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OFFICE OF THE PRESIDENT

No. 1210. 28 September 1998

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

No. 57 of 1998: Shipping Laws Amendment Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1210. 28 September 1998

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

No. 57 van 1998: Wysigingswet op Skeepvaartwette, 1998.

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

To amend the Merchant Shipping Act, 1951, so as to give effect to the 1995 amendments to the International Convention on Training, Certification and Watchkeeping for Seafarers, 1978; to amend the Marine Pollution (Prevention of Pollution from Ships) Act, 1986, so as to give effect to amendments to the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973; and to provide for incidental matters.

*(English text signed by the Acting President.)
(Assented to 16 September 1998.)*

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, section 1 of Act 42 of 1969, section 1 of Act 24 of 1974, section 1 of Act 5 of 1976, section 1 of Act 3 of 1981, section 1 of Act 3 of 1982, section 1 of Act 25 of 1985, section 1 of Act 18 of 1992, section 1 of Act 16 of 1995, section 1 of Act 49 of 1996, section 1 of Act 23 of 1997 and section 2 of Act 5 of 1998

1. Section 2 of the Merchant Shipping Act, 1951, is amended by the substitution for the definition of "STCW Convention" of the following definition: 10

" 'STCW Convention' means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers done at London on 7 July 1978, [the English text of which is set forth in the Fifth Schedule] as modified by any amendment made under Article XII of that Convention that has entered into force for the Republic;" 15

Amendment of section 3 of Act 57 of 1951, as amended by section 4 of Act 30 of 1959, section 32 of Act 69 of 1962, section 2 of Act 40 of 1963, section 2 of Act 13 of 1965, section 2 of Act 25 of 1985, section 2 of Act 18 of 1992, section 1 of Act 49 of 1996 and section 2 of Act 23 of 1997

2. Section 3 of the Merchant Shipping Act, 1951, is amended by the substitution for paragraph (a) of subsection (12) of the following paragraph:

“(a) every owner and master of any vessel, and every user, employer and employee;”.

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Om die Handelskeepvaartwet, 1951, te wysig ten einde gevolg te gee aan die 1995 wysigings by die Internasionale Konvensie insake Standaarde van Opleiding, Diplomerings en Waghoud vir Seevaarders, 1978; om die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe), 1986, te wysig ten einde gevolg te gee aan wysigings by die Protokol van 1978 met betrekking tot die Internasionale Konvensie ter Voorkoming van Besoedeling deur Skepe, 1973; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Waarnemende President geteken.)
(Goedgekeur op 16 September 1998.)

DAAR WORD BEPAAL deur die Parlement 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, artikel 1 van Wet 42 van 1969, artikel 1 van Wet 24 van 1974, artikel 1 van Wet 5 van 1976, artikel 1 van Wet 3 van 1981, artikel 1 van Wet 3 van 1982, artikel 1 van Wet 25 van 1985, artikel 1 van Wet 18 van 1992, artikel 1 van Wet 16 van 1995, artikel 1 van Wet 49 van 1996, artikel 1 van Wet 23 van 1997 en artikel 2 van Wet 5 van 1998

- 10 1. Artikel 2 van die Handelskeepvaartwet, 1951, word gewysig deur die omskrywing van "STCW-konvensie" deur die volgende omskrywing te vervang:
- 15 " 'STCW-konvensie' die 'International Convention on Standards of Training, Certification and Watchkeeping for Seafarers' aangegaan te Londen op 7 Julie 1978, [waarvan 'n vertaling in die Vyfde Bylae opgeneem is] soos aangepas deur enige wysiging aangeneem kragtens Artikel XII van daardie Konvensie wat ten opsigte van die Republiek van krag is;".

20 Wysiging van artikel 3 van Wet 57 van 1951, soos gewysig deur artikel 4 van Wet 30 van 1959, artikel 32 van Wet 69 van 1962, artikel 2 van Wet 40 van 1963, artikel 2 van Wet 13 van 1965, artikel 2 van Wet 25 van 1985, artikel 2 van Wet 18 van 1992, artikel 1 van Wet 49 van 1996 en artikel 2 van Wet 23 van 1997

2. Artikel 3 van die Handelskeepvaartwet, 1951, word gewysig deur paragraaf (a) van subartikel (12) deur die volgende paragraaf te vervang:

"(a) elke eienaar en gesagvoerder van 'n vaartuig, en elke gebruiker, werkgewer en werknemer;".

Amendment of section 9 of Act 57 of 1951, as amended by section 7 of Act 30 of 1959 and section 3 of Act 18 of 1992

3. Section 9 of the Merchant Shipping Act, 1951, is amended by the substitution for paragraph (i) of subsection (1) of the following paragraph:

- “(i) board any South African ship wherever she may be, or any ship other than a South African ship while she is within the Republic or the territorial waters of the Republic, and inspect the same or any part thereof, or any equipment thereof, or any articles on board, or any log-books, certificates or other documents relating to the ship or the crew thereof, and muster the crew of the ship and interrogate them, and require the master and crew to demonstrate the related competency at their place or places of duty.”.

Substitution of heading of Chapter III of Act 57 of 1951

4. The following heading is substituted for the heading of Chapter III of the Merchant Shipping Act, 1951:

“CHAPTER III

CERTIFICATES OF COMPETENCY, SERVICE AND QUALIFICATION”.

Amendment of section 73 of Act 57 of 1951, as amended by section 15 of Act 30 of 1959, section 37 of Act 69 of 1962, section 11 of Act 40 of 1963, section 4 of Act 5 of 1976, section 1 of Act 3 of 1989 and section 2 of Act 5 of 1998

5. Section 73 of the Merchant Shipping Act, 1951, is amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this section, the owner and the master of every South African ship operating at a port in the Republic or going to sea from any port whatsoever shall ensure that there is employed on board that ship, in their appropriate capacities, the number of officers and other persons, duly certificated as prescribed by regulation, or deemed to be so certificated.”;

- (b) by the substitution for subsections (4), (5) and (6) of the following subsections, respectively:

“(4) (a) Subject to paragraph (b), the owner and the master of every ship other than a South African ship operating at a port in the Republic or going to sea from any such port shall ensure that there is employed on board that ship, in their appropriate capacities, a master and so many ships' officers and other persons holding certificates of such descriptions as prescribed by the law of the flag of the ship.

(b) Notwithstanding paragraph (a), subsection (1) shall apply in relation to a ship referred to in that paragraph as if it were a South African ship, if—

- (i) the matters contemplated in that paragraph are not prescribed by the law of the flag of the ship; or
- (ii) having regard to—
- (aa) the complement normally carried by similar ships on similar voyages;
- (bb) the complement which the ship in question has recently carried on previous voyages; and
- (cc) the nature and place of the service for which the ship is intended,
- the proper officer has reason to believe that the ship is not sufficiently and efficiently manned.

(5) No person who has been engaged for the purpose of subsection (1) or (2) as master, [or] ship's officer or rating shall [go to sea] act as such unless he is duly certificated, or deemed to be so certificated, in terms of this Act.

Wysiging van artikel 9 van Wet 57 van 1951, soos gewysig deur artikel 7 van Wet 30 van 1959 en artikel 3 van Wet 18 van 1992

3. Artikel 9 van die Handelskeepvaartwet, 1951, word gewysig deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:

- 5 “(i) aan boord gaan van ’n Suid-Afrikaanse skip, waar dit ook al is, of ’n ander skip as ’n Suid-Afrikaanse skip terwyl die skip in die Republiek of die Republiek se territoriale waters is, en die skip of enige deel daarvan, of uitrusting daarvan, of enige artikels aan boord daarvan, of enige skeeps-joernale, sertifikate of ander dokumente wat op die skip of die skip se bemanning betrekking het, inspekteer, en die skip se bemanning monster en ondervra, en van die gesagvoerder en bemanning vereis om die verwante bekwaamheid by hulle plek of plekke van diens te toon;”.

Vervanging van opskrif van Hoofstuk III van Wet 57 van 1951

4. Die opskrif van Hoofstuk III van die Handelskeepvaartwet, 1951, word deur die volgende opskrif vervang:

“HOOFSTUK III

BEKWAAMHEID-, DIENS- EN BEVOEGDHEIDSERTIFIKATE”.

Wysiging van artikel 73 van Wet 57 van 1951, soos gewysig deur artikel 15 van Wet 30 van 1959, artikel 37 van Wet 69 van 1962, artikel 11 van Wet 40 van 1963, 20 artikel 4 van Wet 5 van 1976, artikel 1 van Wet 3 van 1989 en artikel 2 van Wet 5 van 1998

5. Artikel 73 van die Handelskeepvaartwet, 1951, word gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

- 25 “(1) Behoudens die bepalings van hierdie artikel, moet die eienaar en die gesagvoerder van elke Suid-Afrikaanse skip wat by ’n hawe in die Republiek gebruik word of vanaf enige hawe waar ook al uitvaar, sorg dat aan boord van daardie skip in hul toepaslike werkkringe die getal offisiere en ander persone werksaam is wat behoorlik gediplomeerd is soos by regulasie voorgeskryf, of geag word aldus gediplomeerd te wees.”;

30 (b) deur subartikels (4), (5) en (6) deur onderskeidelik die volgende subartikels te vervang:

- 35 “(4) (a) Behoudens paragraaf (b) moet die eienaar en die gesagvoerder van elke skip wat nie ’n Suid-Afrikaanse skip is nie en wat by ’n hawe in die Republiek gebruik word of vanaf enige sodanige hawe uitvaar, sorg dat aan boord van daardie skip in hul toepaslike werkkringe ’n gesagvoerder en die getal skeeps-offisiere en ander persone werksaam is wat die houe is van sertifikate van sodanige beskrywing wat by die wet van die vlag van die skip voorgeskryf word.

