

Commencement: 4 August 2008

REPUBLIC OF VANUATU

SHIPPING (AMENDMENT) ACT NO. 12 OF 2008

Arrangement of Sections

1. Amendment
2. Commencement

REPUBLIC OF VANUATU

Assent: 12/06/2008

Commencement: 04/08/2008

SHIPPING (AMENDMENT) ACT NO. 12 OF 2008

An Act to amend the Shipping Act [CAP 53].

Be it enacted by the President and Parliament as follows:

1 Amendment

The Shipping Act [CAP 53] is amended as set out in the Schedule.

2 Commencement

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

SCHEDULE

AMENDMENTS OF THE SHIPPING ACT [CAP 53]

Section 1 (definition of approved)

Delete "Authority", substitute "Minister"

Section 1 (definition of Authority)

Repeal the definition.

3 Section 1 (definition of Minister)

Repeal the definition, substitute

"Minister" means the Minister responsible for the administration of this Act;"

4 Section 1 (definition of seaman)

After "employed" insert "or acting"

5 Subsection 2(1)

Repeal the subsection, substitute

"(1) Subject to the prior approval of the Council of Ministers, the Minister is to appoint a Principal Licensing Officer.

(2) The Principal Licensing Officer may grant licences and certificates under this Act.

(3) The Principal Licensing Officer may appoint other licensing officers to grant such licences and certificates.

(4) The Principal Licensing Officer and the licensing officers:

(a) must be employees in the Public Service; and

(b) are deemed to be leaders for the purpose of Parts 2, 3,5 and 6 of the Leadership Code Act [CAP 240]."

6 Subsection 2(2)

Renumber the subsection as (5).

7 Paragraph 3(2) (b)

Delete all the words from and including "VT 25,000" to and including " 2 months", substitute "VT100,000 or to a term of imprisonment not exceeding 3 months"

8 Section 13

Delete all the words from and including "VT 50,000" to and including "1 month", substitute "VT200, 000 or a term of imprisonment not exceeding 2 months"

9 Section 14

Delete "VT50, 000" substitute "VT500, 000"

10 Subsection 16(3)

Delete "VT100, 000" substitute "VT 500,000"

11 Subsection 17(3)

Delete "VT100, 000" substitute "VT500, 000"

12 Subsection 18(1)

Delete "VT100, 000" substitute "VT500, 000"

13 Subsection 18(2)

Delete all the words from and including "VT25, 000" to and including "2 months", substitute "VT100,000 or to a term of imprisonment not exceeding 3 months"

14 Subsection 20(5)

Delete "VT50, 000" substitute "VT500, 000"

15 After section 26

Insert

"26A Reissue of safety certificates

- (1) If a vessel is altered so as not to comply with the particulars made under section 19, the owner of the vessel must within 1 month of the date of such alteration notify the Principal Licensing Officer in writing.
- (2) The Principal Licensing Officer may require the vessel to be re-surveyed.
- (3) The owner of a vessel that is required to be re-surveyed must pay the relevant survey fee set out under Schedule 9.
- (4) The Principal Licensing Officer may reissue a safety certificate for the unexpired term of the original safety certificate if he or she is satisfied that:
 - (a) the vessel is safe; and
 - (b) the vessel has complied with the requirements of this Act.

(5) A licensing officer must keep a copy of the safety certificate reissued under this section.

(6) The Principal Licensing Officer or a licensing officer may by notice in writing to the holder of the safety certificate at any time revoke or suspend a safety certificate reissued under this section, and the notice must set out the reasons for the revocation or suspension.

16 Subsection 28 (1)

Delete "defective"

17 Subsection 29(2)

Delete all the words from and including "VT25, 000" to and including "2 months", substitute "VT100,000 or to a term of imprisonment not exceeding 3 months"

18 Section 30

Delete "Authority", substitute "Minister"

19 Subsection 32 (2)

Delete "VT300, 000" substitute "VT1, 000,000"

20 Subsection 33(1)

Delete "VT300, 000" substitute "VT500, 000"

21 Subsection 34(1)

Delete "VT500, 000" substitute "VT1, 500,000"

22 Subsection 34(2)

Delete all the words from and including "VT500,000" to and including "1 year", substitute "VT1,500,000 or to a term of imprisonment not exceeding 5 years"

23 Subsection 35(2)

Delete "VT100, 000" substitute "VT300, 000"

24 Paragraph 37(1)(f)

Delete "offensive" (first occurring)

25 Subsection 37(1)

Delete "VT100, 000" substitute "VT200, 000"

26 Subsection 38(4)

Delete "VT50, 000" substitute "VT200, 000"

27 Subsection 39(2)

Delete "VT100,000" substitute "VT300,000"

28 Subsection 41(1)

Delete all the words from and including "VT25, 000" to and including "2 months", substitute "VT100,000 or to a sentence of imprisonment not exceeding 3 months"

29 Subsection 41(2)

Delete "VT50,000", substitute "VT200,000"

30 Section 42

Delete "VT100,000" substitute "VT500,000"

31 Section 43

Delete "VT50,000", substitute "VT100,000"

32 Paragraph 45(2)(d)

Delete ".", substitute ";"

33 After paragraph 45(2)(d)

Insert

"(e) the procedure to be followed for the hearing and determination of an appeal under section 46."

34 Section 46

Repeal the section, substitute

"46 Appeal against decision of licensing officer

- (1) A person who is not satisfied with any decision of a licensing officer may appeal to the Minister within 21 days after being notified of the decision.
- (2) The Minister may affirm, vary or set aside the decision from which an appeal is made and must notify the appellant in writing of such determination."

35 After section 47

Insert

"47A Delegation

The Minister may in writing, delegate to an officer or employee of the Public Service Commission any of his or her powers, duties and functions under this Act except the power of delegation."

36 Schedule 3- Part 1

Repeal the Part, substitute

"Part 1

Fees for certificate for competency

Subsection 4(3)

Column 1	Column 2 VATU
Coxswain 3rd Class	1,500
Coxswain 2nd Class	2,000
Coxswain 1st Class	2,000
Mate Vanuatu	3,000
Master Vanuatu	3,000
Mate Pacific Is. Vanuatu	4,000
Master Pacific Is. Vanuatu	4,000
Mechanic 3rd Class	1,000
Mechanic 2nd Class	2,000
Mechanic 1st Class	2,000
Engineer 300 B.H.P	3,000
Engineer 500 B.H.P	5,000

37 Schedule 3- Part 2

Repeal the Part, substitute

"Part 2

Fees for Lost Certificate

(Section 12)

Column 1	Column 2 VATU
Coxswains and Mechanics	500
Masters, Mates and Engineers	500

"

38 Subclause 1(c) of Schedule 4

Delete "Authority" substitute "Minister"

39 Schedule 4 –Note

Delete "Vanuatu Maritime Authority", substitute "Minister"

40 Schedule 9

Repeal columns (1), (2) and (3), substitute

"

Column 1 Gross tonnage of vessel	Column (2) Fees for survey VATU	Column (3) Fees for every additional visit VATU
Less than 10 tons	7,500	750
10 and over but less than 25	10,000	1,000
25 and over but less than 50	20,000	2,000
50 and over but less than 100	30,000	3,000
100 and over but less than 150	40,000	4,000
150 and over but less than 300	50,000	5,000
300 and over but less than 500	75,000	7,500
500 and over	100,000	10,000

"