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CHAPTER 53

SHIPPING

QR 1 of 1968 Act 33 of 1998
Act 8 of 1983 Order 7 of 1990
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SHIPPING

To provide for the control and safety of Vanuatu vessels.

PART 1 – GENERAL

1. Interpretation

In this Act unless the context otherwise requires –

"approved" means approved by the Authority;

"Authority" means the Vanuatu Maritime Authority established by the Vanuatu Maritime Authority Act [Cap. 253];

"B.H.P." means Brake Horse Power;

"bosun" means a person in charge of a vessel other than a certificated master;

"breadth" means registered breadth, that is to say, the extreme breadth over the sideplating or planking excluding rubbers;

"coastal vessel" means a vessel going between places in Vanuatu which does not proceed more than 3 miles from land at any point;

"coastal voyage" means a voyage between places in Vanuatu which at no time is more than 3 miles from land at any point;

"coxswain" means a person who has obtained a certificate of competency as such under the provisions of section 4;

"dangerous goods" means aquafortis, vitriol, naphtha, benzine, gun-powder, lucifer matches, nitro-glycerine, petroleum and any explosives within the meaning of the International Maritime Dangerous Goods Code, 1977 as from time to time amended;

"deadweight" means the weight of cargo, fuel, stores or any other thing relative to the weight of the vessel carried in the said vessel;

"depth" means registered depth, that is to say, the height at the midship section of the top of the deck-beam at the middle line above the top of the ceiling;

"engaged in trade" includes the doing of any act with a view to or for the purposes of gain or profit;

"foreign going vessel" means any vessel going between any place in Vanuatu; and any other place beyond the limits of Vanuatu;

"foreign going voyage" means a voyage between any place in Vanuatu and any other place beyond the limits of Vanuatu;

"inner islands" means islands in Vanuatu other than the outer islands;

"inner islands vessel" means a vessel, other than a coastal vessel, going between places in Vanuatu within the inner islands, and includes a vessel plying solely between Tanna and Aniwa, or solely within the Banks Group or solely within the Torres Group;

"inner islands voyage" means a voyage between places in Vanuatu within the inner islands and includes voyages solely between Tanna and Aniwa or solely within the Banks Group or solely within the Torres Group;

"length" means registered length, that is to say, the length measured from the forepart of the stem to the afterside of the head of the sternpost or if a vessel without a sternpost then to the foreside of the rudder;

"licensing officer" means the Principal Licensing Officer and any licensing officer referred to in section 2;

"master" means every person holding a certificate of competency as master (except a pilot) having command or charge of a vessel;

"Minister" means the Minister responsible for the Register of Ships and Seafarers within the meaning of the Vanuatu Maritime Authority Act [Cap. 253];

"outer islands" means the islands in Vanuatu lying south of Efate and north of Espiritu Santo;

"outer islands vessel" means a vessel other than a coastal vessel going between any place in Vanuatu other than an inner island vessel;

"outer islands voyage" means a voyage between places in Vanuatu other than an inner island or coastal voyage;

"passenger" means any person carried in a vessel except –

(a) a person employed or engaged in any capacity on board the ship on the business of the vessel;

(b) a person on board the vessel either –

(i) in pursuance of any obligation laid upon the master to carry shipwrecked, distressed or other persons; or

(ii) by reason of any circumstances that neither the owner, master nor the charterer (if any) could have prevented or forestalled, and

(c) a child under 1 year of age;

"passenger vessel" means a vessel carrying more than 12 passengers;

"safety certificate" means a safety certificate issued under section 25;

"seaman" means any person employed in any capacity as a member of the crew of a vessel;

"service at sea" means service on a ship in the deck or engine department, and includes time spent in port by a *bona fide* member of the crew of a vessel;

"vessel" means:

(a) any marine craft used in commercial trade, whether or not it has any means of propulsion; or

(b) any marine craft that is used for game fishing or transport of passengers for hire or reward outside the port areas of Port Vila or Luganville,

and includes any fishing vessel, hovercraft, non-displacement vessel, mobile offshore drilling unit, submarine or other submersible, barge, lighter or other like vessels, but does not include:

(c) any vessel registered outside Vanuatu; or

(d) the life boats, rafts, work boats or launches which form part of the equipment of a larger vessel and are being used as such; or

(e) punts, barges or other boats whose sole means of propulsion is by manpower;

"Vila Radio" means the radio broadcasting service to ships operated by the Government;

"workshop service" means service ashore in an approved marine engineering workshop or approved shore establishment dealing mainly with the repair and overhaul of marine engines, or an approved training establishment dealing exclusively with the training of marine mechanics or engineers and shall include weekends and public holidays.

2. Principal Licensing Officer and other licensing officers

(1) The Principal Licensing Officer must be the Commissioner of Maritime Affairs appointed under section 12 of the Vanuatu Maritime Authority Act [Cap. 253]. The Principal Licensing Officer may grant licences and certificates under the provisions of this Act and may appoint other licensing officers to grant such licences and certificates.

(2) Subject to the provisions of this Act licensing officers shall exercise their powers, and shall discharge their duties subject to any general instructions which the Principal Licensing Officer may issue.

3. Powers of licensing officers and offences connected therewith

(1) Every licensing officer shall have power at all reasonable hours to go on board any vessel for the purpose of examining the hull, machinery, boats, wireless apparatus, equipment or any materials belonging to or on board such vessel in order to ascertain whether the provisions of this Act have been complied with and may require the attendance of all such persons as he may consider necessary to call before him for a like purpose and may require answers to any questions he may think necessary to put and may require the production of any books, papers, log or other documents relating to the grant of a safety certificate.

(2) Any person who without reasonable excuse (proof whereof shall lie on him) –

(a) fails to attend before a licensing officer or to make any answer or to produce any document or to make or sign any declaration or refuse to allow any copies to be taken of any document; or

(b) obstructs any licensing officer in or upon the occasion of the execution of his duty on board ship or elsewhere or knowingly misleads or deceives any licensing officer shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 25,000 or to a term of imprisonment not exceeding 2 months, or to both such fine and imprisonment.

PART 2 – CERTIFICATES OF COMPETENCY

4. Examinations for certificates of competency

(1) Examinations shall be instituted for persons who wish to obtain certificates of competency in the grades prescribed in Schedule 1.

(2) Every applicant for examination for a certificate of competency shall apply in the form prescribed in Schedule 2.

(3) Every applicant for examination for a certificate of competency shall pay the fee prescribed in Part 1 of Schedule 3.

5. Prerequisites for examination

(1) Every applicant for a certificate of competency shall before being eligible for examination for such certificate have satisfied the Principal Licensing Officer –

(a) that he has acquired the age and served the minimum period of service required for each grade of certificate as prescribed in Schedule 4:

Provided that the Principal Licensing Officer may for such period as he may prescribe exempt a candidate from compliance with the provisions of this

paragraph if he can satisfy the said licensing officer that he has equivalent experience; and

(b) that by production of a medical certificate signed by a medical practitioner to that effect he is in good health; and

(c) that he can speak and write Bislama, English or French sufficiently well to be able to perform the duties that may be required of him in his grade; and

(d) that he is of good conduct.

