

No. 30, 1959.]

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 Governor-General.)  
(Assented to 23rd April, 1959.)

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Substitution in Act 57 of 1951 for the word "Director" of the word "Secretary".

Amendment of section 1 of Act 57 of 1951.

Amendment of section 2 of Act 57 of 1951.

1. The Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the word "Director" wherever it occurs of the word "Secretary".

2. Section *one* of the principal Act is hereby amended by the addition of the following proviso:

"Provided that until all the provisions of this Act have been brought into operation in terms of section *three hundred and fifty-eight*, any provision of any such law which corresponds to a provision of this Act which has not yet been so brought into operation shall, in so far as it is not inconsistent with any provision of this Act which has been so brought into operation, continue to apply in relation to the ships in respect of which the provisions of this Act which have been so brought into operation apply, and in relation to the owners, masters, seamen and apprentice-officers of such ships as if this section had not been enacted."

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

- (a) by the substitution in the definition of "clearance" in sub-section (1) for the expression "Customs Act, 1944 (Act No. 35 of 1944)" of the expression "Customs Act, 1955 (Act No. 55 of 1955)";
- (b) by the deletion in the definition of "coasting ship" in the said sub-section of the words "of not more than one thousand gross register tons";
- (c) by the insertion in the definition of "construction regulations" in the said sub-section after the expression "Chapter II" of the expression "(except Part E thereof)";
- (d) by the substitution in the definition of "dangerous goods" in the said sub-section for the expression "Explosives Act, 1911 (Act No. 8 of 1911), as amended," of the expression "Explosives Act, 1956 (Act No. 26 of 1956)";
- (e) by the deletion in the said sub-section of the definition of "Director";
- (f) by the deletion in the definition of "fishing boat" in the said sub-section of the words "of not more than one thousand gross register tons";
- (g) by the deletion in the definition of "foreign-going ship" in the said sub-section of paragraphs (b) and (c);
- (h) by the insertion in the definition of "life-saving equipment regulations" in the said sub-section after the word "provisions" of the expression "of Part E of Chapter II and";
- (i) by the substitution in the definition of "Minister" in the said sub-section for the word "Finance" of the word "Transport";
- (j) by the substitution in the definition of "officer of customs" in the said sub-section for the expression "Customs Act, 1944 (Act No. 35 of 1944)" of the expression "Customs Act, 1955 (Act No. 55 of 1955)";
- (k) by the deletion in the definition of "sealing boat" in the said sub-section of the words "of not more than one thousand gross register tons"; and
- (l) by the insertion after the definition of "seaman" in the said sub-section of the following definition:
 

"'Secretary' means the Secretary for Transport;"

Amendment of section 3 of Act 57 of 1951.

4. Section *three* of the principal Act is hereby amended by the substitution in sub-sections (8), (9), (10) and (11) for the words "Governor-General" and "proclamation" wherever they occur of the words "Minister" and "notice", respectively.

Substitution of section 5 of Act 57 of 1951.

5. The following section is hereby substituted for section *five* of the principal Act:

"Secretary to be responsible for administration of Act.

5. (1) The Secretary shall, subject to the control of the Minister, be responsible for the administration of this Act, and shall have the control of all matters incidental thereto.

(2) The Secretary shall, subject to the provisions of this Act or any other law, have such powers and perform such duties as are assigned to him by the Minister.

(3) All powers conferred and all duties imposed upon the Secretary may be exercised or performed by the Secretary personally or by an officer under a delegation from or under the control or direction of the Secretary."

Amendment of section 6 of Act 57 of 1951.

6. Section *six* of the principal Act is hereby amended—

(a) by the deletion of sub-section (2);

(b) by the deletion in sub-section (3) of the words "or the National Advisory Council for the Welfare of Merchant Seamen, respectively,";

(c) by the deletion of sub-section (5);

(d) by the deletion in sub-section (8) of the words "the National Advisory Council for the Welfare of Merchant Seamen";

(e) by the deletion in sub-section (9) of the words "the National Advisory Council for the Welfare of Merchant Seamen,"; and

(f) by the addition of the following sub-section:

"(10) In sub-section (6) the expression 'seamen' includes all persons who are or have been employed, or are seeking employment, in any capacity on board any ship."