40 (b) Ondanks paragraaf (a) geld subartikel (1) ten opsigte van ’n skip bedoel in daardie paragraaf asof dit ’n Suid-Afrikaanse skip is, indien—

- (i) die aangeleenthede in daardie paragraaf beoog nie by die wet van die vlag van die skip voorgeskryf word nie; of
(ii) wat betref—

45 (aa) die voltallige bemanning wat gewoonlik op soortgelyke skepe op soortgelyke reise in diens geneem word;

(bb) die voltallige bemanning wat op vorige reise onlangs op die betrokke skip in diens geneem is; en

50 (cc) die bedoelde aard en plek van diens van die skip, die bevoegde beampte redelikerwys oortuig is dat die skip nie voldoende en doeltreffend beman is nie.

55 (5) Niemand wat ter voldoening aan subartikel (1) of (2) as gesagvoerder, [of] skeeps-offisier of bekwame seeman in diens geneem is, [vaar uit ter see] handel as sodanig nie tensy hy kragtens hierdie Wet behoorlik gediplomeerd is of geag word aldus gediplomeerd te wees.

(6) No person shall for the purpose of subsection (1) or (2) employ a master, ~~[or] ship's officer or rating~~ as such without first ascertaining that he is duly certificated, or deemed to be so certificated, in terms of this Act.”; and

(c) by the deletion of subsection (8).

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Amendment of section 74 of Act 57 of 1951, as amended by section 38 of Act 69 of 1962

6. Section 74 of the Merchant Shipping Act, 1951, is amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of sections 83 and 84, a master, ships' officer or rating shall not be deemed to be duly certificated as such for the purposes of this Act, unless he is the holder for the time being in the case of a—

(a) master or ships' officer, of a valid certificate of competency or certificate of service, issued in terms of this Act, of a grade appropriate to the ship in which he is employed and to his station in the ship, or of a higher grade; or

(b) rating, of a valid certificate of qualification, issued or recognised in terms of this Act.”.

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Repeal of section 75 of Act 57 of 1951, as amended by section 12 of Act 40 of 1963

7. Section 75 of the Merchant Shipping Act, 1951, is repealed.

Substitution of section 77 of Act 57 of 1951, as amended by section 39 of Act 69 of 1962, section 4 of Act 13 of 1965 and section 2 of Act 5 of 1998

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8. The following section is substituted for section 77 of the Merchant Shipping Act, 1951:

“Examination for certificates of competency and qualification

77. (1) Examinations of applicants for certificates of competency and qualification under this Act shall be held ~~[in]~~ at such places in the Republic and at such times as the Authority may determine and under such conditions as may be prescribed by regulation.

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(2) No person shall be admitted to examination for a certificate of competency or qualification unless he ~~[produces proof that he is a South African citizen or a citizen of a treaty country (other than the Republic) and]~~ possesses the qualifications, and satisfies such other conditions, if any, prescribed by regulation ~~[Provided that the Authority may, in its discretion and subject to any conditions which it may impose, admit to such examination a person who is a citizen of any other country if he possesses either the qualifications prescribed by regulation or qualifications which are in the opinion of the Authority of a standard not lower than those so prescribed].~~

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(4) The Authority may appoint examiners for the conduct of such examinations, and remove any examiner so appointed.”.

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Substitution of section 78 of Act 57 of 1951

9. The following section is substituted for section 78 of the Merchant Shipping Act, 1951:

“Granting of certificates of competency and qualification after examination

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78. (1) Subject to the provisions of subsection (2), the Authority may grant a certificate of competency or certificate of qualification, as the case

- (6) By toepassing van subartikel (1) of (2) neem niemand 'n gesagvoerder, [of] skeepsoffisier of bekwame seeman as sodanig in diens nie sonder om vooraf vas te stel dat hy kragtens hierdie Wet behoorlik gediplomeerd is, of geag word aldus gediplomeerd te wees.”; en
- 5 (c) deur subartikel (8) te skrap.

Wysiging van artikel 74 van Wet 57 van 1951, soos gewysig deur artikel 38 van Wet 69 van 1962

6. Artikel 74 van die Handelskeepvaartwet, 1951, word gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- 10 “(1) Behoudens die bepalings van artikels 83 en 84 word 'n gesagvoerder, skeepsoffisier of bekwame seeman by die toepassing van hierdie Wet nie behoorlik as sodanig gediplomeerd beskou nie tensy hy voorlopig die houer is in die geval van 'n—
- 15 (a) gesagvoerder of skeepsoffisier, van 'n geldige bekwaamheidsertifikaat of dienssertifikaat, uitgereik kragtens hierdie Wet, van 'n graad wat by die skip waarin hy in diens is en by sy rang op die skip pas, of van 'n hoër graad; of
- (b) bekwame seeman, van 'n geldige bevoegdheidsertifikaat uitgereik of erken kragtens hierdie Wet.”.

Herroeping van artikel 75 van Wet 57 van 1951, soos gewysig deur artikel 12 van Wet 40 van 1963

7. Artikel 75 van die Handelskeepvaartwet, 1951, word herroep.

Vervanging van artikel 77 van Wet 57 van 1951, soos gewysig deur artikel 39 van Wet 69 van 1962, artikel 4 van Wet 13 van 1965 en artikel 2 van Wet 5 van 1998

8. Artikel 77 van die Handelskeepvaartwet, 1951, word deur die volgende artikel
- 25 vervang:

“Eksamens vir bekwaamheid- en bevoegdheidsertifikate

77. (1) Eksamens van applikante vir [bekwaamheidsertifikate] bekwaamheid- en bevoegdheidsertifikate kragtens hierdie Wet word op sodanige plekke in die Republiek en op sodanige tye gehou as wat die Owerheid mag bepaal en onderhewig aan sodanige voorwaardes as wat by regulasie voorgeskryf mag word.
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- (2) Niemand word toegelaat tot 'n eksamen vir 'n [bekwaamheidsertifikaat] bekwaamheid- of bevoegdheidsertifikaat nie tensy hy [bewys dat hy 'n Suid-Afrikaanse burger is of 'n burger is van 'n verdragsland (behalwe die Republiek) en] die kwalifikasies besit en aan die ander voorwaardes voldoen, as daar is, wat by regulasie voorgeskryf is [Met dien verstande dat die Owerheid, na goeddunke, en onderworpe aan die voorwaardes wat hy oplê, iemand wat 'n burger van enige ander land is tot bedoelde eksamen kan toelaat indien hy òf die kwalifikasies besit wat by regulasie voorgeskryf is òf kwalifikasies wat volgens die Owerheid se oordeel nie laer is nie dan dié aldus voorgeskryf].
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- (4) Die Owerheid kan eksaminatore vir die afneem van sodanige eksamens aanstel en 'n eksaminator aldus aangestel ontslaan.”.

45 Vervanging van artikel 78 van Wet 57 van 1951

9. Artikel 78 van die Handelskeepvaartwet, 1951, word deur die volgende artikel vervang:

“Toekenning van bekwaamheid- en bevoegdheidsertifikate na eksamen

78. (1) Behoudens die bepalings van subartikel (2) kan die Owerheid 'n bekwaamheidsertifikaat of bevoegdheidsertifikaat, na gelang van die
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may be, to every applicant who passes the examination prescribed for the certificate satisfactorily, and produces satisfactory evidence that he possesses the qualifications and satisfies such other conditions, if any, prescribed for the holder of the certificate and of his sobriety, experience, ability, physical fitness and general good conduct.

(2) The Authority may, at any time before the delivery of a certificate, require a re-examination of the applicant by the examiners who made the examination or by any other examiners, and order a further enquiry into his testimonials or character or both, and if not satisfied with the result may order that a certificate be not granted to him.”.

Repeal of section 79 of Act 57 of 1951, as amended by section 40 of Act 69 of 1962, section 13 of Act 40 of 1963, section 5 of Act 13 of 1965 and section 2 of Act 5 of 1998

10. Section 79 of the Merchant Shipping Act, 1951, is repealed.

Substitution of section 81 of Act 57 of 1951, as amended by section 15 of Act 40 of 1963

11. The following section is substituted for section 81 of the Merchant Shipping Act, 1951:

“Form and record of certificates of competency, service and qualification

81. (1) All certificates of competency, [or] service and qualification shall be made in the prescribed form.

(2) A record of certificates of competency, [or] service and qualification granted [and of the suspension, cancellation or alteration thereof] and of any [other] matter affecting them shall be kept in such manner as the Authority directs.

(3) Any such certificate and any record kept in terms of subsection (2) shall be admissible in evidence.”.

