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- (a) immediately report the occurrence to the *Harbour Master* and any other applicable regulatory body or government department;
- (b) submit to the *Harbour Master* a full written report setting out the circumstances of the occurrence, within 24 hours of the occurrence or before the departure of the *vessel* from the *port*, whichever is the sooner;
- (c) furnish any further particulars that the *Harbour Master* may require.

#### **58. Financial security for damages caused**

Before a *vessel* departs from a *port*, the *Authority* may require the *owner* or *master agent* of a *vessel* to lodge financial security with the *Authority* to the satisfaction of the *Authority* if that *vessel* or its staff have caused pollution or damage to the environment or to property within a *port*.

#### **59. Master to produce *vessel's* papers**

The *Harbour Master* may require the *master* of a *vessel* arriving in a *port* to produce for inspection the *vessel's* register, certificates and any other papers relating to the *vessel*.

#### **60. *Vessels* in need of assistance**

- (1) If a *vessel* is in need of assistance and requests permission to enter into a *port*, the *Harbour Master* may consult with *SAMSA* and any other relevant statutory body.
- (2) In considering whether to allow the *vessel* into a *port*, the *Harbour Master* takes into account the following factors —
  - (a) safeguarding of human life at sea;
  - (b) the *port's* industrial and urban environment;
  - (c) the risk of pollution and damage to the environment;
  - (d) the evaluation of consequences if a request is refused, including the possible effect to neighbouring states;
  - (e) the risk of disruption to the *port's* operations;
  - (f) the seaworthiness of the *vessel*, in particular its buoyancy, stability, means of propulsion and power generation, and its docking ability;
  - (g) the nature and condition of the *cargo*, stores and bunkers, especially if there is any hazardous *cargo*;
  - (h) the preservation of the hull, machinery and *cargo* of the *vessel in need of assistance*;
  - (i) the distance and estimated transit time to a *SAMSA* allocated place of refuge;
  - (j) whether the *master* is still on board;

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- (k) the number of crew, salvors and other persons on board and an assessment of human factors, including fatigue;
- (l) whether the *vessel* in question is insured or not insured;
- (m) where the *vessel* is insured, identification of the insurer, and the limits of liability available;
- (n) provisions of financial security in favour of the *Authority* to guarantee payment of all expenses that may be incurred in connection with its operations;
- (o) whether the *owner* and *master* of the *vessel* have agreed to the proposals of the *Authority* and/or salvor to proceed or to be brought to a place of refuge;
- (p) commercial salvage contracts already concluded by the *master* or *owner* of the *vessel*;
- (q) information on the intention of the *master* and/or salvor;
- (r) the designation of a representative of the *owner* of the *vessel* in the *Republic*;
- (s) the risk of disruption to the *Authority's* operations taking into account the *IMO* guidelines; and
- (t) any other relevant considerations.

#### **61. Arrested *vessels***

- (1) The *Harbour Master* may direct that any *vessel* that has been arrested or attached by order of court, or detained by another authority, be moved to another place within *port* limits.
- (2) The *Harbour Master* will give notice to the sheriff of the court, or any other official responsible for the upkeep of an arrested *vessel*, that the *vessel* must be moved.
- (3) If the sheriff of the court or any other official of another authority contemplated in sub-rule (2) is unable to move the *vessel* within the period stipulated in the notice, the *Harbour Master* may move the *vessel* at the expense of the arresting creditor or creditors after consultation with the sheriff or other authority, as the case may be.
- (4) In the event of the *vessel's agent* terminating his or her services, the sheriff of the court, or any other official responsible for the upkeep of an arrested *vessel*, must include any fees charged by the *Authority* in his or her claim against the Preservation Fund as contemplated in the Admiralty Jurisdiction Regulation Act No. 105 of 1983 in respect of the arrested, attached or detained *vessel* from the time of its arrest, attachment, or detention until it is freed from the arrest, attachment or detention.

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## CHAPTER 3: HEALTH AND SAFETY

### PART A: VESSEL SAFETY MEASURES

#### 62. The master is responsible for the safety of the vessel

The *master* of a *vessel* within the *port* limits is at all times responsible for the safety of his or her *vessel* and nothing in these rules may be construed as relieving the *master* of this responsibility.

#### 63. Conduct of the crew

The *owner* or *master* of a *vessel* must ensure the orderly conduct and behaviour of the crew of his or her *vessel* and ensure that all persons on board the *vessel* observe the laws of the *Republic* while the *vessel* is within *port* limits.

#### 64. Fires and *hot work* repairs on vessels

- (1) No open fires are permitted on board a *vessel* unless the *master* of the *vessel* has obtained the *Authority's* permission for that fire.
- (2) No *hot work* repairs are permitted on board a *vessel* unless the *master* of the *vessel* is authorised in terms of a *hot work permit* issued by the *Authority* in terms of rule 154.
- (3) If a fire occurs on board a *vessel* within *port* limits, the *master* must inform port control by VHF radio, telephonically or any other appropriate means possible of the fire and —
  - (a) immediately give the alarm by sounding one continuous blast on the *vessel's* siren; or
  - (b) if it is not possible to use the *vessel's* siren, by the continuous ringing of the *vessel's* bell.
- (4) The staff of a *vessel* with a fire on board must immediately —
  - (a) take practicable steps to extinguish the fire and to protect adjoining property; and
  - (b) provide any further assistance that the *Harbour Master* or the *Chief Fire Officer* requires.

#### 65. Sparks and the lighting of fires

- (1) The *master* of a *vessel* in a *port* must take all necessary precautions to avoid the emission of sparks from his or her *vessel*, except where a *hot work permit* is issued in terms of rule 154.
- (2) No person may light a fire upon any wharf, jetty, stacking area, quay or at any other place where the lighting of fires is prohibited by notice, except with the permission of the *Authority*.
- (3) The *Authority* may impose conditions on any permission granted, to maintain safety, security, good order or to protect the environment.

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- (4) No person may smoke, ignite a match or lighters, or otherwise create or allow a fire or flame in any hold or at any open hatch of any hold of any *vessel* or within an area adjacent to such hold or open hatch —
  - (a) while flammable *cargo* is being shipped, discharged or transhipped into or from a hold or open hatch; or
  - (b) when non-flammable *cargo* is being worked in a hold that contains flammable *cargo*.
- (5) Portable radios and cellular phones may not be used in any hold or at any open hatch of any hold of any *vessel* or within an area adjacent to such hold or open hatch, unless the radio or cellular phone is certified to be intrinsically safe.

#### **66. Smoking on board vessels**

- (1) Notices must be displayed on board *vessels* where smoking is prohibited for safety reasons.
- (2) Smoking is prohibited in the holds or on deck of *vessels* with open hatches or in the vicinity of deck *cargo*.
- (3) *Vessels* carrying *dangerous goods* must prominently display at the *gangway* or other shore access points notices inscribed with the words: "Dangerous goods on board, smoking strictly prohibited."
- (4) The notices must be written in English and accompanied by the international prohibition symbol for no smoking.

#### **67. Persons disembarking or embarking**

- (1) A competent member of the *vessel's* crew must be in attendance at the *vessel's gangway* while persons, other than pilots, are disembarking from or embarking upon a *vessel* lying alongside a wharf, jetty or quay, in order to attend to the security of the *gangway* and the safety of persons passing over it.
- (2) The same applies when a *vessel* lying at anchor uses a *gangway*, an accommodation ladder or other similar equipment.
- (3) No person, other than a pilot in the exercise of his or her duties, may, except after obtaining the *Harbour Master's* permission, board or leave a *vessel* while that *vessel* is in motion and that person may only leave or board the *vessel* by way of the pilot ladder or a helicopter provided for that purpose.

#### **68. Gangways**

- (1) The *master* of a *vessel* that is alongside a wharf, quay or jetty, lying at buoys or at anchor, or outside another *vessel* must provide a safe and proper *gangway* to allow for free and safe passage to and from the deck of the *vessel*.
- (2) The *gangway* must be sufficiently illuminated.