(2) Without prejudice to the provisions of subsection (1) every applicant for a certificate of competency as master, mate or coxswain shall have such test for sight and colour as may be prescribed by the licensing officer.

(3) No applicant for a certificate of competency who fails to satisfy the licensing officer that he can speak Bislama, English or French sufficiently well to be able to fulfil the duties that may be required of him in his grade shall be accepted for re-examination until a period of not less than 6 months have elapsed from the date of his so failing to satisfy the said licensing officer.

6. Conduct of examinations

Examinations for certificates of competency shall be conducted in accordance with the requirements of the Principal Licensing Officer.

7. Syllabuses for examinations

(1) Every candidate for examination for a certificate of competency may be asked questions by a licensing officer to determine his knowledge of the various subjects in accordance with the syllabuses of the various examinations prescribed in Schedule 5:

Provided that where a syllabus is stated to be the same as that of a lower grade of certificate, the standard of questions asked and the standard required to be obtained will be higher.

(2) Every syllabus shall include a knowledge of the relevant portions of this Act.

8. Syllabus for higher grades

The syllabus for a higher grade of examination in both oral and written work shall be regarded as including the syllabus for that subject for a certificate of a lower grade.

9. Issue of certificate of competency

The Principal Licensing Officer shall deliver to any applicant, who has passed the examination and has given satisfactory evidence of his sobriety, ability and general good conduct, a certificate of competency in the form prescribed in Schedule 6 to the effect that he is competent to act in the capacity therein prescribed and shall keep a copy of all certificates issued:

Provided that a person who already holds a certificate of a lower grade shall surrender such certificate to the licensing officer before he shall be issued with the certificate of a higher grade.

10. Cancellation and suspension of certificates

(1) A licensing officer may if, after due enquiry, he is satisfied that the holder of any certificate issued under section 9 is unfit to discharge his duties request the Principal Licensing Officer to cancel, suspend or lower the grade of such certificate, as he may think fit.

(2) (*Repealed*)

11. Equivalent certificate of competency

(1) For the purposes of this Act –

(a) a certificate of competency as First Mate of a foreign going vessel issued by the competent authority of any country shall be considered equivalent to a certificate of competency as Master Pacific Islands, Vanuatu and a certificate of competency as Second Mate of a foreign going vessel issued by the competent authority of any country shall be considered equivalent to a certificate of competency as Mate Pacific Islands, Vanuatu;

(b) a certificate of competency as Engineer, second class motor, or steam and motor, issued by the competent authority of a specified country shall be considered superior to a certificate of competency as Engineer 500 B.H.P.

(2) (*Repealed*)

12. Loss of certificate

Every person who has lost his certificate of competency shall report the loss without delay to a licensing officer who shall, on application therefor by such person, after he has satisfied himself that the certificate is genuinely lost, request the Principal Licensing Officer to issue a certified copy of the certificate, on payment of the fee prescribed in Part 2 of Schedule 3.

13. Fraud and misrepresentation

Any person who makes or assists in making or procures to be made any false representation for the purposes of procuring either for himself or for any other person a certificate of competency shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000 or a term of imprisonment not exceeding 1 month, or to both such fine and imprisonment.

14. Attempted bribery

Any candidate, who offers a gratuity to a licensing officer, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000 or a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

15. (*Repealed*)

PART 3 – CREW REQUIREMENTS

16. Vessels to be provided with certificated officers

(1) No person shall send to sea or cause or permit to be sent to sea any vessel without the complement of seamen prescribed in Schedule 7:

Provided that where a licensing officer is of the opinion that the number of seamen so prescribed is insufficient for the safe and seamanlike conduct of the vessel, he may order the number of seamen required to be carried to be increased to such number as he thinks fit.

(2) For the purposes of this Act every certificate of competency for employment in a foreign going vessel shall be deemed to be of a higher grade than the corresponding certificate for employment in an outer islands vessel, and every certificate of competency for employment in an outer islands vessel shall be deemed to be of a higher grade than the corresponding certificate of competency for employment in an inner islands vessel, and every certificate of competency for employment in an inner islands vessel shall be deemed to be of a higher grade than the corresponding certificate of competency for employment in a coastal vessel.

(3) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT

100,000 or to a term of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

(4) Without prejudice to the provisions of the immediately preceding subsection of this section a licensing officer may detain any vessel in respect of which he has reasonable grounds to suspect is to be sent to sea in contravention of the provisions of subsection (1) of this section.

17. Penalty for engagement to serve without proper certificate

(1) No person who having been engaged to serve in any capacity for which a certificate of competency is required under this Act shall go to sea or serve in any vessel without being at the time the holder of a valid certificate:

Provided that the lawful holder of any higher grade certificate shall be entitled to go to sea in a capacity requiring a lower grade certificate.

(2) No person shall employ any person in any such capacity in such a vessel who at the time is not the holder of such a certificate.

(3) Any person who acts in contravention of subsection (2) of this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or to a term of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

PART 4 – SAFETY CERTIFICATES

18. Penalty, for proceeding on voyage when no valid safety certificate

(1) If any vessel engaged in trade or passenger traffic, whatever its means of propulsion, proceeds upon any voyage or excursion, unless there is subsisting a valid and unexpired safety certificate issued in respect of that vessel under section 25, or by any other competent authority acceptable to the Principal Licensing Officer, the owner, master or bosun of such vessel shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or to a sentence of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

(2) If upon demand therefor by any licensing officer the owner, master or bosun of any vessel engaged in trade or passenger traffic fails without reasonable cause or excuse to produce to such licensing officer the safety certificate of such vessel and the certificates of competency of the officers, engineers or mechanics of the vessel, he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 25,000 or to a sentence of imprisonment not exceeding 2 months, or to both such fine and imprisonment.

19. Application for survey

The owner of a vessel shall make application for a survey in the form prescribed in Schedule 8 which together with the fee prescribed in Schedule 9 shall be lodged with the Principal Licensing Officer not less than 2 months prior to the date on which a safety certificate is desired to become effective.

20. Survey of vessels

(1) Every licensing officer shall survey the vessel in accordance with the provisions for the survey of vessels as laid down in subsections (2), (3) and (4) and shall prepare a survey certificate prescribed in Schedule 10 on the state of seaworthiness of the vessel and on the quantity and quality of the safety appliances provided.

