



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 373. 13 Maart 1974.

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

No. 24 van 1974: Wysigingswet op Handelskeepvaart, 1974.

No. 373. 13 March 1974.

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

No. 24 of 1974: Merchant Shipping Amendment Act, 1974.

WET

Tot wysiging van die bepalings van die Handelskeepvaartwet, 1951, met betrekking tot woordomskrywings; die klas skip waarop medisyne verskaf en aangehou moet word; die misbruik van noodseine; die bevoegdhede van 'n hof van marine-onderzoek en van 'n seehof om die indiensneming van 'n gesagvoerder of 'n skeepsoffisier in sekere hoedanighede te verbied; en die bevoegdheid van die Minister om regulasies uit te vaardig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Maart 1974.)

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

Wysiging van artikel 2 van Wet 57 van 1951, soos gewysig deur artikel 3 van Wet 30 van 1959, artikel 31 van Wet 69 van 1962, artikel 1 van Wet 40 van 1963, artikel 1 van Wet 13 van 1965 en artikel 1 van Wet 42 van 1969.

1. Artikel 2 van die Handelskeepvaartwet, 1951 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in subartikel (1) na die omskrywing van „doeane-beampte” die volgende omskrywing in te voeg:
„eerste beampte” die beampte wat in bevel is van die kantoor van die Marine-afdeling van die Departement van Vervoer by 'n hawe;” en
- (b) deur in daardie subartikel in die omskrywing van „bevoegde beampte” die woorde wat paragraaf (a) voorafgaan en daardie paragraaf deur die volgende woorde en paragraaf te vervang:
„bevoegde beampte” die beampte wat deur die Sekretaris aangewys is as die bevoegde beampte by die plek of ten opsigte van die gebied en ten opsigte van die saak waarna verwys word in die bepaling in hierdie Wet waarin die uitdrukking voorkom; of as geen sodanige aanwysing gemaak is nie—
- (a) by 'n plek in die Republiek, 'n eerste beampte of, waar daar geen eerste beampte is nie, die Kontroleur van Doeane en Aksyns; of”.

Vervanging van artikel 167 van Wet 57 van 1951.

2. Artikel 167 van die Hoofwet word hierby deur die volgende artikel vervang:

„Medisyne word op sekere skepe verskaf en aangehou. **167.** Die eenaar en gesagvoerder van 'n Suid-Afrikaanse skip van 'n voorgeskrewe klas dra sorg dat daar 'n toereikende voorraad, volgens die voorgeskrewe skale, skeurbuikwerende middels en medisyne en toerusting vir die behandeling en voorkoming van siektes en ongelukke wat op see vermag kan word en die voorgeskrewe noodhulp-toerusting aan boord van daardie skip is.”.

ACT

To amend the provisions of the Merchant Shipping Act, 1951, relating to definitions; the class of ships on which medicines are to be provided and kept; the misuse of signals of distress; the powers of a court of marine enquiry and of a maritime court to prohibit the employment of a master or a ship's officer in certain capacities; and the power of the Minister to make regulations; and to provide for incidental matters.

(*Afrikaans text signed by the State President.*)
(Assented to 1 March 1974.)

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

1. Section 2 of the Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion in subsection (1) after the definition of "prescribed" of the following definition:
"principal officer" means the officer in charge of the office of the Marine Division of the Department of Transport at a port;" and
- (b) by the substitution in the definition of "proper officer" in that subsection for the words preceding paragraph (a) and for that paragraph of the following words and paragraph:
"proper officer" means the officer designated by the Secretary to be the proper officer at the place or in respect of the area and in respect of the matter to which reference is made in the provision of this Act in which the expression occurs; or if no such designation has been made—
- (a) at a place in the Republic, a principal officer or, where there is no principal officer, the Controller of Customs and Excise; or"
- Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959, section 31 of Act 69 of 1962, section 1 of Act 40 of 1963, section 1 of Act 13 of 1965 and section 1 of Act 42 of 1969.

2. The following section is hereby substituted for section 167 of the principal Act:
- Substitution of section 167 of Act 57 of 1951.

"Medicines to be provided and kept on board certain ships.

