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MARITIME REGULATIONS

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THE MARITIME REGULATIONS

To provide Regulations for the better carrying into effect of the provisions of the Maritime Act, [Cap. 131].

CHAPTER 1 – GENERAL

1. Interpretation

In this Order unless the context otherwise requires:

"Act" means the Maritime Act, [Cap. 131];

“Authority” means the Vanuatu Maritime Authority established by the Vanuatu Maritime Authority Act [Cap. 253].

"Marine Casualty" means any casualty or accident involving any vessel if such casualty or accident occurs upon the territorial waters of Vanuatu, or any casualty or accident wherever occurring, where such casualty or accident involves any vessel documented under the Act;

"Marine Offence" means any act or offence contrary to the Act or any Orders thereunder.

"Oil and Mineral Service Vessel" means any vessel engaged in the search and development of oil, gas, and other minerals, or in the support thereof, but does not include vessels whose primary purpose is to transport crude oil, petroleum products, gas, or other mineral resources in bulk in their cargo tanks.

2. Records

(1) Except where otherwise provided all documents required to be submitted to the Commissioner or to a Deputy Commissioner, as the case may be under the provisions of the Act and this Order shall be submitted in duplicate, except:

(a) Mortgages and amendments or assignments thereof which shall be submitted in quintuplicate; and

(b) Mortgage satisfactions or releases or discharges which shall be submitted in quadruplicate.

(2) Upon recording or filing any document in the Office of the Commissioner or of a Deputy Commissioner or the issue of any Certificate of Permanent or Provisional Registration or of a License or Certificate for a ship's officer or a member of a ship’s crew, copies shall promptly be forwarded for duplicate filing in the Office of all other Deputy Commissioners, if any, and in the Office of the Commissioner.

3. Licenses, certificates of officers and members of crew

(1) A person holding a valid License or Certificate issued by a maritime nation and which the Commissioner or a Deputy Commissioner to whom application is made recognises, shall be entitled to an equivalent License or Certificate issued under this order.

(2) Any person not holding a License issued by a maritime nation desiring a license or certificate shall be required to pass such written, oral, or physical examination as shall from time to time be required by the Commissioner.

(a) Applicants for Deck Officer Licenses shall be examined as to their knowledge of the following subjects and such other subjects as may from time to time be required by the Commissioner:

Navigation and Position Determination
Navigational Watch Principles
International Regulations for the Prevention of Collisions at Sea
Lifesaving, Search and Rescue
Radar Equipment and Marine Navigational Aids
Meteorology and Oceanography
Ship Maneuvering and Handling

Ship Stability, Construction and Damage Control
Cargo Handling and Stowage
Ship Power Plants
Fire Prevention, Detection and Extinction
Emergency Procedures
Medical Care
Communications
Maritime Law and Regulations
Personnel Management and Training Responsibilities

(b) Applicants for Engineering Officer Licenses shall be examined as to their theoretical and practical knowledge of operational maintenance and organisational procedures relating to the following subjects and such other subjects as may from time to time be required by the Commissioner:

Marine Diesel Engines and Marine Steam Propulsion Plant
Auxiliary Machinery including Pumping and Piping Systems, Refrigeration Plant
Electrical and Control Equipment
Cargo Handling Equipment and Deck Machinery
Fault Detection and Remedial and Damage Prevention Actions
Safe Maintenance, Working Practices and Repair Procedures
Fire Prevention, Detection and Extinction
Damage Control, Life Saving Appliances and Elementary First Aid
Pollution Prevention

However, applicants for motor licenses only shall not be examined as to steam engines or shall applicants for steam licenses only be examined as to motor engines.

(c) Applicants for Radio Officer Licenses shall be examined as to their knowledge of the following subjects and such other subjects as may from time to time be required by the Commissioner:

International Regulations and Publications
Safe and Efficient Watchkeeping Procedures
Transmitting and Receiving Radio Telegraphy and Telephony Equipment
Practical Operation of Equipment
Basic Electricity and Electronics
Frequency Allocations
Provision of Radio Services in Emergencies including use of Portable and Fixed Equipment in Survival Craft and Emergency Position-Indicating Radio Beacons
Preventive Measures Relating to the Safety of Ship and Personnel in connection with Hazards from Radio Equipment
Use of the Merchant Ship Search and Rescue Manual (MERSAR) with particular reference to Radio communications
The International Code of Signals and the Standard Marine Navigational Vocabulary
Ship Position Reporting Systems and Procedures.

(d) Applicants for a Certificate of Proficiency in Survival Craft shall be examined to show their proficiency in all operations involving survival craft and other life-saving appliances; the various types of emergency situations; the principles of survival; making and acting upon correct commands relating to launching, boarding, handling and disembarking from survival craft and use of life-saving appliances.

(e) Applicants for Radar Observer Certificates shall be examined as to their knowledge of basic principles of radar observations and their applications.

(3) Certificates and Officers' Licenses of Competence issued under the provisions of this section shall be valid for a period of five years and may be renewed. Any License or Certificate may be revoked at any time upon proof of:

(a) incompetency;
(b) physical or mental disability;
(c) habitual drunkenness or drug use;
(d) willful failure to comply with the provisions of the Act or Orders thereunder;
(e) criminal conduct; or

(f) other conduct incompatible with proper performance of duties and obligations as an officer.

(4) Renewals of Licenses or Certificates shall not be granted more than one year after the expiry date of the previous License, or Certificate.

3A. Annual Tonnage Tax

There shall be an annual tonnage tax payable per vessel as follows:

Vessel of	**Amount (in dollars)**
(a) 0 to less than 15,000 net tons	0.25 per net ton
(b) 15,000 to less than 25,000 net tons	0.20 per net ton
(c) 25,000 to less than 35,000 net tons	0.15 per net ton
(d) 35,000 net tons and over	0.10 per net ton

4. Fees

(1) The following fees shall be payable -

(a) Vessel Documentation,

For issuing a Certificate of Registry (Permanent or Provisional)	$200
For the reissuing of a Certificate of Registry (Permanent or Provisional)	$150
For 3 months extension of a Provisional Certificate of Registry	$500
For documentation in connection with reregistration (but does not include issuing a Permanent or Provisional Certificate of registry)	$1,250
For issuing a Certificate of Permission to sell for reregistration	$150
For issuing a Certificate of Permission for Transfer of a Vessel and, subsequently, a Certificate of Cancellation of Registry of a Vessel	$250

(b) Recording,

For recording a Bill of Sale of a Vessel.....…….....	$50
For recording a mortgage on a vessel or vessels or any instrument whether designated an Amendment, Supplement, or otherwise relating thereto, that involves the addition of new security or the coverage of an obligation unrelated to that described in the original Mortgage, including the certification of two copies thereof	$500
For recording a Mortgage Assignment, Assumption, Amendment or Supplement (other than an Amendment or Supplement described in the paragraph immediately above), including certifying two copies thereof	$250
For recording a Mortgage Satisfaction, Release, or Discharge	$150
For any other unspecified recording or filing	$100

(c) Personnel Licensing,

For examining an applicant, and/or initial issuing of a license or certificate upon qualification:

Master, Chief Engineer	$150
Reexamination	$100
Chief Mate, 1st Assistant Engineer	$125
Reexamination	$ 85
All other officers	$100
Reexamination	$ 75
Radar Observer	$ 75
Certificate of Proficiency in Survival Craft	$ 50

for certifying transcripts of examination results	$ 35
for renewing an Officer's License -	
Prior to expiration	$ 75
Within one year after expiration	$125
for issuing a Temporary Permit under:	
section 36(3)(a) of this Order	$ 75
section 36(3)(b) of this Order	$125
for replacing a lost or destroyed License or Certificate	$ 25
for issuing Seaman's Identification documents	$ 50

(d) Certification, Authentication, Approval.

for issuing a Certificate of Ownership and Encumbrance	$ 25
for approving grain loading arrangements required under the provisions of the International Convention for Safety of Life at Sea	$125
for issuing a Marriage, Birth, Death or Burial at Sea Certificate	$ 50
for certifying Articles of Agreement	$ 25
for signing on or off Articles of Agreement, each seaman	$ 25
for certification of extract from log book	$ 25
for noting or receiving Note of Protest in duplicate, and certifying two copies thereof	$ 25
for authenticating proof of sea service	$ 25

(e) Miscellaneous,

for issuing any other unspecified certificate or document or publication, in addition to costs	$ 50
for authenticating any document not otherwise specified	$ 25
for providing certified copies of documents: for each copy of a document provided and certified	$ 25

(2) All fees and costs chargeable under this Order shall be invoiced and collected by the Commissioner or a Deputy Commissioner.

5. Appeals

(1) Any person appealing under section 15 of the Act, against a decision of a Deputy Commissioner or a Special Agent shall send a memorandum of the appeal by registered post to the Commissioner within a period of 60 days from the date of such decision, and shall send a copy thereof to the Deputy Commissioner or Special Agent concerned. All documents in support of the appeal shall be attached with the memorandum of appeal.

(2) Any person appealing under section 15 of the Act, against a decision of the Commissioner shall send a memorandum of the appeal by registered post to the Maritime Appeal Tribunal established under the Vanuatu Maritime Authority Act [Cap. 253] within a period of 60 days from the date of such decision, and shall send a copy thereof to the Commissioner. All documents in support of the appeal shall be attached with the memorandum of appeal.

6. Commitments

(1) It shall be a Marine Offence, without the approval in writing of the Commissioner or a Deputy Commissioner or any one of his authorized agents, to make, enter into or execute any commitment, agreement or arrangement whereby a Vanuatu vessel is to be made available for the use of, to be chartered or sold to, or requisitioned by, another country. The granting of such approval shall also constitute approval for making the vessel available under the terms of the said commitment, agreement or arrangement.

(2) Copies of any such proposed commitments, agreements or arrangements shall be submitted together with the application for approval, and, if approved, a true copy shall be filed with the Commissioner or the Deputy Commissioner concerned within thirty days after the formal execution of such commitment, agreement, or arrangement.

(3) This section shall not apply to day to day current commercial transactions providing for the carriage of cargo under booking contracts, contracts of affreightment, voyage charters, and time charters.

(4) In addition to any penalty that may be provided under the provisions of the Act or any Order made thereunder or these Regulations the Commissioner or the Deputy Commissioner may cancel the Certificate of Registry of the vessel of any person who fails to comply with the provisions of this section.

7. Penalties for late payment

Any tax or fee payable under the Act or Regulations made thereunder shall be paid in full. Any amount unpaid 90 days after the due date shall incur a penalty equal to 10% of the amount due for each month or part thereof for which the amount remains unpaid after the due date and the amount plus the penalty shall be payable notwithstanding any other measures which may be taken to ensure payment. The Commissioner or a Deputy Commissioner may, in their discretion, remit in whole or in part penalty payable under this section.

CHAPTER 2 – DOCUMENTATION AND IDENTIFICATION OF VESSELS

8. Conditions precedent to issuing certificates of registry

(1) In cases of the sale or transfer of a vessel which previously has been documented under another Registry and Flag, where the buyer or transferee desires to re-register the vessel under the Vanuatu Register and such vessel is immediately entitled to a Permanent Certificate of Registry, no such certificate shall be issued unless the owner, in addition to filing the documents and papers required for registration, shall file a declaration that no further consent is required from a Government of a former Registry or if such consent is required, file copies of such official consent.

(2) In all other cases no Permanent Certificate of Registry shall be issued in respect of a vessel unless:

(a) to the extent required by any international convention ratified or acceded to by Vanuatu, a valid certificate is issued by any of the Classification Societies referred to in section 9 in respect of Cargo or Passenger Ship Safety Equipment; Cargo or Passenger Ship Safety Construction; International Loadline; Tonnage Measurement; Prevention of Pollution and such other certificates as may be applicable pursuant to the referenced conventions; and

(b) all officers employed on the vessel are duly licensed under the Act or Regulations made thereunder.

(3) In any case where a vessel is acceptable in the first instance for documentation or re-registration under the Act, and is eligible for a Provisional Certificate of Registry, the owner, in addition to filing the documents for the issue of a Provisional Certificate of Registry, shall file a declaration that no further consent is required from the Government of a former Registry and Flag or, if such consent is required, file copies of such official consent.

(4) Prior to the issuance of any Provisional or Permanent Certificate of Registry the owner of each vessel shall furnish in respect of such vessel a Report of Ship's Officers in the prescribed form.

9. Authorized agents for measurement and survey of vessels

Any International Association of Classification Societies member and any other international ship classification society as may be authorized by the Commissioner or a Deputy Commissioner, is authorized as agent to measure vessels in accordance with the provisions of section 10 and for surveying vessels for the issue of the Vanuatu Certificates required to be furnished pursuant to section 8(2)(a).

10. Measurement

(1) Except as otherwise provided in this Order, measurement shall be in accordance with the regulations set forth in the International Convention on Tonnage Measurement of Ships, 1969

as from time to time amended which are hereby adopted as the standard of measurement for vessels under the Vanuatu Flag. Measurements shall be verified by an acceptable Certificate of Measurement.

