

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.

# ACT

To amend the Merchant Shipping Act, 1951.

(Afrikaans text signed by the State President.)  
(Assented to 4th March, 1965.)

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

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 and section 1 of Act 40 of 1963.

1. Section two of the Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion in sub-section (1) after the definition of “cadet” of the following definitions:

“‘cargo ship safety construction certificate’ means a certificate issued under sub-paragraph (a) of paragraph (1) or sub-paragraph (a) of paragraph (2) of section *one hundred and ninety-three*, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section *two hundred and two* to have been so issued;

‘cargo ship safety equipment certificate’ means a certificate issued under sub-paragraph (b) of paragraph (1) or sub-paragraph (b) of paragraph (2) of section *one hundred and ninety-three*, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section *two hundred and two* to have been so issued;

‘cargo ship safety radiotelegraphy certificate’ means a certificate issued under sub-paragraph (a) of paragraph (3) or item (i) of sub-paragraph (b) of paragraph (4) of section *one hundred and ninety-three*, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section *two hundred and two* to have been so issued;

‘cargo ship safety radiotelephony certificate’ means a certificate issued under sub-paragraph (b) of paragraph (3) or item (ii) of sub-paragraph (b) of paragraph (4) of section *one hundred and ninety-three*, or deemed in accordance with the provisions of paragraph (b) of sub-section (1) of section *two hundred and two* to have been so issued;”;

(b) by the substitution for the definition of “conditions of assignment” in the said sub-section of the following definition:

“‘conditions of assignment’ means such of the load line regulations as are made to give effect to the relative provisions of the Load Line Convention and Annexes thereto, or such regulations as applied under sub-section (3) of section *three hundred and fifty-six*;”;

(c) by the substitution for the definition of “construction regulations” in the said sub-section of the following definition:

“‘construction regulations’ means the regulations made under paragraph (a) of sub-section (2) of section *three hundred and fifty-six* to give effect to the relative provisions of the safety Convention, or such regulations as applied under sub-section (3) of the said section;”;

(d) by the substitution for paragraph (b) of the definition of "country to which the Load Line Convention applies" in the said sub-section of the following paragraph:

"(b) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of the relative Article thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;"

(e) by the substitution for paragraph (b) of the definition of "country to which the safety Convention applies" in the said sub-section of the following paragraph:

"(b) a territory to which it has been so declared that the Safety Convention has been extended under the provisions of the relative Article thereof, not being a territory to which it has been so declared that that Convention has ceased to extend under the provisions of that Article;"

(f) by the insertion in the said sub-section after the definition of "equipment" of the following definition:

"'exemption certificate' means a certificate issued under paragraph (c) of section *one hundred and ninety-two*, sub-paragraph (a) or (b) of paragraph (2) or sub-paragraph (a) of paragraph (4) of section *one hundred and ninety-three*, or deemed in accordance with the provisions of paragraph (a) or (b) of sub-section (1) of section *two hundred and two* to have been so issued;"

(g) by the substitution for the definition of "fishing boat" in the said sub-section of the following definition:

"'fishing boat' means any ship engaged in sea fishing for financial gain or reward, but does not include any sealing boat or whaling boat;"

(h) by the deletion in the said sub-section of the definition of "general safety certificate";

(i) by the insertion in the said sub-section after the definition of "International Collision Regulations" of the following definition:

"'international load line certificate' means a certificate issued under paragraph 1 of section *two hundred and seven*, or deemed in accordance with the provisions of sub-section (1) of section *two hundred and fifteen* to have been so issued;"

(j) by the substitution for the definition of "life-saving equipment regulations" in the said sub-section of the following definition:

"'life-saving equipment regulations' means the regulations made under paragraph (a) of sub-section (2) of section *three hundred and fifty-six* to give effect to the relative provisions of the Safety Convention, or such regulations as applied under sub-section (3) of the said section;"

(k) by the substitution for the definition of "load line certificate" in the said sub-section of the following definition:

"'load line certificate' means an international load line certificate or a local load line certificate;"

(l) by the deletion in the said sub-section of the definition of "load line convention certificate";

