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OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 405. 8 March 1989

No. 405. 8 Maart 1989

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

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

Act of 1989: Merchant Shipping Amendment Act, 1989.

No. 3 van 1989: Wysigingswet op Handelskeepvaart, 1989.

Act No. 3, 1989

MERCHANT SHIPPING AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Merchant Shipping Act, 1951, so as to provide that the standards in respect of certificated officers and other persons to be employed on certain ships comply with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978; and to repeal the provisions in respect of the provision for instruction, and the granting of certificates of service; and to provide for matters connected therewith.

*(English text signed by the acting State President.)
(Assented to 27 February 1989.)*

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

Amendment of section 73 of Act 57 of 1951, as amended by section 15 of Act 30 of 1959, section 37 of Act 69 of 1962, section 11 of Act 40 of 1963 and section 4 of Act 5 of 1976 5

1. Section 73 of the Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this section, the owner and the master of every—
(a) South African ship going to sea from any port whatsoever; or
(b) ship (other than a South African ship) embarking passengers at, and going to sea from, any port in the Republic,
shall ensure that there is employed on board that ship in their appropriate capacities the number of officers or other persons, duly certificated as prescribed by regulation, or deemed to be so certificated.” 10 15

Repeal of section 76 of Act 57 of 1951

2. Section 76 of the principal Act is hereby repealed.

Repeal of section 80 of Act 57 of 1951, as amended by section 16 of Act 30 of 1959, section 14 of Act 40 of 1963, section 7 of Act 42 of 1969 and section 5 of Act 5 of 1976 20

3. (1) Section 80 of the principal Act is hereby repealed.
(2) Any certificate of service granted under section 80 of the Merchant Shipping Act, 1951, before the date of commencement of this Act, shall remain in force as if the said section 80 has not been repealed by subsection (1).

Short title

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4. This Act shall be called the Merchant Shipping Amendment Act, 1989.

ALGEMENE VERDUIDELIKENDE NOTA:

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Handelskeepvaartwet, 1951, ten einde voorsiening te maak dat die standaard ten opsigte van gediplomeerde offisiere en ander persone in diens op sekere skepe voldoen aan die Internasionale Konvensie insake Standaard van Opleiding, Diplomerings en Waghouding van Seevaarders, 1978; en die bepaling ten opsigte van die voorsiening vir opleiding, en die toekenning van dienssertifikate, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 27 Februarie 1989.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 73 van Wet 57 van 1951, soos gewysig deur artikel 15 van Wet 30 van 1959, artikel 37 van Wet 69 van 1962, artikel 11 van Wet 40 van 1963 en artikel 4 van Wet 5 van 1976

1. Artikel 73 van die Handelskeepvaartwet, 1951 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepaling van hierdie artikel, moet die eienaar en die gesagvoerder van elke—
10 (a) Suid-Afrikaanse skip wat van enige hawe waar ook al, uitvaar; of
(b) skip (wat nie 'n Suid-Afrikaanse skip is nie) wat passasiers by 'n hawe in die Republiek aan boord neem en vandaar uitvaar,
15 sorg dat aan boord van daardie skip in hul toepaslike werkkringe die aantal offisiere of ander persone werksaam is wat behoorlik gediplomeerd is soos by regulasie voorgeskryf, of geag word aldus gediplomeerd te wees.”

Herroeping van artikel 76 van Wet 57 van 1951

2. Artikel 76 van die Hoofwet word hierby herroep.

Herroeping van artikel 80 van Wet 57 van 1951, soos gewysig deur artikel 16 van Wet 30 van 1959, artikel 14 van Wet 40 van 1963, artikel 7 van Wet 42 van 1969 en artikel 5 van Wet 5 van 1976

3. (1) Artikel 80 van die Hoofwet word hierby herroep.
(2) Enige dienssertifikaat wat voor die datum van inwerkingtreding van hierdie Wet kragtens artikel 80 van die Handelskeepvaartwet, 1951, toegeken is, bly van 25 krag asof genoemde artikel 80 nie deur subartikel (1) herroep is nie.

Kort titel

4. Hierdie Wet heet die Wysigingswet op Handelskeepvaart, 1989.