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- (3) A proper safety net must be rigged and secured below a *gangway* as soon as the *gangway* is in position, to safeguard persons using the *gangway* from falling into the water or onto a wharf, quay or jetty.
- (4) The *master* is responsible for the handling of the *gangway* and must ensure that the operations are carried out in a proper and safe manner.
- (5) The person in control of the *gangway* must regulate the number of persons allowed on the *gangway* at any one time.
- (6) A notice indicating the maximum number of persons to be allowed on the *gangway* at any one time must be clearly displayed at each end of the *gangway*.
- (7) A lifebuoy with a line attached to it must be placed near each *gangway* and kept ready for immediate use.
- (8) The *master* must ensure that the *gangway* is at all times positioned so that it does not obstruct or foul rail or crane tracks, constitute a hazard to the safe movement of trucks and cranes or interfere with bunkering operations.
- (9) The *master* of a *vessel* must take the necessary precautions to prevent damage to quay surfaces by the *vessel's gangways* and loading ramps.
- (10) Where the nature or construction of a jetty or wharf is such that it is impossible for the *vessel* to comply with this rule, the *master* of the *vessel* must conform to the *Harbour Master's* instructions concerning *vessel* to shore access.

#### **69. Engine trials**

No *master* may perform engine trials of the *vessel* while it is alongside a wharf, quay or jetty or while it is berthed outside another *vessel* in a *port*, unless the *master* has the permission of the *Harbour Master*.

#### **70. Lowering of boats from vessels**

A *master* may cause or permit a boat to be lowered from his or her *vessel* in a *port* only if the *master* has permission from *Customs* and the *Harbour Master*.

#### **71. Vessel's handling material or gear in port**

- (1) Unless a vessel's handling material or gear is being used for legitimate operational purposes, a *vessel* may not place its handling material or gear upon any wharf, jetty or quay, or elsewhere within *port* limits without the written consent of the terminal operator, in the case of a terminal, or the *Harbour Master*, in the case of any other area.
- (2) If it is placed anywhere without the required consent, it may be removed immediately, at the expense of the *owner* or *master* of the *vessel*, to a place determined by the terminal operator or the *Harbour Master*.

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**72. Vessels may not be moored nor obstacles placed within the water area of a port repair facility**

Unless the *Harbour Master* directs otherwise, no *vessel* may anchor or be moored within, and no person may place any chain, anchor or other obstacle in the water area adjacent to a *port* repair facility, which includes a floating dock, synchrolift or slipway.

**PART B: GENERAL SAFETY MEASURES**

**73. Requirements for fire protection personnel**

- (1) The *Authority* may set requirements for *fire protection personnel* who operate within a *port*.
- (2) All *fire protection personnel* must comply with the *Authority's* requirements.

**74. The Harbour Master may instruct that safety measures be taken**

Despite the provisions of any other rule, the *Harbour Master* may, in the interests of the safety of the *port*, the persons, *vessels* and other property in it, issue instructions that safety precautions be taken, or take emergency measures that the *Harbour Master* believes are necessary or appropriate.

**75. Heating of substances**

- (1) No person may boil or heat pitch, tar, resin, turpentine, oil or other flammable matter on shore within a *port* on any wharf, jetty, stacking area, quay or at any other place where the lighting of fires is prohibited by notice except —
  - (a) with the permission of the *Authority*; or
  - (b) if the person has a valid *Hot Work Permit* issued by the *Authority*.
- (2) The *Authority* may impose conditions upon any permission granted to maintain safety, security, good order or to protect the environment.

**76. Smoking on the shore**

The *Authority* will designate areas on the shore of the *port* where no smoking may take place. No person may smoke in such a designated *no-smoking area*.

**77. The use of portable radios or cellular phones on the shore**

The *Authority* will designate areas on the shore of the *port* where portable radios and cellular phones may not be used. No person may use portable radios or cellular phones, other than those that are certified to be intrinsically safe, in such a designated area.

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### **78. Occupational health and safety legislation**

All persons, including service providers, terminal operators, drivers of transport vehicles, employers, lessees and visitors within *port* limits, must comply with the provisions of any legislation relating to occupational health and safety matters, including the Merchant Shipping Act No. 57 of 1951, the Occupational Health and Safety Act No. 85 of 1993 and its regulations, the Maritime Safety Regulations of 1994, the *IMDG Code* and the National Road Traffic Act No. 93 of 1996.

### **79. Authority's written instructions with regard to occupational health and safety matters**

- (1) In order to give effect to rule 77, the *Authority* may issue verbal or written instructions relating to occupational health and safety matters within the *port*.
- (2) All persons are required to adhere to these instructions.

### **80. Personal protective equipment**

All persons working within an area that is designated as an operational area by the *Authority* must wear the appropriate personal protective equipment, including a hard hat, safety boots and reflective high-visibility vests.

### **81. Closing of parts of the port**

- (1) In the interests of maintaining safety, security, good order and the protection of the environment, or if the *Authority* determines that construction work should be carried out in any part of the *port*, the *Authority* may —
  - (a) close any part of the *port* to the public; or
  - (b) prohibit the public's use of or restrict the public's access to any part of the *port*.
- (2) Despite sub-rule (1), the *Authority* may allow access to parts of the *ports* to which the public has restricted access or which are closed to the public on conditions to be determined by the *Authority*.

### **82. Incidents or damage to property on the shore within ports**

All service providers, employers, lessees or other persons, other than a licensed operator<sup>10</sup>, involved in an incident on the shore within a *port*, whether or not damage is done to any property or the environment, or involved in damage to the *Authority's* property on the shore or the environment within the *port*, must —

- (a) immediately report the incident to the *Authority* as well as any other applicable regulatory body or government department;

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<sup>10</sup> Licensed operators are required to report incidents in terms of s 62(5) of the *Act*.

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- (b) submit to the *Authority* a full written report setting out the circumstances of the incident or damage to property within 24 hours after the incident; and
- (c) furnish any further particulars that the *Authority* may require.

### **83. Swimming, surfing, fishing, diving and water sports**

- (1) No person is allowed to dive or perform diving operations within *port* limits without the permission of the *Harbour Master*.
- (2) A person may only swim, surf, fish or engage in water sports within *port* limits in areas designated for these purposes by the *Authority* or a person authorised by the *Authority*.
- (3) The *Harbour Master* may, in the interests of maintaining safety, security, good order and the protection of the environment, impose conditions upon any swimming, surfing, fishing, diving or water sports that take place within port limits.

### **84. Animals**

- (1) For the purposes of this rule, animals include birds.
- (2) The *Authority* may confiscate or confine any domesticated, tame or wild animal that is found at large on the *Authority's* premises within *port* limits.
- (3) The *master* of a *vessel* must properly secure animals that are on board a *vessel* in a *port*.
- (4) The *master* of a *vessel* may not allow an animal to come ashore without the *Authority's* permission.

## **CHAPTER 4: PROTECTION OF THE ENVIRONMENT**

### **85. Prevention of pollution and protection of the environment**

- (1) All persons within a *port* must take all reasonable steps to prevent, minimise and mitigate pollution or damage to or degradation of the environment.
- (2) Any person who pollutes or causes damage to the environment will bear the costs associated with the combating and cleaning up of that pollution, damage or degradation, and the associated impacts relating thereto.
- (3) If the person or persons responsible for the pollution or damage to the environment fail to take the necessary measures to prevent, minimize, mitigate, combat and clean up the pollution or damage to the environment, including its associated impacts, the *Authority* may take the necessary measures. The person or persons who caused the pollution or damage to the environment will be liable for the costs associated with the pollution, damage or degradation to the environment, its associated impacts and any mitigating measures.