(2) Foreign going vessels of 500 gross tons and upwards and every foreign going passenger vessel shall comply with the requirements of the International Convention for Safety of Life at Sea, 1974 for a vessel of her class:

Provided that a vessel which is not normally engaged on foreign going voyages, if required to undertake a single foreign going voyage, may be exempted from full compliance with the requirements of the International Convention for Safety of Life at Sea, 1974 if the said vessel complies with the safety requirements which are considered adequate in the opinion of the Principal Licensing Officer for the voyage which is to be undertaken.

(3) Every vessel which fails to comply with the requirements for a vessel of the class for which application is made may be awarded a safety certificate for a vessel of a lower class, provided that she complies with the requirements of that class.

(4) Every licensing officer shall, before informing the Principal Licensing Officer that any vessel is safe, be satisfied that the vessel is staunch, safe, sound and seaworthy in all respects and complies with all the requirements for a vessel of her class.

(5) Any person who makes or assists in the making, or procures to be made, any false representation or offers a gratuity to any licensing officer, for the purpose of securing a safety certificate for any vessel, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

21. Necessary repairs to be completed

(1) The licensing officer shall on receipt of information that alterations or repairs are necessary, or that additional equipment is required, inform the owner or master accordingly, and no safety certificate shall be issued until all such repairs or alterations have been completed or additional equipment supplied, to his satisfaction.

(2) Any licensing officer may detain a vessel which requires repairs, alterations or additional gear, pending the decision of the Principal Licensing Officer.

22. Beaching or slipping of vessels

(1) The licensing officer may order any vessel for which a safety certificate is required to be beached or slipped for the purpose of examining the under-water portion of the hull and the fittings thereof.

(2) Where a vessel has not been examined by a licensing officer at the time of slipping, satisfactory evidence as to the condition of the under-water portion of the hull and fittings thereof must be furnished to the licensing officer when application is made for a safety certificate and attached to the said application.

23. Charges for work done

All charges for work done or equipment supplied to a vessel to meet the requirements of this Act shall be borne by the owner of such vessel.

24. Marking of vessels

(1) Every vessel in respect of which a safety certificate is to be issued must have its name painted on both bows and the name and port of registry, if registered, painted across the stern in easily legible letters, not less than 4 inches in depth.

(2) If a vessel is without an official number, the local registration number shall be cut in such manner as a licensing officer shall direct.

25. Issue of safety certificates

The Principal Licensing Officer may –

(a) on being informed that a vessel is safe; and

(b) being satisfied that the requirements of this Act have been complied with in respect of the said vessel;

grant to a vessel engaged in trade or passenger traffic a safety certificate in the form prescribed in Schedule 11 and shall retain a duplicate thereof, and such certificate shall be liable to be revoked or suspended at any time by a licensing officer.

26. Revocation and suspension of safety certificates

If, subsequent to the issue of a safety certificate, the vessel to which it relates fails to comply with any of the requirements of this part of this Act or ceases to be seaworthy, such certificates may be revoked or suspended at any time by the licensing officer by written notice served upon the owner, master or bosun of the vessel.

27. Duration of safety certificates

A safety certificate shall, unless revoked or suspended, remain in force for not more than 12 months from the date thereof.

28. Survey to be made if vessel believed to be unseaworthy

(1) When a licensing officer has received a complaint, or has reason to believe that any vessel is, by reason of the defective condition of the hull, equipment or machinery or by reason of over-loading or improper loading, unfit to proceed to sea without danger to human life, he shall order a survey of the vessel and, if he considers that the vessel is unfit so to proceed, he may order the detention of the said vessel in the form prescribed in Schedule 12 until such conditions as therein prescribed have been complied with.

(2) A copy of every such order shall be served as soon as possible on the owner, master or bosun of the vessel.

29. Master or owner to report loss or damage of vessel

(1) Whenever any vessel has been lost or sustained damage so as to impair her seaworthiness either in her hull or any part of her machinery, the owner, master or bosun of such vessel shall, at the earliest opportunity, make to a licensing officer a report of such accident or damage.

(2) If such owner, master or bosun fails to make such a report he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 25,000 or to a term of imprisonment not exceeding 2 months, or to both such fine and imprisonment.

30. Inquiry into cause of accident

The Principal Licensing Officer must enquire into the nature or cause of any accident or damage which any vessel has sustained or caused, and shall make recommendations to the Authority as to whether a formal enquiry should be held.

PART 5 – CARRIAGE OF PASSENGERS

31. Maximum number of passengers

(1) The licensing officer shall prescribe for every vessel requiring a safety certificate the maximum number of passengers, both saloon and deck, which may be carried on board.

(2) Where a Principal Licensing Officer is of the opinion that the number of passengers is too great having regard to the weather or other circumstances and may tend to cause the vessel to be unseaworthy or may endanger the lives of any of the persons carried, he may at his discretion reduce the number of passengers permitted to be carried by such number as he may think fit.

32. Maximum number of persons not to exceed number of adequate life saving appliances

(1) The maximum number of persons carried, including passengers and crew, shall not exceed the number for which adequate life saving appliances are carried as shown in the vessel's safety certificate.

(2) The owner, master or bosun of any vessel which proceeds to sea with a greater number of persons than that permitted by this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 300,000 or to a term of imprisonment not exceeding 3 years, or to both such fine and imprisonment:

Provided that nothing in this section shall prevent the licensing officer from permitting a greater number of persons than that prescribed to be carried in the event of an emergency.

PART 6 – LOADING OF VESSELS

33. Minimum freeboard

(1) The Principal Licensing Officer shall prescribe for every vessel requiring a safety certificate a freeboard below which the vessel may not load and shall require the said vessel to be marked in accordance with the provisions contained in subsection (2) of this section. The master, bosun or owner of any vessel which proceeds to sea with a lesser freeboard than that prescribed or without having the vessel marked in accordance with this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 300,000 or to a term of imprisonment not exceeding 3 years, or to both such fine and imprisonment.

(2) (a) Every vessel being a vessel of 150 gross tons or over shall have her freeboard assigned as prescribed by the International Convention on Load Lines, 1966 as from time to time amended.

(b) Every vessel being a vessel of less than 150 gross tons, shall have her freeboard assigned as prescribed in Schedule 13:

Provided that the Principal Licensing Officer may, if he deems it advisable having due regard to the design, construction, age and condition of the vessel or in special circumstances assign a greater or lesser freeboard to such limit as may be necessary to ensure the safety of the vessel in adverse weather conditions.

PART 7 – UNSEAWORTHY VESSELS

34. Unseaworthy vessels

(1) Any person who sends or attempts to send, or is party to sending or attempting to send, a vessel to sea in such an unseaworthy state that the life of any person is thereby likely to be endangered shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 500,000 or to a term of imprisonment not exceeding 5 years, or to both such fine and imprisonment:

Provided that no such offence shall be deemed to have been committed if he proves either that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable.

