

REPUBLIC  
OF  
SOUTH AFRICA



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VAN  
SUID-AFRIKA

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No. 16068

## PROCLAMATION

*by the*

*Acting President*

*of the Republic of South Africa*

**No. R. 171, 1994**

AMENDMENT OF THE PUBLIC SERVICE ACT, 1994

Under the powers vested in me by section 237 (3) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby amend the Public Service Act, 1994 (Proclamation No. 103 of 1994), as set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Eighth day of November, One thousand Nine hundred and Ninety-four.

**T. MBEKI,**

Acting President.

By Order of the President-in-Cabinet:

**Z. S. T. SKWEIYA,**

Minister of the Cabinet.

### SCHEDULE

AMENDMENT OF THE PUBLIC SERVICE ACT, 1994

1. Section 1 of the Public Service Act, 1994, is hereby amended by the addition of the following subsection:

“(3) Where it is uncertain who the executing authority is for the purposes of a recommendation, direction or other act under this Act in respect of an officer or employee referred to in section 43 (2) (b), the Commission shall indicate the authority to be regarded as the executing authority in the case concerned.”.

## PROKLAMASIE

*van die*

*Waarnemende President*

*van die Republiek van Suid-Afrika*

**No. R. 171, 1994**

WYSIGING VAN DIE STAATSDIENSWET, 1994

Kragtens die bevoegdheid my verleen by artikel 237 (3) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), wysig ek hierby die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), soos in die Bylae uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Agste dag van November Eenduisend Negehonderd Vier-en-negentig.

**T. MBEKI,**

Waarnemende President.

Op las van die President-in-Kabinet:

**Z. S. T. SKWEIYA,**

Minister van die Kabinet.

### BYLAE

WYSIGING VAN DIE STAATSDIENSWET, 1994

1. Artikel 1 van die Staatsdienswet, 1994, word hierby gewysig deur die volgende subartikel by te voeg:

“(3) Waar dit onseker is wie die uitvoeringsgesag vir doeleindes van ’n aanbeveling, lasgewing of ander handeling kragtens hierdie Wet ten opsigte van ’n beampte of werknemer bedoel in artikel 43 (2) (b) is, moet die Kommissie die gesag aanwys wat in die betrokke geval as die uitvoeringsgesag beskou word.”.

## GOVERNMENT NOTICES

## GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF FINANCE

## DEPARTEMENT VAN FINANSIES

No. R. 1894

11 November 1994

No. R. 1894

11 November 1994

CUSTOMS AND EXCISE ACT, 1964

DOEANE- EN AKSYNSWET, 1964

AMENDMENT OF SCHEDULE No. 2 (No. 2/22)

WYSIGING VAN BYLAE No. 2 (No. 2/22)

Under section 56 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 2 to the said Act is hereby amended to the extent set out in the Schedule hereto.

Kragtens artikel 56 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 2 by genoemde Wet hiermee gewysig in die mate in die Bylae hiervan aangetoon.

**C. F. LIEBENBERG,**  
Minister of Finance.

**C. F. LIEBENBERG,**  
Minister van Finansies.

## SCHEDULE

I Item	II			III Rebate Items	IV Imported from or Origina- ting in	V Rate of Anti- dumping Duty	VI Annota- tions
	Tariff Heading	Code	C D				
216.01	"8482.20	01.06	69	By the substitution for tariff headings Nos. 8482.20 and 8582.50 of the following: Tapered journal roller bearings, including cone and tapered roller assemblies, of the rotating end-cover type, commonly used on the axles of railway rolling stock or locomotives, of an outside diameter of 170 mm or more but not exceeding 200 mm, manufactured by Brenco Incorporated or by Fag Interamericana		United States of America	8 108c each
		02.06	63	Tapered journal roller bearings, including cone and tapered roller assemblies, of the rotating end-cover type, commonly used on the axles of railway rolling stock or locomotives, of an outside diameter exceeding 200 mm but not exceeding 210 mm, manufactured by Brenco Incorporated or by Fag Interamericana			
	8482.50	01.06	60	Cylindrical journal roller bearings, of the rotating end-cover type, commonly used on the axles of railway rolling stock or locomotives, of an outside diameter of 170 mm or more but not exceeding 200 mm manufactured by Brenco Incorporated or by Fag Interamericana		United States of America	8 108c each
		02.06	65	Cylindrical journal roller bearings of the rotating end-cover type, commonly used on the axles of railway rolling stock or locomotives, of an outside diameter exceeding 200 mm but not exceeding 210 mm, manufactured by Brenco Incorporated or by Fag Interamericana		United States of America	10 069c each"

## BYLAE

I Item	II			III Korting- items	IV Ingevoer vanaf of Afkomsig van	V Skaal van Antidum- pingreg	VI Annota- sies
	Tarief- pos	Kode	T. S.				
216.01	"8482.20	01.06	69	Deur tariefposte Nos. 8482.20 en 8482.50 deur die volgende te vervang: Tapse astaprolaers, met inbegrip van keel en tapse rolsamestelle van die reterende enddekstuktype, gewoonlik op die asse van rollende spoorwegmateriaal of lokomotiewe gebruik, met 'n buitedeursnee van minstens 170 mm maar hoogstens 200 mm, vervaardig deur Brenco Incorporated en Fag Interamericana	Verenigde State van Amerika	8 108c elk	

I Item	II			III Korting Items	IV Ingevoer vanaf of Afkomsig van	V Skaal van Antidum- pingreg	VI Annota- sies
	Tarief- pos	Kode	T S				
	02.06	63			Verenigde State van Amerika	10 069c elk	
	8482.50	01.06	60	Silindriese astaprolleers, van die rote- rende enddekstuktype, gewoonlik op die asse van rollende spoorwegmate- riaal of lokomotiewe gebruik, met 'n buitedeursnee van minstens 170 mm maar hoogstens 200 mm, vervaardig deur Brenco Incorporated en Fag Inter- americana	Verenigde State van Amerika	8 108c elk	
		02.06	65	Silindriese astaprolleers, van die rote- rende enddekstuktype, gewoonlik op die asse van rollende spoorwegmate- riaal of lokomotiewe gebruik, met 'n buitedeursnee van meer as 200 mm maar hoogstens 210 mm, vervaardig deur Brenco Incorporated en Fag Inter- americana	Verenigde State van Amerika	10 069c elk"	

**No. R. 1893**

**11 November 1994**

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 1 (No. 1/1/695)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

**C. F. LIEBENBERG,**  
Minister of Finance.

**No. R. 1893**

**11 November 1994**

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 1 (No. 1/1/695)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hiervan aangetoon.

**C. F. LIEBENBERG,**  
Minister van Finansies.

**SCHEDULE**

Heading	Subheading	C. D.	Article Description	Statistical Unit	Rate of Duty	Annotations
	..10	5	By the substitution for subheading No. 8450.90.10 of the following: For machines, each of a dry linen capacity not exceeding 7 kg		25%"	

**BYLAE**

Pos	Subpos	T. S.	Artikelbeskrywing	Statistiese Eenheid	Skaal van Reg	Annotasies
	..10	5	Deur subpos No. 8450.90.10 deur die volgende te vervang: Vir masjiene, elk met 'n droëlinne-inhoudsvermoë van hoogstens 7 kg		25%"	

**DEPARTMENT OF HEALTH****No. R. 1909****11 November 1994**HAZARDOUS SUBSTANCES ACT, 1973  
(ACT No. 15 OF 1973)

## REGULATIONS RELATING TO THE USE OF FLUOROACETIC ACID (MONO) AND ITS SALTS AND DERIVATIVES

The Minister of Health intends, in terms of section 29 (1) (b) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Foodstuffs, Cosmetics, Disinfectants and Toxicology), within three months of the date of publication of this notice.

**SCHEDULE****Definitions**

1. In this Schedule "the Act" means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates—

"written authorisation" means an approval issued by the director of a provincial conservation institution or authority to a hunter who satisfies the conditions set by the provincial conservation institution or authority.

**Control over the use of fluoroacetic acid (mono) and its salts and derivatives**

2. No person shall—

- (1) import, sell, keep, apply or use fluoroacetic acid (mono) and its salts and derivatives, unless it is sealed in a poison collar for the control of problem animals as defined in the provincial ordinances;
- (2) sell a poison collar which contains fluoroacetic acid (mono) and its salts and derivatives, except to the holder of a written authorisation;
- (3) buy, keep, apply or use a poison collar which contains fluoroacetic acid (mono) and its salts and derivatives, unless he is the holder of a written authorisation: Provided that—
  - (a) the holder of a written authorisation shall ensure that such a poison collar, which was obtained by him, does not come into the possession of other persons and is not applied or used by them;
  - (b) the holder of a written authorisation shall personally return any such poison collars which are not applied or used within three months to the supplier;
- (4) keep, apply or use a poison collar which contains fluoroacetic acid (mono) and its salts and derivatives, except for the control of problem animals in accordance with the conditions of a written authorisation.

**DEPARTEMENT VAN GESONDHEID****No. R. 1909****11 November 1994**WET OP GEVAARHOUDENDE STOWWE, 1973  
(WET No. 15 VAN 1973)

## REGULASIES BETREFFENDE DIE GEBRUIK VAN FLUORASYNSTRUUR (MONO) EN DIE SOUTE EN DERIVATE DAARVAN

Die Minister van Gesondheid is van voorneme om kragtens artikel 29 (1) (b) van die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973), die regulasies in die Bylae uit te vaardig.

Belanghebbendes word versoek om binne drie maande na die datum van publikasie van hierdie kennisgewing gemotiveerde kommentaar oor of vertoë in verband met die voorgename regulasies voor te lê aan die Direkteur-generaal: Gesondheid, Privaat Sak X828, Pretoria, 0001 (vir die aandag van die Direkteur: Voedsel, Kosmetika, Ontsmettingsmiddels en Toksikologie).

**BYLAE****Woordomskrywing**

1. In hierdie Bylae beteken "die Wet" die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973), en het 'n uitdrukking waaraan in die Wet 'n betekenis toegeken is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

"skriftelike magtiging" goedkeuring wat deur die direkteur van 'n provinsiale bewaringsinstelling of -owerheid uitgereik word aan 'n jagter wat voldoen aan die voorwaardes gestel deur die provinsiale bewaringsinstelling of -owerheid

**Die beheer oor die gebruik van fluorasynstruur (mono) en die soute en derivate daarvan**

2. Niemand mag—

- (1) fluorasynstruur (mono) en die soute en derivate daarvan, invoer, verkoop, hou, aanwend of gebruik nie, tensy dit verseël is in 'n gifhalsband vir die beheer van probleemdiere soos omskryf in die provinsiale ordonnansies;
- (2) 'n gifhalsband wat fluorasynstruur (mono) en die soute en derivate daarvan bevat, verkoop nie, behalwe aan die houer van 'n skriftelike magtiging;
- (3) 'n gifhalsband wat fluorasynstruur (mono) en die soute en derivate daarvan bevat, koop, hou, aanwend of gebruik nie, tensy hy die houer is van 'n skriftelike magtiging: Met dien verstande dat—
  - (a) die houer van 'n skriftelike magtiging moet toesien dat so 'n gifhalsband wat deur hom bekom is, nie in besit van ander persone kom of deur ander persone aangewend of gebruik word nie;
  - (b) die houer van 'n skriftelike magtiging enige sodanige gifhalsbande wat nie binne drie maande aangewend of gebruik word nie, persoonlik aan die verskaffer moet terugbesorg;
- (4) 'n gifhalsband wat fluorasynstruur (mono) en die soute en derivate daarvan bevat, hou, aanwend of gebruik nie, behalwe vir die beheer van probleemdiere ooreenkomstig die voorwaardes van 'n skriftelike magtiging.

3. A provincial conservation institution or authority shall issue a written authorisation only if that institution or authority is satisfied that the applicant is competent to keep and use the poison collar.

4. (1) Notwithstanding the provisions of regulation 2, fluoroacetic acid (mono) and its salts and derivatives, not sealed in a poison collar, may be imported, sold, kept, applied or used by a licence holder in terms of section 4 of the Act, laboratories, teaching institutions, industries, Government institutions, provincial authorities and provincial institutions who are in possession of written permission from the Director-General.

(2) An application for written permission referred to in subregulation (1) shall be lodged with the Director-General in writing.

(3) The Director-General may withdraw such permission at any time.

#### Offences

5. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months. This penalty provision shall not derogate from any conviction and sentence imposed in compliance with a provincial nature conservation ordinance.

#### Withdrawal

6. Government Notice No. R. 2871 of 31 December 1981 is hereby repealed.

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### DEPARTMENT OF LABOUR

No. R. 1920 11 November 1994

LABOUR RELATIONS ACT, 1956

MILLINERY INDUSTRY (TRANVAAL): RENEWAL OF AGREEMENT

I, Dennis van der Walt, Director: Labour Relations, duly authorised thereto by the Minister of Labour, hereby, in terms of section 48 (4) (a) (ii) of the Labour Relations Act, 1956, declare the provisions of Government Notices Nos. R. 2477 of 19 November 1982, R. 1898 of 31 August 1984, R. 1807 of 29 August 1986, R. 727 of 5 April 1991, R. 641 of 23 April 1993 and R. 2499 of 24 December 1994, to be effective from the date of publication of this notice and for the period ending 30 March 1995.

**D. VAN DER WALT,**

Director: Labour Relations.

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### INDEPENDENT BROADCASTING AUTHORITY

No. R. 1919 11 November 1994

APPLICATION RECEIVED FOR TEMPORARY COMMUNITY LICENCES

The Independent Broadcasting Authority gives notice under the Independent Broadcasting Authority (Temporary Community Broadcasting Licences) Regulations, 1994, that applications have been received for temporary community broadcasting licences as set out in the Schedules.

3. 'n Provinsiale bewaringsinstelling of -owerheid reik 'n skriftelike magtiging alleenlik uit indien daardie instelling of owerheid daarvan oortuig is dat die aansoeker bevoeg is om die gifhalsband te hou en te gebruik.

4. (1) Ondanks die bepalings van regulasie 2 kan fluoorasynsuur (mono) en die soute en derivate daarvan wat nie in 'n gifhalsband verseël is nie, ingevoer, verkoop, gehou, aangewend of gebruik word deur 'n lisensiehouer kragtens artikel 4 van die Wet, laboratoria, opvoedkundige inrigtings, nywerhede, Staatsinstellings, provinsiale owerhede en provinsiale instansies wat oor skriftelike toestemming van die Direkteur-generaal beskik.