167. The owner and master of a South African ship of any prescribed class shall ensure that there is on board that ship an adequate supply, according to the prescribed scales, of antiscorbutics and medicines and appliances for the treatment and prevention of diseases and accidents likely to occur at sea and of the prescribed first-aid equipment."

Wet No. 24, 1974

WYSIGINGSWET OP HANDELSKEEPVAART, 1974.

Wysiging van
artikel 232 van
Wet 57 van 1951.

3. Artikel 232 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Geen gesagvoerder van 'n vaartuig wat in die Republiek geregistreer of gelisensieer is of wat ingevolge hierdie Wet aldus geregistreer of gelisensieer moet wees, mag binne of buite die Republiek, en geen gesagvoerder van enige ander vaartuig mag binne die Republiek of binne die Republiek se territoriale waters, die volgende seine gebruik of vertoon of iemand onder sy gesag hulle laat gebruik of vertoon nie, en niemand mag bedoelde seine gebruik of vertoon op 'n plek op land in die Republiek vanwaar hulle van die see gesien kan word nie, d.w.s.—

(a) 'n sein wat by regulasie tot 'n noodsein verklaar is, behalwe in die omstandighede en vir die doel wat voorgeskryf is; of

(b) 'n private sein, geregistreer of nie, wat waarskynlik vir enige sodanige noodsein aangesien sou kan word.”.

Wysiging van
artikel 269 van
Wet 57 van 1951,
soos vervang deur
artikel 23 van
Wet 42 van 1969.

4. Artikel 269 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) As 'n hof van marine-ondersoek bevind dat 'n gesagvoerder of skeepsoffisier onbevoeg is of hom skuldig gemaak het aan 'n daad van wangedrag, of dat die verlies, verlating of stranding van of ernstige skade aan 'n skip, of lewensverlies of ernstige besering van 'n persoon veroorsaak is deur die wederregtelike daad of versuim van 'n gesagvoerder of skeepsoffisier, kan die hof, behoudens die bepalings van artikel 283, die bekwaamheid- of dienssertifikaat van die gesagvoerder of skeepsoffisier kanselleer of vir 'n bepaalde tydperk opskort of, hetsy die gesagvoerder of skeepsoffisier 'n bekwaamheid- of dienssertifikaat besit al dan nie, sy indiensneming in 'n bepaalde hoedanigheid in 'n skip vir 'n bepaalde tydperk verbied of hom berispe.”.

Wysiging van
artikel 273 van
Wet 57 van 1951,
soos gewysig deur
artikel 34 van
Wet 30 van 1959
en artikel 24 van
Wet 42 van 1969.

5. Artikel 273 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) as die hof dit eens is dat 'n gesagvoerder of skeepsoffisier van 'n Suid-Afrikaanse skip onbevoeg is of hom skuldig gemaak het aan 'n daad van wangedrag, of dat die verlies, verlating of stranding van of ernstige skade aan 'n skip of lewensverlies of ernstige besering van 'n persoon veroorsaak is deur die wederregtelike daad of versuim van 'n gesagvoerder of skeepsoffisier van 'n Suid-Afrikaanse skip, die bekwaamheid- of dienssertifikaat van daardie gesagvoerder of skeepsoffisier vir 'n bepaalde tydperk opskort of, hetsy die gesagvoerder of skeepsoffisier 'n bekwaamheid- of dienssertifikaat besit al dan nie, sy indiensneming in 'n bepaalde hoedanigheid in 'n skip vir 'n bepaalde tydperk verbied of hom berispe.”.

Wysiging van
artikel 356 van
Wet 57 van 1951,
soos gewysig deur
artikel 42 van
Wet 30 van 1959
en artikel 59 van
Wet 40 van 1963.

6. Artikel 356 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord „en” aan die einde van paragraaf (xxxviii) te skrap; en

(b) deur in daardie subartikel paragraaf (xxxix) deur die volgende paragrawe te vervang:

„(xxxix) wat die klas van klasse skepe voorskryf waarop voorrade skeurbuikwerende middels, medisyne en toerusting vir die behandeling en voorkoming van siektes en ongelukke wat op see verwag kan word en noodhulptoerusting moet wees, onderworpe aan die vrystellings, beperkings en wysigings wat voorgeskryf word;

MERCHANT SHIPPING AMENDMENT ACT, 1974.