(2) If the master or bosun of any vessel knowingly takes any vessel to sea in such an unseaworthy state that the life of any person is thereby likely to be endangered he shall be guilty of an offence and on conviction thereof shall be liable to a fine not

exceeding VT500,000 or to a term of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

(3) For the purposes of this section any vessel the safety of which is impaired due to the forward vision of the lookout or watchkeeper being obscured by reason of the disposition of deck cargo or passengers, or from any other cause, shall be deemed to be unseaworthy.

(4) A prosecution under this section shall not be instituted otherwise than by or with the consent of the Attorney General.

PART 8 – DANGEROUS GOODS

35. Penalty for misdescription of dangerous goods

(1) No person shall send or attempt to send or cause or permit to be sent to sea any dangerous goods without –

(a) giving due notice to the owner, master or bosun of the vessel on which it is intended that they shall be so sent to sea; and

(b) marking upon the said goods their description.

(2) Any person who knowingly sends or attempts to send, or carries or attempts to carry in any vessel any dangerous goods under a false description, or who falsely describes them, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or a term of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

36. Power to deal with goods suspected of being dangerous

(1) The owner, master or bosun of any vessel may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact.

(2) Where –

(a) any dangerous goods are sent to sea in contravention of subsection (1) of section 35;

(b) any other goods become or are in the opinion of the owner, master or bosun likely to become dangerous;

(c) any goods are found to be dangerous after being opened under the provisions of subsection (1) of this section;

the owner, master or bosun of the vessel may cause those goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the owner, master nor bosun of the vessel shall be subject to any liability, civil or criminal, in any court, for so throwing the goods overboard.

PART 9 – DISCIPLINE

37. Offences by seamen

(1) Any seaman who being lawfully engaged to serve in any vessel –

(a) strikes or assaults any person on board or belonging to the vessel; or

(b) unlawfully combines with any one or more of the crew; or

(c) wilfully damages the vessel or embezzles or wilfully damages any of her stores, equipment or cargo; or

(d) brings or has on board, without the concurrence of master or bosun, any intoxicating liquors or substances or drugs; or

(e) is drunk or under the influence of any intoxicating substance or drugs; or

(f) takes or has on board, without the concurrence of the master or bosun, any firearm, knuckleduster, loaded cane, slingshot, sword, stick, dagger or any other offensive weapon or offensive instrument; or

(g) uses insolent or contemptuous language or behaviour to the master, bosun or other officer;

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or to a term of imprisonment not exceeding 1 year or to both such fine and imprisonment.

(2) A master or bosun shall be liable to punishment for the said offences as if he were a seaman.

PART 10 – MISCELLANEOUS

38. Radio

(1) Every foreign going vessel of 500 tons gross and upwards and every foreign going passenger vessel shall be provided with a radio installation to comply with the International Convention on Safety of Life at Sea, 1974, as from time to time amended.

(2) Every vessel other than those vessels prescribed in the immediately preceding subsection of this section or a coastal vessel shall be provided with a type approved radio/telephone installation.

(3) Every vessel required to be provided with a radio/telephone installation shall, when in Vanuatu, report its position to Vila Radio Station at least once every 24 hours.

(4) The master or bosun of any vessel who fails, without reasonable cause, to report the position of his vessel as required by this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

39. Sufficient fuel to be carried

(1) Every vessel which is primarily or secondarily mechanically propelled shall be equipped with tanks capable of containing a sufficient quantity of fuel necessary for any voyage on which it might normally be expected to proceed.

(2) A master of a vessel –

(a) which is primarily propelled mechanically, who fails to carry sufficient fuel to complete a voyage to the next scheduled port or place of call at which fuel is available, including any extension of such voyage that may reasonably be expected, and in addition to maintain an adequate reserve of fuel to meet any emergency that may reasonably be expected; or

(b) which is secondarily propelled mechanically, who fails to carry sufficient fuel to meet any emergency that may reasonably be expected;

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or to a term of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

40. Exemptions

The Principal Licensing Officer may exempt, subject to such conditions as he thinks fit to impose, any vessel from compliance with any requirement of this Act, for the period of any voyage or voyages, if he is satisfied that the said requirement is either impracticable or unreasonable having regard to all the circumstances of the case.

PART 11 – PENAL PROVISIONS

41. Offences in connection with vessels

(1) Any person who –

(a) being drunk or under the influence of drugs or being disorderly has been on that account refused admission to a vessel by the owner or any person in his employment, nevertheless persists in attempting to board the vessel; or

(b) being drunk or under the influence of drugs or being disorderly on board a vessel is requested by the owner or any person in his employ to leave the vessel at any place in Vanuatu, at which he can conveniently do so, does not comply with the request; or

(c) on board a vessel, after warning by the master or other officer thereof, molests or continues to molest any passenger; or

(d) after having been refused admission to a vessel by the owner or any person in his employ on account of the vessel being full nevertheless persists in attempting to enter the vessel; or

(e) having gone on board a vessel at any place, and being requested, on account of the vessel's being full, by the owner or any person in his employ to leave the vessel, before it has quitted that place does not comply with that request; or

(f) travels or attempts to travel in a vessel without first paying his fare, and with intent to avoid payment thereof; or

(g) having paid his fare for a certain distance, knowingly and wilfully proceeds in a vessel beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof; or

(h) on arriving in a vessel at a point to which he has paid his fare, knowingly and wilfully refuses or neglects to quit the vessel; or

(i) on board a vessel fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the vessel;

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 25,000 or to a sentence of imprisonment not exceeding 2 months, or to both such fine and such imprisonment, but such liability shall not prejudice the recovery of any fare payable to him.

(2) Any person on board any vessel who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the vessel, or to obstruct, impede, or molest the crew, or any of them in the navigation or management of the vessel, or otherwise in the execution of their duty on or about the vessel, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding VT 50,000 or to a sentence of imprisonment not exceeding 6 months, or to both such fine and imprisonment.

(3) The master or other officer of any vessel and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and convey the offender with all convenient despatch before a magistrate to be dealt with according to law.

42. Misconduct endangering life or ship

If a master or bosun, or, any person employed in any capacity as a member of the crew of any vessel, by wilful breach of duty or by neglect of duty or by reason of drunkenness or by reason of being under the influence of drugs–

(a) does any act tending to the immediate loss, destruction or serious damage of the vessel, or tending immediately to endanger the life or limb of a person belonging to or on board the vessel; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the vessel from immediate danger to life or limb;

he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000 or to a sentence of imprisonment not exceeding 1 year, or to both such fine and imprisonment.

43. General penalty

Any person committing any offence against any of the provisions of this Act for which no specific penalty is provided shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

44. Liability of corporations

In the event of any contravention of any of the provisions of this Act by an owner, being a limited company, or other corporation, such limited company or other corporation shall be liable to the fines prescribed being recoverable by distress.

PART 12 – REGULATIONS

45. Power to make regulations

(1) The Minister may by Order make regulations not inconsistent with this Act for the better carrying out or giving effect to the provisions of this Act.

