Bergrivier, South Africa

Control of Vessels and Boating Activities on the Berg River Estuary By-law, 2020

Legislation as at 23 October 2020

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Repealed

Bergrivier
South Africa

Control of Vessels and Boating Activities on the Berg River Estuary By-law, 2020

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[Repealed by Estuary Usage Zones By-law, 2024 on 11 August 2023]

WHEREAS to provide measures to manage, control and regulate the use of boating activities on sheltered waters, so as to provide for safe and environmentally sensitive recreation. To provide for the repeal of laws and savings and to provide for matters incidental thereto.

Whereas there is a need to develop legislation to govern the use of jet skis and other watercraft within the jurisdiction of the Municipality;

Now therefore the Bergrivier Municipality in terms of and under the provisions of Section 151 (1) and (2) and 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and Schedule 4B and 5B, Bergrivier Municipality enacts as follows:-

Reference was made to the Merchant Shipping Act (57/1951): Merchant-Shipping (National Small Vessels Safety) Regulations, 2007.

1. Definitions

In this By-law, except as otherwise expressly provided, or unless the context otherwise requires:-

"**Aid to Navigation**" means any device or system, external to a vessel that is designed and operated to enhance the safe and efficient navigation of vessels and/or vessel traffic;

"**authorised officer**" means a person in the employ of the Municipality, authorised by the Municipality to perform the functions of an authorised officer under this By-law or a member of the South African Police or officials appointed by CapeNature or any Enforcement Officers appointed by other institutions, such as SAMSA;

"**Bokkomlaan**" means the channel of water closest to the Piketberg road and gravel road in Zone D extending from corner of Granaat Road and Bokkomlaan (gravel road) to "Die Slot";

"**bow**" means the front part of the vessel;

"**commercial fishing**" Commercial fishing is the activity of catching fish and other seafood for commercial profit, mostly from wild fisheries. Operating from the Carinus bridge out to sea only and not upstream in the river.

"**commercial vessel**" means a vessel that is not a pleasure vessel

"**Die Slot**" is where the river narrows directly in front of the Velddrif Yacht Club on the west/east leg, before it turns to the south/north leg in Zone D; Die Slot is a no-wake zone;

"**estuary**" means the Berg River Estuary and is a body of surface water -

(a) that is part of a water course that is permanently or periodically open to the sea;

(b) in which a rise and fall of the water level as a result of the tides is measurable at spring tides when the water course is open to the sea; or

(c) in respect of which the salinity is measurably higher as a result of the influence of the sea;

"**helmsman**" means a person who steers or controls a vessel;

"**houseboat**" includes any vessel, irrespective of whether or not it is propelled under its own power, capable of being occupied by more than one person, which is equipped with facilities for day or night accommodation and on which food preparation facilities and toilet or washing facilities have been provided, operating on sheltered waters, but excludes a sailing vessel, commercial fishing vessel and a cabin vessel equipped with ablution and/or cooking facilities.

"**idling speed**" means the speed at which a vessel moves without producing any white water behind the vessel and at a maximum of ten (10) km per hour;

"**Municipality**" means the Bergrivier Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, as amended and includes any political structure, political office bearer, duly authorised agent or any employee acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

"**Municipal Manager**" means the Municipal Manager of the Municipality;

"**NSRI**" means the National Sea Rescue Institute;

"**nuisance**" means any form of interference with or encroachment on a person's right to the use and enjoyment of their vessel, or fishing experience or any disturbance to the environment, also including noise pollution and unnecessary wave action;

"**no-wake zone**" means an area in the river where the skipper or owner must operate or control a vessel at a speed so as not to cause a wake or waves in the water;

"**operate**" or "control" or any like expression, in relation to a vessel means to launch, use, sail, navigate or moor a vessel to be launched, used, sailed, navigated or moored on the river, or to have a vessel, or to permit a vessel to be, on the river;

"**passenger vessel**" means a vessel that carries more than twelve (12) passengers;

"**permission**" means the written permission of the Municipality;

"**permit**" means a permit issued by the Municipality for the vessels to operate in its area, in addition to SAMSA licences;

"**permit holder**" means the person in whose name a vessel has been registered as required in terms of this By-law;

"**person**" means a human being (natural person) or a group of human beings, a corporation, a partnership, an estate, or other legal entity (artificial person or juristic person) recognized by law as having rights and duties as related to the activities described in this By-law;

"**pleasure vessel**" means a vessel that is used solely for sport or recreation;

"**POMA**" means the Port Owen Marina Authority

"**port**" means the left side of the vessel as seen from the stern;

"**powerboat**" means a vessel propelled by means of a motor or other mechanical apparatus, either in - or outboard, irrespective of whether or not such motor or apparatus is the main source of power;

"**power-driven**", in relation to a vessel, means propelled primarily by mechanical means;

"**Personal Water Craft**" is a vessel of less than 4m in length, which uses an internal combustion engine powering a water-jet pump as its primary source of propulsion.

And is designated to be operated by a person or persons sitting, standing or Kneeling on the craft, rather than within the confines of a hull.

"**prohibited entry area**" means that entry to such area by any person except an authorised official is prohibited;

"**publish**" in respect of the provisions of Section 17(1) means:

(a) to publish a notice in the *Provincial Gazette* and a local newspaper; and

(b) to display the notice so published on the notice boards of the Municipality;

"**regulations 37**" means power-driven not exceeding (<) fifteen (15) horsepower (hp), sailing vessels of less than (<) seven (7) meters in overall length, and rowing or paddling vessels. (Human propelled vessels);

"**regulation 37 vessel**" means a vessel which is a power-driven vessel not exceeding fifteen (15) horsepower, sailing vessels of less than seven (7) metres in overall length, rowing or paddling vessels, SAMSA - Merchant Shipping National Small Vessel Safety Regulations, 2007;

"**registered vessel**" means a vessel issued with an identification number in accordance with this By-law;

"**river**" means the Berg River Estuary and river;

"**rowing vessel**" means a vessel designed to be propelled by means of oars without any mechanical assistance;

"**safety of navigation**" can be described as the process of planning, recording and controlling the movement of a vessel safely from one place to another;

"**sail**" or "underway" means when a vessel is not anchored, moored or on dry land;

"**sailing vessel**" means any vessel which is capable of being powered by wind under sail;

"**SAMSA**" means the South African Maritime Safety Authority;

"**sheltered waters**" means any of the following:

(a) A tidal lagoon or a tidal river as defined in section 1 of the Sea-Shore Act 1935 (Act No. 21 of 1935);

(b) The waters within the breakwaters of any port in the Republic; or

(c) Inland waters;

"**Small vessel**" means every commercial vessel regardless of size that is used on Inland waters; every commercial vessel under 25 gross tonnage and every pleasure vessel of less than 100 gross tonnage;

"**starboard**" means the right side of the vessel seen from the stern;

"**stern**" means the back of the vessel;

"**the Regulations**" means the Merchant Shipping Act (57/1951): Merchant Shipping (National Small Vessels Safety) Regulations, 2007

"**this By-law**" means the Bergrivier Municipality By-law Relating to the Control of Vessels and Boating Activities on the Berg River;

"**trolling**" means a method of fishing where one or more fishing lines, baited with lures or bait fish, are drawn through the water. This may be behind a moving vessel, or by slowly winding the line in when fishing from a static position, or even sweeping the line from side-to-side, e.g. when fishing from a jetty.

