

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 561.

2 April 1993

No. 561.

2 April 1993

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

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

No. 38 of 1993: Marine Traffic Amendment Act, 1993.

No. 38 van 1993: Wysigingswet op Seeverkeer, 1993.

GENERAL EXPLANATORY NOTE:

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

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

ACT

To amend the Marine Traffic Act, 1981, in order to extend the definition of "offshore installation" so as to include therein pipelines and floating production vessels; to provide for the establishment of safety zones around offshore installations; to create offences in respect of such installations; and to prescribe penalties for such offences; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 25 March 1993.)*

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

Amendment of section 1 of Act 2 of 1981, as amended by section 1 of Act 5 of 1983

1. Section 1 of the Marine Traffic Act, 1981, is hereby amended by the substitution for the definition of "offshore installation" of the following definition: 5

“ ‘offshore installation’ means—

- (a) any installation, including a pipeline, which is situated within the territorial waters or internal waters or **[in the open sea] the South African fishing zone (as defined in section 3 of the Territorial Waters Act, 1963 (Act No. 87 of 1963))** and which is used for the transfer of **[oil]** any substance to or from a ship or a research, exploration or production platform or to or from the coast of the Republic, and includes any exploration or production platform so situated and used in prospecting for or the mining of **[oil or other substances] any substance;** 10
- (b) **[a] an exploration, production or bunkering vessel in such waters or [the open sea] fishing zone;** or
- (c) any vessel or appliance used for the purpose of exploiting or exploring the seabed in such waters or **[the open sea] fishing zone;**” 15 20

Insertion of section 8B in Act 2 of 1981

2. The following section is hereby inserted in the Marine Traffic Act, 1981, after section 8A:

“Offences in respect of offshore installations

8B. (1) (a) The master; or

(b) any person on board a ship in charge of the navigation of such ship,

shall be guilty of an offence if through his act or omission in connection with the navigation of the ship in question an offshore installation or a part thereof is damaged or a danger is created that it may become damaged.

(2) If a ship sails nearer to an offshore installation (other than a pipeline) than 500 metres, measured from any point on the exterior side of such offshore installation, or drops or drags anchor nearer than 500 metres to a pipeline on or in the seabed, it shall for the purpose of subsection (1) be deemed, unless the contrary is proved, that a danger was created that such offshore installation or pipeline may be damaged and that such danger was created through acts or omissions of the master and the person on board such ship in charge of the navigation thereof.”.

Amendment of section 11 of Act 2 of 1981, as amended by section 10 of Act 5 of 1983

3. Section 11 of the Marine Traffic Act, 1981, is hereby amended by the addition of the following paragraph:

“(d) any offence under section 8B, to a fine or to imprisonment for a period not exceeding 10 years.”.

Short title

4. This Act shall be called the Marine Traffic Amendment Act, 1993.