

Maritime Authority Act

An Act to provide for the Establishment of the Liberia Maritime Authority

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PART I
GENERAL PROVISIONS

Section 1. Short Title

This Act shall be cited, in short title, as the *Liberia Maritime Authority Act of 2010*.

Section 2. Definitions

In this Act, unless the context otherwise requires:

"Agency" means an instrument of the Government of the Republic of Liberia, of which the Liberia Maritime Authority is, which enjoys limited immunity accorded to other governmental entities.

"Authority" means Liberia Maritime Authority established under this Act.

"Commissioner" (also referred to as Chief Executive Officer) is the administrative

head of the Liberia Maritime Authority heretofore appointed under Section 11 of the Liberian Maritime Law and under Part II, Section 7 of this Act.

"Coast" means the land part of the coastal zone adjacent to the high-water line. The land area of the coast depends on the public use assigned to it in a program of integrated coastal management, in accordance with such criteria as: control of residential, tourism (sea, marine, etc.), commercial and industrial development; protection of vulnerable species and habitats; aesthetic protection of the coastline; protection of water quality; and prevention of erosion and degradation of coastal resources;

"Coastal Zone" means the interface or transitional space between two environmental realms: the land and the sea:

"Financial Year" means the period of twelve months ending on the thirty first day of December in any year; provided that the first financial year shall consist of the period commencing on the date of the establishment of the Authority and ending on the thirty first day of the following year;

"Government" means the Government of the Republic of Liberia, which administers and controls the affairs of the State;

"Integrated Coastal Management Program" means a process uniting Government and communities, science and management, and public and private interests in the preparation and implementation of an integrated plan for the conservation and development of coastal resources and ecosystems. The purpose of the integrated coastal management is to improve the quality of life of the communities which depend on coastal resources and to maintain the productivity and biodiversity of the ecosystems;

"Liberia Coastal Zone" means the interface or transitional space between the land coast of the Republic of Liberia and the ocean or sea, rivers, lakes, or streams along the coast;

"Maritime Domain" or Maritime Jurisdiction means the responsibility to carry out the maritime laws and regulation, both domestic and international, in Liberian territorial waters and on vessels registered in Liberia or plying the seas under the Liberian flag. The definition also includes the administration of human resources engaged in activities of the Maritime Authority;

"Maritime Sector" means all activities related to regulation of standards for foreign and domestic commercial and noncommercial activities on the waterways, human resources, and related maritime industries (excluding extractive activities) of the Republic of Liberia as determined by the Authority;

"Maritime Zones" and "Internal Waters" mean the zones and waters defined by the Maritime and other laws of the Republic of Liberia, pursuant to the United Nations Convention on the Law of the Sea, signed on 10 December 1982 at Montego Bay, Jamaica. The terms include but are not limited to the territorial sea, the contiguous zone, the internal waters, the exclusive economic zone and the continental shelf of the Republic of Liberia;

"National Maritime Strategy" means the policies, plans, programs and guidelines adopted as or within the maritime policy by the Republic of Liberia and set out in a strategic enunciation of the Government of Liberia in order to promote the continued development of the maritime sector;

"Officer" and "Employee", in relation to the Authority, include a public officer transferred to The Authority from the Bureau of Maritime Affairs, as well as those thereafter employed by the newly established Maritime Authority.

"Public Officer" any person appointed to serve in the capacity as Commissioner and Deputy Commissioner;

"Vessel" means all watercrafts, including canoes, boats and ships.

PART II ESTABLISHMENT, OBJECTIVES, FUNCTIONS AND POWERS OF THE AUTHORITY

Section 3. Establishment of the Liberia Maritime Authority

(1) There is hereby established a body corporate to be known as the Liberia Maritime Authority, to be wholly owned by the Government of Liberia.

(2) The Authority shall be an Agency of the Liberian Government.

(3) The provisions of the Schedule shall have effect with respect to the constitution of the Authority.

Section 4. Objectives of the Authority.

