



REPUBLIC OF KIRIBATI

**MARITIME ACT 2017
(Section 6 (x) & 214)**

Maritime (Small Craft) Regulations 2020

PURSUANT to Section 6 (x) and Section 214 of the Maritime Act 2017, I Willie Tokataake, the Minister of Information, Communication, Transport & Tourism Development, HEREBY MAKE the following Regulations:

PART I - PRELIMINARY

1. Short Title and Commencement

- (1) These regulations may be cited as the Maritime (Small Craft) Regulations 2020.
- (2) These Regulations come into force on the date of publication by exhibition of notice at the office of the Beretitenti.

2. Application

- (1) Subject to sub-regulation (2), these Regulations apply to all small crafts that are less than 10 meters in length that operate within Kiribati waters.
- (2) The Minister may, acting with and in accordance with the advice from the Director, exempt any small craft from the operation or requirement of these Regulations, based on:
 - (a) the nature or the type of the small craft;
 - (b) the use for which the small craft is put; or
 - (c) the area or place in which the small craft operates.

3. Interpretation

(1) In these Regulations, unless the contrary intention appears:

“Administration” means the Marine Department, Division of the Ministry of Information, Communication, Transport and Tourism Development.

“approved training” means basic safety trainings which the Administration has approved the Marine Training Centre, to provide for.

“BSTC” means Basic Safety Training Certificate.

“commercial small craft” means a small craft which is not used solely for pleasure or recreation, and the use of which is made, allowed or authorised in the course of a business or in connection with a commercial transaction.

“crew” employee of the small craft other than the skipper.

“Coxswain License” means a small craft driver’s license.

“Director” means the Director of Marine Department.

“existing small craft” means any small craft that is not a new small craft.

“fishing boat” means any small craft used commercially for catching fish, whales, seals, walrus or other living resources of the sea.

“hire and drive vessel” means a small craft which is let for hire or reward or for any other consideration or includes a small craft provided in conjunction with the holiday establishment or hotel for the use of guests or tenants where it is intended that the hirer shall use the small craft solely for pleasure purposes.

“inland waters” comprise all waters on the landward side of the lagoon and which waters are fully or ninety-percent surrounded by land.

“in-shore” a distance with 12 nautical miles from the shore.

“length” means length overall (LOA), and measured along its centreline from the outside of hull aft to the outside of the hull forward. This does not include any other measurement of any additional attachment to the small craft.

“passenger small craft” means any small crafts which carries more than 12 passengers or which operates as a commercial passenger small craft.

“small craft” means a commercial small craft or a hire and drive vessel.

“skipper” means the person having command of a small craft.

"Registrar" means a registrar of small craft as appointed under regulation 4.

"unseaworthy" means a small craft that is non-compliant with any of the provisions of these regulations.

PART II - REGISTRATION

4. Registrar of Small Craft

There shall be a Registrar of Small Craft who must be a public servant nominated as such by the Director.

5. Register of Small Craft

- (1) The Registrar must keep at the Marine Division, a Register of Small Crafts in such form as the Registrar determines.
- (2) The Registrar must enter in the Register particulars of all small crafts registered under these regulations and such other entries as may be required by these regulations to be entered in the Register.

6. Functions of Registrar

- (1) The functions of the Registrar include the following:
 - (a) to establish and maintain a register of small craft;
 - (b) to register small craft;
 - (c) to issue certificates of registration, licenses and certificates, as authorised under these Regulations; and
 - (d) to carry out such other functions and duties as required by these Regulations or any other law or as directed by the Director.

7. Registration of Small Craft

- (1) All small craft to which these regulations apply to, must be registered with the Registrar.
- (2) Registration under sub-regulation (1) shall be affected by the completion and filing of a Small Craft Registration Form (Form A in the Schedule) with the Registrar.
- (3) Upon receipt of a Small Craft Registration Form, the Registrar must issue a registration number for the small craft.

- (4) The registration fee is \$20.
- (5) Where there is a change in ownership or in the registered details of the small craft, the registered owner must notify the Registrar of such changes as soon as it is practicable to do so.
- (6) Any person who contravenes any part or parts of this regulation commits an offence and is liable upon conviction to a fine not exceeding \$1000 or imprisonment for a term not exceeding 1 month.

