

NOTICE 353 OF 2009

DEPARTMENT OF TRANSPORT

**PUBLICATION FOR PUBLIC COMMENTS: MERCHANT SHIPPING
(INTERNATIONAL OIL POLLUTION COMPENSATION FUND)
(CONTRIBUTIONS) BILL, 2009**

The Minister of Transport is hereby publishing the abovementioned draft Bill for public comments. Interested persons are requested to submit written comments on the abovementioned draft Bill by not later than 22 May 2009.

Comments should be posted to the Director-General, Department of Transport for the attention of Adv. Adam Masombuka at:

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REPUBLIC OF SOUTH AFRICA

MERCHANT SHIPPING (INTERNATIONAL OIL POLLUTION
COMPENSATION FUND) (CONTRIBUTIONS) BILL, 2009

(As introduced in the National Assembly as a section 77 Bill)

(The English text is the official text of this Bill)

(MINISTER OF FINANCE)

BILL

To impose contributions payable under the 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, and for related matters.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

PART 1

PRELIMINARY

Definitions

1. (1) In this Act, unless the context indicates otherwise—
- (i) "Authority" means the South African Maritime Safety Authority established by section 2(1) of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);
 - (ii) "Minister" means the Minister of Transport;
 - (iii) "the Convention" has the meaning it has in section 2 of the Fund Act;
 - (iv) "the Fund" has the meaning it has in section 1 of the Fund Act;

- (v) "the Fund Act" means the Merchant Shipping (International Oil Pollution Compensation Fund) Act, 2009;
- (vi) "the Republic" has the meaning it has in section 1 of the Fund Act;
- (vii) "this Act" includes the regulations made under section 17.

(2) Unless the context indicates otherwise, an expression used in this Act and in the Convention (whether or not a particular meaning is given to it by the Convention) has, in this Act, the meaning it has in the Convention.

Application of Fund Act

2. Sections 3, 4, 5, 6 and 11 of the Fund Act apply in relation to this Act in a corresponding way to the way in which they apply to the Fund Act.

PART 2

CONTRIBUTIONS TO FUND

Division 1—Imposition of contributions

Imposition of contributions

3. Contributions referred to in Article 10 of the Convention and payable to the Fund because of this Part are imposed by this section.

Division 2—Liability to make contributions

Liability to make contributions to Fund

4. (1) Article 10 of the Convention (other than subparagraph 2(b)), in so far as it relates to ports or installations in the Republic, has the force of law as part of the law of the Republic.

(2) For Article 10 of the Convention as applied by subsection (1)—

(a) reference to a port is taken to include reference to any harbour or place;

(b) the person liable to pay contributions to the Fund because of this Part is—

(i) in the case of contributing oil being imported into the Republic, the importer; and

(ii) otherwise, the person receiving the contributing oil; and

(c) a person (***the first person***) is an associated person in relation to another person (***the second person***) if, and only if—

(i) both the first person and the second person are bodies corporate; and

(ii) the first person is a subsidiary of the second person.

(3) In this section—