(2) 'n Aansoek om skriftelike toestemming bedoel in subregulasie (1) moet skriftelik by die Direkteur-generaal ingedien word.

(3) Die Direkteur-generaal kan sodanige toestemming te eniger tyd intrek.

#### Misdrywe

5. Iemand wat enige bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens ses maande. Die strafbepaling doen nie afbreuk aan 'n skuldigbevinding en vonnis uitgebring ingevolge 'n provinsiale natuurbewaringsordonnansie nie.

#### Herroeping

6. Goewermentskennisgewing No. R. 2871 van 31 Desember 1981 word hierby herroep.

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### DEPARTEMENT VAN ARBEID

No. R. 1920 11 November 1994

WET OP ARBEIDSVERHOUDINGE, 1956

HOEDENYWERHEID (TRANVAAL): HERNUWING VAN OOREENKOMS

Ek, Dennis van der Walt, Direkteur: Arbeidsverhoudinge, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 48 (4) (a) (ii) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van Goewermentskennisgewings Nos R. 2477 van 19 November 1982, R. 1898 van 31 Augustus 1984, R. 1807 van 29 Augustus 1986, R. 727 van 5 April 1991, R. 641 van 23 April 1993 en R. 2499 van 24 Desember 1993, van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Maart 1995 eindig.

**D. VAN DER WALT,**

Direkteur: Arbeidsverhoudinge.

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### ONAFHANKLIKE UITSAAI-OWERHEID

No. R. 1919 11 November 1994

AANSOEKE OM TYDELIKE GEMEENSKAPSUITSAAILISENSIES ONTVANG

Die Onafhanklike Uitsaai-owerheid gee kennis onder die Onafhanklike Uitsaai-owerheid (Tydelike Gemeenskapsuitsaailisensies) Regulasies, 1994, dat aansoeke vir tydelike gemeenskapsuitsaailisensies soos in die Bylae uiteengesit, ontvang is.

The application and any written representations received pursuant thereto are open for inspection by interested parties during the normal office hours of the Authority.

Interested persons are invited to submit written representation in relation to the applications to the Authority at, IBA House, 26 Baker Street, Rosebank, Johannesburg, **OR** Private Bag X31, Parklands, 2121, **OR** by Fax No. (011) 447-6188/9 within **two weeks of the date of publication of this notice.**

Persons who submit representations in terms hereof shall, when submitting such representations, provide proof to the satisfaction of the Authority that a copy of the representations submitted have been sent by *registered post* or delivered to the applicant concerned.

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### SCHEDULE

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- (i) **Name and address of applicant:** DURBAN YOUTH RADIO; Student Union Building, University of Natal, King George V Avenue, Durban, 4001.
- (ii) **Community:** The youth in the greater Durban area.
- (iii) **Proposed licence area:** Greater Durban area.
- (iv) **Preferred frequency band:** FM.
- (v) **Nature of the proposed service:** To educate, to entertain, to provide assistance in the establishment of a non-racial, non-sexist, just and free society and to promote a South African culture of all its people regardless of race, sex, colour, creed or religion.

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### SCHEDULE

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- (i) **Name and address of applicant:** EAST CAPE COMMUNITY BROADCAST, 27 Faleni Street, kwaMagxaki, Port Elizabeth, 6005.
- (ii) **Community:** The inhabitants of the greater Port Elizabeth area.
- (iii) **Proposed licence area:** Greater Port Elizabeth area.
- (iv) **Preferred frequency band:** FM.
- (v) **Nature of the proposed service:** To educate, to inform and entertain a historically disadvantaged community in both their own language and in English.

Die aansoeke en enige skriftelike verhoë wat in verband daarmee ontvang is, is gedurende die normale kantoorure van die Owerheid ter insae van belanghebbende partye beskikbaar.

Belanghebbende partye word uitgenooi om skriftelike verhoë met betrekking tot die aansoeke te rig aan die Owerheid te IBA-huis, Bakerstraat 26, Rosebank, Johannesburg, **OF** Privaatsak X31, Parklands, 2121, **OF** by Faks No. (011) 447-6188/9 binne **twee weke vanaf die datum van hierdie kennisgewing.**

Persone wat in terme hiervan verhoë rig sal, wanneer sodanige verhoë ingedien word, bewys tot bevrediging van die Owerheid voorlê dat 'n kopie van die verhoë wat ingedien is per *geregistreeerde pos* aan die betrokke aansoeker gestuur is of by die aansoeker afgelewer is.

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### BYLAE

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- (i) **Naam en adres van aansoeker:** DURBAN YOUTH RADIO; Student Union Building, Universiteit van Natal, King George V Laan, Durban, 4001.
- (ii) **Gemeenskap:** Die jeug in die groter Durban omgewing.
- (iii) **Voorgestelde lisensiegebied:** Groter Durban omgewing.
- (iv) **Verkose frekwensieband:** FM.
- (v) **Aard van die voorgestelde diens:** Om op te voed, te vermaak, om hulp te verleen net die vestiging van 'n nie-rassige, nie-seksistiese, regverdige en vry gemeenskap en om 'n Suid-Afrikaanse kultuur vir al sy mense te bevorder ongeag ras, geslag, kleur, geloof of godsdiens.

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### BYLAE

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- (i) **Naam en adres van aansoeker:** EAST CAPE COMMUNITY BROADCAST; Falenistraat 27, kwaMagxali, Port Elizabeth, 6005.
- (ii) **Gemeenskap:** Die inwoners van die groter Port Elizabeth omgewing.
- (iii) **Voorgestelde lisensiegebied:** Groter Port Elizabeth omgewing.
- (iv) **Verkose fekwensieband:** FM.
- (v) **Aard van die voorgestelde diens:** Om 'n historiese-benadeelde gemeenskap in beide hulle eie taal en in Engels op te voed, in te lig en te vermaak.

**SCHEDULE**

- (i) **Name and address of applicant:** GARDEN ROUTE RADIO; 119 Mitchell Street, George, 6530.
- (ii) **Community:** The inhabitants of the Garden Route area from Albertinia in the west to Knysna in the east.
- (iii) **Proposed licence area:** Garden Route area from Albertinia in the west to Knysna in the east.
- (iv) **Preferred frequency band:** FM.
- (v) **Nature of the proposed service:** To educate, inform, entertain and to cater for the special tastes and needs of the community.

**SCHEDULE**

- (i) **Name and address of applicant:** STAR RADIO (PTY) LTD; 3B Sanwoodpark, 379, Queen Singel, Lynwood.
- (ii) **Community:** The inhabitants of Pretoria and surrounding areas.
- (iii) **Proposed licence area:** Pretoria and surrounding areas.
- (iv) **Preferred frequency band:** FM.
- (v) **Nature of the proposed service:** To provide an alternative, bilingual, Afrikaans-orientated, independent and impartial radio service.

**SCHEDULE**

- (i) **Name and address of applicant:** RADIO TEEMANENG INITIATIVE; corner of Curry and Chapel Streets, Standard Bank Building, Kimberley, 8300.
- (ii) **Community:** The inhabitants of Kimberley and surrounding suburbs and townships.
- (iii) **Proposed licence area:** Kimberley and surrounding suburbs and townships.
- (iv) **Preferred frequency band:** FM.
- (v) **Nature of the proposed service:** To inform, educate and entertain the community.

**SCHEDULE**

- (i) **Name and address of applicant:** RADIO TURF, University of the North, Student Centre, Private Bag X1106, Sovenga, 0727.
- (ii) **Community:** Students, lecturers, management and employees of the university and people who live in the vicinity of the university.

**BYLAE**

- (i) **Naam en adres van aansoeker:** GARDEN ROUTE RADIO; Mitchellstraat 119, George, 6530.
- (ii) **Gemeenskap:** Die inwoners van die Tuinroete omgewing van Albertinia in die weste tot Knysna in die ooste.
- (iii) **Voorgestelde lisensiegebied:** Tuinroete omgewing van Albertinia in die weste tot Knysna in die ooste.
- (iv) **Verkose frekwensieband:** FM.
- (v) **Aard van die voorgestelde diens:** Om op te voed, in te lig, te vermaak en om voorsiening te maak vir die spesiale voorkeure en behoeftes van die gemeenskap.

**BYLAE**

- (i) **Naam en adres van aansoeker:** STAR RADIO (EDMS.) BPK., Sanwoodpark 3B, Queen Singel 379, Lynwood.
- (ii) **Gemeenskap:** Die inwoners van Pretoria en omliggende gebiede.
- (iii) **Voorgestelde lisensiegebied:** Pretoria en omliggende gebiede.
- (iv) **Verkose frekwensieband:** FM.
- (v) **Aard van die voorgestelde diens:** Om 'n alternatiewe, tweetalige, Afrikaans-georiënteerde, onafhanklike radiodiens te voorsien.

**BYLAE**

- (i) **Naam en adres van aansoeker:** RADIO TEEMANENG INITIATIVE, hoek van Curry- en Chapelstraat, Standard Bankgebou, Kimberley, 8300.
- (ii) **Gemeenskap:** Die inwoners van Kimberley en omliggende voorstede en dorpsgebiede.
- (iii) **Voorgestelde lisensiegebied:** Kimberley en omliggende voorstede en dorpsgebiede.
- (iv) **Verkose frekwensieband:** FM.
- (v) **Aard van die voorgestelde diens:** Om in te lig, op te voed en te vermaak.

**BYLAE**

- (i) **Naam en adres van aansoeker:** RADIO TURF; Universiteit van die Noorde, Studentesentrum, Privaatsak X1106, Sovenga, 0727.
- (ii) **Gemeenskap:** Student, dosente, bestuur en werknemers van die universiteit en persone wat in die omgewing van die Universiteit woon.

- (iii) **Proposed licence area:** University of the North and surrounding areas.
- (iv) **Preferred frequency band:** FM.
- (v) **Nature of the proposed service:** To communicate, educate and entertain.

- (iii) **Voorgestelde lisensiegebied:** Universiteit van die Noorde en omliggende gebiede.
- (iv) **Verkose frekwensieband:** FM.
- (v) **Aard van die voorgestelde diens:** Om te kommunikeer, op te voed en te vermaak.

## DEPARTMENT OF TRADE AND INDUSTRY

**No. R. 1915**                      **11 November 1994**

HOUSING DEVELOPMENT SCHEMES FOR RETIRED PERSONS ACT, 1988 (ACT No. 65 OF 1988)

I, Trevor A. Manuel, Minister of Trade and Industry, hereby amend Notice No. R. 2301 dated 3 December 1993 in *Government Gazette* No. 15291 of the same date, by declaring, under the powers vested in me by section 11 (h) of the Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988), Nortonpark, a development on Erf 1 and 2, Nortonpark, Benoni, a housing development scheme for the purposes of the mentioned Act.

**T. A. MANUEL,**  
Minister of Trade and Industry.

## DEPARTEMENT VAN HANDEL EN NYWERHEID

**No. R. 1915**                      **11 November 1994**

WET OP BEHUISINGSONTWIKKELINGSKEMAS VIR AFGETREDE PERSONE, 1988 (WET No. 65 VAN 1988)

Ek, Trevor A. Manuel, Minister van Handel en Nywerheid, wysig hiermee Kennisgewing No. R. 2301 gedateer 3 Desember 1993 in *Staatskoerant* No. 15291 van dieselfde datum, en verklaar kragtens die bevoegdheid my verleen by artikel 11 (h) van die Wet op Behuisingsontwikkelingskemas vir Afgetrede Persone, 1988 (Wet No. 65 van 1988), Nortonpark, 'n ontwikkeling op Erf 1 en 2, Nortonpark, Benoni, as 'n behuisingsontwikkelingskema vir die doeleindes van die genoemde Wet.

**T. A. MANUEL,**  
Minister van Handel en Nywerheid.

## DEPARTMENT OF TRANSPORT

**No. R. 1904**                      **11 November 1994**

MERCHANT SHIPPING ACT, 1951  
(ACT No. 57 OF 1951)

MARITIME OCCUPATIONAL SAFETY REGULATIONS, 1994

The Minister of Transport has, under section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), made the regulations contained in the Schedule hereto.

### SCHEDULE

#### *Arrangement of regulations*

#### CHAPTER 1

#### GENERAL

#### *Regulation No.*

1. Definitions.
2. General application.
3. Duties of employers.
4. Safety equipment and facilities to be provided by employers.
5. First-aid kit and first-aider.
6. Reporting of accidents or serious injuries on board vessels.

#### CHAPTER II

#### SAFETY PROVISIONS FOR STAFF ON BOARD SHIP, APPLIANCES AND EQUIPMENT

7. Definitions.
8. Application.
9. Duties of an employer.

## DEPARTEMENT VAN VERVOER

**No. R. 1904**                      **11 November 1994**

HANDELSKEEPVAARTWET, 1951  
(WET No. 57 VAN 1951)

MARITIEME BEROEPSVEILIGHEIDSREGULASIES, 1994

Die Minister van Vervoer het kragtens artikel 356 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), die Regulasies in die Bylae hierby uitgevaardig.

### BYLAE

#### *Rangskikking van regulasies*

#### HOOFSTUK 1

#### ALGEMEEN

#### *Regulasie No.*

1. Woordomskrywings.
2. Algemene toepassing.
3. Pligte van werkgewers.
4. Veiligheidstoerusting en -fasiliteite wat deur die werkgewer verskaf moet word.
5. Noodhulpkissie en noodhulpverlener.
6. Aanmelding van ongelukke of ernstige beserings aan boord van vaartuie.

#### HOOFSTUK II

#### VEILIGHEIDSBEPALINGS VIR PERSONEEL AAN BOORD VAN 'N SKIP, TOESTELLE EN TOERUSTING

7. Woordomskrywing.
8. Toepassing.
9. Pligte van werkgewer.



10. Appointment, termination of appointment, and functions of safety officers.
11. Appointment, termination of appointment, and functions of safety committees.
12. Election, termination of office, and functions of safety representatives.
13. Requirements and duties of employers regarding safety officers, safety committees and safety representatives to enable them to perform their functions.
14. Access equipment.
15. Use of access equipment.
16. Hatch coverings.
17. Lifting plants.
18. Safeguarding of machinery.
19. Electrical equipment.
20. Safety measures when working under hazardous conditions.
21. Safe access of persons on board.
22. Transit areas.
23. Lighting.
24. Safety signs.
25. Guardrails.
26. Fixed ladders.
27. Enclosed or confined spaces.