"**vicinity of the river**" means the properties adjacent to or in the immediate vicinity of the river;

"**visible**" means that can be seen or viewable by someone with reasonable eyesight during a dark night when the atmosphere is clear;

Repealed

"**water area**" means the area between the high water mark on both banks of the river and its mouth at any given time;

"**water ski**" means to ski or skate in the water with or without the assistance of any kind of skating apparatus and where the water-skier is towed by a vessel by means of a towing rope;

"**water-skier**" or "skier" means a person who is water-skiing; and

"**wastewater**" means water that has been used in the home, in a business, or as part of an industrial process, containing any chemical substance.

2. Purpose of By-law

The purpose of this By-law is:-

(a) to promote the achievement of a safe and healthy river and estuary environment for the benefit of visitors and the residents in the area of jurisdiction of the Municipality; and

(b) to provide for procedures, methods and practices to regulate the use and management of the Berg River Estuary and river, situated within the area of jurisdiction of the Municipality.

3. Application of this By-law

(1) This By-law applies to the Berg River Estuary and river, situated within the Municipality's jurisdiction.

(2) This By-law binds any natural or juristic person within the jurisdiction of the Bergrivier Municipality.

(3) The provisions of this By-law do not derogate from the provisions of any other legislation.

Chapter 1
Management and use of vessels on rivers

4. Operation of vessels on the river

(1) No person shall operate or control any vessel with a motor of more than 15 horsepower or exceeding seven meters in length, on the river, unless:-

(a) such vessel has been registered by the Municipality, with a permit, in accordance with Section 10 of this By-law;

(b) a permit has been issued for such vessel for that particular river where the vessel is to operate, in accordance with Section 6 and Schedule 2 of this By-law ;

(c) the permit disc issued in respect thereof is permanently displayed in a manner determined by the Municipality;

(d) the person who operates that vessel is in possession of a valid skipper's ticket (Certificate of Competence (COC)) as issued by SAMSA;

(e) in case of a commercial vessel, have in their possession the Local General Safety Certificate (LGSC) issued by SAMSA;

(f) in case of a pleasure vessel, have in their possession the Certificate of Fitness (COF) issued by SAMSA;

(g) it is operated and controlled in compliance with-

(i) the provisions concerning the safe operation of vessels on sheltered waters in terms of the Merchant Shipping Act (57/1951): Merchant Shipping (National Small Vessels Safety) Regulations, 2007; and

(ii) the usage requirements applicable to the zone in which the vessel is being operated.

(2) The threshold for vessels exempted from this registration with a permit from the Municipality are: Power-driven vessels not exceeding fifteen (15) horsepower (hp), sailing vessels of less than seven (7) metres in overall length, and rowing or paddling vessels. However, certain safety equipment is required and it must:-

(a) Have sufficient buoyancy to keep the vessel afloat when completely swamped; and

(b) Carry the safety equipment provided for in the applicable table in Annexure 2 (2) of the Merchant-Shipping (National Small Vessels Safety) Regulations, 2007.

(3) It should be noted that all foreign vessels are to be cleared through a Port of Entry (Cape Town) before entering Berg River Harbour and Berg River Estuary. Applicable section within the Regulations is:

(a) Regulation 16 (7) A skipper of a pleasure vessel who is not a permanent resident in the Republic and who holds or carries a certificate of competence or licence issued by or under the authority of a foreign government which, in terms of such government certificate or licence, authorises the skipper to operate the type of vessel is deemed, for three months after arrival in the Republic, to hold a certificate of competence in terms of these regulations, provided he or she carries such certificate with him or her; and

(b) If the vessel is being operated here for more than three (3) months then the vessel owner would need to comply with all the requirements of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007.

(4) Commercial trawlers and local fishing vessels traveling in and out to sea only. Identified as vessels issued with fishing quotas or utilised by local residents for subsistence fishing traveling in and out to sea, the following will be applicable:

(a) will be verified as a permanent local resident by the Municipality by means of a Municipal account; and

(b) once verified as mentioned above, a Transit Sticker will be applicable.

(5) No person under the age of sixteen (16) years may operate or control a vessel equipped with a motor of fifteen (15) horsepower or less, unless accompanied by an adult, who is in possession of a valid certificate of competence, at all times.

(6) Where any permit holder of a vessel as contemplated in subsection (1) allows any other person who does not possess a certificate as contemplated in subsection (1) (d), or who, in the opinion of an authorised officer, is not competent to operate or control such vessel safely or with due regard to the environment, such officer may direct the permit holder not to allow such person to operate or control such vessel.

(7) Any vessel used by a law enforcement body, the NSRI, or in an emergency Commercial fishing vessels as per definition in this By-law only, any vessel used for water sampling or other environmental sampling for the purpose of research, monitoring or any other environmental purpose by any department or organization are exempted from subsection (1) of this By-law.

(8) If a vessel, or anything towed by a vessel, runs down, fouls, moves, damages or destroys an aid to navigation, the person in charge of the vessel must immediately report the occurrence to the Municipality, which will then be further reported to CapeNature, which has jurisdiction of the area where the aid to navigation is situated.

(9) Any person who contravenes a provision of this section commits an offence.

5. Prohibited behaviour

(1) No person shall operate a vessel on the river:-

(a) in a reckless or negligent manner;

(b) while under the influence of intoxicating liquor or a narcotic drug, or while the percentage of alcohol in their blood is 0,04 or more, expressed in grams per hundred millilitres of blood;

(c) while suffering from an infirmity which renders them unfit to do so;

(d) in a manner which the authorised officer regards as dangerous to the public or to the occupants of such vessel or in a manner calculated to endanger or damage any property or facility, regard being had to all the circumstances of the case;

(e) in a manner which in the authorized officer's opinion constitutes a nuisance;

(f) without reasonable consideration for the rights of other persons using such estuary;

(g) while it is leaking oil, fuel (petrol or diesel) or any toxic or noxious substance, but excluding the reasonable amount of 2 stroke smoke;

(h) if the load or number of persons on board exceeds the carrying capacity as stated on the vessel's registration certificate or stated on the permit;

(i) if the vessel is not permitted by the Municipality as required in terms of this By-law, and the identification number issued in respect thereof is not permanently fixed in a manner determined by the Municipality; or

(j) in contravention of any use zone or management plan on the river as determined by the Municipality.