8. Marking of Small Craft

- (1) Every small craft, so registered, must have, affixed to its hull on each side, the registration numbers issued by the Registrar under regulation 7(3).
- (2) Where, because of the design and/or construction of the small craft, it is not possible to affix the registration numbers on each side, the numbers must be affixed to the small craft where they can best be seen.
- (3) The registration numbers must be 150mm in height and must be clearly visible.
- (4) Any person who contravenes any part or parts of this regulation commits an offence and is liable upon conviction to a fine not exceeding \$500.

PART III - LICENSING

9. License to Drive a Small Craft

- (1) Any person who drives or operates a passenger small craft must have a Coxswain License, permitting that person to drive or operate that small craft.
- (2) A Coxswain License may only be issued under the following conditions:
 - (a) the applicant -
 - (i) is 18 years of age and over;
 - (ii) is mentally and physically fit;
 - (iii) has completed a training approved by the Administration; and

- (iv) has passed the Coxswain License Test, conducted by a designated representative of the Administration.
- (3) All applications for a Coxswain License must be made in writing to the Registrar using the Application Form (Form B in the Schedule) set out in these regulations.
- (4) In the case of the outer islands, an application may be made to a designated person located on each respective island. The designated person shall forward to the Registrar the application received, for the Administration to approve.
- (5) Where an application has been approved by the Administration under sub-regulation (4), the Registrar must issue the applicant a coxswain license, either directly or through the designated person.
- (6) Where the provisions of sub-regulation (2) and sub-regulation (3) are complied with, the Registrar must issue the applicant, a Coxswain License.
- (7) Any person who drives or operates a passenger small craft without a Coxswain License commits an offence and is liable to a fine not exceeding \$1,000, except in the case of a person under the age of 18 years, the parents or guardian, as the case may be, may be held liable for any breach of this regulation.

10. Requirement to License Small Craft

- (1) The owner of the small craft must license the small craft with the Registrar.
- (2) Any owner of a small craft who fails to comply with sub-regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 1 month.

11. Types of Small Craft Licenses which may be Issued

- (1) For the purpose of this Part, licenses may be applied for and issued for the operation of:
- (a) Commercial Passenger Small Craft; or
 - (b) Commercial Fishing Small Craft; or
 - (c) Commercial Cargo Small Craft; or
 - (d) Commercial Mixed-Use Small Craft (where such craft is proposed to be used for more than one commercial use); or

(e) Commercial Hire and Drive Small Craft.

12. License to Operate a Small Craft

- (1) Upon application by the owner of the small craft in accordance with these regulations, the Registrar may issue a license for the small craft, after being satisfied that the provisions of these regulations have been complied with.
- (2) An application for a license to operate a small craft must be accompanied by-
 - (a) proof of registration of the small craft;
 - (b) evidence to the satisfaction of the Registrar that the skipper of the small craft has undertaken the necessary training provided by the Administration and any other compliances required under these regulations; and
 - (c) evidence of compliance with the relevant construction, safety and manning standards required under regulations 16,17 and 18.
- (3) A license to operate a small craft as issued under this regulation, may be subject to such terms and conditions as determined by the Director.
- (4) Where the provisions of sub-regulation (2) are complied with, the Registrar must –
 - (a) license the small craft to operate in the license type applicable to the craft; and
 - (b) enter in the register details of the license, the date of issue and terms and condition determined under sub-regulation (3); and
 - (c) issue the owner a license to operate the small craft in the license type applicable together with any terms and conditions determined under sub-regulation (3).
- (5) A license issued under this regulation is –
 - (a) for a period not exceeding 12 months;
 - (b) not transferable; and
 - (c) subject to a prescribed fee determined by the Minister.

13. Offence to Operate a Small Craft without License

The owner and skipper of a small craft each commits an offence where the craft is operated or goes to sea without license, and are liable to a fine not exceeding \$2,000 and/or imprisonment for a term not exceeding 3 months.

14. Failure to Comply with the Terms and Conditions of License

The owner and skipper of a small craft each commits an offence where the craft is operated or goes to sea in breach of the terms and conditions determined under regulation 12(3), and are liable upon conviction to a fine not exceeding \$2,000 and/or suspension or revocation of Small Craft License and Coxswain License, by the Director.