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### **86. Deposit of harmful matter, including oil, in a port**

- (1) No person may throw or deposit within *port* limits any harmful matter or substance of whatsoever nature, including effluent or polluted water or foreign organisms, without the permission of the *Authority*, and, in the case where it is to be thrown or deposited from a *vessel*, without the permission of the *Harbour Master*. The *Authority* or the *Harbour Master*, as the case may be, may impose conditions upon the permission to be granted.
- (2) No person may cause or allow pollutants, including paint, or cause or allow substances that can cause pollution or negatively impact on the environment, whether or not the substance or pollutant is of a mineral, animal or plant origin, to be dumped on the property of a *port* or to be discharged or to escape into waters within *port* limits.
- (3) No oil of any description or harmful matter or substances of whatever nature, including effluent, polluted water or foreign organisms, may be discharged or dumped from a —
  - (a) *Vessel*, or be allowed to escape from a *vessel* into any part of the *port*; or
  - (b) terminal or any other source, or be allowed to escape into *port* waters from a terminal or any other source.
- (4) The *master* of a *vessel* that is berthed alongside a quay or jetty must cause all the discharge outlets of the *vessel* facing the quay or jetty to be closed or to be provided with adequate covers to prevent any inadvertent discharge of water or effluent or substances onto the quay or jetty surface, bollards, moorings, telephone cables, fenders or hose connections or into the environment.
- (5) The cleanup of pollutants, including oil, which is spilled within port limits, must be dealt with in accordance with the applicable Port Contingency Plan.
- (6) If the spill straddles the area within *port* limits and areas falling outside *port* limits, the spill must be dealt with in accordance with the applicable Port Contingency Plan, and in the case of oil pollution management, the National Contingency Plan and any applicable legislation.
- (7) A person who drops or deposits any article within *port* limits that might cause a danger, obstruction, pollution, a negative impact upon the environment or a nuisance, or any person who witnesses a person doing this, must report the matter to the *Authority* immediately.
- (8) The *owner* or *master* of a *vessel*, terminal operator, lessee or *port* user that contravenes this rule, causing an obstruction in the *port* must immediately cause the obstruction to be removed at their expense, failing which the *Authority* may remove the obstruction at their expense. If any damage arises from the obstruction, the person responsible for it is liable for the costs relating to the damage.

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### **87. Cleanliness of the quayside**

- (1) This rule applies to quaysides that are not operated by a terminal operator.<sup>11</sup>
- (2) The *owner* or *master* of a *vessel* must ensure that the quayside is cleaned after the *vessel* has completed its working operations.
- (3) If the *owner* or *master* of the *vessel* fails to affect the cleanup, the *Authority* will affect the cleanup at the cost of the *owner* or *master* of the *vessel*. These costs will include the costs associated with or incidental to the clean up and the removal of materials on the quayside.

### **88. Ballast water**

The *master* of a *vessel* and any other person to whom the Port Ballast Waste Management Plan applies, must comply with that plan.

### **89. Port waste reception facilities**

- (1) Every terminal operator and master of a *vessel* must make use of the *port's* facilities for the reception of wastes from *vessels*.
- (2) Despite sub-rule (1), the *Authority* may require —
  - (a) a terminal operator to provide or procure proper and adequate facilities from a licensed waste disposal service provider for the reception of wastes from *vessels* using the *port* terminal; and
  - (b) the *vessel's owner* or *master* to provide or procure proper and adequate facilities from a licensed waste disposal service provider for the reception of wastes from *vessels*, if the berth is not operated by a terminal operator.
- (3) In assessing the adequacy of the waste reception facilities contemplated in sub-rule (2), the terminal operator or *owner* or master of the *vessel*, as the case may be, must have regard to the Port Waste Management Plan.
- (4) Despite the provisions of this rule, the *owner* or *master* of a *vessel* must arrange to dispose galley waste in accordance with the Port Waste Management Plan.

### **90. Compliance with Port Waste Management Plan**

All persons to whom the Port Waste Management Plan applies, including terminal operators and tenants, must comply with that plan.

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<sup>11</sup> The cleanliness of a quayside operated by a terminal operator will be regulated by the licence agreement with the terminal operator.

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### **91. Compliance with Vessel Waste Management Plan**

The *owner, master or agent* of a *vessel* must comply with their Vessel Waste Management Plan.

### **92. Use of port waste reception facilities**

Any waste reception facilities provided for a particular purpose by the terminal operator must be open for use for that purpose by all *vessels* using the terminal.

### **93. Discharge or dumping in a port of sewage or residue water as a result of hatch or tank cleaning**

- (1) No *vessel* may discharge or dump sewage into *port* waters or any part of the *port* except into a facility dedicated for that purpose.
- (2) No *vessel* may discharge or dump residue water into *port* waters as a result of hatch or tank cleaning without the written permission of the *Harbour Master*. The *Harbour Master* may impose conditions upon the granting of his or her permission.

### **94. Removal of vessels having offensive matter on board**

- (1) The *Harbour Master* may order the removal of a *vessel* from a *port* if that *vessel* has *cargo* or other matter on board that may be a threat to the environment.
- (2) At the expense of the *owner or master* of the *vessel*, the *Harbour Master* may order that the *cargo* or other matter be disposed of.

### **95. The emission of fumes or smoke**

- (1) The *master* of a *vessel* in a *port* must take all necessary precautions to avoid the emission of excessive fumes or smoke from his or her *vessel*.
  - (2) No *master* of a *vessel* in a *port* may permit the emission of fumes, smoke or atmospheric pollutants from the *vessel* that violates the National Environment Management: Air Quality Act No. 39 of 2004 or any other applicable law.
  - (3) The provisions of sub-rule (2) do not apply —
    - (a) to smoke emanating from a *vessel* within 5 minutes during the start-up period;
    - (b) while the smoke-producing appliance is being overhauled if the emission cannot reasonably be prevented; or
    - (c) during the period of any breakdown or disturbance of an appliance.
  - (4) All persons must comply with the applicable legislation relating to pollution, including the National Environmental Management: Air Quality Act No. 39 of 2004.
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#### **96. Protection of animals, birds, fish and plants**

Subject to rule 83 and any lease, licence or agreement with the *Authority* regulating pest control, no person may collect, use, remove or relocate any animal, bird, fish or plant that is within the *port* unless the *Authority* has authorised this in *writing*.

#### **97. Burials**

No dead persons or carcasses of any kind may be buried within waters of the *port*.

### **CHAPTER 5: WORKING OF VESSELS AND DANGEROUS AND FLAMMABLE GOODS HANDLING**

#### **PART A: WORKING OF VESSELS**

#### **98. Working of vessels may be refused**

The *Harbour Master* may, in the interests of safety, security, good order and the protection of the environment, impose conditions upon the handling of goods, including *dangerous goods*, and may refuse to allow such goods to be landed from a *vessel* until –

- (a) a suitable wharf, shed, quay, or other accommodation is available for the goods; or
- (b) arrangements to the satisfaction of the *Harbour Master* have been made for the removal and storage of the goods.

#### **99. The master or his or her delegatee to supervise and to protect all persons during the handling of *cargo***

- (1) The *master* or his or her delegatee must remain on board the *vessel* whilst it is loading or discharging *cargo*, which includes containers, for the purpose of supervising these operations.
- (2) The *master* may only delegate the supervision of the loading or discharge operations to a suitably qualified person.
- (3) The *master* must take all reasonable steps to ensure the safety and protection of all persons working aboard the *vessel* during the loading or discharge operations.

#### **100. Prevention of *cargo* and vessel's gear falling into a port**

- (1) The *master* of a *vessel* that is loading or discharging *cargo* must ensure, in accordance with best practice, that all measures are taken to prevent *cargo* or the vessel's gear from falling into the water.
- (2) If measures to the satisfaction of the *Harbour Master* have not been put in place, the *Harbour Master* may suspend the working of the *vessel* until satisfactory measures are put in place.

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### **101. Reporting about *cargo* and vessel's gear that has fallen into the port**

- (1) The *master* must immediately and fully report to the *Harbour Master* about any *cargo* or *vessel's gear* that is dropped overboard as soon as the *master* becomes aware of it.
- (2) The *master* must provide the *Harbour Master* with any particulars that the *Harbour Master* requires.

### **102. Recovery of *cargo* or vessel's gear that has fallen overboard**

- (1) The *master* of the *vessel* must immediately cause the *cargo* or *vessel's gear* that has fallen overboard to be recovered as soon as is reasonably possible.
- (2) The *master* of the *vessel* must abide by the *Harbour Master's* directives regarding the recovery.
- (3) If the *vessel* fails to recover the *cargo* or vessel's gear that has fallen overboard, the *Harbour Master* may direct another person to recover it, and the *owner* or *master* of a *vessel* will be liable for the costs associated with the recovery of the *cargo* or vessel's gear that has fallen overboard.
- (4) The terminal operator or any *port* service provider must ensure that any *cargo*, *cargo* handling or packing materials or oil-spills that have fallen on the quayside or terminal of any part of the *port* are removed, failing which the *Harbour Master* may arrange for its removal at the expense of the responsible person.

