the word "Ngqura"
Notice No 255 of 6 March 2009	Ports Rules	Repeal of Annexure 1

DEPARTMENT OF TRANSPORT

NOTICE 149 OF 2020

AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990) APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR SERVICE LICENCE

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations,1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No.115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Private Box X 193, Pretoria, 0001, within 21 days of date of the publication thereof.

APPENDIX II

(A) Full Name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) The Class and number of license in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for.

(A) Drone Inspired (Pty) Ltd. (B) 24 Chester Road, Bryanston, johannesburg. (C) Class III; G1284D. (D) Type G3, G4, G8, G10 & G16 (RPAS). (E) Category A4, H1 & H2. **Change to Shareholding:** African Land Surveys (Pty) Ltd has 50% & Mr R. Pheiffer holds 50% & **change to the MP:** Mr J. M. Suzor replaces Mr A. P. Meredith as the Air Service Safety Officer.

(A) Indwe Aviation (Pty) Ltd; Indwe Aviation. (B) George Airport, George, 6530. (C) Class II & III; N1116D & G1117D. (D) Type N1, N2, G2, G3, G10, G15 & G16 (Powerline inspection, ship to shore & offshore operations). **Changes to the MP:** A. J. Steynberg replaces L. Potgieter as the RP: Flight Operations, C. P. Sherwood replaces G. R. Donald as the RP: Aircraft & I. S. Osborne replaces L.g. C. Scheepers as the Air Service Safety Officer.

(A) G4S Valuables Logistics (SA) (Pty) Ltd. (B) Hangar 27, Lanseria International Airport, Lanseria. Class II & III; N1154D & G21146D. (D) Type N1, N2, G2, G3, G8 & G15. (E) Category A3, A4 & H2. **Change to Shareholding of the Company: Change to Shareholding of the Company:** From G4S Cash Solutions (Pty) Ltd to G4S International Logistics (Pty) Ltd & **Change to the MP:** Mr J Frese replaces Mr JP Venter as the CEO & Mr A Reeves replaces Mr GA Verbaan as the RP: Aircraft.

This publication rectifies errors and omissions contained in the publication that was published in the General Notice 127 of 2020 and in the Government Gazette No 43050 of February 28, 2020.

DEPARTMENT OF TRANSPORT

NOTICE 150 OF 2020

INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations,1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council)

Representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 28 days of the application hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX II

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class and number of licence in which the amendment is made. (D) Type of International Air Service in respect which amendment was made. (E) Category or kind of aircraft in respect of which license was made. (F) Airport in respect of which the amendment was made. (G) Area to be served. (H) Frequency of flight of which the amendment was made. (I) Condition under which amendment was made.

(A) G4S Valuables Logistics (SA) (Pty) Ltd. (B) Hangar 27, Lanseria International Airport, Lanseria. Class II & III; I/N271 & I/G272. (D) Type N1, N4, G2, G3, G8& G15. (E) Category A3, A4 & H2. (F) Lanseria International Airport. **Change to Shareholding of the Company:** From G4S Cash Solutions (Pty) Ltd to G4S International Logistics (Pty) Ltd & **Change to the MP:** Mr J Frese replaces Mr JP Venter as the CEO & Mr A Reeves replaces Mr GA Verbaan as the RP: Aircraft.

This publication rectifies errors and omissions contained in the publication that was published in the General Notice 126 of 2020 and in the Government Gazette No 43050 of February 28, 2020.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 25 OF 2020

Building 2 Greenstone Hill Office Park Emerald Boulevard Modderfontein
PO Box 8237 Greenstone 1616 Johannesburg South Africa
Tel 087 940 8800 **Fax** 087 940 8873 **E-mail** board@irba.co.za
Internet www.irba.co.za

AMENDMENTS TO THE CODE OF PROFESSIONAL CONDUCT FOR REGISTERED AUDITORS RELATING TO REGISTERED CANDIDATE AUDITORS

In accordance with the provisions of Section 10(1)(a) of the Auditing Profession Act, 2005 (Act 26 of 2005), the Independent Regulatory Board for Auditors (IRBA) hereby publishes revisions to the IRBA Code of Professional Conduct for Registered Auditors (IRBA Code).

1. REGISTERED CANDIDATE AUDITORS

Please be advised that amendments to the IRBA Code relating to Registered Candidate Auditors are now available and may be downloaded from the IRBA website at https://www.irba.co.za/guidance-for-ras/ethics:-the-rules-and-the-code/the-irba-code-revised-2018.

