

# Maritime (Amendment) Act 2008

*Not Yet Commenced*

REPUBLIC OF VANUATU

## MARITIME (AMENDMENT) ACT NO. 13 OF 2008

Arrangement of Sections

1. Amendment
2. Savings provision
3. Vacation of office of Commissioner of Maritime Affairs
4. Commencement

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REPUBLIC OF VANUATU

## MARITIME (AMENDMENT) ACT NO. 13 OF 2008

An Act to amend the Maritime Act [CAP 131].

Be it enacted by the President and Parliament as follows:

### **1 Amendment**

The Maritime Act [CAP 131] is amended as set out in the Schedule.

### **2 Savings provision**

Any rule or regulation made under section 48 of the Maritime Act [CAP 131] that was in force immediately before the commencement of this Act continues in force on and after that commencement as if it had been made under section 48 of the Maritime Act [CAP 131] as amended by this Act.

### **3 Vacation of office of Commissioner of Maritime Affairs**

The Office of the Commissioner of Maritime Affairs is taken to have been vacated as at 1 January 2008.

### **4 Commencement**

This Act commences on the date on which it is published in the Gazette.

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## SCHEDULE

### AMENDMENTS OF THE MARITIME ACT [CAP 131]

#### **1 Section 1 (definition of Minister)**

Repeal the definition, substitute

"'Minister' means the Minister responsible for the administration of this Act;"

#### **2 Section 3**

Repeal the section, substitute

#### **"3. Commissioner and Deputy Commissioner of Maritime Affairs**

(1) Subject to the prior approval of the Council of Ministers, the Minister may in writing appoint a Commissioner of Maritime Affairs and not more than 2 Deputy Commissioners of Maritime Affairs.

(2) The Commissioner and any Deputy Commissioner:

(a) must be employees in the Public Service; and

(b) are deemed to be leaders for the purposes of Parts 2,3,5 and 6 of the Leadership Code Act [CAP 240].

(3) The Commissioner may in writing delegate to a Deputy Commissioner any of his or her powers or duties under this Act to be exercised in foreign ports."

#### **3 Section 4**

Repeal the section, substitute

#### **"4. Maritime Administrator**

(1) Subject to the prior approval of the Council of Ministers, the Minister may in writing appoint or reappoint, on such terms and conditions as the Minister deems fit, any person or persons, or body corporate, to perform the functions of Maritime Administrator.

(2) Nothing in this section is to be taken to alter any obligation under the Government Contracts and Tenders Act [CAP 245]."

#### **4 Section 5**

- (a) Delete "in the office of", substitute "by"
- (b) Delete "at the office of", substitute "by"
- (c) Delete "a central", substitute "one central"

**5 Section 6 (heading)**

Delete "Authority to take declarations", substitute "Declarations"

**6 Paragraph 6(1) (f)**

Delete "Authority", substitute "Minister"

**7 Section 8 (heading)**

Repeal the heading, substitute

**"Issue of licences and certificates"**

**8 Subsection 8(2)**

- (a) Delete "Authority", substitute "Minister"
- (b) After "time" (second occurring), insert ", by Order"
- (c) Delete "it" substitute "he or she"

**9 Subsection 9(2)**

- (a) Delete "Authority", substitute "Minister"
- (b) Delete "by it"

**10 Subsection 10(1)**

Delete "Authority", substitute "Minister"

**11 Subsection 15(2)**

Delete "Maritime Appeal Tribunal established by the Vanuatu Maritime Authority Act [Cap. 253]", substitute "Minister"

**12 At the end of section 15**

Add

"(3) The Commissioner or the Minister, as the case may be, may determine an appeal under this section by affirming, varying or setting aside the decision from which an appeal is made and must notify the appellant in writing of such determination."

### **13 Subsection 18(2)**

Delete "Authority", substitute "Minister and, if the Minister gives his or her prior written approval,"

### **14 Paragraph 19(9) (b)**

Delete "Authority", substitute "Minister"

### **15 Subsection 21(4)**

Delete "Authority", substitute "Minister"

### **16 Section 45**

(a) Delete "100", substitute "500"

(b) Delete "1,000", substitute "5,000"

### **17 Section 48**

Repeal the section, substitute

### **"48. Rules and 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 and as he may deem fit in the interests of the Vanuatu Merchant marine and the domestic and foreign commerce of the nation.
- (2) Without limiting subsection (1), the Minister may in such Orders provide for all or any of the following:
  - (a) the registration, identification and regulation of transfers of vessels;
  - (b) the fees and penalties payable in accordance with subsection 10(1);
  - (c) the procedure to be followed for the hearing and determination of an appeal under section 15;
  - (d) the conditions for exemption from tonnage tax in accordance with subsection 19(9);
  - (e) the measurement of vessels under section 24;
  - (f) the prescription of forms under section 27;
  - (g) the establishment of standards of seaworthiness under section 49.
- (3) The Minister may by Order add to or vary or modify any of the Schedules to the Act including any matter set out therein.
- (4) The Minister may by Order delegate to an officer or employee of the Public Service any of his or her powers under this Act excluding this power of delegation."

### **18 Section 89**

Delete "200", substitute "500"

**19 Section 91**

Delete "1,000", substitute "5,000"

**20 Section 139**

Delete "1,000", substitute "10,000"

**21 Section 140**

Delete "2,000", substitute "10,000"

**22 Subsection 142(1)**

Delete "500", substitute "1,000"

**23 Subsection 150(3)**

Delete "Maritime Appeal Tribunal established by the Vanuatu Maritime Authority Act [Cap. 253]", substitute "Minister"