(m) by the substitution for the definition of "load line regulations" in the said sub-section of the following definition:

"'load line regulations' means the regulations made under paragraph (c) of sub-section (2) of section *three hundred and fifty-six* to give effect to the relative provisions of the Load Line Convention and Annexes thereto, or such regulations as applied under sub-section (3) of the said section;"

(n) by the substitution for the definition of "local safety certificate" in the said sub-section of the following definition:

“‘local safety certificate’ means a local general safety certificate or a local safety exemption certificate;”;

(o) by the insertion in the said sub-section after the definition of “passenger ship” of the following definition:

“‘passenger ship safety certificate’ means a certificate issued under paragraph (a) or (c) of section *one hundred and ninety-two*, or deemed in accordance with the provisions of paragraph (a) of sub-section (1) of section *two hundred and two* to have been so issued;”;

(p) by the deletion in the said sub-section of the definition of “passenger ship’s exemption certificate”;

(q) by the deletion in the said sub-section of the definition of “qualified local safety certificate”;

(r) by the deletion in the said sub-section of the definition of “qualified safety certificate”;

(s) by the deletion in the said sub-section of the definition of “qualified safety equipment certificate”;

(t) by the deletion in the said sub-section of the definition of “qualified safety radio exemption certificate”;

(u) by the deletion in the said sub-section of the definition of “qualified safety radiotelegraphy certificate”;

(v) by the deletion in the said sub-section of the definition of “qualified safety radiotelephony certificate”;

(w) by the substitution for the definition of “radio regulations” in the said sub-section of the following definition:

“‘radio regulations’ means the regulations made under paragraph (a) of sub-section (2) of section *three hundred and fifty-six* to give effect to the relative provisions of the Safety Convention, or such regulations as applied under sub-section (3) of the said section;”;

(x) by the substitution for the definition of “recognized non-South African” in the said sub-section of the following definition:

“‘recognized non-South African’, used in relation to a safety convention certificate or an international load line certificate, signifies that the certificate has been issued by or under the authority of the Government of a country other than the Republic to which the Safety Convention or the Load Line Convention, as the case may be, applies, and that the certificate complies with the regulations made under paragraph (a) of sub-section (2) of section *three hundred and fifty-six* to give effect to the relative provisions of the Safety Convention or with those made under paragraph (c) of that sub-section to give effect to the relative provisions of the Load Line Convention, respectively;”;

(y) by the substitution for the definition of “safety convention certificate” in the said sub-section of the following definition:

“‘safety convention certificate’ means a passenger ship safety certificate, a cargo ship safety construction certificate, a cargo ship safety equipment certificate, a cargo ship safety radiotelegraphy certificate, a cargo ship safety radiotelephony certificate or an exemption certificate;”;

(z) by the deletion in the said sub-section of the definition of “safety equipment certificate”;

(aa) by the deletion in the said sub-section of the definition of “safety equipment exemption certificate”;

(bb) by the deletion in the said sub-section of the definition of “safety radio exemption certificate”;

- (cc) by the deletion in the said sub-section of the definition of "safety radiotelegraphy certificate";
- (dd) by the deletion in the said sub-section of the definition of "safety radiotelephony certificate";
- (ee) by the deletion in the said sub-section of the definition of "short voyage safety certificate";
- (ff) by the substitution for the definition of "timber cargo regulations" in the said sub-section of the following definition:

"timber cargo regulations" means the regulations made under paragraph (c) of sub-section (2) of section *three hundred and fifty-six* to give effect to the relative provisions of the Load Line Convention, or such regulations as applied under sub-section (3) of the said section;"; and

- (gg) by the substitution for sub-paragraph (ii) of paragraph (c) of the definition of "unseaworthy" in the said sub-section of the following sub-paragraph:

"(ii) if she is a load line ship, registered in a country in which the Load Line Convention applies, by a recognized non-South African international load line certificate; or".

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 and section 2 of Act 40 of 1963.

- 2. Section *three* of the principal Act is hereby amended by the substitution for sub-section (6) of the following sub-section:

"(6) The provisions of this Act shall not apply to ships belonging to the defence forces of the Republic or of any other country."