(2) In cases of vessels previously documented in a foreign country and in cases of vessels never before documented but which have been measured by a representative of a foreign country, an admeasurer, without physically measuring the vessel may accept the figures contained in her latest maritime document or Certificate of Measurement (making all adjustments as may be required to make the same conform to the standard of measurement prescribed in sub-section (1)) in determining her principal measurements and gross and net tonnages; provided that the admeasurer is furnished with a declaration by the owner or some authorized person on behalf of the owner that no changes affecting measurement or tonnage have been made in the vessel since the issue of the marine document or Certificate of Measurement. In the event that such declaration shall disclose that changes affecting measurement or tonnage have been made, the admeasurer may limit his physical measurements to such spaces as are affected by such changes.

(3) The owner or Master of a vessel or person authorized to act on his behalf shall advise the Commissioner or a Deputy Commissioner of any alteration, change or construction of the vessel which could affect her classification, measurement, tonnage or load line, within 30 days from the completion of such alteration or change or construction setting forth the details thereof.

(4) Failure to notify the Commissioner or a Deputy Commissioner as required by sub-section (3) hereof shall be an offence.

11. Tonnage statements in certificates of registry

(1) Where a vessel may be used alternately as one category or another (e.g. ore carrier or tanker), the Certificate of Registry shall describe the vessel in the category which produces the highest gross and net tonnages. The Commissioner or a Deputy Commissioner may attach to the Certificate of Registry an Appendix stating separately the description of the vessel, including measurements, that would be applicable if the vessel were trading in the other category.

(2) Where a vessel is fitted with a tonnage mark and assigned dual gross and net tonnages, the length, depth and breadth stated in the Certificate of Registry shall be the dimensions for the condition with the tonnage mark submerged.

12. Contents of certificates of registry

(1) Each vessel's Permanent Certificate of Registry shall state the name of the vessel, her official number, call sign, service and home port of Port Vila; the name of the person making the required declaration; the names, residences, citizenships, and proportion of the owners of the vessel; the former name or designation of the vessel; the year and place of the build of the vessel, the name of the builder; the number of masts and decks; the material of the hull, the type of her stern and stem; the kind of her propulsion; her length, depth, breadth, and height of the uppermost deck to the hull above the tonnage deck; her gross and net tonnage or tonnages; the name of the person or agent who measured the vessel and the number and date of the Certificate of Measurement issued by such person or agent.

(2) Each vessel's Provisional Certificate of Registry shall state the name of the vessel, her official number, call sign, service and home port of Port Vila; the name of the person making the required declaration; the names, residences, citizenships, and proportion of the owners of the vessel; the month, year, and place of purchase; the former name or designation of the vessel; the year and place of build of the vessel; the name of the builder; and the best particulars with respect to her tonnage or tonnages, build, description, dimensions and motive power which the issuing officer is able to obtain.

(3) In cases where there has been a change of name or ownership of a vessel, a new Registry Certificate, Permanent or Provisional, shall be issued, and in no event shall such change or changes, be accomplished by means of endorsement of the existing ship's documents.

13. Numbers of registry certificates and licenses

The Commissioner, upon the issue of Registry Certificates and Licenses, shall assign to such documents numbers progressively, and shall as soon as possible notify all Deputy Commissioners so

that, when a License or Registry Certificate is subsequently issued by a Deputy Commissioner, the number assigned by the Deputy Commissioner will be that next following number assigned by the Commissioner. A Deputy Commissioner, upon the issue and numbering of Licenses and Registry Certificates, shall as soon as possible notify the Commissioner and other Deputy Commissioners so that the same procedure may be followed.

14. Transfer to foreign registry

(1) The owner of a vessel documented under the Act, in order to transfer the vessel to a foreign registry, or to leave the Vanuatu Registry for any other reason, shall file a written statement setting out the information specified in section 35 of the Act.

(2) A Certificate of Cancellation from the Vanuatu Registry shall be issued upon filing with the Commissioner or a Deputy Commissioner or with a Special Agent or with a Consular or Diplomatic Officer of Vanuatu acting under specific instructions from the Commissioner or a Deputy Commissioner, of the vessel's Certificate of Registry, Ship Radio Station License, Oil Record Book, Manning Certificate and, in the event that title has been transferred, a Bill of Sale in duplicate:

provided, however, that all outstanding taxes, fees and charges due under the Act or Orders thereunder have first been paid.

15. Change of name of vessel

(1) The Commissioner or a Deputy Commissioner shall not approve the application of an owner for the change of name of a vessel if the said vessel is subject to a Preferred Ship Mortgage duly recorded under section 50 of the Act unless the mortgagee has consented to, or given approval for, such change of name.

(2) It shall be an offence to change the name of a vessel without first obtaining the approval of the Commissioner or Deputy Commissioner.

16. Compliance with international conventions and agreements

(1) It shall be the responsibility of owners and Masters to ensure that their vessels are in compliance with the requirements of the following international Conventions and Agreements:

(a) **International Maritime Organisation Conventions**

Convention on the International Regulations for Preventing Collisions at Sea, 1972 as amended (1972 COLREG);

International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS (amended) 1974);

Protocol of 1978 relating to International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1978);

Protocol of 1988 relating to International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT (HSSC)1988);

International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended (STCW (amended) 1978);

International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL (amended) 73/78);

Optional Annexes III and V of MARPOL 73/78;

International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969);

Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992);

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA 1988);

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, (SUA PROT 1988);

Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL 1974);

Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL PROT 1976);

International Convention for Safe Containers, 1972, as amended (CSC (amended) 1972);

(The 1993) Amendments to the International Convention for Safe Containers, 1972, as amended;

International Convention on Load Lines, 1966 (LL 1966);

Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT (HSSC) 1988);

International Convention on Maritime Search and Rescue, 1979 (SAR 1979);

International Convention on Salvage, 1989 (SALVAGE 1989);

International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969);

Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL (amended) 1965);

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND 1971);

Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 1992);

Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC 1976);

International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (INTERVENTION 1969);

Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973, as amended (INTERVENTION PROT 1973);

International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990);

Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972, as amended (LC 1972);

1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (LC PROT 1996);

(b) **International Labour Organization Conventions:**

Convention No. 53 - Convention Concerning the Minimum Requirement of Professional Capacity for Masters and Officers on Board Merchant Ships, 1936;

Convention No. 55 - Convention Concerning the Liability of the Shipowner in Case of Sickness, Injury, or Death of Seamen, 1936;

Convention No. 58 - Minimum Age (Sea) (Revised), 1936;

Convention No. 92 and No. 133 - Conventions on Accommodation of Crew;

Convention No. 147 - Convention Concerning Minimum Standards in Merchant Ships; and

(c) **Other International Instruments**

United Nations Convention on the Law of the Sea (UNCLOS);

International Convention for the Unification of Certain Rules relating to Maritime Liens and Mortgages (Brussels, May 27th, 1967);

International Convetion on Maritime Liens and Mortgages, 1993;

The Convention on the International Regime of Maritime Ports (1923);

The International Convention relating to the Limitation of Liability of Owners of Seagoing Ships (Brussels), 1957;

The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol);

International Telecommunications Convention and Radio Regulations, 1965;

International Sanitary Regulations, 1951 (as amended).

(2) It shall be the responsibility of the owners and the Master to ensure that their vessel's personnel are provided with publications, instruction booklets and manuals or other information sufficient to enable their vessel to be operated in accordance with the Conventions referred to in sub-section (1) hereof.

(3) In the event of failure to comply with any of the Conventions or Agreements specified in sub-section (1) or any Conventions or Agreements entered into by the Republic of Vanuatu after the commencement of this Order, the Commissioner or a Deputy Commissioner may suspend or cancel a vessel's Certificate of Registry and impose a monetary penalty not to exceed $100,000, and set such other conditions as may be necessary to bring about compliance with maritime or maritime-related Conventions and other International Agreements to which the Republic of Vanuatu is a party, and which are in force, or the provisions of which are applied by Vanuatu in advance of entry into force.

(4) The Commissioner shall cause a list of such applicable Conventions and other International Agreements to be published periodically.

(5) Any penalty assessed pursuant to sub-section (3) hereof shall constitute a maritime lien upon the vessel and shall be so recorded by the Commissioner and Deputy Commissioners unless paid within 90 days after service of written notice of such assessment by registered mail upon the period so assessed. After such recordation and until such lien has been satisfied or remitted, the Certificate or Registry of the vessel shall be liable to suspension, and clearance of such vessel from a port in Vanuatu shall be denied.

17. Standards of seaworthiness

The current classification of a vessel with any of the Classification Societies referred to in section 9 and appointed agents for Vanuatu for the issue of documents required by the International Convention for the Safety of Life at Sea and the International Load Line Convention shall be accepted as evidence that she is in a seaworthy condition. Notwithstanding such evidence, it shall be the duty of owners and Masters to ensure that their vessels carry adequate and up-to-date charts, sailing directions, lists of lights, notices to mariners, tide tables and other nautical publications necessary for each intended voyage.

CHAPTER 3 – BAREBOAT CHARTER REGISTRATION

18. Interpretation

In this Chapter –

"Charterer" means any person identified as a charterer on a bareboat charter;

"Bareboat Registry" means the Vanuatu Bareboat Charter Registry;

"Foreign Bareboat Registry" means the foreign jurisdiction in which the bareboat charter of a Vanuatu Vessel is registered;

"Foreign Registry" means the jurisdiction in which the ownership of the vessel is registered immediately prior to and during the period when the bareboat chartered vessel is registered in the Bareboat Registry;

"mortgage" means any mortgage, hypothecation or charge against a vessel;

"mortgagee" means any person with an interest in or rights regarding a vessel arising pursuant to a mortgage;

"owner" means (i) in the case of a Vanuatu Vessel, any person identified as the owner on the vessel's Certificate of Registry and (ii) in the case of any other vessel, any person identified as an owner on the certificate of registry or similar document issued by the Foreign Registry; and

"Vanuatu Vessel" means a vessel registered in the Vanuatu Ship Registry (but not the Bareboat Registry).

19. Contents of Certificates of Bareboat Registry

(1) Each vessel's Certificate of Bareboat Registry shall state the name of the vessel, official number, call sign, service and home port of Port Vila; the name of the person making the required oath or declaration; the names, residences, citizenships and proportion of each Charterer, the Foreign Registry of the vessel, the name and official number of the vessel in the Foreign Registry; the year and place of the build of the vessel, the name of the builder; the number of masts and decks; the material of the hull, the type of her stern and stem; the type of propulsion; her length, depth, breadth and height of the uppermost deck; her gross and net tonnage or tonnages; the name of the person or agent who measured the vessel and the number and date of the Certificate of Measurement issued by such person or agent; the name of the persons who, as or on behalf of each of the Charterers, countersigned the said Certificate of Measurement and agreed to the description.

(2) The Application to be submitted pursuant to section 31(1)(a) of the Act shall provide such information as may be needed by the Commissioner or a Deputy Commissioner in order to prepare the Certificate of Bareboat Registry.

20. Effect of Bareboat Registry

During such period as a vessel is registered in the Bareboat Registry the vessel shall fly the flag of Vanuatu and shall not fly the flag of any Foreign Registry. During such time as the vessel is registered in the Bareboat Registry, the vessel shall be manned, equipped, navigated and otherwise maintained and operated according to the laws of Vanuatu and such International Conventions to which Vanuatu is a party or has acceded.

21. Recordation of mortgages

All mortgages to be recorded in the Bareboat Registry must be in English or include an English translation acceptable to the Commissioner or Deputy Commissioner; provided, that for good cause shown, the Commissioner or Deputy Commissioner may waive this requirement under such terms and conditions as he deems appropriate. It is not necessary that these mortgages meet all of the requirements of Chapter 5 of the Act to quality as a Preferred Mortgage under the law of Vanuatu, provided, that the mortgages must qualify as Preferred Mortgages under section 64 of the Act.

22. Waiver of recordation of mortgages

When a waiver of recordation of mortgages is sought under section 31(3A) of the Act the parties shall submit a request for waiver of recordation which shall be signed by all charterers, owners and mortgagees with respect to the vessel. The request for waiver may be submitted in multiple identical counterparts provided that the counterparts when taken as a whole include the signatures of all charterers, owners and mortgagees. Any such waiver granted shall extend to all mortgages with respect to the vessel. A copy of any notice of waiver shall be maintained in the Bareboat Charter Mortgage book maintained in the office of the Commissioner and each Deputy Commissioner. If, during the period in which a vessel is registered on the Vanuatu Bareboat Registry, any additional mortgage is recorded in the vessel's Foreign Registry, the Commissioner or the Deputy Commissioner concerned will withdraw his waiver unless all mortgagees with respect to such mortgage indicate their consent to the waiver. A waiver may be withdrawn any time upon the unanimous request of the mortgagees with respect to a vessel; provided written notice has been given to the charterers and owners and the parties comply with requirements for recordation of mortgages set forth in the Act and these Regulations. In the even that a waiver is withdrawn all mortgages shall be recorded in accordance with section 31(2) of the Act.