(2) Without derogating from the generality of subsection (1) the Minister may in such Orders provide for –

(a) the forms to be used for the purposes of the Act and particulars to be included therein;

(b) the fees payable to the licensing officer;

(c) the various matters in respect of which fees are payable;

(d) a penalty of not more than VT 50,000 or a term of imprisonment not exceeding 6 months, or both such fine and imprisonment for contravention of any such regulations.

(3) The Minister may from time to time by Order add to or vary or modify any of the Schedules to the Act including any matter set out therein.

46. Appeals against decisions of licensing officers

Any person dissatisfied with any decision of a licensing officer under this Act may, within 21 days after being notified of the decision, appeal to the Maritime Appeal Tribunal established by the Vanuatu Maritime Authority Act [Cap. 253].

PART 13 – APPLICATION

47. Application

(1) Notwithstanding anything to the contrary the provisions of this Act shall not apply to vessels registered under the Maritime Act [Cap. 131].

(2) This Act shall apply to vessels and persons in the public service of the government in a civil capacity.

SCHEDULE 1

(Section 4(1))

Grades of Certificates (Near Coastal Voyages), Functions, STCW Regulations & Equivalents

Column 1 Certificate	Column 2 Function	Column 3 STCW Reg.	Column 4 Equivalents
Masters & Mates			
Master Unlimited GT	Master vessel any size	II/2.1	Master Class 1 (Restricted)
Master 3,000GT	Master vessel less than or equal to 3,000GT or Chief Mate vessel any size	II/2.1	Master Class 2 (Restricted)
Master 1,600GT	Master vessel less than or equal to 1,600GT or Chief Mate vessel less than or equal to 3,000GT	II/2.3	Master Class 3
Master 500GT	Master vessel less than or equal to 500GT or Chief Mate vessel less than or equal to 1,600GT	II/3.5 ***II/2.3***	Master Class 4
Master 200GT	Master vessel less than or equal to 200GT or Chief Mate vessel less than or equal to 500GT	II/3.5 II/3.3	Master Class 5
Master 500GT	Master vessel less than or equal to 20GT or Chief Mate vessel less than or equal to 200GT	II/3.5 II/3.3	Master Class 6

Column 1 Certificate	Column 2 Function	Column 3 STCW Reg.	Column 4 Equivalents
Engineers			
Engineer Unlimited kW	Chief Engineer vessel any propulsion power	III/2	Engineer Class 1 (Restricted)
Engineer 3000kW	Chief Engineer vessel with propulsion power less than or equal to 3000kW or Second Engineer vessel any propulsion power	III/3 III/2	Engineer Class 2 (Restricted)
Engineer 750kW	Chief Engineer vessel with propulsion power less than or equal to 750kW or Second Engineer vessel with propulsion power less than or equal to 3000kW	III/3	Engineer Class 3
Engineer 500kW	Chief Engineer vessel with propulsion power less than or equal to 500kW or Second Engineer vessel with propulsion power less than or equal to 750kW		Engineer Class 4
Engineer 300kW	Chief Engineer vessel with propulsion power less than or equal to 300kW or Second Engineer vessel with propulsion power less than or equal to 500kW		Engineer Class 5
Engineer 75kW	Chief Engineer vessel with propulsion power less than or equal to 750kW or Second Engineer vessel with propulsion power less than or equal to 300kW		

Column 1 Certificate	Column 2 Function	Column 3 STCW Reg.	Column 4 Equivalents
Ratings			
Watch Rating Deck	Rating forming part of navigation watch	II/4	Watchkeeping Rating Deck
Watch Rating Engine	Rating forming part of engine watch	III/4	Watchkeeping Rating Engine
Pacific Island Qualified Fishing Deckhand			Pacific Island Qualified Fishing Deckhand
Safety Certificate	Safety training	VI/1	Safety Certificate

Note: Column 3 of this Table sets out the relevant provisions of the STCW Regulations (being the regulations that form the Annex to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, as amended in 1995) that relate to the grade of certificate concerned. Column 4 of this Table sets out the equivalent corresponding grades of certificate that were in force in Vanuatu before the commencement of the Shipping Amendment Order 18 of 2004.

SCHEDULE 2

(Section 4(2))

Application for Examination for a Certificate of Competency

Name in full .....
Date of application .....
Certificate of competency for which applicant wishes to be examined .....
.....
Certificate of competency applicant now holds .....
Age of applicant .....

Signature of applicant .....

I certify that I have served in the following capacities –

		Months
(a)	For Coxswains, Mates and Masters	
	As Seaman	.....
	As Coxswain 3rd Class	.....
	As Coxswain 2nd Class	.....
	As Coxswain 1st Class	.....
	As Mate Vanuatu	.....
	As Master Vanuatu	.....
	As Mate Pacific Is. Vanuatu	.....
	In sea training establishment	.....
	TOTAL:	_____
(b)	For Engineers and Mechanics	
	In shop	.....
	At sea engaged as	.....
	At sea engaged as	.....
	At sea engaged as	.....
	In engine training establishment	.....
	TOTAL:	_____

(c) Address to which reply should be sent:
.....

(d) Remittance enclosed covering fee ..... specified in Part 1 of Schedule 3 to this Act.

SCHEDULE 3

PART 1
Fees for Certificates of Competency

(Section 4(3))

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

PART 2
Fee for Lost Certificate

(Section 12)

			VATU
(a)	Coxswains and Mechanics	shall be	200
(b)	Masters, Mates and Engineers	shall be	200

SCHEDULE 4

(Section 5(1)(a))

Types of certificates required for vessels on near coastal voyages and pre-requisites for their issue

1. General

A candidate for certification must provide satisfactory proof of the following:

(a) the candidate's identity and age (confirmed by acceptable documents such as Seamen's Record of Service Book, passport, ID card, or similar document);

(b) the candidate's medical fitness, particularly regarding eyesight and hearing, confirmed by a document, issued by an approved medical practitioner, attesting compliance with medical fitness standards prescribed by Regulation I/9 annexed to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, as amended in 1995;

(c) completion of the required sea service for the certificate concerned (as set out below) confirmed by entries in a Seaman's Record of Service document authorised and signed either by the Master or owner of the vessel concerned or by the Authority;

(d) possession of the required pre-requisite certificate confirmed by documents issued by an approved training provider;

(e) competence, as prescribed in the relevant provisions of the Seafarer's Training, Certification and Watchkeeping Code (as adopted in 1995), for the certificate to be issued, including the capacities, functions and levels to be endorsed on the certificate, confirmed by documents issued by an approved assessment organisation.

Note: A candidate for a certificate under this Act who holds a certificate under the Maritime Act [Cap. 131] or a certificate issued by another State should consult the Vanuatu Maritime Authority to ascertain the equivalence of the certificate they hold.

