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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 764

5 August 2005

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE LAUNDRY, CLEANING AND DYEING INDUSTRY (NATAL): EXTENSION OF AMENDMENT OF COLLECTIVE AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Natal), and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 15 August 2005 and for the period ending 28 February 2006.

M. M. S. MDLADLANA
Minister of Labour

No. R. 764

5 Augustus 2005

WET OP ABEIDSVARHOUDINGE, 1995

BEDINGINGSRAAD VIR DIE WASSERY-, DROOGSKOONMAAK- EN KLEURNYWERHEID (NATAL): UITBREIDING VAN WYSIGINGS VAN HOOF KOLLEKTIEWE OOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Ooreenkoms wat in die Engelse Bylae hiervan verskyn, en wat in die Bedingingsraad vir die Wassery-, Droogskoonmaak- en Kleurnywerheid (Natal) aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Wysigingsooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 15 Augustus 2005 en vir die tydperk wat op 28 Februarie 2006 eindig.

M. M. S. MDLADLANA
Minister van Arbeid

SCHEDULE

BARGAINING COUNCIL FOR THE LAUNDRY, CLEANING AND DYEING INDUSTRY (NATAL) AMENDING COLLECTIVE AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

Natal Laundry, Cleaners' and Dyers' Association

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

Southern African Clothing and Textile Workers' Union

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Natal), to amend the Collective Agreement published under Government Notice No. 556 of 30 April 1999, as amended and renewed by Government Notices Nos. R. 70 of 26 January 2001, R. 1014 of 12 October 2001, R. 358 of 22 March 2002, R. 213 of 14 February 2003, R. 1046 of 25 July 2003, R. 1084 of 17 September 2004 and R. 764 of 5 August 2005.

PART A

1. SCOPE OF APPLICATION OF AGREEMENT

1.1 The terms of this Agreement shall be observed in the Laundry, Cleaning and Dyeing Industry (Natal)—

- (a) by all employers and all employees who are the members of the parties to this Agreement;
- (b) in the Magisterial Districts of Durban, Chatsworth, Pinetown and Inanda, excluding the areas falling outside a radius of 24,14 km of the General Post Office, Durban.

1.2 The terms of this Agreement do not apply to non-parties in respect of clause 1.1 (a) and 2.

1.3 Notwithstanding the provisions of clause 1, the terms of this Agreement shall apply only in respect of employees for whom wages are prescribed in any agreement of the Council which is binding in terms of section 32 of the Act.

2. PERIOD OF OPERATION

2.1 The Agreement commences—

- (a) in respect of the parties to this Agreement, on the date of signature;
- (b) in respect of non-parties 10 days after the date of publication by the Minister in the *Government Gazette*.

2.2 This Agreement remains in existence until 28 February 2006.

3. ANNEXURE B: SCHEDULE OF PAYMENTS

Replace the EXISTING with the following:

“ANNEXURE B: SCHEDULE OF PAYMENTS

1. COUNCIL LEVIES (clause 32)

For the purpose of Council Levies, every employer must on each pay day deduct from the wages of each employee the amount of R1,00 (one rand), to which amount the employer must add the equal amount of R1,00, in respect of clause 32.

2. PROVIDENT FUND (clause 22)

For the purposes of contributing to the Provident Fund, in terms of clause 22, every employer must on each pay day deduct from the wages of each employee the amount of R27,50 (twenty-seven rand and fifty cents), to which amount the employer must add the equal amount of R27,50.

3. MEDICAL ASSISTANCE FUND (clause 23)

For the purposes of providing for medical assistance in terms of clause 23, each employer must deduct half of the monthly subscription, and the employer must contribute the other half of the monthly subscription. The monthly subscription is R117,00 per month or R13,50 per week from each party.

4. ANNUAL BONUS (clause 4)

The parties have agreed that the Annual Bonus shall be increased to 1½ weeks' basic wage.

The Annual Bonus shall be paid as follows:

- (a) One week's wages payable by no later than 20 DECEMBER of each year;
- (b) the balance of half a week's wages is payable by no later than the last pay day in MARCH.

5. NIGHT SHIFT ALLOWANCE

An employer must pay a night shift allowance to each employee who works a shift, or part of a shift, between 18h00 to 06h00. The night shift allowance is calculated at 10% of the basic hourly rate for hours worked on night shift.

6. HIV/AIDS AWARENESS

In the interests of the industry and the economy, training on HIV/AIDS awareness will continue to be given to all employees by a shop steward or other nominated employee, on the understanding that this training will not disrupt the normal flow of work. The employers have agreed that they will contribute 10c/week/employee to the SACTWU AIDS PROJECT. The amount so agreed will be accumulated on a monthly basis, and submitted to the Bargaining Council as part of the employers' monthly return.

7. FAMILY RESPONSIBILITY LEAVE

Family Responsibility Leave shall be increased to four paid days in the period:

With effect from the coming into operation of this agreement to 28 February 2006; and to vyf days in the period 1 March 2006 to 28 February 2007.

COMPLIANCE / ENFORCEMENT LEVY

Each and every employer in the industry must pay an amount of R40,00 (forty rand) per month in respect of funds needed to pursue compliance/enforcement in the industry.”

4. WAGE SCHEDULE

Substitute the following for the existing wage schedule:

Each worker in the industry shall receive not less than, and shall not accept less than the minimum wages listed below. The new minimum is based on an increase of 6% of the previous rate:

Grade	Current hourly	Increase	With effect from the coming into operation of this Agreement WEEKLY	Hourly	1½ X
A1 Commercial eg: Labourer eg: Finishing hand eg: Marker eg: Van assistant	R10,27	63c/h	R479,60	R10,90	R16,35
A2 Commercial eg: Watchman eg: Sorter eg: Plain sewer eg: Checker/packer	R10,38	63c/h	R484,44	R11,01	R16,51
A3 Commercial eg: Dry cleaner operator	R10,48	63c/h	R488,84	R11,11	R16,66
B1 Commercial eg: Machine operator eg: Depot supervisor eg: Van driver (08) eg: Invisible mender	R10,60	65c/h	R495,00	R11,25	R16,85
B2 Commercial eg: Boiler operator eg: Spotter (C/C) eg: Truck driver (10) eg: Quality controller	R11,32	68c/h	R528,00	R12,00	R18,00
B3 Commercial eg: Supervisor	R11,90	70c/h	R554,40	R12,60	R18,90

4. (a) LAUNDROMATS

Laundromats may obtain further exemption from the above wage rates ONLY if the owner/proprietor makes a personal application for this exemption at the Council offices.