23. Termination of bareboat charter

A Certificate of Bareboat Registry shall remain valid only for such time as the bareboat charter submitted in accordance with section 31(1)(b) of the Act remains in effect. Should such bareboat charter be terminated at any time for any reason the Certificate of Bareboat Registry shall become null and void at the time of such termination and must be surrendered for cancellation within 30 days or such further time as may be allowed by the Commissioner or a Deputy Commissioner. The

Commissioner or a Deputy Commissioner shall promptly notify the Foreign Registry of any such termination or cancellation.

24. Consent to registration of bareboat chartered Vanuatu vessels in a foreign bareboat registry

(1) Before issuing his consent to the registry of a bareboat chartered Vanuatu Vessel in a Foreign Bareboat Registry the Commissioner or a Deputy Commissioner shall be provided with information satisfactory to him that:

(a) the law of the Foreign Bareboat Registry provides that all questions regarding the validity and enforceability of the interests of the owners and mortgagees of a vessel shall be determined under the laws of the jurisdiction in which the ownership of the vessel is registered immediately prior to and during the period when the bareboat chartered vessel is registered in the Foreign Bareboat Registry;

(b) the law or procedures of the Foreign Bareboat Registry provide for reasonable notice of the existence or possible existence of mortgages recorded in the ship registry of the jurisdiction in which the vessel is registered in the Foreign Bareboat Registry; and

(c) the law of the Foreign Bareboat Registry provides that its certificate of bareboat registry (or similar document) shall automatically terminate upon the termination of the bareboat charter.

(2) While any vessel is registered in any Foreign Bareboat Registry, the vessel shall not fly the flag of Vanuatu. Upon registration with the Foreign Bareboat Registry, the Master of the vessel shall forthwith surrender the Vanuatu Certificate of Registry to the Commissioner or a Deputy Commissioner or a Special Agent and the Commissioner or a Deputy Commissioner shall hold it and issue in its stead a Restricted Certificate of Registry, which Certificate shall provide that the vessel may not fly the flag of Vanuatu. Upon the termination of the registration with the Foreign Bareboat Registry the owner shall submit to the Commissioner or a Deputy Commissioner documentation evidencing the termination of Foreign Bareboat Registry and the Commissioner or a Deputy Commissioner shall reissue the Certificate of Registry.

CHAPTER 4 – PREVENTION OF POLLUTION OF THE SEA BY OIL

25. Interpretation

In this Chapter –

"coastal waters" means all portions of the sea within the territorial jurisdiction of Vanuatu and all navigable inland waters in which the tide ebbs and flows;

"discharge" in relation to oil or an oily mixture means any discharge or escape, however caused;

"oil" means oil of any kind or in any form, including fuel oil, oil sludge and oil refuse;

"MARPOL 73/78" means The International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto and subsequent Amendments and Annexes in force;

"person" means an individual, partnership or corporation owning or operating a vessel and any master, officer or other person employed on a vessel;

"Vessel" means any ship which uses oil as a propulsion fuel or as a lubricant or which is engaged in transporting oil cargo.

26. Pollution by oil prohibited

(1) Except in case of emergency endangering life or property, or of collision, stranding or unavoidable accident, and except as may by regulation be otherwise permitted, it shall be an offence to discharge from any Vessel whether documented under the Act or not, any oil or oily mixture into or upon –

(a) the coastal waters of Vanuatu; or

(b) any other waters;

unless such discharge is permitted under Annex 1 of MARPOL 73/78;

(2) Any violation of sub-section (1)(a) shall be punishable by a penalty of not less than $5,000 or more than $100,000 to be recovered in a proceeding brought against the vessel or her owner or operator in the Supreme Court of Vanuatu. Notice of any such violation by a foreign vessel shall be given to the government under whose flag the offending vessel is registered.

(3) Any violation of sub-section (1)(b), except where punished by local authorities having and exercising jurisdiction, shall be punishable by a penalty of not less than $5,000 nor more than $100,000. Such penalty shall be assessed by the Commissioner or a Deputy Commissioner against a Vanuatu vessel or her owner or operator when either the Commissioner or a Deputy Commissioner, as the case may be, shall determine that such a violation has been committed.

(4) Any person who shall have paid a penalty assessed pursuant to sub-section (3) may, not more than 90 days after such payment, petition the Supreme Court of Vanuatu for the remission thereof in whole or in part.

(5) Any penalty assessed pursuant to sub-section (2) or (3) shall constitute a maritime lien against the vessel and until such lien has been satisfied or remitted, clearance of such vessel from a port in Vanuatu shall be denied.

27. Oil record book

(1) On every oil tanker of 150 gross tons or more or Vessel of 400 gross tons or more or any Vessel carrying in excess of 200 cubic meters of oil, or unmanned Vessel of more than 150 gross tons under tow, there shall be kept and maintained an oil record book of the form specified in Annex 1 of MARPOL 73/78 which oil record book shall be readily available for inspection at all reasonable times.

(2) In the case of an unmanned Vessel under tow to which this section applies the Master of the towing vessel shall be responsible for maintaining the oil record book which shall be kept on board such towing vessel, provided that should there should be a change of towing vessel the oil record book shall be forthwith placed on board the unmanned Vessel until the next tow.

(3) The oil record book shall remain on board each Vessel required to maintain it:

(a) until such time as insufficient space for additional entries remains; or

(b) for a period of at least three years from the date of the last entry;

whichever circumstance first occurs, whereupon it shall be delivered to the Commissioner or a Deputy Commission or a Special Agent who shall forthwith forward it to a Deputy Commissioner and a book containing unused pages shall be retained on board.

(4) The oil record of a vessel which is sold, or transferred from the Vanuatu Ship Registry, shall be delivered to the Commissioner or a Deputy Commissioner or to a Special Agent who shall forthwith deliver it to a Deputy Commissioner.

(5) The competent authorities of any country which has ratified MARPOL 73/78, may inspect on board any Vanuatu Vessel to which this Order applies, while within a part of the territory of such country, the oil record book required to be carried on the Vessel in compliance with this section, and may make a true copy of any entry in that book and may require the Master of the Vessel to verify that the copy is a true copy of such entry. Any copy so made, which purports to have been certified by the Master as a true copy of an entry in the Vessel's record, shall be admissible in any judicial proceedings as evidence of the facts stated in the entry.

(6) Failure of the Master of any Vessel to have on board an official oil record book and to comply in all other respects with the requirements of this section shall be an offence and notwithstanding any other penalty which may be imposed against the Vessel or its Master it shall constitute grounds for the suspension or revocation of the license of competence of such Master by the Commissioner or a Deputy Commissioner.

28. Load lines

(1) The Master shall enter into the Vessel's deck log book prior to the vessel's departure from her loading port or places:

(a) a statement of the load line marks applicable to the voyage;

(b) a statement of the position of the load line mark, port and starboard, at the time of departure from such port or place; and

(c) the actual drafts of the vessel, forward and after, as nearly as the same can be ascertained, at the time of departing from such port or place.

(2) Loan Line inspections of a vessel shall be conducted within three months either way of each annual anniversary date of the issue of its Load Line Certificate. Failure to have a Load Line inspection conducted within the period specified aforesaid shall be a Marine Offence.

29. Costs of marine investigation, international participation and nautical training

(1) The costs of marine investigation, nautical training and international participation shall be defrayed by the annual payment of a fee of seven hundred and twenty five dollars plus four cents per net ton of the Vessel's registered tonnage by the owner of each Vessel, provided, however, as to any Vessel of less than 500 net tons the annual fee shall be equal to that for a Vessel of 500 net tons. Payment of the fees due under this section shall be made at the time of first registration of a vessel and on 1st January of each subsequent year.

(2) The US$725.00 fees collected pursuant to subsection (1) must be paid upon receipt into a trust account administered by the Vanuatu Maritime Authority and applied as follows:

(a) to costs of marine investigation into casualties, oil pollution, incidents, serious injuries or deaths, near misses, or acts of suspected negligence or incompetence, as may be authorized by the Commissioner of Maritime Affairs, regardless of whether or not the investigations result in formal proceedings or the imposition of a penalty or fine.

(b) to the costs of :

(i) Assessments and dues payable under the terms of international maritime conventions, maritime agreements and maritime organizations to which Vanuatu is a party or a member, including but not limited to IMO, ILO (Maritime Section), FAO, regional fisheries agreements and the Maritime Accident Investigators International Forum;

(ii) Attendance fees and costs of travel and accommodation of delegates or representatives on behalf of Vanuatu at multinational maritime meetings and conferences;

(iii) Professional fees and disbursements for Vanuatu representatives in relation to attending to all matters regarding their appointments to international maritime organizations, conventions, and/or task specific matters;

(iv) Support of diplomatic negotiations relating to international maritime affairs;

(v) Hosting and organizing multinational maritime meetings and conferences or seminars;

(vi) All works and actions in relation to the prevention and the treatment of marine pollution and environmental nuisances;

(vii) All necessary works in relation to maritime safety and the prevention of maritime potential risks and accidents in the maritime transport industry;

(viii) All works and actions for the promotion and the development of the maritime sector and including fishing industry;

(ix) Training of Vanuatu Maritime Authority staff.

(3) The 4 cents per net tonne to be collected pursuant to subsection (1) must be paid upon receipt into a separate trust account administered by the Authority and applied towards costs of gaining internationally recognized seafaring, marine engineering or nautical vocational training for Ni-Vanuatu seafarers at any overseas school, institute or other place of higher learning outside Vanuatu as decided by the Board of Directors of the Authority.

CHAPTER 5 – PREFERRED SHIP MORTGAGES ON VANUATU VESSELS

30. Acknowledgments

(1) Every acknowledgment of a bill of sale, conveyance or mortgage shall be in a form substantially as follows, subscribed by an official designated under section 53 of the Act:

(a) (where corporate seal used):

CITY OF .....)
SS
NATION OF .....)

On this ....…..... day of .....20.....

before me personally appeared ..... to me known,

who being by me duly sworn, deposes and says that he resides at ....., that he is President (or Attorney-in-Fact, etc.) for (name of shipyard or corporation), the corporation (or company) described in and which executed the foregoing instrument; that he knows the seal of the corporation; that the seal affixed to the instrument is such corporate seal and that it was so affixed by order of the Board of Directors (or whatever group has corporate authority) of the corporation and that he signed his name thereto by like order.

.....
(Commissioner or a Deputy Commissioner, a Consul or Consular agent of Vanuatu or a Notary Public or other officer authorised by the laws of the place where the acknowledgment is made to take acknowledgments of deeds.)

(b) (where no corporate seal used):

CITY OF .....)
SS
NATION OF .....)

On this ..... day of ..... 20.....

before me personally appeared ..... to me known,

being by me duly sworn, deposes and says that he resides at ....., that he is President (or Attorney-in-Fact, etc.) for (name of corporation), the corporation (or company) described in and which executed the foregoing instrument; and that he signed his name thereto pursuant to authority granted to him by the Board of Directors of said corporation.

.....
(Commissioner or a Deputy Commissioner, a Consul or Consular Agent of Vanuatu or a Notary Public or other officer authorised by the laws of the place where the acknowledgment is made to take acknowledgments of deeds.)

(2) Acknowledgments before consuls, other than those of the Republic of Vanuatu or of other countries nominated by the Minister by notice published in the Gazette, shall not be valid.

31. Bill of sale recording

(1) Where a vessel is sold or transferred and re-registered under the Act, a Bill of Sale issued in connection with such sale or transfer shall be recorded in the office of the Commissioner or a Deputy Commissioner, as soon as practicable thereafter.

(2) In cases of new buildings, the Builder's Certificate or, in cases of transfer from another Flag, the Bill of Sale may be, but is not required to be, recorded.

(3) A Bill of Sale to be recorded shall be submitted to the Commissioner or a Deputy Commissioner in four original copies.

32. Mortgage recording

No mortgage shall be recorded unless it is submitted in original and four counterparts all duly executed, acknowledged. All mortgages shall be in the English language or include an English translation acceptable to the Commissioner or Deputy Commissioner.

CHAPTER 6 – MARINE INSPECTION

33. Marine inspectors

(1) The Commissioner or a Deputy Commissioner may, at such times and in such places or areas as may be appropriate appoint Marine Inspectors to board and examine or inspect vessels. Marine Inspectors shall render a report with respect to each such boarding to the Commissioner as required and to a Deputy Commissioner in charge of marine inspection.

(2) It is the responsibility of owners and operators of vessels to present each such vessel for boarding when required, and to cooperate fully with the Commissioner, Deputy Commissioners and Marine Inspectors, particularly in enabling them to board and examine or inspect each such vessel including any documents and equipment and the use thereof. Failure to present a vessel for inspection prior to the due date, failure to cooperate as above, or the existence of a condition on board in violation of established requirements, may subject the vessel in question to immediate detention and suspension of registration, in addition to any other penalty. Such detention and suspension shall be cancelled upon satisfactory completion of the inspection or examination and any required rectification.