Substitution of section 82 of Act 57 of 1951

12. The following section is substituted for section 82 of the Merchant Shipping Act, 1951:

“Loss of certificates of competency, service or qualification

82. If any person proves to the satisfaction of the Authority that he has lost or been deprived of a valid certificate of competency, [or] service or qualification granted him under this Act or the Merchant Shipping (Certificates of Competency) Act, 1925 (Act No. 45 of 1925), the Authority may, upon payment of such fee as may be prescribed, issue to that person a certified copy of the said certificate, and such copy shall be regarded as having the same force and effect as the original.”.

Substitution of section 83 of Act 57 of 1951, as amended by section 41 of Act 69 of 1962, section 16 of Act 40 of 1963, section 8 of Act 42 of 1969 and section 2 of Act 5 of 1998

13. The following section is substituted for section 83 of the Merchant Shipping Act, 1951:

“Certificates granted by competent foreign authorities

83. (1) A master or a ships' officer who holds a valid certificate of competency or service granted to him by a competent authority in another country shall not be engaged as such on a South African ship, except as

geval, toeken aan elke applikant wat bevredigend in die eksamen wat vir die sertifikaat voorgeskryf is, slaag en bevredigende bewys lewer dat hy die kwalifikasies besit en aan die ander voorwaardes voldoen, as daar is, wat vir die houer van die sertifikaat voorgeskryf is, en van sy soberheid, ondervinding, bekwaamheid, liggaamgeskiktheid en algemene goeie gedrag.

(2) Die Owerheid kan te eniger tyd voor die aflewering van 'n sertifikaat gelas dat die applikant opnuut geëksamineer word deur die eksaminatore wat die eksamen afgeneem het of deur enige ander eksaminatore, en dat nadere ondersoek na sy getuigskrifte of inbors of albei ingestel word, en as hy nie met die uitslag tevrede is nie, kan hy gelas dat geen sertifikaat aan hom uitgereik word nie.”.

Herroeping van artikel 79 van Wet 57 van 1951, soos gewysig deur artikel 40 van Wet 69 van 1962, artikel 13 van Wet 40 van 1963, artikel 5 van Wet 13 van 1965 en artikel 2 van Wet 5 van 1998

10. Artikel 79 van die Handelskeepvaartwet, 1951, word herroep.

Vervanging van artikel 81 van Wet 57 van 1951, soos gewysig deur artikel 15 van Wet 40 van 1963

11. Artikel 81 van die Handelskeepvaartwet, 1951, word deur die volgende artikel vervang:

“Vorm en optekening van bekwaamheid-, diens- en bevoegdheidsertifikate

81. (1) Alle bekwaamheid-, [of dienssertifikate] diens- en bevoegdheidsertifikate word in die voorgeskrewe vorm opgestel.

(2) 'n Register van bekwaamheid-, [of dienssertifikate] diens- en bevoegdheidsertifikate wat toegeken is [en van die opskorting, kansellering of wysiging daarvan] en van enige [ander] saak wat hulle raak, word op sodanige wyse gehou as wat die Owerheid mag gelas.

(3) 'n Sodanige sertifikaat en 'n register wat kragtens subartikel (2) gehou word, is toelaatbaar as getuienis.”.

Vervanging van artikel 82 van Wet 57 van 1951

12. Artikel 82 van die Handelskeepvaartwet, 1951, word deur die volgende artikel vervang:

“Verlies van bekwaamheid-, diens en bevoegdheidsertifikate

82. As iemand tot die oortuiging van die Owerheid bewys dat hy 'n geldige bekwaamheid-, [of dienssertifikaat] diens- of bevoegdheidsertifikaat wat aan hom uitgereik is kragtens hierdie Wet of die 'Koopvaardij (Certifikaten van Bekwaamheid) Wet, 1925' (Wet No. 45 van 1925), verloor het of dat dit hom ontnem is, kan die Owerheid by betaling van sodanige gelde as wat voorgeskryf is, aan daardie persoon 'n gesertifiseerde afskrif van genoemde sertifikaat uitreik, en sodanige afskrif word geag ewe regsgeldig as die oorspronklike te wees.”.

Vervanging van artikel 83 van Wet 57 van 1951, soos gewysig deur artikel 41 van Wet 69 van 1962, artikel 16 van Wet 40 van 1963, artikel 8 van Wet 42 van 1969 en artikel 2 van Wet 5 van 1998

13. Artikel 83 van die Handelskeepvaartwet, 1951, word deur die volgende artikel vervang:

“Sertifikaat toegeken deur bevoegde vreemde gesag

83. (1) 'n Gesagvoerder of 'n skeepsoffisier in besit van 'n geldige bekwaamheidsertifikaat of dienssertifikaat wat deur 'n bevoegde gesag in 'n vreemde land toegeken is, word nie as sodanig op 'n Suid-Afrikaanse

authorised under subsection (2) or by regulation; and while any such authorization remains in force, and if the conditions under which it was granted are complied with, the person so engaged shall be deemed to be duly certificated under this Act in respect of such ship, provided his certificate is of a grade appropriate to his station in such ship, or of a higher grade.

(2) If the Authority is satisfied that a certificate referred to in subsection (1) is of corresponding value to any certificate of competency or service granted under this Act, it may, with or without conditions, permit the engagement on a South African ship of a person who is the holder of such a certificate, and who possesses a knowledge of an official language of the Republic sufficient to enable him to communicate effectively in the performance of his duties.”

Amendment of section 84 of Act 57 of 1951, as amended by section 42 of Act 69 of 1962

14. Section 84 of the Merchant Shipping Act, 1951, is amended—

- (a) by the deletion in subsection (1) of the proviso; and
- (b) by the deletion of subsection (3).

Substitution of section 85 of Act 57 of 1951, as amended by section 17 of Act 40 of 1963 and section 2 of Act 5 of 1998

15. The following section is substituted for section 85 of the Merchant Shipping Act, 1951:

“Authority may vary requirements as to certificates

85. Notwithstanding the provisions of section 73 the Authority may, in its discretion and for such periods and under such conditions as it may specify if it is satisfied that no suitable holder of a certificate of the required grade and granted under this Act or referred to in section 83 or 84 [**or recognized under section 354**] is available, permit a South African ship to go to sea from any port whatsoever or a ship other than a South African ship to go to sea from a port in the Republic without the prescribed number of certificated officers or other persons, and while any such permission remains in force any person who acts in terms thereof shall not, if the conditions under which it was granted are complied with, be deemed to have contravened the provisions of section 73.”

Amendment of section 86 of Act 57 of 1951, as amended by section 18 of Act 40 of 1963 and section 2 of Act 3 of 1982

16. Section 86 of the Merchant Shipping Act, 1951, is amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) of a ship other than a South African ship to which the provisions of subsection [(1) or] (4) of the said section apply, upon going to sea from a port in the Republic.”

Amendment of section 87 of Act 57 of 1951, as amended by section 2 of Act 5 of 1998

17. Section 87 of the Merchant Shipping Act, 1951, is amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) If, at any time, it appears to the proper officer that owing to ill-health or mental or physical defect the holder of a certificate of competency, [**or**] service or qualification is unfit to perform the duties required of him, the proper officer may require him to submit himself to examination by a medical practitioner approved by the Authority.

(2) If after consideration of the report on the medical examination the Authority is satisfied that the person concerned is owing to continued ill-health or mental or

5 skip in diens geneem nie, behalwe soos gemagtig kragtens subartikel (2) of die regulasies; en solank sodanige magtiging van krag bly, en indien die voorwaardes van toekenning nagekom word, word die persoon wat aldus in diens geneem is, geag behoorlik kragtens hierdie Wet gediplomeerd te wees ten opsigte van sodanige skip, mits sy sertifikaat van 'n graad is wat pas by sy rang op sodanige skip, of van 'n hoër graad is.

10 (2) Indien die Owerheid oortuig is dat 'n sertifikaat in subartikel (1) bedoel van ooreenstemmende waarde is met enige bekwaamheid- of dienssertifikaat wat kragtens hierdie Wet toegeken is, kan hy met of sonder voorwaardes die indiensneming van 'n persoon wat die houer is van sodanige sertifikaat en wat voldoende kennis het van 'n amptelike taal van die Republiek om doeltreffend te kan kommunikeer in die uitvoering van sy pligte, toelaat.”.

15 **Wysiging van artikel 84 van Wet 57 van 1951, soos gewysig deur artikel 42 van Wet 69 van 1962**

14. Artikel 84 van die Handelskeepvaartwet, 1951, word gewysig—

- (a) deur in subartikel (1) die voorbehoudsbepaling te skrap; en
- (b) deur subartikel (3) te skrap.

20 **Vervanging van artikel 85 van Wet 57 van 1951, soos gewysig deur artikel 17 van Wet 40 van 1963 en artikel 2 van Wet 5 van 1998**

15. Artikel 85 van die Handelskeepvaartwet, 1951, word deur die volgende artikel vervang:

“Owerheid kan vereistes vir sertifikate wysig

25 85. Ondanks die bepalings van artikel 73 kan die Owerheid na goeddunke en vir sodanige tydperke en onderhewig aan sodanige voorwaardes as wat hy mag bepaal as hy oortuig is dat geen geskikte houer van 'n sertifikaat van die vereiste graad kragtens hierdie Wet toegeken of in artikel 83 of 84 bedoel [of kragtens artikel 354 erken], beskikbaar is nie, 'n Suid-Afrikaanse skip toelaat om uit enige hawe waar ook al, uit te vaar of 'n ander skip as 'n Suid-Afrikaanse skip toelaat om uit 'n hawe in die Republiek uit te vaar, sonder die voorgeskrewe aantal gediplomeerde offisiere of ander persone; en solank sodanige permissie van krag bly, word geag dat geen persoon wat uit hoofde daarvan optree, solank die voorwaardes van toekenning nagekom word, die bepalings van artikel 73 oortree het nie.”.