Such an exemption may be granted if—

- (1) the establishment cleans domestic laundry;
- (2) the establishment remains "site bound"; and
- (3) it employs four or less employees.

Signed for and behalf of the parties this first day of March 2005.

J. B. CONNOLLY

NLCDEA

A. D. KRIEL

SACTWU

A. T. PARKINSON

SECRETARY

No. R. 765**5 August 2005****LABOUR RELATIONS ACT, 1995****BARGAINING COUNCIL FOR THE LAUNDRY, CLEANING AND DYEING INDUSTRY (NATAL):
RENEWAL OF PERIOD OF OPERATION OF MAIN COLLECTIVE AGREEMENT**

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 556 of 30 April 1999, R. 70 of 26 January 2001, R. 1014 of 12 October 2001, R. 213 of 14 February 2003, R. 1046 of 25 July 2003 and R. 1084 of 17 September 2004, to be effective from the date of publication of this notice and for the period ending 28 February 2006.

T. MKALIPI**Executive Manager: Collective Bargaining**

No. R. 765**5 Augustus 2005****WET OP ARBEIDSVERHOUDINGE, 1995****BEDINGINGSRAAD VIR DIE WAS-, SKOONMAAK- EN KLEURBEDRYF (NATAL): HERNUWING VAN
TYDPERK VAN HOOF KOLLEKTIEWE OOREENKOMS**

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuurder: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32 (6) (a) (ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermentskennisgewing Nos. R. 556 van 30 April 1999, R. 70 van 26 Januarie 2001, R. 1014 van 12 Oktober 2001, R. 213 van 14 Februarie 2003, R. 1046 van 25 Julie 2003 en R. 1084 van 17 September 2004, van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 28 Februarie 2006 eindig.

T. MKALIPI**Uitvoerende Bestuurder: Kollektiewe Bedinging**

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 769

5 August 2005

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1288)**

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**J MOLEKETI
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the deletion of subheadings 8427.20.10 and 8427.20.20:

Heading	Subheading	C D	Article description	Statistical Unit	Rate of duty		
					General	EU	SADC
84.27	8427.20.10	0	-- Of a mass not exceeding 6 000 kg	u	free	free	free
84.27	8427.20.20	8	-- Of a mass exceeding 6 000 kg	u	15%	13,2%	free

By the substitution for subheading 8427.20 of the following:

Heading	Subheading	C D	Article description	Statistical Unit	Rate of duty		
					General	EU	SADC
84.27	8427.20		- Other self-propelled trucks:				
84.27	8427.20.30	5	-- Reach stackers of the boom type for container handling of a mass not exceeding 6 000 kg	u	15%	free	free
84.27	8427.20.40	2	-- Other fork-lift trucks of a mass not exceeding 10 000 kg	u	free	free	free
84.27	8427.20.50	6	-- Other fork-lift trucks of a mass exceeding 10 000 kg	u	15%	13,2%	free
84.27	8427.20.90	9	-- Other	u	free	free	free

No. R. 769

5 Augustus 2005

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1288)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

J MOLEKETI
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur subposte 8427.20.10 en 8427.20.20 te skrap:

Pos	Subpos	T S	Artikel beskrywing	Statistiese Eenheid	Skaal van reg		
					Algemeen	EU	SAOG
84.27	8427.20.10	0	-- Met 'n massa van hoogstens 6 000 kg	e	vry	vry	vry
84.27	8427.20.20	8	-- Met 'n massa van meer as 6 000 kg	e	15%	13,2%	vry

Deur subpos 8427.20 deur die volgende te vervang:

Pos	Subpos	T S	Artikel beskrywing	Statistiese Eenheid	Skaal van reg		
					Algemeen	EU	SAOG
84.27	8427.20		- Ander selfaangedrewe trokke:				
84.27	8427.20.30	5	-- Reikstapelaars van die boomtipe vir houer hantering met 'n massa van hoogstens 6 000 kg	e	15%	vry	vry
84.27	8427.20.40	2	-- Ander virkheftrokke met 'n massa van hoogstens 10 000 kg	e	vry	vry	vry
84.27	8427.20.50	6	-- Ander virkheftrokke met 'n massa van meer as 10 000 kg	e	15%	13,2%	vry
84.27	8427.20.90	9	-- Ander	e	vry	vry	vry

No. R. 770

5 August 2005

CORRECTION NOTICE

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF SCHEDULE NO. 2 (NO. 2/264)**

Government Notice No. R. 1337 of 12 November 2004 published in Government Gazette No. 26993 is hereby amended by the deletion of the reference to rebate item "460.11" under the heading "Rebate Items" where it appears opposite tariff headings 5512.21/03.06; 5512.29/03.06; 5515.29/03.06; 5515.91/03.06; 5801.34/03.06; 5801.35/03.06; 6001.10/03.06; 6001.22/03.06 and 6001.92/03.06 to anti-dumping item 211.06, **with retrospective effect to 25 June 2004.**

**J MOLEKETI
DEPUTY MINISTER OF FINANCE**

No. R. 770

5 Augustus 2005

VERBETERINGSKENNISGEWING

**DOEANE- EN AKSYNSWET, 1964
WYSIGING VAN BYLAE NO.2 (NO. 2/264)**

Goewermentskennisgewing No. R. 1337 van 12 November 2004 wat in Staatskoerant No. 26993 gepubliseer is word hiermee gewysig deur die skraping van die melding van korting item "460.11" onder die uitdrukking "Kortingitems" waar dit teenoor tariefposte 5512.21/03.06; 5512.29/03.06; 5515.29/03.06; 5515.91/03.06; 5801.34/03.06; 5801.35/03.06; 6001.10/03.06; 6001.22/03.06 en 6001.92/03.06, verskyn by anti-dumpingitem 211.06, **met terugwerkende krag tot 25 Junie 2004..**

**J MOLEKETI
ADJUNKMINISTER VAN FINANSIES**

No. R. 771

5 August 2005

CORRECTION NOTICE

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF SCHEDULE NO. 2 (NO. 2/265)**

Government Notice No. R. 1326 of 10 November 2004 published in Government Gazette No. 26980 is hereby amended by the deletion of the reference to rebate item "460.11" under the heading "Rebate Items" where it appears opposite tariff headings 5512.21/01.06 and 02.06; 5512.29/01.06 and 02.06; 5515.29/01.06 and 02.06; 5515.91/01.06 and 02.06; 5801.34/01.06 and 02.06; 5801.35/01.06 and 02.06; 6001.10/01.06 and 02.06; 6001.22/01.06 and 02.06 and 6001.92/01.06 and 02.06 to anti-dumping item 211.06, with retrospective effect to 10 November 2004.

