

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA.
OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA.



UITGAWE OP GESAG.

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I N H O U D

C O N T E N T S

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GOEWERMENSKENNISGEWING —

GOVERNMENT NOTICE—

No. R.290 (Republiek) Regulasies vir die Hawens van die Republiek van Suid-Afrika en van Suidwes-Afrika

(Republic) Regulations for the Harbours of the Republic of South Africa and of South West Africa

1

GOEWERMENSKENNISGEWING.

C. F. MARAIS,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

DEPARTEMENT VAN SPOORWEË, HAWENS EN LUGDIENS.

No. R. 290 (Republiek.) [2 Maart 1962.]

REGULASIES VIR DIE HAWENS VAN DIE
REPUBLIEK VAN SUID-AFRIKA EN VAN
SUIDWES-AFRIKA.

Dit het die Staatspresident behaag om ingevolge artikel drie van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), goedkeuring te verleen aan die intrekking van die Regulasies vir die Hawens van die Republiek van Suid-Afrika en van Suidwes-Afrika, afgekondig by Goewermentskennisgewing No. 1064 van 19 Augustus 1932, soos gewysig, en die vervanging daarvan deur die volgende regulasies:

GOVERNMENT NOTICE.

C. F. MARAIS,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

DEPARTMENT OF RAILWAYS, HARBOURS AND AIRWAYS.

No. R. 290 (Republic.) [2 March 1962.]

REGULATIONS FOR THE HARBOURS OF THE
REPUBLIC OF SOUTH AFRICA AND OF
SOUTH WEST AFRICA.

The State President has been pleased in terms of section *three* of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), to approve of the repeal of the Regulations for the Harbours of the Republic of South Africa and of South West Africa published under Government Notice No. 1064 of 19th August, 1932, as amended, and the substitution therefor of the following new regulations:—

INTERPRETATION OF TERMS.

1. In these regulations the expression "the Act" means the Railways and Harbours Control and Management (Consolidation) Act, 1957, and unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned.

In addition—

"port captain" shall mean the officer appointed by the Administration to control and manage the marine department of a harbour, or the officer acting as such for the time being;

"port goods superintendent" shall mean the officer appointed by the Administration to control and manage the shore department of a harbour, or the officer acting as such for the time being; and

"small craft" shall mean any hulk, tug, fishing craft, whale catcher, launch, barge, lighter, rowing boat, sailing boat or similar craft.

SHIPS—REPORTS, MOVEMENTS, ETC.

NOTIFICATION OF EXPECTED ARRIVAL OF SHIPS.

2. The owner or agent of a ship that intends to call at a harbour shall, as early as possible, give notice in writing to the port captain and the port goods superintendent at such harbour of the expected date and time of arrival of the ship, and shall give particulars in such notice as to the nature and quantity of cargo to be loaded or discharged, bunker or other requirements and other matters of importance.

SHIP'S SIGNALS ON ENTERING.

3. Before entering a harbour every ship shall hoist her national colours.

SHIPS TO ENTER HARBOUR ON SIGNAL.

4. No ship shall enter a harbour until the proper signal has been hoisted at the signal station authorising such entry. This regulation shall not apply to a ship entering the outer anchorage of any harbour.

PORT CAPTAIN TO BOARD SHIP ON ARRIVAL.

5. The port captain or any deputy he may appoint for the purpose shall between the hours of sunrise and sunset point out to the master of any ship arriving in the harbour as soon as practicable after the ship's arrival and, if possible, before the ship comes to anchor, a proper berth for such ship and for this purpose, if considered necessary, the port captain or his deputy may board such ship. The port captain may at any time, if it appears to him to be necessary to do so, order such ship to shift or change her berth to any other berth which may be assigned by him.

MASTER TO DECLARE SHIP'S DRAUGHT, ETC.

6. In addition to the obligations imposed by section *forty-four* of the Act upon the master of a ship arriving in a harbour, every master shall on arrival at a harbour declare in the prescribed form his ship's draught, and shall furnish such further particulars in regard to his ship and its cargo as may be required by the port captain.

MASTER RESPONSIBLE FOR ERRONEOUS DECLARATION.

7. The master is responsible for all damage or other consequences resulting from any erroneous declaration or omission in a declaration made by him or his representative as to his ship or its cargo.

SHIP'S TONNAGE—HOW DETERMINED.

8. For the purpose of these regulations the tonnage of ships shall be the tonnage as determined under the provisions of the Merchant Shipping Act, 1951.

GUNS TO BE UNLOADED AND EXPLOSIVES, ETC., NOT TO BE USED.

9. Every master entering any harbour shall, prior to arrival of his ship, cause all guns on board to be unloaded, and shall not permit them to be reloaded while the ship is in the harbour, and no gun may be fired or pyrotechnic signal used while the ship is in the harbour without the permission of the port captain, except when such ship is in actual distress or in want of assistance.

MASTER TO GIVE NOTICE OF EXPLOSIVES AND OTHER DANGEROUS CARGO ON BOARD.

10. The master of every ship having on board explosives, cartridges, fuses, matches, fireworks, acids, calcium carbide, or other goods of a dangerous or flammable nature, shall on arrival give notice thereof to the port captain, and such cargo may not be landed before the delivery, forwarding, or warehousing orders are handed in to the Administration. If any such goods are landed before these requirements are met, the port goods superintendent may order the same to be placed on board the ship whence they came, or otherwise deal with them or destroy them as he considers necessary, at the risk and expense of the owner of the ship from which they were discharged; and in addition, the master shall be liable to such penalties as are provided by law. If so required by the port goods superintendent, the said goods shall be discharged at such time as will enable them to be removed from the harbour or otherwise disposed of during working hours of the same day. The provisions of this regulation shall not exempt any master from due observance of any regulations made under the Act, relating to dangerous or offensive goods, or flammable liquids, or of the provisions of the Explosives Act, 1956, and the regulations made thereunder. (See Annexure A to these regulations.)

When it is berthed alongside a wharf or jetty, a ship having explosives or any other goods of the nature mentioned in this regulation on board (other than a ship of war not discharging or shipping explosives) shall, if the port captain so directs, have a fireman in attendance, the cost whereof shall be borne by the owner of the ship, and the master of any such ship shall also, at the expense of the owner of the ship, adopt such other or further precautionary measures as the port captain may consider reasonably necessary for ensuring the safety of the harbour, the ship or the cargo.

BERTH OF SHIP.

11. (1) Every ship shall occupy the berth assigned to her by the port captain, whether at a quay or elsewhere, and shall remove to any other berth as he may direct, and generally every master shall obey the directions of the port captain. The assignment of a berth by the port captain shall be subject to the provisions of Regulation No. 25.

(2) No ship shall be made fast to any channel marking buoy, light buoy or any navigational aid or mark provided for the safety of ships, and the master of any ship which fouls or displaces any such buoy or navigational aid, shall immediately report the occurrence to the port captain and shall in any event within twenty-four hours after the occurrence make to the port captain a full report in writing setting forth the circumstances attending the occurrence.

SHIFTING BERTH WITHOUT AUTHORITY.

12. No master shall permit his ship to be shifted from the berth assigned to her without the permission of the port captain.

MOVEMENTS OF SHIPS.

13. (1) No ship may enter or leave a harbour or shift from one berth to another therein without the permission of the port captain and upon payment of the prescribed additional charges.

(2) The master of every ship shall obey any order given for the purpose of clearing or keeping clear the alighting or taking-off area of any seaplane base within a harbour, whether such order is verbally or otherwise given by the port captain or by any authorised officer in charge of any boat or launch appointed for the purpose of controlling such area.

ANCHORS TO BE BUOYED AND LOSS THEREOF TO BE REPORTED.

14. The master of every ship shall ensure that his ship's anchors are buoyed and should any anchor, chain or cable belonging to any ship have parted or have been slipped within a harbour, the master of such ship shall forthwith report the fact to the port captain, shall give to him the bearings of the spot where such anchor, chain or cable parted or was slipped, and shall inform him whether such anchor, chain or cable was

buoyed when such parting or slipping took place, and such anchor, chain or cable shall be immediately recovered by the master if it is reasonably possible for him to do so, or failing that, and if practicable, by the Administration at the risk and expense of the owner of the ship.

SHIPS TO RIG AND STOW GEAR.

15. Ships entering, lying in, or passing out of a harbour shall have their sides clear, their boats swung inboard and projections of any kind rigged inboard. The master of every ship shall, before work is commenced, remove all wireless aerials, stays or other gear likely to obstruct the safe working of any crane, including any mechanical appliance used for the loading, discharging and/or handling of cargo. This regulation shall not apply to the outer anchorage of a harbour.

SHIPS TO BE KEPT FIT TO BE MOVED.

16. Ships entering, leaving, or shifting berth within a harbour must be provided with sufficient hands for the purpose, and all ships within a harbour must at all times be kept in fit condition for removal, in default of which the work may be performed by the Administration at the risk and expense of the owner of the ship. Ships must also be provided with good and sufficient warps and must be moored by such warps, and no warp may be cast off for any reason unless so ordered or authorised by the port captain. In the case of ships not being suitably found with the necessary gear, warps may, when so ordered by the port captain, be supplied by the Administration at the expense of the owner of the ship. In no case shall the Administration be liable for any damage that may result from the inefficiency of any rope or warp which it may hire to the ship or allow to be used, or in connection with any assistance rendered by the Administration to ships entering, shifting berth in or leaving any harbour.

SHIPS' MOORINGS, ETC.

17. Every ship within a harbour shall have sufficient hands on board to attend to her moorings, gangways and other shore connections and to cause them to be slackened or hove in, as may be necessary.

No rope shall be made fast except to the dolphins, buoys, mooring posts and bollards placed for the purpose, and no wire rope may be used, unless the bollards and the edging of the coping of the wharf or jetty are protected from chafe to the satisfaction of the port captain. No chain-cable shall be used for mooring except with the special permission of the port captain.

NOTICE TO LEAVE A HARBOUR.

18. The master shall give at least three hours notice in the prescribed form to the port captain at his office of the time his ship will be ready to leave the harbour. If he intends that his ship should leave outside ordinary working hours, such notice must be handed in at the office of the port captain before 5 p.m. on the day of departure, or before 5 p.m. on the preceding day, as the case may be.

PERMISSION TO LEAVE A HARBOUR.

19. No ship may leave a harbour until all dues and charges due by or on account of the owner of such ship have been paid or security to the satisfaction of the Administration has been furnished, and a certificate to that effect has been obtained and presented to the port captain, whereupon the port captain may grant the master of the ship the necessary permission to leave the harbour.

OVERLOADED OR UNSEAWORTHY SHIPS, ETC.

20. (1) Subject to the provisions of the Merchant Shipping Act, 1951, the port captain may adopt such measures as he may think necessary for preventing a ship from leaving any harbour overloaded or improperly loaded, or insufficiently manned or without duly qualified officers or engineers, or with a number of passengers on board in excess of the number that can be carried with reasonable safety, or if improperly found or otherwise unseaworthy, and in any such case the port captain may by written order detain such ship until the matter complained of by him has been remedied to his satisfaction. All expense which may have been incurred as a result of any investigation performed by or at the instance of the port captain under this regulation shall be borne by the owner of the ship. The seasonal dates for loadline purpose are: Winter, 16th April to 15th October; summer, 16th October to 15th April.

(2) No ship registered in any harbour of the Republic of South Africa or of South West Africa shall be permitted to sail from any harbour under the jurisdiction of the Administration until the owner of the ship has complied with the provisions of the Merchant Shipping Act, 1951.

LIGHTS ON SHIPS.

21. The lights prescribed in the International Regulations for Preventing Collisions at Sea, 1948, which regulations are set forth in Annexure "B" to these regulations and which shall be deemed to form part thereof, shall between sunset and sunrise be exhibited on all ships whether under way or at anchor.

DAMAGE TO HARBOUR PROPERTY BY SHIPS, AND ACCIDENTS IN HARBOURS.

22. (1) The owner of every ship and/or the master and/or any person having charge of such ship shall be liable to the Administration for any damage done to any harbour works, plant, machinery, or other property of the Administration by such ship or by any person employed by the same. The Administration may detain any such ship until sufficient security to the satisfaction of the Administration has been furnished in respect of the damage done as aforesaid.

(2) The owner or master or person in charge of any ship which has been involved in any accident whatsoever within the waters of a harbour, whether damage is done to the Administration's property or not, shall immediately report the incident to the port captain and shall within twenty-four hours after the incident furnish the port captain with a full report in writing setting forth the circumstances appertaining to the incident.

TOWAGE AND OTHER TUG FACILITIES.

23. The Administration will, on application or when considered necessary, and subject to the discretion of the port captain, and to any conditions which he may impose, provide all towage and other tug or floating craft services at harbours under the Administration's jurisdiction where such craft are maintained and are available.

SHIPS—WORKING OF.

ORDER OF WORKING SHIPS.

24. Cargo shall be landed from or shipped to ships in order of their arrival as far as is practicable, and subject always to the discretion and direction of the port goods superintendent; provided that ships engaged under contract with the Government of the Republic of South Africa for the conveyance of mails between the United Kingdom and South Africa shall have preference in the discharge and shipment of their cargo, but not in respect of any cargo transhipped to them from any other ship at any harbour under the Administration's jurisdiction, unless specially authorised by the port goods superintendent.

WORKING OF SHIPS MAY BE REFUSED.

25. The port goods superintendent may refuse to permit cargo to be landed from any ship until suitable wharf, shed, quay, or other accommodation is available for such cargo, or until arrangements to his satisfaction have been made for the removal and storage of the cargo as the same may be landed.

MANIFEST OF CARGO.

26. The agent of a ship shall, at least twenty-four hours (excluding Sundays and public holidays) before the ship's arrival in the harbour, deliver to the port goods superintendent or other authorised officer at his office a true copy in duplicate of the manifest or report of the cargo inwards, giving weights or measurements as the case may be. The master or agent shall, within seventy-two hours of the ship's departure (excluding Sundays and public holidays) also furnish a manifest of the cargo shipped or transhipped to such ship, and a list of the passengers embarked.

The master or agent shall give notification of subsequent amendments to any outward or inward manifest to the port goods superintendent or authorised officer as soon as possible but not later than 72 hours (excluding Sundays and public holidays) after such amendment has been made.

BREAKING BULK.

27. No master shall permit bulk to be broken until the ship's cargo has been duly entered at the custom-house or special authority has been obtained from the Department of Customs for breaking bulk.

WHEN HATCHES TO BE OPENED.