Wysiging van artikel 86 van Wet 57 van 1951, soos gewysig deur artikel 18 van Wet 40 van 1963 en artikel 2 van Wet 3 van 1982

16. Artikel 86 van die Handelskeepvaartwet, 1951, word gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

- 40 “(b) van 'n skip (wat nie 'n Suid-Afrikaanse skip is nie) waarop die bepalings van subartikel [(1) of] (4) van vermeldde artikel van toepassing is, moet wanneer dit van 'n hawe in die Republiek uitvaar,”.

Wysiging van artikel 87 van Wet 57 van 1951, soos gewysig deur artikel 2 van Wet 5 van 1998

45 17. Artikel 87 van die Handelskeepvaartwet, 1951, word gewysig deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

50 “(1) As dit te eniger tyd vir die bevoegde beampte voorkom dat die houer van 'n bekwaamheid-, [of dienssertifikaat] diens- of bevoegdheidsertifikaat weens slegte gesondheid of geestes- of liggaamsgebrek ongeskik is om die pligte wat van hom geverg word, te verrig, kan die bevoegde beampte beveel dat hy hom aan ondersoek deur 'n geneesheer wat deur die Owerheid goedgekeur is, onderwerp.

(2) As die Owerheid na oorweging van die verslag oor die mediese ondersoek oortuig is dat die betrokke persoon weens aanhoudende slegte gesondheid of

physical defect incapable of performing satisfactorily the duties appertaining to his certificate of competency, [or] service or qualification it may direct that until it is satisfied that the holder of the certificate has again become capable of performing satisfactorily the duties appertaining to the said certificate, the holder shall not be engaged or go to sea in the capacity referred to in the certificate or in any other capacity specified by the Authority.” 5

Amendment of section 88 of Act 57 of 1951

18. Section 88 of the Merchant Shipping Act, 1951, is amended by the substitution for the words preceding paragraph (a) of the following words:

“Notwithstanding anything contained in this Act, the Authority may cancel or suspend a certificate of competency, [or] service or qualification—”. 10

Amendment of section 89 of Act 57 of 1951

19. Section 89 of the Merchant Shipping Act, 1951, is amended by the substitution for subsection (1) of the following subsection:

“(1) Any person in respect of whom any direction has been given under section 87 or whose certificate of competency, [or] service or qualification has been cancelled or suspended under section 88 may appeal against the direction, cancellation or suspension to the high court within the area of jurisdiction of which that person resides, and that court may confirm, set aside or vary the direction, cancellation or suspension.”. 15 20

Amendment of section 101 of Act 57 of 1951, as amended by section 17 of Act 30 of 1959 and section 4 of Act 18 of 1992

20. Section 101 of the Merchant Shipping Act, 1951, is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this section, the master of a South African ship shall not engage a seaman to serve in that ship unless there has been delivered to the master a certificate, valid in terms of subsection (3), signed by a medical practitioner approved by the Authority from which it appears that the seaman has been examined [that he is physically fit to serve in the capacity in which it is proposed to employ him, and that he is not suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea or likely to endanger the health of other persons on board] in accordance with the regulations and found to comply with the prescribed medical standards.”;

(b) by the deletion of subsection (2); 35

(c) by the substitution for subsection (3) of the following subsection:

“(3) The certificate shall remain in force for the prescribed period.”; and

(d) by the deletion of subsection (8). 35

Repeal of section 112 of Act 57 of 1951, as amended by section 23 of Act 40 of 1963, section 4 of Act 3 of 1981, section 9 of Act 3 of 1982 and section 2 of Act 5 of 1998 40

21. Section 112 of the Merchant Shipping Act, 1951, is repealed.

Repeal of section 159 of Act 57 of 1951

22. Section 159 of the Merchant Shipping Act, 1951, is repealed.

Amendment of section 221 of Act 57 of 1951, as amended by section 49 of Act 69 of 1962, section 40 of Act 40 of 1963 and section 13 of Act 18 of 1992 45

23. Section 221 of the Merchant Shipping Act, 1951, is amended—

- geestes- of liggaamsgebrek onbekwaam is om die pligte waarop sy bekwaamheid-, **[of dienssertifikaat]** diens- of bevoegdheidsertifikaat betrekking het op bevredigende wyse te verrig, kan hy opdrag gee dat totdat hy oortuig is dat die houer van die sertifikaat weer in staat geword het om die pligte waarop genoemde sertifikaat betrekking het op bevredigende wyse te verrig, die houer nie in die hoedanigheid waarna in die sertifikaat verwys word of in enige ander deur die Owerheid bepaalde hoedanigheid, in diens geneem word of ter see uitvaar nie.”.

Wysiging van artikel 88 van Wet 57 van 1951

- 10 18. Artikel 88 van die Handelskeepvaartwet, 1951, word gewysig deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “Ondanks enige bepaling in hierdie Wet kan die Owerheid ’n bekwaamheid-, **[of dienssertifikaat]** diens- of bevoegdheidsertifikaat kanselleer of opskort—”.

Wysiging van artikel 89 van Wet 57 van 1951

- 15 19. Artikel 89 van die Handelskeepvaartwet, 1951, word gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) ’n Persoon ten opsigte van wie ’n opdrag kragtens artikel 87 gegee is, of wie se bekwaamheid-, **[of dienssertifikaat]** diens- of bevoegdheidsertifikaat kragtens artikel 88 gekanselleer of opgeskort is, kan na die hoër hof **[of]** in die reggebied waarvan hy woonagtig is teen die opdrag, kansellering of opskorting appelleer, en daardie hof kan die opdrag, kansellering of opskorting bekrachtig of tersyde stel of wysig.”.

Wysiging van artikel 101 van Wet 57 van 1951, soos gewysig deur artikel 17 van Wet 30 van 1959 en artikel 4 van Wet 18 van 1992

- 25 20. Artikel 101 van die Handelskeepvaartwet, 1951, word gewysig—
 (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Behoudens die bepalings van hierdie artikel, neem die gesagvoerder van ’n Suid-Afrikaanse skip nie ’n seeman in diens om op daardie skip te dien nie tensy aan die gesagvoerder ’n volgens subartikel (3) geldige sertifikaat onderteken deur ’n deur die Owerheid goedgekeurde mediese praktisyn, oorhandig is, waaruit blyk dat die seeman ooreenkomstig die regulasies ondersoek is **[dat hy liggaamlik geskik is om in die voorgenome hoedanigheid diens te doen, en dat hy nie aan ’n siekte wat waarskynlik deur diens ter see vererger sal word, of hom waarskynlik vir diens ter see ongeskik sal maak, of die gesondheid van andere aan boord waarskynlik in gevaar sal bring, ly nie]** en gevind is om aan die voorgeskrewe mediese standarde te voldoen.”;
 (b) deur subartikel (2) te skrap;
 (c) deur subartikel (3) deur die volgende subartikel te vervang:
 40 “(3) Die sertifikaat is vir die voorgeskrewe tydperk van krag.”; en
 (d) deur subartikel (8) te skrap.

Herroeping van artikel 112 van Wet 57 van 1951, soos gewysig deur artikel 23 van Wet 40 van 1963, artikel 4 van Wet 3 van 1981, artikel 9 van Wet 3 van 1982 en artikel 2 van Wet 5 van 1998

- 45 21. Artikel 112 van die Handelskeepvaartwet, 1951, word herroep.

Herroeping van artikel 159 van Wet 57 van 1951

22. Artikel 159 van die Handelskeepvaartwet, 1951, word herroep.

Wysiging van artikel 221 van Wet 57 van 1951, soos gewysig deur artikel 49 van Wet 69 van 1962, artikel 40 van Wet 40 van 1963 en artikel 13 van Wet 18 van 1992

- 50 23. Artikel 221 van die Handelskeepvaartwet, 1951, word gewysig—

- (a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) The owner and the master of every South African ship operating at a port in the Republic or going to sea from any port whatsoever shall ensure that, in addition to the ships’ officers and other persons which in terms of section 73 must be employed on board that ship, there are employed as crew the number and description of persons prescribed.

(2) (a) Subject to paragraph (b), the owner and the master of every ship other than a South African ship operating at a port in the Republic or going to sea from any such port shall ensure that, in addition to the ships’ officers and other persons which in terms of section 73(4) must be employed on board that ship, there are employed as crew the number and descriptions of persons prescribed by the law of the flag of the ship.

(b) Notwithstanding paragraph (a), subsection (1) shall apply to a ship referred to in that paragraph, as if it were a South African ship, if—

(i) the matters contemplated in that paragraph are not prescribed by the law of the flag of the ship; or

(ii) having regard to—

(aa) the complement normally carried by similar ships on similar voyages;

(bb) the complement which the ship in question has recently carried on previous voyages; and

(cc) the nature and place of the service for which the ship is intended, the proper officer has reason to believe that the ship is not sufficiently and efficiently manned.”; and

- (b) by the deletion of subsection (3).

