DEPARTEMENT VAN VERVOER

DIE REGULASIES BETREFFENDE BEDDEGOED, HANDDOEKE, TAFELGEREEDSKAP EN ANDER ARTIKELS VIR PERSOONLIKE GEBRUIK, 1961.

Die Minister van Vervoer het, kragtens die bepalings van subartikel (1) van artikel *driehonderd ses-en-vyftig* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), soos gewysig, die Regulasies betreffende Beddegoed, Handdoeke, Tafelgereedskap en ander Artikels vir Persoonlike gebruik soos afgekondig by Goewermentskennisgewing No. 1637 van 16 Oktober 1959, herroep en kragtens genoemde subartikel die regulasies in bygaande Bylae vervat uitgevaardig, met ingang in beide gevalle vanaf die datum van afkondiging hiervan.

BYLAE.

INHOUDSOPGAWE.

Regulasie No.

1. Opskrif van hierdie regulasies.
2. Woordbetekenis.
3. Skepe waarop hierdie regulasies van toepassing is.
4. Wat verskaf moet word en deur wie.
5. Uitsonderings.
6. Toestand van artikels wat verskaf word.
7. Inspeksies.
8. Vervanging en teruggee van artikels.
9. Geskille en klagtes.

OPSKRIF VAN HIERDIE REGULASIES.

1. Hierdie regulasies heet die Regulasies betreffende Beddegoed, Handdoeke, Tafelgereedskap en ander Artikels vir Persoonlike Gebruik, 1961.

WOORDBETEKENIS.

*2. In hierdie regulasies beteken die uitdrukking „die Wet" die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951) en, tensy uit die samehang anders blyk, het enige uitdrukking waaraan daar in die Wet 'n betekenis toegeken is, wanneer dit in hierdie regulasies gebruik word, die aldus toegekende betekenis.

SKEPE WAAROP HIERDIE REGULASIES VAN TOEPASSING IS.

3. Hierdie regulasies is van toepassing op elke Suid-Afrikaanse skip van meer as eenhonderd bruto-registerton.

WAT VERSKAF MOET WORD EN DEUR WIE.

4. (1) Die gesagvoerder van elke skip moet op koste van die eienaar van die skip elke seeman en leerling-offisier aan boord van sy skip voorsien van 'n matras en 'n voldoende hoeveelheid bedlinne, komberse, bedspreie, tafelgereedskap, handdoeke, seep en toiletpapier vir gebruik aan boord van die skip solank die seeman of leerling-offisier diens op die skip doen: Met dien verstande dat—

(*a*) wanneer sodanige artikels voorsien word, die gewoontes en gewone gebruike van blankes en nieblankes in gedagte gehou moet word; en

(*b*) wanneer komberse voorsien word, somer- en wintertoestande in aanmerking geneem moet word.

*Vir die toepassing van hierdie regulasies het die Minister die volgende amptenare as „bevoegde beamptes" in die Republiek aangewys:

Te Kaapstad, Durban, Port Elizabeth en Walvisbaai: Die Eerstebeampte van die Marine-afdeling.

Te Oos-Londen, Mosselbaai, Port Nolloth en Lüderitz: Die Koopvaardymeester.

DEPARTMENT OF TRANSPORT

THE BEDDING, TOWELS, MESS UTENSILS AND OTHER ARTICLES FOR PERSONAL USE REGULATIONS, 1961.

The Minister of Transport has, under the provisions of sub-section (1) of section *three hundred and fifty-six* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), as amended, repealed the Bedding, Towels, Mess Utensils and other Articles for Personal Use Regulations promulgated by Government Notice No. 1637, dated 16th October 1959 and has, in terms of the said sub-section, made the regulations contained in the Schedule hereto, with effect in each case from the date of promulgation hereof.

SCHEDULE.

ARRANGEMENT OF REGULATIONS.

Regulation No.

1. Title of these Regulations.
2. Interpretation.
3. Ships to Which these Regulations Apply.
4. What to be Supplied and by Whom.
5. Exceptions.
6. Condition of Articles Supplied.
7. Inspections.
8. Replacement and Return of Articles.
9. Disputes and Complaints.

TITLE OF THESE REGULATIONS.

1. These regulations are called the Bedding, Towels, Mess Utensils and other Articles for Personal Use Regulations, 1961.

INTERPRETATION.