### **103. Mechanical handling appliances**

- (1) A *vessel* berthed near or under the mechanical handling appliances must have sufficient crew on board ready to *shift* the *vessel* at any hour, day or night, as or when directed by the *Harbour Master*.
- (2) The *Harbour Master* may *shift* the *vessel* at the expense of the *owner* or *master* of the *vessel*, if the *vessel* fails to comply with the *Harbour Master's* directives.
- (3) Operators of mechanical or other *cargo*-handling appliances or installations may not cause the booms, chutes, loading gantries or other appurtenances to be lowered, to protrude or to be so positioned so as to cause an obstruction on a berth or over the water.
- (4) The *Harbour Master* may grant an exception to sub-rule (3) and may impose conditions in the interests of safety, security, good order and the protection of the environment.

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**PART B: HANDLING OF DANGEROUS GOODS**

**104. Compliance with other legislation and *industry guidelines***

- (1) All persons must comply with the applicable legislation relating to dangerous and flammable liquids in bulk and in containers, including the Explosives Act No. 26 of 1956 and any regulations promulgated under that Act.
- (2) All persons involved in the handling of *dangerous goods* must comply with the standards, procedures, practices and requirements set out in the *industry guidelines*, as amended from time to time, including:
  - (a) The International Safety Guide for Oil Tankers and Terminals (presently in its fifth edition);
  - (b) Marine Terminals Baseline Criteria and Assessment Questionnaire;
  - (c) Liquefied Gas Handling Principles on Ships and in Terminals;
  - (d) Ship/Shore Interface: Safe Working Practice for LPG and Liquefied Chemical Gas Cargoes;
  - (e) Guidelines for the Handling, Storage, Inspection and testing of Hoses in the Field; and
  - (f) Chemical carriers entered into the CDI Scheme.
- (3) The *Harbour Master* may permit a vessel to follow a procedure or practice other than those required by the *industry guidelines*, if he or she is satisfied that the other procedure or practice is as safe as that required by the *industry guideline* and is in the interests of security, good order, the protection of the environment and the effective and efficient working of the port.
- (4) Contravention of a procedure or practice substituted pursuant to sub-rule (3) is deemed to constitute a contravention of the practice or procedure required by these rules.

**105. *Harbour Master's directives relating to dangerous goods***

- (1) The *Harbour Master* may, in the interests of safety, security, good order and the protection of the environment and at the expense of the *owner* or *master* of the *vessel* —
    - (a) approve the discharge and storage of uncontainerised, *dangerous goods* at demarcated areas in the *port* at the expense of the *owner* or *master* of the *vessel* and impose conditions upon the approval, in the interests of safety, security, good order and the protection of the environment;
    - (b) order that *dangerous goods* be discharged from a *vessel*, removed from the *port* or be otherwise disposed of, at any time of the day or night;
    - (c) order that landed *dangerous goods* —
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- (i) be returned on board the vessel from which it was landed;
  - (ii) be destroyed; or
  - (iii) be dealt with in a manner that the *Harbour Master* considers necessary and appropriate.
- (d) order that vessels having *dangerous goods* on board that are berthed alongside a wharf or jetty have sufficient *fire protection personnel* and equipment in attendance;
- (e) order that the *master of a vessel* with *dangerous goods* on board adopt precautionary measures, as the *Harbour Master* considers appropriate.
- (2) Miscellaneous class 9 dangerous substances of the *IMDG Code*, which do not need to be labelled, are exempted from the requirements of sub-rules (b) to (e).

#### **106. *Dangerous goods* landed in ISO containers**

- (1) If *dangerous goods* are landed in *ISO containers*, then the *vessel's agent* must present the terminal operator with a packing declaration before the container is landed.
- (2) The packing declaration must reflect —
- (a) the correct technical name;
  - (b) mass;
  - (c) the UN number;
  - (d) *IMDG Code* class of each consignment in the container; and
  - (e) a declaration that —
    - (i) the container is fit to transport this kind of *dangerous goods*;
    - (ii) the *cargo* is adequately secured in the container; and
    - (iii) no other *cargo* known to be incompatible with the *dangerous goods* has been placed in the container.
- (3) The packing declaration must accompany the container to its final destination.
- (4) If *dangerous goods* are to be shipped in *ISO containers*, the packing station must provide a packing declaration as stipulated in sub-rule (2) with the loaded container. The packing declaration must accompany the container at all times and must be provided to the *owner* or the *master* of the *vessel* when the container is loaded on board.
- (5) All *ISO containers* with *IMDG Code* labels attached must be treated as though they contain *dangerous goods*.

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- (6) The *container operator* and the *agent* of the *vessel* must ensure that old *IMDG Code* labels are defaced or removed.

**107. The need for a landing, delivery, forwarding or container terminal order**

- (1) No *dangerous goods* may be landed, delivered or forwarded without the terminal operator's completed landing, delivery, forwarding or container terminal order.
- (2) If any *dangerous goods* are to be landed, delivered or forwarded without the appropriate order, the terminal operator must report this to the *Authority* immediately.
- (3) The correct type of landing, delivery, forwarding or container terminal order referred to in sub-rules (2) and (3) is governed by the *cargo's* IMDG hazardous *cargo* classification, or, if the commodity is not listed in the *IMDG Code*, by the definition of *dangerous goods* contained in the Code.

**108. Copy of packing certificate to be provided to the *Authority***

- (1) A copy of the packing certificate referred to in the Merchant Shipping (Dangerous Goods) Regulations, 1997 must be attached to the order covering the shipment and sent to the *Authority's* offices at the *port* 24 hours before the arrival of the *dangerous goods* within *port* limits. If this is not done, the *Authority* may refuse the shipment and the shipper will be liable for all costs arising from the non-compliance with this requirement, including costs incurred in connection with the return of the *cargo*.
- (2) The *Authority* may request the correct Material Safety Data Sheet.

**109. Explosive standards**

The *Harbour Master* may issue written instructions for the shipment, handling and short-term storage of explosives in *ports*.

**PART C: HANDLING OF BULK FLAMMABLE LIQUIDS AND FLAMMABLE LIQUID CONTAINERS**

**110. Survey certificate for the carriage of flammable liquid**

- (1) Every *tanker* carrying flammable liquids that enters *port* limits must be in possession of a valid survey certificate issued by the flag state, or an authority recognised by the flag state, for the carriage of any flammable liquid.
- (2) The *Harbour Master* may refuse to allow any *tanker* that is not in possession of a valid survey certificate for the carriage of flammable liquid to enter into *port*.

**111. Vessels to operate with due regard to safety, security and the protection of the environment**

*Vessels* that convey, discharge or ship flammable liquids in bulk or during bunkering operations, or convey or discharge containers that hold or held flammable liquids, must

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conduct their operations in a safe and secure manner, and in a way that does not threaten the environment.

#### **112. Harbour Master's instructions**

- (1) In order to give effect to rule 111, the *Harbour Master* may, in the interests of safety, security and the protection of the environment, issue verbal or written instructions relating to—
  - (a) the conveyance, discharge or shipping of flammable liquids in bulk or during bunkering operations; and
  - (b) conveyance, discharge or shipping of containers that hold or held flammable liquids.
- (2) All persons to whom the instructions are directed must adhere to them.
- (3) For the purpose of any rule or written instruction that requires that a *gas free* certificate be obtained, the certificate is deemed not to have been issued until —
  - (a) both the *master* and the *Harbour Master* are in possession of duplicate originals signed by the *certified chemist*; and
  - (b) it is posted in a conspicuous place on board the *vessel* where all persons concerned can easily read it.
- (4) The *master* of a *vessel* and the terminal operator must afford every facility to the *Harbour Master* to ascertain whether any of these rules or any instruction, which is intended to give effect to any of these rules, has been and is being observed.