Amendment of section 222 of Act 57 of 1951, as amended by section 50 of Act 69 of 1962

24. Section 222 of the Merchant Shipping Act, 1951, is amended by the substitution for subsection (1) of the following subsection:

“(1) No person shall be employed as a radio officer or operator of a radio installation on any South African ship **[unless he is a South African citizen or a citizen of a treaty country (other than the Republic) or his employment has, in any special case, been authorized by the Postmaster-General, and]** unless he holds an appropriate certificate of proficiency issued or approved in accordance with the **[radio]** regulations.”.

Amendment of section 223 of Act 57 of 1951, as amended by section 27 of Act 13 of 1965 and section 14 of Act 18 of 1992

25. Section 223 of the Merchant Shipping Act, 1951, is amended by the substitution for subsection (1) of the following subsection:

“(1) If upon the inspection of a vessel a surveyor finds that the provisions of section 73 or 221 or of the maritime occupational safety regulations are not being complied with, or that the vessel is not equipped as required by the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations or any other applicable regulations which may have been made or not marked as required by the load line regulations, or that the equipment is not in good condition, or that the deck lines or load lines are not being properly maintained, or that the **[qualified staff required by the radio regulations for the operation of the radio installation is not provided]** master and crew cannot demonstrate the related competency at their place or places of duty, he shall give notice in writing to that effect to the owner or master, pointing out the deficiencies or defects and requiring that they be made good.”.

- (a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

5 “(1) Die eienaar en die gesagvoerder van elke Suid-Afrikaanse skip wat by ’n hawe in die Republiek gebruik word of vanaf enige hawe waar ook al uitvaar moet sorg dat benewens die skeepsoffisiere en ander persone wat ingevolge artikel 73 aan boord van daardie skip in diens geneem moet wees, daar as bemanning die voorgeskrewe aantal en soort persone in diens is;

10 (2) (a) Behoudens paragraaf (b) moet die eienaar en die gesagvoerder van elke skip (wat nie ’n Suid-Afrikaanse skip is nie) wat by ’n hawe in die Republiek gebruik word of vanaf enige sodanige hawe uitvaar, sorg dat benewens die skeepsoffisiere en ander persone wat ingevolge artikel 73(4) aan boord van daardie skip in diens moet wees, daar as bemanning die getal en soort persone in diens is wat by die wet van die vlag van die skip voorgeskryf word.

15 (b) Ondanks paragraaf (a), geld subartikel (1) ten opsigte van ’n skip bedoel in daardie paragraaf asof dit ’n Suid-Afrikaanse skip is, indien—

(i) die aangeleenthede in daardie paragraaf beoog nie by die wet van die vlag van die skip voorgeskryf word nie; of

20 (ii) wat betref—

(aa) die voltallige bemanning wat gewoonlik op soortgelyke skepe op soortgelyke reise in diens geneem word;

(bb) die voltallige bemanning wat op die betrokke skip op vorige reise onlangs in diens geneem is; en

25 (cc) die bedoelde aard en plek van diens van die skip, die bevoegde beampte redelikerwys oortuig is dat die skip nie voldoende en doeltreffend beman is nie.”; en

(b) deur subartikel (3) te skrap.

Wysiging van artikel 222 van Wet 57 van 1951, soos gewysig deur artikel 50 van Wet 69 van 1962

- 30 24. Artikel 222 van die Handelskeepvaartwet, 1951, word gewysig deur subartikel (1) deur die volgende subartikel te vervang.

35 “(1) Niemand word as radio-offisier of [radiotelegrafis of -telefonis] radio-operateur by ’n radio-installasie op ’n Suid-Afrikaanse skip gebruik [tensy hy ’n Suid-Afrikaanse burger is of ’n burger is van ’n verdragland (behalwe die Republiek) of die gebruik van hom, in ’n spesiale geval, deur die Posmeester-generaal gemagtig is, en] tensy hy ’n gepaste bekwaamheidsertifikaat besit wat volgens die [radio-] regulasies uitgereik of goedgekeur is nie.”.

Wysiging van artikel 223 van Wet 57 van 1951, soos gewysig deur artikel 27 van Wet 13 van 1965 en artikel 14 van Wet 18 van 1992

- 40 25. Artikel 223 van die Handelskeepvaartwet, 1951, word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

45 “(1) Indien by ondersoek van ’n vaartuig ’n opnemer bevind dat aan die bepalinge van artikel 73 of 221 of van die maritieme beroepsveiligheidsregulasies nie voldoen word nie, of dat die vaartuig nie ooreenkomstig die vereistes van die regulasies in verband met konstruksie, die regulasies vir reddingsuitrusting, die radio-regulasies, die regulasies in verband met botsing of enige ander toepaslike regulasies wat uitgevaardig is, toegerus is nie, of nie ooreenkomstig die vereistes van die laslynregulasies gemerk is nie, of dat die uitrusting nie in ’n goeie toestand is nie, of dat die deklyne of laslyne nie behoorlik in stand gehou word nie, of dat

50 [voorsiening nie gemaak is nie vir die bevoegde personeel wat deur die radio-regulasies vir die hantering van die radio-installasie vereis word] die gesagvoerder en bemanning nie die verwante bekwaamheid by hul plek of plekke van diens kan toon nie, gee hy skriftelik daarvan kennis aan die eienaar of gesagvoerder, vermeld in die kennisgewing die tekortkomings of gebreke en gelas dat hulle aangevul of uit die weg geruim moet word.”.

55

Repeal of section 354 of Act 57 of 1951, as amended by section 60 of Act 69 of 1962

26. Section 354 of the Merchant Shipping Act, 1951, is repealed.

Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of 1959, section 59 of Act 40 of 1963, section 6 of Act 24 of 1974, section 11 of Act 5 of 1976, section 19 of Act 3 of 1982, section 9 of Act 25 of 1985, section 32 of Act 18 of 1992, section 7 of Act 16 of 1995 and section 15 of Act 23 of 1997 5

27. Section 356 of the Merchant Shipping Act, 1951, is amended—

- (a) by the substitution for subparagraph (a) of paragraph (xiii) of subsection (1) of the following subparagraph: 10
 “(a) the scope and conduct of examinations to be passed by a person desiring the grant under this Act of a certificate of competency or qualification [**as a ship’s officer, an able seaman, a lifeboatman, a ship’s cook or a ship’s steward, or any other certificate of competency or qualification**] of any description testifying to his ability to perform work or duties of a particular kind on board a ship, and the standards required for passing;”;
- (b) by the insertion in subsection (1) after paragraph (xiii) of the following paragraphs, respectively: 15
 “(xiiiA) regulating the recognition of certificates of competency or service granted by other competent authorities; 20
 (xiiiB) as to the approval by specified persons of seafarer training institutions and training courses;”; and
- (c) by the insertion after subsection (3) of the following subsection: 25
 “(4) (a) Any regulation made under subsection (1) or (2) may make provision in terms of any document which the Minister or any person considers relevant from time to time, without stating the text thereof, by mere reference to the number, title and year of issue of that document or to any other particulars by which that document is sufficiently identified. 30
 (b) References in the regulations to any such document shall, unless expressly stated otherwise, be references to that document as revised or re-issued from time to time. 35
 (c) A copy of the complete text of each such document, as revised or re-issued from time to time, shall be kept at such places in the Republic as the Authority directs and shall be available for public inspection.
 (d) The provisions of section 31 of the Standards Act, 1993 (Act No. 29 of 1993), shall not affect the operation of this section.” 35

Amendment of section 356bis of Act 57 of 1951, as amended by section 60 of Act 40 of 1963, section 20 of Act 3 of 1982, section 33 of Act 18 of 1992 and section 16 of Act 23 of 1997

28. Section 356bis of the Merchant Shipping Act, 1951, is amended— 40

- (a) by the substitution for subsections (1) and (2) of the following subsections, respectively: 45
 “(1) The provisions of the Safety Convention [**and the STCW Convention**] shall, subject to the provisions of this Act, have the force of law in the Republic.
 (2) The Minister shall, as soon as practicable after the entry into force for the Republic of any amendment to the Safety Convention, [**or the STCW Convention**] by notice in the *Gazette* amend the [**appropriate**] Second Schedule to reflect such amendment.”; and
- (b) by the deletion in subsection (3) of the following words: 50
 “[**and the STCW Convention**]”.