2. Requirements for minimum age, pre-requisite certification and required sea service

DECK CERTIFICATES

Master Unlimited GT

Minimum Age: Not prescribed
Pre-requisite Certificate: Master 3,000GT
Required Sea Service:
(a) 18 months approved sea service whilst holding a certificate as Master 3,000GT , with not less than 12 months performed on vessels >500 GT; or
(b) 18 months approved sea service whilst holding a certificate as Master 1,600GT , with not less than 6 months performed on vessels >500GT and a further 6 months performed on vessels >1,600GT.

Master 3,000 GT

Minimum Age: Not prescribed
Pre-requisite Certificate: Master 500GT
Required Sea Service:
(a) 18 months approved sea service whilst holding a certificate as Master 500GT , with not less than 12 months performed on vessels >500GT including 6 months on vessels >1,600GT ; or
(b) 6 months approved sea service on vessels >1600GT whilst holding a certificate as Master 1,600GT .

Master 1,600 GT

Minimum Age: Not prescribed
Pre-requisite Certificate: Master 500GT
Required Sea Service: 18 months approved sea service whilst holding a certificate as Master 500GT , with not less than 6 months sea service on vessels >500GT.

Master 500 GT

Minimum Age: Not prescribed
Pre-requisite Certificate: Master 200GT
Required Sea Service: 12 months approved sea service whilst holding a certificate as Master 200GT , with not less than 6 months sea service on vessels >500GT .

Master 200 GT

Minimum Age: 20 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service:
(a) 30 months approved sea service whilst holding a Safety Certificate; or
(b) 18 months approved sea service whilst holding a certificate as Master 20GT ; or
(c) 18 months approved sea service whilst holding a certificate as Watch Rating Deck or Pacific Islands Qualified Fishing Deckhand; or
(d) 30 months approved training including 12 months acceptable sea service documented in an approved training record.

Master 20 GT

Minimum Age: 18 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service: 12 months approved sea service whilst holding a Safety Certificate.

Watch Rating Deck

Minimum Age: 16 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service: 12 months approved sea service, although the Principal Licensing Officer may allow remission of sea service up to six months for attendance at approved training programs

Pacific Islands Qualified Fishing Deckhand

Minimum Age: 16 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service: 12 months approved sea service, although the Principal Licensing Officer may allow remission of sea service up to six months for attendance at approved training programs.

Safety Certificate

Minimum Age: 16 years
Pre-requisite Certificate: None
Required Sea Service: None

ENGINEERING CERTIFICATES

Engineer Unlimited kW

Minimum Age: Not prescribed
Pre-requisite Certificate: Engineer 3,000 kW
Required Sea Service: 18 months approved sea service on vessels of not less than 750kW propulsion power whilst holding a certificate as Engineer 3,000kW.

Engineer 3000kW

Minimum Age: Not prescribed
Pre-requisite Certificate: Engineer 750kW
Required Sea Service: 18 months approved sea service on vessels of not less than 500kW propulsion power whilst holding a certificate as Engineer 750kW, with not less than 9 of those months on vessels of not less than 750kW propulsion power.

Engineer 750kW

Minimum Age: 20 years
Pre-requisite Certificate: Engineer 500kW
Required Sea Service: 12 months approved sea service on vessels of not less 300kW propulsion power whilst holding a certificate as Engineer 500kW, with not less than 6 of those months on vessels of not less than 500kW propulsion power.

Engineer 500kW

Minimum Age: 18 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service:
(a) 12 months approved sea service as a watchkeeping engineer whilst holding a certificate as Engineer 300kW; or
(b) 12 months approved sea service as watchkeeping engineer on completion of 3 years acceptable workshop experience; or

(c) 36 months approved training including 6 months sea service on vessels of more than 300kW propulsion power documented in an approved training record.

Engineer 300kW

Minimum Age: 18 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service:
(a) 12 months approved sea service in an acceptable engineroom capacity on completion of 3 years acceptable workshop experience; or
(b) 24 months approved training including 6 months sea service on vessels of more than 75kW propulsion power documented in an approved training record; or
(c) 12 months approved sea service whilst holding a certificate as Engineer 75kW; or
(d) 18 months approved sea service whilst holding a certificate as Watch Rating Engine; or
(e) 30 months acceptable sea service whilst holding a Safety Certificate.

Engineer 75kW

Minimum Age: 18 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service: 12 months approved service whilst holding a Safety Certificate

Engineer Endorsement (Outboard Engines)

Minimum Age: 18 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service: 12 months approved sea service whilst holding a Safety Certificate

Responsibility to take charge of “outboard engines” may be endorsed on a Master 20GT certificate to allow the holder to operate in a dual capacity.

Watch Rating Engine

Minimum Age: 16 years
Pre-requisite Certificate: Safety Certificate
Required Sea Service: 12 months approved sea service, although the Principal Licensing Officer may allow remission of seas service up to six months for attendance at approved training programs.

Safety Certificate

Minimum Age: 16 years
Pre-requisite Certificate: None
Required Sea Service: None.

SCHEDULE 5

(Section 7)

Training & Examination

(1) The syllabus of subjects for examination for a certificate of competence set out in column 1 of the Table to this Schedule are the subjects specified in the STCW Regulation and the STCW Code set out in columns 2 and 3 of that Table corresponding to that certificate.

(2) Training programs and examinations for certificates of competence are to be administered, supervised and monitored in accordance with the requirements of Part II of the Act and Regulation I/6 of the STCW Convention and in accordance with provisions of Section A-I/6 of the STCW Code.

(3) Examinations for certificates of competence are to be in accordance with the relevant provisions of section 6 of the Shipping Act, the requirements of the STCW Convention and with the standards specified in the relevant sections of the STCW Code.

(4) Every person responsible for training and examining the competence of persons for a certificate of competence must be appropriately qualified in accordance with Section A-I/6 of the STCW Code for the type and level of training and examination involved.

(5) The curricula developed for training programs for seafarers are to be based on the relevant International Maritime Organisation model courses and must incorporate the relevant requirements of the STCW Code.

(6) In this Schedule:

"STCW Code" means the Seafarer's Training, Certification and Watchkeeping Code (as adopted in 1995) that constitutes Attachment 2 to the Final Act of the 1995 Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers.

"STCW Convention" means the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (as amended in 1995).

"STCW Regulations" means the regulations that form the Annex to the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers (as amended in 1995).