#### **113. Liability for costs**

- (1) All persons to whom the verbal or written instructions referred to in rule 112 are directed are jointly and severally liable for the costs of implementing those instructions.
- (2) Despite sub-rule (1) —
  - (a) the *owner* or *master* of a *vessel*, pipeline, bulk storage or other installation that discharges or allows flammable liquid or contaminated water to escape into a *port*, is liable for the costs that the *Authority* may incur in removing the flammable liquid or contaminated water;
  - (b) the *owner* or *master* of a *vessel* is responsible for the costs of *fire protection personnel*, safety measures and supervision as may be provided, taken or exercised in terms of these rules or by the direction of the *Harbour Master*; and
  - (c) if the *Harbour Master* orders the removal of a *tanker* that has flammable liquids on board from the berth at which it is lying because the *Harbour Master* is of the opinion that this is in the interests of safety or the efficiency of the *port*, the *owner* or *master* is responsible for the costs of the removal, unless otherwise agreed.

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**PART D: AGENTS, FINANCIAL SECURITY, PORT AND CARGO DUES AND CHARGES,  
AND PENALTIES**

**114. Appointment of *vessel agents***

Every *owner* of a *vessel* intending to enter a *port* in the *Republic* must appoint a *vessel agent*, unless the *Authority* grants an exemption to a *vessel*.

**115. Security to be furnished to the *Authority***

- (1) Before a *vessel* enters a *port* the *owner*, *master* or *agent* of that *vessel* must furnish security to the satisfaction of the *Authority* for the payment of any fees payable to the *Authority*.<sup>12</sup>
- (2) Despite sub-rule (1), the *Authority* may, on written application by an *agent*, and subject to conditions that it may impose, open a credit account or credit facility against which will be levied any fees or charges that may become payable by the applicant under these rules or the *Tariff Book*.

**116. Termination of *vessel agent's* mandate**

- (1) If the *vessel agent's* mandate is terminated, the *vessel agent* —
  - (a) must give the *Authority* written notice of the termination; and
  - (b) remains liable for all fees due and payable up to the expiry of the termination notice.
- (2) Upon the termination of a *vessel agent's* mandate, the *owner* or *master* of a *vessel* must appoint forthwith another *vessel agent*.

**117. Port dues, fees and fines to be paid before *vessel* departs from *port***

- (1) Before a *vessel* departs from a *port*, the *Authority* may require the *owner*, *master* or *agent* of that *vessel* to pay or provide sufficient security to the satisfaction of the *Authority*, for all *port* dues, fees, fines or any other monies owing to the *Authority* by the *vessel's owner*.
- (2) Despite anything to the contrary in these rules, the *vessel's agent* is responsible for all the *vessel's* debts that remain due to the *Authority* after the *vessel* has departed from the *port*.

**118. Manifest of *cargo***

- (1) At least one day before the arrival of a *vessel* in the *port* in respect of imported *cargo* and at least 14 days after the *vessel's* departure in respect of exported *cargo* —

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<sup>12</sup> In terms of section 73(4) of the *Act*, the *Authority* may require any person to furnish such security as it deems fit for the payment of any fee payable to the *Authority*.

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- (a) the *owner, master or agent* of a *vessel* must submit to the *Authority* a certified true copy in English of the manifest of any non-containerised, breakbulk or bulk *cargo* intended for landing or that has been shipped;
  - (b) the *container operator* must submit to the *Authority* a certified true copy in English of the manifest of any containerised *cargo* intended for landing or that has been shipped.
- (2) The manifest referred to in sub-rule (1) must include —
- (a) the *vessel's* details, voyage number, and estimated arrival and departure dates;
  - (b) its country or origin and destination;
  - (c) the *port* of loading, discharge, and trans-shipment;
  - (d) for non-containerised, breakbulk and bulk —
    - (i) the consignee and consignor names, addresses and contact details, where available;
    - (ii) the *cargo agent's* or *cargo agents'* names, addresses and contact details;
    - (iii) the bill of lading or mates receipt;
    - (iv) the marks and numbers;
    - (v) the number and description of packages or goods;
    - (vi) the commodity description of the *cargo*; and
    - (vii) the gross mass; and
  - (e) for containers —
    - (i) the consignee and consignor names, addresses and contact details, and in the case of a group consignment, all the consignee and consignor names, addresses and contact details, where available;
    - (ii) the *cargo agent's* or *cargo agents'* names, addresses and contact details;
    - (iii) the container number, size, type, status and *container operator*;
    - (iv) the commodity description of the *cargo*; and
    - (v) the gross mass.
- (3) The *container operator* must submit to the *Revenue Office* within the timeframes stipulated in the *Tariff Book* a list of empty containers intended for landing or shipping at the *port*.
- (4) The list referred to in sub-rule (3) must include —

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- (a) the *vessel's* details, voyage number, and estimated arrival and departure dates;
- (b) the *port* of loading and discharge; and
- (c) the container number, sizes, type, status and *container operator*.

#### **119. Outturn reports**

- (1) After the *vessel* has completed its working the terminal operator must submit to the relevant *Revenue Office* outturn reports in respect of all *cargo* landed, shipped or transhipped at all *port* terminals on a per *vessel* basis and within the timeframes stipulated by the *Authority*.
- (2) The outturn report referred to in sub-rule (1) must contain the —
  - (a) *vessel's* details and voyage number;
  - (b) arrival and departure dates;
  - (c) terminal indicator;
  - (d) berth indicator;
  - (e) for containerised *cargo* —
    - (i) container number, indicator, size, type and status; and
    - (ii) *container operator*; and
  - (f) for bulk and breakbulk *cargo*—
    - (i) bill of lading number or mate receipt's number, together with a commodity description of goods, number of packages and mass; and
    - (ii) *vessel's agent*.

#### **120. Cancelling *cargo* documentation**

- (1) The applicable charges for cancelling *cargo* documentation to be submitted to the *Authority* is stipulated in the *Tariff Book*.
- (2) The *Authority* may raise a charge in respect of each *cargo* document, cancelling a previously submitted *cargo* document, and the charge is due and payable at the time that the cancelling *cargo* document is delivered to the *Authority*.
- (3) The *Authority* may accept cancelling *cargo* documentation only if the *cargo owner* or his or her *agent* has signed an undertaking to pay the additional charges that are stipulated in the *Tariff Book*.

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### **121. Cargo dues**

The *Authority* may require an exporter or importer of *cargo* and the *cargo agent* appointed to act on behalf of the importer or exporter, if such an *agent* is appointed, to furnish such security as the *Authority* deems fit for the payment of *cargo dues*.

### **122. Penalties**

The *Authority* may levy penalties as stipulated in the *Tariff Book* for late submission, non-submission or cancelling of *cargo* documentation.

## **CHAPTER 6: PLEASURE VESSELS**

### **123. Application of this chapter**

This chapter applies to *pleasure vessels* only.

### **124. Permission to approach, enter into, *shift* within or leave a port**

- (1) No *pleasure vessel* may approach, enter into, *shift* within or leave a *port* without the permission of the *Harbour Master*.
- (2) The *Harbour Master* may grant, refuse, withdraw or amend the permission.

### **125. Pleasure vessels to comply with applicable legislation**

The *owner* or *master* of a *pleasure vessel* must comply with all applicable legislation, including the Merchant Shipping (Collisions and Distress Signals) Regulations, 2005 and the Merchant Shipping (Small Vessel Safety) Regulations, 2002, which apply also within a *port*.

### **126. Pleasure vessels to make way**

*Pleasure vessels* must, at all times, keep out of the way of a *vessel* navigating in any channel or other area of the *port*.

### **127. Pleasure vessels to communicate with VTS**

The *Harbour Master* may require a *pleasure vessel* to communicate their arrival and departure to Port Control.

### **128. The *Harbour Master's* restrictions on pleasure vessels**

The *owner* or *master* of any *pleasure vessel* must obey the *Harbour Master's* restrictions relating to launching, speed, and area of operations or any other restrictions determined by the *Harbour Master* in respect of *pleasure vessels* within *port* limits.

