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CHAPTER 9

DERELICT VESSELS (DISPOSAL)

JR 3 of 1923

ARRANGEMENT OF SECTIONS

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DERELICT VESSELS (DISPOSAL)

To provide for the disposal of derelict vessels found within the waters of Vanuatu.

1. Notice of finding of derelict to be given

Any person who shall find an abandoned vessel or wreck of any description at sea or on the seashore shall give notice of such finding to the Minister responsible for transport or to the nearest police station; the officer in charge of the police station shall immediately inform the Minister.

The Minister shall arrange for the publication of the notice of finding.

2. Restoration of derelict to owner

(1) When a claim to the ownership of such salved vessel shall be made within a period of 3 months of the date of the first publication of notice as aforesaid, such vessel shall be delivered to the claimant on production of proof of ownership, and on payment to the salvor of –

(a) one-third of the value of the vessel if it has been found at a distance of more than 1 mile from the shore; or

(b) a quarter of such value if the vessel has been found on the seashore or at less than 1 mile from the shore.

(2) The value of the vessel shall be estimated by one person appointed by the Minister responsible for transport, and should the owner of the vessel consider that his interests are affected by the value so estimated he may demand that the vessel shall be sold by public auction, and the amount of salvage to be paid to the salvor shall be calculated on the gross proceeds of such sale.

(3) If the vessel is sold as aforesaid the proceeds of the sale shall be paid to the owner on production of proof of his ownership and after deduction from such proceeds of –

(a) salvage for the salvor fixed as provided in subsection (1);

(b) customs duties, if any;

(c) expenses of valuation;

(d) cost of sale by auction, that is to say, 10 per cent of the amount realised, being 4 per cent cost of sale, and 6 per cent fee of auctioneer.

(4) Arrangements for such sale by public auction shall be made by a representative of the Minister stationed nearest to where the wreck has been found.

3. Disposal of unclaimed wrecks

If after the expiration of a period of 3 months from the date of first publication of notice as aforesaid, no claim shall have been made to the ownership of the vessel, such vessel shall be sold by public auction and the proceeds of the sale shall be lodged with the Treasury after deduction of –

(a) salvage for the salvor as provided in section 2(l);

(b) customs duties, if any;

(c) cost of sale by auction as provided in section 2(3).

4. Disposal of proceeds of sale of unclaimed wrecks

(1) If before the expiration of a period of 5 years from the date of the first publication of notice as aforesaid, the owner of the vessel makes a claim to the proceeds of the sale as provided in section 3, the net proceeds of such sale without interest shall be paid by the Treasury to such owner on production of proof of such ownership.

(2) If after the expiration of the aforesaid period of 5 years from the date of publication of notice no claim of ownership of the vessel shall have been made the net proceeds of the sale by auction shall finally be carried to the account of the Government.

5. Action in cases in which notice of finding has not been given

Wrecks or stranded vessels which shall have been found but of which notice shall not have been given as provided in section 1 shall be considered as illegally detained and shall be seized. In such cases publication of notice of sale of wrecks, and the lodgement of the proceeds of sales by auction shall be as provided in section 4, but the salvor shall have no claim to salvage, and shall be liable to the penalties provided in section 6.

6. Penalties for infractions

Offences against the provisions of this Act shall be punishable on conviction by a fine not exceeding VT 30,000 or by imprisonment for a term not exceeding 30 days or by one or other of those penalties.