### CHAPTER III

#### STEVEDORES, SHORE CONTRACTORS AND INCIDENTAL PERSONS ON BOARD VESSELS IN THE COURSE AND SCOPE OF THEIR DUTY

28. Definitions.
29. Application.
30. Duties of owners, masters and employers.
31. Appointment, termination of appointment, and functions of a safety officer.
32. Record books.

### CHAPTER IV FISHING VESSELS

33. Definitions.
34. Application.
35. Duties of employer.
36. Appointment, termination of appointment, and functions of safety officers.
37. Appointment, termination of appointment, and functions of safety appointees.
38. Appointment, termination of appointment, and functions of safety committees.
39. Record books.

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41. Short title and commencement.

10. Aanstelling, beëindiging van aanstelling, en funksies van veiligheidsbeamptes.
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12. Verkiesing, ampsbeëindiging en funksies van veiligheidsverteenwoordiges.
13. Vereistes wat veiligheidsbeamptes, veiligheidskomitees en veiligheidsverteenwoordigers in staat stel om hul pligte te verrig.
14. Toegangstoerusting.
15. Gebruik van toegangstoerusting.
16. Luikdeksels.
17. Hysinrigtings.
18. Beveiliging van masjinerie.
19. Elektriese toerusting.
20. Veiligheidsmaatreëls wanneer onder gevaarlike toestande gewerk word.
21. Veilige toegang van persone aan boord.
22. Deurgange.
23. Verligting.
24. Veiligheidstekens.
25. Relings.
26. Vaste lere.
27. Ingeslote of beperkte ruimtes.

### HOOFSTUK III

#### STUWADORE, KUSKONTRAKTEURS EN INSIDENTELE PERSONE AAN BOORD VAN VAARTUIE IN DIE LOOP EN OMVANG VAN HUL WERKSAAMHEDE

28. Woordomsrywings.
29. Toepassing.
30. Pligte van die werkgewers van stuwadore, kuskontrakteurs en insidentele persone.
31. Aanstelling, beëindiging van aanstelling, en funksies van 'n veiligheidsbeampte.
32. Rekordboek.

### HOOFSTUK IV VISSERSVAARTUIE

33. Woordomsrywings.
34. Toepassing.
35. Pligte van werkgewer.
36. Aanstelling, beëindiging van aanstelling, en funksies van veiligheidsbeamptes.
37. Aanstelling, beëindiging van aanstelling, en funksies van veiligheidsbenoemdes.
38. Aanstelling, beëindiging van aanstelling, en funksies van veiligheidskomitees.
39. Rekordboek.

### HOOFSTUK V DIVERSE BEPALINGS

40. Misdrywe en strawwe.
41. Kort titel en inwerkingtreding.

## CHAPTER I

## GENERAL

## Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context otherwise indicates—

“**access equipment**” means any equipment which is used to gain access to or from a vessel, and includes any gangway, accommodation ladder, portable ladder or rope ladder;

“**lifting appliance**” means any fixed or mobile appliance on a vessel which is used for suspending, raising or lowering a load or moving it from one position to another whilst suspended, but does not include—

- (a) any screw, belt, bucket or other conveyor used for the transport of cargo or people;
- (b) any survival craft or rescue boat launching and recovery appliance or arrangement; or;
- (c) any pilot hoist;

“**lifting gear**” means any gear by means of which a load can be attached to a lifting appliance and which does not form an integral part of that load or appliance, but does not include any pallet, one trip sling, pre-slung cargo sling or freight container;

“**lifting plant**” includes lifting appliances and lifting gear;

“**offshore installation**” means any offshore structure supported on the sea-bed or a vessel used at sea in connection with the prospecting for or the mining of natural oil and on which persons are normally present;

“**safety measures**” means any reasonable steps taken by the responsible person to prevent an accident or serious injury or measures taken to eliminate any hazardous condition;

“**tanker**” means a cargo ship constructed or adapted for the carriage in bulk of oil, chemicals or gas;

“**the Act**” means the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

## General application

2. These Regulations are applicable only on board vessels.

## Duties of employers

3. (1) Every employer shall—
- (a) have a copy of these regulations readily available for perusal by his employees;
  - (b) ensure that all his employees are so far as is practicable familiar with these regulations where applicable;
  - (c) in so far as is practicable, ensure that the provisions of these regulations applicable to employees are observed by them;

## HOOFSTUK I

## ALGEMEEN

## Woordomskrywings

1. In hierdie regulasies het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis toegeken is, die aldus toegekende betekenis, en, tensy uit die samehang anders blyk, beteken—

“**toegangstoerusting**” enige toerusting wat gebruik word om toegang tot of vanaf 'n vaartuig te verkry, en sluit in enige deurgang, valrepleer, draagbaar leer of touleer;

“**hystoestel**” enige vaste of beweegbare toestel op 'n vaartuig wat gebruik word om 'n las te laat hang, op te lig of te laat sak of van een punt na 'n ander te verskuif terwyl dit hang, maar sluit nie in nie—

- (a) 'n skroef-, band-, bak- of ander vervoerder wat gebruik word vir die vervoer van vrag of mense;
- (b) 'n toestel of inrigting vir die tewaterlating of ophaal van oorlewingsvaartuie of reddingsbote; of
- (c) 'n loodshyser;

“**hysgerei**” gerei waarmee 'n las geheg kan word aan 'n hystoestel en wat nie 'n integreernde deel uitmaak van daardie las of toestel nie, maar sluit nie 'n palet, enkelvaartstrop, vooraf gehangde vragstrop of vraghouer in nie;

“**hysinrigting**” ook hystoestelle en hysgerei;

“**see-installasie**” 'n afluandige struktuur wat op die seabodem rus of 'n vaartuig wat ter see gebruik word in verband met die prospektering na en myn van aardolie en waarop persone gewoonlik teenwoordig is;

“**veiligheidsmaatreëls**” enige redelike stappe wat gedoen word deur die verantwoordelike persoon om 'n ongeluk of ernstige besering te voorkom of maatreëls wat getref word om 'n gevaarlike situasie uit te skakel;

“**tenkskip**” 'n vragenskap wat gebou of aangepas is vir die vervoer van olie, chemikalieë of gas in massa;

“**die Wet**” die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951).

## Algemene toepassing

2. Hierdie Regulasies is slegs aan boord van skeep van toepassing.

## Pligte van werkgewers

3. (1) Elke werkgewer moet—
- (a) 'n afskrif van hierdie regulasies geredelik beskikbaar hê ter insae van sy werknemers;
  - (b) toesien dat al sy werknemers sover moontlik vertrouwd is met hierdie regulasies waar toepaslik;
  - (c) sover moontlik toesien dat die bepalings van hierdie regulasies wat op werknemers van toepassing is deur hulle nagekom word;

- (d) in the interest of safety, ensure that discipline is enforced on board a vessel;
- (e) ensure that on board a vessel work is performed or machinery is used under the general supervision of a person who is fully aware of the hazards connected therewith and who is conversant with the safety measures to be taken or observed to obviate such hazards;
- (f) ensure that safety measures contained in the applicable Code are complied with;
- (g) ensure that every employee is aware of the hazards connected with any work to be performed, or machinery to be used by him and that he is conversant with the safety measures to be taken or observed to obviate such hazards;
- (h) ensure that machinery and equipment which is brought on board a vessel and which does not form part of that vessel's machinery or equipment complies with the provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
- (i) ensure that an employee who operates machinery or equipment on board a vessel is competent to do so.

(2) No employer shall, other than in writing and subject to the conditions stipulated by him, allow the raising, lowering, transporting or supporting of a person by means of a lifting appliance, except in an emergency.

#### **Safety equipment and facilities to be provided by employers**

4. Taking into account the nature of the hazard that may be encountered, every employer shall, in order to render his employees safe, provide on a vessel adequate safety equipment and facilities, including—

- (1) suitable eye protection, welding shields, visors, hard hats, protective helmets, gloves, gauntlets, aprons, jackets, protective overalls or any similar equipment that will prevent bodily injury;
- (2) waterproof clothing, low temperature clothing, fire retardant or flameproof clothing or any similar equipment, protective ointment, ear muffs, earplugs, respirators, breathing apparatus, masks, air lines, hoods, helmets or any similar equipment that will effectively protect against harm;
- (3) belts, harnesses, nets, fall arresters, life lines, safety hooks, or any similar equipment that will provide protection in cases of falls; and
- (4) mats, barriers, safety signs or any similar facility that will effectively prevent slipping or entry to unsafe areas.

- (d) in die belang van veiligheid toesien dat dissipline aan boord van 'n vaartuig afgedwing word;
- (e) waar werk aan boord van 'n vaartuig gedoen word of masjinerie aan boord van 'n vaartuig gebruik word, toesien dat dit geskied onder algemene toesig van 'n persoon wat ten volle bewus is van die gevare daaraan verbonde en wat vertrou is met die veiligheidsmaatreëls wat getref of nagekom moet word om sodanige gevare uit te skakel;
- (f) toesien dat die veiligheidsmaatreëls in die toepaslike Kode vervat, nagekom word;
- (g) toesien dat elke werknemer bewus is van die gevare verbonde aan enige werk wat deur hom gedoen of masjinerie wat deur hom gebruik staan te word, en dat hy vertrou is met die veiligheidsmaatreëls wat getref of nagekom moet word om sodanige gevare uit te skakel;
- (h) toesien dat masjinerie en toerusting wat aan boord van 'n vaartuig gebring word en wat nie deel uitmaak van daardie vaartuig se masjinerie of toerusting nie, voldoen aan die bepalings van die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993);
- (i) toesien dat 'n werknemer wat masjinerie of toerusting aan boord van 'n vaartuig bedryf, bevoeg is om dit te doen.

(2) Geen werkgewer mag, behalwe skriftelik en onderworpe aan die voorwaardes wat deur hom gestel is, toelaat dat 'n persoon deur middel van 'n hystoestel opgelig, laat sak, vervoer of gesteun word nie, buiten in 'n noodgeval.

#### **Veiligheidstoerusting en -fasiliteite wat deur die werkgewer verskaf moet word**

4. Met inagneming van die aard van die gevaar wat teëgekomp kan word, moet elke werkgewer, ten einde sy werknemers te beveilig, voldoende veiligheidstoerusting en -fasiliteite verskaf, met inbegrip van—

- (1) gepaste oogbeskerming, sweisskerms, gesigskerms, hardehoede, beskermende helms, handskoene, kaphandskoene, voorskote, baadjies, beskermende oorpakke of enige soortgelyke toerusting wat liggaamlike beserings sal voorkom;
- (2) waterdigte kleding, laetemperatuurkleding, brandtrae of vlamdigte kleding of enige soortgelyke toerusting, beskermende salwe, oorklappe, oorpluisies, respirators, asemhalingsapparaat, maskers, luglyne, kappe, helms of enige soortgelyke toerusting wat persone doeltreffend teen letsel sal beskerm;
- (3) gordels, harnasse, nette, valkeeders, lewenslyne, veiligheidshake, of enige soortgelyke toerusting wat persone doeltreffend teen val sal beskerm; en
- (4) matte, relings, veiligheidstekens of enige soortgelyke fasiliteit wat sal voorkom dat persone gly of onveilige areas betree.

**First-aid kit and first-aider****5. Every employer shall ensure that—**

- (1) where more than five employees work on board a vessel where the vessel's medicine and medical appliances are not readily accessible, a portable first-aid kit is made available at or near the workplace where the employees are engaged and there is readily available at that workplace a person qualified in practical first-aid; and
- (2) the minimum contents of the portable first-aid kit is as follows:

Contents	Quantity
Wound cleanser (Cetrimide 1% solution) .....	1 × 200 ml
Pain relief tablets (e.g. paracetamol-codeine combination) .....	25
Antiseptic burn/wound cream (e.g. Provioline) .....	25 g
Paraffin gauze dressings 400 mm × 100 mm .....	1 tin
Paraffin gauze dressing 100 mm × 100 mm .....	1 tin
Eyedrops (Naphazoline) .....	10 ml
Crepe bandage 75 mm × 6 mm .....	1
Roller bandages 75 mm × 6 mm .....	2
Triangular bandages .....	2 large
Cotton wool .....	1 × 50 g
Wound dressings 150 mm × 100 mm .....	2
Wound dressings 200 mm × 150 mm .....	1
Elastic adhesive wound dressing 25 mm × 1 m .....	1 roll
Self-adhesive wound dressings, assorted .....	50
Gauze 90 mm × 5 mm .....	1
Eyeshield .....	1
Tweezers .....	1 pair
Scissors, stainless steel, 100 mm blunt/sharp .....	1 pair
Assorted safety pins, brass, large .....	1 packet
Splints, in net for neck, arms and leg... ..	1 set
Surgical gloves .....	2 pairs

**Report of accidents or serious injuries on board vessels**

6. Any accident or serious injury, contemplated in section 259 of the Act, shall be reported on the prescribed casualty report, obtainable from the proper officer concerned.

**CHAPTER II****SAFETY PROVISIONS FOR STAFF ON BOARD SHIP, APPLIANCES AND EQUIPMENT****Definitions****7. In this Chapter—**

“Code” means the latest *Code of Safe Working Practices for Merchant Seamen* published by Her Majesty's Stationery Office (UK) incorporated in terms of section 356ter of the Act.