The changes will be effective on or after 1 November 2020.

For further assistance, enquires may be directed to Mr I Vanker, Director Standards at the IRBA. Alternatively, please send an email to standards@irba.co.za.

Bernard Peter Agulhas

Chief Executive Officer

Established in terms of Act 26 of 2005

BOARD NOTICE 26 OF 2020

THE SOUTH AFRICAN PHARMACY COUNCIL

REGULATIONS RELATING TO FEES PAYABLE TO COUNCIL

BACKGROUND

The South African Pharmacy Council publishes annually, in or about November, by way of a Board Notice the fees payable to the South African Pharmacy Council for the forthcoming financial year.

Section 4 of the Pharmacy Act, 53 of 1974 (as amended) provides the general powers of Council and provides that the functions of Council shall be towards achieving the objects for which Council was established. In order to achieve the objects, Council shall have the power –

(a) to require any registered person to pay to the Council the prescribed annual fees [Section 4(c)]; and
(b) to determine the fees payable to Council for services performed by the Council in terms of the Pharmacy Act, or any other reason the Council may decide on [Section 4(zG)].

Section 12 of the Pharmacy Act provides that all fees payable in terms of the Pharmacy Act shall be paid to the Council and shall be utilised as its funds for defraying expenses incurred in connection with the performance of its functions.

Section 49(1) of the Pharmacy Act provides that the Minister of Health may, in consultation with Council, make regulations relating to the fees payable under the Pharmacy Act. In this regard, Regulation 106 of the *Regulations relating to the registration of persons and the maintenance of the registers* (GNR.1160, published on 20 November 2000) provides that every person registered in terms of the regulations must renew their registration annually by paying the annual fee(s) as determined by Council.

PURPOSE

Since 2002, the South African Pharmacy Council has been publishing by way of a Board Notice the fees payable to Council.

In order to ensure transparency to the profession and the general public in achieving the objects of Council and in performing the functions and in executing its powers, the South African Pharmacy Council intends to recommend to the Minister of Health, the publication of the *Regulations relating to the fees payable to Council* in terms of section 49(1)(d) of the Pharmacy Act, 53 of 1974.

Interested parties are invited to submit, within **30 days** of publication of this notice, substantiated comments on or representation regarding the proposed *Regulations relating to the fees payable to Council*. Comments must be addressed to the Registrar, the South African Pharmacy Council, Private Bag X40040, Arcadia or email BN@sapc.za.org.

SCHEDULE

1. Regulations relating to the fees payable to Council

TA MASANGO
REGISTRAR

SCHEDULE: REGULATIONS RELATING TO THE FEES PAYABLE TO COUNCIL

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act has that meaning, unless the context otherwise indicates –

"Consumer Price Index" means the Consumer Price Index rate as published by Statistics South African by way of Government Gazette from time to time.

"Fees" means the amounts payable to council for annual [registration] fees and any other fee payable to council for services provided by council as determined by the council in terms of section 4(zG) of the Act.

Determination of fees payable to council

2. The Minister, in terms of section 49(1)(d) of the Act has determined –
   (a) the fees which may be payable to council in terms of schedule 1 hereto;
   (b) the annual fees as contained in schedule 1 may be increased by the council on an annual basis, applicable from 1 January every year, subject to:
      (i) In respect of persons and providers of education and training, a maximum annual increase of the Consumer Price Index plus three percent; and
      (ii) In respect of pharmacies, a maximum annual increase of the Consumer Price Index plus five percent.
   (c) In terms of section 4(zG) of the Act, that council may determine additional services undertaken by council in terms of the Act, which fee for such a service shall be determined on a cost to recovery basis.

Publication of fees

3. Subject to section 2, council shall publish by way of Board Notice in the Government Gazette on an annual basis, the fees payable to council.