Amendment of section 68 of Act 57 of 1951, as amended by section 14 of Act 30 of 1959 and section 10 of Act 40 of 1963.

- 3. Section *sixty-eight* of the principal Act is hereby amended—

- (a) by the substitution for sub-paragraphs (iii) and (iv) of paragraph (a) of sub-section (1) of the following sub-paragraphs:

"(iii) is employed or owned for the purpose of fishing or carrying persons or goods of any kind for financial gain or reward; and

(iv) operates at or from a port in or from anywhere else on the coast of the Republic; or"; and

- (b) by the substitution for sub-section (2) of the following sub-section:

"(2) An application for a licence in terms of sub-section (1) shall be made in the prescribed form and the owner or master shall produce to the proper officer a local general safety certificate and, where applicable, a local safety exemption certificate."

Amendment of section 77 of Act 57 of 1951, as amended by section 39 of Act 69 of 1962.

- 4. Section *seventy-seven* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (2) of the following sub-section:

"(2) No person shall be admitted to examination for a certificate of competency 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 prescribed by regulation: Provided that the Minister may, in his discretion and subject to any conditions which he 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 Minister of a standard not lower than those so prescribed."; and

- (b) by the deletion of sub-section (3).

Amendment of section 79 of Act 57 of 1951, as amended by section 40 of Act 69 of 1962 and section 13 of Act 40 of 1963.

- 5. Section *seventy-nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) The Minister may grant to the applicant an appropriate certificate of competency which, in the opinion of the Minister, testifies to the possession by the holder thereof of qualifications and a degree of competency not higher than those to which the certificate, upon the possession of which

the application is based, testifies: Provided that before the grant is made the Minister may require the last-mentioned certificate to be surrendered to him.”.

Amendment of section 90 of Act 57 of 1951, as amended by section 43 of Act 69 of 1962.

6. Section *ninety* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) No person shall be employed as a cadet on board any South African ship unless he is a South African citizen or a citizen of a treaty country (other than the Republic) or a citizen of any other country whom the Minister has in his discretion and subject to any conditions which he may have imposed, permitted to be so employed, and has attained the age of sixteen years and the master of the ship undertakes to train him or cause him to be trained in navigation and seamanship or in engineering and in the duties of a ship’s officer.”.

Amendment of section 93 of Act 57 of 1951, as amended by section 44 of Act 69 of 1962.

7. Section *ninety-three* of the principal Act is hereby amended by the substitution for sub-paragraph (iii) of paragraph (a) of the following sub-paragraph:

“(iii) is a South African citizen or citizen of a treaty country (other than the Republic) or a citizen of any other country whom the Minister has in his discretion and subject to any conditions which he may have imposed, permitted to be indentured, and has attained the age of sixteen years;”.

Amendment of section 190 of Act 57 of 1951.

8. Section *one hundred and ninety* of the principal Act is hereby amended by the substitution for paragraphs (a), (b) and (c) of sub-section (2) of the following paragraphs:

“(a) in the case of a passenger ship, at intervals not exceeding twelve months in accordance with the construction regulations, the life-saving equipment regulations, the collision regulations, the radio regulations and any other applicable regulations which may have been made;

(b) in the case of a vessel (other than a passenger ship) plying on international voyages, at intervals not exceeding twenty-four months in accordance with the construction regulations, the life-saving equipment regulations, the collision regulations and any other applicable regulations which may have been made: Provided that inspections in accordance with such of the said regulations which are solely applicable to the issue of a cargo ship safety construction certificate shall be at intervals not exceeding five years;

(c) in the case of a vessel (other than a passenger ship) which does not ply on international voyages, at intervals not exceeding twelve months in accordance with the construction regulations, the life-saving equipment regulations, the collision regulations and any other applicable regulations which may have been made;”.

Amendment of section 191 of Act 57 of 1951

9. Section *one hundred and ninety-one* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Every surveyor who inspects a vessel in pursuance of section *one hundred and ninety* or any provision of the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations or any other applicable regulations which may have been made, shall draw up a report of his inspection in the prescribed form.”.