(2) No person shall in the water area without the prior written consent of the Municipality:-

(a) offer for reward or profit any show or entertainment or conduct any business or trade;

(b) keep or use any houseboat;

(c) keep or use any vessel for the transport of passengers or goods for payment or reward; or

(d) hold or arrange any race, meeting or regatta.

(3) When the Municipality grants any authority in terms of subsection (2), it may set the conditions which it sees fit in the circumstances in any particular case, to ensure the safety of the public.

(4) Any form of organised powerboat race on the water area of the estuary is prohibited.

(5) No person may, while in the water area:-

(a) use indecent, offensive or improper language;

(b) behave in an offensive, improper or disorderly manner;

(c) wilfully or negligently do anything which will cause inconvenience to any other person using the water area, or which may disturb the peace.

(6) No person may:-

(a) fish from a vessel on the river while that vessel is under motorized power, except when trolling;

(b) swim within fifteen (15) meters of either side of a slipway or boating active zone within the river;

(c) leave a vessel unattended in the water area unless it has been properly anchored, moored or removed to dry land at a safe height above the water level;

(d) use a vessel on the river as a place of permanent abode;

(e) launch a vessel at a launch site that is not a launch site approved by the applicable authority responsible for approval of launch sites;

(f) moor a vessel at any place other than a private jetty or a place indicated by the Municipality and an authorised officer or the Municipality may move such vessel or moor it at any other place without the consent of the owner if he deems it to be in the public interest and such movement shall be at the sole risk of the owner of such vessel;

(g) moor, tie up, or made fast a vessel to another vessel or to a marker, buoy or other aid to navigation;

(h) be towed behind a vessel on any apparatus where in the opinion of an authorised officer, the towing poses a danger to the user or any other river users;

(i) place any form of obstruction on or near the surface of the river;

(j) be on the bow, forward deck or gunwale of the vessel which is under way unless sufficient safety rails or guard rails have been installed;

(k) sit on the bow of the vessel when underway with their legs dangling over the water; except when assistance is being given in an emergency or when it is necessary to moor, recover or land the vessel;

(l) dive or jump from any part the of structure of a bridge crossing the river;

(m) fish from any bridge or within fifteen (15) meters either side of a slipway;

(n) scuba dive or spearfish in the river, except where scuba diving has been approved by the harbour master;

(o) leave a fishing line in the river unattended in or near a navigational channel;

(p) catch fish with a gillnet;

(q) catch fish without a licence;

(r) via the river access land in the river or the river bank unless such area is designated a recreational area by the municipality; or

(s) damage, destroy, remove, foul, reduce in or limit the effectiveness of an aid to navigation.

(7) Any person who contravenes a provision of this section commits an offence.

6. Use zones

(1) The Municipality may designate any river, or any portion of any river or estuary into usage zones for boating and/or other purposes for environmental or safety reasons and may prohibit the use or operation of any vessel in certain designated parts of the river.

(2) The Municipality may restrict the size of any motor used on any river or estuary or any part of any river or estuary.

(3) The Municipality may designate and manage public launch sites and public recreational sites along the river or estuary.

Repealed

(4) In order to exercise control over the use of the Berg River Estuary as well as recreational activities and the use of vessels on the river, the Municipality has designated the zones below, as indicated on the map Schedule 1 and the co-ordinates indicated in Schedule 2, to be used as follows-

(a) Zone A (Old Mouth Lagoon) - is a prohibited entry area;

(b) Zone B (Fishing Harbour) is a zone where:

fishing and bait collection is permitted;

water skiing is not permitted;

scuba diving is only allowed with permission from the harbour master;

the corridor in Zone B is the deepest part of the river between the Easterly (Upstream) Port Owen Marina entrance and the river mouth. It may be demarcated by buoys. Going up-river from the river mouth it follows the left river bank to the Port Owen Holding jetty from where it slowly moves across to the right river bank. In the corridor the minimum planing speed is permitted, seeing that the section of the corridor from the fish factory to the Port Owen Holding Jetty is a no-wake zone. The area outside the corridor is a no-wake zone, the Municipality may designate bank restoration zones where specific activities may be regulated to achieve the goals of estuarine management and maintenance plans, such as slowing erosion;

(c) Zone C (Carinus Multipurpose Recreation Area) - is an area where:

all forms of water sport, fishing and bait collection are permitted;

scuba diving is only allowed with permission from the harbour master; and

kiteboarding is only permitted in this zone and nowhere else on the Berg River Estuary.

(d) Zone D (Conservation Area that includes Bokkomlaan) - is a zone where:

only sailing, canoeing, board sailing, swimming and fishing is permitted. Specifically prohibited in this area are:

kiteboarding and water skiing as well as access to salt marshes and intertidal mudflats.

The corridor in Zone D is generally the center or deepest part of the river between the road bridge and the train bridge. It may be demarcated by buoys. Going up-river from the road bridge it follows the right or southern river bank past the 'De Plaat' mudflats from where it moves across to the left riverbank. In the corridor the minimum planing speed is permitted. The area outside the corridor is a no-wake zone. 'Die Slot' is a no-wake zone as per the definition, the Municipality may designate bank restoration zones where specific activities may be regulated to achieve the goals of estuarine management and maintenance plans, such as slowing erosion;

(e) Zone E (De Plaat Conservation Area) - is a prohibited entry area;

(f) Zone F (Kruispad Area) - is an area where:

all forms of water sport and fishing, except for scuba diving as defined, is permitted; and

access to intertidal mudflats, salt marshes, sand banks as well as the adjacent private land without permission is prohibited. The Municipality may designate bank restoration zones where specific activities may be regulated to achieve the goals of estuarine management and maintenance plans, such as slowing erosion;

(g) Zone G (Kliphoek multipurpose recreation area) - is an area where all forms of water sport, fishing and bait collection, except for scuba diving, are permitted;

(h) Zone H (Kersefontein/Langrietvlei recreation area) - fishing is only allowed with a permit from a registered licensed vessel and if from shore, with permission of the land owner;

(i) Zone I: North section of the Berg River of Zone I falls within the boundary of Bergrivier Municipality. The south section of the Berg River Estuary within Zone I falls within the boundary of Saldanha Bay Municipality;

(j) Zone J (Port Owen Marina) is subject to POMA rules and regulations, as amended by POMA from time to time, which rules and regulations are incorporated into the provisions of this By-law, the rules referred to here should not be in conflict with the provisions of this By-law;

(k) Tidal Zones - access from all zones to the tidal zone that includes mud flats, salt marshes and sand banks is prohibited;

(5) No person may act in contravention of the provisions of any of the designated management zones.

