

DUMPING AT SEA CONTROL AMENDMENT ACT

PRESIDENT'S OFFICE

No. 1536. 6 October 1995

NO. 73 OF 1995: DUMPING AT SEA CONTROL AMENDMENT ACT, 1995

It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

GENERAL EXPLANATORY NOTE:

[] Words between asterisks indicate omissions from existing enactments.

_____ Words between pointed brackets indicate insertions in existing enactments.

ACT

To amend the Dumping at Sea Control Act, 1980, so as to insert, amend or delete certain definitions; and to replace an obsolete provision and word; and to provide for matters connected therewith.

(English text signed by the President.) (Assented to 28 September 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 73 of 1980

1. Section 1 of the Dumping at Sea Control Act, 1980 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the insertion after the definition of "aircraft" of the following definition:

" 'director-general' means the Director-General: Environmental Affairs and Tourism or any officer of the Department of Environmental Affairs and Tourism acting on his or her authority;";

(b) by the substitution for the definition of "dump" of the following definition:

" 'dump', in relation to any substance, means to deliberately dispose of at sea from any vessel, aircraft, platform or other man-made structure, by incinerating or depositing in the sea and includes the disposal of any vessel, aircraft, platform or other man-made structure at sea, but does not include to-

(a) dispose at sea of any substance incidental to or derived from the normal operations of any vessel, aircraft, platform or other man-made structure and its equipment, other than dispose of any substance from any vessel, aircraft, platform or other man-made structure operated for the purpose of disposing of such substance at sea;

(b) lawfully deposit at sea any substance for a purpose other than the mere disposal thereof;

(c) dispose at sea of wastes or other matter directly arising from or related to the exploration, exploitation and associated offshore processing of sea-bed mineral resources; and 'dumping' has a corresponding meaning;"

(c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of [**Industries**] Environmental Affairs and Tourism";;

(d) by the substitution for the definition of "sea" of the following definition:

" 'sea' means the internal waters, the territorial waters and the waters contained in the exclusive economic zone of the Republic as [**defined in section 2 of the Territorial Waters Act, 1963 (Act No. 87 of 1963), and includes the sea between the high- and low-water marks**] referred to in sections 3, 4 and 7, respectively, of the Maritime Zones Act, 1994 (Act No. 15 of 1994)";; and

(e) by the deletion of the definition of "Secretary".

Amendment of section 2 of Act 73 of 1980

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

"(6)The provisions of subsections (1) to (5) shall, in respect of any South African vessel, aircraft or citizen, apply mutatis mutandis also on the high seas, including the fishing zone as defined in section [**3 of the Territorial Waters Act, 1963 (Act No. 87 of 1963)**] 1 of the Sea Fishery Act, 1988 (Act No. 12 of 1988)".

Substitution of word in Act 73 of 1980

3. The principal Act is hereby amended by the substitution for the word "Secretary", wherever it occurs, of the word "director-general".

Short title

4. This Act shall be called the Dumping at Sea Control Amendment Act, 1995.