Short title

4. These Regulations are called *Regulations relating to fees payable to council* under the Pharmacy Act, 53 of 1974.

SCHEDULE 1

Description
REGISTRATION FEES (payable with a duly completed application form)
• Pharmacy student (Pharmacy technician /Bachelor of pharmacy) • Registration of traineeship (Pharmacy technician) • Pharmacist's assistant (learner basic or learner post-basic) which includes registration on qualification • Pharmacist's assistant (learner basic or learner post-basic) • Pharmacist's assistant (qualified basic/qualified post-basic) prior to 15 July 2013 or for registration of additional sector • Pharmacist intern • Pharmacist • Pharmacy technician • Supplementary training • Specialist pharmacist • Pharmacy premises application for licensing (as published by the Director-General: National Department of Health) • Recording of a pharmacy (new, change of ownership, relocation) • Recording of a pharmacy owner (for each pharmacy premises) • Responsible pharmacist (for each pharmacy premises) • Registration as a provider accredited/approved by the SAPC • One-time registration as a provider accredited by another Quality Council • Assessor/ moderator/ verifier • Remote automated dispensing unit (RADU) – Public Sector • Mobile unit
ANNUAL FEES In terms of Regulation 106 of the *Regulations relating to the registration of persons and the maintenance of registers* (R.1160 of 20 November 2000), every person registered in terms of the regulations must renew such registration annually by paying the annual fee(s) as determined by Council. The annual fee due dates each year are as follows- - 2 January - Pharmacies and Responsible Pharmacists (private sector): Community, institutional (private), wholesale and manufacturing; - 1 February – Pharmacists; - 1 June - Providers, assessors, pharmacists' assistants, students and interns; and - 1 July - Pharmacies and Responsible Pharmacists (public sector). - 1 July – Pharmacy Owner (public and private sector)
For **Persons-** • Pharmacy student (Pharmacy technician/Bachelor of pharmacy) • Pharmacist's assistant (learner basic or learner post-basic) • Pharmacist's assistant (basic or post-basic) • Pharmacist intern • Pharmacist • Responsible pharmacist (for each pharmacy premises) • Pharmacy owner – State owned (per province) • Pharmacy owner – Non state owned (per pharmacy)
For **Pharmacies-** • Community pharmacy

- Institutional pharmacy
- Wholesale and manufacturing pharmacy
- Consultant pharmacy
- Satellite pharmacy
- Primary healthcare clinics (dispensary) with post- basic assistant(s)
- Remote automated dispensing unit (RADU) - Public Sector
- Mobile unit

For **Providers accredited/ approved by the SAPC** for**-**

- Pharmacist's assistant's qualification
- Pharmacy technician qualification
- Bachelor of pharmacy qualification
- Authorized pharmacist prescriber qualification
- Specialists qualification
- Short courses/CPD
- Supplementary training courses
- Providers accredited/ approved by another Quality Council
- Assessor/ moderator/ verifier

OTHER FEES – the following fees are payable by:

A **Pharmacist's assistant** for-

- change of facility
- change of provider/ tutor
- issuing of duplicate certificate of registration
- entrance to the final integrated summative assessments or external integrated summative assessments

A **Pharmacist intern** for-

- the cession of an internship contract
- entrance to the pre-registration examination for a third or subsequent attempt
- late booking fee for pre-registration examination
- re-assessment of CPD entries for the 13th and subsequent submissions (Old format) / 10th and subsequent CPDs (new format)
- issuing of duplicate certificate of registration

A **Tutor** for-

- issuing of duplicate certificate of registration
- approval of a tutor of pharmacist intern or pharmacist's assistant

A **Pharmacist for the purpose of performing community service** for-

- change of facility

A **Pharmacist** for-

- Change designation from non-practicing to practicing
- Entrance to the pre-registration examination

A **Delegated pharmacist** for-

- approval of a delegated pharmacist for the delegation of a pharmacist intern training by an approved tutor

A **Pharmacy** for-

- inspection of a pharmacy for:
  - purposes of approval for training
  - re-inspection for Grade C or Grade D pharmacies
  - follow-up re-inspection
  - at owner's request
- approval of pharmacy premises- internal changes
- issuing of duplicate certificate of approval of pharmacy premises for training purposes
- issuing of duplicate certificate of pharmacy registration or recording of a pharmacy
- application for an automated dispensing unit

- application for a remote automated dispensing unit (Public Sector)
- application fee for mobile unit
- an application to conduct a separate practice or business within a pharmacy
- approval of change of trading title
- approval of change of address where there is no relocation of a pharmacy
- approval of change of owner's name where there is no change of ownership
- recording after change of trading title
- recording after change of address where there is no relocation of pharmacy
- recording after change of owner's name where there is no change of ownership
- recording after change of ownership (in case of a Grade A Pharmacy where there is no structural changes)
- access to group pharmacy information by the nominated person over and above the Responsible Pharmacist and/or first owner

A **Responsible pharmacist** for-

- issuing of duplicate certificate of registration

A **Provider of pharmacy education and training for the evaluation of an application for the purpose** of:

