

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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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 568.

5th April, 1973.

No. 568.

5 April 1973.

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. 29 of 1973: Saldanha Bay Harbour Construction Act, 1973.

No. 29 van 1973: Saldanhabaaihawee-aanlegwet, 1973.

Act No. 29, 1973

SALDANHA BAY HARBOUR CONSTRUCTION ACT, 1973.

# ACT

To provide for the establishment of a harbour at Saldanha Bay; for the assignment of the construction, control and management of the harbour to the South African Iron and Steel Industrial Corporation, Limited, and other juristic persons; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)  
(Assented to 4th April, 1973.)*

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

## Definitions.

1. In this Act, unless the context indicates otherwise—

- (i) "harbour" means the harbour contemplated in section 2, or any part thereof, and, in relation to the exercise of a power in the harbour, that part of the harbour which has been assigned under section 2 to the authority exercising the power; (i)
- (ii) "Minister" means the Minister of Economic Affairs; (ii)
- (iii) "person in control of the harbour" means an officer of the Department of Industries designated by the Minister for the purpose. (iii)

## Construction of harbour at Saldanha Bay.

- 2. (1) (a) The State President may by proclamation declare the whole or any defined portion of the bay known as Saldanha Bay, whether above or below the high-water mark, as an area in which a harbour may be constructed, and he may in such proclamation or in any later proclamation assign, on such terms and conditions as he may determine, the construction, equipment, control and management of the whole or any part of such harbour to the South African Iron and Steel Industrial Corporation, Limited (hereinafter referred to as the Corporation), constituted under the provisions of section 1 of the Iron and Steel Industry Act, 1928 (Act No. 11 of 1928), or to any other juristic person specified in the proclamation.

(b) Different parts of the harbour may be assigned to different juristic persons for the purposes stated in paragraph (a).

(2) An assignment under subsection (1) shall include the power to construct, equip, control and manage navigational channels, turning basins with accompanying buoying, wharves, docks, basins, jetties, piers, signal stations, navigational aids, breakwaters, yards, railway lines, sidings, buildings and other facilities or appurtenances or additional works necessary for or incidental to the proper working of the harbour.

## Costs of construction of harbour or part thereof.

3. The costs of the construction and the equipment of the harbour or any part thereof shall be financed by the Corporation or other juristic person to whom the construction, equipment, control and management thereof have been assigned under section 2 (1), and the costs of the construction, equipment and

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maintenance of any part of the harbour which is for the common benefit of the Corporation and any other juristic person specified in a proclamation referred to in that section, shall be financed by the Corporation and such other juristic person in accordance with a ratio determined by the Minister.

Additional powers  
of Corporation.

4. (1) The Corporation shall for the purposes of section 2 have the power—

- (a) to construct, equip, control and manage so much of the harbour as has been assigned to it under the provisions of section 2;
- (b) to purchase or otherwise acquire, or to sell or otherwise dispose of, or to build, construct, repair, hire, let or charter, from or to any person, and to control, manage, maintain and work, ships and aircraft for the carriage of persons and goods and accommodation for such ships and aircraft, and any land and appliances required for the purpose of the landing or mooring of aircraft, and all things incidental thereto, and to enter into contracts in connection therewith;
- (c) to enter into contracts with any person, whether within the Republic or elsewhere, in connection with any matter affecting or incidental to the working or control of the harbour, including contracts for the supply of water or electric energy to ships or to persons, and to grant powers of attorney and like authorities;
- (d) to control, manage and superintend the harbour, docks or other similar works under the control of the Corporation, the persons working or otherwise engaged therein or thereon, the ships, goods and persons arriving thereat or departing therefrom and, if deemed necessary, to limit the right to land, warehouse, deliver or ship any goods within the harbour;
- (e) to stevedore, land, ship or tranship goods within the harbour, and to warehouse, deliver and collect any such goods and to land or ship persons, either by itself or through its duly constituted agents;
- (f) to construct or cause to be constructed, and to manage, work and maintain pipe-lines, conveyor belts, ship-loaders, cranes and similar equipment for the handling, transfer and conveyance of solids, liquids or gases, together with all works and appurtenances incidental thereto, and to determine and from time to time to alter the conditions applicable to the use of such pipe-lines, conveyor belts, ship-loaders, cranes and similar equipment;
- (g) to erect, maintain and control navigational aids;
- (h) to construct and maintain, for the purposes of the harbour or harbour activities, telegraphic or telephonic communication with or without wires;
- (i) to establish and maintain life-boats, life-saving apparatus and such other works, institutions or appliances as may be required for the needs of the harbour;
- (j) to fix and from time to time to alter wharf dues, rates and other dues and charges at the harbour under the control of the Corporation;
- (k) generally to execute and do all such acts, deeds and things as may be necessary for the construction, equipment, control and management of the harbour.