(3) It is the duty of all holders of licenses of competence or other certification issued to mariners under the Act or any Orders thereunder to cooperate fully with the Commissioner, Deputy Commissioners and Marine Inspectors, particularly in enabling them to board and examine or inspect vessels including any documents and equipment and the use thereof. Failure of such cooperation on the part of any holder of a license or certificate shall be a marine offence, and in addition to any other penalty the Commissioner or a Deputy Commissioner may suspend or revoke the license or certificate of the holder.

(4) For the purpose of funding marine inspections and matters related thereto, the owner of a vessel registered under the Act shall with respect to each inspection regularly due or otherwise required –

(a) for each vessel of less than 500 tons used solely commercial fishing, pay a fee of $350; and

(b) for each other vessel pay a fee of $725.

(5) Vessels required to be regularly inspected annually or more often will be invoiced annually for fees in advance with respect to all regular inspections falling due with a calendar year. When an inspection is required as a condition for the issue of a document or certificate, the fee for such inspection shall be paid at the time of issue of the document or certificate. The owner of a vessel boarded under this section shall pay incidental travel costs when the boarding officer must travel outside his station area to reach the vessel; and if a boarding is for the purpose of examining rectification of a deficiency, the owner of the vessel so boarded shall pay all costs incidental thereto.

CHAPTER 7 – MARINE CASUALTIES AND OFFENCES AND MARINE INVESTIGATIONS

34. Reporting

(1) The owner or Master of a vessel involved in a marine casualty shall immediately forward a report thereon, signed by the Master or highest available officer or ship's representative, to the Commissioner or a Deputy Commissioner whenever the casualty results in any of the following:

(a) Actual physical damage to property in excess of $50,000;

(b) Material damage affecting the seaworthiness or efficiency of a vessel;

(c) Stranding or grounding;

(d) Loss of life; or

(e) Injury causing any persons to remain incapacitated for a period in excess of 72 hours.

(2) A report provided for in sub-section (1) shall set forth:

(a) the Name and Official Number of the vessel;

(b) the type of vessel;

(c) the name and address of the owner;

(d) the date and time of the casualty;

(e) the exact locality of the casualty;

(f) the nature of the casualty and the circumstances under which it took place;

(g) if the casualty involved collision with another vessel, the name of such other vessel;

(h) where the casualty involved personal injury or a loss of life, the names of all persons injured or whose lives were lost;

(i) where damage to property is involved, the nature of the property damaged and an estimate of the extent of the damage.

(3) The persons in charge of any vessel involved in a marine casualty referred to in sub-section (1) shall retain for two years or until otherwise instructed by the Commissioner or a Deputy Commissioner the complete records of the voyage upon which the casualty occurred, as well as any other material which might be of assistance in investigation and determination of the cause and scope of the casualty, and they shall make all such records and materials available, upon request, to the Commissioner, a Deputy Commissioner, the Chairman of a Marine Board of Investigation, or a designated investigating officer.

35. Marine investigations and offences

(1) The Commissioner or a Deputy Commissioner, upon receipt of information of a marine casualty or offence, may institute such investigation as may be necessary to determine as closely as possible the cause or any contributing causes of the casualty or circumstances of the offence, and whether there has been any act of misconduct, inattention to duty, or negligence upon the part of any licensed or certificated person, or violation of law or regulation, so that appropriate action may be taken.

(2) (a) It is the duty of all owners of vessels to cooperate with the Commissioner, Deputy Commissioners or persons appointed by them, in the formal or informal investigation of marine casualties or offences and to produce, when called upon, witnesses in their employ and relevant books, papers, documents and other records in their possession, and to permit the Commissioner, Deputy commissioner or their appointees to board and examine vessels and their appurtenances.

(b) In the event of failure of owners or their representatives to cooperate fully in any marine investigation, any or all of the following consequences may result, with respect to the vessel directly involved or to any other vessel of the same ownership:

(i) revocation or suspension of the Certificate of Registry;

(ii) refusal to issue a Certificate of Cancellation or otherwise to give the consent of the Government of Vanuatu to a transfer of ownership or registry;

(iii) refusal to accept registration or reregistration under the Act;

(iv) at the discretion of the Commissioner a penalty not exceeding $100,000.

(3) (a) It is the duty of all holders of licenses of competence or other certification issued to mariners under the Act or Orders thereunder to cooperate with the Commissioner, Deputy Commissioners, or persons appointed by them, in the formal or informal investigation of marine casualties or offences, to attend any hearings to which they may be summoned, to testify orally or in writing or to produce when called upon, relevant books, papers, documents and other records in their possession, and to permit the Commissioner, Deputy Commissioners, or their appointees, to board and examine vessels and their appurtenances.

(b) In the event of failure of holders of licenses or other certification to cooperate fully in any marine investigation, any or all of the following consequences may result:

(i) suspension or revocation of the licenses or other certification held;

(ii) refusal to renew or reissue any licenses or other certification held, before or after expiration;

(iii) at the discretion of the Commissioner a penalty not exceeding $10,000.

(4) (a) The Commissioner or a Deputy Commissioner, or other persons appointed by them as Investigating Officers, shall where appropriate make a preliminary investigation under subsection (1) to determine the matters specified therein, or to determine whether there ought to be a formal investigation of the casualty or offence.

(b) In connection with any preliminary investigation, the Commissioner, Deputy Commissioners or investigating officers may collect evidence, interview witnesses, examine relevant papers, documents and records, board and examine vessels or equipment and visit the scene of the casualty or offence.

(5) (a) A formal investigation of a marine casualty or offence may be made by the Commissioner or a Deputy Commissioner or an investigating officer appointed by either; or, where the casualty or offence is considered by the Commissioner to be of a major character, he may order to be convened a Marine Board of Investigation, and he may appoint three or more members thereof, designating one as Chairman.

(b) In any formal investigation, the Commissioner, Deputy Commissioners, investigating officers or Chairman of a Marine Board of Investigation shall have power to set hearings, administer oaths, require the attendance of witnesses, require persons having knowledge of the subject matter of the investigation to answer written interrogatories, require the production of relevant evidence including but not limited to books, papers, documents, and records, rule upon the nature and admissibility of evidence, board and inspect vessels and their appurtenances, and visit the scene of the casualty or offence.

(c) Prior notice of any formal hearing, specifying the date, time, place, and subject matter, shall be given by public announcement or otherwise to all the following:

(i) known parties directly affected;

(ii) interested parties;

(iii) interested States.

(d) An investigating officer or Chairman of a Marine Board of Investigation may, in his discretion, admit the public, interested parties or their representatives, and interested States by official representatives or observers to any formal hearing; and he may equally, where matters of confidentiality or questions of public security arise, preclude such persons temporarily or otherwise.

(e) An investigating officer or Chairman of a Marine Board of Investigation may, in his discretion, put or permit to be put to witnesses such questions pertinent to the subject of the inquiry as may be offered by interested parties or States or their representatives; parties directly affected shall be permitted to put such questions to any witness.

(f) An investigating officer or Chairman of a Marine Board of Investigation may, in his discretion, permit parties directly affected to produce and introduce relevant evidence or testimony of witnesses, and permit such parties or their counsel to argue any relevant contentions, either orally or by way of memorandum.

(g) A record shall be made of the proceedings of any formal hearing.

(6) (a) When the proceedings of any investigation under this Chapter have been terminated, there shall be a written report to the Commissioner setting forth findings, conclusions, and any recommendations for appropriate action.

(b) Where an investigation has been carried out by investigating officers or a Marine Board of Investigation appointed by the Commissioner, the report shall be forwarded to the Commissioner together with the investigation file.

(c) Where an investigation has been carried out by investigating officers appointed by a Deputy Commissioner, the report shall be submitted to that Deputy Commissioner, who may add comments, and shall then be forwarded to the Commissioner together with the investigation file.

(7) (a) Upon receiving an investigation report, the Commissioner may:

(i) adopt the report and carry out its recommendations, if any; or

(ii) call for further investigation; or

(iii) where a report recommends the suspension, revocation or cancellation of any license, certificate, permit, or other document issued by Vanuatu, review the evidence, adopt or modify all or part of the report and take any appropriate action.

(b) In aid of his decision, the Commissioner may call for further written argument on any point at issue which written argument shall become a part of the investigation file.

(8) Where it is established to the satisfaction of the Commissioner or a Deputy Commissioner that a Marine Offence has been committed the Commissioner or Deputy Commissioner shall impose such penalties as he deems appropriate taking account of all the circumstances as established by the investigation subject only to the provisions as to penalties in the Act or this Order.

(9) The Commissioner may, in his discretion, and subject to such conditions as he may impose, release or cause to be published any records, reports, documents, evidentiary matter or official statements pertaining to a marine investigation, or any portions thereof, unless such is considered confidential by the Government of Vanuatu for any reason including public security.

CHAPTER 8 – MERCHANT SEAMEN

36. Interpretation

In this Chapter unless the context otherwise requires:

"Appropriate certificate" means a certificate issued and endorsed in accordance with the provisions of STCW 95 and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein on a vessel of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;

"Approved by the Commissioner" includes "Approved by a Deputy Commissioner so authorised";

"Chief mate" means the deck officer next in rank to the master and upon whom the command of the vessel will fall in the event of the incapacity of the master;

"Chief engineer officer" means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel;

"Deck officer" means an officer qualified to act as officer in charge of a navigational watch holding a license or certificate which contains an endorsement issued by a party to the STCW Convention stating:

(i) that it has been issued in compliance with the appropriate regulations of either Chapter II of the STCW Convention 1978 or the 1995 amendments to that Convention; and

(ii) the vessel size or any other limitations to the holder performing the functions of an officer in charge of a navigational watch;

"Deck watch rating" means a person holding a certificate as Deck Watch Rating issued in accordance with these regulations or by a party to the STCW Convention;

"Endorsement" means a certificate attesting to the validity of the underlying certificate or license;

"Engineer officer" means an officer qualified to act as officer in charge of an engineering watch holding a license or certificate which contains an endorsement issued by a party to the STCW Convention stating:

(i) that it has been issued in compliance with the appropriate regulations of either Chapter III of the STCW Convention 1978 or the 1995 amendments to that Convention; and

(ii) the machinery, power, type or any other limitations to the holder performing the functions of an officer in charge of an engineering watch;

"Engine room watch rating" means a person holding a certificate as Engine Room Watch issued in accordance with these regulations or by a party to the STCW Convention;

"Second engineer officer" is synonymous with "first assistant engineer" and means the Engineer officer next in rank to the Chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel will fall in the event of the incapacity of the Chief engineer officer;

"function" means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for vessel operation, safety of life at sea or protection of the marine environment;

"IMO principles of safe manning" mean the principles set out in Annex 2 of Resolution A 481(XII) of the International Maritime Organization and any subsequent amendments or revisions thereto;

"License is synonymous with "certificate";

"Licensed" is synonymous with "certificated" and means properly holding a license or certificate;

"Maritime Bulletin" means a Bulletin described as such and issued by the Commissioner or a Deputy Commissioner;

"Master" means the holder of a license or certificate which contains an endorsement issued by a party to the STCW Convention stating:

(i) that it has been issued in compliance with the appropriate regulations of either Chapter II of the STCW Convention 1978 or the 1955 amendments to that Convention; and

(ii) the vessel size or any other limitations to the holder performing the function of master;

"owner" means the owner of the vessel or any other organization or person such as the manager, or the bareboat or demise charterer, who has assumed the responsibility for operation of the vessel from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the owner by these regulations;

"propulsion power" means the total maximum continuous rated output power in kilowatts of all the vessel's main propulsion machinery which appears on the vessel's certificate of registry or other official document;

"Radio operator" means a person holding an appropriate certificate issued or recognised by the Administration under the provisions of the Radio Regulations;

"Safe Manning Certificate" means an appropriate safe manning document as specified in regulation 13 of Chapter V of the International Convention for the Safety of Life at Sea, 1974, as amended;

"seagoing service" means a service on board a vessel relevant to the issue of a certificate or other qualifications;

"STCW 95" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 and includes Part A of the Seafarers' Training, Certificate and Watchkeeping Code (STCW Code); and any subsequent amendments thereto. In these regulations, any reference to the provisions of an STCW 95 regulation includes a reference to the provisions of the corresponding section of the STCW Code;

"STCW 78" means the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978 in force prior to 1st February 1997;

"STCW Code" means the Seafarers' Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference, resolution 2, and any subsequent amendments thereto.

37. Application

This Chapter applies to seagoing Vanuatu vessels registered under the Act except such vessels which are:

(a) engaged solely on voyages between places within Vanuatu;

(b) fishing vessels;

(c) pleasure yachts not engaged in trade;

(d) wooden vessels of primitive build;

(e) not propelled by mechanical means unless expressly provided otherwise.