**J MOLEKETI
DEPUTY MINISTER OF FINANCE**

No. R. 771

5 Augustus 2005

VERBETERINGSKENNISGEWING

**DOEANE- EN AKSYNSWET, 1964
WYSIGING VAN BYLAE NO. 2 (NO. 2/265)**

Goewermentskennisgewing No. R. 1326 van 10 November 2004 wat in Staatskoerant No. 26980 gepubliseer is word hiermee gewysig deur die skraping van die melding van korting item "460.11" onder die uitdrukking "Kortingitems" waar dit teenoor tariefposte 5512.21/01.06 en 02.06; 5512.29/01.06 en 02.06; 5515.29/01.06 en 02.06; 5515.91/01.06 en 02.06; 5801.34/01.06 en 02.06; 5801.35/01.06 en 02.06; 6001.10/01.06 en 02.06; 6001.22/01.06 en 02.06 en 6001.92/01.06 en 02.06, verskyn by anti-dumpingitem 211.06, met terugwerkende krag tot 10 November 2004.

**J MOLEKETI
ADJUNKMINISTER VAN FINANSIES**

AMENDMENT OF SCHEDULE NO. 3 (NO. 3/589)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J MOLEKETI
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the insertion before tariff heading 3926.90 to rebate item 315.07 and after rebate code 01.00 to tariff heading 00.00 to rebate item 316.01 of the following:

Rebate Item	Tariff Heading	Rebate Code	C D	Description	Extent of Rebate
315.07	00.00	01.00	04	Goods of any description (excluding heaters (space heating apparatus) whether or not assembled of subheading 7321.8 and wire grids of subheading 7321.90), for the manufacture of gas heaters	Full duty
316.01	00.00	02.00	05	Goods of any description (excluding heaters (space heating apparatus) whether or not assembled of subheading 8516.2 and wire grids of subheading 7321.90), for the manufacture of electric space heating apparatus	Full duty

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NR. 3 (NO. 3/589)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by bogenoemde Wet hiermee gewysig, in die mate in die Bylae hierby aangetoon.

J MOLEKETI
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die invoeging voor tariefpos 3926.90 by kortingitem 315.07 en na kortingkode 01.00 by tariefpos 00.00 by kortingitem 316.01 van die volgende:

Kortingitem	Tariefpos	Kortingkode	T S	Beskrywing	Mate van Korting
315.07	00.00	01.00	04	Goedere van enige beskrywing (uitgesonderd verwarmers (ruimte verwarmingsapparate) hetsy aanmeaargesit al dan nie van subpos 7321.8 en draadroosters van subpos 7321.90), vir die vervaardiging van gasverwarmers	Volle reg
316.01	00.00	02.00	05	Goedere van enige beskrywing (uitgesonderd verwarmers (ruimte verwarmingsapparate) hetsy aanmeaargesit al dan nie van subpos 8516.2 en draadroosters van subpos 7321.90), vir die vervaardiging van elektriese ruimte verwarmingsapparate	Volle reg

No. R. 773**5 August 2005**

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 3 (NO. 3/590)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**J MOLEKETI
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the substitution for Notes 3(a)(i) and 3(b) to Schedule No. 3 of the following:

NOTES:

3.

- (a) The following expressions shall, for the purposes of the Column headed "Extent of Rebate" of this Schedule, be construed as specified hereunder.
- (i) "Full duty" relates to a rebate to the extent of the customs duty specified in and payable under any column in any tariff heading or subheading in Part 1 of Schedule No. 1 in respect of any goods;
- (b) Any customs duty in respect of any goods referred to in paragraph (a) shall include, in each case, any customs duty specified in and payable under any tariff item in Part 2 of Schedule No. 1 in respect of such goods and shall relate to the customs duty specified in Schedule No. 1 in respect of such goods at the time of entry for home consumption thereof.

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NR. 3 (NO. 3/590)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

J MOLEKETI
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur Opmerkings 3(a)(i) en 3(b) in Bylae No. 3 deur die volgende te vervang:

OPMERKINGS:

- 3.
- (a) Die volgende uitdrukkings word, by die toepassing van die Kolom genaamd "Mate van Korting" van hierdie Bylae, uitgelê soos hieronder vermeld:
 - (i) "Volle reg" het betrekking op 'n korting in die mate van die doeanereg vermeld in en betaalbaar volgens enige Kolom in enige tariefpos of subpos in Deel 1 van Bylae No. 1 ten opsigte van enige goedere.
 - (b) Enige doeanereg ten opsigte van enige in paragraaf (a) bedoelde goedere sluit, in elke geval, enige doeanereg vermeld in en betaalbaar volgens enige tariefitem of subitem in Deel 2 van Bylae No. 1 ten opsigte van sodanige goedere in, en het betrekking op die doeanereg wat in Bylae No. 1 ten opsigte van sodanige goedere ten tyde van klaring vir binnelandse verbruik daarvan vermeld word.

No. R. 774

5 August 2005

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 4 (NO. 4/293)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**J MOLEKETI
DEPUTY MINISTER OF FINANCE**

SCHEDULE

By the substitution for Note 1 to Schedule No. 4 of the following:

NOTES:

1. The goods specified in the Column headed "Description" of this Schedule shall, subject to the provisions of Section 75, be admitted under rebate of the customs duty specified in Parts 1 and 2 and the fuel levy in Part 5 of Schedule No. 1 in respect of such goods at the time of entry for home consumption thereof, to the extent stated in the Column headed "Extent of Rebate" of this Schedule in respect of those goods.

No. R. 774

5 Augustus 2005

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NR. 4 (NO. 4/293)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

**J MOLEKETI
ADJUNKMINISTER VAN FINANSIES**

BYLAE

Deur Opmerking 1 by Bylae No. 4 deur die volgende te vervang:

OPMERKINGS:

1. Die goedere wat in die Kolom genaamd "Beskrywing" van hierdie Bylae vermeld word, behoudens die bepalinge van artikel 75, met korting op die doeanereg in Deel 1 en 2 en die brandstofheffing in Deel 5 van Bylae No. 1 ten opsigte van sodanige goedere ten tyde van klaring vir binnelandse verbruik daarvan vermeld, toegelaat in die mate in die Kolom genaamd "Mate van Korting" van hierdie Bylae ten opsigte van daardie goedere aangetoon.

**DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID**

No. R. 779

5 August 2005

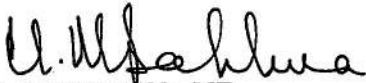
**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH
AFRICA**

I, Mandisi Mpahlwa, in my capacity as Minister of Trade and Industry, acting under the powers vested in me by Section 6 of the International Trade Administration Act (Act 71 of 2002) hereby amend Government Notice No 3 of 2 January 2004 by-

the addition of the following paragraphs after paragraph (o)

“(p) goods imported in terms of rebate item 412.03 of Schedule 4 to the Customs and Excise Act, 91 of 1964”

“(q) goods imported in terms of rebate item 412.04 of Schedule 4 to the Customs and Excise Act, 91 of 1964”



**M. MPAHLWA, MP.
Minister of Trade and Industry.**

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER**

No. R. 777

5 August 2005

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951)

COURTS OF MARINE ENQUIRY (AMENDMENT) REGULATIONS, 2005

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations in the Schedule.

SCHEDULE**Title and commencement**

1. These regulations are called the Courts of Marine Enquiry (Amendment) Regulations, 2005, and come into operation upon publication in the *Gazette*.

Interpretation

2. In these regulations "the Regulations" means the Courts of Marine Enquiry Regulations, 1961, published by Government Notice No. R. 1067 of 24 November 1961, as amended by Government Notices Nos. R. 1419 of 11 September 1964, R. 3055 of 8 August 1969, R. 215 of 16 February 1973, R. 1287 of 20 June 1980, R. 2584 of 23 December 1988, R. 1713 of 19 December 1997, and R. 241 of 26 February 1999.

Insertion of regulation 2A in Regulations

3. The following regulation is inserted in the Regulations after regulation 2:

"Powers and duties of Director-General

2A. All powers conferred and all duties imposed upon the Director-General in terms of these regulations may be exercised or performed by the Director-General personally or by an officer under the control or direction of the Director-General."

Amendment of regulation 3 of Regulations

4. Regulation 3 of the Regulations is amended by the substitution for the expression "Authority", wherever it occurs, of the expression "Director-General".

Amendment of regulation 5 of Regulations

5. Regulation 5 of the Regulations is amended by the substitution for the expression "Authority", wherever it occurs, of the expression "Director-General".

Amendment of regulation 7 of Regulations

6. Regulation 7 of the Regulations is amended by the substitution in paragraph (2) for the expression "Authority" of the expression "Director-General".

Amendment of regulation 8 of Regulations

7. Regulation 8 of the Regulations is amended by the substitution in paragraph (1) for the expression "Authority" of the expression "Director-General".

Amendment of regulation 9 of Regulations

8. Regulation 9 of the Regulations is amended by the substitution in subparagraph (a) of paragraph (2) for the expression "Authority" of the expression "Director-General".

Amendment of regulation 10 of Regulations

9. Regulation 10 of the Regulations is amended by the substitution in paragraph (2) for the expression "Authority" of the expression "Director-General".

Amendment of regulation 12 of Regulations

10. Regulation 12 of the Regulations is amended by the substitution in paragraph (2) for the expression "Authority" of the expression "Director-General".

Amendment of regulation 13 of Regulations

11. Regulation 13 of the Regulations is amended by the substitution for paragraphs (1) and (2) of the following paragraphs, respectively:

"(1) After the Court has been opened, and before any evidence is given, the Director-General shall state in open court the questions in reference to the allegation or event upon which the finding of the Court is required. In formulating the questions for the finding of the Court, the Director-General may make such modifications in, additions to or omissions from the questions set forth in the letter referred to in regulation 5, as amended in terms of that regulation, as, having regard to the information then known to him, he may think fit.

(2) The Director-General may at any stage of the investigation, with the approval of the presiding officer, make such further modifications in, additions to or omissions from any of the questions so formulated as, having regard to any evidence which may have been given, he may think fit."

Amendment of regulation 15 of Regulations

12. Regulation 15 of the Regulations is amended by the substitution for the expression "Authority", wherever it occurs, of the expression "Director-General".

Amendment of regulation 17 of Regulations

13. Regulation 17 of the Regulations is amended by the substitution in paragraph (1) for the expression "Authority", wherever it occurs, of the expression "Director-General".

Amendment of regulation 20 of Regulations

14. Regulation 20 of the Regulations is amended by the substitution for paragraphs (4), (5), (6) and (7) of the following paragraphs, respectively:

"(4) The Director-General may cause such minutes to be recorded by mechanical or other suitable means either *verbatim* or in narrative form.

(5) Any party shall be entitled to a transcript of any such record certified as correct by the transcriber on payment of a fee to be fixed by the Director-General, having regard to the costs to the Director-General of such transcript.

(6) In the event of an appeal being noted and set down for hearing such record shall, so far as relevant to the appeal, be transcribed and certified on oath by the transcriber as a true record of the proceedings and such transcript shall thereafter form part of the record.

(7) Any party may apply to the presiding officer to correct any errors in the record. Such application shall be made not later than seven days after the decision of the Court has been declared: Provided that if the application is for a correction of any errors in the record made under paragraph (4) the transcript of which has not been completed before the decision of the Court is declared, it shall be made not later than seven days after the transcript has been completed. Upon being satisfied that reasonable notice of the application has been given by the applicant to every other interested party, the presiding officer may, after consideration of any representations that may be made to him by any such party, and, if he thinks it necessary, after consultation with one or more of the other members of the Court, correct any such errors."

Amendment of regulation 21 of Regulations

15. Regulation 21 of the Regulations is amended by the addition of the following paragraph:

"(3) The Authority shall, within seven days of receipt thereof by it, cause to be transmitted to the Director-General for safe-keeping the record of proceedings, including the notes of evidence, the decisions, the report by the presiding officer and any reasons or other documents transmitted to it in terms of section 286 of the Act."