Amendment of section 192 of Act 57 of 1951.

10. Section *one hundred and ninety-two* of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) that a passenger ship which, in terms of this Act, is required to be registered, is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations and any other regulations

which may have been made, which are applicable to the ship when plying on international voyages or on short international voyages, he shall cause to be issued in respect of the ship a passenger ship safety certificate for an international voyage or a short international voyage, as the case may be;”;

(b) by the deletion of paragraph (b); and

(c) by the substitution for paragraph (c) of the following paragraph:

“(c) that a passenger ship which, in terms of this Act, is required to be registered is exempt, by virtue of the exercise by him of a power conferred on him by the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations or any other regulations which may have been made, from any of the requirements of the said regulations applicable to the ship when plying on international voyages, or on short international voyages, or when engaged in any special passenger trade on such voyages, and that she is constructed and equipped in accordance with the remaining requirements, he shall cause to be issued in respect of the ship an exemption certificate and a passenger ship safety certificate.”.

Amendment of section 193 of Act 57 of 1951.

11. Section *one hundred and ninety-three* of the principal Act is hereby amended—

(a) by the substitution for paragraphs (1), (2), (3) and (4) of the following paragraphs:

“(1) that a ship (other than a passenger ship) to which the Safety Convention applies and which, in terms of this Act, is required to be registered is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations, the collision regulations and any other regulations which may have been made, which are applicable to the ship when plying on international voyages, he shall cause to be issued in respect of that ship—

(a) a cargo ship safety construction certificate relating to the matters applicable to the issue of such a certificate; and

(b) a cargo ship safety equipment certificate relating to the matters applicable to the issue of such a certificate;

(2) that a ship (other than a passenger ship) to which the Safety Convention applies and which, in terms of this Act, is required to be registered is exempt, by virtue of the exercise by him of a power conferred on him by the construction regulations, the life-saving equipment regulations, the collision regulations or any other regulations which may have been made, from any of the requirements of the said regulations applicable to the ship when plying on international voyages, and that she is constructed and equipped in accordance with the remaining requirements, he shall cause to be issued in respect of the ship—

(a) an exemption certificate and a cargo ship safety construction certificate if the matters from which the ship is exempt relate to such latter certificate; and

(b) an exemption certificate and a cargo ship safety equipment certificate, if the matters from which the ship is exempt relate to such latter certificate;

(3) that a ship (other than a passenger ship) to which the Safety Convention applies and which, in terms of this Act, is required to be registered, is equipped in accordance with all the requirements of the

radio regulations applicable to the ship when plying on international voyages, he shall cause to be issued in respect of the ship—

- (a) if she is equipped with a radiotelegraph installation, a cargo ship safety radiotelegraphy certificate; or
  - (b) if she is equipped with a radiotelephone installation, a cargo ship safety radiotelephony certificate;
- (4) that a ship (other than a passenger ship) to which the Safety Convention applies and which, in terms of this Act, is required to be registered is exempt, by virtue of the exercise by him of a power conferred on him by the radio regulations, from any or all of the requirements of the said regulations applicable to the ship when plying on international voyages, and that she is equipped in accordance with the remaining requirements (if any), he shall cause to be issued in respect of the ship—
- (a) an exemption certificate; and
  - (b) in the case of a ship which is not exempt from all the said requirements—
    - (i) if she is equipped with a radiotelegraph installation, a cargo ship safety radiotelegraphy certificate; or
    - (ii) if she is equipped with a radiotelephone, a cargo ship safety radiotelephony certificate.”; and

(b) by the deletion of paragraph (5).

Amendment of section 194 of Act 57 of 1951.

12. Section *one hundred and ninety-four* of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

“(a) is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations and any other regulations which may have been made, which are applicable to the vessel when engaged in the voyages or the operations in which it is intended that she shall be engaged, he shall cause to be issued in respect of the vessel a local general safety certificate stating that she is so constructed and equipped, and specifying the voyages or the operations in which the vessel is by the certificate authorized to be engaged;”;

(b) by the substitution for sub-paragraph (ii) of paragraph (b) of the said sub-section of the following sub-paragraph:

“(ii) a local general safety certificate stating that the vessel is constructed and equipped in accordance with the remaining requirements;”;

(c) by the substitution for sub-paragraph (i) of paragraph (b) of sub-section (2) of the following sub-paragraph:

“(i) to which the Safety Convention does not apply and which are intended to be engaged in international voyages; or”.