38. Responsibilities

(1) Every seaman assigned to a vessel shall hold an appropriate certificate in respect of any function he is to perform on that vessel.

(2) Every seaman, on being assigned to a vessel, shall be familiar with his specific duties and with all vessel arrangements, installations, equipment, procedures and vessel characteristics that are relevant to his routine or emergency duties.

(3) The vessel's complement shall be competent to effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

(4) Documentation and data relevant to all seamen employed on a vessel shall be maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

39. Safe manning certificates

(1) Notwithstanding the provisions of section 40, every vessel shall be manned in accordance with the IMO principles of safe manning and to the satisfaction of the Commissioner or a Deputy Commissioner and shall carry a Safe Manning Certificate.

(2) The manning of the vessel shall be maintained at all times to at least the levels specified in the Safe Manning Certificate.

(3) The application for a Safe Manning Certificate shall include proposals as to the numbers and grade of personnel that the owner considers shall be carried in order that the vessel is safely manned for any intended voyages.

40. Manning levels for officers and ratings

(1) No vessel shall be navigated unless she shall have on board, and in her service, a duly licensed Master.

(2) Every vessel, other than a passenger vessel, of 100 gross tons but less than 500 gross tons, shall have on board, and in her service, at least one deck officer in addition to her Master.

(3) The number of deck officers required on passenger vessels, and the grades in which they shall be licensed, shall be prescribed for each such vessel by the Commissioner or a Deputy Commissioner.

(4) The number and grades of deck officers required on vessels of 500 gross tons or more shall be determined by the Commissioner or a Deputy Commissioner according to the gross tonnage specified in regulation II of the Convention, length of voyage, type, service and any particular characteristics and equipment of such vessels.

(5) No vessel propelled by machinery of less than 750 kW (1005 horsepower) propulsion power shall be navigated unless she shall have on board and in her service an engineer officer or an operator holding a license issued in compliance with criteria specified by the Commissioner or a Deputy Commissioner.

(6) The number and grades of Engineer officers required on vessels propelled by machinery of 750 kW propulsion power or more shall be determined by the Commissioner or a Deputy Commissioner according to the propulsion power specified in regulation III of the Convention, length of voyage, type of machinery, degree of automation and whether the vessel is arranged for manned or periodically unmanned machinery space operation.

(7) The number of ratings forming part of navigational and engineering watches shall be determined by the Commissioner or a Deputy Commissioner according to the length of voyage, type, service, size, propulsion power and type of machinery and any particular characteristics and equipment of the vessel.

(8) Nothing in this section shall be so construed as to prevent the Commissioner or a Deputy Commissioner from otherwise stipulating the required number of officers for any vessel if, in his judgement, such vessel is sufficiently manned for her safe navigation with the stipulated number of officers.

(9) In cases of exceptional necessity, the Commissioner or a Deputy Commissioner may grant a dispensation for a post only to a person properly licensed to fill the post immediately below subject to compliance with all the provisions of article VIII of STCW 95.

41. Watchkeeping arrangements

(1) Notwithstanding his duties under section 105 of the Act, the master of every vessel shall ensure that the watchkeeping arrangements for the vessel are at all times adequate for maintaining safe navigational, radio and engineering watches and in compliance with the provisions and principles set out in chapter VIII of section A of the STCW Code, Intended voyages shall be planned in accordance with part 2 of that chapter. The master shall give directions to the deck watchkeeping officers responsible for navigating the vessel safely during their periods of duty, having particular regard to the relevant matter set out in part 3 of section A-VIII/2 of the STCW Code.

(2) The Chief engineer officer of a vessel shall ensure that the engineering watchkeeping arrangements for the vessel are at all times adequate for maintaining a safe watch, having regard to the matters set out in part 3-2 of section A-VIII/2 of the STCW Code. When deciding the composition of the watch the Chief engineer officer shall take into account the principles set out in that part.

(3) The master of a vessel which is safely moored or safely at anchor or under normal circumstances in port shall arrange for an appropriate and effective watch to be maintained for the purposes of safety. Such arrangements shall have regard to the matters set out in part 4 of section A-VIII/2 of the STCW Code and take into account any specific hazards in relation to the cargo of the vessel.

42. Watch schedules

(1) The owner of every vessel to which this part applies shall consult with the Master of the vessel and draw up a schedule showing the maximum watch periods and minimum rest periods to be observed by crew members in accordance with these regulations and a copy of the schedule shall be posted up in a place accessible to all crew members and available for verification by any authorised official of the flag State or port State.

(2) The watch schedule shall be arranged such that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organised that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

(3) The schedule referred to in sub-sections (1) and (2) of this section shall not be changed except after consultation with the master.

(4) A copy of the schedule for each vessel shall be attached to the official log book for that vessel and retained on board for at least twelve months.

43. Rest periods

(1) Every officer in charge of a watch and every rating forming part of a watch shall be provided with not less than 10 hours rest in total in any 24-hours period provided that:

(a) the 10 hour period may be divided into two periods one of which shall be not less than 6 hours;

(b) for a maximum period of 2 days, if the nature of the vessel's operations precludes the provision of 10 hours rest in a 24 hour period, at least 6 hours rest shall be provided in any 24 hour period provided that in any 7 day period not less than 70 hours of rest are provided.

(2) The minimum rest periods specified in sub-section (1) of this section, need not be maintained in the case of emergencies, musters and drills, and other overriding factors beyond the control of the Master or owner.

44. Carriage of masters and officers

(1) The Master and each officer specified in the Safe Manning Certificate of every vessel shall hold an appropriate certificate issued or endorsed by the Commissioner or a Deputy Commissioner in accordance with this section.

(2) An officer serving in the capacity set out in column one of Tables 1 and 2 for deck and engine departments respectively shall hold an appropriate certificate for that capacity. A person shall only be entitled to be issued with such an appropriate certificate if he complies with the criteria in the regulations of STCW 95 set out in column two of tables 1 and 2.

(3) The Commissioner or a Deputy Commissioner may, being satisfied regarding its suitability, recognise, by endorsement or by the issue of an equivalent Vanuatu license, an appropriate certificate issued by another party to a Master, officer or Radio operator subject to compliance with the provisions of regulation 1/10 of STCW 95.

(4) The Commissioner or a Deputy Commissioner may accept Seagoing service, education and training acquired under the authority of a non-party or a party when issuing a Vanuatu license, subject to compliance with the provisions of regulation 1/9 of STCW 95 and ensuring that all other relevant requirements of STCW 95 are complied with.

(5) An endorsement shall be valid only when accompanied by the holder's license or certificate and shall be kept available for inspection at any time on the vessel in which the holder is serving.

(6) Every person who presents for recognition, a licence or certificate issued under the provisions of regulations II/2, III/2, III/3 or issued under regulation VII/1 at management level as defined in the STCW Code, must confirm that the holder has an appropriate knowledge of the maritime legislation of the Republic of Vanuatu and understands the responsibilities of ships' personnel under the legislation as explained in Vanuatu Maritime Bulletin, VMS MB108 and any subsequent amendments thereto.

(7) Every vessel shall, pursuant to subsection (6) of this section, carry:

(a) a copy of the Act;

(b) a copy of these regulations; and

(c) copies of relevant Maritime Bulletins which shall be made available to ships' personnel upon request.

(8) Applications for recognition of certificates of Deck officer, Engineer officer, Radio Operator and other personnel shall be made immediately on assignment to the vessel.

(9) Notwithstanding the requirement of sub-section (8) of this section, a person may serve in a licensed or certificated capacity other than Radio operator, except as provided by the Radio Regulations, for a period not exceeding three months while holding an appropriate and valid certificate issued an endorsed by another party for use on board the vessel but which has not been endorsed so as to render it appropriate for service on board the vessel. Documentary proof shall be readily available on board that application for an endorsement has been made. Nothing in this sub-section shall preclude the imposition of the fines mandated by the Act for failure to carry appropriate licensed or certificated personnel.

TABLE 1 – CRITERIA FOR APPROPRIATE CERTIFICATES (DECK DEPARTMENT)

COLUMN 1 MASTER AND DECK DEPARTMENT	COLUMN 2 APPLICABLE REGULATION OF STCW 95
Officer in charge of a navigational watch on a Vessel of 500 gross tons or more.	Regulation II/1.2
Master and Chief mate on a vessel of 3000 gross tons or more.	Regulation II/2.2
Master and Chief mate on a vessel of less than 3000 gross tons.	Regulation II/2.4
Officer in charge of a navigational watch on a vessel of less than 500 gross tons engaged on near coastal voyages.	Regulation II/3.4
Master on a vessel of less than 400 gross tons engaged on near-coastal voyages.	Regulation II/3.6

TABLE 2 – CRITERIA FOR APPROPRIATE CERTIFICATES (ENGINE DEPARTMENT)

COLUMN 1 ENGINE DEPARTMENT	COLUMN 2 APPLICABLE REGULATION OF STCW 95
Officer in charge of an engineering watch in a manned engine room or designated duty engineer officer in a periodically unmanned engine room of a vessel powered by main propulsion machinery of 750 kW power or more.	Regulation III/1.2
Chief engineer officer and second engineer officer of a vessel powered by main propulsion machinery of 3000 kW propulsion power of more.	Regulation III/2.2
Chief engineer officer and second engineer officer of a vessel powered by main propulsion machinery of between 750 kW and 3000 kW propulsion power.	Regulation III/3.2

45. Radio personnel

(1) Every person in charge of, or required to perform radio duties in a vessel operating with a GMDSS radio system shall hold:

(a) on vessels with a Cargo Ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operations in area A1 only, at least a GMDSS restricted operators' certificate issued in accordance with sub-section D of section IIIA of Article 55 of the Radio Regulations and regulation IV/2 of STCW 95;

(b) on vessels with a Cargo Ship Safety Radio Certificate or a Passenger Ship Safety Certificate valid for operations in Areas A1+A2, A1+A2+A3, and A1+A2+A3+A4 at least a GMDSS general operator's certificate issued in accordance with sub-section C of section IIIA of Article 55 of the Radio Regulations and regulations IV/2 of STCW 95;

(c) an endorsement to an appropriate certificate issued by a party under this chapter which states that the holder is qualified to perform the radio-communication function at the operational level.

(2) Notwithstanding the provisions of sub-section (1) of this section, vessels of 300 gross tons or more which operate with a GMDSS radio system in sea area A2, A3 or A4 shall carry either one first or second class radio-electronics officer, who shall not be the master, or in lieu thereof two general operators, one of whom may be the master.

(3) Radio personnel on vessels not required to comply with the provisions of GMDSS in chapter IV of the SOLAS Convention, are required to hold appropriate certificates as prescribed by the Radio Regulations.

(4) Until 1st February 1999, radio personnel on vessels complying with the provisions of the International Convention for the Safety of Life of Sea, 1974, in force immediately prior to 1st February, 1992 shall comply with the provisions of STCW 78, in force prior to 1st December, 1992.

(5) Nothing in this section shall preclude the Commissioner or a Deputy Commissioner or a Deputy Commissioner from varying the requirements for the numbers of radio personnel required to be carried provided that those requirements comply with the provisions of the radio regulations and STCW 95.

46. Revalidation of certificates

(1) The license or certificate of every master or other officer shall be re-validated at intervals not exceeding five years from the date of issue or last re-validation to establish continued professional competence in accordance with section A-I11 of STCW 95 and continued medical fitness in accordance with the standards prescribed by regulation I/9 of STCW 95. A license or certificate, not so revalidated, shall not be valid for Seagoing service.

(2) An endorsement issued evidencing the validity of an underlying license or certificate shall expire when the underlying license or certificate expires.

47. Transitional provisions

(1) Notwithstanding the requirements of the preceding sections of this chapter, the Commissioner or a Deputy Commissioner may until 1st February 2002 issue, and endorse licenses in accordance with STCW 78 which applied immediately prior to 1st February, 1997 in respect of those seamen who commenced approved Seagoing service, an approved education and training programme, or an approved training course before 1st August 1998, as provided for by regulation I/15 of STCW 95.

(2) Furthermore, until 1st February, 2002, the Commissioner or a Deputy Commissioner may renew and revalidate certificates and endorsements in accordance with the provisions of STCW 78, as applicable immediately prior to 1st February 1997.

(3) The Commissioner or a Deputy Commissioner, pursuant to regulation I/11 of STCW 95 when re-issuing or extending the validity of a license of certificate which he originally issued under the provisions of STCW 78 which applied immediately prior to 1st February, 1997, may, at his discretion, replace the tonnage limitation appearing on the original certificates as follows:

(a) “200 gross tons” by “500 gross tons”; and

(b) “1600 gross tons” by “3000 gross tons”.

48. Rating

(1) Every rating forming part of a navigational watch on a vessel of 500 gross tons or more, other than ratings under training and ratings whose duties while on watch are of an unskilled nature, shall be duly certificated. No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in regulation II/4.2 of STCW 95.

