

REPUBLIC OF VANUATU

Maritime (Amendment) Act 2022

No. 4 of 2022

Arrangement of Sections

- 1 Amendment
- 2 Commencement

Republic of Vanuatu

Assent: 20/06/2022
Commencement: 23/06/2022

MARITIME (AMENDMENT) ACT NO. 4 OF 2022

An Act to amend the Maritime Act [CAP 131].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Maritime Act [CAP 131] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF MARITIME ACT [CAP 131]

1 References to “Commissioner” (other than references to “Deputy Commissioner”)

Delete all reference to “Commissioner” (wherever occurring), substitute "Authority”

2 References to “Deputy Commissioner” or “Deputy Commissioners”

Delete all references to “Deputy Commissioner” or “Deputy Commissioners” (wherever occurring), substitute “Assistant Commissioner” or “Assistant Commissioners”

3 Section 1 (definition of “Commissioner”)

Repeal the definition.

4 Section 1 (Interpretation)

Insert in their correct alphabetical positions:

““Assistant Commissioner” mean an Assistant Commissioner appointed under subsection 3(1);

“Authority” means the Vanuatu Maritime Safety Authority established under the Vanuatu Maritime Safety Authority Act No. 26 of 2016;”

5 Section 3

Repeal the section, substitute

“3. Assistant Commissioners

- (1) The Authority may by Order and on the approval of the Council of Ministers, appoint Assistant Commissioners.
- (2) An Assistant Commissioner is to perform the functions and exercise the powers of the Authority which have been delegated to him or her under subsection (4).
- (3) In addition to subsection (2), an Assistant Commissioner is to perform his or her functions and exercise his or her powers in any jurisdiction other than Vanuatu.
- (4) The Authority may, in writing, delegate to an Assistant Commissioner any of its functions or powers under this Act, other than the power of delegation.
- (5) The delegation may be made generally or in respect of a particular matter or class of matters.
- (6) The Authority may at any time revoke or vary a delegation.
- (7) A delegation does not prevent the Authority from performing the function or exercising the power that it has delegated.”

6 Section 4

Repeal the section.

7 After section 10

Insert

**“PART 2A – THE VANUATU INTERNATIONAL SHIPPING
REGISTRY**

**10A. Establishment of the Vanuatu International Shipping
Registry**

- (1) The Vanuatu International Shipping Registry is established.
- (2) The Registry must contain the following information:
 - (a) the details of all licences, registrations and enrolments made under this Act; and
 - (b) any other information that the Authority may require to be recorded in the Registry.
- (3) The Authority is responsible for managing and operating the Vanuatu International Shipping Registry.
- (4) The Authority must submit an annual report (including a financial report) of the Vanuatu International Shipping Registry to the Minister within 4 months after the end of each financial year.

**10B. Management and operation of the Vanuatu
International Shipping Registry**

- (1) Despite subsection 10A(3) and subject to subsection (2), the Minister may by Order and on the approval of the Council of Ministers, appoint a company to manage and operate specific affairs of the Vanuatu International Shipping Registry.
- (2) The Minister must comply with the requirements of the Government Contracts and Tenders Act [CAP 245] prior to appointing a company under subsection (1).
- (3) The Minister is to, on the approval of the Council of Minister, determine the term and conditions of an appointment made under subsection (1).

(4) A company appointed under subsection (1) is subject to the supervision of the Authority in managing and operating specific affairs of the Vanuatu International Shipping Registry.

(5) A company appointed under subsection (1) must submit an annual report (including a financial report) of the Vanuatu International Shipping Registry to the Authority by the end of each financial year.”

8 At the end of section 152

Add

“153. Savings – Certificates, licences, authorisations, permits and registrations

(1) Any certificate issued or licence, authorisation, permit granted or registration done by the Commissioner immediately prior to the commencement of this Act, remain in force for the remainder of their term as if they were issued, granted or registered by the Authority.

(2) Any certificate issued or licence, authorisation, permit granted or registration done by a Deputy Commissioner immediately prior to the commencement of this Act, remain in force for the remainder of their term as if they were issued, granted or registered by an Assistant.

(3) Any order, document or action made by the Commissioner continues in force as if it were made by the Authority.

(4) Any order, document or action made by a Deputy Commissioner continues in force as if it were made by an Assistant Commissioner.”

9 Transitional – Commissioner of Maritime Affairs

A person employed as the Commissioner of Maritime Affairs immediately before the commencement of this Act, is taken to be employed as the Commissioner of Maritime Affairs under the Vanuatu Maritime Safety Authority Act No. 26 of 2016, with the same accrued or accruing entitlements.

10 Transitional - Deputy Commissioner of Maritime Affairs

A person employed as the Deputy Commissioner of Maritime Affairs immediately before the commencement of this Act, is taken to be employed as an Assistant Commissioner under this Act, on the same terms and conditions of employment with the same accrued or accruing entitlements.