### **129. Mooring only at places assigned by the *Harbour Master***

- (1) *Pleasure vessels* may be moored only at positions assigned by the *Harbour Master*.
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- (2) No *pleasure vessel* may be beached within *port* limits except with the prior permission of the *Harbour Master*.
- (3) The *Harbour Master* may issue written instructions about where *pleasure vessels* may be beached.
- (4) No *pleasure vessel* may be made fast to a channel marking buoy, light buoy, or other navigational aid or mark provided for the safety of *vessels*.

**130. No anchoring or mooring in a channel navigable by a vessel without *Harbour Master's* permission**

- (1) No *pleasure vessel* may be anchored or moored in any channel of a *port* that is navigable by a *vessel* except with the permission of the *Harbour Master*.
- (2) If the *Harbour Master* grants a *pleasure vessel* permission to anchor or moor in a channel that is navigable by *vessels*, then the *pleasure vessel* must, at all times, not interfere with *vessels* navigating in that channel.
- (3) If, for reasons beyond the control of the *owner* or *master* of the *pleasure vessel*, a *pleasure vessel* is moored at a berth or position that has not been specifically assigned to it by the *Harbour Master*, then —
  - (a) the *owner* or *master* of the *pleasure vessel* must immediately notify the *Harbour Master* that the *pleasure vessel* is so moored; and
  - (b) the *Harbour Master* may, at the expense of the *owner* or *master* of the *pleasure vessel*, take whatever action is necessary for the maintenance of safety, security, good order and the protection of the environment.

**131. Pleasure vessels not to be *in contact* with vessels**

No *owner* or *master* of a *pleasure vessel* may permit the *pleasure vessel* to come *in contact* with a *vessel* within the *port's* limits unless the *Harbour Master* authorises this.

**132. Damage to or displacement of navigational aids**

- (1) The *owner* or *master* of a *pleasure vessel* that fouls, displaces or damages a buoy or navigational aid or mark, must —
  - (a) immediately report the incident to the *Harbour Master*;
  - (b) within 24 hours after the incident took place, submit to the *Harbour Master* a full written report setting out the circumstances of the incident; and
  - (c) provide in *writing* any particulars that the *Harbour Master* requires.
- (2) The *owner* or *master* of a *pleasure vessel* that fouls, displaces or damages a channel marking, buoy, light buoy or other navigational aid or mark is liable for all costs incurred in the replacement or repair of that channel marking, buoy, light buoy or other navigational aid or mark.

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### 133. Pleasure vessels in need of assistance

The provisions of rule 60 apply to *pleasure vessels* with the necessary changes required by the context.

### 134. Discharge of sewage in a port

No *pleasure vessel* may discharge or dump sewage into *port* waters or any part of the *port* except into a facility dedicated for that purpose.

### 135. Weapons and explosives to be locked up and disarmed

- (1) Before a *pleasure vessel* enters a *port*, the *master* of the *pleasure vessel* must ensure that all weapons and explosives on board the *pleasure vessel* are locked up in a secure place such as a gun safe and are disarmed.
- (2) Upon arrival in a *port*, the *master* of a *pleasure vessel* must declare to the *VTS* or Port Control whether any person on board his or her *pleasure vessel* is in possession of a weapon or explosives and, if so, the nature of the weapon or the explosive.

### 136. Permits for a *pleasure vessel*

- (1) No *pleasure vessel* may lie or be used in or operated from a *port* unless —
    - (a) *SAMSA*, or another authority acceptable to *SAMSA*, has granted the *owner* or *master* of the *pleasure vessel* a certificate of fitness; and
    - (b) the *Harbour Master* for that *port* has granted the *owner* or *master* of the *pleasure vessel* a permit to do so.
  - (2) The *Authority* may determine —
    - (a) the manner in which applications for permits for *pleasure vessels* are to be invited, assessed and decided;
    - (b) in the *Tariff Book*, the fees payable for application for a *pleasure vessel* permit and the permit itself;
    - (c) the qualifications and suitable criteria that applicants for a permit must meet in order to obtain a permit; and
    - (d) subject to the *Act* and these rules, including the powers of the *Harbour Master* in terms of section 74(3), the terms and conditions of the permit.
  - (3) The *Authority* may on good cause shown, refuse, suspend, withdraw or cancel a permit, provided it has followed a fair procedure before the decision is taken.
  - (4) If an *owner* or *master* of a *pleasure vessel* fails to obtain a permit, the *Harbour Master* may remove or *shift* the *pleasure vessel* at the expense of the *owner* or *master* of the *pleasure vessel*.
  - (5) The *Authority* will set out, in the *Tariff Book*, the fees, dues and fines applicable to *pleasure vessels in possession of a permit as contemplated in sub-rule (1)*.
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### **137. Visiting pleasure vessels**

*Pleasure vessels* visiting the *port* must pay port dues as stipulated in the *Tariff Book*.

### **138. Inspection of pleasure vessels**

The *Harbour Master* or any of the *Harbour Master's* staff may, in the interests of safety, security, the protection of the environment and the good order of the *port* inspect and examine the *pleasure vessel* and its equipment.

## **CHAPTER 7: SECURITY AND ACCESS**

### **139. The *Authority* is responsible for security**

Subject to the provisions of any legislation regulating other state security agencies, the *Authority* is responsible for the regulation and control of security within *port* limits.

### **140. Security officers operating in the port**

- (1) *Security officers operating within a port* must have been trained in accordance with the provisions of the ISPS Code and must be conversant with the provisions of the following documents —
    - (a) the ISPS Code;
    - (b) the Merchant Shipping (Maritime Security) Regulations, 2004; and
    - (c) any other relevant security legislation.
  - (2) The *Port Security Officer* or his or her appointee may stop and interview any *security officer operating within a port* in order to establish whether the security officer —
    - (a) has been trained in accordance with the provisions of the ISPS Code; and
    - (b) is conversant with the documents referred to in sub-rule (1) and the standard operating procedures associated with his or her work.
  - (3) In carrying out the functions contemplated in sub-rule (2), the *Port Security Officer* or his or her appointee must record in the *Authority's* Occurrence Book —
    - (a) the name of the person interviewed;
    - (b) the date when the interview took place;
    - (c) the *port* facility or the contracted private security firm to which the security personnel belongs; and
    - (d) his or her findings.
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- (4) The *Port Security Officer* or his or her appointee must discuss his or her findings with the *port* facility operator or the contracted security firm as soon as possible after the interview.
- (5) If, in the opinion of the *Port Security Officer*, it is apparent that the person interviewed is not conversant with the provisions of any or some of the documents referred to in sub-rule (1), the *Port Security Officer* must —
  - (a) bring this to the attention of the *port* facility operator or the contracted private security company to whom that security officer is associated; and
  - (b) give written notice that the deficiency be corrected within a period of one month.
- (6) If the matter is not remedied within the period specified in the notice, the *Authority* may —
  - (a) in the case of a port facility operator, report the matter to the Minister of Transport or the Director General of the Department of Transport, as may be required by relevant legislation, for appropriate action; and
  - (b) in the case of a contracted private security firm, terminate the authorisation to provide that service.