Amendment of section 9 of Act 57 of 1951.

7. Section *nine* of the principal Act is hereby amended—

(a) by the substitution in the English version of sub-section (1) for the words "duty or the exercise of his" of the words "or its duty or the exercise of his or its"; and

(b) by the insertion in paragraph (b) of sub-section (2) after the expression "sub-section (1)" of the words "whose reasonable expenses have been paid or offered to him".

Substitution of section 32 of Act 57 of 1951.

8. The following section is hereby substituted for section *thirty-two* of the principal Act:

"Notification of alterations in ships.

32. (1) The master or owner of a South African ship which is so altered that she does not correspond with the particulars contained in the register relating to her tonnage or description shall—

(a) if at the time when the alteration is made the ship is at a port which has in terms of paragraph (c) of section *four* been declared to be a port of registry, within three days after the making of the alteration, notify the proper officer there of the alteration; or

(b) if the ship is not at such a port at the time when the alteration is made, but arrives at such a port within three months after the making of the alteration, within three days after she first arrives at such a port, notify the proper officer there of the alteration; or

(c) if the ship is not at such a port at the time when the alteration is made and does not arrive at such a port during the period of three months after the making of the alteration, as soon as practicable after the expiry of the said period, notify the proper officer at the ship's port of registry of the alteration.

(2) Every notification in terms of sub-section (1) shall be in writing and shall—

(a) in the case referred to in paragraph (a) or (b) of that sub-section, be delivered to the proper officer, accompanied by the certificate of registry of the ship and a certificate by a sur-

veyor stating the particulars of the alteration;  
or

- (b) in the case referred to in paragraph (c) of that sub-section, be sent by registered post to the proper officer, accompanied by an application for registry anew of the ship.”.

Substitution of  
section 33 of  
Act 57 of 1951.

9. The following section is hereby substituted for section *thirty-three* of the principal Act:

“Registry  
of  
alterations.

33. (1) If the proper officer to whom a notification of any alteration is given in terms of paragraph (a) or (b) of sub-section (1) of section *thirty-two* is the proper officer at the ship's port of registry, he shall, upon receipt by him of the notification and of the certificate of registry and surveyor's certificate referred to in paragraph (a) of sub-section (2) of that section, either direct that the ship be registered anew or endorse the particulars of the alteration on the existing certificate of registry and in the latter event he shall record in the register the particulars of the alteration and the fact that they have been endorsed on the certificate of registry.

(2) (a) If the proper officer to whom notification of any alteration is given in terms of paragraph (a) or (b) of sub-section (1) of section *thirty-two* is not the proper officer at the ship's port of registry, he shall, upon receipt by him of the notification and of the certificate of registry and surveyor's certificate referred to in paragraph (a) of sub-section (2) of that section, either withdraw the existing certificate of registry and direct that the ship be registered anew and, upon receipt of the application for registry anew of the ship, grant a provisional certificate of registry describing the ship as altered or endorse the particulars of the alteration on the existing certificate of registry.

(b) Where a proper officer has granted a provisional certificate of registry or endorsed a certificate of registry in terms of paragraph (a), he shall forthwith report to the proper officer at the ship's port of registry the particulars of the case and transmit to him the surveyor's certificate delivered in terms of paragraph (a) of sub-section (2) of section *thirty-two* and, where a provisional certificate has been granted, the application in pursuance of which it was granted and the withdrawn certificate of registry.

(3) Upon receipt by the proper officer at the ship's port of registry of the report made and documents transmitted to him in terms of sub-section (2), he shall record in the register the particulars of the alteration and the fact that a provisional certificate of registry has been granted, or, as the case may be, that the particulars of the alteration have been endorsed on the existing certificate of registry.