“container” means an article of transport equipment—

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;

**Noodhulpkissie en noodhulpverleener****5. Elke werkgewer moet toesien—**

- (1) dat waar daar meer as vyf werknemers aan boord van 'n vaartuig werk waar die vaartuig se medisyne en mediese toerusting nie gereedelik toeganklik is nie, 'n daargbare noodhulpkissie beskikbaar is by of naby die werkplek waar die werknemers besig is en dat daar by die werkplek 'n persoon gereedelik beskikbaar is wat gekwalifiseerd is in praktiese noodhulp; en
- (2) dat die minimum inhoud van die draagbare noodhulpkissie die volgende is:

Inhoud	Hoeveelheid
Wondskoonmaakmiddel (1%-setrimiedoplossing) .....	1 × 200 ml
Pynverligingstablette (bv. parasetamolcodeïen-kombinasie) .....	25
Antiseptiese brand/wondroom (bv. proviodien) .....	25 g
Paraffienwondgaas 400 mm × 100 mm .....	1 blikkie
Paraffienwondgaas 100 mm × 100 mm .....	1 blikkie
Oogdruppels (Nafasolien) .....	10 ml
Rekverband 75 mm × 6 mm .....	1
Rolverband 75 mm × 6 mm .....	2
Driehoekverbande .....	2 groot
Watte .....	1 × 50 g
Wonddekking 150 mm × 100 mm .....	2
Wonddekking 200 mm × 150 mm .....	1
Rekbare kleefwondverband 25 mm × 1 m .....	1 rol
Selfkleefwonddekking, verskeidenheid .....	50
Gaas 90 mm × 5 mm .....	1
Oogklap .....	1
Haartangetjie .....	1
Skêr, vlekvrystaal, 100 mm, stomp/skerp .....	1
Verskeidenheid van haakspelde, geelkoper, groot .....	1 pakkie
Spalke, in net vir nek, arm en been .....	1 stel
Chirurgiese handskoene .....	2 paar

**Aanmelding van ongelukke of ernstige beserings aan boord van vaartuie**

6. Enige ongeluk of ernstige besering bedoel in artikel 259 van die Wet moet aangemeld word op die voorgeskrewe ongevalleverslag, verkrygbaar van die betrokke bevoegde beampte.

**HOOFSTUK II****VEILIGHEIDSBEPALINGS VIR PERSONEEL AAN BOORD VAN 'N SKIP, TOESTELLE EN TOERUSTING****Woordskrywing****7. In hierdie Hoofstuk beteken—**

“Kode” die jongste *Code of Safe Working Practices for Merchant Seamen*, gepubliseer deur Her Majesty's Stationery Office (UK) en ingelyf by artikel 356ter van die Wet;

“houer” 'n vervoertoerustingartikel—

- (a) van 'n permanente aard en derhalwe sterk genoeg vir herhaalde gebruik;

- (b) specially designed to facilitate the transport of goods, by one or more modes of transport without intermediate reloading;
- (c) designed to be secured and/or readily handled, having corner fittings for those purposes;
- (d) of such a size that the area enclosed by the four outer bottom corners is either—
  - (i) at least 14 square metres, or
  - (ii) at least seven square metres, if it is fitted with top corner fittings; and

“**container**” includes a container when carried on a chassis, but does not include a vehicle or packaging;

“**employer**”, for the purposes of this Chapter means master or owner;

“**gas carrier**” means any vessel constructed or adapted for the carriage in bulk of any liquefied gas;

“**hatch covering**” includes hatch covers, beams and fixtures and fittings;

“**new vessel**” means a vessel built on or after 1 January 1994 and includes a vessel whose construction and assembly commenced on or after 1 January 1994;

“**one-trip sling**” means a sling which has not previously been used for lifting any load and which is fitted to a load at the commencement of the journey and is to be disposed of at the destination of that journey.

### Application

8. This Chapter shall not apply to—

- (1) fishing vessels;
- (2) vessels used solely for sport and recreation;
- (3) offshore installations while they are on or within 500 metres of their working stations; and
- (4) a vessel in which there is, for the time being, no workplace.

### Duties of an employer

9. Every employer of a crew shall in addition to the general duties prescribed in Chapter I comply with the following:

- (1) Ensure that no safety equipment or other facility on a vessel be removed therefrom, except for cleaning, repairing, maintenance, modification or replacement thereof;
- (2) train all his employees or cause them to be trained in the proper use and maintenance of safety equipment or other facilities on board a vessel;
- (3) ensure that all safety hazards or potential safety hazards that caused a safety officer to instruct that work be stopped on a vessel, are removed before such work is resumed.

### Appointment, termination of appointment, and functions of safety officers

10. (1) An employer may in writing appoint an officer other than the master of a vessel as the safety officer for that vessel.

- (b) spesiaal ontwerp om die vervoer van goedere deur een of meer vervoermiddele, sonder tussenherlaaiing, te vergemaklik;
- (c) ontwerp om vasgemaak en/of geredelik gehanteer te word, met hoektoebehore vir daardie doeleindes;
- (d) van so 'n grootte dat die ruimte ingesluit deur die vier onderste hoeke—
  - (i) of minstens 14 vierkante meter is,
  - (ii) of minstens sewe vierkante meter is, indien dit toegerus is met toebehore vir die boonste hoeke; en

sluit in 'n houer wanneer dit op 'n onderstel rus, maar sluit nie 'n voertuig of verpakking in nie;

“**werkgewer**” vir doeleindes van hierdie Hoofstuk gesagvoerder of eienaar;

“**gastenskip**” enige vaartuig gebou of aangepas vir die vervoer van enige vloeibare gas in massa;

“**luikbedekking**” luikdeksels, balke en hegstukke en toebehore;

“**nuwe vaartuig**” 'n vaartuig wat op of na 1 Januarie 1994 gebou is, en ook 'n vaartuig waarvan die konstruksie en op of na 1 Januarie 1994 begin het;

“**enkelvaartstrop**” 'n strop wat nie voorheen vir die hys van 'n las gebruik is nie en wat by die aanvang van die vaart aan 'n las gekoppel word en aan die einde van daardie vaart weggedoen word.

### Toepassing

8. Hierdie Hoofstuk is nie van toepassing nie op—

- (1) vissersvaartuie;
- (2) vaartuie wat uitsluitlik vir sport en ontspanning gebruik word;
- (3) see-installasies, terwyl hulle 500 meter of minder van hul werkstasies af is; en
- (4) 'n vaartuig waarin daar tydelik geen werkplek is nie.

### Pligte van 'n werkgewer

9. 'n Werkgewer van 'n bemanning moet benewens die algemene pligte in Hoofstuk I voorgeskryf—

- (1) toesien dat geen veiligheidstoerusting of ander -fasiliteit op 'n vaartuig daarvandaan verwyder word nie, buiten vir die skoonmaak, herstel, instandhouding, modifikasie of vervanging daarvan;
- (2) al sy werknemers oplei of laat oplei in die behoorlike gebruik en instandhouding van veiligheidstoerusting of ander -fasiliteite aan boord van 'n vaartuig;
- (3) toesien dat alle veiligheidsgevaare of potensiële veiligheidsgevaare wat tot gevolg gehad het dat 'n veiligheidsbeampte opdrag gegee het dat werk op 'n vaartuig gestaak word, verwyder word voordat met sodanige werk voortgegaan word.

### Aanstelling, beëindiging van aanstelling, en funksies van veiligheidsbeamptes

10. (1) 'n Werkgewer kan 'n ander beampte as die gesagvoerder van 'n vaartuig skriftelik aanstel as die veiligheidsbeampte van daardie vaartuig.

- (2) The appointment of a safety officer shall terminate—
- (a) on the date that officer ceases to be employed on board that vessel; or
  - (b) on the date that the employer terminates his appointment.
- (3) The safety officer shall—
- (a) ensure that the crew of the vessel comply with the provisions of the Code;
  - (b) ensure that the crew comply with any occupational safety policy determined by the employer concerned;
  - (c) ensure that the crew maintain a high standard of occupational safety;
  - (d) investigate the cause of an accident contemplated in section 259 (1) (c) of the Act, all hazards or potential hazards to safety, including fatigue, that affect or may affect the crew of a vessel in the execution of their work, and all complaints by the crew of the vessel concerning occupational safety;
  - (e) make recommendations to the safety committee concerned about any investigation or inspection or the prevention of any accident or the removal of any hazard or potential hazard, and about any deficiency in occupational safety regarding—
    - (i) the requirements of the Act and these regulations that affect the crew;
    - (ii) any relevant Marine Notice; and
    - (iii) any provision of the Code;
  - (f) carry out inspections of each accessible part of the vessel in respect of the occupational safety of the crew, at least once during this term of appointment or more frequently if there have been substantial changes in the conditions of work: Provided that the interval between successive inspections shall not exceed three months;
  - (g) keep a record book in which he shall enter full details—
    - (i) of any accident or hazardous occurrence (including the date, the names of persons involved and the nature of any injury); and
    - (ii) of any investigation, complaint or inspection referred to in this regulation;
  - (h) on written request as soon as practicable make the record book referred to in paragraph (g) available to the Director-General of Transport or to the safety committee concerned, as the case may be;
  - (i) immediately stop or cause to be stopped the performance of any work which in his opinion may cause an accident or serious injury, and inform the master thereof forthwith; and
  - (j) carry out any other investigation relating to occupational safety which an employer or a safety committee may deem necessary, if so requested to in writing by the employer or the safety committee, as the case may be, and thereafter submit a report in respect of such investigation.
- (2) Die aanstelling van 'n veiligheidsbeampte eindig—
- (a) op die datum waarop daardie beampte ophou om in diens te wees aan boord van daardie vaartuig; of
  - (b) op die datum waarop die werkgewer sy aanstelling beëindig.
- (3) Die veiligheidsbeampte moet—
- (a) toesien dat die bemanning van die vaartuig die bepalinge van die Kode nakom;
  - (b) toesien dat die bemanning enige beroepsveiligheid wat deur die betrokke werkgewer bepaal is, nakom;
  - (c) toesien dat die bemanning 'n hoë standaard van beroepsveiligheid handhaaf;
  - (d) ondersoek instel na die oorsaak van 'n ongeluk genoem in artikel 259 (1) (c) van die Wet, alle gevare of potensiële veiligheidsgefare, met inbegrip van moegheid, wat die bemanning van 'n vaartuig beïnvloed of kan beïnvloed in die uitvoering van hul werk, en alle klagtes deur die bemanning van daardie vaartuig ten opsigte van beroepsveiligheid;
  - (e) aanbevelings by die betrokke veiligheidskomitee doen aangaande enige ondersoek of inspeksie of die voorkoming van 'n ongeluk of die verwydering van 'n gevaar of potensiële gevaar, en oor enige gebrek in beroepsveiligheid ten opsigte van—
    - (i) die vereistes van die Wet en hierdie regulasies wat die bemanning raak;
    - (ii) enige toepaslike Marinekennisgewing; en
    - (iii) enige bepalinge van die Kode;
  - (f) elke toeganklike deel van die vaartuig minstens een keer gedurende sy dienstermyn, of meer gereeld indien daar aansienlike veranderings in die werkstoestand was, ten opsigte van die beroepsveiligheid van die bemanning inspekteer: Met dien verstande dat die tussenpose tussen opeenvolgende inspeksies nie langer as drie maande mag wees nie;
  - (g) 'n rekordboek hou waarin hy die volle besonderhede aanteken van—
    - (i) enige ongeluk of gevaarlike gebeurtenis (met inbegrip van die datum, die name van die betrokke persone en die aard van enige besering); en
    - (ii) enige ondersoek, klag of inspeksie in hierdie regulasie genoem;
  - (h) op skriftelike versoek so gou doenlik die rekordboek in paragraaf (g) genoem aan die Direkteur-generaal van Vervoer of aan die betrokke veiligheidskomitee, na gelang van die geval, beskikbaar stel;
  - (i) die uitvoering van enige werk wat na sy mening 'n ongeluk of ernstige besering kan veroorsaak, onmiddellik stopsit of laat stopsit, en die gesagvoerder onverwyld daarvan verwittig; en
  - (j) enige ander ondersoek met betrekking tot beroepsveiligheid doen wat 'n werkgewer of veiligheidskomitee mag nodig ag indien hy skriftelik aldus versoek word deur die werkgewer of die veiligheidskomitee, na gelang van die geval, en daarna 'n verslag ten opsigte van sodanige ondersoek indien.

### **Appointment, termination of appointment, and functions of safety committees**

**11.** (1) An employer may in writing appoint a safety committee on board a vessel, designating the master to be chairman and appointing the safety officer and every safety representative as members.

(2) An employer may in writing dissolve a safety committee.

(3) A safety committee shall—

- (a) upon receipt of any recommendation referred to in regulation 10 (3) (e), submit to the employer such recommendation together with their own recommendations; and
- (b) inquire into any occupational safety matter that affects a vessel and her crew and take the steps it may deem necessary to remove any hazard or potential hazard.

### **Election, termination of office, and functions of safety representatives**

**12.** (1) The crew may, if they so choose, elect—

- (a) in a ship carrying fewer than 16 crew members, one safety representative; or
- (b) in a ship carrying more than 15 crew members, one safety representative, to be elected by the officers, and one safety representative to be elected by the ratings, or in a ship carrying more than 30 ratings, one safety representative, to be elected by the ratings in each of the deck, engine and catering departments; and general purpose ratings shall for this purpose be included in the deck department.

(2) If a group of employees chooses to elect a safety representative, the manner in which the election is to be conducted shall be as follows:

- (a) At a meeting convened for the purpose of this election and presided over by the chairman of the safety committee or his nominee, a group of employees shall from within their group nominate a candidate.
- (b) Each nominated candidate shall, in writing, confirm to the chairman of the safety committee his acceptance of such nomination.
- (c) The election of a safety representative shall be decided by ballot.
- (d) Each member of the group of employees holding an election shall have only one vote.
- (e) The candidate obtaining the majority of votes shall be the safety representative for the specific group of employees for a period not exceeding six months.
- (f) In the event of an equality of votes, the chairman of the safety committee shall have the decisive vote.

(3) The office of the safety representative shall terminate—

- (a) on the date that the safety representative ceases to be employed on board that vessel;
- (b) on the date of his resignation from office; or
- (c) after he has completed his term of appointment.

(4) When he makes representations and submits requests to the employer or safety officer or safety committee on behalf of the crew he represents, the safety representative shall make such representations and submissions in writing.

### **Aanstelling, beëindiging van aanstelling, en funksies van 'n veiligheidskomitee**

**11.** (1) 'n Werkgewer kan 'n veiligheidskomitee skriftelik aan boord van 'n vaartuig aanstel, en die gesagvoerder as voorsitter aanwys en die veiligheidsbeampte en elke veiligheidsvertegenwoordiger as lede aanstel.

(2) 'n Werkgewer kan 'n veiligheidskomitee skriftelik ontbind.

(3) 'n Veiligheidskomitee moet—

- (a) by ontvangs van 'n aanbeveling bedoel in regulasie 10 (3) (e), sodanige aanbeveling tesame met sy eie aanbeveling aan die werkgewer voorlê; en
- (b) ondersoek instel na enige beroepsveiligheidsaangeleentheid wat 'n vaartuig en sy bemanning raak en die stappe doen wat hy nodig mag ag ten einde 'n gevaar of potensieële gevaar uit te skakel.