PART IV - OPERATIONS OF SMALL CRAFT

15. Operation Standards

- (1) Every small craft registered or licensed under these Regulations must be operated in accordance with the applicable operation standards as specified in Schedule 4.
- (2) A small craft assigned more than 1 service category must comply with the requirement of the highest of those service categories and any additional requirements of other service categories to which it is assigned.
- (3) The Minister may, with advice of the Director, amend Schedule 4.

PART V - SAFETY REQUIREMENTS

16. Construction of Small Craft

- (1) Every small craft (that is constructed after the date of these Regulations come into effect) must be constructed in accordance with the applicable construction standards as specified in Schedule 2.
- (2) For the purpose of sub-regulation (1) the owner of a small craft shall apply to the Registrar using Form C in the Schedule, 14 days prior to the construction date of the small craft.
- (3) For the purpose of this regulation, this part does not apply to existing small craft, unless the existing small craft is rebuilt or reconstructed or has made any major alteration to its structure.
- (4) The Minister may, with the advice of the Director, amend Schedule 2.

17. Minimum Safety Standards of Small Craft

- (1) Every small craft registered or licensed under these Regulations, must comply with the applicable safety standards as specified in Schedule 3.
- (2) A small craft assigned more than 1 service category, must comply with the requirement of the highest of those categories and any additional requirements of other service categories to which it is assigned.
- (3) The Minister may, with the advice of the Director, amend Schedule 3.

18. Minimum Manning Standards of Small Craft

- (1) For every small craft operated, to which these Regulations apply, must comply with the minimum manning standard as specified in Schedule 5.
- (2) The Minister may, with the advice of the Director, amend Schedule 5.

19. Offence to Operate a Small Craft in Breach of Applicable Construction, Safety or Manning Standards.

The owner and skipper of the craft commits an offence where a small craft is operated or goes to sea without the craft complying with any applicable construction, safety or manning standards as specified in Schedules 2, 3 and 5, and are liable to a fine not exceeding \$2,000 or/and imprisonment for a term not exceeding 3 months.

PART VI - SURVEY AND INSPECTION OF SMALL CRAFT

20. Inspections of Small Craft

- (1) Any small craft to which these Regulations apply may be inspected for compliance with these Regulations by the Director, or any person(s) designated by the Director for that purpose, or by a member of the Kiribati Police Services, at any time, to ensure proper compliance with the requirements and standards set out in these regulations.
- (2) Where a small craft does not meet the minimum safety equipment on board or is deemed to be unseaworthy for any reason, the inspecting person may direct the skipper not to take

the small craft on any trip until the minimum required safety equipment requirement is met and the small craft is deemed seaworthy.

- (3) Any person who refuses to obey a direction under sub-regulation (2) commits an offence and is liable upon conviction to a fine not exceeding \$1000 or imprisonment for a term not exceeding 1 months.

21. Surveyor of Small Craft

- (1) The Minister may, on the advice of the Director, appoint a person (whether a public servant or private surveyor), with such qualification as he/she considers appropriate, to be a Surveyor of small crafts.
- (2) Where a private surveyor is appointed, for the purpose of sub-regulation (1), the Administration shall bear the cost of the service fee of the private surveyor.

22. Survey of Small Craft

- (1) Any small craft must be surveyed by a surveyor of small craft, so that relevant certificates or licenses can be issued.
- (2) A surveyor under sub-regulation (1) shall carry out annual surveys in relation to safety and construction standards as provided in these Regulations.

23. Special Survey of Small Craft

- (1) Where in any circumstances, the safety of the small craft is being and or likely to be compromised, due to any new modification or any involvement of the small craft in a mishap or accident, the Director may, direct the skipper or owner of the small craft, to have the small craft surveyed by the appointed surveyor under regulation 21 (1).
- (2) A person shall not fail to comply with a direction given to him under sub-regulation (1).

Penalty: A fine not exceeding \$1,000 or imprisonment for a term not exceeding 1 month.

PART VII – CARRIAGE OF DOCUMENTS

24. Requirement to Carry Small Craft License

- (1) The owner or skipper of a small craft that is issued a Small Craft License under regulation 12, must cause the license to be placed on board the small craft at all times.

Penalty: not exceeding \$100 for Skipper; or not exceeding \$200 for owner.

25. Requirement to Carry Coxswain License

- (1) The Skipper must carry his/her Coxswain License at all time, when driving or operating a small craft.
- (2) Where the skipper does not have a coxswain license present, the skipper must, within 48 hours, present his/her coxswain license to the Administration.