Act No. 24, 1974

3. Section 232 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 232 of Act 57 of 1951.

“(1) The master of a vessel which is registered or licensed in the Republic or which in terms of this Act is required to be so registered or licensed shall not, within or outside the Republic, and the master of any other vessel shall not, within the Republic or the territorial waters thereof, use or display or cause or permit any person under his authority to use or display, and no person shall use or display at a place on land within the Republic from which it can be seen from the sea—

- (a) any signal which by regulation is declared to be a signal of distress, except in the circumstances and for the purpose prescribed; or
- (b) any private signal, whether registered or not, which is likely to be mistaken for any such signal of distress.”.

4. Section 269 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 269 of Act 57 of 1951, as substituted by section 23 of Act 42 of 1969.

“(1) If a court of marine enquiry finds that any master or ship's officer is incompetent or has been guilty of any act of misconduct, or that loss, abandonment or stranding of or serious damage to any ship or loss of life or serious injury to any person has been caused by the wrongful act or default of any master or ship's officer, it may, subject to the provisions of section 283, cancel the certificate of competency or service of the master or ship's officer or suspend it for a stated period or, whether or not the master or ship's officer holds a certificate of competency or service, prohibit his employment in any stated capacity in a ship for a stated period or reprimand him.”.

5. Section 273 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 273 of Act 57 of 1951, as amended by section 34 of Act 30 of 1959 and section 24 of Act 42 of 1969.

- “(b) if unanimous that any master or ship's officer of a South African ship is incompetent or has been guilty of any act of misconduct, or that loss, abandonment or stranding of or serious damage to any ship or loss of life or serious injury to any person has been caused by the wrongful act or default of any master or ship's officer of a South African ship, suspend the certificate of competency or service of that master or ship's officer for a stated period, or, whether or not the master or ship's officer holds a certificate of competency or service, prohibit his employment in any stated capacity in a ship for a stated period or reprimand him.”.

6. Section 356 of the principal Act is hereby amended— Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of 1959 and section 59 of Act 40 of 1963.

- (a) by the deletion in subsection (1) of the word “and” at the end of paragraph (xxxviii); and
- (b) by the substitution in that subsection for paragraph (xxxix) of the following paragraphs:

“(xxxix) prescribing the class or classes of ships on which supplies of antiscorbutics, medicines and appliances for the treatment and prevention of diseases and accidents likely to occur at sea and of first-aid equipment are to be carried, subject to such exemptions, restrictions or modifications as may be prescribed;

Wet No. 24, 1974

WYSIGINGSWET OP HANDELSKEEPVAART, 1974.

- (xl) wat die skale voorskryf waarvolgens voorrade skeurbuikwerende middels, medisyne en toerusting vir die behandeling en voorkoming van siektes en ongelukke wat op see verag kan word en noodhulptoerusting op 'n skip van 'n voorgeskrewe klas moet wees, onderworpe aan die vrystellings en ekwivalente wat voorgeskryf word;
- (xli) wat die noodhulptoerusting voorskryf wat op 'n skip van 'n voorgeskrewe klas moet wees, onderworpe aan die vrystellings en ekwivalente wat voorgeskryf word;
- (xlii) wat die ander sake voorskryf wat nodig of nuttig is om voorgeskryf te word vir die uitvoering van die doeleindes van hierdie Wet."

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Handelskeepvaart, 1974.

MERCHANT SHIPPING AMENDMENT ACT, 1974.

Act No. 24, 1974

- (xl) prescribing scales according to which supplies of antiscorbutics, medicines and appliances for the treatment and prevention of diseases and accidents likely to occur at sea and of first-aid equipment are to be carried on board a ship of a prescribed class, subject to such exemptions and equivalents as may be prescribed;
- (xli) prescribing the first-aid equipment to be carried on board a ship of a prescribed class, subject to such exemptions and equivalents as may be prescribed;
- (xlii) prescribing such other matters as are necessary or useful to be prescribed for carrying out the purposes of this Act."

7. This Act shall be called the Merchant Shipping Amend- Short title.
ment Act, 1974.