### **Verkieping, ampsbeëindiging en funksies van veiligheidsvertegenwoordigers**

**12.** (1) Die bemanning kan, indien hulle verkies—

- (a) op 'n skip met minder as 16 bemanningslede een veiligheidsvertegenwoordiger verkies; of
- (b) op 'n skip met meer as 15 bemanningslede een veiligheidsvertegenwoordiger deur die offisiere verkies en een veiligheidsvertegenwoordiger deur die seelui verkies, of op 'n skip met meer as 30 seelui een veiligheidsvertegenwoordiger deur die seelui verkies in die dek-, die enjin- en die spysenieringsdepartement onderskeidelik; en utiliteitseelui word vir hierdie doel by die dekdepartement ingesluit.

(2) Wanneer 'n groep werknemers besluit om 'n veiligheidsvertegenwoordiger te verkies, moet die verkiesing soos volg plaasvind:

- (a) By 'n vergadering byeengeroep vir die doel van hierdie verkiesing en waar die voorsitter van die veiligheidskomitee of sy genomineerde die voorsitter is, nomineer 'n groep werknemers 'n kandidaat uit hul geleedere.
- (b) Elke genomineerde kandidaat moet sy aanvaarding van sodanige nominasie skriftelik by die voorsitter van die veiligheidskomitee bevestig.
- (c) Die veiligheidsvertegenwoordiger word per stembrief verkies.
- (d) Elke lid van die groep werknemers wat 'n verkiesing hou, het slegs een stem.
- (e) Die kandidaat wat die meerderheid stemme verkry, is vir 'n tydperk van hoogstens ses maande die veiligheidsvertegenwoordiger van daardie spesifieke groep werknemers.
- (f) In die geval van 'n staking van stemme het die voorsitter van die veiligheidskomitee die beslissende stem.

(3) Die termyn van die veiligheidsvertegenwoordiger eindig—

- (a) op die datum waarop die veiligheidsvertegenwoordiger ophou om op die vaartuig in diens te wees;
- (b) op die datum van sy bedanking uit die amp; of
- (c) na die verstryking van sy ampstermyn.

(4) Wanneer die veiligheidsvertegenwoordiger aanbevelings doen en versoeke aan die werkgewer of veiligheidsbeampte of veiligheidskomitee voorlê namens die bemanning wat hy verteenwoordig, moet hy dit skriftelik doen.

**Requirements and duties of employers regarding safety officers, safety committees and safety representatives to enable them to perform their functions**

**13. Every employer of a crew shall—**

- (1) inform the safety officer and safety committee concerned of any hazardous cargo on board a vessel and the hazards which may arise therefrom, and of any other hazards on board the vessel that are known to him and that may endanger the vessel or her crew;
- (2) allow a safety officer and safety representative such reasonable absence from ship's duties without loss of pay as may be necessary to enable them to perform their duties or functions as safety officer or safety representative, as the case may be;
- (3) at any reasonable time, receive representations about occupational safety from the safety officer, the safety representatives or the safety committee, including recommendations by a safety representative that certain work should be suspended, and discuss their representations with them and implement any agreed measures as soon as may be reasonable and practicable;
- (4) provide the safety officer, and safety committee concerned on request with any information relating to accidents and potential hazards to safety on board a vessel;
- (5) provide the safety officer concerned on request with any information or plans necessary to enable him to undertake an inspection referred to in regulation 10 (3) (d);
- (6) set the election date of a safety representative to be within three working days of being requested to do so by any two persons entitled to vote in such an election and give publicity to any such election;
- (7) subject to the provisions of section 355A (5) of the Act, provide the safety officer and safety committee access to any necessary information, document and similar material, including any applicable legislation and Marine Notices;
- (8) provide the safety officer and safety committee with the necessary accommodation, office equipment and similar materials;
- (9) permit the safety officer and safety committee to inspect the whole or part of the vessel for the purpose of occupational safety; and
- (10) display in a conspicuous place on board a notice containing the names of the safety officer and safety representative on board the vessel.

**Access equipment**

**14. (1) The employer shall provide—**

- (a) on board a vessel of 30 metres or more in length, a gangway; and

**Vereistes wat veiligheidsbeamptes, veiligheidskomitees en veiligheidsverteenwoordigers in staat stel om hul pligte te verrig**

**13. Elke werkgewer van 'n bemanning moet—**

- (1) die betrokke veiligheidsbeampte en veiligheidskomitee verwittig van enige gevaarlike vraag aan boord van 'n vaartuig en van die gevare wat daaruit kan ontstaan, en van enige ander gevare aan boord van die vaartuig waarvan hy kennis dra wat die vaartuig of sy bemanning in gevaar kan stel;
- (2) aan 'n veiligheidsbeampte en veiligheidsverteenwoordiger sodanige redelike afwesigheid van skeepsdiens sonder verlies van besoldiging toelaat as wat nodig mag wees om hulle in staat te stel om hul pligte of funksies as veiligheidsbeampte of veiligheidsverteenwoordiger, na gelang van die geval, te verrig;
- (3) te alle redelike tye voorleggings oor beroepsveiligheid in ontvangs neem van die veiligheidsbeampte, die veiligheidsverteenwoordiger of die veiligheidskomitee, met inbegrip van aanbevelings deur 'n veiligheidsverteenwoordiger dat sekere werk gestaak moet word, en hulle voorleggings met hulle bespreek en enige ooreengekome maatreëls implementeer so gou as wat redelik en doenlik is;
- (4) die veiligheidsbeampte en die betrokke veiligheidskomitee op versoek voorsien van enige tersaaklike inligting met betrekking tot ongelukke en alle potensiele veiligheidsgefare aan boord van 'n vaartuig;
- (5) die betrokke veiligheidsbeampte op versoek voorsien van enige inligting of planne wat nodig is om hom in staat te stel om 'n inspeksie genoem in regulasie 10 (3) (d) te doen;
- (6) die datum van die verkiesing van 'n veiligheidsverteenwoordiger so vasstel dat dit binne drie werkdade is nadat hy versoek is om dit te doen deur enige twee persone wat in sodanige verkiesing stemgeregtig is, en aan enige sodanige verkiesing publisiteit verleen;
- (7) behoudens die bepalings van artikel 355A (5) van die Wet aan hulle toegang verleen tot enige nodige inligting, dokumente en soortgelyke materiaal, met inbegrip van toepaslike wetgewing en Marinekennisgewings;
- (8) hulle voorsien van die nodige akkommodasie, kantoortoerusting en soortgelyke materiaal;
- (9) hulle toelaat om die hele vaartuig of 'n gedeelte van die vaartuig te inspekteer vir die doel van beroepsveiligheid; en
- (10) op 'n opsigtelike plek aan boord 'n kennisgewing vertoon met die name van die veiligheidsbeampte en veiligheidsverteenwoordiger aan boord van die vaartuig.

**Toegangstoerusting**

**14. (1) Die werkgewer moet—**

- (a) aan boord van 'n vaartuig wat 30 meter of langer is 'n loopbrug verskaf; en



(b) on board a vessel of 120 metres or more in length, in addition to the gangway, an accommodation ladder (including a rope or portable ladder), which is appropriate to the deck layout, size, shape and maximum free board of the vessel and which complies with the applicable requirements prescribed in the Code.

(2) Any rope or portable ladder used as access equipment shall comply with the applicable requirements prescribed in the Code.

#### Use of access equipment

15. The employer shall ensure that, except in an emergency, access equipment referred to in regulation 14 is always used between a secured vessel and any quay, pontoon or similar structure or another vessel alongside to which that vessel is secured, and that—

- (1) the access equipment is placed in position promptly after the vessel has been so secured and remains in position while the vessel is so secured;
- (2) the access equipment which is used—
  - (i) is properly constructed, of adequate strength, properly rigged, secured, deployed, and safe to use; and
  - (ii) is so adjusted from time to time as to maintain safety of access;
- (3) the access equipment and immediate approaches thereto are adequately illuminated;
- (4) when access is necessary between a vessel and the shore and that vessel is not secured alongside, access equipment is provided to ensure safe access;
- (5) a portable ladder is used as access equipment only where no other safe means of access is practicable;
- (6) a rope ladder is used as access equipment only between a vessel with high freeboard and a vessel with low freeboard or between a vessel and a boat where no other safe means of access is practicable;
- (7) a life-buoy with a self-activating light and a separate safety line attached to a quoit or a similar device is provided ready for use at the point of access to a vessel; and
- (8) an adequate number of safety nets are rigged to safeguard the full length of a gangway or accommodation ladder in use.

#### Hatch coverings

16. (1) The employer shall ensure—

- (a) that any hatch covering used on a vessel is of sound construction and material, of adequate strength for the purpose for which it is used, free from patent defect and properly maintained;
- (b) that a hatch covering—
  - (i) is not used unless it can be removed and replaced, whether manually or with mechanical power, without endangering any person, and

(b) aan boord van 'n vaartuig wat 120 meter of langer is benewens die loopbrug ook 'n valreeppeer (met inbegrip van 'n tou- of draagbare leer) verskaf wat gepas is met betrekking tot die dekuitleg, grootte, vorm en maksimum vryboord van die vaartuig en wat voldoen aan die toepaslike vereistes voorgeskryf in die Kode.

(2) Enige touleer of draagbare leer wat as toegangstoerusting gebruik word, moet voldoen aan die toepaslike vereistes voorgeskryf in die Kode.

#### Gebruik van toegangstoerusting

15. Die werkgewer moet toesien dat, buiten in 'n noodgeval, toegangstoerusting genoem in regulasie 14 altyd gebruik word tussen 'n vasgemaakte vaartuig en 'n kaai, ponton of soortgelyke struktuur of 'n ander vaartuig waaraan daardie vaartuig vasgemaak is, en dat—

- (1) die toegangstoerusting in posisie geplaas word onmiddellik nadat die vaartuig aldus vasgemaak of vasgemaak is en in posisie bly terwyl die vaartuig aldus vasgemaak of vasgemaak is;
- (2) die toegangstoerusting wat gebruik word—
  - (i) behoorlik gekonstrueer is, sterk genoeg is en behoorlik opgetakel, vasgemaak en ontplooi is en veilig is om te gebruik; en
  - (ii) van tyd tot tyd so aangepas word dat veiligheid van toegang gehandhaaf word;
- (3) die toegangstoerusting en onmiddellike aanlope daarheen toereikend verlig is;
- (4) wanneer toegang tussen 'n vaartuig en die wal nodig is en daardie vaartuig nie langsaan vasgemaak is nie, die toerusting verskaf word om veilige toegang te verseker;
- (5) 'n draagbare leer as toegangstoerusting gebruik word slegs wanneer geen ander veilige manier van toegang moontlik is nie;
- (6) 'n touleer as toegangstoerusting tussen 'n vaartuig met 'n hoë vryboord en 'n vaartuig met 'n lae vryboord of tussen 'n vaartuig en 'n boot gebruik word slegs as geen ander veilige manier van toegang moontlik is nie;
- (7) 'n reddingsboei met 'n selfaktiverende lig en 'n afsonderlike veiligheidslyn vasgeheg aan 'n werping of soortgelyke toestel gereed vir gebruik verskaf word by die punt van toegang tot 'n vaartuig; en
- (8) 'n voldoende hoeveelheid veiligheidsnette opgetakel word om die volle lengte van die loopbrug of valreeppeer in gebruik te beveilig.

#### Luikdeksels

16. (1) Die werkgewer moet toesien—

- (a) dat enige luikdeksel wat op 'n vaartuig gebruik word goed gekonstrueer en van goeie materiaal is, sterk genoeg is vir die doel waarvoor dit gebruik word, sonder sigbare gebrek is en behoorlik in stand gehou word;
- (b) dat 'n luikdeksel—
  - (i) nie gebruik word nie, tensy dit verwyder en vervang kan word, hetsy met die hand of met meganiese krag, sonder om enige persoon in gevaar te stel, en

(ii) is clearly marked, showing the correct replacement position, except in so far as hatch coverings are interchangeable or incapable of being incorrectly replaced;

(c) that a hatch is not used unless the hatch covering has been completely removed or, if not completely removed, properly secured.

(2) Except in the event of an emergency, no person shall operate a hatch covering which is power-operated or a vessel's ramp or a retractable car-deck unless authorised to do so by the officer of the watch.

### Lifting plant

17. Every employer shall ensure that any vessel's lifting plant is—

- (a) (i) of adequate strength for the purpose for which it is used;
- (ii) free from patent defect;
- (iii) properly installed or assembled;
- (iv) properly maintained; and
- (v) used only in a safe and proper manner;
- (b) not loaded in excess of its certified safe working load, except for the purpose of carrying out a test referred to in paragraph (d);
- (c) operated only by a person properly trained in the operation thereof and duly authorised by the officer of the watch to do so;
- (d) tested by a competent person after the manufacturing or installation thereof, as the case may be, but before being put into operation, and thereafter after any repairs to or modification of the lifting plant which is likely to alter the safe working load or affect the strength or stability thereof, but at least once every four years: Provided that a rope sling manufactured from a rope batch tested by a competent person and spliced in a safe manner need not be tested;
- (e) examined by a competent person after any of the tests referred to in paragraph (d), have been carried out, but at least once every 12 months, and that no lifting plant is used unless so examined and declared safe in writing;
- (f) supplied with a test certificate stating that the lifting plant was tested by a competent person after any of the tests prescribed in paragraph (d);
- (g) clearly and conspicuously marked with its safe working load;
- (h) where practicable, fitted with—
  - (i) a limiting device which automatically arrests any driving effort when the load reaches its highest or lowest safe position;

(ii) duidelik gemerk is, met die korrekte vervangingsposisie aangedui, buiten vir sover luikdeksels uitruilbaar is of glad nie verkeerd vervang kan word nie;

(c) dat 'n luik nie gebruik word nie, tensy die luikdeksel heeltemal verwyder is of, indien dit nie heeltemal verwyder is nie, behoorlik vasgemaak is.

(2) Buiten in 'n noodgeval mag niemand 'n krag-aangedrewe luikdeksel of 'n vaartuig se oprit of 'n intrekbare voertuigdek bedien nie, tensy hy deur die offisier van die wag daartoe gemagtig is.

