

# Vanuatu Maritime Authority (Amendment) Act 2003

*Commencement: 1<sup>st</sup> July, 2003*

## REPUBLIC OF VANUATU

### VANUATU MARITIME AUTHORITY (AMENDMENT) ACT NO. 9 OF 2003

#### Arrangement of Sections

1. Amendments
2. Commencement

---

## REPUBLIC OF VANUATU

Assent: 21<sup>st</sup> July, 2003.

Commencement: 1<sup>st</sup> July, 2003.

### VANUATU MARITIME AUTHORITY (AMENDMENT) ACT NO. 9 OF 2003

An Act to amend the Vanuatu Maritime Authority Act No. 29 of 1998.

Be it enacted by the President and Parliament as follows-

#### **1 Amendments**

The Vanuatu Maritime Authority Act No. 29 of 1998 is amended as set out in the Schedule.

#### **2 Commencement**

This Act commences on 1 July 2003.

---

## SCHEDULE

### AMENDMENTS OF THE VANUATU MARITIME AUTHORITY ACT NO. 29 OF 1998

#### 1 At the end of section 30

Add

“(6) A member of the Authority referred to in paragraph 4(2)(e) ceases by force of this subsection to be a member of the Authority if:

- (a) the Minister who appointed the member ceases to be the Minister; or
- (b) in the case of a member who is a political adviser for the Minister, he or she ceases to be a political adviser for the Minister.”.

#### 2 After section 50

Insert

##### **“50A Removal of wrecks**

(1) If a vessel or part of a vessel is wrecked, stranded, sunk or abandoned on or near the coasts of any island of Vanuatu or in Vanuatu waters, the Authority may, by notice in writing, require the owner, operator or master of the vessel to do either or both of the following:

- (a) to raise, remove or destroy the wreck, or a specified part of the wreck, within a time specified in the notice;
- (b) to place a lighted buoy or another structure to indicate the position of the wreck or any part of the wreck until it is raised, removed or destroyed.

(2) If the owner, operator or master does not comply with a notice given under subsection (1), the Authority may do all or any of the following:

- (a) raise, remove or destroy the wreck, or a part of the wreck, in any manner it sees fit;
- (b) place a lighted buoy or another structure to indicate the position of the wreck or any part of the wreck until it is raised, removed or destroyed;
- (c) sell the wreck or a part of the wreck.

(3) The Authority may out of the proceeds of any sale under paragraph (2)(c) retain a sum to cover the expenses incurred:

- (a) in taking any action under paragraphs (2)(a) and (b); and
- (b) in selling the wreck or a part of the wreck.

(4) If the proceeds of sale are insufficient to cover expenses incurred in taking any action under paragraph (2)(a) or (b), or in selling the wreck or a part of the wreck, the Authority may recover the balance of any such expenses incurred by the Authority from all or any of the following:

- (a) the owner of the vessel;
- (b) the operator of the vessel;
- (c) the master of the vessel.

(5) If the wreck is destroyed and a sale is not possible, the Authority may recover the expenses incurred by the Authority in destroying the wreck from all or any of the following:

- (a) the owner of the vessel;
- (b) the operator of the vessel;
- (c) the master of the vessel.

(6) The expenses incurred in taking any action under paragraphs (2)(a) and (b) and in selling the wreck or a part of the wreck, must be paid out of the proceeds of the sale before all other claims by any other persons on the vessel are paid.

(7) This section applies not only to a vessel or part of a vessel that is wrecked, stranded, sunk or abandoned on or after the commencement of this section, but also to a vessel or part of a vessel that was wrecked, stranded, sunk or abandoned before the commencement of this section.

(8) If a vessel is being operated by a person (not being the person who owns the vessel), the person who has full possession and control of the vessel is the operator of the vessel.

(9) For the purposes of this section:

**master** of a vessel means the person having command or charge of the vessel at the time the vessel or a part of the vessel was wrecked, stranded, sunk or abandoned.

**operator** of a vessel means the operator of the vessel in accordance with subsection (8) at the time the vessel or a part of the vessel was wrecked, stranded, sunk or abandoned.

**owner** of a vessel means the owner of the vessel at the time the vessel or a part of the vessel was wrecked, stranded, sunk or abandoned.

**Vanuatu waters** has the same meaning as in the Fisheries Act [CAP 158].

## **50B Recovery of costs and expenses with respect to certain pollution**

(1) This section applies if:

(a) a discharge of oil or an oily mixture occurs into Vanuatu waters from a vessel; or

(b) a discharge of another liquid substance, or of a mixture containing a liquid substance, being a substance or mixture whether or not carried as cargo or part cargo in bulk on a vessel, occurs into Vanuatu waters from the vessel; or

(c) the Authority is of the opinion that there is a probability of such a discharge occurring.

(2) The Authority may take such action as it thinks fit:

(a) to prevent or limit the discharge; or

(b) to disperse or contain any oil or oily mixture, or other liquid substance or mixture containing a liquid substance, that has been discharged; or

(c) to remove any oil or oily mixture, or other liquid substance or mixture containing a liquid substance, from waters or land affected by any discharge; or

(d) to minimise the damage from pollution resulting from or likely to result from any discharge.

(3) The Authority may recover all expenses incurred by it in respect of action taken by it under subsection (2) from all or any of the following:

(a) the owner of the vessel from which the discharge occurred or there was a probability of a discharge occurring;

(b) the operator of the vessel from which the discharge occurred or there was a probability of a discharge occurring;

(c) the master of the vessel from which the discharge occurred or there was a probability of a discharge occurring;

(d) any other person whose act caused the discharge or the probability of a discharge.

(4) The Minister may, on the advice of the Authority, make orders to the effect that a specified liquid or mixture is, or a specified class of liquids or mixtures is, exempt from this section.

(5) If a vessel is being operated by a person (not being the person who owns the vessel), the person who has full possession and control of the vessel is the operator of the vessel.

(6) For the purposes of this section:

**master** of a vessel means the person having command or charge of the vessel at the time of a discharge or the probability of a discharge.

**operator** of a vessel means the operator of the vessel in accordance with subsection (5) at the time of a discharge or the probability of a discharge.

**owner** of a vessel means the owner of the vessel at the time of a discharge or the probability of a discharge.

**Vanuatu waters** has the same meaning as in the Fisheries Act [CAP 158].”

-----