Substitution of regulation 22 of Regulations

16. The following regulation is substituted for regulation 22 of the Regulations:

"Appeal to High Court

22. (1) Any person aggrieved by a decision of a Court of Marine Enquiry who contemplates appealing to a High Court under section 292 of the Act may apply to the Director-General for a copy of the report transmitted to him in terms of regulation 21(3). Such application shall be made in writing, shall state an address to which the report may be posted or the name of the person to whom it may be delivered and shall be delivered at the office of the Director-General or posted so as to reach the Director-General not later than fourteen days after the delivery of the decision of the Court at the conclusion of the investigation. The Director-General shall cause a copy of the report to be posted to the applicant at the address stated or to be delivered to the person named, upon payment by the applicant of a fee calculated at R1,10 per A4 page, but subject to a minimum fee of R35.

(2) An appeal may be noted by any person other than the Director-General within thirty days after the posting to him or the delivery to the person named of the copy of the report, and by the Director-General within thirty days after the receipt by him of the report transmitted in terms of regulation 21(3).

(3) An appeal shall be noted by the service upon the Director-General and every other person who was a party to the proceedings of a notice of appeal and, unless the High Court to which appeal is made otherwise directs, by giving security to the satisfaction of the Registrar of that Court for the respondent's costs of appeal to the amount of R10 000: Provided that no security shall be required from the State or the Authority.

(4) A notice of appeal shall state—

- (a) the High Court to which the appeal is noted;
- (b) whether the whole or part only of the decision is appealed against, and if part only, then what part; and
- (c) the grounds of appeal, specifying the findings of fact or rulings of law appealed against.

(5) Whenever an appeal has been noted, the Director-General shall forthwith transmit a copy of the notice of appeal to the person who was the presiding officer of the Court, who shall, within seven days of the receipt thereof by him, transmit to the Director-General a statement, in writing, showing (so far as may be necessary having regard to any written decision already delivered by him or by the Court and to the report referred to in regulation 21)—

- (i) the facts the Court found to be proved;
- (ii) the grounds upon which the Court arrived at any finding of fact specified in the notice of appeal as appealed against; and
- (iii) his reasons for any ruling of law so specified as appealed against.

The statement shall become part of the record.

(6) Any party may apply to the Director-General for a copy of the statement referred to in paragraph (5). The application shall be made in writing, shall state an address to which the statement may be posted or the name of the person to whom it

may be delivered, and shall be accompanied by a fee of R35. The Director-General shall cause a copy of the statement to be posted to the applicant at the address stated or to be delivered to the person named.

(7) The Director-General shall, within seven days after he receives notice that the appeal has been set down for hearing, cause to be transmitted to the Registrar of the High Court the record of the proceedings before the Court of Marine Enquiry, including the notes of evidence, the decisions, the report by the presiding officer and any reasons and other documents transmitted to the Director-General in terms of regulation 21(3), and the statement referred to in paragraph (5).

(8) Subject to the provisions of this regulation, an appeal shall be prosecuted within the period and in accordance with the practice and rules which apply in the High Court to which appeal is made in respect of appeals in civil cases from Magistrates' Courts, and if the appeal is to a Local Division of the High Court which has no jurisdiction to hear appeals in civil cases from the Magistrates' Courts, the appeal shall be prosecuted within the period and in accordance with the practice and rules which apply in respect of such appeals in the Provincial Division of the Province within which that Local Division exercises jurisdiction, and in default of such prosecution, the appeal shall be deemed to have lapsed, unless that High Court shall see fit to make an order to the contrary.

(9) The judgment of the High Court to which appeal is made may be enforced as if it had been given in the Court appealed from."

Amendment of regulation 23 of English text of Regulations

17. Regulation 23 of the English text of the Regulations is amended by the substitution for the expression "Marine Court" of the expression "Maritime Court".

Substitution of Annexes A, B and C to Regulations

18. Annexes A, B and C to these regulations are substituted for Annexes A, B and C, respectively, to the Regulations.

ANNEX A
(Regulation 6)

ALLOWANCES TOWARDS SUBSISTENCE AND TRANSPORT PAYABLE TO MEMBERS OF COURTS OF MARINE ENQUIRY

1. A member shall receive an allowance for every day on which he attends an investigation in respect of expenditure necessarily and actually incurred in respect of meals, liquid refreshments, accommodation, bedding and laundry and ironing but excluding alcoholic beverages and dry-cleaning—

- (i) when he is not absent from his usual place of residence or employment overnight: R80 per day or part of a day calculated from midnight to midnight; and
- (ii) when he is absent from his usual place of residence or employment overnight: R550 per day or part of a day calculated from midnight to midnight: Provided that if this allowance is insufficient the actual expenditure may be refunded to the member plus an amount of R50 per day to cover additional expenditure.

2. In addition to the allowance payable under paragraph 1 a member shall receive a special allowance for every day on which he attends an investigation and on which the case is wholly or partly heard of R750 per day or part of a day calculated from midnight to midnight.

3. For journeys undertaken by a member from his usual place of residence or employment to the place where the investigation is held, he may make use of public transport or his own motor vehicle or a hired motor vehicle.

4. A member is entitled to travel first class by train and in the economic class by air.

5. The actual cost will be refunded to a member in the case of public transport and, if the Director-General considers it reasonable, in the case of hired transport.

6. For the use of his own motor vehicle a member shall be reimbursed at the rate of R1,80 per kilometre for the distance travelled to and from the place of the investigation or the place from where the journey was continued by public transport.

ANNEX B

COURT OF MARINE ENQUIRY

SUBPOENA

(Regulation 10)

To—

- (1) of
- (2) of
- (3) of
- (4) of

You are hereby required to appear in person before the Court of Marine Enquiry at on the day of 20....., at the hour of, which has been appointed to investigate the circumstances attending the
.....

and to bring with you and then produce to the Court the several documents specified in the list hereunder:

Date	Description	Original or Copy

Place

.....

Clerk of the Court

Date

Attention is invited to section 9, read with section 313 of Act 57/1951, which provides that any person who fails to attend at the time and place specified in a subpoena and remain in attendance; or to answer fully and satisfactorily, to the best of his ability, all questions lawfully put to him; or, upon his being required to do so, to produce any document in his possession or control shall be liable to a penalty of a fine, or imprisonment for a period not exceeding six months, or both.

ANNEX C

REPORT OF COURT OF MARINE ENQUIRY

(Regulation 21)

In the matter of a formal investigation by a Court of Marine Enquiry held at on the
 (here state all the days on which the Court sat)
 before, Presiding Officer, and
 and, Members, into the circumstances attending the
 (here state briefly the substance of the allegation or describe the event for the investigation of which the Court was convened)

The Court, having carefully inquired into the circumstances attending the matter to be investigated, finds for the reasons stated in the Appendix hereto, that the
 (here state the finding of the Court)

Dated at this day of 20.....