- approval as a provider for Authorized Pharmacist Prescriber course
- approval as a provider of a Bachelor of pharmacy
- approval as a provider of pharmacist's assistants' course
- approval as a provider of short courses/CPD
- approval as a provider of specialist pharmacist qualification
- approval as a provider of supplementary training course/s
- approval of a pharmacist's assistant course/qualification
- approval of pharmacy technician course/qualification
- approval of Bachelor of pharmacy course/qualification
- approval of CPD/short courses
- approval of specialist in pharmacy qualification
- approval of courses by another Quality Council
- verification of an RPL assessment/ file

Any **Person** for-

- issuing of a duplicate certificate of courses completed for the Council's Diploma in Pharmacy
- issuing of a duplicate registration certificate or a certified extract from the register or certificate by the Registrar or academic record and curriculum
- replacement of membership card prior to expiry thereof
- entrance to professional examination for purposes of registration as a pharmacist (per paper)
- analysis of professional examination results (per paper)
- analysis of pre-registration examination results (per paper)
- issuing of Certificate of Good Standing
- evaluation of a qualification in pharmacy obtained outside the Republic (applicant is a non-South African citizen
- evaluation of a qualification in pharmacy obtained outside the Republic (applicant is South African citizen
- issuing of duplicate certificate: supplementary training/additional qualification/assessor

RESTORATION FEES

Restoration as a result of voluntary removal (restoration will include payment of the restoration fee together with payment of the annual fee for the current year)

- Pharmacist's assistant

- Pharmacy student
- Pharmacist intern
- Pharmacist
- Pharmacy owner
- Pharmacist – Retired (aged 70 or older)
- Pharmacist's assistant (basic or post-basic) – Retired (aged 70 or older)
- Providers accredited/approved by the SAPC

Restoration as a result of involuntary removal (restoration will include payment of the restoration fee together with the payment of annual fee for the year of removal and payment of the annual fee for the current year)

- Pharmacist's assistant
- Pharmacy student
- Pharmacist intern
- Trainee (Pharmacy Technician)
- Pharmacist
- Pharmacy owner
- Pharmacist – Retired (aged 70 or older)
- Pharmacist's assistant (basic or post-basic) – Retired (aged 70 or older)
- Community/Institutional/Consultant pharmacy
- Wholesale/Manufacturing pharmacy
- Providers accredited/approved by the SAPC

GENERAL

- Register: List of persons per row or line (pharmacists/assistants/assessors/moderators)
- Register: List of pharmacies per row or line
- Amendment of Registration Certificate (for persons only)
- Change of name/surname
- Obtaining SA ID (permanent residency)
- Removal of limitation on registration/conditions to registration
- Change in ID/passport number
- Section 29(4) Evaluation
- Section 26 Certificate
- Assessment of CPD entries (per entry), where applicable, for the sole purposes of restoration to the register, when a person has been removed

EXEMPTIONS AND REDUCED FEES*

Council may exempt any person from payment of any annual fee on the grounds of age. The following reduced annual fees will be considered for-

(a) Pharmacist – Retired (aged 70 or older)

(b) Pharmacist's assistant (basic or post-basic) – Retired (aged 70 or older)

*An application form provided by Council must be submitted to the Registrar for consideration and approval.

*All pharmacist and pharmacist's assistant above the age of 70 who fail to pay annual fees within 3 years and do not have approval for exemption will be removed from Council register.

BOARD NOTICE 27 OF 2020

SOUTH AFRICAN PHARMACY COUNCIL

RULES RELATING TO THE SERVICES FOR WHICH A PHARMACIST MAY LEVY A FEE AND GUIDELINES FOR LEVYING SUCH A FEE OR FEES

The South African Pharmacy Council herewith publishes *Rules relating to the services for which a pharmacist may levy a fee and guidelines for levying such fee or fees*, in terms of sections 35A (b)(iii) and 49(4) of the Pharmacy Act, 1974 (Act 53 of 1974) as amended, which rules shall replace the existing Rules relating to the services for which a pharmacist may levy a fee and guidelines for levying such fee or fees, as published under Board Notice 193 on 20 December 2010. These rules must be read in conjunction with the *Rules relating to Good Pharmacy Practice* (GPP) as published by the South African Pharmacy Council.

As amended by

BN 33, in *GG* 35095 of 2 March 2012
BN 432, in *GG* 40812 of 6 June 2017
BN 35, in *GG* 42337 of 29 March 2019

SCHEDULE

Services for which a pharmacist may levy a fee or fees

1. A pharmacist may levy a fee or fees for one or more of the services that may be provided in the various categories of pharmacies as prescribed in the *Regulations relating to the practice of pharmacy* (GNR.1158 of 20 November 2000), subject to the guidelines for levying such a fee as approved by the Council from time to time.

2. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must comply with the provisions of these rules.

3. Services for which a pharmacist wishes to levy a fee or fees must be provided in accordance with Regulation 20 of the *Regulations relating to the practice of pharmacy* (GNR.1158 of 20 November 2000).

4. Council may add services for which a fee or fees may be levied as listed in **Annexure B** to the Schedule from time to time. The fee that may be charged for such a service may be based on a fee for a comparable service or procedure appearing in Annexure B.

5. A pharmacist must ensure, when a service for which he or she wishes to levy a fee or fees involves the supply of medicine, whether supplied on a prescription or not, that the patient for whom such medicine is supplied is furnished with adequate advice or information for the safe and effective use of the medicine(s) supplied by him or her, whether such medicine(s) is supplied personally (face-to-face) or by any other means.

6. Services for which a pharmacist may levy a fee or fees may not be advertised in any manner that –

   (a) is not factually correct;
   (b) is misleading;
   (c) harms the dignity or honour of the pharmacy profession;

(d) disparages another pharmacist;
(e) is calculated to suggest that his or her professional skill or ability or his or her facilities or that of the pharmacy owner, as the case may be, for practising his or her profession or rendering the service(s) concerned are superior to those of other pharmacists.

7. A pharmacist may not tout or attempt to tout for services for which he or she wishes to levy a fee or fees.

8. A pharmacist may not levy a fee or fees for a service for which he or she is not trained or for which prior authorisation from the Council is required before he or she may provide such service(s) until such authorisation is obtained. Acceptable documentary evidence of training, experience or competence, must be provided if and when required by the Council, which could include but shall not be limited to-

(a) the successful completion of further education and training at a provider accredited by a competent authority; or

(b) practical experience gained under controlled circumstances and the mentorship of a competent person or authority; or

(c) the successful completion of continuing professional development (CPD) courses offered by a provider accredited by a competent authority.

9. A pharmacist may provide any one or more of the services referred to in **Annexure B** without levying a fee or fees.

10. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must inform patients regarding the fee to be levied prior to providing any of the services listed in the schedule.

11. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must display a list of services and fees conspicuously in the pharmacy.

12. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must indicate clearly on the invoice and/or receipt provided, the service for which a fee is levied and the amount of the fee per service.

Guidelines for the levying of a fee or fees

13. The guidelines published herewith as **Annexure A** shall constitute the only guidelines for levying a fee or fees for any one or more of the services referred to in **Annexure B**.

TA MASANGO
REGISTRAR

Address: 591 Belvedere Street, Arcadia, Pretoria, 0083, Private Bag X40040, Arcadia, 0007.
Telephone: 0861 7272 00. bn@sapc.za.org

ANNEXURE A

GUIDELINES FOR LEVYING A FEE OR FEES

General guidelines governing the determination of a fee or fees

1. Definitions

"**Compounding**" means to the preparing, mixing, combining, packaging and labelling of a medicine for dispensing as a result of a prescription for an individual patient by a pharmacist or a person authorised in terms of Medicines and Related Substances Act, 101 of 1965.

"**Dispensing**" means the interpretation and evaluation of a prescription, the selection, manipulation or compounding of the medicine, the labelling and supply of the medicine in an appropriate container according to the Medicines Act and the provision of information and instructions by a pharmacist to ensure the safe and effective use of medicine by the patient and "dispense" has a corresponding meaning.

"Therapeutic medicine monitoring" means the use of serum medicine concentrations, the mathematical relationship between a medicine dosage regimen and resulting serum concentrations (pharmacokinetics), and the relationship of medicine concentrations at the site of action to pharmacological response (pharmacodynamics) to optimise medicine therapy in individual patients taking into consideration the clinical status of the patient.

2. Nature of services provided

A pharmacist may, in charging a fee for professional services rendered by him/her take into account one or more of the following factors –

(a) the nature of the professional service rendered;

(b) the time of day and circumstances under which the service is rendered.

3. Call out service, delivery of medicines and after-hour fees

(a) Where a pharmacist is called out from his/her pharmacy, or the pharmacy in which he/she practises, or from his or her residence or other place where he or she may be, a fee including the travelling time and costs according the South African Revenue Services (SARS) travelling reimbursement table as published from time to time, may be charged.

(b) Where a pharmacist is required to deliver a service after normal operating hours, an after-hours fee may be charged. The recommended fee is one and a half times the normal fee for a specific procedure code. The hours of opening of a pharmacy must be clearly displayed.