Herroeping van artikel 354 van Wet 57 van 1951, soos gewysig deur artikel 60 van Wet 69 van 1962

26. Artikel 354 van die Handelskeepvaartwet, 1951, word herroep.

Wysiging van artikel 356 van Wet 57 van 1951, soos gewysig deur artikel 42 van Wet 30 van 1959, artikel 59 van Wet 40 van 1963, artikel 6 van Wet 24 van 1974, artikel 11 van Wet 5 van 1976, artikel 19 van Wet 3 van 1982, artikel 9 van Wet 25 van 1985, artikel 32 van Wet 18 van 1992, artikel 7 van Wet 16 van 1995 en artikel 15 van Wet 23 van 1997

27. Artikel 356 van die Handelskeepvaartwet, 1951, word gewysig—

(a) deur subparagraaf (a) van paragraaf (xiii) van subartikel (1) deur die volgende subparagraaf te vervang:

“(a) die veld en afneem van eksamens waarin ’n persoon moet slaag wat die toekenning kragtens hierdie Wet van ’n bekwaamheid- of bevoegdheidsertifikaat [~~as skeepsoffisier, volle seeman, reddingsbootman, skeepskok of skeepskelner, of van enige ander bekwaamheid- of bevoegdheidsertifikaat~~] van enige beskrywing wat getuig dat hy in staat is om enige bepaalde soort werk of pligte aan boord van ’n skip te verrig, verlang, en die standaarde wat vereis word om te kan slaag;”;

(b) deur in subartikel (1) onderskeidelik die volgende paragrawe na paragraaf (xiii) in te voeg:

“(xiiiA) wat die erkenning van bekwaamheid- of dienssertifikate wat deur ander bevoegde owerhede toegeken is, reguleer;

(xiiiB) wat betref die goedkeuring deur vermelde persone van seevaarder-opleidingsinrigtings en -opleidingskursusse;”; en

(c) deur na subartikel (3) die volgende subartikel in te voeg:

“(4) (a) ’n Regulasie uitgevaardig kragtens subartikel (1) of (2) kan voorsiening maak ingevolge enige dokument wat die Minister of enigiemand van tyd tot tyd toepaslik ag, sonder om die teks daarvan te vermeld, by wyse van ’n blote verwysing na die nommer, titel en jaar van uitreiking van daardie dokument of na die ander besonderhede waardeur daardie dokument voldoende geïdentifiseer word.

(b) Verwysings in die regulasies na enige sodanige dokument is, tensy daar uitdruklik anders bepaal is, verwysings na daardie dokument soos van tyd tot tyd hersien of heruitgereik.

(c) ’n Afskrif van die volledige teks van elke sodanige dokument, soos hersien of heruitgereik, word gehou by die plekke in die Republiek wat die Owerheid gelas en moet aan die publiek ter insae beskikbaar gestel word.

(d) Die bepalings van artikel 31 van die Wet op Standaarde, 1993 (Wet No. 29 van 1993), raak nie die werking van hierdie artikel nie.”.

Wysiging van artikel 356bis van Wet 57 van 1951, soos gewysig deur artikel 60 van Wet 40 van 1963, artikel 20 van Wet 3 van 1982, artikel 33 van Wet 18 van 1992 en artikel 16 van Wet 23 van 1997

28. Artikel 356bis van die Handelskeepvaartwet, 1951, word gewysig—

(a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

“(1) Behoudens die bepalings van hierdie Wet het die bepalings van die Veiligheidskonvensie [~~en die STCW-konvensie~~] regsrag in die Republiek.

(2) Die Minister moet, so gou doenlik, nadat enige wysiging van die Veiligheidskonvensie [~~of die STCW-konvensie~~] ten opsigte van die Republiek in werking getree, by kennisgewing in die Staatskoerant die [~~toepaslike~~] Tweede Bylae wysig om sodanige wysiging weer te gee.”;

en

(b) deur in subartikel (3) die volgende woorde te skrap:

“[~~en die STCW-konvensie~~]”.

Repeal of section 356ter of Act 57 of 1951, as amended by section 34 of Act 18 of 1992 and section 17 of Act 23 of 1997

29. (1) Section 356ter of the Merchant Shipping Act, 1951, is repealed.
(2) After the commencement of this section, any standard incorporated in the regulations in terms of that section is regarded to be a document referred to in section 356(4) of the said Act. 5

Repeal of section 356quat of Act 57 of 1951, as amended by section 9 of Act 16 of 1995

30. (1) Section 356quat of the Merchant Shipping Act, 1951, is repealed.
(2) After the commencement of this section, any international shipping standard incorporated in the regulations in terms of that section is regarded to be a document referred to in section 356(4) of the said Act. 10

Repeal of Fifth Schedule to Act 57 of 1951

31. The Fifth Schedule to the Merchant Shipping Act, 1951, is repealed.

Amendment of Schedule to Act 2 of 1986

15

32. The Schedule to the Marine Pollution (Prevention of Pollution from Ships) Act, 1986, is amended to the extent indicated in the Schedule.

Short title and commencement

33. This Act is called the Shipping Laws Amendment Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 20

Herroeping van artikel 356ter van Wet 57 van 1951, soos gewysig deur artikel 34 van Wet 18 van 1992 en artikel 17 van Wet 23 van 1997

29. (1) Artikel 356ter van die Handelskeepvaartwet, 1951, word herroep.

- 5 (2) 'n Standaard in die regulasies ingelyf ingevolge daardie artikel word, na die inwerkingtreding van hierdie artikel, geag 'n dokument bedoel in artikel 356(4) van gemelde Wet te wees.

Herroeping van artikel 356quat van Wet 57 van 1951, soos gewysig deur artikel 9 van Wet 16 van 1995

30. (1) Artikel 356quat van die Handelskeepvaartwet, 1951, word herroep.

- 10 (2) 'n Internasionale skeepvaartstandaard in die regulasies ingelyf ingevolge daardie artikel word, na die inwerkingtreding van hierdie artikel, geag 'n dokument bedoel in artikel 356(4) van gemelde Wet te wees.

Herroeping van Vyfde Bylae by Wet 57 van 1951

31. Die Vyfde Bylae by die Handelskeepvaartwet, 1951, word herroep.

15 Wysiging van Bylae by Wet 2 van 1986

32. Die Bylae by die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe), 1986, word gewysig in die mate in die Bylae aangedui.

Kort titel en inwerkingtreding

- 20 33. Hierdie Wet heet die Wysigingswet op Skeepvaartwette, 1998, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

Schedule**(Section 32)**

AMENDMENT OF THE SCHEDULE TO THE MARINE POLLUTION (PREVENTION OF POLLUTION FROM SHIPS) ACT, 1986: INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS AMENDED BY THE PROTOCOL OF 1978, TO GIVE EFFECT TO AMENDMENTS AND ADDITIONS TO THE SAID PROTOCOL ADOPTED BY THE INTERNATIONAL MARITIME ORGANIZATION BY RESOLUTIONS MEPC.65(37) AND 68(38), WHICH ENTERED INTO FORCE ON 1 JULY 1997 AND 1 JANUARY 1998, RESPECTIVELY

Interpretation

1. In this Schedule “the Convention” means the Convention defined in section 1 of the Marine Pollution (Prevention of Pollution from Ships) Act, 1986 (Act No. 2 of 1986).

PART 1—MEPC.65(37)**Substitution of Regulation 2 of Annex V to Convention**

2. The following Regulation is substituted for Regulation 2 of Annex V to the Convention:

“Regulation 2***Application***

Unless expressly provided otherwise, the provisions of this Annex shall apply to all ships.”

Addition of Regulation 9 to Annex V to Convention

3. The following Regulation is added to Annex V to the Convention:

“Regulation 9***Placards, garbage management and garbage record-keeping***

(1) (a) Every ship of 12 metres or more in length overall shall display placards which notify the crew and passengers of the disposal requirements of regulations 3 and 5 of this Annex, as applicable.

(b) The placards shall be written in the official language of the State whose flag the ship is entitled to fly and, for ships engaged in voyages to ports or offshore terminals under the jurisdiction of the other Parties to the Convention, in English or French.

(2) Every ship of 400 tons gross tonnage and above, and every ship which is certified to carry 15 persons or more, shall carry a garbage management plan which the crew shall follow. This plan shall provide written procedures for collecting, storing, processing and disposing of garbage, including the use of the equipment on board. It shall also designate the person in charge of carrying out the plan. Such a plan shall be in accordance with the guidelines developed by the Organization and written in the working language of the crew.

(3) Every ship of 400 tons gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention and every fixed and floating platform engaged in exploration and exploitation of the sea-bed, shall be provided with a Garbage Record Book. The Garbage Record Book, whether as a part of the ship's official logbook or otherwise, shall be in the form specified in the Appendix to this Annex;

Bylae**(Artikel 32)**

WYSIGING VAN DIE BYLAE BY DIE WET OP MARIENE BESOEDELING (VOORKOMING VAN BESOEDELING DEUR SKEPE), 1986; INTERNASIONALE KONVENSIE TER VOORKOMING VAN BESOEDELING DEUR SKEPE, 1973, SOOS GEWYSIG DEUR DIE PROTOKOL VAN 1978, TEN EINDE UITVOERING TE GEE AAN DIE WYSIGINGS AAN EN BYVOEGINGS BY GENOEMDE PROTOKOL, AANGENEEM DEUR DIE INTERNASIONALE MARITIEME ORGANISASIE BY RESOLUSIE MEPC.65(37) EN 68(38), WAT ONDERSKEIDELIK OP 1 JULIE 1997 EN 1 JANUARIE 1998 IN WERKING GETREE HET

Uitleg

1. In hierdie Bylae beteken "die Konvensie" die Konvensie omskryf in artikel 1 van die Wet op Mariene Besoedeling (Voorkoming van Besoedeling deur Skepe), 1986 (Wet No. 2 van 1986).

DEEL 1—MEPC.65(37)**Vervanging van Regulasie 2 van Aanhangel V by Konvensie**

2. Regulasie 2 van Aanhangel V van die Konvensie word deur die volgende Regulasie vervang:

"Regulasie 2***Toepassing***

Tensy uitdruklik anders bepaal, is hierdie Aanhangel op alle skepe van toepassing."