TABLE

Column 1 **Certificate**	**Column 2** **STCW Regulation**	**Column 3** **STCW Code**
Master Unlimited GT	II/2.1	Sect. A-II/2.1
Master 3000 GT	II/2.3	Sect. A-II/2.3
Master 500 GT	II/3.5 & II/3.7	Sect. A-II/3.5 & 3.7
Engineer Unlimited kW	III/2	Sect. A-III/2
Engineer 3000 kW	III/3	Sect. A-III/3
Engineer 750 kW		
Watch Rating Deck	II/4	Sect. A-II/4
Watch Rating Engine	III/4	Sect. A-III/4
Basic Safety Training	VI/1	Sect. A-VI/1-1 to 1-4
Proficiency in Survival Craft	VI/2	Sect. A-VI/2, paragraphs 1-4
Advanced Fire Fighting	VI/3	Sect. A-VI/3
Medical First Aid	VI/4	Sect. A-V/4, paragraphs 1-3
Tanker Safety	V/1	Sect. A-V/1
Ro-ro Passenger Ships	V/2	Sect. A-V/2

SCHEDULE 6

(Section 9)

Republic of Vanuatu
Shipping Act, Cap. 53

Certificate of Competency

This is to certify that .....……

has been found competent to fulfil the duties of ……..... (a)

This certificate is valid in the following waters ……..... (b)

for an engine of the type stated ..... (c)

Certificate number .....…...

Place issued .....……

Date issued .....……..

Signature of holder .....

Signature of Principal Licensing Officer .....

Date .....……

Notes -
(a) Insert here the grade of certificate awarded.
(b) In the case of Coxswain 3rd class insert here the locality for which the certificate is valid.
(c) In the case of Mechanic 3rd class the type of engine for which the certificate is valid must be stated.

SCHEDULE 7

(Section 16(1))

Crewing Requirements and Classes of Certificates

1 Meaning of "near coastal voyage"

In this Schedule, "near coastal voyage" means a voyage to and from a port within Vanuatu that does not journey more than 200 nautical miles from the coast.

2 Minimum crew and qualification

(1) Each vessel sent to sea on a near coastal voyage must contain a crew of persons holding the certificates set out following Tables.

(2) The Principal Licensing Officer may, on application, grant an exemption to the crew requirements set out in the following Tables if he or she is satisfied that such an exemption would be in the public interest and would not compromise the safety of the vessel, its crew, passengers or cargo.

(3) The Principal Licensing Officer may impose operating limits on specified vessels operating on near coastal voyages within Vanuatu.

3 Safe Manning Certificates

(1) A vessel must not operate on a near coastal voyage in Vanuatu without a valid Safe Manning Certificate in force.

(2) The Principal Licensing Officer is, on application, to issue each vessel with a Safe Manning Certificate.

(3) A Safe Manning Certificate is to be issued in the form set out in Schedule 10A.

(4) The Safe Manning Certificate must set out the minimum safe manning level for the safe operation of the vessel.

(5) In determining the minimum safe manning level, each vessel is to be considered on an individual basis according to size, operating area and propulsion machinery.

(6) Nothing in a Safe Manning Certificate prevents the Master of that vessel from carrying additional crew members, provided adequate safety equipment is fitted, to facilitate the vessel's operations.

TABLES

Minimum crew and grades of competency of masters, mates, deck watchkeepers and ratings – near coastal voyages.

Vessel's GT	**Master**	**Chief Mate** if required	**Watch-keeper *** if required	**Watch-keeper *** If required	**Watch Ratings** If required
>3,000	Master Unlimited GT	Master 3,000 GT	Master 500 GT	Master 200 GT	Watch Rating
>1,600 – 3,000	Master 3,000 GT	Master 1,600 GT	Master 500 GT	Master 200 GT	Watch Rating
>500 – 1,600	Master 1,600 GT)	Master 500 GT	Master 200GT		Watch Rating
>200 – 500	Master 500 GT	Master 200 GT)	Master 20 GT		Watch Rating
>20 – 200	Master 200 GT	Master 20 GT)			Watch Rating
<20 – 20	Master 20 GT				Watch Rating

* The requirement for a Watchkeeper may also be satisfied by a person holding an unrestricted Deck Watchkeeper qualification.

The references in the column headings to "if required" refer to the requirements specified in the Safe Manning Certificate issued for the vessel concerned.

A Master 20 GT certificate may be endorsed to allow the holder to operate in a dual capacity and take charge of "outboard engines".

Minimum crew and grades of competency for engineers and engine watchkeepers and ratings – near coastal voyages

Vessel's Propulsion Power (kW)	**Chief Engineer**	**2nd Engineer** if required	**Watch-keeper *** if required	**Watch-keeper *** if required	**Watch Ratings** If required
>3000	Engineer Unlimited kW	Engineer 3000 kW	Engineer 500Kw	Engineer 300kW	W/Rating
>750 – 3000	Engineer 3000 kW	Engineer 750kW			W/Rating
>500 – 750	Engineer 750 kW	Engineer 500 kW			W/Rating
>300 – 500	Engineer 500 kW	Engineer 300 kW			W/Rating
>75 – 300	Engineer 300 kW	Engineer 75kW			W/Rating
<75 – 75	Engineer 75kW				W/Rating

* The requirement for a Watchkeeper may also be satisfied by an engineer holding an unrestricted Engine Watchkeeper qualification.

The references in the column headings to "if required" refer to the requirements specified in the Safe Manning Certificate issued for the vessel concerned.

A Master 20 GT certificate may be endorsed to allow the holder to operate in a dual capacity and take charge of "outboard engines".

SCHEDULE 8

(Section 19)

Republic of Vanuatu
Shipping Act, Cap. 53

Application for Survey of Vessel

Name of vessel .....

Date and place built .....

Official no. or local registration no. .....

Material of construction .....

Length ..... Breadth ..... Depth ..... (a)

Gross tonnage ..... (b)

Number, type and make of engine .....

Age of engine .....

Class of vessel ..... (c)

Date of expiry of present certificate (if any) .....

Port at which survey is requested .....

Date and place of last underwater examination .....

I hereby apply for survey of the above vessel in accordance with Section 19 of the Shipping Act, Cap. 53, and enclose remittance covering fee of VT ..... specified in Schedule 9 to this Act.

Signature of master or owner .....

Date of application .....

Address for reply .....

.....

Notes –

(a) "Length" means the length in feet from the forepart of the stem to the afterpart of the stern post, or if a vessel without a stern post, the forepart of the rudder stock;
"Breadth" means extreme breadth in feet not counting rubbers;
"Depth" means the height in feet of the midship section of the tope of the deckbeam in the middle line above the top of the keel.

(b) Where the gross tonnage is not accurately known it will be determined by the formula –

$$\frac{\text{Length} \times \text{Breadth} \times \text{Depth} \times 0.75}{100}$$

(c) Viz: Coastal, Inner Islands, Outer Islands or Foreign Vessel.

SCHEDULE 9

(Section 19)

Survey Fees

The fee for survey for a safety certificate of a vessel of the gross tonnage specified in column (1) of the following table shall be as specified opposite such vessel in column (2) of the table, and where for the convenience of the owner, the licensing officer attends in order to furnish satisfactory evidence as to condition as required by section 25 of this Act or for running surveys of machinery, or where it is necessary for the licensing officer to make additional visits to a vessel in order to ascertain whether defects or deficiencies noted at the time of the main survey have been rectified, the fee shown in column (3) of the table opposite such vessel shall be payable.