The objectives of the Authority, acting for and on behalf of the Government of the Republic of Liberia, shall be as follows:

(1) Administer, secure, promote, regulate, enforce, design and execute policies, strategies, laws and regulations, plans and programs relating, directly and indirectly to the functioning, growth and development of the maritime sector and national maritime awareness;

(2) Collaborate, coordinate, and consult with the Ministry of National Defense (specifically the Coast Guard), The Ministry of Justice (Police, Immigration, and

other relevant law enforcement agencies), the Ministry of Finance (Customs), the National Port Authority (the "NPA"), the Ministry of Agriculture (the Bureau of Fisheries), the National Oil Company of Liberia (NOCAL), the Ministry of Transport ("MOT"), and other government institutions engaged in activities related to the maritime sector which exist or may be established in the future, with a view to working together to promote the country's social and economic development associated with or growing out of the national maritime, marine and related programs and activities;

(3) Introduce and promote the enactment of national legislations in the exercise of the rights and discharge of the responsibilities of the Republic of Liberia under the United Nations Convention on the Law of the Sea of 1982 and any other maritime related international conventions, agreements and instruments.

Section 5. Functions of the Authority.

The Authority, in the furtherance of its objectives, shall perform the following functions:

(1) Administer this Act and all of the provisions contained therein and the maritime affairs of the Republic. In that connection, the Authority shall have limited law enforcement powers connected to the maritime and marine programs and activities to ensure strict adherence to any regulations and rules promulgated under the Act or pursuant thereto, including developing and implementing policies and measures, performing administrative acts, and enforcing the laws and regulations applicable to the maritime sector, in coordination with other relevant government agencies and institutions which by law have national and specific law enforcement powers;

(2) Develop, coordinate and implement the National Maritime Strategy;

(3) Promote, facilitate and encourage the development of the maritime administration and sector of Liberia;

(4) Regulate, control and administer all regulatory matters related to the standards for merchant shipping, and all foreign and domestic water-borne commercial and noncommercial activities as provided for under the Liberia Maritime Law or any other related law in keeping with Section 4(2) herein above, and consistent with prevailing Liberian laws, so to avoid duplication of or conflict with the functions of other Government Agencies;

(5) Participate in and represent the Government at international organizations, conferences, seminars, workshops and other meetings dealing with maritime-related matters.

(6) Carryout, operate and participate in any maritime project or undertaking;

(7) Coordinate and assist in the growth and development of the maritime sector and other maritime related industries in Liberia;

(8) Expand and create maritime employment opportunities for Liberian seafarers, to include training and certification;

(9) Advise the Government on any matters relating to maritime affairs and any other matters relating to the functions and duties of the Authority; and

(10) Provide the President of Liberia, and the appropriate Government authorities, with information of audited accounts, reports and any and all records of activities of the Authority. If requested by the President of Liberia and other appropriate authority, the Authority shall provide all other information relating to assets, liabilities and the functioning of the Authority consistent with the requirements of prevailing laws.

Section 6. Powers of the Authority.

Without prejudice to the generality of the foregoing provisions of this Act, but subject to the said provisions, the Authority shall have the power to, consistent with and in furtherance of the enforcement powers granted the Authority, exercise the following:

(1) Establish and maintain the capacity to conduct maritime surveillance, maritime domain monitoring, and maritime information gathering, under the guidelines of the Ministry of Justice, with limited law enforcement powers, as required by and in compliance with international maritime agreements, to ensure and protect the Liberian Maritime Domain and marine shores, and which unit shall work in close coordination with other government institutions, including the Ministry of Defense, responsible for Coast Guard services, the Ministry of Finance (Customs), Ministry of Agriculture (Fisheries), and the Ministry of Justice, specifically the Bureau of Immigration empowered under sections 2.2(d) and 2.5(d) of the Liberian Alien and Nationality Laws to protect our borders and to board and search any vessel, aircraft, railway car, vehicles, etc by which aliens are likely to be brought into the country illegally.

(2) Enforce the marine and maritime laws of the Republic of Liberia in keeping with standards set under section 6.1 of this Act;

(3) Collaborate with other government agencies such as the Coast Guard (Ministry of Defense), Ministry of Justice, Ministry of Finance, and Ministry of Agriculture, to ensure that the Liberian marine habitat is protected and that illegal activities within the Liberian Maritime Domain are curtailed. Accordingly, whenever any action is taken affecting the marine or activities with the maritime waters of Liberia by any other institution, the Authority shall be duly informed thereof and shall fully participate in any such undertakings and pursuits, consistent with and not

compromising of the State security;

(4) Carry on such business and other activities, do all such things and enter into all such transactions as necessary or advantageous for it to carry on or perform or enter into, for or in connection with the discharge of its functions, consistent with this Act:

(5) Assist other persons to carry on any business consistent with the functions of the Authority; and

(6) Establish regulations for commercial and noncommercial vessels plying the waterways of Liberia to conform to international best practices.