28. If required to do so by the port goods superintendent, and provided circumstances permit, the master of a ship about to discharge or load cargo shall cause all hatches that are to be used for such discharge or loading to be opened before the time fixed for the commencement of the operations.

MASTER TO SUPERINTEND LOADING OR DISCHARGE.

29. The master, or some other responsible person duly appointed by him, shall remain on board his ship whilst it is loading or discharging cargo, for the purpose of superintending such loading or discharge. Any cargo or ship's gear that may be dropped overboard shall be at once reported by the master of the ship concerned to the port goods superintendent and the port captain, and shall be immediately recovered by such master if it is reasonably possible for him to do so, or failing that, and if practicable it may be recovered by the Administration at the risk and expense of the owner of the ship.

SHIPS TO BE WORKED WITH REASONABLE DISPATCH.

30. If the master of a ship fails to take in or discharge cargo with such dispatch as is reasonable in the opinion of the port goods superintendent, the said ship shall, after written notice to that effect has been given by the port goods superintendent to the master, lose its turn to take in or discharge its cargo, and if occupying a berth, may be removed from such berth by the port captain at the risk and expense of the owner of the ship. If either the plant or labour engaged for the special purpose of landing, shipping or transhipping any cargo is not fully employed owing to the default of the master, or any deficiency of the ship, the expenses incurred thereby or tariff charges applicable shall be paid by the owner of such ship. If the port goods superintendent considers it necessary to do so by reason of an accumulation of goods upon the wharf, jetty or quay, or in a lighter, or for any other reason which he deems sufficient, he may require the master of any ship to suspend discharge or reduce the rate of discharge of cargo.

WORKING CARGO IN OVERTIME.

31. Work in connection with the landing, shipping and transhipping of cargo performed on Sundays or public holidays, or after 12 noon on Saturdays, after 5 p.m. on other weekdays, and during meal hours, shall be charged for as overtime, but no such work shall be performed unless timely application for permission so to work has been made to the port goods superintendent and his consent thereto obtained.

Upon the request of the port goods superintendent, the master of a ship shall arrange to work such overtime as the port goods superintendent deems necessary to facilitate the working of the harbour, and shall pay such overtime charges as may be specified.

WHEN CARGO CONSIDERED LANDED.

32. Cargo (as also any article mentioned in Regulation No. 37) when landed, shall be placed at least 6 feet from the edge of the wharf, jetty or quay, or shall be safely deposited in a lighter or in a truck or other suitable vehicle; and when slings, hooks, baskets, nets, cages or other appliances are used, delivery of the cargo shall not be deemed to have been made to the Administration until the goods have been removed from the said slings, hooks, baskets, nets, cages or other appliances.

WHEN CARGO CONSIDERED SHIPPED.

33. Goods for shipment will be placed by the Administration in appliances or equipment provided by the ship, and thereupon such goods shall be deemed to have been properly delivered to the ship.

RECEIPTS FOR CARGO.

34. The Administration shall grant a receipt to the master of a ship for all cargo received, and a receipt shall be granted to the Administration for all cargo delivered to the master of a ship, unless otherwise specially agreed between the Administration and the master of the ship.

CRANES.

35. At harbours where cranes are installed the master of every ship desiring to discharge and/or ship goods must use those appliances exclusively for that purpose at the prescribed tariff; provided that the port goods superintendent may, at his discretion, grant permission to any ship to use its own appliances on condition that the prescribed tariff is paid if demanded.

The following conditions shall apply to the use of cranes:—

- (1) Hire charges shall commence from the time stated in the requisition handed in by the master or agent of the ship (or when use of the ship's own appliances is authorised, from the time work is commenced), or if the crane is not ready, from the time when it is ready.
- (2) No person hiring a crane shall permit any wire, rope or chain to be reeved under the coaming of any hatchway; nor shall such crane be used for the purpose of breaking or dragging out cargo.

- (3) The hirer will not be permitted to have or keep a crane at his disposal, to the prejudice of another applicant, when he is not actually using it.
- (4) The Administration shall not be responsible for any loss or delay suffered by the hirer or any other person by reason of the failure of power or breakdown of a crane.
- (5) Hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods.
- (6) An applicant for the hire of a crane shall provide and be responsible for all necessary slings, chains and gear, and where any slings, chains or gear are hired from or supplied gratuitously by the Administration, the hirer shall satisfy himself as to their suitability and strength, accept all responsibility and risk arising out of the use thereof, and promptly return all slings, chains and gear to the Administration in good condition.
- (7) The Administration gives no warranty as to the soundness of cranes let on hire, and it shall not be liable for any loss or damage of whatever nature which may be sustained by any person in or as a result of the working of a crane unless such loss or damage is due to the negligence of any servant of the Administration.
- (8) No crane shall, while under hire, be used to make any lift or hoist in excess of its certified maximum lifting capacity, and the hirer shall be responsible for the due observance of this condition. Nevertheless, the Administration may in exceptional circumstances agree to the use of a crane for making a lift or hoist in excess of its maximum lifting capacity, provided the hirer of the crane indemnifies the Administration in a form acceptable to it against any loss or damage which may result from such use.
- (9) Notwithstanding that cranes are worked by the Administration's servants while under hire, the hirer will be liable for any damage done to such cranes or the gear in connection therewith or to any property whatsoever while the same are under hire, reasonable wear and tear, and damage which results from negligence on the part of the Administration's servants excepted.
- (10) The hirer of a crane shall comply with any reasonable order or condition in regard to the working or the discontinuance of the working of such crane which may from time to time be given or imposed by the port goods superintendent.
- (11) For the purposes of this regulation the word "crane" shall include any mechanical appliance used for the loading and/or discharging of cargo, and the word "hirer" shall mean the owner, master or agent of a ship or any person employed by such ship or user of such crane, as the case may be.

FLOATING CRANES.

36. The following conditions shall apply to the use and hire of a floating crane in a harbour:—

- (1) Application for the use of the crane must be made to the port captain on the prescribed form.
- (2) Subject to the discretion of the port captain, applications for the use of the crane will be dealt with in order of priority.
- (3) The master of a vessel requiring the services of a floating crane shall—
 - (a) ensure that the vessel has a "clear side" before the floating crane proceeds to or is placed alongside such vessel; and
 - (b) be responsible for the proper securing of the mooring lines of the floating crane aboard his vessel.
- (4) The Administration will at all times retain control over the navigation of the crane, and will place the crane free of charge in a position suitable to meet the requirements of the applicant.
- (5) Notwithstanding anything to the contrary in these regulations, delivery of any goods or articles handled by the crane shall not be deemed to have been made to the Administration until the goods or articles have been deposited safely upon the

wharf, jetty or quay, or in or upon a truck or road vehicle to the satisfaction of the port goods superintendent or other authorised servant of the Administration; provided that the Administration may accept delivery of any goods or articles on the deck of the crane or other craft for the purpose of direct transhipment from one ship to another.

- (6) Except in so far as they are inconsistent with the provisions of this regulation, the conditions set forth in paragraphs (1) to (10) of Regulation No. 35 shall *mutatis mutandis* apply in connection with the hiring and use of floating cranes.

PREVENTION OF LOOSE ARTICLES FALLING INTO HARBOUR.

37. The master of every ship which is loading or unloading ballast, coal, cinders, stone or any other loose articles shall cause a canvas, tarpaulin, or some other similar device to be placed in such manner as to prevent any such loose articles from falling into the harbour.

ARTICLES DROPPED OR THROWN INTO A HARBOUR.

38. Any article dropped or thrown into a harbour which is liable to cause a danger, obstruction or nuisance if it is not recovered, shall be immediately recovered by the person concerned if it is reasonably possible for him to do so, failing which the Administration may, if practicable recover such article at such person's risk and expense.

DEPOSIT OF STONES, BALLAST, CARGO, CARCASSES, ETC., OR OIL IN A HARBOUR.

39. No person shall throw or deposit into any harbour stones, gravel, ballast, carcasses, cargo, dirt, ashes, bottles, baskets, rubbish, objectionable or malodorous matter, or any other article of whatsoever nature, and no person shall spill paint in any harbour or cause or allow oil of any description to be discharged or to escape into a harbour.

If oil of any description or flammable liquid or water from an uncleared oil-tank or bilge which has contained oil or flammable liquid is discharged or allowed to escape into a harbour from a ship, the master of such ship shall be deemed to have committed a breach of these regulations and shall be personally liable to punishment therefor and, in addition, shall be liable for any costs which may be incurred by the Administration in removing such oil, flammable liquid or contaminated water.

If any act which constitutes a contravention of this regulation results in the obstruction of any berth in the harbour the owner of the ship responsible for the obstruction shall forthwith cause the obstruction to be removed at his expense, failing which the Administration may remove the obstruction at the expense of the owner, and should any other ship sustain damage as a result of the obstruction, the said owner shall be liable for such damage.

BALLAST.

40. No ballast shall be landed or shipped within a harbour except by permission of the port goods superintendent and under such conditions as he may impose.

LOADING OR DISCHARGING OF COAL, ORES, MINERALS, ETC. VENTILATION.

41. The master of every ship, when loading or discharging coal, ores, minerals, or similar products into or out of bunkers, hold or any enclosed space above or below deck, shall make suitable provision for ventilation and the safety of the men engaged in trimming.

HATCHES TO BE REMOVED.

42. The master of every ship which is loading or unloading coal, ores, minerals or other bulk cargoes shall cause to be removed all hatches and hatch beams that are in the way of the loading or unloading appliances, and shall be responsible for the replacement of such hatches and hatch beams after loading or unloading operations are completed.

MASTERS TO PROTECT SHIPS, ETC.

43. The Administration shall not be liable for any damage caused by coal, ores, minerals, or other bulk cargoes falling on a ship whilst loading or unloading operations are in progress; and it shall be the responsibility of the master to protect his ship by removing derrick booms, steering gear, ventilators, funnel guys, jumper stays, and any other obstructions which may hinder the working of the loading or unloading appliances; and also to protect decks, boats and all other fittings and appliances liable to damage during loading or unloading. The master shall also be responsible for the safety and protection of all persons working aboard his ship during such loading or unloading operations.

MECHANICAL LOADING OR UNLOADING APPLIANCES.

44. (1) Every ship requiring coal shall load or bunker such coal by means of the Administration's coaling appliances unless good and sufficient reasons why such appliances cannot or should not be used, are shown to the satisfaction of the port goods superintendent, or unless otherwise directed by the port goods superintendent, whose decision shall be final.

(2) The master or agent of the ship shall sign the prescribed application form for use of the coaling appliances.

(3) Ships shall be berthed at the coaling appliances in the order of their arrival, subject always to the discretion of the port goods superintendent. Any ship not ready at the appointed time shall forfeit its turn.

(4) If a ship's full requirement of coal is not to hand during the coaling operations, such ship shall, immediately the supply becomes exhausted, vacate the berth.

(5) Every ship berthed near or under the coaling appliances shall have a sufficient crew on board ready to shift the ship at any hour, day or night, as or when directed by the port captain. On failure to comply immediately with the order of the port captain the shifting may be effected by the Administration at the risk and expense of the owner of the ship.

(6) The Administration shall not be liable for any detention, loss, or damage to any ship occasioned by a breakdown of the coaling appliances, failure of supply of electric power, or other cause, unless such cause shall arise from the negligence of the Administration's servants.

(7) The trimming of coal loaded by the coaling appliance at Durban shall in every case be undertaken and carried out by the Administration.

(8) The provisions of paragraphs (1) to (6) of this regulation shall *mutatis mutandis* apply to the loading or unloading of ores, minerals or other bulk cargoes through mechanical loading or unloading appliances provided by the Administration.

SHIPS—GENERAL.

FIRES ON SHIPS.

45. In the event of a fire occurring on board any ship in a harbour, the master shall immediately give the alarm by sounding one continuous blast on the ship's siren, or in case it is not possible to use the ship's siren, by the continuous ringing of the ship's bell, and shall inform the port captain and port goods superintendent of the fire. The personnel of such ship shall immediately take all practicable steps to extinguish the fire and to protect adjoining property, and shall afford such further assistance as may be required by the port captain.

SANITARY ARRANGEMENTS IN HARBOUR.

46. When required by the port captain, a ship's waterclosets and latrines must be closed during such period as the ship is in a harbour.

SHIPS TO BE OPEN FOR INSPECTION.

47. The Administration's officers may at any time while a ship is in harbour, board such ship and inspect it or any part of it in the execution of their duty.

GANGWAYS.

48. The master of every ship whether alongside a wharf, quay or jetty, or outside another ship, or lying at buoys, or at anchor, must provide a safe and proper gangway so arranged as to admit of free and safe passage to or from the deck of the ship, and such gangway must be sufficiently lighted and watched by a competent watchman at all times. A lifebuoy with a line attached thereto must be placed near each gangway and kept ready for immediate use. When lighters are being worked alongside a ship at an outer anchorage the ship's side shall be kept clear of all obstructions, the gangway ladder being lowered only as and when required. In addition to complying with the requirements of this regulation the master of every ship whilst within a harbour under the Administration's jurisdiction shall comply with any applicable regulation made under the provisions of the Merchant Shipping Act, 1951.

LANDING OR EMBARKING PASSENGERS.

49. While any persons are disembarking from or embarking upon any ship lying alongside any wharf, jetty or quay, a member of the ship's crew shall be in attendance at the ship's end of each gangway to attend to the

security of the gangway and the safety of persons passing over it. The same conditions shall apply when a gangway, accommodation ladder or other similar equipment is used by a ship when lying at the anchorage.

BOARDING OR LEAVING SHIPS.

50. No person may, except by permission of the port captain, board or leave a ship while such ship is in motion, nor may any person leave or board a ship except by means of the gangway, ladder, or passenger basket provided for the purpose.

REMOVAL OF SHIPS HAVING OFFENSIVE MATTER ON BOARD.

51. The port captain may order the removal from a harbour of any ship having on board cargo or other matter injurious to health or offensive or dangerous in any respect, and such matter shall be disposed of in such manner as he may direct, all at the risk and expense of the owner of the ship.

REPAIRS TO SHIPS.

52. (1) No external repairs to any ship shall be carried out in a harbour except with the written permission of the port captain, and then only upon the following conditions:—

- (a) That before any repairs are commenced the master shall take such precautions to prevent dirt or other matter falling into the harbour as the port captain may direct.
- (b) That the master shall observe such other conditions as the port captain may impose in his written permission.
- (c) That should the master fail to comply with the provisions of this regulation, any permission which may have been granted to effect repairs to a ship as aforesaid may be withdrawn and the work stopped by the port captain.