Byvoeging van Regulasie 9 by Aanhangel V by Konvensie

3. Die volgende Regulasie word by Aanhangel V by die Konvensie gevoeg:

"Regulasie 9***Plakkate, afvalbestuur en afvalrekordhouding***

(1) (a) Elke skip met 'n totale lengte van 12 meter of meer moet plakkate vertoon waarin die bemanning en passasiers van die wegdoeningsvereistes van regulasies 3 en 5 van hierdie Aanhangel, soos van toepassing, ingelig word.

(b) Die plakkate moet geskryf word in die amptelike taal van die Staat wie se vlag die skip geregtig is om te voer en, vir skepe wat vaar na hawens of see-eindpunte binne die jurisdiksie van die ander Partye by die Konvensie, in Engels of Frans.

(2) Elke skip met 'n bruto tonnemaat van 400 ton en meer, en elke skip wat gesertifiseer is om 15 persone of meer te vervoer, moet oor 'n afvalbestuursplan beskik wat deur die bemanning gevolg moet word. Hierdie plan moet skriftelike prosedures voorsien vir die verwydering, berging, prosessering en wegdoening van afval, met inbegrip van die gebruik van uitrusting aan boord. Die plan moet ook die persoon in bevel van die uitvoering daarvan aanwys. Sodanige plan moet in ooreenstemming wees met die riglyne wat deur die Organisasie ontwikkel is en moet in die werkstaal van die bemanning geskryf wees.

(3) Elke skip met 'n bruto tonnemaat van 400 ton en meer en elke skip wat gesertifiseer is om 15 persone of meer te vervoer, wat na hawens of see-eindpunte vaar onder die jurisdiksie van die ander Partye by die Konvensie, en elke vaste en drywende platform wat gebruik word by die eksplorاسie en eksplotاسie van die seebodem, moet voorsien word van 'n Afvalrekordboek. Die Afvalrekordboek, hetsy as deel van die amptelike skeepslogboek of andersins, moet in die vorm wees soos gespesifiseer in die Byvoegsel by hierdie Aanhangel;

- (a) each discharge operation, or completed incineration, shall be recorded in the Garbage Record Book and signed for on the date of the incineration or discharge by the officer in charge. Each completed page of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be both in an official language of the State whose flag the ship is entitled to fly, and in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy;
 - (b) the entry for each incineration or discharge shall include date and time, position of the ship, description of the garbage and the estimated amount incinerated or discharged;
 - (c) the Garbage Record Book shall be kept on board the ship and in such a place as to be available for inspection in a reasonable time. This document shall be preserved for a period of two years after the last entry is made on the record;
 - (d) in the event of discharge, escape or accidental loss referred to in regulation 6 of this Annex an entry shall be made in the Garbage Record Book of the circumstances of, and the reasons for, the loss.
- (4) The Administration may waive the requirements for Garbage Record Books for—
- (i) any ship engaged on voyages of 1 hour or less in duration which is certified to carry 15 persons or more; or
 - (ii) fixed or floating platforms while engaged in exploration and exploitation of the sea-bed.
- (5) The competent authority of the Government of a Party to the Convention may inspect the Garbage Record Book on board any ship to which this regulation applies while the ship is in its ports or offshore terminals and may make a copy of any entry in that book, and may require the master of the ship to certify that the copy is a true copy of such an entry. Any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Garbage Record Book, shall be admissible in any judicial proceedings as evidence of the facts stated in the entry. The inspection of a Garbage Record Book and the taking of a certified copy by the competent authority under this paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.
- (6) In the case of ships built before 1 July 1997, this regulation shall apply as from 1 July 1998.”.

Addition of Appendix to Annex V to Convention

4. The following Appendix is added to Annex V to the Convention:

“Appendix

FORM OF GARBAGE RECORD BOOK

Name of ship:

Distinctive number or letters:

IMO No.:

Period: From: To:

1. Introduction

In accordance with Regulation 9 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) a record is to be kept of each discharge operation or completed incineration. This includes discharges at sea, to reception facilities, or to other ships.

2. Garbage and garbage management

Garbage includes all kind of food, domestic and operational waste excluding

- (a) elke uitlating of afgehandelde verbranding, moet in die Afvalrekordboek aangeteken word en moet op die datum van die verbranding of uitlating deur die offisier in bevel onderteken word. Elke ingevulde bladsy van die Afvalrekordboek moet deur die gesagvoerder van die skip onderteken word. Die inskrywings in die Afvalrekordboek moet sowel in 'n amptelike taal wees van die Staat wie se vlag die skip geregtig is om te vervoer asook in Engels of Frans. Die inskrywings in 'n amptelike nasionale taal van die Staat wie se vlag die skip geregtig is om te voer, gee die deurslag in die geval van 'n dispuut of teenstrydigheid;
 - (b) die inskrywing vir elke verbranding of uitlating moet die datum en tyd, die posisie van die skip, 'n beskrywing van die afval en die geraamde hoeveelheid afval verbrand of uitgelaat, insluit;
 - (c) die Afvalrekordboek moet aan boord van die skip gehou word en op sodanige plek wat op 'n redelike tydperk vir inspeksie beskikbaar moet wees. Hierdie dokument moet vir 'n tydperk van twee jaar nadat die laaste inskrywing daarin gemaak is, bewaar word;
 - (d) in die geval van uitlating, ontsnapping of toevallige verlies bedoel in regulasie 6 van hierdie Aanhangsel moet 'n inskrywing in die Afvalrekordboek gemaak word van die omstandighede van, en die redes vir, die verlies.
- (4) Die Administrasie kan afsien van die vereistes vir Afvalrekordboeke vir—
- (i) enige skip wat besig is met 'n vaart wat 1 uur of minder duur en wat gesertifiseer is om 15 persone of meer te vervoer; of
 - (ii) vaste of drywende platforms wat besig is met die eksplorاسie en eksplorasie van die seabodem.
- (5) Die bevoegde owerheid van die Regering van 'n Party by die Konvensie mag die Afvalrekordboek aan boord van 'n skip waarop hierdie regulasie van toepassing is, inspekteer terwyl die skip in sy hawens of see-eindpunte is en hy kan 'n afskrif van enige inskrywing in daardie boek maak en van die gesagvoerder van die skip vereis om te sertifiseer dat die afskrif 'n ware afskrif van sodanige inskrywing is. Enige afskrif aldus gemaak wat deur die gesagvoerder van die skip gesertifiseer is as 'n ware afskrif van 'n inskrywing in die skip se Afvalrekordboek, moet in enige geregtelike proses toelaatbaar wees as bewys van die feite wat in die inskrywing genoem word. Die inspeksie van 'n Afvalrekordboek en die neem ingevolge hierdie paragraaf van 'n gesertifiseerde afskrif deur die bevoegde owerheid moet so gou moontlik uitgevoer word sonder om onnodige vertraging vir die skip mee te bring.
- (6) In die geval van skepe wat voor 1 Julie 1997 gebou is, is hierdie regulasie vanaf 1 Julie 1998 van toepassing.”

Byvoeging van Byvoegsel by Aanhangsel V by Konvensie

4. Die volgende Byvoegsel word by Aanhangsel V by die Konvensie gevoeg:

“Byvoegsel

VORM VAN AFVALREKORDBOEK

Naam van skip:

Onderskeidende nommer of letters:

IMO-nommer:

Tydperk: Van: Tot:

1. Inleiding

Ooreenkomstig Regulasie 9 van Aanhangsel V van die Internasionale Konvensie ter Voorkoming van Besoedeling deur Skepe, 1973, soos aangepas deur die Protokol van 1978 daarop van toepassing (MARPOL 73/78), moet 'n rekord gehou word van elke uitlating of afgehandelde verbranding. Dit behels uitlatings ter see, na ontvangsfasiliteite of na ander skepe.

2. Afval en afvalbestuur

Afval sluit in alle soorte voedsel-, huishoudelike en bedryfsafval, uitgesonderd

fresh fish and parts thereof, generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL 73/78 (such as oil, sewage or noxious liquid substances).

The Guidelines for the Implementation of Annex V of MARPOL 73/78 should also be referred to for relevant information.

3. Description of the garbage

The garbage is to be grouped into categories for the purposes of this record book as follows:

1. Plastics
2. Floating dunnage, lining, or packing material
3. Ground-down paper products, rags, glass, metal, bottles, crockery, etc.
4. Paper Products, rags, glass, metal, bottles, crockery, etc.
5. Food waste
6. Incinerator ash.

4.1 Entries in the Garbage Record Book

Entries in the Garbage Record Book shall be made on each of the following occasions:

- (a) When garbage is discharged into the sea:
 - (i) Date and time of discharge
 - (ii) Position of the ship (latitude and longitude)
 - (iii) Category of garbage discharged
 - (iv) Estimated amount discharged for each category in m³
 - (v) Signature of the officer in charge of the operation.
- (b) When garbage is discharged to reception facilities ashore or to other ships:
 - (i) Date and time of discharge
 - (ii) Port or facility, or name of ship
 - (iii) Category of garbage discharged
 - (iv) Estimated amount discharged for each category in m³
 - (v) Signature of officer in charge of the operation.
- (c) When garbage is incinerated:
 - (i) Date and time of start and stop of incineration
 - (ii) Position of the ship (latitude and longitude)
 - (iii) Estimated amount incinerated in m³
 - (iv) Signature of the officer in charge of the operation.
- (d) Accidental or other exceptional discharges of garbage:
 - (i) Time of occurrence
 - (ii) Port or position of the ship at the time of occurrence
 - (iii) Estimated amount and category of garbage
 - (iv) Circumstances of disposal, escape or loss, the reason therefor and general remarks.