.....
 Presiding Officer

We (or I) concur in the above report.

.....
 Member

.....
 Member

APPENDIX TO THE REPORT

(Here state fully the circumstances of the case, the opinion of the Court touching the truth of the allegation or the causes of the event and the conduct of any persons implicated therein, and whether the certificate of any officer has been either suspended or cancelled, and the reasons for the said opinion, and if the certificates of any officer has been suspended or cancelled the reasons for such suspension or cancellation.)

SUID-AFRIKAANSE MARITIEME VEILIGHEIDSOWERHEID

HANDLESKEEPVAARTWET, 1951 (WET No. 57 VAN 1951)

HOWE VAN MARINE-ONDERSOEK (WYSIGING) REGULASIES, 2005

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die regulasies in die Bylae uitgevaardig

BYLAE**Titel en inwerkingtreding**

1. Hierdie regulasies heet die Howe van Marine-ondersoek (Wysiging) Regulasies, 2005, en tree in werking by publikasie in die *Staatskoerant*.

Uitleg

2. In hierdie regulasies beteken "die Regulasies" die Regulasies betreffende Howe van Marine-ondersoek, 1961, gepubliseer by Goewermentskennisgewing No. R. 1067 van 24 November 1961, soos gewysig by Goewermentskennisgewings Nos. R. 1419 van 11 September 1964, R. 3055 van 8 Augustus 1969, R. 215 van 16 Februarie 1973, R. 1287 van 20 Junie 1980, R. 2584 van 23 Desember 1988, R. 1713 van 19 Desember 1997, en R. 241 van 26 Februarie 1999.

Invoeging van regulasie 2A in Regulasies

3. Die volgende regulasie word in die Regulasies na regulasie 2 ingevoeg:

"Bevoegdhede en pligte van Direkteur-generaal

2A. Alle bevoegdhede toegewys en alle pligte opgelê aan die Direkteur-generaal ingevolge hierdie regulasies, kan deur die Direkteur-generaal in eie persoon uitgeoefen of verrig word of deur 'n beampte onder die beheer of voorskrif van die Direkteur-generaal."

Wysiging van regulasie 3 van Regulasies

4. Regulasie 3 van die Regulasies word gewysig deur die uitdrukking "Owerheid" waar dit ook al voorkom deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 5 van Regulasies

5. Regulasie 5 van die Regulasies word gewysig deur die uitdrukking "Owerheid" waar dit ook al voorkom deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 7 van Regulasies

6. Regulasie 7 van die Regulasies word gewysig deur in paragraaf (2) die uitdrukking "Owerheid" deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 8 van Regulasies

7. Regulasie 8 van die Regulasies word gewysig deur in paragraaf (1) die uitdrukking "Owerheid" deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 9 van Regulasies

8.. Regulasie 9 van die Regulasies word gewysig deur in subparagraaf (a) van paragraaf (2) die uitdrukking "Owerheid" deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 10 van Regulasies

9. Regulasie 10 van die Regulasies word gewysig deur in paragraaf (2) die uitdrukking "Owerheid" deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 12 van Regulasies

10. Regulasie 12 van die Regulasies word gewysig deur in paragraaf (2) die uitdrukking "Owerheid" deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 13 van Regulasies

11. Regulasie 13 van die Regulasies word gewysig deur paragrawe (1) en (2) onderskeidelik deur die volgende paragrawe te vervang:

"(1) Nadat die hof geopen is, en voordat enige getuienis gelewer word, stel die Direkteur-generaal in die ope hof die vrae met betrekking tot die bewering of voorval waaroor die hof moet beslis. By die formulering van die vrae waaroor die hof moet beslis, kan die Direkteur-generaal sodanige wysigings in, toevoegings tot of weglatings van die vrae maak wat uiteengesit is in die brief bedoel in regulasie 5, soos ingevolge daardie regulasie gewysig, met inagneming van die inligting wat hy op daardie tyd tot sy beskikking het, mag goeddink.

(2) Die Direkteur-generaal kan in enige stadium van die ondersoek, met die goedkeuring van die voorsitter, sodanige verdere wysigings in, toevoegings tot of weglatings van enige van die vrae maak wat aldus geformuleer is as wat hy, met inagneming van enige getuienis wat afgelê is, mag goeddink."

Wysiging van regulasie 15 van Regulasies

12. Regulasie 15 van die Regulasies word gewysig deur die uitdrukking "Owerheid" waar dit ook al voorkom deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 17 van Regulasies

13. Regulasie 17 van die Regulasies word gewysig deur in paragraaf (1) die uitdrukking "Owerheid" waar dit ook al voorkom deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van regulasie 20 van Regulasies

14. Regulasie 20 van die Regulasies word gewysig deur onderskeidelik paragrawe (4), (5), (6) en (7) deur die volgende paragrawe te vervang:

"(4) Die Direkteur-generaal kan sodanige notules deur meganiese of ander middele hetsy woordeliks of in verslagvorm laat aanteken.

(5) 'n Party is geregtig op 'n transkripsie van enige sodanige rekord wat deur die transkribeerder as korrek gewaarmerk is, by betaling van 'n bedrag wat deur die Direkteur-generaal, met inagneming van die koste van sodanige transkripsie vir die Direkteur-generaal, vasgestel word.

(6) In gevalle waar appèl aangeteken word en vir verhoor op die rol geplaas word, word 'n transkripsie van sodanige rekord gemaak, vir sover dit op die appèl betrekking het, en deur die transkribeerder onder eed gewaarmerk as 'n ware weergawe van die verrigtinge, en sodanige transkripsie maak daarna deel van die rekord uit.

(7) 'n Party kan by die voorsitter aansoek doen om foute in die rekord te verbeter. Sodanige aansoek moet gedoen word hoogstens sewe dae nadat die beslissing van die hof bekendgemaak is: Met dien verstande dat, as aansoek gedoen word om verbetering van foute in die rekord wat kragtens paragraaf (4) gemaak is en waarvan die transkripsie nie voltooi is voordat die hof se beslissing bekendgemaak is nie, dit gedoen moet word hoogstens sewe dae nadat die transkripsie voltooi is. As die voorsitter oortuig is dat die applikant aan al die ander belanghebbende partye redelike kennis van die aansoek gegee het, kan hy, na oorweging van enige verdoel wat deur enige sodanige party tot hom gerig mag word en, as hy dit nodig ag, na oorlegpleging met een of meer van die ander lede van die hof, sodanige foute verbeter."