Amendment of section 195 of Act 57 of 1951.

13. Section *one hundred and ninety-five* of the principal Act is hereby amended by the substitution for sub-sections (2) and (3) of the following sub-sections:

“(2) Every passenger ship safety certificate, cargo ship safety equipment certificate or local general safety certificate shall state the maximum number of persons which the vessel is fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins, and any conditions and variations to which those numbers shall be subject according to the time of the year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires.

(3) Every local general safety certificate shall state the limits, if any, beyond which the vessel is not fit to proceed, and such other particulars as may be prescribed.”.

Amendment of section 197 of Act 57 of 1951.

14. Section *one hundred and ninety-seven* of the principal Act is hereby amended by the substitution for sub-sections (1) and (2) of the following sub-sections:

“(1) Subject to the provisions of this section, a safety convention certificate or a local safety certificate shall expire at the end of such period, not exceeding two years, in the case of a cargo ship safety equipment certificate or five years, in the case of a cargo ship safety construction certificate, or one year, in the case of any other certificate, from the date of its issue, as may be specified therein, or upon the giving of notice by the Secretary to the owner or master of the vessel that it has been cancelled.

(2) An exemption certificate shall not remain in force for a period longer than the period of the passenger ship safety certificate, the cargo ship safety construction certificate, the cargo ship safety equipment certificate, the cargo ship safety radiotelegraphy certificate, or the cargo ship safety radiotelephony certificate, and a local safety exemption certificate shall not remain in force for a period longer than the period of the local general safety certificate, issued in respect of the same vessel.”.

Amendment of section 198 of Act 57 of 1951.

15. Section *one hundred and ninety-eight* of the principal Act is hereby amended by the substitution for paragraph (d) of sub-section (1) of the following paragraph:

“(d) the vessel no longer complies with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations and any other applicable regulations which may have been made, to the same extent to which she complied with those regulations when the certificate was issued.”.

Amendment of section 200 of Act 57 of 1951, as amended by section 31 of Act 40 of 1963.

16. Section *two hundred* of the principal Act is hereby amended—

(a) by the substitution for paragraphs (a), (b), (c) and (d) of sub-section (1), of the following paragraphs:

“(a) if she is a passenger ship engaged in an international voyage, a passenger ship safety certificate appropriate to the voyage in which she is engaged, and if an exemption certificate has been issued, such exemption certificate; or

(b) if she is a passenger ship not engaged in an international voyage, a local general safety certificate appropriate to the voyage in which she is engaged, and if a local safety exemption certificate has been issued, such local safety exemption certificate; or

(c) if she is a ship (other than a passenger ship) to which the Safety Convention applies and engaged in an international voyage—

(i) a cargo ship safety construction certificate and if an exemption certificate has been issued, such exemption certificate; and

(ii) a cargo ship safety equipment certificate and if an exemption certificate has been issued, such exemption certificate; and

(iii) a cargo ship safety radiotelegraphy certificate and if an exemption certificate has been issued, such exemption certificate; or

(iv) a cargo ship safety radiotelephony certificate and if an exemption certificate has been issued, such exemption certificate; or

(v) an exemption certificate, if the ship is exempt from all the requirements of the radio regulations; or

(d) if she is a ship (other than a passenger ship) not engaged in an international voyage or a ship (other than a passenger ship) to which the Safety Convention does not apply and engaged in an international voyage, a local general safety certificate appropriate to the voyage in which she is engaged, and if a local safety exemption certificate has been issued, such local safety exemption certificate.”; and

(b) by the substitution for sub-section (3) of the following sub-section:

“(3) The Minister may authorize the owner or master of a passenger ship registered in the Republic to cause the ship to proceed to sea from a port in the Republic on an international voyage not exceeding



twelve hundred nautical miles in length between the last port of call in the Republic and the final port of destination, provided there is on board and in force in respect of that ship a passenger ship safety certificate for a short international voyage and if an exemption certificate has been issued, such exemption certificate: and upon such authority being granted, the certificate or certificates referred to shall for the purposes of this section be deemed to be appropriate to such voyage, notwithstanding the fact that the distance between the said ports exceeds six hundred nautical miles.”