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(2) The Corporation may form a company to construct and equip so much of the harbour as has been assigned to the Corporation under section 2, or to assist the Corporation with the construction, equipment or any other aspect of the harbour so assigned to it, or to exercise on behalf of the Corporation any power conferred on the Corporation by this Act.

(3) The powers conferred by this section shall be exercised by the Corporation for its own purposes only.

## Regulations.

5. (1) The Minister may make regulations, not inconsistent with this Act, with respect to any of the following matters—

- (a) the establishment of a harbour board, and, after consultation with the Corporation and any other juristic person specified in a proclamation issued under section 2, the composition thereof and the powers, duties and functions of the members thereof, and the remuneration, in consultation with the Minister of Finance, of the members thereof, and any other conditions of appointment of such members;
- (b) the proper control and management of the harbour with anchorages, docks, basins and similar works, and the entrance thereto, the removal of any obstruction therein and the preservation from injury of any works, buoys, dredgers, ships or other property connected therewith;
- (c) the proper control and management of the harbour or portions thereof during the construction and equipment of the harbour or any part thereof;
- (d) the erection of buildings or other structures, or the planting of posts or poles that may interfere with the proper working of the harbour or the signals or beacons thereat;
- (e) the regulation of the stevedoring, landing, shipping, transshipping, delivery, collection and warehousing of goods at the harbour, and the declaration of the tonnage and valuation of goods imported or exported and the necessary declarations and statements in support thereof;
- (f) the proper control of all ships entering or within the harbour, or coming alongside any jetty, pier, quay or wharf, or anchoring or mooring within the limits of the harbour, and, subject to the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), the taking of measures to prevent ships from leaving the harbour if overloaded or improperly loaded or insufficiently manned or without qualified officers or engineers or with a number of passengers in excess of the number that can be carried with reasonable safety, or if improperly found or otherwise unseaworthy;
- (g) the fixing and determining of wharfage dues, pilot dues and light dues and other harbour dues and charges and the payment and the exemption from or variation of the payment thereof;
- (h) the prevention of shipwrecks and casualties to ships, and the protection of ships and cargoes wrecked or in danger of being wrecked, and the removal or destruction of anchors that are dangerous or are likely to become dangerous or a nuisance, or that obstruct or are likely to obstruct the fairway of the harbour, and the saving of life in the case of shipwreck;
- (i) the disposal of the cargoes and appurtenances of stranded ships within the harbour, the payment of fines, expenses of sale and charges in connection therewith and the disposal of the proceeds of sale;
- (j) subject to the provisions of the Merchant Shipping Act, 1951, the control of tugs, launches, hulks, fishing or ferry boats or other craft lying in or using the