Section 7. Appointment and Powers of the Commissioner & Deputy Commissioners.

(1) *Appointment of the Commissioner.* The Board of Directors shall recommend for the President's approval a Commissioner who shall be the Chief Executive Officer and who shall have general managing direction of the Authority, superintendence of ships registered under the laws of the Republic of Liberia, and responsibility for the enforcement and administration of the provisions of the Liberia Maritime Law and Regulations or any other maritime related laws.

(2) *Powers of the Commissioner.* The Commissioner shall have the following powers:

a. Be responsible for the administration of the Authority and, subject to the authorization of the Board of Directors in the cases in which this Act so requires, he may effect operations, transactions, agreements and contracts which may be required under the Act;

b. Prepare and submit for approval to the Board of Directors the policies, plans and programs of the Authority; provided that once approved by the Board, the plans, policies and programs shall be implemented by the corresponding Offices within the Authority, under the guidance of the Commissioner;

c. Prepare the Authority's draft budget and submit it to the Board of Directors for approval;

d. Submit to the Board of Directors an annual report and any other reports which it may request;

e. Appoint and establish any advisory, consultative, execution and coordination units for the Authority which the Authority may deem fit, subject to the prior authorization of the Board of Directors and in accordance with the Authority's rules of procedure;

- f. Appoint the Authority's staff below the level of Deputy Commissioners;
- g. Appoint, transfer, promote, suspend, terminate and remove staff members, in accordance with the relevant provisions of the Labor Laws of Liberia and any other governing laws of Liberia and the Authority's rules of personnel policies and practices, as adopted by the Board;
- h. Ensure that recommendations made by the Authority's Offices are the result of coordination between and amongst them;
- i. Perform all other functions and exercise all other powers specified in the legislation and in the Authority's rules and regulations.

(4) Commissioner's Power of Appointment or Removal of Deputy Commissioners. The Commissioner shall recommend to the President for appointment of, subject to the approval by the Board of Directors of the Authority, the Deputy Commissioners of the Authority to administer the principal divisions of the authority and to assist the Commissioner in the performance of his duties as set forth in this Act and the Liberian Maritime Law. The Commissioner may recommend to the President, subject to the approval of the Board of Directors, the removal of a Deputy Commissioner.

(4) Tenure of the Commissioner and Deputy Commissioners. The Commissioner of Maritime Authority and the Deputy Commissioners of the Maritime Authority shall have tenures of Five (5) years in order to ensure and preserve consistency in the leadership, maintain continuity of purpose, increase the capacity in the industry, and preserve the national and international relevance and very competitive nature of the maritime program. The tenure of the Commissioner and the Deputy Commissioners shall be renewable for only one additional four-year period upon recommendation of the Board to the President for approval. No further renewal shall be permitted or allowed beyond nine years.

(5) Status of Commissioners. The Commissioner and Deputy Commissioners shall be employees of the Authority;

(6) Remunerations and Benefits of Commissioners. The remuneration and other benefits of employment of the Commissioner and the Deputy Commissioners of the Authority shall be set and approved by the Board of Directors of the Authority;

(7) Suspension and Removal of the Commissioner. The Commissioner shall be subject to removal or suspension from his position by the President of Liberia, on the recommendation of the Board, for nonperformance, for dishonesty, or any offense in violation of the Liberian criminal laws or, as a result of the outcome of a due process investigation, or a showing of complete disregard for international

treaties and conventions to which Liberia is a party, or on grounds of verified physical, mental or administrative incapacity. Any suspension or removal shall be without prejudice to any criminal sanctions which may be imposed upon trial and conviction. Where the Commissioner is removed or-resigns his position, the Board shall appoint one or more Deputy Commissioners to act as Commissioner pending the recommendation of a replacement by the Board with the approval of the President of Liberia.

PART III CORPORATE EXISTENCE AND MANAGEMENT OF THE AUTHORITY

Section 8. A Body Corporate

(1) The Authority is a body corporate having perpetual existence and succession, possessing a common seal, with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatsoever kind or nature.

(2) Service of process on the corporation shall be in keeping with the requirements of the Associations Laws of the Republic of Liberia.

Section 9. Seal of the Authority

(1) The seal of the Authority shall be kept in the custody of an officer of the Authority, approved by the Authority. Such officer shall be empowered to affix the corporate seal to instruments pursuant to a resolution by the Board of Directors of the Authority in the presence of an officer of the Authority designated by the Commissioner and one other member.

