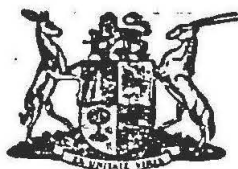


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 373.

13 Maart 1974.

No. 373.

13 March 1974.

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

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

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

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

MERCHANT SHIPPING AMENDMENT ACT, 1974.

Act No. 24, 1974

ACT

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

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

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

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

Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959, section 31 of Act 69 of 1962, section 1 of Act 40 of 1963, section 1 of Act 13 of 1965 and section 1 of Act 42 of 1969.

2. The following section is hereby substituted for section 167 of the principal Act:

Substitution of section 167 of Act 57 of 1951.

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

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

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

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

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

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

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

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

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

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

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

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

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

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