(4) (a) The master or owner of a ship in respect of which a provisional certificate of registry has been granted under sub-section (2) shall, unless she has been registered anew in terms of paragraph (b), within three days after the first subsequent arrival of that ship at her port of registry deliver that certificate to the proper officer at that port, who shall retain that certificate and register the ship anew.

(b) If the proper officer at the ship's port of registry has reason to believe that the ship will not arrive at that port within a reasonable period, he may register the ship anew and transmit the new certificate of registry granted by him in terms of sub-section (1) of section *thirty-five* to the proper officer at any port at which the ship is or for which she is bound, for delivery to the master or owner of the ship against the surrender of the provisional certificate of registry.

- (c) The proper officer to whom the provisional certificate of registry is surrendered shall forthwith transmit it to the proper officer at the ship's port of registry.
- (5) (a) Upon receipt by the proper officer at the ship's port of registry of the notification and application referred to in paragraph (b) of sub-section (2) of section *thirty-two*, he shall register the ship anew and transmit the new certificate of registry granted by him in terms of sub-section (1) of section *thirty-five* to the proper officer at any port at which the ship is or for which she is bound, for delivery to the master or owner of the ship against the surrender of the old certificate of registry.
- (b) The proper officer to whom the old certificate of registry is surrendered shall forthwith transmit it to the proper officer at the ship's port of registry.
- (6) If a proper officer directs that a ship be registered anew, the owner of the ship shall forthwith make application for registry anew of the ship."

Amendment of section 35 of Act 57 of 1951.

10. Section *thirty-five* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "on the delivery to him of the existing certificate of registry and on compliance with all other relative provisions of this Act, he shall" of the words "shall, subject to the provisions of this Act".

Amendment of section 41 of Act 57 of 1951.

11. Section *forty-one* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "declaration of transfer" of the words "and any other documents which in terms of the regulations have to accompany such deed".

Amendment of section 42 of Act 57 of 1951.

12. Section *forty-two* of the principal Act is hereby amended by the insertion in sub-section (4) after the expression "(2) and (3)" of the words "and the regulations".

Amendment of section 55 of Act 57 of 1951.

13. Section *fifty-five* of the principal Act is hereby amended—

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

"(f) if the ship is sold—

(i) to a person who would, if the ship were not already registered in the Union, be required, in terms of section *thirteen*, to apply for the ship to be so registered, the ship shall be registered anew; or

(ii) to a person who is qualified to be the owner of a South African ship, but who would, if the ship were not already registered in the Union, not be required, in terms of section *thirteen*, to apply for the ship to be so registered, the ship may be registered anew;"

(b) by the substitution in paragraph (g) for the words "the proper officer required to make the same" of the words "a proper officer the application for registry anew,";

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

"(h) if the proper officer to whom the documents referred to in paragraph (g) are produced, is the proper officer at the ship's port of registry, he shall retain those documents, except the deed of sale, and register the ship anew;

(h)*bis* if the proper officer to whom the documents referred to in paragraph (g) are produced, is not the proper officer at the ship's port of registry, he shall retain those documents, except the deed of sale, and shall, after having endorsed on the certificate of sale and the certificate of registry an entry of the fact that a sale has taken place, forward those certificates and the application for registry anew to the proper officer at the ship's port of registry;