*2. In these regulations the expression "the Act" means the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and unless the context otherwise indicates, any expression used in these regulations to which a meaning has been assigned in the Act, bears the meaning so assigned.

SHIPS TO WHICH THESE REGULATIONS APPLY.

3. These regulations shall apply to every South African ship of more than one hundred gross register tons.

WHAT TO BE SUPPLIED AND BY WHOM.

4. (1) The master of every ship shall at the expense of the owner thereof supply every seaman and apprentice-officer on board his ship with a mattress and sufficient quantities of bed linen, blankets, bedspreads, mess utensils, towels, soap and toilet paper for use on board during service in the ship: Provided that—

(*a*) in supplying such articles, the habits and usual practices of Whites and non-Whites shall be borne in mind; and

(*b*) in supplying blankets, consideration shall be had to summer and winter conditions.

*For the purposes of these regulations, the Minister has designated the following officers as "proper officers" in the Republic:

At Cape Town, Durban, Port Elizabeth and Walvis Bay: The Principal Officer of the Marine Division.

At East London, Mossel Bay, Port Nolloth and Lüderitz: The Shipping Master.

(2) Die gesagvoerder kan in die ooreenkoms met die bemanning 'n lys byvoeg van dié in paragraaf (1) vermelde artikels wat aan elke seeman en leerling-offisier verskaf word, en as so 'n lys bygevoeg word, moet die vervangwaarde van elke item daarin aangegee word.

UITSONDERINGS.

5. Die verskaffing van die artikels wat in paragraaf (1) van regulasie 4 voorgeskryf word, is nie nodig in die geval van vissersbote, robbevaarders en walvisvaarders met landbasis indien die aard van 'n besondere reis sodanig is dat dergelike artikels nie gedurende daardie reis benodig word nie.

TOESTAND VAN ARTIKELS WAT VERSKAF WORD.

6. (1) Matrasse, bedlinne, komberse, bedspreie en handdoeke moet in 'n skoon toestand verskaf word en moet van goeie gehalte wees.

(2) Koppies, pierings en borde moet van goeie gehalte wees, en messe, vurke en lepels moet van duursame metaal wees. Alle dergelike artikels moet van sodanige materiaal wees dat hulle maklik skoongemaak kan word.

INSPEKSIES.

7. (1) Die gesagvoerder moet minstens een keer elke tien dae 'n inspeksie laat hou van dié in paragraaf (1) van regulasie 4 vermelde artikels vir die doel om vas te stel of hulle skoon en in goeie toestand is. Die uitslag van so 'n inspeksie moet in die amptelike skeepsjoernaal opgeteken word.

(2) 'n Hawegesondheidsbeampte, distriksgeneesheer of ander mediese beampte van die Departement van Gesondheid in die Republiek of enige geneesheer buite die Republiek, of 'n bevoegde beampte kan dié in paragraaf (1) van regulasie 4 vermelde artikels inspekteer om vas te stel of hulle in 'n skoon en goeie toestand is.

VERVANGING EN TERUGGEE VAN ARTIKELS.

8. (1) Indien daar as gevolg van 'n inspeksie wat ooreenkomstig regulasie 7 uitgevoer word, gevind word dat 'n artikel in so 'n mate bederf is dat die vervanging daarvan noodsaaklik is, moet dit deur die gesagvoerder op koste van die eienaar van die skip vervang word indien die verslegting te wyte is aan billike slytasie. As die verslegting te wyte is aan die versuim of nalatigheid van 'n seeman of leerling-offisier, moet die prys wat vir die artikel betaal is of die vervangwaarde daarvan wat in dié in paragraaf (2) van regulasie 4 vermelde lys opgeteken is deur die seeman of leerling-offisier aan die gesagvoerder terugbetaal word.

(2) Elke artikel wat ooreenkomstig paragraaf (1) van regulasie 4 verskaf word, moet aan die gesagvoerder terugbesorg word op tye wat deur hom gespesifiseer mag word.

(3) As 'n artikel nie ooreenkomstig die bepalings van paragraaf (2) aan die gesagvoerder terugbesorg word nie of as dit nie in goeie toestand aan hom terugbesorg word nie, moet die betrokke seeman of leerling-offisier aan die gesagvoerder die prys wat vir so 'n artikel betaal is of die vervangwaarde daarvan wat in dié in paragraaf (2) van regulasie 4 vermelde lys opgeteken is, terugbetaal: Met dien verstande dat 'n seeman of leering-offisier nie verantwoordelik gehou moet word indien die artikel nie in goeie toestand terugbesorg word en die verslegting in die toestand van so 'n artikel aan billike slytasie te wyte is nie.