4.2 Receipts

The master should obtain from the operator of port reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for two years.

4.3 Amount of garbage

The amount of garbage on board should be estimated in m³, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognized that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g. the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

vars vis en dele daarvan, wat ontstaan gedurende die gewone bedryf van die vaartuig en wat deurlopend of periodiek weggedoen moet word, uitgesonderd daardie stowwe (soos olie, rioolwater of skadelike vloeistowwe) wat in ander aanhangsels van MARPOL 73/78 omskryf of gelys word.

Die riglyne vir die implementering van Aanhangel V van MARPOL 73/78 moet ook geraadpleeg word vir die tersaaklike inligting.

3. Beskrywing van die afval

Die afval moet vir die doel van hierdie rekord soos volg in kategorieë gegroepeer word:

1. Plastiek
2. Drywende stumateriaal en voerings- of verpakkingsmateriaal
3. Gemaalde papierprodukte, vodde, glas, metaal, bottels, breekware, ens.
4. Papierprodukte, vodde, glas, metaal, bottels, breekware, ens.
5. Voedselafval
6. Verbranderas.

4.1 Inskrywings in die Afvalrekordboek

Inskrywings in die Afvalrekordboek moet by elk van die volgende geleenthede gemaak word:

- (a) Wanneer afval in die see uitgelaat word:
 - (i) Datum en tyd van uitlating
 - (ii) Posisie van die skip (breedtegraad en lengtegraad)
 - (iii) Kategorie van afval uitgelaat
 - (iv) Geraamde hoeveelheid uitgelaat vir elke kategorie in m³
 - (v) Handtekening van die offisier in beheer van die handeling.
- (b) Wanneer afval uitgelaat word na ontvangsfasiliteite aan die kus of na ander skepe:
 - (i) Datum en tyd van uitlating
 - (ii) Hawe of fasiliteit, of naam van skip
 - (iii) Kategorie van afval uitgelaat
 - (iv) Geraamde hoeveelheid uitgelaat vir elke kategorie in m³
 - (v) Handtekening van offisier in beheer van die handeling.
- (c) Wanneer afval verbrand word:
 - (i) Datum en tyd van begin en staking van verbranding
 - (ii) Posisie van die skip (breedtegraad en lengtegraad)
 - (iii) Geraamde hoeveelheid verbrand in m³
 - (iv) Handtekening van die offisier in beheer van die handeling.
- (d) Toevallige of ander buitengewone uitlatings van afval:
 - (i) Tyd van voorval
 - (ii) Hawe of posisie van die skip ten tyde van die voorval
 - (iii) Geraamde hoeveelheid en kategorie van afval
 - (iv) Omstandighede van wegdoening, ontsnapping of verlies, die rede daarvoor en algemene opmerkings.

4.2 Ontvangs

Die gesagvoerder moet van die operateur van hawe-ontvangsfasiliteite, of van die gesagvoerder van die skip wat die afval ontvang, 'n ontvangsbewys of sertifikaat verkry waarin gespesifiseer word wat die geraamde hoeveelheid afval was wat oorgebring is. Die ontvangsbewyse of sertifikate tesame met die Afvalrekordboek moet twee jaar lank aan boord gehou word.

4.3 Die hoeveelheid afval

Die hoeveelheid afval aan boord moet in m³ geraam word, indien moontlik afsonderlik volgens kategorie. Die Afvalrekordboek bevat baie verwysings na geraamde hoeveelheid afval. Daar word erken dat die akkuraatheid van ramings van hoeveelheid aan interpretasie oorgelaat word. Volumeramings sal voor en na prosessering verskil. Sommige prosesseringsprosedures kan moontlik nie ruimte laat vir 'n bruikbare raming van volume nie, bv. die deurlopende prosessering van voedselafval. Sulke faktore moet in aanmerking geneem word wanneer inskrywings in 'n rekord gemaak en geïnterpreteer word.

RECORD OF GARBAGE DISCHARGES

Ship's name: Distinctive No. or letters IMO No.:

Garbage categories:

- 1: Plastic.
- 2: Floating dunnage, lining, or packing materials.
- 3: Ground-down paper products, rags, glass, metal, bottles, crockery, etc.
- 4: Paper products, rags, glass, metal, bottles, crockery, etc.
- 5: Food waste.
- 6: Incinerator ash.

NOTE: THE DISCHARGE OF ANY GARBAGE OTHER THAN FOOD WASTE IS PROHIBITED IN SPECIAL AREAS. ONLY GARBAGE DISCHARGED INTO THE SEA MUST BE CATEGORIZED. GARBAGE OTHER THAN CATEGORY 1 DISCHARGED TO RECEPTION FACILITIES NEED ONLY BE LISTED AS A TOTAL ESTIMATED AMOUNT.

Date/time	Position of the ship	Estimated amount discharged into sea (m ³)					Estimated amount discharged to reception facilities or to other ship (m ³)		Estimated amount incinerated (m ³)	Certification/ Signature
		CAT 2	CAT 3	CAT 4	CAT 5	CAT 6	CAT 1	Other		

Master's signature:

Date:".

REKORD VAN AFVALUITLATINGS

Naam van skip: Onderskeidende nommer of letters IMO-no.:

Afvalkategorieë:

- 1: Plastiek.
- 2: Drywende stumateriaal en voerings- of verpakkingsmateriaal.
- 3: Gemaalde papierprodukte, vodde, glas, metaal, bottels, breekware, ens.
- 4: Papierprodukte, vodde, glas, metaal, bottels, breekware, ens.
- 5: Voedselafval.
- 6: Verbranderas.

OPMERKING: DIE UITLAAT VAN ENIGE ANDER AFVAL AS VOEDSELAFVAL IS VERBODE IN SPESIALE GEBIEDE. SLEGS AFVAL UITGELAAT IN DIE SEE MOET GEKATEGORISEER WORD. ANDER AFVAL AS KATEGORIE 1 UITGELAAT NA ONTVANGSFASILITEITE MOET SLEGS GELYS WORD AS 'N TOTALE GERAAMDE HOEVEELHEID.

Datum/tyd	Posisie van die skip	Geraamde hoeveelheid uitgelaat in die see (m ³)					Geraamde hoeveelheid uitgelaat na ontvangsfasiliteite of na ander skip (m ³)		Geraamde hoeveelheid verbrand (m ³)	Sertifisering/ Handtekening
		KAT 2	KAT 3	KAT 4	KAT 5	KAT 6	KAT 1	Ander		

Gesagvoerder se handtekening:

Datum: ''.

PART 2—MEPC.68(38)**Amendment of Article II of Protocol I to Convention**

5. Article II of Protocol I to the Convention is amended by the substitution for Subarticle (1) of the following Subarticle:

“(1) The report shall be made when an incident involves—

- (a) a discharge above the permitted level or probable discharge of oil or of noxious liquid substances for whatever reason including those for the purpose of securing the safety of the ship or for saving life at sea; or
- (b) a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or
- (c) damage, failure or breakdown of a ship of 15 metres in length or above which—
 - (i) affects the safety of the ship; including but not limited to collision, grounding, fire, explosion, structural failure, flooding, and cargo shifting; or
 - (ii) results to impairment of the safety of navigation; including but not limited to, failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential shipborne navigational aids; or
- (d) a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention.”.

DEEL 2—MEPC.68(38)**Wysiging van Artikel II van Protokol I by Konvensie**

5. Artikel II van Protokol I by die Konvensie word gewysig deur Subartikel (1) deur die volgende Subartikel te vervang:

- “(1) Die verslag moet gelewer word wanneer ’n gebeurtenis betrekking het op—
- (a) ’n uitlating bo die toegelate vlak daarvan of op die waarskynlike uitlating van olie of van skadelike vloeistowwe om water rede ook al, insluitende dié wat ten doel het om die veiligheid van ’n skip te verseker of menselewens ter see te red; of
 - (b) ’n uitlating of waarskynlike uitlating van skadelike stowwe in verpakte vorm, insluitende dié in vraghouders, verplaasbare tenks, of pad- of spoortenkwaens en skeepstrekskuite; of
 - (c) skade, onklaarraking of weiering van ’n skip van 15 meter lank of langer wat—
 - (i) die veiligheid van die skip raak, insluitende, maar nie beperk nie tot, botsing, stranding, brand, ontploffing, struktuuronklaarraking, volloping en vragskuiwing; of
 - (ii) uitloop op die benadeling van die veiligheid van navigasie, insluitende, maar nie beperk nie tot, onklaarraking of weiering van die stuurinrigting, aandryfmasjinerie, elektrisiteitsontwikkelstelsel, en noodsaaklike skeepsnavigasihulpmiddele; of
 - (d) ’n uitlating gedurende die bedryf van die skip van olie of skadelike vloeistowwe wat die hoeveelheid of oomblikstempo toegelaat kragtens die huidige Konvensie te bowe gaan.”.