(c) Where a pharmacist is required by the patient or caregiver to transport a medicine to a patient, the transport costs according the South Africa Revenue Services (SARS) travelling reimbursement table as published from time to time may be charged.

(d) Where a pharmacist is reclaiming expenses, details of the expenses must be individually itemised.

4. Collaboration with other health care professionals

Services may be provided in collaboration with a registered nurse or other registered health care professional as agreed to by the Council and other statutory health councils as applicable.

5. A pharmacist's guide to fees

5.1 **Procedures**

5.1.1 Services for which a fee or fees may be levied shall be divided into procedures as indicated in **Annexure B**. A separate fee shall be charged for each procedure.

5.1.2. The fee per procedure shall be based on a procedure code as listed in **Annexure B**.

5.1.3 The fee for after-hours and/or call-out services must be levied separately as per clause 3 using the designated procedure codes as listed in **Annexure B**.

5.1.4 The fees will be reviewed on an annual basis.

5.1.5 All expenses claimed must be indicated separately.

6. **Pharmacy support personnel**

The fee or fees may be levied by a pharmacist whether the service concerned is provided by the pharmacist, any other person registered in terms of the Pharmacy Act or a healthcare professional employed in the pharmacy: Provided that any such person may only provide a service or perform an act which falls within his or her scope of practice.

7. **Chronic Medicines Authorisation**

A fee may be levied by a pharmacist where he/she needs to liaise with a medical scheme, an entity concerned with the management of pharmaceutical benefits and/or a medical practitioner to initiate or renew a chronic medicine authorisation or update a chronic medicine authorisation.

8. **Guidelines for charging fees where one or more service may be provided**

The following examples are provided as guidelines:

	Scenario	**Fees that may be levied for services provided**	**Procedure Codes**
i.	A patient presents a prescription for dispensing to the pharmacist which requires the compounding of a product.	A professional fee for compounding plus the fee for dispensing may be levied.	Procedure codes 0002 and 0001
ii.	A patient presents a prescription for dispensing to the pharmacist which includes the preparation of a sterile product.	A professional fee for preparation of a sterile product plus the fee for dispensing may be levied.	Procedure codes 0003 and 0001
iii.	A patient presents a prescription for dispensing to the pharmacist which includes the preparation of an intravenous admixture or parenteral solution.	A professional fee for the preparation of an intravenous admixture or parenteral solution plus the fee for dispensing may be levied.	Procedure codes 0004 and 0001
iv.	A patient presents a prescription for dispensing to the pharmacist which includes the preparation of a total parenteral nutrition product	A professional fee for preparation of a total parenteral nutrition product plus the fee for dispensing may be levied.	Procedure codes 0005 and 0001
v.	A patient presents a prescription for dispensing to the pharmacist which includes a cytotoxic preparation.	A professional fee for cytotoxic preparation plus the fee for dispensing may be levied.	Procedure codes 0006 and 0001

	Scenario	Fees that may be levied for services provided	Procedure Codes
vi.	A patient requests information regarding the use of medicine dispensed by another entity authorised to dispense medicines.	A professional fee for provision of information concerning the medicines may be levied.	Procedure code 0008
vii.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests blood glucose monitoring.	A professional fee for blood glucose monitoring plus the fee for dispensing may be levied.	Procedure codes 0012 and 0001
viii.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests blood cholesterol and/or triglyceride monitoring.	A professional fee for blood cholesterol and/or triglyceride monitoring plus the fee for dispensing may be levied.	Procedure codes 0013 and 0001
ix.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests blood pressure monitoring.	A professional fee for blood pressure monitoring plus the dispensing fee may be levied.	Procedure codes 0015 and 0001
x.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests a peak flow measurement.	A professional fee for peak flow measurement plus the fee for dispensing may be levied.	Procedure codes 0019 and 0001
xi.	A patient requests immunisation.	A professional fee for administration of immunisation plus the fee for dispensing may be levied.	Procedure codes 0022 and 0001
xii.	A patient requests that the medicine on a prescription dispensed in the pharmacy be delivered to a given address.	A delivery fee plus the fee for dispensing may be levied.	Procedure codes 0025 and 0001
xiii.	The pharmacist is called to the pharmacy after hours to dispense a prescription.	A fee for a call out service plus the fee for dispensing may be levied.	Procedure codes 0024 and 0001
xiv.	A patient presents herself to the pharmacist for emergency post coital contraception (EPC).	A professional fee for EPC plus the fee for pharmacist initiated therapy may be levied.	Procedure codes 0027 and 0001
xv.	A patient presents him/herself for pharmacist initiated therapy.	A professional fee for pharmacist initiated therapy plus the fee for dispensing may be levied.	Procedure codes 0028 and 0001