GESKILLE EN KLAGTES.

9. (1) Wanneer 'n geskil tussen die gesagvoerder en 'n seeman of leerling-offisier ontstaan in verband met sake wat deur hierdie regulasies gedek word, moet die saak, indien nodig, aan die bevoegde beampte vir sy beslissing voorgelê word. As die gesagvoerder, seeman of leerling-offisier nie tevrede is met die beslissing van die bevoegde beampte nie, moet die saak verwys word na die Sekretaris wie se beslissing finaal is.

(2) The master may insert in the agreement with the crew a list of the articles mentioned in paragraph (1) which are being supplied to each seaman and apprentice-officer, and if such a list is inserted it shall contain the replacement value of each item

EXCEPTIONS.

5. The supply of all the articles prescribed in paragraph (1) of regulation 4 shall not be necessary in the case of fishing, sealing and shore-based whaling boats, if the nature of a particular voyage is such that all those articles will not be required during that voyage.

CONDITION OF ARTICLES SUPPLIED.

6. (1) Mattresses, bed linen, blankets, bedspreads and towels shall be supplied in clean condition and shall be of good quality.

(2) Cups, saucers and plates shall be of good quality and knives, forks and spoons shall be of a durable metal. All such articles shall be of such material that they can be easily cleaned.

INSPECTIONS.

7. (1) The master shall at least once in every ten days cause an inspection to be made of the articles mentioned in paragraph (1) of regulation 4 for the purposes of ascertaining whether they are in a clean and good condition. The result of such inspection shall be recorded in the official log-book.

(2) A port health officer, district surgeon or other medical officer of the Department of Health in the Republic or any medical practitioner outside the Republic or a proper officer, may inspect the articles mentioned in paragraph (1) of regulation 4 to ascertain whether they are in a clean and good condition.

REPLACEMENT AND RETURN OF ARTICLES.

8. (1) If as a result of an inspection carried out under regulation 7 it is found that any article has deteriorated to such an extent that replacement is necessary, it shall be replaced by the master at the expense of the owner of the ship where such deterioration is due to fair wear and tear. Where the deterioration is due to the fault of neglect of a seaman or apprentice-officer, the price paid for such article or the replacement value recorded in the list mentioned in paragraph (2) of regulation 4, shall be refunded to the master by the seaman or apprentice-officer.

(2) Every article supplied in accordance with paragraph (1) of regulation 4 shall be returned to the master at such times as may be specified by him.

(3) If any article is not returned to the master in accordance with the provisions of paragraph (2) or if it is not returned in good condition, the seaman or apprentice-officer concerned shall refund to the master the price which he paid for such article or the replacement value recorded in the list mentioned in paragraph (2) of regulation 4: Provided that a seaman or apprentice-officer shall not be held responsible if an article is not returned in good condition, if the deterioration in the condition of such article is due to fair wear and tear.

DISPUTES AND COMPLAINTS.

9. (1) Whenever any dispute arises between a master and a seaman or apprentice-officer in regard to matters covered by these regulations the matter shall if necessary, be submitted to the proper officer for decision. If the master, seaman or apprentice-officer is not satisfied with the decision of the proper officer, the matter shall be submitted to the Secretary whose decision shall be final.

(2) Wanneer drie of meer seemanne of leerling-offisiere van mening is dat beddegoed, handdoeke, tafelgereedskap en ander artikels wat vir hul persoonlike gebruik ooreenkomstig hierdie regulasies verskaf word nie van 'n bevredigende gehalte of in 'n goeie toestand is nie, kan hulle 'n klagte daaroor by die bevoegde beampte indien. So 'n klagte wat by die bevoegde beampte ingedien word, word kragtens die bepalings van artikel *honderd twee-en-sestig* van die Wet behandel.

(2) Whenever three or more seamen or apprentice officers consider that bedding, towels, mess utensils and other articles supplied for personal use in terms of these regulations are not of satisfactory standard or of good condition, they may complain thereof to the proper officer. Such complaint made to the proper officer shall be dealt with in accordance with the provisions of section *one hundred and sixty-two* of the Act.