(1) Gross tonnage of vessel	(2) For the Survey	(3) For every additional visit
Less than 10 tons	VT 5,250	VT 750
10 and over but less than 25	VT 9,750	VT 1,500
25 and over but less than 50	VT 15,000	VT 2,250
50 and over but less than 100	VT 20,250	VT 3,000
100 and over but less than 150	VT 30,000	VT 4,500
150 and over but less than 300	VT 39,000	VT 6,000
300 and over but less than 500	VT 49,500	VT 7,500
500 and over	VT 60,000	VT 9,000

(2) Where the gross tonnage of a vessel is not accurately known it shall be determined by the formula –

$$\frac{\text{Length x Breadth x Depth in feet x } 0.75}{100}$$

SCHEDULE 10

(Section 20)

Certificate of Survey

The certificate of survey required to be prescribed by this Schedule by section 20 of this Act is set out as an endorsement on the reverse of the prescribed Safety Certificate (see Schedule 11 to this Act).

SCHEDULE 11

(Section 25)

Republic of Vanuatu
Shipping Act, Cap. 53

Safety Certificate

(Face)

Name of Ship	Class	No. & Port of Registry or Local Registration No.	Name and Address of owner	Make, Type & B.H.P of Main Engine	Registered			Gross Tonnage	Minimum Permitted Freeboard	Capacity in Gallons	
					Lgth	Brdth	Dpth			F.W.	Fuel

MINIMUM MANNING SCALE:	Coastal	Inner Is.	Outer Is.	F.G.
Masters/Mates/Coxswains				
Engineers/Mechanics				
Additional Seamen				
MAX. NO. OF PASSENGERS PERMITTED Saloon				
Deck berthed				
Deck unberthed				
MAX. NO. OF PERSONS (Incl. crew) PERMITTED TO BE CARRIED				

Validity –

The validity of this Certificate is dependent upon –

1. The vessel being manned to at least the minimum manning scale shown above.
2. Compliance with the minimum equipment scales shown hereunder.

(a) *Ground Tackle Mooring Lines, etc.*

Anchors:	No:	Type:	Weight:
	No:	Type:	Weight:
	No:	Type:	Weight:
Cables:	No:	Size:	Length:
Lines:	No	Size:	Length:

(b) *Lights and Signalling Equipment* –

Masthead	P & S side	Stern
Anchorlight	NUC lights	Balls & Shapes
Whistle/Siren	Foghorn	Bell
Signal torch	Daylight lamp	Semaphore flag
Code flags	Int. Code Book Vol. 1	
Radio type	Power	
Batteries	capacity	Charger type Capacity

(c) *Navigational Equipment* –

Compasses	Means of taking bearings	
Charts	Parallel Rules	Instruments
Sextant	Chronometer	
N. Almanac	N. Tables	

(d) *Firefighting Appliances* -

Fire buckets	with lanyard	
Extinguishers fluid	Froth	Other
Pumps	Type	
Hoses	Nozzles	Spray Nozzles
Sand receptacle	Smothering system	
Fireman's outfit	Axes	

(e) *Lifesaving Appliances* -

Lifejackets for	Persons, Lifebuoys total:
Lifeboats for	Persons, (with lines:)
Infl. liferafts for	Persons, (with lights:)
Approved boats for	Persons, parach. Signals:
Approved rafts for	Persons, Handflares:
Buoyant apparatus for	Persons, Smoke floats:
Other boats for	Persons, Portable radio:

(f) *Pumping Equipment etc.*

Bailers	Buckets
Hand Pumps	Power pumps

(g) *Cargo Gear* S.W.L

(h) *Other Equipment*

3. The vessel, hull, fixtures, fittings, machinery and equipment being maintained in good order and condition.

CERTIFICATE

(Reverse)

I, the undersigned, certify –

1. That the vessel described above has been surveyed in accordance with the provisions of section 20 of the Shipping Act, Cap. 53.
2. That the survey took place on (date) at (place)
3. That to the best of my knowledge and belief the vessel complies with all the requirements for a vessel of her class.
4. That in pursuance of section 25 of the Shipping Act, Cap. 53 this Safety Certificate is now granted and shall remain in force until (date), unless previously invalidated, revoked or suspended.

Issued on (date), at (place).
Signature of Principal Licensing Officer……..
Note – This Certificate shall be issued in triplicate -
Original to be retained by the Owner.
Duplicate to be posted in the wheelhouse or other accessible place on board the vessel.
Triplicate to be retained by the Licensing Officer.

SCHEDULE 12

(Section 28(1))

Republic of Vanuatu Shipping
Act, Cap. 53

Order of Detention

I, ... [name of licensing officer] having received a complaint from ..... [name of complainant] having reason to believe that ..... [name of vessel] lying at ..... [place] is by reason of

.....

.....

unfit to proceed to sea without danger to human life and having undertaken a survey of ..... [name of vessel] and being satisfied that ..... [name of vessel] is unfit to so proceed do hereby order that ..... [name of vessel] be detained until the following conditions have been complied with

.....

.....

Dated the ..... day of .....

Signed .....

SCHEDULE 13

(Section 33(2))

Freeboard

Minimum Freeboard		
Length of vessel in feet	Open or partially decked vessels	Fully decked vessels
Under 20 ft.	11 inches	8 inches
20 ft. and under 30	12 ½ inches	9 ½ inches
30 ft. and under 40	14 inches	11 inches
40 ft. and under 50	16 ¾ inches	12 ½ inches
50 ft. and under 60	19 ½ inches	14 inches
60 ft. and under 70	22 ¾ inches	15 ½ inches
70 ft. and under 80	25 inches	17 inches
80 ft. and under 90	27 ¾ inches	18 ½ inches
Over 90 ft.	30 ½ inches	20 inches

Table of Amendments (since the Revised Edition 1988)

1	*Amended by Act 33 of 1998*	*Sched 1-13*	*Substituted by Order 6 of 1999; substitutions then repealed by Order 18 of 2004*
2(1)	*Substituted by Act 33 of 1998*		
10(2)	*Repealed by Act 33 of 1998*		
11(1)(a)	*Amended by Act 33 of 1998*	*Sched 1,4,5,7*	*Substituted by Order 18 of 2004*
11(2)	*Repealed by Act 33 of 1998*	*Sched 9*	*Amended by Order 7 of 1990*
15	*Repealed by Act 33 of 1998*	*Sched 10*	*Inserted by Order 18 of 2004*
18(1)	*Amended by Act 33 of 1998*	*Note that amendments to schedules 2, 3 and 10 by Order 18 of 2004 could not be completed as these altered schedules which were repealed in that same Order.*	
30	*Amended by Act 33 of 1998*		
46	*Substituted by Act 33 of 1998*		