- (*h*)*ter* upon receipt by the proper officer at the ship's port of registry of the certificates and application referred to in paragraph (*h*)*bis* he shall register the ship anew and transmit the new certificate of registry granted by him in terms of sub-section (1) of section *thirty-five* to the proper officer at any port at which the ship is or for which she is bound, for delivery to the master or owner of the ship;"
- (*d*) by the substitution in paragraph (*i*) for the words "such registry anew" of the words "registry anew in terms of paragraph (*h*) or (*h*)*ter*";
- (*e*) by the substitution for paragraph (*j*) of the following paragraphs:
- "(*j*) if the ship is sold to a person not qualified to be the owner of a South African ship, or to such a person as is referred to in sub-paragraph (*ii*) of paragraph (*f*) who does not wish the ship to be registered anew, that person shall produce or cause to be produced to a proper officer the deed of sale by which the ship is transferred, the certificate of sale and the certificate of registry of the ship;
- (*j*)*bis* if the proper officer to whom the documents referred to in paragraph (*j*) are produced, is the proper officer at the ship's port of registry, he shall retain the certificate of sale and the certificate of registry;
- (*j*)*ter* if the proper officer to whom the documents referred to in paragraph (*j*) are produced, is not the proper officer at the ship's port of registry, he shall retain the certificate of sale and the certificate of registry and shall, after having endorsed thereon an entry of the fact that the ship has been sold to a person not qualified to be the owner of a South African ship, or, as the case may be, to such a person as is referred to in sub-paragraph (*ii*) of paragraph (*f*) who does not wish the ship to be registered anew, forward them to the proper officer at the ship's port of registry;
- (*j*)*quat* any proper officer who has retained the certificate of sale and the certificate of registry of any ship in terms of paragraph (*j*)*bis* and any proper officer to whom such certificates have been forwarded in terms of paragraph (*j*)*ter* shall make a memorandum of the sale in his register, and the registry of the ship in that register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificate of mortgage entered therein. The provisions of sub-section (3) of section *twenty-nine* shall apply in respect of such mortgage or certificate of mortgage;" and
- (*f*) by the substitution for paragraph (*k*) of the following paragraph:
- "(*k*) if on a sale being made to a person referred to in paragraph (*j*) the certificates mentioned in that paragraph are not produced as required by that paragraph that person shall be considered not to have acquired any title to or interest in the ship;"

Amendment of section 68 of Act 57 of 1951.

14. Section *sixty-eight* of the principal Act is hereby amended by the substitution in the Afrikaans version of sub-section (2) for the words "plaaslike veiligheidsertifikaat of 'n voorwaardelike plaaslike algemene veiligheidsertifikaat en 'n plaaslike veiligheids-vrystellingsertifikaat" of the words "plaaslike algemene veiligheidsertifikaat of 'n voorwaardelike plaaslike veiligheidsertifikaat en 'n plaaslike veiligheid-vrystellingsertifikaat".

Amendment of section 73 of Act 57 of 1951.

15. Section *seventy-three* of the principal Act is hereby amended—

- (*a*) by the substitution for the Table set forth in sub-section (1) of the following Table:

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.
Item No.	Class of ship.	Gross register-tonnage or horse-power.	Numbers of officers or other persons to be employed.	Certificates to be held by persons shown in Column 4, and paragraphs of sub-section (1) of section <i>seventy-five</i> by which grant of certificates is authorized.
1.	Foreign-going ship	Any	One One One	Master: para. (a). Chief navigating officer: para. (b). Second navigating officer: para. (c).
2.	Coasting ship	100 or more tons	One One	Master: para. (d). Navigating officer: para. (e).
3.	Fishing, sealing or shore-based whaling boat	100 or more tons	One One One	Skipper: para. (f). Mate: para. (g). Boatswain: para. (h).
4.	Coasting ship or fishing, sealing or shore-based whaling boat	50 or more but less than 100 tons	One One	Skipper: para. (i). Mate: para. (j).
5.	Coasting ship or sealing or shore-based whaling boat	Less than 50 tons	One One	Skipper: para. (i). Mate: para. (j).
6.	Fishing Boat	Less than 50 tons	One	Mate: para. (j).
7.	Foreign-going ship, other than a whaling boat	1,000 or more horse-power	One One	Chief engineer-officer: para. (k). Second engineer-officer: para. (l).
8.	Coasting ship	1,500 or more horse-power	One	Chief engineer-officer: para. (k).
9.	Whaling boat, other than a shore-based whaling boat	1,000 or more horse-power	One	Chief engineer-officer: para. (k).
10.	Coasting ship	Less than 1,500 horse-power	One	Second engineer-officer: para. (l).
11.	Foreign-going ship, other than a whaling boat	Less than 1,000 horse-power	One	Second engineer-officer: para. (l).
12.	Whaling boat, other than a shore-based whaling boat	Less than 1,000 horse-power	One	Second engineer-officer: para. (l).
13.	Power-driven fishing, sealing or shore-based whaling boat	More than 300 horse-power	One One	Marine engineman: para. (m). Assistant marine engineman: para. (n).
14.	Power-driven fishing, sealing or shore-based whaling boat	300 or less horse-power	One	Assistant marine engineman: para. (n).";