(6) Jet skis will only be permitted in the transition corridor between the Western (Downstream) Port Owen entrance and the sea and may travel at the minimum planing speed in a straight line only. No jet skis or water propelled craft may operate above the Westerly Port Owen entrance unless being used by a law enforcement body, the NSRI, or in an emergency. All SAMSA regulations will apply.

(7) Any person who contravenes a provision of this section commits an offence.

7. Equipment required on board a vessel

(1) No person may use any vessel on the river, unless the safety equipment provided for in the applicable table in Annexure 2 (1) and (2) of the Merchant Shipping Act (57/1951): Merchant-Shipping (National Small Vessels Safety) Regulations, 2007 is on board such vessel.

(2) Refer to Annexure 2 in the Merchant Shipping (National Small Vessel Safety Regulations) 2007, as amended. Annexure 2 contains a list of safety equipment as prescribed for each of the specified categories of vessel including Regulation 37, self-regulated vessels.

(3) All life-saving apparatus on board a vessel must be in good working condition and within easy reach for immediate and effective use.

(4) The batteries and fuel of any vessel must be kept in separate compartments and no fuel line may run through battery compartments. Both compartments must be sufficiently ventilated.

(5) Any person who contravenes a provision of this section commits an offence.

8. Rules for boating

(1) Only persons sixteen (16) years or older are allowed to operate a power-driven vessel and have to be in possession of a valid skippers licence, except for those vessels which fall under regulation 37.

(2) No person shall leave a vessel unattended in the water area, unless it has been properly anchored or moored, according to subsection (3) or removed to dry land at a safe height above the water level.

(3) No vessel may be moored or launched at any place other than that indicated or approved by the Municipality and an authorised officer or the Municipality may move any vessel or moor it at any other place without the consent of the owner if he deems it to be in the public interest. Such movement shall be at the sole risk of the owner of the vessel.

(4) No vessel shall be moored, tied up, or made fast to another vessel or to a marker, buoy or other aid to navigation.

(5) The helmsman of any vessel must ensure that he/she can at all times exercise full control over the vessel while it is under way.

(6) The helmsman of any vessel towing a line, cable or rope for any purpose whatsoever, must ensure that he/she does not thereby endanger any other person or cause any inconvenience.

Repealed

(7) No person may operate a vessel or allow it to be operated in such a manner that it endangers or creates a nuisance to any other vessel or the occupants thereof or other persons or property or installations in the water or at the water's edge including any vessels moored to any jetty.

(8) No powerboat, which is under way and no person who is water-skiing in the water area, may approach closer than ten (10) meters from any spot where people are swimming or closer than ten (10) meters from the side of the river bank or closer than ten (10) meters from any other vessel or any such other distance as determined by the Municipality unless:-

(a) circumstances are such that the said distances cannot be maintained;

(b) assistance is being given in an emergency situation; or

(c) the powerboat is fishing or any water-skier towed by it is landing or leaving the shore;

Provided that when the prescribed distances are not maintained, the powerboat must immediately reduce its speed to less than ten (10) kilometres per hour.

Provided that under circumstances where the prescribed distances cannot be maintained, the powerboat must immediately reduce its speed to less than ten (10) kilometres per hour.

(9) No person shall be on the bow, forward deck or gunwale of any powerboat which is under way unless adequate safety rails or guard rails have been installed, and no person shall jump or dive from any powerboat which is under way, except when help is being given in an emergency or when it is necessary to moor or to land the powerboat.

(10) Where it is possible, a vessel shall be piloted in such a manner that the median line of the water area shall always be on the port side of the vessel. Powerboats must move in an anticlockwise direction.

(11) A powerboat must keep clear of sailing vessels and vessels propelled by oars or paddles.

(12) In the case of powerboats, whenever two vessels approach each other head-on or approximately head-on, each must alter course to starboard in such a manner that it passes the other on its port side and, subject to the provisions of subsection (8) at such a distance and at such a speed that the wake of either of the vessels shall not endanger the other.

(13) In the case of powerboats, no vessel may pass another vessel which is proceeding in the same direction, unless it is safe to do so. Such vessel must, when it does so, pass the other vessel on the port side unless it is clearly unsafe to do so or there is insufficient room to manoeuvre, and, subject to the provisions of subsection (8), at such a distance and at such a speed that its wake shall not endanger the other vessel or any towed skier. Slower traffic should thus operate closer to the right hand side of the water area to allow as much room as possible on their port side.

(14) A vessel which is being passed shall maintain its speed and direction until the passing vessel is safely past.

(15) In the case of powerboats, whenever two vessels approach each other in a manner other than referred to in subsections (12) and (13), the vessel which has the other on its port side must maintain its speed and direction and the vessel which has the other on its starboard side must keep clear and alter course to starboard so as to pass behind the other vessel and must, if necessary, stop or reverse to avoid a collision.

(16) Whenever two sailing vessels are approaching one another in such a way as to involve risk of collision, the following right-of-way rules apply:-

(a) when each has the wind on a different side, the sailing vessel which has the wind on the port side, shall keep clear by altering course to pass behind the other, or by going about, or by stopping;

(b) when both have the wind on the same side, the sailing vessel which is to windward (upwind) must keep clear of the vessel which is to leeward (downwind); and

(c) For the purpose of this subsection, the windward side is the side opposite which the mainsail is carried.

(17) To avoid collisions, a powerboat must give way to other classes of vessels, and a rowing vessel or canoe must give way to a sailing vessel when circumstances require it, notwithstanding the provisions of subsections (11), (12), (13), (14) and (15); provided that this By-law shall not give the right to the helmsman of any vessel to unnecessarily obstruct or interfere with the course of any other vessel. It is the duty of every user of the water area to take all possible steps to avoid an accident, irrespective of whether they have right-of-way as provided for in this Section.

(18) The helmsman of any vessel must maintain a safe and cautious speed in any area where people are swimming, vessels are moored, where angling is taking place or where buoys are placed and must at all times, and especially whenever visibility is obstructed due to fog or other causes, operate the vessel under his control in such a manner that people, other vessels or other property are not endangered.

(19) No vessel may follow closer than hundred (100) meters in the wake of a water-skier and the same applies to a vessel towing a skier.

(20) Vessels leaving a slipway or jetty must give way to incoming or passing vessel

(21) Jet skis will only be permitted in the transition corridor between the Western (Downstream) Port Owen entrance and the sea and may travel at the minimum planing speed in a straight line only. No jet skis or water propelled craft may operate above the Westerly Port Owen entrance unless being used by a law enforcement body, the NSRI, or in an emergency.