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- harbour, and the charges to be paid by such craft for the right to lie in or use the harbour;
- (k) the regulation of the use of all landing places, loading jetties, oil trestles, ship-loaders, slips, grid-irons, docks, shears, cranes, lights, mooring ropes and warps, coaling or other appliances, and provision for the regulation of the traffic within any docks or along any wharves, jetties or quays within the harbour;
  - (l) the authorization of admission to the wharves, docks, jetties or other works of the harbour;
  - (m) the prohibition of smoking in or on wharves, jetties, quays, buildings or rolling stock;
  - (n) the prevention of obstructions and the preservation of good order within the harbour area;
  - (o) the regulation and control of road traffic at the harbour, including but without limiting the generality of the foregoing—
    - (i) the prohibition of the driving of any vehicle in a dangerous, reckless or negligent manner, or by any person who is under the influence of intoxicating liquor or drugs;
    - (ii) the restriction of the speed at which vehicles may be driven;
    - (iii) the stopping and parking of vehicles; the levying of charges in respect of the parking of vehicles; the installation of parking-meters for the collection of such charges, and the regulation, supervision, maintenance and control of such meters; the demarcation of parking places for use in conjunction with such meters; the creation of a rebuttable presumption that the period of time for which a vehicle may be lawfully parked in any such parking place is the period as measured by the parking-meter for that place, and that where a vehicle has been driven or parked in contravention of the regulations, the owner of such vehicle (who shall, in the case of a motor vehicle, be deemed to be the person in whose name the vehicle is registered) is the person who was driving or had charge of the vehicle at the time when the contravention occurred;
  - (p) the prevention of damage or injury to any dock, slip, wharf, jetty, landing-place or other works and premises, or to ships, rolling stock or any property whatsoever;
  - (q) the prevention of pollution and of the commission of any nuisance in or upon the harbour, foreshores, docks, wharves, jetties or landing-places, and generally the promotion and ensuring of a good cleansing and sanitation service and of cleanliness and decency within the harbour area;
  - (r) the definition, for the purposes of this Act, of dangerous or offensive goods and the conditions under which and the times when those classes of goods shall be transported, landed, shipped or transhipped, and the prohibition of the transport, landing, shipping or transhipping of those classes of goods, and provision for or sanctioning of the removal or destruction of the same;
  - (s) the use of harbour land for storage yards, depositing or forwarding sites, pipe-lines, power lines and the like, and whether the same shall be overhead or underground;
  - (t) the installation, maintenance and control of automatic vending, mass-measuring, novelty and similar machines;
  - (u) the circumstances in which a ship may be denied access to the harbour;

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- (v) the removal of any ship which has been attached by order of court, to any other place within the harbour;
- (w) the removal of any light which may be mistaken for a navigation light, and the recovery of the costs of such removal;
- (x) the raising, removal or destruction of any sunken, stranded or abandoned ship or wreck within the harbour; the recovery of all costs incurred in such raising, removal or destruction, and the levying and collecting of rent for the right to leave a hull, wreck or wreck remains in the harbour;
- (y) the upkeep of any ship within the harbour which is not in a condition of seaworthiness or which is likely to become an obstruction, wreck or derelict; the removal or disposal of such a ship and the recovery of the costs in this regard;
- (z) the circumstances in which the harbour or any part thereof may be declared a compulsory pilotage harbour;
- (aa) the production by the master of a ship entering the harbour, of the ship's register and papers for inspection;
- (bb) the circumstances in which the master of a ship in the harbour may be refused clearance outward;
- (cc) the liability of the master of a ship for any contravention of this Act or any regulation on board his ship in the harbour,

and generally with respect to the use or working of the harbour and for the good control thereof, and the maintenance of order thereon and therein.

(2) Different regulations may be made in respect of different parts of the harbour and in respect of the different authorities to whom the construction, equipment, control and management of different parts of the harbour have been assigned by proclamation under section 2.

(3) The regulations may provide penalties for any contravention thereof or failure to comply therewith and may provide that a person convicted thereof shall be liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or, in the case of a second or subsequent conviction, to both such fine and such imprisonment.

(4) A copy of the regulations shall be kept at the office of the person in control of the harbour, and shall be open to inspection free of charge.

(5) Whenever the person in control of the harbour boards or goes alongside of any ship arriving at the harbour, he shall cause to be delivered to the master of the ship a copy of the regulations that are in force: Provided that it shall not be necessary more than once in each year to deliver a copy of the said regulations to the master of a ship which regularly trades with the harbour and which has agents resident thereat, and then only at the request of the master.

Short title.

6. This Act shall be called the Saldanha Bay Harbour Construction Act, 1973.