(2) The seal of the Authority must be authenticated by the signature of the Commissioner and one other member and the seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by and all decisions of the Authority may be signified under the hand of the Commissioner or an employee/officer of the Authority as designated by the Commissioner.

Section 10. Constitution of the Board of Directors

(1) *Appointment of Members of the Board.* The Board of Directors of the Authority shall consist of a Chairman and six other members appointed by the President, two of whom shall have experience in matters relating to maritime affairs and the maritime industry and commerce, and three of whom shall be statutory members from the following Ministries of Government, namely: the Ministry of Finance, the Ministry of Justice, and the Ministry of Transport. The President shall appoint the Chairman of the Board, and the Vice Chairman shall be elected by the members of the Board of Directors.

(2) *Eligibility for Membership on the Board.* To be eligible for non-statutory

membership to the Board of Directors of the Authority, a person shall meet the following criteria:

- a. be of Liberian nationality and of recognized integrity and industry experience and/or experience in an administrative capacity;
- b. be at least 30 years of age,
- c. not have been convicted by a court for fraud or any other felony offence, including corruption.

Section 11. Tenure of the Members of the Board of Directors

A non-statutory member of the Board of Directors of the Authority shall hold office for a period of three years, provided, however, that such member (excluding the Chairman) shall be eligible for reappointment for no more than two successive terms.

Section 12. Resignation, Suspension or Removal of Members of the Board.

(1) *Resignation.* Any member of the Board of Directors of the Authority may at any time resign his office by instrument in writing addressed to the President and from the date of receipt by the President of such instrument, such member shall cease to be a member of the Board of Directors of the Authority.

(2) *Revocation of appointment.* The President, by instrument in writing, may at any time, revoke the appointment of a member of the Board of Directors of the Authority if the President determines that it in the best interest of the Authority to do so.

(3) The appointment, removal, death or resignation of any member of the Board of Directors of the Authority shall be made public immediately following the event. The replacement of a Board member shall be announced within sixty days of the vacancy.

Section 13. Remuneration to Members of the Board.

There shall be paid from the funds of the Authority to the members of the Board of Directors of the Authority such Board fees as the Board may determine, and such remuneration is approved by the President.

Section 14. Meetings of the Board of Directors.

(1) *Time of Meetings.* The Board of Directors of the Authority shall meet at such times as may be necessary or expedient, but not less than once every six months, for the transaction of business and such meetings shall be held at the headquarters of the Authority or at such places and times and on such days as the Chairman may determine within the Republic of Liberia.

(2) *Presiding Officer.* The Chairman, or in his absence, the Vice Chairman, shall preside at all meetings of the Authority.

(3) *Quorum.* The Chairman, or in his absence, the Vice Chairman, and three other members (two of whom shall be statutory members) of the Board of Directors of the Authority shall form a quorum.

(4) *Votes.* The decisions of the Board are by a majority of the votes of the total membership of the Board. In addition to an original vote, in any case in which the voting is equal, the presiding officer at the meeting shall have a casting vote.

(5) The minutes of each meeting of the Board of Directors of the Authority, made in proper form, are to be kept by the Secretary or any other officer the Authority duly appointed for that purpose and confirmed by the Authority. All such minutes shall be attested to by the Chairman or a member of the Authority designated by the Chairman, as the case may be.

(6) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority on any matter with which the Authority is dealing, but no co-opted person shall have the right to vote.

(7) Provided a quorum is present, the validity of any proceedings of the Authority shall not be affected by any vacancy amongst the members of the Board or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule, the Authority has the power to regulate its own proceedings.

PART IV OFFICERS AND EMPLOYEES OF THE AUTHORITY

Section 15. Transfer of Public Officers

(1) Every Public Officer of the BMA shall, upon the commencement of this Act, be deemed to be transferred from the service of the BMA to the service of the Authority, with their remuneration and conditions of service not less favorable than those attached to their appointment under the BMA held by such officer on the effective date of this Act.

(2) Nothing in this subsection shall be deemed to preclude an officer, deemed to be transferred to the service of the Authority under this subsection, from applying at any time during such period aforesaid, for a transfer to a Government Department in accordance with the terms and conditions of service attached to the appointment held by such officer on the effective date of this Act and, on such application being made, the same consideration shall be given thereto as if the applicant had

continued to be in the service of the Government.