and  
(b) by the deletion of sub-section (7).

Amendment of  
section 80 of  
Act 57 of 1951.

16. Section *eighty* of the principal Act is hereby amended by the deletion of sub-section (6).

Amendment of section 101 of Act 57 of 1951.

17. Section *one hundred and one* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "the sight of a seaman" of the words "colour vision".

Substitution of section 104 of Act 57 of 1951.

18. The following section is hereby substituted for section *one hundred and four* of the principal Act:

"Changes in crew to be reported.

104. (1) Where an agreement has been entered into with the crew of a South African ship, the master or the owner thereof shall—

(a) before the ship leaves the port where the agreement was entered into, sign and render to the proper officer at that port a full and accurate statement in the prescribed form of every change that has taken place in the crew since the agreement was entered into; and

(b) before the ship leaves any port subsequently entered by her during the currency of the agreement, sign and render to the proper officer at that port a full and accurate statement in the prescribed form of every change that has taken place in the crew since he last rendered a statement in terms of this section.

(2) Every statement rendered in accordance with the provisions of this section shall be admissible in evidence."

Amendment of sections 120, 121, 122, 123, and 124 of Act 57 of 1951.

19. Sections *one hundred and twenty* to *one hundred and twenty-four*, inclusive, of the principal Act are hereby amended by the deletion of the words "or apprentice-officer" wherever they occur.

Amendment of section 126 of Act 57 of 1951.

20. Section *one hundred and twenty-six* of the principal Act is hereby amended by the deletion of the words "or apprentice-officer".

Amendment of section 140 of Act 57 of 1951.

21. Section *one hundred and forty* of the principal Act is hereby amended—

(a) by the substitution in the English version of paragraph (b) of sub-section (1) for the word "is" of the word "his";

(b) by the substitution in sub-section (1) for the words "his basic wages" where they occur for the first time of the words "wages at the rate provided in the agreement"; by the deletion in that sub-section of the words "his basic" where they occur for the second time; and by the substitution in that sub-section for the word "thirty" of the word "sixty";

(c) by the deletion in sub-section (5) of the expression "or of the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924 (Proclamation No. 27 of 1924), signed by the Administrator of the Territory of South-West Africa on the fifteenth day of November, 1924"; and by the deletion in paragraph (a) of that sub-section of the words "his basic"; and

(d) by the deletion in sub-section (6) of the expression "or the Workmen's Compensation (Accidents and Industrial Diseases) Proclamation, 1924,"; by the deletion in that sub-section of the words "his basic"; and by the substitution in that sub-section for the words "Workmen's Compensation Commissioner" of the words "accident fund established under that Act".

Amendment of section 141 of Act 57 of 1951.

22. Section *one hundred and forty-one* of the principal Act is hereby amended by the deletion in sub-section (3) of the word "basic".

Amendment of section 164 of Act 57 of 1951.

23. Section *one hundred and sixty-four* of the principal Act is hereby amended by the substitution for the words "a book specially kept for the purpose" of the words "the official log-book".

Amendment of section 180 of Act 57 of 1951.

24. Section *one hundred and eighty* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "Governor-General" and "proclamation" of the words "Minister" and "notice" respectively; and

(b) by the substitution in sub-section (2) for the expression "thirty-four of the Criminal Procedure and Evidence

Act, 1917 (Act No. 31 of 1917)" of the expression "twenty-eight of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)".