(22) Except in the case of an emergency, no airplane may land in or take off from the water area.

(23) No person may use any slipway for any purpose other than launching or retrieving a vessel, unless with permission, e.g. triathlon or swimming event.

(24) No person may operate a vessel or allow it to be operated in such a manner that generates wave action that exacerbates and worsens bankside erosion.

(25) No person may operate a vessel or allow it to be operated in such a manner that excessively large waves are generated. Wave action from vessels accelerates bankside erosion and sedimentation of the estuary. In addition, estuaries are breeding grounds for fish and marine species and speeding causes large wave action.

(26) No person may be towed behind a vessel on any apparatus where in the opinion of an authorised officer, the towing of such apparatus poses a danger to the user or any other river users.

(27) No person may operate or control a vessel between the hours of one hour after sunset and one hour before sunrise up-river of Die Slot; unless in an emergency if livestock must be retrieved when they end up in the river; notwithstanding this rule, navigation lights shall at all times be on and visible, in low light, misty or dark conditions,

(28) Any person who contravenes a provision of this section commits an offence.

9. Water-skiing where permitted

(1) Water-skiing is only permitted as per the zone allocation demarcated areas as mentioned in Section 6 of this By-law.

(2) No person shall practice water-skiing on water unless an effective life-belt or other floating device is attached to his/her body.

(3) The skipper shall ensure that the vessel towing the skier is operated and controlled in compliance with Regulation 36 of the Merchant Shipping(National Small Vessel Safety) Regulations 2007.

(4) The skier shall at all times comply with the provision of Regulation 36 of the Merchant Shipping (National Small Vessel Safety) Regulations 2007, as amended.

(5) No steel or metal cable or steel wire shall be used to tow a water-skier.

(6) The helmsman of any vessel which tows a water-skier shall, before such water skier is taken in tow, ensure that the water skier is familiar with the distress signal for water-skiers, namely drawing the hand across the throat.

(7) No water-skiing is permitted between sunset and sunrise and the Municipality may also prohibit water-skiing at other times.

(8) No vessel shall tow a water-skier unless a second person older than sixteen (16) years is present in the vessel to observe the water-skier.

(9) No water-skier shall drop a water-ski except at a spot where the discarded water ski does not constitute a danger to any other water-skier or vessel.

(10) As soon as a water-skier has dropped the towline, the towing of a vessel must stop until the observer or other passenger has taken the towline on board. The vessel must then travel at slow speed to reach the place where the tow will be resumed, or to take the skier on board, or to return to the place where the skier has gone ashore, as the case may be.

(11) The operator of a vessel towing a skier must display a red flag measuring a minimum of five hundred (500) millimetres by five hundred (500) millimetres to indicate any of the following conditions:-

(a) a skier down in the water, or preparing to ski;

(b) a tow line extended from the vessel; and

(c) a ski in the water in the vicinity of the vessel.

(12) Any prohibition or instruction in terms of this By-law or any management plan may be indicated by means of a sign, which may also specify the times and hours during which such activity shall be prohibited.

(13) Any person who contravenes a provision of this section commits an offence.

Chapter 2
Permitting of vessels

10. Permitting of vessels

(1) Any person who intends to operate a powerboat, houseboat or pleasure vessel and water craft, power-driven of more than fifteen (15) horsepower, including jet-driven vessels (jet skis); but excluding self-regulated under Regulations 37 vessels (from the Regulations), on the estuary and river must apply in writing on the prescribed form to the Municipality for a permit for such a vessel.

(2) An application submitted in terms of subsection (1) must be accompanied by an application fee as determined by the Municipality.

(3) A vessel in respect of which an application for a permit has been made in terms of subsection (1), must be made available for examination by an authorised officer at a date, place and time determined by the authorised officer unless such applicant is advised by the authorised officer that such examination is not required.

(4) The Municipality may, in the interests of safety and environmental sustainability or to ensure compliance with this By-law, limit the number of vessels on the river at any given time by limiting the permits to be issued in any given year in respect of any river.

(5) The Municipality must consider an application submitted in accordance with subsection (1) and (2) and may either refuse such application or approve it with or without conditions.

Repealed

(6) The Municipality must refuse or cancel an application if it is satisfied that the operation of the vessel is or will:-

(a) be a source of pollution in the river or the vicinity of the river;

(b) cause a nuisance;

(c) constitute a danger to persons using it, or to members of the public or any section of the public;

(d) disturb or damage sensitive fauna or habitat;

(e) be inappropriate for the area and nature of the river; or

(f) create wakes or waves which may create a nuisance to riparian owners or cause unacceptable risk of damage to the environment.

(7) A permit-

(a) must specify its date of expiry and the identification number allocated to the vessel as detailed on the certificate of fitness; and

(b) is not transferable from any person to another or from one vessel to another except where an owner of a permitted vessel in terms of this By--law transfers the permit to another vessel belonging to him with the written permission of the Municipality.

(8) A permit can only be transferred when it is the same owner.

(9) The skipper of a vessel must ensure that the permit is affixed to the vessel in such a manner that it is clearly visible for inspection.

(10) If a vessel is sold and still operative within the Berg River Estuary, a new permit and sticker must be obtained, expect when it is the same owner. Only then can the permit be transferred.

(11) The owner of a permit may -

(a) request for transfer of a permit if the same owner will be the applicant for... the new vessel as well;

(b) the expiry date will be the same as the expiry date from the original permit;

(c) if the transfer is to a vessel of the same size or smaller size, the same or smaller engine capacity; no fee is charged;

(d) if the transfer is to a vessel of a longer length and greater engine capacity, the difference in fees is to be paid by the applicant.

(12) A permit application must specify the permit holder, the maximum number of persons permitted to be carried in the vessel, the type and overall length of the vessel, the maximum power of the motor, the identification number allocated to the vessel and the date of expiry of the permit.

(13) The Municipality must provide reasons in the event of it refusing to permit a vessel.

(14) The Municipality reserves the right to limit the number of permits per permit holder.

(15) Any person who contravenes a provision of this section or who makes a false declaration in any application commits an offence.

(16) The use of the river is by the owner's own risk and the Municipality will not be held liable for any injury or fatality or damage to any person or vessel or any other equipment used in the river.

Repealed

11. Automatic lapsing or cancellation of permits

(1) A permit of a vessel shall lapse automatically if such vessel has been removed by or on the authority of the Municipality in terms of Section 15(4) on account of pollution caused by the discharge of petrol or oil in the estuary and river.

(2) If the Municipality is of the opinion that a vessel no longer qualifies for permitting in terms of this By-law or in terms of any conditions on which the permit was issued, the permit may be cancelled after notice of thirty days to that effect has been given to the permit holder, at the address on the permit.