(2) No internal repairs to any ship shall be carried out in a harbour unless and until the master has advised the port captain of the nature and extent of the repairs contemplated and has taken adequate precautions to guard against the risk of fire occurring through or in consequence of the carrying out of the work. If, in the opinion of the port captain, the precautions taken are not adequate, he may order the work to be stopped until precautions to his satisfaction have been taken. Failure to comply with such order shall constitute a breach of these regulations.

FUMIGATION OF SHIPS.

53. No master shall cause his ship to be fumigated in a harbour except with the written permission of the port captain and upon such conditions as he may impose.

SPARKS, FUMES, ETC.

54. The master of every ship in a harbour shall take all necessary precautions to avoid the emission of sparks or excessive smoke or fumes from his ship.

ENGINE TRIALS ON SHIPS.

55. No master shall allow engine trials of his ship when alongside a wharf, quay or jetty or berthed outside another ship in a harbour, without the permission of the port captain.

LOWERING OF BOATS FROM SHIPS.

56. No master shall cause any boats to be lowered from his ship in a harbour except with the permission of the port captain.

SMOKING, ETC., ON SHIPS CARRYING FLAMMABLE CARGO.

57. No person shall smoke, ignite any match or otherwise create or allow any fire or flame in any hold or at any open hatch of any hold of any ship or within such area adjacent to such open hatch as may be decided by the port captain, while flammable cargo is being shipped, discharged or transhipped into or from such hold, and the working of flammable cargo shall be subject to such further restrictions and conditions as may be imposed by the port captain and/or port goods superintendent.

This regulation shall also apply when non-flammable cargo is being worked as aforesaid in any hold which contains flammable cargo.

NO BOATS, SHIP'S GEAR, ETC., MAY BE PLACED ON WHARF, ETC.

58. Boats, spars, anchors, cables, ship's gear, tanks, casks, wreckage, dunnage, horse boxes, cattle fittings and other loose material placed upon any wharf, jetty or quay, or elsewhere within a harbour without the written consent of the port goods superintendent may be removed forthwith to such place as he may indicate at the expense of the owner or, if the port goods superintendent so directs, they shall be removed by the owner from the Administration's premises, failing which they may be so removed at the owner's expense.

SHIPS MAY NOT BE MOORED NOR OBSTACLES PLACED WITHIN THE WATER AREA OF ANY DRY-DOCK OR SLIP.

59. No ship may anchor or be moored or placed within the water area adjacent to any dry-dock or slip, nor shall any person place any chain, anchor or other obstacle in any such area.

BEACHING SHIPS WITHIN A HARBOUR.

60. No ship shall be beached, stranded, careened or laid upon any foreshore, shoal, or sand or other bank within a harbour for purposes of cleaning, repairs, or otherwise, without the prior written permission of the port captain and subject to such conditions as he may impose.

RESPONSIBILITY OF MASTERS.

61. The master of a ship within the area of the Administration's jurisdiction shall at all times be responsible for the safety of his ship and nothing in these regulations shall be construed as relieving the master of such responsibility.

DRY DOCKS.

62. Before any ship is admitted to a dry-dock in a harbour the name and full particulars of the ship shall be entered in a book to be kept for that purpose at the port office of the harbour, and the master and owner or agent of the ship shall sign an agreement acknowledging themselves to be bound by the following conditions and undertaking to pay the applicable charges specified in the *Official Harbour Tariff Book*:—

Administration not Liable for Injury Arising from Dry-docking, Undocking, etc.

- (1) The Administration shall not be liable for any loss, damage or delay which may be sustained or suffered by any ship either while she is being dry-docked or undocked or while she is in a dry-dock, unless such loss, damage, or delay is due to the negligence of the Administration's servants.

When Ship may Lose her Turn.

- (2) Should a ship not be placed in a dry-dock on a day duly appointed for that purpose owing to the default of the master, such ship shall, if the dry-dock be required for other ships, lose her turn in the order shown in the entry book, and the master, owner or agent of such ship shall pay to the Administration the expenses, if any, which may have been incurred in preparing the dry-dock for the reception of such ship.

When Preference may be Given.

- (3) Notwithstanding any previous arrangements to the contrary, the port captain may give priority to any ship in a damaged or leaky condition or to any ship which requires a dry-dock for a period not exceeding seventy-two hours.

No Ship to have Absolute Right to Use Dry-dock.

- (4) No ship shall have an absolute right to the use of any dry-dock either in turn or at any other time. The decision of the port captain in all cases of dispute as to turn, shall be final.

Dry-docking of Ships under 500 Gross Tons.

- (5) The dry-docking of ships under 500 gross registered tons shall be subject to such special arrangements as may be made by the master and owner or agent with the Administration, and such ships shall have no claim to the use of a dry-dock in turn with other ships of larger tonnage.

Ships to be Dry-docked under Supervision of Dock-master.

- (6) Every ship shall be dry-docked under the direction and supervision of the dock-master and in the presence of the master, whose duty it shall be to be present at the time appointed for dry-docking, and to remain there until such dry-docking is completed.

When Ship to be Considered as Properly Placed on Blocks or Cradle.

- (7) When the dockmaster has declared any ship to have been properly and safely placed upon the blocks of a dry-dock or cradle of a slip, the master shall forthwith satisfy himself that his ship has been so properly and safely placed, whereupon the ship shall be deemed to have been properly and safely dry-docked or slipped.

How Two or More Ships in One Dry-dock to be Dealt with.

- (8) When two or more ships are in joint occupation of a dry-dock such ships shall remain in the dry-dock until such time as all are capable of being floated; but no ship shall be charged for the use of the dry-dock beyond the time she actually requires it; provided that the master of such ship has given to the port captain twenty-four hours notice in writing of the readiness of his ship to leave the dry-dock and the port captain is satisfied that the notice is correctly given.

The port captain may, however, after having given twenty-four hours' written notice, forthwith order the undocking of any or all of such ships as may be ready to leave the dry-dock, and may also admit any other ship to the occupation of the dry-dock jointly with any ship already in occupation thereof.

Limit of Time for Occupation of a Dry-dock.

- (9) No ship shall remain in occupation of a dry-dock for a longer period than four days, except by the authority of the port captain.

The master of a ship shall arrange for such overtime to be worked in carrying out repairs as the port captain may consider necessary.

Ships Failing to Leave Dry-dock.

- (10) Any ship which fails to leave a dry-dock on the expiration of the period agreed upon may, if the dry-dock be required by another ship, be removed at the sole risk and expense of the owner of such ship after twenty-four hours written notice has been given. If the ship should not then be capable of being floated, the port captain may cause such ship to be made capable of being floated at the sole risk and expense of its owner.

Master to Give Notice of Readiness of Ship to Leave Dry-dock.

- (11) The master of a ship within a dry-dock shall give twenty-four hours notice in writing to the port captain of his ship's readiness to leave the dry-dock.

Supports Not to be Removed Without Proper Authority.

- (12) No person shall remove or alter the position of any of the supports upon which a ship rests whilst in a dry-dock, except by order of the dock-master.

Displacement of Weights In or Upon a Ship in Dry-dock.

- (13) No person shall displace or remove any weight in or upon or connected with a ship within a dry-dock without permission in writing from the dock-master, and then only after proper arrangements have been made by the master to prevent damage of any kind occurring by reason of such displacement or removal, and subject to the condition that no liability shall attach to the Administration or any of its servants by reason of such displacement or removal. All costs and charges connected with any such displacement or removal shall be borne by the owner of the ship.

Ships to Pay for Labour for Shifting Shores, Blocks, etc.

- (14) The owner of every ship within a dry-dock shall pay for all labour supplied by the Administration in shifting shores or blocks or for other purposes in connection with the ship after she has been blocked or shored.

Discharge of Water or Refuse by a Ship in Dry-dock.

- (15) No water, oil or refuse may be discharged from a ship while she is in a dry-dock except by the permission in writing of the dock-master, and then only on such conditions as he may impose.

Cleaning of Dry-docks Before Refloating of Ships.

- (16) The master of every ship shall, prior to the refloating of the ship, cause the dry-dock to be cleared and cleaned.

Articles Supplied by Administration to Ships in Dry-dock.

- (17) (a) The Administration will supply the following articles free of charge to every ship dry-docked:—
(i) Set of blocks for the length of ship given at the time of booking.

- (ii) Horizontal shores with chains or ropes for slinging same.
 - (iii) Bilge shores with sufficient wedges.
 - (iv) First set of capping pieces.
 - (v) A gangway.
 - (vi) A set of staging and planking for cleaning and painting purposes only.
- (b) Any expenses incurred by the Administration in altering or adding to the keel blocks customarily supplied free of charge, shall be borne by the master or owner of the ship.
- (c) The master of the ship shall supply the necessary labour for hauling horizontal shores from the dock's side to the ship's side and making them fast.

Dock-master.

- (18) For the purpose of this regulation—
- “dock-master” shall mean the officer appointed by the Administration to take charge of and control the working of dry-docks, or the officer acting as such for the time being;
- “dry-dock” shall mean any graving dock, dry-dock, floating dock, slipway or repair pentoon.

WRECKS.

SECURITY TO BE GIVEN BEFORE WRECKS ARE BROKEN UP.

63. (1) No person shall break up any wreck, hulk or ship in a harbour without the permission of the port captain.

(2) Such permission may be granted subject to such conditions as the port captain may think fit, but shall in no case be granted unless—

- (i) the applicant has provided security, either in cash or in some other form satisfactory to the Administration, in an amount not exceeding the cost, as estimated by the Administration, of completely removing every part of the wreck, hulk or ship; and
- (ii) it has been made a condition of the provision of such security that, in the event of the applicant's failure to effect the complete removal of every part of the wreck, hulk or ship within a period stipulated by the Administration at the time when the security is provided, the Administration shall be entitled to retain or, as the case may be, to claim payment of such portion of the amount deposited or otherwise secured, as the Administration may determine, but not exceeding the cost, as estimated by the Administration, of removing so much of the wreck, hulk or ship as has not been removed by the applicant.

(3) Nothing in this regulation contained and nothing done pursuant to this regulation, shall prejudicethe right of the Administration to recover from any person under section *two* (26) of the Act, any amount which may be recoverable from such person by virtue of any action taken by the Administration under that section, over and above any amount received by the Administration under this regulation.

HULKS, FISHING BOATS AND SMALL CRAFT.

SMALL CRAFT TO MAKE WAY.

64. No small craft shall be anchored or moored in any channel of a harbour navigable by ocean-going vessels except by permission of the port captain, and such craft shall at all times be kept out of the way of ocean-going vessels under way in any channel or navigable area of a harbour.

SMALL CRAFT TO EXHIBIT LIGHTS.

65. The lights prescribed in the International Regulations for Preventing Collisions at Sea, 1948, which regulations are set forth in annexure “B” to these regulations and which shall be deemed to form part thereof, shall between sunset and sunrise be exhibited on small craft; provided that the port captain may exempt any such craft from the provisions of this regulation while such craft is anchored, moored or secured in any position assigned to it by him.

MOORING OF SMALL CRAFT.

66. (a) No small craft shall be moored at any wharf, jetty, quay, wharfmoorings, posts or bollards or mooring buoys in the harbour except at such berth or position as may from time to time be assigned to it by the port captain, and the owner shall comply with the port captain's directions and instructions.

(b) No small craft shall be made fast to any channel marking buoy, light buoy or any navigational aid or mark provided for the safety of ships, and the owner of any small craft which fouls or displaces any such buoy or navigational aid, shall immediately report the occurrence to the port captain and shall in any event within twenty-four hours after the occurrence make to the port captain a full report in writing setting forth the circumstances attending the occurrence.

(c) If for any reason beyond the control of the owner of a small craft such craft is in fact moored at a berth or position which has not been specifically assigned to it by the port captain, the owner of such small craft shall immediately notify the port captain that the craft is so berthed, in which event the port captain may, at the risk and expense of the owner, take whatever action he may deem necessary in the interests of safe, orderly and efficient harbour working.

SMALL CRAFT CROSSING BAR.

67. No small craft shall cross the entrance of any harbour, or be brought into any harbour or be placed into the waters of any harbour, without the permission of the port captain, who may grant such permission subject to such conditions as he may deem necessary.

SMALL CRAFT TO BE EITHER REGISTERED OR LICENSED.

68. (a) No pleasure craft may lie or be used in any harbour without the permission of the port captain, who may refuse such permission in the interests of safe, orderly and efficient harbour working.

(b) No small craft, other than pleasure craft may lie or be used in a harbour without a licence as hereinafter provided, issued by the port captain at that harbour.

(c) For the purposes of this regulation "pleasure craft" shall mean any craft which is used by its owner(s) solely for pleasure purposes and not plying for hire, or let for hire, or otherwise used for gain or engaged in fishing for commercial purposes of whatever description.

APPLICATION FOR LICENCE.

69. Before any small craft referred to in paragraph (b) of regulation No. 68 may lie or be used in a harbour the owner of such craft shall apply in writing to the port captain for a licence, and unless the port captain decides to refuse the application forthwith on the ground that the issue of the licence will be detrimental to safe, orderly or efficient harbour working, he shall require the owner to have such craft examined by one or more inspectors appointed for the purpose.

If after examination such inspector(s) is/are of the opinion that such craft is in a suitable condition and equipped for the purpose and service for which it is intended, or that such craft is in a suitable condition to be allowed to lie in a harbour, as the case may be, the inspector(s) shall grant a certificate to that effect. In such certificate the inspector(s) shall state what limitations or conditions (if any) ought in his or their opinion to be included in the licence and for what period it ought to be issued. The provisions of this regulation shall *mutatis mutandis* apply with respect to the renewal of a certificate previously issued.

HOW LICENCE GRANTED.

70. Upon production of the certificate referred to in regulation No. 69 at the office of the port captain within a period of fourteen days from the date of issue of such certificate, and upon payment to the Administration of the prescribed licence fees and other fees (if any), the port captain shall issue a licence to the holder authorising the said craft to be used or to lie in the harbour, as the case may be, subject to such limitations or conditions as are set forth in the said certificate and to any further conditions which the port captain may deem it necessary or desirable to impose. In addition to the aforementioned limitations or conditions, there shall be set forth in the licence the period of its validity which shall not be longer than the period stated in the said certificate and, if applicable, the number of persons which may be carried in the licensed craft.

DURATION OF LICENCE.

