

SALDANHA BAY HARBOUR CONSTRUCTION ACT NO. 29 OF 1973

Assented to: 4 April 1973

Date of commencement: 5 April 1973

ACT

To provide for the establishment of a harbour at Saldanha Bay; for the assignment of the construction, equipment, control, management, possession and maintenance of any part of such harbour to the South African Iron and Steel Industrial Corporation, Limited; and for matters incidental thereto.

[Long title substituted by s. 6 of Act No. 77 of 1976.]

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1. Definitions

In this Act, unless the context otherwise indicates-

Administration means the authority which under the Railway Board Act, 1962 (Act No. 73 of 1962), administers and works the railways, ports and harbours of the Republic;

Corporation means the South African Iron and Steel Industrial Corporation, Limited, constituted under the provisions of section 1 of the Iron and Steel Industry Act, 1928 (Act No. 11 of 1928);

harbour means that part of the harbour, contemplated in section 2 (1) (a), which has been assigned under section 2 (1) (b) to the Corporation;

Minister means the Minister of Economic Affairs;

person in control of the harbour means any person designated by the Minister for the purpose;

subsidiary company means a company, referred to in section 1 of the Companies Act, 1973 (Act No. 61 of 1973), of which the Corporation is a member.

[S. 1 substituted by s. 1 of Act No. 77 of 1976.]

5. Regulations

(1) The Minister may make regulations, not inconsistent with this Act, with respect to any of the following matters-

(a)

[Para. (a) deleted by s. 5 (a) of Act No. 77 of 1976.]

(b) the proper control and management of the harbour, and the preservation from injury of any works, buoys, dredgers, ships or other property connected therewith;

[Para. (b) substituted by s. 5 (b) of Act No. 77 of 1976.]

- (c) the proper control and management of the harbour or portions thereof during the construction and equipment of the harbour or any part thereof;
- (d) the erection of buildings or other structures, or the planting of posts or poles that may interfere with the proper working of the harbour or the signals or beacons thereat;
- (e) the regulation of the stevedoring, landing, shipping, delivery, collection and warehousing of goods at the harbour, and the declaration of the tonnage and valuation of goods imported or exported and the necessary declarations and statements in support thereof;
[Para. (e) substituted by s. 5 (c) of Act No. 77 of 1976.]
- (f)
[Para. (f) deleted by s. 5 (d) of Act No. 77 of 1976.]
- (g) the fixing and determining of wharfage dues and other harbour dues and charges and the payment and the exemption from or variation of the payment thereof;
[Para. (g) substituted by s. 5 (e) of Act No. 77 of 1976.]
- (h)
[Para. (h) deleted by s. 5 (f) of Act No. 77 of 1976.]
- (i)
[Para. (i) deleted by s. 5 (f) of Act No. 77 of 1976.]
- (j)
[Para. (j) deleted by s. 5 (f) of Act No. 77 of 1976.]
- (k) the regulation of the use of all landing places, loading jetties, oil trestles, shiploaders, slips, docks, shears, cranes, lights, mooring ropes and warps, coaling or other appliances, and provision for the regulation of the traffic within any docks or along any wharves, jetties or quays within the harbour;
[Para. (k) substituted by s. 5 (g) of Act No. 77 of 1976.]
- (l) the authorization of admission to the wharves, docks, jetties or other works of the harbour;
- (m) the prohibition of smoking in or on wharves, jetties, quays, buildings or rolling stock;
- (n) the prevention of obstructions and the preservation of good order within the harbour area;
- (o) the regulation and control of road traffic at the harbour, including but without limiting the generality of the foregoing-
 - (i) the prohibition of the driving of any vehicle in a dangerous, reckless or negligent manner, or by any person who is under the influence of intoxicating liquor or drugs;
 - (ii) the restriction of the speed at which vehicles may be driven;
 - (iii) the stopping and parking of vehicles; the levying of charges in respect of the parking of vehicles; the installation of parking-meters for the collection of such charges, and the regulation, supervision, maintenance and control of such meters; the demarcation of parking places for use in conjunction with such meters; the creation of a rebuttable presumption that the period of time for which a vehicle may be lawfully parked in any such parking place is the period as measured by the parking-meter for that place, and that where a vehicle has been driven or parked in contravention of the regulations, the owner of such vehicle (who shall, in the case of a motor vehicle, be deemed to be the person in whose name the vehicle is registered) is the person who was driving or had charge of the vehicle at the time when the contravention occurred;

- (p) the prevention of any damage or injury to any dock, wharf, jetty, landingplace or other works and premises, or to ships, rolling stock or any property whatsoever;
[Para. (p) substituted by s. 5 (h) of Act No. 77 of 1976.]
- (q) the prevention of pollution and of the commission of any nuisance in or upon the harbour, foreshores, docks, wharves, jetties or landing-places, and generally the promotion and ensuring of a good cleansing and sanitation service and of cleanliness and decency within the harbour area;
- (r) the definition, for the purposes of this Act, of dangerous or offensive goods and the conditions under which and the times when those classes of goods shall be transported, landed or shipped, and the prohibition of the transport, landing or shipping of those classes of goods, and provision for or sanctioning of the removal or destruction of the same;
[Para. (r) substituted by s. 5 (i) of Act No. 77 of 1976.]
- (s) the use of harbour land for storage yards, depositing or forwarding sites, pipe-lines, power lines and the likes, and whether the same shall be overhead or underground;
- (t) the installation, maintenance and control of automatic vending, massmeasuring, novelty and similar machines;
- (u) to (z)
[Paras. (u) to (z) deleted by s. 5 (j) of Act No. 77 of 1976.]
- (aa)
[Para. (aa) deleted by s. 5 (j) of Act No. 77 of 1976.]
- (bb)
[Para. (bb) deleted by s. 5 (j) of Act No. 77 of 1976.]
- (cc) the liability of the master of a ship for any contravention of this Act or any regulation on board his ship in the harbour,

and generally with respect to the use or working of the harbour and for the good control thereof, and the maintenance of order thereon and therein.
- (2) Different regulations may be made in respect of different parts of the harbour.
[Sub-s. (2) substituted by s. 5 (k) of Act No. 77 of 1976.]
- (3) The regulations may provide penalties for any contravention thereof or failure to comply therewith and may provide that a person convicted thereof shall be liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or, in the case of a second or subsequent conviction, to both such fine and such imprisonment.
- (4) A copy of the regulations shall be kept at the office of the person in control of the harbour, and shall be open to inspection free of charge.
- (5) Whenever the person in control of the harbour boards or goes alongside of any ship arriving at the harbour, he shall cause to be delivered to the master of the ship a copy of the regulations that are in force: Provided that it shall not be necessary more than once in each year to deliver a copy of the said regulations to the master of a ship which regularly trades with the harbour and which has agents resident thereat, and then only at the request of the master.

AMENDMENTS

Saldanha Bay Harbour Construction Amendment Act, No. 77 of 1976