(3) During the period aforesaid, every such officer shall be so employed by the Authority that his remuneration and conditions of service are not less favorable than those attached to the appointment under the BMA held by such officer on the effective date of this Act or which would have become attached to such appointment, during such period as aforesaid, had such officer continued in the service of the BMA; provided, however, that for the purposes of the pension and gratuity, such period of service with the Authority shall pay to the BMA such contributions in respect of the cost of pensions earned by such officers during such period as aforesaid as may be determined by the Minister of Finance.

Section 16. Offer of Full Time Regular Employment to Public Officers.

(1) Within the period of one year after the passage of this Act, the Authority may offer to any Public Officer transferred to the Authority under Section 15, permanent employment with the Authority at a remuneration and on terms and conditions not less favorable than those which are attached to their appointment under the BMA, held by such officer on the effective date of this Act, or which would have become attached to such appointment during such period aforesaid, had such officer continued in the service of the BMA.

(2) Every Public Officer who accepts full time employment with the Authority, offered to him under this section shall, for all purposes be deemed to have ceased to be in the service of the BMA and to have entered into service with the Authority on the date of his acceptance.

Section 17. Indemnification

The Authority shall indemnify its staff and employees from lawsuits under this Act in the performance and execution of their duties and in carrying out any other governmental functions proscribed under the Liberian Maritime Laws and Regulations, provided the actions of said officers and employees are not determined to be grossly negligent or criminal in nature.

Section 18. Staff

(1) Other positions, not requiring an appointment by the President of Liberia or approval of the Board of Directors of the Authority, shall be filled by the Chief Executive Officer or his designated official of the Authority in keeping with Liberian Labor practices.

(2) (a) Where any Public Officer holding a pensionable office under the BMA ceases to be the holder of such office by reason of his transfer with his consent to the service of the Authority and such person subsequently retires from the service of the Authority in such circumstances that, had he remained a public officer, he would have been eligible for pension under the Pensions Act, then and in such case, subsections (2.b) and (2.c) of this section shall be applicable.

(b) Any pension payable by the Authority to any person mentioned in subsection (2.a), whose service has been transferred, shall be calculated and granted to him in respect of his total service under the Government and with the Authority taken together, and such service shall be reckoned as continuous for pension purposes.

(c) There shall be payable out of the Operational Fund, upon the directive of the Board of Directors of the Authority, a contribution to every pension paid in accordance with subsection (2.b), such amounts as would have been payable to the person concerned by way of pension under the Pensions Act, if such person had retired from the public service and if he has been granted a pension under the Pensions Act upon the date of his ceasing to be a public officer.

PART V FINANCIAL PROVISIONS

Section 19. Funds Collected

The Authority shall be responsible for the collection of the following taxes and fees:

(1) All monies collected by LISCR or any succeeding Agent on behalf of the Government, and due to the government. These monies shall be deposited into the Government of Liberia's general revenue account with the Central Bank of Liberia, and that thereafter, the Central Bank is duly authorized to pay directly to the Authority, the budget of the Authority as approved by the Board, and the President of the Republic of Liberia.

(2) All monies derived from Dividends from INMARSAT shares, the Liberian Pleasure Watercraft Act, or any other law relating to powers and functions of the Authority, including the Liberian Maritime Law or Liberian Maritime Regulations. These monies shall be deposited into an Enterprise Fund of the Authority, and shall only be utilized with the expressed prior approval of the Board, and that of the President of the Republic of Liberia.

(3) All monies derived from Subsection (2), shall be declared according to the provisions and requirements of the Laws of Liberia.

Funds and Resources of the Authority

(1) any monies that are advanced to the Authority pursuant to Section 22;

(2) any monies and property that may in any manner be lawfully owned, conveyed, transferred, assigned, bequeathed to or vested in the Authority;

(3) Funds under the approved budget of the Authority; and

(4) any monies borrowed by the Authority pursuant to Section 21.

Section 20. Authority to Meet Expenditure Out of Revenue

Funds and revenues of the Authority shall be applied in the discharge of all expenditures properly incurred in carrying out the functions mentioned in subsections (1) to (6) of Section 6, in the repayment of any sums borrowed under Section 21 and for disbursements towards the remuneration and allowances to the officers, employees and members of the Authority. The Authority may, with the approval in writing of its Board of Directors, borrow or raise money, in such manner, from such person, body or authority, under such terms and conditions, and against such security, as it may deem appropriate, for meeting any of its obligations or discharging any of its functions under this Act. All borrowings under this Act shall be in conformity with prevailing Liberian laws governing public corporations.