Amendment of section 188 of Act 57 of 1951.

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

"(1) The master of a foreign-going South African ship who has entered into an agreement with the crew of the ship, and the master or the owner of a coasting ship or a fishing, sealing or shore-based whaling boat registered in the Union who has entered into an agreement with the crew of the ship, shall, upon the discharge of the crew, whether within or outside the Union, make out and sign a list (in this Act referred to as the list of the crew) which may be combined in one document with the agreement with the crew, in the prescribed form, containing the following particulars:

- (i) the number and date of the ship's register, and her register tonnage;
- (ii) the length and general nature of the voyage or employment;
- (iii) the names, ages, and places of birth of all the crew, including the master and apprentice-officers; their ratings on board, their last ships or other employments and the dates and places of their joining the ship; and
- (iv) the names of any of the crew who have ceased to belong to the ship, with the times, places, causes and circumstances thereof.

(2) The list of the crew shall be delivered to the proper officer—

(a) in the case of a foreign-going ship, by the master, within forty-eight hours after the ship's arrival at her final port of destination for the voyage, or, if the agreement entered into with the crew was a running agreement, within forty-eight hours after her arrival at her final port of destination for the last voyage over which the agreement extends, or upon the discharge of the crew, whichever event first occurs; and

(b) in the case of a coasting ship or a fishing, sealing or shore-based whaling boat, by the master or the owner, as the case may be, who entered into the agreement with the crew, within twenty-one days after the expiry of the agreement,

and the proper officer shall give to the master or owner from whom he has received the list a certificate of such delivery and any such ship may be detained until the certificate is produced."

Amendment of section 207 of Act 57 of 1951.

26. Section *two hundred and seven* of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of the following paragraphs:

"(b) (i) if she is an international load line ship constructed after the thirtieth day of June, 1932, or a local load line ship constructed after the date on which this section comes into operation, her load lines are in the position required by the load line regulations; or

(ii) if she is an international load line ship constructed not later than the thirtieth day of June, 1932, or a local load line ship constructed not later than the date on which this section comes into operation, her load lines are either in the position required by the tables used by the Ministry of Transport and Civil Aviation of the United Kingdom, as modified and in force immediately before the fifth day of July, 1930, or in the position required by the load line regulations; and

(c) (i) if she is an international load line ship constructed after the thirtieth day of June, 1932, or a local load line ship constructed after the date on which this section comes into operation, she complies with the conditions of assignment; or

(ii) if she is an international load line ship constructed not later than the thirtieth day of June, 1932, or a local load line ship constructed not later than the date on which this section comes into



operation, she complies with the conditions of assignment in principle and also so far in detail as, in the opinion of the Minister or the Secretary, as the case may be, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew accommodation provided by the arrangements, fittings and appliances existing on the ship at the coming into operation of this section.”

Amendment of section 212 of Act 57 of 1951.

27. 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, a load line convention 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, a load line convention certificate or a local load line certificate.”

Amendment of section 214 of Act 57 of 1951.

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

- “(1) The master of a load line ship registered in the Union shall not—
- (a) so load the ship; or
  - (b) suffer the ship to be so loaded; or
  - (c) bring the ship into any port in the Union so loaded, as to submerge in salt water, when the ship has no list, the load line on each side of the ship appropriate to the circumstances then existing.”

Amendment of section 218 of Act 57 of 1951.

29. Section *two hundred and eighteen* of the principal Act is hereby amended by the substitution for the words “Governor-General” and “proclamation” of the words “Minister” and “notice in the *Gazette*”, respectively.

Repeal of section 230 of Act 57 of 1951.

30. Section *two hundred and thirty* of the principal Act is hereby repealed.

Amendment of section 237 of Act 57 of 1951.

31. Section *two hundred and thirty-seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “load line ship carrying a deck cargo of timber is about to make a voyage from” of the words “deck cargo of timber is loaded on a load line ship at”.