12. Cancellation of permits

(1) The Municipality may cancel any permit if:-

(a) it is satisfied that the vessel in respect of which such permit was issued is no longer seaworthy, or is a source of pollution in the vicinity of the river, or is operated in a manner which constituted a nuisance or danger to other vessels or to the public or any Section of the public;

(b) the vessel is transferred, sold or disposed of or if the Municipality is satisfied that the permit holder has ceased to exercise control over the said vessel or to supervise it;

(c) the permit holder has been convicted of an offence relating to the operation or control of a vessel in terms of this By-law; or

(d) any information provided in any application form is incorrect.

(2) If the Municipality cancels any permit in terms of this By-law, an authorised officer must forthwith notify the permit holder in writing of such cancellation, at the address appearing on the application form.

Chapter 3
Fixing of tariffs and fees

13. Fixing of tariffs, fees and levies

(1) The Municipality may determine tariffs, fees and levies for the permitting of vessels and the provision of permit discs in respect of rivers or any particular river.

(2) In fixing tariffs, fees and levies in terms of subsection (1), the Municipality may distinguish between various classes of vessels making use of the river or any facilities, or in respect of their size, method of propulsion or use, or may make any other distinctions which, in the opinion of the Municipality, are relevant in fixing such tariffs or fees.

(3) Any application for the permitting of a vessel and the use of any facilities by a vessel or for a temporary permit shall be accompanied by the prescribed fees as determined by the Municipality.

Chapter 4
Specific provisions relating to environmental protection

14. Pollution of rivers and estuaries

(1) No person may allow the discharge from any vessel of any sewerage, effluent or any other waste and wastewater into the river.

(2) No substance such as petrol, oil or any toxic or noxious substance shall be deposited or disposed of in the river.

(3) No person may throw bottles, cans, garbage or refuse of any kind whatsoever into the river or onto abutting land or any facility except in receptacles furnished for that purpose.

(4) No person shall by any act or omission, whether directly or indirectly, allow a nuisance or the creation or continuation of a source of danger, or allow any interference with the convenience or comfort of persons in the vicinity of the river.

(5) Any person fouling or polluting the river, any land adjacent thereto or any facility in connection therewith shall be guilty of an offence.

(6) Ensure compliance to the Bergrivier Municipality Solid Waste disposal By-law and the Bergrivier Municipality By-law relating to Water supply, Sanitation services and Industrial effluent and the Bergrivier Municipality By-law relating to the prevention of public nuisance and public nuisance arising from the keeping of animals.

(7) Any person who contravenes a provision of this section commits an offence.

15. Management plans for specific rivers

(1) The Municipality may compile and publish a management plan for control and use of vessels on the river in its area of jurisdiction.

(2) The Municipality may designate zones where specific activities may be regulated to achieve the goals of estuarine management and maintenance plans.

(3) The management plan contemplated in subsection (1) may provide for rules, including, but not limited to:-

(a) the use of vessels on the river and the sizes and numbers to be allowed;

(b) safety, including safety of navigation on the river;

(c) pollution of the river;

(d) erection of structures and facilities;

(e) demarcation of areas for usage;

(f) the organisation of public events and regattas; and

(g) protection of fish, bird- or animal life and vegetation.

(4) The management plan contemplated in subsection (1) must be subject to a public participation process involving communities and interest groups.

(5) The management plan contemplated in subsection (1) will, if compiled and published, become effective and the provisions of such management plan will enjoy preference in the event of any conflict with the provisions of this By--law.

(6) A person who fails to comply with any directives, conditions or rules laid down in a management plan contemplated in subsection (1) commits an offence.

Repealed

Chapter 5
Powers of authorised officers

16. Powers of authorised officers

(1) Any person who operates an unpermitted vessel on the river or contravenes any provision of this By-law, may be ordered by an authorised officer to remove such vessel forthwith from the river or cease such contravention, and non-compliance with such order shall constitute an offence.

(2) Any authorised officer shall have the right to board a vessel at any time and to inspect it for the purposes of ensuring compliance with the provisions of this By-law.

(3) Any person who is authorised in writing by the Municipality may, in the water area:-

(a) require the helmsman to produce the permit which has been issued in respect of the vessel concerned;

(b) investigate and test any vessel or part thereof or any equipment thereon in order to determine whether the vessel is suitable for navigation on or in the water and whether any particular provision of this By-law has been complied with;

(c) call for any information regarding the vessel from the helmsman and may, if the helmsman is unable to furnish the information, order him or her to remove the vessel forthwith from the water area until such time as the request can be complied with;

(d) require the helmsman to furnish his or her name and address or the name and address of the owner of the vessel and any other information required for identification purposes;

(e) require any other person in the vessel other than the helmsman, to furnish his or her name and address as well as any other information required for the identification of the helmsman or the owner of the vessel;

(f) if it appears to him or her that the helmsman of any vessel is, for whatever reason, not capable of steering the vessel or of controlling it, forbid the helmsman temporarily from continuing to steer or remain in control of the vessel and may make any arrangements which in his or her opinion are necessary or advisable for the safe disposal of the vessel;

(g) if it appears to him that the load or number of persons transported in any vessel is more than that stated on the registration certificate or more than can be transported in reasonable safety under prevailing conditions, forbid the helmsman of such a vessel to proceed until the load or the number of persons has been reduced in the manner he considers necessary or advisable;

(h) if it appears to him that any vessel or part thereof is unnavigable in or on the water, order the helmsman to remove the vessel forthwith form the water area until such time as the vessel or part thereof has been made navigable in or on the water;

(i) if it appears to him or her that any of the equipment prescribed by this By--law is not on board the vessel or in a good working condition or not easily available for immediate use on board, order the helmsman to remove the vessel forthwith from the water area until such time as all the provisions of this By-law regarding equipment have been complied with; and

(j) remove any fishing rod or line that has been left unattended from the vicinity of the river if, in his opinion, the rod or line constitutes a threat to the safety of others.

(4) No person may:-

(a) obstruct or interfere with any authorised officer whilst the latter is engaged in the execution of his duties; or

(b) refuse to furnish his or her correct name and address when requested to do so by an authorised officer.

(5) A person who contravenes any provision of subsection (4) commits an offence.

17. Removal of vessel from the river

(1) If the owner of an unpermitted vessel fails to remove such vessel from the river after having been requested to do so by the Municipality or any authorised officer, the Municipality may initiate steps to have such vessel removed.

(2) In the event of the Municipality cancelling any permit, or if any permit expires or lapses in terms of this By-law, the owner of the vessel, the permit of which has expired or lapsed or has been cancelled, shall immediately remove such vessel from the river.

(3) If the owner of a vessel, the permit of which has expired or lapsed or has been cancelled, fails to remove such vessel from the river within thirty days after such permit has expired or lapsed or after notification to him/her of the said cancellation, the Municipality may initiate steps to have such vessel removed.