Section 21. Power to Borrow Capital.

The Authority shall have the power to borrow capital in the exercise and discharge of its duties and functions in a manner and way as described and approved of by the Board of Directors and in conformity with the laws prevailing in Liberia at the time of the transaction.

Section 22. Advances of Guarantee of Borrowings by the Government of Liberia.

(1) The Ministry of Finance may, at the request of the Board of Directors of the Authority guarantee in any such manner and on any conditions as the Ministry deems fit, the repayment of the principal of, and the payment of interest and other charges on, any authorized borrowings of the Authority made under Section 21;

(2) Where any sum is paid pursuant to a guarantee given under this section, the Board of Directors of the Authority shall as soon as possible after the end of each financial year beginning with that in which the sum is secured and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before the President a statement relating to that sum;

(3) Any sums required by the Ministry of Finance for making, advancing, and discharging any guarantees under this section shall be charged on and out of the Authority's operational account.

Section 23. Repayment and Interest on Advance and Sums Issued to Meet Guarantee.

The Board of Directors is empowered to authorize the Commissioner to effect payments of any amounts as may be directed in or towards repayment of any sums issued in fulfillment of any guarantee given under Section 22 and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate and at such times and in such manner *as* they may direct, and different

rates of interest may be directed in respect to different periods.

Section 24. Annual Budget and Funding of the Authority

The Authority shall prepare an annual budget in respect of its activities in such form as the Board of Directors may direct. The Authority shall submit to its Board of Directors its annual budget on or before the first day of December of each year.

Section 25. Accounts and Audits

The Authority shall keep proper accounts and other financial records, in keeping with international financial reporting standards, regarding its activities, and shall prepare in respect of each financial year a statement of accounts;

(1) The Authority shall submit a copy of the audited accounts to the Board of Directors with a copy of any report made by the auditor for each financial year.

(2) No later than three months after the end of each financial year, the Authority shall submit a copy of the audited accounts to the President of Liberia and the National Legislature, together with a copy of any report made by the auditor and other appropriate authorities.

Section 26. Annual Report

(1) The Authority shall, after the expiration of each financial year, prepare annual report and submit to the President within three months in conformity with prevailing laws in Liberia.

(2) The President shall cause a copy of every such report to be laid before both Houses of the Legislature.

PART VI TRANSFER OF CERTAIN ASSETS TO THE AUTHORITY

Section 27. Transfer of Assets of the Authority.

(1) The movable and immovable properties and undertakings owned by the Government and used by it for the operation of the offices of the Bureau of Maritime Affairs ("BMA"), shall immediately on the date of the coming into force of this Act, and by virtue of this Act, be transferred to and vested in the Authority for the same purpose as they were held by the BMA prior to the said date. The Government of Liberia shall effect the said transfers by the execution of the appropriate transfer instruments to immediately operationalize the functions, powers and objectives of the Authority stated in this Act.

(2) The transfer and vesting aforesaid shall extend to the whole of such movable properties and undertakings and shall include assets, powers, rights, and privileges and all things necessary or ancillary thereto previously held or enjoyed in connection therewith or appertaining thereto by the BMA, as well as all obligations

affecting or relating to any of the aforesaid movable property or undertakings or other things included therein as aforesaid.

PART VII TRANSITIONAL PROVISIONS

Section 28. Enforceability of prior Acts, Provisions and/or Arrangements

(1) Subject to the provisions of this Act, all laws, rules, regulations, orders, judgments, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements subsisting immediately before the date of coming into force of this Act, affecting or relating to any of the movable properties or undertakings transferred to the Authority, shall be enforceable fully and effectually, as if instead of the BMA the Authority has been named therein or had been a party thereto, and otherwise its substitution of the BMA.

(2) Where anything has been commenced by or under the authority of the BMA prior to the date of the coming into force of this Act and such thing relates to any of the movable properties or undertakings or any right or liability transferred to the Authority by or under authority of this Act, such thing may be carried on and completed, as authorized, by the Authority.

(3) Where immediately before the coming into force of this Act, any legal proceedings are pending to which the BMA is or is entitled to be a party, and such proceedings are related to any of the movable properties or undertakings, or any right or liability transferred by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the BMA or shall be made a party thereto in like manner as the BMA could have become, and such proceedings shall not abate by reason of the substitution.