### Hysinrigting

17. Elke werkgewer moet toesien dat 'n vaartuig se hysinrigting—

- (a) (i) sterk genoeg is vir die doel waarvoor dit gebruik word;
- (ii) sonder sigbare gebrek is;
- (iii) behoorlik geïnstalleer of gemonteer is;
- (iv) behoorlik in stand gehou word; en
- (v) slegs op 'n veilige en behoorlike manier gebruik word;
- (b) nie swaarder belas word as die gesertifiseerde veilige werkklas daarvan nie, buiten vir die doel van die uitvoer van 'n toets bedoel in paragraaf (d);
- (c) slegs deur 'n persoon bedryf word wat behoorlik opgelei is om dit te bedryf en wat deur die offisier van die wag behoorlik daartoe gemagtig is;
- (d) deur 'n bevoegde persoon getoets word nadat dit vervaardig of geïnstalleer is, na gelang van die geval, maar voordat dit in werking gestel word, en daarna na enige herstelwerk daaraan, modifikasie daarvan wat waarskynlik die veilige werkklas daarvan kan verander of die sterkte of stabiliteit daarvan kan beïnvloed, maar minstens een keer elke vier jaar: Met dien verstande dat 'n toustrop wat vervaardig is uit 'n toulot wat deur 'n bevoegde persoon getoets en op 'n veilige manier gesplits is, nie getoets hoef te word nie;
- (e) deur 'n bevoegde persoon ondersoek word nadat enige van die toetse genoem in paragraaf (d) gedoen is, maar minstens een keer elke 12 maande, en dat geen hysinrigting gebruik word nie tensy dit aldus nagegaan en skriftelik veilig verklaar is;
- (f) voorsien is van 'n toetsertifikaat wat verklaar dat die hysinrigting deur 'n bevoegde persoon getoets is na enige van die toetse voorgeskryf in paragraaf (d);
- (g) se veilige werkklas duidelik en opsigtelik daarop aangedui is;
- (h) waar moontlik toegerus is met—
  - (i) 'n perktoestel wat enige dryfkrag outomaties stop wanneer die las sy hoogste of laagste veilige perk bereik;

- (ii) a brake or other device suitable to holding a load and preventing the uncontrolled downward movement thereof when the raising effort of the lifting plant is interrupted; and
  - (iii) a hook or load-attaching device so designed or proportioned that the accidental disconnection of a load under working conditions is prevented; and
- (i) fitted with—
- (i) a device indicating the operating radius of the lifting plant at all times while it is in operation; and
  - (ii) a diagram or indicator indicating to the operator the safe working load of the lifting plant corresponding to its operating radius, if it has a safe working load which varies according to its operating radius.

### Safeguarding of machinery

#### 18. Every employer shall—

- (1) specifically cause every exposed and hazardous part of machinery on board a vessel which is within the normal reach of a person to be effectively safeguarded by means of insulation, fencing, screening or guarding so that it does not constitute a further hazard or potential hazard;
- (2) ensure that the quality of material used for such insulation, fencing, screening or guarding is suitable for the purpose for which it is being utilised;
- (3) ensure that all insulation, fencing, screening or guarding is properly maintained and kept in position while the guarded part is in operation; and
- (4) supply suitable apparatus to stop immediately any machine on board a vessel in an emergency.

### Electrical equipment

19. Every employer shall ensure that all the electrical equipment and installations on a vessel are operated and maintained in such a manner that any hazard or potential hazard is removed.

### Safety measures when working under hazardous conditions

20. Every employer shall take all reasonable precautionary measures in order to ensure that employees who have to work on or near machinery which is in motion, under pressure, at high temperature or electrically alive (including the operation of such machinery for the purposes of the examination, adjustment, repair, lubrication or testing thereof) are not injured, and shall in particular ensure that—

- (1) the exposure of employees to dangerous parts of such machinery is limited to the minimum;
- (2) the said exposure is authorised by the officer of the watch or other competent person;
- (3) such machinery is examined only by a competent person;

- (ii) 'n rem of ander toestel wat 'n las kan hou en die onbeheerde afwaartse beweging daarvan kan voorkom wanneer die hysbeweging van die hysinrigting onderbreek word; en
- (iii) 'n haak of vraghegtoestel wat so ontwerp of geproporsioneer is dat die toevallige ont koppeling van 'n las onder werktoustande voorkom word; en

#### (i) toegerus is met—

- (i) 'n toestel wat die bedryfsradius van die hysinrigting te alle tye wanneer dit gebruik word, aandui; en
- (ii) 'n diagram of wyser wat vir die operateur aandui wat die veilige werkklas van die hysinrigting ooreenkomstig sy bedryfsradius is,

indien dit 'n veilige werkklas het wat ooreenkomstig die bedryfsradius daarvan wissel.

### Beveiliging van masjinerie

#### 18. Elke werkgewer moet—

- (1) spesifiek toesien dat elke blootgestelde en gevaarlike deel van masjinerie aan boord van 'n vaartuig wat binne die normale bereik van 'n persoon is, doeltreffend beveilig word deur middel van isolering, omheining, afskerming of beskutting, sodat dit nie 'n verdere gevaar of potensiële gevaar uitmaak nie;
- (2) toesien dat die gehalte van die materiaal wat gebruik word vir sodanige isolering, omheining, afskerming of beskutting geskik is vir die doel waarvoor dit gebruik word;
- (3) toesien dat alle isolering, omheining, afskerming of beskutting behoorlik in stand gehou word en in posisie bly terwyl die beskutte gedeelte in bedryf is; en
- (4) gepaste apparaat verskaf om enige masjien aan boord onmiddellik in 'n noodgeval te stop.

### Elektriese toerusting

19. Elke werkgewer moet toesien dat al die elektriese toerusting en installasies aan boord van 'n vaartuig op so 'n wyse bedryf en in stand gehou word dat enige gevaar of potensiële gevaar uitgeskakel word.

### Veiligheidsmaatreëls wanneer onder gevaarlike toestande gewerk word

20. Elke werkgewer moet alle redelike voorsorgmaatreëls tref ten einde te verseker dat werknemers wat op of naby masjinerie moet werk wat in beweging is, onder druk is, teen 'n hoë temperatuur werk of elektries lewendig is (met inbegrip van die bedryf van sodanige masjinerie vir doeleindes van die ondersoek, verstel, herstel, smeer of toets daarvan), nie beseer word nie, en moet in die besonder toesien dat—

- (1) die blootstelling van werknemers aan gevaarlike dele van sodanige masjinerie tot die minimum beperk word;
- (2) genoemde blootstelling gemagtig is deur die offisier van die wag of 'n ander bevoegde persoon;
- (3) sodanige masjinerie slegs deur 'n bevoegde persoon ondersoek word;

- (4) any employee who is required to be close to such machinery has, so far as is practicable, a working area which is of adequate size, properly illuminated, and clear of obstructions and loose material;
- (5) a notice specifying the hazards relating to such machinery is affixed in legible form in a conspicuous place on, or in the vicinity of, that machinery.

#### Safe access of persons on board

21. Every employer shall ensure that a safe means of access is provided and maintained to any place on a vessel to which a person may be required to go.

#### Transit areas

22. Every employer shall ensure that all deck surfaces used for transit and all passageways, walkways and stairs on a vessel are properly maintained and, in so far as it is practicable, are kept free from all materials or substances likely to cause a person to slip or fall.

#### Lighting

23. Every employer shall ensure that those areas of a vessel being used for the loading or unloading of cargo or for any other work or transit are adequately and appropriately illuminated.

#### Safety signs

24. Every employer shall ensure that all permanent safety signs used on board a vessel for the purpose of giving safety information or instruction comply with the standards prescribed by the International Maritime Organisation, the South African Bureau of Standards or the International Standards Organisation.

#### Guardrails

25. Every employer shall ensure that any opening, open hatchway or dangerous edge into, through, or over which a person may fall is fitted with secure guardrails or fencing of adequate design and construction to prevent such occurrence, except where the installation of such guardrails or fencing will interfere with the proper performance of work.

#### Fixed ladders

26. Every employer shall ensure that—

- (a) all ladders used on a vessel are of good construction and of adequate strength for the purpose for which they are used;
- (b) such ladders are properly maintained and free from defects; and
- (c) all the ladders on a new vessel comply with the requirements prescribed in the relevant sections of the Code.

#### Enclosed or confined spaces

27. (1) Every employer shall ensure that all entrances to unattended, enclosed or confined spaces on a vessel are kept either closed or otherwise secured against entry, except when work is to be done therein.

(2) Every employer shall ensure that the provisions of the Code pertaining to the hazards for safe entry to and work in an enclosed or confined space on board a vessel are complied with.

(4) enige werknemer wat naby sodanige masjinerie moet wees, sover doenlik 'n werkgebied het wat groot genoeg is, behoorlik verlig is en sonder obstruksies en los materiaal is;

(5) 'n kennisgewing wat die gevare met betrekking tot sodanige masjinerie spesifiseer, in leesbare vorm aangebring word op 'n opsigtelike plek op of in die nabyheid van daardie masjinerie.

#### Veilige toegang van persone aan boord

21. Elke werkgewer moet toesien dat 'n veilige manier van toegang tot enige plek op 'n vaartuig waarheen daar van 'n persoon verwag kan word om te gaan, verskaf en in stand gehou word.

#### Deurgange

22. Elke werkgewer moet toesien dat alle dekoppervlakke wat gebruik word vir deurgang en alle gange, looppange en trappe op 'n vaartuig behoorlik in stand gehou word en sover moontlik vry gehou word van alle materiaal of stowwe wat moontlik kan veroorsaak dat 'n persoon gly of val.

#### Verligting

23. Elke werkgewer moet toesien dat daardie areas van 'n vaartuig wat gebruik word vir die laai of aflaai van vrag of vir enige ander werk of deurgang toereikend en gepas verlig is.

#### Veiligheidstekens

24. Elke werkgewer moet toesien dat alle permanente veiligheidsstekens wat aan boord van 'n vaartuig gebruik word om veiligheidsinligting te verstrek of veiligheidsopdragte te gee, voldoen aan die standarde voorgeskryf deur die Internasionale Maritieme Organisasie, die Suid-Afrikaanse Buro vir Standaarde of die Internasionale Standaardorganisasie.

#### Relings

25. Elke werkgewer moet toesien dat enige opening, oop luikgat of gevaarlike rand waarin, waardeur of waaroor 'n persoon kan val, toegerus is met vaste relings of omheining wat ontwerp en gekonstrueer is om sodanige gebeurtenis te voorkom, buiten waar die aanbring van sodanige reling of omheining die behoorlike verrigting van werk kan belemmer.

#### Vaste lere

26. Elke werkgewer moet toesien dat—

- (a) alle lere wat op 'n vaartuig gebruik word van goeie konstruksie is en sterk genoeg is vir die doel waarvoor hulle gebruik word;
- (b) sodanige lere behoorlik in stand gehou word en sonder defekte is; en
- (c) al die lere op 'n nuwe vaartuig voldoen aan die vereistes voorgeskryf in die toepaslike artikels van die Kode.

#### Ingeslote of beperkte ruimtes

27. (1) Elke werkgewer moet toesien dat alle ingange na onbewaakte, ingeslote of beperkte ruimtes op 'n vaartuig of toegehou word, of anders beveilig word teen toegang, buiten wanneer werk daarin gedoen moet word.

(2) Elke werkgewer moet toesien dat die bepalings van die Kode met betrekking tot die gevare vir veilige toegang tot en werk in 'n geslote of beperkte ruimte aan boord van 'n vaartuig, nagekom word.

- (3) Every employer of crew on board—
- (a) any tanker or gas carrier of 500 gross registered tons or more; and
  - (b) any other vessel of 1 000 gross registered tons or more;

shall ensure that drills simulating the rescue of a crew member from an enclosed or confined space are held at intervals not exceeding two months, and that such drills are recorded in the official log book.

(4) (a) Where entry into an enclosed or confined space may be necessary, every employer shall ensure that an oxygen meter and such other testing device as is appropriate to the hazard likely to be encountered in any such space is carried on board the vessel.

(b) Every employer shall ensure that such meter and any such other testing device is maintained in good working order and, where applicable, is regularly serviced and calibrated according to the manufacturers' requirements.

### CHAPTER III

#### STEVEDORES, SHORE CONTRACTORS AND INCIDENTAL PERSONS ON BOARD VESSELS IN THE COURSE AND SCOPE OF THEIR DUTY

##### Definitions

28. In this Chapter—

“**Code**” means the latest edition of the *South African Ports Cargo Handling Code of Practice* issued by Portnet and incorporated in terms of section 356*ter* of the Act;

“**employee**” means any person other than a crew member who is employed by or working for any employer and receives or is entitled to receive any remuneration or who works under the direction or supervision of an employer or any other person who in any manner assists in the carrying on or the conducting of the business of an employer in so far as this person is performing stevedoring, or shore contracting or any other work whatsoever in the course and scope of his employment on board a vessel;

“**employer**” means any person other than an employer of the master or crew who employs any person and remunerates that person or expressly or tacitly undertakes to remunerate him, or who permits any person in any manner to assist him in performing stevedoring or shore contracting or any other work on board a vessel;

“**incidental persons**” means any person other than the master and crew, and stevedores and shore contractors on board a vessel in the course and scope of their duty;

“**shore contractor**” means a person temporarily employed on board a vessel to effect general or specific repairs, alterations, renovations, improvements, painting, maintenance of vessel or machinery, tank or hatch cleaning and related tasks;

“**stevedore**” means a person employed in the loading or unloading of a vessel or activities related thereto.

(3) Elke werkgewer van bemanning aan boord van—

- (a) 'n tenkskip of gastenskip van 500 bruto registerton of meer; en
- (b) enige ander vaartuig van 1 000 bruto registerton of meer;

moet toesien dat oefeninge wat die redding van 'n bemanningslid uit 'n ingeslote of beperkte ruimte naboots met tussenpose van hoogstens twee maande gehou word en dat sodanige oefeninge in die amptelike skeepsjoernaal aangeteken word.

(4) (a) Waar toegang tot 'n ingeslote of beperkte ruimte nodig mag wees, moet elke werkgewer toesien dat 'n suurstofmeter en sodanige ander toetstoestel as wat gepas is ten opsigte van die gevaar waarmee moontlik in sodanige ruimte te doen gekry kan word, aan boord van die vaartuig gehou word.

(b) Elke werkgewer moet toesien dat sodanige meter en enige sodanige ander toetstoestel in 'n goeie werkende toestand gehou word en, waar van toepassing, gereeld ooreenkomstig die vervaardigers se voorskrifte versien en gekalibreer word.