71. Whatever may be the period of validity stated in a licence issued under Regulation No. 70, every such licence shall expire on the thirty-first day of December of the year in which it was issued or renewed; provided

that unless the port captain is of the opinion that it would be detrimental to safe, orderly or efficient harbour working to do so, he may renew any such licence for the unexpired portion of the period stated in the said certificate, or if there be produced to him a new certificate issued under regulation No. 69, or the original certificate bearing an endorsement by the inspector(s) appointed for the purpose, approving the renewal of the licence for a further period, the port captain may renew the licence for a further period not exceeding that stated in such new certificate or in such endorsement.

RENEWAL OF CERTIFICATE.

72. Every new certificate and every endorsement referred to in Regulation No. 71 shall be dated by the inspector(s) appointed for the purpose, and no licence shall be issued if the date of such new certificate or endorsement is more than fourteen days before the date of production thereof at the office of the port captain for the purpose of obtaining a licence.

TRANSFER OF LICENSED CRAFT.

73. If the owner of a licensed craft desires to transfer the craft to another port he shall apply in writing to the port captain of the port at which his craft is licensed for permission to do so, and provided the craft can be accommodated at the port nominated by the owner, the port captain may grant permission for the craft to be so transferred. As soon as reasonably possible after the arrival of the craft at the port to which it is transferred the extant licence shall be produced to the port captain of that port, who shall endorse thereon or annex thereto such conditions (if any) regarding the limits of the permissible area of operations, or otherwise, as he may deem necessary. Thereupon such licence shall, subject to any conditions so endorsed thereon or annexed thereto, be deemed to have been issued in respect of such craft at the port to which it has been transferred.

WHEN HOLDER OF LICENCE TO CEASE USE OF CRAFT.

74. Any inspector appointed for the purpose may at any time during the currency of a licence issued in terms of Regulation No. 70 inspect and examine the licensed craft and its equipment, and if in the opinion of the inspector the condition of the said craft or its equipment is such as to make the craft unsuitable for the purpose for which it was licensed to be used, he shall notify the port captain thereof who shall give written notice to the holder of the licence to cease using the craft, unless and until the defects or deficiencies noted by the inspectors have been remedied. If after further examination the inspector(s) is/are satisfied that the craft or its equipment is again in a condition suitable and fitted for the purpose for which it is to be used, he/they shall notify the port captain accordingly, and the port captain shall thereupon make upon the licence an endorsement to that effect, with the date thereof, and as from such date the holder of the licence shall be entitled to continue using the craft for the purpose authorised by the licence.

WHEN LICENSED CRAFT NOT TO BE USED.

75. The holder of a licence to whom written notice has been given in terms of Regulation No. 74, shall not use or cause or allow to be used, the craft to which the notice relates until the licence has been endorsed by the port captain as provided in the said regulation.

CRAFT TO BE NUMBERED AND REGISTERED.

76. (1) All pleasure craft for which permission to lie or be used in a harbour has been obtained from the port captain shall be registered by the port captain and the prescribed registration fee shall be paid by the owner of such craft.

(2) All licensed craft and all pleasure craft referred to in paragraph (1) of this regulation shall be numbered, and particulars of such craft together with the number assigned thereto, and the name and address of the owner shall be recorded in a book to be kept by the port captain for the purpose.

(3) If the owner of any licensed or pleasure craft changes his address he shall forthwith notify the port captain in writing of his new address, and if any change occurs in the ownership of any such craft the owner shall forthwith notify the port captain thereof in writing, giving the name and address of the new owner.

(4) All craft whether licensed or not shall have their numbers plainly marked on the outside of their stern and bows to the satisfaction of the port captain.

PERSON IN CHARGE OF SMALL CRAFT TO BE COMPETENT.

77. No owner of a licensed craft shall use or cause or permit such craft to be used unless the craft is sufficiently manned and in charge of a person who is able to navigate and manage it with proper competence and skill.

RESTRICTION OF SMALL CRAFT.

78. The owner of any small craft, whether such craft is required to be licensed or not, shall obey such restrictions relating to speed, area of operations or otherwise as the port captain may impose in respect of the use of such craft in the harbour. Such restrictions shall be brought to the notice of the owners of such craft in such manner as the port captain deems most convenient. No motor-driven craft shall be used in a harbour unless it is equipped with an efficient silencer to the satisfaction of the port captain.

PERSONS CARRIED NOT TO EXCEED AUTHORISED NUMBER.

79. No licensed craft shall carry a greater number of persons than it is licensed to carry, and particulars of the number of persons which a craft is licensed to carry shall be painted on or affixed to some conspicuous part of such craft to the satisfaction of the port captain.

CHARGES LEVIED IN RESPECT OF SMALL CRAFT NOT TO EXCEED PRESCRIBED CHARGES.

80. The charges to be levied by the owners of licensed craft shall not exceed those which may be prescribed from time to time by the Administration.

LIFE-SAVING AND FIRE-EXTINGUISHING EQUIPMENT TO BE PROVIDED.

81. All licensed craft shall be equipped with such life-saving and fire-extinguishing equipment as may be required to be provided in terms of the regulations framed under the Merchant Shipping Act, 1951. All other craft shall be equipped with such life-saving and fire-extinguishing equipment as may be considered necessary by the port captain. The equipment referred to in this regulation shall be kept aboard such craft at all times and shall be maintained in such conditions as to ensure that it is fit for immediate use.

CONTRAVENTION OF RESTRICTIONS OR CONDITIONS AFFECTING SMALL CRAFT.

82. (a) Should any craft be used or navigated in a manner which amounts to a breach or contravention of any restriction imposed by the port captain in regard to the use or navigation of such craft, or of the terms and conditions subject to which permission was granted for such craft (if a pleasure craft) to lie or be used in a harbour, or of the conditions subject to which a licence was issued in respect of such craft under these regulations, the owner of such craft shall be deemed to be guilty of a breach of these regulations and liable on conviction to the penalties hereinafter provided.

(b) Whether or not criminal proceedings have been instituted against such owner on account of any act or omission referred to in paragraph (a) of this regulation, the port captain may, by notice in writing addressed to the owner, forthwith cancel any permission or licence granted or issued to or in respect of such craft, authorising it to lie or be used in the harbour: Provided that in any case where the owner has not been convicted by a court, the port captain shall not cancel such permission or licence unless he has given the owner a reasonable opportunity of showing cause in writing why such permission or licence should not be cancelled.

LICENCES NOT TO INVOLVE ADMINISTRATION IN LIABILITY.

83. Nothing in these regulations contained shall be deemed to impose any liability or responsibility upon the Administration for any loss or injury caused by the wrongful act or omission of any owner or person in charge of any licensed craft.

COMPASSES TO BE ADJUSTED.

84. (a) Except with the special permission of the port captain, no licensed craft shall proceed beyond the limits of a harbour unless the owner is in possession of a certificate signed by a competent person, from which it appears that such person has adjusted the craft's compass within the four months immediately preceding the date on which the craft proceeds beyond the limits of a harbour.

(b) Such certificate shall not be deemed to be a valid certificate for the purposes of this regulation unless it is accompanied by a deviation card issued by the person signing the certificate, showing the deviation of the compass found to exist on such adjustment.

(c) If the owner of a licensed craft which has proceeded beyond the limits of a harbour without the special permission of the port captain as aforementioned, fails to produce a certificate such as is referred to in this regulation within forty-eight hours after being called upon to do so by or on behalf of the port captain, he shall be deemed not to have been in possession of such certificate at the time when the craft concerned proceeded beyond the limits of a harbour.

SMALL CRAFT NOT TO CONVEY LIQUOR TO SHIPS' CREW.

85. No owner of any craft shall supply, convey or deliver any intoxicating liquor to any of the crew or to any other person on board any ship lying at anchor, or moored in a harbour, except such liquors as are purchased with the consent of the master of the ship from a person duly licensed to sell the same, and such liquors as may be removed under the Customs laws from a bonded or excise warehouse for exportation beyond the limits of the harbour or for ships' stores. Whenever any such owner is convicted of a contravention of this regulation, the licence, if any, in respect of any craft used in connection with the commission of such offence shall be cancelled.

DEFINITION OF "OWNER".

86. For the purposes of Regulations Nos. 66 to 85 the expression "owner" shall mean the registered owner of a licensed or pleasure craft and/or the person duly authorised by such owner to have charge of such craft.

FERRIES.

FERRYMEN TO BE LICENSED.

87. No person may act as a ferryman unless he has been licensed for the purpose by the Administration

APPLICATION FOR FERRYMAN'S LICENCE.

88. Every person who desires to obtain a ferryman's licence shall make application therefor in writing to the port captain and shall state in his application his name, age, qualifications and such other relevant information as may be required to establish his suitability to be granted such licence. A ferryman's licence may be renewed from year to year provided the licensee satisfies the port captain that his qualifications and suitability have not changed materially since the original licence was granted. Any licence granted in terms of this regulation may be suspended or cancelled at any time at the discretion of the port captain.

FERRYMEN TO WEAR BADGE.

89. Every licensed ferryman shall, when acting as a ferryman, wear a badge bearing the number shown upon his licence. The badge shall be worn in such a position as to make it readily visible to any other person.

FERRYMEN TO COMPLY WITH ORDERS.

90. Every licensed ferryman shall use such place or places for embarking or disembarking passengers as may be designated in his licence for that purpose and shall comply with such orders regarding the use of ferryboats as may be given to him from time to time by the port captain.

TOUTING FOR FERRIES.

91. No person shall tout within a harbour for passengers for any ferry.

FERRYMEN TO CARRY REGULATIONS AND TARIFF.

92. Every licensed ferryman shall, when acting as a ferryman, produce on demand by any passenger or intending passenger or officer of the Administration a copy of the harbour regulations and the authorised tariff of fares.

INTENDING PASSENGERS FOR FERRY.

93. (1) Between sunrise and sunset no licensed ferryman if disengaged shall refuse to convey any person who tenders the lawful fare for the journey which he desires to make, and no intending passenger may be required to wait for a period of longer than fifteen minutes after requesting to be carried.

(2) A licensed ferryman may refuse to carry any passenger—

- (a) when weather conditions are obviously dangerous;
- (b) when the presence of such passenger is in the reasonable opinion of the ferryman, liable to jeopardize the safety or interfere with the comfort of other passengers;
- (c) when a ferry-boat already has the full number of passengers for which she is licensed.

FERRIES TO HAVE RIGHT TO INSIDE BERTH.

94. A ferry-boat wishing to land or embark passengers shall at all times have the right in turn to an inside berth alongside the landing place to the exclusion of all other craft, and craft waiting for hire or otherwise shall give way to enable such ferry-boat to come along side.

PILOTAGE AND PILOTS.

PILOTAGE.

95. (1) The Harbours of Table Bay, Port Elizabeth, East London, Durban, Walvis Bay, Lüderitz and Mossel Bay are compulsory pilotage harbours, and except with the permission of the port captain granted in terms of sub-regulation (2), no person shall navigate a ship within any of the areas defined in sub-regulation (4) with respect to the several harbours, unless he is a pilot duly licensed by the Administration. For the purpose of this regulation the expression "navigate" includes the movement of any ship from one berth to another.

(2) If the port captain of a compulsory pilotage harbour is satisfied that the master of any ship is competent to navigate such ship safely within the limits of that harbour without the assistance of a pilot, he may—

- (a) grant special permission to such master to navigate his ship as aforesaid on any specified occasion; or
- (b) if the ship in question is not more than 225 feet in length overall and does not exceed 600 net register tons, grant to such master standing permission in the form of a pilotage exemption licence, to navigate his ship as aforesaid during the period of validity of the licence.

(3) A pilotage exemption licence may be suspended or cancelled at any time in the discretion of the port captain.

(4) The areas referred to in sub-regulation (1) are the following:—

Table Bay and Durban.—The whole of the docks or inner harbour and within the entrance and the approaches thereto.

Port Elizabeth.—The area enclosed by the breakwater and the North Arm, together with the entrance and approaches thereto.

East London: Within the Buffalo River and the entrance thereto.

Walvis Bay: The wharf basin and the dredged channel leading thereto from the marker buoy out-side its entrance.

Lüderitz.—Within the harbour limits.

Mossel Bay:—

(a) The area contained within the breakwater and a line drawn due west for 1,500 feet from its northern extremity and thence south to the foreshore.

(b) The area bounded by the following:—

Northern Limit: Latitude 34 degrees 08 minutes 00 seconds S.

Eastern Limit: The Anchorage Line, beacons in line 174 degrees, shown on Chart 639 extended to the northern limit.

Southern Limit: A line drawn from the shore and passing through Seal Island in an 090 degrees direction.

Western Limit: The coast line.

LICENSING OF PILOTS.

96. (a) No person may act as or exercise the employment of a pilot at a harbour under the jurisdiction of the Administration unless he has been duly licensed by the Administration as a pilot for that harbour.

(b) No licence to act as a pilot at a harbour under the jurisdiction of the Administration shall be issued to any person unless he has passed an examination conducted by a Board of Examiners appointed by the Administration.

CANCELLATION OR SUSPENSION OF PILOT'S LICENCE.

97. The Administration may in its discretion cancel or suspend a pilot's licence at any time.

HARBOURS WHERE PILOTAGE IS NOT COMPULSORY.

98. The Administration may, at harbours under its jurisdiction where pilotage is not compulsory, appoint one or more servants to act as pilots to ships that may request their services; provided that the Administration and the pilot who is a servant shall be exempt from liability for any loss or damage that may arise or be caused through the act, omission or default of such pilot.

PILOT FLAG.

99. No person not being a pilot afloat and on duty shall hoist a pilot flag (upper half white, lower half red), nor shall the master of any ship allow such flag to be displayed on his ship except by such pilot.

PILOT LADDERS.

100. The master of every ship entering or leaving a harbour under pilotage shall provide a pilot ladder equipped with proper man-ropes efficient for the purpose of enabling a pilot to embark and disembark safely from the ship. The pilot ladder and relative area of deck access shall be efficiently illuminated at night. On each occasion when a pilot or other official embarks or disembarks from the ship by means of the pilot ladder a ship's officer shall be in attendance at the ladder.

Nothing in this regulation shall be construed as relieving the master of any ship of any responsibility or obligation imposed upon him by the Merchant Shipping Act, 1951, or the regulations made under that Act.

LICENSING OF AGENTS.

101. (1) No person shall at a harbour—

- (a) undertake the landing, shipping, stevedoring cartage or delivery of goods; or
- (b) supply water or ballast; or
- (c) act as agent for the clearing or forwarding of goods, baggage or parcels; or
- (d) engage in the business of supplying watchmen to ships; or
- (e) engage in hawking or trading;

unless he is in possession of a valid licence issued by the Administration authorising him to carry on any such activity; provided that this regulation shall not apply to the Municipal Council of Durban as contractors for the supply of water.