Wysiging van regulasie 21 van Regulasies

15. Regulasie 21 van die Regulasies word gewysig deur die volgende paragraaf by te voeg:

"(3) Die Owerheid moet, binne sewe dae na ontvangs daarvan toesien dat vir veilige bewaring na die Direkteur-generaal versend word die rekord van die verrigtinge, met inbegrip van die aantekeninge van die getuienis, die beslissings, die verslag deur die voorsitter en enige redes of ander dokumente na die Owerheid versend ingevolge artikel 286 van die Wet."

Vervanging van regulasie 22 van Regulasies

16. Regulasie 22 van die Regulasies word vervang deur die volgende regulasie:

"Appèl na Hoë Hof

22. (1) 'n Persoon wat hom veronreg voel deur 'n beslissing van 'n hof van marine-onderzoek en wat voornemens is om kragtens artikel 292 van die Wet na 'n Hoë Hof te appelleer, kan by die Direkteur-generaal aansoek doen om 'n afskrif van die verslag wat ingevolge regulasie 21(3) aan hom versend is. So 'n aansoek moet skriftelik gerig word, moet 'n adres bevat waarheen die verslag gepos kan word of die naam van die persoon aan wie dit afgelewer kan word, en moet by die kantoor van die Direkteur-generaal afgelewer word of gepos word om die Direkteur-generaal te bereik nie later nie as veertien dae na aflewering van die beslissing van die hof na afsluiting van die ondersoek. Die Direkteur-generaal moet toesien dat 'n afskrif van die verslag aan die aansoeker gepos word by genoemde adres of by genoemde persoon, by betaling deur die applikant van 'n bedrag van R1,10 per A4 bladsy, onderhewig aan 'n minimum bedrag van R35.

(2) Appèl kan aangeteken word deur enige ander persoon behalwe die Direkteur-generaal binne dertig dae nadat die afskrif van die verslag aan hom gepos is of afgelewer is aan die gemelde persoon, en deur die Direkteur-generaal binne dertig dae na ontvangs deur hom van die verslag versend ingevolge regulasie 21(3).

(3) Appèl word aangeteken deur 'n kennisgewing van appèl te dien op die Direkteur-generaal en op elke ander persoon wat 'n party was by die verrigtinge en, tensy die Hoë Hof waarna geappelleer word anders gelas, deur sekuriteit te lewer tot tevredenheid van die registrateur van daardie Hof vir die respondent se koste van appèl tot 'n bedrag van R10 000: Met dien verstande dat sekuriteit nie van die Staat of die Owerheid vereis word nie.

(4) In 'n kennisgewing van appèl word vermeld —

- (a) die Hoë Hof waarna geappelleer word;
- (b) of daar teen die beslissing in sy geheel of slegs teen 'n gedeelte daarvan geappelleer word en, indien slegs teen 'n gedeelte, watter gedeelte; en
- (c) die gronde vir die appèl, met 'n uiteensetting van die feitebevindings of regsbeslissings waarteen daar geappelleer word.

(5) Wanneer daar appèl aangeteken word, stuur die Direkteur-generaal onverwyld 'n afskrif van die kennisgewing van appèl aan die persoon wat die as voorsitter van die hof opgetree het, en binne sewe dae na ontvangs daarvan stuur die

persoon aan die Direkteur-generaal 'n skriftelike verklaring waarin aangedui word (vir sover dit nodig mag wees, met inagneming van enige skriftelike beslissing wat reeds deur hom of deur die hof gegee is en van die verslag bedoel in regulasie 21)—

- (i) die feite wat volgens die beslissing van die hof bewys is;
- (ii) die gronde waarop die hof tot enige feitebevinding geraak het waarteen daar volgens die kennisgewing van appèl geappelleer word; en
- (iii) sy redes vir enige regsbeslissings waarteen daar volgens die kennisgewing van appèl geappelleer word.

Die verklaring word deel van die rekord.

(6) 'n Party kan by die Direkteur-generaal aansoek doen om 'n afskrif van die verklaring bedoel in paragraaf (5). Die aansoek moet skriftelik gerig word, moet 'n adres bevat waarheen die verklaring gepos kan word of die naam van die persoon aan wie dit afgelewer kan word, en dit moet vergesel gaan van 'n bedrag van R35. Die Direkteur-generaal sien toe dat 'n afskrif van die verklaring gepos word aan die applikant na die adres in die aansoek vermeld of dat dit aan die gemelde persoon afgelewer word.

(7) Binne sewe dae nadat hy kennis ontvang het dat die appèl vir verhoor op die rol geplaas is, sien die Direkteur-generaal toe dat die rekord van die verrigtinge voor die hof van mariene-ondersoek, met inbegrip van die aantekeninge van die getuienis, die beslissings, die verslag van die voorsitter en enige beredenerings en ander dokumente wat ingevolge regulasie 21(3) aan die Direkteur-generaal versend is, en die verklaring in paragraaf (5) bedoel, aan die registrateur van die Hoë Hof versend word.

(8) Behoudens die bepalinge van hierdie regulasie, word 'n appèl ingestel binne die tydperk en ooreenkomstig die gebruik en reëls wat in die Hoë Hof waarna geappelleer word, geld ten aansien van appèlle in siviele sake vanuit landdroshowe, en as daar geappelleer word na 'n Plaaslike Afdeling van die Hooggeregshof wat geen regsbevoegdheid het om appèlle in siviele sake vanuit landdroshowe te verhoor nie, word die appèl ingestel binne die tydperk en ooreenkomstig die gebruik en reëls wat geld ten aansien van sodanige appèlle in die Provinsiale Afdeling van die Provinsie waarin daardie Plaaslike Afdeling regsbevoegdheid uitoefen, en by verstek van sodanige instelling word geag dat die appèl verval het, tensy daardie Hoë Hof dit goed ag om 'n andersluitende bevel uit te vaardig.

(9) Die uitspraak van die Hoë Hof waarna geappelleer word, kan gehandhaaf word asof dit gegee was in die hof vanwaar geappelleer word."

Wysiging van regulasie 23 van Engelse teks van Regulasies

17. Regulasie 23 van die Engelse teks van die Regulasies word gewysig deur die uitdrukking "Marine Court" deur die uitdrukking "Maritime Court" te vervang."