(4) The Municipality may initiate steps to have any vessel in or on the river for which the fees as prescribed by the Municipality are in arrears for more than thirty days, removed from the river after written notice has been given to the owner or permit holder.

(5) If, in the opinion of the Municipality, any vessel constitutes a danger in the river or causes pollution by the discharge of petrol or oil, such vessel may be removed forthwith by the Municipality.

(6) The Municipality may recover the cost of removal from the owner.

(7) If a vessel removed from the river in terms of the provisions of this By-law is not claimed within ninety days after such removal the Municipality may seize such vessel by Court Order to claim fees in arrears.

Chapter 6
Houseboats

18. Houseboats

(1) No person may, in the river, keep or use any houseboat without the prior written approval of the Municipality.

(2) The owner of any houseboat wishing to use it on the river must apply to the Municipality by completion of the prescribed form and payment of the prescribed fee. The application must contain full details pertaining to the construction, size, and method of propulsion, intended use and area of operation. Furthermore, the applicant must satisfy the Municipality and the West Coast District Municipality's Health Department in accordance with the National Health Act, 2003 (Act no. 61 of 2003), that the houseboat has sufficient facilities to store any rubbish, waste or sewerage generated on board the houseboat.

(3) The Municipality in conjunction with the West Coast District Municipality's Health Department may request any further detail pertaining to the houseboat which it deems necessary to enable it to decide whether to grant authorisation or not.

(4) The houseboat, in respect of which the application has been made, must be submitted for examination by an authorised officer of the Municipality in conjunction with the West Coast District Municipality's Health Department, at a date, place and time appointed by the authorised officer.

(5) The Municipality, in granting authorisation to keep or use a houseboat on the river may impose such conditions as it deems necessary in the interests of safety or to limit the impact of the houseboat on other users of the river.

(6) The Municipality is entitled, at its sole discretion to limit the number of houseboats operating on the river.

(7) Any authorisation granted by the Municipality shall be valid for a period of twelve (12) months, where after it shall automatically lapse and thereafter the owner of the houseboat must re-submit an application for permission as provided herein.

(8) The owner of a houseboat used on the river must ensure that all persons operating the houseboat shall have the necessary skill to control the houseboat.

(9) No houseboat shall be allowed to remain anchored at any place on the river for a period longer than twenty four (24) hours, without the written permission from the Municipality.

(10) Every houseboat shall be required to obtain the relevant safety certification from the South African Maritime Safety Authority (SAMSA).

(11) Houseboats, both pleasure and commercial shall pay a set tariff fee and has an option of either a thirty (30) Day Permit or an Annual Permit.

Chapter 7
General provisions

19. Delegation of power

The Municipality may delegate and or transfer any powers conferred on it under this By-law with the exception of the power to levy or determine fees, to any person or persons or organisation.

20. Exemption from liability

(1) The Municipality shall not be liable for any injury which is sustained by any person using the river or any other facilities or for damage to any property thereon, whatever the cause may be.

(2) The Municipality as a whole, individual Councillors, any person in the service of the Municipality, any authorised officer or any person or organisation to whom the Municipality has delegated any powers in terms of this By-law shall not, except in the event of any wilful act or omission on the part of the Municipality or the said person or organisation, be liable for any loss or damage which results from any loss of or damage to property which is caused by or arises out of or in connection with anything which is done or performed in good faith in exercise or performance of a power or duty conferred or imposed in terms of this By-law.

21. Exemptions

(1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this By-law.

(2) The Municipality may:-

(a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;

(b) alter or cancel any exemption or condition in an exemption; or

(c) refuse to grant an exemption.

(3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under subsection (2); however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.

(4) If any condition of an exemption is not complied with, the exemption lapses immediately.

22. Appeal

A person whose rights are affected by a decision of the Municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of Section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within twenty one (21) days of the date of the notification of the decision.

23. Penalties

A person who has committed an offence in terms of this By-law is liable to a fine or upon conviction to a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and, a further amount equal to any costs and expenses found by the Court to have been incurred by the Municipality as result of such contravention or failure.

It is an offence to-

(a) Furnish false information to an authorised person in respect of any issue pertaining to this By-law;

(b) To refuse to co-operate with the request of an authorised person made in terms of this By-law; or

(c) To fail to comply with any notice issued in terms of this By-law.

24. Repeal of By-laws

The provisions of any By-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this By-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of Section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

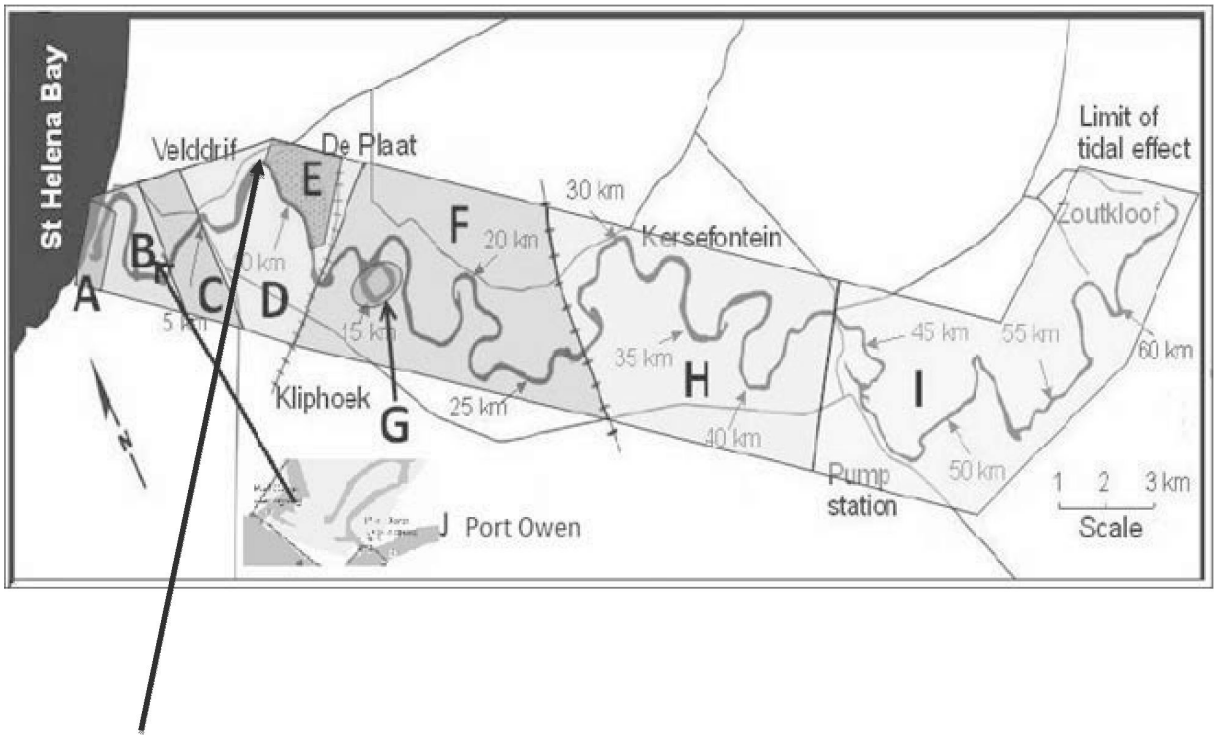
25. Short title and commencement

This By-law is called the By-law Relating to the Control of Vessels and Boating Activities on the Berg River Estuary for Bergrivier Municipality (2020), and comes into effect on the date of publication thereof in the *Provincial Gazette*.

