

GOVERNMENT NOTICE 808 OF 30 JULY 2009
(Gazette 32460, 30 July 2009)

SOUTH AFRICAN MARITIME SAFETY AUTHORITY

SOUTH AFRICAN MARITIME SAFETY AUTHORITY LEVIES ACT, 1998
(ACT No. 6 OF 1998)

DETERMINATION OF LEVIES

The South African Maritime Safety Authority, under section 44 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) and section 2 of South African Maritime Safety Authority Levies Act, 1998 (Act No. 6 of 1998), revokes the determinations published by General Notices 1608 of 9 November 2007 and has, under those sections, makes the determination in the accompanying Schedule, with effect in each case from 1 September 2009.

SCHEDULE

1 Definitions

In this determination any word or expression given a meaning in the Act has the given meaning and, unless the context indicates otherwise—

"Chief Executive Officer" has the meaning it has in section 1 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);

"coasting ship" means any ship that is a coasting ship for the purposes of liability for light dues in terms of the applicable tariffs determined by the National Ports Authority;

"commercial port" means a harbour of which Transnet Limited has become the owner in terms of section 3 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989);

"fishing vessel" means any ship used for the catching, storage or processing of fish or other living resources of the sea for financial gain or reward;

"overall length", in relation to a ship, means the distance between—

- (a) a vertical line passing through a point, being the foremost part of the stem of the ship;
and
- (b) a vertical line passing through a point, being the aftermost part of the stern of the ship;

"port" has the meaning it has in section 2(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

"sport or recreation" has the meaning it has in section 2(1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

"the Act" means the South African Maritime Safety Authority Levies Act, 1998 (Act No.6 of 1998);

"the Transnet National Ports Authority" means the Transnet National Ports Authority of South Africa, responsible for commercial ports;

"ton", in relation to a ship, means—

- (a) the gross tonnage of the ship as stated in its tonnage certificate issued in conformity with the International Convention on Tonnage Measurement of Ships, 1969; or
- (b) where the ship's tonnage certificate is not available, the ship's highest tonnage as reflected in Lloyds Register of Shipping.

2 Determination not applicable to certain ships

This determination does not apply to—

- (a) ships in distress;
- (b) ships in innocent passage;
- (c) ships used solely for sport or recreation;
- (d) ships belonging to the South African Police Service;
- (e) ships belonging to the South African National Defence Force or the defence force of another State; or
- (f) ships belonging to the National Sea Rescue Institute.

3 Imposition of levies

- (1) The Levies in the Annex are hereby imposed.
- (2) The Annex has effect according to its terms.
- (3) A levy that is payable in accordance with the Annex, is payable by the ship's owner, charterer, operator or agent.
- (4) If—
 - (a) the Authority has received an amount in respect of levy; and
 - (b) the person who paid the amount applies for a refund; and
 - (c) the amount is not due to the Authority,the Authority must refund the amount to that person.
- (5) Nothing in this paragraph prevents the collection directly by the Authority of any levy that is stated to be payable to the National Ports Authority.

4 Overdue levies

Interest at the applicable prime bank overdraft rate charged by the Authority's banker, plus one per cent, compounded monthly, is payable in respect of the outstanding balance of any levy after the due date,

5 Variation and waiver of levies

The Chief Executive Officer may reduce or waive any levy on the conditions (if any) that he or she thinks fit.

ANNEXURE
(Paragraph 3)

LEVIES

| Item | Description of ship | Rate of levy | Additional remarks |
|-------------|---|---|--|
| 1 | Ships required to hold a local safety certificate issued in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) | R13.47 per metre overall length or part thereof per calendar year or part thereof | Payable to the Authority at the same time as the charge for the initial or renewal survey of the ship for the issue of a local safety certificate, unless proof of prior payment to the National Port Authority is produced. |
| 2 | Fishing vessels not required to hold a local safety certificate issued in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) | R92.17 per 100 tons or part thereof | Payable to the National Ports Authority upon each call at a commercial port. |
| 3 | Coasting ships (not being ships referred to in item 1) | R92.17 per 100 tons or part thereof per calendar month or part thereof | (a) Payable to the National Ports Authority. (b) If a coasting ship calls at a port outside the Republic of South Africa or the Republic of Namibia, then item 4 also applies. |
| 4 | All other ships | R92.17 per 100 tons or part thereof | (a) Payable upon first entry into the territorial waters of the Republic after a voyage from a port or place outside the Republic, except in the case of a ship engaged solely in victualling or changing crew beyond port limits. (b) Payable to the National Ports Authority in the case of a ship calling at a commercial port, or to the Authority in any other case unless proof of prior payment to the National Ports Authority is produced, |

Notes:

1. To avoid doubt, the amounts in the table exclude value-added tax (VAT).
2. A levy is payable in accordance with the relative assessment issued by the Authority or the National Ports Authority, as the case may be.