Amendment of section 249 of Act 57 of 1951.

32. Section *two hundred and forty-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the expression “Radio Act, 1926 (Act No. 20 of 1926)” of the expression “Radio Act, 1952 (Act No. 3 of 1952)”.

Amendment of section 261 of Act 57 of 1951.

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

- (a) by the substitution in paragraph (a) of sub-section (1) for the words “fifteen pounds” of the words “an amount equivalent to three thousand one hundred gold francs”;
- (b) by the substitution in paragraph (b) of the said sub-section for the words “eight pounds” of the words “an amount equivalent to one thousand gold francs”;
- (c) by the substitution in paragraph (c) of the said sub-section for the words “exceeding fifteen pounds” of the words “exceeding an amount equivalent to three thousand one hundred gold francs”;
- (d) by the substitution in the proviso to the said paragraph (c) for the words “of seven pounds” and “of fifteen pounds” of the words “equivalent to two thousand one hundred gold francs” and “equivalent to three thousand one hundred gold francs” respectively; and
- (e) by the addition of the following sub-sections:
  - “(4) For the purposes of this section a gold franc shall be taken to be a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred.
  - (5) The Secretary may from time to time by notice in the *Gazette* specify the amounts which for the purposes of this section shall be taken as equivalent

to three thousand one hundred and one thousand gold francs, respectively.”.

Amendment of section 273 of Act 57 of 1951.

34. Section *two hundred and seventy-three* of the principal Act is hereby amended by the deletion in sub-section (1) of paragraph (i).

Amendment of section 274 of Act 57 of 1951.

35. Section *two hundred and seventy-four* of the principal Act is hereby amended by the substitution in the English version of sub-section (2) for the word “survey” where it occurs for the first time of the word “surveyor”.

Amendment of section 298 of Act 57 of 1951.

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

(a) by the substitution in paragraph (c) of sub-section (1) for the expression “Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916)” of the expression “Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957)”; and

(b) by the substitution in sub-section (2) for the expression “*one hundred* of the Customs Act, 1944 (Act No. 35 of 1944)” of the expression “*one hundred and four* of the Customs Act, 1955 (Act No. 55 of 1955)”.

Amendment of section 301 of Act 57 of 1951.

37. Section *three hundred and one* of the principal Act is hereby amended by the substitution for the expression “*one hundred* of the Customs Act, 1944 (Act No. 35 of 1944)” of the expression “*one hundred and four* of the Customs Act, 1955 (Act No. 55 of 1955)”.

Amendment of section 311 of Act 57 of 1951.

38. Section *three hundred and eleven* of the principal Act is hereby amended by the substitution in the Afrikaans version of paragraph (b) of sub-section (1) for the word “of” where it occurs for the first time of the word “en”.

Amendment of section 326 of Act 57 of 1951.

39. Section *three hundred and twenty-six* of the principal Act is hereby amended by the substitution for the expression “*three hundred and sixty-three* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917)” of the expression “*three hundred and fifty-seven* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)”.

Amendment of section 327 of Act 57 of 1951.

40. Section *three hundred and twenty-seven* of the principal Act is hereby amended by the substitution in sub-section (3) for the words “Governor-General” and “proclamation” of the words “Minister” and “notice”, respectively.

Amendment of section 355 of Act 57 of 1951.

41. Section *three hundred and fifty-five* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the expressions “Industrial Conciliation Act, 1937 (Act No. 36 of 1937)”, “Wage Act, 1937 (Act No. 44 of 1937)” and “War Measure No. 145 of 1942” of the expressions “Industrial Conciliation Act, 1956 (Act No. 28 of 1956)”, “Wage Act, 1957 (Act No. 5 of 1957)” and “the Native Labour (Settlement of Disputes) Act, 1953 (Act No. 48 of 1953)”, respectively;

(b) by the substitution in sub-sections (2), (3) and (4) for the expression “Industrial Conciliation Act, 1937” wherever it occurs of the expression “Industrial Conciliation Act, 1956”; and

(c) by the substitution in sub-section (2) and in sub-section (3) for the expressions “Wage Act, 1937” and “award under the regulations made by War Measure No. 145 of 1942” of the expressions “Wage Act, 1957” and “order under the Native Labour (Settlement of Disputes) Act, 1953”, respectively.