Amendment of section 202 of Act 57 of 1951.

17. Section *two hundred and two* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) The Minister may, at the request of the Government of a country to which the Safety Convention applies, cause an appropriate safety convention certificate to be issued in respect of a ship registered in that country, if he is satisfied in like manner as in the case of a ship registered in the Republic, that the certificate can properly be issued: Provided that he may cause the certificate to be issued if he is satisfied that the ship is constructed and equipped in accordance with all the requirements of the construction regulations, the life-saving equipment regulations, the radio regulations and any other regulations which may have been made, which are applicable to the ship and to the voyages on which she is to be engaged, in so far as those requirements are requirements of the Safety Convention applicable as aforesaid, notwithstanding the fact (if it be so) that she is not constructed or equipped in accordance with any requirements of the said regulations that are not applicable requirements of the Safety Convention, and that she is equipped in accordance with the requirements of the collision regulations. A certificate issued in pursuance of such a request shall contain a statement that it has been so issued and shall have effect as if it had been issued by the Government of the country in which the ship is registered.”

Amendment of section 203 of Act 57 of 1951, as amended by section 32 of Act 40 of 1963.

18. Section *two hundred and three* of the principal Act is hereby amended by the addition of the following sub-section:

“(7) A safety certificate issued in respect of a ship to which the Safety Convention does not apply by or under the authority of the Government of the country to which the ship belongs, being a country other than the Republic, shall have the same effect as a certificate issued under section *one hundred and ninety-four*: Provided that, if, after consideration of the report of a surveyor on an inspection of such ship, the Secretary is satisfied that she is not in the condition of seaworthiness indicated in such certificate, he may direct that the certificate be not recognized in the Republic, and thereafter the said certificate shall have no effect in the Republic.”

Amendment of section 207 of Act 57 of 1951, as amended by section 26 of Act 30 of 1959.

19. Section *two hundred and seven* of the principal Act is hereby amended by the substitution for paragraph 1 of the following paragraph:

“1. if she is an international load line ship, and international load line certificate; or”.

Amendment of section 209 of Act 57 of 1951.

20. Section *two hundred and nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) The Minister or any person thereto authorized by him may grant an extension of any international load line certificate, and the Secretary may grant an extension of any local load line certificate, issued in respect of any ship registered under this Act, for a period not exceeding one month from the date when the certificate would, but for the extension, have expired, or, if the ship is absent from the Republic on that date, for a period not exceeding five months from that date.”

Amendment of section 210 of Act 57 of 1951.

21. Section *two hundred and ten* of the principal Act is hereby amended by the substitution in sub-section (1) for all the words preceding paragraph (a) of the following words:

“(1) The Minister may direct that an international load line certificate be cancelled, and the Secretary may direct that a local load line certificate be cancelled, if he is satisfied that—”.

Amendment of section 212 of Act 57 of 1951, as amended by section 27 of Act 30 of 1959 and section 35 of Act 40 of 1963.

22. Section *two hundred and twelve* of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of the following paragraphs:

- “(a) If the voyage which she is undertaking is an international voyage—
- (i) in the case of an international load line ship, an international load line certificate; or
  - (ii) in the case of a local load line ship, a local load line certificate,
- or, in either case, a load line exemption certificate issued under section *two hundred and four*; or
- (b) if the voyage which she is undertaking is not an international voyage, an international load line certificate, a local load line certificate or a load line exemption certificate issued under section *two hundred and four*.”.

Substitution of section 215 of Act 57 of 1951.

23. The following section is hereby substituted for section *two hundred and fifteen* of the principal Act:

“Issue of international load line certificate by one Government at request of another.

