

GN. R. 1491  
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## RECEPTION FACILITIES FOR GARBAGE FROM SHIPS REGULATIONS, 1992

The Minister of Transport has, in terms of section 3 of the International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986), made the regulations contained in the Schedule hereto.

### SCHEDULE

#### Definitions

1. In these regulations-

**adequate**, in relation to reception facilities for garbage from ships, means adequate to receive garbage from ships using the port or terminal concerned without causing undue delay to, and according to the needs of those ships;

**harbour** means a harbour, port, roadstead, estuary, haven, doc, or other place used by ships but does not include a terminal;

**harbour authority** means a person or body having, for the time being, the management of a harbour in the Republic;

**operational wastes** includes all maintenance wastes, cargo-associated wastes and cargo residues except residues or wastes from substances which are defined or listed in other Annexes to the present Convention;

**reception facilities** means facilities into which ships may discharge garbage;

**terminal** means a terminal, jetty, pier, wharf or mono-buoy used by ships which is within a harbour but is managed by a person or body of persons other than the harbour authority for that harbour;

**terminal operator** means a person or body of persons having, for the time being, the management of a terminal.

#### Application

2. These regulations shall apply to every harbour authority or terminal operator of a harbour or terminal in the Republic of South Africa or the territorial waters thereof.

**Requirement to provide adequate reception facilities**

- 3.(1) The powers exercisable by a harbour authority or terminal operator in respect of any harbour or terminal in the Republic shall include the power to provide or to contract for the provision of reception facilities for garbage from ships using the harbour or terminal.
- (2) Subject to any direction given by the Director-General: Transport under regulation 4, a harbour authority in respect of its harbour, except any part thereof which is a terminal managed separately by a terminal operator, and a terminal operator (in respect of its terminal) shall ensure that the harbour or terminal has or is provided with adequate facilities for the reception of garbage from ships.
- (3) A harbour authority or terminal operator shall provide the Director-General: Transport with such information as he may direct in respect of any reception facilities for garbage from ships provided by the harbour authority or by arrangement with the harbour authority at its harbour or its terminal, as the case may be.

**Direction to provide adequate reception facilities**

4. Where in the case of any harbour or terminal it appears to the Director-General: Transport, after consultation with the harbour authority or terminal operator concerned, that the harbour or terminal has no adequate reception facilities for garbage from ships, the Director-General: Transport may direct the harbour authority or terminal operator in writing to provide, or to arrange for the provision of, such reception facilities as may be specified in such direction.

**Use of reception facilities**

- 5.(1) A harbour authority or terminal operator providing reception facilities for garbage from ships, or a person providing such facilities by arrangement with a harbour authority or terminal operator may impose conditions in respect of the use of such facilities.
- (2) Any such reception facilities provided by, or by arrangement with, a harbour authority or terminal operator shall, subject to the conditions imposed in terms of subregulation (1), be open to all ships which, in the opinion of the harbour authority or terminal operator, as the case may be, are using the harbour or terminal for a primary purpose other than that of utilising the reception facilities.

**Offenses and penalties**

6. Any harbour authority or terminal operator which fails to comply with any direction given under regulation 4 within the period specified in such direction, or within any extended period allowed by the Director-General: Transport, shall be guilty of an offense and punishable on conviction with a fine not exceeding R20 000.

P. J. WELGEMOED  
Minister of Transport