ANNEXURE B

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
	DISPENSING PROCEDURES						
0001(a)	Independent evaluation of a prescription with regard to appropriateness of items prescribed for the individual, legality, content and correctness. It includes evaluating the dosage, safety of the medicine, interactions with other medicines used by the patient, pharmaceutical and pharmacological incompatibilities, treatment duplications and possible allergies to the medicine prescribed.	Pharmacist	GPP manual Sections: Facilities: 1.2.1 through 1.2.13, 1.3 (institutional pharmacies), 1.4 (mobile pharmacies) Dispensing service: 2.7.1, 2.7.2, 2.7.3, 2.7.4, Standards for patient information and advice: 2.8 and 2.7.5(b)	Community and Public or Private Institutional	1	Refer to *Regulations relating to a transparent pricing system for medicines and scheduled substances: Amendment (Dispensing fee for pharmacists*), GNR 1090, published on 19 November 2010 published in terms of the Medicines and Related Substances Act (Act 101 of 1965)	
0001(b)	Preparation of the medicine(s) as per a prescription, which includes the picking, packaging, labelling of medicine, checking of expiry dates and keeping of appropriate dispensing records in compliance with the Medicines and Related Substances Act, Act 101 of 1965, as amended.	Pharmacist		Community and Public or Private Institutional	3		
0001(c)	Handing of medicines to the patient/caregiver, including the provision of advice/instructions and a patient information leaflet/ written material regarding the safe and efficacious use of the medicine dispensed.	Pharmacist		Community and Public or Private Institutional	1		
0002	Compounding of an extemporaneous preparation for a specific patient. It refers to the compounding of any non-sterile pharmaceutical product prepared as a single preparation for a patient (a new product is manufactured) including the necessary documentation.	Pharmacist	GPP manual 2.18	Community and Public or Private Institutional	10	187,91	216,09
0003	Preparation of a sterile product including the preparation of the documentation, equipment, and the area for the preparation of sterile products.	Pharmacist	GPP manual 1.2, 2.4, 2.10, 2.17	Community and Public or Private Institutional	14	361,42	415,64

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
0004	Preparation of an intravenous admixture or parenteral solution, including the preparation of the documentation, equipment, the area for the preparation of the sterile products and the quality control of the final product.	Pharmacist	GPP manual 2.4, 2.10, 2.17.1	Public or Private Institutional	6	169,94	195,44
0005	Preparation of a total parenteral nutrition preparation (TPN), including the preparation of the documentation, equipment, the area for the preparation of the sterile products and the quality control of the final product.	Pharmacist	GPP manual 2.10, 2.17.2, 2.18	Public or Private Institutional	13	358,66	412,46
0006	Preparation of cancer chemotherapy for intravenous, intramuscular or intrathecal administration, including the preparation of the documentation, equipment, the area for the preparation of the sterile products, the admixing and reconstitution thereof for dispensing in a large/small volume parenteral, or a syringe for a specific patient.	Pharmacist	GPP manual 2.4, 2.10, 2.17.3,	Public or Private Institutional	17	463,39	532,90
	CLINICAL PHARMACY						
0007	Performance of a consultation to establish the pharmacokinetic dosing of a medicine and perform therapeutic medicine monitoring. This includes the review of the data collected, the necessary calculations, review and the formulation of recommendations and the necessary consultation with the prescriber.	Pharmacist registered as a specialist in pharmaco-kinetics	GPP Manual 2.11.3	Consultant, Public or Private Institutional	18	520,36	598,42
0008	Provision of information concerning a particular patient's condition or medicine following evaluation by the pharmacist in a situation where no dispensing activity occurs.	Pharmacist	GPP manual 2.8	Community or Consultant or Private or Public Institutional	4	75,26	86,55

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
0009	The application of pharmaceutical expertise to help maximise medicine efficacy and minimise medicine toxicity in individual patients by contributing to the care of the individual patient through the provision of medicine information and assisting in problem solving in the ward environment for individual patients, where no dispensing activity occurs.	Pharmacist	GPP manual 2.11	Private or Public Institutional	3	63,93	73,52
0010	PCDT: A face-to-face consultation with a patient where a pharmacist personally takes down a patient's history, performs an appropriate health examination including observations, and plans appropriate interventions/ treatment, which may include referral to another health care professional.	Pharmacist who has completed supplementary training in PCDT and registered such course with Council and who is the holder of a permit issued in terms of Section 22A(15) (or its predecessor) of the Medicines Act	GPP Manual section 2.12	Community	8	226,27	260,21