Penalty: not exceeding \$100

PART VIII – MISCELLANEOUS

26. Transitional

The Director must, in writing, appoint a transitional period for all small crafts to comply with these regulations. The transitional period shall not exceed two years from the date of entry into force of these regulations.

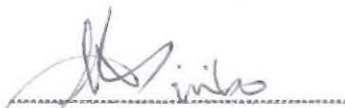
Dated this...^{16th}...day of *June* 2020.



WILLIE TOKATAAKE

Minister of Information, Communication, Transport and Tourism Development

Published by exhibition at the Office of Te Beretenti this ⁰⁷ day of *Aug* 2020



Naomi Biribo
Secretary to Cabinet

SCHEDULE 1

(Regulation 7 (2))

FORM A: APPLICATION FOR REGISTRATION OF SMALL CRAFT

Details of applicant

Name of applicant :
Name of owner(s) :
Address of owner(s):
Contact : Mobile: E-mail:

Details of the boat

Date built :
Name of builder :
Address of builder
Length (m) Beam (m) Draft (m)
Intended Operation Fishing Passenger Cargo Others

Type of Boat:

Mono Hull Catamaran Outrigger Multi
Hull

Type of Construction:

Open Deck Partially Deck Fully Deck

Construction

Materials:

Wood Fiberglass Aluminium Steel
Others

Type of Propulsion:

Inboard engine Outboard Sail Others
engine

Engine Details: (if applicable)

Engine Output: (kW/hP) Number of Engines:

Engine Manufacturer:

Engine Fuel:

Petrol: Diesel

I, the undersigned, declare that I fully understand the registration procedures and regulations enforced in relation to the ownership and operation of a small fishing boat, and from the best of my knowledge the information I have given above are true and correct. I attached the Registration Checklist (Form No. XX) with this application for the required data.

.....
Signature applicant

Date
(dd/mm/yy)

(Regulation 9 (3))

FORM B

APPLICATION FOR COXSWAIN LICENSE

Small craft License application for 10 metres in length and below. It must be completed by the applicant)

Date of application
(dd/mm/yy)

First Name _____

Second Name _____

Gender Male

Date of Birth

Female

(dd/mm/yy)

Home Address :

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Contact Address

Mobile: _____

Landline: _____

Email : _____

Requirements

Passport Photo

Birth Certificate

Medical Certificate

Reference details

.....
Signature applicant

Date
(dd/mm/yy)

(Regulation 16 (2))
Form C

Application for Construction

A. Applicant details

Surname /Given name: _____ Company name: _____

Address: _____

Place: _____

Mobile: _____ Email: _____

B. Correspondence

1. Who is responsible for discussion about the small craft? Applicant Agent

2. Who should invoices be sent to? Applicant Agent

3. Who should correspondence be sent to? Applicant Agent

Please provide Agent details (if applicable)

Name: _____

Phone: _____ e-mail: _____

Address: _____

C. Small craft details

Boat name: _____

Length (m) _____ Breadth (m) _____ Depth (m) _____

Max Design Speed _____

Construction materials: Wood
Steel
Aluminium
Fiberglass
Others

Does this small craft require a Load line: Yes
No

Fuel Type: Petrol Diesel Other:

Main Propulsion: Engine Inboard
Sail Outboard
Jet
Others

Engine manufacturer: _____

No of engines: _____

Power (kW/hP): _____

D. Construction and design

Please be aware that you should not commence construction before plans are approved. Any construction commenced prior to plan approval will be at your own risk.

(Small crafts of 7 meters and less are not required to provide a plan but boyancy test and photo are required)

The boat is:

To be constructed Under construction Already built

Boat Drawings submitted: Yes No

Intended Operation: Fishing Passenger Cargo Others

Date of construction: _____

Name of Builder: _____ Approved: Yes No

Address: _____

E. Location/address of small craft for survey

Date survey requested _____ Contact person on day _____

Island _____ Village _____ Station _____

Mobile _____ Email _____

.....
Signature applicant

Date
(dd/mm/yy)

SCHEDULE 2
(Regulation 16 (1))

CONSTRUCTION STANDARDS FOR SMALL CRAFT.

