

Amendment of section 28 of Act 6 of 1981

42. Section 28 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in paragraph (b) of subsection (1) for the word “oil” where it—
 - (i) first appears of the words “harmful substances”; and
 - (ii) thereafter appears of the words “any such substance”;
- (b) by the substitution in paragraph (c) of subsection (1) for the word “oil” of the words “harmful substances”; and
- (c) by the substitution for subsection (2) of the following subsection:
 - “(2) Regulations made under subsection (1) may—
 - (a) prescribe, for any contravention thereof or failure to comply therewith, penalties not exceeding the penalties prescribed in section 30(2)(a);
 - (b) be applicable outside the Republic.”.

Amendment of section 30 of Act 6 of 1981, as amended by section 2 of Act 63 of 1987 and section 5 of Act 9 of 1990

43. Section 30 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, is hereby amended—

- (a) by the substitution in paragraph (a) of subsection (2) for the expression “R10 000” of the expression “R25 000”;
- (b) by the substitution in paragraph (b) of subsection (2) for the expression “R20 000” of the expression “R50 000”;
- (c) by the substitution in paragraph (c) of subsection (2) for the expression “R40 000” of the expression “R90 000”;
- (d) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
 - “(d) section [2(1) or] 13(6) or subsection (1)(b)(i) or [(b)](ii), shall be liable to a fine not exceeding [R200 000] R500 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.”; and
- (e) by the substitution for subsection (4) of the following subsection:
 - “(4) There shall be a right of appeal to the Minister [whose decision shall be final] from a determination or order of the Director-General under subsection (3) whereby a penalty exceeding [R500] R2 000 is imposed, provided such right is exercised within a period of three months from the date of such determination or order, “.

Insertion of section 30A in Act 6 of 1981

44. The following section is hereby inserted in the Prevention and Combating of Pollution of the Sea by Oil Act, 1981, after section 30:

“Application of Act to Prince Edward Islands

30A. This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), and any reference in this Act to the Republic shall include a reference to those Islands.”.

Substitution of section 32 of Act 6 of 1981

45. The following section is hereby substituted for section 32 of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981:

“Short title

32. This Act shall be called the [Prevention and Combating of Pollution of the Sea by Oil Act] Marine Pollution (Control and Civil Liability) Act, 1981 [and shall come into operation on a date fixed by the State President by proclamation in the Gazette].”.

Substitution of certain expressions in Act 6 of 1981

46. *The Prevention and Combating of Pollution of the Sea by Oil Act, 1981*, is hereby amended by the substitution for the expressions “State Revenue Fund” and “territorial waters of the Republic”, wherever they occur, of the expressions “National Revenue Fund” and “territorial waters”, respectively.

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Substitution of long title of Act 6 of 1981

47. The following long title is hereby substituted for the long title of the Prevention and Combating of Pollution of the Sea by Oil Act, 1981:

“ACT

To provide for the protection of the marine environment from pollution by oil and other harmful substances. and for that purpose to provide for the prevention and combating of pollution of the sea by oil and other harmful substances; to determine liability in certain respects for loss or damage caused by the discharge of oil from ships, tankers [or] and offshore installations; and to provide for matters connected therewith.”.

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Insertion of section 2A in Act 1 of 1986

48. The following section is hereby inserted in the Carriage of Goods by Sea Act, 1986. after section 2:

“Units of account and conversion

2A. (1) The amounts mentioned in paragraph 5(a) of Article IV of the Rules shall be converted into South African currency on the basis of the value of such currency on the date of the judgment or the date agreed upon by the parties.

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(2) For the purpose of converting from special drawing rights into South African currency the amounts mentioned in paragraph 5(a) of Article IV of the Rules in respect of which a judgment is given, one special drawing right shall be treated as equal to such a sum in South African currency as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—

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(a) the day on which the judgment is given; or

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(b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.

(3) A certificate given by or on behalf of the Treasury stating—

(a) that a particular sum in South African currency has been so fixed for a particular day; or

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(b) that no sum has been so fixed for that day and that a particular sum in South African currency has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,

shall be *prima facie* proof of those matters for the purposes of Article IV of the Rules; and a document purporting to be such a certificate shall, in any proceedings, be admissible in evidence and, in the absence of evidence to the contrary, be deemed to be such a certificate.”.