(2) In respect of the issue or renewal of any licence referred to in paragraph (1) of this regulation, there shall be payable such fees as may be fixed and notified by the Administration from time to time.

(3) Any licence which may be issued in terms of paragraph (1) of this regulation, may be issued or renewed subject to such conditions as the Administration may deem necessary to impose in the interests of safe, orderly and efficient harbour working.

(4) The Administration may, whenever it may think fit, cancel any licence issued under this regulation or may in its discretion refuse to renew any such licence.

LANDING, SHIPPING AND TRANSHIPPING OF CARGO.

TONNAGE FOR DUES AND CHARGES.

102. The tonnage of goods upon which dues and charges are payable to the Administration shall be the unit of volume, weight, capacity or number shown in the scale of harbour tonnage set forth in the *Official Tariff Book*.

GOODS NOT DELIVERED WITHOUT CUSTOMS AUTHORITY.

103. No goods will be delivered to any consignee without the production by him of the necessary authority from the Department of Customs.

LANDING, SHIPPING, TRANSHIPPING AND FORWARDING ORDERS OR WARRANTS.

104. (1) Importers or shippers, or persons in charge of goods, shall deliver at the appointed place between the hours fixed for the purpose at the respective harbours shipping, transshipping or landing, delivery and forwarding orders or warrants, as the case may be, on the prescribed forms, which shall specify the respective marks and numbers of the packages, their number, description and contents with weights and measure-

ments of solids, and the number of gallons of liquid contained in each package, the value thereof (when required) and the charges payable in accordance with the *Official Harbour Tariff Book*; also the name of the ship and the port the goods are from or intended for; and there shall be separate shipping, transshipping or landing, delivery and forwarding orders or warrants for each ship and for each separate consignee or shipper.

(2) When required, separate landing, delivery and forwarding orders or warrants shall be handed in for goods ordered to be delivered—

- (a) by road;
- (b) by rail to inland stations;
- (c) by rail to private sidings;
- (d) within the harbour area to be stored or deposited.

(3) In the case of goods ordered to be delivered by rail to inland stations the weight as well as the cubic or liquid measurements shall be given in each instance on the landing, delivery and forwarding orders or warrants.

CANCELLING/AMENDING ORDERS.

105. Orders from persons in lawful control of goods cancelling or amending previous orders will be accepted by the Administration provided it is reasonably possible to act upon such cancelling/amending orders at the time they are received. The Administration shall be entitled to make a charge in respect of each order cancelling or amending a previous order, which charge shall be payable at the time such order is delivered to the Administration.

A cancelling or amending order will be accepted by the Administration only if the person in lawful control of the goods referred to therein has signed an undertaking to pay any additional charges which the carrying out of such order by the Administration may entail.

BILLS OF LADING AND CUSTOMS DOCUMENTS.

106. Orders for the delivery of cargo will not be accepted unless properly signed and completed bills of lading or delivery orders issued by the shipping company or ship's agent concerned, together with a copy of the relative Bill of Entry signed by an authorised officer of the Department of Customs, are produced to the Administration.

DOCUMENTS TO BE PRODUCED.

107. Bills of lading, freight notes, invoices and other documents shall be available and must be produced to the Administration, as and when required, in respect of all cargo landed, shipped or transhipped at a harbour.

CLEARING OF CARGO—LATE ORDERS.

108. (1) Save as is provided in paragraph (2) all cargo shall be cleared and the landing, delivery and forwarding, transshipping or warehousing orders duly passed by the Customs shall be presented at the place appointed for acceptance of such orders, within twenty-four consecutive hours of notice having been given and posted in the Administration's offices that the ship concerned has arrived, failing which extra charges as specified in paragraph (3) will be payable to the Administration for late orders. In reckoning such consecutive hours, Sundays and public holidays shall not be included.

(2) In the case of ships coming direct to a harbour from beyond the Republic of South Africa and bringing their own shipping documents which could not have been received at the harbour at an earlier time by any other reasonable means, the time within which the landing, delivery and forwarding, transshipping or warehousing orders will be received without payment of the extra charges specified in paragraph (3) for late orders will be forty-eight consecutive hours of notice having been given and posted in the Administration's offices that the ship concerned has arrived. In reckoning such consecutive hours, Sundays and public holidays shall not be included.

(3) If the requirements prescribed in paragraphs (1) and (2) are not complied with, there shall be payable to the Administration by the owner or his agent in respect of the goods as they are cleared, the sum of six cents per ton or part thereof; provided, however, that this provision shall not apply to whole cargoes for one consignee, which may be cleared in such quantities as may suit the consignee's convenience, subject to the condition that the landing, delivery and forwarding, transshipping or warehousing orders for such quantities are delivered to the Administration before the cargo to which they refer is landed.

WHEN WEIGHT NOT AVAILABLE.

109. When the weight or measurement is not available the goods will be weighed or measured by the Administration at the expense of the owner or his agent.

WEIGHT OF CERTAIN PACKAGES TO BE MARKED THEREON.

110. All packages exceeding 4,000 pounds in weight, must have the actual weight thereof legibly painted on the outside of the package in close proximity to the shipping mark. If this condition is not complied with, the package may be weighed by the Administration and all expenses of weighing, extra handling, cartage to and from the weighbridge and the like shall be charged to the consignee and may be forthwith recovered from him.

INCORRECT WEIGHT.

111. Should either weight or measurement appear to be incorrectly stated on an order or warrant, the Administration may test the same and if found inaccurate the cost of weighing or measuring, or both, with a minimum charge of forty-five cents, must be paid by the consignee or shipper, as the case may be, without prejudice to the Administration's right to recover from him any penalty to which he may otherwise be liable.

MARKING OF PACKAGES.

112. (1) The Administration will not be liable for any loss, delay, or non-delivery of goods occasioned by insufficient or erroneous marking.

(2) When goods are insufficiently or erroneously marked the Administration may, notwithstanding that all dues and charges have been deposited or paid, require from any person claiming such goods a special release order signed by the ship's agents, or an indemnification against any loss or damage the Administration may sustain by reason of the delivery to such person. Storage charges at the rate set forth in the *Official Harbour Tariff Book* may be levied in respect of all goods remaining on the Administration's premises in consequence of such insufficient or erroneous marking.

CHARGES TO BE PREPAID OR SECURED.

113. Orders for the delivery, forwarding, warehousing, shipping or transshipping of goods will not be acted upon unless all harbour dues and charges payable in respect of the landing, warehousing, shipping or transshipping of such goods have been paid or sufficient security has been furnished for the payment thereof, and the Administration may prevent the removal of the goods from the harbour area until such dues and charges are paid or sufficient security for the payment thereof has been furnished.

LEDGER ACCOUNTS.

114. The Administration will, upon application being made on the prescribed form and subject to the conditions therein set forth, open a weekly or monthly credit account (called "ledger account") against which will be debited all dues, rates, fees or charges that may become payable by the applicant under these regulations or the *Official Harbour Tariff Book*.

DELIVERY OF GOODS TO STATE WAREHOUSE.

115. The delivery of goods to the State Warehouse or other place appointed by the Customs Department, shall constitute delivery of such goods to the consignee, and the Administration shall be relieved of all liability in respect of goods that have been so delivered.

PERISHABLE GOODS LANDED FROM SHIP'S COLD CHAMBERS.

116. Perishable goods landed from a ship's cold chambers, for which orders have not been received before they are landed, may, at the discretion of the Administration be delivered to cold stores for cold storage purposes at the risk and expense of the consignee.

PERISHABLE GOODS LANDED IN BAD ORDER.

117. Whenever perishable goods have been landed in bad order the Administration may, in its discretion, deliver such goods without examination.

DEFECTIVE PACKAGES STOPPED FOR EXAMINATION.

118. (a) If any bags, packages or other containers in a defective condition have been stopped for examination, the Administration shall give written notice to the owner or his agent calling upon him to attend at a specified place and time for the purpose of examining the goods. If the owner or his agent is present at the appointed time, the Administration may examine the bags, packages or other containers in his presence. If

the owner or his agent is not present, the Administration may examine the bags, packages or other containers in his absence or may, if it considers it necessary in the interests of all concerned, cause them to be examined by an expert examiner. All costs incurred in connection with such examination shall be borne by the owner or his agent.

(b) If the owner or his agent does not, within twenty-four hours after the time fixed for the examination of the goods in a notice referred to in paragraph (a), give the Administration instructions as to how the goods are to be dealt with, the Administration may, in its discretion, have the bags, packages or other containers delivered, or forwarded to destination, as the case may be, at the risk of the owner, or may place them in a warehouse. Warehouse charges at the rates prescribed in the *Official Harbour Tariff Book* shall be payable in respect of goods so warehoused.

PACKAGES IN A LEAKY OR DEFECTIVE CONDITION.

119. The Administration may refuse to accept any goods in bags, packages or other containers that are in a leaky or otherwise defective condition, and if such goods have been landed the cost of making good any damage which the Administration or any third party may have sustained as a result of the landing of such goods shall be borne by the owners of the goods. The Administration may refuse to warehouse goods in bags, packages or other containers that are in a leaky or otherwise defective condition until such bags, packages or other containers have been repaired or the goods rebagged or repacked to the satisfaction of the Administration. Any such repairs, rebagging or repacking, if undertaken by the Administration, shall be at the risk and expense of the owner.

UNPACKING OF GOODS.

120. No goods of any kind shall be unpacked within a harbour without special permission from the port goods superintendent, and all straw and other material from which goods may have been unpacked shall be immediately removed by the owner of such goods, failing which the Administration will remove the same at the expense of such owner.

ACIDS, ETC., LANDED IN LEAKY CONDITION.

121. When any containers containing acids, grease, oils, tar, pitch, bitumen, paints or other similar substances, come into the custody of the Administration in a leaky or otherwise defective condition, the Administration may, without being obliged to do so, repair such leaky or otherwise defective containers at the expense of the owner and may refill any containers from which the original contents have leaked with like substances from other leaky or defective containers forming part of the same consignment. If the containers are repaired or refilled the consignee or owner shall have no claim upon the Administration for any loss or damage alleged to have been sustained thereby; provided, however, that the owner may at the time of handing in his orders notify the Administration that he wishes such articles to be set aside, and in that case they will be removed to a depositing ground or placed in a warehouse at his risk and expense.

ADMINISTRATION MAY DESTROY OR OTHERWISE DEAL WITH DANGEROUS GOODS.

122. In cases of emergency or for the purpose of securing the better safety of the harbour or the shipping therein, the port captain or port goods superintendent may, whenever it may seem expedient to do so, destroy or otherwise dispose of dangerous goods within a harbour without any liability on the part of the Administration to compensate the owner.

OFFENSIVE CARGO.

123. The Administration may, with the consent of the Department of Customs and after giving at least two hours notice to the owner or other person entitled to receive the goods, or if the owner or person entitled to receive such goods cannot be found, then without such notice, order the removal and, if necessary, the destruction of any goods or matter of an offensive nature which may be landed or placed upon the wharves, jetties or quays, or any other place within a harbour. Such removal or destruction shall be at the expense of the owner or other person concerned.

CERTAIN GOODS NOT PLACED IN WAREHOUSES.

124. The following goods, when not packed or in crates, will not be placed in sheds or warehouses or protected by tarpaulins but will be stored or deposited in the open solely at the risk of the owner. Upon receipt

of written application and provided the necessary facilities are available, such goods may be protected by the Administration at the charges prescribed in the *Official Harbour Tariff Book*: —

- Acids.
- Asphalt.
- Axles.
- Bitumen.
- Bones.
- Bricks.
- Cables on drums.
- Chalk.
- Charcoal.
- Coal.
- Coke.
- Columns.
- Copper bars.
- Drums.
- Fencing material.
- Flammable liquid, in drums.
- Flowerpots (earthen).
- Girders.
- Horns.
- Iron (angle or bar).
- Iron (cast, wrought, pig or ingot).
- Iron and steelwork.
- Logs.
- Machinery.
- Marble slabs.
- Mineral concentrates.
- Motor cars on wheels or in cases.
- Ores.
- Pipes (earthen, iron and steel).
- Railway material.
- Sand.
- Sanitaryware.
- Slates.
- Sleepers.
- Steel (bars, plates, reinforcing and structural).
- Stone.
- Sulphur in bulk (not being flowers of sulphur).
- Tar.
- Timber (rough or unplanned).
- Tractors.
- Wheels.

WAREHOUSE AND DEPOSITING GROUND RENT.

125. The storage charges leviable on goods which it may be necessary to place in a warehouse or on a depositing ground, or which the Administration may be ordered so to place, are those prescribed in the *Official Harbour Tariff Book*, but the fact that the said charges are so prescribed, shall not prevent the Administration from letting warehouses or depositing sites at special rates.

NO TIMBER ALLOWED TO FLOAT IN HARBOUR.

126. No person shall permit any timber to float in any harbour unless previous permission in writing for that purpose has been obtained from the port captain.

It shall be a condition of the granting of such permission that rent shall be payable at the same rate as if the timber had been landed, and that the consignee shall be responsible for any damage caused by such timber.

LIABILITY FOR ANIMALS AND COLLECTION AND DELIVERY THEREOF.

127. In the event of any animal or bird being lost, killed or injured through the negligence of the Administration's servants, the Administration shall be liable for the amount of the actual loss sustained by the owner, but not for any amount in excess of the following: —

Horses, mules and cattle	R80.00 per head.
Pigs	R40.00 per head.
Ostriches	R24.00 per head.
Donkeys	R16.00 per head.
Sheep and goats	R6.00 per head.
Dogs and cats	R4.00 per head.
Turkeys and geese	R3.00 per head.
Fowls and other poultry	R2.00 per head.
Birds, not otherwise specified	R1.00 per head.

Provided that if the value of the animal or bird has been declared in writing on the relative landing, delivery and forwarding, shipping or transshipping order and double charges paid, the Administration shall be liable for the actual loss sustained by the owner but not for an amount exceeding the value so declared.

No livestock may be left at a harbour without the prior consent of the port goods superintendent. Livestock left at a harbour shall be entirely at owner's risk and expense. The Administration will not collect or deliver animals.

VEHICLES NOT BOUND TO ENTER PRIVATE PREMISES.

128. The drivers of cartage vehicles of the Administration, or of its contractors, shall not be bound to take such vehicles into the premises of a consignor, consignee or receiver of goods, as the case may be, but should they do so the Administration shall not be liable in respect of any claims for loss or damage caused by such vehicles so entering the said premises.