#### **141. Access permits are required for entry into a *port***

- (1) Subject to sub-rule (9), no person may enter a *port* without a valid access permit.
  - (2) The *Authority* will designate an area or areas of the *port* where a person is not required to obtain an access permit.
  - (3) The *Authority* will determine whether a permit is issued by the *Authority*, the operator of a facility within a *port*, or both.
  - (4) The *Authority* may, in respect of an access permit issued by the *Authority* —
    - (a) determine the manner in which a permit is issued;
    - (b) determine the duration for which it is valid;
    - (c) set out in the *Tariff Book*, the fees, if any, payable for access permits;
    - (d) determine the conditions of access; and
    - (e) suspend, withdraw or cancel the permit.
  - (5) The operator of a port facility may, with the approval of the *Authority*, in respect of an access permit issued by the operator —
    - (a) determine the manner in which a permit is issued;
    - (b) determine the duration for which it is valid;
    - (c) determine the conditions of access; and
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- (d) suspend, withdraw or cancel the permit.
- (6) The Authority may require the operator that issues an access permit as contemplated in sub-rule **Error! Reference source not found.**, to pay to the *Authority* the fees, if any, set out in the *Tariff Book* for access permits.
- (7) A person may be required to produce and show a valid access permit to an officer of the *Authority* or the operator of the relevant facility at any time while he or she is in the port, including at any exit point.
- (8) Despite anything to the contrary in these rules, entry into any part of a *port* or port facility within a *port* is subject to the security plans for that *port* and that port facility as provided for by the Merchant Shipping (Maritime Security) Regulations, 2004.
- (9) The master of a *vessel* must ensure that all crew members of the *vessel* have an identity document that complies with the Seafarers' Identity Documents Convention, 1958 or the Seafarers' Identity Documents Convention (Revised), 2003. The *Authority* will determine the date when it will no longer accept identity documents that are not in compliance with the Seafarers' Identity Documents Convention (Revised), 2003.
- (10) The following categories of persons may enter a *port* without an access permit —
- (a) persons authorised in terms of section 12 of the National Key Points Act No. 102 of 1980 to enter any National Key Point that is within *port* limits;
  - (b) officials who are empowered in terms of any legislation to enter a *port*;
  - (c) persons attending to emergencies, including doctors, paramedics and ambulance personnel attending to patients, fire fighters from local authorities and veterinary surgeons attending to animals.
- (11) The persons referred to in sub-rule (9) must carry a letter or card identifying the institution that they work for or identifying their membership of the relevant professional society, as the case may be.

#### **142. Compliance with the conditions of an access permit**

A person in a *port* must comply with the conditions of his or her access permit or permits, unless the person is in an area of the *port* that is designated as not requiring an access permit.

#### **143. Removal of persons and *motor vehicles* from a *port***

The *Authority* may remove or cause to be removed any person who or *motor vehicle* that fails to comply with the provisions of these rules, the *Harbour Master's* or *Authority's* instructions or the conditions of the access permit or *motor vehicle* access permit.

#### **144. Firearms**

- (1) No person may carry a firearm within a *port* unless the *Authority* has authorised that person to do so.

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- (2) The *Authority* may impose conditions upon the manner in which a firearm may be used or carried within a *port*.
- (3) Despite sub-rule (1), *vessels* that have firearms on board must comply with rule 27 and *pleasure vessels* that have firearms on board must comply with rule 135.
- (4) The provisions of this rule do not apply to members of the following organs of state who are on official business: government law enforcement agencies, including the South African Police Service (SAPS), the South African National Defence Force (SANDF), *customs* and the National Intelligence Agency (NIA).

#### **145. Entry points into a *port***

A person may only enter or leave a *port* through an entrance or exit designated by the *Authority* for that purpose.

#### **146. Motor vehicles in a *port***

- (1) A *motor vehicle* may only enter a *port* or be used in a *port* after the *Authority* has issued an access permit for that *motor vehicle*.
  - (2) Despite sub-rule (1), the *Authority* may designate an area or areas of a *port* where a *motor vehicle* is not required to obtain an access permit.
  - (3) The *Authority* will determine whether a *motor vehicle* access permit is issued by the *Authority*, the operator of a facility within a *port*, or both.
  - (4) The *Authority* may, in respect of *motor vehicle* access permits issued by the *Authority* itself—
    - (a) determine the manner in which a permit is issued;
    - (b) determine the duration for which it is valid;
    - (c) require the holder of the permit to display proof of the permit in the *motor vehicle*;
    - (d) set out in the *Tariff Book*, the fees, if any, payable for *motor vehicle* access permits;
    - (e) determine the conditions of access; and
    - (f) suspend, withdraw or cancel the permit.
  - (5) The operator of a port facility may, with the approval of the *Authority*, in respect of a *motor vehicle* access permit issued by the operator —
    - (a) determine the manner in which a permit is issued;
    - (b) determine the duration for which it is valid;
    - (c) require the holder of the permit to display proof of the permit in the *motor vehicle*;
    - (d) determine the conditions of access; and
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- (e) suspend, withdraw or cancel the permit.
- (6) The *Authority* may require the operator that issues a *motor vehicle* access permit as contemplated in sub-rule (5), to pay to the *Authority* the fees, if any, set out in the *Tariff Book* for *motor vehicle* access permits.
- (7) The categories of persons set out in rule 141(10) are not required to obtain a motor vehicle access permit.

#### **147. Rail traffic within port limits**

- (1) By virtue of section 3 of the National Railway Safety Regulator Act No. 5 of 2002, that Act applies within the *port's* limits. These rules do not derogate from that Act.
- (2) The *Authority* may, in the interest of safety, security, good order and the protection of environment, give directions to a train driver relating to the movement, stopping or parking of trains within a port.

### **CHAPTER 8: LICENCES AND REGISTRATION**

#### **148. Activities to be licensed or registered**

The *Authority* may require persons who carry out activities in the *ports* and at off-shore *cargo*-handling facilities to register or apply for a licence. These activities include —

- (a) fire protection and fire equipment installation and maintenance;
- (b) bunkering;
- (c) pollution control;
- (d) diving;
- (e) pest control; and
- (f) *vessel agents*.

#### **149. Activities requiring licensing or registration may not be carried out without a licence or registration**

If a licence or registration is required, no person may carry out an activity in a *port* or at an off-shore *cargo*-handling facility without having a licence or being registered.

#### **150. Determination of licences or registration**

The *Authority* may determine—

- (a) which activities carried out in the *ports* should be regulated by way of licence or registration;
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- (b) the manner in which applications for licences or registrations are to be invited, assessed and decided;
- (c) set out in the *Tariff Book*, the fees payable for applications for a licence or a registration, and the licence or registration itself;
- (d) the qualifications and other suitable criteria, including security clearances, that applicants for licence or registration must meet in order to be licensed or registered;
- (e) subject to the *Act* and these rules, including the powers of the *Harbour Master* in terms of section 74(3)(b), the terms and conditions of the licence or registration.

#### **151. Suspension, withdrawal or cancellation**

The *Authority* may, on good cause shown, suspend, withdraw or cancel a licence or registration provided that it has followed a fair procedure before the decision is taken.

### **CHAPTER 9: GENERAL**

#### **152. Port repair facilities**

- (1) In the interests of safety, security, good order and the protection of the environment, the *Harbour Master* may, in respect of any *port* repair facility, direct that priority be given to a *vessel* in a damaged or *unseaworthy* condition.
- (2) While in any *port* repair facility, no *vessel* may discharge effluent water, oil or refuse, except with the permission in *writing* of the *Harbour Master* or his or her appointee. The *Harbour Master* or his or her appointee may impose conditions upon the granting of permission in order to maintain safety, security, good order and the protection of the environment.

#### **153. The *Authority's* port repair facilities**

- (1) The *Harbour Master* determines the order of provision of *port* repair facility services.
- (2) In making the determination the *Harbour Master* will take into account the interests of safety, security, good order, the efficient working of the port and the protection of the environment.
- (3) The decision of the *Harbour Master* as to the use or turn of use of the *Authority's* *port* repair facility in all cases of dispute is final.

#### **154. Hot work permit**

- (1) No *hot work* may be performed on a *vessel* or *pleasure vessel* within a *port* without a permit issued by the *Harbour Master*.
- (2) No *hot work* may be performed on the shore within a *port* without a permit issued by the *Authority*.
- (3) The *Harbour Master* or the *Authority* may inspect the place where the *hot work* will be performed before it issues the permit.

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- (4) The *Harbour Master* or *Authority* may impose conditions upon the performance of the *hot work*.

#### **155. Repairs or maintenance to a vessel**

- (1) No external repairs or maintenance to a *vessel* may be carried out in a *port* except with the permission of the *Harbour Master*.
- (2) The *Harbour Master* may direct that precautionary measures be implemented or the *Harbour Master* may impose conditions upon the permission granted to ensure safety, security, good order and the protection of the environment.
- (3) If the *master* fails to comply with the *Harbour Master's* directives, the *Harbour Master* may withdraw his or her permission and order that work be stopped.
- (4) No internal repairs or maintenance to a *vessel* may be carried out in a *port* unless the *master* has —
- (a) advised the *Harbour Master* of the nature and extent of the repairs contemplated;
  - (b) obtained a *hot work permit* from the *Authority*; and
  - (c) taken adequate precautions to guard against the risk of fire occurring through or in consequence of the carrying out of the work.
- (5) If, in the opinion of the *Harbour Master*, the precautions taken are not adequate, the *Harbour Master* may order that the work be stopped until precautions to the satisfaction of the *Harbour Master* have been taken.