### HOOFSTUK III

#### STUWADORE, KUSKONTRAKTEURS EN INSIDENTELE PERSONE AAN BOORD VAN VAARTUIE IN DIE LOOP EN OMVANG VAN HUL WERKSAAMHEDE

##### Woordomsrywings

28. In hierdie Hoofstuk beteken—

“**Kode**” die jongste uitgawe van die “*South African Ports Cargo Handling Code of Practice*” gepubliseer deur Portnet en ingelyf by artikel 356*ter* van die Wet.

“**werknemer**” 'n ander persoon as 'n bemanningslid wat in diens geneem is deur of werk vir 'n werkgewer en vergoeding ontvang of daarop geregtig is om vergoeding te ontvang of wat werk onder leiding of toesig van 'n werkgewer of enige ander persoon wat op enige wyse help om die besigheid te dryf van 'n werkgewer vir sover hierdie persoon dokwerk of kuskontraktering of enige ander werk hoegenaamd doen in die loop en omvang van sy diens aan boord van 'n vaartuig.

“**werkgewer**” 'n ander persoon as 'n werkgewer van die gesagvoerder of bemanning wat 'n persoon in diens neem en vergoed of uitdruklik of stilswyend onderneem om hom te vergoed, of wat toelaat dat 'n persoon hom op enige wyse help met die verrigting van dokwerk of kuskontraktering of enige ander werk aan boord van 'n vaartuig;

“**insidentele persone**” ander persone as die gesagvoerder en bemanning en stuwadore en kuskontrakteurs aan boord van 'n vaartuig in die loop en omvang van hul werksaamhede;

“**kuskontrakteur**” 'n persoon tydelik in diens aan boord van 'n vaartuig vir die verrigting van algemene of spesifieke herstelwerk, vir veranderings, opknappings en verbeterings, en vir verwerk, instandhouding van die vaartuig of masjinerie, tenk- of luikskoonmaakwerk en verwante take;

“**stuwador**” 'n persoon in diens geneem vir die laai en aflaai van 'n vaartuig, of aktiwiteite wat daarmee verband hou.

**Application**

29. This Chapter shall not apply to—

- (1) vessels used solely for sport and recreation;
- (2) offshore installations whilst on or within 500 metres of their working stations; and
- (3) a vessel in which there is for the time being no workplace.

**Duties of owners, masters and employers**

30. (1) Every employer of stevedores, shore contractors or incidental persons shall, in addition to the general duties prescribed in regulation 3, comply with the requirements of regulations 4, 5, 17 (3), 20, 21, 25, and 27 (2).

(2) Every employer of stevedores, shore contractors or incidental persons shall ensure that all deck surfaces, all passageways, walkways and stairs on a vessel used for transit by his employees are kept, as far as it practicable, free from all materials or substances likely to cause a person to slip or fall.

(3) In the event of a dispute arising in respect of—

- (a) whether a work place is safe; or
- (b) what action has to be taken to make a workplace safe,

the owner or master or employer shall refer the matter to the proper officer who will exercise his powers in matters of section 9 (5) (b) of the Act.

(4) Every employer of a stevedore shall ensure compliance with the provisions of the Code.

**Appointment, termination of appointment, and functions of a safety officer**

31. (1) The employer of a stevedore or shore contractor may, in writing, appoint an employee as safety officer for a group of his employees.

(2) The appointment of the safety officer shall cease on the date—

- (a) the employee ceases to be employed by the owner; or
- (b) that the employer terminates the appointment.

(3) The safety officer shall whilst the employees are working on a vessel—

- (a) ensure that the employees comply with the provisions of the regulations;
- (b) ensure that any occupation safety policy determined by the employer concerned is complied with by the employees;
- (c) ensure that the employees maintain a high standard of occupational safety;
- (d) investigate the cause of an accident mentioned in section 259 (1) (c) of the Act; all hazards or potential hazards to safety, including fatigue, affecting or which may affect the employees in the execution of their work and all complaints about occupational safety by the employees onboard the vessel;

**Toepassing**

29. Hierdie Hoofstuk is nie van toepassing nie op—

- (1) vaartuie wat uitsluitlik vir sport en ontspanning gebruik word;
- (2) see-installasies, terwyl hulle 500 meter of minder van hul werkstasies af is; en
- (3) 'n vaartuig waarin daar tydelik geen werkplek is nie.

**Pligte van die werkgewers van stuwadore, kuskontrakteurs en insidentele persone**

30. (1) Elke werkgewer van stuwadore, kuskontrakteurs of insidentele persone moet benewens die algemene pligte voorgeskryf in regulasie 3 die vereistes van regulasies 4, 5, 17 (3), 20, 21, 25 en 27 (2) nakom.

(2) Elke werkgewer van stuwadore, kuskontrakteurs of insidentele persone moet toesien dat alle dekoppervlakke, alle gange, loopgange en trappe op 'n vaartuig wat deur sy werknemers as deurgange gebruik word, sover doenlik vry gehou word van alle materiale of stowwe wat 'n persoon moontlik kan laat gly of val.

(3) Indien daar 'n geskil ontstaan ten opsigte van—

- (a) die veiligheid van 'n werkplek; of
- (b) wat gedoen moet word om 'n werkplek veilig te maak,

moet die eienaar of gesagvoerder of werkgewer die aangeleentheid verwys na die bevoegde beampte wat sy bevoegdheid moet uitoefen ingevolge artikel 9 (5) (b) van die Wet.

(4) Elke werkgewer van 'n stuwador moet toesien dat die bepalings van die Kode nagekom word.

**Aanstelling, beëindiging van aanstelling, en funksies van 'n veiligheidsbeampte**

31. (1) Die werkgewer van 'n stuwador of kuskontrakteur kan 'n werknemer skriftelik aanstel as veiligheidsbeampte vir 'n groep van sy werknemers.

(2) Die aanstelling van 'n veiligheidsbeampte eindig op die datum—

- (a) waarop die werknemer ophou om in diens van die eienaar te wees; of
- (b) waarop die werkgewer die aanstelling beëindig.

(3) Die veiligheidsbeampte moet, terwyl die werknemers op 'n vaartuig werksaam is—

- (a) toesien dat die werknemers die bepalings van die regulasies nakom;
- (b) toesien dat die werknemers enige beroepsveiligheidsbeleid wat deur die betrokke werkgewer bepaal is, nakom;
- (c) toesien dat die werknemers 'n hoë standaard van beroepsveiligheid handhaaf;
- (d) ondersoek instel na die oorsaak van 'n ongeluk bedoel in artikel 259 (1) (c) van die Wet, alle gevare of potensiële veiligheidsgefare, met inbegrip van moegheid, wat die werknemers beïnvloed of kan beïnvloed in die uitvoering van hul werk, en alle klagtes aangaande beroepsveiligheid deur die werknemers aan boord van die vaartuig;

- (e) make recommendations to the employer regarding any investigation or inspection or the prevention of an accident, or the removal of a hazard, or potential hazard, and about any deficiency in occupational safety regarding the requirements of the Act and these regulations;
- (f) carry out inspections of each accessible part of the vessel in respect of occupational safety affecting employees at least once a day during the period the employees are employed onboard the vessel;
- (g) immediately stop or cause to be stopped, the performance of any work which in his opinion may cause an accident or serious injury and inform the employer, owner or master forthwith thereof;
- (h) carry out any other investigation relating to occupational safety which an employer may deem necessary if requested thereto in writing by the employer and thereafter submit a report in respect of such investigation;
- (i) submit a brief report of the investigation contemplated in this regulation to the employer for the purposes of record keeping.

#### Record books

32. (1) Every employer of a stevedore or shore contractor shall maintain a record book, in which he shall enter the full details of—

- (a) any accident or dangerous occurrence mentioned in section 259 (1) (c) of the Act (including the date of, names of persons concerned and the nature, if any, of any injuries suffered);
- (b) any investigation, complaint or inspection in terms of regulation 31.

(2) The employer shall keep the records specified in subregulation (1) above for a period of not less than three years, and shall make these records available on request to a Principal Officer.

## CHAPTER IV

### FISHING VESSELS

#### Definitions

33. In this Chapter—

“Code” means the latest *Code of Safe Working Practices for Fishing Vessels* published by the Department of Transport incorporated in terms of section 356ter of the Act;

“employee” includes a share fisherman whose only remuneration is a share in the proceeds of the catch;

“in service” means the period extending from when a fishing vessel is handed over to her master until the vessel is handed back to the owner.

#### Application

34. This Chapter shall apply only to fishing vessels of more than 25 gross tons on which a crew of six or more are employed.

- (e) aanbevelings doen by die werkgewer oor enige ondersoek of inspeksie of die voorkoming van 'n ongeluk, of die verwydering van 'n gevaar of potensiële gevaar, en oor enige gebrek in beroepsveiligheid ten opsigte van die vereistes van die Wet en hierdie regulasies;
- (f) minstens een keer per dag terwyl die werknemers aan boord van die vaartuig in diens is elke toeganklike deel van die vaartuig inspekteer ten opsigte van die beroepsveiligheid van die werknemers;
- (g) onmiddellik die verrigting van enige werkzaamheid wat na sy mening 'n ongeluk of ernstige besering kan veroorsaak, stopsit of laat stopsit, en die werkgewer, eienaar of bevelvoerder onverwyld daarvan verwittig;
- (h) enige ander ondersoek doen met betrekking tot beroepsveiligheid wat 'n werkgewer nodig ag, indien hy skriftelik aldus versoek is deur die werkgewer, en daarna 'n verslag ten opsigte van sodanige ondersoek indien;
- (i) vir doeleindes van rekordhouding aan die werkgewer 'n kort verslag voorlê van die ondersoek in hierdie regulasie bedoel.

#### Rekordboek

32. (1) Elke werkgewer van 'n stuwadoor of kuskontrakteur moet 'n rekordboek hou waarin hy die volle besonderhede moet aanteken van—

- (a) enige ongeluk of gevaarlike gebeurtenis genoem in artikel 259 (1) (c) van die Wet (met inbegrip van die datum, die name van die betrokke persone, en indien enige beserings opgedoen is, die aard daarvan);
- (b) enige ondersoek, klagte of inspeksie kragtens regulasie 31.

(2) Die werkgewer moet die rekords in subregulasie (1) hierbo gespesifiseer vir 'n tydperk van minstens drie jaar hou, en moet hierdie rekords op aanvraag aan 'n Eerste Beampte beskikbaar stel.

## HOOFSTUK IV

### VISSERSVAARTUIE

#### Woordomsrywings

33. In hierdie Hoofstuk beteken—

“Kode” die jongste *Kode vir Veilige Werkpraktyke vir Vissersvaartuie*, gepubliseer deur die Departement van Vervoer en ingelyf by artikel 356 ter van die Wet;

“werknemer” ook 'n aandeelvisser wie se enigste vergoeding 'n aandeel in die opbrengs van die vangs is;

“in diens” die tydperk wat strek vanaf die oorhandiging van 'n vissersvaartuig aan sy gesagvoerder totdat die vaartuig teruggegee word aan die eienaar.

#### Toepassing

34. Hierdie Hoofstuk is slegs van toepassing op vissersvaartuie van meer as 25 bruto ton waarop 'n bemanning van ses of meer persone in diens is.

**Duties of employer**

**35.** (1) In respect of a fishing vessel referred to in regulation 34—

- (a) the owner thereof shall comply or ensure compliance with the provisions of regulation 3 whilst such vessel is not in service; and
- (b) the master thereof shall comply or ensure compliance with the said provisions whilst such vessel is in service.

(2) Every employer of a crew shall in addition to the general duties prescribed in Chapter I comply with the following:

- (a) Ensure that no safety equipment or other facility on a vessel be removed therefrom, except for cleaning, repairing, maintenance, modification or replacement thereof;
- (b) train all his employees or cause them to be trained in the proper use and maintenance of safety equipment or other facilities on board a vessel;
- (c) ensure that all hazards or potential hazards to safety that caused a safety officer or safety appointee to stop work on a vessel, are removed before resumption of such work.

**Appointment, termination of appointment, and functions of safety officers**

**36.** (1) For the purpose of a fishing vessel in service, the employer of the crew of that vessel may, in writing, appoint a crew member as the safety officer for that vessel.

(2) The appointment of a safety officer shall terminate—

- (a) on the date that he ceases to be employed on board the fishing vessel; or
- (b) on the date that his employer, in writing, terminates his appointment.

(3) A safety officer shall, whilst a fishing vessel is in service—

- (a) ensure that the crew comply with the provisions of the Code;
- (b) ensure that the crew comply with any occupational safety policy determined by the employer concerned;
- (c) ensure that the crew maintain a high standard of occupational safety;
- (d) investigate the cause of an accident contemplated in section 259 (1) (c) of the Act; all hazards or potential hazards to safety including fatigue, that affect or may affect the crew of a vessel in the execution of their work, and all complaints concerning occupational safety;
- (e) make recommendations to the safety committee concerned about any investigation or inspection or the prevention of any accident or the removal of any hazard or potential hazard, and about any deficiency in occupational safety regarding—

- (i) the requirements of the Act and these regulations that affect the crew;

**Pligte van werkgewer**

**35.** (1) Ten opsigte van 'n vissersvaartuig genoem in regulasie 34—

- (a) moet die eienaar daarvan die bepalings van regulasie 3 nakom of toesien dat dit nagekom word terwyl sodanige vaartuig nie in diens is nie; en
- (b) moet die gesagvoerder daarvan genoemde bepalings nakom of toesien dat dit nagekom word terwyl sodanige vaartuig in diens is.

(2) 'n Werkgewer van 'n bemanning moet benewens die algemene pligte in Hoofstuk I voorgeskryf—

- (a) toesien dat geen veiligheidstoerusting of ander -fasiliteit op 'n vaartuig daarvandaan verwyder word nie, buiten vir die skoonmaak, herstel, instandhouding, modifikasie of vervanging daarvan;
- (b) al sy werknemers oplei of laat oplei in die behoorlike gebruik en instandhouding van veiligheidstoerusting of ander -fasiliteite aan boord van 'n vaartuig;
- (c) toesien dat alle veiligheidsgevaare of potensiële veiligheidsgevaare wat tot gevolg gehad het dat 'n veiligheidsbeampte of veiligheidsbenoemde opdrag gegee het dat werk op 'n vaartuig gestaak word, verwyder word voordat met sodanige werk voortgegaan word.