Repealed

Schedule 1

(Section 6 (4) - Use Zones)



"Die Slot" is where the river narrows directly in front of the Velddrif Yacht Club on the west/ east leg, before it turns to the south/ north leg in Zone D; Die Slot is a no-wake zone.

Schedule 2

(Section 6 (4) - Use Zones)

The latitude and longitude co-ordinates of the points (1) to (25) in the explanation of the Zones below are contained in the table at the end of Zone I (Upper Berg estuary)

Zone A (Old Mouth Lagoon)

• Downstream (northern) boundary: a line drawn through the point (1) and point (2), situated at on the south bank of the estuary respectively where the old mouth joins the main channel.

• Lateral and upstream (southern) boundaries: A line that follows the SHWM between points (1) and (2).

Zone B (Fishing Harbour)

• Downstream boundary: a line joining point (3) situated on the southern bank of the estuary and point (4) situated on the northern bank of the estuary.

• Upstream boundary: a line joining point (5) situated on the north bank of the estuary and point (6) situated on the south bank of the estuary opposite the mouth of the Port Owen Marina.

• Lateral boundary (N): A line that follows the SHWM linking point (4) with point (7), a straight line from here to point (8) (spanning the lower entrance to the Port Owen Marina), and from here on a line following the SHWM to point (9) and from here on a straight line to point (5).

Repealed

• Lateral boundary (S): A line that follows the SHWM linking point linking point (3) with point (1), a straight line from here to point (2), and following the SHWM from here to point (6).

Zone C (Carinus Multipurpose Recreation Zone)

• Downstream boundary: As for Zone B upstream boundary.

• Upstream boundary: a straight line joining point (10) and point (11)

• Lateral boundary (N): A line that follows the SHWM linking point linking points (5) and (10).

• Lateral boundary (S): A line that follows the SHWM linking point linking points (6) and (11).

Zone D (Conservation Area)

• Downstream boundary: As for Zone C upstream boundary.

• Upstream boundary: a straight line joining point (12) and point (13).

• Lateral boundary (N): A line that follows the SHWM linking point linking points (10) and (12).

• Lateral boundary (S): A line that follows the SHWM linking point linking points (11) and (13).

Zone E (De Plaat Conservation Area)

• The area encircled by a line that follows the SHWM linking point linking point (14) and point (15), and a straight line joining these two points.

Zone F (Kruispad Conservation Area)

• Downstream boundary: As for Zone D upstream boundary.

• Upstream boundary: a straight line joining point (16) and point (17).

• Lateral boundary (N): A line that follows the SHWM linking point (12) with point (16).

• Lateral boundary (S): A line that follows the SHWM linking point (13) with point (18), and a straight line from here to point (19), and a line following the SHWM from here to point (20), and a straight line from here to point (21), and a line from here that follows the SHWM to point (17).

Zone G (Kliphoek multipurpose recreation zone)

• The area encircled by a line that follows the SHWM linking point linking points (18) and (21), a straight line joining points (18) and (19), and points (20) and (21), and a that follows the SHWM linking point linking points (19) and (20).

Zone H (Kersefontein/Langrietvlei recreation area)

• Downstream boundary: As for Zone F upstream boundary.

• Upstream boundary: a straight line joining point (22) and point (23.

• Lateral boundary (N): A line that follows the SHWM linking point linking points (16) and (22).

• Lateral boundary (S): A line that follows the SHWM linking point linking points (17) and (23).

Zone I (Upper Berg estuary)

• Downstream boundary: As for Zone H upstream boundary.

• Upstream boundary: a straight line joining point (24) and point (25)

• Lateral boundary (N): A line that follows the SHWM linking point linking points (22) and (24).

• Lateral boundary (S): A line that follows the SHWM linking point linking points (23) and (25).

Zone J (Port Owen Waterway that includes the Marina basin)

Repealed

• West entrance of Port Owen: A direct line between points (7) an (8)

• East entrance of Port Owen: A straight line joining point (9) and point (5)

Table of latitudes and longitudes for the points mentioned above			
Point	Latitude and longitude	Point	Latitude and longitude
(1)	32°46' 16.24"S, 018° 08' 40.50"E	(14)	32°47' 24.65"S, 018°11'49.15"E
(2)	32°46' 19.15"S, 018° 08' 52.82"E	(15)	32°48' 31.27"S, 018°11'57.68"E
(3)	32°46' 05.06"S, 018° 08' 35.59"E	(16)	32°52' 19.36"S, 018°15' 29.07"E
(4)	32°46' 06.21"S, 018° 08' 39.05"E	(17)	32°52' 23.98"S, 018°15' 28.30"E
(5)	32°47' 24.38"S, 018° 09' 15.83"E	(18)	32°49' 19.72"S, 018°12' 27.29"E
(6)	32°47' 29.00"S, 018° 09' 19.78"E	(19)	32°49' 21.67"S, 018°12' 31.55"E
(7)	32°47' 14.93"S, 018° 08' 42.34"E	(20)	32°49' 26.44"S, 018°12' 40.95"E
(8)	32°47' 16.37"S, 018° 08' 44.27"E	(21)	32°49' 26.03"S, 018°12' 45.00"E
(9)	32°47' 24.93"S, 018° 09' 13.46"E	(22)	32°54' 24.96"S, 018°20' 04.39"E
(10)	32°47' 14.12"S, 018°10' 08.74"E	(23)	32°54' 25.76"S, 018°20' 03.66"E
(11)	32°47' 16.86"S, 018°10' 08.65"E.	(24)	32°56' 23.36"S, 018°26' 06.96"E
(12)	32°49' 04.05"S, 018°11'37.65"E	(25)	32°56' 23.49"S, 018°26' 37.35"E.

Repealed

Table of latitudes and longitudes for the points mentioned above			
(13)	32°49' 05.49"S, 018°11'34.34"E.		