215. (1) The Minister may request the Government of a country to which the Load Line Convention applies to issue an international load line certificate in respect of a load line ship registered in the Republic; and a certificate issued in pursuance of such a request shall contain a statement that it has been so issued, and shall be deemed to have been issued under paragraph 1 of section *two hundred and seven*.

(2) The Minister may, at the request of a country to which the Load Line Convention applies, cause an international load line certificate to be issued in respect of a load line ship registered in that country, if he is satisfied, in like manner as in the case of a ship registered in the Republic, that the certificate can properly be issued: Provided that he may cause the certificate to be issued if he is satisfied that the ship is marked with deck lines and load lines in accordance with the requirements of the load line regulations in so far as those requirements are requirements of the Load Line Convention, notwithstanding the fact (if it be so) that she is not marked with deck lines and load lines in accordance with any requirements of the said regulations that are not requirements of the Load Line Convention. A certificate issued in pursuance of such a request shall contain a statement that it has been so issued, and shall have effect as if it had been issued by the Government of the country in which the ship is registered.”.

Amendment of section 216 of Act 57 of 1951, as amended by section 36 of Act 40 of 1963.

24. Section *two hundred and sixteen* of the principal Act is hereby amended—

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

“(1) If a recognized non-South African international load line certificate is produced in respect of a load line ship which is registered in a country (other than the Republic) to which the Load Line Convention applies and is at a place within the Republic or the territorial waters thereof, a surveyor's powers of inspecting the ship with respect to load line shall be limited to ascertaining—”; and

- (b) by the substitution for sub-section (5) of the following sub-section:

“(5) If a recognized non-South African international load line certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part have been complied with, as if the ship were a ship registered in the Republic.”.

Amendment of section 219 of Act 57 of 1951, as amended by section 38 of Act 40 of 1963.

25. Section *two hundred and nineteen* of the principal Act is hereby amended by the substitution for sub-paragraph (i) of paragraph (a) of the following sub-paragraph:

- “(i) is engaged in an international voyage, a recognized

non-South African international load line certificate or a certificate issued under sub-section (2) of section two hundred and fifteen; or”.

Amendment of section 220 of Act 57 of 1951, as amended by section 39 of Act 40 of 1963.

26. Section two hundred and twenty of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) in the case of a ship in respect of which there is produced a recognized non-South African international load line certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded; or”.

Amendment of section 223 of Act 57 of 1951.

27. Section two hundred and twenty-three of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) If upon the inspection of a vessel a surveyor finds that the provisions of section seventy-three or two hundred and twenty-one 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 a 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, 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.”.

Amendment of section 239 of Act 57 of 1951.

28. Section two hundred and thirty-nine of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) If any alteration has been made in, or any damage has been sustained by, a South African ship so material as to affect her seaworthiness or her efficiency, whether in her hull, equipment or machinery, or her compliance with such of the construction regulations, the life-saving equipment regulations, the radio regulations, the collision regulations, the load line regulations or any other regulations which may have been made, as apply to her, the owner or master shall, as soon as possible, forward a report to the Secretary, giving full particulars of the alteration or damage.”.

Insertion of section 343bis in Act 57 of 1951.

29. The following section is hereby inserted in the principal Act after section three hundred and forty-three:

“Indemnification of the State and certain persons in the employ of the State.

343bis. Notwithstanding anything to the contrary in any law contained, the State and its officers and employees acting in the performance of their duty shall not be liable for—

(a) any loss or damage caused by the death of, or injury to, any person while conveyed in any vessel owned, operated or chartered by the State through its Department of Transport, or while entering or embarking upon or being in such vessel for the purpose of being conveyed in it, or while being in or alighting from such vessel after having been conveyed in it, if that person was so conveyed or to be so conveyed otherwise than in the performance of his duty as an officer or employee of the State and otherwise than for reward; or

(b) any loss of or damage to any goods conveyed in such a vessel otherwise than in the interests of the State and otherwise than for reward.”.

Short title and commencement.

30. This Act shall be called the Merchant Shipping Amendment Act, 1965, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*: Provided that the State President may from time to time by proclamation in the *Gazette* bring into operation only such portions of this Act as he may specify in such proclamation.