**Aanstelling, beëindiging van aanstelling, en funksies van veiligheidsbeamptes**

**36.** (1) Vir die doel van 'n vissersvaartuig in diens kan die werkgewer van die bemanning van daardie vaartuig 'n bemanningslid skriftelik aanstel as veiligheidsbeampte vir daardie vaartuig.

(2) Die aanstelling van 'n veiligheidsbeampte eindig—

- (a) op die datum waarop hy ophou om in diens te wees aan boord van die vissersvaartuig; of
- (b) op die datum waarop die werkgewer sy aanstelling skriftelik beëindig.

(3) 'n Veiligheidsbeampte moet, terwyl 'n vissersvaartuig in diens is—

- (a) toesien dat die bemanning die bepalings van die Kode nakom;
- (b) toesien dat die bemanning enige beroepsveiligheidsbelied wat deur die betrokke werkgewer bepaal is, nakom—
- (c) toesien dat die bemanning 'n hoë standaard van beroepsveiligheid handhaaf;
- (d) ondersoek instel na die oorsaak van 'n ongeluk genoem in artikel 259 (1) (c) van die Wet, alle gevare of potensiële veiligheidsgevaare, met inbegrip van moegheid, wat die bemanning van 'n vaartuig beïnvloed of kan beïnvloed in die uitvoering van hulle werk, en alle klagtes aangaande beroepsveiligheid;
- (e) aanbevelings doen by die betrokke veiligheidskomitee oor enige ondersoek of inspeksie of die voorkoming van 'n ongeluk of die verwydering van 'n gevaar of potensiële gevaar, en oor enige gebrek in beroepsveiligheid ten opsigte van—

- (i) die vereistes van die Wet en hierdie regulasies wat die bemanning raak;



- (ii) any relevant Marine Notice; and
- (iii) any provisions of the Code;
- (f) carry out inspections of each accessible part of the vessel in respect of the occupational safety affecting the crew, at least once during a voyage;
- (g) immediately stop or cause to be stopped, the performance of any work which in his opinion may cause an accident or serious injury, and inform the master thereof forthwith;
- (h) carry out any other investigation or inspection relating to occupational safety which an employer or safety committee may deem necessary, if so requested in writing by the employer or safety committee, as the case may be, and thereafter submit a report in respect of such investigation; and
- (i) submit to the employer for the purposes of the record book a brief report of the investigation referred to in this regulation.

#### **Appointment, termination of appointment, and functions of safety appointees**

**37.** (1) The owner of a fishing vessel may in writing appoint an employee as safety appointee for that fishing vessel whilst it is not in service.

(2) The appointment of the safety appointee shall terminate—

- (a) on the date that the employee ceases to be employed by the owner; or
- (b) on the date that the employer terminates his appointment.

(3) The safety appointee shall whilst a vessel is not in service—

- (a) ensure that the employees comply with the provisions of the Code;
- (b) ensure that the employees comply with any occupational safety policy determined by the employer concerned;
- (c) ensure that the employees maintain a high standard of occupational safety;
- (d) investigate the cause of an accident contemplated in section 259 (1) (c) of the Act, all hazards or potential hazards to safety, including fatigue, that affect or may affect the employees in the execution of their work, and all complaints by the employees of the vessel concerning occupational safety;

(e) make recommendations to the safety committee concerned, about any investigation or inspection or the prevention of any accident or the removal of any hazard or potential hazard, and about any deficiency in occupational safety regarding—

- (i) the requirements of the Act and these regulations that affect the employees;
- (ii) any relevant Marine Notice; and
- (iii) any provision of the Code;

(f) carry out inspections of each accessible part of the vessel in respect of the occupational safety of the employees, at least once during the vessel's not-in-service period and should such period extend beyond one month, at least once a month;

- (ii) enige toepaslike Marinekennisgewing; en
- (iii) enige bepalings van die Kode;

(f) minstens een keer gedurende die vaart elke toeganklike deel van die vaartuig inspekteer ten opsigte van die beroepsveiligheid van die bemanning;

(g) onmiddellik die verrigting van enige werksaamheid wat na sy mening 'n ongeluk of ernstige besering kan veroorsaak, stopsit of laat stopsit, en die gesagvoerder onverwyld daarvan verwittig;

(h) enige ander ondersoek of inspeksie doen met betrekking tot beroepsveiligheid wat die werkgewer of veiligheidskomitee nodig ag, indien hy skriftelik aldus versoek is deur die werkgewer of veiligheidskomitee, na gelang van die geval, en daarna 'n verslag ten opsigte van sodanige ondersoek indien; en

(i) vir doeleindes van rekordhouding aan die werkgewer 'n kort verslag voorlê van die ondersoek in hierdie regulasie bedoel.

#### **Aanstelling, beëindiging van aanstelling, en funksies van veiligheidsbenoemdes**

**37.** (1) Die eienaar van 'n vissersvaartuig kan 'n werknemer skriftelik aanstel as veiligheidsbenoemde vir daardie vaartuig terwyl dit nie in diens is nie.

(2) Die aanstelling van die veiligheidsbenoemde eindig—

- (a) op die datum waarop hy ophou om in diens van die werkgewer te wees; of
- (b) op die datum waarop die werkgewer die aanstelling beëindig.

(3) die veiligheidsbenoemde moet, terwyl 'n vaartuig nie in diens is nie—

- (a) toesien dat die werknemers die bepalings van die Kode nakom;
- (b) toesien dat die werknemers enige beroepsveiligheidsbeleid wat deur die betrokke werkgewer bepaal is, nakom;
- (c) toesien dat die werknemers 'n hoë standaard van beroepsveiligheid handhaaf;

(d) ondersoek instel na die oorsaak van 'n ongeluk genoem in artikel 259 (1) (c) van die Wet, alle gevare of potensiële veiligheidsgevaare, met inbegrip van moegheid, wat die werknemers beïnvloed of kan beïnvloed in die uitvoering van hulle werk, en alle klagtes aangaande beroepsveiligheid deur die werknemers van die vaartuig;

(e) aanbevelings doen by die betrokke veiligheidskomitee oor enige ondersoek of inspeksie of die voorkoming van enige ongeluk of die verwydering van enige gevaar of potensiële gevaar, en oor enige gebrek in beroepsveiligheid ten opsigte van—

- (i) die vereistes van die Wet en hierdie regulasies wat die werknemers raak;
- (ii) enige toepaslike Marinekennisgewing; en
- (iii) enige bepalings van die Kode;

(f) minstens een keer terwyl die vaartuig nie in diens is nie elke toeganklike deel van die vaartuig inspekteer ten opsigte van die beroepsveiligheid van die werknemers, en indien die vaartuig langer as 'n maand nie in diens is nie, minstens een keer per maand;

- (g) immediately stop or cause to be stopped, the performance of any work which in his opinion may cause an accident or serious injury and inform the owner thereof forthwith;
- (h) carry out any other investigation relating to occupational safety which an employer or safety committee may deem necessary, if so requested in writing by the employer or the safety committee, as the case may be, and thereafter submit a report in respect of such investigation;
- (i) submit to the employer for the purposes of the record book a brief report of the investigation referred to in this regulation.

#### **Appointment, termination of appointment, and functions of safety committees**

**38.** (1) An owner of two or more fishing vessels may in writing establish a safety committee and such safety committee shall consist of such number of members as the owner may from time to time determine.

(2) The chairman, in the person of the owner or his representative, shall co-opt, from among the employees such persons as are necessary to conduct the business of the committee.

(3) The chairman may also co-opt any other person who by the virtue of his special knowledge can contribute to the business of the committee.

(4) An owner may, in his discretion, in writing, dissolve a safety committee.

(5) A safety committee shall meet as often as may be necessary, but at least once every three months, provided that a Principal Officer may by notice in writing direct that a meeting be held at any place and time determined by him.

(6) The procedure at meetings of a safety committee shall be determined by the committee.

(7) The committee shall consider all recommendations of the safety officer or safety appointee.

(8) After consideration of such recommendations a safety committee may recommend any appropriate action in respect of any incident on board a vessel and the recommendation shall be made available to a Principal Officer upon request.

(9) The safety committee shall keep the minutes of meetings for a period of at least three years and make them available to a Principal Officer upon request.

#### **Record books**

**39.** (1) Every employer shall maintain a record book, in which he shall enter the full details of—

- (a) any accident or dangerous occurrence referred to in section 259 (1) (c) of the Act (including the date, names of persons concerned and the nature, if any, of any injuries suffered);
- (b) any investigation, complaint or inspection referred to in terms of regulations 36 and 37.

(2) The employer shall keep the records specified in subregulation (1) above for a period of at least three years, and shall make these records available on request to the safety committee and to a Principal Officer.

(g) onmiddellik die verrigting van enige werkzaamheid wat na sy mening 'n ongeluk of ernstige besering kan veroorsaak, stopsit of laat stopsit, en die eienaar onverwyld daarvan verwittig;

(h) enige ander ondersoek doen met betrekking tot beroepsveiligheid wat 'n werkgewer of veiligheidskomitee nodig ag, indien hy skriftelik aldus versoek is deur die werkgewer of die veiligheidskomitee, na gelang van die geval, en daarna 'n verslag ten opsigte van sodanige ondersoek indien;

(i) vir doeleindes van rekordhouding aan die werkgewer 'n kort verslag voorlê van die ondersoek in hierdie regulasie bedoel.

#### **Aanstelling, beëindiging van aanstelling, en funksies van veiligheidskomitees**

**38.** (1) 'n Eienaar van twee of meer vissersvaartuie kan 'n veiligheidskomitee skriftelik aanstel en sodanige veiligheidskomitee moet bestaan uit die getal lede wat die eienaar van tyd tot tyd bepaal.

(2) Die voorsitter, in die persoon van die eienaar of sy verteenwoordiger, moet vanuit die geledere van die werknemers die persone koöpteer wat nodig is om die besigheid van die komitee te dryf.

(3) Die voorsitter kan ook enige ander persoon koöpteer wat uit hoofde van sy spesiale kennis kan bydra tot die besigheid van die komitee.

(4) 'n Eienaar kan na goeddunke 'n veiligheidskomitee skriftelik ontbind.

(5) 'n Veiligheidskomitee moet so gereeld vergader as wat nodig is, maar minstens een keer elke drie maande: Met dien verstande dat 'n Eerste Beamppte by wyse van skriftelike kennisgewing kan gelas dat 'n vergadering gehou word op 'n tyd en plek deur hom bepaal.

(6) Die vergaderingsprosedure van 'n veiligheidskomitee word deur die komitee bepaal.

(7) Die komitee moet oorweging skenk aan alle aanbevelings van die veiligheidsbeamppte of veiligheidsbenoemde.

(8) Na oorweging van sodanige aanbevelings kan 'n veiligheidskomitee enige gepaste optrede ten opsigte van enige voorval aan boord van 'n vaartuig aanbeveel, en die aanbeveling moet op versoek aan 'n Eerste Beamppte beskikbaar gestel word.

(9) Die veiligheidskomitee moet die notules vir 'n tydperk van minstens drie jaar hou en dit op versoek aan 'n Eerste Beamppte beskikbaar stel.

#### **Rekordboek**

**39.** (1) Elke werkgewer moet 'n rekordboek hou waarin hy die volle besonderhede moet aanteken van—

- (a) enige ongeluk of gevaarlike gebeurtenis genoem in artikel 259 (1) (c) van die Wet (met inbegrip van die datum, die name van die betrokke persone, indien enige beserings opgedoen is, die aard daarvan);
- (b) enige ondersoek, klagte of inspeksie kragtens regulasies 36 en 37.

(2) Die werkgewer moet die rekords in subregulasie (1) hierbo gespesifiseer vir 'n tydperk van minstens drie jaar hou, en moet hierdie rekords op aanvraag aan die veiligheidskomitee en aan 'n Eerste Beappte beskikbaar stel.

**HOOFSTUK V****CHAPTER V****STRAWWE, TITEL EN DATUM VAN INWERKING-  
TREDING****MISCELLANEOUS PROVISIONS****Misdrywe en strawwe**

**40.** Enige persoon wat 'n bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en is by skuldigbevinding met 'n boete of gevangenisstraf strafbaar soos volg:

- (1) Oortreding van regulasie 3, een jaar gevangenisstraf;
- (2) oortreding van regulasie 4, ses maande gevangenisstraf;
- (3) oortreding van regulasie 27 (1), ses maande gevangenisstraf;
- (4) oortreding van regulasie 27 (2), twee jaar gevangenisstraf.

**Kort titel en inwerkingtreding**

**41.** Hierdie regulasies heet die Maritieme Beroepsveiligheidsregulasies, 1994, en tree op 1 Januarie 1995 in werking.

**Offences and penalties**

**40.** Any person who contravenes or fails to comply with any provision of the regulations shall be guilty of an offence and liable on conviction to a fine or to imprisonment as follows:

- (1) Contravention of regulation 3, one years' imprisonment;
- (2) contravention of regulation 4, six months' imprisonment;
- (3) contravention of regulation 27 (1), six months' imprisonment;
- (4) contravention of regulation 27 (2), two years' imprisonment.

**Short title and commencement**

**41.** These regulations shall be called the Maritime Occupational Safety Regulations, 1994, and shall come into operation on 1 January 1995.

**IMPORTANT ANNOUNCEMENT**

*Closing times* **PRIOR TO PUBLIC HOLIDAYS** for

**LEGAL NOTICES**  
**GOVERNMENT NOTICES** **1994**

*The closing time is 15:00 sharp on the following days:*

- ▶ **8 December**, Thursday, for the issue of Thursday **15 December**
- ▶ **22 December**, Thursday, for the issue of Friday **30 December**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

**BELANGRIKE AANKONDIGING**

*Sluitingstye* **VOOR VAKANSIEDAE** vir

**WETLIKE KENNISGEWINGS**  
**GOEWERMENSKENNISGEWINGS** **1994**

*Die sluitingstyd is stiptelik 15:00 op die volgende dae:*

- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember**
- ▶ **22 Desember**, Donderdag, vir die uitgawe van Vrydag **30 Desember**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word.

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

# IMPORTANT!!

## Placing of languages: *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1994 to 30 September 1995, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

—oOo—

# BELANGRIK!!

## Plasing van tale: *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1994 tot 30 September 1995 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

# Keep South Africa Clean



**Throw trash where it belongs**

## Save a drop — and save a million

**W**ater conservation is very important to the community and industry to ensure their survival. So save water!



## Spaar 'n druppel — en vul die dam

**I**ndien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad

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