(4) Any reference in any other law to the Commissioner of the BMA shall in each case be read and construed as a reference to the Commissioner of the Liberia Maritime Authority, appointed under this Act.

(5) Statute of Limitations. The Statute of Limitation Act shall apply to any action, suit, prosecution or other proceeding against the Authority or against any member, officer or servant of the Authority in respect of any act, neglect or default done or committed by him in such capacity.

PART VIII REPEALERS

The following statutes and the provisions of the following laws and decrees, listed below, are hereby amended or repealed in so far as they relate to the establishment of the bodies, agencies and offices which, pursuant to Part III, are integrated into the Authority or whose functions and activities have been taken over by the

Authority under this Act:

Sections 37.1 of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which provided for a Deputy Minister for Maritime Affairs/Shipping is amended to delete there from all reference to the creation of the position of a Deputy Minister for Maritime Affairs/Shipping within the Ministry of Transport;

Section 37.2 of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which provided for a Division of Maritime Affairs/Shipping is hereby amended to delete all reference to a Division of Maritime Affairs/Shipping within the Ministry of Transport, all functions previously exercised being transferred to the Authority;

Section 37.3, subsection (a) of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which empowered the Minister of Transport to administer and implement the Maritime Law and to plan and execute policies relating to all modes of sea services within the Republic of Liberia and abroad is amended to remove all such powers the administration and implementation of the Maritime Law and to plan and execute policies relative to the modes of sea services from the Minister of Transport and to vest the same in the Authority.

Section 37.3, subsection (b) of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which vested in the Minister of Transport the power to represent the Government's interest in negotiations relating to shipping, international shipping and maritime conferences is hereby repealed in its entirety and all such powers are herewith vested in the Authority;

Section 37.3, subsection c, of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which vested in the Minister of Transport the power to collect, collate, evaluate and publish data relating to land, rail, sea and air transport services is hereby amended to delete therefrom all reference to sea services, the said functions now being vested in the Authority;

Section 37.3, subsection d, of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which vested in the Minister of Transport the power to establish rules and procedures and enforce standards, and to develop, regulate and control and monitor boats, ships, fishing vessels, ferries, canoes and all sea related activities is hereby amended to delete there from and such reference, such powers and functions now being vested under this Act in the Authority;

Section 37.3, subsection g, of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which vested in the Minister of Transport the power to regulate the use of inland waterways and rivers, ships flying the Liberian flag in domestic and foreign commerce, as well as modes of watercrafts for civil transport, is hereby repealed in its entirety, the said powers and functions now being vested in the Authority;

Section 37.3, subsection I, of An Act to Amend the Executive Law, Title 12, Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government, which vested in the Minister of Transport the power to regulate the use of ports and harbors and other acts affecting shipping, is hereby repealed, the said functions now being vested in the Authority.

Sections 37.5 and 37.6 of An Act to amend the Executive Law, Title 12, The Liberian Code of Laws Revised to Create a Ministry of Transport within the Executive Branch of Government providing for the transfer of the Bureau of Maritime Affairs from the Ministry of Finance to the Ministry of Transport and for the Management of the Liberian Shipping Corporation to be vested in a Board of Directors chaired by the Minister of Transport are hereby repealed in their entirety and the functions vested in the Authority in keeping with Section 2 of the act establishing the Bureau of Maritime Affairs;

Chapter 56 of the Executive Law, Liberian Code of Laws Revised, creating the Liberia Shipping Corporation within the Executive Branch of Government, is hereby repealed, and all functions and powers are transferred to the Authority in keeping with Section 2 of the act establishing the Bureau of Maritime Affairs;

An Act of the National Legislature Approved June 20, 1989, Published June 23, 1989 Making the Bureau of Maritime Affairs an Autonomous Agency Within the Executive Branch of Government is hereby repealed in its entirety and replaced with this Maritime Authority Act;

An Act Amending An Act of the National Legislature Approved June 20, 1989, Published June 23, 1989 Making the Bureau of Maritime Affairs an Autonomous Agency Within the Executive Branch of Government to Provide Funds for the Support of the Annual Budget of the Bureau of Maritime affairs, Approved March 12, 1998, Published March 18, 1998, is hereby repealed in its entirety and replaced with this Maritime Authority Act.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

Approved: September 6th, 2010

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