HOURS OF DELIVERY.

129. Consignees or receivers of goods shall accept delivery and unload the Administration's vehicles if they arrive at the consignee's or receiver's address between the hours of 7 a.m. and 5 p.m. on weekdays other than Saturdays and between the hours of 7 a.m. and 1 p.m. on Saturdays (public holidays excepted).

WHEN DELIVERY BY ADMINISTRATION DEEMED COMPLETE.

130. (a) The delivery of goods by the Administration shall be deemed to have been completed and the responsibility of the Administration shall cease when the vehicle conveying the goods is brought to the appropriate entrance to the consignee's premises on a public road and the goods are placed on the side of the vehicle (facing such entrance), in a manner reasonably convenient for the consignee to offload the goods, or, if the consignee's premises are difficult to approach with the type of vehicle conveying the goods or are not situated on a public road, delivery shall be deemed to have been completed when the vehicle is brought to the nearest point to the entrance to the consignee's premises which is readily approachable on a suitable macadamised road on a reasonable gradient and the goods are placed as aforesaid: Provided that if the vehicle on which the goods are conveyed is a trailer detachable from its hauling unit, there shall be no obligation on the Administration, in order to make delivery effective, to place the goods on the side of the vehicle as hereinbefore provided.

(b) The removal of the goods from the Administration's vehicles shall be undertaken by the consignee at his own risk and expense, and the Administration shall be under no obligation to assist him in doing so.

DESPATCH IN UNLOADING VEHICLES.

131. (a) The unloading of the Administration's cartage vehicles shall be performed by the consignee, importer or receiver of the goods with the utmost despatch. Self-propelled cartage vehicles shall be unloaded without delay and in any event within 30 minutes of the time of arrival of the vehicle at the premises of the consignee, importer or receiver of the goods. Trailers, i.e. vehicles that are detached at the premises of the consignee, importer or receiver of the goods for the purpose of being unloaded, shall be unloaded within 30 minutes when the weight of the goods to be unloaded does not exceed three tons; within 60 minutes when the weight of the goods to be unloaded exceeds three tons but does not exceed five tons, and within two hours when the weight of the goods to be unloaded exceeds five tons, the time being calculated from the time the trailer is placed at the disposal of the consignee, importer or receiver of the goods.

(b) If a vehicle is not unloaded within the applicable period mentioned in paragraph (a) the vehicle together with the goods remaining thereon will be taken back to the harbour or elsewhere at the Administration's discretion at the risk and expense of the consignee, importer or receiver of the goods, who shall be liable to the Administration for any additional charges in respect of any extra cartage, extra handling and storage resulting from his failure to comply with the terms of this regulation. Alternatively, the Administration may at its discretion require the consignee, importer or receiver to pay to it in respect of the period for which the vehicle is detained in excess of the applicable period mentioned in paragraph (a), such charges as are prescribed in the *Official Railway Tariff Book* for the detention of the Administration's cartage vehicles.

NON-DELIVERY OWING TO INSUFFICIENT ADDRESS, ETC.

132. When delivery of goods cannot be effected owing to insufficient address, absence of the consignee, importer or receiver of the goods, refusal or inability of the consignee, importer or receiver of the goods to accept delivery, or any other cause beyond the control of the Administration, the goods will be carted back to the harbour or to some other convenient place at the Administration's discretion, at the risk and expense of the consignee, importer or receiver of the goods, who will be liable for all additional charges in respect of the warehousing of the goods and any extra cartage, railage or handling entailed in so dealing with the goods.

WHERE QUALIFIED RECEIPTS ARE TENDERED.

133. Receipts on the prescribed form shall be given for goods delivered by the Administration. Goods for which a receiver desires to give a qualified receipt other than as set out on the delivery ticket, may be returned to the harbour for the purpose of examination. Should the goods then be found to be in a defective condition they will be re-delivered by the Administration without further charge, but if the goods are found not to be in a defective condition, the consignee must make arrangements for their delivery at his own expense and risk.

COLLECTION OF GOODS FOR SHIPMENT.

134. The Administration will, on application, collect goods for shipment and convey them by road vehicles to the harbour, subject to the succeeding provisions of this regulation:—

- (a) The loading of such vehicles shall be undertaken by the shipper at his risk or expense.
- (b) The loading of self-propelled vehicles shall be completed as expeditiously as possible and in any event within thirty minutes from the time the vehicle arrives at the premises of the shipper.
- (c) The loading of trailers, i.e. vehicles which are detached and left at the premises of the shipper, shall be completed within thirty minutes when the weight of the goods to be loaded does not exceed three tons; within sixty minutes when the weight of the goods to be loaded exceeds three tons but does not exceed five tons, and within two hours when the weight of the goods to be loaded exceeds five tons, the time being calculated as from the time when the trailer is placed at the disposal of the shipper.
- (d) If any such vehicle is not loaded within the applicable period hereinbefore mentioned, the Administration may cause the vehicle, without the shipper's goods, to be returned to the harbour, and in every such case the shipper shall be liable for the collection charges as if the service had actually been performed and completed.
- (e) Notwithstanding the provisions of paragraph (d), the Administration may in its discretion permit the shipper to detain such vehicle for a period in excess of the applicable period hereinbefore mentioned, in which event the shipper shall be liable to pay, in respect of such excess period, such charges as are prescribed in the *Official Railway Tariff Book* for the detention of the Administration's cartage vehicles.

SHIPPING AND COLLECTING ORDERS.

135. Shipping and collecting orders for goods intended for shipment must be delivered to the Administration at the appointed place not later than the time fixed for the purpose at the harbour in question.

ACCEPTANCE OF SHIPPING OR COLLECTING ORDERS.

136. (1) The handing in of a shipping or collecting order will be treated by the Administration as a notification that the consignments are in readiness for collection, and if cartage vehicles supplied pursuant to such orders should return without loads, a charge will be made against the shippers for every vehicle so returned as if the collection had been actually completed.

(2) Cartage vehicles will not be supplied by the Administration for the collection of goods for shipment, unless orders on the prescribed form, and accompanied by ship's order showing the time up to which goods will be received on board, have been delivered to the Administration. Wagon notes on the authorised form must accompany each load.

(3) Except by special arrangement, cargo for shipment will not be accepted by the Administration more than seventy-two hours prior to the appointed time of sailing of the ship.

(4) The Administration may withhold delivery of cargo which has been shut out from shipment through no fault on its part, until all charges in respect of extra handling, cartage and storage have been paid by the shipper. Pending such payment, the cargo shall be considered to be held at the sole risk and expense of the shipper.

RECEIPTS FOR SHIPMENT CARGO.

137. (a) Subject to the provisions of paragraph (b) of this regulation, the Administration's cartage drivers shall give the consignor a receipt for the number of packages loaded on to the cartage vehicle, but such receipt shall not be deemed to contain or imply any admission by the Administration as to the condition of such packages.

(b) Notwithstanding anything contained in paragraph (a) of this regulation the Administration's cartage drivers are not authorised and shall not be required to give receipts for goods loaded on to trailers where such goods are sheeted or so numerous or of such a nature that they cannot readily be counted by the cartage driver without causing delay. Receipts for such goods shall be granted by the Administration after examination of the goods at the harbour.

LIABILITY IN RESPECT OF CARGO FOR SHIPMENT.

138. The Administration will not be liable for any delay in shipment or for non-shipment of goods due to the failure of shippers to comply with the regulations or conditions applicable to the shipment of such goods at any harbour.

LUGGAGE.

CLEARING AND DELIVERY OF LUGGAGE.

139. The right of clearing and delivering luggage from and to ships in a harbour when not effected by a passenger personally, is reserved to the Administration or to such persons as the Administration may specially appoint or licence for the purpose.

LIABILITY OF THE ADMINISTRATION FOR LOSS OF OR DAMAGE TO LUGGAGE.

140. The Administration will not be liable for any damage to or loss of luggage unless such luggage has been delivered to a servant of the Administration appointed for the purpose either on board the ship or on the wharf, jetty or quay. In cases where the keys of luggage are not handed over to such a servant, the Administration will be responsible for the number of packages received but not for the contents. In cases where the keys are so handed over, the Administration will be liable for the contents, but not in excess of an amount of R10.00, in respect of any one package, unless the value in excess of R10.00 is specially declared in writing at the time the package is handed over to such a servant.

INSURANCE AND WAREHOUSING OF LUGGAGE.

141. The Administration will insure or warehouse luggage when instructed to do so by the owner.

GENERAL.

DIVERS.

142. No divers except those in the Administration's employ shall work within a harbour without the permission in writing of the port captain.

NO STONES, BALLAST, ETC., TO BE DEPOSITED.

143. No person shall throw or deposit or allow to be thrown or deposited into the water or on the beach or foreshore within any harbour stones, gravel, ballast, carcasses, cargo, dirt, ashes, bottles, baskets, rubbish, objectionable or malodorous matter, or any other article or material which is liable to cause an obstruction, danger or nuisance, without the prior consent of the Administration.

CLOSING ROADS, WHARVES, ETC.

144. The Administration may, whenever it considers it desirable to do so, close to the public any portion of any land or premises under its control within the limits of a harbour, or may prohibit or restrict the use thereof or access thereto by the public save on such conditions (including the production of written authority issued by or on behalf of the Administration) or the payment of such charges as the Administration may in its discretion determine.

VEHICLES NOT TO BE LEFT WITHIN HARBOUR.

145. No vehicle may be left within a harbour except with the permission of the port goods superintendent and subject to such conditions as he may impose.

VEHICLES TO BE MOVED.

146. The person in charge of a vehicle within the harbour area shall move his vehicle when required to do so by an authorised servant of the Administration.

VEHICLES FOR HIRE TO BE LICENSED.

147. At any harbour at which the Administration in its sole discretion may consider it advisable to do so, it may on application and subject to such conditions as it may impose, grant written permission to the owner, driver or person in charge of any passenger road vehicle to enter the harbour area for the purpose of plying for hire. The granting or refusal of such permission shall be entirely in the discretion of the Administration and any such permission already granted may be withdrawn without assignment of reasons.

STANDS—PASSENGER VEHICLES FOR HIRE.

148. The owner, driver or person in charge of a passenger road vehicle who has obtained the Administration's written permission in terms of regulation No. 147 to ply for hire within a harbour area shall not park his vehicle elsewhere than in a rank at any place duly allocated for the purpose by the Administration. The number of vehicles which may be parked at any place allocated for the purpose shall not exceed that fixed from time to time by the Administration.

FARES—PASSENGER VEHICLES.

149. No owner, driver or person in charge of a road vehicle conveying passengers or luggage, or both, within any harbour shall demand from any person more than the fare or charge fixed by the municipal or other competent authority.

TOUTING FOR VEHICLES.

150. No person, whether or not he has been granted permission to enter a harbour, shall within any harbour area tout for custom in respect of any vehicle, and no person shall drive or permit any vehicle to be driven within any harbour in search of employment. The owner, driver or person in charge of a vehicle who has obtained written permission from the Administration to ply for hire, shall park his vehicle at a place duly allocated for the purpose and there await employment.

DRIVING OF VEHICLE WITHIN A HARBOUR AREA.

151. (1) No person shall—

- (a) drive any vehicle within a harbour area at a speed exceeding twenty miles per hour, or, if a lower speed than twenty miles per hour is indicated by notices or signs as the maximum speed at which vehicles may be driven on any particular road or thoroughfare within such area, drive any vehicle upon such road or thoroughfare at a speed exceeding the maximum speed so indicated;
- (b) drive any vehicle within a harbour area—
 - (i) whilst under the influence of intoxicating liquor or narcotic drugs; or
 - (ii) in a dangerous, reckless or negligent manner.

(2) The driver or person in charge of any vehicle or any animal within a harbour area shall observe and comply with all directions indicated by notices or signs displayed thereon, and shall obey all directions bearing upon the regulation and control of traffic which may be conveyed to him by any authorised servant of the Administration.

(3) The driver or person in charge of any animal or animal-drawn vehicle shall not leave such animal or vehicle unattended within a harbour area.

ORDERS TO BE OBEYED.

152. Every person, when in or upon any premises of the Administration, whether employed thereon or therein or not, shall obey the orders of any authorised servant of the Administration and shall immediately leave such premises if ordered to do so by such authorised servant. For the purposes of this regulation "premises" means any wharf, open land, building, structure or appliance used in connection with the working of a harbour.

ENTERING OR LEAVING HARBOURS.

153. No person shall enter or leave a harbour except through the entrances or exits provided for the purpose, and whilst within the harbour area all persons shall be subject to the harbour regulations and the reasonable directions of the port goods superintendent, the port captain or other duly authorised servant of the Administration.

UNDESIRABLE PERSONS.

VAGRANTS.

154. Any person found on the Administration's premises at a harbour who appears to a member of any Police Force or an official of the Administration on duty, to be a vagrant, idler or other suspicious person, may be ordered to leave the harbour area, and if he refuses or fails to do so immediately or if, having left the harbour in compliance with such order, he is thereafter again found on the Administration's premises at the harbour without lawful excuse, the proof whereof shall rest upon him, he shall be guilty of an offence under these regulations.

TRESPASSERS.

155. No person shall without the authority of the Administration—

- (a) enter or remain upon any portion of a harbour closed to the public, or on any work under construction or on any portion of a harbour which is under repair, or in or on any specially prohibited place within a harbour;
- (b) climb upon any cargo, goods, building, crane or any other structure or appliance within a harbour.

156. No person shall without the authority of the Administration cut or remove any timber, wood vegetation or growth from any land or remove any sand, stone, ballast or shingle from within a harbour.

PORTERS.

157. The Administration may, upon application and subject to such conditions (including the payment of charges) as it may deem fit, licence hotel and boarding-house porters or any other person to enter a harbour area for the purpose of meeting or accompanying passengers on their arrival or departure, and assisting such passengers with their luggage. No person who is not so licensed shall within any harbour area act as a porter, or solicit or intercept any person for the purpose of obtaining employment as a porter, without the authority of the Administration.

ADVERTISING.

158. No person shall exhibit or cause to be exhibited any advertisement, placard, notice or sign on any land, building or structure under the control of the Administration, or distribute or cause to be distributed any literature within a harbour area without the authority of the Administration and no person shall deface, damage or cause to be defaced or damaged any such advertisement, placard, notice or sign within any harbour area.

FIRES.

159. No person shall boil or heat pitch, tar, resin, turpentine, oil or other flammable matter on shore within a harbour, or light any fire upon any wharf, jetty or quay or at any other place where the lighting of such fires is specially prohibited by notice, except with the written permission of the Administration and then only subject to such conditions as it may impose.