(2) Every rating forming part of an engine room watch or designated to perform duties in a periodically unmanned engine room on a vessel powered by main propulsion machinery of 750 kW propulsion power or more, other than ratings under training and ratings whose duties are or an unskilled nature, shall be duly certificated.

No person shall be entitled to be issued with a certificate as such a rating unless he complies with the criteria set out in regulation III/4.2 of STCW 95.

(3) Any person designated to perform watchkeeping duties in a manned or periodically unmanned engine room on a vessel powered by main propulsion machinery of less than 750 kW shall be the holder of one of the engineering certificates referred to in column 2 of Table 2 or be the holder of a marine engine operator’s, license issued in compliance with criteria specified by the Commissioner or a Deputy Commissioner.

49. Special training for service on tankers

(1) Every vessel which carries a bulk cargo consisting in whole or in part of oil, liquid chemicals or liquefied gases shall carry personnel qualified in accordance with this section.

(2) Any person serving as Master, Chief mate, Chief engineer, second engineer and any other officer with immediate responsibility for the loading, discharging, care in transit, or handling of the cargo in such a vessel shall hold either:

(a) a certificate to confirm that the holder has received approved training in accordance with the requirements of section A-V/1, paragraphs 9 to 14, 16 to 20 or 23 to 32 of the Code to STCW 95 as appropriate for the type of cargo that is carried;

(b) until 1st February 2002, an endorsement to a certificate or license issued under the provisions of STCW 78 confirming that the holder is competent to serve in oil, chemical or gas tankers as appropriate;

(c) a certificate or license endorsed by a party to STCW 95 confirming that the holding is competent to serve on oil, chemical or gas tankers as appropriate.

(3) Crew members, other than those to which sub-section (2) of this section applies having specific duties and responsibilities relating to cargo equipment in tankers shall hold a certificate or license or an endorsement indicating that it is valid for service in tankers of the appropriate type or, if they do not hold such qualifications, shall have in lieu:

(a) completed a shore-based fire-fighting course;

(b) either proof of not less than three months sea service acceptable to the Commissioner or have attended a shore-based tanker familiarisation curse for tankers of the appropriate type within the five year period preceding the date of joining the vessel which is approved by a party to STCW 95 as meeting the requirements of either chapter V, section A-V/1, paragraphs 2 to 7 of the Code or, in the case of persons who commence their sea-going service before 1st August 1998, training which meets the requirements of chapter V, regulation V/1.1, V/2.1 or V/3.1 of STCW 78; and

(c) a certificate attesting to the training required by this section.

(4) A crew member to whom sub-section (3) of this section applies and who has received appropriate training before 1st August, 1998 in tanker familiarisation in accordance with the provisions of STCW 78, shall be regarded as continuing to meet the requirements of sub-section (3) of this section if that person holds documented evidence of not less than one year's service in tankers of the same type within the preceding five years.

50. Special training for service on ro-ro passenger vessels and passenger vessels other than ro-ro passenger vessels

(1) Masters, officers, ratings and other persons serving on board ro-ro passenger vessels and other passenger vessels engaged on international voyages shall, prior to being assigned shipboard duties, have completed the training specified in sub-sections (3) to (7) of this section in accordance with their capacity, duties and responsibilities.

(2) Persons who are required to be trained in accordance with sub-sections (3), (6) and (7) of this section shall, at intervals not exceeding five years, undertake refresher training or be required to provide evidence of having achieved the required standard of competence within the previous five years.

(3) Masters, officers and other persons designated on muster lists to assist passengers in emergency situations on board ro-ro passenger vessels and other passenger vessels shall have completed training in crowd management as specified in section A-V/2, paragraph 1 and section A-V/3, paragraph 1 respectively of the STCW Code.

(4) Masters, officers and other persons assigned specific duties and responsibilities on board ro-ro passenger vessels and other passenger vessels shall have completed the familiarisation training specified in section A-V/2, paragraph 2 and section A-V/3, paragraph 2 respectively of the STCW Code.

(5) Persons providing direct service to the passengers in passenger spaces on board ro-ro passenger vessels and other passengers vessels shall have completed the safety training

specified in section A-V/2, paragraph 3 and section A-V/3, paragraph 3 respectively of the STCW Code.

(6) Masters, Chief mates, Chief engineer officers, Second Engineer officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger vessels shall have completed approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 4 of the STCW Code.

(7) Masters, Chief mates and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed the approved passenger safety training specified in section A-V/3, paragraph 4 of the STCW Code.

(8) Masters, Chief mates, Chief engineer officers, second engineer officers and every person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger vessels and other passenger vessels shall have completed approved training in crisis management and human behaviour as specified in section A-V/2, paragraph 5 and section A-V/3, paragraph 5 respectively of the STCW Code.

(9) The owner of every ro-ro passenger vessel and other passenger vessel shall provide the Commissioner with documented details of the system of additional familiarisation training that is implemented for each ro-ro passenger vessel and each other passenger vessel respectively for the Commissioner's approval and records.

51. Training in proficiency in survival craft

(1) Every person designated in the vessel's muster list to:

(a) common or be second in command of a survival craft;

(b) be in charge of launching a survival craft; or

(c) be a member of the operating crew of a marine escape system;

shall hold a certificate of proficiency in survival craft and rescue boats.

(2) To qualify for such a certificate, that person shall:

(a) have performed approved sea time of not less than twelve months, or have attended an approved training course and have approved Seagoing service of not less than six months; and

(b) have achieved the standard of competence for certificates of proficiency set out in section A-VI2, paragraphs 1 to 4 of the STCW Code.

(3) Every candidate for a certificate of proficiency in fast rescue boats shall:

(a) be the holder of a certificate of proficiency in survival craft and rescue boats other than fast rescue boats;

(b) have attended an approved training course; and

(c) meet the standard of competence for certificates of efficiency in fast rescue boats set out in section A-VI2, paragraphs 5 to 8 of the STCW Code.

(4) In addition to compliance with sub-section (1) of this section, every passenger vessel shall carry the number of personnel holding certificates of proficiency shown in the table below.

TYPE AND CHARACTERISTICS OF THE SURVIVAL CRAFT OR SYSTEM	QUALIFIED PERSONS
Lifeboat boarded at the stowed position and capable of release and lowering from inside the boat persons.	2 per boat
Lifeboat boarded at the stowed position and capable of being lowered from inside the boat after release externally	2 per boat plus 1 for every two boats
Lifeboat both released and lowered from the vessel	3 per boat

Davit launched life raft	1 per raft plus 1 for each davit
Marine escape system	4 per system plus 1 for each raft associated with the system

52. Advanced fire-fighting rquirements

(1) Every person designated to control fire-fighting operations shall have successfully completed advanced training in techniques for fighting fire with particular emphasis on organisation, tactics and command in accordance with the provisions of section AVI/3 of the STCW Code and shall meet the standard of competence specified therein.

(2) Every candidate for certification shall be required to provide evidence of having achieved the required standard of competence within the previous five years, in accordance with the methods of demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/3 of STCW Code.

(3) Where training in advanced fire-fighting is not included in the qualifications for the certificate to be issued, a special certificate or documented evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in advanced fire-fighting.

(4) Every person so designated shall, whilst serving on board the vessel, carry evidence of having received such training.

53. Medical first aid and medical care

(1) Every person designated to provide medical first aid on board a vessel shall meet the standard of competence in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code.

(2) Every person designated to take charge of medical care on board a vessel shall meet the standard of competence in medical care on board vessels specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code.

(3) Where training in medical first aid or medical care is not included in the qualifications for the certificate to be issued, a special certificate or documented evidence, as appropriate, shall be issued indicating that the holder has attended a course of training in medical first aid or in medical care.

(4) Every candidate for certification under the provisions of regulation VI4, paragraph 1, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-1 of the STCW Code.

(5) Every candidate for certification under the provisions of regulation VI/4, paragraph 1, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and 4 of table A-VI/4-1 of the STCW Code.

(6) Every candidate for certification under the provisions of regulation VI/4, paragraph 2, of STCW 95, shall be required to provide evidence that the required standard of competence has been achieved in accordance with the methods for demonstrating competence and the criteria for evaluating competence tabulated in columns 3 and of table A-VI/4-2 of the STCW Code.

(7) Every person designated to provide medical first aid or take charge of medical care shall, whilst serving on board the vessel, carry evidence of having received appropriate training.

54. Medical fitness certificates

(1) Every person serving in a vessel of 500 gross tons or more shall hold a valid medical fitness certificate if that person:

(a) is required to be on board by virtue of the vessel's Safe Manning Certificate;

(b) has any responsibilities on board relating to emergency procedures;

(c) has any watchkeeping responsibilities; or

(d) has any duties relating to the normal operation of the vessel.

(2) A medical fitness certificate shall be valid until the date of expiry stated on it if it is issued in accordance with the provisions of the Medical Examination (Seafarers) Convention 1946 (International Labour Organisation Convention 73 of 1946) or the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organisation Convention 147 of 1976) by:

(a) a medical practitioner, observing the "Guidance regarding medical standards" recommended in section B-I/9 of the STCW Code, approved for the purpose of issuing medical fitness certificates by the Commissioner; or

(b) a medical practitioner empowered in that behalf and approved for the purpose of issuing medical fitness certificates by a State which is also a signatory to the said Convention of 1946 of 1976.

(3) A medical practitioner shall specify the period of validity, from the date of the medical examination, for which the certificate is to remain in force, subject to a maximum period of five years

(4) A seaman holding a medical fitness certificate which expires whilst he is employed on a vessel and whilst he is at a location where a medical examination and the issue of a new certificate in accordance with these regulations is impracticable, may continue to be employed for a period not exceeding three months from the date of expiry of the medical certificate.

(5) The Commissioner shall cause a Maritime Bulletin to be published containing a list of countries whose approved medical practitioners are acceptable under sub-section 2(b) of this section.

(6) Notwithstanding the provisions of sub-sections (1) to (5) of this section, every person to which sub-section (1) refers, shall be in good health, shall have normal blood pressure, or be on maintenance medication to maintain the blood pressure not to exceed 160/100; with vision of 20/200 or equivalent international vision criteria, correctable to 20/40 for deck applicants and 20/50 for engineer applicants; and an unaided average threshold of hearing of 70 db or less in each ear for deck applicants, or functional speech discrimination of at least 80% at 55 db binaural, and 40 db or less for engineer applicants, or functional speech discrimination of at least 90% at 55 db binaural. Deck applicants may have an aided average of 40 db or less or functional speech discrimination of 90% at 55 db binaural. Waivers may be granted in exceptional conditions for applicants who do not meet these criteria.

55. Applications for recognition of training

(1) Applications for recognition of appropriate certificates and acceptance of sea service, and training, shall be forwarded to the Deputy Commissioner of Maritime Affairs in a timely manner to allow full consideration.

(2) Details of training schemes and approved programmes of on-board training as defined in the STCW Code shall be forwarded to the Deputy Commissioner for approval prior to their commencement.

56. Obligations of owners, masters and other persons

(1) Notwithstanding other requirements of this Chapter, every owner, Master, crew member or other person shall fulfil his obligations under STCW 95 and any subsequent amendments thereto.

(2) In the event of failure to comply with the requirements and obligations of sub-section 1 of this section, the Commissioner or a Deputy Commissioner may:

(a) suspend or cancel any master's or other officer's license, certificate or endorsement;

(b) suspend or cancel a vessel's Certificate of Registry and impose a monetary penalty not to exceed US$100,000; and

(c) set such other conditions as he may consider necessary.

(3) The Commissioner or a Deputy Commissioner shall cause a list of amendments to STCW 95 to be published prior to their entry into force and shall, from time to time, provide other information and appropriate guidance in the form of Maritime Bulletins, Fleet Safety Letters, Updates, News letters or other means of written or electronic communication.

57. Manning's scales for fishing vessels and oil and mineral service vessels

(1) Any other regulations to the contrary notwithstanding, the manning scale for fishing vessels and oil and mineral service vessels shall be set, on an individual basis, by the Commissioner or a Deputy Commissioner and shall be generally similar to internationally recognised standards. In deciding on a suitable manning scale for a particular vessel, the Commissioner or a Deputy Commissioner shall consider all relevant factors, including, but not limited to, the vessel's: service; size; horsepower; equipment; design; degree of automation and purpose.

(2) Failure to observe the manning requirements set by the Commissioner or a Deputy Commissioner pursuant to sub-section (1) hereof shall be a marine offence for which the owner, Master and vessel shall be severally liable.

58. Display of licenses and certificates

Every master, deck officer, engineer officer and radio operator shall cause his license or certificate to be displayed on board the vessel in which he is serving in a conspicuous location. The license or certificate shall be framed under glass or other suitable transparent covering and shall be displayed within 48 hours after the licensee or certificate holder reports on board a vessel for duty and shall remain displayed during the service of the licensee or certificate holder. Wilful failure of any officer to comply with this provision shall be grounds for the revocation of his Vanuatu license, certificate or endorsement.