#### **156. Inspections and searches**

- (1) Subject to the provisions of any legislation —
- (a) the *Authority's* authorised officials may inspect and search any person, vehicle or trailer within *port* limits, including at the entry and exit points of the *port*; and
  - (b) no person may board a *vessel* within *port* limits without the permission of the *master* or person authorised by the *master*.
- (2) Despite sub-rule (1) and subject to the provisions of any applicable legislation —
- (a) the *Harbour Master* or any person authorised by the *Harbour Master* may board a *vessel* for purposes of investigating any matter related to the safety, security and protection of the environment of the *port*; and
  - (b) the *Authority's* authorised officers may board a *vessel* or enter any premises in the *port* for purposes of investigating any matter related to the safety, security and protection of the environment of the *port*.

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### **157. Fumigation of vessels**

- (1) No *master* may cause his or her *vessel* to be fumigated in a *port* except with the permission of the *Harbour Master*.
- (2) The *Harbour Master* may impose conditions upon any permission granted as contemplated in sub-rule (1), in order to maintain safety, security, good order or to protect the environment.

### **158. Late or incomplete notices**

- (1) The acceptance of a late or incomplete notice required in terms of these rules may be granted if there are special circumstances and it is in the interests of safety, security, the protection of the environment, good order and the efficient management and control of the *port*.
- (2) Application in respect of the late or incomplete notice must be sought from the *Authority* or the *Harbour Master*, as the case may be.

### **159. Advertising**

- (1) No person may, without the permission of the *Authority* —
  - (a) exhibit or cause to be exhibited any advertisement, placard, notice or sign on any land, building or structure; or
  - (b) distribute or cause to be distributed any literature within *port* limits.
- (2) No person may deface, damage or cause to be defaced or damaged any advertisement, placard, notice, or sign within *port* limits.

### **160. Prohibited actions**

- (1) No person within *port* limits may —
  - (a) for the purposes of avoiding prosecution, give a false name or address to an employee of the *Authority* on duty;
  - (b) be in a state of intoxication or behave in a threatening or violent manner;
  - (c) do anything wilfully or negligently that may cause injury to persons or damage to property or the environment;
  - (d) commit any nuisance or act of indecency or use any defamatory language;
  - (e) take photographs or film without the *Authority's* permission;
  - (f) write, draw or affix any defamatory matter upon any premises or property of the *Authority* within *port* limits;

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- (g) remove or deface the *writing* on a notice board or document set up or posted by order of the *Authority* or deface the *writing* on a board or a notice authorised by the *Authority* to be exhibited;
  - (h) obstruct or do anything likely to obstruct the authorised use of a *port* facility; and
  - (i) interfere with or hinder an employee of the *Authority* in the execution of his or her duty.
- (2) The *Authority* may exempt categories of persons from the prohibition referred to in sub-rule (1)(e).

#### **161. Dredging**

The *Harbour Master* will, as far as it is practicable and reasonably possible, ensure that the depth of the channels and the *port* is kept at a depth not less than the promulgated depths for channels, basins and berths of the *port*.

#### **162. Declaration of a wharf**

The *Authority* may at any time declare and define a certain area within the limits of the *port* to be a wharf on which *cargo* may be landed and from which *cargo* may be shipped in *vessels*.

#### **163. Breaking up and removal of wrecks in a port**

- (1) No person may break up or remove a wreck, hulk or *vessel* within *port* limits without the written permission of the *Harbour Master*.
- (2) The *Harbour Master* may impose conditions upon the granting of this permission in order to maintain safety, security, good order and the protection of the environment.
- (3) No permission will be granted unless the applicant has provided security to the satisfaction of the *Authority*, in an amount not exceeding the cost that the *Authority* estimates for breaking up and removal of the wreck.
- (4) If the applicant fails to remove every part of the wreck, hulk or *vessel* within the period stipulated by the *Authority*, the *Authority* may use the security to remove those parts of the wreck, hulk or *vessel* that have not been removed by the applicant. Any additional costs will be for the account of the applicant who undertook to remove the wreck.
- (5) This rule does not apply to historic wrecks.

#### **164. Information to be furnished by port users**

Despite the provisions of these rules, the *Authority* may request information from users of the *port* in relation to any of their activities within *port* limits and that information must be furnished to the *Authority* when requested.

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### 165. Manner in which time is to be specified

If a report or notice is made or given in terms of these rules and it requires a time to be specified, then the time must be specified in local time (UTC + 2), using the 24-hour clock system.

### 166. Changes in information to be reported

A person who provides information to the *Authority* pursuant to these rules must ensure that the *Authority* is provided with any significant change in the information as soon as it is reasonably possible.

### 167. Liability of the *Authority*

Neither the *Authority* nor an employee or a representative of the *Authority* is liable for loss or damage caused by anything done or omitted by the *Authority*, the employee or the representative in good faith whilst performing any function in terms of these rules.

### 168. Observance of other laws and conventions

The provisions of these rules do not exempt any person from the due observance of the provisions of any other law or convention that applies within a *port*.

### 169. Offences

- (1) A person is guilty of an offence if he or she contravenes rule 7, 10(e), 34(1), 64(1), 64(2), 65(2), 65(4), 66, 75(1), 76, 79,80, 820,83(1), 83(1), 85(1), 86(1), 86(2), 86(3), 86(7), 86(8), 91, 96, 97, 104, 159, 141(1), 142, 0(1), 145, 0Error! Reference source not found., 0Error! Reference source not found. to Error! Reference source not found., 0Error! Reference source not found., 149, 156(1)(1)(b), 157(1), 158 or 163.
- (2) The *master* of a *vessel* is guilty of an offence if he or she contravenes rules 16(1), 20(1), 27, 30, 36, 54Error! Reference source not found., 54(1), 55, 56, 69, 70, 72, 84(3), 84(4), 88, 93, 101(1), 154(1), 154(2), 155(1), 155(4),
- (3) The *master* of a *pleasure vessel* is guilty of an offence if he or she contravenes rule 124(1),126, 131, 132(1), 133, 135, 136(1) or 154(1).

### 170. Transitional arrangements

A licence issued by the *Authority* or permission granted, order or direction given by the *Authority* or other action lawfully taken under repealed legislation remains valid until the licence, permission, order ,direction or action expires or is suspended or cancelled in terms of the *Act* or these rules.

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**ANNEXURE 1 (RULE (1)(YY)) INSHORE VESSEL TRAFFIC SERVICES (VTS) ZONES**

<b>Item</b>	<b>Column 1</b> <i>Vessel traffic services zones</i>	<b>Column 2</b> <b>Description</b>
1	Saldanha Bay and approaches	All South African waters contained within— A. Cape Columbine 32°49'.6 S 017°50'.9 E B. 33°00'.0 S 017°30'.0 E C. 33°25'.0 S 017°45'.0 E D. Yzerfontein Point 33°21'.0 S 018°08'.6 E
2	Table Bay and approaches	All South African waters contained within— A. Bok Point 33°34'.0 S 018°18'.4 E B. 33°45'.0 S 018°02'.5 E C. 34°00'.0 S 018°10'.0 E D. Duiker Point 34°02'.4 S 018°18'.6 E
3	Port Elizabeth and approaches	A1 34°01.7' S 25°47.4' E, a line to St. Croix Island bearing 330° (T) to the shore high water mark. B1 33°54.3' S 25°50.0' E, a line to Cape Recife bearing 270° (T) to the shore high water mark.
4	Durban and approaches	A radius of 12 nautical miles from 29°50.2' S and 31°05.8' E to the shore high water mark.
5	Richards Bay and approaches	A radius of 15 nautical miles from south breakwater position 28°48.86' S and 32°05.85' E to the shore high water mark.

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