

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.



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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 982. 9 June 1976.

No. 982. 9 Junie 1976.

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 gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 77 of 1976: Saldanha Bay Harbour Construction Amendment Act, 1976.

No. 77 van 1976: Saldanhabaai-hawe-aanlegwysigingswet, 1976.

SALDANHA BAY HARBOUR CONSTRUCTION AMENDMENT Act No. 77, 1976
ACT. 1976

ACT

To amend the Saldanha Bay Harbour Construction Act, 1973, relating to definitions; to provide for the assignment of a part of the Saldanha Bay Harbour to the South African Iron and Steel Industrial Corporation, Limited; and that a part of the costs incurred by the said Corporation in respect of the construction, equipment, control, management, possession and maintenance of the said part of the harbour, in certain circumstances be financed by the State or certain other persons; to amend the said Act relating to the powers of the said Corporation in respect of the said part of the harbour; and the powers of the Minister of Economic Affairs to make regulations; to give retrospective effect to Proclamation R. 189 of 1975; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 1 June 1976.)*

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

1. The following section is hereby substituted for section 1 of the Saldanha Bay Harbour Construction Act, 1973 (hereinafter referred to as the principal Act):

Substitution of section 1 of Act 29 of 1973.

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

‘Administration’ means the authority which under the Railway Board Act, 1962 (Act No. 73 of 1962), administers and works the railways, ports and harbours of the Republic;

‘Corporation’ means the South African Iron and Steel Industrial Corporation, Limited, constituted under the provisions of section 1, of the Iron and Steel Industry Act, 1928 (Act No. 11 of 1928);

‘harbour’ means that part of the harbour, contemplated in section 2 (1) (a), which has been assigned under section 2 (1) (b) to the Corporation;

‘Minister’ means the Minister of Economic Affairs; ‘person in control of the harbour’ means any person designated by the Minister for the purpose;

‘subsidiary company’ means a company, referred to in section 1 of the Companies Act, 1973 (Act No. 61 of 1973), of which the Corporation is a member.”

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

Substitution of section 2 of Act 29 of 1973.

“Saldanha Bay Harbour. 2. (1) The State President may—
(a) by proclamation declare the whole or any defined portion of the bay known as Saldanha Bay, whether above or below the high-water

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mark, as an area in which a harbour may be constructed; and

- (b) in a proclamation referred to in paragraph (a) or from time to time in any later proclamation assign, on such terms and conditions as he may determine, the construction, equipment, control, management, possession and maintenance of any part of such harbour to the Corporation:

Provided that—

- (i) the repeal, amendment or withdrawal, as the case may be, of paragraph (a) or any proclamation made under paragraph (a); or
(ii) the acquisition by the Administration of the whole or any portion of the bay known as Saldanha Bay, whether above or below the high-water mark;

shall not derogate from any assignment made under paragraph (b) or from the power to make any assignment under paragraph (b).

(2) An assignment under subsection (1) shall include the power to construct, equip, control, manage, possess and maintain navigational channels, turning basins with accompanying buoying, wharves, docks, basins, jetties, piers, 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.”

3. The following section is hereby substituted for section 3 of the principal Act:

Substitution of section 3 of Act 29 of 1973.

“Costs of construction, equipment, control, management, possession and maintenance of harbour.

3. The costs of the construction, equipment, control, management, possession and maintenance of the harbour shall be financed by the Corporation: Provided that if anything financed by the Corporation as aforesaid, is for the common benefit of the Corporation and the State or any other person, the State and such other person shall be obliged to contribute, in accordance with a ratio determined by the Minister, to the costs financed by the Corporation as aforesaid.”

4. Section 4 of the principal Act is hereby amended—

Amendment of section 4 of Act 29 of 1973.

- (a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

“The Corporation shall for the purposes of this Act have the power—”;

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

“(a) to construct, equip, control, manage, possess and maintain the harbour;”;

- (c) by the substitution for paragraphs (d) and (e) of subsection (1) of the following paragraphs:

“(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 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 or ship 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;”;

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(d) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) to construct and maintain, for the purposes of the harbour, telegraphic or telephonic communication with or without wires;”;

(e) by the substitution for paragraph (j) of subsection (1) of the following paragraph:

“(j) to fix and from time to time to alter wharf dues, rates and other dues and charges at the harbour;”;

(f) by the substitution for subsections (2) and (3) of the following subsections:

“(2) An existing subsidiary company of the Corporation or a company which the Corporation may form for that purpose may—

(a) construct, equip, control, manage, possess and maintain the harbour; or

(b) assist the Corporation with the construction, equipment, control, management, possession, maintenance or any other aspect of the harbour; or

(c) 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 or for the purposes of any subsidiary company of the Corporation or for the handling of any other traffic agreed upon with the Administration only.”.

“(4) The Corporation may with the concurrence of the Minister, and on such conditions as it may determine with such concurrence, assign any part of the harbour to a subsidiary company of the Corporation, and thereupon such subsidiary company shall exercise in respect of such part the same powers which the Corporation could have exercised in respect thereof before such assignment.”.

5. Section 5 of the principal Act is hereby amended—

(a) by the deletion of paragraph (a) of subsection (1);

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) the proper control and management of the harbour, and the preservation from injury of any works, buoys, dredgers, ships or other property connected therewith;”;

(c) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) the regulation of the stevedoring, landing, shipping, 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;”;

(d) by the deletion of paragraph (f) of subsection (1);

(e) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) the fixing and determining of wharfage dues and other harbour dues and charges, and the payment and the exemption from or variation of the payment thereof;”;

(f) by the deletion of paragraphs (h), (i) and (j) of subsection (1);

(g) by the substitution for paragraph (k) of subsection (1) of the following paragraph:

“(k) the regulation of the use of all landing places, loading jetties, oil trestles, shiploaders, slips, docks, shears, cranes, lights, mooring ropes and warps, coaling or other appliances, and provision

Amendment of
section 5 of
Act 29 of 1973.

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for the regulation of the traffic within any docks or along any wharves, jetties or quays within the harbour;”;

(h) by the substitution for paragraph (p) of subsection (1) of the following paragraph:

“(p) the prevention of any damage or injury to any dock, wharf, jetty, landing-place or other works and premises, or to ships, rolling stock or any property whatsoever;”;

(i) by the substitution for paragraph (r) of subsection (1) of the following paragraph:

“(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 or shipped, and the prohibition of the transport, landing or shipping of those classes of goods, and provision for or sanctioning of the removal or destruction of the same;”;

(j) by the deletion of paragraphs (u) up to and including (bb) of subsection (1);

(k) by the substitution for subsection (2) of the following subsection:

“(2) Different regulations may be made in respect of different parts of the harbour.”.

6. The following long title is hereby substituted for the long title of the principal Act:

Substitution of
long title of
Act 29 of 1973.

“ACT

To provide for the establishment of a harbour at Saldanha Bay; for the assignment of the construction, equipment, control, management, possession and maintenance of any part of such harbour to the South African Iron and Steel Industrial Corporation, Limited; and for matters incidental thereto.”.

7. Proclamation R. 189 of 1975 shall for all purposes be deemed to have come into operation on the date of commencement of the principal Act.

Date of com-
mencement of
Proclamation
R.189 of 1975.

8. This Act shall be called the Saldanha Bay Harbour Construction Amendment Act, 1976.

Short title.