59. Report of ship's officer

(1) Every owner shall furnish to the Commissioner or a Deputy Commissioner, on the prescribed form, a report of officers employed on such vessels and the licenses and certificates which they hold within 30 days of:

(a) the registration of the vessel;

(b) 1st January each year; and

(c) whenever there is an officer billet change.

(2) Failure to furnish a report as required by sub-section (1) hereof shall be a marine offence.

60. Change of command

Whenever there occurs a change of master of a vessel, the shipowner or his authorised agent shall designate and appoint the new master in writing and the new master shall enter the following statement in the vessel's log book:

"I (*name of new master*), a citizen of (*country of citizenship*), holder of Vanuatu License of competence No. (*number of certificate*) in the grade of master, assumed command of the vessel on (*date on which officially took command*) at the Port of (*port where change effected*)."

61. Fishing, oil and mineral service vessel reports

(1) The reports required of the owners of vessels pursuant to section 59(1) shall not be required with respect to fishing vessels and oil and mineral service vessels provided that the owners of such vessels shall make available to the Commissioner or a Deputy Commissioner such information as is requested from time to time.

(2) At each anniversary of registration of such vessels, the owner shall submit to the Commissioner or a Deputy Commissioner a certificate to the effect that the master and all officers employed on the vessel during the preceding 12 months were properly qualified and licensed. Such certificate shall be in the form prescribed by the Commissioner.

(3) Failure to make information available when requested by the Commissioner under sub-section (1) hereof or to furnish a certificate required under sub-section (2) hereof shall be a marine offence.

62. Log books

(1) Every self-propelled vessel, and every manned non-self propelled vessel, registered under the Act, of 100 gross tons or more, shall carry a navigation log book and every self-propelled vessel of 100 gross tons or more shall carry an engine room log book. These log books shall be maintained in bound volumes aboard the vessel until the end of the voyage. All entries made in such log books shall be signed by the master or officer designated by the master who

shall make such entries, and all such entries shall be made as soon as possible after the occurrences to which they relate.

(2) In addition to the keeping of navigation and engine room log books, every vessel of 500 gross tons or more shall carry a bridge and an engine room record or in an automated vessel an automatic print-out, wherein shall be contained the times and nature of all orders passed between the navigation bridge and the engine room.

(3) Every vessel of 100 gross tons or more shall carry a radio log (diary of the radio service) in the operating room during the voyage. Every Radio operator shall enter in the radio log his name, the times at which he goes on and off watch, and all incidents of importance to safety of life at sea occurring during his watch connected with the radio service.

(4) Every master shall make, or cause to be made, in the log book entries including, but not limited to, the following:

(a) every offence and any penalty or fine imposed;

(b) every death occurring on board and every burial at sea with all information required by section 129 of the Act;

(c) every marriage taking place on board, with the names citizenship and residences of the parties, and every birth occurring on board, with the sex of the infant and the names of parents;

(d) the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner and cause thereof;

(e) wages due to any seaman or apprentice who dies during the voyage, and the total amount of all deductions made therefrom;

(f) a statement of any casualty as defined in Chapter 7, Marine Investigations, any oil pollution or any port State control detention made immediately after the occurrence or as soon thereafter as practicable;

(g) before departing from any port, the information required by section 28(1);

(h) time of muster of crew at their boat and fire stations, followed by drills, respectively at least once a week, either in port or at sea, or reason why not held;

(i) the closing and opening or watertight doors and of all inspections and drills as required by the International Convention for the Safety of Life at Sea, 1997, as amended;

(j) a record of any drill, check or test carried out by the vessel's; crew of the vessel's steering gear as required by the International Convention for the Safety of Life at Sea, 1974, as amended;

(k) search for stowaways and contraband, which shall be conducted prior to the vessel's departure from each port;

(l) upon each change of master, the information required by section 60(1); and

(m) every signal of distress or message that a vessel, aircraft or person is in distress at sea, observed or received and the action taken.

63. Medical equipment and log book

(1) Every vessel shall carry and maintain an adequate medicine chest bearing in mind the number of persons aboard and the nature and duration of the voyage. In determining the contents of the chest, consideration shall be given to the recommendations of the International Labour Organisation.

(2) All required medicine chests shall contain a medical guide sufficiently detailed to assist persons other than a vessel's doctor in administering to the ordinary needs of sick or injured persons on board without supplementary medical advice by radio or radiotelephone.

(3) The master, and such other officers as the master may designate in his discretion, shall be instructed to make full use of all available medical advice by radio or radiotelephone and in the providing of information to assist a doctor in giving such advice.

(4) Every vessel shall carry a medical log book in which shall be entered every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

64. Lifeboats and lifeboat drill

(1) The master shall place in charge of each lifeboat, a deck officer (or holder of a Certificate of Proficiency in Survival Craft issued under the provisions of this Order, if a passenger vessel) and shall also designate a second-in-command. The person so place in charge shall have a list of the crew of the lifeboat, and shall assure himself that the men placed under his orders are acquainted with their duties. The master shall also assign to each life raft a member of the crew practised in the handling and operation of life rafts.

(2) The master shall assign to each motor lifeboat at least one member of the crew capable of working the motor. He shall similarly assign to each lifeboat equipped with radio and searchlight apparatus at least one member of the crew capable of working such radio and searchlight.

(3) The master of every vessel of 500 gross tons or more shall allot to each member of the crew special duties to be undertaken in the event of any emergency and shall cause to be drawn up and posted a muster list showing such assignments which shall indicate the particular station to which each crew member must go. The muster list shall assign such duties as the master considers necessary for the safety of the vessel, its crew and cargo. The master shall also specify and publish definite signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals to all the crew and passengers.

(4) (a) The master of every vessel shall cause the crew to be exercised at fire and boat drill at least once every week, and such drills shall be conducted as if an actual emergency existed. All fire pumps shall be started and sufficient outlets opened in order to determine that the system is in proper working order;

(b) persons assigned to the use of rescue and safety equipment shall demonstrate their proficiency in the use of such equipment;

(c) all watertight doors in use while the vessel is under way shall be operated;

(d) weather permitting, lifeboat covers and strong backs shall be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended and the boats swung out to ascertain that the gear is in good working order. The motor and hand-propelling gear of each lifeboat, where fitted, shall be operated sufficiently to ascertain that it is in proper operating condition;

(e) passengers shall report to their stations and shall be instructed in the use of life preservers; and

(f) each lifeboat shall be lowered to the water at least once in every three months, when in port, and the crew shall be exercised in the use of oars and other means of propulsion where fitted.

(5) Failure to comply with any of the provisions of this section shall be a marine offence for which the owner and Master shall be liable severally to a penalty of up to US $100,000 for each offence.

65. Certificates to be given by master

Each exercise of a special power granted to masters in relation to births, marriages and deaths on board under section 106 of the Act shall be evidenced by an appropriate certificate, referring to a log entry of the event, and shall be signed by the master and executed upon a form to be supplied, on request and payment of fees, by the Commissioner or a Deputy Commissioner.

66. Shipping articles

(1) Shipping Articles, otherwise referred to as Articles of Agreement, shall be in the English language and shall be in the form as set forth in sub-section (4) hereof or in such form as the Authority may from time to time approve upon application being made therefor in each particular case. No other form shall be used in lieu of the official form except that a foreign language version may be appended thereto or otherwise made a part thereof.

(2) Every seaman joining the vessel to commence employment on board shall sign the Shipping Articles prior to departure of the vessel from the port at which the seaman joined the vessel. The master shall officiate at the signing-on of each seaman and shall sign his name to the Shipping Articles in attestation of his having so acted.

(3) The signing off Shipping Articles by a seaman at the time of his discharge from employment on board shall not constitute a waiver on his part of any claim he may have against the vessel or its master at that time.

(4) The following shall be the form of Shipping Articles:

Port of ……...

Name of Vessel ……

Official Number ……...

Port of Registry: PORT VILA, VANUATU

Gross Tonnage …….. Power Rating in kW or HP …….

It is agreed between the Master and the undersigned seamen of the (steam)(motor) vessel:
(1) …….

which is at present or shall be under the command of (2) ……...

Master, or whoever shall become Master now bound ……..

From the port of (3) ……..

to (4) …….

and such other ports and places in any part of the world as the Master may direct ……...

for a term (of) (not exceeding) (5) ……..… calendar months, that:

(1) Seamen shall conduct themselves in an orderly, faithful, honest and sober manner, and shall at all times be diligent in their respective duties and obedient to the lawful commands of the Master, or of any person who shall lawfully succeed him, and their superior officers, in everything relating to the vessel, it stores and cargo, whether on board, in boats or on shore. In consideration of this service, to be duly performed, the Master agrees to pay the undersigned seamen the wages expressed herein and/or set forth in supplemental provision and/or agreements.

(2) Wages shall commence no later than on the day specified and agreed to these Articles or at a time of presence on board for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge.

(3) Seamen are entitled to receive on request, in local currency, from the Master, one half of the balance of base wages actually earned and payable at every intermediate port where the vessel shall load or discharge cargo before the end of the voyage, but not more than once in any ten-day period.

(4) If the Master and a seaman agree, a portion of such seaman's earnings may be allotted to such seaman's spouse, children, grandchildren, parents, grandparents, brothers or sisters, or to a bank account in the name of the seaman.

(5) Any seaman who is put ashore at a port other than the one where he signed on

these Articles and who is put ashore for reasons for which he is not responsible, shall be returned as a seaman or otherwise, but without expense to him:

(a) at the Shipowner's option, to the port at which he was engaged or where the voyage commenced or to a port in such seaman's own country; or

(b) to another port agreed upon between the seaman and the Shipowner or Master. However, in the event of such seaman's contract period of service has not expired, the Shipowner shall have the right to transfer him to another of the Shipowner's vessels to serve thereon for the balance of the contract period of service, unless otherwise provided for herein.

(6) Any seaman whose period of employment is terminated by reason of completion of the voyage for which he was engaged or of expiration of his contract period of employment, shall be entitled to repatriation at no expense to himself to the port at which he was engaged, or to such other port as may be agreed upon.

(7) If any person enters himself as qualified for a duty which he is incompetent to perform, his rank or rating may be reduced in accordance with his incompetence or he may be discharged.

(8) The Master shall sign and give to a seaman discharged from his vessel either on his discharge on payment of his wages, a Certificate of Service in a form approved by the Commissioner, specifying the period of his service and the time and place of his discharge.

(9) Eight hours per day shall constitute a working day while in port and at sea. Work performed over and above an eight hour period shall be considered overtime and be compensated for at overtime rates.

(10) Work performed in excess of eight hours per day shall not be compensated for when necessary for the safety of the vessel, its passengers, crew, cargo or for the saving of other vessels, lives, or cargo or for the performance of fire, lifeboat or other emergency drills.

(11) Seamen shall keep their respective quarters clean and in order.

(12) No dangerous weapons, narcotics or contraband articles, and no alcoholic beverages except as provided by the Shipowner as part of the vessel's provisions, shall be brought on board the vessel nor allowed in the possession of the crew, and any crew member bringing the same on board or having the same in his possession on board, shall be subject to discharge and/or shall be liable for such fines as the Master may direct, and all such articles shall be confiscated. The amount of the fine levied against the vessel by the proper authority of the port wherein the vessel is then located, for possession of narcotics and/or contraband cargo, shall be made good to the Shipowner out of the wages of the crew member of crew members guilty of such possession.

(13) No seaman shall go ashore in any foreign port except by permission of the Master. However, the Master shall not refuse the reasonable request of any seaman for shore leave.

(14) The Shipowner and Master may issue such rules and regulations as may be necessary for the safe and proper operation of the vessel, provided nothing contained therein shall be contrary to law.

(15) If any seaman considers himself aggrieved by any breach of these Articles, he shall represent the same to the Master or officer in charge of the vessel, in a quiet and orderly manner, who shall there upon take such corrective action as the case may require.

(16) All rights and obligations of the parties to these Articles shall be subject to the Laws of Vanuatu.

IT IS ALSO AGREED THAT .....

.....……
(additional provisions may be included or referenced herein or attached hereto)

IN WITNESS WHEREOF the said seamen have subscribed their names herein on the days mentioned against their (respective signature).

Articles opened at .....…..... on .....

Signature of Master .....…….....

Entries to be made in columns provided therefor:

(1) Name of Seaman
(2) Citizenship
(3) Passport or Identification Number
(4) License of Certificate Number
(5) Age
(6) Home Address
(7) Name and Address of Next of Kin
(8) Date and Place Wages Commence
(9) Capacity in which Engaged
(10) Base Wages per Month
(11) Date and Place Signed on Articles
(12) Signature of Seaman
(13) Signature of Master
(14) Date and Place Signed off Articles
(15) Signature of Seaman
(16) Signature of Master

NOTES

(1) Enter Name of Vessel.
(2) Enter Full Name of Master.
(3) Enter Name of First Port of Departure.
(4) Enter here description of the voyage and the names of the places at which the vessel is to touch, or if that cannot be done the general nature and the probable length of the voyage and the port of country at which the voyage is to terminate. For ships engaged in worldwide trading without definite itineraries or schedules, insert “world-wide trading”.
(5) Strike out work, or words, not applicable.