Vervanging van Aanhangsels A, B en C van Regulasies

18. Aanhangsels A, B en C van hierdie regulasies vervang onderskeidelik Aanhangsels A, B en C van die Regulasies.

AANHANGSEL A

(Regulasie 6)

TOELAES VIR ONDERHOUD EN VERVOER BETAALBAAR AAN LEDE VAN 'N HOF VAN MARINE-ONDERSOEK

1. Vir elke dag waarop hy 'n ondersoek bywoon, ontvang 'n lid vir uitgawes noodwendig en werklik aangegaan ten opsigte van etes, vloeibare verversings, slaapplek, beddegoed en was- en strykwerk, maar uitgesonderd alkoholie se drank en droogskoonmaakwerk, die volgende onderhoudstoelae:

- (i) Wanneer hy nie weg van sy gewone verblyf- of werkplek oornag nie: R80 per dag of deel van 'n dag bereken van middernag tot middernag; en
- (ii) wanneer hy weg van sy gewone verblyf- of werkplek oornag: R550 per dag of deel van 'n dag bereken van middernag tot middernag: Met dien verstande dat indien hierdie toelae ontoereikend sou wees, die werklike uitgawes aan die lid vergoed mag word plus 'n bedrag van R50 per dag om ekstra uitgawes te dek.

2. Bo en behalwe die toelae in paragraaf 1 genoem ontvang 'n lid vir elke dag waarop hy 'n ondersoek bywoon en waarop die saak geheel en of gedeeltelik verhoor word 'n spesiale toelae van R750 per dag of gedeelte van 'n dag bereken vanaf middernag tot middernag.

3. Vir reise wat 'n lid weg van verblyf- of werkplek na die plek van die ondersoek onderneem, kan hy van openbare vervoermiddels of van sy eie motorvoertuig of 'n gehuurde motorvoertuig gebruik maak.

4. 'n Lid is geregtig om eerste klas per trein en in die ekonomiese klas per vliegtuig te reis.

5. Die werklike reiskoste word in die geval van openbare vervoer aan 'n lid vergoed en, mits dit na oordeel van die Direkteur-generaal redelike koste is, in die geval van gehuurde vervoer.

6. Vir die gebruik van sy eie motorvoertuig word 'n lid vergoed teen R1,80 per kilometer vir die afstand na en van die plek van die ondersoek of die plek waarvandaan daar verder met openbare vervoermiddels gereis is.

AANHANGSEL B

HOF VAN MARINE-ONDERSOEK

DAGVAARDING

(Regulasie 10)

Aan—

(1) of

(2) of

(3) of

(4) of

U word hierby versoek om op die dag van
 20....., om-uur, tepersoonlik te verskyn
 voor die hof van marine-ondersoek wat aangestel is om ondersoek in te stel na die
 omstandighede in verband met die

.....
 en om die verskillende dokumente in onderstaande lys gespesifiseer, met u saam te bring
 en aan die hof voor te lê:

Datum	Beskrywing	Oorspronklike or Afskrif

Plek

Klerk van die Hof

Datum

Die aandag word gevestig op artikel 9, gelees met artikel 313 van Wet 57/1951, waarin bepaal word dat enige persoon, wat in gebreke bly om op die tyd en plek in 'n dagvaarding bepaal, te verskyn en aanwesig te bly; of om alle vrae wat wettiglik aan hom gestel word volledig en bevredigend, na sy beste vermoë, te beantwoord; of om, as hy daartoe gelas word, enige dokument in sy besit of onder sy beheer voor te lê, strafbaar is met 'n boete of tronkstraf vir 'n tydperk van hoogstens ses maande, of albei.

AANHANGSEL C**VERSLAG VAN HOF VAN MARINE-ONDERSOEK**

(Regulasie 21)

In die geval van 'n formele ondersoek deur 'n hof van marine-ondersoek gehou te op die
 (meld hier al die dae waarop die hof gesit het)
 voor, Voorsitter, en
 en, Lede, na die omstandighede in verband met die saak wat ondersoek moes word, om die redes in die Aanhangsel hieraan uiteengesit, dat die (meld hier kortliks die inhoud van die bewering of beskryf die voorval vir die ondersoek waarvan die hof byeengeroep is)

Beslis die hof, nadat hy noukeurig ondersoek ingestel het na die omstandighede in verband met die saak wat ondersoek moes word, om die redes in die Aanhangsel hieraan uiteengesit, dat die (meld hier die beslissing van die hof)

Gedateer te hede die dag van 20.....

.....
 Voorsitter

Ons (of ek) stem saam met bostaande verslag.

.....
 Lid

.....
 Lid

AANHANGSEL AAN DIE VERSLAG

(Meld hier volledig die omstandighede van die saak, die opinie van die hof rakende die waarheid van die bewering of die oorsake van die voorval en die gedrag van enige persone wat daarby betrokke is, en of die sertifikaat van enige offisier of opgeskort of gekanselleer is, en die gronde vir genoemde opinie, en indien die sertifikaat van enige offisier opgeskort of gekanselleer is, die redes vir sodanige opskorting of kansellering.)

No. R. 778

5 August 2005

CORRECTION NOTICE**MERCHANT SHIPPING (COLLISION AND DISTRESS SIGNALS)
REGULATIONS, 2005**

Government Notice No. R. 566, published in Government Gazette No. 27675 of 17 June 2005, is corrected as follows:

On page 4, replace the definition of **"WIG craft"** with the following:

"WIG craft" has the meaning given by Rule 3(m) of the International Regulations.

On page 42, replace the definition of **"VIG-tuig"** with the following:

"VIG-tuig" dieselfde as in Reël 3(m) van die Internasionale Regulasies.

No. R. 778

5 Augustus 2005

REGSTELLINGSKENNISGEWING**HANDELSKEEPVAARTREGULASIES (BOTSING EN NOODSEINE), 2005**

Goewermentskennisgewing No. R. 566 afgekondig by Staatskoerant No. 27675 van 17 Junie 2005 word soos volg reggestel:

Op bladsy 4 vervang die omskrywing van **"WIG craft"** met die volgende:

"WIG craft" has the meaning given by Rule 3(m) of the International Regulations.

Op bladsy 42 vervang die omskrywing van **"VIG-tuig"** met die volgende:

"VIG-tuig" dieselfde as in Reël 3(m) van die Internasionale Regulasies.

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