For all small craft registered or licensed under these Regulations, the craft must be constructed to the following standards:

- (a) wooden small craft - To the construction standard approved by the Administration;
- (b) steel small craft - To the construction standard approved by the Administration;
- (c) aluminum small craft - To the construction standard approved by the Administration;
- (d) fiberglass small craft - To the construction standard approved by the Administration; and
- (e) other types of small craft - To the construction standard approved by the Administration.

SCHEDULE 3
(Regulation 17 (1))

MINIMUM SAFETY STANDARD FOR SMALL CRAFT
(To be carried on board all small crafts to which these Regulations apply)

SAFETY EQUIPMENT FOR Category D SMALL CRAFT				
<u>Items</u>	<u>In-shore</u>		<u>Inter-Island</u>	
	<i>Required</i>	<i>Recommended</i>	<i>Required</i>	<i>Recommended</i>
Life-jacket*	1 per person		1 per person	
Lifebuoy		1	1	
Life raft		1	1	
Handheld flare		1	1	
Parachute flare		1	1	
Orange	1		2	
Waterproof torch with full set spare batteries	1		1	
Radar reflector			1	
MF/HF SSB Radio			1	
VHF radio base			1	
VHF radio portable	1			
EPIRB/PLB	1		1	
Magnetic steering compass		1	1	
Navigation Charts		1		1
Portable GPS	1		1	
Fire extinguisher		1	1	2
Oars/Paddles		2		2
Anchor	1		1	2
Drinking Water		1 liter per person	1 liter per person	2 liters per person
First aid Kit	1		1	
Life rafts		1	1	
Tools	1 set tool kit*		1 set tool kit*	
Spare main propulsion	1		1	
2m x 2m canvas	1		1	

Category D small craft: any small craft which engages in any commercial passenger operation.

*Approved by the Administration

SAFETY EQUIPMENT FOR Category E SMALL CRAFT				
<u>Items</u>	<u>In-shore</u>		<u>Inter-Island</u>	
	Required	Recommended	Required	Recommended
Life	1 per person			
GPS	1			
VHF	1			
Life-Ring	1			
Anchor	1			
Compass		1		
Hand-flare		1		
Orange Smoke-flare	1			

Category E: small crafts operating on a coastal voyage of not more than 3 nautical miles from shore and solely in navigation on lagoon waters

SAFETY EQUIPMENT FOR Category F SMALL CRAFT		
<u>Items</u>	Required	Recommended
Portable Locating Beacon (PLB)	1	
Life vest	1 per person	
Engine Spare Parts	1	
Global Positioning System (GPS)		1
VHF		1
Flares		1
Radar Reflector		1

Category F: any small craft which solely engages in commercial fishing operation.

SAFETY EQUIPMENT FOR Category R SMALL CRAFT				
<u>Items</u>	<u>In-shore</u>		<u>Inter-Island</u>	
	Required	Recommended	Required	Recommended
Life Jacket	1 per person			
Torch (waterproof)	1			
Paddle	1 pair			
Sails		1 set		
Anchor		1		
Spare Parts (engine and tools)		1 set		

Category R: any small crafts operating solely on inland waters.

SCHEDULE 4
(Regulation 15)

OPERATING STANDARD FOR SMALL CRAFT

Category	Description of operating zone and voyage limitations	Small craft specification	Main propulsion
D	small crafts operating on a near coastal voyage of not more than 12 nautical miles from shore.	3 m up to 10 m in length Lowest freeboard at stern is >250 mm or side is >400 mm	>15 hP
E	small crafts operating on a coastal voyage of not more than 2 nautical miles from shore and solely in navigation on lagoon waters.	All traditional local build canoes or boats of less than 3m in length with the lowest freeboard at stern of not less than 200mm and the side of not less than 400mm.	Any types of propulsions approved by the Administration
F	fishing boats operating not more than 12 nautical miles from shore.	>3 m up to 10 m in length Lowest freeboard at stern is >250 mm or side is >400 mm	>15 hP
R	small crafts operating solely on inland waters.	Up to 10 m in length	

SCHEDULE 5
(Regulation 18)

MINIMUM MANNING OF SMALL CRAFT

	Category			
	D	E	F	R
	Minimum grade			
Skipper/Coxswain	Master Class 6	N/A	N/A	N/A
Engineer	Engineer Class 5	N/A	N/A	N/A
Crew	2 x BSTC	1 x BSTC	1	1