SMOKING.

160. No person shall smoke or have in his possession any lighted pipe, cigar or cigarette in any shed, warehouse or store or within five feet of the open door of any shed, warehouse or store, or within any area set apart by the Administration for the handling, stowage or storage of goods or cargo, or within any area where smoking is prohibited by notice.

FISHING.

161. No person shall fish within a harbour unless he is in possession of a fishing permit issued by the Administration (for which a charge may be made) and then only at such places and subject to such conditions as are specified in the permit.

BATHING.

162. No person shall bathe within a harbour except at places indicated by notice boards, where bathing is authorised by the Administration, or at recognised bathing beaches under the control of a local authority.

No person shall bathe at any place so authorised unless wearing a bathing costume which conforms to accepted standards of decency; provided that nothing in this regulation contained shall be deemed to prohibit the wearing of a bathing costume which conforms to the requirements laid down in the by-laws of any local authority at the port concerned or which, in the case of a male persons, is of the type commonly known as trunks.

BURIALS.

163. No dead bodies of any kind shall be buried within a harbour.

DOGS AND WILD ANIMALS.

164. All dogs, reptiles or wild animals found at large on the Administration's premises in a harbour may be destroyed. Those on board any ship shall be properly secured by the master.

NUISANCES AND OBSTRUCTIONS.

165. No person within any harbour shall—

- (1) give a false name or address to a servant of the Administration on duty for the purpose of avoiding prosecution;
- (2) be in a state of intoxication, or behave in a violent or offensive manner, to the annoyance of others;
- (3) do anything wilfull or negligently which may cause injury to persons or damage to property;
- (4) commit any nuisance or act of indecency or use profane, obscene, indecent, abusive or improper language;
- (5) write, draw, or affix any profane, obscene, indecent or abusive word, matter, representation or character upon any premises or property of the Administration;
- (6) remove any notice-board or document set up or posted by order of the Administration or deface the writing on any board or any notice duly authorised to be so exhibited;
- (7) obstruct or do anything likely to obstruct the free use of any wharf, jetty, quay or foreshore or the approaches thereto;
- (8) interfere with or hinder any servant of the Administration in the execution of his duty.

LICENCES OR PERMITS TO BE PRODUCED.

166. Licences or permits issued by the Administration for any purpose must be produced on demand to any duly authorised servant of the Administration.

CERTAIN REGULATIONS NOT TO APPLY AT CERTAIN HARBOURS.

167. The regulations relating to the landing, shipping, transshipping, delivery and collection of goods and matters incidental thereto, shall apply only at those harbours where such work is performed by the Administration.

FLAMMABLE LIQUIDS—HANDLING OF.

PART A.

168. In addition to any other regulations which may be applicable the following provisions shall apply at the harbours to ships conveying or discharging flammable liquids in bulk:—

- (1) For the purpose of this Part of this regulation—
 - (i) "cargo deck" shall mean the deck of the tank ship on which openings to oil tanks are situated;
 - (ii) "flame screen" shall mean a screen constructed of copper or brass wire gauge not less than 28 S.W.G. and having not less than 28 meshes to the linear inch;
 - (iii) "flammable liquid" shall mean any liquid which gives off a vapour which has a true flash point of less than 150° F;
 - (iv) "flammable liquid in bulk" shall mean any flammable liquid conveyed otherwise than in portable containers;
 - (v) "flash point" shall mean the flash point of a vapour as determined by the Abel or Pensky-Martens closed cup tester;
 - (vi) "gas free certificate" shall mean a certificate given by a Government certified chemist, in respect of any tank, pipeline, compartment or space or other part of a ship which

has been carrying oil or other flammable liquid or cargo, that he has carried out a test in an adequate and suitable manner and that—

- (a) the gas content of the atmosphere is 0.1 per cent or less by volume calculated as pentane and;
 - (b) the residues, in the judgment of the certifying analyst, are not capable of producing dangerous gases under atmospheric conditions or in the presence of fire;
- (vii) "oil tank" shall mean any hold, tank, compartment, pipeline, whether ashore or afloat, or space of any ship, which contains or has contained any flammable liquid in bulk, or any sludge, deposit or residue therefrom;
 - (viii) "owner" shall mean the master of the tank ship or the owner of the flammable liquid, as the case may require;
 - (ix) "prohibited area" shall mean any area adjacent to a tank ship which has been demarcated as a prohibited area by means of a fence or barricade or notice boards, and shall include all the water surfaces within 100 feet of the tank ship.
 - (x) "tank ship" shall mean a ship which is conveying or has conveyed flammable liquid in bulk which is not in possession of a current gas free certificate in respect of its entire cargo space (excluding bunker oil tanks);
 - (xi) "vapour pressure" shall mean the vapour pressure at 100° F as determined by the Reid method;
 - (xii) "weather decks" shall mean all decks exposed to the weather, including the cargo deck, bridge, forecastle and upper decks.
- (2) Every tank ship must be in possession of a valid survey certificate issued by a Government, or by a recognised classification society, for the carriage of any flammable liquid with a flash point below 150° F. The Administration may refuse to allow any ship which is not in possession of such a certificate to handle flammable liquid in any harbour in the Republic or South West Africa.
 - (3) Immediately upon arrival at a harbour within the Republic or South West Africa of any ship having on board any flammable liquid in containers, the master shall furnish particulars thereof, including quantities, flash point and (where applicable) vapour pressure, in writing to the port captain or his deputy and to the port goods superintendent or his deputy, and whenever practicable this information shall be furnished by the ship's agent or the consignee of the cargo, prior to the ship's arrival at the port of discharge.
 - (4) The master of every such ship shall, while the ship is within the limits of the harbour, conspicuously display by day a red burgee (International code flag "B"), or, alternatively a red square flag with a white circle in the centre, and by night a red light at the masthead or at some other point where it can best be seen, but not less than 20 feet above the deck, in addition to any navigation lights which may be required by applicable rules or regulations.
 - (5) Before any tank ship shall enter a harbour, all her oil tanks shall be securely and safely closed, and all such oil tanks shall remain safely and securely closed during such time as the ship is in the harbour except where otherwise provided in this regulation.

Ullage hole plugs may be removed or sighting ports opened for the purpose of taking dips, ullages, samples or temperatures, and where necessary for sighting during cargo handling or ballasting. Such openings shall be securely closed immediately the above-mentioned purpose has been served, except that the ullage hole plugs or sighting ports of the particular oil tanks from which cargo is being discharged, may be left open provided they are adequately protected by flame screens. During loading or ballasting operations the gases displaced shall as far as possible be vented up the mast.

When an ullage hole or sighting port is situated in an enclosed space, such hole or port shall not be opened except momentarily by a qualified chemist for the purpose of determining whether or not the tank is gas free.

- (6) The master shall take adequate steps to prevent any person under his control from smoking on board a tank ship whilst loading or ballasting or from smoking on the weather decks

whilst a tank ship is in the harbour, and to prevent the use or carrying of naked lights, fuses, matches, or any other means of producing ignition by any person on a tank ship except in those places set aside for smoking under this regulation. The port goods superintendent or his deputy shall similarly ensure that the provisions of this regulation are observed within the prohibited area at all times.

- (7) The master shall be responsible for the cost of such special watchmen, safety measures and supervision as may have to be provided, taken or exercised pursuant to these regulations or by direction of the port captain or the port goods superintendent or both.
- (8) (a) Every tank ship whilst in harbour shall have a competent watchkeeping officer on duty on deck and in the engine room.
(b) The master of every tank ship shall cause a telephone, connected direct to the central exchange, to be provided on his ship whilst in a harbour to permit of immediate communication with the port captain, the port goods superintendent or the municipal fire brigade in the event of an emergency.
- (9) Whenever the port captain considers it necessary or desirable to do so, he may order the removal of a tank ship with flammable liquids on board, from the berth at which she is lying, and the master shall be responsible for the charges incurred in connection with such removal.
- (10) Flammable liquids in bulk shall be handled only at the places specially provided for the purpose at the several harbours, as directed by the port goods superintendent, and only after his permission has been obtained.
- (11) Immediately after all flammable liquids have been removed from each oil-tank, such oil-tank shall be securely closed.
- (12) No flammable liquid of any description and no water which is contaminated with oil or flammable liquid, shall be discharged or allowed to escape into a harbour. If flammable liquid or contaminated water is discharged or allowed to escape into a harbour from a tank ship, pipeline, bulk storage or other installation, the owner shall be liable for any costs which may be incurred by the Administration in removing such liquid or water.
- (13) No flammable liquid shall be discharged between the hours of sunset and sunrise without the permission in writing of the port goods superintendent.
- (14) When once the discharge of flammable liquids has commenced, such discharge shall be proceeded with, with due diligence. Should it be impracticable to complete the discharge of the flammable liquids before sunset on any day, and permission to discharge after sunset has not been obtained in terms of paragraph (13) of this Part, all oil tanks shall be securely closed down immediately the discharge is discontinued and all the precautionary measures that would have had to be taken if bulk had not been broken, shall thereupon be put into effect.
If, during discharge after sunset anything occurs which necessitates the carrying out of repairs to the plant, pipes or connections, or which interferes in any way with the uninterrupted discharge of the flammable liquids, discharge shall be discontinued until after sunrise, unless adequate lighting is provided to the satisfaction of the port captain.
- (15) From the time when the oil tanks of any tank ship are first opened for the purpose of handling flammable liquids in the process of discharging, loading, ballasting or transfer of cargo within the ship, and during one hour after all the tanks are securely closed and sealed after completion of the above-mentioned operations, the following provisions shall apply:—
 - (a) If the ship is fitted with masthead venting, the vent shall be open.
 - (b) Smoking shall not be permitted except in the accommodation and then only at the discretion and on the responsibility of the master.
 - (c) Galleys may be used, but if they are used, no sparks shall be permitted to escape from the funnel.
 - (d) Ship's electrical installations shall not be used unless they comply fully with classification society's rules.

(e) No person on board the ship shall be in possession of matches or a cigarette lighter in any place other than one where smoking is permitted in accordance with subparagraph (b) of this paragraph.

(16) The handling of ship's stores and equipment shall be completed before any oil tank on the tank ship is opened for any purpose whatsoever; provided that consumable stores for consumption on the voyage may be loaded during cargo handling operations on condition that they are carried aboard by hand or are placed aboard on the after poop deck away from the discharge and loading manifolds.

The handling of all package cargo shall be completed before any oil tank on the tank ship is opened for any purpose whatsoever. Before any cargo is removed from or loaded into any dry hold such dry cargo hold shall be certified "gas free".

(17) No work of any description that may cause sparks shall be performed on a tank ship or within the prohibited area except with the written permission of the port captain.

Ferrous tools shall not be used on the cargo deck or in the pump room of a tank ship, or within the prohibited area.

(18) (1) All flexible hose used in cargo handling operation shall be tested as often as may be necessary to ensure that any incipient defect is detected timeously:—

(a) New flexible hose, before being placed into use, shall be subjected to a maximum working pressure test, and the exact length of the hose before, during and after the test shall be measured and any set or stretch thereof recorded. Whilst in service the length of the hoses shall be checked from time to time to ensure that the permanent set does not exceed 7 per cent of the original lengths, and no hose of which the permanent set exceeds this limit shall be retained in use.

(b) The Administration may, whenever it considers it desirable, require any flexible hose to be subjected to a test of half-hour duration at a pressure 25 per cent in excess of the normal working pressure or 125 lb. per sq. inch, whichever is the greater.

(2) Sufficient flexible hose shall be used to provide for all possible movement of the ship whilst moored. All connections shall be properly and tightly made, with oil-tight gaskets and a minimum of three bolts per connection; in the event of any section of flexible hose showing signs of bulging or of percolation, the section in question shall be replaced immediately; the cargo hose shall be supported by a derrick and raised above deck or wharf level by means of chocks or other suitable means with all due provision made to prevent chafing; drip pans shall be placed under each joint where practicable, and the flexible hose and drip pans shall be kept under constant supervision at all times while pumping is in progress.

(19) A tank ship shall not lie within 100 feet of any other ship except by express direction of the port captain; provided that in the case of transshipment this paragraph may be departed from on the written authority of the port captain if it is impracticable to place the tank ships at separate berths.

(20) (a) (i) A ship which is conveying or has conveyed flammable liquids shall not enter a drydock nor shall any major repairs be carried out on such a ship while it is in a harbour unless a gas free certificate for the ship has been issued, and then only after permission has been obtained from the port captain and under such conditions as he may prescribe.

(ii) The port captain or the port goods superintendent may direct that a fresh gas free certificate issued by a Government-certified chemist shall be obtained daily before work is commenced, and if during the course

- of the work any risk of flammable vapour arises, work shall be suspended until a further gas free certificate has been obtained.
- (iii) The port captain may insist upon the production of a gas free certificate in any circumstances in which he deems such a certificate to be necessary.
- (b) Minor repairs may be carried out on board a tank ship at the discretion of the port captain, subject to the following conditions:—
- (i) A gas free certificate shall be obtained daily in respect of the tank, compartment or hold concerned and for each adjoining tank, compartment or hold.
 - (ii) A notice board shall be prominently displayed on each tank hatch on the cargo deck indicating the condition of that tank, i.e. "danger" or "gas free" as the case may be. Similar notice boards shall be displayed at the entrance to any hold or compartment affected. Such notice boards shall not be of smaller dimensions than 24" × 15" and the size of each letter shall not be less than 6" × 3". "Danger" notice boards shall have white letters on a red background and "Gas Free" notice boards shall have black letters on a white background.
 - (iii) If the port captain so directs, any electrical equipment required to carry out repairs shall be examined and approved by a technical officer of the Administration before it is used.
 - (iv) Nothing in the foregoing provisions of this paragraph contained shall be deemed to prohibit the carrying out of repairs in the engine room, subject to the prior approval of the port captain.
- (21) Until any tank, compartment or hold has been certified gas free, no person shall—
- (a) take into any oil tank, compartment or hold, any naked light, fire, hot rivet or anything which could cause ignition, or bring any such object or thing as aforementioned within such close proximity to any such oil tank, compartment or hold as to constitute a hazard;
 - (b) enter such tank, compartment or hold unless he is provided with a suitable breathing apparatus consisting of a helmet or face piece with necessary connections by means of which he can breathe outside air, or with an approved self-contained breathing apparatus and unless he is wearing a safety belt connected to a life line, which life line shall be tended at deck level by two men.
- (22) No portable lamp other than a self-contained battery-fed lamp of a type approved by a competent recognised Testing Authority for use in explosive petroleum atmospheres or a gas detecting lamp similarly approved, shall be used within any prohibited area or on a cargo deck or in any oil tank, hold or compartment immediately adjacent to and below the top of the oil tanks in any tank ship.
- (23) Boots or shoes shod or strengthened with iron shall not be worn in the prohibited area or on iron or steel surfaces on board a vessel carrying flammable cargo.
- (24) The right of any person to enter, remain in, or leave a prohibited area at a tankship berth shall be subject to the production of a permit issued by the Administration, and in addition to the discretion of the Administration's uniformed personnel on duty.
- (25) When cargo is being handled or ballast taken on board, all cargo deck doors and ports as well as all upper deck doors facing the cargo deck shall be kept closed, and such doors may only be opened for purpose of entry and exit where this is essential to the working of the ship.
- (26) No tank ship shall gas free in any harbour; provided that in the case of an emergency the port captain may give written authority for gas freeing to be done in harbour subject to such conditions as he may impose.
- (27) Except with the port captain's permission, the main engines, steering engine or deck machinery of a tank ship shall not be immobilised.