Amendment of section 356 of Act 57 of 1951.

42. Section *three hundred and fifty-six* of the principal Act is hereby amended—

(a) by the substitution in sub-sections (1), (2) and (3) for the word “Governor-General” wherever it occurs of the word “Minister”;

(b) by the substitution for paragraph (xxxv) of sub-section (1) of the following paragraphs:

“(xxxv) prescribing rules to be followed in respect of—

(a) the convening of courts of marine enquiry, maritime courts and courts of survey;

(b) the appointment of the members of such courts and of the experts to whom appeals are to be referred under section *two hundred and eighty-two*; and

(c) the noting and prosecution of appeals from courts of marine enquiry or maritime courts to superior courts,

and prescribing the procedure to be followed by courts of marine enquiry, maritime courts, courts of survey and experts to whom appeals are referred under section *two hundred and eighty-two*;

(xxxv)*bis* empowering courts of marine enquiry or maritime courts to order the payment of compensation by persons who have made frivolous or unjustified complaints, and empowering such courts, courts of survey or experts to whom appeals have been referred under section *two hundred and eighty-two* to make orders as to costs, including the costs incurred by the State in connection with the convening of such courts, the appointment of the members of such courts or of the experts and in connection with any investigation made by such courts or experts, and the costs incurred by the parties;

(xxxv)*ter* prescribing the scales according to which costs shall be calculated, and providing for the taxation or assessment of costs;

(xxxv)*quat* as to—

- (a) the enforcement of judgments pronounced by superior courts on appeals from courts of marine enquiry or maritime courts; and
- (b) the enforcement of orders for the payment of compensation made by courts of marine enquiry or maritime courts and for the payment of costs made by such courts, courts of survey or experts to whom appeals have been referred under section *two hundred and eighty-two*; and
- (c) by the substitution in sub-section (7) for the expression "Interpretation Act, 1910 (Act No. 5 of 1910)" of the expression "Interpretation Act, 1957 (Act No. 33 of 1957)".

Amendment of  
First Schedule to  
Act 57 of 1951.

43. The First Schedule to the principal Act is hereby amended—

- (a) by the substitution in the second column for the expression "Act No. 22 of 1916" of the expression "Act No. 70 of 1957";
- (b) by the substitution in the third column for the expression "Railways and Harbours Regulation, Control and Management Act, 1916" of the expression "Railways and Harbours Control and Management (Consolidation) Act, 1957";
- (c) by the substitution in the fourth column for the particulars appearing opposite the expression "Railways and Harbours Regulation, Control and Management Act, 1916." in the third column, of the following particulars:

"The substitution for paragraph (o) of sub-section (1) of section *three* of the following paragraph:

(o) subject to the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), the licensing and control of tugs, launches, hulks, fishing or ferry boats or other craft lying in or using a harbour and the charges to be paid to the Administration for the licensing of such craft and for the right to lie in or use the harbour";

and the substitution in section *forty-four* for the words after the words "inspection, and" and before the words "shall be liable" of the words "any master who fails to do so"; and

- (d) by the deletion in the second column of the expressions "Act No. 40 of 1927", "Act No. 36 of 1939", "Act No. 10 of 1940" and "Act No. 35 of 1944"; by the deletion in the third column of the expressions "Union Nationality and Flags Act, 1927", "Railways and Harbours Regulation, Control and Management Amendment Act, 1939", "Sea Fisheries Act, 1940" and "Customs Act, 1944"; and by the deletion in the first and fourth columns of the particulars appearing opposite those expressions.

Short Title.

44. This Act shall be called the Merchant Shipping Amendment Act, 1959.