67. Certificate of Service

(1) Certificates of Service shall be in the form set forth in subsection (4) of this section or in an equivalent form containing all of the information therein.

(2) Where a seaman has served in more than one capacity on board a vessel during a period of continuous service thereon, the Certificate of Service issued to him upon his discharge shall indicate separately the total service in each capacity.

(3) Certificates of Service shall be issued under the signature of the Master and the seal or stamp of the vessel shall be affixed thereon.

(4) The following shall be the form of Certificate of Service:

CERTIFICATE OF SERVICE

(a) Name of Seaman
(b) Citizen
(c) Rank or Rating

(d)	License, Books or Certificate Number
(e)	Place of Engagement
(f)	Date of Engagement
(g)	Place of Discharge
(h)	Date of Discharge
(i)	Total Service (months and days)
(j)	Name of Vessel (indicate steam or motor)
(k)	Official Number
(l)	Port of Registry
(m)	Gross Tonnage
(n)	Propulsion Power (kW/Horsepower)
(o)	Nature of Voyage
(p)	Remarks

I hereby certify to the best of my knowledge that all entries herein were made by me and are correct. In witness whereof I have this day affixed my signature and the seal or stamp of the vessel.

Date .....

Signature of Master .....

68. Register of children

The Master of each vessel upon which only members of the same family are employed, or school ship or training ship, and upon which vessels children under the age of sixteen are employed shall maintain a register of all such persons and shall record therein, with respect to each such child, his name, date and place of birth citizenship, residence, and address of next-of-kin or legal guardian, capacity in which employed, date and place of employment, and the date and place of discharge.

CHAPTER 9 – NEAR-COASTAL VOYAGES

68. Interpretation

In this Chapter:

(a) near-coastal voyage means a voyage between places within Vanuatu; and

(b) unless the context otherwise requires, the meanings of the terms employed shall be as set out in section 36(1).

69. Application

This Chapter applies to seagoing vessels engaged on near-coastal voyages except such vessels which are:

(a) fishing vessels;

(b) pleasure yachts not engaged in trade;

(c) wooden vessels of primitive build;

(d) not propelled by mechanical means unless expressly provided otherwise.

71. Limitations and exclusions

(1) The examination officers within Vanuatu is limited to the requirements for service on vessels of less than 500 gross tons engaged on near-coastal voyages.

(2) Certification of the special training requirements for personnel on certain types of vessels specified in Chapter V of STCW 95 is excluded.

72. Safe manning

(1) Every vessel of 500 gross tons or more to which this Chapter applies shall, whenever it proceeds to sea, be manned in accordance with the IMO principles of safe manning and shall carry a Safe Manning Certificate on which is indicate the manning requirements for

foreign-going voyages, the vessel may also, on the application of the owner, be issued with a further Safe Manning Certificate showing the manning requirements for trading within Vanuatu.

(2) Every vessel of less than 500 gross tons shall be manned in accordance with schedule 7 of the Shipping Act [Cap. 53].

(3) Notwithstanding the provisions of sub-section (1) of this section, every vessel to which this Chapter applies shall, at least, be manned in accordance with schedule 7 of the Shipping Act [Cap. 53].

73. CARRIAGE OF MASTERS AND OFFICERS

(1) Every vessel to which this Chapter applies shall carry a qualified Master and the qualified officers specified on the vessel's Safe Manning Certificate or schedule 7 of the Shipping Act [Cap. 53], as appropriate.

(2) A Master is qualified and any officer is qualified if he holds a valid certificate of competency issued and endorsed in accordance with STCW 78 of STCW 95 as appropriate which is:

(a) in date;

(b) valid for the function that he is to perform on the vessel;

(c) valid for the vessel's size or power of the vessel, or vessels, in which he is to serve; and

(d) valid for the area in which the vessel, or vessels, in which he is to serve, will operate.

74. Duty to Master and owner

It shall be the duty of every Master and owner of a vessel to which this Chapter applies to ensure that no officer serves in charge of a watch unless that person holds a certificate of competency or endorsement as provided by this Chapter except that, in the event of the death or incapacity of any Master or officer at sea, another officer with a certificate of competency or endorsement entitling him to serve in a lesser capacity may serve in the position of the person incapacitated for a maximum period or until such time as the vessel reaches a safe port.

75. Issue of endorsements

(1) The Principal Licensing Officer may, under this Chapter, after consultation with the Commissioner or a Deputy Commissioner issue an endorsement to any certificate of competency which he considers to be acceptable for service in a Vanuatu vessel engaged solely on near-coastal voyages on application by the owner for that vessel and on the provision of such information about the seafarer as the Principal Licensing Officer may specify.

(2) An endorsement shall be valid only for the service in the vessels identified on it and shall show an expiry date which shall be a date not later than the next revalidation date of the Master's or officer's certificate of competency.

(3) In the case of Masters, Chief engineers, Chief mates and second engineers, every candidate for an endorsement shall be competent in all relevant matters and the owner shall ensure that the officers is so competent and shall provide a declaration to that effect at the time of making the application.

(4) An endorsement issued under this Chapter shall be valid only when accompanied by the holder's certificate of competency and shall be kept available for inspection at any time on the vessel in which the holder is serving.

76. Withdrawal of endorsements

(1) An endorsement remains the property of, and may be withdrawn at any time by, the Principal Licensing Officer and, if withdrawn, it shall be returned to the Principal Licensing Officer at the earliest opportunity after notification of its withdrawal.

(2) Should it come to the attention of the Principal Licensing Officer that an officer might be guilty of any misconduct or incompetence in relation to any of his duties on board a Vanuatu vessel, the Principal Licensing Officer shall cause such an investigation, as he deems necessary to be made.

(3) Following any investigation conducted by virtue of subsection 2 of this section which concludes that the Master or officer is guilty of the misconduct or incompetence alleged, any

endorsement that he holds may be withdrawn by the Principal Licensing Officer and may not be re-issued without the approval of the Authority.

77. Candidate certification for vessels over 500 gross tons

(1) Every candidate for certification as Master or first mate on a seagoing vessel of 500 gross tons or more engaged solely on near-coastal voyages shall hold an appropriate certificate. The Principal Licensing Officer, in accordance with Regulation I/10 of STCW 95, shall endorse such certificate.

(2) Every candidate for certification as officer in charge of a navigational watch on a seagoing vessel of 500 gross tons or more engaged solely on near-coastal voyages shall hold an appropriate certificate. The Principal Licensing Officer, in accordance with Regulation I/10 of STCW 95, shall endorse such certificate.

(3) Every candidate for certification as Chief engineer, second engineer, engineer in charge of an engineering watch on a seagoing vessel of 500 gross tons or more engaged solely on near-coastal voyages shall hold an appropriate certificate. The Principal Licensing Officer, in accordance with Regulation I/10 of STCW 95, shall endorse such certificate.

(4) Every navigational watch rating specified in the Safe Manning Certificate of a vessel of 500 gross tons of more shall hold an engine room watch rating certificate issued by a Party to the STCW Convention.

(5) Every engine room watch rating specified in the Safe Manning Certificate of a vessel of 500 gross tons of more shall hold an engine room watch rating certificate issued by a Party to the STCW Convention.

78. Candidate certification for vessels under 500 gross tons

Every candidate for certification, appropriate to the position in which he is intended to serve, on a seagoing vessel of less than 500 gross tons engaged solely on near-coastal voyages shall either:

(a) meet the requirements of section 77; or

(b) be certified in accordance with the provisions of the Shipping Act [Cap. 53]. Such certificate, shall be endorsed by the Principal Licensing Officer, after consultation with the Commissioner or a Deputy Commissioner, in accordance with Regulation I/10 of STCW 95 and shall clearly indicate any restrictions on its validity.

79. Transitional provisions

Notwithstanding the requirements of section 75 to 78 inclusive of this Chapter, the Principal Licensing Officer may, until 1st February 2002, issue, recognise and endorse certificates in accordance with the provisions of the Shipping Act [Cap. 53] which applied immediately prior to 1st February, 1997 in respect of those seamen who commenced approved Seagoing service, an approved education and training programme or an approved training course before 1st August 1998, as provided for by regulation I/15 of STCW 95. Furthermore, until 1st February 2002, the Principal Licensing Officer may renew and revalidate certificates and endorsements in accordance with the provisions of the Shipping Act [Cap. 53] as applicable immediately prior to 1st February, 1997.

80. Revalidation of certificates

(1) In order to continue to qualify for sea-going service, the holder of a certificate issued or recognised under these regulations shall, at intervals not exceeding five years, provide evidence of his medical fitness for sea service and continued competency appropriate to the position on board which he is qualified to fill. On receipt of such evidence, the Principal Licensing Officer, shall consult with the Commissioner or a Deputy Commissioner, and if satisfied the evidence warrants it, shall revalidate the certificate.

(2) Certificates not revalidated in accordance with subsection 1 of this section will not be valid for Seagoing service.

(3) Owners shall ensure that Masters and officers are provided with updating training and knowledge appropriate to developments in marine equipment and changes in appropriate legislation.

81. Familiarisation

(1) It shall be the duty of the owner and Master to ensure that every crew member on board, before taking up his duties, shall receive training sufficient to ensure that he is competent to:

(a) communicate with other persons on board on elementary safety matters;

(b) understand safety information symbols, signs and alarm signals;

(c) identity muster and embarkation stations and emergency escape routes;

(d) understand the action to take in the event of a person falling overboard, fire or smoke being detected, a person being overcome in an enclosed space, or a fire or "abandon ship" alarm being sounded;

(e) locate and don life jackets;

(f) initiate alarms and use portable fire extinguishers;

(g) take appropriate immediate action on encountering an accident or other medical emergency; and

(h) operate any fire or watertight doors fitted in the particular vessel.

(2) The familiarisation training outlined above shall:

(a) be provided on each occasion a person joins a vessel for the first time or after an absence from that vessel for six months or more;

(b) be provided on board either at a shore establishment before the person joins the vessel or be provided on board the vessel at the time the person joins the vessel and before the person takes up his duties on board.

82. Hours of rest

Every person forming part of a watch shall be provided with not less than 10 hours rest in total in any 24 hour period provided that:

(a) the 10 hour period may be divided into two periods one of which shall be not less that 6 hours;

(b) for a maximum period of two days, if the nature of the vessel's operation precludes the provision of 10 hours' rest in any 24 hour period, at least 6 hours rest shall be provided in any 24 hour period provided that in any seven day period not less than 70 hours of rest are provided.

83. Schedule of watch and rest periods

(1) The owner of every vessel to which these regulations applies shall consult with the Master of the vessel and draw up a schedule showing the maximum watch periods and minimum rest periods to be observed by crew members in accordance with these regulations. The schedule shall not be changed except after consultation with the Master.

(2) Every vessel to which these regulations applies which is engaged only a short voyages not exceeding 12 hours and has a crew which receives leave periods at intervals not exceeding 4 weeks and which operates continuously between the same ports, need not comply with the hours of rest set out in this Chapter but if the vessel does not comply, the owners shall submit a schedule of work and rest periods to the Principal Licensing Officer for approval and shall not operate the vessel to a schedule of rest periods that is not approved by the Principal Licensing Officer.

84. Obligations of owners, Masters and other persons

(1) Notwithstanding other requirements of this Chapter, every owner, Master, crew member or other person shall fulfil his obligations under STCW 95 and any subsequent amendments thereto.

(2) In the event of failure to comply with the requirements and obligations of subsection 1 of this section, the Commissioner may:

(a) suspend or cancel any Master's or other officer's license, certificate or endorsement;

(b) suspend or cancel a vessel's Certificate of Registry and impose a monetary penalty not to exceed $100,000; and

(c) set such other conditions as he may consider necessary.

(3) The Commissioner or his nominee shall cause a list of amendments to STCW 95 to be published prior to their entry into force and shall, from time to time, provide other information and appropriate guidance in the form of Maritime Bulletins, Fleet Safety Letters, Updates, Newsletters or other means of written or electronic communication.

Table of Amendments

1	*Amended by Order 5 of 1999*
3A	*Inserted by Order 29 of 1997*
5(2)	*Amended by Order 5 of 1999*
9	*Substituted by Order 21 of 1998*
16(1)	*Substituted by Order 21 of 1998*
29(2)(c)	*Amended by Order 5 of 1999*
29(2)	*Substituted by Order 35 of 2005*
36-84	*Inserted by Order 21 of 1998*
66(1)	*Amended by Order 5 of 1999*
76(3)	*Amended by Order 5 of 1999*