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
0011	Medicine use review: Reviewing of the patient's overall medication requirements, as requested by the patient or the patient's health care professional, to ensure the effective use of medicine in response to a diagnosis made by another health care professional in order to maximise therapeutic outcomes. It involves analysing the patient's medication record to assess the appropriateness and/or cost effectiveness of treatment to ensure rational medicine use, and to identify possible interactions and adverse drug reactions. It also involves developing a plan of action in collaboration with other health care professionals and the patient. It may involve a consultation with the patient. Full records must be kept in accordance with the GPP standard	Pharmacist	GPP manual 2.25	Community or Consultant or Private or Public Institutional	4	113,78	130,85
	PROMOTION OF PUBLIC HEALTH SCREENING AND TESTING OF BIOLOGICAL AND PHYSICAL PARAMETERS.						
0012	Blood glucose	Pharmacist	GPP Manual 2.13.7	Community and Public or Private Institutional	4	85,46	98,27
0013	Blood cholesterol and/or tri-glycerides	Pharmacist	GPP Manual 2.13.6	Community and Public or Private Institutional	7	139,51	160,44
0014	Urine analysis	Pharmacist	GPP Manual 2. 13.9	Community and Public or Private Institutional	7	127,54	146,67
0015	Blood pressure monitoring	Pharmacist	GPP Manual 2.13.3	Community and Public or Private Institutional	4	75,75	87,11
0016	HIV and AIDS pre-test counselling	Pharmacist	GPP Manual 2.13.5	Community and Public or Private Institutional	24	605,66	696,51
0017	HIV and AIDS testing and post-test counselling	Pharmacist	GPP Manual 2.13.5	Community and Public or Private Institutional	17	431,50	496,22
0018	Pregnancy screening	Pharmacist	GPP Manual 2.13.8	Community and Public or Private Institutional	7	135,80	156,17

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
0019	Peak Flow measurement	Pharmacist	GPP Manual 2.13.4	Community and Public or Private Institutional	4	68,14	78,36
0020	Reproductive health service	Pharmacist	GPP Manual 2.15	Community and Public or Private Institutional	5	119,94	137,93
0021	Administration of an intra-muscular or sub-cutaneous injection.	Pharmacist	GPP Manual 2.15	Community and Public or Private Institutional	4	82,87	95,31
0022	Administration of immunisation.	Pharmacist	GPP Manual 2.14	Community and Public or Private Institutional	5	93,22	107,21
	REIMBURSABLE EXPENSE CODES						
0023	Chronic medicine authorisation assistance: A fee may be levied by a pharmacist where she/he needs to liaise with a medical scheme / PBM and or doctor to initiate or renew a chronic medicine authorisation or update a chronic medicine authorisation where there has been a dosage or other prescription change, which may include completion of application forms.	Pharmacist		Community and Public or Private Institutional			
0024	Call Out: Where a pharmacist is called out from his/her pharmacy, or the pharmacy in which he/she practises, or from his or her residence or other place where he or she may be, a fee including the travelling time and costs according the South African Revenue Services (SARS) travelling reimbursement table as published from time to time, may be charged.	Pharmacist	GPP manual 4.2.3.2 and 4.3.6	Community and Public or Private Institutional			
0025	Delivery of medicine: Where it is necessary, at the request of a patient or the patient's agent and by agreement with the patient or his or her agent, for medicine to be transported to a place requested by the patient or his or her agent, the costs involved in that transportation can be charged back to the patient as a reimbursable expense. The travelling cost per		GPP manual 2.7.5	Community and Public or Private Institutional			

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
	kilometre must be based on the SARS rate.						
0026	After-hours service: where a pharmacist is required to deliver a service after normal operating hours, an after-hours fee may be charged. The recommended fee is one and a half times the normal fee.		GPP manual 4.2.3.2 and 4.3.6	Community and Public or Private Institutional			
	ADDITIONAL DISPENSING PROCEDURES						
0027	Emergency post-coital contraception (EPC)	Pharmacist	GPP manual 2.26	Community and Public or Private Institutional	3.	63,12	72,59
0028	Pharmacist Initiated Therapy (PIT)	Pharmacist	GPP manual	Community and Public or Private Institutional	3	59,72	68,68

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**