- (28) All moorings of a tank ship shall be capable of being readily cut or clipped in an emergency from both ship and shore. Wire towing pendants shall be made fast to bits and ranged out through bow, stern and midship fairleads on a tank ship's offshore side, convenient to tugs, and these wires shall be rigged at all times while a tank ship is in a harbour.
- (29) A static earth cable shall be provided at each tanker berth for connecting ship's standpipe electrically to the shore standpipe and earth. A suitable flame proof switch shall be installed at the shore end, and a notice board shall be provided adjacent to the switch describing the method of operation in the following words:—
- “(a) When connecting cargo hoses—
- (i) See that switch is open.
 - (ii) Connect static earth cable to ship ensuring good contact.
 - (iii) Close switch.
 - (iv) Connect cargo hose.
- (b) When disconnecting cargo hose—
- (i) Disconnect and remove cargo hose from ship.
 - (ii) Open switch.
 - (iii) Remove static earth cable from ship.”

(30) (a) Ship's manifold valves and shore pipeline valves shall be kept closed until—

 - (i) static bonding connection has been made;
 - (ii) hose connection has been made;
 - (iii) ship's cargo valves have been set and outlet valves checked;
 - (vi) all safety precautions have been complied with;
 - (v) the permission of the port goods superintendent's representative to commence pumping has been obtained.

(b) As soon as pumping has commenced, and again when full pressure has been reached, the ship's officer on duty must ensure that no oil or ballast is being discharged into the sea.

(c) Should there be any spillage of flammable liquid, apart from minor drip leakage, or should anything occur which necessitates repair to the plant, pipes, pumps or connections, or which might endanger the ship or wharf, the port goods superintendent's representative shall immediately—

 - (i) order pumping to be stopped in which event pumping shall not be resumed without the permission of the port captain and the port goods superintendent;
 - (ii) notify the port captain and the port goods superintendent;
 - (iii) ensure that all possible safety precautions are taken.

(d) Pumping of flammable liquids and ballasting shall cease upon the order of the port goods superintendent's representative—

 - (i) when such order is given in terms of any other provision of this regulation;
 - (ii) during the failure of lighting either on the cargo deck or on the wharf;
 - (iii) at the close approach of and during an electrical storm;
 - (iv) in the event of any undue concentration of vapour being detected in the accommodation or the engine room or pumproom;
 - (v) in the event of any condition being observed which in the opinion of the said representative is not conducive to the safe working of the ship.

(e) Immediately upon cessation of pumping in any oil tank, such shall be securely closed.

(31) Prior to the commencement of cargo handling operations the master shall ensure that all sea valves and overhead discharges in the pump rooms and cofferdams are securely closed, except for such sea valves as it may become necessary to open for the purpose of flushing shore lines with water, and all such valves and discharges shall remain lashed closed during discharging or loading operations. In addition, all scuppers must be

effectively plugged. In order to minimise the risk of spills the pressure during pumping shall be increased gradually, and all flexible pipe joints shall be carefully examined during this period.

- (32) Before ballasting is commenced the port goods superintendent's representative must be advised so as to enable him to arrange for the attendance of police and fire-fighting personnel.
- (33) A tank ship shall at all times when berthed in a harbour be provided with a second gangway in addition to that required by regulation No. 48 of these regulations, so positioned as to give the best practicable alternative means of access in the event of an emergency.
- (34) For the purpose of any provision of this Part which requires a gas free certificate to be obtained, such certificate shall not be deemed to have been issued until both the master and the port captain are in possession of duplicate originals signed by the issuing analyst. Every gas free certificate shall be posted as soon as possible in a conspicuous place on board the ship where it can easily be read by all persons concerned.
- (35) The master shall afford every facility to the port captain or the port goods superintendent or their representatives to enable such officials to ascertain whether these regulations and any special instructions are duly observed.
- (36) Notwithstanding anything in this Part contained, the port captain or the port goods superintendent may, whenever he considers it necessary or desirable under particular circumstances to do so, order that any additional safety measures, not specifically provided for elsewhere in this Part, be taken with respect to any operation or matter affecting a ship conveying or discharging flammable liquids in bulk, and every such order shall be complied with by the person to whom it is addressed.

PART B.

In addition to any other regulations which may be applicable, the following provisions shall apply at the harbours to ships conveying or discharging flammable liquids in portable containers in quantities exceeding 2,000 gallons per shipment:—

(1) For the purpose of this Part of this regulation—

- (i) "empty container" shall mean a container which has contained flammable liquid having a flash point below 150° F;
- (ii) "flammable liquid" shall mean any liquid, conveyed in portable containers, which gives off a vapour which has a true flash point of less than 150° F;
- (iii) "flash point" shall mean the flash point of a vapour as determined by the Abel or Pensky-Martens closed cup tester;
- (iv) "gas free certificate" shall mean a certificate given by a Government certified chemist, in respect of any tank, pipeline, compartment or space, or other part of a ship which has been carrying oil or other flammable liquid as cargo, that he has carried out a test in an adequate and suitable manner, and that—
 - (a) the gas content of the atmosphere is 0.1 per cent or less by volume calculated as pentane; and
 - (b) the residues, in the judgment of the certifying analyst, are not capable of producing dangerous gases under atmospheric conditions or in the presence of fire.
- (v) "prohibited area" shall mean that area on the wharf adjacent to a ship conveying, discharging or loading flammable liquids in portable containers, which has been demarcated as a prohibited area by means of a fence or barricade or ropes or notice boards, and shall include the railway vehicle into or out of which the cargo is being loaded.

(2) During loading and discharging operations the wharf area shall be barricaded off and one or more notice boards bearing the words "NO SMOKING" and one or more notice boards bearing the words "PROHIBITED AREA" in conspicuous characters, shall be prominently displayed. At least one fireman shall be in attendance and the prohibited area shall be patrolled by one or more members of the Administration's police personnel.

- (3) Flammable liquids and empty containers shall be loaded direct into railway trucks or from the trucks into the ship. Where, in the opinion of the port goods superintendent, this is not practicable, such liquids or containers must be stacked in an open space and sheeted and all protective measures prescribed in connection with loading and unloading shall *mutatis mutandis* be observed. In particular the boundaries of the prohibited area shall at no point be less than 50 feet from the outside of the stack.
- (4) A flammable gas intensity detector shall be provided and retained in the custody of the fireman, who shall, prior to the handling of cargo and at half-hourly intervals during handling, conduct tests in the hold of the ship to establish whether any dangerous concentration of gas exists. In the event of a dangerous concentration of gas being detected, all operations shall cease and the hold shall be ventilated. Normal operations may not be recommenced without the authority of the port captain or the port goods superintendent.
- (5) Flammable liquids and empty containers shall not be handled between the hours of sunset and sunrise except by special permission of the port goods superintendent and subject to adequate lighting to his satisfaction being available.
- (6) The handling of flammable liquids and empty containers during electrical storms is prohibited.
- (7) Flammable liquids in containers shall not be discharged or loaded unless such containers are staunch and free from leakage and of such strength and construction as not to be liable to be broken or to leak, except in consequence of gross carelessness or extraordinary accidents; provided that any damaged containers may be discharged with the approval of the port goods superintendent and subject to such conditions as he may impose.
- (8) No quantity of flammable liquids in excess of 5,000 gallons shall be stacked within the harbour except with the permission of the port goods superintendent and subject to such conditions as he may impose.
- (9) No repair work within the hold, or on adjacent decks, or within adjacent compartments, shall be carried out except with the written permission of the port captain and subject to such conditions as he may impose.
- (10) (a) When flammable liquids in transit are stowed in a hold which is not opened, or stored on deck, such precautionary measures shall be taken as may be required by the port captain.
 (b) If flammable liquids in transit are stowed in a hold which is being worked for other cargo, no person shall smoke or carry out any repair work in such hold, and a fireman, equipped with a gas detector, shall be in attendance while the hold is being worked.
 (c) The working of ships carrying flammable liquids in transit shall not be permitted between the hours of sunset and sunrise unless adequate lighting to the satisfaction of the port goods superintendent is available.

PART C.

(1) Notwithstanding anything contained in Parts A and B of this regulation, the port captain may and is hereby authorised to order such further precautions and to take such emergency measures as he may deem necessary for the safety of the harbour and of the ships therein, and for the preservation of life and property, including the removal of a ship on fire from the aid of the shore fire-fighting organisation or the removal of a ship to sea.

(2) Any person who contravenes any provision of this regulation which affects him, or who disobeys or fails to comply with any order or direction or requirement lawfully given or addressed to him or imposed in terms of any provision of this regulation by the port captain or the port goods superintendent or the authorized representative of either of those officers, shall be guilty of an offence and liable on conviction to the penalties hereinafter prescribed. The master of a ship shall be responsible vicariously for any such contravention, disobedience or failure to comply on the part of any person over whom he has control.

OIL SITES IN HARBOUR AREAS.

169. The "Instructions Governing the lease of Oil Sites" issued by the Administration shall apply to all oil sites situate within any harbour area.

FISHING HARBOUR—TABLE BAY DOCKS.

170. In addition to any other regulations which may be applicable the following provisions shall apply at the fishing harbour, Table Bay Docks.

- (1) In this regulation the term "fishing harbour" shall mean that portion of Table Bay Harbour known as the Alfred Basin, together with the fish quay between the Clock Tower jetty and the Collier jetty including all the quays and wharves in this area, the adjacent water areas and on the landward side such area as is demarcated by notice boards.
- (2) The owner or other person in charge of any small craft, other than those licensed at Table Bay Harbour in terms of these harbour regulations, making use of the fishing harbour, shall give the port captain notice in writing of arrival as soon as possible thereafter, and shall furnish that officer with such further information as he may require.
- (3) No small craft shall be used for the conveyance of passengers to and from the fishing harbour unless prior permission has been obtained from the port captain.
- (4) The sale of fish or other articles brought into the fishing harbour shall be conducted in accordance with the directions of the port goods superintendent and shall be subject to the payment of such charges as may be fixed from time to time by the Administration.
- (5) The cleaning and gutting of fish and the tailing and worming of crawfish in accordance with this regulation shall be carried out only in the building or buildings provided for that purpose. Any person using such building(s) shall pay such charges as may be fixed from time to time by the Administration.
- (6) All fish heads, livers, intestines, crawfish bodies and other fish offal of a like nature, as also any waste matter or other refuse, shall be deposited in the receptacles provided for that purpose and shall not be removed from the cleaning shed without permission of the port goods superintendent or other duly authorised officer.
- (7) The Administration may recover from the owner the cost of removing or destroying any fish or other article lawfully seized or ordered for destruction by any competent authority, and the Administration shall not be liable for any loss which the owner of any such article may sustain as a result of such removal or destruction.
- (8) All fish or other articles shall be removed from two quays or jetties in clean and suitable vehicles and such fees as may be fixed from time to time by the Administration, shall be payable in respect of such removal.
- (9) There shall be paid in respect of all vehicles transporting fish and other articles to and from the fishing harbour admission charges at such rates as may be fixed by the Administration from time to time.
- (10) No person shall trade within the fishing harbour without the permission of the Administration.
- (11) No fish purchased within the fishing harbour shall be removed from the harbour until such fish have been cleaned and gutted in the building or buildings provided for such purpose and the charges fixed in respect of the use of such facilities have been paid to the Administration.
- (12) A person may be refused admission to the fishing harbour if, in the reasonable opinion of a member of the Railways and Harbours Police Force or other responsible servant, his presence there would be detrimental to the health or safety of persons employed there or to the maintenance of good order therein.
- (13) No person shall engage in the cleaning and gutting of fish, the tailing and worming of crawfish, the packing or salting of fish or in any other activity which involves the handling of fish unless such person, if a female, is wearing a clean white coat or gown and a cap or, if a male, is wearing a clean overall. The Administration may refuse to permit any person to be employed within the fishing harbour if such person is not clad in the manner required by this paragraph.

- (14) No tenant or other person shall keep or store explosives, petrol, paraffin, power paraffin, diesel oil or any other material of a flammable nature in any building, store or yard within the fishing harbour; provided that this paragraph shall not apply to any building or store which has been specially erected for such purpose by the Administration.

PENALTY FOR BREACH OF REGULATIONS.

171. Any person who contravenes or fails to comply with any of the foregoing regulations or any other harbour regulations that may hereafter be made under section *three* of the Act, or who is guilty of any other act or omission which is specifically declared to amount to a breach of, or an offence under, any such regulation as aforementioned, shall be liable on conviction (save where some other penalty is expressly prescribed) to a fine not exceeding one hundred rand or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

REMISSION OF REVENUE.

172. Where the Administration is satisfied, in any particular case, that special circumstances exist which warrant the remission, wholly or in part, of any wharfage dues, light dues or other harbour dues and charges leviable by the Administration and prescribed under the authority of the Act or these regulations, or the modification or extension of any particular period laid down in connection with such dues and charges or as part of the conditions under which they become leviable, it may grant such remission or modify or extend any such period; provided that the authority of the General Manager or other authorised servant to exercise on behalf of the Administration the powers conferred by this regulation shall be limited to a remission of charges or a modification or extension of periods which does not involve a remission of revenue exceeding one thousand rand in any one case.

CONTINUATION OF EXISTING LICENCES, ETC.

173. Any licence issued, authority or permission granted, order or direction given, or any other action lawfully taken under any regulation hereby repealed shall be deemed to have been issued, granted, give or taken under the corresponding provision of these regulations.

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