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Insertion of section 3A in Act 1 of 1986

49. The following section is hereby inserted in the Carriage of Goods by Sea Act, 1986. after section 3:

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“Application of Act to Prince Edward Islands

3A. This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948). and

any reference in this Act to the Republic shall include a reference to those islands.”.

Amendment of Schedule to Act 1 of 1986

50. The Schedule to the Carriage of Goods by Sea Act, 1986, is hereby amended to the extent indicated in Schedule 1, 5

Amendment of section 1 of Act 64 of 1987

51. Section 1 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, is hereby amended—

(a) by the substitution for the definition of “Convention” of the following definition: 10

“ ‘Convention’ means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties done at Brussels on 29 November 1969, the English text of which is set forth in Schedule 1.”;

(b) by the deletion of the definition of “Minister”: and 15

(c) by the insertion before the definition of “regulation” of the following definition:

“ ‘Protocol’ means the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil done at London on 2 November 1973, the English text of which is set forth in Schedule 2, as modified by any amendment made under Article III of that Protocol that has entered into force for the Republic.”. 20

Substitution of section 2 of Act 64 of 1987

52. The following section is hereby substituted for section 2 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 25

“Application and interpretation of Convention and Protocol

2. (1) Subject to the provisions of this Act, the Convention and Protocol shall have the force of law in the Republic.

(2) The Minister shall, as soon as practicable after any amendment of the Protocol has entered into force for the Republic, by notice in the Gazette amend Schedule 2 to reflect such amendment. 30

(3) Unless the context indicates otherwise, a reference in the Convention and Protocol to a State or State Party shall, in relation to the Republic, be construed as a reference to the Minister of Transport or any officer of the Department of Transport acting on the authority of that Minister, and any reference to a Party shall be construed accordingly. 35

(4) The English text of the Convention and Protocol shall prevail in the event of conflict between the English and Afrikaans texts.”.

Substitution of section 3 of Act 64 of 1987

53. The following section is hereby substituted for section 3 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 40

“Regulations

3. (1) The Minister of Transport may make regulations relating to the carrying out of, and giving effect to, the provisions of the Convention and 45

Protocol, and generally for the better achievement of the objects of this Act.

(2) Regulations made under subsection (1) may—

(a) prescribe, for any contravention thereof or failure to comply therewith, penalties of a fine not exceeding R500 000, or imprisonment for a period not exceeding five years, or such fine as well as such imprisonment;

(b) be applicable outside the Republic.”

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Amendment of section 4 of Act 64 of 1987

54. Section 4 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, is hereby amended by the substitution for subsection (1) of the following subsection: 10

“(1) Any offence in terms of this Act shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed within the area of jurisdiction of the court in which the prosecution is instituted.”

Insertion of section 4A in Act 64 of 1987

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55. The following section is hereby inserted in the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, after section 4:

“Application of Act to Prince Edward Islands

4A. This Act shall also apply to the Prince Edward Islands referred to in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948), and any reference in this Act to the Republic shall include a reference to those Islands.”

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Substitution of section 5 of Act 64 of 1987

56. The following section is hereby substituted for section 5 of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 25

“Short title

5. This Act shall be called the [International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act] Marine Pollution (Intervention) Act, 1987.”

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Addition of Schedule to Act 64 of 1987

57. The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987, is hereby amended by the addition of the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil 1973, as amended by MEPC.49(31), set forth in Schedule 2, as Schedule 2 to the Act, the existing Schedule becoming Schedule 1. 35

Substitution of long title of Act 64 of 1987

58. The following long title is hereby substituted for the long title of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties Act, 1987: 40

“ACT

To [provide for the application in the Republic of] give effect to the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, and to the Protocol Relating to Intervention on the High Seas in Cases

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of Marine Pollution by Substances Other than Oil 1973; and to provide for matters incidental thereto.”.

Amendment of section 1 of Act 15 of 1994, as amended by section 3 of Act 74 of 1995

59. Section 1 of the Maritime Zones Act, 1994, is hereby amended by the substitution for paragraph (f) of the definition of “installation” of the following paragraph: 5

“(f) Any [area **situated within a distance of 500 metres measured from any point on the exterior side of an installation referred to in paragraph (a) or (b) other than a pipeline**] safety zone as defined in section 1 of the Marine Traffic Act, 1981 (Act No. 2 of 1981).”.

Short title and commencement 10

60. This Act shall be called the Shipping General Amendment Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.