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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. R. 2873

15 December 2022

**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 has, under section 44 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998), revoked the determinations published by General Notice No. 243 in Government Gazette No. 44303 of 19 March 2021 and has, under that section, read with section 2 of the South African Maritime Safety Authority Levies Act, 1998 (Act No. 6 of 1998) made the determination in the accompanying Schedule, with effect in each case from 01 January 2023.

SCHEDULE**Definitions**

1. 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 carrying cargo exclusively between South African ports on a regular schedule, that is qualified as a coaster as determined by the National Ports Authority for the purposes of liability for light dues in terms of the applicable tariffs;

"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;

"levy" has the meaning it has in section 1 of the South African Maritime Safety Levies Act, 1998 (Act No. 6 of 1998);

"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);

"port limit" means the limits as prescribed in the Port Limits Regulations, 2010 issued under the National Ports Act, 2005 (Act No. 12 of 2005);

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

"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.

Determination not applicable to certain ships

2. 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.

Imposition of Levies

3. (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.

Overdue Levies

4. 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.

Variation and Waiver of Levies

5. The Chief Executive Officer or a person delegated by the Chief Executive Officer may reduce or waive any levy on the conditions, if any, that the Chief Executive Officer or delegated person thinks fit.

ANNEXURE: LEVIES			
No	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)	R 22.92 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 Ports 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)	R 156.89 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)	R 156.89 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, then item (4) applies.
4.	All other ships	R 156.89 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. (b) Ships exclusively engaged in conducting crew changes, discharging garbage, and receiving victualling, stores, spares, or a combination of all five services beyond port limits are exempt from paying levies, providing that prior permission is obtained from the Authority in the event of landing garbage. (c) Levies are payable by any ship engaged in conducting crew changes, discharging garbage and receiving victualling, stores, spares, or any other services within port limits unless a regulation 5 variation or waiver applies. (d) 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.			

