

SAFETY AT SEA ACT 1980

Act 66 of 1980

ANALYSIS

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AN ACT to provide safety precautions for boats going out to sea.

BE IT ENACTED by the Niue Assembly in Session assembled and by the authority of the same as follows:

1. Short title and Commencement - This Act may be cited as the Safety act Sea Act 1980 and shall come into operation on the first day of February 1981.

2. Interpretation - In this Act unless the context otherwise requires -

"annual licence fee" means the fee payable under this Act for a licence to operate a boat for the period determined in the licence

"boat" means any vessel whatsoever whether propelled by oars or otherwise but does not include a canoe.

"Cabinet" means the Cabinet of Ministers as established by Article 2 of the Niue Constitution.

"licence" means a licence issued under section 6 of this Act.

3. Fisheries Officer - (1) There shall be appointed under Part XXXI of the Niue Act 1966 a Fisheries Officer.

(2) The office of the Fisheries Officer may be held in conjunction with any other office which the Public Service Commission shall consider to be not incompatible therewith.

4. Powers and Duties of Fisheries Officer - The general powers and duties of the Fisheries Officer shall include -

(1) the issuing of licences pursuant to this Act.

(2) the commencing of proceedings pursuant to this Act to ensure compliance with this Act.

5. Licensing of boats - No person shall at any time after the commencement of this Act put to sea in any boat unless that boat is licensed under the provisions of this Act.

6. Application for a licence - An application for a licence shall be made in such manner as the Fisheries Officer may by notice prescribe and the Fisheries Officer may grant or refuse any such licence.
7. Grounds for Refusal of Licence - A licence shall not be refused except on one or more of the following grounds -
 - (a) that the boat does not meet the minimum requirements for safety as prescribed by this Act
 - (b) that the person applying for the licence is by order of the High Court of Niue disqualified from holding a licence
 - (c) that the fee payable annually for a licence issued under this Act has not been paid
 - (d) that the applicant has not yet attained 18 years of age
 - (e) that the applicant is not the owner of the boat.
8. Duration of licence - Every licence shall come into force on the date specified therein and shall expire on the next following thirty-first day of March.
9. Fee - (1) No licence shall be issued under this Act until the annual licence fee has been paid.
 - (2) The annual licence fee shall be as determined from time to time by Cabinet.
 - (3) The annual licence fee determined by Cabinet shall be payable for each year or part thereof during which the boat is used at sea.
10. Equipment required - (1) No person shall put to sea in a boat unless that boat has
 - (a) a pair of oars
 - (b) a bailer
 - (c) three hand operated safety flares as by notice prescribed by the Fisheries Officer on the recommendation of Cabinet.
 - (d) one life preservation jacket for every passenger on board that boat
 - (e) in the case of a boat powered by a combustion engine, spare spark plugs together with a minimum "tool kit" as by notice prescribed by the Fisheries Officer on the recommendation of Cabinet.
11. Offences - Every person who operates a boat in contravention of the provisions of section 5 or section 10 of this Act and on conviction shall be liable to a suspension of the licence issued for that boat under section 6 of this Act for a term not exceeding six months or to a fine not exceeding \$50.00 or both such suspensions and fine.
12. Exemptions - Cabinet may from time to time authorize specific exemptions from this Act.